



<b>8.7</b>	<b>82 WRIGHT STREET AND 61 &amp; 63 NEVILLE STREET, MIDDLE PARK</b>
<b>LOCATION/ADDRESS:</b>	<b>82 WRIGHT STREET AND 61 &amp; 63 NEVILLE STREET, MIDDLE PARK</b>
<b>RESPONSIBLE MANAGER:</b>	<b>GEORGE BORG, MANAGER CITY DEVELOPMENT</b>
<b>AUTHOR:</b>	<b>MARGARET COMMANE, SENIOR URBAN PLANNER</b>
<b>TRIM FILE NO.:</b>	<b>PF16/663292</b>
<b>ATTACHMENTS:</b>	<b>1. Decision Plans 2. Aerial Map 3. Heritage Impact Assessment</b>
<b>WARD:</b>	<b>LAKE</b>
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	<b>DEMOLITION OF 'CONTRIBUTORY' GRADED BUILDING.</b>
<b>APPLICATION NO:</b>	<b>P642/2016</b>
<b>APPLICANT:</b>	<b>ALL EXTENSION DESIGN SERVICE</b>
<b>EXISTING USE:</b>	<b>SINGLE DWELLING</b>
<b>ABUTTING USES:</b>	<b>RESIDENTIAL</b>
<b>ZONING:</b>	<b>GENERAL RESIDENTIAL ZONE</b>
<b>OVERLAYS:</b>	<b>HERITAGE OVERLAY (HO444)</b>
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	<b>EXPIRED</b>

## **PROPOSAL**

Demolition of dwelling at No. 61 Neville Street, partial demolition of the dwelling (rear section) at No. 82 Wright Street and alterations and additions to No. 82 Wright Street comprising a ground floor extension featuring basement. The proposed extension occupies part of Nos. 61 and 63 Neville Street.

### **I. EXECUTIVE SUMMARY**

- I.1 This application seeks approval for the demolition of the existing contributory graded heritage dwelling and front fence at No. 61 Neville Street and the construction of a single storey extension, associated with No. 82 Wright Street, on part of the site of Nos. 61 and 63 Neville Street.



- 1.2 The subject application is unusual in that it involves three (3) sites abutting a short ‘stub’ of Neville Street which has only one dwelling fronting it, No. 61 Neville Street (refer to aerial photograph and included at **Figures 1 and 2**, respectively). It is proposed to combine the three sites into one property to facilitate the construct and extension to the dwelling fronting Wright Street (No. 82 Wright Street).
- 1.3 No objections have been received.
- 1.4 It is considered that the existing dwelling on Neville Street has been altered and given the nature of Neville Street, it is considered that the buildings demolition can be supported in this instance. This view is supported by Council’s Urban Design and Heritage Advisor and the applicant’s heritage assessment, which concludes that the dwelling in its existing state has limited heritage value and does not contribute to the wider heritage area.
- 1.5 While the proposal is inconsistent with Councils Heritage Policy (as it does not support the demolition of heritage buildings that are not structurally unsound), it is considered appropriate in this instance to set aside the policy as the existing contributory dwelling has been altered over time, is an isolated house fronting a short “stub” of Neville Street and therefore provides minimal contribution to the broader heritage precinct.
- 1.6 The scale and form of the proposed extension, would sit comfortably on the site and within the site context, having appropriate regard to the prevailing heritage precinct and neighbouring residential amenity. It will also assist in maintaining the integrity and improve the longevity of the significant heritage dwelling at No. 82 Wright Street.
- 1.7 The proposal is recommended for approval subject to conditions.

**KEY ISSUES**

- 1. Demolition of a contributory graded heritage dwelling.
- 2. Suitability of the proposed extension.
- 3. Residential amenity.

**2. RELEVANT BACKGROUND**

The following relevant applications have previously been considered for the subject sites:

Application No.	Proposal	Decision	Date of Decision
480/2007 (relating to No. 82 Wright Street)	Part demolition, single storey alterations and additions to existing dwelling	Approval	21 June 2007

**3. PROPOSAL**

- 3.1 The plans that form the basis for this assessment were prepared by All Extension Design Service and are Council date stamped 24 November 2016.
- 3.2 The subject proposal involves three sites, No. 82 Wright Street, Nos. 61 and 63 Neville Street, Middle Park.



- 3.3 Proposed demolition:
- Partial demolition of the existing dwelling (small section to the rear), a shed, decking and boundary fencing at No. 82 Wright Street;
  - Partial demolition of the existing single storey dwelling at No. 61 Neville Street in its entirety and remove boundary/front fencing on the site; and
  - Demolition of the existing boundary/front fencing at No. 63 Neville Street.
- 3.4 It is proposed to construct a single storey extension to the rear of No. 82 Wright Street which would extend across the southern portion of Nos. 61 and 63 Neville Street.
- 3.5 The 'L' shaped extension would accommodate a storage area at basement level and two bedrooms, a bathroom, hall and sitting room at ground floor level. The extension would have access to an 86 sq. metre area of secluded private open space located centrally on the site.
- 3.6 The extension would be developed to the north-western and south-western boundary (in part) and would have a maximum height of 5.07 metres.
- 3.7 The extension features concrete render to match the existing dwelling, slate/corrugated galvanised roofing, timber windows to match the existing and metal gutters/downpipes to match the existing.
- 3.8 It is also proposed to construct a new 2.8 metre high wall to Neville Street, two (2) metre high boundary fencing and a rear deck (and associated landscaping works within the rear secluded private open space area).
- 3.9 The northern portion of Nos. 61 and 63 Neville Street (part devoid of the extension) would be left vacant.
- 3.10 As outlined in the supporting documents submitted with the application, the three lots will subsequently be consolidated, the southern portion of the lot (the southern portion of Nos. 61 and 63 Neville Street occupied by the proposed extension) will be combined with No. 82 Wright Street and the northern portion of the lot (the northern portion of Nos. 61 and 63 Neville Street proposed to be left vacant) will eventually (not part of this application) be combined with No. 80 Wright Street, forming two larger lots. To ensure consolidation and subdivision occurs in this manner, it is recommended that a condition be included on any permit issued requiring the preparation of a S.173 agreement (refer to recommended Condition 13).

#### **4. SUBJECT SITE AND SURROUNDS**

- 4.1 The subject proposal involves three sites, No. 82 Wright Street, Nos. 61 and 63 Neville Street, Middle Park.



**Figure 1.** Aerial photograph of the subject sites



**Figure 2.** Map of the subject sites

- 4.2 No. 82 Wright Street is located on the north-western corner of the intersection of Wright Street and Neville Street in Middle Park. The land is regular in shape with a frontage to Wright Street of 12.19 metres and a sideage to Neville Street of 27.13 metres, with an overall area of approximately 330 sq. metres. This site is currently developed with a single storey rendered Edwardian era dwelling with a hipped roof fronting Wright Street and developed to the sites southern boundary (Neville Street).

The sites secluded private open space area is located to the rear (west) of the site. No on-site parking is available. The subject site is graded 'significant' pursuant to the Port Phillip Heritage Review (v. 17, 2015).

- 4.3 No. 63 Neville Street is located on the northern side of Neville Street, immediately adjacent to No. 82 Wright Streets western boundary and No. 61 Neville Streets eastern boundary. The land is slightly irregular in shape with a frontage to Neville Street of 5.03 metres and a depth of 24.08 metres (along its western boundary), with an overall area of approximately 116 sq. metres. The sites northern boundary is flanked by an unnamed laneway. The site is currently vacant and forms part of No. 82 Wright Streets secluded private open space area. The site is graded 'contributory' pursuant to the Port Phillip Heritage Review (v. 17, 2015) although no dwelling exists on site.



**Figure 3.** Photographs of the front façade of the existing dwelling at No. 61 Neville St.

- 4.4 No. 61 Neville Street (shown above) is located on the northern side of Neville Street, immediately adjacent to No. 63 Neville Streets western boundary. The land is slightly irregular in shape with a frontage to Neville Street of 5.03 metres and a depth of 24.08 metres (along its western boundary), with an overall area of approximately 120 sq. metres. The sites western and northern boundaries are flanked by an unnamed laneway. The site is currently developed with a modified single storey timber Victorian era cottage with a hipped roof featuring a later extension to the rear. The dwelling is developed to all boundaries. The dwelling exhibits limited architectural elements of the Victorian era.

The windows and doors have been altered and the original verandah removed, although the hipped roof structure and chimney appear to be original. The site currently features a low brick front fence (approximately 1 metre high), again not an original feature of a Victorian era dwelling. The site is graded 'contributory' pursuant to the Port Phillip Heritage Review (v. 17, 2015).



- 4.5 The surrounding area is characterised by a mix of building types including single and double storey period dwellings, some with later ground and first floor additions, apartment buildings/flats constructed in the 1960s and 1970s and contemporary infill dwellings liturgical and educational buildings.
- 4.6 To the immediate north-east, at No. 80 Wright Street, is a single storey brick dwelling with a gabled roof. This dwelling is constructed within 0.7 metres of the common boundary with No. 82 Wright Street. The site's area of secluded private open space is located to the north-west (rear) of the site adjacent to the sites common boundary with No. 61 Neville Street. This site has a 'nil' grading, pursuant to the Port Phillip Heritage Review (v. 17, 2015).
- 4.7 To the north-east, on the opposite side of the unnamed laneway, are Nos. 196 and 198 Richardson Street. Both sites are both occupied by a single storey brick Victorian era dwelling with a gabled roof and later single storey extension to the rear. No. 196 Richardson Street has a 'contributory' grading and No. 198 Richardson Street a 'significant' grading, pursuant to the Port Phillip Heritage Review (v. 17, 2015). Both sites area of secluded private open space is located to the south (rear) of the site.
- 4.8 To the north-west, on the opposite side of the unnamed laneway, is No. 194 Richardson Street which is occupied by the Camp Australia Before/After School Education Centre. A secondary access to this site is provided off Neville Street. No. 194 Richardson Street has a 'significant' grading, pursuant to the Port Phillip Heritage Review (v. 17, 2015).
- 4.9 To the south-west, on the opposite side of Neville Street is No. 84 Wright Street. This site is occupied by a single storey brick dwelling with a hipped roof featuring a later single storey extension to the rear which is developed to its north-eastern boundary. This site is afforded a 'significant' grading, pursuant to the Port Phillip Heritage Review (v. 17, 2015). This sites north-eastern and north-western boundaries are flanked by Neville Street. A double storey garage has been developed in the northern section of the site flush with the sites boundary.
- 4.10 To the south-west, on the opposite side of Wright Street is No. 218 Richardson Street. This site is occupied by Our Lady of Mt. Carmel Church.

## 5. Permit Triggers

The following zone and overlay controls apply to the site, with planning permission required as described:

Zone or Overlay	Why is a permit required?
Clause 32.08 General Residential Zone	A permit is required for <b>construction of or extension to a dwelling on a lot less than 500sqm</b> pursuant to Clause 32.08-3 of the Port Phillip Planning Scheme. A development must meet the requirements of Clause 54.
Clause 43.01 Heritage Overlay	A permit is required <b>to demolish or remove a building and to construct a building or construct or carry out works including a deck and landscaping</b> , pursuant to Clause 43.01-1 of the Port Phillip Planning Scheme.

## 6. PLANNING SCHEME PROVISIONS

### 6.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:



- Clause 15: Built Environment and Heritage including;
- Clause 15.01-1 Urban Design
- Clause 15.03-1 Heritage Conservation
- Clause 16: Housing

**6.2 Local Planning Policy Framework (LPPF)**

The following local planning policies are relevant to this application:

- Clause 21 Municipal Strategic Statement (MSS)
- Clause 21.03 Ecologically Sustainable Development, including
- Clause 21.03-1 Environmentally Sustainable Land Use and Development
- Clause 21.04 Land Use, including:
- Clause 21.04-1 Housing and Accommodation
- Clause 21.05 Built Form, including:
- Clause 21.05-1 Heritage
- Clause 21.05-2 Urban Structure and Character
- Clause 21.06 Neighbourhoods, including:
- Clause 21.06-3 Middle Park and Albert Park
- Clause 22.04 Heritage Policy
- Clause 22.12 Stormwater Management (Water Sensitive Urban Design)

**6.3 Other relevant provisions**

- Clause 54 Rescode (Clause 54)
- Clause 65 Decision Guidelines

**6.4 Relevant Planning Scheme Amendment/s**

Amendment C123

Council considered a report on the matter of residential rezoning on 27 October 2015. At this meeting, Council adopted Amendment C118, as its updated translation of the New Residential Zones across Port Phillip, and Amendment C123, as an alternative option that addressed all of the matters for review raised by Minister. The Minister has referred Amendment C123 to the Residential Zones Standing Advisory Committee. Amendment C123 proposes to include the subject site in a Neighbourhood Residential Zone - Schedule 1. The purpose of the proposed zone is to recognise areas of predominantly single and double storey residential development and limit opportunities for increased residential development. New development must respect the identified neighbourhood character, heritage, environmental or landscape characteristics. Schedule 1 to the Neighbourhood Residential Zone includes a mandatory maximum building height of 8 metres.



Although this application pre-dates this provision and would benefit from the transitional provisions outlined at the proposed Clause 32.09-4, it is worth noting that the maximum building height of the subject extension would comply with the proposed maximum building height of 8 metres.

## 7. REFERRALS

### 7.1 Internal referrals

The application was referred to Councils Urban Design and Heritage Advisor, who provided the following comments:

*The design for the proposed additions to 82 Wright Street do not raise any heritage issues as they generally comply with policy.*

*However, the application has a fundamental issue to overcome as to enable the additions to proceed the house at 61 Neville Street (a Contributory building) would have to be demolished.*

*61 Neville Street is a single fronted late Victorian timber cottage. Although it has been altered (replacement of verandah, front window and possibly also front door) it is not so far gone that its heritage values could not be recovered. It retains the ashlar boards to the façade, two rendered chimneys and original windows in the side elevation as well as the overall hipped roof form (the eaves brackets may also be original).*

*I do agree, however, with the opinion of the heritage consultant engaged by the applicant that it is now an isolated house within a short 'stub' of Neville Street that contains no other Significant or Contributory houses and for this reason complete demolition will not impact upon an intact streetscape and therefore the heritage impacts upon the surrounding precinct will be minimal.*

*On this basis, I could support demolition if the first test of structural unsoundness was waived in this instance as, in accordance with the policy for demolition of Contributory buildings, this is 'an exceptional circumstance' where the streetscape is 'not considered intact or consistent in heritage terms'.*

### 7.2 External referrals

The application was not required to be externally referred.

## 8. PUBLIC NOTIFICATION/OBJECTIONS

8.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (14 letters) and directed that the applicant give notice of the proposal by posting three (3) notices on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

8.2 The application has received no objections.

## 9. OFFICER'S ASSESSMENT

### 9.1 Demolition





In regards to No. 82 Wright Street, the extent of demolition would be confined to a small section of the existing dwelling, a shed, decking and boundary fencing to the rear of the site. While the section of the existing dwelling to be demolished is original fabric, its demolition is appropriate as there are limited views of this section from the streetscape given it is setback a minimum of 7.7 metres from Neville Street and the section of wall is a mere 3 metres wide. Therefore, the demolition would not adversely affect the presentation of the dwelling to the street. Demolition of the shed, decking and boundary fencing would not impact on the architectural heritage values of the site as they are non-original fabric.

No. 61 Neville Street has a 'contributory' grading under the Port Phillip Heritage Review. At Clause 22.04-5 of the Port Phillip Planning Scheme (Councils Heritage Policy), a 'contributory' place includes buildings which may have been considerably altered but have the potential to be conserved.

It is Local Planning Policy (at Clause 21.05 – Built Form) to “*support the restoration and renovation of heritage buildings and discourage their demolition*”.

Strategies to achieve this include to:

- *Protect, conserve and enhance all identified significant and contributory places, including buildings, trees and streetscapes.*
- *Support the restoration and renovation of heritage buildings and discourage their demolition.*

Clause 22.04 (Heritage Policy) of the Port Phillip Planning Scheme includes the following objectives:

- *To retain and conserve all significant and contributory heritage places.*
- *To discourage the demolition of significant and contributory heritage places.*

Clause 22.04 (Heritage Policy) states that where a permit is required for the demolition of a contributory building, it is policy to refuse the demolition unless and only to the extent that:

- *The building is structurally unsound, and either*
- *The replacement building and/or works displays design excellence which clearly and positively supports the ongoing heritage significance of the area, or*
- *In exceptional circumstances the streetscape is not considered intact or consistent in heritage terms.*

The permit applicant has not lodged a structural engineer's report and is therefore not arguing that the building is structurally unsound. Accordingly, the proposed demolition of No. 61 Neville Street is inconsistent with the first test of the above policy.



The applicant seeks to set aside the policy to allow demolition of No. 61 Neville Street based on the fact that the dwelling is an isolated house fronting a short “stub” of Neville Street (i.e. does not form part of a wider “heritage place”) and that the proposed extension displays sufficient design qualities to respect the existing dwelling at No. 82 Wright Street and the wider Heritage Overlay 444.

The Heritage Policy is helpful in informing matters that the Responsible Authority is required to consider in exercising the discretion provided by Clause 43.01 (Heritage Overlay) of the Scheme. However, it is not intended by the Scheme that the policy be applied without considering the particular circumstances of the subject site, the contribution of the existing building to the heritage precinct and the merits of the replacement building. This view is shared by the Tribunal in a number of VCAT cases, including in *Port Phillip v A & M Reis* [2001] VCAT 489 (31 March 2001), where Deputy President Bruce stated that:

*Policy, however strongly expressed, does not remove from the Planning Scheme the discretion to grant a permit which provides the very context within which the policy is to be applied.*

And in *Ianno v Port Phillip CC* [2009] VCAT 1877 (11 September 2009), where Presiding Member Keddie stated that:

*Clause 43.01 contemplates, indeed anticipates, demolition of buildings where there would not be an adverse affect on the significance of the heritage place – whether or not the proposed candidate for demolition is structurally unsound and the Tribunal has this broad discretion. Thus, the more salient question to be answered in this hearing is whether the proposed replacement building is acceptable under the Port Phillip Planning Scheme.*

As submitted by John Briggs, the applicant’s Architect and Conservation Consultant, the dwelling is a mix of original and non-original elements. The dwelling retains the original ashlar boards to the façade, two rendered chimneys and original windows in the side elevation as well as the overall hipped roof form. However, the original verandah, front window, front door and front fence have been removed/replaced (refer to photographs included at **Figure 3**). John Briggs concluded that:

*Whilst it could not be said that the cottage has been altered beyond recognition of its origins, it has been altered to the extent that it has no notable aesthetic value and minimal historic value.*

Given some remnants of the original dwelling are still intact, an argument for the demolition of the existing dwelling and an argument for the retention/restoration of the existing dwelling can both be mounted. However, in this instance the argument to depart from the policy at Clause 22.04 and allow the demolition of the building (even though it is not structurally unsound) outweighs the argument to retain/restore the original dwelling for the following reasons:

- *The special circumstance of this section of Neville Street.*



The subject streetscape is unusual with No. 61 Neville Street being the only site on this section of Neville Street which features a dwelling fronting the street. The other lots abutting this section of Neville Street feature dwellings fronting Wright Street (Nos. 82 and 84 Wright Street), being vacant (No. 63 Neville Street) or comprising an entry point to an educational facility (No. 194 Richardson Street). The subject site does not form part of a row of heritage dwellings and instead stands alone, with the original dwelling at No. 63 Neville Street having been demolished years prior to this (an aerial photograph from as early as 2009 showing the site as vacant). John Briggs, the applicant's Architect and Conservation Consultant, concluded that given the nature of this section of Neville Street demolition of the dwelling would not detract from the streetscape or the broader heritage precinct, stating that:

*The house is not a part of a group or row of similar buildings and is not located in a setting having any prevailing or cohesive heritage character or presence. At the end of Neville Street abutting the rear of the school yard and at the rear of the Wright Street properties in a lane that is without supportive heritage presence the property is not readily seen to be in a heritage streetscape, lanescape, or heritage setting.*

*... The house is isolated and forlorn and I concluded that there is no longer attributes or features of the house that give it a level of heritage value to establish either its own heritage context or to support any perception of a surrounding heritage streetscape or place.*

Councils Urban Design and Heritage Advisor (as quoted in Section 7.1 above) took a similar view regarding the intactness or consistency of this section of Neville Street and the suitability of the dwellings demolition in light of this, stating:

*I do agree... with the opinion of the heritage consultant engaged by the applicant that it is now an isolated house within a short 'stub' of Neville Street that contains no other Significant or Contributory houses and for this reason complete demolition will not impact upon an intact streetscape and therefore the heritage impacts upon the surrounding precinct will be minimal.*

*On this basis, I could support demolition if the first test of structural unsoundness was waived in this instance as, in accordance with the policy for demolition of Contributory buildings, this is 'an exceptional circumstance' where the streetscape is 'not considered intact or consistent in heritage terms'.*

Given the special circumstance of this section of Neville Street, demolition of the dwelling at No. 61 Neville Street would not be considered to detrimentally impact this streetscape or the broader heritage precinct.

- *The proposed extension positively supports to the ongoing heritage significance of the dwelling at No. 82 Wright Street and the surrounding area more broadly.*

The demolition of the existing dwelling at No. 61 Neville Street is proposed to facilitate the construction of an extension to the dwelling at No. 82 Wright Street. Although, No. 61 Neville Street is a 'contributory' graded dwelling, its demolition would allow for the construction of an extension to a 'significant' graded dwelling at No. 82 Wright Street.



This extension would improve the liveability and longevity of this heritage dwelling which would in turn positively support the ongoing heritage significance of the dwelling and the surrounding area more broadly. Based on the applicant's supporting information this proposal would have a similar positive outcome for the significant graded dwelling at No. 80 Wright Street. On balance, demolition of No. 61 Neville Street to facilitate an extension to No. 82 Wright Street is considered appropriate in this instance.

- *The proposed extension is a suitable replacement to the existing dwelling as it adopts an interpretive design approach (discussed further in Section 9.2).*
- *The proposed extension would not result in unreasonable off-site amenity impacts (discussed further in Section 9.3).*

## 9.2 Proposed Extension

It is proposed to construct a single storey extension to the rear of No. 82 Wright Street which will extend across the southern portion of Nos. 61 and 63 Neville Street.

Both the State and Local Planning Policy Framework seek the protection of existing or preferred neighbourhood character and seek to ensure that new development is suitable from a neighbourhood character and heritage (where applicable) perspective.

Clause 21.05-1 of the Port Phillip Planning Scheme includes the following objectives in regards to new development in heritage areas:

*Ensure that new development respects and enhances the scale, form and setbacks of nearby heritage buildings.*

*Encourage high quality design that positively contributes to identified heritage values.*

More specifically, Clause 21.06-3 (Middle Park and Albert Park) of the Port Phillip Planning Scheme details the vision and strategies that relate to this particular neighbourhood:

### *Vision*

- *The strong heritage character and substantially low rise form of existing residential areas is maintained.*

### *Local Strategies*

*6.3.1 Protect the intact heritage character of the area.*

*In areas zoned Residential 1:*

*6.3.2 Encourage all development to respond to the following character elements:*

- *The historic, low-rise Victorian and Edwardian architectural character of the area.*
- *The low scale of development that is predominantly 1 and 2 storeys in most streets with the exception of some taller buildings along the foreshore and in the vicinity of Albert Road.*
- *The small size of most residential lots in the neighbourhood.*

It is a policy (at Clause 22.04) to:



- *Encourage the restoration and reconstruction of heritage places (including the accurate reconstruction of original streetscape elements such as verandahs) in all areas, and in particular, in intact or substantially consistent streetscapes in the South Melbourne, Albert Park, Middle Park and St Kilda West Heritage Overlay areas (HO440, HO441, HO442, HO443, HO444, HO445 or HO446).*
- *Encourage new development to be respectful of the scale, form, siting and setbacks of nearby significant and contributory buildings.*
- *Encourage a contextual design approach for additions and/or alterations to a heritage place or for new development. A contextual approach is where the alteration, addition or new development incorporates an interpretive design approach, derived through comprehensive research and analysis.*

Clause 22.04 (Heritage Policy) also includes the following policies specific to additions and/or alterations to heritage places in Heritage Overlay Areas:

- *Additions and alterations:*
  - *Do not change the original principal facade(s) or roof.*
  - *Are distinguishable from the original parts of the heritage place to be conserved, if a contemporary architectural approach is used.*
  - *Are based on research that can identify the elements, detailing and finishes originally employed.*
  - *Do not obscure or alter an element that contributes to the significance of the heritage place.*
  - *Maintain an existing vista or viewlines to the principal facade(s) of a heritage place.*

The proposed extension exhibits the key character elements that contribute to the surrounding area, including a contextually appropriate scale, massing, form and materiality.

The area surrounding the subject site is characterised by residential development of a one and two storey scale and primarily period style architecture with pitched, hipped and gabled roof forms. Some of the dwellings within the immediate area have had single and double storey extensions constructed to the rear, including No. 84 Wright Street and Nos. 196 and 198 Richardson Street immediately south-west and north-east of the subject site, respectively. The proposed extension would be single storey (maximum height of 5.07 metres) and would respect the existing scale and positioning of dwelling on site at No. 82 Wright Street and dwellings within the surrounding area. The proposed extension features pitched and gabled roof forms which reflects the existing dwelling and is consistent with roof forms within the surrounding area.

The proposed single storey extension is located to the rear of the existing dwelling at No. 82 Wright Street. Given its positioning and scale, it would not result in any alterations to the original principal facades or roof and it will not diminish the existing vista or viewlines to the principal façade (it complies with the 10 degree sightline outlined in the Heritage Policy).



It is developed to the north-western and south-western (in part) boundaries, which is consistent with the dwelling immediately opposite at No. 84 Wright Street and dwellings within the surrounding area given the confined nature of the lots.

A new 2.8 metre high concrete rendered wall is proposed along the Neville Street frontage (in part). The height and materiality of the proposed fence is consistent with the existing front fence at No. 63 Neville Street and side boundary fence at No. 82 Wright Street. It would also be consistent with the height of No. 84 Wright Streets side boundary fence and the height and materiality of side boundary fences within the surrounding area.

A materials and finishes schedule has been included on the plans. The materials proposed (concrete render, timber windows and door and corrugated galvanized/slate roofing) are considered appropriate given the materials featuring in the existing dwelling and surrounding area. The predominant colour as viewed from the street would be grey with blue windows, doors, gutters and downpipes which matches the existing dwellings colour palette. This muted colour palate would not detract from the existing heritage dwelling or the wider Heritage Precinct. Colour swatches have not been included on the colour, materials and finishes schedule. Therefore, it is recommended that a condition be included on any permit issued requiring a full schedule of materials, finishes and paint colours, including colour samples (refer to recommended Condition 2).

For reasons discussed above, it is considered that the proposed extension will harmoniously integrate with the existing dwelling at No. 82 Wright Street and will not diminish or detract from the significance of the existing dwelling or broader heritage precinct. This is the view shared by Councils Urban Design and Heritage Advisor (as quoted in Section 7.1 above):

*The design for the proposed additions to 82 Wright Street do not raise any heritage issues as they generally comply with policy.*

### 9.3 **Amenity – Clause 54 (Rescode)**

The assessment of the proposed extension against Clause 54 was based on No. 82 Wright Street as a subdivided lot.

The proposed extension satisfies ResCode Standards A1 (Neighbourhood Character), A2 (Integration with the Street), A4 (Building Height), A7 (Energy Efficiency), A8 (Significant Trees), A10 (Side and Rear Setbacks), A11 (Walls on Boundaries), A12 (Daylight to Existing Windows), A13 (North Facing Windows), A14 (Overshadowing Open Space), A15 (Overlooking), A16 (Daylight to New Windows), A17 (Private Open Space), A18 (Solar Access to Open Space), A19 (Design Detail) and A20 (Front Fences).

Variations have been sought in relation to A3 (Street Setback) and A6 (Permeability), as follows:

Street Setback (Standard A3)



ResCode requires that for a corner site, if there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. Given there are no abutting dwellings fronting Neville Street, a setback of two (2) metres is required.

It is proposed to develop the extension to the southern boundary which requires a variation to the standard requirements.

It is considered appropriate to allow a variation because the proposed wall on boundary to the side street is consistent with other sites within the area, including No. 84 Wright Street (immediately opposite the subject sites of Neville Street) which features a double storey garage to the rear of the site developed to its Neville Street frontage.

#### Site Coverage (Standard A5)

The proposed site coverage would be 70%, which exceeds the 60% maximum site coverage specified. However, given the existing site coverage on the sites (approximately 63% at No. 82 Wright Street and 100% at No. 61 Neville Street) and the generally high site coverage in the immediate area, it is considered that higher site coverage is acceptable and meets the objective in this instance.

#### Permeability (Standard A6)

The 20% required by the Standard is achieved. However, it is recommended that a condition be included on any permit issued requiring that permeable and impervious surfaces be clearly delineated on the plans and compliance with Standard A6 (refer to Conditions 1(g) and 1(h)).

### 9.4 **Stormwater Management (Water Sensitive Urban Design)**

An extension to an existing buildings greater than 50 square metres in floor area is proposed; therefore, the application would need to satisfy the requirements of the Stormwater Management (Water Sensitive Urban Design) Policy at Clause 22.12 of the Port Phillip Planning Scheme. The applicant has prepared a STORM Rating Report to address the policy requirements. The STORM Rating Report submitted achieves 104 percent rating, the STORM Rating Report nominating a rainwater garden as the water retention mechanism for the water drained from the roof.

The plans submitted show a 2 sq. metre rainwater garden adjacent to the sites southern boundary consistent with the STORM Rating Report. It is noted conditions have been included on the permit requiring a level of permeability compliant with the standard requirements be achieved by the proposal. This would result in a variation in the impervious surfacing needing to be included in the STORM Rating Report. Therefore, it is recommended that a condition be included on any permit issued requiring an amended Water Sensitive Urban Design Report be submitted and the plans be amended accordingly (refer to Conditions 1(i), 1(j) and 8).



Despite these potential changes to the STORM Rating Report, the proposal is deemed capable of satisfying the requirements of the Stormwater Management (Water Sensitive Urban Design) Policy.

It is also recommended that conditions be placed on any permit issued ensuring that the development incorporates the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report and requiring the preparation and endorsement of a maintenance manual for the water sensitive urban design initiatives utilized (refer to Conditions 9 and 10, respectively).

## **10. COVENANTS**

The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject sites.

## **11. OFFICER DIRECT OR INDIRECT INTEREST**

11.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

## **12. OPTIONS**

- 12.1 Approve as recommended
- 12.2 Approve with changed or additional conditions
- 12.3 Refuse - on key issues

## **13. CONCLUSION**

A key issue for this application is the demolition of the existing contributory graded dwelling. The applicant asserts that the dwelling has been so significantly altered that it contributes little to the streetscape or heritage place overall and is therefore not worthy of retention. In addition, the applicant argues that the Neville Street streetscape is not considered intact or consistent in heritage terms and demolition of the subject dwelling will not impact on the significance of the broader heritage precinct.

Council's Urban Design and Heritage Advisor has assessed all supporting documentation (including a detailed heritage report) submitted by the applicant, inspected the site and he concurs with the applicant that this is an isolated house fronting a short "stub" of Neville Street and, despite retaining some of its period feature, the existing dwelling at No. 61 Neville Street can be demolished in this instance without adversely affecting on the heritage precinct, in light of this.

The proposed extension is considered to be responsive to the existing dwelling on site and the scale and pattern of development in the surrounding area and incorporates key elements of the existing dwelling and nearby dwellings, notably scale, positioning, fenestration, boundary to boundary building mass. The proposed extension is single storey consistent with the height of the existing single storey dwelling at No. 82 Wright Street and dwellings in the surrounding area.





The development has been designed to consider the amenity of the adjoining properties. The proposal achieves compliance with ResCode objectives and broad compliance with the standards subject to some modifications and where variations are required, they can be justified.

Approval is therefore recommended.

**14. RECOMMENDATION - PLANNING PERMIT**

- 14.1** That the Responsible Authority, having caused the application to be advertised and having received no objections, issue a Planning Permit.
- 14.2** That a Planning Permit be issued for demolition of the dwelling at No. 61 Neville Street, partial demolition of the dwelling (rear section) at No. 82 Wright Street and alterations and additions to No. 82 Wright Street comprising a ground floor extension featuring basement on the land known as part of Nos. 61 and 63 Neville Street and No. 82 Wright Street.
- 14.3** That the decision be issued as follows:

**1 Amended plans required**

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two (2) copies must be provided. The plans must be generally in accordance with the plans Council date stamped 24 November 2016 but modified to show:

- a) The extension (including roof and eaves) redesigned to be contained within the title boundaries.
- b) A notation added to the plans confirming the windows to Neville Street and the laneway will not open outwards.
- c) All plant, equipment and domestic services (including air conditioning, heating units, hotwater systems etc.) which are to be located externally.
- d) Demolition elevations.
- e) Demolition of No. 61 Neville Streets verandah and front fence included on the existing ground floor plan or on a separate demolition plan.
- f) The existing ground floor plan amended to include the entire dwelling at No. 63 Neville Street to be removed or a separate demolition plan provided.
- g) Permeable and impermeable surfaces.
- h) At least 20% permeability provided on site.
- i) A revised Water Sensitive Urban Design Report in accordance with Condition 8.
- j) The water sensitive urban design initiatives included in the revised Water Sensitive Urban Design Report required pursuant to Condition 8.



**2 External Finishes**

Concurrent with the endorsement of plans, a full schedule of materials, finishes and paint colours, including colour samples (colour samples in a form that is able to be endorsed and held on file), must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit.

**3 No alterations**

The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

**4 No change to external finishes**

All external materials, finishes and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

**5 Satisfactory continuation**

Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**6 Walls on or facing the boundary**

Prior to the occupation of the building(s) allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or the laneway must be cleaned and finished to a uniform standard. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

**7 No equipment or services**

No plant, equipment or domestic services (including any associated screening devices) or architectural features, other than those shown on the endorsed plan are permitted, except where they would not be visible from the primary street frontage (other than a lane) or public park without the written consent of the Responsible Authority.

**8 Water Sensitive Urban Design**

Concurrent with the endorsement of plans, a revised Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.



**9 Incorporation of Water Sensitive Urban Design initiatives**

Before the occupation of the development approved under this permit, the project must incorporate the water sensitive urban design initiatives listed in the endorsed Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.

**10 Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)**

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority.

The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- Inspection frequency;
- Cleanout procedures; and
- As installed design details/diagrams including a sketch of how the system operates.

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Building User's Guide or a Building Maintenance Guide.

**11 Piping and ducting**

All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed to the satisfaction of the Responsible Authority.

**12 No Damage to Existing Street Tree**

The proposed works must not cause any damage to the existing street tree. Root pruning of this tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of the crossover/works. All trees will require a tree protection zone which complies with AS 4970-2009 at all times throughout the demolition and construction phase of the development. A tree protection fence is to be installed around any tree that is likely to be impacted by construction.

The fence is to be constructed in a diamond or square position around each tree trunk from 4 panels of a minimum height 1.8m x minimum length 2.1m, interlocking by bolted clamps and concrete pads. No entry to this area is permitted without the consent of the Responsible Authority.

**13 Section 173 Agreement re: Re-subdivision**

Before demolition starts, the applicant must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the



preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

- a. The land to be re-subdivided to form two larger lots (being Nos. 80 and 82 Wright Street) within three months of demolition commencing and registered within 6 months of demolition commencing.

The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987. A dealing number must be provided to the Responsible Authority.

#### 14 **Time for starting and completion**

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

- a. The development is not started within two (2) years of the date of this permit.
- b. The development is not completed within two (2) years of the date of commencement of works.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

#### **Permit Notes:**

- **Building approval required**

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

- **Building works to accord with Planning Permit**

The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

- **Due care**

The developer must show due care in the development of the proposed extensions so as to ensure that no damage is incurred to any dwelling on the adjoining properties.

- **Days and Hours of Construction Works**

Developers



Except in the case of an emergency a builder must not carry out building works outside of construction hours:-

- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.

An Out of Hours permit cannot be obtained for an appointed public holiday under the Public Holidays Act, 1993.

#### Owner Builders

An owner builder must not carry out building works outside of construction hours:-

- Monday to Friday: 7.00am to 8.00pm; or
- Saturdays, Sundays and public holidays: 9.00am to 6.00pm.

An Out of Hours permit may be considered pursuant to Community Local Law No. 3, Clause 24. For further information, contact Council's City Permits unit on Ph: (03) 9209 6216.

- **Impact of Council and Neighbouring Trees**

The proposed development must take into account any existing Council trees, and those on neighbouring properties, and take measures to limit the impact of existing trees on the proposed development. This may involve installation of a tree root barrier on the subject property or construction methods sufficient to withstand future tree root growth.

To limit the impact of the development on existing trees, protection measures in accordance with AS4970-2009 (Protection of trees on development sites) must be implemented during both demolition and construction. Measures may include temporary fencing, and mulching and irrigation of the fenced-off area, or engaging a project Arborist to oversee all tree protection.

For further information please contact Council's Tree Management Officers, on 9209 6777.

- **Noise**

The air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:

- a) Noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary.



- b) Noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).