



NOTICE OF MEETING

Notice is hereby given that the following meeting will be held in the Council Chambers of the Local Government Centre, 6 Dutton Road, Mount Barker on Wednesday 15 May 2019.

9.30am

Council Assessment Panel

A handwritten signature in black ink, appearing to read "M. Voortman", is written over a faint, circular official stamp.

M. Voortman

ASSESSMENT MANAGER

8 May 2019

MOUNT BARKER DISTRICT COUNCIL

COUNCIL ASSESSMENT PANEL

Wednesday 15 May 2019, 9.30 am

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1. APOLOGIES

2. CONFLICT OF INTEREST DECLARATION

3. CONFIRMATION OF MINUTES

- 3.1. That the minutes of the meeting held on 20 March 2019 as circulated to members be confirmed as a true and accurate record of proceedings

4. BUSINESS DEFERRED

Nil.

5. REPORTS BY OFFICERS

5.1. NON-COMPLYING APPLICATIONS

Nil.

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5.2. CATEGORY 3 APPLICATIONS

5.2.1. SUMMARY DETAILS

| | |
|----------------------------|--|
| Application No. | 580/177/19 |
| Applicant | HA Runge |
| Subject Land | Lot 3 in D17708, CT 5070/639, 328 Springs Road MOUNT BARKER |
| Ward | Central |
| Proposal | Partial demolition of a Local Heritage Place (Greengables - house, dairy, bakehouse, barn, shed & tree - ID 18501) - demolition of barn & shed only |
| Development Plan | Mount Barker District Council – Consolidated 8 August 2017 |
| Zone | Residential Neighbourhood |
| Form of Assessment | Merit |
| Public Notification | Category 3 |
| Representations | 2 |
| Persons to be heard | 1 |
| Agency Consultation | Nil |
| Responsible Officer | Derek Henderson, Senior Planner |
| Main Issues | Heritage |
| Recommendation | Development Plan Consent, subject to conditions |

1. BACKGROUND

The subject land was included as a local heritage place in the Mount Barker District Council Development Plan through the district wide heritage Development Plan amendment enacted on 26 October 2006. At the time of the heritage survey (in 2004) and subsequent listing, the property was located in a rural (primary production) zone. Since the listing has occurred the periphery of the Mount Barker township has been subject to a Ministerial Development Plan Amendment that resulted in a rezoning of the rural zoned land to an urban zoning (the Residential Neighbourhood Zone). The subject land was included as part of this rezoning.

Adjoining lands to the south and northwest have received development authorisations for urban development including residential land division and a regional sports hub respectively. The first stages of the land division have been implemented as has the subsequent construction of dwellings.

Refer to **Attachment 1** on page 29 for the Greengables excerpt contained in the original Heritage Survey conducted in 2004.

2. **PROPOSAL**

The local heritage listing for the land as defined in the Development Plan is:

Greengables - house, dairy, bakehouse, barn & shed (Scarborough)

House: walls constructed of local stone with stone dressings with some stone voussoirs over flat-arch openings, hipped cgi roof with various hipped and gabled additions, timber-framed openings with timber doors & timber-framed windows including early multi-paned casements and later double-hung sashes, stone chimneys with one row of coursing near top, also including kitchen and projecting chimney to rear.

Attached dairy: walls constructed of local stone with red-brick dressings, cgi gable roof and timber-framed openings with timber doors & timber-framed windows.

Bake-house: walls constructed of local stone with some red-brick sections, cgi gable roof, timber-framed openings with timber doors & timber-framed windows, and a projecting chimney with [rendered] stack.

Barn: timber-framed with some timber-slabs and mostly cgi cladding, including tree-branch framing to additions and cgi gable roof.

Shed: timber-framed using saplings for roof timbers, hipped cgi roof and cgi cladding and timber-framed openings.

Tree: Several-hundred-year-old river red gum located between the pioneer house and barn.

The proposal is for the demolition of two of the items that form part of the local heritage place, being the Barn and the Shed as described above.

The intent of the proposal is to establish a property value for the land owner that is a fair representation in regard to identifying the potential developable area as anticipated within the Residential Neighbourhood Zone. This would then be a driver for investment for urban development of the land.

Refer to **Attachment 2** for details of the proposal on page 33, including **Site Plan** on page 43.

3. **LOCATION/LOCALITY**

The existing use of the property is a rural residence with associated buildings and infrastructure located on the fringes of the existing township. The subject land is identified as Lot 3 in D17708, CT 5070/639 located at 328 Springs Road, Mount Barker.

The historic aerial photography from 1949, as identified in Figure 1 and marked-up (with Council Planner comments) in Figure 2, delineates:

- The cottage/dairy/bakehouse complex
- Siting of the original barn
- Siting of the shed and adjacent remnant gum tree
- Shed on adjoining property to the northeast that is purported to have been purchased and materials used for a shed rebuilt on the original shed site (in the 1970s, following the original sheds failure)
- Limited landscaping other than the occasional remnant gum trees
- Two other sheds (not listed in the local heritage place)

The current land includes the buildings and trees as detailed above and:

- An extensive addition to the original cottage/house
- An additional farm shed
- A horse arena
- Tree plantings including Monterey Cypress pines, a Regulated Oak Tree and trees along the driveway entrance and the front yard between the house and Springs Road

The general condition of all the sheds on the land ranges from fair to poor, with the local heritage listed items in the poorest condition.

All buildings are setback a minimum of 85 metres from the front boundary, with the heritage listed elements not visible from Springs Road due to screening by non-listed structures (shed and later dwelling additions) and planted trees.

The locality includes land within the Residential Neighbourhood Zone, located on the western side of Springs Road as detailed previously (in the Background section).

The land on the eastern side of Springs Road is within the Primary Production Zone (as indicated in Figure 5) and remains as primary production land, either for livestock grazing, hay production or horticulture. The closest residence to the property is the farm residence directly opposite at 323 Springs Road.



Figure 1: Aerial Photo of subject land, February 1949



Figure 2: Council Planner mark-up identifying buildings in 1949

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Figures 3 and 4: Aerial Photo of subject land (above) and locality (below). Location of representors properties identified in yellow (and numbered as per representor table in Section 6.1)

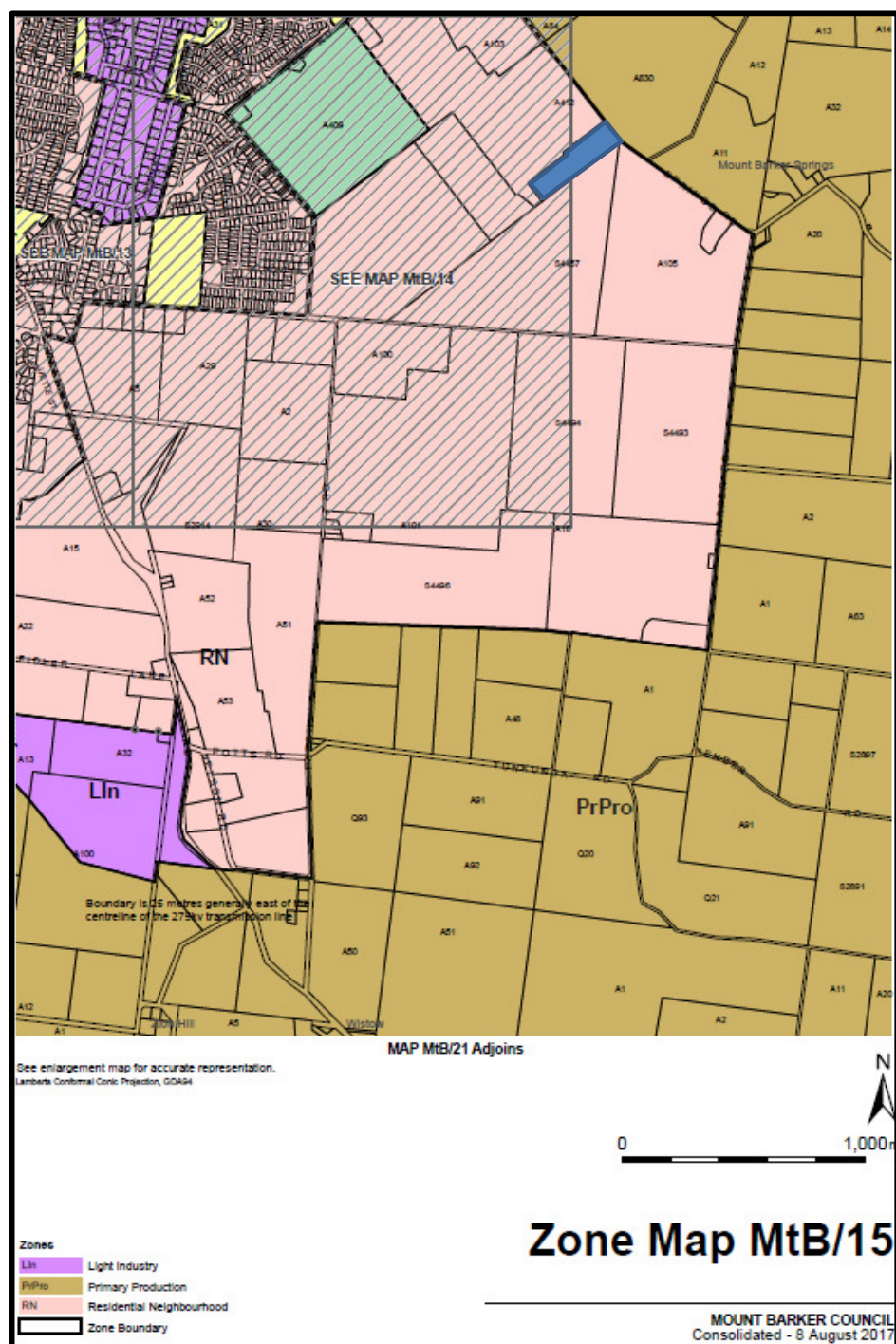


Figure 5: Development Plan zoning in the locality. Subject land in blue.

Photos 1-6: Barn







Photos 7-15: Shed



Local Heritage listed Tree (Remnant Significant Gum Tree) in foreground of Shed









4. GOVERNMENT AGENCY SUBMISSIONS

No agency referrals are applicable for this proposal.

5. COUNCIL DEPARTMENT COMMENTS

5.1. Council's Heritage Consultant

The advice received from Council's Heritage Consultant, Douglas Alexander, identifies the key attributes of the listing as:

- The location of the listed places is consistent with the Heritage Report written by DASH Architects as submitted by the applicant.
- The site has been local heritage listed as a complex rather than a series of individual buildings/structures, which results in some heritage value attributed to the space between the structures.
- The Shed and Barn are separated from the main cluster of listed elements and are determined to be the least integral to the listing and in the poorest condition.
- The Shed and Barn are not considered to be fundamental to the listing, with the most important and integral elements of the Local Heritage Place being retained.
- If the Shed and Barn are consented for removal, the remnant pioneer farm complex will continue to demonstrate a variety of typical local design and construction techniques.
- Confirmed that the Shed is not likely to be part of the original complex.

The conclusion is that the part demolition will not diminish the fulfilment of the local heritage listing. Prior to demolition, the Heritage Consultant has recommended that the listing be enhanced through measures including establishing a respectful curtilage, recording the structure for archival purposes and retain/salvage original components onsite for future onsite interpretation of the heritage.

Refer to **Attachment 3** for a copy of the Heritage Consultants report, page 79.

5.2. Council's Strategic Planning and Policy Department

Council's Strategic Planning and Policy department have reviewed the proposed application documents in the context of the Development Plan and existing and proposed strategic projects. It confirms that there will be instances of conflict in regard to the retention of heritage buildings and large scale greenfield residential development. It is not imperative in the zoning circumstances and in the context of approved adjoining residential development that an application for demolition is to await inclusion in a land division proposal. The department is general supportive of the application.

Refer to **Attachment 4** for a copy of the Strategic Planning and Policy report, page 85.

6. **PUBLIC NOTIFICATION**

The application was advertised in accordance with Part 4 of the Development Act 1993 (Category 3 Notification).

Adjoining/affected land owners were notified and a notice placed in the Courier on 27 March 2019.

Pursuant to Part 4, Section 38(10)(b) of the Development Act 1993 the Council Assessment Panel must allow a person who made written representation to appear personally or by representative before it to be heard in support of the representation.

6.1. **Representations**

Two (2) representations were received as a result of the public notification, and are summarised as follows. The location of the representors' properties is identified in Figure 4.

| | Representor | Address | Summary of Issues | Request to be heard (Category 3) |
|----------|--------------------|---------------------------------|---|---|
| 1 | Phil Steer | 370 Springs Rd, Mount Barker | In support of the proposal in light of: <ul style="list-style-type: none">• Buildings in a dangerous state• Negligible heritage value due to ad hoc repairs | No |
| 2 | Nathan Rogers | 2/9A Albert Rd, Mount Barker | Opposed to the proposal: <ul style="list-style-type: none">• Listed heritage items should remain. | Yes |

Refer to **Attachment 5** for a copy of the representations received, page 87.

6.2. **Response to Representations**

Refer to **Attachment 6** for a copy of the applicant's response to the representations, page 93.

It is noted that the response on behalf of the applicant refers to the submission by Nathan Rogers being "not relevant to the planning merits of the application and is not therefore a valid representation". It is considered that whilst commentary by the representor on the validity of the Council Assessment Panel to deliberate on the demolition of a heritage place is clearly not supported by legislation, it is considered that the representation is still valid in regard to opposition to the removal of the items as proposed.

7. ASSESSMENT

7.1. Classification of Development

The proposed development is neither identified as being complying nor non-complying in the Residential Neighbourhood Zone, and accordingly is required to be assessed on its merits having regard to the relevant provisions of Council's Development Plan.

7.2. Relevant Development Plan Provisions

The development application is required to be assessed against the Development Plan in effect at the time of lodgement, being the Mount Barker District Council Development Plan Consolidated – 8 August 2017.

The following provisions are determined to be applicable for the proposal; however only the most relevant are to be discussed in detail below.

Zone Section

Residential Neighbourhood Zone: Objectives 1, 2, 3, 10 Principles of Development Control (PDCs) 1, 7, 23, 37, 41

General Section

Heritage Places: Objectives 1, 2, 3 PDCs 1, 3, 4, 9, 11

Orderly and Sustainable Development: Objectives 1, 4, PDCs 1, 3, 4

Regulated Trees: Objective 1 PDC 1

Significant Trees: Objective 1 PDCs 2, 3, 6, 7

7.3. Development Plan Assessment

No change in land use is purported as part of this proposal. The proposal has no impact on the continuation of the existing use as a rural living property until such time as a future application for urban development is lodged for assessment.

Heritage Impact

The importance of the heritage listing is reflected in the Heritage Survey of 2004 which identifies the farm as being established in 1840 and the house being the oldest surviving inhabitable residence in the district. There are questions raised by DASH Architects as to the veracity of the date of construction of the house and it is inferred that the house may be in fact been constructed c1865 instead. Irrespective of the date, it is determined that the local heritage value is generally reflective of the original criteria for the listing as a farm complex.

The relevant Objectives for Heritage Places as contained in the general section of the Development Plan are identified below. Both DASH Architects and Council's Heritage Consultant conclude that the removal of the Shed and Barn from the land would, whilst not fully satisfying Objective 1, not result in the loss of cultural significance of the farm complex. Whilst the adaptive re-use of the house/attached dairy/bakehouse has already occurred and can continue in a future urban precinct (as could the spatial connection between the listed Tree and these items), it is considered that adapting the use of the Shed and Barn, which are of poor construction with limited original

components, into an urban environment does not. The setting of the Local Heritage Place is retained (including the listed Tree) and suitable determination of the siting that reinforces the integrity of the heritage place and curtilage of a size sufficient to protect its setting can be achieved as per the intent of the heritage provisions.

OBJECTIVES

- 1 The conservation of State and Local Heritage Places.
- 2 The continued use, or adaptive re-use of State and Local Heritage Places that supports the conservation of their cultural significance.
- 3 Conservation of the setting of State and Local Heritage Places.

In regard to PDC1 of Heritage Places, as per below, there are two instances where demolition is envisaged. Only part (b) is applicable (although there is conjecture as to whether the Shed is in fact incorrectly included in the listing due to the anecdotal evidence that this is a later reconstruction from salvaged material).

There is no current risk to public safety, however it is considered that in a future urban precinct the Shed and Barn structures themselves that are subject to poor construction techniques, placement of poles directly in the ground (and subject to rot) with the structure leaning in several places with corrugated sheeting in poor condition (and subject to loss in a storm event) are inappropriate structures. As such, it is considered that the Shed and Barn would represent an unacceptable risk to public safety.

- 1 A heritage place spatially located on *Overlay Maps - Heritage* and more specifically identified in [Table MtB/9 - State Heritage Places](#) or in [Table MtB/8 - Local Heritage Places](#) should not be demolished, destroyed or removed, in total or in part, unless either of the following apply:
 - (a) that portion of the place to be demolished, destroyed or removed is excluded from the extent of the places identified in the *Table(s)*
 - (b) the structural condition of the place represents an unacceptable risk to public or private safety.

For the purposes of the heritage impact itself, it is determined that the proposal, on balance, satisfies the intent for supporting the cultural significance of the Greengables Local Heritage Place.

Orderly and Sustainable Development in the Residential Neighbourhood Zone

Procurement of land, or an interest in land, at the appropriate timing and value is integral to enabling the commencement of investigations, design, detailed assessment and ultimate implementation of urban development within townships. Identifying constraints and opportunities afforded by the site is key to setting a price for the land that provides a suitable return to the land owner and a level of confidence to the purchaser as to the potential developable area of the land. In this instance, the retention or otherwise of the Shed and Barn, not only in regard to the size (particularly of the Barn), but also siting away from the House complex could result in a significant impact on the value of the land. In addition, if retention was required then there would be significant investment required to be able to stabilise the structures (if this is at all possible) which even then is unlikely to be satisfactory for retention in an urban environment or public realm.

The Objectives and Desired Character of the Residential Neighbourhood Zone (as per below), and as reflected in the Structure Plan for the locality, identifies the subject land as being for a residential area (refer Figure 6). The land is in close proximity to not only an identified centre but is on a future public transport route (Heysen Boulevard/Springs Road) and adjacent to public open space (in the form of the regional sports hub). Increased dwelling densities, with higher density housing in envisaged. The retention of large structures such as sheds which occupy a significant site area and have no function within an urban precinct, particularly one of higher density, and would be contrary to the objectives for the zone.

OBJECTIVES

- 1 A predominantly residential area that comprises a range of dwelling types together with local and neighbourhood centres that provide a range of shopping, community, business, and recreational facilities for the surrounding neighbourhood in the locations indicated on [Concept Plan Map MtB/16 - Mount Barker and Littlehampton](#).
- 2 Increased dwelling densities within and in close proximity to centres, public transport routes and public open spaces.
- 3 A zone that provides a range of affordable and adaptable housing choices that cater for a variety of household structures, including a minimum of 15 per cent affordable housing.

It is anticipated that the zone will accommodate at least 7000 dwellings of varying forms that respond to different household sizes, life cycle stages and housing preferences. While the dominant character is expected to be detached low to medium density housing forms of up to three storeys, higher density housing (including taller buildings) are envisaged within 400 metres of centres, public transport routes and areas of high public amenity including public open space.

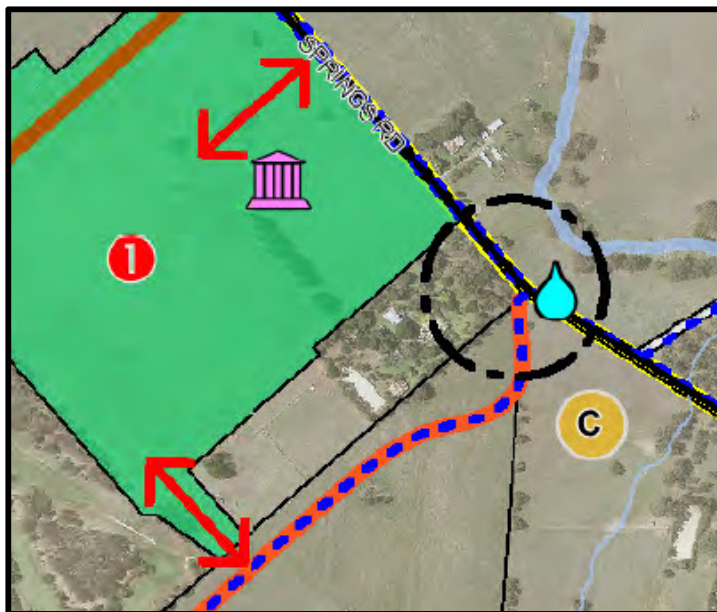


Figure 6: Latest Mount Barker Growth Plan, providing detailed analysis of the Concept Plan Map for Mount Barker as identified in the Development Plan. The regional sports hub location is identified in green, centre by the yellow C and Heysen Boulevard as the blue dashed line.

In regard to timing of the demolition of the Shed and Barn, PDC4 in the general section of the Development Plan relating to Orderly and Sustainable Development identifies that “The economic base of the region should be expanded in a sustainable manner”. It is considered that due to the significant impact that retention or otherwise might have on land value, particularly in relation to the objectives for high density residential development for this land, then determination on the demolition of the Shed and Barn prior to detailed land division assessment is the appropriate sustainable and orderly approach to the future conservation of the Local Heritage Place within an urban environment.

Regulated and Significant Trees

No regulated or significant trees, including the Local Heritage listed tree, are proposed to be impacted on by the proposal. With the implementation of suitable fencing for regulated and significant trees in proximity to the buildings proposed to be demolished, the root plate and canopy of these trees can be suitably protected.

8. CONCLUSION

Based on heritage impact alone it is determined that, on balance, the demolition of the Shed and Barn components of the Local Heritage Place is appropriate in that:

- The structural integrity of the structures is very poor.
- As utilitarian structures, there is very little left remaining from the original buildings (only the poles and some rafters), with later modifications with sawn timbers and corrugated cladding being the predominant form.
- The cultural significance of Greengables is retained as is the setting.

In addition to the argument on heritage matters, the retention of these structures is determined to be contrary to the intent of the Development Plan in relation to:

- The future urban development of the subject land as a high density residential precinct in proximity to the regional sports hub, public transport route and local centre.
- Inability for adaptive re-use in an urban precinct.
- Not safe structures within a public realm.
- Retention would require substantial investment in regard to stabilising and recladding to make safe (if at all possible) for minor benefit.
- Inappropriate structures within an urban precinct as opposed to the retained local heritage items.
- Orderly timing of the demolition proposal to suitably secure interests for future development whilst providing a true value of the land for the vendor.

To this end, notwithstanding a few shortfalls in regard to the loss of some of the heritage value of the local heritage place, the proposal is considered, on balance, to have sufficient merit to warrant support.

9. RECOMMENDATION

It is recommended that the Council Assessment Panel:

RESOLVE that the proposed development is not seriously at variance with the policies in the Mount Barker District Council Development Plan Consolidated 8 August 2017.

RESOLVE to GRANT Development Plan Consent to the application by HA Runge for the Partial demolition of a Local Heritage Place (Greengables - house, dairy, bakehouse, barn, shed & tree - ID 18501) - demolition of barn & shed only at 328 Springs Road, Mount Barker in Development Application 580/177/19 subject to the following conditions:

Development Plan Consent Conditions:

1. The development herein approved to be carried out in accordance with the stamped plans and details accompanying this application to ensure the proposal is established in accordance with the submitted plans, except where amended by attached conditions.
2. The remaining items listed in the Greengables Local Heritage Place (House, Attached Dairy, Bakehouse and Tree) are to be retained.
3. Prior to the commencement of any demolition works on-site, tree protection zones must be established around regulated and significant trees in proximity to the works (in particular the regulated Oak tree and significant/local heritage listed Remnant Gum tree, both adjacent to the Shed to be demolished), to the satisfaction of Council. Tree protection zones must be fenced and sign-posted, and no persons, vehicles or machinery must enter the tree protection zones without the consent of the Council or a professional arborist with a minimum qualification of a Certificate V in Arboriculture.
4. Prior to the commencement of demolition works a record of the Shed and Barn structures is to be provided to Council. Key artefacts, original structural components or other items of archaeological interest are to be retained onsite until such time as suitable onsite interpretation of the heritage listing be established and re-use opportunities for structural components determined. These matters are to be undertaken to the satisfaction of Council's Heritage Consultant.

Attachment One (1)

DC Mount Barker Heritage Survey (2004) ~ Part 5

Local Heritage Recommendations

Greengables - house, dairy, bakehouse, barn, shed & tree Place: 1449

Recommendation Significant fabric

L* ~ Recommended for inclusion in the local heritage register

House: walls constructed of local stone with stone dressings with some stone voussoirs over flat-arch openings, hipped cgi roof with various hipped and gabled additions, timber-framed openings with timber doors & timber-framed windows including early multi-paned casements and later double-hung sashes, stone chimneys with one row of coursing near top, also including kitchen and projecting chimney to rear. **Attached dairy:** walls constructed of local stone with red-brick dressings, cgi gable roof and timber-framed openings with timber doors & timber-framed windows. **Bake-house:** walls constructed of local stone with some red-brick sections, cgi gable roof, timber-framed openings with timber doors & timber-framed windows, and a projecting chimney with [rendered] stack. **Barn:** timber-framed with some timber-slabs and mostly cgi cladding, including tree-branch framing to additions and cgi gable roof. **Shed:** timber-framed using saplings for roof timbers, hipped cgi roof and cgi cladding and timber-framed openings. **Tree:** Several-hundred-year-old river red gum located between the pioneer house and barn.

Address Land Description Certificate of Title

Springs Rd, Mt Barker Springs
Lot 3, Section 65, Hundred of Macclesfield
CT 5070-639

State Heritage Status Other Assessments

Nil **HSA file no.** Nil
• Hignett & Co. 1983, *Mount Barker District Heritage Survey*, L35

Map Reference Photo filename

East 1.4
Mt Barker Heritage Survey\MBHS Photos\MB Springs\MBS Springs
Greengables#1-8.jpg



Shed at Greengables, 2004

Greengables - house, dairy, bakehouse, barn, shed & tree Place: 1449

HISTORY

Date (approximate) c1840, 1980

Current Use Farmhouse, barn, shed & outbuildings

Original Use Farmhouse, dairy, bakehouse, barn & shed

The hill now known as Mount Barker was conspicuous enough to be spotted as early as 1830, when Captain Charles Sturt viewed it from the River Murray. In 1831, the Mount was officially identified by Captain Collett Barker, and it was subsequently named after him. This was to become a significant commemoration of the Captain, as the Mount became a focus for some of the earliest pastoral activity in the Colony, was the locality chosen for the Colony's first special survey, and soon overlooked the site of one of South Australia's most important towns, the namesake township of Mount Barker. After being first climbed and explored in 1837, the Mount was the centre of the 1839 Mount Barker Special Survey which then opened up the Mount Barker lands, and enticed farmers to the area. The earliest settlers squatted along the Mount Barker Creek near the Springs in an area which became known as 'The Village', and later as Burnbank or Mount Barker Springs. The oldest surviving cottage at the Springs is Greengables on Springs Rd. This farm was established by the Scarborough family in 1840, and the original stone cottage with projecting chimney is believed to date from this time, and to be the oldest surviving inhabitable residence in the district (Hack's earlier 1839 cottage near Echunga being ruinous, and McFarlane's 1839 pioneer farmhouse at Mount Barker being demolished). Various buildings were built at Greengables in the mid-19th-century, including the cottage (extended several times during the 19th century, and also again in 1980), the bakehouse, dairy and timber shed and barn. This property was later owned by the Stephenson family.

STATEMENT OF HERITAGE VALUE

The original farmhouse at Greengables is the oldest surviving inhabitable residence in the district and the complex has vital associations with the earliest period of development in the Mount Barker district, and with the early establishment and development of the Springs, one of South Australia's most significant early farming localities. The surviving 19th-century farm buildings also comprise an outstanding example of a mid-19th-century pioneer farm complex which demonstrates a variety of typical local design & construction techniques, including fine stonework, use of timber branches for barn and shed construction, and use of projecting chimneys.

RELEVANT CRITERIA

- (a) *it displays historical, economic or social themes that are of importance to the local area, The original farmhouse at Greengables being the oldest surviving inhabitable residence in the district and the complex having vital associations with the earliest period of development in the Mount Barker district and with the early establishment and development of the Springs, one of South Australia's most significant early farming localities.*
 - (b) *it represents customs or ways of life that are characteristic of the local area, demonstrating the typical way of life of the farmers in the Mount Barker Springs area, especially the way in which separate dairys and bakehouses were often constructed near to pioneer cottages..*
 - (d) *it displays aesthetic merit, design characteristics or construction techniques of significance to the local area, being an outstanding example of a mid-19th-century pioneer farm complex which demonstrates a variety of typical local design & construction techniques, including fine stonework, use of timber branches for barn and shed construction, and use of projecting chimneys. The tree also displays aesthetic and environmental merit of significance to the complex.*
 - (e) *it is associated with a notable local personality or event, namely the Scarborough family, the first settlers to construct a house in the Springs area.*
-

Greengables - house, dairy, bakehouse, barn, shed & tree Place: 1449

RELEVANT CRITERIA, cont.

- (g) *in the case of a tree – it is of special historical significance or importance within the local area, the mature river red gum at Greengables having formed a central part of this significant early farm complex since it was first established in 1840.*
-

REFERENCES

- DC Mt Barker, Mount Barker file.
 - Hignett & Co. 1983, *Mount Barker District Heritage Survey*, L35.
 - Local History Centre, heritage files & photographs.
 - Martin, Vivien S 1982, *Mostly Mount Barker*.
 - National Trust of South Australia 2001, *Then and Now, Photographic Mount Barker*, pp 104-5 & 107.
 - National Trust of South Australia (Mount Barker branch), photographic collection.
 - Oral history: Betty Bell.
 - Schmidt, Bob 1983, *Mountain upon the Plain, A History of Mount Barker and its Surroundings*, esp. p 17.
 - www.heritage.gov.au/ahpi, www.slsa.sa.gov.au, www.southaustralianhistory.com.au
-



House at Greengables, 2004



Interior of shed at Greengables, 2004

Greengables - house, dairy, bakehouse, barn, shed & tree Place: 1449



Barn at Greengables, 2004



Bakehouse at Greengables, 2004



House at Greengables showing kitchen, note early projecting chimney



House at Greengables showing kitchen to LHS & attached dairy to RHS, 2004



Dairy at Greengables, 2004



Tree at Greengables with house in background

Attachment Two (2)



Development application form

Development Act 1993

| | | |
|--|---|---|
| PO BOX 54 MOUNT BARKER SA 5251 TELEPHONE: (08) 8391 7200 www.mountbarker.sa.gov.au | OR 6 Dutton Road MOUNT BARKER FAX: (08) 8391 7299 | Office use only DEVELOPMENT NUMBER: 580 / / |
|--|---|---|

Please use BLOCK LETTERS and Black or Blue ink so that photocopies can be made of your application

PLEASE TICK AS REQUIRED

Development Plan Consent ☐ Building Rules Consent ☐ Development Approval (both) ☐

APPLICANT'S CONTACT DETAILS:

Name: HELENA RUNGE Email: C/- BOTTEN LEVINSON LAWYERS (BELOW)
Postal Address: C/- BOTTEN LEVINSON LAWYERS (BELOW) Phone: _____

OWNER'S CONTACT DETAILS:

Name: HELENA RUNGE C/- BOTTEN LEVINSON LAWYERS Email: jal@bllawyers.com.au
Postal Address: GPO BOX 1042, ADELAIDE, SA, 5001 Phone: 8212 9777

BUILDER'S CONTACT DETAILS:

Name: _____ Email: _____
Postal Address: _____ Phone: _____

CONTACT PERSON:

Name: JAMES LEVINSON Email: jal@bllawyers.com.au

DESCRIPTION OF DEVELOPMENT: Demolition of a shed and a barn, which comprise part of a local heritage place

Proposed Use (e.g. Dwelling, Shop, Garage): N/A

Existing Use (e.g. Vacant, Dwelling, Grazing): N/A

LOCATION OF PROPOSED DEVELOPMENT:

Assessment No: _____ **Parcel No:** _____
House No: _____ **Lot / Section No:** 3 **Street:** SPRINGS ROAD
Town: MOUNT BARKER **Volume:** 5070 **Folio:** 639

BUILDING RULES CLASSIFICATION SOUGHT: _____ **Present classification:** _____

If Class 5, 6, 7, 8 or 9 classification is sought, state the proposed number of employees: Male: _____ Female: _____

If Class 9a classification is sought, state the number of persons for whom accommodation is provided: _____

If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises: _____

Does either Schedule 21 (Activities of Environmental significance) or 22 (Activities of Major Environmental significance (EPA)) of the Development Regulations, 2008 apply? ☐ Yes ☐ No

DEVELOPMENT COST (do not include shop fitout costs): \$ _____

I acknowledge that copies of this application and supporting documents may be provided to interested persons in accordance with the Development Regulations, 2008.

SIGNATURE:  on behalf of **DATE:** 22/2/19
Applicant / Owner / Agent James Levinson

RELEVANT FEES, THREE (3) COPIES OF PLANS & TWO (2) COPIES OF ANY OTHER RELEVANT SUPPORTING DOCUMENTATION ARE DUE ON SUBMISSION OF THIS APPLICATION

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| Product | Register Search (CT 5070/639) |
| Date/Time | 22/02/2019 11:05AM |
| Customer Reference | 218328 |
| Order ID | 20190222004019 |

REAL PROPERTY ACT, 1886



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5070 Folio 639

| | | | | | |
|---------------------|-----------------|---------|---|----------------|------------|
| Parent Title(s) | CT 4279/866 | | | | |
| Creating Dealing(s) | CONVERTED TITLE | | | | |
| Title Issued | 30/04/1992 | Edition | 4 | Edition Issued | 12/11/2015 |

Estate Type

FEE SIMPLE

Registered Proprietor

PETER EDWARD RUNGE
HELENA ANNA RUNGE
OF SPRINGS ROAD MOUNT BARKER SA 5251
AS JOINT TENANTS

Description of Land

ALLOTMENT 3 DEPOSITED PLAN 17708
IN THE AREA NAMED MOUNT BARKER
HUNDRED OF MACCLESFIELD

Easements

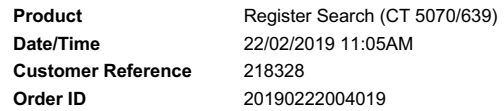
NIL

Schedule of Dealings

NIL

Notations

| | |
|---------------------------|-----|
| Dealings Affecting Title | NIL |
| Priority Notices | NIL |
| Notations on Plan | NIL |
| Registrar-General's Notes | NIL |
| Administrative Interests | NIL |





Our ref: JAL/218328

28 February 2019

Mr Andrew Stuart
Chief Executive Officer
Mount Barker District Council
6 Dutton Road
Mount Barker SA 5251

By email: astuart@dcmtbarker.sa.gov.au; astuart@mountbarker.sa.gov.au

Dear Mr Stuart

Development application to demolish a shed and barn at Lot 3 Springs Road, Mount Barker

This firm acts for Mrs Helena Runge, the owner of the land at Lot 3 Springs Road Mount Barker and this application for development plan consent under the Development Act 1993 is made on our client's behalf.

Development application

Enclosed with this letter and together comprising this application are the following documents:

- (a) Completed development application and *Electricity Act* clearance forms;
- (b) Certificate of Title Volume 5070 Folio 639
- (c) Site and demolition plan;
- (d) Report from DASH Architects dated 14 February 2019;

The proposed development

The proposed development is for the demolition of the buildings comprising part of the local heritage place namely the building described as "barn" and the building described as "shed" as depicted on the site plan.

Our client's land and land adjoining was re-zoned as part of the Residential Neighbourhood Zone (**RNZ**) in 2010. The Locality has been progressively developed for largely residential purposes since. Our client wishes to sell the land and the demolition is to facilitate that sale.

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– 2 –

Residential Neighbourhood Zoning

Within the RNZ, a range of dwelling types are sought together with an increase in dwelling densities within and in close proximity to various centres and public transport routes etc.

The Desired character for the Zone seeks to develop a series of interconnected neighbourhoods designed to promote social interaction, participation and a sense of community for all residents. The desired character recognises that the Zone will accommodate at least 7000 dwellings of varying forms. That development is expected to be in the form of detached low to medium density housing forms of up to 3 storeys with higher density housing including taller buildings within close proximity to centres public transport routes etc.

The Desired character seeks:

to deliver housing diversity, including affordable and social housing products, innovative solutions in land division, housing design, access and parking will be encouraged.

Currently the location of the barn and the shed on the land pose restrictions/limitations as to the desire to deliver *affordable and social housing products* by limiting land that can be divided in accordance with the RNZ Development Plan provisions.

The principles of development control encourage all forms of dwellings within the RNZ. That is consistent with the desired character . Further the Development Plan identifies reasonably modest allotment sizes as is evidenced RNZ PDC 17 – where a detached dwelling can be established on allotments of 270m² and residential flat buildings on 200m² allotments and row dwellings & detached dwellings constructed boundary to boundary where an allotment of only 150m² is sought.

Thus, it is clear that the Development Plan is seeking to maximise the land to be used consistent with the general purpose of the RNZ i.e., to establish a residential area that comprises a range of dwelling types with increased dwelling densities.

There is no express reference in the RNZ to heritage places or their preservation, which can be contrasted to a number of the other zones with specific references made to the Heritage places. There seems to be a different emphasis in other zones regarding heritage places compared to the RNZ provisions. That is consistent with the desire in the RNZ for a range of dwelling types with increased dwelling densities so as to achieve the goal of "*affordable and social housing [products]*".

Development Plan heritage provisions

The approach taken by the Development Plan is to seek the conservation, enhancement and maintenance of local Heritage places.

However the Development Plan also acknowledges that one can also take into account the structural condition of the place.

Although generally speaking, heritage places ought to be conserved, for the reasons that follow, this application seeking the demolition of the two elements of the Local Heritage place (the barn and the shed) ought to be granted Development Plan consent.

– 3 –

Legal approach regarding demolition of local Heritage places

Full Supreme Court in the matter of *Lakshmanan v City of Norwood, Payneham and St Peters* considered an application to demolish a local heritage place which had been flooded by an adjacent creek breaking its banks.

Two important legal principles arise from that decision that are relevant to this matter being:

1. it is well accepted that principles of development control are guidelines. An application for development must be assessed against those principles. On occasions, perhaps even commonly, developments will advance the objects of some parts of the Development Plan but be inconsistent with others. In that case, a planning judgement must be made as to the merits of the proposed development.
2. It is necessary to consider the relative heritage value of a (Local) Heritage Place in question. The Court said it is appropriate to conduct an enquiry into the weight to be given to that listing.

Put another way, the Court recognised that not all local heritage places are alike. There is a range and one has to consider as a matter of fact and degree whether or not a particular building (in this case buildings which form part of several buildings at a listed place) ought to be retained.

Value of the barn and shed

Consistent with the approach taken by the Full Supreme Court and as applied by the Full Bench of the ERD Court¹, it is appropriate to have specific regard to the value of the buildings, forming part or elements of the overall listed local heritage place. As mentioned, the Courts have recognised that there is in effect a 'scale or range' as to the heritage value of an individual place.

We have obtained a report from Mr Jason Schulz of DASH Architects, an experienced and respected heritage consultant which examines the listing of all the buildings forming part of "Greengables". The report, **attached**, identifies obvious flaws in the 2004 Heritage survey upon which the listing of Greengables is based, (and an earlier report in 1983). Mr Schulz' report reviews all of the buildings making up the Greengables site, however this application seeks only the demolition of the two less valuable elements, the barn and the shed, as identified in the land division plan.

Barn

The Report raises real questions about when the barn was constructed and indeed how it was constructed. The Report also raises questions about the approach taken in the original listing. However, ultimately the conclusion in relation to the barn, section 4.5 is as follows:

- *very low integrity, with most of the structure likely rebuilt from salvaged materials*
- *the majority of the structure likely post dates 1949; and*
- *structure in poor condition*

¹ See *Mitchellmore v the Barossa Council*

– 4 –

Shed

The shed is discussed in section 4.4 where Mr Schulz estimates that the shed probably had its origins in the 1890s not the 1840s as the earlier reports apparently wrongly assumed. Our client placed sheets of used corrugated iron on two sides of the shed during the course of her ownership and they are clearly not original.

The summary in the Report concludes that the shed is:

generally unremarkable, and not representative of early shed constructions, and province and integrity unknown, but possibly has some origins in the 1890s.

Conclusion in 4.5

The Report concludes that the shed and the barn:

... both individually and collectively are not considered to be an "outstanding example" due to their compromised integrity and legibility.

The ultimate conclusion in the Report in section 4.6 reads:

Based upon the above analysis DASH Architects finds the farm complex located at Lot 3 Springs Road, Mount Barker is not an "outstanding example of a mid-19th-century pioneer farm complex, particularly when compared to other heritage listed farm complexes within the local area.

Of particular note the barn is likely to have been highly modified, while the shed structure is considered to be unremarkable.

Overall, the farm complex on the subject site is at best, a modest example of an early farm complex and has been highly modified over the course of its life.

The listed place as a whole is unremarkable, but these two elements within it are of substantially less heritage value and provide limited contribution to the heritage value of the remainder of the site.

Consistent with the decision in *Micheltmore*, because the buildings are "at the lower end of the order of value for such places, despite the Development Plan seeking the conservation, enhance and maintenance of local Heritage places, it is appropriate to grant Development Plan consent for the demolition".

Condition of buildings

The Development Plan also makes reference to the condition of the buildings. It is clear from the Report together with the photographs included therein from the 2004 survey, and the recent photographs that both the barn and the shed are in very poor and heavily modified condition.

There seems to be little or no incentive why those buildings ought to be "upgraded" noting in any event that the broad definition of development in relation to a local heritage place will mean that "planning consent" would be necessary for any such upgrade. Given the utilitarian value of the buildings and the fact that they are unremarkable and highly modified, there seems to be little reason why any expense be incurred to upgrade/maintain these buildings.

– 5 –

Conclusion

As noted above, the Full Supreme Court has made it clear that when considering development applications (including of this type) one is to treat the Development Plan principles as guidelines. Often a development is consistent with or will advance the objects of the Development Plan but in other cases, development may be inconsistent with those objects. In that case a planning judgement must be made as to whether to approve or refuse the application.

The Courts have recognised that Local Heritage places are not all the same in the sense that they each have a (relative) value. One must consider the relative heritage importance of each individual building forming an element of the listed place as a matter of fact and degree.

Mr Schulz' report makes it clear that the barn "...is *(an unremarkable building)* and is highly modified...[and] the shed is also unremarkable"

Overall the Report concludes that the farm complex is at best "*a modest example of an early farm complex that has been highly modified over the course of its life*"

It is clear that these two buildings have limited value as Heritage Places and for all these reasons, Development Plan consent ought to be granted.

Yours faithfully



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Encl. as described above

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Lot 3: Springs Road Mount Barker: Site and demolition plan

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Heritage Assessment

Lot 3 Springs Road, Mount Barker

DA183665 Issue A

14.02.2019

*dash*architects

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1.0 Introduction

DASH Architects has been engaged by Botten Levinson Lawyers to prepare a heritage assessment of the property at Lot 3 Springs Road, Mount Barker. This has included:

- Reviewing the Local Heritage Listing for the property;
- visiting the site;
- Preparing a comparative analysis of other farm complexes in the local area;
- Undertaking research to determine the age, use and construction of the structures; and
- Assessing the significance of the farm complex and the contribution of various components.

2.0 Description

2.1 Site Location

The property is located Lot 3 Springs Road, Mount Barker in the Mount Barker LGA (Figure 1). The land parcel is CT 5070/639 D17708, Section 65, Hundred of Macclesfield.



Figure 1 – Aerial of property and its structures [Source: Google Maps 2018]

2.2 Local Heritage Place

The property is a Local Heritage Place known as 'Greengables – house, dairy, bakehouse, barn & shed (Scarborough)' (LHP No. 18501) (Figure 2).



Figure 2 – Aerial of property and its heritage listing [Source: Location SA Maps 2018]

The property was listed under criteria a, b, d, e and g under Section 23(4) of the *Development Act 1993* (SA). The Extent of Listing is noted as: ¹

House: walls constructed of local stone with stone dressings with some stone voussoirs over flat-arch openings, hipped cgi roof with various hipped and gabled additions, timber-framed openings with timber doors & timber-framed windows including early multi-paned casements and later double-hung sashes, stone chimneys with one row of coursing near top, also including kitchen and projecting chimney to rear.

Attached dairy: walls constructed of local stone with red-brick dressings, cgi gable roof and timber-framed openings with timber doors & timber-framed windows.

Bake-house: walls constructed of local stone with some red-brick sections, cgi gable roof, timber-framed openings with timber doors & timber-framed windows, and a projecting chimney with [rendered] stack.

Barn: timber-framed with some timber-slabs and mostly cgi cladding, including tree-branch framing to additions and cgi gable roof.

Shed: timber-framed using saplings for roof timbers, hipped cgi roof and cgi cladding and timber-framed openings.

Tree: Several-hundred-year-old river red gum located between the pioneer house and barn.

¹ DEW 2019

The 2004 Mount Barker Heritage Survey noted the following for the property: ²

Significant fabric

(same wording as extent of listing above)

History

Date: c1840, 1890

Current Use: Farmhouse, barn, shed & outbuildings

Original Use: Farmhouse, dairy, bakehouse, barn & shed

The hill now known as Mount Barker was conspicuous enough to be spotted as early as 1830, when Captain Charles Sturt viewed it from the River Murray. In 1831, the Mount was officially identified by Captain Collett Barker, and it was subsequently named after him. This was to become a significant commemoration of the Captain, as the Mount became a focus for some of the earliest pastoral activity in the Colony, was the locality chosen for the Colony's first special survey, and soon overlooked the site of one of South Australia's most important towns, the namesake township of Mount Barker. After being first climbed and explored in 1837, the Mount was the centre of the 1839 Mount Barker Special Survey which then opened up the Mount Barker lands, and enticed farmers to the area. The earliest settlers squatted along the Mount Barker Creek near the Springs in an area which became known as 'The Village', and later as Burnbank or Mount Barker Springs. The oldest surviving cottage at the Springs is Greengables on Springs Rd. This farm was established by the Scarborough family in 1840, and the original stone cottage with projecting chimney is believed to date from this time, and to be the oldest surviving inhabitable residence in the district (Hack's earlier 1839 cottage near Echunga being ruinous, and McFarlane's 1839 pioneer farmhouse at Mount Barker being demolished). Various buildings were built at Greengables in the mid-19th century, including the cottage (extended several times during the 19th century, and also again in 1980), the bakehouse, dairy and timber shed and barn. This property was later owned by the Stephenson family.

Statement of Heritage Value

The original farmhouse at Greengables is the oldest surviving inhabitable residence in the district and the complex has vital associations with the earliest period of development in the Mount Barker district, and with the early establishment and development of the Springs, one of South Australia's most significant early farming localities. The surviving 19th century farm buildings also comprise an outstanding example of a mid-19th century pioneer farm complex, which demonstrates a variety of typical local design & construction techniques, including fine stonework, use of timber branches for barn and shed construction, and use of projecting chimneys.

² Heritage Online 2004:172-175

Relevant Criteria

(a) it displays historical, economic or social themes that are of importance to the local area

The original farmhouse at Greengables being the oldest surviving inhabitable residence in the district and the complex having vital associations with the earliest period of development in the Mount Barker district and with the early establishment and development of the Springs, one of South Australia's most significant early farming localities.

(b) it represents customs or ways of life that are characteristic of the local area

Demonstrating the typical way of life of the farmers in the Mount Barker Springs area, especially the way in which separate dairies and bakehouses were often constructed near to pioneer cottages.

(d) it displays aesthetic merit, design characteristics or construction techniques of significance to the local area

Being an outstanding example of a mid-19th century pioneer farm complex, which demonstrates a variety of typical local design & construction techniques, including fine stonework, use of timber branches for barn and shed construction, and use of projecting chimneys. The tree also displays aesthetic and environmental merit of significance to the complex.

(e) it is associated with a notable local personality or event

Namely the Scarborough family, the first settlers to construct a house in the Springs area.

(g) in the case of a tree (without limiting a preceding paragraph) – it is of special historical or social significance or importance within the local area

The mature river red gum at Greengables having formed a central part of this significant early farm complex since it was first established in 1840.

The following images of the Greengables farm structures are taken from the 2004 Heritage Study.



Figure 3 – Shed at Greengables, 2004 [Source: Heritage Online 2004:172]



Figure 4 – House at Greengables, 2004 [Source: Heritage Online 2004:174]



Figure 5 – House at Greengables showing kitchen to left of image and dairy to right of image, 2004 [Source: Heritage Online 2004:175]



Figure 6 – Dairy at Greengables, 2004 [Source: Heritage Online 2004:175]



Figure 7 – Interior of shed at Greengables, 2004 [Source: Heritage Online 2004:174]



Figure 8 – Barn at Greengables, 2004 [Source: Heritage Online 2004:175]



Figure 9 – Bakehouse at Greengables, 2004 [Source: Heritage Online 2004:175]



Figure 10 – Tree at Greengables with house in background, 2004 [Source: Heritage Online 2004:175]

2.3 Listed Structures

The extent of listing for the property includes the house, dairy, bakehouse, barn and shed. A site visit was undertaken in January 2019 to inspect the structures. These structures are identified in Figure 11 below.

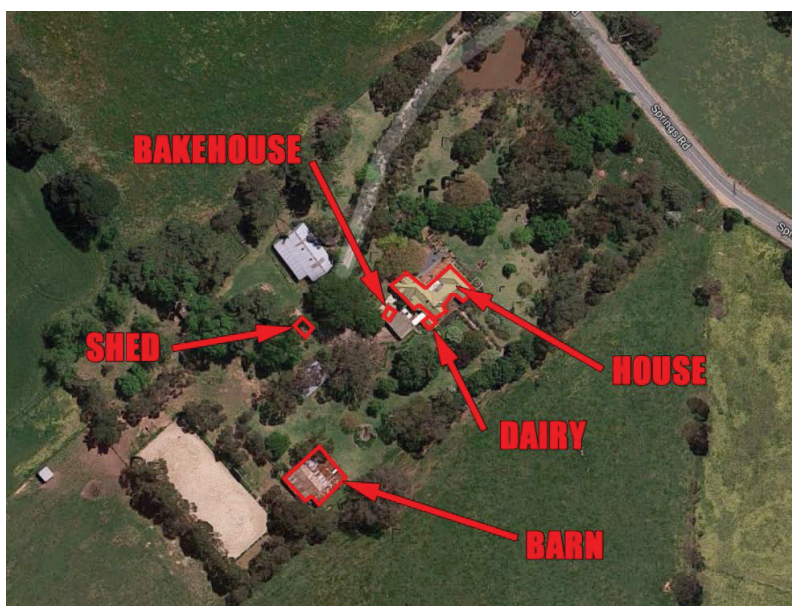


Figure 11 – Heritage listed structures

3.0 Historical Overview

To assist in understanding the significance of the complex of farm structures, historical research was undertaken through:

- The Mount Barker Local Studies Library;
- Department of Environment and Water's SA Heritage Places Database;
- State Records of South Australia;
- Trove;
- State Library of South Australia; and
- Land Titles Office.

State Records hold rate assessment books for Mount Barker for the period 1888 to 1967. These records typically provide basic information about a property, such as the type of building (i.e. house, shop) and its assessed annual value, which assist in dating structures and changes in ownership. The location of rates books pre-1888 for the area are unknown, limiting the ability to use primary sources to date the early 19th century structures on the property.

The following historical overview for the property is provided from other primary sources, such as SALIS and newspaper articles, and secondary sources, such as books, reports and papers.

3.1 Property History

In 1839 William Hampden Dutton of Sydney, in partnership with Captain John Finnis and Duncan Macfarlane, were granted the first special survey in the colony of South Australia, in Mount Barker. They nominated 4000 acres and the rest were sold per acre.³

The township of Mount Barker was surveyed and sold in 1840, as ½ acre allotments, and the three 80 acre sections immediately joining the township were divided into five acre allotments.⁴

Early housing in Mount Barker consisted of slab huts, pise, mud bricks, wattle and daub, stone and transportable Manning homes.⁵

The first record of the sale of the Subject land (based upon a title search) was in 1862, where Lot 4458 (Figure 12) (within which the Subject Site is located), in the Hundred of Macclesfield, was purchased by James Rundle and Richard Rundle.⁶

³ Dutton 1966

⁴ South Australian Register, 22 February 1840, p.1, 'The Mount Barker District open to purchase'

⁵ Higgnett and Co. 1983:12-13

⁶ The South Australian Government Gazette, 10 April 1862:307; Adelaide Observer, 12 April 1862



Figure 12 – Portion of 1839 Mount Barker Special Survey [Source: State Library of South Australia, Cartographic Map, C290]

Section 4458 was subsequently subdivided, however, the date of this subdivision is unknown. The 85 and ½ acres was owned by Clement Richard Ellis Rundle before it was sold in 1973 to Mekaja Pty. The south-west portion of the land was sold to the Mount Barker District Golf Club Inc. in 1978.⁷

In 1986 the remaining portion of the lot was subdivided into two further allotments, Section 3 (subject property) and Section 4 (Figure 13). Section 3 was purchased by Peter Edward Runge and Helena Anna Runge in 1990. Helena Runge remains the sole property owner following her husband's death in 2015.⁸

⁷ SALIS, CT 3597/187

⁸ SALIS, CT 4279/866

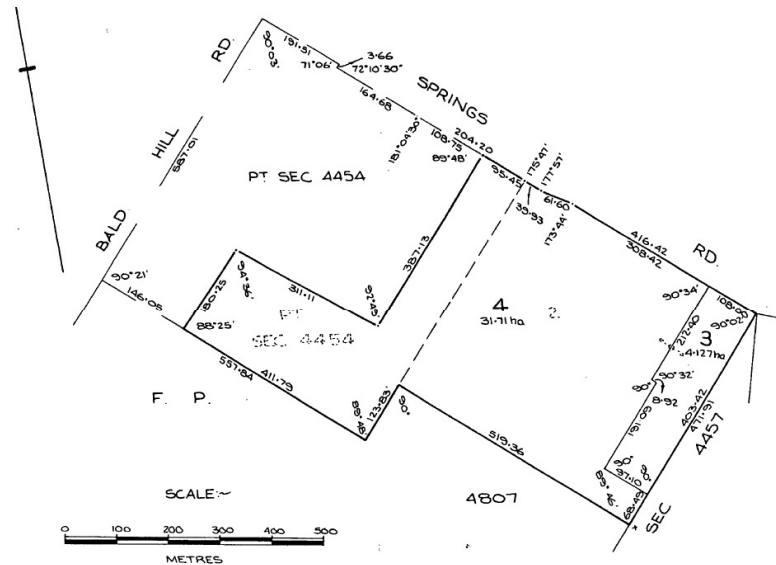


Figure 13 – Section 3 and 4 title plan [Source: SALIS, CT 4279/866]

3.2 Discussion of Property's History

The 1983 Heritage Study mentions a house, dairy and bake-house dating to c1840 as being built by the Scarborough family and it was "supposedly the oldest cottage habitable in the Mt. Barker region". This survey references "B Schmidt, Mt Barker" as the source of this information.

The local history book "Mount Barker, Mountain Upon the Plain" (by Bob Schmidt) appears to make no specific reference to the Scarborough family. This would be unusual if they were, in fact, one of the earliest land owners and responsible for the "supposedly oldest cottage habitable in Mt Barker", dating from c1840.

Further, there was no record of the Scarborough family on the historical land title search, rather, the Rundles were noted as the original land owner (consistent with Schmidt's local history).

The 2004 Heritage Survey appears to repeat the reference to the Scarbough family, however does not cite any references. It is likely this survey has simply repeated previous research, however rather than stating the dwelling as "supposedly the oldest cottage habitable in Mt Barker" it instead notes:

The oldest surviving cottage at the Springs is Greengables on Springs Rd. This farm was established by the Scarborough family in 1840, and the original stone cottage with projecting chimney is believed to date from this time, and to be the oldest surviving inhabitable residence in the district...

Neither the 1983, nor 2004 Heritage Surveys appear to make any specific reference to the Scarborough family in their Historical Overview, nor Greengables itself.

Conversely, the 1983 Survey identifies, in its chronology of the development of the local area, three houses having been constructed in nearby Nairne (the State's first officially registered township) in 1841, but no mention of early, 1840s, houses in Mt Barker.

Through historical research undertaken in preparing this assessment on the property, there is no mention of the Scarborough family or the name 'Greengables'.

4.0 Heritage Assessment

The below summary provides some discussion on the integrity, and likely date, of construction of the heritage listed structures on the site, and the extent to which they display their noted heritage values.

The earliest sourced image of the site (Figure 14) below, is an aerial image of the property dating 1949. This image is used to assist the below commentary.

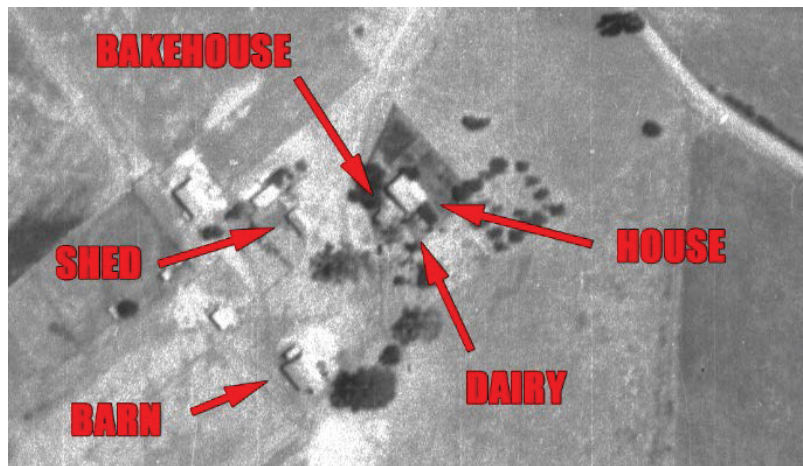


Figure 14 – Annotated 1949 aerial image of Site. [Source: Mapland]House

Council's Development Plan provides the following description of the existing house:

House: walls constructed of local stone with stone dressings with some stone voussoirs over flat-arch openings, hipped cgi roof with various hipped and gabled additions, timber-framed openings with timber doors & timber-framed windows including early multi-paned casements and later double-hung sashes, stone chimneys with one row of coursing near top, also including kitchen and projecting chimney to rear.

The existing house on the site has been notably expanded from the original four room house noted in the 1983 Heritage Survey. The oldest portion of the house remains generally as identified in Figure 15 through Figure 18 below. It is notable for its stone quoins, that differentiate it from other early stone structures on the site. The majority of the additions appear to date c1980 (again as noted in the Heritage Survey), though some portions appear to have earlier origins.

Later additions to the house have been undertaken in a similar stone to the original, though detailing (particularly quoin work) differs. These additions do notably diminish the legibility and integrity of the original cottage form, with the prevailing appearance being that of a contemporary stone dwelling that has utilised traditional proportions.



Figure 15 – Aerial image, identifying original four room cottage.



Figure 16 – Photo of house with four room cottage identified in red outline.



Figure 17 – Photo of house with four room cottage identified in red outline.



Figure 18 – Photo of house (street frontage) with four room cottage identified in red outline.

Having undertaken both a site inspection, and the above historic research, there appears to be little substantiation to the Survey's claim that the cottage dates from 1840. The earliest cottages within the local area were identified as being constructed in Narine (the State's first officially registered Township) in 1841, whereas a historical title search appears to indicate that the land was first sold in 1862, after the claimed date of the cottage construction.

The 2004 Heritage Survey provides the following discussion on early building construction techniques:

The most distinctive early building constructions usually comprised mostly timber, especially half timbering for German places, use of timber-slabs for pioneering huts and barns, timber lintels, and timber shingles on early roofs. There is also a rare example of pre-fabricated timber houses known as Manning Houses at Blakiston. Other rare surviving construction materials include pug for walling, wattle-and-daub for walls and infill, and thatch for roofs. The major significant roofing material is now cgi, although there are also several slate roofs surviving in the district. Design of buildings varied from transposed English style to traditional German – with the latter including the distinctive half-hipped steeply-pitched roofs, and the combined loft-houses, barn-houses and shophouses.

This is not to suggest that stone was not an early building material in the locality, however its construction does not align with the above description.

The claim that the house dates from the earliest period of settlement is also linked to the Scarborough family, of whom no reference could be found in any historical records, least of all the historical title search.

Accurately dating the original stone cottage is difficult, however based upon the above research we consider it likely to date c1865 (ie associated with the Rundle ownership).

4.1 Dairy

The dairy structure is not readily visible in the 1949 aerial image (Figure 14), however this is likely due to the grainy quality of the early photograph.

The dairy structure is a small stone building with red brick quoins. It is difficult to understand how this structure once served as a dairy, as it is both very small and, for such a facility, located unusually close to the house. However, ultimately, whether or not the structure was used as a dairy is likely not relevant to its potential heritage values. It remains a small stone outbuilding associated with an early phase of the site's use.

Later additions have partially subsumed the 'dairy' structure, reducing its legibility as an outbuilding and overall integrity. The use of red brick quoins differentiate the structure from the original cottage. The building has a later corrugated Colorbond roof and roof timber work.

On visual inspection, the date of the 'dairy' structure is likely to be c1880-1890, however this is somewhat conjectural.



Figure 19 – 'Dairy' structure identified in red outline.

4.2 Bakehouse

Once again, it is difficult to determine the original use of the structure identified as the Bakehouse. It is located in close proximity to the original four room cottage, and accommodates a large chimney structure, typically associated with such early uses.

The current owner of the site claims to have substantially rebuilt the Bakehouse structure (with relevant approvals) in recent years, with only the chimney structure remaining original. This correlates with visual inspection, with most of the stonework to the main structure having been recently re-laid, with new windows, doors, and roofing. Sections of stonework to the chimney have also been repaired.

Given the substantial reconstruction, it is difficult to determine whether the existing structure is consistent with the original, however it is likely to have been similar. The structure also likely dates from a similar era to the 'dairy', namely c1880-1890.



Figure 20 – Bakehouse, with original chimney to left of frame with remaining structure recently rebuilt.

4.3 Barn

Determining the provenance of the barn and the shed, as will be discussed later, is highly problematic. Both structures are highly utilitarian in the nature, were likely built with whatever materials were readily available, were not necessarily built to last, and have been repaired and likely rebuilt (at least partially) during their life. They are, so to speak, an embodiment of the so called 'farmer's axe'.⁹

The existing structure consists of a main gable roof form, with open lean-to store adjoining (Figure 21). A comparison with the 1949 aerial image (Figure 14) indicates the lean-to structures are relatively contemporary.

⁹ An old farmer boasts that he has used the same axe his whole life -- he's only had to replace the handle three times and the head twice.

An inspection of the internal timber framing (Figure 22 through Figure 24) shows the main gable columns being essentially tree trunks, with the remaining timbers being sawn to relatively standard sizes. Timber framing of the later lean-to is also consistent with that of the gable structure (other than the posts as noted) leaving it reasonable to conclude most of the timber framing of the barn postdates 1949 (with the exception of the 'trunk' posts of the main gable form).

Anecdotally, the current owner advises that previous owner (Mr Gordon Smith) built the barn in the 1970s from material salvaged from a barn (Figure 24) on the neighbour's property (Mr Bill Chester). She noted the original barn timbers were rotten and chain sawed into short posts.

While it's hard to confirm the accuracy of this claim, it is consistent with our inspection. Most of the timber framing dates from the lean-to era, that is clearly not visible in the 1949 aerial, while fixing holes in the current corrugated iron do not align with existing framing.

While the main 'trunk' columns may be original, it is similarly difficult to establish their provenance. They may have been relocated from another site as claimed, or may have been original. Even if the latter, their date of construction is nearly impossible to establish. The only matter we can state with confidence was that there was a gable roofed structure in this location in 1949.

For these reasons it seems reasonable to conclude most of the current barn structure post-dates 1949, having likely been rebuilt from a dismantled from materials salvaged from the neighbour's property. The shed is currently in poor condition, with a notable lean to many of the structural members.



Figure 21 – Barn structure



Figure 22 – Barn timbers, with lean-to structure likely postdating 'trunk' columns of gable form

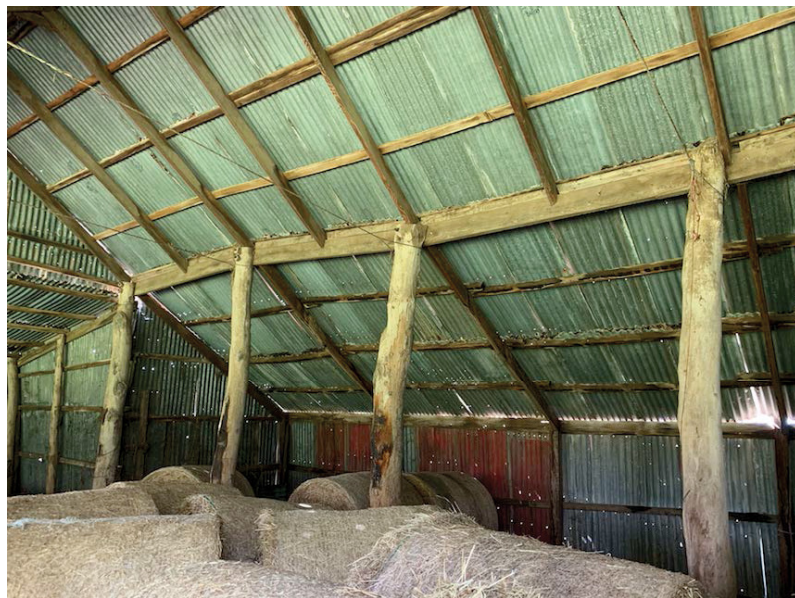


Figure 23 – Barn timbers, showing 'trunk' columns, and saw (recycled) timber framing and recycled corrugated iron



Figure 24 – Photo of neighbour's barn (date unknown) that is said to have been dismantled and reconstructed on the Subject Site.

4.4 Shed

Like the Barn, the provenance of the shed is also difficult to determine. The roof framing of the shed is a combination of unsawn rafters with sawn purlins. Wall framing is similarly mixed, with both sawn and unsawn timber members.

Very early sheds within the Adelaide Hills were timber slab construction (as noted in the 2004 Heritage Survey). Remaining timber slab sheds are rare, as they often rot and collapse due to lack of structural bracing (Figure 29).

Being utilitarian in nature, the shed structure was likely built with whatever materials were readily at hand, and maintained and repaired as necessary. For this reason it is also difficult to assess the overall integrity of the existing structure. Much of it could have been replaced, or conversely, it may retain high integrity.

The current shed remains in poor condition, with many structural members notably leaning. Unlike early timber slab structures, the current shed is particularly unremarkable.

As a best guess, we suggest the shed has origins c1890s, however this is purely supposition.



Figure 25 – Shed structure



Figure 26 – Internal framing of shed structure



Figure 27 – Internal framing of shed structure



Figure 28 – Shed structure



Figure 29 – Comparative example: early timber slab structure, Piccadilly.

4.5 Summary Analysis

In summary our assessment of the individually listed elements on the site finds:

House:

- Assessment within Heritage Survey likely to be inaccurate;
- Date of construction likely to be c1865 rather than 1840; and
- Later additions have significantly diminished the legibility and integrity of the original 4 room cottage.

Dairy:

- Unsure if the use of the structure was as dairy, but not necessarily relevant;
- 'Out-building' has since been subsumed by the substantial house extension, diminishing its legibility and integrity; and
- Date of construction possibly c1880-1890.

Bakehouse:

- Substantially rebuilt, with the chimney structure likely to be the only remaining original element (therefore low overall integrity); and
- Likely dates c1880-1890.

Barn:

- Very low integrity, with most of the structure likely rebuilt from salvaged materials;
- The majority of the structure likely postdates 1949; and
- Structure in poor condition.

Shed:

- Generally unremarkable, and not representative of earliest shed constructions; and
- Provenance and integrity unknown, but possibly has some origins c1890s

The site has been Locally Heritage listed as a complex, rather than a series of individual buildings / structures. The 2004 Heritage Survey provided the following Statement of Heritage Value for this complex:

The original farmhouse at Greengables is the oldest surviving inhabitable residence in the district and the complex has vital associations with the earliest period of development in the Mount Barker district, and with the early establishment and development of the Springs, one of South Australia's most significant early farming localities. The surviving 19th century farm buildings also comprise an outstanding example of a mid-19th century pioneer farm complex, which demonstrates a variety of typical local design & construction techniques, including fine stonework, use of timber branches for barn and shed construction, and use of projecting chimneys.

The claim that Greengables is the “oldest surviving inhabitable residence in the district” appears to have originated from the 1983 Heritage Survey, that claimed this as supposition only. Further, this claim appears to be based on research that either cannot be confirmed, or is contradicted by that undertaken during this assessment.

Notwithstanding this, the site is an example of an early farm complex. However both individually and collectively are not considered to be an “outstanding example” due to their compromised integrity and legibility.

The Subject property is one of many mid-19th century farm complexes in Mount Barker Springs, the area to the east of Mount Barker (Figure 30).

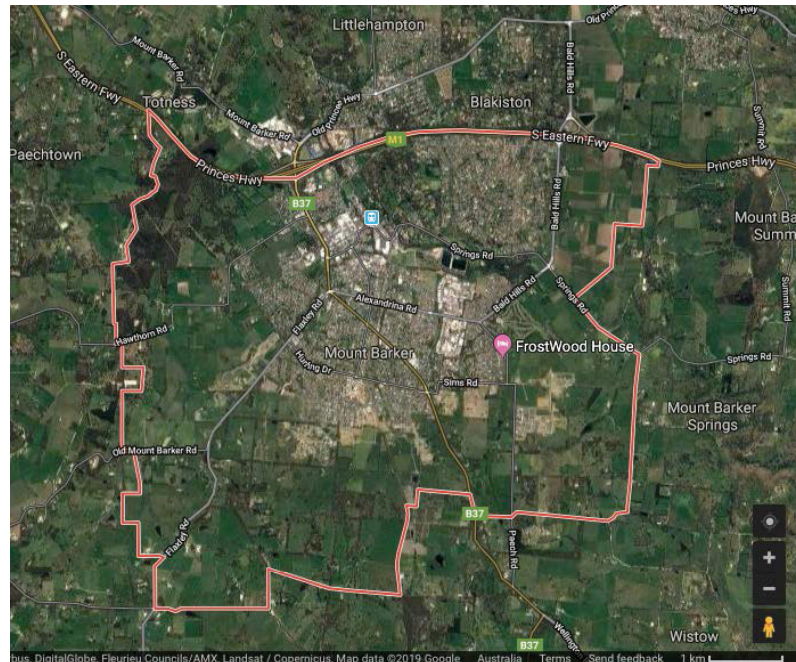


Figure 30 – Aerial of Mount Barker township [Source: Google Maps 2018]

Other farm complexes in the Mount Barker Springs area include:

- Clearfield Farm, Bald Hills Road (LHP No. 16144), house, farmhouse and three barns, c1840s-50s;
- Lester Farm, Spring Road (LHP No. 18507), house and dairy, c1880s;
- Lot 11 Williams Road (LHP No. 18825), farmhouse and barn, c19th century;
- Pce 15 & 18 Springs Road (LHP No. 18504), Undermount – house and barn complex, c19th century;
- Dalmeny Park, Monteith Court (LHP No. 18598), house, stables, barn and dairy, c.1840s;
- Lot 1 Section 4484 Springs Road (no heritage designation), cottage and sheds, c1840s-50s;
- Burnbank Farm, Lot 32 Springs Road (LHP 18506), house, barns and cottage;
- Kavanagh Farm, Cattle Route Road (LHP 18552), house, dairy, barn and ruins, c1850s; and
- Pursell Farm, Pursell Road, Bugle Ranges (LHP 18316), house, slab barn and stone shed, c.1850s.

Inspection of the above properties was not able to be undertaken due to the land being private owned. While the veracity of past Heritage Surveys remains questionable, the following was sourced for some of the above farm complexes:

4.5.1 Dalmeny Park, Monteith Court (LHP No. 18598), house, stables, barn and dairy, c.1840s

Statement of Heritage Value

This is an outstanding example of a mid-19th-century farm complex which demonstrates a high-level of local design & typical construction techniques of the mid-19th century, including outstanding examples of local stonework and a particularly fine house design. The property also has outstanding associations with South Australia's early agricultural history, as well as significant associations with the early rural development of Mount Barker Springs, one of South Australia's most significant early farming localities.



House at Dalmeny Park, 2004

Figure 31 – Source: Mount Barker Heritage Survey, 2004, Part 5, pg164.



Dairy at Dalmeny Park, 2004



Stables at Dalmeny Park, 2004



Detail of house at Dalmeny Park, note fine stonework to openings, 2004

Figure 32 – Source: Mount Barker Heritage Survey, 2004, Part 5, pg166.

4.5.2 Clearfield Farm, Bald Hills Road (LHP No. 16144), house, farmhouse and three barns, c1840s-50s

Statement of Heritage Significance

c. 1840-50 This complex of farm buildings began with Friend Cleggett, an early pioneer of the district and contemporary of John Dunn, the Frame family and other early prominent land holders. Most important is the hay barn with its vaulted base of gauged bricks to keep flooring clear of floods. House of freestone with paned windows; original slate roof has been rebuilt.



Figure 33 - Source: Mount Barker Heritage Study, 1983, Stage 1, pg 90.

4.5.3 Burnbank Farm, Lot 32 Springs Road (LHP 18506), house, barns and cottage

Statement of Heritage Value

This is one of the most outstanding surviving mid-19th-century farm complexes in the district, demonstrating typical local design & construction techniques including pioneer stone construction, timber lintels, slab walling and shingle roofing. It also has outstanding associations with the significant Frame family, with South Australia's early agricultural history, as well as significant associations with the early rural development of Mount Barker Springs.



Burnbank Farm showing slab barn to LHS, fr cottage to centre, and stone barn to RHS, 1994



Slab barn at Burnbank Farm, 1994



Interior of slab barn at Burnbank Farm (note shingle roof and tree-trunk frame), 1994

Figure 34 – Source: Mount Barker Heritage Survey, 2004, Part 5, pg168.

4.5.4 Pursell Farm, Pursell Road, Bugle Ranges (LHP 18316), house, slab barn and stone shed

Statement of Heritage Value

Pursell farm - house, slab barn & stone shed; Slab barn with timber frame, timber-slab cladding, cgi gable roof and timber-framed openings and slab door. Stone shed or dairy-cellar comprising large cut stone walls (local pink stone), a cgi gable roof and timber-framed openings. House with stone walls, red-brick dressings, timber detailing, hipped and gable cgi roofs, red-brick chimneys and timber-framed openings with timber doors and windows



Slab barn at Pursell farm, 2004



Stone shed at Pursell farm, 2004



Pursell farmhouse, 2004

Figure 35 - Source: Mount Barker Heritage Survey, 2004, Part 3, pg58.

4.6 Conclusion

Based upon the above analysis DASH Architects finds the farm complex located at Lot 3 Springs Road, Mt Barker, is not an “outstanding” example of a mid-19th century pioneer farm complex, particularly when compared to other heritage listed farm complexes within the local area.

The provenance of most structures on the Site is unknown, and likely not as described by the 2004 Heritage Survey. The structures are generally of modest, to low integrity, and later additions and alterations have adversely impacted on the overall interpretation of the history (and any associated heritage values) of the place.

Of particular note, the barn is likely to have been highly modified, while the shed structure is considered to be unremarkable.

Overall, the farm complex on the Subject Site is, at best, a modest example of an early farm complex that has been highly modified over the course of its life.

5.0 Sources

DEW 2019, 'Greengables – house, dairy, bakehouse, barn & shed (Scarborough)', Local Heritage Listing, SA Heritage Places Database, Department of Environment and Water, viewed 24 Jan., available at: <http://maps.sa.gov.au/heritagesearch/HeritageItem.aspx?p_heritageno=18501>.

Dutton, G. 1966, 'Dutton, William Hampden (1805–1849)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, viewed 24 Jan., available at <<http://adb.anu.edu.au/biography/dutton-william-hampden-2012/text2465>>.

Hignett and Co. 1983, *Mount Barker District Heritage Survey*, Stage 1, Nov., for State Heritage Branch, Adelaide.

The South Australian Government Gazette, 10 April 1862, Real Property Act Notices, p.307.

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Attachment Three (3)

flightpath

2085 DA
11 April 2019

Derek Henderson
Senior Planner – City Development
Mount Barker District Council
6 Dutton Road, | PO Box 54
Mount Barker SA 5251

Dear Derek

Development Application: 177 / 2019
328 Springs Road MOUNT BARKER 5251
Demolition of a shed and barn which comprise part of a local heritage
328 Springs Road MOUNT BARKER

The proposed development is for the demolition of part of the local heritage place inspected on 20 September 2018.

The demolition is supported by the following documents:

- Botten Levinson letter 23 February 2019
- DA form dated 22 February 2019;
- Site Plan
- Dash Heritage Impact Statement dated 14 February 2019.

I have not reviewed the Electricity Declaration or the CT provided. The Local Heritage Place is shown on the mapping below with the places to be demolished highlighted in blue:





The Local Heritage Place is described as follows with the portions to be demolished shown bold:

Greengables - house, dairy, bakehouse, barn & shed (Scarborough)

*House: walls constructed of local stone with stone dressings with some stone voussoirs over flat-arch openings, hipped cgi roof with various hipped and gabled additions, timber-framed openings with timber doors & timber-framed windows including early multi-paned casements and later double-hung sashes, stone chimneys with one row of coursing near top, also including kitchen and projecting chimney to rear. Attached dairy: walls constructed of local stone with red-brick dressings, cgi gable roof and timber-framed openings with timber doors & timber-framed windows. Bake-house: walls constructed of local stone with some red-brick sections, cgi gable roof, timber-framed openings with timber doors & timber-framed windows, and a projecting chimney with [rendered] stack. **Barn: timber-framed with some timber-slabs and mostly cgi cladding, including tree-branch framing to additions and cgi gable roof. Shed: timber-framed using saplings for roof timbers, hipped cgi roof and cgi cladding and timber-framed openings.** Tree: Several-hundred-year-old river red gum located between the pioneer house and barn.*

The following Section 23(4) Criteria were considered fulfilled in the 2004 Survey:

Section

- 23
- a - it displays historical, economic or social themes that are of importance to the local area
 - b - it represents customs or ways of life that are characteristic of local area
 - d - it displays aesthetic merit, design characteristics or construction techniques of significance to the local area
 - e - it is associated with a notable local personality or event
 - g - in the case of a tree(without limiting a preceding paragraph) -- it is of special historical or social significance or importance within the local area

The Mt Barker Development Plan also describes:

*Greengables - house, dairy, bakehouse, barn & shed (Scarborough); House: walls constructed of local stone with stone dressings with some stone voussoirs over flat-arch openings, hipped cgi roof with various hipped and gabled additions, timber-framed openings with timber doors & timber-framed windows including early multi-paned casements and later double-hung sashes, stone chimneys with one row of coursing near top, also including kitchen and projecting chimney to rear. Attached dairy: walls constructed of local stone with red-brick dressings, cgi gable roof and timber-framed openings with timber doors & timber-framed windows. Bake-house: walls constructed of local stone with some red-brick sections, cgi gable roof, timber-framed openings with timber doors & timber-framed windows, and a projecting chimney with [rendered] stack. **Barn: timber-framed with some timber-slabs and mostly cgi cladding, including tree-branch framing to additions and cgi gable roof. Shed: timber-framed using saplings for roof timbers, hipped cgi roof and cgi cladding and timber-framed openings.** Tree: Several-hundred-year-old river red gum located between the pioneer house and barn.*

The Mt Barker Development Plan also adopts the same Section 23(4) Criteria being:

a b d e g

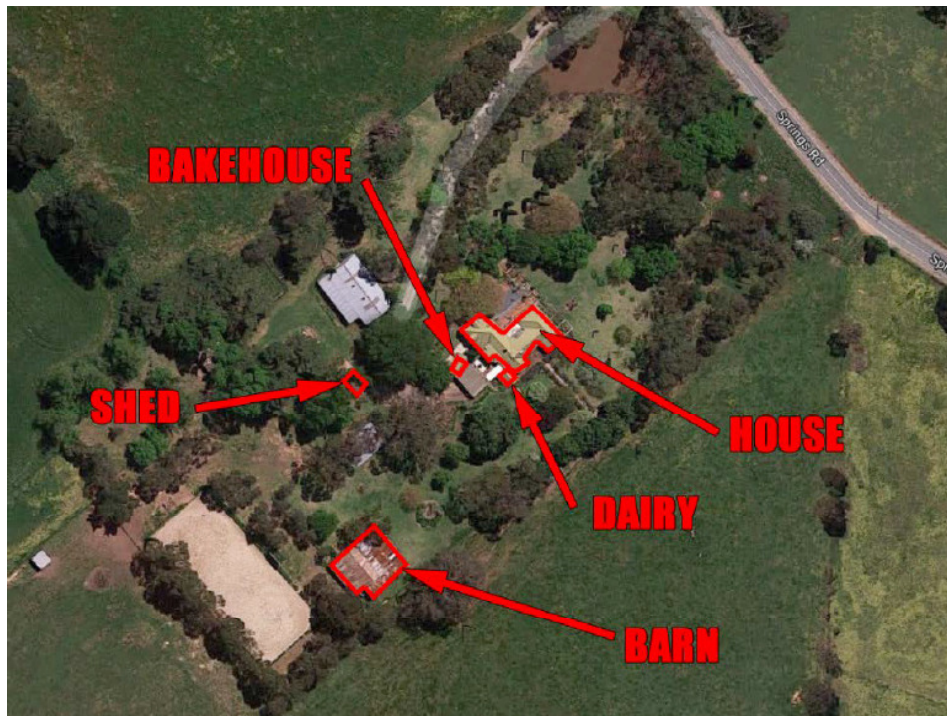
As development that affects a Local Heritage Place I have considered:

HERITAGE PLACES

OBJECTIVES: 1,2,3

PRINCIPLES OF DEVELOPMENT CONTROL: 1, 3, 4, 7,10,11

ASSESSMENT



I concur with the locations of the listed places provided in the Dash Report. I also note consistent photographs taken by myself of the Shed and Barn.

I intend to focus my remarks on the shed and barn. I note the following aspects:

Barn:

- Very low integrity, appears rebuilt from more recently salvaged materials as evidenced by the holing of sheets;
- Timber framing includes sawn timbers;
- Appears in poor condition (I am not qualified to comment on its structural integrity)

Shed:

- Poor condition;
- Loose sheets ;
- Timber framing includes sawn timbers;
- No gutters contributing to poor condition

flightpath

I concur the site has been Locally Heritage listed as a complex, rather than a series of individual buildings or structures.

This places some heritage value not only on the structures but the space between the structures.

ASSESSMENT

Objective 1 is not fully satisfied by the removal of two elements of the listing. It is noted that the following will be retained:

- House;
- Attached dairy;
- Bake-house;
- Tree.

The following parts are proposed to be demolished:

- Barn;
- Shed.

The portions to be removed are separated from the main cluster of listed elements; the subject portions are also the least integral, in poor condition and not considered as fundamental to the listing. On this basis and on balance, the most important and integral elements of the Local Heritage Place will be retained, partially satisfying Objective 1 of Heritage Places.

Importantly Objective 2 will be fulfilled through the continued use of the remaining complex.

The setting of the remaining complex will also be preserved to the frontage, sides and generally the spaces between the remaining elements. Objective 3 is therefore reasonably accepting of the demolition, acknowledging that the space between and around the elements is also of importance.

PDC 1 is of great relevance because while the portions to be demolished are included in the description, their condition is very poor, requiring unreasonable rehabilitation to make sufficiently safe to avoid being an unacceptable risk to public safety.

In consideration of the poor condition and integrity I am satisfied that PDC 1 is also accepting of the removal of a part of the Local Heritage Place. It is therefore of great importance that the main elements of the listing, including the spaces in between and around those elements, will be retained.

Retention of the main elements with a respectful curtilage will serve to satisfy PDC 3, ensuring that principal elevations are retained and also that views to and from those listed elements are retained also.

Section 23(4) Criteria also remain fulfilled by the retention of remaining listed structures, curtilage and tree satisfying PDC 4, as a surviving original farm complex associated with the earliest period of development in the Mount Barker district, and with the early establishment and development of the Springs. The remnant pioneer farm complex will continue to demonstrate a

variety of typical local design and construction techniques that are of relevance to the local community.

The partial demolition of two of the six elements, their spacing and surroundings will not diminish the landscaped setting surrounding the remaining elements including the trees, thereby satisfying PDC 10 and also PDC 11.

CONCLUSION

I am satisfied the part demolition will not preclude the fulfilment of Section 23(4) Criteria, because the elements to be removed are in poor condition and of low integrity. Also it has been demonstrated the shed in particular is not part of the original complex.

In removing the structures it is recommended that priority be given to establishing a suitable, respectful curtilage to the remaining buildings to ensure that views to and from the remaining Local Heritage Places are preserved.

Also the space in between the elements and the open treed landscape should also be retained and incorporated within an appropriate curtilage to the remaining elements, providing some interpretation of the former complex.

A photographic record of the structures to be removed should be prepared, along with a site plan or aerial view of the complex, prior to the removals occurring.

Acknowledgement of the extent of the former complex through some form of interpretation on site or the incorporation of salvage materials should be considered.

Therefore the heritage conditions prior to demolition are suggested as:

- Establish a respectful curtilage;
- Record the structures to be removed for archival purposes;
- Provide onsite interpretation;
- Retain salvage material on site and consider the incorporation of that material in some way prior to removal.

Yours sincerely,

FLIGHTPATH ARCHITECTS PTY LTD



Douglas Alexander
Director

Flightpath Architects Pty Ltd
101 Hindley Street, Adelaide
South Australia 5000
Telephone +61 8 8211 6355
Email office@flightpatharchitects.com.au



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Attachment Four (4)



MOUNT BARKER
DISTRICT COUNCIL

Memo

TO: Derek Henderson, Senior Planner

FROM: Maddie Dobbin, Acting Manager Planning and Development

SUBJECT: DA580/177/19

DATE: 6 May 2019

REFERENCE: DOC/19/51273

Strategic Planning and Policy have reviewed the proposed application documents in the context of the Development Plan, existing and proposed strategic projects and undertaken a site and locality inspection.

The structures proposed to be demolished form part of a Local Heritage Place (LHP) and farmhouse complex the Greengables (Heritage NR 18501) as listed within Councils Development Plan Table MtB/8. The proposed application seeks to demolish two structures on the land consisting of a timber framed barn and shed. The balance of the LHP will remain inclusive of the Heritage Listed tree.

Throughout the Residential Neighbourhood Zone, and as it continues to develop, there will from time to time be circumstances of conflict and tension between the retention of heritage buildings and large scale greenfield residential development. It is understood that the applicant is seeking to sell a portion of the land and this demolition will enable this occur. Ideally, a land use or land division application would prompt the proposed assessment and/or removal of these structures albeit it is not imperative in the zoning circumstances and in the context of approved adjoining residential development.

The structures have been assessed by both Councils heritage advisor and the applicant's heritage advisor as either having a compromised heritage fabric or not significantly contributing to the LHP listing. To this end, Strategic Planning and Policy are generally supportive of the application, noting that a further referral shall be undertaken upon lodgement of any other land use or land division application as there is a potential for any further division of land or land use development to impact upon the balance of the Local Heritage Place and the adjoining Regional Sports Hub complex.

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Attachment Five (5)

Sandra Mann

From: airconph airconph <airconph@bigpond.net.au>
Sent: Wednesday, 10 April 2019 12:29 AM
To: DA Representations
Subject: RE: 580/177/19 Statement of Representation for Category 3

CEO
DISTRICT COUNCIL MOUNT BARKER SA
PO BOX 54
MOUNT BARKER SA 5251
Development number 580/177/19
Name PHIL STEER
HOME ADDRESS 370 SPRINGS ROAD MOUNT BARKER SPRINGS SA 5251
POSTALADDRESS PO BOX 116 MOUNT BARKER SA 5251
PHONE 0407714970
EMAIL airconph@bigpond.net.au

My interest is because I am the owner of the property next door at 370 Springs Road Mount Barker Springs.

I support the proposal. The buildings are in a dangerous state and ad hoc repairs over the years are not conducive to anything heritage.

Even I have been involved screwing scrappy bits of corrugated iron back on the buildings following storm damage.

The whole lot will blow down sooner than later.

I do not wish to be heard.

Signed

Phil Steer

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Chief Executive Officer

Mount Barker District Council

P.O Box 54

Mount Barker S.A 5251

Nathan Rogers

Unit 2 9a Albert Road

Mount Barker S.A 5251

10.4.2019

Hello,

I am writing in relation to the "Partial demolition of a Local Heritage Place (Greengables – house, dairy, bakehouse, barn and tree – ID 18501) – demolition of barn and shed only."

I am not writing to question, challenge or dispute the heritage listed items as part of this formal submission, include bits and pieces of information from a few documents, put out old wives' tales or include hearsay.

I am putting one main point. The Council Assessment Panel is not a place to put judgements on any heritage listing and its value or make decisions on whether a building or place is suitable for heritage listing.

The process regarding heritage assessment and listings were determined by a fully elected Council at the time, during the last review of heritage properties across the then (District Council of Mount Barker), alongside its highly qualified Policy Planning staff.

Taking positions in this (one) case and choosing to side with an applicant, who is putting forward an application, with a client to represent, will lead to poor planning outcomes. It is essential the Council Assessment Panel does its best to enforce the Mount Barker District Council Development Plan, and this of course includes the protection of locally heritage listing buildings and places.

If there is to be a discussion about the merit or worthiness of heritage properties (the ones as part of this application in particular) and whether they should remain on or be on any heritage list (of any nature), this is a discussion for another time, particularly one for (Mount Barker District Council) to have as an organisation, in conjunction with its elected members and the public.

Thank you very much.

Nathan Rogers

Mount Barker District Council resident

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MOUNT BARKER DISTRICT COUNCIL

STATEMENT OF REPRESENTATION FOR CATEGORY 3
Pursuant to Section 38(5) of the Development Act, 1993

TO: Chief Executive Officer
District Council of Mount Barker
PO Box 54
MOUNT BARKER SA 5251

THIS SHEET PROVIDES YOU WITH THE OPPORTUNITY TO MAKE COMMENTS IN RELATION TO A PROPOSED DEVELOPMENT; IF YOU WISH TO DO SO. PLEASE FIND ATTACHED DETAILS OF THE PROPOSED DEVELOPMENT.

DEVELOPMENT NO: 580/177/19
Partial demolition of a Local Heritage Place (Greengables - house, dairy, bakehouse, barn, shed & tree - ID 18501) - demolition of barn & shed only

YOUR DETAILS: (all fields with an asterisk * must be completed to ensure that this is a valid representation as per Regulation 35 of the Development Regulation 2008).

* NAME: Mr Nathan Rogers
* HOME ADDRESS: Unit 2 9a Albert Road Mount Barker SA 5251
* POSTAL ADDRESS: As above

PHONE NO: EMAIL:

My interest/s are affected as: (please tick the following boxes as appropriate)

- ☐ The owner or the occupier of the property located at:
- ☒ Other (please state): A local resident placing a submission in regards to the application

YOUR COMMENTS:

* I/We:

- ☐ Support the proposal and provide the following comments.
- ☒ Oppose the proposal and provide the following comments.

(Please note that your comments should demonstrate reasonable particularity)

Please see attachment

★ I/We:

☐

Do not wish to be heard by the Council Assessment Panel in support of my representation.

☒

Wish to be heard by the Council Assessment Panel in support of my representation, and I will be:

☒

Appearing personally,

OR

☐

Be represented by the following person:

Contact details:

(Please note, matters raised in your representation will not need to be repeated at the Council Assessment Panel meeting).

Your written representation must be received by Council no later than 11.59pm on Wednesday 10 April 2019, to ensure that it is a valid representation and taken into account.

If you make representation you will be notified by a separate letter of the date and time of the Council's Assessment Panel (CAP) meeting at which CAP will consider the application.

Representor's Declaration:

I am aware that the representation will become a public document as prescribed in the Freedom of Information Act 1991, and will be made available to the applicant, agencies and other bodies pursuant to the Development Act 1993 and may be uploaded to the Council's website as an attachment to a Council Assessment Panel agenda.

SIGNED

Nathan & Rogers DATE 10.4.2019

Attachment Six (6)



Our ref: JAL/218328

1 May 2019

Derek Henderson
Senior Planner
Mount Barker District Council
PO Box 54
MOUNT BARKER SA 5251

By email: dhenderson@mountbarker.sa.gov.au

Dear Derek

DA 580/177/19 - Partial demolition of a Local Heritage Place (Greengables ID 18501) - removal of barn and shed only - 328 Springs Road, Mount Barker - Response to Representations

This firm acts for the applicant, and this response to representations lodged with the Council about this application is made on our client's behalf.

Two representations were received by the Council during the Category 3 public notification of the application. One representation was in support of the application¹, and the other was more focussed on the assessment process itself².

Legal approach to demolition of local Heritage places

As detailed in our application letter, it is clear that the courts acknowledge that principles of development control are guidelines only, and where a proposal advances the object of a Development Plan but is also inconsistent with others, a planning judgement must be made as to the merits of the proposed development³. Not all heritage places are alike and one must consider, as a matter of fact and degree, whether the demolition of a particular building is warranted, having regard to its heritage qualities or otherwise. The Courts have made it patently clear that just because a place is listed as a local heritage place does not mean it cannot be removed (or removed in part as is proposed here).

Barn and Shed suitable for demolition

The representation in support of the application supports the findings of Mr Jason Schultz in his report provided with the application. Particularly, Mr Steer's

¹ See representation of Phil Steer dated 10 April 2019.

² See representation of Nathan Rogers dated 10 April 2019.

³ Lakshmanan v City of Norwood, Payneham and St Peters [2010] SASFC 15.

- 2 -

representation supports Mr Schultz's finding that the structures were modified and were in poor condition. Mr Steer confirms that:

The buildings are in a dangerous state ... Even I have been involved screwing scrappy bits of corrugated iron back on the buildings following storm damage.

The condition of the buildings is a highly relevant consideration for the council. It is clear from recent photographs that the barn and the shed are both in very poor condition and heavily modified.

Irrelevant matters

The representation of Nathan Rogers is somewhat unclear but it is apparent that he took issue with the Council Assessment Panel making decisions in respect of heritage places.

This complaint is not relevant to the planning merits of the application and is not therefore a valid representation or relevant to planning considerations. It does not contain any matters that the Council should take into account when assessing the application.

Furthermore, Mr Roger's assertions are contrary to what the Supreme Court has said about the obligation on a Panel to assess the heritage value of a place when considering an application for removal (or partial removal). The Council's Development Plan makes express provision for the demolition of heritage places and the circumstances under which it could occur. It is wholly appropriate for the Panel to assess this application. What Mr Rogers is objecting to would require a change to the law governing the assessment of development involving heritage places. His representation is irrelevant to the assessment of this application.

Conclusion

The proposed development is deserving of approval. Our client requests an opportunity to appear at the CAP meeting when this application is considered to answer any questions from the members and respond to any representations. Please advise of the date and time of the relevant meeting.

Yours faithfully



James Levinson
BOTTEN LEVINSON
Mob: 0407 050 080
Email: jal@bllawyers.com.au

5.3. CATEGORY 2 APPLICATIONS

Nil.

5.4. CATEGORY 1 APPLICATIONS

Nil.

6. INFORMATION REPORTS

Nil.

7. CONFIDENTIAL REPORTS

Nil.

8. OTHER BUSINESS

Nil.

9. CLOSE