



HERITAGE POLITICS IN ADELAIDE DURING THE BANNON DECADE

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ABSTRACT

This thesis argues that during the decade 1983-93 South Australia's heritage legislation was not effective in protecting Adelaide's traditional built character. The Bannon government was committed to growth through major developments during an economic recession, and many of those developments entailed at least the partial demolition of heritage-listed buildings. The Adelaide City Council was dominated by the city's business interests for most of the decade, and its members increasingly disregarded principles of the *City of Adelaide (Development Control) Act* (1976) in approving high-rise buildings which transformed the city's character. Possibly the spirit of SA's heritage legislation was more violated by those intended to implement it than any other legislation in the 1980s.

The Hawke government's deregulation of the financial system in 1983-84 fueled investment in property development, particularly after the 1987 downturn in the stock market. Superannuation funds and insurance companies joined large development companies in property investment, and an influx of overseas banks exacerbated competition for credit customers. Lack of controls on reserves and lending created a culture of unrestrained growth and speculative investment in property by bank managers unprepared and untrained for the consequences during a nationwide building boom.

The boom ended by 1991 as office vacancies in South Australia rose to 20 per cent, leaving developers unable to repay their loans. Financial institutions collapsed, bringing down three state premiers with them, including John Bannon. The economic policies intended to correct a recession had proved devastating for the state's economy and built heritage, which was lost on an unprecedented scale.

The history of the Bannon government has shown that economic imperatives tend to override heritage principles and that the effectiveness of heritage legislation depends upon the political will of federal, state and local governments to enforce it.

The thesis includes case studies of several major and smaller developments which describe in detail the heritage political processes and why heritage legislation failed to protect Adelaide's traditional character during the Bannon decade. This contemporary topic relied heavily on oral history, newspaper and journal accounts of issues and events, as well as official documents such as Hansard and state government and council minutes and reports. It adds to the work of South Australian historians and heritage historians, particularly Graeme Davison and Chris McConville in Victoria, Robert Freestone and Peter Spearritt in Sydney and Jenny Gregory and Roy Jones in Perth.

DECLARATION

This thesis contains no material that has been accepted for the award of any other degree or diploma in any university or other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text of the thesis.

I give consent to this copy of my thesis, when deposited in the University Library, being made available for photocopying and loan.

Signed

Date 7.12.06

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Former alderman Michael Harrison and city manager Michael Llewellyn-Smith were among several acquaintances and friends who read parts of my thesis and contributed valuable comments.

Finally and most importantly, I thank my husband David Mosler for his unwavering support, advice and patience during the writing of this thesis, and I thank all of the other members of Aurora Heritage Action, Inc. for their inspiration.

LIST OF ABBREVIATIONS

ABCWF	Australian Building Construction Workers Federation
AC Archives	Adelaide City Archives
ACC	Adelaide City Council
AFPE	Adelaide Fruit and Produce Exchange (East End Market)
AHA	Aurora Heritage Action, Inc.
ASER	Adelaide Station and Environs Redevelopment project
ATO	Australian Taxation Office
BFC	Beneficial Finance Corporation Ltd
BLF	Builders Labourers Federation
BOMA	Building Owners and Managers Association
BPR	Bonus plot ratio
Branch	State Heritage Branch
CAPAT	City of Adelaide Planning Appeals Tribunal
CAPC	City of Adelaide Planning Commission
CBD	Central Business District
CCSA	Conservation Council of South Australia
CMEU	Construction, Mining and Energy Union
CMFEWU	Construction, Mining, Forestry and Energy Workers Union
COAHAC	City of Adelaide Heritage Advisory Committee, 1991-92
DAC	Development Assessment Committee
DEP	Department of Environment and Planning
DFC	Desired future character – of precincts in the City of Adelaide Plan
DMS	Consultants Peter Donovan, Susan Marsden and Paul Stark
LHRC	Local Heritage Review Committee, 1993-94
LOHMAC	Lord Mayor's Heritage Advisory Committee 1982-83
MATS	Metropolitan Adelaide Transportation System
MEP	Minister for Environment and Planning
NEAR	North East Adelaide Redevelopment Pty. Ltd.
NGO	Non-government organisation
PAC	Planning Approvals Committee of Adelaide City Council to 1986
PAR	Plan Amendment Report amending a Development Plan of the <i>Development Act 1993</i>
Plan	City of Adelaide Plan
PEC	Planning and Environment Committee of the Adelaide City Council 1986 – 1993 (formerly the Planning Approvals Committee)
RAIA	Royal Australian Institute of Architecture SA Chapter
REMM	Real Estate Marketing & Management
RNE	Register of the National Estate
SAFA	South Australian Financing Authority
SASFIT	South Australian Superannuation Fund Investment Trust
SAHC	South Australian Heritage Committee
SAPC	South Australian Planning Commission
SBSA	State Bank of South Australia
SGIC	State Government Insurance Commission

SPU	Special Projects Unit of the Department of the Premier and Cabinet
TAGs	Townscape Advisory Groups
TFA	Transferable Floor Area
USC	Urban Systems Corporation

CHRONOLOGY

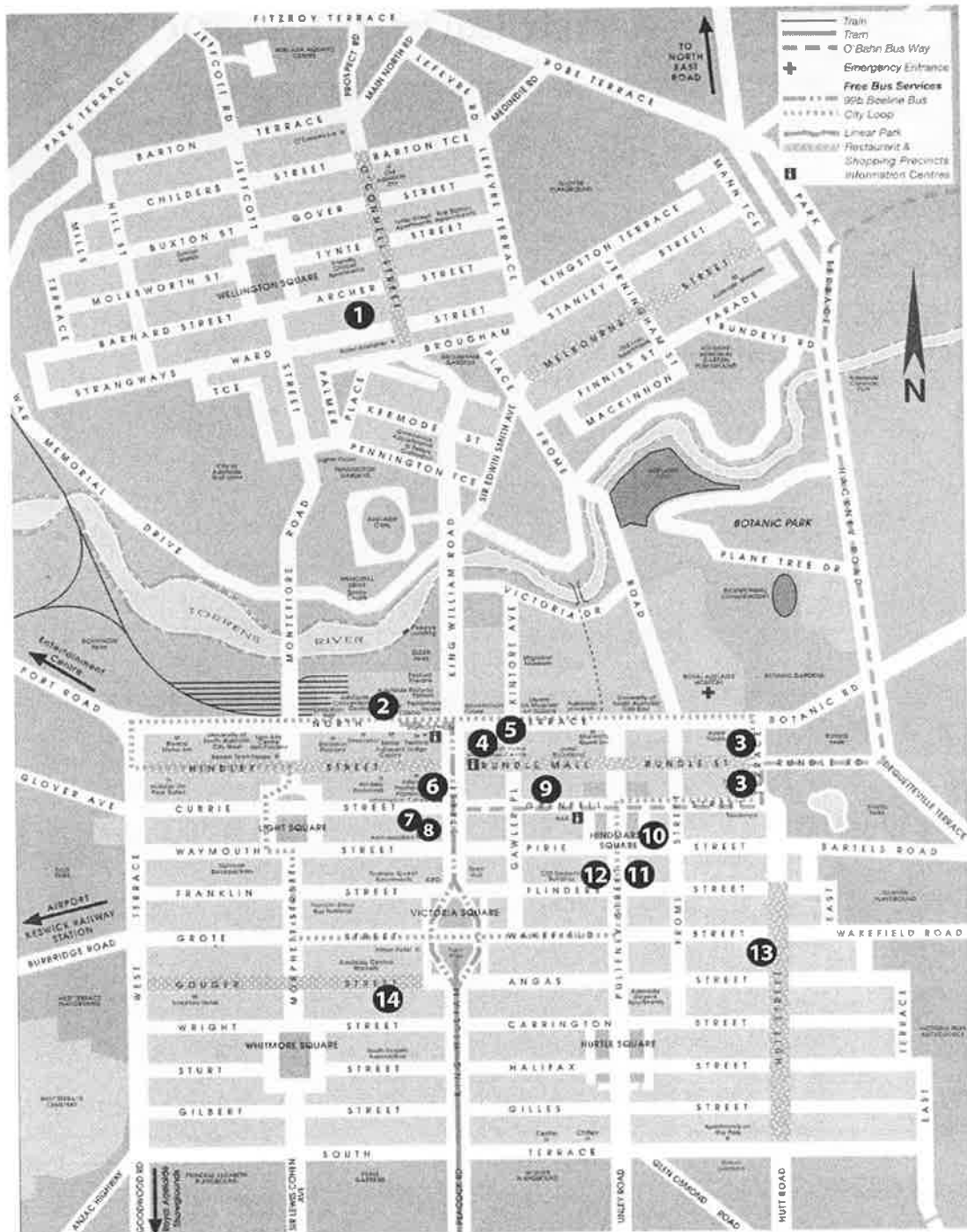
- 1963 Construction begun on 7-storey Hotel Australia, Brougham Place, North Adelaide
- 1967 Hackney Redevelopment Project approved; abandoned after public protest
- 1968 Metropolitan Adelaide Transport System (MATS) Plan approved; abandoned 1971
- 1969 Successful campaign to save Carclew in North Adelaide
- 1970 Formation of the North Adelaide Society
- 1971 Successful campaign to save ANZ Bank [Edmund Wright House], King William St
Demolition of the South Australian Hotel, North Terrace
Green bans Builders Laborers Federation begun in New South Wales
- 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage
- 1973 Unsuccessful campaign to save Education Building in Flinders Street
- 1974 *Australian Heritage Commission Act*
Victorian Historic Buildings Act (1974)
Formation of the Adelaide Residents' Association
- 1976 *City of Adelaide (Development Control) Act (1976)*
- 1977 City of Adelaide Planning Commission constituted
First City of Adelaide Plan gazetted as a schedule to *City of Adelaide (Development Control) Act (1976)*
New South Wales Heritage Act (1977)
- 1978 *South Australian Heritage Act (1978)*; establishment of State Heritage Committee
- 1979 Charter for the Conservation of Places of Cultural Significance (Burra Charter) adopted by ICOMOS
- 1979-82 First listings on Register of State Heritage Items
- 1980 Successful campaign to stop development in Dimora grounds, East Terrace, Adelaide
- 1981 Unsuccessful campaign to save the Majestic Theatre and Hotel in King William Street

- 1982 First Bannon government elected in November with promise of new ASER project
City of Adelaide Heritage Study completed
- Lord Mayor's Heritage Advisory Committee (LOMHAC) commenced consideration of buildings for entry on the City of Adelaide Heritage Register
- 1983 Formation of the South Australian Financing Authority (SAFA) and Special Projects Unit (SPU)
- Campaign to save Kingsmead and Belmont, North Adelaide; later listed in Register of State Heritage Items
- ASER Bill introduced in Parliament
- Unsuccessful campaign to save Aurora Hotel, Adelaide; formation of Aurora Heritage Action, Inc.
- Float of the Australian dollar by Hawke government
- 1984 Further deregulation of the financial system; influx of foreign banks and overseas capital
- State Bank of South Australia Act* (1983) proclaimed; Tim Marcus Clark appointed managing director of SBSA
- ASER Act* proclaimed; designs for ASER project hotel and office tower released
- Amendments to *Local Government Act* (1934) to extend franchise to all ratepayers
- Successful campaign to save heritage-listed Commonwealth Bank building, Currie St.
- 1985 State Bank Centre approved, including demolition of heritage-listed Commonwealth Bank chamber
- Unsuccessful campaign to save historic buildings at Town Acre 86, Adelaide
- Heritage Unit renamed State Heritage Branch and restructured
- First Working Women's Creche redevelopment approved
- City of Adelaide Planning Appeals Tribunal decision against demolition of Kingsmead
- 1986 Severe staff cutbacks in State Heritage Branch.

- 1987 City of Adelaide Plan 1981-86 gazetted with Register of City of Adelaide Heritage Items
- REMM-Myer proposal extended to heritage-listed buildings in North Terrace
- First of five proposals to redevelop the East End Market site by NEAR abandoned
- Development of Working Women's Creche site approved, with demolition of the creche
- Queensland Heritage Act (1987)*
- 1988 Adelaide City Council's heritage incentive scheme approved
- REMM-Myer project approved with financing from the State Bank of SA
- Successful campaign to save the Westpac Bank building, North Terrace, Adelaide
- Proposal to develop East End Market site by East End Market Company Ltd approved but abandoned
- 1989 Historic (Conservation) Zones approved for local government districts
- First (non-statutory) public exhibition of a streetscape protection concept for Adelaide
- Second (non-statutory) public exhibition of streetscape concept Nov 1989 – Jan 1990
- Successful campaign to save St Paul's Church in Pulteney St, Adelaide.
- 1990 Review of Register of City of Adelaide Heritage Items; COAHAC established
- Interim listing of St Paul's Church on Register of State Heritage Items
- Beneficial Finance and Ayers Finnis Ltd proposal for East End Market approved
- Heritage of Western Australia Act (1990)*
- 1991 Pro-heritage faction gains a majority of seats in Adelaide City Council
- 'House of Chow' building demolished
- Somerset Hotel demolished
- Statutory exhibition of townscape initiative December 1991 – February 1992

- Proposal to redevelop Gawler Chambers; building placed on state interim register
- State Planning Review begun
- 1992 Townscape Advisory Groups (TAGs) established to hear objections to townscape listing
- Townscape I list and principles forwarded to City of Adelaide Planning Commission
- Council approved Townscape II list resulting in a strong backlash
- Minister for Local Government established a city/state forum to review the townscape initiative; forum recommended a local heritage register in lieu of townscape protection
- Local heritage criteria approved by council in December
- State Government purchased East End Market site after collapse of Beneficial Finance
- John Bannon resigned as Premier in September
- 1993 Local Heritage Review Committee established by Minister to assess objections to local heritage listing
- 1991-96 City of Adelaide Plan proclaimed
- 1994 *SA Development Act* (1993) and *Heritage Act* (1993) proclaimed
- Local Heritage Review Committee final report submitted; findings rejected by council
- Adelaide's first Development Plan with its local heritage register proclaimed under the *SA Development Act* (1993)
- First stage of southern portion of East End Market development approved
- 1995 *Tasmanian Historic Cultural Heritage Act* (1995)
- Approval of high-rise residential development at northern East End Market site

Adelaide City Map



- | | | |
|-------------------------------|-----------------------|---------------------------|
| 1 Kingsmead and Belmont House | 6 Edmund Wright House | 11 St Paul's Church |
| 2 ASER project | 7 Commonwealth Bank | 12 Somerset Hotel |
| 3 East End Markets | 8 State Bank Centre | 13 'House of Chow' |
| 4 REMM-Myer project | 9 Bertram House | 14 Working Women's Creche |
| 5 Gawler Chambers | 10 Aurora Hotel | |

1 INTRODUCTION

‘We shape our cities, then they shape us.’

- John Reader paraphrasing Winston Churchill¹

Community support for the protection of Australia’s built heritage was part of a wider social and political movement in the 1970s. The ‘new nationalism’ of the Whitlam government (1972-75) promoted a renewed awareness of cultural identity issues that blossomed throughout the 1970s. While there had been occasional public protests in the 1960s around the country against the demolition of individual historic buildings, Robert Freestone and other heritage historians suggest that ‘the value of inherited buildings [in Australia] was not widely acknowledged by government officials, politicians, architects, planners and the broader community until the 1970s’.² These protests—plus an international movement through the United Nations—spurred the enactment of legislation deemed essential to protect Australia’s built heritage.

Legal protection for Australia’s built heritage at the national level was prompted by the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage (the World Heritage Convention). Australia and New Zealand were relative latecomers among western countries to safeguard their heritage through legislation. Great Britain had begun to protect ancient monuments through legislation from 1882 and expanded the categories of heritage conservation successively thereafter. Italy and Germany began to legislate for built heritage protection from 1902, as did France through its *Historic Monuments Act* of 1913. International concern about the loss of historically and architecturally important buildings and sites accelerated in the 1960s during the post-war economic boom. At that time the United States passed its *National Historic Preservation*

¹ John Reader, *Cities* (London: Heineman, 2004), p.9.

² Robert Freestone, ‘Preserving Sydney’s built heritage in the early twentieth century’, *Australian historical studies*, 112, 1999, p.44. The Australian Historical Society publicised the need to preserve historic buildings in Sydney in the 1920s, as did some historians in South Australia (Round, *J.SA.Hist.Soc.*, 25/1977, p.13), but their efforts were largely ineffectual.

Act (1966) and was an important advocate of international action through the World Heritage Convention.

Demonstrating its enthusiasm in 1973, the Australian government was the seventh signatory to the World Heritage Convention. The Whitlam government further indicated a commitment to national heritage by passing the *Australian Heritage Commission Act* (1974). This Act established a Register of the National Estate to be maintained by the Australian Heritage Commission. The National Estate was defined as consisting of 'those places, being components of the natural environment of Australia or the cultural environment of Australia, that have aesthetic, historic, scientific or social significance or other special value for future generations as well as for the present community' [s.4(1)]. Because the Commonwealth government has no statutory control over state land use, except for Commonwealth purposes, it could not protect places on the Register of the National Estate which are located within state borders.

Over the next few years, three states followed the Commonwealth lead by enacting heritage legislation intended to preserve items of state significance. The first was the *Victorian Historic Buildings Act* (1974), followed by the *New South Wales Heritage Act* (1977) and the *South Australian Heritage Act* (1978). Governments in the other states resisted pressure from conservationists for most of the 1980s. The *Queensland Heritage Act* (1987) was described as "vague and toothless" by Sheryl Yelland in 1991.³ Western Australia belatedly enacted heritage legislation in 1990 and Tasmania in 1995.

Before the Commonwealth government acted, there had been widespread community pressure for state heritage protection. From 1971 the Builders Labourers Federation began imposing industrial 'green bans' on urban developments in New South Wales, Tasmania, Victoria and Western Australia in support of residents' protests (see chapter 6 below). In South Australia, the Plumbers and Gasfitters Union provided the same support to protesters, notably to save Adelaide's ANZ King William St Bank building in 1971 (now

³ Sheryl Yelland, 'Heritage legislation in perspective' in Graeme Davison and Chris McConville, *A Heritage Handbook* (St Leonards, NSW: Allen & Unwin, 1991), p.44.

the heritage-listed Edmund Wright House). In Melbourne from 1973 onwards the National Trust and other groups waged several battles to save prominent buildings, including the CBA Bank and Regent Cinema in Collins St,⁴ while in Perth several protests were organised against ‘modernisation’ beginning with the battle to save the Hotel Esplanade in 1963⁵.

In South Australia heritage protests were preceded by plans in the 1960s to construct a freeway along the eastern perimeter of Adelaide (the Metropolitan Adelaide Transport System or MATS Plan) and to redevelop the inner-city suburb of Hackney. According to Leonie Sandercock, these plans ‘produced fertile results in a healthy citizen backlash of distrust for planning or, rather, a distrust of leaving it to the so-called experts...’⁶ In the major capital cities residents’ associations emerged, among them the North Adelaide Society formed in 1970 ‘to oppose Adelaide City Council (ACC) plans to allow high-rise development, parking stations and retail expansion in their enclave’⁷, in addition to the MATS plan. The seven-storey Hotel Australia in Brougham Place (1962) was the first of several high-rise developments erected in North Adelaide during the 1960s, encouraged by a council anxious to increase Adelaide’s ratepayer base.⁸ It was followed by apartment buildings overlooking parklands in Strangways and Barton Terraces and in Brougham Place, as well as in Jeffcott St and other North Adelaide streets, all constructed by the time the North Adelaide Society had begun to protest.⁹ In 1974 the Adelaide Residents’ Association was formed to monitor compliance with the new City of Adelaide Plan in Adelaide’s square mile south of the River Torrens, ensuring residents’ interests were given a voice on both sides of the river. Ad hoc groups also had come together to save specific buildings threatened by proposed development projects, asserting their right through direct action to retain their built heritage, ‘those valuable features of our environment which we

⁴ Graeme Davison, ‘The battle for Collins Street’ in Davison and McConville, pp.120-22.

⁵ Jenny Gregory, *City of Light* (City of Perth, 2003), p.114.

⁶ Leonie Sandercock, *Property, politics, and urban planning* (Melbourne: Transaction, 1990), p.172.

⁷ Andrew Parkin and Allan Patience, *The Dunstan Decade* (Melbourne: Longman, 1981), p.100.

⁸ Sandercock, p.182.

⁹ See Michael Burden, *Lost Adelaide* (Melbourne: OUP, 1983), *passim*.

seek to conserve from the ravages of development and decay'.¹⁰ The increased frequency of community protests about the loss of historic buildings in the 1970s was a major contributor to the passage of heritage legislation at state level.

The *South Australian Heritage Act* (1978) of the Dunstan government established a Register of State Heritage Items, to be maintained by the Minister for Environment and Planning, acting on advice from the South Australian Heritage Committee (SAHC). At that time it was the practice of Australian governments to list individual heritage items in a register, a device intended to end the public controversy and protests. The criteria for listing, outlined in s.12(1) of the 1978 Act were that an item be 'part of the physical, social or cultural heritage of the state' and 'of significant aesthetic, architectural, historical or cultural interest'. For some years buildings listed on the register were nominated mainly because of their architectural merit; historical or cultural significance tended to be secondary considerations.¹¹ Both sides of Parliament supported the legislation in 1978, although the Liberal opposition argued unsuccessfully for compensation for building owners whose properties were devalued as a result of heritage listing.¹² This compensation issue resurfaced repeatedly during the Bannon decade.

The Department of Environment and Planning (DEP) established a bureaucracy to implement the 1978 legislation. Heritage professionals were appointed to identify, research and assess items nominated for listing. The first buildings to be entered on the register were compiled from the National Trust (SA Branch) list of buildings with its highest 'A' classification and hence were uncontroversial. As additional buildings were nominated, implementation of the *SA Heritage Act* became more contentious. The boundaries of heritage listing—that is, how far to extend protection beyond individual iconic buildings—caused extensive debate in the state government and ACC and formed the basis of

¹⁰ Davison and McConville, p.1.

¹¹ Graeme Davison has noted 'an important difference between the aims of architects, for whom the past was a source of attractive decorative devices, and of historians, who valued old buildings primarily for their capacity to express the values and ideas of another age'. The architectural view was most influential for nearly a decade in South Australia. *Ibid*, p.131.

¹² *Parliamentary Debates SA*, 1978-79, vol.2, 43rd Parliament, pp. 2317 and 2343; vol.3, pp. 2422ff.

continued public protests. The *City of Adelaide (Development Control) Act* (1976) regulated planning in Adelaide. Detailed planning principles and guidelines were contained in its City of Adelaide Plan, including the 1987 Register of City of Adelaide Heritage Items. Possibly the spirit of these Acts was more often violated in the 1980s by those intended to implement them than any other legislation.

The implementation of the *SA Heritage Act* and the *City of Adelaide (Development Control) Act* is the core subject of this thesis. It contends that the Bannon government and the ACC were heavily influenced by developers, bankers and investors, so that during the years 1983-93 Adelaide's historic buildings were demolished on an unprecedented scale. The Hawke government's deregulation of Australia's financial system in 1983 attracted a large influx of overseas capital, which made investment funds for building projects much more freely available than previously. Banks and other lending institutions were very keen to fund urban building projects, and joined with developers to apply consistent and direct pressure on state and local governments to raise height limits and fast-track approval processes in the name of economic expansion and the public interest. While governments often professed to support heritage protection, established heritage principles were frequently disregarded, leading to the total or partial loss of many historic buildings. In South Australia the Bannon government and ACC were willing and active participants in an overheated development market. In the process much of Adelaide's Victorian character was transformed into 'modernist' streetscapes during the most lamentable decade in Adelaide's architectural history.¹³ Their public rhetoric of heritage protection was at odds with the reality of their participation in property development.

The elected membership of the ACC in the 1980s and 1990s reflected the significant changes in Adelaide's social and economic structure initiated by Premier Tom Playford (1938-65), who diversified the South Australian economy after World War II by attracting manufacturing industries to the state with subsidized land and cheap housing near the new

¹³ Phrase borrowed from Paul Johnson, *Art: a new history* (London: Weidenfeld & Nicolson. 2003), p.170. Johnson was writing of a somewhat earlier period of modernist architecture.

industrial sites. Sandercock concludes that ‘this transformation diversified the old “power elite” that had centred around the “Adelaide Establishment”, the old families whose wealth derived from land, commerce and banking’.¹⁴ As shown in chapter 2 below, by the time John Bannon became premier, forming a neo-liberal or neo-capitalist administration in the mould of federal and state Labor governments of the 1980s,¹⁵ the new investors in city building development had effectively supplanted the old Adelaide families from the ACC. Chapter 4 describes a council that began to divide into pro-development and heritage/residential factions, with the pro-development group representing narrower interests than the commercial representatives of previous decades. From 1984 the pro-development members were less inclined than their predecessors to restrict new projects to the principles and height and mass limits of the City of Adelaide Plan.¹⁶

In addition to Playford’s economic expansion, other demographic shifts had radically altered the social composition of Australian capital cities by the 1970s. From the 1950s families with children had been moving to new housing in the suburbs, concentrating post-war migrants in the inner city areas.¹⁷ Young professionals joined the migrants in central Adelaide and North Adelaide, many of them the New Environmentalists of the 1960s and 1970s who became involved in residents’ associations, heritage protests and council elections in the 1970s-90s, as described in chapter 6 below, countering the radical pro-development membership of the council.

The rapid economic growth and demographic changes of the post-war period were significant contributing factors to Adelaide’s growing pro-heritage sentiment. That

¹⁴ Sandercock, p.152.

¹⁵ E.L. Wheelwright summarises ‘neo-capitalism’ as ‘the collaboration between big business and the state, the major objective of which is *the protection and consolidation of private profit*’ in ‘Concentration of private economic power’, Playford, John, and Kirsner, Douglas (eds), *Australian capitalism*, (Melbourne: Penguin, 1972), p.74. For examples of Premier Bannon’s facilitation of major private sector projects, see chapter 2 below.

¹⁶ According to Michael Llewellyn-Smith, Town Clerk from 1982, ‘in previous times the recommendations of the Planning Department [which complied with the City of Adelaide Plan] were pretty much accepted’; ‘the members [from 1984] were more pro-development than they had been and more willing to grant plot ratio bonuses’. Personal interview, 30 July 2001.

¹⁷ Hal Kendig, *New life for old suburbs* (Sydney: Allen & Unwin, 1979), p.76.

sentiment became particularly noticeable when Premier Bannon began actively to encourage and support major commercial and retail developments to lift the economy from recession. As David Lowenthal noted in 1996, 'dismay at massive change stokes demands for heritage [protection]'.¹⁸

This thesis focuses on issues and conflicts concerning the built environment of the City of Adelaide in the 1983-93 period, so that the events involved may be analysed in some detail; to extend beyond the boundaries of Adelaide would have made the topic unwieldy. The greatest number of controversial commercial projects were located in Adelaide's central business district, as outlined in chapters 7 and 8 below, and the social diversity of Adelaide and North Adelaide ensured that the heritage debate covered a wide range of residential building styles. Similar community unrest also took place in many of the older suburbs, notably in Unley, Norwood, Parkside and Glenelg, against the continued loss of their traditional character, but an examination of those protests would hardly alter or add to the conclusions of this thesis.

There is no denying that heritage is a political concept,¹⁹ one that cuts across conventional party and class alignments. On the one hand, heritage protection imposes restrictions on the use of property without compensation to owners, a radical departure from capitalist tenets of private property rights, and heritage activists have engaged in militant tactics to prevent building demolitions. On the other hand, middle- and upper-class heritage activists, sometimes supported by trade unionists, have opposed progressive modernisation partly in order to conserve their privileged lifestyles.

Some historians contend that heritage has become much more than a political issue. A heritage 'industry' has been spawned, encompassing an array of professional bureaucrats, consultants and educators. They claim further that this heritage industry leads to a distortion of history. Heritage has its roots in nostalgia, according to David Lowenthal,

¹⁸ David Lowenthal, *Possessed by the past* (New York: Free Press, 1996), p.6.

¹⁹ See Davison and McConville, p.7.

who once stated that ‘heritage is history with the pain left out’.²⁰ In a later contribution Lowenthal argued that heritage and history have different aims: ‘The crucial distinction is that truth in heritage commits us to some present creed; truth in history is a flawed effort to understand the past on its own terms.’²¹

Heritage tourism promotes a superficial perception of history, according to many critics of the heritage industry. Among these is Robert Hewison, who suggested that ‘we [are given] no understanding of history in depth, but instead are offered a contemporary creation, more costume drama and re-enactment than critical discourse’.²² While these perceptions of the international heritage industry may be valid for Australia, they are outside the scope of this thesis, which focuses on Adelaide’s architectural character during the Bannon decade. The thesis is not concerned with the benefits of heritage to tourism, but with changes to Adelaide’s traditional built character during the Bannon era and the intrinsic qualities and historic significance of heritage buildings. Wilfrid Prest captured the essence of those qualities in 1974 when he argued that ‘...many old buildings are better constructed than any modern replacement could be. Their stonework, high ceilings, intricate plaster mouldings, well-detailed joinery, and so on, were the labour-intensive products of highly skilled but by today’s standards grossly underpaid craftsmen, and are, therefore, irreplaceable in a physical and an economic sense, quite apart from their irreplaceable historical associations’.²³

This thesis echoes Jean France’s contention that ‘architecture is history made visible’.²⁴ Adelaide’s heritage activists of the 1970s and 1980s sought to preserve the architecture of the past, with its links to communities that formed the city for more than a century. The activists were as much interested in preserving the built manifestation of

²⁰ David Lowenthal, *The past is a foreign country* (Melbourne: Cambridge UP, 1985), p.4.

²¹ *Idem*, *Possessed by the past* (New York: Free Press, 1996), p.119.

²² Robert Hewison, *The Heritage Industry* (London: Methuen, 1987), p.135.

²³ Wilfrid Prest, ‘Social and Cultural aspects of Urban Conservation’ in Colin Bond and Hamish Ramsay (eds), *Preserving Historic Adelaide* (Adelaide: Rigby, 1978), p.15.

²⁴ Jean R.France, review of *Syracuse Landmarks: An AIA guide to downtown and historic neighborhoods*, by Evamaria Hardin, in *The public historian*, winter 1996, 18(1), p.110.

urban history as they were in preserving architectural styles. At the same time heritage protectionists rebelled against many of the modernist structures that were replacing their built environment. 'In essence the modernists argued that buildings should reflect their times and that an industrial age should have an appropriate architecture—abstract, unornamented and functional.'²⁵ During this period most developers were unconcerned about historical continuity and reveled in erecting cheap, unadorned modernist buildings which were often prefabricated, minimizing labour costs. Architect and planner Joseph Buch summarised a common public reaction to contemporary Adelaide buildings in a 1986 letter to the editor of *The Advertiser*: 'the architectural quality of new construction is so low that any older building, from any period—even the patriarchal and bombastic high Victorian—is preferable to it.'²⁶ Mr Buch spoke for those who resented the globalisation of urban forms made possible in part by the deregulation of Australia's financial system and the globalisation of capital in the 1980s.

The thesis is structured thematically rather than chronologically. The narrative unfolds through each chapter, but the major issues are clearer when presented by theme than they would be if they were set out in a comprehensive year-by-year account of events. A chronology of the major events of this story precedes the text of the thesis.

In a broad narrative, the chronological story of heritage protection in South Australia from 1978 falls into three periods. The first (1969-83) includes the early public protests, the enactment of state heritage legislation and establishment of a heritage bureaucracy to maintain the Register of State Heritage Items. At this time the public was dissatisfied with the pace and extent of heritage listing under the *SA Heritage Act*, which only protected individual iconic buildings. In 1981 the Adelaide City Council began to compile a conservative list comprising about 5 per cent of the city's building stock to create the

²⁵ Deyan Sudjic, *Norman Foster, Richard Rogers and James Stirling: New directions in British architecture*. (London: Thames and Hudson, 1986), p.33.

²⁶ Letter to editor, *Advertiser*, 30.6.86, p.7.

Register of City of Adelaide Heritage Items. That register became effective in 1987 but did little to moderate the protests.

Public protests continued and accelerated in the second period (1983-88) because of the limited number of buildings on heritage registers and the limited criteria used to select them. The most important heritage protest of this period was the 1983 campaign to save the Aurora Hotel in Hindmarsh Square, Adelaide, which had been recommended for listing on the city register but refused because the site was to be redeveloped. As described in chapter 6 below, the protest led to the emergence of Aurora Heritage Action, Inc. (AHA), which became the most vocal heritage lobby group in Adelaide during the decade, often working in cooperation with residents' associations and later the National Trust.

Rather than resorting to direct action, in the third phase from the mid-1980s lobbyists began to work with governments and developers. While governments were urged to protect the traditional character of Adelaide, capital became more freely available for property development. The rapid increase in property development from 1987 intensified opposition to further demolition of historic buildings. Local councils and lobbyists aimed to broaden the scope of heritage to protect historic precincts, even if individual buildings within those precincts did not merit heritage listing. The Bannon government slowly responded to public demand and introduced historic (conservation) zones through an amendment to the *Planning Act* (1982) in 1989.

Not regulated by the *Planning Act*, the City of Adelaide embarked on a similar scheme, known as the townscape initiative, which engendered one of the most destructive political debates in the council's history. In the heat of this debate, another prolonged public protest was staged in 1991 with the aim of saving the 'House of Chow' building in Hutt St, Adelaide. The Minister for Environment and Planning initially urged the Adelaide City Council to finalise its townscape scheme expeditiously to protect buildings such as the 'House of Chow'. However, as opposition to townscape protection increased both within the council and the community, the Minister for Local Government intervened and

persuaded the council to introduce a local heritage register for Adelaide with less stringent protective policies, another list of individual buildings which did not satisfy heritage lobbyists, as shown in chapter 5 below.

In the final years of the Bannon decade, the state initiated a review of its planning and heritage legislation, begun in 1991. The State Planning Review, conducted through a series of public consultations under the chairmanship of Michael Lennon, seemed to many to follow a preconceived course. The *Planning Act* (1982) and the *City of Adelaide (Development Control) Act* (1976) were replaced by the *Development Act* (1993), intended to streamline development application processes, allow the state government to fast-track certain proposals as major developments outside local government processes, and to introduce local heritage registers. Implicitly, historic conservation zones would be discouraged in favour of local heritage registers, a policy made explicit by the SA Planning Department later in the decade. The *SA Heritage Act* (1978) was replaced by the *Heritage Act* (1993), which vested the approval of heritage places with a State Heritage Authority rather than with the Minister, but retained the register and most of the provisions of the previous Act.

Much of the source material for this thesis is in the form of oral history. Representatives of all interest groups involved in heritage during the 1983-93 period were interviewed, including staff of the State Heritage Branch, members of the South Australian Heritage Committee (SAHC), elected members of the Adelaide City Council and its administration, developers, heritage activists and, informally, former Premier John Bannon. These were some of the people who both made and experienced this history. Each interviewee had a distinct point of view and memory of the events that are the subject of this thesis, and there were sometimes significantly differing versions between interviewees of the same sequence of events. In those circumstances, I have presented all points of view or have selected the most credible interpretation of events. I was myself actively involved in heritage politics during this period, primarily as secretary and then president of Aurora

Heritage Action, Inc. While biased in favour of heritage conservation, I endeavoured to be as objective as possible in conducting the interviews and incorporating their content into the thesis.

The thesis also derives information from contemporary newspapers and journal articles, as well as Hansard, state government and council documents, minutes and reports. And of course it relies on the ideas and work of earlier heritage historians, particularly Davison and McConville in Victoria, Freestone and Spearritt in Sydney, Gregory and Jones in Perth, who have examined the heritage issues of particular periods in their localities.²⁷ Combining all of these sources, the thesis can make no significantly greater or lesser claim to the ideal of objectivity that any other serious, research-based historical account of a series of events mediated by human observation and interpretation. As Robert Perks suggests, 'all historical sources, whether they are documentary or oral, are subject to the same influences of selectivity, interpretation and partiality'.²⁸

These sources have been combined to create a detailed and systematic slice of the social, economic, architectural, administrative and political history of the Bannon decade in South Australia. It is the first systematic research study of heritage politics in the City of Adelaide and makes an original contribution to the general literature on Australian built heritage and capital city politics.

²⁷ See *A heritage handbook* and other works by Davison and McConville on the topic of heritage conservation; Robert Freestone, 'Preserving Sydney's built heritage in the early twentieth century', 1999; Peter Spearritt, *Sydney's century*, 2000; Jenny Gregory, *City of light*, 2003; Roy Jones, *Contested urban heritage*, 1997.

²⁸ Robert Perks, *Oral history* (London: The Historical Association, 1992), p.7.

2 THE AUSTRALIAN LABOR PARTY DURING THE BANNON DECADE

This was a Labor Party which aspired to govern, reform and re-shape the traditional basis of Australian politics... This was the cruel historical paradox for Labor in the 1980s. The more successful it was the more it destroyed the basis of Laborism.

- Paul Kelly²⁹

By the time John Charles Bannon became Premier of South Australia in 1982, the Australian Labor Party had changed direction dramatically from its origins, a process accelerated under the federal leadership of Gough Whitlam from 1967. Previously representative largely of the working-class and intelligentsia, during the 1960s the ALP embraced the middle classes as well, due in part to the unionisation of white-collar professions and in part to a strategy by the party to broaden its base. 'A feature of Labor's "middle classing" was the creation of an educated, above-average-income ALP constituency spawned from the 1960s, often labeled the "new class".³⁰ Henceforth this new constituency dominated the party leadership.

The election of the Whitlam Labor government in 1972 had reflected the effectiveness of the ALP's broadening strategy, as well as the political weariness of the Coalition parties which had held government for the previous 23 years. While impressive in its social and environmental reforms, the Whitlam government showed its lack of economic experience through a series of financial blunders and lost its parliamentary majority by 1975. In an unprecedented move which some regarded as contemptuous of tradition or even unconstitutional, Governor-General Kerr withdrew the office of Prime Minister from Mr Whitlam on 11 November 1975 and handed it in a caretaker capacity to the Leader of the Opposition, John Malcolm Fraser. The Liberal-National Coalition won government decisively in the federal election held a month later, after revelations of scandals involving Whitlam Cabinet members, adumbrating a long-term swing to the right

²⁹ Kelly, Paul, *The end of certainty* (St Leonards, NSW: Allen & Unwin, 1992), p.15

²⁷ *Ibid.*, p.32. Cf. Scott, Andrew, *Fading loyalties*. (Leichhardt, NSW: Pluto Press, 1991).

in the Anglosphere beginning with the 1979 election of Margaret Thatcher's government in the United Kingdom.

The ALP was in tatters after the 1975 election, both federally and at the state level, except in South Australia. Whitlam's successor as Federal Labor Leader, Bill Hayden, announced a change of tactic for the party in his 'one great message: that Labor must achieve economic management superiority over the Liberals' to regain office.³¹ Hayden's message became the guiding principle for the next generation of Labor leaders in the 1980s, from Prime Ministers Hawke and Keating to Premiers Bannon, Burke and to a lesser extent Cain, who abandoned many of the social reformist principles of their predecessors in a tougher economic climate.

The Dunstan Labor Governments in South Australia (1967-68, 1970-79)

Don Dunstan was the first of the new Labor leaders to form a government, preceding the Whitlam government by five years and Neville Wran's by nearly a decade. He had become the SA ALP leader in 1967, aged 39, and 'the progressive, professional and middle-class image that he projected paved the way for a new style of Labor politics' in the state.³² He was confident, articulate, sophisticated and cosmopolitan. Like Whitlam, Dunstan entered his parliamentary leadership with a reformer's zeal. His agenda extended to social equality, Aboriginal affairs, education, electoral and industrial reform and advancement of the arts, although only his urban planning reforms are relevant to this thesis.

Dunstan demonstrated his commitment to regulating the urban planning processes in his first term of government with the passage of the *South Australian Planning and Development Act* (1967) under which the State Planning Authority was established and local councils were required to zone their districts. He gained the support of residents'

³¹ Scott, p.23.

³² Jaensch, Dean, *The Flinders history of South Australia: political history* (Netley: Wakefield Press, 1986), p.296.

associations in the 1970 election with his opposition to the Metropolitan Adelaide Transportation System (MATS) plan, which would have carved freeways through the inner city areas of Adelaide. He worked with successive lord mayors to regulate planning in the City of Adelaide with the establishment in 1972 of an informal 'Development Committee' comprising state and council representatives. The *City of Adelaide (Development Control) Act* (1976) established a City of Adelaide Planning Commission with the same composition and duties as the Development Committee.³³ This Act also extended control over development in Adelaide to the Adelaide City Council (ACC) with the provision, not available to other councils, that no demolitions could occur in Adelaide and North Adelaide without both public consultation and planning approval for a replacement building.³⁴ The ACC was the only local government body in SA to be regulated by its own planning legislation; in all other council areas development was regulated by the *Planning Act* (1982).

Premier Dunstan often intervened directly in City of Adelaide developments. He relates in his political memoir that he persuaded an unwilling parliament to hand over the historic North Terrace mansion, Ayers House, to the National Trust for restoration and public use rather than convert it into a chest clinic as proposed by the previous government. His powers of persuasion were extraordinary; the National Trust was resistant to the idea but the Premier won over its executive.³⁵ In 1971 Dunstan intervened directly to save the ornate ANZ Bank Building in North Terrace, designed by the prominent nineteenth century South Australian architect Edmund Wright. In a characteristically dramatic gesture, the Premier joined a residents' protest against demolition of the building and then persuaded

³³ Andrew Parkin and Cedric Pugh, 'Urban policy and metropolitan Adelaide' in Parkin, Andrew, and Patience, Allan, *The Dunstan decade* (Melb: Longman, 1981), pp.102-103.

³⁴ Don Dunstan, *Felicia, the political memoirs of Don Dunstan* (Melb: Macmillan, 1981), p.184.

the Cabinet to acquire it to house the Registrar of Births, Deaths, Marriages and the Arts Development Branch.³⁶

Dean Jeansch has claimed that ‘the election of 1975 was something of a turning point in the Dunstan period. Thereafter there was ‘a different and more hostile climate for the Dunstan government. Some of the capacity and confidence for reform, so characteristic of the early 1970s, appeared to diminish’³⁷. Undoubtedly the unpopularity of the reformist Whitlam government in 1975 would have been one cause. Nevertheless, another piece of legislation vital to the heritage movement in South Australia, the *SA Heritage Act* (1978), was passed with bipartisan support in the latter part of the Dunstan era. This Act established the Register of State Heritage Items and SA Heritage Commission and delineated the process for protecting state heritage items. Curiously, the Act is not mentioned by either Parkin and Pugh in *The Dunstan Decade* or by Don Dunstan himself in highlighting the urban planning achievements of the Dunstan decade, although it had enormous impact on heritage and planning politics in the decades that followed.

The contributions of the Dunstan governments to urban planning are summarised favourably by Parkin and Pugh:

Aspects of South Australian urban policy in the 1970s were imaginative, innovative and humane ... [and] the City of Adelaide acquired a more ‘urbane’ sensitivity.

Not the least of the Dunstan government’s achievements is to have destroyed the myth that State governments are inherently incapable of developing and implementing a sophisticated set of urban policies.³⁸

The reformist Labor era in South Australia closed with the Premier’s sudden resignation due to illness in 1979. His deputy, Des Corcoran, lacked Dunstan’s flair.

³⁵ *Ibid*, p.181.

³⁶ *Ibid*, p.182.

³⁷ Jaensch, p.311.

³⁸ Parkin and Pugh, p.112.

Intent upon 'consolidation' and 'sound management'³⁹, Corcoran reflected the post-Whitlam direction of the ALP at a time of economic recession. A grave political misjudgement in calling an early election limited Mr Corcoran's term as Premier to only seven months. His successor as Parliamentary Party Leader in 1980 was John Bannon, in opposition to Liberal Premier David Tonkin (1979-82).

The Wran Governments in New South Wales, 1976-85

In New South Wales, where the Askin Liberal government was collapsing over corruption charges in 1975-76, the Labor Party under the leadership of Neville Wran became credible in opposition, notwithstanding the national backlash against the Whitlam government. Its 1976 election campaign slogan, 'let's put this State in better shape', exemplified Labor's new direction. The first post-Whitlam Labor government was elected in NSW in May 1976, bringing hope to the decimated ALP. 'The election of a Labor Government in the largest State, less than six months after the 1975 devastation, galvanised the Labor Party throughout Australia. The existence of a successful Labor Government boosted Labor morale everywhere.'⁴⁰

Wran overcame a working-class upbringing to complete a law degree while dabbling in his preferred career as an actor. He was a cultured and charming, not to say debonair, politician with 'a verbal lash, a truly awesome instrument'⁴¹ matched only by that of his younger colleague Paul Keating. 'The two faces of Neville Wran, the street-smart boy from Balmain, rough and ruthless in running his Cabinet and Caucus; and the polite and polished public politician were the secret of his political success.'⁴² His rise to the leadership of his party was meteoric, and he became the longest-serving Premier in NSW, with approval ratings as high as 80 per cent. As National ALP President (1980-86) he presided over the return of Labor governments in all states except Queensland.

³⁹ Andrew Parkin, 'The Dunstan Governments: a political synopsis' in Parkin and Patience, p 17.

⁴⁰ Graham Freudenberg, *Cause for Power* (Sydney: Pluto Press and NSW ALP, 1991), p.251.

⁴¹ *Ibid*, p.237.

⁴² Mike Steketee and Milton Cockburn, *Wran*. (Sydney: Allen & Unwin, 1986), p.18.

According to Graham Freudenberg, the Wran government 'formed a chain of continuity between the Whitlam Government and the Hawke Government'⁴³. In challenging for the NSW party leadership in 1975, Wran presented to the caucus a Whitlamite reform platform: the environment, the national estate, funding for the arts, Aboriginal land rights, child care, the status of women and anti-discrimination laws.⁴⁴ At the same time, he recognised the need for economic development to provide more jobs during a recession, and private investment would be the vital factor in economic growth.⁴⁵ The reformist and environmental legislation of the Wran government was primarily the work of the Minister for Planning and Environment, Paul Landa, and Attorney-General Frank Walker. Among their early achievements was the *NSW Heritage Act* (1977), similar to Victoria's 1974 legislation and ahead of the *South Australian Heritage Act* (1978).

Heritage conservation was not the Premier's primary interest, however. Before taking office, 'Wran delivered some scathing remarks about the green bans placed on building projects' by the Builders Labourers Federation. As opposition leader in 1974 he said 'the time had come for unions to co-operate and consult with the Parliamentary Labor Party on future activities designed to preserve the environment',⁴⁶ although he conceded that 'until there is sensible and selective planning, coupled with a positive scheme to stabilise land prices [as Premier Dunstan had done in South Australia from 1973 through the Land Commission], green bans will be more in the public interest than against it'.⁴⁷

The Premier focussed on financial management and development, courting the 'Big End of Town'.⁴⁸ While Landa and Walker introduced environmental reform, Wran was seeking large-scale private investment. He launched an ambitious venture to lure an aluminium smelter to the Hunter Valley in 1978, using the state's electricity resources as an attraction. This was opposed by the left faction in the caucus, environmental groups and

⁴³ Freudenberg, p.251.

⁴⁴ *Ibid*, p.252.

⁴⁵ Steketee, p.189.

⁴⁶ *Ibid*, p.59.

⁴⁷ Burgmann, Meredith, and Burgmann, Verity, *Green bans, red union* (Sydney: UNSW Press, 1998), p.48.

⁴⁸ *Ibid*, p.188.

vignerons.⁴⁹ The prolonged negotiations typify Wran's departure from the Whitlamite vision of the ALP as a party of environmental reform. He may have acknowledged links with the Whitlam government in 1976, but two years later their traces were hardly found on the Premier. 'On balance, Wran's voting average leant heavily to the Right. ...His approach to politics was not based significantly on ideology and to only a limited extent on class.'⁵⁰ He was a model for the non-ideological Labor politicians of the 1980s.

The Bannon Governments in South Australia, 1982-92

Neville Wran was the most successful Labor leader of his time, and it would have been surprising if John Bannon had not emulated the leadership style of his senior eastern comrade to some extent. The two premiers had some characteristics in common, although Bannon had a middle-class background which was reflected in his political style. Like Wran, Bannon entered parliament with a little experience in acting, although Bannon's was limited to the university law revue. Both were excellent parliamentary debaters (Wran the more outstanding) but inexperienced in government on assuming the premiership, both held the portfolio of Minister for the Arts as well as Premier, each became the most popular and longest-serving Labor Premier of his state, at the same time serving as President of the Federal Labor Party, yet both were somewhat aloof from their colleagues.⁵¹ Both were non-ideological and tended to focus on the politics of development and financial management as the Australian economy tightened. Wran created the Industrial Investment Branch and Bannon the South Australian Financing Authority to assist the private sector in development projects. Wran introduced special legislation in 1982 for commercial

⁴⁹ Steketee, pp.202-206.

⁵⁰ *Ibid*, p.230.

⁵¹ Steketee, p.15; Chris Kenny, *State of denial* (Kent Town: Wakefield Press, 1993), p.10.

development of the vacated Pagewood GM-H factory site, by-passing planning processes,⁵² similar to the enabling legislation for the Adelaide Station and Environs Redevelopment project introduced by the Bannon government a year later.

Unlike the newly elected Wran Labor government in 1976, in South Australia the Labor Party had been out of government for only three years when re-elected on 8 November 1982. The memory of the radical Dunstan years was strong among the business community, and John Bannon strove to dissociate himself from that connection with his Wran-like campaign slogan: ‘Something is happening here again. We’re in business’.⁵³ Journalist Matt Abraham wrote after the election: ‘The Government’s survival beyond three years depend (*sic*) on his ability to placate and inject confidence into a business sector still stinging from the Dunstan years.’⁵⁴ Wearing pin-stripe suits and neatly trimmed hair, Bannon would not have been mistaken for a radical. ‘In the mould of the Corcoran and Tonkin regimes which he had succeeded, rather than the Dunstan regime before them, the Bannon Government—and its leader—emphasised careful management and only incremental change’⁵⁵ in a period of massive public indebtedness, high unemployment and high inflation. Trevor Sykes describes Bannon positively, as voters saw him in November 1982: ‘His young, lean face made him the most photogenic of Premiers. Behind the face was a decent, intelligent, high-minded man eager to advance the welfare of his state. Here was no ranting socialist but someone genuinely dedicated to public service. He was personally frugal... Thrifty South Australians identified with him and trusted him.’⁵⁶ Like

⁵² *Ibid*, p.210. The shopping centre and factory project had not commenced by 1985, when Wran resigned, despite the concessions to the developer.

⁵³ *Advertiser* 8/11/82, p.1.

⁵⁴ *Advertiser* 8/11/82, p.5.

⁵⁵ Parkin, ‘Looking back on the Bannon decade’ in Andrew Parkin and Allan Patience, *The Bannon decade: the politics of restraint in South Australia* (St Leonards, NSW: Allen & Unwin, 1992), p 9.

⁵⁶ Sykes, p.473.

Dunstan, Bannon represented the new breed of Labor leader, but Bannon's was the breed of the 1980s.

As Premier and Treasurer, Bannon concentrated on large projects jointly funded by the private and public sectors to stimulate the economy. These included 'the Golden Grove housing estate, the huge redevelopment of the Adelaide Railway Station area to include a Hyatt hotel and convention centre, a bid to win a submarine construction project and the advent of the Formula One Grand Prix to the inner Adelaide street circuit'.⁵⁷ As Treasurer, he later encouraged the State Bank Centre and REMM-Myer developments and the Multi-Function Polis (MFP), a high-technology/residential development to be located at Gillman near the Port River. He faced heated criticism of all of these developments. The MFP proposal lapsed after his final term because he was unable to attract the necessary national and overseas capital for its development.

During the 1982 election campaign, John Bannon, then leader of the opposition, revealed the direction his government would take. 'He marched down to the Adelaide railway station, stood outside the front of it, waved [a model of] the [Adelaide Station and Environs Redevelopment (ASER)] project in front of the cameras, and said, "This is what the Bannon Government will do"'.⁵⁸ The following year as Premier he introduced special legislation in the Legislative Assembly to enable the ASER project to progress under the direction of the state government without the usual constraints of City of Adelaide planning processes or other state legislation. This use of special legislation, bypassing normal planning procedures to fast-track major projects, was characteristic of the Bannon government. It widened the parameters and set the tone for planning politics in the state

⁵⁷ Parkin, p.11.

⁵⁸Speech by Michael Wilson, Minister for Transport, in South Australia, House of Assembly, 1983-84, *Parliamentary Debates*, Vol 3, p.3212.

for the next decade and was a major target of protest by heritage lobbyists, politicians, architects, planners and other South Australians. The project and its impacts are discussed in chapter 7 below. During the next decade Bannon showed little patience with critics in debates regarding urban developments, from the ASER project in 1983 to the Hackney Bus Depot site in his last year in office.

The heritage protests had little effect on the Premier's popularity. His politics of development, with cranes on the skyline and Formula One cars racing around Adelaide's eastern parklands, appealed to the electorate and made him the longest-serving Labor Premier in the state's history. The carping style of the leader of the opposition, John Olsen, might have helped Bannon to achieve a poll rating as 'Mr 70 percent' in the middle of the decade. His leadership style has since been questioned, however. In writing of the 'development versus conservation' debates of the 1980s, Lionel Orchard comments: 'it may be that some of the heat of the debates in the 1980s were (*sic*) the result of the lack of strong political leadership by the Bannon government. Premier Bannon's reticence was an understandable political orientation given the temper of the times, but political boldness and decisiveness are essential in dealing with long-term and inherently controversial questions of urban development'.⁵⁹ Former Minister for Health in the Bannon government, John Cornwall, not an unbiased observer, adds an insider's view of the Premier's leadership style in Cabinet: '...The Premier's view almost invariably prevailed. Broader policy or strategic planning issues were rarely discussed. They were confined to two or three Cabinet confidants, selected personal staff and the Party Secretary.'⁶⁰ Journalist and later Liberal Party candidate Chris Kenny described Bannon's style more succinctly: 'South Australia may have started as a

⁵⁹ Lionel Orchard, 'Urban policy' in Parkin and Patience, p.156.

⁶⁰ John Cornwall, *Just for the record* (Adelaide: Wakefield Press, 1989), p.41.

“Paradise of Dissent” but Mr Bannon wanted no dissenters in his government’.⁶¹ His firm grip in the backroom suggests that Bannon had greater involvement in urban developments than he appeared to have, and it contrasted with his public style, described accurately by Vern Marshall: ‘From the outset, Bannon presented a low-key, even self-effacing, leadership image...’⁶² The image succeeded with the electorate. As Kenny commented, ‘Voters didn’t really feel they knew him or liked him, but they certainly didn’t dislike or distrust him.’⁶³ However, those who disagreed with him confronted steely blue eyes and a firmly set jaw.⁶⁴

Whereas Don Dunstan was Premier in a period of full employment and economic growth and could afford to focus on electoral, social and urban reforms in the early 1970s, during the 1980s Australia experienced two of its deepest recessions since the Great Depression. The Bannon government faced structural unemployment in an economic base dominated by the motor vehicle and white goods industries. Tariffs on these goods were lowered, increasing competition, and later in the decade Commonwealth government grants to the states were sharply curtailed, which meant the Premiers had to increase revenue from their own resources.⁶⁵ As a result of the Commonwealth’s belt-tightening, the states were forced to finance a higher proportion of their activities from their own resources. In 1983 SA’s unemployment rate was 11 per cent, and for the entire decade it was above the rate for Australia as a whole.⁶⁶ The Premier sought alternative employment by securing part of the Navy’s submarine building program and, as Dr Cornwall described, ‘he ... enthusiastically supported a “brain led” recovery through the development of other high-technology industries. He ... also actively supported a “crane-led” recovery, aiding and encouraging

⁶¹ Kenny, p.12.

⁶² Vern Marshall, ‘The Labor Party’ in Parkin and Patience, p.37.

⁶³ Kenny, p.10.

⁶⁴ Personal experience of the author.

⁶⁵ GM Scott, ‘Economic policy’, in Parkin and Patience, p.83.

major construction projects in the Central Business District'.⁶⁷ Among the latter were the ASER project mentioned above, the State Bank Centre, redevelopment of the East End Market site and the REMM-Myer project, to be discussed in chapter 7 below. In addition to these city projects, the state government was involved in the controversial Roxby Downs copper-uranium mine and proposals for marina projects at Jubilee Point and Sellick's Beach. Heritage activists and/or environmentalists protested against all of these programs. The marina projects failed to eventuate, and more importantly for the Premier, the REMM-Myer project exposed the reckless investments of the State Bank of South Australia (SBSA) Group and the State Government Insurance Commission (SGIC), for which Mr Bannon was accountable as Treasurer.

In cutting costs to meet its increased commitments, Bannon's razor gang reduced the staff of all government departments, none more so than the Heritage Conservation Branch (restructured as the State Heritage Branch in 1985). Staff reductions eventually made it nearly non-functional. Starting with a research team of 15 staff to assess nominated buildings to determine whether they merited inclusion on the Register of State Heritage Items, by 1984 the research team was reduced to nine, in 1985 to three and in 1987 reduced again to 1.5,⁶⁸ at the time when the building boom was reaching its height and the threat to heritage buildings was at its greatest. The result was the loss of historic buildings because 'the amount of time taken to adequately research and produce Reports is considerable, and leaves open the possibility

⁶⁶ *Ibid*, p.75.

⁶⁷ Cornwall, p.213.

⁶⁸ Aurora Heritage Action, Inc, *Newsletter*, July 1987.

that potential items will be lost or damaged before they can be evaluated'.⁶⁹ Indeed, that possibility became reality during the 1980s.⁷⁰

Under the Heritage Act, the SAHC recommended to the Minister and Cabinet places to be entered on the Register of State Heritage Items. In another form of government intervention, some proposed listings, particularly churches, languished in Cabinet without explanation and were not listed on the register during the period of the Bannon governments. At the request of AHA in 1994, Minister Wotton referred the matter to the State Heritage Authority.⁷¹ All but one of the churches was subsequently heritage listed by the new authority. In addition, the premier or minister exerted tremendous influence behind the scenes in heritage matters. The heritage lobby thus faced formidable opposition in the Bannon decade. With respect to urban developments, the Bannon government did not exercise the 'politics of restraint' claimed by ~~Allan~~^{Andrew} Parkin and ~~Andrew~~^{Allan} Patience.

Political control was one form of power which the Premier wielded in development matters and economic power was another. The financial reforms of the Commonwealth government in the 1980s opened the way for unrestrained property development in each state, involving state financial institutions. Local governments were pressured by those institutions and developers to disregard planning and heritage principles. The Labor government in Western Australian was the most notorious. There Premier Burke (1983-88) created a corporatist-style 'Executive State',⁷² in which an association of vested interests coalesced around the WA Premier's Department and several government agencies, not accountable to

⁶⁹ Nicola Atchison, *The Heritage Act 1978 (S.A.)*, unpub LLB Hons thesis, University of Adelaide, 1985, p.66.

⁷⁰ Demolition of the Majestic Theatre in King William Street and the Sheraton Theatre in MacKinnon Parade are but two examples.

⁷¹ Letter MENR 6/94 to President, AHA, from the Minister for Environment and Natural Resources, dated 13 January 1994; copy in the author's possession.

⁷² Patrick O'Brien, 'WA Incorporated and origins and development of Western Australia's Executive State' in O'Brien, Patrick, and Webb, Martyn (eds) *The executive state* (Perth: Constitutional Press, 1991), pp.76ff.

the Auditor-General, invested in joint ventures with local entrepreneurs under very favourable terms from friendly banks. WA, Inc, as the media dubbed the group of entrepreneurs in league with the government, brought down the Burke government in 1988, and Premier Burke was later convicted of misuse of government funds. In 1990 Victorian Labor Premier John Cain resigned after eight years in office because of his blunder in initially supporting the failed Pyramid Building Society. As in SA, a Royal Commission was set up to investigate lending practices of the Victorian State Bank.⁷³ In South Australia John Bannon barely won the 1989 election which enabled him to become the longest-serving state Labor Premier in mid-1990; his last government relied upon the support of two independent MPs. Kenny made a snide allusion to WA Inc in writing that ‘throughout his second term [1985-89] Mr Bannon relied on SA Inc. to provide profits for his government and to foster economic development in the state’.⁷⁴ Unlike Brian Burke, Premier Bannon was never accused of personal gain or misrepresentation in government ventures, but as Treasurer he failed in his duty to the state to control the excesses of the State Bank, as described below. These frenzied property and investment booms of the 1980s developed in a global climate of economic rationalism and were made possible by the reforms of the Australian financial system.

The state government’s involvement in urban developments was not peculiar to Premier Bannon. As noted above, Premier Dunstan had intervened personally in some development proposals in the metropolitan area, as did Premier Playford before him. However, those Premiers did so without the tremendous economic costs inflicted on the state by the Bannon government.

⁷³ Sykes, pp.1-2, 382.

⁷⁴ Kenny, p.18.

The Hawke Federal Labor Governments 1983-92

In *The end of certainty*, Paul Kelly described the 1980s as 'Australia's decade of creative destruction',⁷⁵ referring to the reforms to the nation's financial systems initiated by Prime Minister Bob Hawke and Treasurer Paul Keating. The Prime Minister (who usurped the ALP federal leadership from the author of the message that Labor must convince the electorate of its capacity to manage the economy) responded to the 1983 stagflationary crisis by adopting Friedmanite policies of economic rationalism, inspired by Prime Minister Margaret Thatcher of the United Kingdom (1979-90) and President Ronald Reagan of the United States (1981-89). Hugh Emy succinctly summarises the reasons for the economic reforms: 'The major aims of structural reform can be stated easily enough: to create a more productive and competitive economy, better integrated with the global economy, with a more diversified export base. These, together with the need to reduce the current account deficit and stabilise external debt, form[ed] the core of Mr Keating's main game'.⁷⁶ The reforms were a dramatic reversal of traditional Labor policies in Australia which held that the marketplace should be constrained by public controls on capital and interest rates, strong trade unions and a welfare system that ensured decent wages and support for the disadvantaged. The economic reform measures of the Hawke government had a profound impact on the property sector.

The first reform measure, in December 1983, was a float of the Australian dollar, previously tied to the US dollar, by which the government relinquished control over the exchange rate. Combined with the abandonment of restrictions on the import and export of overseas currency, the immediate impact was a tremendous influx of capital as overseas currency speculators gambled on a rise in the value of the Australian dollar. Paul Kelly assessed the consequences: 'Neither Hawke nor Keating foresaw the full impact of

⁷⁵ Kelly, p.13.

⁷⁶ Hugh V Emy, *Remaking Australia* (St Leonards, NSW: Allen & Unwin, 1993), p.76.

deregulation, notably the credit explosion, asset boom and corporate crashes which the new system spawned later in the 1980s. Nobody could have foreseen these events.⁷⁷

International reaction to the float was initially positive. 'Labor won applause from around the world for its commitment to financial deregulation, free market economics, the achievement of a federal budget surplus, restraint of union claims, lower taxation rates, private sector restructuring through lower protection, higher profits and the reform of public enterprises.'⁷⁸ In 1984 and 1985 the remaining interest rate ceilings were removed, and foreign banks gained freer entry to Australia. Foreign banks increased their operational potential here, competing with Australian banks in lending and investments. Australia had by then become more integrated into a global market, partly because the internationalisation of the world's capital and financial markets had already proceeded so far that it was more or less impossible for a small country like Australia to resist moving in the same direction. However, the government also hoped that integrating Australia's financial system with international markets would increase the availability of capital and make the flow (and cost) of capital more sensitive to informed foreign assessments as to which Australian industries provided the best prospects for development.⁷⁹

The government continued to enjoy electoral success in recognition of its economic management. In 1984 Paul Keating received the *Euromoney* award as finance minister of the year and he became known locally as the 'world's greatest treasurer'.⁸⁰ But by the late 1980s, after an enormous influx of overseas capital and wanton speculation by banks competing for market share, the public sector began to realise that the banks had panicked. In a 1991 interview with Paul Kelly, Treasury Secretary Tony Cole said: 'The problem was

⁷⁷ Kelly, p.77.

⁷⁸ *Ibid*, p.31.

that nobody predicted the Australian banks would take such risks for market share. They didn't know how to risk-assess and nobody knew how incompetent they were.'⁸¹ The outcome was that 'in 1985 and the first half of 1986 the dollar lost 40 per cent of its value as it plummeted to new depths. By this time the foreign debt, about half of it public borrowing and half private, represented 30 per cent of the national product, and every new fall in the exchange rate increased its cost.'⁸²

A speculative boom in the property market took place in the states and affected state governments, which were mostly Labor governments. Of the 22 state and federal elections in the 1980s, Labor won all but five. 'The decade overall was Labor's best and the Liberal-National parties' worst since Federation.'⁸³ The states followed their federal leaders by increasing dramatically their involvement in economic development, and financial institutions rapidly expanded lending and investment recklessly, without proper credit risk assessment. As Trevor Sykes summarised the credit explosion, 'never before in Australian history has so much money been channelled by so many people incompetent to lend it into the hands of so many people incompetent to manage it.'⁸⁴ In the third term of the Hawke government a consumption and investment boom resulted from a broad expansion of business credit, on which there were few restraints.⁸⁵ The decade had a dramatic impact on Australia's financial structures, according to Kelly. 'It witnessed business shake-out, financial excess, economic restructuring, individual greed, the making and breaking of

⁷⁹ Emy, p.77.

⁸⁰ Kelly, p.90.

⁸¹ *Ibid.*, p. 89.

⁸² Stuart Macintyre, *A concise history of Australia* (Oakleigh: Cambridge University Press, 1999), p 241.

⁸³ Kelly, p.29.

⁸⁴ Sykes, p.2.

⁸⁵ *Ibid.*, p.361.

fortunes and, for many, a struggle to maintain financial and family security. Despite the hopes it engendered, the decade closed in pessimism.⁸⁶

The Impact of the Keating Reforms on South Australia

John Bannon's first government was elected in November 1982, four months prior to the Hawke Government, during a period of economic decline which worsened in the following year. Unemployment reached 11 per cent in SA in 1983. Bannon focused primarily on economic development, taking the portfolios of Treasurer and Minister for State Development. With new public financial institutions he was able to foster major projects, but seemed not to understand the limits to growth. Indeed, Kenny was later to suggest that Bannon is '...a man for whom money is a bit of a mystery'.⁸⁷ The financial institutions in SA were in concert with the expanding public sector spending, substantially financed by increased public sector borrowing, which occurred in all states in response to the Keating reforms and cutbacks in commonwealth grants. Much of the development, both public and private, involved commercial properties in prime locations in the central business districts, threatening the built heritage of the capital cities.

The Treasurer relied upon the South Australian Financing Authority (SAFA),⁸⁸ created in 1982 to coordinate all public sector borrowings both within Australia and overseas, to manage the state's financial reserves and to provide financial advice to the government. It became one of the largest financial institutions in the state.

The purpose of the authority was to borrow on behalf of all South Australian authorities and because of the size of its borrowings, thereby reduce the interest costs of the loans. SAFA borrowed money up to the limit of its Loan Council entitlement, whether the money was wanted by the public sector or not. The surplus funds were put into the money market. Thus SAFA, being a

⁸⁶*Ibid*, p.13.

⁸⁷ Kenny, p.112.

⁸⁸SAFA was created under the *Government Financing Authority Act 1982* and commenced operations in January 1983. South Australian Financing Authority, Annual Report 1989 – 1990 (Adelaide, 1990), p.6.

government-guaranteed agency, could 'borrow' at a lower rate and *lend* at full commercial rates. About 19 per cent of SAFA's total assets were invested outside the South Australian public sector, mostly with commercial enterprises.⁸⁹

Kenny adds that 'even more importantly, SAFA played a key role in the provision of capital to facilitate the State Bank's extraordinary growth'.⁹⁰

SAFA reported directly to the Treasurer, Mr Bannon, not to Parliament. By 1988, according to three *Advertiser* journalists, 'the South Australian Financing Authority 'face[d] a groundswell of criticism from private enterprise financial institutions about its financial performance'. While these journalists revealed no wrongdoing on the part of SAFA, they did warn that 'recent moves into new areas of financial dealing reveal potential problems and dangers'. They particularly expressed concern about the Authority's move into commercial lending and investment, including the risky share market, and added that 'if SAFA's role widens it becomes harder to scrutinise its conduct or discern clearly the paths by which funds are directed'. The journalists concluded with some prescience but no evidence, 'there is a point beyond which a government should not reach'.⁹¹

Soon after SAFA was created in January 1983, the Bannon government passed the *State Bank of South Australia Act* (1983), which took effect on 1 July 1984. From that date the State Bank of South Australia (SBSA) was no longer the conservative lending institution it was when established in the previous century. It had merged with the Savings Bank of South Australia to form an enlarged State Bank that could operate in the entrepreneurial world of the 1980s. Its board appointed as managing director the son of a Sydney retailing family, Tim Marcus Clark, who had previous experience with the Commercial Bank of Australia and Westpac. 'From a very early stage of his appointment Clark had set his goal on expanding the

⁸⁹ Brendan Gleeson and Nicholas Low, *Australian Urban Planning* (St Leonards: Allen & Unwin. 2000), p.84.

⁹⁰ Kenny, p.63.

SBSA into a national bank.⁹² Unfortunately for the state, he was neither sensible nor successful in his methods, indulging in an entrepreneurial extravaganza that continued through 1990. 'Of all the State Banks, the State Bank of South Australia ... [was] remarkable for both its growth and for the magnitude of the losses that it ... generated.'⁹³ The Premier had informed Parliament in 1984 that the relationship between the government and the bank was a 'co-operative and consultative one', but in fact SBSA was autonomous in its lending practices.⁹⁴

SBSA began its expansion a few months before the merger by acquiring Beneficial Finance Corporation Ltd (BFC) through the Savings Bank of South Australia in April 1984. BFC was the bank's wholly owned subsidiary when the merger took effect. The rapid growth of the bank group was facilitated by the large number of cross-directorships on the boards of SBSA and BFC.⁹⁵ BFC became one of the main vehicles through which SBSA increased its assets without reporting all of its assets on its balance sheets. There was no standard format in Australia for the presentation of annual balance sheets,⁹⁶ and 'a lot of disasters occurred in BFC acquisitions which were hidden in corporate shelters off the SBSA's balance sheet and never reported to the government'.⁹⁷ Not only were the assets of subsidiaries kept off the balance sheets, but SBSA's own takeovers were concealed through creative accounting. This meant that the bank could proceed along a path of 'unrestrained

⁹¹ Malcolm Newell, Ian Porter and Chris Milne, 'SA Inc', *The Advertiser*, 15 November 1988, p.21.

⁹² Sykes, p.476.

⁹³ Scott in Parkin and Patience, p.88.

⁹⁴ Greg McCarthy, *Things fall apart* (Melbourne: Australian Scholarly Publishing, 2002), p.129.

⁹⁵ See *Royal Commission into the State Bank of South Australia, Second Report*, November 1993, p.225.

⁹⁶ As a result of disclosures of the SBSA and BFC accounting systems, a new Australian accounting standard was introduced effective June 1990 through amendment to the Corporation Act.

⁹⁷ Sykes, p.480.

growth'⁹⁸, focusing primarily on the property sector, without full disclosure to the government.

In addition to its corporate growth, BFC lent heavily in Adelaide's property market, especially as it entered a boom period in the mid-1980s. 'Advances by Beneficial to property developers could be arranged in such a way that a loan could be transferred to an off-balance sheet company within the group if it became non-accrual.'⁹⁹ From 1987 many loans did become non-accrual as commercial property developers were forced into liquidation after the share market collapse and consequent decline in the face value of commercial properties. SBSA too felt the sting of property speculation: 'As the bank grew from an asset base of \$2,683 million in 1984 to \$17,300 million in 1990 it dramatically shifted its focus to commercial lending, especially in the booming property market.'¹⁰⁰ SBSA's major exposures involving property development in Adelaide were its share of the REMM-Myer project and earlier the State Bank Centre. Both projects entailed the loss of built heritage.

The other South Australian public institution which was involved in property investment was the State Government Insurance Commission (SGIC). SGIC was formed by the Dunstan Government to provide universal third party vehicle insurance. In 1988 it became important to the Bannon Government as a financier for the REMM-Myer project through a put option arranged to protect SBSA. In addition to Adelaide properties, another costly investment to the Bank Group was 333 Collins St Pty Ltd in Melbourne, with an SGIC put option in the amount of \$550 million.¹⁰¹ At that time, 'the public was not aware that the operations of the bank, SAFA and ... SGIC involved considerable public risk in

⁹⁸ Royal Commission, First Report, p.391.

⁹⁹ Terry Maher, 'Why the State Bank went south', *Australian Business*, 11(17), 20.2.91, p.14.

¹⁰⁰ Kenny, p.68.

speculative deals interstate and overseas; or that the government was involved in complicated tax minimisation schemes; or that government institutions were co-operating to support high-risk South Australian developments'.¹⁰²

In 1989 the Opposition, particularly Jennifer Cashmore, MLA, began to ask questions in Parliament about the number and value of SBSA's off-balance-sheet companies. At first only four such companies were named but by December 1990 the number reported had risen to 58. Of those, 53 were believed to be connected with BFC.¹⁰³ Two months later, when the Treasurer announced he 'was advised of a gap between the book values and estimated realisable values [of the Bank's loan assets]'¹⁰⁴ forcing him to seek a \$1 billion bailout of SBSA, the public was inclined to blame the bank's CEO, Tim Marcus Clark, for his recklessness. However, as Trevor Sykes points out, under the State Bank Act, 'the bank remained a semi-government authority and therefore, in accordance with constitutional principle, was required to act in the public interest, was subject to ministerial direction, and depended on the government for its capital. As well, the state government was the ultimate guarantor. ... The bank was always a state authority and a state responsibility.'¹⁰⁵ That is, the Treasurer was responsible for the actions of SBSA and should have ensured that he was fully informed of its practices. Treasurer Bannon expressed a different view in Parliament on 30 December 1990. '...I draw attention once again to the fact that the State Bank Act and the way in which it was established specifically precludes, and rightly so, the government being directly involved in direction and management of the bank's affairs. It also ensures that the bank has a commercial charter and therefore must take its place in the

¹⁰¹ Maher, p.16.

¹⁰² *Ibid*, p.18.

¹⁰³ *Ibid*.

¹⁰⁴ South Australia, House of Assembly, *Parliamentary Debates*, 1990-91, Vol 3, p.2813.

¹⁰⁵ Sykes, pp.473-74.

commercial world, and that is what it is doing.’¹⁰⁶ Notwithstanding that statement, the Premier *was* involved in the direction of the bank group’s financial dealings, at least with respect to the REMM-Myer project. As Sykes expressed it, ‘the broad picture is that Bannon wanted REMM-Myer. It was never commercially viable, but a few key players at the top of SA Inc decided that they would please Bannon and give him his project anyway’. ‘The SGIC was having a rush of blood to the head.’¹⁰⁷ Less rhetorically, the Royal Commissioner concluded that ‘there was strong interest in, and support for the [REMM-Myer] project by the Government, such that it may well have influenced those members of Bank management and the Board who were responsible for the approval process’, noting ‘that some in the Government were expressing concerns about the commercial viability.’¹⁰⁸

After getting a \$1 billion bailout of SBSA through parliament in February 1991, the Premier declared ‘that the Governor, on the advice of Cabinet, has, under section 25 of the State Bank Act, appointed the Auditor-General to make a wide-ranging investigation into the bank. To put it as bluntly as it can be, the purpose is to find out what went wrong and why.’¹⁰⁹ The Honourable SJ Jacobs was appointed Royal Commissioner to undertake the investigation. In the Report of the Royal Commission into the State Bank of South Australia, the Commissioner found ‘the Bank and the Bank Group failed because “it grew too fast”, but unfortunately, it was growth which was irresponsible. As the Auditor General has stated, “put simply, the Bank made too many loans that it should never have made; and the loans were high risk, beyond a level acceptable to a prudent banker”. The same conclusion may be made in relation to BFC.’¹¹⁰ The Royal Commissioner found that

¹⁰⁶ *Parliamentary Debates*, 1990-91, Vol 3, p.2757.

¹⁰⁷ Sykes, pp.494 and 495.

¹⁰⁸ Royal Commission, Final Report, p.101.

¹⁰⁹ *Parliamentary Debates*, 1990-91, Vol 3, p.2814.

¹¹⁰ *Royal Commission, Final Report* (March 1993), p.9.

‘the Bank was encouraged in the course that it took by a Government that, according to circumstances, was either supportive or indifferent’.¹¹¹

The Royal Commission soon found that the position of the bank group was far worse than originally reported publicly. ‘The Government has had to support the Bank to a far greater extent than it then anticipated as the level of non-performing loans and assets within the Bank and the Bank Group during 1991 was progressively recognised as having soared to a much higher level.’¹¹² Two further bailouts of \$2.2 billion were needed, for a total of more than \$3 billion. ‘Of that \$2.2 billion, nearly \$1 billion was lost in Beneficial [BFC]. Another \$350 million had to be injected into the SGIC, mainly because of its put option over [the Melbourne office building at] 333 Collins Street.’¹¹³ Chris Kenny concluded that ‘despite record losses by Australian banks after the boom and bust of the past decade, the State Bank’s rapid expansion and crash is in a class of its own’.¹¹⁴ The debacle brought down the Premier, who resigned in September 1992 when his position in Parliament became untenable. Bannon was succeeded as Premier by his Deputy, Lynn Arnold, but despite Arnold’s reasonable performance as Premier, the state election in 1993 demonstrated deep public disaffection with the Labor Party. A Liberal government led by Dean Brown was elected by a landslide in 1993. This government proved no more sympathetic to the heritage issues of the state.

The best that can be said about the economic management of the Bannon government was that there was no imputation of personal gain on the part of the Premier or his Ministers, unlike their counterparts in Queensland and Western Australia during the same

¹¹¹ *Royal Commission, First Report* (November 1992), p.392.

¹¹² *Ibid*, p.3.

¹¹³ Sykes, p.513.

¹¹⁴ Kenny, p.68.

period. On the other hand, Tim Marcus Clark and other CEOs of the state's financial institutions, who were allowed a free hand, gained considerably from the property boom, in the form of bonuses, commissions on loans and large redundancy payouts at taxpayers' expense. Bannon as Treasurer deserved severe criticism, however, as found by the Royal Commissioner: '...it is impossible to ignore the criticism in the report of the role played by the then Treasurer, Mr Bannon, but it would be a fundamental error to assess that role without also examining the role of the Under Treasurer and his officers, of SAFA, of the Board and Mr Clark, and of the Reserve Bank. None of them escapes criticism, and sometimes severe criticism.'¹¹⁵

Kenny asserts that Bannon was mainly culpable for the disaster. 'There is no doubt that the State Bank catastrophe is the Bannon Government's single greatest failing; it completely undermined the government's claim to be a responsible economic manager, and it destroyed its attempt to regain financial and political direction.'¹¹⁶ However, the Royal Commission found that national economic conditions contributed to the crisis. In deregulating the financial system, creating a culture of unrestrained growth and speculative investment in Australia by managers unprepared and untrained for the consequences, the federal government contributed to the State Bank fiasco. The external economic factors identified by the Royal Commissioner which contributed to the State Bank's collapse were:

- a sustained period of high inflation leading to entrenched inflationary expectations;
- the emergence of the entrepreneurial ethic which invoked the seeking of wealth through asset purchases;
- the nationwide boom in property and tourist development;
- the stock market crash of 1987;
- the volatility of interest and exchange rates;

¹¹⁵ Royal Commission, *First Report* (November 1992), p.389.

¹¹⁶ Kenny, p.27.

- the two periods of very high interest rates—one in 1985-86 and the other in 1989-90.¹¹⁷

The economic volatility was also disastrous for heritage conservation, as the nation's central business districts were stripped of their old stock of commercial buildings, which were replaced by speculative modern office towers, creating uninhabited ghostlike city streets after hours, except for a few entertainment strips. Residential areas too were blighted by inappropriate commercial and residential structures, leaving Australia far poorer architecturally. Kenny aptly sums up the mood in South Australia in 1992: 'There is a hollowness about the state, symbolised by its tallest building [the State Bank centre] - the tumour rather than the spine of the city.'¹¹⁸

¹¹⁷ Royal Commission, *First Report*, p.391.

¹¹⁸ Kenny, p.143.

3 THE STATE HERITAGE BUREAUCRACY

As heritage councils and committees are usually the creatures of government, they cannot always be expected to withstand powerful property interests, especially when these have the backing of the political party in power.

- Peter Spearritt¹¹⁹

Government bureaucracies are often the source of policy development for a Minister, and sometimes Ministers may delegate authority to high-level bureaucrats. Therefore, a study of the bureaucracies which impact on a policy area is essential. The Bannon governments 1982-92 provided three Ministers for Environment and Planning, which included the State Heritage portfolio: Donald J Hopgood (1982-89), Susan Mary Lenehan (1989-92) and Milton Kym Mayes (1992-93). None had had experience in heritage issues before assuming their portfolio, but lack of knowledge of portfolio details is not uncommon for a new Minister. How quickly they learn the portfolio is one measure of a Minister's quality. Dr Hopgood was the longest-serving Minister with the heritage portfolio and earned the highest regard among the bureaucrats in his Department, along with his predecessor, Liberal Minister David Wotton.¹²⁰ Because Dr Hopgood was also Deputy Premier, the status of heritage was raised in Cabinet, but the opposition to some heritage values at times by Cabinet ministers diminished Dr Hopgood's effectiveness. Ms Lenehan, the former Minister for Education, also learned the heritage portfolio very quickly from 1989.¹²¹ Mr Mayes had insufficient time as Minister for Environment and Land Management to deal effectively with heritage issues before he lost his seat in the 1993 election.

The State committees and agencies empowered to deal with heritage matters included the following bodies:

¹¹⁹ Peter Spearritt, *Sydney's Century* (Sydney: UNSW Press, 2000), p.257.

¹²⁰ Dr Peter Bell, personal interview, 17.7.00.

¹²¹ Dr Peter Bell, personal interview, 24.10.00, and personal experience of the author.

- The City of Adelaide Planning Commission
- The South Australian Heritage Committee
- Heritage Branch (1978-82) or Heritage Conservation Branch (1982-85) State Heritage Branch (1985-94)
- The South Australian Planning Commission
- The Special Projects Unit of the Department of the Premier and Cabinet

The most important of these for heritage conservation were the first three.

The City of Adelaide Planning Commission

The City of Adelaide Planning Commission (CAPC) was constituted in 1977 under the *City of Adelaide (Development Control) Act* (1976), an initiative of the Dunstan government. As a joint planning body of the Adelaide City Council and the state government to facilitate the coordination of planning by both tiers of government in the state capital, it reported to the Minister for Planning and the South Australian Planning Commission. Dunstan sought a 'concerted plan for preservation and improvement of the city' because 'the Adelaide City Council had given every sign that it resented interference by the state government and could gather to itself a majority of the reactionaries of the Legislative Council to resist any state government initiative. In fact several of those [reactionaries] formerly had been members of the City Council, which was overwhelmingly representative of Establishment business interests'.¹²² As will be seen, Premier Dunstan's joint committee approved nearly all private developments recommended by the council, although occasionally it had a moderating effect on those recommendations.

¹²² Don Dunstan, *Felicia* (Melbourne: Macmillan, 1981), p.184.

The following is a summary of the statutory responsibilities vested in the commission by the Act:

- 1) to report to the Minister of Planning on proposed amendments to the Principles of Development Control;
- 2) to grant approval to proposed developments involving council property;
- 3) to give consent to private developments which were not in compliance with the Act but which were deemed by the Adelaide City Council to be in accordance with the Principles of Development Control; and
- 4) To consider private developments referred to the commission by the Minister.

In addition, the commission advised both council and state on a wide range of policy matters related to planning and development in the city, including the City of Adelaide Plan Reviews, and was asked by the Minister to comment on all state development proposals in the city.¹²³ The commission regarded itself as having provided a degree of flexibility in development control.¹²⁴

Meetings of the CAPC were held *in camera*, usually in the Adelaide Town Hall. Membership consisted of the lord mayor in the chair, two aldermen and the city planner or city manager representing the City of Adelaide; the government representatives were the Director-General of the Department of Housing, Urban and Regional Affairs, the Director of Planning and Chairman of the State Planning Authority, the Chief Design Architect of the South Australian Housing Trust and the Director of Transport, or their nominees. The latter changed with the vicissitudes of departments under different ministries—for example, the Department of Housing, Urban and Regional Affairs was reorganised and the Director of the Department of Environment and Planning replaced the former Director-

¹²³ First Annual Report, City of Adelaide Planning Commission, 1979, p.3. Information in this section has been gleaned from the CAPC annual reports, 1979-86 and minutes of meetings. The Minister did not seek the advice of the CAPC on the ASER project, as noted in chapter 7 below.

¹²⁴ *Ibid*, p.7.

General. The Public Buildings Department and the Department of Transport were represented in the commission's later years. However, the composition remained similar: all members were male except Lord Mayor Wendy Chapman (1983-84) until 1985 when Judith Brine, then deputy head of the University of Adelaide architecture department, was appointed as a public representative. Before 1985, the commission membership was equally divided between ACC and government representatives; Dr Brine brought the membership to nine, and often hers was the lone vote against developments that did not comply with the City Plan.

The council dominated the commission's decisions on property developments. All development proposals for Adelaide, whether involving state, council or private properties, first passed through the council's planning processes before referral to the commission, and the council representatives led by the lord mayor generally voted as a bloc on development proposals. Government representatives, on the other hand, would be likely to comment only when the interests of their particular departments were affected. Until the late 1980s the council represented the business and property interests of the city. In 1989 pro-heritage Alderman Mark Hamilton was a council representative, reflecting the changing composition of the council. In 1991 he was replaced by Alderman Chris Douglas, and in 1992 Alderman Jane Rann joined him to make two pro-heritage council members.

The rate of approval of private development proposals for 1977-86, as listed in the annual reports and shown in Table 1 below, reveals that the commission was little more than a rubber stamp for ACC recommendations. In those ten years, only one private development was refused, and given that the commission only considered proposals that did not comply with the City of Adelaide Plan, the commission clearly supported development over planning principles in the city. The annual private approvals from 1977

to 1986 show an increase in property developments during the life of the commission, particularly in 1985-86, as well as the consistent approval rate. The figures hide the negotiations for modifications of the projects, however.

Table 1

Private Development Proposals Considered by the Commission 1977-86¹²⁵

Year(s)	Number of Proposals	Approvals
1977-79	28	27
1980-81	20	20
1981-82	24	24
1982-83	30	30
1984-85	25	Not reported
1985-86	49	Not reported

From 1987 no annual reports of the commission were published. The minutes of CAPC meetings were prepared in a minimalist style, only listing the significant developments and action taken by the commission on them. No annual summary of development proposals was provided, and no discussions about the development proposals or comments about commission actions were recorded. Its record with respect to approval of developments initiated by the state and by private developers was similar to the 1977-86 decade, with the commission concurring with a majority of the council's recommendations. However, there were far more development applications in the 1987-90 period, during the building boom, and more refusals. Most of the refusals involved small projects. The

¹²⁵ Figures derived from Annual Reports of the CAPC 1977-86.

northern East End Market proposal was an exception, approved after a presentation by developer Ian Quigley in October 1987, but a revised plan was refused two months later.¹²⁶

The ratio of private developments to city and state developments had shifted dramatically by 1987. In 1987, for example, four ACC developments and 17 state government proposals were considered, compared with 42 private developments, whereas earlier in the 1980s public developments were in the majority.¹²⁷ This pattern continued until the end of the 1980s. Among the state government projects referred to the CAPC, the following were particularly controversial:

- redevelopment of the Old Grenfell St Mail Exchange, retaining only the façade of the building (1981-82);
- the Adelaide Station and Environs redevelopment project (1982-83 and amendments each year thereafter), involving restoration of the railway station and its conversion into a casino; construction of an international hotel, an exhibition and conference centre and an office building over disused railway lines [comments by the CAPC were disregarded];
- the Grand Prix Formula One car races in the parklands (1984);
- redevelopment of properties on the eastern side of Hindmarsh Square for medium density offices [Citicom Project] (1982-83);
- the State Bank Centre project (1985-86), the tallest building in Adelaide, with the facade of the heritage-listed Commonwealth Bank building in Currie St retained, the interior banking chamber demolished and the Adelaide Steamship Company building in Currie St demolished;
- the Remm-Myer project involving a large retail complex and demolition of the existing Myer buildings, office accommodation in Rundle Mall, Stephen Terrace and North Terrace (1987); interiors of heritage-listed buildings in North Terrace to be demolished;
- four approved development proposals, not commenced, for the East End Market sites 1986-91 which exceeded the plot ratios for the two sites substantially and compromised the heritage elements of the site;

¹²⁶ CAPC minutes, 28.10.87, p.3, and 16.12.87, p.3.

¹²⁷ Minutes of CAPC, 1987.

- demolition of the heritage-listed Working Women's Creche in Gouger St in two stages: in 1985 only its façade was left to the depth of one room, and in 1988 demolition of the remnant was approved; and
- demolition of buildings at the Hackney Bus Depot (1992).

Among the policy matters considered by the commission, described in the annual reports, were:

- low-rent accommodation,
- incentives for residential development in the City,
- amendment to the Act to impose time limits on development approvals, after which the approval would lapse,
- raising of height limits on building in Adelaide and bonus plot ratios for energy efficient buildings,
- Commission consent required for all development proposals involving heritage places in Adelaide,
- amendments to give statutory recognition and protection to items of city heritage and significance listed on a City of Adelaide Heritage Register

The CAPC also reviewed the City Plan for 1986-91, a lengthy process in May 1987.

The CAPC expressed concern about the impact of changes to plot ratios on the transferable floor area scheme and about the loss of development potential of sites adjacent to heritage items under Principle 20, which required that adjacent buildings 'should respect and complement the built form character of such item in terms of scale, building form, materials, external finishes and colour'.¹²⁸ At a special meeting on 18 November 1992,¹²⁹ the CAPC considered principles of the council's townscape initiative, but as described in chapter 5, the state government later intervened to negate the concept of townscape protection in favour of a local heritage register.

¹²⁸ CAPC minutes, 27.5.87, pp.2 and 3.

¹²⁹ CAPC minutes, 18.11.92.

The minutes show that proponents of major developments were invited to attend CAPC meetings; opponents or heritage activists were rarely offered the same privilege. For example, in 1987 the developers of the ASER Exhibition Centre in North Terrace attended a CAPC meeting with two representatives of the State Transport Authority. The Commission concluded that the proposal on public parkland was 'a satisfactory and appropriate development for the site and for the City of Adelaide'.¹³⁰ In an exceptional move, residents' groups and the Retail Development Association were invited to a meeting to consider redevelopment of the large Le Cornu Furniture store site in O'Connell St, North Adelaide, which had been the subject of a prolonged residents' protest. The development was approved¹³¹ but did not proceed because of lack of finance.

The CAPC maintained its record of supporting the overwhelming majority of non-complying private developments referred to it until the *Development Act* (1993) was proclaimed. Applications refused by the CAPC generally involved minor projects, such as an application to extend office and storage space for the Red Cross Society in Childers St, North Adelaide, and another to extend a crash repair shop in Fenchurch St in 1991.¹³² Like the council, the commission consistently refused approval for temporary open lot carparks and for changes of use of property from residential to commercial purposes.¹³³ The major projects were ultimately approved, although sometimes amendments were required or conditions imposed, as in the case of the redevelopment of the Le Cornu site in North Adelaide.¹³⁴ Thus, while the role of the Commission in bringing together representatives of city and state governments to agree on development projects within Adelaide may have

¹³⁰ Minutes of CAPC, 4.3.87, p.3.

¹³¹ Minutes of CAPC, 28.6.93, p.2.

¹³² Minutes of CAPC, 8.11.89, p.2, and 10.7.91, p.3.

¹³³ See, eg, minutes of CAPC 27.8.87, p.2, and 8.9.93, p.2.

been fulfilled, the potential for the Commission to assess major developments critically in the public interest may not have been satisfied.

The last meeting of the CAPC was held on 15 December 1993. After the *Development Act* (1993) was proclaimed, the CAPC was intended to report to the Development Assessment Commission (DAC) but did not meet again because its roles were taken over by DAC and the Development Policy Assessment Commission established under the 1993 Act. The CAPC was officially disbanded in 2000.

The South Australian Planning Commission

The *Planning Act* (1982) came into full operation on 4 November 1982, just four days before the state election which brought in the Bannon government. The Act replaced the Dunstan government's *SA Planning and Development Act* (1967) and established three state bodies to consider development proposals outside the City of Adelaide:

- The South Australian Planning Commission, a three-member commission primarily responsible for co-ordinating state involvement in the consideration of development proposals.
- The Advisory Committee on Planning, responsible for advising the Minister for Environment and Planning on urban and regional planning, and in particular on the suitability of proposed amendments to the planning policies contained in the Development Plan established under the Act.
- The Planning Appeal Tribunal, an independent, judicial tribunal formed to hear appeals against planning decisions on development applications.¹³⁵

The three members of the commission were usually a planner, a representative of local government and a developer.

The Act was intended to apply uniformly across South Australia, except in the City of Adelaide with its separate legislation in the *City of Adelaide (Development Control) Act*

¹³⁴ Minutes of special meeting of CAPC, 28.6.91. An earlier planning application for the site was refused because the project would 'exceed height and plot ratio limits'. Minutes of CAPC 10.4.91, p.2.

(1976). The commission, therefore, received and made decisions about development proposals from local councils and regional areas, while the Authority developed policies regarding land use. The term 'development' under the Act did not include demolition, which meant that local governments and the commission could not prohibit the demolition of buildings. Among the significant state areas which the commission considered were the Hills Face Zone, the Mt Lofty Ranges, the River Murray Flood Plain, mining operations, conservation parks and land containing native vegetation.

The *Planning Act* (1982) did not directly affect state heritage. It proved inadequate as local councils sought demolition control and their own heritage protection by the mid-1980s. The State Planning Commission is only relevant because the City of Adelaide Planning Commission reported to it. The most significant committee empowered to make recommendations on heritage matters was the South Australian Heritage Committee.

The South Australian Heritage Committee

Section 8 of the *South Australian Heritage Act* (1978) provided for the establishment of a South Australian Heritage Committee (SAHC) of 12 members appointed by the Governor. No nomination process was defined in the Act; in practice nominees were suggested by the Heritage Branch (hereinafter referred to as the Branch),¹³⁶ by SAHC members, a Minister or by professional bodies. They tended to represent a mixture of building- and heritage-related professionals, such as architects, planners and historians and occasionally an environmentalist, or to hold leadership positions in the law, clergy, the real

¹³⁵ South Australian Planning Commission, Report on the Administration of the *Planning Act 1982* (Adelaide: Government Printing Office, 1982), p.3.

¹³⁶ The Heritage Unit was formed as a section of the Department for the Environment in 1978. In 1981 the Department of Environment and Planning was formed, and the new Heritage Conservation Branch was located within the Conservation Programs Division of the Department with two sections, European Heritage and Aboriginal Heritage. In 1985 the Heritage Conservation Branch was divided into the State Heritage Branch and the Aboriginal Heritage Branch. (Brian Samuels, 'The history of Heritage South Australia and its predecessors, a chronology', [Heritage SA, 2000], unpub. document, pp.1-2.)

estate industry, a regional area or local government.¹³⁷ Cognate branches of the public service, such as the Public Buildings Department, were also represented from time to time. It was intended that the members would have ‘recognised commitment to, or skills and experience in heritage conservation’.¹³⁸ Minister for Environment David Wotton promised in Parliament to ‘move an amendment to ensure that the committee is always an informed body that cannot be dominated by a pressure group of any description. It is important ... to ensure that the membership of the committee is recognised and has recognised skills and experience in heritage conservation’.¹³⁹ While many members of the SAHC met those expectations, others had no commitment to heritage conservation and were obvious political appointments, such as developer Wendy Chapman and restaurateur Jill Heaven in 1982, who were both active members of the SA Branch of the Liberal Party. According to a long-term professional of the Heritage Branch, ‘[the committee members] were there to represent a viewpoint but over and over they forgot that and thought they were heritage experts’.¹⁴⁰

The SAHC was an advisory body only; it could not make decisions on behalf of the Minister with respect to heritage matters. During a reading of the Bill the opposition spokesman on heritage, David Wotton, warned “that the proposed Heritage Committee would ‘lack teeth’ as it would not have ‘judicial independence’”.¹⁴¹ Mr Wotton proved to be correct. Its functions, contained in clause 8(1) of the Act, were:

¹³⁷ Dr Peter Bell, personal interview, 24.10.00. Dr Bell was Register Supervisor and later Acting Manager of the Branch, 1983-93. Lists of Committee members are attached in Appendix A.

¹³⁸ Hon. JD Corcoran, Minister for the Environment, second reading of *South Australian Heritage Bill*, House of Assembly, 1977-78 *Parliamentary Debates*, Vol 3, 9.3.78, p.2099.

¹³⁹ Hon JD Wotton, *Ibid*, p.2299.

¹⁴⁰ Dr Peter Bell, personal interview, 24.10.00.

¹⁴¹ Sheryl Yelland, ‘Heritage legislation in perspective’, in Graeme Davison and Chris McConville, eds, *A heritage handbook* ((Sydney: Allen & Unwin, 1991), p.56.

- (a) to advise the Minister on any matter relating to the entry of an Item on the Register and to the removal of any Item from that Register;¹⁴²
- (b) to advise the Minister on the provision of financial assistance to persons or bodies for the preservation or enhancement of Registered Items of State Heritage Areas;
- (c) to advise the Minister on any matter or thing relating to the physical, social or cultural heritage of the State, that may be referred to it by the Minister;
- (d) such other functions as may be assigned by the Minister.

The committee's main role was to represent the views of the public on heritage matters, as distinct from those of the government and public service, but the business of the committee was confidential, a source of complaint from interest groups during the 1980s. It performed this function primarily by advising the Minister for Environment and Planning¹⁴³ on the heritage significance of items recommended for entry on the Register of State Heritage Items, with administrative support from the Branch. Assessments proceeded so quickly in its first three years that in 1982 Professor David Saunders, who chaired the register sub-committee, recommended more than once 'discontinuing Registration in order to attend to items already on the Register'.¹⁴⁴ The SAHC and the Branch were aware that the government could not protect an item from modification or demolition unless it was listed on the register. Their response was to compile a comprehensive register as quickly as possible. 'The other alternative, that of stopping all registration, would be failing to carry out a major function of the South Australian Heritage Act.'¹⁴⁵

¹⁴² The Act defined an 'item' as 'any land, building or structure'.

¹⁴³ The Committee reported to five Ministers during its 15-year lifespan: Minister for the Environment Des Corcoran, 1978-79; Ministers for Environment and Planning David Charles Wotton, 1979-82, Donald J Hopgood 1982-89, Susan Mary Lenehan 1989-92 and Milton Kym Mayes 1992-93, the latter with the portfolio Minister for Environment and Land Management.

¹⁴⁴ SAHC minutes 15.12.82, item 3.4.2, p.3. Saunders was Professor of Architecture, University of Adelaide.

¹⁴⁵ JC Womersley, Manager, Heritage Conservation Branch, 'Report on the role of the South Australian Heritage Committee'; SA Department for Environment and Heritage, SAHC agenda papers 15 December 1982, item 3.4.1.

A year after the *Heritage Act* was declared, the Australian chapter of the International Council on Monuments and Sites adopted a Charter for the Conservation of Places of Cultural Significance at Burra in South Australia. Known as the Burra Charter, it contained guidelines for the conservation of places of cultural significance. *Cultural significance* is defined in clause 1.2 of the charter as having 'aesthetic, historic, scientific or social value for past, present or future generations'. Professor David Saunders (a SAHC member until his death in 1986) convened the ICOMOS meetings, and other members of the SAHC and most professional staff of the Branch were members of ICOMOS. Hence it is not surprising that the SAHC and staff of the Branch applied the charter's principles, guidelines and definitions in assessing items to be entered on the Register. Dr Susan Marsden's publication *Historical Guidelines*, funded under the National Estate Programme in 1979, provided a framework for the Branch and SAHC in determining the historical and cultural significance of buildings in regional South Australia.¹⁴⁶ However, in the early period of listing, the architectural significance of items was deemed to be most important.

Heritage items on the National Trust (SA) Register were the first to be assessed for entry on the State Register. The Australian Heritage Commission had already screened the National Trust items for entry on the Register of the National Estate (RNE), which enabled the Register Sub-Committee to proceed quickly with the first items for the State Register. However, the SAHC, whose standards were very stringent in its first years, did not recommend the entire National Trust 'A' list as State Heritage Items. Initially 200 were withheld from the first list, and by 1981 the Committee still withheld 70 Trust items from its recommendations, having listed 370 by the end of that year. The SAHC regarded these as local heritage items, but a process had not yet been developed for the conservation of

¹⁴⁶Susan Marsden, *Historical Guidelines*, Heritage Branch, South Australian Department for the

local heritage, a contentious issue for the Branch and the SAHC for several years. The mismatch between the SA items on the RNE and the State Register confronted the SAHC in 1985, when it refused to recommend for the State Register a former blacksmith shop and cottage in Roper St, Adelaide, which were on the RNE. Compounding the issue, the Adelaide City Council began to compile its own heritage register in 1981, which became part of the City of Adelaide Plan 1981-86, gazetted in 1987. The Minister requested that all of the City of Adelaide Heritage Items be assessed by the SAHC so that the City and State Registers would correspond.¹⁴⁷ The SAHC expressed concerns, among them the fact that the City of Adelaide was a local government and should be treated the same as other local councils, but it proceeded immediately with the Minister's request by appointing a special sub-committee for the task.

The SAHC also advised the Minister regarding removal of items from the Register and recommended areas of land to be designated State Heritage Areas, although there were never clear guidelines for these.¹⁴⁸ The *Historical Guidelines* had divided the State into 14 historic preservation regions with the goal of surveying the heritage items in each region.¹⁴⁹ Consultants were hired to undertake the surveys. In March 1986 the Register Supervisor reported to the SAHC that seven of the Regional Surveys had been completed, although 'all of the surveys were supposed to be completed by the 1986 Jubilee, ... the State [had] funded only one heritage survey since 1984...'¹⁵⁰ He concluded that the surveys were useful to the Branch but that their lack of detail and clarity regarding the significance of the

Environment, 1980.

¹⁴⁷ SAHC, minutes, 20.2.85, item 3.5, p.5.

¹⁴⁸ Barry Rowney, personal interview, 13.12.00. The first State Heritage Area, at Port Adelaide, was not part of a regional survey but designated in 1982 by the Minister to promote tourism. Department of Environment and Land Management, *State of the Environment Report for South Australia*, (Adelaide: 1993), pp 263 and 267.

¹⁴⁹ *Ibid*, p.73.

¹⁵⁰ *Ibid*, pp.264-66.

items to the state meant they did not meet the practical aims of identifying heritage items.¹⁵¹

The SAHC and Local Heritage

As noted above, for about a decade the SAHC was occupied fully with the urgent task of recommending items for entry on the Register of State Heritage Items and accelerating the processing of nominations. The nominations for heritage protection and the regional surveys frequently highlighted the need for protection of items that failed to meet the criteria for state registration but were significant to local or regional areas. The ACC completed its heritage list for public display in 1983, later to be given legal standing as an attachment to the 1986-91 City of Adelaide Plan. After the SAHC assessed the city's list, it advised that 24 items not be recommended (some of those items were later listed) for entry on the state register because they should more appropriately be classified as local heritage.

By the mid-1980s metropolitan councils were seeking control over development in their historic precincts. The Minister for Environment and Planning, Dr Hopgood, was reluctant to extend heritage protection to local councils and said in a 1986 meeting of the SAHC that 'local government areas had compiled their own list of heritage items with less rigour than that adopted for the State Heritage Register. He therefore thought it inappropriate for a development control mechanism to be brought into place which may be in conflict with the State list'.¹⁵²

In 1984 Unley was the first metropolitan council to seek recognition of its local heritage items through a supplementary development plan under the *Planning Act* (1982), but the Minister would not grant the development controls sought. Two years later the

¹⁵¹ SAHC minutes, 19.3.86, item 3.2.

issue was revived when one of the buildings listed in the Unley survey, the former headquarters of the SA Liberal Party at 180 Greenhill Road, Parkside, was demolished by a developer early on a Sunday morning. In response to an outcry by the council and heritage activists, in November 1986 the Minister circulated a discussion paper entitled 'Heritage Conservation for Local Area Planning' for public comment. The SAHC supported the Minister's position on the role of local government in heritage conservation, commenting:

- It was important that State and Commonwealth lists were compatible in order to attract tax incentives. It would be difficult to add items of local significance only to such a list.
- ...The range of skills and expertise available to the City of Adelaide was not available to most of the urban or rural councils.
- There had been very little work done by urban councils to put items on the State Heritage Register.
- Councils have control over demolition once items are placed on the [State] Register...¹⁵³

Thus the SAHC, the representative of public opinion, lagged behind the public on the question of local heritage protection. The Branch too resisted the move toward recognition of local heritage. 'The conservation architects were particularly strongly against it. We wasted energy on issues which were not State issues but local.'¹⁵⁴

In 1987 an SAHC working group, comprising Judith Brine (Convenor), Ann Runge, David Young, Barry Newman and William Close, was asked to review the Minister's discussion paper and the comments received from the public.¹⁵⁵ The sub-committee opposed 'the operation of both two-tier lists and a multiplication of lists. ...However, the public continue to express an interest in the retention of items not placed on the list, and if

¹⁵² SAHC minutes, 18.6.86, item 3.3, p.4.

¹⁵³ SAHC minutes, 18.11.86, item 7.5, p.4.

¹⁵⁴ Dr Peter Bell, personal interview, 24.10.00.

¹⁵⁵ SAHC minutes, 21.10.87, item 7.4, p.5.

government is to respond to this pressure other mechanisms need to be developed to cope with the retention or management of items of lesser importance'.¹⁵⁶ It supported the mechanism proposed by the manager of the Branch, the designation of conservation zones or historic precincts to be administered by local councils.

Meanwhile, in commenting on the City of Adelaide Heritage Register assessments, the SAHC recommended that 'groups of buildings or precincts should receive future consideration'.¹⁵⁷ This recommendation was a major issue in heritage politics into the next decade (see chapter 5 below). To resolve a controversy in the City of Adelaide over protection of precincts or townscapes, in 1993 the Minister for Local Government, Greg Crafter, pressured the Adelaide City Council to create a second register in addition to the Register of City of Adelaide Heritage Items. It would be a local heritage register of individual buildings not considered of sufficient significance for the State or City Registers and would not include conservation of townscapes. Property in the city was too valuable to developers to be locked up in historic precincts, as observed by Minister for Local Government Greg Crafter in 1992.¹⁵⁸

In early 1989 the SAHC was advised by the Branch manager that the government intended to extend development control powers to local government within historic (conservation) zones. The Minister confirmed the Register of State Heritage Items as the means for protecting *individual* buildings and places of state heritage significance, whereas zones would conserve the built character of a precinct. In order to have a zone designated, it would be necessary for a council to prepare a Supplementary Development Plan for

¹⁵⁶ SAHC agenda 16.12.87, item 4.2.

¹⁵⁷ SAHC minutes, 20.3.85, item 3.5, pp 9-12.

¹⁵⁸ AC Archives file A13946, doc 1, media release 'Crafter to sort out Townscape Wrangle' 18.10.92.

approval by the Minister for Environment and Planning,¹⁵⁹ and the Minister anticipated that the first of these would be submitted in early January 1989. The Unley and Kensington and Norwood Councils had already completed their heritage surveys, which included items nominated for listing on the state register. Other metropolitan councils soon followed—Burnside, St Peters, Walkerville and Prospect—in 1989 and 1990. The Hills council of Stirling also submitted a survey in 1989, expressing frustration that nothing had been done by the Heritage Branch about its survey completed in 1985,¹⁶⁰ a frustration felt by several other councils. Representatives of each council, who were invited to attend SAHC meetings, remarked on the limitations of local councils with respect to qualified staff and financial incentives for owners compared with state heritage administration. However, historic zones were not considered to be equivalent to heritage. The zones were approved, but local government heritage registers were not permitted until Dr Hopgood was succeeded as Minister and Mr Womersley departed from the State Heritage Branch.

By the 1990s the *Heritage Act* had largely achieved its objectives of identifying and conserving the state heritage, while the public continued to demand government protection for local heritage. The Department of Environment and Land Management acknowledged community feeling in its 1993 report: ‘Public issues today are almost invariably concentrated on the fringe of the Register, in the domain of local heritage significance.’¹⁶¹ The SAHC had earlier expressed the view that local heritage should be managed by local governments, and the Planning Review team reported to the SAHC in 1992 that it would

¹⁵⁹ SAHC minutes, 15.2.89, item 3, pp 2-3. Schedule 3 of the Regulations to the *Planning Act* 1982 was amended in 1988 to expand the definition of development to include demolition and alteration to the external appearance of buildings and structures in an Historic (Conservation) Zone.

¹⁶⁰ *Ibid*, p.2.

¹⁶¹ *State of the Environment Report for South Australia* (1993), p.263.

like to see local heritage items specified in the Development Plans of local governments.¹⁶² The outcome was that state heritage places were regulated by the *Heritage Act 1993* and State Heritage Areas and local heritage places were regulated by the *Development Act 1993*, with criteria for the latter contained in the Regulations attached to the Act. The Senior Heritage Officer of the Branch opposed this split of heritage levels into the two Acts, with the concomitant administrative split into the Environment and Land Management and the Planning Departments.¹⁶³ The Planning Department was perceived to lack the expertise to deal with heritage matters, but the separation of the levels of heritage remained after the millenium.

Financial Incentives

Part IV of the *Heritage Act* (1978) established at the Treasury a state heritage fund for the 'preservation or enhancement of Registered Items or State Heritage Areas'. The Trustee of the State Heritage, a corporation established under the Act, administered the fund, but its powers could be delegated. It could acquire, hold and dispose of property and, in consultation with the SAHC, 'make grants for purposes of preserving or enhancing the environmental, cultural or social heritage of the State'.¹⁶⁴ In practice, the SAHC had no control over the amount of money available from the fund each year; the Branch had much more influence over heritage expenditure. The SAHC's advice was limited to ways in which part of the annual grants should be allocated for repair and restoration of heritage properties, but its advice was often unheeded.

In 1979 the Minister for Environment and Planning as Trustee approved the first allocation of funds for a program of heritage restoration proposed by the SAHC. Just three

¹⁶² SAHC minutes, 19.2.92, item 4, p.4.

¹⁶³ SAHC minutes, 14.9.92, item 2.1, p.2.

¹⁶⁴ *South Australian Heritage Act 1978*, s.18(c).

years later the committee was critical of the use of a substantial portion of the fund for the salaries of staff of the Branch.¹⁶⁵ The manager reported that the department had no alternative but to use the fund to engage consultants to maintain the registration programme, and this was a legitimate use of the fund in the terms of the Act. The SAHC's objection was repeated in 1986, when the Minister responded that he would like the survey-assessment work (undertaken by consultants) to continue, demonstrating the stronger influence of the Branch on the Minister which was typical in most matters.¹⁶⁶ In response, the SAHC attempted unsuccessfully to set up a heritage foundation to attract private funding to supplement the state heritage fund.

The register expanded at a rate of 100 to 150 items per year, except in 1986 when the state items were increased to match the items on the City of Adelaide Register. By 1992 more than 1600 items were entered on the state register, but state funds available for the conservation of heritage places did not keep pace. From 1988 the Treasury's allocation to heritage conservation declined dramatically. 'The Treasury contribution to the State Heritage Fund, which [was] the main source of funding for heritage conservation projects, was about \$400,000 to \$500,000 per annum in the mid-1980s. By 1990 it had shrunk to about \$60,000 to \$70,000 per annum, less than the annual amount allocated for heritage grants by the Adelaide City Council. In the 1992-93 budget it vanished entirely', with the only source of funding being interest on loans and application fees.¹⁶⁷ Clearly the state government controlled the funding for heritage conservation, not the SAHC. With the

¹⁶⁵ SAHC agenda 15.12.82, item 3.4.1, 'The Role of the Committee', Report of Manager, Heritage Conservation Branch.

¹⁶⁶ SAHC minutes, 18.6.86, item 3.4, p.4. The surveys were partly funded by the National Estate Grants Programme.

¹⁶⁷ *State of the Environment Report for South Australia* (1993), p.264.

decline in funding, the public had the view that there was little incentive offered to conserve heritage places.¹⁶⁸

Another recurring financial item on the SAHC agenda was support for owners of heritage properties. The SAHC was concerned that owners of some heritage buildings might be unable to maintain them. In early 1979 the first application forms for heritage conservation grants were available. Low-interest loans were also allocated from the fund, which were increasingly attractive as lending rates soared during the 1980s. In addition, the Commonwealth government provided incentives in the form of income tax rebates up to \$2000 for expenditure on conservation work by owners of Commonwealth and state heritage items from 1985. Owners of City of Adelaide heritage places could apply for maintenance grants through the council's heritage fund of \$400k and all owners of state heritage places could seek assistance through the National Estate grant program of \$150k - \$300k per annum. Non-financial incentives included architectural conservation advice and publications provided by both the State Heritage Branch and the ACC.

From its formation the SAHC affirmed its policy that 'consideration of items for the Register should not have regard for any financial matter' and that 'it was the Minister's responsibility to take the decision on financial implications' to owners of heritage listing. As funds dwindled, the committee attached priority for funding to selected items recommended for registration. By 1991 it was impossible to offer financial assistance for restoration from the state heritage fund. The SAHC asserted that while financial matters should not affect recommendations of items for the register, the committee should raise

¹⁶⁸ SAHC, 1.12.92, item 4.2, draft discussion paper, 'Incentives for heritage conservation in South Australia', n.d.

such issues 'for recording and drawing the Minister's attention to it' and 'give consideration to practical ways of dealing with financial assistance/financial incentives'.¹⁶⁹

Other Heritage Issues

A heritage issue that dogged the SAHC from its first meeting to its termination without satisfactory resolution was the objection of South Australian churches to the listing of their properties on the state and National Estate registers. 'The churches had a genuine problem. It was a time of liturgical reform in the Catholic and Anglican churches; moving altars to the front of the nave cut across the heritage layout. The bringing together of the non-conformists into the Uniting Church meant some churches were redundant. That was the nub of the churches' problem... We didn't solve that problem.'¹⁷⁰

In September 1978 the SAHC organised a seminar to discuss the concerns of churches, inviting representatives from church organisations, the National Trust, the Australian Heritage Commission, the Department of Housing, Urban and Regional Affairs and the Local Government Association. The churches were unmoved by arguments in favour of heritage listing. Reverend Michael Sawyer of the Uniting Church was appointed to the SAHC in 1979, but the clergy remained unconvinced of the benefits of heritage listing in 1983, when the SAHC asked the Branch to prepare a policy paper on the registration of churches for the Minister. Five years later Reverend Sawyer spoke to the SAHC on behalf of church representatives, saying that the communities regarded heritage bodies as interfering. They had observed property losses when heritage items were sold, and it was costly to maintain buildings as prescribed by the Branch, particularly for small congregations.¹⁷¹ The Manager replied that the government did not intend to interfere

¹⁶⁹ SAHC minutes 16.1.91, item 2.1, p.3.

¹⁷⁰ Professor Judith Brine, personal interview, 29.11.00.

¹⁷¹ SAHC minutes 18.5.88, item 3.2, p.3.

with liturgy. 'Changes to church liturgy were regarded by the State Heritage Branch as examples of historical developments over time.' Further, 'it would be helpful to the State Heritage Branch to have the views of the [Uniting] Church about places which they believed were at the root and foundation of the Church in this State and should be protected'.¹⁷² Several churches of different denominations were finally recommended for listing in 1993, but the Cabinet deferred action on the recommendations for five years. By 1998 churches began to be listed on the State Heritage Register in denominational groups, and as recently as December 2000 one of the state's oldest Anglican churches, St James at Blakiston built in 1847, was first entered on the Register.¹⁷³

As the state government became more involved in development through the State Bank, some of the SAHC's comments became more political. The first major project to provoke the committee's political views was the Adelaide Station and Environs Redevelopment, described in chapter 7. Professor Saunders and Mrs Brine led the SAHC in opposition to the project. They were concerned about the alterations to be made in converting the heritage-listed railway station into a casino, but they also argued publicly against development in the parklands and the impact of the proposed hotel on the major North Terrace precinct. These were planning issues outside the scope of the SAHC, since neither the parklands nor the riverbank had been declared a State Heritage Area. Nevertheless, the SAHC advised the Minister for Environment and Planning that the project would adversely affect the historic area. The Committee's concerns were disregarded.

The Branch experienced similar responses from its Ministers. A former Acting Manager recalled advising Minister for Environment and Planning David Wotton that a

¹⁷² *Ibid*, p 4.

heritage building must not be moved from its setting. Nevertheless, the Minister announced in Parliament that there was no problem about shifting heritage buildings, supporting the 1979 move of the Marine and Harbours Building 34 metres north along King William St in Victoria Square to make way for the modern SGIC building at Grote St. Only the façade and one-room depth of the heritage building were retained. 'There were times when we would advise the Minister, but he would still make his own mind up. The Heritage Committee was virtually in the same boat. They only did what they could do—advise the Minister and if he didn't take their advice they could only write to the Minister.'¹⁷⁴

The SAHC repeatedly refused to recommend buildings for listing on the register if they were being considered for demolition. In 1979 the Adelaide City Council approved the demolition of the Commonwealth Bank building in King William St, along with the adjacent Majestic Hotel and Tivoli Theatre, and the SAHC refused to recommend the heritage registration of the building. Instead, the SAHC asked that a record be kept of these façades¹⁷⁵ These buildings would surely have been listed in the 1980s had they not been demolished. The SA headquarters of the Commonwealth Bank, a modern concrete office tower set at an angle to the footpath to the chagrin of grid-minded City Planner Harry Bechervaise, replaced the buildings.

The proposed demolition in 1983 of a group of buildings on the eastern side of Hindmarsh Square, including the Aurora Hotel at the Pirie St corner, detonated a public outcry (see chapters 4 and 6 below). It was claimed the hotel and the ABC building in the middle of the block should have been heritage listed and were recommended for listing in

¹⁷³ *Advertiser*, 8.12.00, p 32.

¹⁷⁴ Barry Rowney, personal interview, 13.12.00.

¹⁷⁵ SAHC minutes 13.6.79, item 2.3, p 2.

the ACC's 1982 heritage study. The Branch assessed the buildings and reported to the SAHC that they did not merit listing and the committee concurred. Community protest stalled work on the site for two months, but eventually the buildings were demolished.¹⁷⁶

The SAHC usually withheld recommendations on buildings that were being considered for demolition by a council or the Planning Appeals Tribunal until the development decision was made. Initially the Act did not grant emergency powers to the Minister to save threatened buildings, and the SAHC processes were too slow for such circumstances. The problem was resolved by an amendment to the *Heritage Act* in 1985 which provided for the rapid protection of heritage items under threat by means of conservation orders imposed by the Minister and the listing of those items, pending full documentation, on the interim register of State Heritage Items. Yet in 1991 the SAHC moved to advise the Minister for Environment and Planning, Ms Susan Lenehan, that a 'court order should be treated seriously' and 'the State Heritage Act should not be used to control development'.¹⁷⁷ The court order which inspired the committee's comments was the approval by the Planning Appeals Tribunal of redevelopment of St Paul's Church in Pulteney St, Adelaide, after the ACC had rejected the proposal.

The 1985 amendment notwithstanding, the proposal for a State Bank Centre tested the government's commitment to the *Heritage Act* that same year. Entry to the centre, which was to become Adelaide's tallest building at 30 stories, would be through the former heritage-listed Commonwealth Bank building in Currie St. The front 15 metres of the bank would be incorporated into the Centre's entrance but not its grand banking chamber with pressed metal ceilings which later proved to be hiding a glass dome. According to the Branch's heritage architect Carolyn Wigg, 'the committee was very anxious to retain the

¹⁷⁶ See Aurora Heritage Action, *Time Gentlemen, Please* (Adelaide: 1984).

banking chamber. The Adelaide City Council were seduced by the developer saying they would reconstruct the banking chamber and they got a height bonus for it. Of course the chamber wasn't reconstructed.'¹⁷⁸

The state government's involvement in the REMM (Real Estate Marketing & Management) redevelopment of the Myer department store in Rundle Mall was another example of heritage politics. Carolyn Wigg recalled, 'we were never allowed to put the Myer building up for the Register ... but we were to assess it for the record. I think the directive came from the Premier. We took our assessment to the committee for noting, but it was made clear they weren't to be listed.'¹⁷⁹ A retail development was originally intended to replace the Myer building, but with the acquisition of three heritage-listed buildings in North Terrace, the building site was expanded to include office accommodation in the largest development in Adelaide's history at the time. In late 1987 the SAHC received a report on the heritage issues and expressed 'extreme disappointment' that the 'material was not sufficient to make comment feasible'. The Director of the National Trust, David Gilbert, referred to a conservation study undertaken on two of the heritage-listed buildings, Goldsbrough House and Shell House, which indicated that the original structures were intact but very little of the interior finishes were present.¹⁸⁰ Assessment of the Verco Building, also heritage listed, is not recorded in the minutes. According to Wigg, 'a deal was done between Jon Womersley [manager of the Branch] and the developer about the heritage buildings in North Terrace. There was a contract

¹⁷⁷ SAHC minutes 17.4.91, item 3.1, p 4.

¹⁷⁸ Carolyn Wigg, personal interview, 6.12.00.

¹⁷⁹ *Ibid.*

¹⁸⁰ SAHC minutes, 21.10.87, p.5.

which was never signed in which it was said everything would be put back, but of course it never will be'.¹⁸¹

The Adelaide Fruit and Produce Exchange, or East End Markets, comprised the most complex development sites of the later 1980s. The market walls and shops fronting East Terrace and Rundle, Union and Grenfell Sts in northeast Adelaide formed an elaborate block of Federation architecture. The original and more basic structure, formally established in 1869 north of Rundle St, behind the Botanic Hotel and Botanic Chambers, proved too small by the 1890s and never achieved the grandeur of the twentieth-century complex. The markets remained a feature of the city until they were relocated in late 1988, resulting in five controversial schemes for the redevelopment of the two sites (see chapter 7 below).¹⁸² The larger site south of Rundle St was listed on the Register of State Heritage Items, except the wall in the eastern side of Union St added in 1931. According to Barry Rowney, 'the East End Market wall in Union St was blocked from listing by the Heritage Branch.'¹⁸³ The wall was subsequently demolished, after a public protest in 2000, and was replaced by high rise residential buildings.

These three examples indicate that the SAHC was helpless as the Bannon bureaucracy negotiated deals with developers regarding heritage items on large development sites. As early as 1985 SAHC chairman Judith Brine complained about "how few times" the Minister had sought the advice of the committee'.¹⁸⁴ Marcus Beresford, executive officer of the Conservation Council of SA, became a member of the SAHC in

¹⁸¹ Personal interview, 6.12.00.

¹⁸² Susan Marsden, Paul Stark and Patricia Sumerling (eds), *Heritage of the City of Adelaide* (Adelaide: Hyde Press, 1996), pp.138-39.

¹⁸³ Personal interview, 6.12.00. In November-December 2000 the National Trust (SA Branch), supported by local shop traders, led an unsuccessful campaign to save the wall from demolition. See *City Messenger*, 29.11.00, p 7; 6.12.00 p 5; Peter Ward, 'Classic conflict in East End', *The Australian*, 11.12.00, p 18.

1989. He felt that 'the committee was basically being treated as a statutory obligation that wasn't going to be given too much power and that the manager of the State Heritage Branch basically ran everything'. He objected to the fact that the Branch rejected some nominations for heritage listing without reference to the committee. He also objected to Ministerial power under the *Heritage Act*. As an example of the politics of heritage, he revealed the SAHC voted to list Don Bradman's house on the State Heritage Register, but after Bradman protested publicly, the Minister ignored the recommendation of the SAHC.¹⁸⁵ In 1991 the SAHC observed, 'it appeared the functions of the committee had changed from a wider advisory role to one that advised the Minister on putting things on the register.'¹⁸⁶

The first meeting of the SAHC was held on 2 August 1978 and the last on 3 August 1993, when it was replaced by the State Heritage Authority under the *Heritage Act* (1993). During its 15-year history, more than 1600 items were entered on the State Heritage Register and 13 State Heritage Areas were designated.¹⁸⁷ It addressed issues as diverse as heritage criteria and conditions for removal of items from the register, funding and financial incentives for heritage conservation, major government projects, protection of local heritage items not of state significance, protection of urban streetscapes, heritage gardens, geological heritage, the resistance of churches to heritage listing, objections of owners of heritage items and the relationship of the SAHC with government bureaucracies. 'The committee was effective in their extremely narrow role,' according to a former

¹⁸⁴ Advertiser, 29.10.85, p.22. Mrs Brine objected to the Minister's decision to demolish the heritage-listed A-block and stables at Yatala Labor Prison without consulting the SAHC and the tram barn in Angas St, Adelaide..

¹⁸⁵ Marcus Beresford, personal interview, 6.2.03.

¹⁸⁶ SAHC minutes 20.3.91, item 3.1, p.5.

¹⁸⁷ *State of the Environment Report* (1993), pp.263 and 267. The first State Heritage Area, at Port Adelaide in 1982, was not the result of a regional survey but was developed by the State Government as a tourism venture, which has not been successful.

Branch manager, 'but of all the advisory committees around, the Heritage Committee had the least power'.¹⁸⁸ Dr Bell added, 'the committee developed a culture of helplessness that persisted throughout its tenure'.¹⁸⁹

The Heritage Unit/State Heritage Branch

Implementation and administration of the *South Australian Heritage Act* (1978) had their antecedents in the Aboriginal and Historic Relics Unit located in the South Australian Museum. The Unit reported to the Minister for Education and administered the *Aboriginal and Historic Relics Preservation Act* (1965), the first state heritage conservation legislation in Australia. Under the historic relics section of the Act, Australia's first European historic reserve, the Paxton Square cottages at Burra, was gazetted in 1968.¹⁹⁰ Responsibility for the Act was transferred to the Minister for Environment and Conservation in 1971.

Unlike the SAHC, the role of the Heritage Unit (hereinafter 'Branch') of the South Australian Department of Environment was not prescribed by legislation. It was formed in 1978 as the administrative arm of the government on heritage matters, and its role evolved according to the demands of ministers and the department and, to a lesser extent, the interests of its staff. Generally that role entailed 'providing advice to the Minister, servicing the South Australian Heritage Committee and providing the day to day administration of the Heritage Act and implementation of government policy relating to heritage protection'.¹⁹¹

The Branch provided professional advice to the SAHC, which included the documentation and assessment of nominated heritage items. The committee was usually

¹⁸⁸ Mr Barry Rowney, personal interview, 13.12.00.

¹⁸⁹ Dr Peter Bell, personal interview, 24.10.00.

¹⁹⁰ Brian Samuels, 'The history of Heritage South Australia and its predecessors', fourth draft, unpub document, Heritage SA, 2000, p.1.

reliant on the advice of the professional staff, because few members of the committee were experts in the built heritage, which was a new field in the late 1970s. Many members were appointed because of their expertise in fields related to the built environment and knew little about conservation. Without staff of its own, the SAHC also relied on the Branch for the preparation of minutes, reports and correspondence. Even access to the Minister was limited, whereas the Manager of the Branch had open access and conveyed the committee's resolutions and views to the Minister.¹⁹² According to Dr Bell, 'the committee existed in a cloud of frustration because they weren't achieving what they wanted to. Legal and administrative constraints prevented it. They were hopelessly reliant on the public service for everything they did'.¹⁹³

In parallel with the SAHC, the Branch focussed its efforts primarily on developing the Register of State Heritage Items until the mid-1980s. One of the criteria for registration under the *Heritage Act* (1978) was that an item be of significant historical interest. The Act did not contain criteria or guidelines for determining historical or cultural significance, and the Branch responded by gaining a grant in 1979 from the National Estate Programme to define it in terms useful to heritage professionals. Consultant Dr Susan Marsden, in her ensuing publication *Historical Guidelines*, divided South Australia into 14 regions along council boundaries which reflected significant themes in the State's history as a guide for surveying the regions in search of heritage items and areas. 'That pushed South Australia way ahead of any other state,' according to heritage architect Barry Rowney.¹⁹⁴ While other state heritage units were researching an item's heritage significance only after

¹⁹¹ State Heritage Branch document DEP 5014/90, instructions and Cabinet submission on the Review of the Heritage Act, prepared by Dr Peter Bell, 12.1.92, p.7.

¹⁹² However, as Chairman of the SAHC Judith Brine felt she had no difficulty in meeting with the Minister, but she acknowledged that Dr 'Hopgood was more open than Ministers are now'. Personal interview, 29.11.00.

development proposals or heritage nominations had been lodged, South Australia's Branch surveyed large areas in advance of any development proposals to locate and recommend 'significant items of aesthetic, architectural, historical and cultural interest' for listing on the Register.

In 1982 Mr Jonathon Womersley was appointed Manager of the Branch. He has been variously described as a successful civil servant, good at getting legislation through and good at eliciting funds,¹⁹⁵ an authoritarian manager who didn't value his staff but left a positive legacy,¹⁹⁶ a manager with political skill who tried to direct committees,¹⁹⁷ and a political animal. One of Womersley's strongest detractors acknowledged his positive influence until 1985: 'The Branch would have reached its peak in about 1984. That is largely due to Jon Womersley. He lifted it considerably and then he got too much power and it started to deteriorate... In 1984 we were the best heritage organisation in Australia.'¹⁹⁸

Womersley increasingly assumed responsibility for major projects involving the state government and the State Bank, making decisions on behalf of the Branch which were contrary to advice of the SAHC and the tenor of the *Heritage Act* (see chapter 7) under authority delegated to him by the Minister. He left the Branch in 1990 and was succeeded by David Conlon, whose less controversial style was more suitable for the educational and public relations role which became a feature of the Branch during the last years of the Bannon government.

¹⁹³ Dr Peter Bell, personal interview, 24.10.00.

¹⁹⁴ Barry Rowney, personal interview, 13.12.00.

¹⁹⁵ Professor Judith Brine, personal interview, 29.11.00.

¹⁹⁶ Dr Peter Bell, personal interview, 17.7.00.

¹⁹⁷ Ms Carolyn Wigg, personal interview, 6.12.00.

¹⁹⁸ Barry Rowney, personal interview, 13.12.00.

By the end of the 1980s the Branch had 'steadily shifted its activities from the process of creating a heritage register, which occupied most of its resources in the early years, to the management of places which [had] already been identified. As most of those places [were] in private ownership, the post-Register era involve[d] increased consultation and cooperation with the owners of heritage properties.'¹⁹⁹

Staff numbers in the Branch were progressively eroded by the Bannon government, until by 1990 the State Heritage Branch comprised three professional staff who administered the register and survey program, handled emergencies and carried out public relations activities. Consultants were hired to undertake the regional survey work, altogether 'a model of efficiency that would have thrilled our economic rationalist masters',²⁰⁰

By 1990 the *South Australian Planning Act* (1982) was regarded as outdated, and the Bannon government began a review of planning in South Australia. The Planning Review was extended to include state heritage and the role of the SAHC, and the Director-General of Environment and Planning appointed a committee to review the administration of the *South Australian Heritage Act* (1978). The relationship between the SAHC and the Branch was on the SAHC agenda in 1991, and a position paper based on the discussion was prepared. The paper included statements that the committee was seen as 'obstructionist' and the Branch 'reactive'. Further, 'heritage management lay in the Branch, went from the Branch to the Minister and back down through the same process. The ... committee represented the community, but had not had much influence over recent times.'²⁰¹ At its December 1991 meeting the committee acknowledged that its future was limited and that it

¹⁹⁹ *State of the Environment Report for South Australia* (1993), p.264.

²⁰⁰ Dr Peter Bell, personal correspondence to the author 1.8.00.

²⁰¹ SAHC minutes 16.1.91, item 3.2, pp.6-7.

should 'support and assist the Branch in its changing directions'. Other goals were to strengthen cooperative ties with other agencies, understand the review of the *Heritage Act* and *Planning Act* initiated by the Bannon government, expand incentives for owners of heritage buildings and monitor local government approaches to local heritage.²⁰²

In 1992 the Manager of the State Heritage Branch reported the committee's draft recommendations to the Director-General of the Department of Environment and Planning.

A summary of the findings suggests a need for reform:

During the review [of] the present system each of the bodies was criticized for past performance. Generalising, the Minister was seen by some as making heritage protection too political, the South Australian Heritage Committee was seen by some as being aloof and meeting in secret, the Heritage Branch was seen as being uncompromising and heavy handed; the question was posed whether councils could be trusted to act responsibly in protecting heritage because of the vested interest of some councillors and volunteers were seen by some as lacking expertise to properly undertake their heritage functions.²⁰³

The successor to the SAHC in the new *Heritage Act* (1993), the eight-member State Heritage Authority, was granted some of the powers previously held by the Minister. A prescribed range of skills was required of its members. The new Act specified criteria for state heritage listing (s.17) and made reference to local heritage and State Heritage Areas, which were to be defined in the new *Development Act* (1993). At the local government level, heritage conservation is thus considered primarily in terms of development control through the Department of Planning.²⁰⁴ Committees established under the Act are the Development Assessment Committee, to advise the Minister on matters relating to

²⁰² SAHC minutes 11.12.91, item 4.2.

²⁰³ State Heritage Branch document DEP 5014/90, instructions and Cabinet submission on the Review of the Heritage Act, prepared by Dr Peter Bell, 12.1.92, p.7.

²⁰⁴ Samuels, *op cit.*, entry for 1988, p 3. Dr Samuels adds that 'thinking in the [State Heritage] Branch was heading away from that view', showing the divide between the Department of Environment and Land Management and the Department of Planning with respect to built heritage protection.

planning and development control, and the Development Policy Advisory Committee, concerned with policy advice.

Special Projects Unit

The Special Projects Unit (SPU) was a non-statutory body established by Premier Bannon in the Department of the Premier and Cabinet under the directorship of Mr Hugh Davies, a former developer. 'Although not a statutory part of the planning system, this Branch has emerged with the task of co-ordinating the government's part in some key urban construction developments such as the Adelaide Station Environs Redevelopment project, the Port Adelaide Centre redevelopment scheme, and the development of former freeway corridor land in the inner suburb of Hindmarsh.'²⁰⁵ The SPU was entrusted in particular with ideas for state government tourism projects. In its best work, the SPU restored a heritage precinct in Port Adelaide as a tourist development to help promote growth in the ailing Port area. Other projects were redevelopment of the heritage-listed Lion-Fowler site in North Terrace at Morphett St as a living arts centre, the Hindmarsh Entertainment Centre, the controversial Hindmarsh Island Bridge (opened in 2001 by the Olsen government), a cable car to Mt Lofty summit, a golf course and resort in the Flinders Ranges, a resort at West Beach and marinas at Jubilee Point and Silver Sands Beach. Few of the tourist projects were developed, and many were opposed by the Department of Tourism. 'The SPU had a lot of money poured into it', according to a former ministerial officer in the Bannon government who implied that a lot of the money was wasted.²⁰⁶ The source of the funds was the South Australian Financing Authority (see chapter 2 above).

²⁰⁵ Hutchings, Alan, and Bunker, Raymond, *With conscious purpose: a history of town planning in South Australia* (Adelaide: Wakefield Press, 1986), p.104.

²⁰⁶ Rosalie McDonald, personal interview, 8.3.01.

The SPU also managed the redevelopment of Town Acre 86 at Pulteney St, Hindmarsh Square and Rundle Mall, bequeathed to the Royal Adelaide Hospital by the Da Costa family, against the protests of the Lord Mayor, architect John Chappel, developer Joe Emmanuel, Aurora Heritage Action, Inc, and town planners. The 1985 development proposal was seen as a contest over control of city planning. Journalist David English described the tactics of the 'powerful and highly successful' Branch: 'The SPU has a track record of being able to cut the red tape, make decisions, give good advice and businesslike support. It also has a track record of being able to bulldoze its way past objections.'²⁰⁷ The cohesive group of Victorian shops at Hindmarsh Square, Pulteney St and Rundle Mall were demolished and replaced by postmodern two-storey shops with a mammoth blue reflecting-glass office tower emerging from their core, contravening principles of the City of Adelaide Plan and the views of the ACC. 'The SPU made a mockery of the planning system,' said former State Heritage Branch manager Peter Bell. 'From a heritage perspective, from 1978-82 the *Heritage Act* was self-contained. From 1982-93 protection of heritage places was entirely dependent on the planning system as set out in the *Planning Act* [and *City of Adelaide (Development Control) Act*]. The SPU was outside and above the planning system.'²⁰⁸

The experiences of the Bannon years reinforce the truism that 'heritage is a political concept'.²⁰⁹ They have demonstrated that 'the economic factor in heritage conservation is crucial' and that '... heritage legislation and other protective mechanisms are as strong or as weak as the pressure from developers and local interests, and the political will of federal,

²⁰⁷ *Advertiser*, 26.8.85, p.7.

²⁰⁸ Dr Peter Bell, personal interview, 9.3.01.

²⁰⁹ Graeme Davison, 'The meanings of "heritage"', Davison and McConville, p.7.

state and local governments'.²¹⁰ In the Bannon decade the political will of the state government to protect heritage was particularly weak.

²¹⁰ Sheryl Yelland, 'Heritage legislation in perspective', *ibid*, p.60.

4 THE ROLE OF THE ADELAIDE CITY COUNCIL

“Almighty God, we ask your blessing upon the works of the Adelaide City Council; direct and prosper its deliberations to the advancement of Your glory and the true welfare of the people of this City. Amen.”

- Prayer read at opening of council meetings

The period 1983-93 was one of rapid change for the Adelaide City Council (ACC) in terms of city-state relations, planning controls, heritage protection, landscape and skyline changes, demography and the membership of the council. At that time the ACC, the oldest municipal government in Australia, was far more autonomous than any other SA local government body because of its powers to control development under the *City of Adelaide (Development Control) Act* (1976) and its representation on the CAPC. This Dunstan Government legislation exempted Adelaide from the state planning controls affecting all other local governments through the *South Australian Planning Act* (1982). Under the 1976 statute, all development, including demolitions, within the municipality required approval by the ACC.

In 1983 the Bannon government showed it would by-pass city planning authority when it introduced the *Adelaide Railway Station Environs Bill* giving the state government control over a major North Terrace project adjacent to the railway station. The project violated principles of the City of Adelaide Plan, triggering strong opposition from some members of the council. From that time the council was wary of criticising state government projects in Adelaide, knowing the government could again legislate to circumvent council powers. At the end of the decade, after a review of the state's planning processes, the state government repealed the *City of Adelaide (Development Control) Act* (1976) and replaced it with the *Development Act* (1993), which brought Adelaide under the same planning processes as all other local government authorities in South Australia.

While the city was struggling with the state for control over development, it also had to contend with an increasingly restive community as Adelaide's Victorian and Edwardian built character was rapidly disappearing. Residents' associations, heritage lobby groups and individuals demanded more extensive protection of Adelaide's distinctive historic buildings, while developers, architects and the building industry demanded less. The ACC responded by instituting the first local government heritage register in 1982. The prolonged approval process required for the register to become part of the City of Adelaide Plan meant that the list of 419 heritage items²¹¹ was not finally ratified until 1987. By that time it was considered too conservative and inadequate to protect the built character of Adelaide. Heritage activists continued to protest loudly and publicly against the ongoing demolition of Adelaide's Victorian buildings which had not been heritage listed. The first such protests of the Bannon era were attempts to save two North Adelaide mansions, Kingsmead and Belmont House, and the Aurora Hotel at Hindmarsh Square in 1983. Others followed until the longest public protest took place in 1991 against the demolition of the 'House of Chow' building in Hutt St.

For the first time in the history of the ACC, the business sector began to lose its council majority by 1987, partly because of increased community involvement in council elections. Discord in council meetings escalated as the elected membership divided into pro-heritage and pro-development factions. Development applications involving the demolition of unlisted buildings, such as St Paul's Church and the Somerset Hotel in Pulteney St in 1989 brought the conflicts over the boundaries of heritage listing to a head. The council began to consider additions to its heritage register, and at the same time a

²¹¹ Of the items on the register, 363 were buildings. The remainder were items such as those in the Torrens Lake precinct: a band rotunda, the Adelaide Bridge, the Adelaide Oval scoreboard and the Victor Richardson

scheme to protect Adelaide's built character was being developed, causing further conflicts between council members. The issues which triggered the conflicts over Adelaide's heritage are the subject of this chapter. The events involved roughly coincide with the period of the Bannon/Arnold governments, but the connection is more chronological than causal.

Membership of the Council and the Franchise

The ACC has never been a truly democratic institution. The lord mayor's title itself is inherited from an undemocratic English social institution,²¹² and plural voting based on property ownership has always been characteristic of the local government franchise in Australia. Until 1984 that franchise was restricted to property owners, including businesses, and the council thus represented propertied persons and business interests. Electors for businesses who were also resident in Adelaide had more than one vote, as did ratepayers who owned property in more than one ward. If a company had 30 branches or subsidiaries, that company and its subsidiaries could cast 31 votes. It was common for a developer to set up a company for each of his or her projects to limit the liability if a project failed to return a profit. Some entrepreneurs who were profligate in establishing businesses were eligible to cast as many as 135 votes and hence could control the outcome of ACC elections.²¹³

In 1982 the City of Adelaide was divided into six wards, two in residential North Adelaide and four in the city's square mile south of the River Torrens. The number of electors in each varied considerably. Although each ward was represented by two

entrance gates to the oval. Items were listed by precinct, and some items were listed twice because they extended over two precincts.

²¹² Peter Morton, *After Light* (Adelaide: Wakefield Press, 1996), p 75. Morton adds that the tactics used to pursue the title were also undemocratic.

²¹³ Michael J. Llewellyn-Smith, personal interview 30.7.01.

councillors, there were twice as many electors in the residential wards as in the business wards.²¹⁴ Residential Young Ward in the southeast of the city had more than three times as many potential voters as the commercial Gawler Ward in the northwest.²¹⁵ The two commercial wards, Gawler and Hindmarsh, were subsequently amalgamated in 1992 after a periodic review of representation under the *Local Government Act* (1934).

While in 1970 the council represented 'Establishment business interests', as noted by former Premier Don Dunstan, the class structure of its membership had changed by 1982. Former Lord Mayor Steve Condous (later a state Liberal MP) described 'pre-selection' for the council in 1968 when he was first elected: '16 of the 19 members were all members of the Adelaide Club. In those days also, to become a member of the Adelaide City Council, you had to get Liberal Party pre-selection. Pre-selection was carried out at the Adelaide Club'.²¹⁶ By the time Bannon became Premier, the social backgrounds of the elected members had broadened, and amendments to the *Local Government Act* in 1984 further widened the social base of the council. These amendments limited each company to only one vote in each ward, and more importantly, the franchise was extended to all individuals enrolled on the state electoral roll, whether or not they were ratepayers. However, plural voting was not abolished. A person was eligible to vote in council ward elections if he or she were on the state electoral roll as a resident or ratepayer of the ward and the sole owner ... of a ratable property.²¹⁷ Thus a person could live in one ward and be a ratepayer in one or more others and vote in each. Companies were similarly entitled to more than one vote if their branches were located in different wards.

²¹⁴ ACC minutes, 12/5/86, item 4.1, p.1317b.

²¹⁵ *Aurora* newsletter, May 1991. There were 3590 potential voters in Young Ward and 1073 in Gawler Ward.

²¹⁶ Steve Condous, personal interview, 6.8.01. By 1981 only three Aldermen were members of the Adelaide Club. EJR Morgan, *The Adelaide Club, 1863-1963* (Adelaide: The Adelaide Club, 1964), Appendix D.

The lobby group Aurora Heritage Action, Inc. (AHA) examined the City of Adelaide Voters Roll for 1985 and found that many developers had substantial numbers of votes. Among major developers Giuseppe Emanuele was found to have 30 votes, Con Polites 22, Theo Maras 18 and Gerry Karidis 16, while the Chapman family and their partner Alan Key held 17 votes between them. In addition to their own properties, some were the voting agents for shops and small businesses. In some cases the developers had no interest in the businesses which had nominated them as electors. No wonder leading Adelaide journalist Peter Ward reported that the council was ‘once known as “the real estate industry at prayer”’.²¹⁸ After successful lobbying by AHA, s.91 of the *Local Government Act* was repealed in 1986, and clause 3 of the replacement s.91 provided in part that ‘a person may not be nominated as the nominated agent of a body corporate ... unless that person ... is an officer of the body corporate...’²¹⁹

Both Condous and former City Manager Michael Llewellyn-Smith described the council before 1982, perhaps with some exaggeration, as a patrician collective undertaking a civic duty to improve the city without personal gain from the office, a fairly unified association of gentlemen who respected one another and maintained gentlemen’s agreements. By 1983, most members were wealthy post-war entrepreneurs or professional men, such as Lord Mayor Watson (council member 1972-82, lord mayor 1982-83), Aldermen Black (1974-85), Bowen (1966-85, lord mayor 1983-85), Manos (1979-87) and Jarvis (1975-87, lord mayor 1985-87).²²⁰ Former Lord Mayor Condous (1968-93, lord mayor 1987-93) was an exception; of more humble origin, he represented the working-

²¹⁷ Section 91, *Local Government Act Amendment Act* (1984).

²¹⁸ Peter Ward, ‘Gracious Adelaide: where the planning wrangles never stop’, *Australian Weekend Magazine*, 27-28.10.84, p.8; cf. *The Adelaide Review*, 1.92, p.4.

²¹⁹ Clause 7, *Local Government Act Amendment Act* (No. 4), 1986.

class Grey Ward in the southwest of the city. Of course, homogeneity of membership did not necessarily indicate consensus on all issues. Throughout the Bannon decade, and no doubt through all of the council's history, the majority view of the council was fluid, the contributions of the members varied, and members had different reasons for seeking election to the council. As observed by former Alderman Harrison, one of the most perceptive representatives of the business community in the 1980s, 'there were people whom nobody respected, and there were people whom everybody respected, and there were some in the middle. ... They are people who have an interest in trying to do something, one would hope for the city.'²²¹

According to those present at the time, the tenor of the council changed with the 1984 amendments to the *Local Government Act*. Historian Hugh Stretton observed that the council had been 'developer dominated' and correctly forecast an imminent rebellion by its non-developer members.²²² While the council remained dominated by business interests for the rest of the 1980s, the gentlemen's agreements of the previous era disappeared. There had been 'an understanding that lord mayors did a two-year term, and once they had done their term, they moved on and the next senior alderman took over... The advantage of that system was that the council as a body supported the lord mayor of the day'.²²³ When Lord Mayor Wendy Chapman ran for a second term in 1985, she was defeated by Alderman Jim Jarvis through the collective efforts of the other alderman. However, the aldermanic agreement was debased in 1989 when Steve Condous was re-elected lord

²²⁰ The membership was already changing before 1984: Rosemary Boucaut was first elected in 1979 as a resident of Robe ward who would represent residential interests, Bob Angove joined her in 1980 as a residential member, and Chris Douglas represented the southeast ward from 1982. See Appendix B.

²²¹ Michael Harrison, personal interview, 30.7.01

²²² Chris Russell, 'Rebellion on council soon', *The Advertiser*, 27.7.84, p.3.

²²³ Michael J. Llewellyn-Smith, personal interview, 30.7.01.

mayor. The effect was that aldermen felt they might not get a chance at the position and withdrew their support for Lord Mayor Condous.

The business majority on the council had narrowed by one member after the 1985 election, to 14 of 19 members, and in 1987 the margin narrowed again to 12 of 19. Ideological factions emerged, as heritage conservation became a major community issue and heritage lobbyists campaigned in council elections. The council became divided into so-called pro-heritage and pro-development factions. Within each, there were councillors who would sometimes change alliances in the vote over individual developments, but on the whole the membership of the factions could be identified. Alderman Mark Hamilton described the fluid nature of council politics: 'some people didn't adopt a completely consistent position. Some people would adopt a different position if [a development] were residential or commercial, and some people might take a different position if they were lobbied'.²²⁴

In 1991 for the first time a majority of pro-heritage candidates was elected (10 of the 19 members).²²⁵ Their numbers were strengthened further when Aldermen Anders and Harrison, both businessmen, resigned later that year due to financial difficulties, to be replaced in early 1992 by Aldermen Mark Hamilton, a strong heritage protectionist, and planner Savas Christodoulou. The following year Alderman Con Bambacas and Councillor Roger Rowse also resigned because of financial troubles, reflecting the sharp downturn in the building industry. The lord mayor, who no longer enjoyed majority support, became an

²²⁴ Mark Hamilton, personal interview, 17.7.01.

²²⁵ They were Aldermen Rosemary Boucaut, Chris Douglas and Jane Rann, Councillors Robert Angove, Ian Caller, Francene Connor, Jacqueline Gillen, Alan Rye, Michael Gibbs and Jane Lomax-Smith.

endorsed Liberal Party candidate, and party politics entered an already divided council chamber.²²⁶

The City of Adelaide Plan

Adelaide's first development plan under the *City of Adelaide (Development Control) Act* (1976) was a unique feature of planning legislation in South Australia. The council had engaged Urban Systems Corporation under the direction of George Clarke in 1972 to prepare the City of Adelaide Plan, which was published in 1974 after extensive public consultation. The Plan was gazetted in 1977 as a schedule to the Act. Known as 'the Red Book', the 1976-81 Plan was for its time a model of urban planning and contained Adelaide's first proposed heritage list other than the National Trust Register. The Plan described the precincts of the city and outlined the desired future character of each: 'the appropriate uses, densities, heights, percentages of on-site landscaped space, and other characteristics of built-form, have been indicated for every site within the Town Acres of the City'.²²⁷ It proposed for the square mile south of the River Torrens a 'pyramid concept' in which the largest scale development would be concentrated in the central business district, tapering to the Terraces at the peripheries, giving the city a coherent form. 'Such a "pyramid" concept for South Adelaide [would] tend to conserve and enhance views to the hills and over the Parklands from most buildings. It [would] also give the City as a whole a coherent form when seen from outside or afar', according to the 1974 Plan.²²⁸

The 1976-81 Plan contained the first detailed written policy for the future use and conservation of the Adelaide parklands, a green belt surrounding south and North Adelaide

²²⁶ Michael J. Llewellyn-Smith, personal interview, 30.7.01.

²²⁷ Clarke, George, *The City of Adelaide Plan* (Adelaide: Urban Systems Corporation, 1974), p.54.

²²⁸ *Ibid.*, p.55.

and dividing the two sectors along the banks of the River Torrens.²²⁹ The parklands were to be 'conserved and enhanced exclusively for the relaxation, enjoyment and recreation of the metropolitan population, and the city's workforce, residents and visitors' under the Plan.²³⁰ They were not registered as a State Heritage Area in the 1980s, surprisingly enough given their historic importance and their significance in framing the state's capital city. Their protection depended largely on the will of the ACC. About three-fourths of the parklands were managed by the City of Adelaide, and by no means were all of the uses approved by the council for the public benefit.²³¹ 'Until the 1880s the council consistently derived more income from the Parklands than it expended on maintenance, works and improvements. Often the sources of Parklands income were purely commercial and contrary to the purposes of public enjoyment envisaged by Colonel Light, when he encircled Adelaide with Parklands.'²³² State governments have also taken a share, carving up the parklands with roads and using them for railway stations and tracks, tram sheds and bus depots, and specifically by the Bannon government for a Formula One car raceway.

The City of Adelaide Act provided for five-yearly reviews of the Plan. The first, which took place in 1981, was the only non-controversial review enjoyed by the council. The recommended heritage register was not included; bureaucratic processes moved slowly in Adelaide and often lagged behind community aspirations. The next review, completed

²²⁹ JW Daly, *The Adelaide Parklands, a history of alienation* (Adelaide University MA thesis, 1980), p.226.

²³⁰ Clarke, 1974, p.113.

²³¹ Parkland areas were designated State Government Reserves by Colonel Light along North Terrace to the Torrens River for uses such as the Botanic Gardens, an art gallery and museum and Parliament House. Other development in this precinct was later allowed for the Royal Adelaide Hospital, the Institute of Mines and the University of Adelaide. The City of Adelaide was the legal trustee of the remainder of the Parklands. From the 1870s several areas of the Parklands were leased for sporting purposes. See Daly, *Adelaide Parklands, Decisions and disasters*, and Peter Morton, *After Light* (Adelaide, Wakefield Press, 1996).

²³² Daly, *Adelaide Parklands*, p.219. Major developments in the Parklands required Acts of Parliament in the nineteenth century for the Adelaide Racecourse (East Parklands Racecourse Act 1863) and Adelaide Oval (Cricket Ground Act 1871), both of which now house built heritage. Boatsheds along the Torrens, Adelaide University sports grounds and three golf courses are other leaseholds in the Parklands. Morton cites the

in 1987, contained the Register of City of Adelaide Heritage Items and its criteria plus controversial design principles for each of the City's precincts. Streetscape or townscape protection, a new concept being considered in suburban council districts and already in place in Melbourne from 1982,²³³ was considered during the plan review but had to await the next review. The five years after the 1986-91 Plan were the most divisive of the decade, involving a townscape initiative which was converted to a local heritage list in the 1991-96 City of Adelaide Plan, which itself was converted to a development plan under state government legislation in 1993.

For all the discussions, public exhibitions, consultations and amendments associated with each Plan review, the principles of the Plans were often disregarded by state and local governments during the heady 1980s, particularly when large-scale developments were involved. As early as 1984 Councillor Dean Fidock commented that 'the council had paid too much attention to the regulations [of the Act] and not enough to principles in the City of Adelaide Plan'.²³⁴ The pyramid city form concept, previously described, was spoiled by the Hyatt hotel building of the ASER project in North Terrace, the State Bank Centre in King William St and the Southgate building in South Terrace, and many precincts lost their distinctive Adelaide character described in the Plan as they were replaced by glass and steel towers belonging to a global world. Journalist Peter Ward, a harsh critic of the council, commented in 1992, 'for the vision, we look to the first plan, published in 1974 and written by George Clark and Urban Systems Corporation. For the

Zoological Gardens, a Snake Farm, a pleasure garden and a floating barge as some of the early twentieth century commercial uses of the Parklands. Morton, *After Light*, p.102.

²³³See William S Logan, 'Zoning and land-use codes for historic preservation: the Melbourne example'. Paper presented at 'The Economics of Heritage: UNESCO Conference on Adaptive re-use of historic properties in Asia and the Pacific', 2001. In 1987 Councillor Etherington reported to the ACC on the Melbourne heritage controls (ACC minutes, 30.11.87, item 3, p.783.

²³⁴ *The Advertiser* 31.7.84, p.12.

lack of progress see all subsequent volumes. It's a depressing thing to write.'²³⁵ Former Alderman Mark Hamilton would disagree. He regards the 1976-81 and 1986-91 Plans as the best, the latter 'a leap forward' in providing heritage protection and detailed statements of desired future character for each precinct in the city and North Adelaide'.²³⁶ Conversely, those desired future character (DFC) statements were regarded as onerous design controls by the RAIA and BOMA.

Plot Ratios and Bonuses

While the council tended to uphold the principles and desired future character statements for residential districts, in the core and frame districts (the central business district and surrounding commercial precincts) limitations on height and scale prescribed in the Plan were often disregarded during the building boom of the late 1980s. The allowable scale of a building is described in principle 15 of the 1986-91 Plan as the basic and maximum plot ratios. Plot ratio is the amount of floor space permitted per given area of land. It is calculated by dividing the total floor area of a development by the area of the site on which it is located. The difference between the basic and maximum ratios is usually referred to as the 'bonus plot ratio'.²³⁷ Bonuses, or additional plot ratio, were supposedly granted for public amenities provided in a project. These are specified in DFC statements for each precinct in the Plan and include appropriate entertainment or tourist facilities, public spaces, through-site pedestrian links, pedestrian canopies, setbacks to buildings at ground or podium level, community facilities, visible art works, sculpture or fountains, conservation of heritage and energy-efficient design features.

²³⁵ *Adelaide Review*, Oct 1992, p.5.

²³⁶ Mark Hamilton, personal interview, 17.7.01.

²³⁷ A succinct analysis of Adelaide's plot ratio system may be found in J. Scarborough, *Transferable development rights in the City of Adelaide* (Adelaide University: unpub. M.Env.St. thesis, 1994), p.44.

Plot ratio bonuses were usually granted for large developments in the CBD. During the 1980s most of the large developments were office towers, which were relatively cheap to build and could yield a quick return on investment.²³⁸ Some members of the council in fact believed the Plan was not intended to apply to large-scale developments, and bonuses were therefore allowable for those.²³⁹ Former Lord Mayor Lomax-Smith retorted: 'I never understood that argument because all a large site was, was a greater area over which you could make a greater disaster. The qualities were no different, it's just that the mistakes could look worse. And that has been the effect, the mistakes are worse.'²⁴⁰ Former City Planner John Hodgson presented a more moderate view: 'there was always an area of discretion because no proposal lines up totally with the Plan, and you have to exercise judgement as to whether departures from the Plan are of such significance as to justify refusal.'²⁴¹

Llewellyn-Smith asserted that the council upheld the plot ratio principles strictly while he was City Planner 1974-81 and that developers had to provide significant public benefits to earn a bonus for a project.²⁴² The planning staff and the council were subjected to more political pressure a few years later, as investment capital became more readily available and consequently developers sought to build larger and larger buildings. 'It became so common for bonuses to be given by the council ... that effectively plot ratios

²³⁸ See Minutes of Adelaide City Council meetings, *passim*.

²³⁹ Former Lord Mayor Jane Lomax-Smith (now a State Government Minister), personal interview, 28.7.01, referring to members of the Council other than herself. The view that large projects should be exempt from restrictions in the Plan was also expressed by former City Planner John Hodgson in 1987 in an interview with members of Aurora Heritage Action, Inc, which included the author. Hodgson was discussing the REMM-Myer project at the time.

²⁴⁰ *Ibid.*

²⁴¹ John Hodgson, personal interview, 18.10.01.

²⁴² His assertion was corroborated by former Lord Mayor Steve Condous, who said that 'Michael [Llewellyn-Smith] demanded that plot ratios were always adhered to. He would demand architectural excellence for 5% bonus plot ratio. He demanded landscaping on the properties. ... He wouldn't give things away for nothing, whereas today they do. Personal interview, 6.8.01.

rose by default. It was a significant change in the planning system, that the basic plot ratios changed without the owners having to do very much.²⁴³ Property values rose as development potential became the criterion for valuing property, rather than plot ratios specified in the Plan. 'People started to bid according to how much more than [the basic plot ratio] they could wangle from the council. It used to be amusing to think who could corrupt the council most effectively.'²⁴⁴ Professor Stretton believes the regular practice of allowing developers bonus site ratios inflated land prices, reduced the possibilities of low density development in the city and 'diminished the chances of a range of desirable developments that relied on cheaper land. Aesthetically, I think it made the city look nastier than it could have been. And it discredited land use planning.'²⁴⁵ It also put at risk unlisted Victorian and Edwardian buildings in the core and fringe districts because the value of the sites as potential development became greater than their commercial value if retained in their existing form.

Design Panels

By the mid-1980s the number of development applications began to increase, putting greater pressure on the staff and elected members.²⁴⁶ The total annual planning applications peaked at 1,109 in 1989 and declined to 835 in 1992. The annual value new of buildings tells the story of their increased size and cost. Forty building applications were lodged with

²⁴³ Michael J. Llewellyn-Smith, personal interview, 30.7.01. He and several councillors interviewed by the author allege that the planning staff continued to uphold principles of the City of Adelaide Plan, but the elected members of the Council were more willing to grant bonuses for less return to the public than had previously been the case.

²⁴⁴ Hugh Stretton, personal interview, 11.4.02.

²⁴⁵ *Ibid.*

²⁴⁶ In 1983-84, for example, the Planning Approvals Committee considered an average of half a dozen development applications at its fortnightly meetings. By 1987 the Planning and Environment Committee usually considered two or three times that number—on February 2 the agenda included 25 development applications and 3 letters of intent—and the complexity of the projects was far greater. To lighten the Council's workload, approval of non-controversial applications was delegated to the Planning Approvals Committee in 1986. See agenda of Planning Approvals Committee and Planning and Environment Committee, *passim*.

the council in 1983 for a total value of \$12,861,000, whereas 46 building applications were lodged in 1990 with a total value of \$129,028,000. The peak years for new buildings were 1987-90.²⁴⁷ Adelaide's former Victorian streetscapes of a human scale were transformed one by one into modern urban caverns walled by office towers, beginning with Grenfell St, then Pirie and Flinders Sts, as bonus plot ratios were granted regularly for features such as pedestrian canopies and podiums or retaining facades of buildings. Shiny towers sprang up alongside heritage-listed buildings, perhaps nowhere more incongruously than the 18-storey Australis building (now SA Water House, 77 Grenfell St) alongside the two-storey heritage Bertram House at 73 Grenfell St. By the end of the 1980s an oversupply of office space was shown in the published vacancy rate of around 20 per cent.²⁴⁸ By 1993 the vacancy rate was still high.²⁴⁹



Bertram House next to SA Water House, Grenfell St.
Aurora Heritage Action collection.

²⁴⁷ Corporation of the City of Adelaide, *Annual Report* 1992, p.28.

²⁴⁸ The 1993 national glut of office space was reported to the 1993 Council of Capital City Lord Mayors. Adelaide had the fourth highest rate of empty office space at 18%, trailing Perth at 31%, Melbourne at 26% and Sydney at 22% (*City Messenger*, 28.7.93, p.5).

²⁴⁹ *Advertiser*, 8.12.1993, p.23.

The new buildings were often built by speculative developers who had no stake in their design or long-term quality. The Southgate building at King William St and South Terrace, approved in 1988, was an example. It was financed by the Japanese consortium Kumagai Gumi, the same group that partly financed the state government's ASER project, and designed by Adelaide architect Rod Roach. The developer had secured no tenant before commencing the project, and the building remained vacant for nearly five years. These generic buildings could not match the signature buildings of the inter-war era which made a statement about the companies that commissioned them. Nor did they compare to the restoration of buildings in east Rundle St undertaken by Mancorp Pty Ltd on the periphery of the East End Markets from 1993, described in chapter 7 below.

The council mostly shied away from design issues, although individual members commented on the poor design of a building from time to time. John Hodgson commented that when he was appointed City Planner in 1988, 'nobody seemed to be concerned about the standard of architecture, ... which was pretty parlous'.²⁵⁰ Two strong lobby groups, the Royal Australian Institute of Architects (SA Branch) and the Building Owners and Managers Association, opposed changes to the 1986-91 Plan which they regarded as council interference in the design of future buildings in Adelaide. In April 1986 forty architects marched on the Adelaide Town Hall to protest against the changes. Their spokesman, Professor John Cooper of the then SA Institute of Technology (now University of South Australia), said the plan review 'gives "absolute design and aesthetic control" to the elected members and employed officers of the council. Such a control is invidious and will, in all probability, stifle the future of Adelaide.'²⁵¹ Design panels were established by

²⁵⁰ John Hodgson, personal interview, 18.10.01.

²⁵¹ *Advertiser*, 25.4.86, p.9.

the Adelaide City Council during City Planner Hodgson's term, but only after the building boom had done its damage.²⁵² They failed to have the desired effect because the architects on the panels tended not to criticise their colleagues or to assess the proposed projects on the basis of their impact on the character of a townscape.

The DFC statements in the Plan were vague enough to allow the council considerable latitude in assessing development proposals. For example, in the 1986-91 Plan the DFC statement for the F17 Hutt St North Precinct in Adelaide reads, '[a]lthough the Hutt St North Precinct should be primarily commercial in nature, it should retain its significant quantity of former residential building stock as the basis for its environmental image'.²⁵³ Much of the residential building stock in Hutt St was in fact lost during the decade partly because of the vague wording of the DFC statement for the precinct, which implies that an unspecified number of the former buildings could be and were demolished. Planners preferred flexibility and resisted prescriptive statements because a good development application which did not meet all of the requirements of the Plan could be refused. That kind of flexibility encouraged the council to stretch the limits of the Plan and, as Professor Stretton noted, 'when they had been doing it for a while, then it seemed to many people unfair if they didn't do it for everybody'.²⁵⁴

Whatever the motivations for approving projects which did not comply with the Plan, the council's decisions resulted in a permanent change in the Adelaide's character. A sample of the more egregious breaches of the principles of the Plan includes:

- the Commonwealth Bank building in King William St, approved in 1984, and the demolition of the Majestic Hotel and adjacent Warner (formerly Majestic) Theatre, which were considered for listing on the Register of the National

²⁵² See John Hodgson, 'Review of the Planning System' (Adelaide: Department of Environment and Planning, 1987), p.13, for his earlier proposal for a Design Review Board for the City.

²⁵³ 1986-91 City of Adelaide Plan, p.115.

²⁵⁴ Hugh Stretton, personal interview, 11.4.02.

Estate.²⁵⁵ The Commonwealth Bank's headquarters, which replaced the hotel and theater, was positioned at an angle to King William St, spoiling the grid pattern favoured by the city planner at the time;

- the State Bank Centre, approved in 1986, in which the heritage-listed Commonwealth Bank chamber in Currie St was demolished and the replacement office tower exceeded height limits for its precinct by 11 storeys, destroying the model of a pyramid form for the City;
- the REMM-Myer complex, Adelaide's largest single undertaking, approved in 1987 with encouragement of the Premier. A bonus of 2.51 (23,370 square metres) above the allowable basic plot ratio of 4.93 was granted. All but the facades of three heritage-listed buildings in North Terrace were demolished. A yellow fiberglass-clad five-storey office complex and clock tower atop the masonry building frontage was out of character with the heritage facades in North Terrace. The developer argued the yellow addition, set back from the buildings' upper edges, could not be seen from North Terrace, but that is only true if the viewer is directly in front of the buildings and not across the street²⁵⁶;
- a 12-storey office building at 2-20 Chesser St and 91-99 Grenfell St, approved in 1987. A plot ratio bonus of 2.99 (5,500 sq.m.) was granted for pedestrian cover, retention of character facades (as a podium), landscaping and public uses. This was the first of several multi-storey office buildings which destroyed a precinct of great charm, with narrow lanes and two-storey brick and stone buildings, in the heart of the city;
- a 9-storey office tower at 92-108 Pirie St, approved in 1987, which was grossly out of scale with its neighbours. A bonus plot ratio was granted for pedestrian canopies and landscaping, an unwarranted concession for a building which perpetuated the destruction the Chesser St precinct;
- the Health Commission office building and shops at Hindmarsh Square, Pulteney St and Rundle Mall, approved in 1986 and amended in 1987, which replaced two-storey bluestone shops of significant streetscape character. The ten-storey reflecting glass office tower did not integrate with the new two-storey candy-coloured shops around it.
- the East End Market site, a long saga on two sites, in which the council in 1987 originally approved an 11-storey hotel and luxury apartment complex that would

²⁵⁵ Lord Mayor Bowen wrote to The Hon RJ Ellicott, MHR, Commonwealth Minister for Home Affairs, on 25.9.80, asking him not to proceed with the Action Notice [for listing on the RNE] on the ground that the Commonwealth Bank bought the property for later redevelopment. AC Archives files RS19 and 4688. The theatre was not listed on the Register due to 'insufficient information' by the proponents, according to staff of the Australian Heritage Commission (telephone interview 15.2.02).

²⁵⁶ In an example of changing values, two years earlier the Council had refused permission for Myer Stores to erect an entrance canopy and under-awning sign at Goldsborough House in North Terrace because of the impact, relatively minor and temporary, on the heritage building. Report of PAC 4.3.85 to Council 25.3.85, item 4.

have been out of character with the heritage shops and Botanic Hotel in East Terrace. The hotel's height was subsequently reduced to nine storeys at the recommendation of the CAPC. The site was sold at great profit with the planning approval, but the development did not proceed. In overdevelopment of the site, a massive apartment complex looms above the shops at the northern section of the former markets with no set-back of the building as proposed in a conservation study commissioned by the state government in 1990.²⁵⁷

The southern market site at East Terrace between Rundle and Grenfell Sts was the focus of three multi-million dollar proposals consisting of office, residential, retail and entertainment buildings 1987-92 which were abandoned because of financial losses. State government intervention ultimately resulted in a residential project in the market grounds, with heritage buildings at the perimeter.

- the Southgate (now Optus) building at King William St and South Terrace, approved in 1988, a 15-storey complex grossly out of scale with its surrounding two-storey neighbours. It was approved on the grounds that it would be a gateway to the city and that taller buildings would be permitted along King William St to Victoria Square. The Southgate was vacant for five years, and the anticipated large-scale redevelopment of King William St did not eventuate.
- partial demolition the heritage-listed Working Women's Creche in Gouger St in 1985, and then demolition of the remaining heritage-listed portion, approved in 1987 (see chapter 8 below); and
- the LeCornu project, North Adelaide, for which the council in 1991 approved demolition of buildings and their replacement by 14 shops, offices and residential buildings in Tynte and Archer Sts. The CAPC refused to concur with the council's approval on the basis that the proposal was contrary to principles 14, 15 and 18 of the Plan, which defined the maximum and bonus plot ratios and maximum dwelling density for a site, and that it was contrary to the DFC statement for the O'Connell St precinct.²⁵⁸ The project was subsequently redesigned to the satisfaction of the CAPC and the council, but after the buildings were demolished the project failed to proceed due to lack of capital. The new owner was in conflict with the council about new buildings on the site in 2006.

Many of the council's decisions on commercial projects were reached *in camera*.

The AHA and other groups concerned with planning in Adelaide objected regularly to the council's excessive use of secret meetings because the public could not comment on the proposals before the council decided upon them. Peter Ward too vented his frustration in

²⁵⁷ McDougall & Vines, 'The East End buildings redevelopment, Heritage Impact Statement', study commissioned by the State Heritage Branch, SA Department of Environment and Planning, dated November 1990.

²⁵⁸ Report of City Planner, ACC Notice Paper 8.7.91, item 6.7, p.267.

1982: 'Nothing is more infuriating to journalists, nor should be more infuriating to ratepayers, than this craven desire for secrecy and self-importance among councillors discussing public business.'²⁵⁹

Appeals

Councillors often expressed concern that refusal of a planning application would result in a costly appeal to the Planning Appeals Tribunal even if the project did not conform to the principles of the Plan. Former Alderman Rann presented the position (not her own) of some members who were 'mindful of avoiding a situation where the council would be caught in litigation which it couldn't defend if a development were not approved', and some also held the view that 'development is progress and is growth and is an income source in terms of the city's rate base...'²⁶⁰ The concern about losing an appeal was spurious because in fact fewer than one case per year brought against the council during the 1983-89 period was overturned by the City of Adelaide Planning Appeals Tribunal.²⁶¹

While developers could appeal to the Tribunal, other interested parties could not. Conservationists or neighbours to a development proposal could submit their objections to the council, but they had no other legal recourse under the *City of Adelaide (Development Control) Act*, which did not provide for third party rights of appeal. During the state government's Planning Review in 1992, several individuals and groups commented on the lack of public consultation and third party appeal rights in the planning system. The *Development Act* (1993) remedied the access restrictions to some extent by providing in

²⁵⁹ *Adelaide Review*, June 1985, p.11.

²⁶⁰ Jane M Jose (formerly Alderman Jane Rann), personal interview, 22.7.01.

²⁶¹ Of 15 appeals against the Corporation of the City of Adelaide considered by the Planning Appeals Tribunal for the years 1984-90, only five were decided in favour of the appellant developer, and in three of those conditions were attached to the decisions. *SA Appeals Tribunal Decisions Bulletin*, Vol I and II, Bulletins 1 – 122.

s38(14) that any person who made a representation to the relevant council on a category 3 (non-complying) development may lodge an appeal with the Environment, Resources and Development Court created at the time the Act came into force. One can only wonder whether Adelaide's streetscapes would be different now if third parties had had the right to appeal against the council's decisions a decade earlier.

Register of City of Adelaide Heritage Items

In March 1980 Lord Mayor Bowen announced that the council would undertake a heritage study of the City of Adelaide. According to the lord mayor, 'the study will be comprehensive, authoritative and definitive so that once completed there will be no further debate about the historic merit or otherwise of individual buildings'.²⁶² The motive wasn't simply to preserve the built heritage:

The City of Adelaide Heritage Study began ... at the instigation of a Lord Mayor who, annoyed at the increasingly visible confrontations between the development industry and the heritage lobby, wished to identify once and for all those buildings in the City which could be redeveloped. Through a reverse twist, the Heritage Register began in Adelaide by identifying sites for redevelopment and heritage items by default.²⁶³

Former Alderman Chris Douglas expressed the same view in more colourful language: 'Certainly the city didn't want to use heritage provisions to stop any development, and that was why when Bowen was lord mayor the property barons decided that the way to go was a list, and the list would say "ok if you're on, and if you're not on, you're not on". It gave that absolute certainty.'²⁶⁴

The heritage study was to be conducted in three stages: (1) research, description and an inventory of items and areas of heritage, (2) review of the legal and economic aspects of

²⁶² Press release by the Lord Mayor in Donovan, Marsden and Stark, *City of Adelaide Heritage Study* (Adelaide: Department of City Planning, 1982), pp.107-108.

²⁶³ Susan Marsden and Robert Nicol, *The Politics of Heritage* (Adelaide: History Trust of SA, 1990), p 36.

²⁶⁴ Chris Douglas, personal interview, 21.8.01.

heritage conservation and (3) development of policy guidelines. Consultants Donovan, Marsden and Stark (DMS) were appointed in early 1981 to undertake stage I, to photograph and record basic information as an 'historical analysis' of every building in the city. The DMS study, completed in 1982, recommended a preliminary list of more than 400 buildings to be entered on the Register of City of Adelaide Heritage Items. Lord Mayor Bowen had expected the first register to comprise about 120 buildings²⁶⁵ to be recommended to the council by the Lord Mayor's Heritage Advisory Committee (LOMHAC).²⁶⁶

LOMHAC first met in April 1981 to develop procedures for evaluating items recommended by DMS for the heritage register, and in November it began to consider a draft list produced by the consultants along with items on the National Trust register.²⁶⁷ A major concern was appropriate action for buildings which were the subjects of development applications lodged with the council. In a letter to the city planner dated 17 June 1982, DMS expressed concern about the proceedings of LOMHAC. Specifically, they observed that 'some members appear to take little, if any, cognizance of the documentation which is provided, when making decisions' and appear 'to be swayed by development options'. Further, 'the nature of historical significance appears misunderstood and is given scant regard' compared to architectural significance.²⁶⁸ Architectural merit as the major determinant was also characteristic of the first entries on the Register of State Heritage Items. Davison in Melbourne also observed that heritage registers are 'likely to

²⁶⁵ Paul Stark, personal interview, 20.9.01. The proposed list in the 1974 City Plan contained 281 places, some of which comprised a group of properties. The Aurora Hotel and St Paul's Church were on the 1974 list.

²⁶⁶ For membership of LOMHAC see Appendix C.

²⁶⁷ Report of Acting City Planner to City Planning Committee meeting 15/2/82, item 2, City of Adelaide Archives file 4688, item 44/8.

reveal a strong bias towards grand buildings designed for wealthy clients by well-established architects'.²⁶⁹

In February 1982 John Mant and Social and Ecological Assessment Pty Ltd were engaged to undertake the stage II study on 'legal and economic aspects of heritage conservation in the City of Adelaide'. The report specifically recommended that 'the listing of heritage items by LOMHAC be based upon the heritage criteria adopted by Donovan, Marsden and Stark and that economic factors not be considered at the time of listing'.²⁷⁰ This recommendation provoked strong written comments from former Lord Mayor JVS Bowen and from Councillor Dean Fidock, the latter stating that '...in my view consideration of the economic consequences of listing is a *sine qua non* – in any such exercise as only in this way can the value of heritage listings be compared with their non-intrinsic worth'.²⁷¹ Since nearly 50 buildings recommended by DMS were not listed on the city heritage register, among them the Aurora Hotel in Hindmarsh Square, one wonders whether owners of buildings with development potential lobbied members of the committee against listing. While there is no record of outside influence on the committee's decisions, as with all committees of its nature, 'the process was imperfect, prone to human error and prone also to political input'.²⁷² When asked whether he was aware of attempts by the owners to keep their buildings off the register, a former city planner replied, 'who

²⁶⁸ Letter reproduced in DMS, *City of Adelaide Heritage Study*, Appendix C. Among buildings of historical significance on the list was the Aurora Hotel at Hindmarsh Square, the subject of a bitter public campaign in 1993.

²⁶⁹ Davison and McConville, p.10.

²⁷⁰ Recommendation 3 of J Mant and Social and Ecological Assessment Pty Ltd, *Legal and economic aspects of heritage conservation in the City of Adelaide*, Draft Heritage Study, Stage II. (Corporation of the City of Adelaide, 1982). Unnumbered page.

²⁷¹ AC Archives file 7601, part 1, letter from Cr Dean Fidock to the Lord Mayor dated 5.8.82.

²⁷² John Hodgson, personal interview, 18.10.01.

can say; I mean, when you see these bodies in operation, you don't lie awake at night wondering any more'.²⁷³

A preliminary list was publicly exhibited in 1984, and after considering more than 100 public submissions, LOMHAC recommended a register to council in February 1985. In mid-1985 the council finally approved less than 5 per cent of the city's stock, to comprise the Register of City of Adelaide Heritage Items. The statutory public exhibition of the register was held in late 1985, by which time properties located in the city which were listed on the State Heritage Register had been added to comprise a list of 419 items.²⁷⁴ The register contained major institutional buildings, such as those in the cultural precinct of North Terrace, banks, post offices, schools, places of worship, major hotels and stately homes, plus other built structures. It was approved by Parliament as a schedule to the *City of Adelaide Development Control Act* (1976), along with the 1986-91 City of Adelaide Plan, and gazetted in December 1987. The register should have been approved as part of the 1981-86 Plan, as recommended by the George Clarke team, but as former Alderman Hamilton said, 'you could be cynical about that. It should be that heritage listing was considered simultaneously with Plan Reviews, but it has always lagged behind.'²⁷⁵ The consequence was that some of Adelaide's distinctive urban character was lost during the 1980s before this register and local heritage formed part of legislation.

When the city register was made public, Chris Russell of *The Advertiser* reported that 'initial reactions are that the list is conservative. ...There is a feeling that the very old

²⁷³ *Ibid.*

²⁷⁴ Only 363 of the items were buildings. Others were built structures such those listed in the Torrens Lake precinct: the Torrens weir, a band rotunda, a bridge, the Adelaide Oval scoreboard and grandstands and entry gates to the oval. Some items were listed twice if they extended over more than one precinct. SA Government Gazette, 23.12.87, Schedule to *City of Adelaide Development Control Act* (1976): Approval of Amendment to Principles, pp.289-99.

²⁷⁵ Personal interview with Mark Hamilton, 17.7.01.

humble common houses, factories and so on are not so well represented'.²⁷⁶ That feeling had intensified by the time the city register was gazetted. Lord Mayor Wendy Chapman had claimed in 1983 that the 'list would not be ongoing... That certainty of knowing a building will not appear on the list in months or years to come would assist with the development of the city.' However the register did not provide the certainty desired by either developers or the heritage movement. As John Mant predicted in stage II of the Heritage Study, 'there can be no guarantee that a building which has not been placed on an official list or register will not attract the attention of some community group or non-government conservation body if it is threatened'.²⁷⁷ Nor could the community be certain that a heritage-listed building would be protected, as events proved.

Having approved the register, members of council on several occasions sought to remove buildings from it. In May 1987, for example, Councillor Jim Crawford unsuccessfully moved for delisting of the Keith Sheridan Institute in MacKinnon Parade, North Adelaide, one of the few extant buildings listed on the Kingston survey of 1872. A few months later, the council approved the demolition of the Working Women's Creche in Gouger St, but the CAPC refused the recommendation. Demolition was later approved by the City of Adelaide Planning Appeals Tribunal (see chapter 8 below). Approval of the demolition of the Commonwealth Bank interior and the gutting of the North Terrace heritage buildings for the REMM project has been described above.

The city register remained static for the five years between City Plan reviews, as intended by the council. By 1989, when an application to redevelop the site of St Paul's church in Pulteney St was lodged, the council agreed to reconsider the 715 buildings listed

²⁷⁶ *Advertiser*, 1.12.83, p.7.

²⁷⁷ Mant, p.12.

in Appendix 2 of the DMS Heritage Study.²⁷⁸ The consultants had compiled a list of buildings which contributed significantly to Adelaide's distinctive townscape but were deemed not to meet the LOMHAC criteria. After the city heritage register had been determined, the buildings not accepted for the register were added to the character schedule. This schedule had no legal standing. Consultant Paul Stark bluntly described the character schedule as 'a list of leftovers' from the Heritage Study, adding that the list nevertheless 'festered because people believed it did have status'.²⁷⁹ By 1990 some of them had been demolished.

In August 1990, after two key development applications involving buildings listed on the DMS 1982 Character Schedule were debated, the council resolved to begin a process of adding buildings to the city's heritage register as part of the five-yearly review of the City of Adelaide Plan. No buildings had been added since the register was ratified in 1987, and the debate reflected changing heritage values since the register was compiled. In September 1990 a City of Adelaide Heritage Advisory Committee (COAHAC) was set up to 'assist Council in the initial compilation of the Register', and by the end of the year the council increased its staff for heritage projects.²⁸⁰ COAHAC comprised representatives of the Building Owners and Managers Association, the Real Estate Institute of SA, the Royal Australian Institute of Architects, the Royal Australian Planning Institute, the Australian Institute of Valuers, the National Trust, Aurora Heritage Action, Inc, the North Adelaide Society, the Square Mile Residents' Association and four heritage experts.²⁸¹ Building owners were given the opportunity to object to heritage listing. After the first statutory

²⁷⁸ DMS, pp.78-92.

²⁷⁹ Paul Stark, personal interview, 20.9.01.

²⁸⁰ ACC minutes, 17.12.90, item 27, p.2671. The additional staff were required to assist both COAHAC and the Townscape Advisory Groups.

public exhibition of the list of 104 items recommended for heritage listing, mostly gleaned from the Character Schedule, was completed in December 1990, COAHAC began considering 40 objections in March 1991.

COAHAC met for the remainder of 1991 and most of 1992. Some of the objections were protracted and extended over more than one meeting. Among the most controversial were objections to listing of the Star Grocery store at Hindley and Morphett Sts with associations with the Greek community in the post-World War II period, Gawler Chambers (see chapter 8 below), the Kithers Building in King William St, recommended for its innovation as the first reinforced concrete building in Adelaide rather than its architectural merit, a former dance studio (former Osborne Hall) in Gouger St, Adelaide, and Eagle House in Grenfell St, a 1968 office building of the International Style.²⁸² Of these, only the Star Grocery store and the dance studio were not heritage listed, the latter having been significantly altered. Additional buildings were considered by the council after the public exhibition and some were transferred from the townscape initiative. At the end of the process 117 items were added to the Register of City of Adelaide Heritage Items, of which 13 were statues, memorials, public gardens and the West Terrace cemetery.²⁸³ This process confirmed the council's commitment to its heritage register as its list of prime buildings at the same time as it recognised the community's desire for protection of the city's character through its townscape initiative.

²⁸¹ ACC minutes 24.9.90, item The members were: K Taeuber (Chairman), P. Bell, A. Cawthorne, B. Close, D. Harry, G. Lindner, S. Marsden, K. McDougall, G. Pember, J. Persse, H. Ramsay, B. Rowney, P. Stephens and D. Wallace. ACC minutes 25.2.91, item 8.2, p.2769.

²⁸² ACC minutes

²⁸³ Corporation of the City of Adelaide, *The City of Adelaide Plan, 1991-96*, Schedule 1, (Adelaide: 1993), pp.321-44.

Heritage Principles

Restrictions on development relating to heritage buildings were contained in the principles of the 1986-91 City Plan. The key principles relating to heritage were Principles 19 and 20.

Principle 19 Heritage Items prescribed that:

Development of items within the City of Adelaide listed on the following, shall conserve the substantial whole of the items:

- Register of State Heritage Items;
- Interim List established by the South Australian Heritage Act, 1978;
- Register of City of Adelaide Heritage Items.

Where adaptation of such items to new uses involves additional construction, part demolition or where alterations are proposed to the fabric of such items, development shall neither detract from nor destroy their cultural significance.²⁸⁴

The State Bank Centre and the REMM-Myer project represented the most serious violations of this principle, with the approval of the Branch, the ACC and the CAPC. The former required the demolition of the heritage-listed grand chamber of the Commonwealth Bank in Currie St, one of a few spectacular internal banking spaces in Adelaide at the time. Rather than argue for retention of the heritage building, the council quibbled over reuse of the pressed metal ceiling panels in the foyer of the new building, which ultimately were replaced with replica panels. In the case of the REMM-Myer project, the Branch and the council argued that the original interiors of the heritage-listed buildings in North Terrace had been spoiled by renovations and were not worth preserving. In fact, the original interior of Shell House was intact and of significant heritage value.²⁸⁵

Principle 20 Development Adjoining Heritage Items provided:

The design of buildings on a site adjoining the site of an item of city or State heritage should respect and complement the built form character of such item in terms of scale, building form, materials, external finishes and colour.²⁸⁶

²⁸⁴ SA Government Gazette 23.12.87, *City of Adelaide Development Control Act (1976)*, 'Approval of Amendment to Principles', p.18.

²⁸⁵ State Heritage Register nomination form, SHB file 13103.

²⁸⁶ SA Government Gazette 23.12.87, p.18.

There are many examples in Adelaide which illustrate how willing the council was to overlook this principle. Among them are the modern Commonwealth Bank in King William St, the Grenfell Centre and Telecom building in Pirie St and others surrounding the three-storey heritage-listed Stock Exchange building, the SGIC office building next to the former Marine and Harbours building²⁸⁷ at Victoria Square and the modern office buildings surrounding the Bethlehem Lutheran Church in Flinders St.

These examples illustrate the truism expressed by urban historian Chris McConville: 'The economic factor in heritage conservation is crucial. In each Australian state and territory, heritage legislation and other protective mechanisms are as strong or as weak as the pressure from developers and local interests, and the political will of federal, state and local governments.'²⁸⁸ The ACC often bowed to pressure from the state government and developers and gained economically through fees and increased rates by approving large-scale projects despite their impact on the city's heritage and character.

Incentives for Heritage Conservation

When the Register of City of Adelaide Heritage Items was approved, the council resolved to encourage heritage conservation through financial incentives as recommended in the Heritage Study - Stage II.²⁸⁹ In her 1985 term of office report, Lord Mayor Wendy Chapman announced that 'the list of properties recommended by the Lord Mayor will be placed on statutory exhibition later this year, by which time the council can also expect to

²⁸⁷ The façade and one-room depth of the building was moved 34 metres north in 1979 to make way for the SGIC building to be located on the corner of Victoria Square. Marsden, Stark and Sumerling (eds.), *Heritage of the City of Adelaide* (Adelaide: Corporation of the City of Adelaide, 1990), p.174. P20 was not part of the City of Adelaide Plan at the time, but the modern 9-storey SGIC building contrasts with the townscape effect of the four storey Victorian building and stands as an example of bad planning.

²⁸⁸ Davison and McConville (1991), p. 60.

²⁸⁹ Mant, Recommendation 2, that the heritage system 'be based upon the provision of financial and non-financial incentives to conserve, rather than the awarding of compensation', unnumbered page.

have designed a package of financial incentives for heritage conservation'.²⁹⁰ After considerable correspondence with the state and federal governments seeking taxation and rate concessions, the council approved the package for public exhibition.²⁹¹ In 1986 Alderman Harrison moved 'that the amount allocated for heritage incentives in the 1986/87 budget as being at least \$500k to reflect the council's strong views regarding this issue'.²⁹² The final scheme, approved by the council on 22 February 1988, included a rate rebate and the waiving of all planning and building application fees in relation to conservation work. In addition, a total of \$100,000 was allocated for grants covering up to 60 per cent of the cost of the work for commercial properties and 20 per cent for owner-occupied residences. The maximum value of a grant was \$1,000.²⁹³ Clearly a \$1,000 grant would not cover the major costs of maintaining a heritage property. As former Alderman Harrison said 13 years after the grant scheme was initiated, 'the real truth is there was never enough money allocated to heritage protection and there still isn't'.²⁹⁴

Former Lord Mayor Steve Condous concurred and added that the state government had not done enough for heritage either.²⁹⁵ Neither of these men was a strong heritage advocate as a council member, but once the council was committed to a heritage register, they professed to believe adequate funding should be provided to maintain the city's heritage. ACC's heritage architect Paul Stark pointed out that while the council had been at times divided on the degree of heritage protection, 'from 1988 onwards it had not until [the 2001-02] financial year downgraded its positive impact on heritage management and

²⁹⁰ ACC minutes, 29.4.85, item 3, p.1188.

²⁹¹ The coordination of state government and council involvement in heritage conservation was a subject of communication between the two tiers of government in 1983 and 1984. See, eg, Report to City Planning Committee of 28.3.83, AC Archives file 4688, part 6, and chapter 2 above.

²⁹² ACC minutes, 12.5.85, p.1317.

²⁹³ ACC minutes, 22.2.88, item 8.2 (4), pp.975-77.

²⁹⁴ Michael Harrison, personal interview, 30.7.01.

²⁹⁵ Steve Condous, personal interview, 6.8.01.

its assistance to private owners in custodial management of heritage places... It was the biggest local government commitment of its type in Australia.²⁹⁶

Transferable Floor Area

Transferable floor area, a measure to provide funds for the restoration and maintenance of heritage places, was adopted in all states in the late 1970s and 1980s and was incorporated in the 1986-91 City of Adelaide Plan along with the city's heritage register. Principle 17 of that Plan states that the council may '...permit the owners of a conservation site (donor site) to transfer floor area from that site for use on another site (recipient site) to enable the floor area for the purposes of development, (*sic*) on the recipient site to be increased'. That is, the owner of a City of Adelaide heritage item located in a precinct where a higher plot ratio is permitted under the Plan could sell the unused plot ratio and any allowable bonus to a developer to increase the plot ratio of a project within the same district. Both sites must be located within the core or frame district.²⁹⁷ A register of development rights was maintained by the council to record the transferred areas to avoid transfers beyond the permitted limits.²⁹⁸ It was assumed the funds gained from the sale of the floor area would be used for restoration and maintenance of the heritage item, and the council could specify conditions in the TFA agreement [P17(10)].

Among the earliest to take advantage of the scheme were the owners of Observatory House in Flinders St. All of the TFA entitlements of this heritage property were sold to two purchasers for \$166,200 to enable restoration of the building and the construction of a

²⁹⁶ Paul Stark, personal interview, 10.9.01.

²⁹⁷ Jude Scarborough observed that 'if the Residential district were included, the supply of T.F.A. would increase considerably without a corresponding increase in demand'. TFA would therefore be substantially devalued. Scarborough, pp.74-75.

²⁹⁸ For the full text, see Principle 17 Transferable Floor Area of the 1986-91 City of Adelaide Plan, pp.17-18.

three-level addition at the rear.²⁹⁹ In the next two years four churches in the frame district sold portions of their TFA entitlement for maintenance work, and one homeowner sold 50 per cent for \$17,000 in 1991 for renovations. Only one transfer under the scheme was effected in the core district, and in that case no major conservation work resulted.³⁰⁰ As Scarborough and others have found, the increases in basic plot ratios contained in the 1986-91 Plan meant fewer bonuses were necessary for developments in the core district, limiting the need for the acquisition of TFA. The council effectively destroyed the TFA system with the 1991-96 Plan when all state, city and local heritage buildings were incorporated into the scheme, raising the number of buildings eligible for TFA from 100 to 1000. As a measure to compensate owners of heritage buildings and to ensure the maintenance of the city's built heritage, the TFA scheme was unsuccessful because supply far exceeded demand.

Conclusion

During the Bannon decade the Adelaide City Council played a major role in South Australia's heritage debates. As the capital city and the site of the oldest buildings of the state, Adelaide was the setting for the principal public protests against the demolition of historic buildings. The first City of Adelaide Plan and the subsequent five-yearly reviews prescribed by the *City of Adelaide (Development Control) Act (1976)* were often the catalysts for heritage debates as the council and city planners prepared for the next five years of urban planning. Having established a Register of City of Adelaide Heritage Items after the first Plan review, by 1987 the council faced the impatience of the Adelaide community seeking to implement more extensive heritage protection in the face of a rapidly changing built environment. Additions to the register were proposed in 1989, and

²⁹⁹ Scarborough, p.87.

at the same time the council began to consider implementing a scheme to protect historic streetscapes that formed the character of Adelaide. Such schemes to identify conservation zones had been in place in Melbourne from 1982 and were gradually approved for suburban South Australian districts from 1989.

With greater autonomy than other local governments through the *City of Adelaide (Development Control) Act* (1976), the council tended to act as if it controlled development in the City. ACC decisions were subject to review by the City of Adelaide Planning Commission, a joint city-state committee, but as noted in chapter 3, few of its decisions were overturned by the CAPC. On the other hand, significant state government projects during this period—the Adelaide Station and Environs Redevelopment project, the State Bank Centre, Town Acre 86, the REMM-Myer project and the East End Market site—showed the State had the upper hand in negotiating major developments. Moreover, when the council's townscape debates appeared to be too disruptive, the Minister for Urban Development and Local Government Relations took command of the matter in 1992. Councils are controlled by parliamentary legislation, and the Bannon decade ended in 1993 with parliamentary legislation which altered the city-state relationship. The *Development Act* (1993) repealed the *City of Adelaide (Development Control) Act* (1976), bringing Adelaide under the same state planning administration as all other local governments.

The ACC was the first SA council to establish its own heritage register. The register process began in 1981 with the appointment of consultants to undertake a survey of the heritage of Adelaide and North Adelaide. A committee was set up by the lord mayor to select items for the register. This register of 419 heritage items became part of the 1981-86

³⁰⁰ *Ibid*, pp.88-90.

City of Adelaide Plan and was not finally ratified until 1987.³⁰¹ By that time it was considered too conservative and inadequate to protect the built character of Adelaide. Heritage activists continued to protest loudly and publicly against the demolition of buildings they believed should be protected. The council responded by reviewing the Register of City of Adelaide Heritage Items in 1990, and after a prolonged process of assessing additional items and considering objections to heritage listing, 117 items were added to that register while another list of local heritage items was being assessed.

Like all political entities, councils are fluid in nature. In 1984 amendments to the *Local Government Act* resulted in dramatic changes in the membership of the council. From that time the number of elected members who resided in a council ward, with a constituency largely comprising residential voters, increased steadily and roughly equaled the commercial representation from 1989. The business sector for the first time faced strong opposition with respect to development, urban design and heritage issues in council.

The federal government's deregulation of the financial sector and lifting of controls on credit from 1984 led to a speculative building boom. The council altered its policies by raising height and scale limits on developments, increasing the development potential of sites with low- to medium-density buildings. Rampant speculation in office buildings in the core and fringe districts, and to a lesser extent in residential areas, resulted in a rapid loss of Adelaide's older building stock. Heritage activists reacted strongly, which resulted in the most inflammatory heritage debate of the decade, the council's townscape initiative, which will be discussed in the next chapter.

³⁰¹ Of the items on the register, 363 were buildings. Of the remainder were items such as those in the Torrens Lake precinct: a band rotunda, the Adelaide Bridge, the Adelaide Oval scoreboard and the Victor Richardson entrance gates to the oval. Items are listed by precinct, and some items are listed twice because they extend over two precincts.

5 TOWNSCAPE PROTECTION TO LOCAL HERITAGE

Local government operates within a framework of intertwined alter egos – the elected council and the employed staff... Many councillors see their election as a popular mandate for them to make decisions, regardless of their background or expertise. On the other hand the council staff often view these representatives of the democratic process as a hindrance to the simple and effective working of the council, guided by those fundamental axioms, the building and planning codes.

– Howard Tanner, architect³⁰²

The first City of Adelaide Plan recognised ‘a need to protect, reinforce and enhance many ... subtle qualities of townscape throughout the City’.³⁰³ ‘Desired future character’ statements for each precinct of the city were described in the Plan, but those statements did not afford adequate protection to townscapes. Such protection could only come from statutory recognition of a concept of heritage beyond the criteria for listing on the Registers of State and City of Adelaide Heritage Items. The ACC’s townscape initiative aimed to conserve ‘groups of buildings which contribute[d] to the traditional image of the city and recall past periods and change’³⁰⁴. They might be rows of workers’ cottages or shops, warehouses or modest villas, corner pubs or minor churches constructed of stone and brick in Victorian and Edwardian styles common to Adelaide and North Adelaide. Owners of designated townscape properties would be required to retain only those portions of their buildings that could be seen from the street, whereas owners of heritage-listed buildings were required to maintain the whole of their buildings. Contributory and non-contributory items were to be identified within each townscape. The former were to be retained while non-contributory items could have been demolished provided they were replaced by buildings which were ‘in keeping with’ the character of the townscape.

³⁰² Howard Tanner, ‘The role of local government’, *Building & Architecture*, 14(3), April 1987, p.14.

³⁰³ Corporation of the City of Adelaide, *The City of Adelaide Plan 1974*, ‘The subtleties of Townscape’, p.63.

³⁰⁴ Corporation of the City of Adelaide, Townscape Exhibition leaflet Dec 1991 – Feb 1992, p.2.

By the time the council held its first public (non-statutory) exhibition of a streetscape concept in 1989, the suburban councils of Unley and Kensington and Norwood had prepared documentation in anticipation of approval of historic (conservation) zones in their areas. These zones protected designated buildings or groups of buildings within the zone and specified that infill development must be sympathetic to the built character of the zone. The zones were formally established by amendment to the *Planning Act* (1982) effective August 1990 and affected all local government areas except the City of Adelaide. By 1993, when the Adelaide City Council was unable to reach agreement on its townscape initiative, historic (conservation) zones were operating in the local government areas of Burnside, Kensington and Norwood, Port Elliot and Goolwa, St Peters, Unley, Walkerville and Willunga.³⁰⁵ Because of the nature of city politics and because there was so much more at stake in Adelaide, the Adelaide city planners never achieved their goal of townscape protection.³⁰⁶

The City of Adelaide Townscape Initiative

The DMS Heritage Study of 1982 included in Appendix 2 a list of 715 items suggested for a City of Adelaide Character Schedule. The consultants identified buildings which contributed significantly to Adelaide's distinctive streetscapes but were deemed not to meet the LOMHAC criteria. The list sought 'to identify the many features which characterise the different parts of the city, in the hope that once these have been identified, efforts can be made to preserve and reinforce them, thereby enhancing the character of the city, in general'.³⁰⁷ After the Register of City of Adelaide Heritage Items had been compiled, the buildings from the recommended list which were not entered on the register

³⁰⁵ Robyn Taylor, *A study to evaluate the effectiveness of historic (conservation) zones*, unpub. Master of Urban and Regional Planning thesis, UniSA, 2003, p.24.

³⁰⁶ North Adelaide was designated an historic (conservation) zone in 2006.

were added to the character schedule, making a list of nearly 1,200 items. This schedule had no legal standing. Consultant Paul Stark bluntly described the character schedule as 'a list of leftovers' from the Heritage Study, adding that the list nevertheless 'festered because people believed it did have status'.³⁰⁸ By 1990 some of the buildings had been demolished.

In 1985 Lord Mayor Jim Jarvis, possibly at the instigation of historian and avid heritage protectionist Councillor Norman Etherington, discussed streetscape protection with Premier Bannon, who said it would be impossible to legislate for, given that the merit of the items on the list emanated from the 'manner in which they reinforce the character of Adelaide',³⁰⁹ a concept too vague to be acceptable to a court. Townscape protection was debated extensively between state and council officials, 'but at the end of the day the council accepted that the government was not going to legislate for it, in which case we were wasting our time trying to get it into legislation on the basis of the work that had been done at that time'.³¹⁰ The city manager acknowledged that the list needed more research and documentation, and the council resolved that more time and effort would be put into the character schedule during the next Plan Review in 1991.³¹¹ Thus, the first effort to legislate for conservation of the city's traditional character was aborted, and for 1986-91 the council was limited to protecting the 363 buildings and other items on its heritage register and developing incentives for the maintenance of those items.

Public demand for more extensive heritage protection did not end, however. As former Alderman Jane Rann observed, 'it is probably communities that have driven the protection of ... the more ordinary buildings that people have a very strong connection to.

³⁰⁷ DMS, p.30.

³⁰⁸ Paul Stark, personal interview, 20.9.01.

³⁰⁹ DMS, p.79.

³¹⁰ Michael J.Llewellyn-Smith, personal interview, 30.7.01.

³¹¹ *Ibid.*

It's where they have grown up, it's the texture, the backdrop to their community life. In the early 1980s there was a lack of willingness to embrace that community desire for more than just the grand monuments of the nineteenth century to be protected.³¹² In 1989 the state government responded to community demand in several suburbs by amending the *SA Planning Act* (1982) to extend development control powers to local government to conserve the built character in designated historic (conservation) zones approved by the Minister (see chapter 3 above). By that time the ACC had proceeded down a different track, its townscape initiative, to achieve character protection under the *City of Adelaide (Development Control) Act*.

After the 1981-86 Plan review was completed in 1987, Planner Malcolm Challen proceeded to prepare a townscape conservation proposal for the City of Adelaide.³¹³ To test community opinion, the ACC mounted a non-statutory exhibition on Adelaide's streetscapes in March - April 1989 in the new State Bank Centre (a most inappropriate venue) in association with Adelaide's Spring Heritage Festival organised by the National Trust. Adelaide's Department of Planning and Development produced a sheet explaining the purpose of the exhibition, which stated: 'The Register of City of Adelaide Heritage Items guarantees neither the setting of heritage items nor Adelaide's unique character of place'; another form of protection was considered necessary. Further, 'this process of public participation ... will undoubtedly reveal the polarities of comment... Clearly for the

³¹² Jane Jose (formerly Rann), personal interview, 22.7.01.

³¹³ Former Alderman Douglas claimed the townscape initiative started in 1989 when the council voted against the demolition of St Paul's Church on the ground that it was listed on the Character Schedule, thus giving heritage status to the schedule. (Personal interview 21.8.01.) However, City Planner John Hodgson said 'the carriage of the whole streetscape exercise was initially driven by the administration' (personal interview 18.10.01). The timing of the first and second streetscape exhibitions in March and November 1989, prepared by the administration, support Hodgson's view.

eventual result to be justifiable and defensible, the essential balance must be struck... Heritage items and townscape elements must co-exist with the 20th century.’³¹⁴

By August 1990 the administration was prepared to recommend a townscape initiative (this term replaced streetscape protection) to the council’s planning and environment committee. Its report described one option of listing on the heritage register the 1,180 buildings contained in the 1982 Character Schedule plus more recently identified buildings to a total of 1,380. This would necessitate onerous costs of employing researchers in order to document the buildings fully. The difficulties of listing on the heritage register were compared with the simpler alternative of a townscape initiative which could be undertaken by the Corporation’s staff: ‘...The Townscape initiative has the potential to yield a result more in keeping with the conservation objective desired by the community; the recognition and protection of the character of groups of buildings in the context of the street ...[and] would avoid the research commitment necessary for additions to the Register, as the Townscape initiative involves designation on the basis of physical, aesthetic or scenic qualities’.³¹⁵ The report acknowledged that Adelaide had lagged behind other states in the recognition and statutory protection of the character and townscapes of value to the City.³¹⁶ Adelaide also lagged behind several suburbs in the metropolitan area that had introduced similar levels of townscape protection through historic (conservation) zones from 1989.³¹⁷

³¹⁴ Corporation of the City of Adelaide, ‘The character of the City of Adelaide’, Department of Planning and Development, March 1989.

³¹⁵ PEC, 13.8.90, item 7.2; ACC minutes, 24.10.90, item 8.3(5), p.2372.

³¹⁶ For example, by a 1982 amendment to the *Town and Country Planning Act*, Victoria granted conservation controls over 19 inner Melbourne area suburbs, well before Adelaide’s Townscape Initiative commenced. Logan, 1999, p.3.

³¹⁷ The metropolitan councils of Unley, Kensington and Norwood, Burnside, St Peters, Walkerville and Prospect and the Hills council of Stirling had their supplementary development plans for historic (conservation) zones authorised by the Minister in 1989 and 1990 (see chapter 3). The ACC was not eligible

A second, more extensive non-statutory exhibition in November 1989 – January 1990 was concerned with identifying the important streetscapes in Adelaide and establishing the criteria for streetscape designation within the City of Adelaide Plan. The criteria accepted by the council for the exhibition were ‘groups of buildings of distinctive aesthetic, cultural, historical and/or architectural interest’.³¹⁸ By narrowing the streetscape concept to groups of buildings only, the council’s administration excluded important individual Victorian buildings such as the Somerset Hotel in Pulteney St and the House of Chow building in Hutt St, which became the subjects of public protests.

The administration’s 1990 recommendations on the townscape initiative were delivered to a council membership that had changed considerably from that of 1982, when John Bannon was first elected Premier of South Australia. The council no longer primarily represented the business community. Eight of the 18 members represented the residential sector, although one of those, Ian Caller, managed a shop in residential North Adelaide. Of the other 10 members, not counting the lord mayor, two did not always vote with the so-called pro-development faction. Sam Christodoulou was a planner who tended to vote with the business group provided a development proposal before the council complied with the principles of the City of Adelaide Plan. Michael Harrison, the most thoughtful of the group, was sometimes an independent voter. Furthermore, two of the pro-development aldermen were in financial difficulty and often failed to attend meetings, which changed the balance of power of the council on those occasions. Similarly, the residential members did not vote consistently as a bloc, the dissenters usually being Alderman Christopher Douglas and Councillor Alan Rye.

to submit a supplementary development plan for historic (conservation) zones under the *Planning Act 1982*. Had that Act applied to Adelaide, the townscape debacle could have been avoided.

Paul Stark has cautioned against depicting the membership of the council as factionalised on heritage as an issue. 'There was a lot of bi-partisanship on council in terms of heritage up to a point. The city heritage register would never have occurred and agreement to the management and promotion of heritage would not have occurred without the support of council as a whole. ...Where divisions started to appear was in ... the extent to which the expanded scope of heritage could be defined.'³¹⁹ By the 'expanded scope of heritage' Stark meant the council's townscape initiative, which certainly appeared to drive the members into factions designated 'pro-development' and 'pro-heritage' by the media. This nomenclature is misleading, of course, because the most ardent pro-heritage members, such as Alderman Jane Rann and Councillor Jane Lomax-Smith, insisted they were in favour of good development provided it did not entail the loss of heritage in the city, and pro-development members voted for the Register of City of Adelaide Heritage Items, heritage conservation grants and even a townscape concept. The boundaries of heritage listing—how far listing should go—divided the two groups.

The 1991 local government election delivered the first Adelaide City Council in which the heritage faction held a majority, possibly reflecting the community's strong support for further heritage protection, or at least opposition to overdevelopment of the city. Under the headline 'Heritage faction the winner in the poll', the *City Messenger* reported that 'new councillors Jane Lomax-Smith and Jacqueline Gillen have boosted the faction's numbers to 10', in an example of media validation of the council factions.³²⁰ The 10 pro-heritage members certainly behaved like a faction, beginning with a seaside retreat on the first weekend after the May 1991 election to discuss their goals for the next two

³¹⁸ The full criteria are contained in 'The Adelaide Townscape Exhibition', 1989-90, AC Archives file 3554, part 3; cf. ACC minutes of Policy and City Development Committee meeting 24.7.89, item 6, p.4.

³¹⁹ Paul Stark, personal interview, 20.9.01.

years. The core of the faction comprised Aldermen Jane Rann and Rosemary Boucaut, Councillors Bob Angove, Ian Caller, Francene Connor, Jacqueline Gillen, Michael Gibb and newly elected Councillor Jane Lomax-Smith, with Alderman Christopher Douglas and Councillor Alan Rye at the outer edge. Lomax-Smith soon joined the core group and became one of its leaders. While the protection of Adelaide's townscapes was at the top of the agenda, the goals illustrate the broad range of the faction's interests.³²¹

Two weeks after the 1991 ACC election, a developer illegally started to demolish the rear addition to his two-storey bluestone building at Wakefield and Hutt Sts in Adelaide early on 19 May 1991. The landmark House of Chow building did not have heritage protection, but possibly because the council had originally opposed its demolition, a decision overturned by the Planning Appeals Tribunal, Antbros Properties Pty Ltd began to demolish the building without approval under the *Building Act* with respect to safety requirements. The demolition was halted by the city engineer, but soon afterward a public protest erupted at the site (see chapter 8 below). A dawn-to-dusk vigil continued for more than two months, the longest public protest against demolition of an Adelaide building.

The council's townscape initiative was already under way when the House of Chow controversy commenced.³²² Conservationists claimed the demolition illustrated the need for greater protection of Adelaide's built character. Mark Parnell and John Hodgson later commented that 'largely under the impetus created by the "House of Chow" controversy,

³²⁰ *City Messenger*, 8.5.91, p.3.

³²¹ Lomax-Smith outlined the agenda in a personal interview on 28.7.01: 'we wanted to reinstate the townscape issues, fundamental planning issues, the review of the [City of Adelaide Plan] and do a new PAR [plan amendment report to amend the Plan], reinstate infrastructure investment to the forgotten wards like Grey Ward, introduce wheelchair [friendly] pavements, a parklands management strategy, a bicycle strategy and youth issues.' Alderman Douglas did not attend the faction meetings.

³²² John Hodgson observed that 'while the council was variable because the balance of power changed from one council [election] to the next ..., the administration of the council plugged away pretty consistently and put a hell of a lot of time and effort into developing the concept of townscape to the point where we were

the council resolved to proceed with a Townscape proposal for the entire city' on 16 September 1991.³²³ Heritage Architect Paul Stark agreed that 'it was the House of Chow that galvanised people to seek that new degree of comfort for better management of the lesser rank of heritage'.³²⁴ Elected members were divided on the impact of the protest: Alderman Hamilton regarded it as a positive occurrence and Councillor Rann believed it influenced Minister for Environment and Planning Susan Lenehan to proceed with local heritage protection, while former Lord Mayor Steve Condous, Aldermen Douglas and Harrison said the protest had little effect because the council had already commenced its townscape initiative.³²⁵

Following the House of Chow protest, Minister Lenehan established an informal working party in July 1991 'to assist with the implementation of a Townscape schedule' in Adelaide which might be similar to the historic (conservation) zones of local government. The working party comprised representatives of her Department, the City of Adelaide, Aurora Heritage Action, Inc, the National Trust (SA), the Building Owners and Managers Association, and developers. City Planner John Hodgson submitted a report to the second meeting on August 7 outlining issues yet to be resolved. These were the need to provide certainty both to the development industry and the community regarding the retention of the traditional character of the city, equity issues for building owners, especially in the commercial core and frame districts, defensible selection criteria and legislative

satisfied that we had something that could be incorporated into the Plan which was an appropriate measure and one which could be supported in objective and rational terms'. Personal interview, 18.10.01.

³²³ Mark Parnell and John Hodgson, 'Issues of Planning Law', (University of South Australia School of Geoinform-atics, Planning and Building Working Paper No. 7, the Planning Education Foundation of SA: Dec 1998), p. 35.

³²⁴ Personal interview, 20.9.01.

³²⁵ Personal interviews with Mark Hamilton, 17.7.01, Jane Jose 22.7.01, Chris Douglas 21.8.01 and Michael Harrison 30.7.01.

mechanisms for identified townscapes.³²⁶ In September the manager of the State Heritage Branch reported to the Minister on issues and policies emerging from the working party, which coincided with the objectives intended by the council as it prepared for the statutory exhibition of the townscape proposal in December 1991.

Unfortunately for the council, the townscape initiative was developed during a concentrated period of planning reviews. The council was undertaking its five-yearly review of the City of Adelaide Plan for the 1991-96 version, including a review of its heritage register, amid a periodic review of local government. A State Planning Review had been instigated by Premier Bannon in 1990 to improve and streamline the SA planning system, which included a review of the *Planning Act*, the *Heritage Act*, the *City of Adelaide (Development Control) Act* and related legislation. The first progress report of the State Planning Review was published in October 1991, while the ACC was confirming its townscape initiative. Perhaps because of his involvement with the State Planning Review, without warning in October the chairman of the meeting steered the ministerial working party from the agreed townscape concept and toward a local heritage register.³²⁷ This was followed by a letter from Minister Lenehan to the lord mayor in which she 'foreshadow[ed] that when the work of the Planning Review is completed, there may be an alternative to implementing the council's proposals'.³²⁸ The Minister was clearly influenced by the Director of the Planning Division of her department and not by members of the working party on the townscape initiative.

³²⁶ Ministerial Working Party Committee 29.8.91, CAPC file WP4_4\SUB\CTE1498D.CWT.

³²⁷ In the chair was Director of the Planning Division of the Department of Environment and Planning, David Ellis, who was a member of the State Planning Review team.

³²⁸ Copies of the memorandum from the Manager, State Heritage Branch, to the Minister regarding City of Adelaide Townscapes, dated 2 September 1991, and the Minister's letter to the Lord Mayor, PLAN 2485/91, are in possession of the author, who was a member of the Working Party.

Despite the shadow cast by the Minister's September letter, the statutory exhibition of the townscape initiative proceeded from December 1991 – February 1992. When the exhibition was mounted, Councillors Jim Crawford, Bernie Lewis, Roger Rowse, Henry Ninio, Charles Moschakis and Con Bambacas sent a black propaganda letter to the owners of all proposed townscape properties. At the top of the letter in bold Old English Script as a masthead was "*The Advertiser*, Adelaide's only daily newspaper". *The Advertiser* owned several townscape properties in the frame district, opposed the townscape proposal and must have agreed to the use of its corporate name in the letterhead.³²⁹ The six signatories purported to support the preservation of the city's townscape but referred to 'unexplained hidden injustices' in the proposal. They claimed that 'your property will be listed as "townscape" at some cost to you, with absolutely no right of appeal, and no compensation', and further, 'if you don't mind ... your bank saying to you that it now needs more security against what it lent you on your mortgage, then Townscape listing won't worry you'. A questionnaire accompanied the letter, in which the councillors invited the property owners to state their objections to the initiative.³³⁰ Former Lord Mayor Jane Lomax-Smith believes the six opponents of townscape protection were fighting for their own political survival in sending the letter. 'It was a purely politically motivated fight, and it was a very successful one as well. They hired PR consultants and press secretaries; they really went into the whole process with money and determination.'³³¹

The letter was extremely misleading with respect to the impact on values of residential properties and the lack of appeal rights and compensation for property owners.

³²⁹ Aurora Heritage Action, Inc, lodged a complaint against *The Advertiser* with the Press Council in September 1992 for its biased and inaccurate reporting in a series of articles on the townscape initiative. The complaint was dismissed because one article published in the newspaper the previous year was not biased, but the newspaper was obliged to publish details of the complaint. *Advertiser*, 1.4.93, p.8.

³³⁰ The letter dated 11.12.91 and questionnaire are attached as Appendix D.

Residential properties in residential areas hold and even increase their value as a result of heritage or townscape listing, but it was true that the development potential of properties in the commercial sectors of the core and frame districts might have decreased, depending upon the property, the height limits and the desired future character statements for the precinct involved.³³² A process was established by the council for the appeals of owners who objected to their property being listed. The issue of compensation or incentives was being considered by the council, particularly for owners of buildings in the core and frame district, at the time the scare campaign was launched. The number of responses to the questionnaire was minimal, but the mischief caused by the letter was momentous.³³³

Of 612 public responses to the townscape exhibition received by the time it closed on 28 February 1992, 316 were generally opposed to the scheme, 254 generally in favour and 42 ambivalent.³³⁴ Not surprisingly, respondents from the core and frame districts were nearly all opposed to townscape protection because of a perceived loss of development potential in those areas, while those in residential areas were closely divided. The council held a public meeting in the Adelaide Town Hall to explain the townscape concept. It then established small townscape advisory groups (TAGs) to hear verbal representations by affected building owners and members of the general public. The TAGs comprised two elected members and one staff member of the council. The public hearings, held between March and August, considered objections to listing of some 106 townscape items, of which

³³¹ Dr Jane Lomax-Smith, personal interview, 28.7.01.

³³² In 1984, GW Dee of the SA Division of the Australian Institute of Valuers, said that 'the value of single unit housing on mid-sized allotments ... in a residential zone would probably rise' (*Advertiser*, 25.7.84, p.46). W Butcher, senior valuer, SA Valuer General's Office, and D Porteous, chief valuer, City of Adelaide repeated this finding in personal interviews, 10.12.1991. Cf. the heritage brochure on the SA Heritage Branch website at www.environment.sa.gov.au/heritage, 13.7.2000.

³³³ Former City Planner John Hodgson said in an interview on 18.10.01 that 'the letter sent out by Henry Ninio divided the community and the council. It was a very bitter time. One man was threatening to shoot several members. There was a period when I was Acting City Manager and had to advise members that the threat had been made. I reported it to the police.'

24 were deleted from the original Townscape I list on the recommendation of the TAGs.³³⁵ The TAGs were later a target of strong criticism on the ground that the hearings were conducted by interested parties associated with the council and therefore biased.³³⁶ The *Sunday Mail* reported on threats of legal action from property owners who claimed townscape selection was illegal because of a lack of criteria and no right of appeal.³³⁷

The objections notwithstanding and with pressure to include amendments relating to townscape in the 1991-96 Plan, the council decided on 11 May 1992 to forward the general principles, desired future character statements and list of townscape buildings as exhibited, designated Townscape I, to the CAPC after the council approved the following changes:

- the removal of contemporary (post World War II) buildings and heritage-listed buildings;
- the elimination of the concept of contributory and non-contributory items so that only those buildings which contributed to 'valued character' would be listed, not groups which included both;
- the listing of individual buildings [the administration had approved a concept of groups of buildings only]; and
- a public awareness campaign for a better understanding of the Townscape Initiative.³³⁸

The council also considered the possibility of incorporating local heritage in the Plan in future after criteria were established by the state government. For the time being, however, the principles and the groups of townscape buildings as exhibited were forwarded to the CAPC in September 1992, after the above amendments were made.

Townscape II

An unexpected outcome of the 1991-92 statutory exhibition was that more than a thousand additional properties were recommended by the public for inclusion in the

³³⁴ Minutes, Council Meeting 11.5.92, item 7.1, pp. 1819-21.

³³⁵ 'City of Adelaide Townscape Proposal - Discussion Paper' from John Hodgson, City Planner, to Members of the City/State Forum 10.11.92 in AC Archives file A13946.

³³⁶ Michael Harrison, personal interview, 30.7.01.

³³⁷ *Sunday Mail*, 12.12.92, p.3.

³³⁸ ACC minutes 11.5.92, item 7.1, p.1819.

townscape initiative. Given that the council took ten years to convert the original character schedule into a townscape scheme suitable for inclusion in the City of Adelaide Plan, the administration felt it could not cope with documenting the additional 1072 buildings by the end of the year.³³⁹ Nevertheless, the council agreed to proceed toward exhibiting the items, designated Townscape II, with the statutory exhibition of the draft City of Adelaide Plan 1991-96 at the end of the year, after the list was culled by a small committee of council members and expert consultants. The council resolved in August to add 682 Townscape II items to the draft Plan. This decision proved to be a political blunder. As Alderman Douglas commented,

the townscape proposal was f....d up, really f....d up. You wanted the process to go with as little fuss as possible and get the system set up. ...If it had gone ahead, the character schedule [Townscape I] could have been adopted and given legal protection, then you would have got onto the next stage... As it is, the whole thing had gone backwards, because you have come up with voluntary listing and a general antagonism to heritage listing, and delisting as well.³⁴⁰

John Hodgson agrees with Douglas that the attempt to rush through the undocumented Townscape II list was a political mistake. 'It was the administration's view that Townscape I would prepare the groundwork for the more difficult ones for which there would be more objections. ...We felt that the credibility of the process, which we had sweated blood on for years, was imperiled by the council suddenly saying that objective appraisal against criteria is not what this is about.'³⁴¹

Douglas blames Alderman Hamilton, chairman of the plan review sub-committee, for the consequences of proceeding with the Townscape II list without delay in 1992. Hamilton's view was that, given 1991-93 was the only term in which pro-heritage members

³³⁹ The City Planner, for example, said 'the [elected] members wanted more than we were putting forward, and they wanted it quicker than we could do it'. John Hodgson, personal interview, 18.10.01. Many of the additional buildings did not meet the criteria accepted for Townscape I.

³⁴⁰ Chris Douglas, personal interview, 21.8.01.

held the majority on the council, 'we felt we only had one opportunity, ... [that] we would never get another opportunity, and unless we were really going for a lot we would run the risk of going backwards.'³⁴² Alderman Hamilton may have been right not because the next council election could change the political climate in Adelaide, but because the state government favoured a different form of heritage protection for local governments which was being developed by the State Planning Review. Furthermore, by mid-1992 the heritage faction faced a far stronger opposition in the council, led by Councillor Henry Ninio, because of the lack of credibility of the Townscape II list. Possibly the pro-development membership would have strengthened at the next election in any case, but the public confusion over the townscape issue gave it a boost.

The Townscape II list was the catalyst for a developers' backlash within and outside the council. Councillor Ninio flippantly threatened legal action against the council in July because of the townscape proposal.³⁴³ Instead, he hired media consultants and campaigned tirelessly against the proposal through local Adelaide newspapers to discredit the townscape concept and bid for the lord mayoralty in 1993.³⁴⁴ Lord Mayor Condous waged a negative campaign of his own, calling on the state government to 'strip council of all

³⁴¹ John Hodgson, personal interview, 18.10.91.

³⁴² Mark Hamilton, personal interview, 17.7.01.

³⁴³ *The Advertiser*, 14.7.92, p.4.

³⁴⁴ See, eg, *The Advertiser*: 'Legal action threat over townscape plan', 14.7.92, p.4; 'Faction fights rock council', 21.7.92, p.3; 'Council row over 'sordid game' claim, 18.8.92, p 4; 'Heritage win by "one-eyed" councillors', 27.8.92, p.5; 'Townscape push after demolition', 26.10.92, p.11; 'Developers may try to block Townscape', 12.11.92, p.1. *City Messenger*: 'Campaign against Townscape list', 11.12.91, p.7. *Sunday Mail*: 'Call for Townscape plan probe', 25.10.92, p.28. Paul Stark claimed in a personal interview on 20.9.01 that 'Henry Ninio was genuinely and consistently concerned always about the lack of security of the Townscape II listing. Certainly they weren't so well documented.' This view is repeated in an article by reporter Andrew Holman: '[Ninio] said he was never opposed to the Townscape concept, but was vehemently opposed to a group of council members being able to put 2000 (sic) buildings on a de facto heritage list without precise criteria or providing for compensation or the right to appeal' *Sunday Mail*, 12.12.92, p.3. Ninio's earlier involvement in the letter to townscape building owners and his speeches in council belie this view.

power over the controversial townscape proposal'.³⁴⁵ Some of the state's key property developers, including Con Polites, Ian Quigley and Patrick Farrugia, with Councillor Henry Ninio among them, hired a barrister to undertake investigative work to determine whether there was a case for a legal challenge against the council on behalf of the 'townscape victims'.³⁴⁶ The case did not proceed. This period of the council's history substantiated Alderman Harrison's view that councillors are essentially amateurs; 'they tend to be far more emotive because they are not professional politicians'.³⁴⁷

The negative media campaign by Councillor Ninio, a member of the ALP, encouraged Minister Crafter to intervene by setting up a city/state forum in late October partly 'to ensure close coordination of the objectives and Strategic Planning processes of the state government and the City of Adelaide'.³⁴⁸ In a media release dated 18 October 1992 announcing the new forum, Crafter made his position on the townscape proposal clear: 'the Adelaide central business district is ... an economic asset of primary importance. So, we will not countenance dramatic shifts in property values or uncertainty over Adelaide's investment potential... We must separate clearly, items of genuine local heritage value from efforts to manage streetscape and public spaces'.³⁴⁹ In an interview nine years later, the former Minister explained his action: 'If I recall correctly, there was a lack of resolve within the council to deal with these issues, and there was in fact a handballing of the matter to the state government by the council. The council had a history of being divided

³⁴⁵ *The Advertiser*, 'Govt must curb council – Condous', 13.11.92, p.4. This and other public statements by the Lord Mayor resulted in his censure by the council at a special meeting on 14.12.92 (p.4627m). Councillors had called on Condous to resign in June 1992 because of his pre-selection as a Liberal Party candidate in State Parliament, which many believed compromised his negotiations with the Labor Premier (*The Advertiser*, 23.6.92, p.10).

³⁴⁶ *The Advertiser*, 12.11.92, p.1 and 14.7.92, p.4.

³⁴⁷ Michael Harrison, personal interview, 30.7.01.

³⁴⁸ AC Archives file A13946, City/State Forum Pt I. Crafter said intervention to disband the council would have been seen as a last resort, and no move was made to disband it at that time (personal interview, 31.7.01).

³⁴⁹ AC Archives file A13946, doc 1, 'Crafter to sort out Townscape Wrangle' 18.10.92.

and was not resolved to deal with this issue in a decisive enough way, so we stepped in to deal with the issue.³⁵⁰

The forum was announced at the end of October 1992, to be chaired by Dr Raymond Bunker, Professor of Planning, University of South Australia, with businessman Tom Muecke as his deputy, and Michael Lennon (Director, State Planning Review), David Ellis (Department of Planning and John Ellis (State Planning Review) representing the state government. The four nominees who represented the ACC were City Manager Michael Llewellyn-Smith, Alderman Jane Rann and Councillors Jim Crawford and Allan Rye. The only members of the forum who were in favour of townscape protection, Jane Rann and Allan Rye, were a minority of two on a committee of nine.

At the first meeting on 11 November 1992, City Planner John Hodgson submitted a discussion paper in which he outlined the history of the townscape initiative and identified the following issues as unresolved:

- (1) equity issues where potential property values might decline,
- (2) townscape vs. local heritage listing,
- (3) consistency of listing (possibly reviewing the entire Townscape I and II lists), and
- (4) clarification of criteria.³⁵¹

At the same meeting John Ellis of the Department of Premier and Cabinet described the proposed *Development Bill* and *Heritage Bill* and provisions for local heritage. The record of this first city/state meeting shows 'it was suggested that local heritage and townscape lists should be merged to effectively become a local heritage list within the City of Adelaide Plan'.³⁵² The agenda of the forum was thus made clear immediately. Two weeks

³⁵⁰ Greg Crafter, personal interview, 21.7.01. Crafter and other Ministers had been lobbied strongly by council members on both sides of the issue, but he appears to have given the pro-development members and other developers more credibility.

³⁵¹ Memo to Members of City/State Forum from John Hodgson dated 10 November 1992. AC Archives file A13946, doc 9(6).

³⁵² Record of Meeting of City/State Forum 10.11.92, item 6. AC Archives file A13946, doc 9.

later the City Planner reported the council had received 'legal advice to the effect that a proposal involving at least partial retention of the physical fabric of listed buildings cannot be distinguished in its purpose from that of a Heritage Listed building, and therefore that the total townscape proposal should be translated into a Local Heritage List'.³⁵³ The legal advisor did not refer to the historic (conservation) zones then in place in suburban districts and the criteria for conservation in those zones, and the Minister appears to have disregarded them in opting for a local heritage register.

Meanwhile the council addressed inconsistencies between townscape principles and desired future character statements in the Plan. At its meeting on 9 November 1992, two-thirds of the buildings on the Townscape II list were deleted, which removed many of the one-storey cottages and houses in the city because townscape control of development of the sites conflicted with the Plan which might allow two- or even four-storey buildings in their precinct. 'The council [was] apparently concerned about legal action in cases where townscape protection will limit the development potential allowed in a precinct under the Plan.'³⁵⁴

The forum continued to favour local heritage over townscape protection, and on 24 November 1992 it was agreed that 'criteria for Local Heritage should be decided by the State to achieve some consistency across the metropolitan area'. The minutes show 'that there remained a perception that parts of the assessment process [the TAGs] was (*sic*) seen as biased. It was suggested that if outside experts (not only in heritage conservation, but also people of commercial, property and valuation expertise) had been used without the

³⁵³ Memo from City Planner to Members of City/State Forum, Townscape – Resolution of Outstanding Issues, dated 28.11.92. AC Archives file A13946. Paul Stark later said 'the expression was coined, "you may not have the bun, you may only have the currants in the bun";' personal interview, 20.9.01. That is, groups of buildings were not to be protected, only individual buildings.

³⁵⁴ *Aurora* newsletter, December 1992, p.2.

involvement of the council administration or elected members, there may have been a different perception.³⁵⁵ The forum shifted the criteria from the contribution to Adelaide's character of groups of buildings of townscape amenity to the local significance of individual items. Crafter wrote to the council on 11 December 1992 seeking approval of the forum's recommendations, and two days later he issued a media release announcing that the forum had resolved the open conflict between developers and various members of the community over townscape preservation. Attached to the release were these criteria for local heritage assessment:

A place may be designated as a place of local heritage value if:

- (a) it displays historical, economic or social themes that are of importance to the local area; or
- (b) it represents customs or ways of life that are characteristic of the local area; or
- (c) it has played an important part in the lives of local residents; or
- (d) it displays characteristic construction techniques traditional to the local area; or
- (e) it is associated with a notable local personality or event; or
- (f) it is a notable landmark in the area; or
- (g) it is regarded with high esteem or affection in the local area.

NOTE: a place may include land and buildings as a group in more than one ownership.³⁵⁶

The council agreed to the forum's recommendations at a special meeting on 14 December 1992. What began as a proposal for townscape protection ended as another register to protect individual buildings, a list that had lesser status as perceived by the ACC than the Register of City of Adelaide Heritage Items but based on similar criteria. Local heritage listing of individual buildings would not protect the traditional townscapes of Adelaide which form the built environment in which heritage buildings are located. The acquiescence of the heritage faction to the Minister's proposal seems difficult to understand a decade later since they retained the majority in the council until May 1993. John

³⁵⁵ Record of Meeting of City/State Forum 24.11.92, item 6, AC Archives file A13946, doc 17(1).

³⁵⁶ Minister's media release 'Townscape being dealt with on much sounder footing', dated 13.12.92, in AC Archives file A13946.

Hodgson's analysis is probably correct: 'We set out to achieve one objective and we ended up achieving another. ...My feeling at the time was that political expediency resulted in a local heritage register.'³⁵⁷ As early as May 1992 the townscape issue was described in a council meeting as a 'nine-year drip torture',³⁵⁸ and it appears the elected members were weary of the political struggle. A decade later Mark Hamilton spoke very positively about the outcome: 'it was a step along a tortuous path which resulted in more buildings listed in that last Plan'.³⁵⁹ At the time, however, the participants welcomed an end to what Lord Mayor Steve Condous considered 'an enormous blue. ...I have to say there was never a more divisive period in the Adelaide City Council.'³⁶⁰

On 14 December 1992 the council agreed to the introduction of a local heritage register and to the appointment by the Minister of an independent review panel to consider objections to listing by property owners. The Local Heritage Review Committee was established in April 1993 to be chaired by businessman Tom Muecke, who had no professional background in heritage but considerable experience as chairman of the Advisory Committee on Planning. The committee members were experienced in architecture, planning or property and undertook their role conscientiously.³⁶¹ Some 350 objections to townscape listing had been made during the statutory exhibitions, and the objectors were to be given the opportunity to have their cases heard, many for a second time.³⁶² Greg Crafter later said 'the lobbying that went on, I remember, was fairly intense.

³⁵⁷ John Hodgson, personal interview, 18.10.91.

³⁵⁸ Notes taken at the meeting by the author, 14.12.92.

³⁵⁹ Mark Hamilton, personal interview, 27.7.01. Hamilton referred to the 1991-96 City of Adelaide Plan, the last before the *Development Act* (1993) replaced the *City of Adelaide (Development Control) Act* (1976).

³⁶⁰ Steve Condous, personal interview, 6.8.01.

³⁶¹ The members were architects David Gilbert and Brian Polomka, Wayne Butcher, valuer, and Tim Russell. AC Archives file A13946, doc. 32(3).

³⁶² Additional objections were received by the Review Committee, for a total of 458 properties reviewed, after which 37 objections were withdrawn. Memo from Principal Heritage Officer to General Manager,

I had literally dozens and dozens of personal representations to “delist” buildings.’³⁶³ The local heritage review committee was a new procedural entity and was painstaking in its work over 18 months, making on-site inspections of all the properties involved. While piecemeal recommendations were made in late 1993 regarding buildings that did not meet the criteria,³⁶⁴ the committee had not submitted its final report to the Minister by the time the state election returned a landslide victory for the Liberal Party on 11 December 1993. The new Minister for Urban Development and Local Government Relations, John Oswald, supported the review committee, which concluded its work by mid-1994.

Henry Ninio was elected lord mayor in May 1993 and continued his attack on the townscape/local heritage processes for property owners who had objected. He wrote to Minister Oswald on 30 August 1994 expressing his ‘extreme concern, on behalf of the people [named on a document attached], regarding their properties being listed on the Local Heritage List’. He stated the property owners’ objections were valid because the original townscape process was ‘fundamentally flawed’, with no precise criteria, and the owners could sustain financial loss without provision for compensation.³⁶⁵ In accordance with a motion passed on 12 September 1994 by his casting vote in the council, the lord mayor asked Minister Oswald not to list 301 properties on the Adelaide local heritage register which were the subject of owners’ objections, even though they were recommended for listing by the Local Heritage Review Committee.³⁶⁶ The Minister replied indignantly that the council’s move was ‘divisive and unconstructive’. He asked

Community & Development Services, ACC, ‘Observations/summary of townscape & local heritage process’, 17.1.95. AC Archives file D3554, doc 2152(19).

³⁶³ Greg Crafter, personal interview, 31.7.01.

³⁶⁴ Memoranda from Chairman, LHRC, to Minister of Housing, Urban Development and Local Government Relations August – October 1993 [AC Archives file D3554, docs 2088(2), 2090, 2117.4 and 2117.6].

³⁶⁵ Letter from Lord Mayor to Minister Oswald 30.8.94. AC Archives file D3554. The Lord Mayor persisted in ignoring the fact that the properties were re-evaluated by an independent committee under accepted criteria for local heritage and were better documented than most of the other buildings on the original townscape list.

that the council reconsider its motion on the grounds that the local heritage review committee was established by agreement with council and that it made its recommendations after ‘a painstaking and professional process of inspecting every property, designating the properties in accordance with the criteria for Local Heritage and thereafter hearing objections’.³⁶⁷ The Minister pleaded specifically for the council to satisfy the wishes of the owners of 37 properties who had withdrawn their objections. However, the Crown Solicitor had advised the Minister that his power to list the properties notwithstanding the council’s objections was ‘dubious’.³⁶⁸ In January 1995 the lord mayor informed the Minister that the council resolved to ‘take no further action to include on the list of Local Heritage Items those properties whose owners originally objected to the listing...’³⁶⁹ In other words, listing on the local heritage register was to be voluntary.

The policy of voluntary listing was upheld by the council as late as 2001, when Lord Mayor Alfred Huang publicly supported the delisting of local heritage buildings at the owners’ requests,³⁷⁰ a continued aggravation for proponents of heritage principles, and again in 2004 after a heritage survey was conducted in North Adelaide. Former Lord Mayor Jane Lomax-Smith was particularly infuriated by voluntary listing and delisting. ‘The voluntary issue is the most disappointing. On the initial list people had the opportunity to object, and that should have been the end of it.’³⁷¹ The council’s planning staff opposed the voluntary listing policy, as explained by City Manager Michael

³⁶⁶ Letter from Lord Mayor to Minister Oswald 27.9.94. AC Archives file D3554.

³⁶⁷ Letter from Minister Oswald to Lord Mayor 22.12.94. AC Archives file D3554, doc 2/770.

³⁶⁸ The Minister demanded that the council recompense the state government for the \$138,000 costs incurred by the committee. AC Archives file D3554, doc 2/770.

³⁶⁹ Letter from Lord Mayor to Minister Oswald 18.1.95 (AC Archives file D3554, doc 2158). Items to be listed on the Register of Local Heritage Items are forwarded by the Council to the State Government through a Plan Amendment Report under the *Development Act*, and the Council was unlikely to include the properties in a PAR given its motion of 12 September.

³⁷⁰ ACC minutes, 28.5.01, item 11.5, p.1583. Cf *City Messenger*, 25.7.01, p.3.

³⁷¹ Dr Jane Lomax-Smith, personal interview, 28.7.01.

Llewellyn-Smith: 'To open it up so that owners could have it repealed at any time was never in my view envisaged. To delist for reasons other than irreparable damage cannot be maintained and was never from a professional planning point of view a criterion.'³⁷² Indeed, the criteria for townscape or local heritage listing did not include a provision that owner objection or financial loss were grounds for exempting a property from the register, but it became a council policy.

Lord Mayor Ninio's opposition to local heritage was limited to the voluntary listing issue. On 6 December 1993 the council, with his support, adopted a package of incentives for local heritage maintenance, which showed that \$30,500 had already been allocated and that \$500,000 was allocated for local heritage incentives in the budget for 1993-94.³⁷³ The budget was mainly disbursed in small grants, but it demonstrated a commitment by the council to local heritage at a time when the state government provided nothing in its budget for heritage maintenance.

Conclusion

The City of Adelaide townscape initiative was long overdue by 1989, as former Alderman Michael Harrison maintained,³⁷⁴ because townscape conservation had been foreshadowed 15 years earlier in the 1974 City of Adelaide Plan and because Adelaide lagged behind other states in the protection of the less significant buildings and streetscapes that formed the traditional character of the city. The scheme would have protected 'items and areas of special character identified as contributing to the environmental, social or cultural heritage of the City',³⁷⁵ although the items and areas would not individually merit entry on the Adelaide heritage register. While the traditional features of areas such as North Adelaide

³⁷² Michael J.Llewellyn-Smith, personal interview, 30.7.01.

³⁷³ ACC minutes, 6.12.93, AC Archives D.3554, doc 2092.

³⁷⁴ Michael Harrison, personal interview, 30.7.01.

would be conserved, the stringent controls of heritage listing would not apply to buildings that contributed to the townscape. Initially buildings within each townscape area were designated either contributing or non-contributing to the townscape. Non-contributing items were later dropped from the townscape listings.³⁷⁶ Only the frontages of designated properties to a specified depth that could be seen from the street would be protected; owners of such properties could alter the rear and interior of their buildings as they wished. This contrasted with state and city heritage listing, in which the substantial whole of the listed item was protected in principle.

The first steps in introducing the townscape initiative were a non-statutory public exhibition in early 1989 to gauge community reaction to the proposal, followed by a second statutory exhibition in November 1989 – January 1990. The scheme was accepted by a council that no longer primarily represented the business community. In May 1991 the residential and pro-heritage faction of the council gained a majority, shortly before the unlisted House of Chow building in Adelaide was threatened with demolition. A vigorous public campaign to save that building impressed upon the state government and the council the need to expedite townscape protection in Adelaide. The Minister for Environment and Planning set up a working party to accelerate progress on the scheme, but later in 1991 she took the direction of the State Planning Review and supported local heritage listing as an alternative.

While state politicians and planners were moving away from townscape conservation, the council became increasingly divided on the issue, particularly when more than a thousand additional buildings had been proposed by the public for inclusion in the scheme. The council decided to proceed with the first exhibited townscape buildings and to examine

³⁷⁵ ACC minutes, 16.9.91, item 8.3, p.814.

the others separately, as a Townscape II group, in order that the principles of the scheme could be forwarded to the CAPC with the draft 1991-96 City of Adelaide Plan. In 1992 Councillor Ninio led a campaign against townscape protection on the grounds that the buildings had not been properly assessed and the scheme lacked credibility, although it was not intended that the buildings would be assessed as thoroughly as heritage buildings. The heated debates in council and anti-townscape lobbying led Minister for Local Government Crafter to intervene to resolve the matter through a city-state forum. The forum resolved to establish a second heritage register in Adelaide in lieu of townscape conservation. Criteria for local heritage were prepared by the forum. A local heritage register meant that the townscape settings for heritage would not be protected, only individual buildings within them.

The Minister appointed a Local Heritage Review Committee to consider objections to the listing of buildings on the local heritage register. The process of considering objections to listing established the council's new policy of voluntary listing of items entered on the local heritage register. With respect to the Register of City of Adelaide Heritage Items, property owners were given the opportunity to object to listing, but the decision continued to rest on whether the property met the criteria, not on the owner's objection.

From its inception the Adelaide townscape initiative was out of step with urban planning in South Australia at the time. Had it begun earlier, as envisaged during the review for the City of Adelaide Plan 1981-86, it might have been a model for local government historic conservation zones throughout South Australia. Had it begun a little later, the council might have adopted the historic (conservation) zone scheme introduced in 1989 for suburban areas under the *Planning Act* through an amendment to the *City of*

³⁷⁶ ACC minutes, 11.5.92, item 7.1, p.1819.

Adelaide (Development Control) Act. In the event, from 1991 the State Planning Review, which culminated in new legislation—the *Development Act 1993* and the *Heritage Act 1993*—overtook the townscape scheme. The council was informed in 1992 that the *City of Adelaide (Development Control) Act* would be repealed with the introduction of an integrated planning system for South Australia as a whole.³⁷⁷ That planning system included local heritage registers for council areas, not townscape protection. Lists of individual buildings were preferred by developers, who could be certain that all unlisted places were available for development. Through the townscape process the state government developed its local heritage criteria and the model for the local heritage advisory committee.

For a time in 1991-92 the pro-heritage majority in the council and its planning staff progressed toward a scheme of protecting the nineteenth and early twentieth-century character of Adelaide. In the end, however, the city and state governments chose to heed the objections of some 450 property owners rather than triple that number who did not object to townscape or local heritage listing. By so doing they supported developers over conservationists and the commercial sector over the residential sector. Those dedicated to townscape protection to conserve the built character of Adelaide felt defeated by the local heritage solution, but as former Alderman Jane Rann noted, ‘in the end ... 1,492 properties were listed and less than 100 buildings of the original townscape initiative were not listed. That gives you a very clear view that most people didn’t mind and were happy to have their properties listed. A small, vocal minority opposed it vehemently.’³⁷⁸ That vocal minority included developers and their representative organisations, some property owners, some

³⁷⁷ Paul Stark, personal interview, 20.9.01.

³⁷⁸ Jane Jose (formerly Rann), personal interview, 22.7.01. Ms Rann’s figure does not take into account the buildings that failed to be listed because of owner objections.

architects, *The Advertiser* and others in the commercial sector who were successful in their campaign against townscape conservation.

6 THE INTEREST GROUPS

As heritage councils and committees are usually the creatures of government, they cannot always be expected to withstand powerful property interests, especially when these have the backing of the political party in power.

- Peter Spearritt³⁷⁹

From the moment the South Australian Heritage Act was proclaimed in 1978 a range of interest groups sought to influence heritage policies at both state and local government levels.³⁸⁰ As noted positively by Davis, Wanna, *et al.*, 'organisations make a significant contribution to the distribution of influence and the circulation of policy ideas. Groups advocate solutions for public problems—whether through the discrete lobbying of business councils or the more public displays of farmers and conservationists.'³⁸¹ With regard to heritage, the groups advocating policies which would permit unrestricted development in Adelaide except for designated heritage buildings were developers, architects, financial institutions and others with commercial interests in the building industry. Their lobby groups were the Building Owners and Managers Association (BOMA), the Property Owners and Ratepayers Association, and the Royal Australian Institute of Architects (RAIA), although many members of the RAIA supported the preservation of historic architecture. Among Adelaide's heritage lobby groups, some were organised and more or less dedicated to the preservation of the city's Victorian and Edwardian character that remained during the Bannon decade, and some were ad hoc and informal, with a more narrow focus on saving an individual building. Among the former were the National Trust (SA Branch), Aurora Heritage Action Inc, the Civic Trust of SA, the Conservation Council

³⁷⁹ Peter Spearritt, *Sydney's Century* (Sydney: UNSW Press. 2000), p.257.

³⁸⁰ I have used the definition of an interest group accepted by most political scientists: 'any organised group that seeks to influence public policy'. (Trevor Matthews, 'Interest groups' in Rodney Smith (ed), *Politics in Australia*, 2d ed (Sydney: Allen & Unwin, 1993), p.241.

³⁸¹ 'Parties and pressure groups' in G. Davis, J. Wanna, J. Warhurst and P. Weller, *Public policy in Australia*. (Sydney: Allen & Unwin, 1988), p.84.

of South Australia and residents' associations. The ad hoc groups were generally formed by residents who objected to the proposed demolition of a particular building and disbanded when their case was resolved. These included groups that protested against demolition of the Victorian mansions Carlew and Kingsmead House in North Adelaide and later the House of Chow building in Adelaide.

The above were not the only organisations attempting to influence government heritage policies. Among local newspapers, *The Advertiser* reported early heritage protests fairly, but because it owned buildings that would be affected, attacked the Adelaide City Council's townscape initiative and lobbied against it (see chapter 5 above), while *The News* always editorialised against heritage protests. The State Bank and other lending institutions strongly influenced governments with respect to major building developments.³⁸² Not surprisingly, during the building boom of 1987-91 governments to their cost were more likely to be influenced by financial and development interest groups than by heritage groups.

The Development Lobby

Developers did not form their own lobby group—they didn't have to because individually they could successfully lobby several members of the Adelaide City Council and personnel in the state government, and they did so in competition with one another. Thus, they do not fit the definition of an interest group in the sense that they were not formally organised, except through BOMA, but in most respects they were like-minded and lobbied for the same objective of an unfettered planning system.³⁸³ Large national development companies, such as Fricker Corporation and Hooker Multiplex Pty Ltd, as

³⁸² For example see chapter 7 regarding the State Bank Centre and REMM-Myer project.

³⁸³ Theo Maras of Mancorp was a developer who restored historic buildings and was an exception to their common view that heritage protection should be limited to less than 200 buildings in Adelaide.

well as superannuation funds and insurance companies, developed property in Adelaide during the Bannon decade along with family corporations and individual developers. Some were both investment and development companies, such as Mancorp and the Kambitsis Group, which own and lease the properties they develop. Many individual developers set up a company for each project to limit their liability and to benefit from taxation advantages when the development was sold.³⁸⁴ John Roche, for example, developed the Aurora Hotel site in Hindmarsh Square (see below) through Vensa Pty Ltd and proposed to redevelop the Gawler Chambers site in North Terrace through his Adelaide Development Company (see chapter 8 below). Occasionally developers would collaborate in joint ventures if one developer who owned a site needed finance or the expertise and experience of another, or they might collaborate with a government in a joint venture.

When the first Bannon government was elected in 1982, building development was proceeding slowly during the recession and consisted of relatively small projects. As noted in chapter 3, the Premier sought to foster economic recovery through major projects, leaving him open to lobbying by developers. Until 1987 most major commercial developments were initiated by governments, not the private sector. The ACC initiated the Citicom project at Hindmarsh Square and the Topham St development; the state government engaged in joint ventures in the ASER and the Grenfell St Mail Exchange projects, and the Commonwealth government built a large South Australian office complex in Waymouth St. The only non-government major development at the time was Satisfac Credit Union's 15-storey office building in South Terrace, approved in 1984.³⁸⁵

By 1986 there was a substantial increase in the number of residential development applications, along with a major commercial project, the State Bank Centre. In late 1987

³⁸⁴ Joe Walker, personal interview, 25.7.03.

the commercial property market began to grow rapidly, attracting new investors. The stock market crash of that year also lured institutional investors to the property market. These were the growing superannuation funds and insurance companies that were then entering risk-taking ventures.³⁸⁶ Property trusts and property development companies undertook more than half of the large construction projects in the CBD. Nationally some of the large projects were joint ventures with Japanese partners; in Adelaide the ASER project and the Southgate (now Optus) building were developed jointly by the state and the Kumagai Gumi consortium.³⁸⁷ Others involved national companies, such as the REMM-Myer project in Rundle Mall (with Brisbane's Real Estate Marketing and Management company), the Australis building in Grenfell St developed by Hooker Multiplex Pty Ltd., and Chesser House developed by Jennings Industries, all financed by the SBSA. The number of planning applications involving new buildings did not vary significantly from year to year (the peak year was 1986 with 52 applications, descending to 30 in 1991), but the total value of the projects jumped dramatically from \$28.4 million in 1986 to \$144.812 million in 1987, reflecting the increased size of the projects. Values remained over \$110,000 million until 1991, when the total value dropped to \$30.2 million.³⁸⁸

Under the deregulated Australian financial system fifteen foreign banks had opened their doors for business in Adelaide, bringing new competition to the local banks.³⁸⁹ Adelaide's big four banks (Westpac, National Australia, Commonwealth Bank and the State Bank of South Australia), along with their subsidiaries and second-tier financiers such as Lensworth Finance, were prodigious lenders. '...The banks were lending enormous

³⁸⁵ See CAPC Annual Reports 1982-86.

³⁸⁶ Joe Walker, personal interview, 25.7.03. All the big insurance companies, AMP, CML, National Mutual and SGIC had property portfolios.

³⁸⁷ See Michael Berry, *Japanese property development in Australia* (Oxford: Pergamon Press, 1994).

³⁸⁸ Corporation of the City of Adelaide, *Annual Report 1993*, p.48.

debt-to-equity margins... One of the most fundamental [characteristics] of that period was that the bank manager was your mate and they pushed things through for you and did things on a handshake'.³⁹⁰ The boom was thus finance driven, with banks and financial institutions lending freely, 'as if the boom would never end'.³⁹¹ In Adelaide the SBSA intensified its corporate lending. McCarthy reported that 'the bank executives, especially those in [its subsidiary] BFC, had according to the Auditor-General a "reckless optimism" in the safety of commercial property'.³⁹² Such optimism was not limited to the SBSA and BFC.

While residential development continued to proceed at a regular pace, office development in the CBD mushroomed. The office vacancy rate had been very low after the 1970s recession, leaving the CBD ripe for the pent-up demand at the beginning of the boom. Much of the private demand came from professionals—architectural, engineering, law and accountancy firms—seeking to expand and upgrade their office accommodation. Whereas previously they occupied lower-grade offices in and around Grenfell and Pirie Sts, they now sought new A-grade accommodation, and they often leased more office space than they would use in anticipation of future expansion. Most of the new occupancy was taken by tenants shifting from older buildings to new, leaving the older buildings vacant and vulnerable to redevelopment.³⁹³ State government departments also shifted staff to new buildings during the boom. 'The others were left empty. This was to keep employment up,' according to Gerry Karidis,³⁹⁴ as part of the Bannon government's crane-

³⁸⁹ McCarthy, 2002, p.173.

³⁹⁰ George Kambitsis, personal interview, 24.6.03. He added that 'in the 1980s banks were lending up to 100% and 110%, and there were plenty of bogus valuations getting around that would pump up the value of the building before it was even settled and be used as the basis for finance'.

³⁹¹ Theo Maras and George Kambitsis both used this phrase.

³⁹² McCarthy, p.159.

³⁹³ Joe Walker, personal interview, 25.7.03.

³⁹⁴ Gerry Karidis, personal interview, 18.7.03.

led recovery. Developer Theo Maras further commented in an interview, 'it was an artificial boom. There was no growth. We were transferring deckchairs, taking tenants from one building to another.'³⁹⁵

With easy access to finance, many developers speculated in office construction without securing a tenant. Building development can be a creative process, bringing together a tenant and a site, with architects and engineers, to construct a building that is appropriate for both. During the speculative boom, the design of many office buildings was generally far inferior to their pre-war forebears along King William St, the signature buildings which bore the names of companies concerned about their corporate image. 'From 1970 onwards buildings were built to a dollar, with design parameters dictated by developers who had no long-term interest in the building but a short-term holding for the purpose of profit only.'³⁹⁶ Even *BOMA News* reported the observation of developer Grant Pember that 'the public sector was totally price-driven, which did nothing to encourage excellence in external design aesthetics'.³⁹⁷ New commercial buildings embodied the 'impersonality of modernism' described recently by Alexander Linklater,³⁹⁸ and many observers referred to them as computer-generated buildings or worse, as 'punitive architecture'³⁹⁹ or not architecture at all but mere buildings. Architect Peter Birdsey described working in the late 1980s without completed plans during the boom, having to work up the plans on the site. 'That was very much the tenor of the period. Architecture

³⁹⁵ Theo Maras, personal interview, 19.6.03.

³⁹⁶ *Ibid.* Maras' company, Mancorp, is an investment company that plans for long-term ownership after developing a site.

³⁹⁷ *BOMA News*, vol 4, no 4, Aug/Sept 1992, p.18.

³⁹⁸ Alexander Linklater, 'The Master Builder', Review section, *Financial Review*, 19.8.03, p.1.

³⁹⁹ A term coined by Professor Peter Mühlhausler of the University of Adelaide. 'Brutalism' would also be apt, but that term applies to a specific form of architecture of the 1960s as well as modernist architecture in general. See Reyner Banham, *The new brutalism* (London: Architectural Press, 1966) and Charles Jencks, *Modern movements in architecture* (New York: Doubleday, 1973), pp.256-70.

was very much a pragmatic, State Bank controlled, developer syndrome that was based merely on building for economic reasons.⁴⁰⁰

Not only did the developers have easy access to finance, they had considerable political influence. They and/or their architects met with city planners to discuss a proposal before it was submitted to the council. Often their plans would exceed the allowable plot ratio for the precinct in ambit claims to get the best result for themselves. Whatever recommendations the city planner made to the council regarding approval or refusal of a project, the council had the final vote on the matter. It was critical for a developer to ensure a majority of councillors voted for approval of his project, and it is not surprising that they all lobbied councillors. George Kambitsis described the developer's plight: '...it is a difficult, arduous process fraught with danger that requires that you bring along with you literally a football team of consultants all of whom have to be paid along the way, with no guarantee where you will be at the end of it.'⁴⁰¹ It was a process developers sought to change. In its 1991 submission on the review of council representation, BOMA contended 'that the City of Adelaide is a State asset and, as such, its future development should be overseen by a representative body with appropriate skills and expertise. Accordingly, it has recommended that revised management arrangements should be introduced to determine future major development proposals within the city.'⁴⁰² That is, BOMA believed councillors representing residential wards did not have appropriate skills and expertise to assess major development proposals.

Developers also lobbied the state government through its Special Projects Unit for project approval, and through the State Heritage Branch when appropriate. Developer

⁴⁰⁰ Peter Birdsey, personal interview, 2.7.03.

⁴⁰¹ George Kambitsis, personal interview, 24.6.03.

⁴⁰² *BOMA News*, vol 3, no 6, Dec 1991, p.6.

Gerry Karidis, who won his bid to develop the Dame Roma Mitchell building and pedestrian underpass in North Terrace, said, 'I am disappointed in developments through the government. I never [saw] open tenders with [John Bannon's government]'.⁴⁰³

About three years would elapse from the time a building was approved by the council until its completion. Those who lodged development applications early in the boom made millions, but developers who gained building approval from 1989 onward completed construction or went into liquidation when the boom was over. The boom ended primarily because of an oversupply of office space and secondarily because of rising interest rates, lowered property values and withdrawal of bank loans. There would have been an oversupply in any case, but it was compounded by technological changes which reduced the number of employees working in city offices. Joe Walker mentioned the example of Nestle Corporation in Currie St which leased additional floors in Frome St. 'Now all their reps move around with laptops and mobile phones and don't need the space.'⁴⁰⁴ Government departments, a major occupier of office space, were also downsizing to meet budget constraints.⁴⁰⁵

Another factor was the centralisation of national and international companies which established head offices in Sydney or Melbourne and abandoned their regional offices. 'Small regional centres like Adelaide got consigned to a large extent to being back offices and mere regional offices, resulting in the wholesale laying off of staff in places like Adelaide.'⁴⁰⁶ Developers blamed the ACC's 'zone X policy' for local decentralisation of office accommodation from the early 1980s. Zone X was Adelaide's core district, or CBD,

⁴⁰³ Gerry Karidis, personal interview, 18.7.03.

⁴⁰⁴ Joe Walker, personal interview, 25.7.03.

⁴⁰⁵ Roger Frinsdorf, *BOMA News*, vol. 3, no. 5, Nov 1991, p.5.

⁴⁰⁶ George Kambitsis, personal interview, 24.6.03.

where new projects could not include car parks except in designated parking stations,⁴⁰⁷ driving small to medium commercial development to the fringe suburbs, along the eastern side of Fullarton Rd and the southern side of Greenhill Rd, where staff could park their cars within their building site. Once residential streets of architectural quality, they are now mainly strips of modern, small-scale office buildings with undercroft parking which attracted businesses away from Adelaide, increasing the vacancy rate in the CBD. Without the zone X policy, the developers say, those roads would have remained residential and the office development would have been located in the city. The CBD would have been much better off economically and the residential areas architecturally.⁴⁰⁸

BOMA surveyed office vacancies annually, and the Adelaide rates for the period 1991-93 show the trends. In mid-1991, 14.7 per cent of office space in the core district was vacant and 19.3 per cent in the fringe; in mid-1992, 17.2 per cent was vacant in both districts; and in mid-1993 more than 19 per cent of office space was vacant in both districts.⁴⁰⁹ These vacancy rates referred to buildings that were on the market. 'If it were not on the market—eg, empty office space under lease—it wouldn't count as vacant. Sub-leased offices also would not count as vacant.'⁴¹⁰ Thus, the real rates of unoccupied office space were substantially higher than the vacancies published by BOMA.

Overcommitted financially and unable to find tenants or sell their office buildings in the aftermath of the boom, some of Australia's biggest development companies were forced into liquidation. Fricker Corporation was first in 1989, followed by LJ Hooker

⁴⁰⁷ Principle 10 of the Plan. See *City of Adelaide Plan 1976-81*, p.206, and *City of Adelaide Plan 1981-86*, p.42.

⁴⁰⁸ Developers circumvented Principle 10 by adding basement 'storage' to office buildings, where executives stored their cars during the day. Joe Walker, personal interview, 25.7.03.

⁴⁰⁹ Building Owners and Managers Association, *Adelaide Office Market Reports* (Adelaide: self publication), January 1992, January 1993 and January 1994.

⁴¹⁰ Rob Kooyman, personal interview, 12.8.03. Kooyman was a member of the BOMA committee that compiled the market reports.

(Australia) Pty Ltd and the Emmett Group. The Adelaide-based Kirkwood Pty Ltd faced liquidation in 1990⁴¹¹ and major individual developers such as Joe Emmanuel, John Baggio, Vince Oberdan and Dennis Savas also went under.⁴¹² Three members of the council were obliged to resign because of ‘financial difficulties’—Brian Anders, Michael Harrison and Roger Rowse—and Alderman Con Bambacas moved to Brisbane to start a new business. In addition, developers of hotels and retail complexes became insolvent. For example, work on the Royal Adelaide Hotel in Franklin St was stopped in July 1990 as a result of the collapse of the Victorian-based Pyramid Building Society⁴¹³ and the Ramada Grand and Hindley-Park Royal lost millions.⁴¹⁴ As developers went under, their contractors and sub-contractors were left with millions of dollars owing to them and their workers. The CMEU threatened work bans on construction sites as the impact rippled through the economy and the state government refused to set up a trust to safeguard money earmarked for major developments.⁴¹⁵

Financial Institutions

During the 1980s boom, banks expanded at a prodigious rate. With the emergence of the entrepreneurial State Bank in 1984, seven subsidiaries (five 100 per cent SBSA owned and two 50 per cent) became part of SBSA’s assets.⁴¹⁶ Among these were BFC, which soon became SBSA’s biggest liability (see chapter 2 above). The bank’s assets grew 700 per cent from 1984 – 1990, from \$3 billion to \$21 billion⁴¹⁷ which were quickly devalued afterward in a declining national economy. The collapse of these assets is one part of the story of SBSA’s downfall in 1993, a story repeated throughout Australia in ‘a saga that

⁴¹¹ *The Advertiser*, 25.7.90, p.1.

⁴¹² George Kambitsis, personal interview, 24.6.03.

⁴¹³ *The Advertiser*, 4.7.90, p.2.

⁴¹⁴ George Kambitsis, personal interview, 24.6.03.

⁴¹⁵ *The Advertiser*, 25.7.90, p.1.

⁴¹⁶ *The Advertiser*, 15.11.88, p.21.

symbolizes the excesses of the 1980s'.⁴¹⁸ The lending practices of financial institutions were another cause of the economic collapse.

By 1987 financial institutions were lending on the basis of 'negative pledge' loans rather than on tangible assets. These loans were based upon 'a promise from the client that assets would not be used as security to borrow from any other institution'.⁴¹⁹ Business journalist Paul Coombs cites a financier describing such practices in Melbourne: 'a magic sponge was passed over applicants' accounts, previous year figures were used if current year figures weren't good enough, books were massaged, valuers cajoled, ... approvals were fast-tracked and standards were flexible, loyalty was to commission and no one was thinking of results in five years' time.'⁴²⁰ Loans on property meant large commissions for credit managers. When financial institutions tried to recall the loans, the developers couldn't repay. In early 1990 *The Advertiser* reported that construction groups were 'falling like nine-pins' as commercial property sales were brought to a standstill.⁴²¹ 'Between September 1989 and February 1990 the Supreme Court liquidated 128 SA companies (not all of them in the building industry), 47 more than in the same six-month period a year earlier'.⁴²² By 1990 US banks were departing from their foreign markets.⁴²³

Despite the high interest rates characteristic of the Hawke and Keating years,⁴²⁴ several financial institutions went into receivership, including State Bank subsidiary BFC, while AMP, SGIC and the South Australian Superannuation Fund Investment Trust

⁴¹⁷ *Herald Sun*, 11.1.91, p.41

⁴¹⁸ *Ibid.*

⁴¹⁹ *The Advertiser*, 26.8.91, p.16.

⁴²⁰ Paul Coombes, "Finance to dry up following 'witch-hunts'," *Australian Business* 10(46), 12.9.90, p.81.

⁴²¹ *The Advertiser*, 8.2.90, p.5.

⁴²² *Advertiser*, 12.5.90, p.3.

⁴²³ *Advertiser*, 10.7.90, p.3.

⁴²⁴ In February 1990 corporate interest rates were reduced from 20 per cent to 19.5 per cent. *Advertiser*, 17.2.90, p. 37.

(SASFIT) lost considerable sums invested in a devalued property market.⁴²⁵ With a 20 per cent vacancy rate in city office buildings, devaluation was inevitable. In 1992 the state government took over the State Bank's \$100 million debt for the Australis Centre in Grenfell St and leased part of the building.⁴²⁶ The state government was responsible for part of the calamity. 'The combination of five "Government" initiated buildings [ASER office building, State Bank, Commonwealth Centre, Telecom Headquarters and Central Plaza, Pirie St] [was] responsible for placing 2-3 years supply of space into the market.'⁴²⁷

The corporate style of SBSA during the Bannon decade, mirrored by financial institutions in all states, was summarised by Royal Commissioner Jacobs in his final report:

The story of the Bank is one of a professionally aggressive and entrepreneurial Chief Executive without sufficient appreciation of the need for prudent banking controls and management; of an incompetent Executive Management happy to follow where their Chief led without independent professional judgment; of a Board of Directors out of its depth and, on many occasions, unable or unwilling to exercise effective control; and ultimately, of a Bank that thrived on the full faith and credit of the people of South Australia.⁴²⁸

Building Owners and Managers Association (BOMA)

BOMA SA Branch (now the Property Council of SA) was the key lobby group of the commercial property industry. Its membership included not only property owners and developers, but also government (including the ACC) and financial institutions, architects, engineers, accountants, builders and related service businesses. BOMA was described in 1985 as representative of 'about 1600 shopkeepers and a similar number of businesses and professional people in the city' who objected to heritage lists and city rates on commercial properties.⁴²⁹ Developers comprised only 6 percent of the membership, less than

⁴²⁵ Joe Walker, who had been employed by SASFIT until 1983, personal interview, 25.7.03.

⁴²⁶ *Advertiser*, 1.6.92, p.2.

⁴²⁷ Geoff Cranna, 'Office accommodation in Adelaide: supply and demand', *Building & Architecture* 15(4).

⁴²⁸ SJ Jacobs, Royal Commissioner, *Royal Commission into the State Bank of South Australia*, Final Report (Netley, SA: State Print. 1993), p.9.

⁴²⁹ *Advertiser*, 3.5.85, p.9.

government bodies at 8 percent, and property owners at 15 percent. Architects and engineers together formed 22 percent of the membership in 1991.⁴³⁰ BOMA maintained that 'as policy holders and share holders in financial institutions as well as superannuation funds, the public own nearly half of the buildings in the CBDs of every Australian capital city',⁴³¹ and implicitly should favour unrestrained development.

As a lobby group BOMA did not attract a great deal of public attention. Like the Civic Trust and RAIA, its lobbying largely took the form of written submissions on specific government initiatives and editorials in its publications. Its president in the later 1980s, Brent Blanks, had a professional demeanor and set the standard for its public image. Former City Planner John Hodgson said in an interview that '[BOMA] wanted the rules to be recast in certain ways but they tended not to buy into the debates over individual buildings'.⁴³² BOMA did not develop a comprehensive policy platform until 1991, when a committee chaired by developer Joe Walker recommended one. The platform contained 160 recommendations on 'issues of planning and building regulations; Local Government; property taxes; tourism; commercial tenancies; private funding of public infrastructure; the multi function polis; industrial relations and energy'.⁴³³

BOMA News was not entirely one-sided and occasionally published interviews expressing views which might not have rested easily with members. For example, in November 1991 the journal printed a speech by Roger Frinsdorf of the South Australian Construction Department:

I'm not over-impressed by the design of buildings in Adelaide and the quality seems to vary considerably... A lot of the buildings in Adelaide have not been designed with the tenant in mind and I think, if a lot of developers had thought

⁴³⁰ *BOMA News*, vol. 3, No. 5, Nov 1991, p.5.

⁴³¹ *Ibid.*

⁴³² John Hodgson, personal interview, 18.10.01.

⁴³³ *BOMA News*, vol. 3, No. 5, Nov 1991, p.4.

about who the end user was going to be and developed from a tenant's perspective rather than from an investment perspective, we may not have the vacancies we have at the moment. ...The developers of some of the buildings that are vacant at the moment really didn't think very much of the tenants before they developed them.⁴³⁴

In December 1991 BOMA raised the contentious issue of the townscape initiative, reiterating its earlier claim that it could become 'no-demolition legislation', warning members that, 'in effect, [it] will mean that properties so listed will be unable to alter (*sic*) the façade of the building on the property or in all probability to demolish (*sic*) the building to make way for new development'.⁴³⁵ At a public forum in June 1992 sponsored by BOMA,⁴³⁶ accountant Denis Sims proclaimed that townscape listing would devalue properties: '[I suspect] many investors will find the refinancing of their loans more difficult with the reduced values caused by townscape.'⁴³⁷ His claim was circulated throughout the city by pro-development councillors despite evidence that residential buildings increase in value as a result of heritage or townscape listing.⁴³⁸ Townscape protection was 'seen yet again as a further disincentive to investment in Adelaide' which would 'stifle development within the city'.⁴³⁹ BOMA submitted substantial comments on the townscape initiative to the ACC and urged its members to express their views on the issue.

Developers were a small minority of the BOMA membership and had mixed views of the organisation. George Kambitsis, once a vice president of BOMA, claims he withdrew

⁴³⁴ *Ibid.*, p.5.

⁴³⁵ *Ibid.*, vol.3, No.6, Dec 1991, p.6.

⁴³⁶ *Ibid.*, vol.4, No.4, Aug/Sept 1992, pp 17-18. Speaking in favour of the initiative was Alderman Mark Hamilton of the Adelaide City Council; Gavin Lloyd-Jones of the State Planning Review discussed the implications for future planning, and Leni Palk, founder of the Property Owners and Ratepayers Association, accountant Denis Sims, developer Grant Pember spoke against.

⁴³⁷ *Ibid.*, vol.4, No.4, Aug/Sept 1992, p.21.

⁴³⁸ See chapter 5 above, p.119. Joe Walker himself stated that 'heritage listing for residential use actually adds to their value'. Personal interview, 25.7.03.

⁴³⁹ *BOMA News*, vol 4. no.5, Oct/Nov 1992, p.5.

his membership because he regarded it as a 'big talkfest' representative mainly of [real estate] agents and consultants.' Heritage developer Theo Maras also claims he was 'against what BOMA stood for' and joined its planning committee to express his views within the organisation and act as its representative on the State Planning Review. On the other hand, Gerry Karidis and Joe Walker were long-term members and regarded BOMA as a good lobby group.⁴⁴⁰ Developers were, however, united in opposition to the ACC's townscape initiative and supported BOMA's stand against it.

The Royal Australian Institute of Architects SA Chapter (RAIA)

The RAIA engaged in various aspects of the heritage debate during the 1980s. It was not a monolithic organisation: some RAIA members supported preservation of only exceptional historic architecture (about 150 buildings on the Register of City of Adelaide Heritage Items) while others supported preservation of a broader range of vernacular buildings; some were heritage architects and still others were conservationists, active in heritage lobby groups.

The official journal of the RAIA, *Building & Architecture*, had been a trade journal until the mid-1980s, with focus on the recession and bread-and-butter issues, protection of professional standards, architectural criticism and new technology. Generally and not surprisingly, the RAIA was conservative about heritage protection at that time. In 1984 RAIA President G.J. Harrison wrote: 'Few buildings are worth preservation just because of their age, and it must be recognised that unless the City as a whole is to become a museum piece many old buildings on prime sites will have to be demolished to make way for new ones.'⁴⁴¹ Contributors to the journal defended the right of owners to demolish heritage

⁴⁴⁰ Personal interviews: George Kambitsis 24.6.03, Theo Maras 19.6.03, Gerry Karidis 18.7.03 and Joe Walker 25.7.03.

⁴⁴¹ *Building & Architecture* 11(4) May 1984, p.4.

buildings in order to gain the full development potential of their property. Outspoken architect John Chappel championed this cause with respect to the Kingsmead residence in Brougham Place, North Adelaide: 'In Australia, traditionally a land of home owners, any abrogation of property rights strikes at the heart of a life style of which a nation has been justly proud.'⁴⁴² His view was supported in the next issue of *Building & Architecture* by architect W.G. Hames, who argued that 'if the delicate balance between public preservation and private conservation ... cannot be established, then the heritage movement will decay into its previous 1940s and 1950s anarchy... If preservation is what the community wants, then the private owner and builder should not bear the cost.'⁴⁴³ Also in 1984 architect Geoff Nairn suggested an architectural overhaul of the City of Adelaide, replacing its historic character: 'It is time we graduated from horizontal zoning, low density development and monofunctional building' [to high-rise modern architecture].⁴⁴⁴

The form of debate in the journal changed dramatically when planner David Ness became editor in 1984. He sought contributions representing a wide range of views from AHA, BOMA, the Minister for Environment and Planning, the City Planner and architects, some of which resulted in fierce debates in the journal. Environmental issues featured strongly. RAIA President John Cooper himself attacked a proposed marina at the seaside suburb Glenelg in his president's report in the journal in 1986.⁴⁴⁵

The matter that roused the RAIA more than any other was the draft 1986-91 City of Adelaide Plan. The architects found the planning controls and design guidelines of City Planner Harry Bechervaise too restrictive. They did not object to the Adelaide heritage register; the proposed planning controls were not heritage issues *per se*, but development

⁴⁴² *Building & Architecture*, 10(10) Nov/Dec 1983, p.14.

⁴⁴³ *Building & Architecture*, 11(1) Jan/Feb 1984, p.7.

⁴⁴⁴ *Building & Architecture*, 11(4) Sept/Oct, 1984, p.14.

adjacent to heritage buildings and in areas which contributed to the character of the city was limited in terms of height, scale, design and materials. Ness wrote in an editorial: 'If draft policies covering urban design, character, height and building design within the City of Adelaide are accepted, architects are sure to have their design freedom curtailed.'⁴⁴⁶ The May 1986 issue of *Building & Architecture* published resolutions carried by a meeting of architects the previous month. Among them was their concern that 'the thrust of the Plan Review appears to encourage orderly development and growth but provides absolute design and aesthetic control by the elected members and the employed officers of the Council – such control is invidious and will, in all probability, stifle the future of Adelaide. ...Design matters are (and must remain) outside the planning controls...'⁴⁴⁷ A group of 40 architects marched on the Town Hall on 24 April 1986 and heard RAI A President John Cooper present their objections to Lord Mayor Jim Jarvis.⁴⁴⁸ Professor Cooper also discussed the institute's objections with the Premier, but there is no evidence that the Premier intervened. The City Planner did offer to review the development controls 'which frustrate the design architect', but most of the guidelines in the draft Plan were approved.⁴⁴⁹

The conservative nature of the RAI A showed in 1987, when an insert in the magazine announced that *Building & Architecture* would no longer be the official journal of the RAI A SA chapter. The RAI A council demanded total editorial control of the journal in exchange for a contribution to its publication costs. Clearly the RAI A, under president Rob Cheesman, opposed the range of debate Ness had encouraged.⁴⁵⁰ Ness continued to publish the journal privately until 1989. It was replaced in 1990 by *Architecture/SA*, the

⁴⁴⁵ *Building & Architecture*, 13(1) Jan/Feb 1986, p.5.

⁴⁴⁶ *Building & Architecture*, 13(2) Mar 1986, p.2.

⁴⁴⁷ *Building & Architecture*, 13(4) May 1986, p.7.

⁴⁴⁸ *Advertiser*, 25.4.86, p.9.

⁴⁴⁹ *Building & Architecture*, 13(8) Sept 1986, p.10.

new official journal of the RAIA. Surprisingly, the next president, Gavan Ranger, revived the Ness style of architectural journalism to some extent. The theme of the December 1990 issue was 'architecture and the environment' covering a wide range of controversial views which demonstrated the strength of the institute's environment committee.⁴⁵¹

Thus, while the RAIA had a strong financial interest in encouraging new property development, the views of its heterogeneous membership on the heritage debate varied widely and the policies of the leadership of the RAIA changed dramatically from time to time.

The Heritage Activists

With state and local governments encouraging development in Adelaide, and with finance readily available to support it until 1990, heritage activists were engaged in an asymmetrical contest over the built character of the city. Several interest groups were involved, but their collective influence was insufficient to moderate the building boom of the 1980s.

From the 1970s to the mid-1980s environmental activism, including heritage activism, most often took the form of public protests. According to Dr Timothy Doyle, '[this] period saw the [Australian environmental] movement playing outsider politics. Environmental concern was largely based on direct, oppositional dissent to unrestrained environmental use.'⁴⁵² The leaders of the protests were educated, middle-class residents who espoused the values of the new environmentalism or new politics.

"New politics" refers to a weakening of party identification among voters and a rise in issue voting. It also refers to a tendency for better educated, affluent and

⁴⁵⁰ *Building & Architecture*, 14(7) Aug 1987, insert; and David Ness, personal interview, 22.5.03.

⁴⁵¹ Ecocity proponent Paul Downton examined the RAIA environment manifesto of the committee in this issue, adding that environmental education is lacking in architectural training. *Architecture/SA*, 4(3) Dec 1990, pp.7-8.

⁴⁵² Timothy Doyle, *Green power* (Sydney: UNSW Press, 2000), p.xxiv.

younger people to hold “post-materialist” values; that is, to place less emphasis on economic self-interest and security and more on personal freedom, minority rights, quality of life and environmental protection.⁴⁵³

Post-materialist they may have been, but many heritage activists were not young and some resided in affluent older suburbs.⁴⁵⁴ They sought to retain the character of the suburbs they lived in, and many also strove to safeguard the city centre from further encroachments of ‘generic’ development. In Adelaide they resorted to street demonstrations partly because third parties had no right of appeal against council decisions under the *City of Adelaide (Development Control) Act* (1976).

The first of the Adelaide protests took place before the *SA Heritage Act* (1978) was passed. In 1969 a small group of residents successfully protested in front of Carclew at Montefiore Hill, the former residence of Sir John Langdon Bonython, where the state government planned to construct the Adelaide Festival Centre.⁴⁵⁵ Residents and businessmen again waged direct action in 1971 against the proposed demolition of the



Edmund Wright House. Aurora Heritage Action collection.

⁴⁵³ Matthews in Smith (ed), 1993, p.245.

⁴⁵⁴ Elsie Alp, Norman Etherington, Jane Lomax-Smith, Hamish Ramsay, Gerry and Kathleen Patitsas, Wilfrid Prest, Idina Probyn, Hugh and Pat Stretton, the author, to name a few.

⁴⁵⁵ Susan Marsden, Paul Stark and Patricia Sumerling, *Heritage of the City of Adelaide* (Adelaide: Corporation of the City, 1990), p 364. The government relocated the theatre complex because Carclew is in the flightpath to and from the Adelaide Airport, and it was feared the noise of airplanes overhead would disturb performances. The public protest was wide and varied; see, eg, *Advertiser*, 27.8.68, p.2, 8.8.68, p.2 and *News*, 8.8.68, p.4.

ANZ Bank building in King William St, now Edmund Wright House, which was saved by the intervention of Premier Don Dunstan and used for government departments.⁴⁵⁶ Premier Dunstan again intervened after a public demonstration in 1973 to save Elder Hall at the University of Adelaide.⁴⁵⁷ Minor protests continued to occur after passage of the *South Australian Heritage Act*: in 1980-83 Adelaide residents successfully joined to save three mansions, Kingsmead and Belmont House in Brougham Place, North Adelaide⁴⁵⁸ and development in the grounds of Dimora in East Terrace, Adelaide, facing the Parklands.⁴⁵⁹ All of the above buildings are now entered on the State Heritage Register. There were fewer such protests in Adelaide during the 1970s than in the eastern states because Adelaide had not experienced the same building booms at the time. By the 1980s a sizeable stock of nineteenth-century buildings remained in Adelaide's streets.⁴⁶⁰ However, the Majestic Hotel and former Tivoli (then Warner) Theatre in King William St were lost despite a public protest and petition.⁴⁶¹

Middle-class environmentalists were not the only groups attempting to halt the rapid spread of modern urban development. The Builders Labourers Federation of New South Wales imposed green bans from 1971-74, refusing to construct buildings if a residents' group picketed at a site. Jack Munday, leader of the NSW branch of the union, said that 'as the workers who had raised the buildings we had a right to express an opinion

⁴⁵⁶ For a first-hand account of the campaign, see Barbara J Best, *Preserving our Heritage* (Adelaide: Personal Publication, 1973). See also Don Dunstan's memoir *Felicia* (Melb: Macmillan, 1981), p 181.

⁴⁵⁷ For a full account of the campaign to save Elder Hall, see *Advertiser*, 14.7.79, p.24.

⁴⁵⁸ *Advertiser*, 26.9.83, p.2. The campaign to save Kingsmead was led by Councillor Wendy Chapman, a developer, who was elected Lord Mayor within a fortnight.

⁴⁵⁹ The campaign to save the Dimora grounds, led by Idina Probyn, lasted three years. Aurora Heritage Action, Inc, *Time gentlemen, please* (Adelaide: 1984), p. 22.

⁴⁶⁰ George Clarke, *The City of Adelaide Plan*. (Adelaide: Urban Systems Corporation, 1974), p.63. Clark added that the City couldn't rely on luck much longer, that legislation and a heritage register were needed to save Adelaide's character.

⁴⁶¹ See chapter 3, p.62.

on social questions relating to the building industry'.⁴⁶² The first green ban in 1971 stopped commencement of a residential project on Sydney's last harbourside bushland at Kelly's Bush, while many others prevented the demolition of historic buildings. Green bans were imposed on sites from Woolloomooloo to Newcastle until the NSW Branch was deregistered in 1974.⁴⁶³ In 1973 the Tasmanian branch of the BLF stopped demolition of Salamanca Place warehouses at Hobart's Battery Point, and the Victorian branch saved Tasma House, Parliament Place, Melbourne, which became headquarters for the National Trust. The Victorian branch imposed bans on other developments in support of protesters in the 1970s.⁴⁶⁴

In Adelaide the Plumbers and Gasfitters Union supported the ANZ Bank protest in 1971 and the Building Construction Workers Federation supported the Dimora protest in 1980. The BCWF also refused to demolish the Aurora Hotel for nearly two months in 1983. The Building Trades Federation, representing all SA building unions, resolved to support retention of the heritage-listed buildings in the North Terrace side of the REMM-Myer site in 1987, and the Construction, Mines and Energy Union, imposed a green ban in support of a picket at the House of Chow building in Hutt St in 1991. The building workers in Adelaide were no less militant than their colleagues in NSW but were called upon less often to support residents' public stands to save what they perceived to be their built heritage.

The National Trust (SA)

Until 1983 the National Trust was the major non-government heritage body in South Australia, represented on the SA Heritage Committee by its president and consulted

⁴⁶² Jack Munday, *Green bans and beyond* (Sydney: Angus & Robertson, 1981), p 81.

⁴⁶³ See also Meredith & Verity Burgmann, *Green bans, red union*. (Sydney, UNSW Press, 1998).

by government agencies and the public. The Trust was part of the Establishment, with its executive drawn from Adelaide's social elites.⁴⁶⁵ The South Australian Branch of the National Trust was founded by Act of Parliament in 1955. Like its English forefather, its original objects were 'to provide for the preservation and maintenance of places and of chattels of any description of national historical artistic or national interest or natural beauty, and for purposes incidental thereto.'⁴⁶⁶ The places it maintained were those it had acquired as gifts or bequests since 1955; by 1982 its property holdings were substantial.

The Trust also classified properties which merited preservation; these properties were graded A, B or C in order of merit, and most of the Trust's well-documented A-classified places were the first buildings considered for the State Heritage Register. Presidents of the Trust were reluctant to lead the organisation into public disputes, a position which it maintained until 1987.⁴⁶⁷ It was primarily concerned with maintaining its museums and other properties and commenting on such policy matters as tax incentives for heritage conservation. The Trust was strongly criticised in 1971 for its failure to join the campaign to save the A-classified ANZ Bank building (now Edmund Wright House) in King William St.⁴⁶⁸ In fact, the Trust's acting president, CW Bonython, attempted to negotiate with the

⁴⁶⁴ Builders' Laborers Federation, *Builders' laborers defend the people's heritage*. (Melbourne: BLF, 1975), p.1.

⁴⁶⁵ Its first four presidents were Sir Arthur Rymill MLC, 1956-60, Sir Edward Morgan, 1961, HC Morphett Esq MC, 1962-65, prominent architect Dean W Berry, 1966-70, and C. Warren Bonython Esq 1971-75. National Trust of South Australia, *Silver Jubilee Handbook 1955-1980* (Adelaide: National Trust SA. 1980), p.12.

⁴⁶⁶ *Ibid*, p.11.

⁴⁶⁷ The Trust played no role in the major heritage protests at Kingsmead or the Aurora Hotel in 1983, but it did criticise the Bannon government in 1984 about the proposed Adelaide Station and Environs Redevelopment project, saying the area should be returned to Parkland and ... the area north of North Terrace should be predominantly cultural, educational and parliamentary. National Trust Newsletter, No. 127, Oct 1984, p.3.

⁴⁶⁸ See Bruce Guerin's letter in Barbara J. Best, *Preserving our Heritage* (Adelaide: privately published, 1973), p.9.

government and with the owner of the building for its purchase but could not meet the developer's terms.⁴⁶⁹

The Trust's quarterly newsletters show it to have been an inward-looking organisation in the early 1980s, and in 1983 Director Bryan Hodson expressed regret that the Trust had failed to inspire young people 'in a way that inspired our founding (and now older) members to serve it with great dedication'.⁴⁷⁰ In 1987 the Trust's new director, Kenneth 'Tim' McDonald, formerly of the Australian diplomatic corps in Washington, began to change the profile of the SA Branch. He made public statements on building projects, particularly the East End Market development, and collaborated with Aurora Heritage Action, Inc, on several heritage issues. He was replaced in 1990 by Phillippa Menses, who continued McDonald's high-profile political style. Menses was actively involved in the East End Market development, the 1993 proposed demolition of heritage-listed Tram Barn A at the Hackney Bus Depot site.

The Trust's first public commitment to local heritage (or townscape) conservation was expressed in its newsletter of April 1989, after it organised a seminar on the subject with speakers Dr Norman Etherington, historian, Rob Fowler of the University of Adelaide Law School, Nigel Leavis of Melbourne's Urban Conservation Areas and two local planners.⁴⁷¹ This event was followed by an address given by Vice President David Gilbert, an architect, to the Building Owners and Managers Association in September 1989. Gilbert supported the introduction of conservation areas in the City, rather than the townscape initiative, but added, 'I don't think there would be a large number of conservation zones in Adelaide. One would have to consider the South East Corner, East

⁴⁶⁹ For details of the failed negotiations by Bonython and criticism of the Trust for its unwillingness to risk failure, see Best, chapter 4.

⁴⁷⁰ National Trust Newsletter, No. 117, Feb 1983, p.5.

End Market, three of the six squares, the Parklands and large parts of North Adelaide.⁴⁷² Possibly because the Trust commented on planning matters affecting all local government areas of the state, whereas AHA focussed mainly on the City of Adelaide,⁴⁷³ the Trust advocated a uniform system of local heritage conservation zones as already established in some council districts. Its stance may have promoted consistency in the state but would not have been adopted by the council in 1990.

Aurora Heritage Action, Inc.

The Aurora Hotel was located at the Pirie St end of the eastern side of Hindmarsh Square, Adelaide. By 1982 the entire block facing the square between Grenfell and Pirie Sts, except the Aurora Hotel, had been purchased by the ACC for the purpose of promoting a low-rise office development with underground parking, to be known as CitiCom. The council intended the project to compete with new office developments driven to suburbs fringing the city along Greenhill and Fullarton Rds because of the council's zone X policy (see pp.144-45 above). Except for the Aurora Hotel site, the council designed the buildings in detail and then encouraged developers to tender for separate parcels of the integrated design, helping them to make money out of it (the buildings were under the allowable plot ratio) to show they could profit as much from such office development in the city as they could elsewhere.⁴⁷⁴ Thus the council had a strong stake in the site, and its right to approve the development might be questioned.

⁴⁷¹ *National Trust News*, No 154, Apr 1989, p.1.

⁴⁷² *Ibid.*, No 158, Dec 1989, p.3.

⁴⁷³ AHA was involved in heritage issues outside Adelaide when asked by community groups, among them the Mt Barker community's campaign to save a bank building, a campaign by a Port Adelaide group to save the Semaphore Palais and protests about the scale and siting of the Signal Point Tourist Centre in Goolwa. *Aurora* newsletter, *passim*.

⁴⁷⁴ Michael J. Llewellyn-Smith, personal interview, 30.7.01.



Aurora Hotel 1983. Aurora Heritage Action collection.

The 1982 City of Adelaide Heritage Study had included the Aurora Hotel in its items of heritage significance recommended to the Lord Mayor's Heritage Advisory Committee (LOMHAC), but the committee twice refused to place the building on its proposed heritage register.⁴⁷⁵ The desired future character statement for Hindmarsh Square contained in the 1981-86 City of Adelaide Plan included the following: 'the Square should incorporate restaurants, exhibition areas, and spaces for both formal and informal outdoor theatrical and musical performances, within a park setting...'⁴⁷⁶ Office buildings did not conform to that statement. Nevertheless, a plan by Vensa Pty Ltd to demolish the Aurora Hotel and replace it with a six-storey office building was approved by the council on 27 June 1983. Although the hotel was not part of the council's development scheme, 'important sections of the city council and administration believed that saving the Aurora would endanger every other part of the interlocking jigsaw of development.'⁴⁷⁷ Within the area targeted for demolition were the Australian Broadcasting Commission (ABC) buildings, located in an old church with even greater heritage value than the Aurora Hotel. Should the hotel be

⁴⁷⁵ Peter Donovan, Susan Marsden, and Paul Stark, *City of Adelaide Heritage Study*. Adelaide: City of Adelaide Department of City Planning, 1982. As noted in chapter 4 above, LOMHAC tended to refuse to list buildings on the heritage register if they were the subjects of imminent development, and the consultants criticised the committee for this practice.

⁴⁷⁶ Planning Department, *City of Adelaide Plan 1981-86* (Adelaide: Corporation of the City of Adelaide, 1981), pp.59-60.

⁴⁷⁷ Aurora Heritage Action, Inc, *Time Gentlemen, Please!* (Norwood, SA: privately published, 1984), p.19. Appendix C for the LOMHAC membership list.

listed, the ABC buildings were also likely to be listed, thus spoiling a cohesive development proposal. An author of Aurora Heritage Action's publication pointed out that 'the developer [Roger Cook] who sat on the Lord Mayor's Heritage Advisory Committee worked for a company (Collier's International) interested in marketing the remaining section of the zone. There were, therefore, three representatives of the council and one developer on [LOMHAC] who were going to be very hard to convince about listing the Aurora'.⁴⁷⁸

In October a notice of the auction of the Aurora's furniture and equipment inflamed Andrew Cawthorne, a teacher who had lobbied against demolition of the hotel and had enlisted the support of many sympathizers in the community. With the Adelaide Residents' Society he organised a lunchtime gathering in front of the hotel, intended to be a brief public protest. On a rumour of its imminent demolition on October 27, the protesters organised a spontaneous round-the-clock vigil at the hotel, where petitions to the council and state parliament were signed by passersby.⁴⁷⁹ The vigil was honoured by the Building Construction Workers Federation as a residents' picket, with a green ban imposed on the site in the style of their BLF colleagues of the 1970s. The Aurora picketers naively believed that a public campaign might persuade councillors to rescind their commitment to including the Aurora Hotel site in the CitiCom office project if compelling information regarding the hotel's historical importance were known. They felt the council and the public were not fully informed of its heritage value and the strength of community feeling about its retention.

⁴⁷⁸ *Time Gentlemen, Please!*, p 17.

⁴⁷⁹ Just four days after the campaign began, the council received a petition with 1,049 signatures asking it to postpone demolition of the hotel pending a review of the council's decision regarding its heritage significance. ACC minutes, 31.10.83, p.64; copy of the petition in the possession of the author.

The core of the hotel originated as the Black Eagle in 1859, making it one of the earliest Adelaide hotels extant. Historian Norman Etherington emphasised the historic importance of the building, arguing that LOMHAC should consider ‘the old pubs [of Adelaide] as a complete collection’ for the heritage register.⁴⁸⁰ The Aurora campaigners also publicised the hotel’s long association with German migrants, many of whom had lived nearby and attended meetings at the German Club and formed part of the congregation of the Bethlehem Lutheran Church. Artist Hans Heysen was a regular, and his paintings had hung on the pub’s walls.⁴⁸¹ The campaigners underestimated the determination of the council to proceed with the office project; no amount of information about the historic value of the Aurora Hotel would dissuade the council. They did not realise that once the council approved a large project such as CitiCom, they would never rescind their decision without pressure from the City of Adelaide Planning Commission or the state government. As Jack Munday noted in his biography, ‘in my experience in countless environmental organisations, I have found a certain middle class attitude to prevail, which is marked by a naivety about where real power resides’.⁴⁸²

During the 35-day Aurora campaign, the public response was heartening for the protesters, and prominent Adelaide media personalities were persuaded of the historic value of the hotel. Several signed a notice published in *The Advertiser* during the campaign affirming their opposition to demolition of the hotel, and cartoonist Atchison left

⁴⁸⁰ *Advertiser*, 1.11.83 p. 3. Etherington’s proposal was not considered during the townscape discussions. The Register of City of Adelaide Heritage Items listed 28 hotels and one former hotel individually (SA Government Gazette 23.12.87, Schedule to *City of Adelaide Plan 1986-91*, pp.289-99.) In the next Plan, three hotels were added to the Register of City of Adelaide Heritage Items and nine to the Register of Local Heritage Items, three of which were former hotels. *City of Adelaide Plan 1991-96*, pp. 419-57.

⁴⁸¹ *Time Gentlemen, Please!*, pp. 3-5.

⁴⁸² Munday, p.148. Wilfrid Prest concluded in his Forward to *Time Gentlemen, Please!* that ‘conservationists have some chance of success against private developers, or local government, but face very heavy odds when developers and city councils combine in unholy alliance’ (p.1).

his drawing board to write a short article supporting its retention.⁴⁸³ *The Advertiser* gave the protest almost daily coverage, and letters to its editor on both sides of the debate abounded during the campaign. Regular architecture columnist John Chappel led the debate in favour of demolition of the hotel, arguing for owners' rights and architects' assessments of built heritage.⁴⁸⁴ The pro-business tabloid *The News* rarely mentioned the Aurora campaign except in interviews with developer John Roche.⁴⁸⁵ *News* editor Tony Baker wrote, 'rare, indeed, is the building worth preserving no matter what' and concluded that the Aurora Hotel was not one of those rare buildings.⁴⁸⁶ *The Advertiser* editor claimed that because the Aurora Hotel did not 'appear on the State Heritage List, indicating that it is not an outstanding building, architecturally or historically, ...the Aurora campaign was doomed to failure'.⁴⁸⁷ The editor appeared not to understand the politics of heritage registers. In an *Advertiser* interview John Roche, chairman of Vensa Pty Ltd, said 'the heritage business is not an exact science. It comes back to a few people's opinions.'⁴⁸⁸ Roche did understand the politics of heritage, and he understood that prominent people and institutions could influence heritage committees.

The state government had no official involvement with the CitiCom project, except through its representation on the CAPC. Local Government Minister Terry Hemmings spoke at the first public meeting of the campaign to save the hotel but was later criticised by Premier Bannon for apparently encouraging the union to impose a work ban on the

⁴⁸³ *Advertiser*, 12.11.83, p.15. The broadcast media signatories were Keith Conlon, Anne Deveson, Bill Mudi and Carole Whitelock, as well as John Morris, Managing Director of the SA Film Corporation. Other signatories included historians, architects, artists, writers and a geographer. The Atchison article was published on 5.11.83, p.8.

⁴⁸⁴ *Advertiser*, 5.11.83, p.8.

⁴⁸⁵ *News*, 7.11.83, p.17, "Aurora just 'a rabbit warren'", 15.11.83, p.8, 'Business bid to rescue Aurora' and 18.11.83, p.4, 'Aurora demolition blocked'.

⁴⁸⁶ *News*, 2.11.83, p.6

⁴⁸⁷ *Advertiser*, 1.11.83, p.7.

⁴⁸⁸ *Advertiser*, 7.11.83, p.2.

site.⁴⁸⁹ The Premier had earlier declared the SA government was ‘not in a position to save the Aurora Hotel’ because ‘all planning conditions had been complied with and the Aurora Hotel was not listed on any heritage list’.⁴⁹⁰ The campaigners tried to enlist the help of the SA Housing Trust, but the Trust could not purchase the property.⁴⁹¹ The state government kept clear of the Aurora controversy.

While it was true that the hotel was not heritage listed, it had been recommended for listing on the Register of City of Adelaide Heritage Items and might have been listed if the council had included the register in the 1981-86 City of Adelaide Plan as resolved in 1976. The Prince Albert Hotel in Wright St was one of 29 hotels listed on the first city register gazetted with the 1986-91 Plan. The entry in the glossy guide to its heritage-listed buildings commissioned by the city describes the Prince Albert, built in the 1850s in a corner design ‘...similar to the development of the now demolished Aurora Hotel..., and ‘like the Aurora Hotel, the Prince Albert Hotel had German associations...’⁴⁹² The difference between the two hotels in 1983 was that no one had applied to develop the Prince Albert site, and the latter hotel remains on the heritage register. In the choice between the community’s right to preservation of the built heritage and the owner’s right to maximise profits from a sight, the community usually lost.

By late November the Aurora picketers were harassed by the builder, AW Baulderstone Pty Ltd, and injunctions were granted by the Supreme Court against leaders of the protest and the Building Construction Workers on 29 November. Two days later

⁴⁸⁹ *Advertiser*, 17.11.83, p.14. The headline ‘Aurora row’ suggested the Premier supported the CitiCom development, although the article only referred to the union issue. Bannon was soon to face heritage activists over the Adelaide Railway Station and Environs development, which he resolved through special legislation which circumvented the normal planning processes.

⁴⁹⁰ *Advertiser*, 1.11.83, p.9.

⁴⁹¹ *Advertiser*, 9.11.83, p.3, and 16.11.83, p.6.

⁴⁹² DMS (1990), p.198.

demolition of the hotel began, ending the longest public campaign against the demolition of a building in Adelaide's history.⁴⁹³

Though a defeat, the 1983 Aurora campaign marked a turning point in heritage politics. The protesters, encouraged by the massive media coverage and public support, formed a lobby group, Aurora Heritage Action, Inc (AHA), which became the foremost NGO involved in Adelaide's heritage debate for more than a decade. AHA shifted the focus of South Australian heritage politics from a narrow range of architectural icons to conservation of the built character of Adelaide. Minister for Tourism Barbara Wiese acknowledged the impact of AHA at a conference in 1988, saying that since it 'burst upon the scene,' 'it would appear to me the heritage debate in South Australia has become slightly confused and lacking in focus'.⁴⁹⁴ Ms Wiese meant that the debate shifted beyond architectural noteworthy buildings listed on the Register of State Heritage Items to broader concepts of historic merit and urban character. AHA aimed 'to protect the built heritage and the environment in South Australia, to promote the proper management of the built heritage..., to encourage public participation in the process of the proper management of the built heritage... [and] to do all such other things...conducive to the attainment of the aforesaid objects'.⁴⁹⁵ The strategy for achieving those lofty aims was vague at first, other than to stage public protests as the occasion arose and to use the media for the promotion of heritage issues in a way the National Trust was not willing and the State Heritage Branch not able to do.

They didn't have long to wait: in May 1984, Aurora protesters again brandished placards on the steps of the heritage-listed Commonwealth Bank Building in Currie St

⁴⁹³ For full details of the Aurora campaign, see *Time gentlemen, please*, particularly pp. 25-49.

⁴⁹⁴ Susan Marsden and Robert Nicol, 'The politics of heritage'. Conference papers 1988. Adelaide: History Trust of SA, 1990.

opposing a proposal to construct an office tower on the site. The campaign was counted a victory when the proposal was withdrawn. The campaigners did not then know that a year



Commonwealth Bank protest 1984. Aurora Heritage Action collection.

later the State Bank would lodge an application to develop the site for the State Bank Centre with funding from SASFIT. Another successful protest was organised in front of the Colonel Light Hotel in January 1985 after the developer, Gerry Karidis, lodged an application for office and rental accommodation plus a corner tavern, the latter with about the same floor space as the original hotel at Light Square. In addition to mounting a residents' picket, Aurora members negotiated with Karidis for retention of the hotel in his development. He agreed that incorporating the existing building into his plan would save construction costs, and the hotel, listed on the first Register of City of Adelaide Heritage Items, has been renamed the Heritage Hotel.

While the public face of AHA was that of a group of street protesters, the ACC and other civic bodies experienced a more professional aspect. The Aurora campaign had shown there was no hope of saving a building after the council had approved its demolition. Believing that the presentation of full information about the architectural and historic merits of threatened buildings would persuade the council to vote against certain demolitions, rostered pairs of Aurora members, each pair including an architect, examined

⁴⁹⁵ Constitution of Aurora Heritage Action, Inc, p.1, in possession of the author.

all development applications,⁴⁹⁶ visited the sites and submitted comments to the planning approvals committee (later planning and environment committee). Soon the comments became an accepted—if largely ignored—part of the committee documentation, although Lord Mayor Jim Jarvis (1985-87) called attention to them on occasion. Submitting comments on the historic or architectural value of buildings to councillors with fixed minds about development in Adelaide proved fruitless; nevertheless the group persisted for nearly a decade before abandoning the exercise.

Recognising the critical importance of having a council which represented a balance of views on development applications, in 1985 the Aurora group began to campaign in city elections. As noted in chapter 4 above, the ACC had largely represented the commercial interests of the city in the post-World War II era. Only four of the 19 council members primarily represented the interests of residents in 1983-85. In the May 1985 election AHA letterboxed a 'how-to-vote-heritage' leaflet throughout the city and handed it out at polling booths.⁴⁹⁷ Heritage protection became a major issue of the 1985 campaign. Lord mayoral candidate Jim Jarvis, a marketing consultant and property developer, declared the 'city should provide balanced development and proper preservation of the city's heritage and publicise the heritage list', but in reality both he and incumbent lord mayoral candidate Wendy Chapman 'tailored their campaigns to attract maximum votes from both the commercial and residential interests'.⁴⁹⁸ Two Aurora members failed to win seats in 1985,⁴⁹⁹ but other candidates supported by the group were successful, notably Dr Norman

⁴⁹⁶ It was not normal practice for committee agendas to be supplied to NGOs. In 1984 a motion was carried 'that the Aurora Heritage Action group and Building Owners and Managers Association (BOMA) be supplied non-confidential agendas for meetings of the Planning Approvals Committee as requested in their letters to Council'. ACC Minutes, 22.5.84, item 5.

⁴⁹⁷ Aurora members attended all Council and planning approvals committee meetings to record the councillors' remarks and voting patterns, which formed the basis for ranking candidates seeking re-election.

⁴⁹⁸ *Advertiser*, 3.5.85, p.9.

⁴⁹⁹ In both Grey and Gawler wards developers held large blocs of votes. See chapter 4.

Etherington, who had been actively involved in the Aurora campaign, and Ross Davies. The 1985 election increased by two the residential representation on the council, to six of 19 members. This outcome appears to have influenced the state election campaign later that year: while the Premier highlighted a building boom, Leader of the Opposition John Olson announced a package of financial incentives to encourage the preservation and restoration of registered heritage properties.⁵⁰⁰ But in December 1985 Premier Bannon formed government for the second time.

AHA campaigned in every ACC election from 1985 to 1995, the only NGO other than the Adelaide residents associations to participate actively in city elections. The pattern of increasing the number of council members who represented residential interests continued, until in 1991 they held the majority of seats for the first time. As Paul Stark wrote in 1988, 'the determination of what comprises our heritage is a remarkably political activity',⁵⁰¹ and AHA strove to ensure that the political numbers were on the side of heritage by actively supporting nominees who would vote in favour of heritage conservation. Community sentiment was swinging in favour of conservation as increasing numbers of historic buildings in the city were lost during the building boom, changing the character of the residential and commercial sectors, and voting patterns reflected that feeling at the local government level.

AHA maintained regular media coverage and became an accepted segment of heritage politics in the city. As it gained respectability and as it experienced the limited effects of direct action, the group changed tactics toward working with governments to influence heritage policies. Direct lobbying of Ministers, councillors, heritage and

⁵⁰⁰ *Advertiser*, 29.11.85, p.16.

⁵⁰¹ Susan Marsden and Robert Nicol, 'The politics of heritage' (Adelaide: History Trust of SA Conference papers, 1990), p.36.

planning staff was intensified. The group's leaders prepared extensive submissions and appeared before state and local government committees. AHA architects also met with company CEOs and developers to try to persuade them to alter plans to improve the impact of developments on streetscapes. Among plans modified as a result of this direct contact were those for the Telecom Building in Flinders St and the last two-storey Victorian mansion in South Terrace, the latter still standing as a tribute to the heritage architects and Pulteney Grammar School. They found this strategy more likely to be effective if they met CEOs and developers before detailed plans had been finalised, although they had no influence on the State Bank Centre.⁵⁰² AHA members continued to participate in state and local government committees in the early 1990s, among them the Ministerial Working Party on the Townscape Initiative and the City of Adelaide Heritage Advisory Committee. Some AHA members were elected to ACC membership. The evolution of the AHA's strategies at this stage is consonant with Dr Doyle's analysis of the development of green politics: environmental groups transformed their tactics from direct action to insider politics by the mid-1980s, working with governments to formulate and implement environmental policy.⁵⁰³

As the Aurora group became more reputable, the National Trust became more publicly involved in heritage issues. From the 1987 appointment of McDonald as Trust director, the two heritage bodies began to work together while maintaining separate profiles, particularly on the East End Market redevelopment proposal and the REMM-Myer redevelopment. Aurora Heritage Action usually took uncompromising positions on heritage conservation, which gave the National Trust room to pull the government and

⁵⁰² A meeting held in February 1986 between bank representatives and Aurora members was probably intended by the bank's representatives to circumvent a street protest rather than to consider alternatives to destroying a heritage-listed building.

other groups that supported non-complying developments to the centre, where compromise might be possible. McDonald's replacement in 1990, Ms Phillippa Menses, continued this working relationship and the Trust's public political involvement in heritage issues.

The two heritage groups diverged on the council's townscape initiative. While first supporting the model of Melbourne's Urban Conservation Zones, AHA accepted the townscape model initiated by the council and moved to extend the number of historic buildings embraced by the concept, whereas the Trust proposed a more limited approach of identifying a small number of historic zones in Adelaide. Having lost the campaign for townscape protection in Adelaide when the scheme was replaced by a local heritage register, AHA disbanded in 1995 when Henry Ninio was elected lord mayor.

Civic Trust of South Australia

The Civic Trust was not expressly a heritage interest group, but it commented on public heritage issues from time to time. Modelled on the UK Civic Trust, its council was dominated by architects when it was founded in 1969. Its first president was prominent Adelaide architect J.H. McConnell.⁵⁰⁴ One of its constitutional aims was to help preserve structures of architectural distinction or historic interest, along with 'promoting public awareness of factors affecting our environment, encouraging quality in architecture and civic design and helping to preserve the natural qualities of the regional landscape'.⁵⁰⁵ Its style was conservative and professional. As noted in the official history of the Civic Trust, 'encouragement' was its operative word; 'it never saw itself as a body to man the barricades...'⁵⁰⁶ In its 1984 *Newsletter* the Civic Trust referred to itself as 'SA's self-

⁵⁰³ Doyle, *Green Power*, p.xxiv.

⁵⁰⁴ Originally from Melbourne, McConnell designed the Bank of New South Wales (now Westpac) building in King William Street and the David Jones department store building in Rundle Mall, both twentieth century buildings nominated for heritage listing.

⁵⁰⁵ James Warburton, *Sustaining our heritage* (Adelaide: Civic Trust of SA, 1986), p.1.

⁵⁰⁶ *Ibid.*

appointed guardian of good taste in architecture’, which was roughly how the group regarded its goals in the 1980s.⁵⁰⁷

The Civic Trust has had most media attention for its awards for civic design and restored and recycled buildings, and especially for its brickbats for poor civic design introduced in 1977. In 1984 the ACC received a brickbat for ‘permitting its own plan to be eroded to a point where it has become irrelevant and, in particular, allowing the destruction of an amenity the Plan set out to conserve—namely the Aurora Hotel’. The editor added, ‘a precedent has now been set for the destruction of the remaining hotels and restaurants and their replacement with faceless office buildings.’⁵⁰⁸ These were strong words from a group formed by architects, demonstrating there were critics of modern architecture within that profession.

The criticisms did not stop there. The Civic Trust joined the National Trust and Aurora Heritage Action, Inc, among others, in reproaching the Premier for ensuring the progress of the ASER project through the *Adelaide Railway Station Development Act* (1984), bypassing the *City of Adelaide (Development Control) Act* (1976) and other controls. Its newsletter informed members ‘the failure to conform to the City of Adelaide Plan has been stressed and a follow-up letter has complained about inadequate provision for public participation in all developments authorised by indenture agreements and a special Act of Parliament’.⁵⁰⁹ Other major government projects opposed by the Civic Trust were the Jubilee Point marine development (1986), the carpark in the Parklands for Botanic Gardens employees (1986) and the Mt Lofty development (1988), which contravened many

⁵⁰⁷ *Civic Trust Newsletter*, Nov 1984, p.1.

⁵⁰⁸ *Ibid.*, p.2.

⁵⁰⁹ *Civic Trust Newsletter*, Dec 1984, p.3.

principles of development control in the Hills Face Zone. It also prepared comprehensive submissions on five-yearly reviews of the City of Adelaide Plans.

In 1988 the Civic Trust presented AHA with a special award for its 'important contribution to the awareness in the community of the importance and value of quality in the environment',⁵¹⁰ again expressing interest in heritage conservation as well as good civic design.

Residents Associations

By the mid-1980s the Adelaide Residents' Association had all but disbanded and played little part in the heritage debates of that decade. The group was formed in 1974 at the time of the first City of Adelaide Plan and represented residents of the Adelaide Square Mile below the River Torrens. Its founding members included architects Hamish Ramsay, Peter Birdsey and Sue Rogers and property developer Rob Walbridge. They lobbied for the use of the Box Factory as a community centre (closed in 2003) and reviewed all planning applications submitted to the ACC.⁵¹¹ In 1983 the association collaborated with Andrew Cawthorne in the protest against demolition of the Aurora Hotel and in 1985 campaigned in the Young and Grey Ward council elections before ceasing operations.

The North Adelaide Society, founded in 1970, continues to represent its residents on civic matters. From its inception its aims were, *inter alia*, to provide a responsible voice on matters affecting the overall character and development of North Adelaide, to improve North Adelaide as a desirable residential area without destroying its unique character, to encourage the retention and maintenance of buildings of historic and aesthetic value and to reduce pollution in the area in all its forms. Other objects focused on local issues affecting residents, such as population growth, protection of significant trees and shopping

⁵¹⁰ Copy of the award certificate in the possession of the author.

facilities.⁵¹² It was formed initially to oppose the MATS plan, which would have created a new major arterial road from the city along Margaret St to the northern suburbs. It would have resulted in the loss of many historic cottages in North Adelaide and divided the northern part of the community into two parts. The society also opposed further high-rise developments such as those that had been approved by the council in the 1960s.⁵¹³ Among its founding members were history professor Hugh Stretton and Dr John Watson, who later became lord mayor (1981-83). According to Rob Linn, the 'North Adelaide Society achieved the most remarkable results' in its first decade'. He quotes former Lord Mayor Bowen's comment that 'the Society was pivotal in the lead up to getting something done about a City plan'.⁵¹⁴

In 1983 the society commented on the draft Register of City of Adelaide Heritage Items, arguing that the listing of buildings privately owned 'could result in unacceptable financial hardship to their owners and find little favour with the community as a whole'. The society suggested the council acquire the listed properties, restore them and dispose of them⁵¹⁵--an unlikely scenario. The society played no part in the 1993 public protest over demolition of the Aurora Hotel, which was below the North Adelaide boundary. The society later became a strong heritage advocate.

Like the Civic Trust, the society commented on major public policies, including an objection in 1984 to the ASER project, deemed 'the biggest blunder and subject to the least scrutiny' of the city's major projects under the *Adelaide Railway Station Development Act*

⁵¹¹ Peter Birdsey, personal interview, 2.7.03.

⁵¹² North Adelaide Society Constitution, Objects. Copy available in the State Library of South Australia.

⁵¹³ Sandercock, p.182.

⁵¹⁴ Rob Linn, *Those turbulent years*, (Adelaide: Adelaide City Council, 2006), p.247.

⁵¹⁵ North Adelaide Society *Newsletter*, no.50, 3 Mar 1983, p.2.

(1984).⁵¹⁶ Height limits on residential development in North Adelaide were achieved in the 1986-91 City Plan, but in 1985 the society vainly sought amendments to the *City of Adelaide (Development Control) Act* (1976) for third party rights of appeal in planning matters on the ground that 'residents of all other local government areas in South Australia had this privilege'.⁵¹⁷

The society did not actively campaign in ACC elections, but invited all candidates to public forums for residents to meet the candidates during each campaign. Nor did it resort to direct action or public protests to try to save buildings. Its submissions to the ACC and state government on planning issues were somewhat conservative, comparable to those of the Civic Trust and National Trust. In 1992 it reported favourably on the council's townscape initiative but noted that 'much misinformation is patently causing residents concern' and that '620 additional properties appeared after submissions were called for'.⁵¹⁸ By that time it had found favour with heritage conservation and no longer advocated compensation for owners of privately owned heritage buildings. Indeed, it became a strong advocate of heritage protection in North Adelaide and opposed the voluntary listing of buildings on the local heritage register in the 1990s.

Conservation Council of South Australia (CCSA)

The CCSA was founded in 1971, partly funded by the state government, as an umbrella organisation for the burgeoning conservationist groups in South Australia. It became the major environmental lobby group and the first contact on environmental issues by governments. Its primary focus had been on conservation of the natural environment, but from time to time during the Bannon decade it was involved in planning and heritage

⁵¹⁶ North Adelaide Society *Newsletter*, no.56, 3 Oct 1984, p.3.

⁵¹⁷ North Adelaide Society *Newsletter*, no. 60, 4 Nov 1985, p.3.

⁵¹⁸ North Adelaide Society *Newsletter*, no.88, 9 Sept 1992, p.2.

protests. AHA became a member group of CCSA in 1984 as the leading lobby group on built heritage matters, and the CCSA generally left those issues to its expert member.

The CCSA protested about development proposals that would involve damage to the natural environment, such as proposed marina projects at Jubilee Point and Aldinga and tourist complexes in or adjacent to national parks.⁵¹⁹ They opposed the state government's plan for a chair lift and towers to Mount Lofty, which would have impacted upon Cleland Conservation Park, as well as a proposed hotel complex at Mount Lofty Summit. None of these proposals was implemented, but a tourist centre and restaurant replaced a shop at the summit, with some destruction of the natural environment.

Led by its Executive Officer Marcus Beresford, in 1988 the CCSA organised a public protest against demolition of the art deco style Westpac Bank building in North Terrace at King William St, which had been nominated for listing on the state heritage register and was entered on the Register of the National Estate. The ACC had approved demolition of the bank and adjacent SA Tourism buildings to be replaced by a \$45 million 17-storey office development, but the CAPC had deferred the application.⁵²⁰ When Minister for Environment and Planning Dr Hopgood announced in April 1988 that the bank would not be heritage listed, the CCSA sought support for a public protest from AHA, journalist Peter Ward and Barry Rowney, architectural historian of the University of Adelaide. The developer withdrew the application and the building was later entered on the Register of City of Adelaide Heritage Items with the 1991-96 City of Adelaide Plan.

⁵¹⁹ Marcus Beresford, personal interview, 6.2.03.

⁵²⁰ ACC minutes 22.2.88, item 9 of PEC committee, p.1027. *Advertiser* 28.4.88, p.7. Originally the Bank of NSW, the building was designed by Adelaide architect Philip Claridge. It was the only twentieth-century Adelaide building mentioned in John Freeland's *Architecture in Australia* and is pictured in Michael Page's *Sculptors in space* (1986, p.184).

Beresford became a member of the SA Heritage Committee in 1989 but found the experience frustrating and did not renominate for a second term (see chapter 3 above).⁵²¹ The direct involvement of the CCSA with the SAHC ended with Beresford's term, and the organisation resumed its primary interest in issues affecting the natural environment, with occasional comments on major planning matters.

The Bannon decade was a frenetic period for heritage activists. The dramatic downturn in the property market brought a respite, leaving them to concentrate on the State Planning Review 1991-93. The *SA Planning Act* (1982), *City of Adelaide (Development Control) Act* (1976), *SA Heritage Act* (1978) and other relevant planning legislation was reviewed by a team of the Department of Planning headed by planner Michael Lennon. All groups described in this chapter participated in the review, and interested parties around the state were consulted. The review culminated in passage of the *Development Act* (1993), the *SA Heritage Act* (1993) and the *Environment, Development and Resources Court Act* (1993), the latter establishing a new court to replace the Planning Appeals Tribunal, which would consider appeals against council decisions as well as cases involving environmental matters. These Acts reflected primarily the views of the Planning Department and Parliament that development applications should be streamlined and complying developments approved quickly, but it took into account some public concerns, particularly the lack of third-party appeal rights in the City of Adelaide.

Conclusion

Public protests against demolition of historic buildings had been held in several parts of Adelaide by the time the Bannon government was elected and well before the building boom of the later 1980s. With no third-party rights of appeal under the *City of Adelaide*

⁵²¹ Marcus Beresford, personal interview, 6.2.03.

(Development Control) Act (1976), residents and interest groups found their only means of expression in direct action in order to stop unwanted development. Through these protests residents asserted a right to preserve the character of their neighborhood and an interest in the retention of historic buildings in commercial areas. At times building workers also asserted the right to express an opinion on social issues relating to the building industry through withdrawal of their labour. Developers and property owners, on the other hand, asserted their right to maximise the economic value of their property by increasing its magnitude, either by building taller buildings or by replacing one dwelling with several smaller ones, or both. These were the competing values which framed heritage politics and with which councillors and politicians had to grapple during the Bannon decade, a period of over-optimism and uncontrolled speculation in urban construction.

Among the conservationist interest groups, AHA was the only one devoted solely to preserving the built heritage and developing more comprehensive heritage and parklands policies for Adelaide. The National Trust (SA) evolved from an 'Establishment' organisation concerned primarily with its own properties in the built and natural environment into a true political lobby and even militant group from 1987, but its policies on townscape protection or local heritage were more conservative than those of AHA. The North Adelaide Society also strengthened its position and its submissions on heritage conservation by the mid-1980s, but it did not engage in direct action to save historic buildings in North Adelaide. The Civic Trust and CCSA were involved in the heritage debates, but those debates were not their major focus. These interest groups confronted the formidable combination of a state government which encouraged building development as a major means of economic recovery, the ACC which comprised a majority of pro-development members during most of the Bannon decade, a deregulated and speculative

financial system which invested recklessly in the property market and the collective lobbying and influence of developers and architects on those institutions. While the NGOs had some influence on planning policies and were able to modify the excesses of some projects, while they raised public awareness and strengthened public opinion in favour of heritage conservation (this chapter cites a number of instances in which buildings were heritage listed after public protests), they were engaged in an asymmetrical conflict in which the development sector held the economic and political power.

7 CASE STUDIES IN HERITAGE POLITICS: MAJOR PROJECTS

It therefore looks tragically as if appropriate priorities have somehow been lost in the political and financial processes: concern over the State's financial crises (perhaps now waning) and the construction industry's low ebb ... Such matters seem to have overwhelmed the proper environmental concerns.

- David Saunders⁵²²

Previous chapters have shown that during the Bannon years governments often gave consent when developers proposed building projects that would contravene heritage legislation or principles of development control affecting heritage buildings. Moreover, governments themselves sometimes initiated such projects. As noted in chapter 2, the Bannon Government was first elected during the state's deepest recession since the Great Depression, and the Premier strove for economic growth through major events and building projects. Local governments too stretched the boundaries of development approval, often granting concessions to the developers of major projects that spoiled the character and streetscapes of Adelaide the most. Many Adelaide councillors expressed the view from time to time that the City of Adelaide Plan was not intended to apply to major projects.⁵²³ For example, in a debate on the REMM-Myer development, Lord Mayor Condous spoke of a 'too rigid maintenance of the City of Adelaide Plan',⁵²⁴ indicating a willingness to bend the rules for the largest commercial project of its day. Developers of major projects invested large sums of money, and it was believed they deserved special consideration. In the 1980s, as heritage registers were being developed, heritage protection was subordinated to economic growth at both state and local government levels. This chapter will look in detail at some of the most egregious examples of such practices in Adelaide during the Bannon decade.

⁵²² *The Adelaide Review*, 1(7), Oct 1984, p 3.

⁵²³ Dr Jane Lomax-Smith, personal interview, 28.7.01, referring to councillors other than herself.

Adelaide Station and Environs Redevelopment Project (ASER)

The redevelopment of the railway yards between the northern side of North Terrace and the Torrens River, an eyesore in the inner city, had interested state governments since 1970. In 1983 the Bannon government secured a \$158 million development comprising an international hotel, a convention centre and an office tower to be located immediately west of the heritage-listed railway station on North Terrace. The ASER project was the largest single project in Adelaide involving the most complex heritage and planning issues at the time. The partners in the project were the South Australian Superannuation Fund Investment Trust (SASFIT) and the Japanese consortium Kumagai Gumi, forming the ASER Property Trust with equal shares, and underwritten by the state government.⁵²⁵ Through special legislation the project would progress under the direction of the state government without the usual constraints of the planning processes of the City of Adelaide or state legislation.

During the debates in Parliament on the ASER Bill in 1984, the Opposition supported the project but objected to the style of the Bannon government in negotiating the contract, particularly its secrecy and sweeping powers. There were accusations of secret deals, negotiations behind closed doors and failure to consult the public and relevant public agencies. They also objected to the generous concessions extended to the developers: no land tax for 10 years, no other state charges or taxes, such as water, power, access roads, gas and sewerage during construction, and no stamp duty on any transaction for a five-year

⁵²⁴ AHA Newsletter, Oct, 1987, p.2.

⁵²⁵ South Australia, House of Assembly 1983-84, *Parliamentary Debates*, Vol 3, p.3210. Kumagai Gumi, Japan's third largest construction group, developed several large-scale projects in Asia before opening its Australian office in 1983. It invested in development projects in NSW and Victoria as well as SA. *Advertiser*, 8.3.86, p.8.

period. Further, the ASER Property Trust would own the new buildings, not the state government, when the loans were repaid.⁵²⁶

The release of the hotel design in 1984 met public outcry from architects, planners, politicians, city councillors, heritage activists and journalists. Among many others, David Saunders, Professor of Architecture at the University of Adelaide, objected to the height and scale of the 23-storey hotel and adjacent conference and office towers crammed up against the heritage railway station, creating '...an environment of the hungry commercial kind, crowding for profit...' With the project occupying only 40 per cent of the site, he claimed, it could have been spread out with a height and density compatible with the railway station and Festival Centre environment and allow a good connection to the River Torrens bank.⁵²⁷ In other words, the height of buildings should have reinforced the scale and character of the railway station site, and the design of the adjacent hotel should have respected and complemented the built form character of the heritage-listed railway station, as provided in principles 14 and 20 of the City of Adelaide Plan. Adelaide's two daily newspapers were divided on the ASER project.

The Advertiser consistently opposed it, while *The News* editor condemned the 'Luddites', saying it would 'give a new look to the Adelaide skyline'. He added, 'this State needs the ASER project. It needs the investment. It needs the jobs. It needs the visitor capacity it will provide... The scheme will enhance the appearance of the parklands and access to them'.⁵²⁸

Conservationists also objected to the construction of commercial buildings on the Adelaide parklands. Except for the educational and cultural precinct of North Terrace, the

⁵²⁶*Ibid* pp.3215-17.

⁵²⁷David Saunders, 'The best address in Adelaide', *Adelaide Review*, 1(7), Oct 1984, p.3.

⁵²⁸*News*, 26.9.84, p.6.

green belt of parklands around Adelaide and along the River Torrens were laid out by Government Surveyor Colonel William Light in 1837 and purchased by Governor Gawler in 1839 for the citizens of Adelaide.⁵²⁹ Their plan of open space around the city has been more or less maintained since, with some notable exceptions.⁵³⁰ The ASER buildings were a marked departure from this plan, as noted by Professor Saunders' colleague Judith Brine:

The bulk and height of its buildings constitute a direct assault on the form of the City of Adelaide ... and on the visual character of the parklands. ... The highly commercial nature of the ASER buildings cannot be seen to be compatible with other uses that have, in the past, been introduced into this zone of the parklands. The buildings proposed are neither those of civic dignity of purpose, nor have they the cultural value, nor do they enhance the function of the parklands as parklands.⁵³¹

The Government intended to grant use of public property to a private trust, alienating the public land. Although the area was Crown land, it was perceived by critics as parklands intended for the 'healthful recreation of the inhabitants of the city'.⁵³² Public access to the river bank would be cut off, a criticism denied by Premier Bannon, who noted that North Terrace was already 'cut off from the Torrens by ugly railway yards... and has been for 100 years'. He claimed that the plaza in front of the Hyatt Hotel would increase public areas and access to the Torrens would be improved,⁵³³ a claim disproved by the completed project.

The 1974 and 1977 City Plans had specified that 'no major commercial, administrative or residential development should be permitted on the north side of North Terrace' where the ASER project was located, but the provision was omitted from the 1981-86 Plan. AHA claimed it was deleted 'due to pressure on the ACC ... to clear the way for the ASER

⁵²⁹ Jim Daly, *Decisions and disasters* (North Adelaide: Bland House, 1987), p.22.

⁵³⁰ By 1983 exceptions were the Adelaide Oval, Adelaide Zoo, Victoria Park Racecourse, Adelaide High School, Hackney Bus Depot with an administration building and tram barns, the Festival Centre and restaurants. Sporting clubs have been permitted to erect small buildings at their venues.

⁵³¹ Judith Brine, 'The plan of Adelaide and the ASER scheme', *Australian Planner*, 22(4), Dec 1984, p.8.

project'.⁵³⁴ In any case, under s.5(2) of the *Adelaide Station Development Act 1984*, 'no consent, approval or other authorization [was] required under the *City of Adelaide Development Control Act, 1976*, in respect of the proposed development' to allow fast-tracking of the project.

The ACC strongly criticised the Bannon government for its failure to consult effectively with either the council or the CAPC.⁵³⁵ In 1984 the criticisms met an Orwellian reply from the Premier: 'while the Government welcomed constructive views by the Council on aspects of the project such as parking and street facilities it was "just not on" to suggest fundamental changes to the project such as the location of the proposed building; ...the final decisions rested with the Government'.⁵³⁶ The CAPC could only write to the Minister for Environment and Planning objecting to the size and bulk of the hotel and office tower plus the inadequacy of pedestrian access, public space and parking.⁵³⁷ The public representative on the CAPC, Judith Brine, later said, '...I clearly remember that letter [to the Minister] because it was a humiliating experience trying to get something out of an impossible situation. I remember the government coming down heavily on us. The government wanted approval and support and I am greatly sorry it got it.'⁵³⁸

All of the planning interest groups objected to the project. AHA and the Adelaide Residents' Society organised a public meeting, chaired by MLC Ian Gilfillan, in Edmund Wright House on 17 October 1984 to enlist public support for changes to the project. Among the 80 people who attended were architecture, planning and heritage experts—

⁵³² Corporation of the City of Adelaide, *City strategies: Park Lands management strategy* (ACC, 2001), p.5.

⁵³³ *Advertiser*, 28.9.84, p.7.

⁵³⁴ AHA submission to the Standing Committee on Subordinate Legislation - ASER Regulations, 21 Nov 1984 (in possession of the author), p.2.

⁵³⁵ Shadow Minister for Tourism Jennifer Adamson, defended the Council in Parliament, noting the Bannon Government was elected on a platform of consultation and consensus. *Parliamentary Debates*, Vol 3, p 3238.

⁵³⁶ *Advertiser*, 11.9.84, p.14.

⁵³⁷ *Advertiser*, 16.10.84, p.17.

Architecture Professor David Saunders, the President of the Royal Australian Planning Institute SA Branch, the executive director of the National Trust—plus councillors and alderman of the ACC, representatives of AHA and the Adelaide and North Adelaide residents' societies. The government was represented by Graham Inns, Director of Tourism and chairman of the ASER co-ordinating committee, the only person to support the project. With only one dissent, the meeting resolved to write to the Premier seeking amendments to the plan. 'A small delay at this stage may save years of recrimination and regret later', was the prescient theme of the letter.⁵³⁹ However, the plans for the project were contained in regulations to the *ASER Bill*, and it was unlikely the developer would incur the costs of changing them unless required to do so.

When the *ASER Act* passed in the Legislative Council soon after the public meeting, the only remaining avenue for NGO objections was the Joint Parliamentary Committee on Subordinate Legislation. Criticisms of the project plans contained in the regulations to the Bill were submitted by the ACC, the CAPC, AHA, the National Trust, the SA Civic Trust, the Royal Australian Planning Institute, the Local Government Planners' Association and several architecture academics.⁵⁴⁰ The committee appeared not to grasp the significance of objections to the height, scale and density and the commercial nature of the project in the parklands, and those who testified left the meetings in despair.⁵⁴¹ The Joint Committee, dominated by government members, recommended that the regulations be allowed. The Premier did not address publicly the criticisms about the building designs, saying repeatedly in Parliament and to the media, 'I am guided by the developers'.⁵⁴² It is possible

⁵³⁸ Judith Brine, personal interview, 18.6.98.

⁵³⁹ *Advertiser*, 18.10.84, p.10.

⁵⁴⁰ *Advertiser*, 27.10.84, p.20.

⁵⁴¹ Recollection of the author, who testified at a hearing.

⁵⁴² For example, *Advertiser* 7.6.85, p.1, and *Parliamentary Debates*, Vol 3, p.3237.

the Premier knew of no other way in which to respond to the numerous criticisms of the ASER plan.

The recycling of the railway station for the purpose of a casino, with its Marble Hall as a grand foyer, began in 1985.⁵⁴³ After the criticism engendered by the other plans, response to the casino was more favourable, and the Premier's tone was upbeat when he spoke in 1985 of 'this extraordinary palace'. 'This is the only casino in Australia to use a Heritage building,' he said with pride. '[T]he Adelaide Railway Station building was a fine example of 1920s public architecture, decorated with a unique level of opulence—with its rich blackwood timber panelling, massive pillars and delicate chandeliers—by a railways commissioner who appreciated quality.'⁵⁴⁴ The irony of the statement alongside the criticisms of the ASER buildings was not acknowledged.

When plans for the 10-storey office tower were unveiled, the new Lord Mayor of Adelaide, Jim Jarvis, reacted strongly to the Premier's assertion that he was guided by the developers. Charging that the government had 'cast aside its responsibilities', 'Mr Jarvis said he believed such guidance should come from the CAPC, which was the official body overseeing the City of Adelaide Plan.'⁵⁴⁵ *The Advertiser* affirmed the Lord Mayor's charge: '...it is a disappointing and curious sort of leadership that is prepared to be guided by developers rather than by the City of Adelaide Plan, the Adelaide City Council, the City of Adelaide Planning Commission and other such bodies, by a body of distinguished architects, planners, aesthetes, conservationists and concerned citizens, and even by the

⁵⁴³ *Advertiser*, 23.11.83, p.5.

⁵⁴⁴ *News*, 21.6.85, p.14.

⁵⁴⁵ *Advertiser*, 7.6.85, p.1.

spirit of Colonel Light.⁵⁴⁶ The government responded by approving the developer's plan for the office tower.

After construction work on the hotel began in January 1985, the developer proposed to connect the hotel to the casino by a glass-enclosed bridge. Rebuffed by the government when it recommended changes to plans for the three commercial buildings, the ACC aggressively opposed the pedestrian walkway, and the CAPC refused to allow alteration of a state heritage item to accommodate an entrance from the bridge into the building.⁵⁴⁷ The ASER Trust appealed to the Planning Appeals Tribunal, but this appeal was rejected in a minor victory for the council in what was a long and otherwise losing battle.

The ASER project was an extreme example of the ways in which political power was used to circumvent heritage and planning legislation during the Bannon decade. The government's autocratic style and disdain for principles of the City of Adelaide Plan spurred a widespread protest which involved people who would not ordinarily criticise a government publicly, a protest so strong that the Bannon government did not use the device of special legislation for a major project in Adelaide again.⁵⁴⁸ The working relationship of the state government with the ACC and CAPC became antagonistic, and the effectiveness of the CAPC was weakened. The outcome of this public resistance to global modernism which was to replace so much of Australia's heritage in the following decade added to the growing cynicism in the community about government leadership in planning matters.

State Bank Centre

At the end of 1985 the directors of the reconstituted State Bank of South Australia approved plans for a head office building which would 'tower over the Adelaide skyline as

⁵⁴⁶ *Ibid*, editorial, p.7.

⁵⁴⁷ *Advertiser*, 18.12.85, p.29.

⁵⁴⁸ Future state governments gained the right to declare a project a major development, superseding council planning powers, under s.46 of the *Development Act* (1993), legislation introduced by the Bannon government.

a symbol of the new corporate and global image of the bank'.⁵⁴⁹ The site designated for the tower at King William and Currie Sts was behind a 'prominent group of commercial buildings which form[ed] one of the most important streetscapes in Adelaide'.⁵⁵⁰ All of the buildings affected were listed in the Register of State Heritage Items, except the Adelaide Steamship building, which was to be demolished. The main objections to the proposal were the height of the office tower and the destruction of all but the façade of the Commonwealth Bank heritage building in Currie St. As Greg McCarthy wrote, 'What was of concern to local planners and historians was that the bank was seeking a special privilege to override Adelaide planning regulations to build six (*sic*) storeys above the height restrictions. ...[Managing Director Tim Marcus] Clark took it on himself to openly lambast the South Australian heritage lobby saying the choice was between their backwardness and modernisation.'⁵⁵¹ While the heritage and planning issues surrounding the project were not as complex as those of the ASER project, the approval processes for the State Bank Centre similarly involved pressure from the state government, secrecy and government willingness to disregard planning and heritage legislation.

The bank engaged the services of Melbourne heritage consultant Richard Falkinger, who assured the State Heritage Branch and the ACC the heritage streetscapes would be retained. Portions of the rear of the State Bank and National Mutual buildings and all but fifteen metres of frontage of the Commonwealth Bank building would be removed to make way for the office tower. Heritage lobbyists objected to the loss of the grand interior space of the Commonwealth Bank chamber.⁵⁵² AHA spokesman and architect Hamish Ramsay suggested to the council a reconfiguration of the project, relocating the proposed State Bank tower near the corner of King William and Currie Sts in order to retain the chamber.⁵⁵³ Another Aurora architect, Gerry Patitsas, later sketched the tower at the rear

⁵⁴⁹ McCarthy, p.195.

⁵⁵⁰ Marsden, Stark and Summerling, p.79.

⁵⁵¹ McCarthy, p.196. The completed building was eleven storeys above the height limit for the precinct.

⁵⁵² *Aurora* newsletter, March 1986, p.1.

⁵⁵³ ACC File 2997/0044, Doc. 2(13); PEC 17.3.86, item 10.1, Attachment E.

of the State Bank building in King William St to avoid demolition of the heritage chamber.⁵⁵⁴ In early 1986 the council requested that the applicant submit 'clearly presented material to support the claim that it is necessary to remove the former banking chamber in order to achieve a viable development on the site'.⁵⁵⁵ The bank's Administrative Services Manager, KP Rumbelow, asserted that 'the banking chamber has undergone considerable changes since it was first constructed and at present has little architectural merit other than scale'. He further claimed that no alternative site for the office tower was possible.⁵⁵⁶

None of the ACC members had architectural training, although many had planning experience through their membership of the council, and they did not challenge claims made by the bank's administrative services manager that no alternative to the site chosen for the tower would be viable. Meetings were held behind closed doors at which members and council staff were shown slides and models of the proposal. The record shows that 'during extensive discussions with the applicant's design team and the State Heritage Branch, it was ascertained that considerable effort had been directed toward the development of a proposal which would permit the retention of the former banking chamber. Many alternatives had been conceived and tested, but for a variety of reasons, were not viable.'⁵⁵⁷ No NGO heritage consultant in favour of retaining the banking chamber was asked to attend the meetings. The State Heritage Branch advised that the development should be approved, not objecting to the destruction of a heritage building.⁵⁵⁸ Thus, the case for the State Bank Centre was made.

During the course of negotiations, the proponent amended the plan 'to re-establish the scale and special qualities of the chamber in the form of a Grand Lobby', thus

⁵⁵⁴ *Aurora* newsletter, April 1986, p.1.

⁵⁵⁵ ACC File 2997/0044 doc. 2(8), agenda item 10.1 of PEC 17.3.86, p.9.

⁵⁵⁶ ACC File 2997/0044 doc. 5(16), letter to Acting Chief Planner, 20.3.86.

⁵⁵⁷ *Ibid.*

⁵⁵⁸ ACC File 2997/0044, doc. 4(4), letter from JC Womersley, Manager, State Heritage Branch, acting under delegated authority of the Minister, to Acting Chief Planner, City of Adelaide, 21.3.86.

‘enhancing’ the chamber’.⁵⁵⁹ The lobby would contain lifts to the office tower and some columns, so it would no longer have the open space form of the bank chamber. The council seemed impressed by this amendment, or at least by the term ‘Grand Lobby’, particularly with the offer of the proponent to remove the chamber’s pressed metal ceiling and mount it in the ceiling of the new lobby. Unfortunately, the proponent later advised the council that ‘we believe it impractical, both physically and economically, to remove all the ceiling panels of the existing bank chamber in a manner which will enable them to be dismantled at ground level and reinstated on to a lightweight, fire resistant frame’. The solution was to recast the panels from moulds made from the original and create a replica ceiling. In their view, this solution would ‘comply with the spirit of the proposal’.⁵⁶⁰

An issue of concern to the council was whether a precedent would be set if it approved the partial demolition of a building on the heritage register, in contravention of principle 34 of the City of Adelaide Plan. Solicitors for the bank allayed these concerns, citing Judge Roder’s decision in the Kingsmead case.⁵⁶¹ ‘If each case is properly considered “on balance” and on “the evidence” before the planning authority, it is extremely difficult to see, as a matter of fact and law, that any particular “PRECEDENT” is established which could in any way be binding or embarrass the Planning Authority in future decisions.’⁵⁶² Reassured on the matter of precedent, even though it was advice from the bank’s solicitors and not their own, the council was prepared to recommend to the CAPC that the project be approved.

In recommending approval of the project, the council justified a considerable bonus plot ratio of 14,200 square metres on the grounds that the heritage buildings in King William St and the entry foyer of the Commonwealth Bank building would be retained and the grand lobby would be created where the heritage banking chamber stood. The logic of

⁵⁵⁹ ACC File 2997/0044, doc. 2(7), PEC 17.3.86, item 10.1, p.8.

⁵⁶⁰ ACC file 10424, Part 2, doc. 5(2), letter from WL Steele, Chairman, Woods Bagot, to Acting City Planner, 5.6.86.

⁵⁶¹ *Borthwick v the Corporation of the City of Adelaide*, (1985) 18 APA 435. In that case Judge Roder ruled against the plaintiff and in favour of retaining Kingsmead, which was heritage listed.

⁵⁶² ACC File 2997/0044, Doc. 5/57, letter from Ward & Partners to Acting City Planner 20.3.86.

being granted a bonus for destroying a heritage place escaped an AHA member, who wrote ironically in its newsletter: 'Oh, by the way, the tower was allowed to be 11 floors taller because the project is being so good to our heritage. That makes it 30 storeys high, plus the parametal roof and spire.'⁵⁶³ In April the CAPC concurred with the council's recommendation to grant approval to the proposal.⁵⁶⁴

Adelaide is left with an unsuitable building in one of its finest heritage streetscapes. State Bank Royal Commissioner SJ Jacobs reported with hindsight, 'the project turned out to be a commercial failure, if not a disaster'⁵⁶⁵ Journalist Chris Kenny was more scathing in his summary of the outcome: '...the State Bank centre - the pretentious landmark that not only burdened the state with a cost blow-out, but ridiculously contributed to the glut of office space that helped to undermine some of the bank's loans.'⁵⁶⁶

REMM-Myer Project

The REMM-Myer project was first proposed in 1987 as a commercial venture comprising retail and office buildings and associated car parking in Rundle Mall, Stephens Place and North Terrace. It became 'the most significant exposure undertaken by the State Bank'⁵⁶⁷ and had the strong backing of Premier Bannon. The development was proposed in two stages, first as a retail complex occupying the site of the Myer Department Store in Rundle Mall and extending to North Terrace for office development.⁵⁶⁸ Two heritage-listed buildings would be gutted, with only their facades in North Terrace remaining. The

⁵⁶³ *Aurora* newsletter, May 1986, p.1.

⁵⁶⁴ ACC File 2997/0044, Doc. 8(1), letter from Secretary, CAPC, to CEO of the Corporation of the City of Adelaide, 3.4.86. Approval of the proposal by the CAPC was remarkably swift.

⁵⁶⁵ Government of SA, *Royal Commission into the State Bank of South Australia*, First Report, November 1992, p.85.

⁵⁶⁶ Chris Kenny, *State of denial* (Kent Town: Wakefield Press, 1993), p.72.

⁵⁶⁷ Royal Commission, Second Report, p.141.

⁵⁶⁸ It was described in a PEC report as redevelopment of 'the site with a mix of commercial facilities including shops, offices, public car parking, restaurants, a "fantasy" area and associated servicing and storage space'. PEC 31.8.87, item 9.

development proposal was revised in late 1987 after the REMM group purchased two more heritage buildings in North Terrace on either side of Stephens Terrace. This enabled the widening of Stephens Place to improve car park access, a major concern of the ACC. The Rundle Mall façade was also amended. Heritage activists and unionists opposed the project because a department store building of major significance to the character of Rundle Mall would be demolished and heritage buildings would be gutted, contravening sections of the *City of Adelaide (Development Control) Act* (1976), the City of Adelaide Plan and the *SA Heritage Act* (1978). There was apprehension about economic issues as well, particularly as the development progressed,⁵⁶⁹ but the State Treasurer ignored all of these concerns.

An amended development proposal was considered by the ACC on 31 August 1987, after discussions between the council's administration and the applicant about the parking and servicing areas which had concerned the council in July. The ACC opposed non-council car parks in the CBD, but REMM argued persuasively that Myer must have parking on site to compete with two other department stores in Rundle Mall which had their own car parks.⁵⁷⁰ The ACC was not troubled about gutting the heritage buildings. 'What was important was the image they made in North Terrace, and ...the majority favoured retaining the facades.'⁵⁷¹ The manager of the State Heritage Branch, as the Minister's delegate, had advised the City Planner that he recommended approval of the project, on the conditions that the office tower atop Shell House and Goldsbrough House

⁵⁶⁹ Terence Maher, 'Adelaide's tall order', *Australian Business*, 11(4), 21 Nov 90, p.45.

⁵⁷⁰ Michael Llewellyn-Smith, personal interview, 30.6.01.

⁵⁷¹ *Ibid.*

be redesigned and set back and that the lift arrangement in Shell House be maintained.⁵⁷² The council then approved the development, subject to the concurrence of the CAPC, noting that the facades of the North Terrace heritage buildings would be retained and the Rundle Mall building demolished. The extraordinary advice of the manager of the State Heritage Branch that two heritage-listed buildings should be gutted, without comment from the SAHC, was combined with the willingness of the ACC to disregard principles of the City of Adelaide Plan and its own heritage register, as well as desired future character statements for the Beehive Corner and Rundle Mall precincts. As with the State Bank Centre, these government bodies demonstrated that heritage protection was tenuous when a developer proposed a major project on the site of heritage buildings.

In approving the project, the ACC granted the maximum plot ratio for the site of 23,370 square metres above the standard bonus plot ratio. The grounds for this generosity were the huge scale of the development (not normally a criterion for a bonus), the pedestrian links to streets through the buildings, leisure and entertainment facilities, space water fountains in the atrium, landscaping and sculpture, heritage conservation and pedestrian cover over footpaths.⁵⁷³ The inclusion of heritage conservation as a ground for granting the maximum plot ratio must surely have been ironic.

Activists first objected to the demolition of the Myer Department Store, a conglomerate of buildings in Rundle Mall. The older neo-classical portion was designed by prominent architect Edmund Wright in 1882 for Adelaide's largest drapery, J. Marshall & Co., and was extended in 1908 to Stephens Place. The Myer group took over the

⁵⁷² Letter from J Womersley, Manager, SHB, to Director of Planning, Corporation of the City of Adelaide, 31.8.87, ACC D3528/32.1-3. The interior of Shell House had the most integrity of the heritage buildings involved.

⁵⁷³ *Ibid*, p.439.

Marshall store to create the Myer Emporium in 1928.⁵⁷⁴ When the REMM proposal was considered by the ACC, AHA called for retention of the Myer building on the ground that the City of Adelaide Plan provided that ‘historic and architecturally interesting facades should be preserved wherever possible’ in the Rundle Mall Precinct.⁵⁷⁵ ‘There is no evidence that it is not possible to preserve the Myer frontage’, AHA spokesman Gerry Patitsas wrote.⁵⁷⁶ He asserted in an interview that the façade could be retained with a new building inside. ‘Such an approach would ‘ease the trauma of its four- to five-year construction on Rundle Mall,’ he said.⁵⁷⁷ The council minutes described the new façade as ‘echoing the composition and height of the existing façade and [reinforcing] the human scale of Rundle Mall.’⁵⁷⁸ In this as in so many other cases, AHA wondered why an imitation should be accepted when the original building could be modified and retained.

The Aurora group gained the support of some building unions willing to impose a green ban on the Myer building. The most outspoken was Ben Carslake of the Building Workers’ Industrial Union and Plasterers’ Federation of SA, who said that ‘the façade of the Rundle Mall Myer building was unique and should be retained in the development’. Some unions supported him but others were against a ban because the building was not heritage listed.⁵⁷⁹ Among the latter were the Amalgamated Society of Carpenters and Joiners⁵⁸⁰ and the important Australian Building Construction Workers Federation whose state secretary, Ron Owens, said ‘the redevelopment was vital to the state’s economy and

⁵⁷⁴ Memorandum from Acting Manager, SHB, to SAHC dated 16.10.87. SAHC minutes, 21.10.87, item 7.2, pp.4-5. The Committee objected that the ‘material submitted was not sufficient to make comment feasible’. It contained only historical information, not assessments of its architectural, cultural or historic significance.

⁵⁷⁵ City of Adelaide Plan 1981-86, p.56

⁵⁷⁶ ACC minutes, 7.9.87, item 8.4 report of PEC meeting of 31.8.87, item 5, p.434, Attachment O.

⁵⁷⁷ *Sunday Mail*, 6.9.87, p.17. Marcus Beresford of the Conservation Council of SA supported Patitsas’ view in another article on the same page.

⁵⁷⁸ ACC meeting 7.9.87, item 8.4 of agenda, report of PEC of 31.8.87, p.434.

⁵⁷⁹ *Advertiser*, 29.8.87, p.3.

⁵⁸⁰ *News*, 4.9.87, p.14.

would provide up to 300 jobs for his membership'.⁵⁸¹ In November 1987 the Building Trades Federation, which represented all state building unions, resolved to ban demolition of any part of the heritage-listed buildings in North Terrace. It also called on the ACC 'to conduct a poll to determine whether the public want... the Myer façade ... retained', a move initiated by Ben Carslake.⁵⁸² A poll was not conducted, and the building was demolished. A new design for the Myer centre in late 1987 was described by the architect as 'a glass and steel cathedral-like building',⁵⁸³ suggesting a shrine to capitalism. Andrew Cawthorne of AHA regarded it as 'a bland, mostly glass, prefabricated structure more appropriate to a suburban shopping mall than to the city's premier shopping district', [to replace] 'the only remaining Victorian/Edwardian façade of such a magnitude, rich in detail and contributing significantly to the character of Rundle Mall'.⁵⁸⁴

In late October 1987, AHA set up an information picket in front of the North Terrace side of the project in an effort to demonstrate public support for protection of the heritage-listed buildings. A petition with 2,150 signatures collected in nine hours at the picket asked the CAPC not to approve gutting of the heritage buildings. The National Trust and the CCSA joined the AHA in their protest.⁵⁸⁵ At the time Cawthorne exclaimed, 'if the register has any meaning at all then the buildings should be fully retained. If they are demolished it will mean the register is just a joke...'⁵⁸⁶ Nevertheless, the CAPC concurred with the ACC's approval of the project, subject to 56 planning conditions. As the chairman

⁵⁸¹ *News*, 21.8.87, p.6.

⁵⁸² *Advertiser*, 5.11.87, p.1, and *News*, 4.9.87, p.14.

⁵⁸³ *Advertiser*, 5.11.87, p.1.

⁵⁸⁴ *Aurora Newsletter*, March 1988, p.1.

⁵⁸⁵ Letter from Tim McDonald, Director, National Trust of SA, to CAPC dated 9.3.88 (copy in possession of the author); *Sunday Mail*, 6.9.87, p.17.

⁵⁸⁶ *Advertiser*, 21.10.87, p.8.

of the CAPC, Lord Mayor Condous said, ‘there should be some leeway when the cost of the development is so high’.⁵⁸⁷

The plans were revised in December 1987, when two additional heritage buildings in North Terrace were added to the scheme after their purchase by the Remm Group the previous month. The Verco and Liberal Club buildings would also be gutted, and the footpaths in Stephens Place would be narrowed to create three lanes for traffic entering and exiting the car park.⁵⁸⁸ The office building with a new clock tower was shifted in the plan back from North Terrace and east over the Verco building,⁵⁸⁹ where it was deemed to obtrude less on the heritage buildings. This yellow tower can be seen from many vantage points around Adelaide and stands in sharp contrast to the stone heritage facades beneath it.



Verco Building, North Terrace, with REMM-Myer office building and clock tower on top. Aurora Heritage Action, Inc. collection.

⁵⁸⁷ ACC meeting 22.2.88, item 8.4, PEC Report 15.2.88, item 5, pp.988-94.

⁵⁸⁸ *Advertiser*, 1.12.87, p.1.

⁵⁸⁹ *Advertiser*, 6.5.88, p.10.

Since the lord mayor and others were willing to disregard heritage principles because of the large scale of the REMM project, it is worth looking briefly at the financial issues involved. From the beginning the REMM group required substantial local finance to undertake the project, having no net worth because of overcommitments in Brisbane.⁵⁹⁰ With the Bannon government giving the REMM-Myer project its unequivocal support,⁵⁹¹ the State Bank agreed in July 1988 to be the lead financier, underwriting the project while seeking additional investors. In August the REMM group told Lord Mayor Condous the project would not be viable without waiver of state and council taxes, rates and fees of about \$50 million. Such concessions were not in the council's interest; the lord mayor replied that it 'would set a precedent other city developers would expect',⁵⁹² and the matter was dropped. When the SBSA began financing the project, the construction costs were \$120 million. No other backers could be found and no financial syndicate was created. Costs soared due to industrial disputes and other delays until the total liability to the bank reached \$900 million at the completion of the project in 1991. In 1996 the Myer complex was sold for \$152m at a loss of over \$750m, borne by the taxpayers.⁵⁹³

In addition to the direct financial loss, the disruption to Rundle Mall during construction of the REMM project resulted in the loss of business to many of its traders. In 1990 Alderman Etherington correctly warned that 'the huge complex will send traders to the wall during its construction'.⁵⁹⁴ Three years earlier the SA Mixed Business Association had expressed concern about 'Adelaide finding it has too many shops as developers rush to

⁵⁹⁰ Sykes (1994), p.494.

⁵⁹¹ Maher, 'Adelaide's tall order', p.45.

⁵⁹² *Advertiser*, 30.8.88, p.1.

⁵⁹³ McCarthy, pp.200-203.

⁵⁹⁴ *Advertiser*, 17.4.90, p.1.

take up new investment opportunities'.⁵⁹⁵ Indeed, after the Myer Centre opened with many Mall traders succumbing to offers of low rent, the number of vacant shops in Rundle Mall was notable. Councillor Ninio conceded in 1993 that the forecast of a Myer-led boom in the city was mistaken, and in fact the project caused a loss of customers in the Mall which has never been regained since construction of the Myer Centre.⁵⁹⁶

It is perhaps fitting that the Premier was forced to resign because of the State Bank's financial exposure in the REMM-Myer project, given that he encouraged this development project, which was commercially non-viable.⁵⁹⁷ The precedent of gutting heritage buildings was a major concern to conservationists, who were to witness more heritage vandalism during the building boom of the next few years. The approval processes demonstrated that legislation would rarely protect the built heritage if governments supported a development and that governments were more likely to listen to developers than conservationists when large projects were involved. Local developers had also opposed the project to no avail, according to Karidis, Maras and Walker, who believed it permanently weakened retailing in the city.⁵⁹⁸ The REMM project also reinforced the AHA's contention that councils should insist upon evidence of a developer's capacity to finance a project before granting approval. In 1987 the SA Mixed Business Association went further by claiming that 'the only solution to over-building ... is to demand an economic impact assessment before allowing any major shopping complex',⁵⁹⁹ which should have been a measure of the viability of office buildings in Adelaide as well. Such a requirement was never introduced into the planning system.

⁵⁹⁵ *Advertiser*, 28.9.87, p.26.

⁵⁹⁶ In 1991, as representative of the Rundle Mall Committee, Councillor Ninio reported that shoppers dropped from 700,000 per week to 'something like 500,000 a week' during the period of construction. ACC minutes, 17.6.91, agenda item 4, p.89. Cf. *Aurora* newsletter, Feb 93, p.2.

⁵⁹⁷ Sykes, p.494.

The East End Markets

At the height of the building boom in 1987, the two city produce market sites on either side of Rundle St East were vacated to attract the most complex series of development proposals of the Bannon decade. Most of the proposals grossly exceeded the height and scale limits defined for the precinct by the City of Adelaide Plan and impacted badly on adjacent heritage buildings, yet the projects were approved by the council and the CAPC in a demonstration of the maxim that development controls are meaningless if governments have no desire to enforce them. At the end of the boom, however, in an unusual outcome, the state government purchased the southern Adelaide Fruit and Produce Exchange site and this time was unwilling to compromise the principles of the City of Adelaide Plan or the *SA Heritage Act*. The history of redevelopment of the East End Markets, then, includes both the worst and the best responses by governments to development proposals.

Market gardeners had been congregating in northern East Terrace since the 1850s, until the *East End Market Act* (1875) set aside a town acre for market stalls behind the shops in northern Rundle St and East Terrace. The town acre soon proved too small, and the state government designated additional land south of Rundle St through the *Adelaide Fruit and Produce Exchange Act* (1903). The new market area was enclosed by distinctive two-storey red brick buildings in local Federation style, with ornate plaster decorations and half-timbered gables over arched entrances in East Terrace and Grenfell St, later extending to Union St.⁶⁰⁰ With these permanent markets, 'the precinct evolved a significant character,

⁵⁹⁸ Personal interviews with Gerry Karidis 18.7.03, Theo Maras 19.6.03 and Joe Walker 25.7.03.

⁵⁹⁹ *Advertiser*, 28.9.87, p.26.

⁶⁰⁰ The exterior buildings were designed by Henry James Cowell and built over six months in 1903-1904, a speedy development in contrast to modern attempts to redevelop the site. Michael Page, *Sculptors in space* (Adelaide: RAIA[SA], 1986), p.126.

that of a village within the city, with activities, shops and services available for the market users. The Adelaide Fruit and Produce Exchange (AFPE) buildings [on the southern site] are a major part of this precinct's architectural character...⁶⁰¹ and were described by the Minister for Environment and Planning, Dr Don Hopgood, as 'one of South Australia's few heritage items of national importance.'⁶⁰²



AFPE section of East End Markets in East Terrace. Courtesy of Gerasimos Patitsas.

The exterior buildings of the AFPE site were listed on the Register of State Heritage Items, but redevelopment would entail the clearing of original market sheds within its walls. At that time the East Terrace shops and the East End Market Hotel fronting the northern market site were not listed.⁶⁰³ Heritage activists, particularly the National Trust,

⁶⁰¹ Marsden, Stark and Sumerling, p.139, Page, *ibid*, and Kate McDougall and Elizabeth Vines, 'Historical summary of the Adelaide Fruit and Produce Exchange buildings and site' in *The East End*, Final Report of the East End Redevelopment Steering Committee, Appendix 3, Vol. 1 (Adelaide: SA Department of Environment, 1992), p.1.

⁶⁰² Letter from the Minister to the Secretary, CAPC, dated 6.8.87; DEP 11722 TC.2, CAPC File 17/86, vol 2.

⁶⁰³ Three of the East Terrace buildings were placed on the Interim Register by the Minister in March 1987.

watched anxiously as seven development groups in succession submitted proposals for the two sites to the ACC from 1986.

The first proposal in early 1986, by Ian Quigley and Associates who later combined with Pak-Poy and Kneebone, was to redevelop the market land on the northern side of Rundle St. The council responded favourably to the initial letter of intent and an amended proposal in 1987 for an international hotel and an 'all-suites apartment' building that was five storeys over the height limit specified in the state government's conservation study for the site.⁶⁰⁴ The Premier, the Minister for Environment and Planning and the Lord Mayor met with the developers to try to achieve a compromise, but Quigley refused, saying his project 'had been changed three times already and he would not be making any more changes'.⁶⁰⁵ The site with the planning approval was subsequently sold to the Emmett Group and Metrocorp at a considerable profit without ground being broken.

In 1987 the council received the first of three unsuccessful proposals to develop the AFPE site. North East Adelaide Redevelopment Pty Ltd (NEAR) submitted an 'East End Gardens' development proposal, a commercial complex with a 12-storey international hotel, a discount department store, a 'junior department' store, medium-rise office blocks, luxury apartments, specialist shops, restaurants, a 'festival market' and a four-cinema centre.⁶⁰⁶ Protracted negotiations between the developer and the planning bodies ensued because of its excessive height and its small residential component. In early 1987 the State Heritage Branch had commissioned a conservation plan, favouring substantial residential

⁶⁰⁴ ACC minutes, report of PEC 3.2.86, item 12.1, and ACC minutes 5.10.87, report of PEC 14.9.87, pp.560a-560e. Numerous written objections were attached to the 1987 report.

⁶⁰⁵ *Advertiser*, 31.7.87, p.1.

⁶⁰⁶ *Advertiser*, 30.7.87, p.1.

development, which formed the basis for negotiations with the developer.⁶⁰⁷ Minister Hopgood had become assertive in upholding principles of the City of Adelaide Plan relating to the East End Market site. In June 1987 he recommended to the CAPC that 'the application should be refused because of its incongruity with the heritage significance of the State Heritage items involved and its lack of conformity with Principles 25 and 34 of the current Plan...'⁶⁰⁸

NEAR sold the AFPE site to a new East End Market Company Ltd formed in May 1988 by joint venturers the Emmett Group and Beneficial Finance.⁶⁰⁹ The developers proposed a \$300 million commercial development of office and retail buildings, an exhibition centre, a cinema complex, residential accommodation, and underground parking for almost 1,300 cars. The market facades would be restored and the height of the buildings would be limited to eight storeys.⁶¹⁰ A modified plan without the cinema and exhibition centre was approved by the council and by the CAPC in September 1988, with certain conditions that would protect heritage values,⁶¹¹ but it failed when the Emmett Group withdrew from the stalled venture and moved to develop the northern site with Metrocorp. Beneficial Finance and Ayers Finnis Ltd, the third owners, submitted their development proposal in December 1989.

The ACC approved the new AFPE proposal in March 1990. It comprised three office buildings on Grenfell St which were above the height limit, two apartment blocks for short-term and residential occupation, a central retail area and basement car parking. The

⁶⁰⁷ McDougall and Vines, *Conservation Plan of Adelaide Fruit and Produce Exchange Buildings*, June 1988, in CAPC file 17/86, vol 2.

⁶⁰⁸ Letter from Don Hopgood, Minister for Environment and Planning, to Secretary, CAPC, dated 6.8.87, ref. DEP 11722 TC.2m. CAPC file 17/86, vol 2.

⁶⁰⁹ *Australian Financial Review*, 7.7.88, p.57.

⁶¹⁰ *Ibid.*

⁶¹¹ *Advertiser*, 6.9.88, p.2; letter from Manager, State Heritage Branch, to Secretary, CAPC dated 5.9.88, ref. DEP.5078/87. CAPC file 17/86, vol 2.

council approved the project on the casting vote of the lord mayor, subject to an agreement with the developer that the residential component as described in the plans would be retained, the heritage buildings would be retained and pedestrian access provided, among other details.⁶¹² The CAPC concurred with conditions regarding transferable floor area for the additional height of the office buildings, conservation of heritage items and completion of the southern office building only after ‘substantial commencement of the residential buildings’.⁶¹³ However, by early 1991 Beneficial Finance was showing massive financial losses and sought to commence the project without the residential component, a proposal unacceptable to the council.⁶¹⁴ As Beneficial Finance went into receivership, the project lapsed in 1992.

Pressure was then put on the state government to purchase the AFPE. The prospect of state government ownership came as a great relief to Rundle St traders and conservationists who had been lobbying for a mixed but primarily residential development at the AFPE site. While the cost to the taxpayer would be nearly \$46 million,⁶¹⁵ ‘owning the site would ... give the Government the opportunity to influence the type of development that would proceed’.⁶¹⁶ The downturn in the commercial building sector had occurred; office and retail development would be risky but residential development might be profitable. Even Lord Mayor Henry Ninio, who voted for the BFC project, said, ‘[t]he best thing that could have happened is that nothing has happened...’⁶¹⁷ Comments of the

⁶¹² ACC minutes 26.3.90, item 7, report of PEC 19.3.90, pp.1447-58.

⁶¹³ Letter dated 12.4.90 from Secretary, CAPC, to City Manager, City of Adelaide; CAPC file 17/86, vol 2. Concerned about the impact on the TFA Incentive Scheme, the National Trust had waged a strong campaign to require the developers to purchase TFA on both EEM sites for the excessive plot ratio of the projects.

⁶¹⁴ *Advertiser*, 26.7.1991, p.2.

⁶¹⁵ BFC bought the site in 1988 for \$40 million and was estimated to have incurred \$10 - \$17 million in holding costs since; *Australian Financial Review*, 21.10.91, p.54. The State Government purchase price was \$17.4 million and it would underwrite the State Bank losses of \$28.4 million; *Advertiser*, 26.5.92, p.3.

⁶¹⁶ *Australian Financial Review*, 24.10.91, p.36.

⁶¹⁷ *Advertiser*, 20.8.91, p.6.

chairman of the East End Market Steering Committee, Dr John Mayfield, were more to the point: 'The fact that the Beneficial scheme did get approved (twice, in 1988 and 1989) shows how the planning system can fail. In today's context it would have been quite wrong; those office developments can be taken elsewhere in the city'.⁶¹⁸

The state government purchased the site in May 1992 and immediately formed a steering committee of government and interest groups which prepared guidelines in August for a mix of sustainable buildings of commercial, cultural, educational and residential purposes.⁶¹⁹ The Sydney-based Liberman Group, which had developed other sites in South Australia, won redevelopment of the residential AFPE site, and the local Mancorp Pty Ltd won the southern side of Rundle St. The AFPE site, revalued in 1993 at less than \$10 million, would comprise 300 residential apartments, a square and public laneways. By agreement, the government would receive a percentage of the income from property sales and rentals.⁶²⁰ Stage one was approved in May 1994 and the remainder completed over the next five years. The final 'walled village', acclaimed as the 'most exciting residential enclave in Australia, if not in the world',⁶²¹ was neither as exciting as the National Trust⁶²² and AHA had wished nor as incompatible with its surroundings as earlier commercial plans had threatened to be.

The renovations and redevelopment of the hotel, shops, cinema and restaurants along and behind the southern side of Rundle St, from the Stag Hotel to Union St, by Mancorp received the highest praise. Two-storey buildings at the rear of the Rundle St shops abut the linear 'square' of the internal AFPE site. Mancorp aimed for a 'blend of

⁶¹⁸ *Advertiser*, 13.6.92, p.11.

⁶¹⁹ State Government of SA, *The East End*, Final Report of East End Redevelopment Steering Committee (Adelaide, 1992), pp.3 and 14.

⁶²⁰ *Advertiser*, 24.9.93, p.15.

⁶²¹ Quoting Lord Mayor Henry Ninio, *ibid.*

food, art, design, entertainment, retail, heritage and tourism in their section of the East End' while retaining the character of the precinct.⁶²³ Patrick Farrugia of Metrocorp was earlier credited with bringing life back into the moribund East End by renovating shops on the northern side of Rundle St and scrapping the Quigley/Pak-Poy plans for a hotel at the East Terrace corner. In 1991 Farrugia introduced a three-day undercover market behind the renovated shops, to establish a 'Lygon St-style' precinct'.⁶²⁴ The markets were terminated when he attracted two cinemas to the site in 1997.⁶²⁵ Soon after the Bannon decade, both sides of Rundle St continued to display their blend of colonial architecture and contemporary multicultural ambiance through the Mancorp and Metrocorp renovations.

The residential component of the northern site, overlooking East Terrace, was taken over by Adelaide businessman Theo Xenophou. An eight-storey complex comprising 98 apartments and two levels of carparking was approved by the council in 1993, although it was incompatible with heritage buildings on three sides.⁶²⁶ The approval lapsed on financial grounds⁶²⁷ but the project was reapproved in 1995. Construction began the following year, a decade after the original Quigley proposal was submitted. Of all components of the East End Market area, this building was criticised most as overdevelopment of the site, looming over heritage-listed East Terrace shops and hotels, the Botanic Hotel and Botanic Chambers in North Terrace and Ayers House to the west. The National Trust, which occupied Ayers House, had lodged strong objections on the ground that the project 'contravenes the City of Adelaide Plan regarding plot ratio, building

⁶²² The National Trust of SA urged the involvement of people in the completed project with a diversity of activity and built form (Final Report of Steering Committee, p.17).

⁶²³ *City Messenger*, 19.6.96, p.1.

⁶²⁴ *Advertiser*, 10.4.91, p.12.

⁶²⁵ *Advertiser*, 25.7.97, p.11.

⁶²⁶ ACC minutes 11.10.93, report of City Planner, item 4.6, pp.1810-16.

height and setbacks'.⁶²⁸ At the time Cr Debra Mewitt expressed the view of a minority of council members: 'I think it's absolutely hideous. I can't believe something of this height is going into this space,' she said.⁶²⁹ Not only was the height incompatible with surrounding heritage buildings, but also 'its imposing bulk, being a single mass taking up virtually the whole site', allowing no open space as stipulated in the Plan.⁶³⁰ This was another East End building the ACC and CAPC should not have approved, but the state government did not intervene in the redevelopment of this site.

The early EEM proposals were submitted at a time of a commercial building boom, when a majority of ACC members bestowed approval on developer colleagues although their commercial projects were grossly above the height and scale limits allowed for their precincts in the City of Adelaide Plan. City Planner Harry Bechervaise resigned his position in part because of conflicts with elected members of the council over the EEM,⁶³¹ and the National Trust became politically assertive in city developments as never before. The collapse of State Bank subsidiary Beneficial Finance Corporation was partly due to its commitment to the East End Market Company, which 'proved to be one of the tentacles around the neck of BFC, slowly strangling it to death, and materially contributing to the downfall of the other joint ventures'.⁶³² As a result, South Australians were indebted \$46 million through the State Bank. Substantial private funds were wasted in abandoned development proposals when developers would not conform to the rules governing the precinct. The involvement of the state government from 1992 through its ownership of the

⁶²⁷ *City Messenger*, 23.8.95, p.1. Xenophou cited interest rates of 22% – 23% and rising costs of concrete and steel, plus the lack of investment interest in large residential developments, as causes for his financial difficulties.

⁶²⁸ ACC minutes 11.10.93, , item 4.6, p.1820, National Trust letter to City Planner 7.9.93 attached.

⁶²⁹ *Ibid.*

⁶³⁰ *Aurora Newsletter*, Oct. 1993, p.2.

⁶³¹ *Advertiser*, 31.7.1987, p.1.

⁶³² *Royal Commission into the State Bank*, First Report, p.140.

AFPE site proved that developers such as Max Liberman and Mancorp can profitably undertake a major project within heritage and planning principles and guidelines.

Working Women's Creche, Gouger Street (1898)

Of much less capital value than the above projects, redevelopment of 13-21 Gouger St, Adelaide, including the state heritage-listed Working Women's Creche, nevertheless involved a similar disregard of heritage legislation and planning principles. The creche was a charming two-storey stuccoed building associated with the history of Adelaide's children and the robust women's movement of the 1890s. It was heritage listed because of its historic significance as well as its architectural merit.



Working Women's Creche with detailing removed, 1986.
Courtesy Andrew Cawthorne, Aurora Heritage Action, Inc.

In 1985 approval was granted to businessman Myer Solomon to redevelop the creche and adjacent buildings, leaving only its façade to the depth of one room, in order to construct a seven-storey office building with shops at ground level. Beforehand the

foundation stone and two original friezes of plaster cherubs and oak leaves had been defaced.⁶³³ Solomon proceeded with the demolition of the rear of the building and then abandoned the project. The site remained as an enormous hole opposite the Central Market for nearly two decades, partly because of the heritage encumbrance and partly because of changing economic circumstances.

The State Government Insurance Commission (SGIC) purchased the site with the creche remnant in 1986. In 1987 the ACC approved SGIC's application to build an eight-level carpark with ground-level shops and to demolish the creche.⁶³⁴ The council decided 'it was pointless to retain the remaining section of the creche'.⁶³⁵ The AHA, CCSA and women's groups, who claimed the building was an 'icon in the women's movement', strongly opposed the demolition,⁶³⁶ the conservationists on the grounds that 'it undermine[d] the credibility of heritage listing' and that it contravened planning guidelines for the precinct.⁶³⁷ The City Planner also opposed the demolition because "the remaining part of the building was a 'significant element of the Gouger St streetscape' and should be restored because of its proximity to the Heritage-listed Samuel Way Building, the Supreme Court and Jeffcott Chambers".⁶³⁸ The CAPC overturned the ACC approval. SGIC then appealed to the Planning Appeals Tribunal, which upheld the council's recommendation, claiming 'the historic significance of the building had been lost when all but the facade and 9m [depth] had been demolished in 1986'.⁶³⁹ Thus, a planning authority in 1985 approved demolition of the rear of the building on the ground that the façade was a sufficient

⁶³³ *Advertiser*, 25.8.87, p.12.

⁶³⁴ ACC minutes 24.8.87, report of PEC item 13, p. 404. Demolition of the remnant building was not to begin until construction of the development had substantially commenced.

⁶³⁵ *Advertiser*, 25.8.87, p.12.

⁶³⁶ *Advertiser*, 19.9.87, p.21.

⁶³⁷ *Aurora Newsletter*, Sept 1987, p.1.

⁶³⁸ *Advertiser*, 18.8.88, p.14.

⁶³⁹ *City Messenger*, 11.1.89, p.1.

remnant of the cultural heritage, then another authority in 1988 approved demolition of the remnant on the ground that its historic significance had been lost by the demolition of the rear of the building.

Surprisingly, the next month Lord Mayor Steve Condous made a bid on behalf of the council to save the creche by requesting that Premier Bannon advise SGIC to reconsider its decision to demolish the 92-year-old facade.⁶⁴⁰ Shadow Planning and Environment Minister Jennifer Cashmore also called on the Premier 'to intervene to prevent a statutory body from demolishing the facade of a historic Adelaide building... It begs the question: What is the point of having heritage listing of buildings if council and governments can ignore them at whim?'⁶⁴¹ Indeed.

SGIC did not proceed with the project before its development approval lapsed in June 1990. A similar carpark proposal was submitted in September but the council's PEC responded unfavourably to the application.⁶⁴² SGIC then proposed to refurbish the creche and construct a four-level building of law chambers and basement car parking, which was considered favourably by the PEC.⁶⁴³ Before proceeding with the development, SGIC decided to sell the site because of poor economic conditions. Its CEO Denis Gerschwitz denied reports that SGIC had been pressured by the state government not to proceed with the project and reiterated an allegation of many developers that 'one of the problems we have in South Australia is that minority groups tend to hold up good, honest development'.⁶⁴⁴ In fact SGIC bought the site with the encumbrance of a heritage-listed building and had an obligation to preserve it under the *SA Heritage Act* (1978).

⁶⁴⁰ ACC minutes 23.1.89, item 16, p.2403.

⁶⁴¹ *Advertiser*, 26.8.87, p.10.

⁶⁴² *Advertiser*, 12.9.90, p.20.

⁶⁴³ ACC minutes 10.12.90, item 10, report of PEC 3.12.90, p.2648.

⁶⁴⁴ *Ibid.*

The Gouger St site remained derelict until it was purchased in 1994 by the Kambitsis Group of developers. The ACC and State Heritage Branch were persuaded to remove the creche from their heritage registers 'on the condition the bricks were numbered and stored'. The remains of the building were dismantled in 1996 and stored by the developer.⁶⁴⁵ Kambitsis promised to memorialise the creche through public art and an historic record when the ACC approved a \$30 million seven-storey office, retail and residential complex on the site in 2004.⁶⁴⁶ The complex had not been built by 2006, and in the meantime height limits for the precinct were increased.

Conclusion

The story of these major projects in Adelaide illustrate that the planning system failed to protect Adelaide's historic precincts during the 1980s and early 1990s. Planning legislation was too loosely constructed and allowed elected members of council and the CAPC too much discretion. Governments were willing to waive height and density limits contained in the City of Adelaide Plan and restrictions on altering or demolishing heritage buildings for the sake of economic growth. Many in government expressed the view that planning and heritage legislation was not intended to apply to large projects, but as MP and former Lord Mayor Jane Lomax-Smith said, 'I never understood that argument because a large site was simply a greater area over which you could make a greater disaster. The qualities were no different; it's just that the mistakes could look worse. And that has been the effect, the mistakes are worse'.⁶⁴⁷

At the time the REMM-Myer project was proposed, the editor of *The News* expressed the view that the 'heritage debate in Adelaide too often gets dangerously out of hand... As

⁶⁴⁵ *Sunday Mail*, 27.6.04, p.82.

⁶⁴⁶ *City Messenger*, 23.6.04, p.3.

⁶⁴⁷ Dr Jane Lomax-Smith, personal interview, 28.7.01.

the Premier said, legislation and regulation should ensure that a sensible degree of architectural heritage is retained. The emphasis should be on the sensible'.⁶⁴⁸ Over two decades, heritage or historic buildings that were lost one by one added up to a sizeable number. All of the sites discussed in this chapter involved heritage-listed buildings. The sites were purchased (or granted in the case of the ASER project) with the encumbrance of heritage buildings, and yet the developers succeeded in circumventing the heritage restrictions. Plaques or art objects which celebrate a demolished heritage building do not provide the same experience as a streetscape with a three-dimensional building.

During the building boom, with credit freely available, developers often submitted ambit claims in the hope of gaining approval for buildings above the allowable plot ratios. Often they succeeded. Once one developer gained concessions, they all expected and often got them, partly on the ground of the large capital investment involved. Yet developers Theo Maras and Patrick Farugia proved they could profit from developments within planning guidelines.

Unfortunately, not all developers were able to complete their projects. With high interest rates and a glut of office space by 1990, projects that were commenced had to be abandoned. Among these were the Australis building in Grenfell St, the Le Cornu site in North Adelaide and the Working Women's Creche site in Gouger St. In two of those cases, unsightly vacant lots were exposed in their streetscapes for more than a decade. The demands of AHA and the SA Mixed Business Association for evidence of capacity to finance a project and an economic impact assessment of a project have never been implemented, like many calls for tightening of planning legislation which remain unheeded.

⁶⁴⁸ *News*, 4.9.87, p.12.

8 CASE STUDIES IN HERITAGE POLITICS: SMALL PROJECTS

Who should make decisions about which historic structures and precincts should survive and whose interests should be represented in the decision-making process? Should we accept the judgement of architects or historians about which buildings should remain?

- Peter Spearritt⁶⁴⁹

While major projects wrought the most dramatic changes to Adelaide's built character during the Bannon decade, smaller residential and commercial developments occasionally attracted considerable public protests which sometimes brought about changes to heritage policy. The first major protest of the period was the lengthy campaign to save the Aurora Hotel in November–December 1983, described in chapter 6 above, which raised public consciousness of the built heritage and resulted in the formation of the Aurora Heritage Action, Inc. lobby group. Other controversial small projects of the period were:

- multiple dwellings to replace the heritage-listed Kingsmead and Belmont House in North Adelaide in 1983;
- office developments at the St Paul's Church and Somerset Hotel sites, Pulteney and Flinders Sts in 1989;
- office development at the House of Chow site, Wakefield and Hutt Sts, in 1991; and
- redevelopment of Gawler Chambers in North Terrace as a 10-storey hotel in 1991.

Some of these buildings were saved from demolition and are considered here because of the issues they generated and because they prompted changes in government policies. The Adelaide community showed through direct action that the loss of these buildings mattered strongly, and as a result the concept of heritage was broadened from past buildings of architectural quality and/or historical significance to buildings that were local landmarks or parts of streetscapes that were the backdrop to community life.

⁶⁴⁹ Peter Spearritt, *Sydney's Century* (Sydney: UNSW Press, 2000), p.257.

Kingsmead and Belmont House

North Adelaide is South Australia's oldest residential suburb, with a diversity of vernacular architecture ranging from two-storey terraced houses and grand mansions to Victorian worker's cottages. Except for a major high-rise hotel, its two commercial thoroughfares, Melbourne and O'Connell Sts, mainly comprised a mix of small Victorian and modern shops and restaurants at the beginning of the Bannan decade. From the 1960s, the historic character of many of North Adelaide's streets was gradually eroded by new developments: modern shops, motels, units, townhouses and apartment blocks of a style which did not suit the Victorian environment. The 1986-91 City Plan attempted to curb modernist development by specifying, for example, that 'western Upper North Adelaide should remain one of the most impressive, historically intact residential areas in South Australia. ...[T]he conservation of the existing residential environment is the prime criterion for assessing development.' Despite a conservationist trend in city planning, and although groups such as AHA and the North Adelaide Society objected to the demolition of historic buildings, small residential projects rarely were the subjects of public protest in the way that commercial projects were during the 1980s and 1990s. Two mansions in Brougham Place, Kingsmead and Belmont, were the exception.



Kingsmead ca. 1983. Courtesy Adelaide City Archives.



Belmont House, ca. 1983. Courtesy Adelaide City Archives.

Kingsmead at 78 Brougham Place was designed by leading Adelaide architect Edmund Wright, built in 1865 for Charles Jacobs and later the home of EM Bagot, an early pastoral pioneer. It was described by the State Heritage Branch as 'a two-storey Regency stone house with two single-storey wings added to each side.' Belmont, adjacent to Kingsmead at 72 Brougham Place, was originally built as a Masonic Hall in 1858 and is 'a rare example of early classical styling' in a residential area.⁶⁵⁰ Dr J Woodforde, surgeon to Colonel Light's survey party in 1836, City Commissioner JB Neales, and AJ Tolley, founder of a major wine and spirit firm, were successive owners of the house, which thus had historic links to major figures in the City. Both buildings were recommended for inclusion on the Register of State Heritage Items in 1980, but the SAHC deferred its decision to allow time for the Heritage Conservation Branch to prepare documentation for the listing of the Palmer Place/Brougham Place precinct as a State Heritage Area.⁶⁵¹ The Lord Mayor's Heritage Advisory Committee also approved both buildings for listing on the City of Adelaide Heritage Register in 1982,⁶⁵² and the council requested that the Minister list them immediately on the Register of State Heritage Items. The Minister complied by placing the buildings on the interim register.

John Borthwick, an elderly property developer, owned the mansions and lived in a section of Kingsmead. He had received planning approval from the ACC in 1982 to erect a low-rise residential building on the site, subject to retention of Kingsmead.⁶⁵³ He lodged another development application in 1983, this time seeking demolition of Kingsmead and its replacement by a six-level apartment block, extending to the rear of Belmont. Lord

⁶⁵⁰ Descriptions in State Heritage Register nomination forms dated 15.9.82, in ACC file 31/0402.

⁶⁵¹ The precinct is an intact area of spacious homes built for early wealthy residents of North Adelaide, including the Anglican Archbishop. The precinct was not listed as a heritage area.

⁶⁵² The City of Adelaide Heritage Register did not take effect until gazettal of the 1986-91 Plan in 1987.

Mayoral candidate Wendy Chapman led a protest of about 30 North Adelaide Society members at the site in the week before the election.⁶⁵⁴ Her opponent, John Chappel, was the architect for the new development and a defender of property owners' rights. Mrs Chapman won the election, and the development was subsequently refused by the council.⁶⁵⁵ However, Mrs Chapman's reputation as a champion of heritage was shortlived; she voted in favour of the controversial demolition of the Aurora Hotel soon after her election.

In 1984 Borthwick lodged an appeal with the City of Adelaide Planning Appeals Tribunal (CAPAT) as a test case on the *SA Heritage Act*, the first time a heritage-listed item was the subject of a demolition appeal (but not the last).⁶⁵⁶ The appeal attracted extensive media coverage, partly because John Chappel, who wrote occasional columns on architectural issues for *The Advertiser*, sought publicity for what he considered to be the loss of Borthwick's property rights, adding that Kingsmead was structurally unsound and its heritage value had been lost when it was converted to flats in the 1930s.⁶⁵⁷ Of course, he had a vested interest in the matter as the architect for the proposed replacement building. He admitted that there was a stronger case for listing Belmont. Several prominent Adelaide figures testified at the appeal hearings, with former Lord Mayors Sir James Irwin and JVS Bowen supporting the appeal,⁶⁵⁸ historians Dr John Tregenza and Dr Norman Etherington attesting to Kingsmead's historic significance, and council and State Heritage Branch professionals confirming its heritage value.⁶⁵⁹ Judge JR Roder decided against the

⁶⁵³ State Register nomination form. The ACC minute on this matter is confidential and not part of the public record.

⁶⁵⁴ *Advertiser*, 26.9.83, p.1.

⁶⁵⁵ *Advertiser*, 24.12.85, p.9.

⁶⁵⁶ *Advertiser*, 2.5.85, p.3.

⁶⁵⁷ *Advertiser*, 2.6.86, p.6.

⁶⁵⁸ *Advertiser*, 6.2.85, p.14.

⁶⁵⁹ *Advertiser*, 24.7.85, p.16, and 27.7.85, p.10.

appellant in December 1985, stating that ‘to demolish “Kingsmead” ...would be a private advantage [only] and not be of advantage to the common weal according to the evidence put before me’.⁶⁶⁰

Unfortunately, the matter did not rest after the appeal was lost. The irascible Borthwick refused to restore the badly neglected buildings, as he was obliged to do under the Act, or to sell them. In a letter to the editor in June 1986 Minister Hopgood berated Chappel for misrepresenting in an *Advertiser* article the condition of the buildings, adding ‘the Government regrets that it has had to move to compulsorily acquire these properties but sees no other way in which the buildings can be saved’.⁶⁶¹ The acquisition took place early in 1987. This occasion on which the state government acquired heritage buildings was an experience fraught with difficulties. Borthwick refused to vacate the premises, indicating to the lord mayor, among others, that he would continue to let the buildings rot, forcing the government to gain a court order obliging him to vacate the premises.⁶⁶² After the uncomfortable experience of evicting a 92-year-old man from his home, the government sought to sell Kingsmead and Belmont on condition they be restored. At a public auction in May 1989 Kingsmead sold for over \$1 million and Belmont for \$845,000,⁶⁶³ about \$400,000 more than Borthwick was paid for them, but court costs more than offset the government’s gain.

Kingsmead was purchased by the CEO of the REMM Group and Belmont by the Oberdan Group of developers. Both developers were soon struggling to meet their restoration commitments under the agreement with the state government because of

⁶⁶⁰ *Borthwick v City of Adelaide*, 1985 18 APA 435, 9c. Cf. *Advertiser*, 24.12.85, p.9.

⁶⁶¹ *Advertiser*, 4.6.86, p.6. The Chappel article appeared on 2.6.86, p.6.

⁶⁶² Letter from Dr IR McPhail, Director, Department of Environment and Planning, to the City Manager dated 11.7.88 in ACC file D0740-20/01. Attached to Dr McPhail’s letter was a letter from Lord Mayor Jim Jarvis

overextended property loans.⁶⁶⁴ The state government and the ACC granted several extensions to the owners for commencement of restoration, in addition to granting them funds for conservation work. Kingsmead was resold in 1992 and has been restored, but Belmont continued to deteriorate as the Oberdan Group failed to meet the terms of the heritage agreement. The manager of the State Heritage Branch wrote in 1994 that the branch preferred to continue to work with Belmont's owner rather than compulsorily repurchase the property which was the subject of 'this unfortunately protracted case'.⁶⁶⁵ The developer undertook some work to stabilise the building, which became a local 'eyesore', but it remained vacant and sometimes occupied by squatters.⁶⁶⁶ Belmont was sold to another developer in 2003, who undertook major restoration, but the building still remains vacant two decades after it was acquired by the state.

The SHB had prepared documentation in 1980 which showed that Kingsmead and Belmont qualified for state heritage listing on architectural, historical and streetscape grounds, but the branch moved very slowly in submitting the documentation to the SAHC. However, given the determination of the buildings' owner to redevelop the properties, the delay probably made no difference. No doubt Borthwick would have lodged a planning and demolition application and then appealed against the refusal no matter when the listing had occurred. The challenge in the CAPAT strengthened the *SA Heritage Act* by confirming the authority of the government to protect heritage properties. The limits of the government's powers under s.3 of the Act were also tested by the Kingsmead and Belmont case. While the government could and did acquire the properties compulsorily, it had

dated 27.2.86 advising the Minister of Mr Borthwick's expressed intention to continue to neglect the buildings.

⁶⁶³ *Advertiser*, 27.5.89, p.20.

⁶⁶⁴ *Advertiser*, 9.9.92, p.4.

limited funds for compulsory acquisition and heritage conservation. The state government did not want to restore the buildings itself, and having acquired them once, the government was reluctant to repurchase the properties, particularly during a period of economic downturn. Fortunately, Kingsmead was restored privately. State and local authorities continued to extend the deadlines and to grant funds for restoration work with little effect, demonstrating how limited were their powers to compel owners to restore heritage buildings.

St Paul's Church, Pulteney Street

St Paul's Anglican Church at the northeast corner of Pulteney and Flinders Sts, Adelaide, was built in 1860 'of the ugliest stone ever found in Adelaide', according to Alderman Chris Douglas.⁶⁶⁷ The congregation could not afford to complete the building, and its northern tower was never built. The manse in Flinders St had been listed on the Register of State Heritage Items, but the church itself was passed over for listing on both the state and city heritage registers in 1983. Instead, it was included in Appendix 2 of the 1982 City of Adelaide Heritage Study as an item on the city's Character Schedule.

With Adelaide's population declining since the 1930s, St Paul's congregation dwindled until it was nonviable. The church was deconsecrated and sold in 1982 and three years later reopened as a nightclub,⁶⁶⁸ but the owner went into receivership and was forced to sell the building. In 1989 the developer Moore Corporation applied to demolish the

⁶⁶⁵ Letter from Dr Peter Bell, Manager SHB, to Mr Gavin Lloyd-Jones, Chief Planner, ACC, dated 29.9.94, in ACC file D0740-25.

⁶⁶⁶ *City Messenger*, 24.10.01, p.4.

⁶⁶⁷ *City Messenger*, 6.9.89, p.1.

⁶⁶⁸ Adelaide's only Tiffany stained-glass windows were removed and are now owned by the SA Gallery of Art. A mezzanine floor was fitted without compromising the building in a remarkable design and engineering feat by award-winning architectural firm KMH Neighbour Lapsys. *Advertiser*, 19.11.88, p.26.

former church on behalf of its new owner and to replace it with a four-storey office complex, with the manse converted into a tavern.⁶⁶⁹ The council refused the application



St Paul's Church, Pulteney St. Aurora Heritage Action collection.

in a stunning vote of 14:2, even though the church building was not heritage listed, on the grounds that it was a prominent part of the streetscape and listed in the Character Schedule. All of the pro-development members of the council voted for refusal except Councillor Charles Mouschakis; the other dissenter was Alderman Chris Douglas. The council held that the 'proposal would be contrary to principles 19 and 20 and to the Desired Future Character statements for Pulteney St and Frome St Precincts'.⁶⁷⁰ Those principles restrict development of heritage buildings and new development adjacent to heritage buildings, in this case the manse in Flinders St.

The developer lodged an appeal with the CAPAT in December 1989, while the council sought ways to preserve St Paul's. Pro-development Councillor Jim Crawford

⁶⁶⁹ *City Messenger*, 9.8.89, p.1.

⁶⁷⁰ ACC 28.8.89 minutes, item 14, pp. 640-43.

moved that the Lord Mayor establish a public fund to save the building.⁶⁷¹ The council also sought its interim listing on the Register of State Heritage Items and even considered purchasing St Paul's. Sentiment in the council and in the community for saving the building was high. A 'Petition to save St Paul's Church' with four pages of signatures was presented to the council in June 1990.⁶⁷² In August AHA mounted an information picket outside St Paul's and garnered 1500 signatures on a petition presented to the SA House of Assembly by Greg Crafter, MP.⁶⁷³ Lord Mayor Steve Condous predicted at the time that 'public pressure will save it in the end'.⁶⁷⁴

In June 1990 the council was informed the developer had won his appeal, which gave Moore Corporation 18 months in which to commence the project. The developer then negotiated with the council and the Minister for Environment and Planning for concessions in return for retaining St Paul's, including a five-year rate holiday and \$500,000 compensation.⁶⁷⁵ Consistent with its response to the demands of the REMM-Myer developer, the council refused to grant the concessions. Without these concessions the developer could not proceed with the project, and ultimately the building was put on the market. This enabled the Minister for Environment and Planning to place St Paul's on the interim list of the Register of State Heritage Items and to issue an urgent conservation order for its protection in December 1990.⁶⁷⁶ The council followed the Minister's lead by adding St Paul's to the City of Adelaide Heritage Register in March 1991 after public hearings by a council committee. The St Paul's experience had revealed the truth in a remark by AHA

⁶⁷¹ ACC 18.12.89 minutes, item 13.4.

⁶⁷² ACC file 228-05, vol.2.

⁶⁷³ *Aurora* newsletter, Sept. 1990, p.2.

⁶⁷⁴ *City Messenger*, 30.8.89, p.3.

⁶⁷⁵ *Advertiser*, 20.7.90, p.5, and 31.7.90, p.3.

⁶⁷⁶ Letter from Susan Lenehan, Minister for Environment and Planning, to Michael Llewellyn-Smith, City Manager, ACC, received 5.12.90; doc.3617, DO228-05, vol.3. Cf. South Australia, House of Assembly, *Parliamentary Debates*, 1990-91, vol.2, p. 2194.

spokesman Gerry Patitsas: 'the fate of our heritage buildings still rests in the hands of the development lobby'.⁶⁷⁷ In this exceptional case the pro-development members of council favoured heritage listing.

The concerns of many councillors and the Adelaide community about the possible destruction of St Paul's Anglican Church impelled the council to protect other items on its 1982 Character Schedule. In August 1990 the council voted to begin a process of reviewing all of the buildings on the schedule to consider whether they met the criteria for heritage listing, a move opposed by the development lobby, but the vote on the motion was taken at a meeting when the residential members were in the majority due to six absences.⁶⁷⁸ While the review of heritage items was undertaken by the City of Adelaide Heritage Advisory Committee (COAHAC), the council also began a prolonged and bitter campaign to protect the built character of Adelaide through its townscape initiative (see chapter 5 above).

Somerset Hotel

Across Pulteney St from St Paul's Church was another building listed on the Character Schedule, the Somerset Hotel, but its fate was not so positive. Along with St Paul's, the imminent demolition of this hotel and its impact on Pulteney St caused the council to revisit its heritage policies.

The Somerset Hotel was rebuilt in 1878, during an economic boom, on the site of its 1850 predecessor. The 1982 City of Adelaide Heritage Study described the hotel's 'picturesque overtones', including its 'distinctive windows, coupled chimneys, gable and verandah/balcony'. The consultants added, 'it is a distinctive building due to its prominent corner site ... and notable stylistic departure from more usual Italianate hotel genre. ...The

⁶⁷⁷ *City Messenger*, 12.12.90, p.1.



Somerset Hotel in Flinders St with St Paul's in Pultene St. Aurora Heritage Action collection.

environmental significance of this item is high because of its positive contribution to the streetscape....⁶⁷⁹ By 1989 the exterior of the 1878 hotel was intact, with an undistinguished extension in Pultene St, but its interior had been significantly altered. In March 1989 an application by the Australian Taxation Office (ATO) to demolish the building led to a review of its heritage value. Four members of the council opposed its demolition while others felt it was not worth saving. They argued that 'there had been ample opportunity to have the building placed on either the city or state heritage lists but it had failed because it lacked historical merit'.⁶⁸⁰

By May 1990 the builder was experiencing financial difficulties which were delaying the development. At a meeting on 28 May 1990 Alderman Mark Hamilton moved that the council seek interim heritage listing of the hotel by the state government⁶⁸¹ to protect it from demolition before the development proceeded, a move supported by the

⁶⁷⁸ *Advertiser*, 3.8.90, p.10.

⁶⁷⁹ Department of City Planning, *City of Adelaide Heritage Study*, DMS Summary Volume 2 – listing requests, August 1984, pp.107-109.

⁶⁸⁰ *City Messenger*, 29.3.89, p.1.

⁶⁸¹ ACC minutes 28.5.90, item 16, pp.1781-82.

National Trust, CCSA, AHA, the Square Mile Residents Association and the Federal MP for Adelaide, Dr Michael Armitage.⁶⁸² The residents association had submitted a petition to the council asking that the Somerset not be demolished.⁶⁸³ Not surprisingly, the owner of the hotel, the Church of England Collegiate School of St Peter's (St Peter's College), opposed its heritage listing. The college stood to gain considerably from a leasing arrangement involving a large office building. The college's secretary, Michael Evans, said in response to the council's motion, 'it's just another old corner pub. They are preserving things on sentiment now rather than on architectural merit'.⁶⁸⁴ Mr Evans' dismissive remark acknowledged the direction of heritage politics by the 1990s.

After planning approval for the ATO building lapsed in November 1990, the developer lodged another application for a five-storey office building. Minister for Environment and Planning Lenehan then rejected the pleas of the council and heritage groups to interim list the building, leaving the hotel vulnerable to demolition.⁶⁸⁵ The council's planning and environment committee (PEC) recommended to the council that the proposal be refused, but on 19 November 1990 the council voted by a narrow margin to approve the development.⁶⁸⁶ Nearly a year later the plans were stalled again, this time because the commonwealth government was asked to freeze taxation office development during the State Planning Review.⁶⁸⁷ Also in September 1991 the council's policy and city development committee moved to ask the Premier to request the federal government to relocate the planned ATO building, possibly to a vacant office building, to prevent erosion

⁶⁸² *Advertiser*, 30.5.90, p.15.

⁶⁸³ ACC minutes 17.6.91, item 7.1, p.119.

⁶⁸⁴ *Ibid.*

⁶⁸⁵ *Ibid* and *Advertiser*, 14.11.90, p.8.

⁶⁸⁶ ACC 19.11.90, minutes, item 10, pp.2497-98.

⁶⁸⁷ *Advertiser*, 6.9.91, p.9.

of the city's heritage.⁶⁸⁸ Office vacancies were then reported to be 13.5 per cent⁶⁸⁹ but the percentage was probably higher (see chapter 6 above).

Although there was wide-ranging support for retaining the hotel, even if only incorporated in the new office building, and a variety of political tactics were employed to save it, the Minister for Environment and Planning again refused to interim list the Somerset. She pointed out that the council had twice given the building demolition approval. 'Having done that, they then call upon the minister responsible for heritage to come in on some sort of white charger and save the building, notwithstanding that ... the [council's] heritage committee had not recommended these buildings be placed on the [city] heritage register,' she said.⁶⁹⁰ The Minister's indignation in the matter was understandable, particularly if she had been advised by the SHB that the building did not meet the criteria for state heritage listing. The hotel was demolished in October 1991. The ATO building gave a modernist face to the corner of Pulteney and Flinders St and reduced further the nightlife of the area. To show its appreciation of the Somerset Hotel, the council required that the developer erect a plaque inside the entrance of the ATO building, which bore the legend:

Somerset Hotel
Corner Flinders and Pulteney Adelaide
(Demolished 1991)

The Somerset was a typical corner hotel in the City dated from 1851 when nine hotels graced Pulteney St. At the time it was rebuilt in 1879, over 120 pubs existed in the City of Adelaide. The Somerset was a distinctive corner pub with a substantial balcony added in 1925. The architect, Thomas English, was a former Mayor of Adelaide who also designed many of the corner hotels rebuilt during the boom period in the 1870s.

The ATO vacated the building in 2003. Several floors in the building were vacant in 2005.

⁶⁸⁸ *Advertiser*, 10.9.91, p.9; ACC 16.9.91 minutes, item 8.4, p.673.

⁶⁸⁹ *Advertiser*, 6.9.91, p.9.

The House of Chow Building

At the time St Paul's Church was being rescued and the Somerset hotel was facing its demise, a two-storey bluestone building at an eastern gateway to Adelaide became the site of the longest residents' heritage picket the city has known. The House of Chow building, named for the Chinese restaurant which occupied the former residence at Hutt and Wakefield Sts, was scheduled to be razed in 1991. Developers Antbros Properties Pty Ltd had endured two refusals of their proposed three-storey office development in 1987-88 by the ACC and CAPC⁶⁹¹ because of the building's streetscape value, before winning an appeal in the CAPAT at the end of 1989 which allowed them to erect a building to house a Commonwealth Bank branch and other offices with undercroft parking.⁶⁹²



1991 'House of Chow' vigil in Wakefield St. Aurora Heritage Action collection.

In March 1991, the council tried to save the unlisted House of Chow building by asking the Minister for Environment and Planning to issue a conservation order to prevent its demolition. Minister Lenehan sought from the council 'indemnification against any legal action by the building's owners which might arise from the issuing of an urgent

⁶⁹⁰ *Advertiser*, 19.9.91, p.16.

⁶⁹¹ ACC 12.9.88 minutes, item 8.4(10), p.1975, and ACC D0352-10, letter from Secretary, CAPC, to City Manager dated 27.9.88, advising of refusal of the proposal 'because it constituted a prohibited use in the Wakefield Street Precinct'.

⁶⁹² The determination of Judge Roder of the PAT reinstating the consent given by the Council was delivered 11.12.89 (ACC D0352-10/01). Antonas Properties had planning approval for 18 months from that date.

conservation order in respect of a building for which a lawful planning approval to demolish had already been issued'.⁶⁹³ She added that 'if the House of Chow had gone on the register for its character, about 20,000 other buildings would also fit the bill and have to go on,' and urged the council instead to 'step up' its streetscape [townscape] scheme.⁶⁹⁴ The council did not accede to her request, but resolved to negotiate with the owners for a project which would incorporate the House of Chow building into the plan. The developer's response was to attempt a quick and stealthy demolition before 7am on Sunday, 19 May 1991. This was halted by the city engineer without serious damage to the original part of the two-storey building.

An angry public protest erupted at the site that morning over the potential loss of the House of Chow. A combination of interest groups and local residents gained the cooperation of building unions not to carry out any further demolition as long as a residents' vigil was maintained in front of the property. The dawn-to-dusk vigil continued for more than two months, during which the protesters collected 4000 signatures to a petition calling upon the council to retain the building. The council offered several times to fund an architectural feasibility study to determine whether the House of Chow could be retained within the development, but each time the developer refused to cooperate or to negotiate with the council.⁶⁹⁵ With expiry of the planning approval looming, the developer made a second attempt to raze the bluestone building on 23 July 1991, using non-union workers, damaging it beyond repair and ending the residents' vigil before a clash between union and non-union labour again brought proceedings to a halt.

⁶⁹³Mark Parnell and John Hodgson, 'Issues of Planning Law', Working Paper No. 7, Planning Education Foundation of SA, University of South Australia, December 1998, p 30; letter from Susan Lenehan, Minister, to City Manager, n.d. 1991, D0352-10, vol.2.

⁶⁹⁴*City Messenger*, 26.6.91, p.3. Eighty-nine buildings and monuments had just been added to the State Heritage Register, well short of the 20,000 comparable to the House of Chow which the Minister mentioned.

Antbros then served injunctions on three councillors, AHA and two of its members and five local residents alleging loss of income during the vigil. Some of the people named in the injunction had taken no part in the protest. Among those was Councillor Jane Rann, who was overseas for much of the time. The injunctions obliged Councillors Rann, Alan Rye and Michael Gibbs to leave the chamber whenever the House of Chow site was discussed, altering the vote in the council in favour of the developer. This led to fears that other developers would use the ploy of seeking injunctive relief in order to assure a favourable vote,⁶⁹⁶ but these fears proved groundless as the business sector regained control of the council in 1993. All of the defendants were deprived of their freedom to discuss the development publicly during the period of the injunction until the civil action was settled out of court in 1992.

Jack and Bill Antonas, directors of Antbros Properties Pty Ltd, were caught up in heritage history. In 1982, when they purchased the building, there was no City of Adelaide heritage register and the council was controlled by business interests. During the building boom of the 1980s, AHA, the National Trust and other groups garnered public support for greater protection of Adelaide's built environment than had been afforded by the city and state heritage registers. By 1991, when Antbros moved to demolish their unlisted building, the residential and pro-heritage members held a majority in the council and the townscape initiative was underway. Given that the House of Chow building was unlisted and the developer had been granted planning approval, the council could only try to negotiate with an unusually intractable developer. All attempts failed. Antbros was able to silence protesters temporarily, but it lost millions of dollars in court and holding costs because of

⁶⁹⁵ ACC 21.5.91 and follow-up letter from City Planner to Antbros Properties P/L dated 21.5.91, D0352-10, vol.2; 8.7.91 minutes, item 8.2(11), p.278.

⁶⁹⁶ *Australian*, 14.11.91, p.2.

the years that elapsed before redevelopment of the site commenced, and Jack Antonas's health was seriously affected. The Hutt St property remained a ruin while the CMEU maintained the black ban on it until 1993, when the union agreed to clear the site.⁶⁹⁷ A retail/office project was built on the corner site by the end of the millenium.

Conservationists asserted that the destruction of the House of Chow illustrated the need for greater protection of Adelaide's character. City Planner John Hodgson commented that 'largely under the impetus created by the "House of Chow" controversy, the council resolved to proceed with a townscape proposal for the entire city' on 16 September 1991 and heritage architect Paul Stark agreed.⁶⁹⁸ The elected members were divided on the impact of the protest: Alderman Hamilton regarded it as a positive occurrence and Councillor Rann believed it influenced the Minister to proceed with local heritage protection, while the Lord Mayor and other councillors said the protest had little effect.⁶⁹⁹ The townscape initiative was already underway at the time of the protest, but the controversy spurred the council into expediting the process of identifying the groups of buildings that formed Adelaide's character at a time when the political climate was right for such a move.

Gawler Chambers

As noted above, in response to applications to demolish St Paul's Church and the Somerset Hotel, in 1990 the council established the advisory committee COAHAC to review more than 800 buildings in the 1982 Character Schedule to determine whether any

⁶⁹⁷ *Advertiser*, 1.5.93, p.6.

⁶⁹⁸ Parnell and Hodgson, p. 35; Paul Stark, personal interview, 20.9.01.

⁶⁹⁹ Personal interviews with Mark Hamilton, 17.7.01, Jane Jose 22.7.01, Chris Douglas 21.8.01, Steve Condous, MP, 6.8.01 and Michael Harrison 30.7.01.

or all of them should be listed in the Register of City of Adelaide Heritage Items.⁷⁰⁰ Gawler Chambers in North Terrace was among the first group of buildings to be reconsidered by COAHAC in March 1991, along with St Paul's Church. The five-storey red brick building was part of a distinctive group that formed the streetscape in southern North Terrace from Gawler Place to King William St. Gawler Chambers differed from its Victorian neighbours because it was constructed in 1913 and was one of only a few Edwardian buildings in Adelaide. Nevertheless, in height, scale and materials it blended with the streetscape. Its façade had been altered and a floor added in 1935, so its streetscape and historic significance, not its architectural merit, were deemed most important in recommendations for heritage listing by DMS in 1982, the State Heritage Branch in 1985, the City's Planning Department and the State Heritage Committee in 1991.



Gawler Chambers, North Terrace. Aurora Heritage Action collection.

Before the COAHAC meeting the owner, former Lord Mayor John Roche's Adelaide Development Company, was given an opportunity to respond to the recommendation for its heritage listing. He had lodged an application to demolish the building and erect a 10-storey hotel on the site on 24 December 1990, but the application had not been considered

⁷⁰⁰ The original list contained 715 items plus the unlisted buildings recommended for the City Heritage Register and another 400 added later, but about 100 had been demolished in the eight years following the

by the council when COAHAC met three months later. Mr Roche also hired a bevy of architects, engineers, planners, solicitors and an historian to prepare a case against the heritage listing.⁷⁰¹

At the March 1991 COAHAC meeting, the developer through his consultants claimed it was not a heritage building. Gawler Chambers had been the headquarters of the South Australian Company Pty Ltd, which provided the economic infrastructure of the colony of South Australia from its foundation in 1836 and established its first bank. The consultants argued that the 1913 building, constructed on the site of the original SA Company headquarters, was built at a time when the company had a diminished role in the development of the State of South Australia; thus, it lacked historic significance because it was not the building which housed the original company.⁷⁰² A letter signed by 13 medical specialists which pointed out the building's 'long association with the provision of health care' in Adelaide was ignored.⁷⁰³ COAHAC, on the other hand, emphasised its streetscape as well as its historic significance and recommended that the building be included on the Register of City of Adelaide Heritage Items. The Minister for Environment and Planning then placed an urgent conservation order on the building at the request of the council to protect it until procedures were finalised to list the building on the city's heritage register.⁷⁰⁴ Minister Lenehan showed she was willing to give interim protection to buildings when the council demonstrated it was prepared to protect them. In the Somerset

DMS study.

⁷⁰¹ AC Archives file D.0019-15/01, *passim*. These included Mr Jamie Botton, solicitor, KMH Neighbour Lapsys, architects, Dare Sutton Clarke, engineers which prepared a structural report, Pak-Poy Kneebone, commenting on the structural report, and an historical report by RM Gibbs.

⁷⁰² Historian Brian Dickey presented the case against the historic significance of Gawler Chambers to COAHAC in March and Mr Ron Gibbs submitted a similar report to the State Heritage Committee (minutes of SAHC, 19.6.91, pp.4-5).

⁷⁰³ *Advertiser*, 4.11.91, p.14.

⁷⁰⁴ *City Messenger*, 5.6.91, p.3.

Hotel and House of Chow cases, the Minister would not issue conservation orders because the council would not act to list the buildings on its heritage register.

In May 1991 the developer's application to demolish Gawler Chambers and construct a 10-storey hotel on the site was deferred by the council. The developer had also appealed against the conservation order, which was revoked by the Supreme Court in October 1991 on procedural grounds.⁷⁰⁵ The council still refused the developer's application to demolish the building,⁷⁰⁶ and the Minister responded by placing the building on the Interim Register of State Heritage Items on 4 November 1991.⁷⁰⁷ The developer had again lodged an appeal, this time with the CAPAT,⁷⁰⁸ but a decision two days later by the State Cabinet to list the building permanently on the State Heritage Register made the appeal redundant. The building was finally protected under the *SA Heritage Act* and could not be demolished legally.

Conclusion

The small projects described in this chapter demonstrate the changing heritage values in Adelaide during the Bannon decade. The protests they engendered precipitated changes in heritage policies. The council originally formed its first heritage register in 1982 with 419 items in the City of Adelaide (gazetted with the 1986-91 Plan). At the time architect John Chappel and others said the council had 'gone overboard on heritage'. 'Some people', he wrote, 'including experts deeply involved in conservation, are concerned that this scale of preservation is grossly excessive.'⁷⁰⁹ He included Lord Mayor JVB Bowen in that category, contending that the former lord mayor had tried to reduce the first list to 50

⁷⁰⁵ *Advertiser*, 26.10.91, p.10.

⁷⁰⁶ ACC minutes 4.11.91, item 8.1, pp.939 and 946; *Advertiser*, 29.10.91, p.4.

⁷⁰⁷ *Advertiser*, 6.11.91, p.14.

⁷⁰⁸ *Advertiser*, 12.11.91, p.18.

⁷⁰⁹ *Advertiser*, 21.6.91, p.13.

buildings.⁷¹⁰ Kingsmead and Belmont were among the buildings to be listed on the first register, but St Paul's Church and Gawler Chambers were rejected by LOMHAC as buildings not worthy of heritage protection. By 1991 the council approved both of the latter buildings for heritage listing, along with 87 others contained in the Character Schedule. These were immediately placed on the state interim register at the request of the council,⁷¹¹ a practice which accelerated after the St Paul's Church controversy in 1990, and the remaining buildings in the schedule formed the core of the initial townscape list.

The attempt by the owner of Gawler Chambers to prevent interim heritage listing exposed the lack of clarity in the *SA Heritage Act 1978* regarding the Minister's powers to impose urgent conservation orders on threatened buildings. It led to a review of the Act, initiated by the SHB rather than the State Planning Review, which culminated in the *Heritage Act (1993)*, creating a State Heritage Authority with greater powers than those of the SAHC (see chapter 9 below).

Not all of the protests described in this chapter resulted in conservation of the buildings concerned. The House of Chow building and Somerset Hotel were demolished despite community objections. Both cases were very costly to their owners: the ATO building on the Somerset Hotel site was vacated at a time of a high rate of office vacancies and remains under-tenanted, and the developer of the House of Chow site incurred unnecessary court costs and was unable to commence his development for nearly a decade after he demolished his building.

The townscape initiative of the council has been said to have emerged from the St Paul's and House of Chow protests. While the city's planners had already been working on

⁷¹⁰ *Advertiser*, 22.4.83, p.6.

⁷¹¹ A 1985 amendment to *Heritage Act* allowed the Minister to place an item on the Interim List without consulting the SAHC.

the initiative in 1989, those protests demonstrated the strength of the community desire to preserve more of Adelaide's historic buildings and prompted the Minister for Environment and Planning to urge its speedy progress. The muddled politics of the initiative are described in chapter 5 above. The outcome was the establishment of a second, local heritage register with more than 800 buildings listed, and altogether greater protection was afforded to Adelaide's historic buildings by the end of the Bannon years. Heritage values had shifted toward more emphasis on the historic and streetscape significance of buildings, and it was Adelaide's smaller projects which reflected that trend. In the process heritage policies became established which were incorporated into the *SA Heritage Act (1993)* and *Development Act (1993)*.

9 CONCLUSION

‘The heritage debate will never be settled, will never go away. Indeed, in relative terms, it has only just started.’

-Peter Ward⁷¹²

When John Bannon formed his first SA government in November 1982, he inherited heritage legislation he may not have wanted because of his plan to encourage major building projects for growth in a crane-led recovery from economic recession. Moreover, he was soon to learn that debates about historic buildings would not end with the enactment of heritage legislation. Debates about incentives for heritage listing, including compensation for building owners whose properties were heritage listed, were ongoing. Debates also continued about the boundaries of heritage—whether the *SA Heritage Act* (1978) was intended to protect only iconic buildings of significant architectural merit or whether buildings should also be protected because of their historic or cultural significance, whether historic conservation zones and local heritage registers should be added as a second tier of protection and whether local heritage listing should be voluntary. They were extended further in the decade as suburban councils gained planning controls in conservation zones and later adopted local heritage registers. These debates began to trouble the SA Heritage Committee in recommending entries on the Register of State Heritage Items and the Adelaide City Council as it considered nominations for listing on its register and later during its townscape initiative campaign. While parliament and the council were committed to protecting the built heritage by 1986, the boundaries of heritage listing remained contested and divided the Adelaide City Council into pro-heritage and pro-development factions for the remainder of the Bannon decade. By the end of the decade these debates were still not fully resolved.

The pro-development faction of the council comprised developers and businessmen who, with their supporters, upheld the right of property owners to develop their properties as they wished, more or less within the principles and guidelines of the City of Adelaide Plan (or whatever deviation from the Plan the council could be persuaded to approve). Their supporters consisted of the Building Owners and Managers Association, the later the short-lived Property Owners and Ratepayers Association (1992)⁷¹³, development companies and often leaders of the Institute of Architects and financial institutions. They wanted certainty of development for the future growth of Adelaide. They believed the Register of City of Adelaide Heritage Items would provide that certainty because all buildings not on the register would be available for redevelopment. Many also maintained the register should be limited to about 150 iconic buildings. The faction's leaders in and out of the council described Adelaide as a 'parochial backwater' for which modernisation was overdue, claiming their development proposals would benefit the city. They attacked heritage activists for wanting to 'place a glass dome over Adelaide',⁷¹⁴ making it a 'museum city' which would permit no new buildings if demolition of old stock were involved.

The pro-heritage faction and heritage activists outside the council wanted to preserve more than Adelaide's architectural icons; they wanted to preserve the traditional built character of Adelaide. The activists and heritage protectionists included Aurora Heritage Action, Inc., the National Trust (SA Branch), the Civic Trust of SA, the Conservation Council of SA, the Royal Australian Planning Institute, residents' associations and ad hoc

⁷¹² *Adelaide Review*, Jan 1992, p.5.

⁷¹³ This association, organized by businesswoman Leni Palk, was formed to oppose the council's townscape initiative.

groups. While architect John Chappel claimed that Adelaide's character comprised copies of second-rate English buildings, 'the architectural mediocrity of the past century'⁷¹⁵ (overlooking the vernacular bluestone houses with verandahs inspired by India), heritage protectionists asserted that Adelaide's Victorian and Edwardian style constituted its built character and that character was worth preserving. They asked why imitation Victorian buildings should be accepted, as had become a trend in residential areas, when the original building could be restored and/or modified and retained. Further, the modern structures that were replacing the city's character were themselves often second-rate generic buildings, the products of speculative developers concerned more with financial returns than with architectural quality in both the residential and commercial sectors. Heritage advocates asserted the right of the community to preserve its urban landscape for the benefit of future generations, a right which they believed superseded private property rights. They claimed they were not anti-development but advocated good building design which would complement Adelaide's historic character.

The financial reforms of the Hawke government from 1983 advanced the speculative boom that occurred in the late 1980s. Insurance companies, superannuation funds and government financial institutions had joined large development companies and individual developers in property investment even before the major share market downturn of 1987, and more intensely thereafter. Managers of banks and financial institutions, unrestrained by reserve requirements or other restrictions on lending, lent capital freely, not to say recklessly, in a highly competitive market, mostly for office buildings. Interest rates soared and there was soon a vast oversupply of office space. Vacancy rates rose above 20 per cent

⁷¹⁴ Premier Bannon first used the phrase 'environmental extremists who ... want to put Adelaide under some imaginary perspex dome' in a 1984 speech at a Chamber of Commerce and Industry dinner (*News*, 5.11.84, p.6), and the 'glass dome' metaphor was used frequently by development spokesmen in the following years.

by 1990. The boom was finance driven and ended by 1991 primarily because of an oversupply of office space and secondarily because of rising interest rates, lowered property values and withdrawal of bank loans. Several development companies were forced into liquidation when they could not repay their loans on property which they could not lease or sell and which declined rapidly in value. The history of Kingsmead and Belmont House, the REMM-Myer development and the 'House of Chow' building, described in chapters 7 and 8, among other projects, illustrates the changing fortunes of property developers during this period. All states, through their government banks, along with corporate and private investors, suffered enormous financial losses which might have been avoided if lending had been regulated during the building boom. The downturn might not have been so severe or might not have occurred at all had the banks been more prudent in their lending practices.

Pressure on all governments by developers would have been intense in the late 1980s, much more so than previously, as they gained easy access to finance for building projects. The state government promoted the ASER project in North Terrace, the State Bank Centre in Currie St and the REMM-Myer project at Rundle Mall, financed through SASFIT, SAFA, SGIC, and/or the State Bank, despite the loss of heritage those projects entailed. The projects described in this thesis show how heritage politics were played, with the Premier and his Minister (or the State Heritage Branch manager acting with the Minister's delegated authority) exercising power over bureaucratic structures in the state government, and with the elected members of the council rejecting recommendations of its planning staff in favour of development proposals that did not comply with principles or desired future character statements in the City of Adelaide Plan. As described in chapter 7, for

⁷¹⁵ *Advertiser*, 26.3.86, p.6.

example, the Adelaide City Council willingly approved several development proposals for the East End Market sites even though these projects would have breached recommendations of the conservation study for the site and extended considerably above the plot ratios provided in the City of Adelaide Plan. At that time third parties had no appeal rights, so decisions of the council and City of Adelaide Planning Commission favourable to developers were final. On the other hand, in several cases described in this thesis in which demolition of unlisted historic buildings was refused, the buildings were later heritage listed, among them St Paul's Church and Gawler Chambers (see chapter 8), as heritage values evolved.

Heritage politics in the Adelaide City Council took a nasty turn after its planners commenced their 'townscape initiative'. Heritage values had shifted toward greater emphasis on the historic and streetscape significance of buildings, and townscape protection of selected groups of buildings which contributed to Adelaide's character reflected that trend. The initiative would have been effected under rules that were less stringent than those for buildings listed on a heritage register. It would have been a method for maintaining the built character of the city, 'its cultural soul' according to former Premier Don Dunstan who supported the initiative,⁷¹⁶ not unlike the schemes for historic (conservation) zones which were approved under the *Planning Act* (1982) for suburban districts. In 1989 city planners recommended for townscape listing the unlisted and surviving buildings contained in the 1982 DMS Character Study plus about 400 additional buildings that were later deemed to meet the criteria. Had the initiative been limited to those 1200 buildings, the proposal may have been approved. However, following the public display of the initiative in 1989-90, more than a thousand buildings were

⁷¹⁶ *Advertiser*, 1.7.92, p.8.

recommended as additions to the list by individuals and lobby groups. These were compiled into a townscape II list, but after considerable debate, two-thirds of the buildings were removed from the list by the council because they did not conform to the height limits specified in the Plan for their precinct. For example, cohesive rows of Victorian cottages and houses in small streets were removed from the list because the desired future character for their precincts permitted four-storey buildings.⁷¹⁷ Townscape listing would have limited the development potential of the sites and their owners might have claimed compensation.

Before the second public display of the townscape initiative in 1990-91, the council's pro-development faction under the leadership of Cr Henry Ninio instigated a public propaganda campaign denigrating the proposal, and they waged weekly battles against it in Council meetings. While this campaign failed to engender the desired public response, it successfully created the impression of a dysfunctional council, prompting Minister for Local Government Greg Crafter to step in to resolve the matter, in a move that demonstrated the state's ultimate control over the council. He established a special city/state forum in 1992 to assess the townscape initiative, expressing grave concern about its effect on Adelaide's property values. The forum was chaired by Professor of Planning Raymond Bunker of the University of South Australia and comprised four representatives of the state government, all of whom opposed the townscape initiative, and four representatives of the council, only two of whom supported it. Not surprisingly, the forum rejected the townscape initiative and favoured a local heritage register in its place. It then drafted criteria for identifying local heritage throughout the state. In December 1992 the council yielded to the Minister's recommendation for a second Adelaide heritage register.

⁷¹⁷ *Aurora* Newsletter, Dec 1992, p.2.

Having resolved the conflicts over the townscape initiative, in 1993 the Minister established an independent review panel to consider some 350 objections to local heritage listing by Adelaide property owners. Despite the panel's findings that only 37 of the properties not be listed, Lord Mayor Henry Ninio insisted that all 350 buildings remain off the register. Because the state government could not enforce local heritage listing, the council's preferred list was accepted and the Adelaide policy of voluntary listing of local heritage (only with the owner's consent) was born. Several residential buildings which met the criteria for local heritage listing according to the panel, but were not listed because of the owners' objections, have subsequently been demolished. The debate over voluntary listing was repeated after a North Adelaide heritage study undertaken in 2003 recommended additions to the local heritage register as well as an historic (conservation) zone for the area. The council recommended that 142 new local heritage places be listed on the basis of the study, but upheld its policy of voluntary listing and refused to recommend 54 buildings of which their owners had objected to listing.⁷¹⁸ As Peter Ward commented in 1992, the heritage debate will never go away.

As the debate on townscape protection was heating up, the South Australian government initiated a State Planning Review in 1991 to examine all planning legislation in the state through a complex process of public consultations. The review aimed to establish an integrated and streamlined planning system with statewide planning objectives, as outlined in its draft report *2020 Vision: a planning system*. The legislative outcome was the *Development Act* (1993), which replaced several Acts, including the *City of Adelaide (Development Control) Act* to bring planning in Adelaide into line with other council areas

⁷¹⁸ ACC minutes 15.12.04, 22.12.04 and 9.6.05, item 1, pp.9558-73. The Federal Treasurer's Productivity Commission recommended in late 2005 that privately owned heritage buildings should only be heritage listed

in South Australia. The 1991-96 City of Adelaide Plan became the Development Plan for Adelaide under the new Act. The Development Assessment Commission (DAC) replaced the State Planning Commission and the City of Adelaide Planning Commission. DAC's membership was appointed by the Minister and did not include representation of the ACC. A Local Heritage Advisory Committee was established as a sub-committee of DAC, a formal process developed during the townscape review period. Local heritage and character protection through conservation zones were deemed to be forms of development control covered by the *Development Act*, not the *Heritage Act*, because they were outside the purview of the state government. These Acts were the final mark of the Bannon government on planning in South Australia.

The state planning system was not radically changed by the *Development Act*, except in the following ways:

- The Minister must report annually to the parliament on community consultation regarding the Planning Strategy [s.22(6)(c)], involving government more in development policy;
- Three categories of development for public notification and consultation purposes are specified according to the development plan for an area (s.38). Category 1 (complying) development requires no public consultation; category 2 development applications require that notice of the proposal be given to owners of adjacent land and other relevant persons; category 3 development applications, for non-complying development, require that notice of the proposal be given to owners of all properties affected and to the public generally. Third parties may make representations to the council on category 2 and category 3 development applications.
- Third parties who make representations to the council in relation to a category 3 development application may lodge an appeal against a decision with the Environment, Resources and Development Court.
- Major developments may be recommended by the Minister for consideration by a special panel (s.46), by-passing planning procedures under the *Development Act*

after conservation agreements have been accepted by the government and the owner, another form of voluntary listing. The matter has not been finalised.

such as local government scrutiny. Under this provision, controversial developments in the parklands have been approved, as well as the metropolitan area's first foreshore development, a high-rise apartment building at Glenelg. The overwhelming majority of developments recommended by the Minister under s.46 have been approved.⁷¹⁹

- The establishment of a new court under the *Environment, Development and Resources Court Act 1993* to replace planning appeals tribunals with increased powers.

The planning system failed to protect Adelaide's historic precincts during the 1980s and early 1990s and would continue to do so, albeit at a slower pace because the building boom had come to an end.

The *SA Heritage Act* (1978) was replaced by the *Heritage Act* (1993) [now the *Heritage Places Act* (1993)] and affected only state heritage places. A major change was the establishment of a State Heritage Authority (s.4) to replace the toothless SAHC. The Authority is more than an advisory body. Its role is to administer the State Heritage Register, that is, to enter places on or remove places from the register, a role formerly exercised by the Minister under the 1978 Act (the term 'item' in the 1978 Act was replaced with 'place'). This change was intended to remove politics from heritage listing. Certainty was extended to developers through the introduction of the certificate of exclusion (s.22), which would guarantee a property owner that his or her property would not be entered in the State Register within five years of the date of the certificate. The 1993 Act also provided for heritage agreements (s.32) between the Minister and owners of land to conserve the property. Fines for intentional damage of a registered place were substantially increased. These amendments had been proposed mainly by the State Heritage Branch, rather than the State Planning Review, after the Branch's 15 years' experience of

⁷¹⁹ See list of major development applications attached to agenda for Major Development Panel Public Forum 2000. Of applications assessed by the panel for environmental, social, and economic impacts, 98 per

administering the *SA Heritage Act* (1978). The new Acts were proclaimed in January 1994.

This thesis has shown that during the Bannon decade Adelaide's built heritage was lost on a scale previously unknown in SA, ironically at a time when international, national and state legislation had been enacted to protect the built heritage. The building boom which caused the heritage devastation was driven by 1980s 'corporate cowboys', fueled by the deregulation of monetary policy and encouraged by state and local governments to create employment, increase revenue and modernise cities. In these circumstances, local governments were encouraged to disregard planning and heritage principles. The outcome was ruinous for the Bannon government, banks and financiers, development companies and their contractors. Sykes reports that 'total write-offs and provisions by banks and financiers amounted to \$28 billion' across Australia.⁷²⁰ It was also ruinous for the character of many of Adelaide's historic precincts. A follow-up to Michael Burdon's pictorial book *Lost Adelaide*, published in 1983, would show the devastation of historic precincts during the Bannon decade.

This thesis has perhaps failed to emphasise the progress in heritage listing at the same time. In 1982, when John Bannon became Premier, the Register of State Heritage Items consisted of 446 items and increased to 1831 items in 1993, when Labor lost government. While the Bannon government cut the budget of the State Heritage Branch drastically by the mid-1980s, the SAHC became less 'elitist' in its choice of recommendations for entry on the register. From 1980 through 1990 the average number of entries on the register was about 116 per year. The exception was 1986, when the number of listed items increased

cent were approved before 2000. Cf. <http://www.planning.sa.gov.au/go/development-applications/major-development-projects/previous-projects-assessed>, 13.2.06.

⁷²⁰ Sykes, 1994, p.1.

from 842 to 1,190 to satisfy the Minister's direction that the Adelaide buildings on the Register of State Heritage Items match those on the new City of Adelaide Register, accounting for an unusually large increase of 348 items in that year. In the final two years of the Bannon government, only 40 items were entered on the state register.⁷²¹ In 1989 the Minister approved historic (conservation) zones for suburban council districts, to be managed by the councils. The Adelaide City Council similarly changed its heritage values from 5 per cent of the building stock, entered on its first register, based largely on architectural merit, to a small increase of 104 items in 1993 and a further 805 items on its local heritage register.⁷²² Despite the increases, state funding for heritage conservation dropped dramatically from 1988 with across-the-board funding allocations. Unlike the state government, the council maintained its heritage conservation fund throughout this period.

The Bannon government was no more cavalier with respect to heritage than any other state government. The financial and heritage losses were duplicated in all Australian states at the same time and for the same reasons. Premiers in Victoria, WA and SA were brought down because of property dealings. Queensland was notorious for a midnight demolition of the Belle Vue Hotel in Brisbane in 1982,⁷²³ part of the heritage-annihilation spree of the Bjelke-Peterson era in that State. Historic buildings in the major cities of New Zealand were also demolished during a building boom in the same period, despite public protests by members of the Historic Properties Trust.⁷²⁴ Many of these events have been recorded, but much research remains to be undertaken on the heritage and heritage politics of suburban

⁷²¹ SA Department of Environment and Land Management, *State of the environment report for South Australia*, 1993. (Adelaide: Community Education and Policy Education Group, 1993), pp.263-65.

⁷²² Listed in the City of Adelaide Development Plan dated 11 February 1999.

⁷²³ Gregory, 2003, p.114.

⁷²⁴ See Hall, Michael, and McArthur, Simon, *Heritage management in New Zealand and Australia* (Auckland: OUP. 1993).

districts, country areas, river and coastal areas and more recent migrant heritage⁷²⁵. The latter would include not just cultural artifacts but the streetscapes, shops, places of worship, hostels and, alas, detention centres with which migrants and refugees have been associated.

⁷²⁵ For the case for documenting migrant heritage, see Helen Armstrong, 'Cultural continuity in multicultural sub/urban places' in Katherine Gibson and Sophie Watson (eds), *Metropolis now* (Leichhart: Pluto Press, 1994).

APPENDIX A

MEMBERS OF SOUTH AUSTRALIAN HERITAGE COMMITTEE

<p><u>1978</u> The Honourable Justice Roma Mitchell, Chair Mrs Judy Brine Mr Fred Crosby Mr Geoffrey Dutton Mr Murray Edmonds Ms Dianne Gayler Mr John Hill Mr Ian McPhail Professor David Saunders Mr Andrew Strickland Mr Gerry Toogood</p>	<p><u>1979</u> The Honourable Justice Roma Mitchell, Chair Mr Fred Crosby Mr Geoffrey Dutton Ms Dianne Gayler Mr Ian Hannaford Mr John Hill Professor David Saunders Reverend Michael Sawyer Mr Andrew Strickland Mr Gerry Toogood</p>
<p><u>1980</u> The Honourable Justice Roma Mitchell, Chair Mrs Judith Brine Mr Fred Crosby Mr Murray Edmonds Ms Dianne Gayler Mr Ron Gibbs Mr John Krippner Mr George Lewkowicz Professor David Saunders Reverend Michael Sawyer Mr Gerry Toogood</p>	<p><u>1981</u> The Honourable Justice Roma Mitchell, Chair Mrs Judith Brine Mr Fred Crosby Ms Dianne Gayler Mr Ron Gibbs Mr John Krippner Mr George Lewkowicz Professor David Saunders Reverend Michael Sawyer Mr Gerry Toogood</p>
<p><u>1982</u> Mr GS Davidson, Chair Mrs W Chapman Mr R Cook Mr P Fargher Mr R Gibbs Mr D Gilbert Mrs J Heaven Mr B Newman Prof D Saunders Mr J Smyth Mr G Toogood Mrs N Whittle</p>	<p><u>1983</u> Mr GS Davidson, Chair Ms J Brine Mrs W Chapman Mr P Fargher Mr R Gibbs Mr D Gilbert Mrs J Heaven Mr B Hodson Mr V McLaren Mr B Newman Prof D Saunders Mrs N Whittle</p>

<p><u>1984</u> Mrs J Brine, Chair Mr P Fargher Mr R Gibbs Mr D Gilbert Mr B Hodson Mr V McLaren Mr B Newman Ms A Rungie Mrs M Sando Professor D Saunders Ms N Whittle</p>	<p><u>1985</u> Mrs J Brine, Chair Mr P Fargher Mr R Gibbs Mr D Gilbert Mr B Hodson Mr V McLaren Mr B Newman Ms A Rungie Mrs M Sando Professor D Saunders Ms N Whittle</p>
<p><u>1986</u> Mrs J Brine, Chair Mr W Close Mr P Fargher Mr R Gibbs Mr D Gilbert Mr B Hodson Mr V McLaren Mr B Newman Ms A Rungie Mrs M Sando Professor D Saunders Mr M Stone Ms N Whittle Mr D Young</p>	<p><u>1987</u> Mrs J Brine, Chair Ms M Burn Mr W Close Mr R Gibbs Mr D Gilbert Mr B Hodson Mr V McLaren Mr B Newman Ms A Rungie Mrs M Sando Dr W Vamplew Mr M Stone Mr D Young</p>
<p><u>1988</u> Mrs J Brine, Chair Mr W Close Mr P Fargher Mr R Gibbs Mr D Gilbert Mr B Hodson Mr V McLaren Mr B Newman Ms A Rungie Mr M Stone Ms C Towle Dr W Vamplew Mr J Walter Mr D Young</p>	<p><u>1989</u> Mr P Fargher, Chair Mr M Beresford Mr W Close Mr R Gibbs Ms L Leader-Elliott Mr T McDonald Mr V McLaren Mr B Newman Mr B Rowney Ms A Rungie Mr M Stone Ms C Towle Dr W Vamplew Mr J Walter Mr D Young</p>

<p><u>1990</u> Mr P Fargher, Chair Mr W Close Mr R Gibbs Ms L Leader-Elliott Mr T McDonald Mr V McLaren Mr B Newman Mr B Rowney Ms A Rungie Mr M Stone Ms C Towle Mr J Walter Mr D Young</p>	<p><u>1991</u> Mr P Fargher, Chair Mr W Close Mr R Gibbs Ms L Leader-Elliott Ms S Marsden Mr V McLaren Mrs V Mehrtens Ms P Menses Mr B Newman Mr B Rowney Ms A Rungie Mr J Walter</p>
<p><u>1992-93</u> Ms L Leader-Elliott, Chair Mrs W Chapman Mr W Close Ms S Marsden Mrs V Mehrtens Ms P Menses Mr H Ramsay Ms J Rann Mr B Rowney Ms A Shaw-Rungie Mr J Walter Dr D Whitelock</p>	

APPENDIX B

ADELAIDE CITY COUNCIL ELECTED MEMBERS 1981-95

	1981-83	
Office	Name	Occupation
Lord Mayor	Arthur John Watson	Surgeon
Alderman	Graham A Black JVS Bowen WJ Chapman Steme Condous James Jarvis William Manos	Accountant Company director Property developer Property developer Property developer Solicitor and businessman
Councillor	Robert Angove* Constantinos Bambacas Rosemary Boucaut* Christopher Douglas* Dean Fidock Mark Hamilton* Charles Moschakis LM Ravesi JB Sellick Eileen Sharman* Ellis Wayland	Statistician Jeweller, property developer Nurse counsellor Antique dealer Engineer Solicitor Bank manager Pharmacist (resigned Feb 1983) Education administrator Financial consultant

	1983-85	
Lord Mayor	Wendy Jennifer Chapman	Company director
Alderman	Graham A Black JVS Bowen Steve Condous James B Jarvis William Manos Arthur John Watson	Accountant Company director Property developer Property developer Solicitor, company director Physician
Councillor	Robert A Angove* Constantinos Bambacas Rosemary Boucaut* Christopher F Douglas* Dean Fidock Mark Hamilton* Michael Harrison Charles Moschakis Henry J Ninio LM Ravesi Eileen W Sharman* KL Shaw	Public servant Jeweller Nurse counselor Antique dealer Transport engineer Solicitor Company director Bank manager Businessman Pharmacist Retired Architect

	1985-87	
Lord Mayor	James Bickford Jarvis	Property developer
Aldermen	Ross Davies Dean Fidock Michael Harrison William Manos Louis Ravesi Arthur Watson	Managing director Engineer Company director Solicitor and company director Pharmacist, company director Surgeon
Councillors	Brian Anders Robert Angove* Constantinos Bambacas Rosemary Boucaut* James Crawford Christopher Douglas* Norman Etherington* Mark Hamilton* Charles Moschakis Henry Ninio Roger Rowse Eileen Sharman*	Managing director Statistician Jeweller Hospital counselor Managing director Antique dealer Historian Solicitor Bank manager Pharmacist, perfumer Businessman Retired

	1987-89	
Lord Mayor	Steve Condous	Property developer
Aldermen	Ross Davies Christopher Douglas* Con Bambacas Norman Etherington* Dean Fidock Michael Harrison	Managing director Antique dealer Jeweller, Property developer Historian Engineer Company director
Councillors	Brian Anders Bob Angove* Rosemary Boucaut* Sam Christodoulou Jim Crawford Mark Hamilton* Mary-Lou Jarvis* Charles Moschakis Henry Ninio Marlene Powell Roger Rowse Alan Rye*	Managing director Statistician Hospital administrator Planner Retired; property developer Solicitor Solicitor Bank manager Pharmacist, perfumer Businesswoman Taxi driver Public servant

	1989-91	
Lord Mayor	Steve Condous	Property developer
Aldermen	Brian Anders Constantinos Bambacas Rosemary Boucaut* Christopher Douglas* Mark Hamilton* Michael Harrison	Businessman Businessman Hospital counselor Antique dealer Solicitor Company director
Councillors	Robert Angove* Ian Caller* Sam Christodoulou Jim Crawford Elizabeth Gordon Bernie Lewis Charles Moschakis Henry Ninio Jane Rann* Roger Rowse Alan Rye*	Statistician, public servant Small businessman Planner Retired Small businesswoman Financier, company director Bank manager Pharmacist, perfumer Journalist Taxi driver Public servant

	1991-93	
Lord Mayor	Steve Condous	Property developer
Aldermen	Brian Anders Con Bambacas Rosemary Boucaut* Chris Douglas* Michael Harrison Jane Rann*	Businessman Jeweller Hospital counselor Antique dealer Company director Journalist
Councillors	Bob Angove* Ian Caller* Francene Connor* Jim Crawford Michael Gibbs* Jacqueline Gillen* Alfred Huang Jane Lomax-Smith* Charles Moschakis Henry Ninio Alan Rye*	Public servant Small businessman Public servant Managing director Artist, teacher Architect Engineer Pathologist Bank Manager Pharmacist, perfumer Scientist

	1993-95	
Lord Mayor	Henry Ninio	Businessman
Aldermen (5)	Rosemary Boucaut* Sam Christodoulou Christopher Douglas* Michael Harrison Jane Rann*	Hospital counselor Planner Antique dealer Company director Journalist
Councillors (10)	Bob Angove* Francene Connor* Jim Crawford Alfred Huang David Johnson Jane Lomax-Smith* Charles Moschakis Geof Nairn Albert Taylor Philip Thorpe*	Statistician Public servant Retired Engineer Solicitor Pathologist Bank Manager Architect Retired Accountant

* designates pro-heritage members of the council.

APPENDIX C

Membership of Lord Mayor's Heritage Advisory Committee 1981-85

The Rt. Hon. The Lord Mayor of Adelaide (JVS Bowen, Esq.)
Alderman John Chappel (Architect)
Roger Cook (Colliers International, President, Building Owners and Managers Association)
Professor John Cooper (School of Architecture and Building, SA Institute of Technology)
Geoffrey Dutton, A.O. (Editor, Sun Books Pty. Ltd.)
Ray Harrison (Head, South Australian Heritage Unit)
Jack McConnell (Architect)
Professor David Saunders (Faculty of Architecture, University of Adelaide)
Dr Alan Spry (Senior Consultant, Australian Mineral Development Laboratories)
Dr John Tregenza (Curator, Historical Collections, Art Gallery of South Australia)
Gavin Walkley, C.B.E. (Architect and Chairman, Architects Board of S.A.)
Alderman John Watson (Deputy Lord Mayor)
Dr Derek Whitelock (Assistant Director, Continuing Education, University of Adelaide)

APPENDIX D

LETTER SENT TO OWNERS OF PROPERTIES ON TOWNSCAPE LIST

IMPORTANT MESSAGE**The Advertiser****FEATURES****11-12-91**

Adelaide property valuer Gerry Dee says listings will devalue residential and commercial properties. Mr. Dee said Townscape would place an encumbrance on properties leading to devaluation by as much as 50 per cent.

Dear "designated" property owner

Late last year you received a brochure on Townscape, and a letter from a number of councillors who strongly support, in fact absolutely insist on, your property being one of the 1600 properties proposed for listing as Designated Townscape Character.

We, the councillors listed below, strongly support the preservation of the city's heritage and likewise its "townscape" - which simply means the collective built features which contribute towards the appearance of the town/street/city.

Unfortunately, your property will be listed as "townscape" at some cost to you, with absolutely no right of appeal, and no compensation.

Expert valuers generally agree, and many have said so in this instance too, that placing residential and commercial buildings on "restricted" lists could immediately cause a reduction in their value.

If you don't mind your property decreasing in actual value, and you don't wish to externally redevelop it in any way at some time in the future, then Townscape listing will not worry you.

If you don't mind, as an example, your bank saying to you that it now needs more security against what it lent you on your mortgage, then Townscape listing won't worry you.

We, however, are greatly worried that a City Council faction is demanding that you as property owners:

- i) have your ownership rights severely restricted
- ii) take the immediate financial loss when listing reduces the value of your asset
- iii) have absolutely no right of appeal once your property is listed
- iv) receive no compensation for your loss.

We consider this is unjust, indeed outrageous.

If the wider community wishes to preserve buildings or street appearances then the community as a whole should contribute to the cost of doing so.

If you are worried about the hidden injustices which are not explained in the Townscape brochure and Exhibition please fill out the accompanying questionnaire and return it in the enclosed postage paid envelope.

Councillors

Jim Crawford

Bernie Lewis

Roger Rowse

Henry Ninio

Charles Moschakis

Con Bambacas

Townscape Proposal Questionnaire

1) Do you have any objection to having your *residential/business property permanently included on the townscape list?
*delete whichever is not applicable

YES / NO

2) What are your objections?

3) Are you likely to suffer financial loss from listing?

YES / NO

4) Do you have any constructive alternative suggestions for the preservation of the townscape?

YES / NO

5) If you are an objector how should you be compensated?

6) Please indicate in which Ward you own property.

**PLEASE POST TO COUNCIL BY NO LATER THAN FEBRUARY 28TH
IN THE FREEPOST ENVELOPE ENCLOSED**

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A14150 and D3774 City-State Forum

BF582 City of Adelaide Plan Review

D0019-15/01 City of Adelaide Heritage Advisory Committee (COAHAC)

D0228-05 and D3462 St Paul's Church

D0352-10 House of Chow building

D0740-05, D0740-20, D0740-30 and D31/0402 Kingsmead

D0740-25 Belmont House

D4231 Instructions out of Council

D3528 REMM-Myer Project

D3617 Review of City of Adelaide Heritage Register

D5800 City of Adelaide Heritage Register Survey

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Persons Interviewed

Angove, Robert A., 16.11.01, councillor and alderman, ACC 1980 – present

Bannon, John, former Premier, periodic informal conversations, 1998 - 2003

Bell, Peter, 17.7.00, 24.10.00, 9.3.01 and 28.5.02, architectural historian, formerly with State Heritage Branch

Beresford, Marcus, 6.2.03, Executive Officer, CCSA, 1985-95

Birdsey, Peter, 2.7.03, architect and founding member of Adelaide Residents' Association

Brine, Judith, 29.11.00, former member and Chair of SAHC and member of CAPC

Condous, Steve, 6.8.01, councillor and alderman, ACC, 1968-87 Lord Mayor 1987-93

Crafter, Greg, 31.7.01, former Minister for Urban Development and Local Government Relations, among other portfolios, in Bannon Governments

Douglas, Christopher F., 21.8.01, councillor and alderman, ACC, 1987-95, 1997-98

Hamilton, Mark, 17.7.02, councillor and alderman, ACC, 1982-89, 1989-90, 1992-93

Harrison, Michael J., 30.7.01, councillor and alderman, ACC, 1983-95

Hodgson, John, 18.10.01, City Planner, ACC, 1988-94

Jose, Jane Margaret (Rann), 22.7.01, councillor and alderman, ACC, 1989-95

Kambitsis, George, 24.6.03, developer

Karidis, Gerry, 18.7.03, developer

Kooyman, Rob, 12.8.03, lecturer, business studies, University of South Australia (former board member of (BOMA, later Property Council)

Llewellyn-Smith, Michael J., 30.7.01, City Planner, Town Clerk and City Manager, ACC, 1974-94

Lomax-Smith, Jane, 28.7.01, councillor, ACC, 1991-96, Lord Mayor 1997-2001

Maras, Theo Steven, 19.6.03, developer

Reynolds, David, 15 July 2004, Auckland Area Coordinator, New Zealand Historic Places Trust

Rowney, Barry, 13.12.00 and 14.12.00, former heritage architect with State Heritage Branch

Stark, Paul, 20.9.01, co-author, City of Adelaide Heritage Study, 1981-83; former Principal Heritage Architect, ACC, 1988 - 2003

Stratmann, Jim, 20.11.03, architect

Walker, Joe, 25.7.03, developer, Harmony Corp. P/L

Wigg, Carol, 6.12.00, architect, former heritage architect with State Heritage Branch

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