

**YARRA CITY COUNCIL**  
**Internal Development Approvals Committee**  
**Agenda**

**to be held on Wednesday 28 October 2015 at 6.30pm  
in Meeting Room 3 at the Richmond Town Hall**

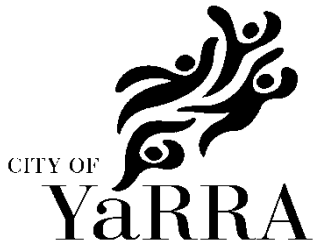
**Rostered Councillor membership**

Councillor Jackie Fristacky (substitute for Cr Colanzi)  
Councillor Amanda Stone  
Councillor Phillip Vlahogiannis

- I. ATTENDANCE**  
Danielle Connell (Co-ordinator Statutory Planning)  
Amy Hodgen (Principal Planner)  
Cindi Johnston (Governance Officer)
- II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**
- III. CONFIRMATION OF MINUTES**
- IV. COMMITTEE BUSINESS REPORTS**

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***"Welcome to the City of Yarra.  
Yarra City Council acknowledges the  
Wurundjeri as the Traditional Owners  
of this country, pays tribute to all  
Aboriginal and Torres Strait Islander  
people in Yarra and gives respect to  
the Elders past and present."***



## Guidelines for public participation at Internal Development Approval Committee meetings

### **POLICY**

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Council provides the opportunity for members of the public to address the Internal Development Approvals Committee.

The following guidelines have been prepared to assist members of the public in presenting submissions at these meetings:

- public submissions are limited to a maximum of five (5) minutes
- where there is a common group of people wishing to make a submission on the same matter, it is recommended that a representative speaker be nominated to present the views of the group
- all public comment must be made prior to commencement of any discussion by the committee
- any person accepting the chairperson's invitation to address the meeting shall confine himself or herself to the subject under consideration
- people making submissions shall address the meeting as a whole and the meeting debate shall be conducted at the conclusion of submissions
- the provisions of these guidelines shall be made known to all intending speakers and members of the public generally prior to the commencement of each committee meeting.

For further information regarding these guidelines or presenting submissions at Committee meetings generally, please contact the Governance Branch on (03) 9205 5110.

**Governance Branch  
2008**

## 1. Committee business reports

Item		Page	Rec. Page
1.1	PLN15/0426 - 8 Peckville Street, Clifton Hill - Development of the land for full demolition and construction of three, two storey dwellings.	5	36
1.2	PLN15/0208 - 58 Gibdon Street Burnley - Develop the land by the construction of a new, two-storey dwelling, and a two-storey outbuilding (garage and first-floor study)	51	76
1.3	PLN14/0286.01 - 2 Yarralea Street, Alphington - Amendment to approved development of the land for the construction of an additional dwelling on the lot. The amendment seeks approval for the deletion of conditions 1(j) and (l) that require increased northern and eastern side setbacks	84	93
1.4	Heritage Victoria referral to amend HV Permit P22181 associated with 107 Cambridge Street, Collingwood (Part of the Former Foy & Gibson Complex) (LATE ITEM)		



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**1.1 PLN15/0426 - 8 Peckville Street, Clifton Hill - Development of the land for full demolition and construction of three, two storey dwellings.**

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## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of a planning permit application submitted for 8 Peckville Street, Clifton Hill which seeks approval for development of the land for full demolition and construction of three, two storey dwellings. The report recommends approval, subject to conditions.

### **Background**

2. The application was lodged on the 7 May 2015 for development of the land for full demolition and construction of three, two storey dwellings. Following the submission of further information, the application was advertised and nineteen (19) objections were received.
3. A consultation meeting was held on the 25 August 2015 and was attended by the Applicant, nine objectors and Council officers.
4. The Applicant also submitted a response to some of the objector and planning officer concerns through informal sketch plans to demonstrate possible improvements. These include:
  - (a) Setting back the first floor wall to bedroom 1 of the northernmost dwelling through the incorporation of a raked wall being setback 0.4m from the boundary at the base of the first floor and extending to a 1.1m setback at its top. Changing the material of the north and east walls from a render and concrete finish to timber cladding.
  - (b) Replacement of the front canopies/awnings with a more slim-line version.
5. The assessment undertaken in this report is based on the advertised plans, and the submitted sketch plans do not form part of the formal application plans, however given their intent to respond to objector and Council concerns they will be considered in light of the assessment.

### **Key Planning Considerations**

6. Key planning considerations include:
  - (a) Clause 15.01 – Urban Environment;
  - (b) Clause 15.02 – Sustainable Development;
  - (c) Clause 15.03 – Heritage;
  - (d) Clause 21.05 – Built Form;
  - (e) Clause 21.07-1 – Environmental Sustainability, Ecologically Sustainable Development;
  - (f) Clause 21.08-4 – Clifton Hill (Neighbourhoods);
  - (g) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
  - (h) Clause 32.09 – Neighbourhood Residential Zone – Schedule 1;
  - (i) Clause 43.01 – Heritage Overlay;
  - (j) Clause 52.06 – Car Parking.

### **Key Issues**

7. The key issues for Council in considering the proposal relate to:
  - (a) State and local planning policy framework;
  - (b) Clause 55 – Construction of two or more dwellings on a lot;
  - (c) Heritage;
  - (d) Development abutting laneways;
  - (e) Stormwater management and environmentally efficient design;

- (f) Objector concerns.

### **Objector Concerns**

- 8. Nineteen (19) objections were received to the application in total. Issues of concern raised can be summarised as:
  - (a) Density / overdevelopment;
  - (b) Neighbourhood character;
  - (c) Car parking and access arrangements;
  - (d) Amenity impacts (loss of daylight, bulk; overshadowing; and overlooking);
  - (e) Lack of open space for proposed dwellings;
  - (f) Other matters – noise, impact on development potential of southern adjoining site, drainage; inaccuracies in surrounding built form descriptions; construction phase impacts; materials and finishes.

### **Conclusion**

- 9. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported, subject to conditions.

**CONTACT OFFICER:** Jacob Sickinger  
**TITLE:** Statutory Planner  
**TEL:** 92055171

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**1.1 PLN15/0426 - 8 Peckville Street, Clifton Hill - Development of the land for full demolition and construction of three, two storey dwellings.**

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Trim Record Number: D15/132559  
Responsible Officer: Principal Planner

**Proposal:** Development of the land for full demolition and construction of three, two storey dwellings.

**Existing use:** Single dwelling

**Applicant:** Anthony Lucas

**Zoning / Overlays:** Neighbourhood Residential Zone – Schedule 1  
Heritage Overlay (Schedule 317)

**Date of Application:** 7 May 2015

**Application Number:** PLN15/0426

### **Planning History**

1. There is no planning permit history available for the subject site.

### **Background**

2. The application was lodged on the 7 May 2015 for development of the land for full demolition and construction of three, two storey dwellings. Following the submission of further information, the application was advertised and nineteen (19) objections were received.
3. A consultation meeting was held on the 25 August 2015 and was attended by the Applicant, nine objectors and Council officers. No resolution was achieved at the consultation meeting.
4. The Applicant also submitted a response to some of the objector and planning officer concerns by providing informal sketch plans to demonstrate possible improvements. These include:
  - (a) Setting back the first floor wall to bedroom 1 of the northernmost dwelling through the incorporation of a raked wall being setback 0.4m from the boundary at the base of the first floor and extending to a 1.1m setback at its upper point. Changing the material of the north and east wall to this bedroom from render finish and concrete to timber cladding.
  - (b) Replacement of the front canopies/awnings with a more slim-line version.
5. The assessment undertaken in this report is based on the advertised plans, and the submitted sketch plans do not form formal application plans, however given their intent to respond to objector and Council concerns they will be considered in light of the assessment where relevant.

### **Existing Conditions**

#### Subject Site

6. The subject site is located in Clifton Hill on the eastern side of Peckville Street, approximately 25m north of Noone Street.
7. The site is of a regular shape and has a frontage to Peckville Street of 12.19m and a depth of 24.08m, yielding a total site area of 293.5sqm. The site has a slight slope from the north to the south.

8. Currently the subject site is occupied by a single storey dwelling of brick construction and tiled roof. The building is set back approximately 3.2m from the front boundary, 5.3m from the rear boundary, and a minimum of 1m from the north and south side boundaries.
9. Toward the northeast corner of the side, attached to the side of the dwelling is an outbuilding in the form of a 5.4m long by 3m wide shed. The shed is built to the northern boundary for its entire length and interfaces with the adjoining secluded private open space (SPOS) for approximately 4m.
10. The site presents a low brick front fence and vehicle access via an existing vehicle crossover to Peckville Street. A driveway extends to the rear shed. A fence runs along the rear boundary where the site abuts a rear laneway.
11. The SPOS is situated at the rear of the dwelling.

#### Surrounding Land

12. The land surrounding the subject site is a residential area.
13. Located on the site to the north is a single storey Victorian-era dwelling, with later period alterations and additions to the rear. The building is set back approximately 1.4 from the frontage, with a verandah extending to the front title boundary. The dwelling is built to the common boundary with the subject site for approximately 11.2m. The SPOS is located at the rear of the dwelling. An outbuilding/garage abuts the rear boundary with vehicle access from the abutting rear laneway. The outbuilding is built to the common boundary with the subject site for approximately 4.5m. The site presents a low timber picket fence along the front boundary to Peckville Street.
14. The site to the south is in the form of an L-shape and has frontages to both Peckville and Noone Streets. The frontage to Peckville Street presents a single storey period dwelling with a pitched roof and adjoining shed/lean-to structure used for storage. Whereas the frontage to Noone Street presents a two storey terrace dwelling to the street. The dwelling to Peckville Street is set back approximately 1.4m from the frontage, with a verandah built to the front boundary. The adjoining lean-to/storage shed is built to the front boundary and extends deep into the site. The interface with the subject site is primarily with the lean-to structures and area utilised as storage, with a minimal setback of between 0.8m to 2m (from the common boundary) extending 12.4m long. This area does not form a useable area of SPOS as it is particularly narrow and bounded by area utilised for storage purposes.
15. To the west is Peckville Street which is a narrow local road of only approximately 70m long. On the western side of the street are dwellings which range from single to two storeys in scale, including a block of walk-up flats. The dwellings in the street are a mix of period styles and modern infill developments. Further to the north and south of the site are also other examples of two storey dwellings, again consisting of period and modern built form architectural styles. The setbacks of buildings in the street are also varied, with many presenting minimal to no setbacks (including verandahs) and others with more generous setbacks.
16. Located east of the subject site is a narrow (approximately 1.2m wide) right-of-way (incorrectly referenced on the plans as an easement). This right-of-way runs between Noone Street and the laneway at the rear of the subject site which comes of Lang Street to the east. Beyond this right-of-way are dwellings which front Noone Street.
17. The subject site has good access to roads/transport and community facilities. Approximately 150m south of the subject site is Alexandra Parade and the start of the Eastern Freeway. Also within approximately 200m to the east is Hoddle Street. Both of these roads are major arterial roads. Hoddle Street also supports public transport routes via buses. Within 150-200m north of the site is a large area of public open space in the form of Darling Gardens.

Clifton Hill Primary School is located 150m to the west of the site. Clifton Hill train station and trams along Smith Street are within approximately 700-900m of the site.

## **Proposal**

18. The proposal is for development of the land for full demolition and construction of three, two storey dwellings. Specifically the application proposes:
19. Demolition
  - (a) Full demolition of the existing dwelling, outbuildings, front and rear fences and part of the side boundary fences.
20. Construction and Works
  - (a) Construction of three, two storey dwellings built side-by-side, with details as follows.
    - (i) The ground floor of the dwellings would be setback approximately 1.4m from the street frontage. A narrow projecting canopy over the front pedestrian entrance of each dwelling would encroach into this setback, being set back 0.8m from the frontage. The dwellings would be built attached to one another, with the northern and southern walls being built along the north and south boundaries for 15.2m. The dwellings would be setback 7.4m from the rear boundary. Each dwelling would have a sitting room, kitchen, meals and living room at the ground floor.
    - (ii) The first floor of the dwellings would be setback 4.9m from the frontage, with small balconies extending into this setback by 1.9m. The northern and southern balconies would be set back at least 0.8m from the north and south boundaries. The first floor of the development would be constructed for a length of 11.7m along the north and south boundaries. The first floor of each dwelling would accommodate two bedrooms and a bathroom/toilet. At the rear of each first floor is a bay style window set back 6.8m from the rear boundary of the site.
    - (iii) The dwellings would consist of a simple and gently sloping pitched roof form at the front, with the main roof forms being flatter. The height of the dwellings above natural ground level would range between approximately 3.3m at the single storey element, extending to 6.4m to 6.6m high along the north boundary and 6.5m to 6.7m high along the south boundary for the double storey component.
    - (iv) The maximum overall height of the dwellings is 6.7m above ground level.
  - (b) Construction of new side boundary paling fences to a height of 2.1m.
  - (c) Construction of new rear fence, including three roller doors for vehicle access to each site, at a height of 2.4m.
  - (d) Construction of a new front fence for the length of the frontage and to a height of 0.7m. The fence would be of a simple timber picket style.
21. General
  - (a) Each dwelling will be provided with a dual purpose area within the rear setback which will function as both SPOS and an open on-site parking space with the rear setback.
  - (b) Each dwelling will include an external storage unit within the rear setback.
22. External Materials and Finishes
  - (a) The dwellings are of a simple yet contemporary design with references to a modern terrace arrangement. The dwellings incorporate a mix of materials, including concrete walls, cement sheeting, Colourbond sheeting, contemporary window arrangements and a metal deck roof.
  - (b) The front walls would be finished in painted render in Bristol Rock at ground level and Dulux Candleback at first floor. The side walls would be finished in grey concrete.

## **Planning Scheme Provisions**

### Zoning

#### *Neighbourhood Residential Zone*

23. Clause 32.09 - Neighbourhood Residential Zone (NRZ) Schedule 1 of Yarra Planning Scheme (the Scheme) applies to the site. The NRZ Schedule 1. Clauses 32.09-3 (number of dwellings on a lot) and 32.09-8 (maximum building height for a dwelling or residential building) specify a maximum of five dwellings on a lot and a maximum building height of 8m.
24. Pursuant to Clause 32.09-5 of the Scheme and Schedule 1 of the NRZ, a planning permit is required to construct two or more dwellings on a lot less than 500sqm.

#### Overlays

##### *Heritage Overlay*

25. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to demolish or remove a building, and to construct a building or to construct or carry out works.

#### Particular Provisions

##### *Clause 52.06 – Car Parking*

26. The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority before:
  - (a) *a new use commences; or*
  - (b) *the floor area or site area of an existing use is increased; or*
  - (c) *an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.*
27. Table 1 in Clause 52.06-5 of the Scheme states that one car parking space is required to be provided to a dwelling consisting of up to two bedrooms. Based on the above, a total of three resident car parking spaces are required to be provided to the proposed development (one for each dwelling). This requirement is met with a single on-site parking space provided to each dwelling. No visitor parking spaces are required as the development is for less than five dwellings. No further consideration of the number of parking spaces provided is required.

##### *Clause 55 – Two or More Dwellings on a Lot*

28. Pursuant to Clause 55 of the Scheme, this provision applies to an application to construct or extend two or more dwellings on a lot within a residential zone.

#### General Provisions

##### *Clause 65 – Decision Guidelines*

29. The Decision Guidelines outlined in Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision. An assessment of the application against the relevant sections of the Scheme is offered further in this report.

#### State Planning Policy Framework (SPPF)

30. The following clauses are of relevance to this application:

##### *Clause 11.04-2 (Housing choice and affordability)*

31. The objective of this clause is *to provide a diversity of housing in defined locations that cater for different households and are close to jobs and services.*

*Clause 15.01 (Built Environment and Heritage)*

*Clause 15.01-1 (Urban Design)*

32. The objective is *to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*
33. The following (relevant) strategies are provided to achieve this:
- (a) *Promote good urban design to make the environment more liveable and attractive.*
  - (b) *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*
  - (c) *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*

*Clause 15.01-2 (Urban Design Principles)*

34. The policy objective is *to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*
35. The strategy to achieve this is *to apply the listed strategies to development proposals for non-residential development or residential development not covered by Clause 54, Clause 55 or Clause 56.* This proposal is covered by Clause 55 of the Scheme.

*Clause 15.01-5 (Cultural Identity and Neighbourhood Character)*

36. It is an objective *to recognise and protect cultural identity, neighbourhood character and sense of place.*

*Clause 15.02-1 (Sustainable Development: Energy and Resource Efficiency)*

37. It is an objective *to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

*Clause 15.03 (Heritage)*

38. Clause 15.03-1 (Heritage Conservation) of the Scheme seeks *to ensure the conservation of places of heritage significance.*

*Clause 16.01-1 (Integrated housing)*

39. The objective of this clause is *to promote a housing market that meets community needs.*

*Clause 16.01-2 (Location of residential development)*

40. The objective of this clause is *to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.*

*Clause 16.01-4 (Housing diversity)*

41. The objective of this clause is *to provide for a range of housing types to meet increasingly diverse needs.*

*Clause 18.02-5 (Car parking)*

42. It is an objective *to ensure an adequate supply of car parking that is appropriately designed and located.*

Local Planning Policy Framework (LPPF)

43. The following LPPF provisions of the Scheme are relevant:

*Clause 21 – Municipal Strategic Statement (MSS)*

*Clause 21.03 – Vision*

44. Clause 21.03 of the Scheme outlines strategic objectives for land use, built form, transport and environmental sustainability within the City.

*Clause 21.05-1 – Built Form: Heritage*

45. The objective of this clause is to *protect and enhance Yarra's heritage places*. Of particular relevance to this application are the following strategies:

*Strategy 14.1: Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*

*Strategy 14.3 Protect the heritage skyline of heritage precincts.*

*Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*

*Strategy 14.8: Apply the Development Guidelines for sites subject to a Heritage Overlay policy at Clause 22.02.*

*Clause 21.05-2 – Built Form: Urban Design*

46. The relevant objectives of this clause are:

*(a) To reinforce the existing urban framework of Yarra.*

*(b) To retain Yarra's identity of a low-rise urban form with pockets of higher development.*

*(c) To retain, enhance and extend Yarra's fine grain street pattern.*

*(d) To ensure that new development contributes positively to Yarra's urban fabric. .*

*Clause 21.06 – Transport*

47. The objective and relevant strategies of this clause are:

*(a) Objective 31 – To facilitate public transport usage.*

*(b) Objective 33 - To reduce the impact of traffic.*

*(c) Strategy 33.1 - Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks.*

*Clause 21.07-1 - Ecologically Sustainable Development*

48. The relevant objective of this clause is:

*(a) To promote ecologically sustainable development.*

*Clause 21.08 – Neighbourhoods*

49. The subject site is located in the 'Clifton Hill' neighbourhood at Clause 21.08-4 of the Scheme. The clause states (as relevant):

*(a) This largely residential neighbourhood has good public open space including the parklands associated with the Yarra River and Merri Creek to its east and Darling Gardens and Mayors Park located within the neighbourhood...*

Local Planning Policies

*Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay*



50. This clause applies to all land covered with a Heritage Overlay. The relevant objectives of the policy to the application are as follows:
- (a) *To conserve Yarra's natural and cultural heritage.*
  - (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance.*
  - (c) *To retain significant view lines to, and vistas of, heritage places.*
  - (d) *To preserve the scale and pattern of streetscapes in heritage places.*
  - (e) *To encourage the preservation, maintenance, restoration and where appropriate, reconstruction of heritage places.*
  - (f) *To ensure that additions and new works to a heritage place respect the significance of the place.*
  - (g) *To encourage the retention of 'individually significant' and 'contributory' heritage places.*

*Clause 22.02-5.1 Demolition*

51. Under Clause 22.02-5.1 of the Scheme, the following guidelines are provided for full demolition or removal of a building.

*Full Demolition or Removal of a Building*

- (a) *Generally encourage the retention of a building in a heritage place, unless*
  - (i) *The building is identified as being not contributory.*
  - (ii) *The building is identified as a contributory building, and*
    - *new evidence has become available to demonstrate that the building does not possess the level of heritage significance attributed to it in the incorporated document, City of Yarra Review of Heritage Overlay Areas 2007 Appendix 8, Revised September 2014 and*
    - *the building does not form part of a group of similar buildings.*
- (b) *Note: The poor condition of a heritage place should not, in itself, be a reason for permitting demolition.*
- (c) *Encourage the retention of original street furniture and bluestone road or laneway materials and details (where relevant).*
- (d) *An application for demolition is to be accompanied by an application for new development.*

*Clause 22.02-5.7 New Development, Alterations or Additions*

52. *Clause 22.02-5.7.1 General*

- (a) *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place to:*
  - (i) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
  - (ii) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
  - (iii) *Be visually recessive and not dominate the heritage place.*
  - (iv) *Be distinguishable from the original historic fabric.*
  - (v) *Not remove, cover, damage or change original historic fabric.*
  - (vi) *Not obscure views of principle façades.*
  - (vii) *Consider the architectural integrity and context of the heritage place or contributory element.*

*Clause 22.02-5.7.2 Specific Requirements (where there is a conflict or inconsistency between the general and specific requirements, the specific requirements prevail)*

*Carports, Car Spaces, Garages, and Outbuildings*

53. *Encourage carports, car spaces, garages and outbuildings to be set back behind the front building line (excluding verandahs, porches, bay windows or similar projecting features) of the heritage place or contributory element or to be reasonably obscured. New works should be sited within the 'envelope' shown in Figure 1 of 22.02-5.7.1. Discourage:*
- (a) *new vehicle crossovers in streets with few or no crossovers*
  - (b) *high fencing, doors and boundary treatments associated with car parking that are unrelated to the historic character of the area*
  - (c) *new vehicle crossovers in excess of 3 metres wide in residential streets.*

*Front Fences and Gates*

54. *Encourage front fences and gates to be designed to*
- (a) *allow views to heritage places or contributory elements from surrounding streets.*
  - (b) *be a maximum of 1.2 metres high if solid or 1.5 metres high if more than 50% transparent (excluding fence posts).*
  - (c) *be consistent with the architectural period of the heritage place or contributory element to the heritage place.*
55. Pursuant to the incorporated document 'City of Yarra Review of Heritage Overlay Areas, Graeme Butler and Associates 2007: Appendix 8 City of Yarra Heritage Database, the subject site is classified as 'not contributory' to the Clifton Hill Western Precinct (HO317).

*Clause 22.07 - Development Abutting Laneways*

56. The objectives are:
- (a) *To provide an environment which has a feeling of safety for users of the laneway.*
  - (b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*
  - (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development.*
  - (d) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

*Clause 22.16 – Stormwater Management (water sensitive urban design)*

57. *This policy applies to applications for new buildings and extension to existing buildings with an area of 50sqm or greater. It recognises that increased development can result in greater hard surface area and changes to the volume, velocity and quality of stormwater drainage into waterways. The objectives include the following:*
- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
  - (b) *To promote the use of water sensitive urban design, including stormwater re-use.*
  - (c) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
  - (d) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
  - (e) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well-being.*

*Planning Scheme Amendment - Amendment C133*

58. Council has prepared a new local policy to consider environmentally sustainable design.

59. Amendment C133 has finished exhibition, proceeded through a panel hearing, and is currently with the Minister of Planning for review. The amendment proposes to introduce Clause 22.17 Environmentally Efficient Design (EED) into the Scheme. The Amendment will also update Clause 21.07-1 Ecologically Sustainable Development by introducing a new strategy.
60. The new policy would apply to all land within the City of Yarra, and provides policy objectives and application requirements for residential, mixed use and non-residential development to further implement environmentally sustainable design policy contained within the State Planning Policy Framework (SPPF) and the Municipal Strategic Statement (MSS). The policy requires applications to be considered against the following objectives (where applicable):
  - (a) Energy efficiency;
  - (b) Water resources;
  - (c) Indoor environment quality;
  - (d) Stormwater management;
  - (e) Transport;
  - (f) Waste management;
  - (g) Innovation; and
  - (h) Urban ecology.
61. The policy would require a Sustainable Design Assessment (SDA) for smaller developments as part of a planning permit application. Smaller developments include: 1-9 dwellings, non-residential development with a gross floor area of between 100m<sup>2</sup> and 1000m<sup>2</sup> and non-residential alterations and additions of between 100m<sup>2</sup> and 1000m<sup>2</sup>.
62. A SDA report was submitted with the application, the environmental credentials of the development will be considered later in this report.

## **Advertising**

63. The application was advertised in accordance with Section 52 of the Act by way of 36 letters sent to the surrounding property owners/occupiers. A sign was also displayed at each of the property frontages, with one at the Peckville Street frontage and one along the rear laneway boundary.
64. Nineteen (19) objections were received to the application in total. Issues of concern raised can be summarised as:
  - (a) Density / overdevelopment;
  - (b) Neighbourhood character;
  - (c) Car parking and access arrangements;
  - (d) Amenity impacts (loss of daylight, bulk; overshadowing; and overlooking);
  - (e) Lack of open space for proposed dwellings;
  - (f) Other matters – noise, impact on development potential of southern adjoining site, drainage; inaccuracies in surrounding built form descriptions; construction phase impacts; materials and finishes.
65. A consultation meeting was held on the 25 August 2015 and was attended by the applicant, nine objectors and Council officers. No resolutions were achieved at the consultation meeting.
66. The applicant submitted a response to some of the objector and planning officer concerns, and through informal sketch plans to demonstrate possible improvements as outlined previously in this report. The assessment undertaken in this report is based on the advertised plans, and the submitted sketch plans do not form formal application plans, however given their intent to respond to objector and planning officer concerns they will be considered where relevant in the assessment.

## Referrals

### External Referrals

67. There are no relevant external Referral Authorities required by the Scheme.

### Internal Referrals

#### Heritage

68. The application plans were referred to Council's Heritage Advisor. The following comments were received:

#### *Comments regarding proposed demolition:*

69. *The extent of demolition proposed by this application includes the demolition of the entire dwelling including sheds, the trees, fences and the concrete driveway.*
70. *The key consideration for assessing this aspect of the works is whether the proposed demolition will adversely affect the significance of the heritage building or the broader heritage precinct.*
71. *Given the subject site is non-contributory demolition is generally supported. However, support for demolition is dependent on the assessment of the proposed replacement building. Retention of the non-contributory building would be a more sympathetic outcome from a heritage perspective than a vacant site or new, unsympathetic development. For this reason planning scheme policy 22.02-5.1 states that an application for demolition is to be accompanied by an application for a new development.*

#### *Comments regarding new development, alterations and additions:*

72. *The extent of new works proposed by this application includes development of three, two storey dwellings, all fronting Peckville Street and with car parking at the rear.*
73. *The key consideration for assessing this aspect of the works is whether the proposed development will:*
- (a) Not adversely affect the significance of the Clifton Hill Western Precinct; and*
  - (b) Be in keeping with the character or appearance of the nearby properties of contributory significance.*

#### *Setbacks:*

74. *The proposed front setback for the new development will be 1.4 metres at ground level with projecting canopies of 0.6 metres. The second storey will have a front setback of 4.9 metres with a projecting balcony of 1.9 metre depth.*
75. *The front setbacks of the adjacent single-storey properties appear to be 1.4 metres for no.10 Peckville Street and 0.7 metres for no.6 Peckville Street. The predominant front setback in nearby Noone Street appears to be about 1.3 metres for single storey, contributory properties.*
76. *Planning scheme policy 22.02-5.7.1 encourages the design of new developments to:*
- (a) Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
  - (b) Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
  - (c) Be visually recessive and not dominate the heritage place.*

(d) Consider the architectural integrity and context of the heritage place or contributory element.

77. The policy also encourages setbacks from the principal street frontage to be similar to those of adjoining contributory buildings; where there are differing adjoining setbacks, the greater setback will apply.
78. The proposed setback of 1.4 metres for the ground floor is considered acceptable, as it will be consistent with the adjoining contributory building at 10 Peckville Street.
79. The front setback of 4.9 metres for the second storey is supported as it is considered an appropriate depth, which respects the pattern, rhythm and spatial characteristics of the street by making the upper level more recessive. However, the entrance canopies and street facing balconies are not supported from a heritage perspective, as they will be visually dominant features that do not enhance or reflect the heritage character of the street. These elements are discussed in more detail below.
80. The proposed side setback for the new development will be zero metres from the north and south boundaries. The side setbacks of the adjacent properties are zero metres for both No.'s 6 and 10 Peckville Street. As most contributory buildings in the immediate area are attached and semi-attached terrace houses, the predominant side setback in nearby Noone Street is also zero metres. As such, the proposal to build three, a clearly articulated building to the side boundaries is supported from a heritage perspective.

Scale/height:

81. The proposed facade height for the new development will be 3.3 metres for the ground level and 6.4 metres for the overall building. The facade heights of the adjacent properties are approximately 4 metres for both 6 and 10 Peckville Street. The common facade height of contributory buildings in the street is 4 metres. Given the proposed ground level complements surrounding buildings, and that the upper level is setback, the proposed heights are supported from a heritage perspective.
82. The proposed development will have parts taller than the facade height.

Roof form:

83. The proposed roof form for the ground floor of the new development will be a skillion roof sloping down from the upper level. The effect is similar to the skillion verandahs and main hipped roofs seen on the surrounding terrace houses. As such the ground floor roof form is considered complementary and is supported. The upper level roof form is concealed by a flat horizontal parapet. The upper level roof form is considered appropriate within the context of predominately horizontal facades capped with hipped roofs.

Appearance:

84. Peckville Street is a relatively small street and thus relies on the careful presentation of its small number of contributory buildings to contribute, conserve and enhance the historic character of the HO area.
85. The proposed facade detailing for the new development will be three attached dwellings, each with a central vertical window and entry door at ground level and a large central door leading to a balcony at the upper level. There is also an entrance canopy / light shaft over each front door.
86. The facade detailing of the contributory properties within Peckville Street are traditional masonry walls with small vertical rectangular windows (approximately 40% openings) and depth introduced to the façades via verandahs.

*Where dwellings are attached it is clear that each property is a separate dwelling. The same articulation has been included within the proposed development which is seen as a positive outcome from a heritage perspective.*

87. *The proposed light shafts over the entry doors are to project from the main building façade (80mm from the front title boundary), thus protruding past the main façade of the adjoining contributory building. The shafts are a prominent feature of the proposed dwellings and would make the development stand out within the streetscape. Whilst potentially architecturally interesting, the protruding shafts go against planning scheme policies which encourage new developments to be recessive within the streetscape. As such the proposed shafts are not supported from a heritage perspective. If weather protection is required over the entry doors then the proposal should include a horizontal canopy which doesn't protrude past the façade of the adjoining contributory building.*
88. *The proposal also includes upper level balconies, which face onto the street front, setback approximately 3m from the front title boundary. Similar to the light shafts, the front balconies would detract from the historic character of Peckville Street by introducing non-traditional activity into a zone where traditionally roofs are seen. Given that the contributory properties on Peckville Street are single storey dwellings without upper level balconies, and that any consideration for a roof deck at the contributory properties would have to include a setback of at least 6 metres from the front title boundary (i.e. beyond the first room of the dwelling), the proposed upper level balconies are not supported from a heritage perspective.*
89. *The proposed external materials for the new development will be rendered facades painted Bristol's "Rock" at ground level and Dulux's "Candlebark" at the upper level. Having a dark, complementary colour at ground level and a more recessive colour at the upper level is supported from a heritage perspective.*
90. *Window frames are proposed to be aluminium framed, powdercoated in a charcoal colour and the corrugated roofs are to be Colorbond "Woodland Grey". These proposed colours and materials are supported as being recessive within the context of Peckville Street, through preference would be for a more recessive grey colour such as "Dune".*

*Front fence:*

91. *The proposed front fences are to be a 700mm high metal fence designed in a complementary form to traditional picket fences, with flat top pickets spaced at 70mm. The proposed fence is considered contemporary yet complementary to the historic character of the street and is thus supported from a heritage perspective.*

*Recommendations:*

92. *On heritage grounds the works proposed in this application may be approved subject to the following conditions:*
  - (a) *That the proposed projecting entry canopies / light shafts are deleted from the proposal, or redesigned to be more discretely integrated into the design of the facades;*
  - (b) *That the proposed upper level front balconies are deleted.*

*Other comments:*

93. *Preference is for the Woodland Grey Colorbond roofing to be substituted for a lighter grey, such as Dune.*
94. *A detailed heritage assessment is made later in this report.*

### Urban Design

95. The application was referred to Council's Urban Design Unit. The following comments were provided:

*Built form and massing:*

96. *The application proposes full demolition of the existing dwelling and construction of three (3) two storey dwellings with a maximum height of approximately 6.7m.*
97. *The built form and massing generally comprises three rectilinear volumes at ground floor which are set back approximately 1.4m from the property boundary to Peckville Street. The front doors are further set back providing a covered entry. There is a setback of approximately 7.4m to the rear boundary with the dwellings set to both side boundaries.*
98. *Over the ground floor sitting room is a mono-pitched roof that extends back approximately 3.5m where it meets the external wall of bedroom 2 at first floor. Part of this roof area has been cut away to provide a deck that is accessed from bedroom 2 along with a canopy over the ground floor entry. From an apex at the centre of the first floor plan, the main roof has a minor fall towards the front and rear of the building.*
99. *The built form and massing are generally acceptable. While there is an intensification of dwellings on the site, the resulting built form has a relationship with the immediate surrounds. However, further information should be provided regarding the glazed skylight over the entry:*
- (a) It is unclear why the covered entry is glazed and whether or not this element is fully boxed out. A section could provide greater clarity with respect to this element.*
  - (b) Careful consideration should be given to the detailing and resolution of this element including its junction with the ground floor wall, lower roof element and the fall across the Peckville Street frontage.*

*Building layout and interface:*

100. *The building layout and interface are generally acceptable. The application continues the typical pattern to the street frontage; the building line is generally consistent with the properties to the north and each dwelling has its own entrance that is setback behind a fence and front garden.*

*Façade design and streetscape fit:*

101. *The façade design and streetscape fit are generally acceptable. However, further consideration should be given to the façade design of the northern and central dwellings which are mirrored, in particular how this is resolved with regard to the fall across the site.*

*Material and colour:*

102. *Further consideration should be given to the material and colour as follows:*
- (a) While a finishes schedule has been provided, the proposed materials are unclear. The materials that have been indicated (concrete wall, cement sheet) are not indicative of the materials in the immediate surrounds which are typically brickwork and weatherboard.*
  - (b) Given the immediate surrounds, it is unclear why different colours have been used for the ground and first floor walls to Peckville Street as it is common to have a single colour/material. It is also unclear why these specific colours have been selected.*
  - (c) The concrete side walls are not supported as they will be visible from the streetscape and should be in the same colour as the façade to Peckville Street.*

*Internal/external amenity:*

103. *The internal/external amenity is generally acceptable.*

Traffic Engineering

104. The application was referred to Council's Engineering Services Unit regarding car parking and access arrangements. The following comments were provided:

*Access Arrangements and Internal layout:*

105. *A site inspection of the subject property revealed that its rear/eastern boundary abuts a ninety degree junction of two Rights of Way. The east-west aligned Right of Way has a width of approximately 3.00 metres and the north-south aligned Right of Way is around 3.63 metres wide. The junction does not contain splay at the inner corner.*
106. *A check of the Proposed Ground Floor Plan indicates that a B85 design vehicle cannot negotiate the ninety-degree junction and access the spaces. In addition, a vehicle attempting to enter the southernmost parking space cannot traverse over the easement contained within the adjoining property.*
107. *Given that vehicles cannot satisfactorily negotiate the ninety-degree junction of the two laneways, the applicant may need to consider reworking the ground floor layout to provide a common area car park. Perhaps a triple stacker arrangement set back inside the property might be an alternative solution.*

*Engineering Conditions:*

108. *The following items must be included in the Planning Permit for this site:*

*Road Infrastructure Works:*

109. *Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Peckville Street road frontage must be reconstructed to Council's satisfaction and at the developer's expense.*

*Public Lighting:*

110. *The developer must ensure that light projected from any existing, new or modified lights does not spill into the windows of any new dwellings or any existing nearby residences. Any light shielding that may be required shall be funded by the applicant.*

*Impact of Assets on Proposed Development*

111. *Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.*

*Drainage:*

112. *The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.*
113. *Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.*
114. *Given the initial concerns raised with regard to the constrained access arrangements, further clarification was provided on the basis that the area referenced as an easement on the plans is actually a road or right-of-way in the form of a 'public highway'. The following additional traffic comments were subsequently provided by Council's traffic engineer:*



115. *Further investigation confirms that the thin strip of land is in fact a Public Highway and not an easement. Vehicles can legally traverse over the land. On the drawings, the designer must remove all annotations/references of 'easement' and replace with 'Public Highway'.*
116. *The 800 mm offset inside the property was considered in our vehicle turning template assessment with the B85 design vehicle. The most critical constraint is the inner corner of the ninety degree bend in the Right of Way. If the inner corner of the bend contained a splay, the parking arrangement would work.*
117. *Given that we have this constraint, if the setback could be increased by a further 200 mm, vehicles would be able to negotiate the bend without colliding with the inner corner. Vehicles could then enter and exit each space adequately and exit onto Lang Street in a forward direction.*

## **OFFICER ASSESSMENT**

118. In assessing this application, the primary planning considerations are:
- (a) State and Local Planning Policy Framework;
  - (b) Clause 55 – Construction of two or more dwellings on a lot;
  - (c) Heritage;
  - (d) Development abutting laneways;
  - (e) Stormwater management and environmentally efficient design; and
  - (f) Objector concerns.

### State and Local Planning Policy Framework

119. In relation to the Scheme, particularly urban consolidation (Clause 16.01), transport use (Clause 18) and housing (Clause 21.04), the subject site is well located to take advantage of a range of facilities and services. This includes accommodating population growth and providing for additional housing in established areas that have excellent access to services, jobs and public transport.
120. The subject site is well located to cater for these policy objectives as it is within 5km of the Melbourne Central Business District; it is within approximately 700-800m of both the Queens Parade Neighbourhood Activity Centre and the Smith Street Major Activity Centre; has access to buses on Hoddle Street 200m to the east, trams are within 700m and train stations within 900m of the site. Other notable amenities include Darling Gardens (a large public park) and Clifton Hill Primary School, both located within 150-200m of the site. On this basis, the site is well located to cater for future occupant needs and additional housing stock. The proposal is therefore strongly supported by State and local planning policy.

### Clause 55 – Construction of two or more dwellings on a lot

121. The following is a detailed assessment of the proposed development against the requirements of Clause 55.

### *Clause 55.02-1 Neighbourhood Character and Clause 55.02-2 Residential policy objectives*

122. The surrounding area consists of single and double storey dwellings, including period and modern built form styles. The scale and built form proportions of the proposed townhouses responds to the residential context of the local street and broader residential area. The form generally reflects the scale and density of other examples of two storey residential development within Peckville Street and surrounding local streets. The two storey scale, front setback with increased first floor setback, and width of the dwellings respect the character of the area and are an appropriate design response for an inner-city residential setting. The development appropriately responds to the features of the site and would effectively integrate into the streetscape.

123. The proposed development also responds to State and local policy in terms of providing additional medium density housing in an area where development can take advantage of public transport and community infrastructure and services. The development provides three, two bedroom dwellings. Whilst the proposed footprint and site area of each dwelling is relatively compact, this is an appropriate response to an inner-city context and is consistent with local residential character which often exhibits narrow allotments, occupied by single to double storey dwellings with minimal to no setbacks and modest areas of SPOS.
124. Overall, the proposal demonstrates consistency with State policies by contributing to urban consolidation and utilising existing infrastructure without unreasonably affecting the existing character of the surrounding neighbourhood, and therefore the density can be supported.
125. It is considered that the development will adequately respect the neighbourhood character and will satisfy the objectives and standard at Clauses 55.02-1 and 55.02-2 of the Scheme.

*Clause 55.02-3 Dwelling diversity objective*

126. Clause 55.02-3 only applies to ten or more dwellings.

*Clause 55.02-4 Infrastructure objective*

127. The development is located within an area that is already established. It is not expected that the three dwellings would overload the utility services and infrastructure. The proposed development will be readily connected to the required utility services and infrastructure which are present at the site. There is nothing to indicate that the site is incapable of supporting the proposed dwellings within an established inner-urban area.

*Clause 55.02-5 Integration with the street objective*

128. The new dwellings are oriented towards Peckville Street, consistent with the objectives of this standard. The design of the street elevation has been considered, with vertical articulation provided to reflect the fine grain street pattern of the area. The central location of the front entrances ensure that they are clearly legible and visible from the street, with the low timber picket front fencing ensuring that views to and from the dwellings are unobstructed.
129. No parking is proposed within the front setback, as is generally consistent with this streetscape. Shallow front setbacks are proposed at the ground floor with increased setbacks at the first floor to allow for articulation of the form. The setback arrangement is responsive to, and appropriate, within the streetscape. The dwelling entrances at ground level are legible and provide for an effective sense of address.

The ground and first floor glazing allows for passive surveillance over the public domain. It is considered that the objectives of this standard are met.

*Clause 55.03-1 Street setback objective*

130. The required minimum setback should be the average of the setbacks on the adjoining sites to the north and south.
131. The adjoining property to the north has an approximate 1.4m setback with the verandah built to the front boundary. The storage shed/built form on the property to the south is built to the frontage, with the dwelling being set back 1.4m and its verandah extending to the front boundary. In this regard, the minimum street setback suggested under the standard is 1.4m. The proposal results in a variety of setbacks from the street, with the ground floor of all dwellings set back 1.4m from Peckville Street, the entrance canopies set back 0.8m from the street and the first-floor wall set back 4.9m from the street. The balconies extend 1.9m into this setback (set back 3m from the street).

132. The built form and massing are considered acceptable. While there is an intensification of dwellings on the site, the resulting built form has a relationship with the immediate surrounds. The proposal presents an appropriate design response with the ground floor reflecting setbacks of adjoining built form and the first floor being more recessive given the increased setback of 4.9m.
133. The projecting front entry canopies are of a box like configuration and also provide for a light-shaft into the dwellings' corridors. Whilst the 0.8m setback of these elements is generally considered acceptable given other elements within the street such as verandahs are built to the boundary, their appearance is somewhat at odds with the overall form of the development and other built form elements within the street. In response to this a condition will require that these canopies are modified to more discretely integrate into the dwelling, consistent with the sketch plans received by Council on 29 September 2015 as shown in the image below.



Image: Sketch plan of originally proposed (left) compared to modified (right) front entry canopies.

134. Overall the proposed setbacks comply with the standard and result in an appropriate design outcome within the context of the site.

*Clause 55.03-2 Building height objective*

135. The maximum building height is 6.7m. This is below the maximum 9.0m prescribed by the standard, and is below the 8m mandatory height control of the Neighbourhood Residential Zone – Schedule 1. The overall scale of the dwellings would be read as a two storey form with a more recessive upper level given its increase setback of 4.9m compared to the ground floor setback of 1.4m.

The height will reference the height of other double storey dwellings found in the surrounding area and the single to double storey transition (i.e. a height transition of one storey) from the existing dwellings on adjoining sites is considered appropriate and is supported. The proposal is in accordance with the standard.

*Clause 55.03-3 Site coverage objective*

136. The site coverage is proposed to be approximately 65%, which exceeds the maximum 60% recommended by the standard. The proposal only moderately exceeds the standard and the design response is considered reasonable in the context of the site in an inner-city environment and the established neighbourhood character which is characterised by high site coverage and modest areas of private open space.

137. In particular, there are a number of surrounding dwellings which present site coverage levels comparable to that of the proposal and also examples which notably exceed this level of coverage. Therefore the proposal is considered a reasonable response and satisfies the objective.

*Clause 55.03-4 Permeability objective*

138. The level of permeability would be approximately 27% based on the front gardens, rear areas of SPOS and car parking spaces being lined with grass pavers. This exceeds the minimum 20% prescribed by the standard. The level of permeability is appropriate and would allow for stormwater infiltration and reasonable stormwater outcomes.

*Clause 55.03-5 Energy Efficiency objectives*

139. It is considered that the development will achieve an acceptable level of energy efficiency in accordance with the relevant energy efficiency objectives at Clause 55.03-5 as follows:
- (a) The ground and first floors of the dwellings have windows along two aspects (to the east and west). These will provide for natural daylight access to the habitable rooms of the dwellings and the dual aspects support cross-ventilation opportunities at both ground and first floors.
  - (b) The Sustainable Design Assessment (SDA) and Storm rating reports indicate that the dwellings will be provided with a rainwater tank supply for stormwater use. As these have not been shown on plan a condition will require this.
  - (c) Given the size constraints of the lot and east-west orientation of the site which dictates the orientation of proposed dwellings to Peckville Street, the proposal has been reasonably sited and oriented.
  - (d) The attached, side-by-side, built form allows for improved insulation properties.
  - (e) Skylights have been incorporated to support daylight access in the middle of the dwellings.
  - (f) The small overhang/cantilever of the first floor over the ground level doors/windows at the rear will act as an eave and help reduce heat gain to this glazing.
140. Given the east-west orientation of the site, east and west-facing windows and particularly those at the upper level could be exposed to high heat gain in summer months. No shading devices have been shown on the plans for these windows. A shading device that is appropriately incorporated into each of the dwelling's façade and rear at the first floor will be required via a condition of any permit granted.
141. Based on the existing conditions and the siting and design of the development it is not expected that it would result in any unreasonable impact to the energy efficiency of adjoining properties. The main impacts would normally affect the site to the south in terms of daylight access/shadowing, however given the interface with storage sheds there is no energy efficiency impact expected.

*Clause 55.03-6 Open space objective*

142. This is not applicable as there will be no open space intended for communal use.

*Clause 55.03-7 Safety objective*

143. The pedestrian entries will be located at the property frontages and will be clearly visible from the street and the SPOS areas will be adequately secured.
144. The pedestrian entrance paths are defined and access to the dwellings is clearly designated. There would be no conflict between the pedestrian entrances and car parking areas/driveways, as car parking is located at the rear. The glazing at the front of each dwelling would support passive surveillance of the street and dwelling entries.
145. An existing street light positioned outside the front boundary of the subject site will provide for illumination of the pedestrian entrances and access points to the dwellings, therefore providing adequate lighting.

146. The proposal is in accordance with the objective and standard.

*Clause 55.03-8 Landscaping objectives*

147. In accordance with the objective and standard, acceptable landscaping will be provided within the front setbacks and rear open space areas. The proposed front shallow setback will incorporate a small garden / soft landscaping which is consistent with the provision of landscaping within the local inner-urban context and is appropriate. A standard condition will be included to ensure on-going maintenance.
148. The plans show that two trees will be removed from the site. Whilst these do not appear to be significant, a note will be included on the permit that a Local Laws permit may be required for the tree removal.

*Clause 55.03-9 Access objectives*

149. Many of the objectives of this policy seek to ensure vehicles are provided with safe and efficient access and that new access points do not adversely impact the street.
150. With regards to the provision of car parking, the number of car spaces is in accordance with clause 52.06 (Car parking), being one car parking space to each two-bedroom dwelling. The proposal is consistent with policy which encourages vehicle access to sites via a laneway, if such access exists. The location of parking spaces at the rear of the site off the laneway also allows for the reinstatement of the existing front crossover to kerb and channel. This would in turn allow for an additional on-street parking space within Peckville Street. A standard condition will be included to ensure this is carried out. Furthermore, rear access from a laneway is a common characteristic of the surrounding area and the proposed arrangement would be respectful of the neighbourhood character.
151. This standard requires the width of access ways to be at least 3m wide, and be designed to allow safe and efficient vehicle movements. The rear laneway has a minimum width of 3m. However the 90 degree corner poses a constraint for turning movements and therefore the applicant has proposed to offset the location of roller doors 800mm within the property boundary to increase the width within the laneway. The plans were referred to Council's engineering services unit who confirmed that the access arrangements are constrained by this 90 degree corner, however access would be satisfactory subject to the roller door offset from the property boundary being increased by 200mm and relabeling the easement on the plans as 'public highway' as this is not an easement but rather public land which vehicles can transverse. Therefore a condition requiring these changes will be placed on any permit issued. On this basis, vehicle turning movements into and out of the properties is considered satisfactory.

*Clause 55.03-10 Parking location objectives*

152. The on-site car parking spaces are conveniently located for the future residents of the proposed dwellings, designed to allow secure, safe and efficient movement of vehicles in line with the requirements of the standard and as supported by Council's engineering services unit and subject to the condition mentioned previously.

*Clause 55.04-1 Side and rear setbacks objectives*

153. The rear (east) walls of the dwellings are setback 6.8m to 7.4m from the rear boundary. Based on a rear wall height of 6.5m this would comply with the standard requirements which would require a setback of 1.87m for a wall of this height. Therefore the rear of the development would not result in visual bulk and the laneway to the rear also provides a further buffer. The proposal is therefore considered acceptable with regard to this standard.

154. The only side setbacks associated with the development relate to the north and south side setbacks associated with a 0.6m deep first floor cantilever consisting of bay-windows at the rear of the dwellings. These elements would be 6m high above ground level and are setback 0.9m from the side boundaries. Although the standard requirement for a wall this high, is a setback of 1.72m, these features of the building are not significant or dominant. The southern setback does not interface with a sensitive area of primary usable SPOS and the northern setback is considered sufficient given the wall length associated with this component of the building is limited to 0.6m long. There would be no additional overshadowing as discussed later in this report and the setback arrangement is considered appropriate within an inner-city context and provides for sufficient visual relief and articulation of the building. Therefore this setback would satisfy the objective.

*Clause 55.04-2 Walls on boundaries objective*

155. Pursuant to the standard:
- (a) The total length of new walls along the north and south boundaries should not exceed 13.5, unless abutting a simultaneously constructed wall; and
  - (b) The maximum height of all boundary walls should not exceed an average 3.2m height, with no part higher than 3.6m unless abutting a higher or simultaneously constructed wall on an adjoining lot.
156. The length of wall on both the north and south boundaries is proposed to be 15.2m at the ground floor and 11.7m at the first floor. The length of these walls is not compliant with the standard requirement based on a boundary length of 24.07m. The height of these walls would range from approximately 3.3m at the single storey element, to 6.4m to 6.6m along the north boundary and 6.5m to 6.7m along the south boundary for the double storey component. These heights exceed the requirements of the standard.
157. Despite the proposed wall lengths and heights exceeding the standard requirements, there are limited sensitive interfaces between these walls and the adjoining properties to the north and south. Notably, the property to the south exhibits a high percentage of site coverage with a substantial area dedicated to storage sheds and associated built form. There is a small open area on this adjoining site which would interface with the proposed development, however this area is only 0.8m to 2m wide, with a total area of approximately 15sqm. This small open area adjoining the storage sheds is of little to no amenity value to the subject site given it is not a useable area of SPOS that would service the recreational or service needs of the adjoining occupants. There are also no habitable room windows along this adjoining property which face the proposed development. This site appears to have been built up over time and a site inspection confirmed that this section of the property which interfaces with proposed development is used for extensive storage purposes.

As shown on the plans, and when viewing the property from the street, it is clear that that main dwelling/habitable component of this adjoining property is setback approximately 5.2m from the common boundary with the subject site, separated by the storage area.

158. Given the lack of amenity and habitable windows/useable private open space on the site to the south, the proposed two storey wall along the southern boundary would not result in visual bulk impacts and is not an unreasonable arrangement given the interfacing site context. Furthermore, on boundary walls are a common element found within the local area. The proposed development therefore is an acceptable design response that respects the existing neighbourhood character and does not adversely impact the amenity of adjoining dwelling to the south. This is in accordance with the objective and is supported.
159. To the north, the proposed on-boundary wall would abut the existing adjoining on-boundary wall for a length of approximately 11.3m out of the wall's total length of 15.2m. The first floor wall is also set back 4.9m from the frontage, making it more recessive. Even though the proposed wall height exceeds that of the adjoining boundary wall, 7.8m of the first floor wall would interface with the adjoining northern roof form.

This is an appropriate design response within an inner-city context where on-boundary development is common. The section of wall to be built adjoining the existing wall and exposed to the adjoining roof form would not result in visual bulk impacts as there is no direct or immediate exposure to SPOS or habitable room windows.

160. The remaining 3.8m long eastern section of the north wall ranges from approximately 6.3m to 6.5m high above ground level and does not abut existing built form, but rather interfaces with part of the adjoining SPOS. However there are no habitable room windows which face directly towards the proposed wall. The adjoining SPOS to the north forms an L-shape and interfaces with the subject site for a length of approximately 6.8m. Under the existing conditions a shed/garage on no. 8 Peckville Street is built to the northern boundary for 5.4m long. Approximately 4m of this shed directly interfaces with the adjoining SPOS to the north. Although the proposed boundary wall would be in a different position compared to the existing shed, the length exposed to the SPOS is 3.8m long and is slightly less than the interface with existing shed. On this basis, and given the shed is single storey, the proposed ground floor wall would be acceptable as the level of impact would be comparable to, if not less than, the existing conditions. This meets the objective.
161. The main on-boundary wall impact to consider is at the first floor, which extends to 6.5m high for a length of 3.8m. Although this wall does not interface with the full length of the adjoining SPOS, the affected SPOS is modest in size and a two storey concrete wall on the boundary for this length would be unreasonable in terms of visual bulk. Of note, the wall interfaces with the wider (and possibly the more useable) part of the SPOS on the adjoining property. To address this, the Applicant has submitted sketch plans that incorporate a setback/rake and alternate material finish as depicted in the image below.

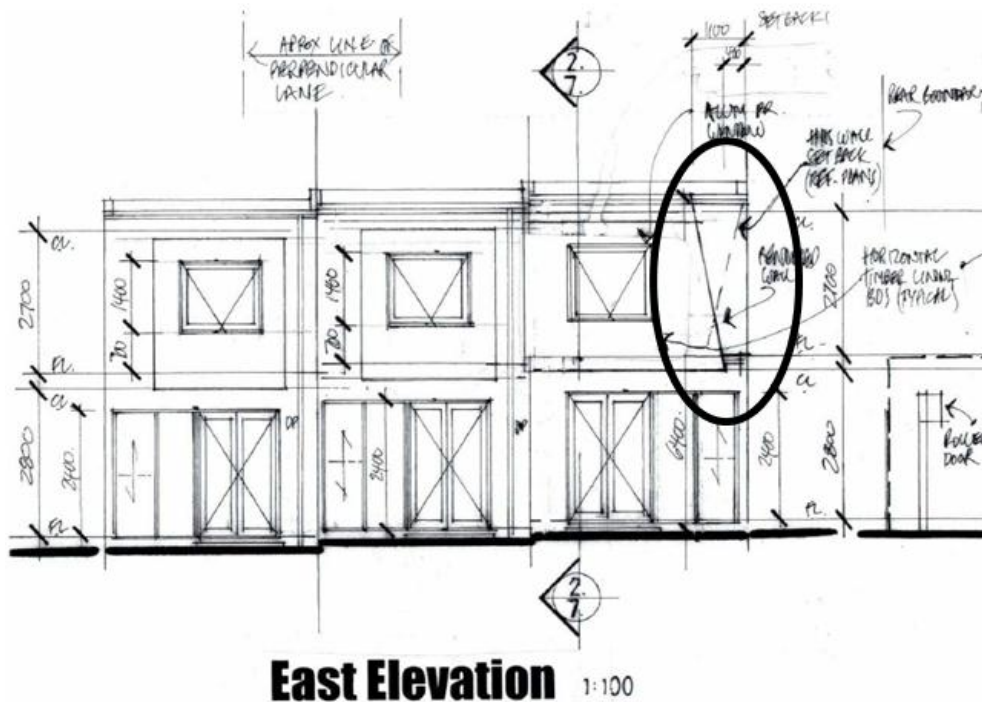


Image: insert of sketch plan indicating introduction of side setback to the north first floor wall.

162. The proposed modifications include a raked wall, which would be setback at the first floor level 0.4m from the boundary, with the rake extending to a setback of 1.1m from the boundary at the top of the wall. To facilitate this setback and maintain a reasonable bedroom size and internal amenity, the southeast corner of the subject bedroom has had the floor extended by an area of 0.6m by 0.6m to fill the void immediately south of the bay-window. This is appropriate as it is internal to the site and has no direct interface with adjoining properties.



163. The standard requires a 1.87m setback based on a wall height of 6.5m. However it is acknowledged that the site is located within an inner-city context where shallower setbacks are not uncommon and the proposed development is positioned to the south of the adjoining property, thereby avoiding any overshadowing impacts. In terms of a response to minimising visual bulk concerns, setting back the first floor north wall to bedroom 1 of the northernmost dwelling between 0.4m to 1.1m through provision of a rake is considered an appropriate setback. An alternative material compared to blank concrete in the form of timber cladding would also go a long way to alleviate the perception of bulk, with the first floor material being more recessive compared to the ground floor wall. This is accepted to be a reasonable balance between allowing development on the subject site within an inner-city context and ensuring that any amenity impacts to adjoining sites are not unreasonable. In addition, inclusion of a highlight window or skylight (that complies with the overlooking objective of the Scheme) would also aid in effectively breaking-up the built form, add visual interest and also provides northern light access to the bedroom. A condition of the permit will require the wall setback, material changes and provision of a highlight window/skylight.

164. These modifications through conditions would adequately minimise visual bulk impacts and would allow for a first floor wall that is not considered to be unreasonable within the context of the site. Subject to conditions, the proposal would meet the objective.

*Clause 55.04-3 Daylight to existing windows objective*

165. The habitable room windows shown at the rear of the dwelling to the north, face east and do not directly interface with the proposal. Therefore they would not be affected in terms of daylight access. There are no other existing habitable room windows which have a direct interface with the proposed development.

*Clause 55.04-4 North-facing windows objective*

166. There are no existing north-facing habitable room windows which have a direct interface with the proposed development.

*Clause 55.04-5 Overshadowing open space objective*

167. Consideration is given to overshadowing to adjacent SPOS between 9am and 3pm on the September equinox as per the standard.

168. Given the orientation of the site, there would be no overshadowing to the northern adjoining property. Consideration of the submitted shadow diagrams shows that at 9am, 12 noon and 3pm, the small area of open space on the adjoining site to the south is already overshadowed.

169. At 9am the shadow resultant from the proposal will fall within shadow cast from existing built form and there would be no additional overshadowing to SPOS as the additional shadows fall over existing built form and Peckville Street.

170. At 12 noon, the shadow from the proposal falls over open areas already fully overshadowed by the existing conditions and over existing built form.

171. At 3pm, there is also no additional overshadowing impact as any shadows from the proposal would fall within shadows cast from existing built form or over roof forms of the adjoining property to the south. The shadow diagrams show a small area of the eastern laneway would be overshadowed; however, no SPOS to the east is affected and the laneway would already be in shadow from existing boundary fences/rollers doors at this time.

172. Given there is no additional overshadowing to surrounding SPOS the proposal would meet the standard and no unreasonable impacts would result.

*Clause 55.04-6 Overlooking objective*



173. The side and rear boundary fences are in excess of 1.8m high and therefore the standard does not apply to the ground floor windows/courtyards given the floor levels are below 800mm above ground level and there would be no direct overlooking. The front balconies to the dwelling would not result in overlooking as these overlook the street and there is no SPOS or habitable room windows within 9m and a 45 degree arc of these spaces. Furthermore as the balconies overlook the street, any views into front setbacks of nearby properties for example would be comparable to those from the public realm.
174. Based on the assessment of plans and consideration of a 45 degree view arc over a horizontal distance of 9m measured at ground level as per the standard, there would be no direct or unreasonable overlooking of adjoining SPOS or habitable room windows as views within this arc fall over the subject site itself, adjoining buildings and/or the rear laneway. This is also true for the southernmost dwelling despite the 9m horizontal distance encroaching approximately 0.8m over the title boundary of the property to the east. This is because the downward views from the subject window taken at 1.7m high above finished floor level and extended over 9m (measured at ground level), would intersect with the rear boundary fence/roller door of the subject site. Therefore there would be no direct or unreasonable view into adjoining SPOS in accordance with the standard.

*Clause 55.04-7 Internal views objective*

175. The dwellings at ground floor level will be separated by 1.8m high timber paling fences which complies with the standard and ensures privacy between the dwellings.
176. The first floor windows of each dwelling would allow for views down into the adjoining SPOS area of each of the proposed dwellings. A condition will be required to ensure these windows comply with the objective and privacy is maintained.

*Clause 55.04-8 Noise impacts objectives*

177. Proposed air-conditioning units would be located on the balcony of each dwelling, behind the balustrade/roof form. This is considered to be a reasonable location and would need to comply with standard Environmental Protection Authority guidelines.
178. Given the proposed development will be used for residential purposes it is considered that there will be no unreasonable off-site acoustic amenity impacts to the surrounding area. The Scheme does not include reference to applicable noise control legislation; the Environment Protection (Residential Noise) Regulations 2008 deal with residential noise impacts and how they can be controlled.

*Clause 55.05-1 Accessibility objective*

179. The dwellings will have adequate ground floor access, but do not specifically cater for those with limited mobility. However, the ground floor of the new dwellings would be accessible to people with limited mobility which will be generally consistent with the requirement of the standard.

*Clause 55.05-2 Dwelling entry objective*

180. Each dwelling comprises a separate entry, with all entries clearly visible from the street, and the entry canopies are designed to create a shelter and transitional space to all entries, in accordance with the objective and standard.

*Clause 55.05-3 Daylight to new windows objective*

181. All proposed habitable room windows will receive daylight access in accordance with the standard requirements, i.e. facing an outdoor space or light court with at least 3sqm and minimum 1m dimension clear to the sky.

*Clause 55.05-4 Private open space objective*

182. Each dwelling will be provided with ground level courtyards at the rear, and front first floor balconies for the recreation and service needs of occupants. The overall provision of private open space, including front setbacks, ranges from approximately 35sqm to 39sqm for each dwelling. The rear SPOS areas range from approximately 25sqm to 29sqm for each dwelling, with the first floor balconies providing 5sqm of additional open space to each dwelling. The rear SPOS areas have direct convenient access from the living rooms.
183. It is acknowledged however, that the ground level open areas would function as dual purpose spaces and also accommodate on-site car parking within the rear setback of each property. When the car spaces are in use, this would reduce the area of SPOS available to each dwelling in the order of approximately 12sqm-13.5sqm. Whilst this may reduce the availability of useable SPOS when in use for car parking, this is considered to be an appropriate and practical use of the site within an inner-city context. In conjunction with this, the site's close proximity to Darling Gardens (a large area of public open space located within 250-300m walk of the site) effectively provides for supplemented recreational and outdoor use.
184. Whilst sufficient provision of private open space is required, it is considered that given the site context, the proposal provides for a reasonable balance of accessible SPOS and convenient access to public open space.

The dual purpose spaces are also a practical outcome to facilitate on-site car parking in an area where this is often not provided and there is a heavy reliance on on-street parking. On this basis the proposal is considered to provide for the reasonable recreation and service needs of residents in an inner-city location. There are also a number of examples within the locality that provide less SPOS than prescribed by the standard. Hence the proposal is also consistent with neighbourhood character and is not a significant departure from the density of development and associated provision of SPOS within this area. The objective is considered to be met.

*Clause 55.05-5 Solar access to open space objective*

185. Given the east-west orientation of the site and the need to orient buildings to the street, the proposed SPOS is located to the east of the dwellings, however they would receive reasonable access to the north aspect. Although the proposed front balconies face west, they too would have reasonable solar access. Whilst the site is constrained in terms of its orientation, the proposed areas of SPOS are reasonably sited to ensure they would receive adequate levels of solar access and therefore would cater to the needs of occupants within an inner-city context. Therefore the objective is met.

*Clause 55.05-6 Storage objective*

186. Specific storage areas are shown on the plans along the edges of the rear courtyards. It is not specified whether these units will each measure 6 cubic metres; a condition will be added to any permit requiring this to be demonstrated on all relevant plans.

*Clause 55.06-1 Design detail objective*

187. The proposed development is contemporary in design, yet complementary to the streetscape. It would integrate into a streetscape which has a mix of design styles and supports both period and modern housing stock. In this context, the style of the proposed dwellings will not appear out of context.

The mix of rendered, concrete and metal cladding finishes, along with the sympathetic paint finishes will provide for a suitably respectful visual appearance to the streetscape. The colours on the façade are respectful of the heritage precinct and the inclusion of a darker colour at the ground level and lighter at the first floor is considered to be appropriate for a contemporary building and will also further articulate/support a more recessive setback at the first floor.

188. The side concrete walls however appear to be raw concrete in a grey colour. Although the first floor walls would be setback from the street and visibility of this concrete wall would be limited to oblique angles and from the adjoining properties, the site is within a residential context and a more visually appropriate finish should be provided rather than unfinished/raw grey concrete. A condition will therefore require an updated materials and finishes schedule which shows the on-boundary walls finished in a render and colour consistent with the front facade of the dwelling. This is consistent with Council's Urban Design advice.
189. Each dwelling is also provided with a contemporary arrangement of windows, with the front window proportions being respectful of those found throughout the local heritage precinct. The dwellings will contribute to the variety of design styles and housing choice found within the area. The proposal will present a townhouse development of acceptable quality within a built-up inner city context and residential streetscape.

*Clause 55.06-2 Front fences objective*

190. There are no front fences over 1.5m high proposed and therefore this policy is not applicable. The proposed front fences are only 700mm high.

*Clause 55.06-3 Common property objectives*

191. There is no common property proposed.

*Clause 55.06-4 Site services objectives*

192. Rubbish and recycling bins are to be stored at the rear of each dwelling within a dedicated bin area and therefore will not be visible from the street. Mailboxes and metres are to be suitably sited within the front setback. These are practical and suitable locations that ensure these services are easily accessible whilst also maintaining visual amenity from the public realm.

Heritage

193. The decision guidelines from Clause 43.01-4 and policy from Clause 22.02 of the Scheme is used to assess the proposed demolition, construction and works.
194. The proposal involves the demolition of the existing 'not contributory' dwelling and all associated outbuildings and front and side boundary fences. The rear fence and landscaping/hard paved surfaces would also be removed. These have not all be shown on the demolition plan and therefore a condition will require all demolition/removal works to be shown. The dwelling and associated structures dates from the 1950-1960's and is of a conventional design in brick and tile construction. The dwelling and other associated built form elements on the site do not hold heritage significance and demolition is acceptable, being consistent with policy at Clause 22.02 of the Scheme and raised no concerns with Council's Heritage Advisor.
195. The proposed development includes the construction of three, two storey dwellings. The key consideration for assessing the proposal is whether it would adversely or unreasonably affect the significance of the broader heritage precinct, or appropriately responds to the character and appearance of the historical streetscape and broader precinct.

196. The dwellings would have a setback from Peckville Street (being the principal street frontage) of 1.4m at the ground floor with projecting canopies of 0.6m. The second storey will have a front setback of 4.9 metres with a balcony of 1.9m deep extending into this setback. The adjoining properties present front setbacks of approximately 1.4m also, with verandahs projecting into their setbacks. As identified by Council's Heritage Advisor, the predominant front setback in nearby Noone Street appears to be about 1.3m for single storey, contributory buildings.
197. The proposed setback of 1.4m for the ground floor is considered acceptable, as it will be consistent with the adjoining contributory building at 10 Peckville Street and reflects common setbacks found within the local heritage precinct. The front setback of 4.9m to the first floor is supported as it is considered an appropriate depth, which respects the pattern, rhythm and spatial characteristics of the street by making the upper level more recessive. The zero side setbacks of the development are appropriate as they are consistent with the adjoining dwelling's setback to the north and many other examples of attached and semi-attached dwellings in the area. Council's Heritage Advisor is supportive of these setbacks; however concern was raised with regard to the projecting entrance canopies and front balconies as they could be visually dominant and would not be reflective of the heritage character of the street.
198. It is acknowledged that the front entry canopies could be visually dominant given their boxy design and projection. As per the recommendation of Council's Heritage Advisor, a condition will require the projecting entry canopies to be more discretely integrated into the design of the facades, as was also discussed earlier in this report.
199. With regard to the front first floor balconies however, it is not considered that these would be dominant or unreasonably at odds with the character of the area. This is because the balconies are effectively integrated into the façade and pitched front roof form. Whilst this may be a contemporary design outcome, the integration of the balconies provides for articulation of the building by breaking up the form and adding additional visual interest. The nature and positioning of the balconies would not read as a roof deck, but rather a restrained front balcony arrangement. Furthermore, it is not uncommon for double storey period terrace style dwellings to accommodate small balconies at the first floor. Illustrating this within close proximity to the site are two dwellings, one of a not-contributory grading and the other being contributory to the heritage precinct. These dwellings are two storeys in scale and present shallow first floor balconies. Whilst these dwellings face Noone Street, they are within 30-50m of the site and form part of the character of the Clifton Hill Western Heritage Precinct. On this basis the proposed front balconies are supported as they would not dominate features given their effective integration within a characteristic pitched front roof form. They would not unreasonably impact the character or appearance of the heritage precinct, and provide for subtle articulation of the building and can be supported.
200. The style and appearance of the proposed dwelling has incorporated rendered facades to be painted in Bristol's "Rock" at ground level and Dulux's "Candlebark" at the upper level. Having a darker colour at ground level and a more recessive colour at the upper level is supported from a heritage perspective as per Council's heritage advice. Window frames would be aluminium framed in charcoal colour and the corrugated roofs are proposed as Colorbond "Woodland Grey". Whilst Council's Heritage Advisor has indicated a preference for a more recessive grey colour such as "Dune", the proposed colours are considered sufficiently recessive and respectful. The materiality and appearance will sit comfortably within the streetscape from a heritage perspective, without appearing dominant or unsympathetic to surrounding design styles which is consistent with the intent of policy at Clause 22.02-5.7.1 of the Scheme.

201. The overall appearance and presentation of the building is influenced by its scale and siting (both of which are acceptable), window forms, and materials. The proportions of the building and windows are of an acceptable arrangement that allows for contemporary design whilst maintaining a suitable rhythm and form of windows to the façade.
202. The removal of the front vehicle crossing and reinstatement of the kerb, along with the provision of car parking at the rear of the site is a positive heritage outcome as the crossover and car access would be removed from the streetscape. Providing car parking within the rear setback is also consistent with heritage policy at Clause 22.02-5.7.2 of the Scheme. Domestic services such as bin storage, utility metres and air-conditioning units would also be discreetly sited so that they are reasonably concealed from the street.
203. The proposed front fence to Peckville Street would be of a simple timber picket design at 0.7m high above ground level and includes a reasonable level of transparency. The proposed front fence is consistent with policy at clause 22.02-5.7.2 which encourages low and transparent front fences. The fence would be complementary to the character of the streetscape and be an improvement compared to the existing brick fence. The fence would allow for views to and from the dwelling and appropriately integrates with the street. It appears that not all of the front fence side returns have been shown within the front setback on plan, therefore a condition will require this.
204. The side boundary fences would be timber paling, and along with the rear roller doors to the laneway, these elements of the development would be concealed from the street and are therefore appropriate within a heritage context and consistent with the area's character.
205. Subject to conditions, the proposal is considered acceptable as it would result in an appropriate balance of allowing a new development that is contemporary in design, yet adequately respects the pattern and character of development in the local heritage precinct.

The proposed demolition and buildings and works would have no adverse impact on the heritage values of the precinct and are consistent with the purpose statements and decision guidelines of Clause 43.01 and policy at Clause 22.02 of the Scheme.

#### Clause 22.07 Development Adjacent to a Laneway

206. The proposed development is highly compliant with the requirements of Clause 22.07 of the Scheme with regards to development abutting laneways. In particular:
  - (a) The only element of the proposed development to directly interface with the laneway at the rear is the provision of three roller doors to facilitate rear vehicle access to each site. The proposed dwellings themselves are well setback from the laneway and would not impact the built form character. The roller doors along the east boundary are in keeping with existing development along the laneway.
  - (b) Vehicle access from the adjacent laneway to the east is proposed via a roller door arrangement to each dwelling, which is consistent with the character of the laneway. It is considered that access and traffic within the laneway will not be adversely affected as the laneway is not a thoroughfare and Council's Engineering Services Unit has confirmed that the access arrangements are adequate on the condition that the roller doors are setback an additional 200mm from the right-of-way boundary.
  - (c) Pedestrian access from Peckville Street will continue to be provided to the site and there is no conflict between pedestrian and vehicular access to the site.
  - (d) No external lighting is proposed along the laneway that will cause unreasonable light spill to adjacent private open space and habitable rooms.
  - (e) Adequate space is available on site for refuse storage, consistent with existing conditions and the roller doors are positioned entirely within the site's title boundaries.

#### Stormwater Management and Environmentally Efficient Design

207. Pursuant to Clause 22.16-5 (Stormwater management) of the Scheme the responsible authority needs to consider, as appropriate:
- (a) *The extent to which the development meets the objectives and requirements of this policy*
  - (b) *The Water Sensitive Urban Design Response*
  - (c) *Whether the application meets the best practice performance objective and treatment measures.*
  - (d) *Whether the proposal is designed and incorporates works to maintain, or improve, the quality of stormwater within or exiting the site.*
  - (e) *Whether the proposal will significantly add to the stormwater discharge or adversely affect water quality entering the drainage system.*
  - (f) *Opportunities for water conservation and reuse that influence the use of water sensitive urban design.*
  - (g) *The level of ongoing management required to achieve and maintain the desired stormwater quality measures that will be used during the construction phase to prevent a loss of stormwater quality as a result of building activities, such as silt traps.*
208. With regard to the proposed Scheme Amendment C133 – Environmentally Efficient Design, the proposed policy requires applications to be considered against the following objectives (where applicable):
- (a) Energy efficiency;
  - (b) Water resources;
  - (c) Indoor environment quality;
  - (d) Stormwater management;
  - (e) Transport;
  - (f) Waste management;
  - (g) Innovation; and
  - (h) Urban ecology.
209. The proposed development is for full demolition of the existing dwelling and associated structures and construction of three, two storey dwellings. The existing conditions present a relatively high level of impervious surfaces, including the existing structures and areas of open space covered with hard paving. The proposed level of site coverage is appropriate, and a high percentage of the site would be treated with permeable surfaces in the form of garden and soft landscaping/grass pavers. Therefore the proposal would not result in a significant increase in the amount of hard surfaces and associated runoff. Furthermore, the submitted SDA report indicates that water tanks would be incorporated into the development to achieve a Storm rating of 100%. This is considered to meet best practice and combined with the level of site permeability, the development would support improved water efficiency and reduce stormwater runoff compared to the existing conditions. A condition will require the proposed water tanks/stormwater management measures to be shown on plan.
210. In terms of environmentally efficient design, the proposal incorporates the following features:
- (a) The living rooms and kitchens of each dwelling incorporate an adequate level of glazing that would support natural daylight access.
  - (b) Skylights have been incorporated to facilitate daylight into the centres of each dwelling.
  - (c) The dual aspect of the dwellings, with operable glazing on both aspects supports effective cross-ventilation opportunities.
  - (d) The incorporation of water tanks and water efficient fixtures (as outlined in the SDA report) supports water efficiency and stormwater re-use. A condition will require the tanks to be shown on plan, with a notation confirming they are connected to the toilets.
  - (e) The eastern ground level windows would receive some sun protection from the eave/shallow cantilever above.
  - (f) As discussed previously, there is no sun protection to the east and west first floor windows of the dwellings which would be exposed to heat gain in summer. A condition will require sun protection devices to be installed.
  - (g) The submitted SDA report suggests that the development would achieve an adequate sustainability score.

211. It is noted that some of the material specifications in the SDA appear to be inconsistent with some references on the plans, such as wall and window frame specifications; however this is not expected to significantly alter the sustainability credentials of the proposal. Overall, the proposal satisfies the policy objectives and decisions guidelines of Clause 22.16 of the Scheme and also the proposed Amendment C133 as the proposed development incorporates a number of environmentally efficient design elements and would be an improvement compared to the existing conditions.

### Objector Concerns

212. The majority of issues raised by objectors have been addressed in the assessment section of this report. For ease of reference, report sections and or paragraph numbers are contained below as relevant. Where the objector concerns have not yet been addressed, a response is also offered below.

- (a) *Density / overdevelopment* (density has been discussed at paragraphs 136-137);
- (b) *Neighbourhood character* (issues of neighbourhood character and also character from the perspective of heritage have been discussed at paragraphs 122-125 and the heritage assessment at 195-206);
- (c) *Car parking and access arrangements* (these matters are discussed at paragraphs 149-152). In addition to these considerations, current instances of illegal car parking and blocking of the street or driveways (raised by objectors) is an enforcement matter.
- (d) *Amenity impacts, including loss of daylight, bulk; overshadowing; and overlooking* (these amenity considerations are discussed at paragraphs 155-178);
- (e) *Lack of open space for proposed dwellings* (refer to paragraphs 182-184);
- (f) *Materials and finishes* (refer to paragraphs 187-189 and 201).
- (g) *Noise* (refer to paragraphs 177-178).

213. Outstanding or other concerns relate to:

- (a) *Impact on future development potential of southern adjoining site*: There is no application currently before Council for consideration associated with development of this site and there is no recent planning history that would suggest the site is to be developed. Council is required to assess the development against the existing conditions of the site and future speculation regarding development cannot be considered. Notwithstanding this, the siting of the development along this interface would not prejudice future development potential of the adjoining site.
- (b) *Drainage*: Drainage is not a specific planning consideration. This would be dealt with by building regulations and there is a requirement for the development to be connected to the legal point of discharge.
- (c) *Inaccuracies in surrounding built form descriptions*: The submitted plans correctly identify the built form adjoining the subject site. In terms of the broader site context and scale of development in the area, Council's planning officer undertook a site visit to confirm the surrounding site context as being made up of single and double storey dwellings.
- (d) *Construction phase impacts*: Construction impacts are not a planning consideration. A condition would require standard construction hours to be adhered to.

### **Conclusion**

214. Based on the report, the proposal is considered to generally comply with the relevant policies of the Scheme and is recommended for approval subject to conditions.

## RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN15/0426 for development of the land for full demolition and construction of three, two storey dwellings, at 8 Peckville Street, Clifton Hill VIC 3068 subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:
  - (a) All demolition, including all fences and other structures, to be shown on the demolition plan;
  - (b) Redesigned entry canopies that integrate more discretely into the front of the dwelling, consistent with the sketch plans received by Council on 29 September 2015;
  - (c) The location of water tanks associated with the dwellings and a notation that these will be connected to toilets;
  - (d) Incorporation of shading devices to the first floor east and west-facing windows to each of the dwellings, with the western shading devices being suitably discrete and integrated into the design of the building;
  - (e) Each dwelling to be provided with 6 cubic metres of accessible storage;
  - (f) An increased offset/setback of the roller doors from the rear boundary by a further 200mm and relabeling of the 'easement' at the rear of the site as 'public highway';
  - (g) The rear first floor windows of each dwelling to comply with the objectives of clause 55.04-7 (Internal views objective) of the Yarra Planning Scheme;
  - (h) The first floor north wall to bedroom 1 (of the northernmost dwelling), to be setback from the boundary 0.4m at floor level and raked back to a setback of 1.1m at the top;
  - (i) The floor area of bedroom 1 (of the northernmost dwelling) altered to extend into the 0.6m by 0.6m void at the southeast corner of the bedroom, immediately south of the originally proposed bay window;
  - (j) The north and east first floor walls to bedroom 1 (of the northernmost dwelling) finished in timber cladding;
  - (k) Provision of a highlight window or skylight to the first floor north wall of bedroom 1, which also complies with clause 55.04-6 (overlooking objective) of the Yarra Planning Scheme;
  - (l) The side returns of the front fences within the front setback; and
  - (m) An updated materials and finishes schedule that includes reference to at least the exposed sections of the development's on-boundary walls being finished in render and a colour consistent with the facade.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.



4. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
5. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and reinstated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
6. Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Peckville Street road frontage must be reconstructed to Council's satisfaction and at the developer's expense.
7. The developer must ensure that light projected from any existing, new or modified lights does not spill into the windows of any new dwellings or any existing nearby residences. Any light shielding that may be required shall be funded by the applicant.
8. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
9. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm,;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
10. This permit will expire if:
  - (a) the development is not commenced within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5063.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.

All future residents and occupiers residing within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

**CONTACT OFFICER:** Jacob Sickinger  
**TITLE:** Statutory Planner  
**TEL:** 92055171

**Attachments**

- 1 PLN15/0426 - 8 Peckville Street Clifton Hill - Attachment 1 Site plan
- 2 PLN15/0426 - 8 Peckville Street Clifton Hill - Advertising S52 - Plans

Attachment 1 - PLN15/0426 - 8 Peckville Street Clifton Hill - Attachment 1 Site plan

# ATTACHMENT 1

SUBJECT LAND: 8 Peckville Street, Clifton Hill 3068



Attachment 2 - PLN15/0426 - 8 Peckville Street Clifton Hill - Advertising S52 - Plans

ANTHONY LUCAS & ASSOCIATES  
ARCHITECTS

169 FITZROY STREET, FITZROY 3065  
TEL 9416 2571, 0417 116 987 FAX 9417 3899  
PRINCIPAL: ANTHONY LUCAS ARAIA  
ABN 66 143 996 348



FINISHES SCHEDULE - 8 PECKVILLE ST  
CLIFTON HILL.

COLOUR BOND (METALIC) CH1.

- FRONT ENTRANCE CANOPY
- BAY WINDOW LINING AT REAR

RENDER - PAINTED.  
DULUX CANDICEBARK

- FRONT FIRST FLOOR WALL
- REAR GF & FF WALL

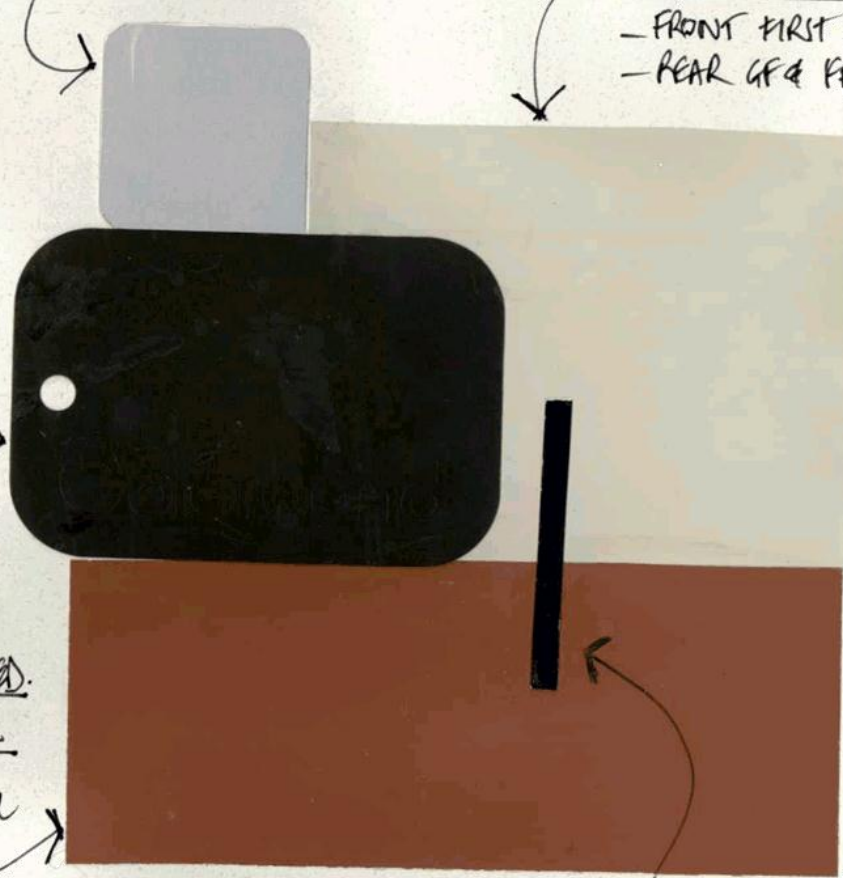
COLOUR BOND  
WOODLAND GREY

FRONT ROOF →

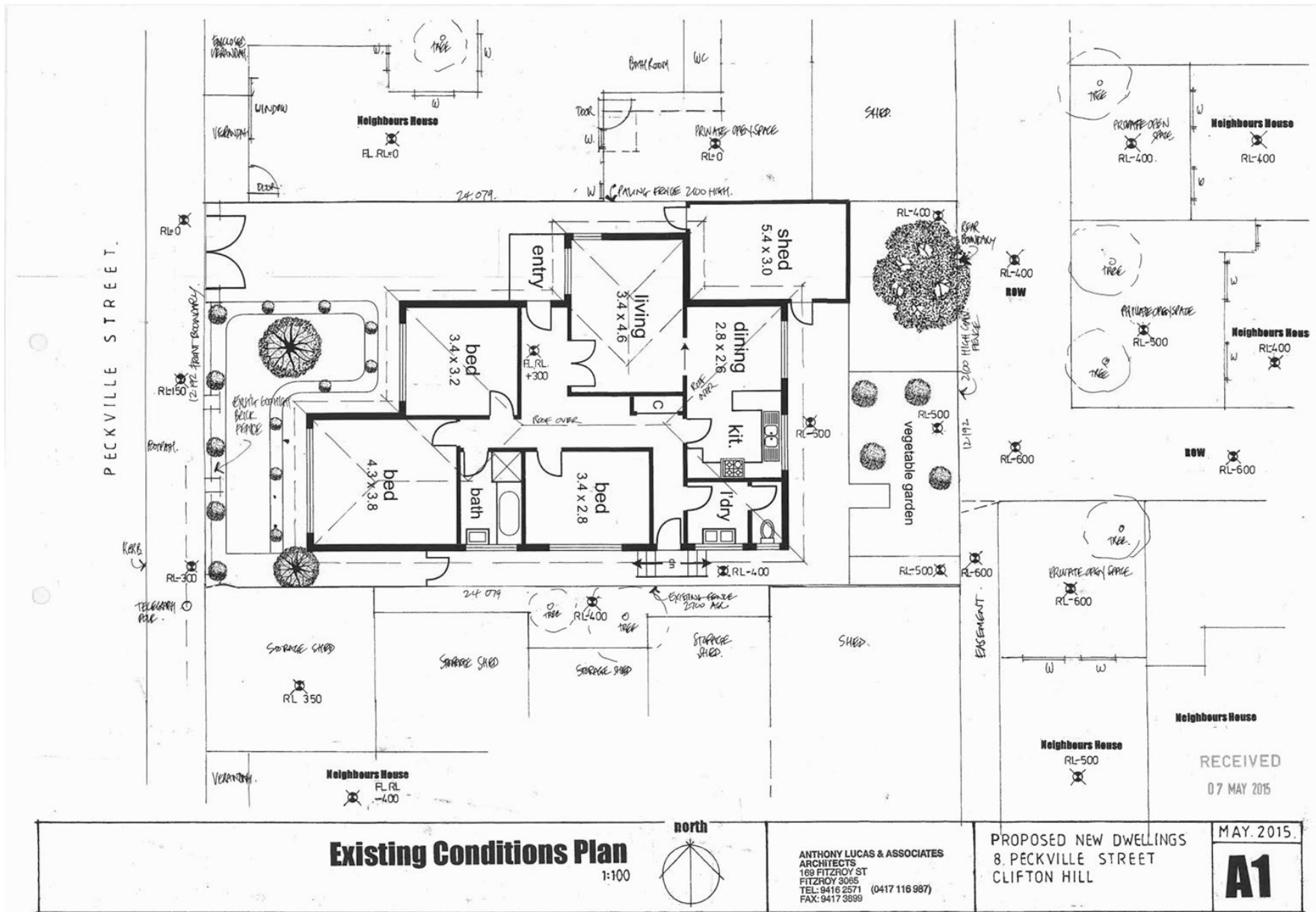
RENDER PAINTED.  
BRISTOL - ROCK

FRONT GF. WALL →

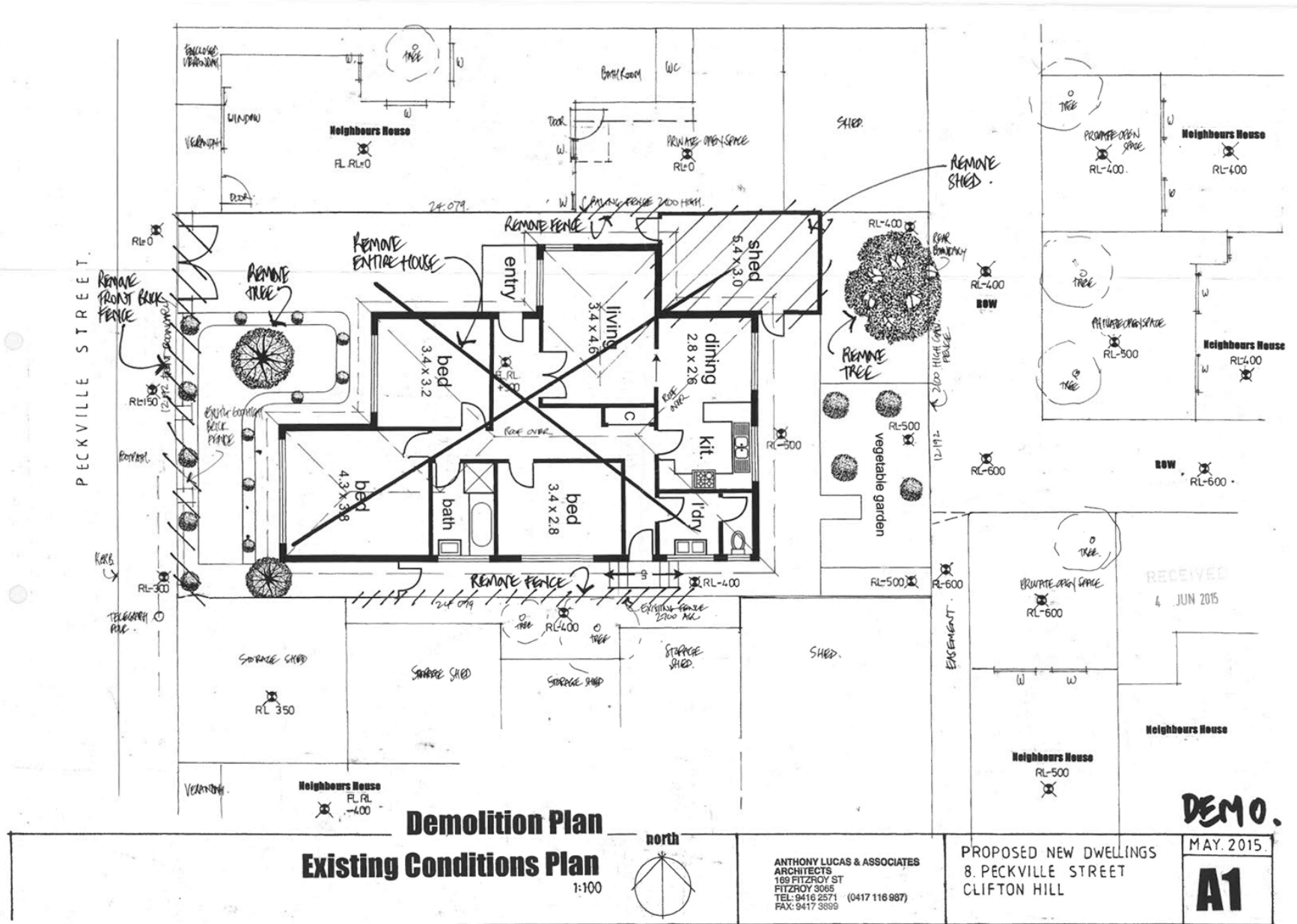
WINDOW FRAMES & FENCE  
ALUMINIUM POWDER COATED  
CHARCOAL



Attachment 2 - PLN15/0426 - 8 Peckville Street Clifton Hill - Advertising S52 - Plans

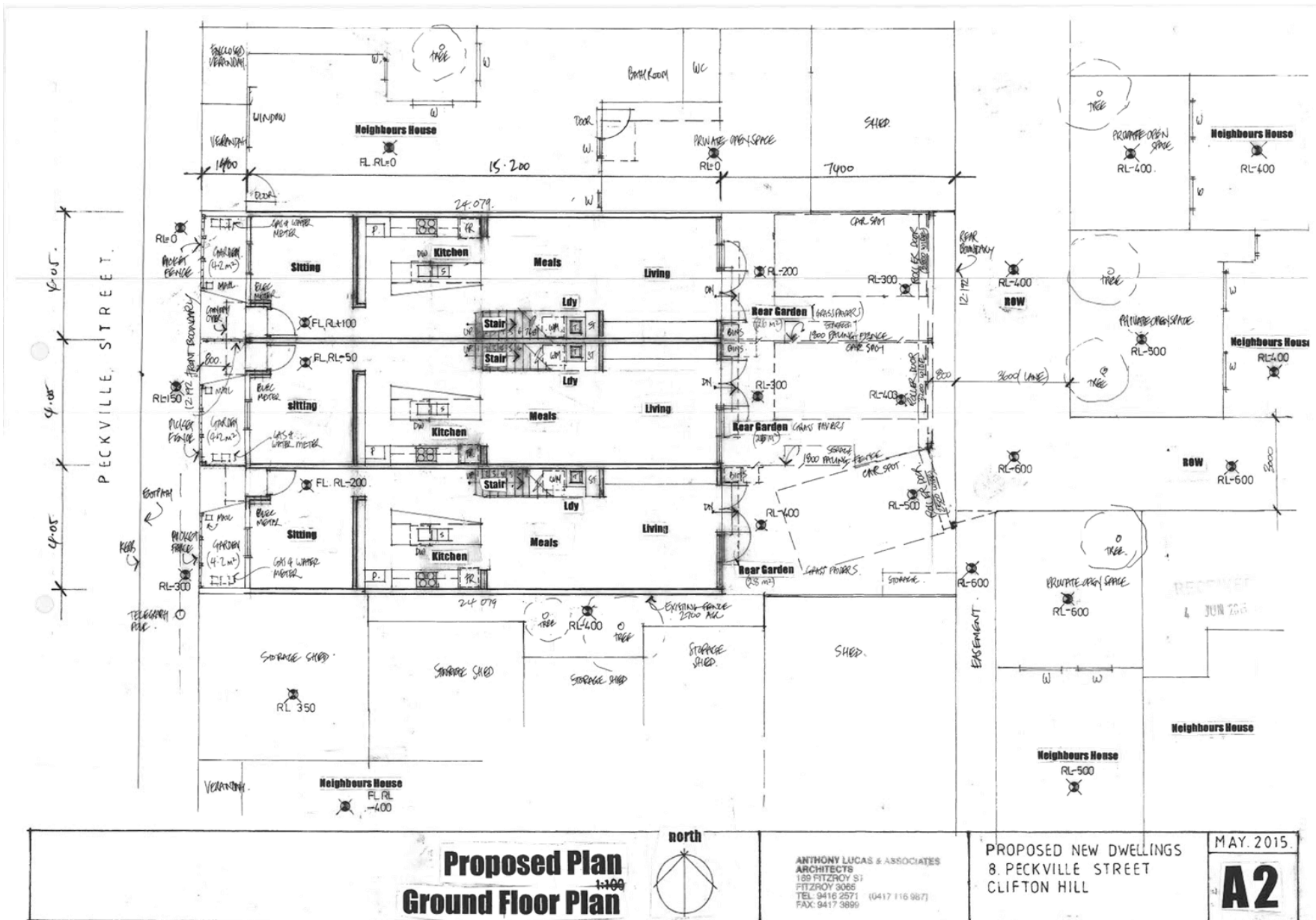


Attachment 2 - PLN15/0426 - 8 Peckville Street Clifton Hill - Advertising S52 - Plans

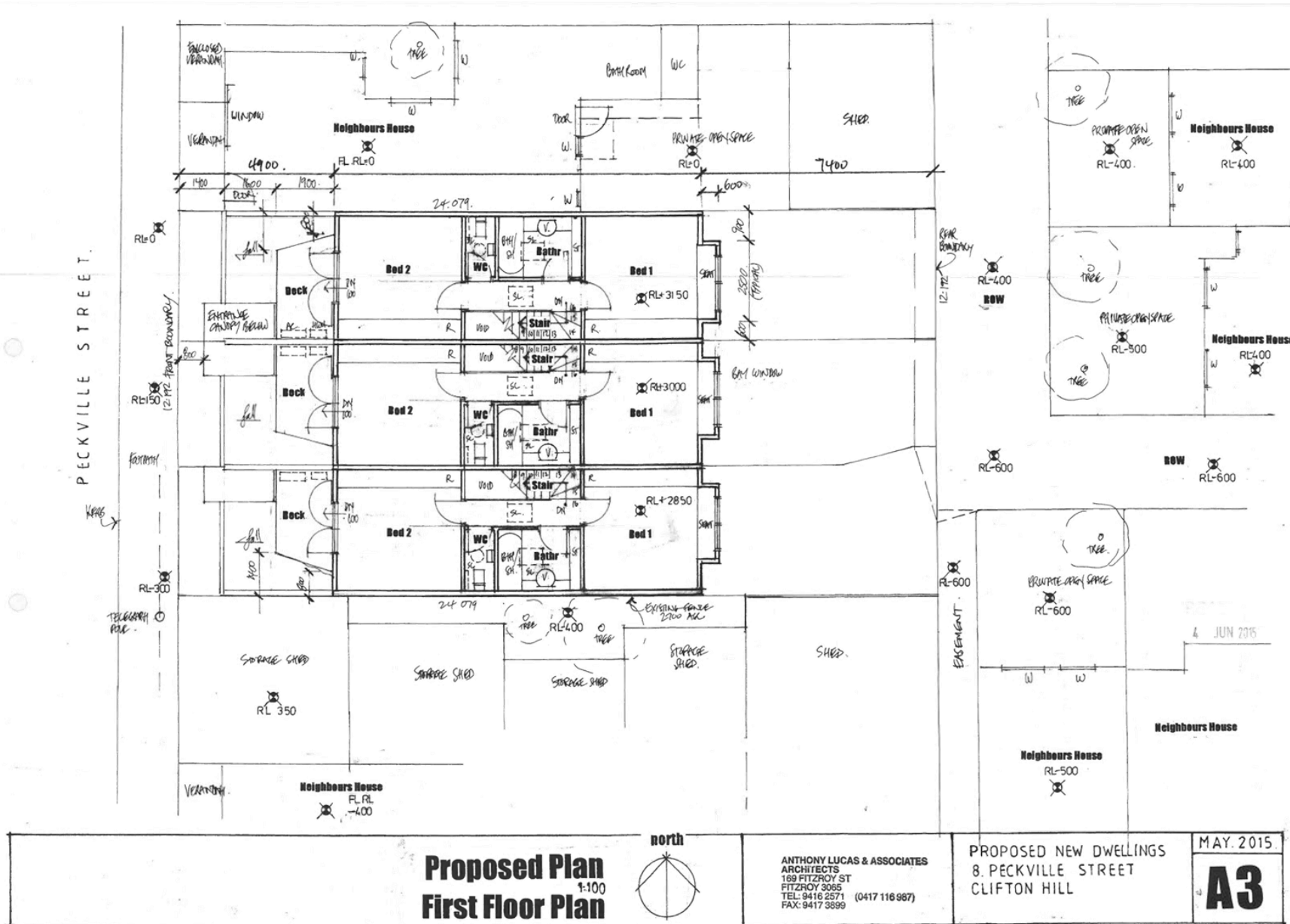




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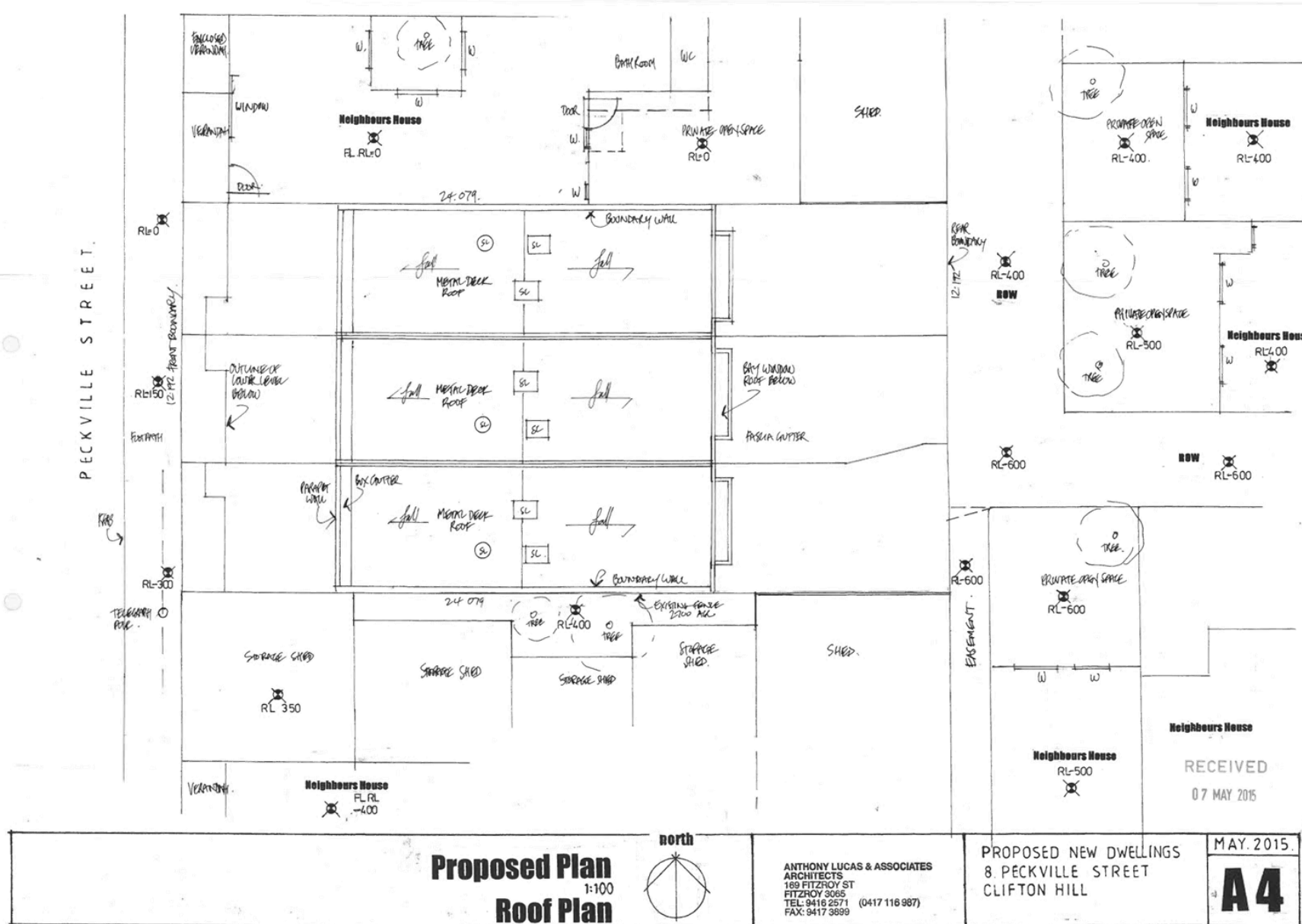


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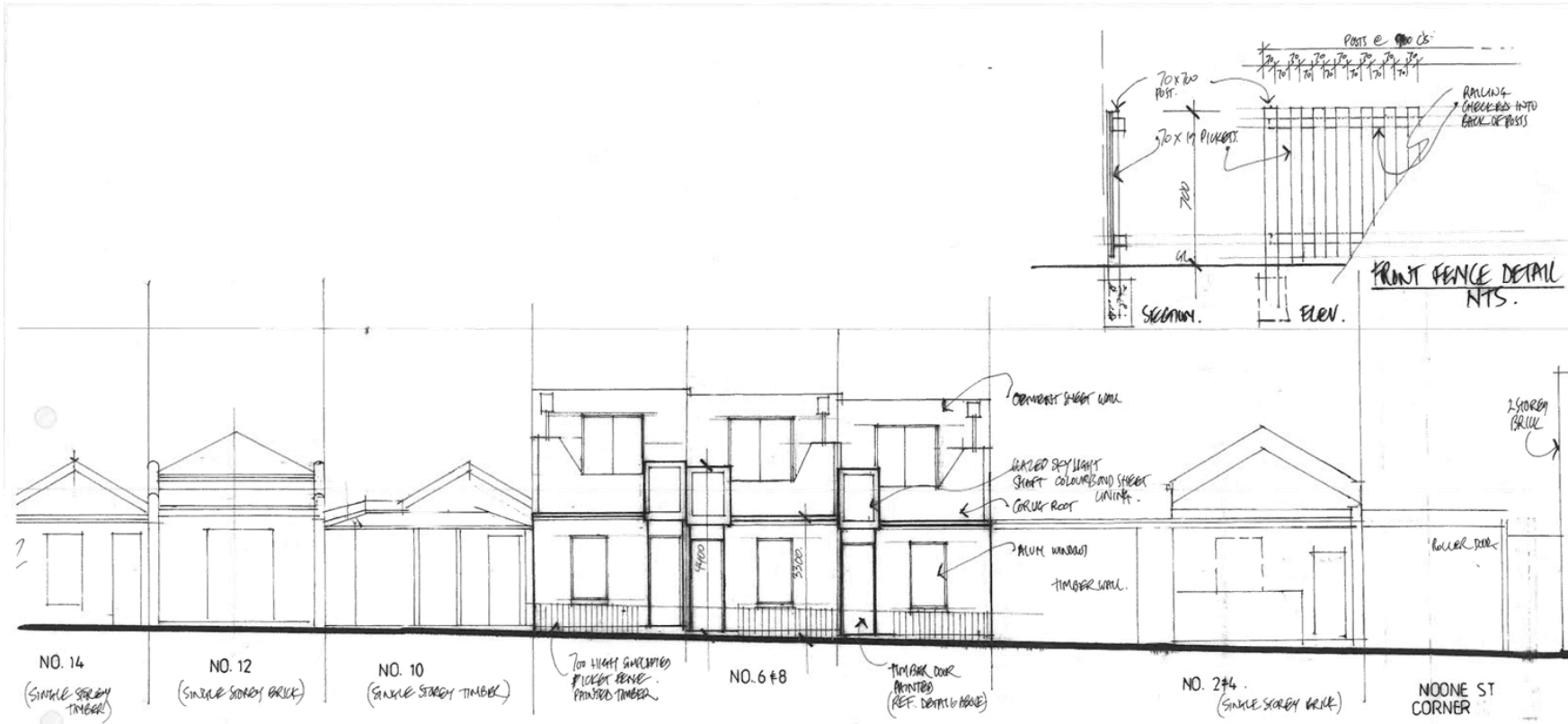




Attachment 2 - PLN15/0426 - 8 Peckville Street Clifton Hill - Advertising S52 - Plans



Attachment 2 - PLN15/0426 - 8 Peckville Street Clifton Hill - Advertising S52 - Plans



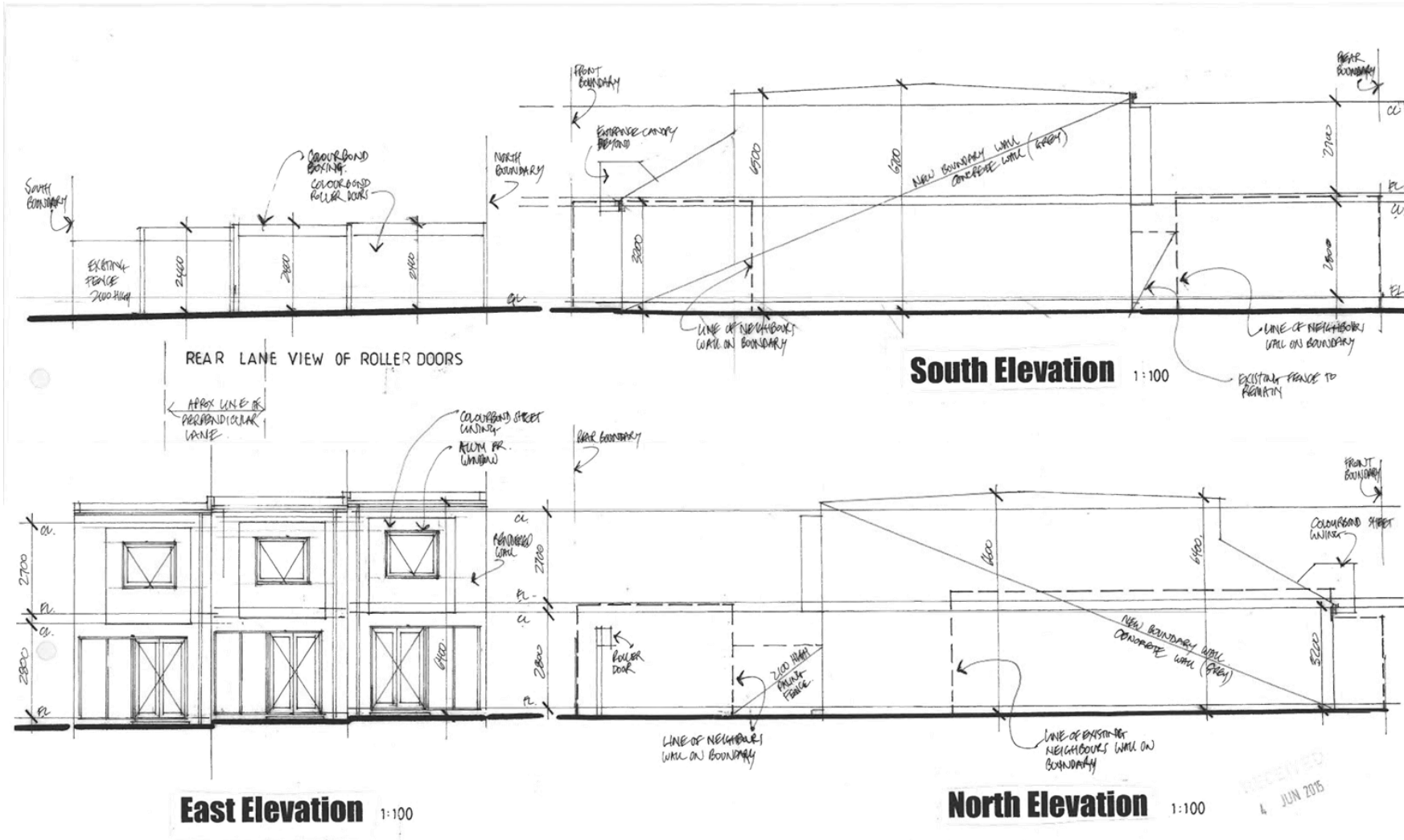
**Peckville Street**

**West Elevation** 1:100

REVISION  
4 JUN 2015

	<p>ANTHONY LUCAS &amp; ASSOCIATES ARCHITECTS 169 FITZROY ST FITZROY 3065 TEL: 9416 2571 (0417 116 987) FAX: 9417 3899</p>	<p>PROPOSED NEW DWELLINGS 8 PECKVILLE STREET CLIFTON HILL</p>	<p>MAY 2015 <b>A5</b></p>
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Attachment 2 - PLN15/0426 - 8 Peckville Street Clifton Hill - Advertising S52 - Plans



RECEIVED  
4 JUN 2015

	<p>ANTHONY LUCAS &amp; ASSOCIATES ARCHITECTS 169 FITZROY ST FITZROY 3065 TEL: 9416 2571 (0417 116 987) FAX: 9417 3899</p>	<p>PROPOSED NEW DWELLINGS 8 PECKVILLE STREET CLIFTON HILL</p>	<p>MAY 2015 <b>A6</b></p>
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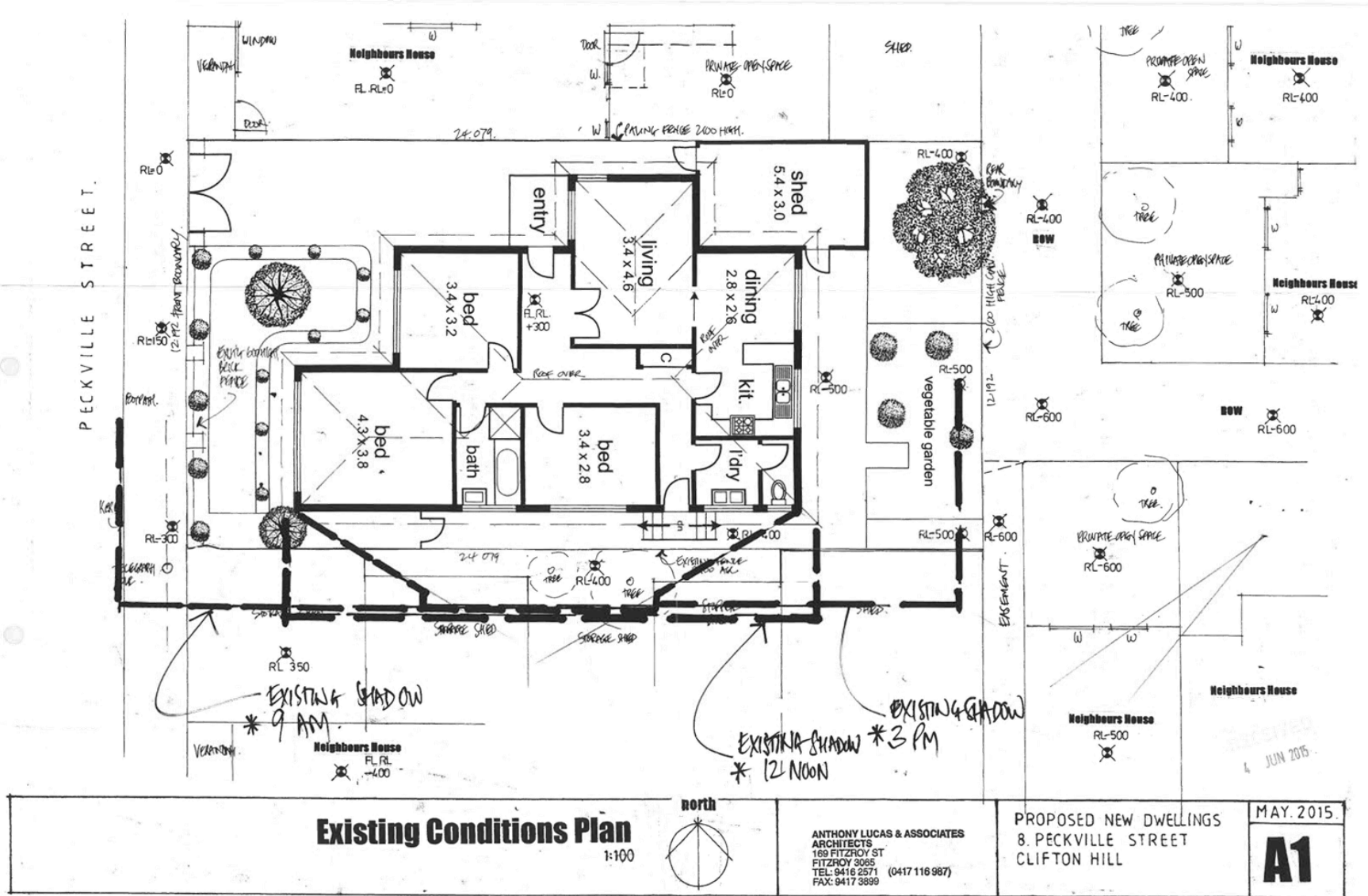
**Attachment 2 - PLN15/0426 - 8 Peckville Street Clifton Hill - Advertising S52 - Plans**



RECEIVED  
4 JUN 2015

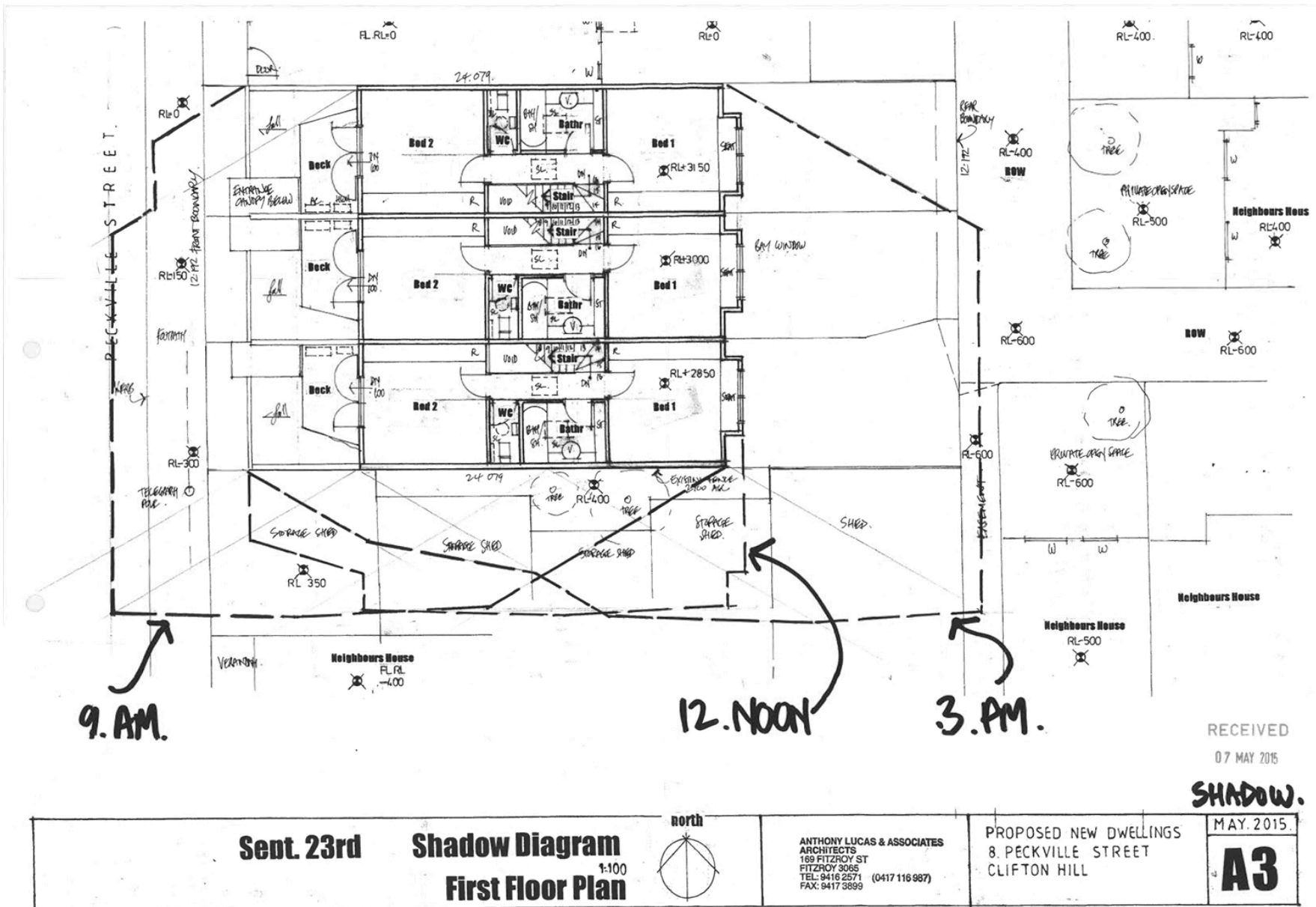
**Locality View**

Attachment 2 - PLN15/0426 - 8 Peckville Street Clifton Hill - Advertising S52 - Plans



**\* Shadow Diagram Sept. 23rd \***

Attachment 2 - PLN15/0426 - 8 Peckville Street Clifton Hill - Advertising S52 - Plans



RECEIVED  
07 MAY 2015

**SHADOW.**

<p><b>Sent. 23rd</b></p>	<p><b>Shadow Diagram</b> 1:100 <b>First Floor Plan</b></p>	<p>ANTHONY LUCAS &amp; ASSOCIATES ARCHITECTS 169 FITZROY ST FITZROY 3066 TEL: 9416 2571 (0417 116 987) FAX: 9417 3899</p>	<p>PROPOSED NEW DWELLINGS 8 PECKVILLE STREET CLIFTON HILL</p>	<p>MAY. 2015 <b>A3</b></p>
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**1.2 PLN15/0208 - 58 Gibdon Street Burnley - Develop the land by the construction of a new, two-storey dwelling, and a two-storey outbuilding (garage and first-floor study)**

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### **Executive Summary**

#### **Purpose**

This report provides Council with an assessment of a planning permit application submitted for 58 Gibdon Street, Richmond, for the construction of a double storey dwelling and a two-storey outbuilding. The report recommends approval of the application.

#### **Key Planning Considerations**

Key planning considerations include:

- (a) Clause 21.05 – Built Form;
- (b) Clause 21.07-1 – Environmental Sustainability, Ecologically Sustainable Development;
- (c) Clause 22.10 – Built Form and Design Policy;
- (d) Clause 22.13 – Residential Built Form Policy; and
- (e) Clause 54 – One dwelling on a Lot.

#### **Key Issues**

The key issues for Council in considering the proposal relate to:

- (a) Clause 54 (ResCode) including clause 22.10 (Built Form Design);
- (b) Development abutting a laneway;
- (c) Vehicular access; and
- (d) Objector concerns.

#### **Objector Concerns**

A total of 29 submissions were made to Council, of which 11 were objections and 18 were letters of support.

#### Objections

- (a) The grounds of objection (11 Objections) are summarised as follows:
  - (i) Amenity impacts on the surrounding area;
  - (ii) Loss of light / sun / increased shadowing;
  - (iii) Noise from roof terrace;
  - (iv) Visual bulk;
  - (v) Loss of sky views;
  - (vi) Impact on neighbourhood character – two storey is inappropriate;
  - (vii) Access from ROW to car space insufficient;
  - (viii) Loss of privacy;
  - (ix) Lack of setbacks from private open space;
  - (x) Increased overshadowing;
  - (xi) Site coverage too high;
  - (xii) Construction will damage retained party wall;
  - (xiii) Inappropriate building materials;

#### Submissions of Support

- (b) The grounds of support (18 supporters) are summarised as follows:

- (i) The design will fit well with the look and feel of the suburb and enhance the area;
- (ii) Medium density housing should be supported;
- (iii) The design is high-end and makes good use of space;
- (iv) The inclusion of a front car park means one less car on the street;
- (v) Old underused houses attract squatters or unsavoury tenants- Yarra deserves better;
- (vi) The current house is old, and rundown- the proposal will improve the streetscape;
- (vii) Proposed landscaping will improve planting and greenery on site;
- (viii) Double-storey is better than high-rise;
- (ix) Roof terraces are good use of space and should be encouraged in Yarra;
- (x) The design and materials will blend-in with surrounding architectural style;
- (xi) There are too many apartments in Richmond – this is a welcome family house and should be encouraged;

## **Conclusion**

Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

**CONTACT OFFICER:** Christopher Harries  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5333



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**1.2 PLN15/0208 - 58 Gibdon Street Burnley - Develop the land by the construction of a new, two-storey dwelling, and a two-storey outbuilding (garage and first-floor study)**

---

Trim Record Number: D15/131318  
 Responsible Officer: Principal Planner

**Proposal:** Develop the land by the construction of a new two-storey dwelling and a two-storey outbuilding (garage and first-floor study).  
**Existing use:** Single-storey dwelling  
**Applicant:** Amiconi Architect  
**Zoning / Overlays:** General Residential Zone (Schedule 2) and Design and Development Overlay (Schedule 5)  
**Date of Application:** 06/03/2015  
**Application Number:** PLN15/0208

**Planning History**

1. Council records show no planning history associated with the subject site.

**Background**

2. The application was received by Council on 6 March 2015. Following the submission of further information, the application was advertised and 11 objections and 18 support letters were received.
3. A consultation meeting was held on 10 June, 2015 and was attended by Council Officers, the Applicant, the subject site owners, objectors and supporters. No resolutions were made.
4. Pursuant to Section 57(A) of the Planning and Environment Act 1987 (the Act), the Applicant formally substituted plans on 4 September which included the following changes:
  - (a) *Deletion of the first-floor roof terrace and replacement with a small 2m long and 2.5m wide (5sqm) balcony with 1.7m high screening.*
5. Discretionary exemption from notice requirements was granted at Council's internal Development Assessment Panel (DAP) on 13 October 2015 as the change resulted in an overall reduction of built form and a reduction in overlooking and overshadowing.
6. The Section 57A plans received by Council on 4 September 2015 are now the decision plans and form the basis of this report.

**Existing Conditions**

Subject Site

7. The subject site is located on the western side of Gibdon Street, between Crimea Street to the north (52m) and Twickenham Avenue to the south (47m), in the suburb of Burnley.
8. The subject site is rectangular in shape and has a frontage to Gibdon Street of 5.45m, a southern boundary of 36.57m, abuts a laneway to the rear for a length of 5.48m and a northern boundary of 36.41m, yielding an area of approximately 199sqm.

9. The site is currently developed with a single-storey, single-fronted brick dwelling, which is part of a duplex with the adjoining northern dwelling. Skillion-roofed later additions are located at the rear of the original construction which has a hipped roof.
10. The dwelling is currently setback approximately 5.35m from the front (eastern) boundary accommodating a front garden, and a porch which encroaches into this setback. The site is bounded by a low timber-picket fence and gate.
11. The dwelling is constructed along the northern boundary, with a brick party wall shared with the northern abutting dwelling (and with a party wall easement shown on the plan of title provided with this application).
12. The dwelling is partially constructed on the southern boundary with no easement shown on plan of title.
13. The site's secluded private open space is located at the rear of the dwelling within the setback from the western boundary.
14. There are no restrictive covenants listed on the certificate of title provided.

#### Surrounding Land

15. Gibdon Street contains a diverse range of built-form, predominately single-storey Victorian and Edwardian-era brick dwellings, with a recent development of 10 two-storey townhouses located 20m to the north.
16. The subject site is located:
  - (a) 252m to the south-east of Burnley Train Station – with trains serving the south-eastern suburbs and the CBD;
  - (b) 80m to the Monash Freeway (Southern Arterial Road) linking Gippsland the Western Ring Road – with an on-ramp (western direction only) located at the end of Gibdon Street;
  - (c) 120m to the south of Golden Square, a Victorian public garden with lawns and tree avenues;
  - (d) 310m to the south of Swan Street – A designated Major Activity Centre (MAC), with predominately restricted retail premises, a tram route serving the CBD and eastern suburbs, with sporting facilities (Burnley Tennis Centre), car showrooms and fast food outlets;
  - (e) 230m to the north-east of Burnley Golf Course; and
  - (f) 135m to the north of the Yarra River and the Capital City Cycle Train linking Dockland, the CBD with the northern suburbs.
17. In the immediate area is the following:
  - (a) To the north is a single-storey brick dwelling (attached to the subject site with a shared brick party wall), with a cross-over to the street to a roller door access to a car space. The dwelling has open space located at the rear of the site (west) with a laneway abuttal;
  - (b) To the south is a single-storey weatherboard dwelling with a similar 5.3m landscaped front setback behind a bluestone front fence. The dwelling is bounded by a ROW for the whole of its southern and western boundaries. There is a light court along the northern boundary within the centre of the site. This lightcourt has several windows and a pair of fence doors accessing the open space. The courtyard is covered by a pergola, half of which is covered by a permanent shade sail.  
  
To the west is a small rear courtyard adjacent to a shed on the northern boundary. This dwelling has several north-facing windows and skylights;

- (c) To the east is Gibdon Street, a two-way street with a central reservation at the southern end. On the opposite site of the street is a large industrial complex (Barrett Burston Malting Co. Pty Ltd) with buildings ranging from single to triple storey with a central silo element and tower element at the rear of the site equivalent to five storeys;
- (d) To the west is a 3.6m wide Right-of-Way (ROW), beyond which is a single-storey dwelling (known as 60A Gibdon Street). There is currently an application (PLN15/0246) to, “develop the land for a triple-storey residential building (plus basement) and a reduction in the car parking requirement”. The application has yet to be determined.

## The Proposal

18. The proposal is for the construction of a double storey dwelling and a two-storey outbuilding (garage and study) at the rear; the details of which are as follows:

### *Demolition (no planning permit required)*

19. Full demolition of the dwelling, front, northern side and rear fences except for the brick party wall on the northern boundary and southern fences (which will both remain).

### *Construction*

20. Construction of a two-storey dwelling as follows:

(a) Ground-floor:

- (i) The ground-floor will be setback 5.35m from the front (eastern) boundary, accommodating an open car space within the front setback area, with an entry path to the north and garden bed to the south;
- (ii) The dwelling is constructed to the north boundary for a length of 20.47m (abutting existing and retained brick party wall);
- (iii) The dwelling is constructed to the southern boundary for a length of 13.67m, with a setback of 1.34m for the remaining 8.33m wall length;
- (iv) The site's secluded private open space is located between the rear (west) of the new dwelling and the proposed two-storey outbuilding;
- (v) The wall height is a maximum of 3.45m above the natural ground level;
- (vi) Bedroom 1 (with en-suite), staircase, laundry / W.C., living room, dining room and kitchen are located on the ground-floor;
- (vii) A 3000 litre rainwater tank is located underneath the open car space within the front setback and is connected to roof downpipes (plans do not state what the water will be used for);
- (viii) A 1m wide timber pergola will be constructed at the rear over the west-facing window opening as a shading device to the kitchen.

(b) First-floor:

- (i) The first-floor will be setback 5.35m from the front (eastern) boundary, in-line with the ground-floor, with a canopy over the entry with inset planter box;
- (ii) The first-floor will be constructed to the northern and southern boundaries for a length of 12.52m, with a 1m by 4.13m balcony over the ground-floor;
- (iii) The first-floor is setback 18.61m from the rear (western) boundary;
- (iv) The overall height will be 8.09m to the ridgeline (from natural ground level);
- (v) The first-floor accommodates two bedrooms, a bathroom and staircase, landing and hallway to balcony;

(c) General:

- (i) The design of the dwelling is simple and contemporary, with:
  - a gable-end to the street;
  - windows of similar proportion to its adjoining neighbours; and
  - a material palette which is simple and limited to four main materials.

21. Construction of a two-storey outbuilding (containing a garage and first-floor study):
- (a) Ground-floor:
    - (i) Construction on the northern and southern and western boundaries, with small setbacks of 0.09m from the western boundary, 0.12m from the northern and 0.03m from the southern boundaries respectively;
    - (ii) The garage will be 6m long and 5.34m in width to height of 2.91m;
    - (iii) There will be a roller door and pedestrian entry door to the ROW;
    - (iv) There will be a staircase to the first-floor;
    - (v) There will be a panel door to the internal courtyard;
  - (b) First-floor:
    - (i) Construction on the northern and southern and western boundaries, with small setbacks of 0.09m from the western boundary, 0.12m from the northern and 0.03m from the southern boundaries respectively;
    - (ii) The first-floor will be 6m long and 5.34m in width to maximum overall height of 6.66m to the parapet ridgeline.
    - (iii) The outbuilding will have a flat roof but with the western and eastern walls forming a pitched roof parapet; and
    - (iv) The first-floor will accommodate an office, a bathroom, storage and an staircase.
22. Materials:
- (a) External walls: There will be several materials used differentiating walls at ground and first-floor and on-boundary and setback as follows:
    - (i) white painted brickwork (single storey section of dwelling);
    - (ii) exposed brick – cream (dwelling –front section);
    - (iii) dark painted cement sheet cladding ;
    - (iv) concrete block (on-boundary garage walls);
    - (v) black metal cladding (first-floor study);
  - (b) Windows / doors: Dark aluminium frames - double-glazed;
  - (c) Screening: timber panels;
  - (d) Roof: ColorBond - Monument;

## Planning Scheme Provisions

### Zoning

#### *General Residential Zone (Schedule 2)*

23. Pursuant to clause 32.08-3 of the Yarra Planning Scheme (the Scheme) a permit is required to construct or extend one dwelling on a lot of less than 500sqm.
24. Pursuant to clause 32.08-7 of the Scheme the maximum height of a dwelling must not exceed the building height specified in a schedule to this zone. Schedule 2 to this zone specifies a maximum building height of 9m; the proposed maximum building height equates to 8.09m (from Natural Ground Level), therefore compliance with the zone is achieved.

### Overlays

#### *Design and Development Overlay (Schedule 5)*

25. Pursuant to clause 43.02-2, a permit is required to construct a building. However, this does not apply if a schedule to the overlay specifically states that a permit is not required.
26. Schedule 5 states in point 2:

(a) *A permit is not required to construct a building.*

27. The schedule goes on to state at point 4:

(a) *Where a permit is required to use land or for the construction of a building or the construction or carrying out of works under another provision in this scheme, notice must be given under section 52(1)(c) of the Planning and Environment Act 1987 to the person or body specified as a person or body to be notified in Clause 66.06 or a schedule to that clause.*

28. Therefore, the application is required to be referred to the EPA, VicRoads and Transurban.

#### Particular Provisions

##### *Car Parking*

29. Pursuant to clause 52.06 of the Scheme, this clause applies to the construction of a new dwelling in a residential zone if triggered under the zone.

30. Clause 52.06-5 specifies a requirement of two on-site car spaces for a three or more bedroom dwelling. As the proposed dwelling has 3 bedrooms, the proposal generates a requirement of two on-site car spaces. The proposal includes 2 on-site car spaces (one in the rear garage and one in the front setback), therefore satisfying the statutory on-site car parking rate.

31. Other matters relevant to the consideration of car parking at clause 52.06 of the Scheme relate to the design and layout of car parking at clause 52.06-8.

##### *Clause 54 – One Dwelling on a Lot (ResCode)*

32. As the works require planning permission pursuant to 32.08-3 of the Scheme, the application must meet the requirements of clause 54 of the Scheme. A detailed assessment will be offered in the assessment section of this report.

#### General Provisions

##### *Clause 65 – Decision Guidelines*

33. The Decision Guidelines outlined in clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision. An assessment of the application against the relevant sections of the Scheme is offered further in this report.

#### State Planning Policy Framework (SPPF)

34. Relevant clauses are as follows:

##### *Clause 15 – Built Form and Heritage*

35. The provisions of clause 15 of the Scheme contain a series of objectives and strategies that seek to ensure that land use and development planning responds to the special characteristics of the place; creates environments that support the sustainable wellbeing of communities; and provides for safe physical and social environments through appropriate location of uses and quality of urban design. In particular, planning should achieve high quality urban design and architecture that:

- (a) *contributes positively to local urban character and sense of place.*
- (b) *reflects the particular characteristics, aspirations and cultural identity of the community.*
- (c) *enhances liveability, diversity, amenity and safety of the public realm.*
- (d) *promotes attractiveness of towns and cities within broader strategic contexts.*
- (e) *minimises detrimental impact on neighbouring properties.*

*Clause 15.01-1 – Urban Design*

36. The objective of this clause is ‘to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity’. The relevant strategies are as follows:

- (a) *Promote good urban design to make the environment more liveable and attractive.*
- (b) *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments accessibility and inclusiveness and environmental sustainability.*
- (c) *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*

*Clause 15.02-1 – Energy and resource efficiency*

37. The objective of this clause is ‘to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions’.

38. The relevant strategy is as follows:

- (a) *Improve efficiency in energy use through greater use of renewable energy.*

Local Planning Policy Framework (LPPF)

39. The following provisions of the LPPF are the most relevant to this application:

- (a) Clause 21: Municipal Strategic Statement [MSS]; and
- (b) Clause 22: Local Planning Policies

*Municipal Strategic Statement [MSS]*

40. The MSS provides a broad demographic overview of the municipality and is structured into four themes at clause 21.03 consisting of ‘land use’, ‘built form’, ‘transport’ and ‘environmental sustainability’. Clause 21.02 of the MSS acknowledges that whilst Yarra has a growing population, demographically the size of households is decreasing with fewer children and the elderly than the rest of Melbourne.

*Clause 21.05-2 – Built Form, Urban Design*

41. The relevant objective and strategies of this clause are as follows:

- (a) *Objective 16 - To reinforce the existing urban framework of Yarra.*
  - (i) *Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
- (b) *Objective 17 - To retain Yarra’s identity as a low-rise urban form with pockets of higher development.*
  - (i) *Strategy 17.1 - Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form.*
  - (ii) *Strategy 17.4 Apply the Residential Built Form policy at clause 22.13.*
- (c) *Objective 18 - To retain, enhance and extend Yarra’s fine grain street pattern.*
  - (i) *Strategy 18.2 Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.*

- (d) *Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.*
  - (i) *Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*
  - (ii) *Strategy 20.4 Apply the Built Form and Design policy at clause 22.10.*

*Clause 21.05-3 Built Form Character*

- 42. New development must respond to Yarra's built and cultural character, its distinct residential 'neighbourhoods' and individualised shopping strips, which combine to create a strong local identity.
- 43. The relevant objective and strategies of this clause are as follows:
  - (a) *Objective 23: To maintain and strengthen the identified character of each type of identified built form within Yarra.*
    - (i) *Strategy 23.1 Require applicants for planning permits to identify the Built Form Character Types in which the subject site is located by reference to Maps in clause 21.08 Neighbourhoods and to identify how the proposed development responds to the Built Form Character Type.*
  - (b) *Objective 24: To maintain and reinforce preferred character.*
    - (i) *Strategy 24.1 Apply the Residential Built Form policy at clause 22.13.*

*Clause 21.07-1 – Ecological sustainable development*

- 44. The relevant objective of this clause are as follows:
  - (a) *Objective 34 – To promote ecologically sustainable development.*

*Clause 21.08 – Neighbourhoods*

- 45. The following statement has been extracted from the description of Burnley, Cremorne and South Richmond at clause 21.08-2 of the Scheme:
  - (a) *The neighbourhood provides a range of residential opportunities:*
    - (i) *the Cremorne area has a truly mixed use character with Victorian cottages, apartments and warehouse conversions intermingled with commercial and industrial uses. This mix of uses is valued by the local community and must be fostered,*
    - (ii) *the established residential area surrounding Barkly Gardens provides a range of housing opportunities in small cottages and larger period dwellings,*
    - (iii) *the area east of Burnley Street includes the Golden Square residential area which comprises predominantly cottages of heritage significance.*
  - (b) *This area includes the visually and historically significant silos which host the also significant Nylex Plastics clock and temperature indicator. Views of and to these Melbourne landmarks need to be protected.*
  - (c) *This neighbourhood is largely an eclectic mix of commercial, industrial and residential land use. With two railway lines and both north south, and east west tram routes, the neighbourhood has excellent access to public transport. The Cremorne commercial area functions as an important metropolitan business cluster which must be fostered.*

Relevant Local Policies

*Clause 22.07 – Development Abutting Laneways*

46. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal.
47. The objectives of this policy are:
- (a) *To provide an environment which has a feeling of safety for users of the laneway.*
  - (b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*
  - (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development.*
  - (d) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

*Clause 22.10 – Built Form and Design Policy*

48. This policy applies to all new development not included in a heritage overlay. The policy includes ten design elements that address a variety of issues, the following of which are relevant to this application:
- (a) Urban form and character;
  - (b) Setbacks and building heights;
  - (c) Street and public space quality;
  - (d) Environmental sustainability;
  - (e) Site coverage;
  - (f) On-site amenity;
  - (g) Off-site amenity;
  - (h) Parking, traffic and access;
49. The objectives of this clause are to:
- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
  - (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
  - (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
  - (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and ‘walkability’ of the City’s streets and public spaces*
  - (e) *Create a positive interface between the private domain and public spaces*
  - (f) *Encourage environmentally sustainable development.*

*Clause 22.13 – Residential Built Form Policy*

50. This policy applies to residential zones in areas not covered by a Heritage Overlay and refers to the Built Form Character Type as set out in the Built Form Character Map at Figure 8 in clause 21.08.
51. The objectives of this clause are as follows:
- (a) *To limit the impact of new development on surrounding land, particularly on low rise residential areas.*
  - (b) *To respond to and strengthen the distinct character of different parts of Yarra.*
52. It is policy that development within each of the character types responds positively to the matters set out in clauses 22.12-3.1 to 22.12-3.4 of the Scheme referable to the location of the development.



53. The Built Form Character Map at clause 21.08-2 of the Scheme identifies the subject site as being within the 'Inner Suburban Residential' area.
54. Clause 22.13-3.2 of the Scheme describes Inner Suburban Residential Areas as 'built form dominated residential areas with small gardens (if any) and minimal front and side setbacks'.
55. The objectives of this clause are as follows:
- (a) *Maintain the existing pattern of front setbacks.*
  - (b) *Landscape the front setback in a style that reinforces the garden character (if any) of the streetscape.*
  - (c) *Where the general pattern of development includes gaps between buildings, include a setback on at least one side of the building.*
  - (d) *Orient buildings at right angles to the street frontage.*
  - (e) *Provide front fencing that is open (unless the building is zero front setback).*
  - (f) *On single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties.*

*Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)*

56. This policy applies to applications for (of relevance) new buildings. The objectives of this clause are as follows:
- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended). Currently, these water quality performance objectives require:*
    - (i) *Suspended Solids - 80% retention of typical urban annual load*
    - (ii) *Total Nitrogen - 45% retention of typical urban annual load*
    - (iii) *Total Phosphorus - 45% retention of typical urban annual load*
    - (iv) *Litter - 70% reduction of typical urban annual load*
  - (b) *To promote the use of water sensitive urban design, including stormwater re-use.*
  - (c) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
  - (d) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
  - (e) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well-being.*
57. At clause 22.16-3 of the Scheme, it is policy to:
- (a) *Require that development applications provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
  - (b) *Require the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways. This can include but is not limited to:*
    - (i) *collection and reuse of rainwater and stormwater on site,*
    - (ii) *vegetated swales and buffer strips,*
    - (iii) *rain gardens,*
    - (iv) *installation of water recycling systems,*
    - (v) *multiple uses of water within a single manufacturing site,*
    - (vi) *direction of flow from impervious ground surfaces to landscaped areas.*

- (c) *Encourage the use of measures to prevent litter being carried off-site in stormwater flows, including:*
  - (i) *appropriately designed waste enclosures and storage bins, and*
  - (ii) *the use of litter traps for developments with the potential to generate significant amounts of litter.*
  
- (d) *Encourage the use of green roofs, walls and facades on buildings where practicable (to be irrigated with rainwater/stormwater) to enhance the role of vegetation on buildings in managing the quality and quantity of stormwater.*

#### Other Relevant Documents

##### *Amendment C133*

- 58. Council has prepared a new local policy to consider environmentally sustainable design.
- 59. Amendment C133 finished exhibition, proceeded through a panel hearing, and is currently with the Minister of Planning for review, and proposes to introduce Clause 22.17 Environmentally Efficient Design (EED) into the Yarra Planning Scheme. The Amendment will also update Clause 21.07-1 Ecologically Sustainable Development by introducing a new strategy.
- 60. The new policy applies to all land within the City of Yarra, and provides policy objectives and application requirements for residential, mixed use and non-residential development to further implement environmentally sustainable design policy contained within the State Planning Policy Framework (SPPF) and the Municipal Strategic Statement (MSS). The policy requires applications to be considered against the following objectives (where applicable):
  - (a) Energy efficiency;
  - (b) Water resources;
  - (c) Indoor environment quality;
  - (d) Stormwater management;
  - (e) Transport;
  - (f) Waste management;
  - (g) Innovation; and
  - (h) Urban ecology.
- 61. A Sustainable Design Assessment (SDA) is required for smaller developments as part of a planning permit application. Smaller developments include: 1-9 dwellings, non-residential development with a gross floor area of between 100m<sup>2</sup> and 1000m<sup>2</sup> and non-residential alterations and additions of between 100m<sup>2</sup> and 1000m<sup>2</sup>.
- 62. Larger developments such as residential developments with 10 or more dwellings, or non-residential development greater than 1000m<sup>2</sup> gross floor area, will be required to submit a Sustainability Management Plan (SMP) and a Green Travel Plan (GTP).
- 63. In determining an application, the Responsible Authority will consider as appropriate:
  - (a) How the proposal responds to the objectives of this policy from the design stage through to construction and operation, that appropriate tools have been used, and that the specified environmental targets to be achieved are appropriate.
  - (b) How the development considers:
    - (i) Best practice principles;
    - (ii) Innovation;
    - (iii) Use of emerging and proven technology; and

- (iv) Commitment to go beyond compliance throughout the construction period and subsequent operation of the building(s).
- (v) Any relevant adopted policies.

#### *Cultural Heritage Management Plan*

64. Pursuant to the *Aboriginal Heritage Regulations 2007 [AH]* and specifically Regulation 8:
- (a) *The construction of either of the following is an exempt activity -*
    - (i) *one or two dwellings on a lot or allotment;*
    - (ii) *an extension to one or two dwellings on a lot or allotment.*
65. The proposed development is therefore an exempt activity.

#### **Advertising**

66. The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987 (the Act), by way of 21 letters sent to adjoining and neighbouring owners and occupiers and two notices displayed on site, one at the Gibdon Street frontage and one on the ROW to the rear.
67. A total of 29 submissions were made to Council, of which 11 were objections and 18 were letters of support.

#### Objections

68. The grounds of objection (11 Objections) are summarised as follows:
- (a) Amenity impacts on the surrounding area;
  - (b) Loss of light / sun / increased shadowing;
  - (c) Noise from roof terrace;
  - (d) Visual bulk;
  - (e) Loss of sky views;
  - (f) Impact on neighbourhood character – two storey is inappropriate;
  - (g) Access from ROW to car space insufficient;
  - (h) Loss of privacy;
  - (i) Lack of setbacks from private open space;
  - (j) Increased overshadowing;
  - (k) Site coverage too high;
  - (l) Construction will damage retained party wall;
  - (m) Inappropriate building materials;

#### Letters of Support

69. The grounds of support (18 supporters) are summarised as follows:
- (a) The design will fit well with the look and feel of the suburb and enhance the area;
  - (b) Medium density housing should be supported;
  - (c) The design is high-end and makes good use of space;
  - (d) The including of a front car park means one less car on the street;
  - (e) Old underused houses attract squatters or unsavoury tenants- Yarra deserves better;
  - (f) The current house is old, and rundown- the proposal will improve the streetscape;
  - (g) Proposed landscaping will improve planting and greenery on site;
  - (h) Double-storey is better than high-rise;
  - (i) Roof terraces are good use of space and should be encouraged in Yarra;
  - (j) The design and materials will blend with surrounding architectural style;
  - (k) There are too many apartments in Richmond – this is a welcome family house and should be encouraged;

### Consultation Meeting

70. A consultation meeting was held on 14 July, 2015, with the Applicant, Council Officers, objectors and supporters in attendance.
71. Amendments to the proposal were formally submitted under Section 57 (A) of the *Planning and Environment Act 1987* on 7 September, 2015 to delete the proposed roof terrace and replace it with a small balcony.
72. As stated previously, the Section 57A amendment was not re-advertised as the change was a reduction in built form.

### **Referrals**

#### External Referrals

73. As the subject site is located in a Design and Development Overlay Schedule 5 (City Link Exhaust Stack Environs), the application was required to be referred to Vic Roads, Transurban / CityLink and the Environmental Protection Authority.

#### *VicRoads*

74. VicRoads provided the following comments:

(a) *VicRoads has considered the application and has no objection to the proposal.*

#### *EPA*

75. The Environmental Protection Authority provided the following comments:

(a) *Given the residential and low-height nature of the proposal, within the context of the streetscape, the EPA has no concerns with the proposal. We are confident that the responsible authority will manage demolition and construction matters with suitable conditions.*

#### *TransUrban*

76. No response was received from TransUrban.

#### Internal Referrals

77. The application was referred to Council's Traffic Engineering Services Unit, who gave the following advice:

78. Access Arrangements and Internal Layout:

(a) *Gibdon Street Frontage:*

- (i) *A site inspection of the property's Gibdon Street road frontage revealed that the west footpath and road carriageway has widths of 2.60 metres and 5.20 metres respectively.*
- (ii) *The 4.7 metre depth of the car space is considered unsatisfactory. The open car space must have a minimum length of 5.4 metres as required by the Australian/New Zealand Standard AS/NZS 2890.1:2004, since it immediately abuts a Public Highway.*

(b) *Right of Way:*

- (i) *A site inspection of the Right of Way revealed that it is comprised of bluestone pavement with a central bluestone invert and has an effective carriageway width of approximately 3.50 metres.*
- (ii) *A check of the Proposed Ground Floor Plan prepared by Ami-Coni Architect (Drawing No.TP02 Revision B dated 14 April 2015) indicates that the proposed 3.80 metre wide doorway is insufficient for a B85 design vehicle. The doorway width should be at least 4.20 metres wide (please see graph for derivation of minimum allowable design width).*
- (iii) *This will result in the modification or deletion of the pedestrian access off the Right of Way. The designer will need to resubmit drawings showing the recommended 4.20 metre wide doorway.*
- (iv) *The internal dimensions of the garage comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004.*
- (v) *For any new internal concrete works, the finished floor levels along the edge of the slab must be set 40mm above the edge of the bluestone pavement of the Right of Way – Council Infrastructure*

(c) *Vehicle Crossing*

- (i) *The construction of the new vehicle crossing must satisfy the following:*
  - 1. *The vehicle crossing shall be constructed in accordance with City of Yarra Standard Drawings and Specifications;*
  - 2. *The development's finished floor levels relative to the existing footpath and road levels must be such that pedestrian and vehicular access accord with the Australian/New Zealand Standard AS/NZS 2890.1:2004;*
  - 3. *Existing kerb and channel, and road pavement surface levels should not be altered. Council may permit the adjustment of Building Line levels to provide access in accordance with AS/NZS 2890.1:2004; and*
  - 4. *An Application for a Permanent Vehicle Crossing Permit is to be taken out by the developer from Council's Construction Management Support team (based at the Richmond Town Hall).*

(d) *Capital Works Programme*

- (i) *A check of the Capital Works Programme for 2014/15 indicates that no infrastructure works have been approved or proposed within the area of the site at this time. Capital Works Programmes are subject to change.*

79. *Engineering conditions:*

(a) *Civil Works*

- (i) *Upon the completion of all building works and connections for underground utility services the footpath immediately outside the property's Gibdon Street road frontage must be reconstructed to Council's satisfaction and at the developer's expense.*

(b) *Public Lighting*

- (i) *Pedestrian access off a Right of Way would require the developer to provide an adequate level of lighting to the pedestrian entrance. Essentially, Rights of Way, lanes and back roads that provide primary pedestrian access to residential dwellings must be adequately lit from the nearest street to the entrances of the residential properties (Council policy).*
- (ii) *Public lighting for pedestrian access must comply with the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.*

- (iii) *Any public lighting works that are required will require the developer to consult all nearby properties with respect to the location of any lights or poles. The placement of poles must not affect manoeuvrability into garages or off-street parking spaces. Light must not spill into the windows of the subject site or into the windows of any adjoining residences.*
- (iv) *Should a new luminaire and pole be required, all installation works can only be carried by CitiPower and must comply with CitiPower standard requirements and regulations. The new light would be under the CitiPower maintenance scheme once installed. A new light can only be sourced from the energy efficient series adopted by CitiPower for standard lights.*
- (v) *All costs associated with investigating, designing, supplying and installing any public lighting for pedestrian access to the new dwelling shall be borne by the developer.*
- (vi) *For further information and guidance on public lighting matters, the applicant can contact Council's Construction Management branch on telephone 9205 5115.*

80. Impact of Assets on Proposed Development:

- (a) *Any services poles, structures or pits that interfere with the proposal must be adjusted, removed, or relocated at the owner's expense after seeking approval from the relevant authority.*

81. Drainage:

- (a) *The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.*
- (b) *Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.*

82. The above will be discussed in the assessment section of the report.

## **OFFICER ASSESSMENT**

83. The key planning considerations for Council relate to the following:

- (a) Clause 54 (ResCode) including clause 22.10 (Built Form Design);
- (b) Development abutting laneways;
- (c) Vehicular access; and
- (d) Objector Concerns

Clause 54 (ResCode) including clause 22.10 (Built Form Design)

*Standard A1 – Neighbourhood Character*

84. Gibdon Street is a short street running from Twickenham Avenue to south to the Railway line in the north. There are 25 single-storey Victorian and Edwardian dwellings lining the street, two of which have second-floor additions to the rear. Also, approximately 6m to the north of the subject site is a row of 10, two-storey townhouses, and opposite the subject site is a large industrial complex (Barrett Burston Malting Co. Pty Ltd) with buildings ranging from single to triple storey with a central silo element and tower element at the rear of the site equivalent to five storeys.

In addition, to the south-west of the site is a 1960's brick three-storey block of flats, with a further two, three-storey blocks of flats located within 50m of the site on Stawell Street to the west.

85. Therefore, the form and scale of the proposed two-storey dwelling with two-storey outbuilding (garage and study) at the rear, is appropriate with existing built form within proximity to the site.
86. A contemporary in-fill development to Gibdon Street is considered to be consistent with the emerging neighbourhood character within Burnley, which includes some modern developments, particularly in relation to the approved and constructed development of 10 townhouses at 50-54 Gibdon Street (PL06/0165), only 6m to the north of the subject site, and meeting clause 22.13 which calls for a gradual height transition, which the proposal complies with.
87. Clause 22.10-3.3 of the Scheme encourages new development constructed within a front setback to the street to include soft landscaping and discourages car parking within the setback area. The proposal introduces landscaping and a car space within the front setback. However, given the adjoining site to the north includes car parking within its front setback, the proposal does not create a conflict and is therefore considered acceptable as it will be open in nature and not enclosed by a high fence, and will allow clear views to the front of the dwelling and the pedestrian entry, and will allow for a landscaped garden bed along the southern boundary and between the car space and the pedestrian walkway, in accordance with this clause.
88. In addition, the two-storey outbuilding (garage and study) at the rear of the site will be only one storey higher than the adjoining shed to the south, and other outbuildings and garages evident on the ROW. The development of two-storey outbuildings is common within Yarra and is evident in laneways throughout the City, and this forms part of the neighbourhood character.
89. Within the design objectives at clause 22.10-3.3 of the Scheme, roof forms are encouraged to respect any prevailing roof forms in the area. The proposed pitched roof is consistent with that of existing roof forms and will not introduce an alien form to the street.
90. Therefore, the proposal complies with this standard whilst also being supported by clause 22.10-3.2 (Built Form and Design, Urban Form and Character) and clause 22.13-3.2 (Residential Built Form Policy – Inner Suburban Residential) of the Scheme, as it is an appropriate response having regard to:
  - (a) the existing rhythm (single dwelling on a lot);
  - (b) maintaining the existing pattern of front setbacks;
  - (c) spacing of buildings (already constructed boundary to boundary at street frontage); and
  - (d) street pattern (two-storey townhouses located 6m to the north);
  - (e) a single storey height transition between adjoining single-storey southern and northern properties.

*Standard A2 – Integration with the Street*

91. The proposed new dwelling will continue to front Gibdon Street. The dwelling has a minimum setback of 5.35m at the ground and first-floor from the front (east) boundary, to match the existing dwelling on the subject site and the adjoining dwellings either side.
92. This setback prevents the dwelling from dominating the existing streetscape and will enable the dwelling to integrate well within Gibdon Street.
93. The front façade includes large window openings at ground and first-floor, creating passive surveillance and achieves an acceptable level of articulation and integration with the street.

This standard discourages high fencing; the proposal does not include a front fence. Therefore, compliance with this standard is achieved.

*Standard A3 – Street Setback*

94. This standard recommends the following (of relevance):

Development Context	Minimum setback from the street
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 meters, whichever is lesser.

95. The dwellings on the adjoining northern and southern properties are setback from the front (east) boundary by 5.35m and 5.33m respectively; resulting in an average of 5.34m. The proposed front setback is 5.35m, therefore complying with this standard.
96. Clause 22.10-3.3 of the Scheme encourages new development that is higher than adjacent building to adopt a secondary setback for the higher building component which aligns to the street pattern and retains view lines to other key features. Whilst the ground and first-floor will have the same set back, and therefore not meet this clause, this is acceptable as it is in line with typical two-storey dwellings of both Victoria-era and contemporary form evident within the City of Yarra, and this variation is a common built-form characteristic.

*Standard A4 – Building Height*

97. This standard recommends for the maximum building height not to exceed 9m; the proposed maximum building height is 8.09m (from NGL) therefore complying with this standard and also supported by clause 22.10-3.3 of the Scheme as it is appropriate in the context of the area; respecting the prevailing pattern of the heights of the area and not conflicting with the character of Gibdon Street. Further to this, the proposed height is also supported by clause 22.13 of the Scheme which encourages variations in height limited to a maximum of one storey compared to the adjacent properties (as the adjoining southern and northern properties are both single-storey).
98. It is reiterated the proposal does not exceed the mandatory height under the General Residential Zone, Schedule 2 (in which the site is located).

*Standard A5 – Site Coverage*

99. This standard recommends for maximum site coverage of 60 per cent. Based on officer calculations, the proposed site coverage is approximately 67 per cent, therefore not complying with this standard. It is acceptable to support the proposal in this instance given the site's location in an inner urban environment. As evidenced by recent residential development in the street (the 10 townhouses at 50-54 Gibdon Street – 6m to the north) and surrounds, there is a range of smaller private open space areas. The proposal is not in conflict with the existing surrounding area and therefore is considered acceptable.

*Standard A6 – Permeability*

100. This standard recommends a minimum site permeability of 20 per cent. The proposal states there will be 14.9 per cent site permeability which is attributed to the open space within the front setback and the courtyard along the southern boundary.
101. However, the ground floor plan, does not note that the courtyard at the rear are to be permeable. This will be required by way of condition to ensure the minimum 20% is met.



102. Further to this, a 3000 litre water tank is proposed, which will limit the impact on the drainage system and will assist in the facilitation of on-site stormwater infiltration.
103. Clause 22.16-3 of the Scheme (Stormwater Management) encourages best practice to be achieved which is a 100 per cent STORM rating. The applicant submitted a STORM report which achieves a STORM rating of 88 per cent which does not meet minimum standards. This rating is attributed to the 3000L underground water tank, but no information is given as to the use of this harvested water, and a condition will require this.
104. It should be noted that the report states that the courtyard paving will have an impervious area of 22sqm. By having the courtyard pavers laid on a sandy loam infiltration bed, the STORM rating raises to 119 per cent and this standard is met. Therefore, a permit condition can require this.

*Standard A7 – Energy Efficiency Protection*

105. The east-west orientation of the dwelling acts as a constraint when maximising solar access. However, the courtyard between the dwelling and the outbuilding and the window openings allow for adequate solar penetration and access to the habitable areas.
106. All habitable room windows are noted as being operable and therefore there will be adequate cross-ventilation opportunities. In addition, the ground-floor western wall of the kitchen is an operable panel allowing the whole ground-floor façade to be open to the courtyard allowing for excellent solar access and ventilation and a reduction in reliance on mechanical ventilation systems and artificial lighting.
107. Solar protection to the ground-floor west-oriented living room is provided by a pergola, but no shading is proposed to the west-facing window of bedroom 3. However, as the small balcony will have a 1.7m high timber screen, this will afford protection of the glazed door and window.

*Standard A8 – Significant Trees*

108. There are no significant trees on site.

*Standard A10 – Side and Rear Setbacks*

109. This standard applies to new walls not on or within 200mm of a boundary and recommends for these walls to be set back from a side or rear boundary 1 metre, plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m.
110. The following table outlines the walls that are assessed under this standard:

Wall	Wall height	Technical setback required	Proposed setback	Compliance or variation
Ground-floor south kitchen	3.55m	1m	1.19m	Yes
Ground-floor west kitchen	3.55m	1m	10.66m	Yes
Ground-floor western living room	3.55m	1m	18.13m	Yes
First-floor west bedroom 3	7.61m	2.7m	18.61m	Yes

111. As outlined in the above table, all the walls comply with the standard.

*Standard A11 – Walls on Boundaries*

112. Pursuant to the standard:

- (a) The total length of walls along the north and south boundaries should not exceed 16.65m, unless abutting a simultaneously constructed wall; and
- (b) The maximum height of all boundary walls should not exceed an average 3.2m height, with no part higher than 3.6m unless abutting a higher or simultaneously constructed wall on an adjoining lot.

*North*

113. The dwelling to the north is constructed to the shared boundary for a length of approximately 20.47m (brick party wall); the length of proposed northern on-boundary wall of the dwelling equates to 21.82m and exceeds this by 1.35m. In addition, the garage will extend on the northern boundary for a length of 6m. Therefore the total new wall length will be 27.82m, or 7.35m in excess of the existing on-boundary wall. Whilst this does not meet the standard, it is considered that the front wall of 1.3m is acceptable as it is a return wall to the entry canopy – that has the same function as a verandah return wall that is commonly found in Victorian-era dwellings within Burnley, and a variation is considered acceptable in this context.

114. In regards to the additional length of the 6m long garage wall, this is located to the south of the northern dwelling's POS and will not result in any shadowing impacts. In addition, there is a pattern within Burnley and the City of Yarra as a whole, of rear garages abutting POS on adjoining lots, and this forms part of the neighbourhood character. Therefore a variation to the standard is considered acceptable in this context. However at a height of 5.43m on the boundary, there are issues in regards to visual bulk, especially given that there would only be a 2.2m - 4.66m break in built-form on the northern, when considering the building envelope of the adjoining buildings.

115. This standard further recommends for an average wall height not to exceed 3.2m with no part higher than 3.6m. The proposed dwelling wall height is between 3.39m (porch wing wall) and 6.53m (first-floor of dwelling), therefore not complying with this standard. However given this wall is adjacent to existing built form (the existing and retained brick party wall and the adjoining northern dwelling), there will be no adverse amenity impacts, particularly given the location of this wall is to the south of the adjacent dwelling.

116. The proposed rear garage / first-floor's northern study wall is adjacent to existing POS located on the adjoining northern property and will have a height of 5.43m on the boundary. As the new wall extends along the majority of the adjoining POS, visual bulk is a concern when viewed from the rear of the northern property. To alleviate this, a condition will require the on-boundary wall be a maximum of 3.6m in height in accordance with this standard, and then be setback 1m from the northern boundary, and to further be raked such that at its maximum height it will be setback 1.55m, in accordance with the setback requirements of Standard A10.

*South*

117. In regards to the southern boundary, the new dwelling will have an on-boundary wall at ground-floor for a length of 13.67m and the garage / study for a length of 6m, with a total length of 18.67m, in excess of the standard's recommendation of 16.64m by 2.03m. However, with the majority of the wall length (14.50m) being adjacent to or abutting existing built form on the adjoining southern lot there is only a small area that is non-compliant. The ground-floor wall will be 3.55m in height with the first-floor being a maximum of 6.4m. The first-floor wall of bedroom 2, the staircase and the bathroom will be abutting existing built form on the adjoining southern lot.

118. However, the wall of bedroom 3 will be adjacent to the southern dwelling's light court / POS area. Therefore, it is recommended that the first-floor be a maximum of 3.45m (to match the height of the proposed ground-floor living and kitchen – and to be less than the maximum 3.6m), with the southern wall of bedroom 3 setback 1.19m to be in-line with the setback of the ground-floor dining and living room. This can be addressed via condition, without jeopardising the use of this room; i.e. this would result in the removal of the internal corridor to the north of bedroom 3 to gain lost space and access to the balcony being only from this bedroom. This is not detrimental to the internal amenity of the proposed dwelling, but will remove visual bulk adjacent to the southern light court / POS area (this will be discussed further in the North-facing Window Objective later in the report).

#### Standard A12 – Daylight to Existing Windows

119. This standard applies to existing habitable room windows within 3m of a boundary. This standard recommends for an existing habitable room window to continue to open to an open area at least a 3sqm area and to be at least 1m clear to the sky.

#### *South*

120. There are six existing habitable room windows within 3m of a boundary located on the adjoining southern property. These windows will continue to open to an area greater than 3sqm (on their land) and will be at least 1m clear to the sky (except for three windows that are located under a cloth shade-sail covered pergola).

121. However, four of these windows are north-facing, they will be discussed in the standard below.

#### *North*

122. There is one existing habitable room window within 3m of a boundary located on the adjoining northern property. This window will continue to open to an area greater than 3sqm (on both their land and the subject site) and will be at 0.85m clear to the sky, as per existing conditions and is opposite an existing boundary fence and proposed POS on the subject site.

#### *Standard A13 – North-facing Windows*

123. This standard applies to north-facing habitable room windows within 3m of a boundary.

124. There are four, north-facing habitable room windows located on the adjoining southern property. One to a bedroom, two glass-brick windows and a pair of French doors to the living room.

125. The submitted plans only show a bedroom window and the pair of glazed French-doors. However, a site visit confirms that there are two smaller glazed brick windows on the north-facing façade of the southern adjoining dwelling that are not shown on plans.

126. This standard recommends for the proposed dwelling to be setback between 1m and 2.74m from the shared boundary (derived from a wall height of 3.55m for the ground-floor and 6.4m for the first-floor). As the wall is proposed to be setback between zero (first-floor) and 1.19m (ground-floor) from the shared boundary, compliance with this standard is not achieved for the two-storey section.

127. Three of the existing north-facing windows are associated with a living room and one with a bedroom. The impact (i.e. loss of sunlight) to these windows must be considered relative to existing conditions.

128. The existing dwelling on the subject site has an on-boundary brick wall that projects into to the lightcourt for part of its length adjacent to the eastern-most bedroom window. For the remainder of the light court's length, there is a breezeway and the dwelling is setback approximately 1m. The setting back of the proposed kitchen / living room by 1.19m with a maximum height of 3.45m achieves compliance with this standard in regards to the two glass-brick windows and the pair of French doors. Therefore only the eastern bedroom window is affected as there is a 6.4m high brick wall proposed.
129. However, as discussed earlier, a condition will require the on-boundary brick wall to be a maximum of 3.55m high (to match the remainder of the ground-floor with the same floor to ceiling heights) in a similar location to the existing wall and with a 1.19m setback at first-floor. Whilst this still falls short of the 2.74m setback required for a 6.4m high wall from the boundary under the standard, given that this will result in the new wall being 3.33m from the bedroom window, a variation is considered acceptable in this context as there is already a 3.2m high brick wall partially opposite this window, (the new wall will be only 0.35m higher) which already slightly compromises the existing lighting conditions to the bedroom window and with a 3.33m separation from the window to the proposed first-floor, there will be sufficient access to daylight such that the room will still be usable without reliance on artificial lighting during the day.

*Standard A14 – Overshadowing Open Space*

130. This standard recommends 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. This standard further goes onto to recommend that when under existing conditions, this standard is not met, no additional shadow should be cast.
131. The following summarises the increase in overshadowing to the affected properties at 9am, 12 noon and 3pm.
132. At 9am there will be no additional overshadowing to any POS as all proposed shadowing occurs to areas that are already in shadow.
133. At midday there will be two areas of additional shadowing, a strip along the southern edge of the light court / POS area and at the rear of the dwelling to the south. The condition discussed earlier to setback the first-floor southern wall of bedroom 3 by 1.19m will result in a reduction of shadowing to the light court / POS area such that the windows on the adjoining dwelling will still receive sunlight at the September equinox. However there will still be some additional shadowing to the rear POS.
134. The southern dwelling's rear yard has a shed and a shade sail, both of which cause existing shadows to the POS area. However, only the shed's shadows have been taken into consideration and are shown on the shadow diagrams. The sail shade's shadows are not included and have not been shown on plans or considered.
135. Calculations by Council officer show that the majority of additional shadowing to the rear POS of the southern dwelling will fall over the sail shade and the area that it already shadows, and any extra shadowing will be marginal (0.03sqm) and the minor variation acceptable in this inner-city context.
136. By 3pm, the only additional shadowing is over the south-eastern end of the light court / POS area. However, as discussed earlier, a condition will require the first-floor to be setback 1.19m from the boundary, such that there will be a reduction in the shadowing to this area and there will only be a marginal increase in shadowing and a variation is considered acceptable in this context.

*Standard A15 – Overlooking*

137. This standard applies to direct views within 9m at a 45 degree arc from both habitable room windows or balconies / terraces into either areas of secluded private open space or habitable room windows.
138. At first-floor of the dwelling there are three windows and a glazed door to a balcony. The two windows to the eastern (front) façade will have views looking over the street and the front garden of 60 Gibdon Street and the car park at the front of 56 Gibdon Street and not over any POS or into habitable roof windows. The rear window and glazed door both look out onto the balcony and with a 1.7m high street to the north, west and south perimeter, there will be no overlooking opportunities.
139. In regard to the outbuilding there will be an office / study at first-floor (a habitable room) which will have windows to the east and west facades. None of these windows are noted on plans as having any screening and are shown as operable. The southern-most window at first-floor on the eastern façade is to a staircase, a non-habitable area, and therefore no screening is required. However, the northern-most east-facing window is to a habitable room and may result in overlooking opportunities into the northern POS and habitable room windows and southern POS and the lightcourt. A permit condition will request demonstration of compliance with the standard.
140. In regards to the three, west-facing windows, one is to a bathroom, a non-habitable room, and does not require screening. The two other windows are to a habitable space and have direct views to the habitable room windows to the dwelling on the western side of the ROW. Similarly, a condition will request demonstration of compliance with the standard.

*Standard A16 – Daylight to New Windows*

141. All new windows have access to an area open to the sky by 1m and to an area of 3sqm.

*Standard A17 – Private Open Space*

142. This standard recommends for the site to include at least 40sqm of private open space; the proposal includes 54.44sqm of open space (attributed to the open space within the front setback and the courtyard at the rear of the dwelling and breezeway to the south of the kitchen). However the breezeway is of limited use for recreational purposes due to its narrowness and therefore this 9.9sqm of open space results in a total of 44.54sqm of POS, which still meets this standard.
143. This standard further recommends for at least 25sqm of the private open space to be secluded, to have a minimum distance of 3m from a side or rear boundary and to be conveniently accessed from a living area.
144. The primary open space is the courtyard between the dwelling and the outbuilding. This will be an area of 24.88sqm with a minimum dimension of 4.66m and whilst marginally below the 25sqm will be directly accessible from the main living area and therefore a variation is considered acceptable.

*Standard A18 – Solar Access to Open Space*

145. This standard recommends the following:
  - (a) *The private open space should be located on the north side of the dwelling, if practicable.*
  - (b) *The southern boundary of secluded private open space should be set back from any wall on the north of the space at least  $(2 + 0.9h)$  metres, where 'h' is the height of the wall.*

146. Due to the east-west orientation of the site, the POS will be located between the dwelling and the outbuilding. There will be an existing 2.5m high northern fence long the boundary. The POS will have a northern orientation and with a width of 5.34m, exceeds the 4.25m width required by this standard.

*Standard A19 – Design Detail*

147. The proposed dwelling is of a contemporary form and utilises contemporary materials consistent with new construction within the surrounding area. The proposed pitched roof form respects the surrounding and emerging character, complying with this standard and is supported by clause 22.10-3.3 of the Scheme. The proposed elevations are sufficiently articulated to avoid bland and uninteresting blank walls. However, the predominate built form in the area is of having a front verandah extending the whole width of the front façade, and therefore to aid the building fitting into the streetscape it is recommended that the porch canopy be extended to become a contemporary verandah extending the whole width of the façade. This will provide a horizontal feature that will link the proposal to the style of the adjoining dwellings. This can be addressed via condition.
148. The rear two-storey outbuilding will have simple materials – concrete block and dark cladding – which are not out of character for materials used in laneways around the City of Yarra and are considered acceptable. The proposal includes two gable parapets, however, the earlier condition requiring the setting back of the upper floor from the northern boundary will necessitate a minor redesign of these elements.
149. The materials proposed are considered satisfactory to the design and the suburb, with cement sheet, brick, concrete block and timber all being evident in the suburb of Burnley.

*Standard A20 – Front Fences*

150. The proposal does not include a front fence. However, front fences are a contributing design element to the streetscape of both Gibdon Street and the suburb of Burnley, with very few examples of open front setbacks being evident. The 10 new townhouses to the north have defined front fences. Therefore, it is recommended that a front fence no greater than 1.5m in height with a separate pedestrian and vehicular gate be installed by condition. This front fence is to contain a street number and a post box, and to be in a material to complement the dwelling design.

Development abutting laneways and vehicular access

151. The proposal is to construct a two-storey garage with study/office above with a maximum height of 5.61m on the laneway. The majority of built-form to the laneway is single-storey, and the single-storey transition to a double-storey out building is acceptable and not uncommon for a laneway context.
152. The garage will have a roller door and a pedestrian entry from the ROW. Council's Traffic Engineer has assessed the proposal and states that the access arrangement from the lane was inadequate and that the size of the roller door will need to be modified to be a minimum 4.2m in width (currently 3.8m) for access off a 3.5m wide laneway. This will result in the removal of the pedestrian entry and the provision of a larger roller door and can be addressed via condition.
153. Clause 22.07 states that where an alternative pedestrian entry is available from the street that it be separate from vehicular access. The above condition will result in the removal of the pedestrian entry completely, and only a vehicular entry, with all pedestrian access via the front (east) of the site. The garage door is a roller door that will open wholly within the title boundary.
154. The Engineer recommended several conditional requirements as follows:

- (a) any damage to the laneway to be rectified at the developer's expense.
- (b) the edge of the garage slab should be located 40mm above the bluestone laneway level.
- (c) upon completion of all buildings and works and connections for underground utility services, the footpath immediately outside the property's Gibdon Street road frontage must be reconstructed to Council's satisfaction and at the developer's expense.

155. These can be included on any permit to issue.

156. No lighting has been proposed for the garage, and with the above condition removing the pedestrian entry, there will be no requirement for any lighting as entry will be via a vehicle only.

157. As discussed earlier, the windows at first-floor fronting onto the laneway will need to be screened, and a condition will ensure that there is no unreasonable overlooking into the habitable room windows of the dwelling at 60A Gibdon Street located on the western side of the ROW.

158. In regards to the front car space, Council's Traffic Engineer confirms that the size is inadequate for an open car space to the street. However, it is noted that a condition will require the front fence to be installed and therefore the car space will be an enclosed space which only needs to be 4.9m in length. Therefore a condition will require the front car space to be noted as being 4.9m in length as per the requirement of clause 52.06-8 (Design standards for car parking).

#### Other matters

159. The proposal shows an office at first-floor of the outbuilding (garage / study). Under the provisions of the general residential zone, the use of the land for an office is prohibited. Whilst the application is not for an office use, to avoid any ambiguity, a condition will require the re-naming of the room as a "study" or "home office" and the plans to be changed accordingly.

160. The proposed plans do not show an area set aside for bin storage. A condition will require one to be clearly shown on plans.

#### Objector concerns

161. Eleven objections were received to the application; these are addressed as follows:

(a) *Amenity impacts on the surrounding area;*

162. Amenity impacts from the proposal are limited to the immediately adjoining and abutting sites. Amenity impacts have been assessed and a number of conditions have been imposed to address concerns as detailed in paragraphs 109 to 140.

(b) *Loss of light / sun / increased shadowing;*

163. Refer to the assessment of Standard A14 (paragraphs 130-136) and Standard A13 (paragraphs 123-129) and Standard A12 (paragraphs 119-122).

(c) *Noise from roof terrace;*

164. The roof terrace was removed under Section 57A plans submitted on 4 September, 2015.

(d) *Visual bulk;*

165. Refer to the assessment of Standard A11 (paragraphs 112-118)

(e) *Loss of sky views;*

166. This is not a planning consideration. It should be noted that whilst longer view with a sky background will be lost, an outlook from the POS / windows of the northern and southern dwellings will still remain.

(f) *Impact on neighbourhood character – two storey is inappropriate;*

167. Refer to the assessment of Standard A1 (paragraphs 84-90).

(g) *Access from ROW to car space insufficient;*

168. Council's Traffic Engineering Services Unit made a series of recommendations that have been made into conditions. Refer to the assessment of vehicular access (paragraphs 152-154).

(h) *Loss of privacy;*

169. Refer to the assessment of Standard A15 (paragraphs 137-140).

(i) *Lack of setbacks from private open space;*

170. Refer to the assessment of Standards A10 and 11 (paragraphs 109-118).

(j) *Increased overshadowing;*

171. Refer to the assessment of Standard A14 (paragraphs 130-136).

(k) *Site coverage too high;*

172. Refer to the assessment of Standard A5 (paragraph 99).

(l) *Construction will damage retained party wall;*

173. This is not a planning consideration and will be dealt with under a building permit under the National Construction Code of Australia 2015.

(m) *Inappropriate building materials;*

174. Refer to the assessment of Standard 19 (see paragraphs 147-149).

## **Conclusion**

175. The proposal is considered to be acceptable having regard to the relevant State and Local policies, the General Residential Zone (Schedule 2) and clause 54 of the Yarra Planning Scheme, outlined in the above assessment, and should therefore be approved subject to conditions.

## **RECOMMENDATION**

That having considered all relevant planning controls and policies, it is recommended that a Notice of Decision to Grant a Planning Permit (PLN15/0208) be issued for construction of a double storey dwelling with a two-storey outbuilding (garage and first-floor study) to land at 58 Gibdon Street, Richmond, generally in accordance with the decision plans received 4 September, 2015 and subject to the following conditions:



1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:
  - (a) The courtyard between the dwelling and the outbuilding to be noted as permeable with pavers laid over sand, and the STORM report updated to demonstrate a minimum score of 100%;
  - (b) Confirmation that the rainwater tank will be connected to toilet flushing;
  - (c) The northern wall of the garage to be a maximum of 3.6m in height, with the first-floor wall setback 1m with the highest point of the wall setback 1.55m from the northern boundary through the use of a raked wall;
  - (d) The southern on-boundary ground-floor wall of the living room to be a maximum height of 3.55m above natural ground level, with the southern on-boundary first-floor wall of bedroom 3 to be setback 1.19m;
  - (e) Demonstration of compliance with the objective of Standard A15 of Clause 54 of the Yarra Planning Scheme for:
    - (i) the two, west-facing habitable room windows of the first-floor of the outbuilding; and
    - (ii) the northern-most east-facing habitable room window of the first-floor of the outbuilding.
  - (f) The front entry canopy to continue the full width of the front façade as a verandah;
  - (g) Provision of a front fence to a maximum height of 1.5m, in a material complementary to the design, with a separate pedestrian gate, containing a letter box and street number;
  - (h) The garage roller door to be a minimum 4.2m in width and the redesign of the western ground-floor façade of the outbuilding accordingly with the removal of the separate pedestrian entry;
  - (i) A notation confirming that the floor slab of the garage to be a minimum of 40mm above the level of the bluestone laneway;
  - (j) The front car space to have a minimum length of 4.9m;
  - (k) The first-floor office within the garage / studio to be renamed as a study / home office; and
  - (l) An area to be set aside within title boundary for the storage of bins, to be suitably screened it visible from the street.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
4. Upon completion of all buildings and works and connections for underground utility services, the footpath immediately outside the property's Gibdon Street road frontage must be reconstructed to Council's satisfaction and at the developer's expense.
5. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
7. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
8. This permit will expire if:
  - (a) the development is not commenced within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

## NOTES

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

Unless with further planning permission, the proposed outbuilding must not be used as a separate dwelling.

Any services poles, structures or pits that interfere with the proposal must be adjusted, removed, or relocated at the owner's expense after seeking approval from the relevant authority.

An area must be provided inside the property line and adjacent to the footpath to accommodate pits and metres. No private pits, valves or metres on Council property will be accepted.

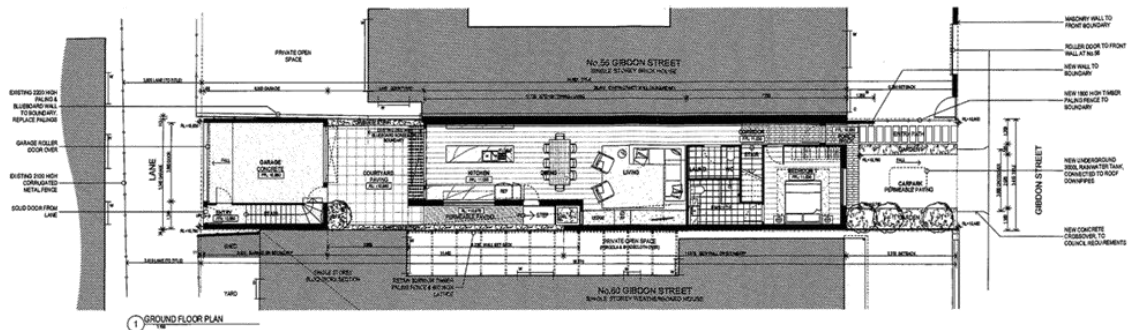
**CONTACT OFFICER:** Christopher Harries  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5333

**Attachments**

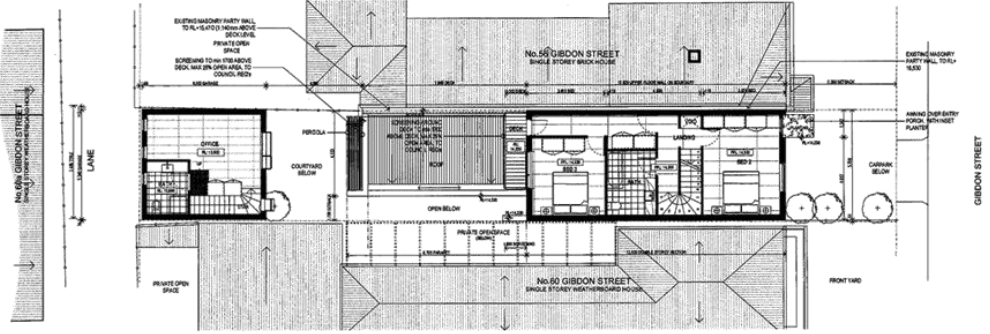
- 1 PLN15/0208 - 58 Gibdon Street Richmond - Plans
- 2 PLN15/0208 - 58 Gibdon Street Richmond - Shadows
- 3 PLN15/0208 - 58 Gibdon Street Richmond - Materials
- 4 PLN15/0208 - 58 Gibdon Street Richmond - Elevations

Attachment 1 - PLN15/0208 - 58 Gibdon Street Richmond - Plans

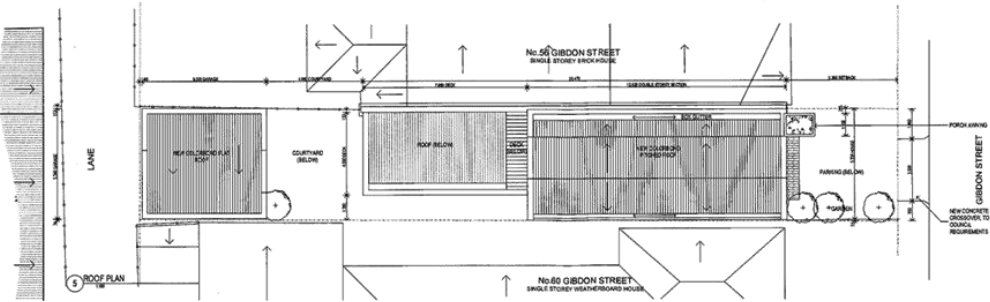
COPY 1



1 GROUND FLOOR PLAN



2 FIRST FLOOR PLAN



3 ROOF PLAN

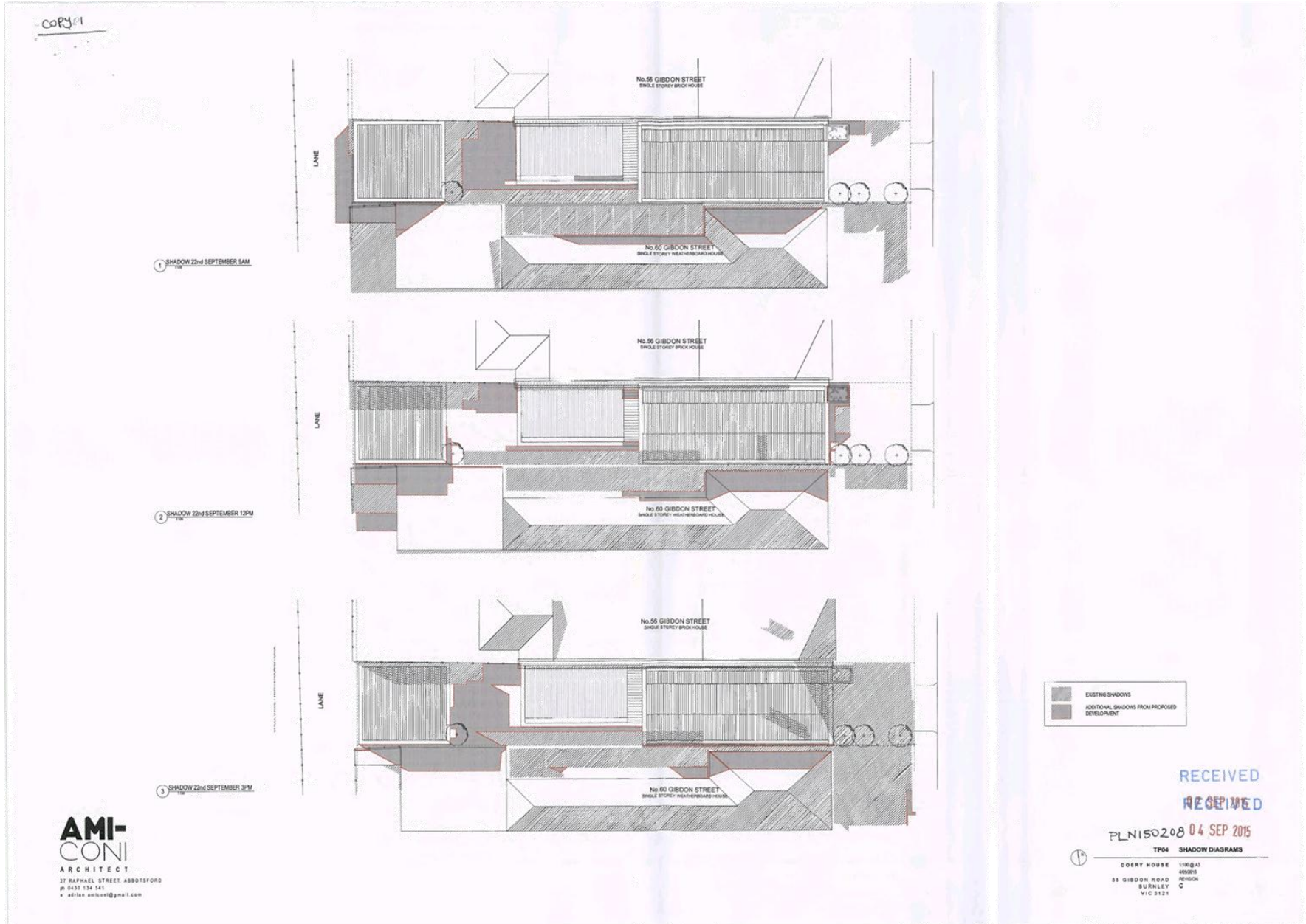
PLANNING AREAS	
SITE AREA:	186m <sup>2</sup>
SITE COVERAGE:	
EXISTING HOUSE:	107m <sup>2</sup> 58%
PROPOSED HOUSE:	132m <sup>2</sup> 67%
PERMEABILITY:	
EXISTING HOUSE:	6m <sup>2</sup> 3%
PROPOSED HOUSE:	28m <sup>2</sup> 15%

RECEIVED  
 REC SEP 2015  
 04 SEP 2015

**AMI-CONI**  
 ARCHITECT  
 17 RAPHAEL STREET, ABBOTSFORD  
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 E amiconi@amiconi.com.au

15	TP02	PROPOSED PLANS
	DOERY HOUSE	1108/03
	58 GIBDON ROAD	8/09/08
	BURNLEY	REVISION C
		VIC 3121

Attachment 2 - PLN15/0208 - 58 Gibdon Street Richmond - Shadows



Attachment 3 - PLN15/0208 - 58 Gibdon Street Richmond - Materials



- 1. White painted brickwork
- 2. Brickwork
- 3. Dark painted cement sheet panels
- 4. Concrete block
- 5. Dark grey metal finish
- 6. Dark aluminium double-glazed windows & doors
- 7. Timber external screening
- 8. Colourbond 'Monument' roof sheeting,

**AMI-  
CONI**  
ARCHITECT

27 RAPHAEL STREET, ABBOTSFORD  
PH: 9429 134 961  
E: SERIAR.AMICONI@gmail.com

TP05 PROPOSED EXTERNAL FINISHES

DOERY HOUSE 1:100 @ A3  
25/02/2015  
58 GIBDON ROAD REVISION  
BURNLEY A  
VIC 3121



Attachment 4 - PLN15/0208 - 58 Gibdon Street Richmond - Elevations

copy 1

**4 SOUTH ELEVATION**

**5 NORTH ELEVATION**

**1 GIBDON STREET (EAST) ELEVATION**

**2 LANEWAY (WEST) ELEVATION**

**3 COURTYARD (EAST) ELEVATION**

**4 COURTYARD (WEST) ELEVATION**

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 04 SEP 2015

TP93 PROPOSED ELEVATIONS  
 DORRY HOUSE 110 @ A3  
 58 GIBDON ROAD  
 BARKLEY REVISION C  
 VIC 3121

- 
- 1.3 PLN14/0286.01 - 2 Yarralea Street, Alphington - Amendment to approved development of the land for the construction of an additional dwelling on the lot. The amendment seeks approval for the deletion of conditions 1(j) and (l) that require increased northern and eastern side setbacks**
- 

## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of an application to amend Planning Permit PLN14/0286 for 2 Yarralea Street, Alphington to delete conditions 1(j) and (l) that require increased northern and eastern side setbacks.

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) Clause 15 – Built Environment and Heritage;
  - (b) Clause 21.05-2 – Urban design;
  - (c) Clause 21.08-6 – Fairfield-Alphington;
  - (d) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay
  - (e) Clause 32.09 – Neighbourhood Residential Zone (Schedule 2);
  - (f) Clause 43.01 – Heritage Overlay (HO362)
  - (g) Clause 55 – Two or more dwellings on a lot and residential buildings; and
  - (h) Clause 65 – Decision guidelines.

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) State and Local policies;
  - (b) Clause 55 of the Yarra Planning Scheme (ResCode);
  - (c) Heritage
  - (d) Objector concerns.

### **Objector Concerns**

4. Nine (9) objections, including one petition with 81 signatures, were received to the application, these can be summarised as:
  - (a) Adverse amenity impacts
  - (b) Unsympathetic to the neighbourhood character
  - (c) Loss of open space within the northern setback

### **Conclusion**

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

**CONTACT OFFICER:** Amy Hodgen  
**TITLE:** Principal Statutory Planner  
**TEL:** 9205 5330



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**1.3 PLN14/0286.01 - 2 Yarralea Street, Alphington - Amendment to approved development of the land for the construction of an additional dwelling on the lot. The amendment seeks approval for the deletion of conditions 1(j) and (l) that require increased northern and eastern side setbacks**

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Trim Record Number: D15/131438  
 Responsible Officer: Coordinator Statutory Planning

**Proposal:** Amendment to approved development of the land for the construction of an additional dwelling on the lot. The amendment seeks approval for the deletion of conditions 1(j) and (l) that require increased northern and eastern side setbacks

**Existing use:** Single dwelling

**Applicant:** Tocco Developments Pty Ltd c/o Ratio Consultants Pty Ltd

**Zoning / Overlays:** Neighbourhood Residential Zone – Schedule 2  
 Heritage Overlay – Schedule HO362

**Date of Application:** 21/08/2015

**Application Number:** PLN14/0286.01

**Planning History**

1. Council issued a Notice of Decision to grant a planning permit (NOD) for the development of the site at 2 Yarralea St, Alphington approving the construction of a second dwelling on the lot at IDAC on 8 April 2015. Councillors added four further conditions to the officer recommendation, which are as follow:
  - (j) *The upper level setback a minimum of 3.2m from the northern boundary in compliance with Standard B17 of Rescode and appropriately treated.*
  - (k) *The front entrance redesigned to include a gable end above the entrance similar to the existing dwelling on the subject site.*
  - (l) *The upper level setback an additional 2.0m from the east.*
  - (m) *The first floor, south-facing balcony deleted.*
2. As no appeals were received, a planning permit was issued on 6 May 2015.

**Background**

3. The Officer Report associated with the original application was prepared prior to the gazettal of Amendment C176 to the Yarra Planning Scheme (the Scheme). Amendment C176 changed the zone of the land from a General Residential Zone to a Neighbourhood Residential Zone – Schedule 2. As a consequence, the officer report associated with the original application refers to the zone of the land as a General Residential Zone.
4. The Neighbourhood Residential Zone - Schedule 2 introduced a maximum height limit of 8.0m. This does not apply to an application made before the approval date of the new zone. As the original application was made prior to the approval date of the Neighbourhood Residential Zone Schedule 2, the height limit did not apply and thus the maximum building height was approved at 8.37m.
5. Since Planning Permit PLN14/0286 was issued, Amendment C149 has been gazetted into the Scheme (Gazetted 27/08/15), introducing Heritage Overlay HO362. The subject site has been identified as 'contributory' to the heritage overlay.
6. The plans that are currently being considered are the same plans as those considered in the original application.

## Existing Conditions

7. The following description of the existing conditions is taken from the original Officer Report. There have been no visible changes to the site and surrounds since this was written, as such the description is applicable.

### Subject Site

8. The subject site is identified as Lot 1 on Title Plan 539666Y Volume 05848 Folio 413. There are no restrictive covenants listed on title. A 1.83m wide easement (unidentified) is located along the east title boundary.
9. The site is situated on the north-east corner of Yarralea Street and Lucerne Crescent, in Alphington.
10. The site has a 15.24m frontage to Yarralea Street, a rear (east) boundary of 15.27m in length, and a depth of 45.72m, resulting in a total area of 698m<sup>2</sup>. Due to the street alignment, the orientation of the site runs west to east.
11. The site has a fall of approximately 0.5m from north to south.
12. The site is currently occupied by a single storey, weatherboard dwelling with hipped metal roof. The dwelling fronts Lucerne Crescent and is setback a minimum of 9.1m from Yarralea Street (verandah setback 7.1m), a minimum 3.59m from the south boundary, 1.68m from the north boundary, and a minimum 19.67m from the rear (east) boundary.
13. The primary area of secluded private open space (SPOS) is to the east of the dwelling.
14. The west and part of the south boundary are defined by a 0.8m high brick pier and timber slat front fence and 0.8m high timber paling fence. The remainder of the south boundary (where adjacent to the SPOS area) and the north and east boundaries are defined by timber paling fences ranging in height from 1.7m to 1.9m.
15. Vehicle access to the site is currently via a single vehicular crossover from Lucerne Crescent and gates provided along the south boundary fence.

### Surrounding Land

16. Abutting the site to the north is a two storey dwelling with tiled roof (this was originally a single storey dwelling that has recently had a first floor addition constructed). The dwelling is setback 11.5m from Yarralea Street and partially constructed on the southern common boundary with the subject site and partially setback up to 1.5m from this boundary. The primary area of SPOS is located at the rear (east) of the dwelling. A 2.5m high shed is located in the south-east corner of the property, along part of the common boundary with the subject site.
17. Abutting the site to the east is a single storey, weatherboard dwelling with tiled roof. The dwelling is setback 10.6m from Lucerne Crescent and a minimum of 4.0m from the common boundary with the subject site. A driveway is located within the west setback of the dwelling, adjacent to the common boundary with the subject site, leading to a garage in the north-west corner of the property. One habitable room window faces the subject site. The primary area of SPOS is located at the rear (north) of the dwelling.
18. To the west of the subject site, on the opposite side of Yarralea Street, is a double storey brick and weatherboard dwelling with hipped tiled roof. Vehicle access to this property is via Lucerne Crescent.

19. To the south of the site, on the opposite side of Lucerne Crescent, are two dwellings fronting Lucerne Crescent. High fencing (between approximately 1.8m and 2.5m) runs along the front boundary of the west-most of these dwellings, and part of the front boundary of the east-most property. Vehicle access to these properties is via Lucerne Crescent.
20. The majority of built form in the area is provided with generous front setbacks and dwellings are typically setback from side and rear boundaries. The majority of dwellings are of either weatherboard or brick construction.
21. The site is within proximity to public open space, shops, schools and public transport. Alphington Park is located approximately 104m to the west and Alphington Primary School is located approximately 155m to the north of the subject site. A Commercial 1 Zone containing shops and local services is located approximately 500m north of the subject site. Bus services operating between the suburbs and inner city are also located 500m to the north.

## **The Proposal**

22. The application seeks to amend Planning Permit PLN14/0286 to delete the following conditions:
  - (j) The upper level setback a minimum of 3.2m from the northern boundary in compliance with Standard B17 of Rescode and appropriately treated.
  - (l) The upper level setback an additional 2.0m from the east.

## **Legislation Provisions**

23. The amendment has been requested pursuant to Section 72 of the *Planning and Environment Act 1987* (the Act).
24. Section 72 of the Act states:
  - (1) *A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.*
  - (2) *This section does not apply to—*
    - (a) *a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or*
    - (b) *a permit issued under Division 6.*
25. The original permit PLN14/0286 was issued on 6 May 2015 and was not issued under Division 6 of the Act.
26. Section 73 of the Act states that Sections 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned sections of the Act to the amendment application as if it was an application for a permit.

## **Planning Scheme Provisions**

### Zoning

27. Pursuant to Clause 32.09-1 of the Scheme, no permit is required to use the site as a dwelling.
28. Pursuant to Clause 32.09-4 of the Scheme, a permit is required to construct more than one dwelling on a lot. The development for the construction of more than one dwelling on a lot must meet the requirements of Clause 55 of the Scheme.

29. Pursuant to Clause 32.09-8, the maximum height of a building used for the purpose of a dwelling must not exceed 8m. The proposed amendments do not seek to increase the approved height of the building.
30. Pursuant to Clause 32.09-3, the number of dwellings on a lot must not exceed two. The proposed amendments do not seek to increase the number of dwellings on the lot.

#### Overlays

31. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to construct a building or construct or carry out works.

#### Particular Provisions

##### *Clause 52.06 – Car Parking*

32. No change is proposed to the number of car spaces being provided or their layout.

##### *Clause 55 – Two or More Dwellings on a Lot (ResCode)*

33. As the works require planning permission pursuant to Clause 32.09-4 of the Scheme, the application must meet the requirements of Clause 55 of the Scheme. A development must meet all of the objectives of this clause, and should meet all of the standards of this clause. A detailed assessment will be offered in the assessment section of this report.

#### General Provisions

##### *Clause 65 – Decision Guidelines*

34. The Decision Guidelines outlined at clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State Planning Policy Frameworks, Local Planning Policy Frameworks and any Local Policy, as well as the purpose of the Zone, Overlay or any other Provision. An assessment of the application against the relevant sections of the Scheme is offered in further in this report.

#### State Planning Policy Framework (SPPF)

35. Relevant clauses are as follows:

##### *Clause 15.01-2 – Urban design principles*

36. The objective of this clause is:
  - (a) *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

##### *Clause 15.03-1 – Heritage Conservation*

37. The objective of this clause is:
  - (a) *To ensure the conservation of places of heritage significance*

#### Local Planning Policy Framework (LPPF)

38. The following provisions of the LPPF are the most relevant to this application:

##### *Municipal Strategic Statement*

39. The MSS provides a broad demographic overview of the municipality and is structured into four themes at Clause 21.03 of the Scheme consisting of 'land use', 'built form', 'transport' and 'environmental sustainability'.

40. Relevant clauses are as follows:

*Clause 21.05-1 Heritage*

41. *The objectives and strategies of this clause are:*

- (a) *Objectives 16: To protect and enhance Yarra's heritage places.*
  - (i) *Strategy 14.1 Conserve, protect and enhance identified sites and areas of heritage significance including pre-settlement ecological heritage.*
  - (ii) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas.*

*Clause 21.05-2 Urban Design*

42. The objectives and strategies of this clause are:

- (a) *Objective 16: To reinforce the existing urban framework of Yarra.*
  - (i) *Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.*
- (b) *Objective 17: To retain Yarra's identity as a low-rise urban form with pockets of higher development.*
  - (i) *Strategy 17.1: Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form.*
  - (ii) *Strategy 17.4: Apply the Residential Built Form policy at clause 22.13.*
- (c) *Objective 20: To ensure that new development contributes positively to Yarra's urban fabric.*
  - (i) *Strategy 20.1: Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.*
  - (ii) *Strategy 20.3: Reflect the fine grain of the subdivision pattern in building design where this is part of the original character of the area.*
  - (iii) *Strategy 20.4: Apply the Built Form and Design policy at clause 22.10.*

*Clause 21.08-6 – Fairfield-Alphington*

43. This clause provides the following description for Alphington:

- (a) *To the east of Yarra Bend Park is a green, leafy, residential area, comprising late Victorian, Edwardian and interwar dwellings. Dwellings have generous front and side setbacks and allotments are double fronted and deep allowing for large spacious gardens and substantial backyards. The neighbourhood also has a significant amount of open space. The Northern Metropolitan Institute of TAFE and the Victorian Institute of Forensic Mental Health lie within the parkland.*

Relevant Local Policies

44. The following Local Planning Policies are relevant:

*Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay*

45. This policy applies to all new development included in a heritage overlay. The policy provides guidance for the protection and enhancement of the City's identified places of cultural and natural heritage significance.

Other documents

46. Pursuant to the incorporated document '*City of Yarra Review of Heritage Overlay Areas 2007, Graeme Butler and Associates 2007: Appendix 8, Revised May 2015*', the building is classified as 'contributory' to the Alphington East Heritage Precinct.

**Advertising**

47. The application was advertised pursuant to Section 52 of the *Planning & Environment Act 1987* (the Act), by way of a total of 10 letters sent to the objectors of the original application. This included the adjoining and neighbouring owners and occupiers.
48. A total of nine (9) objections and a petition with 81 signatures have been received by Council at the time of writing. The grounds of objection are summarised as follows:
- (a) Adverse amenity impacts
  - (b) Unsympathetic to the neighbourhood character
  - (c) Loss of open space within the northern setback

**Referrals**

External

49. There were no external referrals required pursuant to Clause 66 of the Scheme.

Internal

50. There were no internal referrals required.

**OFFICER ASSESSMENT**

51. The primary considerations for this application are as follows:
- (a) Strategic Justification;
  - (b) Clause 55 of the Yarra Planning Scheme (ResCode);
  - (c) Heritage; and
  - (d) Objector concerns.

State and Local Policy Frameworks (SPPF and LPPF)

52. Having regard to the relevant State and Local Planning Policy, it is considered that the proposed amendments are of a negligible impact. The proposed development, as approved under Planning Permit PLN14/0286, will continue to implement State and Local Planning Policy with regard to increased densities within established residential area.
53. A detailed assessment of the proposed amendments against Clause 55 (Rescode) is provided in the section below. An assessment has also been undertaken of the heritage considerations.

Clause 55 of the Yarra Planning Scheme (Rescode)

54. A development must meet all of the objectives of this clause, and should meet all of the standards.

55. Following is an assessment against the standards and objectives of Clause 55 that are relevant to the proposed amendments:

*Standard B1 – Neighbourhood Character*

56. The immediately surrounding neighbourhood typically consists of early 1920s and 1930s weatherboard and brick dwellings, some of which have more contemporary first floor additions, with hipped roof forms and are generally setback from property boundaries. There are also examples of more contemporary two-storey dwellings and multi-unit development (such as at No. 6 Yarralea Street to the north).
57. Since the permit was issued, a Heritage Overlay (HO362) has been introduced over the site. Therefore, Clause 22.10 (Built Form and Design Policy) and Clause 22.13 (Residential Built form Policy) are no longer applicable; rather the proposed amendments are assessed under Council's Heritage policy at Clause 22.02 of the Scheme. This assessment is undertaken with the heritage section within this report.
58. Overall it is considered that the removal of these conditions will have a negligible impact upon the existing neighbourhood character. The deletion of Condition 1(j), which sought to increase the northern setback of the first floor from 1.8m to a minimum of 3.2m, is considered not to impact upon the character of the area. The northern wall is not visible from the public realm; therefore the impact is confined to the adjoining properties. As will be discussed within the assessment of Standard B17, the original setback of 1.8m is consistent with the side and rear setback standard and objectives. On this basis, it is considered that standard B1 has been met.
59. In regard to Condition 1(l), which seeks to increase the first floor setback an addition 2.0m from the east boundary, it is considered that this condition is unnecessary given that the proposed setback of 2.0m provides a sufficient setback from the boundary, taking into account other setbacks within the immediately surrounding area and any potential adverse amenity impacts from a 2.0m setback from the boundary. This is discussed in further detail within Standard B17.

*Standard B17 – Side and rear setbacks objective*

60. The maximum overall height of the northern wall is 5.7m. To comply with Standard B17, a setback of 1.63m is required from the northern boundary. The proposed amendment seeks to remove condition 1(j) that required the northern setback to be increased from 1.8m to 3.2m. Deletion of this condition is considered acceptable on the basis that the original setback complies with Standard B17.
61. There was an error in the officer report associated with the original application. This calculated the setback from the overall height of the building to the top of the roof ridge, which is 8.37m, rather than the wall height, being 5.7m. As a consequence, it was suggested in the report that compliance with Standard B17 required a setback of 3.5m, which was incorrect. As a result of this calculation, a condition was placed on permit requiring the setback to be increased to 3.5m in compliance with Standard B17. As the original setback of 1.8m already complied with Standard B17, this condition is considered unnecessary.
62. In addition to meeting the standard, it is considered that the objective of the side and rear setback standard is also met, which is: *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.* Specifically:
- (a) The surrounding area displays a degree of irregularity in side and rear setbacks. The proposed setback of 1.8m is within the range of setbacks present within the surrounding area. As such, the original setback of 1.8m is considered to respect the existing character of the surrounding area.

- (b) The property to the north has a generous open space area in excess of 225sqm. Given that this property is situated to the north of the subject site, it will not be overshadowed by the proposed development. Furthermore, this property will continue to have an uninterrupted outlook to the east. For these reasons, the proposed wall is considered acceptable and a further setback as directed by Condition 1(j) is not required.
63. The maximum overall height of the eastern wall is 6.0m. To comply with Standard B17, a setback of 1.72m is required from the eastern boundary. The proposed amendment seeks to remove condition 1(l), which requires the upper level to be setback a further 2.0m from the eastern boundary. Deletion of this condition is considered acceptable on the basis that the original setback complied with Standard B17.
64. There was an error in the officer report associated with the original application in that the setback requirement was calculated from the overall height of the building (8.37m), rather than from the height of the wall (6.0m). As a consequence, it was suggested in the report that a setback from the eastern boundary of 3.5m was required to comply with Standard B17, this was incorrect. Compliance with Standard B17 is already achieved with the proposed 2.0m setback, as such, this condition is considered excessive and unnecessary.
65. Furthermore, in addition to meeting the standard, the objective is also considered to have been met, given the following:
- (a) As previously noted, the surrounding area displays a degree of irregularity in side and rear setbacks. The original setback of 2.0m from the eastern boundary is comparable to other side setbacks, including the eastern setback of No. 19 Lucerne Crescent and the western setback of No. 21 Lucerne Crescent. As a consequence, the proposed setback is considered acceptable from a neighbourhood character perspective.
- (b) There are no unreasonable amenity impacts caused by the location of the wall from the boundary on the basis that the adjoining property to the east contains a driveway adjacent the proposed eastern wall. There are also no habitable windows opposite this wall that may be impacted.

*Standard B19 – Daylight to existing windows objective*

66. The proposed amendments will not impact the daylight access to existing windows. The nearest window is associated with 19 Lucerne Crescent and is over 6m from the subject site in a diagonal line.

*Standard B21 – Overshadowing open space objective*

67. The proposal does not increase overshadowing to the secluded private open space area of the adjacent property to the east (ie. located to the north/north-east of that dwelling). Due to the orientation of the lots, no overshadowing is possible to the adjacent property to the north. Therefore the Standard is met.

Heritage Assessment

68. The original planning permit PLN14/0286 was issued prior to the approval of Amendment C149, which introduced Heritage Overlay (HO326). Therefore, the original application was not assessed against Clause 43.01 (Heritage Overlay) or Council's heritage policy at Clause 22.02 of the Scheme.
69. As the site now falls within Heritage Overlay HO362, an assessment under Clause 43.01 and Clause 22.02 of the Scheme is required for the proposed amendments. The amendments are confined to the new dwelling and do not require any demolition works or alteration to existing heritage fabric.



70. Having regard to the guidance contained within Clause 22.02-5.7.1 (General Guidelines for New Development, Alterations or Additions), the proposed amendments are considered acceptable, as discussed below.
71. The deletion of Condition 1(j), which relates to the provision of a 3.2m setback from the northern boundary, will have no impact upon the heritage place given that this wall is not readily visible from the public realm. As such, the deletion of this condition is considered acceptable under Clause 22.02-5.7.
72. The deletion of Condition 1(l) will permit the first floor to revert back to a setback of 2.0m from the eastern boundary. A setback of 2.0m is considered acceptable having regard to Clause 22.02-5.7, specifically:
  - (a) There is not a consistent side setback rhythm along Lucerne Crescent, and as previously identified, the proposed setback is comparable to the eastern setback of No. 19 and No. 21 Lucerne Crescent.
  - (b) The proposed amendments are associated with the new building, thus they do not impact upon any existing heritage fabric.
  - (c) The existing contributory heritage building is orientated toward Yarralea Street to the west of the subject site. The eastern side of the new dwelling is the furthest point away from the existing heritage building, as such the eastern setback will have a negligible impact upon the appearance and contribution of the heritage place.
  - (d) The heritage overlay ends at the subject site's eastern boundary and therefore the property immediately to the east sits outside the heritage overlay. Therefore, the relationship between the proposed development and the property to the east is not of heritage importance.
73. For the reasons outlined, it is considered that deletion of Condition 1(l) is acceptable having regard to Clause 43.01 and Clause 22.02-5.7 of the Scheme.

#### Objector Concerns

74. Issues raised by objectors have been addressed through this report as follows:
  - (a) *Adverse amenity impacts*
75. Amenity impacts associated with proposed amendment are discussed within Paragraphs 60 to 67.
  - (b) *Unsympathetic to the neighbourhood character*
76. Neighbourhood character impacts are discussed within Paragraphs 56 and 59.
  - (c) *Loss of open space within the northern setback*
77. The open space provision is not reduced as a consequence of the current amendments.

#### **Conclusion**

78. The proposal is considered to be acceptable having regard to the relevant State and Local policies, Clause 43.01 (Heritage) and Clause 55 (Rescode) of the Scheme. Therefore, it is considered that the proposal should be approved.

#### **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amendment to Planning Permit PLN14/0286 to delete conditions 1(j) and (l) and re-label remaining conditions.

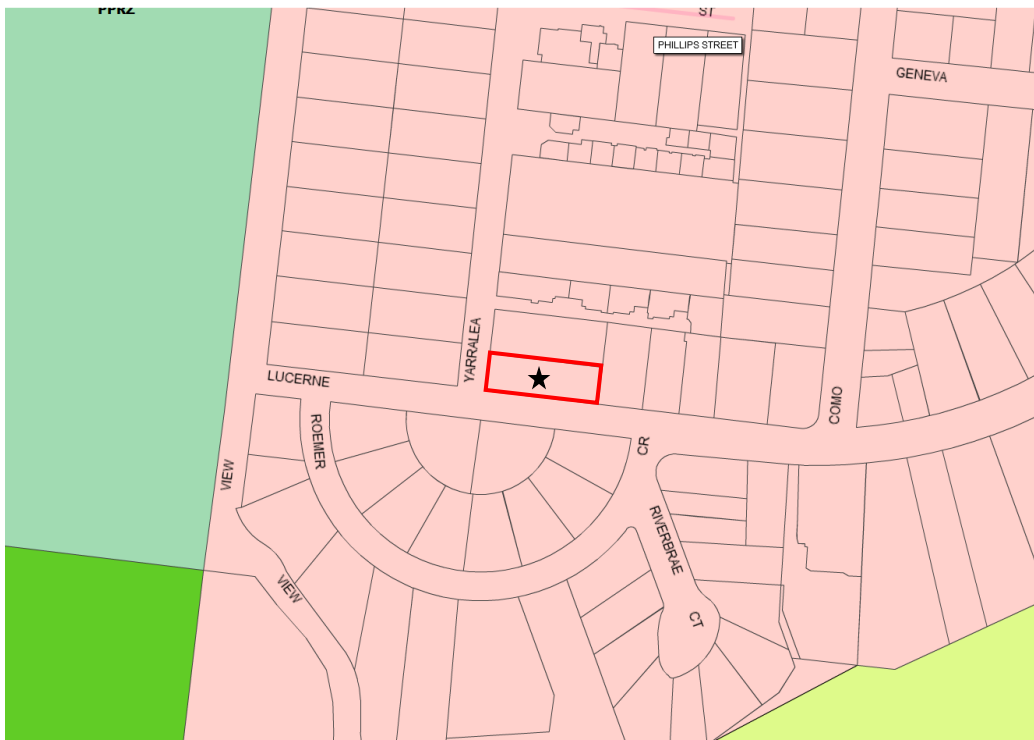
**CONTACT OFFICER:** Amy Hodgen  
**TITLE:** Principal Statutory Planner  
**TEL:** 9205 5330

**Attachments**

- 1 Site Plan
- 2 Existing Planning Permit
- 3 Existing Decision Plans

Attachment 1 - Site Plan

2 Yarralea Street, Alphington



**Attachment 2 - Existing Planning Permit**

Helping you understand your planning needs

**PLANNING PERMIT**

Permit No: PLN14/0286

Planning Scheme: Yarra

Responsible Authority: City Of Yarra

**ADDRESS OF THE LAND:**

2 Yarralea St Alphington VIC 3078

**THE PERMIT ALLOWS:**

**Development of the land for the construction of one additional dwelling on the lot.**

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the decision plans Council date stamped 09 April 2014 and 17 December 2014 showing the following changes:
  - (a) The provision of a canopy tree within the front setback of the proposed dwelling.
  - (b) The provision of a semi-transparent, brick pier and vertical or horizontal metal or timber infill fence to the front of the proposed dwelling, to be no higher than 1.5m and to be reflective of the character of the area.
  - (c) The location of letter boxes indicated on the ground floor plan.
  - (d) Removal of the existing vehicle crossover.
  - (e) Car space to new dwelling to be a minimum of 5.4m long.
  - (f) Elevations to depict detail of the proposed sheds to both dwellings not exceeding 3m in height.
  - (g) Detail of the fence separating the existing dwelling from the proposed dwelling to be a minimum 1.8m in height.
  - (h) A materials and colour schedule of proposed finishes to the dwelling and front fence.
  - (i) All plans to depict proposed rainwater tanks consistent with the detail provided with the STORM report.
  - (j) The upper level setback a minimum of 3.2m from the northern boundary in compliance with Standard B17 of Rescode and appropriately treated.
  - (k) The front entrance redesigned to include a gable end above the entrance similar to the existing dwelling on the subject site.
  - (l) The upper level setback an additional 2.0m from the east.
  - (m) The first floor, south-facing balcony deleted.

Date: 06 May 2015

  
 Danielle Connell  
 Signature for the Responsible Authority

Planning and Environment Regulations 2005 No. 33 Form 4 Sections 63 and 86

Page 1 of 3

For more information call 9205 5555 or visit [www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)

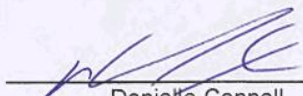


**Attachment 2 - Existing Planning Permit**

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
4. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
5. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
6. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
7. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
8. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
  - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
  - (c) at any time on Sundays, ANZAC Day, Christmas Day and Good Friday.
9. This permit will expire if:
  - (a) the development is not commenced within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

**Date: 06 May 2015**

  
 \_\_\_\_\_  
 Danielle Connell  
 Signature for the Responsible Authority

**Attachment 2 - Existing Planning Permit**

NOTES:

A building permit may be required before development is commenced. Please contact Council's Building Services Unit on Ph. (03) 9205 5351 to confirm.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5095 for further information.

**Date: 06 May 2015**

  
Danielle Connell  
Signature for the Responsible Authority

**Attachment 2 - Existing Planning Permit**

**PLANNING PERMIT**

**IMPORTANT INFORMATION ABOUT THIS PERMIT**

**WHAT HAS BEEN DECIDED?**

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

**WHEN DOES A PERMIT BEGIN?**

A permit operates:

\* from the date specified in the permit; or

\* if no date is specified, from—

(i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or

(ii) the date on which it was issued, in any other case.

**WHEN DOES A PERMIT EXPIRE?**

1. A permit for the development of land expires if—

\* the development or any stage of it does not start within the time specified in the permit; or

\* the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or

\* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.

2. A permit for the use of land expires if—

\* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or

\* the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—

\* the development or any stage of it does not start within the time specified in the permit; or

\* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or

\* the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or

\* the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—

\* the use or development of any stage is to be taken to have started when the plan is certified; and

\* the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

**WHAT ABOUT APPEALS?**

\* The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.

\* An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.

\* An application for review is lodged with the Victorian Civil and Administrative Tribunal.

\* An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.

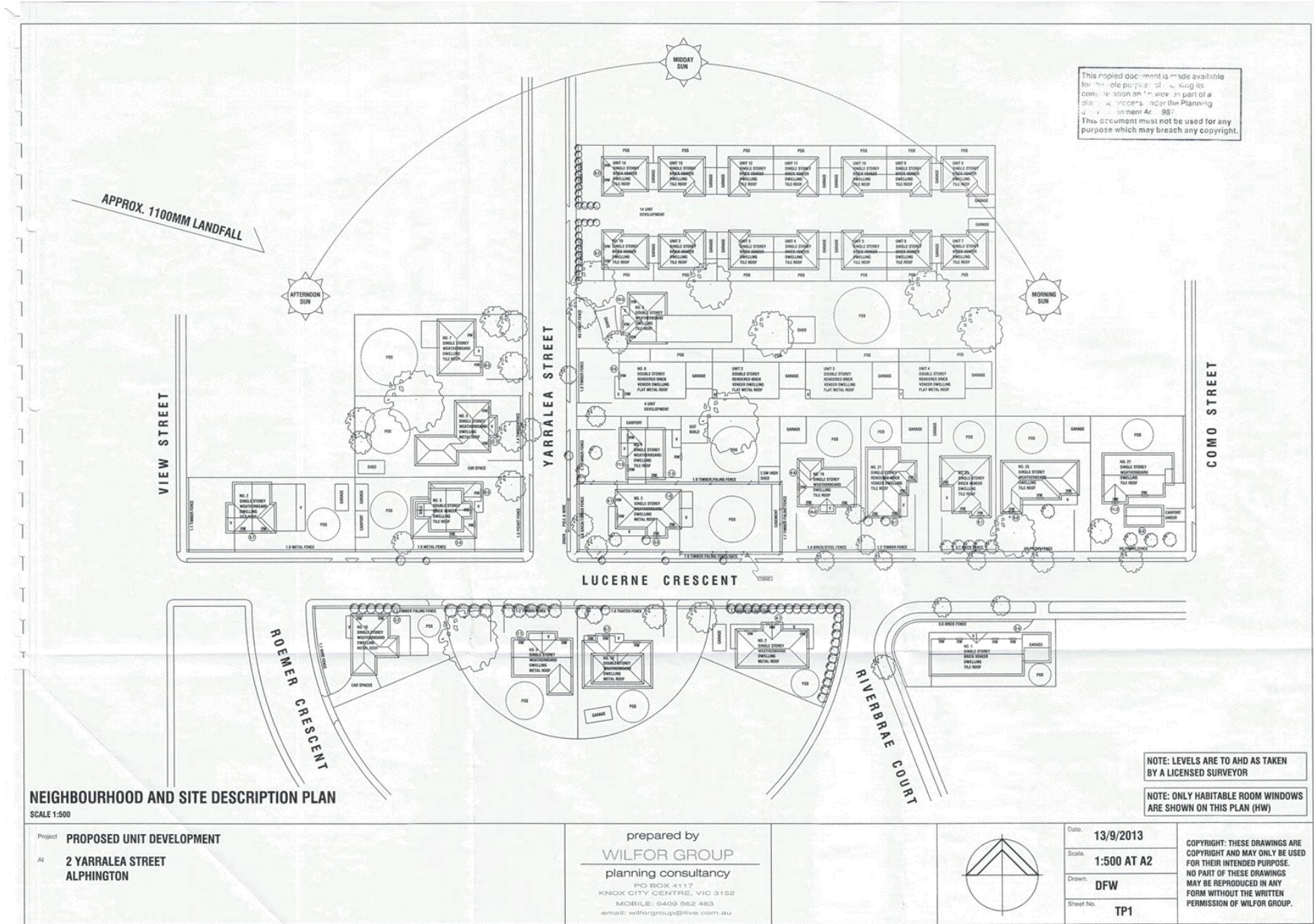
\* An application for review must state the grounds upon which it is based.

\* An application for review must also be served on the Responsible Authority. Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

*Planning and Environment Regulations 2005 No. 33 Form 4 Sections 63 and 86*

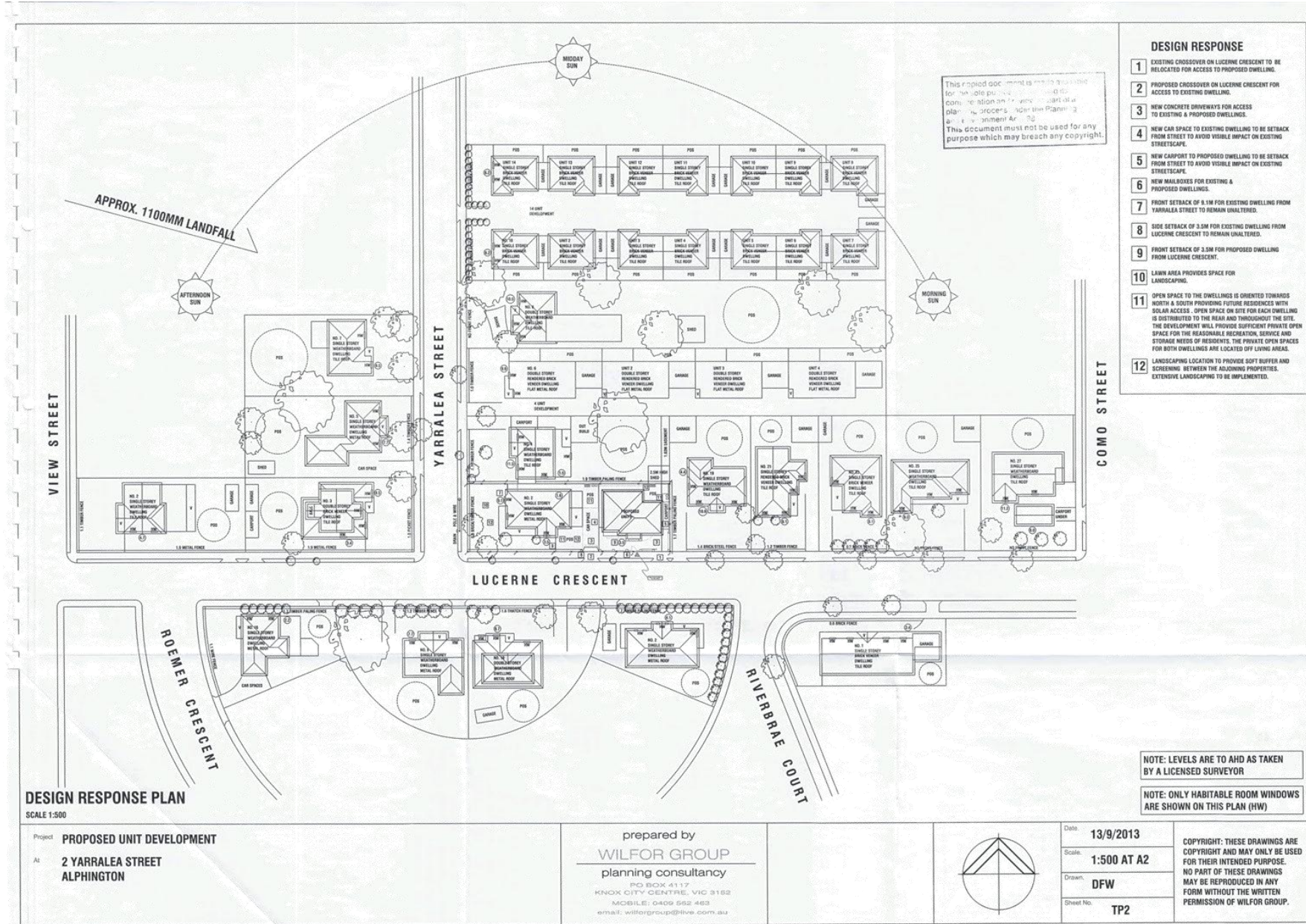


Attachment 3 - Existing Decision Plans





Attachment 3 - Existing Decision Plans



**DESIGN RESPONSE**

- 1 EXISTING CROSSOVER ON LUCERNE CRESCENT TO BE RELOCATED FOR ACCESS TO PROPOSED DWELLING.
- 2 PROPOSED CROSSOVER ON LUCERNE CRESCENT FOR ACCESS TO EXISTING DWELLING.
- 3 NEW CONCRETE DRIVEWAYS FOR ACCESS TO EXISTING & PROPOSED DWELLINGS.
- 4 NEW CAR SPACE TO EXISTING DWELLING TO BE SETBACK FROM STREET TO AVOID VISIBLE IMPACT ON EXISTING STREETSCAPE.
- 5 NEW CARPORT TO PROPOSED DWELLING TO BE SETBACK FROM STREET TO AVOID VISIBLE IMPACT ON EXISTING STREETSCAPE.
- 6 NEW MAILBOXES FOR EXISTING & PROPOSED DWELLINGS.
- 7 FRONT SETBACK OF 8.1M FOR EXISTING DWELLING FROM YARRALEA STREET TO REMAIN UNALTERED.
- 8 SIDE SETBACK OF 3.5M FOR EXISTING DWELLING FROM LUCERNE CRESCENT TO REMAIN UNALTERED.
- 9 FRONT SETBACK OF 3.5M FOR PROPOSED DWELLING FROM LUCERNE CRESCENT.
- 10 LAWN AREA PROVIDES SPACE FOR LANDSCAPING.
- 11 OPEN SPACE TO THE DWELLINGS IS ORIENTED TOWARDS NORTH & SOUTH PROVIDING FUTURE RESIDENCES WITH SOLAR ACCESS. OPEN SPACE ON SITE FOR EACH DWELLING IS DISTRIBUTED TO THE REAR AND THROUGHOUT THE SITE. THE DEVELOPMENT WILL PROVIDE SUFFICIENT PRIVATE OPEN SPACE FOR THE REASONABLE RECREATION, SERVICE AND STORAGE NEEDS OF RESIDENTS. THE PRIVATE OPEN SPACES FOR BOTH DWELLINGS ARE LOCATED OFF LIVING AREAS.
- 12 LANDSCAPING LOCATION TO PROVIDE SOFT BUFFER AND SCREENING BETWEEN THE ADJOINING PROPERTIES. EXTENSIVE LANDSCAPING TO BE IMPLEMENTED.

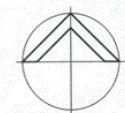
NOTE: LEVELS ARE TO AHD AS TAKEN BY A LICENSED SURVEYOR

NOTE: ONLY HABITABLE ROOM WINDOWS ARE SHOWN ON THIS PLAN (HW)

**DESIGN RESPONSE PLAN**  
SCALE 1:500

Project **PROPOSED UNIT DEVELOPMENT**  
At **2 YARRALEA STREET ALPHINGTON**

prepared by  
**WILFOR GROUP**  
planning consultancy  
PO BOX 4117  
KNOX CITY CENTRE, VIC 3132  
MOBILE: 0409 552 463  
email: wilforgroup@lve.com.au

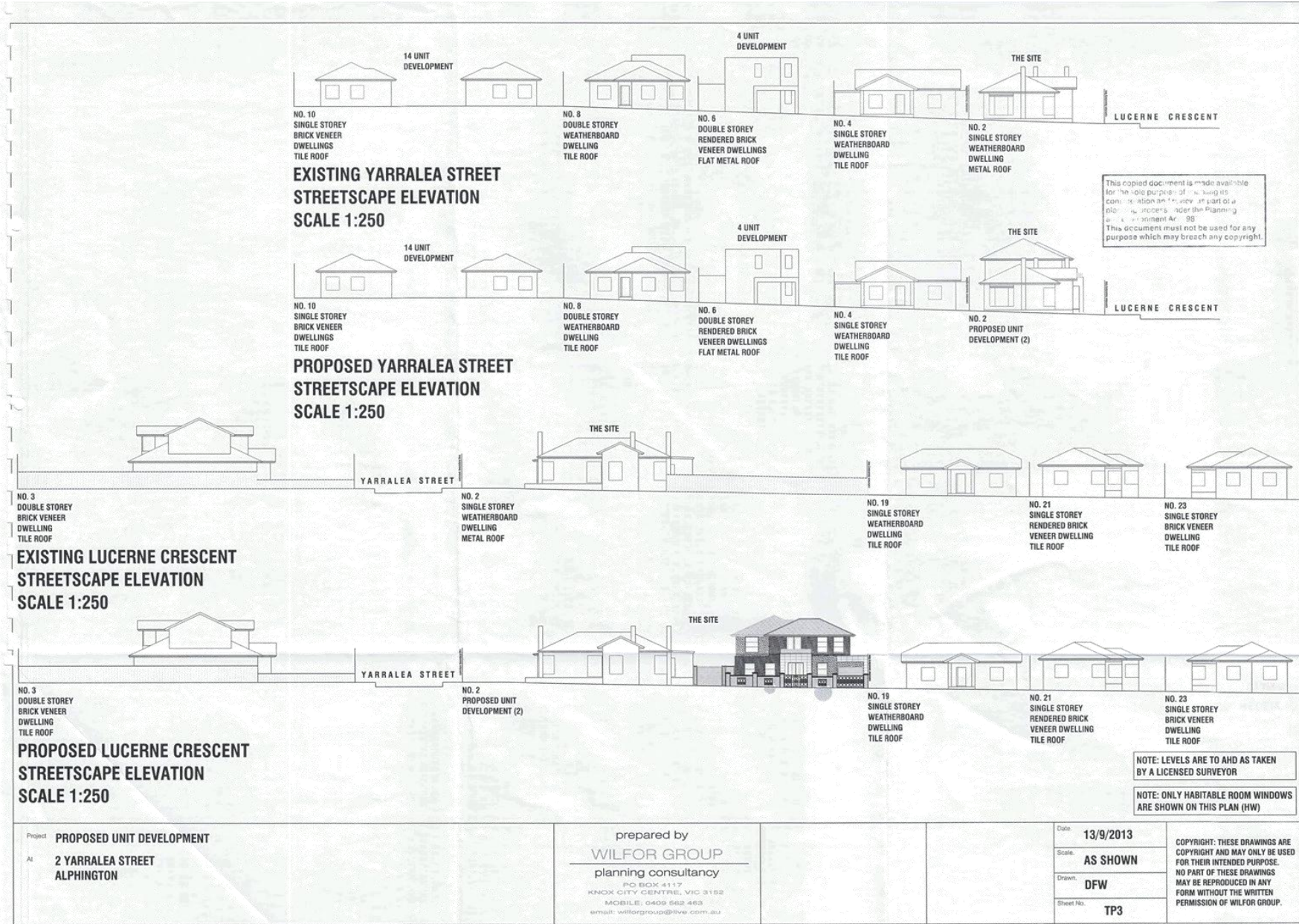


Date **13/9/2013**  
Scale **1:500 AT A2**  
Drawn **DFW**  
Sheet No. **TP2**

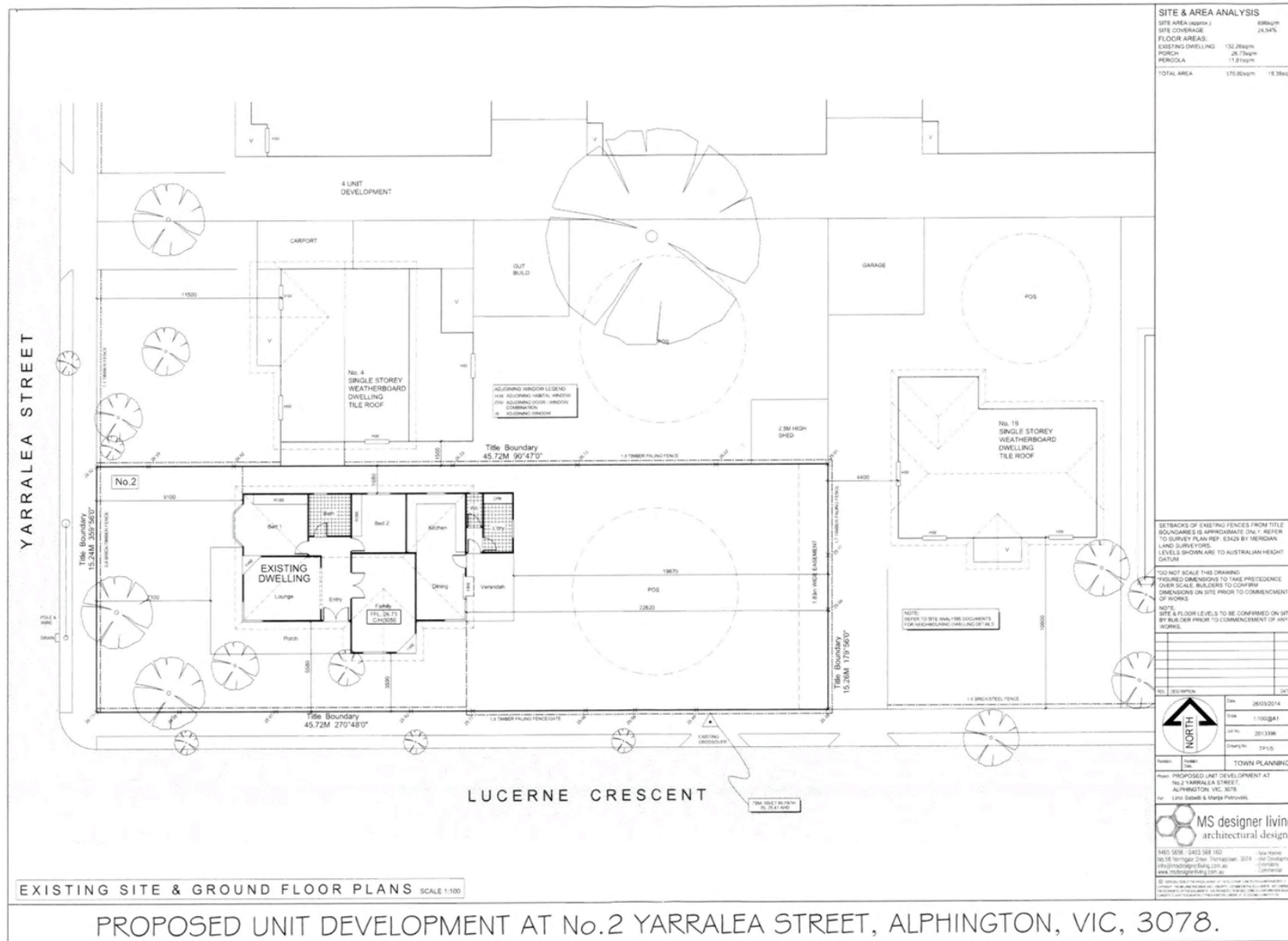
COPYRIGHT: THESE DRAWINGS ARE COPYRIGHT AND MAY ONLY BE USED FOR THEIR INTENDED PURPOSE. NO PART OF THESE DRAWINGS MAY BE REPRODUCED IN ANY FORM WITHOUT THE WRITTEN PERMISSION OF WILFOR GROUP.



Attachment 3 - Existing Decision Plans

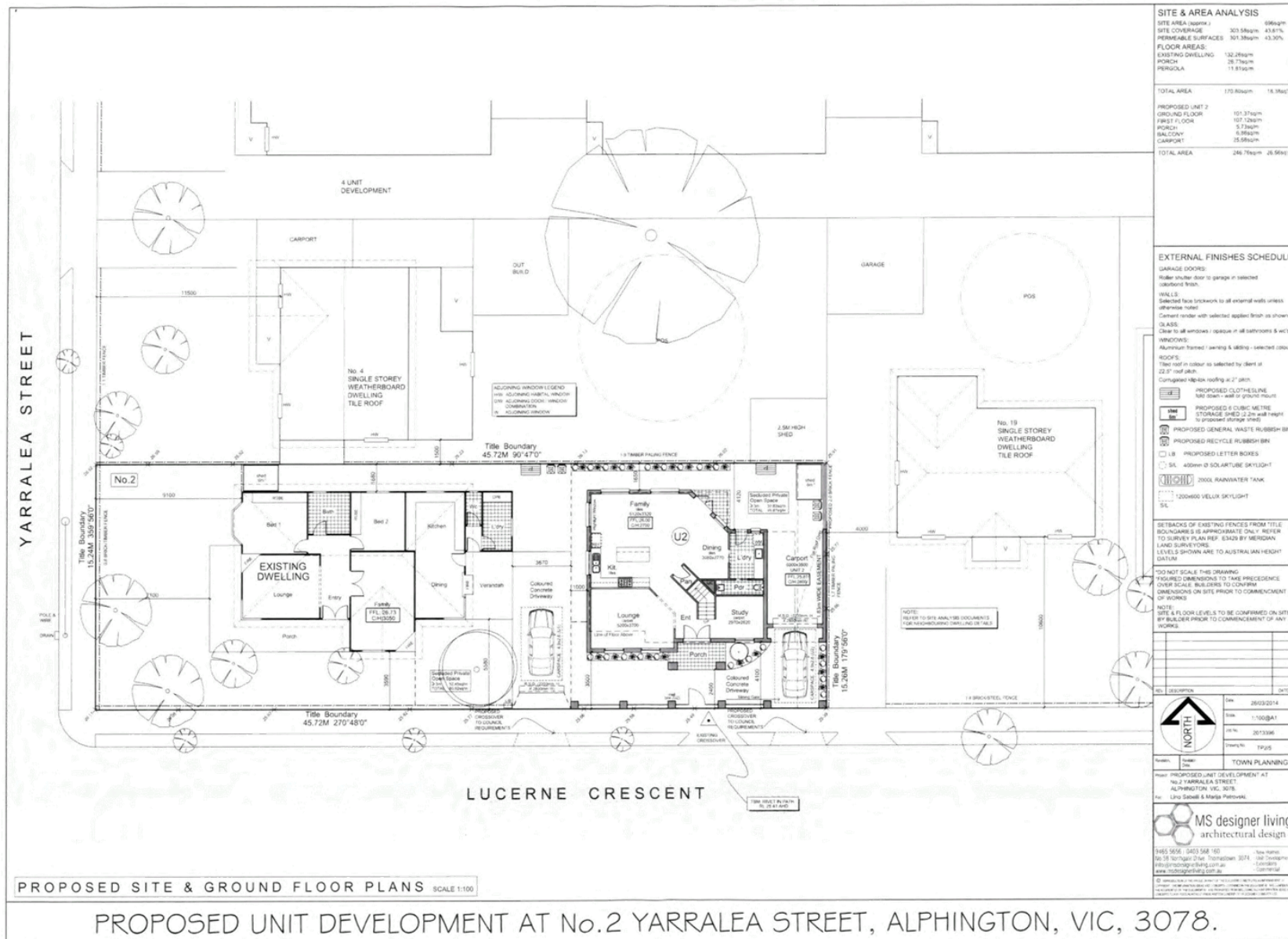


Attachment 3 - Existing Decision Plans

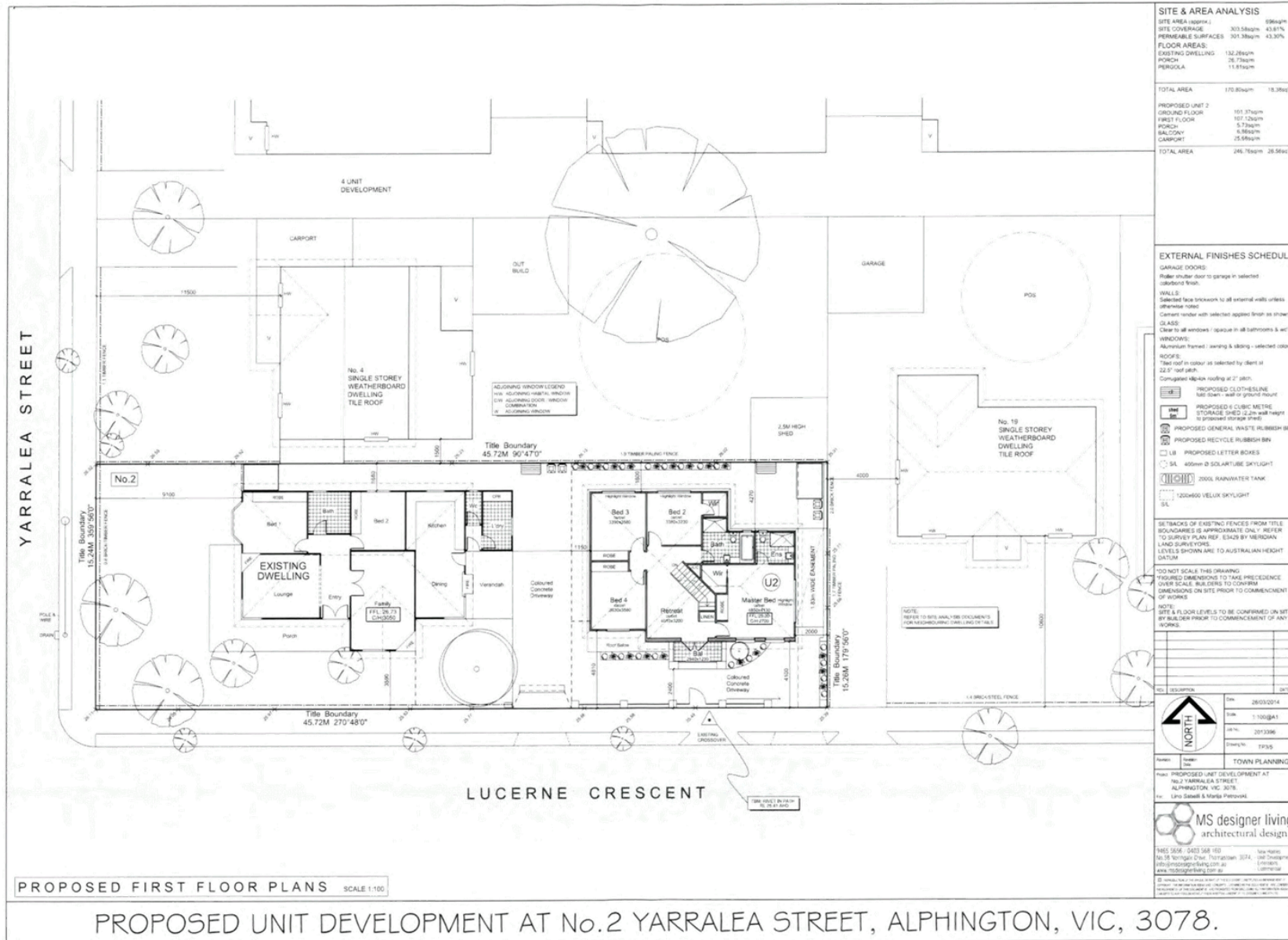




Attachment 3 - Existing Decision Plans



Attachment 3 - Existing Decision Plans



Attachment 3 - Existing Decision Plans

**SITE & AREA ANALYSIS**

SITE AREA (approx.)	996sqm
SITE COVERAGE	303.08sqm 43.61%
PERMEABLE SURFACES	301.08sqm 43.30%
<b>FLOOR AREAS:</b>	
EXISTING DWELLING	132.28sqm
POUCH	28.73sqm
PERGOLA	11.81sqm
<b>TOTAL AREA</b>	
	173.80sqm 18.35sqm
<b>PROPOSED UNIT 2</b>	
GROUND FLOOR	101.37sqm
FIRST FLOOR	157.12sqm
POUCH	5.73sqm
BALCONY	9.86sqm
CARPORT	28.85sqm
<b>TOTAL AREA</b>	
	246.93sqm 28.56sqm

**EXTERNAL FINISHES SCHEDULE**

**GARAGE DOORS:**  
Rubber shutter door to garage in selected colorbond finish.

**WALLS:**  
Selected face brickwork to all external walls unless otherwise noted.  
Cement render with selected applied finish as shown.

**GLASS:**  
Clear to all windows / opaque in all bathrooms & w.c.

**WINDOWS:**  
Aluminium framed / opening & sliding - selected colour.

**ROOFS:**  
Tiled roof in colour as selected by client at 22.5° roof pitch.  
Corrugated slip-lap roofing at 2° pitch.

**PROPOSED CLOTHESLINE:**  
Split down wall at ground level.

**PROPOSED 6 CUBIC METRE STORAGE SHED:** 2.2m wall height to proposed finish (F&G).

**PROPOSED GENERAL WASTE RUBBISH BIN**

**PROPOSED RECYCLE RUBBISH BIN**

**LB PROPOSED LETTER BOXES**

**SL 400mm Ø SOLAR TUBE SKYLIGHT**

**3000L RAINWATER TANK**

**1200x600 VELUX SKYLIGHT**

**EXTERNAL COLOUR AND MATERIAL SCHEDULE**

SR	SMOOTH RENDER FINISH
ST	STACK STONE FINISH
WF	ALL ALUMINIUM FRAMED WINDOWS
CG	ALL COLORBOND GUTTERS
CF	ALL COLORBOND FASCIAS
CR	ROOF TILES AT 22.5° PITCH
RS	ALL ROLLER SHUTTER DOORS
FB	FACE BRICKWORK
CONC	CONCRETE PAVED DRIVEWAY

SEBACKS OF EXISTING FENCES FROM TITLE BOUNDARIES IS APPROXIMATE ONLY. REFER TO SURVEY PLAN REF. 63429 BY MERIDIAN LAND SURVEYORS. LEVELS SHOWN ARE TO AUSTRALIAN HEIGHT DATUM.

DO NOT SCALE THIS DRAWING. FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALE. READERS TO CORROBORATE DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORKS.

NOTE:  
SITE & FLOOR LEVELS TO BE CONFIRMED ON SITE BY SURVEY PRIOR TO COMMENCEMENT OF ANY WORKS.

NO.	DESCRIPTION	DATE
1	ISSUED FOR TOWN PLANNING	26/03/2014

Scale: 1:100 @ A1  
Date: 26/03/2014  
Drawing No: 39465

TOWN PLANNING

PROPOSED UNIT DEVELOPMENT AT No. 2 YARRALEA STREET, ALPHINGTON, VIC. 3078.  
for: Uroš Šušteršič & Marko Pristovnik

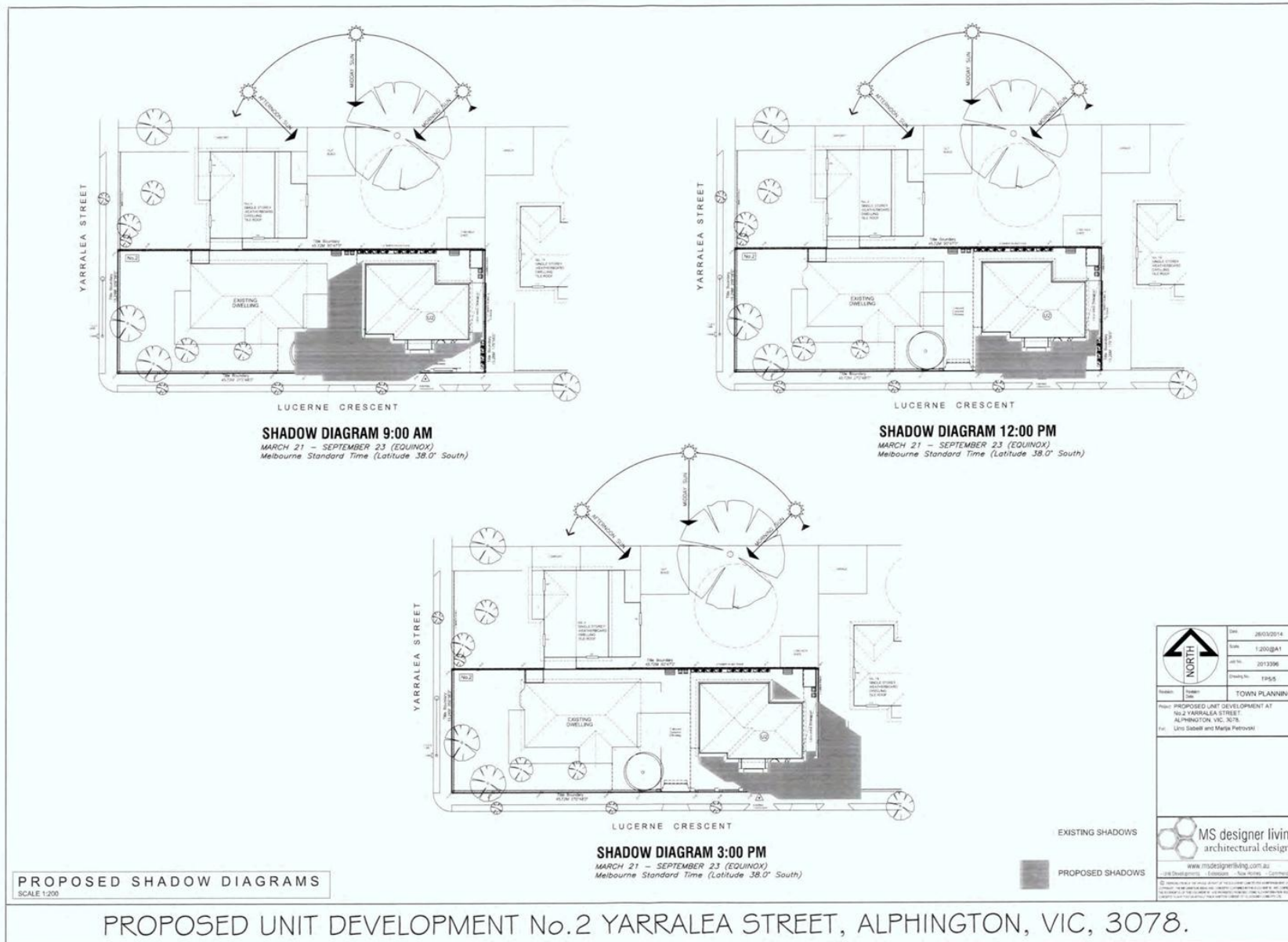
**MS designer living architectural design**

1465 SESE, 5403 2ND RD  
No. 28 Springvale Drive, Springvale, VIC 3174  
info@msdesignerliving.com.au  
www.msdesignerliving.com.au

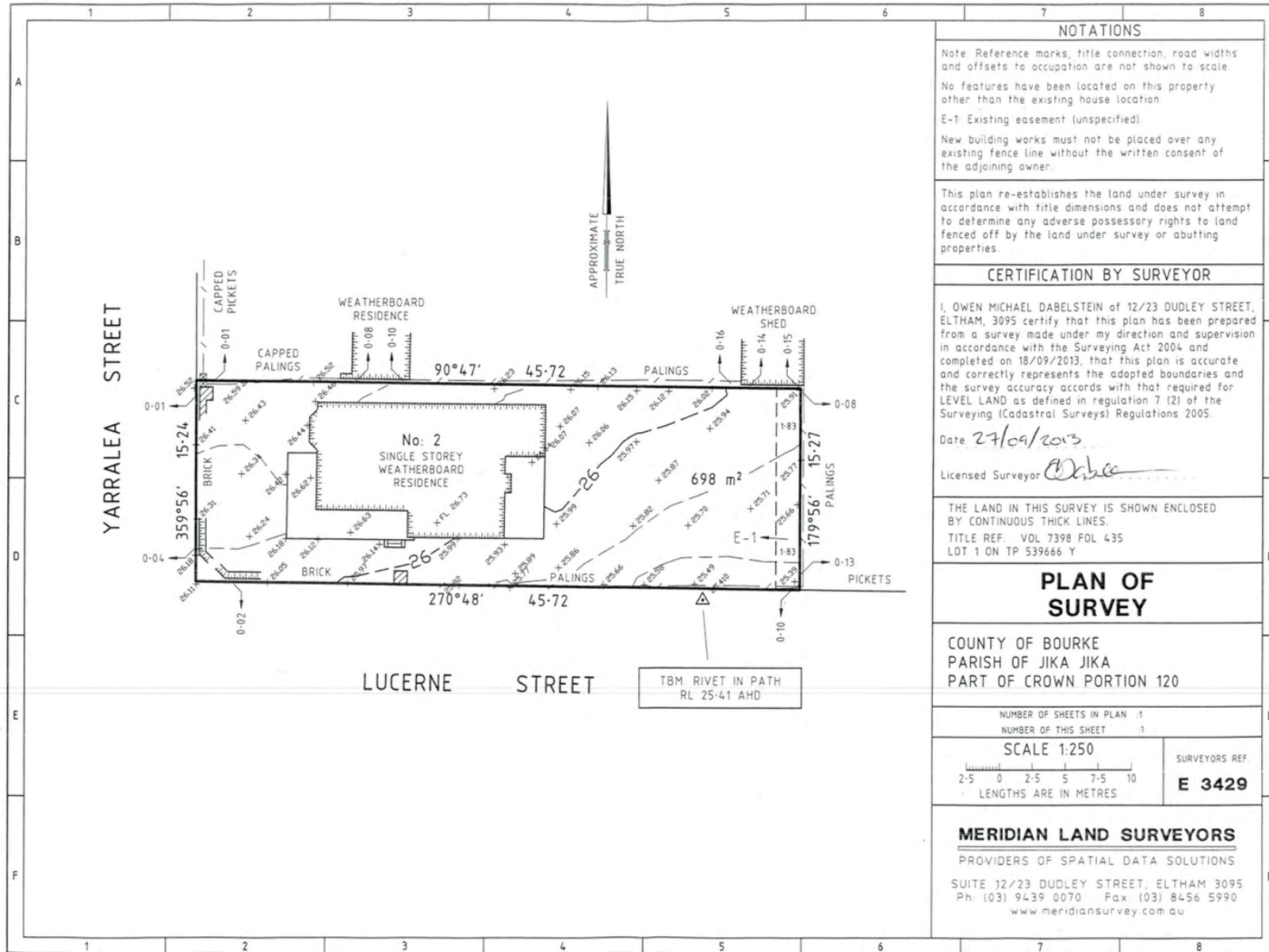
PROPOSED UNIT DEVELOPMENT AT No.2 YARRALEA STREET, ALPHINGTON, VIC, 3078.



Attachment 3 - Existing Decision Plans



Attachment 3 - Existing Decision Plans



**NOTATIONS**

Note: Reference marks, title connection, road widths and offsets to occupation are not shown to scale.

No features have been located on this property other than the existing house location

E-1 Existing easement (unspecified).

New building works must not be placed over any existing fence line without the written consent of the adjoining owner.

This plan re-establishes the land under survey in accordance with title dimensions and does not attempt to determine any adverse possessory rights to land fenced off by the land under survey or abutting properties.

**CERTIFICATION BY SURVEYOR**

I, OWEN MICHAEL LABELSTEIN of 12/23 DUDLEY STREET, ELTHAM, 3095 certify that this plan has been prepared from a survey made under my direction and supervision in accordance with the Surveying Act 2004 and completed on 18/09/2013, that this plan is accurate and correctly represents the adopted boundaries and the survey accuracy accords with that required for LEVEL LAND as defined in regulation 7 (2) of the Surveying (Cadastral Surveys) Regulations 2005.

Date 27/09/2013

Licensed Surveyor *O. Labelstein*

THE LAND IN THIS SURVEY IS SHOWN ENCLOSED BY CONTINUOUS THICK LINES.

TITLE REF. VOL 7398 FOL 435  
LOT 1 ON TP 539666 Y

**PLAN OF SURVEY**

COUNTY OF BOURKE  
PARISH OF JIKA JIKA  
PART OF CROWN PORTION 120

NUMBER OF SHEETS IN PLAN 1  
NUMBER OF THIS SHEET 1

SCALE 1:250

2.5 0 2.5 5 7.5 10  
LENGTHS ARE IN METRES

SURVEYORS REF. **E 3429**

**MERIDIAN LAND SURVEYORS**  
PROVIDERS OF SPATIAL DATA SOLUTIONS

SUITE 12/23 DUDLEY STREET, ELTHAM 3095  
Ph: (03) 9439 0070 Fax: (03) 8456 5990  
www.meridiansurvey.com.au



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**1.4 Heritage Victoria referral to amend HV Permit P22181 associated with 107 Cambridge Street, Collingwood (Part of the Former Foy & Gibson Complex) (LATE ITEM)**

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Trim Record Number: D15/138663  
Responsible Officer: Coordinator Statutory Planning

**Purpose**

1. Council has received a referral from Heritage Victoria under Section 71 of the *Heritage Act 1995*, in relation to an application to amend Heritage Victoria Permit No. P22181, associated with Former Foy and Gibson Complex at 107 Cambridge Street Collingwood (Heritage Victoria Register No. HO755).
2. This report provides Council with information about the proposal and recommendations for a response to the Heritage Victoria referral.

**Background**

3. Council received the referral from Heritage Victoria on 14 October 2015 accompanied by a written submission prepared by Bryce Raworth and Heritage Comparison Report prepared by Elenberg Fraser. Verbal and written advice was received from Council's Heritage Advisor on 21 October 2015 and is included within the assessment section of this report.
4. For the purpose of this report, Council's role is limited to providing heritage comments on the proposal. Heritage Victoria will ultimately decide on the merits of the application.
5. A Planning Permit (PL10/0231.01) has been issued for the development, which considered the other non-heritage matters in relation to the development. An amendment to the planning permit has also been received and is currently under consideration. Other non-heritage matters will be considered as part of the amendment to the planning application.

**Consultation**

6. No consultation has been undertaken. Heritage Victoria requires written comments from Council in relation to the proposed heritage works.

**Financial Implications**

7. There are no financial implications.

**Economic Implications**

8. There are no economic implications.

**Social Implications**

9. There are no social implications.

**Sustainability Implications**

10. There are no sustainability implications.

**Human Rights Implications**

11. There are no human rights implications.

### **Communication with CALD Communities Implications**

12. There are no communications with CALD community's implications. Heritage Victoria requires written comments from Council in relation to the proposed heritage works.

### **Council Plan, Strategy and Policy Implications**

13. There are no Council Plan, Strategy or Policy implications.

### **Legal Implications**

14. There are no legal implications.

### **Other Issues**

15. The proposed scope of works include:
- (a) Deleting three apartments at ground floor along Cambridge Street and replacing with three retail tenancies;
  - (b) Removing glass within the windows on the eastern elevation of the heritage façade;
  - (c) Lowering the floor slab associated with the proposed retail tenancies;
  - (d) Increase the balcony sizes for east-facing apartments on Level 3;
  - (e) Introducing planter beds above the second floor roof within the eastern setback ;
  - (f) Modify a section of the roof adjacent to the existing chimney; and
  - (g) Increase the height of the lift overrun and plant screen from AHD 44.75 to AHD 46.33
16. The proposed layout is detailed in plan submitted and provided by the permit applicant.

### **Planning Scheme Provisions**

17. The subject site is within a Mixed Use Zone and is also affected by the Heritage Overlay (Schedule HO129) and an Environmental Audit Overlay.

#### Mixed Use Zone

18. Pursuant to Clause 34.04-1 of the Yarra Planning Scheme (the Scheme), a planning permit is required for the use of land for a 'shop' as the total leasable floor area exceeds 150sqm.
19. Pursuant to Clause 32.04-8 of the Scheme, a permit is required to construct a building or carry out work for a use in Section 2 of Clause 32.04-2.
20. As previously mentioned, Council's role for this process is limited to heritage matters. A separate amendment has been submitted to the Planning Permit, which is currently under consideration.

#### Heritage Overlay

21. Pursuant to Clause 43.01-1 of the Scheme, a planning permit is required to construct a building or construct or carry out works;
22. However, Clause 43.01-2 of the Scheme states that:
- (a) *No permit is required under this overlay:*
    - (i) *To develop a heritage place which is included on the Victorian Heritage Register.*

23. **As the site is included on the Victorian Heritage Register, listed as reference number VHR0755 under the *Heritage Act 1995*, a planning permit is not required under the Yarra Planning Scheme pursuant to this overlay, and Heritage Victoria is the decision maker in relation to the heritage matters.**
24. In terms of the State Planning Policy Framework, Municipal Strategic Statement (MSS) and Local Planning Polices, clauses 15.03-1 (*Heritage Conservation*), 21.05-1 (*Heritage*) and 22.02 (*Development Guidelines for Sites Subject to the Heritage Overlay*) of the Scheme provide general guidance on the development of heritage places.

Environmental Audit Overlay

25. Before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:
- (a) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
  - (b) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*

**Assessment**

26. The proposed amendments are predominately associated with the new addition and will have a limited impact upon the existing heritage fabric. The amendments proposed do not significantly change the appearance of the approved development. Having regard to Clause 22.02-5.7 of the Yarra Planning Scheme, the proposed amendments are considered acceptable from a heritage perspective.
27. The amended plans were reviewed by Council's Heritage Advisor who provided the following comments:
- (a) *The amended works affect part of the site that has essentially been constructed in recent years and therefore contains no heritage fabric except for the façade only of the former Engineering building at No. 107 Cambridge Street.*
  - (b) *The proposal to create shop tenancies at ground level fronting Cambridge Street is consistent with the current use of the subject land and reflects on the original non-residential use and character of the heritage place. The style of the proposed windows will similarly be industrial in appearance.*
  - (c) *The proposal to remove glass panes from the existing window frames of the former in the heritage face is not ideal however the visual impact of these works will be negligible and fully reversible if required for ventilation.*
  - (d) *The change of floor level behind the retained heritage façade is of no particular heritage concern as it will not affect the appearance of the subject building within the streetscape.*
  - (e) *The retention of the existing chimney is appropriate.*
  - (f) *The increase in height of about 1.5 metres to the proposed lift overrun is of no heritage concern given the degree of change is minor to the overall building height.*
  - (g) *The MSS identifies that the Foy and Gibson complex is the most outstanding feature of Collingwood. The MSS also mentions that Yarra's strategies for the Collingwood area are:*

- (i) *Maintaining the Foy and Gibson complex of buildings as a large dominating visually cohesive group of buildings.*
- (ii) *Retaining the uniformity of the streetscapes associated with the Foy and Gibson buildings.*

(h) *Given that the amended works mainly affect non-heritage building fabric, it is considered that these works will have no implications on the MSS.*

28. As discussed by Council's heritage advisor, the shop tenancies within the ground floor re-introduce a hard street edge to the site, which is reflective of the original non-residential use of the heritage place and a preferable outcome from a heritage perspective. A number of the proposed amendments will have limited visibility from the street, such as the reduction of the ground floor finished floor level, the roof line adjacent to the chimney, the balconies associated with Level 3 and the lift overrun and plant screen, therefore these amendments will have a negligible impact upon the significance the heritage place. While it is proposed to remove the glass within the upper windows of the heritage façade, the window frames will be retained. Therefore the general appearance of these windows will be retained; furthermore, as stated by the heritage advisor, this could easily be reversed in future without impacting the integrity of the heritage place.

### **Conclusion**

29. Council's Heritage Advisor has reviewed the proposed works (associated with the Heritage Victoria application) and has formed the opinion that the proposed amendments would be generally in accordance with the requirements of Yarra's heritage policy at Clause 22.02-5.7.1 of the Yarra Planning Scheme. On this basis, the amendments should be supported.

### **RECOMMENDATION**

1. That based on the above advice, Council officers issue a letter to Heritage Victoria outlining that Council does not object to the heritage aspects of the proposed amendment to Heritage Victoria Permit No. P22181.

**CONTACT OFFICER:** Amy Hodgen  
**TITLE:** Principal Statutory Planner  
**TEL:** 9205 5330

### **Attachments**

- 1 Heritage Victoria Referral Letter
- 2 Heritage Submission
- 3 Heritage Comparison Report

Attachment 1 - Heritage Victoria Referral Letter



Department of Environment,  
Land, Water & Planning

Permit Application No: P22181  
File No: FOL/15/28092 - [ 2 - 5 ]

Level 9, 8 Nicholson Street  
East Melbourne Victoria 3002  
Telephone: 03 9938 6894  
www.delwp.vic.gov.au  
DX210098

14 October 2015

The Manager Statutory Planning  
City of Yarra  
PO Box 168  
RICHMOND VIC 3121

Dear Sir/Madam

**RE: PERMIT APPLICATION FOR PART OF FORMER FOY AND GIBSON COMPLEX, 68-158 OXFORD STREET and 103-115 OXFORD STREET and 107-131 CAMBRIDGE STREET and 7 STANLEY STREET and 158-172 Oxford Street COLLINGWOOD (H0755)**

I am writing to you in accordance with Section 71 of the *Heritage Act 1995* and enclose a copy of an application for works to the above-mentioned registered place. I have now received a request to amend the permit and enclose a copy of the request for your comments.

As part of my consideration of this application, I am able to take into account any relevant heritage issues affecting this place that you identify.

I would appreciate your advice on whether the registered place is within or adjoining a locally significant place or precinct subject to a Heritage Overlay control and whether the application is likely to have an adverse effect on that locally significant place or precinct.

It would also be helpful if you could advise whether the Municipal Strategic Statement or a local policy specifically mentions or relates to the registered place or the area in which the place is located and whether the application is consistent with the MSS or relevant policies.

Please forward any comments you have to Joyce MacLennan at [heritage.permits@delwp.vic.gov.au](mailto:heritage.permits@delwp.vic.gov.au) or post to GPO Box 2392 Melbourne, VIC 3001.

If comments are not received by this office within 14 days of the date of this letter I will assume you have no comment to make on the application.

Please contact Janet Beeston on (03) 9534 8963 if you would like to discuss the application or if you require additional time to comment.

Yours sincerely

for **TIM SMITH**  
Executive Director  
HERITAGE VICTORIA

Encl

**Privacy Statement**

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water & Planning, PO Box 500, East Melbourne, VIC 8002. Notwithstanding the above, please note that information provided to enable the administration of the Heritage Act 1995 may be disclosed to persons with an interest in the heritage place or object particularly, and information provided as part of a permit application may be made available on-line where the application has been publicly advertised under section 68 of the Heritage Act 1995.



## Attachment 2 - Heritage Submission

bryce raworth  
conservation • urban design  
19 victoria street  
st kilda vic 3182  
phone 03 9525 4299  
fax 03 9525 3615  
admin@bryceraworth.com.au

28 September 2015

**Janet Beeston**  
**Heritage Victoria**  
**PO Box 2392**  
**MELBOURNE VIC 3001**

Janet

*Re: 107 Cambridge Street, Collingwood – Permit P15668  
Minor amendments for approval and for reference to interested parties*

---

This letter has been prepared at the request of the owners of the registered place. In the present instance some changes to the endorsed permit scheme are presented for consideration and approval as a minor amendment to the permit. At the request of Heritage Victoria a condensed drawing set has been provided for the purposes of this amendment application and in order to facilitate the notification to submitters in relation to the application and subsequent appeal. For convenience, the current, amended drawings provide a comparison of the proposed changes against the endorsed permit drawings.

The subject site is included on the Victorian Heritage Register (VHR) as part of the former Foy and Gibson Complex (VHR Registration H755). The extent of registration encompasses the former Foy and Gibson factory buildings at 68-158 Oxford Street, 103-115 Cambridge Street and 7 Stanley Street. Other parts of the former Foy and Gibson complex at 79-93 and 95-101 Oxford Street are included on the register as VHR H896 and VHR H897. The subject site includes land that has non-contributory fabric at 107 Cambridge Street and also includes the southern half of the land behind the facade of the former Engineering building to the north of 107 Cambridge Street.

It is my view that the proposed minor amendments do not raise any issues of substance that are not in keeping with the findings of the Heritage Council or the endorsed drawings and permit.

The amendments to the scheme can be summarised as follows.

*Internal and external changes, ground floor, new building*

- Deletion of Apartments 0.01, 0.02 and 0.03 and reconfiguration of ground floor to accommodate two of three shop tenancies.*
- Consolidation of the residents foyer and lounge to accommodate the addition of one of three shops.*
- Architectural articulation and language of ground floor façade has been retained noting that materials have not changed with the exception of the removal of the palisade fence.*
- Revised column structure and configuration – Revised layout of existing fire pump room to meet fire rating standard – heritage fabric retained and not impacted.*

## Attachment 2 - Heritage Submission

### *Eastern Elevation, former Engineering building*

#### *Removal of Top Panes of Glass to Windows on Level 1 of former Engineering building Facade*

- Existing windows are fixed – removal of panes will allow for natural ventilation to apartments behind and to comply with BCA requirements

#### *Section AA / Section DD - Lowering of Floor Level Behind former Engineering building facade*

- Lowering of floor slab in shop 03 from AHD 23.700 to AHD 23.100 to improve DDA access from footpath, noting footpath level is 23.090

- Heritage fabric retained noting that existing ground floor slab is not part of existing heritage building.

#### *Retention of Existing Chimney on Northern Party Wall*

- Change small area of pitched roof to flat roof of proposed new development where it sits adjacent to existing chimney

- Existing chimney is to be retained- Existing chimney is non-functional and cannot be seen from Cambridge St.

#### *Lift Overrun and Plant Screen*

- The height of the lift overrun and plant screen has been amended from AHD 44.75 in the endorsed scheme to AHD 46.33 in the amended scheme. The width of the screen element has been reduced as shown in the north elevation, and it is set further back from both the east and west boundaries than shown in the endorsed scheme, and is of a lesser width also as shown in the east elevation.

The changes to the interior of the ground floor of the proposed new structure to accommodate the proposed retail uses will not result in any adverse impacts with regard to heritage considerations. Further to this, it is clear that the interior of a proposed new building is not a matter that could result in any adverse impact with regard to heritage considerations. Similarly, the changes in relation to the fire pump room will have no adverse impact with regard to the presentation of the building.

The changes to the exterior could, in theory, have the capacity to result in impacts with regard to heritage considerations, but in fact represent a positive or at worst neutral outcome in this instance. The proposed built form replaces the recently demolished warehousing and shopfronts in any case, and the careful detailing of shopfront windows in this instance can be seen to be a positive response to the typical character of warehouse window design in the area.

In order to meet BCA ventilation requirements to the terraces behind the first floor windows of the retained facade of the former Engineering building, it is proposed to remove the upper panes of glass, retaining the window frames and the glass to the lower panes. This is a minor change that does result in some loss of fabric and some change to the heritage character of the building, but it is a minor change within the broader scheme of works. It is also a change that is reversible. When the broader Foy & Gibson complex is reviewed, it is possible to see that a high proportion of windows have been replaced with modern window configurations of various kinds – this is a sympathetic and modest change relative to outcomes on many buildings within the complex.

An alternative that could be considered would be the incorporation of awning type windows within the same upper range of panes, but the removal of panes is presently put forward as a simpler approach that has been used on other industrial sites in the metropolitan area.

The ground floor to the interior of the facade of the former Engineering building is to be lowered. The previous slab floor is understood to have been either a modern floor or a heavily altered floor. In any case it has already been removed under the existing permit. The reconstruction of this floor at street level will not result in any appreciable impact upon the heritage values of the place.

A chimney on the north boundary of the site is to be retained as per the endorsed scheme, but the structure around it is to be built to a slightly different configuration.

## Attachment 2 - Heritage Submission

This is acceptable insofar as the chimney is non-operational, has not in the past been visible from the street, and would not have been visible from the street under the endorsed permit.

The finalization of design of the plant and lift overrun has resulted in an area of smaller footprint than was previously contemplated, but a screen of slightly greater height than was previously shown. As noted above, the height of the lift overrun and plant screen has been amended from AHD 44.75 in the endorsed scheme to AHD 46.33 in the amended scheme. The width of the screen element has been reduced as shown in the north elevation, and it is set further back from both the east and west boundaries than shown in the endorsed scheme, and is of a lesser width also as shown in the east elevation. A review of sightlines demonstrates that the revised screen will not be visible in terms of views from the opposite side of Cambridge Street, certainly in terms of views from anywhere reasonably proximate to the site. In terms of the possibility that it might be visible in terms of more distant views to the south or north, it will be glimpsed as a relatively neutral, low key element on top of a modern structure. This will not result in any adverse heritage impacts with regard to the site or the broader Foy & Gibson complex.

Please contact me if you have any queries in relation to the above.

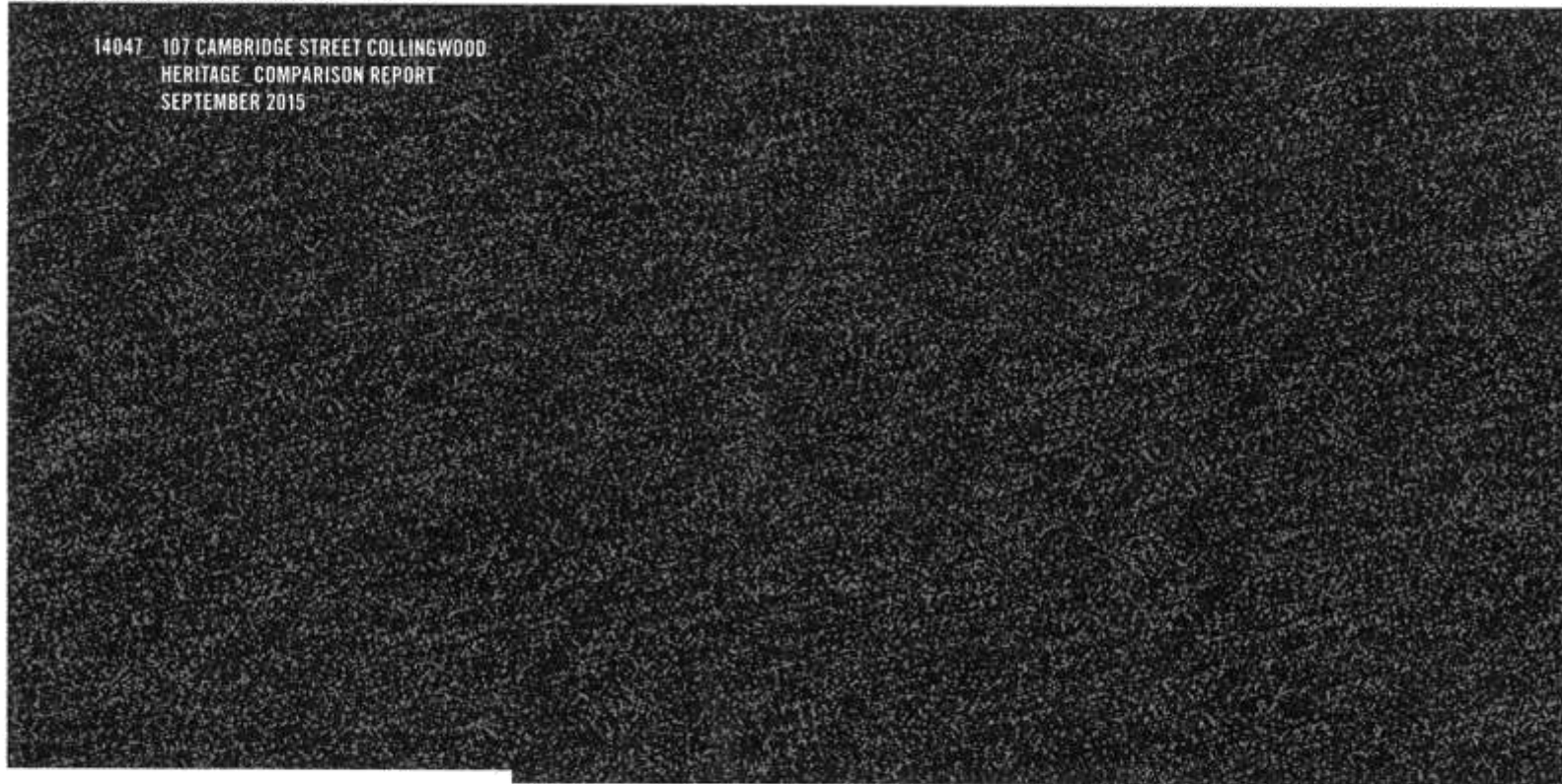
Yours sincerely

A handwritten signature in black ink, appearing to read 'Bryce Raworth', with a stylized flourish at the end.

**BRYCE RAWORTH**



**Attachment 3 - Heritage Comparison Report**



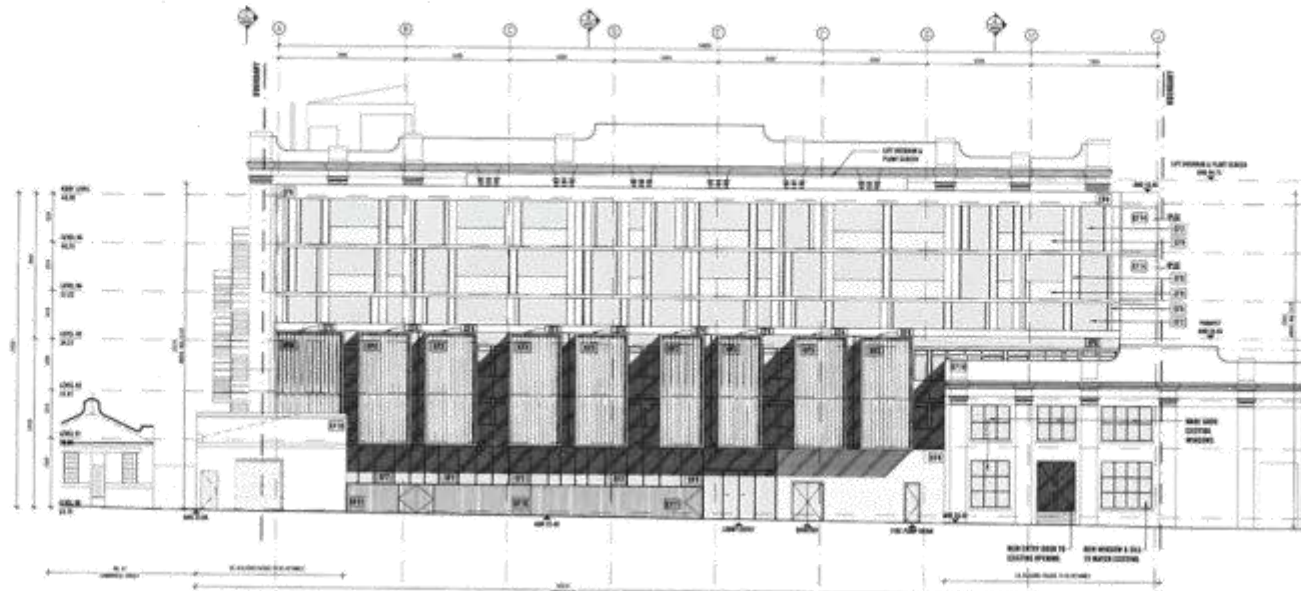
**ELENBERG FRASER**

Attachment 3 - Heritage Comparison Report

**LEGEND- EXTERNAL FINISHES**

CODE	DESCRIPTION
01	PLASTER
02	CONCRETE/BRICKWORK/STONE/SLATE
03	CONCRETE/BRICK/SLATE
04	CONCRETE/BRICK/SLATE
05	CONCRETE/BRICK/SLATE
06	CONCRETE/BRICK/SLATE
07	CONCRETE/BRICK/SLATE
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09	CONCRETE/BRICK/SLATE
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19	CONCRETE/BRICK/SLATE
20	CONCRETE/BRICK/SLATE

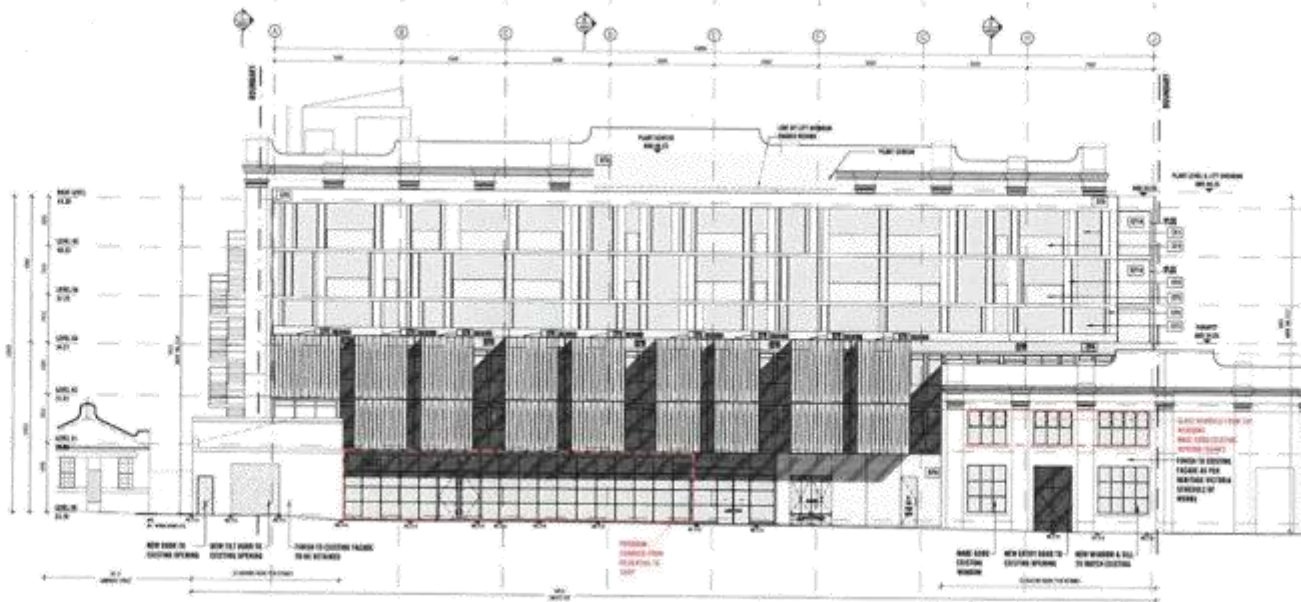
ENDORSED SCHEME  
EAST ELEVATION  
1:250 @A3



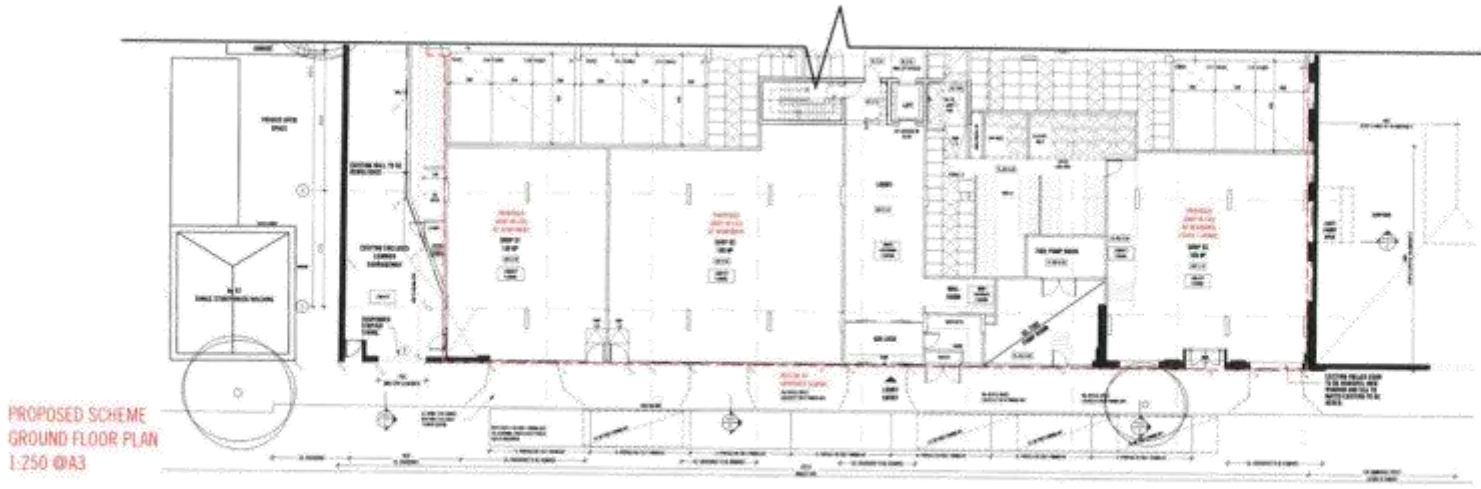
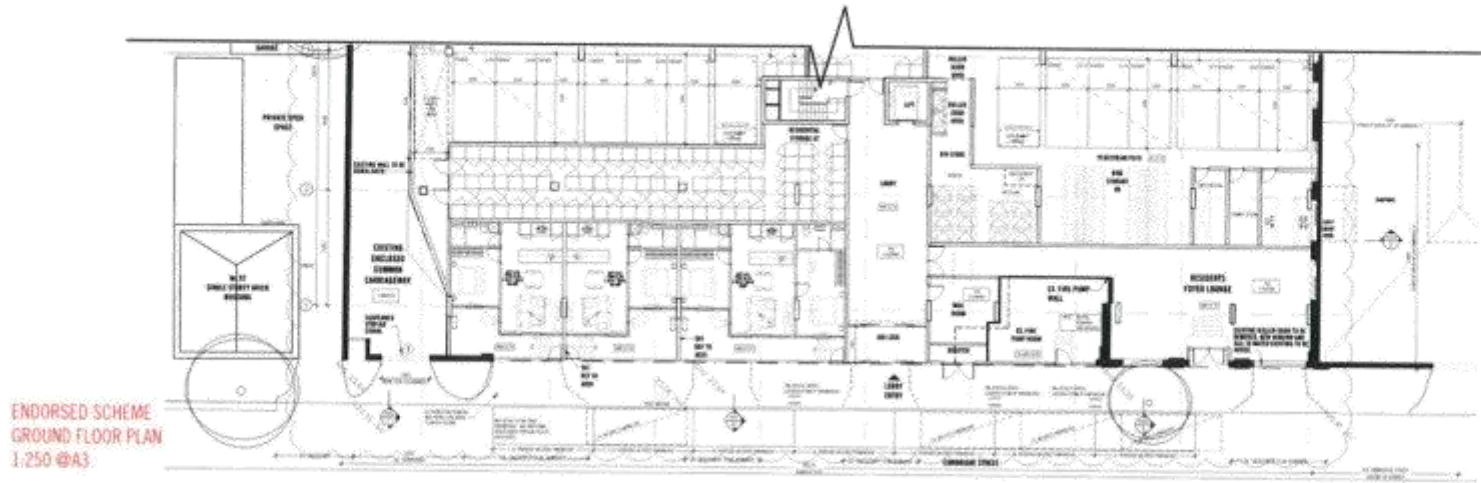
**LEGEND- EXTERNAL FINISHES**

CODE	DESCRIPTION
01	PLASTER
02	CONCRETE/BRICKWORK/STONE/SLATE
03	CONCRETE/BRICK/SLATE
04	CONCRETE/BRICK/SLATE
05	CONCRETE/BRICK/SLATE
06	CONCRETE/BRICK/SLATE
07	CONCRETE/BRICK/SLATE
08	CONCRETE/BRICK/SLATE
09	CONCRETE/BRICK/SLATE
10	CONCRETE/BRICK/SLATE
11	CONCRETE/BRICK/SLATE
12	CONCRETE/BRICK/SLATE
13	CONCRETE/BRICK/SLATE
14	CONCRETE/BRICK/SLATE
15	CONCRETE/BRICK/SLATE
16	CONCRETE/BRICK/SLATE
17	CONCRETE/BRICK/SLATE
18	CONCRETE/BRICK/SLATE
19	CONCRETE/BRICK/SLATE
20	CONCRETE/BRICK/SLATE

PROPOSED SCHEME  
EAST ELEVATION  
1:250 @A3



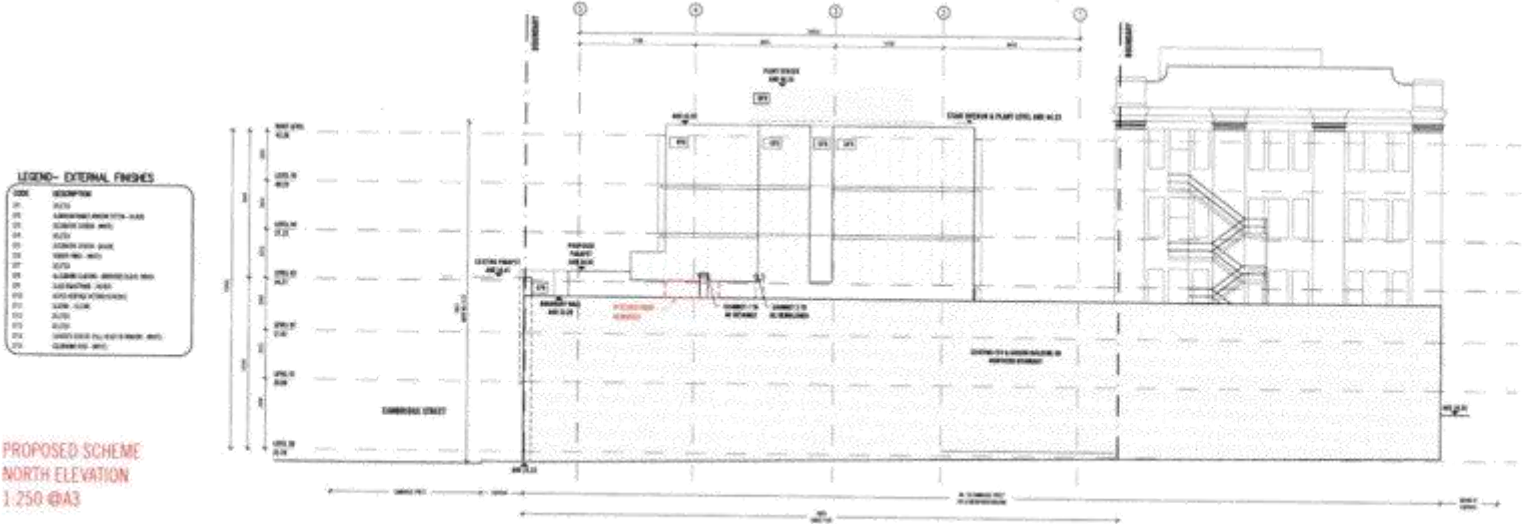
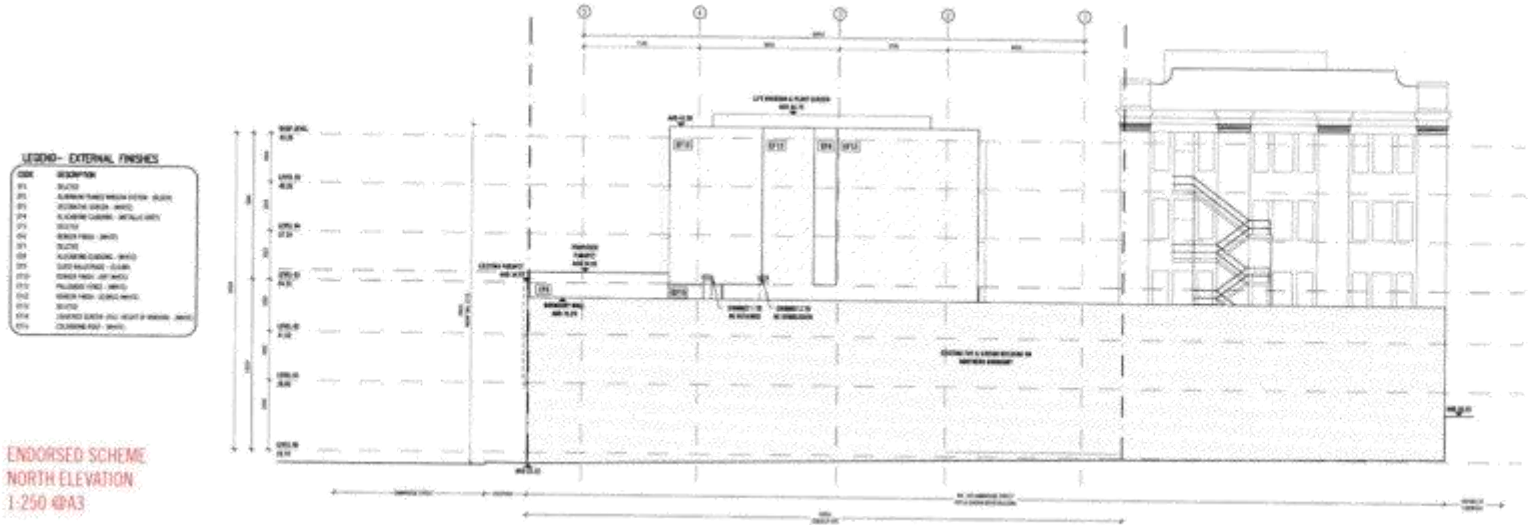
Attachment 3 - Heritage Comparison Report



14047\_141 CAMBRIDGE STREET\_HERITAGE COMPARISON REPORT

ELENBERG FRASER

Attachment 3 - Heritage Comparison Report



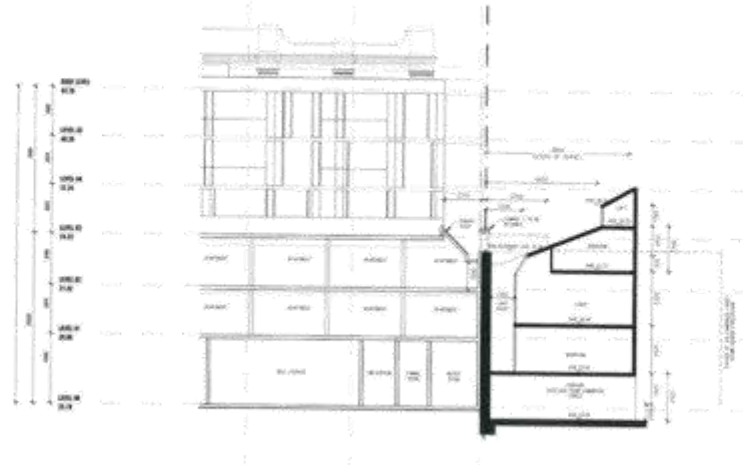
14042\_001 CAMBRIDGE STREET, HERITAGE COMPARISON REPORT

ELENBERG FRASER

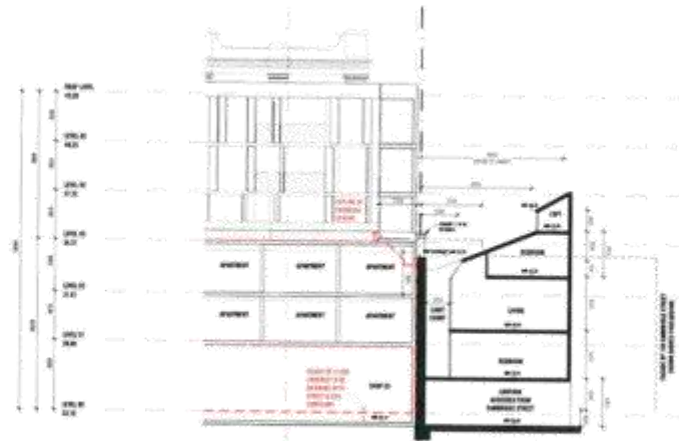


Attachment 3 - Heritage Comparison Report

ENDORSED SCHEME  
SECTION DD  
1:250 @A3



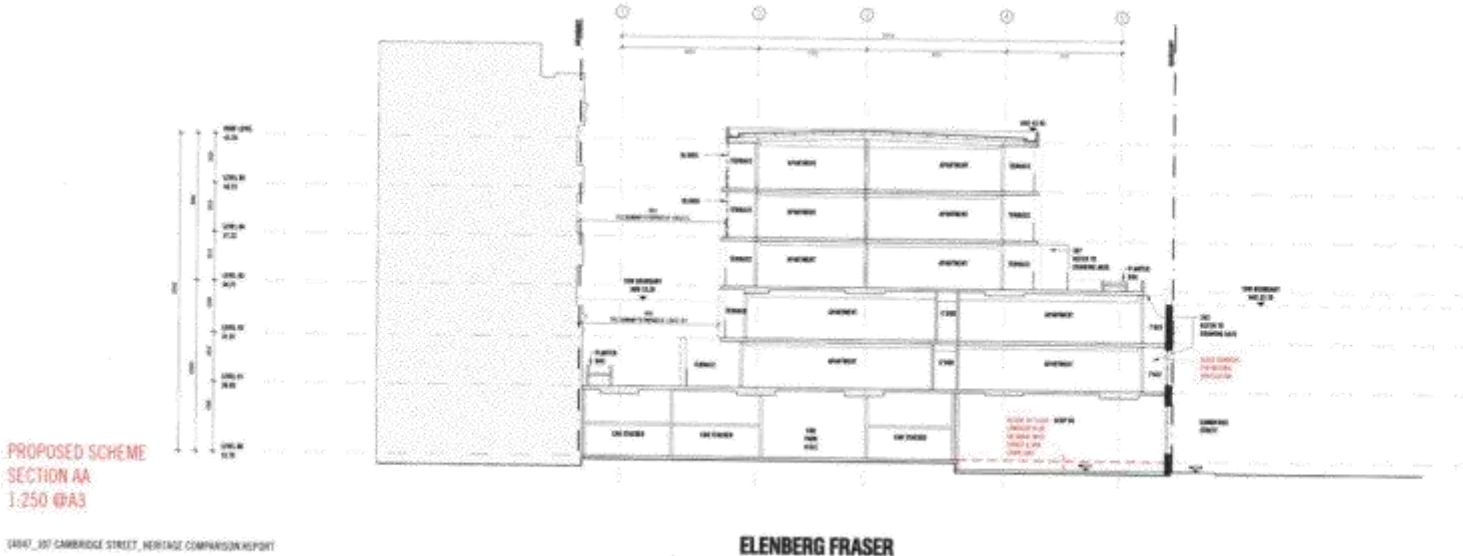
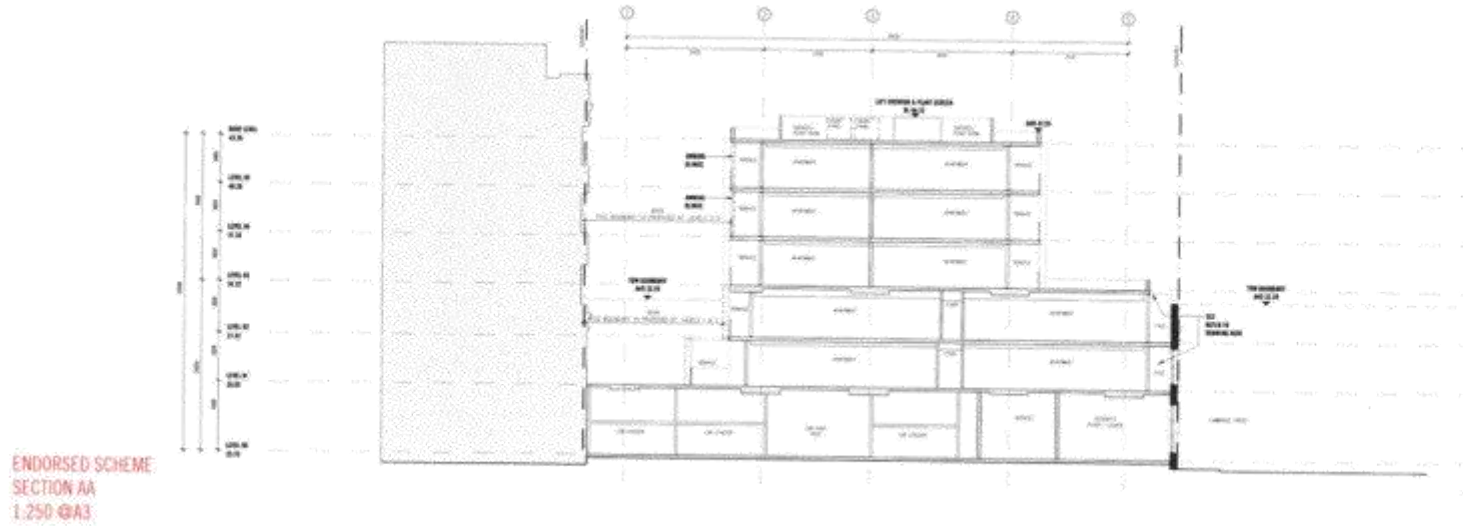
PROPOSED SCHEME  
SECTION DD  
1:250 @A3



14041\_107 CAMBRIDGE STREET, HERITAGE COMPARISON REPORT

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Attachment 3 - Heritage Comparison Report



# Attachment 3 - Heritage Comparison Report



10047\_187 CAMBRIDGE STREET, HERITAGE COMPARISON REPORT

ELENBERG FRASER

