

SOUTH AUSTRALIAN HERITAGE COUNCIL

MINUTES

The 98th Meeting of the South Australian Heritage Council (the Council) was held on Thursday 11 July 2019 on Level 7, 81 – 95 Waymouth Street, Adelaide.

Statement of Acknowledgement

We acknowledge this land that we meet on today is the traditional lands for Kurna people and that we respect their spiritual relationship with their country. We also acknowledge 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.

PRESENT

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

Apologies: Nil.

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

The Chair welcomed all present. There were no apologies.

The Chair welcomed Ms Cate Hart, newly appointed Executive Director of Environment, Heritage and Sustainability Division of DEW to the meeting.

2. ADOPTION OF AGENDA AND DECLARATION OF CONFLICTS OF INTEREST

Mr Conlon added the following two items to 'any other business':

- Council's response to the DEW Infrastructure Plan
- Meeting at Hahndorf to discuss concerns about development in this State Heritage Area.

3. PREVIOUS MEETING MINUTES

Council considered the draft minutes of the 6 June 2019 meeting of Council and approved them subject to the following amendments:

- Page 2, Item 6.1 amend the heading of dot points to 'Matters raised by individual Council members with Mr Lennon'
- Page 3, second dot point replace 'assessment reports' with 'impact statements'.

4. ACTION ITEMS

The progress against the action items was noted.

It was noted that actions stemming from the Heritage Tourism Alliance meetings will be included as a separate table at base of the Council's action list.

5. IN CAMERA DISCUSSION

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

6 FOR DECISION / DISCUSSION

6.1 South Australian Heritage Council Strategic Plan

A draft Strategic Plan and associated action list was provided to Council for its input. Mr Conlon thanked the working group of Mr Rolfe, Mr Stevenson and Ms Voigt for drafting the Strategic Plan.

Mr Conlon invited Ms Hart to provide input to the Council's strategic planning process. Ms Hart indicated that she believed the headings of 'Protect, Conserve and Promote' were good and that the relatively short length of the plan was good. Ms Hart would like to read it and identify the linkages with the DEW Corporate Plan. It was noted that the DEW Corporate Plan for 2019/20 was released by the Chief Executive this week.

The following matters were discussed:

- Noted that even though the Council is independent of DEW it would still be appropriate to align Council's Plan with the DEW Corporate Plan where possible.
- Noted that the Plan must be consistent with the functions of Council in the *Heritage Places Act 1993*
- Agreed that the Plan does not need to document all of Council's operational requirements.
- Agreed that the Plan could be strengthened by adding in an outcome and associated actions that relates to engagement with the community.
- It was noted that empowered communities see the value in listing and therefore Council could have a role in providing advice around how best to empower the community.
- Telling our stories underpins conservation of heritage.
- Amend # 2 to 'Empowered community to nominate places for State Heritage listing'
- Amend # 8 to 'Informed, empowered and energised owners of heritage assets.'
- Amend # 10 to 'Elevated prominence of heritage for community and tourists.'

- Amend # 9.1 to 'Champion opportunities and promote the value of investment.'
- Council noted it would like people to feel comfortable taking ownership of heritage assets which in turn conserves and uses these places.

The working group will discuss out of session the best way the Plan can incorporate elements relating to:

- Community and owner participation and engagement
- Giving confidence to prospective owners of heritage places.
- Telling stories to promote heritage value
- Alignment with other relevant documentation such as the DEW Corporate Plan.

Council requested the working group to make final amendments to the Strategic Plan as discussed and provide to the Council for approval at its next meeting.

RESOLUTIONS:

The South Australian Heritage Council:

- **Discussed** the South Australian Heritage Council Strategic Plan and 12-month Action Plan;
- **Requested** that the Working Group finalise the Strategic Plan and 12-month Action Plan for approval at Council's 1 August 2019 meeting.
- **Requested** that the Working Group progress the Trends Report for consideration and approval by the Council at its next strategic meeting (12 September 2019).

6.2 ERDC Heritage Inquiry – Final Report

It was noted that Parliament's Environment, Resources and Development Committee (ERDC) resolved at their meeting on 30 July 2018 to conduct an Inquiry into the operation of the Heritage system in South Australia and then tabled the Inquiry's Final Report in the Parliament on 30 April 2019.

The ERDC considered a wide range of evidence from 144 submissions, 29 witnesses and published literature and also visited State and local heritage places and areas in the City of Adelaide and in the Adelaide Hills. In particular the ERDC heard that:

- Heritage is important to the community and it expects state and local heritage to be protected from demolition and the impacts of undesirable development.

- The community was generally unhappy with the current sectoral approach (two systems) for the protection and management of heritage and was desirous of change. There was a clear call from the community for:
 - a. One set of processes for local and state heritage nomination, assessment and listing;
 - b. One heritage legal framework;
 - c. One independent, expert body to assess, against one set of criteria (with differing thresholds for state and local); and
 - d. One 'heritage' Minister.

The Final Report of the ERDC Heritage Inquiry has now been referred to the two responsible Ministers (Minister for Environment and Water, Hon David Spiers MP and the Minister for Planning, Hon Stephan Knoll) for a response. In accordance with this Act, the Ministers have four months (by 30 August 2019) to respond to the recommendations in the report. A copy of the report of the Ministers' response will then be laid before both Houses of Parliament.

Ms Voigt noted she is drafting a response on behalf of DEW and this will be sent to the Department of Planning, Transport and Infrastructure for agreement. An agreed document will then be provided to both respective Ministers.

It was noted that Council were generally very pleased with the recommendations presented in the ERDC final report relating to heritage reform.

It was noted that the Council will make its own response directly to the ERDC and also write to the Minister for Environment and Water to inform him of its response.

Action: Ms Taylor indicated she would draft a letter to the Minister for Environment and Water for Council's consideration. Ms McDougall and Mr Conlon indicated they would support this process.

RESOLUTION:

The South Australian Heritage Council:

- **resolved** to write to the ERDC directly and ensure that the Minister for Environment and Water, the Minister for Planning and the State Planning Commission receive a copy of the correspondence.

6.3 Archaeological Provisions Guideline

Mr Conlon welcomed Mr Hamish Angas from Heritage South Australia to the meeting, and Mrs Deborah Lindsay who joined the meeting via telephone conference.

It was noted that apart from the Procedure: Issuing of Permits under the *Heritage Places Act 1993* adopted by the South Australian Heritage Council (the Council) in May 2012, the Council does not have a comprehensive guideline for the administration of archaeological permits in South Australia, under the *Heritage Places Act 1993*.

In February 2018 Heritage South Australia convened a workshop of archaeologists practising in South Australia to discuss the content of an Archaeological Provisions Guideline. Mr Angas said that he receives about a dozen permit applications each year. This is not a large number and may reflect that many developers are unaware of the permit requirements.

The Guideline has been provided to Council for endorsement and the following comments were made:

- The Guideline must align with the processes, triggers, thresholds and obligations of the *Heritage Places Act 1993* and any other relevant legislation.
- Ms Taylor said 'major developments' needs to be defined in the context of the guideline and relevant legislation.
- It was suggested that key stakeholders ought to be consulted as part of this process even if it is just so they understand the compliance requirements. The Property Council, the Planning Institute of Australia and the Local Government Association were suggested.
- Noted that onus is on the the owner / developer to make a determination about whether an archaeological investigation is required or not. The guideline can be improved to provide thresholds for what is considered of archaeological significance and what is not. The guideline needs to be clear on what the triggers are for a developer to instigate an archaeological investigation.
- Some smaller scale case studies to help a developer navigate their way through decision making would be appropriate.
- The possibility of learning something new about a place through an archaeological investigation can be a trigger for an archaeological investigation.
- Ms Ferguson noted that the guideline would also apply to some sites that are not underground such as digging / disturbance of an abandoned rubbish dump. The guideline needs to encompass these scenarios as well.
- Noted that the scale of a development is not relevant in terms of whether a permit is required or not.
- Suggested that links between the Heritage Act and the Planning Act be articulated in both the guideline and also through planning and development guidelines where possible.

- Ms McDougall suggested it would be useful for a place to be assessed for its archaeological potential through the assessment process relating to State Heritage nominations.
- Suggested that next time there is a round of community grant applications, access to funds related to archaeological investigation work ought to be included.

Action: Mr Angas indicated he would refine the draft guidelines based on the comments provided and a revised draft will be provided back to the Council for approval.

RESOLUTION:

The South Australian Heritage Council:

- **Requested** refinements to the *Heritage Places Act 1993* – Archaeological Provisions Guideline as discussed above.

6.4 Communication document for 2018-19 (draft for comment)

It was noted that in recent years the formal annual reporting requirements of the South Australian Heritage Council and other government boards and councils has been modified. This has led to simpler and streamlined annual reporting to Parliament. The consequence of this has been that the formal annual report is no longer an appropriate vehicle for communicating the stories around Council's listing and strategic work. In light of this, the Council agreed a separate communications document that tells the story of its business for the respective financial year would be appropriate.

The following matters were raised by Council in relation to the draft communication document:

- Add value to the document by highlighting the number of people that attended Council meetings throughout the year and the number of people that visited the Council's webpage.
- Separate the discussion about Provisional entries and Confirmed entries.
- Add 'Emergency Protections' as a separate heading. This will include the Mount Gambier Roundhouse and Turntable.
- Reconsider the heritage quotes on page 5 of the document.
- Include the list of nominations received in a separate text box.

RESOLUTIONS:

The South Australian Heritage Council:

- **Considered** the 2018/19 South Australian Heritage Council Communications document with changes described above.
- **Noted** that the changes requested will be made out of session and, with endorsement of the Chair, the document will be published on the Council's web page.

- **Approved** provision of the final document to the Minister for his information.
- **Agreed** that there is no benefit in finalising the drafting of the 2017/18 South Australian Heritage Council Communications document.

7.1 Correspondence

The Council noted the correspondence sent and received.

RESOLUTION

The South Australian Heritage Council:

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

7.2 Reporting on Delegations

Noted.

RESOLUTION

The South Australian Heritage Council:

- **Noted** the report on delegations.

8 ANY OTHER BUSINESS

Heritage Council contribution to DEW Infrastructure Plan

It was noted that a submission was provided by Council to DEW regarding the development of an Infrastructure Plan. This was provided out of session given the tight timeframe for comment.

Mr Stevenson noted that some further work is required to achieve certainty around the amount of money required to conserve the DEW owned infrastructure in the long term.

Action: Provide an electronic copy of DEW infrastructure report to SAHC members.

Meeting at Hahndorf to discuss development concerns in this State Heritage Area

Mr Conlon noted that a meeting at Hahndorf was organised by Mr John Schutz, CE of DEW with Mr Gallasch to discuss his concerns around the impact of incremental development on Hahndorf.

Notes about the meeting were tabled for Council member's information.

Mr Schulz said that ideally there would be an investigation into the incremental impact of heritage developments on State Heritage Areas on a periodic basis.

Ms McDougall suggested there is a need for an overarching policy for all State Heritage Areas.

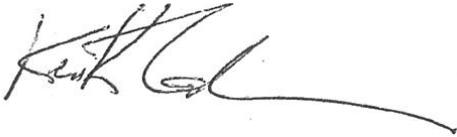
Ms Voigt indicated that Heritage South Australia would look to fund this work if some resources becomes available.

Action: Council seeks assistance from Heritage South Australia regarding how we might review State Heritage Areas.

CLOSE OF MEETING

Mr Conlon thanked the Council and staff for their contributions today.

Mr Conlon closed the meeting at 12:10pm.



Mr Keith Conlon OAM

Date: 5 August 2019

Chair