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**I hereby give notice that a Council Assessment Panel will be held on:**

**Date:** Wednesday, 15 June 2022  
**Time:** 5.45 p.m.  
**Location:** Council Chamber  
Civic Centre  
10 Watson Terrace  
Mount Gambier

# **AGENDA**

## **Council Assessment Panel 15 June 2022**

A handwritten signature in black ink, appearing to read 'Tracy Tzioutziouklaris', with a horizontal line above it.

**Tracy Tzioutziouklaris**  
**Manager Development Services**  
**9 June 2022**

## Order Of Business

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**1 ACKNOWLEDGEMENT OF COUNTRY**

**WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.**

**2 APOLOGY(IES)**

Nil

**3 CONFIRMATION OF MINUTES**

Council Assessment Panel - 19 May 2022

**RECOMMENDATION**

That the minutes of the Council Assessment Panel meeting held on 19 May 2022 be confirmed as an accurate record of the proceedings of the meeting.

**4 QUESTIONS WITHOUT NOTICE**

**5 INVITEES**

- As from 1 October 2017, every Council is required to establish an Assessment Panel under provisions within the Planning, Development and Infrastructure Act 2016 to determine and make decisions on development applications as delegated to the Panel.
- When the Panel is considering an application, it must assess the proposal against the Planning and Design Code.
- The meeting itself is informal, however, all decisions made by the Assessment Panel are formal.
- Representors will be allocated 5 minutes to make their presentation, after which, Panel Members may ask questions to clarify any issues. It is solely a question and answer session. There will be no debate entered into.
- Council Officers will advise you of the decision as soon as practical after the meeting.

**Invitees for Item 6.1 DA 21010994 - 6 Shepherson Road, Mount Gambier**

The Owner/s - Mr Angus and Mrs Lacey Maddern

The Representor - Mr Frank Brennan, Frank Brennan Consulting



## 6 REPORTS

### 6.1 DEMOLITION OF EXISTING DWELLING - 6 SHEPHERDSON ROAD – REPORT NO. AR22/37528

<b>Development No:</b>	<b>21010994</b>
<b>Applicant:</b>	<b>Frank Brennan Consulting Services on behalf of Mr and Mrs Maddern</b>
<b>Property Address:</b>	<b>6 Shepherdson Road</b>
<b>Property Owner:</b>	<b>Mr A Maddern and Ms L Flier</b>
<b>Report No:</b>	<b>AR22/37528</b>
<b>CM9 Reference:</b>	<b>AF21/448</b>
<b>Author:</b>	<b>Tracy Tzioutziouklaris, Manager Development Services</b>
<b>Authoriser:</b>	<b>Darren Barber, General Manager Corporate and Regulatory Services</b>
<b>Nature of Development:</b>	<b>Performance Assessed/Public Notification</b>
<b>Description:</b>	<b>To demolish the existing dwelling</b>
<b>Zoning:</b>	<b>Established Neighbourhood</b>
<b>Policy Area:</b>	<b>Affordable housing/Historic Area/Hazards (Bushfire &amp; Flooding)/Native Vegetation/Prescribed Wells Area/Water protection Area</b>
<b>Heritage:</b>	<b>Historic Area</b>

#### REPORT RECOMMENDATION

1. That Council Assessment Panel Report No. AR22/37528 titled 'Demolition of existing dwelling - 6 Shepherdson Road' as presented on 15 June 2022 be noted.
2. Having had regard to the provisions of the Planning and Design Code, the Application and all associated documentation, the development is considered to be seriously at variance to the provisions of the Planning and Design and Planning Consent be refused.

(a) The Applicant be advised:

On balance, the demolition of the dwelling is not justified and does not meet the performance outcomes of the Planning and Design Code. Full demolition of the detached dwelling is not supported.



## BACKGROUND

The subject site is regular in shape with a street frontage of approximately 20.6 metres to Shepherdson Road, is 68 metres deep, having an approximate site area of 1400 square metres. A detached dwelling and an associated outbuilding are currently located on the subject site.

Whilst not identified as a place of local heritage, the subject property is located within the Historic Area Overlay.

The detached dwelling is a 19<sup>th</sup> century weatherboard workers cottage of four rooms and a lean to at the rear.

## PROPOSED DEVELOPMENT

The proposed development is seeking approval to demolish the detached dwelling.

## DEVELOPMENT PLAN PROVISIONS

The subject site is located within the Established Neighbourhood Zone and the following Overlays - Affordable Housing, Historic Area, Hazards, Hazards (Flooding), Native Vegetation, Prescribed Wells Area and Water Protection Area.

The extract from the Planning and Design Code is attached for members information and perusal.

## PLANNING ASSESSMENT

This application is forwarded to the Council Assessment Panel as the application was required to be publicly notified. At the conclusion of the public notification process ten (10) representations were received. Eight (8) representations support the proposed development as the dwelling is considered to be an eyesore. Two (2) representations opposed the development for the following reasons:

- The building is a contributory place
- Adequate reasons have not been provided for why the building should be demolished
- The dwelling appears to be in good condition

It is highlighted one representor wishes to be heard by the Council Assessment Panel.

Mr Frank Brennan of Frank Brennan Consulting has responded to the representations received on behalf of the Applicant with the following:

- The dwelling has been assessed by a local building with the cost estimate for the restoration of the dwelling being \$200,000.00
- The dwelling is considered to be beyond what is considered reasonable repair for habitation.

The subject property was previously listed in Council's Development Plan as a Contributory Place. On 19 March 2021 the Development Plan was replaced by the Planning and Design Code. Performance Outcome 7.1 within the Historic Area Overlay of the Planning and Design Code identifies:

*"Buildings and structures, or features thereof, that demonstrate the historic characteristics as expressed in the Historic Area Statement are not demolished, unless:*

- (a) the front elevation of the building has been substantially altered and cannot be reasonably restored in a manner consistent with the building's original style; or*
- (b) the structural integrity or safe condition of the original building is beyond reasonable repair."*

Within the Wehl Street South Historic Area Statement (MtG2) of the Planning and Design Code it is identified that small stone or timber clad workman's cottages are an architectural style and built form recognised within this Historic Area. The dwelling which is proposed to be demolished is a small timber clad workman's cottage and is provided with additional protection from demolition.



The front elevation of the building has not been substantially altered.

To assist in the assessment of the application a report from Tonkin Consulting identifying the structural integrity of the existing building and demonstrating the building is beyond reasonable repair has been provided by the Applicant and is attached to this report for members information and perusal.

The Local Heritage Advisor, a conservation architect has provided Council with an independent professional opinion as to whether the dwelling is structurally unsound or beyond reasonable economic repair. The subject building is a 19<sup>th</sup> century weatherboard workers cottage of four rooms with the front verandah sited on the street frontage. It has a strong streetscape presence. It is considered the building is not structurally unsound and is not beyond reasonable economic repair. The cost of repair and making good the building fabric would not exceed the cost of demolition and new build of the same floor area and construction. Basic building skills, workmanship and materials would be required to put this cottage into a habitable, presentable and sustainable condition. Specialist skills and materials are not required.

The Planning and Design Code encourages adaptive re-use of existing buildings.

A copy of this advice is attached to this report for members information and perusal.

## **CONCLUSION**

On balance, it is considered that demolition of the dwelling is not justified and does not meet the performance outcomes of the Planning and Design Code. Demolition of the detached dwelling is not supported.

## **INVITES**

Mr Angus and Mrs Lacey Maddern, Owners

Mr Frank Brennan, Frank Brennan Consulting Services

## **ATTACHMENTS**

1. Application Summary - 6 Shepherdson
2. Certificate of Title - 6 Shepherdson
3. Site Plan - 6 Shepherdson
4. Demolition Methodology - 6 Shepherdson
5. Photo - Streetscape - 6 Shepherdson
6. Inspection report - Heritage Adviser - 6 Shepherdson Road
7. Tonkin Consulting - Report - 6 Shepherdson
8. Representations - 6 Shepherdson
9. Response to representations and building report - 6 Shepherdson Road
10. Planning and Design Code - 6 Shepherdson



**7 URGENT MOTIONS WITHOUT NOTICE**

**8 MEETING CLOSE**

