Report to the Future Melbourne (Planning) Committee

Agenda item 6.2

Planning Permit Application: TP-2015-133
99 Hotham Street East Melbourne

4 August 2015

Presenter: Karen Snyders, Planning Coordinator

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a planning permit application at 99 Hotham Street, East Melbourne (refer Attachment 2 – Locality Plan). The application seeks approval for partial demolition and alterations and additions to the existing 'D' graded dwelling. The development will involve the construction of a two storey rear extension and two basement levels, deconstruction and reconstruction of the rear service wing and restoration works to the existing façade of the dwelling.

2. The applicant is KPDO, the owner is Mr Tim Storey and the architect is KPDO.

3. The application was received on 23 February 2015. A response to a request for further information and amended plans in response to issues raised by Council's Heritage Advisor were submitted on 26 May 2015. The application was advertised and 23 objections were received. Two additional objections have been received since the drafting of the delegate report (Refer Attachment 4).

4. The site has a valid planning permit (TP-2011-845) which allows for the construction of a two storey rear extension including a basement and partial demolition. The development approved under this permit is similar to the current proposal, particularly in the aspects of building bulk, height and general architectural character. The permit required retention of the northern, southern, and western walls of the service wing via condition of permit. The permit has not yet been acted upon and no plans have been submitted for endorsement.

Key issues

5. The key issues to consider are the heritage impacts of the proposed demolition and dwelling additions. The application has been assessed against the performance standards and decision guidelines contained in the local policy for Heritage Places Outside the Capital City Zone and the objectives of the Heritage Overlay and having regard to the concerns raised by objectors.

6. The proposed rear extension is of a modern contemporary design and will not generally be seen from Hotham Street. The bulk and scale of development is appropriate having regard to the size of the site, the appearance of the existing heritage place and the character of the streetscape.

7. Subject to conditions, the proposed demolition, reconstruction and restoration works will not adversely affect the significance, character or appearance of the heritage place. Relevant measures and conditions will further ensure that the restoration, deconstruction and reconstruction works are undertaken to a detailed methodology prepared by an independent recognised heritage consultant to be supervised and formally approved by the same.

8. Objector concerns relating to construction impacts and structural issues relating to the construction of the basement levels are outside the scope of the planning controls and are managed by the relevant building controls. A construction management plan condition is recommended to help mitigate construction impacts to the area.

Recommendation from management

9. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit to planning application TP-2015-133, subject to conditions included in the delegate's report (refer Attachment 4 – Delegate's Report).

Attachments:
1. Supporting Attachment
2. Locality Plan
3. Selected plans
4. Delegate Report

Supporting Attachment

Legal

1. No direct legal issues arise from the recommendation from management.

Finance

2. There are direct financial issues arising from the recommendations contained in this report.

Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

4. Formal notification of the application was carried out in June 2015 by notices to the owners and occupiers of adjoining land.

Relation to Council policy

5. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

Environmental sustainability

6. To ensure compliance with local policy Clause 22.19 Energy Water and Waste Efficiency, a condition of permit requires an ESD report to be submitted.

Locality Plan

99 Hotham Street East Melbourne



ADVERTISED PLAN
Sheet no ..... 18 ..... of ..... sheets

HOTHAM STREET

97 HOTHAM ST
SINGLE STOREY BRICK HOUSE

PROTECT & RETAIN EXISTING BOUNDARY FENCE

DEMOLISH SECTION OF PAILING FENCE

DEMOLISH SECTION OF GALVANISED IRON FENCE

PRIVATE OPEN SPACE

PROTECT AND RETAIN EXISTING DECORATIVE WROUGHT IRON BALUSTER CORNER

PROTECT AND RETAIN EXISTING SOFT AND HARD LANDSCAPING

PROTECT AND RETAIN EXISTING BLUESTONE LOW LEVEL WALL

INSTALL TREE PROTECTION TO COUNCIL REQUIREMENTS

PROTECT AND RETAIN EXISTING ENTRY PATH AND STEPS. REPLACE DAMAGED PAVERS AS NEEDED

DEMOLISH EXISTING ROOF SHEETING, GUTTERS, FLASHINGS & THE LIKE. RETAIN EXISTING STRUCTURE

INSTALL TREE PROTECTION TO COUNCIL REQUIREMENTS

PROTECT AND RETAIN EXISTING DECORATIVE WROUGHT IRON PICKET FENCE

PROTECT AND RETAIN EXISTING CROSSOVER AND LANEWAY COBBLE STONES

PROTECT AND RETAIN EXISTING BLUESTONE LOW LEVEL WALL

PARAPET TOW 33 200
CHIMNEY
CHIMNEY
PARAPET TOW 33 200
TO FALL
TO FALL
TO FALL
RIDGE RL 33 200
TO FALL
EXISTING RESIDENCE
EXISTING ROOF SHEETING
CHIMNEY
PARAPET TOW 33 200
GUTTER RL 29 980
BALCONY BELOW
BALCONY BELOW
GUTTER RL 24 110

RAISED BRICK GARDEN BED

EXISTING REAR BALCONY TO BE DEMOLISHED. THIS CANNOT BE SEEN FROM THE STREET OR LANEWAY

DEMOLISH EXISTING BALCONY ROOF STRUCTURE, SHEETINGS, FLASHINGS, CAPPINGS AND LINING BACK TO LINE OF PARAPET

DEMOLISH EXISTING ROOF SHEETING, GUTTERS, FLASHINGS & THE LIKE. RETAIN EXISTING STRUCTURE. REBUILD ROOF WITH APPROVED SLATE ROOFING AND SHEET LEAD FLASHINGS

DEMOLISH EXISTING RAISED BRICK GARDEN BED, OUTDOOR PAVING AND ASSOCIATED DRAINAGE

DEMOLISH EXISTING BRICK PAVERS AND SUBSTRATE BACK TO NATURAL GROUND LEVEL

DEMOLISH EXISTING POOL PUMP, HYDRAULIC PIPING, ELECTRICAL CONDUITS AND ASSOCIATED EQUIPMENT

DEMOLISH EXISTING TREES AND GROUND DOWN/ REMOVE TRUNK/ ROOTS TO SUIT NEW LEVELS

DEMOLISH EXISTING POOL INCLUDING TILES, SUBSTRATES, CONCRETE STRUCTURE, FIXINGS, FITTINGS, LIGHTING AND HYDRAULIC SERVICES

PROTECT AND RETAIN EXISTING FENCE AND FOOTINGS

DEMOLISH EXISTING FENCE AND FOOTINGS. INSTALL TEMPORARY HOARDING ALONG BOUNDARY LINE

DEMOLISH EXISTING FENCE AND FOOTINGS. INSTALL TEMPORARY HOARDING ALONG BOUNDARY LINE

RIDGE RL 31 800

DEMOLISH EXISTING CLOTHES LINE

REMOVE ACRYLIC PAINT AND ROUGH RENDER FINISH TO ALL WALLS. PROTECT AND RETAIN ORIGINAL SAND CEMENT RENDER BENEATH

REMOVE EXISTING BLUE STONE PLINTH & PLANTER TO ENABLE SITE ACCESS. STORE ONSITE FOR REBUILDING

EXISTING LANEWAY
COBBLE STONES

CAREFULLY DISMANTLE EXISTING ANNEX AS PER HERITAGE APPROVED METHODOLOGY. STORE BRICKS AND ALL PRACTICABLE EXISTING FABRIC FOR REBUILDING AFTER BASEMENT CONSTRUCTION

REBUILD ROOF AFTER WALL RECONSTRUCTION WITH APPROVED SLATE ROOFING AND SHEET LEAD FLASHINGS. EXISTING GUTTERS TO BE REUSED WHERE POSSIBLE

DEMOLISH EXISTING GATE INCLUDING MOTOR, TRACK, FIXINGS, FOOTING AND ELECTRICAL WIRING

DEMOLISH EXISTING FENCE AND FOOTINGS. INSTALL TEMPORARY HOARDING ALONG BOUNDARY LINE

NOT PRIVATE OPEN SPACE

1/101 HOTHAM ST
DOUBLE STOREY RENDERED BRICK HOUSE

2/101 HOTHAM ST
SINGLE STOREY RENDERED HOUSE GALVANISED IRON PITCHED ROOF

PRIVATE OPEN SPACE

CARPORT

BRICK GARAGE

106 GEORGE STR
DOUBLE STOREY RENDERED BRICK HOUSE

108 GEORGE STREET
TRIPLE STOREY BRICK BUILDING

PLANNING
2 6 MAY 2015

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DEMOLITION SITE PLAN

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REV	DESCRIPTION	DATE
A	Coordination	21.01.2015
A	For Information	02.02.2015
A	Basement Review	03.02.2015
A	Client Meeting	03.02.2015
A	Pricing	05.02.2015

REV	DESCRIPTION	DATE
A	For Comment	13.02.2015
B	Planning Application	18.02.2015
C	Planning Ammendment	25.05.2015

Client
Tim & Wende Storey
Project
Hotham Street
99 Hotham Street, East Melbourne

Project No.
1415

Project Start Date
September 2014

Plot Date
25/05/2015

Drawing
Demolition Site Plan
010 Site Plans

Scale
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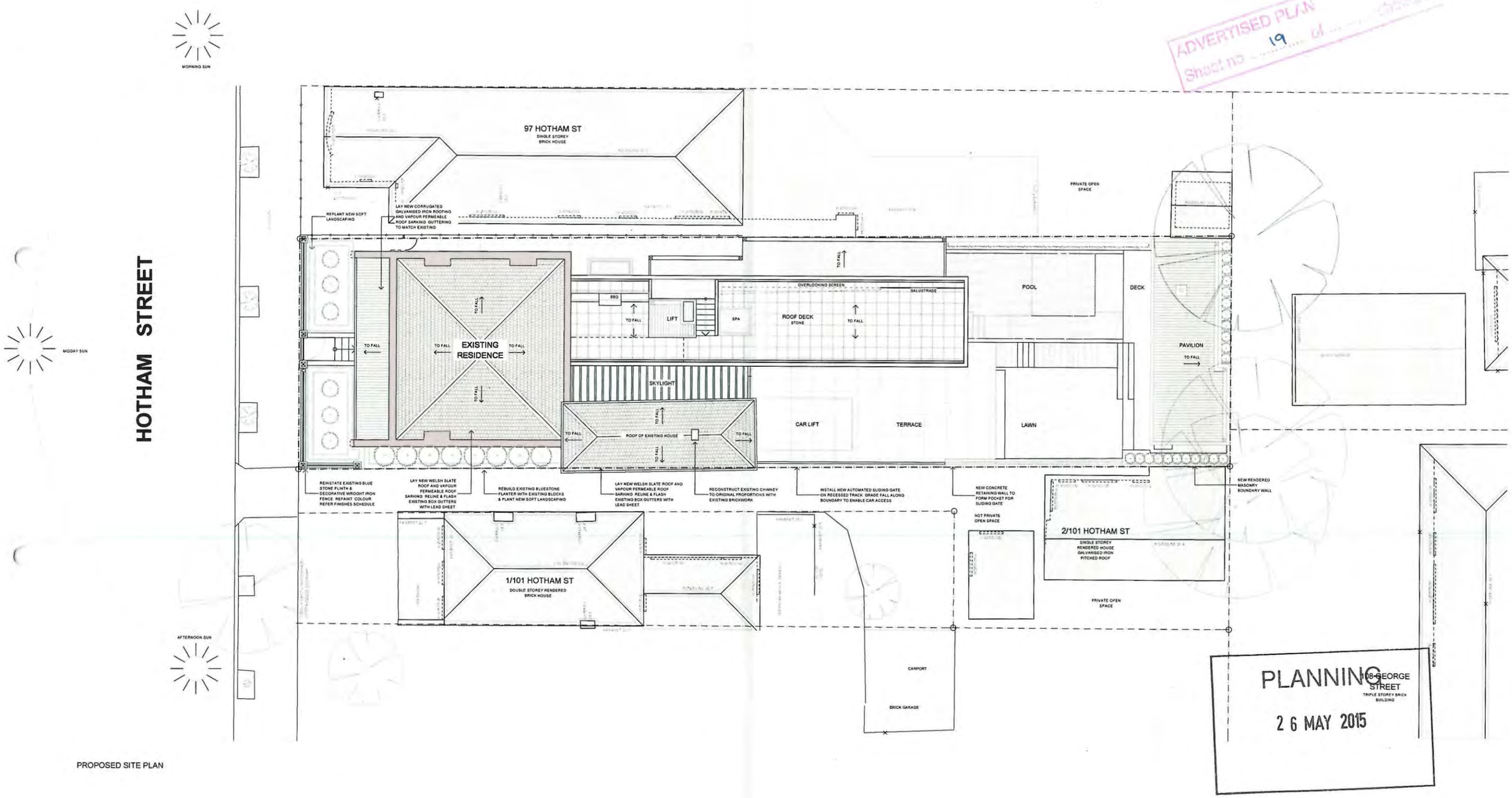
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JC

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PROPOSED SITE PLAN

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A	For Information	02.02.2015
A	Basement Review	03.02.2015
A	Client Meeting	03.02.2015
B	Pricing	05.02.2015
C	Building Surveyor	11.02.2015

REV	DESCRIPTION	DATE
C	For Comment	13.02.2015
D	Planning Application	18.02.2015
E	Planning Ammendment	25.05.2015

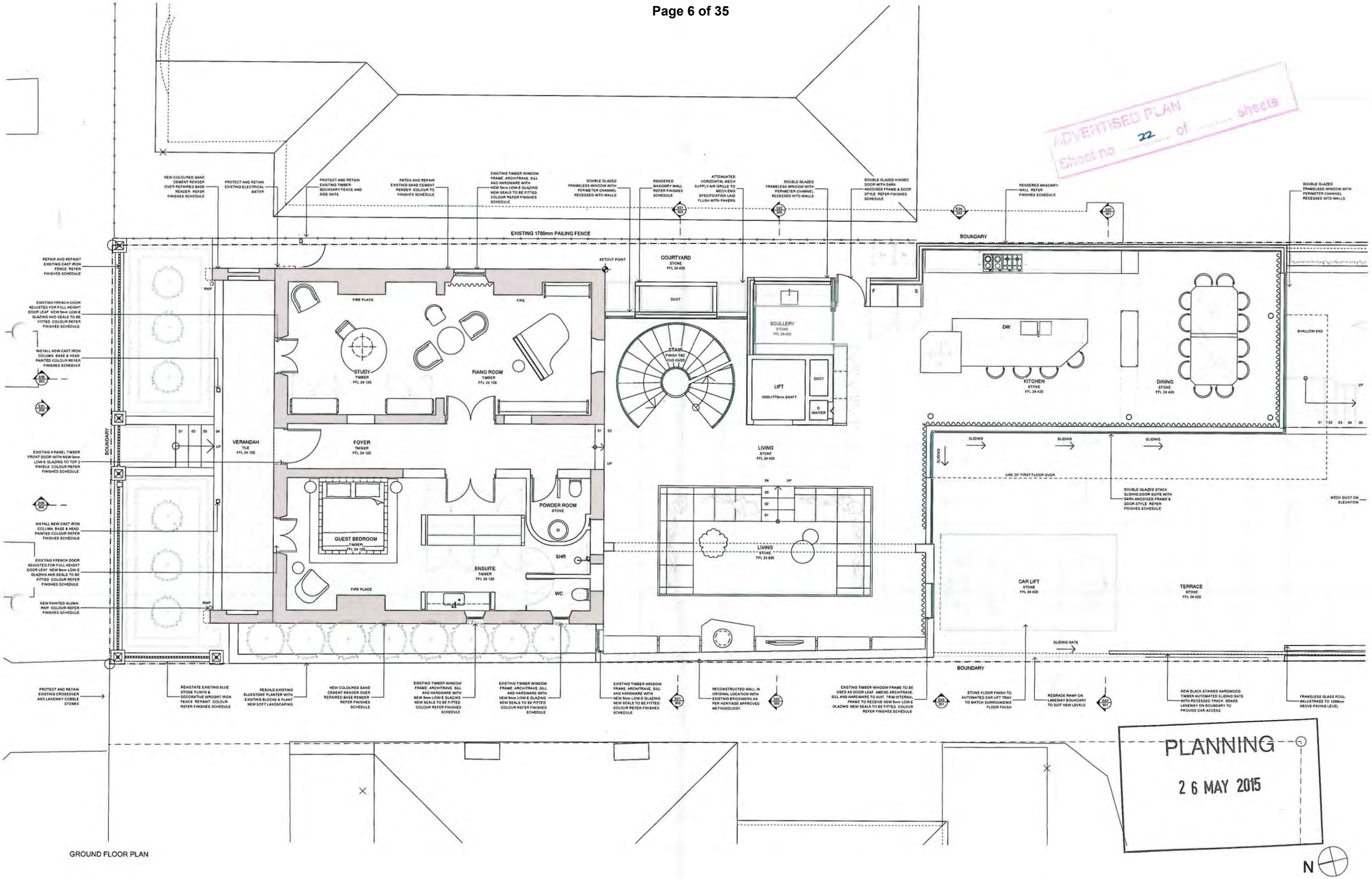
Client
Tim & Wende Storey
Project
Hotham Street
99 Hotham Street, East Melbourne

Project No.
1415
Project Start Date
September 2014

Plot Date
25/05/2015
Drawing
Proposed Site Plan
010 Site Plans

Scale
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1415 012 E
REV

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GROUND FLOOR PLAN

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REV	DESCRIPTION	DATE
H	Planning Application	18.02.2015
I	Planning Ammendment	25.05.2015

REV	DESCRIPTION	DATE

Client
Tim & Wende Storey

Project
Hotham Street
99 Hotham Street, East Melbourne

Project No.
1415

Project Start Date
September 2014

Plot Date
25/05/2015

Drawing
Ground Floor Plan
030 GA Plans

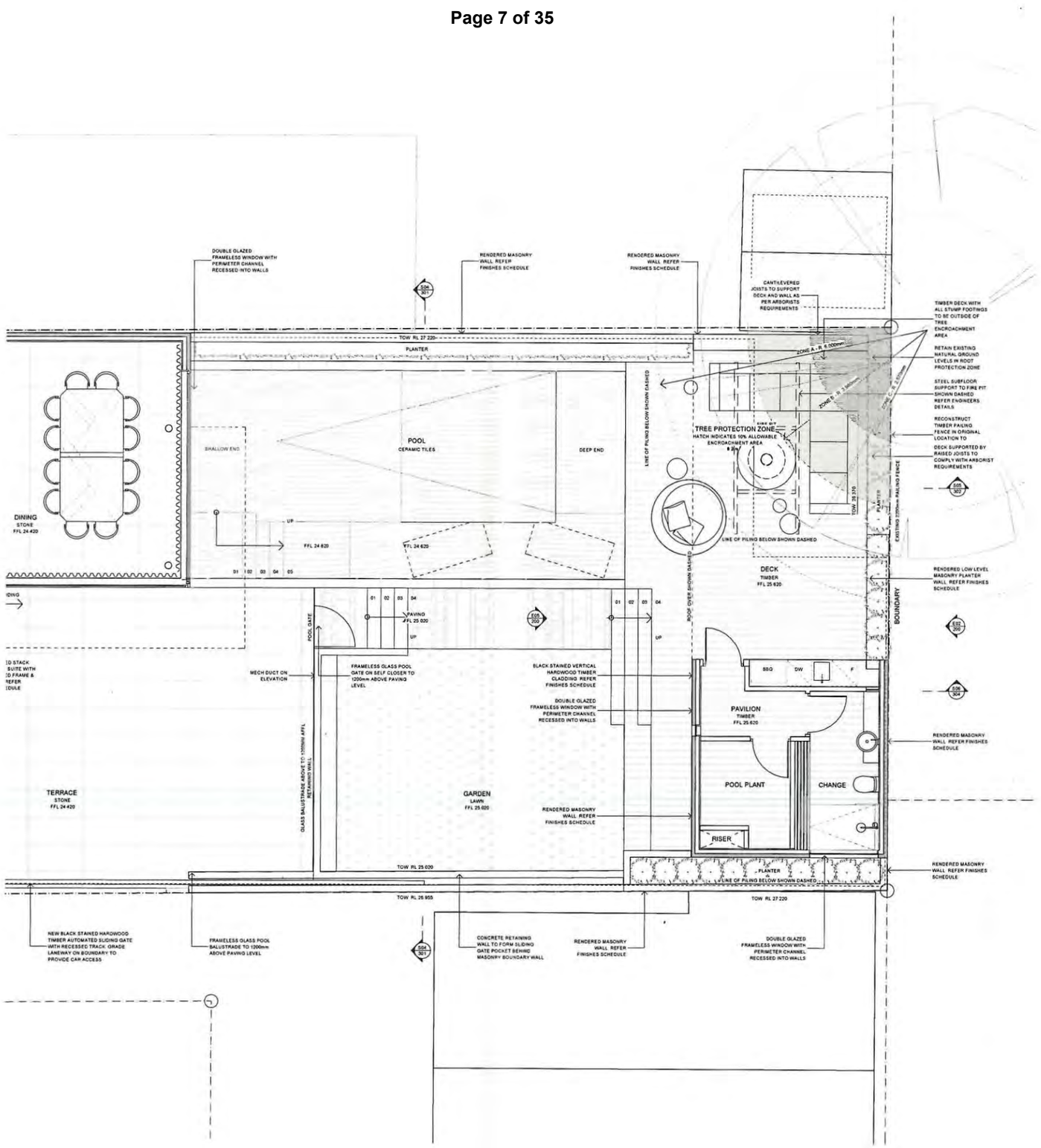
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PAVILION FLOOR PLAN

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A	Coordination	21.01.2015
A	Coordination	21.01.2015
B	Coordination	28.01.2015
B	For Information	02.02.2015
C	Basement Review	03.02.2015
C	Client Meeting	03.02.2015

REV	DESCRIPTION	DATE
D	Pricing	05.02.2015
E	For Comment	13.02.2015
F	Planning Application	18.02.2015
G	Planning Ammendment	25.05.2015

Client
Tim & Wende Storey
Project
Hotham Street
99 Hotham Street, East Melbourne

Project No.
1415

Project Start Date
September 2014

Plot Date
25/05/2015

Drawing
Pavilion Floor Plan
030 GA Plans

Scale
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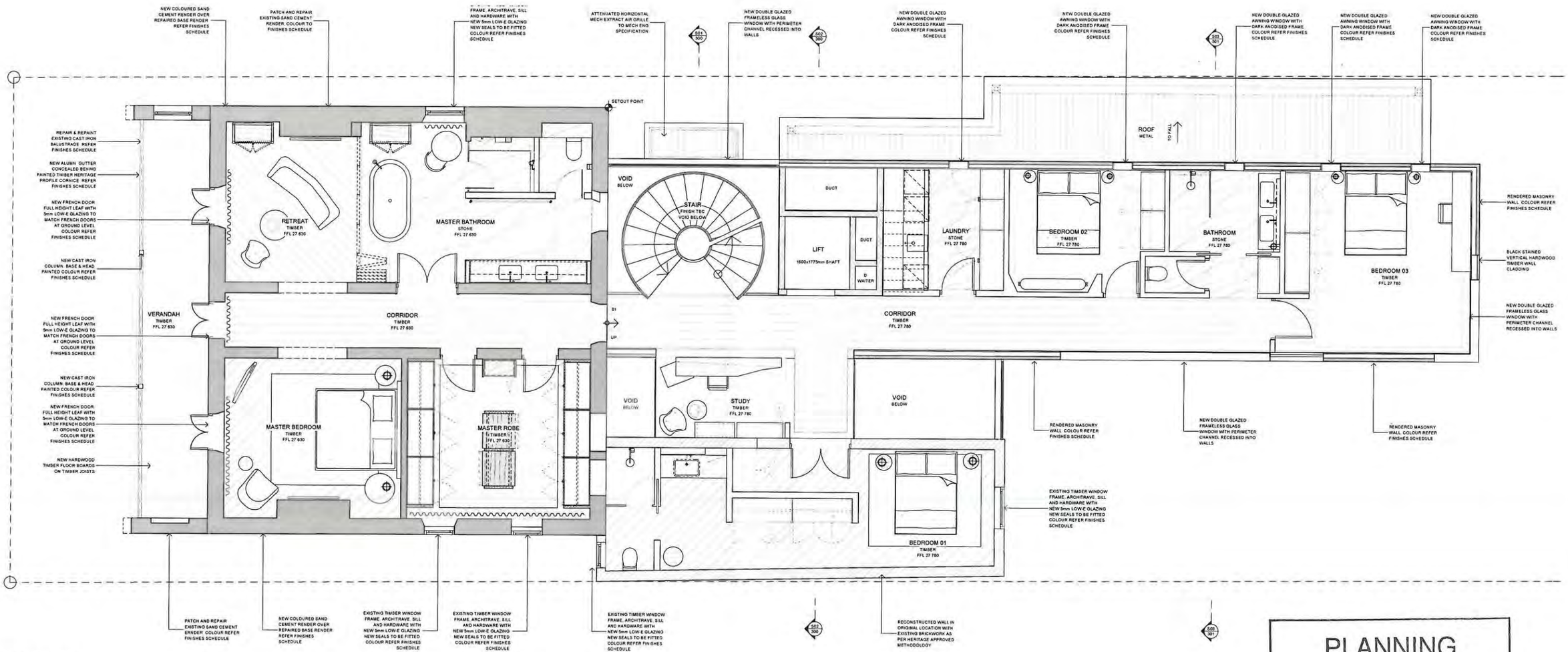
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FIRST FLOOR PLAN

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REV	DESCRIPTION	DATE
A	Client Meeting	17.12.2014
A	Preliminary Cost Plan	05.01.2015
B	Client Meeting	21.01.2015
B	Coordination	21.01.2015
C	Coordination	28.01.2015
C	For Information	02.02.2015

REV	DESCRIPTION	DATE
D	Basement Review	03.02.2015
D	Client Meeting	03.02.2015
E	Pricing	05.02.2015
F	For Comment	13.02.2015
G	Planning Application	18.02.2015
H	Planning Ammendment	25.05.2015

Client
Tim & Wende Storey
Project
Hotham Street
99 Hotham Street, East Melbourne

Project No.
1415

Project Start Date
September 2014

Plot Date
25/05/2015

Drawing
First Floor Plan
030 GA Plans

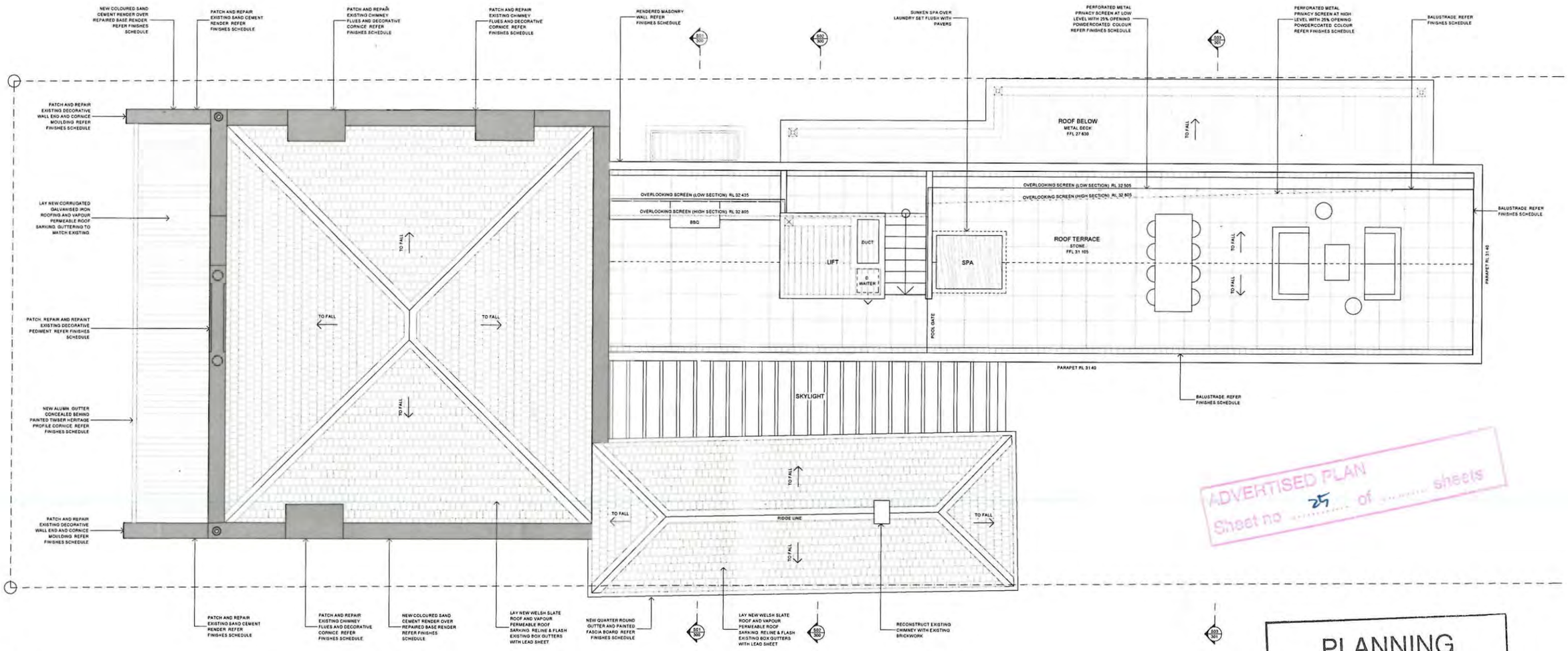
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ROOF PLAN

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PLANNING
26 MAY 2015

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B	For Information	02.02.2015
C	Basement Review	03.02.2015
C	Client Meeting	03.02.2015

REV	DESCRIPTION	DATE
D	Pricing	05.02.2015
E	For Comment	13.02.2015
F	Planning Application	18.02.2015
G	Planning Ammendment	25.05.2015

Client
Tim & Wende Storey
Project
Hotham Street
99 Hotham Street, East Melbourne

Project No.
1415

Project Start Date
September 2014

Plot Date
25/05/2015

Drawing
Roof Plan
030 GA Plans

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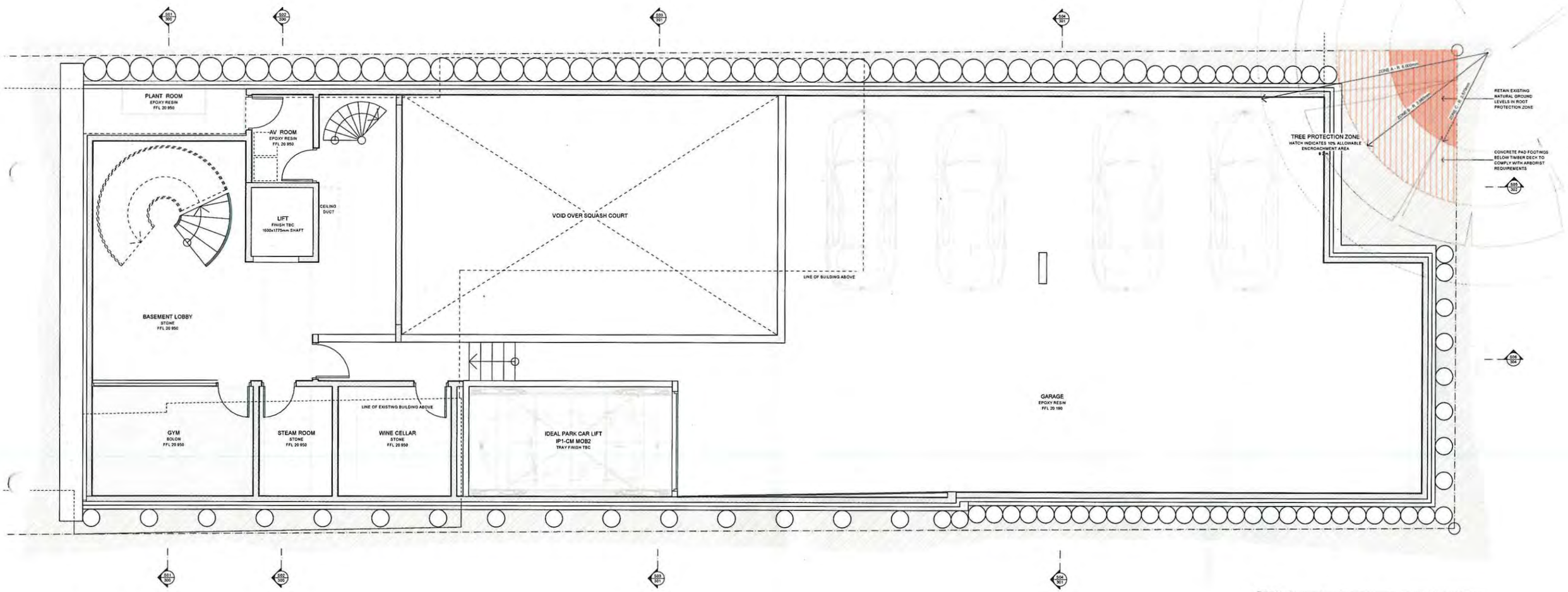
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BASEMENT 01 FLOOR PLAN

PLANNING

2 6 MAY 2015

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C	Basement Review	03.02.2015
C	Client Meeting	03.02.2015

REV	DESCRIPTION	DATE
D	Pricing	05.02.2015
E	For Comment	13.02.2015
F	Planning Application	18.02.2015
G	Planning Ammendment	25.05.2015

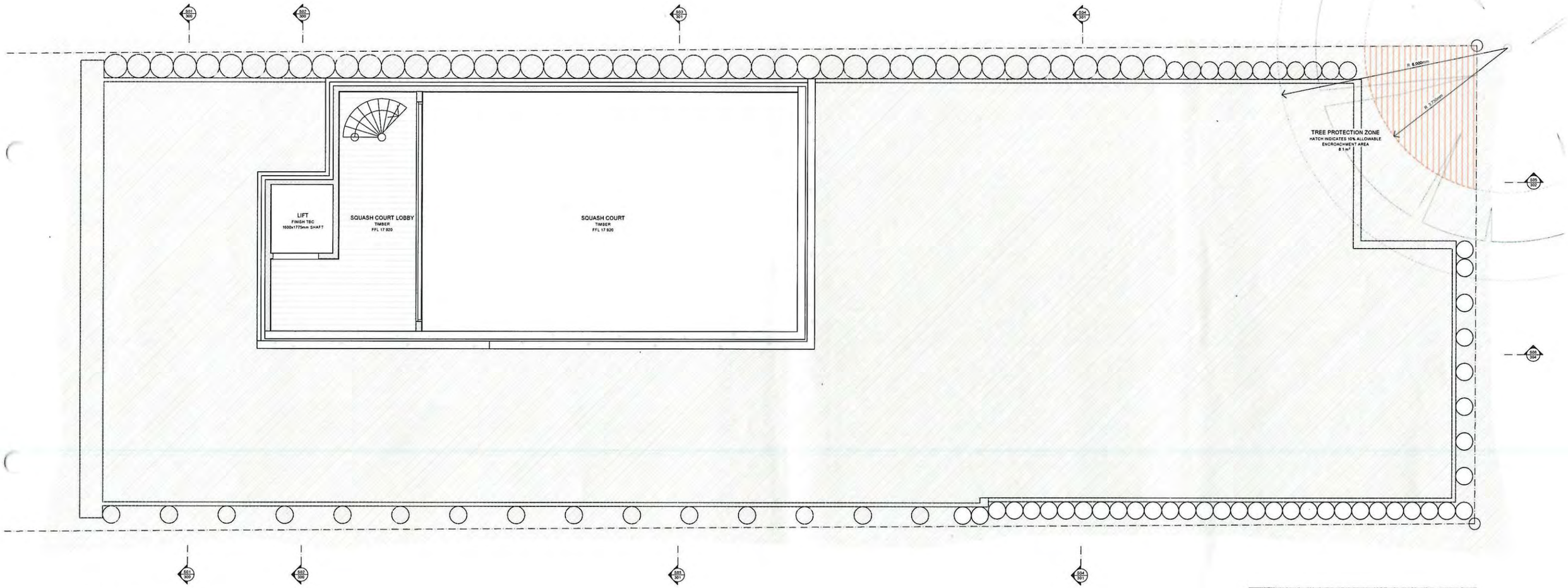
Client
Tim & Wende Storey
Project
Hotham Street
99 Hotham Street, East Melbourne

Project No.
1415
Project Start Date
September 2014

Plot Date
25/05/2015
Drawing
Basement 1 Plan
030 GA Plans

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BASEMENT 02 FLOOR PLAN

PLANNING

2 6 MAY 2015

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REV	DESCRIPTION	DATE
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B	Coordination	28.01.2015
B	For Information	02.02.2015
C	Basement Review	03.02.2015
C	Client Meeting	03.02.2015

REV	DESCRIPTION	DATE
D	Pricing	05.02.2015
E	For Comment	13.02.2015
F	Planning Application	18.02.2015
G	Planning Ammendment	25.05.2015

Client
Tim & Wende Storey
Project
Hotham Street
99 Hotham Street, East Melbourne

Project No.
1415

Project Start Date
September 2014

Plot Date
25/05/2015

Drawing
Basement 2 Plan
030 GA Plans

Scale
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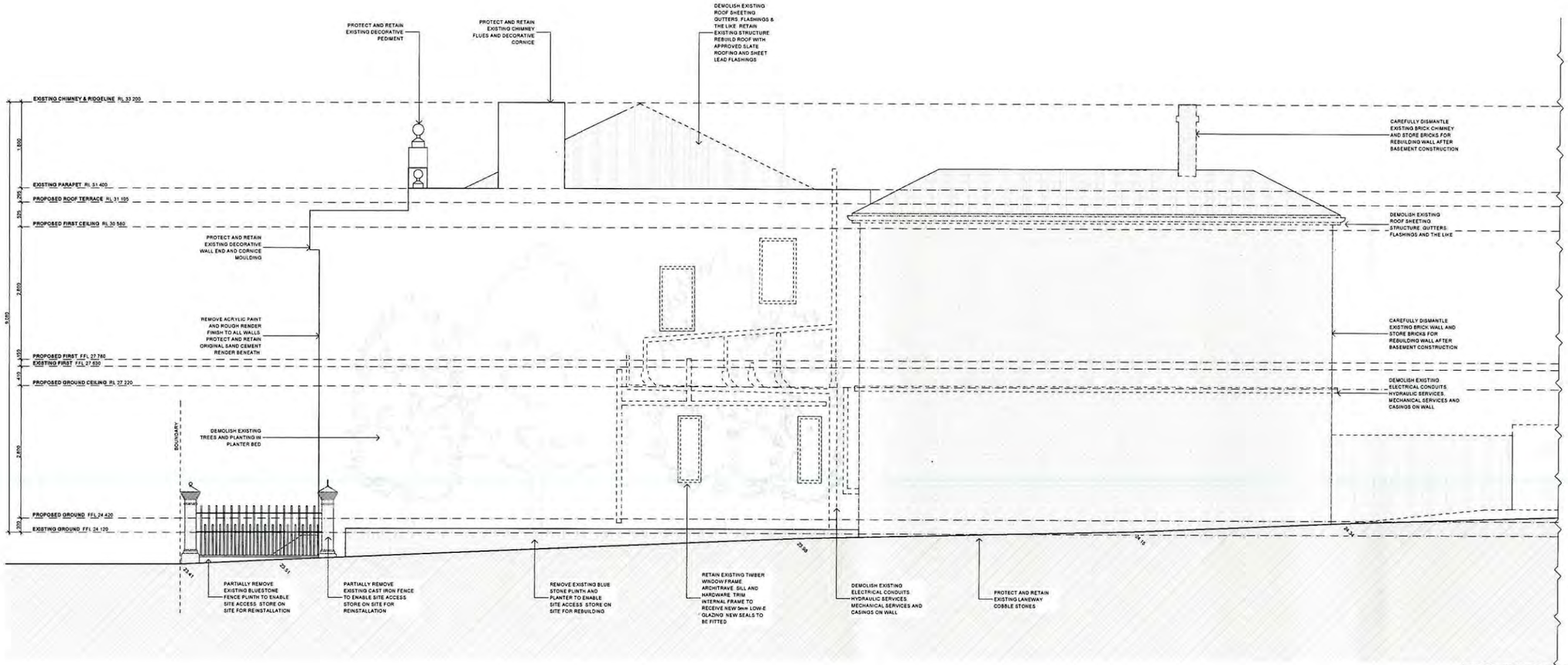
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ELEVATION 03 - WEST

PLANNING
26 MAY 2015

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C	Pricing	05.02.2015
D	For Comment	13.02.2015
E	Planning Application	18.02.2015

REV	DESCRIPTION	DATE
F	Planning Ammendment	25.05.2015

Client
Tim & Wende Storey
Project
Hotham Street
99 Hotham Street, East Melbourne

Project No.
1415

Project Start Date
September 2014

Plot Date
25/05/2015

Drawing
Demolition Elevations
200 Elevations

Scale
1:50 @ A1

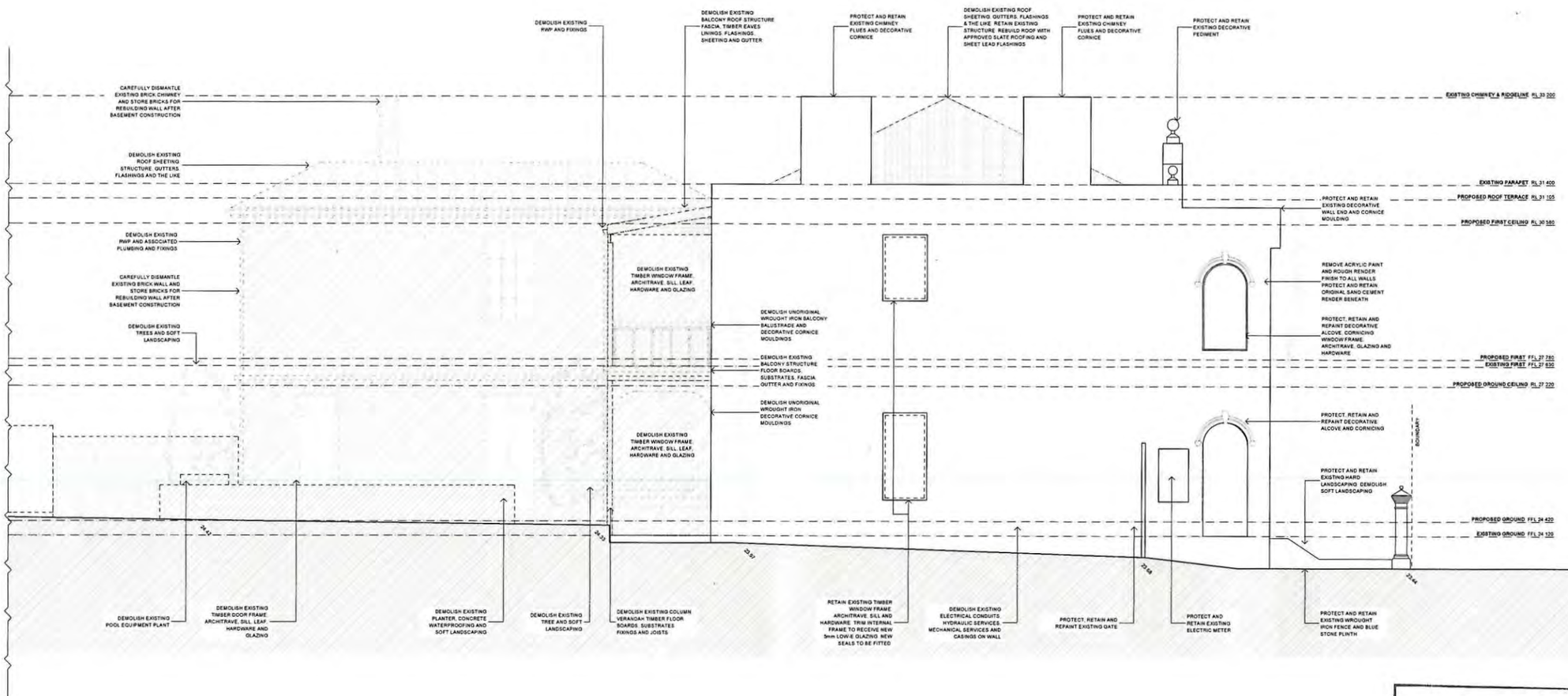
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ELEVATION 04 - EAST continued

PLANNING
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B	Client Meeting	03.02.2015
C	Pricing	05.02.2015
D	For Comment	13.02.2015
E	Planning Application	18.02.2015

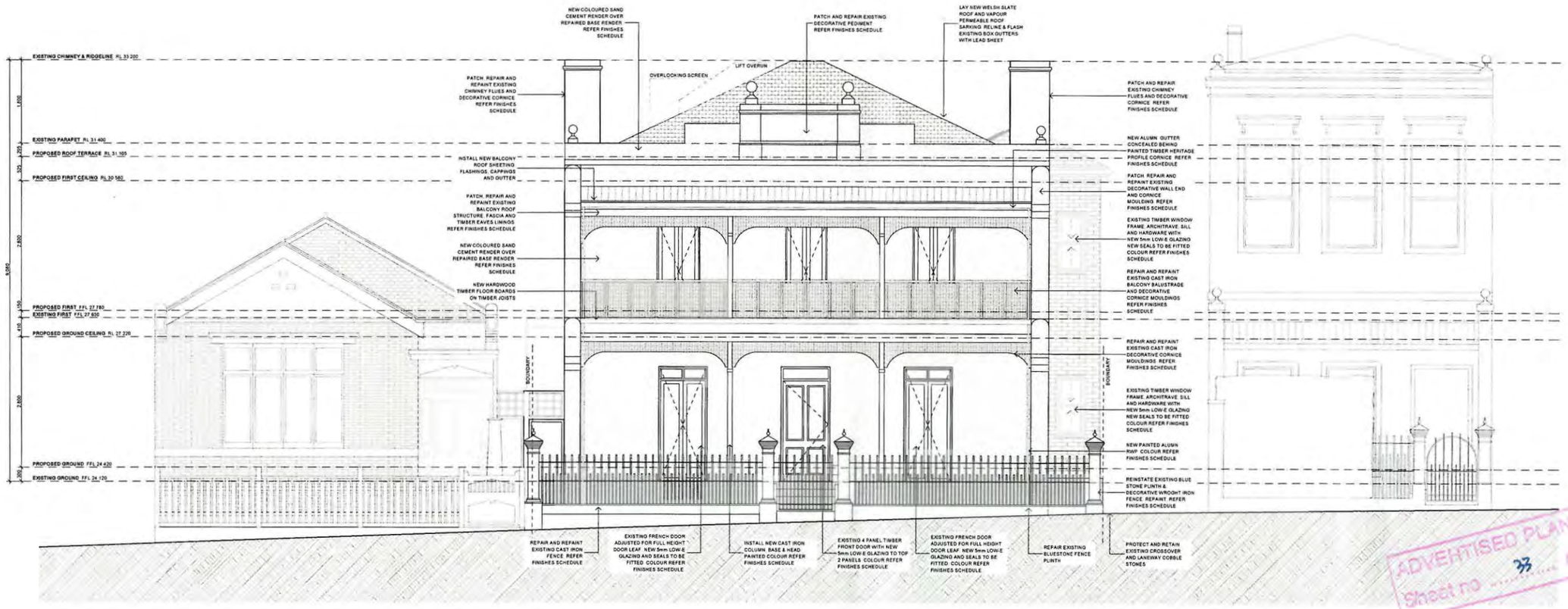
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F	Planning Ammendment	25.05.2015

Client
Tim & Wende Storey
Project
Hotham Street
99 Hotham Street, East Melbourne

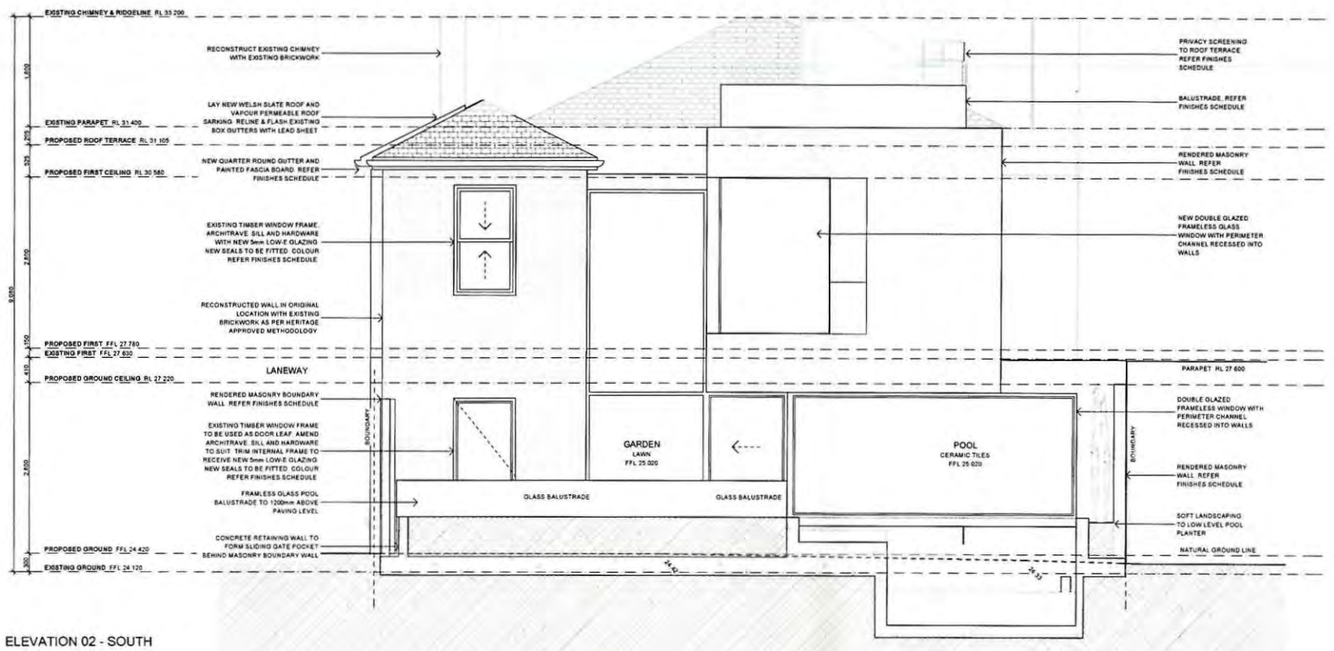
Project No.
1415
Project Start Date
September 2014

Plot Date
25/05/2015
Drawing
Demolition Elevations
200 Elevations

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1415 204 F
REV



ELEVATION 01 - NORTH



ELEVATION 02 - SOUTH

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PLANNING
26 MAY 2015

Client
Tim & Wende Storey

Project
Hotham Street
99 Hotham Street, East Melbourne

Project No.
1415

Project Start Date
September 2014

Drawing
Proposed Elevations
200 Elevations

Plot Date
25/05/2015

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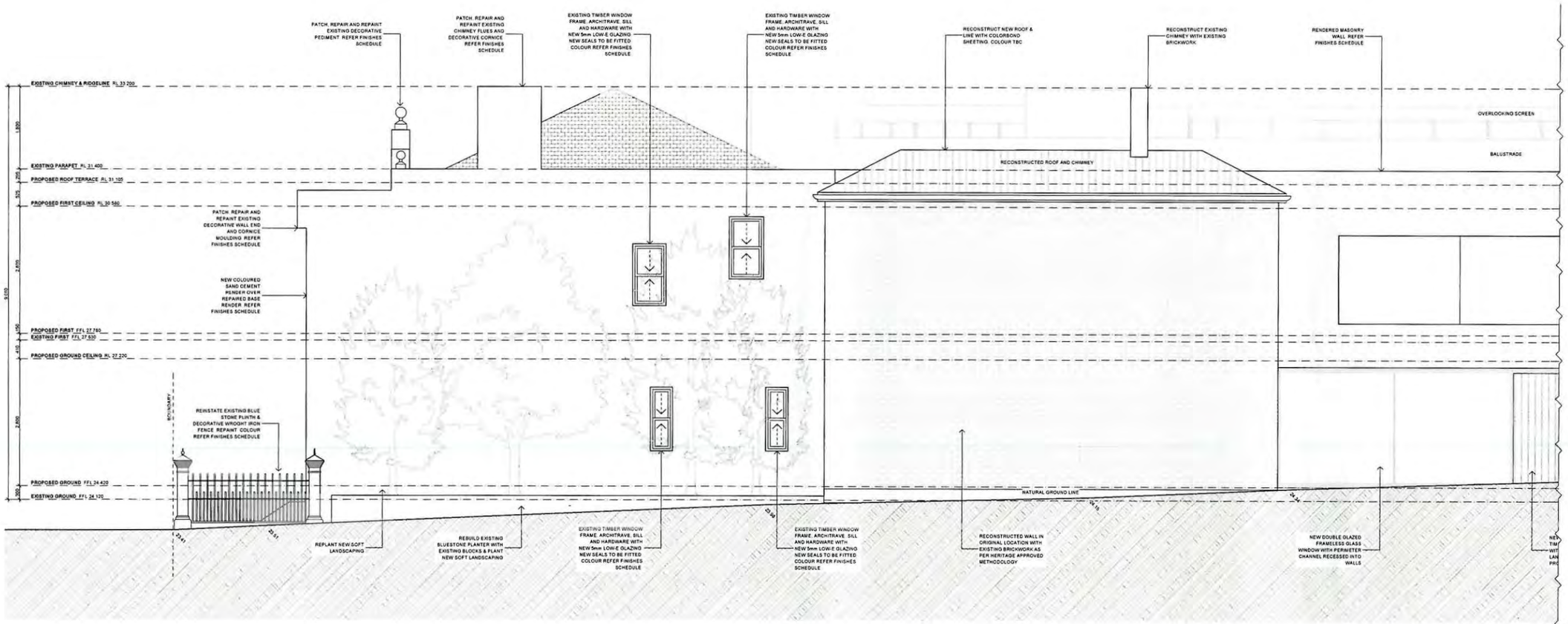
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ELEVATION 03 - WEST

PLANNING
26 MAY 2015

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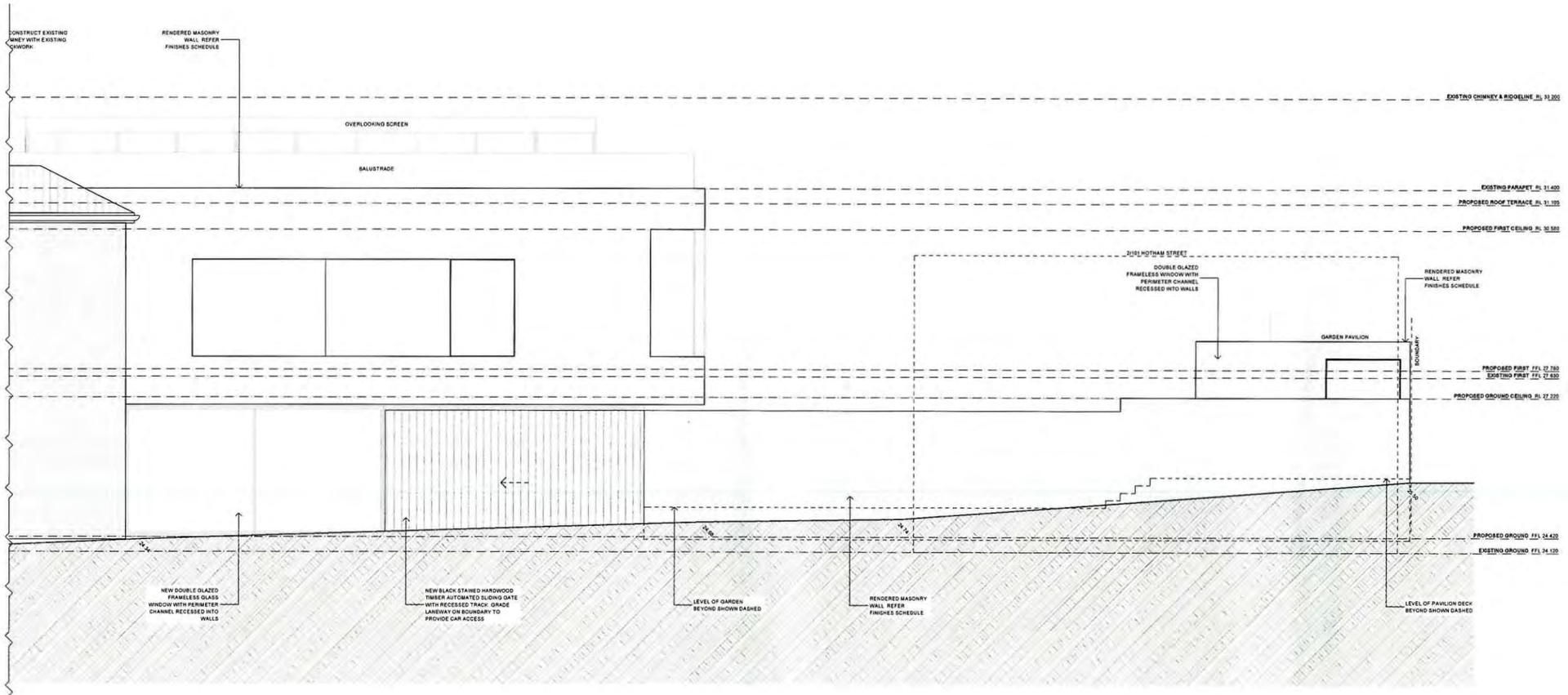
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ELEVATION 03 - WEST continued

PLANNING

2 6 MAY 2015

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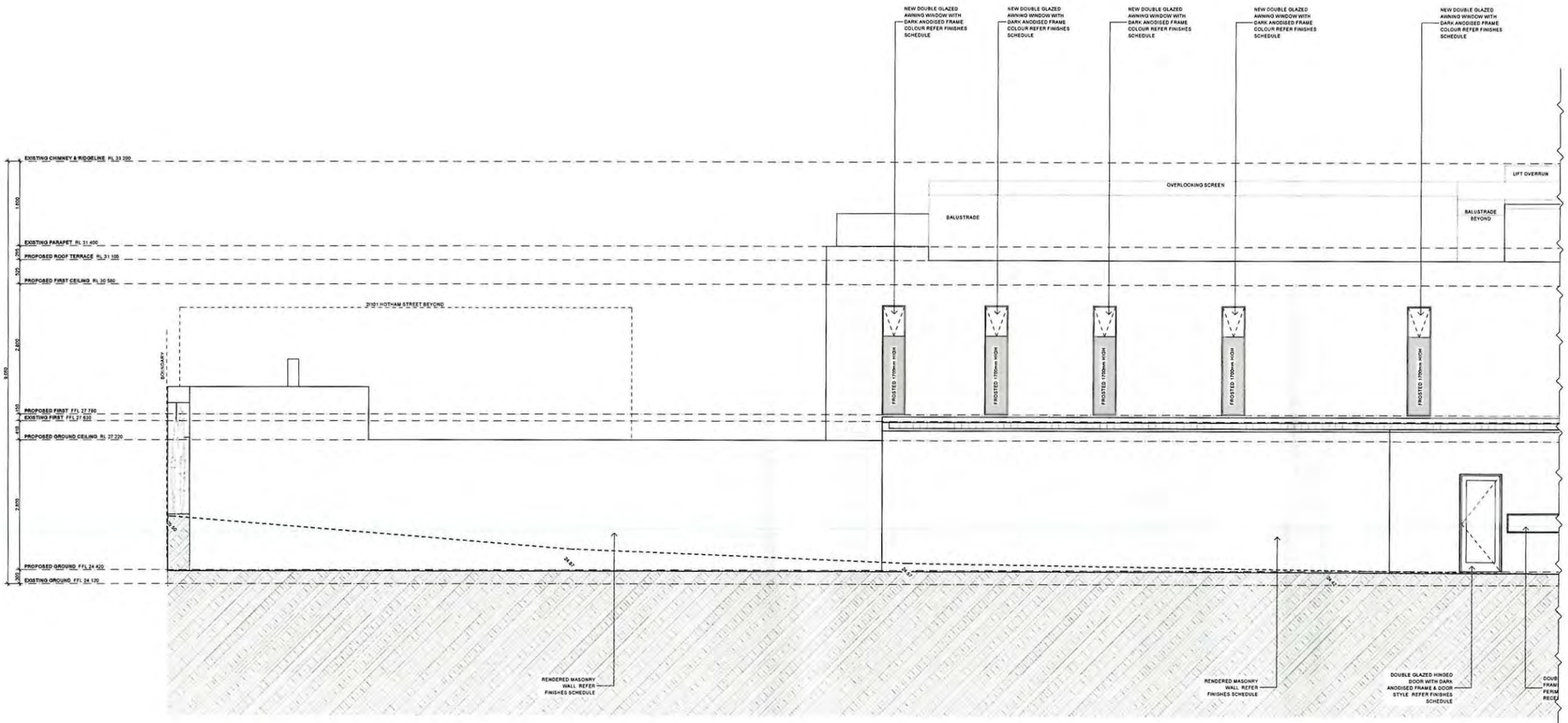
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ELEVATION 04 - EAST

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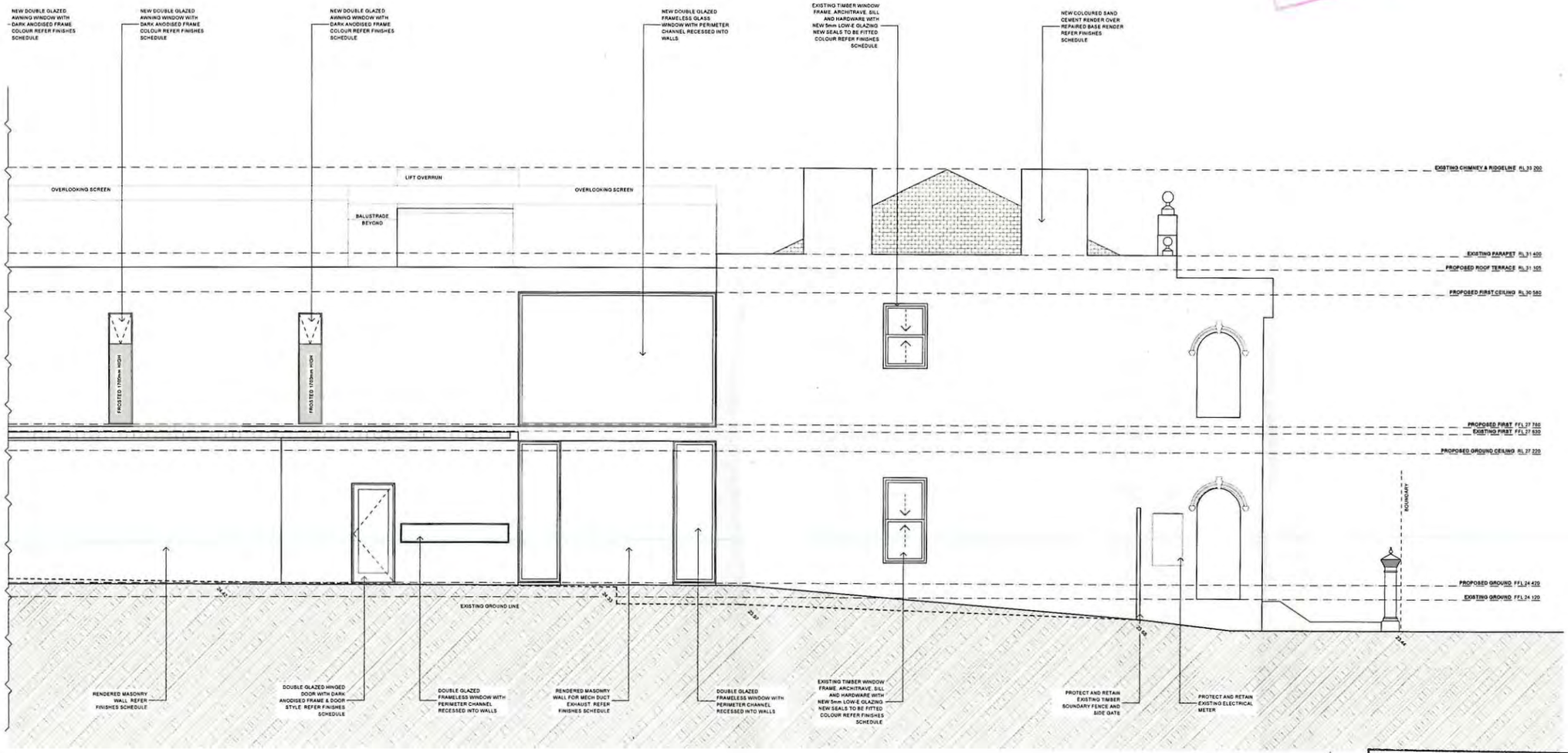
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ELEVATION 04 - EAST continued

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Proposed Elevations
200 Elevations

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1415 209 F

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EXISTING CHIMNEY & RIDGELINE RL 33 200
EXISTING PARAPET RL 31 400
PROPOSED ROOF TERRACE RL 31 105
PROPOSED FIRST CEILING RL 30 580
PROPOSED FIRST FFL 27 780
EXISTING FIRST FFL 27 630
PROPOSED GROUND CEILING RL 27 220
PROPOSED GROUND FFL 24 420
EXISTING GROUND FFL 24 120
PROPOSED BASEMENT CEILING RL 23 350
PROPOSED BASEMENT 01 FFL 20 050
PROPOSED GARAGE FFL 20 190
PROPOSED BASEMENT 02 FFL 17 920

VERANDAH TILE FFL 24 120
SITTING CARPET FFL 27 630
MASTER BATHROOM TIMBER FFL 27 630
SHOWER STONE FFL 27 630
OVERLOOKING SCREEN
LIFT SHAFT
DUCT
LAUNDRY CERAMIC TILE FFL 27 780
OVERLOOKING SCREEN
ROOF DECK STONE FFL 31 105
BEDROOM 02 CARPET FFL 27 780
BATHROOM STONE FFL 27 780
BEDROOM 03 CARPET FFL 27 780
BOUNDARY LINE
VERANDAH TILE FFL 24 120
STUDY TILE FFL 24 120
PIANO ROOM TIMBER FFL 24 120
STAIR VOID FINISH TBC FFL 24 420
LIFT SHAFT
DUCT
SCULLERY TIMBER FFL 24 420
KITCHEN TIMBER FFL 24 420
DINING TIMBER FFL 24 420
BULKHEAD FOR MECH DUCT
BASEMENT LOBBY STONE FFL 20 850
LIFT SHAFT

SECTION 05

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2 6 MAY 2015

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B	Coordination	28.01.2015
B	For Information	02.02.2015
C	Basement Review	03.02.2015
C	Client Meeting	03.02.2015

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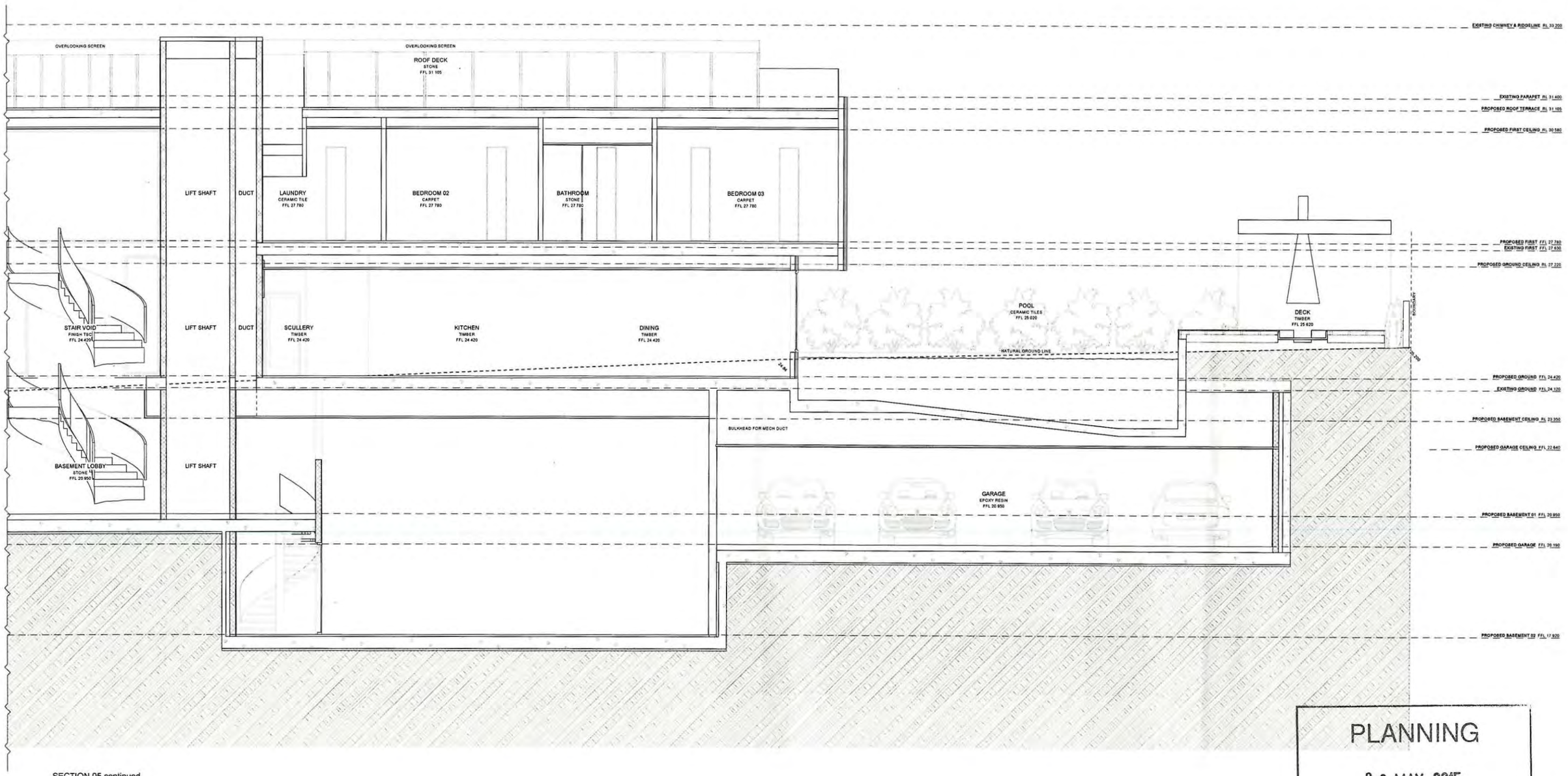
Client
Tim & Wende Storey
Project
Hotham Street
99 Hotham Street, East Melbourne

Project No.
1415
Project Start Date
September 2014

Plot Date
25/05/2015
Drawing
Sections
300 Sections

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Drawing No.
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SECTION 05 continued

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99 Hotham Street, East Melbourne

Project No.
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Project Start Date
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25/05/2015

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Sections
300 Sections

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JC

Drawing No.
1415 303 G

REV

DELEGATED PLANNING APPLICATION REPORT

Application number:	**TP-2015-133**
Applicant:	**James Campbell**
Address:	99 Hotham Street, EAST MELBOURNE VIC 3002
Proposal:	Partial demolition and alterations and additions to the the existing dwelling
Date of application:	23 February 2015
Responsible officer:	Oh Young Lee

1 SUBJECT SITE AND SURROUNDS

An inspection of the site and surrounding area was undertaken on 23 April 2015.

The site has a total area of approximately 622 square metres and is currently developed with a double storey early Victorian dwelling which has a 'D' grading in a level 1 streetscape (Hotham Street) and a level 2 private laneway (carriageway). The building has a double storey verandah at the front and also at the rear with a two storey service wing built along the western boundary abutting the laneway.

The site has a 12.36 metre frontage to Hotham Street and a depth of 50.29 metres. The title shows a drainage easement, over the adjoining land in favour of the subject land, to the east of the site at 28.35 metres along the site from Hotham Street. The site abuts a private bluestone lane, approximately 35 metres along the western boundary. The subject site's title states that an easement of way appurtenant to the site created by instrument 0938201. This entitles the site to access over the right of way (private lane).

The main characteristics observed in the area include single, two and three storey dwellings of historical value.

To the west across the lane at 1/101 Hotham Street is a two storey 'B' graded dwelling. To the east is a single storey 'C' graded dwelling. To the southwest at the end of the lane at 2/101 Hotham Street is an ungraded single storey dwelling. Abutting the site to the south is the rear of a two storey 'C' graded building and a two storey block of flats.

The applicant has indicated that the site is not affected by any easements or restrictive covenants.



Fig 1 & 2) Locality Plan / Aerial Photo



Fig 3) Front façade of the existing dwelling (Hotham Street elevation)



Fig 4) Service wing viewed from laneway



Fig 5) Rear and side elevations of service wing

2 BACKGROUND AND HISTORY

2.1 Amendments during the process

A meeting with the Council's Heritage Advisor was held on 23 April 2015 at the applicant's office. At this meeting, heritage concerns and recommendations were discussed and conveyed to the applicant – the issues were of mainly detailed matters regarding reconstruction of service wing and conservation methodology, whilst in-principle support was given from the heritage perspective.

Following this meeting, amended plans were received on 26 May 2015 and these plans were advertised.

2.2 Planning Application History

The following applications, listed as considered relevant to the current proposal, have previously been considered for the subject site:

TP number	Description of Proposal	Decision & Date of Decision
TP-2003-511	Erection of a new front fence	**Permit 4/2/2004**
TP-2011-845	Part demlition at rear and construction of new double storey rear extension with basement	**Permit 19/3/2014**

Planning permit TP-2011-845 was issued on 19 March 2014. The permit allowed part demolition at rear and construction of new double storey rear extension with basement. The development approved under this permit is similar to the current proposal, particularly in the aspects of building bulk, height and general architectural character.

The key difference is that the previous planning permit approval did not support the demolition of the service wing requiring retention of the southern, northern and western walls of the service wing via condition 1 of the permit. However the previous

approval did not consider the reconstruction of the service wing as full demolition was proposed.

This permit is still valid but has not been acted upon nor have plans been submitted for endorsement.

3 PROPOSAL

The plans and supporting documentation which have been considered in this assessment are the amended plans date stamped 26 May 2015 prepared by KPDO, heritage report prepared by Bryce Raworth and traffic engineering report prepared by Cardno. The planning permit application seeks approval for the partial demolition and alterations and additions to the existing dwelling. Specific details of the proposal include:

- Deconstruction and reconstruction of the rear two storey wing, including all walls, roof and chimney. Deconstruction of the structure will be conducted via approved methodology and bricks and all existing fabric, where practicable, will be stored and reused for rebuilding after basement construction. The roof will be rebuilt with slate roofing.
- Restore the main house fronting Hotham Street with a series of restoration works to the roofs, verandahs and façade: remove non-original detailing to the main verandah; remove deteriorated corrugated sheet metal roof cladding to the main house and verandah; remove acrylic paint from all previously unpainted walls; remove non-original doors to the upper level main façade; and temporarily remove and reinstate basalt kerb/plinth/garden wall to the laneway to give access to loading vehicles during construction period.
- Demolish the rear veranda in its entirety.
- Construction of a two storey rear addition extended from the rear service wing and located to the eastern side of the site, comprising: terrace, spa, BBQ on roof level; bedrooms, bathroom, laundry, study on first floor; and living, kitchen, pool on ground floor. Stairs and lift will run throughout these levels.
- Construction of a pavilion to the southern end of the site.
- Construction of two basement levels, containing garage, car lift, wine cellar, gym, plant room, squash court and stairs and lift.
- Demolish existing paling fence and gate abutting the lane and construct a hardwood timber automatic sliding gate for vehicle access to the site.
- The extension is a contemporary design with a number of aluminium framed slot windows, large frameless glass panels and balustrade, hardwood timber cladding and flooring, darker-toned masonry walls etc.

4 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Clause	Permit Trigger
Clause 32.08 General Residential Zone (GRZ1)	Pursuant to Clause 32.08-3, a permit is not required to construct or extend one dwelling on a lot of greater than 300 square metres.
Clause 43.01 Heritage Overlay (HO2 East Melbourne and Jolimont Precinct)	Pursuant to Clause 43.01-1, a permit is required to demolish or remove a building, and to construct a building or construct or carry out works.

5 STRATEGIC FRAMEWORK

5.1 State Planning Policy Framework (SPPF)

The relevant provisions of the SPPF are summarised as follows:

Clause 15.03-1 Heritage Conversation, which seeks to ensure the conservation of places of heritage significance.

The strategies of this clause as it relates to this application are:

- Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.
- Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.
- Retain those elements that contribute to the importance of the heritage place.
- Encourage the conservation and restoration of contributory elements.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.

5.2 Local Planning Policy Framework (LPPF)

5.2.1 Municipal Strategic Statement (MSS)

The relevant provisions of the MSS are summarised as follows:

Clause 21.16-2 East Melbourne and Jolimont

The relevant strategies under this clause include:

- Ensure development in the residential areas of East Melbourne and Jolimont is sensitively designed so that it maintains the generally low scale nature of heritage streetscapes and buildings.
- Ensure any redevelopment of the sites respects the scale of the surrounding residential area, heritage buildings and Fitzroy Gardens.
- Encourage sympathetic infill redevelopment and extensions that complement the architecture, scale and character of the areas in the low rise areas of East Melbourne and Jolimont.

5.2.2 Local Policies

The relevant local policies are summarised as follows:

Clause 22.05 – Heritage Places outside the Capital City Zone. This section seeks among other things:

- To conserve all parts of buildings of historic, social or architectural interest which contribute to the significance, character and appearance of the building, streetscape or area.
- To ensure that new development, and the construction or external alteration of buildings, make a positive contribution to the built form and amenity of the area and are respectful to the architectural, social or historic character and appearance of the streetscape and the area.

6 ZONE

The subject site is located within the General Residential Zone 1.

The purpose of this zone includes the encouragement of residential development which respects neighbourhood chracter.

As stated above, the proposed development does not require a permit pursuant to Clause 32.08-3.

7 OVERLAY(S)

The subject site is affected by Heritage Overlay Schedule 2 (East Melbourne & Jolimont Precinct).

The purpose of this overlay includes the conservation and enhancement of heritage places and ensuring that development does not adversely affect the significance of heritage places.

Decision guidelines contained at Clause 43.01-1 set out the matters which the Responsible Authority must consider as follows:

- The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Any applicable statement of significance, heritage study and any applicable conservation policy.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.
- Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.

8 PARTICULAR PROVISIONS

There are no relevant particular provisions for this proposal.

9 GENERAL PROVISIONS

The following general provisions apply to the application:

Clause 65, Decision Guidelines, which includes the matters set out in Section 60 of the Planning and Environment Act 1987.

10 PUBLIC NOTIFICATION

It was determined that the proposal may result in material detriment to the heritage place. Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties, in accordance with Section 52 of the *Planning and Environment Act 1987*.

11 OBJECTIONS

A total of 21 objections were received, and raised the following concerns with the proposal (summarised):

- Construction issues, including: large scale development of basement and resultant ground and underground water problems, damage to the fragile water table in the area and potential alterations/disruption to water flow, impact of the changed hydration on the footings of the subject site and surrounds, instability to the soil profile, potential impact on the foundations of surrounding properties and the laneway traffic, and noise and disruption to the lives of neighbouring residents during construction.
- Appropriateness of demolition and reconstruction of the service wing.
- Impact on the heritage value of East Melbourne and streetscape
- Lack of details in restoration works to the exterior of the building

12 CONSULTATION

Given the receipt of the above objections, the following consultation was undertaken:

- Telephone and face-to-face conversation with objector.
- Meetings and telephone conversations with applicant. Objections were forwarded to the applicant who declined to offer a response.
- Discussion and consultation with the heritage advisor and review of the previous approval on the site concerning similar matters.

13 REFERRALS

13.1 Internal

The application was referred internally to the following departments:

13.1.1 Heritage

Assessment (summarised):

- The bulk of the proposed demolition works are acceptable and, in some instances, desirable as they will see the reversal of previous inappropriate interventions.
- The proposed demolition and reconstruction of the rear service wing and the plinth structure facing the lane require careful consideration. The rear service wing is intact significant fabric and it is visible from both the level 1 streetscape of Hotham Street and the level 2 streetscape of the row.
- With appropriate due planning and the development of a detailed methodology, which would be executed under the supervision of a recognised heritage practitioner, that this proposed deconstruction and reconstruction can be considered acceptable.

- A series of restoration works is proposed to the exterior, including to the roofs, verandahs and façade which, if implemented with appropriate expert guidance, will see the heritage values of this site substantially enhanced.
- The main additional new work involves a two level rear attached wing to the eastern side of the site which will be in a suitable respectful and interpretive contemporary design idiom.
- The external shape of the publicly visible components of the proposed additions would be respectful.
- The façade pattern and colour of the proposed additions would be respectful and interpretive.
- The proposed materials and details would be respectful.
- Preferred concealment is mostly achieved in the level 1 streetscape and partial concealment is achieved in the level 2 streetscape.

Recommendation:

The application should be approved with the following qualifications:

- With the proposed demolition and reconstruction of the rear service wing (and plinth wall to the lane) strict conditions should be attached. The work should be subject to a bond, should be undertaken to a methodology prepared by an independent recognised heritage consultant and supervised and formally approved by same. Precise measure drawings and a detailed photographic record should be produced to the satisfaction of the LGA before demolition proceeds. Where windows are to be replaced the design shall be based on the original existing.
- The proposed colour to be employed in the new finishing render skim coat to the external walls should be resolved based on evidence of the original colour and composition after the removal of the acrylic paint – it is likely to be a sandstone/buff colour, not plain Portland cement grey as proposed to date.
- The original paint system and colours to originally painted elements such as doors and windows, verandah detailing, front fence etc. should be investigated by a recognised heritage expert and reinstated.

13.1.2 Building

Planning permit TP-2011-845 was referred to Council's Building Department who provided the following comments. These comments are considered still relevant and applicable to the current application given the similarity of the proposal and the objector concerns:

- Ground water matters are outside the scope of the planning department. It relates to construction matters and is the responsibility of the relevant building surveyor (RBS). The RBS will check compliance with the Building Code and regulations and will assess if protection of adjoining properties is required under regulation 602 of the Building Act. Adjoining properties can undertake a private dilapidation survey report.
- The RBS will decide if a construction management plan is required and if protection is required of adjoining properties and the lane.
- Rescode issues are assessed by the RBS. Any non-compliance requires report and consent from the municipal building surveyor.

- Any permit issued should include a note stating the application has not been assessed under Clause 54 and the same note should be placed on endorsed plans.

13.2 External

No statutory external referrals were required by the Melbourne Planning Scheme.

14 ASSESSMENT

The application seeks approval for the partial demolition and construction of extensions and alterations to the existing dwelling. The key issue for consideration in the assessment of this application is heritage.

The subject site exceeds 300 square metres and a planning permit is only required under the Heritage Overlay. Therefore only heritage matters can be assessed in the assessment of the application. Rescode matters including amenity impacts and ground water matters are the responsibility of the relevant Building Surveyor.

14.1 Heritage

The following assessment is provided against the performance standards of Clause 22.05 of the Melbourne Planning Scheme and the objectives and decision guidelines of Clause 43.01 Heritage Overlay.

14.1.1 Demolition

Clause 22.05 provides direction in assessing whether the demolition of all or parts of building are acceptable. In assessing whether part of D graded building should be demolished consideration needs to be given to '*the degree of its significance'* and '*whether the demolition or removal is justified for the development of land or the alterations of, or addition to, a building*.'

As the policy relates to the proposal the proposed demolition is acceptable for the following reasons:

- The front portion of the existing 'D' graded dwelling (main house) will be retained in accordance with the Clause 22.05. Council's Heritage Advisor supports a number of demolition works proposed to the front part of the building, as in some instances, the works are desirable as they will see the reversal of previous inappropriate interventions. These demolition works will be subject to conditions of permit seeking appropriate restoration methodology and construction methods to be undertaken.
- The deconstruction and reconstruction of the rear wing is supported by Council's Heritage advisor and is considered to be consistent with the policy direction of Clause 22.05. The temporary removal of the rear wing is required in order to facilitate the construction of the foundations and a large basement for the proposed rear alterations and additions.
- The service wing is only partially visible from Hotham Street (level 1 streetscape) with the visibility of the rear portion largely limited due to the setback from the street frontage and the existing structure and trees. It is therefore unlikely that the demolition and reconstruction of the service wing will have a detrimental impact on the heritage character of the existing streetscape.
- Although it is acknowledged that the rear service wing is largely intact and original fabric of the existing dwelling, the individual building statement does not provide any specific recognition of the service wing being of great significance to the building that contributes to the heritage character of

Hotham Street. Demolition of the rear parts of a D graded building can be considered under Clause 22.05 however the permit approval TP-2011-845 considered that full demolition should not be supported due to the visibility of the original heritage fabric. This matter was rectified via condition of permit requiring the retention of the visible original fabric.

- Reconstruction of the walls and roof of the service wing is considered an appropriate response that mitigates damage to these walls and roof if they were required to be supported during construction. The deconstruction and reconstruction works are to be done with utmost care and through appropriate methodology executed by a recognised heritage practitioner to ensure the least possible damage to the value of the heritage building. Should a permit issue, this can be reinforced via conditions of permit.
- Conditions recommended by the Heritage Advisor include the demolition and reconstruction works to be subject to a bond. In order to ensure that the chief intent of the demolition of the service wing is to undertake construction works of the rear extension and that reconstruction works are completed to the satisfaction of the Responsible Authority, it is considered reasonable to require a bank guarantee or a bond to the value of $250,000.

For the reasons discussed above, the proposed demolition and the reconstruction of the service wing is acceptable in this instance and it is not considered to diminish the significance of the heritage building or the appearance and character of the existing streetscape and the broader heritage precinct.

14.1.2 Renovating Graded Buildings

The proposal includes restoration works to the façade of the dwelling. The proposed works are generally acceptable and will positively contribute to the enhancement of the heritage value of the site by substantially reversing previous inappropriate alterations. To ensure that the works are completed with appropriate expert guidance, relevant conditions will be placed to permit that require additional investigation of the existing fabric In particular, prior to the commencement of paint removal of rendered external walls and repainting of any external surfaces including doors and windows, verandah detailing, front fence, etc., an investigation must be undertaken to determine the original colour of the render and painted elements. This will also require submission of amended schedule of finishes and colours to the satisfaction of the Responsible Authority.

14.1.3 Form

A two storey rear extension with a roof top deck and a separate single storey pavilion will be constructed to the southern (rear) end of the site, all of which are of suitably respectful and interpretive contemporary design expression.

The rear extension is mostly concealed behind the front part of the house and will not be visible from Hotham Street. Where the works might be partially visible is from the laneway and possibly to a very limited oblique view from the adjoining property to the east. However, this outcome is considered acceptable given the design and shape of the new addition which clearly distinguishes the new from the old and as it will not detract from, or diminishes, the appreciation of the heritage place.

The new additions are of a height and scale appropriate to this large residential site with two storey rear additions commonly found in the area.

14.1.4 Façade Pattern and Colours

The proposed façade pattern and colours are considered respectful and interpretative in this context and does not detrimentally impact heritage significance of the existing building or heritage precinct.

14.1.5 Materials

The proposed extension and additions will largely adopt materials and finishes of modern construction, including hardwood timber cladding and flooring, frameless glass panels and darker masonry walls. Use of such materials will ensure that the new works are clearly distinguished from the existing heritage building whilst also being respectful.

14.1.6 Details

Details of the proposed extension including window proportions are interpretive and appropriately articulate the visible aspects of the building with modernist expression. The proposal is not considered to mimic the historic form of the building.

14.1.7 Concealment of Higher Rear Parts and Building Height

Preferred concealment is mostly achieved in the level 1 streetscape and partial concealment is achieved in the level 2 laneway.

The rear extension is setback approximately 11.6m from the front wall of the existing building with the maximum height being lower than the height of the front main house. This will achieve preferred concealment in the level 1 streetscape.

Part of the roof top structure, to a limited extent, could be visible from certain vantage points on the opposite side of Hotham Street. However, it is not considered any visible elements of the extension will detrimentally impact on the character of the streetscape or the existing dwelling. Nearby buildings in the area are generally two storey (many also being three storey) in height and the height of the proposed development is considered respectful of its context.

14.2 Objections

14.2.1 Construction issues

The majority of the objections regard the construction works, particularly in relation to the construction of large scale basement levels, including excavation and use of the laneway by heavy construction vehicles. Objectors are concerned that such works will have detrimental impact on the ground and underground water flow, instability to the soil profile and potential damage/impact on the foundations of the subject site and surrounding properties as well as damage to the laneway.

These issues are all outside the scope of the planning controls, particularly given that the only permit trigger for the proposed development is heritage overlay and is considered against the provisions of Clause 22.05 and Clause 43.01. This matter will be the responsibility of the Registered Building Surveyor to address where necessary.

With regard to the scale of basement levels, although large for a single dwelling, is not relevant to the heritage assessment required under the planning application. Clause 22.05 does not provide relevant considerations of underground structure.

It is considered that the remaining heritage concerns raised have been addressed previously in this report

14.3 Conclusion

The proposed works including partial demolition (and reconstruction), alterations and additions to the existing dwelling are considered to generally be in accordance with

the local policy of Clause 22.05 and the objectives of Clause 43.01 with some conditional changes as described in the report above.

The proposed rear extension is of a modern contemporary design and whilst not the same as surrounding heritage properties, it cannot be generally seen from the principle street. The bulk and scale of development is appropriate to the size of the site and existing heritage building. The demolition, reconstruction and restoration works will not adversely affect the significance, character or appearance of the heritage place and relevant measures and conditions will further ensure that the works are undertaken to the satisfaction of the Responsible Authority.

15 RECOMMENDATION

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant a Permit be issued for the proposal subject to the following conditions:

Compliance

1. The development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

Amended materials and colours schedule

2. Prior to the commencement of the development an amended schedule and samples of all external materials, colours and finishes must be submitted to, and approved by the Responsible Authority in accordance with the independent heritage report as required by Condition 3.

Reconstruction and Conservation

3. Prior to the commencement of the development, including demolition, a report prepared by an independent recognised Heritage Consultant must be submitted to and approved by the Responsible Authority. The report must include:
    a) The methodology for demolition and reconstruction of the rear service wing and any other original fabric of external surfaces.
    b) Investigations to determine if the render originally has a coloured surface and any repairs that may be required. Any new finishing render skim coat should be based on the evidence of the original colour and composition.
    c) Investigations to determine the original paint system and colours of the originally painted elements such as doors and windows, verandah detailing, front fence etc.
    d) A detailed photographic record of the rear service wing.
    e) Plans detailing precise measurements and details of the reconstruction of the rear service wing.
    f) Details of the paint removal process. The paint must be removed by an approved chemical process, or by other means to the satisfaction of the Responsible Authority.

    When approved, the report will form part of the permit. Works to the building approved under this permit must be undertaken in accordance with the report to the satisfaction of the Responsible Authority.

Demolition

4. Prior to the commencement of the development, including demolition, a report prepared by a suitably qualified Structural Engineer, or equivalent, must be submitted to the Responsible Authority, demonstrating the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention, to the satisfaction of the Responsible Authority. The recommendations contained within this report must be implemented at no cost to City of Melbourne and be to the satisfaction of the Responsible Authority.
5. Prior to demolition, the permit holder must satisfy the Responsible Authority that substantial progress has been made towards obtaining the necessary building permits for the development of the land generally in accordance with the development of the land proposed under this permit and that the permit holder has entered into a bona fide contract for the construction of the development.
6. Prior to the commencement of any external demolition works, a bank guarantee or bond, to the value of $250,000 must be deposited with the Responsible Authority to ensure that the deconstruction and reconstruction works are completed in accordance with the endorsed plans and specifications. The bank guarantee or bond will be returned when the works are completed to the satisfaction of the Responsible Authority.

ESG

7. Prior to the commencement of the development, a stormwater drainage system incorporating integrated water management design principles must be submitted to, and approved, by the Responsible Authority - Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's stormwater drainage system.
8. Existing street levels in Hotham Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services.

Construction Management Plan

9. Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group . This construction management plan must be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:
    a) Public safety, amenity and site security.
    b) Operating hours, noise and vibration controls.
    c) Air and dust management.
    d) Stormwater and sediment control.
    e) Waste and materials reuse.
    f) Traffic management.

Street Trees

10. Any existing trees in the adjoining streets and land must be not be removed, lopped or pruned within the prior consent of the City of Melbourne. All costs in connection with the removal / relocation or replacement of the trees, including any payment for the amenity value of the tree(s) to be removed, must be met be the developer / owner of the site(s).
11. Prior to commencement of development, a detailed Tree Protection Management Plan (TPMP), prepared in accordance with the Australian Standard for tree protection on development sites (AS-4970-2009) and in consultation with the City of Melbourne's Tree Planning Team, must be submitted to and approved by the City of Melbourne (Tree Planting Team). The TMPM shall include the steps necessary to protect existing street trees during the construction of the development.
12. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.

ESD

13. Prior to the commencement of the development, an Environmentally Sustainable Design (ESD) Statement shall be prepared by a suitably qualified professional and submitted to the satisfaction of the Responsible Authority. . The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the objectives and relevant performance measures set out in Clause 22.19-5.
14. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement required by condition 13 for the development must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority.

    Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.

Permit expiry

15. This permit will expire if one of the following circumstances applies:

    a) The development is not started within two years of the date of this permit.
    b) The development is not completed within four years of the date of this permit.

    The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

NOTE.

The permitted development has not been assessed against Clause 54 of the Melbourne Planning Scheme (Rescode) as the size of the lot exceeds 300

square metres and a planning permit is only required under the Heritage Overlay. A Clause 54 assessment is the responsibility of the relevant Building Surveyor.

16 DECISION

The Lord Mayor, Deputy Lord Mayor and Councillors were notified of the above recommendation on 15 July 2015.

The signature and date below confirms that the Lord Mayor, Deputy Lord Mayor and Councillors affirmed this recommendation as the Council's decision.

Date affirmed:

Oh Young Lee

Fast Track Planning Officer

Brendan Cousins

Acting Principal Planning Officer