

APPENDIX 1: ASSESSMENT AGAINST CLAUSE 54 OF THE PORT PHILLIP PLANNING SCHEME

Neighbourhood Character

Clause 54.02

Title & Objective & Standard	Compliance
<p>A1 Neighbourhood Character Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Design responds to features of the site and surrounding area.</p> <ol style="list-style-type: none"> 1. Appropriate design response to the neighbourhood and site. 2. Design respects the existing or preferred neighbourhood character & responds to site features. 	<p>Complies</p> <p>Comments:</p> <p>The design respects the character of the area.</p> <p>See sections 11.1, 11.2 and 11.3 of this report.</p>
<p>A2 Integration with Street Integrate the layout of development with the street.</p> <ol style="list-style-type: none"> 1. Dwelling oriented to front of the street. 2. High fences avoided where practicable. 3. Dwellings designed to promote the observation of abutting streets / public open spaces. 	<p>Complies</p> <p>Comments:</p> <p>The dwelling would be orientated to face Patterson Place. The first floor windows and terrace would allow for observation of the street.</p>

Site Layout and Building Massing

Clause 54.03

Title & Objective & Standard	Compliance
<p>A3 Street Setback Setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p> <ol style="list-style-type: none"> 1. Walls of buildings should be setback from streets at least the distance specified in the schedule to the zone or <ul style="list-style-type: none"> ▪ If no distance is specified as outlined below. ▪ Existing building on both the abutting allotments facing the same street & site is not on a corner. 	<p>Variation acceptable</p> <p>Comments:</p> <p>There is only one dwelling on the adjoining lots that face Patterson Place. The setback of the dwelling No. 399 Coventry Street is 1.5 m. It is noted that the dwelling has a verandah built to the frontage. The adjoining lot (rear of 393</p>

<p>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 & site is not on a corner.</p> <p>Min front setback = same setback of front wall of existing building or 9m, whichever is the lesser.</p> <p>1. There is no existing building on either of the abutting allotments facing the same street & site is not on a corner</p> <p>Min front setback = 6m in RDZ1 & 4m for other streets.</p> <p>2. The site is on a corner</p> <ul style="list-style-type: none"> ■ If there is a building on the abutting allotment facing the front street <p>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.</p> <ul style="list-style-type: none"> ■ If there is no building on the abutting allotment facing the front street, 6m from street in RDZ1 and 4m for other streets <p>Min setback from side street = same setback of existing building or 2m, whichever is the lesser.</p>	<p>Coventry Street has a high level masonry wall along its rear boundary, facing Patterson Place.</p> <p>Therefore, under this Standard the proposed front setback should be 1.5. In this case the proposed dwelling seeks to vary this requirement and have a zero front setback.</p> <p>In considering the streetscape, this is considered to be acceptable. It is noted that the four storey apartment building on the corner of Patterson Place and Montague Street is built to the Patterson Place frontage with balconies overhanging the footpath. It is also noted that there are high level masonry walls and timber fences to the east of the subject site and No. 2 Patterson Place has a zero front setback. Within this context the proposed zero front setback would be acceptable.</p>
<p>A4 Building Height 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. 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>Complies</p> <p>Comments:</p> <p>The proposed additions would have an overall building height of 8.41 m above NGL which is below the maximum permissible.</p>
<p>A5</p>	<p>Variation acceptable</p> <p>Comments:</p>

<p>Site Coverage</p> <p>Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p> <p>1. Buildings should not exceed 60% of the site covered, unless otherwise specified in a schedule to the zone.</p>	<p>The proposal would result in a site coverage of 88.79 % of the site and as such would exceed the requirement of the standard.</p> <p>It is noted that that the site is small, being only 120 sqm and that compliance with the Standard would allow for only 72 sqm of the site to be developed. In this case the variation is considered to be acceptable as the site is small and many of the surrounding site feature high levels of site coverage.</p>
<p>A6</p> <p>Permeability</p> <p>Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p> <p>1. Site should not be covered by any more than 20% of impervious surface.</p>	<p>Variation acceptable</p> <p>Comments:</p> <p>The development would result in 11.33% of the site being covered in permeable surfaces, which is less than the requirement of this Standard.</p> <p>In this instance the variation is considered to be acceptable. The site is very small, being only 120 sqm, and as a result would generally result in a lower level of site permeability.</p> <p>It is also noted that the proposal would include a 2100 litre water tank to assist in reducing stormwater discharge from the site and thus reduce the impact from the lower level of site permeability.</p>
<p>A7</p>	<p>Complies</p>

<p>Energy Efficiency Protection</p> <p>Achieve and protect energy efficient dwellings. Ensure the development's orientation and layout reduce fossil fuel energy use and makes appropriate use of daylight and solar energy.</p> <ol style="list-style-type: none"> 1. Orientation of buildings should make appropriate use of solar energy. 2. If practicable the living areas and private open space are to be located on the north side. 3. Solar access for north-facing windows should be maximised. 4. Siting and design of buildings should not reduce the energy efficiency of adjoining buildings. 5. Sited and designed to ensure that the performance of existing roof top solar energy facilities on dwellings on adjoining lots are not unreasonably reduced. 	<p>Comments:</p> <p>The first floor living areas would have windows along the norther elevation in accordance with the requirements of this Standard.</p> <p>The principle secluded private open space would also receive good northern access.</p> <p>The proposed dwelling would not reduce the energy efficiency of the adjoining buildings.</p> <p>There are no solar energy facilities on the adjoining lots.</p>
<p>A8 Significant Trees</p> <p>Development respects the landscape character of the neighbourhood and retains significant trees on site.</p> <ol style="list-style-type: none"> 1. Provide for the retention or planting of trees, where these are part of the neighbourhood character. 2. Replace significant trees removed in 12 months prior to application. 	<p>Not Applicable</p> <p>Comments:</p> <p>The proposal would not include the removal of any significant trees.</p>

Amenity Impacts

Clause 54.04

Title & Objective & Standard	Compliance
<p>A10 Side and Rear Setbacks</p> <p>To ensure that the height and setback of a building from a boundary respects the existing or preferred</p>	<p>Variation acceptable</p> <p><u>North Elevation (rear) – Variation acceptable</u></p>

neighbourhood character and limits the impact on the amenity of existing dwellings.

A new building not on or within 200 mm of a boundary should be set back from side or rear boundaries:

1. At least the distance specified in a schedule to the zone, or
2. 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.
3. 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.

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.

Proposed height = 7.43 m (top of wall) and 8.41 m (top of roof level balustrade).

Proposed setback = 1.34 m (wall) and 2.88 m (Balustrade)

Required setback = 2.15 m (wall) and 3.50 m (Balustrade)

The reduction is the setback requirement is considered to be acceptable.

There are two properties which abut the northern boundary. No. 399 Coventry Street is not a residential property, but a Heritage Victoria site and contains a number of prefabricated portable iron houses. The majority of the proposed first floor would be adjacent to this site.

The other property that abuts the northern boundary is No. 395 Coventry Street. It is noted that the proposed first floor would only be partially be adjacent to the secluded private open space of No. 395 Coventry Street. Given that the first floor would only be partially opposite the secluded private open space of No. 395 Coventry Street, there would still be views and outlook to the south east of the site. In considering the reduction in the setback requirement to the balustrade it is noted that this would only be opposite the prefabricated portable iron house and not an area of secluded private open space or a habitable room. Therefore, the variation to the setback requirement of the balustrade is also considered to be acceptable.

East Elevation (side) -
Variation acceptable

Proposed height = 7.43 m (top of wall) and 8.41 m (top of roof level balustrade).

Proposed setback = 1.85 m (wall) and 3.50 m (Balustrade)

Required setback = 2.15 m (wall) and 3.50 m (Balustrade)

The proposal seeks a variation of 0.3 m to the eastern boundary to the top of the first floor wall.

In this case the variation is supported, as the first floor would be opposite a large area of secluded private open space (80 sqm). It is also considered that the proposed setback of 1.850 m would reduce amenity impacts in terms of proximity of visual bulk, creating a sense of enclosure or loss of daylight. It is also noted that the proposed variation is minor, being only 0.3 m.

The proposal also requires a variation of 0.001 m from the roof level balustrade to the eastern boundary. It is noted that the majority of the variation would be opposite the brick garage and only part of the balustrade would be opposite the secluded private open space. Notwithstanding this, the required variation of 0.001 m would be imperceptible and would not result in loss of amenity through proximity of visual bulk, creating a sense of enclosure or loss of day light.

As such, the variation to the requirement of the Standard is considered to be acceptable.

	<p><u>West Elevation (side) – Variation acceptable</u></p> <p>Proposed height = 8.411 m (top of roof level balustrade).</p> <p>Proposed setback = 1.240 m (Balustrade)</p> <p>Required setback = 3.501 m (Balustrade)</p> <p>The proposal seeks a variation of 2.261 m to the western boundary to the top of the roof level balustrade. In this case the variation is acceptable as it would be opposite a portable prefabricated iron house and not a occupiable dwelling, area of secluded private open space or habitable room window.</p> <p>All other walls are located on the boundary. See below.</p>
<p>A11 Walls on Boundaries</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"> • For a length of more than the distance specified in a schedule to the zone; or • If no distance is specified in a schedule to the zone, for a length of more than: <ol style="list-style-type: none"> 1. 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or 2. Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or 	<p>Variation Acceptable.</p> <p><u>North Elevation - variation acceptable</u></p> <p>Length of wall proposed = 3.98 m</p> <p>Recommended maximum length of wall = 10.02 m</p> <p>Height of wall proposed = 3.6 m.</p> <p>The proposal seeks a variation to the height requirement of this Standard on the northern southern elevation.</p> <p>In this instance the variation would be acceptable, as it would be opposite a small area of land between the boundary</p>

<p>simultaneously constructed walls or carports, whichever is the greater.</p> <p>3. 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>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>Note: <i>A building on a boundary includes a building set back up to 200mm from a boundary.</i></p>	<p>fence and the shed to the rear of No. 399 Coventry Street. As such, there would be no significant loss of amenity from this variation.</p> <p><u>East Elevation - variation acceptable</u></p> <p>Length of wall proposed = 7.83 m</p> <p>Recommended maximum length of wall = 10.46 m</p> <p>Height of wall proposed = 4.027 m.</p> <p>The proposal seeks a variation to the height requirement of this Standard on the eastern elevation.</p> <p>The proposal seeks a variation of the height requirement of 0.827 m. The majority of the proposed wall on the eastern boundary would be opposite a 2.2 m wide area of open space between the boundary and the shed at No. 393 Coventry Street. It is noted that there would be a small section of wall (1.14 m long) that would be opposite the secluded private open space of No. 393 Coventry Street. Given that No. 393 Coventry Street has a large area of secluded private open space (over 80 sqm), it is not considered that the variation to the height requirement for a small section of wall would result in loss of amenity in terms of presentation of visual bulk, loss of day light or create a sense of enclosure. As such, the variation is considered to be acceptable.</p> <p><u>West Elevation - variation acceptable</u></p>
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	<p>Length of wall proposed = 11.85 m</p> <p>Recommended maximum length of wall = 10.46 m</p> <p>Height of wall proposed = 3.6 m increasing to 8.411 m.</p> <p>The proposal seeks a variation to both the length and height requirement of this Standard on the western elevation.</p> <p>The variation to both the height and length requirement of this Standard is considered to be acceptable.</p> <p>The proposed wall would be opposite a portable prefabricated iron house and open space. Given that the dwelling is non-habitable there would be no loss of amenity. It is also noted that Heritage Victoria has raised no objection to the proposal.</p> <p>Therefore, the variation is acceptable.</p>
<p>A12 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.</p> <ol style="list-style-type: none"> 1. Buildings opposite an existing habitable room window should provide a light court of at least 3 sqm and a minimum of 1m clear to the sky. (Calculation area may include abutting lot). 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>Refer to 54.04-3 for further clarification (a diagram is included).</p>	<p>Complies</p> <p>Comments:</p> <p>There are no windows facing the subject site.</p>
<p>A13</p>	<p>Complies</p>

<p>North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.</p> <p>1. Building should be setback 1m if an existing north-facing habitable room window is within 3m of the abutting lot boundary. (Add 0.6m to this setback for every metre of height over 3.6m and add 1m for every metre over 6.9m.) Refer to 54.04-4 for further clarification (a definition of a north facing window and a diagram is included).</p>	<p>Comments:</p> <p>There are no north facing windows within 3 m of the site boundary that would be impacted by the proposal.</p>
<p>A14 Overshadowing Open Space 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 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>Complies</p> <p>Comments:</p> <p>Given the site orientation the only properties that would receive any shadow would be 399 and 393 Coventry Street and 193 - 195 Montague Street.</p> <p>It is noted that No. 399 Coventry Street is not a habitable property and as such does not have secluded private open space.</p> <p>The overshadowing to 193 - 195 Montague Street is only for the first hour (9 am) and thereafter there is no further shadow.</p> <p>Whilst there would be some overshadowing to No. 393 Coventry Street, there would be at least 60 sqm of secluded private open space with no shadow as a result of the proposal between 9 am and 3 pm, in accordance with the Standard.</p> <p>The proposal complies with the requirements of this Standard.</p>
<p>A15 Overlooking Limit views into existing secluded private open space and habitable room windows.</p>	<p>Condition Required</p> <p>Comments:</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:
 - A minimum offset of 1.5m from the edge of the window to the edge of the other.
 - Sill heights of at least 1.7m above floor level.
 - Obscure glazing in any part of the window below 1.7m above floor level.
 - Permanently fixed external screens to at least 1.7m above floor level and be no more than 25% transparent.
2. Obscure glazing to 1.7m above floor level may be openable if there are no direct views as specified in this standard.
3. Screens to obscure view should be:
 - Perforated panels or trellis with solid translucent panels or a maximum 25% openings.
 - Permanent, fixed and durable.
 - Blended into the development.

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

Ground Floor Level

At ground floor level there would be a 2.9 m high fence between all habitable room windows and the adjoining properties. This would prevent overlooking and loss of privacy at ground floor level.

First Floor Level

At first floor level there would be habitable room windows along the northern and eastern elevation and a balcony along the eastern elevation within 9 m of the secluded private open space of the dwelling at No. 393 Coventry Street.

The proposal includes horizontal louvers fixed to the kitchen windows and balcony. However, the details provided do not confirm if downward views would be possible to the secluded private open space of No. 393 Coventry Street. If the remainder of the application is considered to be acceptable a condition would require further details of the screening showing that downward views would not be possible. **(Refer recommended condition 1b)**

Roof Level

At roof level would be a terrace which would be enclosed by a 1.0m high balustrade. The roof level terrace would be within 9 m of the secluded private open space of Nos. 393, 395 and 401 Coventry Street.

The application has not demonstrated that there would be no downward views into the adjoining secluded private open space of Nos. 393, 395 and 401

	Coventry Street. If the remainder of the application is considered to be acceptable a condition would require further details of the screening showing that downward views would not be possible. (Refer recommended condition 1b)
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On-Site Amenity and Facilities

Clause 54.05

Title & Objective & Standard	Compliance
<p>A16 Daylight to New Windows 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"> ■ 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. ■ A verandah with at least one third of its perimeter open. ■ A carport with two or more open sides and is open for at least one third of its perimeter. 	<p>Complies</p> <p>Comments:</p> <p>All proposed windows would be provided with the minimum required 1.0 metre dimension and 3.0 square metre area required by this standard.</p>
<p>A17 Private Open Space 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"> ■ 80sqm or 20% of the area of the lot, whichever is the lesser, but not less than 40sqm. ■ 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. 	<p>Complies</p> <p>The proposal would have a roof level terrace with an area of 44.30 sqm. In addition to this would be a first floor balcony with an area of 13.56 sqm. The proposal exceeds the requirements of this Standard.</p>
<p>A18 Solar Access to Open Space Allow solar access into secluded private open space of a new dwelling.</p>	<p>Complies</p> <p>Comments:</p> <p>The principle secluded private open space would be at roof</p>

<ol style="list-style-type: none"> 1. The private open space should be located on the north side of the dwelling if practicable. 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>level and receive good northern access.</p>
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Detailed Design

Clause 54.06

Title & Objective & Standard	Compliance
<p>A19 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.</p> <ol style="list-style-type: none"> 1. Design of buildings should respect the existing or preferred neighbourhood character and address: <ul style="list-style-type: none"> ▪ Façade articulation & detailing. ▪ Window and door proportions. ▪ Roof form. ▪ Verandahs, eaves and parapets. 2. Garages and carports should be visually compatible with the development and neighbourhood character. 	<p>Complies</p> <p>Comments: The proposed dwelling would respect the existing neighbourhood character through a contemporary design that contributes to the diverse streetscape.</p>
<p>A20 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.</p> <ol style="list-style-type: none"> 1. The front fence should complement the design of the dwelling or any front fences on adjoining properties. 2. A front fence within 3m of the street should not exceed the maximum height specified in the schedule to the zone. If no schedule is specified, the front fence should not exceed: <ul style="list-style-type: none"> • 2m if abutting a RDZ1 • 1.5m in any other streets. 	<p>Not Applicable</p> <p>Comments: The proposal does not include any alterations to the existing front fence.</p>