



YARRA CITY COUNCIL
Internal Development Approvals Committee
Agenda

**to be held on Wednesday 15 February 2017 at 6.30pm
in Meeting Room 3 at the Richmond Town Hall**

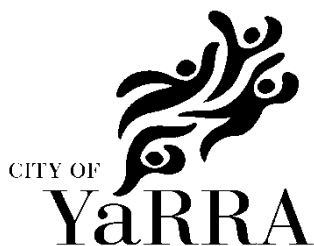
Rostered Councillor membership

Councillor Misha Coleman
Councillor Daniel Nguyen
Councillor Danae Bosler

- I. ATTENDANCE**
Amy Hodgen (Acting Co-ordinator Statutory Planning)
Patrick Sutton (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.
Yarra City Council acknowledges the
Wurundjeri as the Traditional Owners
of this country, pays tribute to all
Aboriginal and Torres Strait Islander
people in Yarra and gives respect to
the Elders past and present."***



Guidelines for public participation at Internal Development Approval Committee meetings

POLICY

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

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

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

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

**Governance Branch
2008**

1. Committee business reports

Item		Page	Rec. Page
1.1	PLN15/0783 - 8 Hunter Street, Richmond - Development of the land for two, three-storey dwellings.	5	29

1.1 PLN15/0783 - 8 Hunter Street, Richmond - Development of the land for two, three-storey dwellings.

Executive Summary

Purpose

1. This report provides Council with an assessment of the planning permit application for the development of 8 Hunter Street, Richmond for development of the land for two dwellings.

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 – ResCode.

Key Issues

3. The key issues for Council in considering the proposal relate to:
 - (a) Neighbourhood character,
 - (b) Height and scale of dwellings;
 - (c) Appropriateness of setbacks;
 - (d) Amenity impacts; and
 - (e) Objectors concerns

Objector Concerns

4. Seven (7) objections were received to the application, these can be summarised as:
 - (a) Inappropriate response to neighbourhood character;
 - (b) Amenity impacts to adjoining dwellings;
 - (i) Visual bulk;
 - (ii) Overshadowing; and
 - (iii) Overlooking.
 - (c) Insufficient car parking and traffic impacts; and
 - (d) Impacts on property values.

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: Patrick Sutton
TITLE: Senior Statutory Planner
TEL: 9205 5357

1.1 PLN15/0783 - 8 Hunter Street, Richmond - Development of the land for two, three-storey dwellings.

Trim Record Number: D17/9757
 Responsible Officer: Principal Planner

Proposal: Development of the land for two dwellings
Existing use: Single dwelling
Applicant: PSCA
Zoning / Overlays: General Residential Zone (Schedule 2)
Date of Application: 7 August 2015
Application Number: PLN15/0783

Planning History

1. There are no previous planning applications which are relevant to the proposed development.

Background

2. The application was lodged on the 7th of August 2015 for development of the land for four (4), three-storey dwellings (plus rooftop terraces). After the applicant was advised that the height of the proposed development was prohibited (being above 9m), the plans were revised to delete the rooftop areas.
3. Council officers raised further concerns with regard to the four (4) dwelling proposal which resulted in the applicant lodging amended plans to council on the 14th of April 2016 showing the development of the land for two dwellings. These plans were subsequently advertised and seven (7) objections were received.
4. In response to objections and issues raised by council officers, revised plans were submitted on the 24th of October 2016 under Section 57(a) of the *Planning and Environment Act* (1987). The amended plans made modifications to the proposed development, including the following:
 - (a) Increased setbacks from the northern boundary (Both dwellings);
 - (b) Deletion of second floor balcony from Dwelling 1 (Lord Street dwelling);
 - (c) Increased setbacks from the southern boundary (Both dwellings); and
 - (d) Changes to external materials.
5. The amended plans submitted were re-advertised to registered objector parties. No new objections were received – one existing objector reiterated concerns from their previous objection.
6. A consultation meeting was held on the 29th of November 2016 and was attended by the applicant, objectors and Council officers.

Existing Conditions

Subject Site

7. The subject site is located on the western side of Hunter Street, approximately 50m of the intersection with Bridge Road in Richmond.

8. The lot itself is rectangular in shape, with a frontage to Hunter Street of 10.6m, a depth of 30.18m and covering a total area of approximately 319m². The rear (western) boundary of the lot faces onto Lord Street.
9. The subject site is currently developed with a single-storey, weatherboard dwelling orientated east towards Hunter Street with an area of secluded open space to the rear. Vehicle access is available to the rear of the lot via Lord Street.

Surrounding Land

10. The character of Hunter Street is predominantly single and double-storey dwellings, with the surrounding area characterised by a mix of traditional dwellings and modern townhouse style dwellings (generally along the eastern streetscape). Lord Street serves as a service street to the rear of properties fronting Hunter Street and as a street frontage to medium density, contemporary infill developments on the west side, which range between five and six storeys in height.
11. The site is located approximately 50m south of the Bridge Road Activity Centre (AC) and 800m north of the Swan Street AC enjoying good access to community facilities and public transport, with trams operating frequently along both main thoroughfares.
12. The immediately adjoining lots can be described as follows:

North – No.6 Hunter Street

13. To the north is No.6 Hunter Street which contains a double-storey, brick dwelling which is one of a pair with the dwelling to its north. This neighbouring lot is located within the Neighbourhood Residential Zone (NRZ1) and is also covered by a site specific Heritage Overlay – Schedule 269. The dwelling is rated as ‘individually significant’ along with the dwelling to the north at No.4 Hunter Street.
14. The dwelling is set back approximately 4.0m from Hunter Street behind a front verandah. The dwelling is constructed to both side boundaries (north and south) with an area of secluded open space located to the rear of the lot. This space also contains vehicle access to Lord Street via a roller-door.
15. An on-boundary, south-facing window is located at first floor of this dwelling, approximately 8.8m from the Hunter Street frontage.

South – No.10 Hunter Street

16. To the south is No.10 Hunter Street which contains a single-storey, weatherboard dwelling which is orientated east to Hunter Street. This dwelling is constructed to both side boundaries (north and south) and occupies the majority of the lot. A south-facing light-court (labelled as private open space on the plans) and modest area (approx. 5m²) within the north-western corner are the only areas which have not been occupied by built form as indicated in the photograph below (No.10 highlighted in red):



17. The area in the north-western corner of this lot is covered by a shade structure which is attached to the inside of a roller-door to Lord Street and the built form located further east.

West – Lord Street properties

18. To the west is Lord Street, an area which has experienced transformation from former industrial warehouse uses to higher density residential developments. Directly opposite the subject site is a row of large-scale five and six storey residential buildings.
19. The photograph below is the view from the south, looking north towards the subject site and Bridge Road. The land on the western side of Lord Street falls within the Mixed Use Zone and contains robust, residential developments with three and four-storey street walls.



East – Hunter Street properties

20. To the east of the subject site is Hunter Street which contains a mix of single and double-storey dwellings which has resulted in an eclectic streetscape character. There is a strong emergence of more robust, double-storey developments emerging within the streetscape as the existing building stock is being replaced with new developments.
21. The photograph below is the view from the south, looking north towards the subject site and Bridge Road.



The Proposal

22. The proposed development is for two, three-storey dwellings. The application can be summarised as follows:

Demolition

23. Existing buildings and fencing would be demolished.

Development

Dwelling 1 – Lord Street

24. This dwelling would contain an open plan kitchen/living/dining area at ground floor along with study area and bathroom. An area of secluded open space (26.1m²) would be located to the rear (east) of the dwelling. Two car parking spaces would be located within the Lord Street frontage within a stacker system. At first floor the dwelling would contain two bedrooms, two bathrooms and a retreat. Second floor would contain one bedroom with ensuite and study area.
- (a) The dwelling would be setback from Lord Street between 1.3m and 5.6m at ground floor, 1.3m and 6.8m at first floor and between 3.4m and 6.4m at second floor.
 - (b) The north-facing wall would be constructed to the boundary for a length of 9.1m at ground floor and 4.2m at first floor, with a maximum height of 6.0m. The first floor, north-facing wall associated with the retreat and second floor wall associated with the staircase would be setback 1.75m and 2.37m with a maximum heights of 6.0m and 9.0m respectively.
 - (c) The south-facing wall associated with the entrance would be set back 3.7m from the boundary with the living room and storage area walls located on-boundary for 7.6m with a maximum height of 3.2m.
 - (d) The south-facing walls at first floor would be set back between 1.0m and 3.8m from the boundary with a maximum height of 6.1m.
 - (e) The second floor, south-facing walls would be set back between 2.0m and 3.78m with a maximum height of 9.0m.

Dwelling 2 – Hunter Street

25. This dwelling would contain an open plan kitchen/living/dining area at ground floor along with a study and bathroom. An area of secluded open space (25.8m²) would be located to the rear (west) of the dwelling. Two car parking spaces would be located within the Hunter Street frontage within a stacker system. At first floor the dwelling would contain two bedrooms, two bathrooms and a retreat. Second floor would contain one bedroom with ensuite.
- (a) The dwelling would be set back from Hunter Street between 5.0m and 5.6m at ground floor, 5.0m and 5.84m at first floor and 6.6m and 7.7m at second floor.
 - (b) The ground floor, north-facing wall would be constructed along the boundary for a length of 8.77m with a maximum height of 3.2m. The first floor wall would be set back 1.75m with a maximum height of 6.03m and the second floor wall set back 2.0m with a maximum height of 8.9m.
 - (c) The south-facing wall would be constructed to the boundary for a length of 8.17m with a maximum height of 3.2m.
 - (d) The south-facing wall at first floor would be set back 1.0m with a maximum height of 6.03m.
 - (e) The south-facing, second floor walls would be set back between 2.2m and 3.7m with a maximum height of 9.0m.

Materials and form

- (f) Both dwellings have a contemporary design, utilising rectilinear lines and flat roof forms which are strongly evident within the surrounding streetscape character. The ground and first floor portions of each dwelling would utilise the darker elements/materials including the face brick and dark rendered with lighter render and bronze finishes at second floor to allow the upper portion of the building to be present as a cap above (in conjunction with upper level setbacks).

- (g) The following materials would be applied/utilised for the proposed development:
 - (i) Light/Dark Grey Rendered Finish;
 - (ii) Face Brickwork – Boral ‘Hor Nat’, ‘Mocha’ or similar;
 - (iii) Bronze finish stud walls

Planning Scheme Provisions

Zoning

General Residential Zone – Schedule 2

- 26. Pursuant to clause 32.08-4 of the Yarra Planning Scheme, a planning permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.
- 27. Schedule 2 of the zone states at Point 3.0:
 - (a) *Maximum building height requirement for a dwelling or residential building:*
 - (i) *A building used as a dwelling or residential building must not exceed the height of 9 metres.*

Overlays

- 28. No overlays affect the subject site.

Particular Provisions

Clause 52.06 – Car parking

- 29. The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority before:
 - (a) a new use commences; or
 - (b) the floor area or site area of an existing use is increased; or
 - (c) an existing use is increased by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.
- 30. Table 1 in Clause 52.06-5 states that two (2) car parking spaces are required to be provided to a dwelling of three or more bedrooms. Based on the above, a total of four resident car parking spaces are required to be provided to the proposed development. As four car spaces are proposed, no reduction of car parking is triggered for this application.

Clause 55 - Two or More Dwellings on a lot

- 31. Pursuant to Clause 55 of the Scheme, this provision applies to an application to construct two or more dwelling on a lot in the General Residential Zone.

General Provisions

Clause 65 - Decision Guidelines

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

State Planning Policy Framework (SPPF)

Clause 15.01-1 – Urban Design

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

Clause 15.01-2 – Urban design principles

34. 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

35. The objective of this clause is:
- (a) To recognise and protect cultural identity, neighbourhood character and sense of place.
- The relevant strategies are:

- (i) Ensure development responds and contributes to existing sense of place and cultural identity.
- (ii) Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.

Clause 15.02-1 – Energy and resource efficiency

36. The objective of this clause is *‘to encourage land use and development that is consistent with efficient use of energy and the minimisation of greenhouse gas emissions’*.
37. The relevant strategy is as follows:
38. Improve efficiency in energy use through greater use of renewable energy.

Clause 16.01-2 Location of residential development

39. 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.

The relevant strategies are:

- (i) Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.

- (ii) Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.
- (iii) Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.
- (iv) Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.

Clause 16.01-4 Housing diversity

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

The relative strategies are:

- (i) Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.
- (ii) Encourage the development of well-designed medium-density housing which:
- (iii) Respects the neighbourhood character.
- (iv) Improves housing choice.
- (v) Makes better use of existing infrastructure.
- (vi) Improves energy efficiency of housing.
- (vii) Support opportunities for a wide range of income groups to choose housing in well serviced locations.
- (viii) Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.

Local Planning Policy Framework (LPPF)

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

Clause 21 - Municipal Strategic Statement [MSS]

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

Clause 21.04-1 – Accommodation and Housing

43. The relevant objectives and strategies of this clause are:

- (a) Objective 1 - To accommodate forecast increases in population.
 - (i) Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08;
 - (ii) Strategy 1.3 Support residual population increases in established neighbourhoods;

Clause 21.05-2 – Built Form, Urban Design

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

- (a) Objective 16 - To reinforce the existing urban framework of Yarra.
 - (i) Strategy 16.2 Maintain and strengthen the preferred character of each Built Form Character Type within Yarra.

- (b) Objective 17 - To retain Yarra's identity as a low-rise urban form with pockets of higher development.
 - (i) Strategy 17.1 - Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form.
 - (ii) Strategy 17.4 Apply the Residential Built Form policy at clause 22.13.
- (c) Objective 18 - To retain, enhance and extend Yarra's fine grain street pattern.
- (d) Objective 20 - To ensure that new development contributes positively to Yarra's urban fabric.
 - (i) Strategy 20.1 Ensure development is designed having particular regard to its urban context and specifically designed following a thorough analysis of the site, the neighbouring properties and its environs.
 - (ii) Strategy 20.4 Apply the Built Form and Design policy at clause 22.10.

Clause 21.05-3 Built Form Character

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

Clause 21.07-1 – Ecological sustainable development

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

Clause 21.08 – Neighbourhoods

- 48. The following statement has been extracted from the description of Central Richmond (area between Bridge Road and Swan Street) at clause 21.08-10 of the Scheme:
 - (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.*
 - (b) *The Bridge Road major activity centre is an important regional centre. It can be split into three distinct precincts:*
 - (i) *Bridge Road West, from Punt Road to Church Street, encompasses a variety of retail outlets, with an emphasis on fashion, clothing and footwear. The precinct includes the Epworth Hospital and associated health services.*
 - (ii) *Church Street to Coppin Street is diverse in its array of land uses with cafes, bars and restaurants dominating the south side and the Town Hall dominating the north side. This part of the centre does not have a consistent built form.*
 - (iii) *Bridge Road East has a strong home wares focus particularly on the north side. This part of the centre also does not have a consistent built form.*

49. The map at Figure 23: Neighbourhood Map: Central Richmond, shows the subject site is located between the Bridge Road Activity Centre to the north and Swan Street Activity Centre to the south.
50. The map at Figure 24: Built Form Map: Central Richmond, show that the subject site is located in an “Inner Suburban Residential Area” with the following design guidelines:
- (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.*

Relevant Local Policies

Clause 22.10 – Built Form and Design Policy

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

Clause 22.13 – Residential Built Form Policy

53. This policy applies to residential zones in areas not covered by a Heritage Overlay and refers to the Built Form Character Type as set out in the Built Form Character Map at Figure 24 in clause 21.08-10.
54. The objectives of this clause are as follows:
- (a) To limit the impact of new development on surrounding land, particularly on low rise residential areas.
 - (b) To response to and strengthen the distinct character of different parts of Yarra.

55. It is policy that development within each of the character types responds positively to the matters set out in clauses 22.12-3.1 to 22.12-3.4 of the Scheme referable to the location of the development. The Built Form Character Map at clause 21.08-2 of the Scheme identifies the subject site as being within the 'Inner Suburban Residential' area.
56. Clause 22.13-3.2 of the Scheme describes Inner Suburban Residential areas as 'built form dominated residential areas with small gardens (if any) and minimal front and side setbacks'.
57. The objectives of this clause are as follows:
 - (a) Maintain the existing pattern of front setbacks.
 - (b) Landscape the front setback in a style that reinforces the garden character (if any) of the streetscape.
 - (c) Where the general pattern of development includes gaps between buildings, include a setback on at least one side of the building.
 - (d) Orient buildings at right angles to the street frontage.
 - (e) Provide front fencing that is open (unless the building is zero front setback).
 - (f) On single house sites in areas with generally consistent building heights, limit variations in height to a maximum of one storey compared to the adjacent properties.

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

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

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

Clause 22.17 – Environmentally Sustainable Development

60. This policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit in accordance with the thresholds in Table 1 of this Policy.
61. At the time this application was lodged (August 2015) this policy was not in place within the Yarra Planning Scheme and was therefore not applicable to the proposed development, however, with the application being amended under Section 57(a) of the *Planning and Environment Act* in October 2016, the policy becomes applicable (having been gazetted on 19/11/2015).
62. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. It is policy that applications for the types of development listed in Table 1 be accompanied by information which demonstrates how relevant policy objectives will be achieved.
63. Pursuant to Table 1 – *ESD Application Requirements* a development for 2-9 dwellings should be assessed by a Sustainable Design Assessment. While the application has been accompanied by a STORM report rating, no additional SDA assessment has been provided by the applicant. This will be discussed in more detail later in this report under Paragraphs 94-97.

Advertising

64. The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987* (the Act), by way of 1441 letters sent to adjoining and neighbouring owners and occupiers and two (2) notices displayed on site, at the Hunter and Lord Street frontages.
65. A total of seven (7) objections were made to Council, the grounds of which are summarised as follows:
- (a) Inappropriate response to neighbourhood character;
 - (b) Amenity impacts to adjoining dwellings;
 - (c) Visual bulk;
 - (d) Overshadowing;
 - (e) Overlooking;
 - (f) Insufficient car parking and traffic impacts; and
 - (g) Impacts on property values.

Referrals

External Referrals

66. The proposed development does not trigger referral to any external authorities under the requirements of the Yarra Planning Scheme.

Internal Referrals

67. The application was referred to the following internal Departments, with the advice included in the attachments to this report:
- (a) Traffic Engineering Unit; and
 - (b) Urban Design Unit.

OFFICER ASSESSMENT

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

- (a) State and Local Planning Policy Framework;
- (b) Clause 55 (ResCode), including clause 22.10 - Built form and design policy & Clause 22.13 - Residential Built Form Policy;
- (c) Vehicle access; and
- (d) Objector concerns.

State and Local Policy Frameworks (SPPF and LPPF)

69. In relation to the Yarra Planning Scheme (the Scheme), particularly Clause 16.01 - Urban consolidation, Clause 18 - Transport Use, and Clause 21.04 - Housing, the subject site is considered to be well located to take advantage of good public transport (50m to the Bridge Road tram route, 900 to the Swan Street tram route, 1km to Burnley Train Station) and shops and services within the two Activity Centres.
70. Introducing an increased density to the subject site is generally in line with the objective of the General Residential Zone which has the purpose 'to provide a diversity of housing types and moderate growth in locations offering good access to services and transport'.
71. The zone purpose also outlines that new development must respect the character of the area with the provisions of the Scheme relevant to the design and built form contained at Clauses 15 - *Built Environment and Heritage*, 21.05 - *Built Form*, 22.10 - *Design and Built Form Policy* and Clause 22.13 - Residential Built Form. These provisions all seek development outcomes which respond to the existing or preferred character and provide a contextual urban design response reflective of the aspirations of the area.
72. A contemporary design is appropriate in the context of the site and it is considered that the mixed design approach and palette of materials and finishes will positively contribute to the architectural quality of the built form in the immediate streetscape.
73. While the design response to sensitive interfaces with adjoining lots will be assessed in the following section of this report, it is appropriate at this point to state that the built form would be site responsive as required by these policy guidelines. Overall, the proposed development is considered to enjoy a high degree of policy support in regards to the points above.

Clause 55 of the Yarra Planning Scheme (Rescode)

74. There is a high degree of overlap between the policy direction at clauses 22.10 and 22.13 of the Scheme and decision guidelines/standards at clause 55, the following section of this report will utilise the Standards under clause 55 as the primary framework for assessment with reference to local policies where appropriate.
75. The main assessment of this application is against the particular provisions of Clause 55 of the Scheme, which comprise 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.
76. The following standards are not applicable to the consideration of this application:

- (a) B3 – Dwelling diversity (this application is for less than ten dwellings);
- (b) B11 – Open space (no communal open space is proposed).
- (c) B20 – North-facing windows (no neighbouring, north-facing windows)

Standard B1 – Neighbourhood Character

- 77. The streetscape contains a mix of single and double-storey developments of varying age and design. Construction of walls on property boundaries is a feature of the neighbourhood, with the majority of buildings within the surrounding area having been constructed to at least one side boundary with areas of private open space to the rear of the building.
- 78. The design of the development as a three-storey building is considered to be generally consistent with the existing pattern of surrounding development, providing a single-storey transition in height with the immediately adjoining double-storey development to the north and a graduated level of built form presenting above the single-storey dwelling to the south.
- 79. The proposed third storey would be set back from the street to present recessively behind the double-storey element below which is generally consistent with the policy direction under clause 21.08 – *Neighbourhoods* and 22.13 – *Residential Built Form Policy* of the Scheme which both seek to limit variations in height to one storey between buildings.
- 80. The presentation of the vehicle entrances are considered to be generally respectful of the streetscape (both Hunter and Lord Streets) which both contain a number of visually prominent vehicle access areas/roller-doors facing onto the street under the existing conditions.
- 81. While the configuration of private open space (POS) areas will be assessed in detail later in regards to the sensitive interfaces with adjoining lots, it is considered that the central location of open space to the rear has achieved an acceptable design response in regards to the pattern of development in the area which is increasingly utilising the Lord Street frontages (at the rear of Hunter Street addresses) to facilitate infill development.

Standard B2 – Residential Policy

- 82. As discussed earlier in this report, the proposed development is considered to achieve a high degree of consistency with the relevant planning policies under the Yarra Planning Scheme in regards to achieving residential growth in an area which is well serviced by public transport and other community infrastructure. The objective of the Standard is met.

Standard B4 – Infrastructure

- 83. The proposal is located within an existing residential area with existing utility services and infrastructure – The objective of the Standard is met.

Standard B5 – Integration with the street

- 84. The proposal will provide for two new dwellings both of which would have a pedestrian entry from the street frontage (either Hunter or Lord Street), with landscaped recesses that provide for a clear sense of address to each dwelling. 1.5m high front fencing is proposed but no detail has been provided in elevation.
- 85. A condition of permit would require the fencing to be shown in elevation and being no greater than 1.5m in height to ensure the standard is met.

Standard B6 – Street setback

86. The neighbouring building to the north at No.6 Hunter Street is set back 3.9m from the street frontage and dwelling to the south at No.10 Hunter Street having a 2.9m setback. Under the requirements of this Standard, the proposed development should be set back 3.4m from Hunter Street (being the average of the two neighbouring setbacks) – with the proposed development having setbacks of no less than 5.0m from Hunter Street the requirements of the Standard are met/exceeded.
87. The proposed Lord Street dwelling is considered to be generally consistent with the objective of this Standard, providing a more hard-edged setback to the street, reflective of the existing pattern of development on the opposite side of Lord Street.

Standard B7 – Building Height

88. The maximum height of the proposed development would be 9.0m, which meets both the maximum 9m height recommended by this standard and the 9m high limit imposed under Schedule 2 of the General Residential Zone.

Standard B8 – Site coverage

89. The proposed site coverage is 72% which exceeds the maximum site coverage of 60% outlined under the standard. While this may be the case, the variation is considered acceptable in light of the modest lot sizes along Hunter Street where the 60% site coverage is often exceeded with the area being characterised by 'built form dominated' lots as identified under Figure 24 of clause 21.08 – *Neighbourhoods*.
90. It should also be acknowledged that the existing pattern of subdivision for this section of Hunter Street is gradually changing as lots are developed to take advantage of the dual frontages between Hunter and Lord Streets. This is highly evident for properties located further south along Hunter Street where lots have been subdivided with second dwellings constructed to front onto Lord Street and having private open space between the Hunter Street address.
91. While the interface of the proposed development with neighbouring lots will be assessed in detail later in this report, the proposed building footprint(s) is considered to provide a reasonable design response to the features of the site, avoiding unreasonable visual bulk and shadowing issues by locating the higher portions of built form away from sensitive interfaces to the rear of the lot and therefore meets the objective of this Standard.

Standard B9 – Permeability

92. The application material details that 26% of the site area would be retained as permeable surfaces – meeting the requirements of the Standard for the retention of 20%. While this may be the case, the materials for the pedestrian entries and rear courtyards are not clearly labelled as 'permeable' and this would be addressed through a condition of permit.
93. Additionally, the application has detailed the introduction of raingarden areas to each dwelling to demonstrate a STORM score of 108% would be achieved by the development. This outcome is considered to meet the objective of the Standard in addition to being generally in accordance with the policy under clause 22.16 – *Stormwater management* of the Scheme to reduce the impact of development in regards to additional stormwater runoff into the sewerage system.

Standard B10 – Energy efficiency

94. The proposed dwellings have been designed to ensure reasonable solar access within the development. The rear courtyards and street frontage for each dwelling would provide adequate opportunities for access to daylight and natural ventilation.

95. Overshadowing will be assessed later in this report under Standard B22, but overall it is considered that the development meets the objectives of this Standard with regard to protecting energy efficiency of neighbouring buildings.
96. As outlined earlier in this report, the application has not been accompanied by a Sustainable Design Assessment (SDA) to demonstrate that the development itself would meet council's best practise standard as required under clause 22.17 – *Environmentally Sustainable Development* of the Scheme. This issue would be addressed through a condition of permit for a SDA to be submitted to council to demonstrate best practise ESD outcomes for the development.

Standard B12 – Safety

97. The location of the dwelling entrances would be clearly visible from the street to allow for good passive surveillance opportunities for each proposed dwelling. Front fencing is shown on plan across the site's frontages to delineate the street from private areas within the subject site which is considered to generally meet the objective of the Standard.
98. A condition of permit would be included to require elevations of the proposed fencing to ensure the details are acceptable against the provisions of Standard B32 – *Front fences*, which will be assessed later in this report.

Standard B13 – Landscaping

99. Landscaping does not form a significant part of the existing neighbourhood character for the surrounding area and therefore it is considered unnecessary to specifically introduce landscaping areas beyond the provision of front setbacks to maintain consistency with the built form presented to the street.

Standard B14 – Access objective

100. The width of the proposed vehicle crossover at 3.5m would equate to approximately 35% of the site's frontage to both Hunter and Lord Street, meeting the Standard for 40%. The provision of vehicle crossovers into both Hunter and Lord Streets is not unusual within either streetscape and therefore the introduction of car parking areas as proposed is also considered to be generally acceptable against the objective of this Standard.
101. The proposed crossover in Hunter Street would result in the loss of one (1) on-street car parking space directly in front of the subject site (Hunter Street) but in light of the development proposing two (2) car parking spaces for Dwelling 1, this outcome is considered acceptable as this outcome would allow for an overall 'net gain' in car parking for Hunter Street overall.
102. This issue will be discussed further under assessment of vehicle access issues later in this report under Paragraphs 157-162.

Standard B15 – Parking location

103. The location of car parking at the ground floor of the proposed development is considered to provide convenient parking locations for both dwellings, meeting the objective of the Standard. With the development proposing two dwellings only, it is considered that noise from the operation of the car parking areas is unlikely to be unreasonable to future residents and neighbours with the number of vehicle movements to and from the development unlikely to be high.

Standard B17 – Side and rear setbacks

Dwelling 1 – Lord Street

North-facing walls

104. The proposed north-facing walls associated with the retreat would be setback 1.75m with a maximum height of 6.0m – meeting the Standard for a 1.72m setback.
105. The second floor wall associated with the study area and bedroom would be set back between 1.75m and 2.37m from the boundary with a maximum height of 9.0m. Under the Standard, these walls trigger a setback of 4.09m and therefore variations of 2.34m and 1.72m must be considered.
106. The bedroom walls which trigger the 2.34m variation would extend approximately 400mm beyond the on-boundary construction associated with the neighbouring dwelling to the north and would therefore avoid unreasonable visual bulk impacts by being located opposite roofed areas.
107. The portion of wall associated with the staircase which triggers the smaller 1.72m variation would be located directly opposite the neighbouring dwelling's secluded open space. Looking at the Western elevation shown in TP06, the plans show that the second floor, north-facing wall would be almost fully visible over the setback compliant section of wall located at first floor when viewed from the neighbouring open space:

Figure 1



108. It is considered that the presentation of this wall would present an unreasonable level of visual bulk to the neighbouring open space. This issue could be addressed through a condition of permit for the north-facing, second floor wall to be set back no closer than 3.0m from the northern boundary (requiring deletion of study areas to achieve a greater setback).
109. This condition would not result in the second floor being invisible from the neighbouring lot but would provide sufficient distance for the upper-most level to be visually recessive behind the lower, first floor level. Whilst the increased setback would not achieve compliance with the Standard, it is considered that this outcome would limit unreasonable visual bulk impacts to the neighbouring lot and would meet the objective of the Standard.

South-facing walls

110. The south-facing wall associated with the entrance would be set back 3.8m from the boundary with a maximum height of 3.2m. At first floor the walls would be set back between 1.0m and 3.8m from the boundary with a maximum height of 6.1m. The second floor, south-facing walls would be set back between 2.0m and 3.8m with a maximum height of 9.0m.

111. While the ground floor walls meet the setbacks under the Standard, variations are triggered for the first floor (0.75m) and second floor walls (2.09m).
112. These variations are considered to be acceptable as the south-facing walls would present over roofed areas associated with the neighbouring dwelling only, avoiding the (albeit covered) open space area in the very north-western corner and therefore would avoid unreasonable levels of visual bulk (or other impacts) to the neighbouring dwelling.

Dwelling 2 – Hunter Street

North-facing walls

113. The north-facing walls associated with Dwelling 2 would be set back 1.75m at first floor with a maximum height of 6.03m exceeding the requirements of the Standard for a 1.72m setback.
114. At second floor the north-facing wall would be set back 2.0m with a maximum height of 8.9m. Under the Standard, a wall of this height would trigger a setback of 3.99m and therefore a variation of 1.99m must be considered.
115. This section of wall would be located opposite the double-storey, on-boundary walls associated with the neighbouring dwelling. As discussed earlier, this wall also contains a south-facing window (at first floor).
116. The location of the proposed walls in relation to the neighbouring window are considered to achieve an acceptable design response against the on-boundary window which relies solely on views over the subject site for its amenity.
117. An assessment of this neighbouring window will be undertaken under Standard B19 – Daylight to windows later in this report.

South-facing walls

118. The south-facing wall at first floor would be set back 1.0m with a maximum height of 6.03m, triggering a 0.7m variation to the Standard.
119. The south-facing, second floor walls would be set back between 2.2m and 3.7m with a maximum height of 9.0m. A wall of this height triggers a setback of 4.09m and therefore a maximum variation of 1.89m must be considered.
120. These variations are considered to be acceptable as the south-facing walls would present over roofed areas associated with the neighbouring dwelling only and therefore would avoid unreasonable levels of visual bulk (or other impacts) to the neighbouring dwelling.

Standard B18 – Walls on boundaries

North-facing walls

121. The on-boundary, north-facing wall associated with Dwelling 2 would be constructed opposite the double-storey walls associated with the neighbouring dwelling and would therefore meet the requirements of the Standard.
122. The on-boundary wall associated with Dwelling 1 would run for a length of 9.1m with a maximum height of 3.2m – approximately 5.5m of this wall would be located opposite open space areas associated with the dwelling to the north which triggers a variation to the Standard (exceeding the length of neighbouring on-boundary construction). The height of this wall would meet the requirements of this Standard (having an average height of no more than 3.2m).

123. The length of the proposed wall is considered to achieve an acceptable design response to the neighbouring open space area, which being located to the north of the proposed development would not be subject to any additional overshadowing impacts.
124. The height of the proposed wall at 3.2m would not result in any unreasonable sense of enclosure to the open space in an area where on-boundary construction is commonly utilised and therefore the variation is supported.

South-facing walls

125. The ground floor, south-facing walls for Dwellings 1 & 2 would be constructed along the southern boundary for a (combined) total length of 12.9m with a maximum height of no more than 3.2m. These walls would meet the Standard being constructed adjacent to the on-boundary walls associated with the dwelling to the south (and being no greater than 3.2m in height).

Standard B19 – Daylight to existing windows

126. As outlined earlier in this report, the proposed development would be located opposite a south-facing, on-boundary window at first floor associated with the dwelling to the north. The proposed north-facing walls associated with Dwelling 2 would be set back 1.75m at first floor and 2.0m at second floor where opposite this window. The height of these walls would be 6.03m at first floor and 8.9m at second floor.
127. The neighbouring window has a sill height of 5.4m above ground level which results in a relative height difference with the proposed walls of 3.5m (to the top of the neighbouring window).
128. The setbacks of the proposed north-facing walls would fall short of the 2.8m setback triggered under the Standard (being 50% of the 5.66m wall height at first and second floor) but this is considered to achieve an acceptable outcome against the objective of the Standard: *to allow adequate daylight into existing habitable room windows*, especially taking the modest (relative) height difference between the proposed building and neighbouring window.
129. It is significant to note that with the neighbouring window located on the common boundary shared between the two lots, this window would typically not be afforded such setbacks as those proposed under the current arrangement. This issue is well documented under multiple examples of case law which have ruled that on-boundary windows do not have protection under this arrangement.
130. While this may be the case, the setbacks provided are considered acceptable as outlined above and further discussion about windows on boundaries is not necessary in any case.

Standard B21 - Overshadowing

131. The south-facing lightcourt associated with No.10 Hunter Street is shown as being unaffected by shadowing throughout the day, an assessment by council officers shows that this space would be covered by shadows cast by the neighbouring building at all points during the day. Noting that this area would in any case be described as a 'light court' and not 'secluded open space', it is not considered that there would be any unreasonable impact to this area.
132. As a result of the neighbouring property to the south having been otherwise occupied by built form, the proposed development would not result in any additional overshadowing to secluded open space areas.

Standard B22 – Overlooking

133. With each dwelling proposing its primary aspect to Hunter or Lord Street, east and/or western views from the proposed development would fall over the Street and would therefore not result in unreasonable overlooking impacts, generally in accordance with the requirements of this Standard.
134. While west-facing windows to Lord Street would obtain views to balcony areas associated with dwellings on the opposite side of the street, the distance between the buildings would exceed the 9m radius under this Standard and therefore these views are not considered to be unreasonable.
135. With regard to the 'internal' elevations the west-facing windows for Dwelling 2 (first and second floor) are shown as having 1.7m high (minimum) sill heights which would avoid overlooking generally in accordance with the Standard.
136. Similarly, the east-facing windows associated with Dwelling 1 are shown to have raised sill heights, but these have not been dimensioned. A condition of permit would require notations to confirm that the minimum sill height was no less than 1.7m above FFL to meet this Standard.
137. The north-facing, first floor window for Dwelling 2 would be associated with a bathroom and therefore would not result in opportunities for unreasonable overlooking in accordance with this Standard. Nevertheless, this window also has a sill height of 1.7m above FFL.
138. No other opportunities for unreasonable overlooking to neighbouring dwellings would be available.

Standard B23 – Internal overlooking

139. As discussed in the points above, the internal interface between the two dwellings would generally limit overlooking opportunities between the buildings by having window sill heights of no less than 1.7m above FFL (subject to the conditions discussed).
140. Details have been provided which outline 2.0m high paling fencing separating the ground floor courtyard areas, which would screen views between the outdoor areas of the dwellings generally in accordance with this Standard.

Standard B24 – Noise impacts

141. Any noise associated with the development is considered unlikely to be unreasonable in light of the residential nature of the proposal. The operation of the vehicle stackers would not be associated with a high number of vehicle trips being utilised for two dwellings only and the stackers would be located within garages and away from the side boundaries therefore it is considered unnecessary to require specific acoustic details to be provided in this case.
142. Noise associated with any plant/equipment for the proposed dwellings would be controlled by the relevant State Environment Protection Policy.

Standard B25 – Accessibility

143. Each of the proposed dwellings would contain a pedestrian entrance point at ground floor which does not require traversing over stairs to gain access to the entrance. For a dual-occupancy development this arrangement is considered to be acceptable against the objective of the Standard.

Standard B26 – Dwelling entries

144. The presentation of the dwelling entrances are readily identifiable from each street frontage and provide the dwellings with a sense of address appropriate within the differing streetscapes which are Hunter and Lord Streets.
145. The increased setbacks and front yard area provides an appropriate response to the existing pattern of setbacks along Hunter Street while the minimal setback and more hard edged presentation to Lord Street is appropriate for the context. The Standard is met.

Standard B27 – Daylight to new windows

146. The windows within the proposed development have been designed to allow for solar access in accordance with the requirements of this Standard.

Standard B28 – Private open space

147. Both dwellings would be provided with a 3m deep courtyard at the rear of the building, leading from the primary living areas within the dwelling.
148. The rear courtyard for Dwelling 2 (25m²) in conjunction with open space within the frontage (32m²) would meet the requirements of the Standard providing a total area in excess of the 40m² referenced under the Standard.
149. While the provision of open space for Dwelling 1 would meet the Standard for 'secluded' open space, the total provision of open space would fall short of the 40m² outlined under the Standard with only 34m² being proposed.
150. The 6m² variation is considered to achieve an acceptable response against the objective of this Standard with the absence of front setbacks to further the open space provision being unlikely to be highly utilised and/or amenable for future residents.

Standard B29 – Solar access to open space

151. The open space for each dwelling would be located centrally within the lot, between the two buildings. The requirements of this Standard outline that open space should be located on the northern side of the development. The location of the central open space areas is not considered to be ideal in relation to gaining solar access to these areas but it is also considered that this issue is not fatal to the application in isolation.
152. The open space areas would receive direct sunlight during the middle of the day and while the amenity of these spaces would be reduced by the shadows cast from either dwelling, this is acceptable as it affects only the dwellings within the development itself.

Standard B30 – Storage

153. Each dwelling would be provided with 7m³ of externally accessible storage located within the rear courtyard – exceeding the requirements of the Standard for 6m³.

Standard B31 – Design detail

154. The presentation of the proposed development is considered to achieve a design response which respects the emerging neighbourhood character of the area. While there is a range of dwelling types found within Hunter and Lord Streets, it is considered that the design detail of the proposed development is generally acceptable within the context of the street.

155. While the comments from council's Urban Design Unit in regards to façade design and streetscape fit outline that it is unclear how the Hunter Street dwelling relates to the heritage building to the north. Given that the heritage building is not part of a wider precinct and is anomalous within the streetscape, it is not considered that the proposed development should be designed to reference this building.
156. The Urban Design Unit comments go on to state that a raked section of wall (relating to previous designs) should be omitted/replaced from the Hunter Street elevation and to ensure timber louvers were angled in the same direction throughout the building. These issues/items have been adopted by the applicant in the last revision (decision plans).
157. Council's Urban Design Unit outlined a preference for materials to the second floor of the Hunter Street dwelling to correspond with the levels below but given the setbacks of this level which make its presentation secondary to the lower portion, this is not considered to require further changes or conditions.
158. Otherwise, the Urban Design Unit are generally supportive of the proposed materials and design detailing which reflect the proposed development being generally consistent with the objective of this Standard.

Standard B32 – Front fences

159. As outlined earlier in this report, fencing heights/design have not been detailed in elevation. While the height shown at 1.5m is considered to be generally acceptable for both the Hunter and Lord Street frontages (which both contain a variety of fencing styles), a design must be shown in elevation. This issue will be addressed through a condition of permit.

Standard B33 – Common property

160. The proposed development is likely to be subdivided down the 'middle' of the development, negating the need for common property in the future.

Standard B34 – Site services

161. The development contains sufficient space for the required site services such as bins and recycling enclosures and mail boxes to be conveniently located to the dwellings without any impact on the amenity of the site and the surrounding area. The Standard is met.

Vehicle access

162. The proposed vehicle access has been reviewed by council's Traffic Engineering Unit who are generally satisfied with the arrangements. Comments from the Traffic Engineering Unit request that a condition of permit require the plans to be amended to detail the vehicle cross-overs and splays – this will be addressed through a condition of permit.
163. It is acknowledged that the Hunter Street vehicle cross-over would result in the loss of an on-street car parking space. In respect of the car spaces on Hunter Street to be removed in order to facilitate the new crossover, this would be compensated for by the provision of four spaces on site. Whilst the existing on street car spaces contribute to the amount of public car parking in the area, the four spaces on site would limit the need for future occupants to need to use that same parking in the area.
164. Given the context of the area and common characteristic of crossovers in Hunter Street, the parking provision and arrangement is deemed acceptable. A similar scenario for the development of No.70 Bunting Street, Richmond has been reviewed by the Tribunal in *JA Roberts v Yarra CC* [2015] the Tribunal said at paragraph [30]:

With regard to loss of an on-street car space, a new crossover will involve loss of kerbside space for on-street parking. On-site parking is a requirement of Clause 52.06. Unless there is a parking plan or specific policy in the Yarra Planning Scheme that says no parking is required or encouraged, on-site parking should be provided.

165. Council has no policy which discourages this particular outcome and when viewed in conjunction with the requirements under clause 52.06 of the Scheme for the provision of on-site car parking (which is met by the development in this instance) the introduction of on-site car parking with resulting loss to on-street areas is deemed acceptable.
166. The Traffic Engineering Unit's comments outline that the stacker model (Wohr 461) does not provide the 1.8m clearance height referenced under Design Standard 4 – *Mechanical Parking* of clause 52.06 of the Scheme. Given the proposed car parking spaces within the development are partially being created through loss of on-street parking areas, it is considered reasonable to ensure that this standard is maintained to minimise any scenarios where future residents may not be able to utilise the newly created parking areas.
167. This issue would be addressed through a condition of permit. A standard condition of permit would require that the car stacker system is to be installed and maintained to the satisfaction of the Responsible Authority.

Other issues

168. The location of a concrete bollard outside of the subject site's Lord Street frontage is likely to require removal/relocated to allow for the creation of the new vehicle crossover. A condition of permit will require the removal/relocation of this bollard at cost to the developer and to the satisfaction of the responsible authority.
169. The request for a 1 in 20 section for vehicle crossovers will not be included as a condition of permit as this reflects a local laws issue and will be assessed by the local laws unit at a later date.
170. Issues associated with public lighting, protection and reconstruction of public assets as outlined in the Traffic Engineering Unit's comments will be addressed through standard conditions of permit.

Objectors concerns

171. 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 below:

Inappropriate response to neighbourhood character;

172. Issues relating to neighbourhood character have been assessed earlier in this report under Paragraphs 73-77 and found to achieve an acceptable design response.

Visual bulk;

173. Issues relating to visual bulk have been assessed under Paragraphs 99-120 and found to achieve an acceptable outcome subject to conditions.

Overshadowing;

174. The proposed development would not result in additional overshadowing to secluded open space areas.

Overlooking;

175. Overlooking issues have been addressed earlier in this report under Paragraphs 128-133 and found to achieve a satisfactory outcome subject to conditions.

Insufficient car parking and traffic impacts;

176. The required level of car parking as per clause 52.06 of the Yarra Planning Scheme would be provided for the development. It is considered unlikely that traffic generated by a second dwelling on the subject site would result in unreasonable traffic impacts.

Impacts on property values.

177. This issue is not a matter which is relevant to planning consideration and cannot be addressed through the requirements of the Yarra Planning Scheme.

Conclusion

178. The proposal is considered to be acceptable having regard to the relevant State and Local Policies, the General Residential Zone (Schedule 2) and Clause 55 of the Yarra Planning Scheme, outlined in the above assessment and should therefore, be approved, subject to conditions.

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN15/0783 for development of two, three-storey dwellings at 8 Hunter Street, Richmond and recommends approval, 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 (dated 24/10/16) but modified to show:
 - (a) Details of the material for permeable surfaces;
 - (b) Details of Lord and Hunter Street front fencing in elevation. ‘
 - (c) The east-facing study wall for Dwelling 2 clearly shown in elevation;
 - (d) The north-facing, second floor wall associated with the staircase of Dwelling 1, set back no less than 3.0m from the northern boundary;
 - (e) Dimensions for vehicle cross-overs to Hunter and Lord Streets;
 - (f) Details of the car stacker systems being able to provide a vehicle (height) clearance of at least 1.8m;
 - (g) Notations confirming removal of the concrete bollards on Lord Street; and
 - (h) The east-facing, habitable room windows associated with Dwelling 1 having a minimum sill height of no less than 1.7m above FFL.
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. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the bollards outside of the site's Lord Street frontage must be demolished/removed:

- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
5. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
- to the satisfaction of the Responsible Authority.
6. 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) 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 the dwelling entrances must be provided within the property boundary. 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 redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
9. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
10. 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.
11. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
12. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
13. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to, :
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (j) the construction program;
- (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (l) parking facilities for construction workers;
- (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

14. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
- (b) the development is not completed within four years of the date of this permit.

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

Notes:

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

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

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

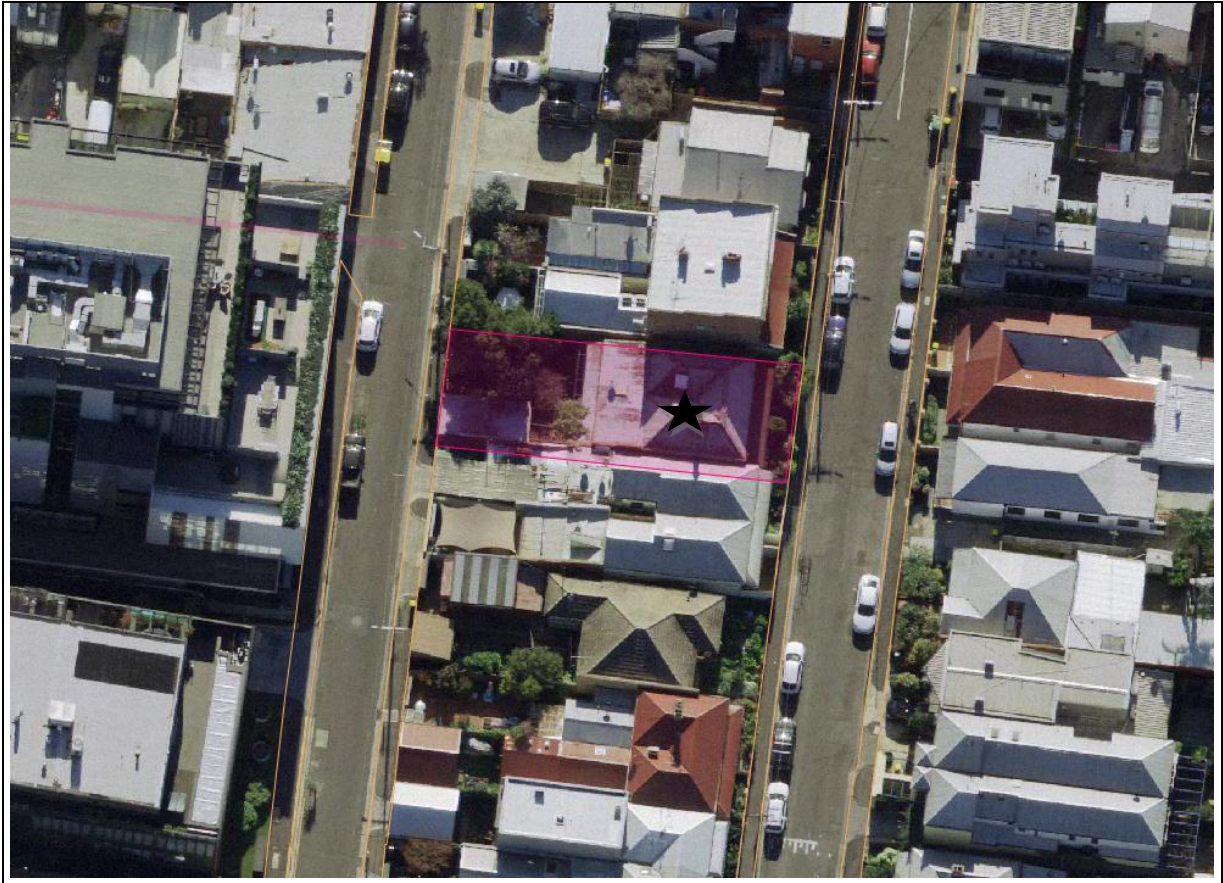
CONTACT OFFICER: Patrick Sutton
TITLE: Senior Statutory Planner
TEL: 9205 5357

Attachments

- 1** Site context
- 2** Floor plans
- 3** Elevations
- 4** Shadow diagrams
- 5** Traffic Engineering Unit comments
- 6** Urban Design comments

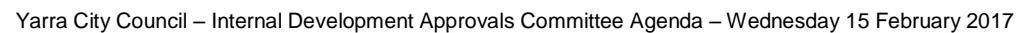
Attachment 1 - Site context

SUBJECT LAND: 8 Hunter Street, Richmond



↑ North

★ Subject Site



Attachment 3 - Elevations



Attachment 3 - Elevations

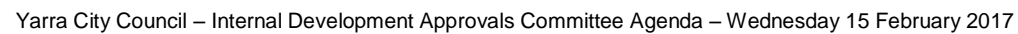


Attachment 4 - Shadow diagrams

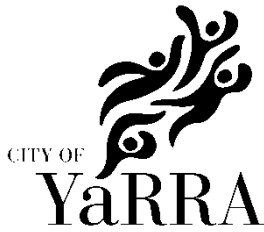


Attachment 4 - Shadow diagrams





Attachment 5 - Traffic Engineering Unit comments



MEMO

To: Patrick Sutton
From: Artemis Bacani
Date: 30 August 2016
Subject: Application No: PLN15/0783
 Description: Development of Land for Two New Dwellings
 Site Address: 8 Hunter Street, Richmond

I refer to the above Planning Application received on 27 July 2016 and the accompanying Traffic and Transport Assessment prepared by Cardno in relation to the proposed development at 8 Hunter Street, Richmond. Council's Engineering Services unit provides the following information:

DEVELOPMENT LAYOUT DESIGN

Access Arrangements – Dwelling 1

A site inspection of Lord Street revealed that the east footpath and carriageway has widths of approximately 1.64 metres and 6.27 metres respectively. Off a 7.91 metre wide apron, the proposed 3.50 metre wide entrance to the on-site parking satisfies AS/NZS 2890.1:2004.

Access Arrangements – Dwelling 2

A site inspection of Hunter Street revealed that the west footpath and carriageway has widths of approximately 1.35 metres and 7.62 metres respectively. Off an 8.97 metre wide apron, the proposed 3.274 metre wide entrance to the on-site parking satisfies AS/NZS 2890.1:2004.

Vehicle Crossings

The vehicle crossings have not been depicted on the plan. Before the drawings are endorsed, they must be revised to show the new vehicle crossings, including splays spanning the widths of the parking areas. The vehicle crossings must be designed and constructed to Council requirements.

Car Parking Modules and Internal Layout

The two car spaces will be accommodated in a mechanical stacker device – Wohr Parklift 461 Car Lift. According to the submitted specifications, the device can accommodate a vehicle of up to 5.3 metres in length. A minimum platform width of 2.4 metres must be provided for the car stackers. This model of car stacker does not satisfy *Design standard 4: Mechanical parking*, whereby 25 percent of mechanical parking spaces have a vehicle clearance of at least 1.8 metres. It is advisable for the applicant to liaise with the manufacturer of the car stacker and select a customised model that will accommodate a height of 1.8 metres.

In providing a new vehicle crossing, the applicant will be required to prepare a detailed 1 in 20 scale cross sectional drawing of the new vehicle crossing. The cross sectional drawing and ground clearance check for a B85 design vehicle must be submitted to Council's Construction Management branch for assessment and approval.

Concrete Bollard

A concrete bollard is located immediately north of the existing vehicle crossing in Lord Street. The bollard must either be removed or relocated at the Permit Holder's expense.

Attachment 5 - Traffic Engineering Unit comments

Loss of On-Street Parking

The construction of the new vehicle crossing for Dwelling 2 will result in the loss of one on-street car space. The two car spaces provided on-site for Dwelling 2 will offset the loss of the on-street car space. Engineering Services has no objection to the loss of the on-street car space in Hunter Street.

Summary of Design Items to be Addressed

Item	Details
Width of Car Stacker Bays	A minimum platform width of 2.4 metres must be provided for the car stacker.
Height of Car Stacker Bays	This model of car stacker does not satisfy Design standard 4: Mechanical parking, whereby 25 percent of mechanical parking spaces have a vehicle clearance of at least 1.8 metres. It is advisable for the applicant to liaise with the manufacturer of the car stacker and select a customised model that will accommodate a height of 1.8 metres.
New Vehicle Crossings	In providing a new vehicle crossing, the applicant will be required to prepare a detailed 1 in 20 scale cross sectional drawing of the new vehicle crossing. The cross sectional drawing and ground clearance check for a B85 design vehicle must be submitted to Council's Construction Management branch for assessment and approval.
Concrete Bollard	A concrete bollard is located immediately north of the existing vehicle crossing in Lord Street. The bollard must either be removed or relocated at the Permit Holder's expense.

Capital Works Programme

A check of the Capital Works Programme for 2016/17 indicates that no infrastructure works have been approved or proposed within the area of the site at this time.

ROAD INFRASTRUCTURE WORKS

Building Works and Impact on Council Road Assets

The construction of the new building, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site.

It is essential that the developer rehabilitates/restores laneways, footpaths, kerbing and other road related items, as recommended by Council, to ensure that the Council infrastructure surrounding the site has a high level of serviceability for residents and visitors of the site.

ENGINEERING CONDITIONS

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

Civil Works – Hunter Street

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Hunter Street road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.

Attachment 5 - Traffic Engineering Unit comments

Civil Works – Lord Street

- Upon the completion of all building works and connections for underground utility services, the footpath immediately outside the property's Lord Street road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's expense.

Preparation of Detailed Road Infrastructure Design Drawings

- The developer must prepare and submit detailed design drawings of all road infrastructure works and drainage works associated with this development for assessment and approval.

Public Lighting

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

Construction Management Plan

- A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.

Road Asset Protection

- Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.

Impact of Assets on Proposed Development

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

Drainage

- The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the *Building Regulations 2006* from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act 1989* and Regulation 610.
- 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.

NON-PLANNING ADVICE TO THE APPLICANT

Clearances from Electrical Assets

Overhead power lines run along the west side of Hunter Street and east side of Lord Street, close to the property boundary.

The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website:

<http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>

Waterproofing of Building and Management of Rainfall Run-Off

Attachment 5 - Traffic Engineering Unit comments

The Permit Holder/developer is responsible for the management and protection of their building from groundwater.

The developer needs to ensure that the car stacker pits and any portions of the development at or below natural surface level must be waterproofed to prevent seepage of subterranean water or groundwater or any rainfall run-off from penetrating the walls or floors of the site.

The excavation for the car stacker pits would be to a depth of around 3.0 metres and it is possible that groundwater would be encountered. It is also quite probable that any groundwater discovered by the developer would be contaminated.

In the event that contaminated groundwater seeps through the walls of the basement, this water must not be discharged into Council's stormwater drainage system under any circumstances. Any contaminated groundwater that is present within the site must be treated and disposed of in accordance with a Trade Waste Agreement and as per EPA guidelines and Melbourne Water/City West Water guidelines.

It is also the Permit Holder's onus and responsibility to ensure that rainfall run-off does not enter the property in the event of a heavy storm. Adequate measures should be in place to prevent backwash from entering the property

Regards

Artemis Bacani
Roads Engineer
Engineering Services Unit

Attachment 6 - Urban Design comments



MeMO

TO: Patrick Sutton (Statutory Planning)
 FROM: Hayley McNicol (Urban Design)
 DATE: 25 August 2016
 SUBJECT: 8 Hunter Street, Richmond 3121
 APPLICATION NO: PLN15/0783
 DESCRIPTION: Development of the land for two three storey dwellings.

COMMENTS SUMMARY

Urban Design comments have been sought on the above proposal, in particular on the following matters:

- The height of the proposed dwellings and whether this achieves an appropriate design response to the Hunter and Lord Street interfaces.
- The choice of materials and overall design of the dwellings.

In summary, it is recommended that changes are made to the proposal to further set back the third storey of Dwelling 2 to reduce the visual impact of the building on Hunter Street and reinforce the two storey façade. It is also suggested that the angled side roofline is revised on Dwelling 2 to better fit with the overall design of the building. In terms of the materials, some minor suggestions have been made to simplify the materials palette and better tie the building together (particularly on Hunter Street).

In terms of capital works, it is planned to carry out works this financial year to resurface the footpath on both sides of Hunter Street (between Bridge Road and Corsair Street).

Site and context

Zones, Overlays and other relevant planning policies

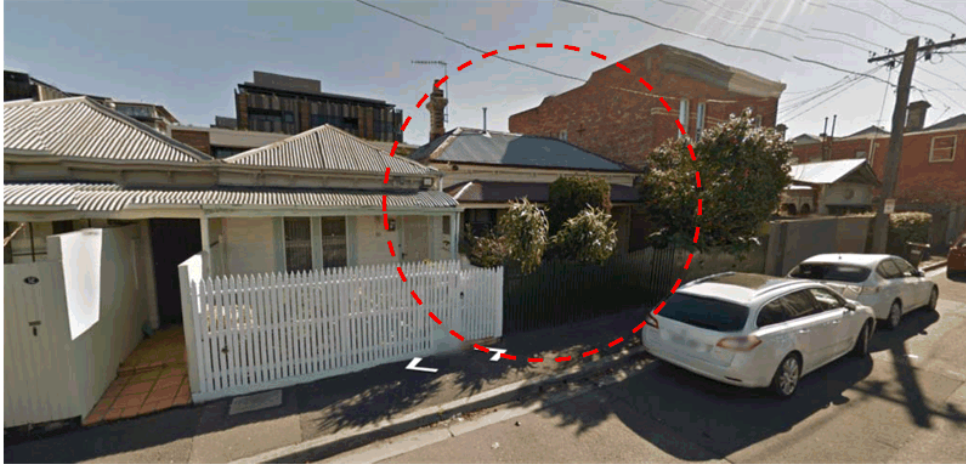
- The site is located in the General Residential Zone Schedule 2 (GRZ2).
- The site is not covered by any overlays.

Site

The site is located on the west side of Hunter Street, is rectangular in shape and has an area of approximately 310 square metres. The site's frontage onto Hunter Street is 10 metres wide, and the site backs onto Lord Street to the west.

Attachment 6 - Urban Design comments

The site is occupied by a single storey weatherboard dwelling with a pitched corrugated iron roof. The building provides a front setback which accommodates a front garden and is bound by a timber picket fence. Vehicle access to the site is gained via Lord Street.



View of site from Hunter Street (with site circled in red)

Immediate surroundings

- To the north of the site is a pair of double storey brick terraced dwellings with a flat roof, which are positioned in the Neighbourhood Residential Zone Schedule 1 and are identified as individually significant heritage buildings.
- To the south of the site is a single storey weatherboard dwelling with a pitched corrugated iron roof.
- To the east of the site over Hunter Street is a single storey weatherboard dwelling with a pitched corrugated iron roof.
- To the west of the site over Lord Street is a large site which has been developed with a six storey building, which has a three storey facade directly onto Lord Street.

Streetscape and neighbourhood character

Hunter Street is characterised by a mix of single and double storey dwellings, a large proportion of which are cottages, however with some newer dwellings constructed along the street, which create a variety of building style but retain the general scale of one and two storeys in height.

Lord Street has a different character compared to Hunter Street, as a number of sites have been developed of a slightly higher scale (three storeys and above) on the western side of the street. The eastern side of the street is predominately made up of garage doors providing vehicle access to the Hunter Street properties.

Attachment 6 - Urban Design comments



View of Hunter Street (with site circled in red)



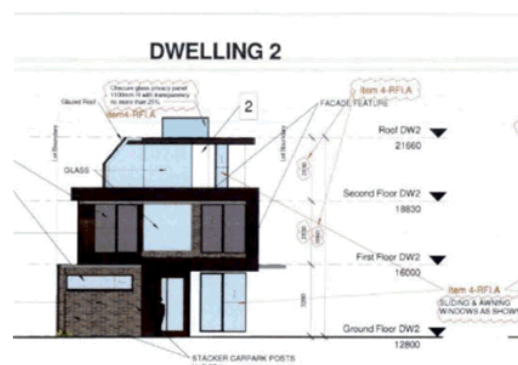
View of Lord Street (with site circled in red)

Proposal

It is proposed to demolish the existing building on the site and construct two three-storey dwellings. The site would be split in two, with Dwelling 1 fronting Lord Street, and Dwelling 2 fronting Hunter Street.



Lord Street elevation



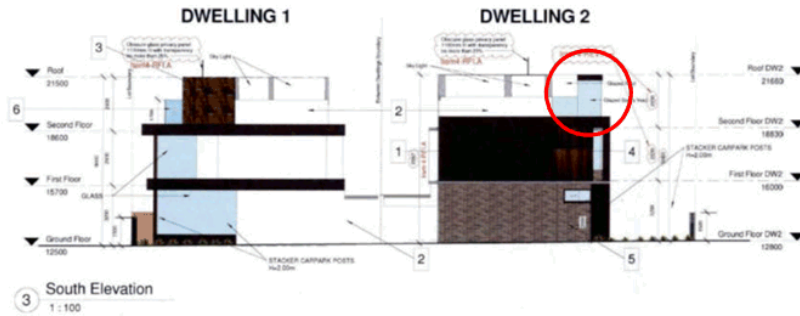
Built form and massing

The 'Built Form and Design Policy' seeks under Clause 22.10-3.3 "to ensure that the height of new development is appropriate to the context of the area (as identified in the Site Analysis Plan and Design Response) and respects the prevailing pattern of heights of the area where this is a positive contribution to neighbourhood character".

It is considered that the principle of three storeys in height is acceptable given the surrounding context, particularly on Lord Street. In the Lord Street context the three storeys for Dwelling 1 would sit comfortably in the streetscape and respond to the three storey facade on the opposite side of the street.

However, Hunter Street is strongly characterised by one and two storey buildings, therefore the proposed three storeys on Hunter Street may have a negative impact on the streetscape, including the heritage buildings to the north. The proposal would benefit from setting back the third storey from the front facade (by approximately 2 metres), to make this storey more recessive. This could be achieved by removing the void structure and setting the roofline back (refer to red circled area below).

Attachment 6 - Urban Design comments



It would be useful for the applicant to provide a section showing the viewline to the building from the opposite side of Hunter Street, to demonstrate that the third storey is adequately recessed. It would also be helpful for the applicant to show the existing buildings in the elevation to illustrate how the proposal sits alongside the single storey building to the south and the double storey heritage building to the north.

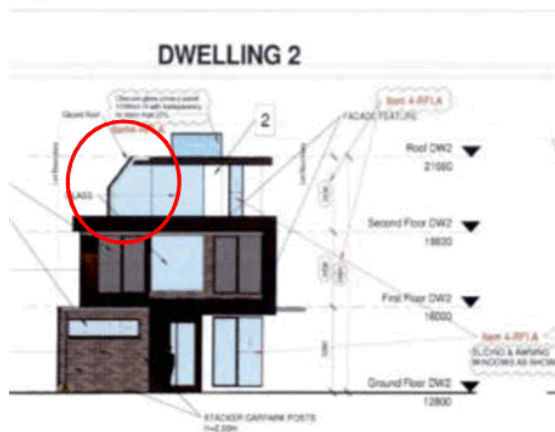
Building layout and interface

The proposal provides habitable rooms on both the Hunter and Lord Street frontages at ground and first floor level which is welcomed. A car platform is proposed which would store a second car at basement level. This has been used instead of a garage for each dwelling, which is supported and results in a more positive and active frontage on Hunter and Lord Streets.

Façade design and streetscape fit

The general façade design is generally fine although it is not clear how the Hunter Street elevation responds to the adjacent buildings, particularly to the heritage buildings to the north. As mentioned above the existing buildings should be shown on the elevation.

The proposal has provided a flat roofline on both dwellings; however the third storey roof of Dwelling 2 (where the en-suite is located) comprises an angled corner, presumably to comply with the ResCode requirements (circled in red below). It is considered that this does not fit in well with the overall design of the dwelling, and negatively impacts the Hunter Street elevation. It is therefore recommended that this is revised.



Attachment 6 - Urban Design comments

Material and colour

The materials used for the proposal are generally fine and are similar to some of the more recent developments that exist along Hunter and Lord Streets. However, it is suggested that the number of materials could be simplified, and the following changes could be made to the detailing:

- On the Lord Street elevation, the timber louvres could be angled in the same direction and be of similar proportions.
- On the Hunter Street elevation, the third storey could use more similar materials/detailing to what is found on the lower floors to help tie the building in together.