



8.5	31 ROSS STREET, PORT MELBOURNE
LOCATION/ADDRESS:	31 ROSS STREET, POT MELBOURNE
RESPONSIBLE MANAGER:	GEORGE BORG, MANAGER CITY DEVELOPMENT
AUTHOR:	RICHARD LITTLE, SENIOR URBAN PLANNER
TRIM FILE NO.:	PF16/703751
ATTACHMENTS:	1. Objector Map 2. Application Plans
WARD:	Gateway
TRIGGER FOR DETERMINATION BY COUNCIL:	More than 16 objections
APPLICATION NO:	995/2016
APPLICANT:	Moray and Agnew Lawyers
EXISTING USE:	Single Dwelling
ABUTTING USES:	Single Dwelling
ZONING:	General Residential Zone
OVERLAYS:	Heritage Overlay
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

PROPOSAL

Partial demolition of the dwelling, alterations and additions including the construction of a two storey extension.

I. EXECUTIVE SUMMARY

- 1.1 The proposal is for the partial demolition of the existing dwelling and boundary fences and construction of a two storey addition.
- 1.2 Twenty five (25) objections have been received. The main concerns raised by the objectors relate to building height, design, overshadowing, overlooking, walls on boundaries, site coverage and permeability.
- 1.3 Following the notification of the application, the proposal was amended via Section 57A plans, pursuant to the Planning and Environment Act (1987). The plans have been modified by a reduction in the overall height from 7.4m to 6.65m, increase in the setback from the adjoining property to the east, which resulted in an improvement to overshadowing, site coverage and permeability. The plans (Section 57A plans) were readvertised to all objectors but did not result in any further objections or objections being withdrawn.



- 1.4 Consideration relates to the new built form and whether it is an appropriate outcome in this location. The proposal is a contemporary design that is in keeping with the section of Ross Street and Albert Street. The application has been supported by Council’s Heritage Advisor.
- 1.5 In regards to residential amenity to the adjoining properties, there would be a minor increase in overshadowing.
- 1.6 The proposal is recommended for approval, subject to conditions.

2. RELEVANT BACKGROUND

The application was originally submitted on 28th October 2016 for the partial demolition of the existing dwelling and boundary fences and construction of a two storey addition. The proposal was notified to adjoining properties and twenty-five (25) objections were received. In response to the objections and Council’s concerns the application was formally amended pursuant to Section 57A of the Planning and Environment Act (1987).

The changes include;

- Reduction in the height of the development from 7.4 m to 6.65 m.
- Changes to the overall design of the dwelling
- Increase in site permeability from 9.2% to 13.3%
- Reduction in overshadowing
- Reduction in height of the walls on boundaries from 3.3m to 3.2m
- Increase in the setback of the proposed terrace to No. 29 Ross Street from 1.11m to 1.25m
- Reduction in parapet height to north east from 7.4m to 6.5m.
- Removal solid canopy from the deck and replaced with a translucent roof
- Reduction in size of the on en-suite at ground floor level from 11.74sqm to 10.32sqm.
- Increase in northern glazing from 14.07sqm to 21.85sqm.

The assessment relates to the Section 57A plans referred to as A01, A02, A03, A04, A05, A06, A07, A08, A09, A10, 10a, A11, A12, A13, A14, A15, A16, A17, A18 all prepared by Adrian Wasmund Design and received 19th April 2017 by the Council.

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

Application No.	Proposal	Decision	Date of Decision
7/2015	Section 22 (Subdivision) 2 lot subdivision	Approved	13/01/2015

3. PROPOSAL

3.1 Demolition

- The whole of the ground floor with the exception of the front wall.
- The whole of the first floor with the exception of part of the front wall and the rear wall.



3.2 Alterations and Additions

Ground Floor

- Construction of ground floor addition to both side boundaries. The addition would include a single garage, living room, stairs, bathroom, bedroom, master bedroom with en-suite.
- The ground floor would measure 18m long and 7.0m wide, with a floor area of 89sqm.

First Floor

- At first floor the extension would include a terrace facing Ross Street, open plan living/ dining and kitchen area, WC and bedroom with access to a balcony (13sqm).
- The first floor addition would be built to the front of the site and be 16.6m long and 6.3m wide. The first floor additions would be setback 1.2 from the rear boundary and 1.27m to the boundary with No. 29 Ross Street. The first floor additions would be built to the boundary with No. 70 Albert Street. The proposal would maintain the existing front setback at ground and first floor level.
- Windows would be provided to the western elevation.

Roof

- The proposal would have a flat roof.

Car Parking

The existing open car space, accessed via Ross Street (existing roller door) would be replaced with the construction of a single garage. Therefore the car parking arrangements remain the same.

Heights

- The proposal would result in an overall height of 6.65 metres.

Materials

- The proposed materials include brick, stone panel, timber battens, laser cut panel screen, render and glass balustrades.

4. PROPOSAL

- 4.1 The subject site is located on the western side of Ross Street.



Figure 1: Aerial photograph of the site and surrounding area.

- 4.2 The site is approximately rectangular in shape with a frontage of 17.85m, sideage (southern boundary) of 6.81 metres, sideage (northern boundary) of 7.53 metres and rear boundary of 17.98 metres. The site has an overall area of 129 m².
- 4.3 Perpendicular to the rear boundary is Melville Street.
- 4.4 The site contains a two storey masonry dwelling with a gabled roof and a single car space with access via Ross Street. The secluded private open space is located to the south of the dwelling. There is an existing timber paling fence along the southern, western elevations and partially along the frontage.
- 4.5 To the west of the site (No. 70 and 72 Albert Street) has a recent VCAT Planning Permit (536/2016) for the full demolition of the existing buildings and construction of a three storey building with a basement containing nine dwellings and a reduction of the car parking requirements. The development is currently under construction and would result in a two storey wall on the shared boundary with the subject site.
- 4.6 To the north is a reserve that separates Ross Street from Graham Street, on the opposite side of Graham Street are residential properties.
- 4.7 To the east (29 Ross Street) is a two storey weatherboard dwelling with a corrugated iron gabled roof. The dwelling is built to the eastern boundary which faces Ross Street. Abutting the shared boundary is a single car space. The principle private open space is a first floor terrace facing the subject site.
- 4.8 To the south (No. 28 Ross Street) is a two storey rendered dwelling with gabled roof at the front and flat roof at the rear. To the rear of the dwelling is a paved area used as private open space and car parking. To the rear of the dwelling is Melville Street.



4.9 This section of Ross Street (parallel to Graham Street) has a diverse streetscape with contemporary two storey dwellings on the corner of Albert Street and Graham Street and a large two storey addition with zero setback to the property to the south. This eastern section of Ross Street and Albert Street are residential in nature with single dwellings forming the predominate style. The eastern end of Ross and Albert Street have a number of contemporary dwellings and alterations. Further west of the site along both Ross Street and Albert Street the style become more unified with single storey Victorian and Edwardian cottages.

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 32.01 General Residential Zone</i>	<i>A permit is required for building and works on a lot less than 500 square meters pursuant to 32.08-3. A development must meet the requirements of Clause 54.</i>
<i>Clause 43.01 Heritage Overlay</i>	<i>A permit is required to demolish a building and to construct a building or construct or carry out works pursuant to Clause 43.01-1.</i>

6. PLANNING SCHEME PROVISIONS

6.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

- Clause 15.01 Urban Environment
- Clause 15.03 Heritage
- Clause 16.01 Housing
- Clause 17 Economic Development

6.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

- Clause 21.03 Ecologically Sustainable Development, including
 - Clause 21.03-1 Environmentally Sustainable Land Use and Development
 - Clause 21.03-2 Sustainable Transport
- Clause 21.04 Land Use, including



- Clause 21.04-1 Housing and Accommodation
- Clause 21.04-2 Activity Centres
- Clause 21.05 Built Form, including
 - Clause 21.05-1 Heritage
 - Clause 21.05-2 Urban Structure and Character
 - Clause 21.05-3 Urban Design and the Public Realm
- Clause 21.06 Neighbourhoods, including
 - Clause 21.06-4 Port Melbourne and Garden City

The following local planning policies are relevant to this application:

- Clause 22.04 Heritage Policy

6.3 Other relevant provisions

- Clause 54 One dwelling on a lot
- 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 proposal would comply with the proposed maximum building height of 8 metres, given the overall height would be 6.65m.



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.

Council's Heritage Advisor:

Comments on the Section 57A plans

Amended plans were submitted that make some minor changes to the appearance of the dwelling (as well as some changes to address objections). The development is still acceptable within the HO.

The inclusion of 31 Ross Street is a mistake/anomaly as it does not actually form part of the Ross Street streetscape that is part of HO1. It faces toward Graham Street and the immediate streetscape has no valued character.

The proposed changes to the building are mostly cosmetic and will change the building to a more rectilinear, contemporary appearance. I believe the design is acceptable. Sufficient articulation is provided through both form (e.g., deep reveal to the balcony) and materiality (timber battens to the façade). I note the overall height will not increase.

Accordingly, the proposed development is acceptable.

Planner comments:

The proposal is supported by the Council's Heritage Advisor.

Council's Sustainable Architect

A Water Sustainable Urban Design Response and a Sustainability Design Assessment have been received, but required further details to be acceptable. If the remainder of the application is acceptable a condition should be placed on any permit granted that requires a water sustainable urban development plan and a sustainable management plan. (Conditions 4, 5, 9 and 10).

Planner Comment:

The recommendation will require that an appropriate Water Sensitive Urban Design Response and Sustainability Design Assessment measure are provided for this proposal.

7.2 External referrals

The application was not required to be externally referred.



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 (6 letters) and directed that the applicant give notice of the proposal by posting one notice 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 twenty five (25) objections, based on the original advertised plans. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 9):
- Excessive site coverage and lack of permeable area.
 - Design and bulk not in keeping with the streetscape.
 - The design not in keeping with the Heritage Overlay.
 - The development must be considered in respect to other developments in the area by the same owner- No. 66 and 70-72 Albert Street.

The proposal must be assessed on its own merits and in the context of the existing streetscape.

- Increase in overshadowing to the adjoining properties
- Lack of ground floor setback to adjoining properties result in excessive bulk to adjoining properties.
- Development does not comply with ResCode (Walls on Boundaries).
- Lack of Secluded private open space for the occupiers
- At the time of the application the applicant was not the owner.

The current applicant became the owner prior to the advertising of the application.

- Reduction of sunlight to the kitchen at No. 64 Albert Street.

The proposal will allow for adequate levels of sunlight to No. 64 which is three properties to the rear of the subject site.

- Potential to change vehicular access from Ross Street to Melville Street.

The proposal is maintaining its current vehicular access to Ross Street.

- Overshadowing to the rear of No. 29 Ross Street.
- Noise and loss of privacy from the first floor terrace.

The first floor terrace is modest in size and would not accommodate a large number of people. Also, it is accessed via a bedroom and not a living room. On this basis it is not considered that



the terrace would result in noise and disturbance. Privacy is considered in section 11.1 and 11.3 of the report.

- 8.3 It is not 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 The key matters raised in this application are considered to be the impact of the proposed dwelling on the streetscape and residential amenity impacts from the proposal.

9.2 Demolition

It is proposed to partially demolish the dwelling and retain the front wall at ground floor level and part of the front and rear wall at first floor level. The dwelling at 31 Ross Street has a 'nil' grading under the Port Phillip Heritage Review. Furthermore, Council's Heritage Advisor has stated that "the inclusion of 31 Ross Street is an anomaly as it does not actually form part of the Ross Street streetscape that is part of HO1. It faces toward Graham Street and the immediate streetscape has no significant heritage value." On this basis the partial demolition of the dwelling would not adversely impact on the heritage place and streetscape.

9.3 Neighbourhood Character

Taking into consideration the relevant objectives of Clause 21.05 Built Form and Clause 21.06 Neighborhood Character, a tempered design approach should be adopted to the issues of height, bulk and mass in a heritage area. It is important to identify the heritage place and ensure they are conserved and enhance the respective features that contribute to its significance.

Taking this into consideration the proposed additions would be consistent, sympathetic and responsive with the nature of recent development in the immediate area, where first floor extensions and two and three storey dwellings have been introduced.

The existing dwelling is two storey and the proposal does not seek to increase the height of the existing dwelling and would retain the existing front setback. The proposal would result in an increase in the ground floor (53.79sqm to 107sqm) and first floor (58.67sqm to 93.8sqm) footprint of the dwelling.

The existing dwellings secluded private open space is located between the dwelling and No. 29 Ross Street and has an uncovered car space abutting the boundary with No. 72 Albert Street. The proposal would be built to the boundary with No. 29 and No. 72 at ground floor level.

At first floor level the proposed additions would have a 1.39m setback from the balcony and 4.0m from the wall of the dwelling to the boundary with No. 29 Ross Street. The first floor would be built to the boundary with No. 72 Albert Street.

Boundary to boundary developments are part of the character of this particular area. At ground floor level many dwellings in Albert Street and Ross Street are built to the side



boundaries. There are also examples of first floor additions built to the side boundaries as identified at No. 28 Ross Street and No. 398 Graham Street. In addition, the recently approved development at 66 Albert Street, allowed by VCAT (Kathapoulis v Port Phillip CC [2016] VCAT 2093) supports a two storey extension built to the side boundaries.

The overall height and bulk of the additions are therefore in keeping with the existing streetscape. In the context of the existing streetscape the proposal is considered to be in keeping with the established neighbourhood character.

The proposed increase in foot print would result in an increase in the site coverage of the site. The proposal would have a site coverage of 82%. In this case the site is small, being only 129sqm. It is noted that the area generally has a high level of site coverage, and other properties of similar size exhibit a similar level of site coverage. This view is supported by the recent VCAT decision (Kathapoulis v Port Phillip CC [2016] VCAT 2093) in which the member stated *“having regard to the proposed site coverage of 91.45%. This is a neighbourhood where dwellings are often sited close to, or on, the respective front boundaries, and built to one or both side boundaries, with very limited side boundary setbacks where they are provided. As such, the appearance when one appreciates the character of this neighbourhood from the public realm is one of a very high site coverage, close to 100%. While many sites have good sized rear yards, such spaces are not evident from the street, and so the presence or absence of these rear yards do not impact on one’s appreciation of site coverage from the public realm, as it reflects the surrounding neighbourhood character. For these reasons I find that the proposed site coverage is an appropriate response to the surrounding neighbourhood character, as it can be appreciated from the public realm”*

Overall it is considered that the proposed additions would be in keeping with the pattern of development in the immediate area in terms of setback, scale, height and site coverage.

9.4 **Heritage Overlay**

The property has a ‘nil’ grading under the Port Phillip Heritage Review 2017. Furthermore, the Council’s Heritage Advisor has advised that “the inclusion of 31 Ross Street is an anomaly as it does not actually form part of the Ross Street streetscape that is part of the Heritage Overlay (HO1). It faces toward Graham Street and the immediate streetscape has no valued character.”

On the basis of the above, the proposal is considered to be acceptable as the additions would not detract from the heritage value of the area. Furthermore, the immediate area is diverse, with a number of non-heritage properties and contemporary dwellings and additions. The proposal would introduce a more contemporary design to the existing dwelling and would be in keeping with the diverse streetscape in this particular area of Ross Street and Albert Street.

9.5 **Sightline**

Clause 22.04 (Heritage Policy) requires that *“an upper storey addition is sited and massed behind the principle façade so that it preferably is not visible, particularly in intact or consistent streetscapes”*. In assessing if an upper storey addition meets this policy, Performance Measure 1 is helpful. Performance Measure 1 requires upper storey additions to be sited



within an envelope created by a 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. 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 and extending to the rear of the heritage place

However, as discussed above, the dwelling has no heritage value and does not contribute to the heritage streetscape of Ross Street. Furthermore, the immediate area is diverse, with a number of non-heritage properties and contemporary dwellings and additions.

The first floor extension would increase the height of the principle façade by 640mm, but the overall height of the building would be 960mm below the current ridgeline of the dwelling. As such, the sightline would be 90 degrees from the current gutter line. In this case the proposed sightline is considered to be acceptable. The streetscape along this section of Ross Street is highly varied with two storey dwellings found at No. 71 Albert Street, Nos. 28 and 29 Ross Street and No. 389 Graham Street. Council's Heritage Advisor has raised no objection to the proposal and noted that the site should not have been covered by the Heritage Overlay, as it does not actually form part of the Ross Street streetscape that forms part of Heritage Overlay (HO1). The dwelling would face towards Graham Street and the immediate streetscape has no valued character. In this case the application is effectively demolishing the dwelling, with little of the original fabric being retained.

9.6 **Amenity**

The proposal would have a high regard for external amenity.

The proposal would have a two storey wall on the boundary with Nos. 70 and 72 Albert Street. No. 70 and 72 Albert Street has recently approved VCAT Planning Permit (536/2016) for a three storey building, with basement, containing nine dwellings. The proposal has a two storey wall on the shared boundary (currently under construction) with the subject site. Given that the proposal would result in a two storey wall abutting an approved two storey wall, there would be no loss of amenity to the adjoining property at No. 70 and 72 Albert Street.

At ground floor level the proposal would have a 3.1m high wall for the length of the boundary with No. 29 Ross Street. Under ResCode Standard A11 (Walls on Boundaries) recommends the maximum height of 3.2m. Given that the wall would not exceed the ResCode requirement and abuts a small courtyard/ driveway, the proposed wall is considered to be acceptable and would not result in loss of amenity due to loss of daylight, presentation of visual bulk or create a sense of enclosure.

At first floor level the proposal would have a terrace with a setback of 1.27m from the boundary with No. 29 Ross Street. The side wall of the additions at first floor level would be setback 4.0m from the boundary. The proposed additions and terrace would



about the vehicle space/ courtyard at ground floor level and face the first floor terrace of No. 29 Ross Street. However, the terrace has a privacy screen with a height of 1.7m which would be setback 1.27m from the boundary with No. 28 Ross Street. It is considered that the setback of the flank wall of the additions and the privacy screen, combined with its lightweight appearance would ensure that there is no loss of amenity to the occupiers of No. 28 and 29 Ross Street due to loss of daylight, loss of outlook, presentation of visual bulk or creating a sense of enclosure.

The proposed terrace on the eastern elevation would be enclosed with a 1.7m high privacy screen to limit overlooking to the adjoining properties. Further details of the privacy screen would be required to ensure that it would not allow for direct views into the secluded private open space of Nos. 28 and 29 Ross Street. (Refer to condition 1b).

To the south of the subject site is a laneway (Melville Street) and No. 28 Ross Street. At ground floor level the proposal would be partially built on the boundary for a length of 4.7m with an overall height of 3.2m. Given the wall on the boundary has a height of 3.2m and accords with ResCode it is not considered that there would be any loss of amenity to the occupiers of No. 28 Ross Street.

At first floor level the extension would be setback 1.18m, in line with the existing dwelling, but extended further to the west. Given the modest increase in the first floor area it is not considered that the proposed additions at first floor would be overbearing to the occupiers of No. 28 or result in loss of light, outlook or create a sense of enclosure.

The proposed additions would have two windows at ground floor level and one window at first floor level. At ground floor level there is an existing 1.8m high timber fence that would prevent any overlooking from the ground floor windows. At first floor level, the sill height is shown to be below 1.7m. If the remainder of the application is considered to be acceptable a condition would require the first floor window to have a sill height of at least 1.7m. (Refer to Condition 1a).

The use of generous internal proportions, varied window forms and sizes and boundary-to-boundary construction would result in a much higher level of internal amenity than presently exists.

Refer ResCode Assessment below (Section 9.7).

9.7 **ResCode Matrix (Clause 54)**

The proposed has been assessed against the provisions of Clause 54 and a full assessment matrix is held on file. The areas of non-compliance and the recommended changes to address those variations are discussed below:

A5- Site Coverage

The proposal would result in an increase of the overall site coverage to 82%. It is noted that the area generally has a high level of site coverage, and other properties of similar size exhibit a similar level of site coverage. This view is supported by the recent VCAT



decision (Kathapoulis v Port Phillip CC [2016] VCAT 2093). Overall it is considered that the proposed site coverage would not have an unreasonable impact on the existing character of the area and the variation to this Standard is considered to be acceptable in this instance.

A6- Permeability

The proposal would result in a permeability of 19%. Whilst the proposal would not comply with the Standard, the development includes a water tank under the concrete slab of the garage. In this instance the variation to the Standard is considered to be acceptable, being only 1%, and the proposal would include a water tank to collect stormwater. Therefore proposal would comply with the Objective of this Clause which requires developments “to reduce the impact of increased stormwater run-off on the drainage system”.

A10- Side and rear setbacks

East Elevation First Floor (Side Setback)

Proposed height = 4.75m (terrace privacy screen) and 6.5m (flank wall)

Proposed setback = 1.27m and 3.9m

Required setback = 1.35m and 1.87m

Comments:

The setback of the proposed wall of the dwelling, to the shared boundary with No. 29 Ross Street, would exceed the ResCode requirements. However, the setback to the privacy screen for the balcony would not meet the ResCode Standards. A variation is considered appropriate in this instance because it relates to a lightweight privacy screen. Furthermore, the screen would face a vehicle parking area/ courtyard at ground floor level and a first floor terrace and would not result in loss of amenity to the adjoining property due to presentation of visual bulk.

South Elevation First Floor (Rear Setback)

Proposed height = 6.5m

Proposed setback = 1.18 m

Required setback = 1.87m

Comments:

The setback of the first floor wall, facing the western boundary, would not comply with this Standard.

At first floor level the additions and balcony privacy screen would be setback 1.18m from the rear boundary. This would match the existing first floor setback to the rear boundary. However the length of the first floor wall would be increased by 1.8m (towards the east) and there would also be a privacy screen which would extend 2.7m



beyond the proposed flank wall. The increase in the first floor area is modest and the privacy screen would only be 1.7m high and have light weight appearance. Therefore, it is considered that the proposed additions at first floor would not result in loss of amenity to the occupiers of No. 28 through loss of daylight, outlook or create a sense of enclosure. In this instance the variation to the Standard is considered to be appropriate.

AI I - Walls on boundaries

Western Boundary

Does not Comply

Length of wall proposed = 7.4 m

Recommended maximum length of wall = 9.35 m

Height of wall proposed = 3.1m increasing to 6.5m

The proposal has a two storey wall on the western boundary with a height of 6.5m which would not meet the Standard due to its height above 3.2m.

The proposal would have a two storey wall on the boundary with Nos. 70 and 72 Albert Street. No. 70 and 72 Albert Street has recently approved VCAT Planning Permit (536/2016) for a three storey building, with basement, containing nine dwellings. The proposal has a two storey wall on the shared boundary (currently under construction) with the subject site. Given that the proposal would result in a two storey wall abutting an approved two storey wall, there would be no loss of amenity to the adjoining property at No. 70 and 72 Albert Street.

Southern Boundary

Complies

Length of wall proposed = 8.3 m

Recommended maximum length of wall = 11.975 m

Height of wall proposed = 3.1m

The proposed walls on the southern boundary comply with the requirements of this Standard.

Eastern Boundary

Complies

Length of wall proposed = 4.48 m

Recommended maximum length of wall = 9.125 m

Height of wall proposed = 3.2m

The proposed walls on the eastern boundary comply with the requirements of this Standard.



Standard A14-Overshadowing

No. 29 Ross Street SPOS 30 m2

Variation required

Comments:

The area to the rear of No. 29 is not solely secluded private open space, but is also a car parking area, with a roller door to Ross Street. Notwithstanding this, the area is still used as a shared space between car space and secluded private open space, which is often the case in inner city environs. It is noted that the increase in shadow to this area is minimal throughout the day:

- 9am to 10am –no change
- 11am- 1.04sqm of additional shadow
- Noon- 4sqm of additional shadow
- 1pm- no change
- 2pm- no change
- 3pm – 1sqm of additional shadow

Standard A15 – Overlooking

Complies- subject to permit condition

Comments:

The proposed additions would have two windows at ground floor level and one window at first floor level on the rear elevation. At ground floor level there is an existing 1.8m high timber fence that would prevent any overlooking from the ground floor window. At first floor level, the sill height is shown to be below 1.7m. If the remainder of the application is considered to be acceptable a condition would require the first floor window to have a sill height of at least 1.7m above finished floor level. (Refer to Condition 1 a)

The first floor terrace balcony would be enclosed by a 1.7m high privacy screen. If the remainder of the application is considered to be acceptable a condition would be required to provide further details of the screen to ensure it prevents direct views into the adjoining properties. (Refer to Condition 1b)

9.8 Colours and materials

The proposal would result in the use of brick, stone panel, timber battens, laser cut panel screen, render and glass balustrades. The proposed materials would result in an appropriate built form outcome that would provide for a contemporary design to the dwelling



9.9 Sustainable Design Assessment and Water Sensitive Urban Design

A Sustainable Design Assessment and Water Sensitive Urban Design Response has been submitted. Whilst the Sustainable Design Statement and Water Sensitive Urban Design Response is not yet of a standard for approval, the sustainability officer has recommended that a revised statement is submitted via condition. (Refer to conditions 4, 5, 9 and 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 Lot 2 on Plan on Subdivision 735519H [parent title Volume 10192 Folio 583 to Volume 10192 Folio 584].

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 In considered the partial demolition of the building would be appropriate as the dwelling has a nil grading under the Port Phillip Heritage Review (2017) and does not add any heritage value to the streetscape.
- 13.2 The proposal alterations and additions would be respectful of the height and form of surrounding dwellings. The Council's Heritage Advisor supports the application.
- 13.3 Furthermore, the proposal has been sympathetically designed to protect the amenity of neighbouring occupiers and is considered worthy of support subject to conditions noted below.
- 13.4 The variations to ResCode have been supported and are considered to be justified having regard to the existing pattern of development in the locality and the existing conditions.
- 13.5 Approval is recommended subject to conditions.



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 of the dwelling and boundary fences, alterations and additions including the construction of a two storey extension to the existing dwelling at 31 Ross Street, Port Melbourne.
- 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 copies must be provided. The plans must be generally in accordance with the plans submitted with the application (identified as those received by Council on 19 April 2017 but modified to show:

- a) The first floor windows on the western elevation to have a minimum sill height of 1.7m above finished floor level.
- b) The first floor balcony to be enclosed with a minimum 1.7m high privacy screen. A cross section elevation drawings of the screens to the balcony must be submitted to and approved by the Responsible Authority. The drawings must:
- i) Be drawn to scale and fully dimensioned;
 - ii) Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
 - iii) Clearly illustrate how any louvre or batten system may allow horizontal or upward views but will prevent downward views to neighbouring properties;
 - iv) Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten 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 balcony and/or window.

All to the satisfaction of the Responsible Authority.

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 Walls on or facing the boundary

Prior to the occupation of the building(s) allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or the laneway must be cleaned and finished to a uniform standard. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed 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.

4 Sustainable Design Assessment

Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Design Assessment that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Assessment will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

5 Incorporation of Sustainable Design initiatives

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainability Statement.

6 Piping and ducting

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

7 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 a street (other than a lane) or public park without the written consent of the responsible authority.

8 Privacy screens must be installed

Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.

9 Water Sensitive Urban Design

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.



When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

10 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.

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 years of the date of this permit.
- b) The development is not completed within two 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**

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.

- **Drainage Point and Method of Discharge**

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the responsible authority prior to the commencement of any buildings or 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).

REFERENCE ONLY - NOT TO BE REMOVED