

Report to the Future Melbourne (Planning) Committee

Agenda item 6.3

**Application to amend a planning permit:
TP-2010-692/B 28-30 Darling Street, East Melbourne**

4 July 2017

Presenter: Evan Counsel, Practice Leader Land Use and Development

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of an application to amend current planning permit TP-2010-692/A via Section 72 of the *Planning and Environment Act 1987 (Act)*. The current permit allows for partial demolition of existing building and construction of two dwellings at 28-30 Darling Street, East Melbourne.
2. It is proposed to amend the approved development by allowing wholesale demolition and reconstruction of the heritage front facade and boundary walls. These amendments to the approved development are sought as during construction works at the site it has been found that the bricks and integrity of the walls proposed for retention are structurally unsound and require demolition.
3. This application is brought to the Committee for consideration because it proposes the demolition of a B-graded heritage building and is not recommended to be refused.
4. The applicant is Mr Danny Rae, the land owner is Mrs Shannon McGrath, and the architect is undisclosed.
5. The site is located on the eastern side of Darling Street (refer to attachment 2), within the General Residential Zone Schedule 2 and is affected by a Heritage Overlay (HO2 – East Melbourne and Jolimont Precinct).
6. The site is identified as being B graded in a level 2 streetscape in the City of Melbourne's Heritage Places Inventory June 2016.
7. Notice of the application was given pursuant to Section 52 of the *Act* and no objections were received.

Key issues

8. Key issues when considering this application are the potential adverse impacts on the heritage place and the wider heritage precinct pursuant to Clauses 22.05 and 43.01 of the Melbourne Planning Scheme.
9. A Structural Engineering Report prepared by Adams Consulting Engineers dated 12 May 2017 states that the wall and bricks, "...do not have the structural strength and integrity required for the walls that are to be retained. The walls need to be demolished and rebuilt. The existing bricks that I have observed and that have been removed from the balance of the side, north and south walls are not suitable for reconstructing the wall."
10. Subject to the recommended permit conditions, the demolition and reconstruction of the façade and return walls is considered acceptable given the specific circumstance and evidence provided.

Recommendation from management

11. That the Future Melbourne Committee resolves that an Amended Planning Permit be issued subject to the conditions outlined in attached delegate report (Attachment 4).

Attachments:

1. Supporting Attachment (page 2 of 22)
2. Locality Plan (page 3 of 22)
3. Selected Plans and current permit (page 4 of 22)
4. Delegate Report (page 14 of 22)

Supporting Attachment

Legal

1. Melbourne City Council is the Responsible Authority for determining this application.
2. Division 1 of Part 4 of the *Act* sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme.

Finance

3. There are no direct financial implications arising from the recommendations contained within this report.

Conflict of interest

4. 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

5. Public notice of this planning application was given in accordance with Section 52 of the *Act*.

Relation to Council policy

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

Environmental sustainability

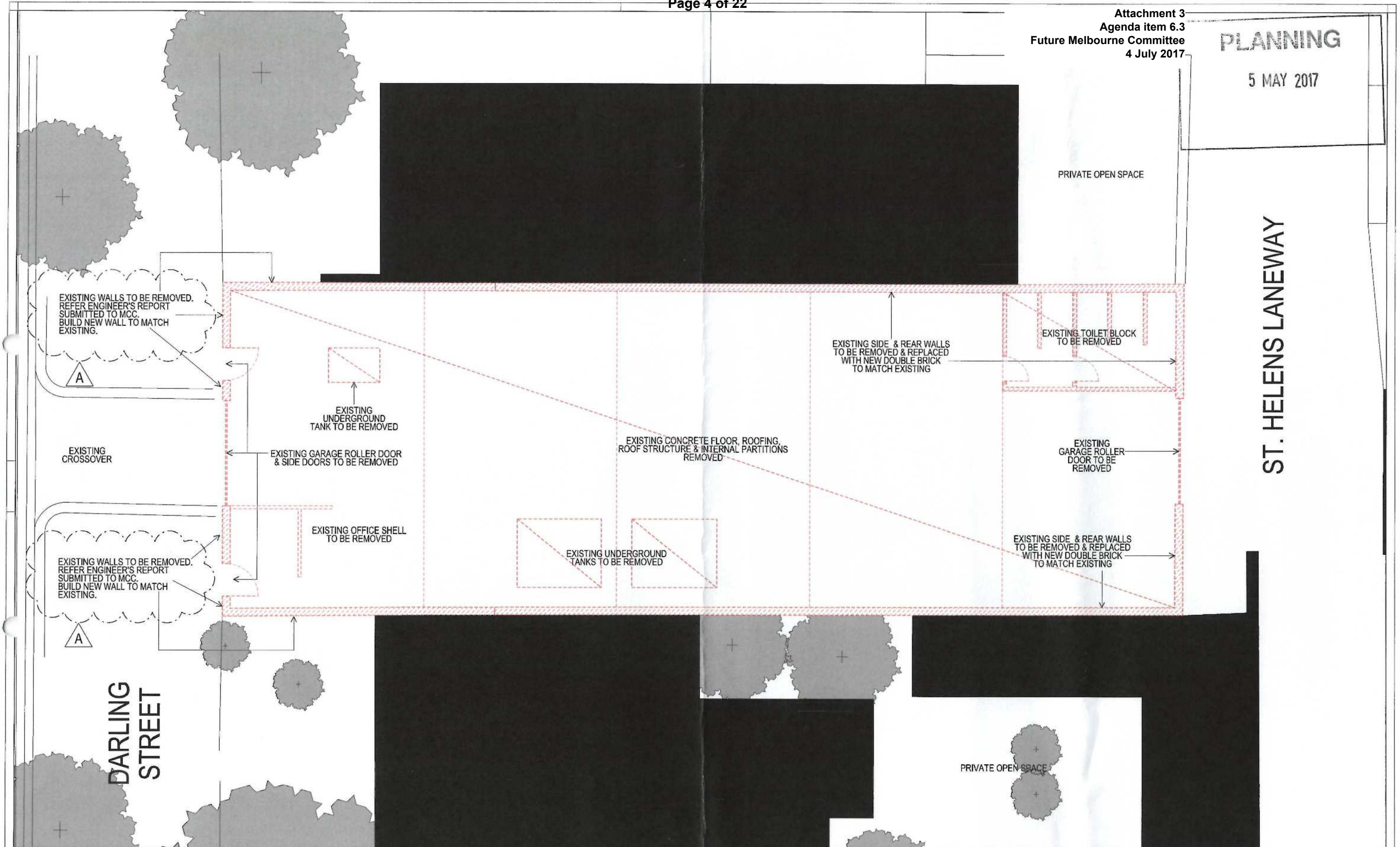
7. There are no direct impacts on environmental sustainability from the recommendations in this report.

Locality Plan

Attachment 2
Agenda item 6.3
Future Melbourne Committee
4 July 2017

28-30 Darling Street, East Melbourne






ST. HELENS LANEWAY

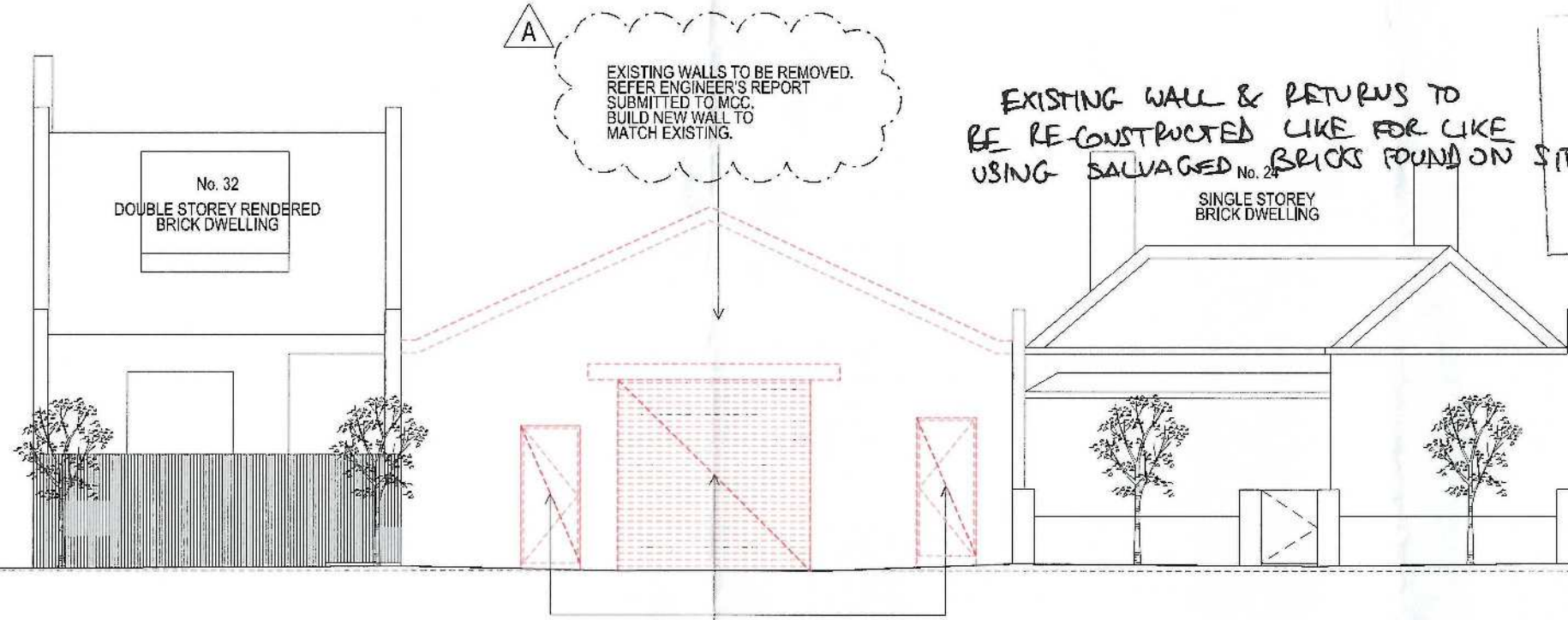
DARLING STREET

CLIENT McGRATH FAMILY	CONSULTANTS PLANNING CONSULTANT FULCRUM TOWN PLANNERS Level 3, 534 Church St Richmond, VIC 3121 T: 9429 1249	HERITAGE CONSULTANT LOVELL CHEN 35 Little Bourke St Melbourne, VIC 3000 T: 9667 0800	STRUCTURAL ENGINEER ADAMS CONSULTING ENGINEERS 97 Camberwell Rd Hawthorn East, VIC 3123 T: 9813 3122
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PROJECT NAME DARLING STREET	PROJECT NUMBER 08-043
SITE ADDRESS 28 DARLING STREET, EAST MELBOURNE	DRAWING TITLE EXISTING GROUND FLOOR PLAN
CLIENT SIGN-OFF Date: _____ Approved By: _____	SCALE 1:100 @ A3
INTERNAL CHECK Date: _____ Checked By: _____	DATE OCTOBER 2010

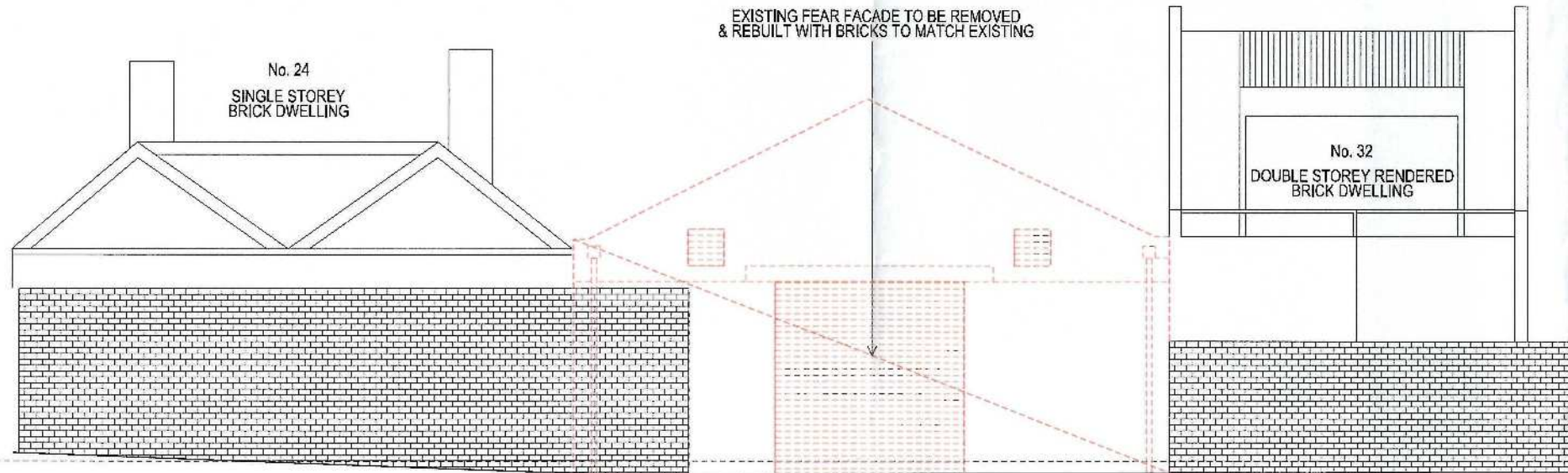
REVISIONS		
Rev	Date	Notes
A	28/04/17	DEMO OF PERIMETER WALLS ADDED.

STATUS PRELIMINARY TOWN PLANNING	
NOT FOR CONSTRUCTION	
DRAWING NUMBER TP0-102	REVISION A




01 EXISTING WEST ELEVATION
DARLING STREET 1:100

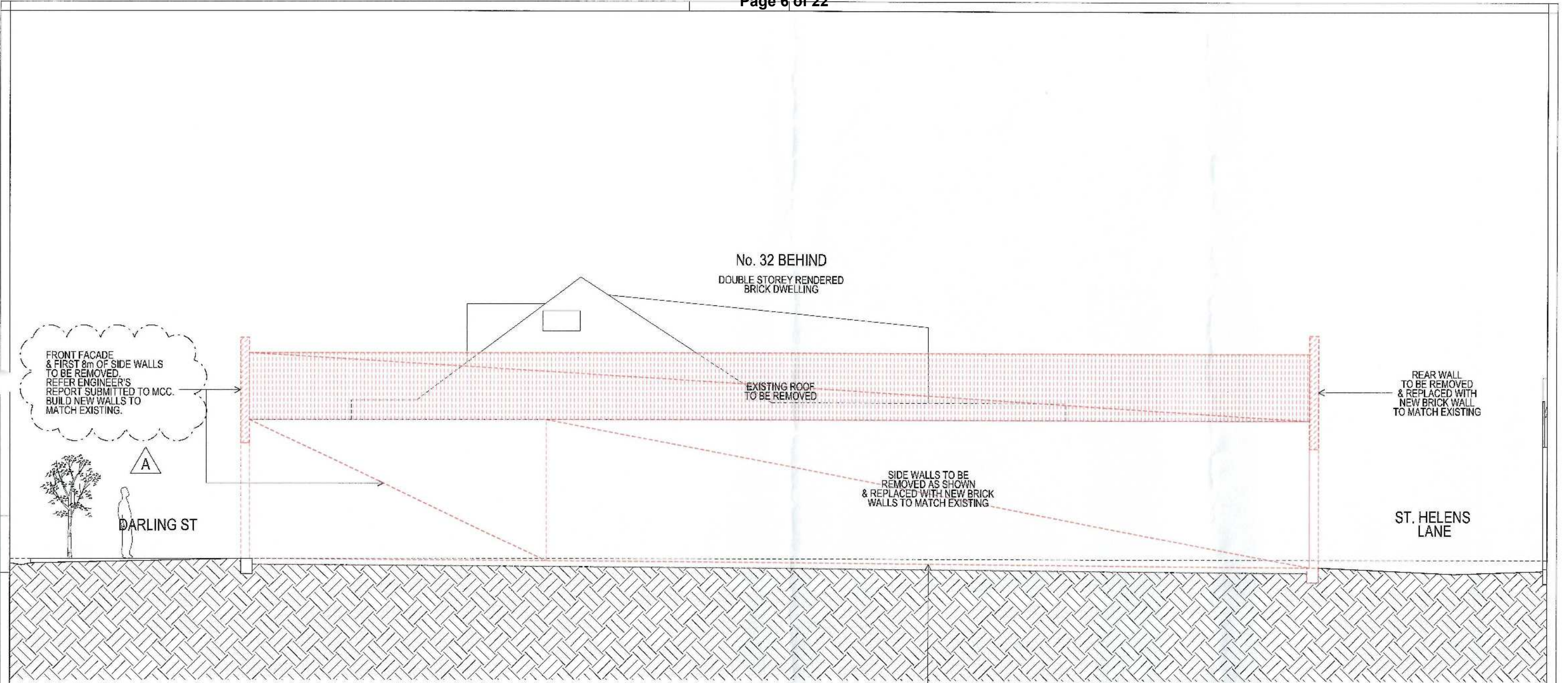
EXISTING GARAGE ROLLER DOOR & SIDE DOORS TO BE REMOVED



02 EXISTING EAST ELEVATION
DARLING STREET
ST HELENS LANE 1:100

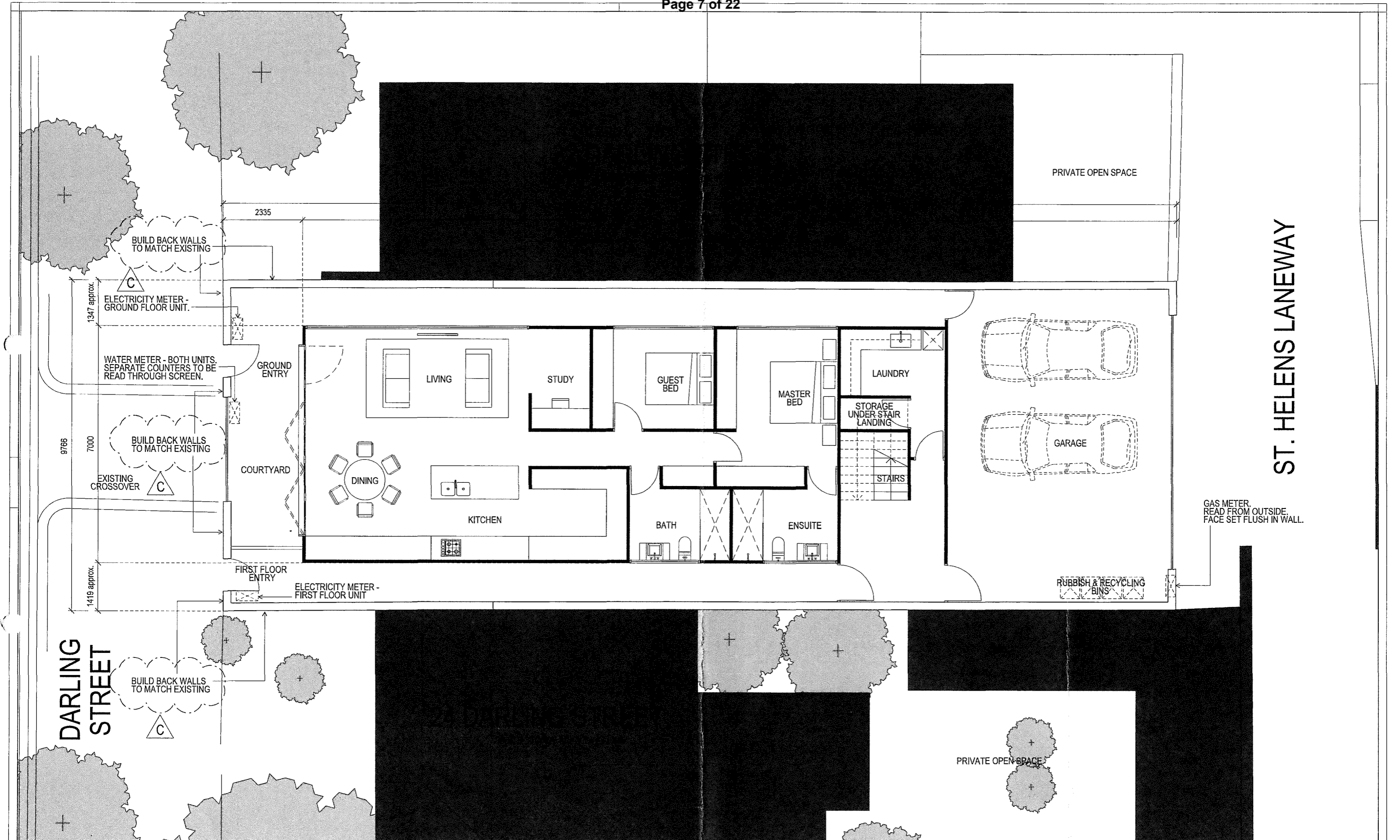
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PLANNING
5 MAY 2017

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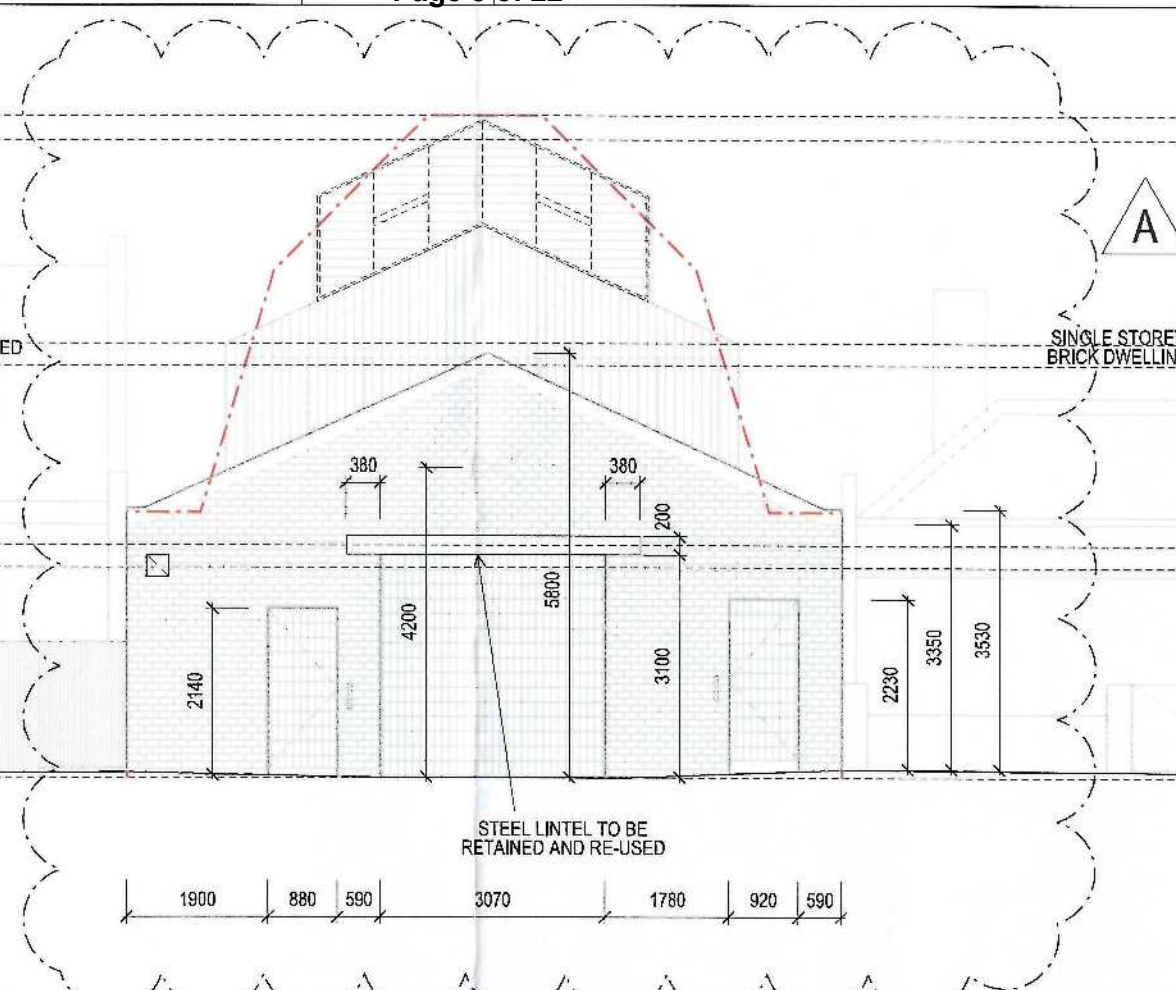


DARLING STREET

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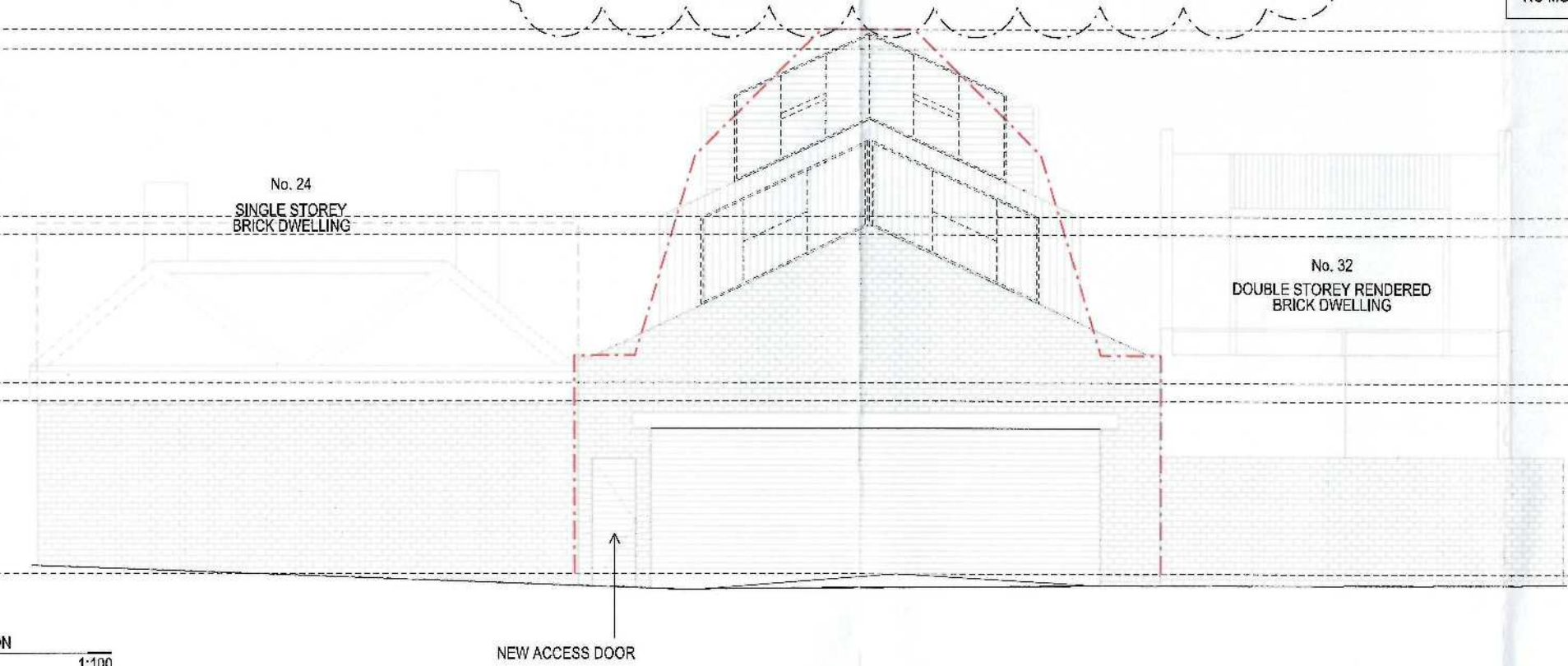
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01 PROPOSED WEST ELEVATION
DARLING STREET 1:100



NOTE: ALL EXTERNAL SCREENING TO BE PERMANENTLY FIXED TO A HEIGHT OF 1.7M ABOVE FINISHED FLOOR LEVEL AND NO MORE THAN 25 PERCENT TRANSPARENT

02 PROPOSED EAST ELEVATION
DARLING STREET 1:100



PLANNING
24 MAY 2017

<p>CLIENT McGRATH FAMILY</p> <p>CONSULTANTS PLANNING CONSULTANT FULCRUM TOWN PLANNERS Level 3, 534 Church St Richmond, VIC 3121 T: 9429 1249</p> <p>HERITAGE CONSULTANT LOVELL CHEN 35 Little Bourke St Melbourne, VIC 3000 T: 9667 0800</p> <p>STRUCTURAL ENGINEER ADAMS CONSULTING ENGINEERS 97 Camberwell Rd Hawthorn East, VIC 3123 T: 9813 3122</p>		<p>PROJECT NAME DARLING STREET</p> <p>PROJECT NUMBER 08-043</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>Rev</th> <th>Date</th> <th>Notes</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>29/05/17</td> <td>FACADE REBUILD DIMENSIONS ADDED.</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Rev	Date	Notes	A	29/05/17	FACADE REBUILD DIMENSIONS ADDED.																									<p>STATUS PRELIMINARY TOWN PLANNING</p> <p>NOT FOR CONSTRUCTION</p> <p>DRAWING NUMBER TP2-101</p> <p>REVISION A</p>
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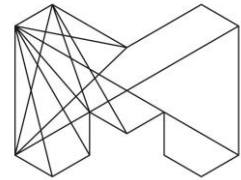


View of inside of west wall.



View of removed bricks – many cracked, broken and half bricks.

AMENDED PLANNING PERMIT



CITY OF MELBOURNE

For further reference contact:

Rachel Grounds

Telephone: 03 9658 8678 Email: planning@melbourne.vic.gov.au

Planning and Building Branch

Level 3, Council House 2

240 Little Collins Street, Melbourne

PERMIT NO.	TP-2010-692/A
PLANNING SCHEME	Melbourne Planning Scheme
RESPONSIBLE AUTHORITY	Melbourne City Council
ADDRESS OF THE LAND	28-30 Darling Street, EAST MELBOURNE VIC 3002
THE PERMIT ALLOWS	Partial demolition of existing building and construction of two dwellings in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT.

1. Prior to the commencement of the development (excluding any demolition) on the land, two copies of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans received on 21 December 2016 but amended to show:
 - a) Notation on the plans that screening is permanently fixed to at least 1.7 metres above floor level and be no more than 25 per cent transparent on the eastern, northern and southern elevations.
 - b) Inclusion of rear ground floor door on the plans and eastern elevation.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

2. The development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
3. Prior to the commencement of the development, including demolition, a report prepared by a suitably qualified Structural Engineer, or equivalent, must be submitted, 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 Council and be to the satisfaction of the Responsible Authority.

4. Before buildings and works commence, an assessment of the site, prepared by a member of the Australian Contaminated Land Consultants Association (Victoria) Inc, must be submitted to the Responsible Authority and to its satisfaction. The site assessment must include:
 - a) The nature of the previous land uses or activities on the site;
 - b) An opinion of the level and nature of contamination (if any), how much is present and how it is distributed; and

Date Issued: 5 July 2011

Signature of the Responsible Authority

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit and can be acted upon.

- c) Recommendations on whether the physical condition of the land is suitable for residential use and whether an environmental audit of the land should be undertaken.

Should the Consultant recommend that an environmental audit be undertaken, before buildings and works start the applicant must provide either:

- a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
- b) A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. A Statement must state that the site is suitable for the use and development allowed by this permit.

Where a Statement of Environmental Audit is provided, all the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

If there are conditions on a Statement of Environmental Audit that the responsible authority consider require significant ongoing maintenance and/or monitoring, the applicant must enter into a Section 173 Agreement under the Planning and Environment Act 1987. The Agreement must be executed on title prior to the commencement of the use and prior to the issue of a Statement of Compliance under the Subdivision Act 1987. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority.

5. Prior to the commencement of the use, street numbering of the units must be displayed on the units to the satisfaction of the Responsible Authority.
6. Prior to the occupation of the development hereby approved, a stormwater drainage system, incorporating water sensitive urban design, must be constructed for the development and provision made to connect this system to Council's stormwater drainage system in accordance with plans and specifications first approved by the Responsible Authority - Engineering Services.
7. Prior to the commencement of the use/occupation of the development hereby permitted, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority –Engineering Services.
8. The title boundaries for the property may not exactly agree with the road alignments of the abutting Council public lanes. The approved works must not result in structures that encroach onto any Council lane.
9. The external materials and colours of the east façade (including the gable) of the ground floor must match those used on the existing building to the satisfaction of the Responsible Authority.
10. The paint on the facade/building must be removed by a chemical process to the satisfaction of the Responsible Authority.
11. No architectural features and services other than those shown on the endorsed plans shall be permitted above the roof level unless otherwise approved in writing by the Responsible Authority.
12. Existing street levels in St Helens Lane 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.
13. No street tree adjacent to the site may be removed, lopped, pruned or root-pruned without the prior written consent of the Responsible Authority – Tree Planning.
14. The area set aside for car-parking in the building must be restricted to the parking of vehicles by owners and occupiers of, or visitors to, the building.

Date Issued: 5 July 2011

Signature of the Responsible Authority

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit and can be acted upon.

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 periods referred to if a request is made in writing before the permit expires, or within three months afterwards

Date of amendment: 16 March 2017

Details of amendment:

- Deletion of Condition 1
- Introduction of new Condition 1 requirements
- Alterations to the plans to allow for addition floor area.
- Construction of new windows

Date Issued: 5 July 2011

Signature of the Responsible Authority

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit and can be acted upon.

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued an amended permit.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- a. from the date specified in the permit; or
- b. if no date is specified, from:
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

A permit for the development of land expires if -

- (a) the development or any stage of it does not start within the time specified in the permit, or
 - (b) the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act* 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - (c) the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the *Subdivision Act* 1988.
2. A permit for the use of land expires if -
 - (a) the use does not start within the time specified in the permit, or if no time is specified, within two years of the issue of the permit; or
 - (b) the use is discontinued for a period of two years.
 3. A permit for the development and use of land expires if -
 - (a) the development or any stage of it does not start within the time specified in the permit, or
 - (b) the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - (c) the use does not start within the time specified in the permit, or if no time is specified, within two years after the completion of the development; or
 - (d) the use is discontinued for a period of two years.
 4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the *Planning and Environment Act* 1987, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act* 1988, unless the permit contains a different provision -
 - (a) the use or development of any stage is to be taken to have started when the plan is certified; and
 - (b) the permit expires if the plan is not certified within two years of the issue of a permit.
 5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPLICATIONS FOR REVIEW?

- The person who applied for the permit may apply for review against any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a Notice of Decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on an Application For Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and must be accompanied by the prescribed fee.
- An application for review must state the grounds upon which it is based.
- An application for review must also be served on the Responsible Authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

DELEGATE REPORT

APPLICATION TO AMEND A PLANNING PERMIT

APPLICATION NO:	TP-2010-692/B
APPLICANT:	Ms Wynne Damaris McGrath
ADDRESS:	28-30 Darling Street, East Melbourne VIC 3002
PROPOSAL:	Amend the development to allow demolition and reconstruction of the front façade and wall returns
DATE OF APPLICATION:	24 May 2017
RESPONSIBLE OFFICER:	Rachel Grounds

1. SUBJECT SITE AND SURROUNDS

The subject site is located on the eastern side of Darling Street, between Grey and Gipps Streets, East Melbourne. Rectangular in shape, the site has a total area of approximately 279.8 square metres, with a frontage to Darling Street of 9.6 metres. The site has front vehicular access via Darling Street, and rear vehicular access via St Helens Lane.

Currently occupying the site is a single-storey rendered brick warehouse built to all boundaries. The roof and side walls have recently been demolished and the front façade is currently being held up by internal propping.

The building is graded B in a streetscape level of 2 within the City of Melbourne Heritage Places Inventory June 2016.



Figure 1: Darling Street façade of subject site (source: applicant submission 23/05/2017).

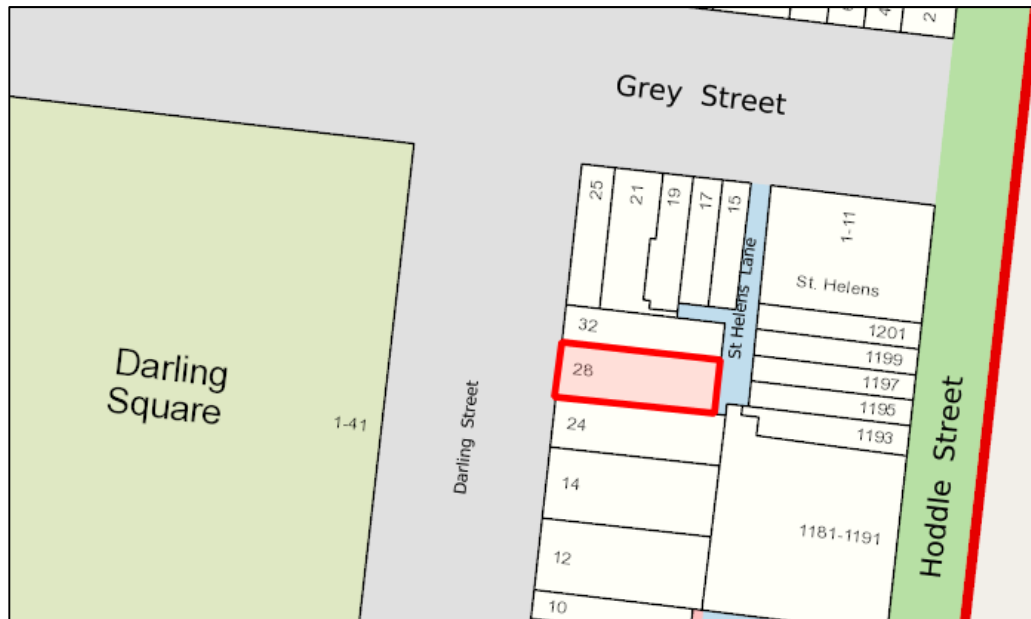


Figure 2: subject site and surrounds (source: CoMPASS 24/05/2017).

2. BACKGROUND AND HISTORY

2.1 Pre-application discussions

The applicant originally submitted a Secondary Consent Request to amend the plans on 3 May 2017. Following consultation with Planning Officers it was determined that a formal Section 72 Amendment to the Planning Permit would be required due to the extent of changes being sought.

2.2 Site History

Planning permit TP-2010-692 was issued on 5 July 2011 allowing partial demolition of the existing building and construction of two dwellings in accordance with the endorsed plans. Plans were endorsed to form part of the permit on 02 July 2015.

Amended permit TP-2010-692/A was issued on 16 March 2017 and allowed changes to the permit conditions and plans to accommodate relatively minor modifications to the design and built form.

Works have now commenced on site and currently the permit will expire if works are not completed by 5 July 2017. Pursuant to Section 69 of *The Planning and Environment Act 1987 (The Act)* the applicant is able to seek an extension to the time allowed to complete the development under the permit. To date a request has not been lodged.

3. PROPOSAL

The proposed amendment is sought via Section 72 of *The Act* and predominately seeks approval to demolish the existing front brick wall and re-build like-for-like.

The revised proposal seeks planning permission to demolish the existing front brick facade located on the west of the site and the north and south wall returns for a depth of 7.8m. The applicant states that the proposal is required as it has been discovered during construction

that the brick wall is structurally unsound, and is unable to be retained as part of the development.

The Structural Engineering Report prepared by Adams Consulting Engineers dated 12 May 2017 outlines the condition of the bricks in the west facing wall, as below:

“The bricks that we have observed following the above works do not have the structural strength and integrity required for the walls that are to be retained. The walls need to be demolished and rebuilt. The existing bricks that I have observed and that have been removed from the balance of the side, north and south walls are not suitable for reconstructing the wall.”

Following a testing of the bricks to establish their compressive strength by Sharp and Howells Pty Ltd to the requirements of AS/NZS 4456.4, the results found that the bricks tested had a compressive strength of 0.3 MPa, only 1% as strong as a regular brick that would comply with the Masonry Structures Code.

The proposed amendment therefore seeks planning approval to remove the compromised bricks (albeit the entire front facade and wall returns) and rebuild with stronger bricks found within the site to the exact same specifications and appearance.

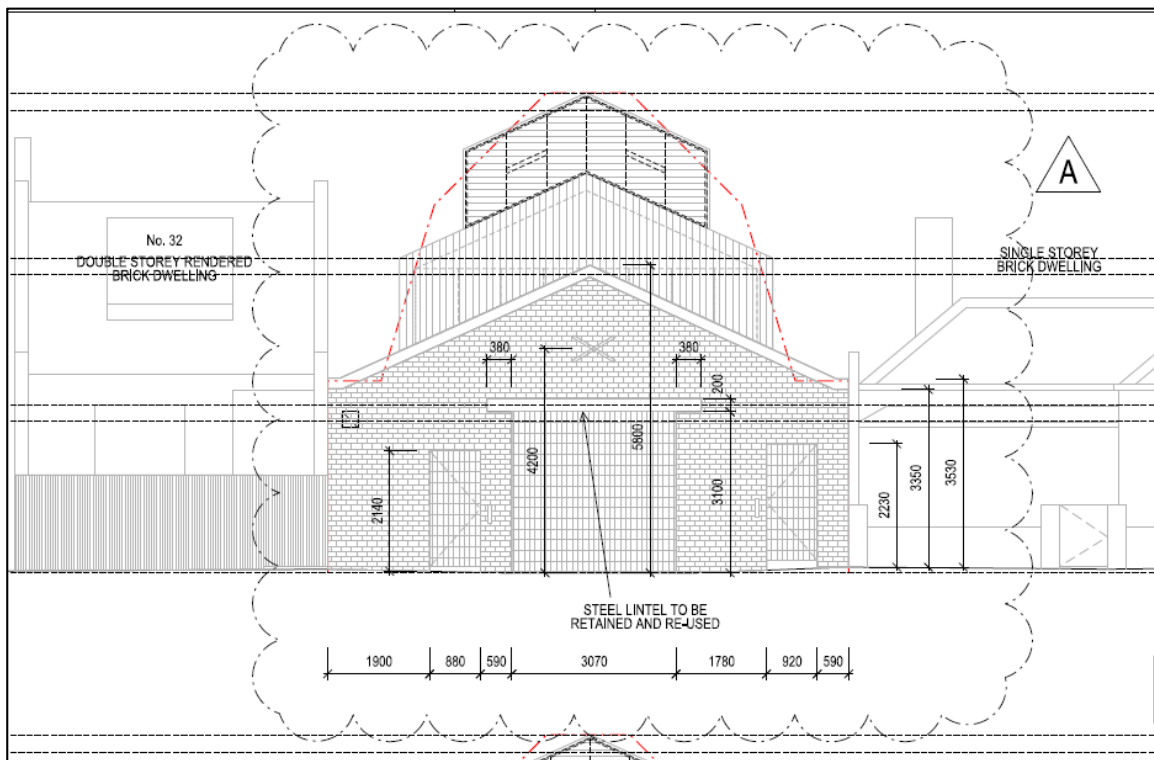


Figure 3: Proposed buildings and works (source: applicant submission 5/05/2017).

4. STATUTORY CONTROLS

The current planning controls and permit requirements are the same as those which applied at the time the original permit was granted:

Although a number of Planning Scheme Amendments introducing changes to the residential zones have been gazetted since the original permit was granted, this application enjoys transitional provisions.

The following provisions of the Melbourne Planning Scheme apply:

Statutory Controls	Permit Requirement
General Residential Zone Clause 32.08 Schedule 2	<p><u>Buildings and Works – Permit Required</u></p> <p>Pursuant to Clause 32.08, a permit is required to construct or extend two or more dwellings on a lot.</p> <p><u>Demolition – Permit Not Required</u></p> <p>Pursuant to Clause 62.05, a permit is not required for the demolition or removal of a building or works unless a permit is specifically required for demolition or removal.</p> <p>Clause 32.08 does not specify that a permit is required to demolish a building. As such, a permit is not required under the provisions of the zone.</p>
Heritage Overlay Clause 43.01 (HO2 East Melbourne and Jolimont Precinct)	<p><u>Demolition – Permit Required</u></p> <p>Pursuant to Clause 43.01, a permit is required to demolish or remove a building.</p> <p><u>Buildings and Works – Permit Required</u></p> <p>Pursuant to Clause 43.01, a permit is required to carry out works, repairs and routine maintenance which change the appearance of a heritage places or which are not undertaken to the same details, specifications and materials.</p> <p>As the proposal seeks to deconstruct and rebuild the brick wall, this goes beyond the threshold of what is considered ‘repairs and routine maintenance’ and therefore a planning permit is required.</p>

5. STRATEGIC POLICY FRAMEWORK

There are a number of relevant State and Local Planning policies that have been considered when assessing this proposed development. These include:

5.1 State Planning Policy Framework

- Clause 15 (Built Environment and Heritage) seeks to ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value
 - *Clause 15.01-2 (Urban design principles), which seeks to ‘achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties’. It reference the Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment 2004).*
 - *Clause 15.02-1 (Energy and resource efficiency), which seeks to ‘encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions’.*

5.2 Local Planning Policy Framework – Melbourne Planning Scheme

The City of Melbourne’s Municipal Strategic Statement, listed at Clause 21 sets out the vision, objectives and strategies for managing land use change and development in the City of Melbourne. It provides the basis for the application of local policies, zones, overlays and other provisions in the Melbourne Planning Scheme.

The objectives and strategies for the municipality as a whole are set out under the themes of settlement, environment and landscape, built environment and heritage, housing, economic development, transport and infrastructure.

- Clause 21.06 (Built Environment and Heritage) contains various strategies and policy direction in regard to achieving architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm.
- Clause 21.16 (East Melbourne and Jolimont) seeks to 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.
- Clause 22.05 (Heritage places outside the Capital City Zone) of the MPS includes objectives as follows:
 - *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.*
- Clause 22.17 (Urban Design outside the Capital City Zone) includes objectives as follows:
 - *To ensure that the scale, siting, massing and bulk of development complements the scale, siting, massing and bulk of adjoining and nearby built form.*
 - *To ensure that building design including the use of materials and activities at the ground floor frontages of buildings creates and improves pedestrian interest and engagement.*
 - *To ensure that development uses design and detail to ensure all visible facades (including the rear and sides of buildings) provide a rich and positive contribution to the public realm.*

5.3 Particular/General Provisions

The Delegated Planning Application Report on file dated 05 July 2011 lists all relevant Particular and General Provisions.

Since the issuing of Permit TP-2010-692/A, there have been no significant amendments to the relevant Particular/General Provisions.

6. PUBLIC NOTIFICATION

Pursuant to Schedule 43.01, an application for the demolition and buildings and works is not exempt from the notice requirements of Section 52 (1) (a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82 (1) of the Act.

Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties and by posting one notice on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

7. OBJECTIONS

No objections were received.

8. REFERRALS

External Referrals

The application was not required to be referred externally.

Internal Referrals

The application was referred internally to Council's Heritage Advisor, who after examining the structural engineering report deemed it appropriate that the wall be demolished and rebuilt like for like.

Council's heritage advisor requested additional conditions to be added to any approval to ensure the wall is built to specifications as close to possible to that of the existing wall.

9. ASSESSMENT

The proposed amendment is sought via Section 72 of The Act to amend planning permit TP-2010-992/A and predominately seeks approval to demolish the existing front facade and wall returns and re-build like-for-like at 28-30 Darling Street, East Melbourne.

Specifically, the revised proposal seeks planning permission to demolish and reconstruct the existing heritage front façade and wall returns on the site. This amendment is required as the brick walls are claimed to be structurally unsound, requiring demolition.

A Structural Engineering Report prepared by Adams Consulting Engineers dated 12 May 2017 was submitted with the application documents and outlines the condition of the bricks in the west facing wall, as summarised below:

"The bricks that we have observed following the above works do not have the structural strength and integrity required for the walls that are to be retained. The walls need to be demolished and rebuilt. The existing bricks that I have observed and that have been removed from the balance of the side, north and south walls are not suitable for reconstructing the wall."

Following a testing of the bricks to establish their compressive strength by Sharp and Howells Pty Ltd to the requirements of AS/NZS 4456.4, the results found that the bricks tested had a compressive strength of 0.3 MPa, only 1% as strong as a regular brick that would comply with the Masonry Structures Code.

The plans under consideration, and used to form the basis of this assessment were received 23 May 2017 and have been prepared by an unnamed architect. Following an assessment of the plans, and the associated Structural Engineering Report, the key issues in the consideration of this application are considered as follows.

Located within the Heritage Overlay, the building has been afforded a B grading in Council's Heritage Places Inventory June 2016 and sits within a Level 2 streetscape. The site is developed with a single storey brick workshop style building built in 1884 and occupying 100% of the site area. Since 1884 it has been used for a variety of uses including a workshop, livery stables, garage, motor workshop and taxi depot. It is now disused with construction works currently underway for the development of the site for two dwellings approved under this permit.

Pursuant to Clause 22.05, demolishing or removing original parts of buildings, as well as complete buildings, will not normally be permitted in the case of 'A' and 'B', the front part of 'C' and many 'D' graded buildings. Before deciding on an application for demolition of a graded building the responsible authority will consider, as appropriate:

The degree of its significance

The *East Melbourne and Jolimont Conservation Study 1983/85* identifies the subject site as a B grade building. The building grading together with the level 2 streetscape are confirmed in Council's Heritage Places Inventory 2016, an incorporated document to the Melbourne Planning Scheme. The building citation for the subject site contained within Council's i-Heritage Database Building Identification Sheet describes the site to be occupied by a large single-storey brick and render building with centre entry and two side doors. It states that further research should be carried out to establish the validity of reports that this building housed one of the earliest coaching companies in Melbourne.

The i-Heritage Database Building Identification Sheet for the subject site also identifies a construction date of 'Pre 1895 possible 1860'.

It is acknowledged that the building, which was afforded a B grading, is of local significance. However, in this instance it has been deemed, as outlined in the Structural Engineers Report, that the existing front (west) façade and return walls cannot be retained, due to the poor state of the bricks.

The character and appearance of the building or works and its contribution to the architectural, social or historic character and appearance of the streetscape and the area

28 Darling Street, East Melbourne is located within the East Melbourne and Jolimont Heritage Overlay precinct (HO2). Within this area there are numerous properties with high individual heritage gradings, site-specific Heritage Overlay controls and properties included on the Victorian Heritage Register. The precinct is highly valued for its Victorian-era buildings and character, intact streetscape and very high proportion of buildings of historical and architectural significance.

Darling Street is situated on the east side of Darling Square; Grey Street (north), Gipps Street (south) and Simpson Street (west) form the other boundaries to the Square. To all four sides, Darling Square is surrounded by residential development from various periods and in different styles. The majority of buildings around the Square are identified as having a level of heritage significance within the wider East Melbourne and Jolimont Precinct, and are variously graded B, C or D. More specifically, Darling Street is a relatively mixed streetscape, with the subject building presenting as an unusual structure (with its warehouse character and form) within the residential streetscape of one and two storey buildings. The buildings in Darling Street are generally D graded or ungraded.

As mentioned above, the brick wall is in a state of disrepair. The applicants propose to rebuild the brick facade like-for-like with salvaged bricks from the rear portion of the site. Whilst not the most desirable outcome, given the circumstances (namely the structural integrity of the bricks) and supporting evidence provided, the demolition and reconstruction of the wall is considered acceptable in this instance.

Whether the demolition or removal of any part of the building contributes to the long-term conservation of the significant fabric of that building

As mentioned above, The Structural Engineering Report dated 12 May 2017 outlined the condition of the bricks in the west facing wall as not having the structural strength and integrity required for the walls to be retained and adaptively incorporated into the new development.

In this instance, the ability to contribute to the long-term conservation of the significant fabric of the building (the bricks) is unfeasible. As outlined in the VCAT Witness Report dated June 2011, and prepared by Lovell Chen, the building has undergone several alterations. Of note, is the alteration to the brick walls (with many portions rebuilt and replaced over the years).

Whether the demolition or removal is justified for the development of land or the alteration of, or addition to, a building

Whilst policy does not generally support the demolition of original fabric, particularly in that of a B graded building, in this instance the proposed demolition is considered acceptable. The wall, which has been found to be structurally unsound, needs to be removed and is unable to be salvaged or restored.

The proposed demolition involves the removal of the remaining front (west) façade and the return walls to a depth of 7.8 metres. This proposed demolition is acknowledged to be extensive. It is also, in this instance, a reasonable action given the nature and current state of the remaining brick wall.

Following the demolition of the brick walls, it is proposed to reconstruct the walls, to the same specifications and appearance. This will ensure that the heritage significance and character of the Level 2 streetscape are maintained. The rebuild of the brick wall with existing bricks found on the site (noted that these bricks were the result of a rebuild of the rear portion on the site in the 1910s following Council order) will assist in retaining aspects of the building's current character and appearance to Darling Street. It will also retain evidence of the three-dimensional form of the building, as seen in the streetscape.

It should be noted that this is not a situation where the retention of any portion of the existing front (west) façade and wall returns is achievable. As such, its approval should not be seen to set precedent for future applications.

For the reasons set out in the above assessment, the proposal is supported.

10. RECOMMENDATION

It is considered that the proposal is consistent with the relevant policies and clauses of the Melbourne Planning Scheme, as discussed above, and that an Amended Planning Permit should be issued subject to the following conditions.

11. CONDITIONS

Amend the permit preamble

From;

Partial demolition of existing building and construction of two dwellings in accordance with the endorsed plans

To;

Demolition of the existing building, reconstruction of the front façade and construction of two dwellings in accordance with the endorsed plans

Amended conditions

1. Prior to the commencement of the development (excluding any demolition) on the land, two copies of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans received on ~~21 December 2016~~ **5 May 2017** but amended to show:

Deleted conditions

3. Prior to the commencement of the development, including demolition, a report prepared by a suitably qualified Structural Engineer, or equivalent, must be submitted, 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 Council and be to the satisfaction of the Responsible Authority.
10. The paint on the facade/building must be removed by a chemical process to the satisfaction of the Responsible Authority.

Add new conditions

1.
 - c) Detailed evidence/documentation of the existing heritage front façade and side return walls to a depth of 7.6m including photographic evidence of all structures, materials and finishes.
 - d) Restore and reconstruct in facsimile the front façade and side return walls to a depth of 7.6m reusing materials from the demolished building where practicable and safe to do so. Where materials are unable to be reused, like for like materials must be used.
 - e) Detail of all materials and finishes used for reconstruction of the front façade.
16. All materials and bricks to be salvaged from the demolition of the existing building are to be cleaned and stored on site prior to being reused to the satisfaction of the Responsible Authority.
17. Along the western frontage the bricks are to be laid with pointing, bonding and capping to accurately restore the existing appearance of the walls to the satisfaction of the Responsible Authority.

Date of amendment: TBD

Details of amendment:

- Re-wording of the permit preamble
- Amend condition 1 to reference the most recent set of plans
- Delete conditions 3 and 10
- Add permit conditions 1. c), 1. d), 1. e), 16 and 17
- Alterations to the plans to allow for the demolition and reconstruction of the front (west) façade and wall returns