



# **NOTICE PAPER**

**Monday 2 October 2017 at 7pm**

**Council Chamber, Malvern Town Hall,  
(enter off Glenferrie Road, Malvern)**

## RECONCILIATION STATEMENT

We acknowledge that we are meeting on the traditional land of the Boonwurrung and Wurundjeri people and offer our respects to the elders past and present. We recognise and respect the cultural heritage of this land.

### PRAYER

Almighty God, we humbly beseech you, to grant your blessing on this Council, direct and prosper its deliberations to the advancement of your glory, and the true welfare of the people of the City of Stonnington. Amen.

### NOTE

Council business is conducted in accordance with Part 4 Division 3 of the Meeting Procedure section of Council's General Local Law 2008 (No 1). Some copies are available with the agenda or you can find a copy on Council's website [www.stonnington.vic.gov.au](http://www.stonnington.vic.gov.au) under local laws.

# Council Meeting Notice Paper Monday 2 October 2017 Order of Business and Index

- a) Reading of the Reconciliation Statement and Prayer
- b) Apologies
- c) Adoption and confirmation of minutes of previous meeting(s) in accordance with Section 63 of the Act and Clause 423 of General Local Law 2008 (No 1)
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- d) Disclosure by Councillors of any conflicts of interest in accordance with Section 79 of the Act<sup>1</sup>
- e) Questions to Council from Members of the Public (Clause 424 of General Local Law 2008 (No 1))
- f) Correspondence – (only if related to council business)
- g) Questions to Council Officers from Councillors
- h) Tabling of Petitions and Joint Letters
- i) Notices of Motion
- j) Reports of Special and Other Committees; - Assembly of Councillors
- k) Reports by Delegates
- l) General Business
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- m) Other General Business
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- o) Confidential Business

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<sup>1</sup> Note that s.79(1)(a) of the Act requires Councillors to disclose the nature of a conflict of interest immediately before the relevant consideration or discussion.



**RECOMMENDATION**

***That the Council confirms the Minutes of the Council Meeting of the Stonnington City Council held on 18 September 2017 and Minutes of the Confidential Meeting of the Stonnington City Council held on 18 September 2017 as an accurate record of the proceedings.***



l) *General Business*

**1. PLANNING APPLICATION 0011/17- 62 SURREY ROAD, SOUTH YARRA - PARTIAL DEMOLITION, EXTENSION TO THE EXISTING DWELLING AND CONSTRUCTION OF A NEW DWELLING IN A NEIGHBOURHOOD RESIDENTIAL ZONE AND HERITAGE OVERLAY**

**Manager Statutory Planning: Alexandra Kastaniotis**  
**General Manager Planning & Amenity: Stuart Draffin**

**PURPOSE**

For Council to consider a planning application for partial demolition, extension to the existing dwelling and the construction of a new dwelling in a Neighbourhood Residential Zone and Heritage Overlay at 62 Surrey Road, South Yarra

Executive Summary

Applicant:	Fulcrum Urban Planning
Ward:	North
Zone:	Neighbourhood Residential Zone Schedule 2
Overlay:	Heritage Overlay, Special Building Overlay (front of site only)
Neighbourhood Precinct:	Inner Urban
Date lodged:	9 January 2017
Statutory days:	137
Trigger for referral to Council:	7 or more objectors
Number of objections:	7
Consultative Meeting:	Yes– held on 25 July 2017
Officer Recommendation:	Issue a Notice of Decision to Grant a Planning Permit

**BACKGROUND**

The Proposal

The plans that form part of the basis of Council's consideration were prepared by Neil Architecture and are known as File No. 39\_16, Drawing No.s: TP02 to TP19, TP21 to TP23 and Council date stamped 20 April 2017.

Key features of the additional dwelling proposal are:

- Demolition of outbuildings at the rear of the site, two roller doors fronting The Vauclose and laneway, fencing, terrace and steps to the rear of the dwelling and paved areas.
- Construct a two-storey dwelling with basement parking at the rear of the site.
- The basement will be accessed via a ramp off The Vauclose (which will be located parallel to the short 2.859m wide laneway which currently provides access into the site). The basement level will accommodate parking for three vehicles, with a vehicle turntable at the base of the ramp facilitating access into the spaces. A raingarden is located behind the middle car space. Within the basement is also: a store room containing 3300 litre rainwater tanks (connected to toilets for flushing); a bin storeroom; various storage cupboards; a cellar; a family room with outlook to a 6 sq m raingarden

with adjoining powder room. Stairs along the eastern boundary lead to the ground level. A portion of the basement level is located above natural ground level (Note: by definition, a basement may project a maximum of 1.2m above natural ground level). The basement level is constructed to the eastern site boundary and The Vauclose boundary.

- The basement and the ground level above are sited away from the southern title boundary of the site, with construction following the line of the existing boundary fencing which angles away from the boundary line to a maximum of approximately 0.67m (see TP04 and TP05).
- The ground level of the dwelling proposes a study, open plan kitchen/living/dining room opening onto a north-facing terrace, and a laundry and powder room. A courtyard adjoins the laundry to the south and a lightwell to the raingarden below adjoins the dining room to the east. This level is partly constructed to the south and eastern boundaries, is setback 5.295m from The Vauclose and setback by 0.91m from the internal boundary between the existing dwelling and the new dwelling.
- The first floor will provide a master bedroom suite containing a walk-in-robe, powder room and ensuite bathroom, two bedrooms and bathroom. A door adjoining the ensuite bathroom will provide access to external stairs which lead to a roof terrace.
- The roof terrace will be 24 sq m in area and be sited approximately 8.8m from the southern boundary, 5m from the eastern boundary and 4.2m from the northern boundary.
- The new dwelling will achieve a maximum height of 9m (see West Elevation on TP18 where the roof terrace balustrade is noted at 9m height).
- The development will have a site coverage of approximately 52% (over the whole site).
- A high (up to approximately 3.2m) solid fence is proposed to The Vauclose enclosing the open space terrace.
- New timber paling fences are proposed along the southern and eastern boundaries.
- The proposed dwelling adopts a contemporary architectural style, in a rectilinear form. The predominant materials are brick, with timber elements, and cement render architectural features.

The following works are proposed to the existing dwelling:

- A new carport is proposed to be constructed at the rear of the dwelling, accessed via the existing carriageway easement linking the site to The Vauclose. The carport will accommodate two vehicles.
- The carport will be 'cut in' to the site, so that it sits relatively low to the natural ground level and to adjoining sites and will sit lower than the proposed boundary fence (refer to South Elevation plan TP09).
- Construction of new hard landscaping works in the rear yard including a terrace, steps, garden beds, driveway and sliding gate onto the laneway.

The applicant provided 'discussion plans' on 14 August 2017 to respond to concerns and clarify some details. The 'discussion plans' do not formally replace the advertised plans described above, but assist in Council considering an alternative which attempts to address issues. The changes contained within the discussion plans can be incorporated within the approval as conditions. The changes made are as follows:

- Retention of trees at the rear of the existing dwelling (tree no's 11, 13, 14, 15, 16).
- Vehicle turntable specification updated and its location within the basement adjusted to provide a 0.75m offset from the wall.
- Width of ramp/driveway between 3.3m to 3.6m)
- Carport head room of 2.2m annotated

- The Western boundary fence height and length was adjusted to open the ramp visibility with a dividing planter.
- Additional information provided regarding privacy screens and/or sight lines to the roof deck. The areas required to be protected are identified on TP15.
- Tree specification on landscape layout changed from lemon scented gum to dwarf pink lemon scented gum.
- Additional planting within planter boxes at roof level.

### Site and Surrounds

The site is located on the eastern side of Surrey Road between Cromwell Crescent to the north and Hopetoun Grove to the south. The site has the following significant characteristics:

- The site consists of two separate but adjoining allotments presenting an 'L' shaped block of land with access to the rear via a laneway off Surrey Road known as The Vaucluse. There are no easements or restrictions on title.
- The larger lot (Lot 1 on Title Plan 372227E) has a frontage to Surrey Road of approximately 11.7m, a depth of approximately 56.21m and a total area of approximately 658 sq m. It has access from The Vaucluse via a 2.859m wide laneway/carrageway which also provides access to the rear of land at 64 and 66 Surrey Road.
- The smaller lot (Lot 1 on Title Plan 606251J) has frontage to The Vaucluse of approximately 14.33m, a depth of approximately 6.55m and an area of approximately 93.9 sq m. This parcel of land is only accessible from The Vaucluse. Only this part of the site is affected by a Heritage Overlay.
- The site has a total area of approximately 752 sq m, with a 3 degree slope on the land from the front to the rear of the site.
- The site is occupied by a single detached brick dwelling with frontage to Surrey Road and outbuildings to the rear. The rear yard immediately adjoining The Vaucluse is undeveloped and is used for the parking of vehicles.
- To the north of the subject site are two Victorian dwellings (64 and 66 Surrey Road) which are semi-detached, single storey and single-fronted. Both dwellings have rear access via The Vaucluse and the same carrageway as the subject site. No. 64 Surrey Road is constructed along part of the subject site's northern boundary.
- The southern boundary of the subject site adjoins multiple separate properties. 56 Surrey Road contains a single storey, double-fronted Edwardian dwelling. This property extends approximately half the depth of the subject site, and includes habitable room windows with an outlook to the existing dwelling on the subject site. Also to the south, four dwellings at No.'s 1, 2, 3 and 4 Hopetoun Grove each have secluded private open space areas to the rear of their sites which adjoin the subject site.
- The east of the site adjoins what appears to be drainage reserve – it is a narrow strip of land running behind the land at 41 to 43 Cromwell Road and between 12 and 14 Cromwell Road. It abuts the whole of the eastern boundary of the subject site. Four properties are located to the east (rear) of this drain. 43 Cromwell Road comprises a three storey block of flats, and at the interface to the subject site presents a number of elevated habitable room windows with an outlook to the subject site (Note: all windows are more than 5m from the boundary). Also to the east is No.'s 41A, 41B and 41C Cromwell Road, developed with single storey duplex-style houses, with their secluded private open space areas adjoining the subject site. It is noted that the open space areas of 41B and 41 C Cromwell Road contain various outbuildings/sheds.
- The eastern side of Surrey Road forms part of an established residential area comprising predominantly of Edwardian and Victorian homes. Dwellings are mainly single storey (at least to the principal frontage) with tiled hipped roof forms. Fencing comprises a mix of materials, heights and styles.

- The western side of Surrey Road comprises open parkland (Surrey Park), with the 13-storey 'Clara' apartment building further in the background.
- The railway line is approximately 35m to the south of the site with Hawksburn Station approximately 260m south-east of the site.
- The site is well serviced by public transport, with access to Hawksburn Station to the south-east, Toorak Road trams approximately 300 m to the north, and Chapel Street trams approximately 320 metres to the west.

#### Previous Planning Application(s)

A search of Council records indicates that there are no relevant planning applications.

#### The Title

The site is described on Certificate of Title Volume 3908 Folio 516 as Lot 1 on Title Plan 606251J and Certificate of Title Volume 4895 Folio 855 as Lot 1 on Title Plan 372227E, and no covenants or easements affect the land.

#### Planning Controls

The following controls/permit triggers are considerations for this application:

##### *Zone*

Clause 32.09 Neighbourhood Residential Zone NRZ2

Pursuant to Clause 32.09-6 a permit is required for the construction and extension of two or more dwellings on a lot.

Clause 32.09-4 sets out minimum garden area requirements. The garden area requirement for the subject site would be 35%. The application was received prior to the introduction of this control.

Schedule 2 of the zone varies the Clause 55 (ResCode) standards relating to site coverage, landscaping, side and rear setbacks and walls on boundaries requirements.

Development on the land is limited to 10m height (9m plus 1m due to the slope of the land) and two storeys.

##### *Overlay(s)*

Clause 43.01 Heritage Overlay HO147

Pursuant to Clause 43.01-1 a permit is required to demolish or remove a building, construct a building or construct or carry out works. This affects Lot 1 on Title Plan 606251J only (the smaller lot).

Clause 44.05 Special Building Overlay

Pursuant to Clause 44.05-1 a permit is required to construct a building or construct or carry out works. As the overlay applies to the front section of the site where no works are proposed, the overlay is not triggered in this application.

##### *Particular Provisions*

Clause 52.06 - Car Parking

Pursuant to Clause 52.06-5 two car spaces are required for each three-bedroom dwelling. The development will provide the required resident parking (2 spaces for the existing dwelling within the carport and three spaces for the new dwelling within the basement garage). No visitor car parking is required.

#### Clause 55 - ResCode

Pursuant to Clause 55, a development of two or more dwellings on a lot which does not exceed 4 storeys must meet the objectives of this clause and should meet all the standards.

#### Relevant Planning Policies

Clause 11.06	Metropolitan Melbourne
Clause 15.01	Urban environment
Clause 15.02	Sustainable development
Clause 16.01	Residential development
Clause 18.01	Transport
Clause 21.03	Vision
Clause 21.05	Housing
Clause 21.06	Built environment
Clause 21.08	Infrastructure
Clause 22.04	Heritage
Clause 22.05	Environmentally Sustainable Development
Clause 22.18	Stormwater Management (Water Sensitive Urban Design)
Clause 22.23	Neighbourhood Character Policy
Clause 65	Decision guidelines

#### Advertising

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987 by sending notices to the owners and occupiers of adjoining land (and by placing two signs on the site – one on Surrey Road and one along the northern boundary facing The Vaucluse). The public notification of the application has been completed satisfactorily.

The site is located in North Ward and objections from 7 different properties have been received, with the concerns summarized as follows:

- Visual bulk of the proposed dwelling, three storeys constructed along the boundary, the scale of the building will diminish enjoyment of open space areas. The dwelling will be visible from adjoining private open space area and block views to the sky. A more modest design would be appropriate.
- The proposal is an overdevelopment of the site demonstrated by high site coverage, limited permeable areas, need for screening and lack of accessible private open space
- The roof form of the new dwelling is out of character with the adjoining dwellings which exhibit pitched roof forms.
- Overlooking opportunities from the roof terrace and windows, the angled screens proposed would still allow views. Windows should either be high-sill or have opaque glass.
- Overshadowing, including concern with shadows at 3pm to open space of 41A Cromwell Road. The plans should also show and consider winter shadows.
- Loss of light.
- Noise impacts from residents of the new dwelling, including by the use of the roof terrace and the various services. Concerns with basement car park/noise
- The dwelling will have poor internal amenity due to lack of accessible open space and the need for privacy screens.
- The plans do not correctly show the existing outhouse building in the open space of 4 Hopetoun Grove, it should be included in the assessment for amenity impact.

- Object to the loss of trees and vegetation which will impact on the existing neighbourhood character and diminish the garden setting of the area. The trees on the subject site, along with trees on adjoining sites, form a significant tree canopy that is visible from Surrey Park and Cromwell Road and is a strong feature within the local streetscape.
- Object to removal of Trees 11, 13 & 16 as noted on arborist report. Tree 13 is on the property boundary with 1 Hopetoun Grove and object to its removal. The trees can be retained with some design changes including reduction in carport size.
- The landscape design for the proposed development fails to contribute to the garden setting and tree canopy of the local area. The southern and eastern building setbacks will not provide an adequate garden setting or enable any substantial canopy tree planting.
- The proposed kitchen exhaust on the south boundary does not comply with standards and will cause a nuisance
- All services including condensers should be located on the plans
- Existing easement on the east boundary
- Concern with drainage issues from the basement affecting adjoining property
- The development will impact on property values.

A Consultative Meeting was held on 25 July 2017. The meeting was attended by Councillor Griffin, representatives of the applicant, objectors and a Council planning officer. The meeting did not result in any changes to the plans but the applicant agreed to retain Tree Numbers 11, 13, 14, 15 and 16 within the subject site. The 'Discussion Plans' provided to Council on 14 August 2017 were submitted after the consultation meeting.

### Referrals

#### *Infrastructure Engineer*

- There is almost certainly an easement drain contained within the land immediately to the East of the subject property where the basement is proposed. All basements are extremely difficult to waterproof and given the nature of the use of the basement it is likely that any such leakage would be very problematic. The fact that there is probably an easement drain very close by will mean that the soil conditions are likely to be often wet or saturated which will exacerbate the likely problems.
- The design and construction of the basement and associated waterproofing is a building matter and not the responsibility of Planning. The applicant should however be made aware of the likely existence of the easement drain.
- Council's Infrastructure Engineer has requested that the following conditions be included on the approval:
  - The design and method of construction of the basement must protect any easement drain that may exist in the neighbouring property directly at the rear of the subject property from undermining or subsidence. The waterproofing of the basement must allow for saturated soil conditions that would be expected to periodically exist, associated with the easement drain.
  - A report for the legal point of discharge must be obtained from Council and a drainage design for the development must be prepared in accordance with that report prior to a building permit being issued.

#### Planner Comment

The applicant has been made aware of the issues relating to the easement drain. The conditions specified for inclusion on the planning approval will be included as conditions on the permit.

### *Asset Management*

Council's Asset Management Unit have provided the following advice relating to The Vaucluse:

- The road is listed as a laneway on Council's Register of Public Roads and is managed and maintained by Council under the Road Management Act 2004.
- The laneway is required for access to the abutting properties.
- The laneway is required for access by service authorities with assets in the road.
- There is a section of the laneway that is unconstructed and at this stage Council have no plans to construct this section of laneway nor alter the material or classification of the laneway.
- If The Vaucluse is the primary and sole access point to the property, it should be noted that the Asset Management Unit have some concerns with this proposal because the road pavement was constructed and intended as a means of secondary access and not intended for high traffic volumes or regular pedestrian access.

### *Planner Comment*

The laneway between the dwellings at 4 and 6 Cromwell Crescent (approximately 40m long) is paved with bluestone and the land within the larger open area of The Vaucluse is unpaved. It is noted that a number of habitable rooms windows of these two dwellings have outlook to the lane. The distance between the end of the paved area and the subject site is approximately 16m.

An inspection of the area has confirmed that pedestrian access is not difficult or constrained by the existing paving conditions and the distances required to be travelled. It is considered that the increase in vehicle and pedestrian traffic from a single dwelling within this area would be negligible, and it is considered that this access would not detrimentally impact on or interfere with the access required by other residents or service authorities.

### *Arborist*

Council's Arborist has advised as follows:

- The 2 trees in adjacent properties affected by the eastern boundary wall are not considered 'significant' under Council Local Law. The submitted tree report indicates that excavation will take place within the SRZ's of both trees, but no root investigation has occurred. It would be prudent for the applicant to approach the owners of the neighbouring properties to discuss this possibility, and consider entering into an agreement with regards to landscape replacement required as a result of construction works.
- A Tree Management Plan will need to accompany this proposal.
- The landscape plan must include actual species intended, numbers, size at installation.

### *Planner Comment*

The applicant has been advised of the Arborist's comments relating to potential impact of the development on the two trees to the east of the subject site at 41 Cromwell Road. Whilst a raingarden is proposed within the development adjoining the trees, its construction and enclosure would impact on the adjoining vegetation. Also, Council's Infrastructure Engineer has noted that it is likely that there is a drain within the reserve between the subject site and 41 Cromwell Road so this has potential impacts on the trees. There also appear to be sheds/outbuildings at the rear of 41 and 43 Cromwell Road in the vicinity of the trees.

A permit note will be included on the approval encouraging the owner/permit applicant to contact the owner of the neighbouring property at 41 Cromwell Road to discuss the impact of the development on the trees.

A Tree Management Plan to protect the trees to be retained within the subject site will be required as a condition of approval. This will specify retention of Trees 11, 13, 14, 15 & 16. A landscape plan will also be required as a condition of approval.

#### *Transport & Parking*

- The parking provision and traffic generation are considered satisfactory
- The dimensions of the ramp to the basement parking area for the new development is not clearly shown on the plans and the minimum with walls on either side should be 3.6m.
- The width of the access the point to the parking area for the existing dwelling is shown at 2.85m and it is recommended that 3m width minimum be provided.
- The headroom within the carport to the existing dwelling is not clearly shown and must meet the requirements of the Planning Scheme.
- The plans do not show sight distance triangles provided on either side of the access way for the parking area to the new dwelling. If the required sight distance triangles are not possible in all locations, an alternative measure such as a convex mirror or similar can be considered to assist with sight lines.
- A turntable is proposed within the basement parking area to assist with access. The turntable has a diameter of 4.5m and can accommodate a B99 vehicle, which is considered satisfactory. Further details are required to clearly indicate how residents are to operate and use the turntable safely within the garage.
- The turntable also appears to be close to the wall, further details from the manufacture should confirm the minimum distance the turntable should be from any obstructions.
- There are concerns as to how residents will transfer the bins from the parking area accessed via The Vaucluse to the nature strip on Surrey Road. It is not ideal for residents to transfer bins via the ramp or to walk the bins around the block via The Vaucluse to Surrey Road for bin collection.
- As the existing dwelling has access via the ROW in The Vaucluse abutting the proposed dwelling, a splay or see through area should be provided between the fence line for the proposed dwelling and existing dwelling to ensure there are clear lines of sight for vehicles accessing both access points.

#### Planner Comment

Conditions of approval will require: the width of the ramp to the basement parking area a minimum 3.6m; the headroom within the carport to the existing dwelling to meet the requirements of the Planning Scheme; further details on the operation and use of the turntable within the garage; clearly show that minimum distances from walls and any obstructions are provided to the turntable;

The applicant has indicated on the discussion plans that the western boundary fence height was changed to improve visibility adjoining the ramp with a planter (see TP09). A condition of approval will require this change.

With regard to the comment relating to bins, the applicant has advised that a number of residents with access to The Vaucluse already wheel their bins via the laneway to Surrey Road. It is not unreasonable for the future residents to do the same.

## KEY ISSUES

### State Planning Policy Framework

The State Policy objectives at Clause 16.01-2 encourage an increase in the proportion of new development to be within established urban areas. Clause 16.01-4 encourages a range of housing types to meet increasingly diverse needs. Further, Clause 16.01-4 encourages well-designed medium-density housing which respects the neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency.

It is considered that there is State Policy support for the moderate residential intensification of the subject site. The proposal is consistent with these policies in that it provides for residential development that represents a more efficient use of the site in an existing residential area and improves housing choice. The site will be able to take advantage of public transport links in the vicinity and a number of community services and facilities in close proximity to the subject site.

### Local Planning Policy Framework

The larger portion of the site (658 sq m) is within an incremental change area being within a Neighbourhood Residential Zone, with the smaller lot (93.9 sq m) within a minimal change area as it also has a Heritage Overlay. Within incremental change areas, multi-unit development (2-3 storeys) is directed to lots capable of accommodating increased density. Within minimal change areas affected by a heritage overlay, development must be in accordance with the heritage policy.

It is considered that the proposal is consistent with the strategic direction outlined by the Stonnington Planning Scheme. The Local Planning Policies, like the State Planning Policy Framework, encourages medium density housing at a moderate level that makes better use of existing infrastructure and encourages urban design in residential areas that respects the existing character of the area and protects the residential amenity of the surrounding properties.

### Neighbourhood Character

The surrounding area and neighbouring development comprises single and two storey development. There is a single multi-dwelling development visible from within The Vaucluse (the three-storey flats at 43 Cromwell Road) but the area predominantly remains single dwellings. The existing dwelling on the subject site will remain, protecting the Surrey Road streetscape and the existing character in this neighbourhood. The new dwelling will be visible from the public realm only when within The Vaucluse but it will be visible from the rear of adjoining dwellings and their private open space areas.

Council's neighbourhood character policy at clause 22.23 sets out the following statement of preferred neighbourhood character for the Inner Urban Precinct:

*The Inner Urban (IU) character precinct is defined by buildings of innovative and high quality architectural styles that sit comfortably within compact streetscapes of Victorian, Edwardian and Interwar dwellings. Consistent front setbacks reinforce the building edge along the streets, and building heights and forms complement, rather than dominate, the rhythm of development. Well-designed gardens for small spaces contribute to the softening of the streetscape. Low or permeable front fences provide views of building facades and front gardens. Where present, car parking structures are located at the rear of buildings with access from rear lanes to provide continuous, uninterrupted footpaths for pedestrian friendly streets.*

*Areas within a Residential Growth or Mixed Use Zone or within a substantial change area will accommodate more development within a more compact setting but with space for vegetation and high quality, responsive design.*

Design guidelines for this precinct are as follows:

- *To encourage the retention of intact, older dwellings that contribute to the character of the area;*
- *To ensure new buildings and extensions do not dominate the streetscape;*
- *To encourage a high quality of building detailing that references, without mimicking, the details of buildings in the area.*
- *To maintain and reinforce the alignment of buildings along the street.*
- *To maintain and strengthen the garden settings of buildings and the tree canopy of the neighbourhood.*
- *To prevent the loss of front garden space and the dominance of car parking structures.*
- *To ensure fences complement the predominant style of front boundary treatment in the street and retain views to dwellings and gardens.*

The existing dwelling will be retained and will continue to form part of the Surrey Road streetscape. It is noted that dwellings to the north of the subject site along Surrey Road are within a Heritage Overlay. The character of this area, viewed from Surrey Road, will remain unchanged.

The unusual conditions of this site, which include the larger lot fronting Surrey Road in addition to a smaller separate allotment with access only from The Vauclose, are unique. The guidelines provide only general assistance in this regard, with the protection of the tree canopy of the neighbourhood being the most relevant matter.

The new dwelling will front The Vauclose and be visible from within this area and be visible from within the rear of the properties surrounding the site. It will be a stand-alone development, not forming part of a streetscape. The land over which the new carport and the new dwelling are to be constructed is predominantly vacant - a small shed in the south-east corner of the site and fencing and roller doors are to be removed, and a number of small trees in the south-west corner of the site are also to be removed. It was originally intended to remove a number of the larger trees within the site (Trees 11, 14, 15 and 16) but the applicant has agreed to retain those trees. Conditions of approval will require that the trees be retained and protected from the development via a Tree Management Plan.

### Heritage

The smaller (with an area of approximately 93.9 sq m) of the two lots that make up the subject site is within a Heritage Overlay. It forms part of the 'Surrey and Cromwell Roads Precinct' which comprises ten dwellings fronting Surrey Road and Cromwell Crescent. The heritage citation for the precinct describes the significance as follows:

*The Cromwell Crescent and Surrey Road North Urban Conservation Area has significance as a cohesive grouping of buildings, built probably as a single development, set within a street design of 1872. The street design represents a type rare within the metropolitan area, and the building forms chosen emphasise the sweeping curve, creating a grouping of strong aesthetic quality.*

Within the Heritage Policy at Clause 22.04, it is policy that:

- *The design, bulk and setback of any new buildings and works be responsive to existing heritage assets.*
- *The use and development of heritage sites and adjoining land be compatible with and not adversely affect the significance of cultural heritage sites; this includes conservation of heritage buildings in their site and local area context.*

It is considered that the proposal will not compromise the significance of this overlay as the new dwelling and carport are located away from the dwellings which form a cohesive streetscape within the overlay, and will not be visible from either Cromwell Crescent or Surrey Road.

### Amenity Impacts

#### *Overshadowing*

Additional shadowing (additional to that created by existing fences and structures) until 1pm to the rear of 1 to 4 Hopetoun Grove will be negligible, with most shadows from the new dwelling and carport falling within existing shadow lines. Additional shadows at 2pm and 3pm will be cast over the rear of the properties at 41A, 41B and 41C Cromwell Road. Shadowing impacts will be minimal, and the proposal meets the requirements of Standard B21.

#### *Overlooking*

The impacts are assessed as follows:

- Windows are proposed to the west-facing study, laundry and kitchen on the ground floor. Outlook from the kitchen is restricted by the west and south boundary fences. A timber horizontal external screen will restrict views from the study into the existing dwelling on the subject site and towards the rear of 64 and 66 Surrey Road - refer to TP17 of the Discussion Plans. The screen will be angled and a cross-section demonstrates how views are restricted – additional information will be required to clearly show that the views are angled away from 64 and 66 Surrey Road.
- An east-facing window is located to the dining room on the ground floor. This window is wholly screened by the 3.28m high paling fence. A hallway window on the first floor (a non-habitable area) will be have horizontal timber screening. No further details are required.
- South-facing ground floor windows are screened by the boundary fence which is approximately 3m high. The two bedroom windows on the first floor are proposed to be screened by fixed angled vertical timber blades spaced at 30mm (refer to detail on TP17 of advertised plans). This type of screen prevents views directly out towards the south and eliminates all views towards the west, with restricted views towards the east. It is anticipated that this screen will restrict views, but it is unclear how views to the east meet the required standard. In addition, there is concern with the extent of screening to the whole of these windows in terms of provision of adequate daylight to the rooms – it is recommended that an alternative screening measure be used to address both the need for visual screening to meet Standard B22 and the need to provide adequate daylight to the bedrooms.

- An elevated terrace is proposed on the ground level to the northern side of the dwelling, and the master bedroom window on the first floor has outlook to the north. The terrace is approximately 0.3m to 0.5m above natural ground level and will be screened by a fence on The Vauclose which is between approximately 3.3m in height to the north-east corner of the site dropping down to approximately 3m in height adjoining the steps to the dwelling entry. No further screening is required. A vertical blade screen is proposed to the eastern panel of the master bedroom window (indicated on the North Elevation TP15) but details of the screen are unclear. Plan TP06 (first floor plan) shows a screen extending out perpendicular to the face of the building. A condition of approval will require clarification of the screening to this window, with visual screening to meet Standard B22 and the need to provide adequate daylight to the bedroom.
- A roof terrace is proposed. The roof plan (TP07) shows in diagram from the 9m radius from all sides within which overlooking protection is required. It shows that privacy protection from views is required towards the rear of properties to the east and west of the subject site, with the terrace setback more than 9m from the southern boundary. It is noted that the roof plan submitted as part of the Discussion Plans varies from the advertised plans in that the 9m radius falls just within the adjoining lots (refer to TP07 of the Discussion Plans). TP15 (advertised plans) shows the viewing angles from the roof terrace. Views towards the east and west are protected by the building itself - it restricts views within 9m of the source, so that no overlooking occurs to adjoining secluded private open space areas. Any views to these areas will be at a distance greater than 9m, meeting the requirements of ResCode. TP15 of the Discussion Plans provides additional angles to demonstrate this.

Views for the roof terrace area were a particular concern of objectors. Whilst it is acknowledged that the terrace complies with Standard B22, there is an argument that additional restriction of views into adjoining secluded private open space areas can be achieved without compromising the outlook from the terrace for the future occupants of the dwelling. This would protect residents from perceived views and outlook to habitable room windows which are beyond the 9m radius. It is recommended that additional screening be provided to achieve this.

#### *Daylight*

Adequate separation is provided between the proposed building and adjoining habitable room windows in accordance with Standard B19 of ResCode.

#### *Building Bulk*

##### Height

The maximum permitted building height for the site is 10m - the proposed building will achieve a maximum height of 9m (see West Elevation on TP18 where the roof terrace balustrade is noted at 9m height).

##### Walls on Boundaries

The construction of walls on boundaries is proposed as follows:

- 3.44m along the eastern boundary (kitchen pantry) with a maximum wall height of approximately 3.14m.
- 5.6m along the eastern boundary (staircase) with a maximum wall height of approximately 3.6m.

Standard B18 permits construction along boundaries of 10m plus 25% of the remaining length of the boundary. This standard also sets out that the height of a boundary wall should not exceed an average of 3.2m with no part higher than 3.6m unless abutting a higher existing or simultaneously constructed wall. The proposal meets the requirements relating to the length of walls on the boundary, and meets the requirement regarding the height of the wall for the pantry only. The wall height adjoining the staircase exceeds the required maximum average height of 3.2m. This wall adjoins the narrow strip of land that appears to be a drain reserve to the east of the subject site, which sits between it and 41B and 41C Cromwell Road – it appears that this land has been incorporated within the secluded private open space of 41B and 41C Cromwell Road. A shed and landscaped/treed land of the adjoining dwellings adjoin the proposed wall. The principal secluded private open space area of each of these dwellings is located away from the proposed wall and closer to the dwellings on these lots. It is considered that a variation can be supported given the minimal impact on the adjoining residents.

Standard B17 of ResCode (Side and Rear Setbacks) is used to assess and address the issue of building bulk. The standard applies to the north, south and east sides of the development as follows:

North

Location	Wall Height	Setback Required	Setback Proposed	Complies?
First	8m	3.09m	3.4m	Yes

The ground level is setback 5.295m from the northern boundary, and the first floor cantilevers over this level.

South

Location	Wall Height	Setback Required	Setback Proposed	Complies?
Ground	3.3m	1m	0.5m – Pantry 0.9m – Kitchen 3m - Laundry	No No Yes
First	Maximum 7.7m	2.79m	4m minimum	Yes

There would be minimal amenity impact resulting from this variation which applies to a small portion of the ground floor. As indicated on the South Elevation on Plan TP09, the pantry wall and majority of the kitchen wall would be totally hidden behind the boundary fence.

East

Location	Wall Height	Setback Required	Setback Proposed	Complies?
First	Maximum 7.3m	2.39m	2.5m	Yes

This standard does not apply to the new carport. The carport will be largely hidden by the boundary fences.

*Landscaping*

A concept landscape plan submitted with the application shows the planting of four new canopy trees, two along the eastern boundary within the rain gardens and two along the southern boundary – it is noted that one of these trees along the southern boundary was to replace Trees 11 & 14 originally proposed to be removed but now to be retained.

A condition of approval will require that the landscape plan incorporate three new canopy trees within the development, in addition to retaining the existing trees agreed to at the planning consultation meeting.

#### Internal Amenity

An assessment of the quality of internal amenity for future residents of the site is provided as follows:

- The entry to the new dwelling will be solely via The Vaucluse. As noted earlier in this report, the paved bluestone laneway between 4 and 6 Cromwell Crescent is approximately 40m long and opens up to a larger unpaved area with approximate dimensions of 15m by 17m. A number of habitable rooms windows of the two dwellings at 4 and 6 Cromwell Crescent have outlook to the lane, though there do not appear to be any street lights within The Vaucluse. The distance between the end of the paved area and the subject site is approximately 16m. So whilst the entry to the new dwelling will not be visible from the main road, it will be clearly visible from the end (internal) of the bluestone laneway. It is not unusual within the inner city context for dwellings to exist or to be approved which have sole access from a lane. Importantly, whilst part of the site of the new dwelling is located to the rear of the existing dwelling at 62 Surrey Road, the smaller lot of land has sole access from The Vaucluse and there is therefore an expectation that some form of development could occur on this land. It is not unreasonable for Council to approve a new dwelling in these circumstances.
- It is unclear if adequate daylight is provided to all habitable rooms – of concern are the two south-facing bedroom windows which are proposed to be screened for visual privacy – a condition of approval will require that alternative screening be provide to meet both the requirements of B22 Overlooking and B27 Daylight to New Windows.
- A secondary living space noted as a family room is provided within the basement. Daylight to this room is via a courtyard nominated as a raingarden. It has an area of more than 3 sq m with the minimum dimensions as required by B27 Daylight to New Windows. It is noted that a canopy tree is proposed within this raingarden.
- Internal views into secluded private open space areas are limited as required (given the size and location of the ground level spaces), ensuring an appropriate level of privacy for all residents.
- Private open space areas are provided in excess of the requirements, as follows:
  - Existing dwelling –approximately 45 sq m within the frontage setback area plus approximately 100 sq m secluded private open space at the rear of the dwelling.
  - New Dwelling – 26 sq m on the ground level terrace adjoining the open plan family room plus 24 sq m on the roof deck.
- The new dwelling is provided with adequate storage within the basement. Whilst a store room is not noted on the plans for the existing dwelling, it is considered that there are ample opportunities within the site for storage (noting the rear private open space area is approximately 100 sq m in size). A condition of approval would require that storage provided to meet the requirements of Standard B30 - 6 cubic meters.
- The building design provides opportunities for shading in many cases, with a need to provide some fixed shading to the north-facing master bedroom window and operable or other measure to the west facing study window. This will be included as a condition of approval.

#### Car Parking and Traffic

The parking provision for the two dwellings is adequate (2 car spaces for the existing dwelling and three car spaces for the new dwelling).

The local road network can accommodate the anticipated increase in traffic that will be generated by one additional dwelling. Technical issues relating to the on-site car parking can be included as conditions of approval.

### Objections

In response to the grounds of objection not already discussed in the report, the following comments are made:

- No part of the new dwelling will be three-storeys in height, noting the strict requirements of the zone which permit a maximum 10m overall height within a two-storey form. The basement is permitted to be a maximum of 1.2m above natural ground level before it is considered a separate storey. Standards B17 Side and Rear Setbacks and B18 Walls on Boundaries are used to determine an appropriate building envelope to minimise visual bulk and amenity impacts on adjoining residents. As outlined in this report, the proposal generally meets these requirements, with some variations – the variations are only supported as an assessment has found that they would have minimal amenity impact on adjoining residents.
- It is acknowledged that the new dwelling will be visible from adjoining dwellings and their private open space areas, and will change the outlook for a number of residents, but this in itself is not adequate to refuse an application. The consequent amenity impacts (overlooking, overshadowing, building bulk in terms of the extent of variation from the B17 & B18 standards etc) are used to determine the appropriateness of a development. On balance, it is considered that the proposal can be supported.
- The basement will have a site coverage of 29%, with a total overall ground site coverage of 52% over the whole site. This is not considered to be an overdevelopment.
- Whilst a different roof form is proposed for the new dwelling compared to adjoining dwellings, this is not fatal to the application, even though part of the site is located within a Heritage Overlay. As noted earlier, the new dwelling will only be visible from within The Vauclose and from adjoining lots, and not from main streets or as part of the Heritage Overlay.
- An objector has commented that Council should consider winter shadows. The ResCode standard does not allow this. In winter even a boundary fence would cast shadows over most of the secluded private open space areas of narrow lots common in the inner city area and this neighbourhood. The equinox is the standard applied so as to provide a balanced approach to this issue.
- It is not anticipated that unreasonable levels of noise from residents of the new dwelling, including the use of the roof terrace and basement, would occur.
- The plans do not correctly show an existing non-habitable shed in the open space of 4 Hopetoun Grove, however, it is noted that this has no bearing on the assessment of the proposal as there would be no amenity impact.
- Following the consultation meeting, a number of trees originally proposed to be removed from within the subject site, will now be retained. Appropriate conditions will be included on the approval to achieve this.
- The only kitchen exhaust on the south boundary is over the stove – this is not a planning issue. The development would need to comply with the building regulations.
- Concern with the structural impacts including drainage as a result of the basement, are not matters addressed at the planning permit stage. Conditions will be included on the permit to require that drainage issues are addressed – these matters are dealt with at the building permit stage.
- Potential impact of a development in property values is not a matter that can have any bearing on the consideration of the planning application.

## Human Rights Consideration

This application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Stonnington Planning Scheme), reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

## CONCLUSION

Having assessed the application against the relevant planning controls, it is recommended that the proposal be supported for the following reasons:

- The proposal represents orderly planning of the area through a more efficient use of a site located in an established residential area.
- Whilst the proposal will change the immediate context, it nevertheless represents an appropriate architectural response.
- The proposed height and form is appropriate in an area where buildings are typically maximum two storeys in height. Setbacks proposed would ensure that any visual bulk impacts are minimised.
- The development would not unreasonably impact on the amenity of adjoining residents.
- The proposal will provide an acceptable level of amenity for future occupants, and sole pedestrian access to the new dwelling via The Vaucluse can be supported.
- The landscaping, strengthened by conditions of approval which retain additional trees on the site, would maintain the garden setting and the tree canopy of the neighbourhood.

## ATTACHMENTS

- [1](#). PA - 11-17 - 62 Surrey Road South Yarra - Attachments 1 of 1.pdf Plans

## RECOMMENDATION

***That a Notice of Decision to Grant a Planning Permit No: 11/17 for the land located at 62 Surrey Road, South Yarra be issued under the Stonnington Planning Scheme for partial demolition, extension to the existing dwelling and construction of a new dwelling in a Neighbourhood Residential Zone and Heritage Overlay subject to the following conditions:***

1. ***Before the commencement of the development, 1 copy of plans drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the advertised plans known as File No. 39\_16, Drawing No.s: TP02 to TP19, TP21 to TP23 and Council date stamped 20 April 2017 but modified to show:***
  - a) ***Additional details to show that the angle of views from the west-facing study window through the angled privacy screen as shown on TP17 of the 'Discussion Plans' submitted to Council on 14 August 2017 restrict views away from 64 and 66 Surrey Road and comply with Standard B22 of ResCode.***
  - b) ***Provide an alternative privacy screening measure to the first floor south-facing bedroom windows to meet Standard B22 and to provide adequate daylight to the bedrooms in accordance with Standard B27 Daylight to New Windows.***

- c) *Provide additional information on the screening to the north-facing first floor master bedroom window, with visual screening to meet Standard B22 and demonstration that adequate daylight is provided to the bedroom in accordance with Standard B27 Daylight to New Windows.*
- d) *Provide screening to the roof terrace area to restrict outlook and views into adjoining secluded private open space areas and dwellings to the satisfaction of Council. The screening may be in the form of blades or louvers which permit distant views.*
- e) *Storage provided to the existing dwelling to meet the requirements of Standard B30.*
- f) *The Ground Floor Plan TP05 to show the retention of Trees 11, 13, 14, 15 and 16 as indicated on the 'discussion plans' submitted to Council on 14 August 2017.*
- g) *Removal of a portion of the western boundary fence adjoining the basement ramp to improve visibility between the ramp and the adjoining laneway used to access the new carport in accordance with the 'Discussion Plans' submitted to Council on 14 August 2017, with a planter at 0.5m height with planting no greater than 0.9m height above the ramp level .*
- h) *The basement must project no more than 1.2m above natural ground level.*
- i) *Provide a sight distance triangle at the top of the basement ramp (eastern side) or an alternative measure such as a convex mirror.*
- j) *Provide fixed shading to the north-facing master bedroom window and operable or other measure of shading to the west facing study window.*
- k) *Provide a minimum width to the basement ramp of 3.6m or as otherwise approved by Council's Traffic Engineer.*
- l) *Show a headroom clearance within the carport to the existing dwelling to meet the requirements of the Planning Scheme.*
- m) *Provide further details on the operation and use of the turntable within the garage.*
- n) *Clearly show that minimum distances from walls and any obstructions are provided to the turntable.*
- o) *A note provided to the rainwater tank within the basement level to clarify that it is connected to all toilets within the dwelling for flushing.*
- p) *Any changes required by the tree management plan required by Condition 6;*
- q) *Any changes required by the Landscape Plan required by Condition 8;*
- r) *Any changes required by the Sustainable Design Assessment including the Water Sensitive Urban Design initiatives required by Condition 9.*

*All to the satisfaction of Council.*

2. *The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Stonnington Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.*
3. *The level of the footpaths and/or laneways must not be lowered or altered in any way to facilitate access to the site.*

4. ***The design and method of construction of the basement must protect any easement drain that may exist in the neighbouring property directly at the rear of the subject property from undermining or subsidence. The waterproofing of the basement must allow for saturated soil conditions that would be expected to periodically exist, associated with the easement drain to the satisfaction of the Responsible Authority.***
5. ***A report for the legal point of discharge must be obtained from Council and a drainage design for the development must be prepared in accordance with that report prior to a building permit being issued.***
6. ***Concurrent with the endorsement of development plans a tree management plan prepared by a suitably qualified arborist must be submitted to and approved by the Responsible Authority. When approved, the tree management plan will form part of this permit and all works must be done in accordance with the tree management plan.***

***The tree management plan must detail measures to protect and ensure the viability of Trees 11, 13, 14, 15 & 16 and any other trees to be retained on the subject site and the adjoining sites.***

***Without limiting the generality of the tree management plan it must have at least three sections as follows:***

- a) ***Pre-construction – details to include a tree protection zone, height barrier around the tree protection zone, amount and type of mulch to be placed above the tree protection zone and method of cutting any roots or branches which extend beyond the tree protection zone.***
- b) ***During-construction – details to include watering regime during construction and method of protection of exposed roots.***
- c) ***Post-construction – details to include watering regime and time of final inspection when barrier can be removed and protection works and regime can cease.***

***Pre-construction works and any root cutting must be inspected and approved by the Parks Unit. Removal of protection works and cessation of the tree management plan must be authorised by the Parks Unit.***

7. ***All existing vegetation shown on the endorsed plans to be retained must be suitably and clearly identified before any development (including demolition and excavation) starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.***
8. ***Before the development starts, a landscape plan to be prepared by a landscape architect or suitably qualified or experienced landscape designer, must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions. The landscape plan must be generally in accordance with the landscape concept plan prepared by Neil Architecture which includes 3 new canopy trees to the new dwelling but modified to show:***

- a) ***A survey (including botanical names) of all existing vegetation to be retained and/or removed, noting that Trees 11, 13, 14, 15 & 16 are to be retained.***
  - b) ***Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary***
  - c) ***A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant***
  - d) ***Landscaping and planting within all open areas of the site***
  - e) ***The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site***
  - f) ***Details of all proposed hard surface materials including pathways, patio or decked areas.***
9. ***Concurrent with the endorsement of any plans pursuant to Condition 1, the Sustainable Design Assessment (SDA) must be amended and submitted to and approved by the Responsible Authority. Upon approval the SDA will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SDA must be incorporated into plan changes required under Condition 1. The report must include the following changes:***
- a) ***Provide a revised STORM Rating Report to exclude the collection of water from the roof terrace into the rainwater tank. Incorporate alternative treatment measures for this to demonstrate meeting Council's WSUD requirements and update SDA and plans to suit.***
  - b) ***Modify the details of the roof-catchment areas to drain to the rainwater tank.***
  - c) ***Provide further details and a cross-section of the raingardens noted in the Sustainable Design Assessment and shown on the development plans.***
  - d) ***Provide fixed external shading to lower basement living north elevation windows. A fixed overhang that projects 45% of the glazing height should achieve this, or provide another measure.***
  - e) ***Provide operable or other external shading to the ground floor west facing study window.***
- All works must be undertaken in accordance with the endorsed Sustainable Design Assessment to the satisfaction of the Responsible Authority. No alterations to the Sustainable Design Assessment may occur without written consent of the Responsible Authority.***
10. ***Before the occupation of the development, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Landscaping must then be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.***
11. ***Prior to the occupation of the building/ commencement of use, the walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.***

12. ***Prior to the occupation of the building, fixed privacy screens (not adhesive film) designed to limit overlooking as required by Standard B22 of Clause 55.04-6 in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.***
13. ***This permit will expire if one of the following circumstances applies:***
  - a) ***The development is not started within two years of the date of this permit.***
  - b) ***The development is not completed within four years of the date of this permit.***

***In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.***

#### **NOTES**

- ***The owner/permit applicant is encouraged to contact the owner of 41 Cromwell Road to discuss the impact of the development on the trees at the rear of 41 Cromwell Road.***
- ***This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.***
- ***Nothing in the permit hereby issued may be construed to allow the removal of, damage to or pruning of any street tree without the further written consent of the Stonnington City Council. Contact the Council Arborists on 8290 1333 for further information.***
- ***At the permit issue date, Section 69 of the Planning and Environment Act 1987 stated that the Responsible Authority may extend the periods referred to if a request is made in writing within the following timeframes:***
  - i. ***Before or within 6 months after the permit expiry date, where the development allowed by the permit has not yet started; and***
  - ii. ***Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.***

## **2. AMENDMENTS C267 AND C268 - INTERIM AND PERMANENT HERITAGE PROTECTION FOR 9 HAVERBRACK AVENUE, MALVERN**

**Manager City Strategy: Susan Price**  
**General Manager Planning & Amenity: Stuart Draffin**

### **PURPOSE**

The purpose of this report is for Council to:

- Update Council on the heritage investigations for 9 Haverbrack Avenue, Malvern
- Determine whether to pursue interim and permanent heritage protection for 9 Haverbrack Avenue, Malvern.

### **BACKGROUND**

#### **Heritage Strategy**

Council has a program of heritage investigation and protection with the current stage focusing on gaps in the Heritage Overlay (HO). In December 2006, Council undertook a Heritage Strategy Review and adopted a Heritage Strategy Action Plan (Action Plan). The Action Plan provides a framework for reviewing existing houses, existing citations and assessing new houses not already in the HO.

The Current Stage of the Action Plan is the assessment of buildings not currently included within the HO with potential individual heritage significance. The aim is to seek heritage controls for all A1 graded buildings (meeting the threshold of national or state importance) and A2 graded buildings (meeting the threshold of local significance).

Since 2006, Council has maintained and refined lists of potential individual places. These potential heritage places are grouped into themes, including (but not limited) to Hotels, Churches and Halls, Stables and Dairies, Residential Flats, Victorian Houses, Federation Houses and Post war houses. 'Interwar Houses' forms one of these thematic groups.

#### **Interwar Houses Heritage Study (2015)**

The Interwar Houses Study (Study) investigated the heritage significance of houses grouped under the Interwar theme. The Study generally considered houses constructed between 1918 and 1939. Some earlier buildings and others constructed during WWII were included where their character and architectural expression adopted an interwar appearance.

The Stage 1 Interwar Study began with properties identified through a variety of sources available to Council. The purpose of the Study was to refine the original list to ensure the best known examples of that era were protected. It was not an assessment of every interwar building within the Municipality not already within the heritage overlay, rather an assessment of buildings that had been identified to Council Officers.

The Study recommended that 41 heritage places be considered for inclusion in the HO through the process of a planning scheme amendment.

#### **Amendment C222**

Amendment C222 implemented the findings of the City of Stonnington Interwar Houses Study (Bryce Raworth Pty Ltd, September 2015) applying the HO to 41 interwar places (37 in Toorak, 3 in Malvern, and 1 in Armadale).

Following a Panel hearing to consider the submissions to the Amendment, the Panel supported the Amendment.

The Amendment was gazetted on 15 June 2017 applying the HO to the 41 properties recommended in the Study.

### **Heritage Study Lists for Potential Heritage Significance**

Identifying preliminary lists for potential individual places, can be derived from:

- An analysis of the examples of places listed in the Stonnington Thematic Environmental History and identification of those which are not in the current HO
- An analysis of theme gaps in the Thematic Environment History (i.e., themes with no examples of places in the current HO)
- An analysis of places graded A1 or A2 listed in former conservation studies which are not in the current HO
- Recommendations from residents and Councillors, historical societies, Council's archives, Officers, Council's Heritage Reference Group and the National Trust.

This method of identifying gaps in the HO is a common and well accepted practice as discussed by Council's expert evidence submission during Amendment C222 Panel. In keeping with Council's tradition of collecting data on gaps within the HO, Council continue to note properties for potential heritage value. The limitations of the methodology used in heritage strategies is that if properties have not been identified previously it is unlikely they are to be considered unless recommended from other sources.

### **Identifying 9 Haverbrack Avenue, Malvern**

The house at 9 Haverbrack Avenue, Malvern was not recorded in any previous known heritage study in either the City of Malvern or once amalgamated, the City of Stonnington. It was brought to Council Officer's attention after the gazettal of the Amendment C222, therefore it was not included as a part of the earlier Study.

Officers commissioned heritage consultants Bryce Raworth Pty Ltd to undertake initial assessment and prepare a draft heritage citation. The citation identifies that the place warrants heritage protection and recommends proceeding with a planning scheme amendment to apply the Heritage Overlay.

### **Heritage Citation**

On the basis of the draft citation prepared by Bryce Raworth Pty Ltd, on 22 August 2017, Council Officers advised the owner that the findings from the heritage consultant in its draft citation were that it considered the place to be significant and recommended the HO apply to the site with a report expected to be considered by Council and a planning scheme amendment to apply the HO. The draft citation concluded that the place is of local architectural and aesthetic significance to the City of Stonnington, and recommends the place for inclusion in the Heritage Overlay on an individual basis.

The owners of 9 Haverbrack Avenue, Malvern invited Council's heritage advisor and a Council Officer to further view the house on 24 August 2017 noting a number of alterations that had taken place to the house. Following the site visit, some alterations were made to finalise the citation (refer to Attachment 1), however the recommendation remained the same.

The citation identifies 9 Haverbrack Avenue, Malvern as a single-storey building with clinker brick walls and a low slung hipped roof with terracotta tile cladding and wide eaves creating a horizontal emphasis. The citation comments that the place is:

*“Architecturally significant as a refined and substantially intact example of the Prairie School style influenced by the work of Walter Burley Griffin (Criterion D). Buildings in this idiom are rare in the municipality and in the state more generally (Criterion B). The house is one of a series of early designs by architect J F W Ballantyne, who is recognised for his important role in disseminating Griffin’s ideas.”*

The building is being recommended for inclusion to the HO as it was designed by architect James Fredrick Wilson Ballantyne, who was the son of prominent local builder George F Ballantyne. Ballantyne’s significance is attributed to his time spent working in the office of Walter Burley Griffin, a prominent architect of the time. Many of Ballantyne’s buildings exhibit strong influences from Griffin. The citation notes:

*“Ballantyne took the essential ideas of Griffin, and from his own education and experience and with a few exceptions, applied them in his own discrete, inimitable fashion.”*

Within the comparative analysis in the citation, it is noted that:

*“Extant buildings in Stonnington designed by Walter Burley Griffin and his circle of architects range from those of state significance, or potential state significance, to local significance. The former A E Ballantyne House compares well with examples that have been found to be of local significance. In particular there are strong similarities to the prismatic massing and stripped back simplicity of the Edward Billson designs at 9 Toorak Avenue and 17/17A Iona Avenue – as noted above both these houses have individual heritage overlay controls. The former A E Ballantyne House achieves a comparable level of architectural interest to the Billson houses as a well resolved example of the Prairie School style, and has a similar level of intactness, and on that basis can be seen to meet the threshold for an individual heritage overlay control.”*

### **Heritage Advice Commissioned by Owners**

The owners of 9 Haverbrack Avenue Malvern met with Council Officers on 11 September 2017 to discuss the upcoming Council Report, proposing to apply the Heritage Overlay to 9 Haverbrack Avenue. The Owners advised that they were in the process of seeking independent heritage advice. Heritage consultants Lovell Chen were commissioned by the owners to review the citation prepared by Council’s heritage consultants Bryce Raworth Pty Ltd and provide independent advice.

Lovell Chen has prepared a comprehensive assessment of the site in relation to potential heritage significance. Discussion in the Lovell Chen report was focused around the themes of Council’s assessment of significance, Prairie School, role in Ballantyne’s catalogue, intactness, rarity and comparative analysis (refer to Attachment 2).

Lovell Chen concluded that while the ‘A E Ballantyne House is of some interest historically’ they were of the view that it did not meet the threshold. Key comments from their advice can be summarised by the following 5 statements made within their report (refer to Attachment 2);

1. *“Griffin’s influence is only evident to a limited extent and the subject house is a reasonably straightforward building with detailing that would be commonplace in domestic designs in the later 1920s and 1930s.”*
2. *“The house provides few insights into the work of the Prairie School. Buildings in this idiom mentioned in the citation’s comparative analysis survive to higher levels of intactness and are of greater architectural interest and greater significance than the A E Ballantyne House.”*

3. *"Its minor role within the body of Griffin influenced work is reflected in the fact that the house has not previously been identified for a heritage control."*
4. *"The house has not previously been identified for a heritage control expression to the street. The introduction of faux-historical windows has further confused an understanding of the early arrangement."*
5. *"The house presents as an altered and lesser example of residential design in the municipality and not one which achieves the threshold of significance required to warrant individual listing in the heritage overlay."*

### **Consideration of Owners Heritage Advice**

Upon receiving the heritage advice commissioned by the Owners, Council Officers engaged Bryce Raworth Pty Ltd to consider the Lovell Chen advice and whether it would alter their recommendation that the house meets the threshold of significance (refer attachment 3).

Bryce Raworth Pty are of the view that while this is not one of the very best examples and they would make some concessions as a result of the Lovell Chen assessment, it still meets the threshold of local significance and compares well with examples that have been found to be of local significance. The subsequent advice identifies that the statement of significance could be revised to clear up any ambiguity with respect to the comment that the house is 'substantially intact'. A revision of the statement of significance under the heading 'Why is it significant' is provided in the advice by Bryce Raworth Pty Ltd in Attachment 3. Ultimately it comes down to a difference in professional opinions between the two heritage advisors.

### **DISCUSSION**

#### **Interim Heritage Protection (Amendment C267)**

Based on the advice received from Bryce Raworth Pty Ltd following its consideration of Lovell Chen's heritage assessment, it is recommended that Council requests the Minister for Planning to intervene with a Ministerial Amendment by including 9 Haverbrack Avenue, Malvern in the Heritage Overlay with interim protection.

The Department of Land Water and Planning (DELWP) has previously advised Council that intervention to introduce an interim control is an extraordinary use of the Minister's powers and a potential heritage place must be under immediate threat to warrant such intervention.

However applying for interim controls at the beginning of the planning scheme amendment process allows Council to ensure the protection of the heritage places during the formal amendment process and to better manage Council's resources. This is consistent with earlier Council amendments to protect precincts such as Amendment C116, and the approach taken for the recent Victorian Houses Study and Federation Houses Study.

#### **Proposed Permanent Individual Heritage Controls (Amendment C268)**

Council's heritage consultant, Bryce Raworth Pty Ltd has recommended 9 Haverbrack Avenue, Malvern for permanent heritage protection in the Planning Scheme. No internal alteration controls, paint controls, tree controls or fence controls are recommended.

It is proposed to pursue a Planning Scheme Amendment to include 9 Haverbrack Avenue, Malvern in the Heritage Overlay. The Heritage Overlay and associated Schedule is the principal mechanism by which a Municipality safeguards its heritage assets.

#### **Next Steps – Exhibition of Amendment C268**

Balancing the advice provided by Bryce Raworth Pty Ltd in considering the Lovell Chen assessment it is recommended that Council continue with the amendment process to include 9 Haverbrack Avenue, Malvern within the Heritage Overlay. The Citation for 9 Haverbrack Avenue however should be updated, responding to the issues identified in the Lovell Chen assessment (as outlined in attachment 3).

Following authorisation, Amendment C268 will be formally exhibited. The owners, and adjacent property owners will be notified of the proposed Amendment with a letter and accompanying FAQ sheet, and will be advised of how to make a submission. At the time of exhibition it is proposed to offer one to one consultation with the affected owner and Council's heritage consultant. If submissions couldn't be resolved, Council would refer the Amendment and submissions to an independent Panel to be appointed by the Minister for Planning. A Panel would have to weigh up the heritage evidence presented from both parties.

### **Exemption from Full Notice**

It is recommended that Council request the Minister for Planning for an exemption from the requirement to give full notice (in the local newspaper) for Amendment C268 given it is site specific to 9 Haverbrack Avenue, Malvern and has no offsite amenity impacts. Regardless, it is proposed that notice be given to the directly affected landowners, occupier, adjoining properties and prescribed authorities.

### **POLICY IMPLICATIONS**

The proposed Amendments are consistent with the following Council Plan (2017-2021) strategy:

*"Preserve Stonnington's heritage architecture and balance its existing character with complementary and sustainable development"*

They are also consistent with Council's Municipal Strategic Statement Clause 21.06 of the Stonnington Planning Scheme, which seeks to:

*"Protect and enhance all places which are significant and contributory to the heritage values of the City of Stonnington"*

The proposed Amendments are also consistent with Council's Local Heritage Policy at Clause 22.04. This seeks to:

*"Recognise, conserve and enhance places in the City identified as having architectural and cultural or historic significance"*

They are also consistent with Council's Heritage Strategy Action Plan which is currently focusing on the assessment of individual houses not included within the HO.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

The financial cost and resourcing of heritage investigation and planning scheme amendments has been included in the budget of Council's City Strategy Unit for 2017/2018.

The indicative timeframe for Amendment C268 is as follows:

<b>October 2017</b>	November 2017	February 2018	April 2018	August 2018	Late 2018
<b>Authorisation</b>	Exhibition	Consideration of Submissions	Panel Hearing	Council Consideration	Ministerial Decision

### **LEGAL ADVICE & IMPLICATIONS**

All affected parties will be given the opportunity to make submissions on Amendment C268 and to be heard by an independent Planning Panel.

If interim controls are introduced, as proposed in Amendment C268, any applications for development (including demolition) will be assessed pursuant to the provisions of the HO and the owner will have the right of appeal to VCAT.

Legal advice will be sought as required.

### **CONCLUSION**

Council commissioned Bryce Raworth Pty Ltd to undertake a heritage assessment for 9 Haverbrack Avenue, Malvern, which found that the place meets the threshold for local significance and warrants protection. Lovell Chen on behalf of the Owners have also prepared a heritage assessment which concludes that the place does not meet the threshold. On balance it is considered Council pursue the heritage protection for this place.

It is recommended that Council request authorisation to prepare Amendment C268 to apply permanent heritage protection to 9 Haverbrack Avenue Malvern supported by the heritage citation prepared by Bryce Raworth Pty Ltd in Attachment 1, with updates identified in Attachment 3.

It is also recommended that Council requests the Minister for Planning to prepare Amendment C268 to provide interim heritage protection to 9 Haverbrack Avenue, Malvern.

Furthermore, it is recommended that the interim control have an expiry date of 30 November 2018. This will provide a timeframe in which to complete the Amendment process which proposes to include 9 Haverbrack Avenue, Malvern (Amendment C268)

### **HUMAN RIGHTS CONSIDERATION**

This recommendation complies with the Victorian Charter of Human Rights and Responsibilities Act 2006.

### **ATTACHMENTS**

- |  |          |
|--|----------|
| ⇒1. PA - Attachment 1 of 3 9 Haverbrack Ave Malvern Citation               | Excluded |
| ⇒2. PA - Attachment 2 of 3 Lovell Chen Heritage Advice 9 Haverbrack Avenue | Excluded |
| ⇒3. PA - Attachment 3 of 3 Bryce Raworth Pty Ltd Response to Lovell Chen   | Excluded |

## RECOMMENDATION

### *That Council:*

- 1. Request that the Minister for Planning prepare Amendment C267 to the Stonnington Planning Scheme in accordance with Section 8(1) (b) and 20 (4) of the Planning and Environment Act 1987, to provide interim protection to 9 Haverbrack Avenue, Malvern, subject to Amendment C268*
- 2. Applies to the Minister for Planning to obtain authorisation to prepare Amendment C268 to the Stonnington Planning Scheme in accordance with Section 9 (3) of the Planning and Environment Act 1987, to apply permanent heritage protection to 9 Haverbrack Avenue, Malvern.*
- 3. Applies to the Minister for Planning under Section 20 (1) of the Planning and Environment Act 1987 for an exemption from the requirement to give full notice under Section 19 (2) of the Planning and Environment Act 1987 for Amendment C268*
- 4. Authorises Council officers to prepare Amendment C268 documents for authorisation and exhibition.*
- 5. Once authorisation is received, exhibit Amendment C268 in accordance with the Ministers requirements.*
- 6. Advises the owners of 9 Haverbrack Avenue, Malvern of Council's resolution.*



### **3. SUBMISSION TO THE PARLIAMENTARY INQUIRY INTO THE PUBLIC HOUSING RENEWAL PROGRAM.**

**Principal Social Planner: Lisa Stafford**  
**Manager Advocacy, Performance and Improvement: Tracey Limpens**  
**General Manager Planning & Amenity: Stuart Draffin**

#### **PURPOSE**

The purpose of this report is to seek endorsement on key issues to be included in Council's submission to the Parliamentary Inquiry into the Public Housing Renewal Program.

#### **BACKGROUND**

While the City of Stonnington residents enjoy a high level of health and wellbeing compared to the rest of Victoria, the City has pockets of significant disadvantage. The municipality has a unique demographic make-up, with many people living at the very lowest end of the socio-economic scale and many at the highest end of the scale. This brings specific challenges for housing affordability, inclusion and participation. In the City, 40.8% of our residents rent privately, 3.0% live in social housing and 46% are purchasing or fully own their home. The City has a significantly higher rental population compared to greater Melbourne, 25.8% private and 2.6% social respectively. More specifically, Prahran has the greatest concentration of households at the 'low income end' and combined with other complex social and community influences, is recognised as a significantly disadvantaged community reflected by a low Socio Economic (SEIFA) index.

In March 2017, the Minister for Planning released proposed planning reforms to facilitate public housing, community care accommodation and improving rules for rooming houses for comment. On 29 May 2017, Council received a report on *Proposed State Government Planning Reforms on Social Housing and Homelessness*. Council resolved to:

1. Note the proposed reforms to the Victorian Planning Provisions to specified accommodation types.
2. Note the key issues for Council outlined in the report, endorses Council's submission to the proposed reforms as generally outlined, authorising officers to make changes consistent with this report and as further identified prior to lodgement of the submission.
3. Write to the Minister for Planning to request that in future, adequate time is given to Councils to consider proposed reforms to enable adequate consideration and input.

This report is consistent with Council's existing position and resolution, and proactively addresses the strategic priority to advocate to government to fundamentally improve public housing infrastructure, quality and amenity to help our most vulnerable residents.

#### **Public Housing Renewal Program**

Victoria is facing a housing crisis with more than 33,000 Victorians currently on the public housing waiting list.

In December 2016, the Victorian Government, as part of its commitment to increase the state's public housing stock, launched the \$185 million Public Housing Renewal Program (PHRP) to redevelop public housing sites across Melbourne.

The PHRP is intended to grow and sustain the supply of public housing and improve the quality and suitability of homes in public housing estates.

The renewal program involves partnerships with the private sector to achieve a mix of public and private dwellings and will involve significant intensification of the estates.

However, despite public housing demand redevelopments will only result in a 10% per cent increase in public housing stock.

### **Bangs Street**

Inner-city and suburban municipalities are the first sites to be developed as part of the PHRP.

In Stonnington, Bangs Street (Prahran) will be the first to be developed. Bangs Street, built in the 1970's, occupies 1.33Ha and has 120 public housing dwellings (40 one-bedroom and 80 two-bedroom dwellings).

It is proposed the development will deliver approximately 482-682 mixed public and private dwellings. For public housing, 59 one-bedroom and 61 two-bedroom and 12 three-bedroom dwellings will be provided. It is proposed that the site will only deliver 12 new public housing dwellings, meeting the minimum 10 per cent uplift. However, the overall number of persons accommodated in public housing could potentially be reduced due to the loss of three-bedroom family-sized dwellings (conservatively up to 63 people). Approximately 350-450 private dwellings are proposed.

<b>Dwellings</b>	<b>Before</b>	<b>After</b>	<b>Net change</b>
1 Bedroom	40	59	19
2 bedroom	0	61	61
3 bedroom	80	12	-68
<b>Public Housing Total</b>	<b>120</b>	<b>132</b>	<b>12</b>
<b>Private Housing Total</b>	<b>0</b>	<b>350-450</b>	<b>350-450</b>

It is expected that all existing Bangs Street buildings will be removed under this development plan. Residents will be moved to temporary or permanent new homes between late 2017 and early 2018, with construction occurring during 2018. Residents are expected to return to the site in late 2018 when construction of the private dwellings is expected to commence. These timelines are ambitious and suggest that the public housing residents will be living on a construction site while the private housing is built. The staged approach also limits opportunities for the integration of public and private housing, promoting segregation.

### **Local Government Collaboration**

In response to the serious concerns about the proposed renewal process, poor planning outcomes and the negligible increase in public housing dwellings the Cities of Bayside, Boroondara, Darebin and Stonnington have formed the *Proper Planning for Public Housing Alliance*.

The Alliance will advocate for an increased allocation of public housing to meet the housing crisis demand and to delay the implementation of the PHRP until planning outcomes that respect neighbourhood character are assured.

### **Parliamentary Inquiry into the Public Housing Renewal Program**

In August 2017, the Greens put a Notice of Motion to the Victorian Parliament referring the PHRP to the Standing Committee on Legal and Social Issues. The motion was passed requiring the Committee to undertake an inquiry to consider and report on the PHRP by 20 March 2018.

The Inquiry provides Council with an opportunity to call for a delay in the implementation of the PHRP until the Committee hearings have been held and its report and recommendations are released.

## DISCUSSION

In September, Council received correspondence from the Legislative Council Legal and Social Issues Committee inviting a submissions into the Parliamentary Inquiry into the PHRP by 3 November 2017.

The Inquiry will assess the:

1. Adequacy of a proposed 10 per cent increase in public housing;
2. Ability to cater for all demographics, including families;
3. Effects on current public housing tenants; and
4. Removal of planning controls from local councils.

The following key issues have been identified for inclusion in Council's submission:

- Net community benefit should be the driving principle of the PHRP;
- A 10 per cent increase in public housing is entirely inadequate to respond to the housing crisis;
- Existing public housing land should be maximised to create additional public housing stock;
- PHRP sites should cater for all demographics, not just singles, so that families have an opportunity to access jobs and services;
- The PHRP dwelling configuration will mean that fewer people will have access to public housing accommodation;
- Chapel reVision recognised the important role of housing, and the need to increase dwelling diversity and affordability to support the needs of a diverse population. However, there is significant difference between Council's adopted Chapel reVision and the preliminary plans for Bangs Street, most notably inconsistencies on public realm and amenity, pedestrian connectivity and access to open space provisions;
- It is a concern that the proposed controls seek to exempt significantly larger buildings from needing a planning permit. In the absence of needing a planning permit, it is not clear what development controls will apply to these buildings and this is a significant concern from a number of perspectives – including integration into the existing context and respecting the neighbourhood character, providing adequate internal amenity, as well as managing any off-site amenity impacts;
- Redevelopments should achieve quality public realm and urban design outcomes that are respectful of neighbourhood character;
- Redevelopments should not result in the loss of public land;
- Redevelopments should not limit the potential opportunity for future public housing;
- Engagement with local government is essential to achieve strategic city shaping / place making opportunities;
- PHRP must take into consideration future community support needs and integrate long-term support services and facilities into the developments;
- The timing of works to be undertaken as part of the redevelopment should be scheduled to minimise disruption to public housing residents; and
- If, into the future, the Department of Health and Human Services expects Council to enter into an MOU to provide surplus land for the creation of public housing, the request will be in conflict with the Council's priority to create open space, as expressed in the Plan 2017-21 and *Strategies for Creating Open Space*.

## **POLICY IMPLICATIONS**

The submission approach is supported by the objectives of the Council Plan (2017-21) and the Draft Municipal Public Health and Wellbeing Plan (2017-21).

The Council Plan states that we will:

- Monitor and review the application of the residential zones, and make relevant submissions.
- Advocate to the State Government to improve public housing quality and amenity.

## **CONCLUSION**

The PHRP is intended to grow and sustain the supply of public housing and improve the quality and suitability of homes in public housing estates. The renewal program involves partnerships with the private sector to achieve a mix of public and private dwellings and will involve significant intensification of the estates. Despite the demand for public housing, redevelopments will only deliver a 10% per cent increase in public housing stock and significantly limited housing choice.

The report outlines a series of concerns related to the PHRP and it is intended that these issues form the basis of Council's submission to the Parliamentary Inquiry into the Public Housing Renewal Program. Notably, Council calls on the government to fundamentally rethink the PHRP and put Bangs Street redevelopment on hold pending the Parliamentary Inquiry and to ensure that:

- Opportunities at existing sites are maximised to meet the growing housing crisis demand and to cater for a wider range of housing options close to jobs, transport and services.
- Integration and consistency with the City of Stonnington Planning Scheme and gazetted Chapel reVision, including respecting existing context, neighbourhood character and public realm, providing adequate internal amenity, and managing off-site amenity impacts, pedestrian connectivity and access to open space. Redevelopments should achieve quality public realm and urban design outcomes that are respectful of neighbourhood character.

## **HUMAN RIGHTS CONSIDERATION**

This recommendation complies with the Victorian Charter of Human Rights and Responsibilities Act 2006.

## **RECOMMENDATION**

***That Council:***

- 1. Endorses the key issues identified in this report as the basis of Council's submission to the Parliamentary Inquiry into the Public Housing Renewal Program***

## 4. HOMELESSNESS PROTOCOL

**Principal Social Planner: Lisa Stafford**

**Manager Advocacy, Performance and Improvement: Tracey Limpens**

### PURPOSE

The purpose of this report is for Council to consider the draft Homelessness Protocol.

### BACKGROUND

Homelessness is an issue facing people and communities worldwide.

Over the last 12 months, homelessness in Stonnington has become more evident, particularly in the Chapel Street and Glenferrie Road retail precincts, in local parks and sporting pavilions and around Council owned facilities.

Since January Council has received approximately 4 to 6 complaints per month through its Customer Request Management (CRM) system. This trend has been supported anecdotally by field staff, those working in facilities adjacent to open spaces, housing and homelessness services, community agencies and local police. However, obtaining clear and reliable data about the number of people experiencing homelessness is difficult due to the transient nature of homelessness.

Homelessness has no municipal boundaries and requires a whole of community response involving all levels of government; homelessness and health services; community organisations and Victoria Police. For example:

- Council is responsible for providing information and referral for people experiencing or at risk of homelessness, investigating complaints, monitoring homelessness and ensuring personal belongings are not causing a threat to public health and safety.
- Launch Housing is Stonnington's primary housing and homelessness intake service, providing referral to crisis accommodation, assisting with housing applications and providing outreach services through the Rough Sleeper Initiative (RSI).
- Outreach services are also provided by Star Health through its Community Connections Team, with the Alfred Homeless Outreach Psychiatric Service (HOPS) providing outreach to people with compromised mental health.
- Victoria Police is responsible for community safety and enforcement related to illegal or criminal activity.

In response to the increased presence of homelessness a regular meeting, the *Stonnington Homelessness Roundtable*, was established with representatives from Launch Housing, Star Health, Alfred Homeless Outreach Psychiatric Service, Uniting Prahara, City of Port Phillip, Victoria Police and staff from Local Laws and Advocacy, Performance and Improvement. Meetings have been conducted monthly since April 2017 and aim to monitor homelessness in the municipality, identify 'hot' spots and develop a consistent and coordinated response.

### DISCUSSION

Homelessness is a complex issue and can be confronting for our community. Residents often contact Council as a 'first point of call'; sometimes people are concerned about the welfare of a person they believe is experiencing homelessness and at other times, when there is a public nuisance complaint (i.e. aggressive behaviour or obstructing belongings).

Increased calls and correspondence from residents and traders for Council action in response to homelessness has necessitated the need to better inform the community of Council's role and responsibilities.

Council's Statement of Human Rights, amongst other principles, underpin our responsibility and roles. The City of Stonnington recognises and respects that everyone has the same human rights entitlement to allow them to participate in, and contribute to, society and our community.

People who are homeless have a right to be in public spaces and will be treated as any other member of the public. There is no enforcement with respect to homelessness. Enforcement will only apply where a law (Local or State) has been or is being breached, for example where there is associated illegal or criminal activity. Therefore, Council is not legally permitted to require a person 'move on' because that person is homeless. For this reason, a Protocol is needed to clearly outline Council's permissible actions within the boundaries of the law.

The draft Homelessness Protocol aims to address the above community concerns by explaining how Council will respond when someone is experiencing homelessness or is 'rough sleeping' in public places such as parks, open space and around facilities which are owned or managed by Council. The Protocol provides a broad overview including:

- Definitions of homelessness;
- Information about where and when the Protocol will be applied;
- Council's approach;
- Principles and actions;
- Referral information; and
- Policy context (Council and State).

The Draft Protocol is based on the *Victorian Protocol for People who are Homeless in Public Places* and protocols developed by the Cities of Port Phillip, Yarra, Melbourne and Boroondara; and has been reviewed by the members of the Stonnington Homelessness Roundtable.

It is proposed that the Protocol be made available on Council's website along with referral information, support service contact details and a link to 'Make a service request', enabling residents/traders/visitors to report homelessness. Council's website will be updated, including search function, to make it easier for the community to find out more information about homelessness and agency support contact information.

A list of support services has been developed for staff and public use. The list complements the service information in Council's *Emergency Relief and Material Aid* booklet and will be combined into a single publication in the next print run.

Internally, the Protocol will be supported by the Homelessness Referral Guidelines 2017 and Homelessness Flow Chart, providing guidance for Council staff from business units that are likely to come in contact with people who are homeless or sleeping rough in public places. The Guidelines have a focus on harm minimisation, personal safety and procedures for recording and reporting homelessness, and will be supported by training to be delivered by Launch Housing.

Referrals received by Council will be investigated by Council's Local Laws team who will undertake a site visit and determine if a report/complaint is related to 'Camping' or 'Homelessness'. Following assessment they will liaise with local Police and make referrals to Launch Housing (Rough Sleeper Initiative) and Star Health (Community Connections) for outreach support.

Channelling all reports of homelessness through Council's CRM will ensure a consistent approach to investigation and provide more accurate data about homelessness and key hot spots in the municipality. This information will also be shared with the Homelessness Roundtable agencies to ensure a timely and coordinated approach.

#### **POLICY IMPLICATIONS**

The Draft Protocol aligns with the Victorian Charter of Human Rights and Responsibilities (2006) and the following Council documents:

- Council Plan (2017-21);
- Draft Municipal Public Health Plan (2017-21);
- Statement of Human Rights (2008); and
- Statement of Social Justice (2015).

#### **CONCLUSION**

The Draft Homelessness Protocol has been developed in accordance with State and local government protocols and provides an opportunity for Council to communicate its role in homelessness to the community.

#### **HUMAN RIGHTS CONSIDERATION**

This recommendation complies with the Victorian Charter of Human Rights and Responsibilities Act 2006.

#### **ATTACHMENTS**

⇒1. Homelessness Protocol Excluded

#### **RECOMMENDATION**

***That Council:***

- 1. Endorses the Homelessness Protocol; and***
- 2. Makes the Protocol available on the website with referral information.***



## 5. AQUATIC LANE HIRE & ALLOCATION POLICY DISCUSSION PAPER

**Manager Community Facilities: Tony Oulton**

**General Manager Community & Culture: Karen Watson**

### **PURPOSE**

The purpose of this report is to endorse the release of the Aquatic Lane Hire and Allocation Policy Discussion Paper for community consultation.

The Discussion Paper identifies the challenges and opportunities for aquatic centre usage and management, sets out ideas and options to respond to these, and seeks opinions and suggestions from the community. Feedback will be used to inform a draft Aquatic Lane Hire and Allocation Policy.

### **BACKGROUND**

Swimming has a multitude of benefits. Swimming builds endurance, muscle strength and cardiovascular fitness. It provides a full-body workout, with nearly all muscles used during swimming. In addition, it is a low-impact activity that can be paced up or down to suit the individual. Swimming, together with other rhythmic styles of exercise, such as walking, helps to reduce stress and alleviate symptoms of depression and anxiety. As swimming is a low impact activity it is also frequently used as rehabilitation or therapy for various injuries and ongoing health conditions.

Stonnington City Council owns and operates two aquatic centres with the following water spaces:

#### Harold Holt Swim Centre

- 8 lanes - outdoor heated 50m pool
- 6 lanes - indoor heated 25m pool
- Hydrotherapy pool with access ramp
- Indoor and outdoor spa
- Leisure water and learn to swim pool

#### Prahran Aquatic Centre

- 8 lanes - outdoor heated 50m pool
- Outdoor heated toddlers' pool

According to last national survey results for sports participation (AusPlay 2016), in Victoria swimming was the fourth most popular activity undertaken by adults who participated in any physical activities for sport, exercise or recreation within the past 12 months. Survey results showed that 13.4% of the total adult population in Victoria had participated in swimming in the past 12 months, 15.1% for females and 11.6% for men.

Whilst the overall participation rates in swimming have remained largely unchanged for the past 20 years, the nature of swimming and use of the facilities has changed significantly. Today there is a much greater focus on swimming for sport and exercise and less on recreation. This is evidenced through the significant shift in the type of attendances to Stonnington pools.

In 2006, the number of casual visits to aquatic centres represented 70% of total attendances. In 2016, this number had fallen to just 40% of total visits, with the vast majority of use associated with members or regular users. As result, aquatic centres are facing pressure and increased demand for lap lanes to accommodate sport and exercise based swimming activities.

Lap lane capacity in Stonnington has not been increased since the original development of Harold Holt Swim Centre in 1969. The outdoor pool at Prahran Aquatic Centre was opened in 1963, hence the need to review the process of lane allocation has become more pertinent.

## **DISCUSSION**

### Aquatic Lane Allocation Discussion Paper

There are a range of issues associated with the current practice of lane allocation across Stonnington Aquatic Centres primarily associated with process, transparency and equity.

Background information, usage data and details regarding each of the issues identified through a preliminary exercise are contained within the Aquatic Lane Allocation Discussion Paper included as attachment 1 to this report.

The main issues contained within the Discussion Paper are:

1. Increasing demand for lap lane space
2. Casual vs exclusive use – lap lane allocation
3. Managing assets for equity and transparency
4. Cost
5. Communication and managing community expectations

The Discussion Paper encourages stakeholders to respond to a series of questions prepared in response to each issue.

### Consultation Process

Community consultation has been planned over four phases as shown below.

Phase 1 – Consultation and Discussion Paper (current phase)

Phase 2 – Review and Assessment of Consultation Findings

Phase 3 – Draft Aquatics Lane Hire and Allocation Policy

Phase 4 – Final Aquatics Lane Hire and Allocation Policy

Consultation will commence with the release of the Discussion Paper and its direct distribution to all key stakeholders including existing users of both centres, past users and potential users including swimming clubs, schools and associations.

A period of at least three months will be made available for the receipt of submissions in response to the Discussion Paper. In the interim, a series of pop-up consultations will occur at both centres across a span of user groups, where direct feedback will be sought including input from casual users or recreational swimmers.

Once community feedback has been received, a draft Aquatics Lane Hire and Allocation Policy will be developed. This draft Policy will be presented to Council for endorsement or amendment. Following Council's review, a final Policy will be prepared and presented to Council and stakeholders for final consultation.

The Policy is expected to provide a framework for eligibility and priority, lane (space) allocation, tenure and fees.

## **POLICY IMPLICATIONS**

The presentation of the discussion paper and proposed development of a Council policy to guide the future allocation of pool lanes at Council aquatic centres is consistent with the following strategies within the Council Plan 2017-2021:

- C1 - Enhance Community Health and Wellbeing through quality service delivery and strategic partnerships
- C4 - Enhance community engagement to ensure Council makes long-term decisions in the best interests of the community.
- C5 - Increase participation in physical activity through long-term recreation planning and service delivery.
- C7 - Support local community organisations with equitable access to facilities, training and resources.

## **FINANCIAL AND RESOURCES IMPLICATIONS**

A project budget of approximately \$15,000 has been included within current operating budget to prepare the discussion paper, undertake community consultation and prepare a consultation report.

## **CONCLUSION**

The Aquatic Lane Hire and Allocation Policy Discussion Paper has been prepared to inform the community about a range of issues that exist around the allocation of pool lap lanes at Council owned aquatic facilities in Stonnington.

The Discussion Paper identifies the challenges and opportunities for aquatic centre usage and management, sets out ideas and options to respond to these, and seeks opinions and suggestions from the community. Community feedback will be reviewed and used to guide the development of an Aquatic Lane Hire and Allocation Policy.

## **HUMAN RIGHTS CONSIDERATION**

This recommendation complies with the Victorian Charter of Human Rights and Responsibilities Act 2006.

## **ATTACHMENTS**

- ⇒1. Aquatic Lane Hire & Allocation Policy Discussion Paper Excluded

## **RECOMMENDATION**

***That Council endorse the release of the Lane Allocation Discussion Paper for public consultation.***



## **6. OUT OF ROUND ARTS AND CULTURE GRANT STONNINGTON SYMPHONY AND STONNINGTON YOUTH JAZZ INITIATIVE**

**Manager Children & Family Services: Cath Harrod**  
**General Manager Community & Culture: Karen Watson**

### **PURPOSE**

The purpose of this report is for Council to consider projects and programs to be funded as an out-of-round application through Council's Arts and Cultural Sponsorship program for the 2017/2018 financial year.

### **BACKGROUND**

Council's support of arts and cultural activities, particularly festivals and events, is an investment in the community's wellbeing. The Arts and Cultural Sponsorship program exists to support organisations, community groups and auspiced individuals wishing to present high quality, creative, contemporary projects that enhance the cultural, community and economic development of the City.

The Arts and Cultural Sponsorship Guidelines are based upon Council's Arts and Cultural Strategy's key themes:

- Leadership and Advocacy
- Creative Communities
- Creative Spaces
- Sharing the Creative City.

The Assessment Panel (internal assessors) independently assessed the two (2) out-of-round applications based on the Arts and Culture Grants Guidelines and assessment criteria below.

Projects must take place within the City of Stonnington boundaries and have:

- Clearly defined project aims
- Capacity to deliver the project described
- A targeted audience
- Capacity to develop new and/or attract broad audiences
- A creative and contemporary approach to the presentation of the project
- Clear benefits to the Stonnington community
- Capacity to stimulate active community involvement
- A detailed Marketing Plan
- Financial viability and sound management
- Clear outcomes and relevant measures for success
- Align with the vision and themes the City of Stonnington's Arts and Cultural Strategy.

Applications for Arts and Cultural Sponsorships opened on 2 February 2017 and closed on 24 March 2017.

Stonnington Symphony were granted in-kind support only of \$31,400 as part of the grant process, however the request for cash contribution was denied due to not meeting the eligibility requirements.

Stonnington Youth Jazz Initiative submitted an incomplete application that could not be assessed as it did not meet the eligibility requirements of the grant program.

The Assessment Panel recommended that Council Officers work with Stonnington Symphony in the submission of an out-of-round grant application for a cash contribution in addition to the in-kind venue hire they have been recommended for.

Stonnington Symphony and Stonnington Youth Jazz Initiative have submitted out-of-round applications that meet the eligibility requirements for financial support as part as of the 2017/18 Arts and Culture Grant Program.

#### **DISCUSSION**

The 2017/18 operating budget has an allocation of \$425,000 for Arts and Cultural Sponsorships of which \$376,025 was recommended for allocation and approved by Council on 3 April 2016. The total available pool is \$38,377. The Assessment Panel have recommended that total of \$30,740 be allocated for out-of-round grants as follows:

- Cash contribution of \$25,230 be allocated to Stonnington Symphony (in addition to the In-kind venue hire they have been granted).
- Cash contribution of \$5,150 and in-kind venue hire of \$360 to be allocated to Stonnington Youth Jazz Initiative.

#### **POLICY IMPLICATIONS**

The Arts and Cultural Sponsorship program sits within the strategic objectives of Community and Liveability in the Council Plan.

The program is aligned with Council's strategy to recognise and enhance Stonnington's diverse culture and indigenous heritage through programs and events which support the arts, traditions and heritage.

The Arts and Cultural Sponsorship program reflects the strategic visions of the Arts and Cultural Strategy:

- Arts and Culture to be valued and promoted.
- Arts and Culture surprises, delights and engages the community and beyond.
- Creative talents are encouraged and supported through sustainable links and partnerships.

The Arts and Cultural Sponsorships and Guidelines are based upon Council's Arts and Cultural Strategy's four key themes:

- Leadership and Advocacy
- Creative Communities
- Creative Spaces
- Sharing the Creative City.

#### **FINANCIAL AND RESOURCES IMPLICATIONS**

Council's 2017/18 budget allocation for Arts and Cultural Sponsorship is \$425,000 of which \$376,025 has been committed and endorsed by Council. A total of \$30,740 is recommended to be allocated to sponsoring arts and cultural projects and programs for the out-of-round applicants that have been recommended for funding.

The balance of funds amounting to \$7,637 will be distributed following future report/s to Council.

#### **CONCLUSION**

It is recommended that Council allocate a total of \$30,740 of the Arts and Cultural Sponsorship 2017/18 to the out-of-round applicants that have been recommended for funding.

The remaining balance \$7,637 is to be distributed following future Council report/s.

### **HUMAN RIGHTS CONSIDERATION**

This recommendation complies with the Victorian Charter of Human Rights and Responsibilities Act 2006.

### **ATTACHMENTS**

- |  |          |
|--|----------|
| <a href="#">1.</a> Budget Stonnington Symphony - Funding Recommendation              | Excluded |
| <a href="#">2.</a> Stonnington Youth Jazz Initiative Budget - Funding Recommendation | Excluded |

### **RECOMMENDATION**

#### ***That Council:***

- 1. Allocate a total of \$30,740 of the Arts and Cultural Sponsorship 2017/18 to the out-of-round applicants that have been recommended for funding.***
- 2. The remaining balance \$7,637 to be distributed following future Council report/s.***



## **7. COUNCIL COMMITTEES**

**General Manager Community & Culture: Karen Watson**  
**Chief Executive Officer: Warren Roberts**

### **PURPOSE**

The purpose of this report is to appoint a Chair of the Economic Development and Culture Advisory Committee.

### **BACKGROUND**

Council, at its meeting of 5 December 2016, appointed Cr Sehr as Chair and Cr Griffin as Deputy Chair of the Economic Development and Culture Advisory Committee. Membership of this Advisory Committee is open to all Councillors who wish to attend its meetings.

### **DISCUSSION**

Cr Sehr has since resigned from her role as Chair of the Economic Development and Culture Advisory Committee and it is now necessary to appoint a new Chair. Cr Griffin has nominated to take up the position of Chair. Cr Hindle has nominated to take up the position of Deputy Chair.

### **HUMAN RIGHTS CONSIDERATION**

This recommendation complies with the Victorian Charter of Human Rights and Responsibilities Act 2006.

### **RECOMMENDATION**

*That Council:*

- 1. Appoint Cr Griffin as Chair of the Economic Development and Culture Advisory Committee*
- 2. Appoint Cr Hindle as Deputy Chair of the Economic Development and Culture Advisory Committee.*



## **8. PRAHRAN MARKET BOARD DIRECTOR INTERVIEW PANEL**

**General Manager Corporate Services: Geoff Cockram**  
**Chief Executive Officer: Warren Roberts**

### **PURPOSE**

For Council to appoint interested Councillors to a panel to assess candidates seeking appointment to the Prahran Market Board.

### **DISCUSSION**

Council at its meeting on 7 August 2017 decided to appoint a panel comprising the Mayor, the Chair of the Finance Advisory Committee, CEO and any other interested Councillors to form a panel to assess applications for a fourth Director for the Board of the Prahran Market.

Interviews are proposed to be held on 6 and 10 October 2017.

### **HUMAN RIGHTS CONSIDERATION**

This recommendation complies with the Victorian Charter of Human Rights and Responsibilities Act 2006.

### **RECOMMENDATION**

***That Cr Marcia Griffin be appointed to the panel to interview candidates for appointment to the Prahran Market Board.***