



**Australian  
Institute of  
Architects**

ABN 72 000 023 012  
The Royal Australian Institute of Architects  
trading as Australian Institute of Architects

WA Chapter  
33 Broadway  
Nedlands, Perth, WA, 6009

P: (08) 6324 3100  
wa@architecture.com.au  
[architecture.com.au](http://architecture.com.au)

25 February 2021

Hon John Cowdell AM  
Chair  
Heritage Council of Western Australia  
Locked Bag 2506  
PERTH WA 6001

Dear Chair,

## **WINDSOR THEATRE, NEDLANDS HERITAGE PLACE – O1831**

The Australian Institute of Architects (Institute) is the peak body for the architectural profession in Australia. It is an independent, national member organisation representing over 11,500 members across Australia and overseas. More than 1,100 of these are based in Western Australia and are supported by the WA Chapter.

The Institute strongly supports enhancing the environment and cultural identity through the appropriate protection and preservation of heritage places.

On behalf of the Institute's WA Heritage Committee, we write to express our concern with the decision made by the Heritage Council on the 25 September 2020 determining that the Windsor Theatre Nedlands, Heritage Place O1831, did not merit entry in the State Register of Heritage Places.

The co-signatories to this submission represent a cross section of professions with specialist knowledge relevant to the decision, including historians, architects, planners and heritage advocates. All have extensive experience, over many years, in the identification, documentation and conservation of Western Australia's cultural heritage. Together we have formed the view that the decision by the Heritage Council was based on a flawed heritage assessment and process.

### **Heritage Assessment**

The 'Statement of Significance' and 'Assessment of Significance' acknowledges the social significance of the place (11(e)) but no details are provided for this in the 'Documentary Evidence'. This is a serious omission as any assertion of significance must be supported by evidence. In the case of the Windsor Theatre heritage assessment, the failure to document social significance represents a flaw and serves to seriously downplay the social values associated with the place.

'Documentary Evidence' of the heritage assessment acknowledges a high level of innovation and technical achievement in relation to the design and function of the Theatre but fails to incorporate this in the statement of significance or category 11(h) of



the 'Assessment of Significance'. This once again represents a flaw in the assessment and serves to downplay the heritage significance of the place.

The 'Statement of Significance' acknowledges the landmark qualities of the building but qualifies this with reference to changes to the fabric of the building overtime. The 'Supporting Evidence' provides no explanation as to how these changes have impacted the landmark quality of the place and no reference to this is made in the 'Assessment of Significance'. Furthermore, in the 'Degree of Significance' the assessment recognises "Overall, the main building fabric has been retained...."

The reference in the 'Comparative Analysis' to the Cygnet Cinema is skewed to view the alterations made to the Windsor Theatre as having reduced the cultural heritage values of the place. This does not appropriately acknowledge that many of the modifications made were integral to the place maintaining a high level of authenticity, which directly contributes to its social significance. Importantly the assessment acknowledges that much of the building remains intact. Comparative value is not a key criteria in determining significance.

The assessment equivocates on the issue of the authorship of the building despite the abundance of detailed evidence made available to the Heritage Council that clearly identifies the Windsor Theatre as a work of William Leighton.

## **Process of Review**

It is acknowledged that the new *Heritage Act* attempts to strengthen the level of expertise of the Heritage Council.

Until 2019, the Heritage Council had the benefit of expert review through its Register Committee, working collaboratively with the Department staff. Scrutiny by this mechanism may have avoided some of the issues noted above and perhaps provided the Council with another layer of expertise to assist its decision-making.

The process of stakeholder consultation, though valuable and important, cannot replace a process of detailed peer review. Furthermore, the invitation to make submissions is open to misinterpretation, as it states that the 'place is of cultural heritage significance in terms of the *Heritage Act 2018*' and requests comment on the 'proposed entry ... in the State Register of Heritage Places'. Without reference to the *Heritage Act 2018*, it is reasonable to interpret this to mean that the place had at that point been determined to meet the threshold for entry in the State Register of the Heritage Places. This may have led to some submitters not scrutinizing the assessment in the detail it required.

However, we are aware that a number of the professionals associated with the signatories did take the time to review the heritage assessment and make submissions through their organisations as part of the stakeholder consultation. These submissions not only supported registration but also highlighted concerns with the heritage assessment at the time and offered additional information and suggestions that would strengthen the values attributed to the place. It is disappointing that these comments seemed to have no bearing on the final decision or resulted in any changes to the assessment documentation and statement of significance.



**Australian  
Institute of  
Architects**

ABN 72 000 023 012  
The Royal Australian Institute of Architects  
trading as Australian Institute of Architects

WA Chapter  
33 Broadway  
Nedlands, Perth, WA, 6009

P: (08) 6324 3100  
wa@architecture.com.au  
[architecture.com.au](http://architecture.com.au)

In addition, there are no obvious or automatic processes by which a decision of the Heritage Council not to recommend a place for entry in the State Register of Heritage Places that is open to public scrutiny or review. Unlike local governments and their planning committees, there is no requirement for minutes and agendas to be made public, or recommendations made by staff to Council to be subject to community scrutiny.

Considering the above, we request that the Heritage Council consider the following actions;

- Undertake an independent review of the heritage assessment of the Windsor Theatre.
- Re-establish the Register Committee to provide expert advice and peer review of all heritage assessments prior to presentation to the Heritage Council.
- Adopt the same level of transparency in decision making as required by Local Governments and their committees.
- Update the Heritage Council's invitation for stakeholder comment to avoid any future misinterpretation.

Please do not hesitate to contact me directly or indirectly for any assistance we can offer.

Yours sincerely,

**Peter Hobbs** FRAIA

STATE PRESIDENT WESTERN AUSTRALIA

CC: Art Deco and Modernist Society of Western Australia

Co-signatories:

Vyonne Geneve OAM MA  
Jenny Gregory AM PhD FRHS  
Dr Steve Errington JP PhD FRACI MRSC  
Dr Mark Brogan PhD  
Dr Fiona Bush OAM BA, MBE, PhD M.ICONOMOS  
Karl Haynes  
Mr Max Hipkins MSC BTRP BArch DipAdmin



**Australian  
Institute of  
Architects**

ABN 72 000 023 012  
The Royal Australian Institute of Architects  
trading as Australian Institute of Architects

WA Chapter  
33 Broadway  
Nedlands, Perth, WA, 6009

P: (08) 6324 3100  
wa@architecture.com.au  
[architecture.com.au](http://architecture.com.au)

Dr Cathy May PhD  
John Stephens BArch PhD RAIA M.ICOMOS  
Professor Deborah Gare  
Ian Molyneux  
Dr Bruce Baskerville  
Helen Munt  
Philip McAllister RAIA