

## SOUTH AUSTRALIAN HERITAGE COUNCIL

### MINUTES

The 80<sup>th</sup> Meeting of the South Australian Heritage Council (the Council) was held on Wednesday 5 July 2017 in the Conference Room, Level 7, 81-95 Waymouth Street.

#### 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: Mrs Judith Carr; Members: Ms Sara Beazley, Mr Jason Schulz, Ms Deborah Lindsay, Mr George Hobbs, Mr Gavin Leydon, Mr Rob Donaldson, Mrs Carolyn Wigg and Professor Alison Mackinnon.

Apologies: Nil.

**Secretariat:** Mr David Hanna, Executive Officer, State Heritage Unit, Department of Environment, Water and Natural Resources (DEWNR) and Ms Beverley Voigt, Manager Heritage and Major Reform, State Heritage Unit, DEWNR.

**Guests:** Mr Matthew Johnson, Group Executive Director, Economic and Sustainable Development, DEWNR; Mrs Fran Stopin, A/Team Leader State Heritage Unit, DEWNR; Dr Louise Bird, Assessment Officer, State Heritage Unit, DEWNR; and Ms Kirsty Nield, Assessment Officer, State Heritage Unit, DEWNR.

### 1. WELCOME AND APOLOGIES

The Chair welcomed all present.

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

The agenda was adopted without any additions.

Mr Schulz and Ms Lindsay declared a conflict of interest in relation to the consideration of the Adelaide Showgrounds matter given that their firm, DASH Architects have been engaged by the Royal Show Society (Item 8.3).

### 3. CONFIRMATION OF PREVIOUS MEETING MINUTES

The Minutes of the 17 May 2017 meeting of the Council were confirmed subject to the correction of the spelling of 'traverser' in multiple places within item 7.5.

The minutes of the 7 June 2017 meeting of the Council were confirmed as a correct record.

#### RESOLUTION:

The South Australian Heritage Council:

- **Approved** the minutes of the 17 May 2017 meeting subject to the above amendment.
- **Approved** the minutes of 7 June 2017 meeting.

### 4. ACTION ITEMS

Council noted the decision of Judge Costello to refuse the application of the defence to re-open the Bell's Plumbers Shop matter.

Council queried with DEWNR the status of advice from the Crown Solicitor's Office in relation to the former Bell's Plumber Shop.

Noted that Item 4 will not be progressed (letter to Minister) given the status of proposed amendments with the government.

#### RESOLUTION:

The South Australian Heritage Council:

- **Noted** progress of the action items.

### 5. SA HERITAGE COUNCIL IN-CAMERA DISCUSSION

Council members held a short in-camera discussion on strategic and administrative matters.

### 6. PROVISIONAL ENTRY IN THE REGISTER

#### 6.1 Harry Smith's House Ruin, Kangaroo Island

Dr Louise Bird provided an overview of the assessment of Harry Smith's House Ruin and mulberry and fig tree at Smith Bay, Kangaroo Island. She advised that the mulberry tree and fig tree are located a short distance to the west of the Smith ruin of approximately 200 metres. Both trees are old and in a declining state of health.

Two relevant Heritage Surveys have been conducted on Kangaroo Island and neither recommended the Harry Smith's House Ruin for either Local or State heritage listing.

The structure of Harry Smith's House Ruin is the footprint only and is one of a number of pre-settlement sites.

Council considered the assessment against criteria and supported the recommendation that the nomination did not fulfil any of the criteria.

DEWNR indicated that five places identified in the Heritage of Kangaroo Island (1991) survey are potential State Heritage Places and they are:

- Stokes Hut Ruin
- Wilkinson Hut Ruin
- Prospect Hill
- Salt Lagoon
- Pelican Lagoon (pre-settlement aspects)

Council requested that these five places be placed on the list of nominations for assessment but be prioritised according to DEWNR's resource capacity and against the need to do assessments for other nominations.

#### **RESOLUTION:**

The South Australian Heritage Council:

- **Rejected** the nomination of Harry Smith's House Ruin plus Mulberry and Fig Tree, Smith Bay, Kangaroo Island in the South Australian Heritage Register as a State Heritage Place, as it does not meet any of the criteria for State Heritage significance under section 16 of the *Heritage Places Act 1993*.
- **Requested** DEWNR put Stokes Hut Ruin, Wilkinson Hut Ruin, Prospect Hill, Salt Lagoon and Pelican Lagoon (pre-settlement aspects) on the list of nominations for assessment.

## **7 CONFIRMATION IN THE REGISTER**

### **7.1 Crocodile Harry Dugout and Bob's Hut, Shell Patch Water Reserve, near Coober Pedy**

It was noted that the Chair of the Council, under delegation provisionally listed Crocodile Harry's Dugout and Bob's Hut on 14 March 2017 to enable an assessment to be carried out.

It was noted that Bob's Hut was demolished sometime over the weekend of 8/9 April 2017 by the miner who had pegged the claim under the mining ballot. The demolition was done legally.

Crocodile Harry's Dugout was assessed by DEWNR in accordance with section 16 of the Heritage Places Act 1993 and the recommendation is that it does not fulfil any of the criteria for a State Heritage Place.

The Council considered the assessment against each of the criteria. The Council agreed with the recommendation to reject and remove Crocodile Harry's Dugout and to remove Bob's Hut from the Heritage Register.

#### **RESOLUTION:**

The South Australian Heritage Council:

- **Removed** Crocodile Harry's Dugout and Bob's Hut (CR 5752/792, Section 752, Out of Hundreds (Murloocoppie), Annual Licence: OL 016986, ILUA: Coober Pedy Precious Stones Field, ILUA: Antakirinja Area Minerals Exploration, Native Title Determination: SCD2011/001 Antakirinja Matu-Yankunytjatjara) from the South Australian Heritage Register after:
  - determining that the provisional entry of Crocodile Harry's Dugout should not be confirmed as the place did not meet any of the criteria for heritage significance under section 16 of the Heritage Place Act 1993; and
  - receiving advice that Bob's Hut had been demolished.

## **8 ITEMS FOR DECISION / DISCUSSION**

### **8.1 NARACOORTE CAVES AND ADELAIDE GAOL – DEWNR UPDATE**

Mr Gary Joyce, Manager Iconic Sites, DEWNR was welcomed to the meeting. Mr Joyce provided a presentation to the Council in relation to the work that DEWNR are undertaking at the Adelaide Gaol site and the Naracoorte Caves site.

He advised that approximately 320,000 paying visitors visit the seven iconic sites managed by DEWNR which includes Adelaide Gaol and the Naracoorte Caves.

The following is a snapshot of the presentation in relation to the Adelaide Gaol:

- Adelaide Gaol was opened in 1841 and closed in 1988. In 2016 it celebrated 175 years.
- There are four contractors that run ghost tours.
- DEWNR recently refurbished the old kitchen and let the tour operators show this to the public.
- DEWNR have recently finished the development of an iBeacon Application for location-based self-guided tour information.
- The Gaol Blues Festival was held in March 2016. History Day in May.
- Visitation has increased under DEWNR. 22,000 visitors attended the Gaol in 2016. 3,000 of these were students taking part in an educational tour.
- Approximately \$3 million is required to complete high priority works for heritage maintenance of the Gaol. The Department of Planning, Transport and Infrastructure work with DEWNR each year to complete heritage maintenance works.

The following is a snapshot of the presentation on the Naracoorte Caves:

- Naracoorte Cave is SA's only World Heritage site
- the Cave rooftop walk, with a distance of 1.2kms has now been completed
- there has been an upgrade to the bat observation system

- the old handrails have been replaced. An inter-agency reference group has been created to help increase visitation
- noted that the Local Council have started an upgrade of bicycle track between town and the Caves which will be an easy 7km ride each way
- DEWNR is investigating the possibility of a virtual reality tour incorporating a periscope that people could look through and get an idea of the caves. Not a real one but gives the people an idea of what is below their feet
- noted that DEWNR is looking into fossil tourism opportunities across South Australia
- there is a move to combine the administration, café shop and ticketing into one building
- DEWNR is working with the South Australian Tourism Commission to promote Naracoorte Caves.

Mrs Judith Carr thanked Mr Joyce for his interesting presentation.

#### **RESOLUTION:**

The South Australian Heritage Council:

- **Noted** the presentation provided by Mr Gary Joyce on the operation of the Adelaide Goal and the Naracoorte Caves.

## **8.2 ASSESSMENT – REVIEW / DISCUSSION OF PROCESSES / TEMPLATE**

The Council considered the template assessment report and provided comments for improvement.

### Personal Attribution of author vs DEWNR attribution as author

The preferred position is that the departmental officer preparing the report be named in the report, sign it and be prepared to speak to the findings of the report if ever the need arises.

If this approach is not possible within government protocols around authorship of public documents, then the report will be attributed to DEWNR and, in the event that there is a requirement to speak to the report particularly in the case of appeals to the ERD Court, DEWNR will appoint an appropriate senior officer. In this approach the departmental officer who is the author of the report will be named in the covering SA Heritage Council agenda paper.

### Phrasing of author in making recommendations against criteria under section 16

The Council discussed the importance of the author of an assessment report making recommendations to the Council, rather than simply stating a particular position. The Council is the decision making body in regards to whether a particular place meets a criterion under Section 16 of the Heritage Places Act 1993.

It was agreed that the author of the heritage assessment will form a professional opinion and then phrase the assessment report in the form of recommendations to Council on whether or not the criteria for heritage significance have been met. Council will consider the case presented and

make the decision on heritage significance, based on whether it believes there is the sufficient evidence to demonstrate that the criteria have been met.

### **Other proposed improvements**

- The heritage assessment report template needs to provide for an efficient translation of the material in the assessment report to the Summary of State Heritage Place and to the SA Heritage Register. Ability to cut and paste, if possible would be desirable.
- Noted that as part of the assessment process, thematic assessments were done in the past. DEWNR to consider whether this should be part of the assessment process.
- In the Summary of State Heritage Place, the Statement of Heritage Significance is not always comprehensive. For example if a place meets four criteria then they all need to be reflected in the Statement of Heritage Significance in the Summary. This task needs to be included in the Assessment Checklist.
- Criterion (c) – it may yield information that will contribute to and understanding of the State’s history, including its natural history is not always often well considered in heritage assessment reports. There needs to be clearer guidance for authors around what is being tested when applying this criterion.
- Comparative analysis. Whilst comparing a nominated place against existing State Heritage Places helps provide context for the Council, it was noted that the nominated place needs to fulfil the heritage significance criteria in its own right (regardless of how many other similar places also fulfil that criterion).
- DEWNR to investigate and recommend:
  - whether a place should not be listed because there are already other places with similar or better significance entered in the Register
  - when the number of places entered in the Register with similar heritage values become a legitimate reason to reject a nomination
  - if the Register is intended to be a representative sample of places.
- Empower the State Heritage Unit staff to change the name of a nominated place where appropriate, to ensure that the name is concise and accurate.

DEWNR indicated it would explore the following suggestions for improvement.

- Include a Site Plan and a photograph of the ‘assessed’ place as an attachment to SAHC agenda paper, so as to provide an ‘Executive Summary’ of the place being assessed.
- The Statement of Heritage Significance could come after the assessment against the criteria, so that the discussion comes first followed by the Statement.
- Photographs/plans throughout the document reads better?
- Explore how to best represent the Extent of Listing. The extent of listing can assist in the assessment of future development however there needs to be a balance between being

clear but not necessarily having to list every detail of what may or may not be included in the registration of a particular place.

#### **RESOLUTION:**

The South Australian Heritage Council:

- **Provided** feedback to DEWNR on possible improvements to the heritage assessment template.

#### **8.3 ADELAIDE SHOWGROUNDS – UPDATE ON ASSESSMENT OF NOMINATION**

Noted that this matter will be discussed at the next meeting of Council.

#### **8.4 HERITAGE PLACES ACT 1993 – LEGISLATIVE REVIEW**

DEWNR provided Council with a paper containing ideas for proposed amendments to the *Heritage Places Act 1993* for feedback.

It was noted that the paper is merely a starting point in developing a discussion paper for legislative amendments.

Ms Voigt noted there may be an opportunity to strengthen the connections between the planning legislation and the heritage legislation.

- Agreed that the Act could be clarified around the nature of the information to be included in the South Australian Heritage Register.
- There was discussion around suggested drivers for amendment to the heritage legislation. Council indicated that facilitating adaptive re-use is a management issue and so is reducing administrative inefficiencies and red tape for owners and developers.
- The Burra Charter was discussed. Council agree with the principles of the Burra Charter but does not believe it ought to be enshrined in heritage legislation.
- Council was satisfied with the current title of the Heritage Places Act.
- Council was satisfied with the definition of 'place' and did not believe it warranted change.
- Council noted there could be possible strengthening of the Objects of the Act in relation to (d) in regard to promoting heritage.
- Agreed that the definition of owner can be amended to include Native Title owners.
- With regard improving the flexibility of the provisional listing process there was debate about whether it could indeed be improved through shortening consultation time frames in certain circumstances. This matter to be further explored.
- It was agreed that that it could be beneficial to amend the Act to allow the Minister to remove part of a place from the Heritage Register (rather than the whole place) if deemed in the public interest. To be further explored.

- Noted that there is a huge body of work involved in reviewing registrations made under previous heritage legislation. Council suggested DEWNR more closely identify the problems and look at any short term benefits that could be gained and the resources required.
- Council members agreed that the membership requirements of the Council are appropriate.
- Council agreed that there is a need to amend the Act to address inconsistency between Section 7(5) and 7(6) in relation to ability of Council to hold electronic meetings with public participation.
- Council agreed with the suggestion to amend the Act to provide for other listings to be recorded in the Lands Title Office including National, Commonwealth and World Heritage listings. Removals should also be listed.
- Council indicated that the civil enforcement provisions and the right of entry for access need to be reviewed.
- The Archaeological permit process could be clarified.

**RESOLUTION:**

The South Australian Heritage Council:

- **Provided comment** to DEWNR to progress the discussion paper regarding possible amendments to the *Heritage Places Act 1993*.

**8.5 SA HERITAGE COUNCIL STRATEGIC PLAN - UPDATE**

**RESOLUTION:**

The South Australian Heritage Council:

- **Noted** the report provided by DEWNR in relation to the update of progress against the strategic plan.

**8.6 PROCEDURE: MEETINGS AND PRESCRIBED URGENT MATTER CONSIDERATION**

Noted that this procedure has been revised to take into consideration recent changes to Section 7 (5a) of the Heritage Places Act 1993 as a result of the *Statutes Amendment Repeal (Simplify) Act 2017*.

**RESOLUTION:**

The South Australian Heritage Council:

- **Approved** the revised Procedure: Meetings and Prescribed Urgent Matters for Consideration.



## 9 ITEMS FOR NOTING

### 9.1 UPDATE FROM CHAIR OF HERITAGE COUNCIL

This matter was not discussed.

### 9.2 REPORTS ON DECISIONS MADE UNDER DELEGATION

This item was for Council noting.

#### RESOLUTION:

The South Australian Heritage Council:

- **Noted** the report on decisions made under delegation without discussion.

### 9.3 REPORT FROM DEWNR

A report from DEWNR was provided to Council for noting.

#### RESOLUTION:

The South Australian Heritage Council:

- **Noted** the report from DEWNR without discussion.

### 9.4 CORRESPONDENCE

This item was for Council noting.

#### RESOLUTION:

The South Australian Heritage Council:

- **Noted** correspondence sent and received without discussion.

### 9.5 SIMPLIFY DAY LEGISLATIVE AMENDMENTS TO HERITAGE PLACES ACT 1993

#### RESOLUTION:

The South Australian Heritage Council:

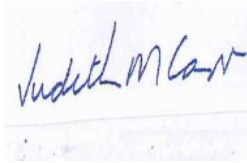
- **Noted** the amendments to the *Heritage Places Act 1993* without discussion.

## 10 ANY OTHER BUSINESS

Nil

**CLOSE OF MEETING**

The Chair thanked all in attendance and closed the meeting at 12:45pm.

A handwritten signature in blue ink that reads "Judith M Carr". The signature is written in a cursive style and is positioned above a horizontal line.

**Mrs Judith Carr**

**Date:** 31 August 2017

**Chair**