

## Report to the Future Melbourne Committee

Agenda item 6.2

**Planning Permit Application: TP-2021-141**  
**695 Spencer Street, West Melbourne**

**30 November 2021**

**Presenter:** Larry Parsons, Head of Statutory Planning

### **Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a planning permit application seeking approval for partial demolition and a three-storey extension to the existing dwelling with a basement and car parking at 695 Spencer Street, West Melbourne (refer to Attachment 2, Locality Plan).
2. The applicant and architect is Chahid Kairouz Architects Pty Ltd. The owner is Antony John Allan.
3. The land is located within the Mixed Use Zone (MUZ) and is affected by the Heritage Overlay Schedule 3 (HO3), Design and Development Overlay Schedule 32 (DDO32). A planning permit is required under the provisions of the MUZ, HO3 and DDO32.
4. The building is listed as 'Significant' within the Heritage Places Inventory February 2020 Part A (Amended May 2021).
5. Public notice of the proposal has been undertaken and no objections have been received.

### **Key issues**

6. Key issues for consideration are built form and amenity impacts (Clause 54: One dwelling on a lot); heritage, given a 'Significant' graded building is proposed to undergo substantial redevelopment.
7. The proposed development is considered to be consistent with the relevant built environment and heritage policies that apply to the land. The partial demolition proposed to the significant building is acceptable in this instance as the works are not visible from the street or lane, do not impact the appearance of the building from the public realm, do not affect its notable features, and will not adversely impact the heritage character of the place.
8. The proposed addition respects the existing historic built form typical in this area with the proposed addition being fully concealed (not visible) from Spencer Street. The total height (highest at the rear due to the slope) is 10.1 metres, which is below the DDO32 maximum height of 14.0 metres.
9. The proposal complies with the objectives of Clause 54 of the Melbourne Planning Scheme, is considered an appropriate design response in this inner city context in a Mixed Use Zone and will not result in unreasonable amenity impacts or development potential to surrounding properties.

### **Recommendation from management**

10. That the Future Melbourne Committee resolves to issue a Planning Permit subject to the conditions outlined in the Delegate Report (refer Attachment 4 of the report from management).

#### **Attachments:**

1. Supporting Attachment (Page 2 of 50)
2. Locality Plan (Page 3 of 50)
3. Selected Plans (Page 4 of 50)
4. Delegate Report (Page 18 of 50)

## **Supporting Attachment**

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### **Legal**

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (the Act) sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme.

### **Finance**

2. There are no direct financial issues arising from the recommendations contained in this report.

### **Conflict of interest**

3. No member of Council staff or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

### **Health and Safety**

4. Relevant planning considerations such as waste management and potential amenity impacts that could impact on health and safety have been considered within the planning permit application and assessment process.

### **Stakeholder consultation**

5. Public notice of the application has been undertaken to surrounding owners and occupiers, pursuant to Section 52 of the Act.

### **Relation to Council policy**

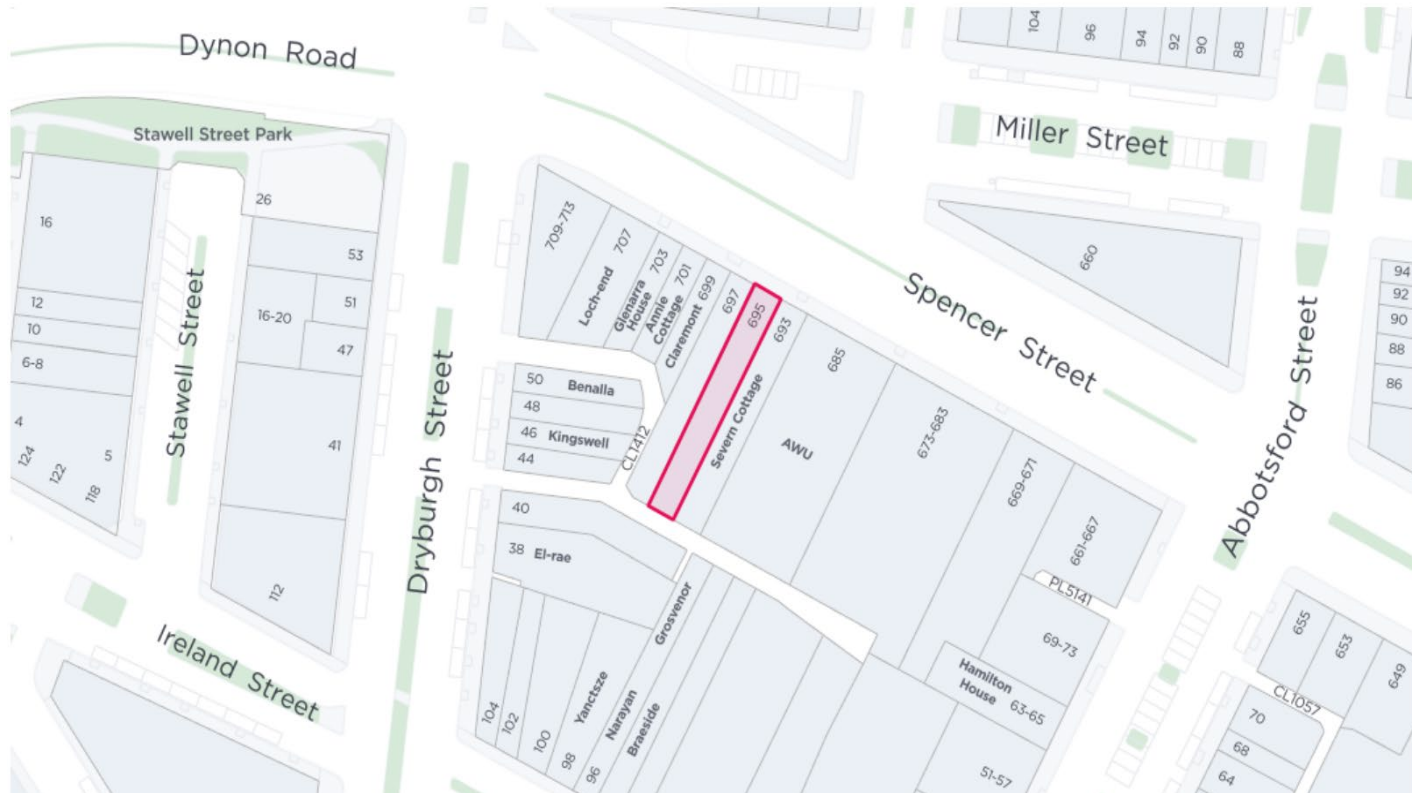
6. Relevant Council policies are discussed in the attached Delegate Report (refer Attachment 4).

### **Environmental sustainability**

7. The proposed development include several ESD features and will achieve the relevant performance measures set out in Clause 22.19 (Energy, Water and Waste Efficiency), Clause 22.23 (Stormwater Management) and Clause 53.18 (Stormwater Management in Urban Development) of the Melbourne Planning Scheme.

# Locality Plan

695 Spencer Street, West Melbourne



AREA SCHEDULE	
EXISTING	PROPOSED
SITE AREA: 265 m <sup>2</sup>	SITE AREA: 265 m <sup>2</sup>
EXISTING SITE COVERAGE: 154 m <sup>2</sup> = 58%	PROPOSED SITE COVERAGE: 224 m <sup>2</sup> = 84%
EXISTING PERMEABILITY: 107 m <sup>2</sup> = 35.8%	PROPOSED PERMEABILITY: 36 m <sup>2</sup> = 14%
GROUND FLOOR: 63 m <sup>2</sup>	BASEMENT: 87.6 m <sup>2</sup>
PORTICO: 8.7 m <sup>2</sup>	GROUND FLOOR: 48m <sup>2</sup> (ex) + 161.7 m <sup>2</sup> (new) = 209.7 m <sup>2</sup>
PRIVATE OPEN SPACE: 107 m <sup>2</sup>	FIRST FLOOR: 92.7m <sup>2</sup>
	SECOND FLOOR: 36.2m <sup>2</sup>
	PORTICO: 8.7 m <sup>2</sup>
	GROUND FLOOR POS 44.8 m <sup>2</sup>
	BALCONY POS 60.4m <sup>2</sup>

**Project:**

Partial Demolition & extension  
 695 Spencer Street West  
 Melbourne

**Stage:**

Town planning  
 TP05

**Client:**

Antony Allan

**Municipality:**

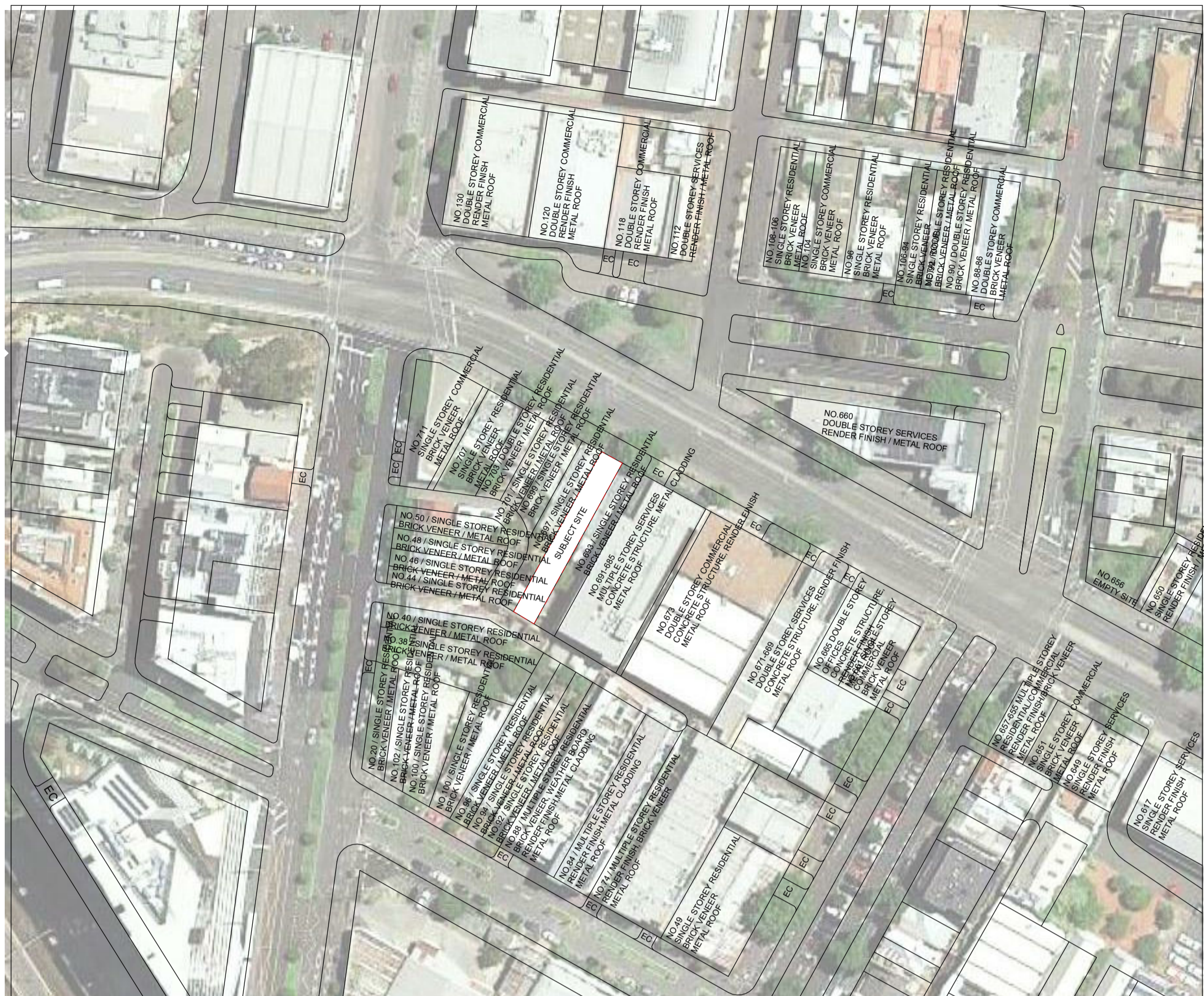
West Melbourne

25/10/2021



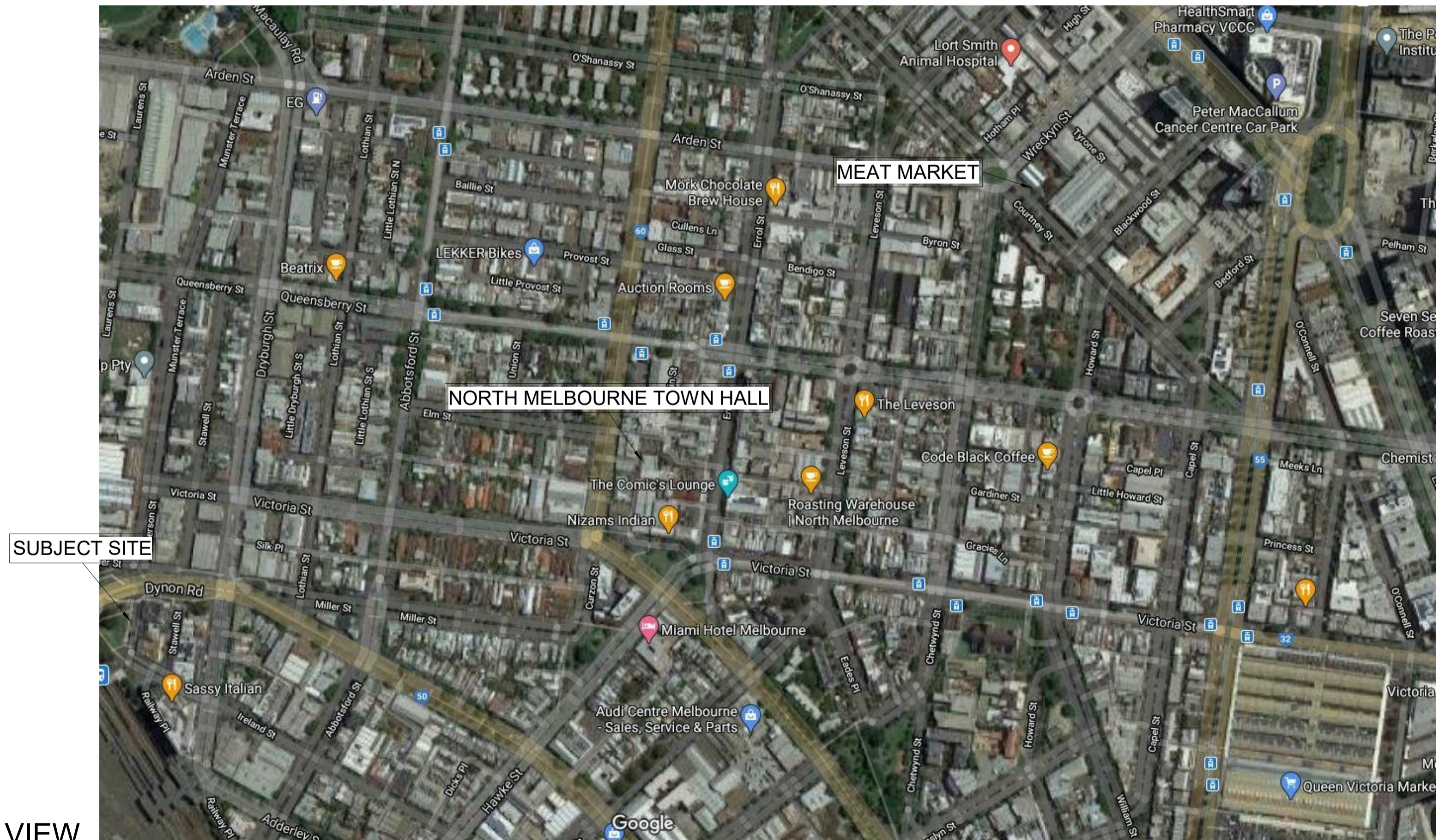
**695 Spencer Street West Melbourne**

JJ HOLLAND PARK 1.76 Km  
 SOUTH KENSINGTON RAILWAY STATION 1.71 Km  
 NORTH MELBOURNE RAILWAY STATION 0.22 Km  
 MELBOURNE STAR OBSERVATION WHEEL 0.85 Km  
 MARVEL STADIUM 1.23 Km



MELBOURNE ZOO 2.52 Km  
 ROYAL PARK 2.01 Km  
 UNIVERSITY OF MELBOURNE 1.72 Km  
 ROYAL EXHIBITION BUILDING 2.46 Km  
 MELBOURNE CBD 1.82 Km

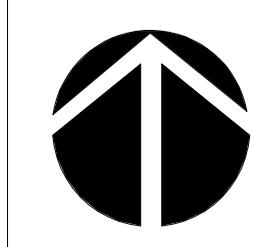
TP\_NEIGHBOURHOOD CHARACTER STUDY



AERIAL VIEW

ARCHITECTURAL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ALL CONSULTANTS AND ENGINEERING DRAWINGS AND DETAILS. DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS IF IN DOUBT ASK, DO NOT GUESS. CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING SHOP DRAWINGS. ANY DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT FOR CLARIFICATION AND APPROVAL IN WRITING.

**DRAWING:**  
**NEIGHBOURHOOD CHARACTER STUDY & AREIAL VIEW**



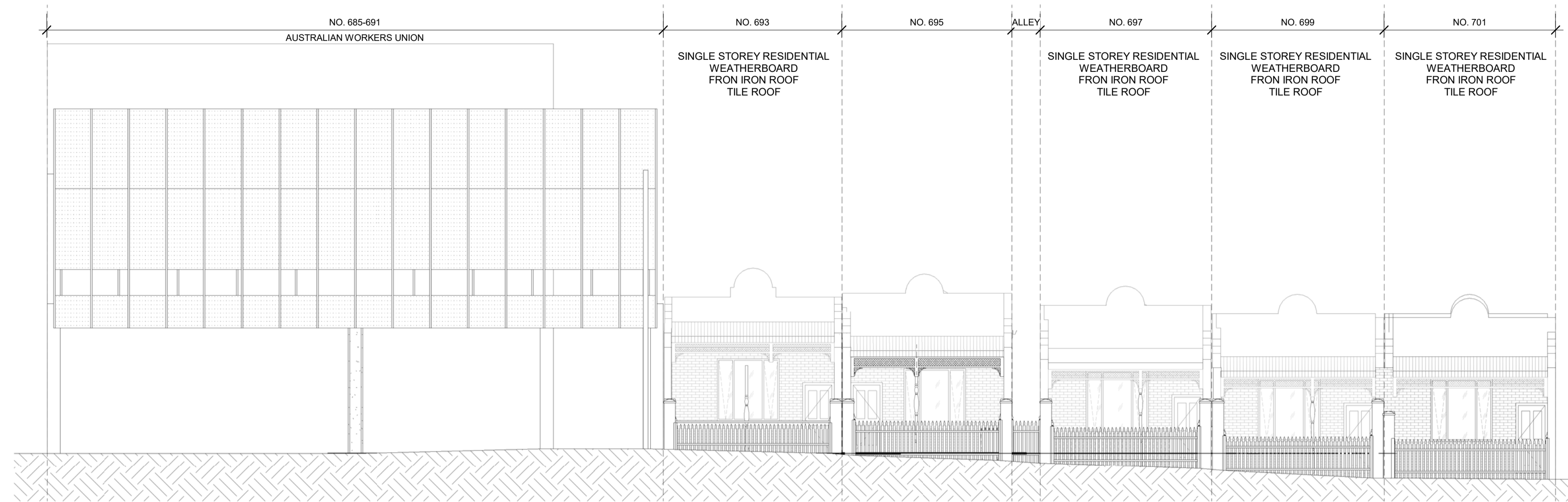
**PROJECT:** Partial Demolition & extension  
**LOCATION:** 695 Spencer Street West Melbourne  
**CLIENT:** Antony Allan

AMENDMENT:		
No.	Description	Date

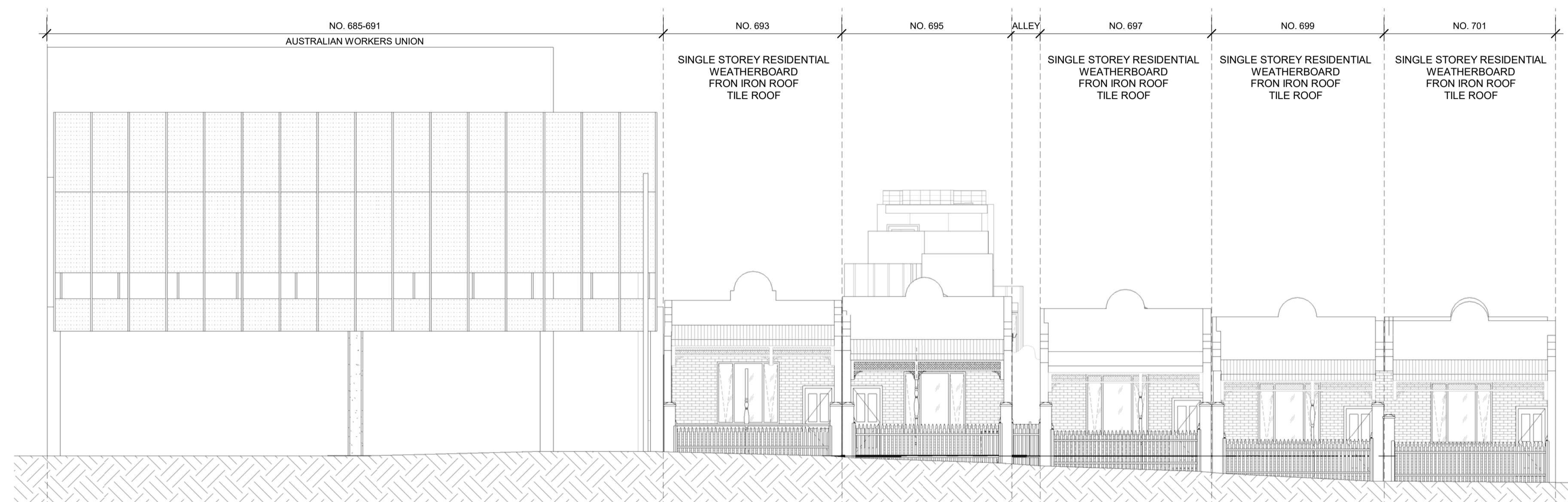
**DATE:** 25/10/2021  
**SCALE:** 1 : 1000  
**JOB N° :** 20-033  
**DRAWN :** Author

**No in SET:** **A01**  
**ISSUE:** Town planning

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1 EXISTING STREETSCAPE  
1 : 100



2 PROPOSED STREETSCAPE  
1 : 100

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**DRAWING:**  
**STREETSCAPES**

**PROJECT:** Partial Demolition & extension  
**LOCATION:** 695 Spencer Street West Melbourne  
**CLIENT:** Antony Allan

**AMENDMENT:**

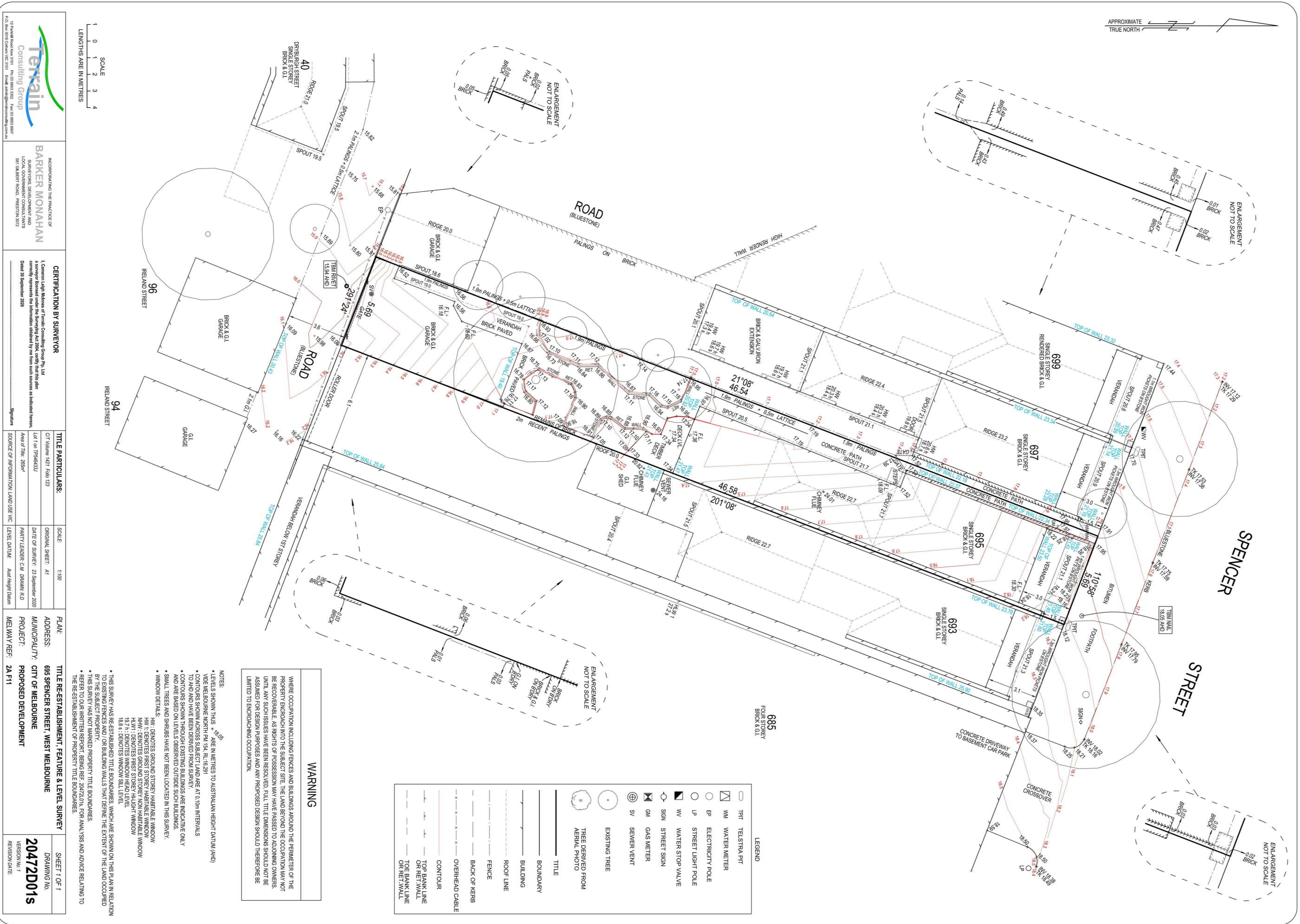
No.	Description	Date

**DATE:** 25/10/2021  
**SCALE:** 1 : 100  
**JOB N° :** 20-033  
**DRAWN :** RF

**No in SET:** **A02**  
**ISSUE:** Town planning

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SCALE  
0 1 2 3 4  
LENGTHS ARE IN METRES

INCORPORATING THE PRACTICE OF  
**BARKER MONAHAN**  
LOCAL GOVERNMENT CONSULTANTS  
891 DARLBY ROAD, MELBURN 3072

**CERTIFICATION BY SUPERVISOR**  
I, Cameron Leigh Bellamy of Terri Consulting Group Pty. Ltd.  
a company licensed under the Survey Act 2002, certify that this plan  
is a true and correct copy of the original plan as shown to me on the date  
of 28 September 2020.  
Date: 28 September 2020

TITLE PARTICULARS:	SCALE:	PLAN:
CT/Volume 142 / 7/60 123	1:100	695 SPENCER STREET WEST MELBOURNE
Lot of 7m 759x433	ORIGINAL SHEET: 41	ADDRESS:
Area of 21m 259m <sup>2</sup>	DATE OF SURVEY: 23 September 2020	MUNICIPALITY: CITY OF MELBOURNE
SOURCE OF INFORMATION: LAND USE INC.	PARTY LEGEND: CAI DRPMW, CJD	PROJECT: PROPOSED DEVELOPMENT
	LEVEL DATUM: AHD Height datum	MEHWY REF: 2A F11

DATE:	VERSION NO.:
20/10/2021	20472D01S
	VERSION NO. 1
	REVISION DATE:

- NOTES:**
- LEVELS SHOWN THIS + ARE IN METRES TO AUSTRALIAN HEIGHT DATUM (AHD)
  - DATE MEASUREMENT TAKEN FOR 15m RELATIONSHIP
  - ALL DIMENSIONS SHOWN ON THIS PLAN ARE AT 0.1m INTERVALS
  - TO AND HAD BEEN DERIVED FROM SURVEY.
  - CONTIGUOUS SHOWN THROUGH EXISTING BUILDINGS ARE INDICATIVE ONLY
  - AND ARE BASED ON LEVELS OBSERVED OUTSIDE SUCH BUILDINGS.
  - SMALL TREES AND SHRUBS HAVE NOT BEEN LOCATED IN THIS SURVEY.
  - WINDOW DETAILS: HW: DENOTES GROUND STOREY HORIZONTAL WINDOW  
HW:1: DENOTES FIRST STOREY HORIZONTAL WINDOW  
HW: N: DENOTES GROUND STOREY NON-HORIZONTAL WINDOW  
HW:1: N: DENOTES FIRST STOREY NON-HORIZONTAL WINDOW  
HW: S: DENOTES WINDOW SILL LEVEL
- THIS SURVEY HAS RE-ESTABLISHED TITLE BOUNDARIES, WHICH ARE SHOWN ON THIS PLAN IN RELATION TO EXISTING FENCES AND/OR BUILDING WALLS THAT DEFINE THE EXTENT OF THE LAND OCCUPIED BY THE SUBJECT PROPERTY.
- THIS SURVEY HAS NOT MARKED PROPERTY TITLE BOUNDARIES.
- REFER TO OUR WRITTEN REPORT, BEING REF: 2A/F11, FOR ANALYSIS AND ADVICE RELATING TO THE RE-ESTABLISHMENT OF PROPERTY TITLE BOUNDARIES.

**WARNING**

WHERE OCCUPATION INCLUDING FENCES AND BUILDINGS AROUND THE PERIMETER OF THE PROPERTY ENOUGH INTO THE SUBJECT SITE, THE LAND BEYOND THE OCCUPATION MAY NOT BE RECOVERABLE, AS RIGHTS OF POSSESSION MAY HAVE PASSED TO ADJOINING OWNERS. UNTIL ANY SUCH ISSUES HAVE BEEN RESOLVED, ALL TITLE DIMENSIONS SHOULD NOT BE ASSUMED FOR DESIGN PURPOSES AND ANY PROPOSED DESIGN SHOULD THEREFORE BE LIMITED TO ENCOMPASSING OCCUPATION.

**LEGEND**

⊖	TIT TELSTRA PIT
⊖	WM WATER METER
⊖	EP ELECTRICITY POLE
⊖	LP STREET LIGHT POLE
⊖	WV WATER STOP VALVE
⊖	SW STREET SIGN
⊖	GM GAS METER
⊖	SV SEWER VENT
⊖	EXISTING TREE
⊖	TREE DERIVED FROM AERIAL PHOTO
—	TITLE
—	BOUNDARY
—	BUILDING
—	ROOF LINE
—	FENCE
—	BACK OF KERB
—	OVERHEAD CABLE
—	CONTOUR
—	TOP BANK LINE OF BANK
—	TOP BANK LINE OF BANK
—	TOP BANK LINE OF BANK

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**DRAWING:**  
**LAND SURVEY**

**PROJECT:** Partial Demolition & extension  
**LOCATION:** 695 Spencer Street West Melbourne  
**CLIENT:** Antony Allan

AMENDMENT:		
No.	Description	Date

**DATE:** 25/10/2021  
**SCALE:**  
**JOB N°:** 20-033  
**DRAWN:** Author

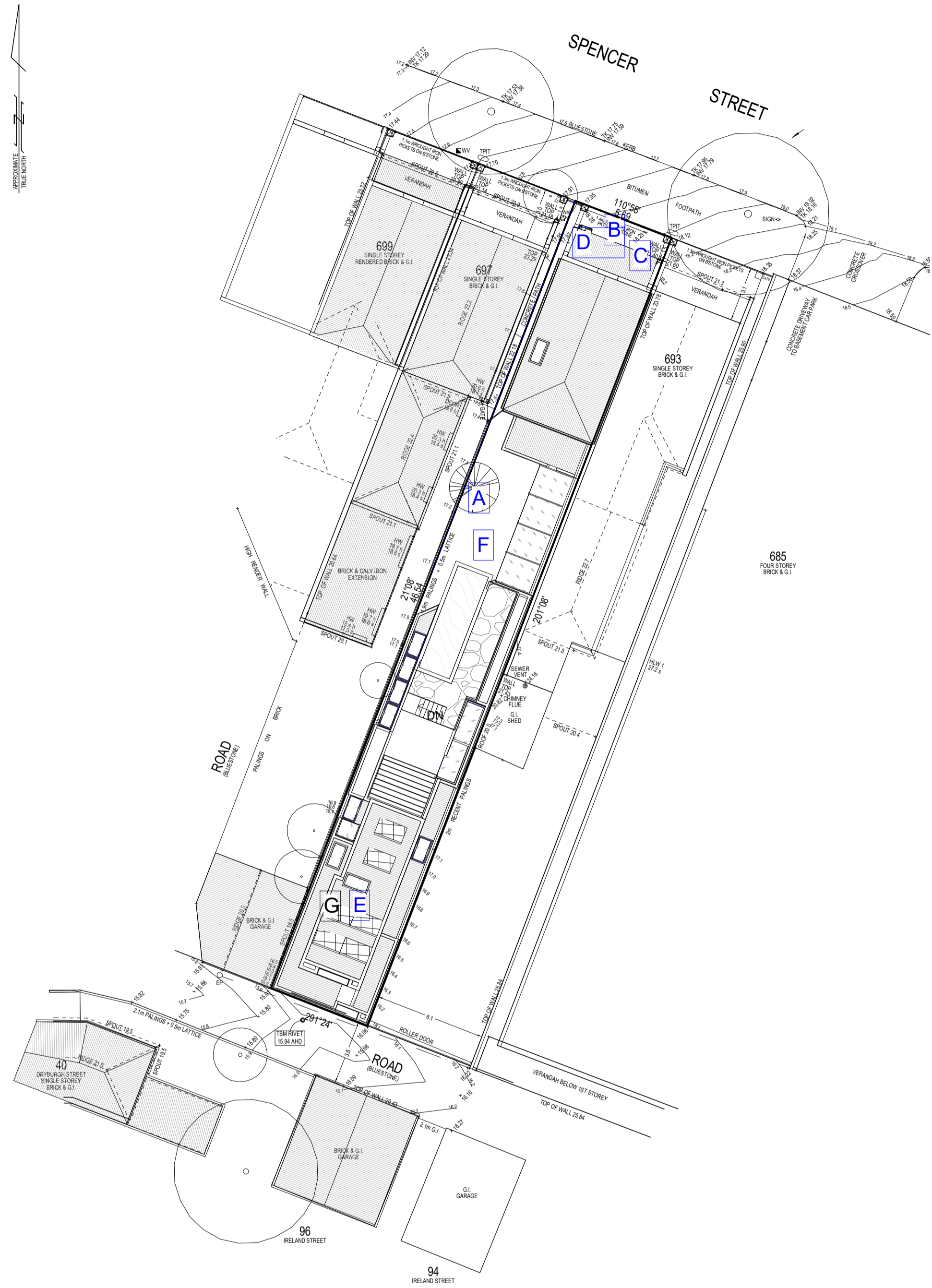
No in SET: **A03**

**ISSUE:**  
Town planning

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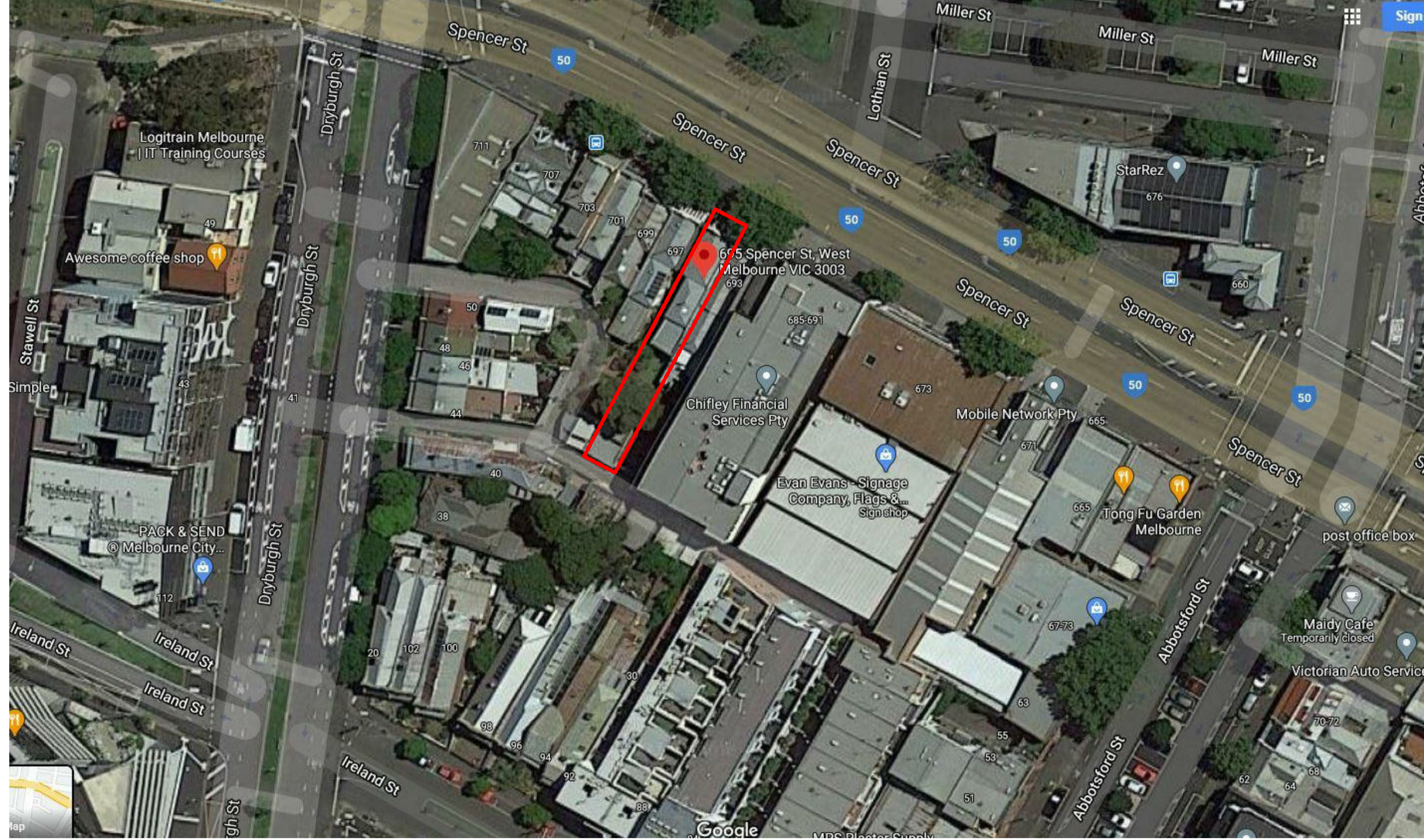


TP-SITE PLAN - TRUE NORTH

**LEGEND:**

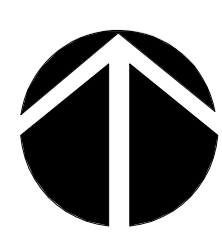
- A CANOPY TREE
- B METERS
- C MAIL BOX
- D GARBAGE BINS
- E SOLAR HOTWATER PANELS (ROOF)
- F PERMEABLE SURFACE
- G 2000 LT RAINWATER TANK (UNDERGROUND)

**AERIAL VIEW**



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**DRAWING:**  
**SITE PLAN - DESIGN RESPONSE**



**PROJECT:** Partial Demolition & extension  
**LOCATION:** 695 Spencer Street West Melbourne  
**CLIENT:** Antony Allan

AMENDMENT:		
No.	Description	Date

**DATE:** 25/10/2021  
**SCALE:** 1 : 200  
**JOB N° :** 20-033  
**DRAWN :** Author

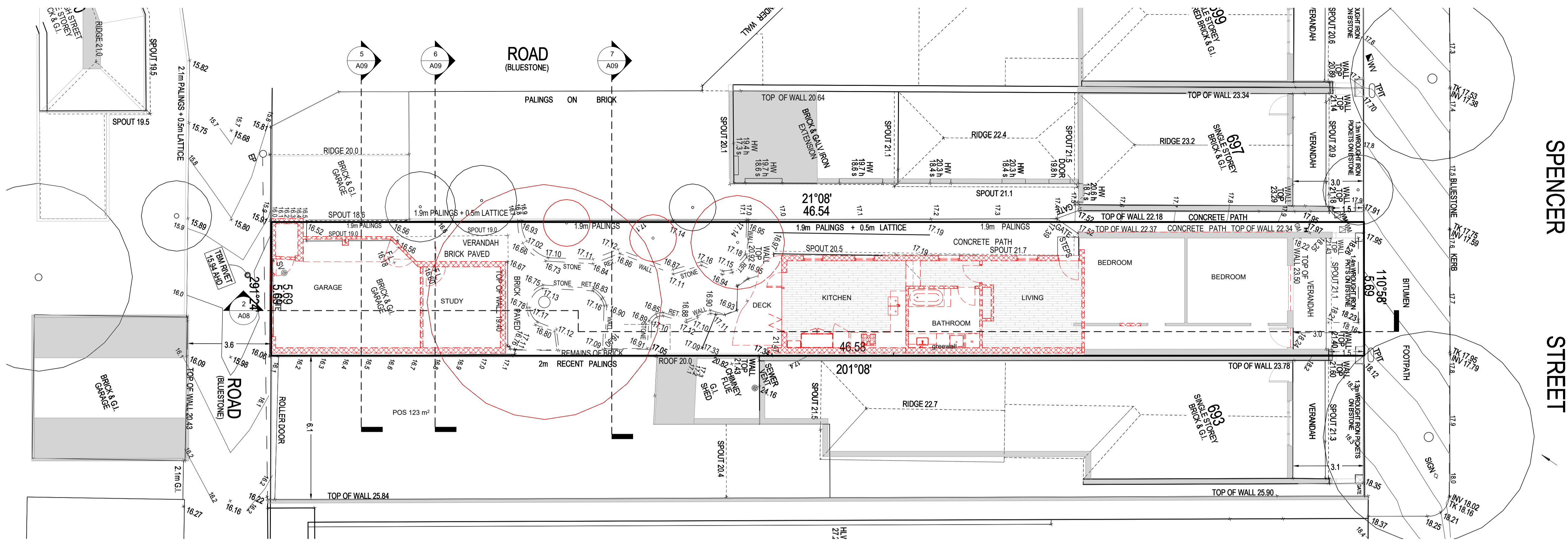
**No in SET:** **A04**  
**ISSUE:** Town planning

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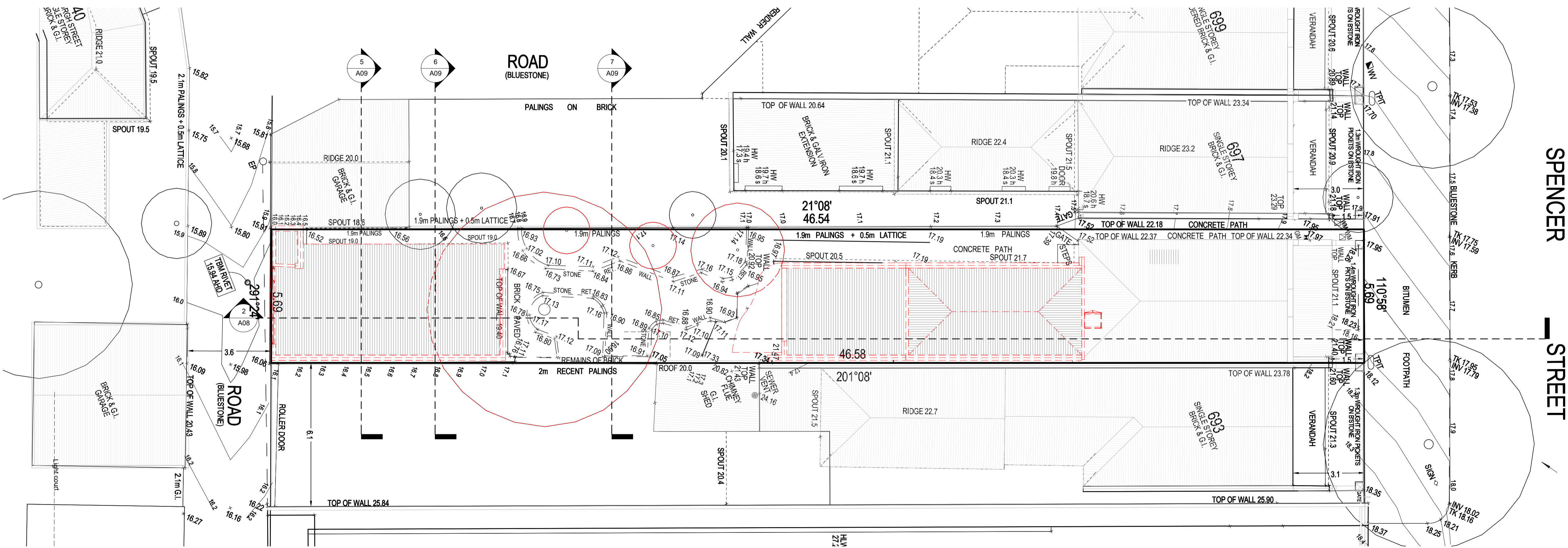
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1 TP-GROUND FLOOR PLAN DEMO  
1:100



2 TP-ROOF PLAN DEMO  
1:100

SUBJECT SITE:  
DEMOLISH EXISTING  
BUILDINGS/STRUCTU  
RES HATCHED IN RED  
ONLY.

SUBJECT SITE:  
REMOVE ALL  
NECESSARY TREES  
AND SHRUBS TO  
RESPONSIBLE  
AUTHORITIES  
APPROVAL/ARBORIST  
REPORT

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**DRAWING:**  
**DEMO PLANS**

**PROJECT:** Partial Demolition & extension  
**LOCATION:** 695 Spencer Street West Melbourne  
**CLIENT:** Antony Allan

**AMENDMENT:**  

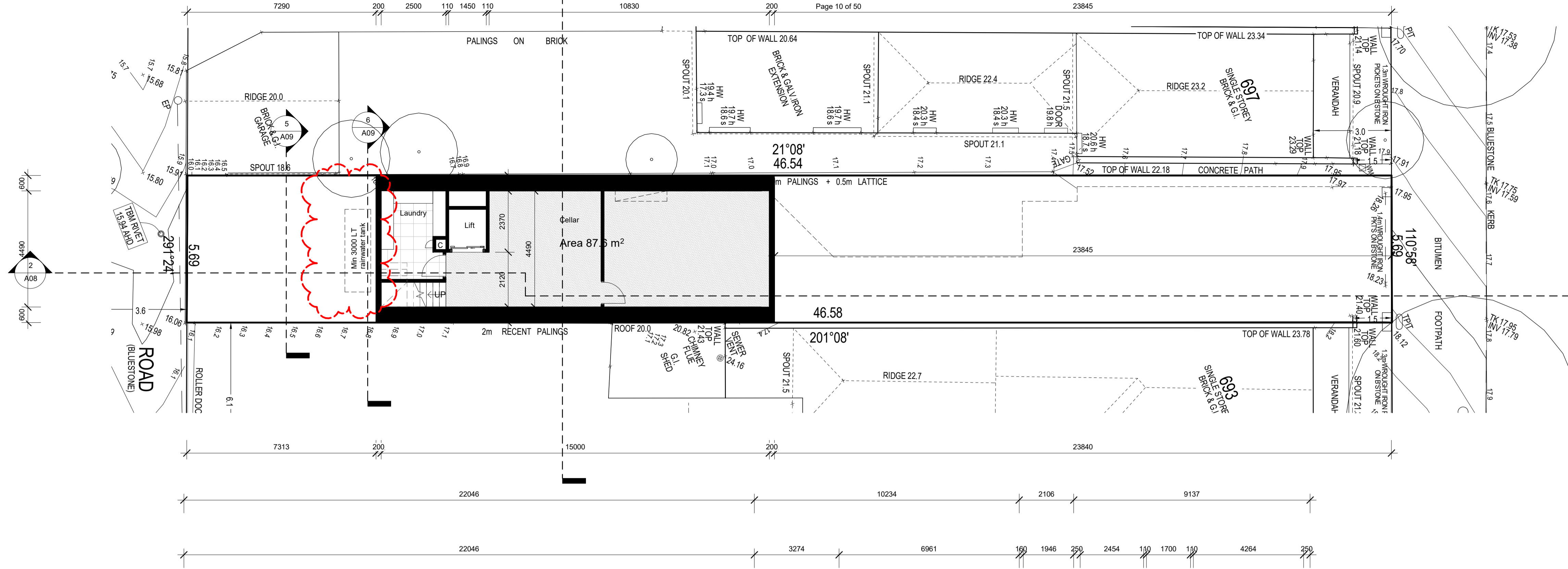
No.	Description	Date

**DATE:** 25/10/2021  
**SCALE:** 1:100  
**JOB N°:** 20-033  
**DRAWN:** Author

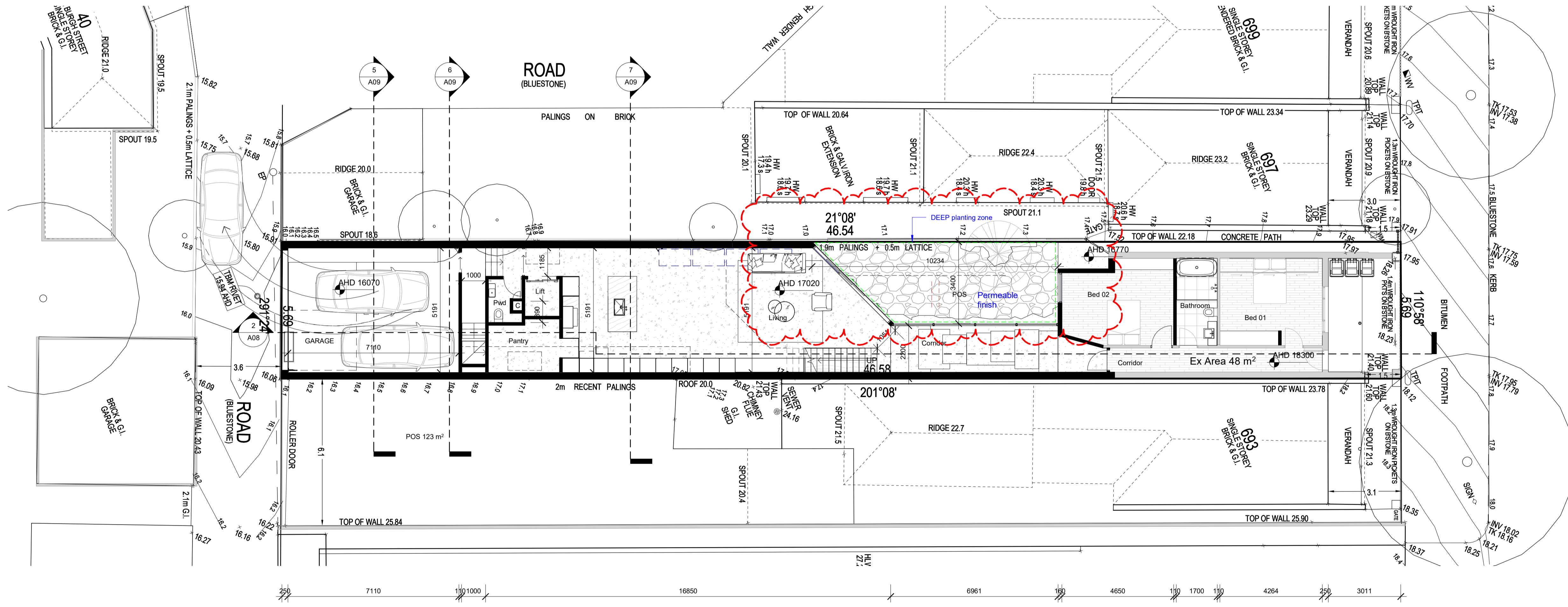
**No in SET:** **A05**  
**ISSUE:** Town planning

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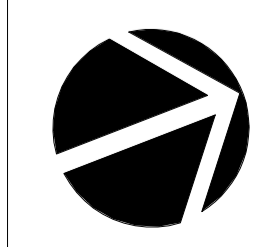
2 TP- BASEMENT FFL  
1 : 100



1 TP -GROUND FLOOR PLAN  
1 : 100

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**DRAWING:**  
**PROPOSED BASEMENT & GROUND FLOOR**



**PROJECT:** Partial Demolition & extension  
**LOCATION:** 695 Spencer Street West Melbourne  
**CLIENT:** Antony Allan

**AMENDMENT:**

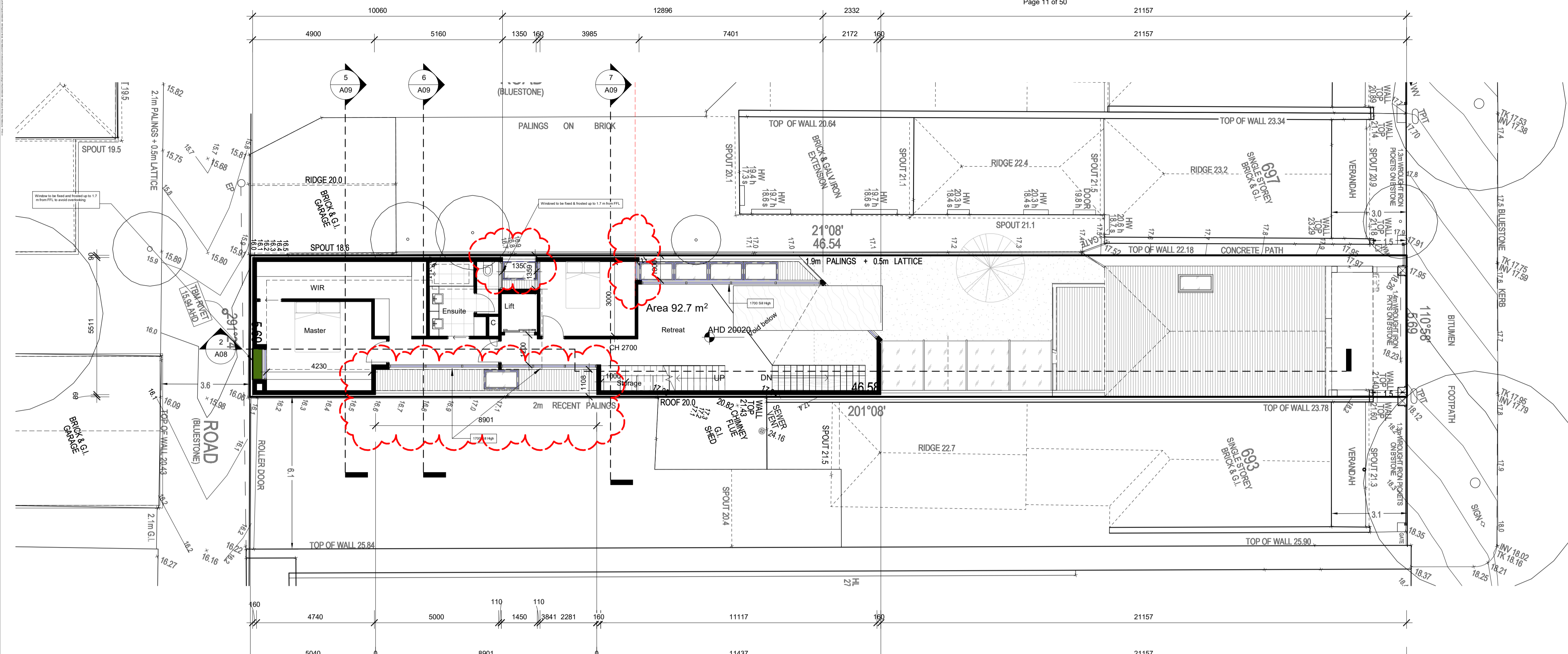
No.	Description	Date
1	Revision 1	Date 1

**DATE:** 25/10/2021  
**SCALE:** 1 : 100  
**JOB N° :** 20-033  
**DRAWN :** Author

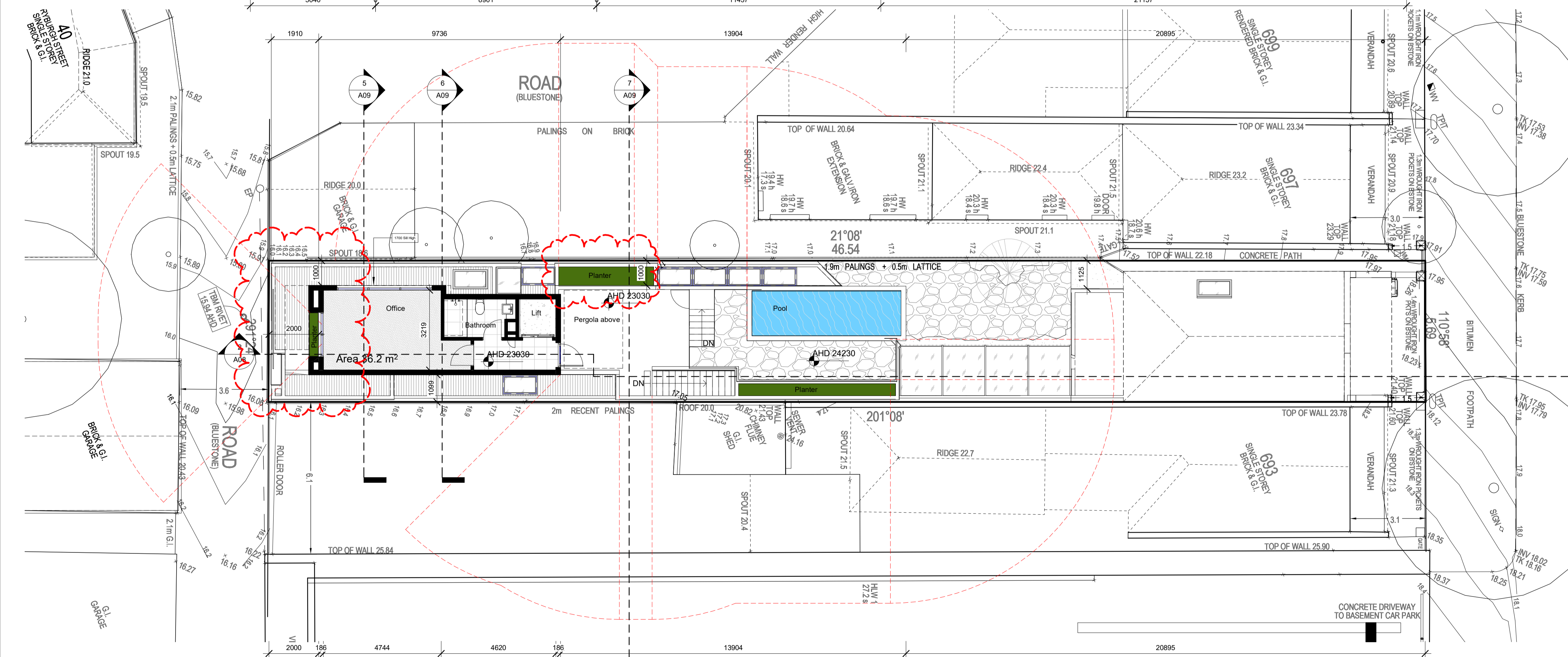
**No in SET:** **A06**  
Rev 1  
**ISSUE:** Town planning

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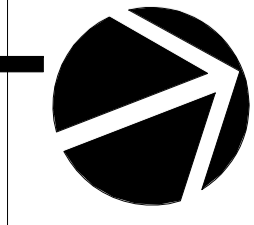
2 A09 TP-FIRST FLOOR PLAN  
1 : 100



1 A08 TP SECOND FLOOR  
1 : 100

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**DRAWING:**  
**PROPOSED FIRST & SECOND**



**PROJECT:** Partial Demolition & extension  
**LOCATION:** 695 Spencer Street West Melbourne  
**CLIENT:** Antony Allan

**AMENDMENT:**

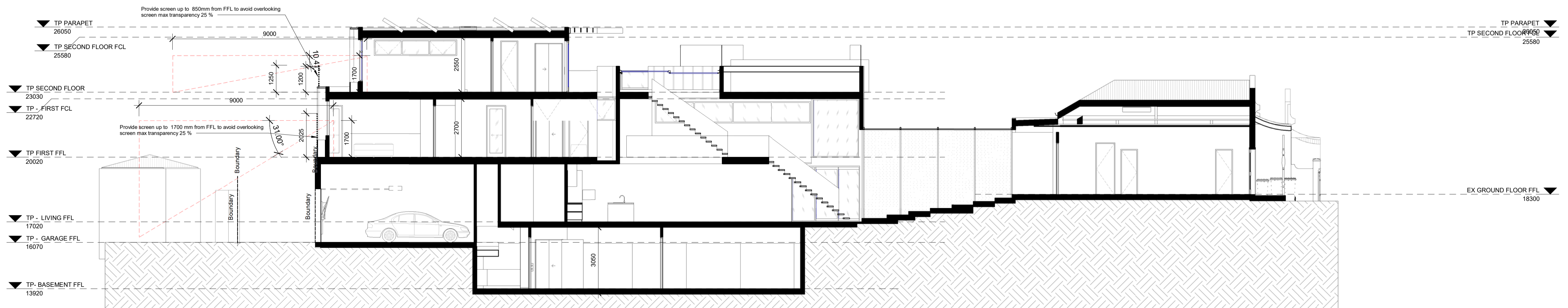
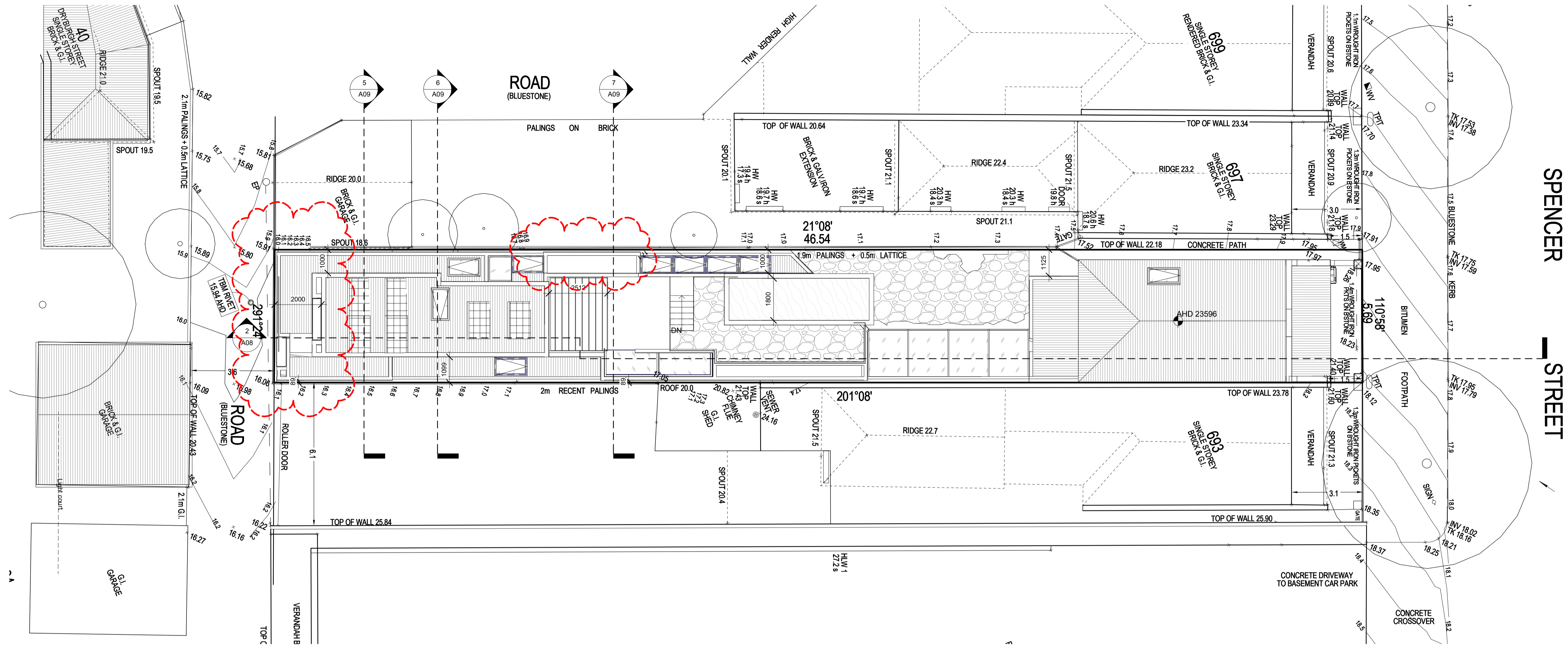
No.	Description	Date
1	Revision 1	Date 1

**DATE:** 25/10/2021  
**SCALE:** 1 : 100  
**JOB N° :** 20-033  
**DRAWN :** GP

**No in SET:** A07  
**ISSUE:** Town planning

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2 Section 2  
A05 1:100

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**DRAWING:**  
**PROPOSED ROOF PLAN & SECTION**



**PROJECT:** Partial Demolition & extension  
**LOCATION:** 695 Spencer Street West Melbourne  
**CLIENT:** Antony Allan

**AMENDMENT:**

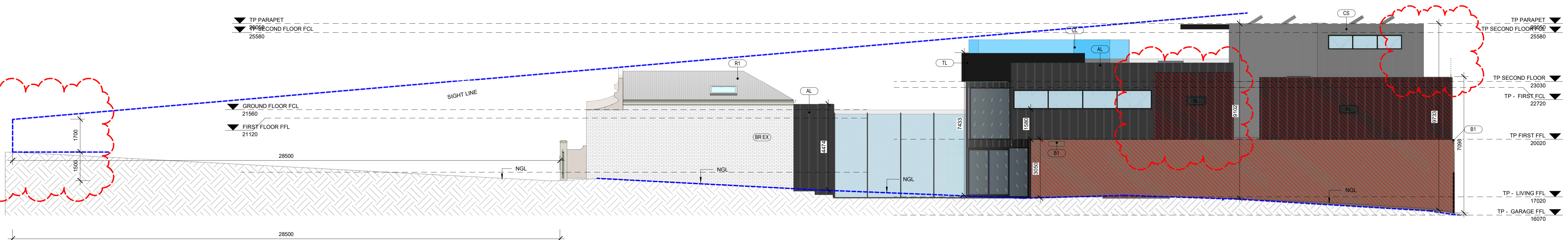
No.	Description	Date
1	Revision 1	Date 1

**DATE:** 25/10/2021  
**SCALE:** 1:100  
**JOB N°:** 20-033  
**DRAWN:** GP

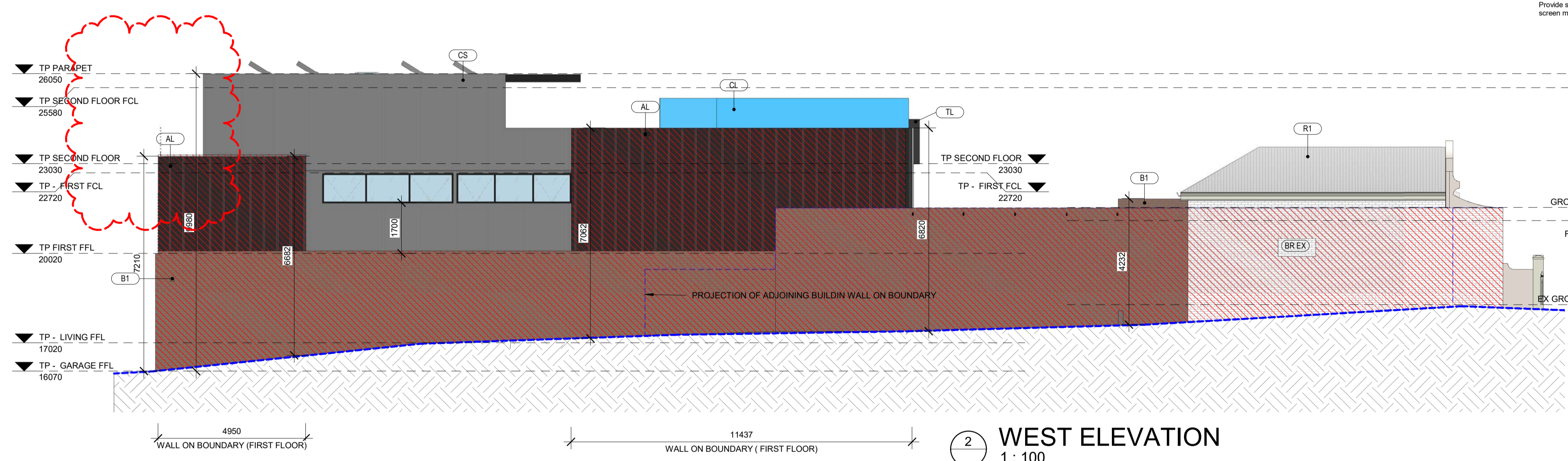
No in SET:  
**A08**  
Rev 1  
**ISSUE:**  
Town planning

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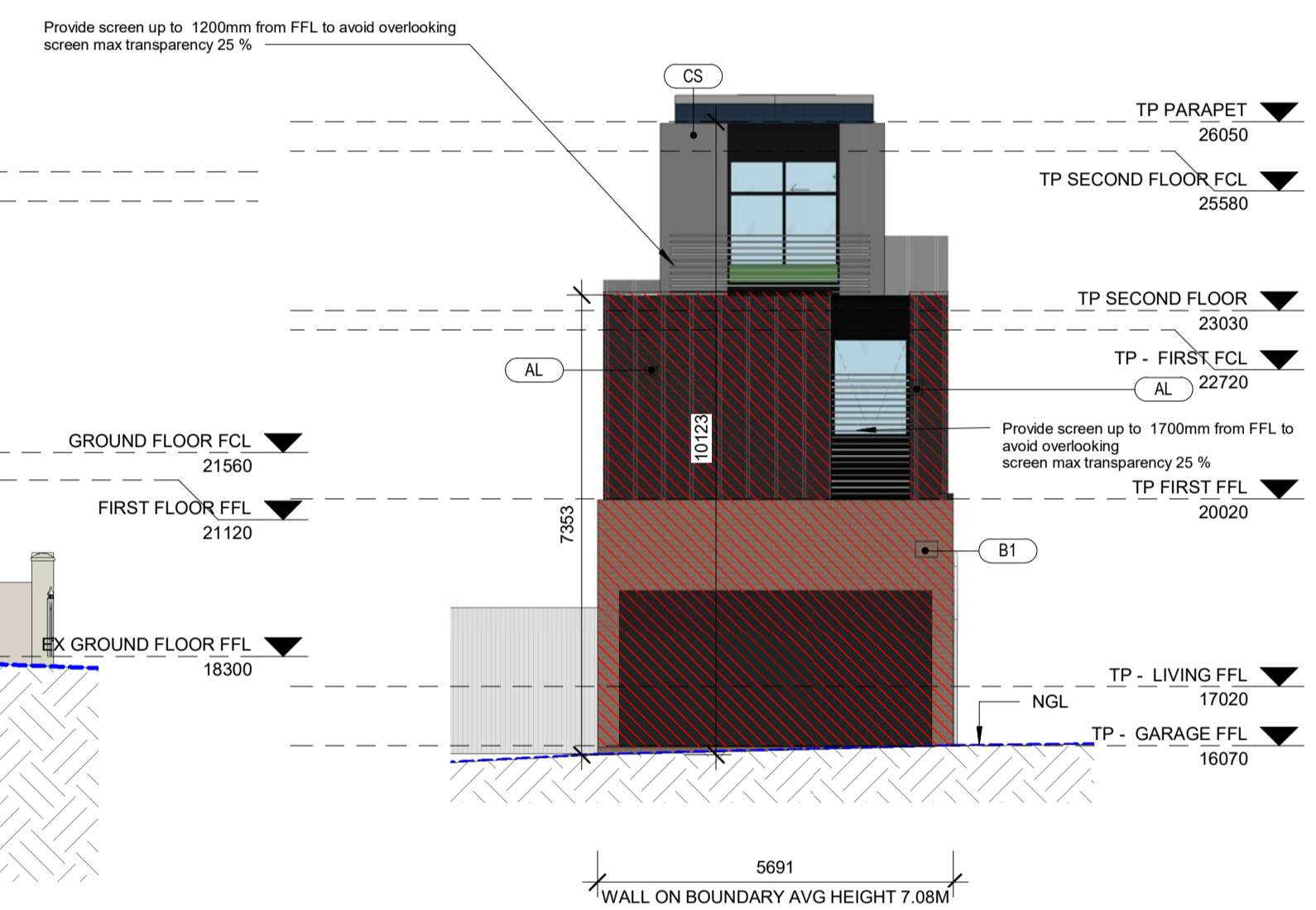
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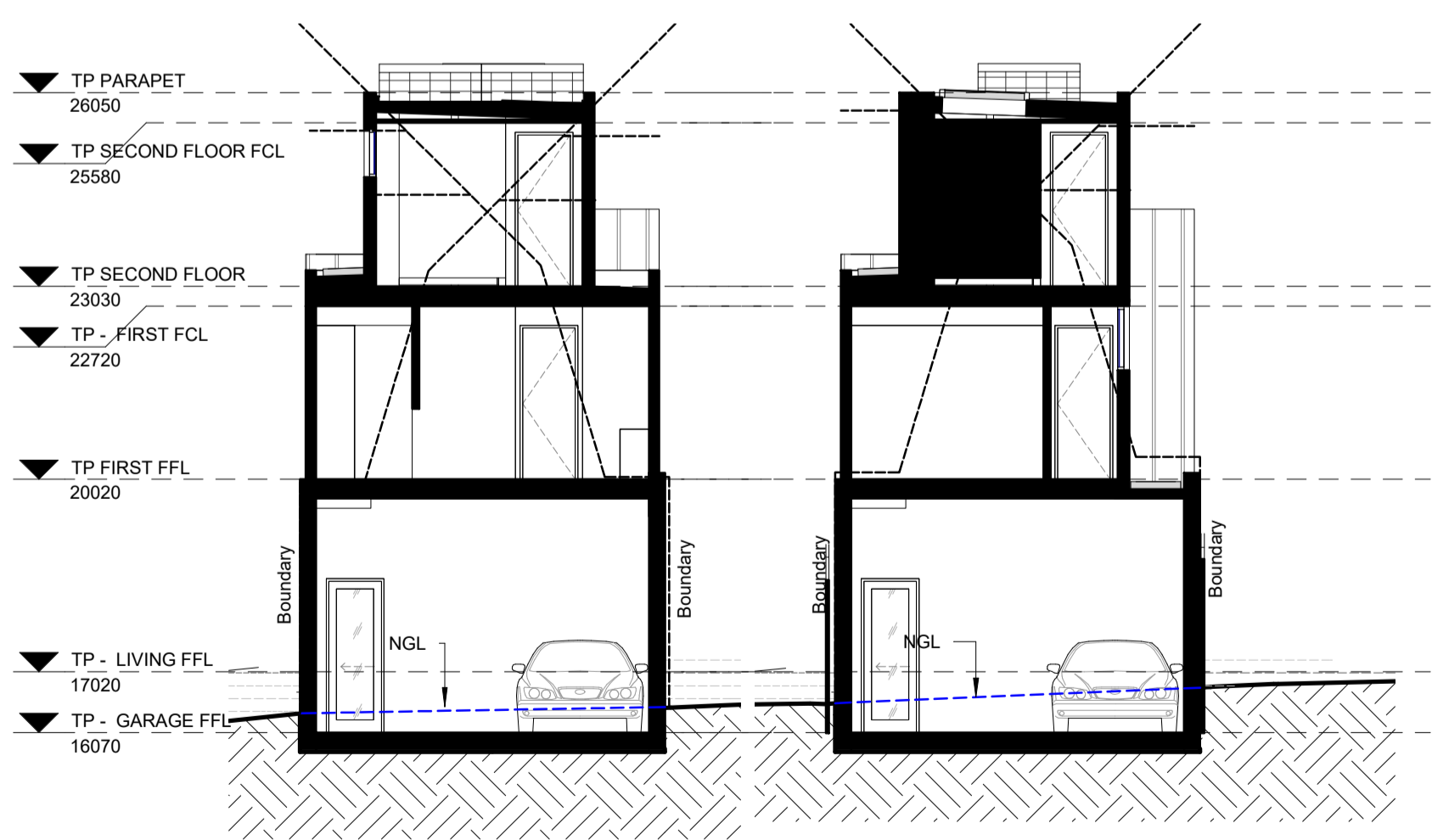
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2 WEST ELEVATION  
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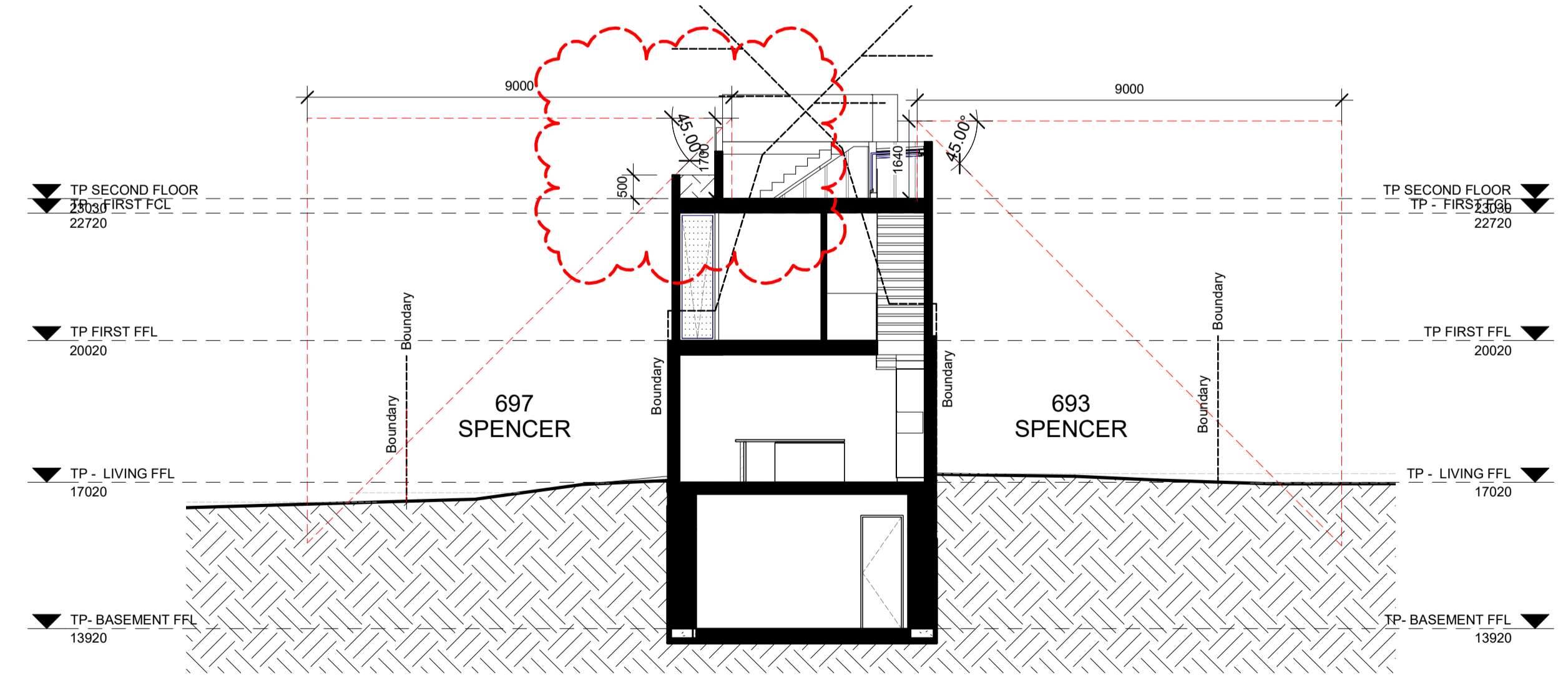


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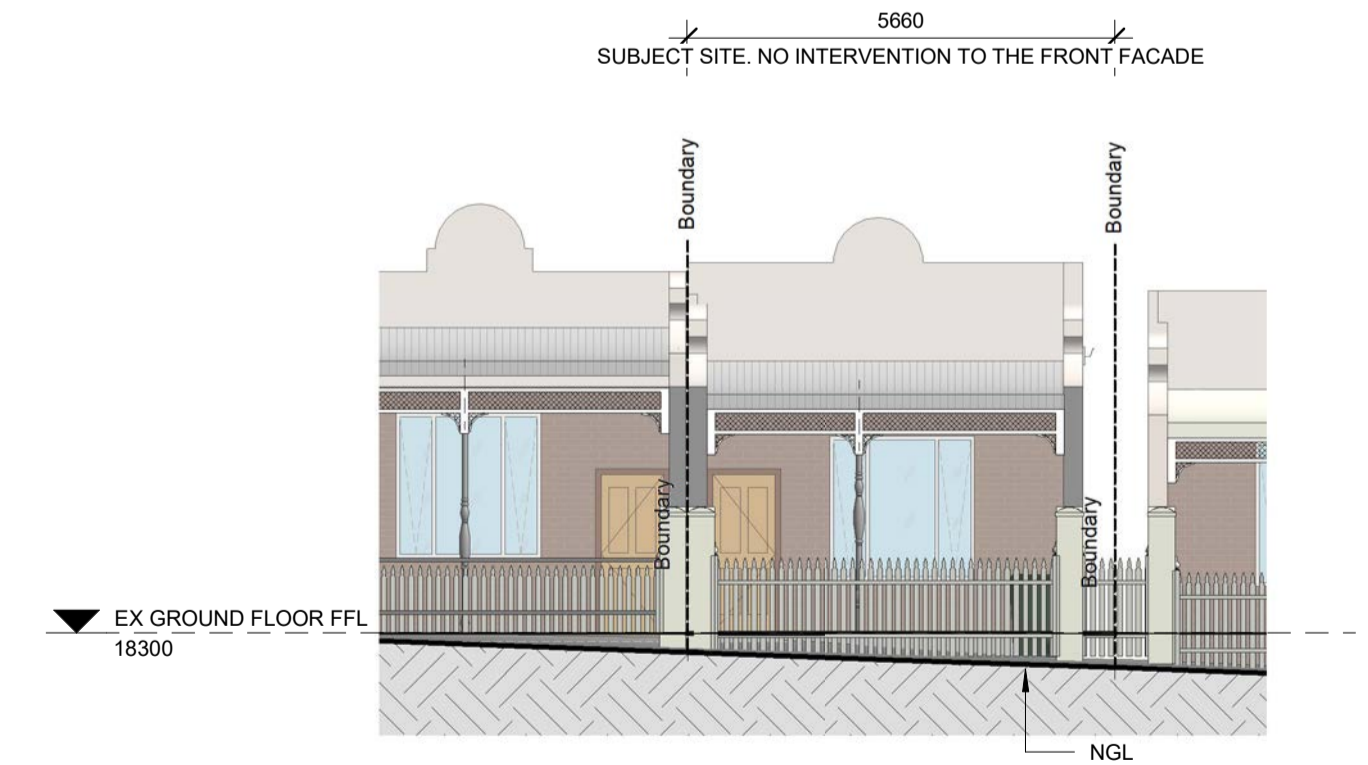


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6 Section 4  
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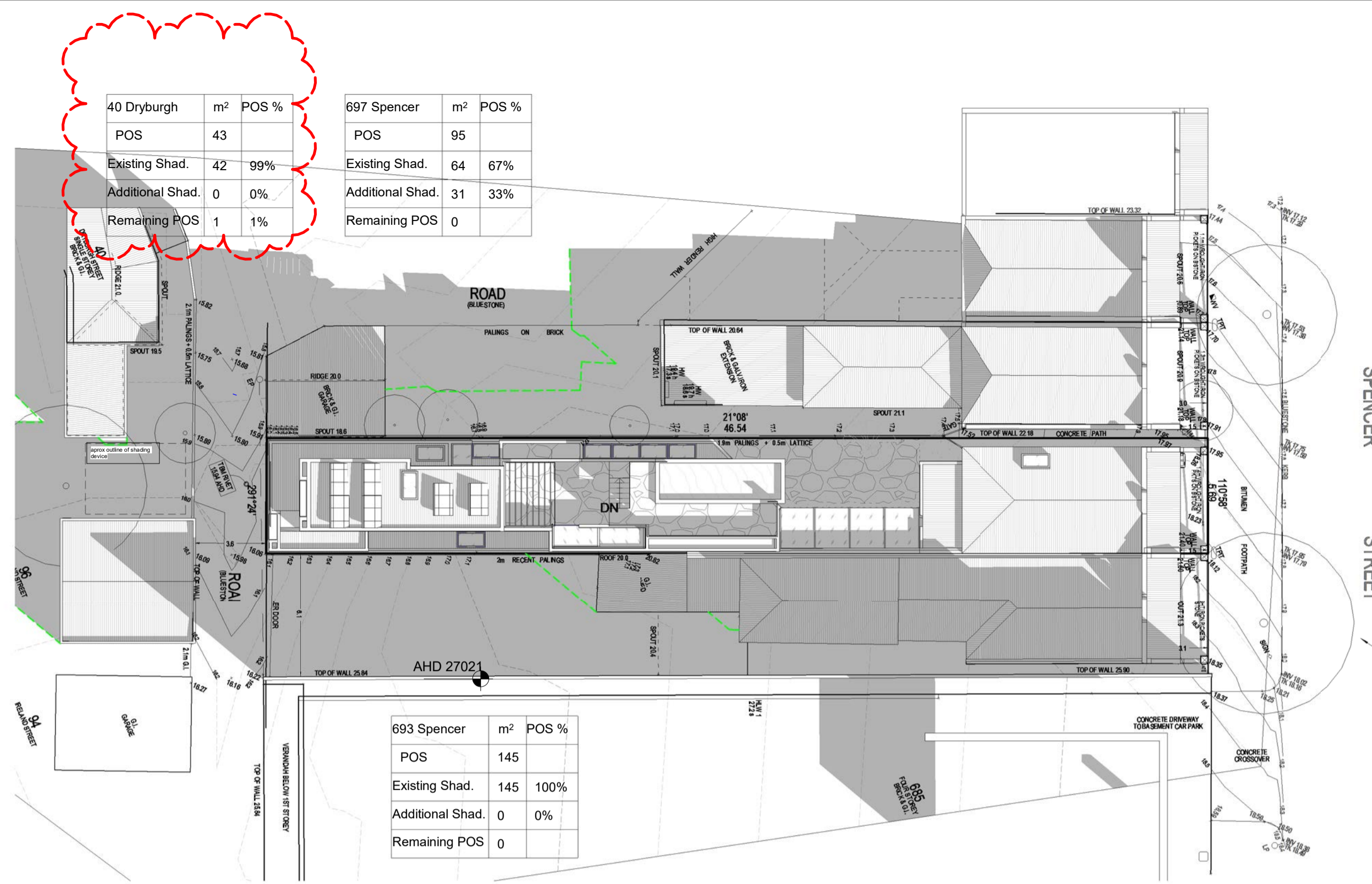


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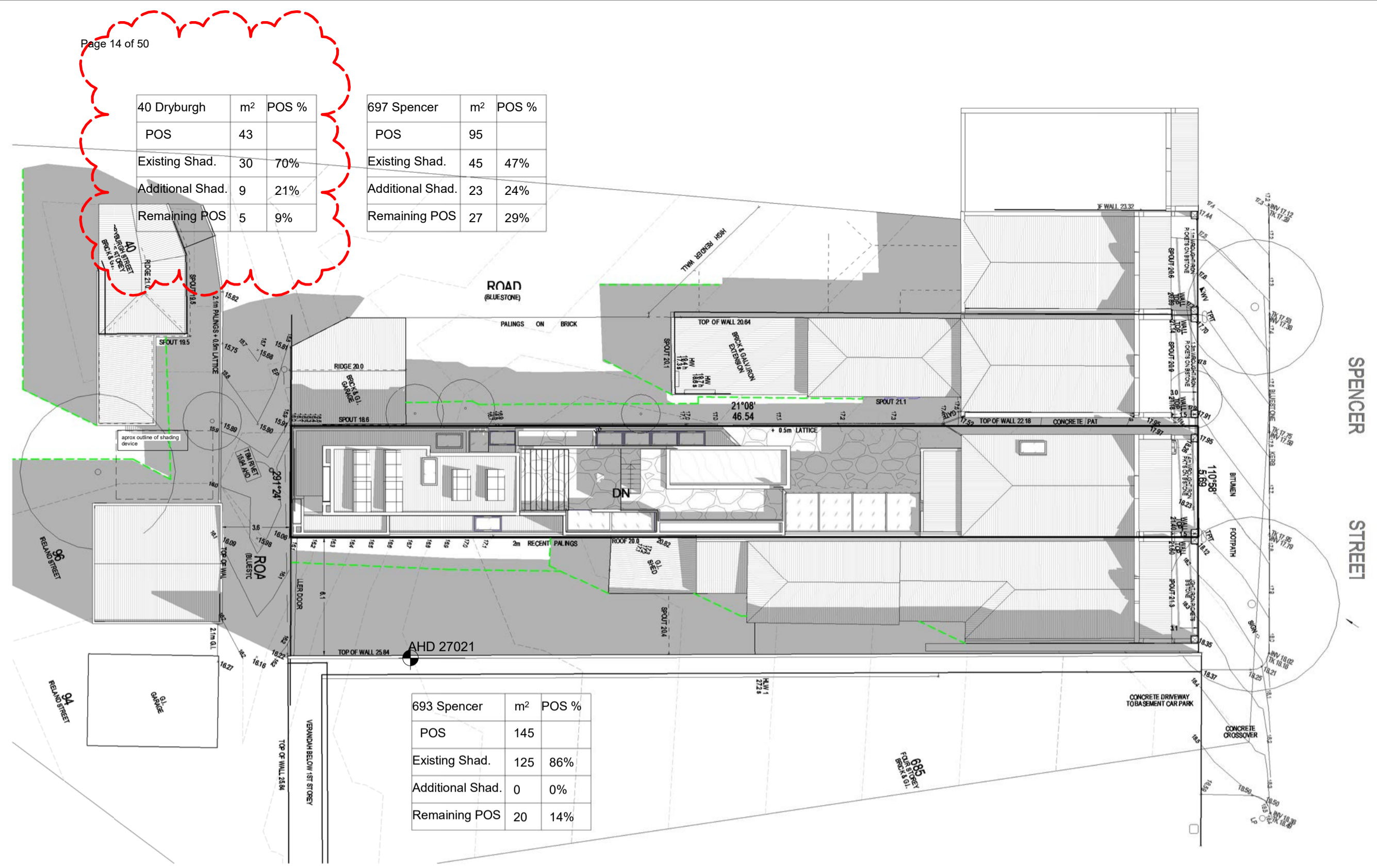


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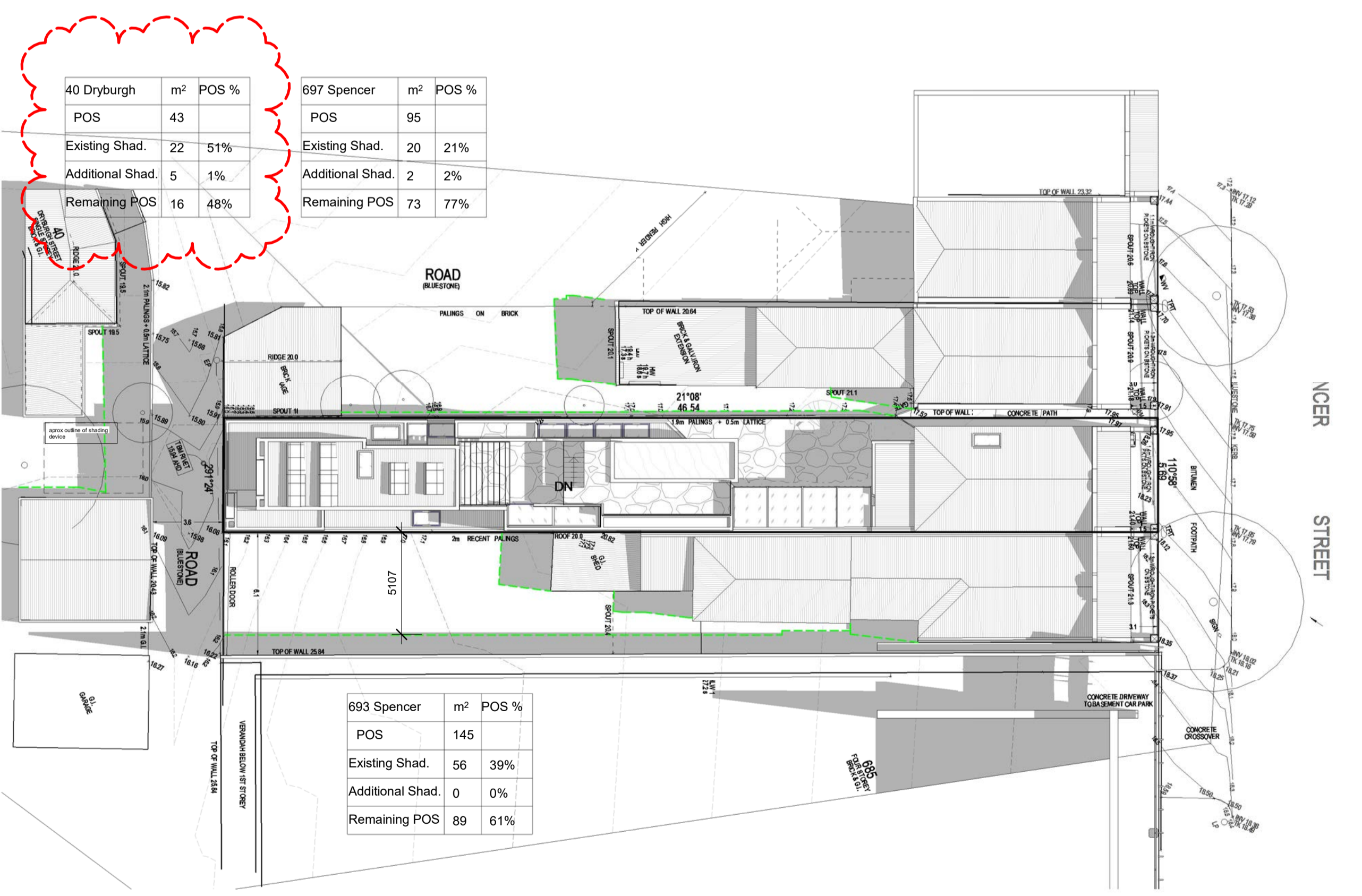
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		<b>LOCATION:</b> 695 Spencer Street West Melbourne	<table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Revision 1</td> <td>Date 1</td> </tr> </tbody> </table>	No.					Description	Date
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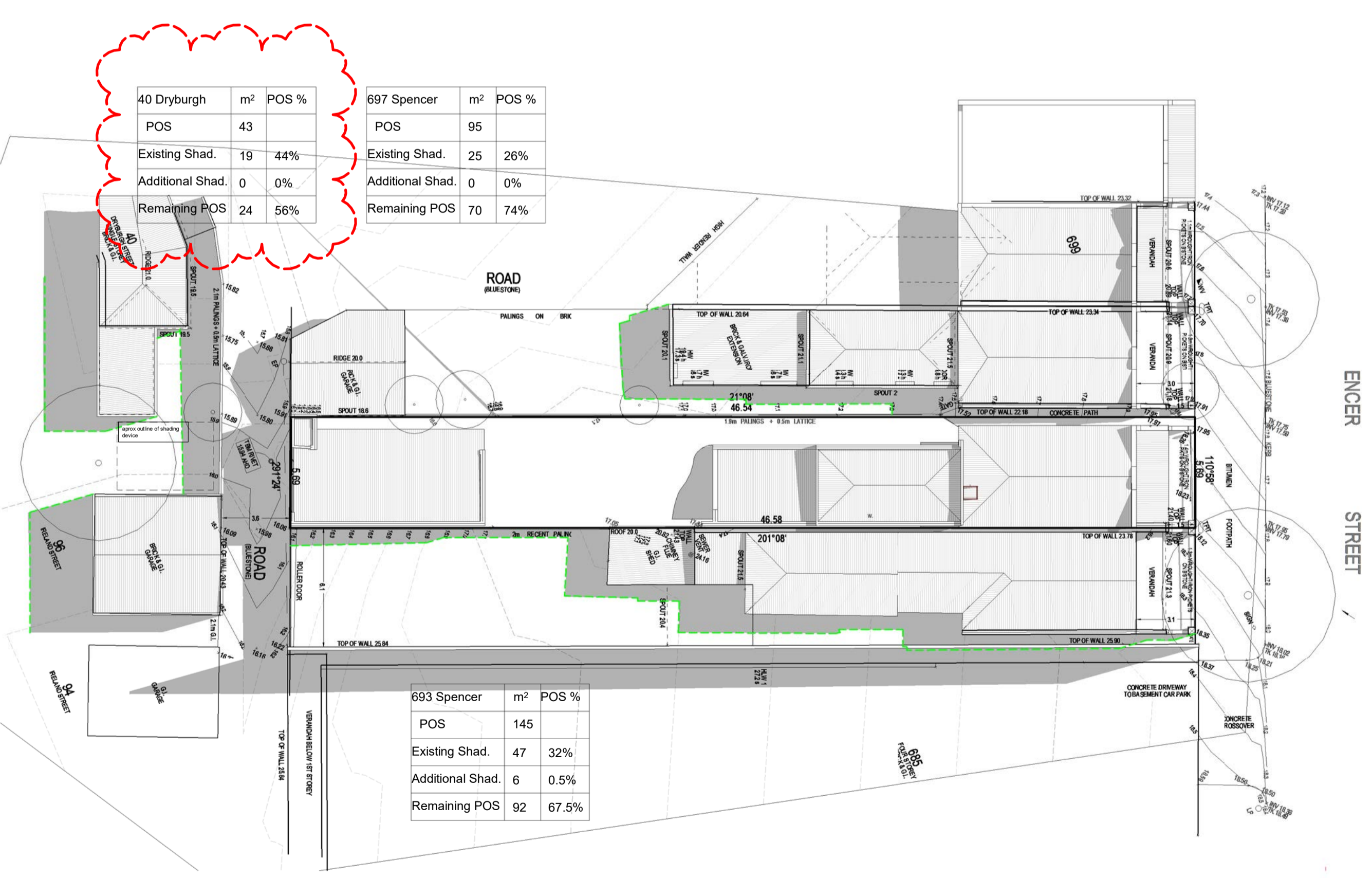
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4 SHADOWS - 21 SEPTEMBER - 10AM  
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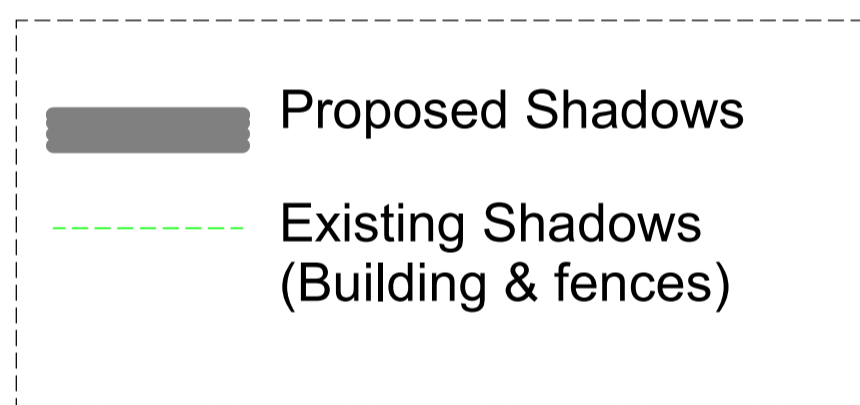


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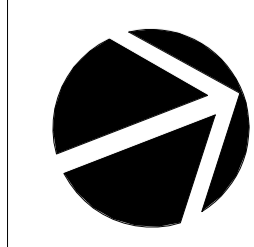
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SHADOWS LEGEND



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**DRAWING:**  
**SHADOWS DIAGRAM**



**PROJECT:** Partial Demolition & extension  
**LOCATION:** 695 Spencer Street West Melbourne  
**CLIENT:** Antony Allan

**AMENDMENT:**

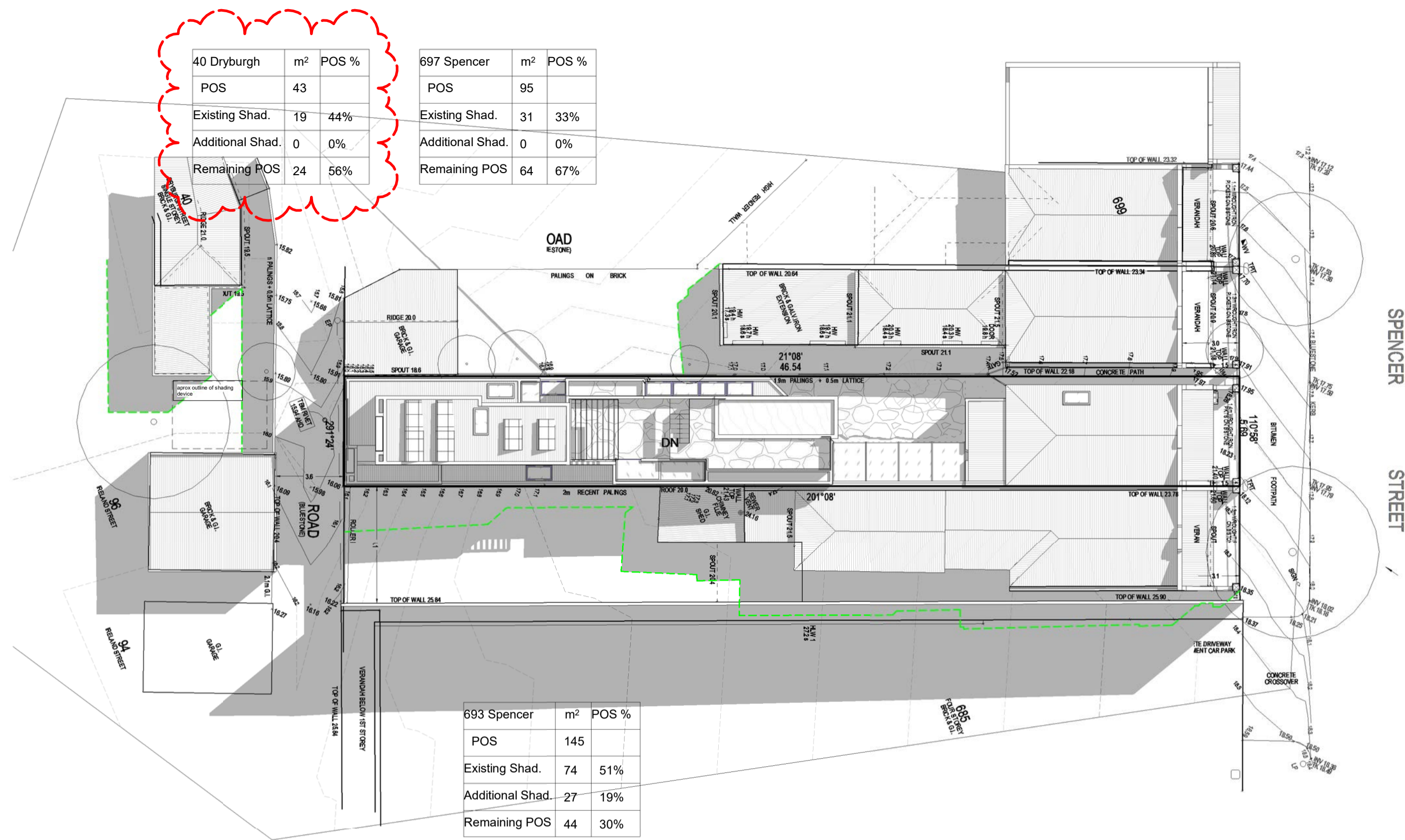
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**DATE:** 25/10/2021  
**SCALE:** 1 : 200  
**JOB N° :** 20-033  
**DRAWN :** Author

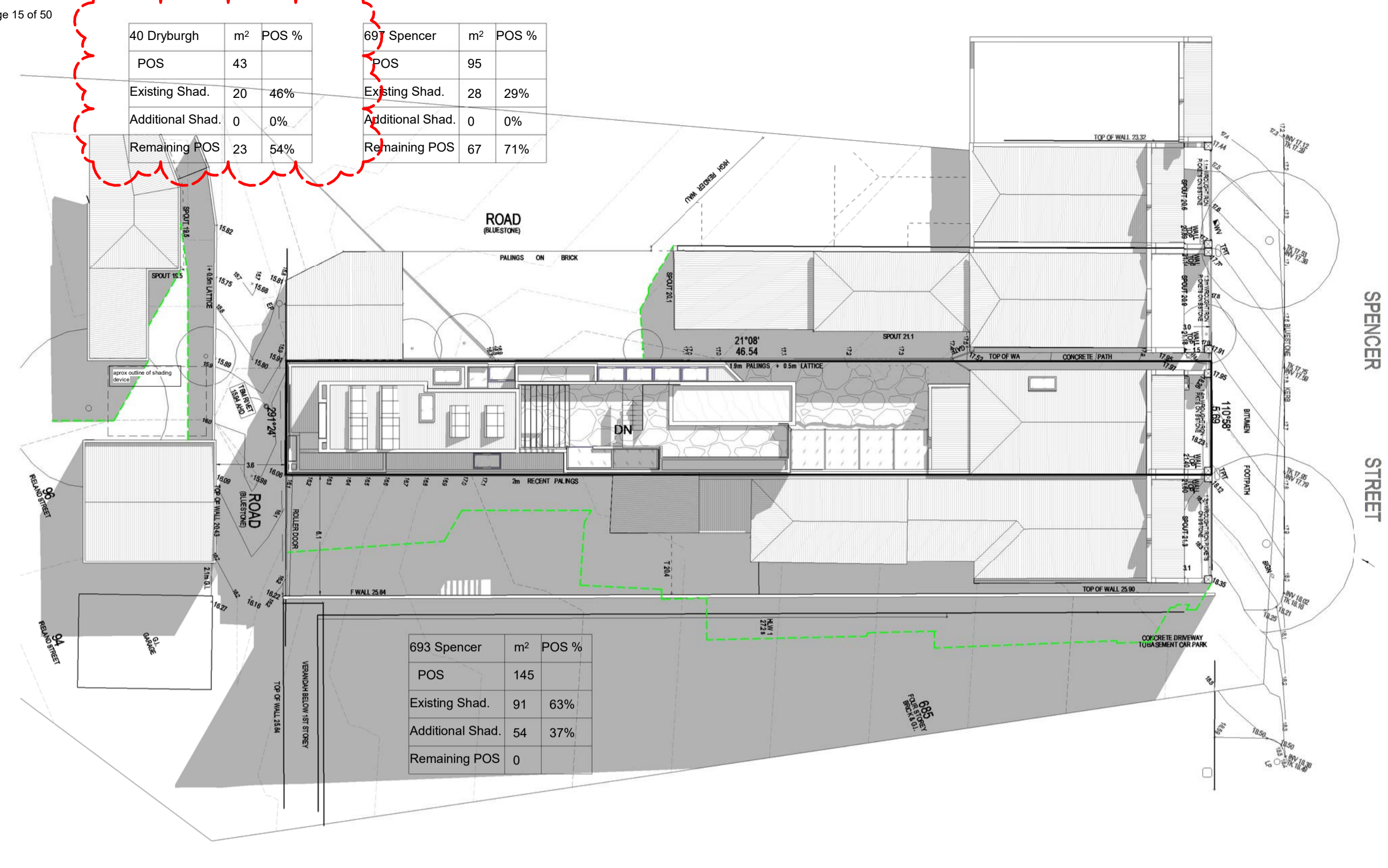
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Rev 1  
**ISSUE:** Town planning

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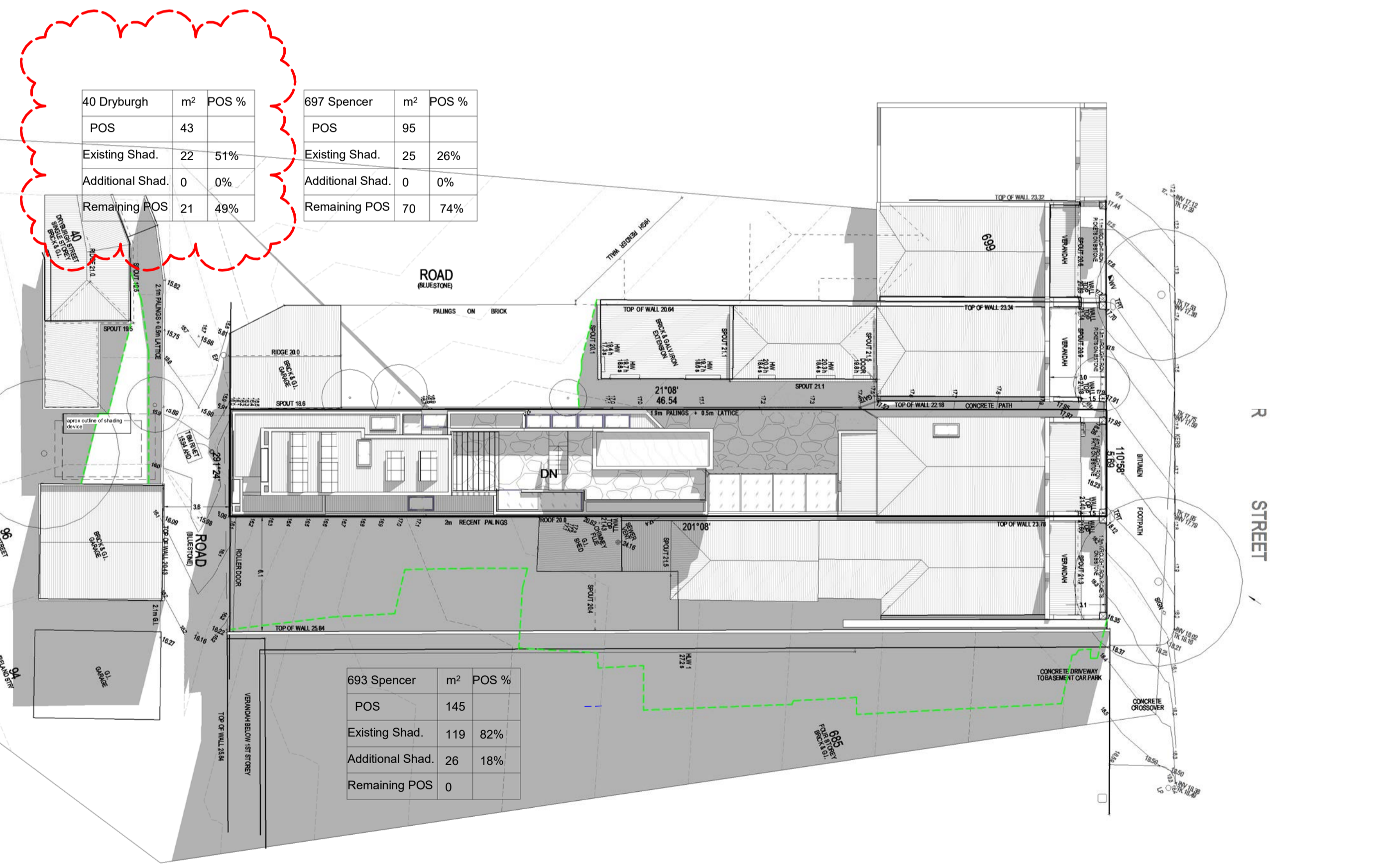
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1 SHADOWS - 21 SEPTEMBER - 1PM  
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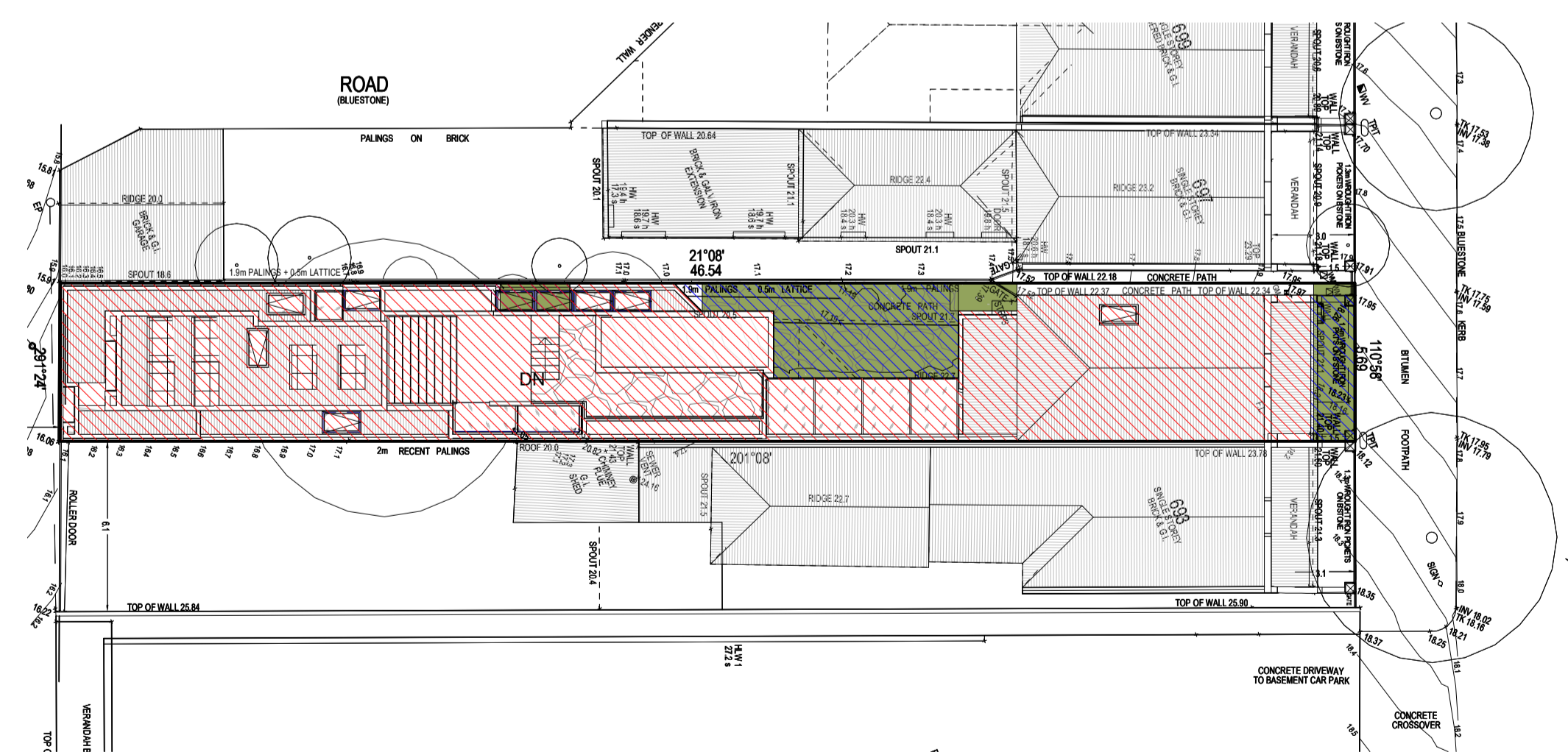
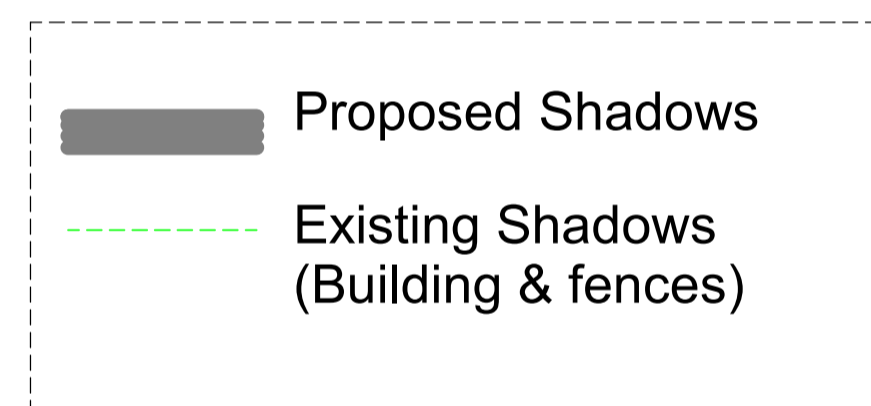


2 SHADOWS - 21 SEPTEMBER - 2PM  
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3 SHADOWS - 21 SEPTEMBER - 3PM  
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SHADOWS LEGEND



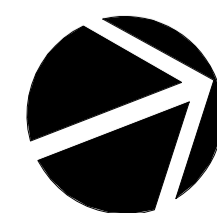
LEGEND

TOTAL SITE AREA:	265 m <sup>2</sup>
SITE COVERAGE:	224 m <sup>2</sup> (84%)
GARDEN AREA:	38 m <sup>2</sup> (14%)
PERMEABLE AREA:	36 m <sup>2</sup> (14%)

4 TP-AREAS DIAGRAM  
A08 1:200

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**DRAWING:**  
**SHADOWS & AREAS DIAGRAMS**



**PROJECT:** Partial Demolition & extension  
**LOCATION:** 695 Spencer Street West Melbourne  
**CLIENT:** Antony Allan

**AMENDMENT:**

No.	Description	Date
1	Revision 1	Date 1

**DATE:** 25/10/2021

**SCALE:** 1:200

**JOB N°:** 20-033

**DRAWN:** Author

**No in SET:**

**A11**  
Rev 1

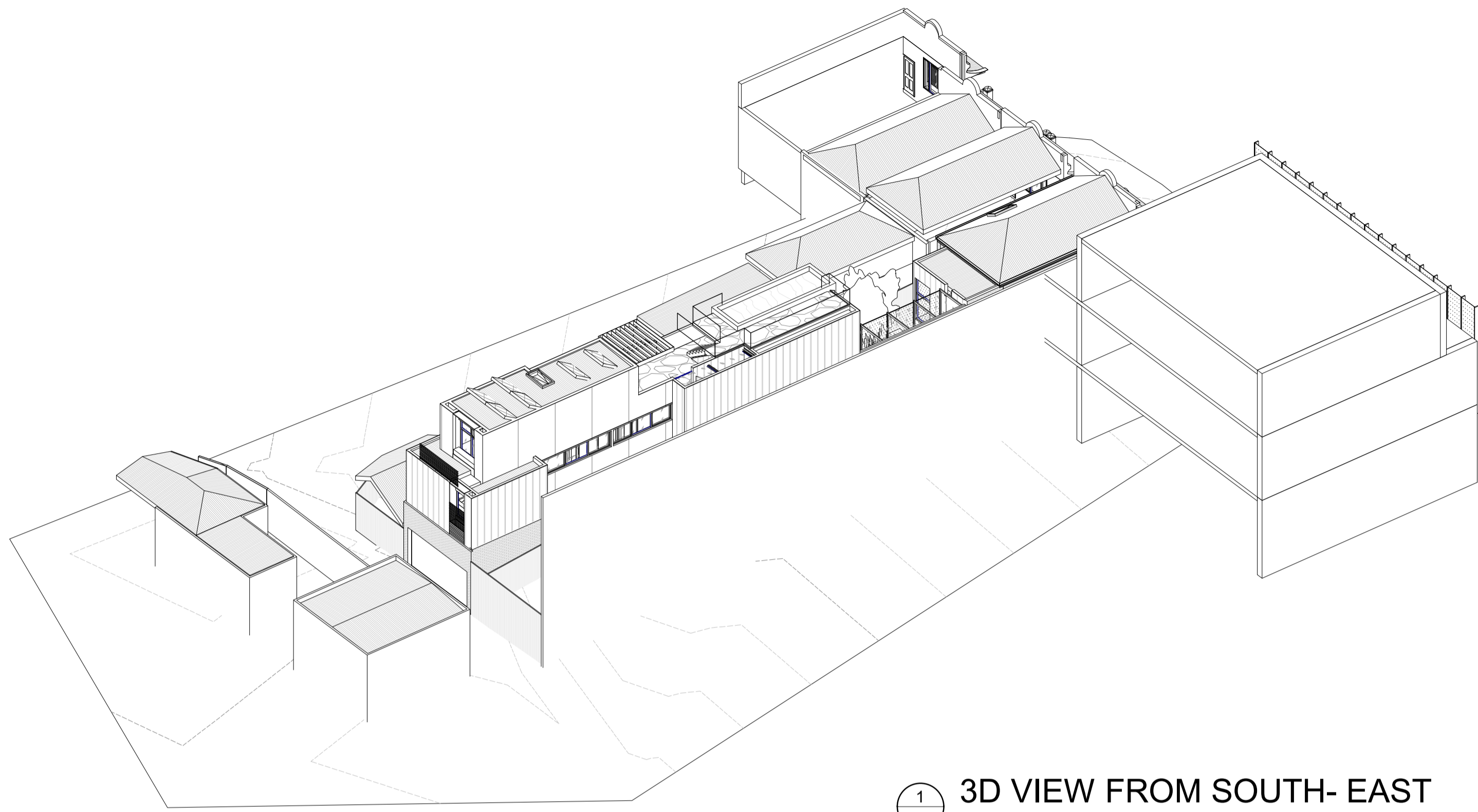
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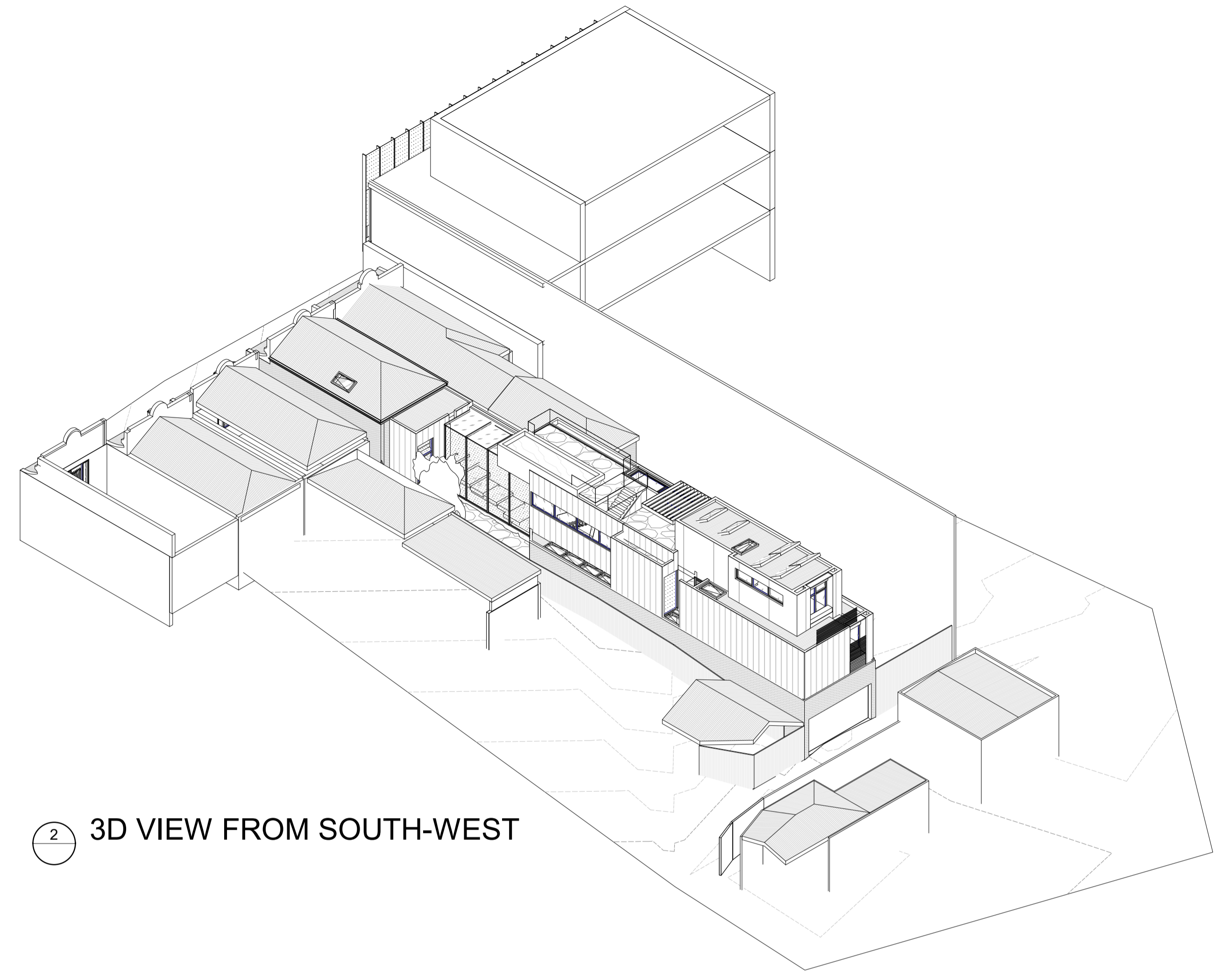
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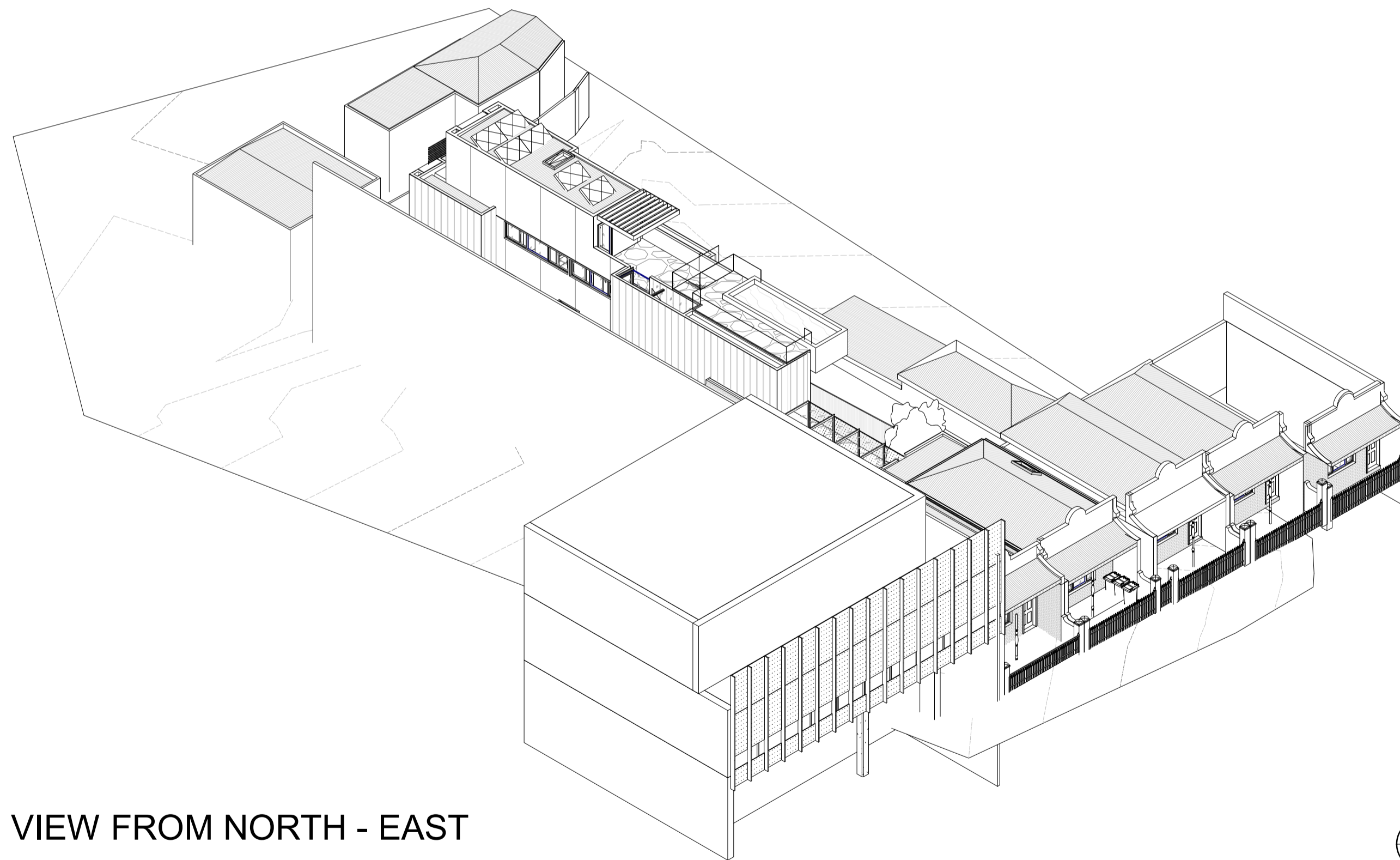
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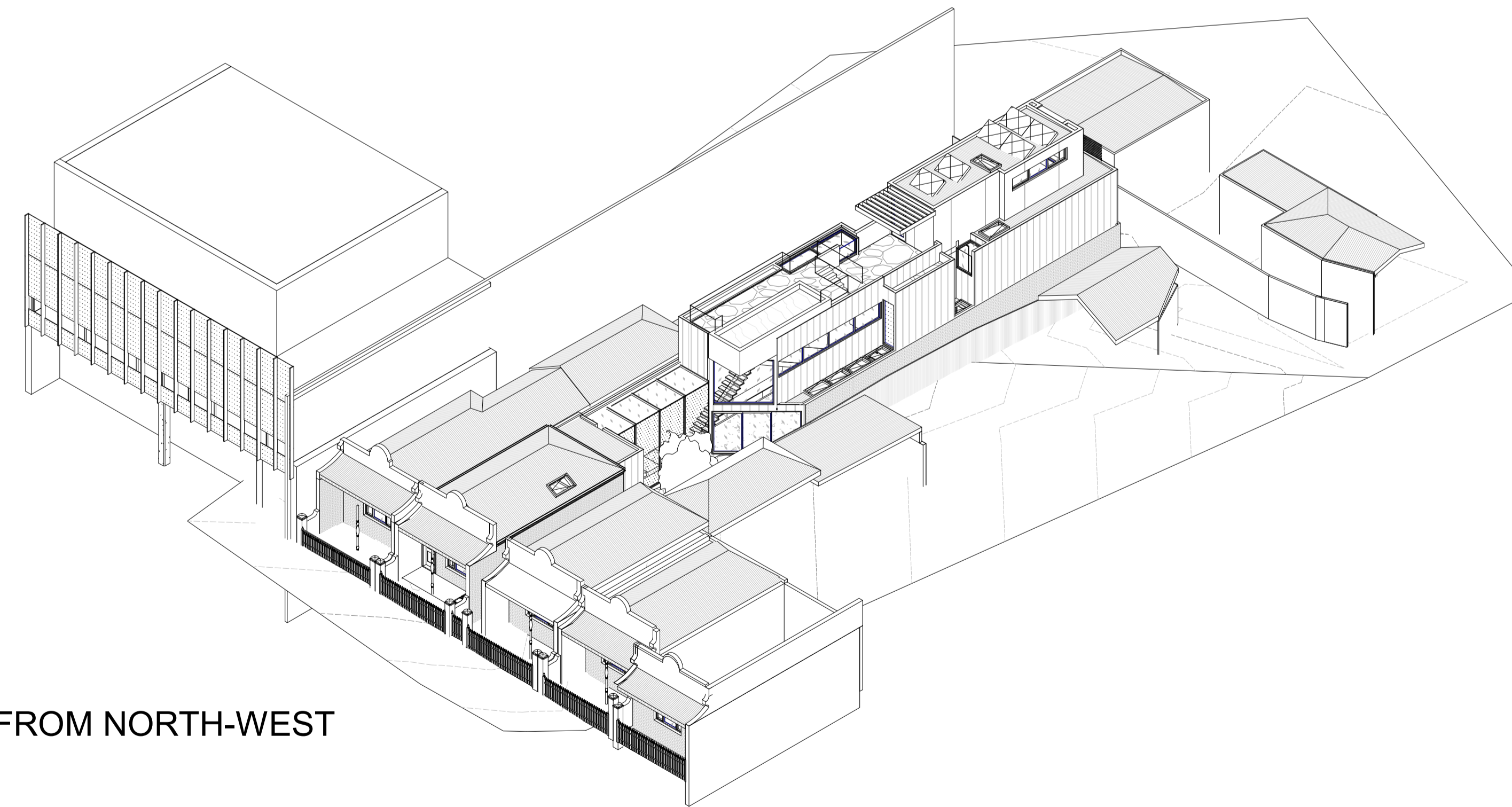
① 3D VIEW FROM SOUTH- EAST



② 3D VIEW FROM SOUTH-WEST



③ 3D VIEW FROM NORTH - EAST



④ 3D VIEW FROM NORTH-WEST

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**DRAWING:**  
**3D VIEWS**

**PROJECT:** Partial Demolition & extension  
**LOCATION:** 695 Spencer Street West Melbourne  
**CLIENT:** Antony Allan

**AMENDMENT:**

No.	Description	Date

**DATE:** 25/10/2021  
**SCALE:**  
**JOB N° :** 20-033  
**DRAWN :** Author

**No in SET:** **A13**

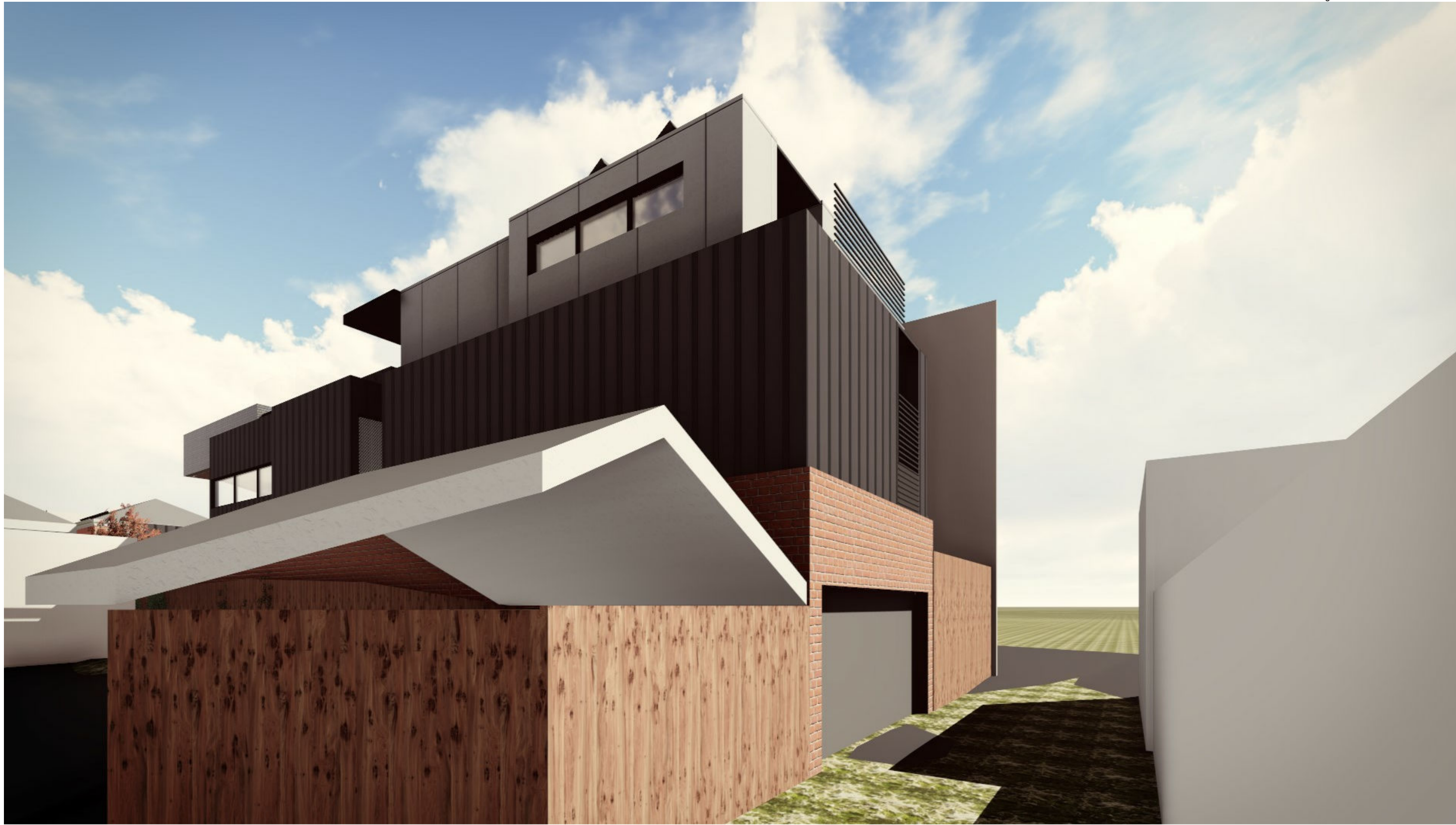
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**DRAWING:**  
**3D VIEWS -REAR**

**PROJECT:** Partial Demolition & extension  
**LOCATION:** 695 Spencer Street West Melbourne  
**CLIENT:** Antony Allan

AMENDMENT:		
No.	Description	Date

**DATE:** 25/10/2021  
**SCALE:**  
**JOB N° :** 20-033  
**DRAWN :** Author

**No in SET:** **A14**  
**ISSUE:** Town planning

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## DELEGATE REPORT

### PLANNING PERMIT APPLICATION

<b>Application number:</b>	TP-2021-141
<b>Applicant:</b>	Chahid Kairouz Architects
<b>Owner:</b>	Mr Anthony Jon Allan
<b>Architect:</b>	Chahid Kairouz Architects Pty Ltd
<b>Address:</b>	695 Spencer Street, WEST MELBOURNE VIC 3003
<b>Proposal:</b>	Partial demolition and a three-storey extension to the existing dwelling with a basement and car parking
<b>Cost of works:</b>	\$865,000
<b>Date received by the City of Melbourne:</b>	19 March 2021
<b>Responsible officer:</b>	Adam Birch, (Acting) Senior Urban Planner

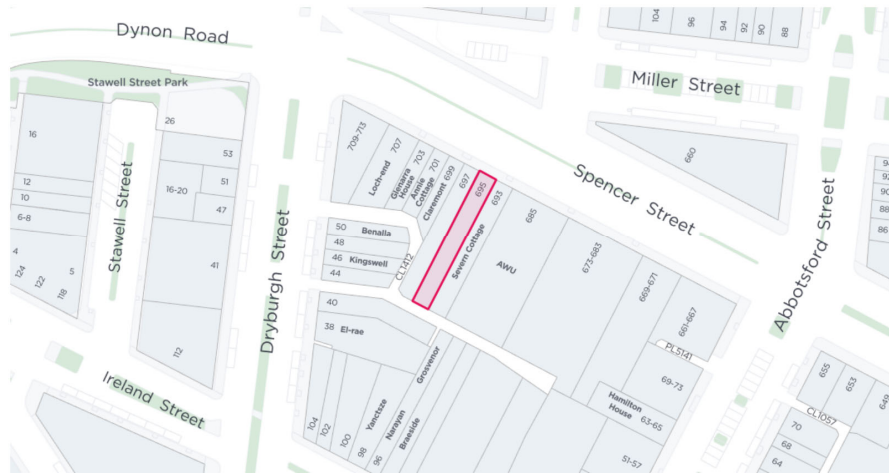
## 1 SITE AND SURROUNDS

### 1.1 The Site

695 Spencer Street, West Melbourne ('The Site') is oriented to the north-east. In this report, the front boundary will be referred to as the north, the rear (south) and the side boundaries as west and east.

The Site is located on the south side of Spencer Street between Dryburgh Street to the west and Abbotsford Street to the east. The Site has access to Council Lane LC1412 at the rear of the property (see Figure 1).

The Site is rectangular with a width of 5.69 metres and a depth of 46.58 metres. The site area is 265 square metres. The land falls north to south by 2.06 metres and east to west by 0.17 metres.



**Figure 1: Site Plan**

The formal land description is Lot 1 of TP546433J. The land contains no easements and no restrictions on the land.

The Site contains a single-storey Victorian-era brick terrace dwelling that forms part of a group of six dwellings between 693 to 703 Spencer Street (see figure 2). An existing concrete path along the western boundary separates the dwelling from the adjoining dwelling.

Notable features include the fence, verandah decoration and verandah roof and structure.

A large tree is located in the rear courtyard and a brick garage is located at the rear of the land (see Figure 3).



**Figure 2 Site Photograph**



**Figure 3 Rear of Site and adjoining properties**

## **1.2 Surrounds**

The surrounding properties include:

- To the west are single-storey Victorian dwellings, including the adjoining rear secluded open space of 697 Spencer Street.
- To the east, is a single-storey Victorian dwelling at 693 Spencer Street and includes the adjoining rear secluded open space of 693 Spencer Street. Further to the east is a four-storey office building (AWU) that has a three-storey brick wall abutting the eastern boundary of 693 Spencer Street.
- To the south (rear) are the rear of dwellings facing Ireland Street.
- To the north across Spencer Street and Miller Street are two to three-storey commercial buildings.

In the broader context:

- Spencer Street is a Road Zone Category 1 that becomes Dynon Road to the west.
- North Melbourne Railway Station is 250 metres away by foot.
- Higher-scale development (up to 10 storeys) is emerging west of Dryburgh Street and south of Ireland Street closer to the train station.
- The Site is 650 metres from the shops on Errol and Victoria Street.
- The area has a mixed character with lower scale Victorian and Edwardian dwellings intermixed amongst mid-rise (three to five storeys) new buildings used for apartment dwellings, and former warehouses.

## **2 BACKGROUND AND HISTORY**

### **2.1 Planning Application History**

Planning Permit TP-2001-74 was issued for The Site on 15 February 2001. The permit allowed for 'Alterations and additions to the rear of the dwelling including second level addition to existing dwelling'. The permit was never acted upon and has expired.

## **2.2 Pre-application discussions**

A pre-application meeting (PA-2020-539) was held in January 2021. Officers advised that the key considerations for the proposal relate to amenity impacts relating to visual bulk and overshadowing of adjoining properties.

## **2.3 Amendment to application**

The application was amended on 2 July 2021 with the following changes:

- Internal layout changes including changes to the second level master bedroom, window locations included.
- Minor modification of the building envelope of level 2.
- Minor modification of the FFL for level 1 & 2.
- Minor modification of the total building height.

## **3 PROPOSAL**

Approval is sought for 'Partial demolition and a three-storey extension to the existing dwelling with a basement and car parking'.

The plans which have been considered in this planning assessment were prepared by Chahid Kairouz Architects dated 25 October 2021.

Demolition of the rear portions of the building, roofing and outbuildings, with retention of the front two rooms of the existing building including the roof.

Construction of a three-storey extension with a lift and basement comprising:

Basement of 87.6 square metres.

Ground-Floor Extension to the second bedroom, corridor, open planned living / kitchen and a two-car garage.

First-Floor Two bedrooms, bathroom, retreat and void.

Second-Floor Office, bathroom, terrace and swimming pool.

The addition has a maximum height of 10.123 metres (measured from the rear lane) and is proposed to be constructed to the side and rear boundaries with upper level setbacks between 1 to 2 metres.

Increased site coverage from 58 per cent to 84 per cent.

The addition would be fully concealed from Spencer Street.

The external materials and finishes include:

Face brickwork and recycled brick

Black metal cladding

Cement sheeting

Black tiles

Clear and obscured glazing

Metal roofing (Colorbond Surfsmist).

Environmentally Sustainable Design Features include:

3,000 Litre Rainwater Tank

2-kilowatt solar photovoltaic system on the roof.

Water Efficient fittings

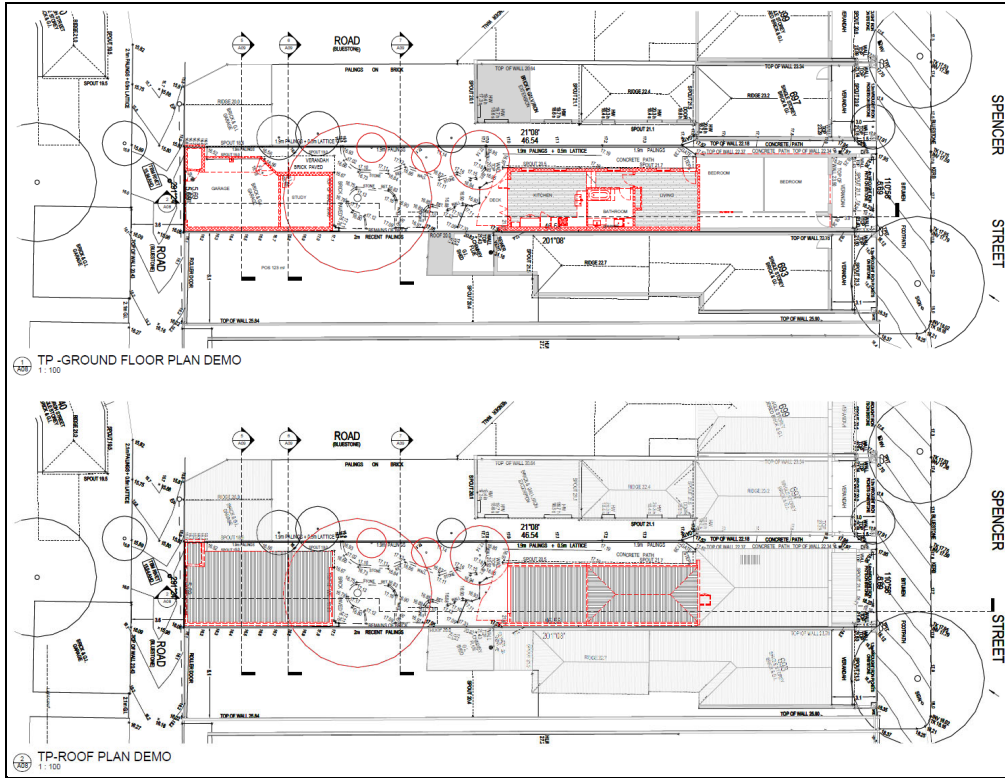


Figure 4: Demolition Plan (source: Chahid Kairouz Architects Pty Ltd)

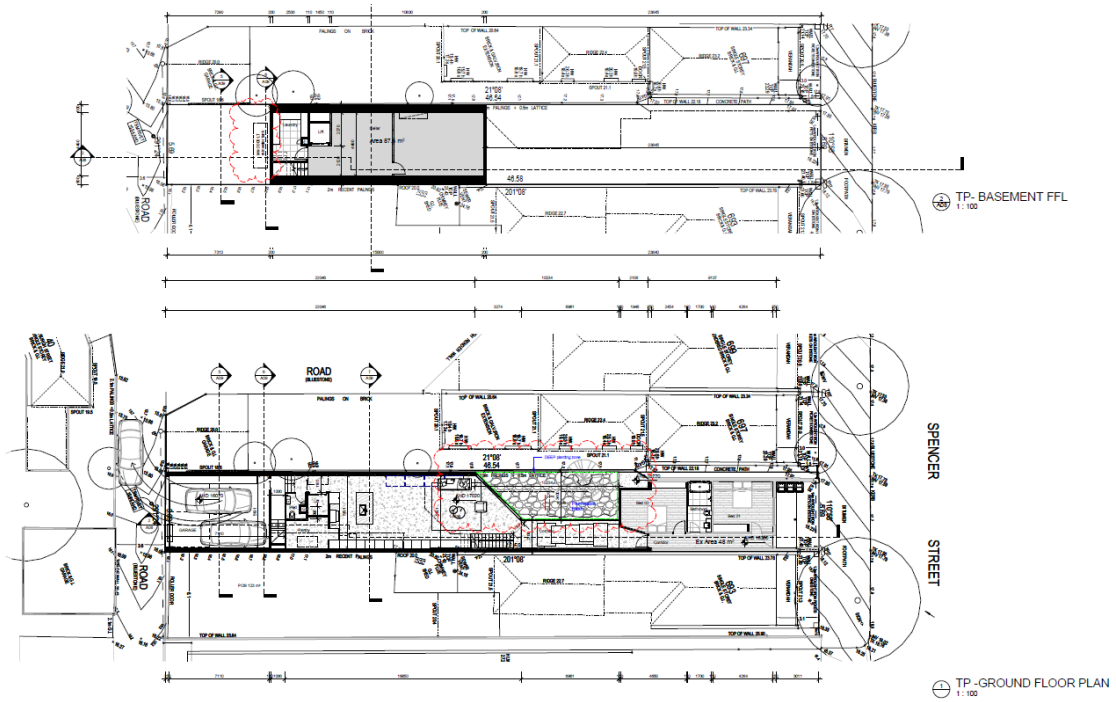


Figure 5: Basement and Ground Floor Plan (source: Chahid Kairouz Architects Pty Ltd)

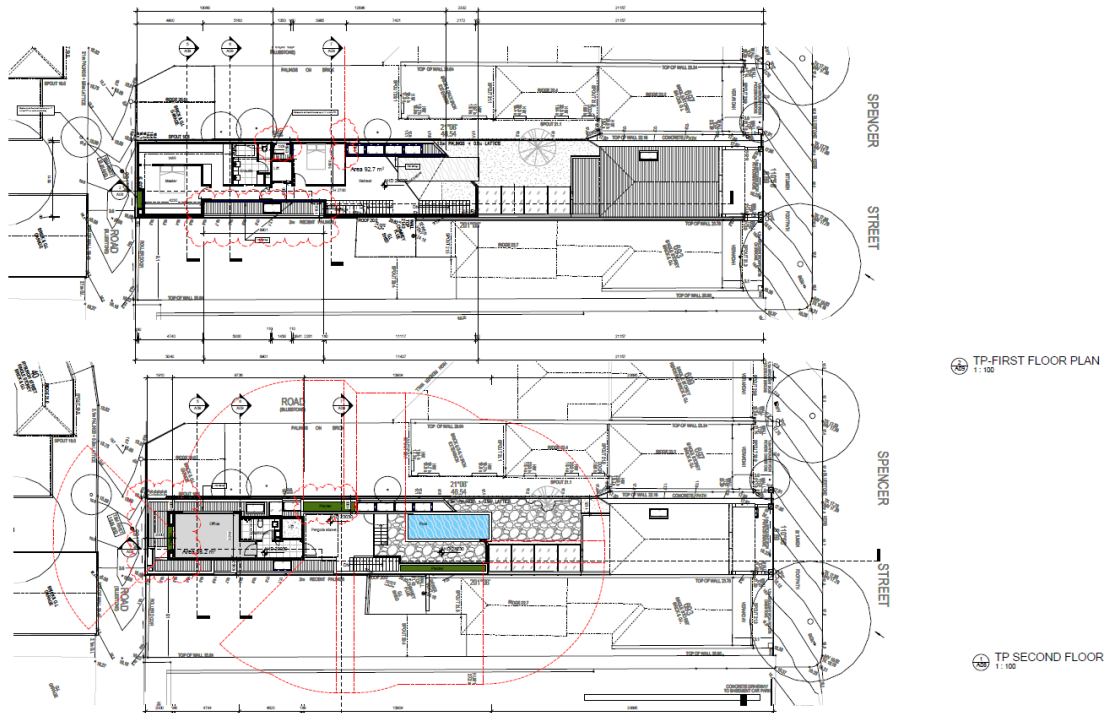


Figure 6: First and Second Floor Plan (source: Chahid Kairouz Architects Pty Ltd)

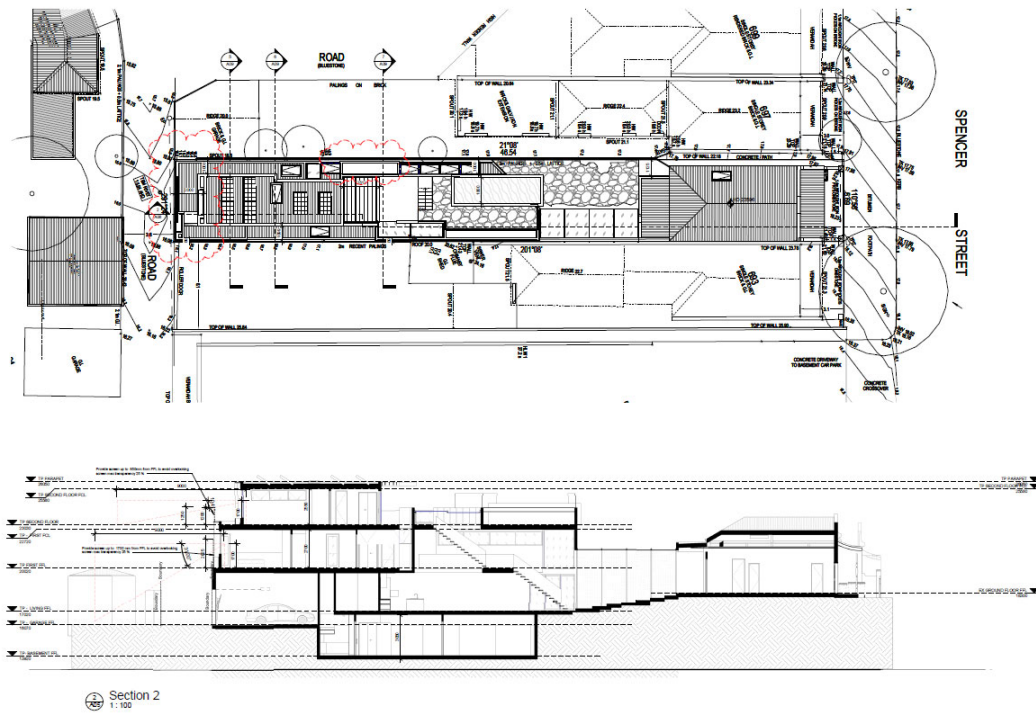


Figure 7: Roof Plan and Section Diagram (source Chahid Kairouz Architects Pty Ltd)

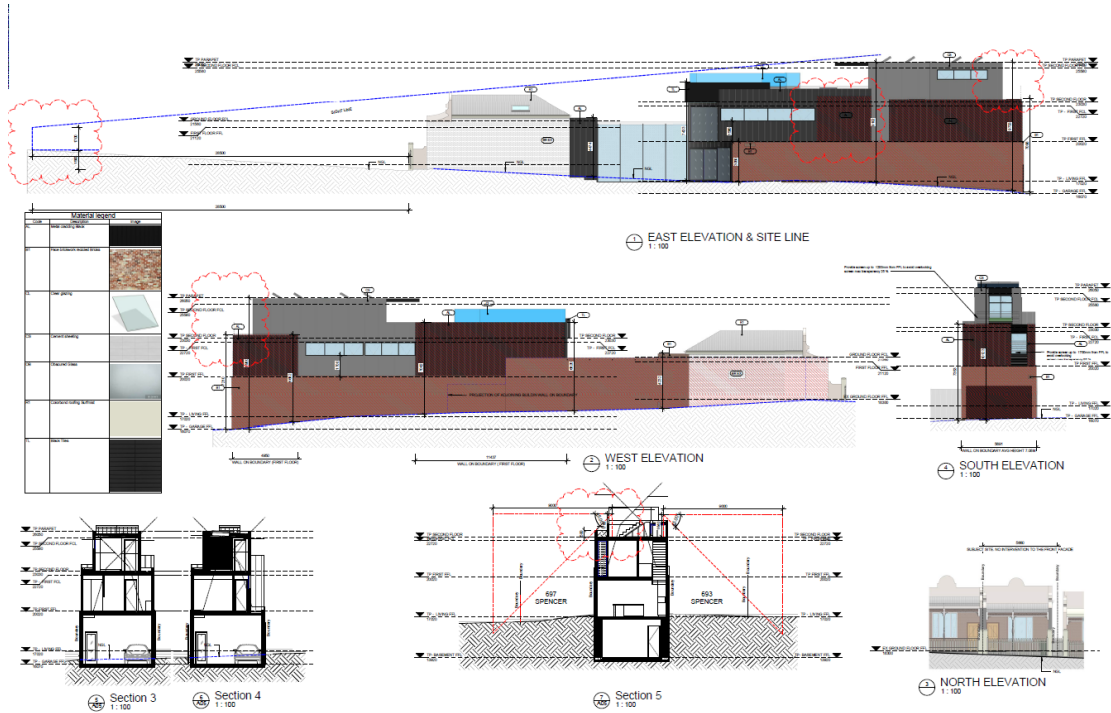


Figure 8: Elevations (source: Chahid Kairouz Architects Pty Ltd )

#### 4 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Table 1: Permit Triggers	
Clause	Permit Trigger
Mixed Use Zone	<p><b>Permit Required</b></p> <p>Pursuant to Clause 32.04-5, a permit is required to construct and extend one dwelling on a lot of less than 300 m<sup>2</sup>.</p> <p>A development must meet the requirements of Clause 54.</p>
Heritage Overlay (HO3 – North & West Melbourne Precinct)	<p><b>Permit Required</b></p> <p>Pursuant to Clause 43.01-1, a permit is required to demolish or remove a building and to construct a building or construct or carry out works.</p>
Design and Development Overlay Schedule 32 – North Melbourne Peripheral	<p><b>Permit Required</b></p> <p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works, unless a schedule to the overlay specifies otherwise.</p> <p>Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay.</p> <p>Under Schedule 32, a 14 metre mandatory height control applies.</p>



## 5 STRATEGIC FRAMEWORK

### 5.1 Planning Policy Framework (PPF)

- Clause 15 Built Environment and Heritage
- Clause 16 Housing

### 5.1 Local Planning Policy Framework (LPPF)

### 5.2 Municipal Strategic Statement (MSS)

The relevant provisions of the MSS are listed as follows:

- Clause 21.04 Settlement. The site is located in an area neither marked as stable residential area, nor as an urban renewal area. The land west of Dryburgh Street is within the Arden-Macaulay Urban Renewal Area.
- Clause 21.06 Built Environment and Heritage
- Clause 21.07 Housing
- Clause 21.16-5 North and West Melbourne Precinct

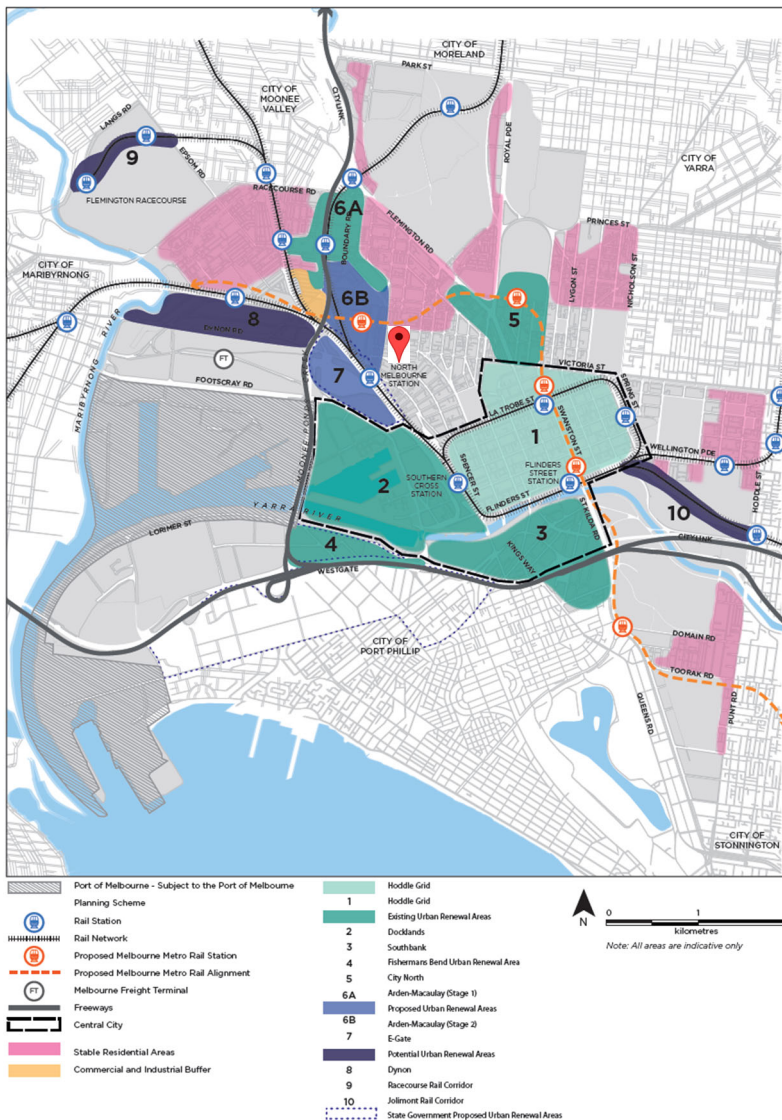


Figure 9: Growth Area Framework (source: Clause 21.04-1 Melbourne Planning Scheme)

### **5.3 Local Policies**

The relevant local policies are summarised as follows:

- Clause 22.05 – Heritage Places outside the Capital City Zone
- Clause 22.17 - Urban Design outside the Capital City Zone
- Clause 22.19 – Energy, Water and Waste Efficiency
- Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)

### **6 PARTICULAR PROVISIONS**

- Clause 53.18 Stormwater Management in Urban Development
- Clause 54 – One dwelling on a lot

### **7 GENERAL PROVISIONS**

The following general provision applies to the application:

Clause 65, Decision Guidelines, which includes the matters set out in Section 60 of the Planning and Environment Act 1987.

### **8 PUBLIC NOTIFICATION**

It was determined that the proposal may result in material detriment. Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties and by posting one notice on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

### **9 OBJECTIONS**

No objections have been received.

### **10 CONSULTATION**

Telephone and email conversations were held with neighbouring property owners and the permit applicant.

In response to the recommended draft conditions, the permit applicant provided updated plans received on 25 October 2021.

### **11 REFERRALS**

#### **11.1 Internal**

##### **11.1.1 Environmentally Sustainable Design**

The ESD and Green Infrastructure Officer advised that the proposal has adequate ESD targets and initiatives to satisfy Clauses 22.19, 22.23 and 53.18 of the Melbourne Planning Scheme.

##### **11.1.2 Heritage**

The Heritage Advisor provided the following recommendations:

- At the south elevation of the retained front wing, retain the double hung window and surrounding wall.
- Adjust the form of the proposed Bedroom 2, to include the retained elements.

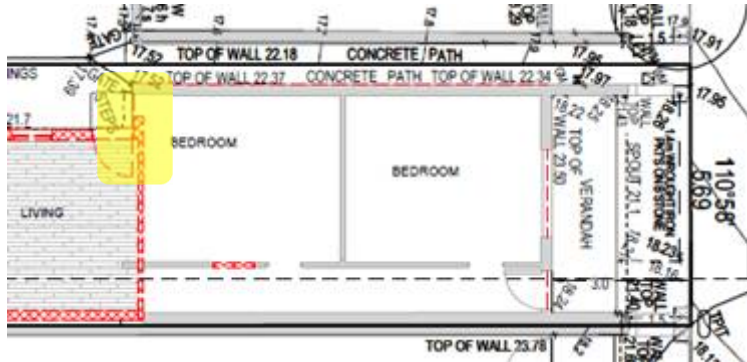


Figure 10: Extract of demolition plan (source: Chahid Kairouz Architects Pty Ltd)

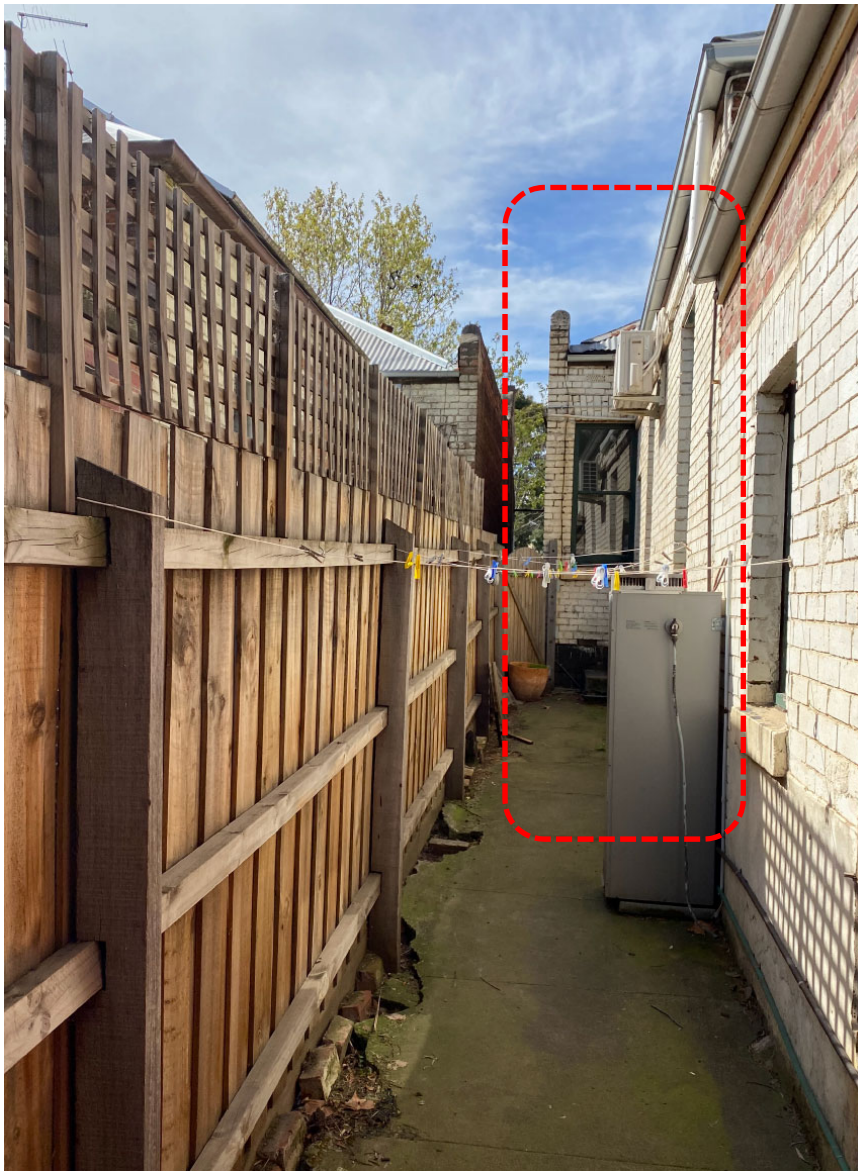


Figure 11 Photograph of the bedroom 2 window (source: Applicant)

**Planner's Response:**

These recommendation are included in Condition 1.

## **11.2 External**

No external referrals were required to be undertaken.

## **12 ASSESSMENT**

### **12.1 Key considerations**

The application seeks approval for partial demolition, buildings and works associated with the extension of a single dwelling.

The matters for consideration are:

- Heritage
- Building Height and Design and Development Overlay Schedule 32
- Clause 54 Variations and potential amenity impacts
- ESD considerations.

### **12.2 Heritage and Built**

#### **12.2.1 Demolition**

It is proposed to partially demolish the 'significant' building.

Clause 15.03-1 and Clause 21.06-2 seeks to conserve, retain and protect the fabric of identified places and precincts.

Clause 22.05 (Heritage Places Outside the Capital City Zone) states that "partial demolition in the case of significant buildings, and of significant elements or the front or principal part of contributory buildings will not generally be permitted".

Before deciding on an application for full or partial demolition, the responsible authority will consider, as appropriate:

- The assessed significance of the heritage place or building.
- The character and appearance of the proposed building or works and their effect on the historic, social and architectural values of the heritage place, and the street.
- The significance of the fabric or part of the building, and the degree to which it contributes to its three-dimensional form, regardless of whether it is visible.
- Whether the demolition or removal of any part of the building contributes to the long-term conservation of the significant fabric of the building.
- Whether the demolition will adversely affect the conservation of the heritage place.
- Whether there are any exceptional circumstances.

The proposed demolition is considered not to have an adverse impact on the heritage place and is consistent with the purpose and decision guidelines of the Heritage Overlay for the following reasons:

- The demolition works are not visible from the public realm.
- The demolition does not remove any notable features of the building that were identified on the Building Identification Sheet.
- The front two rooms in depth of the dwelling is proposed to be retained, thereby retaining its form as visible from the street.
- The extent of demolition would help contribute to the long term conservation of the site, by upgrading the dwelling to a modern living standard.

- The demolition of the rear wing is considered acceptable due to it not being visible from Victoria Street and the rear lane.
- The demolition of the rear garage is considered acceptable given that this structure is not original fabric.

### **12.2.2 Addition**

The relevant policy considerations for this application are focused on built form, character and heritage. In general, state and local policies encourage high-quality urban design that respects its context in terms of form, character and appearance. This is more strongly empathised in heritage precincts, where new developments are encouraged to be modern interpretations of historic form. Clearer direction on how this should be implemented in terms of design is expressed under Clause 22.05 and Clause 22.17 of the Melbourne Planning Scheme.

Specifically for the design on new buildings in a Heritage Overlay, Clause 22.05 provides performance standards that proposed developments are to be assessed against.

The proposed replacement building is considered to be consistent with the relevant performance standards for 'additions' and the purpose and decision guidelines of the Heritage Overlay because:

- The proposed addition is fully concealed from Victoria Street. More distant views to the north may be possible for Lothian Street and Dryburgh Street, however, this would be over 50 metres from the site.
- The three-dimensional form of the front part of the building with retention of the front two-rooms include the roof and parapet.
- The addition is considered to be respectful of the building's character and appearance, scale, materials, style and architectural expression.
- The addition does not visually dominate or visually disrupt the appreciation of the building as it presents to the street.
- The prominence of the building is retained by the addition being set back behind the front and principal part of the building.
- The addition adopts a high-quality design that avoids direct reproduction of the form of historic fabric.
- The addition is contemporary in form, detailing and materials that can clearly be read as a modern and new addition that differentiates from the original building whilst still complementing the original building.

### **12.3 Building Height and Design & Development Overlay Schedule 32**

The Site is affected by Design and Development Overlay 32 (DDO32) that has a 14-metre mandatory height control. Under DDO32, Building height is the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of architectural features and building services.

The design objectives of DDO32 are:

- To maintain the predominant low scale nature of the area.
- To ensure that development retains views to significant landmarks.
- To ensure development supports high levels of pedestrian amenity related to access to sunlight and sky views and a pedestrian friendly scale.

The Built form outcomes of DDO32 are:

- New development respects existing built form especially low scale of the existing older building stock in the street.
- Development in streets with higher typical built form provides a transition in scale to the lower building forms.
- Development in the vicinity of the Queen Victoria Market which enhances and respects the importance and general low scale environs of the market as a heritage place and pedestrian focus.
- Enhancement of the character of Peel Street by retaining the skyline dominance of the street trees along the median.
- Development which retains views to the landmark Meat Market building and the North Melbourne Town Hall roof and tower.

The proposal complies with the maximum building height, design objectives and built form outcomes of DDO32 as:

- The maximum height of the addition is only 7.82 metres measured from the property frontage due to the fall of the land. The maximum height from natural ground level is 10.123 metres and complies with the 14-metre maximum height control.
- The addition does not obstruct views of significant landmarks.
- The addition does not impact pedestrian amenity.
- The addition is respectful to the lower scale of the existing building being located at the rear of the existing building.
- The height of the addition is kept to a relative minimum with floor to ceiling heights of 2.55 metres and 2.7 metres and a flat-roofed design.
- The height of the addition is similar in scale of other existing development that abuts the rear lane.
- The land is located in the Mixed Use Zone that has the purpose of supporting housing at higher densities.
- The Site is located in close proximity to North Melbourne Train Station, where high scale development is emerging.

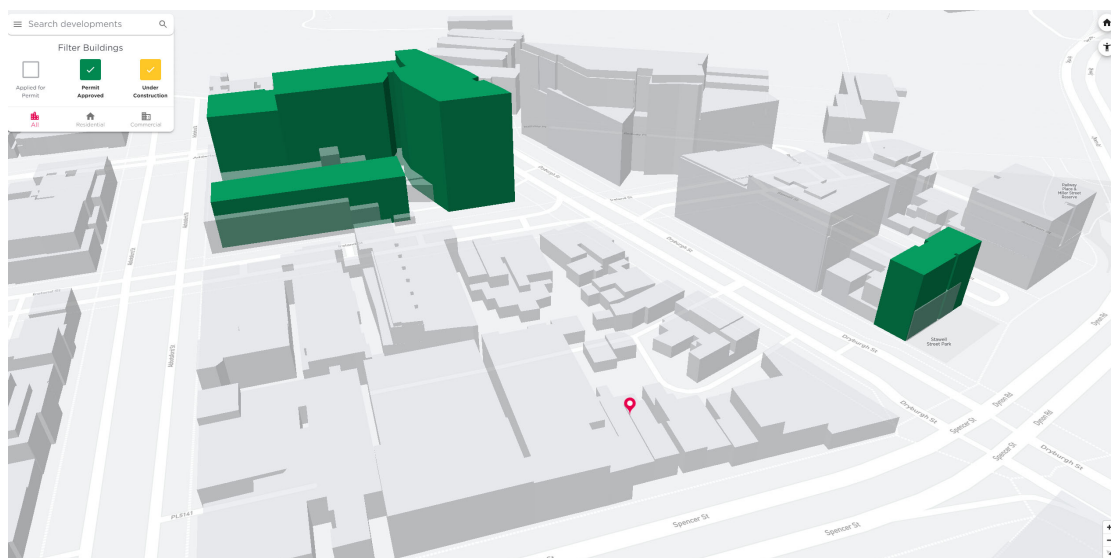


Figure 12 Extract from Development Activity Model (source: City of Melbourne)

## 12.4 Clause 54 Variations and Potential Amenity Impacts

### 12.4.1 Variations sought

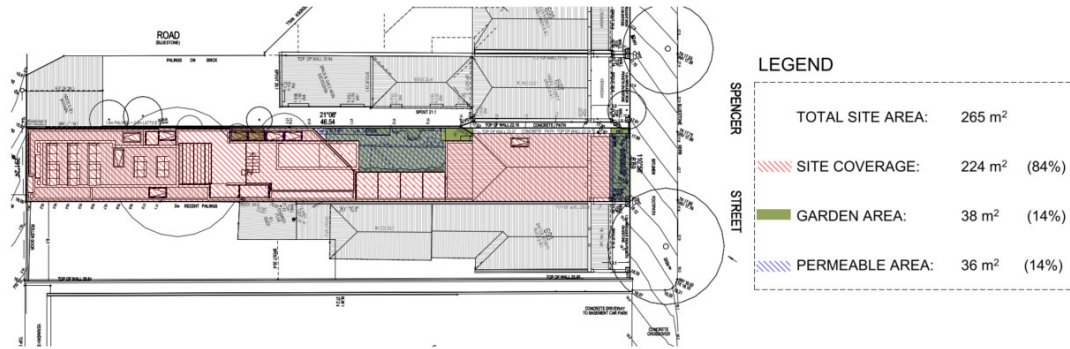
An assessment against Clause 54 of the Melbourne Planning is attached to this report.

The following variations are sought from Clause 54:

<b>Table 2: Clause 54 Variations</b>			
<b>Standard</b>	<b>Objective</b>	<b>Requirement</b>	<b>Variation</b>
A5	Site Coverage	60%	84%
A6	Permeability	20%	13%
A10	Side and Rear Setbacks	2.85 m to 6.2 m	0.96 m to 1.1 m
A11	Walls on Boundary	Length: 19.145 m Height: 3.2 to 3.6 m	Length: 46.58 m Height: 7.08 to 7.53 m
A12	Daylight to existing windows	3.72 min setback	1.65 m minimum
A13	Overshadowing	No additional overshadowing of adjoining properties	Additional overshadowing of adjoining properties.
A16	Daylight to new windows	1 m x 3 m (3 m <sup>2</sup> ) lightcourt	1.3 m by 1.4 m (1.82m <sup>2</sup> ) lightcourt

### 12.4.2 Site Coverage

Variation is sought from Standard A5 (Site Coverage) of Clause 54. The existing site coverage is 58 per cent. A proposed site coverage of 84 per cent is proposed in lieu of 60 per cent (see Figure 14).



**Figure 13: Site Coverage (Source: Chahid Kairouz Architects Pty Ltd)**

Variation from the standard is considered to meet the objective of 'To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.' as:

- The level of site coverage on surrounding properties varies with larger sites having 100 per cent coverage and terraces with small courtyards, small front gardens and outbuildings adjoining the rear lane (see Figure 14 showing aerial image).
- The proposal has been designed to include a courtyard on the ground floor providing open space and separation from the sensitive interface to the west. This reduces the visual bulk of the addition when viewed from interfacing habitable room windows.
- The prevailing bulk of the addition is to the rear of the building away from the sensitive heritage interface.
- The proposal has been designed to respond to the site constraints and mixed context.





Figure 14: Aerial Photograph (Source: Aerometrex)

### 12.4.3 Permeability

Variation is sought from Standard A6 (Permeability) with a 13 per cent permeability in lieu of 20 per cent.

The proposal is considered to meet the objective of 'To reduce the impact of increased stormwater run-off on the drainage system and to facilitate on-site stormwater infiltration' and a variation acceptable because:

- The proposal includes onsite water capture with the inclusion of a water tank.
- Achieving the standard on lots of less than 300 square metres is impractical.
- As previously discussed, the surrounding area has a high level of site coverage.
- A condition of the permit should be included to require the paving surface of the courtyard to be permeable and the inclusion of at least one deep planting zone for the potential of one canopy tree.

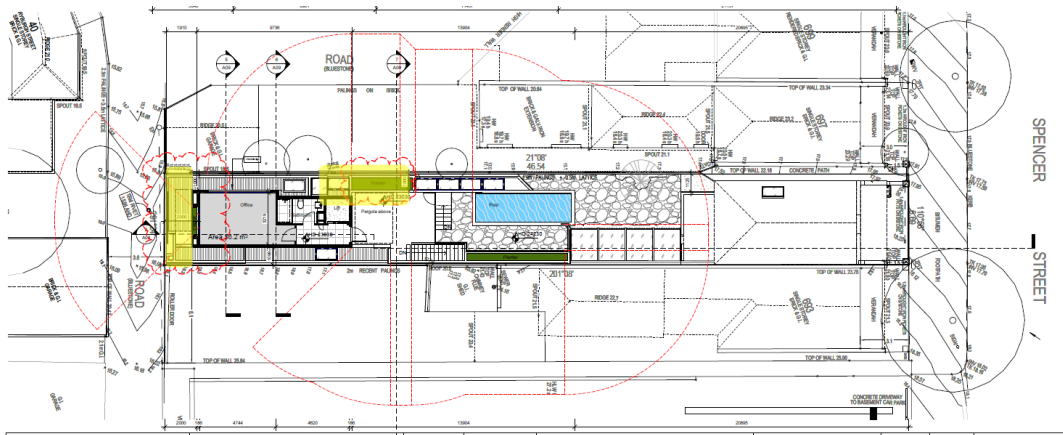
#### 12.4.4 Side and Rear Setbacks

Variation is sought from Standard A10 (Side and Rear Setbacks) of Clause 54 from the boundary. The proposed addition walls are proposed to be setback with:

- West boundary (side): 1 metre in lieu of 3.2 metres to 5.2 metres
- East Boundary (side) 1.1 metres in lieu 2.85 metres to 6.1 metres
- South (rear) 0.96 metres in lieu of 3.45 metres to 6.2 metres.

Variation from the standard is considered to meet the objective of *'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'* because:

- The narrow lot width of 5.69 metres makes achieving the standard impractical.
- The addition cuts away from habitable room windows to the west.
- The proposal allows for development opportunities of the adjoining lots.
- The second floor is setback from the side and rear to reduce the visual bulk of the addition.
- A condition on the permit is recommended to increase the rear setback of the second floor by 2 metres and for the roof terrace to be setback 1 metre from the western boundary. See Figures 15 to 17.



**Figure 15: Second Floor Plan with recommended setbacks (Source: Chahid Kairouz Architects Pty Ltd)**

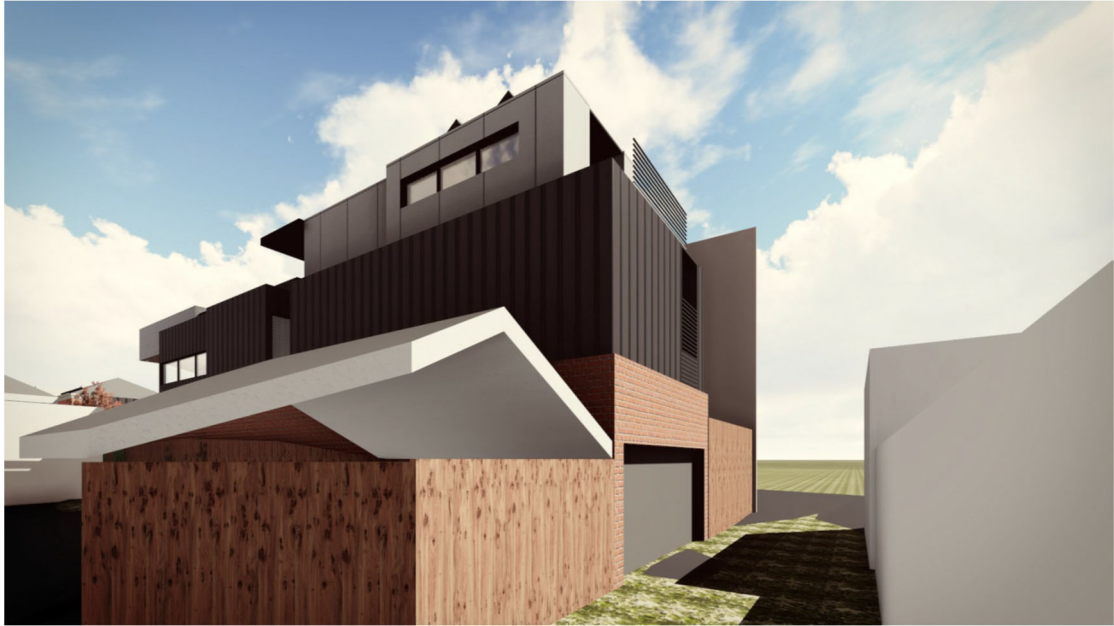


Figure 16: Perspectives (Source: Chahid Kairouz Architects Pty Ltd)



Figure 17: Perspectives (Source: Chahid Kairouz Architects Pty Ltd)

### 12.4.5 Walls on Boundary

Variation from Standard A11 (Walls on boundary) of Clause 54 with the following variations:

<b>Table 3: Standard A11 (Walls on boundary) Variations</b>		
<b>West (side)</b>	<b>East (side)</b>	<b>South (rear)</b>
<b>Length</b> Required: 18.135 m Proposed: 14.86 m	<b>Length</b> Required: 19.145 m Proposed: 46.58 m	<b>Length</b> Required: 5.96 m Proposed: 5.96 m
<b>Height</b> Average: 6.44 m Max: 7.23 m	<b>Height</b> Average: 5.17 m Max: 7.21 m	<b>Height</b> Average: 7.08 m Max: 7.53 m

The proposal is considered to meet the objective of *'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'* because:

- The length of the proposed eastern boundary wall is predominantly at ground level.
- The maximum height of the boundary walls are lower than the existing boundary wall of 685 Spencer Street.
- The wall abuts an existing boundary wall to the south.
- The second floor of the addition is setback from the boundaries.
- The additional shadowing from the boundary walls in this Mixed Use Zone context is offset by providing development opportunities on adjoining properties.

### 12.4.6 Daylight to existing windows

Variation is sought from Standard A12 with a minimum setback of 1.65 metres from existing habitable room windows in lieu 3.72 metres.

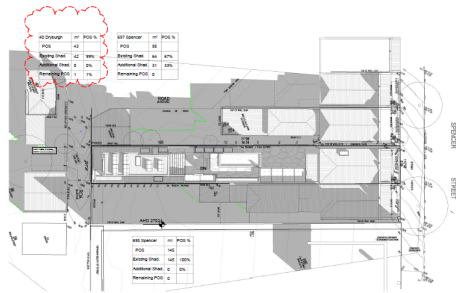
The proposal is considered to meet the objective of *'To allow adequate daylight into existing habitable room windows'* because:

- The proposal has been designed to cut away from the existing habitable room windows on the adjoining property to the west at 697 Spencer Street with the proposed court-yard interfacing with the existing windows.
- Reasonable daylight access to the affected windows would continue to be provided.

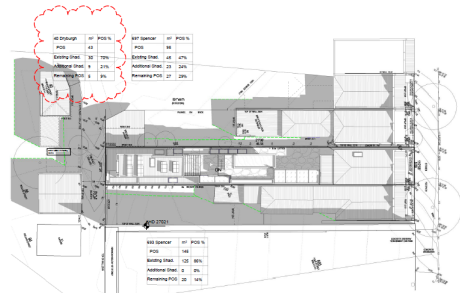
### 12.4.7 Overshadowing

Variation is sought from Standard A14 (Overshadowing of Open Space). The following additional overshadowing is proposed to the existing secluded open space on the surrounding properties provided the recommended conditions increasing the second floor setback is imposed:

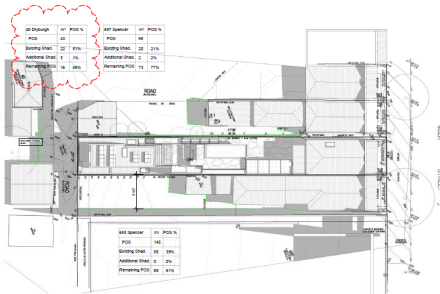
Table 4: Existing and Proposed Overshadowing			
Hour	697 Spencer Street 95 m <sup>2</sup>	693 Spencer Street 145 m <sup>2</sup>	40 Dryburgh Street 43 m <sup>2</sup>
9am	Existing: 64 m <sup>2</sup> 67% Additional: 31 m <sup>2</sup> 33%	No change	No change
10am	Existing: 45 m <sup>2</sup> 47% Additional: 23 m <sup>2</sup> 24%	No change	Existing: 30 m <sup>2</sup> 70% Additional: 9 m <sup>2</sup> 21%
11am	Existing: 20 m <sup>2</sup> 21% Additional: 2 m <sup>2</sup> 2%	No change	Existing: 22 m <sup>2</sup> 51% Additional: 5 m <sup>2</sup> 1%
Midday	No change	Existing: 47 m <sup>2</sup> 32% Additional: 6 m <sup>2</sup> 0.5%	No change
1pm	No change	Existing: 74 m <sup>2</sup> 51% Additional: 27 m <sup>2</sup> 19%	No change
2pm	No change	Existing: 91 m <sup>2</sup> 63% Additional: 54 m <sup>2</sup> 37%	No change
3pm	No change	Existing: 119 m <sup>2</sup> 82% Additional: 26 m <sup>2</sup> 18%	No change



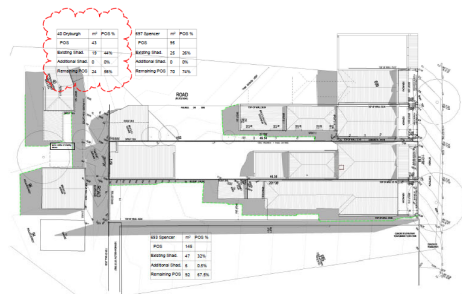
SHADOWS - 21 SEPTEMBER - 9AM  
1:200



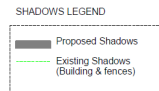
SHADOWS - 21 SEPTEMBER - 10AM  
1:200



SHADOWS - 21 SEPTEMBER - 11AM  
1:200



SHADOWS - 21 SEPTEMBER - 12NOON  
1:200



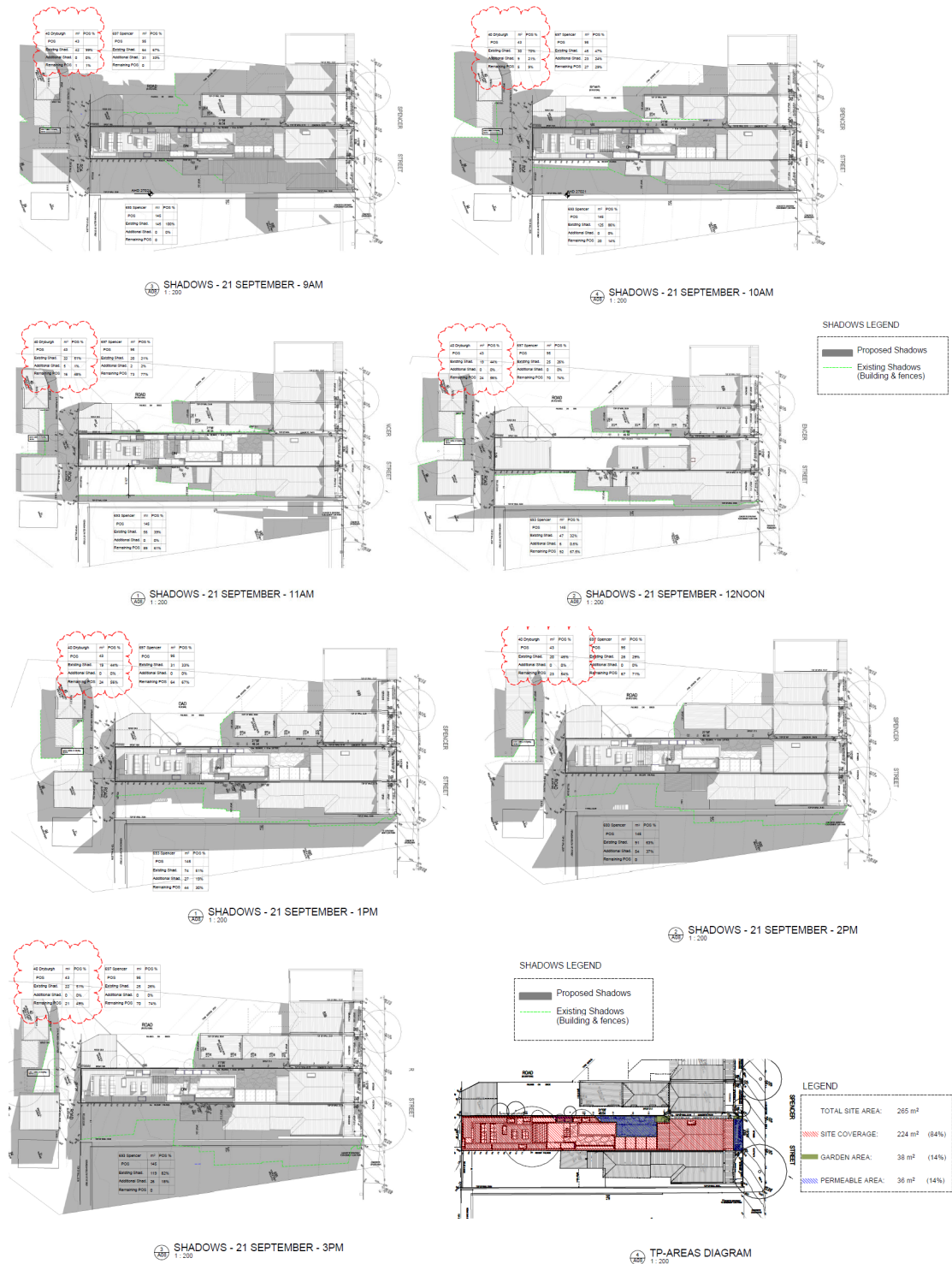


Figure 18: 22 September Shadow Diagrams (Source: C.Kairouz Architects)

The proposal is considered to meet the objective of ‘To ensure buildings do not unreasonably overshadow existing secluded private open space’ because:

- There is either no or limited overshadowing at midday when the sun is at its highest position in the sky.
- The additional overshadowing that impacts 40 Dryburgh Street is relatively minor.

- Where the two adjoining properties are impacted, although the degree of overshadowing is significant, this is offset by providing development opportunities within a Mixed Use Zone context.
- The existing secluded open spaces are located on narrow and small lots to dwellings and receive limited direct sunlight in this inner-city context.

**12.4.8 Overlooking**

The application has demonstrated technical compliance with the overlooking standards. However, it is considered that the extent of overlooking should be further limited by:

- The roof terrace being setback a minimum of 1 metre from the west boundary.
- Screening to the first-floor windows on the southern elevation extended to a minimum of 1.7 metres from the finish floor level.

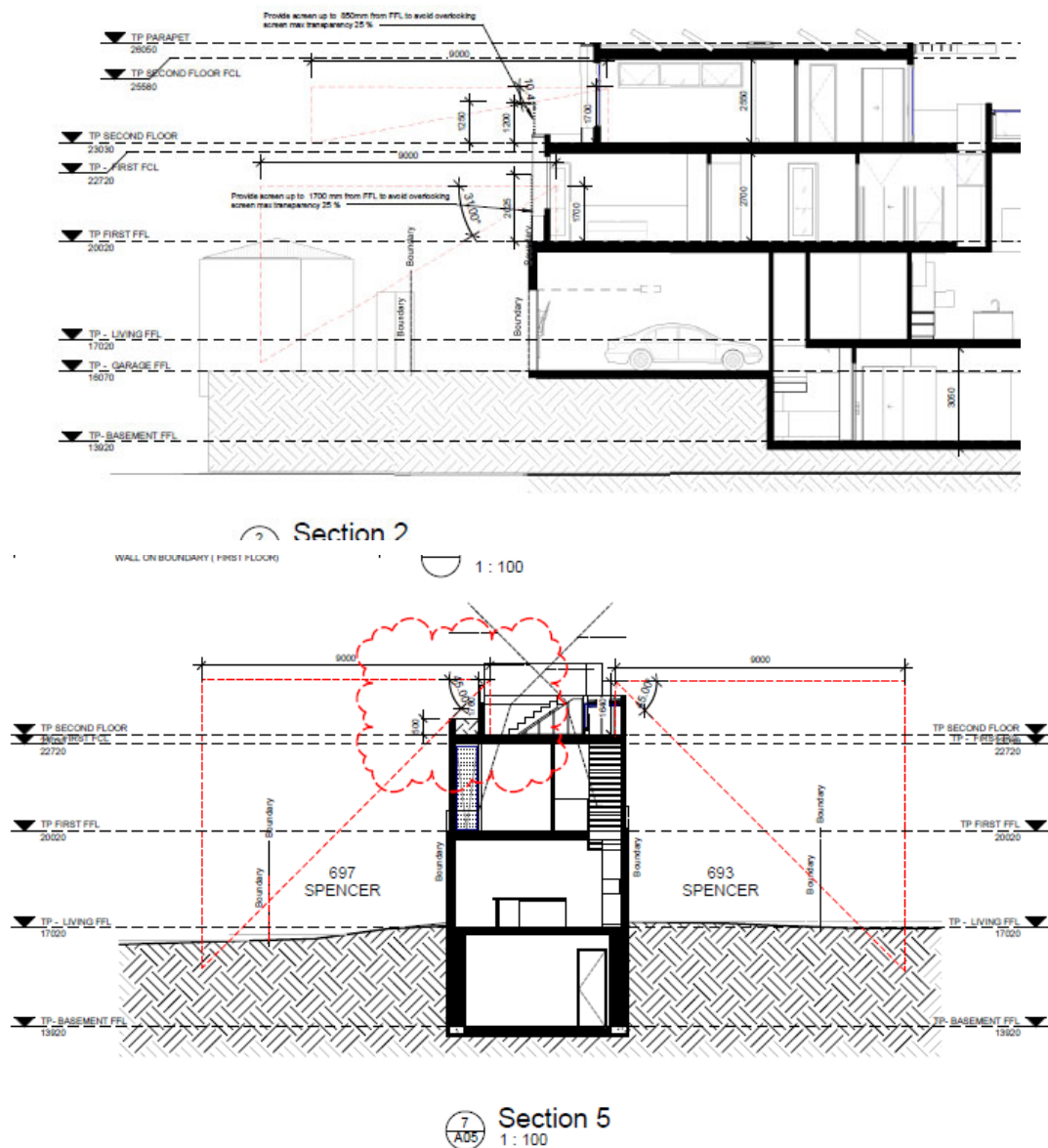


Figure 19: Section Diagram showing recommended screening and setbacks (Source: C.Kairouz Architects)

### 12.4.9 Daylight to new windows

Variation is sought from Standard A16 (Daylight to new windows) of Clause 54 with a 1.35 metre by 1.36 metre (1.83 square metres) light court proposed on the first floor. This light court is proposed for a bedroom on the first floor. It is recommended that a condition should require a second window on the northern return wall to provide additional daylight access. Subject to the inclusion of this change, the proposal is considered to meet the objective of 'To allow adequate daylight into new habitable room windows'.

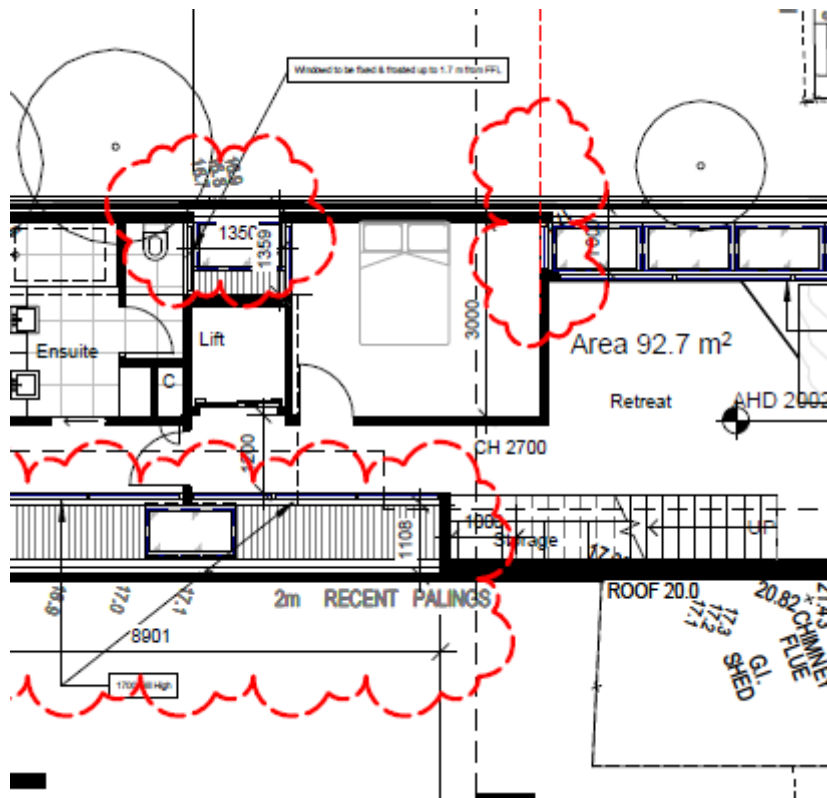


Figure 20 First floor plan showing light courts highlighted with a recommended window to the return wall. (Source: C.Kairouz Architects)

### 12.5 ESD Matters

It should also be noted that the proposal includes a water tank, solar panels and planting zones on ground and upper levels. The proposal complies with the relevant ESD and WSUD requirements of Clauses 22.19, 22.23 and 53.18 of the Melbourne Planning Scheme.

### 12.6 Conclusion

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant a Permit be issued for the proposal subject to the following conditions.

## 13 RECOMMENDATION

That a Planning Permit be issued subject to the following conditions:



### **Endorsed Plans**

1. Prior to the commencement of the development on the land, plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans prepared by Chahid Kairouz Architects dated 25 October 2021 but amended to show:
  - a. At the south elevation of the retained front wing, retain the double hung window and surrounding wall and adjust the form of Bedroom 2, to include the retained elements.
  - b. A minimum 3,000 Litre rainwater tank and any other changes required by the endorsed Water Sensitive Urban Design (WSUD) Response.
  - c. Permeable surfaces to the courtyard.
  - d. Inclusion of at least one deep planting zone showing the potential to accommodate at least one canopy tree.
  - e. The second floor setback a minimum of 2 metres from the rear boundary.
  - f. The roof terrace setback a minimum of 1 metre from the west boundary.
  - g. Screening to the first floor windows on the southern elevation in extended to a minimum of 1.7 metres from the finish floor level.
  - h. A second window to the first floor bedroom on the northern return wall.
  - i. The colour elevations to show all external building materials.
  - j. Labelling on the elevation corrected.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

### **Compliance with the endorsed plans**

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

### **Features above roof level**

3. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.

### **Water Sensitive Urban Design**

4. Prior to the commencement of the development (excluding demolition), a Water Sensitive Urban Design (WSUD) Response including a STORM Report achieving a minimum 100 per cent score shall be prepared and submitted to the satisfaction of the Responsible Authority. The WSUD Response must address, as appropriate, the requirements set out in Clause 22.23-4 and Clause 53.18 of the Melbourne Planning Scheme to the satisfaction of the Responsible Authority.

The performance outcomes specified in the WSUD Response for the development must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority.

### **Noise**

5. Noise levels emanating from the premises must not exceed noise levels as determined by the EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4, or result in unreasonable and aggravated noise as defined by Part 5.3 of

the *Environment Protection Regulation 2021*, or other equivalent policy to the satisfaction of the Responsible Authority.

### **Works abutting Council Lanes**

6. The title boundaries for the property may not exactly agree with the road alignments of the abutting Council lanes. The approved works must not result in structures that encroach onto any Council lane.

### **Civil Design**

7. Prior to the commencement of the development, a stormwater drainage system incorporating integrated water management design principles must be submitted to, and approved, by the Responsible Authority – Infrastructure and Assets. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's stormwater drainage system.
8. All portions of roads and laneways affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.

### **Expiry**

9. This permit will expire if one of the following circumstances applies:
  - a. The development is not started within three years of the date of this permit.
  - b. The development is not completed within five years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

### **Notes**

1. This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.
2. The applicant / owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant / owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.
3. This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
4. All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – Infrastructure and Assets.

**TP-2021-141**

**695 Spencer Street West Melbourne**

**CLAUSE 54 – ONE DWELLING ON A LOT**

**Purpose**

*To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

*To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*

*To encourage residential development that provides reasonable standards of amenity for existing and new residents.*

*To encourage residential development that is responsive to the site and the neighbourhood.*

**Requirement:**

A development:

- **Must meet all of the Objectives of this clause that apply to the application**
- **Should meet all of the Standards of this Clause that apply to the application**

If a zone or a schedule to a zone specifies a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies.

If the land is included in a Neighbourhood Character Overlay and a schedule to the overlay specifies a requirement of a standard different from a requirement set out in this clause or a requirement in the zone or a schedule to the zone, the requirement in the schedule to the overlay applies.

If the land is included in an overlay, other than a Neighbourhood Character Overlay, and a schedule to the overlay specifies a requirement different from a requirement of a standard set out in this clause or a requirement of a standard set out in the zone or a schedule to the zone, the requirement in the overlay applies.

## **54.02 – NEIGHBOURHOOD CHARACTER**

### **54.02-1 – NEIGHBOURHOOD CHARACTER OBJECTIVE**

*To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*

*To ensure that the design responds to the features of the site and the surrounding area*

<b>Standard A1</b>	<p>The design response must be appropriate to the neighbourhood and the site.</p> <p>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>
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<b>Assessment</b>	<p><b>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></b></p> <p>The proposal has been sensitively designed to respond to the features and constraints of the site without unreasonably impacting on the amenity and character of the surroundings area.</p>
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### **54.02-2 – INTEGRATION WITH THE STREET OBJECTIVE**

*To integrate the layout of development with the street.*

<b>Standard A2</b>	<p>Dwellings should be oriented to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Dwellings should be designed to promote the observation of abutting streets and any abutting public open spaces.</p>
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<b>Assessment</b>	<p><b>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></b></p> <p><i>The proposal continues to be oriented towards Victoria Street.</i></p>
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## **54.03 – SITE LAYOUT AND BUILDING MASSING**

### **54.03-1 – STREET SETBACK OBJECTIVE**

*To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.*

<b>Standard A3</b>	<p>Walls of buildings should be set back from streets:</p> <ul 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, the distance specified in Table A1.</li> </ul> <p>Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</p>		
	<b>Table A1 Street setback</b>		
	<b>Development context</b>	<b>Minimum setback from front street (metres)</b>	<b>Minimum setback from side street (metres)</b>
	There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.	Not applicable

	There is an existing building on one abutting allotment facing the same street and no existing building on the other abutting allotment facing the same street, and the site is not on a corner.	The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.	
Assessment	<b>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></b>		
	<i>Not applicable. No change from existing conditions.</i>		
<b>54.03-2 – BUILDING HEIGHT OBJECTIVE</b>			
<i>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</i>			
Standard A4	<p>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.</p> <p>If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</p> <p>Changes of building height between existing buildings and new buildings should be graduated.</p>		
Assessment	<b>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></b>		
	<b>Variation from Standard and meets the Objective: <input type="checkbox"/></b> <b>Variation from Standard and fails to meet the Objective: <input type="checkbox"/></b>		
<i>Allowable maximum of 14 m under DDO32</i>			
<i>Proposed maximum height of 10.123 metres from natural ground level.</i>			
<b>54.03-3 – SITE COVERAGE OBJECTIVE</b>			
<i>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</i>			
Standard A5	<p>The site area covered by buildings should not exceed:</p> <ul style="list-style-type: none"> <li>• The maximum site coverage specified in a schedule to the zone, or</li> <li>• If no maximum site coverage is specified in a schedule to the zone, 60 per cent.</li> </ul>		
Assessment	<b>Variation from Standard and meets the Objective: <input checked="" type="checkbox"/></b>		
	<i>Existing: 58%</i> <i>Proposed 84%:</i>		
<b>54.03-4 – PERMEABILITY OBJECTIVE</b>			
<i>To reduce the impact of increased stormwater run-off on the drainage system.</i>			
<i>To facilitate on-site stormwater infiltration.</i>			

<b>Standard A6</b>	<p>The site area covered by pervious surfaces should be at least:</p> <ul style="list-style-type: none"> <li>• The minimum area specified in a schedule to the zone, or</li> <li>• If no minimum is specified in a schedule to the zone, 20 per cent of the site.</li> </ul>
<b>Assessment</b>	<p><b>Variation from Standard and meets the Objective: <input checked="" type="checkbox"/></b></p> <p><i>Proposed: 13%</i></p>
<p><b>13.1 54.03-5 – ENERGY EFFICIENCY OBJECTIVE</b>  <i>To achieve and protect energy efficient dwellings.</i>  <i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</i></p>	
<b>Standard A7</b>	<p>Buildings should be:</p> <ul style="list-style-type: none"> <li>• Oriented to make appropriate use of solar energy.</li> <li>• Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> </ul> <p>Living areas and private open space should be located on the north side of the dwelling, if practicable.</p> <p>Dwellings should be designed so that solar access to north-facing windows is maximised.</p>
<b>Assessment</b>	<p><b>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></b></p> <p><i>The proposal has been designed to maximise solar efficiency with the inclusion of a skylight.</i></p>
<p><b>13.2 54.03-6 – SIGNIFICANT TREES OBJECTIVE</b>  <i>To encourage development that respects the landscape character of the neighbourhood.</i>  <i>To encourage the retention of significant trees on the site.</i></p>	
<b>Standard A8</b>	<p>Development should provide for the retention or planting of trees, where these are part of the neighbourhood character.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</p>
<b>Assessment</b>	<p><b>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></b></p> <p><i>Not applicable.</i>  <i>Whilst any existing large tree is located in the rear courtyard, The site is not located in close proximity to any existing registered exceptional trees.</i></p>
<p><b>14 <a href="#">54.04 – AMENITY IMPACTS</a></b></p>	
<p><b>14.1 54.04-1 – SIDE AND REAR SETBACKS OBJECTIVE</b>  <i>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.</i></p>	
<b>Standard A10</b>	<p>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul 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> </ul>

	<p>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.</p> <p>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.</p>		
<b>Assessment</b>	<b>Complies with Standard and meets the Objective:</b> <input type="checkbox"/> <b>Variation from Standard and meets the Objective:</b> <input checked="" type="checkbox"/>		
	West (side) Required: 3.2m – 5.2 Proposed: 1m	East (side) Required: 2.85m– 6.1m Proposed: 1.1m	South (rear) Required: 3.45– 6.2m Proposed: 0.96m
<b>14.2 54.04-2 – WALLS ON BOUNDARIES OBJECTIVE</b> <i>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.</i>			
<b>Standard A11</b>	<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 a 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:           <ul 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.</li> </ul> </li> </ul> <p style="padding-left: 40px;">whichever is the greater</p> <p>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 being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>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>		
<b>Assessment</b>	<b>Variation from Standard and meets the Objective:</b> <input checked="" type="checkbox"/>		
	West (side) <b>Length</b> Required: 18.135m Proposed: 14.86m <b>Height</b> Average: 6.44m Max: 7.23m	East (side) <b>Length</b> Required: 19.145m Proposed: 46.58m <b>Height</b> Average: 5.17 m Max: 7.21m	South (rear) <b>Length</b> Required: 5.96m Proposed: 5.96m <b>Height</b> Average: 7.08 Max: 7.53m
<b>14.3 54.04-3 – DAYLIGHT TO EXISTING WINDOWS OBJECTIVE</b> <i>To allow adequate daylight into existing habitable room windows.</i>			
<b>Standard A12</b>	<p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>		

Assessment	<b>Variation from Standard and meets the Objective: <input checked="" type="checkbox"/></b>
	<i>Required: 3.72m Proposed: 1.65m minimum.</i>
<b>14.4 54.04-4 – NORTH-FACING WINDOWS OBJECTIVE</b> <i>To allow adequate solar access to existing north-facing habitable room windows.</i>	
Standard A13	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 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. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.
Assessment	<b>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></b>
	<i>No existing north-facing windows impacted.</i>
<b>14.5 54.04-5 – OVERSHADOWING OPEN SPACE OBJECTIVE</b> <i>To ensure buildings do not unreasonably overshadow existing secluded private open space.</i>	
Standard A14	Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.  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.
Assessment	<b>Variation from Standard and meets the Objective: <input checked="" type="checkbox"/></b>
	<i>Additional overshadowing to the secluded private open space of 693 and 697 Spencer Street and 40 Dryburgh Street.</i>
<b>14.6 54.04-6 – OVERLOOKING OBJECTIVE</b> <i>To limit views into existing secluded private open space and habitable room windows.</i>	
Standard A15	A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.  A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either: <ul style="list-style-type: none"> <li>• Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.</li> <li>• Have sill heights of at least 1.7 metres above floor level.</li> <li>• Have fixed, obscure glazing in any part of the window below 1.7 metres above floor level.</li> <li>• Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</li> </ul> Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard. Screens used to obscure a view should be: <ul style="list-style-type: none"> <li>• Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</li> <li>• Permanent, fixed and durable.</li> </ul>



	<ul style="list-style-type: none"> <li>Designed and coloured to blend in with the development.</li> </ul> <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>
<b>Assessment</b>	<b>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></b>
	<i>The proposal complies with the technical requirements of the overlooking standard in preventing unreasonable overlooking.</i>
<b>15</b>	<b><u>54.05 – ON-SITE AMENITY AND FACILITIES</u></b>
<b>15.1</b>	<b>54.05-1 – DAYLIGHT TO NEW WINDOWS OBJECTIVE</b> <i>To allow adequate daylight into new habitable room windows.</i>
<b>Standard A16</b>	<p>A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> <li>An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</li> <li>A verandah provided it is open for at least one third of its perimeter, or</li> <li>A carport provided it has two or more open sides and is open for at least one third of its perimeter.</li> </ul>
<b>Assessment</b>	<b>Variation from Standard and meets the Objective: <input checked="" type="checkbox"/></b>
	<i>A proposed light-court to the first floor bedroom has a dimensions of 1.3 m by 1.4 m (1.82 m<sup>2</sup>). However, a condition of permit should be included to add a second window to this room which would result in compliance with the standard.</i>
<b>15.2</b>	<b>54.05-2 – PRIVATE OPEN SPACE OBJECTIVE</b> <i>To provide adequate private open space for the reasonable recreation and service needs of residents.</i>
<b>Standard A17</b>	<p>A dwelling should have private open space of an area and dimensions specified in a schedule to the zone.</p> <p>If no area or dimensions is specified in a schedule to the zone, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.</p>
<b>Assessment</b>	<b>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></b>
	<p><i>Porch and front garden 14 m<sup>2</sup></i></p> <p><i>Courtyard: 31 m<sup>2</sup></i></p> <p><i>Roof terrace and pool: 60.4 m<sup>2</sup></i></p>
<b>15.3</b>	<b>54.05-3 – SOLAR ACCESS TO OPEN SPACE OBJECTIVE</b> <i>To allow solar access into the secluded private open space of a new dwelling.</i>

<b>Standard A18</b>	<p>The private open space should be located on the north side of the dwelling, if appropriate.</p> <p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least <math>(2 + 0.9h)</math> metres, where 'h' is the height of the wall.</p>				
<b>Assessment</b>	<p><b>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></b></p> <p>Required: 6.03 m Proposed: 6.9 m</p>				
<b>16</b>	<b><u><a href="#">54.06 – DETAILED DESIGN</a></u></b>				
<b>16.1</b>	<b>54.06-1 – DESIGN DETAIL OBJECTIVE</b>				
<i>To encourage design detail that respects the existing or preferred neighbourhood character.</i>					
<b>Standard A19</b>	<p>The design of buildings, including:</p> <ul style="list-style-type: none"> <li>• Façade articulation and detailing,</li> <li>• Window and door proportions,</li> <li>• Roof form, and</li> <li>• Verandahs, eaves and parapets,</li> </ul> <p>Should respect the existing or preferred neighbourhood character.</p> <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>				
<b>Assessment</b>	<p><b>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></b></p> <p><i>The design details provide for an appropriate response to the character of the site and area.</i></p>				
<b>16.2</b>	<b>54.06-2 – FRONT FENCES OBJECTIVE</b>				
<i>To encourage front fence design that respects the existing or preferred neighbourhood character.</i>					
<b>Standard A20</b>	<p>The design of front fences should complement the design of the dwelling and any front fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> <li>• The maximum height specified in a schedule to the zone, or</li> <li>• If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2.</li> </ul> <p><b>Table A2 Maximum front fence height</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Street Context</th> <th style="text-align: left;">Maximum front fence height</th> </tr> </thead> <tbody> <tr> <td style="text-align: left;">Other streets</td> <td style="text-align: left;">1.5 metres</td> </tr> </tbody> </table>	Street Context	Maximum front fence height	Other streets	1.5 metres
Street Context	Maximum front fence height				
Other streets	1.5 metres				
<b>Assessment</b>	<p><b>Complies with Standard and meets the Objective: <input checked="" type="checkbox"/></b></p> <p><i>Not applicable, existing front fence retained.</i></p>				