

SOUTH AUSTRALIAN HERITAGE COUNCIL

MINUTES

The 114th Meeting of the South Australian Heritage Council (the Council) was held on Thursday 10 December 2020.

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: Emeritus Professor Alison Mackinnon AM, Mr Marcus Rolfe, Ms Robyn Taylor, Mr Michael Constantine, Mr Jason Schulz, Ms Katrina McDougall, Ms Robyn Taylor and Ms Jan Ferguson OAM.

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 114th meeting of the South Australian Heritage Council (the Council).

It was noted that Mr David Stevenson was an apology.

The Council congratulated and welcomed Mr Chris Burns as a newly appointed Heritage Assessment Officer within the Heritage South Australia team.

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 8.1 Sands & McDougall Building, 64 King William Street, Adelaide. It was noted he would be depart the meeting for this matter.

3 PREVIOUS MEETING MINUTES

Council considered the minutes of the 22 October 2020 meeting and approved them without amendment.

RESOLUTION:

The South Australian Heritage Council:

- **Approved** the minutes of the 22 October 2020 meeting without amendment.

4. ACTION ITEMS

Council noted the action items.

The Chair noted that consultation has closed on the Draft Heritage Tourism Strategy, and there will soon be a meeting of the Heritage Tourism Alliance to make comment on the final version in to be sent to the Minister for Environment and Water for approval.

Council discussed State Heritage Places situated on Commonwealth owned land in SA.

Action: Agreed to write to the Commonwealth recommending they consider State Heritage Places on Commonwealth land for potential Commonwealth or National Heritage listing.

There was discussion about the importance of undertaking digital recording of State Heritage Places (particularly timber structures) in fire prone areas. Ms Voigt noted that she is looking at engaging outside assistance to conduct this work.

RESOLUTION

The South Australian Heritage Council:

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

5 IN CAMERA DISCUSSION

Council determined an in camera discussion was not required.

6 FOR DISCUSSION / DECISION

6.1 Risk Register - update

It was noted that the Council's Executive Officer, Mr David Hanna, sought the advice of Mr David Stevenson, a member of the Council, in relation to the Risk Strategy. Mr Stevenson suggested the Council's Risk Register should deal with risks associated with our goals/mission etc. and the nature of it should be more fluid and longer term.

It was proposed that the Risk Register be a working and active document that is included as an attachment to Council papers when Council considers its Strategic Plan matters or is asked to review policy or procedures that may relate to strategic risk.

Mr Stevenson suggested some minor changes that have been incorporated into the draft Risk Register.

Council considered and endorsed these changes, and requested that additional measures be inserted relating to the internal risk of Council (such as conflict of interest procedures).

Council also agreed that it would be appropriate to undertake a self-assessment as part of its final meeting in February 2021.

Action: Risk matrix to be expanded to include internal risks to Council.

Action: Self-assessment tool to be prepared for Council's February 2021 meeting.

RESOLUTIONS

The South Australian Heritage Council:

- **Considered** the revised Risk Register for the South Australian Heritage Council; and
- **Agreed** that the Risk Register should be a working / fluid document.

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

7.1 Blumberg Ruins

Dr Louise Bird, Heritage South Australia was welcomed to the meeting. Dr Bird noted that a nomination for a number of ruins association with German speaking settlement of Blumberg, now known as Birdwood, was received on 28 October 2020, for the consideration of the Council for listing as a State Heritage Place.

The ruins proposed for State Heritage listing include a number of the first buildings and structures built at Birdwood in the late 1840s and early 1850s, namely the first Lutheran church, Traveller's Inn blacksmith/stables, C Krueger's home, cemetery and a swing bridge.

On 11 November 2020, Dr Louise Bird and Mr Michael Queale of Heritage South Australia undertook a site visit to determine if any ruins of the swing bridge were evident and noted there was no physical fabric remaining.

It was noted that Birdwood has been the subject of two heritage surveys. The first, Birdwood 'Old Blumberg' was prepared by Young, Aeuckens and Green in 1984 while the second, Torrens Valley Heritage Survey was prepared by Ms Anna Pope in 2003. Neither recommended any of the ruins for state heritage listing.

Council considered the nomination and the associated assessment report against each of the criteria. Council determined that the nomination did not meet any of the criteria for listing under section 16 of the *Heritage Places Act 1993*.

Mindful of workload created by emergency nominators, Heritage South Australia sought direction from Council about a new approach to nominations that relate to places that have been surveyed in the past have been found NOT to meet any of the criteria for State Heritage listing, and for which no new or additional information to that in the survey is presented in the nomination. Council discussed this matter and determined that it would like to see a 'decision tree' that illustrates a step by step triage decision making process before forming a recommendation.

Action – Heritage SA to prepare a 'decision tree' and provide to Council for further consideration.

RESOLUTIONS:

The South Australian Heritage Council:

- **Rejected** the nomination of Blumberg Ruins, off Warren Road & Torrens Valley Road, Birdwood (CT 5460/130 A16 D13143 Hundred of Talunga & CT 5177/31 A22 D13340 Hundred of Talunga) 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*.
- **Requested** Heritage South Australia prepare a 'decision tree' so that Council can help Heritage South Australia clearly identify appropriate pathways to processing nominations that have been previously surveyed and not recommended and where the nomination contains no new evidence.

7.2 Rosetta Head Whaling Station Site, Encounter Bay, via Victor Harbor

Ms Kirsty Nield of Heritage South Australia was welcomed to the meeting.

Ms Nield noted that on 23 August 2018, the Council considered an options paper presented to it with regard to confusion over the extent of heritage listing of the Bluff (Rosetta Head) Historic Site, including the Jetty & Whaling Station Site' and requested that Heritage South Australia undertake a full assessment of the site.

The whaling station is only one of eight whaling sites that retains any physical evidence. It is rare and demonstrates an industrial process that no longer takes place.

A full assessment has now taken place and the Heritage Assessment Report recommends that a new section, the Rosetta Head Well and Whaling Station Site fulfils criteria (b) and (c) under section 16 of the *Heritage Places Act 1993* for listing as a State Heritage Place in the South Australian Heritage Register.

It is also recommended that the Rosetta Head Well and Whaling Station Site is designated as a place of archaeological significance pursuant to section 14 (7) (b) of the *Act*.

Council discussed the form of the assessment report and agreed that it is an excellent example of telling the Aboriginal and colonial story (truth telling) and it is an exemplar for future heritage assessments. Council commended the assessment work.

Council considered criterion a), under Section 16 of the *Heritage Places Act 1993*, and agreed there is not enough physical evidence on site to meet this criterion.

Council discussed and agreed with the assessment report that this place meets criterion b) and c).

Mr Conlon noted he had some minor corrections to the draft Summary of State Heritage Place that he would provide to Ms Nield out of session.

Mr Schulz made comment in relation to the reference of the registered name of the place at the top of page 4 of the draft Summary of State Heritage Place document. Mr Schulz noted that unless it is referring to the formal registered name, this paragraph could be deleted as the listing is not reliant on this information.

Mr Schulz indicated his support for the way the traditional owner information has been incorporated into the draft Summary of State Heritage Place. Mr Schulz noted that the fourth paragraph of page 16, ought to be reviewed. The report reads as though the Aboriginal Protection Act 'intended' to control the lives of Aboriginal people. It was agreed it could be argued that it did do just that, but the Aboriginal Protection Act did not set out to do this and therefore the first sentence of this paragraph could be reviewed.

It was noted that Council could designate this place for its archaeological significance at this meeting, though, on this occasion, Council indicated it was keen to engage the community through a community consultation process, and believed it could do so without putting the site at risk.

Council agreed to provisionally enter this place under criteria b) and c) of section 16 of the *Heritage Places Act 1993* and also agreed to a consultation period of three months regarding intent to designate as an archaeological place.

Council endorsed the Summary of State Heritage Place subject to changes proposed by Mr Conlon and Mr Schulz.

Ms Nield reported there is an interpretive sign in place near the well, thought more could be done to tell the full story of this place.

Action: Council asked Heritage SA to send a copy of the assessment report to the Whale Watch Centre at Victor Harbor.

Action: Heritage SA to engage with Victor Harbor Council about the possibility of an interpretive trail that tells the story of this provisional listing. It was also noted a copy of the assessment report can be provided to the Local Council.

It was noted that Heritage SA will load a copy of the Assessment Report on to the department's website and that there will also be some social media to help promote the provisional entry.

It was noted that the *South Australian* shipwreck was a vital part of the whaling operations at Rosetta Head in 1837 and is closely related to the heritage significance of both the Bluff (SHP 10353) and the Rosetta Head Well and Whaling Station Site (SHP 26454). It was noted that Heritage SA will seek legal advice to determine if the shipwreck could be considered for listing as a State Heritage Object.

RESOLUTIONS:

The South Australian Heritage Council:

- **Provisionally entered** Rosetta Head Well and Whaling Station Site, Franklin Parade, Rosetta Head (SHP 26454), in the South Australian Heritage Register as a State Heritage Place, as it fulfils criteria (b) & (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** to an intent to designate the Rosetta Head Well and Whaling Station Site, Franklin Parade, Rosetta Head, as a place of archaeological significance, pursuant to section 14(7)(b) of the *Heritage Places Act 1993* after a three month consultation process.
- **Approved** the Summary of State Heritage Place for Rosetta Head Well and Whaling Station Site including Statement of Significance, Statement of Designation and Site Plan, subject to changes mentioned above.
- **Noted** the intent to investigate the legitimacy of entering the *South Australian* wrecksite, in the South Australian Heritage Register as State Heritage Object (10353-001) under section 16 (2)(c) of the *Heritage Places Act 1993*.

7.3 Martindale Hall Billiards & Sporting Items Collection

It was noted that Martindale Hall is a significant nineteenth century property that was State heritage listed in 1980 and represents a 'grand baronial' lifestyle that no longer exists in South Australia. Home to the Bowman and then Mortlock families, the property contains more than 1,000 potentially significant items including furniture, furnishings, specialised collections and many other possessions that are likely to be intrinsically related to the heritage significance of the property.

Due to the number of items at Martindale Hall, they have been grouped into collections based on similar associations and intrinsic relationships to the State Heritage Place for the purpose of assessment. These collections are being presented to the Council, over a number of meetings, for consideration for listing as State Heritage Objects.

Dr Bird noted that objects fall into three categories - the Government owned core collection, the Government owned non-core collection and items that the lessee has brought in to dress up Martindale Hall.

The Martindale Hall Billiard & Sporting Items Collection was presented for the Council's consideration. Dr Bird noted that a Statement of Heritage Object and Assessment Report has been prepared to support its recommendation for listing as a State Heritage Object, as it has been found to be intrinsically related to the heritage significance of the State Heritage Place, Martindale Hall.

Five items are recommended for listing as the provenance can be ascertained for them.

The Council noted that the light fitting is part of what is recommended and acknowledged that usually a fixture is not required to be listed as an object. The light fitting is integral to the billiard table, however, and therefore Council agreed to include it as part of the listing to complete the collection.

Council approved the Summary without amendment.

RESOLUTIONS

The South Australian Heritage Council:

- **Provisionally entered** the Martindale Hall Billiard and Sporting Collection State Heritage Object 10067–002 in the South Australian Heritage Register as a State Heritage Object, as it is deemed to be intrinsically related to the heritage significance of Martindale Hall (SHP 10067)
- **Approved** the Summary of State Heritage Object for the Martindale Hall Billiard and Sporting Collection State Heritage Object 10067–002.

7.4 Martindale Hall Pictorial Collection, Martindale Hall

Dr Bird noted that the Martindale Hall Pictorial Collection is one of a number of collections of objects, pictures, artefacts, books and other possessions that once belonged to the Bowman and/or Mortlock families at Martindale Hall.

There are forty two items where the provenance can be traced with certainty.

John Mortlock died in 1950, leaving the majority of his estate in trust jointly to the Waite Institute University of Adelaide and the Libraries Board of South Australia. Dorothy Mortlock spent much less time at Martindale Hall after John Mortlock died and therefore it is difficult to ascertain the provenance of objects that date after 1950, and these items are not recommended for listing.

Dr Bird noted that the picture frames would form part of the collection as they need to stay with the pictures for conservation purposes.

Council acknowledged that many of the objects are related to men's activities or business and indicated that it would seek to list objects related to women's activities / business where it could.

Action: It was noted that it is likely that many objects have been removed from Martindale Hall and noted Heritage South Australia will consider a campaign to seek to have these items returned.

Council approved the Summary of State Heritage Object without amendment.

RESOLUTIONS

The South Australian Heritage Council:

- **Provisionally entered** the Martindale Hall Pictorial Collection State Heritage Object 10067–003 in the South Australian Heritage Register as a State Heritage Object, as it is deemed to be intrinsically related to the heritage significance of Martindale Hall (SHP 10067)
- **Approved** the Summary of State Heritage Object for the Martindale Hall Pictorial Collection State Heritage Object 10067–003

7.5 Martindale Hall Heraldic Collection, Martindale Hall

Dr Bird noted that the Martindale Hall Heraldic Collection is comprised of six items that are individually identified in the Summary of State Heritage Object.

Dr Bird noted that the evidence to support provenance of the Cambridge University and Jesus College coats of arms and the St Peter's College crest is circumstantial and the Council may not wish to include these items in the listing at this time.

Council agreed to only include the four items for which the provenance can be proven, and therefore the St Peter's College, Cambridge and Jesus College items are not be included in the collection as part of the listing.

Council determined to provisionally enter the Heraldic Collection on the South Australian Heritage Register, subject to the above amendment.

Dr Bird noted she would update the Summary of State Heritage Place and the spreadsheet to reflect the Council's decision.

RESOLUTIONS

The South Australian Heritage Council:

- **Provisionally entered** the Martindale Hall Heraldic Collection SHO 10067–004 in the South Australian Heritage Register as a State Heritage Object, as it is deemed to be intrinsically related to the heritage significance of Martindale Hall (SHP 10067)
- **Approved** the Summary of State Heritage Object for the Martindale Hall Heraldic Collection SHO 10067–00
- **Approved** the recommendation: Heritage South Australia prepares a Summary of State Heritage Object only to support the listing of State Heritage Objects.

8. ITEMS UNDER CONSIDERATION FOR CONFIRMATION IN THE SA HERITAGE REGISTER

8.1 Sands & McDougall Building, 64 King William Street, Adelaide

Noted that Mr Jason Schulz departed the meeting for this matter given his conflict of interest.

On 13 August 2020, the Council provisionally entered the Frontage of Shop (former Sands & McDougall Building), 64 King William Street, Adelaide in the South Australian Heritage Register as a State Heritage Place as it meets criterion (e) under s16 of the *Heritage Places Act 1993*.

The period for making a public submission closed on 24 November 2020. Fourteen submissions were received and all are in favour of confirmation.

The Council considered and noted the submissions and thanked the individuals who had taken the time to make a submission.

It was noted that Ms Taylor abstained from voting.

Council agreed to confirm the entry in the South Australian Heritage Register.

Council approved the Summary of State Heritage Place without amendment.

Action: Council agreed to write to the Minister to thank him for his considered decision in relation to determining not to exercise his power to direct the Council to remove this item from the South Australian Heritage Register.

RESOLUTIONS

The South Australian Heritage Council:

- **Considered** the 14 submissions received in relation to the entry of Frontage of Shop (former Sands and McDougall Building) in the South Australian Heritage Register
- **Confirmed** the entry of Frontage of Shop (former Sands and 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, pursuant to sections 18(4) & 18(5) of the *Heritage Places Act 1993* as it satisfies criterion (e) 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 constructions techniques or design characteristics
- **Approved** the Summary of State Heritage Place

8.2 Mortlock Weapons Collection, Martindale Hall

It was noted that Mr Jason Schulz returned to the meeting for this matter.

On 16 July 2020, the Council provisionally entered the Mortlock Weapons Collection (SHO 10067-001) in the Register as a State Heritage Object as it was found to be intrinsically related to the heritage significance of a State Heritage Place, Martindale Hall (SHP 10067).

The Mortlock Weapons Collection is comprised of 123 weapons, of which a number are comprised of multiple components, such as a blade and scabbard. The weapons in the collection have a similar provenance and were collected by William Tennant Mortlock and his son John (Jack) Andrew Tennant Mortlock. The Smoking Room at Martindale Hall, originally the Library, was reconfigured by the Mortlocks' as a trophy/smoking room where the weapons collection was and still is prominently displayed.

Under s17 (5)(a)(ii) of the Act, the owner of an object provisionally entered in the Register has the right to make a submission within three months from the date of notice of the entry. The three month period for the owner to make a submission closed on 23 October 2020. No submissions were received.

Council determined to confirm the entry of the Mortlock Weapons Collection in the South Australian Heritage Register as an Object intrinsically associated with Martindale Hall.

It was noted that if an item within the collection was to be returned to an original owner (such as an Aboriginal group), this could happen – a permit is granted.

Ms Voigt noted that the Government has an asset register that it maintains, and Heritage SA would look to include these objects on it.

RESOLUTIONS

The South Australian Heritage Council:

- **Confirmed** the entry of the Mortlock Weapons Collection SHO 10067-01 in the South Australian Heritage Register as a State Heritage Object, pursuant to sections 18(4) & 18(5) of the *Heritage Places Act 1993* as it is intrinsically related to the heritage significance of a State Heritage Place, Martindale Hall SHP 10067.
- **Approved** the Summary of State Heritage Object.

9. ITEM TO ALTER IN THE SA HERITAGE REGISTER

9.1 Normanville Coastal Dune Geological Park – First Additional Area.

It was noted that at its 11 June 2020 meeting, the Council gave notice of intention to alter the State Heritage Place (SHP14041) the Normanville Coastal Dunes Geological Site - First Additional Area, by removing three allotments from the listing.

The Council considered this matter at the request of the District Council of Yankalilla, which had written requesting an amendment to this listing of the Normanville Coastal Dunes Geological Site – First Additional Area.

The Council received three written submissions during the public consultation period after giving notice of its intention to alter the State heritage-listing of the Normanville Coastal Dunes Geological Site - First Additional Area. All three submissions were against removal of the three allotments.

The three submissions argue along a number of lines including that Council should aim to preserve the protection of the southern bank of dunes from human intrusion, and there is concern about what the District Council of Yankalilla may do when developing the caravan park.

The submissions suggested that the removal of Lots 115, portions of 116 and 117 from the register will allow the District Council of Yankalilla to develop the lots further in an area that is subject to storm surge erosion, future climatic change and sea level rise.

Mr Hanna noted that in June 2020, technical advice was sought from the Coast and Marine Branch of the Department for Environment and Water (DEW) as part of recommending to the Council the removal of allotments 115, 116 and 117. The Coast and Marine Branch indicated that their removal would not impact the integrity of the overall listing.

Comment has been provided from DEW's Native Vegetation Branch indicating that from a *Native Vegetation Act 1991* perspective, the allotments proposed to be removed from the State Heritage list appear to contain very little native vegetation and is predominately planted vegetation. Therefore, the Native Vegetation Branch does not have any issues with what is proposed.

Mr Ian Lewis, a geoscientist working for DEW, has provided an opinion in relation to a geological perspective. Mr Lewis agreed that the Council's proposed delisting of these three allotments is unlikely to cause an adverse effect upon the Normanville Coastal Dunes Geological Site.

Council discussed the submissions and the advice from the various experts. Council determined that it would proceed to confirm the alteration of this State Heritage Place and remove allotments 115, 116 and 117 from the listing.

Council thanked the three individuals who had taken the time to make a submission.

RESOLUTIONS

The South Australian Heritage Council:

- **Considered** three submissions provided in relation to Council's notice of intention to alter the State heritage-listing of the Normanville Coastal Dunes Geological Site - First Additional Area.
- **Noted** the advice provided from staff of the Department for Environment and Water in relation to native vegetation and geological considerations.
- **Determined**, in accordance with Section 23(3) of the *Heritage Places Act 1993*, to confirm the alteration of the Normanville Coastal Dunes Geological Site - First Additional Area, through the removal of Allotments 115, 116 and 117 from the State heritage-listing of this State Heritage Place.

10. ITEMS FOR NOTING

10.1 Chairperson's Report

The report from the Chair was provided to Council members with their meeting papers, for information.

Mr Conlon noted he has opened dialogue with Ms Megan Cox at the City of Adelaide re inclusive signage about State Heritage Places.

Gatehouse, Urrbrae

The Chair noted the debate regarding demolition or removal of the State Heritage registered Gate House at Urrbrae and noted he had spoken on ABC radio about it and expressed Council's disappointment at the proposal to demolish it.

It was noted that SCAP is the advisor to Planning Minister and the Planning Minister will have final decision in this matter. The Council has no authority to prevent the demolition or removal.

It was noted that there are 20 significant trees that also face destruction as part of the proposed road widening program.

Action: Council requested the Chair to provide advice to the Minister for Environment and Water on this matter.

The Council thanked the Chair for his report.

RESOLUTION

The South Australian Heritage Council:

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

10.2 Legislative review Committee – notes from presentation

Council noted the presentation provided by Mr Conlon OAM and Mr Rolfe to the Legislative Review Committee of Parliament in relation to Petition No 2 – Planning Reform.

RESOLUTION

The South Australian Heritage Council:

- **Noted** the presentation to the Legislative Review Committee of Parliament.

10.3 Correspondence

Noted that Council had received separate letters from Gawler and Onkaparinga Councils in relation to their heritage matters. Council determined it would not comment on either as relates to local heritage matters.

Mr Hanna noted that the correspondence sent to the City of Adelaide regarding its Draft Heritage Strategy and the correspondence sent to the Botanic Gardens regarding the review of its Master Plan were provided to Council members via email for members' information.

RESOLUTION

The South Australian Heritage Council:

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

10.4 Delegation's Report

Noted.

RESOLUTION

The South Australian Heritage Council:

- **Noted** the delegations report provided by Heritage South Australia.

10.5 Status of Assessment Reports

Noted.

Dr Bird provided an overview of the documents provided to Council. It was noted that a nomination has been received for the West End Brewery and will likely be ready for Council consideration in May 2021.

RESOLUTION

The South Australian Heritage Council:

- **Noted** the status of assessment reports provided by Heritage South Australia.

11. ANY OTHER BUSINESS

Noted that Mr Mark Koolmatrie is the newly appointed Chair of the State Aboriginal Heritage Committee and commended this appointment.

Action – Council to write to Mr Koolmatrie to congratulate him on his appointment and it looks forward to working with him.

Mr Rolfe noted he had convened a recent planning reform meeting for the Planning Institute of Australia and he thanked Mr Schulz and Mr Conlon OAM for speaking at it.

Mr Conlon OAM thanked the team in Heritage South Australia for their work and support through 2020 in what has been a difficult year.

Mr Conlon OAM thanked his fellow Council members for their input and support throughout 2020.

CLOSE OF MEETING

Mr Conlon closed the meeting at 1:30pm.



Mr Keith Conlon OAM

Date: 18 February 2021

Chair