

**STATUTORY PLANNING COMMITTEE**  
**12 SEPTEMBER, 2005**

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<b>B2</b>	<b>40 SHELLEY STREET, ELWOOD</b>
<b>ADDRESS:</b>	40 Shelley Street, Elwood
<b>PROPOSAL:</b>	Building and works comprising the demolition of an existing outbuilding (shed) and construction a double-storey dwelling, garage and crossover in association with the existing dwellings on the site
<b>WARD:</b>	Ormond
<b>NEIGHBOURHOOD</b>	Elwood/Ripponlea
<b>TRIGGER FOR DETERMINATION BY</b>	More than 10 objections
<b>APPLICATION NO.:</b>	428/2005
<b>APPLICANT:</b>	T. Faull & D. Menadue, C/- Urban Edge Consultants
<b>EXISTING USE:</b>	Double storey building housing three apartments
<b>ABUTTING USES:</b>	Two storey detached building housing several apartments to the north, a single storey interwar period house to the east and west, and two-storey interwar apartments opposite.
<b>ZONING:</b>	Residential 1 Zone
<b>OVERLAYS:</b>	Heritage Overlay (HO8); Special Building Overlay (SBO1)
<b>AMBIT OF DISCRETION:</b>	<p>A planning permit is required to construct a dwelling if there is at least one dwelling existing on the lot in the Residential 1 Zone.</p> <p>A planning permit required to demolish a building, construct a building, externally alter a building, construct or carry out works, and externally paint a building in the Heritage Overlay.</p> <p>A planning permit is required to construct a building or construct or carry out work in the Special Building Overlay.</p>
<b>PLANNING SCHEME PROVISIONS:</b>	Clause 32.01 – Residential 1 Zone Clause 43.01 – Heritage Overlay Clause 44.05 – Special Building Overlay Clause 55 (Rescode)
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Expired
<b>RESPONSIBLE EXECUTIVE DIRECTOR:</b>	Geoff Oulton, Executive Director City Development
<b>AUTHOR:</b>	Suzy Thomas

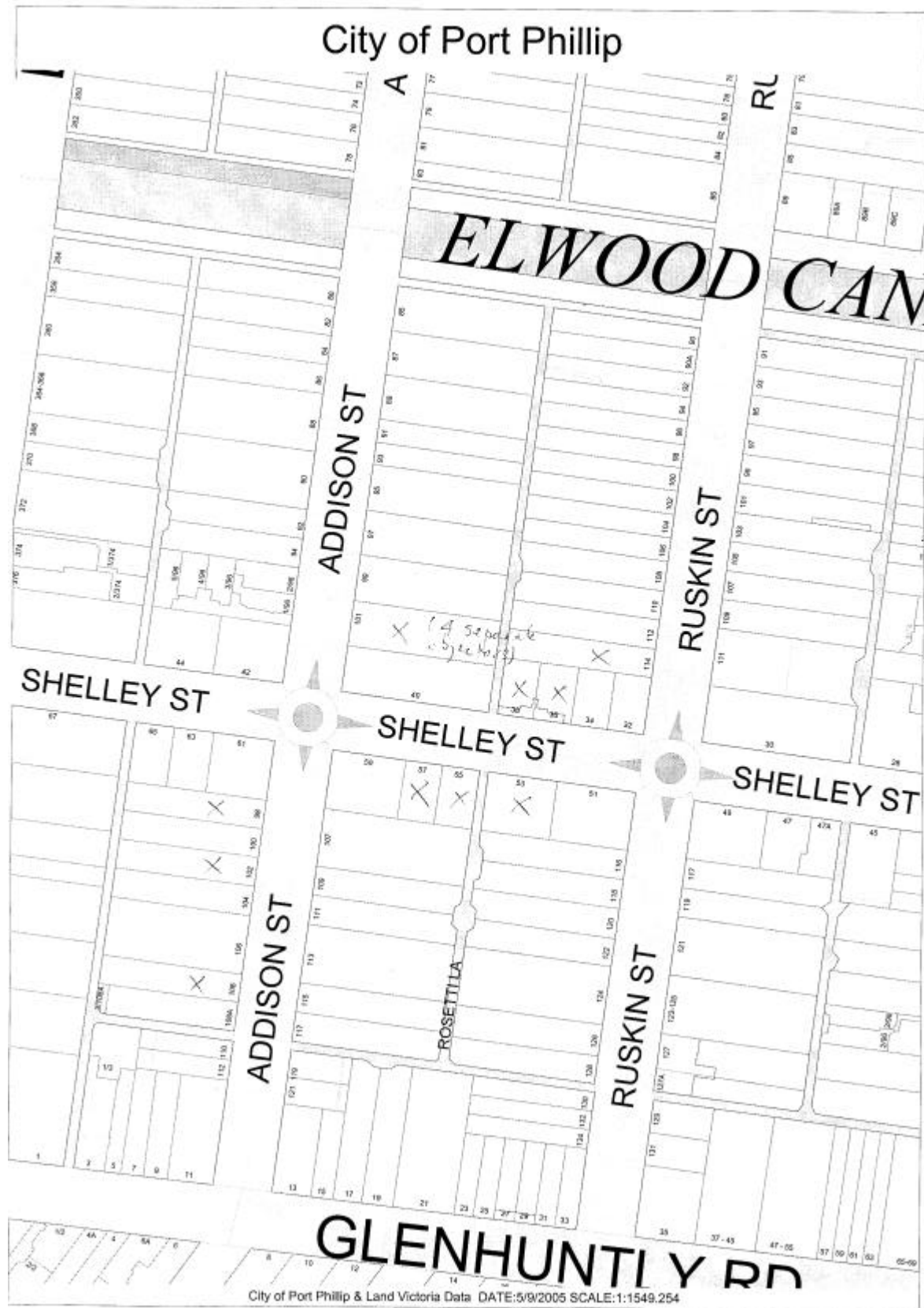
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**1. EXECUTIVE SUMMARY**

- 1.1. It is proposed to demolish a single storey outbuilding at the rear of the existing double-storey apartment building and construct a double-storey dwelling comprising three bedrooms and a two-car garage, accessed off the unnamed laneway that abuts the subject site at the rear. The existing crossover on Shelley Street would also be relocated approximately 1.5 metres to the west and four-on-site car spaces (two in tandem) would be created at the rear of the existing building for the three apartments.
- 1.2. Thirteen (13) objections were received to the application.
- 1.3. A consultation meeting was held with the objectors. The main issues of concern related to building height and bulk, including walls on boundaries, the contemporary nature of the architecture, loss of existing vegetation, shadows and overlooking.
- 1.4. Following the consultation meeting, the applicants submitted further shadow diagrams to indicate the extent of shadow cast from the existing and proposed conditions. The applicants also advised that they would screen the upper level windows and balcony in accordance with Rescode requirements to prevent any overlooking of adjacent properties.
- 1.5. Council's Heritage Adviser raised no objection to the proposal, having regard to the heritage significance of the existing building on the site and the surrounding buildings. It is considered that the proposal is a good example of contemporary infill development and should be approved subject to conditions.

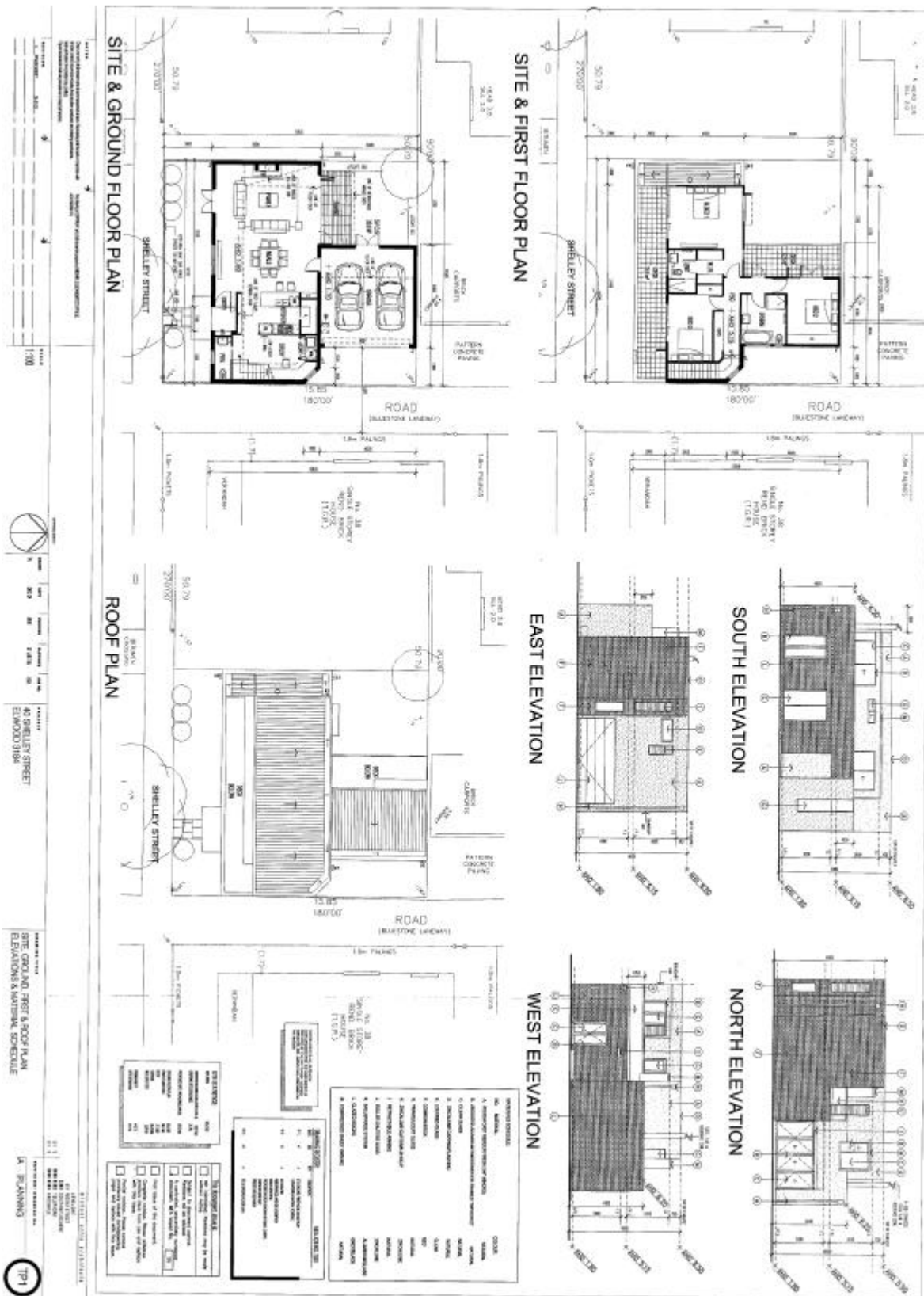
KEY ISSUES

1. Building design, scale and streetscape character.
2. Neighbour amenity (overlooking, overshadowing).
3. Loss of vegetation.



Subject Property  Objectors X Supporters ✓







## **2. SUBJECT SITE AND SURROUNDINGS**

- 2.1. The subject site is located on the north-east corner of Shelley and Addison Streets in Elwood. The land is rectangular in shape and has a width of 50.79 metres, a depth of 15.85 metres and an overall site area of 805.02m<sup>2</sup>. The site, which abuts a 3 metre wide unnamed laneway at the rear, is developed with a detached two-storey interwar building housing three apartments. There is a detached single storey outbuilding to the rear of the existing building, which has been used as a garage in the past but is currently being used for storage. An existing crossover from Shelley Street provides access to this building.
- 2.2. All surrounding land has been developed for residential purposes. The property immediately to the north, at 101 Addison Street, contains a two-storey interwar building housing several apartments. Vehicle access to the garages for these apartments is provided to the rear of the site, from the laneway. The site to the east, at 38 Shelley Street, is developed with a single storey interwar dwelling which forms part of a pair of dwellings with No. 36. The properties to the south, opposite the subject site, are developed with two-storey interwar apartment buildings, while the property to the west, on the opposite side of Addison Street, is developed with a single storey dwelling orientated to face Shelley Street.
- 2.3. One previous planning permit has been approved for the site. Permit No. 130/1999 was approved on 04 March 1999 for external painting of the existing apartment building.

## **3. PROPOSAL**

- 3.1. The application proposes the following:
  - Demolition of the existing single storey outbuilding to the rear of the two-storey apartment building.
  - Construction of a three-bedroom, two-storey dwelling at the rear of the site, with vehicle access to a double garage provided off the laneway.
  - Relocation of the existing crossover to Shelley Street (the crossover is proposed to be moved 1.5 metres to the west) and the creation of four on-site car spaces for the existing three apartments. Two tandem spaces would be provided to the three-bedroom apartment while the one space each would be provided to the two, two-bedroom apartments.
- 3.2. The new dwelling would comprise the following:
  - Ground level:  
Open plan kitchen/dining/living area, powder room, laundry, study area beneath the stairwell, double car garage and private open space area of 32m<sup>2</sup>.
  - First floor level:  
Three bedrooms, one with walk-in robe and ensuite, a second bathroom and two separate deck areas – one on the south elevation (facing Shelley Street)

and extending off Bedrooms 1 and 3 and the other on the west elevation extending off Bedroom 2.

- 3.3. The dwelling would be oriented to face Shelley Street and would be setback 3 metres from the boundary on the ground floor and 5 metres from the boundary on the first floor. Part of the east-facing wall would be constructed along the east boundary, abutting the laneway, while the north-facing wall would be constructed along the north boundary, abutting a row of single storey brick carports to 101 Addison Street. The overall height of the development would be 6.9 metres.
- 3.4. It is noted that when the application was initially lodged with Council, the upper floor setback was the same as the ground floor (ie. 3 metres from Shelley Street) and Bedroom 2 on the first floor was setback 1.8 metres from the north boundary (abutting the single storey carports at 101 Addison Street). The Planning Officer and Council's Heritage Adviser advised the applicant that the south elevation facing Shelley Street lacked articulation and was too monolithic in its massing and that the upper floor setback needed to be increased to create a more recessive first floor. It was suggested that a 5 metre setback would be appropriate to reduce the visual bulk to the streetscape.

As a result of these concerns, the applicant submitted amended plans with a 5 metre setback on the first floor, with the north wall of Bedroom 2 relocated to the north boundary abutting the single storey carports at 101 Addison Street and the west wall of Bedroom 1 pushed further to the west.

- 3.5. The construction of the new dwelling would be in a contemporary style, with a flat roof. Materials for the external surfaces of the dwelling would be a mixture of rough cast render in a natural finish and red face brick for the main walls, and glazed bricks in a grey/black finish as a feature. New windows would be anodised aluminium with clear glass.
- 3.6. A number of existing trees and shrubs would be removed from the site to accommodate the development. It is proposed to re-landscape the whole of the land, including new trees, shrubs, ground covers and climbers to the front and rear of the land.
- 3.7. The new front fence would feature iron pickets along Shelley Street to 1200mm high, with a gate providing pedestrian access.
- 3.8. The existing two-storey apartment building on the subject site would not be altered.

#### **4. INTERNAL CONSULTATION**

##### **4.1. Heritage**

The subject site is identified as a **Significant Heritage Place** in the Port Phillip Heritage Review 1998.

The application was initially referred to Council's Heritage Adviser, which resulted in revised plans being submitted showing an increase in the setback of the first floor from Shelley Street (and subsequent changes to setbacks from the north and west boundaries) and minor changes to the articulation of

the façade. These revised plans were again referred to Council's Heritage Adviser who commented as follows:

*The applicant has addressed most of the urban design and heritage issues in the amended plans.*

- *The increased setback of 5m to the upper floor is now site responsive and the building envelope relates to the setback of the existing heritage apartments reducing the visual bulk to the streetscape.*
- *The south-facing balcony will encourage passive streetscape surveillance as will the reduced fence height to 1.2m. Both changes reflect positive urban design outcomes;*
- *The relocation of bedroom 3 to the north and bedroom 1 to the west are in response to the revised streetscape setback to the first floor and will have minimal impact;*
- *The inclusion of solar control to the north and west address previous heat load concerns;*
- *The applicant was previously advised, that where there was a corner junction and different materials met, that this should be a clean crisp detail (a steel angle was suggested to the corner). In particular, the junction of the brickwork to the ground and first floor on the south east corner. Note that the rough cast render wraps around the corner at ground floor level, but to the brickwork section there is a distinct change in materials that will be highly visible from the streetscape as oblique views.*
- *Architecturally the design presents as a simple utilitarian response and encourages positive urban design outcomes in a heritage context.*

#### **4.2. Parking and Traffic**

The original application referred to Council's Sustainable Transport Engineer showed the front (east) wall of the garage setback 1 metre from the property boundary. This setback, coupled with the 3 metre wide laneway, left an effective width of 4 metres for vehicles to maneuver into and out of the site. Council's Sustainable Transport Engineer advised that the 4 metre clearance was not adequate for the garage to operate in a workable manner. As a result, amended plans were submitted showing an increased setback of the garage from the laneway to 2.3 metres, giving a clearance of 5.3 metres from the garage to the far (east) end of the laneway. This width was considered acceptable and would enable vehicles to comfortably enter and exit the site.

In relation to the relocation of the existing crossover from Shelley Street, the following comments were provided:

*I have no problem with the Shelley Street crossing, however it is the applicant's responsibility to ensure that it is constructed in a manner consistent with the existing bluestone kerb and channel.*

#### **4.3. Notice and Consultation**

Notice of the application was given by the erection of signs on the Shelley Street and Addison Street frontages of the site and by letter to twenty-five (25) adjoining or nearby property owners and occupiers.

Thirteen (13) objections were received to the proposal. The grounds of objection are summarised as follows:

- Overshadowing
- Overlooking
- Overdevelopment of the site
- Loss of neighbourhood character
- Loss of significant vegetation on the site
- Loss of property value
- Traffic congestion in the laneway
- Excessive noise generated from cars entering and exiting the site

A consultation meeting was held on 18 August, 2005 with the applicants, objectors, Ward Councillor and Council Planner. Eight (8) objectors attended the meeting.

The main issues of concern related to building design, scale and streetscape character (including walls on boundaries), amenity issues (overlooking and overshadowing), and loss of vegetation.

In response to the resident concerns, the applicants submitted further shadow diagrams to indicate the extent of shadow cast from the existing and proposed conditions. The applications also advised that they would screen the upper level windows and balcony in accordance with Rescode requirements to prevent any overlooking of adjacent properties.

In response to concerns regarding the removal of significant trees on the site, the applicants advised that they have applied for and been granted a permit under Council's Local Laws for the removal of the eucalypt and the willow, which are graded as 'significant' trees. There are no Council controls over the removal of the remaining vegetation.

The above matters are discussed through the following body of this report and at Section 7.2.

#### **4.4. Melbourne Water**

The application was referred to Melbourne Water pursuant to Section 55 of the Planning and Environment Act. Melbourne Water advised that they had no objection to the granted of a permit subject to the following conditions and footnotes:

- 1. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.*
- 2. Finished floor levels must be a minimum of 300mm above the applicable flood level.*

3. Any new garage must be constructed with finished floor or surface levels a minimum of 150mm above the applicable flood level.
4. Any new carport or vehicle parking area must be constructed with finished floor or surface levels no lower than 350mm below the applicable flood level.
5. Amended plans must be submitted to Melbourne Water showing compliance with the above conditions.

*Footnotes to be placed on Permit*

*If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Adam Rasmussen on telephone 9235 2240, quoting Melbourne Water's reference 110247.*

*The applicable flood level for the property is 1.8 metres to Australian Height Datum (AHD).*

## **5. URBAN PLANNERS ANALYSIS OF KEY ISSUES**

### **5.1. Strategic Issues – Local Planning Policy Framework**

<b>LOCAL PLANNING POLICY FRAMEWORK</b>	<b>OFFICER'S ASSESSMENT</b>
Residential Land Use: (LPPF - CI 21.05-1):	
<b>Objectives:</b>	
Protect heritage & streetscape character.	<p><b>Achieved</b></p> <p>The character of the Shelley Street streetscape, between Addison and Ruskin Streets, is primarily a mix of federation and interwar single storey dwellings and double storey apartment buildings. This section of Shelley street includes minimal front setbacks of between 3 and 5 metres and the predominant use of render or face brickwork. Roofs in the area are generally pitched, although there are some examples of flat roofed buildings in the vicinity of the site. The surrounding context also includes a small number of contemporary multi-unit developments, such as 107 Addison Street and the development currently under construction at 109-111 Addison Street.</p> <p>The proposal would retain the existing two-storey apartment building and utilise the rear section of the subject site for residential infill development. The single storey outbuilding currently to the rear of the apartment building would be demolished, however it has minimal heritage significance and does not make a noteworthy contribution to the streetscape. The new dwelling would be consistent with other building forms in the area in terms of its setback from the front boundary (3 metres on the ground floor and 5 metres on the first floor) and scale. The two-storey scale of the dwelling would reflect the scale of the existing apartment building and adjoining and opposite buildings to the north and south. The simple façade detailing would not detract from the heritage significance of the existing building on the site and surrounding dwellings and the use of red face brick and render would reflect the materials evident in the streetscape.</p>

<p>Ensure high level of amenity &amp; design excellence.</p>	<p><b>Achieved – with conditions</b>                  The shadow diagrams submitted with the application indicate that some shadows would be cast to the adjoining property at 38 Shelley Street from 2.00pm onwards, however the additional shadows would fall within existing shadows cast by the 1.8 metre high paling fence along the west boundary of No. 38. Overshadowing would therefore comply with the relevant Rescode standard and would not result in any adverse offsite impacts.</p> <p>There is some potential for overlooking from the deck to Bedroom 2 on the first floor, from the west facing windows of Bedroom 2 and from the north facing windows of Bedroom 1, however the applicant has agreed to screen the deck and windows in accordance with the provisions of Rescode to ensure no unreasonable overlooking would result.</p> <p>In terms of design excellence, it is considered that the proposal to construct a two-storey dwelling is not out of context on this site. The design of the proposal is a simple one, which would not complete with or detract from the existing two-storey apartment building on the site or the single storey dwelling to the east, at No. 38 Shelley Street. The upper floor has been recessed to limit oblique views from the street and reduce its bulk.</p>
<p>Achieve constant residential population.</p>	<p>The proposal would result in the potential for a small increase in population by the provision of an additional dwelling on the site.</p>
<p>Encourage retention &amp; construction of larger dwellings &amp; range of housing types.</p>	<p><b>Achieved</b>                  The existing two-storey apartment building would be retained on the site. The development would provide for a new contemporary two-storey, three bedroom dwelling.</p>
<p><b>Strategies:</b></p>	
<p>Ensure new development in establishment residential areas does not adversely affect amenity &amp; neighbourhood character.</p>	<p><b>Achieved – with conditions</b>                  As detailed above, the proposal would not have any unreasonable amenity impacts on adjoining properties subject to the requirement for screening to the first floor deck and bedroom windows to prevent overlooking.</p> <p>The area is characterised by a mix of federation and interwar single storey dwellings and double storey apartment buildings. The proposed dwelling, at a height of 6.9 metres, would provide an appropriate transition between the abutting single storey dwelling (38 Shelley Street) at 4.9 metres high, and the existing building on the subject site at 8 metres high. The recessed upper floor would ensure that the developments presents with a dominant single-storey form.</p>
<p>Encourage medium density housing on sites with frontage to a Main Road or public transport route or within identified growth area on Framework Plan.</p>	<p><b>Not achieved – variation required</b>                  The subject site is not located on a main road, public transport route or within an identified growth area, however this does not mean that medium density housing is prohibited in other areas. The subject site currently contains an existing building housing three apartments and is therefore already used for the purpose of medium density housing. Given that the area is typified by other medium density developments (both old and new infill development), the construction of an additional modest-sized dwelling on the land would not have any adverse impact on the character of the area.</p> <p>Sites will naturally become available where infill development of an appropriate scale can be contemplated. The primary tests for the replacement building are unreasonable impacts on amenity and neighbourhood character. As previously noted, the development would not unreasonably impact on adjoining and nearby properties nor would it adversely impact on neighbourhood character.</p>

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Encourage energy efficient design.	<b>Achieved – with conditions</b> The dwelling has been orientated with the living areas and private open space facing north. Similarly, the master bedroom on the first floor also has excellent solar access. The efficiency of the dwelling could be improved by the inclusion of energy efficient features such as AAA rated fixtures, water storing facilities, energy efficient hot water service units etc.
Support restoration & retention of older dwellings.	<b>Achieved</b> The existing two-storey building on the land would be retained.
Ensure non-residential uses are limited in residential areas & located on Main Roads & do not result in loss of amenity for residential properties.	<b>Not applicable</b> Proposal is for residential land use only.
In transition areas, consider the affect of land use on residential opportunities.	<b>Not applicable</b> The land is within an established residential area.
<b>Elwood &amp; Ripponlea Neighbourhood:</b>	
Discourage new medium density housing in established residential areas, except in appropriate locations.	<b>Achieved</b> The subject site is currently used for the purpose of medium density housing. The site is within an area typified by medium density developments including the apartment block on the adjoining property to the north, at 101 Addison Street and the apartment block immediately opposite the site, at 59 Shelley Street. The site is within 150 metres of Barkley Street, which is serviced by a bus route. The site is also within walking distance to the school on the corner of Shelley and Goldsmith Streets and is within reasonable proximity to local shops and other community facilities. These characteristics make the site suitable for medium density housing.
Protect large & single dwellings.	<b>Achieved</b> The existing two-storey building on the site would be retained and would continue to be used for three apartments.
Protect residential character of Marine Parade & Ormond Esp.	<b>Not applicable</b> The subject site is not on Marine Parade or Ormond Esplanade.
<b>Neighbourhood Character: (LPPF-CI 21.05–3):</b>	
Respond to site, its context & integrate with & enhance the prevailing neighbourhood character.	<b>Achieved</b> Refer to discussion above.  Although the new dwelling is contemporary in design, it would respect the character of the street through its scale, bulk, form and massing. The proposed dwelling would borrow on the infill development evident further south along Addison Street and would not be out of context with its surrounds.  The proposal to construct a simply designed two-storey dwelling with a recessive upper floor is considered to be a suitable infill dwelling for this

	<p>site. The unassuming façade and simple detailing would not detract from the heritage significance of the existing building on the site or surrounding buildings.</p>
<b>Strategies:</b>	
Respect & enhance scale, form & setback of nearby heritage buildings.	<p><b>Achieved</b></p> <p>The new dwelling would be setback 3 metres from the front boundary (Shelley Street) on the ground floor and 5 metres on the first floor. These setbacks are consistent with the setback of the existing building on the site from Shelley Street, which varies between 2.4 and 5 metres, and is also consistent with the setbacks of other dwellings in Shelley Street. The setback provides the potential for some landscaping, which is typical of the streetscape.</p> <p>The two-storey scale of the development would also be consistent with the scale of development in the immediate area. The height of the development, at 6.9 metres, would provide an appropriate transition between the adjoining single storey dwelling at 38 Shelley Street (height of 4.9 metres) and the existing two-storey building on the site (height of 8 metres).</p> <p>The design of the development would be in a contemporary style with a flat roof and would be easily distinguishable from the original building on the site. Its simple façade and detailing however, would not detract from the significance of the surrounding heritage buildings. The use of materials including face brickwork and render would reflect the predominate materials in the area and in this regard, would be contextual.</p>
Retain low-rise scale of established residential areas.	<p><b>Achieved</b></p> <p>The two-storey scale of the development would be consistent with the two-storey scale of the surrounding area.</p>
Respond to characteristics of adjacent and nearby buildings in relation to prevailing scale, orientation, side & rear setbacks.	<p><b>Achieved</b></p> <p>Refer to discussion above.</p>
Encourage retention of existing street trees.	<p><b>Achieved</b></p> <p>The proposal would not affect any existing street tree.</p>
Encourage retention of established trees & vegetation in front & side setbacks where this is an important part of streetscape character.	<p><b>Achieved in part - variation required</b></p> <p>Two large trees in the rear of the site (a eucalypt and a willow) would be removed to accommodate the development. These trees are graded as 'significant' under Council's Local Law and the applicant has obtained a permit from local laws for their removal. An arborists report (prepared by Treelogic) was submitted with the application and noted that the eucalypt was functionally inappropriate to its location given the proximity of surrounding infrastructure, namely the location of a brick carport approximately 400mm north of the base of the trunk (abutting the common boundary with No. 101 Addison Street). The report also noted that the willow, which is maturing, is a relatively short lived species and has had a history of branch failure and is not expected to be a longer term landscape component.</p> <p>The development would provide substantial potential for landscaping, therefore the trees that would be removed could be replaced with species more suitable for the area and planted in more appropriate locations. A variation can be supported given that the removed trees would be replaced with new trees, shrubs and groundcovers as part of the re-landscaping of the site.</p>
Encourage retention	<p><b>Not achieved – variation required</b></p>

of mature trees on private property.	Refer to discussion above.
<b>Residential Neighbourhood Character Policy (CI 22.01).</b>	
Discourage development that adversely affects the character of area or the amenity of adjoining properties.	<p><b>Achieved</b> The proposal would not cause overshadowing or unreasonable overlooking or visual and building bulk to adjacent and nearby properties.</p> <p>The character of the area is defined by mix of federation and interwar single storey dwellings and double storey apartment buildings. The two-storey scale of the development would therefore be consistent with the character of the area. The development would be in a contemporary style with a flat roof and would be easily distinguishable from the existing building, however its simple detailing would not detract from the heritage significance of surrounding buildings.</p> <p>Refer also to discussion above.</p>
Encourage design responses which identify & show how contributory heritage buildings outside of the Heritage Overlays have been considered where they form part of the neighbourhood character.	<p><b>Not applicable</b> The site is within a Heritage Overlay and is surrounded by significant and contributory graded heritage buildings.</p>
<p>Respect &amp; where possible enhance character elements for local neighbourhoods:</p> <p><i>Elwood &amp; Ripponlea:</i></p> <ul style="list-style-type: none"> <li>- Detached dwellings with generous front, side &amp; rear setbacks;</li> <li>- Consistent architectural character;</li> <li>- Building heights from 1-2 storey (single house) to 2-3 Storey (flats);</li> <li>- Consistent inter-war streetscapes.</li> </ul>	<p><b>Partially achieved – variation required</b> The development would retain the existing two-storey detached apartment building on the subject site. The rear setback area would be used to accommodate the new dwelling. The new dwelling would be setback 3 metres from Shelley Street on the ground floor and 5 metres on the first floor. These setbacks are consistent with the setbacks of other dwellings in the street and allows for some landscaping to the street. There would be ample room to the rear of the new dwelling for some substantial landscaping, including the planting of large trees.</p> <p>The architectural character of the area is defined by the predominance of two-storey development with pitched roofs, face brick or rendered facades and tiled roofs. The proposed dwelling would reflect this character through its two-storey scale and use of materials (render and red face brick), but would be contemporary in appearance and incorporate a flat roof. The dwelling would be easily distinguishable from the original building on the site but at the same time would not detract from the heritage significance of the area.</p>
<b>Urban Design (MSS CI 21.05-4):</b>	
<b>Objectives:</b>	
Provide net improvement in the public realm, including minimising	<p><b>Achieved</b> The proposal would not cause overshadowing or wind tunnelling to Shelley Street and the design, massing, scale and appearance of the new dwelling would not detract from the character of the area.</p>

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impacts such as overshadowing, wind tunnelling & appearance.	
Development to be high quality, enhance streetscape amenity, neighbourhood character & minimise detrimental impact on neighbouring properties.	<b>Achieved</b> Refer to discussion above.
Consistent with Design and Development Overlay requirements.	<b>Not applicable</b> The subject site is not within a Design and Development Overlay.
Encourage gradual stepping up of built form at interface of existing low rise & proposed higher rise development.	<b>Achieved</b> The existing building on the subject site is two-storey, at a height of 8 metres. The adjoining property to the north (101 Addison Street) is also two-storeys and of a similar height, while the abutting property to the east (38 Shelley Street) is single storey, at a height of 4.9 metres. The proposed development, at 6.9 metres, would provide a suitable transition between the existing single storey dwelling at No. 38 and the two-storey building on the subject site.
Sensitively site solar panels, satellite dishes, air conditioning units & other building equipment.	<b>Condition required</b> No details of plant or equipment is indicated on the plans submitted with the application. Condition required regarding the location of air conditioning units and other building equipment.
Sensitively site plumbing & servicing equipment.	<b>Condition required</b> No details of plumbing and servicing equipment is indicated on the plans submitted with the application. Condition required regarding location of servicing equipment.
<b>MSS CI 21.05-7 - Park land &amp; open space</b>	
Protect Port Phillip parks & open space from overshadowing by private development.	<b>Achieved</b> The land does not abut and would not overshadow any Port Phillip park or open space.
<b>Elwood &amp; Ripponlea Neighbourhood:</b>	
Encourage new development to address & not overshadow Elwood Canal. No vehicular access directly from the Canal Reserve.	<b>Not applicable</b> The land is not in the vicinity of the Elwood Canal.
<b>Heritage (MSS CI 21.05):</b>	
<b>Objectives:</b>	
Development to be sympathetic &	<b>Achieved</b> The dwelling to the rear of the existing two-storey apartment building would

<p>respectful of heritage place, high quality design that positively contributes to heritage values.</p>	<p>be in a contemporary flat roofed style and would be easily distinguishable from the original building. The design does not attempt to mimic or replicate a particular architectural style, rather it has been designed to complement the character of the area through simple façade detailing, the use of materials evident in the wider streetscape (ie. red face brick and render) and minimal glazed areas. In this regard, the dwelling would not detract from the heritage significance of the existing and surrounding buildings.</p> <p>Council's Heritage Adviser raised no objection to the design or location of the proposed dwelling.</p>
<p><b>Strategies:</b></p>	
<p>Development respectfully &amp; harmoniously integrates with neighbourhood character.</p>	<p><b>Achieved</b> Refer to above.</p>
<p>Heritage places are to be restored, recycled or renovated in a sympathetic manner that enhances the heritage value of the place.</p>	<p><b>Achieved</b> The existing 'significant' graded building on the site would be retained. Council's Heritage Adviser raised no objection to the design or location of the proposed dwelling.</p>
<p>Conservative approach to urban consolidation – increase density only where it does not affect heritage significance.</p>	<p><b>Achieved</b> The subject site is currently used for the purpose of medium density housing – the existing two-storey building contains three separate apartments. The increase in density by the addition of a detached dwelling to the rear of the site would not affect the heritage significance of the area, given that the area is characterised by medium density developments (two-storey interwar apartment buildings and newer contemporary three storey apartment buildings).</p>
<p>Refer to <b>Statement of Significance in Heritage Review</b> – respect &amp; conserve all identified elements as follows:</p> <ul style="list-style-type: none"> <li>• Elwood/ St Kilda/ Balaclava residential areas important for late Victorian, Federation and interwar housing, esp' Vic terraces and interwar apartments.</li> <li>• Area informs about great diversity of past lifestyles &amp; living standards</li> <li>• Street trees and smaller parks represent urban landscapes of the highest planning standards of era.</li> </ul>	<p><b>Achieved</b> The proposal would retain the existing two-storey interwar apartment building on the subject site. The development would respect the heritage significance of this building as all works would be the rear of the building and would be largely obscured from view from Addison Street (note the existing building fronts Addison Street). The proposed dwelling would have a principle frontage to Shelley Street and setbacks on the ground and first floor of 3 metres and 5 metres respectively would be consistent with the setback of the existing building from Shelley Street, which varies between 2.4 and 5 metres. The heritage significance of the existing building therefore would not be diminished by the proposed development.</p> <p>The design would remove a number of existing trees, however these would be replaced with new trees, shrubs and ground covers so as to maintain the garden character of the area.</p>

<ul style="list-style-type: none"> <li>Local shopping centres have high levels of integrity, esp' Glen Eira Rd centre, with railway station and railway gardens being highly representative of the Great War era, and enhanced by group of interwar Bank houses towards its' east end.</li> </ul>	
<p><b>Heritage Policy (CI 22.04):</b></p>	
<p><b>Objectives:</b></p>	
<p>Conserve all significant/contributory buildings &amp; discourage demolition.</p>	<p><b>Achieved</b> The proposal would retain the existing two-storey interwar apartment building on the site. All works would be to the rear of this building.</p> <p>A single storey outbuilding would be demolished to accommodate the proposed dwelling, however this building has little heritage significance therefore its demolition can be supported.</p>
<p>Promote design excellence, which clearly &amp; positively supports ongoing heritage significance.</p>	<p><b>Achieved</b> In terms of design excellence, it is considered that the proposal to construct a two-storey dwelling is not out of context on this site. The design of the proposal is a simple one, which would not compete with or detract from the existing two-storey apartment building on the site or the single storey dwelling to the east, at No. 38 Shelley Street. The upper floor has been recessed to limit oblique views from the street and reduce its bulk. This, coupled with the use of materials evident in the wider streetscape (ie. red face brick and render) and minimal glazed areas, would ensure that the heritage significance of the area is not adversely affected.</p>
<p>Maintain significance of heritage place &amp; employ a contextual design approach.</p>	<p><b>Achieved in part</b> As detailed above, the existing two-storey building on the site would be retained and all works would be to the rear of the building. The significance of the heritage building would therefore be maintained and appropriate setbacks at ground and first floor for the proposed dwelling would ensure that it does not dominate the site.</p> <p>The proposed dwelling would be in a contemporary flat roofed style and would be easily distinguishable from the original building. The design does not attempt to mimic or replicate a particular architectural style, rather it has been designed to complement the character of the area through simple façade detailing, the use of materials evident in the wider streetscape (ie. red face brick and render) and minimal glazed areas. In this regard, the dwelling would not detract from the heritage significance of the existing and surrounding buildings and is considered to be contextual.</p>
<p><b>General:</b></p>	
<p>Encourage restoration &amp; reconstruction of all significant/contributory buildings, particularly in intact or substantially</p>	<p><b>Achieved</b> The existing two-storey building on the site would be retained.</p>

<p>consistent streetscapes in Heritage Overlay Area 3.</p>	
<p>Respect scale, form, siting &amp; setbacks of nearby significant/ contributory buildings.</p>	<p><b>Achieved</b>                  The new dwelling would be setback 3 metres from the front boundary (Shelley Street) on the ground floor and 5 metres on the first floor. These setbacks are consistent with the setback of the existing building on the site from Shelley Street, which varies between 2.4 and 5 metres, and is also consistent with the setbacks of other dwellings in Shelley Street. The setback provides the potential for some landscaping, which is typical of the streetscape.</p> <p>The two-storey scale of the development would also be consistent with the scale of development in the immediate area. The height of the development, at 6.9 metres, would provide an appropriate transition between the adjoining single storey dwelling at 38 Shelley Street (height of 4.9 metres) and the existing two-storey building on the site (height of 8 metres).</p> <p>The design of the development would be in a contemporary style with a flat roof and would be easily distinguishable from the original building on the site. Its simple façade and detailing however, would not detract from the significance of the surrounding heritage buildings. The use of materials including face brickwork and render would reflect the predominate materials in the area and in this regard, would be contextual.</p> <p>Council’s Heritage Architect raised no objection to the design or location of the proposed dwelling.</p>
<p>Disregard buildings atypical to the streetscape character when determining appropriate mass &amp; scale.</p>	<p><b>Achieved</b>                  The built form surrounding the site is predominantly one and two-storeys in height. The proposed dwelling would be massed to the side and rear of the site, would be low-rise (6.9 metres in height) and therefore consistent with the character of the surrounding area.</p>
<p>Contextual approach – development “sits comfortably” &amp; does not diminish significance of heritage place or streetscape character.</p>	<p><b>Achieved</b>                  The development would be to the rear of the site and largely obscured from view from Addison Street. The proposed dwelling would have a principle frontage to Shelley Street and setbacks at ground and first floor of 3 and 5 metres respectively would ensure that the heritage significance of the existing building would not be diminished (the existing building enjoys setbacks of between 2.4 and 5 metres from the street).</p> <p>The upper floor would present as a recessive element in the overall scheme while the use of materials including red face brick and render would reflect the finishes on adjoining dwellings.</p> <p>Council’s Heritage Adviser raised no objection to the design or location of the proposed dwelling.</p>
<p>Contemporary architecture encouraged.</p>	<p><b>Achieved</b>                  The proposed dwelling would be in a contemporary style with a flat roof. Elements of the design however, would reflect the character of the area including setbacks from the front boundary (Shelley Street), a two-storey scale, the use of red face brick and render on the facades and minimal glazed areas.</p>
<p>In limited cases (HO3), reproduction architecture appropriate – where</p>	<p><b>Not applicable</b>                  The site is not within the HO3 area.</p>

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evidence of original design can be established.	
Remove additions & alterations that detract from significance but retain additions & alterations that are significant (heritage adviser to advise).	<b>Not applicable</b> The existing building is in original condition with no apparent alterations. No change to this building is proposed.
<b>Demolition:</b>	
Demolition application to be accompanied by application for new development.	<b>Achieved</b> Application details proposed new development for land.
Demolition of part of heritage place allowed if significance not affected & proposed addition is sympathetic.	<b>Achieved</b> The application proposes demolition of the single storey outbuilding to the rear of the existing building. This outbuilding, which has been used as a garage in the past, is currently used for storage purposes and incorporates a gabled roof. The outbuilding appears to have little heritage significance or architectural merit and Council's Heritage Adviser has offered no objection to its demolition.  As detailed above, the proposed dwelling would be contemporary in style but would include design elements evident in the wider streetscape. In this regard, the development would be sympathetic to its environs.
Allow demolition of <b>significant building</b> only if structurally unsound & not feasibly reusable & new building displays design excellence & supports ongoing significance of area.	<b>Not applicable</b> Demolition of the existing building not proposed.
Allow demolition of <b>contributory building</b> only if structurally unsound & not feasibly reusable & new building displays design excellence & supports ongoing significance of area <u>or</u> streetscape not intact or consistent.	<b>Not applicable</b> The subject site is a Significant Heritage Place.
<b>Car parking:</b>	
No new front crossover if street frontage is narrow or if street has few or no crossovers.	<b>Achieved</b> No new crossover from Addison Street (the front street) is proposed. The existing crossover from Shelley Street would be relocated approximately 1.5 metres to the west to allow on-site parking for four vehicles for the existing apartments (one car space each for the two-bedroom apartments and two spaces in tandem for the three bedroom apartment). The proposed dwelling would be provided with off street parking for two vehicles within a garage

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	access from the laneway at the rear of the site.
On-site car park at rear or in side setback.	<b>Achieved</b> Refer to above.
Visible carports, garages & outbuildings are to complement main building & streetscape.	<b>Achieved</b> The proposed garage to the dwelling at the rear of the site would be the garage parking would be at basement level. The visible garage door would be to the northern corner of the additions and setback 10.14m from the street frontage, and limited to only 3.4m in width, and designed to integrate with, rather than dominate the street façade of the additions.
<b>Additions &amp; alterations to Heritage Places:</b>	
<ul style="list-style-type: none"> <li>- No change to facade or roof;</li> <li>- Distinguishable from original building (contemporary approach) or not easily distinguishable (reproduction approach);</li> <li>- Not obscure element that contributes to significance;</li> <li>- Maintain existing view to principal façade.</li> <li>- Upper storey addition sited &amp; massed so as not to be visible, particularly in intact or consistent streetscapes.</li> </ul>	<p><b>Achieved in part – variation required</b></p> <p>The existing building would be retained on the site. No change to the façade or roof is proposed.</p> <p>The proposed dwelling to the rear of the site would be in a contemporary style and would be clearly distinguishable from the existing building. The view to the principle façade of the existing building, from Addison Street, would be maintained, as all works would be to the rear and therefore only visible from Shelley Street.</p>
<p><b>Performance measure 1:</b></p> <ul style="list-style-type: none"> <li>- <i>If narrow street (5m) or laneway – sits within 1.6m envelope;</i></li> <li>- Within 10 degree envelope;</li> <li>- In exceptional circumstances in diverse streetscape &amp; appropriate contextual response, sits within envelope up to 18 degrees.</li> </ul>	<p><b>Not applicable</b></p> <p>The application proposes the construction of a detached dwelling and not an addition to the existing building. It is noted that the proposed dwelling would be lower in height (at 6.9 metres) than the height of the existing building on the site (at 8 metres).</p>
Visible roof form related to original building	<b>Not achieved – variation required</b> The proposed development would incorporate a flat roof, where the roof form of the existing building is pitched. Council's Heritage Adviser raised no objection to the design or location of the proposed dwelling, which would be easily distinguishable from the original building.
On corner sites,	<b>Not applicable –</b>

upper storey addition visually recessive from main frontage so original building is dominant element in either streetscape.	Upper storey addition to the existing building not proposed.
Avoid new window & door openings in principal facade, if visible, clearly relate to heritage place.	<b>Achieved</b> No new window & door openings are proposed in the principal façade or the existing building.
Walls, roofs & fences are complementary & appropriate to architectural style.	<b>Achieved in part – variation required</b> The design of the development would be in a contemporary style with a flat roof and would be easily distinguishable from the original building on the site. Its simple façade and detailing would not detract from the significance of the surrounding heritage buildings and the use of materials, including face brickwork and render, would reflect the predominate materials in the area and would therefore be contextual.  Council's Heritage Adviser raised no objection to the design of the proposed dwelling noting that architecturally, the design presents as a simple utilitarian response and encourages positive urban design outcomes in a heritage context.

**5.3. Rescode Assessment (Clause 55) – Two or more dwellings on a lot**

<p><b>Neighbourhood &amp; site description &amp; design response .</b> Neighbourhood Character:</p> <ul style="list-style-type: none"> <li>• Respect the existing n'hood character or contribute to a preferred n'hood character;</li> <li>• Respond to the features of the site &amp; the surrounding area.</li> </ul> <p><b>Standard B1 (Cannot be varied)</b></p> <ul style="list-style-type: none"> <li>• Response <b>must</b> be appropriate to the n'hood &amp; the site.</li> <li>• Design <b>must</b> respect the existing/preferred n'hood character &amp; respond to the features of the site.</li> </ul> <p><b>Standard B2</b></p> <ul style="list-style-type: none"> <li>• Dwellings <b>should</b> be orientated to front streets</li> <li>• High fencing in front of dwellings <b>should</b> be avoided.</li> <li>• Dwellings <b>should</b> promote observation of streets &amp; public open spaces.</li> </ul>	<p><b>Complies</b></p> <p>The character of the Shelley Street streetscape, between Addison and Ruskin Streets, is primarily a mix of federation and interwar single storey dwellings and double storey apartment buildings. This section of Shelley Street includes minimal front setbacks of between 3 and 5 metres and the predominant use of render of face brickwork. Roofs in the area are generally pitched, although there are some examples of flat roofed buildings in the vicinity of the site. The surrounding context also includes a small number of contemporary multi-unit developments, such as 107 Addison Street and the development currently under construction at 109-111 Addison Street.</p> <p>The proposed dwelling would be consistent with other building forms in the area in terms of it setback from the front boundary (3 metres on the ground floor and 5 metres on the first floor) and scale. The two-storey scale of the dwelling would reflect the scale of the existing apartment building and adjoining and opposite buildings to the north and south. The simple façade detailing would not detract from the</p>
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	heritage significance of the existing building on the site and surrounding dwellings. A low open steel picket front fence, at 1.2 metres high, would reflect the low style of fencing evident in the streetscape and the south-facing balcony proposed on the first floor would promote observation of both Shelley Street and the laneway.
<p><b>Clause 55.02-2 – Residential Policy</b>          Ensure that residential development accords with SPPF, LPPF &amp; local planning policies;          Support medium densities where it can take advantage of public transport &amp; community infrastructure &amp; services.</p> <p>An application <b>must</b> be accompanied by a written statement that explains how the policies are complied with.</p>	<p><b>Complies</b>          Refer to assessment under Section 6.1.</p>
<p><b>Dwelling Diversity:</b>          Encourage a range of dwelling sizes &amp; types in development of ten or more dwellings</p> <p><b>Standard B3</b>          Developments of 10+ dwellings <u>should</u> provide a range of dwelling sizes &amp; types including dwellings with a different number of bedrooms; &amp; at least one dwelling with a kitchen, bath or shower, &amp; toilet &amp; wash basin at ground floor level.</p>	<p><b>Not applicable</b>          The development is for one additional dwelling on a site containing three dwellings.</p>
<p><b>Infrastructure:</b>          Ensure provision of services &amp; infrastructure and not unreasonably overload the capacity of utility services &amp; infrastructure</p> <p><b>Standard B4</b></p> <ul style="list-style-type: none"> <li>• Development <u>should</u> connect to reticulated services.</li> <li>• Developments <u>should</u> not unreasonably exceed the capacity of utility services &amp; infrastructure.</li> <li>• Where infrastructure has little or no spare capacity, developments <u>should</u> provide for the upgrading or mitigation of the impact on services or infrastructure.</li> </ul>	<p><b>Complies</b>          The development would not unreasonably overload the capacity of utility services and infrastructure.</p>
<p><b>Integration with the Street:</b></p> <p><b>Standard B5</b></p> <ul style="list-style-type: none"> <li>• Adequate vehicle &amp; pedestrian links.</li> <li>• Orientated to front existing &amp; proposed streets.</li> <li>• Avoid high front fencing.</li> <li>• Complement existing public open space.</li> </ul>	<p><b>Complies</b>          Pedestrian entry to the dwelling would be provided off Shelley Street while vehicle access would be provided off the laneway to the rear (east). It is noted that the existing building on the site is orientated to face Addison Street as the principle street, therefore the entrance to the proposed dwelling from Shelley Street would not compete with the existing building.</p>
<p><b>Street Setback:</b>          Respect existing/preferred neighbourhood character &amp; make efficient use of the site</p> <p><b>Standard B6</b>          Walls of buildings <u>should</u> be setback as follows:</p> <ul style="list-style-type: none"> <li>• Where there are buildings on both abutting lots facing the same street, &amp; the site is not on a corner, the average distance of their front walls facing the same street or 9m, whichever lesser.</li> </ul>	<p><b>Complies</b>          Although named 40 Shelley Street, the existing building on the subject site clearly has a frontage to Addison Street. Shelley Street therefore becomes the side street for the purposes of Standard B6. As such, the development could be setback a minimum of 2 metres from Shelley Street in accordance with the provisions. The development however,</p>

<ul style="list-style-type: none"> <li>• Where there is a building on one abutting lot facing the same street, &amp; no building on the other abutting lot facing the same street &amp; the site is not on a corner, the same distance as the front wall of the adjacent building or 9m, whichever lesser.</li> <li>• Where there is no buildings on either abutting lot facing the same street &amp; the site is not on a corner, 6m for streets in a Road Zone Category 1, &amp; 4m for other streets.</li> <li>• Where the site is on a corner, &amp; there is a building on the abutting lot facing the front street, the same distance as the setback of the front wall of the abutting building facing the front street, or 9m, whichever lesser.</li> <li>• Where the site is on a corner &amp; there is no building on the abutting lot facing the front street, 6m for streets in a Road Zone Category 1, &amp; 4m for other streets.</li> <li>• Buildings should be setback from the side street of a corner site, the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street, or 2m, whichever is the lesser.</li> </ul> <p><b>Note 1:</b> for a corner lot, the frontage or front street is the smaller frontage. For lots with equal frontage to two streets, Council may nominate the frontage or front street.</p> <p><b>Note 2:</b> Porches, pergolas &amp; verandahs that are less than 3.6m high &amp; eaves may encroach &lt;2.5m into the setbacks.</p>	<p>proposes a setback of 3 metres on the ground floor and 5 metres on the first floor.</p>
<p><b>Building height:</b> Building height to respect existing/preferred neighbourhood character.</p> <p><b>Standard B7</b></p> <ul style="list-style-type: none"> <li>• The max. building height <u>should</u> not exceed 9m, unless the slope of the n.g.l. at any cross section wider than 8m of the site of the building is 2.5° +, in which case the max building height should not exceed 10m.</li> <li>• Change of building height between existing buildings &amp; new buildings <u>should</u> be graduated.</li> </ul>	<p><b>Complies</b> The height of the dwelling would be 6.9 metres.</p>
<p><b>Site coverage:</b> Site coverage to respect existing/preferred n'hood character &amp; respond to the features of the site <b>Standard B8:</b> Site cover <u>should</u> &lt;60%.</p>	<p><b>Complies</b> The proposed site coverage would be 53.8%.</p>
<p><b>Permeability:</b></p> <ul style="list-style-type: none"> <li>• Reduce impact of increased stormwater run-off on the drainage system;</li> <li>• To facilitate on-site stormwater infiltration</li> </ul> <p><b>Standard B9:</b> &gt;20 % of the site <u>should</u> be pervious.</p>	<p><b>Complies</b> At least 20% of the site would be permeable.</p>
<p><b>Clause 55.03-5 – Energy Efficiency Objectives</b> To achieve &amp; protect energy efficient residences; Reduce fossil fuel energy use &amp; make appropriate use of daylight &amp; solar energy</p> <p><b>Standard B10</b> Design to achieve a 4 star energy rating, using the 'FirstRate' system or equivalent.</p>	<p><b>Complies – with conditions</b> The primary living areas are located on the north side of the dwelling, as is the private open space. Features could be incorporated into the design to improve energy efficiency including AAA rated fittings, water</p>

<p>Buildings <u>should</u>:</p> <ul style="list-style-type: none"> <li>• Be orientated to make appropriate use of solar energy.</li> <li>• Ensure energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> <li>• Living areas &amp; private open space <u>should</u> be located on the north side of the dwelling, if practicable.</li> <li>• Developments <u>should</u> be designed so that solar access to north-facing windows is maximised.</li> </ul>	<p>storage facilities and energy efficient hot water service units etc.</p>
<p><b>Open Space:</b> Integrate with any public or communal open space provided in or adjacent to the development</p> <p><b>Standard B11</b> Any public or communal open space <u>should</u>:</p> <ul style="list-style-type: none"> <li>• be substantially fronted by dwellings,</li> <li>• provide outlook for as many dwellings as practicable</li> <li>• be designed to protect any natural features on the site; &amp; be accessible &amp; useable.</li> </ul>	<p><b>Not applicable</b> No communal open space proposed.</p>
<p><b>Safety:</b> Provide for the safety &amp; security of residents &amp; property</p> <p><b>Standard B12</b></p> <ul style="list-style-type: none"> <li>• Entrances <u>should</u> not be obscured or isolated.</li> <li>• Avoid planting which creates unsafe spaces.</li> <li>• Good lighting, visibility &amp; surveillance.</li> <li>• Protected from inappropriate public access.</li> </ul>	<p><b>Complies</b> The dwelling has a well-defined pedestrian entry off Shelley Street. The south facing balcony on the first floor would also provide good surveillance of the street and the laneway.</p>
<p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>• To respect the landscape character of the n'hood;</li> <li>• To provide appropriate landscaping;</li> <li>• To encourage the retention of mature vegetation.</li> </ul> <p><b>Standard B13</b> Landscape layout &amp; design <u>should</u>:</p> <ul style="list-style-type: none"> <li>• Protect any landscape features of the neighbourhood.</li> <li>• Take into account the soil type &amp; drainage patterns.</li> <li>• Allow for intended vegetation growth &amp; structural protection of buildings.</li> <li>• Provide a safe, attractive &amp; functional environment.</li> </ul> <p>Provide for retention/planting of trees, where these are part of the n'hood character.</p> <p>Replace any significant trees removed in previous 12 months.</p> <p>The landscape design <u>should</u> specify landscape themes, vegetation (location &amp; species), paving &amp; lighting.</p>	<p><b>Condition required</b> No landscaping plan was submitted with the application, however there would be adequate potential for landscaping along the frontage, facing Shelley Street, and to the rear of the proposed dwelling. The trees to be removed from the site could therefore be replaced with species more suitable for the area and planted in more appropriate locations than the current trees (eucalypt and willow).</p>
<p><b>Access:</b></p> <ul style="list-style-type: none"> <li>• Safe, manageable &amp; convenient access;</li> <li>• To ensure no. &amp; design of crossovers respects the n'hood character</li> </ul> <p><b>Standard B14</b> Accessways <u>should</u>:</p> <ul style="list-style-type: none"> <li>• Be convenient, safe &amp; efficient &amp; connect to street network.</li> <li>• Ensure forward exit direction if the accessway serves 5+ spaces, 3+ dwellings, or connects to a Road Zone.</li> <li>• Be at least 3m wide.</li> <li>• Have internal radius at least 4m at changes of direction.</li> <li>• Provide a passing area at entrance at least 5m wide &amp;</li> </ul>	<p><b>Complies</b> Vehicles would enter and exit the site into the laneway at the rear. Council's Traffic Engineers have advised that the location and layout of the proposed garage and crossover from the laneway is acceptable. Consent has also been granted for relocation of the existing crossover on Shelley Street 1.5 metres to the west.</p>

<p>7m long if accessway serves 10+ spaces &amp; connects to Road zone.</p> <p>The width of accessways or car spaces <u>should</u> not exceed:</p> <ul style="list-style-type: none"> <li>• 33% of frontage if the width of a frontage of &gt;20m; or</li> <li>40% of frontage if the width of the frontage is &lt;20m.</li> </ul>	
<p><b>Parking Location:</b></p> <ul style="list-style-type: none"> <li>• Provide convenient parking;</li> <li>• Avoid parking &amp; traffic difficulties on site &amp; in the n'hood;</li> <li>• To protect residents from vehicular noise.</li> </ul> <p><b>Standard B15</b> Car parking facilities <u>should</u>:</p> <ul style="list-style-type: none"> <li>• Be reasonably close &amp; convenient;</li> <li>• Be secure;</li> <li>• Allow safe &amp; efficient movements within the site.</li> <li>• Be well ventilated if enclosed.</li> </ul> <p>Large parking areas <u>should</u> be broken up with trees, buildings or different surface treatments. Shared accessways/car parks <u>should</u> be at least 1.5m from habitable room windows. This setback may be reduced to 1m where there is a fence at least 1.5m high or where window sills are at least 1.4m above the accessway.</p>	<p><b>Partially achieved – variation required</b></p> <p>The location of the garage would be convenient for the occupants of the proposed dwelling. The garage would adjoin a row of carports to No. 101 Addison Street and would not be adjacent any habitable room windows.</p> <p>The proposed on-site car spaces for the existing apartments would be located to the rear of the existing building. The car space immediately to the east of the existing building would be within 1.5 metres from an existing habitable room window.</p> <p>Variation to the standard to allow the car space within 1.5 metres of the window is acceptable given that the car space would be offset from the edge of the window and would not be opposite the window. The area immediately opposite the window is designated as 'future landscaping' on the plans submitted with the application. A landscape plan can therefore be submitted showing the proposed planting for this area.</p>
<p><b>Parking Provision</b></p> <ul style="list-style-type: none"> <li>• Parking appropriate to need;</li> <li>• Practical &amp; attractive design</li> </ul> <p><b>Standard B16 (Can be varied)</b> Car parking for residents <u>should</u> be provided as follows:</p> <ul style="list-style-type: none"> <li>• One space for each 1 or 2 bedroom dwelling;</li> <li>• Two spaces for each 3 or 3+ bedroom dwelling, with one space under cover.</li> </ul> <p>Separate studies/studios must be counted as bedrooms.</p> <p>Developments of 5+ dwellings <u>should</u> provide:</p> <ul style="list-style-type: none"> <li>• One space clearly marked as visitor parking per 5 dwellings.</li> <li>• Bicycle parking spaces.</li> </ul> <p>Car spaces &amp; accessways <u>should</u> have the min. dimensions specified in Table B2.</p> <p>A building may project into a car space if it is at least 2.1m above the space.</p> <p>Car spaces constrained by walls, <u>should</u> be at least 6m long &amp; have an internal width of 3.5m - single space, or 5.5m - double space.</p> <p>Car parking facilities <u>should</u> be:</p> <ul style="list-style-type: none"> <li>• Be designed for efficient use &amp; management;</li> <li>• Minimise the area of hard surface;</li> </ul>	<p><b>Complies</b></p> <p>The proposed three bedroom dwelling would be provided with two parking spaces.</p> <p>The three apartments in the existing building would also be provided with on-site parking to the rear of the building. One space would be provided to each of the two, 2-bedroom apartments while two tandem spaces would be provided to the 3-bedroom apartment.</p>

<ul style="list-style-type: none"> <li>• Be designed, surfaced &amp; graded to reduce run-off &amp; allow stormwater to drain into the site; &amp;</li> <li>• Lit.</li> </ul>	
<p><b>Side &amp; rear setbacks:</b> Ensure heights &amp; setbacks from a boundary respects the existing/preferred n'hood character &amp; limits the impact on the amenity of existing dwellings.</p> <p><b>Standard B17</b> New building not on, or within 150mm of boundary <u>should</u> be setback from side or rear boundaries:</p> <ul style="list-style-type: none"> <li>• 1m, + 0.3m per metre height over 3.6m up to 6.9m, plus 1m per metre height over 6.9m.</li> </ul> <p>Sunblinds, verandahs, porches, eaves, gutters etc may encroach not more than 0.5m. Landings of not more than 2m<sup>2</sup>, &amp; &lt;1m high, stairways, ramps, pergolas, shade sails &amp; carports may encroach into the setbacks</p>	<p><b>Complies</b></p> <p><u>First floor:</u> East – setback of 2.3m; wall height of 6.9m; required setback 1.99m <b>Complies</b></p>
<p><b>Walls on boundaries:</b> Location, length &amp; height of a wall on a boundary to respect the existing/preferred n'hood character &amp; limit the impact on the amenity of existing dwellings.</p> <p><b>Standard B18</b> New wall on/within 150mm of a side or rear boundary of a lot, or a carport on or within 1m of a side/rear boundary <u>should</u> not abut the boundary for a length &gt;:</p> <ul style="list-style-type: none"> <li>• 10m + 25% of the remaining length of the boundary of an adjoining lot; or</li> <li>• the length of an existing or simultaneously constructed wall or carport.</li> </ul> <p>whichever is greater.</p> <p>A new wall/carport may fully abut a side/rear boundary where the slope &amp; retaining walls would result in the effective height of the wall/carport being &lt;2m on the abutting property boundary.</p> <p>A building on a boundary includes a building up to 150mm from a boundary. New wall on/within 150mm of a side/rear boundary, or a carport on/within 1m of a side/rear boundary <u>should</u> not exceed an av. 3m height, with no part &gt;3.6m, unless abutting a higher existing or simultaneously constructed wall.</p>	<p><b>Does not comply – variation required</b></p> <p>North – wall to garage on ground floor and Bedroom 2 on first floor construction to boundary for a length of 4.4 metres and height of 6.9 metres, dropping down to a height of 4.6 metres for a length of 2 metres. <b>Height of wall does not comply</b></p> <p>The Decision Guidelines to Standard B18 state that before deciding on an application to vary the standard, the following must be considered (among others):</p> <ul style="list-style-type: none"> <li>- the extent to which walls on boundaries are part of the neighbourhood character;</li> <li>- the impact on the amenity of existing dwellings;</li> <li>- the opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property, and</li> <li>- the orientation of the boundary that the wall is being built on.</li> </ul> <p>The proposed wall would abut a row of single storey brick carports to the north, at 101 Addison Street. On the first floor, the garage wall would abut the carports for their whole width (5 metres), while on the first floor, the new wall would abut the carports for a length of 3 metres at a height of 6.9 metres, dropping down to a height of 4.6 metres for a length of 2 metres. The new wall would not extend past the end of the carports. The length of the wall on the adjoining boundary has therefore been</p>

	<p>minimised by aligning the proposed new wall with the existing carport wall. Although the height of the new wall would be higher than the existing carport wall height, there would be minimal impact on the amenity of the existing dwellings to the north, at 101 Addison Street. There would be no increased overshadowing as a result of the new wall – all shadows would fall to the south, away from No. 101. Visual bulk would also be reduced by a stepping down in built form on the boundary, where the wall height falls from 6.9 metres to 4.6 metres at its western end (closest to the outdoor space of No. 101). Variation to the standard is therefore appropriate.</p> <p><u>First floor:</u></p> <p>East – wall constructed to the boundary for a length of 5.8m and height of 6.9m  <b>Height of wall does not comply</b></p> <p>The section of wall on the east boundary would immediately abut the laneway. Again, the Decision Guidelines to Standard B18 state that before deciding on an application to vary the standard, the following must be considered (among others):</p> <ul style="list-style-type: none"> <li>- the extent to which walls on boundaries are part of the neighbourhood character;</li> <li>- the impact on the amenity of existing dwellings;</li> <li>- whether the wall abuts a side or rear lane.</li> </ul> <p>Walls on boundaries abutting a rear lane are common in the context of the subject site. There would be no adverse amenity impacts as a result of the development, as shadow diagrams submitted with the application indicate that no additional overshadowing to No. 38 Shelley Street (on the opposite side of the laneway) would result compared to the existing shadows cast by the side fence to this property. Similarly, there would be no visual bulk issues associated with the new wall as the laneway would provide a 3 metre buffer between the new wall and the western boundary of No. 38. Variation to the standard is therefore appropriate.</p>
<p><b>Daylight to existing windows:</b>          Allow adequate daylight into existing habitable room windows.</p>	<p><b>Complies</b>          No existing habitable room window</p>

<p><b>Standard B19</b> Buildings opposite an existing habitable room window <u>should</u> provide for a light court to the existing window, of at least 3m<sup>2</sup> &amp; 1m clear to the sky. The area may include land on the abutting lot.</p> <p>Walls or carports &gt;3m height opposite an existing habitable room window <u>should</u> be setback from the window at least 50% of the height of the new wall if the wall is within a 55° arc from the centre of the existing window. The arc may be swung to within 35° of the plane of the wall containing the window.</p> <p><b>Note:</b> Where the existing window is above ground level, the wall height is measured from the floor level of the room containing the window.</p>	<p>would be affected by the proposal.</p>
<p><b>North Facing windows:</b> Allow adequate solar access to existing north facing habitable room windows.</p> <p><b>Standard B20</b> If a north-facing habitable room window of an existing dwelling is within 3m of a boundary of an abutting lot, a building <u>should</u> be setback:</p> <ul style="list-style-type: none"> <li>• 1m, + 0.6m per metre height over 3.6m up to 6.9m, plus 1m per metre height over 6.9m, for 3m from the edge of each side of the window.</li> <li>• <b>Note:</b> A north facing window is a window with an axis perpendicular to its surface orientated north 20 degrees west to north 30 degrees east.</li> </ul>	<p><b>Complies</b> No north facing windows would be affected by the proposal.</p>
<p><b>Overshadowing open space:</b> To ensure buildings do not unreasonably overshadow existing secluded private open space.</p> <p><b>Standard B21</b></p> <ul style="list-style-type: none"> <li>• Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m<sup>2</sup> with a min. dimension of 3m, whichever is lesser, or the secluded open space <u>should</u> receive a minimum of 5 hrs sunlight between 9am &amp; 3pm at 22 Sept.</li> <li>• If existing sunlight to the secluded private open space of a dwelling is less than the requirements of this Standard, the amount of sunlight <u>should</u> not be further reduced.</li> </ul>	<p><b>Complies</b> Shadow diagrams were submitted by the applicant indicating the shadows cast by the development at 9.00am, 12.00pm and 3.00pm on 22 September. The diagrams indicate that no overshadowing would occur to No. 101 Addison Street. Some overshadowing would occur to No. 38 Shelley Street from 2.00pm, however these shadows would fall within the shadows cast by the existing 1.8 metre high paling fence</p>
<p><b>Overlooking:</b> Limit views into existing secluded private open space &amp; habitable room windows.</p> <p><b>Standard B22</b> Habitable room windows, balconies, terraces etc <u>should</u> avoid direct view to secluded private open space &amp; habitable room windows of an existing dwelling within 9m, &amp; a 45° arc from the window, balcony etc.</p> <p>The window, balcony etc may:</p> <ul style="list-style-type: none"> <li>• Be offset at least 1.5m from the edge of one window to the edge of the other; or</li> <li>• Have sill heights, obscure glazing or permanent screens of at least 1.7m above floor level.</li> </ul> <p>Obscure glazing may be openable provided it does not allow direct views.</p>	<p><b>Condition required</b> There is potential for overlooking from the first floor deck to Bedroom 2 and the first floor north facing windows to Bedroom 1 to the open space are of No. 101 Addison Street. Both the deck and the windows are required to be screened to 1.7 metres above finished floor level to prevent overlooking of this property.</p>

<p><b>Note:</b> Does not apply to a new habitable room window, balcony, terrace etc which faces a property boundary where there is a visual barrier at least 1.8m high &amp; the floor level of the habitable room, balcony, terrace etc is &lt; 0.8m above ground level at the boundary.</p>	
<p><b>Internal Views:</b> To limit overlooking within a development</p> <p><b>Standard B23</b> Windows &amp; balconies <u>should</u> prevent overlooking of 50%+ of the secluded private open space of a lower-level dwelling directly below &amp; in the same development.</p>	<p><b>Condition required</b></p> <p>A screen on the west side of the deck to Bedroom 2 on the first floor would prevent the possibility of any internal views.</p>
<p><b>Noise Impacts</b> Contain noise sources; Protect residents from external noise</p> <p><b>Standard B24 (Can be varied)</b></p> <ul style="list-style-type: none"> <li>• Mechanical plant etc, <u>should</u> not be located near bedrooms or immediately adjacent to existing dwellings.</li> <li>• Noise sensitive rooms &amp; secluded private open spaces of new dwellings <u>should</u> take account of noise sources on immediately adjacent properties.</li> <li>• Dwellings close to busy roads, railway lines or industry <u>should</u> limit noise levels in habitable rooms.</li> </ul>	<p><b>Condition required</b></p> <p>A condition is required to ensure that all services and equipment is reasonably located to minimize noise impacts to adjoining properties.</p>
<p><b>Accessibility</b> Consider needs of people with limited mobility.</p> <p><b>Standard B25</b> Ground floor entries <u>should</u> be accessible to people with limited mobility.</p>	<p><b>Complies</b></p> <p>The ground floor entrance would be accessible to people with limited mobility.</p>
<p><b>Dwelling Entry:</b> To provide each dwelling with its own sense of identity</p> <p><b>Standard B26</b> Entries <u>should</u> be visible &amp; easily identifiable from streets &amp; public areas; &amp; provide shelter &amp; a sense of personal address.</p>	<p><b>Complies</b></p> <p>The dwelling would have its own sense of address and would be easily identifiable from Shelley Street. The entrance to the existing building on the site from Addison Street would not be affected by the proposal.</p>
<p><b>Daylight to New Windows</b> Allow adequate daylight into new habitable room windows</p> <p><b>Standard B27</b> A window in a habitable room <u>should</u> face:</p> <ul style="list-style-type: none"> <li>• an outdoor space clear to sky or a light court with 3m<sup>2</sup> + &amp; min. dimension of 1m, not incl. land on an abutting lot, or</li> <li>• a verandah if it is open for at least 1/3<sup>rd</sup> of its perimeter, or</li> </ul> <p>a carport if it has 2+ open sides &amp; is open for at least 1/3<sup>rd</sup> of its perimeter.</p>	<p><b>Complies</b></p> <p>The new windows would have adequate access to daylight.</p>
<p><b>Private Open Space:</b> To provide open space for the reasonable needs of residents.</p> <p><b>Standard B28</b> A dwelling <u>should</u> have private open space of:</p> <ul style="list-style-type: none"> <li>• 40m<sup>2</sup> with one part secluded &amp; private at the side/rear with a min. 25m<sup>2</sup> ; or</li> <li>• A balcony of 8m<sup>2</sup> with a min. width of 1.6m; or</li> <li>• A roof top area of 10m<sup>2</sup> with a min. width of 2m,</li> </ul>	<p><b>Complies</b></p> <p>Adequate private open space in the form of a ground floor courtyard (32m<sup>2</sup>) and upper floor balconies(37.5m<sup>2</sup>) would be provided to the new dwelling.</p>

<p>all with convenient access from a living room.</p>	
<p><b>Solar Access to Open Space:</b> Allow solar access into the secluded private open space.</p> <p><b>Standard B29</b></p> <ul style="list-style-type: none"> <li>The private open space <u>should</u> be located on the north side.</li> </ul> <p>The southern boundary of secluded private open space <u>should</u> be setback from any wall on the north of the space at least (2 +0.9h), where 'h' is the height of the wall.</p>	<p><b>Complies</b></p> <p>The ground floor private open space would be located to the north side of the dwelling.</p>
<p><b>Storage:</b> Provide adequate storage facilities for each dwelling</p> <p><b>Standard B30</b></p> <p>Each dwelling <u>should</u> have convenient access to at least 6m<sup>3</sup> of externally accessible, secure storage space.</p>	<p><b>Complies</b></p> <p>Adequate storage facilities would be provided within the garage.</p>
<p><b>Detail Design:</b> Encourage design detail that respects the existing or preferred n'hood character.</p> <p><b>Standard B31</b></p> <p>The design <u>should</u> respect the existing/preferred n'hood character, including:</p> <ul style="list-style-type: none"> <li>• Facade articulation &amp; detailing;</li> <li>• Window &amp; door proportions;</li> <li>• Roof form; &amp;</li> <li>• Verandahs, eaves &amp; parapets.</li> </ul> <p>Garages &amp; carports should be visually compatible with the development &amp; the existing/preferred n'hood character.</p>	<p>Refer to Heritage Advisers comments and assessment under Local Policies – Section 6.1.</p>
<p><b>Front Fences:</b> Front fences to respect the existing/preferred n'hood character</p> <p><b>Standard B32</b></p> <p>Front fences <u>should</u> complement the design of the dwelling &amp; any front fences on adjoining properties.</p> <p>A front fence within 3m of a street <u>should</u> not exceed:</p> <ul style="list-style-type: none"> <li>• 2m height for streets in a Road Zone, Category 1; or</li> <li>• 1.5m height for any other street.</li> </ul>	<p><b>Complies</b></p> <p>The development proposes a 1.2m high galvanized slat fence, spaced 100mm apart. This open style of fencing is considered appropriate for the site in the context of the surrounding area.</p>
<p><b>Common Property:</b> Communal areas to be practical, attractive &amp; easily maintained; Avoid future management difficulties in common areas.</p> <p><b>Standard B33</b></p> <ul style="list-style-type: none"> <li>• Delineate public, communal &amp; private areas.</li> <li>• Common property to be functional/capable of efficient management.</li> </ul>	<p>No common property areas proposed.</p>
<p><b>Site Services:</b> Ensure site services can be installed &amp; easily maintained; Ensure site facilities are accessible, adequate &amp; attractive</p> <p><b>Standard B34</b></p> <ul style="list-style-type: none"> <li>• Dwellings should provide sufficient space &amp; facilities for services to be installed &amp; maintained efficiently &amp; economically.</li> <li>• Bin &amp; recycling enclosures, mailboxes &amp; other site facilities should be adequate in size, durable, waterproof &amp; blend in.</li> <li>• Bin &amp; recycling enclosures should be located for</li> </ul>	<p><b>Complies</b></p>

convenient access by residents. • Mailboxes should be provided & located for convenient access as required by Australia Post.	
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**6. DISCUSSION**

**6.1. Neighbourhood Character**

The streetscape character of Shelley Street, between Addison and Ruskin Streets, is primarily a mix of federation and interwar single storey dwellings and double storey apartment buildings. This section of Shelley Street includes minimal front setbacks of between 3 and 5 metres and the predominant use of render or red face brick. Roofs in the area are generally pitched, although there are some examples of flat roofed buildings in the vicinity of the site. The surrounding context also includes a small number of contemporary multi-unit developments, such as 107 Addison Street and the development currently under construction at 109-111 Addison Street.

The design of the development would be in a contemporary style with a flat roof and would be easily distinguishable from the original building on the site. The simple design and unassuming façade of the proposed dwelling would respect the character of the adjoining dwellings while the use of red face brick and render would be consistent with materials evident in the streetscape. The recessed upper floor would not be dominant in the streetscape and would therefore not detrimentally impact upon either the neighbourhood character or heritage fabric.

The proposed development would be one storey higher than the existing single storey dwelling at No. 38 Shelley Street to the east and would be lower than the height of the existing two-storey building on the subject site and the adjoining site at No. 101 Addison Street. The development would therefore provide a suitable transition between the one and two storey scale of development in Shelley and Addison Streets and would be consistent with the 'stepping up' approach of policy. The ground and first floor setbacks from Shelley Street of 3 and 5 metres respectively would also relate to the setback of the existing heritage building on the site and would neither dominate nor detract from its significance.

Whilst the objectors may prefer that a new development reference older style dwellings of mainly interwar style, the policy allows a broader approach to redevelopment opportunities and it is considered that the proposed application is one such example.

**6.2. Residential Amenity**

A number of objectors have raised concerns about overshadowing as a result of the proposed development. Shadow diagrams submitted with the application however, indicate some shadowing would occur only to the property to the east, at 38 Shelley Street, from 2.00pm onwards. The new shadow would fall within existing shadows cast by the 1.8 metres high side boundary fence along No. 38, therefore there would be no increased detriment to this property.

The impact of the first floor north boundary wall abutting No. 101 Addison Street was also raised as a concern in terms of unreasonable visual bulk. The location of the wall would align with the existing single storey brick carports to No. 101 Addison Street and would step down in height from 6.9 metres to 4.6 metres to the west as it approaches the western end of the carports. No part of the wall would extend past the end of the carports. The design has therefore had appropriate regard to the amenity of the occupants at No. 101 Addison Street by a stepping down in built form to reduce bulk and by virtue of the orientation of the lot, no overshadowing would occur to No. 101.

Other amenity issues were raised by objectors including overlooking, over development, and the loss of significant vegetation. In relation to overlooking, a condition requiring screening to be provided to the north facing window of Bedroom 1 and the north and west sides of the deck to Bedroom 2 would ensure that no overlooking of the adjoining open space at No. 101 Addison Street would occur.

In relation to concerns regarding overdevelopment, it is noted that the proposed site coverage would be 53.8%. This is below the Rescode standard of 60% and therefore does not suggest 'overdevelopment'.

In relation to the removal of vegetation, the application proposes the removal of two significant trees at the rear of the site – a eucalypt and a willow. An arborists report, prepared by Treelogic and submitted with the application, noted that the eucalypt was functionally inappropriate to its location given the proximity of surrounding infrastructure, namely the location of a brick carport approximately 400mm north of the base of the trunk (abutting the common boundary with No. 101 Addison Street). The report also noted that the willow, which is maturing, is a relatively short lived species and has had a history of branch failure and is not expected to be a longer term landscape component. The development would provide substantial provision for landscaping to the rear of the proposed dwelling, as well as planting opportunity in the front setback, facing Shelley Street. The trees to be removed could therefore be replaced with species more suitable to the area and planted in more appropriate location (ie. not directly adjacent to built form). It is also noted that the applicant has been issued with a permit from Council's Local Law Department for removal of the two trees.

Some objectors raised concerns regarding traffic congestion and excessive noise generated from cars entering and existing the site. The application proposes access to a double garage via the laneway at the rear of the site. The laneway currently provides vehicle access to approximately 15 properties which front either Addison Street or Ruskin Street, between Shelley Street and the Elwood Canal. The addition of another crossover to a double garage is unlikely to cause excessive traffic congestion or noise, given its existing usage. The crossover would be located approximately 10 metres north from the intersection of the laneway and Shelley Street, therefore vehicles entering or exiting the site would only traverse the laneway for 10 or so metres. It is further noted that purpose of the laneway is to provide vehicle access to the rear of properties abutting the laneway and the proposal is therefore consistent with this purpose.

**6.3. Sustainable Design**

The development provides north facing windows to the bedrooms and kitchen to maximise solar access. Similarly, the private open space is located on the north side of the dwelling. Additional measures could be incorporated into the design to improve the dwellings efficiency, including .

- ? 4 star gas heating
- ? 4 star gas hot water
- ? An interior or retractable balcony clothes line for the dwelling
- ? AAA rated water fixtures
- ? Bicycle storage

It is recommended that a permit condition require these initiatives to be shown on the plans to ensure they are implemented.

**7. COVENANTS**

There are no restrictive covenants registered on the Certificate of Title for the property.

**8. OPTIONS**

- 8.1. Approve as recommended**
- 8.2. Approve with changed conditions**
- 8.3. Refuse - on key issues**

**9. CONCLUSION**

Overall, it is considered that the proposed development complies with the existing planning scheme provisions as it would:

- Provide a use that is consistent with the provisions of the Residential 1 Zone.
- Result in a built form that contrasts positively with the interwar dwellings and apartment buildings of Shelley and Addison Streets.
- Provide a new dwelling with good internal amenity and an adequate provision of private open space.
- Respect the privacy, outlook and amenity of the adjoining properties.

It is concluded that, on balance, the proposed development can be supported and it is recommended that a Notice of Decision to Grant a Permit be issued, subject to conditions.

**10. RECOMMENDATION**

That the Standing Committee, being the Responsible Authority, having caused the application to be advertised and having received and noted thirteen objections, is of the opinion that the granting of a Planning Permit for **buildings and works comprising the demolition of the existing outbuilding (shed) and construction of a double-storey dwelling, garage and crossover in association with the existing dwellings on the site** would not cause material detriment to any persons other than the applicant.

That a Notice of Decision to Grant a Planning Permit be issued to develop the land known as 40 Shelley Street, Elwood for **buildings and works comprising the demolition of the existing outbuilding (shed) and construction of a double-storey dwelling, garage and crossover in association with the existing dwellings on the site** generally in accordance with the endorsed plans.

That the decision be issued as follows:

**(1) Amended Plans Required**

Before development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans dated 11 July 2005 but modified to show:

- a) Detail of the junction where the render and face brick would meet on the ground and first floor on the south-east corner of the dwelling.
- b) Screening to the north facing first floor windows to Bedroom 1 to 1700mm above finished floor level in accordance with Standard B22 of ResCode, to prevent overlooking of 101 Addison Street.
- c) Screening to the north and west sides of the first floor deck to from Bedroom 2 to 1700mm above finished floor level in accordance with Standard B22 of ResCode, to prevent overlooking of 101 Addison Street.
- d) Finished floor levels for the dwelling a minimum of 300mm above the applicable flood level, and the garage constructed with finished floor or surface levels a minimum of 150mm above the applicable flood level in accordance with Condition 12, with no increase in external wall height.
- e) A coloured schedule (two copies) of the materials, colours and finishes to be used in the external surfaces of the proposed building.
- f) A schedule and plan notations for the inclusion of environmental features for the development including, but not limited to:
  - Alterations required to achieve a 5 Star FirstRate rating in accordance with Condition 3.
  - AAA rated water fixtures.
  - 4 star gas heating.

- 4 star hot water units.
- A clothes line for the dwelling.

and will be subject to the following conditions.

**(2) Layout Not Altered**

The development and uses as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

**(3) FirstRate Assessment**

Before the development starts, a FirstRate assessment showing a 5 star energy rating for the dwelling must be submitted to and approved by the Responsible Authority.

**(4) Landscape Plan**

Prior to the commencement of the development hereby permitted, a landscape plan and schedule must be submitted to and approved by the responsible authority. When approved the plan will be endorsed and will then form part of the permit. Landscaping in accordance with such approved plan and schedule must be completed before the commencement of the occupation of the building hereby permitted.

**(5) Flood Level Requirements not to increase wall and/or building height**

Any increase in floor level height(s) that is required due to Melbourne Water or Council flood requirements must not result in any increase in the originally proposed wall height or building height (i.e. the raised floor level must be accommodated within the originally proposed floor to ceiling and building heights).

**(6) No Alterations**

The development and/or use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

**(7) Satisfactory continuation**

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

**(8) No change to external finishes**

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

**(9) Walls on or facing the boundary**

Any new walls on or facing the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

**(10) Vehicle crossings**

Vehicular crossings must be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority, before the use is commenced or building occupied:

- (a) Standard vehicular crossings must be constructed and/or widened at right angles to the road to suit the proposed driveways incorporating bluestone pitchers or suitably shaped and coloured concrete kerb and channel to match the existing laneway or kerb and guttering (as appropriate).
- (b) Any redundant crossing (or part thereof) must be removed and the footpath and kerb reconstructed incorporating bluestone pitchers or suitably shaped and coloured concrete kerb and channel to match existing kerb and guttering (as appropriate) to specifications to the satisfaction of the Responsible Authority and at no cost to the Responsible Authority. Any new car space(s) created along the street frontage of the site as a result of the removal of the crossing must be line marked to the satisfaction of the responsible authority. Any surplus bluestone pitchers must be returned to Councils depot, at cost to the applicant or owner.
- (c) Any proposed vehicular crossing must have satisfactory clearance of any side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required must be in accordance with the requirements of the relevant Authority and must be at the applicant's expense.

**(11) Applicant to pay for reinstatement**

The Applicant/Owner must do the following things to the satisfaction of the Responsible Authority:

- a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development.
- b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
- c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

**(12) Melbourne Water Conditions**

- a) No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- b) Finished floor levels must be a minimum of 300mm above the applicable flood level.
- c) Any new garage must be constructed with finished floor or surface levels a minimum of 150mm above the applicable flood level.
- d) Any new carport or vehicle parking area must be constructed with finished floor or surface levels no lower than 350mm below the applicable flood level.
- e) Amended plans must be submitted to Melbourne Water showing compliance with the above conditions.

**(13) Time for starting and completion**

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

(a) The development is not started within two (2) years of the date of this permit.

(b) The development is not completed within two (2) years of the date of commencement of works.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

**Melbourne Water Conditions**

1. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.

2. Finished floor levels must be a minimum of 300mm above the applicable flood level.

3. Any new garage must be constructed with finished floor or surface levels a minimum of 150mm above the applicable flood level.

4. Any new carport or vehicle parking area must be constructed with finished floor or surface levels no lower than 350mm below the applicable flood level.

5. Amended plans must be submitted to Melbourne Water showing compliance with the above conditions.

**Footnotes**

**Building Approval Required**

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

**Building Works to Accord With Planning Permit**

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

**Due Care**

The developer shall show due care in the development of the proposed works so as to ensure that no damage is incurred to any adjoining properties.

**No Resident or Visitor Parking Permits**

The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.

**Cross-over Permit Required**

A cross-over permit must be obtained from Council (contact 9209.6216) prior to the carrying out of any vehicle crossing works.

**Noise**

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

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

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

**Days and Hours of Construction Works**

Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council's Local Laws Section:

? - Monday to Friday: 7.00am to 6.00pm; or

? - Saturdays: 9.00am to 3.00pm.

An after hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.

**Melbourne Water**

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Peter Theoharakos on telephone 9235 2235, quoting Melbourne Water's reference 104918

The applicable flood level for the property is 1.6m to Australian Height Datum (AHD)

The Best Practice Environmental Management Guidelines for Urban Stormwater may be used as a guide when developing site controls to minimise sediment laden runoff and stormwater pollution during construction. Section 6.3, titled Construction Activity, of these guidelines provides a useful checklist to develop a site management plan.