



6.1 **126 ALBERT STREET, PORT MELBOURNE**
(PDPL/00842/2022)

LOCATION/ADDRESS: **126 ALBERT STREET, PORT MELBOURNE**

EXECUTIVE MEMBER: **LAUREN BIALKOWER, ACTING GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT**

PREPARED BY: **DONNA D'ALESSANDRO, MANAGER CITY DEVELOPMENT**
MARTIN COOKSLEY, SENIOR URBAN PLANNER

1. PURPOSE

- 1.1 To consider and determine Planning Permit application PDPL/00842/2022 for the full demolition of the existing dwelling (retrospective approval) and construction of a dwelling including reconstruction of the original front section of the dwelling, and a reduction of car parking requirements from the planning scheme at 126 Albert Street, Port Melbourne.

2. EXECUTIVE SUMMARY

WARD:	Gateway Ward
TRIGGER FOR DETERMINATION BY COMMITTEE:	Demolition of a contributory building in a Heritage Overlay
APPLICATION NO:	PDPL/00842/2022
APPLICANT:	JM Planning
EXISTING USE:	Single Dwelling
ABUTTING USES:	Residential
ZONING:	Neighbourhood Residential Zone (NRZ1)
OVERLAYS:	Heritage Overlay (HO1)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

- 2.1 The application seeks retrospective approval for the full demolition of the existing dwelling, and construction of a dwelling including the reconstruction of the original front section (two front rooms) of the dwelling at 126 Albert Street, Port Melbourne with a ground and first floor addition to the rear.
- 2.2 The subject site has an area of 209m² and was developed with a single storey Victorian era dwelling with a double frontage, transverse gable roof, curved verandah, weatherboard façade and a timber picket front fence.
- 2.3 The dwelling was demolished in its entirety while acting upon a permit (43/2021) which granted permission for the demolition of the rear section only. The building was demolished incorrectly to facilitate the rear additions.



- 2.4 Council planning enforcement and building enforcement proceedings have occurred soon after it was brought to Council's attention that the total demolition of the dwelling occurred without the benefit of relevant planning permit. The enforcement proceedings have been heard by the Magistrates Court. The enforcement process is a separate matter and has no bearing on the determination of this application.
- 2.5 The permit application seeks to reconstruct the front of the dwelling (façade and two front rooms) to its original form, with the rear section to match the development approved under planning permit 43/2021. The built form that was approved by planning Permit 43/2021 which is to be incorporated into this planning permit includes ground and first floor 'additions' to the rear of the reconstructed building. It would allow a 6.33m high (two storey), four bedroom dwelling, constructed using rendered walls, metal roof sheeting and steel door and window frames. The existing dwelling was constructed along the entire width of the site and on site car parking cannot be provided. It is noted that the site is eligible for residential car parking permits as it is a single dwelling.
- 2.6 The land is in a Neighbourhood Residential Zone – Schedule 1 (NRZ1) and is subject to a Heritage Overlay (HO1). The demolished building was contributory graded, within an immediate streetscape that includes predominantly significant and contributory graded buildings.
- 2.7 Albert Street is a residential street that predominantly contains single dwellings on lots of one or two storeys in scale.
- 2.8 Clause 15.03-1S (Heritage Conservation) is a key policy for consideration of this application. In particular, the strategy that directs the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural significance of a building, streetscape or area. The local heritage policy at Clause 15.03-1I is also relevant where the policy discourages the complete demolition of any building or feature that contributes to the significance of a heritage place unless the building or feature is structurally unsound, and the defects cannot be rectified.
- 2.9 The application was advertised, and no objections were received.
- 2.10 The application was reviewed by Council's Heritage Advisor. The Heritage Advisor stated that the full demolition of the dwelling would adversely impact on the integrity of the streetscape and required that the dwelling be reconstructed to match the external appearance of the demolished dwelling and be consistent with the plans endorsed under planning permit 43/2021.
- 2.11 The proposed 'additions' to the rear would be consistent with those approved under permit 43/2021, with no deviation from the previous approval. Variations to Clause 54 were sought with regards to Standards A10 (Side and Rear Setbacks) and A11 (Walls on Boundaries) which were supported under permit 43/2021.
- 2.12 It is recommended that a Planning Permit be issued for this application, subject to conditions.



3. RECOMMENDATION

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received no objections, issue a Permit
- 3.2 That a Planning Permit be issued for **full demolition of the existing dwelling (retrospective approval) and construction of a dwelling including reconstruction of the original front section of the dwelling, and a reduction in the car parking requirements** at 126 Albert Street, Port Melbourne.
- 3.3 That the decision be issued as follows:

Amended Plans required

1. Within three months of the date of this permit, 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 an electronic copy provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The roofing material to the reconstructed building to be double-dipped galvanised iron.
 - b) The cast iron lacework to the verandah to be deleted.
 - c) The rainwater tank notation to the ground floor plan updated to '1000L rainwater tank under deck connected to toilets'.
 - d) Include a typical raingarden section to the WSUD layout plan.
 - e) All plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally.

No Alterations

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

Walls on or facing the boundary

3. Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

Implementation of Water Sensitive Urban Design initiatives

4. The initiatives in the endorsed Water Sensitive Urban Design (WSUD) Response must be fully implemented. These initiatives must be maintained throughout the operational life of the development to the satisfaction of the Responsible Authority.

Construction Management Water Sensitive Urban Design

5. The developer must ensure that throughout the construction of the building(s) and construction and carrying out of works allowed by this permit;



- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

Stormwater Treatment Maintenance Plan

6. Prior to the endorsement of plans under condition 1 of this permit, a Stormwater Treatment Maintenance Plan detailing the on-going maintenance of the stormwater treatment devices must be submitted to and approved by the Responsible Authority, addressing the following points:
 - A full list of maintenance tasks for each device,
 - The required frequency of each maintenance task (e.g. monthly, annually etc.),
 - Person responsible for each maintenance task.

The Stormwater Treatment Maintenance Plan can be part of the Water Sensitive Urban Design (Stormwater Management) response, or can be contained in a stand-alone manual. When approved, the STMP will be endorsed and will form part of this permit.

No equipment or services

7. No plant, equipment or domestic services (including any associated screening devices) or architectural features, other than those shown on the endorsed plan are permitted, except where they would not be visible from a street frontage (other than a lane) or public park without the written consent of the Responsible Authority.

Time for starting and completion

8. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.The Responsible Authority may extend the periods referred to if a request is made in writing:
 - before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
 - within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.



4. RELEVANT BACKGROUND

The following relevant applications have previously been considered for the subject site:

Application No.	Proposal	Decision	Date of Decision
43/2021	Partial demolition and extension to a dwelling comprising alterations and additions at ground and first floor	Approved	2/06/2021

- 4.1 As noted previously in this report, planning application 43/2021 (described above) was issued to allow the development of rear additions but did not include the demolition of the original section of the dwelling.
- 4.2 Planning Compliance case [EPLC/00487/2022](#) is also relevant to this application. This case was created as the original section of the dwelling was demolished, which was not in accordance with the plans endorsed with 43/2021. After inspection and investigation, a Stop Work Order was issued by the Relevant Building Surveyor. The applicant was advised that in order to rectify the situation they will need to apply for permission for the full demolition. Council's Heritage Advisor provided comments that the parts of the building that were demolished must be reinstated through original design elements and original building fabric where possible. The Compliance case has been heard at the Magistrates Court.

5. PROPOSAL

- 5.1 It is retrospectively proposed to demolish the dwelling. The dwelling was demolished without prior planning approval, with the previous permit 43/2021 only allowing for the partial demolition of the rear section of the dwelling. It is not noted in the submitted proposal as to why the original building was demolished.
- 5.2 It is then proposed to reconstruct the dwelling to match existing, and construct ground and first floor additions to the rear of the dwelling as per the endorsed plans of 43/2021.
- 5.3 The plans which are the subject of this report are those drawn by Studio Arrive, dated 23 January 2023 and identified as drawing numbers 0008_PPA-D01 to 0008_PPA-D04, 0008_PPA-E01 to 0008_PPA-E04, 0008_PPA-F01, 0008_PPA-S01 to 0008_PPA-S04, and 0008_PPA-Z01 to 0008_PPA-Z02.
- 5.4 A description of the proposed additions is as follows:
- 5.5 Ground floor:
 - The ground floor of the dwelling will be extended 3.2 metres towards the rear, and 'squared off' to abut both side boundaries of the site.
 - The extension will comprise a new bathroom and laundry along with an open-plan kitchen/dining/living area with direct access to the rear yard.
 - The internal ground floor area will increase to 114m².
- 5.6 First floor:
 - The new first floor will be set back 6.2 metres from the front wall of the dwelling and 8.8m from the front boundary.



- The first floor will generally align with the footprint of the extended ground level, but will be set back 1000mm from the north-eastern boundary of the site.
- With an internal floor area of 53 m², the first floor will comprise a master bedroom with ensuite and WIR along with an additional bedroom.
- The front of the addition will be raked at an angle of 18 degrees, resulting in a maximum building height of 6.33 metres.
- Three windows on the south-east elevation (rear) and one on the north-east elevation with obscured glazing to 1.7m above FFL.
- Two arched door and window sets to access the rear yard on the south-east elevation.
- Externally, the addition will be completed in a textured render wall finish with longline metal roof sheeting.

5.7 Plans for the proposed application are located at **Attachment 2**.

6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site area	206m ²
Existing building and site conditions	The subject site before its total demolition hosted a single-storey, double-fronted weatherboard dwelling of Victorian era, with a transverse gable roof.
Surrounds / neighbourhood character	<p>Immediately adjoining dwellings are of similar style to the subject dwelling. More widely, while many original buildings have been retained, there is noticeable diversity in the streetscape with a number of contemporary two-storey infill developments, including directly opposite the subject site. A number of the period dwellings also contain rear first-floor additions similar to what is proposed at the subject site.</p> <p>Adjoining properties:</p> <ul style="list-style-type: none"> • 130 Albert Street – adjacent to the north-east, a single-storey, double-fronted weatherboard dwelling of Victorian era, with a transverse gable roof and a contemporary ground floor addition. • 122 Albert Street – adjacent to the south-west, a single-storey, double-fronted weatherboard dwelling of Victorian era, with a hipped roof and a contemporary ground floor addition.

6.1 Site maps are located at **Attachment 1**.

6.2 Photos of the subject site and surrounds are located at **Attachment 3**.

7. PERMIT TRIGGERS

The following zone and overlay controls apply to the site, with planning permission required as described.

Zone or Overlay	Why is a permit required?
<p>Clause 32.09 Neighbourhood Residential Zone – Schedule 1</p>	<p>Pursuant to Clause 32.09-5, a permit is required to construct or extend one dwelling on a lot less than 500 m².</p> <p>A development must meet the requirements of Clause 54.</p>
<p>Clause 43.01 Heritage Overlay – Schedule 1</p>	<p>Pursuant to Clause 43.01-1, a permit is required to:</p> <ul style="list-style-type: none"> • Demolish a building • Construct a building or construct or carry out works
<p>Clause 52.06 Car parking</p>	<p>Pursuant to Clause 52.06-1, Clause 52.06 applies to:</p> <ul style="list-style-type: none"> • a new use; or • an increase in the floor area or site area of an existing use; or • an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use. <p>Pursuant to Table 1 of Clause 52.06-5, for Dwelling, a rate of <u>2 car spaces to each three or more bedroom dwelling</u> would apply to this site.</p> <p>Note: A permit is technically required for a reduction of the car parking due to the demolition of the dwelling and construction of a new dwelling. However, the on-site conditions will not change in this instance. The permit trigger applies because the original dwelling is to be reconstructed, and it is considered that the outcome at this site would match the existing conditions, plus rear ground and floor additions. Further, the site conditions could not provide for car parking in the original or reconstructed form due to being a boundary-to-boundary construction.</p>

8. PLANNING SCHEME PROVISIONS

8.1 Planning Policy Framework (PPF)

The following State Planning Policies are relevant to this application:

Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 15.03-1S	Heritage Conservation
Clause 15.03	Heritage
Clause 15.03 (Updated 2021)	Policy Document – Port Phillip Heritage Review
Clause 16	Housing



Clause 19 Infrastructure

Clause 19.03-3L Stormwater management (water sensitive urban design)

8.2 Other relevant provisions

Clause 54/55 ResCode

Clause 65 Decision Guidelines

Clause 71.02 Integrated Decision Making

8.3 Relevant Planning Scheme Amendments

The following Planning Scheme Amendments are relevant to his application:

Amendment C203port

Amendment C203port is a municipal-wide amendment, which:

- Implements the Port Phillip Planning Scheme Audit 2018 and the land use and development directions of Council's adopted strategies and documents, including Act and Adapt – Sustainable Environment Strategy 2018-28, Art and Soul – Creative and Prosperous City Strategy 2018-22; Don't Waste It! – Waste Management Strategy 2018-28, In Our Backyard – Growing Affordable Housing in Port Phillip 2015-25, and Move, Connect, Live – Integrated Transport Strategy 2018-28.
 - Updates the Port Phillip Planning Scheme to comply with Victorian Government changes to planning schemes regarding language, format and structure introduced by Amendment VC148.
 - Updates local heritage policy to implement new Heritage Design Guidelines, which provide detailed and illustrated guidance on eleven development themes, informed by extensive consultation undertaken in 2019.
 - Introduces new local VicSmart planning provisions to enable quicker assessments of some minor types of planning permit applications.
 - Removes eleven Incorporated Documents from the Port Phillip Planning Scheme as they are obsolete.
1. Amendment C203port was approved with changes by the Minister for Planning and was gazetted on 14 April 2023. There are no transitional arrangements in the adoption of C203port. The Planning Scheme Amendment is policy neutral in respect to the majority of the policy changes where it does not alter the meaning of policy previously in the Port Phillip Planning Scheme. Where it is not policy neutral, it introduces gives effect to adopted Council strategies and plans, augment policy by filling a known policy gap and/or respond to a recommendation of the Port Phillip Planning Scheme Audit 2018.

9. REFERRALS

9.1 Internal referrals

The application was referred to the following areas of Council for comment. The comments are discussed in detail in the table below, and throughout the assessment in Section 11 of this report.



Internal Department	Referral comments (summarised)
<p>Heritage</p>	<p>Council’s Heritage Advisor has provided comments that the full demolition of this house has adversely impacted upon the integrity of the streetscape. Because of this, Council’s Heritage Advisor has sought the front section of the house including the transverse gable roof form and verandah to be reconstructed to, as far as possible, match the external appearance demolished house, consistent with the plans endorsed with Permit 43/2021</p> <p>Comments were also provided on the additions and alterations that are proposed behind what would now be a reconstructed front of the dwelling. These comments are similar to those provided for the earlier planning application. Councils Heritage Advisor noting that the dwelling on the subject site has a contributory grading due to some earlier alterations to the building. In regard to the visibility of the first floor, Council’s Heritage Advisor is satisfied that the transverse gable coupled with the raking of profile will assist in concealing the first floor addition behind and as such, the addition will be recessive in accordance with the objectives of the heritage policy.</p> <p>Comments were also proved that the colours and materials of the addition are also acceptable, while the façade is to be retained and existing colours and materials retained or replaced to match existing. The Heritage Advisor did note that the roof material would need to be ‘double-dipped galvanised iron’ to the reconstructed building, and the lacework from the verandah needs to be deleted.</p> <p><u>Planner Comments</u></p> <p>The application now to be determined incorporates the proposed reconstruction sought by Council’s Heritage Advisor in regard to the reconstruction of the front of the dwelling. In line with detailed comments for the restoration, it is recommended that a permit condition is included to ensure the roofing material used to the reinstated building as ‘double-dipped galvanised iron’ (Refer to recommended condition 1 a). It is also recommended that a permit condition is included to ensure the cast iron lacework to the verandah is deleted. (Refer to recommended condition 1 b).</p>
<p>Sustainable Design</p>	<p>Councils Sustainable Design Officer has provided comments that the plans need to be updated to include a notation on the ground floor plan for the 1000 litre rain water tank under the deck to be connected to the toilets and the layout plan to include a typical raingarden section.</p> <p><u>Planner Comments</u></p> <p>In line with the referral comments permit conditions are recommended to provide an amended WSUD response as per the recommendation of the ESD officer. Refer to recommended condition 1 c), 1 d), 4, 5 and 6.</p>



Building	<p>Council’s Building team reviewed the structural report that was submitted with the application (prepared by <i>Baker Building Group and PD Structures</i>) Comments have been provided that because Council’s Building Unit were not able to inspect the site prior to the demolition took place they were not able to validate the information provided or make any comment on the structural adequacy of the now demolished building.</p> <p><u>Planner Comments</u></p> <p>No further comment from the Planning Officer, as the building was demolished prior to construction, the structural engineers report cannot be validated.</p>
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9.2 Full copies of the referral advice are located at **Attachment 5**.

9.3 External referrals

The application was not required to be externally referred.

10. PUBLIC NOTIFICATION/OBJECTIONS

10.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (9 letters) and directed that the applicant give notice of the proposal by posting 1 notice on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

10.2 The application has not received any objections.

11. OFFICER’S ASSESSMENT

Planning Policy

11.1 Does the proposal provide sufficient garden area and comply with the height control under the Neighbourhood Residential Zone?

The subject site has a total area of 206 sqm. There is no requirement for minimum garden area under Clause 32.09-10. The proposal would have a maximum building height of 6.33m and be two storeys, which is below the maximum of 9 m and two storeys allowed under the zone.

11.2 Does the extent of demolition impact on the heritage values of the site? Is the alteration(s) compatible with the existing building and sympathetic to heritage values?

Clause 15.03-1S (Heritage Conservation) directs *the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural significance of a building, streetscape or area.*

The proposal in this instance meets the strategy of Clause 15.03-1S. The policy seeks to rectify the loss of unlawful and unintentional demolition through restoration or reconstruction of the building, which has been proposed in this application and considered reasonable (subject to conditions) upon review by Council’s Heritage Advisor.



Clause 15.03-1L discourages *the complete demolition of any building or feature that contributes to the significance of a heritage place unless the building or feature is structurally unsound and the defects cannot be rectified.*

As per Section 9.1 of this report, the application was also referred to Council's Heritage Advisor. Council's Heritage Advisor was critical of the demolition of the contributory graded heritage building as it has had an impact on the integrity of the streetscape, and instructed that the building is reconstructed to match the external appearance of the demolished dwelling. The Heritage Advisor has stated in response to this application that the proposed reconstructed dwelling would be an acceptable reconstruction (subject to the recommended conditions regarding the roof material and deletion of lacework – **refer to recommended condition 1 a) and 1 b)**). Further, Council's Building Services team cannot verify the structural engineer's report as the building was not inspected prior to its demolition.

With regards to the demolition of the dwelling, the policy indicates that demolition of this contributory dwelling would not be supported as its structural integrity (prior to demolition) cannot be validated and the impact to the streetscape would be significant.

The policy does not account for the circumstances of this application with regards to the reconstruction of the original section of dwelling. The guidance of the Heritage Advisor would ensure, while the original building is lost and cannot be recovered, that the replacement building would positively support the heritage significance of the area. This is a unique circumstance that falls outside the scope of the policy, nor should the policy account for such circumstances, and it is considered that the only reasonable outcome is to reconstruct the original dwelling to the same specifications. And upon review and subject to the conditions recommended above, the reconstructed building is considered to achieve an outcome that can ensure that the heritage character of the street is maintained.

11.3 Is the development consistent with the nature of development in the immediate neighbourhood in terms of existing/preferred scale, setbacks, form and pattern of subdivision?

The proposed first floor additions to the rear of the dwelling were assessed under the previous permit application (43/2021), and were determined to meet both the alterations and additions section of the Heritage Policy at Clause 15.03-1L. There has been no change to the design approved under 43/2021; however, it is required to be assessed once again under this application.

Pursuant to Clause 15.03-1L (Heritage), it is policy that:

- *Alterations:*
 - *Discourage alterations to:*
 - *Contributory fabric, the principal façade, roof or any walls or surfaces visible from the public realm including a side street or laneway for Significant and Contributory places.*
 - *Any feature, detail, material or finish specified in the statement of significance for Significant places.*
 - *Support alterations to visible or contributory fabric of Significant or Contributory places if it will not adversely impact upon the significance of the place and any of the following apply:*



- *It will allow an historic use to continue.*
- *It will facilitate a new use that will support the conservation of the building.*
- *It will improve the environmental performance of the building.*
- **Additions:**
 - *Support additions to residential buildings that are:*
 - *Substantially concealed when viewed at natural eye-level from the opposite side of the street.*
 - *Support additions to commercial and industrial buildings that are set back a minimum depth of the primary roof form (commercial buildings) or two structural bays (industrial buildings) to retain original or early fabric including the principal facade/s and roof features, and which:*
 - *respect the scale and massing of the existing heritage building or streetscape; and*
 - *maintain the prominence of the heritage features of the building or streetscape and do not detract from, or visually dominate, the heritage building or streetscape; and*
 - *are visually recessive against the heritage fabric.*
 - *Additions to buildings situated on corner sites (including to a laneway) should respond to the host building and the heritage character of both the primary street and side street or lane.*

It is considered that these policy objectives have all been met with regards to the first floor 'additions' to the rear of the reconstructed building, and as such the proposed alterations and additions are considered acceptable and would have no impact on the heritage values of the subject site or on the wider neighbourhood.

The proposed rear additions would be considered consistent with the nature of development in the wider area, which is characterised by generally high levels of site coverage. The two-storey scale of the addition is consistent with the immediate built form character of the area, and it is located towards the rear of the site, where it is relatively well-concealed. The new first floor is not excessive in height and is concentrated towards the less-sensitive interface with 122 Albert Street, while the orientation of the site and the surrounding built form context will result in no shadow or other amenity impact to neighbouring properties.

The addition has been designed to maximise the location of adjoining built form, with the length of the addition not extending past that of the abutting properties

Sightline:

The proposed sightline is 18 degrees. This is considered acceptable for the following key reasons:

- The dwelling is graded as contributory.
- Diversity within the streetscape
- First floor addition is separated from the existing roof form



- Existing transverse gable roof will assist in concealing visibility of the addition

As depicted in Figure 4 at Clause 15.03-1L, a sightline of up to 18 degrees may be contemplated if the associated building is within a heritage streetscape with a diverse scale and is not a significant place. In this instance, the streetscape would be considered as sufficiently diverse to warrant the increased sightline, noting that there are a number of contemporary two-storey infill developments within immediate proximity of the subject site, and the site is graded as contributory.

Furthermore, the design of the addition is appropriate in comprising a roof form to complement that of the reconstructed original building, which itself will contribute to some degree of concealment of the addition. The addition would also be quite recessive and would not be a dominant element of the site.

11.4 Residential Amenity

A detailed Rescode Assessment Matrix has been included at **Attachment 4**.

It is considered that the proposed development satisfies the neighbourhood character and amenity impact standards of Rescode.

Variations have been sought and could be granted in relation to Standard A10 and A11 as follows:

Standard A10 – Side and Rear Setbacks:

The setback on the north elevation (adjoining 130 Albert Street) would be entirely located opposite the roof of the dwelling at 130 Albert Street, and the minimised setback would have no impact to any habitable room window or private open space.

Standard A11 – Walls on Boundaries:

The new wall on the south boundary (adjoining 122 Albert Street) would exceed the average and maximum heights; however, the wall would directly abut the built form of 122 Albert Street for the entire length and height of the new wall. The wall would have no impact to the amenity of 122 Albert Street.

11.5 Internal Amenity

The dwelling would provide four bedrooms, open plan kitchen and living areas, and two bathrooms. Private open space would be provided through 45sqm of secluded private open space to the rear of the living room. The facilities provided and the size of the dwelling would provide comfortable and practical living arrangements for future residents

11.6 Sustainable Design and Water Sensitive Urban Design

Council's Sustainable Design officer reviewed the Water Sensitive Urban Design response, and resolved that some changes are required in order to be considered acceptable. These changes are set out in **recommended conditions 1 c), 1 d), 4, 5 and 6**.

Once addressed, the proposed Water Sensitive Urban Design response would be considered acceptable and would form part of the permit.



12. COVENANTS

- 12.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Lot 1 of Plan of Subdivision 545630M [Parent Title Volume 01711 Folio 145].

13. INTEGRATED DECISION MAKING AND CONCLUSION

- 13.1 Clause 71.02 of the planning scheme requires the decision-maker to integrate the range of policies relevant to the issues to be determined and balance the positive and negative environmental, social and economic impacts of the proposal in favour of net community benefit and sustainable development. When considering net community benefit, fair and orderly planning is key; the interests of present and future Victorians must be balanced; and, the test is one of acceptability.

- 13.2 The proposal would result in a number of positive, neutral and negative impacts, these are outlined below:

Positive:

- The proposal would achieve relevant environmental sustainability requirements.

Neutral:

- The proposed additions are considered to meet the objectives of Clause 54, and would not cause any unreasonable amenity impact to the neighbouring dwellings.
- The reconstruction of the original dwelling would be to match the external appearance of the demolished dwelling.
- No objections were received.

Negative:

- The demolition of the original dwelling, albeit retrospective, results in the loss of integrity within the heritage streetscape.

- 13.3 The negative impact of the proposal is the loss of streetscape integrity through the demolition of the original dwelling. However, with the input of Council's Heritage Advisor, the outcome of this proposal would result in its accurate reconstruction, which would return some integrity back to the streetscape character. While demolishing dwellings of heritage value is not a proposal that Council should be supportive of, in this instance, the reconstruction would result in the most appropriate outcome in the circumstances.

- 13.4 Viewed holistically and balancing the material considerations along with the interests of present and future Victorians, the proposal is considered to result in a net community benefit and a sustainable development; for these reasons, it is recommended to approve the application.

14. OFFICER DIRECT OR INDIRECT INTEREST

- 14.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

15. OPTIONS

- 15.1 Approve as recommended
- 15.2 Approve with changed or additional conditions



15.3 Refuse - on key issues

16. CONCLUSION

- 16.1 The proposal has been assessed against the relevant planning controls, including the Neighbourhood Residential Zone, Schedule 3 to the Neighbourhood Residential Zone, the Heritage Overlay, the Heritage Policy and Clause 54.
- 16.2 The demolition of the contributory graded dwelling would not be consistent with the Heritage Policy; however, as the demolition is retrospective, the reconstruction of the dwelling has been reviewed and is considered to match the original building. State planning policy for heritage conservation supports this approach to restore / reconstruct a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.
- 16.3 The proposed ground and first floor additions would not cause any adverse amenity impact to any neighbour, would be consistent with the Heritage Policy and would be consistent with the existing and preferred character of this neighbourhood.
- 16.4 It would also comply with the requirements of the Stormwater Management (Water Sensitive Urban Design) policy, subject to conditions.

For these key reasons, it is recommended that the proposal be supported and that a Planning Permit be issued, subject to conditions.

- ATTACHMENTS**
1. [Site maps](#)
 2. [Plans](#)
 3. [Photos](#)
 4. [Clause 54 Assessment Matrix](#)
 5. [Referral comments](#)