

SUBMISSION

ON THE “UNSOLICITED PROPOSAL” FOR MARTINDALE HALL

Presented by Des Menz

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About the author

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INTRODUCTION

The proponents for re-development of the Martindale Hall property for up-market tourism have offered a concept that raises many questions about the sensitivity of the proposal, the observance of current legislation, and the role that heritage sites now have in the eyes of the community and government.

My submission is based on information provided in the public domain about the proposal. I have examined the suitability of the proposal and the procedure that has been used to get it to the point where it is now.

Many people have expressed the view on Yoursay website that Martindale Hall should not be used as a selective tourist establishment, and it should not be sold because it was ultimately a gift to the people of South Australia. An underlying issue is whether the government has the right to dispose of heritage listed public assets that were gifted to the people, even though the government ostensibly “owns” the property. It is contended that it does not have that right to sell nor invite offers to purchase and the reasoning behind this is described later in this submission.

My submission explores whether the proposal complies with a range of established criteria including two significant pieces of legislation that apply to the property, the *Heritage Places Act 1993* and the *National Parks and Wildlife Act 1972*. The South Australian Heritage Register is also pivotal to whether the proposal can be imposed on the property.

SOME BRIEF BACKGROUND

I advise of the following to indicate that I am reasonably familiar with the Martindale Hall Conservation Park (MHCP) property and its history.

Between 2004 and 2009 a group that I am a member of, The Seedy Lot inc. (TSL), with the approval of the former Department of Environment and Heritage, established and maintained the treated water disposal area that received Martindale Hall’s wastewater. The area was irrigated and planted as a native seed orchard. In agreement with the Ranger at the time, TSL became a sub-committee of Friends of Martindale Hall Conservation Park Inc., but when the Friends group went into recess about 2006, TSL was appropriated “Friends” status by the Ranger. TSL still controls the Friends of MHCP bank account.

Because TSL members were given access to the stables at the rear of the Coach House, we were given an introduction by another park ranger about the history and values of that building, particularly the unique timber cobbled floor. During our time at the Coach House stables, TSL had discussions about how the community could use this building more frequently, and a monthly market was high on the

list of options. The ranger emphasised back then that this cobbled floor was almost “sacrosanct” in that it could not be altered in any way. It was a unique piece of history.

So it is with great dismay that the proposed plans for redevelopment of the Coach House would see the destruction of this floor to make way for a swimming pool.

In early and mid 2014 Department of Environment, Water and Natural Resources (DEWNR) sought Expressions of Interest (EOI) “for a commercial operator” to manage the whole property including the buildings with an “offer of a Long Term Lease Opportunity with potential for longer-term ownership”.

This is not the first time that an EOI has been mooted, because back in 2008 I was advised, as an interested party to MHCP, by the Ranger of the potential private lease of the Coach House.

I observed through the local media the happenings of the EOI. Interestingly, the July 2014 EOI document states the following;

- The objectives at the site are to:
- Develop Martindale Hall as a South Australian icon
 - Utilise Martindale Hall, the Coach House and surrounds in a manner complimentary to the buildings and the history of the site
 - Use the buildings and surrounds with consideration of the property’s State Heritage listing under the Heritage Places Act 1993

These “objectives” are vitally important, and we will return to these later.

THE PROPOSAL

In the summary proposal document it is stated that there are four key elements. Only the fourth, which involves the landscape and heritage trees of the property, is able to satisfy heritage values of the property.

The first three involve the extensive building work as illustrated on the plans.

Conclusions

After much consideration, it is concluded that the proposal as it is presented, can not satisfy the heritage values and heritage framework of the property.

It is considered that the Dining/Function Centre that almost abuts Martindale Hall compromises the complementarity aspect.

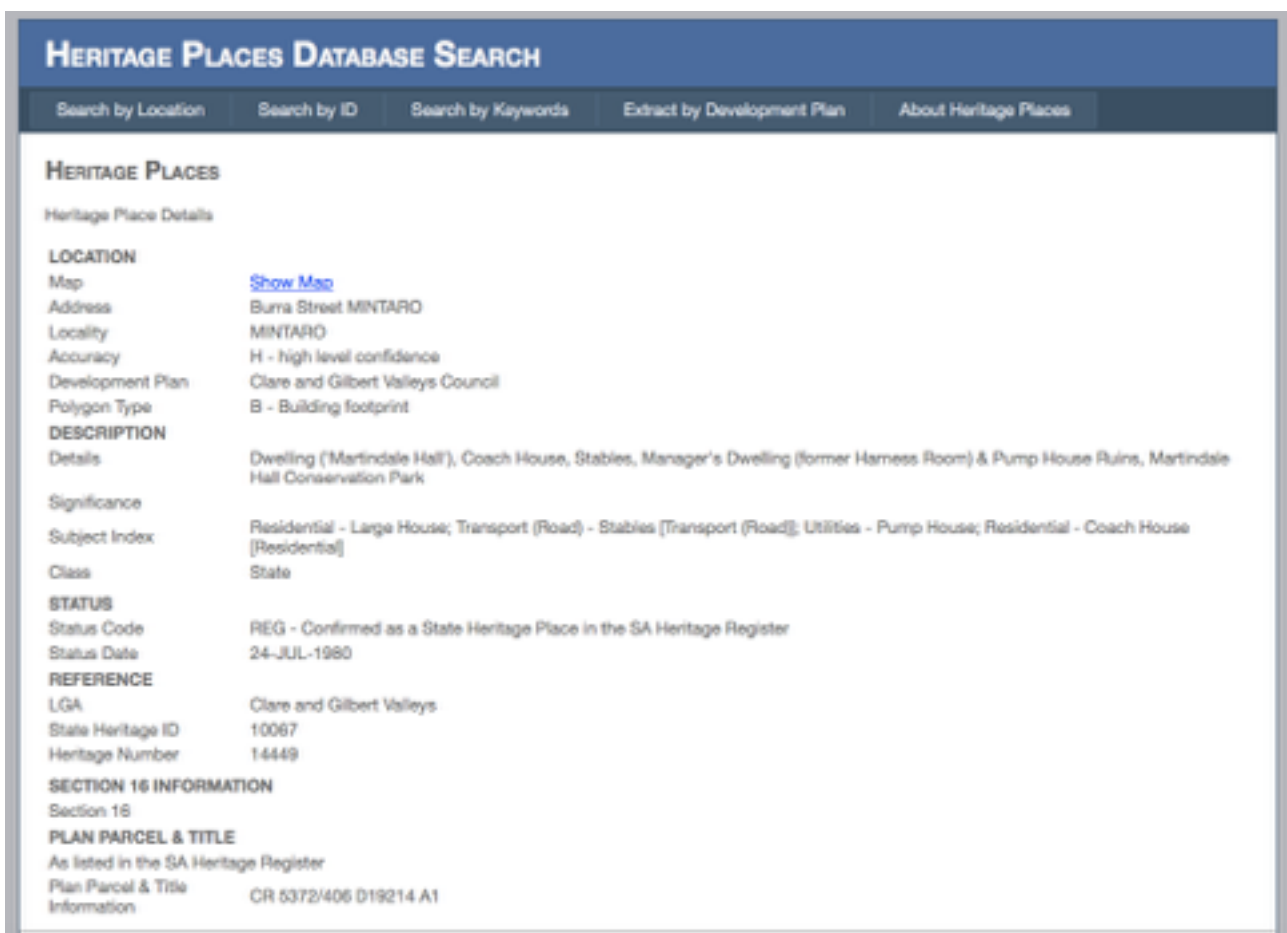
The strings of 20 “glamping” units, including their design and positioning, are also not in character with the conservation park status accorded to the property.

The major internal transformation of the Coach House would destroy the very heritage values that have been cherished for so long. I have already mentioned the timber cobbled floor.

The overall proposal, excluding the notion of purchase, has some merit, but not at this property. I now explain why.

THE STATE HERITAGE REGISTER AND THE *HERITAGE PLACES ACT 1993*

Martindale Hall, Coach House, Stables, Manager’s dwelling, pump house ruins, and the whole of Martindale Hall Conservation Park are listed on the State Heritage Register as shown in Figure 1.



The screenshot shows the 'HERITAGE PLACES DATABASE SEARCH' interface. It includes navigation tabs for 'Search by Location', 'Search by ID', 'Search by Keywords', 'Extract by Development Plan', and 'About Heritage Places'. The main content area displays the following details:

HERITAGE PLACES	
Heritage Place Details	
LOCATION	
Map	Show Map
Address	Burma Street MINTARO
Locality	MINTARO
Accuracy	H - high level confidence
Development Plan	Clare and Gilbert Valleys Council
Polygon Type	B - Building footprint
DESCRIPTION	
Details	Dwelling (Martindale Hall), Coach House, Stables, Manager's Dwelling (former Harness Room) & Pump House Ruins, Martindale Hall Conservation Park
Significance	
Subject Index	Residential - Large House; Transport (Road) - Stables [Transport (Road)]; Utilities - Pump House; Residential - Coach House [Residential]
Class	State
STATUS	
Status Code	REG - Confirmed as a State Heritage Place in the SA Heritage Register
Status Date	24-JUL-1980
REFERENCE	
LGA	Clare and Gilbert Valleys
State Heritage ID	10067
Heritage Number	14449
SECTION 16 INFORMATION	
Section 16	
PLAN PARCEL & TITLE	
As listed in the SA Heritage Register	
Plan Parcel & Title Information	CR 5372/406 D19214 A1

Figure 1 Extract from State Heritage Register

The property has been listed since 1980, and is subject to the *Heritage Places Act 1993*. The Heritage Register is also subject to this *Act*.

When Martindale Hall Conservation Park and its buildings were placed on the South Australian Heritage Register it was for good reason. DEWNR's EOI of 2014 reinforces the primary objectives of heritage listing and the *Act*.

Here is what the *Heritage Places Act* says;

Part 4—Registration of places
Division 1—Criteria for registration
16—Heritage significance
(1) A place is of heritage significance if it satisfies one or more of the following criteria:

- (a) it demonstrates important aspects of the evolution or pattern of the State's history; or
- (b) it has rare, uncommon or endangered qualities that are of cultural significance; or
- (c) it may yield information that will contribute to an understanding of the State's history, including its natural history; or
- (d) it is an outstanding representative of a particular class of places of cultural significance; or
- (e) it demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of particular construction techniques or design characteristics; or
- (f) it has strong cultural or spiritual associations for the community or a group within it; or
- (g) it has a special association with the life or work of a person or organisation or an event of historical importance.

Figure 2 Criteria for heritage significance

Conclusion

Given that Martindale Hall and the associated buildings at MHCP are listed in the South Australian Heritage Register, and that they satisfy each of these seven criteria, it is considered that the proposal can not equally satisfy these criteria. The heritage of the site would be degraded. Up to 22 new buildings on the heritage listed conservation park could not allow continuation of such listing.

What the proposed plans illustrate is an undeniable misfit with the history, buildings, and amenity of the property, and a compromise of the intent and purpose of the heritage listing.

THE NATIONAL ESTATE

Registered on 21 March 1978, Martindale Hall and the Coach House are listed on the Register of the National Estate.

The property has national importance.

STATE HERITAGE COUNCIL

According to the *Heritage Places Act*, the State Heritage Council has a broad range of functions, including administration of the South Australian Heritage Register, provision of advice to the Minister, and the following ;

5A—Functions of the Council

(1) The Council has the following functions:

- (a) to provide advice (especially from a strategic perspective) to the Minister on matters relating to—
 - (i) trends, shortcomings and opportunities with respect to heritage protection at the State and local level and, insofar as may be relevant, at the national level;
 - (iv) to initiate or support community awareness programs that promote public understanding and appreciation of the State's heritage, taking into account the objects of this Act; and
 - (v) to **promote the objects of this Act** in such other manner as the Council thinks fit, including through the work of other bodies or persons;

Figure 3 State Heritage Council functions

Given that Martindale Hall Conservation Park and all its appurtenant buildings are on the South Australian Heritage Register, and on the Register of the National Estate, then the following questions arise;

- Is the State Heritage Council aware of the unsolicited proposal about Martindale Hall Conservation Park?
- If so, what advice has been given to the proponents about the heritage listing of the property and its various components?
- If not, why has the proposal got to the stage that it has?
- If the State Heritage Council is satisfied with the proposal, then why is their reasoning not revealed for the information of the public? And why has there been a departure from the **Objects** of the *Heritage Places Act*.

It is inconceivable that the proposed new building next to Martindale Hall, the strings of “luxury retreats”, and the significant alterations to both Martindale Hall and the Coach House, and the overall impact that would result on the whole of the conservation park, would be accepted by the State Heritage Council.

If these substantial changes are acceptable, or have been accepted, then it would be very difficult to envisage continuation of heritage listing. In such a case there is a procedure that must be followed under Section 23 of the Heritage Places Act for exclusion of Martindale Hall and other buildings and the conservation park from heritage listing.

What effect would that have on the reputation of not only the Martindale Hall precinct but also the state’s heritage values?

It would be akin to a government wanting to remove a unique area from becoming World Heritage Listed. And we know what happened in that recent case.

It makes no sense at all to jeopardise 35 years of the property and its assets being listed as a heritage site.

CONSERVATION PARK STATUS

A Conservation Park in South Australia is an area “protected for the purpose of conserving wildlife or the natural or historic features of the land.” (http://www.environment.sa.gov.au/parks/Find_a_Park/Types_of_parks)

As a conservation park, Martindale Hall CP is also covered in the *National Parks and Wildlife Act 1972*. MHCP could not have been constituted by **statute** otherwise it would be listed in Schedule 4 of the Act along with 125 other conservation parks. But it is not. Therefore it must have been **proclaimed** by the Governor.

If, as seems to be an option in the proposal, MHCP is sold then it would possibly need to be abolished as a conservation park by proclamation of the Governor (See Section 30 (2)(a) of the Act). This can not occur until a resolution is passed by both Houses of Parliament (Sec 30(3) of the Act).

Conclusion

If the proposal proceeds as presented in the plans, then the conservation park status of MHCP would be put in jeopardy, as would the heritage framework for which the park was originally established. The proposal is all about developing a “five-star resort and wellness retreat”.

I am not against re-purposing old buildings. Indeed I am in favour if it is within the parameters under which a particular building operates. If the heritage integrity of a heritage listed group of buildings and a conservation park is to be maintained, then it is difficult to see how the proposal would not interfere with tenets described in Figure 2 above.

THE “BURRA CHARTER”

Anyone with an inkling of understanding of heritage would know about the Burra Charter. However, it appears that it has not been given due acknowledgement during the “unsolicited proposal” process. What is the Burra Charter?

It is *The Australia ICOMOS Charter for Places of Cultural Significance (2013)*. ICOMOS is the International Council on Monuments and Sites. The Burra Charter was first adopted in 1979 at a conference in Burra.

Here is an extract from DEWNR’s website.

Burra Charter

The Burra Charter is a set of principles that have been adopted to create a nationally accepted standard for heritage conservation practice in Australia.

The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance, known as the Burra Charter, was first adopted at Burra in 1979.

The Burra Charter defines the basic principles and procedures to be followed in the conservation of heritage places. It does not prescribe the techniques to be used or the manner in which a heritage place should be cared for. These principles and procedures can be applied to a monument, building, garden, shell midden, rock art site, road, mining or archaeological site, or to a whole region.

Under the Burra Charter, people involved in the conservation of heritage places should:

- understand the place and its cultural significance, including its meaning to people, before making decisions about its future
- involve the communities associated with the place
- care for its cultural significance and other significant attributes, taking account of all aspects of significance
- care for the place's setting
- provide an appropriate use
- provide security for the place
- use available expertise
- make records of the place and changes to it, and the reasons for these decisions
- interpret and present the place in a way appropriate to its significance.

The Burra Charter advocates a cautious approach to changing a place. Only the work necessary to repair and secure and to make it function is recommended so the history of the place can continue to be recognised.

Download the Burra Charter at the [Australia ICOMOS website](#).

Note: The above information is taken from the brochure by M. Walker *Understanding the Burra Charter* (Australia ICOMOS, 1996).

I now repeat a very important sentence in the description above, with my emphasis in bold.

“The Burra Charter advocates a **cautious approach to changing a place. Only the work necessary to repair and secure and to make it function is recommended** so the history of the place can continue to be recognised.”

The proposal as presented in the plans goes way beyond this. Substantial modifications are proposed for the interiors of both the Coach House and Martindale Hall. Both buildings are proposed to have building appendages; toilets in the case of the Coach House, kitchen, toilets, and large dining facility in the case of Martindale Hall.

The row of “glamping” accommodation units that straddles the upper level between Martindale Hall and the Coach House would compromise the integrity of the landscape and ultimately impact on the historical significance of “place”. Remember, it is the buildings, the land, the old trees, and the systems on the conservation park that are all protected.

THE “UNSOLICITED PROPOSAL” PROCESS

It seems to me that the unsolicited proposal process in this case has exposed some serious shortcomings, if not errors of procedure. It is not the fault of the proponents. The process allows leap-frogging to an expected outcome before the economic, cultural, and social impacts of the proposal have been tested. It is no more evident than what has happened with the Martindale Hall CP proposal.

The **Guidelines for Assessment of Unsolicited Proposals** (the Guideline) makes the following definition;

The nature of the proposal can cover a wide range of areas and may include:

- Delivery of goods and services to or on behalf of Government;
- Provision of infrastructure;
- Access to Government assets;
- Seeking Government support (financial, regulatory or other support) to undertake a specific activity; or
- Financing arrangements

It seems to me that the unsolicited proposal process has not been established for heritage listed properties and conservation parks, because there is no mention of them, nor the legislation by which they operate, in the Guidelines. This would pose a difficulty at the outset for any proponent, particularly those who wish to re-purpose heritage listed properties and make significant alterations thereto.

Furthermore, it is not clear whether the government has the absolute right to dispose of MHCP, should it be purchased or be part of an agreement involving purchase. I have addressed this issue below.

So, what happened? According to the Guidelines, the proposal would have been deemed by the State Coordinator General and then subsequently the **Unsolicited Proposals Steering Committee**, to have satisfied “Stage 1”, and would have then been endorsed by Cabinet to proceed to Stage 2 (the stage at which the subject proposal is at).

At Stage 1, the Guidelines states (pg. 9);

Proposals that have merit, do not conflict with any other existing government process, are consistent with other government policies, and involve low risk and minor resource commitment by Government, may be referred to a relevant agency for further consideration.

It is contended that a “government process” is represented by an Act of Parliament (e.g. *Heritage Places Act*).

It is clear that the proposal is inconsistent with such a process, and also involves a degree of risk.

There is also a conflict with the State Heritage Register. But were the proponents advised accordingly?

Likely not, because they are now in Stage 2.

If this has been the case then there has been a terrible oversight.

What is Stage 2 about? The Guidelines states;

During this stage the Government will:

Convene an assessment panel which will include representatives from relevant agencies including:

- The Department of the Premier and Cabinet;
- The Department of Treasury and Finance;
- The Department of State Development;
- The Department of Transport, Planning and Infrastructure;
- Renewal SA (for land transactions);
- The Crown Solicitor’s Office; and
- Any other relevant agencies as required.

As an “other relevant agency”, was the State Heritage Council included in the assessment panel? Was the National Trust involved?

I return to my previous statement that if the State Heritage Council was consulted, then what was its outcome?

Given the information I have described thus far, would it not have been appropriate for the public to have access to the decisions of government departments and “other agencies” during the Stage 2 community consultation process?

This is where the process has failed. It seems that there has been a serious shortcoming in the assessment process to date, and it is a mystery how the proposal has reached this point without an “independent assessment” having been done. Such an assessment is noted at pg. 11 of the Guidelines.

Stage 2 of the process also involves the following (pg. 10 of the Guidelines);

The Government will seek to consider the following issues:

- Does the project represent value for money for government?
- Is the proposal affordable?
- Is the proposal technically and financially feasible?
- What is the optimal scope of the proposal to meet Government needs?
- Do the benefits of the proposal to South Australians outweigh the costs?
- Should the proposal or parts of it be open to competition?
- What is the appropriate risk allocation?
- What is the appropriate return for the private sector party given their risk exposure?
- What is the appropriate delivery method?

This scope is too narrow because the government should, and must, consider the heritage values of MHCP, together with a full economic, cultural, and social impact of the proposal.

The general public does not know the income and expenditure of Martindale Hall to make an informed decision and to weigh up the possibilities of an alternative to the subject proposal.

Conclusion

The unsolicited proposal process is considered to be inappropriate for sensitive heritage listed sites such as Martindale Hall Conservation Park. Checks and balances are at high risk of being ignored.

PUBLIC TRUST

The plaque at Martindale Hall says;

"In the State's sesquicentenary year, 1986, the University gave Martindale Hall to the Government in trust for the people of South Australia, to ensure its preservation as a place of heritage significance."

Given in **trust**. If the plaque is accurate, and there's no reason to think otherwise, it seems that the property is not for the government to sell, because it is held in trust. It would be no different from a property trustee holding property in trust for beneficiaries.

Further investigations revealed that the property is with the **Trustee of the State Heritage** (see discussion later).

The government in 1986 received the property presumably with the full knowledge of its heritage significance, otherwise it could have rejected the gift. The property had already been on the State

Heritage Register for six years, and Martindale Hall and the Coach House were on the National Estate Register.

The original terms of the gift, and indeed the bequest in 1965 to University of Adelaide, need to be made public. We are presently limited in our understanding of the rights afforded the government and the deed of agreement.

Having been a bequest, and then a gift, the state government has no right to profit from the property, if only on moral grounds.

Conclusion

Martindale Hall Conservation Park is part of the public estate and is protected under the *Heritage Places Act*. It would be a breach of trust to seek to dispose of the property.

It might be a breach of trust to have allowed the unsolicited proposal to have proceeded as far as it has.

CHANGING CIRCUMSTANCES

Consider the following series of events.

- In 2008 Department of Environment and Heritage fielded private expressions of interest for repurposing of the Coach House. I have evidence of this.
- Some time thereafter, DEH became DENR, and the “Heritage” role was removed from its traditional key position. DENR became DEWNR a year or two later. Heritage information is now buried deep inside DEWNR’s website and unless one knows what to search for, any information on heritage is not easily found.
- In January 2014, DEWNR advertises for EOI for MHCP.
- In July 2014, the State Heritage Fund is removed from funding in the state budget. The State Heritage Fund is described in detail in the *Heritage Places Act*.
- In July 2014, the environment budget has declined to about 40% of what it was just 4 years earlier. This signals a huge shift in priorities by the state government. The environment and heritage properties are casualties of budget woes.
- In July 2014, DEWNR advertises for EOI for MHCP.
- In November 2014, the “unsolicited proposals” concept is launched.

Could the pattern of events result in the state government wanting to offload heritage properties?

If the Martindale Hall experience is anything to go by, then perhaps there is some credibility in this.

As with any property, heritage listed properties cost money to maintain. It appears that there is now a very low priority to fund this maintenance.

Perhaps there is no priority as “heritage” appears to have rapidly become a vestige of yesteryear’s economy; it does not fit with the progressive outlook that the state government seemingly aspires to project.

Whatever the reasons of decision-makers, heritage precincts and properties are substantial income generators, sometimes providing the backbone of survival for communities and individual operators.

My search for information at DEWNR’s website about all things “heritage” in South Australia, revealed the extent to which material has been archived. Almost out of sight, I discovered the following report.

MARTINDALE HALL CONSERVATION PARK MANAGEMENT AND MASTER PLAN

Prepared in 2001 for Martindale Hall Conservation Trust (see discussion below), this Master Plan is revealing in many aspects. In particular, there is a reference in 1986 to a **“licensing agreement transferred from the University of Adelaide to the Trustee of the State Heritage on 11 December, together with the Dorothy Mortlock Bequest”**.

For the interested person I have made a copy of the Master Plan available at www.SustainableSpace.info/the-local-eye

The Trustee of the State Heritage. Under the *South Australian Heritage Act 1978*, the Trustee is defined as a “corporation”.

Corporation

17. (1) A corporation under the name *Trustee of the State Heritage* is established.

(2) The Corporation—

(a) is a body corporate with perpetual succession and a common seal;

(b) is capable in its corporate name of acquiring, holding and disposing of real and personal property;

(c) is capable of acquiring or incurring any other legal rights or liabilities and of suing and being sued;

and

(d) has the powers, authorities, duties and obligations prescribed by or under this Act.

(3) The Corporation is constituted of the Minister.

So, the **Trustee of the State Heritage** is “constituted of the Minister”, but it is not clear which Minister it is today. Presumably it is the Minister for the Environment.

The Master Plan contains a reference “Last updated 27/2/2014” at DEWNR’s website page, therefore it is likely that it still has relevance today.

The Master Plan reveals that the capital bequest left by Dorothy Mortlock was valued at \$600,000 at the time of transfer from the University of Adelaide; it was \$293,000 at the time of the Plan in 2001. It is likely that all this capital has been spent on restoration work in the intervening years.

Suffice to say, the Master Plan contains many very good ideas how to expand the use of the property, plans for development, landscaping details, costs, and much more. It would be appropriate to return to the Master Plan to chart a way forward fro MHCP.

TIME FOR A NEW SOLUTION FOR MHCP?

Has every possibility been examined about the operation of Martindale Hall Conservation Park?

Many people have expressed their views about retaining MHCP in public hands. But the fundamental problem is money. How can sufficient revenue be raised to properly maintain the conservation park and preserve the heritage at the same time?

Maybe we need to go back to the Master Plan, perhaps update it, and then make it work with an appropriate management structure.

As stated earlier, a conservation park is covered in the *National Parks and Wildlife Act 1972* at Part 3-Division 2, Section 29-30A.

Part 3A-Division 1 Section 45 of the *Act* deals with the establishment of a **Development Trust**, and this would be a method for management of Martindale Hall Conservation Park in the future.

For the information of readers, here is what is shown in the Act .

Part 3A—Development Trusts

Division 1—Development Trusts

45A	Interpretation and application
45B	Development Trusts
45C	Trust to be body corporate
45D	Appointment of members to a Trust
45E	Chairman and meetings of a Trust
45F	Functions of Trust
45G	Trust may delegate
45H	Staff of a Trust
45I	Acquisition of land
45J	Financial provisions
45L	Dissolution of a Trust

A precedent for a Trust at Martindale Hall already exists.

There is a bit of legislation about the **Martindale Hall Conservation Trust** (MHCT) published in Gazette 26.6.2003 p 2816.

In December 1991 a Development Trust was established by proclamation of the Governor for Martindale Hall; it was named Martindale Hall Conservation Trust.

By subsequent proclamation the MHCT ceased to exist on 1 July 2003.

The circumstances around the dissolving of the Trust may be for another time.

Today, a different solution is needed for Martindale Hall Conservation Park. Here is a proposal;

1. Establish a new Martindale Hall Conservation Park Development Trust. Empower people who are passionate about the property, are committed, and are prepared to accept responsibility on behalf of the people of South Australia (i.e. to honour the gift).
2. Trust members to consist of a range of people, local or otherwise, who are committed to the conservation and future development of the whole park. This is important because a regional property with state and national (and conceivably international) significance should not be controlled by the decisions of government departments, state budgets, and government Ministers.
3. The Trust be given responsibilities, in consultation with the public, about the development of the property in accordance with heritage values, heritage listing, legislation, conservation park status, existing management plans, the need for income, the requirement for on-going maintenance, and so on. This includes expressions of interest for the operation of particular ventures on the property, something that DEWNR has not been successful in attracting. It would not include "unsolicited proposals".
4. The state government to have a stake in the Trust insofar as an annual contribution that would need to be determined by negotiation. In all other respects, DEWNR and the state government would not be involved, except as required by legislation on reporting.
5. Funding. The Trust would have any means at its disposal to raise funds for development purposes. This may include calls on the public for subscriptions, donations, bequests. It might involve crowd-funding, or stake-holding in particular operations that deliver a return on investment. It would involve applications for grant funding, philanthropic requests, contributions from volunteers.
6. Development options. Some of the ideas in the Master Plan could be implemented, but there is one idea that has not been thought of - a caravan park/camp ground where "glamping" accommodation could also be added. This would need to be designed very sensitively and in a location that would preserve the integrity of the heritage values. However, this idea would provide a perpetual source of funding for the property, and would attract a wide range of the travelling public, including a diverse range of international traveller.
Other ideas include - walking trails around the property, showcasing the magnificent heritage trees and remnant orchards, olive harvesting and production of heritage olive oil, restitution of Wakefield River, rehabilitating the conservation park landscape.

SUMMARY

In this submission I have examined the mechanisms that support the retention of Martindale Hall Conservation Park as an integral and important part of the public estate. Conclusions extend to the following;

1. The proposal as it is presented, can not satisfy the heritage values and heritage framework of the property.
2. Martindale Hall and the Coach House are listed in the South Australian Heritage Register and also on the Register of the National Estate. The proposal would compromise such listings.
3. The proposal is a misfit with the history, buildings, amenity, and general public access of the property, and significantly compromises the intent and purpose of the heritage listing.
4. There are a number of questions about whether the State Heritage Council and other agencies have been consulted or have responded to the proposal. Such responses should have been made available in the public domain during the current Stage 2 consultation period.
5. Given that the proposal is about developing a “five-star resort and wellness retreat”, the conservation park status of MHCP would be put in jeopardy, as would the heritage framework for which the park was originally established.
6. The unsolicited proposal process is considered to be inappropriate for sensitive heritage listed sites such as Martindale Hall Conservation Park. Checks and balances are at high risk of being ignored, as are relevant frameworks such as the Burra Charter.
7. Martindale Hall Conservation Park is part of the public estate and is protected under the *Heritage Places Act*. It would be a breach of trust to seek to dispose of the property. It might be a breach of trust to have allowed the unsolicited proposal to have proceeded as far as it has.
8. The trust and “Trustee” issue about the property needs clarification, as does the legality of offering it for sale.
9. It would be appropriate to return to the Master Plan to chart a way forward for MHCP.
10. An alternative solution for MHCP is required today and a contemporary version of a Development Trust presents the best opportunity. Devolving responsibilities to the local community could offer the best outcomes for all parties. This aspect needs to be explored.

What about the proposal?

It would be remiss not to offer an alternative for the proponents.

The proposal as presented in the plans by the proponents belongs on another property, it does not belong on a heritage listed property, and it does not belong on a conservation park.

The concept about a “five-star resort and wellness retreat” would surely be better served in purpose-designed buildings in a quiet landscape.

So, not far from Martindale Hall is a property owned by Clare and Gilbert Valleys Council. The proponents might like to examine this site.



This alternative site could produce some significant advantages that would be beneficial to both the resort/retreat and Martindale Hall Conservation Park. It could create a fabulous 3-way focus involving historic Mintaro. And it could attract a far broader spectrum of visitor than could ever have been envisaged.

All that is needed is imagination.

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