

TO: **COUNCIL ASSESSMENT PANEL**

DATE: **27 JANUARY 2022**

SUBJECT: **COUNCIL ASSESSMENT REPORT**

AUTHOR: **ALEXANDER STAMATOPOULOS**

ATTACHMENTS: **1. DEMOLITION DETAILS**
2. CONCEPTUAL ARCHITECTURAL PLANS
3. PLANNING CONSULTANT REPORT
4. STRUCTURAL CONDITION ASSESSMENT 71 JETTY ROAD, BRIGHTON
5. STRUCTURAL CONDITION ASSESSMENT 73 JETTY ROAD, BRIGHTON
6. BRIGHTON HERITAGE REVIEW SHEET PRODUCED BY MCDUGALL AND VINES 1998
7. COUNCIL ENGINEERS REPORT
8. COUNCIL HERITAGE REPORT

DA NO.	:	<u>110/00023/21</u>
APPLICANT	:	<u>ELVIO FERRARA DESIGN AND CONSTRUCT</u>
LOCATION	:	<u>71 – 73 JETTY ROAD, BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 26 NOVEMBER 2020</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE – MEDIUM DENSITY POLICY AREA 5</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>DEMOLITION OF EXISTING LOCAL HERITAGE PLACES 71 AND 73 JETTY ROAD BRIGHTON</u>
REFERRALS	:	<u>HERITAGE AND ENGINEERING</u>
CATEGORY	:	<u>CATEGORY ONE</u>
REPRESENTATIONS	:	<u>NOT APPLICABLE</u>
RECOMMENDATION	:	<u>DEVELOPMENT APPROVAL</u>

1. Subject Site and Locality

The subject site is situated in the Medium Density Zone and accommodates two commercial land uses. Both properties proposed to be demolished are listed as Local Heritage Places in the Holdfast Bay Development Plan.

At first glance, the buildings are representative of the 1920s development along Jetty Road, Brighton which was part of a broader development of beach-side suburbs during the Inter-War period as places for holiday and recreation and increased suburban development. This was partly fuelled by improved transport including the opening of a train line to Brighton in 1913 and subdivision of land for residential purposes during the 1920s. In this respect, buildings at 47 Jetty Road, 49 Jetty Road, 67-69 Jetty Road and the subject buildings are all former shops that are representative of the early commercial development of Brighton. In addition, they are all listed as local heritage places.

It is also relevant that the form of the buildings and the historical analysis in the heritage assessment sheet suggest that at least part of the buildings were constructed earlier than the 1920s. The heritage assessment sheet states that the first building was constructed as Tea Rooms for the owner, Harry

Southcott, in 1914. The Tea Rooms were apparently converted to a billiard hall in 1921 and additional shops were built at that time, although the assessment sheet is not clear on which shops. Southcott's Billiard Hall was apparently well-known and it is said that Walter Lindrum played there. The extent to which the existing building reflects the former Billiard Hall is not however apparent.



Figure 1: 71 Jetty Road Brighton (a café etc) and 73 Jetty Road Brighton to the right



Figure 2: Aerial view of subject site



Figure 2: Aerial image showing locality highlighted

The locality comprises the retail and commercial precinct between Elm Street and the Esplanade, which includes the Esplanade Hotel, the historic Pier building and other Local Heritage Listed buildings (the closest at 49 Jetty Road) comprising a range of shops, cafes and restaurants, many with outdoor eating areas. Residential dwellings are located behind and on the upper floors of some of the buildings and also on the opposite side of Jetty Road. Buildings are single or two storeys in height and within the commercial strip are constructed to Jetty Road with verandahs/balconies over the footpath.

2. Proposed Development

The application proposes to demolish 71 and 73 Jetty Road Brighton which are listed as local heritage places. The applicant has submitted structural condition assessment reports produced by TMK consulting engineers. The engineer reports state that both buildings are past the end of their design life due to state of the structural timber work.

The applicant has also attached conceptual plans of replacement buildings which will be lodged separate to this application if the demolition was supported by the Council. The land use plans do not form part of this application.

3. Procedural Matters

The demolition of a heritage place is not listed as a Category 1 or 2 development in Schedule 9 of the Development Regulations.

The Council considers the application to be a development that is of a minor nature and therefore a Category 1 Development subject to Schedule 9 Part 1 2 (g) of the Development Regulations.

2 Except where the development is classified as non-complying under the relevant Development Plan, any development which comprises—

(g) a kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.

The application seeks demolition which will result in the physical removal of a building from the site. Such a development is considered be of a minor nature that will not unreasonably impact the owners or occupiers of land in the locality of the site of the development.

4. Development Plan Provisions

The proposed development is considered to meet the intent of the majority of relevant Objectives and Principles of the Holdfast Bay (City) Development Plan. The following tables contain a detailed assessment of the proposal against the provisions of the Development Plan:

HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT – GENERAL SECTION – HERITAGE PLACES

Objectives	
1. The conservation of State and local heritage places.	The application seeks to demolish the heritage places
2. The continued use, or adaptive re-use of State and local heritage places that supports the conservation of their cultural significance	Due to the structural state of the buildings adaptive re-use is not a viable option
3. Conservation of the setting of State and local heritage places	Does not comply
Principles of Development Control	
1. A heritage place spatially located on Overlay Maps – Heritage and more specifically identified in Table HoB/5 - State Heritage Places or in Table HoB/4- Local Heritage Places should not be demolished, destroyed or removed, in total or in part, unless either of the following apply: (a) that portion of the place to be demolished, destroyed or removed is excluded from the extent of the listing identified in the Table(s) (b) the structural condition of the place represents an unacceptable risk to public or private safety and the place cannot reasonably be rehabilitated.	(a) The buildings in their entirety are proposed to be demolished (b) The buildings do not represent an unacceptable risk to private or public safety, however they cannot be reasonably rehabilitated.

HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT

5. Summary of Assessment

Heritage

The Relevant development plan policy seeks retention, conservation and adaptation of heritage places.

Heritage Places PDC 1(a) deals specifically with the question of demolition of a heritage place and states:

A heritage place spatially located on Overlay Maps – Heritage and more specifically identified in Table HoB/5 - State Heritage Places or in Table HoB/4- Local Heritage Places should not be demolished, destroyed or removed, in total or in part, unless either of the following apply:

(a) that portion of the place to be demolished, destroyed or removed is excluded from the extent of the listing identified in the Table(s)

In relation to PDC 1(a), the application is to demolish both buildings in their entirety. As this is the case the application was referred to consulting heritage architect Andrew Stevens who provided a detailed review of the history of the buildings and their current heritage status.

Andrew provided the following summary:

Given the changes that have occurred and the lack of clarity around the extent of listing, I think that the heritage status of all three buildings is questionable. More information is needed however to be definitive and more thorough historic research and physical analysis would assist in determining the heritage value of the buildings.

It was mentioned in the response that the buildings have been subject to significant change since the 1920's with non-historic elements constructed to the facades. When examining the heritage status of the buildings, the simple question is whether the buildings have changed since the time of the listing rather than whether they have changed since the 1920's. The simple answer is 'no, they haven't' so the listing remains relevant. However on the contrary, the heritage value of the buildings was considered as 'questionable' in the response provided by Andrew Stevens.

Engineering

The applicant engaged in TMK consulting engineers who provided structural condition assessment reports for both buildings. The Council also engaged in a consulting engineer to provide an opinion on the structural condition of both buildings.

PDC 1(b) is shown below and relates to the assessment criteria that must be met for a building to contain merit for demolition from a structural perspective.

A heritage place spatially located on Overlay Maps – Heritage and more specifically identified in Table HoB/5 - State Heritage Places or in Table HoB/4- Local Heritage Places should not be demolished, destroyed or removed, in total or in part, unless either of the following apply:

(b) the structural condition of the place represents an unacceptable risk to public or private safety and the place cannot reasonably be rehabilitated.

The reports provided by both consulting engineers concluded that the buildings are at the end of their useful life. It was also mentioned that extensive and regular maintenance would be required to maintain structural integrity. While these points are noted in favour of demolition, to satisfy PDC 1(b) the buildings will need represent an unacceptable risk to public or private safety and the buildings cannot reasonably be rehabilitated.

The building's condition are such that they are not structurally compromised to the point of being dilapidated or dangerous subject to the structural engineer's advice and also evidently by its ongoing economic use as commercial premises. However, when considering the deterioration to the structural timber work it was determined by both consulting engineers that the buildings cannot be reasonably rehabilitated.

Discussion

The application does not satisfy PDC's 1(a) and (b) to support demolition. To determine whether demolition is appropriate or not the heritage and engineering aspects of the buildings need to be assessed holistically. The heritage advice received by Andrew Steven's raised ambiguity regarding the heritage status of the buildings. It was questioned whether the original 1920's elements of the building have been compromised by additions and alterations made since the construction of the buildings.

The questionable heritage status of the buildings, married with the structural concerns lean toward support of demolition. While the buildings are not an unacceptable safety risk they have been demonstrated to be at the end of their useful life. It can also be argued that they cannot be 'reasonably rehabilitated' based on the advice provided by both consulting engineers.

The buildings are in excess of 100 years old and have been subject to salt damage due to their proximity to the sea. As the masonry components of the building are made of timber the ongoing maintenance and upkeep is not considered be reasonable nor will it guarantee the longevity of the building well into the future.

When taking both the heritage and engineering advice on board, it is difficult to support retention of the buildings.

6. Conclusion

When assessed against the relevant provisions of the Development Plan, it is considered that the proposal on balance satisfies the relevant provisions of the Development Plan. Accordingly, the proposal warrants Development Approval subject to conditions.

7. RECOMMENDATION

- 1. The proposed development is NOT seriously at variance with the policies in the Development Plan.**
- 2. Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to grant Development Approval to Development Application 110/00023/21 subject to the following conditions:**

PLANNING CONDITIONS

- 1. That the demolition shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**