

DEVELOPMENT NO.:	22035973
APPLICANT:	John and Elisha Tsoutsikos
ADDRESS:	53 MARINE PDE SEACLIFF SA 5049
NATURE OF DEVELOPMENT:	Demolition of a Local Heritage Place
ZONING INFORMATION:	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Established Neighbourhood</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Affordable Housing</li> <li>• Character Area</li> <li>• Local Heritage Place</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Stormwater Management</li> <li>• Urban Tree Canopy</li> </ul> <p><b>Technical Numeric Variations (TNVs):</b></p> <ul style="list-style-type: none"> <li>• Minimum Frontage (Minimum frontage for a detached dwelling is 12m; semi-detached dwelling is 12m; row dwelling is 12m; group dwelling is 12m; residential flat building is 12m)</li> <li>• Minimum Site Area (Minimum site area for a detached dwelling is 450 sqm; semi-detached dwelling is 400 sqm; row dwelling is 350 sqm; group dwelling is 350 sqm; residential flat building is 350 sqm)</li> <li>• Maximum Building Height (Levels) (Maximum building height is 1 level)</li> </ul>
LODGEMENT DATE:	25 Oct 2022
RELEVANT AUTHORITY:	Assessment panel
PLANNING & DESIGN CODE VERSION:	13 October 2022 2022.19
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning

## CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 4: Applicant Document: Plan SA Assessment Guides
ATTACHMENT 1:	Applicant Document: Town Planning Advisor Report 21/10/2022	ATTACHMENT 5: Council's Heritage Consultants Report -Stevens Architects Pty Ltd
ATTACHMENT 2:	Applicant Document: Bruce Harry & Associates Report October 2022	ATTACHMENT 6: Representations
ATTACHMENT 3:	Applicant Document: Town Planning Advisors Report 23/01/2023	

## SUBJECT LAND & LOCALITY:

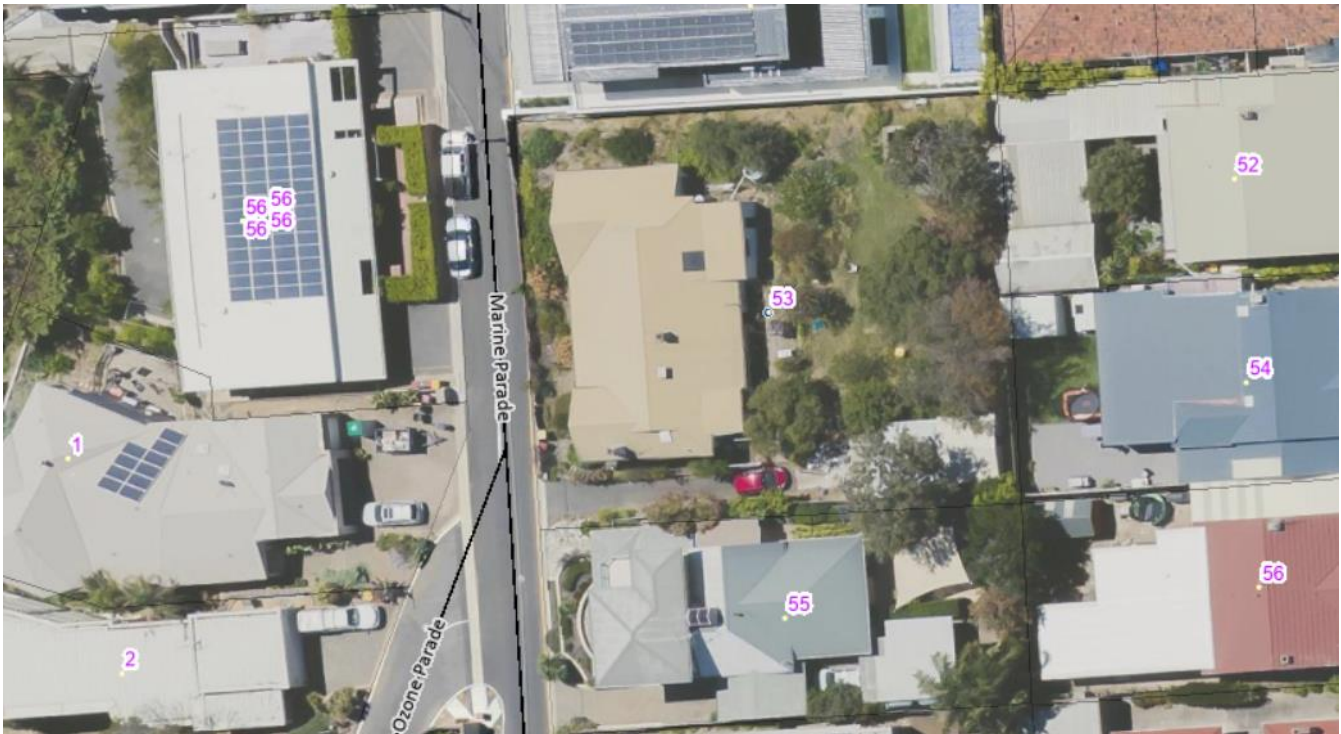
### Site Description:

**Location reference:** 53 MARINE PDE SEACLIFF SA 5049

**Title ref.:** CT 5667/788 **Plan Parcel:** F38192 AL255 **Council:** CITY OF HOLDFAST BAY

The site has a frontage of 31 metres and site area of 1100 square metres, located on the eastern side of Marine Parade and elevated above the road level on the natural sand dune.

A single storey Local Heritage Place sits on the land, some 3 metres from the primary street boundary. There is no verge or footpath between the front boundary and road. The rear of the site has a small shed and vegetation, none of which are regulated or significant trees.



### Locality

The site is in the Established Neighbourhood Zone, Seaclyff Character Area, which is defined by 1880s to 1920s housing stock, typically single storey Bungalows and Spanish Mission style Architecture on larger allotments as well

as newer housing stock which has been established since the 1970s, with many comprising two storey building form, resulting in a mix of building styles.

The locality contains a number of Local and State Heritage Places (dwellings), all of which are listed based on their architectural significance. Some nearby examples include 40 Myrtle Road, 44, 48 and 45 Wheatland Street and 44 Marine Parade (State Heritage).



#### CONSENT TYPE REQUIRED:

Planning Consent

#### CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:** Demolition  
Demolition: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
P&D Code

#### PUBLIC NOTIFICATION

##### REASON

Demolition of Local Heritage Place.

A total of 10 representations were received as part of the Public Notification process, all of which support the demolition of the building.

#### INTERNAL REFERRALS

Council's Heritage Consultant – Andrew Stevens (refer to Attachment 2).

Holdfast Bay History Centre – *No additional information further to Bruce Harry's research was found.*

#### PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

#### HERITAGE LISTING

The heritage listing arose from the property being identified in the Heritage Survey of Brighton undertaken by Dallwitz & Holt in 1989. A subsequent review was undertaken by McDougall & Vines in 1998.

Following the heritage reviews of the time, the City of Holdfast Bay listed the property in March 2001 under Section 23(4) criteria (a) and (e) of the Development Act 1993 on the grounds it displayed (a) *historical, economic or social themes of importance to the local area (no themes noted in either review)*, and (e) *it's association with a notable local personality or event (writer and poet, Ian Mudie)*.

The architectural significance of the building therefore does not form part of the reason for its listing, which is associated with criteria 23(4)(d), which reads: *it displays aesthetic merit, design characteristics or construction techniques of significance to the local area.*

The key values when a property is initially considered for heritage listing typically reflect in the following:

- physical representation (eg. architectural significance of a building);
- Use and specific design features (eg. shop, church);
- Site context or setting (e.g. grandstand, high street shopfront);
- Tangible association with a notable historic person or event that shaped its built form or appearance (eg. Hans Heysen – Cedars)

#### SUMMARY OF HERITAGE EXPERT REVIEWS

##### Bruce Harry (Bruce Harry and Associates)

The subject building is an American Bungalow style house, constructed in 1923. The dwelling has retained much of its external built form appearance, however there are visible differences in wall vents. The fabric and finishes suggest that the return verandah was enclosed, and the original bathroom area enlarged at a later date.



Ian Mudie purchased the property in 1941 and sold it by 1950. During the time of ownership, it is documented that he enlisted in the Australian Army, between the time of purchase and 1945 whereby he was not an occupant of the property for some period.

#### Summary

Considering the building and its setting and context in the historical development of Seacliff, it does not possess any attributes that would support its heritage listing, as there is no evidence available to suggest that it was closely associated with recognised stages of local events, developments, endeavours or activities, it was simply a beach house, initially constructed as a seaside holiday home by the original owner.

The building is no more significant than any other residences built in the locality during the 1920-30s. It is architecturally unremarkable.

#### **Andrew Stevens (Stevens Architects Pty Ltd)**

The dwelling at 53 Marine Parade was identified as a place of local heritage significance in the 'Brighton Heritage Survey' 1988-1991 by John Dallwitz and Averill Holt. The Item Identification Sheet for the place stated 'the house is of high local significance for its association with this noted 'author and poet'. Heritage listing was not enabled in South Australia until the introduction of the Development Act 1993, which lead to the 1998 Brighton Heritage Review by McDougall & Vines.

The extent of the listing in the assessment sheet is:

- *'Overall external form, materials and detailing'.*

The conservation recommendations in the heritage review assessment sheet state:

- *'the overall external form of the house should be retained if possible and any adaptations undertaken preferably to the rear. The association with the writer Ian Mudie should be interpreted through a plaque, possibly in the adjacent footpath'.*

The heritage listing of 53 Marine Parade lies with its association with Ian Mudie. The 1998 Heritage Survey states the place fulfils criteria (a), *it displays historical, economic or social themes that are of importance to the local area* criteria (e), *it is associated with a notable local personality or event*.

The dwelling has an asymmetrical, rectilinear plan form. It has a steeply pitched gabled roof, with smaller gablets perpendicular to the main roof. There are two tapered brick and rendered chimneys. The southern gable wall includes a bay window, while the northern gable has timber strapping and strutting. What was once a large and deep verandah with robust tapered brick piers, has been enclosed through the installation of windows and lightweight construction. The dwelling is elevated on top of a sand dune, which gives it a visual prominence on the streetscape.

In terms of its appearance, the dwelling is described as nondescript of some age. It is not architecturally prominent nor exceptional, particularly when compared to other houses in the near vicinity which were construction over a similar period.

#### Summary

The heritage listing of this place is tenuous and the information that formed the basis of the listing is lacking in substance.

Architecturally, the building is not prominent nor exceptional.

Demolition cannot be supported against the relevant Design Code policy.

### ASSESSMENT AGAINST THE DESIGN CODE

#### Local Heritage Place Overlay

##### Desired Outcome 1

*Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive re-use.*

The proposed demolition fails to satisfy Desired Outcome 1 in that it does not maintain the heritage and cultural values of the heritage place.

#### Performance Outcome

##### Demolition

##### Performance Outcome 6.1

*Local Heritage Places are not demolished, destroyed or removed in total or in part unless:*

- a) The portion of the Local Heritage Place to be demolished, destroyed or removed is excluded from the extent of the listing that is of heritage value; or*

- b) *The structural integrity or other feature or attribute is appropriate where it does not contribute to the heritage values of the Local Heritage Place*

The proposal fails to satisfy this provision as it proposes the demolition of a Local Heritage Place. Part a) is not satisfied, as the proposal comprises the demolition of the building, which is included in the extent of the listing. Part b) is not satisfied either, as it appears that the building is structurally sound.

## Performance Outcome 6.2

*The demolition, destruction or removal of a building, portion of a building or other feature or attribute is appropriate where it does not contribute to the heritage values of the Local Heritage Place.*

This provision points to the potential to demolish a building where it is considered to not contribute to the *heritage value* of the Local Heritage Place. In interpreting the context of PO 6.2, the Applicant has sought advice from Plan SA, who supplied reference to the *Practitioner Overview of Heritage and Character in the New Planning System*, which is a non-statutory document, but provides a guide into the interpretation of policy. This advice suggests that guidance could be gained from a suitably qualified heritage expert to determine the *heritage value*, and therefore form a guided and balanced consideration of PO 6.2.

Council has opinions from two suitably qualified heritage experts including Bruce Harry (Applicant's heritage expert), and Andrew Stevens (Council's heritage expert). As referenced earlier in this report, both heritage experts agree that the *heritage value* of the Local Heritage Place is negligible/tenuous, although it is noted that Council's heritage expert does not support the demolition when considered against the relevant policies.

Although Andrew Stevens does not support the demolition of the building when considering the proposal against the Design Code, it is clear in his report that he does not consider the existing building to have any architectural significance, nor an exceptional example of buildings from that period, hence its actual value in a heritage context is negligible. The building forms the extent of the heritage listing, however its appearance was not a reason for the original listing, nor would it likely qualify as a suitable listing based on the opinions of the heritage experts.

On balance, it is considered that the proposed development satisfies Performance Outcome 6.2 as it entertains the potential of the demolition of a building where it does not contribute to the *heritage value* of the Local Heritage Place. In this instance:

- there is no reference to the property displaying a relationship to recognised history of the local area;
- it is not clearly demonstrated how the subject place has a special association with a notable local personality, besides his ownership for a period of 9 years. The title/address of the property may well have more heritage value than the building itself; and
- the architectural elements of the building do not form part of the listing and both heritage experts have indicated that the building itself does not present any architectural significance, particularly in terms of being worth of heritage listing.

When considering the context of the *notable local personality*, it is reasonable to conclude, based on the research undertaken, that Ian Mudie simply owned the property over a limited period, did not reside at the dwelling for a large portion of that time, and was not considered a prominent person in the locality. His most successful works came after his ownership of this property.

To add further context, in the event this building was overlooked in the initial heritage surveys and never heritage listed, it is unlikely that following its demolition, that Council would have viewed the demolition as a missed opportunity to have saved a building of architectural significance, or even have established a meaningful link to its past occupant.

Development applications are not required to satisfy all relevant Performance Outcomes, rather, the relevant authority must ensure that the assessment is a balanced one. There are 3 provisions that are relevant to the assessment of this proposal, 2 of which are not satisfied. This does not translate to the proposal being refused on the grounds of a numerical count against the provisions. In the context of this assessment, Performance Outcome 6.2 is considered to hold significant weight in that it is considered in context with the opinions of 2 Heritage Experts, and offers a consideration most relevant to this proposal, which is the question of the actual *heritage value* of the building sought to be demolished.

DO 1 and PO 1, whilst relevant to the assessment of demolition in highlighting the primary objective of conserving heritage places, are in this case less relevant given there is a reasonable question to the *heritage value* of the subject building.

## **CONCLUSION**

When assessing the proposal against the relevant provisions of the Design Code, it is clear that the fundamental objective is to ensure the conservation of heritage buildings. The Design Code, does however anticipate the possibility for the demolition of such places, where appropriate, such as the case that the building to be demolished is not part of the extent of the listing, where the building is irredeemably beyond repair, or where the *heritage value* is negligible.

Based on the original assessment of 53 Marine Parade, dating back to the Heritage Reviews undertaken in 1988 and 1998, whereby the identification of the property came with little substance, along with the careful consideration and guidance from two Heritage Experts, it is clear that the *heritage value* of 53 Marine Parade is tenuous, negligible and the building does not display any significant architectural significance to the extent that the demolition would not result in an unreasonable loss of a building of significant heritage fabric.

## **RECOMMENDATION**

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 22035973, by John and Elisha Tsoutsikos is granted. Development Approval.

## **OFFICER MAKING RECOMMENDATION**

**Name:** Dean Spasic

**Title:** Developer Officer - Planner

**Date:** 27/03/2023