



8.7	127 RUSKIN STREET ELWOOD
LOCATION/ADDRESS:	127 RUSKIN STREET, ELWOOD
GENERAL MANAGER:	CLAIRE FERRER MILES, PLACE STRATEGY AND DEVELOPMENT
RESPONSIBLE MANAGER:	GEORGE BORG, MANAGER CITY DEVELOPMENT
AUTHOR:	JESSICA LADLOW, SENIOR URBAN PLANNER
TRIM FILE NO.:	PF16/708976
ATTACHMENTS:	1. Objector map 2. Plans 3. Additional shadow diagrams
WARD:	Canal Ward
TRIGGER FOR DETERMINATION BY COUNCIL:	More than 16 objections
APPLICATION NO:	1119/2016
APPLICANT:	Whiting Architects
EXISTING USE:	Residential
ABUTTING USES:	Residential
ZONING:	General Residential Zone
OVERLAYS:	Heritage Overlay (Schedule 8) Special Building Overlay (Schedule 1)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

PROPOSAL

Partial demolition to the rear of the existing dwelling, construction of two storey addition to the rear of the dwelling, and construction of a carport, deck, swimming pool and side and rear boundary fences.

I. EXECUTIVE SUMMARY

- 1.1 This application seeks approval for the partial demolition to the rear of the existing dwelling, construction of a two storey addition to the rear of the dwelling, and construction of a carport, deck, swimming pool and side and rear boundary fences.
- 1.2 The application was advertised and 18 objections were received, concerns relating to heritage impacts, neighbourhood character, building bulk and amenity impacts, such as the visibility of the proposed addition, inconsistency of the proposal with the heritage character of the area, overshadowing concerns and impact to neighbouring north-facing windows.



- 1.3 The proposed development would be consistent with heritage objectives outlined within the Planning Scheme’s Local Planning Policy Framework, in particular the guidelines for ‘Additions and or Alterations to Heritage Places’ outlined in Clause 22.04-3 of Council’s Heritage Policy.
- 1.4 The proposed extension, subject to some modification, would be site responsive and although would require a minor variation to Standard A10 (Side and Rear Setback) and Standard A11 (Walls on boundaries), the proposal would meet the objectives contained within Clause 54 (ResCode) of the Planning Scheme. Further details would be required to ensure there would be no unreasonable amenity impacts in relation to Standard A15 (Overlooking) and this can be achieved by a condition on any permit granted.
- 1.5 It is recommended that a Notice of Decision to Grant a Permit, subject to conditions be issued for this application.

2. RELEVANT BACKGROUND

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

Application No.	Proposal	Decision	Date of Decision
215/2001	<i>Alterations and additions to an existing dwelling including a double storey extension and installation of an in-ground lap pool.</i>	<i>Approved (expired)</i>	<i>28 April 2002</i>

3. PROPOSAL

- 3.1 The plans that form the basis for this assessment were prepared by Whiting Architects, date stamped by Council on 24 March 2017.
- 3.2 Proposed demolition:
 - Partial demolition along the eastern (rear) section of the existing dwelling, comprising the family room and associated roof section structure.
 - Demolition of the garage, shed and pergola within the eastern (rear) setback.
 - Demolition of the eastern (rear) boundary fence and northern (side) pedestrian gate.
- 3.3 It is proposed to construct a new two storey addition to the east (rear) of the existing dwelling.
- 3.4 The ground floor addition would comprise a new family room, laundry and toilet, with a new deck and a new ‘mesh box’ entryway constructed along the northern (side) elevation. The existing dwelling would be reconfigured to contain two (2) bedrooms, a living room, kitchen and bathroom.



- 3.5 The first floor addition, would be constructed above the proposed family room and would contain the master bedroom and an ensuite. The addition would be setback 16.04 metres from the front façade, and 29.19 metres from the Ruskin Street frontage.
- 3.6 The ground floor addition would be setback from the southern (side) boundary by 1.69 metres, increasing to 3.9 metres at first floor level. The proposed additions would be setback a minimum of 12.71 metres from the eastern (rear) boundary and a minimum of 0.87 metres from the northern (side) boundary. The new additions would have a maximum overall height of 6.73 metres above natural ground level, and would incorporate a flat roof form.
- 3.7 An open-sided carport with a roller door would be partially constructed along the southern (side) and eastern (rear) boundaries, facing the laneway. The overall maximum height would be 2.7m above natural ground level.
- 3.8 A swimming pool would be constructed within the eastern (rear) setback, with a new 1.9m high paling fence constructed along the eastern (rear) boundary.
- 3.9 Lattice would be constructed above the existing 1.62 metre high northern and southern (side) boundary fencing, to an overall height of 1.8 metres above natural ground level.
- 3.10 The new additions would incorporate a contemporary design response with colourbond roofing, and would be finished in a combination of timber battens and timber cladding and perforated mesh screens.

4. SUBJECT SITE AND SURROUNDS

- 4.1 The subject site is located on the eastern side of Ruskin Street, between Shelly Street to the north and Glen Huntly Road to the south, Elwood. An unnamed Right of Way abuts the site to the east (rear), providing vehicular access to a garage.
- 4.2 The site has been developed with a single storey semi-detached Edwardian bungalow dwelling, with a transverse gable roof form.
- 4.3 The dwelling forms one (1) of two (2) units on a Strata Plan, with Unit 2 (127A Ruskin Street) forming the pair to the semi-detached dwelling on the subject site. An area of common property is contained within the western (front) setback of the site, from the Ruskin Street frontage, with a width of 20.12m, to the western (front) elevations of 127 and 127A Ruskin Street. The site has a maximum depth of 50.79 metres, with an overall area of approximately 443 square metres (excluding the area of common property).
- 4.4 No easements affect the lot, and the land is relatively flat. There is an established tree within the area of common property within the western (front) setback, although there is no significant vegetation located on the subject site. A low (less than 1.5 metres in height) fence is constructed along the western (front) boundary of 127 and 127A Ruskin Street, with a crossover constructed to each dwelling.
- 4.5 The existing dwelling is setback 13.15 metres from Ruskin Street, 2.85 metres from the north (side) boundary shared with the adjoining property located at 123-125 Ruskin Street and shares a party wall with the dwelling to the south (127A Ruskin Street) for a

length of 9.11 metres. The dwelling is setback from the eastern (rear) boundary by a minimum of 15.6 metres, and has an approximate overall height of 5.3 metres above natural ground level.



Figure 1: Aerial photograph of the subject site.

- 4.6 The immediate streetscape is predominantly characterised by semi-detached and detached single storey Edwardian era dwellings, which receive ‘Significant’ or ‘Contributory’ grading’s under the Heritage Overlay. Dwellings on Ruskin Street share a relatively consistent low-scale heritage character generally involving one-to-two storeys in height. The streetscape is highly intact, and more recent additions to the heritage places are only partially visible from the streetscape.
- 4.7 The dwelling on the site has a ‘Significant’ grading under the Heritage Overlay, pursuant to the Port Phillip Heritage Review (v. 21, March 2017). Significant heritage places *‘include buildings and surrounds that are individually important places of either State, regional or local heritage significance and are places that together within an identified area, are part of the significance of a Heritage Overlay’.*
- 4.8 Numerous garages and carports with roller doors are constructed to the rear of the sites that have access to the unnamed Right of Way that runs parallel to the dwellings fronting Ruskin Street and Broadway.
- 4.9 The pattern of development is generally consistent in this section of Ruskin Street, with uniform front setbacks, and minimal side setbacks from the site boundaries. Front fences are diverse in style and height.



Figure 2: The subject site viewed from Ruskin Street.

- 4.10 To the north of the subject site is an Inter War era building, containing 5 residential units over two levels at 123-125 Ruskin Street. The site has a generous front setback, and has minimal setbacks from the northern and southern (side) boundaries. A garage is located on the boundary shared with the application site for a length of 6.8 metres.
- 4.11 To the south of the subject site is 127A Ruskin Street, which shares the area of common property contained to the west (front) of the sites. The dwelling has a similar presentation to Ruskin Street as the dwelling on the subject site. The rear of the dwelling has a more recent ground floor addition, with three habitable room windows facing the subject site. This section of the addition is setback 1.68 metres from the shared boundary.
- 4.12 To the east of the subject site is an unnamed Right of Way, where the eastern interface of the subject site is partially sited opposite two lots. A garage and the area of private open space at 98 Broadway adjoins the Right of Way opposite the subject site. The eastern (rear) boundary of the subject site is also partially sited opposite 100 Broadway, which is currently under construction with three (3) dwellings on the site.



5. PERMIT TRIGGERS

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

<i>Zone or Overlay</i>	<i>Why is a permit required?</i>
<i>Clause 32.08 General Residential Zone</i>	<i>A permit is required to construct or extend a dwelling on a lot less than 500sqm pursuant to Clause 32.08-3 of the Port Phillip Planning Scheme. A development must meet the requirements of Clause 54.</i>
<i>Clause 43.01 Heritage Overlay</i>	<i>A permit is required to demolish or remove a building and to construct a building or construct or carry out works including a deck and fence, pursuant to Clause 43.01-1 of the Port Phillip Planning Scheme.</i>
<i>Clause 44.05 Special Building Overlay</i>	<i>A permit is required to construct a building or construct or carry out works pursuant to Clause 44.05-1 including a fence.</i>

6. PLANNING SCHEME PROVISIONS

6.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

- Clause 15: Built Environment and Heritage including;
- Clause 15.03-1 Heritage Conservation

6.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

- Clause 21 Municipal Strategic Statement (MSS)
- Clause 21.03 Ecologically Sustainable Development, including
- Clause 21.03-1 Environmentally Sustainable Land Use and Development
- Clause 21.05 Built Form, including:
- Clause 21.05-1 Heritage
- Clause 21.05-2 Urban Structure and Character
- Clause 21.06 Neighbourhoods, including:
- Clause 21.06-2 Elwood and Ripponlea
- Clause 22.04 Heritage Policy
- Clause 22.12 Stormwater Management (Water Sensitive Urban Design)

6.3 Other relevant provisions

- Clause 54 Rescode (Clause 54)
- Clause 65 Decision Guidelines

6.4 Relevant Planning Scheme Amendment/s

Amendment C123

At its meeting on 27 October 2015, Council adopted Amendment C118, as its updated



translation of the New Residential Zones across Port Phillip, and Amendment C123, as an alternative option that addressed all of the matters for review raised by Minister. The Minister has referred Amendment C123 to the Residential Zones Standing Advisory Committee. Amendment C123 proposes to include the subject site in a Neighbourhood Residential Zone - Schedule 5. The purpose of the proposed zone is to recognise areas of predominantly single and double storey residential development and limit opportunities for increased residential development. New development must respect the identified neighbourhood character, heritage, environmental or landscape characteristics. Schedule 5 to the Neighbourhood Residential Zone includes a mandatory maximum building height of 8 metres.

Although this application pre-dates this provision and would benefit from the transitional provisions outlined at the proposed Clause 32.09-4, it is worth noting that the maximum building height of the subject extension would comply with the proposed maximum building height of 8 metres.

7. REFERRALS

7.1 Internal referrals

The application was referred to the following areas of Council for comment. The comments are discussed in detail in Section 9.

- **Heritage & Urban Design**

While this may exceed the 10 degree sightline, if it will be visible at all it will be very far back and mostly concealed by the high transverse gable roof. Oblique views will also be limited by the two storey block of flats next door. Similarly, the 'mesh entry box' will be of limited visibility given the setback. Accordingly, the addition will be visually recessive as required by our policy and will not have an adverse impact. At the rear the carport is a low key structure, which will have no impacts

7.2 External referrals

Referral Authority	Response	Conditions
Melbourne Water	No objection subject to conditions/objection summarised.	Refer condition 5

8. PUBLIC NOTIFICATION/OBJECTIONS

8.1 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 (17 letters) and directed that the applicant give notice of the proposal by posting two (2) notices on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.



8.2 The application has received 18 objections and three (3) letters of support. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 9):

- Overshadowing is only taken during the September equinox, and not at the winter solstice

Clause 54.04-5 of the Port Phillip Planning Scheme requires that the overshadowing assessment be taken between 9 am and 3 pm on 22 September.

- The dwelling to the south (127A Ruskin Street) is a passive solar building

Impacts to this dwelling as a result of the proposed development are assessed against the relevant provisions of ResCode in Section 9.3 of this Council report.

- Property devaluation

This is not a valid planning consideration under the Planning and Environment Act 1987.

- Flooding concerns

The subject site is covered by a Special Building Overlay (Schedule 1). Land that falls within the Special Building Overlay has been identified as 'liable to inundation and flooding by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority'. The flood authority is Melbourne Water, and as part of the application process, this proposal has been referred to Melbourne Water for comment. Melbourne Water did not object to the proposal, subject to conditions (refer recommended Condition 5).

Moreover, the proposal exceeds the minimum 20% level of permeability required by Standard A5 (Permeability) of Clause 54, with the 35% of the proposed site proposed to be permeable. Additionally, the development would incorporate a Water Sensitive Urban Design response, which is discussed in further detail at Section 9.4 of this Council report

- Excessive overall height of the new additions and carport
- Neighbourhood character
- Heritage concerns
- Overlooking
- Visual bulk
- Overshadowing
- Energy efficiency of adjoining dwellings
- North facing windows

These points are discussed in further detail below.

8.3 It is considered that the objections do not raise any matters of significant social effect under Section 60(1B) of the Planning & Environment Act 1987.



9. OFFICER'S ASSESSMENT

9.1 Demolition

It is Local Planning Policy (at Clause 21.05 – Built Form) to “support the restoration and renovation of heritage buildings and discourage their demolition”.

Strategies to achieve this include to:

- *Protect, conserve and enhance all identified significant and contributory places, including buildings, trees and streetscapes.*
- *Support the restoration and renovation of heritage buildings and discourage their demolition.*

Clause 22.04 (Heritage Policy) of the Port Phillip Planning Scheme includes the following objectives:

- *To retain and conserve all significant and contributory heritage places.*

Clause 22.04-1 outlines that where a permit is required for demolition of a significant or contributory building, it is policy to:

- *Allow the demolition of part of a heritage place if it will not affect the significance of the place and the proposed addition is sympathetic to the scale and form of the place.*

In accordance with Clause 22.04-1, the partial demolition to the eastern (rear) section of the dwelling, comprising the family room, and the demolition of the pergola, garage and fence structures would not affect the significance of the place, as these building elements are not visible from the street. The demolition would not alter the front façade which is the main vantage point of the dwelling. The extent of the proposed demolition would renovate the building to modern standards without compromising the significance of the heritage place.

9.2 Proposed alterations and additions

It is proposed to construct a ground and first floor addition to the rear of the existing dwelling at 127 Ruskin Street, and addition to a new carport and fencing. .

Both the State and Local Planning Policy Framework seek the protection of existing or preferred neighbourhood character and seek to ensure that new development is suitable from a neighbourhood character and heritage (where applicable) perspective.

Clause 21.05-1 of the Port Phillip Planning Scheme includes the following objectives in regards to new development in heritage areas:

- *Ensure that new development respects and enhances the scale, form and setbacks of nearby heritage buildings.*
- *Encourage high quality design that positively contributes to identified heritage values.*



More specifically, Clause 21.06-2 (Elwood and Ripponlea) of the Port Phillip Planning Scheme details the vision and strategies that relate to this particular neighbourhood:

Vision

- *The distinctive suburban character of established suburban areas, including large front and rear setbacks, established gardens and low rise building form is maintained.*

Local Strategies

In areas zoned Residential 1:

6.2.3 *Protect the existing suburban character of Elwood and Ripponlea by encouraging the retention of large dwellings and single dwelling lots.*

6.2.5 *Encourage new developments to respond to the following character elements:*

- *Detached dwellings on large allotments with generous front, rear and side setbacks that allow for attractively landscaped large open space areas with established trees.*
- *The consistent architectural character of many areas created by the predominance of Federation and inter-war dwellings with hip or gable roof forms*
- *Low building heights ranging from 1-2 storey for single residences and 2-3 storey for flats.*

It is a policy (at Clause 22.04) to:

- *Encourage the restoration and reconstruction of heritage places (including the accurate reconstruction of original streetscape elements such as verandahs) in all areas, and in particular, in intact or substantially consistent streetscapes in the South Melbourne, Albert Park, Middle Park and St Kilda West Heritage Overlay areas (HO440, HO441, HO442, HO443, HO444, HO445 or HO446).*
- *Encourage new development to be respectful of the scale, form, siting and setbacks of nearby significant and contributory buildings.*
- *Encourage a contextual design approach for additions and/or alterations to a heritage place or for new development. A contextual approach is where the alteration, addition or new development incorporates an interpretive design approach, derived through comprehensive research and analysis.*

Clause 22.04 (Heritage Policy) also includes the following policies specific to additions and/or alterations to heritage places in Heritage Overlay Areas:

- *Additions and alterations:*
 - *Do not change the original principal facade(s) or roof.*
 - *Are distinguishable from the original parts of the heritage place to be conserved, if a contemporary architectural approach is used.*
 - *Are based on research that can identify the elements, detailing and finishes originally employed.*
 - *Do not obscure or alter an element that contributes to the significance of the heritage place.*



- *Maintain an existing vista or viewlines to the principal facade(s) of a heritage place.*
- *An upper storey addition is sited and massed behind the principal facade so that it preferably is not visible, particularly in intact or consistent streetscapes (see Performance Measure 1).*

The relevant performance measure for the proposed first floor addition is outlined below:

- *Performance measure 1:*

Upper storey additions may meet the above policy for siting and massing if the following measures, as appropriate, are achieved:

- *They are sited within an “envelope” created by projecting a line of 10 degrees from the height of the base of the front parapet or gutter line on the main façade and extending to the rear of the heritage place, or;*
- *In exceptional cases where the heritage place is located in a diverse streetscape and the design of the proposed addition is considered to be an appropriate contextual response, they are sited within an “envelope” created by projecting a line of up to 18 degrees from the height of the base of the front parapet or gutter line on the main façade of the heritage place.*

The proposed extension exhibits the key character elements that contribute to the surrounding area, including a contextually appropriate scale, massing, form and materiality.

The area surrounding the subject site is characterised by residential development of a one and two storey scale and primarily period style architecture with pitched, hipped and gabled roof forms. Some of the dwellings within the immediate area have had single and double storey extensions constructed to the rear, including No. 116, 118, 122 and 124 Ruskin Street, which are to the north of the subject site.

The proposed extension would comprise a ground and first floor addition, with an overall height of 6.73m above natural ground level. The proposed single storey extension to the east (rear) of the dwelling, comprising the family room, laundry and toilet would not be visible from the streetscape, as the addition would not project beyond the northern (side) elevation, and would be constructed to the east (rear) of the existing dwelling. Only the proposed ‘mesh screen’ entry box, to be constructed along the northern (side) elevation would be visible. However given that the ‘mesh screen’ entry structure would be constructed from a lightweight material and would be setback a minimum of 17 metres from the front façade, it would be of limited visibility,

The first floor addition would have a sightline of 11 degrees, which marginally exceeds the 10 degree sightline performance measure specified for intact streetscapes at Clause 22.04 (Heritage Policy) of the Planning Scheme. While this section of Ruskin Street is considered to be intact, first floor addition would be setback 16.04 metres from the front façade, and would be largely obscured by the high pitch of the gable roof end, and the semi-detached physical form of the dwelling, and would therefore not be highly visible from the streetscape. This is the view shared by Council’s Heritage Advisor (as quoted in Section 7.1, above):



The first floor addition comprises a master bedroom and ensuite and would incorporate a flat roof form that further reduces the visibility of the addition from the streetscape. The design response ensures that the new addition to the heritage building maintains the significance of the heritage place, by respecting the scale, form and siting of the existing building on the site. This is achieved in part by constructing a first floor addition that only exceeds the height of the existing heritage building on the site by approximately 1.24 metres.

The new additions incorporate a contemporary contextual architectural design that is clearly distinguishable from the original parts of the heritage place and is an approach that is supported at Clause 22.04 (Heritage Policy). Moreover, the contextual design approach does not seek to obscure elements of the existing building that contribute to its heritage significance, and maintains the existing viewlines to the principal facade, through massing the new addition so that it is visually recessive from the front of the building, ensuring that the scale of the heritage place is the dominant element in the principal streetscape. The proposed addition would not dominate the existing building or impair the legibility of the original single-storey envelope.

The proposed deck, which would be constructed along the northern (side) elevation, and the swimming pool, which would be contained within the eastern (rear) setback, would have areas of 17.28 square metres and 22 square metres respectively, which is considered to be modestly sized. The location of the mechanical and safety equipment associated with the swimming pool would be required to be shown on the plans (refer recommended Condition 1b).

A partial materials and finishes schedule has been included on the plans, however it is recommended that a condition be included on any permit issued requiring a full schedule of materials, finishes and paint colours, including colour samples (refer to recommended Condition 2). The materials proposed for the new additions include timber cladding and mesh screening, and a colourbond roof. They are considered appropriate given they would blend in with the existing dwelling and surrounding area.

9.3 Amenity – Clause 54 (Rescode)

The proposal would satisfy the relevant ResCode Standards A1 (Neighbourhood Character), A2 (Integration with the Street), A4 (Building Height), A5 (Site Coverage) A6 (Permeability), A7 (Energy Efficiency), A8 (Significant Trees), A12 (Daylight to Existing Windows), A13 (North Facing Windows), A14 (Overshadowing Open Space), A16 (Daylight to New Windows), A17 (Private Open Space) and A19 (Design Detail).

While the proposed extension satisfies Standard A7 (Energy Efficiency Protection), Standard A13 (North-Facing Windows) and Standard A14 (Overshadowing) as noted above, given the nature of the objections submitted which primarily focus on the impact of the proposed extension to the neighbouring dwelling to the south at 127A Ruskin Street, an assessment is provided against the objectives of Standard A7, Standard A13 and Standard A14:

Energy Efficiency Protection (Standard A7)

The energy efficiency protection objective of Clause 54.03-5 is:



To achieve and protect energy efficient dwellings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

In order to limit any reduction to the energy efficiency of the proposed development upon the neighbouring dwelling to the south (127A Ruskin Street), the first floor addition would be setback 3.92m from the shared boundary, which limits any additional overshadowing to the ground floor north-facing windows of 127A Ruskin Street. To demonstrate that the proposed development would not impact the energy efficiency of 127A Ruskin Street, the applicant has provided 3D modelling to show that the proposed addition would not contribute to any additional overshadowing to the north-facing windows of 127A Ruskin Street.

Due to the orientation of the site, between 9am and 12pm, the north-facing windows of 127A Ruskin Street would not be overshadowed, and sunlight to these windows would be maintained. Between 12pm and 3pm, the submitted 3D modelling shows that partial overshadowing of these windows occurs, however this overshadowing is attributed to the existing roof structures of 127 and 127A Ruskin Street, and the 1.62 metre high existing fence.

While it is acknowledged that this is modelled on the September equinox (as required by ResCode), and not the winter solstice where the sun is lowest in the sky and the shadows are longer, it is considered that the first floor addition has been sited and designed to ensure that the energy efficiency is not unreasonably reduced. Furthermore, a secondary window source to the room associated with the north-facing habitable room window of 127A Ruskin Street is provided along the eastern (rear) elevation of this site.

North-Facing Windows (Standard A13)

The north-facing window objective of Clause 54.04-4 is:

To allow adequate solar access to existing north-facing habitable room windows.

As discussed above in Standard A7, the proposed additions would not unreasonably impact solar access to the north-facing windows of 127A Ruskin Street. The proposed first floor addition would have a wall height of 6.64 metres, and would be setback 3.91 metres from the boundary shared with 127A Ruskin Street. The Standard requires a setback of 2.84 metres. The proposal would exceed the Standard requirement by 1.07 metres.

Overshadowing (Standard A14)

The overshadowing objective of Clause 54.04-5 is:

To ensure buildings do not unreasonably overshadow existing secluded private open space.

The calculations submitted with the shadow diagrams show that a minimum of 64.7 square metres of the 116.1 square metres of secluded private open space of 127A Ruskin Street would continue to receive sunlight between 9am and 3pm. This exceeds the 40 square metres required by the standard, and it therefore considered that the proposal would not unreasonably overshadow the private open space of 127A Ruskin Street.



Where the Standards have not been met, variations have been sought in relation to A10 (Side and Rear Setbacks), A11 (Walls on Boundaries) and A15 (Overlooking) as follows:

Side and Rear Setbacks (Standard A11)

Partial non-compliance with the Standard is associated with the 'mesh screen' entry box constructed at ground floor level along the northern (side) elevation. The entry box would be setback from the northern (side) boundary by 0.87 metres, and would have an overall height of 3.39 metres and length of 3.11 metres. The Standard requires a setback of 1.0 metres, requiring a minor variation to the standard of 0.13 metres (130mm). A variation is considered appropriate in this instance, as the northern interface of the entry box contains a narrow side access path between the shared boundary and 123-125 Ruskin Street and would not be sited opposite any neighboring habitable room windows and would thus not contribute to any unreasonable amenity impacts. Given the orientation of the site, there would be no overshadowing to 123-125 Ruskin Street as a result of the proposed development. Furthermore, the lightweight composition of the structure would ensure that it is only partially visible from the street and would not impact on the neighbourhood character of the surrounding area or heritage precinct.

Walls on Boundaries (Standard A11)

Along the southern (side) boundary a carport with a length of 6.6 metres, and an overall height of 2.69 metres is proposed. The overall length of the walls on boundary would be 15.71 metres, 9.15 metres of which is existing wall on boundary. The Standard requires a maximum wall length of 15.23 metres, and a variation to the Standard would be sought for 0.48 metres (480mm).

A variation to the Standard is considered appropriate in this instance, as the encroachment of 0.48 metres is considered to be minor, and would not result in unreasonable amenity impacts or visual bulk concerns to the neighbouring dwelling to the south (127A Ruskin Street). Furthermore, the proposed carport would be an open-sided carport, and would therefore not be a solid structure and would not cause unreasonable visual bulk to the adjoining dwelling. In addition, overall height of the carport at 2.69 metres and would be less than the 3.2 metre maximum wall height prescribed in the Standard.

Overlooking (A15)

The existing height of the northern and southern (side) boundary fences is 1.62 metres above natural ground level, and the applicant proposes to install lattice to the existing fence structures to increase the overall height of the side boundary fences to 1.8 metres. This would limit overlooking from the deck area and new ground floor additions, which have finished floor levels less than 0.8 metres in accordance with the Standard.

Along the southern (side) elevation at first floor level, perforated screening with a maximum of 25% transparency would be installed along the entirety of the first floor southern elevation. Two (2) habitable room windows would be installed along this elevation, associated with the master bedroom.



It is considered that perforated screening with 25% transparency would not sufficiently limit views into the neighbouring area of secluded private open space and habitable room windows and therefore it is recommended that a condition be included on any permit issued requiring that the windows have a minimum sill height of 1.7 metres above the finished floor level, or have obscure glazing or fixed external screening to a height of 1.7 metres above the finished floor level, in accordance with Standard A15 (refer recommended Condition 1a)

9.4 Stormwater Management (Water Sensitive Urban Design)

An extension to an existing buildings greater than 50 square metres in floor area is proposed, therefore, the application would need to satisfy the requirements of the Stormwater Management (Water Sensitive Urban Design) Policy at Clause 22.12 of the Port Phillip Planning Scheme. The applicant has prepared a STORM Rating Report to address the policy requirements. The STORM Rating Report submitted achieves 107 percent rating, the STORM Rating Report nominating rainwater gardens and rainwater tank as the water retention mechanisms for the water drained from the roof.

The plans submitted show a 9.5 square metre rainwater garden, a 6.6 square metre raingarden and two 1650 litre rainwater tanks, consistent with the STORM Rating Report.

The proposal is deemed capable of satisfying the requirements of the Stormwater Management (Water Sensitive Urban Design) Policy. It is recommended that conditions be placed on any permit issued ensuring that the development incorporates the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report (refer to Condition 10).

10. COVENANTS

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 Unit 1 on Strata Plan 020782A [Parent Title Volume 09569 Folio 596].

11. OFFICER DIRECT OR INDIRECT INTEREST

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

12. OPTIONS

- 12.1 Approve as recommended
- 12.2 Approve with changed or additional conditions
- 12.3 Refuse - on key issues

13. CONCLUSION

13.1 The proposed extension is considered to be responsive to the existing dwelling on site and the scale and pattern of development in the surrounding area. The proposed two storey addition would be of a respectful scale and massing to be well integrated within the heritage and neighbourhood character of the surrounding area.



- 13.2 The development has been designed to consider the amenity of the adjoining properties. The proposal achieves compliance with ResCode objectives and broad compliance with the standards subject to some modifications. Where variations are required for Standard A10 (Side and Rear Setbacks) and A11 (Walls on Boundaries) they can be substantiated. Where Standard A15 is not met, it is addressed by way of a condition on any permit issued.
- 13.3 Approval is therefore recommended.

14. RECOMMENDATION - NOTICE OF DECISION

- 14.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit
- 14.2 That a Notice of Decision to Grant a Permit be issued for Partial demolition to the rear of the existing dwelling, construction of a two storey addition to the rear of the dwelling, and construction of a carport, deck, swimming pool and side and rear boundary fencing
- 14.3 That the decision be issued as follows:

1 Amended plans required

Before the 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 (2) copies must be provided. The plans must be generally in accordance with the plans Council date stamped 24 March 2017 but modified to show:

- a) The sill of the first floor windows along the southern (side) elevation associated with the master bedroom constructed to a height of 1.7 metres above the FFL or screened to a height of 1.7 metres above the FFL by obscure glazing or louvres allowing upward views but preventing downward and horizontal overlooking of adjacent properties. If louvred screens are proposed, a cross section elevation drawing of screens to the windows must be provided which:
- i. Clearly delineate any solid parts of the screen and any louvre parts of the screen;
 - ii. Clearly illustrate how any louvre system may allow upward views but will prevent horizontal and downward views to neighbouring properties;
 - iii. Show the exact width and thickness of each louvre, the exact spacing between each louvre and a section detail from behind the screen demonstrating that direct views of adjacent private open space are precluded, while allowing outlook horizontally and upward from the window.
- b) The location of the mechanical equipment and safety equipment associated with the swimming pool.



2 No alterations

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, unless the Port Phillip Planning Scheme exempts the need for a permit.

3 External Finishes

Concurrent with the endorsement of plans, a full schedule of materials, finishes and paint colours, including colour samples (colour samples in a form that is able to be endorsed and held on file), must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit.

4 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.

Melbourne Water condition

5 Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

End Melbourne Water condition

6 Privacy Screens Must be Installed

Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building and thereafter maintained to the satisfaction 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 equipment or services

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 the primary street frontage (other than a lane) or public park without the written consent of the Responsible Authority.

9 Incorporation of Water Sensitive Urban Design initiatives

Before the occupation of the development approved under this permit, the project must incorporate the water sensitive urban design initiatives listed in the endorsed Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.



10 Piping and ducting

All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed to the satisfaction of the Responsible Authority.

11 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.
- a. 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 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.

Permit Notes:

- **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 will 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 must show due care in the development of the proposed extensions so as to ensure that no damage is incurred to any dwelling on the adjoining properties.

- **Days and Hours of Construction Works**

Developers

Except in the case of an emergency a builder must not carry out building works outside of construction hours:-

- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.

An Out of Hours permit cannot be obtained for an appointed public holiday under the Public Holidays Act, 1993.



Owner Builders

An owner builder must not carry out building works outside of construction hours:-

- Monday to Friday: 7.00am to 8.00pm; or
- Saturdays, Sundays and public holidays: 9.00am to 6.00pm.

An Out of Hours permit may be considered pursuant to Community Local Law No. 3, Clause 24. For further information, contact Council's City Permits unit on Ph: (03) 9209 6216.

- **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).

Melbourne Water footnotes

- Flooding may be associated with the Melbourne Water regional drainage system and/or the local Council drainage systems. Information available at Melbourne Water indicates that the property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year. However, to determine if a property is subject to flooding from the local Council drainage system you will need to contact the relevant Council for flood information.
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 31997.