



**6.2** **36 EVELYN STREET ST KILDA EAST**  
**LOCATION/ADDRESS:** **36 EVELYN STREET ST KILDA EAST**  
**EXECUTIVE MEMBER:** **LILI ROSIC, ACTING GENERAL MANAGER, PLACE STRATEGY AND DEVELOPMENT**  
**PREPARED BY:** **SIMON GUTTERIDGE, PLANNING COORDINATOR CANAL WARD**  
**HAMISH BEERE, SENIOR PLANNER**

## 1. PURPOSE

- 1.1 Extend a dwelling on a lot less than 500 square metres and construct a front fence exceeding 1.5m in height in the General Residential Zone and reduce the number of car parking spaces required

## 2. EXECUTIVE SUMMARY

**WARD:** Canal  
**TRIGGER FOR DETERMINATION BY COMMITTEE:** More than 15 objections  
**APPLICATION NO:** P0247/2017  
**APPLICANT:** Karl Degering  
**EXISTING USE:** Single storey dwelling  
**ABUTTING USES:** Dwellings and apartments  
**ZONING:** General Residential Zone (GRZ1)  
**OVERLAYS:** Nil  
**STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL** Expired

- 2.1 It is proposed to construct alterations and additions to an existing single-storey dwelling including a new first-floor, a carport, and alterations to the front fence including an increase in height to two metres, and a car parking reduction of one space.
- 2.2 The application was advertised. Seventeen objections were received raising concerns with inconsistency with neighbourhood character, adverse amenity impacts from diminished access to sunlight, overlooking, increased demand for on-street car parking and associated traffic congestion, and property devaluation.
- 2.3 In response to Council and objector concerns, amended plans were prepared which changed the roof form and window design facing the street and revised the external colour scheme to more muted tones.
- 2.4 The amended plans were re-advertised and three further objections were received.



- 2.5 The proposal would be consistent with the design objectives in the Planning Scheme Local Planning Policy Framework, particularly the preferred design outcomes outlined in Clause 21.06 – Neighbourhoods.
- 2.6 The proposal would provide for a good level of internal amenity for future occupants having regard to the constraints of the site (including the orientation and size) with open living area, ample windows and reasonably sized rear yard.
- 2.7 The development would have a high degree of compliance with the off-site amenity standards of Clause 54; where variations are proposed, it is considered they can be supported because they are minor and would not cause any adverse amenity impacts on abutting properties, or could be addressed by conditions of any approval that may issue.
- 2.8 It is recommended that the Council approve the application and issue a Notice of Decision to Grant a Permit, subject to conditions.

### 3. RECOMMENDATION – PART A

- 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 to extend a dwelling on a lot less than 500 square metres in the General Residential Zone and reduce the number of car parking spaces required at 36 Evelyn Street, St Kilda East.
- 3.3 That the decision be issue as follows:
  1. **Amended Plans Required**
- 3.4 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 electronic copy provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) The deletion of the car port at the front of the dwelling.
  - b) No increase in the height of the front fence.
  - c) North (side) and East (rear) elevation drawings.
  - d) Plan and elevation drawing details of screening of first floor level windows to prevent overlooking of abutting properties in accordance with corresponding condition condition 11.
  - e) All plant, equipment and domestic services (including air conditioning, heating units, hot water systems, etc.) which are to be located externally;
  - f) Any changes necessary to meet the requirements of the Sustainable Design Assessment in the corresponding condition below.
  - g) Any changes necessary to meet the requirements of the Water Sensitive Urban Design Response in the corresponding condition below.
  - h) A coloured schedule of the materials, colours and finishes to be used on the main external surfaces, including roofs, walls, windows, doors of the proposed additions;



- i) All plan and elevation drawings fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD).
2. **No Alterations**  
The development and colours, materials and finishes as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempt the need for a permit.
  3. **Satisfactory continuation**  
Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
  4. **Walls on or facing the boundary**  
Prior to the occupation of the building(s) allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or the laneway must be cleaned and finished to a uniform standard. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed to the satisfaction of the responsible authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the responsible authority.
  5. **Sustainable Design Assessment**  
Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Design Assessment that outlines proposed sustainable design initiatives must be submitted to and approved by the Responsible Authority. Upon approval the Assessment will be endorsed as part of the planning permit and the project must incorporate the sustainable design initiatives listed.
  6. **Incorporation of Sustainable Design initiatives**  
The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Design Assessment.
  7. **Water Sensitive Urban Design**  
Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.  
  
When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.
  8. **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.
  9. **Piping and ducting**  
All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed to the satisfaction of the Responsible Authority.
  10. **No equipment or services**



Any plant, equipment or domestic services visible from a street (other than a lane) or public park must be located and visually screened to the satisfaction of the responsible authority.

**11. Privacy Screens - Cross-Sections Required**

Before the development starts (other than demolition or works to remediate contaminated land), cross section elevation drawings of the screens to the first-floor level window(s) must be submitted to and approved by the Responsible Authority. The drawings must:

- a) Be drawn to scale and fully dimensioned;
- b) Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
- c) Clearly illustrate how any louvre or batten system may allow horizontal or upward views but will prevent downward views to neighbouring properties;
- d) Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that direct views of adjacent private open space are precluded, while allowing outlook horizontally and upward from the balcony and/or window.

**12. Privacy screens must be installed**

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

**13. Time for starting and completion**

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

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

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

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

**Permit Notes:**

**Building Approval Required**

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

**Building Works to Accord with Planning Permit**

The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.

**Due Care**

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

**Days and Hours of Construction Works**



Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council's Local Laws Section:

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

An after-hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.

**Drainage Point and Method of Discharge**

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

**Noise**

The air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:

- a) noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary
- b) noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).

**4. RECOMMENDATION – PART B**

- 4.1 Authorise the Manager City Development to instruct Council's Statutory Planners and/or solicitors on any future VCAT application for review.

**5. RELEVANT BACKGROUND**

There is no relevant history or background for this application.

**6. PROPOSAL**

- 6.1 It is proposed to alter and extend the existing single storey two-bedroom dwelling on the land including construction of a new first floor level incorporating an additional third bedroom, construct a car port, alter the front fence including increasing its height from 1.5 metres to 2.0 metres, and reduce the number of car spaces required by one space.

**Original Plans**

- 6.2 The application as originally submitted and advertised proposed the following:

- Demolish the roof and part of the side and rear walls of the existing dwelling, a rear shed, a pergola, fencing, gates and paving;
- Internally and externally alter the ground floor level including constructing an internal stair, bathroom and a new kitchen / dining / living room;
- Construct a car port and a sliding gate at the front of the dwelling, a covered walkway along the south side, and new front and rear decks, and construct and carry out landscaping works including rain gardens; and
- Construct a new first floor level, generally matching the footprint of the ground floor level, comprising three bedrooms (one with an en-suite), a further bathroom, and a laundry.

6.3 The alterations and additions proposed were contemporary in style with a flat roof.

6.4 Materials and finishes were proposed to include white render, white Alucobond cladding and dark grey facias for the car port. The dark grey power-coated aluminium window frames incorporated feature vertical louvers also in dark grey. The front fence piers were finished in white render with the gate and palisade infills finished in a dark grey.

#### **S57 Amended Plans**

6.5 Following the public notice period, revised plans were submitted in response to concerns raised by objectors and the Planning Officer. The amendments included:

- Ground floor level internal layout changed to reconfigure the kitchen and bathroom and storage areas;
- First floor level fenestration altered including deletion of external screens from the front elevation, addition of new south-side highlight windows to both bathrooms and bedroom 3 window moved from south side to east (rear) elevation;
- The front section of the first-floor level roof changed from flat to hipped form; and
- Minor changes to materials and finishes and external colours.

6.6 The plans which are the subject of this report are the S57A Amended Plans, being those entitled PACE 161154, Drawing Nos. 01D, 02D and 03D, dated February 2018, prepared by Karl Degering & Associates.

## **7. SUBJECT SITE AND SURROUNDS**

7.1 The subject site is located on the east side of Evelyn Street, St Kilda East, approximately 38 metres north of Inkerman Street.

7.2 The land is rectangular and has a frontage width of approx. 7.04 metres, a rear width of approx. 7.13 metres, a maximum depth of 26.59 metres, and an overall area of approximately 187 square metres. The land is generally level, with a minor rise of approx. 0.3 metres to the rear.

7.3 The land is developed with one half of an attached pair of single-storey, interwar, rendered and pitched tiled roofed dwellings. The pair of dwellings share a hipped roof.



- 7.4 The dwellings retain their original form, but have been considerably altered including replacement of original front windows with enlarged windows and glazed doors, external rendering, construction of a wing wall dividing the front yards of the two dwellings, separate driveways leading to one car space in the front setback of each dwelling, and tall front fencing, including tall solid gates in front of the subject sites car space.
- 7.5 A gable-ended pergola with clear laser light roof sheeting has been constructed over the car space at the front of the subject dwelling. There is no record of planning or building permission for this structure.
- 7.6 The front setback is landscaped with a mixture of shrubs and small trees.
- 7.7 Evelyn Street is a no-through road, with a width of approximately 12.0 metres, blue-stone kerb and channel, and parallel parking and narrow footpaths on both sides. The west side footpath features ten medium sized street trees along its length.
- 7.8 The street is developed with a mixture of predominantly single-storey detached houses, including some with first floor additions to the rear, single-storey duplex / semi-detached pairs (including the subject premises), one two-storey circa 1970s block of apartments, and recent one and two-storey infill dwellings. Building periods and styles are a mixture of Victorian, Federation, Bungalow, inter-war, post-war Austerity, 1960s utilitarian, and contemporary. Building originality varies from heavily altered to original / restored.
- 7.9 Buildings are consistently setback from the street and have small landscaped frontages and/or car parking facing the street. The subject site and the dwelling at 31 Evelyn Street are the only properties with a pergola or a car port in the front setback. Most buildings along Evelyn Street pre-date the motor car and do not have on-site car parking, although some, mostly more recent dwellings have cross-overs to one or more on-site car parking spaces.
- 7.10 The predominant character of the street and neighbourhood is low-rise one and two-storey 20th century residential. More particularly, surrounding land is developed as follows:
- **North (side):** The other half of the single-storey duplex pair, a single-storey Bungalow style dwelling, another single-storey duplex pair and a mixture of one and two-storey dwellings beyond this
  - **South (side):** The rear yards of four significant heritage graded single-storey Federation period dwellings facing to Inkerman Street.
  - **East (rear):** The side and rear concrete car parking area of a block of circa 1970s three-storey flats facing to Inkerman Street, with three similar apartments blocks and the railway embankment and bridge further east.
  - **West (front) (opposite):** Recent two-storey contemporary additions to the rear of a single-storey significant heritage graded house facing to Inkerman Street, a lane, and three single-storey detached late Victorian period timber dwellings.
- 7.11 The subject site is approximately 280 metres north of the Carlisle Street Major Activity Centre, approximately 380 metres from the Carlisle Street tram,



approximately 410 metres from Balaclava Station, and approximately 205 metres east of the Chapel Street tram.

## 8. PERMIT TRIGGERS

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

Zone or Overlay	Why is a permit required?
Clause 32.08 - General Residential Zone - Schedule 1 (GRZ1)	<p>A permit is required to:</p> <ul style="list-style-type: none"> <li>• Construct or extend one dwelling on a lot of 500 square metres or less.</li> <li>• Construct a front fence exceeding 1.5 metres height.</li> </ul> <p>A development must meet the requirements of Clause 54.</p> <p>The zone specifies a 'minimum garden area' must be maintained, the size of which is determined by the respective allotments size. In this instance, the 187-square metre allotment is less than the 400-square metre threshold and is therefore exempt from this requirement.</p> <p>The zone also specifies a maximum building height of 11 metres. The proposed building would not exceed 7.5 metres.</p>

8.2 The following particular provisions apply to the site, with planning permission required as described:

Particular provision	Why is a permit required?
Clause 52.06 - Car Parking	A permit is required to reduce the number of car parking spaces required for the dwelling.

## 9. PLANNING SCHEME PROVISIONS

### 9.1 State Planning Policy Frameworks (SPPF)

The application needs to be assessed against the SPPF, including:

- Clause 11: Settlement
- Clause 15: Built Environment and Heritage
- Clause 16: Housing
- Clause 18: Transport

### 9.2 Local Planning Policy Framework (LPPF)

The Municipal Strategic Statement (MSS) (as recently amended by Amendment C62) contains a number of clauses which are relevant to this application as follows:

- Clause 21.03 Ecologically Sustainable Development
- Clause 21.04 Land Use
- Clause 21.05 Built Form, including
- Clause 21.05-2 Urban Structure and Character
- Clause 21.06 Neighbourhoods, including
- Clause 21.06-1 East St Kilda





The application also needs to be assessed against the following clauses of the LPPF:

- |              |  |
|--------------|--|
| Clause 22.12 | Stormwater Management (Water Sensitive Urban Design) |
| Clause 22.13 | Environmentally Sustainable Development              |

### 9.3 Relevant Planning Scheme Amendment(s)

Since the application was lodged in 2017, the Planning Scheme has been amended as follows:

- **14 December 2017: Amendment C123:** Changed the zoning of the subject site and surrounds from General Residential Zone to General Residential Zone - Schedule 1.

This amendment did not materially affect the controls applicable to the proposal.

- **15 May 2018:** Amendment VC143: Changed the definition and General Residential Zone and Neighbourhood Residential Zone provisions relating to garden area.

This amendment did not affect the proposal because the 187 square metres area of the subject site is less than the minimum garden area requirement threshold.

## 10. REFERRALS

### Internal referrals

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

#### Urban Design Officer

- 10.2 Council's Urban Design Officer provided the following relevant comments

- *From a design point of view, the first iteration was a better outcome, I would have liked to have seen a middle point where a contemporary aesthetic is achieved without compromising the character of the street.*
- *Most dwellings in this location are one storey dwellings built in the early 20th century with pitched roofs and are clad in brick and/or masonry, however, the site is not currently protected by a Heritage Overlay and we can foresee more modern developments coming through.*
- *It is not the first two storey development on Evelyn Street; due to its orientation, a second storey will not affect the adjacent' dwellings amenity. The attached dwelling at 34 Evelyn Street is located on the northern boundary, additional shadows will not be casted on it. The overshadowing impact on 202-206 Inkerman Street is minimal since the abutting backyards are already being overshadowed by vegetation, carports and other structures.*
- *I have consulted with the Heritage Advisor, the neighbouring dwellings affected by the Heritage Overlay are not being affected since these properties don't share the front interface.*



- *Though it is true that the initial design response has contemporary qualities not appropriate for the area, modern developments are to be encouraged. As a principle, the amended proposal is supported. The introduced pitched roof mirrors the angle and alignment of the abutting property and the size and proportion of the windows is appropriate.*
- *There are, however, some changes I would suggest in order to achieve the desired integration:*

1. - *Replace the gravel within the front setback with turf and a landscaped (planted solution);*
2. - *Final materials and colours are not being specified, the suggestion is to incorporate some of the variations already present on the street and to articulate some elements through a contrasting material also present in the area (brick or cladding).*
3. - *Retain the existing fence height and 50% permeability.*

#### 10.3 Planners Response

- *The gravel within the front setback is an existing condition. Additionally, this treatment is permeable and a valid water efficient landscape option.*
- *A coloured schedule of the materials would be required as part of any approval – refer to condition 1(h).*
- *The front fence height would be restricted to 1.5 metres, the fences type proposed would achieve 50 percent visual permeability.*

#### External referrals

10.4 The application was not required to be externally referred.

### 11. PUBLIC NOTIFICATION / OBJECTIONS

#### Notice of Original Plans

11.1 It was determined that the proposal may result in material detriment; therefore Council gave notice of the proposal by ordinary mail to the 28 owners and occupiers of surrounding properties and directed that the applicant give notice of the proposal by posting one sign on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

#### Objections – Original Plans

- 11.2 Seventeen objections were received to the original plans. The key concerns were:
- a) Loss of views to the sky from the rear of 204 Inkerman Street;
  - b) Overlooking into the rear yards of abutting properties to the south side;
  - c) Concerned about drainage impacts of the proposed rain gardens;
  - d) The contemporary design would be inconsistent with adjacent heritage graded buildings to the south side and properties along Evelyn Street;
  - e) The proposal would reduce the value of our abutting property;



- f) The proposal would reduce sunlight to properties to the south side;
- g) The proposal would overshadow adjacent properties;
- h) The proposal would create a precedent for the street and other semi-detached properties in the street;
- i) The proposal would adversely affect the energy efficiency and may adversely affect the structure integrity of the other half of the attached pair of dwellings at 34 Evelyn Street.
- j) The application does not demonstrate satisfactory compliance with ResCode;
- k) The construction process would result in traffic and other disruption along Evelyn Street;
- l) The proposal does not provide any additional car parking for extra bedroom/floor area and is likely to increase parking demand in the street;
- m) Concerned the shadow plans are not accurate;
- n) The first-floor level additions should be setback.
- o) The white external colour scheme should be muted;
- p) The front fence design would be out of character.

#### **Consultation Meeting**

- 11.3 A consultation meeting was held on Thursday 23 November 2017. The meeting was attended by a Ward Councillor, applicants, objectors and Planning Officers.

#### **S57A Amended Plans**

- 11.4 Following the consultation meeting, the applicant submitted amended plans which sought in part to address objector concerns as follows:
- a) Ground floor level internal layout changed to reconfigure the kitchen and bathroom and storage areas;
  - b) First floor level fenestration altered including deletion of external screens from the front elevation, addition of new south-side highlight windows to both bathrooms and window for Bedroom 3 moved from the south side to the east (rear) elevation;
  - c) Front section of first floor level roof changed from flat to a hipped form; and
  - d) Minor changes to materials and finishes and external colours to reduce the extent of white.

#### **Notice of Amended Plans**

- 11.5 Notice of the amended plans was given by letter to the owners and occupiers of surrounding properties including all persons who had objected to the original plans.

#### **Objections – Amended Plans**

- 11.6 Three objections were received to the amended plans and no previous objections were withdrawn. The key concerns were:
- a) Whilst changes to the roof, external colours and windows are an improvement, the two-storey proposal remains at odds with the single-storey period dwellings in the street.
  - b) Remain concerned about structural impacts of the proposal on the other half of the attached pair of dwellings;
  - c) The proposal would create a lop-side appearance to the pair of dwellings;
  - d) The car port would be inconsistent with the street character.



- e) Concerned about impacts on the other half of the pair of dwellings during construction.
- f) Concerned about drainage impacts from the rain gardens.
- g) Concerned about overlooking of properties to the south;
- h) Concerned about loss of views.

#### Officer Response

The matters raised in the objections are discussed at Section 11 of this report.

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

## 12. OFFICER'S ASSESSMENT

### 12.1 Local Policy

#### **Is the proposed development in an established residential area where incremental, limited or minimal change is encouraged?**

The General Residential Zone seeks:

- To encourage development that respects the neighbourhood character of the area; and
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

The subject site is within 400m of the Carlisle Street Major Activity Centre and tram routes along Carlisle and Chapel Streets and just over 400m from Balaclava Station and is in an area with a very mixed neighbourhood character which falls within the definition of an incremental residential growth area in Council's Local Planning Policy Framework (LPPF).

The eclectic neighbourhood is characterised by the wide range of architectural styles present including mid-Victorian, Edwardian, post-war and contemporary dwellings. Whilst architectural detailing is varied there are consistent design themes including single storey scale and small setbacks. The fine grain subdivision pattern has been an important determinant in the scale and siting of the respective dwellings, this is most evident in these streets located between the railway line and Chapel Street, and on the north side of Inkerman Street between the railway line and Hotham Street, representing some of the earliest areas of development.

Council's Local Planning Policy Framework identifies these neighbourhoods as having the capacity for responsive medium density development or 'incremental residential growth'.

The proposed alterations and additions to the existing house would be consistent with Council's policy for incremental residential growth and would be consistent with development opposite and nearby along Evelyn Street.

#### **Clause 21.06-1 East St Kilda and Balaclava**

Clause 21.06-1 contains local strategies for residential zoned areas in East St Kilda and Balaclava including:



- 6.1.1 *Ensure that the heritage and neighbourhood character of established residential areas are not compromised by new development, through providing significant new residential opportunities within the Carlisle Street Major Activity Centre to meet housing growth objectives.*
- 6.1.2 *Ensure any new residential development in established residential areas proximate to the Carlisle Street Major Activity Centre, is consistent with the level of change and the preferred neighbourhood character as identified in the Carlisle Street Activity Centre Structure Plan, 2009 (and implemented through policy at Clause 22.11).*
- 6.1.3 *Encourage new development to respond to the following specific character elements:*
- *The prevailing low rise (1 and 2 storey) development throughout most residential streets, except for pockets of 2 and 3 storey flat development along main roads such as Alma Road, and Chapel, Hotham and Inkerman Streets.*
  - *The consistent single storey scale, small setbacks, architectural style and 'fine grain' subdivision pattern of development in streets generally located between the railway line and Chapel Street, and on the north side of Inkerman Street between the railway line and Hotham Street, which represent some of the earliest areas of development.*
  - *The larger setbacks and lot size and inter-war architectural style of the predominantly detached or semi-detached houses with front, rear and side setbacks that allow for landscaped larger open space areas with established trees, typical in the eastern part of the neighbourhood.*
  - *The mature street trees in some areas including along Dandenong Road, Westbury Grove, Ravens Grove, and Westbury Street, south of Carlisle Street.*
  - *The Sandringham Railway line including bridges and embankments, particularly the bridge over Carlisle Street.*
- 6.1.4 *Encourage development immediately west of Alma Park to address the Park.*

The proposal would be generally consistent with these policies.

**Does the area have a consistent neighbourhood character?**

Evelyn Street does not have a consistent neighbourhood character. As noted at Section 4.0 of this report, it features a broad mix of dwellings from the Victorian, Federation, Bungalow, inter-war, post-war, 1960s utilitarian and present-day periods, a mix of one and two-storey dwellings, and a mix of attached, semi-detached and apartment dwellings.

Buildings are however consistently setback from the street and have small landscaped frontages and/or car parking facing the street. The subject site and the dwelling at 31 Evelyn Street are the only properties with a pergola or a car port in the front setback.

The predominant character of the street and neighbourhood is low-rise one and two-storey 20th century residential.

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





The subject site is one half of a single-storey semi-detached pair of dwellings. The pair retain their original form, but have been considerably altered, particularly at the front facing the street.

The front, side and rear setbacks and footprint of the proposed first floor would match those of the existing ground floor level, and would be similar to other two-storey dwellings along the street and nearby

The visual bulk of the first-floor addition would be mitigated by the south side and rear walls of the addition being slightly angled. This tapering would assist the additions to recede in part bulk when viewed from the southern and eastern abutting properties, and would provide visual interest and variation in form. Additionally, the sloping façade would provide a graduation from the single storey abutting dwellings to the proposed two storey additions.

The proposed use of render finish for the walls and a tiled roof would be consistent with the materials of the existing dwelling and the other half of the attached pair, and would complement the dominant materials in the area. The use of the pitched roof form at the first floor would also be responsive to the form of nearby dwellings. Notably, the first-floor eave line would align with that of the apartment building to the east and the proposed pitch would also match.

A flat roofed carport is proposed within the front setback of the dwelling, accessed via an existing crossover. This is not a typical feature of the area and would be inconsistent with the open, typically landscaped front yard character of the street and is not supported. A condition requiring its removal should form part of any subsequent permit.

**Does the development display a high regard for internal and neighbouring amenity? How?**

The proposal would provide for a good level of internal amenity for future occupants having regard to the constraints of the site (including the orientation and size) with open living area, ample windows and reasonably sized rear yard.

The development would have a high degree of compliance with the off-site amenity standards of Clause 54; where variations are proposed, it is considered they can be supported because they are minor and would not cause any adverse amenity impacts on abutting properties, or could be addressed by conditions of any approval than may issue. This is discussed in more detail in Section 11.2 of this report.

**Are colours/materials/finishes appropriate?**

The colours and lightweight materials proposed are relatively plain and in keeping with surrounding dwellings (i.e. brick with tiled roof).

**12.2 Residential Amenity Assessment – Clause 54 (ResCode)**

Neighbourhood Character Title & Objective & Standard	Clause 54.02 Compliance
<p><b>A1</b> <b>Neighbourhood Character</b> a) Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p>	<p><input checked="" type="checkbox"/> <b>Complies in part – Condition required</b> <b>Comments:</b> The pitched roof form and revised fenestration of the amended plans would complement the form and</p>





<p>b) Design responds to features of the site and surrounding area.</p> <p>c) 1. Appropriate design response to the neighbourhood and site.</p> <p>2. Design respects the existing or preferred neighbourhood character &amp; responds to site features.</p>	<p>appearance of abutting and nearby dwellings and would be satisfactory.</p> <p>The car port at the front of the site would be inconsistent with the neighbourhood character. The car port is not supported and should be deleted – refer to recommended condition 1(a).</p>
<p><b>A2</b></p> <p><b>Integration with Street</b></p> <p>d) Integrate the layout of development with the street.</p> <p>1. Dwelling oriented to front of the street.</p> <p>2. High fences avoided where practicable.</p> <p>3. Dwellings designed to promote the observation of abutting streets / public open spaces.</p>	<p><input checked="" type="checkbox"/> <b>Complies in part – Condition required</b></p> <p><b>Comments:</b></p> <p>The dwelling would remain orientated towards Evelyn Street. The first-floor windows would improve passive surveillance. The predominate height of front fences in this location range between 1.0 metre and 1.2 metres. It is proposed to retain and modify the existing front fence by extending its height from 1.5 metres to 2.0 metres. The fence style being rendered pier with metal palisade infills would not restrict views of the dwelling or the front setback maintaining a good level of connectivity with the street. To maintain fence height consistency the existing fence height of 1.5 metres should be maintained – refer to recommend condition 1(b).</p> <p>There is only one car port in a front setback along the whole of Evelyn Street, and none on the east side of the street. The proposed car port at the front of the site would be inconsistent with the neighbourhood character and is not supported and should be deleted.</p>

**Site Layout and Building Massing**

**Clause 54.03**

Title & Objective & Standard	Compliance
<p><b>A3</b></p> <p><b>Street Setback</b></p> <p>e) Setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p> <p>1. Walls of buildings should be setback from streets at least the distance specified in the schedule to the zone or</p> <ul style="list-style-type: none"> <li>■ If no distance is specified as outlined below.</li> <li>■ Existing building on both the abutting allotments facing the same street &amp; site is not on a corner.</li> </ul> <p>f) Min front setback = average setback of existing buildings on abutting allotments facing the front street or 9m, whichever is the lesser.</p> <p>2. Existing building + vacant site either side of the subject site facing the same street &amp; site is not on a corner.</p>	<p><input checked="" type="checkbox"/> <b>Complies in part – Condition required</b></p> <p><b>Comment:</b></p> <p>1. The existing ground floor setback would be maintained. The first-floor front setback would be equivalent to the ground floor.</p> <p>The existing gable ended pergola at the front of the dwelling is inconsistent with the neighbourhood character of landscaped front setbacks. The proposed replacement flat roofed carport at the would also be inconsistent with the character of the street and is not supported, and should be deleted.</p>



<p>g) Min front setback = same setback of front wall of existing building or 9m, whichever is the lesser.</p> <p>3. There is no existing building on either of the abutting allotments facing the same street &amp; site is not on a corner</p> <p>h) Min front setback = 6m in RDZ1 &amp; 4m for other streets.</p> <p>4. The site is on a corner</p> <ul style="list-style-type: none"> <li>■ If there is a building on the abutting allotment facing the front street Min front setback = same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9m, which ever is the lesser.</li> <li>■ If there is no building on the abutting allotment facing the front street, 6m from street in RDZ1 and 4m for other streets</li> </ul> <p>i) Min setback from side street = same setback of existing building or 2m, whichever is the lesser.</p>	
<p><b>A4</b> <b>Building Height</b></p> <p>j) Building height respects the existing or preferred neighbourhood character.</p> <p>1. The maximum building height should not exceed that specified in the schedule to the zone.</p> <p>k) Where no maximum height is specified, the height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site of the building is 2.5 degrees or more, in this case max height not to exceed 10m.</p> <p>2. Changes of building height should be graduated between new and existing buildings.</p>	<p><input checked="" type="checkbox"/> <b>Complies</b></p> <p><b>Comment:</b> The maximum proposed building height is 7.5 metres measured above natural ground level.</p>
<p><b>A5</b> <b>Site Coverage</b></p> <p>l) Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p> <p>m) 1. Buildings should not exceed 60% of the site covered, unless otherwise specified in a schedule to the zone.</p>	<p><input checked="" type="checkbox"/> <b>Complies</b></p> <p><b>Comment:</b> The application does not propose any alterations to the existing dwellings footprint. The removal of the car port would reduce the site coverage on the land from 60.4% to 52%.</p>



<p><b>A6</b> <b>Permeability</b></p> <p>n) Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p> <p>o) 1. Site should not be covered by any more than 20% of impervious surface.</p>	<p><input checked="" type="checkbox"/> <b>Complies</b></p> <p><b>Comment:</b></p> <p>2. Site permeability would be improved via a reduction of hard-standing surfaces and the incorporation of meaningful landscaping increasing site permeability from 18% to 33%.</p>
<p><b>A7</b> <b>Energy Efficiency Protection</b></p> <p>p) Achieve and protect energy efficient dwellings.</p> <p>q) Ensure the development's orientation and layout reduce fossil fuel energy use and makes appropriate use of daylight and solar energy.</p> <p>r) 1. Orientation of buildings should make appropriate use of solar energy.</p> <p>s) 2. If practicable the living areas and private open space are to be located on the north side.</p> <p>t) 3. Solar access for north-facing windows should be maximised.</p> <p>u) 4. Siting and design of buildings should not reduce the energy efficiency of adjoining buildings.</p>	<p><input checked="" type="checkbox"/> <b>Complies</b></p> <p><b>Comment:</b></p> <p>The proposal has where possible, orientated windows for maximum solar penetration. Given the orientation of the lot, the outcome would be acceptable and would represent an improvement when compared to the existing energy efficiency of the dwelling.</p> <p>The proposal would not adversely impact on the energy efficiency of adjoining properties</p>
<p><b>A8</b> <b>Significant Trees</b></p> <p>v) Development respects the landscape character of the neighbourhood and retains significant trees on site.</p> <p>w) 1. Provide for the retention or planting of trees, where these are part of the neighbourhood character.</p> <p>2. Replace significant trees removed in 12 months prior to application.</p>	<p><input checked="" type="checkbox"/> <b>Complies</b></p> <p><b>4. Comment:</b></p> <p>5. There are no significant trees on the site. The proposal would provide room for landscaping in the front and rear yards, consistent with the surrounding low landscape character.</p>

**Amenity Impacts**

**Clause 54.04**

Title & Objective & Standard	Compliance
<p><b>A10</b> <b>Side and Rear Setbacks Objective</b></p> <p>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p><input checked="" type="checkbox"/> <b>Complies</b></p> <p><b>Comment:</b></p> <p>The developments compliance with the setback requirements would ensure the pattern and siting of development within this locality was maintained.</p> <p><u>East rear boundary – Complies</u></p>



<p>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ol style="list-style-type: none"> <li>At least the distance specified in a schedule to the zone, or</li> <li>If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</li> <li>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</li> <li>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</li> </ol>	<p>3. The first floor of the dwelling extension would be setback (minimum) as follows:</p> <ul style="list-style-type: none"> <li>x) Proposed height = 6.6 metres</li> <li>y) Proposed setback = 3.1 metres</li> <li>z) Required setback = 1.9 metres</li> </ul> <p><u>South side boundary – Complies</u></p> <p>The first floor of the dwelling extension would be setback (minimum) as follows:</p> <ul style="list-style-type: none"> <li>aa) Proposed height = 6.6 metres</li> <li>bb) Proposed setback = 1.9 metres</li> <li>cc) Required setback = 1.9 metres</li> <li>dd)</li> <li>ee)</li> <li>ff)</li> </ul>																
<p><b>A11</b> <b>Walls On Boundaries</b></p> <p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p> <p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> <li>For a length of more than the distance specified in a schedule to the zone; or</li> <li>If no distance is specified in a schedule to the zone, for a length of more than:</li> </ul> <ol style="list-style-type: none"> <li>10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</li> <li>Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</li> <li>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport</li> </ol>	<p><input checked="" type="checkbox"/> <b>Does not comply - Variation required</b></p> <p><b>Comments:</b></p> <table border="1" data-bbox="774 1176 1444 1624"> <tr> <td colspan="2"><b>Western side boundary (dwelling extension).</b></td> </tr> <tr> <td>Length of Wall:</td> <td>18.3 metres</td> </tr> <tr> <td>Length of Wall of simultaneously constructed wall:</td> <td>18.3 metres</td> </tr> <tr> <td>Encroachment:</td> <td>Nil.</td> </tr> <tr> <td>Height of the existing wall:</td> <td>2.9 metres</td> </tr> <tr> <td>Recommend height:</td> <td>3.2 metre (avg.)</td> </tr> <tr> <td>Height of proposed wall:</td> <td>6.5 metres</td> </tr> <tr> <td>Encroachment:</td> <td>3.3 metre</td> </tr> </table> <p>gg) The proposed 18.35-metre-long northern first floor wall-on-boundary would entirely abut the simultaneously constructed ground floor wall-on-boundary and roof of no. 34 Evelyn Street.</p> <p>hh) Solar access to the secluded private open space at no.34 Evelyn Street would be unaffected due the orientation and configuration of the lot.</p> <p>ii) Although the 6.5 metre height of the wall exceeds the numerical standard, the immediately abutting roof ridge at No. 34 Evelyn would reduce the extent of the walls visibility by 1.4 metres. The obscuring of the southern first floor facade would significantly reduce the overall impact</p>	<b>Western side boundary (dwelling extension).</b>		Length of Wall:	18.3 metres	Length of Wall of simultaneously constructed wall:	18.3 metres	Encroachment:	Nil.	Height of the existing wall:	2.9 metres	Recommend height:	3.2 metre (avg.)	Height of proposed wall:	6.5 metres	Encroachment:	3.3 metre
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Encroachment:	3.3 metre																



<p>being less than 2 metres on the abutting property boundary.</p> <p>4. The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p> <p><b>Note:</b> A building on a boundary includes a building set back up to 200mm from a boundary.</p>	<p>of the first floor in terms of its massing when viewed from the principal frontage.</p>
<p><b>A12</b> <b>Daylight to Existing Windows</b></p> <p>jj) Allow adequate daylight into existing habitable room windows.</p> <p>kk) 1. Buildings opposite an existing habitable room window should provide a light court of at least 3sqm and a minimum of 1m clear to the sky. (Calculation area may include abutting lot).</p> <p>2. Walls and carports of more than 3m should be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window.</p> <p>Refer to 54.04-3 for further clarification (a diagram is included).</p>	<p><input checked="" type="checkbox"/> <b>Complies</b></p> <p><b>ll) Comments:</b></p> <p>mm) The proposal would not obscure access to natural daylight to existing windows on neighbouring properties.</p> <p>nn)</p>
<p><b>A13</b> <b>North-Facing Windows Objective</b></p> <p>To allow adequate solar access to existing north-facing habitable room windows.</p> <p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary:</p> <ul style="list-style-type: none"> <li>1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window.</li> </ul> <p>oo) <b>Note:</b> A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p>	<p><input checked="" type="checkbox"/> <b>Complies</b></p> <p><b>pp) Comments:</b></p> <p>No north facing habitable room windows require consideration under this standard.</p>
<p><b>A14</b></p>	<p><input checked="" type="checkbox"/> <b>Complies</b></p> <p><b>ss) Comments:</b></p>





<p><b>Overshadowing Open Space</b></p> <p>qq) Ensure buildings do not unreasonably overshadow existing secluded private open space.</p> <p>1. Where sunlight to the secluded private open space of an existing dwelling is reduced at least 75% or 40sqm with min. dimension of 3m, whichever is the lesser area, the secluded private open space should receive a min. of 5 hours of sunlight between 9am and 3pm on 22 September</p> <p>rr) If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>	<p>tt) The applicant has submitted shadow diagrams, that demonstrate the extent of additional shadow cast by the proposed development.</p> <p>uu) The proposal would cause additional overshadowing to the rear yard of No. 202 Inkermen Street throughout the day. The extent of shadow cast would be relatively consistent, reducing from its peak between 9am and 11am before increasing again from 1pm onwards. The afternoon shadow would not exceed that cast between 9am and 11am. Of the 77m<sup>2</sup> secluded private open space, 7m<sup>2</sup> is already overshadowed between 9am and 12pm. The proposal would increase this to 14m<sup>2</sup> or 77% of the rear yard would not be affected by overshadowing.</p> <p>The rear private open space of No. 204 Inkerman Street would be similarly affected. However, the presence of existing structures within the rear yard of this property, abutting the southern common boundary, significant lessen the adverse impact resulting from the additional overshadowing. The development would affect a small section of the north-western corner of the yard approximately five square metres at its most severe (3pm onwards). Between the hours of 9am and 2pm a minimum of 40 square metres of the yard would remain unaffected.</p>
<p><b>A15</b></p> <p><b>Overlooking</b></p> <p>vv) Limit views into existing secluded private open space and habitable room windows.</p> <p>1. A habitable room window, balcony, terrace, deck or patio with a direct view into an existing habitable window within a horizontal distance of 9m should have either:</p> <ul style="list-style-type: none"> <li>■ A minimum offset of 1.5m from the edge of the window to the edge of the other.</li> <li>■ Sill heights of at least 1.7m above floor level.</li> <li>■ Obscure glazing in any part of the window below 1.7m above floor level.</li> <li>■ Permanently fixed external screens to at least 1.7m above floor level and be no more than 25% transparent.</li> </ul> <p>ww)2. Obscure glazing to 1.7m above floor level may be openable if there are no direct views as specified in this standard.</p> <p>3. Screens to obscure view should be:</p> <ul style="list-style-type: none"> <li>■ Perforated panels or trellis with solid translucent panels or a maximum 25% openings.</li> <li>■ Permanent, fixed and durable.</li> <li>■ Blended into the development.</li> </ul>	<p><input checked="" type="checkbox"/> <b>Complies in part – condition required</b></p> <p><b>xx) Comments:</b></p> <p>The plan and elevation drawings include notations that the south and east facing first floor level windows would incorporate obscured glass and/or fixed louvres to prevent overlooking to neighbouring properties, but do not provide details of the screen design and materials.</p> <p>A condition of any approval should require details of screening – refer to condition 1(d), 11 and 12.</p>





Refer to 55.04-4 for further clarification (a diagram is included).

On-Site Amenity and Facilities	Clause 54.05
Title & Objective & Standard	Compliance
<p><b>A16</b> <b>Daylight to New Windows</b> yy) Allow adequate daylight into new habitable room windows.</p> <p>1. A habitable room window should be located to face:</p> <ul style="list-style-type: none"> <li>■ An outdoor space with a minimum area of 3sqm and minimum dimension of 1m clear to the sky, not including land on an abutting lot.</li> <li>■ A verandah with at least one third of its perimeter open.</li> <li>■ A carport with two or more open sides and is open for at least one third of its perimeter.</li> </ul>	<p><input checked="" type="checkbox"/> <b>Complies</b></p> <p><b>zz) Comments:</b> All new windows would comply with this requirement</p>
<p><b>A17</b> <b>Private Open Space</b> aaa) Provide adequate private open space for the recreation and service needs of residents.</p> <p>1. Unless specified in the schedule to the zone, a dwelling should have private open space of at least:</p> <ul style="list-style-type: none"> <li>■ 80sqm or 20% of the area of the lot, whichever is the lesser, but not less than 40sqm.</li> <li>■ At least one part of the private open space should have a min. area of 25sqm with a min. 3m at the side or rear of the dwelling with convenient access from a living room.</li> </ul>	<p><input checked="" type="checkbox"/> <b>Complies</b></p> <p><b>bbb) Comments:</b> The internal floor plan reconfiguration would allow for direct access to the unchanged existing rear secluded private open space. The secluded private open space is approximately 25 square metres in area (3.0 metres x 4.6 metres). In addition, the front yard provides a further 18 square metres of open space. A total of 43 square metres of open space would be maintained exceeding the minimum required under this standard.</p>
<p><b>A18</b> <b>Solar Access to Open Space</b> ccc) Allow solar access into secluded private open space of a new dwelling. ddd) 1. The private open space should be located on the north side of the dwelling if practicable.</p> <p>2. Southern boundary of open space should be setback from any wall on the north side of space by a minimum of 2m + 0.9 x wall height.</p>	<p><input checked="" type="checkbox"/> <b>Complies</b></p> <p><b>Comments:</b> The dwellings existing east-west orientation would be maintained as would the location of the secluded private open space sited to the rear of the dwelling.</p>

eee)



Detailed Design	Clause 54.06
Title & Objective & Standard	Compliance
<p><b>A19</b> <b>Design Detail</b> fff) Encourage design detail that respects the existing or preferred neighbourhood character.</p> <p>1. Design of buildings should respect the existing or preferred neighbourhood character and address:</p> <ul style="list-style-type: none"> <li>■ Façade articulation &amp; detailing.</li> <li>■ Window and door proportions.</li> <li>■ Roof form.</li> <li>■ Verandahs, eaves and parapets.</li> </ul> <p>2. Garages and carports should be visually compatible with the development and neighbourhood character.</p>	<p><input checked="" type="checkbox"/> <b>Complies in part – Condition required</b> <b>ggg) Comments:</b></p> <p>hhh) The pitched roof form and projecting eaves, front façade fenestration and render finish of the amended plans would complement the existing neighbourhood character.</p> <p>iii) The first-floor level casement windows with horizontal mullions would be consistent with the existing dwellings windows.</p> <p>jjj) The two-storey scale of the proposal would be consistent with the predominantly one and two-storey scale of existing dwellings along the street.</p> <p>kkk) There are only two car ports in a front setback along the whole of Evelyn Street. The proposed car port at the front of the site would be inconsistent with the neighbourhood character and is not supported and should be deleted.</p> <p>lll) It is noted that there is a car port off Evelyn Street to the immediate south of the subject site; this car port is in the side setback of the rear yard of No. 200 Inkerman Street and does not establish a precedent or justification for a car port in a front setback of an Evelyn Street property.</p> <p>mmm) The modifications of the front fence to delete the capping's from the pillars, simplify the metal palisade infills, change the gate from solid panel to metal palisades would remove existing historicist detailing and improve sight permeability to and from the street and are supported.</p> <p>nnn) The proposed increase in the height of the front fence from 1.5 metres to 2.0 metres would however be inconsistent with the predominantly low front fence heights along the street and cannot be supported. A condition of any approval should require the fence height to not be increased – Refer condition 1(b).</p>
<p><b>A20</b> <b>Front Fences</b> ooo) Encourage front fence design that respects the existing or preferred neighbourhood character.</p> <p>ppp) 1. The front fence should complement the design of the dwelling or any front fences on adjoining properties.</p> <p>2. A front fence within 3m of the street should not exceed the maximum height specified in the schedule to the zone. If</p>	<p><input checked="" type="checkbox"/> <b>Complies in part – Condition required</b> <b>qqq) Comments:</b></p> <p>The style of the front fence alterations would be acceptable as they feature vertical posts and palisades which would complement the vertical orientation of fences in the street, and would improve views to and from the property and the street. However, as previously discussed, the proposed increase in the fence height from 1.5 metres to 2.0 metres is not supported. This could be provided for by a condition of any approval that may issue.</p>



<p>no schedule is specified, the front fence should not exceed:</p> <ul style="list-style-type: none"><li>• 2m if abutting a RDZ1</li><li>• 1.5m in any other streets.</li></ul>	
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### 12.3 Car Parking

The existing two-bedroom dwelling has one off-street car parking space in its front setback. Whilst the existing dwelling pre-dates the present-day planning scheme car parking requirements, the existing single car space on site matches the planning scheme car parking requirement for a two-bedroom dwelling.

The proposal would increase the number of bedrooms from two to three.

The car parking provisions at Clause 52.06 of the Planning Scheme require three-bedroom dwellings to provide two on-site car parking spaces. No additional car parking space is proposed, so the dwelling would have a shortfall of one car parking space. A permit is required to reduce this requirement.

It is considered a reduction of one car space is appropriate because:

- The variation would be minor;
- The proposed alterations and additions would upgrade the dwelling to present day standards of accommodation and provide needed family accommodation;
- It is not proposed to increase the number of dwellings on the land;
- The subject site is within close walking distance to two tram lines and a train line and a Major Activity Centre and a broad range of community facilities;
- A reduced car parking provision would be consistent with Council Policy to reduce car dependence.

### 12.4 Sustainable Design and Stormwater Management (Water Sensitive Urban Design)

The applicant has not provided sufficient information regarding sustainable design or water sensitive urban design features for the proposal. These matters could be provided for by conditions of any approval that may issue for the proposal.

It is noted a number of objectors have raised concerns that the proposed rain gardens along the southern side boundary will cause drainage problems to nearby properties. This is a misunderstanding of the principles and benefits of rain gardens, which are a means of improving stormwater infiltration and site permeability in a controlled and environmentally sustainable manner, whilst still discharging excess stormwater to the drainage system.

The proposed rain gardens would not cause drainage problems or flooding to neighbouring properties; they would instead contribute to a reduction in drainage issues for the site and surrounds.

## 13. COVENANTS

- 13.1 The applicant has completed a declaration that the subject land, being all that land contained within Volume 10033, Folio 537, commonly known as Lot 1 on PS 307534B, is not encumbered by a restrictive covenant or Section 173 Agreement or other obligation such as an easement or building envelope



**14. OFFICER DIRECT OR INDIRECT INTEREST**

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

**15. OPTIONS**

- 15.1 Approve as recommended  
15.2 Approve with changed or additional conditions  
15.3 Refuse - on key issues

**16. CONCLUSION**

- 16.1 The proposal would provide for a good level of internal amenity for future occupants having regard to the constraints of the site (including the orientation and size) with open living area, ample windows and reasonably sized rear yard.
- 16.2 The development would have a high degree of compliance with the off-site amenity standards of Clause 54; where variations are proposed, it is considered they can be supported because they are minor and would not cause any adverse amenity impacts on abutting properties, or could be addressed by conditions of any approval than may issue.
- 16.3 The proposed extension would be responsive to the existing dwelling on site and the scale and pattern of development in the surrounding area. The immediate neighbourhood character context, with its mix of dwellings from various eras, styles and configurations can accommodate a contemporary style double storey dwelling.
- 16.4 It is recommended that the proposal be supported and a Notice of Decision to Grant a Permit be issued, subject to conditions.

**TRIM FILE NO:** PF17/268398  
**ATTACHMENTS**  
1. Original plans  
2. Amended Plans  
3. Objector map