

**Report to the Future Melbourne (Planning) Committee**

Agenda item 6.2

**Planning Permit Application: TP-2019-97  
103 Hotham Street, East Melbourne**

**3 December 2019**

**Presenter:** Ashley Treloar, Acting Practice Leader Land Use and Development

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a planning permit application seeking approval for partial demolition, alterations and additions to the rear of the existing dwelling and variation to Easement E-3 on Plan of Subdivision 063703 at 103 Hotham Street, East Melbourne (refer Attachment 2 – Locality Plan).
2. The applicant is Cook Gordon Architects, the land is owned by Christine and Stephen Meek and the architect is Cook Gordon Architects.
3. The site is located within the General Residential Zone Schedule 1 (GRZ1) and is affected by Heritage Overlay (HO2 – East Melbourne and Jolimont Precinct). The existing dwelling is identified as 'B' grade in a level 1 streetscape in the Heritage Places Inventory, March 2018.
4. Specifically, the application seeks planning permission for demolition of the two storey rear wing, construction of a two storey rear extension and a variation to the height of the sewerage easement (E-3) to allow the first floor to cantilever over the easement.
5. Public notice of the application was undertaken and no objections were received.

**Key issues**

6. Key issues relate to partial demolition of the 'B' grade building, the appropriateness of the extension, potential amenity impacts and a variation to the height of the sewerage easement (E-3).
7. The partial demolition will not unreasonably affect the heritage significance of the existing dwelling. The extension is appropriately sited and designed to not detract from the heritage significance of the existing dwelling or adversely affect the amenity of the adjoining dwellings.
8. The variation to the height of the sewerage easement (E-3) will not affect its purpose or function and will allow the proposed cantilever of the first floor.

**Recommendation from management**

9. That the Future Melbourne Committee resolves to issue a Planning Permit subject to the conditions outlined in the delegate report (refer Attachment 4 – Delegate Report).

**Attachments:**

1. Supporting Attachment (Page 2 of 31)
2. Locality Plan (Page 3 of 31)
3. Plans (Page 4 of 31)
4. Delegate Report (Page 19 of 31)

## Supporting Attachment

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### Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (the Act) sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme.
2. As no objections were received, in accordance with section 64 and 65 of the Act the responsible authority is not required to give notice of its decision to grant a permit.

### Finance

3. There are no direct financial issues arising from the recommendations contained in 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.

### Health and Safety

5. Relevant planning considerations such as traffic and waste management and potential amenity impacts that could impact on health and safety have been considered within the planning permit application and assessment process.

### Stakeholder consultation

6. Public notice of the application has been undertaken in accordance with the Act and no objections were received.

### Relation to Council policy

7. Relevant Council policies are discussed in the Delegate Report (refer Attachment 4).

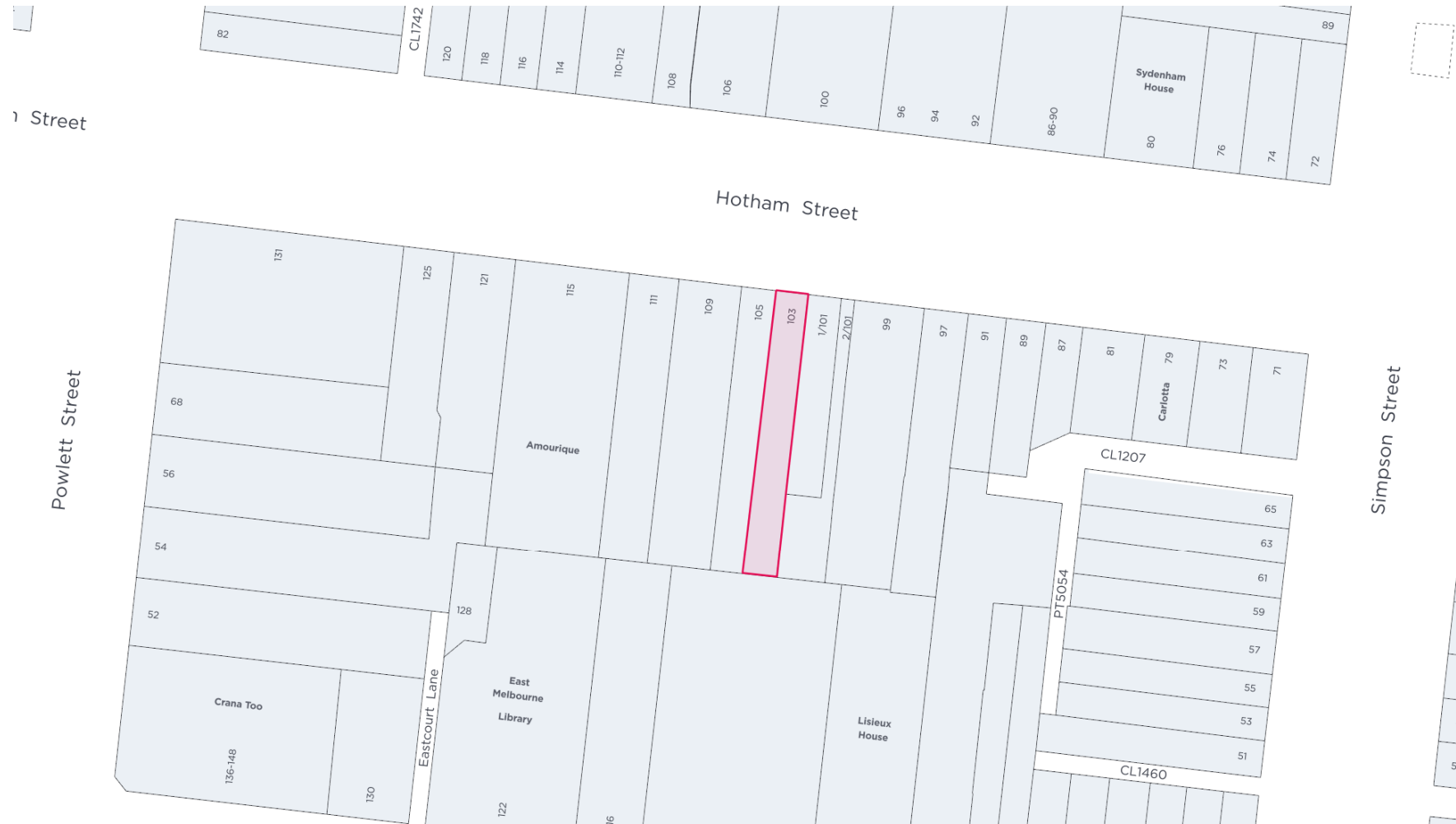
### Environmental sustainability

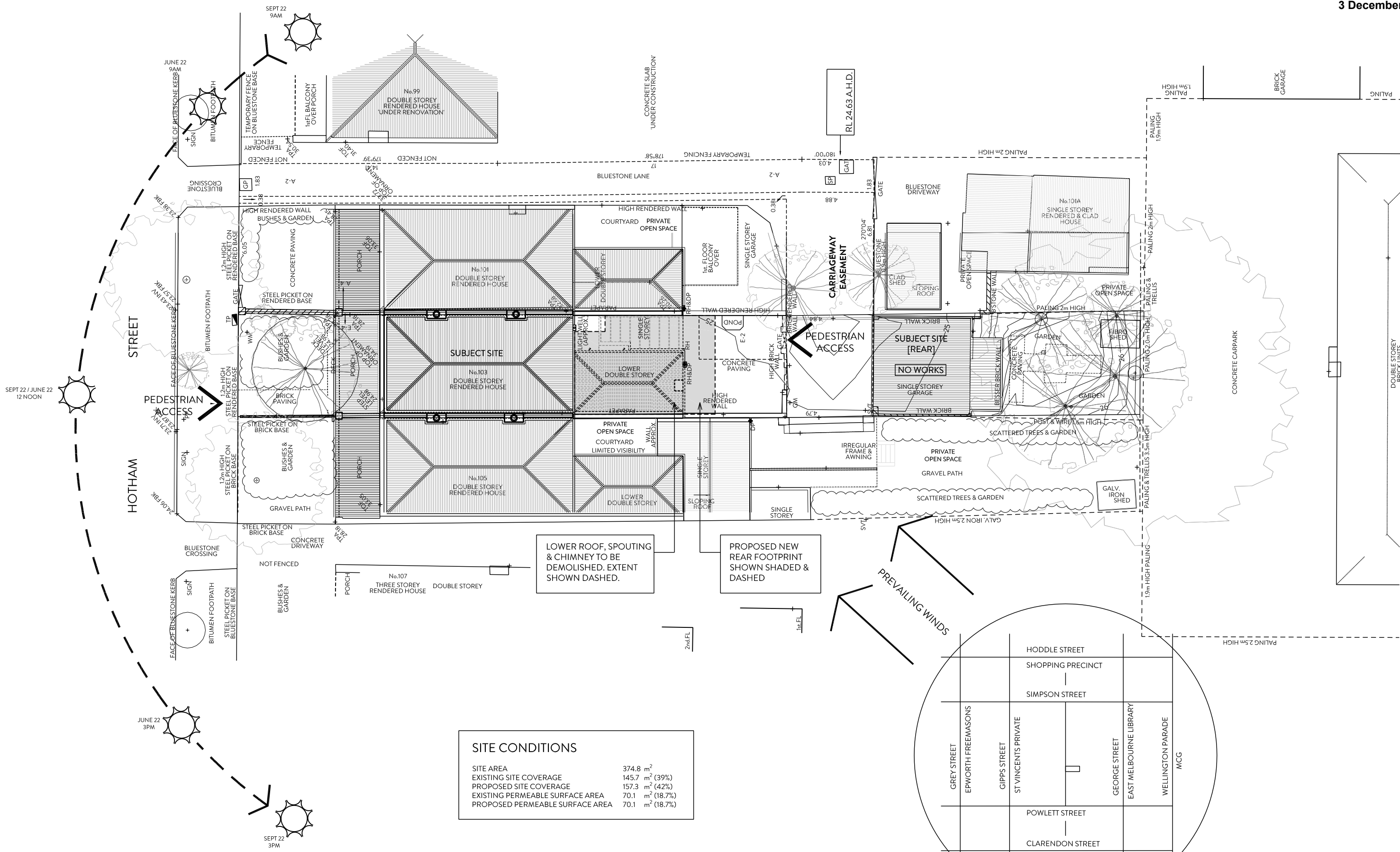
8. Permit conditions requiring an ESD statement and waster sensitive urban design response are recommended in accordance with Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management).

# Locality Plan

Attachment 2  
Agenda item 6.2  
Future Melbourne Committee  
3 December 2019

## 103 Hotham Street, East Melbourne





| SITE CONDITIONS                 |                             |
|---------------------------------|-----------------------------|
| SITE AREA                       | 374.8 m <sup>2</sup>        |
| EXISTING SITE COVERAGE          | 145.7 m <sup>2</sup> (39%)  |
| PROPOSED SITE COVERAGE          | 157.3 m <sup>2</sup> (42%)  |
| EXISTING PERMEABLE SURFACE AREA | 70.1 m <sup>2</sup> (18.7%) |
| PROPOSED PERMEABLE SURFACE AREA | 70.1 m <sup>2</sup> (18.7%) |

**01 SITE ANALYSIS & ROOF DEMOLITION PLAN**  
1:200

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| Revision Status |                           |          |
|-----------------|---------------------------|----------|
| No.             | Description               | Date     |
| TP-3            | TOWN PLANNING APPLICATION | 05.03.19 |

Project: HOTHAM

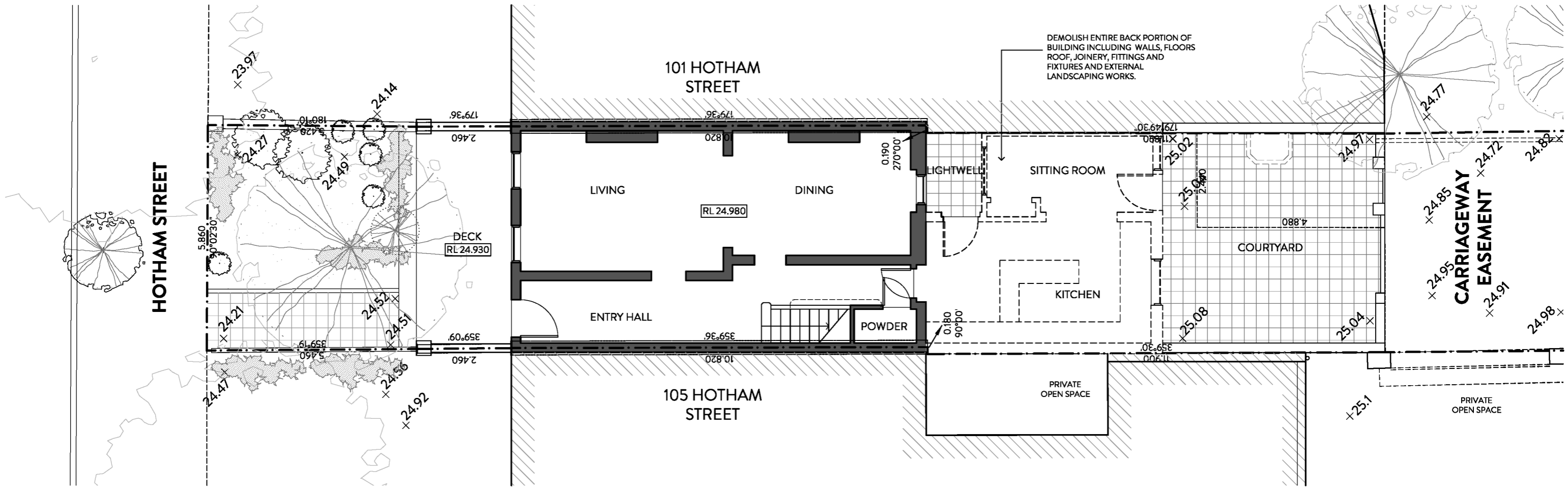
File: 1806  
Project Address: 103 HOTHAM STREET, VIC 3002

Stage: PLANNING  
Revision: TP-3  
Scale: 1:200 @A3

North: [North Arrow]  
Drawing Name: SITE ANALYSIS

Drawing: **A01**

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01 DEMOLITION PLAN - GROUND LEVEL  
1:100

**DEMOLITION NOTES**

--- WALLS, WINDOWS AND PART OVERHEAD STRUCTURE TO BE DEMOLISHED.

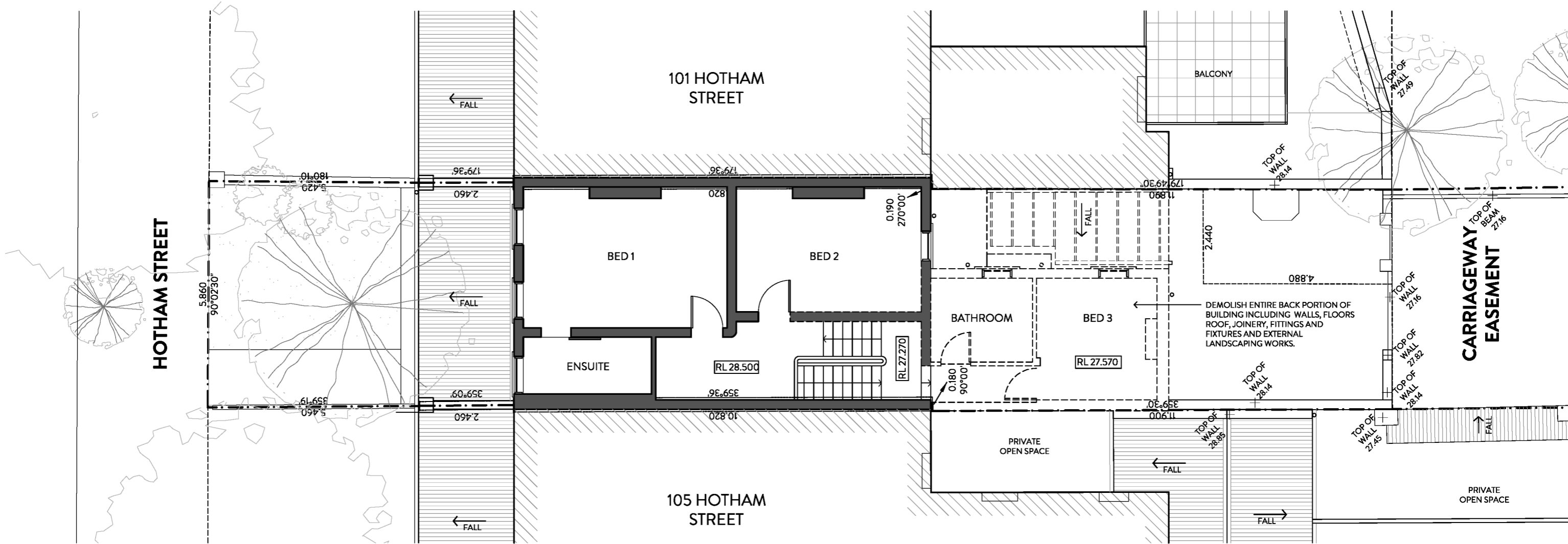
NOTE: EXISTING FLOOR STRUCTURE/FOOTPRINT TO BE RETAINED. CONFIRM WITH STRUCTURAL ENGINEER

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| Revision Status |                           |          |
|-----------------|---------------------------|----------|
| No.             | Description               | Date     |
| TP-1            | TOWN PLANNING APPLICATION | 06.12.18 |

|                 |  |
|-----------------|--|
| Project         | HOTHAM                                       |
| File            | 1806   |
| Project Address | 103 HOTHAM STREET<br>EAST MELBOURNE VIC 3002 |

|              |                          |
|--------------|--------------------------|
| Stage        | DD                       |
| Revision     | DD-1                     |
| Scale        | 1:100 @A3                |
| North        |                          |
| Drawing Name | DEMOLITION PLAN - GROUND |



**01 DEMOLITION PLAN - UPPER LEVEL**  
1:100

**DEMOLITION NOTES**

--- WALLS, WINDOWS AND PART OVERHEAD STRUCTURE TO BE DEMOLISHED.

NOTE: EXISTING FLOOR STRUCTURE/FOOTPRINT TO BE RETAINED. CONFIRM WITH STRUCTURAL ENGINEER

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| No.             | Description               | Date     |
| TP-1            | TOWN PLANNING APPLICATION | 06.12.18 |

|         |        |      |      |                 |                                     |     |      |
|---------|--------|------|------|-----------------|-------------------------------------|-----|------|
| Project | HOTHAM | File | 1806 | Project Address | 103 HOTHAM STREET<br>EAST MELBOURNE | VIC | 3002 |
|---------|--------|------|------|-----------------|-------------------------------------|-----|------|

|       |    |          |      |       |           |       |  |              |                              |
|-------|----|----------|------|-------|-----------|-------|--|--------------|------------------------------|
| Stage | DD | Revision | DD-1 | Scale | 1:100 @A3 | North |  | Drawing Name | GROUND FLOOR PLAN - EXISTING |
|-------|----|----------|------|-------|-----------|-------|--|--------------|------------------------------|

Drawing **A03**

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01 EXISTING CONTEXT ELEVATION - STREET [NORTH]  
1:100

**NO CHANGE TO THIS ELEVATION  
IN PROPOSED WORKS**

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|-----------------|---------------------------|----------|
| No.             | Description               | Date     |
| TP-1            | TOWN PLANNING APPLICATION | 06.12.18 |

Project  
HOTHAM

File  
1806

Project Address  
103 HOTHAM STREET  
EAST MELBOURNE

VIC  
3002

Stage  
DD

Revision  
DD-1

Scale  
1:100 @A3



Drawing Name  
NORTH ELEVATION - EXISTING

Drawing  
**A04**

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01 EXISTING CONTEXT ELEVATION - LANEWAY [SOUTH]  
1:100

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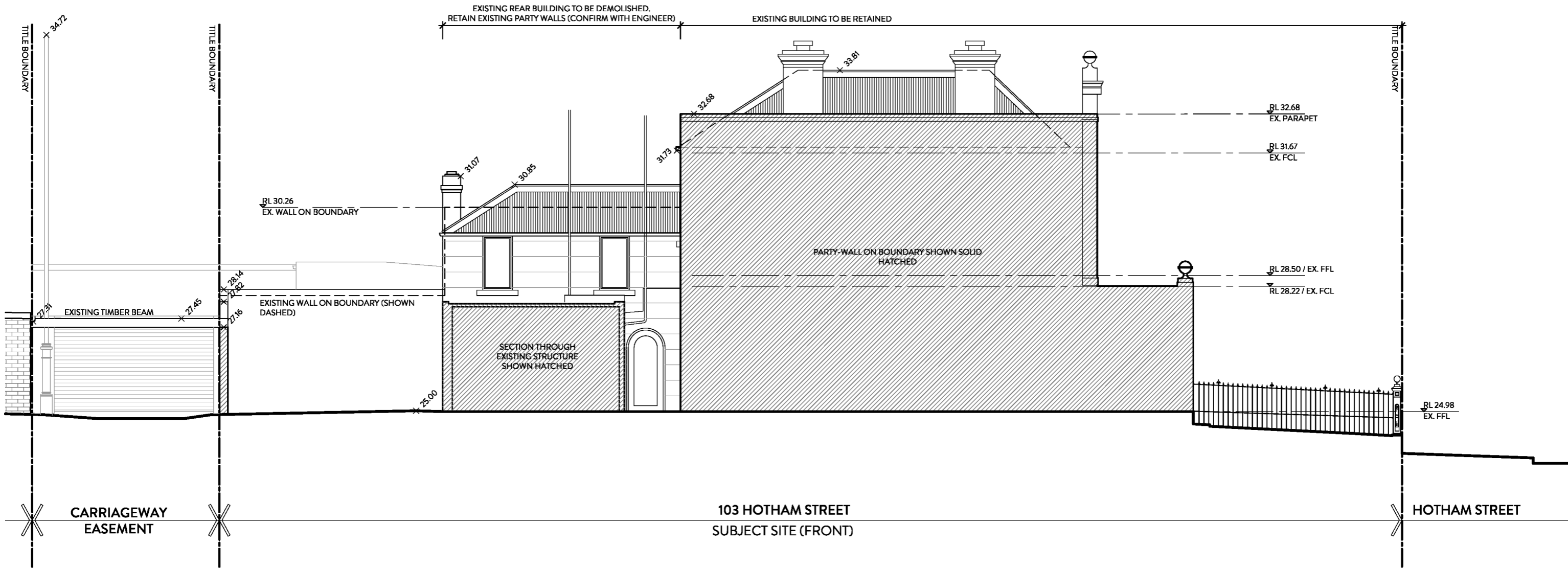
| Revision Status |                           |          |
|-----------------|---------------------------|----------|
| No.             | Description               | Date     |
| TP-1            | TOWN PLANNING APPLICATION | 06.12.18 |

|                 |   |
|-----------------|---|
| Project         | HOTHAM  |
| File            | 1806  |
| Project Address | 103 HOTHAM STREET<br>EAST MELBOURNE<br>VIC 3002 |

|              |                            |
|--------------|----------------------------|
| Stage        | PLANNING                   |
| Revision     | TP-1                       |
| Scale        | 1:100 @A3                  |
| North        |                            |
| Drawing Name | SOUTH ELEVATION - EXISTING |

Drawing  
**A05**





01 EXISTING ELEVATION - EAST  
1:100

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| No.             | Description               | Date     |
| TP-1            | TOWN PLANNING APPLICATION | 06.12.18 |

Project  
HOTHAM

File  
1806

Project Address  
103 HOTHAM STREET  
EAST MELBOURNE VIC 3002

Stage  
PLANNING

Revision  
TP-1

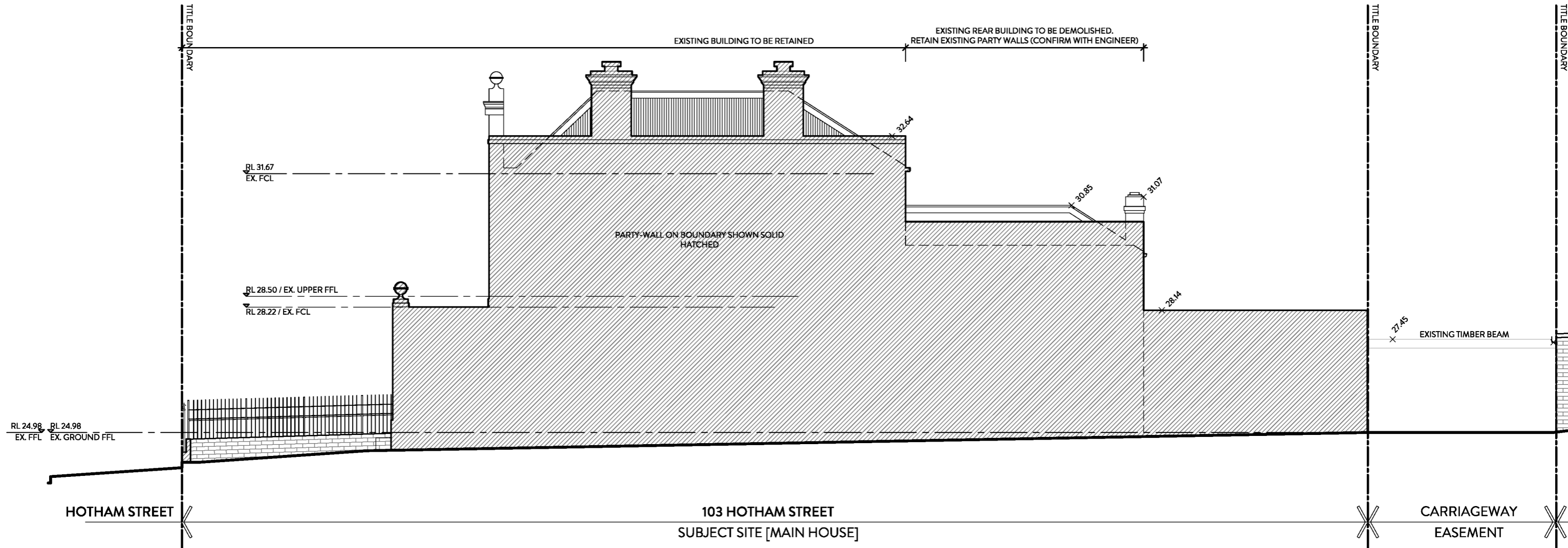
Scale  
1:100 @A3

North  
○

Drawing Name  
EAST ELEVATION - EXISTING

Drawing  
A06

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01 EXISTING ELEVATION - WEST  
1:100

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| TP-1            | TOWN PLANNING APPLICATION | 06.12.18 |

Project  
HOTHAM

File  
1806

Project Address  
103 HOTHAM STREET  
EAST MELBOURNE

VIC  
3002

Stage  
PLANNING

Revision  
TP-1

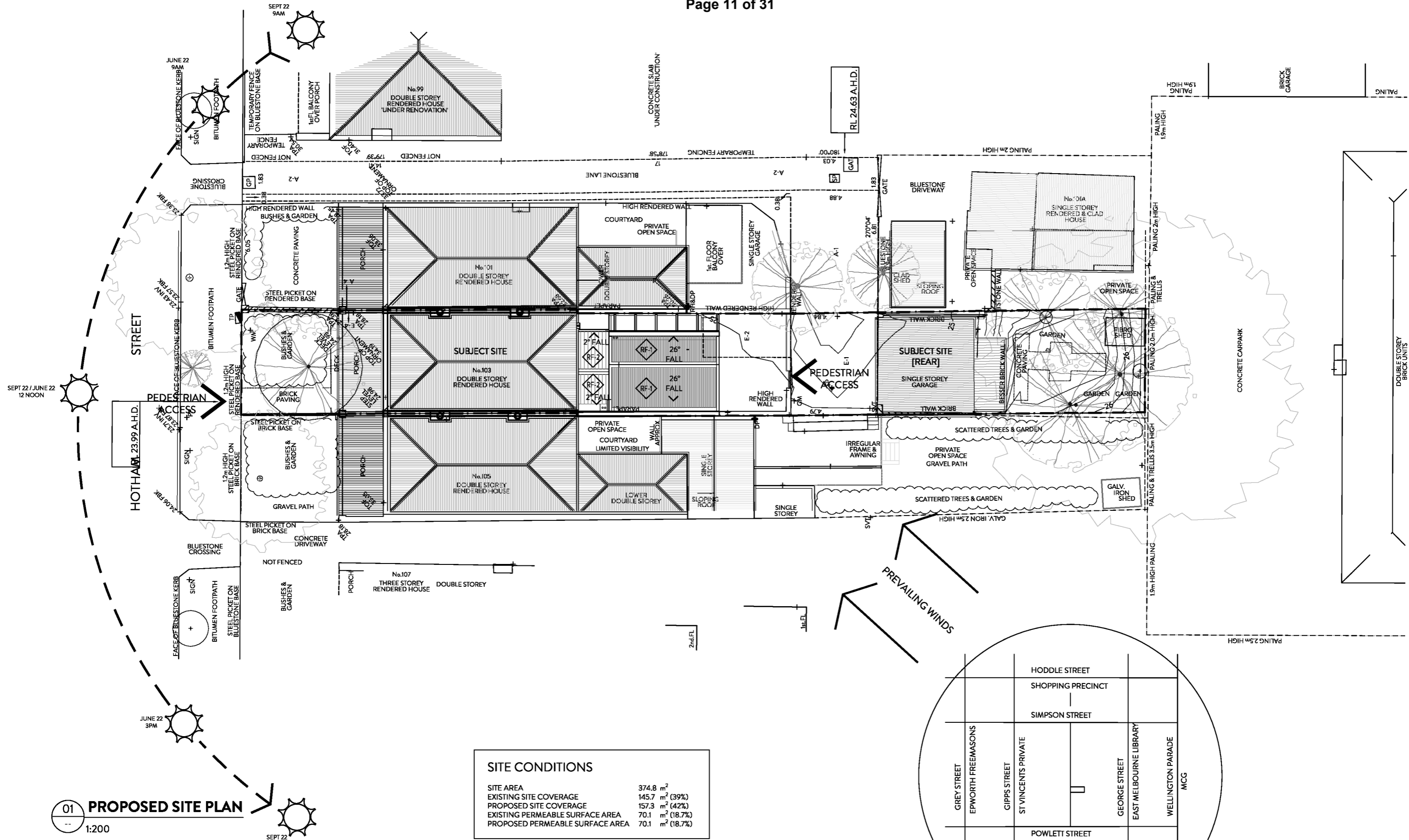
Scale  
1:100 @A3

North

Drawing Name  
WEST ELEVATION - EXISTING

Drawing  
A07

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| SITE CONDITIONS                 |                             |
|---------------------------------|-----------------------------|
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01 PROPOSED SITE PLAN  
1:200

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| Revision Status |                           |            |
|-----------------|---------------------------|------------|
| No.             | Description               | Date       |
| TP-2            | TOWN PLANNING APPLICATION | 21.01.2019 |

Project  
HOTHAM

File  
1806

Project Address  
103 HOTHAM STREET  
EAST MELBOURNE VIC 3002

Stage  
PLANNING

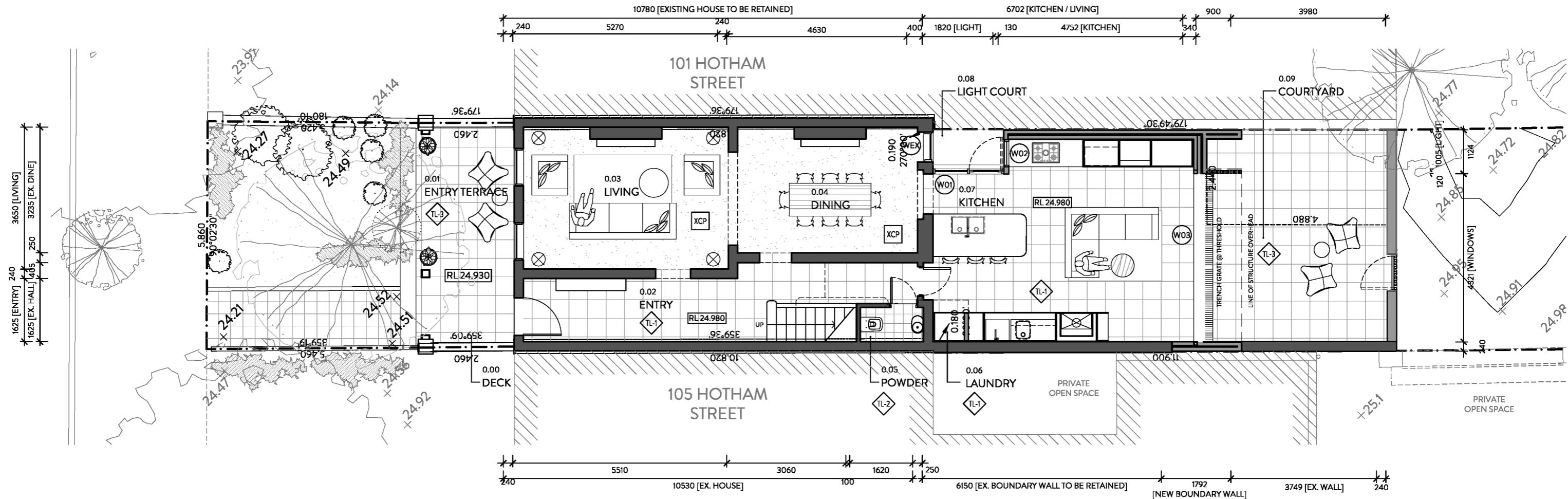
Revision  
TP-2

Scale  
1:200 @A3

North  
Drawing Name  
DESIGN RESPONSE

Drawing  
A09

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**01 PROPOSED PLAN - GROUND LEVEL**  
1:100

- EXISTING WALLS [TO BE RETAINED]
- NEW WALLS

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| Revision Status |                           |          |
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| No.             | Description               | Date     |
| TP-1            | TOWN PLANNING APPLICATION | 06.12.18 |

Project  
HOTHAM

File  
1806

Project Address  
103 HOTHAM STREET  
EAST MELBOURNE VIC 3002

Stage  
PLANNING

Revision  
TP-1

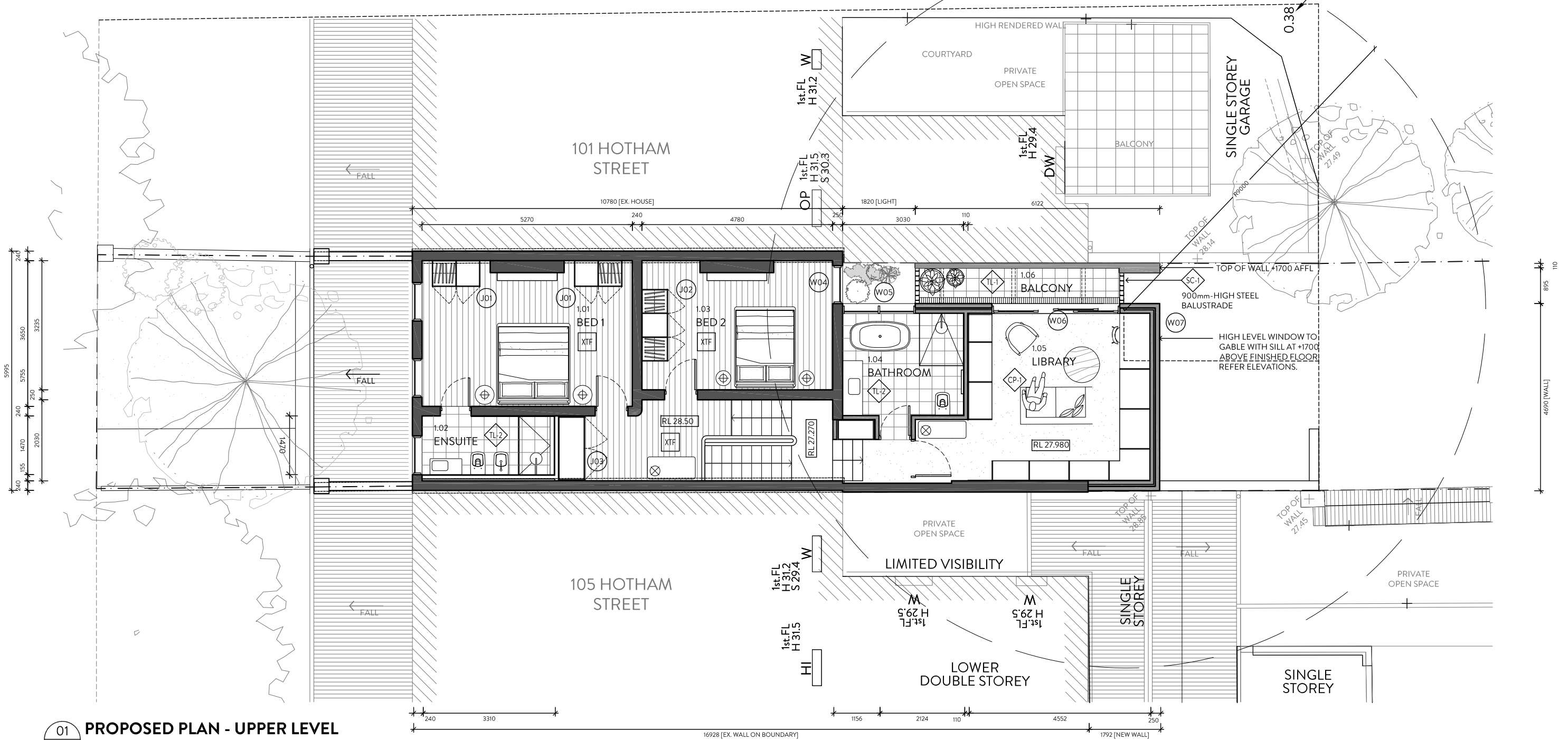
Scale  
1:100 @A3

North

Drawing Name  
GROUND FLOOR PLAN - PROPOSED

Drawing  
**A10**

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**01 PROPOSED PLAN - UPPER LEVEL**  
1:100

- EXISTING WALLS [TO BE RETAINED]
- NEW WALLS

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|-----------------|---------------------------|----------|
| No.             | Description               | Date     |
| TP-2            | TOWN PLANNING APPLICATION | 05.03.19 |

Project  
HOTHAM

File  
1806

Project Address  
103 HOTHAM STREET  
EAST MELBOURNE VIC 3002

Stage  
PLANNING

Revision  
TP-2

Scale  
1:100 @A3

North

Drawing Name  
UPPER FLOOR PLAN - PROPOSED

Drawing  
**A11**



01 EXISTING CONTEXT ELEVATION - STREET [NORTH]  
1:100

**NO CHANGE TO THIS ELEVATION  
IN PROPOSED WORKS**

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| No.             | Description               | Date     |
| TP-1            | TOWN PLANNING APPLICATION | 06.12.18 |

Project  
HOTHAM

File  
1806

Project Address  
103 HOTHAM STREET  
EAST MELBOURNE

VIC  
3002

Stage  
PLANNING

Revision  
TP-1

Scale  
1:100 @A3

North  
Drawing Name  
NORTH ELEVATION - PROPOSED

Drawing  
A12

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01 PROPOSED ELEVATION - SOUTH [NO FENCE]  
1:100

| EXTERNAL FINISHES |  |
|-------------------|--|
| BR-1              | NEW BRICK VENEER WALL - PAINT FINISH 'WHITE'   |
| SC-1              | STEEL BALUSTRADE - SITE PAINTED FINISH 'WHITE' |
| RF-1              | CUSTOM-ORB METAL DECK ROOF - ZINCALUME         |
| RF-2              | KLIPILOK 406 METAL DECK ROOF - ZINCALUME       |
| GL-1              | TIMBER WINDOWS - PAINT FINISH 'WHITE'          |
| TM-1              | TIMBER GATE - PAINT FINISH 'WHITE'             |



01 PROPOSED ELEVATION - SOUTH [WITH FENCE]  
1:100

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Project  
HOTHAM

File  
1806

Project Address  
103 HOTHAM STREET  
EAST MELBOURNE VIC 3002

Stage  
PLANNING

Revision  
TP-2

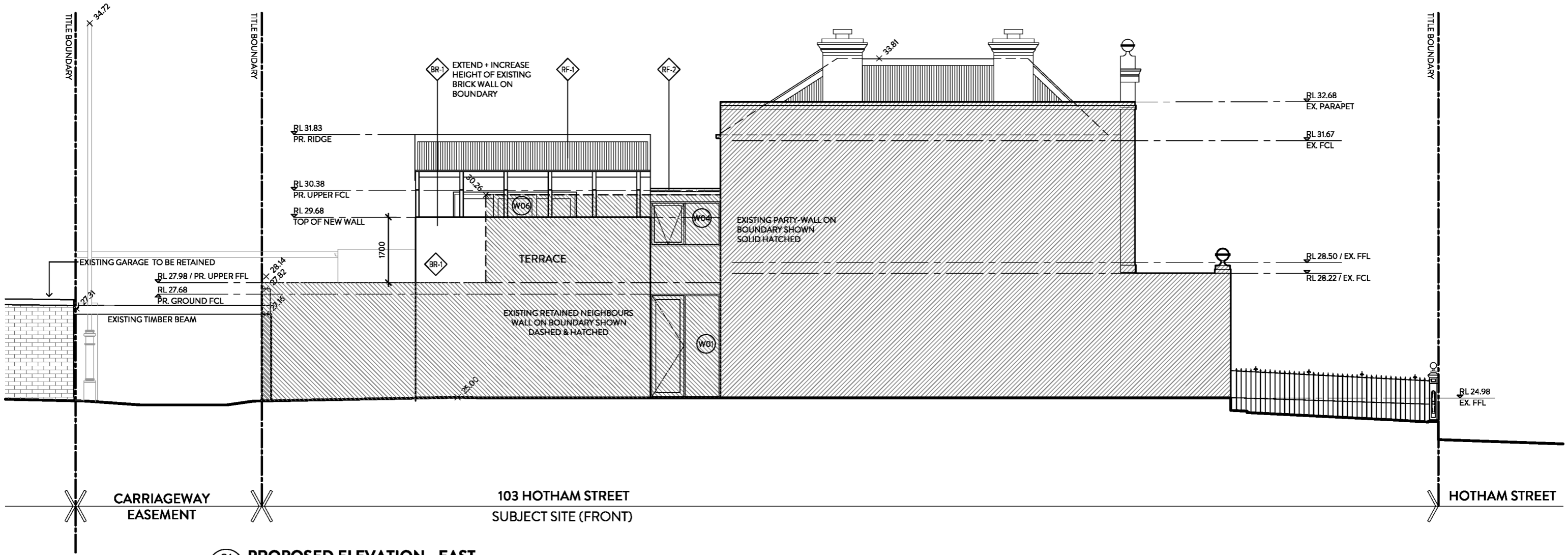
Scale  
1:100 @A3



Drawing Name  
SOUTH ELEVATION - PROPOSED

Drawing  
**A13**

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01 PROPOSED ELEVATION - EAST  
1:100

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Project  
HOTHAM

File  
1806

Project Address  
103 HOTHAM STREET  
EAST MELBOURNE

VIC  
3002

Stage  
PLANNING

Revision  
TP-1

Scale  
1:100 @A3

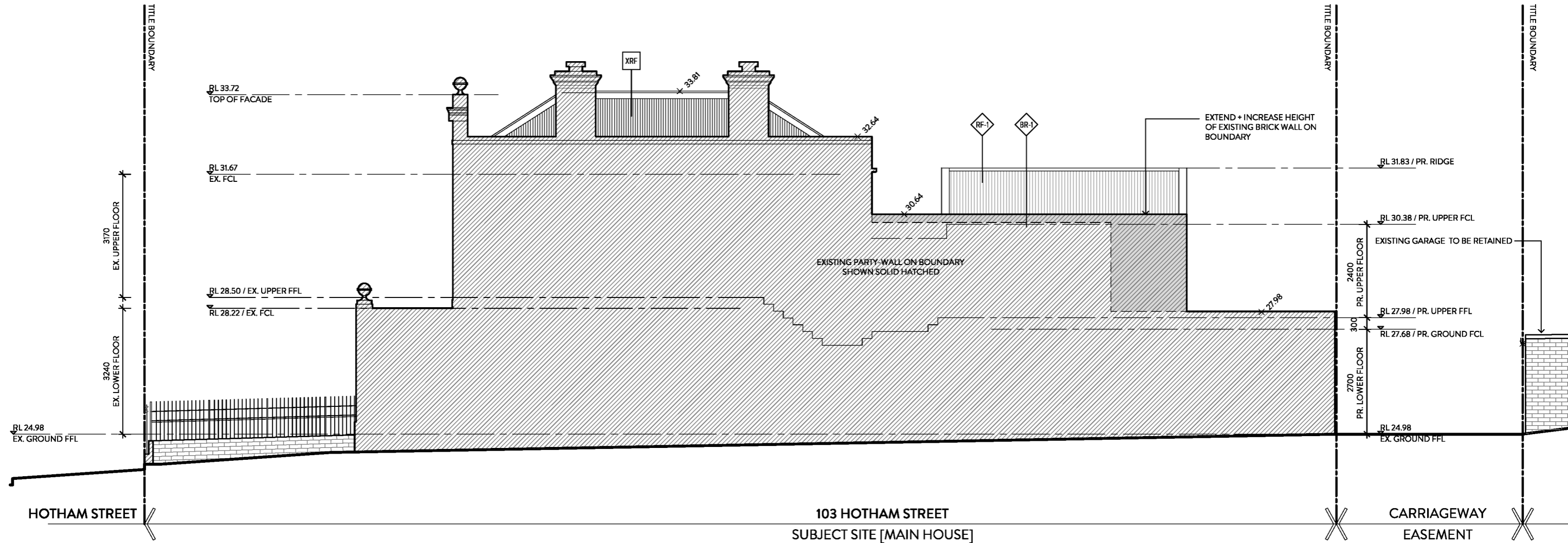
North

Drawing Name  
EAST ELEVATION - PROPOSED

Drawing  
**A14**

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01 PROPOSED ELEVATION - WEST  
1:100

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Project Address  
103 HOTHAM STREET  
EAST MELBOURNE VIC 3002

Stage  
PLANNING

Revision  
TP-1

Scale  
1:100 @A3

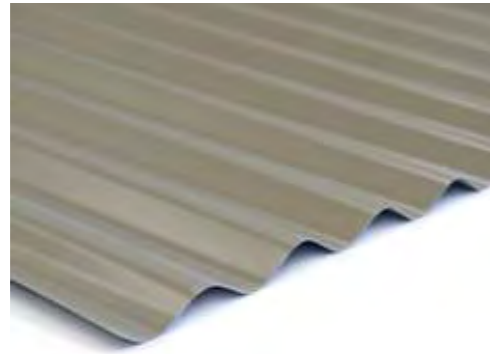
North  
[North Arrow]

Drawing Name  
WEST ELEVATION - PROPOSED

Drawing  
A15

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EXTERNAL FINISHES



RF-1 CUSTOM-ORB METAL DECK ROOF - ZINCALUME



RF-2 KLIPLOK 406 METAL DECK ROOF - ZINCALUME



BR-1 NEW BRICK VENEER WALL - PAINT FINISH 'WHITE'



TM-1 TIMBER GATE - PAINT FINISH 'WHITE'

GL-1 TIMBER WINDOWS - PAINT FINISH 'WHITE'



SC-1 STEEL BALUSTRADE - SITE PAINTED FINISH 'WHITE'

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| Revision Status |                           |          |
|-----------------|---------------------------|----------|
| No.             | Description               | Date     |
| TP-2            | TOWN PLANNING APPLICATION | 05.03.19 |

Project  
HOTHAM

File  
1806

Project Address  
103 HOTHAM STREET  
EAST MELBOURNE

VIC  
3002

Stage  
PLANNING

Revision  
TP-2

Scale  
NTS @A3



North

Drawing Name  
MATERIAL SCHEDULE

Drawing  
**A17**

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## DELEGATE REPORT

### PLANNING PERMIT APPLICATION

|                                       |  |
|---------------------------------------|--|
| <b>Application number:</b>            | TP-2019-97   |
| <b>Applicant / Owner / Architect:</b> | Cook Gordon Architects / Christine and Stephen Meek / Cook Gordon Architects   |
| <b>Address:</b>                       | 103 Hotham Street, EAST MELBOURNE VIC 3002   |
| <b>Proposal:</b>                      | Partial demolition, alterations and additions to the rear of the existing dwelling and variation to Easement E-3 on Plan of Subdivision 063703 |
| <b>Cost of works:</b>                 | \$450,000  |
| <b>Date of original submission:</b>   | 13 February 2019   |
| <b>Date of amended application:</b>   | 4 September 2019   |
| <b>Responsible officer:</b>           | Rachel Grounds, Urban Planner  |

## 1 SUBJECT SITE AND SURROUNDS

### 1.1 Subject Site

This planning application relates to the land identified as 103 Hotham Street, East Melbourne (the subject site) or formally known as Lot 2 on Plan of Subdivision 063703 (Vol. 08485, Fol. 376).

The subject site is located on the southern side of Hotham Street, between Simpson and Powlett Streets, East Melbourne. Rectangular in shape, the site has a width of 5.9 metres, a depth of 50 metres and a total area of approximately 289 square metres.

The site is affected by a number of easements. E1 and E2 are party wall easements affecting the side boundaries. E3 is a sewerage easement measuring 2.4m x 4.8m located on the middle of the site. E4 and E5 are drainage, sewerage water supply and carriageway easements over 2/101 Hotham Street. E-6 is a drainage, sewerage and way easement that cuts through the middle of the site.

Occupying the site is a two storey rendered brick terrace, forming part of a row of three terraces at 101 to 105 Hotham Street. This building has been afforded a 'B' grade in Council's Heritage Places Inventory, March 2018 (the Inventory) and sits within a level 1 streetscape.

Two storeys in scale, the existing dwelling has been built to the east and west boundaries, with a two storey rear wing setback approximately 2 metres from the eastern boundary. Secluded private open space is located at the rear of the dwelling. The rear half of the site (south of the E-6 drainage, sewerage and way easement) has a garage and garden.

**Figure 1: Streetscape Photograph of Subject Site – as viewed from Hotham Street**



**Figure 2: Photograph of Rear Wing– as viewed from within the rear secluded private open space**



## 1.2 Surrounds

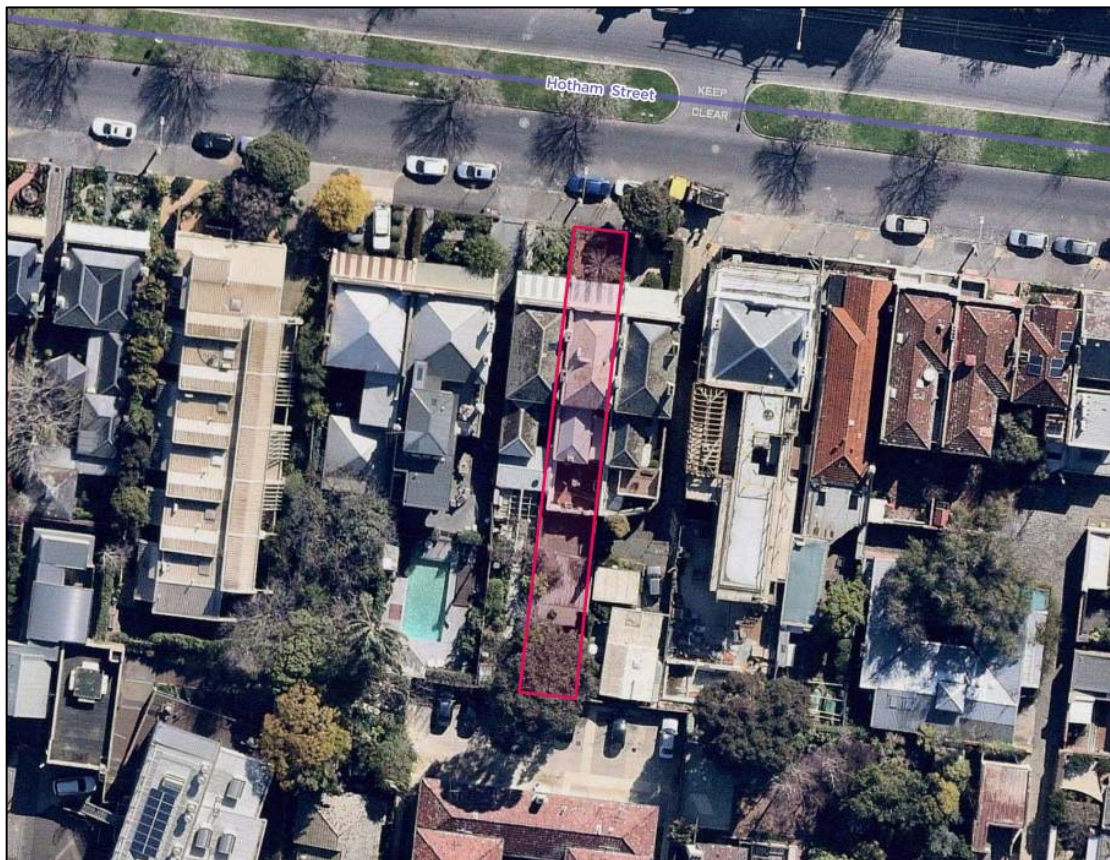
The main characteristics observed in the established residential area include detached and attached dwellings and apartment buildings with a relatively fine grain subdivision pattern. In terms of direct property abutments, the site shares a boundary to the east, west and south.

To the east of the subject site is 1/101 and 2/101 Hotham Street. 1/101 Hotham Street is occupied by a two storey rendered brick terrace. This dwelling has a two storey wall on the boundary and rear vehicular access. Private open space is provided in the form of a first floor terrace above the garage. 2/101 Hotham Street is occupied by a single storey rendered dwelling.

To the west of the subject site is 105 Hotham Street. This site is occupied by a two storey rendered brick terrace. A courtyard is located along its eastern boundary adjacent to the subject site with formal private open space located to the rear of the dwelling.

To the south of the subject site is 108-114 George Street, which is occupied by a two storey brick apartment building. It has 24 units and car parking along its northern boundary. This building has not received a grading in the Inventory.

**Figure 3: Aerial Photograph of Subject Site and Surrounds (Captured 31 August 2019)**



## 2 BACKGROUND AND HISTORY

### 2.1 Pre-application discussions

No pre-application discussions were held prior to the lodgement of the planning application.

## 2.2 Request for Further Information

Following the submission of the original application on 13 February 2019, a request for further information was sent to the applicant requiring further details on the plans and the payment of the application fee.

The further information was received by Council on 13 March 2019.

## 2.3 Post Advertising Consultation / S.57A Amendment

Following on-going discussions between officers and the applicant, the application was formally amended on 4 September 2019 under Section 57A of the Planning and Environment Act 1987. This amendment sought to formally seek planning permission to vary the height of the sewerage easement identified as E-3 to allow for the cantilever of the first floor.

## 2.4 Site History – Planning Applications

The following applications, listed as considered relevant to the current proposal, have previously been considered for the subject site and/or adjoining sites:

| <b>Table 1: Planning Application History</b> |   |  |                            |
|--|---|--|----------------------------|
| <b>TP number</b>                             | <b>Property Address</b>                   | <b>Description of Proposal</b>   | <b>Decision &amp; Date</b> |
| TP-2015-798                                  | 109 Hotham Street, East Melbourne         | Partial demolition and construction of a three storey addition to the rear of the existing dwelling and addition to the outbuilding. | Permit<br>4/3/2016         |
| TP-2015-133                                  | 99 Hotham Street, East Melbourne          | Partial demolition and construction of alterations and additions to the existing dwelling.   | Permit<br>12/8/2015        |
| TP-2006-1018                                 | 105 Hotham Street, East Melbourne         | Partial demolition, alterations and additions including a single storey rear extension.  | Permit<br>29/1/2007        |
| TP-1999-214                                  | Unit 1, 101 Hotham Street, East Melbourne | Development of a ground floor studio to existing dwelling (other than bed and breakfast).  | Permit<br>31/3/1999        |
| TP-1999-1263                                 | 103 Hotham Street, East Melbourne         | Replace fence and paint exterior of the existing dwelling.   | Permit<br>28/10/1999       |

## 3 PROPOSAL

### 3.1 Plans/Reports Considered in Assessment

The plans that have been considered in this assessment are identified in Table 1 below.

| <b>Table 2: Plans / Reports considered in assessment</b> |                                 |                     |
|--|---------------------------------|---------------------|
| <b>Plan / Report Title</b>                               | <b>Drawing/ Report No.</b>      | <b>Date Stamped</b> |
| Certificate of Title                                     | LanData Vol. 08485, Fol. 376    | 12/2/2019           |
| Town Planning Report                                     | James Livingston Architects     | January 2019        |
| Town Planning Development Plans                          | Cook Gordon Architects A01- A17 | 05/3/2019           |
| Applicant Response to Heritage Advice                    | James Livingston Architects     | 11/11/2019          |

### 3.2 Summary of Proposed Development

The application seeks planning approval for partial demolition, alterations and additions to the rear of the existing dwelling and variation to Easement E-3 on Plan of Subdivision 063703.

The main features and key details of the proposal are as follows:

#### Demolition

- Demolition of the rear portion of the existing dwelling (comprising living, dining, kitchen and bathroom) and associated chimney and roofing. The front two rooms, corridor, front façade, verandah and roof are to be retained.

#### Buildings and Works

- Construction of a two storey rear extension comprising;
  - Ground floor open plan kitchen and living area and European laundry.
  - First floor bathroom, library / sitting area and balcony.
- The extension has a gable roof with a total height of 6.9 metres.
- The extension has a 1.8m x 0.9m lightwell adjoining the east boundary.
- The first floor balcony adjoins the east boundary and is 6.1m x 0.9m deep.
- The external materials include brick veneer walls (painted white) with zincalume metal roofing.

#### Variation of Easement

- Vary the height of sewerage easement E-3 on Plan of Subdivision 063703 to allow for the overhang of the first floor level.

### 3.3 Key Excerpts from Development Plans

Figure 4: First Floor Demolition Plan

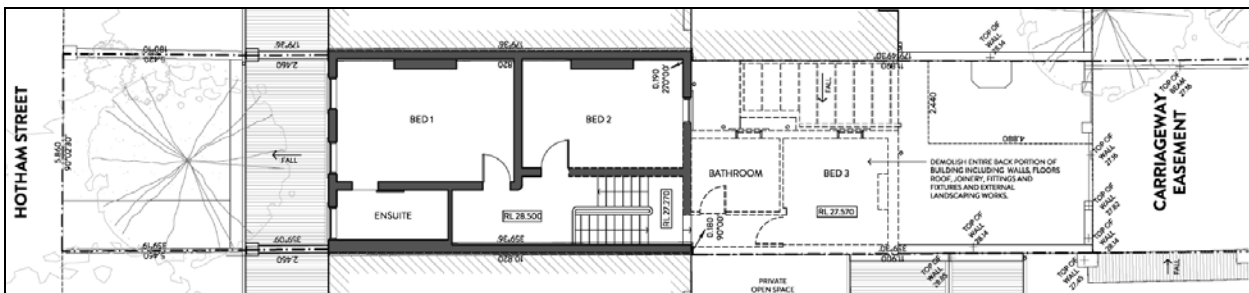


Figure 5: Proposed Ground Floor Plan

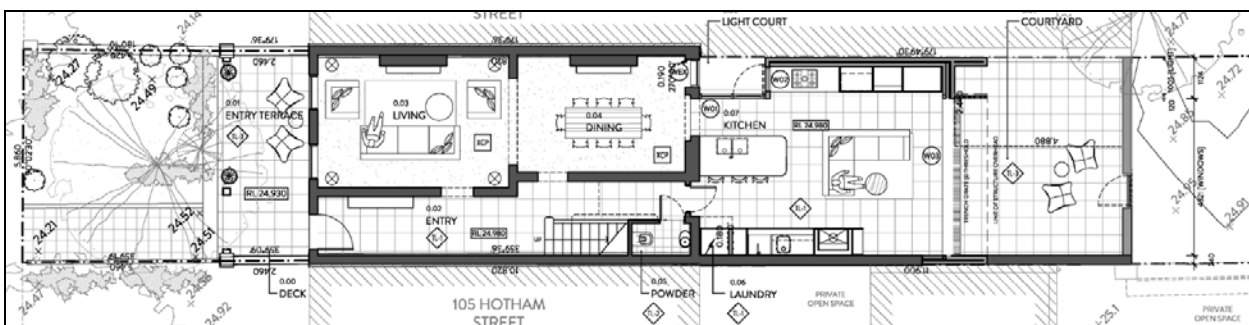
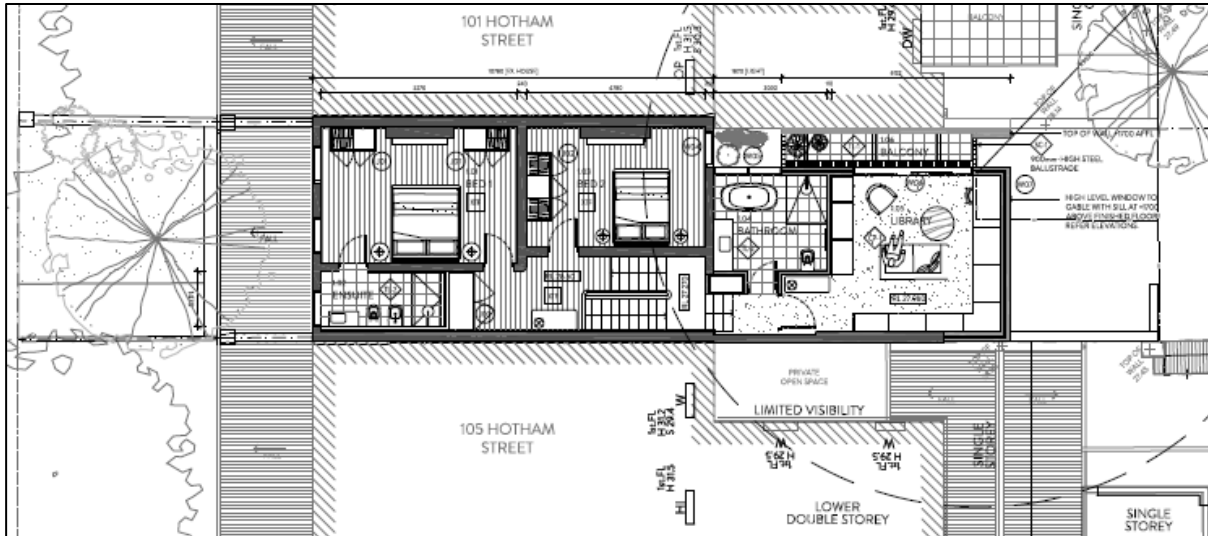


Figure 6: Proposed First Floor Plan



#### 4 STATUTORY CONTROLS

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

| Table 3: Plans / Reports considered in assessment                              |   |
|--|---|
| Clause   | Permit Trigger  |
| Clause 32.08<br>General Residential Zone<br>Schedule 1                         | A permit is required to construct or extend one dwelling on a lot of less than 300 m <sup>2</sup> .<br><br>As the site is 289 m <sup>2</sup> , a planning permit is required under the provisions to this zone.<br><br>A building must not be constructed for use as a dwelling or a residential building that exceeds 11m and three storeys. The extension satisfies this requirement and is 6.9m high and two storeys.<br><br>The minimum garden area requirement does not apply to a lot less than 400m <sup>2</sup> . |
| Clause 43.01<br>Heritage Overlay<br>HO2 – East Melbourne and Jolimont Precinct | A permit is required to: <ul style="list-style-type: none"> <li>demolish or remove a building.</li> <li>construct a building or construct or carry out works</li> </ul>   |
| Clause 52.02<br>Easements, Restrictions and Reserves.                          | A permit is required before a person proceeds under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.<br><br>As the application seeks to vary the height of sewerage easement E-3 a planning permit is required.   |

#### 5 STRATEGIC FRAMEWORK

##### 5.1 Planning Policy Framework (PPF)

The relevant provisions of the PPF are:

- Clause 11 (Settlement)



- Clause 15 (Built Environment and Heritage)
- Clause 16 (Housing)

## **5.2 Municipal Strategic Statement)**

The relevant provisions of the MSS are:

- Clause 21.04 (Settlement)
- Clause 21.06 (Built Environment and Housing)
- Clause 21.07 (Housing)
- Clause 21.16 (Other Local Areas)

## **5.3 Local Planning Policy Framework (LPPF)**

The relevant provisions of the LPPF are:

- Clause 22.05 (Heritage Places outside the Capital City Zone)
- Clause 22.17 (Urban Design outside of the Capital City Zone)
- Clause 22.23 (Stormwater Management – Water Sensitive Urban Design)

## **6 PARTICULAR PROVISIONS**

The following particular provisions apply to the application:

- Clause 54 (One Dwelling on a Lot)

## **7 GENERAL PROVISIONS**

The following general provisions apply to the application:

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

## **8 PLANNING SCHEME AMENDMENTS**

Amendment C258 seeks to implement the recommendations of the ‘Heritage Policies Review 2018’. It proposes to revise the local heritage planning policies, incorporate new heritage statements of significance (including the identification of 20 new heritage places), and replace the A to D grading system with the significant / contributory / non-contributory grading system.

Under the Amendment, the ‘B’ graded dwelling has been identified as ‘significant’.

In the study, a ‘significant’ building is defined as:

*‘A ‘significant’ heritage place is individually important at state or local level, and a heritage place in its own right. It is of historic, aesthetic, scientific, social or spiritual significance to the municipality. A ‘significant’ heritage place may be highly valued by the community; is typically externally intact; and/or has notable features associated with the place type, use, period, method of construction, siting or setting. When located in a heritage precinct a ‘significant’ heritage place can make an important contribution to the precinct’.*

## **9 PUBLIC NOTIFICATION**

It was determined that the proposal may result in material detriment. Notice of the proposal was given by ordinary mail to the owners and occupiers of the surrounding properties and by posting one (1) notice on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

A signed copy of the statutory declaration was returned to Council on 30 April 2019.

Following the receipt of the amended application on 4 September 2019, the application was re-advertised to the surrounding properties for a further 14 day period on 9 September 2019.

## **10 OBJECTIONS**

No objections were received as a result of the two public notification periods.

## **11 REFERRALS**

### **11.1 Internal**

#### Heritage

Council's Heritage Advisor inspected the site and advised that the rear wing was original, albeit for some modifications to the ground floor and roof cladding, and should be retained. Should demolition of the rear wing be supported, they did not have any objection to the siting and design of the rear extension.

#### Land Survey

The original submission was referred to Council's Land Survey Department who noted that the first floor cantilevered over sewerage easement E-3 that is in favour of all the lots on the Plan of Subdivision. It was advised that the applicant would need to obtain consent from the beneficiaries to cantilever over the easement or amend the application to include a variation to the height of the easement.

Subsequently, the application was amended on 4 September 2019 to include a variation to the height of sewerage easement E-3.

### **11.2 External**

No external referrals were required.

## **12 ASSESSMENT**

The application seeks planning approval for partial demolition, alterations and additions to the rear of the existing dwelling and variation of sewerage easement E-3 on Plan of Subdivision 063703. The key issues for consideration in the assessment of the application are:

- Part demolition of the 'B' grade building.
- The appropriateness of the rear extension.
- Clause 54 and potential amenity impacts.
- Variation of the sewerage easement.

### **12.1 Heritage**

#### **12.1.1 Demolition**

Clause 22.05 (Heritage Places outside the Capital City Zone) states that 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. The front part of a building is generally considered to be the front two rooms in depth.

The existing dwelling is 'B' grade.

The application proposes demolition of the two storey rear wing, chimney and roof.

The demolition is considered acceptable because:

- The ground floor and roof of the rear wing have been modified.
- The rear wing is not visible from the public realm.
- The front two rooms of the existing dwelling will be retained providing for the long-term conservation of the significant fabric.

#### **12.1.2 Built form**

Clause 22.05 (Heritage Places outside the Capital City Zone) includes performance standards relating to form, height, concealment of higher rear parts, façade pattern, colours, materials and details.

The rear extension has a simple, modern form. It is lower than the existing dwelling and will not be visible from the public realm. It has a complementary palette of external materials including brick veneer painted white, zincalume metal deck roof, timber framed windows painted white and steel balustrade painted white. The siting and design of the rear extension is respectful and will not dominate or detract from the heritage significance of the existing dwelling or the row of terraces.

#### **12.2 Clause 54 (One Dwelling on a Lot)**

The proposal generally complies with the objectives and standards of Clause 54 (ResCode). Areas where a variation to the standard is being sought are discussed below.

##### **12.2.1 Standard A6 (Permeability)**

Standard A6 requires that the area covered by pervious surfaces be at least 20%.

The development has 18.8% permeability. A variation of 1.2% is considered acceptable having regard to the small lot size and inner city context.

Should a permit be issued, standard conditions pertaining to stormwater drainage and management will be included.

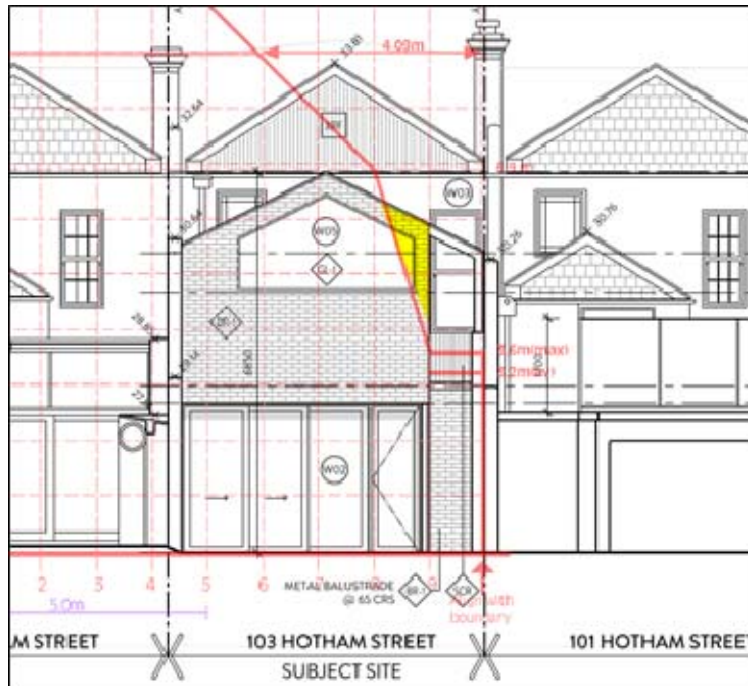
##### **12.2.2 Standard A10 (Side and Rear Setbacks)**

Standard A10 requires that a new building not on or within 200mm of a boundary be setback from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height of 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

The first floor is 5.25m high and is setback 0.9m from the east boundary. The required setback is 1.49m. A variation of 0.59m is acceptable because:

- The adjoining dwelling has a wall on the boundary and a first floor balcony.
- The extension will not adversely affect the amenity of the adjoining dwelling by way of overshadowing or visual bulk given the location of the adjoining secluded private open space (first floor balcony) and courtyard on the opposite side of the dwelling.

**Figure 7: Side Setback Requirement (extent of non-compliance highlighted)**



### 12.2.3 Standard A11 (Walls on Boundaries)

Standard A11 requires that a new wall constructed on or within 200mm of a side or rear boundary of a lot should not abut the boundary for a length of more than:

- 10 metres plus 25 percent of the remaining length of the boundary of an adjoining lot; or
- Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is greater.
- For a height of more than 3.2 metres on average with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

The site, with a length of 50 metres, has an allowable length of walls on boundary of 20 metres.

#### East Boundary

The extension includes a 3m high x 6m long wall on the east boundary, which results in a total 25.5m length of wall on boundary. The height of the new wall on the boundary complies with the standard. A variation for the total length of wall on the boundary is considered acceptable because the adjoining lot has been subdivided into two properties and the wall will not adversely affect the amenity of 101 Hotham Street for the reasons set out in section 12.4.3 of this report.

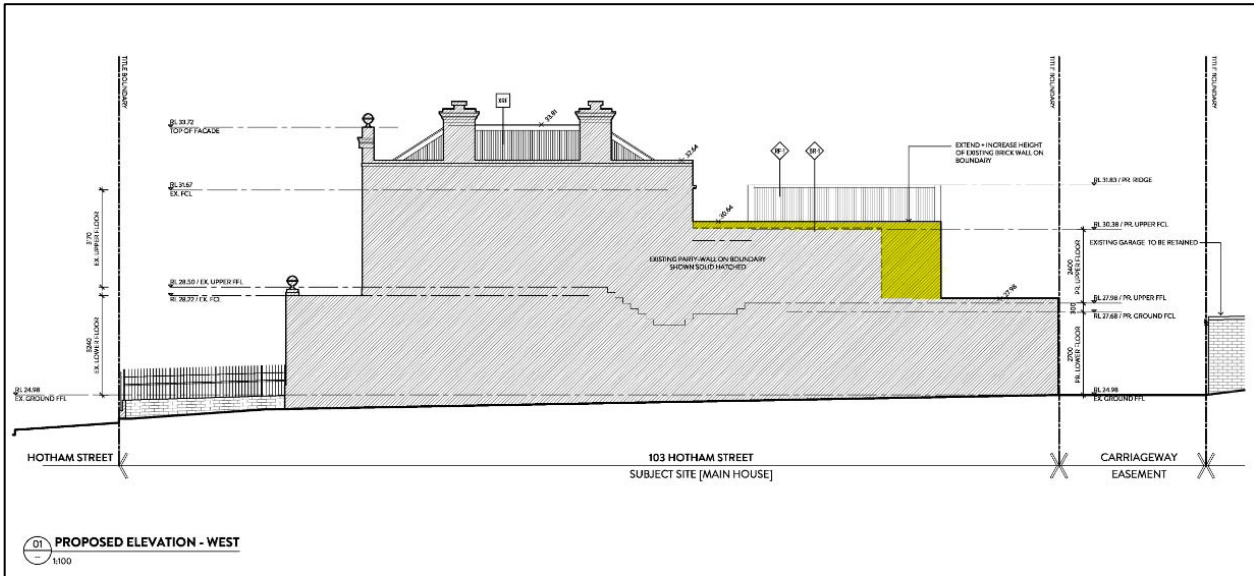
#### West Boundary

The extension will, in effect, increase the height of the wall on the west boundary by 0.3m and 2.4m and the length by 2m as shown in the image below. A variation is required for the length and height of the wall as it exceeds 3.2m high and 20m length and does not abut a simultaneously constructed wall.

A variation is considered acceptable because:

- The additional 0.3m in height opposite the neighbour's courtyard is considered relatively minor and will not unreasonably affect the amenity of the adjoining property by way of overshadowing or visual bulk.
- The additional 2.4m high x 2m length opposite the neighbour's single storey extension will not affect their amenity.

**Figure 8: New Walls on Western Boundary (highlighted)**



### 12.2.4 Standard A16 (Daylight to New Windows)

Standard A16 requires that a habitable room window be located to face an outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky.

The extension includes a 1.8m x 0.9m (1.6m<sup>2</sup>) lightwell adjoining the east boundary to provide a second source of daylight to the open plan kitchen, dining and living area. A variation of 1.4m<sup>2</sup> is acceptable because the lightwell is a second source of daylight to the open plan ground floor.

### 12.3 Variation of Easement

Clause 52.02 (Easements, Restrictions and Reserves) seeks to enable the removal and variation of an easement or restriction to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

Specifically, a permit is required before a person proceeds under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction.

Clause 52.02 requires the interests of affected people to be taken into account before deciding on an application.

The application includes variation of the height of the sewerage easement E-3 to allow for the cantilever of the first floor. Easement E-3 benefits all lots listed on the Plan of Subdivision being 1/101, 2/101 and 105 Hotham Street, East Melbourne. The application was advertised to all beneficiaries and no objections were received. Variation of the easement to allow the cantilever is considered acceptable because:

- It will not affect the purpose or function of the sewerage easement.

- No objections have been received from the beneficiaries.
- While not a beneficiary identified on the Title and Plan of Subdivision, the applicant provided correspondence from City West Water confirming that they had no assets in the easement and no objection to the proposal.

A condition is recommended requiring the variation of the height of the sewerage easement to be formalised on the Plan of Subdivision prior to the commencement of the development.

## **12.4 Conclusion**

It is considered that the proposal is generally consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that the proposal is supported.

## **13 RECOMMENDATION**

That a Planning Permit be issued for partial demolition, alterations and additions to the rear of the existing dwelling and variation to Easement E-3 on Plan of Subdivision 063703 at 103 Hotham Street, East Melbourne subject to the following conditions:

1. The development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
2. Prior to the commencement of the development, the owner of the land must submit an application for certification to the Responsible Authority for variation of the sewerage easement identified as E-3 on Plan of Subdivision 063703 in accordance with the endorsed plans. The plan of variation of easement must exclude any structures that support the development and must be to the satisfaction of the Responsible Authority. The plan is to be registered at Land Victoria and evidence of registration must be provided to the Responsible Authority.
3. Prior to the commencement of the development, a stormwater drainage system incorporating integrated water management design principles must be submitted to, and approved, by the Responsible Authority - Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's stormwater drainage system.
4. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

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

## **Notes**

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

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

This planning permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this planning permit.

All necessary approvals and permits are to be first obtained from Melbourne City Council and the works performed to the satisfaction of Melbourne City Council – Manager Engineering Services.