



6.1 **25 MURCHISON STREET ST KILDA EAST**

LOCATION/ADDRESS: **25 MURCHISON STREET ST KILDA EAST**

EXECUTIVE MEMBER: **LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT**

PREPARED BY: **HAMISH BEERE, SENIOR URBAN PLANNER**

1. PURPOSE

To consider and determine an application for the partial demolition of a significant graded building and the construction of a rear three storey addition on the subject site.

2. EXECUTIVE SUMMARY

WARD:	Canal
TRIGGER FOR DETERMINATION BY COMMITTEE:	More than 15 objections
APPLICATION NO:	P974/2018
APPLICANT:	Planning & Property Partners Pty Ltd
EXISTING USE:	Dwelling
ABUTTING USES:	Single dwellings
ZONING:	Neighbourhood Residential Zone – Schedule 5 (NRZ5)
OVERLAYS:	Heritage Overlay – Schedules 391 and 377 (part) (HO391& HO377)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

- 2.1 The application seeks approval for the demolition of the rear three storey component of the existing 'significant' graded heritage dwelling. The proposed alterations and additions include a reconstructed albeit enlarged three level rear addition and alterations to the internal layout of the retained bungalow.
- 2.2 The subject site (planning unit) is 623 sqm in area, but is comprised of two lots, both under 500 sqm in area. The applicant has submitted that in this case, a planning permit is required under the Neighbourhood Residential Zone (NRZ), and therefore a ResCode (Clause 54) assessment applies. However, because both lots are under 500 sqm in area, the mandatory garden area requirement of the NRZ does not apply.
- 2.3 The application was advertised and thirty-one (31) objections were received. The concerns raised include offsite amenity impacts (including overshadowing, overlooking and visual bulk), height, heritage impacts and neighbourhood character.
- 2.4 The proposal is consistent with Council's Heritage Policy as it retains and conserves the dwelling whilst limiting demolition to the rear later addition. The new addition would



have minimal visibility from the street, largely due to the slope of the land and existing roof form, and is supported by Council's Heritage Advisor.

- 2.5 The proposed extension would be site responsive and despite requiring a variation to Standard A10 Side and rear setbacks, the proposal would meet all the objectives of Clause 54 (ResCode). This is subject to recommended conditions to ensure there would be no unreasonable overlooking in accordance with Standard A15.
- 2.6 It is therefore recommended that a Notice of Decision to Grant a Permit issue, subject to conditions.

3. RECOMMENDATION

- 3.1 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.
- 3.2 That a Notice of Decision to Grant a Permit be issued for construction of a three-storey extension to the existing building on a lot less than 500 sqm in the Neighbourhood Residential Zone; buildings and works including partial demolition and the construction of a rear addition in the Heritage Overlay at 25 Murchison Street, St Kilda East.
- 3.3 That the decision be issued as follows:

1 Amended Plans

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 an electronic copy must be provided. The plans must be generally in accordance with the advertised plans received by Council on 15 November 2018 but modified to show:

- a) Cross section drawings for each of the raingardens.
- b) Additional screening to the following areas:
 - i. The eastern side of the third-floor balcony.
 - ii. The first floor northern and southern courtyard facing windows; or screen on the western side of the courtyard.
 - iii. A 2.5-metre-long screen in line with the western side façade of the first floor living room.

All screening measures must prevent views into neighbouring habitable room windows and secluded private open spaces. Where louvre or batten screening is to be used, cross section elevation drawings of the screens must be submitted to and approved by the Responsible Authority. The drawings must:

- iv. Be drawn to scale and fully dimensioned;
- v. Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen; and
- vi. 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 views of adjacent habitable room windows



and private open spaces are precluded, while allowing outlook horizontally and upward from the balcony.

2 No Layout Change

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

3 External Colours and Finishes

All external materials finishes and paint colours are to be to the satisfaction of the responsible authority and must not be altered without the written consent of the Responsible Authority.

4 Plant and Equipment

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.

5 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.

6 Maintenance Manual for Water Sensitive Urban Design Initiatives

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority. The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- a) Inspection frequency
- b) Leanout procedures
- c) As installed design details/diagrams including a sketch of how the system operates.

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder' User's Guide or a Building Maintenance Guide.

7 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.

8 Walls on or facing a boundary

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.

9 Time Limits

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

- a) The development is not started within 2 years of the date of this permit.
- b) The development is not completed within 2 years of the date of commencement.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- a) Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- b) Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Permit Notes

- a) 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.
- b) The applicant/owner would provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.
- c) The developer shall show due care in the development of the proposed works so as to ensure that no damage is incurred to any adjoining properties.
- d) 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:
 - i. Monday to Friday: 7.00am to 6.00pm; or
 - ii. Saturdays: 9.00am to 3.00pm.
 - iii. An after-hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.

4. RELEVANT BACKGROUND

There is no relevant history or background for this application.

5. PROPOSAL

- 5.1 The plans that form the basis for this assessment are Plan No's TP01-TP25 (Revisions 1 to 5), prepared by Fooman Architects, dated 18 & 20 September and 12 November 2018 and Council date stamped 15 November 2018. These form **Attachment 1**.



5.2 The applicant submitted additional plans in response to objector's concerns on 29 March 2019. These plans include more detail in relation to shadow impacts and existing layout, but have not changed the proposal in anyway. Accordingly, they have no formal status, but may assist the objectors to better understand the proposal. These form **Attachment 2**.

5.3 The application under consideration includes the following;

Proposed demolition:

- 5.3.1 Partial demolition of the lower ground floor comprising a bedroom, bathroom and store room along the southern (rear) elevation and partial demolition along the western (side) elevation to create two new openings.
- 5.3.2 Partial demolition of the ground floor comprising the family room, and laundry along the southern (rear) elevation, partial demolition along the western and eastern (side) elevations to create new openings and demolition of internal walls within the retained section of the dwelling (note: no planning permit required for internal demolition).
- 5.3.3 Partial demolition of the study at first floor level along the southern (rear) elevation, including partial demolition of the roof.
- 5.3.4 Demolition of the low level wall and glazing associated with the porch along the northern (front) elevation
- 5.3.5 Demolition of the carport in the southern (rear) setback.
- 5.3.6 Partial demolition of the existing front fence, including removal of the gate and non-original metal fencing above the original masonry fence.

New Buildings and Works:

Lower Ground Level:

- 5.3.7 Construction of a new games room, study, two bedrooms and a bathroom along the southern (rear) elevation. Constructed externally to the proposed western (side) elevation would be a new courtyard/stairway.

Ground Level:

- 5.3.8 Construction of a new open plan living/dining/kitchen area, and reconfiguration of the retained dwelling section to comprise a TV room, study, laundry, and guest bedroom.
- 5.3.9 Along the western (side) elevation a new decorative steel gate would be installed to the reinstated front entryway.
- 5.3.10 The courtyard/stairway would connect to the lower ground level along the western (side) elevation.

First Floor Level:

- 5.3.11 Construction of a bedroom, ensuite and a staircase that leads to the roof cavity of the retained section of the dwelling. A balcony would be constructed along the southern (rear) and northern (front) elevations of the proposed addition.

Externally:



- 5.3.12 There would be an uncovered tandem car parking space (2 spaces) along the western (side) elevation.
- 5.3.13 The proposed additions would be finished in roughcast render, finished in grey. The proposed screening would be constructed from a steel mesh screen finished in charcoal.
- 5.3.14 The restoration of the retained front portion of the heritage building, including the removal of the steel picket fence, stripping back of paint to reveal original exposed brick, removal of the nonoriginal infill wall and glassed area.
- 5.3.15 External painting to the existing front fence and front façade.
- 5.3.16 The building would have a maximum height of 9.2 m.

6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	623 sqm (total planning unit)
Existing building & site conditions	<p>The subject site comprises two side-by-side lots (Lot 1 and Lot 2) and is located on the south side of Murchison Street, between Alexandra street to the east, and doglegs to the north to connect to Landsdowne Road to the west. The site has a frontage to Murchison Street of 13.64 m and a depth of 45.41 m. The site is accessed from Murchison Street via a crossover constructed along the western (side) boundary. The site slopes downwards from the northern (front) boundary to the southern (rear) boundary by approximately 3 m.</p> <p>The subject site contains an intact brick and render dwelling with a tiled roof and verandah facing the street, which presents to Murchison Street as single storey built form. A non-original three storey addition has been constructed to the rear of the dwelling. The dwelling has a 0.62 setback from the eastern (side) boundary and a 1.52 m setback from the western (side) boundary.</p> <p>A low (less than 1.5 m in height) original masonry fence is constructed along the northern (front) boundary, with a non-original metal palisade fence and gate incorporated into the masonry fence.</p> <p>The architectural style of the dwelling is described as a Californian Bungalow, which receives a 'Significant' grading within the Heritage Overlay. The original porch along the northern (front) elevation has been enclosed with glazed panels and rendered sections, and includes the entry to the dwelling.</p> <p>The site is covered by Schedule 391 to the Heritage Overlay (Murchison Street/Alma Road Precinct). The site is also partially covered by Schedule 377 to the Heritage Overlay, which is associated with a WA Flowering Gum at</p>



	<p>27 Murchison Street. HO377 covers the land beneath the canopy for a distance of five m from the canopy edge, therefore partially falling over the subject site.</p> <p>The site has generous front and rear setbacks, with established landscaping. A carport and a swimming pool are located within the rear setback.</p>
<p>Surrounds/ neighbourhood character</p>	<p>Murchison Street has an unusual dog-leg form. The street slopes down from east to west, has bluestone gutters and broad nature strips with mature plantings of plane trees and other street trees. Most of the houses in Murchison Street retain their original front fences in the form of low masonry walls – red brick, clinker brick, often roughcast or smooth-rendered, and some with capped piers.</p> <p>Aside from a few weatherboards houses all houses are of masonry construction – mostly face red brick, some with tuckpointing, and further embellished with clinker or tapestry brick trim, smooth or roughcast rendered stringcourses, banding or door and window surrounds. Roof forms are including various deviations of hipped, gabled roofs, clad mostly in terracotta tiles.</p> <p>Features of adjoining land uses and properties are as follows:</p> <ul style="list-style-type: none"> • East (side) - No. 27 Murchison Street: The eastern boundary of the site abuts a detached dwelling setback one metre from the common boundary. Several of the building’s windows are orientated towards the subject site. The property’s private open space area is located to the rear and contains scattered vegetation. • South (Rear) - No’s 184 & 182 Alma Road: The southern interface of the Site contains the rear private open space areas of dwellings which maintain frontage to Alma Road. The scale of these dwellings is of single and double storey. The dwelling at 184 Alma Road is setback approximately nine (9) m from the shared property boundary with the subject site. • West (side) – No. 23 Murchison Street: The site’s western interface at 23 Murchison Street contains a double-storey brick dwelling, with ground floor windows which face the site. It’s secluded private open space area is located at the rear of the dwelling. <p>The current Heritage Review grades all the properties either significant or contributory.</p>



7. PERMIT TRIGGERS

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

Zone or Overlay	Why is a permit required?
Neighbourhood Residential Zone – Schedule 5 (NRZ5)	<p>Pursuant to Clause 32.09-5 a planning permit is required to construct or extend one dwelling on a lot, if the lot is less than 500 sqm.</p> <p>Pursuant to Clause 32.09-2 a permit is not required to use the land for a Dwelling.</p> <p>Pursuant to Clause 32.09-4 there is no mandatory minimum garden area because each of the two (2) lots which form the subject site are below the 400 sqm threshold.</p> <p>Pursuant to Clause 32.09-9 there is a mandatory maximum building height requirement of 9 m/ two storeys (there is no maximum building height or maximum number of storeys specified in Schedule 5).</p> <p>A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if it replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building. The proposed addition would not exceed the number of storeys of the structure it would replace.</p> <p>Additionally, a building may exceed the maximum building height by up to 1 m if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 m, is greater than 2.5 degrees. The proposed maximum building height is 10 m as the site falls north to south by approximately 4.9 degrees. The rear addition would not exceed 9.08 m in height.</p> <p>The proposal must meet the requirements of Clause 54 One Dwelling on a Lot.</p>
Heritage Overlay – Schedules 377 and 391 (HO377 &391)	<p>Pursuant to Clause 43.01-1, a planning permit is required to demolish a building and to construct or carry out works. External paint controls apply.</p> <p>No works are located within the area affected by Heritage Overlay – Schedule 377 which covers land within a five-metre radius of the Flowering Gum tree at 27 Murchison Street.</p>

8. PLANNING SCHEME PROVISIONS

Planning Policy Framework (PPF)

8.1 The application needs to be assessed against the relevant provisions of the Planning Policy Framework (PPF) including:

- a) Clause 11: Settlement



- b) Clause 15: Built Environment and Heritage
- c) Clause 16: Housing

Local Planning Policy Framework (LPPF)

- 8.2 The Municipal Strategic Statement (MSS) contains a number of clauses relevant to this application as follows:
- a) Clause 21.03: Ecologically Sustainable Development, including
 - b) Clause 21.03-1: Environmentally Sustainable Land Use and Development
 - c) Clause 21.04: Land Use, including
 - d) Clause 21.04-1: Housing and Accommodation
 - e) Clause 21.05: Built Form, including
 - f) Clause 21.05-1: Heritage
 - g) Clause 21.05-2: Urban Structure and Character
 - h) Clause 21.05-3: Urban Design and the Public Realm
 - i) Clause 21.06: Neighbourhoods, including
 - j) Clause 21.06-1: East St Kilda and Balaclava
- 8.3 The following local planning policies are also relevant to this application:
- a) Clause 22.04: Heritage Policy
 - b) Clause 22.12: Stormwater Management (Water Sensitive Urban Design)

Other relevant provisions

- 8.4 The following general and particular provisions relevant to this proposal:
- a) Clause 54: One Dwelling on a Lot (ResCode)
 - b) Clause 65: Decision Guidelines

Relevant Planning Scheme Amendment/s

- 8.5 There are no relevant planning scheme amendments.

9. REFERRALS

Internal referrals

- 9.1 The application was referred to the following areas of Council for comment.

Heritage Advisor

This proposal is acceptable. I note the addition replaces an existing addition and takes advantage of the fall in land and high transverse gable roof to ensure that it will be almost fully concealed when standing in front and only partially visible in oblique views. conservation works will return the front porch to the original appearance, expose original brickwork and reinstate an original side entry. A similar two-tone colour scheme is proposed, which is acceptable.

Planner's response



It is agreed that the design response would be acceptable in this context, and would satisfy the objectives of Council's Heritage Policies. This is discussed in detail below at Section 11 of this report.

Sustainable Design Officer

The proposed plans and WSUD report have been reviewed and the design is acceptable in relation to the objectives of the Stormwater Management (WSUD) policy at Clause 22.12. However, a cross section of the proposed raingardens for each of the different sized gardens is required. This could be required by a permit condition.

Planner's response

The above *recommendation* would enhance the building environmental sustainability and is recommended to be addressed through conditions (**refer recommended Conditions 1a), 5 and 6**).

External referrals

9.2 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 and directed that the applicant give notice of the proposal by posting one (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 received thirty-one (31) objections. The key concerns raised are summarised and responded to below.

10.2.1 Mandatory height requirement not met

Concerns have been raised that the mandatory height requirement of the NRZ (of 9 m/ 2 storeys) has not been met, and specifically that the existing dwelling is only two storeys high and not three storeys as shown on the site survey plan.

*In light of these concerns, a Council Officer inspected the dwelling to confirm that the existing dwelling is three storeys and that the survey plans can be relied on. Specifically, the rear of the existing dwelling comprises a ground level 'studio' with bedroom/ kitchenette and bathroom, a family room above that and a mezzanine study above that. This is depicted in the plan TP-E1 (section 3) that forms part of **Attachment 2**.*

A concern has also been raised that the mezzanine study does not constitute a storey in its own right, owing to its relatively limited size. The Port Phillip Planning Scheme defines a 'storey' as:

That part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine.

Having inspected the site, Council Officers are satisfied that the mezzanine does constitute a storey in its own right, having regard to the definition in the scheme and the layout of the dwelling.

10.2.2 Misinterpretation of what constitutes a lot



The applicant has sought a planning permit under the NRZ to extend one dwelling on a lot less than 500 sqm in area. The consolidated site area is 623 sqm. A concern has been raised that a permit is not required under the NRZ because the land is greater than 500 sqm in area.

While the consolidated site exceeds the 500 sqm threshold, it is described on the Title as comprising two lots, each 306 sqm in area.

Clause 73.01 of the planning scheme defines a lot as:

A part (consisting of one or more pieces) of any land (except a road, a reserve, or common property) shown on a plan, which can be disposed of separately and includes a unit or accessory unit on a registered plan of strata subdivision and a lot or accessory lot on a registered cluster plan.

So a lot can comprise of more than one piece of land.

Despite their legal description the lots are for all intents and purposes consolidated as the current dwelling occupies both lots. However, the applicant asserts that as the lots do not exceed 500 sqm individually and therefore a planning permit is required pursuant to Clause 32.09-4 of Neighbourhood Residential Zone. In doing so, they rely on case law, specifically the Tribunal's decision in Amato v Darebin CC [2008] VCAT 2272. They also rely on advice from a land surveyor and DELWP's Land Regulatory services who confirmed in an email dated 21 February 2019 that the lots are separately transferable.

10.2.3 Mandatory garden area requirement not met

The NRZ includes a mandatory garden area requirement for lots over 400 sqm in area. The applicant has submitted that the development is exempt from this requirement as the respective lots do not individually exceed the 400 sqm threshold. If the standard were to apply to the consolidated lot of 623 sqm, 30 % or 187 sqm, of garden area would be required. The application exceeds this, proposing more than 219 sqm of garden area.

10.2.4 Off-site amenity impacts, including overlooking, visual bulk and overshadowing

The proposal has a high level of compliance with Clause 54 standards (a variation has only been sought to the Side and rear setbacks standard) and would meet all of the objectives, subject to conditions to address overlooking. Refer to the Clause 54 discussion in Section 11 below, which address overlooking and setbacks in detail.

The shadow diagrams submitted show that additional shadow would be caused to 23 Murchison Street at 9am and 10am and to 27 Murchison Street at 2pm and 3pm. However due to the large size of the affected rear yards, the Overshadowing standard would be met.

The proposal would not cause any unreasonable visual bulk impacts, despite minor non-compliances with the Side and rear setbacks standard. While a three storey extension is proposed, it would appear as two to two and a half storeys in height when viewed from both adjoining properties, due to the slope of the land. Bulky dwellings, including, notably the dwelling to the east at 27 Murchison Street, are occupied by large dwellings of a comparable height. Importantly, the

proposed extension would not extend significantly past the built form at 27 Murchison Street, and maintains a large open rear yard with a setback from the rear boundary of over 10 m.

10.2.5 Heritage impacts

Heritage impacts are discussed in detail at Section 11 below.

10.2.6 Neighbourhood character

Neighbourhood character is discussed in detail at Section 11 below.

10.3 A consultation meeting was held on 07 March 2019. The meeting was attended by a Ward Councillor, applicant, objectors, and Planning Officers. The meeting did not result in any changes to the proposal however the applicant agreed to provide supplementary information. Specifically, revised shadow diagrams including a schedule of sunlight loss to adjoining properties secluded private open space areas and a north-south section through the existing dwelling were provided. They were circulated to objectors via email on 2 April 2019. These plans have no formal status as part of the application, but may assist objectors to better understand the proposal.

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

11. OFFICER'S ASSESSMENT

11.1 The key issues that require assessment are heritage, other local policy considerations including neighbourhood character and Clause 54 One dwelling on a lot (ResCode) (which includes off and on-site amenity impacts). Each of these matters is considered in turn.

Heritage

11.2 The subject site is included in the Murchison Street / Alma Road, St Kilda East Precinct, (HO391). The precinct encompasses much of the area bound by Alexandra Street, Alma Road, Lansdowne Road and Murchison Street. The statement of significance for the precinct, as included in the Port Phillip Heritage Review states:

Historically, the Murchison Street/Alma Road Precinct is a representative example of a typical pattern of settlement in East St Kilda... Aesthetically, it is a particularly intact streetscape of inter-War houses, consisting primarily of many fine bungalow-style single dwellings built in the early to mid-1920s, supplemented by some flats, duplexes, semi-detached pairs and detached dwellings built in the later 1920s and 1930s... Collectively, the housing displays notable cohesion in terms of its scale, composition, materials and detailing, with many properties retaining their original front fences. In Murchison Street, these qualities are enhanced by the street setting, which includes bluestone gutters to the street, wide nature strips and mature plane trees.

11.3 The dwelling subject to this application has been identified as a significant place in the City of Port Phillip Heritage Policy Map. This is in the context of a three-tier grading system, defined at Clause 22.04 as follows:

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...



- 11.4 As the property is located within the Murchison Street / Alma Road, St Kilda East Precinct it is subject to the provisions of Clause 43.01 (Heritage Overlay) of the Scheme. The purpose of Clause 43.01 includes to conserve and enhance those elements which contribution to the significance of heritage places and to ensure that development does not adversely affect the significance of heritage places.
- 11.5 Under the Heritage Overlay, before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority will need to consider, as appropriate:
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*
 - Any applicable statement of significance, heritage study and any applicable conservation policy.*
 - Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*
 - Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*
 - Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*
 - Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*
- 11.6 The proposal must be assessed against Council's local heritage policy at Clause 22.04. This policy provides more detailed guidance as to the forms of development that are considered appropriate in heritage overlay areas. Clause 22.04 of the scheme contains policies relevant to this proposal. Where additions and/or alterations to a heritage place are proposed it is policy that (Performance Measure 1):
- The original principal facade(s) or roof retained.*
 - Are distinguishable from the original parts of the heritage place to be conserved, if a contemporary architectural approach is used.*
 - Maintain an existing vista or view lines 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*
- 11.7 Upper storey additions may meet the above policy for siting and massing if the additions 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. The rear addition generally meets the above performance standard aside from a minor 230mm high encroachment limited to the third-floor parapet. The encroachment is acceptable as it does not inhibit compliance with the broader objective of the policy which is to obscure views of the addition from the street. This is due to the relative scale of the encroachment and it's siting approximately 26.5 m from the site's frontage.
- 11.8 The significant heritage building would largely be retained albeit internally reconfigured with the later 1980's extension to be demolished. The parts of the building which would be retained would be restored, including the restoration of the external finishes including repainting. The original arched pedestrian entry would be reinstated, the front veranda infill glass removed, and the front fence restored including the removal of the later steel lattice. The principal façade and roof form



would remain unchanged. A small section of the rear roof flank would be removed to enable access into the roof cavity of the existing dwelling however this element would not be visible from the public realm.

- 11.9 The proposed additions would be located behind the existing building, 20 m to the rear when measured from the front boundary as not to overwhelm the existing dwelling. The contemporary design response associated with the additions is consistent with the policy objectives as contained within the Port Phillip Planning Scheme. This approach would ensure a clear divide between the old and new is established. Proposed additions have been distinguished from the original fabric through the use of contrasting but sympathetic forms. External wall heights are derived from the existing dwelling, and openings and proportions are informed by datum lines on the existing dwelling, creating a contextual sensitivity in the design response.
- 11.10 Materiality is complimentary and sympathetic to the existing dwelling. A neutral toned roughcast render is proposed for the rear addition similar to that of the existing dwelling. Whilst the addition and existing dwelling would share a similar finish the strong architectural form and style of the addition would ensure this does not read as an attempt to mimic or replicate the existing dwelling.
- 11.11 The proposal responds to the Objectives and Strategies under Clause 21.06 neighbourhoods of the Port Phillip Scheme. The additions siting to the rear of the heritage building would ensure the new component is a subordinate element, maintaining with the fine grain character of Murchison Street. The proposal is consistent with the Vision outlined in Clause 21.06-1 East St Kilda neighbourhood insofar as the proposal would not compromise the heritage value of the retained dwelling or those abutting heritage buildings.

Other Local Policy Considerations including Neighbourhood Character

- 11.12 The site is located in 'Minimal residential growth' are under Clause 21.04-1 (Land use – Housing and accommodation), where existing heritage overlays apply and where all new development shall accord with Council's local Heritage policy at Clause 22.04. As discussed, this proposal achieves this.
- 11.13 The protection of existing or preferred neighbourhood character is a fundamental theme that is carried throughout State and Local policy. This is particularly cemented within policy that relates to established residential areas. The built form and design considerations relevant to the assessment include Built Environment and Heritage (Clause 15); Built Form (Clause 21.05); and Neighbourhoods (Clause 21.06).
- 11.14 Clause 21.05 (Built Form) details the objectives and strategies for built form under various themes including heritage, urban structure, and character. The proposal responds positively to the Objectives and Strategies under this Clause by respecting the varied and distinctive character associated with the Murchison Street Precinct. The surrounding area comprises large detached dwellings on generous lots. The contemporary addition responds to the topography of the site and would maintain the garden suburban setting by preserving the generous rear and western side setbacks. The limited views of the addition from the public realm would not compromise the precinct's historic narrative. The proposal avoids unreasonable amenity impacts to the abutting properties to the east, south and west by way of, overshadowing or visual bulk (Clause 21.05-2).



- 11.15 An extension of more than 50 sqm in floor area is proposed and therefore the application must satisfy the requirements of the Stormwater Management (Water Sensitive Urban Design) Policy at Clause 22.12.
- 11.16 The applicant has prepared a STORM Rating Report to address the policy requirements. The STORM Rating Report submitted achieves 100 percent rating, the STORM Rating Report nominating rainwater gardens and rainwater tank as the water retention mechanisms for the water drained from the roof. Standard conditions are recommended to ensure that the WSUD initiatives are detailed in the endorsed documentation, and consequently implemented and maintained (**refer to Conditions 1a), 5 and 6**).

Clause 54 – ResCode assessment

- 11.17 The proposed development satisfies most of the relevant standards of Clause 54 One dwelling on a lot, demonstrating that it would achieve an acceptable level of on and off site amenity. Variations have been sought in relation to the following standards:

- **A10 Side and rear setbacks**

Variations have been sought to this standard in relation to sections of the proposed ground and first floors from both side boundaries. The extent of non-compliance is depicted on the TP16 section plans which form part of **Attachment 1**.

There would be no unreasonable amenity impacts as a result of the encroachments, with the Overshadowing and Daylight to windows standards met. Additionally, there would be no unreasonable visual bulk impacts given the size and layout of the adjoining dwellings. The encroachments would not raise any character issues given that large, often bulky dwellings are typical of this area. The variation to the standard is therefore considered appropriate.

- **A15 Overlooking**

Overlooking from the lower ground floor level would not be possible as the finished floor level is approximately 2 m below natural ground level.

The finished floor level of the eastern side of the addition would sit up to 2 m above natural ground level. Three non-habitable eastern facing windows are proposed at ground level. Eastern oblique views from the rear balcony would be screened via the eastern side wall which extends past the rear façade. No third floor eastern facing windows are proposed. A third-floor balcony sited within the southeast corner should incorporate an eastern side screen, in accordance with this standard (**refer recommended condition 1b)i**).

The finished floor level of western side of the addition would sit 2.2 m above natural ground level. A recessed semi-enclosed courtyard acts as a lightwell for all floors providing enabling views from northern, southern, and western orientated windows. The northern and southern court facing windows (TV and living rooms respectively) would allow oblique views into the secluded private open space at no. 23 Murchison Street. Privacy screens or a screen which forms a continuation the outer western façade should be required as part of any permit (**refer recommended condition 1b)ii**). The third storey court balcony includes a privacy screen on its western side. Specific detail on the form and effectiveness of this screen should be required by way of a permit condition (**refer recommended condition 1b)ii**).



Oblique views from the southern orientated first floor living room into the secluded private open space at no. 23 Murchison Street would be possible. It is recommended that a first-floor privacy screen be incorporated into the design, the screen should form part of the western side façade and extend 2.5 m into the rear setback (**refer recommended condition 1b)iii**). The third-floor southern orientated window associated master bedroom includes (in part) a privacy screen which would obscure western oblique views.

Subject to **recommended conditions 1b) and 7**, the proposal would comply with the Overlooking standard and would not cause any unreasonable loss of privacy to any adjoining property.

12. 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 Lots 1 & 2 on Title Plan 810090S (Volume 05275 Folio 965).

13. OFFICER DIRECT OR INDIRECT INTEREST

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

14. OPTIONS

- 14.1 Approve as recommended.
- 14.2 Approve with changed or additional conditions.
- 14.3 Refuse - on key issues.

15. CONCLUSION

- 15.1 The application proposes alterations and additions to the existing dwelling that would restore the front part of the dwelling while the extension would have minimal visibility from Murchison Street, largely due to the slope of the land and existing roof form.
- 15.2 The development has been designed to consider the amenity of the adjoining properties and has a high level of compliance with ResCode standards and objectives. A variation is supported to Standard A10 Side and Rear Setbacks and conditions are recommended to ensure that Standard A15 Overlooking is met.
- 15.3 For these key reasons it is recommended that the proposal be supported, subject to conditions.

TRIM FILE NO:

PF18/38906

ATTACHMENTS

- 1. Attachment 1 - Advertised plans
- 2. Attachment 2 - Detailed plans provided in response to objections
- 3. Attachment 3 - Map of objectors