



<b>8.3</b>	<b>16 DINSDALE STREET, ALBERT PARK</b>
<b>LOCATION/ADDRESS:</b>	<b>16 DINSDALE STREET, ALBERT PARK</b>
<b>RESPONSIBLE MANAGER:</b>	<b>GEORGE BORG, MANAGER CITY DEVELOPMENT</b>
<b>AUTHOR:</b>	<b>PHILLIP BEARD, PRINCIPAL PLANNER</b>
<b>TRIM FILE NO.:</b>	<b>P0111/2017</b>
<b>ATTACHMENTS:</b>	<b>1. Submitted plans 2. Objector map</b>
<b>WARD:</b>	Lake
<b>TRIGGER FOR DETERMINATION BY COUNCIL:</b>	More than 15 objections
<b>APPLICATION NO:</b>	111/2017
<b>APPLICANT:</b>	Scott Hansen/Co Urban Edge Consultants
<b>EXISTING USE:</b>	Residential
<b>ABUTTING USES:</b>	Residential
<b>ZONING:</b>	General Residential 1
<b>OVERLAYS:</b>	Heritage Overlay 442 and Special Building Overlay 2 (Council)
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Expired

## **PROPOSAL**

Demolition of the existing buildings and construction of two double storey dwellings and a reduction in the car parking provision.

## **I. EXECUTIVE SUMMARY**

- 1.1 It is proposed to demolish the existing nil graded buildings and construct two new side-by-side dwellings. The site currently comprises a three bedroom dwelling with a front crossover accessing a car port, providing parking for two vehicles in tandem. Each dwelling would have three bedrooms with a private rear courtyard with access to vehicles to allow the occasional parking of one vehicle per dwelling. Noting reinstatement of the existing crossover, availability of nearby on street car parking and the locational attributes of the site, it is considered that some car parking reduction could be supported but not to the extent proposed. It is therefore recommended that each dwelling be reduced from three bedrooms to two bedrooms to reduce the car parking demand and off-site amenity impacts.



- 1.2 Twenty objections have been received primarily concerned about amenity impacts notwithstanding that the design would largely comply with Rescode.
- 1.3 The proposal's presentation to the street is considered acceptable as it would be no more than one storey higher than any neighbour, its pitched roof form would reference other nearby buildings and it would have a modest overall composition.
- 1.4 Support of the proposal is recommended subject to conditions.

**KEY ISSUES**

- 1. Heritage/Streetscape character
- 2. Car Parking
- 3. Amenity impacts

**2. RELEVANT BACKGROUND**

- 2.1 There is no relevant history or background for this application.

**3. PROPOSAL**

- 3.1 It is proposed to demolish the existing nil graded buildings and construct two double storey dwellings side-by-side. The proposed dwellings would each have three bedrooms but have no formal car parking provided. Occasional parking of one vehicle per dwelling would be available informally in the private open space to each dwelling provided by way of a hard surfaced area and vehicular access from the existing laneway at the rear. More specifically, the proposal is described as follows:

Ground floor:

- 3.2 Both front walls would be setback approximately 3m from the street, aligning with and matching the front wall setbacks of both abutting dwellings. Open yards of approximately 14m<sup>2</sup> would be created and would be located behind simple, 1.2m high steel picket fencing. The existing driveway and street crossover would be removed and kerbing made good.
- 3.3 This level would interface the street with dining rooms. Kitchen and living areas would be located behind with the latter opening onto a partly paved, partly garden planted courtyard of 27.5m<sup>2</sup> each. These areas could be used for car parking (one space per dwelling).
- 3.4 The rear setback of each dwelling would be 5.3m and would terminate with a roller door, one per dwelling, opening onto the rear laneway. The proposal would abut the side boundary shared with No. 12 Dinsdale Street with a 5.8m high wall, aside from one section towards the rear that would be 3.5m high. As abutting No. 18, the proposal's side wall would also be 5.8m high aside from one section directly opposite one neighbouring window where the wall would be only 2.2m high and another section towards the rear which would be 3.2m high.



First Floor:

- 3.5 The proposed first floor would comprise three bedrooms (one at the front and two towards the rear) with bathroom and ensuite centrally located. Two relatively small front balconies are proposed, one per dwelling. The front setbacks would also align with both neighbouring buildings and would therefore also align with the ground level below (approximately 3m front setback).
- 3.6 The majority of the building's wall facing No. 12 would abut the boundary, but the rearmost section of wall would be setback 1.15m at its closest increasing to 1.75m at its' furthest. There are no windows in this level that would directly face either abutting property. As facing No. 18, the side wall at this level would also mostly abut the boundary aside from two sections. Similar to the abuttal with no. 12, the rear section of wall would be setback 1.18m at its closest and 1.78m at its' furthest. Another section, directly opposite No. 18's side window and essentially creating a light well, would have varied heights and setbacks being 0.75m setback where approximately 2.55m in height and 1.8m setback where 6m in height.
- 3.7 The rear setback of this level would be the same for both proposed dwellings and would be approximately 4.5m. This would mean that it would project/cantilever over the level below by 800mm. Some south-west (rear) facing windows are proposed in the rear elevation. These would comprise one window to each second bedroom (immediately at right-angles to each side boundary), which would be fixed/obscure up to approximately one metre with clear glass above together with two rear facing windows to each third bedroom, comprising 1.7m high obscure glass with clear glass above.

General description:

- 3.8 As facing Dinsdale Street, the proposal would comprise a modest contemporary building displaying two simple gable ended features, one per dwelling. Pitched roofs are proposed with ridge heights of approximately 7.7m and vertical side walls of just over 5.8m high each. The front elevation would be clad in face brick aside from four vertical windows/doors (per dwelling) two at each of the ground and first floors. An open and simple metal picket front fence (1.2m high) is proposed across the site's frontage. One balcony per dwelling is proposed at the first floor with open metal balustrades. The eave edges would be capped in metal and the rain water heads would be copper.
- 3.9 The rear elevation would have a stronger contemporary appearance with the ground floor mostly comprising glass and the upper level comprising a combination of zinc and small section of render. The 'double pitched' form of the front elevation would also be present on the rear elevation, but would be more overt due to the rearmost upper level feature both cantilevering over the level below and also due to it not comprising the building's full width.
- 3.10 The side elevation facing No. 12 would be exclusively face brick and zinc, whilst the elevation facing No. 18 would be similar but would also have a section of dark painted FC sheet in the central light well. The roof would be a light mid-grey metal.



#### 4. SUBJECT SITE AND SURROUNDS

- 4.1 The subject site is on the south-west side of Dinsdale Street, between Philipson Street and Gatehouse Lane. It has an area of approximately 235m<sup>2</sup>. It has no slope of any consequence. It currently contains a very non-descript nil-graded 1980s single storey red brick dwelling which has a low picket front fence, small front yard and metal hipped roof. It is a three bedroom dwelling and has space for two cars (in tandem) in a front carport which is approximately 7m deep. Its front setback is generally 2m (meaning it protrudes forward of the neighbouring dwellings by approximately 1m) aside from an open fronted car port which is setback almost 5m from the street accessed from a crossover in Dinsdale Street. The existing building has no heritage character. Its walls are approximately 3.3m high with an overall roof ridge height of approximately 5.2m.
- 4.2 As facing No. 12, the dwelling's main wall beyond the carport, is setback approximately 3.4m to the common boundary whilst one other section of wall abuts the boundary at a height of approximately 2.7m. The wall of the existing dwelling is shorter than the rear of No. 12 by approximately 5m.
- 4.3 As facing No. 18, the existing dwelling abuts the boundary for its full length (approximately 17.5m). That length of abuttal results in the dwelling protruding beyond the rear wall of No. 18 by approximately 5.5m. That wall is face brick and generally 3.2m high. A fence adjacent to the existing light-well facing the window at no. 18 is approximately 1.7m high.
- 4.4 To the rear is a laneway approximately 3m wide which separates the site from the rears of the nearby Page Street properties. There are numerous fences, gates and garages accessing that laneway.
- 4.5 The site has two direct abutments being to Nos. 12 and 18 Dinsdale Street. No. 12 comprises a single storey dwelling setback approximately 3m from the front boundary. It has a roof ridge height of approximately 6.2m. It is a red brick Victorian building with a hipped/pitched roof. It has a full width front verandah with some decorative lacework. It has a low picket front fence. Much of its direct interface to the subject site comprises a blank wall directly abutting the common boundary. Behind the Victorian front section is a more recent single storey addition generally comprising a new living, kitchen, dining and en-suite area. This addition is setback just over 1m to the common boundary with that setback comprising what is essentially a small courtyard. There are two bathroom/en-suite windows directly facing the subject site across this courtyard in addition to a bedroom window, also facing into the courtyard, but at right-angles to the common boundary.
- 4.6 The remainder of No. 12 comprises a curved timber deck accessed from large glass doors facing onto the rear open space which is mostly hard paved. Large sliding metal gates open onto the rear laneway enabling the potential for vehicle access into the rear courtyard.
- 4.7 The property at No. 18 is also a single storey Victorian dwelling, but with updates appearing to date from the 1970s. It has a hipped roof also partly comprising a relatively prominent central gable feature. Its ridge height is approximately 6m. Below is a full width front verandah with metal lacework. It is setback approximately 3m from the front boundary.



- 4.8 Its interface with the subject site mostly comprises a blank brick wall setback approximately one metre from the boundary. That setback comprises a concrete pathway leading from the street to the rear open space. One habitable (living room) window faces onto this walkway and is placed half way along the length of the wall.
- 4.9 The kitchen and part of the living area of this dwelling faces onto its rear yard which is mostly hard paved and also contains a medium sized metal outbuilding in the yard's south-east corner. There are several windows facing onto the rear yard of this property, but all are in the rear wall of the dwelling placing them at right-angles to the subject site.
- 4.10 The character of Dinsdale Street is consistent in heritage terms by way of era, lot and grain size, heights and for the most part, materials. There are no obvious new or contemporary infill developments in the street (aside from that at the subject site). Dwellings are modestly proportioned but in most cases, well decorated, with a single storey scale predominating and establishing a clear streetscape character. Front setbacks are also generally consistent in the 2m to 3m range.
- 4.11 Roof forms are generally consistent being either hipped or gabled. There are runs of the latter form with the four adjoining buildings at Nos. 7-13 inclusive and the five houses at Nos. 21-29 inclusive displaying that form. Most other roofs are hipped. Roof materials are a combination of metal and tile. The wider area has a very similar character, although the sides of corner dwellings take on a greater predominance. More contemporary dwellings can be found nearby, especially in Gatehouse Lane and are between two and four storeys high.
- 4.12 Kerbside car parking in Dinsdale Street is relatively well controlled comprising 2P (all times) on the subject side and half-hour parking (8am to 7pm, permit only at other times) on the opposite side of the street. Parking in Philipson Street is a combination of 4P, 8am to 6pm Monday to Friday (unrestricted other times), 1P 8am to midnight (all days) and unrestricted at all times. Parking in Gatehouse Lane is a combination of half hour parking 8am to midnight, 1P, 8am to 6pm (unrestricted other times) and unrestricted at all times (one side to Richardson Street).
- 4.13 The rear laneway is bluestone and approximately 3m to 3.2m wide.
- 4.14 The site is approximately 160m to the nearest tram stop, approximately 90m to the nearest shops in Victoria Avenue and just over 500m to the heart of the Victoria Avenue Activity Centre.

**5. PERMIT TRIGGERS**

<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 more than one dwelling on a lot.</i>
<i>Clause 43.01 Heritage Overlay</i>	<i>A permit is required for all buildings and works and for demolition.</i>
<i>Clause 44.05 Special Building Overlay 2</i>	<i>A permit is required for buildings and works.</i>



## **6. PLANNING SCHEME PROVISIONS**

### **6.1 State Planning Policy Framework (SPPF)**

The following sections of the SPPF are considered relevant:

Clauses 15.01-1, 15.01-2-2 Urban Design Principles

Clause 15.03 Heritage

### **6.2 Local Planning Policy Framework (LPPF)**

The following sections of the LPPF are considered relevant:

Clause 21.05-1 Heritage

Clause 21.05-2 Urban Structure and Character

Clause 21.06-3 Neighbourhoods (Albert Park/Middle Park)

Clause 22.04 Heritage Policy

### **6.3 Other Relevant Clauses**

Clause 43.01 Heritage Overlay

Clause 44.05 Special Building Overlay

Clause 55 Construction of more than one dwelling on a lot.

### **6.4 Relevant Planning Scheme Amendments:**

There are none relevant to this proposal. The recent changes to the General Residential zone introduced new minimum garden areas and maximum heights on 27 March, 2017. Transitional provisions apply to applications lodged before that date. In this instance, as the application was lodged on 16 February 2017, the new provisions do not apply.

## **7. REFERRALS**

### **Internal referrals**

Council's Heritage Advisor:

*I provided comments on the original design. Despite my support for that design, the applicant has submitted amended plans which have formed the basis of the advertised application.*

*Good contextual contemporary design takes the traditional forms and detailing and re-interprets them in a modern way – this was demonstrated in the original design where, for example, the pitched roof form was made non-symmetrical, and brickwork was used in an interesting detail as a soldier course along the fascia.*

*The amended design is very similar in terms of heights, setbacks and overall form. However, the high quality contextual contemporary design has been, in my opinion, 'dumbed down' to a far less interesting literal and derivative terrace house design with fully symmetrical facades. The design is less successful because it tries to more literally mimic the traditional terrace house form, but the result is a design that is neither historically accurate (the gable front is not typical of two storey terrace houses, neither*



*are the projecting balconies, which introduce a strong horizontal element) or purely contemporary. In the original design, issues of accurate reproduction are not an issue because it is so unashamedly contemporary, but nonetheless respectful for the reasons discussed below.*

*Accordingly, I am not in support of changing the design in the manner proposed...the original design was a much better scheme and is preferred.*

Other further comments in relation to the new design were as follows:

*The new design is not acceptable as it attempts to too closely mimic traditional terrace house forms rather than being a contemporary interpretation. Moreover, the form and detailing of houses is inaccurate: key issues include the gable fronted form and the projecting balconies. As such the houses will in my opinion be a discordant element within the streetscape.*

Planner Comment:

The applicants have altered their design in response to concerns raised (officer and objector) that the previous response was too much of a contrast to the heritage streetscape. The applicants believe that the latest design (assessed in this report), is an appropriate response to respect the character of the area. It contains some references to buildings of the Victorian era, but the design's intention is not that it attempt to mimic a particular building.

The design includes small projecting front balconies and a twin-gable roof form. These are not found on a Victorian building. (Front balconies on Victorian terraces are recessed rather than projecting and roofs are hipped). However, as is discussed in more detail in section 9 of this report, the test to be applied is whether or not the result is reasonable and acceptable. There could be many ways of inserting a contemporary building into a heritage streetscape. It is considered that the current design approach is both reasonable and acceptable.

Whilst the proposal would include features not found on Victorian terrace buildings, the gable roof form is found on nearby buildings and the front balconies are considered very modest (only projecting by less than one metre). These components are only two aspects of the building's overall presentation. The proportion of glass to brick, materials, setbacks, roof pitch angle, overall height in comparison to neighbours and colours are also considered important and as is discussed later in this report, are considered to be acceptable.

It is considered that the building would achieve an appropriate visual response to its setting.

Council's Sustainable Design Architect:

*This application is not yet of a standard where I could approve it as meeting Council's current expectations for environmentally sustainable design. To counter this, the applicant should address the following points if they wish to have their Sustainable Design Assessment statement approved:*

*We expect a development of this size to achieve a minimum of 50% overall score and minimums in Energy, Water, Stormwater and IEQ categories in BESS. In areas falling short from the changes below, adjustments need to be made to bring the project up to meet the BESS minimums.*



*Heating System Efficiency – SDA states 4-star heating system while 5-stars has been indicated in BESS. Please correct the inconsistencies.*

*Cooling System Efficiency – SDA states 3-star heating system while 4-stars has been indicated in BESS. Please correct the inconsistencies.*

*Energy 3.6 Internal Lighting – Residential Multiple Dwellings – Statement in the SDA that only meets NCC minimum requirements. Adjust the commitment for maximum power density to 4w/m<sup>2</sup> (20% more efficient than minimum standards) OR amend BESS entry to NO.*

*Water 1.1 Water Efficient Fixtures – This SDA only indicates 3-star dishwashers which 4-stars has be nominated in BESS, please correct this. The development needs to commit to providing washing machines as part of the base building if they are to be included within the BESS assessment. If this is not the case then amend them to default/unrated in BESS.*

*Water 3.1 Water Efficient Landscaping – The development need to commit to water efficient softscape choices, indicate this on drawings. Otherwise amend BESS entry to No.*

*Additional notes on the plans needed to indicate connection to toilets.*

*Provide a drawing which illustrates the area inputs provided in the STORM report and the connected treatments.*

*Provide a Maintenance Manual for Water Sensitive Urban Design Initiatives. 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:*

- inspection frequency*
- cleanout procedures*
- 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.*

*Transport 2.1 Electric Vehicle Infrastructure – This credit have been incorrectly scoped out. The project has the potential to provide these systems and but currently not. Please amend BESS entry.*

*Waste 1.1 Building Re-use – This has been incorrectly scoped out in the BESS assessment. Drawings indicate the existing dwelling will not be reused in any way.*

**Planner Comment:**

The above matters could be addressed by requiring an updated/modified ESD report by condition on any permit issued (refer recommended Condition 6). In summary, the report would need to demonstrate that the development achieves a minimum of 50% overall score and the required minimums in relation to Energy, Water, Stormwater and IEQ categories in BESS. Inconsistencies in relation to water fixtures, heating and cooling are also required to be addressed.

**Council's Development Engineer:**

*The SBO2 designated flood level for the property is 2.452m (AHD) as indicated below.*





A. The minimum Finished Floor Level (FFL) is 2.452m AHD + 300mm = 2.752m AHD.

B. Referral responses:

- TH1 dining area have been proposed to FFL 2.75m AHD, which appears to be only 2mm below the required minimum floor level.

- However, the rear section of the building line is proposed at 2.400m AHD, which appears to be below the required minimum level.

- a flood barrier that is above the flood level could be installed at the rear section of the building, to avoid flood water entering the living and kitchen areas.

- height for installation of any electrical/gas points or switches should be a minimum of 600mm above the flood level.

Planner Comment:

It is considered that there is some difficulty in requiring a flood barrier at the rear of the site in order to prevent water entering the rear living areas. The SBO only covers small areas at the front and rear of the property and in particular, it is only portion of the rear courtyard for the west dwelling that is covered by the SBO. The front of that same dwelling is also covered in part by the SBO, but its floor levels would meet the requirements.

On the other hand, it is considered that a small step or slightly raised edge to the garden/paving area where closest to the rear living area of the west dwelling would be readily achievable. (Refer recommended condition I (b)). Council's Drainage Engineer supports this proposed condition.

**External referrals**

The application was not required to be externally referred.

**8. PUBLIC NOTIFICATION/OBJECTIONS**

8.1 A consultation meeting was held on 20 June 2017, attended by Ward Councillors, the Council planner, applicants and eight of the objectors. No formal agreements or undertakings were given, aside from the applicants agreeing to potentially address the key concerns as best they could by amendments to the plans, which were formally lodged pursuant to Section 57A of the Act. Those plans were received in July 2017 and form the basis of this assessment.

8.2 The original proposal was advertised as it was considered that the proposal may result in material detriment and it was further considered that the plans amended under Section 57A were also advertised. Council gave notice in the first instance by ordinary mail to the owners and occupiers of surrounding properties (23 notices sent) and directed that the applicant place two notices on the site for a minimum 14 day period, in accordance with s.52 of the Planning and Environment Act 1987. The amended proposal was advertised by notices being sent to the originally notified people (and any objectors who were not previously notified) but did not include the signs on the land.



- 8.3 No objections were withdrawn and no additional objections have been received. Several original objections were re-iterated.
- 8.4 Twenty objections and petitions containing 73 signatures were received and raise the following concerns.
- Excessive shadowing (there should be no additional shadowing).
  - Loss of daylight to neighbouring north-facing window.
  - Excessive wall height and wall length with consequent bulk impacts (front and rear) and to neighbouring open space (including to what should not be considered a walkway).
  - Loss of privacy, overlooking.
  - Insufficient car parking, questionable access, possible access safety impacts and consequent kerbside car parking impacts.
  - The architectural design is out of character with the neighbourhood character with reference to materials, colours, double-gable roof form, overall height and front balconies. It is a poor heritage response to the street.
  - Excessive site coverage, insufficient setbacks, poor permeability
  - The proposal represents more than minimal residential growth/change.
  - The rear open space should be devoted to that purpose and not shared with car parking.
  - Loss of large tree
- 8.5 These objections are mostly assessed against the Rescode provisions in section 9 following. Those that are not specifically Rescode related are assessed in the following section by being included in the key issues as stated below.
- 8.6 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 Key Issues:**

The key issues are considered to be:

- Would the proposal suitably align with the locational aspects of the local policy provisions?
- Would there be unreasonable direct amenity impacts, most particularly in relation Rescode provisions relating to wall lengths and heights, setbacks, visual bulk impacts, overlooking and response to nearby windows and open space areas?



- Would the proposal have a detrimental impact on the character of the streetscape and neighbourhood or adversely impact on the heritage place by way of its design, roof form, overall height, and materials?
- Would there be sufficient car parking that could be readily and safely used?

An assessment of these matters follows using the local policy provisions together with the relevant Planning Scheme provisions. In terms of local policy, assessment of many of the above matters is guided by Clauses, 21.04-1, 21.05-1, 21.05-2, 21.06-3 and 22.04. The Planning Scheme provisions further used in the following assessment are Clauses 43.01 and 55.

## 9.2 Would the proposal align with the locational aspects of the local policy provisions?

Clause 21.04-1 (Accommodation) defines the areas within which new residential development should either be encouraged or discouraged. There are five areas of change that are identified in this Clause, with three relating to established residential areas. The overall aim of the three areas is “to ensure that new residential development does not compromise the heritage, neighbourhood character and amenity values of established residential areas”.

This would partly be achieved by limiting new residential development within established residential areas to achieve either incremental growth, minimal growth or limited growth. In this instance, the site is considered to be in a minimal growth area: “Minimal residential growth in areas where an existing heritage overlay applies. All new development shall be in accordance with the Port Phillip Heritage Policy at Clause 22.04”.

The definition of the minimal residential growth areas is as follows:

*“Established residential areas within a Heritage Overlay where new development will be minimised in order to retain recognised heritage values”.*

Guidance is given by Council’s heritage and urban design policies and to some extent in the provisions of Rescode. Those more specific assessments follow later in this section. It is not suggested by these provisions, however, that there should be no growth or change or that any proposal should replicate or mimic existing character.

It is considered that the proposal would achieve minimal growth or change in that one dwelling would be replaced by only two, two-storey dwellings with a conventional interface with the street which would not adversely affect the neighbourhood character, heritage place or amenity.

As assessed later in this section, it is considered that the proposal would align with the other more specific urban design and heritage policies of the Scheme.

## 9.3 Would there be unreasonable direct amenity impacts, most particularly in relation to wall lengths and heights, setbacks, visual bulk impacts, overlooking and response to nearby windows and open space areas?

Rescode is used to assess direct amenity impacts that may flow from a proposal, especially in terms of shadowing, setbacks, permeability, access to light and overlooking. The Clause 55 assessment shows that the proposal would either comply with or exceed the following standards:



B1, Neighbourhood Character, B2, Residential Policy, B3, Dwelling Diversity, B4, Infrastructure, B5, Integration with the Street, B6, Street setback, B7, Building height, B10, Energy efficiency, B11, Open Space, B12, Safety, B13, Landscaping, B14, Access, B15, Parking location, B19, Daylight to existing windows, B20, North facing windows, B23, Internal views, B24, Noise impacts, B25, Accessibility, B26, Dwelling entry, B27, Daylight to new windows, B31, Detail design, B32, Front fences, B33 Common property, B34 Site services.

Where a variation to the Rescode standard is required, the variation can be justified as follows:

#### B8 Site Coverage.

Developments should have a site coverage under 60%. The proposed site coverage is 63%. This would be 3% above the standard but would be consistent with site coverage found in the immediate and wider area and is considered supportable.

#### B9 Permeability

A least 20% of the site should be permeable. Approximately 17% of the site would be covered by permeable surfaces in this instance, representing a 3% variation from the standard. Whilst modest, the provision of a rainwater tank would address the objectives of this provision and the extent of permeability would be consistent with the wider area.

#### B17 Side and Rear Setbacks

##### South-east elevation first floor:

The proposed light well wall height would be 6m, the proposed setback would be 1.8m. The required setback under the standard is 1.7m. The standard would be exceeded.

The proposed rear wall height of the laundry/shower would be 7.3m. The proposed setback would be 2.8m, exceeding the 2.4m standard.

The proposed robe wall (bed 3) height would be 5.7m. The proposed setback would be 1.2m whereas the required setback is 1.6m. Support for this variation would not as advertised be recommended but this matter would be addressed by recommended condition 1 (a) which requires deletion of each bedroom 3.

The proposed bed 3 wall facing no. 18 height would be 6m high, its proposed setback would be 1.8m exceeding the 1.7m setback requirement. (Note, this assessment is made without taking account of deletion of each bedroom 3).

The proposed rear setback of 4.5m would exceed the Rescode standard of 1.8m. (Note, this assessment is made without taking account of deletion of each bedroom 3).

In summary, the Rescode setback standard would be exceeded in most instances or could be made to comply by condition on any permit issued based on the advertised plans.



If each bedroom three were deleted (as recommended) this would result in a rear wall setback of 5.4m from the rear boundary (well in excess of the 1.8m standard) and in terms of the side interfaces, would result in a significant reduction in visual impact from height and bulk.

North-west elevation first floor:

The proposed robe wall (bed 3) height would be 5.7 and its proposed setback would be 1.1m. The required setback is 1.6m.

The proposed bed 3 wall facing No. 12 would be 6m high and its setback would be 1.7m. This would comply with the standard. (Note, this assessment is made without taking account of deletion of each bedroom 3).

In this instance, the one proposed variation (robe 3 wall) as submitted would be opposite a wall containing only non-habitable room windows directly opposite with an (approximately) one metre wide landscaped courtyard/light court in between. It would not directly face the primary rear open space of this property and the variation in this specific instance would be reasonable without amended to the design.

However, if each bedroom 3 were deleted (as recommended for car parking reasons), this would result in a significant reduction in visual impact to neighbouring properties from height and bulk and new walls in that vicinity only abutting the boundary which are assessed under B18. There would be no B17 assessment required in relation to the rear yard interface.

**B18 Walls on Boundaries:**

This standard, in relation to wall heights, requires that new walls directly abutting a common boundary should not exceed 3.6m in height. In terms of wall length, the standard states that walls should not abut the boundary for any more than 10m plus 25% of the length of any sections of the boundary without a boundary wall.

South-east:

The proposed wall height would be 5.8m. This variation is considered acceptable as the wall in question would not be directly opposite any sensitive or primary open space areas or windows. It would be opposite what can reasonably be described as a paved walkway leading from the street to the site's rear yard.

The proposed wall length would be approximately 14.5m. The standard would allow 12.7m length of abuttal. In this particular instance, the variation is considered reasonable as the wall would abut the previously mentioned paved walkway, which cannot reasonably be considered as open space.

North-west.

Where not abutting or opposite simultaneous wall, the proposed wall height would be 3.5m. This would be under the 3.6m Rescode maximum.



The proposed wall length would be approximately 14.5m. There is a simultaneous wall it would abut for a length of approximately 9.5m. In this instance, the standard would be the greater of either that 9.5m length of the 10m + 25% of the remaining boundary, giving a figure of 12.7m.

The 12.7m Rescode standard would be exceeded but is considered acceptable in this instance because much of the abutment is to a simultaneous wall and the abutting wall where not simultaneous would only be 3.5m high and would face a courtyard/light court with non-habitable room windows directly opposite. The one habitable room window in the vicinity of this section of wall is at right angles to the proposed wall.

#### **B21 Overshadowing of Open Space**

The existing building on the subject site currently casts shadows that exceed the current Rescode standards. Shadowing should not be increased. In this instance, it would increase as follows:

Maximum additional shadowing would occur at 9am, when an additional 6m<sup>2</sup> of shadow (an additional 12%) would fall onto the rear open space of abutting No. 12. This would result in 100% shadowing at that time. However, by 10am additional shadowing to that property would be only 3.5m<sup>2</sup> (an additional 7%) with an imperceptible 1% additional shadowing occurring at 11am. Therefore, whilst some additional shadowing would be caused to No. 12, that property would be free of any additional shading between just after 11am to 3pm.

The above changes to shadowing over the course of a day are considered to be reasonable.

Abutting No. 18 would be free of any and all additional shadowing between 9am and just before 11am. Even up to midday (and at that time), additional shading would be an imperceptible additional 1%. After that time, the additional shadowing would comprise 1.9m<sup>2</sup> at 1pm (an additional 3%), 3m<sup>2</sup> at 2pm (an additional 5%) and a net 2m<sup>2</sup> at 3pm (an additional 3%, noting the fact that the proposed wall length would be less than the existing one, leading to a decrease in shading elsewhere in the rear yard).

It is considered that all the above figures are relatively small and whilst shadowing to No. 18 would increase, it would not result in an unreasonable situation or one where that site's rear open space would become less usable or functional. It is especially considered that the additional shadowing to No. 18 between 11am to approximately 12.30pm would be almost imperceptible and after that time, would only involve very modest increases.

The above assessments were made without taking account of a recommended deletion of each bedroom 3. There are no shadow plans to show what change to shadowing would occur to each abutting rear yard resulting from the deletion of each bedroom three, but it is likely that the additional shadowing affecting the rearmost portions (nearest the laneway) of both abutting properties could be almost completely eliminated.

#### **B22 Overlooking:**

There are no proposed first floor windows that would directly face either abutting property. However, mildly oblique views would potentially be possible (over the proposed ground level wall edge below) from the rear facing Bedroom 2 windows of each dwelling. They are shown to have one metre high obscure glass. It is recommended that this be increased to 1.7m above finished floor level. (Refer recommended condition 1 (c)).



There would be no other sources of unreasonable overlooking noting that the rear facing windows of each Bedroom 3 would have 1.7m high obscure glass.

Potential viewing into the abutting front yards is not assessed as those open space parcels are not secluded and are currently viewed from the public realm.

The deletion of each bedroom 3 as recommended requires a condition that stipulates that screening is also needed for any new rear facing windows where removal of Bedroom 3 allows new windows. (Refer recommended condition I (c)).

#### **B28 Private Open Space**

Each dwelling would have a rear courtyard of just over 27m<sup>2</sup> in area. Whilst less than the 40m<sup>2</sup>, each courtyard would have excellent access to the internal living areas and would be of a highly usable shape.

It is noted that the applicant intends that each courtyard would have a shared open space/car parking function, meaning that the courtyards would not be available for open space purposes at all times. The likelihood is considered to be that these areas would mostly be used for open space functions and as such, it is considered that open space provision would be adequate.

It is not considered acceptable that the open space areas double as a car park or be considered to serve two purposes simultaneously. The space must be assigned as either one or the other. Whilst it is reasonable for access to be provided for the occasional parking of a vehicle (i.e. whilst the occupants are on holiday or similar), for the purposes of Rescode and parking analysis, the courtyard cannot be double counted and is to be considered private open space only. This has implications for car parking which is further discussed at Section 9.5 of this report.

#### **B29 Solar access to Open Space**

The wall on the northern side of the open space would be (excluding the peaked form) approximately 6.2m high. The standard would require a setback of 7.6m. The proposed setback would be approximately 5.5m.

The variation can be supported as the open space parcels would face north-west, increasing their solar access and given the orientation of the site, there is little option but to place the open space in the locations proposed. Increasing the rear setback by approximately 2m would not increase solar access due to the north-west orientation.

#### **B30 Storage:**

None is depicted and recommended condition I (d) would require that the plans show dedicated internal or external storage areas.

From the above, it is considered that there would be no unreasonable amenity impacts in relation to the immediately abutting properties, aside from additional screening being required for each bedroom two window. In particular, it is considered that the other specific concerns raised in the objections (shading, loss of light, excessive wall lengths and heights) cannot be reasonably sustained and therefore, it is considered that no other modifications are required to the building on amenity grounds.



Amenity Impacts Conclusion:

It is considered that the proposal's amenity impacts, as submitted/advertised, would be reasonable. In particular, the additional overshadowing would be moderate, there would be no unacceptable loss of privacy, side and rear setbacks would be adequate – especially in relation to the side window at no. 18 - and impacts of mass and bulk would also be acceptable.

It is recommended in Section 9.5 that each dwelling have two bedrooms rather than three to reduce car parking demand in light of no formal provision of car parking on site. Deletion of each bedroom 3 would further reduce the proposal's mass and bulk as viewed from the abutting open space areas.

**9.4 Would the proposal have unreasonable streetscape/neighbourhood character or heritage impacts especially by way of its roof form, overall height, and materials?**

The following sections of the LPPF are considered relevant:

Extracts from Clause 21.05-1 Heritage

Objectives.

*1. To conserve and enhance the architectural and cultural heritage of Port Phillip.*

This objective would be best achieved by conserving and enhancing heritage places, protecting subdivision patterns, discouraging demolition and seeking new development that respects heritage values and the scale/form of nearby buildings.

It is considered that the proposal would adequately respond to its setting and would respect local heritage values. One aspect that would change would be the subdivision pattern as the proposal would involve two dwellings side-by-side replacing one. Lot size would halve. However, the proposed lot size (assessed separately from form and character) would not be out of keeping with the wider area. It is acknowledged that Nos. 10, 12, 16, 18, 26, 28 and 30 Dinsdale Street (all abutting) have very similar lot widths. By contrast, Nos. 2, 4, 6, 8, 7, 9, 11 and 13 Dinsdale Street together with Nos. 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31 and 33 Page Street all have lot widths that are very similar to what is proposed. It is therefore considered that there is sufficient basis in the immediate area for supporting the lot widths being proposed.

In terms of conserving the existing heritage place and discouraging demolition, it is noted that the subject building does not have any heritage value. It was constructed in the 1980s and is not graded in Council's Heritage Policy. It is also considered that the area's heritage character would be enhanced by removal of the existing crossover.

Demolition:

A planning permit is required for demolition of a building in a Heritage Overlay.

The building is nil grading indicating the existing building has no heritage value and this has been confirmed on site. There is no valid basis for requiring its retention on heritage grounds.





Replacement building:

In terms of respecting heritage values, having an appropriate relationship to nearby building forms and scales, it is considered that an appropriate outcome would be reached assessing and comparing/contrasting the key aspects of the building with the local area. These aspects are considered to be:

- Overall Height
- Roof ridge form and character,
- Materials and colours,
- Style.
- Front setback.

These are assessed in turn.

Overall height:

The new building would sit in a single storey streetscape but would only be two storeys high. Its front wall heights (the vertical sections visible in the streetscape) would be 5.8m high. Nearby wall heights generally vary between approximately 3.9m to 4.2m. A visible (vertical) wall height difference/transition of generally 1.8m is considered acceptable and somewhat modest.

The proposal's roof ridges would be the highest section of the building. They would be approximately 7.7m high. Both the immediately abutting buildings have ridge heights of 6m to 6.2m. Many other nearby buildings have very similar roof ridge heights. The proposal would therefore comprise a difference/transition in height generally of only 1.7m to 1.8m. This is considered very modest in the context of Local Planning Policy which encourages new buildings to be no more than one storey higher than their lowest neighbour. A single storey is generally 3m to 3.2m high. The 1.7m to 1.8m difference in this instance is therefore considered to compare very favourably with the area and for a two storey building, is not considered excessive in overall height and would integrate with its heritage setting.

Roof ridge form and character:

The building would have a double or twin gable roof form. It would present as two readable gable elements and would not have any transverse form or ridge. This would contrast with most nearby buildings whose roofs have transverse ridges. However, to be considered out of keeping or character with a heritage streetscape, a roof form would ordinarily have to be foreign to a given streetscape, for instance a butterfly, vaulted, curved or Dutch gable roof form. For a twin gable form to be considered to be out of character, it would have to be foreign in this area or one that is not reflective of and respectful to a mostly Victorian area.

This is not considered to be the case. There are numerous gable ended roof forms in the wider area and indeed, in Dinsdale Street. There is what reads as a quadruple gable end presentation at Nos. 7-13 inclusive and a quintuple gable ended presentation at Nos. 21-29 inclusive. Even without these nearby existing buildings, it is considered that gable ended roofs are a very common roof treatment found in the Victorian era. The subject site is within a largely Victorian era precinct.



It is acknowledged that the building would have two storeys and that the other gable ended buildings nearby are single storey, but it is considered that the overall height and mass of the building is modest to the extent that having such a form on a two storey building is not considered a design failing.

It is also considered relevant that an appropriate response to streetscape character and heritage values is that new buildings should not mimic or replicate nearby buildings. They should respect or reference them by way of appropriate elements, often being roof forms, materials, colours and height. The matter of appropriate height has been previously assessed and colour assessment follows later in this section.

In terms of roof form and character, the proposal would not mimic or replicate the neighbouring buildings. However, by way of using a common Victorian form and further by way of that form being common in the same street, it is considered that the outcome would reference and respect the neighbourhood character. Council's Heritage Advisor has commented that gable roofs are not found on Victorian terrace buildings but as also previously assessed, the applicants have indicated that the building is not attempting to mimic a Victorian terrace. It is a contemporary design that is seeking to modestly fit its setting and also includes features (placed in a contemporary way) that are found from the Victorian era.

Additionally, the roof angle or pitch (in front elevation measured from the horizontal) in this instance is considered an important and appropriate response to local character. Most nearby roofs, whether transverse or otherwise, have pitch angles of approximately 30 to 40 degrees. The proposal's pitch would be approximately 38 degrees.

On balance, it is considered that the twin gable roof treatment would be in keeping with, and respectful of the streetscape and local heritage character.

#### Materials and colours:

The majority of the front façade would be clad in a hand crafted red-blend brick. The nearby area has a variety of colours and materials, but mid to dark red brick is found in Dinsdale Street, sometimes banded, sometimes not. The abutting building at 12 Dinsdale Street has a red brick façade.

Similarly, there is variety in nearby roof materials with dark grey and red tiles being found together with mostly light coloured metal.

The proposed roof would be colorbond of light to mid grey colour. This would generally be consistent with other metal roofs in this street. The roof's colour and metal finish are considered respectful of the area, particularly noting the high quality copper treatments to rain heads and downpipes, the metal balustrading and the zinc cladding (found at the rear).

On balance, it is considered that the palette of materials and colours would be appropriately simple and restrained and would compare favourably with this street and the wider area.



Style:

The proposal's style would be clearly contemporary but modest. There is nothing overtly contemporary in the buildings' style but nor could it be said to mimic any nearby building. It is not seeking to mimic a Victorian terrace building. It is considered to achieve an appropriate balance between being an overly contemporary response on the one hand and a modest infill on the other. Its front facing balconies would represent a new element in this street with no other nearby building having them. However, their protrusion – just under one metre - and their high degree of symmetry together with their narrow vertical doors are all either respectful without mimicking or replicating and/or, not considered to be out of keeping with the era of this street.

Finally, it is considered that the façade's proportion of brick to glass (with brick predominating) would be respectful of the local character and would not create an inappropriate contrast. Large expanses of horizontal glass are specifically sought to be avoided under Council policy and in this case, would be. All front windows, even those at the upper level, would be clearly vertical.

On balance, it is considered that the buildings' modest but contemporary style would be appropriate for this street and the wider area.

Front setback:

As previously assessed, the proposal's front setback would for all practical purposes match those of the abutting building. This adds to the building's appropriate heritage and local character response.

Other relevant policy settings are as follows.

Extracts from Clause 21.05-2 Urban Structure and Character.

*Objectives.*

- 1. To reinforce key elements of the City's overall urban Structure.*
- 2. To protect and enhance the varied, distinctive and valued character of neighbourhoods across Port Phillip.*
- 3. To ensure that the height and scale of new development is appropriate to the identified preferred character of an area.*

These outcomes are best achieved by clearly identifying areas in the municipality where a new built form character is anticipated versus areas where the existing character should be retained. They would also be achieved by maintaining the area's low rise character.

This site is one of the latter where it and its surrounds are not within an area where change in character is supported. Maintaining the overall existing character is encouraged in this area.

It is considered that the proposal would achieve the above outcomes. The building would have two storeys and as such, it is considered to be low rise. Its pitched roof shape is also considered to reflect local character as previously assessed.



Dwelling density would increase by one, which is not considered significant and noting the smaller lot sizes of many nearby properties, is considered a good reflection of the neighbourhood's density.

4. *To retain Port Phillip's fine grain street pattern*

5. *To maintain significant trees and vegetation as a key element of Port Phillip's character.*

One tree would be removed but site inspections have revealed that it is not significant as defined by Council's Local Law.

6. ...

7. *To protect streetscape characteristics of the established residential areas.*

This objective would best be achieved by (as relevant to this location), retaining the low rise scale and at the same time, being no more than one storey higher than the lowest neighbour. This would be achieved, as previously outlined. Another primary streetscape characteristic of Dinsdale Street would be enhanced by the removal of the existing crossover, which is the only one in this section of the street.

8. ...

9. *To ensure new development minimises any detrimental impacts on neighbouring properties.*

This has been assessed in the previous Rescode summary table.

10. ...

11. ...

Extracts from Clause 21.06-3 Neighbourhoods (Albert Park/Middle Park)

*In areas zoned Residential 1 (Now General Residential)*

6.3.2 *Encourage all development to respond to the following character elements:*

*The historic, low-rise Victorian and Edwardian architectural character of the area.*

*The low scale of development that is predominantly 1 and 2 storeys in most streets with the exception of some taller buildings along the foreshore and in the vicinity of Albert Road.*

*The wide streets and boulevards, as well as the intricate network of small streets and back lanes.*

*The small size of most residential lots in the neighbourhood.*

The proposal would meet all these elements, as previously assessed, especially in relation to building height and scale.

The proposal's impact on the small street/lane network is considered to be acceptable as it would present with a new rear fence with gates included, a treatment that is very common in the area.



The removal of the existing crossover is also considered a positive outcome.

Extracts from Clause 22.04 Heritage Policy

Objectives

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

...

...

*To promote design excellence (in terms of building siting, scale, massing, articulation and materials) which clearly and positively supports the heritage significance of all Heritage Overlay areas.*

*To ensure that new development and any publicly visible additions and/or alterations in or to a heritage place maintains the significance of the heritage place and employs a contextual design approach.*

*To encourage development, in particular use of materials, that responds to the historic character of laneways and to minimise elements that adversely impact on that character.*

...

New Development.

It is policy that:

*New development maintains and enhances an existing vista to the principal facade(s) of the heritage place, where a new development is adjacent to a heritage place (see Performance Measure 2).*

*New development generally reflects the prevailing streetscape scale and does not dominate the streetscape or public realm (see Performance Measure 3).*

*Front and side setbacks reflect those of the adjacent buildings and the streetscape, where this is an important element in the streetscape.*

*Roofs respond to any predominant roof form characteristic of the streetscape.*

*Door and window openings are complementary to the prevailing streetscape characteristics. Large expanses of glass or horizontal windows are generally avoided in principal front facades except where this is considered an appropriate design response.*

*If it is a major development site containing a significant or contributory heritage place that is to be retained, the new development respects the scale and setting of the heritage place whilst responding to the prevailing building scale of the heritage overlay area.*

*Visible wall elevations of the new building are articulated in a manner that is complementary to the streetscape through the use of different materials, massing and the inclusion of windows and doors where appropriate.*



- Materials, textures and finishes complement those evident in the streetscape.*
- Colour schemes complement the appearance and character of the streetscape.*
- Front fences are appropriate to the architectural style of the building.*
- For a contextual approach, front fencing interprets the prevailing character of fencing in the immediate environs and in particular responds to prevailing fence height, degree of transparency, form and materials.*

It is considered that all these stated outcomes, as relevant, would be met. The new building would be a modest contrast to its neighbours and the street but in other aspects, would favourably compare, particularly by way of height, front setback, materials, colours and roof form to the extent that it is considered to be a modest piece of infill. The Heritage Place would also be improved by removal of the existing crossover.

The key outcomes noted above would be achieved for the following reasons.

- The building would only be 1.7m to 1.8m higher than its neighbours, a highly favourable extent of transition in height,
- The proposal's front fence would be a low 1.2m high metal picket feature highly in keeping with the area,
- There would be no impact on the existing extent of bluestone kerbing and the existing crossover's removal would enhance the heritage character of the street,
- The existing building is non-graded,
- Front and side setbacks are in keeping with the area and, in the case of the front setback, would match those of the neighbours,
- Large expanses of glass and horizontal windows are avoided and the roofs would be complimentary to the streetscape, as would be materials and colours.

#### Heritage Overlay

The Decision Guidelines to be taken account of are as follows:

- *The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.*

This has been previously discussed. The existing building is non-graded.

- *Any applicable heritage study and any applicable conservation policy.*

The relevant heritage policies have been taken into account.

- *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.*



This has been previously assessed.

- *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.*

This has previously been assessed.

- *Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.*

The existing building is non graded and therefore, no detrimental or significant heritage impacts would result from its demolition.

### **9.5 Would there be sufficient car parking that could be readily and safely used?**

The existing house is self-sufficient in car parking and puts no demand on the street for parking.

Under the provisions of Clause 52.06, the proposal would require four car parking spaces, that is, two per three-bedroom dwelling. It is put by the applicant that one space is to be provided per dwelling however it is noted that the area designed for parking is private open space. It cannot be both. It is acknowledged that it would be physically possible to access each courtyard from the rear lane, but that for all intents and purposes the rear yard would be used for private open space, it would rarely be used for parking and it is likely that residents would park in the street.

Therefore, the proposal as submitted would result in demand for an additional four kerbside car parking spaces. Taking account of the existing crossover being returned to the street, it could be argued that the empirical reduction would comprise three car spaces. However, this car space returned to the street would not provide long term resident parking as it is restricted to two hour parking (24 hour) and the new dwellings would not be eligible for Resident Parking Permits, so the space cannot be considered of benefit to the development's future occupants.

It is acknowledged that the site is well located in terms of access to local facilities. It is approximately 160m to the nearest tram stop, approximately 90m to the nearest shops in Victoria Avenue and just over 500m to the heart of the Victoria Avenue Activity Centre. However, it is also considered that two x three bedroom dwellings on such a small site may represent an overdevelopment of the land, especially with regards to inadequate car parking.

The proposal would be a new development on a vacant site. There were opportunities to design a proposal which provided car parking independent of the private open space areas. This was not done.

The Planning Scheme requires only one space per two bedroom dwelling. Removal of the third bedroom from each dwelling would reduce the parking demand to two spaces. Acknowledging the site's location and access to local services, it is considered that a reduction of two car spaces is supportable. (Refer recommended condition 1(a)).



## **10. COVENANTS**

- 10.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Plan of Consolidation 350720Y Lot of Plan of Subdivision [Parent Title Volume 09996 Folio 367.

## **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 proposal would result in demolition of a non-graded building and therefore, there would be no loss of heritage significance.
- 13.2 The replacement buildings are considered a relatively modest yet contemporary design in terms of a response to a heritage streetscape. In particular, its overall height, front setback, materials, colours, proportion of glass to brick and the absence of large expanses of horizontal glass are all considered to be key aspects supporting the proposal, as are the minimal impacts on the amenity of neighbouring properties.
- 13.3 The front balconies, whilst not found in the street, are not considered a fundamental design flaw and are not considered to be something that would create an unacceptable streetscape element. They may be readable items but are not large enough to warrant rejection of the design.
- 13.4 The twin gable roof form is something found in Dinsdale Street and whilst not found on two storey buildings, the proposal's two storey height would be modest and only 1.7m to 1.8m above its neighbours. Gable ended roofs are features found on buildings from the Victorian era and noting that the proposal is not intended to be a replica of a Victorian terrace, it is considered that the roof form would not be out of keeping with the street.
- 13.5 The proposal would not provide its required four car parking spaces and noting that there would be limited times when the rear courtyards would be used for car parking (this report considers the courtyards as open space), the reality is that peak demand would mostly be for four car parking spaces. Even noting the presence of some unrestricted car parking nearby, this is not considered reasonable and it is recommended that each dwelling be reduced to two bedrooms. This conclusion is further enhanced by the facts that (i) the reduction in the scope of the building would further reduce any visual impacts experienced by the neighbours and (ii) that the new car space returned to the street would not be useable for all night parking, when demand is at its highest.
- 13.6 For all the reasons outlined, conditional support for the proposal is 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 Planning Permit.
- 14.2 That a Notice of Decision to Grant Planning Permit be issued demolition of the existing building, removal of an existing crossover, construction of two double storey dwellings and reduction in car parking requirements at 16 Dinsdale Street, Albert Park.
- 14.3 That the decision be issued as follows:

**Amended Plans**

- 1. 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 generally in accordance with the plans forming part of the application but modified to show the following:
  - a) The deletion of each dwelling's bedroom 3,
  - b) The provision of overland flow/flood protection (such as a step or raised edge to the garden/paving areas) where closest to the rear living area of the west dwelling so as to protect those areas from possible inundation.
  - c) The provision of full screening to 1.7m above FFL to each of the rear facing Bedroom 2 windows, in lieu of the currently depicted one metre high obscure glass and any additional rear facing windows resulting from condition 1 (a), to prevent oblique overlooking down into the abutting properties.
  - d) Dedicated storage areas for each dwelling.
  - e) The matters referred to in condition 6 of this permit.

Once approved, these plans become the endorsed plans under this permit.

**No Layout Change**

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

**External colours and Finishes**

- 3. 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.

**Equipment and Services Above Roof Level**

- 4. No equipment, services and architectural features other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

**Plant & Equipment**

- 5. Any plant, equipment or domestic services visible from the primary street frontage (other than a lane) or public park must be located and visually screened to the satisfaction of the Responsible Authority.



**Environmentally Sustainable Design**

6. Before the permitted works begin, a modified SMP must be submitted and must demonstrate how environmentally-positive features will be incorporated into the building to the satisfaction of the responsible authority. The project must incorporate the sustainable design initiatives listed in the endorsed documents to the satisfaction of the Responsible Authority and must particularly address how the development achieves a minimum of 50% overall score and required minimums in relation to Energy, Water, Stormwater and IEQ categories in BESS and that any inconsistencies in relation to water fixtures, heating and cooling are also addressed.

**Walls on or facing a boundary**

7. 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.

**Existing Crossover**

8. Before the occupation of the development allowed by this permit, all disused or redundant vehicle crossings must be removed and the area re-instated with footpath, nature strip and kerb and channel at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

**Time Limits**

9. 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:

- 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**

- 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.
- 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.
- 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.
- 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.