

**ART DECO &
MODERNISM**
SOCIETY OF AUSTRALIA INC
ADELAIDE CHAPTER

28th October 2022

To: Expert Panel

Art Deco & Modernism Society of Australia [Adelaide Chapter] submission to Expert Panel

Issues and suggestions for improvement for Heritage under the State Planning code

Introduction- about the Adelaide Chapter

The Adelaide Chapter of the Art Deco and Modernism Society of Australia (ADMSA) was established in April 2008. Our mission is to advocate for the cultural significance of the built environment of the twentieth century in South Australia, to promote community awareness and to encourage preservation. ADMSA is a member of the International Coalition of Art Deco Societies. In support of our motto, *Preservation through Appreciation*, we also offer educational activities, such as heritage walks, talks, events and training.

The Adelaide Chapter of ADMSA has been advocating for the preservation of South Australia's 20th Century built environment for 15 years, making representations to many local Councils and experiencing the problems that arise in the identification, documentation and heritage listing processes in South Australia.

Many of the problems in heritage preservation lie in the separation of State Heritage processes from Local Heritage, with two Ministers involved, entirely different processes, different criteria [See Appendix 5] and no interaction or cross-referral between the two systems. These issues were recognised in the 2019 Review by the Environment, Resources and Development Committee entitled *Heritage Matters: An Inquiry into Heritage Reform* (see Appendix 3). However, there has been **no action to address the ERD Committee recommendations**, with heritage reform (apart from the roll-over of 'Contributory' items) on hold due to the enormous changes inherent in the implementation of the State's new Planning Code.

Under-representation of 20th Century places on local heritage registers

'Heritage' in South Australia has traditionally been taken to mean 'early settlement' to 'late Victorian'. As a result, local government heritage lists are heavily skewed to the 19th century. There has been far less attention paid to the built environment of the 20th Century, the Inter-War years and even more significantly, the post-World War 2 period. This is despite the 20th Century having been a time of massive social, communication and technological change. Thus, the existing 'baseline' of local heritage is incomplete and unrepresentative, even in those councils that have enacted local heritage registers.

To compound the problem, many rural Councils, especially the smaller ones, have never enacted a Heritage Code amendment, even in cases where there have been detailed heritage surveys conducted, and recommendations made, by qualified heritage professionals. Some examples of Councils where this applies are District Councils of Yorke Peninsula, Coorong and Grant. The reasons for this seeming anomaly probably lie in the complexity, and therefore cost, of

undertaking a Heritage Code Amendment, which will be spelled out in detail below, or in the conflict-of-interest situations that may arise in small communities where the owners of significant buildings may also be local Councillors or Council staff.

Comments on the Summary Paper – Character and Heritage pdf

This document, downloaded from the Expert Panel's feedback website, makes some suggestions for protection of local heritage. Firstly, we note with some alarm that the document tends to suggest that the current heritage registers are **static and complete**. ['2,300 State Heritage Places, 17 State Heritage Areas and 7,259 Local Heritage Places'].

There is no mention of the under-representation of 20th Century buildings, nor of the need to make regular reassessments [for example once in a decade] to update local heritage as time passes. **These are very significant omissions**. History, by its very nature, is an on-going process, so therefore is heritage identification, protection and conservation.

Having said that, ADMSA Adelaide Chapter supports the proposed Heritage Adjacency Overlay, new Character Area Overlay and Historic Area Overlay, and tougher demolition controls in Character Areas, and Prongs 1 and 2.

"Prong 3" suggestions that demolitions in Character and Historic areas should not be approved until approval has been granted for the replacement dwelling. ADMSA Adelaide Chapter supports this initiative, as it restores an aspect lost in the recent reforms, namely exactly this type of control in Historic Areas, (previously referred to as Historic Conservation Zones.)

Extending the same "protection" to Character areas would be very welcome. This is because demolition controls serve to protect existing building stock and thereby preserve historic and character streetscapes. Whilst not providing full demolition control, such protections do maintain the integrity of the streetscape for longer, and eliminate speculative demolitions, which can leave blocks vacant or many years.

The proposal to only approve demolition if it is in association with an approved replacement dwelling will serve to provide council assessment officers far more negotiation strength in ensuring the replacement building suits the locality and its immediate neighbours by reinforcing the historic character of the street, and avoids approving designs that detract from this established character and contributes to its erosion over time.

AMDSA survey of local Councils

The Adelaide Chapter has recently carried out a survey of all 67 local Councils to determine when they last carried out Heritage Code amendments. There was a flurry of activity around 2006-2007. Since that time, only a couple of Councils have done so. This is probably due to the commencement in 2013 of the new State Planning laws and processes, which have had the effect of putting all local heritage matters 'on ice', with the exception of the rolling over of previous 'Contributory' items to become local heritage items.

Thus, there exists a situation where, 22 years into the 21st Century, local heritage registers that were already under-weighted with 20th Century items have not been updated for a further period of up to 15 years. There is an urgent need to resume local heritage assessments, with a particular focus on identifying previously missed items from the 20th Century. For example, a list of currently un-listed but probably eligible 20th Century places in the Adelaide City Council area is attached as Appendix 1 in this submission. ADMSA Adelaide Chapter believes that local governments that have not enacted a Heritage Code amendment in the past decade should be required to do so.

Development Pressure

The need to re-start the local heritage listing process is made doubly urgent by the urban infill policies affecting the entire metropolitan area, but especially the 'second-ring' inner suburbs that were created in the population boom/housing shortage periods of the Inter-war years: post WW1 from around 1918 to 1929, when the Great Depression brought construction almost to a standstill until 1936. After that there was another flurry of building until in 1942 the entry of Japan into the war and the very real threats to Australia again halted all residential construction. After the conclusion of the war, there were restrictions on building materials for both commercial buildings and even tighter restrictions on residential construction, well into the 1950s.

Development pressure is especially strong in the Inter-War suburbs where proximity to the city centre makes them ideal for the construction of attached town houses. Suburbs of concern include: Glandore, Melrose Park, Plympton, Brooklyn Park, Findon, Nailsworth, Sefton Park, Broadview, Trinity Gardens. The Adelaide Chapter sees an urgent need for immediate heritage assessment and creation of new heritage zones in parts of these suburbs that are still relatively intact.

Meanwhile, suburbs such as Linton, Pasadena, Eden Hills, parts of Belair, Glenalta, Blackwood and Bellevue Heights- all of which experienced rapid development in the post WWII population and building boom- are also experiencing strong pressure for redevelopment and urban consolidation. These suburbs contain significant numbers of dwellings in modern styles that have not yet been taken into account in existing heritage surveys.

It is essential and urgent that Councils undertake Code Amendments to update their existing local heritage registers to identify and include the best remaining examples of 20th Century architecture and housing styles. However, the barriers they encounter are formidable.

Disincentives for Councils to enact [Heritage] Code Amendments

The process required for local Councils to add to their existing local heritage registers is complex, convoluted, and extremely time-consuming: which makes them very expensive (see the flow chart in Appendix 1). No fewer than **44 steps** are required between a decision by a Council to undertake a heritage review to the final gazetting of the results. Heritage consultants must be engaged at least twice: firstly, for the Thematic Analysis stage and later to prepare the heritage data sheets and recommendations. The State Planning Commission, Planning and Land Services of Planning and the Minister for Planning are involved at many stages. The ERDC are involved at the end of the process.

It seems extraordinary that such an involved process is needed to produce a **lower level of heritage protection** (that is, it generally only protects what is visible from the street), than the State Heritage process, in which 12 steps give protection for exteriors and interiors. The two processes are compared in the Appendices supplied with this document.

The convoluted local Heritage process must be simplified/streamlined.

Suggestions for streamlining the Local Heritage process

Comparison of the State and Local heritage assessment processes [see flowcharts in the Appendices] suggest that the local process is unduly complex.

Improvements to consider could include:

- eliminating the need for a Thematic Analysis to be conducted before a Code Amendment process can be considered. This material can be provided as part of the Code Amendment application, if relevant.

- adopting more of a single step process, whereby the Statement of Intent is reduced to a simple application process, with no heritage content, which the Minister only rejects if they can demonstrate a reason that the council should not consider any heritage listing process at all. Once the SOI is approved, the heritage investigations and justification process only occurs once, during the preparation of the Code Amendment itself.
- simplifying the assessment process within the Department and Commission, and the matters to which each referral party and decision maker has authority over.
- providing a formal appeals process, rather than the informal process currently offered.
- providing a pathway for third party nominations, which could be mandated as part of Council's Code Amendment process. (see below)
- providing a single ministry for heritage policy, listings, investigations, advice and funding, combining local and state listing processes, under a ministry independent of the ministry for planning, who then become an important referral body.

No role for public in the identification of local heritage places

There is currently no role for interest groups such as ADMSA and local heritage or historical societies to be involved in identifying or nominating places for assessment as local heritage places. As it stands at present, public input is confined to comment, during the public consultation phase, on those places that have been assessed and recommended by a Council's heritage consultants: in other words, towards the end of a long and involved process. We submit that individuals and groups should be able to make nominations at the very start of a Code Amendment [heritage] process. This would add to the sense that local heritage is important to the local community and a sense of local 'ownership' of local heritage registers. It would also ensure that a broader range of buildings, including more 20th Century places, would be considered. Nominated places would then be assessed, in due course, by heritage consultants. In our experience, this process can work well to the advantage of both parties.

ADMSA Adelaide Chapter seeks to work with local government to identify examples of 20th C built heritage. When, in 2017, City of Charles Sturt commenced a Heritage DPA, they contacted us to make further submissions on our previous nominations. Following assessment by heritage professionals, five of these places were added to the local heritage register. This was a pleasing result: however, we were fortunate that the Council chose to include our earlier nominations in the review. They had no legislative requirement to do so and the current planning system does not allow for individuals or specialist groups such as ADMSA to nominate buildings for assessment.

Cost and complexity for local Councils to undertake Code Amendment [heritage] makes it impossible for them to accept individual nominations outside the lengthy Code Amendment process

Individual buildings cannot be put forward for assessment under against the local heritage criteria, even in urgent situations. Under the State Planning Code, Code Amendment [Heritage] can only take place by following the 44-step pathway outlined above. Currently, it is only feasible for this to be undertaken on a large, Council-wide scale.

No provision for urgent assessment of an unlisted building to be carried out if a demolition application is lodged

As noted above, many 20th Century buildings that have been overlooked in local heritage reviews to date have features that, following assessment, might well meet the local heritage criteria. However, when a demolition application is made in this situation, the only option is for its supporters to make an urgent application for its assessment as a place of State Heritage importance, even though it is clear from the outset that it will not meet the criteria. This has the effect of diverting already limited resources available to the State Heritage Council to carry out the extremely rigorous tests and comparisons that are required at the level of State Heritage. Naturally, the vast majority of such requests fail. This waste of time and resources is happening more and more frequently, and the result is that the potentially eligible local heritage place is demolished.

No cross-referral system between the State and Local heritage processes

While buildings identified in local Code Amendments can be recommended for nomination as State Heritage items, there is no corresponding mechanism for buildings assessed by the State Heritage Council that do not meet the State Heritage criteria but have features that might meet the local heritage criteria, to be referred back to the local Council for urgent consideration.

A recent example is the International Style engineering office at 1 Bagot St North Adelaide, designed by John Chappel in 1964. [The building was threatened with demolition under plans submitted to Adelaide City Council to build four two-storey town houses.] Following urgent assessment by the Heritage Council (that delayed assessment of previously nominated places) in March 2022, this building did not meet the criteria for a State Heritage Place, but was described in the assessment report as a finely executed example of Post-War International Style architecture in a small-scale professional practice such as was often located in North Adelaide. (See Appendix 4) This suggests that it would have met the local heritage criteria, However, there was no pathway for the Heritage Council to refer the building back to the Adelaide City Council for urgent reassessment.

Two ministers, different sets of criteria

Many of the problems we have identified above can be traced to the current separation of local and State heritage matters, with identification, assessment and listing processes following entirely different pathways involving different [though broadly similar] criteria and with different Ministers having ultimate responsibility for signing off on the listings. This is confusing and inefficient and allows potential local heritage places to fall through the cracks, as described in the preceding section. At the very least, the criteria for heritage listing at the local and State levels should be congruent, with the only difference being whether the place nominated demonstrates an important aspect of the history of the whole State, or only of the local district. If the criteria are identical, then it follows that one Minister could oversee both levels of heritage.

Our conclusions mirror the recommendations of the 2019 ERD Committee Report into Heritage Reform

In 2019, the Environment, Resources and Development Committee tabled its conclusions on the need for heritage reform. Since that time, the protracted and complex implementation of the State's new planning system means that the recommendations of the committee have not been addressed, let alone implemented. ADMSA Adelaide Chapter supports the recommendations below, in particular points (1) and (2).

COMMITTEE'S FINDINGS (p. iv)

The Committee found that:

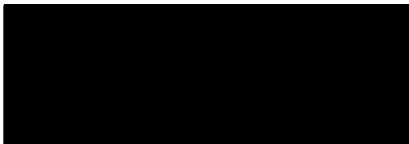
1. Heritage is important to the community (including non-government organisations, industry bodies and local councils) and the community expects state and local heritage to be protected from demolition and the impacts of undesirable development.
2. The community was generally unhappy with the current sectoral approach to 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.
3. The community desired reform of current heritage policy and legislation (in particular, local heritage) and called for better clarity, efficiency, transparency, consistency and accountability of processes and decision making.
4. The adversarial nature of the current processes to nominate, assess and list local heritage would likely be moderated by a more strategic, state-wide and collaborative approach to identifying heritage, and that the community expected to be involved in the nominations of all heritage.
5. Many in the community were concerned and uncertain about how local heritage would be protected under the changes to the *Planning, Development and Infrastructure Act 2016*; including, specifically, whether existing protections for contributory items and historic conservation/policy zones/areas would be maintained.
6. Community perceptions were divided about whether owning heritage-listed items added value to those properties or whether it is burdensome and can block potential development of a site. The community showed a strong desire to change attitudes towards heritage and a number of submissions provided possible solutions to this.
7. Heritage provides a whole of community benefit in providing desirable areas in which to live, work or visit, and that management and maintenance of heritage should be supported appropriately by the state, in collaboration with local government, through provision of funding and expert advice.
8. Providing incentives for appropriate management of heritage properties and discouraging or disincentivising inappropriate management of properties is likely to mitigate against perverse outcomes, such as neglecting properties until they are deemed suitable to demolish.

SUMMARY

1. Urgent action is needed to ensure that Councils resume local heritage assessments, with a particular focus on identifying previously missed items from the 20th Century.
2. Many of the problems in heritage preservation lie in the separation of State Heritage processes from Local Heritage, with two Ministers involved, entirely different processes, different criteria [See Appendix 5] and no interaction or cross-referral between the two systems.
3. Inter-War suburbs including Glandore, Melrose Park, Plympton, Brooklyn Park, Findon, Nailsworth, Sefton Park, Broadview, and Trinity Gardens require urgent heritage assessment with a view to creating new heritage zones/character area overlays in remaining intact parts of these suburbs.
4. Similarly, suburbs such as Linton, Pasadena, Eden Hills, parts of Belair, Glenalta, Blackwood and Bellevue Heights contain significant numbers of dwellings in modern styles that have not yet been taken into account in existing heritage surveys.
5. The convoluted process by which Councils currently carry out [Heritage] Code Amendments must be simplified/streamlined. It is far more onerous for Councils than the State Heritage listing process, to achieve a much lower level of protection.
6. We strongly support the return of demolition controls in Historic areas and the extension of these controls to Character areas.



David O'Loughlin,
ADMSA
Adelaide Chapter
President



Francine Smith,
ADMSA
Adelaide Chapter
Preservation Sub-Committee Lead

Art Deco & Modernism Society, Adelaide Chapter: <https://www.artdeco.org.au/chapters/adelaide-chapter/>

Adelaide Chapter facebook: <https://www.facebook.com/artdecoadelaide/>

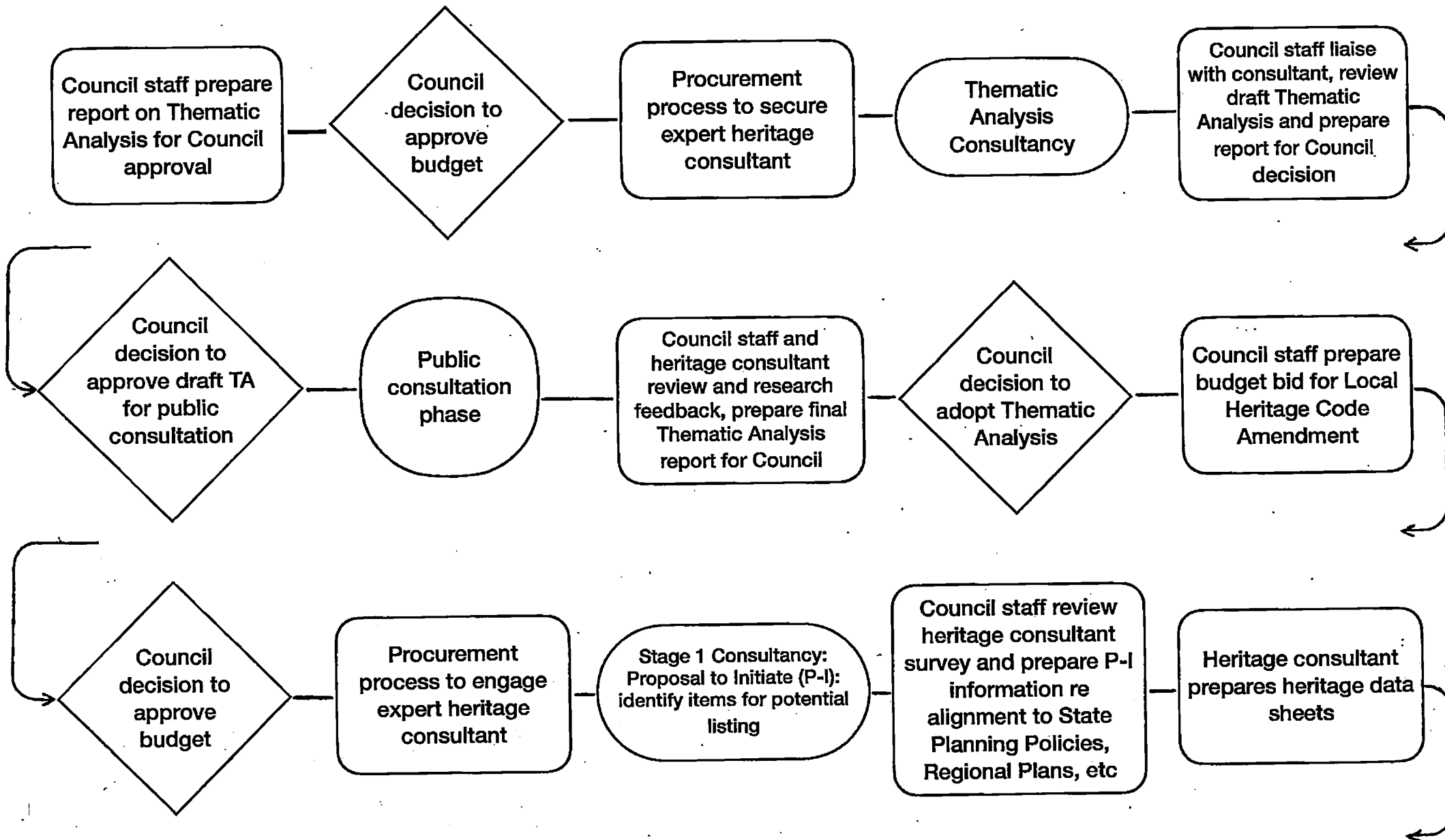
Email: adelaidechapter@gmail.com

Appendices

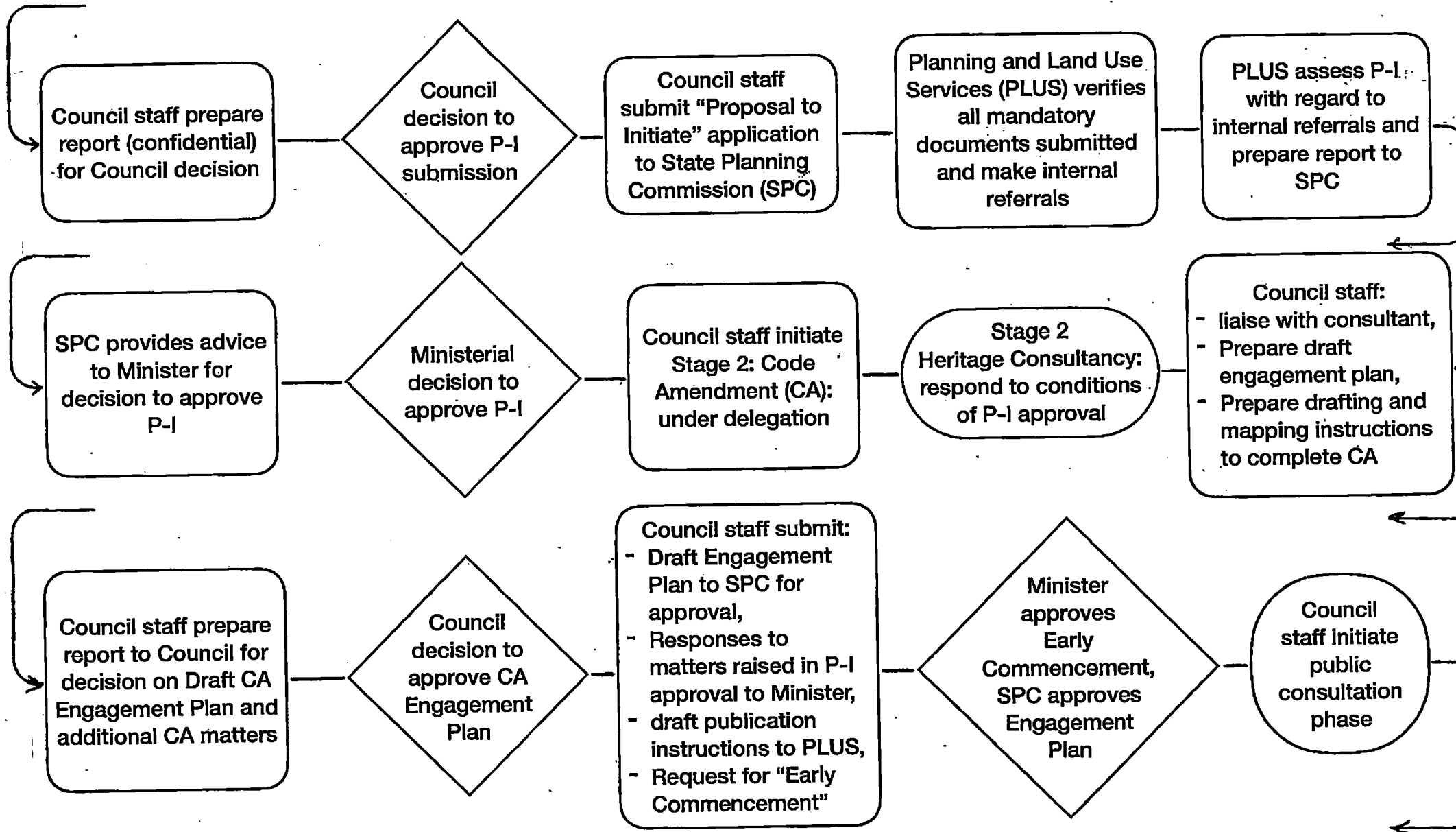
1. Flow-charts:
 - 1A. Process a local Council must undertake to initiate and complete a Code Amendment [Heritage], as compared with
 - 1B. The process of State heritage listing.
2. Table of examples of Art Deco/Inter-War/Functionalist/International style buildings not yet on local heritage registers.
3. Extracts from the State Heritage assessment report on the office building located at 1 Bagot St North Adelaide
4. Comparison of the criteria for heritage listing at State and Local levels

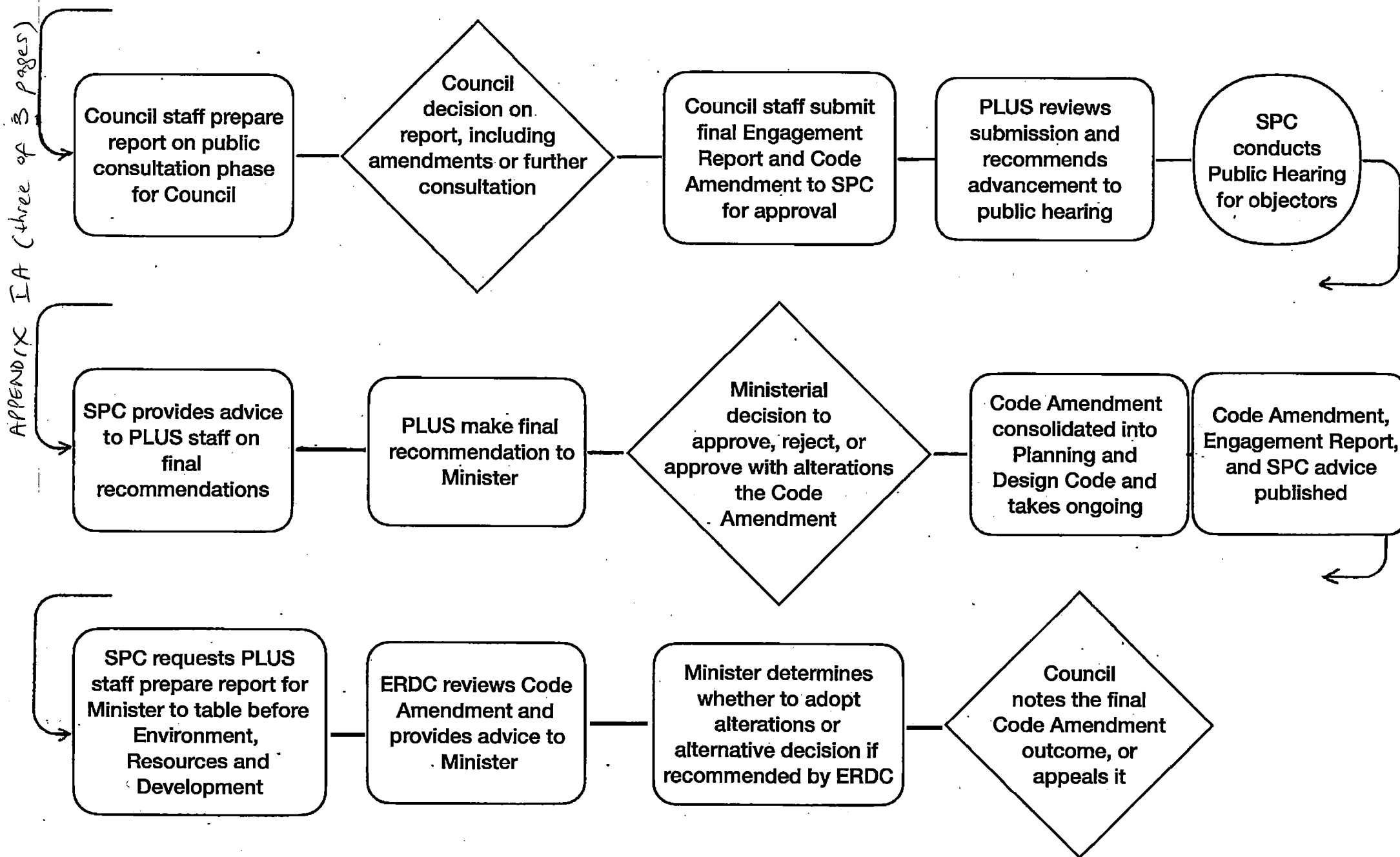
APPENDIX 1A: Flowchart of Code Amendments Process for Local Heritage

APPENDIX IA (one of 3 pages)



APPENDIX IA (two of 3 pages)

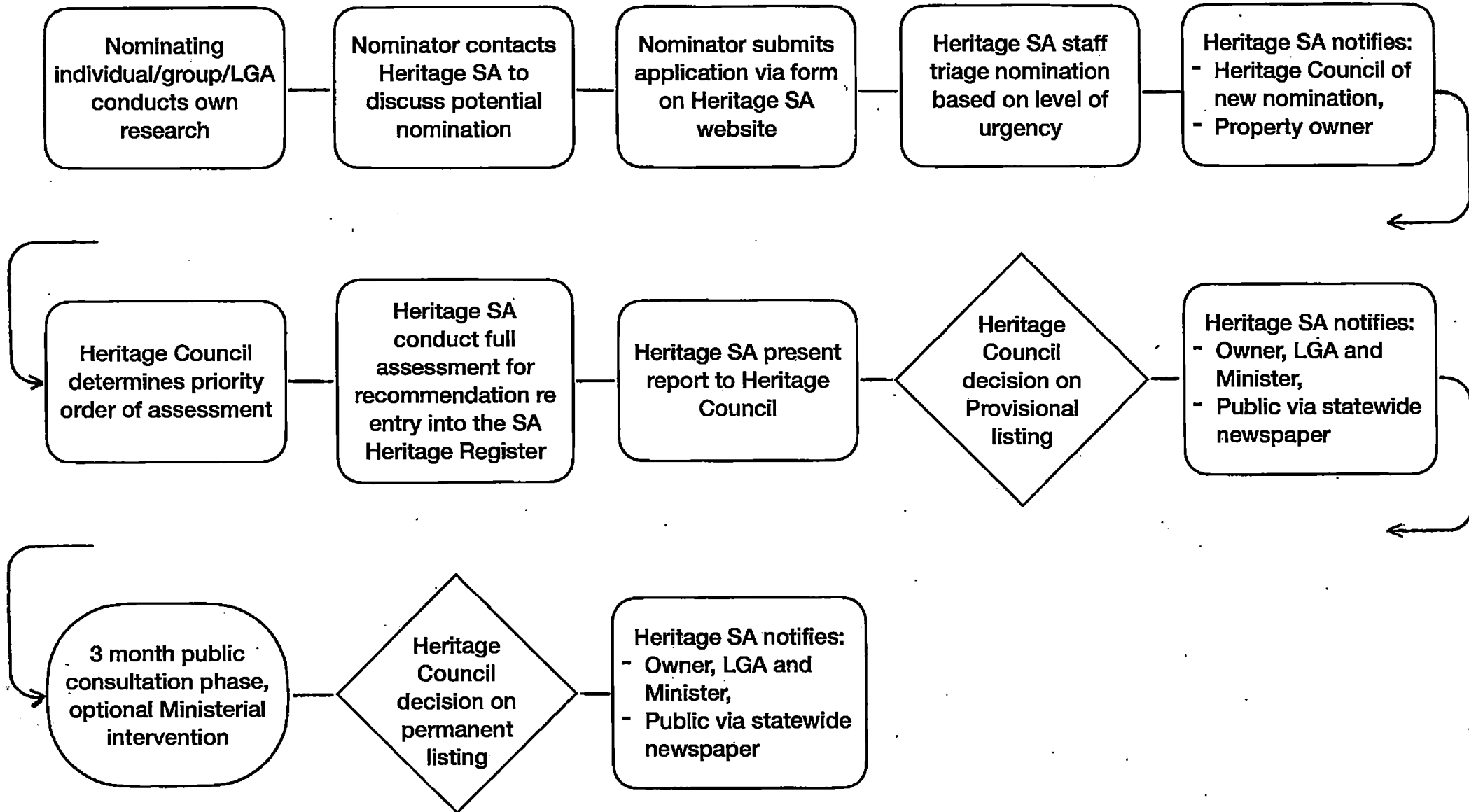




APPENDIX 1B: Flowchart of State Heritage Listing process [for comparison]

SA State Heritage listing process, as documented by D. O'Loughlin, September 2022

APPENDIX I B



APPENDIX 2

Examples of 20th Century buildings that currently have no heritage status.

Name	Address	Architect	Date of Construction	Comments
Office and Commercial Buildings				
Avant-Garde now Arthur Art Bar	66 Currie Street	McMichael and Harris	1936	Slated for demolition 2019 but still extant. Sheds light on history of automotive retailing and servicing in SA from 1936.
Faraway House	21 Franklin Street	Dean W Berry and Gilbert for AJ and PA McBride	1952-3	A very early post-war commercial bldg. on a small scale [building restrictions still in place?] sheds light on earliest post-war commercial construction in the CBD.
Fmr Motor Vehicle Regn Centre now Police HQ	60-62 Wakefield Street	Adrian Evans for Public Buildings Department	1971-77	
Engineering offices	1 Bagot Street, corner Kermode Street	John Chappel	1964	Recently nominated by public but rejected as State heritage.
Factories				
Western Oxygen Company.	30 Jervois St., Torrensville.	Unknown	1936-7	Later Commonwealth Industrial Gases, now?
Gibb and Miller	290 Commercial Road, Port Adelaide	Russell Ellis for Russell and Yelland	1945	important engineering contributions to Pt Adelaide and the State.

Hotels				
Arkaba Hotel	150 Glen Osmond Road, Fullarton	Dickson and Platten	1963-67.	
Educational Facilities				
Fmr Education Department now DECD	31 Flinders Street	Dimitri Kazanski of Woodhead, Hall, McDonald & Shaw	1972-77	
Rose Park Preschool	70 A Hewitt Avenue, Rose Park	Brian Claridge.	1958	Claridge undertook two...suburban kindergartens in the 1950's, applying ideas trialled in his Sixth Australian Architectural Convention Exhibition structures. (Dutkiewicz, A. 2013)
Newland Park Kindergarten	46 Lockwood Road Erindale.	Brian Claridge.	1959	
Modernist Churches				
Our Lady of Resurrection Catholic Church	31-33 Kg Wm Rd North Unley	1963-4.	Taylor and Navaskas	Some Modernist churches are currently being assessed as State Heritage items. No process to refer those that do not meet the standard for state heritage but would easily meet criteria (a) and (d) as local heritage.
St Richard of Chichester Anglican.	1 May Tce Lockleys			Not listed unlike the Uniting Church next door which dates from 1913.

Inter-War flats				
Felicitas apartments	575 Wellington Square	Ron L. Golding	1940	Illustrate social/housing preference changes in these years
Retten flats	9 Giles Ave Glenelg	Harold Griggs	1939	
Shoreham	18A South Esplanade, Glenelg	William Lucas	1938	
Suburbs/districts of special concern				
Glandore	Until recently a suburb of uniformly Inter-War dwellings. Heritage preservation complicated as the suburb is evenly divided by the tramline, between Marion [south] and West Torrens [north].			
Torrens Park	Repository of unusually high number of homes by young architects as their family homes. Also many early post WWII modernist homes at Lynton, Clapham and Eden Hills (all in city of Mitcham).			
Beaumont	Many individual houses by prominent Modernist architects for prominent citizens of Burnside at that time			
Railway Tce., Edwardstown				Several blocks of Inter-War houses
Kyeema Ave Cumberland Park				Several streets round

APPENDIX 3

Extracts from the report of the State Heritage Council of March 2022 concerning the assessment of the office building in the International Style located at 1 Bagot St North Adelaide, designed by John Chappel in 1964 for Keith W. Lange

Class: an example of Post-war domestic-scale commercial and/or financial premises built to accommodate small professional practices, banks and medical practitioners.

In the years following World War Two, urban growth resulted in a building 'bonanza' during which many new commercial buildings were constructed. During this period, small businesses also began constructing modern premises on a domestic scale. Often these buildings were located on the city streets outside of the CBD and in suburbs close to the city centre such as North Adelaide or along Park Terrace (now Greenhill Road).

The Office Building located at 1 Bagot Street is associated broadly with engineering in South Australia and specifically with the firm of consulting engineer Keith W Lange and Associates.

The building, as designed in 1964, was a finely executed example of Post-war International Style architecture. Features of the style demonstrated by the original building included prismatic volumes, in this instance rectilinear forms stacked perpendicularly to create a cantilever to both ends; selected expression of the structure, in this instance the u-shaped reinforced-concrete floor to the first level, piloti (slender columns) to eastern cantilever and plywood box-beams to roof; plain smooth wall surface with the use of face-brick to first-floor curtain wall and ground-floor load bearing walls; and areas of contrast created by the selective incorporation of the perforated-brick pattern and decorative vents in the brick-work, and glass to eastern and northern elevations on the ground floor and northern and southern elevations to the first floor.

Internally, the building as designed in 1964 expressed the function for which it was built, namely a consulting engineers office with printing room and Principal's Office on the ground floor, and a large open plan drawing room on the first floor. In keeping with Chappel's house designs, the building also featured the extensive use of clear finished timber and bespoke furniture, including drawing desks, cabinetry, and office furniture.

APPENDIX 4

Comparison of Listing Criteria for State and Local Heritage Status

Note: Adelaide Chapter recommends that heritage criteria should be identical, with due consideration of the extent to which the nominated building sheds light on aspects of the State as a whole, or of the local community. This would allow a place that did not meet the very high bar for State Heritage to be assessed automatically as a local heritage place.

	State	Local
Criterion 1	(a) It demonstrates important aspects of the evolution or pattern of the State's history.	(a) It displays historical, economic or social themes that are of importance to the local area.
Criterion 2	(b) It has rare, uncommon or endangered qualities that are of cultural significance.	(b) It represents customs or ways of life that are characteristic of the local area.
Criterion 3	(c) it may yield information that will contribute to an understanding of the State's history, including its natural history	(c) It has played an important part in the lives of local residents.
Criterion 4	(d) It is an outstanding representative of a particular class of places of cultural significance.	(d) It displays aesthetic merit, design characteristics or construction techniques of significance to the local area.
Criterion 5	(e) It demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of particular construction techniques or design characteristics.	(e) It is associated with a notable local personality or event.
Criterion 6	(f) It has strong cultural or spiritual associations for the community or a group within it.	(f) it is a notable landmark in the area
Criterion 7	(g) It has a special association with the life or work of a person or organisation or an event of historical importance.	(g) In the case of a tree: it is of special historical or social significance or importance within the local area.