



YARRA CITY COUNCIL

Internal Development Approvals Committee

Agenda

**to be held on Wednesday 10 December 2014 at 6.30pm
in Meeting Room 3 at the Richmond Town Hall**

Rostered Councillor membership

Councillor Jackie Fristacky
Councillor Geoff Barbour
Councillor Misha Coleman

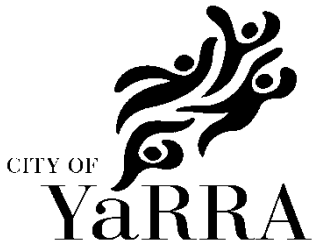
- I. ATTENDANCE**
Tarquin Leaver (Co-ordinator Statutory Planning)
Melanie Ringersma (Senior Statutory Planner)
Cindi Johnston (Governance Officer)
- II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**
- III. CONFIRMATION OF MINUTES**
- IV. COMMITTEE BUSINESS REPORTS**

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***"Welcome to the City of Yarra.
Council acknowledges the Wurundjeri
community as the first owners of this
country.***

***Today, they are still the custodians of
the cultural heritage of this land.***

***Further to this, Council acknowledges
there are other Aboriginal and Torres
Strait Islander people who have lived,
worked and contributed to the cultural
heritage of Yarra."***



Guidelines for public participation at Internal Development Approval Committee meetings

POLiCY

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	21 King Street, Richmond - PLN13/0545	5	28
1.2	Heritage Victoria Referral (P15249) - Dimmeys, 140-160 Swan Street, Cremorne	47	49
1.3	30 Manton Street, Richmond - Planning Application PLN13/0688 - Development of the land for the construction of three, three-storey town houses.	68	90

1.1 21 King Street, Richmond - PLN13/0545 - Development of the land for demolition of the existing dwelling and construction of two, double-storey dwellings, including roof terraces and a reduction in the car parking requirement.

Executive Summary

Purpose

1. This report provides an assessment of the above planning application, which seeks planning approval for development of the land for demolition of the existing dwelling and construction of two, double-storey dwellings, including roof terraces and a reduction in the car parking requirement.

Key Planning Considerations

2. Key planning considerations include:
 - (a) Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay;
 - (b) Clause 43.01 – Heritage Overlay;
 - (c) Clause 55 – Two or more dwellings on a lot (ResCode); and
 - (d) Clause 52.06 – Car Parking.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Clause 55 – ResCode (Neighbourhood character/built form/on and off-site amenity impacts);
 - (b) Heritage guidelines;
 - (c) Car Parking; and
 - (d) Objector's concerns.

Objector Concerns

4. Council received a total of sixteen objections to the application. The grounds of objection are summarised as follows:
 - (a) The proposal does not respond to the heritage or neighbourhood character of the precinct;
 - (b) The proposal results in unreasonable visual bulk/overdevelopment of the site;
 - (c) Excessive height, including the height of walls on boundaries;
 - (d) Lack of setback from the street, including the roof top terrace;
 - (e) Concerns with the reduction in car parking sought;
 - (f) Concerns with ability of vehicles to access the rear laneway;
 - (g) Potential off-site amenity concerns (overlooking, overshadowing (overshadowing of solar panels), loss of daylight to existing windows); and
 - (h) Depreciation in value of adjacent dwellings.

Conclusion

5. 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: Lara Fiscalini
TITLE: Senior Statutory Planner
TEL: 9205 5372

1.1 21 King Street, Richmond - PLN13/0545

Trim Record Number: D14/160946

Responsible Officer: Coordinator Statutory Planning

Proposal: Development of the land for demolition of the existing dwelling and construction of two, double-storey dwellings, including roof terraces and a reduction in the car parking requirement.

Existing use: Single Dwelling

Applicant: Daniel Xuereb

Zoning / Overlays: General Residential Zone/Heritage Overlay (HO332)

Date of Application: 08/07/2013

Application Number: PLN13/0545

Planning History

1. There is no relevant planning history for this site.

Background

2. The application was received by Council on 8 July 2013 and subsequently advertised, with 16 objections received.
3. Amended plans were submitted under Section 57A of the *Planning and Environment Act* 1987 (the Act) on 22 July 2014; these plans were readvertised, with 6 objections received. All of these objectors were original parties, with no new objections added. In summary, the amended plans included the following changes to the design;
 - (a) Removal of the basement level, including car stacker, car parking space and storage space;
 - (b) Reduction in height from triple-storey to double-storey for both dwellings;
 - (c) Reduction in front setback at ground level from 4.37m to 3.1m and first-floor from 4.37m to 3.6m;
 - (d) Removal of two 1000L underground rainwater tanks within each front setback;
 - (e) Amended internal layouts of both dwellings, including removal of lift within northern dwelling;
 - (f) Relocation of roof terraces to the rear of each dwelling;
 - (g) Addition of a ground floor awning on the façade;
 - (h) Altered design response of dwelling facades, including modifications to materials and window locations and proportions; and
 - (i) Solid 1.5m high front fence amended to a permeable design, 1.2m in height.
4. A public consultation meeting was held on 9 September 2014; this meeting was attended by the applicant, 4 objectors and Council officers.
5. The proposal was heard at an Internal Development Approvals Committee (IDAC) meeting on 15 October 2014. Amended sketch plans were submitted to Council prior to this meeting; these sketch plans revised the design of the rear first-floor wall of the southern-most dwelling, in order to reduce associated overshadowing impacts within adjacent sites. These sketch plans demonstrated the existing and proposed shadow conditions at 1pm and 2pm on September 22. As no 3pm diagrams were included in the submission, the matter was deferred, pending the submission of shadow diagrams demonstrating existing and proposed conditions at 3pm.

6. In response, amended plans were submitted under Section 57A of the Act on 21 & 25 November 2014. As well as including the requested 3pm shadow diagram, these plans included the following modifications to the proposed scheme;
 - (a) Amended design of the first-floor rear (eastern) walls, with an angled configuration resulting in an increased setback in the centre of the site. The rear wall setback has been increased from 7.1m to between 7.4m and 9.9m;
 - (b) Two small balconies have been included within the rear elevation, with each balcony screened with vertical metal screening to a height of 1.7m above the finished floor level;
 - (c) Solar hot water services have been relocated towards the front of the roof;
 - (d) Overall height of both dwellings reduced from 6.7m to 6.4m (with a 1m high balustrade associated with the roof terraces). Internal floor to ceiling heights have been reduced from 2.83m to 2.4m at both levels.
7. As the amended plans resulted in no increased material detriment to surrounding sites; the plans were not formally readvertised; however objectors have been provided with these amended plans. The following assessment is based on the amended decision plans.

Existing Conditions

Subject Site

8. The subject site is located on the eastern side of King Street, approximately 30m north of Tanner Street, Richmond. The subject site is formally known as Lot 1 on Title Plan 686118J. The site is rectangular in shape, with a street frontage of 7.7m and a site depth of 27.4m, yielding an overall site area of approximately 210sqm. The site extends through to a laneway at the rear, with access to this laneway provided from a second laneway to the south.
9. The subject site is developed with a single-storey double-fronted weatherboard dwelling, with a high hipped roof and skillion verandah composed of corrugated metal. The dwelling is setback 4.5m from the street frontage, with a low brick fence aligning the front boundary. The dwelling extends along both side boundaries for its entire length, with secluded private open space on the eastern side of the site. One car parking space is located on the northern side of this open space.
10. The dwelling contains four bedrooms, a separate dining room, kitchen and living room, and a bathroom and WC within a covered external area at the rear.
11. No restrictive covenants apply to the site.

Surrounding Land

12. The surrounding area is residential and has a mixed built form character generally consisting of single and double-storey dwellings of heritage and contemporary designs. The eastern side of King Street consists of fine-grain allotments supporting largely single-storey dwellings, with the western side characterised by rear boundary fences and roller doors associated with sites addressing Punt Road.
13. The site is located approximately 220m north of the Swan Major Activity Centre (MAC) and 220m east of the MCG parkland, and thereby enjoys good access to community and retail facilities and public open space. The area is well serviced by a number of transport options. These include the Richmond Railway Station approximately 120m south of the site, a number of tram routes along Swan Street and a variety of bus routes along Punt Road.
14. Immediately to the south of the site is a single-storey weatherboard dwelling with a double-storey addition at the rear. The dwelling is setback 1.7m from the front boundary, behind a low timber picket fence, and directly abuts the shared boundary for its entire length.

The southern wall of this dwelling also largely abuts the southern boundary for its full length, with a direct interface with a laneway to the south. Secluded private open space is located on the eastern side of the site, with a car space on the northern side of this open space.

15. Immediately to the north of the site is a single-storey double-fronted weatherboard dwelling, setback 4.4m from the front boundary behind a low timber picket fence. This dwelling also abuts the shared boundary for its entire length, with the exception of a small lightwell in the centre of the site. Two non-habitable and one habitable room window address this lightwell. Secluded private open space is located on the eastern side of the site, with access for two vehicles from the adjacent laneway.
16. To the east of the site, on the opposite side of the laneway, is a single-storey brick dwelling addressing Tyson Street. A current planning application (PLN14/0481) is being assessed by Council, with this application seeking to demolish the existing dwelling and construct three, triple-storey dwellings on the site.
17. Also to the east, addressing Tyson Street, is a single-storey weatherboard cottage. Secluded private open space is on the western side of the site, adjacent to the ROW.
18. To the west of the site are the rear boundary fences and a roller door associated with sites oriented towards Punt Road. These sites contain double-storey Victorian terraces of similar scale and built form.

The Proposal

19. The application seeks to develop the land for demolition of the existing dwelling and construction of two, double-storey dwellings, including roof terraces and a reduction in the car parking requirement. The proposal can be summarized as follows;

Demolition

- Full demolition of the existing dwelling, all boundary fences and removal of five trees.

Buildings and works

- Construction of two, double-storey dwellings, with matching building envelopes and internal layouts.
- The ground floor facade will be setback 3.185m from the front boundary, with an awning encroaching 1.1m into this setback. The first-floor façade will be setback 3.685m from this boundary.
- The ground floor walls will extend for lengths of 17.5m along both side boundaries, with the first-floor walls 16.6m in length along these boundaries.
- The ground levels will contain a front bedroom within each dwelling, with connecting ensuites. Open plan living areas and kitchens are located at the rear. Bi-fold doors will provide direct access to areas of secluded private open space on the eastern side of each site, with these areas also utilised as car parking spaces. Two roller doors will provide vehicle access to the rear of each site.
- The first-floors will contain two additional bedrooms, both with ensuites.
- The rear bedrooms will both have access to a small balcony, screened along the eastern elevation with 1.7m high privacy screens.
- Roof-top terraces will be located on both dwellings, with these terraces setback 11.7m from the front boundary and set behind a central access hatch. A hatch over the stairwell will provide access to the terraces. The terraces will be separated by a 1.7m high balustrade, with 1m high balustrades surrounding the remaining elevations.
- 2.4m high boundary fences will be constructed along each side boundary, and will separate the rear areas of secluded private open space. A transparent 1.2m high front fence will extend along the front boundary.

General

- The maximum height of the dwellings is 6.4m at the façade, with the maximum height of the proposal from ground level to the top of the terrace balustrade scaled at 7.4m. It is noted that the central 1.7m high balustrade between each terrace is not demonstrated on the plans; this will increase the maximum height of the dwellings to 8.1m only at that point (a condition will be added to the permit requiring this detail to be added).
- The façade will be articulated through the use of timber cladding in horizontal and vertical designs, with a central wall of fenestration extending from floor to ceiling at both levels.
- The dwellings have a flat roof form, with the exception of two raked areas on either side of the façade at first-floor.
- Overall site coverage is 67% percent.

ESD Features

- Cross-ventilation opportunities are provided at each level.
- Private open space will have northern orientations, with the rooftop terraces having excellent access to north sun.
- Solar hot water systems are located at the rear of each dwelling roof.

Materials

The materials and finishes schedule was not updated with the amended plans, however notations on the elevations indicate the following materials will be incorporated into the design;

- Walls – A combination of metal and timber cladding and concrete render.
- Roofing – metal cladding.
- The remaining elements (balustrade, windows, roller doors etc.) are not clearly defined and will be required via an amended schedule.

Planning Scheme Provisions

Zoning

20. The State Government has introduced three new residential zones for Victoria. On the 29 April 2014, Council adopted its position on the new zones and outlined where it preferred to locate the new Neighbourhood Residential Zone (NRZ) and General Residential Zone (GRZ). Council has since submitted an amendment to the Minister for Planning to introduce these two zones (Amendment C176). Also at that meeting Council identified potential sites for the Residential Growth Zone (RGZ) (Amendment C179).
21. On 1 July 2014, the default General Residential Zone (clause 32.08) was introduced into the Yarra Planning Scheme, until a decision is made on Council's preferred zoning as outlined in Amendment C176. Clause 32.08 contains no transitional arrangements, therefore current applications must be considered against the new General Residential Zone, not the Residential 1 Zone which was in place when the planning application was lodged.

General Residential Zone (GRZ)

22. The relevant purposes of the General Residential Zone are:
 - (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - (b) *To encourage development that respects the neighbourhood character of the area.*

- (c) *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- (d) *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*

23. Pursuant to Clause 32.08-4 of the Yarra Planning Scheme [the Scheme], a planning permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

Overlays

Heritage Overlay (HO332 – Richmond Hill Heritage Precinct)

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

Particular Provisions

Clause 52.06 – Car Parking

25. As per Table 1 of Clause 52.06-5, a new three-bedroom dwelling requires two car spaces to be provided. The development includes two three-bedroom dwellings, with one on-site car space provided for each dwelling. On this basis, a reduction of two car parking spaces is required.
26. Pursuant to Clause 52.06-3 of the Scheme, a planning permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

Clause 55 – Rescode

27. Pursuant to Clause 55 of the Scheme the provisions apply to construct two or more dwellings on a lot.

General Provisions

28. 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 and Local Planning Policy Frameworks, as well as the purpose of the zone, overlay or any other provision.

State Planning Policy Framework (SPPF)

Clause 11.02-1 Supply of urban land

29. The objective of this clause is *'to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses'. Planning for urban growth should consider (where relevant):*
- (a) *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
 - (b) *Neighbourhood character and landscape considerations.*

Clause 11.04-2 Housing choice and affordability

30. The objective of this clause is *'to provide a density of housing in defined locations that cater for different households and are close to jobs and services'. Relevant strategies include;*
- (a) *Understand and plan for expected housing needs; and*

- (b) *Reduce the cost of living by increasing housing supply near services and public transport.*

Clause 15.01-1 Urban design

- 31. The objective of this Clause is:
 - (a) *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Clause 15.01-2 Urban design principles

- 32. 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 15.01-5 Cultural identity and neighbourhood character

- 33. The objective of this Clause is:
 - (a) *To recognise and protect cultural identity, neighbourhood character and sense of place.*

Clause 15.02-1 Energy and resource efficiency

- 34. The relevant objective of this Clause is:
 - (a) *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

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

Clause 16.01-1 Residential development: Integrated housing

- 36. The objective of this clause is:
 - (a) *to promote a housing market that meets community needs.*

Clause 16.01-2 Location of residential development

- 37. The objective of this clause is:
 - (a) *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

- 38. The objective of this clause is:
 - (a) *to provide for a range of housing types to meet increasingly diverse needs.*

Clause 18.02-1 Sustainable personal transport

- 39. The objective of this clause is:
 - (a) *To promote the use of sustainable personal transport.*

Local Planning Policy Framework (LPPF)

Clause 21.04-1 Accommodation and housing

- 40. The relevant objectives and strategies within this Clause are as follows:

- (a) *Objective 1 – To accommodate forecast increases in population.*
- (i) *Strategy 1.3 – Support residual population increases in established neighbourhoods.*

Clause 21.05 Built Form
Clause 21.05-1 Heritage

- 41. The objective of this clause is:
 - (a) *To protect and enhance Yarra's heritage places;*

Clause 21.05-2 Urban Design

- 42. The relevant objectives of this clause are:
 - (a) *Objective 16 – To reinforce the existing urban framework of Yarra.*
 - (b) *Objective 20 – To ensure that new development contributes positively to Yarra's urban fabric.*

Clause 21.06 Transport

- 43. The relevant objectives and strategies of this clause are:
 - (a) *Strategy 30.3 – Use rear laneway access to reduce vehicle crossovers.*
 - (b) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks*

Clause 21.07 Environmental Sustainability

- 44. The relative objective of this clause is:
 - (a) *Objective 34 To promote ecologically sustainable development*
Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.

Clause 21.08 Neighbourhoods

- 45. Clause 21.08-10 Central Richmond:
 - (a) *The land use character of this neighbourhood is predominantly residential, with the area closest to Punt Road comprising early to mid Victorian cottages and terraces, and an increasing amount of Edwardian dwellings towards the east of the neighbourhood.*
- 46. The map at Figure 24: Built-form character Map: Central Richmond shows that the subject site is located in a Heritage Overlay area. The strategy for this area is:
 - (a) *Ensure that development does not adversely affect the significance of the heritage place*

Relevant Local Policies

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

- 47. Clause 22.02 of the Scheme applies to all development where a planning permit is required under the Heritage Overlay. The objectives of the policy include:
 - (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 the adaption of heritage places is consistent with the principles of good conservation practice;*
- (g) *to ensure that additions and new works to a heritage place respect the significance of the place;*
- (h) *to encourage the retention of 'individually significant' and 'contributory' heritage places; and*
- (i) *to protect archaeological sites of cultural heritage significance.*

48. *Clause 22.02-5.1 (Full demolition or removal of a building) outlines that it is policy to (as applicable to this application)*

- (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 (Graeme Butler and Associates), revised March 2011 and*
 - *the building does not form part of a group of similar buildings.*

Clause 22.02-5.7 (New Development, Alterations or Additions) outlines that it is policy to (as relevant to this application)

49. *Encourage the design of new development and alterations and additions to a heritage place or a contributory element to a heritage place 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) *Be distinguishable from the original historic fabric.*
- (e) *Not remove, cover, damage or change original historic fabric.*
- (f) *Not obscure views of principle façades.*
- (g) *Consider the architectural integrity and context of the heritage place or contributory element.*

50. This policy refers to an incorporated document (City of Yarra Review of Heritage Overlay Areas 2007), which identifies the level of significance for all buildings/sites within the Heritage Overlay. Specifically, the subject site is nominated as having 'not-contributory' value to the Richmond Hill Heritage Precinct.

Clause 22.07 Development Abutting Laneways

51. The objectives of this clause 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)

52. This policy applies to applications for new buildings and recognises that increased development can result in greater hard surface area and changes to the volume, velocity and quality of stormwater drainage into natural waterways. The relevant 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).*
 - (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.*

Other Policies

Amendment C133

53. Council has prepared a new local policy to consider environmentally sustainable design. Amendment C133 proposes to introduce Clause 22.17 – Environmentally Efficient Design into the Scheme.
The Amendment will also update Clause 21.07-1 – Ecologically sustainable development by introducing a new strategy. An Advisory Committee and Panel Report was released on 7 April 2014 and recommended adoption of the amendment subject to minor changes.
54. 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 SPPF and the 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.*
55. 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).*
 - (c) *Any relevant adopted policies.*

Advertising

56. The application was originally advertised in accordance with Section 52 of the Act by way of 37 letters sent to surrounding property owners and occupiers and the display of two signs on the site.
57. Council received a total of sixteen objections to the application. The grounds of objection are summarised as follows:
- (a) The proposal does not respond to the heritage or neighbourhood character of the precinct;
 - (b) The proposal results in unreasonable visual bulk/overdevelopment of the site;
 - (c) Excessive height, including the height of walls on boundaries;
 - (d) Lack of setback from the street, including the roof top terrace;
 - (e) Concerns with the reduction in car parking sought;
 - (f) Concerns with ability of vehicles to access the rear laneway;
 - (g) Potential off-site amenity concerns (overlooking, overshadowing (overshadowing of solar panels), loss of daylight to existing windows);
 - (h) Depreciation in value of adjacent dwellings.
58. Amended plans were submitted under Section 57A of the Act on 22 July 2014; these plans were readvertised, with six objections received. All of these objectors were original parties, with no new objections received. Therefore the total number of objections is sixteen.
59. A further set of amended plans were submitted under Section 57A of the Act on 21 November. These plans were formally exempt from readvertising at a Development Assessment Panel on 25 November 2014.

Referrals

External Referrals

60. The application was not required to be referred externally.

Internal Referrals

61. The original application was referred to Council's Engineering Services Unit, Heritage Advisor and Urban Design Unit. The following comments and recommendations were received;

Engineering

62. Whilst these comments are based on the original application plans, the majority are still relevant (with the exception of comments regarding the car stacker/car lift) to the amended scheme.

Access Arrangements and Internal Layout

63. *A site inspection of the subject property revealed that the two Rights of Way accessing the rear of the site measure 3.41 metres in width (east-west Right of Way) and 4.37 metres (north-south Right of Way). The junction of two Rights of Way contains a corner splay measuring around 2.1m by 2.1m.*
64. *A check of the submitted drawings indicates that an 85th percentile vehicle can negotiate the junction and access the two single doorways at the subject site.*
65. *One car parking space is at grade whilst the other space is located in a basement garage. A vehicle would be conveyed to the basement by a car lift/mechanical device. The designer has provided an envelope of around 3.1 metres by 5.9 metres to accommodate a car lift.*

66. *Engineering Services has no objection to the installation of a car lift provided that the lift is installed, operated and maintained in accordance with the relevant manufacturer's specifications and requirements.*
67. *The dimensions of the at-grade car parking spaces comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004*
68. *The area set aside for the basement garage is considered satisfactory for an 85th percentile vehicle.*
69. *For the at-grade car parking space, the finished floor levels along the edge of the slab/parking area must neatly match the edge of the asphalt pavement. (the 40mm lip of a slab is required when abutting a bluestone pavement).*

Drainage – Legal Point of Discharge

70. *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.*
71. *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.*
72. *Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and metres. No private pits, valves or meters on Council property will be accepted.*

Heritage

73. *The following comments and recommendations were received for the original application for two, triple-storey dwellings on the site;*

Demolition

74. *The site contains a single-storey, double-fronted timber dwelling that has been heavily modified. The extent of demolition includes the full demolition of the existing building and associated built structures. On the basis that the subject property has been identified as non-contributory it is considered that the proposed demolition will not adversely affect the significance of the heritage building or the broader heritage precinct.*

Setbacks

75. *The proposed front setback at ground level will be 4.3m which is consistent with the existing building on the site. The front setback in the nearby street appears to vary between about 2m and 4.5m. The front setback of the proposed building at ground level is therefore considered appropriate.*
76. *Part of the second-storey projects forward of the ground level about 1.2m. Projection of the second floor level over the ground level is inconsistent with the built form of the contributory buildings in the street. A building of three-stories is not in keeping with the scale of the immediate area and should not be accepted irrespective of how far it is setback.*
77. *The proposed side setbacks will be zero metres. The side setbacks of the adjacent properties are also zero. The side setbacks in the street are a mix of zero and about 1m setback to one side only. The proposed zero setbacks are acceptable.*

Scale/height

78. *The proposed façade height will be about 7.5 metres. The facade heights of the adjacent properties are generally about 3 metres. The common facade height of contributory buildings in the street is also about 3 metres. While it is considered that a two-storey structure of conservative scale (no greater than 6 metres) may not represent a dramatic change in scale within a street of single-storey worker's cottages, the height of the proposed building (together within its monolithic appearance) will not preserve nor is it sensitive to the predominant scale of this particular street.*
79. *A building of three-stories is not in keeping with the scale of the immediate area and should not be accepted irrespective of how far it is setback.*

Appearance

80. *A contemporary design approach has been adopted for the new building which is not necessarily unacceptable provided that the new building respects the heritage character of the surrounding heritage streetscape. The proposed building will not however satisfy this requirement.*
81. *The massing of the two townhouses to appear as one building is not fundamentally unacceptable and allows the original pattern of subdivision to survive. The proposal to project part of the second-floor over the ground level is not consistent with the adjacent built forms.*
82. *The proposed external materials for the new development will be predominantly metal cladding is a dark charcoal colouring, with some painted rendered brickwork. The external materials of the adjacent properties of contributory significance are painted timber. The predominant use of metal cladding is not respectful of the surrounding heritage character, and the predominant use of any dark coloured material for the façade of the proposed building will only visibly alienate the building from its surrounds. A very limited and discrete use of this material may be acceptable.*
83. *The use of painted render brickwork is acceptable; however its use for the front fence at a height of 1.5 metres is not acceptable. Unless additional transparency is introduced, the proposed fence must be reduced to 1.2 metres to be in accordance with the character of the area.*
84. *The proposed fenestration of the building will not respect the pattern of traditionally proportioned window openings in the streetscape. The horizontally orientated windows are particularly not acceptable.*
85. Heritage advice concluded that the original proposal should be refused on the following grounds;
- (a) *The proposed building will not preserve or respect the predominantly single-storey of King Street;*
 - (b) *The proposed building will not respect the fenestration, form, materials or heritage character of the adjacent buildings of contributory significance or the wider heritage precinct;*
 - (c) *The proposed building will not be articulated or massed to correspond with the prevailing building form of the adjacent buildings of contributory significance or the wider heritage precinct;*
 - (d) *The proposed building will be visually dominant in the streetscape.*
86. The amended scheme was re-referred for heritage comments, as follows;

Setbacks:

87. *The proposed front setback for the amended development at ground level has been reduced from about 4.3 metres to about 3.2 metres. This is less than the front setbacks of the adjacent property at no. 19 King Street (about 4.3 metres) but greater than no. 23 King Street (about 2 metres). As the front setbacks in the nearby street appear to vary between about 2 and 4.5 metres, the amended front setback is therefore considered acceptable.*
88. *Unlike the original proposal, the amended design has adopted front setbacks for the lower and upper floor levels that are generally equal.*

Scale/Height:

89. *The proposed facade height for the amended development has been reduced from about 7.5 metres to 6.7 metres. The common facade height of contributory buildings in the street continues to remain at about 3 metres. The reduced overall height of the development is an improvement on the original proposal however it has been noted that the floor-to-ceiling heights in the amended proposal have increased from 2.59 metres (original proposal) to 2.83 metres. Given that the scale of the original houses in King Street is very modest, it is considered that the scale of any new development should be reflective of this character. Therefore it is recommended that the floor-to-ceiling heights of the original proposal be maintained.*

Appearance:

90. *The amended appearance of the building is considered more appropriate than the original proposal due to the use of painted timber cladding for the facade, the removal of the horizontally oriented window openings, and the introduction of the horizontal awning to match the height of the adjacent verandah. The reduction in height of the amended front fence is acceptable.*
91. *On heritage grounds the works proposed in this application may be approved subject to the following conditions:*
(a) *That the floor-to-ceiling heights of the amended proposed development must be reduced to about 2.59 metres (as originally proposed);*

Urban Design

92. *The following comments and recommendations were received for the original application for two, triple-storey dwellings on the site;*

Built form, including building height, bulk, frontage setback and scale.

93. *In principle the built form massing of the two-storey section is acceptable. However the upper level second floor, whilst setback from the street frontage, will be dominant in the streetscape particularly when viewed obliquely in the streetscape. The blank side walls will accentuate this dominance. The three storeys will also be dominant when viewed from the east notably the rear laneway.*
94. *This is supported by Clause 22.10-3.3: To ensure that the height of new development is appropriate to the context of the area.... and respects the prevailing pattern of heights of the area where there this is a positive contribution to neighbourhood character.*

Street façade design.

95. *As single storey facades are the dominant element in defining the streetscape character, a single storey street presentation would be preferred for the subject site. The design proposal gives some reference to the roof forms of the street scape with the partial gable profile. However the form will not read strongly in the street as the first floor flat roof form will be more dominant.*

The glazed balustrade perched on top of the metal steeply raked roof element would be particularly awkward in appearance when viewed from the street. It is recommended that the streetscape roof forms be reflected more strongly by alternatively:

- (a) Containing the first floor completely within the partial gable reflecting the Edwardian houses.*
- (b) Containing the first floor within a rake roof form rising away from the street reflecting the hipped roofs of the Victorian houses.*

96. *This is supported by Clause 22.10-3.3: Roof forms should respect those of the area having regard to the following elements:*
- (a) roof hips and pitches*
 - (b) gable ends*
 - (c) materials.*

Design detail, colour and materials

97. *The charcoal coloured metal cladding to the street façade does not complement the light appearance of the dominant materials in the streetscape. Cladding with a light appearance such as painted timber weatherboards or lighter coloured natural zinc metal cladding would be preferred. In particular glazed handrails should not be visible from the street.*
98. *In respect to urban design response, the proposed development is not supported and the following modifications are recommended:*
- (a) The second floor/upper level should be deleted.*
 - (b) The first floor should be contained within the roof form when viewed from King Street.*
 - (c) Choice of colour and materials should reflect more strongly the existing palette of the King Street streetscape.*
99. The amended scheme was re-referred for Urban Design comments, as follows;
100. *In respect to urban design response, the proposed development is supported. The revised design has addressed the previous comments in respect to:*
- (a) The second floor/upper level has been deleted which provides an improved response to the streetscape complementing the existing pattern of rooflines.*
 - (b) The first floor is partially contained within the roof form when viewed from King Street.*
 - (c) Choice of colour and materials with the use of timber cladding and metal sheet roofing will reflect more strongly the existing palette of the King Street streetscape. Choice of corrugated iron is recommended as the roof metal cladding.*

OFFICER ASSESSMENT

101. The key planning considerations for Council in considering the proposal are:
- (a) Clause 55 – ResCode (including reference to Clause 22.07 – Development Abutting Laneways and ;*
 - (b) Heritage;*
 - (c) Car Parking; and*
 - (d) Objector's concerns.*

Clause 55 – ResCode

B1 – Neighbourhood character objectives

102. It is considered that the proposed development will respect the existing character of the neighbourhood, with the size of the subject site capable of accommodating two double-storey dwellings. In conjunction with the proposed front setback of both levels and the raked appearance of the roofline, the scale and massing of the two dwellings is appropriate within the context of the King Street streetscape, with the setback of the roof terraces from the front boundary ensuring that these structures will have low visibility.

103. The design response and building materials are considered appropriate for the site and context, with the use of timber cladding reflecting traditional materials found within the surrounding area. The reference to a hipped roof design complements the existing pattern of rooflines in the street, with the first-floor partially contained within the roof form when viewed from King Street.
104. Comments received from Council's Urban Design unit regarding the scale of the original proposal recommended that the second floor be deleted and the first-floor be contained within a raked roof form rising away from the street, thereby reflecting the hipped roofs of the Victorian houses. The amended design has incorporated both of these suggestions into the modified scheme, allowing for an improved graduation in height with the adjacent single-storey dwellings. In addition, the vertical separation provided within the façade ensures that the fine-grain pattern of the streetscape is maintained.
105. The front setback will provide for landscaping opportunities, which will be generally consistent with the adjacent streetscape. The two dwellings will address the street frontage and will have good levels of transparency, with large windows at ground and first-floor. This allows for passive surveillance of the street and provides a positive interface with the public realm.
106. Overall, it is considered that the proposed development will adequately respect the existing neighbourhood character. The objective of the standard is met.

B2 – Residential policy objectives

107. It is considered that the proposed development is consistent with relevant objectives of the State and local planning policy frameworks, which encourage inner city areas with good access to public transport, infrastructure and services to accommodate a substantial portion of the new housing that will be required across Melbourne.
108. The construction of two new dwellings on the lot will contribute to housing provision within Yarra, in an area well served by public transport and community infrastructure. This is consistent with Clause 16.01-2 which seeks to encourage new housing in and around activity centres and other areas with good access to services and transport. The subject site is located within proximity to the Swan Street MAC and enjoys good access to public transport and open space. The proposal will result in efficient use of existing infrastructure and will support an increase in population in established areas, consistent with Clause 21.04-1 of Council's MSS. The objectives of the standard are met.

B3 – Dwelling diversity objective

109. N/A – This standard does not apply as the proposal is for less than 10 dwellings.

B4 – Infrastructure objectives

110. The proposal is located within a residential area with existing utility services and infrastructure. The site is already connected to appropriate utility services and infrastructure, and this can be readily extended to accommodate two dwellings. The objectives of the standard are met.

B5 – Integration with the street objective

111. The dwellings integrate well with the streetscape, with the façades oriented to King Street and providing large windows at both ground and first-floor levels. These windows will promote passive surveillance from the development and provide good interaction with the public realm. The objectives of this standard are met.

B6 – Street setback objective

112. The front wall of the dwelling to the south is setback approximately 1.7m from King Street, with the northern dwelling setback 4.4m from the front boundary. This equates to an average setback distance of 3.05m. The proposed ground level façade of the development will be setback 3.18m from the front boundary, with the first-floor setback 3.68m. It is considered that these setbacks appropriately reference the standard requirements and are consistent with the setback pattern along the eastern side of King Street.
113. The roof terraces are setback 11.6m from King Street. This setback will appropriately limit views to these structures. The objective of this standard is met.

B7 – Building height objective

114. The maximum height of the development is 8.1m above natural ground level, thereby complying with the 9m recommended by the standard. This height is associated with the privacy screens of the roof terraces, with the majority of both dwellings extending in height to 6.4m. The raked walls within the upper level façade reduce the bulk and massing of the proposal, with the setback of the roof terraces restricting views to these structures.

B8 – Site coverage objective

115. The proposed development will result in site coverage of approximately 67%, which exceeds the maximum 60% recommended by the standard. This degree of site coverage is considered acceptable given the context of the site within a dense inner urban environment and the relatively minimal degree of built form over the prescribed standard.
116. Furthermore, the proposed coverage is considered to be characteristic of prevalent site coverage found within nearby sites, with adjacent sites including Nos.17, 19 and 23 King Street and Nos. 12, 14, 16 and 18 Tyson Street supporting similar levels of development.
117. The objectives of the standard are met.

B9 – Permeability objectives

118. The proposed development will result in approximately 7% site permeability, thereby not complying with the minimum 20% recommended by the standard. Permeable areas will only be provided within the front setback of each site. The ground cover proposed for the rear open space/car parking spaces is not specified on the plans; however if this space was permeable then the overall degree of permeability would increase to 33%. A condition will be added to the permit to ensure that this rear open space is finished in a permeable surface and the standard will be met.

B10 – Energy efficiency objectives

119. It is considered that the proposal will achieve a reasonable level of energy efficiency, with ventilation opportunities provided throughout each level of dwelling and a degree of northern solar access available within the rear open spaces and roof terraces. An earlier condition will improve the degree of permeability throughout the site, and the size of the rear courtyards will provide space for bicycle parking and external clothes drying.
120. The original application included 2 x 1000L underground rainwater tanks within the front setback of the site. It is unclear why these were removed from the amended plans, with it considered possible for these tanks to be relocated to the rear of the site. The addition of these tanks, along with a requirement that each tank be connected to sanitary flushing within the dwellings, will improve the energy efficiency of both dwellings and will be required via a permit condition.

121. It is noted that a Sustainable Design Assessment was not submitted as part of the application; this will be required via a permit condition, with this document outlining all of the commitments the proposal will make to the energy efficiency of the dwellings.
122. On this basis, the proposed development satisfies the requirements of the draft new local policy Clause 22.17 – Environmentally Efficient Design proposed under Amendment C133.
123. It is not considered that the energy efficiency of adjacent sites will be unreasonably impacted by the proposed development. One objection raised concerns with overshadowing to existing solar panels on a dwelling to the south (No. 1 Tanner Street). This dwelling is located approximately 9.5m from the subject site, and separated from the site by a laneway and another property. There will be no additional overshadowing experienced within this site, or to the solar panels, as a result of the proposed development.
124. The objectives of this standard are met.

B11 – Open space objective

125. This standard does not apply as no public or communal open space is proposed.

B12 – Safety objective

126. It is considered that the dwelling entrances will meet the requirements of the standard in terms of visibility, safe access and security, with both entrance doors clearly visible from King Street and windows at both levels of the façade providing further views to each entrance.
127. Any permit issued will require the provision of adequate security and identification lighting, sensor-activated and baffled to Council's satisfaction, for both dwelling entrances (at the front and rear). This will ensure that the objective of the standard is met.

B13 – Landscaping objectives

128. The front setbacks will provide landscaping opportunities. Small amounts of vegetation are found within adjacent front setbacks. The objectives of the standard are met.

B14 – Access objectives

129. This standard seeks to ensure that the number of vehicle crossovers respects the character of the street, whilst maximising the retention of on-street car parking spaces. The proposal will incorporate all vehicle access into the rear of the development via the ROW. This laneway is used for vehicle access to many adjacent sites, with Council's Engineers noting that the dimensions of the laneway ensure that an 85th percentile vehicle can negotiate the junction and access the two single doorways at the subject site. Furthermore, the dimensions of the at-grade car parking spaces comply with the applicable Australian Standard.
130. There will be no loss of on-street car parking spaces within King Street as a result of the proposal and the standard is met accordingly.

B15 – Parking location objectives

131. The on-site car parking spaces are located at the rear of the site, with access from the adjacent ROW. This is in keeping with current vehicle access provided to the site. The spaces have good access to the ground floor of each dwelling and allow secure, safe and efficient vehicle movements, consistent with the requirements of the standard. The objective of the standard is met.

B17 – Side and rear setbacks objective

132. The rear wall of each dwelling is setback between 7.4 and 9.9m from the eastern (rear) boundary, with maximum heights of 6.4m. The setback requirement for a wall of this height is 1.84m. This standard is met.

B18 – Walls on boundaries objective

133. The ground floor walls will abut both side boundaries for a length of 17.5m, with the first-floor walls 16.6m in length, and will extend to heights between 6.1m to 6.2m. The length and height of these walls exceed the standard requirements, however in this instance non-compliance is considered acceptable, based on the following;
- (a) The southern wall will abut an existing single and double-storey wall for its entire length, thereby resulting in reduced visibility of this wall from the adjacent site. (overshadowing impacts will be discussed later within Standard B21);
 - (b) The northern wall will also abut an existing wall for the majority of its length, with the exception being a small lightcourt in the centre of the adjacent dwelling;
 - (c) There are three windows addressing this lightcourt within the neighbouring dwelling; however the two windows that are directly opposite the wall are non-habitable (laundry and en-suite). A small west-facing window oriented towards the lightcourt is associated with a habitable living room, however based on the limited size of this window and the existing abuttal with a boundary wall, daylight to this window is currently inhibited and additional impacts to this window associated with the construction of a higher wall are not considered unreasonable. Endorsed plans associated with Planning Permit No. 991556 demonstrate that large east-facing sliding doors within the rear wall of this adjacent dwelling provide the primary light source to this living room. The proposed wall will therefore have little impact on the degree of daylight accessing this space.
134. The objectives of the standard are met.

B19 – Daylight to existing windows objective

135. There are two south-facing windows within the dwelling to the north that are directly opposite the new wall along the northern boundary. As both of these windows are non-habitable, technically this standard does not apply. There is one habitable room window addressing this light court; however this window is west-facing and perpendicular with the proposed wall. As the window is not directly opposite this wall, again, technically the standard does not apply.
136. It is noted that the existing light court of 4sqm will be retained, ensuring that a reasonable degree of daylight is able to access this window.

B20 – North-facing windows objective

137. There are no north-facing windows that will be affected by the proposed development.

B21 – Overshadowing open space objective

138. The orientation of the site results in little additional overshadowing impacts to the southern site during morning and midday hours, with 9am and midday shadows falling within King Street, the front setback of the southern site and on the roof of the adjacent dwelling.
139. From 1pm onwards, additional overshadowing will affect the secluded private open space to the south, however at all times during the afternoon; these additional shadows will be limited in scale. At 1pm, a narrow area of shadow, measuring approximately 0.8sqm in size, will sit beyond existing shadows within this space, with this area of shadow increasing to 1.6sqm by 2pm. By 3pm, additional shadows measuring 2.5sqm will be located within the centre of the adjacent open space.

140. Based on the design of the rear wall of the proposal, these shadows will largely follow the existing shadow patterns within the rear courtyard, with only minor additional areas of shadow projecting beyond. Based on the scale and duration of these shadows, no unreasonable amenity impacts within the site to the south are expected to occur and the objectives of this standard are met.

B22 – Overlooking objective

141. The proposal includes two first-floor, east-facing balconies associated with the master bedrooms of each dwelling. Screening has been provided to a height of 1.7m along the eastern elevation of these balconies; however the transparency of this screening has not been notated on the plans. Amended plans indicating that a maximum transparency of 25% is provided will be required via a condition of the permit.
142. Views to the adjacent sites from the roof terraces may be possible; in order to limit these views a condition will be added to the permit requiring plans to be submitted to show no unreasonable overlooking is possible (in accordance with the standard) or the addition of screening to comply with the standard.
143. In addition, one section of terrace is located adjacent to a ground floor habitable room window in the dwelling to the north; although the height of the terrace is considered to restrict views to this window, in order to ensure the standard is met, the western end of the balustrade along the northern boundary (for a length of 1.5m) must be increased in height to 1.7m. Once this is undertaken via a permit condition, the standard is met.

B23 – Internal views objective

144. The only opportunity for internal views between the dwellings is created by the roof terraces; a 1.7m high privacy screen along the shared boundary will limit these views to an appropriate degree. The material and transparency of these screens are not specified on the plans; a condition will require these details to be notated and to meet the requirements of the standard.

B24 – Noise impacts objective

145. The proposed development has sited mechanical equipment on the roof; this is considered acceptable.
146. The subject site is located in a residential area, and will not be unreasonably affected by external residential noise. The objective of the standard is met.

B25 – Accessibility objective

147. The entrances for all dwellings are located at ground floor and will be generally accessible for those with limited mobility in accordance with the standard. The objective of the standard is met.

B26 – Dwelling entry objective

148. The entrances to each dwelling will be clearly visible within the streetscape, with each entrance providing clearly identifiable access and a sense of personal address to each dwelling. The awning provided above each entrance will ensure shelter is available and the objectives of the standard are met.

B27 – Daylight to new windows

149. All new habitable room windows will receive adequate daylight in accordance with the standard.

B28 – Private open space objective

150. The dwellings will be provided with private open space as follows:
- (a) 11sqm of private open space within each front setback;
 - (b) 27sqm of secluded private open space within each rear courtyard;
 - (c) 3sqm of private open space within each first-floor balcony;
 - (d) 14sqm of secluded private open space within each roof top terrace.
151. The dimensions of these areas of open space comply with standard requirements and are easily accessible from the principal habitable rooms of each dwelling. Although the plans indicate that this space may be used for car parking; as it is not enclosed or covered in any way, dual usage of this space for recreational purposes is acceptable. The variety of areas will provide options for the dwelling inhabitants, with most of the open space provided with excellent access to northern sun. The objectives of this standard are met.

B29 – Solar access to open space objective

152. The roof top terraces will receive excellent solar access, with northern orientations, as will the areas of private open space at ground level. The objective of the standard is met.

B30 – Storage objective

153. There are no designated storage spaces specified on the floor plans; it is considered that the size of each rear yard will provide space for separate storage spaces, with this detail to be required via a permit condition.

B31 – Design detail objective

154. The proposed development is contemporary in design, yet references the adjacent heritage dwellings through the use of timber cladding, a raked/hipped roof form at the front of the façade and complementary window dimensions
155. The building's façade is articulated, with timber cladding in both horizontal and vertical directions. The vertical separation of the façade created by the central windows retains the fine-grain pattern of facades along the streetscape accordingly.
156. Council's Urban Design advice noted that the use of timber cladding and metal sheet roofing will reflect the existing palette of the King Street streetscape, with recommendations that corrugated iron be used as the roof metal cladding and a light shade be provided for the timber finish. Both of these suggestions will be incorporated into the earlier permit condition which required an updated material and finishes schedule.
157. The objectives of the standard are met.

B32 – Front fences objective

158. A partially transparent 1.2m high fence will be located along the site's front boundary. The height of this fence is in keeping with the heights of adjacent front fences, with the transparent design providing good interaction with the street. The standard is met.

B33 – Common property objective

159. N/A – No common property will be created.

B34 – Site services objectives

160. Adequate space for bin storage is located within the front or rear setbacks of the site, with rubbish collection available from King Street. The objective of the standard is met.

Heritage

161. The relevant purpose of the Heritage Overlay is to ensure that development does not adversely affect the significance of heritage places. The subject site is included in HO332, which applies to the Richmond Hill Heritage Precinct, with the dwelling identified as a 'not-contributory' building within this precinct. Clause 22.02 articulates Council's local planning policy in relation to development guidelines for sites subject to the heritage overlay.
162. Clause 22.02-5.1 (Full demolition or removal of a building) generally encourages the retention of a building in a heritage place unless the building is identified as being not contributory. Based on the classification of the subject dwelling within the precinct, full demolition of all built form within the site is an acceptable outcome and it is considered that the proposed demolition will not adversely affect the significance of the broader heritage precinct.
163. With regards to the construction of the new dwellings, the key consideration is whether the proposal will adversely affect the significance, character or appearance of the broader heritage precinct. The original design, which incorporated two, triple-storey dwellings, was not considered appropriate within the context of the heritage streetscape, with Council's Heritage Advisor noting that the dwellings were not articulated or massed to correspond with adjacent buildings, thereby resulting in unacceptable visual dominance. Furthermore, it was considered that the proposed buildings would not respect the fenestration, form or materials of the adjacent buildings of contributory significance or the wider heritage precinct.
164. The amended scheme made significant changes to the original design, reducing the height of the dwellings by deleting the upper level, setting the roof terrace back towards the rear of the site and creating a raked roof line for the upper level façade. In addition, the first-floor façade was setback behind the ground floor wall, with this setback and an awning at ground level creating a degree of articulation within the double-storey façade.
165. The front setback of the dwellings is consistent with the pattern along the eastern side of King Street, with setbacks within the streetscape ranging between 2m to 4.5m. The lack of side setbacks is an acceptable outcome, with side setbacks along the street ranging between zero and 1m.
166. The deletion of the upper level and setback of the roof terrace reduced the height and visual bulk of the proposal, with the raked roof line also assisting in creating an appropriate graduation in height from the adjacent single-storey dwellings, whilst referencing the hipped roof forms found on traditional dwellings.
167. The original heritage advice noted *"while it is considered that a two-storey structure of conservative scale (no greater than 6 metres) may not represent a dramatic change in scale within a street of single-storey worker's cottages, the height of the proposed building will not preserve nor is it sensitive to the predominant scale of this particular street"*
168. A recommendation made by Council's Heritage Advisor was for the internal floor to ceiling heights be reduced further (to approximately 2.59m) in order to decrease the height of the dwelling. The amended plans submitted on 21 November 2014 incorporated this advice and reduced the height of both levels to 2.6m. This reduction improves the dwellings' integration with the streetscape to an acceptable degree.

169. The amended appearance of the building is considered more appropriate than the original proposal due to the use of timber cladding for the facade, the removal of the horizontally oriented window openings and the introduction of the horizontal awning to match the height of the adjacent verandah. The reduction in height of the front fence and the transparent design is also a preferable outcome.
170. Overall, based on the conditions discussed, the proposal appropriately responds to the particular requirements contained within Clause 22.02 (Development Guidelines for sites subject to the Heritage Overlay) and Clause 43.01 (Heritage Overlay) of the Scheme, and therefore is considered acceptable in relation to the heritage context of the street.

Car Parking

171. The proposal will incorporate a single car parking space into each design, with a reduction of one car parking space required for each dwelling in accordance with Clause 52.06 of the Scheme. A reduction of two spaces is acceptable, based on the following;
- (a) The site has excellent access to public transport, being located approximately 220m north of the Swan Major Activity Centre (MAC) and 120m north of the Richmond Railway Station, as well as within proximity to a number of tram and bus routes along Swan Street and Punt Road;
 - (b) The rear courtyards provide ample space for bicycle parking;
 - (c) King Street provides restricted permit parking after 6pm, Monday to Friday; as none of the future occupants will receive resident or visitor parking permits, they will be unable to park within the adjacent street overnight, with parking outside these times restricted to 1 hour. This will dissuade future occupants from owning more than one car, and encourage the use of alternative transport measures, in line with *Clause 18.02-1 – Sustainable personal transport* within the Scheme.
 - (d) These parking restrictions and the lack of parking permits granted to future residents will ensure that added pressure on existing parking resources will not occur.
172. On this basis, the proposed reduction is an appropriate outcome.

Objector Concerns

173. The majority of concerns raised by the objectors have been addressed in the above assessment. A summary of the response to objector concerns is provided as follows:
- (a) *The proposal does not respond to the heritage or neighbourhood character of the precinct;*
 - (i) Neighbourhood character has been discussed within paragraphs 102 to 106 of this assessment, with heritage concerns addressed within paragraphs 161 to 170.
 - (b) *The proposal results in unreasonable visual bulk/overdevelopment of the site;*
 - (i) These concerns have been addressed within paragraphs 114 (Building height) and 115 and 116 (Site Coverage) of this report.
 - (c) *Excessive height, including the height of walls on boundaries;*
 - (i) These concerns have been addressed within paragraphs 114 (Building height) and 133 (Walls on boundaries) of this report.
 - (d) *Lack of setback from the street, including the roof top terrace;*
 - (i) These concerns have been addressed within paragraphs 112 and 113 of this report.

- (e) *Concerns with the reduction in car parking sought;*
 - (i) These concerns have been addressed within paragraph 171 of this report.
- (f) *Concerns with ability of vehicles to access the rear laneway;*
 - (i) These concerns have been addressed within paragraph 129 of this report, and discussed within the Engineering Unit referral.
- (g) *Potential off-site amenity concerns (overlooking, overshadowing (overshadowing of solar panels), loss of daylight to existing windows);*
 - (i) These concerns have been addressed within paragraphs 135 and 136 (Daylight to existing windows), 138 to 140 (Overshadowing), and 141 to 143 (Overlooking), with the shadowing to solar panels discussed within paragraph 123 (Energy Efficiency).
- (h) *Depreciation in value of adjacent dwellings.*
 - (i) This issue is not a planning concern and cannot be assessed as part of this application.

Conclusion

174. The proposal demonstrates a good level of compliance with the policy requirements outlined in the Yarra Planning Scheme. Based on the above report, the proposal is considered to comply with relevant planning policy and is supported, subject to conditions.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN13/0545 for development of the land for demolition of the existing dwelling and construction of two, double-storey dwellings, including roof terraces and a reduction in the car parking requirement at 21 King Street, Richmond, 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) An amended materials and finishes schedule to reflect plans submitted to Council on 22 July 2014. This schedule must include a light finish for the timber cladding and corrugated iron for the metal roof cladding;
 - (b) The rear open spaces to have permeable ground cover;
 - (c) Each dwelling to have a rainwater tank of 1000L in capacity, with water to be used for sanitary flushing;
 - (d) Amended elevations to include the 1.7m high balustrade between the roof terraces;
 - (e) The western end of the balustrade of the roof terrace along the northern boundary (for a length of 1.5m) increased in height to 1.7m;
 - (f) Plans showing that no unreasonable overlooking is possible from the roof terraces to adjacent properties (in accordance with the objective of Clause 55.04-6 of the Yarra Planning Scheme. If unreasonable overlooking is possible, screening must be provided in accordance with standard B22;
 - (g) The material and transparency of all balustrades to be notated on the plans, with these specifications to meet the requirements outlined in Standard B22 – Overlooking and Standard B23 – Internal Views; and

- (h) Designated storage spaces, measuring 6 cubic metres, to be supplied for each dwelling and demonstrated on the plans.
- 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 commences, a Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Design Assessment will be endorsed and will form part of this permit.
- 4. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
- 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.
- 6. All screening and other measures to prevent overlooking as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.
- 7. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the dwelling entrances must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.
- 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. 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.
- 10. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) before 7.00 am or after 6 .00 pm, Monday-Friday (excluding public holidays);
 - (b) before 9.00 am or after 3.00 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.
- 11. 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 Department on PH 9205 5095 to confirm.

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

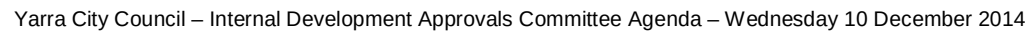
All future residents residing within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

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.

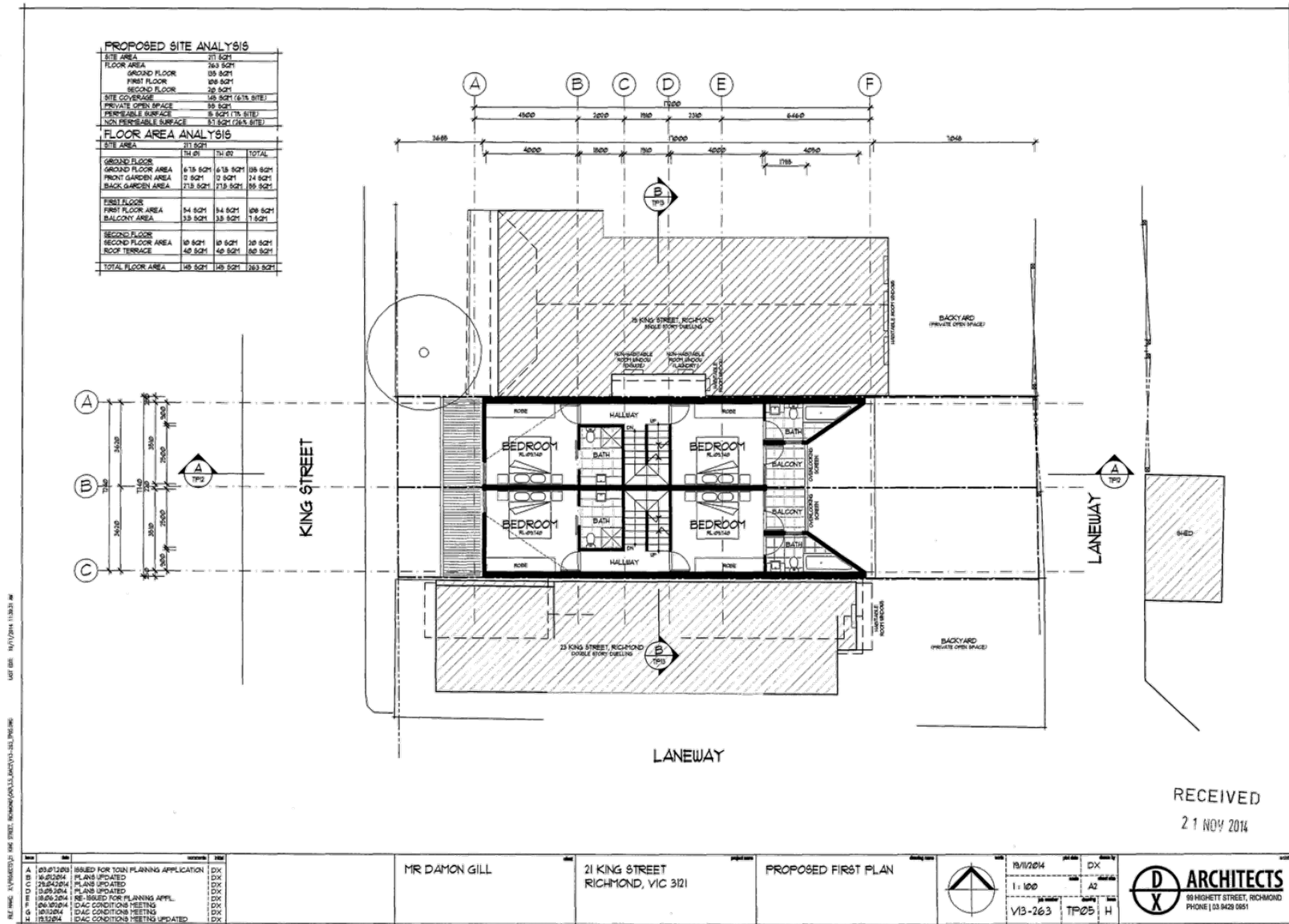
CONTACT OFFICER: **Lara Fiscalini**
TITLE: **Senior Statutory Planner**
TEL: **9205 5372**

Attachments

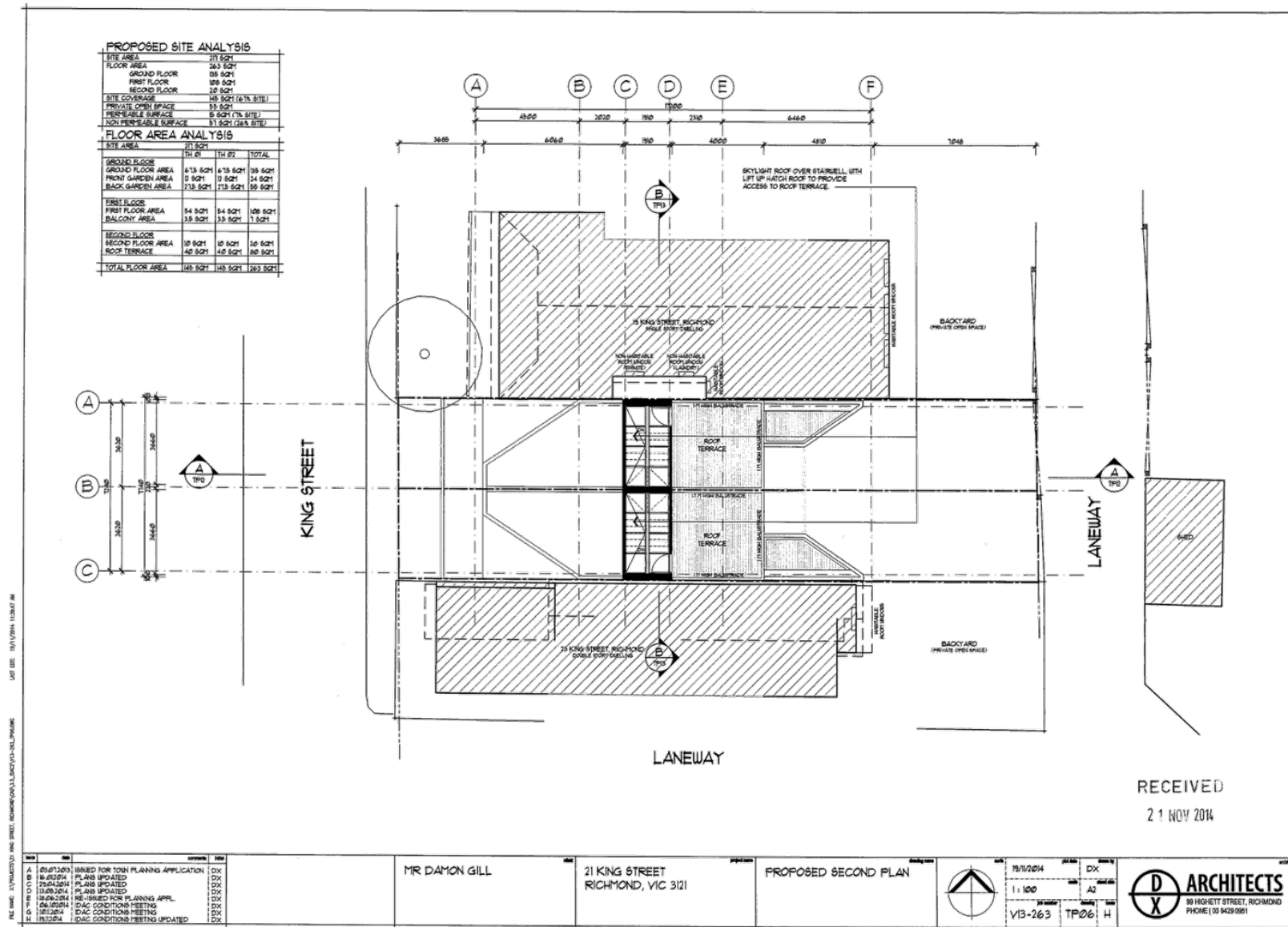
- 1** PLN13/0545 - 21 King Street, Richmond - Proposed Floor Plans
- 2** PLN13/0545 - 21 King Street, Richmond - Proposed elevations/sections
- 3** PLN13/0545 - 21 King Street, Richmond - Existing and Proposed shadow diagrams
- 4** PLN13/0545 - 21 King Street, Richmond - Existing/Demolition Plans



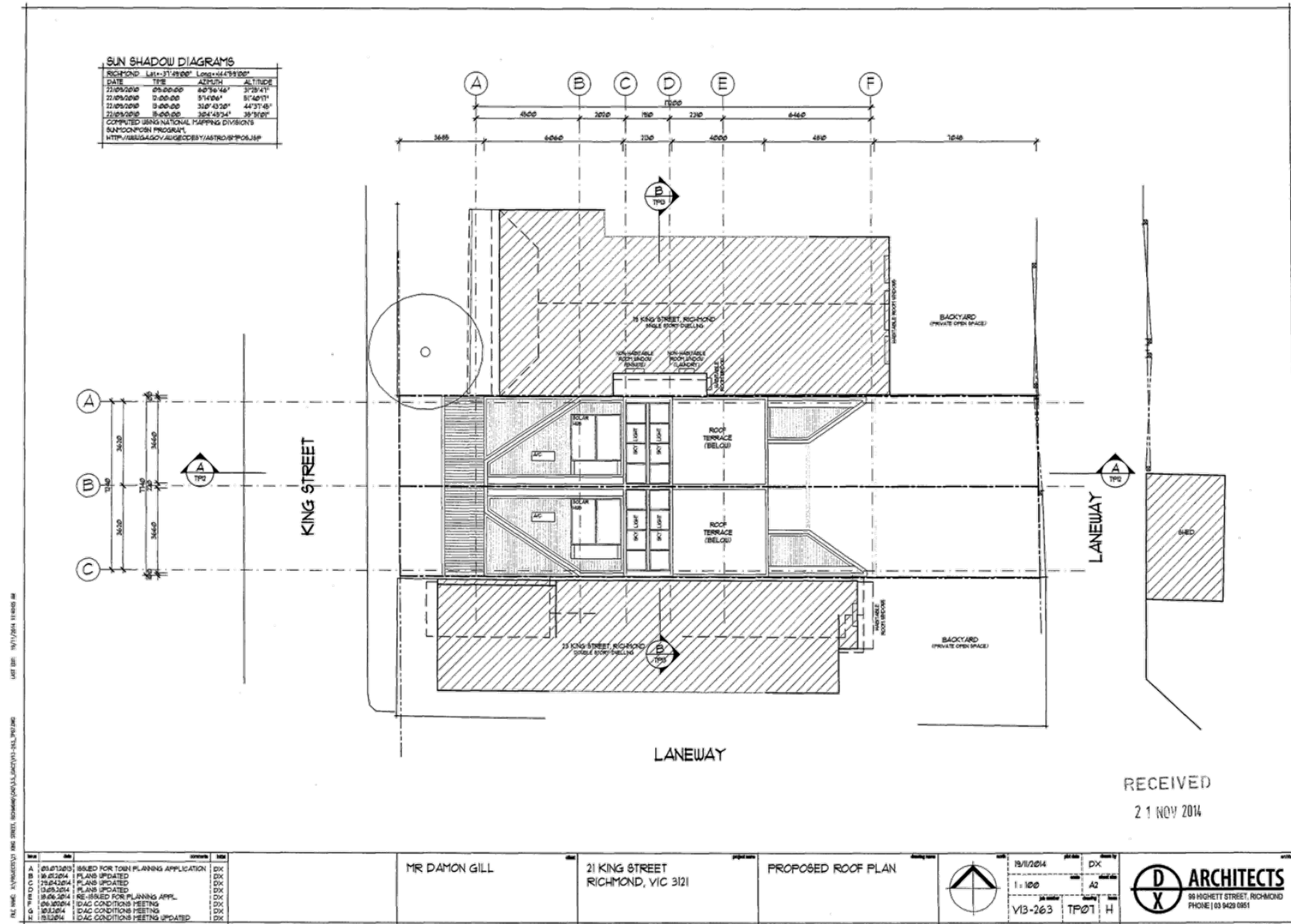
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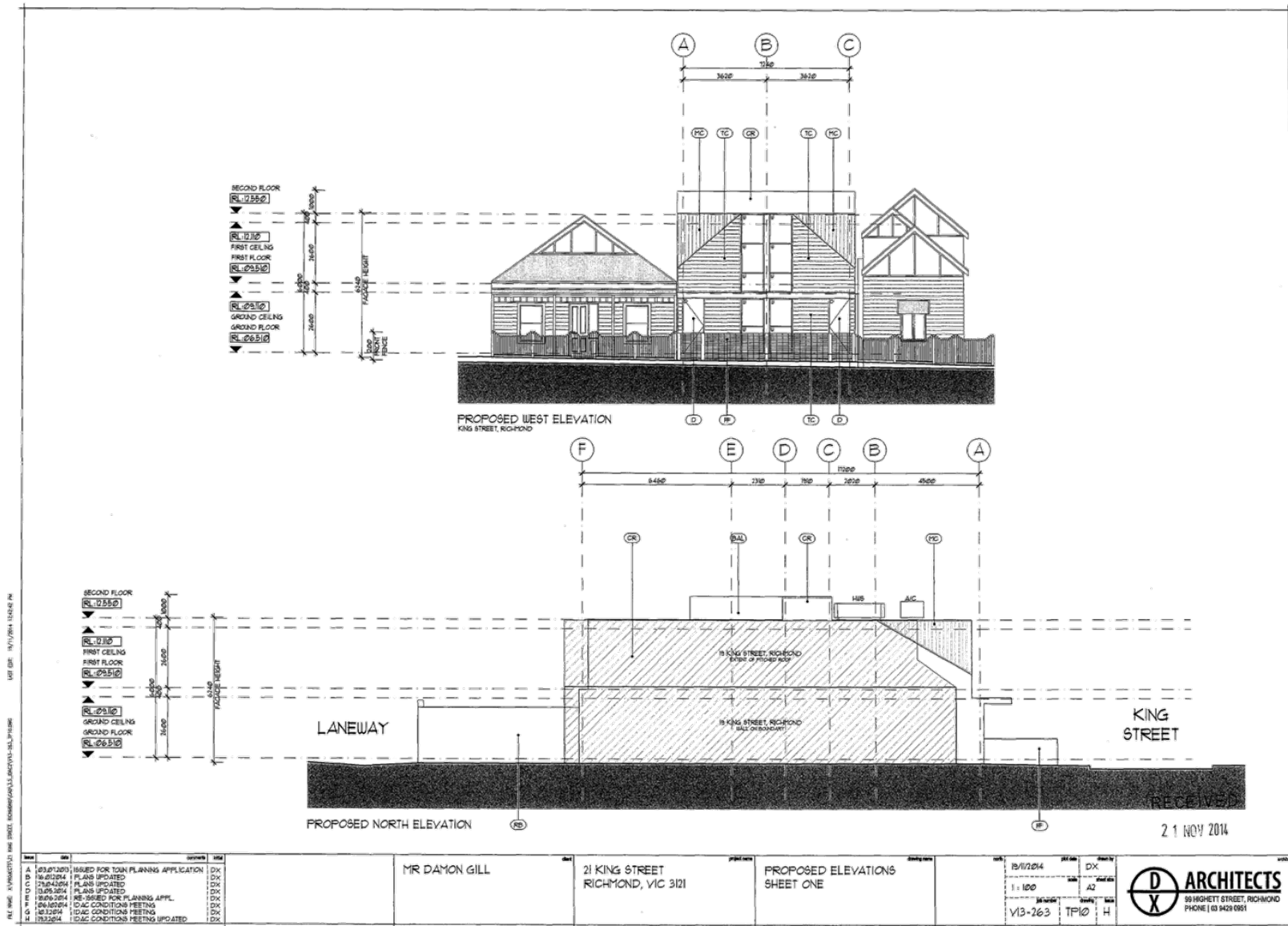
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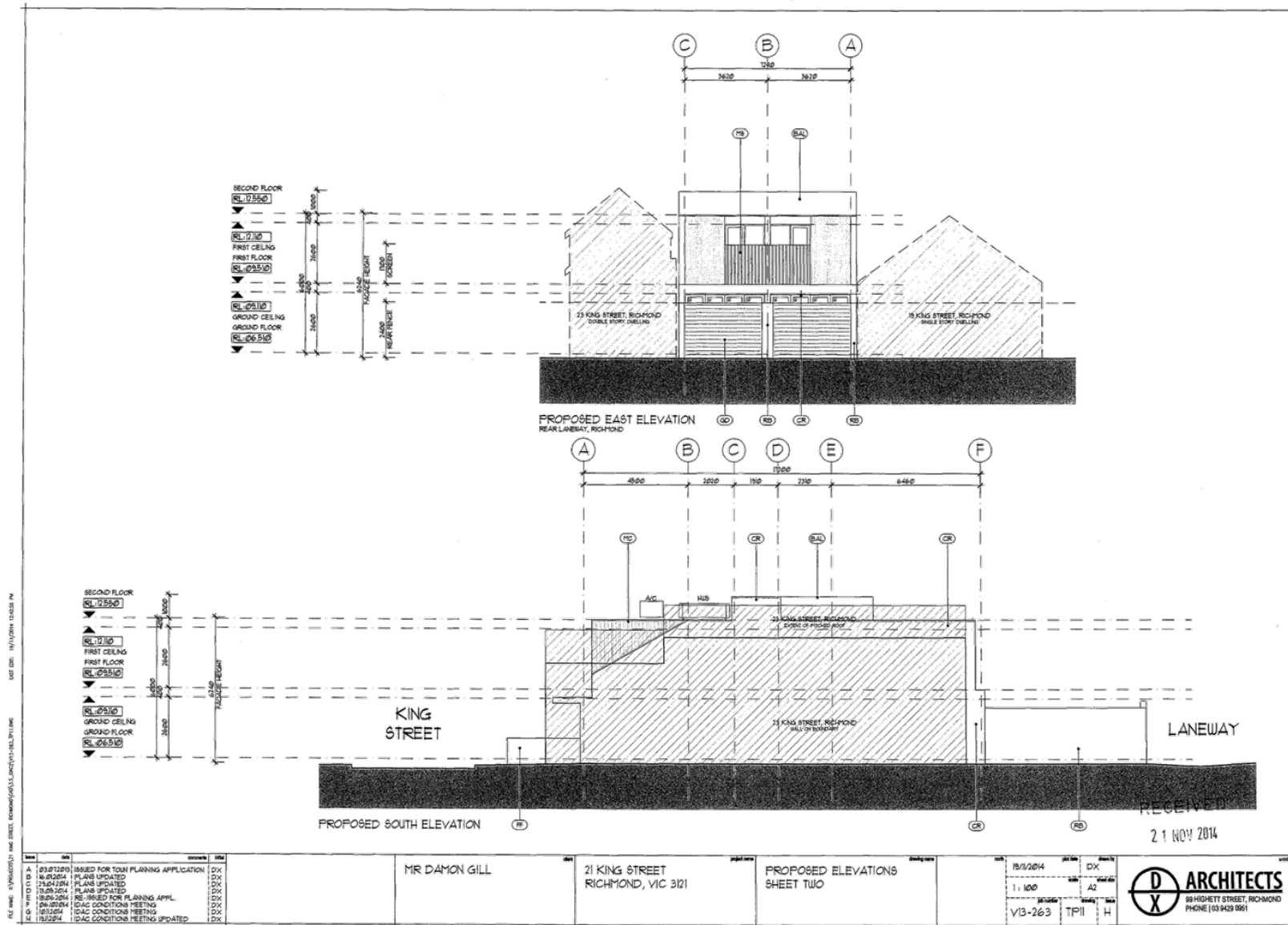
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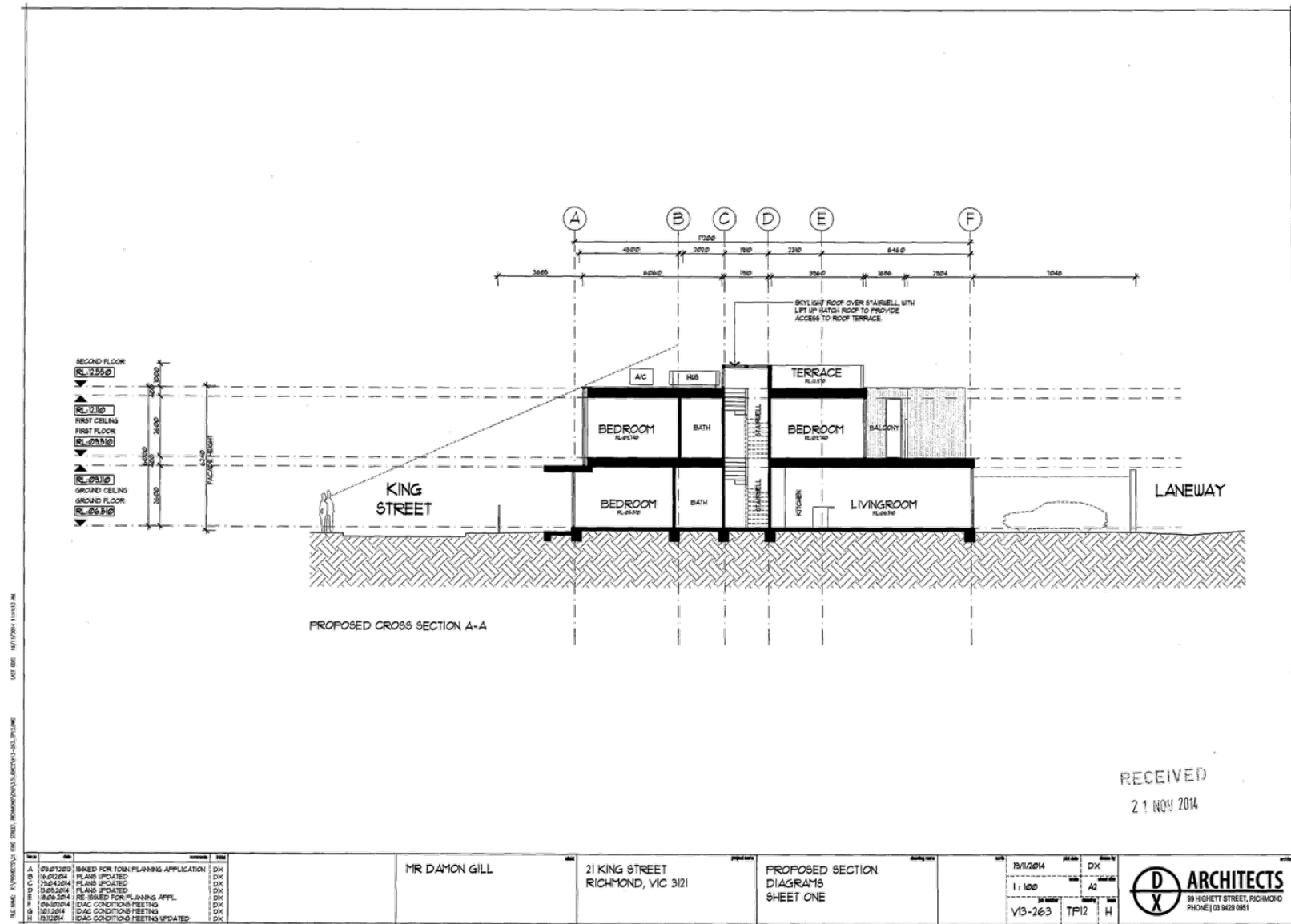
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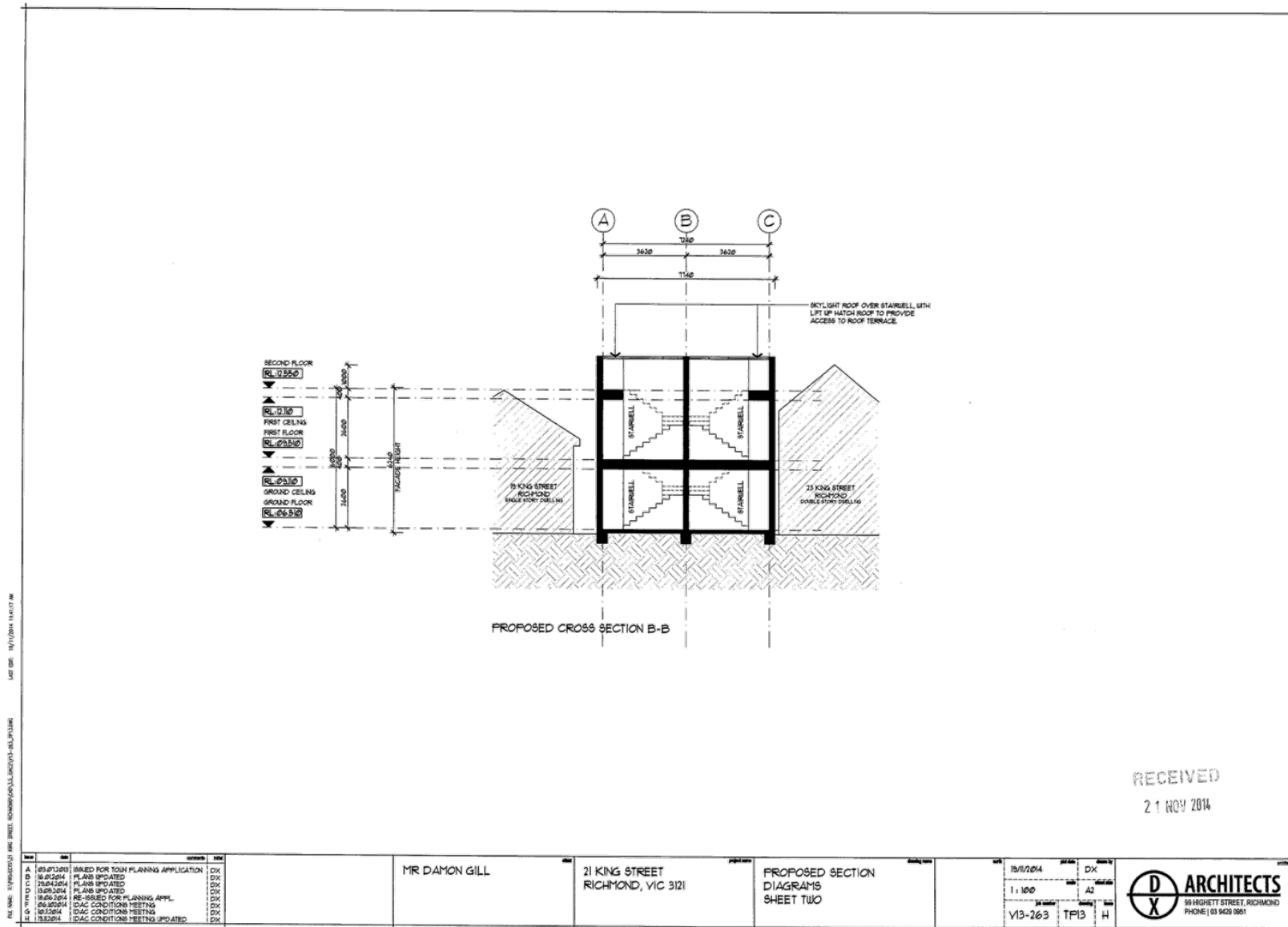
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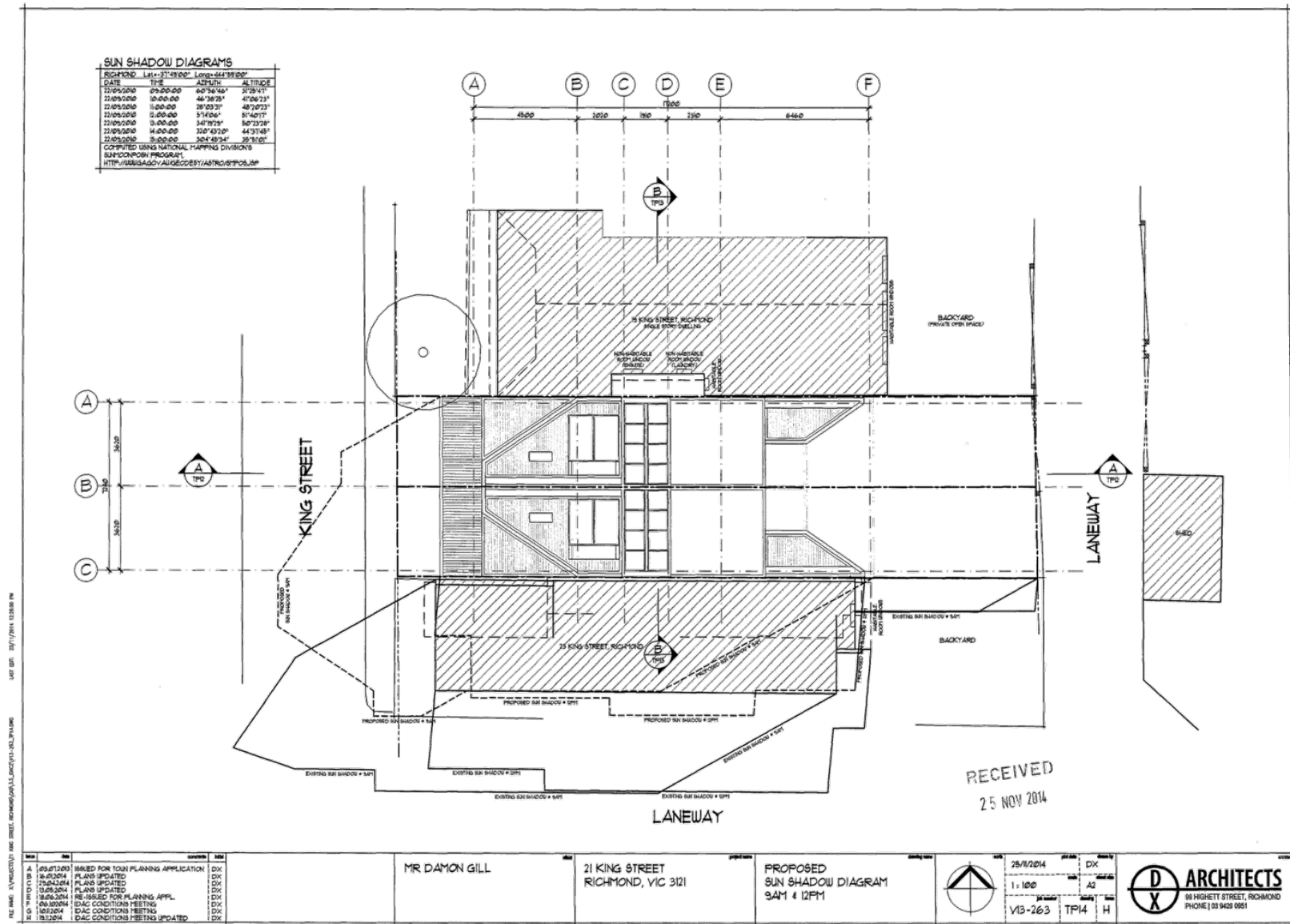
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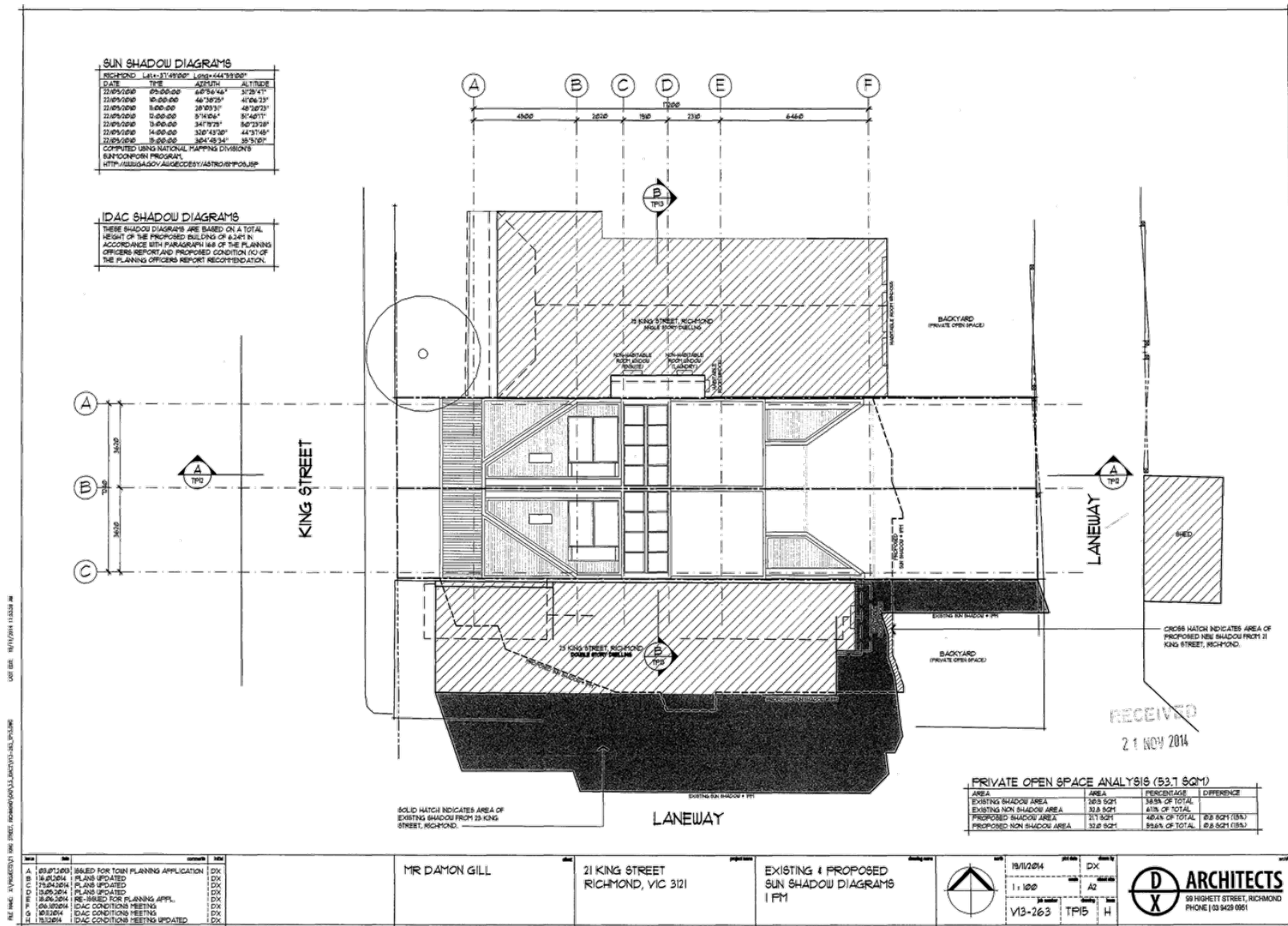
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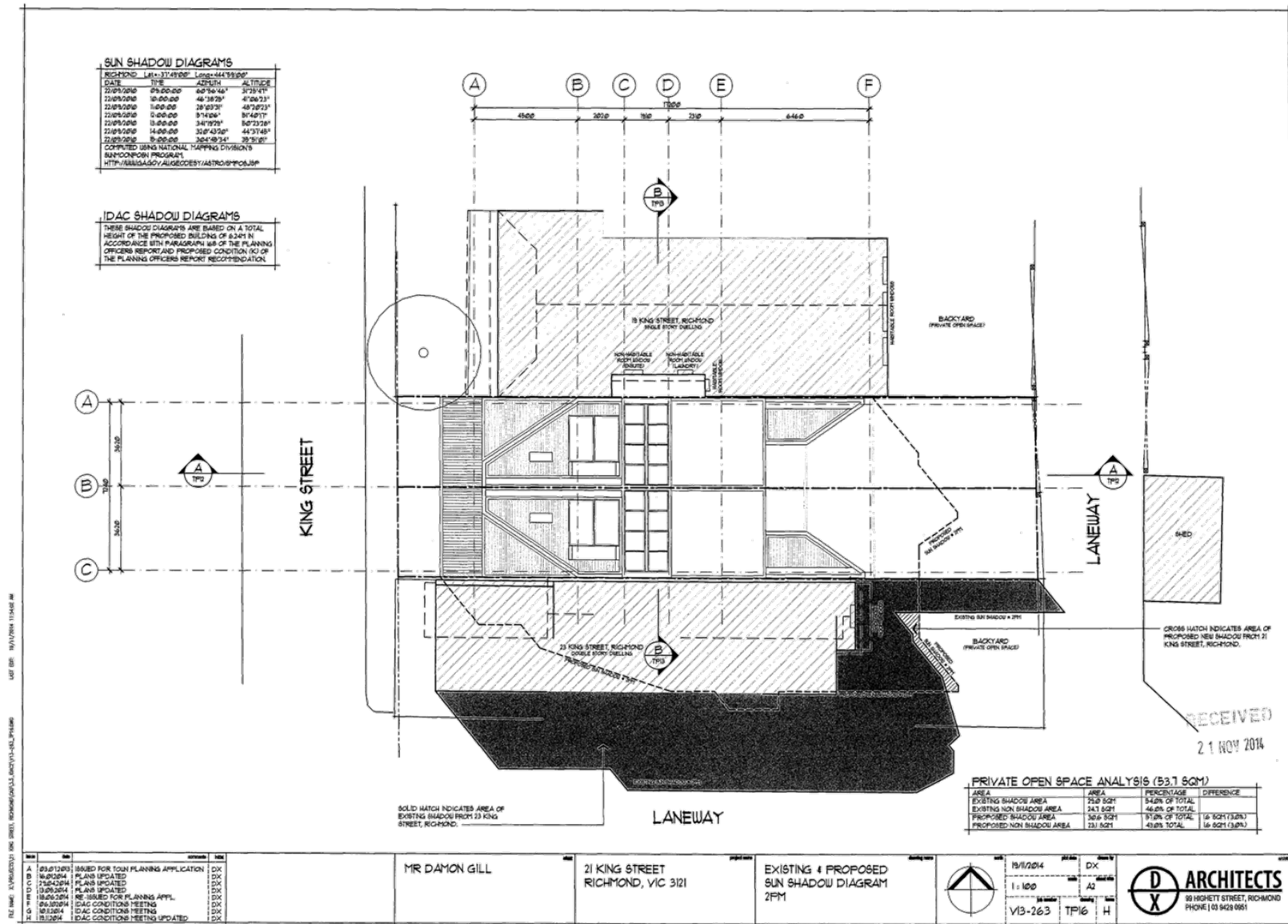
Attachment 3 - PLN13/0545 - 21 King Street, Richmond - Existing and Proposed shadow diagrams

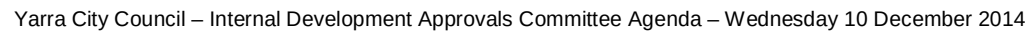


Attachment 3 - PLN13/0545 - 21 King Street, Richmond - Existing and Proposed shadow diagrams

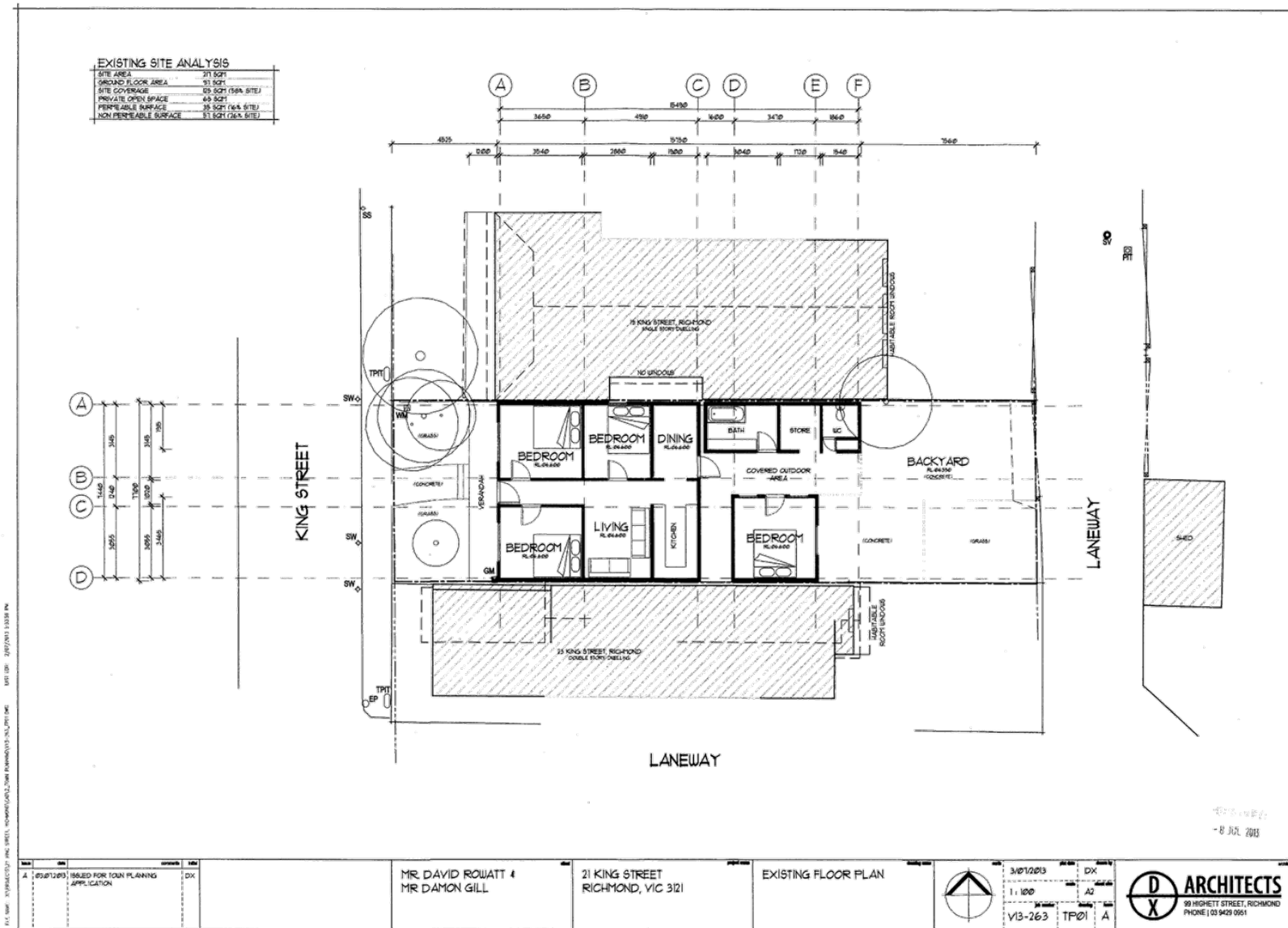


Attachment 3 - PLN13/0545 - 21 King Street, Richmond - Existing and Proposed shadow diagrams

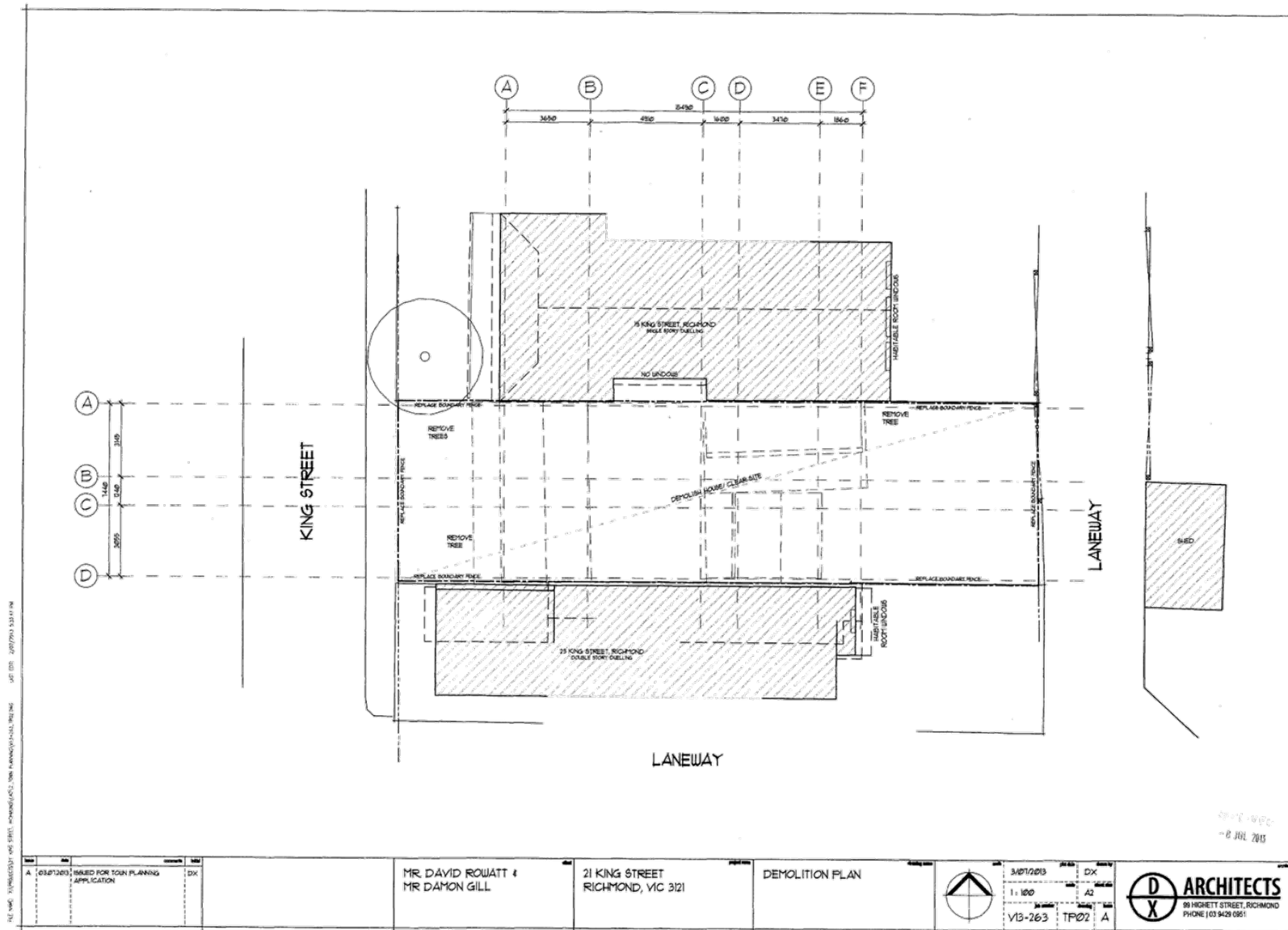




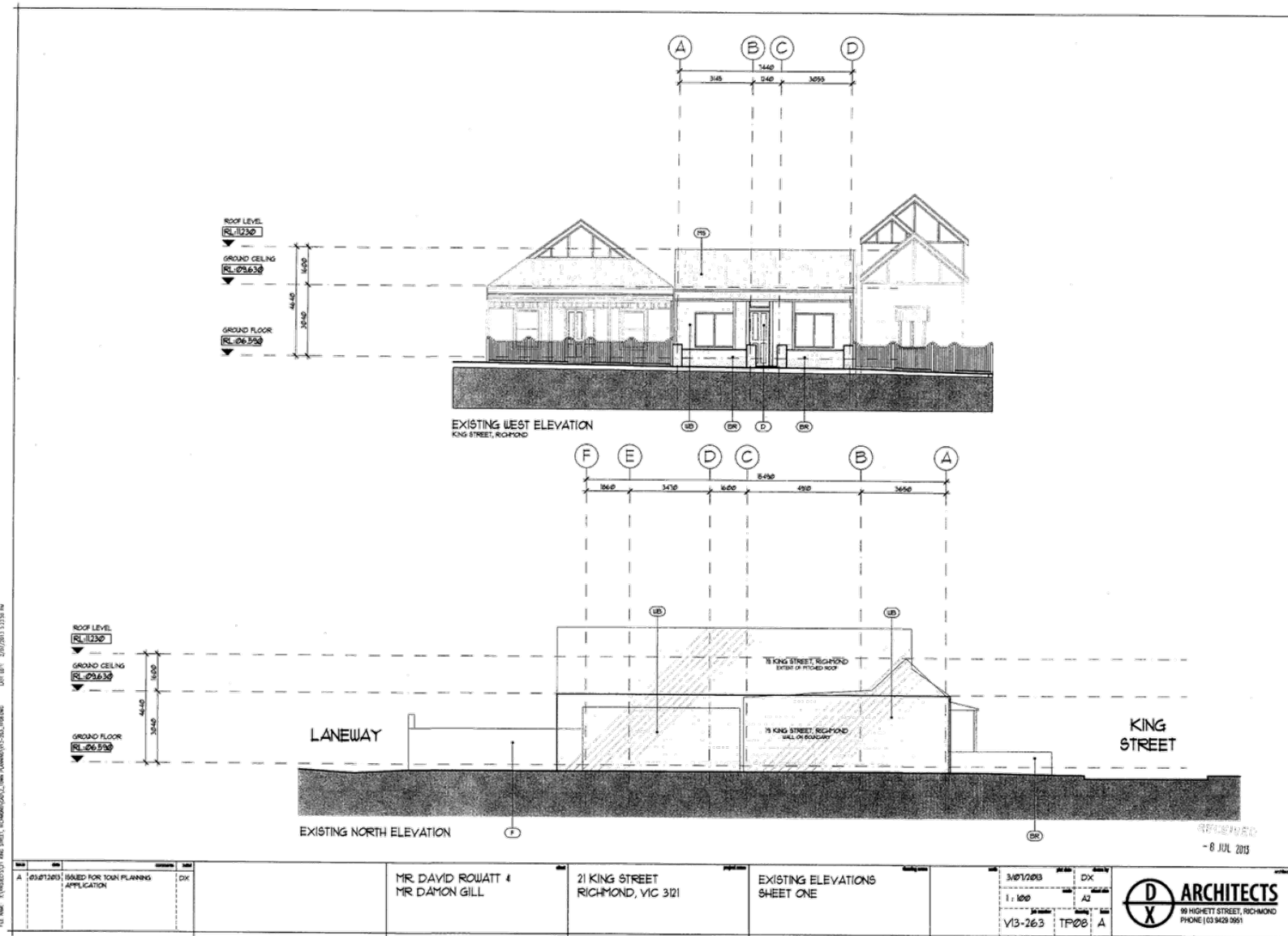
Attachment 4 - PLN13/0545 - 21 King Street, Richmond - Existing/Demolition Plans



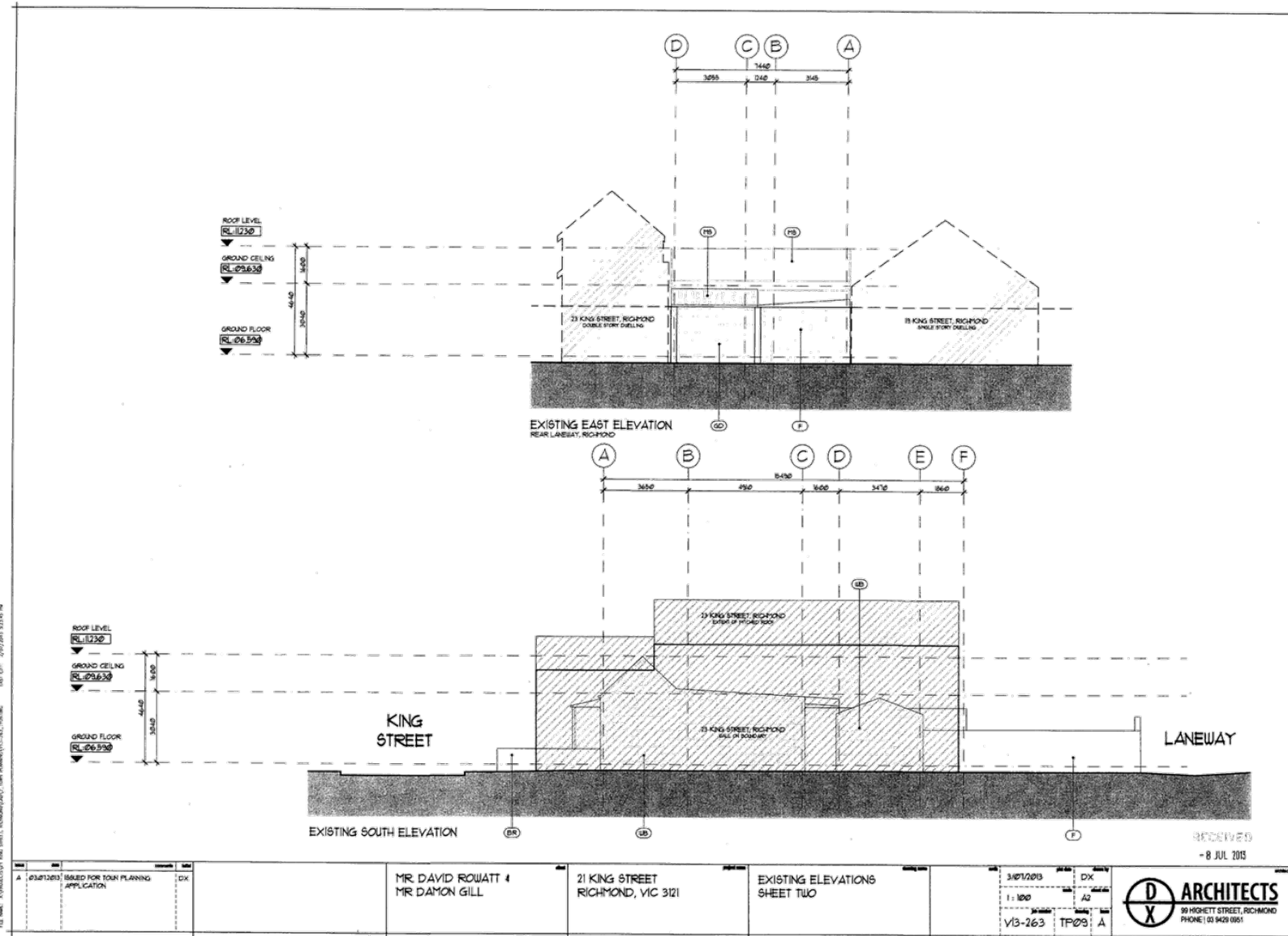
Attachment 4 - PLN13/0545 - 21 King Street, Richmond - Existing/Demolition Plans



Attachment 4 - PLN13/0545 - 21 King Street, Richmond - Existing/Demolition Plans



Attachment 4 - PLN13/0545 - 21 King Street, Richmond - Existing/Demolition Plans



1.2 Heritage Victoria Referral (P15249) - Dimmeys, 140-160 Swan Street, Cremorne

Trim Record Number: D14/162914

Responsible Officer: Coordinator Statutory Planning

Purpose

1. Council has received a referral under Section 71 of the *Heritage Act 1995*, in relation to an application made to Heritage Victoria for the Dimmeys site at 140-160 Swan Street, Cremorne. The referral relates to application number P15249 for amendments to the approved plans. The subject amended drawing annotations are referenced as N13, N14, N15, N16 and N17. The amendments can be summarised as follows:
 - (a) N13 – Change to the Green Street light fittings. Contemporary fittings are proposed in place of a faux historic form.
 - (b) N14 – Deletion of roof top plant screening.
 - (c) N15 – The westernmost window to the Swan Street supermarket has been reduced in size.
 - (d) N16 – The glazing to the west of the level 2 terraces, facing Byron Street, has been reviewed and it is proposed to include clear glazing to 4 arched openings above existing 1.7m high obscured glass balustrades.
 - (e) N17 – The double egress door mid-way along Byron Street was to be metal clad and is now to be a painted finish matching the car park entry walls to the south.
2. This report provides Council with information about the proposals and recommendations for a response to the Heritage Victoria referral.

Background

3. Council received the referral from Heritage Victoria on 17 November 2014. An extension to the 14 day response periods was sought from Heritage Victoria until 11 December 2014 to allow the referral to be heard at a Council meeting. Verbal and written advice was received from Council's Heritage Advisor on 26 November 2014.

Proposal

4. The application to Heritage Victoria seeks the following amendments:
 - (a) N13 – This change relates to the light fittings to the east (Green Street) elevation. The previous plans indicated refurbishment and reinstatement of the existing external light fittings. The applicant has stated that these were not original and have been found to not be suitable for refurbishment. It is now proposed to use contemporary fittings in place of a faux historic form. The fittings have an extension arm of approximately 400mm beyond the fitting size of 155mm x 208mm x 220mm. The fittings will illuminate the bottom area of the elevation, including the mural and footpath and will be provided in five locations.
 - (b) N14 – This change involves the deletion of roof top plant screening. Detailed design has revealed that none of the rooftop plant is higher than the façade balustrade. The currently approved screen extension above the façade is therefore redundant.
 - (c) N15 – The westernmost window to the Swan Street supermarket has been reduced in size to screen internal services and the building structure. Approval has already been given for new windows in this area.
 - (d) N16 – The glazing to the west of the level 2 terraces in the Dimmeys building, facing Byron Street, has been reviewed and it is proposed to provide clear glazing to 4 arched openings above existing 1.7m high obscured glass balustrades to lofts 2.03 (1 arch) and 2.04 (3 arches). This is to meet acoustic requirements for these dwellings and full height glazing is already approved for four of the other eight arches along Byron Street.

- (e) N17 – The double egress door in the alcove mid-way along Byron Street was proposed to be metal clad and is now proposed to be a painted finish matching the car park entry walls to the south. This is a non-original area of the Dimmeys building and an area where change has already been approved.
- 5. The proposed amendments are detailed in plans submitted and provided by the permit applicant.

Planning Scheme Provisions

- 6. The subject site is within the Commercial 1 Zone and is also affected by the City Link Project Overlay and the Heritage Overlay (Schedule HO360).

Commercial 1 Zone (C1Z)

- 7. Pursuant to clause 34.01-4 of the Yarra Planning Scheme (the Scheme), a permit is required to construct a building or construct or carry out works.

CityLink Project Overlay (CLPO)

- 8. Pursuant to the CLPO, no permit triggers are listed specifically for buildings and works. However an application must be referred to the relevant authorities.

Heritage Overlay (HO360 – 140-160 Swan Street, Richmond [Cremorne] Dimmeys)

- 9. Pursuant to clause 43.01-1 of the Scheme, a permit is required to demolish or remove a building, and construct or carry out works. However, clause 43.01-2 of the Scheme goes on to say that no permit is required under this overlay *‘to develop a heritage place which is included on the Victorian Heritage Register’*.
- 10. As the site is included on the Victorian Heritage Register, listed as reference number H2184 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.
- 11. 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.

Assessment

- 12. The proposed amendments are generally limited in scale and predominantly affect areas of the Dimmeys site which already have approval for works/alterations to occur. The changes would not significantly alter the overall appearance or character of the heritage place or the approved development which is currently in progress. The changes were reviewed by Council's heritage advisor who provided the following comments:

The subject building is individually significant;

The proposed alterations to the previously approved works would be generally in accordance with the requirements of Yarra's heritage policy at Clause 22.02-5.7.1;

In regard to the proposed light fittings along Green Street, it is acknowledged that while the existing fittings may not be original they definitely have a particular style that enhances the heritage character and appearance of the subject building. The proposed contemporary fittings will not replicate this quality. If the existing fittings cannot be restored, then new fittings that enhance the character of the building should rather be considered.

The proposed fittings may have been considered more appropriate had light fittings of such distinctive style not previously existed in exactly the same locations.

13. As supported by Council's heritage advisor, the amendments are generally consistent with Yarra's local heritage policy at Clause 22.02-5.7.1 of the Yarra Planning Scheme. The proposed changes are consistent with the current approved development and would not adversely affect the significance or integrity of the heritage place.
14. The only issue raised by Council's heritage advisor was in regards to the proposed alteration of external light fittings along the east (Green Street) elevation. The relevant amendment would involve replacing the current light fittings with contemporary fittings rather than refurbishing the existing fittings which have a distinctive form. Council's heritage advisor acknowledged that while the existing fittings may not be original they definitely have a particular style that enhances the heritage character and appearance of the subject building. It is recommended that if the existing fittings cannot be restored, then new fittings that enhance the character of the building should rather be considered.

Conclusion

15. Council's Heritage Advisor has reviewed the proposed works (associated with the Heritage Victoria amendment application) and commented that the proposed alterations to the previously approved works 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.
16. The only recommendation is that if the existing light fittings along the east (Green Street) elevation cannot be restored, then new fittings that enhance the character of the building should rather be considered compared to the contemporary fittings proposed.

RECOMMENDATION

1. That Council advise Heritage Victoria the following with regard to the proposal:
 - (a) The proposed alterations to the previously approved works 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.
 - (b) In regard to the proposed light fittings along Green Street, it is acknowledged that while the existing fittings may not be original they definitely have a particular style that enhances the heritage character and appearance of the subject building. The proposed contemporary fittings will not replicate this quality. If the existing fittings cannot be restored, then new fittings that enhance the character of the building should rather be considered.

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

Attachments

- 1 PPE14/0213 - 140-160 Swan Street Cremorne - h2184 Heritage Victoria referral
- 2 PPE14/0213 - 140-160 Swan Street Cremorne - h2184 Heritage Victoria referral plans
- 3 PPE14/0213 - 140-160 Swan Street Cremorne - h2184 Heritage Victoria referral outline of amendments



Department of Transport, Planning and Local Infrastructure

Permit Application No: P15249
File No: 14/003289-01

17 November 2014

The Manager Statutory Planning
City of Yarra
P.O. Box 168
RICHMOND VIC 3121

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Telephone: +61 3 9208 3333
Facsimile: +61 3 9208 3680
www.dtpli.vic.gov.au
DX210292

Dear Sir/Madam

RE: PERMIT APPLICATION FOR DIMMEYS, 140-160 SWAN STREET CREMORNE (H2184)

I am writing to you in regard to a permit application previously referred to you in accordance with Section 71 of the *Heritage Act 1995* 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 request, 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@dtpl.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 Sullivan on (03) 9208 3193 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

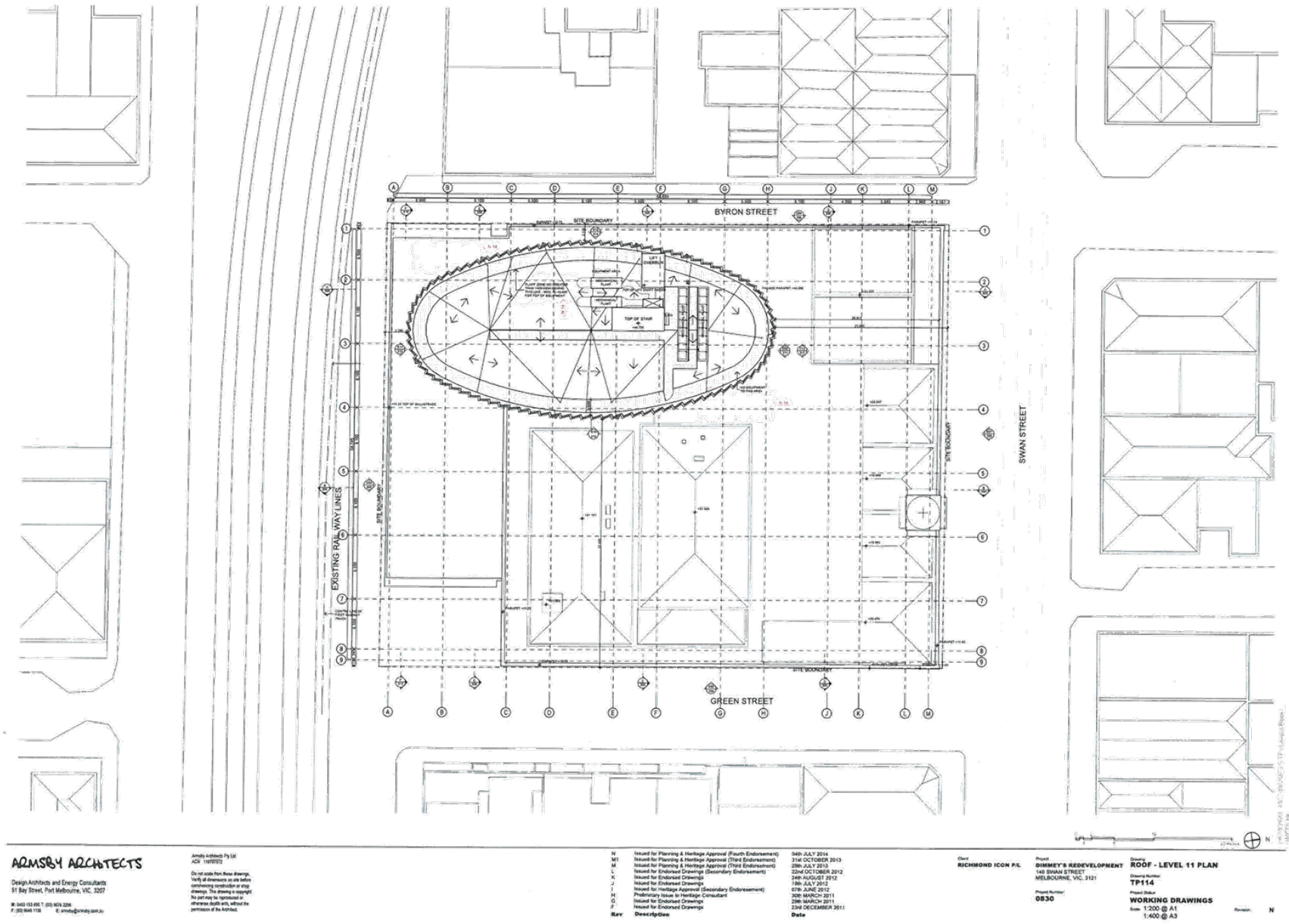
Privacy Statement

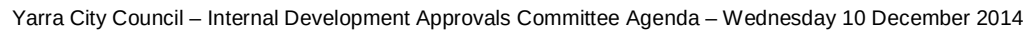
Any personal information about you or a third party in your correspondence will be collected, held, managed, used, disclosed or transferred in accordance with the provisions of the Information Privacy Act 2000 (Vic) and applicable laws. Enquiries about access to information about you held by the Department should be directed to the Privacy Officer, Department of Transport, Planning and Local Infrastructure, PO Box 2392, Melbourne, VIC 3001.

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.

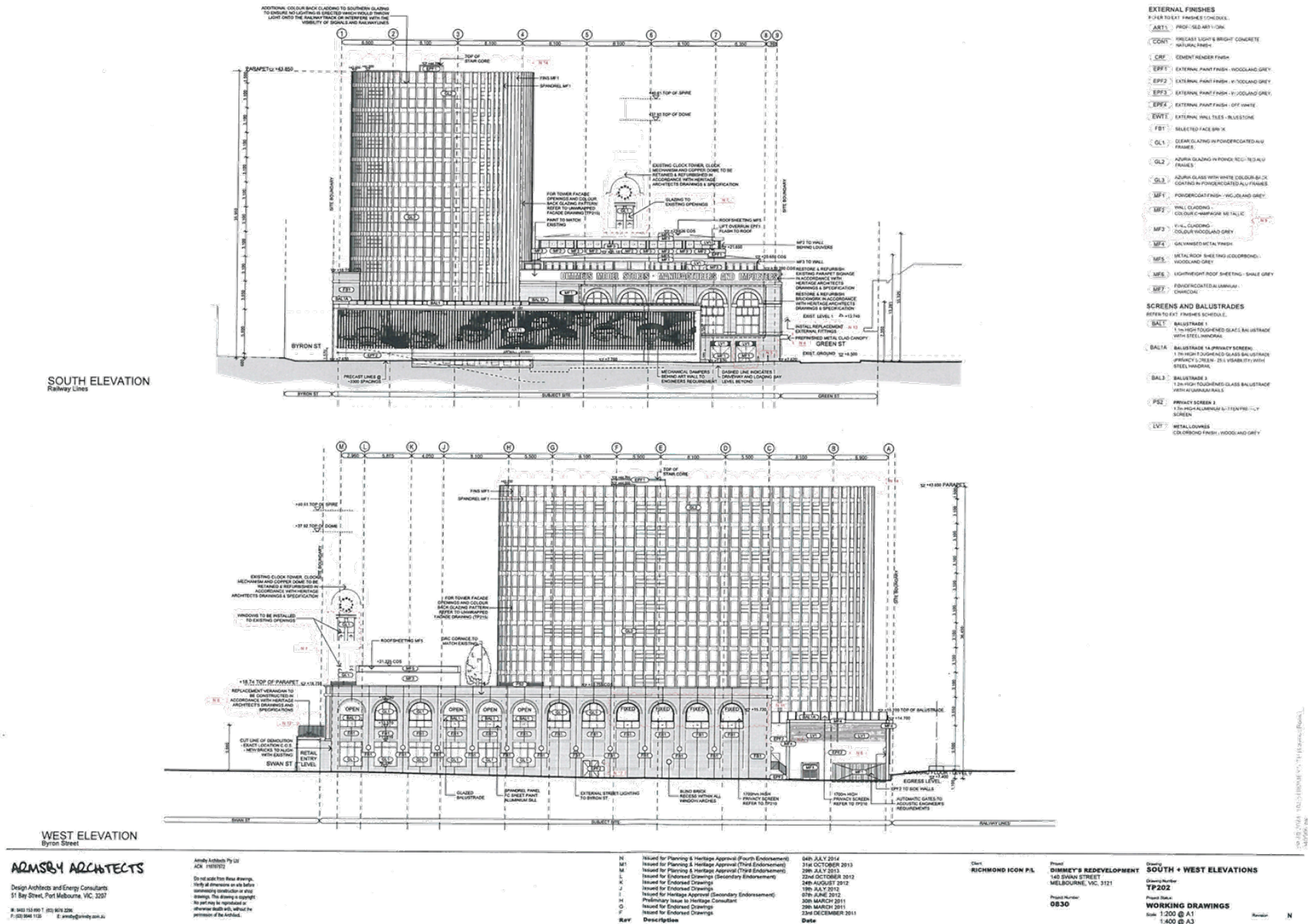


Attachment 2 - PPE14/0213 - 140-160 Swan Street Cremorne - h2184 Heritage Victoria referral plans

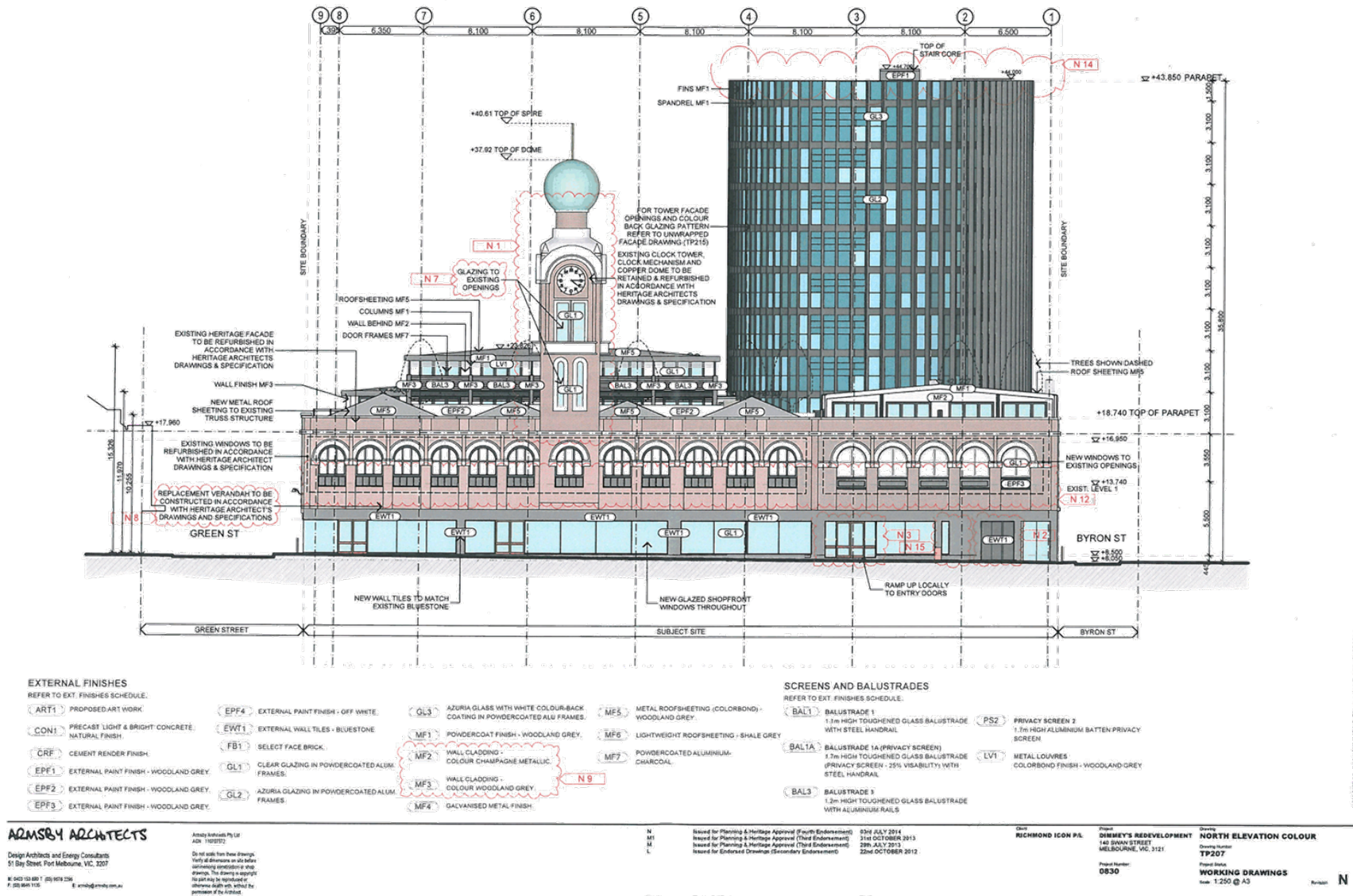




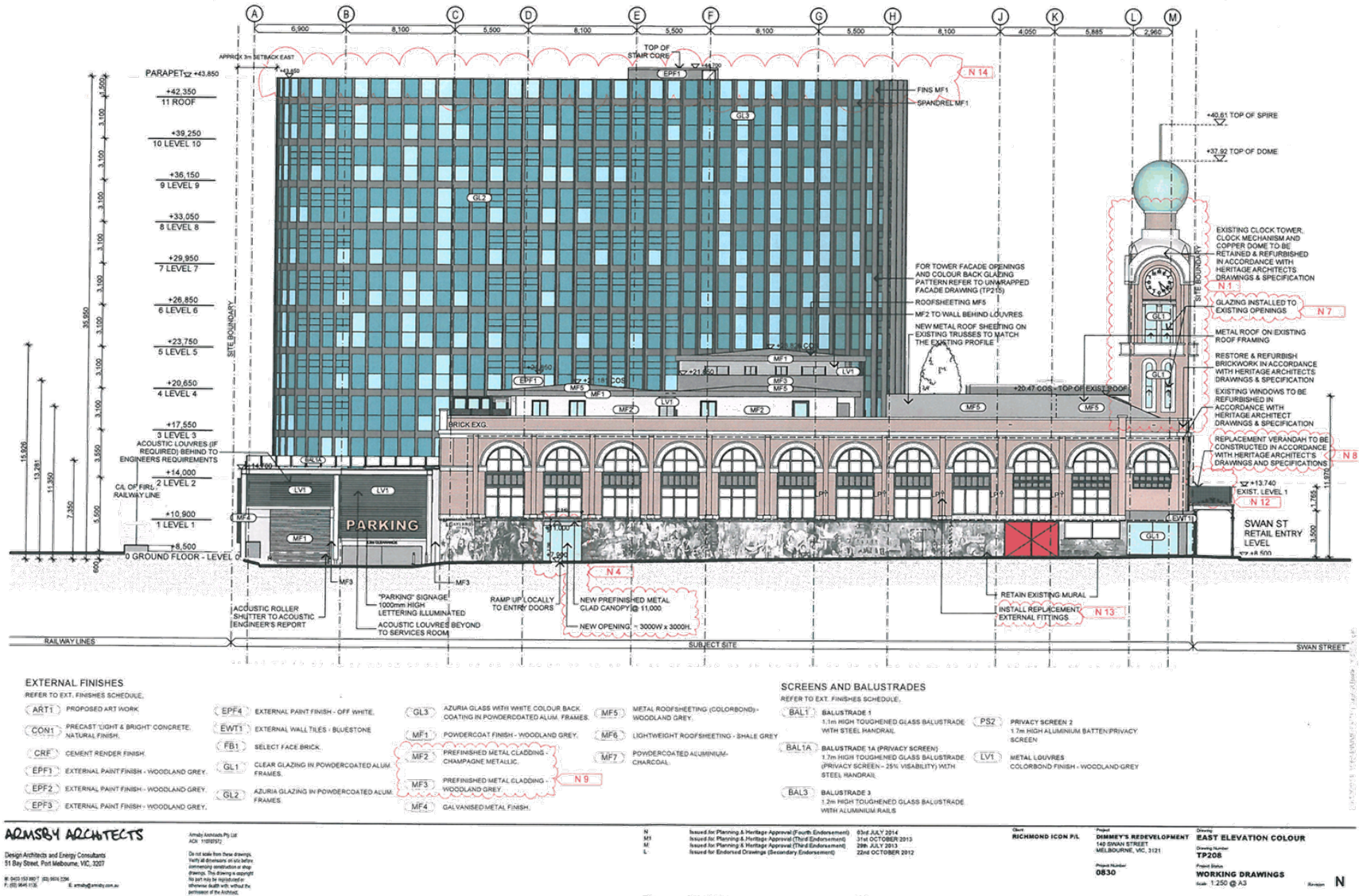
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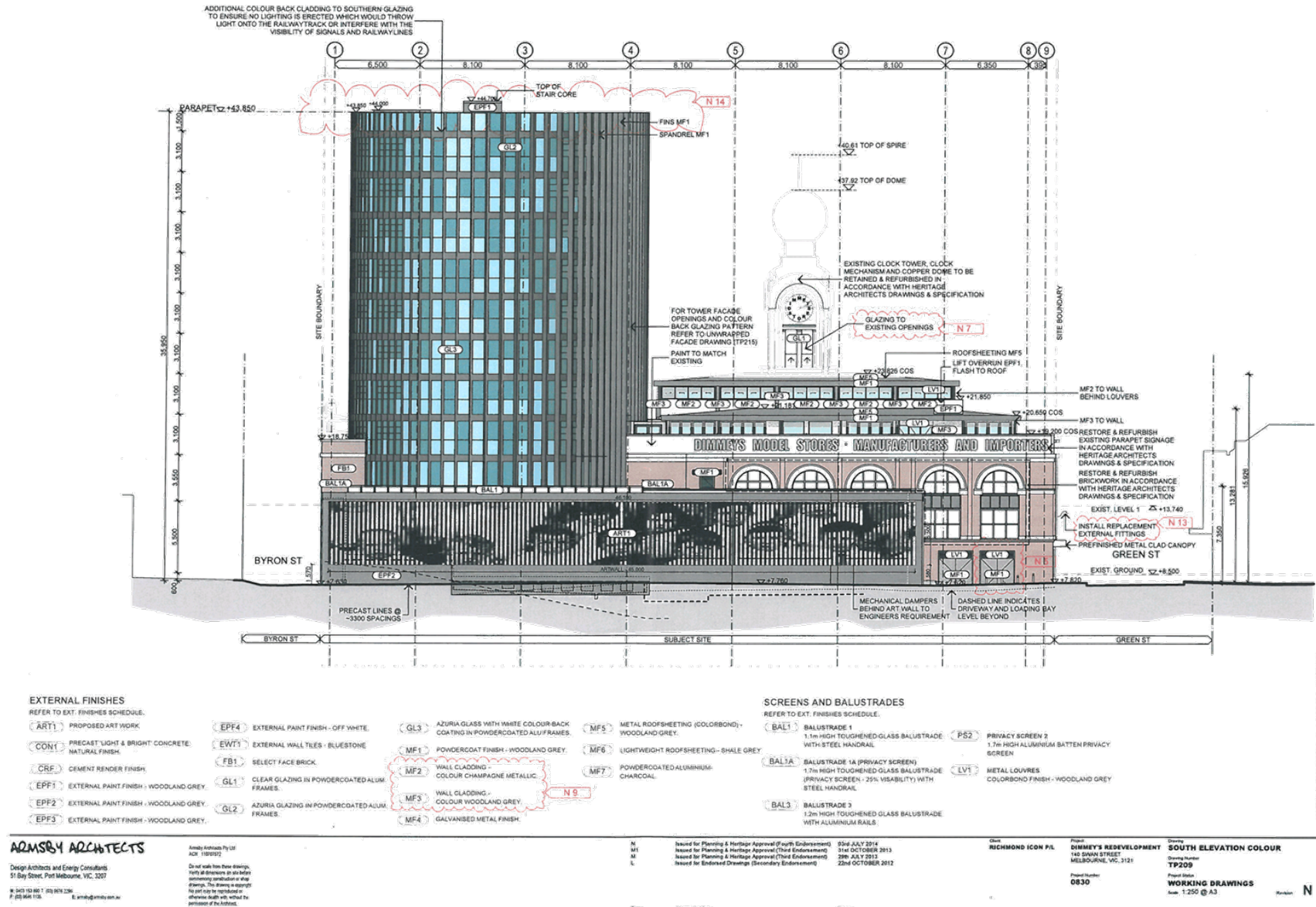
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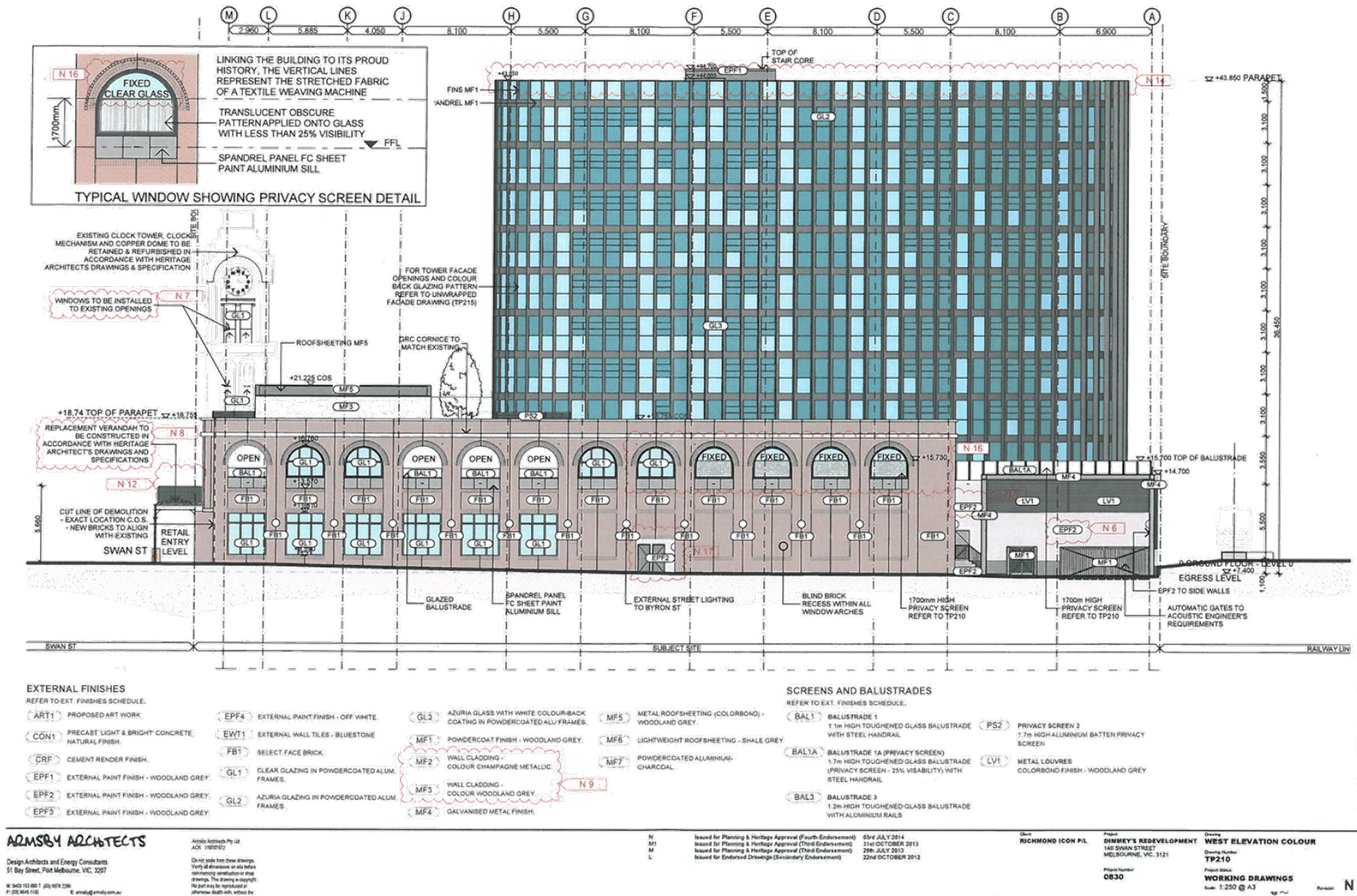
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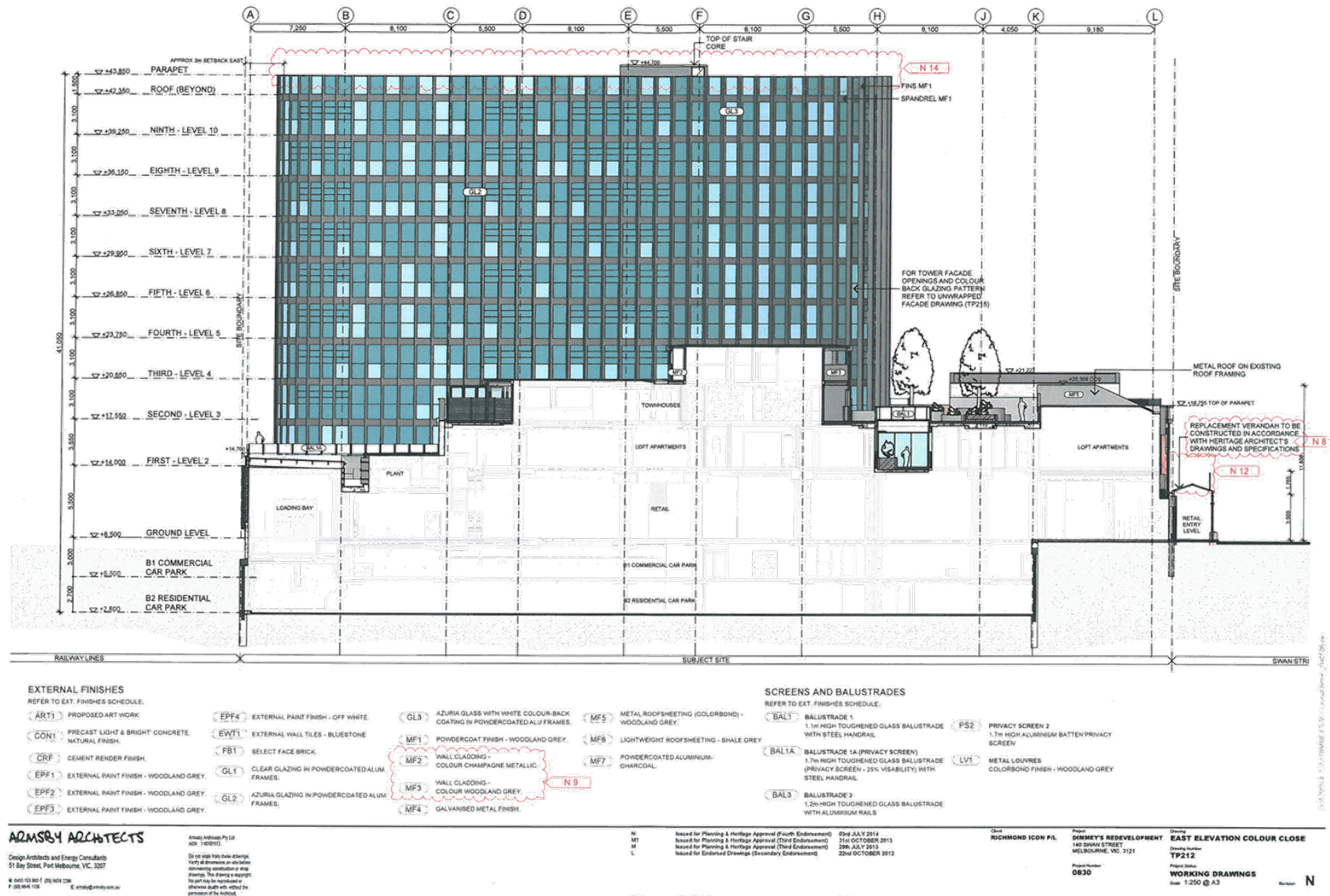
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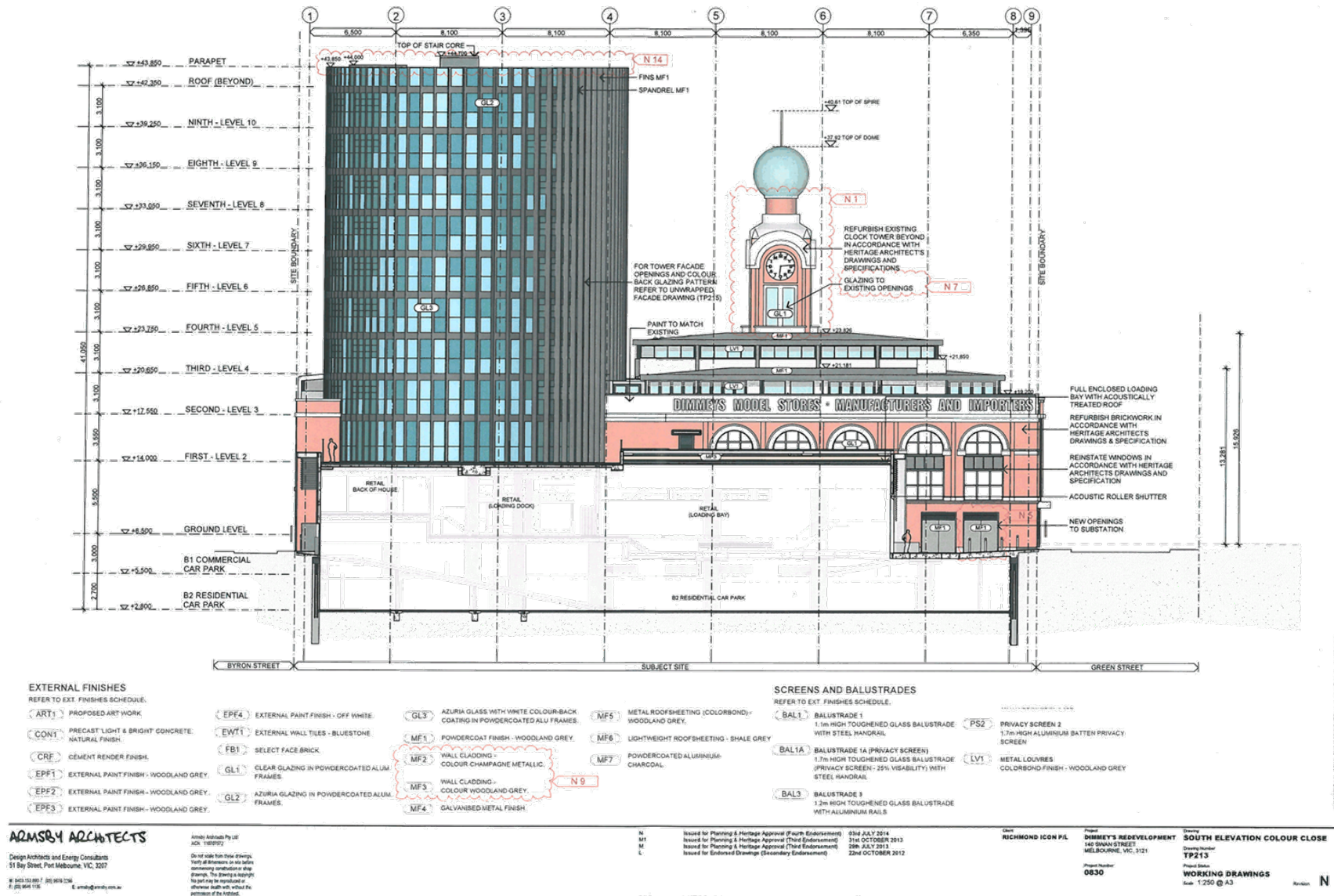
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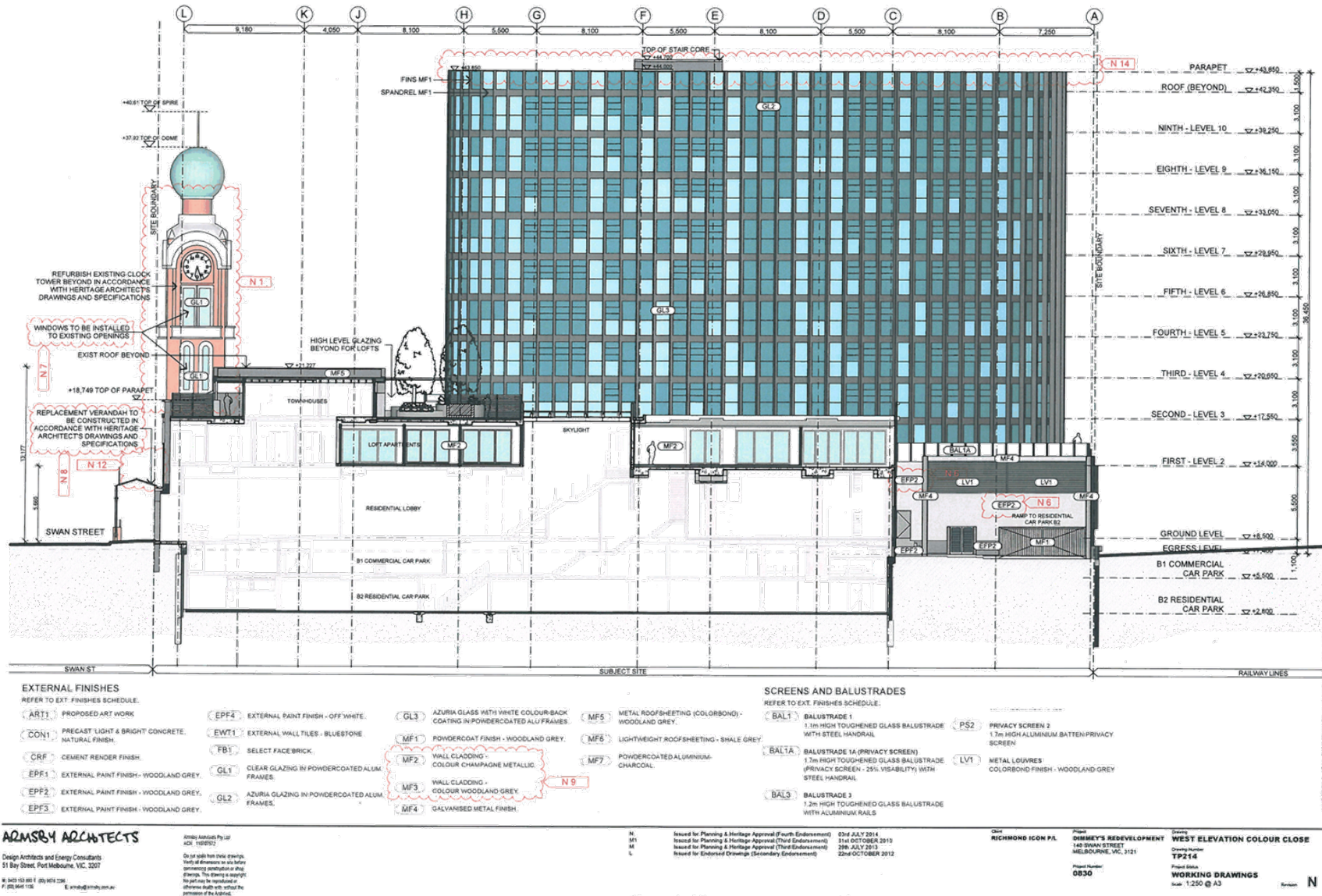
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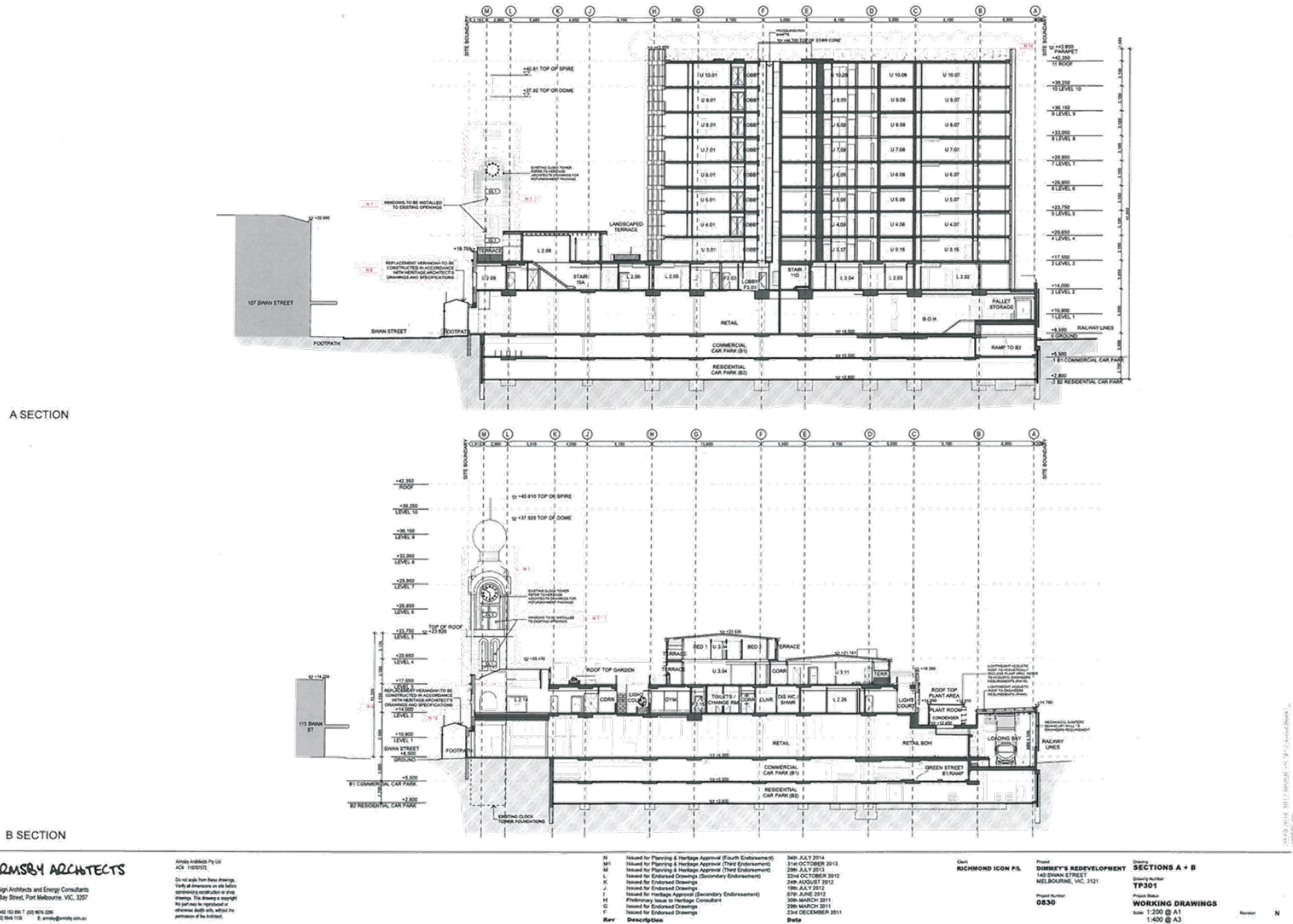
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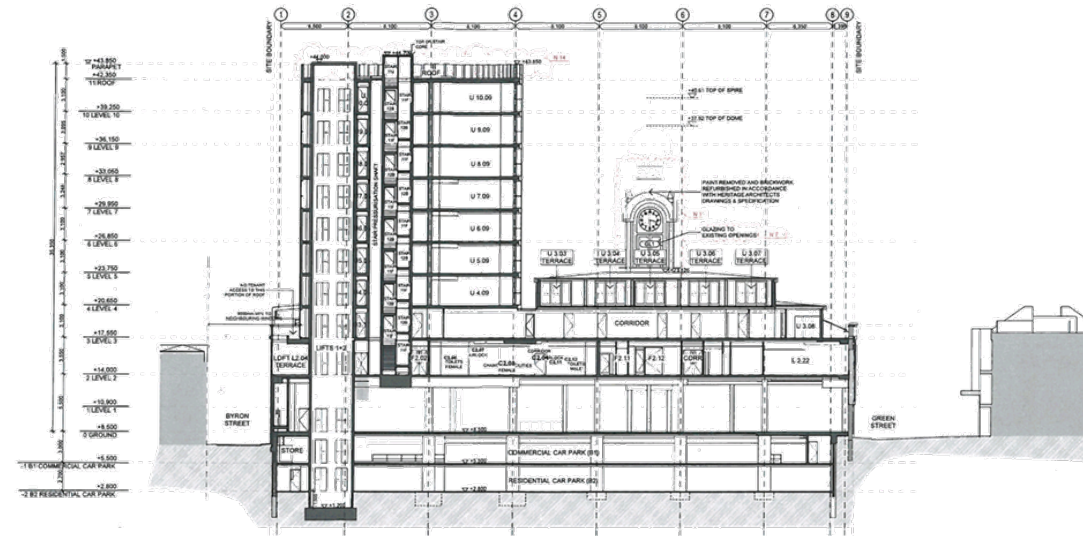


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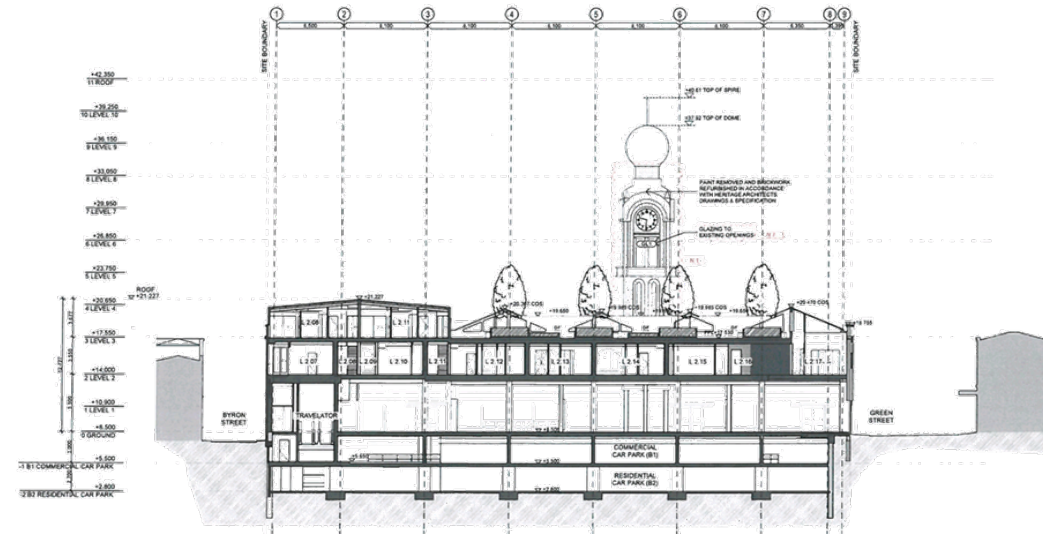


Attachment 2 - PPE14/0213 - 140-160 Swan Street Cremorne - h2184 Heritage Victoria referral plans

C SECTION



D SECTION



ARMSTRY ARCHITECTS

Design Architects and Energy Consultants
51 Bay Street, Port Melbourne, VIC, 3207

R: 0403 153 885 T: 03 9479 2266
F: 03 9441 1120 E: amy@armistry.com.au

Armistry Architects Pty Ltd
ACN: 1050903
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Rev	Description	Date
N	Issued for Planning & Heritage Approval (Fourth Endorsement)	04/07/2014
M1	Issued for Planning & Heritage Approval (Third Endorsement)	11/07/2013
M	Issued for Planning & Heritage Approval (Third Endorsement)	29/07/2013
L	Issued for Endorsed Drawings (Second Endorsement)	02/08/2012
J	Issued for Endorsed Drawings	14/08/2012
I	Issued for Endorsed Drawings	18/07/2012
H	Issued for Heritage Approval (Second Endorsement)	07/06/2012
G	Preliminary Issue for Heritage Consultation	30/03/2011
F	Issued for Endorsed Drawings	29/03/2011
E	Issued for Endorsed Drawings	23/04/2010

Client: **RICHMOND ICON PIL**

Project: **DIMMETT'S REDEVELOPMENT**

140 SWAN STREET
MELBOURNE, VIC, 3121

Project Number:
0830

Sections C + D

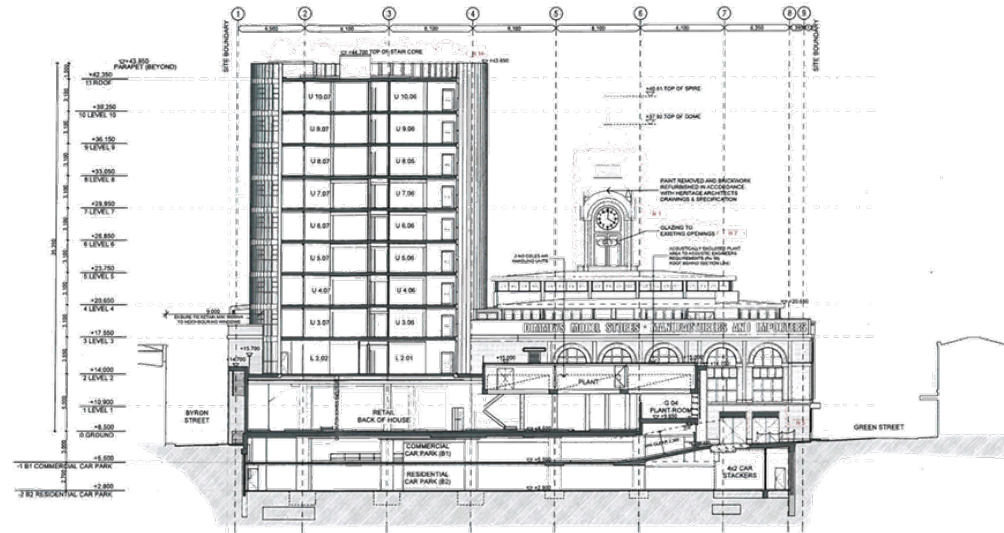
Project Name:
WORKING DRAWINGS

Scale: 1:200 @ A1
1:400 @ A3

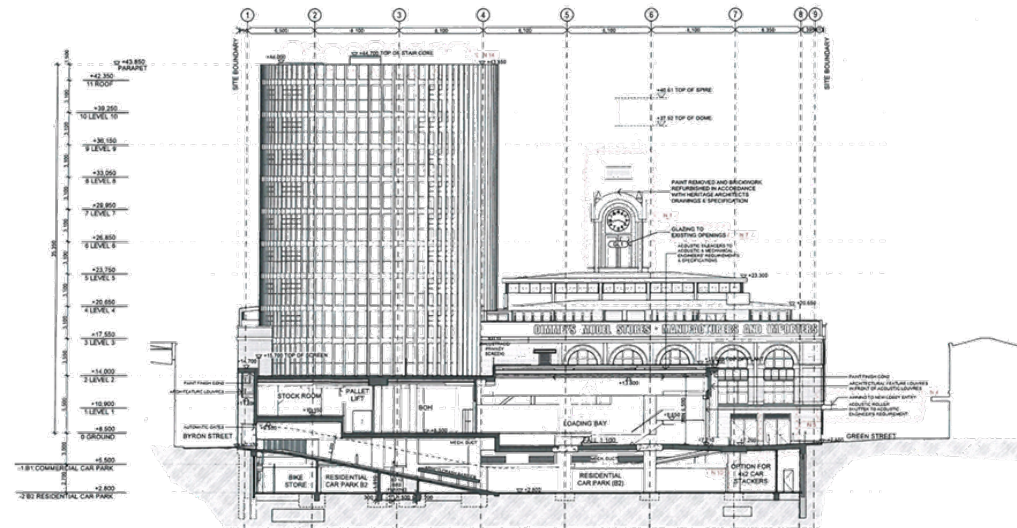
Revision: **N**

Attachment 2 - PPE14/0213 - 140-160 Swan Street Cremorne - h2184 Heritage Victoria referral plans

E SECTION



F SECTION



ARMSBY ARCHITECTS

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ACN 118195572

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REV	Description	Date
N	Issued for Planning & Heritage Approval (Fourth Endorsement)	04 JULY 2014
M	Issued for Planning & Heritage Approval (Third Endorsement)	21 OCTOBER 2013
L	Issued for Planning & Heritage Approval (Second Endorsement)	29 JULY 2013
K	Issued for Endorsed Drawings (Secondary Endorsement)	28 OCTOBER 2012
J	Issued for Endorsed Drawings	24 AUGUST 2012
I		18 JULY 2012

Client
RICHMOND ICON PL

Project
DIMMETT'S REDEVELOPMENT

140 SWAN STREET
MELBOURNE, VIC, 3121

Project Number
0830

Drawn
SECTIONS E & F

TP311

Project Status
WORKING DRAWINGS
Scale: 1:200 @ A1
1:400 @ A3

Revision
N

Attachment 2 - PPE14/0213 - 140-160 Swan Street Cremorne - h2184 Heritage Victoria referral plans

Split

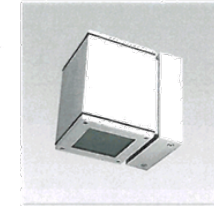
Wall mounted luminaire with contemporary styling to suit stylish architectural space.



Robust extruded and die-cast aluminium construction with a smooth silver polyester powder coat paint finish

Specification

- Optional combinations of wide and narrow beams using reflector and optical window systems
- Supplied with a single Ceramic Metal Halide lamp, rated 35W or 70W with G12 base
- Electronic control gear in a thermally isolated housing rated for 40°C ambient operation
- Segregated IP55 lamp and gear housings ensure optimum performance
- Unique concealed mounting system allows for easy flush looking installation
- Robust extruded and die-cast aluminium construction with a smooth silver polyester powder coat paint finish
- Stainless steel exposed fasteners & metalware



Quick Spec

Pierlite Split IP55 square look, surface mounted wall light in die-cast aluminium for up or downward illumination. Tempered glass lenses, internal reflectors and integral electronic gear in the base. Smooth polyester powdercoat paint finish in silver.

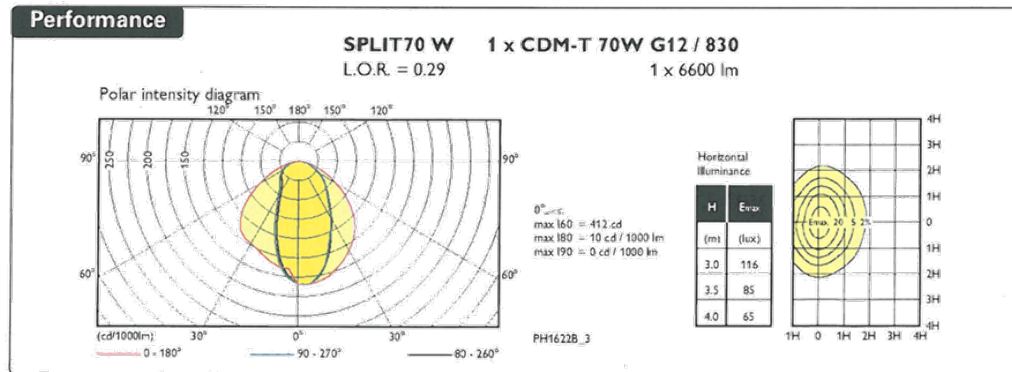
Design Application

Provides both functional and accent lighting for building facades, awnings or columns.

Product Codes

Code	Version	Dim (mm)	Mass (kg)
SPLIT35NN	35W Narrow/Narrow	155 x 208 x 220	3.8
SPLIT35W	35W One Wide Only	155 x 208 x 220	3.8
SPLIT35WN	35W Wide/Narrow	155 x 208 x 220	3.8
SPLIT35WW	35W Wide/Wide	155 x 208 x 220	3.8
SPLIT70NN	70W Narrow/Narrow	155 x 208 x 220	3.8
SPLIT70W	70W One Wide Only	155 x 208 x 220	3.8
SPLIT70WN	70W Wide/Narrow	155 x 208 x 220	3.8
SPLIT70WW	70W Wide/Wide	155 x 208 x 220	3.8

Performance



PDF Prepared: 14.10.2014 16:10pm, Last page update: Apr 2014

Architectural Lighting

IP55 3.8kg Max Dim (mm)
155 x 208 x 220

PIERLITE
professional lighting solutions

Attachment 3 - PPE14/0213 - 140-160 Swan Street Cremorne - h2184 Heritage Victoria referral outline of amendments

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Mr Tim Smith
Executive Director
Heritage Victoria
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MELBOURNE VIC 3001

heritage.permits@dtpl.vic.gov.au



13 November 2014

Dear Mr Smith

Re: Dimmeys, Swan Street (H2184): lodgement of amended drawings

On behalf of Richmond Icon Pty Ltd, I write in regard to the above registered property (H 2184), for which a range of works has been approved under Heritage Victoria permit P15249 (last amended 20 August 2014). This new correspondence relates to amended ('Revision N') drawings lodged for approval under the existing permit. These are in addition to the 'Revision N' drawings lodged for approval in August 2014, and it is hoped that these new drawings can be approved as a package with those lodged in August.

The proposed changes/amendments are outlined below, with reference also to the enclosed drawings.

Please note that the drawing annotations of relevance are N13, N14, N15, N16 and N17. Other 'N' annotations shown on the drawings are the same as those submitted with the August 2104 amendment.

The following is an overview.

N13 (see plan TP201, TP208)

This change relates to the light fittings to the east (Green Street) elevation. The previous approved plans indicated refurbishment and reinstatement of the existing external light fittings. These are not original and have been found not suited to refurbishment (see image attached to this letter). We have subsequently advised the architects to utilise contemporary fittings, rather than those with a faux historic form. Accordingly, a 'Split' light fitting is proposed (see attached specification). The fitting has an extension arm of approximately 400mm beyond the fitting size of 155 x 208 x 220. It will illuminate the bottom area of the elevation, including the mural and the footpath. The fittings are proposed for five locations, annotated as 'LP' on plan TP208.

There is no heritage impact arising out of this proposal. The light fittings are modest in size and of limited number, and will not have a visual impact on the elevation.

N14 (see plans TP114, TP201, TP202, TP207, TP208, TP209, TP212, TP213, TP214, TP301, TP302 and TP311)

This change involves deletion of additional roof top plant screen. With detailed design, it has been established that none of the roof top plant is higher than the façade balustrade. The screen extension currently shown above the façade is therefore redundant.

There is no heritage impact arising out of this proposal.

DIRECTORS PETER LOVELL and KAI CHEN LOVELL CHEN PTY LTD (ABN 20 005 803 494)

Attachment 3 - PPE14/0213 - 140-160 Swan Street Cremorne - h2184 Heritage Victoria referral outline of amendments

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N15 (see plan TP201, TP207)

The westernmost window to the Swan Street supermarket shop front has been reduced in size to screen from view internal services and the building structure.

There is no heritage impact arising out of this proposal. Approval has already been given for new windows in this area of the non-original Swan Street facade.

N16 (see plan TP210)

The glazing to the west side of the Level 2 terraces in the Dimmeys building, facing Byron Street, has been reviewed and it is now proposed to provide clear glazing to the arched opening above the 1700mm high obscured glass balustrade screens to lofts 2.03 (1 arch) and 2.04 (3 arches). This will satisfy the acoustic requirements for these dwellings. Full height glazing is already approved for four of the other eight arches along Byron Street.

There is no heritage impact arising out of this proposal. This is a non-original area of the Dimmeys building, and an elevation where change has already been approved.

N17 (see plan TP210)

The double egress doors in the alcove mid way along Byron Street were proposed to be metal clad. It is proposed to change this to a painted finish, matching the car park entry walls, further to the south.

There is no heritage impact arising out of this proposal. This is a non-original area of the Dimmeys building, and an elevation where change has already been approved.

I trust that the documentation provided is sufficient to enable you to process this request in relation to the approval and endorsement of these drawings. However, if you require further information or clarification on aspects of this proposal, please contact me on 9667 0812.

Yours sincerely

LOVELL CHEN



Anita Brady

Associate Director

Encl.

Cc: Dean Priester

Attachment 3 - PPE14/0213 - 140-160 Swan Street Cremorne - h2184 Heritage Victoria referral outline of amendments

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Image of light fittings to Green Street elevation, prior to removal for conservation works.

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30 Manton Street, Richmond - Planning Application PLN13/0688 - Development of the land for the construction of three, three-storey town houses.

Executive Summary

Purpose

1. This report provides Council with an assessment of planning PLN13/0688 at 30 Manton Street, Richmond, and recommends approval subject to conditions.

Key Planning Considerations

2. Key planning considerations include:
 - (a) clause 22.10 – Built Form and Design Policy;
 - (b) clause 22.13 - Residential Built Form Policy; and
 - (c) clause 55 – Two or more dwellings on a lot (Rescode).

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Height and Scale;
 - (b) Off – site amenity impacts;
 - (c) Car parking.

Objector Concerns

4. Fifteen (15) objections were received to the application, these can be summarised as:
 - (a) Overdevelopment (too high and bulky, lack of setbacks, high site coverage and low site permeability)
 - (b) Fails to fit in with the neighbourhood character
 - (c) Off-site amenity impacts (overshadowing, overlooking, noise)
 - (d) Construction on the boundary and associated structural damage to adjoining properties
 - (e) Reduction of car parking is not appropriate
 - (f) Plan discrepancies

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: Ally Huynh
TITLE: Principal Planner
TEL: 92055040

1.3 30 Manton Street, Richmond - Planning Application PLN13/0688 - Development of the land for the construction of three, three-storey town houses.

Trim Record Number: D14/162841
 Responsible Officer: Coordinator Statutory Planning

Proposal: Development of the land for the construction of three, three-storey town houses.
Existing use: Two storey dwelling
Applicant: CS Town Planning
Zoning / Overlays: General Residential Zone
Date of Application: 26 August 2013
Application Number: PLN13/0688

Planning History

6. Planning Permit No. 8140 was issued by Council on 31/07/1995 for the construction of a two-storey addition. This permit was acted on and is the existing condition on site.

Background

7. A consultation meeting was held on 25 February 2014 and was attended by a number of objectors, the Applicant and Council Officers.
8. There was no resolution at the meeting, however the Applicant did commit to reviewing the proposal in light of the concerns raised by Council and objectors.
9. Two sets of amended plans were subsequently submitted to Council under Section 57(A) of the *Planning and Environment Act 1987* [the Act]. The first set submitted on 29 July 2014 proposes the following key changes:
 - (a) The introduction of a one metre setback at ground floor from the Manton Street frontage and introduction of a sliding door to the lounge room;
 - (b) Reduction in size of terrace to T3 at the first floor;
 - (c) Deletion of the terrace adjacent to the west boundary at the second floor;
 - (d) An increase of one square metre in area of the balcony at first floor facing Manton Street;
 - (e) The introduction of a three metre setback at the upper level from Manton Street;
 - (f) T1 is now constructed flush with the floor below on the Stawell Street frontage;
 - (g) The north elevation now includes a metal palisade fence across the Manton Street frontage;
 - (h) Appropriate notations on the plans that all chimneys constructed along the common boundary with 28 Manton Street are to be retained;
 - (i) Appropriate screening added on the west elevation from the balcony of T1; and
 - (j) Increased glazing to the uppermost storey to reduce visual impact.
10. A second set of amended plans was submitted on 11 November 2014, with the following key changes and form the basis of this assessment:
 - (a) Reduction in the overall height by 300mm, from 8.6m to 8.3m;
 - (b) Deletion of first floor balcony fronting Manton St and reconfiguration of windows;
 - (c) Reduced size of T1 terrace at the second floor;
 - (d) Setback of east wall of T1 at the second floor by 620mm;

- (e) Increased setback of west wall to T3 to 1.5m from 1.3m;
- (f) Modification to the configuration of the east-facing windows and deletion of weather hoods;
- (g) Deletion of storage shed to T3; and
- (h) Various cosmetic changes to the materials and finishes of the building, including change to material of garage doors and external walls at the first and second floors, and squaring-off of walls at the first floor.

11. These plans were not re-advertised on the basis that the variations proposed reduced the size of the development; however the plans have been circulated to all objectors.

Existing Conditions

Subject Site

12. The subject site is located at the south-west intersection of Manton and Stawell Streets, in Richmond. Swan Street is approximately 300m to the south, and Burnley Street is located to west, approximately 200m.
13. The site is rectangular in shape, with frontages of 8.09m and 23.34m to Manton and Stawell Streets respectively. The total site area is approximately 189sqm. The site is formally known as Lot 1 on Title Plan 694525Y, Volume 04989 and Folio 635.
14. Developed on site is a single storey Victorian-era dwelling, with a two storey addition at the rear. The building is entirely constructed on the west boundary and is marginally set back from the north and east boundaries, where soft landscaping is provided. A flat roofed verandah extends over the entire rear area, connecting the dwelling to the southern boundary, and extending along half of the site's frontage to Stawell Street. It appears this area is used for dual purposes, secluded private open space and car parking. A single width crossover currently exists on this part of Stawell Street.
15. Timber picket fencing is provided along the site's frontage to Manton and Stawell Streets at varying heights.
16. There are no restrictive covenants on the certificate of title submitted with the application.

Surrounding Land

17. The surrounding area is predominantly residential. Built form includes single, double and triple storey dwellings with traditional period and contemporary designs. Other built form characteristics of the area include construction on the boundaries, high site coverage, flat and pitched roof forms, timber weatherboards, face brick work and masonry construction are all commonly used materials.
18. To the north, on the opposite side of Manton Street is a mixture of single and double storey built forms, including both recent in-fill developments and older housing stock.
19. To the south land is developed with a single dwelling with a steep gable roof. The dwelling appears be detached from all boundaries, with a 3.0m setback from Stawell Street. The dwelling is the only one with this deeper setback from Stawell Street, in the section of Stawell Street between the subject site and a row of 6 properties to the south. The dwelling is also setback 2.0m from the common boundary with the subject site, where there is one habitable room window opposite the subject site.

20. On the opposite side of Stawell Street (to the east) is a row of recently constructed two and three storey townhouses, extending from Wertheim Street to Khartoum Street. These townhouses form the perimeter of the former Channel 9 site redevelopment, which includes a number of apartment buildings ranging between 4-7 storeys, located central to the site. The townhouses are addressed to Stawell Street, with small gardens provided within the front setbacks. The upper levels also have varying setbacks to Stawell Street. These townhouses are typical of the emerging character of newer infill developments in the area.
21. Land to the immediate west of the subject site contains a semi-detached single storey weatherboard dwelling which shares a common party wall with the subject site. The dwelling setback 2.0m from Manton Street and is constructed on the common boundary for the large part, save for the rear section where it is setback 3.6m and accommodates a secluded private open space area.
22. Swan Street and Bridge Road are both within walking distance from the subject site, and are Major Activity Centres (MACs) within the municipality consisting of a variety of shops, restaurants and cafes, and community facilities. Both of these MACs provide tram access to the CBD.

The Proposal

23. The application is for the construction of three, three-storey town houses and a reduction in the car parking requirement.
24. The details of the proposal are summarised as follows:

Demolition

- (a) Demolition of all structure on site, save for the party wall along the western boundary and a section of the existing 1.9m high paling fence on the south boundary.
- (b) No permit is required for demolition.

Construction

- (c) 3 three-storey townhouses, one sited to Manton Street (T1) and two to Stawell Street (T2 and T3).
- (d) Each townhouse comprises two bedrooms, open-plan living and kitchen areas, an ensuite, bathroom and laundry. T1 is proposed with a second living area, and T2 with a separate study.
- (e) Ground level –
 - (i) a car space with vehicular access from Stawell Street and one habitable room is proposed to each townhouse.
 - (ii) the townhouses would be constructed on the western and southern boundaries, and setback 1.0 – 1.8m from the north boundary. A combination of hard-edged construction and varying setbacks between 500mm – 1.4m is proposed from the east boundary (Stawell St).
 - (iii) a 1.2 m by 3.6m light court is proposed in the south-west corner of T3.
 - (iv) a 1m wide setback is proposed from Manton Street to accommodate a small front garden.
 - (v) A new double width crossover is proposed to Stawell Street; servicing T1 and T2.
- (f) Level 1 –
 - (i) A combination of bedrooms and open-plan living and kitchen areas are proposed at this level.
 - (ii) Construction on the east, west and south boundaries are proposed, save for the light court in the south-west corner, and small recesses in the east wall to separate each townhouse.
 - (iii) A balcony is proposed on the southern boundary for T3.

- (g) Level 2 –
 - (i) Open-plan living and kitchen area is proposed to T1 and T2. A bedroom with en-suite is proposed to T3.
 - (ii) Construction is proposed on the western boundary, with a large terrace constructed flush to Manton Street. The face of this level would be setback 3m from north boundary.
 - (iii) Varying setbacks between 620mm – 1.8m is proposed to Stawell Street, with 2 terraces constructed to the boundary. A setback between 2.7m - 4.7m to proposed from the south boundary.
- (h) Design details-
 - (i) Overall height from natural ground level is to be 8.3m.
 - (ii) The townhouses have a 'boxy' design with a flat roof proposed. The building is to be articulated with a variety of materials including blockwork, smooth and textured cladding, glass, and metal fencing.
 - (iii) 1.2m high fencing is proposed along parts of Manton and Stawell Street.
- (i) Environmentally Sustainable Design (ESD)-
 - (i) Air conditioning and solar hot water units are to be located on the roof.
 - (ii) 1x 2,500lt in-ground rainwater tank.
 - (iii) Cross-ventilation to all dwellings.

Planning Scheme Provisions

Zoning

- 25. The State Government has introduced three new residential zones for Victoria. On the 29 April 2014, Council adopted its position on the new zones and outlined where it preferred to locate the new Neighbourhood Residential Zone (NRZ) and General Residential Zone (GRZ). Council has since submitted an amendment to the Minister for Planning to introduce these two zones (Amendment C176). Also at that meeting Council identified potential sites for the Residential Growth Zone (RGZ) (Amendment C179).
- 26. On 1 July 2014, the default General Residential Zone (clause 32.08) was introduced into the Yarra Planning Scheme, until a decision is made on Council's preferred zoning as outlined in Amendment C176. Clause 32.08 contains no transitional arrangements, therefore current applications must be considered against the new General Residential Zone, not the Residential 1 Zone which was in place when the planning application was lodged.

General Residential Zone (GRZ)

- 27. The relevant purposes of the General Residential Zone are:
 - (a) *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - (b) *To encourage development that respects the neighbourhood character of the area.*
 - (c) *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
 - (d) *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- 28. Pursuant to Clause 32.08-4 of the Yarra Planning Scheme [the Scheme], a planning permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

Overlays

- 29. The subject site is not affected by any overlays.

Particular Provisions

Clause 52.06 – Car Parking

30. As per Table 1 of Clause 52.06-5, a new two-bedroom dwelling requires 1 car spaces to be provided.
31. The development includes 3, 2-bedroom townhouses and a total of 3 car spaces are required to be provided.
32. The development meets this requirement with three spaces provided on site.

Clause 55 – Rescode

33. Pursuant to Clause 55 of the Scheme the provisions apply to construct two or more dwellings on a lot.

General Provisions

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 and Local Planning Policy Frameworks, as well as the purpose of the zone, overlay or any other provision.

State Planning Policy Framework (SPPF)

Clause 11.02-1 Supply of urban land

35. The objective of this clause is *'to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses'*. *Planning for urban growth should consider (where relevant):*
 - (a) *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
 - (b) *Neighbourhood character and landscape considerations.*

Clause 11.04-2 Housing choice and affordability

36. The objective of this clause is *'to provide a density of housing in defined locations that cater for different households and are close to jobs and services'*. Relevant strategies include;
 - (a) *Understand and plan for expected housing needs; and*
 - (b) *Reduce the cost of living by increasing housing supply near services and public transport.*

Clause 15.01-1 Urban design

37. The objective of this Clause is:
 - (a) *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Clause 15.01-2 Urban design principles

38. 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 15.01-5 Cultural identity and neighbourhood character

39. The objective of this Clause is:
(a) *To recognise and protect cultural identity, neighbourhood character and sense of place.*

Clause 15.02-1 Energy and resource efficiency

40. The relevant objective of this Clause is:
(a) *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

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

Clause 16.01-1 Residential development: Integrated housing

42. The objective of this clause is:
(a) *to promote a housing market that meets community needs.*

Clause 16.01-2 Location of residential development

43. The objective of this clause is:
(a) *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

44. The objective of this clause is:
(a) *to provide for a range of housing types to meet increasingly diverse needs.*

Clause 18.02-1 Sustainable personal transport

45. The objective of this clause is:
(a) *To promote the use of sustainable personal transport.*

Local Planning Policy Framework (LPPF)

Clause 21.04-1 Accommodation and housing

46. The relevant objectives and strategies within this Clause are as follows:
(a) *Objective 1 – To accommodate forecast increases in population.*
(i) *Strategy 1.3 – Support residual population increases in established neighbourhoods.*

Clause 21.05 Built Form

Clause 21.05-2 Urban Design

47. The relevant objectives of this clause are:
(a) *Objective 16 – To reinforce the existing urban framework of Yarra.*
(b) *Objective 20 – To ensure that new development contributes positively to Yarra's urban fabric.*
(c) *to retain, enhance and extend Yarra's fine grain street pattern.*
(d) *to create an inner city environment with landscaped beauty.*
(e) *to ensure that new development contributes positively to Yarra's urban fabric.*
(f) *to encourage the provision of universal access in new development.*

Clause 21.06 Transport

48. The relevant objectives and strategies of this clause are:
 - (a) *Strategy 30.3 – Use rear laneway access to reduce vehicle crossovers.*
 - (b) *Strategy 33.1 Ensure access arrangements maintain the safety and efficiency of the arterial and local road networks*

Clause 21.07 Environmental Sustainability

49. The relative objective of this clause is:
 - (a) *Objective 34 To promote ecologically sustainable development
Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.*

Clause 21.08 Neighbourhoods

50. Clause 21.08-10 Central Richmond:
 - (a) *The land use character of this neighbourhood is predominantly residential, with the area closest to Punt Road comprising early to mid Victorian cottages and terraces, and an increasing amount of Edwardian dwellings towards the east of the neighbourhood.*
51. The map at Figure 24: Built-form character Map: Central Richmond shows that the subject site is located in the Inner Suburban Residential area. The strategies for this area are:
 - (a) *Maintain the existing pattern of front setbacks.*
 - (b) *Limit variations in height to a maximum of one storey compared to the adjacent properties, on single house sites/small development sites in areas with generally consistent building heights.*

Clause 22.10 – Built Form and Design

52. The policy applies to all new development not included in a heritage overlay and comprises ten design elements that address the following issues: urban form and character; setbacks and building heights; street and public space quality; environmental sustainability; site coverage; on-site amenity; off-site amenity; landscaping and fencing; parking, traffic and access; and service infrastructure.

Clause 22.13 Residential Built Form Policy

53. It is policy that development within each of the character types responds positively to the location of the development.
54. The policy objectives are:
 - (a) *to limit the impact of new development on surrounding land, particularly on low rise residential areas; and*
 - (b) *to respond to and strengthen the distinct character of different parts of Yarra.*
55. As noted above at clause 21.08, this site is located within the 'Central Richmond' neighbourhood and is categorised as an Inner Suburban Residential built form type.
56. Within Clause 22.13, the subject site would be categorized as *Inner Suburban - Urban Residential Mix*. Urban Residential is characterised by '*built form dominated residential areas with mostly no front and side setbacks.*' Inner Suburban is characterised by '*built form dominated residential areas with small gardens (if any) and minimal front and side setbacks*'.

57. Clause 22.13-3.2 applies specifically to these built form character types and the preferred design response for this type is:

- (a) *Maintain the existing pattern of front setbacks (zero front setback often includes ground floor verandah insets).*
- (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)

58. This policy applies to applications for new buildings and recognises that increased development can result in greater hard surface area and changes to the volume, velocity and quality of stormwater drainage into natural waterways. The relevant 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).*
- (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.*

Other Policies

Amendment C133

59. Council has prepared a new local policy to consider environmentally sustainable design. Amendment C133 proposes to introduce Clause 22.17 – Environmentally Efficient Design into the Scheme.
60. The Amendment will also update Clause 21.07-1 – Ecologically sustainable development by introducing a new strategy. An Advisory Committee and Panel Report was released on 7 April 2014 and recommended adoption of the amendment subject to minor changes.
61. 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 SPPF and the 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.*

62. 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).*
 - (c) *Any relevant adopted policies.*

Advertising

63. The application was originally advertised in accordance with Section 52 of the *Planning and Environment Act 1987* [the Act] by way of 25 letters sent to surrounding property owners and occupiers and the display of two signs on the site.
64. Council received a total of 14 objections to the application. The grounds of objection are summarised as follows:
- (a) Overdevelopment (too high and bulky, lack of setbacks, high site coverage and low site permeability)
 - (b) Fails to fit in with the neighbourhood character
 - (c) Off-site amenity impacts (overshadowing, overlooking, noise)
 - (d) Construction on the boundary and associated structural damage to adjoining properties
 - (e) Reduction of car parking is not appropriate
 - (f) Plan discrepancies
65. A consultation meeting was held on 25 February 2014 and was attended by a number of objectors, the Applicant and Council Officers. There was no resolution at the meeting, however the Applicant did commit to reviewing the proposal in light of the concerns raised by Council officers and objectors.
66. Amended plans were formally submitted to Council under Section 57(A) of Act on 29 July 2014. The changes have been summarised earlier in the report.
67. The first set of amended plans was re-advertised, with one new objection received. The total number of objections is therefore 15.
68. The second set of amended plans was not re-advertised on the basis that the variations proposed reduced the size of the development; however the plans have been circulated to all objectors.

Referrals

69. The application was referred the following units within Council:
- (a) Urban Design; and
 - (b) Engineering Services Unit

Urban Design

70. The following advice was provided based on the original proposal:

- (a) *The current design is not supported in regard to the streetscape response. The design should be modified to:*

- (i) *Reduce the development to two storeys or design the upper level in a more recessive manner.*
- (ii) *Provide a setback to the Manton Street frontage.*
- (iii) *Provide greater visual overlooking to Manton Street.*
- (iv) *Provide a greater setback to the garage to town house 3.*
- (v) *Modify and simplify material selection and design detailing.*

71. The amended plans were re-referred, with the following comments provided:

- (a) *In respect to the previous comments the revised application has responded to these comments as follows:*
 - (i) *Reduce the development to two storeys or design the upper level in a more recessive manner.* Removal of the large spreading roof has reduced the visual presence of the upper level. However the three level façade to T1 is a dominating element in Stawell Street and a setback to this level would ensure that the east elevation read as a two storey façade.
 - (ii) *Provide a setback to the Manton Street frontage:* A minimal ground level setback of 1040mm has been provided. It does not match the property to the west but improves the situation.
 - (iii) *Provide a greater setback to the garage to town house 3:* No change
 - (iv) *Provide greater visual overlooking to Manton Street:* This has been redesigned to provide greater street overlooking in an appropriate way.
 - (v) *Modify and simplify material selection and design detailing as outlined below:* The number of materials have been reduced and colour and materials variation used distinguish the three town houses elevations to Stawell Street
- (b) *In summary the concerns about the number of materials and street surveillance have been met, the concern about the upper level has been partially met as have the setback comments.*

72. The second set of amended plans were also re-referred to Council's Urban Design Unit, who commented the following:

- (a) *The setback to the upper level from the Stawell Street boundary has improved the streetscape appearance in Stawell Street particularly when viewed from the north.*
- (b) *The articulation of the three town houses fronting Stawell Street will enhance the streetscape fit. Simplifying the elevations and providing the horizontal first level element to the Manton Street elevation is a design improvement from the original angled element. The reduction in the number of materials used is also an improvement.*

Engineering services

73. The following comments were provided based on the original plans:

Access Arrangements – Stawell Street Frontage

- (a) *A site inspection of Stawell Street revealed there is a road hump directly in front of the area of the proposed double vehicle crossing. The designer's drawings do not show this road hump. The road hump is a platform/flat-top type road hump, which commences at a point 4.86 metres from the south alignment of Manton Street and extends for 6.1 metres further south across the property frontage. The footpath measures 2.0 metres in width and is edged with a bluestone kerb.*

- (b) *To provide the vehicle crossing in front of the existing road hump, the applicant must engage a suitably qualified civil engineer to design the new vehicle crossing with the following parameters:*
 - (i) *The road hump must remain in place;*
 - (ii) *The footpath cross-fall must be DDA compliant;*
 - (iii) *The footpath along the property's Stawell Street frontage must be re-graded, commencing from the northern boundary to the new crossing and continuing to the existing vehicle crossing;*
 - (iv) *To construct the new vehicle crossing, the finished floor levels along the edges of the two single garage concrete slabs may need to be altered or lowered;*
 - (v) *A bull-nose may be permitted;*
 - (vi) *A 1 in 20 cross-sectional drawing must be prepared showing the existing footpath profile, kerb and channel and the road hump, and is to be fully dimensioned. All reduced levels of existing features and design levels are to be included. The applicant's engineer must demonstrate that the vehicle crossing will work with an 85th percentile vehicle or other suitable vehicle profile.*
- (c) *The drawings must not be approved or endorsed until the applicant has satisfied all of the above engineering requirements. The road hump must be accurately shown on the drawings.*
- (d) *Vehicle turning movements into and out of each garage, as shown in the swept path diagrams prepared by Ratio Consultants are considered satisfactory.*

Internal Layout

- (e) *The dimensions of the three single garages satisfy the Yarra Planning Scheme's off-street parking requirements as per Clause 52.06.*

Drainage – Legal Point of Discharge

- (f) *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.*
- (g) *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.*
- (h) *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.*

74. The following comments were provided for the amended plans:

- (a) *The building setback for T1 provides improved visibility at Manton Street and Stawell Street intersection.*
- (b) *The road hump has not been shown on the drawings as previously requested in engineering comments of 25 January 2014.*
- (c) *Vehicle crossing requirements are also to be in accordance with engineering requirements as per memo of 23 January 2014.*

75. All referral advice is considered in the assessment section of this report and can be ensured via planning permit conditions where appropriate, should Council determine to support the application.

OFFICER ASSESSMENT

76. The primary considerations for this application are as follows:

- (a) State and Local Planning Policy Framework;
- (b) Clause 55 – Rescode
- (c) Clause 22.10 – Design and Built Form;
- (d) Clause 22.13 - Residential Built Form; and
- (e) Objector Concerns.

State and Local Policy Frameworks (SPPF and LPPF)

77. In relation to the SPPF and LPPF it is considered that the proposed development achieves the various land use and development objectives outlined earlier in this report and achieves a sound level of compliance with the relevant policies.
78. The proposed density of the development is consistent with both State and Local Policies such as clause 16.01-2, which encourages concentration of development around activity centres and intensifying development on sites well connected to public transport. This ensures efficient use of infrastructure and supports Council's preference within clause 21.04-1, Strategy 1.3 that established residential areas experience residual increase in population and density. The proposed density is also consistent with the emerging character of recent infill developments in Richmond, such as the townhouses (former Channel 9 site) on the opposite side of Stawell Street.
79. A concentration of residential development is encouraged within clause 18.01-1 around Major Activity Centres (MACs) such as the nearby Swan Street and Bridge Road MACs. The location of this site in proximity to these MACs allows future occupiers to be close to tram routes, Burnley Train Station, as well as the business, shopping, working, leisure and community facilities which are located within these activity centres. Both streets are well known as entertainment destinations of regional and metropolitan significance (particularly Swan Street due to its proximity to the nearby sports and entertainment precinct), as well as a convenience shopping, community, cultural and service centre for the local community in Richmond.
80. The importance of urban consolidation, which clauses 16.0-2 and 21.04-1 (amongst others) encourage, was raised in the Tribunal decision *NJJJKT v Whitehouse CC* [2008] VCAT 1410, where Senior Member Liston stated:
- [14] I think there needs to be a greater emphasis on the importance of metropolitan policies in relation to urban consolidation, housing diversity, and affordability. I do not say that neighbourhood character is of less importance, rather I say that in each decision consolidation diversity and affordability need to be at the forefront of our thinking, and not merely a background hum.
81. In summary, the subject site is considered to be appropriate for a residential development of the nature proposed. The proposal is also compliant with built form policies at Clauses 22.10 and 55 (Rescode), which will be discussed below.

Clause 55 – Rescode

82. This particular provision comprises 34 design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. The following standards are either not applicable to the consideration of this application or are met through existing conditions:
- (a) *Standard B3 - Dwelling diversity – (this application is for less than ten dwellings).*

- (b) *Standard B11- Open space – (this application does not include any public or communal open space).*
- (c) *Standard B33 - Common property - (no common property is proposed)*

Standard B1 - Neighbourhood character

- 83. Complies with the objective. As detailed in the site and surrounding section of the report, the built form character of the area is varied with a mix of single storey period dwellings, and contemporary two and three storey townhouses. Specifically, the Manton Street streetscape is broken up into fragments, with small pockets of dwellings having a consistent character interspersed with infill development. The section of Stawell Street closest to the subject site, starting from Wertheim Street and extending south to just before Swan Street, have two distinct built form character. The eastern side is largely constructed with or will be constructed with a mix of two and three storey townhouses, forming part of the large redevelopment of the former Channel 9 site. These dwellings are contemporary in design and are setback from Stawell St at the upper levels. The western side of the street (same side as the subject site) consists of predominantly single storey weatherboard cottages, some with prominent two-storey additions. Roof forms in the area include gable, pitched, flat and skillion.
- 84. With the above in mind, the proposed development is considered to be more in line with the emerging character of the area, than the existing. This is not to say that the development is unacceptable.
- 85. The proposal appropriately picks up a number of elements visible in the street such as window proportions, and wall heights and framing element at the first floor to represent verandah/eave, whilst presenting itself as a modern development. The proposed soft landscaping within the front setbacks and 1.2m high metal palisade fence to both street frontages further seeks to reflect the traditional front garden and low picket fencing character of the area, and is considered appropriate. This design response is also in line with the recommendations made by the Council's Urban Designer in their review of the two earlier schemes submitted.
- 86. To Stawell Street, the proposal appropriately responds to the corner location with a robust first floor constructed to the street frontage and a recessed ground and second floor. This is reflective of the single storey housing stock to the immediate south, while being in-keeping with the contemporary townhouses on the opposite side of the street.
- 87. In terms of materials, the combination of timber cladding, block work, glazing, and aluminium framed windows and metal palisade fencing is entirely consistent with materials commonly found in the neighbourhood.

Standard B2 - Residential policy

- 88. Complies with the objective. The proposed development meets the relevant SPPF and LPPF objectives with regard to:
 - (a) providing increased housing diversity and housing choice;
 - (b) meeting forecast increases in resident and household numbers;
 - (c) providing higher density housing within proximity to public transport (Swan Street tram line and Burnley Train Station) and retail / activity centres (Swan Street and Bridge Rd Shopping Strip);
 - (d) taking advantage of and maximising the existing local infrastructure associated with the nearby Swan Street Major Activity Centre; and
 - (e) Compliance with policies within Clauses 22.10 and 22.13 as outlined later in this report.

Standard B4 – Infrastructure

89. Complies with the standard. The proposal is located within an existing residential area with existing utility services and infrastructure.

Standard B5 - Integration with the street

90. Complies with the standard. The proposal integrates within the streetscape by providing clear and delineated pedestrian and vehicle entries. An entry to Manton St is retained under the proposal, while the two new entries to Stawell Street would be in keeping with other existing properties in the street. At the suggestion of Council's Urban Designer, the revised scheme sees significant improvement in street activation at ground level with the solid dark brick wall replaced with windows and small front gardens to both Manton and Stawell Streets. The larger windows and terraces at the upper levels would also add to the human presence in the street and promotes passive surveillance.
91. The proposed 1.2m high metal palisade fence along the site's frontage to Manton Street and part of Stawell St is considered appropriate in height and style, and in keeping with the low timber picket fence evident in the streetscapes.

Standard B6 - Street setback

92. Complies with the standard. The subject site is on a corner, and the following setbacks are suggested:
 - (a) *Front street- If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser.*
 - (b) *Side street - Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser.*
93. The proposed development with a 1m -1.8m setback to Manton St is only partly compliant with the standard, in that only part of the building would be setback in line with the adjoining property to the west. The proposed setback is however, considered acceptable as the deeper setback is provided to the side abutting the adjoining property, while the lesser setback is sited to the corner location, and away from the neighbouring property. This design response would be similar to front verandah protruding slightly beyond the face of the dwelling evident in the period dwellings to the west, and appropriate for the corner location.
94. To Stawell Street, the proposed setback at ground level also does not comply with the standard, which requires a setback of approximately 3m to the wall and 2m to the verandah to be in line with the property to the south. As highlighted earlier, the property at 70 Stawell St is an anomaly within the streetscape, against the weatherboard cottages with verandahs constructed hard-edge to the street. The proposed combination of zero lot-line construction and setback between 0.5m – 1.4m is considered an acceptable response to the corner location of the site, and the varied setback of the properties to the south.
95. Whilst the ground floor would be cantilevered by the first floor on Stawell Street, this element provides a visual reference to the horizontal verandah/eave line evident in the surrounding properties. Similarly, this configuration would not be dissimilar the verandahs constructed on hard-edge to the street.

Standard B7- Building height

96. Complies with the standard. The overall maximum building height would be 8.3m which complies with the 9m suggestion under the Standard. It is noted that the building height has been reduced from 8.6m, in an attempt to keep the building height as low as possible.

Standard B8 - Site coverage

97. Complies with the objective. The proposal has a site coverage of approximately 94 percent which is well above the 60 percent maximum suggested by the standard. Whilst this level of site coverage is high, it is noted that the existing site coverage is already at 86% and without any sustainable design initiatives incorporated into the existing dwelling. The proposed development, on the contrary, is proposed with a number of ESD initiatives including solar hot water units, and one 2,500lt rainwater tank to assist with storm water runoff, and the energy efficiency of the building.
98. It should be noted that adjacent sites and others in the surrounding area also have high levels of site coverage. It is a characteristic of inner city suburbs such as Richmond to have high levels of site coverage and the planning scheme recognises this through the classification of the site as '*Inner Suburban Residential*' within clause 21.08-2. Clause 22.13-3.2 describes '*Inner Suburban Residential*' as a built form dominated residential area with small gardens (if any) and minimal front and side setbacks.
99. In light of all of the above, the proposed site coverage is considered acceptable.

Standard B9 – Site permeability

100. Complies with the objective. The proposed level of permeable surfaces is 9 percent which is well below the 20 percent minimum, but same as the existing permeability level. Whilst the development proposes one 2,500lt rain water tank, no information has been provided of its use. In order to assist with reducing the impact of increased stormwater run-off on the drainage system, a condition should be included to requiring the water tank to be connected with toilets for toilet flushing and/or landscape irrigation.
101. A variation to the standard is considered acceptable on this basis.

Standard B10 - Energy efficiency protection

102. Complies with the standard subject to conditions. The proposal includes a number of windows for all dwellings which allow for cross-ventilation and for daylight access. In particular, there are a number of north and east-facing windows which allow for direct solar access. These windows are also appropriately protected with external louvres. Further to this, solar hotwater systems are proposed, also helping to improve the building's en

Standard B12- Safety

103. Complies with the standard. The proposed entrances are setback from the street, however they are not obscured or isolated from the street. Ample windows and terraces with outlooks onto the entrances and street and proposed to increase passive surveillance opportunities.

Standard B13 – Landscaping

104. Complies with the standard. As indicated earlier in the report, the subject site is located in the area classified by Council as '*Inner Suburban Residential*' within clause 21.08-2, which describes the built form as a residential area with small gardens (if any) and minimal front and side setbacks. The proposal is consistent with this character with a small front garden proposed along the Manton Street frontage. There is limited opportunity to provide a true garden on the Stawell Street frontage, instead three smaller landscaped areas are proposed within the ground floor setback. A standard condition will be included on any permit to issue to ensure the landscaping is maintained to Council's satisfaction.

Standard B14 – Access

105. Complies with the standard. The existing crossover to Stawell Street is retained with one new double-width crossover proposed at the northern end of the site to service two of the townhouses. The application was referred to Council's Traffic Engineer on three separate occasions, with the comments provided in the referral section. In summary, the proposed crossover is considered acceptable subject to the following conditions:

- (a) *The new vehicle crossing must be constructed within the following parameters:*
 - (i) *The road hump must remain in place;*
 - (ii) *The footpath cross-fall must be DDA compliant;*
 - (iii) *The footpath along the property's Stawell Street frontage must be re-graded, commencing from the northern boundary to the new crossing and continuing to the existing vehicle crossing;*
 - (iv) *To construct the new vehicle crossing, the finished floor levels along the edges of the two single garage concrete slabs may need to be altered or lowered;*
 - (v) *A bull-nose may be permitted;*
 - (vi) *A 1 in 20 cross-sectional drawing must be prepared showing the existing footpath profile, kerb and channel and the road hump, and is to be fully dimensioned. All reduced levels of existing features and design levels are to be included. The applicant's engineer must demonstrate that the vehicle crossing will work with an 85th percentile vehicle or other suitable vehicle profile.*

106. A specific concern was raised by objectors regarding the reduced level of visibility for motorists at the intersection of Manton and Stawell Streets as a result of the proposed development. Council's Traffic Engineer reviewed this specific issue, and advised that the increased setback of the building at all levels from Manton Street has significantly improved the level of visibility and is acceptable.

Standard B15 - Parking location

107. Complies with the standard. The car spaces for the new dwelling are in a convenient location for the residents as they are near the entrance area with a door also adjacent to the internal areas.

Standard B17 - Side and rear setbacks

108. Complies with the objective. The following side and rear setbacks proposed.

Boundary	Height of wall	Minimum setback required	Setback provided
East	2.5m to 8.3m	1m to 3.4m	0.5m – 1.8
West -ground level -1 st level - 2 nd level	3.6m 5.91m 8.21m	1m 1.69 3.3m	1.25m 1.5m 3.25m
South	6.1m to 8.4	1.7m to 3.5m	1.6m and 2.7m – 4.7m

109. A variation to the suggested setback requirements are acceptable on the following basis:

- (a) The eastern boundary of the subject site is Stawell Street, and accordingly the reduced setbacks do not result in amenity impacts.

- (b) On the western boundary, it is clear from the table above that there is only marginal non-compliances at the first and second floors in the order of 19mm and 5mm respectively. These marginal shortfalls would not have a noticeable impact, and considered acceptable given the small lot size and inner city location of the site, and its abuttal with existing built form.
- (c) The southern interface of the development is to a blank wall and side setback of the adjoining property, and not a sensitive area. The shortfall in setback at the first floor is marginal being 1.6m instead of 1.7m, a difference which would not be noticeable by the naked eye. At the second level, the proposed setbacks partly exceed the minimum requirement, with the half closest to Stawell Street being short of the suggested 3.5m setback. This varied setback creates depth and visual interest for the building, whilst keeping the lesser setback closet to the street and away from any habitable room windows.

Standard B 18- Walls on boundaries

- 110. The proposal incorporates walls on the south boundary at the ground and first floors, and on the west boundary at all three levels as follows:
 - (a) South – 4.3m – 4.5m high (inclusive of the balustrade to the first floor terrace) for 6.2m in length; and
 - (b) West – 8.21m high for a maximum length of 13.6m at the second level, and 15m long at the first level.
- 111. Under the standard, the maximum allowable length of wall allowed on the boundary would be 13.3m. The proposal exceeds this with a maximum 15m long wall proposed on the west boundary at the first floor. A variation to the standard is considered acceptable in this instance given the wall largely abuts the adjoining single storey dwelling, and would not result in adverse amenity impact on the adjoining property to the west given the minuscule increase in overshadowing to the neighbour's private open space. It is noted that this interface has been improved under the amended plans with the length of the wall reduced, and setback increased to 1.5m. A permit condition will ensure the first floor plan is to be amended with the correct setback dimension, as per the second floor.
- 112. Regarding the new wall on the south boundary it would be constructed largely opposite a blank wall along the side setback of the adjoining property, and not a sensitive area. It is noted that there is a north-facing window on the adjoining property located further to west of the new wall proposed. The on boundary construction is therefore considered acceptable and consistent with the character to the area, whilst not resulting in adverse amenity impacts.

Standard B19 - Daylight to existing windows

- 113. Not applicable as there is no existing habitable room windows opposite the proposed development, save for one north-facing window on the property to the south, which will be discussed in the following section.

Standard B20 – North-facing windows

- 114. Complies with the objective. As highlighted earlier, the proposed development is located within 3m of one north-facing habitable room window on the adjoining property to the south, and a setback in the order of 3.7m would be required under the standard. The development does not comply with the requirement with a wall constructed on the boundary at ground level, and setback 2.7m and 4.7m at the first and second floor respectively.

115. The applicant has submitted cross-sectional diagrams to illustrate that this window would only be fully in shadow at 9am and 10am. By 11am, half of the window would receive direct solar access; and full solar access thereafter. This outcome is considered acceptable given the narrow width of properties in an inner city location and the orientation of the site.

Standard B21- Overshadowing open space

116. Complies with the objective. Given the orientation of the site, overshadowing would affect the properties to the south and west. Based on the shadow diagrams submitted, there would be no increase in overshadowing to the private open space [POS] of the property to the west at 9am and 10am, as the area is already in complete shadow at these times. At 11am, there would be a small increase in the order of 1sqm of additional overshadowing, albeit, the area free of any overshadowing at this time is only a slither of land approximately 3.3sqm. From 12 noon and onwards, there would be no additional overshadowing from proposed development onto this POS area. Given the limited solar access to this area in the morning hours, an additional 1sqm of overshadowing at one hour of the day would not be detrimental to the enjoyment of this area considering the existing conditions.
117. As for the property to the south, the development would not affect its POS area given its location to the west and furthest away from the subject site. Additional overshadowing is limited to the side setback of the property, and not POS.

Standard B22- Overlooking

118. Complies with the standard subject to condition. There is no potential for overlooking to the north or east as the proposal faces Manton and Stawell Streets. To the west, the terrace at the first floor to townhouse T3 is appropriately screened to 1.7m high above finished floor level. Similarly, to the south the first floor terrace and habitable room windows have been appropriately treated.

Standard B23 - Internal views

119. Complies with the standard. There will be no overlooking between the dwellings within the development as there are no habitable rooms or terrace which face each other.

Standard B24 - Noise impacts

120. Complies with the standard. The proposal is within a residential area with no potential non-residential noise sources which the habitable rooms must be protected from.

Standard B25 - Accessibility

121. Complies with the standard. All three townhouses are proposed with an individual entry at ground level from the street.

Standard B26 - Dwelling entry

122. Complies with the standard. The proposal complies with Standard B26 as the proposed dwellings are provided with clear and delineated entrances from the street which creates a strong sense of address. The dwellings are provided with a prominent entry and path leading up to the front door.

Standard B27- Daylight to new windows

123. Complies with the standard. All habitable room windows have at least 1m clear to the sky and 3sqm in area and therefore comply with the condition.

Standard B28- Private open space

124. Complies with the standard. All townhouses are proposed with more than the minimum 8sqm of private open space and with direct access to a living area.

Standard B29- Solar access to open space

125. Complies with the objective. Given the orientation of the site it would not be possible to provide direct solar access to the POS of all three townhouses. Under the proposal only townhouse T1 would have direct solar access to its terrace; townhouses T2 and T3 would have an east and/or west orientation/outlook and therefore have some solar access. This is considered acceptable having regard to the useability and accessibility of the space, orientation of the site, and the objectives of urban consolidation.

Standard B30- Storage

126. Complies with the objective. Each townhouse is proposed with 5 cubic metres of storage within the garage, which is short of the suggested 6 cubic metres under the standard.
127. A variation to the standard is considered acceptable for dwellings within an inner suburban setting and without the need for a lawnmower, etc., residents of these townhouses would not have the same storage needs as residents in detached dwellings.

Standard B31 - Design detail

128. Complies with the standard. The proposal is a clearly modern design using a number of materials such as timber looking cladding, render, and corrugated steel. The proposal incorporates a rectilinear form with a flat roof, with a robust design response for the corner location. The terraces have a single form surrounding them which creates a simple yet visually interesting element to the street frontages. The Stawell Street elevation would benefit from having a larger window to the first floor bedroom of T2, to improve the solid to void ratio. This can be easily facilitated via a permit condition. As detailed in the referral section, Council's Urban Design Unit also supported the amended plans, commenting the following:

The articulation of the three town houses fronting Stawell Street will enhance the streetscape fit. Simplifying the elevations and providing the horizontal first level element to the Manton Street elevation is a design improvement from the original angled element. The reduction in the number of materials used is also an improvement.

Standard B32 - Front fence

129. Complies with the standard. As stipulated in Table 2 under Clause 54.06-2, a front fence within 3m of a street should not exceed a height of 1.5m. The proposed fence has a height of 1.2m along Manton Street, and part of Stawell Street, complying with the standard.

Standard B34- Site services objective

130. Complies with the standard. The proposed dwellings are within an established area with the ability for mailboxes and bins to be sited fronting their corresponding street frontages. Garbage and recycling collection are also able to take place from either street frontage.

Clause 22.10 – Built form and design policy

131. The policy applies to all new development not included in a heritage overlay and comprises ten design elements. Notably, Clauses 22.10-3.6 to 22.10-3.11 do not apply for applications required to be assessed against Clause 55.
132. An assessment against the relevant design elements is provided below:

Clause 22.10-3.2 Urban form and character

133. The proposal will continue with the existing pattern of the surrounding area in terms of building design, massing, modulation and façade articulation. The proposal responds to the wider surrounding character, particularly the contemporary dwellings which have been built recently to the east of the site. This development will contribute to the ever changing and modernisation of this segment of Richmond.

Clause 22.10-3.3 Setbacks & building heights

134. The maximum building height of the building would be 8.3m and is acceptable as there are other similarly sized buildings within Manton and Stawell Streets and the wider area. As previously stated in the assessment of Standards B17 and B18, the proposal does not strictly comply with the setback requirement on the south and west sides. However the variations are considered acceptable given the limited off-site amenity impacts on the adjoining properties and the small lot size.

Clause 22.10-3.4 Street and Public Space Quality

135. The proposal is to be orientated to both Manton and Stawell Streets and is of a simple, yet contemporary design, which will contribute to the quality of public space. As previously stated, the proposal picks up on elements visible in both Manton and Stawell Streets and the wider area to incorporate into the design such as a rectilinear built form, window proportions and the use of modern materials. The variance in materials to the front façades and fenestration provide for visual interest. The proposal incorporates front balconies which will allow for a greater pedestrian experience through passive surveillance. The development does not include any high fences to obstruct views to and from the site.

Clause 22.10-3.5 Environmental sustainability

136. Overall the proposal is acceptable in terms of environmental sustainability there are a number of windows at all floors facing all directions which will allow for solar access and cross-ventilation. The proposal incorporates light courts and various setbacks to allow for daylight access at all levels. The proposal includes a number of east and west-facing windows and balconies which can cause excessive heat gain. However as they all have either overlooking screening or balconies to shade them, the level of heat gain is reduced. Further, a 2,500lt rain water tank is proposed to assist with storm water retention in accordance with Clause 22.16. As discussed earlier, a permit condition will require the water tank to be connected to toilets for toilet flushing or for irrigation to the landscaping.

Clause 22.13 Residential Built Form Policy

137. As previously stated, the existing pattern of minimal side and front setbacks and on-boundary walls has been maintained. The townhouses will have an orientation to either Manton or Stawell streets and is consistent with the existing pattern. As highlighted earlier, whilst the proposal is three storeys in height, and therefore would be more than one storey higher than the two adjoining properties, the overall 8.3m height is comparable to the existing two-storey dwelling on site at 7.6m. Further to this, there are other examples of three storey dwellings in the immediate area, including ones adjacent to single storey dwellings. As highlighted earlier, the built form character of Manton and Stawell is highly varied, with the proposal clearly responding to the emerging character of the area. Accordingly, the non-compliance with this aspect of the policy is not fatal to the proposal.
138. Further, the uppermost level is made recessive through the use of setbacks and materials to allow for a 'stepping up' affect with the lower adjoining properties, thus reducing the overall visual impact of the different in overall height. This treatment is considered acceptable.

Objector Concerns

139. The majority of the issues which have been raised by the objectors have been addressed within this report.

- (a) Overdevelopment (too high and bulky, lack of setbacks, high site coverage and low site permeability)

The construction of three, three-storey townhouses is not considered to be an overdevelopment of a site located within the inner-city and within an area designated for residences. Both State and Local policies encourage urban consolidation and hence an increase in density of people. The limited off-site amenity impact further consolidates this position. It is considered that existing infrastructure can accommodate this increase. The increase in residents would be a small percentage of the overall population in the area.

Refer to paragraphs 96 to 101 for an assessment on height, setbacks, site coverage and permeability.

- (b) Fails to fit in with the neighbourhood character

Refer to the assessment on neighbourhood character at paragraphs 83 to 87.

- (c) Off-site amenity impacts (overshadowing, overlooking, noise)

Issues relating to overlooking and overshadowing have been discussed at paragraphs 116 to 118.

Regarding the noise concern, it is not considered that the proposed development will generate a noise level above that which is acceptable in a residential area. Any noise levels as a result of the use of the dwellings would be typical of a residence.

- (d) Construction on the boundary and associated structural damage to adjoining properties

The issues associated with the construction of the development would be controlled by the building permit issued for the site. The relevant Building Surveyor would be required to ensure compliance with the relevant building regulations. In the event damage occurred to the southern adjoining property, the property owner/s would need to explore their civil options.

- (e) Reduction of car parking is not appropriate

The development proposes three spaces on site, one for each townhouse; meeting the requirement of clause 52.06. A concern was raised regarding the potential use of the study in T2 and lounge room in T1 as bedrooms, and therefore should be treated as bedrooms and additional car parking should be provided.

Clause 52.06 stipulates that a study which is in a separate room be counted as a bedroom under the provision. The study in T2 is not a separate room as it part of the entrance, and therefore should not be treated as a bedroom. Regarding, the lounge in T1, this room has been nominated as a lounge room and not study, and therefore the requirement at clause 52.06 does not apply.

The development has met its requirement under clause 52.06, with three spaces provided on site, and the reduction is not required. It is noted that the application was incorrectly advertised, and should not have included a car parking reduction for the above reasons.

- (f) Plan discrepancies

This concern was raised in relation to the original set of plans, which failed to show the location of the chimneys abutting the adjoining property to the west. The amended plans have rectified this issue, and show the chimneys to be retained.

Conclusion

140. Based on this report, the proposal is considered to comply with the relevant planning policy and should therefore be supported, 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 PLN13/0688 for the development of the land for the construction of three, three-storey town houses at 30 Manton Street, Richmond, subject to the following conditions:

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 plans received by Council on 11 November 2014 TP07C, TP08C, TP10C, TP11C, TP12C, TP13C, and TP14C, but modified to show:
 - (a) a larger and/or additional window to the first floor east elevation of T2;
 - (b) the first floor plan to correctly show the western wall of T3 setback 1.5m from the west boundary;
 - (c) the rain water tank noted as being connected to toilets for toilet flushing and/or for landscape irrigation; and
 - (d) a 1 in 20 cross-sectional drawing must be prepared showing the existing footpath profile, kerb and channel and the road hump, and is to be fully dimensioned. All reduced levels of existing features and design levels are to be included. The applicant's engineer must demonstrate that the vehicle crossing will work with an 85th percentile vehicle or other suitable vehicle profile.
2. All development must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. Prior to the completion of development, any wall on the boundary of an adjoining property must be cleaned and finished to the satisfaction of the Responsible Authority.
4. All privacy screens must be installed prior to the occupation of the building and maintained thereafter to the satisfaction of the Responsible Authority.
5. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the plans must be carried out and completed to the satisfaction of the Responsible Authority.

The landscaping shown on the endorsed plan must be maintained by:

- (a) not using the areas set aside for landscaping for any other purpose; and
- (b) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

6. Any damaged road(s) and footpath(s) or other Council infrastructure adjacent to the development site as a result of the proposed development must be reinstated at the cost of the developer to the satisfaction of the Responsible Authority prior to the occupation of the building.

7. The new vehicle crossing must be constructed within the following parameters:
 - (a) The road hump must remain in place;
 - (b) The footpath cross-fall must be DDA compliant;
 - (c) The footpath along the property's Stawell Street frontage must be re-graded, commencing from the northern boundary to the new crossing and continuing to the existing vehicle crossing;
 - (d) To construct the new vehicle crossing, the finished floor levels along the edges of the two single garage concrete slabs may need to be altered or lowered; and
 - (e) A bull-nose may be permitted.
8. The car parking area must be used for no other purpose to the satisfaction of the Responsible Authority.
9. Existing kerb and channel, and road pavement surface levels must not be altered, unless with the prior written consent of the Responsible Authority.
10. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7.00 am - 6.00 pm, Monday-Friday (excluding public holidays) and 9.00 am - 3.00 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
11. This permit will expire if any of the following occur:
 - (a) The development is not commenced within two (2) years from the date of this permit; or
 - (b) The development is not completed within four (4) years from 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 after the expiry date for commencement, or within twelve months after the expiry date for completion.

NOTE: The new vehicle crossing must be constructed in accordance with City of Yarra Standard Drawings and Specifications.

NOTE: The vehicle crossing must be designed and constructed to satisfy the requirements of Council's Community Amenity unit's Vehicular Access into Properties (Info Sheet and Application Form) before a vehicle crossing permit can be issued.

NOTE: 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.

NOTE: A building permit may be required before development is commenced. Please contact Council's Building Department on Ph. 9205 5351 to confirm.

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

CONTACT OFFICER: Ally Huynh
TITLE: Principal Planner
TEL: 92055040

Attachments

- 1** Subject site aerial
- 2** Existing Context & Site Plans
- 3** Floor plans, Elevations, Shadow plans & 3D renders



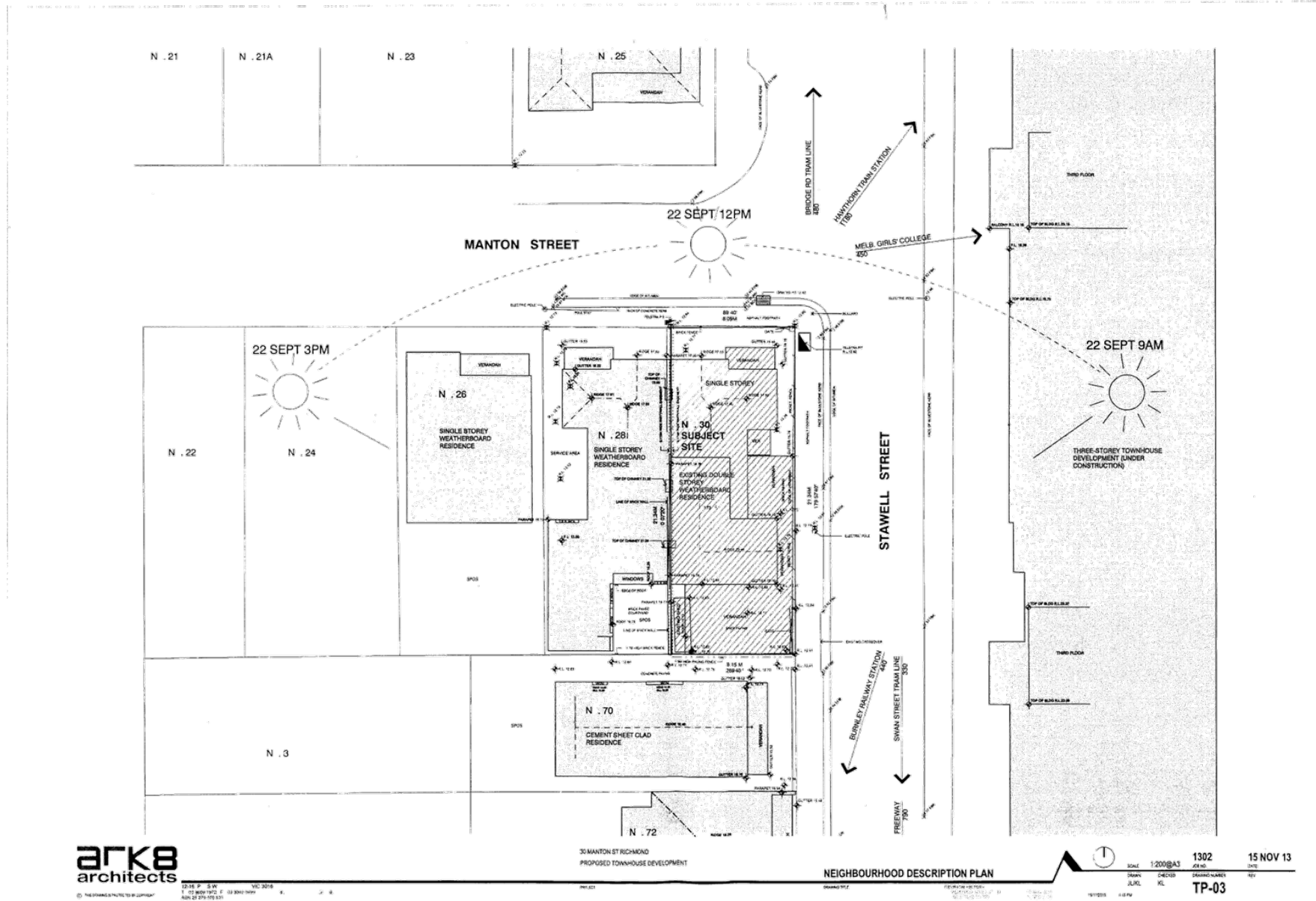
Attachment 2 - Existing Context & Site Plans



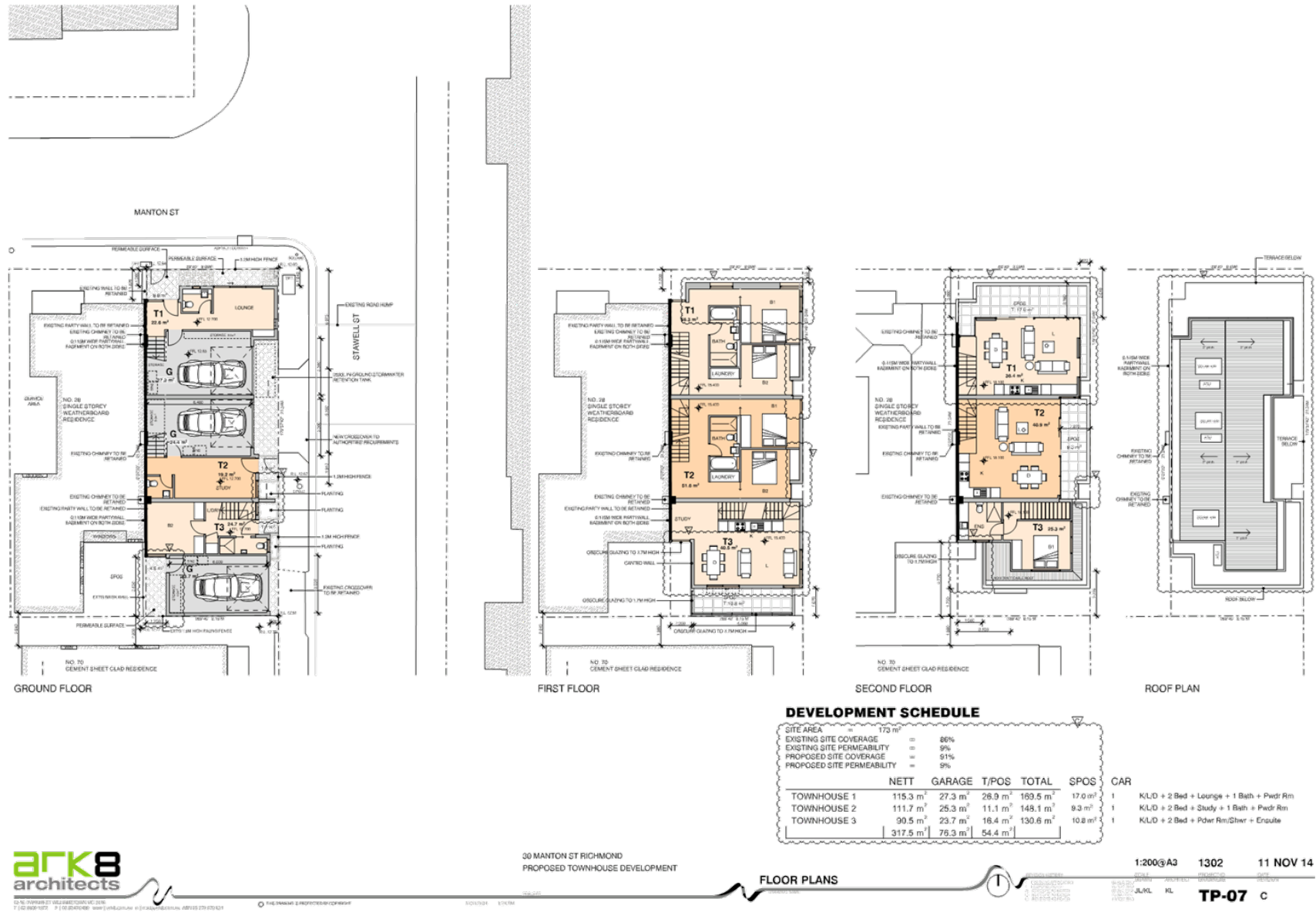
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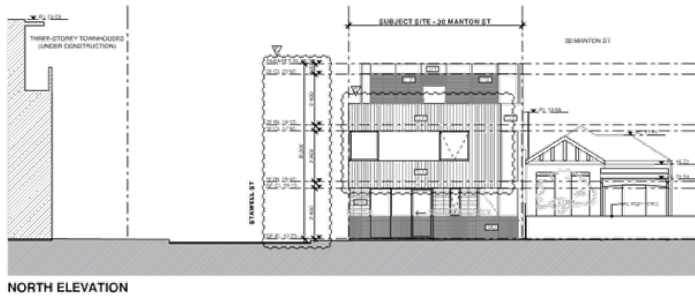
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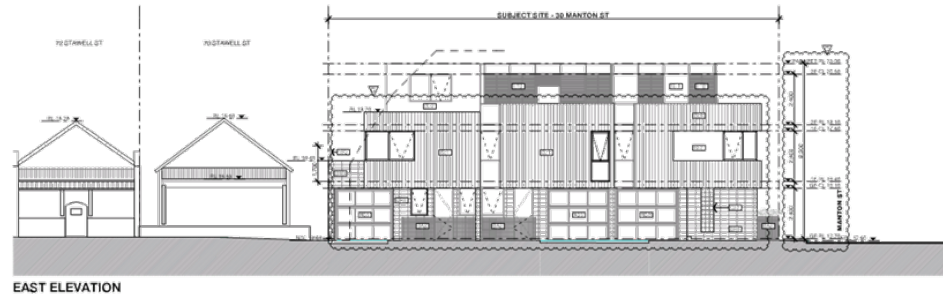
Attachment 3 - Floor plans, Elevations, Shadow plans & 3D renders



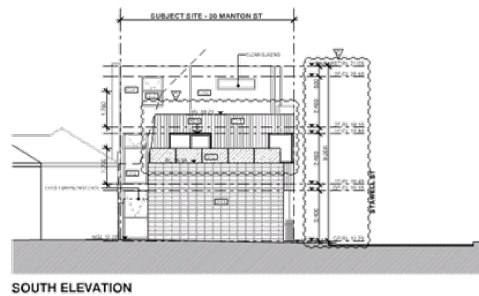
Attachment 3 - Floor plans, Elevations, Shadow plans & 3D renders



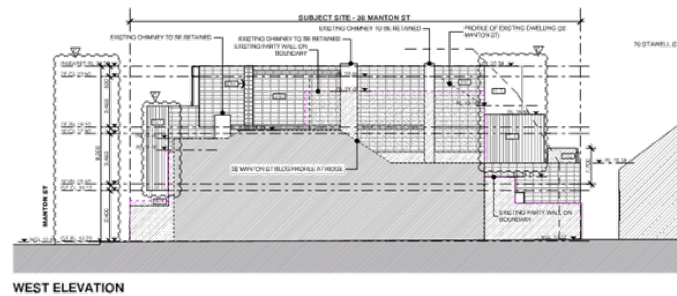
NORTH ELEVATION



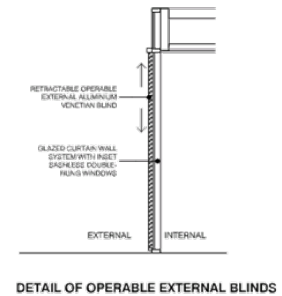
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



DETAIL OF OPERABLE EXTERNAL BLINDS

Legend			
	FACE BLOCKWORK - JASPER GREY		PERFORATED METAL GARAGE DOOR - POWDERCOATED FINISH - SILVER - 50% OPENING
	FACE BLOCKWORK - WHITE ALABASTER		GLAZED WALL
	CLADDING TYPE 1 - VERTICALLY EXPOSED TIMBER LOOK GLAZINGS		GLAZED BLOCK WALL - BLACK
	CLADDING TYPE 2 - 'HARD WHITE' TEXTURE PAINT FINISH		OBSCURE GLAZED WINDOW/BALUSTRADE
	FOLDED STEEL - GALVANIZED FINISH		METAL RAILINGS - POWDERCOAT FINISH
	OPERABLE EXTERNAL BLINDS		

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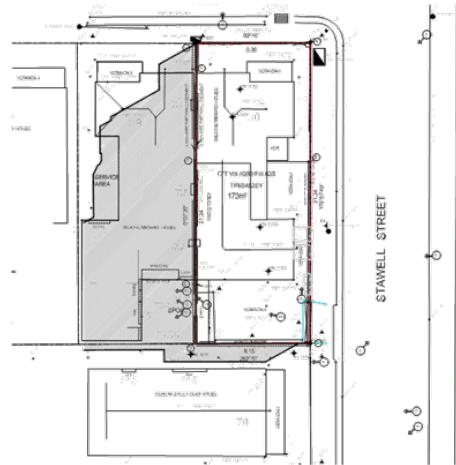
30 MANTON ST RICHMOND VIC 3121
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30 MANTON ST RICHMOND
PROPOSED TOWNHOUSE DEVELOPMENT

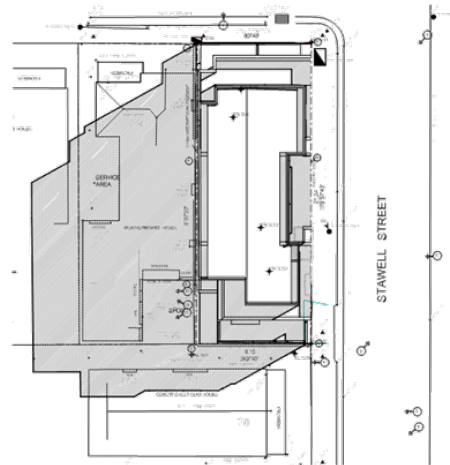
ELEVATIONS

1:200 @ A3 1302 11 NOV 14
JUL KL TP-08 C

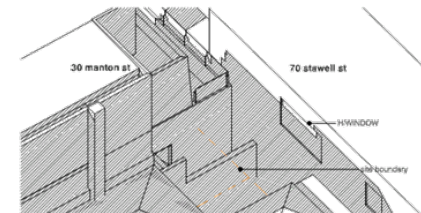
Attachment 3 - Floor plans, Elevations, Shadow plans & 3D renders



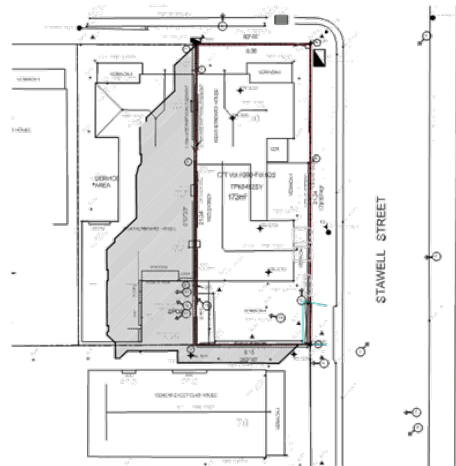
9 AM - EXISTING CONDITIONS



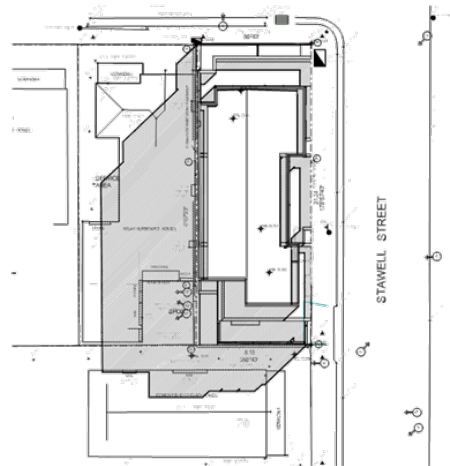
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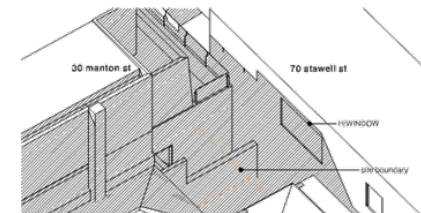
3D SHADOW STUDY OF H/WIN OF 70 STAWELL ST



10 AM - EXISTING CONDITIONS

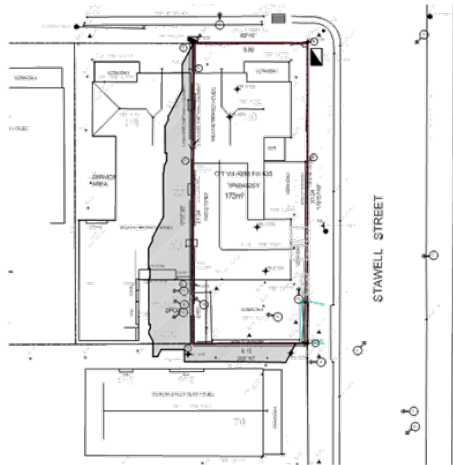


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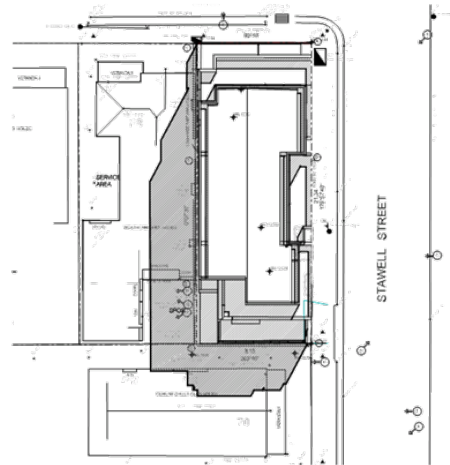


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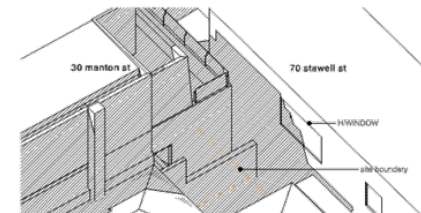
Attachment 3 - Floor plans, Elevations, Shadow plans & 3D renders



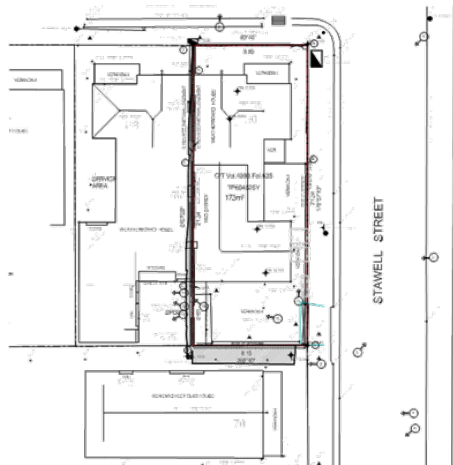
11 AM - EXISTING CONDITIONS



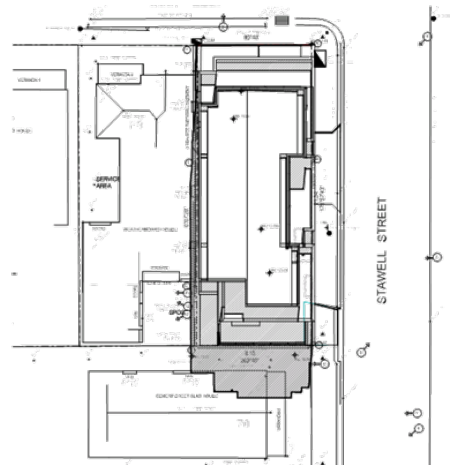
11AM - PROPOSED CONDITIONS



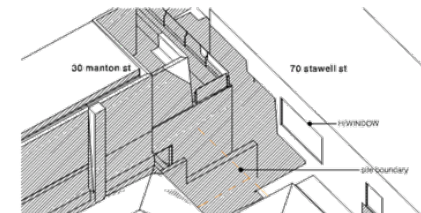
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12 PM - EXISTING CONDITIONS

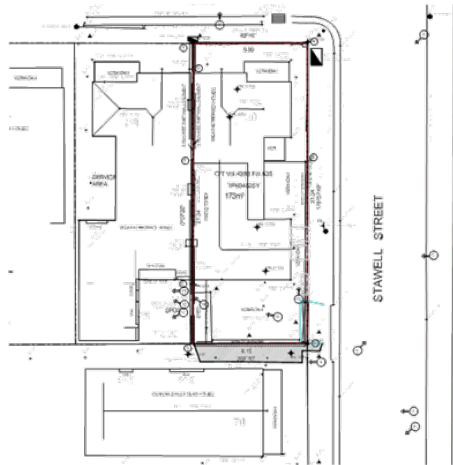


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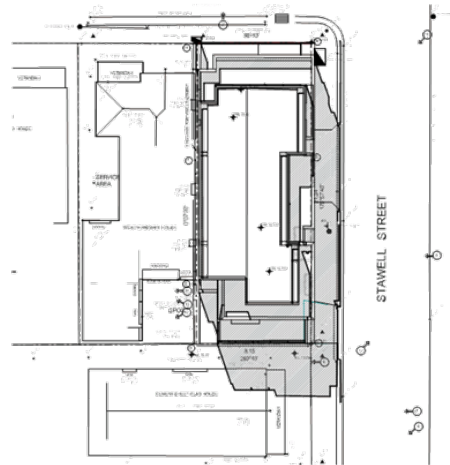


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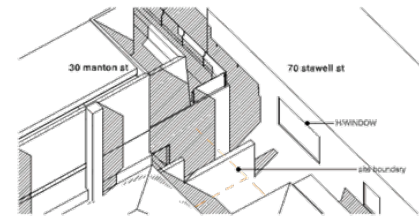
Attachment 3 - Floor plans, Elevations, Shadow plans & 3D renders



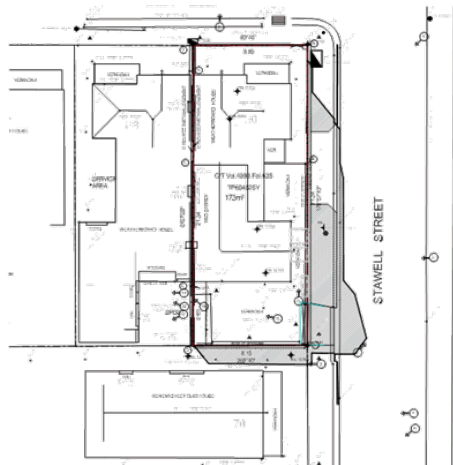
1 PM - EXISTING CONDITIONS



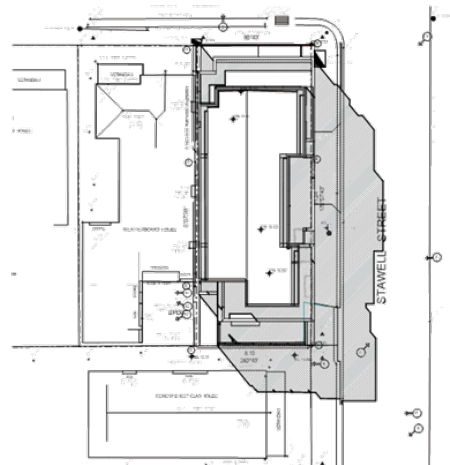
1 PM - PROPOSED CONDITIONS



3D SHADOW STUDY OF H/WIN OF 70 STAWELL ST



2 PM - EXISTING CONDITIONS



2 PM - PROPOSED CONDITIONS

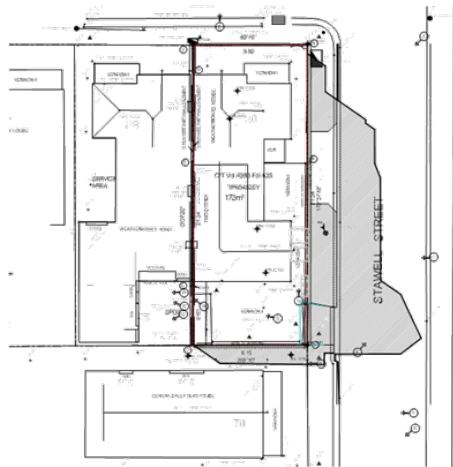
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PROPOSED TOWNHOUSE DEVELOPMENT

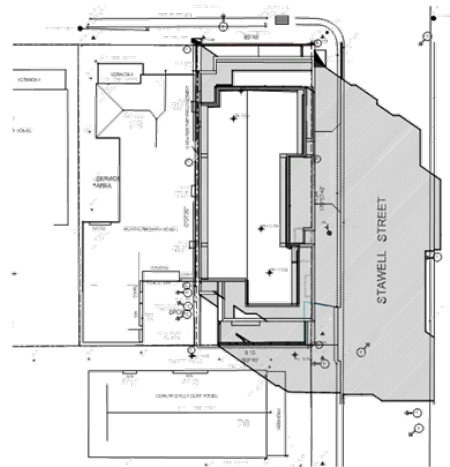
SHADOW DIAGRAMS 22 SEPT:1-2PM

1:300 @ A3 1302 11 NOV 14
JUL KL TP-12 C

Attachment 3 - Floor plans, Elevations, Shadow plans & 3D renders



3 PM - EXISTING CONDITIONS



3 PM - PROPOSED CONDITIONS

Attachment 3 - Floor plans, Elevations, Shadow plans & 3D renders



VIEW 01: MANTON ST LOOKING SOUTHEAST



VIEW 02: MANTON ST LOOKING SOUTH



VIEW 03: STAWELL ST LOOKING NORTHWEST



VIEW 04: STAWELL ST LOOKING SOUTHWEST

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PROPOSED TOWNHOUSE DEVELOPMENT

VISUAL AIDS

1:200 @ A3 1302 11 NOV 14
JUL/KL TP-14 c