

## Report to the Future Melbourne Committee

Agenda item 6.3

**Planning Permit Application: TP-2021-245**  
**47 Arnold Street, South Yarra**

**19 October 2021**

**Presenter:** Larry Parsons, Head of Statutory Planning

### **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, buildings and works, and external alterations to an existing dwelling at 47 Arnold Street, South Yarra.
2. The applicant and architect is O'Connor and Houle, who are acting on behalf of the owner, Joanna Black.
3. The site is located within the General Residential Zone Schedule 5 (GRZ5) and is affected by the Heritage Overlay Schedule 6 (HO6) and Design and Development Overlay Schedule 15 (DDO15 Area 1) and Schedule 17 (DDO17).
4. The existing dwelling is graded as 'Significant' in the *Heritage Places Inventory February 2020 Part A (Amended May 2021)*.
5. The proposal retains the front full-width envelope of the existing double storey heritage dwelling (some roof demolition to allow for skylights), with partial demolition and a contemporary extension to the rear ground floor areas to provide for new kitchen, living and dining areas. The proposal also includes a new three-storey building (containing a garage, rumpus room, gym, and bedrooms) at the rear of the property with a saw tooth style roof form. It varies in height between 8.8m to the north laneway and 10.27 m to the top of the sawtooth form (refer attachment 3 – Selected Plans).
6. Public notice of the proposal has been undertaken and a total of three objections have been received.

### **Key issues**

7. The key issues relate to the partial demolition of the existing heritage dwelling, the appropriateness of the extension in terms of the height, scale and design, and the appropriateness of the alterations to the existing dwelling.
8. The proposed development will not adversely affect the heritage significance of the existing building due to lack of visibility of the proposed changes from the street. Demolition is limited to the ground floor rear portions of the heritage building, and the scale and design of the separated three-storey extension sits comfortably at the rear of the site, with a contemporary form, appearance, and materiality that does not dominate or detract from the heritage significance of the existing dwelling.
9. Some objections relate to Clause 54 (One dwelling on a lot) of the Melbourne Planning Scheme. However, the proposal is considered to be an extension to the existing dwelling on a lot over 300 m<sup>2</sup>, and the rear addition does not include facilities to deem it a separate dwelling. As such ResCode is not a relevant consideration for this application. These matters will be the responsibility of the private building surveyor, outside of the planning process.

### **Recommendation from management**

10. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit subject to the conditions outlined in the Delegate Report (refer Attachment 4 of the report from management).

### **Attachments:**

1. Supporting Attachment (Page 2 of 44)
2. Locality plan (Page 3 of 44)
3. Plans (Page 4 of 44)
4. Delegate Report (Page 20 of 44)

## 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 objections have been received, sections 64 and 65 of the Act provide that the responsible authority must give the applicant and each objector notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The responsible authority must not issue a permit to the applicant until the end of the period in which an objector may apply to the VCAT for a review of the decision or, if an application for review is made, until the application is determined by the VCAT.

### 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 material or general conflict of interest in relation to the matter of the report.

### Health and Safety

5. Relevant planning considerations such as traffic, 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 to surrounding owners and occupiers, pursuant to Section 52 of the Act.

### Relation to Council policy

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

### Environmental sustainability

8. A permit condition requiring an Environmentally Sustainable Design (ESD) Report is recommended to ensure the development will achieve the ESD performance requirements of Clause 22.19 (Energy, Water and Waste Efficiency).
9. The Water Sensitive Urban Design (WSUD) Response submitted with the application demonstrates that the development will achieve the performance requirements of Clause 22.23 (Stormwater Management), subject to permit conditions ensuring the detail is endorsed on the plans.

# Locality Plan


## 47 Arnold Street, South Yarra




# Alterations and additions to 47 Arnold Street, South Yarra

**Project No: 21012**  
**Issue Date: 28.09.2021**


## MATERIALS, FINISHES AND COLOURS SCHEDULE

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MC

FOLDED METAL CLADDING, COLORBOND FINISH OR SHEET AND TIMBER BATTEN CLADDING, PAINT FINISH  
Colour: Dark Grey
- 

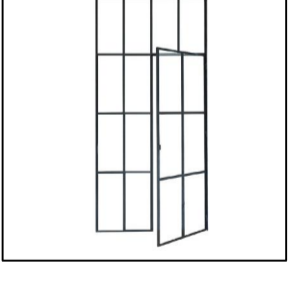
PM

PAINTED METAL SURROUND TO WINDOW  
Colour: Dark Grey
- 


BR

BRICK  
Colour: Grey/Brown  
For example, K55 by Petersen Bricks  
(refer image on left)
- 

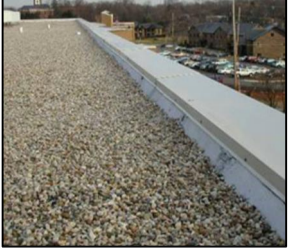
BR2

CONCRETE BRICK  
Colour: Grey
- 

WIN

STEEL WINDOW FRAMES  
Colour: Dark Grey
- 

PP

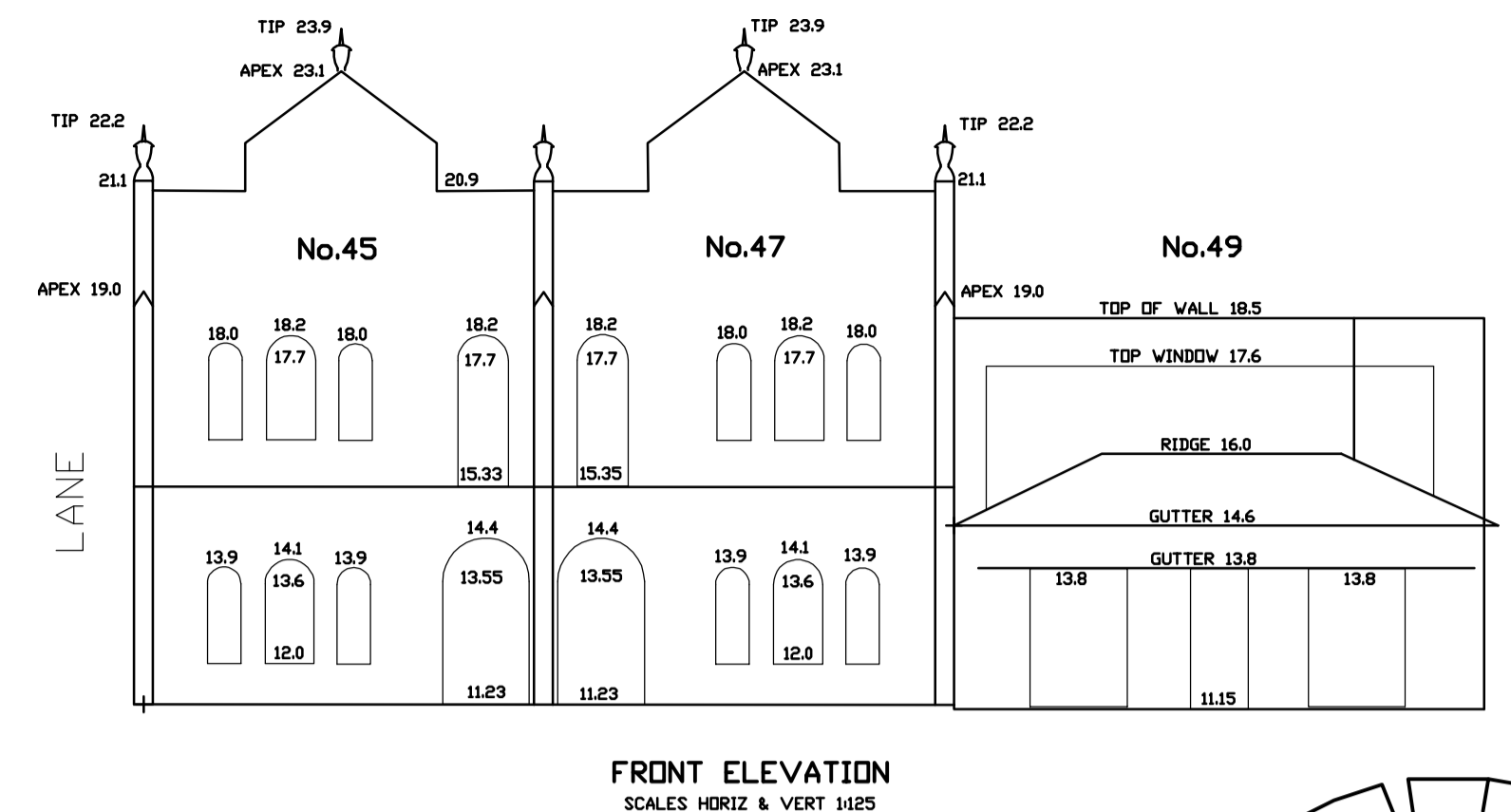
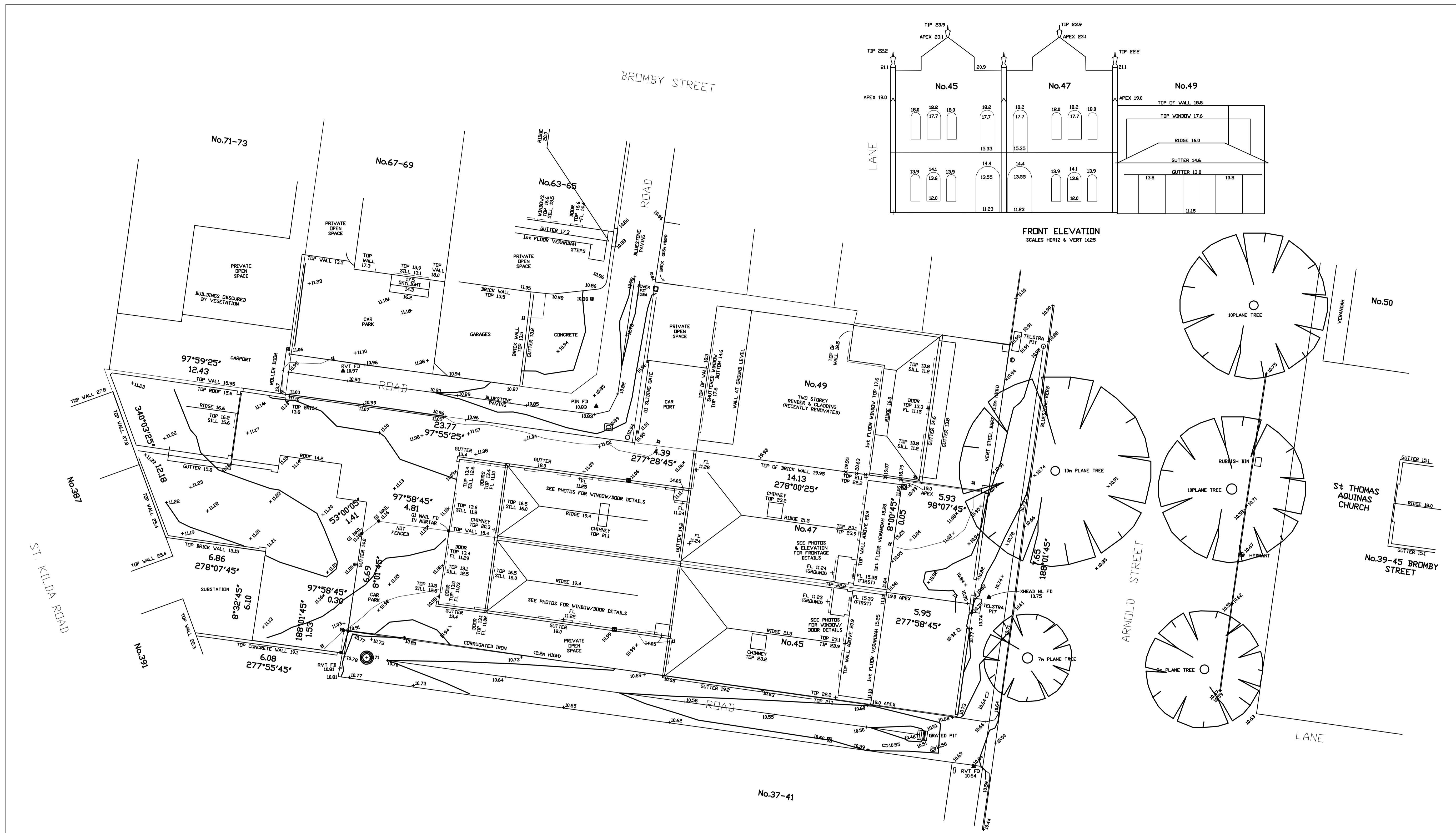
PLYWOOD PANELS PAINT FINISH  
Colour: Dark Grey
- 

**BALLASTED ROOF**  
to ground floor extension of main house

## ARCHITECTURAL DRAWINGS

- A000 Coversheet
- A001 Existing Land Survey prepared by R.V Foote and Associates
- A050 Site Analysis
- A051 Site Context Photos
- A052 Design Response
- A101 Existing Ground Floor Plan / Demolition Plan
- A102 Existing First Floor Plan / Demolition Plan
- A103 Existing Roof Plan / Demolition Plan
- A200 Proposed Ground Floor Plan
- A201 Proposed First Floor Plan
- A202 Proposed Second Floor Plan
- A500 Existing Elevations (Inc. Demolition) - North, West and South Elevations
- A501 Proposed Elevations - North, East and West Elevations
- A502 Proposed Elevations - South, East (Studio) and West (Studio) Elevations
- A700 Shadow Diagrams - 9am, 11am, 10am, 12noon
- A701 Shadow Diagram - 1pm, 2pm, 3pm

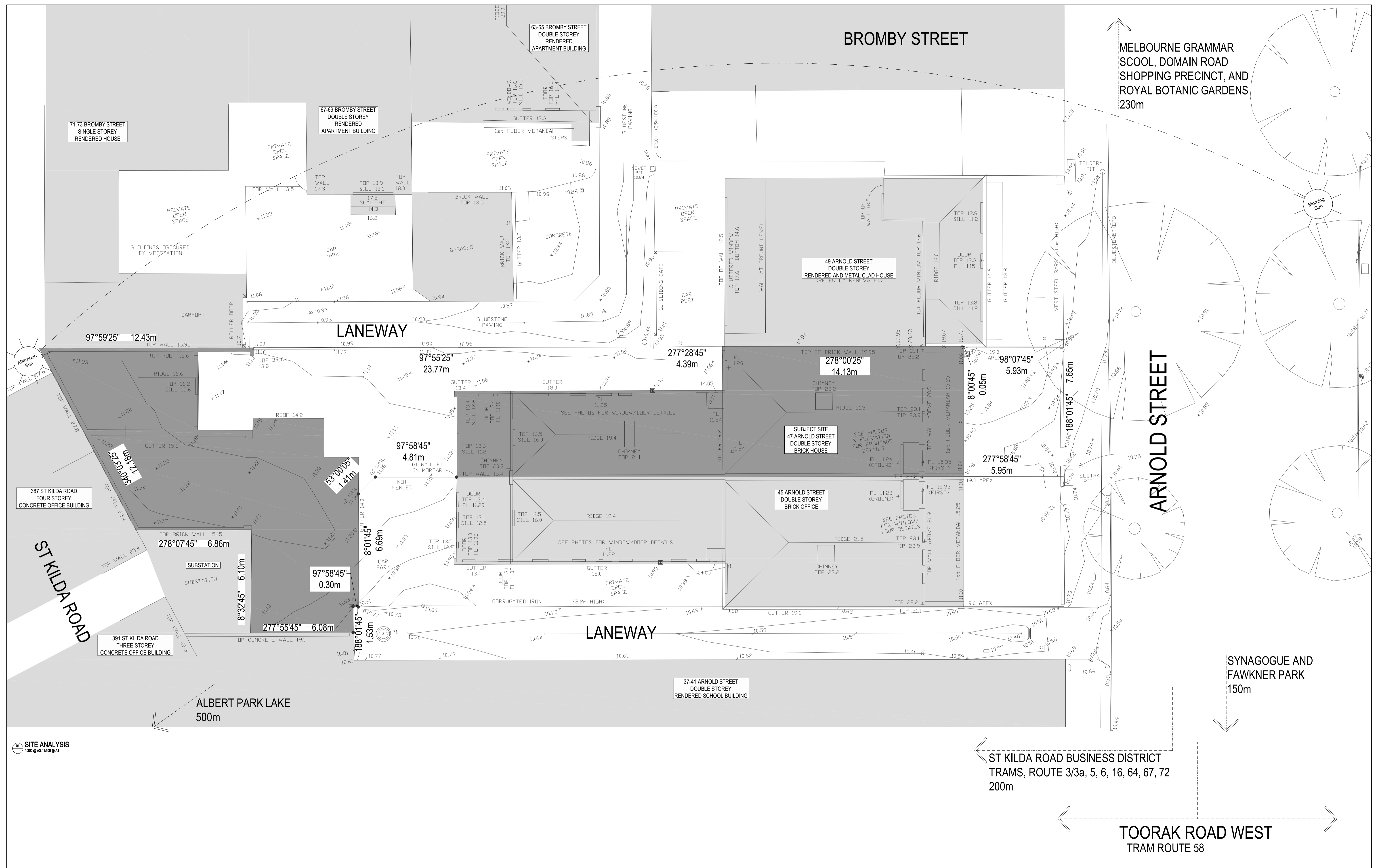
<b>Amendments</b>	<b>No.</b>	<b>Date</b>	<b>Description</b>	<b>Notes</b>	<b>Project</b>	<b>o'connor and houle architecture + landscapes</b>
	P2	08.06.21	Minor changes to MCC.	<small>ANY ERRORS, DISCREPANCIES OR OMISSIONS IN THE DRAWINGS, NOTATIONS OR DIMENSIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION PRIOR TO WORKS COMMENCING. DO NOT SCALE FROM DRAWINGS ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS, MECHANICAL, ELECTRICAL, HYDRAULIC, LANDSCAPE ARCHITECTURAL DRAWINGS LOCATION OF ALL HARDWARE, FIXTURES AND FITTINGS TO BE CONFIRMED WITH ARCHITECT PRIOR TO WORKS COMMENCING.</small>	47 ARNOLD STREET, SOUTH YARRA	<small>33 draper st albert park victoria 3206 australia telephone 61 3 9686 7022 mail@oconnorandhoule.com</small>
	P3	28.09.21	Changes to the North Elevation, to MCC.			
					<b>Title</b>	<b>Date</b> 28.09.2021   <b>Scale</b>
					<b>COVERSHEET</b>	<b>Drawn</b> EH, SG, OS   <b>Checked</b> SO
						<b>Project No.</b> 21012   <b>Drawing No.</b> A000   <b>Amendment</b> P3



<b>LEVEL &amp; FEATURE SURVEY PLAN</b> AT : 47 ARNOLD STREET, SOUTH YARRA VIC, 3141. FOR : J BLACK & J J ZENTNER		<b>NOTATIONS</b> LEVELS ARE TO AN AHD AND ARE DERIVED FROM MELBOURNE SOUTH PM 196 WITH AHD HEIGHT 12.072 CONTOUR INTERVALS ARE 0.1m BEARINGS ARE ON MGA94 ZONE 55 DATUM SUBTRACT 8°01'45" FOR TITLE & PS324488J VISIBLE SERVICES ONLY HAVE BEEN LOCATED BY THIS SURVEY. REFER ALSO TO : GROUND PHOTOGRAPHS AERIAL PHOTOGRAPH RE PLAN TITLE		<b>LEGEND</b> △ SURVEY STATION PSM + SPOT LEVEL ● FIRE HYDRANT ⊠ POST ○ POWER POLE / PIT ○ TELSTRA PIT ⊠ GAS METER ⊠ I/O ▣ VALVE √ POLE STAY ○ SIGN ○ WATER METER ● SEWER PIT ⊠ TREE ⊠ GRATED PIT ——— TITLE BOUNDARY ——— BACK KERB/FOOTPATH ——— INVERT OF KERB ——— FENCE ——— OVERHEAD POWER ——— BUILDING ——— ROOFLINE ——— TOE OF BANK ——— TOP OF BANK ——— TREES	
<b>CERTIFICATION</b> I, Richard Foote, of 4 Farnby Close, WANTIRNA certify that this plan correctly represents the information obtained by me from the sources indicated hereon. Dated this 9th day of March, 2021. _____ Licensed Surveyor		SURV. REF. 21031 SCALE 1:125 ORIGINAL SHEET SIZE A1		Prior to any demolition, excavation or construction on the site the relevant authorities should be contacted to ascertain the possible locations of further services and precise locations of all existing services. 21031LFS1 / 21031LFLC1	



Amendments No. Date Description P2 08.06.21 Minor changes to MCC. P3 28.09.21 Changes to the North Elevation, to MCC.	Notes ANY ERRORS, DISCREPANCIES OR OMISSIONS IN THE DRAWINGS, NOTATIONS OR DIMENSIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION PRIOR TO WORKS COMMENCING. DO NOT SCALE FROM DRAWINGS ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS, MECHANICAL, ELECTRICAL, HYDRAULIC, LANDSCAPE ARCHITECTURAL DRAWINGS LOCATION OF ALL HARDWARE, FIXTURES AND FITTINGS TO BE CONFIRMED WITH ARCHITECT PRIOR TO WORKS COMMENCING.		Project 47 ARNOLD STREET, SOUTH YARRA Title LEVEL & FEATURE SURVEY PLAN PREPARED BY R.V. FOOTE AND ASSOCIATES		o'connor and houle architecture + landscapes 33 draper st albert park victoria 3206 australia telephone 61 3 9686 7022 mail@oconnorandhoule.com Date 28.09.2021 Scale NTS Drawing No. A001 Drawn EH, SG, OS Checked SO Amendment P3 Project No. 21012	
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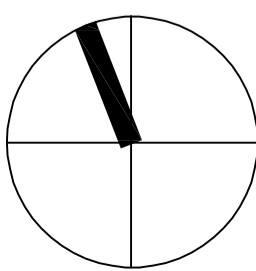
**SITE ANALYSIS**  
1:200 @ A1 / 1:100 @ A1

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**Project**  
47 ARNOLD STREET, SOUTH YARRA

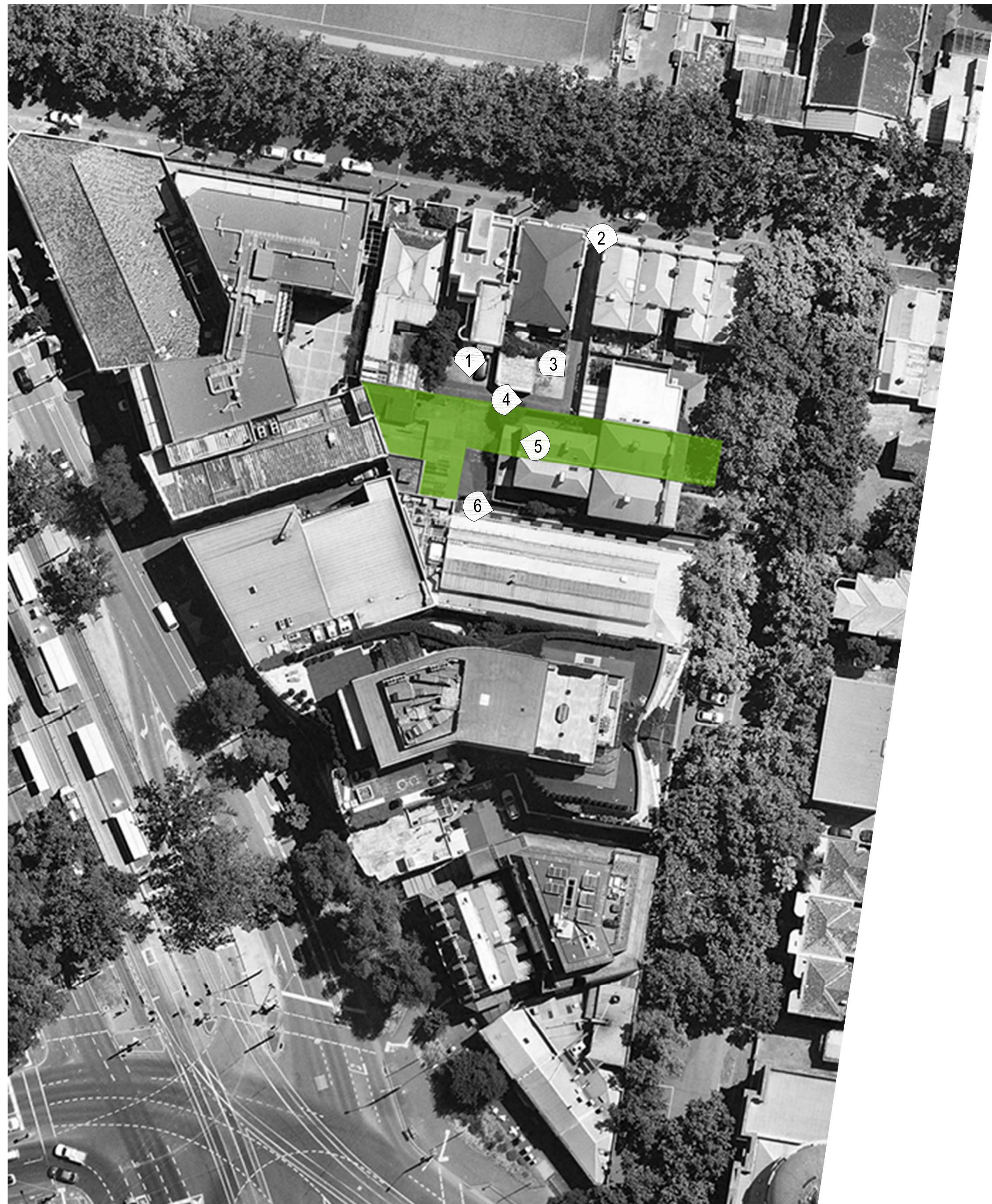
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SITE ANALYSIS



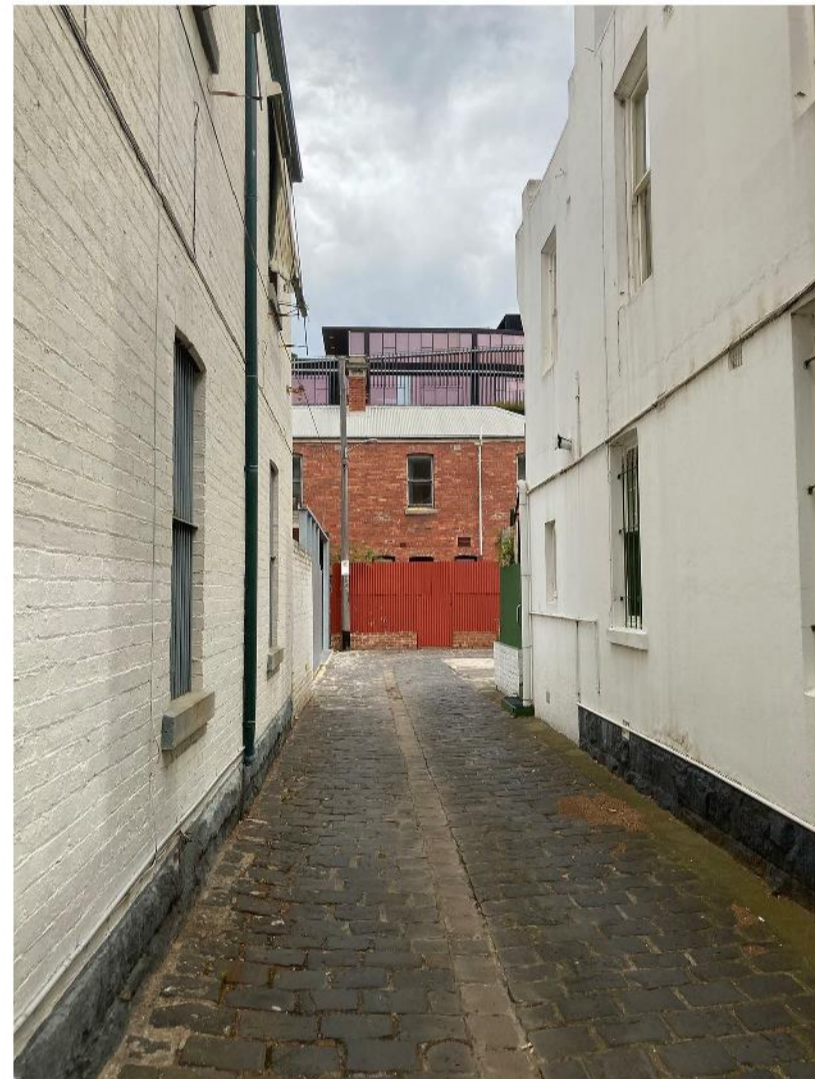
**o'connor and houle architecture + landscapes**  
 33 draper st albert park victoria 3206 australia telephone 61 3 9686 7022 mail@oconnorandhoule.com

Date	28.09.2021	Scale	1:200 @ A3 / 1:100 @ A1	Drawing No.		Amendment	
Drawn	EH, SG, OS	Checked	SO				
Project No.	21012						

**A050**      **P3**



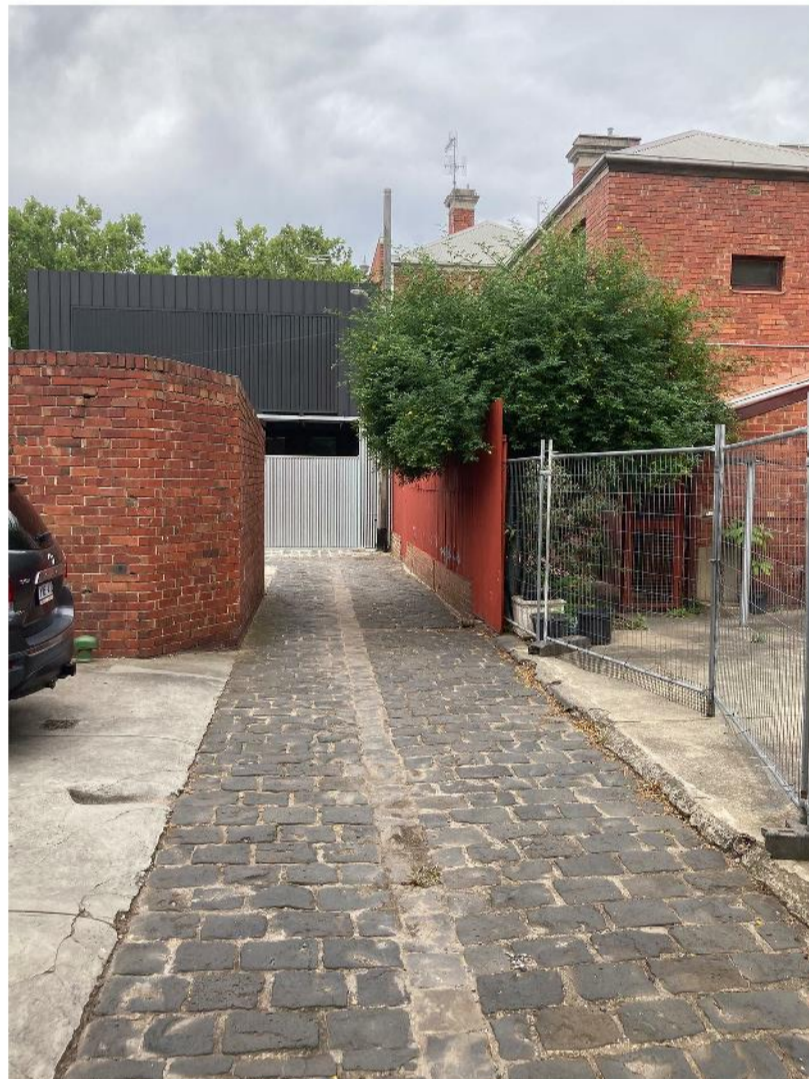
VIEW 1  
View from 67 Bromby Street carpark towards laneway and subject site.



VIEW 2  
View south from Bromby Street down laneway towards subject site.



VIEW 3  
View south from laneway towards subject site and 49 Arnold Street.



VIEW 4  
View east from end of laneway towards subject site and 49 Arnold Street.



VIEW 5  
View from first floor of subject site towards rear of site. St Kilda Road buildings in the background.



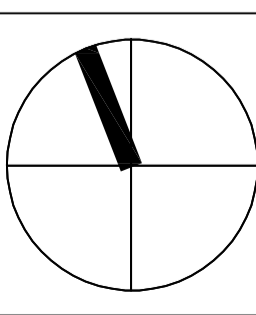
VIEW 6  
View down laneway between 45 and 37-41 Arnold Street.

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**Project**  
 47 ARNOLD STREET, SOUTH YARRA

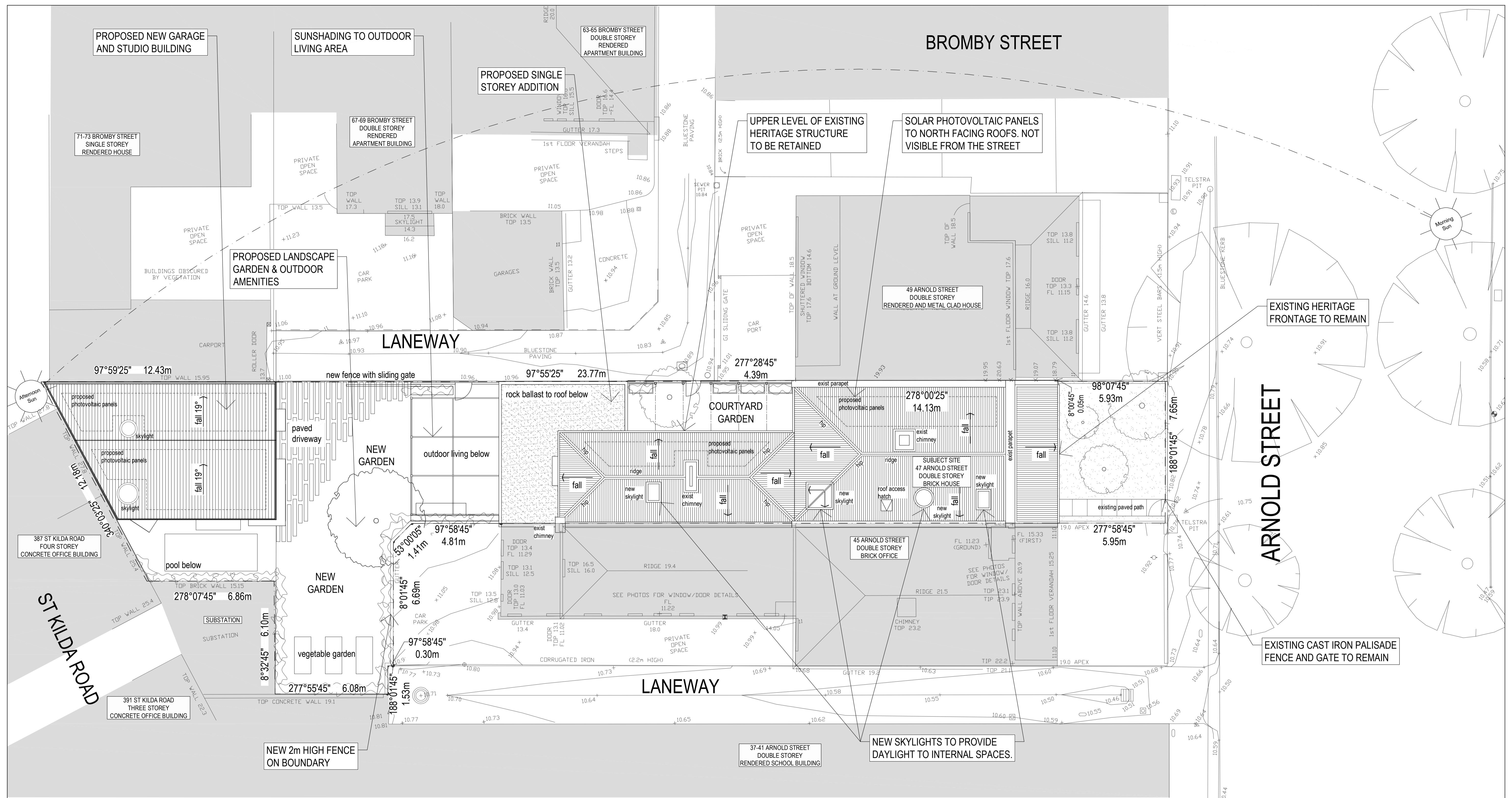
**Title**  
 SITE CONTEXT PHOTOS



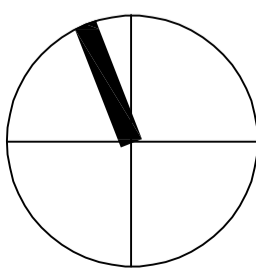
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Project No.	21012						

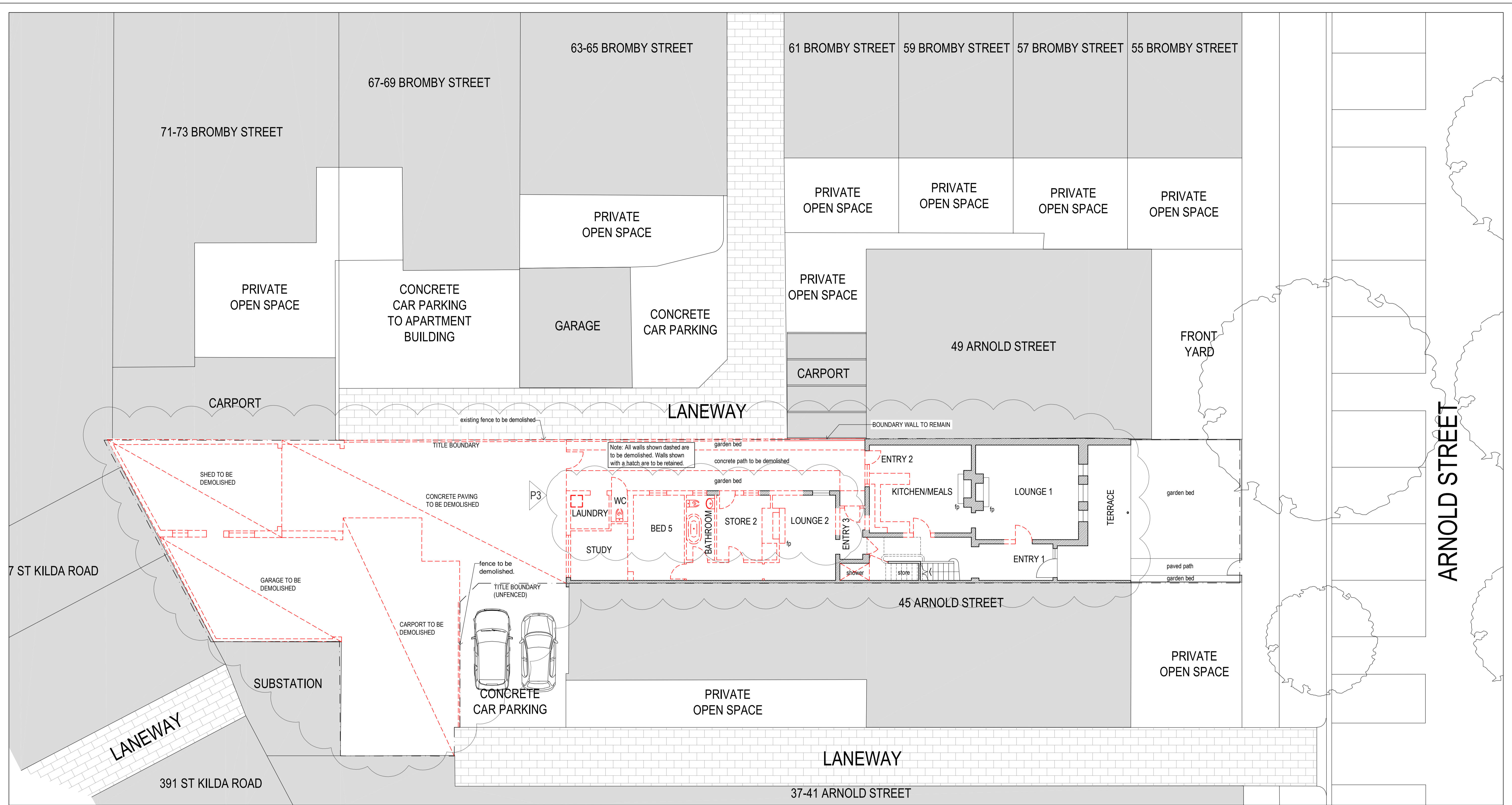
A051 P3



91 PROPOSED SECOND FLOOR PLAN  
1:200 @ A3 / 1:100 @ A4

Amendments	No.	Date	Description	Notes	Project		o'connor and houle architecture + landscapes			
	P2	08.06.21	Minor changes to MCC.	ANY ERRORS, DISCREPANCIES OR OMISSIONS IN THE DRAWINGS, NOTATIONS OR DIMENSIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION PRIOR TO WORKS COMMENCING. DO NOT SCALE FROM DRAWINGS ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS, MECHANICAL, ELECTRICAL, HYDRAULIC, LANDSCAPE ARCHITECTURAL DRAWINGS LOCATION OF ALL HARDWARE, FIXTURES AND FITTINGS TO BE CONFIRMED WITH ARCHITECT PRIOR TO WORKS COMMENCING.	47 ARNOLD STREET, SOUTH YARRA		33 draper st albert park victoria 3206 australia telephone 61 3 9686 7022 mail@oconnorandhoule.com			
	P3	28.09.21	Changes to the North Elevation, to MCC.			Title	Date	Scale	Drawing No.	Amendment
					DESIGN RESPONSE	Drawn	Checked	Project No.		
							21012	A052	P3	





91 EXISTING GROUND FLOOR PLAN  
1:200 @ A3 / 1:100 @ A1

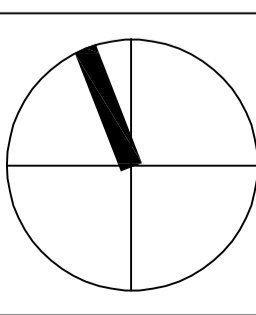
EXISTING CONDITIONS	
SITE AREA	532sq.m
EXISTING GROUND FLOOR AREA	188sq.m
EXISTING GARAGE, SHED AND CARPORT FLOOR AREA	162sq.m
<b>TOTAL SITE COVERAGE</b>	<b>350sq.m (66%)</b>
PERMEABILITY	65sq.m (12%)
PRIVATE OPEN SPACE	304sq.m (57%)
SECLUDED PRIVATE OPEN SPACE	259sq.m (48%)

Amendments	No.	Date	Description
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**Project**  
 47 ARNOLD STREET, SOUTH YARRA

**Title**  
 EXISTING GROUND FLOOR PLAN / DEMOLITION PLAN

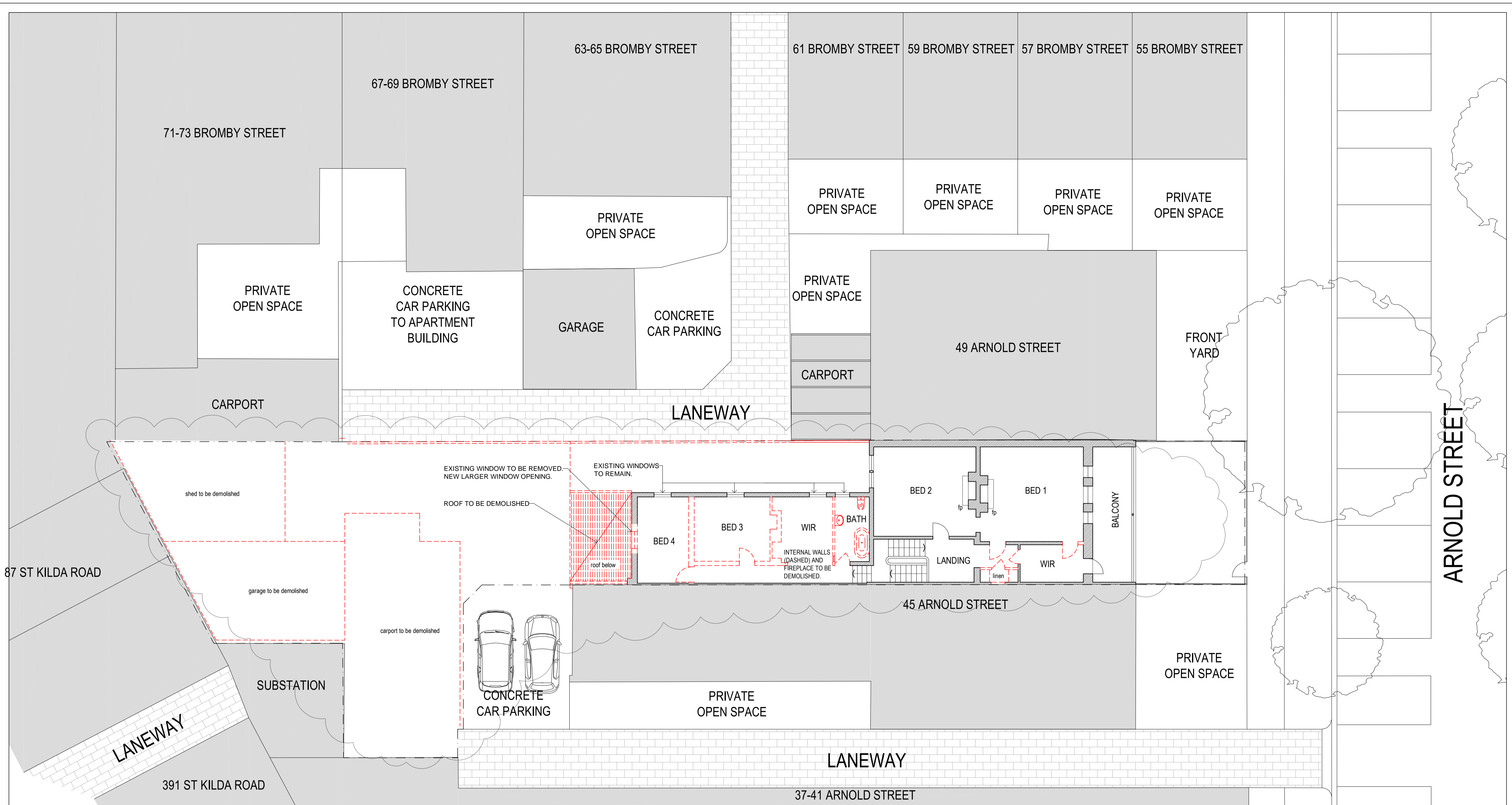


**o'connor and houle architecture + landscapes**  
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Date	28.09.2021	Scale	1:200 @ A3 / 1:100 @ A1	Drawing No.		Amendment	
Drawn	EH, SG, OS	Checked	SO				
Project No.	21012						

**A101**

**P3**



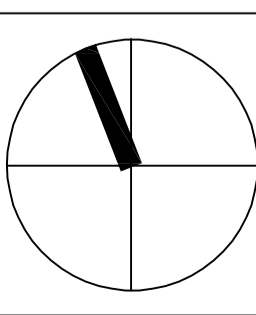
91 EXISTING FIRST FLOOR PLAN  
1:200 @ A3 / 1:100 @ A1

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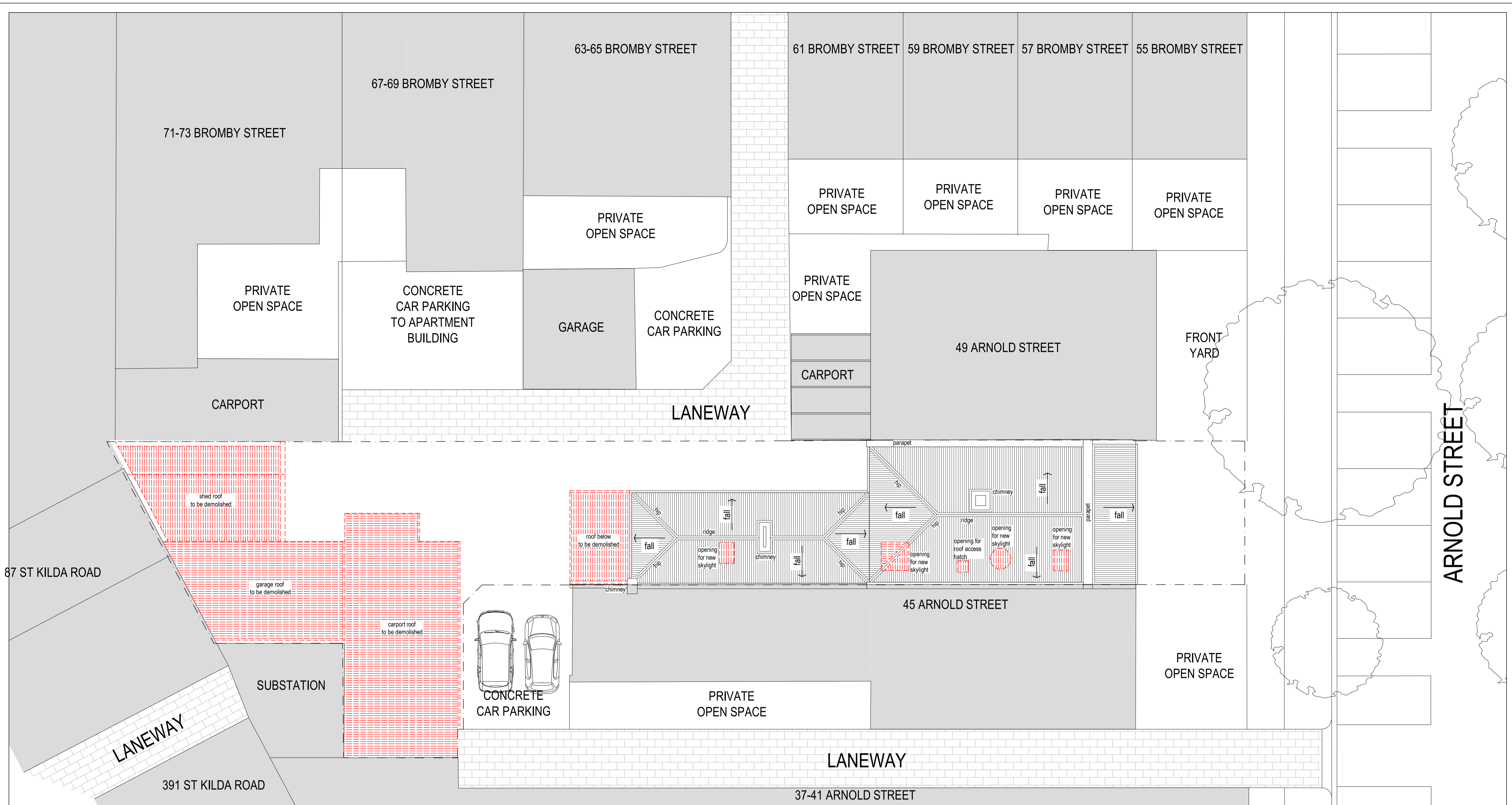
**Project**  
 47 ARNOLD STREET, SOUTH YARRA

**Title**  
 EXISTING FIRST FLOOR PLAN / DEMOLITION PLAN



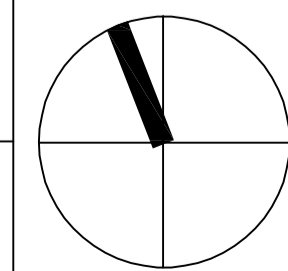
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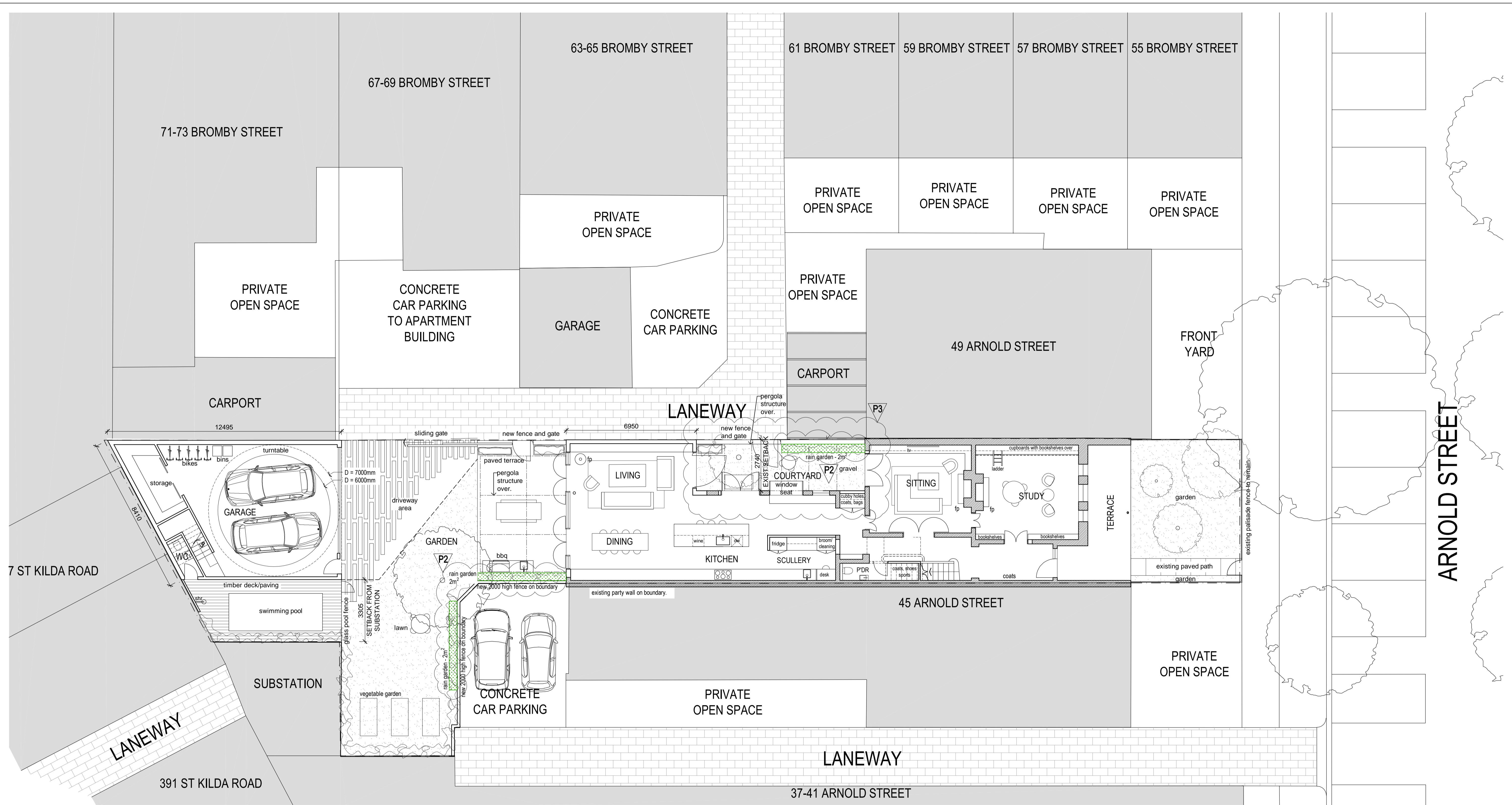
Date	28.09.2021	Scale	1:200 @ A3 / 1:100 @ A1	Drawing No.		Amendment	
Drawn	EH, SG, OS	Checked	SO				
Project No.	21012				A102		P3



91 EXISTING FIRST FLOOR PLAN  
1:200 @ A3 / 1:100 @ A1

Amendments	No.	Date	Description	Notes	Project	o'connor and houle architecture + landscapes			
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	P3	28.09.21	Changes to the North Elevation, to MCC.			Title EXISTING ROOF PLAN / DEMOLITION PLAN	Date 28.09.2021 Scale 1:200 @ A3 / 1:100 @ A1 Drawn EH, SG, OS Checked SO Project No. 21012	Drawing No.	Amendment
								A103	P3





91 PROPOSED GROUND FLOOR PLAN  
1:200 @ A3 / 1:100 @ A1



**EXISTING CONDITIONS**

<b>SITE AREA</b>	<b>532sq.m</b>
EXISTING GROUND FLOOR AREA	188sq.m
EXISTING GARAGE, SHED AND CARPORT FLOOR AREA	162sq.m
<b>TOTAL SITE COVERAGE</b>	<b>350sq.m (66%)</b>
PERMEABILITY	65sq.m (12%)
PRIVATE OPEN SPACE	304sq.m (57%)
SECLUDED PRIVATE OPEN SPACE	259sq.m (48%)

**PROPOSED CONDITIONS**

<b>SITE AREA</b>	<b>532sq.m</b>
PROPOSED GROUND FLOOR AREA	208sq.m
PROPOSED GARAGE FLOOR AREA	78sq.m
<b>TOTAL SITE COVERAGE</b>	<b>286sq.m (54%)</b>
PERMEABILITY	138sq.m (26%)
PRIVATE OPEN SPACE	246sq.m (46%)
SECLUDED PRIVATE OPEN SPACE	201sq.m (38%)

**SCHEDULE OF GARDEN AREAS**

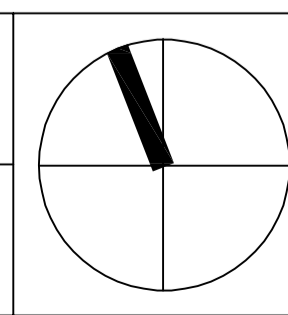
<b>SITE AREA</b>	<b>532sq.m</b>
FRONT GARDEN	45.3sq.m
SIDE GARDEN	24.5sq.m
REAR GARDEN	138.0sq.m
<b>TOTAL AREA</b>	<b>207.8sq.m (39%)</b>

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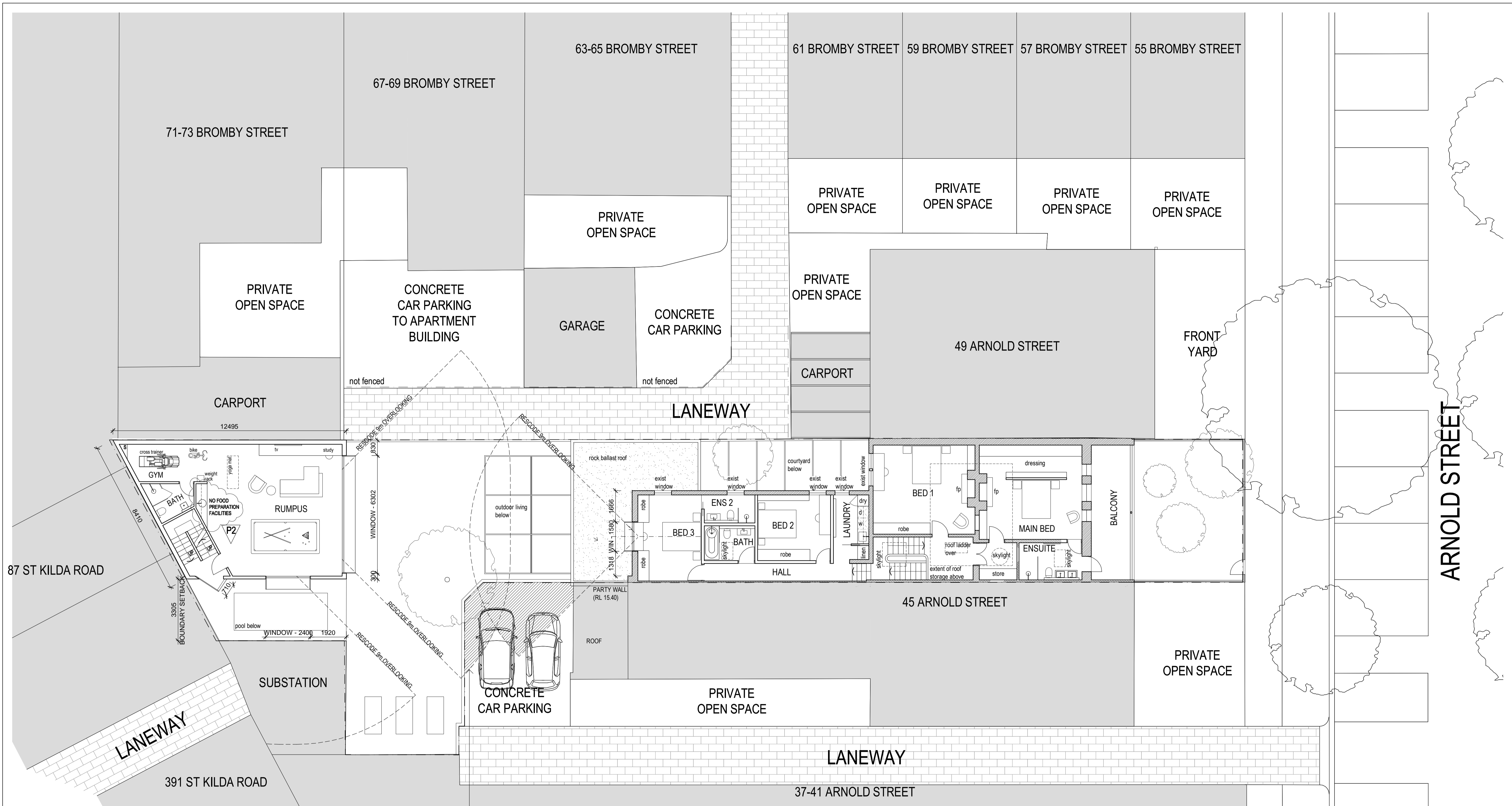
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**o'connor and houle architecture + landscapes**  
 33 draper st albert park victoria 3206 australia telephone 61 3 9686 7022 mail@oconnorandhoule.com

Date	28.09.2021	Scale	1:200 @ A3 / 1:100 @ A1	Drawing No.		Amendment	
Drawn	EH, SG, OS	Checked	SO				
Project No.	21012						

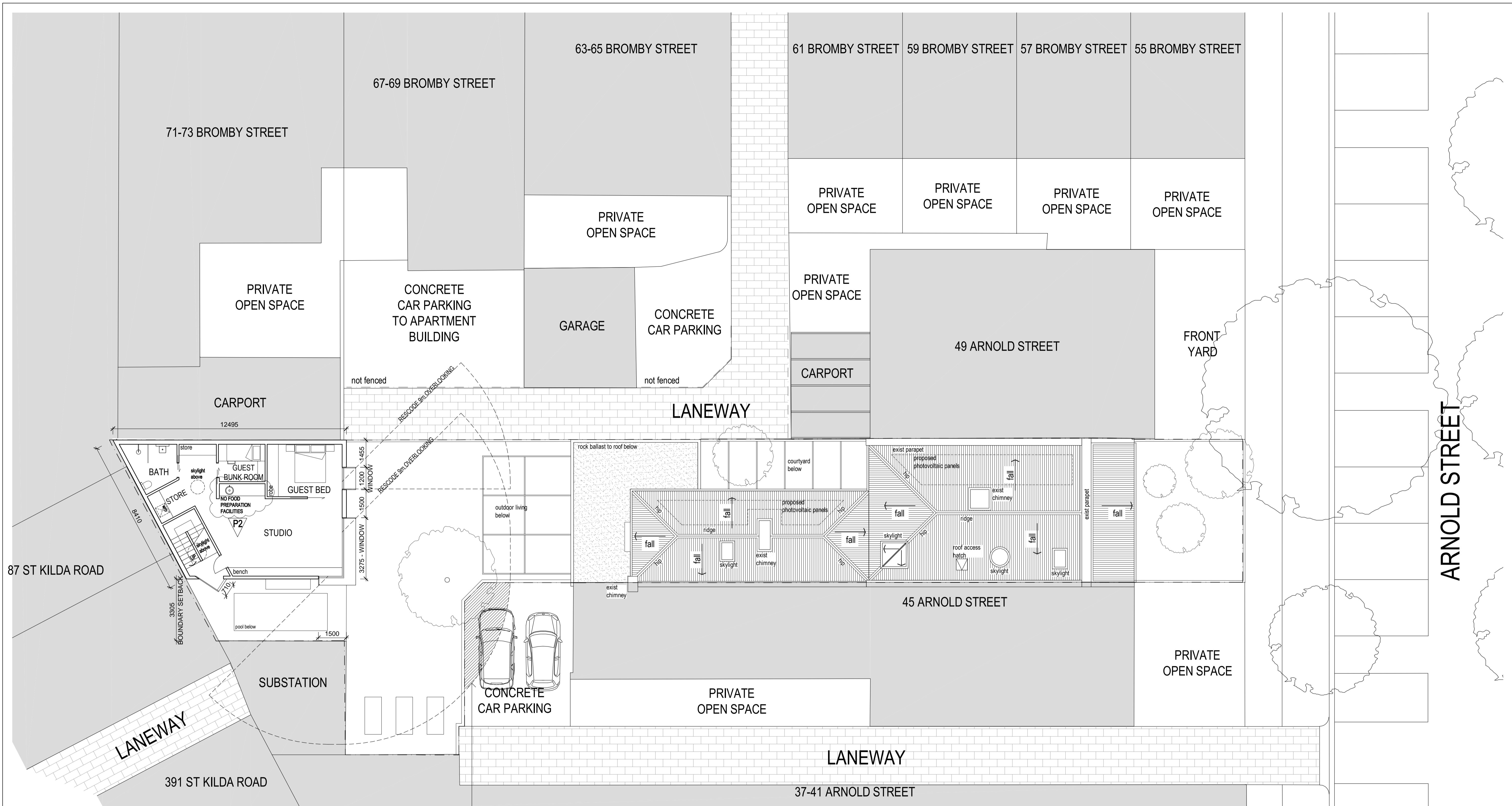
A200 P3



91 PROPOSED FIRST FLOOR PLAN  
1:200 @ A3 / 1:100 @ A4

SHADED AREA IS NOT VISIBLE FROM PROPOSED UPPER LEVEL WINDOWS DUE TO FENCE AND PARTY WALL

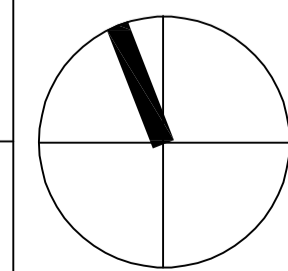
Amendments	No.	Date	Description	Notes	Project	o'connor and houle architecture + landscapes																
	P2	08.06.21	Minor changes to MCC.	ANY ERRORS, DISCREPANCIES OR OMISSIONS IN THE DRAWINGS, NOTATIONS OR DIMENSIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION PRIOR TO WORKS COMMENCING. DO NOT SCALE FROM DRAWINGS. ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS, MECHANICAL, ELECTRICAL, HYDRAULIC, LANDSCAPE ARCHITECTURAL DRAWINGS. LOCATION OF ALL HARDWARE, FIXTURES AND FITTINGS TO BE CONFIRMED WITH ARCHITECT PRIOR TO WORKS COMMENCING.	47 ARNOLD STREET, SOUTH YARRA	33 draper st albert park victoria 3206 australia telephone 61 3 9686 7022 mail@oconnorandhoule.com																
	P3	28.09.21	Changes to the North Elevation, to MCC.			<table border="1"> <tr> <td>Date</td> <td>28.09.2021</td> <td>Scale</td> <td>1:200 @ A3 / 1:100 @ A3</td> <td>Drawing No.</td> <td></td> </tr> <tr> <td>Drawn</td> <td>EH, SG, OS</td> <td>Checked</td> <td>SO</td> <td></td> <td></td> </tr> <tr> <td>Project No.</td> <td colspan="3">21012</td> <td>A201</td> <td>P3</td> </tr> </table>	Date	28.09.2021	Scale	1:200 @ A3 / 1:100 @ A3	Drawing No.		Drawn	EH, SG, OS	Checked	SO			Project No.	21012		
Date	28.09.2021	Scale	1:200 @ A3 / 1:100 @ A3	Drawing No.																		
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Project No.	21012			A201	P3																	
					Title PROPOSED FIRST FLOOR PLAN																	

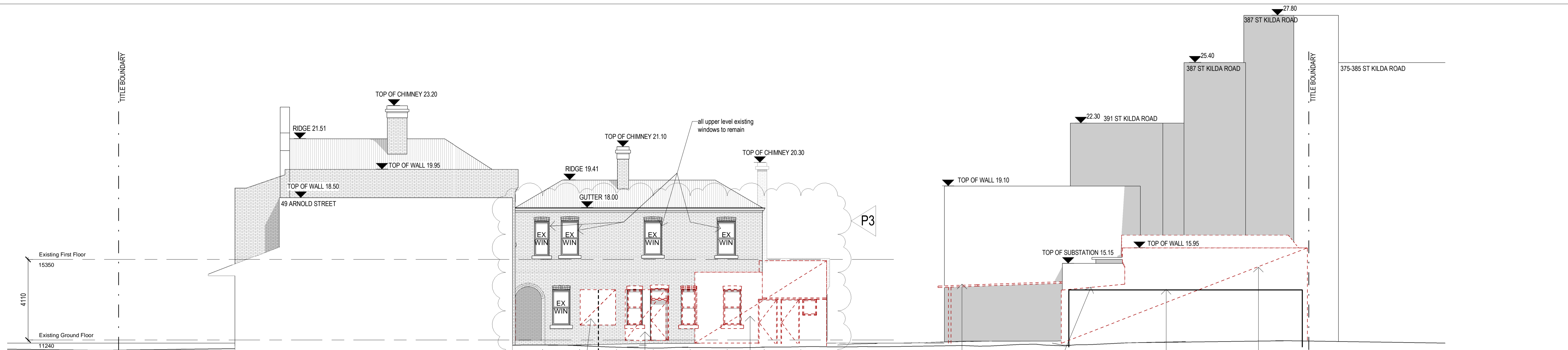


91 PROPOSED SECOND FLOOR PLAN  
1:200 @ A3 / 1:100 @ A1

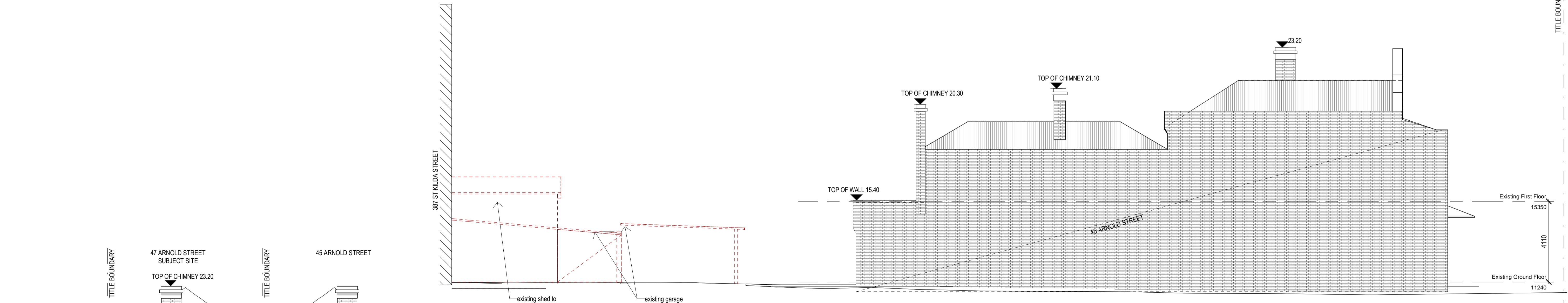
SHADE AREA IS NOT VISIBLE FROM PROPOSED UPPER LEVEL WINDOWS DUE TO FENCE AND PARTY WALL

Amendments	No.	Date	Description	Notes	Project	o'connor and houle architecture + landscapes			
	P2	08.06.21	Minor changes to MCC.	ANY ERRORS, DISCREPANCIES OR OMISSIONS IN THE DRAWINGS, NOTATIONS OR DIMENSIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION PRIOR TO WORKS COMMENCING. DO NOT SCALE FROM DRAWINGS. ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS, MECHANICAL, ELECTRICAL, HYDRAULIC, LANDSCAPE ARCHITECTURAL DRAWINGS. LOCATION OF ALL HARDWARE, FIXTURES AND FITTINGS TO BE CONFIRMED WITH ARCHITECT PRIOR TO WORKS COMMENCING.	47 ARNOLD STREET, SOUTH YARRA	33 draper st albert park victoria 3206 australia telephone 61 3 9686 7022 mail@oconnorandhoule.com			
	P3	28.09.21	Changes to the North Elevation, to MCC.			Title PROPOSED SECOND FLOOR PLAN	Date 28.09.2021 Scale 1:200 @ A3 / 1:100 @ A1 Drawn EH, SG, OS Checked SO Project No. 21012	Drawing No. 202	Amendment P3

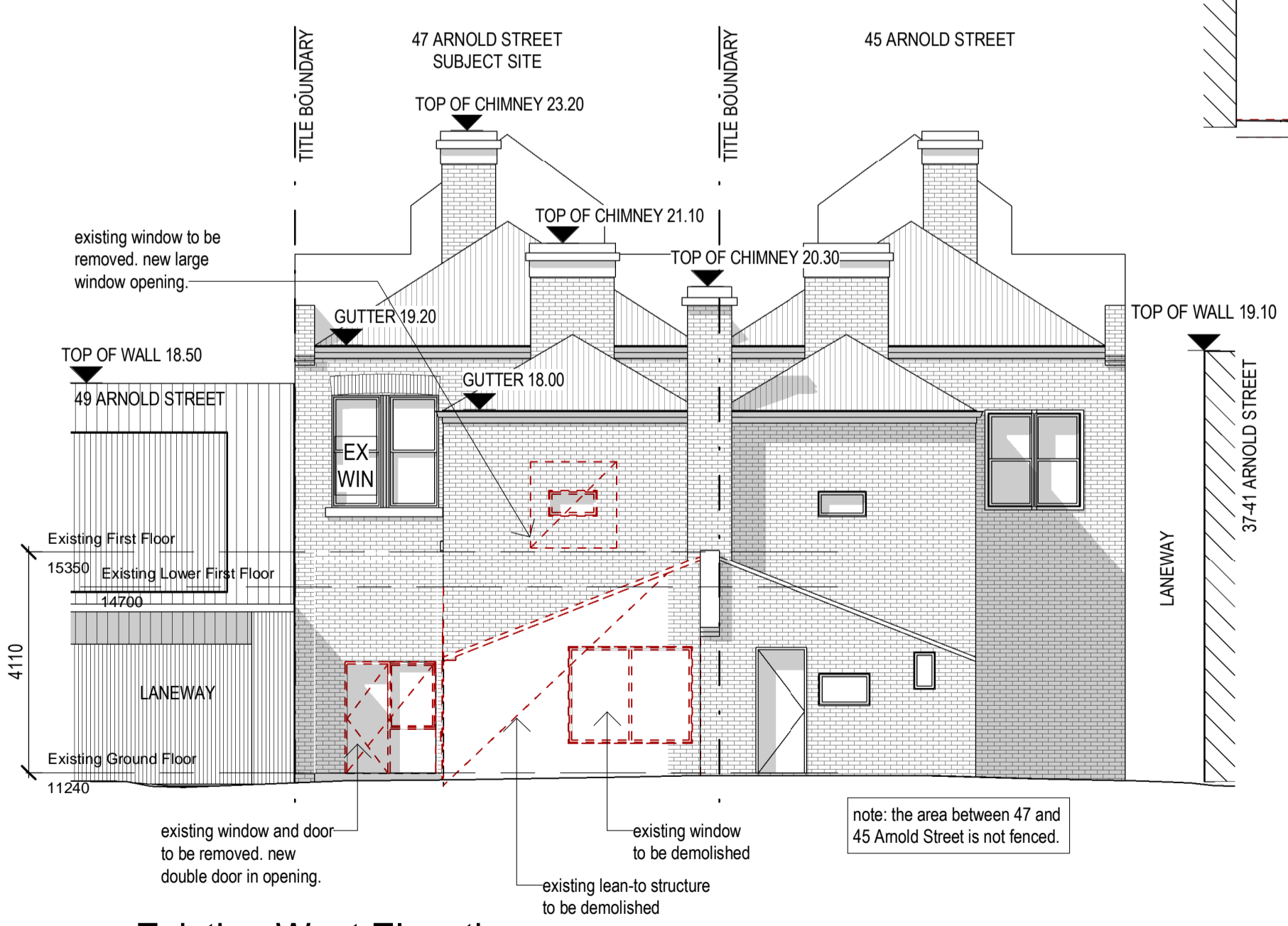




1 Existing North Elevation  
1 : 100



3 Existing South Elevation  
1 : 100

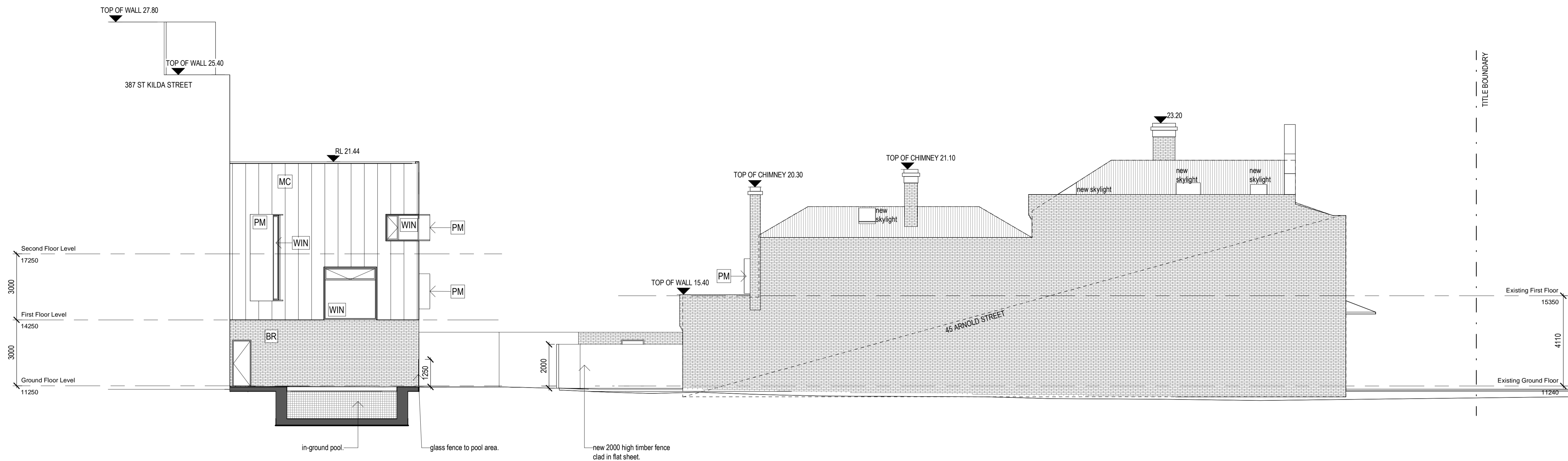


2 Existing West Elevation  
1 : 100

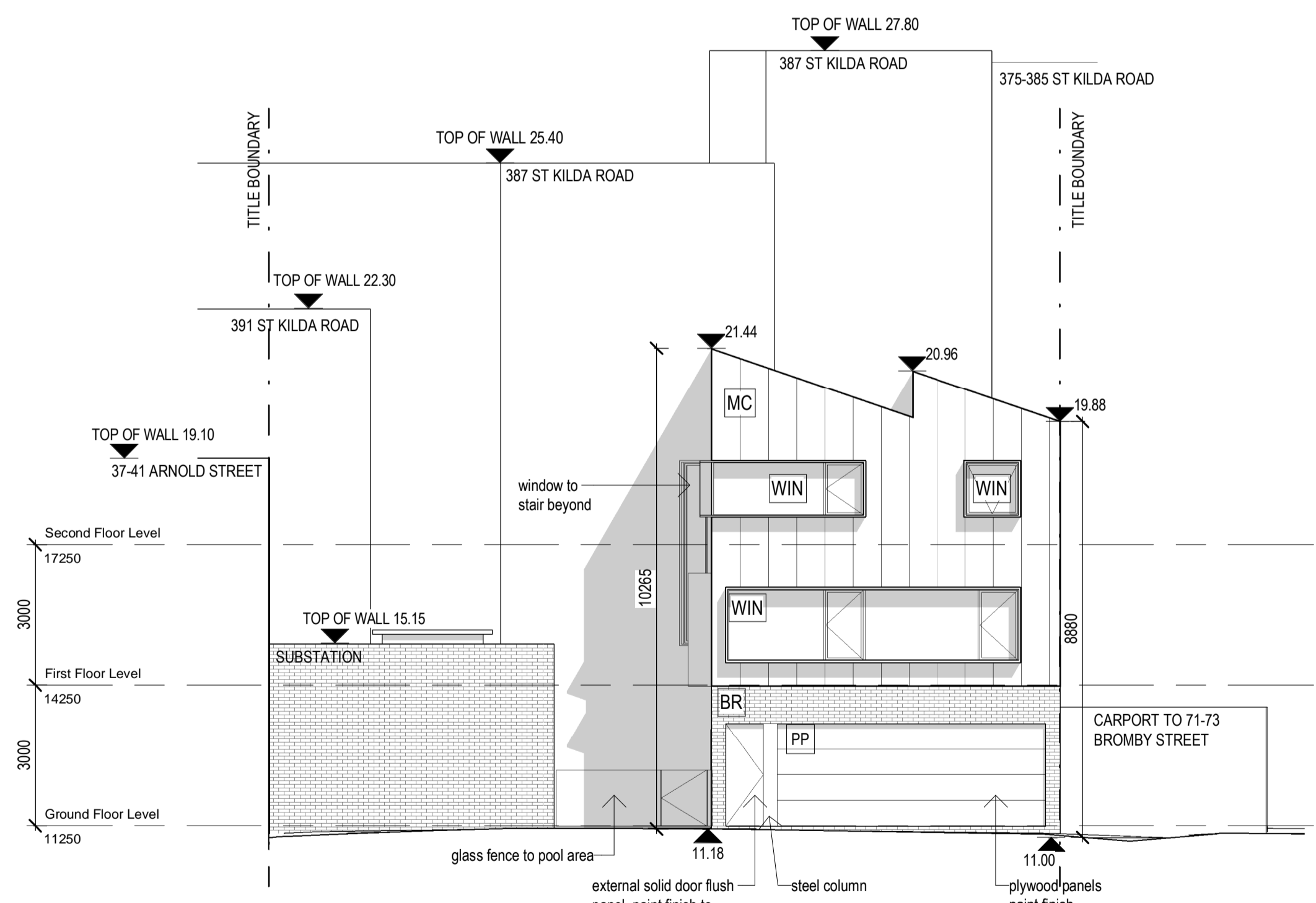
Amendments	No.	Date	Description	Notes	Project	o'connor and houle architecture + landscapes			
	P2	08.06.21	Minor changes to MCC.	ANY ERRORS, DISCREPANCIES OR OMISSIONS IN THE DRAWINGS, NOTATIONS OR DIMENSIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION PRIOR TO WORKS COMMENCING. DO NOT SCALE FROM DRAWINGS ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS, MECHANICAL, ELECTRICAL, HYDRAULIC, LANDSCAPE ARCHITECTURAL DRAWINGS LOCATION OF ALL HARDWARE, FIXTURES AND FITTINGS TO BE CONFIRMED WITH ARCHITECT PRIOR TO WORKS COMMENCING.	47 ARNOLD STREET, SOUTH YARRA  Title EXISTING ELEVATIONS (DEMOLITION SHOWN)	33 draper st albert park victoria 3206 australia telephone 61 3 9686 7022 mail@oconnorandhoule.com			
	P3	28.09.21	Changes to the North Elevation, to MCC			Date 28.09.2021 Scale 1:200 @ A3 / 1:100 @ A1 Drawing No. Drawn SG.OS Checked SO Project No. 21012	A500	Amendment P3	



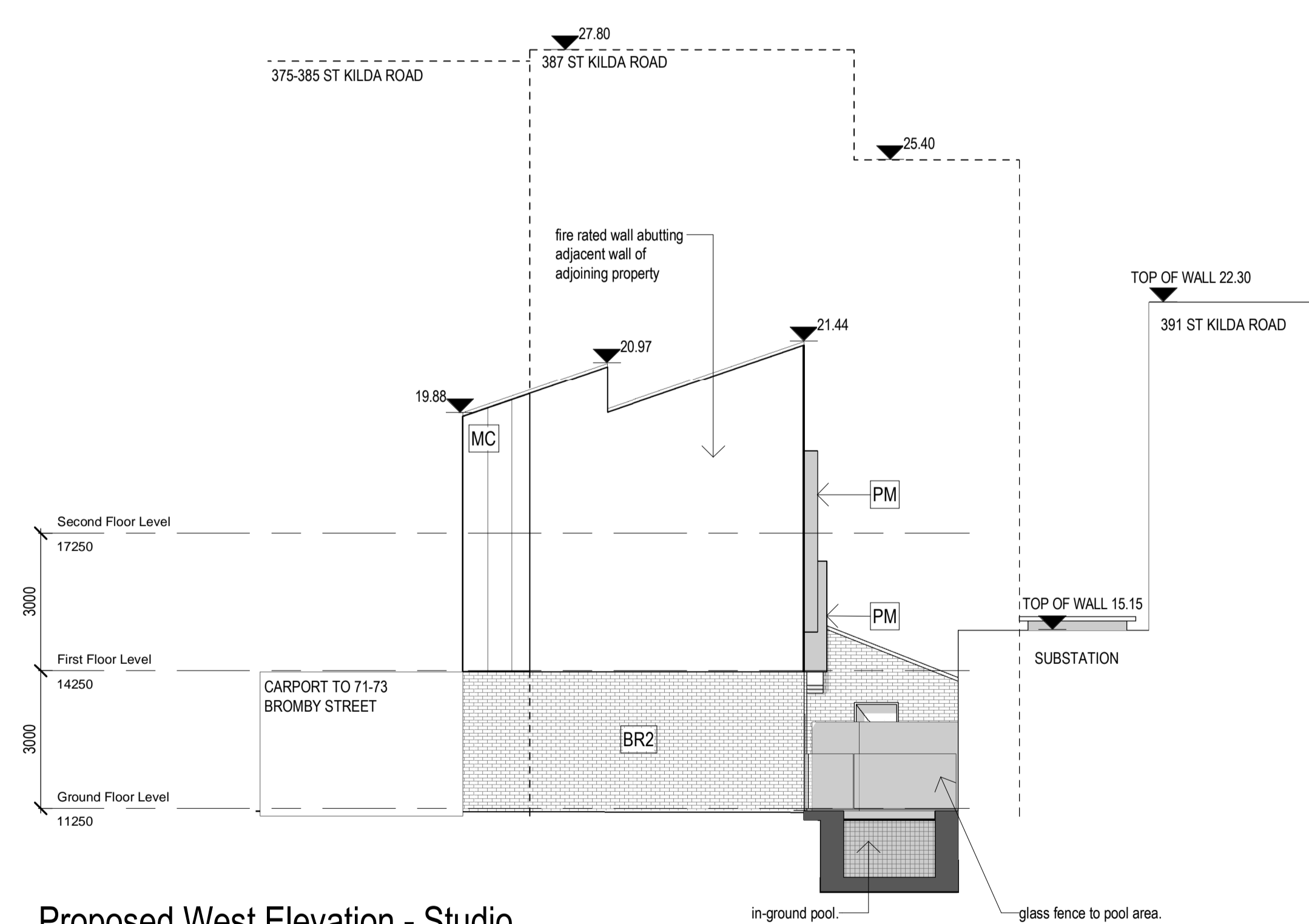




2 Proposed South Elevation  
1 : 100

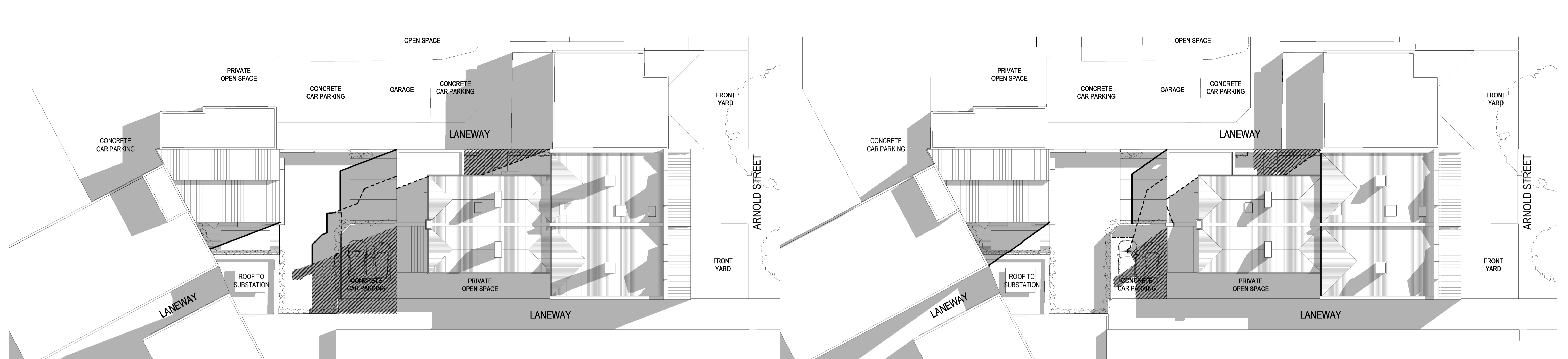


1 Proposed East Elevation - Studio  
1 : 100



3 Proposed West Elevation - Studio  
1 : 100

Amendments	No.	Date	Description	Notes	Project	o'connor and houle architecture + landscapes			
	P2	08.06.21	Minor changes to MCC.	ANY ERRORS, DISCREPANCIES OR OMISSIONS IN THE DRAWINGS, NOTATIONS OR DIMENSIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION PRIOR TO WORKS COMMENCING. DO NOT SCALE FROM DRAWINGS ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS, MECHANICAL, ELECTRICAL, HYDRAULIC, LANDSCAPE ARCHITECTURAL DRAWINGS LOCATION OF ALL HARDWARE, FIXTURES AND FITTINGS TO BE CONFIRMED WITH ARCHITECT PRIOR TO WORKS COMMENCING.	47 ARNOLD STREET, SOUTH YARRA  Title PROPOSED ELEVATIONS	33 draper st albert park victoria 3206 australia telephone 61 3 9686 7022 mail @oconnorandhoule.com			
	P3	28.09.21	Changes to the North Elevation, to MCC			Date 28.09.2021 Scale 1:200 @ A3 / 1:100 @ A1 Drawing No. SO Drawn SG.OS Checked SO Project No. 21012	Amendment A502	P3	

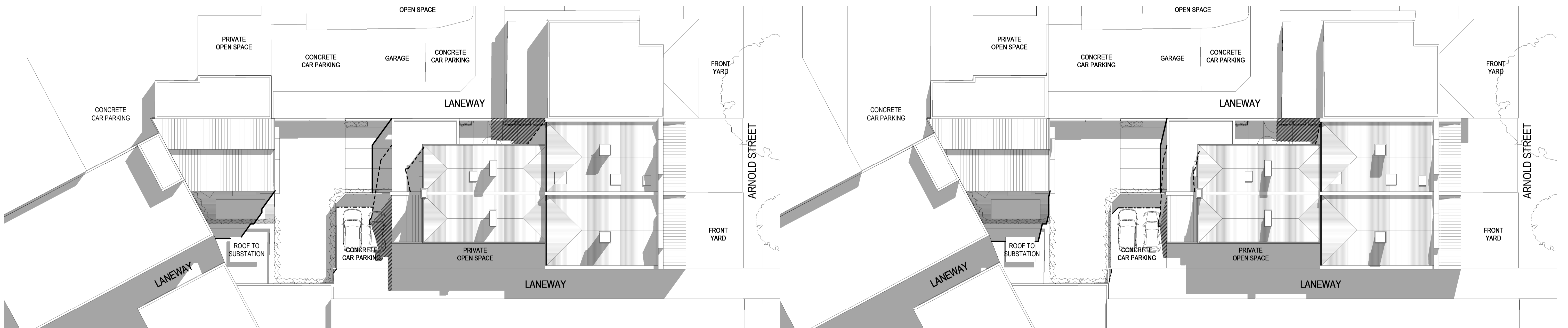


1 9am Proposed Shadow Diagram  
1 : 200

NO ADDITIONAL SHADOW IS CAST BY PROPOSED DESIGN ONTO NEIGHBOURING PROPERTIES

2 10am Proposed Shadow Diagram  
1 : 200

NO ADDITIONAL SHADOW IS CAST BY PROPOSED DESIGN ONTO NEIGHBOURING PROPERTIES



3 11am Proposed Shadow Diagram  
1 : 200

NO ADDITIONAL SHADOW IS CAST BY PROPOSED DESIGN ONTO NEIGHBOURING PROPERTIES

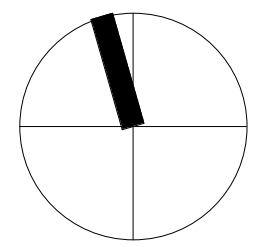
4 12noon Proposed Shadow Diagram  
1 : 200

NO ADDITIONAL SHADOW IS CAST BY PROPOSED DESIGN ONTO NEIGHBOURING PROPERTIES

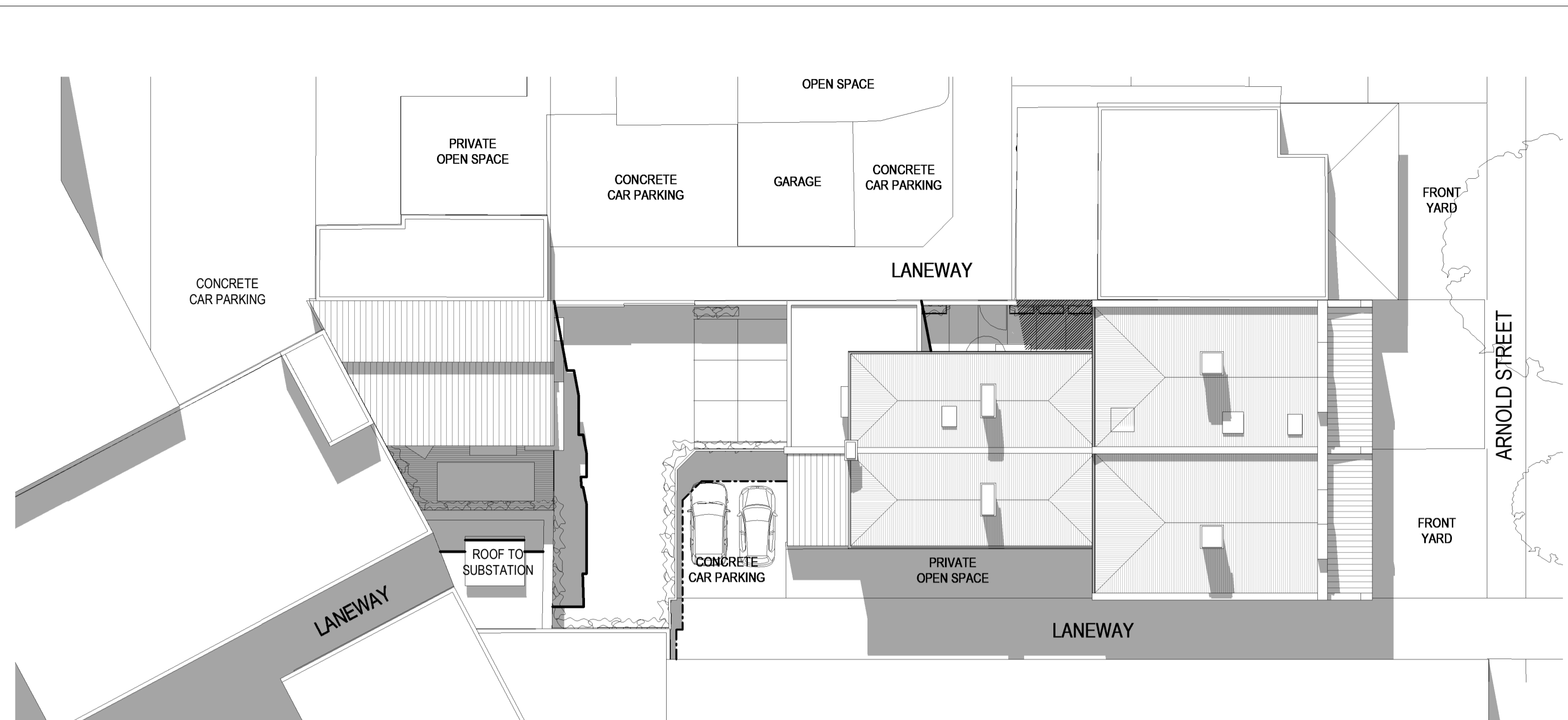
**SHADOW DIAGRAM LEGEND**

- outline of shadow cast by existing dwelling on subject site
- ▨ existing shadow cast by adjoining properties
- SHADOW CAST BY PROPOSED DESIGN
- SHADOW CAST BY 2m BOUNDARY FENCE
- ▩ ADDITIONAL SHADOW CAST BY PROPOSED DESIGN

Amendments		<p><b>Notes</b> ANY ERRORS, DISCREPANCIES OR OMISSIONS IN THE DRAWINGS, NOTATIONS OR DIMENSIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION PRIOR TO WORKS COMMENCING. DO NOT SCALE FROM DRAWINGS ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS, MECHANICAL, ELECTRICAL, HYDRAULIC, LANDSCAPE ARCHITECTURAL DRAWINGS LOCATION OF ALL HARDWARE, FIXTURES AND FITTINGS TO BE CONFIRMED WITH ARCHITECT PRIOR TO WORKS COMMENCING.</p>	<p><b>Project</b> 47 ARNOLD STREET, SOUTH YARRA</p> <p><b>Title</b> SHADOW DIAGRAMS - 9am, 10am, 11am, 12noon</p>
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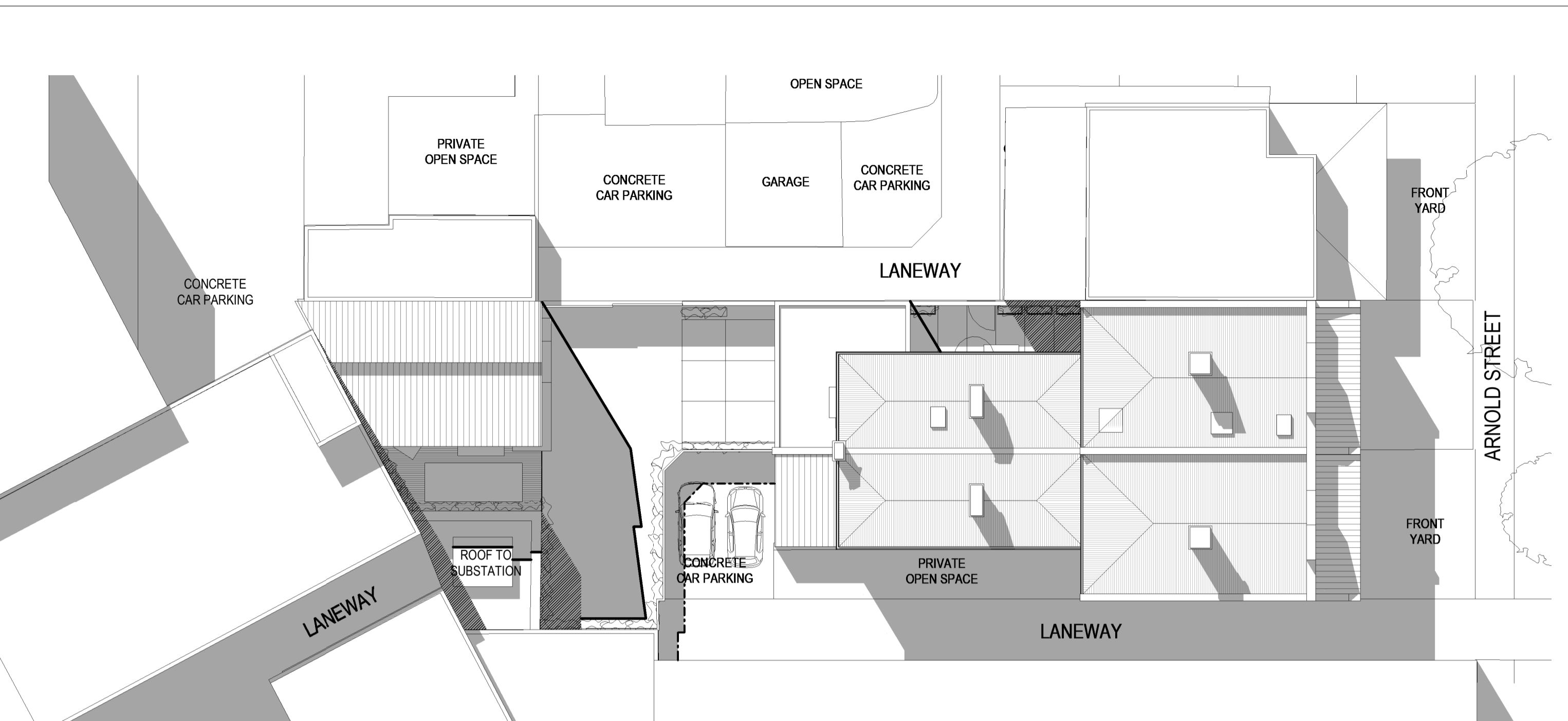


<b>o'connor and houle architecture + landscapes</b>			
33 draper st albert park victoria 3206 australia telephone 61 3 9686 7022 mail@oconnorandhoule.com			
Date	28.09.2021	Scale	1:200 @ A3 / 1:100 @ A1
Drawn	SG.OS	Checked	SO
Project No.	21012		Amendment
			A700
			P3



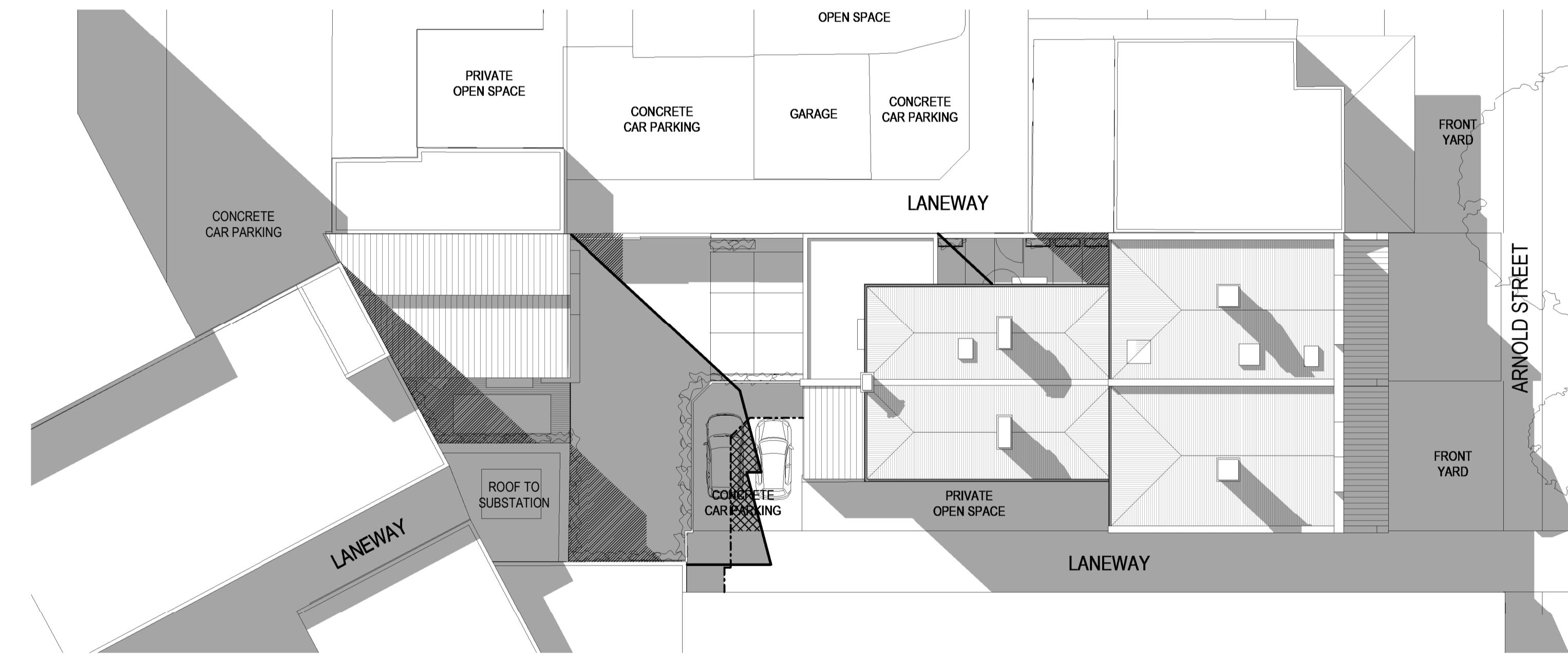
1 1pm Proposed Shadow Diagram  
1 : 200

NO ADDITIONAL SHADOW IS CAST BY PROPOSED DESIGN ONTO NEIGHBOURING PROPERTIES



2 2pm Proposed Shadow Diagram  
1 : 200

NO ADDITIONAL SHADOW IS CAST BY PROPOSED DESIGN ONTO NEIGHBOURING PROPERTIES



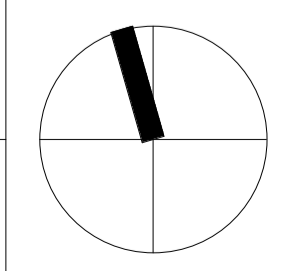
3 3pm Proposed Shadow Diagram  
1 : 200

APPROX. 6.6sq.m OF SHADOW CAST ON 45 ARNOLD STREET REAR CAR PARKING AREA

**SHADOW DIAGRAM LEGEND**

- - - - - outline of shadow cast by existing dwelling on subject site
- ▨ existing shadow cast by adjoining properties
- SHADOW CAST BY PROPOSED DESIGN
- - - - - SHADOW CAST BY 2m BOUNDARY FENCE
- ▩ ADDITIONAL SHADOW CAST BY PROPOSED DESIGN

Amendments		<p><b>Notes</b> ANY ERRORS, DISCREPANCIES OR OMISSIONS IN THE DRAWINGS, NOTATIONS OR DIMENSIONS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT FOR CLARIFICATION PRIOR TO WORKS COMMENCING. DO NOT SCALE FROM DRAWINGS ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS, MECHANICAL, ELECTRICAL, HYDRAULIC, LANDSCAPE ARCHITECTURAL DRAWINGS LOCATION OF ALL HARDWARE, FIXTURES AND FITTINGS TO BE CONFIRMED WITH ARCHITECT PRIOR TO WORKS COMMENCING.</p>	<p><b>Project</b> 47 ARNOLD STREET, SOUTH YARRA</p> <p><b>Title</b> SHADOW DIAGRAM - 1pm, 2pm, 3pm</p>
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<b>o'connor and houle architecture + landscapes</b>			
33 draper st albert park victoria 3206 australia telephone 61 3 9686 7022 mail@oconnorandhoule.com			
Date	28.09.2021	Scale	1:200 @ A3 / 1:100 @ A1
Drawn	SG.OS	Checked	SO
Project No.	21012		Amendment
			A701
			P3

## DELEGATE REPORT

### PLANNING PERMIT APPLICATION

<b>Application number:</b>	<b>TP-2021-245</b>
<b>Applicant:</b>	O'Connor and Houle Architecture
<b>Owner:</b>	Joanna Black
<b>Architect:</b>	O'Connor and Houle Architecture
<b>Address:</b>	47 Arnold Street, South Yarra
<b>Proposal:</b>	Partial demolition, buildings and works, and external alterations within the Heritage Overlay Schedule 6, and the Design and Development Overlay Schedule 15.
<b>Date of application:</b>	30 April 2021
<b>Responsible officer:</b>	Matthew Mukhtar

## 1 SITE AND SURROUNDS

### 1.1 Site

Planning Application TP-2021-245 (**Application**) concerns the land known as 47 Arnold Street, South Yarra (**Site**) which is formally recognised as Lot 1 on Plan of Subdivision 324488J.

The Site is located on the west side of Arnold Street between Bromby Street to the north and Toorak Road to the south. Council Lane 1292 (**CL1292**) adjoins part of the north boundary.

The Site is irregular in shape with an approximate area of 531.6sqm.

The Site contains a two storey Victorian terrace, with rear car port and garage structures. Notable features include the unpainted decorative brickwork, unpainted cement render, verandah decoration, verandah roof and structure, evidence of early colours and finishes, and front fence.

See **Figures 1, 2 and 3** below.

The Site is located within the precinct wide Heritage Overlay, Schedule 6 (South Yarra Precinct). The most recent Heritage Study carried out by the City of Melbourne that assessed the heritage significance of the Site is the *Heritage Places Inventory February 2020 Part A (Amended May 2021)* (**Heritage Study**), which is an Incorporated Document in the *Melbourne Planning Scheme (Scheme)*.

The Heritage Study grades the Site as 'Significant', within an ungraded streetscape.

A 'significant' building is defined by the Heritage Study as a '...heritage place which 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.'

## 1.2 Surrounds

To the east and south, the neighbourhood is characterised by one and two-storey heritage dwellings, with some examples of rear extensions / modern additions, as well as multi-storey buildings.

See **Figure 4** below for the heritage gradings of the surrounding properties along Arnold Street.

The Site's direct abutments are as follows:

- North:
  - 49 Arnold Street, a single storey rendered brick house with a contemporary extension to the rear of the property. The property is graded as 'contributory' within the Heritage Study.
  - Corporation Lane 1292, a circa 3.0m wide laneway under the care and management of the City of Melbourne, which runs between 61-63 Bromby Street and south off Bromby Street between Arnold Street and St. Kilda Road.
  - 63 – 71 Bromby Street (over CL1292), contain single and double storey residential buildings rear garages / secluded private open space. 67-69 Bromby Street is graded as 'contributory' within the Heritage Study.
- South:
  - The site directly abuts 45 Arnold Street, a two storey Victorian terrace, with rear car port and garage structures. It is of similar appearance to the Site. The property is graded as 'significant' within the Heritage Study.
  - 39-41 Arnold Street, contains a two-storey Art Deco building occupied by Melbourne Grammar. The property is graded as 'contributory' within the Heritage Study.
- East:
  - Arnold Street.
- West:
  - The substation at the rear of 45 Arnold Street is owned by CitiPower Ltd and is formally described as Lot 1 on Title Plan 230575Y (Volume 05145 Folio 856).
  - 387 St Kilda Road contains a four-storey office building. See below discussion in regard to planning permit TP-2011-404.
  - 379 St Kilda Road contains the Royce Hotel. The multi-storey residential hotel has a courtyard adjoining the subject site. See below discussion in regard to planning permit TP-2011-404.

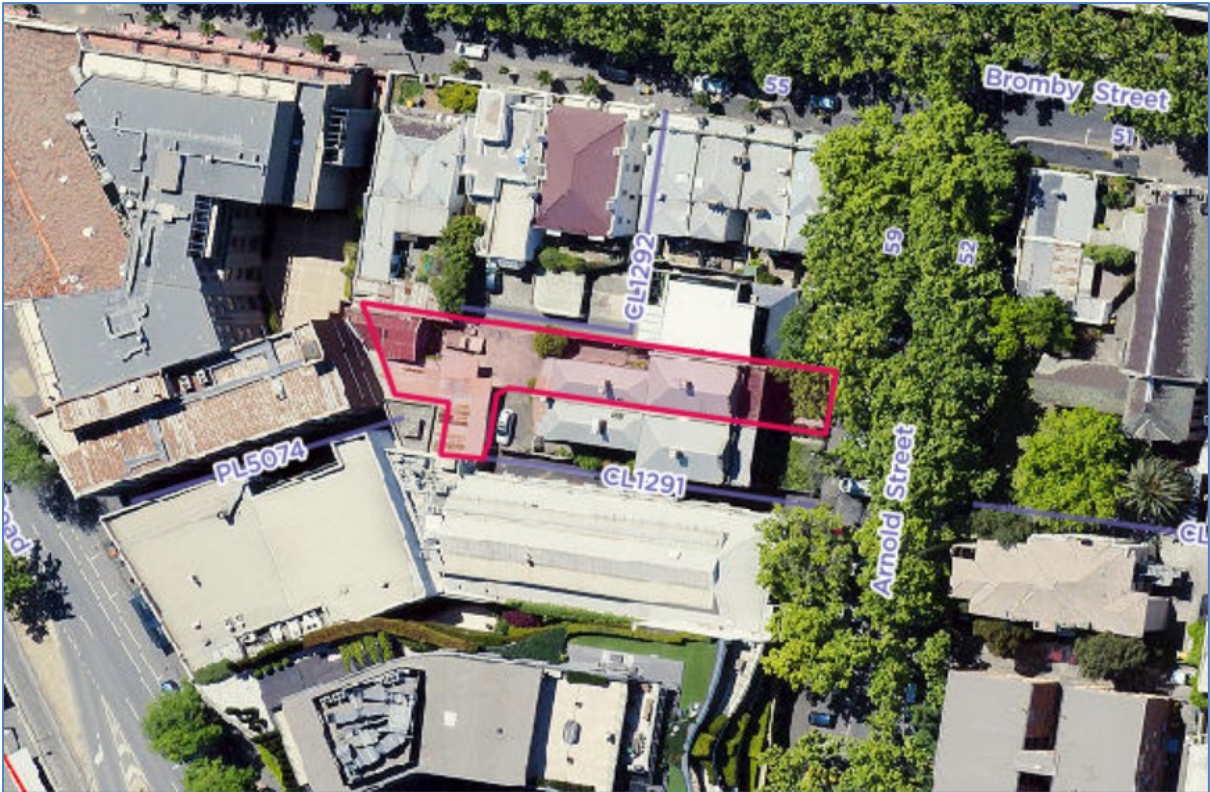


Figure 1 – aerial image of the Site (Site outlined in red; Source: CoMPass, image taken 3 Nov 2020)

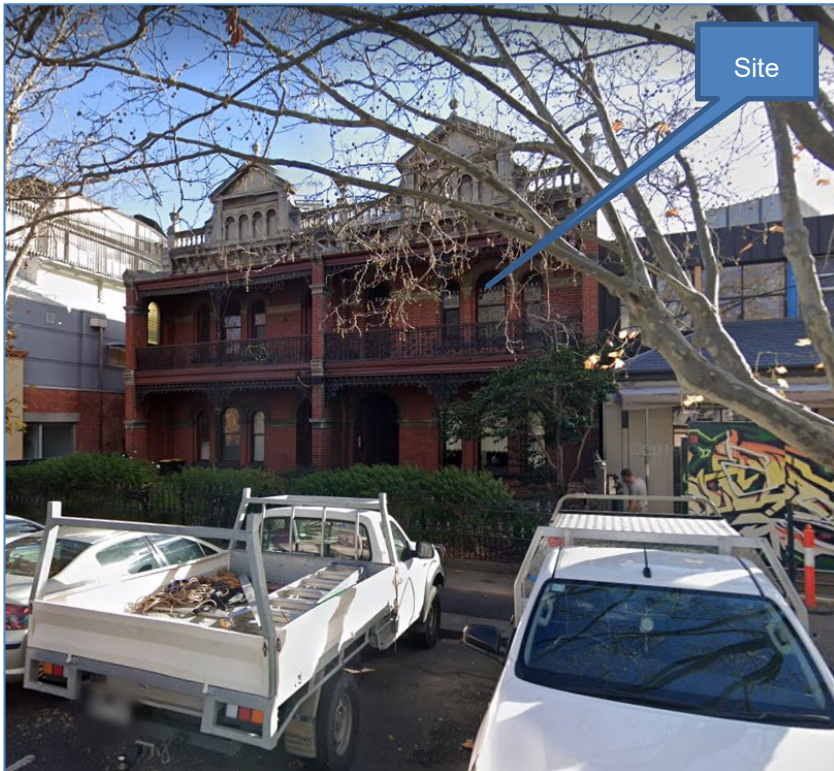


Figure 2 – Google Streetview of the Site (Site noted; Source: Google Streetview, image taken June 2019)



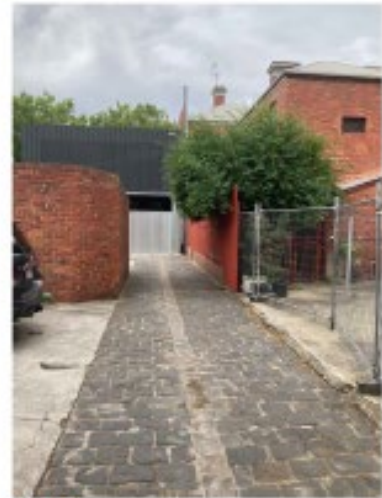
VIEW 1  
View from 67 Bromby Street carpark towards laneway and subject site.



VIEW 2  
View south from Bromby Street down laneway towards subject site.



VIEW 3  
View south from laneway towards subject site and 49 Arnold Street.



VIEW 4  
View east from end of laneway towards subject site and 49 Arnold Street.



VIEW 5  
View from first floor of subject site towards rear of site. St Kilda Road buildings in the background.



VIEW 6  
View down laneway between 45 and 37-41 Arnold Street.

Figure 3 – Personal photography of the Site and surrounds (Source: applicant)

Arnold Street	14	Contributory	-
Arnold Street	16	Contributory	-
Arnold Street	18-22	Contributory	-
Arnold Street	38-48	Contributory	-
Arnold Street	50	Contributory	-
Arnold Street	52	Contributory	-
Arnold Street	37-41	Contributory	-
Arnold Street	45	Significant	-
Arnold Street	47	Significant	-
Arnold Street	49	Contributory	-
Bromby Street	2-124	Significant	-
Bromby Street	1-7, includes:		
	• 3 Bromby Street	Significant	

Figure 4 – Extract of the Heritage Study (Source: City of Melbourne)

### 1.3 Relevant Planning Permits

The following planning permits are considered relevant to the consideration of the Application:

- TP-2011-404/D, at 375-389 St Kilda Road, which allows for '*Demolition of existing building...construction of a multi-storey building for use as a residential hotel use of the ground floor tenancy as a shop...alterations and extensions to existing hotel building at 385 St Kilda Road, partial waiver of the car parking requirement, extension of liquor licence to new building (excluding the shop) and construction and display of business identification signage*'. The approved development is for the extension to the Royce Hotel, is eight storeys (approx. total height of 24.5m, plus roof services) with a six storey interface abutting to the shared east boundary to the Site. The permit is still live at the time of this report. See **Figures 5** below.
- TP-2018-790, at 45-47 Arnold Street, South Yarra, which allows '*Part demolition, alterations and additions to the existing dwellings, construction of a third dwelling and a reduction of car parking requirements*'. This application is relevant as it considered (ultimately issuing a planning permit) a third dwelling on the Site (to the rear) with partial demolition of the rear of the heritage forms of both the Site and 45 Arnold Street, South Yarra. The permit is still live at the time of this report, however plans have not been endorsed. See **Figures 6 and 7** below
- TP-2016-461/A, at 49 Arnold Street, South Yarra which authorised '*Part demolition, alterations and additions, including a two-storey rear addition*'. This application is relevant as it considered approved partial demolition and a contemporary extension to a significant graded building (noting the building was graded B-graded in the *City of Melbourne's Heritage Places Inventory June 2016* at the time of the application).



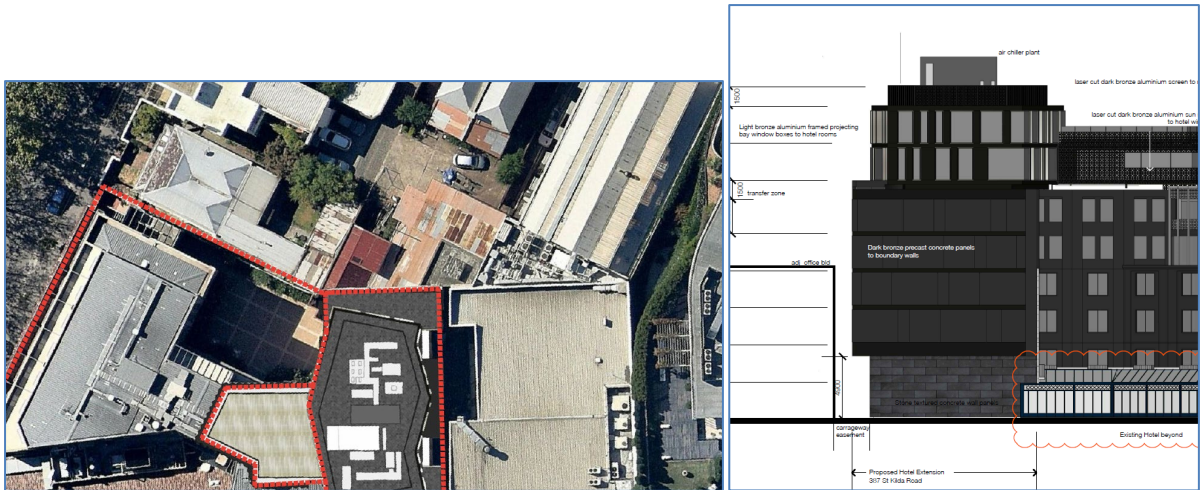


Figure 5 – extract of the endorsed site plan and east elevation plans of TP-2011-404/D (Source: Council)

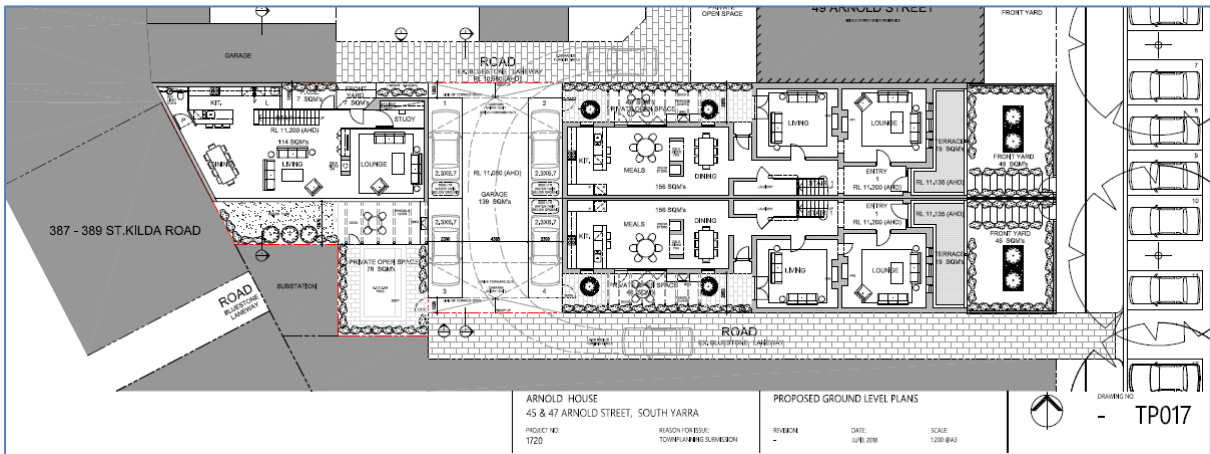


Figure 6 – extract of the advertised site plan for TP-2018-790 (Source: Council)



Figure 7 – extract of the advertised north elevation for TP-2018-790 (Source: Council)

### 1.4 Restrictive Covenants / Easements

The register search statement for Lot 1 on Plan of Subdivision 324488J identifies that the land is not burdened by any restrictive covenant or Section 173 Agreement. The Site benefits from an easement of carriage way to CL1292.

### 1.5 Archaeology and Heritage Inventory

The Site is not included in the Victorian Heritage Inventory.

## 1.6 Aboriginal Cultural Heritage

The Site is not included in an area of legislated cultural heritage sensitivity.

## 2 BACKGROUND AND HISTORY

### 1.1 Planning Application History / Amendments during the Application

#### 1.1.1 Pre-application Meeting

No formal pre-application meeting / discussions were held with Council.

#### 1.1.2 Response to Council's Request for Further Information (RFI)

In response to Council's Request for Further Information (RFI) letter dated 25 May 2021 the permit applicant, on 15 June 2021, provided additional details to respond to Council's request.

The RFI plans are drawn by O'Connor and Houle dated 8 June 2021 (Rev P2).

#### 1.1.3 S.57A Amendment

On 28 September 2021, the Application was amended under S.57A of the Act.

The changes made as part of this amendment to the application were in direct response to the comments from Council's Heritage Advisor and planning officer, which included a reduced extent of demolition to retain further heritage fabric.

The s.57A plans are drawn by O'Connor and Houle dated 28 September 2021 (Rev P3).

### 1.2 Planning Scheme Amendments

In the intervening period between when the application was first received by Council and the date of this report, no planning scheme amendments have been gazetted, which have altered the planning controls or statutory framework as bearing on the proposed development and subject site.

## 3 PROPOSAL

### 3.1 Plans / Reports considered in assessment

The plans which have been considered in this assessment are identified in Table 1 below:

<b>Table: Plans / Reports considered in assessment</b>		
<b>Plan / Report Title</b>	<b>Drawing/ Report Author</b>	<b>Drawing/Report Date</b>
Architectural Plans (RFI Response)	O'Connor and Houle	8 June 2021 (Rev P2)
Architectural Plans (57a Amendment)	O'Connor and Houle	28 September 2021 (Rev P3)
Design Response Statement (Town Planning Report)	O'Connor and Houle	30 April 2020
Certificate of Title	Landata	30 April 2021

### 3.2 Summary of proposed development

The proposal is for partial demolition, buildings and works, and external alterations associated with the extension to an existing single dwelling.

The proposal involves complete retention of the front full-width envelope of the double storey heritage dwelling (noting some roof demolition to allow for skylights), with partial demolition and a contemporary extension to the rear ground floor areas to provide for new kitchen, living and dining areas. The rear first floor exterior envelope will remain largely unaltered, with the internal layout reconstructed to provide for two new bedrooms, two bathrooms and a laundry. The upper-level front rooms will remain intact, with the conversion of the front dressing room to an ensuite bathroom. The lower-level front rooms will remain largely intact, with new internal double-door openings replacing single-door openings.

The proposal also includes a new three-storey building at the rear of the property with a saw tooth style roof form. It varies in height between 8.8m (to the north laneway) to 10.27m (top of the sawtooth form) The proposed building includes a garage on the ground floor, a rumpus room and gym on the first floor, and a studio with guest accommodation on the second floor.

As discussed further below, the rear addition is not considered to be second dwelling as it does not meet the definition of a dwelling under Clause 73.01.

The proposed materials for the extension are a mixture of aluminium, steel, timber, and colour bond in generally muted colours including 'monument' and 'dune'.

Refer to **Figures 8 – 13** below.

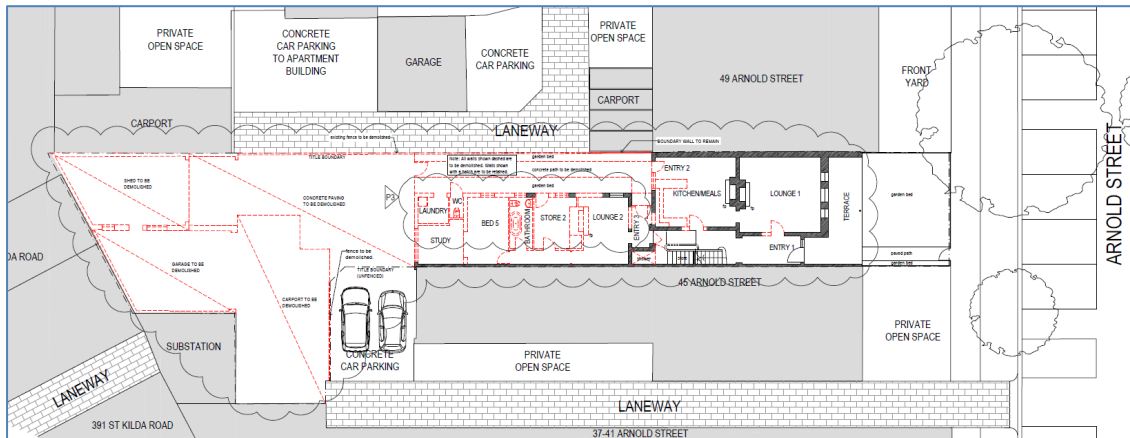


Figure 8 – Extract of the ground floor demolition plan (Source: applicant)

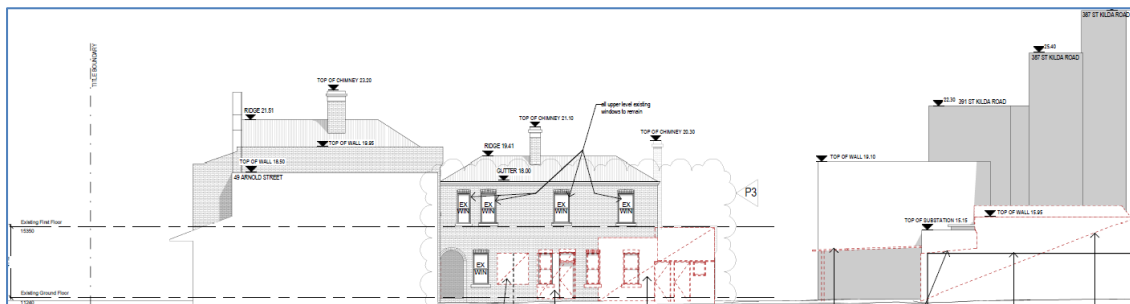


Figure 9 – Extract of the north elevation demolition plan (Source: applicant)

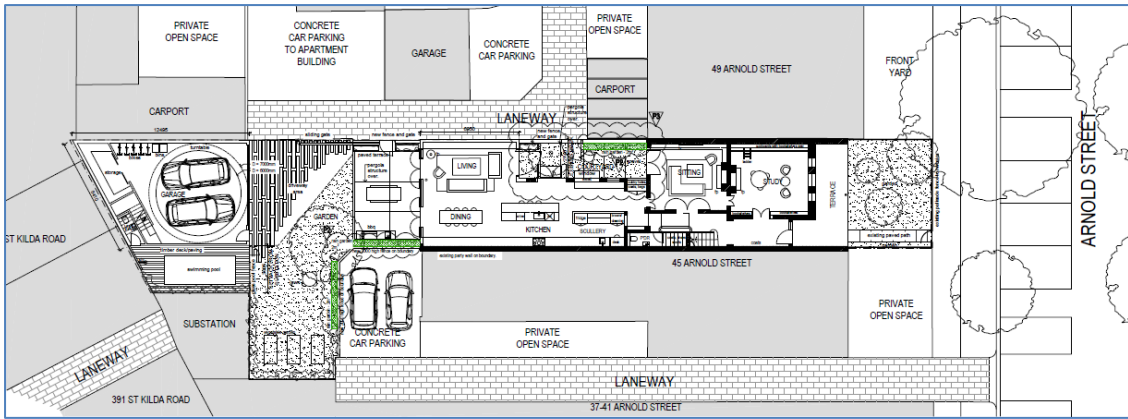


Figure 10 – Extract of proposed ground floor plan (Source: applicant)

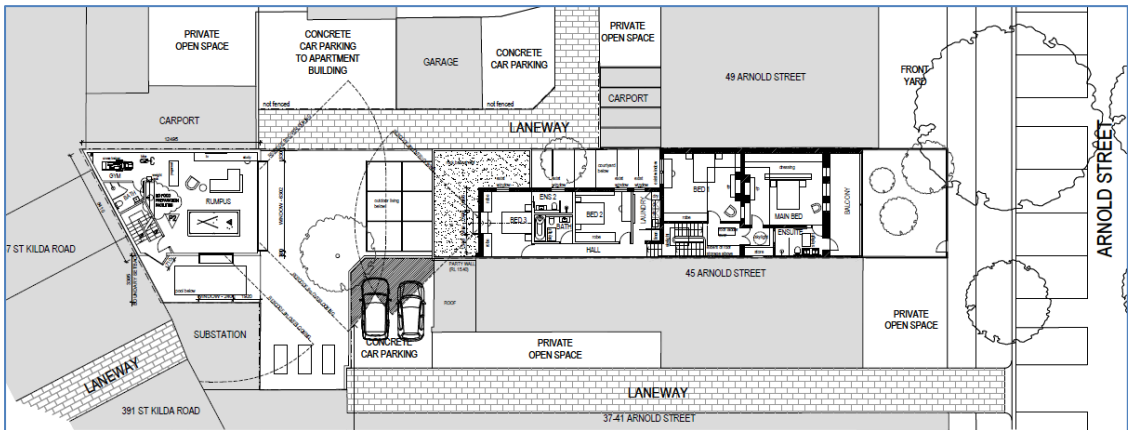


Figure 11 – Extract of proposed first floor plan (Source: applicant)

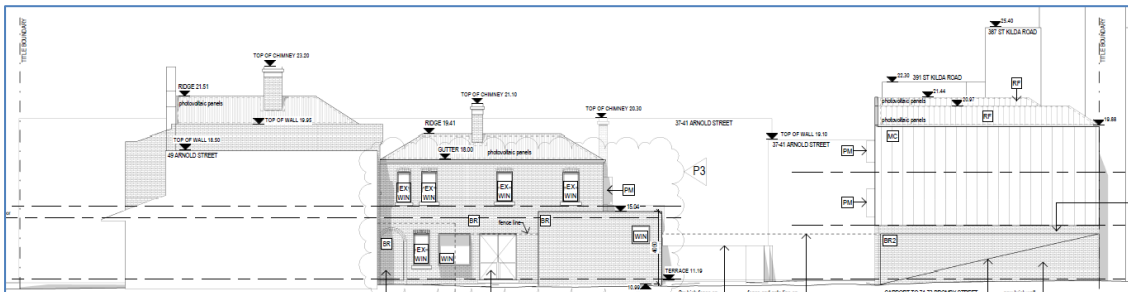


Figure 12 – Extract of proposed north elevation plan (Source: applicant)

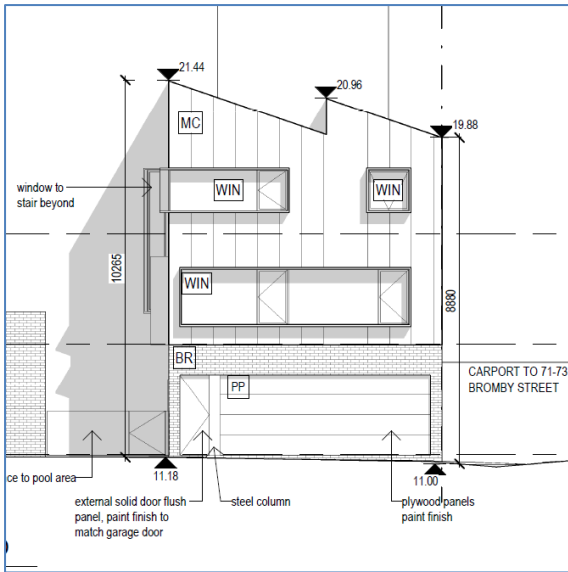


Figure 13 – extract of the proposed east elevation studio plan (Source: applicant)

#### 4 PLANNING CONTROLS

The below planning controls and requirements of the Scheme apply to the Site and proposed development.

Clause	Permit Trigger
Zone	
<p>Clause 32.08</p> <p>General Residential Zone, Schedule 5</p>	<p><b>No permit required.</b></p> <p>Pursuant to Clause 32.08-4, an application to construct or extend a dwelling on a lot between 500 – 650sqm must provide at least 30% garden area.</p> <p>Pursuant to Clause 32.08-5, a permit is required to extend a dwelling on a lot less than 300sqm. As the Site is over 300sqm, a permit is not required. As such Clause 54 (ResCode) is not applicable in the assessment of this application.</p> <p>Pursuant to Clause 32.08-6, a permit is required to construct a dwelling if there is at least one dwelling existing on the lot.</p> <p>Pursuant to Clause 73.03 a 'dwelling' is defined as:</p> <p style="padding-left: 40px;"><i>A building used as a self-contained residence which must include:</i></p> <ul style="list-style-type: none"> <li>a) a kitchen sink;</li> <li>b) food preparation facilities;</li> <li>c) a bath or shower; and</li> <li>d) a toilet and wash basin.</li> </ul> <p style="padding-left: 40px;"><i>It includes outbuildings and works normal to a dwelling</i></p> <p>The proposed extension does not include food preparation facilities, as such it is not considered a dwelling. As such, no permit is required under Clause 32.08-6. This is discussed in the Assessment section of this report.</p>

	The Schedule to the GRZ5 states that a building used as a dwelling or a residential building must not exceed a height of 12m.
Clause 43.01 Heritage Overlay, Schedule 6	<p><b>Permit required.</b></p> <p>Pursuant to Clause 43.01-1, a permit is required to (inter alia):</p> <ul style="list-style-type: none"> <li>• Demolish or remove a building.</li> <li>• Construct a building or construct or carry out works.</li> <li>• Externally alter a building by structural work, rendering, sandblasting or in any other way.</li> </ul>
Clause 43.02 Design and Development Overlay, Schedule 15-A1	<p><b>Permit required.</b></p> <p>Pursuant to Clause 43.02-2 a permit is required to (inter alia):</p> <ul style="list-style-type: none"> <li>• <i>Construct a building or construct or carry out works.</i> <ul style="list-style-type: none"> <li>○ <i>This does not apply:</i> <ul style="list-style-type: none"> <li>– <i>If a schedule to this overlay specifically states that a permit is not required.</i></li> </ul> </li> </ul> </li> </ul> <p>The DDO15-A1 does not specifically exempt a permit being required, as such a permit is required for buildings and works.</p> <p>A permit cannot be granted to vary the Maximum Building Height of 12m.</p> <p>Building height is the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of architectural features and building services.</p>
Clause 43.02 Design and Development Overlay, Schedule 17	<p><b>No permit required</b></p> <p>Pursuant to Clause 43.02-2 a permit is required to (inter alia):</p> <ul style="list-style-type: none"> <li>• <i>Construct a building or construct or carry out works.</i> <ul style="list-style-type: none"> <li>○ <i>This does not apply:</i> <ul style="list-style-type: none"> <li>– <i>If a schedule to this overlay specifically states that a permit is not required.</i></li> </ul> </li> </ul> </li> </ul> <p>A permit is not required for buildings or works constructed up to 33m in height above the AHD. As confirmed by the architectural plans, the proposal is under 33m AHD, as such no permit is required under the DDO17.</p>
Particular provisions	
Clause 52.06 Car Parking	<p><b>No permit required</b></p> <p>Clause 52.06 does not apply to (inter alia):</p> <ul style="list-style-type: none"> <li>• The extension of one dwelling on a lot in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.</li> </ul>

## 5 STRATEGIC FRAMEWORK

Planning Policy Framework	<ul style="list-style-type: none"> <li>• Clause 11 – Settlement</li> <li>• Clause 15 – Built Environment and Heritage</li> <li>• Clause 18 – Transport</li> </ul>
Municipal Strategic Statement	<ul style="list-style-type: none"> <li>• Clause 21.02 – Municipal Profile</li> <li>• Clause 21.03 – Vision</li> <li>• Clause 21.04 – Settlement</li> <li>• Clause 21.06 – Built Environment and Heritage</li> <li>• Clause 21.07 – Housing</li> <li>• Clause 21.09 – Transport</li> <li>• Clause 21.16 – Other Local Areas – St Kilda Road and South Yarra</li> </ul>
Local Planning Policy Framework	<ul style="list-style-type: none"> <li>• Clause 22.05 – Heritage Places outside the Capital City Zone</li> <li>• Clause 22.17 – Urban Design</li> <li>• Clause 22.19 – Energy, Water and Waste Efficiency</li> <li>• Clause 22.23 – Stormwater Management</li> </ul>
General Provisions	<ul style="list-style-type: none"> <li>• Clause 65 – Decision Guidelines, which includes the matters set out in Section 60 of the Act.</li> </ul>

## 6 PUBLIC NOTICE

### 6.1 Notice of the Lodged Application

Public notice of the application was given by sending letters to the owners and occupiers of adjoining and surrounding properties on 27 July 2021 and by instructing the permit applicant to erect two public notices, one to the Arnold Street frontage and one to CL1292 for a 14 day period in accordance with Section 52 of the Act.

A signed statutory declaration confirming that the permit applicant had erected the signs in accordance with Council's requirements was returned on 12 August 2021.

As discussed below, the proposal was only advertised under the Heritage Overlay and Design and Development Overlay, which was clearly identified on the advertising letters to the affected properties.

### 6.2 Notice of the S.57A Amendment Application

Notice of the s.57A amended application received on 28 September 2021 was not given under S.57B of the Act as the changes made:

- Did not principally alter the proposal as originally advertised.
- Resulted in a net reduction in demolition, with no adverse heritage / amenity impacts.

## 7 OBJECTIONS

A total of 3 objections have been received as of the date of this report. The concerns in objections received by Council have been summarised below. Further consideration of the objections is given in the Assessment chapter of this report.

## 7.1 Summary of objector concerns

### 7.1.1 Built Form / Heritage

- Height / bulk.
- Extent of demolition to the laneway fence and heritage property.

### 7.1.2 Amenity

- Overlooking.
- Overshadowing.
- Additional traffic burdens.
- Damage to adjoining buildings.

### 7.1.3 Use

- The proposal being a second dwelling.

### 7.1.4 Miscellaneous

- Setting a poor development precedent.

## 8 Consultation

Correspondence with both the objectors and applicant.

A copy of the objections received in respect of the application at the conclusion of the formal notice period was forwarded to the applicant for their consideration.

## 9 Referrals

### 9.1 Internal

Conditions and notes will be included on any permit being granted to give force and effect to the recommendations and advice of Council's internal referral agencies, listed below.

#### 9.1.1 Heritage Advisor

Council's Heritage Advisor provided the following comments (inter alia) in respect of the Application.

*'The proposal is supported with the following modifications:*

- 1. Adjust the location of the ground floor addition to enable the retention of the window arrowed red in Figure 1, plus at least 110mm of wall to the west of the window.*
- 2. Retain all existing windows and the door to the ground floor, north elevation, except for the western window.*
- 3. A new window could be inserted at the blue arrow indicated on Figure 1, head aligned with the adjoining and size similar to the western window scheduled for removal in item 2.*
- 4. Adjust the height of the proposed CL 1292 fence to be no taller than the existing. Annotate the existing height on the drawings.'*



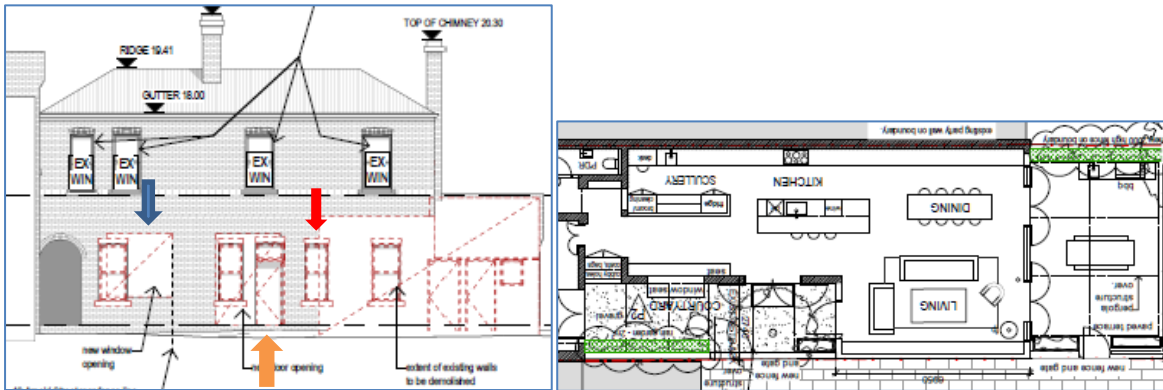


Figure 14 – mark-ups from the heritage advisor (Source: Council)

#### Planning Officer's Comments

- Discussion in regard to the heritage merit of the proposal is provided in Section 11.2 of this assessment.

#### 9.1.2 ESD

Council's ESD department provided the following comments in respect of the Application:

*'The WSUD report demonstrates that the proposal would meet the objectives of Clause 22.23 via the construction of three raingardens. The location of the proposed raingardens is shown on the plan at the bottom of page 9 of the WSUD report. The WSUD report should be endorsed.*

*The location of each raingarden must also be included on the ground floor plan of the planning drawings, including a notation showing the surface area of each one. This could be required via condition 1.*

*The proposed location and size of each raingarden is as follows:*

- *2m<sup>2</sup> raingarden located in the courtyard garden, noted as a kitchen garden on the proposed ground floor plan (note it is possible to have raingardens that are food-producing garden beds).*
- *2m<sup>2</sup> raingarden along the southern edge of the outdoor living space. This appears to be proposed as a planter bed adjacent to the BBQ area.*
- *2m<sup>2</sup> raingarden located along the eastern edge of the rear lawn area (adjacent to the boundary of the parking area of 45 Arnold Street).*

*Provided that the raingarden details as shown on page 9 of the WSUD report are included on an updated ground floor plan, the proposal is acceptable.'*

#### Planning Officer's Comments

- The above will form conditions on any planning permit to issue.
- Any permit to issue will include a condition requiring an Environmentally Sustainable Design (ESD) Report to ensure the development will achieve the ESD performance requirements of Clause 22.19.

#### 9.1.3 Civil Design

Council's Principal Engineer (Infrastructure) recommended that a number of conditions be included on any permit being granted to protect Council's road-based assets and integrate the development with Council's stormwater drainage system.

#### Planning Officer's Comments

- The above will form conditions on any planning permit to issue.

#### **9.1.4 Traffic**

Council's Traffic department recommended that the requirement to produce swept path diagrams be included on any permit being granted to ensure the functionality of the proposed garage arrangement, which includes a turn table.

The applicant agreed that this requirement could form a condition on permit, should one issue.

#### Planning Officer's Comments

- As the traffic department has expressed some concern with the functionality of the proposed turntable arrangement. It is considered reasonable to condition swept path diagrams and function of the turntable by way of permit condition. This has been discussed with and agreed to with the applicant.

#### **9.1.5 Building Department**

The Application was discussed with the Building Department. It confirmed that ResCode would require report and consent at the Building Permit stage, which is the responsibility of a private Building Surveyor in collaboration with Council where necessary.

#### Planning Officer's Comments

- The above will form a note on any planning permit to issue.

#### **9.2 External**

The application was not required to be referred externally.

## **10 ASSESSMENT**

### **10.1 Key Planning Considerations**

The application seeks approval for partial demolition, buildings and works, and external alterations within the Heritage Overlay Schedule 6, and the Design and Development Overlay Schedule 15.

The key planning considerations are:

- Heritage
- Garden area requirement
- Compliance with DDO15-A1 and DDO17
- Clause 22.17.
- Sustainability.
- Traffic.
- Any other issues raised by the objectors.

These issues are addressed below. As noted above, no permit is required for the proposal under the GRZ5 and therefore, Clause 54 / 55 are not relevant considerations.

### **10.2 Heritage**

#### **10.2.1 Demolition**

Clause 22.05 provides policies for assessing an Application that seeks permission for demolition of a graded building, including:

- *Partial demolition in the case of significant buildings, and of significant elements or the front or principal part of contributory buildings will not generally be permitted.*
- *A demolition permit not be granted until the proposed replacement building or works have been approved.*

The extent of demolition sought by the application is considered acceptable, having regard to the policies under Clause 22.05, noting the following:

- The existing outbuildings (sheds, car ports, etc.) to the rear of the Site which do not form part of the host 'Significant' building do not contribute to heritage significance.
- The proposal will retain the two storey portions of the host building, six rooms in depth, including the roof structure (some demolition required for skylights, not visible from the street) and chimneys.
- As it relates to the host building, the proposed extent of demolition is restricted to the rear of the dwelling (setback approximately 14m from the principal façade of the host building). The extent of demolition is predominantly limited to the ground floor. The rear fabric (which is proposed for demolition) is not recorded as having heritage significance on the Building Identification Factsheet in Council's records.
- The proposal includes part demolition to the side and rear elevations to enlarge the window spaces for the creation of larger openings to the proposed side courtyard.

In reference to **Figure 15** below the side windows are largely obscured from the public realm. Some oblique views are available from Bromby Street to the north. Council's heritage advisor has suggested that more of the ground floor north elevation windows should be retained.

In response to the concerns with the extent of demolition, the applicant lodged a s.57a amended plans (see **Figure 16 and 17**) which retained the furthest east ground floor window as well as lowering the height of the boundary fence (to the north laneway) to match the existing. These changes result in further heritage retention and maintain the view to the host building and are acceptable.

It is noted that a very similar extent of demolition and doorway / window arrangement was approved under TP-2018-790.



Figure 15 – image of the ground and first floor windows of the host building (left) and image down Bromby Street to the north elevation of the Site (right) and (Source: applicant; Google).

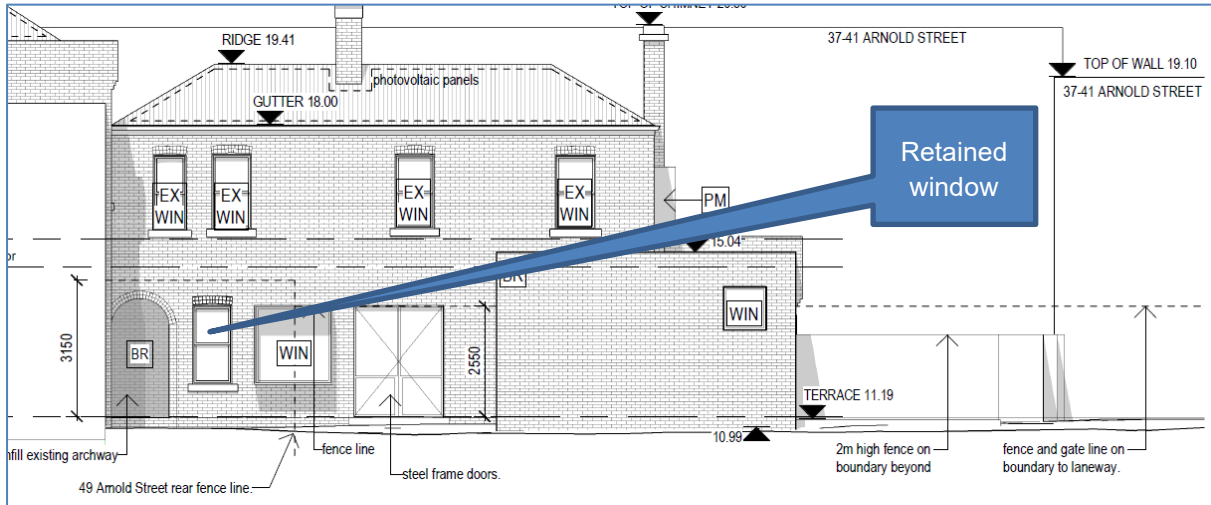


Figure 16 – extract of the proposed north elevation (Source: applicant; note by Council).

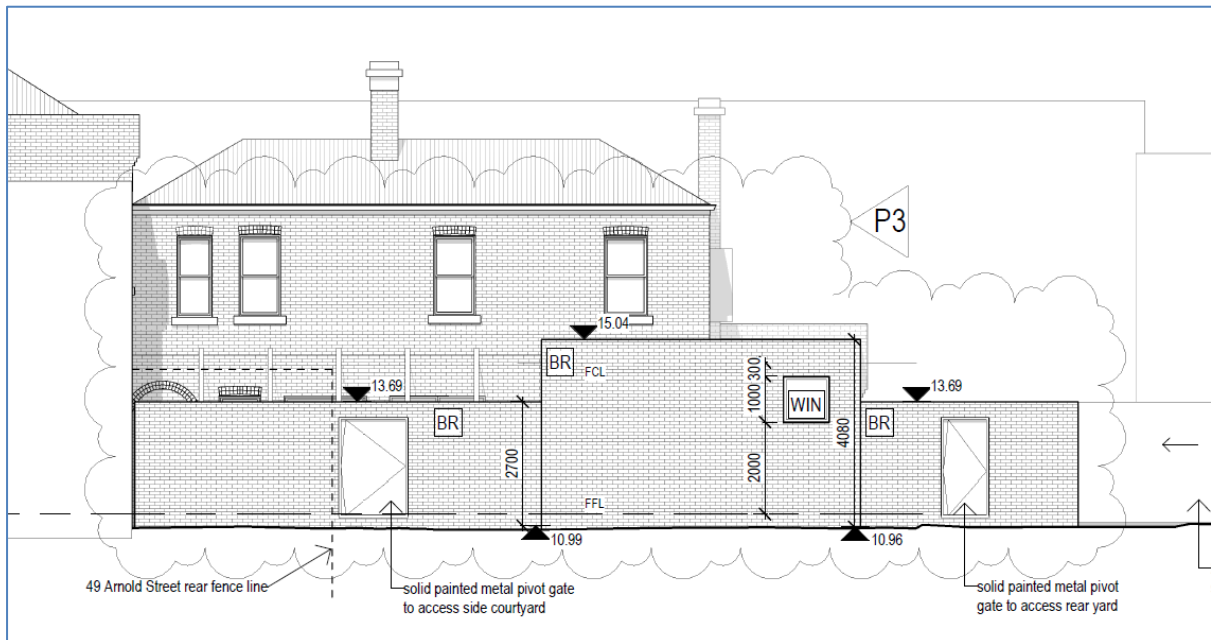


Figure 17 – extract of the proposed north elevation, including the fence (Source: applicant).

### 10.2.2 Additions, New Buildings, Vehicle Accommodation and Access, and Fences and Gates

Clause 22.05 provides policies for assessing an Application that seeks permission for the construction of a new building and works, additions, and vehicle accommodation and access. It is policy that the following must be achieved (inter alia):

- *Maintain the prominence of the building by setting back the addition behind the front or principal part of the building, and from other visible parts and moderating height.*
- *Do not visually dominate or visually disrupt the appreciation of the building as it presents to the street.*
- *Are distinguishable from the original fabric of the building.*

- *In other streetscapes, additions to significant buildings are concealed. For a second-storey addition to a single storey building, concealment is often achieved by setting back the addition at least 8 metres behind the front facade.*
- *The new fence or gate is an appropriate contextual design response, and the style, details and materials are interpretive and consistent with the architectural period of the heritage place and established street characteristics...*

The proposed development is considered acceptable, having regard to the policies under Clause 22.05, noting the following:

- Additions and concealment of additions – the host building is graded as ‘Significant’ and in accordance with the additions policy any addition must be respectful of the building’s character and appearance, scale, materials, style and architectural expression, the intact significant external fabric is to be preserved. The proposal is acceptable for the following reasons:
  - It maintains the prominence of the host building, being well setback (over 14m) from the principal façade to Arnold Street. The proposed addition to the host building is located to the north courtyard area and is lower than the existing building. The addition may be visible from the rear / side laneway however, it is not uncommon for rear additions to be visible from laneways, noting the abutting modern addition at 49 Arnold Street.
  - The materials are considered to be contemporary, respectful, and compatible with the existing heritage form and other extensions to dwellings in the immediate surrounds.
  - The pergola above the side courtyard and the rear will not have an unreasonable impact on the heritage significance of the existing dwelling. The pergolas attached to the existing dwelling will be at ground floor level and below the height of the boundary fence.
  - The pergola element to the side courtyard, whilst visible over the side (north) fence, will not have an unreasonable impact on the heritage significance of the existing dwelling. In response to the heritage comments raised by Council’s heritage advisor, the applicant lowered part of the side fence height (to match existing) and retained a heritage window. As a result, the pergola structure, which needs to be mounted above the north elevation windows to be functional, will be visible. This is appropriate given the oblique views available to the north elevation and the corresponding structure (both fence and roof/pergola structure) of the adjoining property at 49 Arnold Street. See Figure 18 below. However, the plans do not accurately depict the height of the pergola which will be required by way of permit condition should a permit issue.



Figure 18 – image from the north laneway to 47 (rear) and 49 (side) Arnold Street (Source: applicant).

- The extension to the north elevation wall to the title boundary will be largely concealed by the wall on the laneway to CL1292.
- New buildings – the new three storey form to the rear is acceptable and does not detract from the heritage significance of the host building as it is well recessed from the heritage form, cannot be viewed from Bromby Street or Arnold Street, and is contemporary in form.
- Vehicle accommodation and access – the location of the proposed vehicle access and garage is acceptable as both are visually recessive and behind the principal façade of the heritage building.
- Fences and gates – whilst above the recommended height of 1.5m is to be reconstructed to match the existing height. The fence also acts to screen the proposed Secluded Private Open Space to this location. As such, this is an appropriate outcome.

### **10.2.3 Decision Guidelines of Clause 43.01**

The applicable decision guidelines of Clause 43.01 (Heritage Overlay), at Clause 43.01-8 of the Scheme, closely resemble the various policies of Clause 22.05, discussed above.

As such, the Application achieves the decision guidelines of Clause 43.01-8.

### **10.3 Garden Area**

The Site is located within the GRZ5, which requires that an application to construct or extend a dwelling on a lot between 500 - 650sqm must provide at least 30% garden area.

As confirmed by the architectural plans, the proposed garden area is 39% which complies.

### **10.4 Compliance with the technical requirements of the zones and overlays**

#### **10.4.1 GRZ5 and DDO15-A**

The Site is located within the GRZ5 and is affected by DDO15-A1.

GRZ5 has a maximum building height of 12m (no limit on storeys) and DDO15-A1 has a maximum building height of 12m excluding architectural features and building services.

The rear three storey addition complies with these requirements, being approximately 10.26m in maximum height.

The development achieves the design objectives and built form outcomes of DDO15-A1, including a scale of development that is compatible with the buildings in the area, noting the approval to the rear of the Site discussed above.

The rear addition does not overshadow or intrude on the vistas within the Royal Park Gardens.

### **10.5 Clause 22.17**

Clause 22.17 (Urban Design outside the Capital City Zone) encourages site responsive development, acknowledging that any development is part of a larger setting. The scale of new development is encouraged to respond to the scale of surrounding development in terms of its overall dimensions and the size of its individual elements. Building forms and surface treatments should be appropriately articulated to moderate apparent bulk and mass and avoid blank walls. Elements / services above the roof should be absorbed within the overall building or included in the roof design.

The scale and design of the new dwelling responds to the features of the site and surrounds. It sits comfortably at the rear of the existing dwellings and will not be visible from Arnold Street, and will only be visible obliquely from Bromby Street.

The proposal (RL 21.44) is lower in height than the ridgeline of the existing two storey front portion of the heritage dwelling (RL 21.51) and appropriately setback from the rear portion of the existing

heritage dwelling (ridgeline of RL 19.41) to not compete with its heritage significance (see the discussion of heritage above).

It is not considered to have an unreasonable impact on the amenity or equitable development of the adjoining properties having regard to the surrounding built form. The approved development to the rear of the Site (Royce Hotel, outlined above) will present as a five story street wall to the rear of the Site. The proposal will directly abut this approval (there are no windows on the shared boundary) which is a reasonable response.

The proposal is appropriately articulated by window openings and a complementary palette of materials and finishes.

As such, the proposal is an appropriate urban design response.

## **10.6 Car Parking / Traffic**

As discussed above, Council's Traffic Department has assessed the proposed development against the requirements of the Planning Scheme, and asked for swept path diagrams to be provided.

Subject to conditions being included on any permit being granted implementing Council's Traffic Engineer's recommendations, it is considered that car parking arrangements for the proposal are appropriate.

## **10.7 Sustainability**

### **10.7.1 Energy, Water and Waste Efficiency**

Clause 22.19 (Energy, Water and Waste Efficiency) requires that residential developments up to 5,000m<sup>2</sup> GFA achieve / provide:

- Energy efficiency: N/A (sufficiently covered by the Building Code of Australia)
- Water efficiency: 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent.
- Waste efficiency: A Waste Management Plan prepared in accordance with the current version of the City of Melbourne's Guidelines for Waste Management Plans.

The Scheme also states that *'Applications for alterations and additions should be assessed against the performance measures in the table above in so far as they are applicable to the alterations and additions to the building.'*

In regard to energy efficiency:

- N/A

In regard to water efficiency:

- The WSUD report by Urban Leaf dated 04/06/2021 Rev A and the architectural plans by O'Connor and Houle dated 30/04/2021 were referred to Council's ESD and Green Infrastructure Officer. Council's ESD and Green Infrastructure Officer recommended the report be endorsed, and that the details of the report be included on the ground floor plan of the endorsed architectural drawing. This will be required by Condition 1 of any permit issued.
- A permit condition requiring an Environmentally Sustainable Design (ESD) Report is recommended to ensure the development will achieve the ESD performance requirements of Clauses 22.19.

In regard to waste management:

- A Waste Management Plan was not considered to be required given the Site is already serviced by Council's residential waste team.

It is therefore considered that the proposed development will meet the relevant requirements of *Clause 22.19 Energy, Water and Waste Efficiency*.

#### 10.7.2 Stormwater Management (Water Sensitive Urban Design)

*Clause 22.23 Stormwater Management (Water Sensitive Urban Design)* sets out the following objectives:

- *'To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- *To promote the use of water sensitive urban design, including stormwater re-use.'*

See discussion above.

Subject to a condition being included on any permit being granted requiring a stormwater drainage system for the development incorporating best practice integrated water management design principles to be submitted to Melbourne City Council's Drainage Engineer for approval, it is considered that the objectives of Clause 53.18 (Stormwater Management in Urban Development) and requirements of Clause 22.23 (Stormwater Management (Water Sensitive Urban Design)) will be met.

### 10.8 Other Objector Concerns

#### 10.8.1 Construction of a second dwelling

The definition of a 'dwelling' as per Clause 73 (Land Use Terms) is as follows:

'A building used as a self-contained residence which must include

- a) kitchen sink
- b) food preparation facilities
- c) a bath or shower
- d) a toilet and wash basin.

It includes outbuildings and works normal to a dwelling.'

The application as lodged with Council is for an extension to the existing dwelling and has specifically excluded kitchen facilities within the extent of the proposed extension. It is also noted that the two elements (being the extension of the existing heritage building and the rear studio) are linked so far as they share car parking facilities and there is no proposal to subdivide the properties. As such, with reference to the above definition, it is considered the proposal is for an extension to the existing dwelling, not a second dwelling.

An explanatory note on any permit issued will advise the applicant that they may not install all four requirements of a dwelling within the development without seeking additional planning permission.

As a result of the above, a permit is only triggered under the Heritage Overlay and the Design and Development Overlay, as such the ambit of discretion in what Council can consider (in addition to the MSS, PPF, and LPPF) relates to the decision guidelines of the Heritage Overlay and the Design and Development Overlay. That is, Clause 54 / 55 are not relevant planning considerations. These will be assessed by a building surveyor post the issue of any planning permit. See further discussion below.

#### 10.8.2 ResCode / Amenity Impacts

Further to the above, as the proposal is not assessed under the GRZ5, the objectives and standards of Clause 54 / 55 do not apply. Notwithstanding this, a report and consent process under the Building Regulations is required before a Building Permit is obtained. As such, amenity impacts will not be assessed during this stage of the development.



An explanatory note on any permit issued will advise the permit holder that the permitted development has not been assessed against Clause 54 / 55 of the Melbourne Planning Scheme (ResCode) because the size of the lot exceeds 300 square metres and a planning permit is only required under the Heritage Overlay and Design and Development Overlay. As such, a Rescode assessment is the responsibility of the relevant Building Surveyor.

### 10.8.3 Undesirable Precedent

As discussed in the assessment above, the proposal has considered all relevant provisions of the Melbourne Planning Scheme and is seen as a positive urban design and heritage response. As such, the proposal is not considered to result in undesirable precedent.

## 11 OFFICER RECOMMENDATION

Having considered all relevant provisions of the Melbourne Planning Scheme, in addition to the matters required under Section 60 of the Planning and Environment Act 1987, Management recommends that the Future Melbourne Committee direct that a Notice of Decision to Grant a Permit be issued, subject to the conditions set out below.

### 11.1 Permit Preamble

Partial demolition, buildings and works, and external alterations associated with the extension to an existing dwelling within the General Residential Zone Schedule 5, Heritage Overlay Schedule 6, and the Design and Development Overlay Schedule 15.

### 11.2 Permit Conditions

#### Layout not altered

1. Prior to the commencement of the development, an electronic set of plans drawn to scale, must be submitted to and approved by the Responsible Authority, generally in accordance with the plans prepared by O'Connor and Houle Architects and Landscapes dated 28 September 2021 (Rev P3) but amended to show:
  - a. Dimensioning the height of the pergola element to the north side courtyard, to the satisfaction of the responsible authority.
  - b. The location of each raingarden detailed in the WSUD report prepared by Urban Leaf (dated 4 June 2021, Rev A) must be included on the ground floor plan, including a notation showing the surface area of each one. The proposed location and size of each raingarden is as follows (or as otherwise required by the WSUD report):
    - i. 2sqm raingarden located in the north courtyard garden.
    - ii. 2sqm raingarden along the southern edge of the outdoor living space.
    - iii. 2sqm raingarden located along the eastern edge of the rear lawn area.
  - c. Any changes required by the swept path diagrams and details of the functionality of the turntable as specified by the corresponding condition below (where relevant to be shown on plans).

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

#### Layout not altered and satisfactory completion

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. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.
4. Prior to the occupation of the development, all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.

#### **Swept Path Diagrams**

5. Concurrent with the endorsement of plans under Condition 1, swept path diagrams and details of the operation of the turntable must be submitted to and approved by the Responsible Authority.

#### **Environmentally Sustainable Design**

6. Prior to the commencement of the development, an Environmentally Sustainable Design (ESD) Statement shall be prepared by a suitably qualified professional and be submitted and approved to the satisfaction of the Responsible Authority. The ESD Statement must demonstrate that the building has the preliminary design potential to achieve the following:
  - a. 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent.

#### **Water Sensitive Urban Design**

7. The outcomes specified in the WSUD report prepared by Urban Leaf (dated 4 June 2021, Rev A) must be achieved in the completed development, to the satisfaction of the Responsible Authority.

Any change during detailed design, which prevents or alters the attainment of the performance outcomes specified in the endorsed WSUD Statement, must be documented by the author of the endorsed WSUD statement in an addendum to this report, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of the development.

#### **Construction Management Plan**

8. Prior to the commencement of the development, including demolition and bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group.

This construction management plan must be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:

- a) public safety, amenity and site security.
- a) operating hours, noise and vibration controls.
- b) air and dust management.
- c) stormwater and sediment control.
- d) waste and materials reuse.
- e) traffic management.
- f) protection of street trees.

#### **Civil Engineering**

##### *Drainage connection underground*

9. 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 – Infrastructure and Assets. 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.

*Drainage and construct access*

10. Prior to the commencement of the use/occupation of the development, 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 – Infrastructure and Assets.

*Roads*

11. All portions of roads and laneways affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.

*Street levels must not be altered*

12. Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Infrastructure and Assets.

*Existing street lighting not altered without approval*

13. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Infrastructure and Assets.

**Permit Expiry**

14. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within three years of the date of this permit.
  - b) The development is not completed within five 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.

**Permit Notes**

*ResCode*

The permitted development has not been assessed against Clause 54 / 55 of the Melbourne Planning Scheme (ResCode) because the size of the lot exceeds 300 square metres and a planning permit is only required under the Heritage Overlay and Design and Development Overlay. A Rescode assessment is the responsibility of the relevant Building Surveyor.

*Other Approvals May be Required*

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.

*Infrastructure and Assets*

All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – Infrastructure and Assets.

*Building Approval Required*

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.

*Building Works to Accord with Planning Permit*

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.