



NOTICE PAPER

Monday 30 October 2017 at 7pm

**Malvern Town Hall, Main 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 under local laws.

Council Meeting

Notice Paper

Monday 30 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)	
	1. MINUTES OF THE COUNCIL MEETING HELD ON 16 OCTOBER 2017.....	5
d)	Disclosure by Councillors of any conflicts of interest in accordance with Section 79 of the Act ¹	
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	
	1. STONNINGTON INDOOR SPORTS STADIUM FEASIBILITY STUDY	7
	2. PLANNING APPLICATION 0593/17- 33-35 HUNTINGTOWER ROAD, ARMADALE - CONSTRUCTION OF A TWO STOREY APARTMENT BUILDING COMPROMISING TEN DWELLINGS.....	17
	3. PLANNING APPLICATION 0002/17 - 55 EMO ROAD, MALVERN EAST - CONSTRUCTION OF TWO DWELLINGS ON A LOT IN A NEIGHBOURHOOD RESIDENTIAL ZONE	35
	4. PLANNING APPLICATION 233/17 - 9 GERTRUDE STREET, WINDSOR - EXTENSION TO A DWELLING ON A LOT LESS THAN 500 SQUARE METRES IN A NEIGHBOURHOOD RESIDENTIAL ZONE AND SPECIAL BUILDING OVERLAY.....	51
	5. AMENDMENT C261 - PERMANENT HERITAGE PROTECTION FOR 2 VICTORIAN PLACES	63
	6. SOLAR SAVERS PROJECT	67
	7. PROPOSED DEMOLITION OF WILL SAMPSON CENTRE FOR PUBLIC OPEN SPACE	75
m)	Other General Business	
n)	Urgent Business	
o)	Confidential Business	
	1. PRAHRAN MARKET PTY LTD - APPOINTMENT OF DIRECTOR AND DIRECTORS FEES 2017/18	79
	2. VIRGIN AUSTRALIA MELBOURNE FASHION FESTIVAL	79

¹ 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 16 October 2017 as an accurate record of the proceedings.

l) General Business

1. STONNINGTON INDOOR SPORTS STADIUM FEASIBILITY STUDY

Manager Community Facilities: Tony Oulton

General Manager Community & Culture: Karen Watson

PURPOSE

The purpose of this report is to present the findings of the Stonnington Indoor Sports Stadium Feasibility Study and outline the next step in the process.

BACKGROUND

The Stonnington Recreation Strategy 2014-2024 includes a commitment to:

- Conduct a feasibility study into the construction of a new multi-court indoor stadium to service the needs of indoor court users; and
- Subject to the feasibility study, construct a new multipurpose indoor stadium to service the needs of netball and other indoor sports.

On 21 November 2016 as an item of confidential business it was resolved that Council:

1. Endorse Percy Treyvaud Memorial Park as the preferred site for the proposed Stonnington Indoor Sports Stadium.
2. Complete a Feasibility Study into the proposed development of an indoor stadium at Percy Treyvaud Memorial Park with a minimum of 4 courts.
3. Include as part of the Feasibility Study opportunities to accommodate the Chadstone Bowls Club and/or its members at alternate locations and the future provision of active recreation programs and services for older adults as part of that study.

The Indoor Sports Stadium proposal that was the subject of the Feasibility Study included the following elements:

- To be built on the site of the existing Chadstone Bowls Club, displacing the existing greens and bowls clubhouse.
- A 147 bay under-croft car park built under the Stadium.
- Existing tennis courts would not be displaced. However, the existing tennis pavilion may be affected. If this occurs the functional spaces currently provided by the existing facility would be replaced. The spaces may or may not be attached to/contained within the proposed stadium.
- No other functional spaces within Percy Treyvaud Memorial Park would be directly impacted by the stadium structure.

DISCUSSION

The Feasibility Study was commissioned to provide Council with expert opinion, independent data and community feedback in order to make an informed decision on the merit of the proposal. The components of the Feasibility Study that have informed the final report have been completed by a number of independent consultants. These reports include:

- Stadium Operations Report - Otium Planning Group
- Traffic Impact Assessment - O'Brien Traffic
- Social Impact Assessment - Public Place
- Chadstone Bowls Club: Strategic Options Assessment - Corengal Group

In addition to the prescribed elements of the Feasibility Study, Hansen Partnership undertook a review of all Council-owned sites previously considered as stadium site options, and an assessment of three possible alternate sites.

The Site Review evaluated a short list of nine sites from the original list of 51 sites. The Chadstone Bowls Club site option within Percy Treyvaud Memorial Park and two options within Orrong Romanis Reserve were options recommended for further investigation. The Site Review is included as an appendix to Hansen Partnership's Feasibility Study that is included as Attachment 1 to this report.

The subsequent Assessment of Alternate Sites included the two options at Orrong Romanis Reserve and a more rigorous assessment of those nominated sites was reported to Council on 4 September 2017. The report was noted for inclusion in the final Stonnington Indoor Sports Stadium Feasibility Study report and is included as Attachment 2. The Hansen Partnership Assessment of Alternate Sites is included in Attachment 1. Based upon the findings of this assessment and further information reported to Council on 4 September 2017, there has been no further investigation on these alternate sites.

Stadium Operations Report

Otium Planning Group assessed the demand for indoor courts, the feasibility of the proposed development, as it related to the management, operation and financial performance of a four-court stadium at Percy Treyvaud Memorial Park.

The lack of available indoor courts, current high occupancy level of the existing facilities, participation growth, predicted population growth rate coupled with the anticipated demand particularly for basketball and netball activities, supports the future provision of additional indoor sports courts.

The consultant team recommends that over the next twenty years there will be demand for between 8 to 13 indoor courts in Stonnington. The proposed four indoor courts will meet the short term needs of netball and address some of the unmet demand for basketball competition, however access to the two courts at Orrong Romanis will continue to be required to meet the needs of these sports.

However given the high demand for access to courts it is unlikely that the needs of netball and basketball along with potential alternate sports such as futsal and volleyball will be fully accommodated.

If the facility is approved a process and selection criteria would need to be established to allocate the court hours and negotiate usage agreements in order to confirm a final usage schedule.

A financial model for the proposed 4 court indoor stadium has been developed underpinned by a number of global impact assumptions that are outlined in the report. The 10-year base case business projections indicate:

- Revenue is expected to increase annually from \$761,000 in year 1 to \$1,084,000 by year 10.
- Expenditure is expected to increase annually from \$715,000 in year 1 to \$914,000 in year 10.
- The average operating surplus is estimated to be approximately \$120,000 per annum.
- This base case is built upon expected attendances increasing from 226,000 visitations in year 1 to 250,000 by year 8 before remaining steady until year 10.

The Facility Business Base Case is for average use. Scenarios based upon optimistic and conservative forecasts of use are also included in the report.

Traffic Impact Assessment

O'Brien Traffic undertook a Traffic Impact Assessment on the proposal to replace the Chadstone Bowls Club with a four-court indoor sports stadium. Traffic counts and observations were undertaken at streets and intersections surrounding the subject site. Further surveys were undertaken at a similar facility to inform the parking rate forecasts.

The Traffic Impact Assessment concluded that:

- With the proposed provision of 142 – 147 spaces within the semi-basement car park, the car parking demand associated with the Indoor Sports Stadium will be accommodated on-site;
- The additional daily and peak hour volumes generated by the proposal will be readily accommodated within the local road network; and
- The intersections in the vicinity of the site during peak periods (under existing and future conditions) will readily accommodate the additional traffic generated by the proposal.

Chadstone Bowls Club – Strategic Options Assessment

Corengal Group considered the options available to Chadstone Bowls Club if a stadium were to be built on their current facility. The options that were identified are for the Club to:

- Relocate and merge or co-locate with a nearby club
- Relocate to the former home of the East Malvern RSL Bowls Club
- Relocate to a new facility within Percy Treyvaud Memorial Park

Council wanted to discuss these options with the Club as part of the Feasibility Study however the Club did not want to entertain a discussion about its options before the Feasibility Study was completed.

If Chadstone Bowls Club is to be relocated to a new facility, consideration should be given to replacing the two natural turf greens with one synthetic green and providing sports lighting for the synthetic green. This would enable Chadstone Bowls Club to reduce its greens maintenance and repair costs and enable the Club to host night matches.

Concern about the sustainability of the club was based upon information available to Council at the time. Membership information and financial statements for 2016-17 have not been provided to Council by the Club. However, Council needs to ensure the Chadstone Bowls Club is sustainable in the longer term prior to committing significant funds to the Club.

Social Impact Assessment

Public Place was engaged to prepare a social impact assessment (SIA) relating to the proposal. A range of data collection activities were undertaken to inform the SIA including extensive community consultation via a survey and series of community forums and direct engagement with Chadstone Bowls Club, Prahran Netball Association and some of their members.

The SIA concluded that the proposed indoor stadium would generate significant benefits for the community in terms of facilitating participation in sporting activities, including those commonly favoured by female participants. While the project would displace the Chadstone Bowls Club, a degree of change and disruption is an inherent part of the continual development and evolution of an urban area. In this context, displacement of the CBC in order to facilitate the development of the stadium may be appropriate, assuming:

- No other viable options to accommodate the stadium are available that do not have the effect of displacing an existing user group.
- Negative impacts associated with the displacement can be mitigated effectively.

The development of a new bowls facility within Percy Treyvaud Memorial Park has the greatest potential to effectively mitigate the impacts associated with the displacement of the Chadstone Bowls Club. However, it will be important to test all potential options with the Chadstone Bowls Club to determine which (if any) is preferred. It will also be important for City of Stonnington to gather further information about the cost effectiveness of each option.

Correspondence

Council has received 701 letters and emails associated with this proposal from 587 individuals, since the announcement of the Feasibility Study. A little over 300 of these emails were prompted by the release of Chadstone Bowls Club's "Bowling Ladies" video at the end of July, and came from across Australia and around the world.

The key themes emerging from the correspondence from those concerned about the proposal have been:

- Traffic and parking concerns
- Impact on the members of the bowls club and the health of older community members
- Costs associated with the project
- The stadium should be built in the western end of Stonnington
- Availability of courts nearby
- Removing a local institution and social hub
- Community consultation and request for more information
- Transparency around the site selection process
- Chadstone Shopping Centre

The key themes emerging from the correspondence from those in support of the proposal have been:

- The lack of facilities in Stonnington
- Encouraging kids to be active and participate in sport
- Support girls/women's participation in sport
- Allow current netball and basketball competitions to expand
- Quality facilities for physical activity and social interaction

A list of alternative sites that have been suggested during the Feasibility Study are included in Attachment 3.

Among the suggested sites were two detailed proposals. The first was for a stadium on a parcel of land within Malvern Valley Golf Course. This option was one of the three sites assessed as part of the Assessment of Alternate Sites however it is highly constrained by its irregular shape, topography, existing overhead powerlines, underground service easements, drainage outlets and Scotchmans Creek, and was not recommended as a stadium site option. This assessment is included with Attachment 1. The second was to locate the stadium on Como Park North, South Yarra. However, as Stonnington has the second lowest amount of open space per capita of all Victorian councils, existing sports grounds and open space were not considered suitable by Council. As a result Como Park North was ruled out from further consideration as an Indoor Sports Stadium location.

Council's General Local Law makes provision for Questions to Council from members of the public to be considered as part of the Order of Business of Ordinary Meetings of Council. Written replies to the questions are issued within fourteen days of the meeting.

Since the announcement of the Feasibility Study, Council has received 75 sets of questions (limit of 5 questions per person each meeting), containing 279 questions, from 39 people, in relation to the proposal. The responses to each question are in the minutes of the Council Meeting following the meeting at which they were asked and can be viewed on Council's website.

Feasibility Study

Hansen Partnership undertook an analysis of the responses, issues and opportunities identified by the specialist consultants in each element of the Feasibility Study. The Hansen Partnership Feasibility Study is included as Attachment 1. Each of the reports that contributed to this analyses are included as appendices to the Hansen Partnership Feasibility Study.

Following their review of the applicable planning policies, strategic studies and background research, Hansen Partnership confirmed Percy Treyvaud Memorial Park as a suitable site for the development of a new indoor sports stadium and identified a series of priorities and steps that need to be undertaken for the successful implementation of the stadium and the displacement of the Chadstone Bowls Club. These are dependent on:

- No other viable option to accommodate the stadium is available that does not have the effect of displacing an existing user group
- The timely preparation of master plans, detailed plans and budgeting for capital works
- The determination of priorities, funding sources and a staging plan
- The alignment of public realm and streetscape improvements with abutting properties and infrastructure upgrades
- The construction of a new bowls facility before demolition of the existing Chadstone Bowls Club to keep disruption to bowls activities to a minimum
- Provision of appropriate staff resources for place management, master plan project facilitation and monitoring
- Ensuring the project is delivered in a transparent manner and in consultation with the community

The Feasibility Study concluded that the proposed stadium would generate significant benefits for the community in terms of facilitating participation in sporting activities. While the project would displace the Chadstone Bowls Club, a degree of change and disruption is an inherent part of the continual development and evolution of public spaces. In this context displacement of the Chadstone Bowls Club in order to facilitate the development of the stadium may be appropriate.

A proposal that can accommodate a new indoor sports stadium, bowls facility and other potentially displaced uses within Percy Treyvaud Memorial Park has the greatest potential to effectively mitigate the impacts of the proposed stadium; and maintain and foster a sense of community based on social connectedness, community participation and intergenerational opportunity.

Options

The Feasibility Study confirms that the proposal to build an indoor sports stadium is an appropriate response to the demand for more sporting facilities in Stonnington and that there are options for the relocation and redevelopment of the Chadstone Bowls Club to benefit their members

Hansen Partnership outline three options for an indoor sports stadium within Percy Treyvaud Memorial Park with varying levels of impact on the existing user groups within the park. Each option includes the implementation of a four-court indoor stadium on the Chadstone Bowls Club site. The options are:

- Option 1 Relocating Chadstone Bowls Club away from Percy Treyvaud Memorial Park by
 - Merging or co-locating with another club; or
 - Moving to the former home of East Malvern RSL Bowls Club
- Option 2 Relocating Chadstone Bowls Club within Percy Treyvaud Memorial Park and consolidating the tennis pavilion, bowls clubhouse and sportsground pavilion into one building separate from the indoor sports stadium
- Option 3 Relocating Chadstone Bowls Club within Percy Treyvaud Memorial Park and consolidating all buildings within the park including the new stadium into one building.

Council recognises that the development of new bowls and social facilities within Percy Treyvaud Memorial Park has the greatest potential to effectively mitigate the impacts associated with the displacement of Chadstone Bowls Club identified in the Social Impact Assessment. Acknowledging that the Club has not yet considered and determined their preferred option, there is an opportunity for Council to develop a significant sport and recreation facility that includes all existing users of Percy Treyvaud Memorial Park, and introduces new users to a facility that continues to maintain and foster social connectedness, community participation and intergenerational sporting activities, for all ages and a larger section of the Stonnington community.

Indicative cost estimates for each option are outlined in Table 1. A contingency has been added to the indicative costs plans for the indoor stadium to make provision for the possibility of encountering adverse or contaminated soil conditions, the need for asbestos removal when demolishing existing buildings on site, the noise attenuation treatments that will be required and further design modifications.

Merger or Co-Location of the bowls club with another club could be a cost free option for Council. However any financial contribution to facilitate the relocation could only be determined after discussions with the respective clubs.

It should be noted that Council's asset management program includes capital expenditure on infrastructure within Percy Treyvaud Memorial Park in the short term if these buildings remain. This includes:

- \$45k Maintenance on the Bowls Clubhouse
- \$17k Maintenance on the Tennis Pavilion
- \$250k Improvements to the Sportsground Pavilion

Chadstone Tennis Club has also presented Council with an audit of the seven court facility that recommends \$1.75m investment in the reconstruction of the courts and the provision of new floodlights on all courts. Council would bring forward funding for tennis facility improvements to deliver this upgrade as part of a major redevelopment of the sporting facilities within the park.

The redevelopment of the Percy Treyvaud Sportsground Pavilion, home to Chadstone Lacrosse Club and used by cricket teams during the summer season, would be brought forward in Council's Pavilion Redevelopment priorities.

Table 1: Indicative Cost Estimates for Each Option

Option	Element	Cost
Option 1 ≤ \$33m	Indoor Sports Stadium and New Tennis Pavilion	\$28.0m
	Reconstruction of Tennis Courts & Floodlights	\$1.75m
	Sportsground Pavilion Improvements	\$0.25m
	Relocating Chadstone Bowls Club <ul style="list-style-type: none">• Merger or Co-Location of the bowls club with another club could be a cost free option for Council.	≤ \$3m
	Total	≤\$33.0m
Option 2 \$33.5m	Indoor Sports Stadium and New Tennis Pavilion	\$28.0m
	New Clubhouse for Bowls, Lacrosse and Cricket	\$3m
	New Bowls Green with Floodlights	\$0.75m
	Reconstruction of Tennis Courts & Floodlights	\$1.75m
	Total	\$33.5m
Option 3 \$36.4m	Indoor Sports Stadium with Clubhouse for Bowls, Tennis, Lacrosse and Cricket	\$33.9m
	New Lawn Bowls Green with Floodlights	\$0.75m
	Reconstruction of Tennis Courts & Floodlights	\$1.75m
	Total	\$36.4m

The other option available to Council is to abandon any plans for an indoor sports stadium on the Chadstone Bowls Club site. In the absence of an identified alternative site for a four-court stadium, the search for another site would continue, to respond to the demonstrated demand for more indoor courts. New site options on Council owned land within Stonnington will only become available in the short term if Council is prepared to relax its stipulation that open space and sportsgrounds are not to be considered.

Active Recreation Programs and Services for Older Adults

Council is faced with the challenge of providing affordable, sustainable and accessible sport and recreation opportunities for all ages. There is a commitment to ensuring that all groups in the community have access to services and programs that support health and wellbeing.

To respond to the needs of older people within the community, Council is currently reviewing its Older Persons Strategy 2008-2012. The future provision of active recreation programs and services for older adults will be considered as part of that strategy.

Council has commenced consulting with the community and organisations, and will present a draft Older Persons Strategy to Council in February 2018.

A summary of existing active recreation programs and activities for older adults in Stonnington is included as Attachment 4.

Next Step

It is recommended that Council confirm Percy Treyvaud Memorial Park as the location of a new multipurpose sport and recreation facility to host:

- Four Indoor Sports Courts;
- Chadstone Bowls Club;
- Chadstone Tennis Club;
- Chadstone Recreation and Civic Club; and
- Summer and winter season users of the sportsgrounds including Chadstone Lacrosse Club.

The next stage of the project to achieve this outcome is a master planning process for the site focusing on the needs of each of the identified user groups, local residents and the broader community.

The initial consultation process will start with the user groups so that they have the opportunity to inform the scope of the master-planning process. Importantly, this process will include the opportunity for the Chadstone Bowls Club and its members to discuss their facility preferences and confirm their preferred option. Local resident input into design and amenity principles will be encouraged through a reference group that will be established.

It is proposed that the master planning process be undertaken in accordance with the project governance structure included in Attachment 5. The project governance structure includes:

- Project Steering Group – Councillors and Senior Council Officers
- Project Working Group – Project Manager, design team, and consultants.
- Project Reference Group – Stakeholder representatives including user groups and residents
- Project Director and a Project Manager

Consultants and Professional Advisors will be engaged as required.

A Project Management Plan for a Master Plan for Percy Treyvaud Memorial Park will be presented to Council to commence the master planning process

This stage will conclude with the adoption of a Master Plan for Percy Treyvaud Memorial Park that will include a fully costed implementation plan.

POLICY IMPLICATIONS

Stonnington Recreation Strategy 2014-2024 includes Equitable Provision as one of its six priorities. The need for additional resources for court sports (both indoor and outdoor) such as tennis, netball and basketball has been identified as a priority area for Council. Actions in the strategy underpinning this priority are:

- Conduct a Feasibility Study into the construction of a new multi-court indoor stadium to service the needs of indoor court users.
- Subject to the Feasibility Study, construct a new multipurpose indoor stadium to service the needs of netball and other indoor sports.

The Council Plan 2017-2021 identifies the key challenges that Council is facing. The Indoor Sports Stadium project supports strategies to:

- Increase participation in physical activity through long term recreation planning and service delivery.
- Strategically invest in open spaces, sporting fields and community facilities, and optimise use according to community needs.

An objective of the Municipal Public Health and Wellbeing Plan 2017-21 is to increase physical activity across all life stages, and to ensure the built environment supports residents to lead active and healthy lives.

Stonnington's Older Persons Strategy 2008-2012 includes an action to increase participation of older people in organised sport and exercise within Stonnington by increasing participation in lawn bowls.

A key priority of the Strategies for Creating Open Space 2013 is to deliver increased public and accessible open space across the municipality. This project does not compromise that objective.

Council's Public Realm Strategy 2010 makes specific recommendations in relation to the retention of trees and open space which will need to be considered in the development of a masterplan for Percy Treyvaud Memorial Park.

FINANCIAL AND RESOURCES IMPLICATIONS

Subject to confirmation of the preferred option for relocating Chadstone Bowls Club, the indicative cost of the project is at this stage estimated to be between \$30 million and \$36.4 million. This includes a contingency within the cost estimate for the indoor sports stadium to address the possibility of encountering adverse or contaminated soil conditions, the need for asbestos removal when demolishing existing buildings on site, the noise attenuation treatments that will be required and further design modifications.

Council has allocated \$24.8 million dollars towards the construction of the Stonnington Indoor Sports Stadium within the strategic resource plan as follows:

2018/19 \$ 1,000,000

2019/20 \$11,300,000

2020/21 \$12,500,000

This includes \$4 million committed to the project by the Commonwealth Department of Infrastructure and Regional Development. A further opportunity also exists to apply for a further \$3 million in funding through the State Government's Better Indoor Stadiums Funding Program.

Due to the uncertainty surrounding the final cost of the project and the timing of its implementation, Council's Strategic Resource Plan and Capital Budgets will need to be reset to address any funding shortfall following the adoption of a masterplan for Percy Treyvaud Memorial Park.

LEGAL ADVICE & IMPLICATIONS

Council has responded to a complaint received by the Victorian Ombudsman regarding Council's decision making process on the proposal. There has been no further communication from the Ombudsman regarding the complaint since Council provided information in response to a series of questions as part of the investigation.

There are no other legal implications regarding the proposal at this stage.

CONCLUSION

Council is committed to the continual development and evolution of public spaces. The proposed sport and recreation facility will generate significant community benefits by facilitating participation for all ages in a range of sporting activities. Such a facility would cater for all the existing users of Percy Treyvaud Memorial Park including the Chadstone Bowls Club, as well as the new participants the indoor sports courts will accommodate.

This new facility also has the potential to enhance the existing social fabric of the community by expanding the number and diversity of groups using the park. This will facilitate greater participation and social connectedness for all sections of the community.

HUMAN RIGHTS CONSIDERATION

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

ATTACHMENTS

⇒1. Attachment 1 - Stonnington Indoor Sports Stadium Feasibility Study	Circulated separately
⇒2. Attachment 2 - Council Report - 4 September 2017	Circulated separately
⇒3. Attachment 3 - Suggested Alternative Stadium Site Options	Circulated separately
⇒4. Attachment 4 - Active Recreation Programs and Activities for Older Adults	Circulated separately
⇒5. Attachment 5 - Master Plan Project Governance Structure	Circulated separately

RECOMMENDATION

That Council:

- 1. Note the contents of the Stonnington Indoor Sports Stadium Feasibility Study.***
- 2. Confirm Percy Treyvaud Memorial Park as the location of a new multipurpose sport and recreation facility to host:***
 - Four Indoor Sports Courts;***
 - Chadstone Bowls Club;***
 - Chadstone Tennis Club;***
 - Chadstone Recreation and Civic Club; and***
 - Summer and winter season users of the sportsgrounds including Chadstone Lacrosse Club.***
- 3. Consult with Chadstone Bowls Club and its members to discuss their facility preferences and confirm their preferred option.***
- 4. Develop a Project Management Plan to initiate a Master Plan for Percy Treyvaud Memorial Park.***
- 5. Provide regular community updates on the development of a master plan and the opportunities for community input to that process.***

2. PLANNING APPLICATION 0593/17- 33-35 HUNTINGTOWER ROAD, ARMADALE - CONSTRUCTION OF A TWO STOREY APARTMENT BUILDING COMPROMISING TEN DWELLINGS

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

PURPOSE

For Council to consider a planning application for a multi-dwelling development and reduction of the visitor parking requirement at 33-35 Huntingtower Road, Armadale.

This item was considered at the Council meeting of 16 October 2017. The application is now re-presented to Council for further consideration.

Executive Summary

Applicant:	O'Neill Consulting
Ward:	South
Zone:	General Residential Zone, Schedule 10
Overlay:	None
Neighbourhood Precinct:	Garden Suburban 3
Date lodged:	26 June 2017
Statutory days: (as at council meeting date)	96 days
Trigger for referral to Council:	The application has attracted objections from more than seven different properties.
Number of objections:	Ten
Consultative Meeting:	Yes– held on 5 September 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 Jolson Architecture and Interiors and are known as Project No. 17001, Drawing No.s: TP04 to TP13 (inclusive), revision TP1, dated 23/06/17 and Council date stamped 26/06/2017.

Key features of the proposal are:

- A two storey apartment building comprising five dwellings at ground floor (4 x three-bed and 1 x two-bed) and five dwellings at first floor (2 x three-bed and 3 x two-bed).
- 23 car spaces in a basement car park (22 residential spaces and one visitor space). Each dwelling has a minimum of two car spaces (with apartments 6 and 9 having three spaces each).
- Maximum proposed building height of 8.9 metres.
- Cream beige rendered finish to the external walls and a non-reflective metal deck roof

Site and Surrounds

The site is located on the west side of Huntingtower Road approximately halfway between High Street and Malvern Road. The site has the following significant characteristics:

- The site has an area of approximately 2001 square metres.
- The site is currently vacant.
- The site has two crossovers from Huntingtower Road.
- The site is within close proximity to the Lauriston Girls' School campus (approximately 35 metres)
- The residential character of Huntingtower Road is made up of a mix of individual dwellings on a lot and more intensive unit development in the vicinity of four to five dwellings per lot. There is no clear dominant architectural style, however there is a clear character of single and double storey dwellings being set within a garden setting.

The site has the following relevant interfaces:

- **North:** 37-39 Huntingtower Road is located to the north of the site. The property is occupied by a detached two storey Edwardian brick dwelling with a pitched tile roof. The dwelling is situated in an established garden. A high brick front fence is located on the Huntingtower Road frontage.
- **North (to the rear):** 2A Murray Street is located to the north of the rear of the subject site and to the rear (west) of 37-39 Huntingtower Road. The property is occupied by a detached two storey Edwardian brick dwelling with a pitched tile roof. A large canopy tree exists in the southwest corner of the lot.
- **West:** 16 Horsburgh Grove is located to the west of the subject site. The property was occupied by a single storey Edwardian dwelling that has recently been demolished. The site is subject to Planning Application 1053/16 which is further detailed below.
- **South:** Units 1 to 5/29 Huntingtower Road are located to the south of the subject site. The units all consist of attached single storey dwellings with low pitched roofs. Units 2 to 5 have areas of primary secluded private open space to their north, adjacent to the subject site. While Unit 1 has its primary open space to the front, behind a high front fence to Huntingtower Road. All five dwellings are constructed around individual internal courtyards.

Previous Planning Application(s)

A search of Council records indicates the following relevant planning applications:

- Planning Application 1053/16 for the construction of two dwellings at 16 Horsburgh Grove to the rear (west) of the subject site is currently subject of a VCAT proceeding. After a process of negotiation, all parties have reached agreement and signed a Consent Order that allows a permit to be issued for the proposed development. In an email dated 26 September 2017, VCAT have advised that the hearing listed for 27 September 2017 has been vacated, the consent order request has been granted and that a final order will be issued in due course.

It is noted that there is no relevant planning permit history for the subject site.

It is noted that Council's heritage officers investigated the federation dwelling that existed on site prior to its demolition. Although an example of the federation style, the building was not deemed to meet the threshold for significance to be included in a heritage overlay. When demolition of the dwelling commenced, Heritage Victoria received a request for an Interim Protection Order to be placed on the building. On 22 June 2017 Heritage Victoria advised that an Interim Protection Order was not warranted.

The Title

The site is described as Lot 1 on Title Plan 208803P, on Certificate of Title Volume 09023 Folio 705. No covenants or easements affect the land.

Planning Controls

The following permit triggers are considerations for this application:

Zone

Clause 32.08 – General Residential Zone, Schedule 10.

Pursuant to Clause 32.09-4 a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

Particular Provisions

Clause 52.06 – Car parking

Pursuant to Clause 52.06-2, one car space is required for a one and two bedroom dwelling and two spaces are required for a three or more bedroom dwelling. One visitor space is required for every five dwellings.

The development provides 22 spaces for residences and one space for visitors. A dispensation is sought for one visitor space

Officer note: It is noted that the provision of residential parking spaces exceeds the requirements of the planning scheme (surplus of 5 spaces). However, although the provision of residential parking is exceeded, the application seeks permission to reduce the visitor car parking requirement by one space.

Relevant Planning Policies

- Clause 16.01 - Residential Development
- Clause 22.05 - Environmentally Sustainable Development
- Clause 22.18 - Stormwater Management
- Clause 22.23 - Neighbourhood Character Policy
- Clause 32.08 - General Residential Zone
- Clause 52.06 - Car Parking
- Clause 55 - Two or more dwellings on a lot (ResCode)
- 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 a sign on the site. The public notification of the application has been completed satisfactorily.

The site is located in South Ward and objections from ten different properties have been received. The objections can be summarised as follows:

- The building is an overdevelopment of the site.
- The proposal is not in keeping with neighbourhood character.
- The setbacks from the building to side boundaries are not sufficient.
- The mass and continuous built form of the building will result in unacceptable visual bulk impacts to adjoining land.
- The proposal will compound parking and traffic issues in the street.
- The proposal should comply with the car parking requirements of the Planning Scheme.
- The site is not an appropriate location for the increase in population density associated with the proposal.
- The proposal will result in unreasonable overlooking of adjoining land.
- The proposal will result in unreasonable overshadowing of adjoining land.
- The proposal does not incorporate sufficient landscaping opportunity.
- The development will result in unreasonable noise impacts on adjoining land.

A Consultative Meeting was held on 5 September 2017. The meeting was chaired by Councillor Hindle. Others in attendance included the applicant and their client, objectors, and the assessing officer from Council. At the meeting the applicant volunteered the following changes:

- To provide an additional visitor car space on site so that the development achieves full compliance with the car parking rates of Clause 52.06 (car parking).
- To increase the south boundary setbacks of the building to ensure the development achieves compliance with Standard B21 – Overshadowing, in relation to the secluded private open space areas to the north of Units 2 to 5/29 Huntingtower Road.

These volunteered changes will be required by way of permit conditions.

Referrals

The application was referred to the following internal departments:

- Urban Design
- Infrastructure
- Local Laws (Crossover)
- Transport and Parking
- Landscape (Parks)
- Waste Management

A summary of the comments received from each of the above is listed below:

Urban Design:

- The two storey building has a restrained form and design character that integrates well with the varied streetscape character of Huntingtower Road. The proposed landscape response is also acceptable. From an urban design perspective, there are no concerns with the proposal.

Infrastructure:

- If a permit is to issue, it must be subject to the conditional requirement that the permit holder upgrade the outfall drain at the rear of the site through to the Council drain in Horsburgh Grove at their cost.
- Any permit must also include the standard conditions relating to drainage, stormwater retention and the reinstatement of redundant crossovers.

Local Laws (Crossover):

- The application is proposing to use one of two existing crossovers to access the basement. The remaining existing crossover is proposed to be removed and reinstated to footpath, nature strip, kerb and channel. As the existing crossover is proposed to be maintained for access, no crossover permit is required from Local Laws.

Transport and Parking

- The development has a total car parking requirement (residential and visitor) of 18 spaces. The proposal provides 23 spaces, which represents a surplus of 5 spaces.
- Although there is a surplus, the proposal only includes one visitor space and is therefore proposing a reduction to the visitor parking requirement. Given the surplus of parking, it is recommend that a space be reallocated to visitor parking so that the proposal achieves compliance.
- The Lauriston Girls School located on Huntingtower Road and associated traffic is noted. However, the traffic generation from the proposed dwellings is considered satisfactory as it is sufficiently small that it is unlikely to have a significant impact on the operation of the surrounding road network. Although it should be noted that the area is already subject to peak congestion.
- The proposal is supported.

Landscape:

- There are two London Plane street trees in front of the site. Any permit issued must include conditions to protect these trees. This should include the payment of a \$29,936 bond to Council that is repayable to the permit holder once the development is finished and the trees have not been damaged.
- A Tree Management Plan should also be required via permit condition to ensure the protection of mature vegetation bordering the site.
- The landscape plan is supported.

Waste Management:

- Under the 'City of Stonnington Residential Waste Management Guidelines' the proposal does not meet the threshold to trigger the requirement for a Waste Management Plan. Notwithstanding this, a Waste Management Plan has been submitted with the application. The submitted Waste Management Plan responds well to the development and is supported.

KEY ISSUES

Strategic Justification

The overarching policies and objectives at both a State and Local level encourage urban consolidation in established urban areas and medium density residential development in and around neighbourhood activity centres, where it is close to public transport. These strategies call for well-designed medium-density development that respects neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency.

The subject site is not located on a main road and has no overlay restrictions. It is therefore classified as being within an Incremental Change Area according to Council's Strategic Framework Plan (Clause 21.03-3). Policy directs that multi-unit development should occur in Incremental Change Areas on lots capable of accommodating increased density. The subject site has an area of 2001 square metres and is therefore considered to be capable of accommodating increased density in line with the policy.

In principle, the redevelopment of this land to provide additional housing opportunities in a well serviced location is supported. Specific elements of the proposal are examined in detail below.

Garden Area:

Under the provisions of the General Residential Zone, a lot with an area over 650 square metres requires 35% of the site to be Garden Area. This is a mandatory requirement of the zone that cannot be varied. Garden Area is defined by the Planning Scheme as:

An uncovered outdoor area of a dwelling or residential building normally associated with a garden. It includes open entertaining areas, decks, lawns, garden beds, swimming pools, tennis courts and the like. It does not include a driveway, any area set aside for car parking, any building or roofed area and any area that has a dimension of less than 1 metre

The application complies with the Garden Area requirement as 35.1% of the site is provided as Garden Area.

Neighbourhood Character:

The site is located within the *Garden Suburban 3* Neighbourhood Character Precinct as defined by Council's Local Neighbourhood Character Policy at Clause 22.23. The relevant section of the statement of preferred character for this precinct is as follows:

The Garden Suburban 3 (GS3) precinct comprises spacious and leafy streetscapes with Victorian, Edwardian, Interwar or Post-war era and new buildings set in established garden surrounds. Generous, regular front and side setbacks provide space around buildings and allow for canopy trees. New buildings or additions offer innovative and contemporary design responses while complementing the key aspects of building form, one-two storey scale and design detail of the older dwellings in the precinct. Low or permeable front fences retain views to gardens and buildings from the street.

The following is noted with regard to proposed development and the statement of preferred character:

- The proposal incorporates a 9 metre street setback and proposes substantial landscaping within the front setback, including a number of canopy trees. This will contribute to the garden suburban setting of the area.
- The side and rear setbacks and the extent of the basement are satisfactory and will ensure adequate landscaping opportunity to the side and rear of the building.
- The Huntingtower Road streetscape contains a number of single and double storey Edwardian dwellings, but also a range of more recent developments, including infill unit development. As such there is not a predominant architectural style that characterises the street. The street's character is more a result of the setbacks, massing and landscaping around buildings. The proposed development is consistent with these elements. It is noted that Council's Urban Designer is supportive of the application and has advised that the proposal's *"restrained form and design character integrates well with the varied streetscape character of Huntingtower Road"*.
- The proposed building is a contemporary two storey design response that will contribute to the mix of architectural styles in the street.
- High fences are common in the Huntingtower Road streetscape. The proposed 1.6 metre high fence is consistent with this.
- An important element of the Huntingtower Road streetscape is the avenue of mature plane trees planted along the street. The application proposes to access the site via an existing crossover and will not have a detrimental impact on the street trees in front of the site. Conditions are recommended to ensure these trees are protected during construction.

The following is noted with regard to the Design Guidelines that apply to the Garden Suburban 3 precinct:

- The proposal reflects the predominant two storey character of the street and provides a transitional built form between the two storey high pitched roof form at 37-39 Huntingtower Road and the low pitched roof of the single storey units at 29 Huntingtower Road.
- The proposed building is a contemporary response to the streetscape that avoids any elements of a mock historical style. The façade of the building is highly articulated with recessed elements, balconies and window openings. The side elevations are also broken up with recessive elements, balconies and windows.
- The use of a cream rendered finish to the external walls is consistent with colour palate of other buildings in the street. The use of a rough render finish and a smooth render finish for different elements of the building will provide a visual contrast and assist in breaking up the overall mass of the building.
- Adequate spaces has been provided around the building to accommodate landscaping. It is noted that this has been reviewed by Council's Parks Department who are supportive of the submitted landscape plan.

Built Form:

The application has been assessed against the objectives and standards of Clause 55 – Two or more dwellings on a lot (ResCode). A full assessment against the 49 standards and objectives of Clause 55 has been carried out. The development is generally compliant with these standards. The following relevant standard are highlighted and discussed:

BUILDING HEIGHT

The proposal is seeking a maximum building height of 8.9 metres. This complies with the mandatory 9 metres maximum height of the General Residential Zone, Schedule 10.

SITE COVERAGE

Schedule 10 of the General Residential Zone asks that basements not exceed 75% of site area. The proposal's basement is approximately 66% site coverage (including the access ramp) and complies with this requirement.

It is noted that the building's site coverage is 62%, which is greater than the standard 60%. However, the site coverage is generally consistent with other multi-dwelling developments in the street and therefore the objective of the Clause to ensure site coverage respects the existing or preferred neighbourhood character is met.

PERMEABILITY

Standard B9 of Clause 55.03-4 asks for at least 20% site permeability. The application proposes 23%.

SIDE BOUNDARY SETBACKS:

Both the northern and southern side setbacks propose variations to the side setback requirements of Standard B17:

NORTHERN ELEVATION				
Location	Wall Height	Setback Required	Setback Proposed	Shortfall
Box gutter parapet above master bedroom of Dwelling 8	8.17 metres	3.26 metres	2.88 metres	0.38 metres
The easternmost fireplace flue	8.49 metres	3.58 metres	3.40 metres	0.18 metres
The westernmost fireplace flue	8.90 metres	3.99 metres	3.40 metres	0.59 metres
Northwest corner of building	7.33 metres	2.42 metres	2.68 metres	-
Dwelling 7	7.60 metres	2.69 metres	3.9 metres	-
Dwelling 9	8.30 metres	3.39 metres	5.1 metres	-

The level of variation to the northern boundary is acceptable because the following:

- The variation does not apply to the whole elevation, but is limited to the three elements highlighted above. These consist of two flues/chimneys and the box gutter parapet above the master bedroom of Dwelling 8. These make up a small percentage of the overall elevation and the relatively small degree of variation will have a negligible impact on land to the north.
- There will be no overshadowing impact as a result of the variation.
- The areas of variation are not within close proximity to any adjoining habitable room windows and will not result in an overly dominant building that imposes on adjoining private open space.
- The articulated built form of the side elevation with recessed elements, balconies and window openings will ensure the mass of the elevation is not unreasonably bulky. In this context, the relatively minor areas of variation are not unreasonable.

SOUTHERN ELEVATION				
Location	Wall Height	Setback Required	Setback Proposed	Shortfall
Western corner of box gutter parapet towards rear of building	8.25 metres	3.34 metres	2.64 metres	0.70 metres
Eastern corner of box gutter parapet towards rear of building	8.18 metres	3.27 metres	2.64 metres	0.63 metres
Southeast corner of building	7.55 metres	2.64 metres	2.67 metres	-

The variation to the southern side setback requirement consists of the box gutter parapet towards the rear of the building. This variation is not relevant as a condition will be required to address overshadowing of Units 2 to 5 at 29 Huntingtower Road (discussed below under overshadowing). This condition will result in the setbacks to the southern boundary being increased, or the wall height of the southern elevation being decreased, to reduce overshadowing of land to the south. Both these scenarios will result in the development achieving compliance with the setback requirements of Standard B17 on the southern elevation.

OVERSHADOWING OPEN SPACE:

Five units exits to the south of the subject site at 29 Huntingtower Road. Of these five units, the rear four (2 to 5) have primary secluded private open space areas to their north, which abut the southern boundary of the subject site. These 'back yards' have individual areas of approximately 40 square metres.

Due to existing overshadowing from the boundary fence, these areas enjoy less than 40 square metres of sunlight between 9am and 3pm on the equinox. Standard B21 states that this degree of solar access should not be further reduced.

The submitted application plans show a building that would increase the level of overshadowing to these spaces during the times specified above. This is not acceptable. At the Consultative Meeting of the 5 September 2017, the applicant acknowledged this area of non-compliance and volunteered a condition that would require the standard to be met. A condition is therefore recommended to ensure this is the case.

It is noted that the condition would only apply to the overshadowing of Units 2 to 5 Huntingtower Road and is not required for Unit 1/29 Huntingtower Road. Unit 1 has a large area of secluded private open space in the frontage of the lot between the dwelling and the street. The level of solar access to this area of secluded private open space complies with Standard B17 of Clause 55.04-5 and is not required to be addressed by the condition.

OVERLOOKING:

All ground floor windows will be appropriately screened by boundary fencing.

All habitable first floor windows on side and rear elevations are shown with clear glass. This appears to be a drafting error as there is a typical window screening detail section on sheet TP13, however this screening is not shown on the elevation plans. All first floor windows on the side and rear elevations require screening in accordance with Standard B22 of Clause 55.04-6. This will be required via permit condition.

First floor balconies on side and rear elevations are proposed with planter-box screening to a height of 1.36 metres. This does not technically comply with the requirements of Standard B22, but seeks to meet the objective of the clause to '*limit views into existing secluded private open space and habitable room windows*' by ensuring downward views are not possible. This approach is more typical of the upper levels of larger apartment buildings where planter box screening can work well. However, it is not considered an appropriate method of screening at first floor in this case as it does not achieve the objective of the clause. The planter boxes are not sufficient to adequately screen downward views into adjoining private open space and a condition is recommended that all balconies on the side and rear elevations are screened in accordance with Standard B22.

It is noted that there is currently a two storey development proposed at 16 Horsburgh Grove that is currently subject of a VCAT proceeding (hearing on 27 September 2017). If this building is approved and constructed it will result in habitable room windows and balconies facing the site. The conditions recommended above will ensure that any overlooking of this potential building is addressed in accordance with Standard B22.

SOLAR ACCESS TO OPEN SPACE

The private open space of Dwelling 5 is south facing and does not meet the requirements of Standard B29 with regard to solar access. However, it is expected that there will be a degree of departure from this standard in any apartment development on an east-west axis lot where full compliance would severely limit the development capacity of the lot. As 90% of dwellings have high levels of solar access to their open spaces, the proposed variation to Dwelling 5 is acceptable.

PRIVATE OPEN SPACE ABOVE GROUND FLOOR

Clause 55.07 (Apartment development) is a new clause of ResCode introduced to the Planning Scheme in March 2017. It includes Standard B43 of Clause 55.07-9, which relates to the provision of private open space above ground floor. The standard prescribes minimum balcony areas and dimensions for dwellings based on their number of bedrooms.

All dwellings comply with the standard, except for Dwelling 10. The balcony to Dwelling 10 meets the minimum area requirement of 8 square metres, but falls short of the minimum dimension of 2 metres. The minimum dimension is proposed at 1.88 metres. It is considered that meeting the minimum area requirements for the provision of private open space are important for the future amenity of residents. A condition is therefore recommended that the balcony of Dwelling 10 achieve compliance

ROOM DEPTH

Similar to the above, Standard B47 is a new standard under Clause 55.07 (Apartment development). The standard prescribes a maximum habitable room depth for single aspect rooms based on the floor to ceiling height of a room.

The dwellings have floor to ceiling heights of 3.2 metres. This allows single aspect habitable room to achieve room depths of 8 metres. All single aspect habitable rooms comply with this dimension except for the open plan living/kitchen/dining room of Dwelling 1. This room has a depth of 9.2 metres. This is acceptable given that the standard allows such open plan rooms to have a depth of 9 metres if they have a floor to ceiling height of 2.7 metres and include a kitchen, living and dining area, with the kitchen area being furthest from the window. As the floor to ceiling height is 3.2 metres, and the room enjoys an easterly aspect, the 0.2 metre variation to the standard is supported.

DEEP SOIL AREA

Standard B38 is another new standard under Clause 55.07 (Apartment development). It prescribes a minimum area and dimension for a deep soil area on site.

For the subject site, the Standard prescribes 10% site area with a minimum dimension of 6 metres as the required deep soil area. The application comes close to achieving compliance with the standard in the front setback, achieving approximately 9% site area with a minimum dimension of over 6 metres.

It is considered that the design can easily be amended to achieve the 1% increase required to achieve compliance. It is recommended that this is required by way of permit condition.

Car Parking and Traffic

The application has a car parking requirement of 18 spaces (16 residential and 2 visitor). The application proposes 23 spaces, however only one of these is proposed as visitor parking.

At the Consultative Meeting on the 5th September 2017, the applicant volunteered a condition to require two visitor car spaces to be provided on site. This is easily achieved due to the surplus of overall car spaces.

The conditional requirement to provide two visitor spaces on site will result in full compliance with the provision of car parking required by Clause 52.06 – Car parking.

Council's Transport and Parking Department have reviewed the provision of parking and the layout and access arrangements of the basement, and are supportive of the proposal. They have noted that the traffic generation from the proposal is considered satisfactory and is unlikely to have a significant impact on the operation of the surrounding road network despite the street being subject to peak congestion during the school pick up and drop off due to the proximity of Lauriston Grammar School.

Clause 22.05 – Environmentally Sustainable Development (ESD):

The applicant has submitted a Sustainable Management Plan (SMP) in response to the application requirements of Clause 22.05-4. The SMP uses the BESS tool to demonstrate that the objectives of Clause 22.05 have been addressed.

The BESS score achieved for the development is 58%. This score meets best practice and demonstrates the proposal adequately responds to the ESD objectives of Clause 22.05.

Clause 22.18 – Stormwater Management:

A Sustainability Management Plan and Water Sensitive Urban Design Response was submitted with the application. The report includes a STORM Rating Report showing a STORM rating of 100%. This meets the minimum requirement to satisfy Clause 22.18.

Vegetation:

The application proposes to remove all vegetation from the site. Council's Parks Department have advised that no significant trees exist on site and there is no objection to the removal of the vegetation.

There are eleven 'Spartan Juniper' trees that exist along the southern boundary of the site. These trees are not significant. This has been confirmed by Council's Parks Department. Notwithstanding this, the applicant has advised that four of the eleven 'Spartan Juniper' trees can be retained without any impact on the development (shown as trees 14 to 17 on the submitted plans).

Council's Parks Department have advised that these trees can be retained based on the current design and have recommended that this be incorporated into the conditional Tree Management Plan. As such a condition requiring the retention and protection of these trees as part of the Tree Management Plan is recommended.

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 application is consistent with State and Local Planning Policy that seeks to provide for well-designed medium-density residential development that respects neighbourhood character in established urban areas.
- The proposal provides for a satisfactory landscape response that will contribute to the landscape character of the area.
- The development will not unreasonably impact upon adjoining amenity as determined by compliance with ResCode (Clause 55) Objectives.
- The proposal satisfies Council's Environmental Sustainable Development and Stormwater Management policies.

ATTACHMENTS

- [1.](#) PA - 593-17 - 33 - 35 Huntingtower Road Armadale - Attachment 1 of 1.PDF Plans

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit No: 593/17 for the land located at 33-35 Huntingtower Road, Armadale be issued under the Stonnington Planning Scheme for a multi-dwelling development subject to the following conditions:

- 1. Before the commencement of the development, one (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 plans submitted with the application Council date stamped 26 June 2017 but modified to show:***
 - a) The building amended to achieve compliance with Standard B21 of Clause 55.04-5 (Overshadowing), so that sunlight to the secluded private open spaces to the north of Units 2 to 5 (inclusive) at 29 Huntingtower Road is not further reduced for a minimum of five hours between 9am and 3pm on 22 September (the equinox).***
 - b) All first floor habitable room windows and balconies on the side and rear elevations, screened in accordance with Standard B22 of Clause 55.04-6 (Overlooking).***
 - c) The dimensions of the balcony to Dwelling 10 increased to achieve compliance with Standard B43 of Clause 55.07-9 (Private open space above ground floor).***
 - d) 10% deep soil area on site with a minimum dimension of 6 metres, in accordance with Standard B38 of Clause 55.07-4 (Deep soil areas and canopy trees).***
 - e) The number of car spaces within the basement must comply with the requirements of Clause 52.06. This applies to residential and visitor parking.***
 - f) The dimension of the ramp curve radius to ensure compliance with Clause 52.06.***

- g) All garage doors in the basement with a minimum headroom clearance of 2.2 metres.*
- h) The dimensions of columns in the basement in accordance with Clause 52.06.*
- i) A note on the ground floor plan that the permit holder will upgrade the outfall drain at the rear of the site through to the Council drain in Horsburgh Grove at their cost.*
- j) Any changes required by the Tree Management Plan required by Condition 6.*
- k) A Landscape Plan in accordance with Condition 3.*
- l) A Sustainability Management Plan in accordance with Condition 10.*
- m) Submission of a Tree Protection Fencing Plan for the three mature London Plane street trees in front of the site.*

all to the satisfaction of the Responsible Authority.

- 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. Concurrent with the endorsement of plans, 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 and one electronic copy must be provided. The landscape plan must be in accordance with the preliminary landscape plan prepared by Myles Baldwin Design, revision C, dated 21/06/2017, but modified to show:*
 - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed;*
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;*
 - c) Details of surface finishes of pathways and driveways;*
 - d) 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;*
 - e) Landscaping and planting within all open areas of the site;*
 - f) The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site;*
 - g) Details of all proposed hard surface materials including pathways, patio or decked areas;*

all to the satisfaction of the Responsibility Authority

4. *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.*
5. *Before the development starts, tree protection fencing must be erected around the three mature London Plane street trees in front of the site on Huntingtower Road in accordance with the endorsed plans. Fencing must comply with Section 4 of AS 4970.*
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 all trees on adjoining land within three metres of the sites boundary.

The tree management plan must detail measure to retain and protect the four 'Spartan Juniper' trees identified as trees 17, 16, 15 and 14 in the Tree Survey submitted with the application, prepared by Galbraith and Associates and Council date stamped 26/06/2017.

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. *Prior to the commencement of all works, a security deposit of \$29,936 must be lodged with Council to ensure the development will not impact on the long term health of the three London Plane street trees in front of the site. This deposit will be refunded when Council is satisfied that the health of the trees has not been affected by the development.*
8. *No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.*

9. ***The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.***
10. ***Concurrent with the endorsement of any plans pursuant to Condition 1 a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP 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. The report must be generally in accordance with the SMP prepared by Ark Reasources and Council date stamped 26/06/2017.***
11. ***All works must be undertaken in accordance with the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority. No alterations to the Sustainable Management Plan may occur without written consent 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. ***Before the development starts, areas set-aside for parked vehicles and access lanes as shown on the endorsed plans must be:***
 - a) ***Constructed to the satisfaction of the Responsible Authority.***
 - b) ***Properly formed to such levels that they can be used in accordance with the plans.***
 - c) ***Surfaced with an all-weather sealcoat.***
 - d) ***Drained and maintained to the satisfaction of the Responsible Authority.***
 - e) ***Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority. Parking areas and access lanes must be kept available for these purposes at all times.***
14. ***A report for the legal point of discharge must be obtained from Council and a drainage design for the development must be prepared by a suitably qualified Engineer in accordance with that report prior to a building permit being issued. All drainage must be by means of a gravity based system with the exception of any basement ramp and agricultural drains which may be pumped. The drainage must be constructed in accordance with the Engineer's design and must include an upgrade the outfall drain at the rear of the site through to the Council drain in Horsburgh Grove at the permit holders cost.***
15. ***The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp).***
16. ***The redundant vehicular crossing must be removed and the footpath, naturestrip and kerb reinstated at the owner's cost to the satisfaction of Council.***

17. *The applicant must at their cost provide a stormwater detention system to restrict runoff from the development to no greater than the existing runoff based on a 1 in 10 A.R.I. to the satisfaction of Council's Infrastructure Unit. Alternatively, in lieu of the stand-alone detention system, the owner may provide stormwater tanks that are in total 7,000 litres greater than those tanks required to satisfy WSUD requirements for the development. Those tanks must be connected to all toilets.*
18. *Any poles, service pits or other structures/features on the footpath required to be relocated to facilitate the development must be done so at the cost of the applicant and subject to the relevant authority's consent*
19. *All utility services to the subject land and buildings approved as part of this permit must be provided underground to the satisfaction of the Responsible Authority by completion of the development.*
20. *All plant and equipment (including air-conditioning units) shall be located or screened so as not to be visible from any of the surrounding footpaths and adjoining properties (including from above) and shall be baffled so as to minimise the emission of unreasonable noise to the environment in accordance with Section 48A of the Environment Protection Act 1970 to the satisfaction of the Responsible Authority.*
21. *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:

- A. *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.*
- B. *Nothing in this permit hereby issued shall be construed to allow the removal of, damage to or pruning of a significant tree (including the roots) without the further written approval of Council.*
- C. *"Significant tree" means a tree:*
 - a) *with a trunk circumference of 180 centimetres or greater measured at its base; or*
 - b) *with a trunk circumference of 140 centimetres or greater measured at 1.5 metres above its base; or*
 - c) *listed on the Significant Tree Register.*

Please contact the Council Arborists on 8290 1333 to ascertain if permission is required for tree removal or pruning or for further information and protection of trees during construction works.

- D. 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.***
- E. The owners and occupiers of the dwelling/s hereby approved are not eligible to receive "Resident Parking Permits".***
- F. 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.***

3. PLANNING APPLICATION 0002/17 - 55 EMO ROAD, MALVERN EAST - CONSTRUCTION OF TWO DWELLINGS ON A LOT IN A NEIGHBOURHOOD RESIDENTIAL ZONE

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

PURPOSE

For Council to consider a planning application for construction of two dwellings on a lot within a Neighbourhood Residential Zone at 55 Emo Road, Malvern East.

Executive Summary

Applicant:	Chris Pippo The North Planning Pty Ltd
Ward:	East
Zone:	Neighbourhood Residential Zone - Schedule 2 (Garden River & Garden Suburban)
Overlay:	N/A
Neighbourhood Precinct:	Garden Suburban 4
Date lodged:	30 December 2016
Statutory days: (as at council meeting date)	57
Trigger for referral to Council:	Number of Objections
Number of objections:	16
Consultative Meeting:	Yes – held on 26 September 2017
Officer Recommendation:	Issue a Notice of Decision to Grant a Planning Permit

BACKGROUND

The Proposal

The plans that form the basis of Council's consideration were prepared by Finley Roberts Design and are known as File No. 16-154, and are Council date stamped 1 September 2017.

The proposal seeks to construct two double storey dwellings side-by-side on the lot, each comprising an open plan living, dining and kitchen area, separate lounge, study and sitting rooms and four (4) bedrooms. Each dwelling includes a single car space in a garage and a second uncovered space in a tandem arrangement.

The original application was lodged on 30 December 2016.

The application was subsequently revised following a further information request in June 2017 and this revision was advertised to surrounding owners and occupiers in June 2017. Prior to this, the applicant was advised of a number of issues of concern.

Following concerns raised by planning officers, the application was formally revised under s57a of the Planning & Environment Act 1987 on 1 September 2017 and the associated plans were re-advertised in September 2017. It is these plans that form the basis of this assessment.

Site and Surrounds

The subject site is regular in shape, has a primary frontage to Emo Road of approximately 15m and a depth of approximately 51m.

The site forms part of an established residential area exhibiting mostly detached single dwellings of various styles and periods. Predominantly, the houses are either Edwardian red brick bungalows or modern double storey rendered houses. Lot sizes in the surrounding area are roughly homogenous, averaging between 700 and 800sqm. There is a clear predominant character of 1-2 storeys. Second storeys are rarely recessed more than 2-3 metres behind the front wall of dwellings.

The following interfaces are relevant:

To the north is 57 Emo Road, which is a rectangular shaped lot of approximately 800sqm area, which houses a double storey rendered dwelling with hipped tile roof. A driveway is constructed along the northern boundary and serves a garage that forms part of the dwelling.

To the south is 53 Emo Road, which is an L-shaped lot of approximately 1030sqm area, which houses a double storey timber dwelling with hip and gable metal sheet roof. A driveway runs along the southern boundary providing access to a carport sitting forward of the dwelling. The rear of the site is occupied by a full size tennis court.

To the west is 28 Tennyson Street, which is a rectangular shaped lot of approximately 1130sqm area, which houses a double storey timber dwelling with hip and gable terracotta tile roof. A full size tennis court at the rear (east) of this site interfaces with the subject site.

To the east is Emo Road, a residential street which services the subject site. Opposite the subject site and facing the street is 88 Emo Road, which contains a double storey modern rendered dwelling with a double garage proud of the main built form.

The Title

The site is described on Certificate of Title Volume 05255 Folio 898 and described as lot 1 on Title Plan 252044J and no covenants or easements affect the land.

Planning Controls

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

Neighbourhood Residential Zone – Schedule 2

Clause 32.09

Pursuant to Clause 32.09-5, a permit is required to construct two dwellings on a lot. A permit is therefore required under this provision. Pursuant to Clause 32.09-5, an application must meet the requirements of Clause 55, including the varied requirements specified in Schedule 2 to the Neighbourhood Residential Zone.

Pursuant to Clause 32.09-4, whether or not a permit is required under the Neighbourhood Residential Zone, a development must meet the mandatory minimum garden area requirements. For a lot exceeding 650 square metres, 35% of the lot area at ground level must be set aside for garden area. Based on the information provided, 37.8% of the site area is set aside for garden area.

Pursuant to Clause 32.09-9, a building must not be constructed for use as a dwelling that exceeds 9 metres or more than two storeys at any point. These requirements are considered to be met.

Particular Provisions

Clause 52.06

Pursuant to Clause 52.06-5, a dwelling of 3 or more bedrooms requires two car spaces, one of which must be covered. Two car spaces must therefore be provided to each dwelling. The proposal complies with this requirement.

Relevant Planning Policies

11.06	Metropolitan Melbourne
15.01	Urban Environment
15.02	Sustainable Development
16.01	Residential Development
21.03	Vision
21.05	Housing
21.06	Built Environment and Heritage
22.05	Environmentally Sustainable Design
22.18	Stormwater Management
22.23	Neighbourhood Character Guidelines
32.09	Neighbourhood Residential Zone – Schedule 2
52.06	Car Parking
55	Two or More Dwellings on a Lot
65	Decision Guidelines

Advertising

The application was advertised in June 2017 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 1 sign on the site). The public notification of the application was completed satisfactorily.

The site is located In East Ward and objections from 16 different properties have been received. The objections can be summarized as follows:

- Visual Bulk
- Neighbourhood Character and Density
- Amenity Impacts (Shadowing/Windows)
- Car Parking
- Site Coverage

Following a formal revision of the application pursuant to Section 57A of the Planning and Environment Act 1987, the proposal was re-advertised in September 2017 (pursuant to Section 57B) by sending notices to the owners and occupiers of adjoining land as well as objectors (1 sign was also placed on the site). The public notification of the application was completed satisfactorily. 3 supplementary objections were received from current objectors reiterating their previous objections.

A Consultative Meeting was held on 26 September 2017. The meeting was attended by Councillors Atwell and Davis, representatives of the applicant, objectors and a Council planning officer. The meeting did not result in any further changes to the plans.

Referrals

Infrastructure – 24 June 2017

The application was referred to the infrastructure unit who stated:

The levels of the property and proposed development are significantly below Emo Street and it is not apparent to Infrastructure how the property is drained. The applicant will need to investigate this matter and demonstrate how the development can be reasonably drained before Infrastructure are in a position to comment further.

The subject site is not within a Special Building Overlay or Land Subject to Inundation Overlay and therefore is not considered to be in a high risk area. A drainage concept design has been requested as a condition on the permit allowing a further assessment by Council's Infrastructure department.

Further discussions with Council's Infrastructure department resulted in an agreement to place a condition on the permit to be addressed prior to plan endorsement and relating to the drainage design.

Further, the Infrastructure department requested that a number of other standard conditions be placed on the permit relating to legal point of discharge and additional stormwater retention.

Parks – 31 July 2017

The application was referred to the Parks unit who raised the following concerns:

- The Jacaranda Mimosifolia (Jacaranda) is significant, has fair health and structure and is located well away from the proposed development. A Tree Management Plan will be required. No other significant trees are proposed for removal.
- The proposed use of the Maidenhair Tree in the front setback is inappropriate and should be replaced with either of the following:
 - *Zelkova serrata* 'Musashino'
 - *Acer rubrum* 'Bowhall'
- The street tree must be retained and protected. A bond of \$500 will be required for the protection of the street tree.

Conditions addressing these concerns will be placed on the permit.

ASSESSMENT

Strategic Justification

The purpose of the Neighbourhood Residential Zone, amongst others, is to implement State and local policies, to recognise areas of predominantly single and double storey residential development, and to manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

Having regard to the objectives and provisions of the State and Local Planning Policy Framework alongside the controls of the Neighbourhood Residential Zone, the proposed development is considered to be generally consistent with the Stonnington Planning Scheme. Specifically, the proposal is consistent with Clause 11.06 (Metropolitan Melbourne), 21.05 (Housing), and 21.06 (Built Environment and Heritage).

Clause 21.05 (Housing) directs new residential development to locations that are accessible to activity centres and public transport networks. The subject site is identified as being part of an incremental change area where the local planning policy framework seeks a moderate increase in housing density. The proposed development of two dwellings on a lot in an incremental change area is considered appropriate.

The subject site is well serviced and in close proximity to the Waverley Road, Malvern East Activity Centre (~170m) which consists of commercial facilities for regular as well as some specialist retail and service activities. Waverley Road is serviced by the Route 3/3a Tram which runs from Malvern East to Melbourne University.

It is considered that the subject site has strategic support for the construction of two dwellings on the site. The location is considered an “incremental change area”, which is appropriate for infill development and provides an opportunity for increased housing choice within proximity to an activity centre. The proposed development adequately addresses policy objectives on urban consolidation, household diversity and building form and is generally responsive to its context.

Detailed consideration must be given to how the proposal specifically responds to the neighbourhood character, design and residential amenity as detailed below.

Neighbourhood Character

Neighbourhood Character and Overall Massing

The relevant neighbourhood character assessments are at Clause 22.23 (Neighbourhood Character Policy), 55.02 (Neighbourhood Character & Infrastructure) and 55.03 (Site Layout and Building Massing). Assessments against the relevant standards and objectives follows:

The subject site is located within the *Garden Suburban 4* Neighbourhood Character Precinct (GS4) as identified in the Neighbourhood Character Guidelines at Clause 22.23 of the Stonnington Planning Scheme. The statement for the GS4 precinct states in part:

The Garden Suburban 4 (GS4) precinct comprises spacious and leafy streetscapes with Edwardian, Interwar or Post-war era and new buildings set in established garden surrounds. Regular front and side setbacks provide space around buildings and allow for canopy trees. New buildings or additions offer innovative and contemporary design responses while complementing the key aspects of building form, scale and design detail of the older dwellings in the precinct. Low or permeable front fences retain views to gardens and buildings from the street. Areas within a Residential Growth or Mixed Use Zone or within a substantial change area will accommodate more development with a more compact setting but with space for canopy trees and other vegetation and high quality, responsive design.

More specifically, the neighbourhood character of Emo Road is mixed in terms of dwelling period and style but generally maintains a detached pattern with some landscape characteristics, particularly at the rear of the site. Notably the extent of garden area relative to dwelling area appears to have decreased over time with more modern dwellings. Driveways and vehicle accommodation, where not served by rear access is either prominently sited, often flush with dwelling, or sited towards the rear of the site with a long paved driveway extending the depth of the site. No consistent fence style could be identified, but wooden picket fencing is common.

In terms of scale and form, the proposal maintains the 1-2 storey character with hipped roof form common to the surrounding context. Despite the minimal first floor street setback, it is consistent with other modern dwellings and does not overly dominate the streetscape and can be considered appropriate.

The proposed side-by-side design and ultimate subdivision of the lot into two lots will be the first in this section of Emo Road, but should not be dismissed for this reason alone. The State Planning Policy Framework is clear in that suburban areas with convenient access to transport and activity centres (such as Malvern East) must ensure an adequate supply of redevelopment opportunities and increased residential densities to reduce pressure on fringe development.

It is further considered that side-by-side developments generally result in positive streetscape responses as both dwellings are better integrated with the street and driveways do not become the primary street interaction of the rear dwelling. The disadvantage is that they can result in walls on boundaries and increased bulk as a result of the requirement for two entries, car spaces, and habitable rooms facing the street. Although the subject proposal includes walls on one boundary, it is sufficiently setback behind the primary volume of the proposed building and therefore maintains the existing streetscape separation and rhythm between sites.

The total length of the first floor has been raised as an issue by objectors and as part of the consultative meeting. The proposed development has a minimum first floor setback from the rear boundary of 12m and this is less than any first floor setbacks on Emo Road with the exception of 88 Emo Road (directly across the road) which has an approximately similar rear setback of the first floor. A number of properties on the street have ground floors that extend further towards the rear of the site including 67, 76, 82, 86, 98 and 106 Emo Road.

There is only a single example of a second storey extending so close to the rear and it is on the opposite side of Emo Road. It is considered that an increase in the rear setback is required to maintain the existing backyard neighbourhood character and reduce visual bulk and allow visual relief to adjacent secluded private open space. Council officers have advised the applicant that the extent of the first floor may be problematic. They have elected not to make changes at this stage. A condition is recommended to be included, requiring the removal of the proposed master suite to dwelling one (south) and bedroom four to dwelling two (north). This will result in an increase to the rear setback of the first floor, bringing it further in line with the extent of ground floors of the neighbouring dwellings. It is noted that the first floor will still extend further into the site than the first floor elements of the neighbouring dwellings, however the conditioned reduction in extent will adequately maintain the backyard character. Importantly, the conditioned removal of these rooms is not related to the number of rooms but to the visual bulk impacts. The condition will be worded as such that internal re-arrangement will be possible.

The hipped form of the roof, eaves and face brick/masonry materiality references the surrounding style of the neighbourhood while incorporating them into a modern design.

The proposal is considered to meet the Neighbourhood Character Standard B1 and Design Detail Standard B31.

Street Setback

Street setback requirements are located at Clause 55.03-1. The standard specifies that where the average setback of neighbouring properties (9.15m) exceeds 9m, the dwelling should be setback 9m from the street. The standard allows porches and eaves to encroach up to 2.5m into this setback so long as they do not exceed 3.6m in height.

The front wall of the dwelling is setback a minimum of 9m from the street and the proposed porches are compliant with the standard.

Building Height

The standard (B7) and the mandatory maximum height controls at 32.09-9 specify a maximum height of 9.0m. The proposal has a maximum height of 7.8m.

The proposed building height is lower than the roof forms at 53 and 57 Emo Road and therefore is consistent with the standard.

Site Coverage

Standard B8 prescribes a maximum site coverage of 60% and the proposed development has a site coverage of 52.47% therefore meets the standard.

Permeability

Standard B9 prescribes a minimum permeability of 20% and the proposed development has a permeability across the site of 37.85%. The proposal is considered to meet the standard.

Landscape

The proposed landscape plan generally respects the existing and preferred neighbourhood landscape character. The proposed Maidenhair tree in the front setback has been considered inappropriate by Council's Parks unit and a condition on the permit will require its substitution. The substituted tree must be a canopy tree, allowing the proposal to meet the varied requirements of Standard B13 under schedule 2 of the Neighbourhood Residential Zone which states that a tree must be provided on site.

Front Fence

Standard B32 prescribes a maximum fence height of 1.5m.

The proposed fence has a maximum height of 1.7m and is composed of metal pickets and a rendered pier design generally matching the fence at 57, 88 and 86 Emo Road which are adjacent or directly across the road. Given the height of surrounding fences and the high permeability of the proposed fence design, the fence is considered generally acceptable and can be supported with relation to Standard B32.

Amenity Impacts

Side & Rear Setbacks

Schedule 2 to the Neighbourhood Residential Zone specifies a side setback requirement of 1m & 2m off the side boundaries for 5m behind the façade for both dwellings. The proposal provides a 3.59m setback off the northern boundary and a 1.15m setback off the southern boundary.

All ground floor elements are either built to the boundary or setback 1.0m or more, complying with Standard B17.

The assessment of the first floor follows:

On the north elevation, the proposed development has a proposed maximum wall height of 6.48m, prescribing a setback of 1.864m. The proposed setback of 2.0m meets the Standard.

On the west elevation, the proposed development has a proposed maximum wall height of 6.67m, prescribing a setback of 1.921m. The proposed setback of 12.655m meets the Standard. A condition on the permit will increase this to 17m, allowing the proposal to further exceed the requirements of the Standard.

On the south elevation, the proposed development has a proposed maximum wall height of 6.67m, prescribing a setback of 1.921m. The proposed setback of 2.0m is considered to meet the standard.

Standard B17 is considered to be met.

Walls on Boundary

Schedule 2 to the Neighbourhood Residential Zone specifies that walls cannot be located on side boundaries for 5m behind the façade. The proposed northern wall is setback 5.0m behind the front wall of the dwelling, complying with the varied standard.

Proposed plans cut into natural ground level and result in the north elevation boundary wall having a maximum height of 2.65m and an average height of 2.5m. The proposed wall has a length on the boundary of 6.3m. The proposed boundary wall meets the standard.

Daylight to existing Windows

Each neighbouring window is provided a sufficient light court in accordance with standard B19.

The north elevation is opposite a number habitable windows. The elevation has a first floor wall height of 5.73m, prescribing a 2.865m setback from the window. The proposed setback from the window of 3.29m is considered compliant.

The standard also requires that neighbouring windows are provided 3sqm of area open to the sky with a minimum dimension of 1m. Due to the eaves of the neighbouring building opposite the proposed garage, the open area clear to the sky has a minimum dimension of 0.91m which does not comply with standard B19. This non-compliance is minor and as a result of the eaves of the neighbouring dwelling. An increased setback of the proposed boundary wall from 0m to 0.09m would not result in a material difference to the daylight access of this window. The proposal is considered to meet the objective.

North-Facing Windows

The north-facing windows standard (B20) states that it applies to any north-facing window within 3.0m of the boundary. There are a number of ground and first floor north-facing windows at 53 Emo Road.

There are two sections with varying heights and setbacks from north facing windows. The central section is located opposite bedrooms 3 & 4, has a height of 6.2m and is setback 2.6m, the standard prescribes a setback of 2.56m and the proposal is considered to meet the standard. The eastern section located opposite the first floor sitting room has a wall height of 6.0m and a minimum setback of 2.45m is proposed. This complies with the standard which requires a setback of 2.44m. The proposal is considered to comply with Standard B20.

Overshadowing

The relevant assessment mechanism for overshadowing of neighbouring areas of private open space is the Overshadowing Open Space Objective, including Standard B21. This Standard states the following:

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

The Objective states: *To ensure buildings do not significantly overshadow existing secluded private open space.*

The dwelling at 53 Emo Road is benefitted by a large secluded private open space including a tennis court approximately 485sqm in area. More than 40sqm of this area receives direct sunlight for 5 hours out of the equinox.

No other properties will be affected by overshadowing at the equinox.

Overlooking

All habitable first floor north and south facing windows are screened to 1.7m and therefore comply with the standard.

The west facing window of the southern dwelling (dwelling 1) includes side wings that block views to the north and south. No overlooking diagram was included in the information submitted to Council. Given that the rear setback is to be increased to 17m and this will invariably involve new window locations, this assessment can be properly undertaken once the plans have been revised. A condition has been included to require screening to this window in accordance with the requirements of Standard B22 of the Stonnington Planning Scheme.

The proposed ground floor windows are located opposite 1.8m high paling fences and therefore meet the standard.

Subject to a condition, Standard B22 is considered to be met.

On-site Amenity

Dwelling Entry

The proposed dwelling entries are benefitted by small porches that provide shelter and a sense of personal address. The proposal is considered to comply with the standard.

Daylight to New Windows

Each new window is provided an adequate light source of at least 3sqm (with a minimum dimension of 1m) as specified by standard B27

Private Open Space

Each of the two dwellings is benefitted by more than 40sqm of private open space, including 25sqm meeting the requirements for secluded private open space. The proposal is considered to meet standard B28. The spaces are also east-west oriented, allowing compliance with the solar access to open space standard (B29).

Storage

Each of the two dwellings includes a 6 cubic metre shed in their respective backyards. This is considered to meet Standard B31

Car Parking and Traffic

Car Parking

Fundamentally, the proposal is considered to be acceptable in terms of the provision of parking spaces on site, and the overall access layout. Importantly, each driveway is to have a minimum width of 3.0m in compliance with the accessway standard.

At Clause 52.06-9, Design Standard 1 requires a corner splay (2m wide by 2.5m deep) to be 50% clear of obstructions above 900mm in height. The proposed pier and picket design is not considered to meet this requirement. A condition will be placed on the permit requiring a revised fence design meeting the access way car parking design standard. A number of other requirements relevant to the car parking design standards (including design standards 1 and 3) are not specified and these will be required by conditions on the permit.

In response to objections relating to the lack of car parking, it is noted that Clause 52.06 of the Stonnington Planning Scheme requires a dwelling with 3 or more bedrooms to provide two car spaces (one of which must be covered). This is achieved.

Vehicle Crossovers

Standard B14 under the access objective prescribes that as the street frontage is less than 20m, the width of all accessways combined should not exceed 40% of the total frontage. The two crossovers amount to 35.29% of the street frontage which accords with the standard.

Environmentally Sustainable Design

Clause 22.05 requires that a development of 2-9 dwellings include a Sustainable Design Assessment demonstrating best practice. The proposal includes a BESS report achieving a 50% score. Despite achieving the requisite score, there are a number of issues relating to the waste, transport and Stormwater categories that have already been highlighted to the applicant. The SDA report was not updated as part of the revision made in September 2017 and a condition will be placed on the permit ensuring a revised report to the satisfaction of the responsible authority.

Objections

In relation to specific issues raised in objections that have not been previously raised, the following comments are made:

Retaining Walls

The proposed plans do not readily distinguish between the proposed garage wall and the proposed retaining wall both on the northern boundary. A condition is recommended to clarify these two walls on revised plans.

Overlooking from non-habitable bathroom

Standard B22 does not apply to windows to non-habitable rooms such as bathrooms.

Despite this, the applicant has agreed to a condition requiring all north facing windows to be non-openable below 1.7m

Overlooking from alfresco deck

Standard B22 does not apply to ground floor decks and terraces where there is a visual barrier of at least 1.8 metres (such as a fence) and the deck/patio is less than 0.8m above ground level at the boundary. As this requirement is met, the standard is not considered to apply. Regardless, the applicant has agreed to a condition to extend the proposed freestanding screens a minimum of 2m beyond the rear of the deck.

Garage Wall on Boundary

An objection suggests that the boundary wall of the northern garage should be reduced by 200-300mm. The proposed northern boundary wall has a maximum height of 2.65m relative to the neighbour, complies with the walls on boundary standard and does not require a setback under the daylight to existing windows standard. While a reduction in the height of this garage may marginally improve daylight to the south-facing window, it is considered unreasonable having regard to the fact that the proposal meets the relevant standards.

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 proposed design adequately responds to the neighbourhood character context of the proposal
- The proposed design response is compliant with Clause 54 conditional to a number of minor changes
- The proposal is generally consistent with the Stonnington Planning Scheme

ATTACHMENTS

- ➡1. Planning Application 0002/17 - 55 Emo Road Malvern East - Attachments Plans

RECOMMENDATION

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 plans advertised in September 2017 but modified to show:***
 - a. ***The first floor of dwelling 1 to be setback a minimum of 16.8m from the rear title boundary and the first floor of dwelling 2 to be setback a minimum of 17.5m from the rear title boundary. All other setbacks must be maintained.***
 - b. ***All rear (west) facing first floor windows to comply with the requirements of Standard B22 of Clause 55.04***
 - c. ***All north facing windows to be non-openable below 1.7m above the finish floor level***
 - d. ***The freestanding overlooking screens associated with the rear alfresco areas to extend a minimum of 2m beyond the rear (western) edge of the alfresco areas***
 - e. ***The proposed northern boundary retaining wall and garage wall differentiated on floor plans and elevations***
 - f. ***The width of all vehicle accessways noted on floor plans as a minimum of 3m in accordance with Design Standard 1 (Accessways) at Clause 52.06-8 of the Stonnington Planning Scheme***
 - g. ***The headroom of the garages (including headroom under the garage door) in compliance with Design Standard 1 (Accessways) at Clause 52.06-9 of the Stonnington Planning Scheme***
 - h. ***Corner splays (or alternate measures such as convex mirrors) to the vehicle accessways along Emo Road in compliance with Design Standard 1 (Accessways) at Clause 52.06-8 of the Stonnington Planning Scheme shown on the plans.***

- i. The gradient of all vehicle accessways notated and in compliance with Design Standard 3 (Gradients) at Clause 52.06-8 of the Stonnington Planning Scheme*
- j. Changes as required by condition 3 of this permit*
- k. Changes as required by condition 4 of this permit*
- l. Changes as required by condition 5 of this permit*
- m. A drainage concept design in accordance with Condition 8 of this permit*
- n. Changes as required by condition 10 of this permit*

All to the satisfaction of the Responsible Authority

- 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. 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 in accordance with the landscape concept plan prepared by Zenith Concepts and received by Council on 2 June 2017, but modified to show:
 - a. The retention of the existing Jacaranda mimosifolia (Jacaranda)*
 - b. The proposed Ginko Biloba (Maidenhair Tree) replaced with one of the following:
 - i. Zelkova serrata (Musashino), or*
 - ii. Acer rubrum (Bowhall), or*
 - iii. Another species to the satisfaction of the responsible authority.***
- 4. 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 the Jacaranda mimosifolia (Jacaranda).

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.

- 5. Concurrent with the endorsement of any plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be 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 SDA to the satisfaction of the Responsible Authority. The SDA must be in accordance with the SDA report prepared by Green Rate and received by Council 2 June 2017 but modified to show:*
 - a. The BESS report claiming at least one point under the transport category or the report modified to address the objectives of Clause 22.05 that relate to transport to the satisfaction of the Responsible Authority*
 - b. The BESS report claiming at least one point under the waste category or the report modified to address the objectives of Clause 22.05 that relate to waste to the satisfaction of the Responsible Authority*
 - c. Water Credit 2.1 of the BESS report modified to specify connection to all toilets*

All works must be undertaken in accordance with the endorsed SDA Report to the satisfaction of the Responsible Authority. No alterations to the SDA Report may occur without written consent of the Responsible Authority.

- 6. Before the development (including excavation and demolition) starts, a tree protection fence must be erected around the Koelreuteria paniculata (Golden Rain Tree) street tree. Fencing is to be compliant with Section 4 of AS 4970.*
- 7. Before the commencement of the development, an asset protection bond of a minimum of \$500 for the protection of the Koelreuteria paniculata (Golden Rain Tree) street tree must be paid to the satisfaction of the Responsible Authority.*

Please note this bond value only valid for twelve (12) months from the issue date of this permit.

- 8. The owner must at their cost construct an outfall drain in Emo Road to connect with the closest Council drain located approximately 20m to the South of the property. A detailed drainage design must be prepared by a suitably qualified Engineer and approved by Council's Infrastructure Unit. The drain must be constructed under the supervision and to the satisfaction of Council's Infrastructure unit.*

9. *A report for the legal point of discharge must be obtained from Council and a drainage design for the development must be prepared by a suitably qualified Engineer in accordance with that report prior to a building permit being issued. The drainage must be constructed in accordance with the Engineer's design.*
10. *Prior to the occupation of the development, the applicant must at their cost provide a stormwater detention system to restrict runoff from the development to no greater than the existing runoff based on a 1 in 10 A.R.I. to the satisfaction of Council's Infrastructure Unit. Alternatively, in lieu of the stand-alone detention system, the owner may provide stormwater tanks that are in total 3,000 litres greater than those tanks required to satisfy WSUD/SDA requirements for the development. Those tanks must be connected to all toilets and shown on endorsed plans.*
11. *Prior to the commencement of the development hereby approved, the permit holder must obtain approval from Council's Building and Local Laws Department to construct or modify any vehicle crossovers providing access to the subject site. The issue of a planning permit does not provide approval for vehicular crossovers which are outside of the title boundary.*
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. *Prior to the occupation of the building, the walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.*
14. *All utility services to the subject land and buildings approved as part of this permit must be provided underground to the satisfaction of the Responsible Authority by completion of the development.*
15. *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

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 this permit hereby issued shall be construed to allow the removal of, damage to or pruning of a significant tree (including the roots) without the further written approval of Council.

“Significant tree” means a tree:

- a. with a trunk circumference of 180 centimetres or greater measured at its base; or***
- b. with a trunk circumference of 140 centimetres or greater measured at 1.5 metres above its base; or***
- c. listed on the Significant Tree Register.***

Please contact the Council Arborists on 8290 1333 to ascertain if permission is required for tree removal or pruning or for further information and protection of trees during construction works.

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.***

4. PLANNING APPLICATION 233/17 - 9 GERTRUDE STREET, WINDSOR - EXTENSION TO A DWELLING ON A LOT LESS THAN 500 SQUARE METRES IN A NEIGHBOURHOOD RESIDENTIAL ZONE AND SPECIAL BUILDING OVERLAY

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

PURPOSE

For Council to consider a planning application for an extension to a dwelling on a lot less than 500 square metres in a Neighbourhood Residential Zone and Special Building Overlay at 9 Gertrude Street, Windsor.

Executive Summary

Applicant:	Dr Guenter Gerlach Gestalten
Ward:	South
Zone:	Neighbourhood Residential Zone Schedule 3
Overlay:	Special Building Overlay
Neighbourhood Precinct:	Inner Urban
Date lodged:	22 March 2017
Statutory days: (as at council meeting date)	159
Trigger for referral to Council:	Councillor call-up
Number of objections:	None
Consultative Meeting:	No
Officer Recommendation:	Refusal to Grant a Planning Permit

BACKGROUND

The Proposal

The plans that form part of the basis of Council's consideration were prepared by Gestalten architectural practice and are known as File No. 233/17, Drawing No.s: ABDO1, TP01, TP01-1, TP02, TP03, TP05, TP06 and Material Schedule and Council date stamped 15 May 2017 and Drawing No.s: TP04 and Council date stamped 6 October 2017. Feature & Level Survey, Site Photographs and Plan of Re-establishment Survey prepared by Accurate Surveying was submitted to Council 22 March 2017 and STORM Rating Report submitted to Council 22 March 2017.

Key features of the proposal are:

- The construction of ground and first floor additions to the existing dwelling at the subject site.
- The ground floor addition comprises of an extension of the living room and internal alterations to allow for the first floor construction, including addition of staircase. The first floor will comprise of a study and bedroom with associated balcony, walk-in-robe and bathroom.

- The maximum building height will be 8.01 metres and the first floor will have a street setback of 11.005 metres from Gertrude Street and setback from 4.2 metres from the front façade of the existing dwelling on the site.
- The existing shed to the rear (north) of the subject site will be extended. The shed will have a maximum building height of 3.35 square metres and will have a gross floor area of 26.75 square metres.

Site and Surrounds

The site is located on the northern side of Gertrude Street, approximately 33 metres from the intersection of Cyril Street. The site has the following significant characteristics:

- The subject site is regular in shape with a lot frontage of approximately 6.7 metres onto Gertrude Street, a rear frontage of approximately 6.7 metres onto an unnamed laneway, a depth of approximately 44.4 metres resulting in a site area of approximately 302 square metres.
- The site is predominately flat and is currently occupied by a single storey dwelling which is constructed along the western boundary. The existing dwelling on the site has a street setback of 6.76 metres to the principal façade. It is noted that there is a front verandah within this setback.
- There is no significant vegetation or alteration to vehicle accommodation on the site and there is an existing shed in the north east corner of the site.

The subject site forms part of an established residential area that exhibits a mixture of dwelling types including semi-detached single and double storey dwellings and multi-unit residential buildings of three storeys. Roof styles consist of a mixture of flat and pitched metal and tiled roofs.

The site is located within an area that has good access to services and facilities. The surrounding area is characterised by a mixture of single and double storey dwellings. There are examples of both pitched and flat roof form, and front verandahs. Walls constructed along common boundaries is a consistent feature along Gertrude Street. The subject site is within close proximity to public transport with tram services operating along High Street approximately 260 metres to the north of the site and bus services operating along Williams Road, approximately 400 metres to the east of the site. The site is also located within approximately 370 metres of Windsor Railway Station.

The site's immediate abutments are as follows:

- To the north of the site is an unnamed laneway, which is 2 metres wide. Beyond that is No. 10 Mary Street, a double storey dwelling constructed boundary-to-boundary with recessed first floor and flat roof form and No. 12 Mary Street, a double storey dwelling constructed boundary-to-boundary with recessed first floor and pitched roof form.
- To the south of the site is Gertrude Street. Beyond that is No. 8 Gertrude Street, a double storey dwelling constructed boundary-to-boundary with recessed first floor addition and pitched roof form.
- To the east of the site is No. 11 Gertrude Street, a single storey dwelling constructed along the common boundary of the site, with pitched roof form and front verandah. The lot features a ground floor addition with flat roof form to the rear (north) of the lot.

- To the west of the site is No. 7 Gertrude Street, a single storey dwelling constructed along the western boundary of the lot, with pitched roof form and front verandah. The lot features a ground floor addition with flat roof form to the rear (north) of the lot. The dwelling at No. 7 Gertrude Street features six habitable room windows along the eastern elevation of the dwelling with setbacks ranging from 1.3 metres to 1.6 metres from the common boundary of the site.

Previous Planning Application(s)

A search of Council records indicates no relevant planning applications.

The Title

The site is described on Certificate of Title Volume 04260 Folio 951 / Lot 1 on Title Plan 687156U and no covenants or easements affect the land.

Planning Controls

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

Zone

Neighbourhood Residential Zone – Clause 32.08

Pursuant to Clause 32.09-4 a permit is required to construct or extend one dwelling on a lot of less than 500 square metres.

Schedule 3 to the Neighbourhood Residential Zone states that a building used as a dwelling or a residential building must not exceed a height of 9 metres unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the height of the building must not exceed 10 metres. The proposal has a maximum height of 8.01 metres and therefore, complies with the maximum height limit.

Furthermore, ResCode variations in the Neighbourhood Residential Zone – Schedule 3 include:

	Standard	Requirement
Site Coverage	A5 and B8	Basements should not exceed 75% of the site area.
Front fence height	A20 and B32	Maximum height of 2 metres in streets in a Street Zone, Category 1. Other streets 1.2 metres maximum height.

Since the lodgement of this application, Amendment VC110 was gazetted on the 27 March 2017 and makes a number of changes to the Neighbourhood Residential Zone at Clause 32.09, notably including:

- The introduction of Clause 32.09-4 that specifies minimum garden area requirements for sites of 400 square metres and greater.
- Modifications to Clause 32.09-9 which now specifies the following mandatory requirements:
 - The building height must not exceed 9 metres; and
 - The building must contain no more than 2 storeys at any point.

Clause 32.09-14 specifies that the minimum garden area requirements at Clause 32.09-4 and the maximum building height and number of storeys requirements at Clause 32.09-9 do not apply to a planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110.

It is also noted that Amendment VC110 removed the maximum number of dwellings requirement on sites within the Neighbourhood Residential Zone.

This application was lodged 22 March 2017, prior to Amendment VC110 being gazetted and therefore the transitional provisions at 32.09-14 apply.

Overlay

Special Building Overlay – Clause 44.05

Pursuant to Clause 44.05-1, a permit is required to construct a building or to construct or carry out works. Therefore a permit is required under the Overlay.

Particular Provisions

Clause 54 One Dwelling on a Lot – Clause 54

A development must meet the requirements of Clause 54.

Relevant Planning Policies

Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 21.05	Housing
Clause 21.06	Built Environment and Heritage
Clause 22.18	Stormwater Management
Clause 22.23	Neighbourhood Character Policy
Clause 32.09	Neighbourhood Residential Zone
Clause 44.05	Special Building Overlay
Clause 54	One dwelling on a lot
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 2 sign on the site. The public notification of the application has been completed satisfactorily.

No objections have been received.

Referrals

Infrastructure

Council's Infrastructure Unit reviewed the plans submitted to Council on 24 May 2017 and Feature and Level Survey Plan prepared by Carson Simpson Pty Ltd submitted to Council 15 May 2017 and provided the following comments:

- The applicable flood level is 21.21m A.H.D. The existing floor level of 21.51m A.H.D., which is 300mm above the applicable flood level and offers acceptable protection from flooding.
- **Condition:** All new floor levels shall be no lower than the existing floor level of 21.51m A.H.D. (300mm above the applicable flood level of 21.21m A.H.D.).

Planner note: A condition could be placed on any permit issued requiring that the floor levels shall be no lower than the existing floor level.

KEY ISSUES

Built Form and Neighbourhood Character

The surrounding residential area comprises a mixture of development types. This includes a mixture of single and double storey built form. There are several examples of recessed first floor additions and double storey walls constructed on boundaries. The area typically features small allotments and side-by-side development of various architectural styles. Given the mixed character and range of housing types of the area and the size of the site, it is considered that the proposed extension will be well integrated within the existing streetscape. Furthermore, the proposed extension adopts similar finishes and materials to blend in with the existing building.

The Neighbourhood Character Policy included at Clause 22.23 of the Stonnington Planning Scheme also sets out the character and design guidelines for development in different character precincts. The Neighbourhood Character Local Planning Policy includes the preferred character statements, design objectives and design responses to be taken from the precinct profiles. The subject site is located within the Inner Urban Precinct. The statement of preferred neighbourhood character reads:

'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.'

The design objectives for this area are:

- 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.

Having regard to the policies, provisions and decision guidelines of the Stonnington Planning Scheme, particularly the Neighbourhood Character Policy at Clause 22.23, and the context of the subject site and its surrounds, it is considered that proposal respects and is compatible with the existing and preferred neighbourhood character for the following reasons:

Gertrude Street has a mixture of single and double storey built form with both pitched and flat roof forms, chimneys, front verandahs and boundary to boundary construction. There are several examples of recessed first floor additions and double storey walls constructed on boundaries. As such, the proposed extension will reflect the existing streetscape.

The front portion of the dwelling as it presents to the street will be retained. The first floor will be setback 11.005 metres from Gertrude Street and setback from 4.245 metres from the front façade of the existing dwelling on the site. Further the existing ground floor front parapet with a height of 6.02 metres will be retained, which will obscure oblique views of the first floor addition. It is noted that dwellings located at No. 5 Gertrude Street to No. 11A Gertrude Street all feature front parapet and verandahs, therefore the retention of the ground floor front parapet and verandah at the site will allow the proposed development to sit comfortably in the existing streetscape and the contribution of the existing dwelling to the streetscape will not be diminished.

It is considered that the ground and first floor additions are relatively modest in size, it is sympathetic to the style and character of the existing dwelling and have limited visibility from the streetscape. Further the proposal does not reduce any of the existing front garden space and does not alter the existing front fence and does not propose any additional vehicle accommodation on site.

Overall, it is considered that the design response, in terms of its presentation to key interfaces and incorporation of features of the surrounding area, and built form, will sit comfortably within the preferred character and existing features of the surrounding area. For these reasons, it is considered that the proposal is considered an appropriate response to the Neighbourhood Character Policy at Clause 22.23 and Standard A1 (Neighbourhood Character) and A19 (Design Detail).

While the proposal is considered an acceptable response to the existing and preferred neighbourhood character of the surrounding area, the predominate concern with the proposal relates to the unreasonable amenity impacts the built form of the proposal will have on adjoining lots. It is considered that the proposal has not been site responsive to neighbouring properties, which will be discussed later in the report.

Built Form

Street Setback

The proposal will retain the existing ground floor, and the first floor will be setback 4.2 metres from the front façade of the existing dwelling on the site. Therefore the proposal will not encroach on existing setbacks and respect the existing and preferred streetscape character of recessed first floors.

Building Height

The proposed extension has a maximum height of 8.01 metres, which is below the maximum of 9 metres as required by Schedule 3 to the Neighbourhood Residential Zone. The proposed building height is therefore considered to comply with Standard A4.

Site Coverage and Permeability

The total lot size is 309 square metres, and the existing site coverage is 150.1 square metres (48.58%). The maximum site coverage as specified in Standard A5 is 60%.

The proposed site coverage is 170.14 square metres (55.2%), therefore complies with Standard A5. Further, the proposed permeable surface area is 80.84 square metres (26.24%) of the total site. The minimum site area covered by pervious surfaces as specified in Standard A6 is 20%.

Amenity Impacts

Side and Rear Setbacks

Standard A10 (Side and Rear Setbacks) sets out numeric requirements for side and rear setbacks. The proposal is largely constructed along the western boundary (refer to assessment of Standard A11 below), with the exception of the proposed first floor balcony associated with first floor bedroom. The table below illustrates how the proposal performs against these requirements:

West

Location	Wall Height	Setback Required	Setback Proposed	Shortfall?	Complies?
First Floor Balcony	5.956 metres	1.707 metres	1 metre	0.707 metres	No

East

Location	Wall Height	Setback Required	Setback Proposed	Shortfall?	Complies?
Ground and First Floor	7 metres	2.09 metres	1.3 metres	0.79 metres	No
First Floor Balcony	5.98 metres	1.714 metres	1.3 metres	0.414 metres	No

North

Location	Wall Height	Setback Required	Setback Proposed (west – east)	Shortfall?	Complies?
Ground and First Floor	7.96 metres	3.05 metres	16.475 metres	N/A	Yes
First Floor Balcony	5.98 metres	1.714 metres	13.175 metres	N/A	Yes

A variation from the Standard may be considered acceptable for the section of the proposed eastern wall which aligns with the existing boundary wall associated with adjoining dwelling to the east, No. 11 Gertrude Street. However, the section of the proposed eastern wall which is located opposite the habitable room window at No. 11 Gertrude Street, a variation is not considered acceptable as it may result in unreasonable amenity impact on the habitable room window at No. 11 Gertrude Street. This is discussed further within the assessment of Standard A12 below.

The proposed western wall associated with the balcony is also located opposite a number of habitable room windows associated with No. 7 Gertrude Street, the proposed balcony will result in an unreasonable amenity impact and visual bulk for the adjoining dwelling to the west. This is considered to be an inappropriate design response as no consideration has been given to the impact on these windows for current or future occupants.

Further the insufficient boundary setback result in overcrowding of the site. As a result, it is considered the proposed first floor addition, on both the east and west elevation, fails to meet the objective of Clause 54.04-1 (Side and Rear Setbacks).

Walls on Boundaries

Standard A11 details that a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not abut the boundary for a length of more than 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or the length of the existing or simultaneously constructed walls, whichever is the greater. The height of the wall should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

The length of the western boundary is 44.98 metres. Therefore, the maximum allowable construction distance along this boundary is 18.745 metres. There is an existing wall on the western boundary for a length of 23 metres. The proposal entails the construction of an additional 3 metre of wall on the western boundary associated with the proposed ground floor extension and 1.74 metres associated with the proposed extension to the rear shed. The proposal also entails the construction of a first floor wall along the western boundary for 17.5 metres with a wall height of 6.98 metres. Given the location of the proposed wall adjacent existing habitable room windows at No. 7 Gertrude Street (discussed further within the assessment of Standard A12 below), the proposal will result in unreasonable amenity impact on adjoining dwellings and therefore fails to meet the objective of Clause 54.04-2 (Walls on Boundary).

The proposal also entails the construction of two windows constructed on the western boundary of the first floor, one fixed window associated with the hallway (non-habitable room) and one openable window associated with the study (habitable room). A condition would be placed on any permit issued requiring the removal of these windows, as the construction of windows on common boundaries prevent equitable development, including restricting adjoining lots constructing on common boundaries and would not be supported by Council's Planning Department.

Daylight to Existing Windows

Standard A12 seeks to allow adequate daylight into existing habitable room windows. The Standard requires buildings opposite an existing habitable room window to provide for a light court to the window and has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. In addition, walls over 3 metres in height should be setback from the existing habitable room window at least 50 per cent the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.

Along the eastern elevation of the site, there is one existing ground floor habitable room window located No. 11 Gertrude Street with a setback of 1.16 metres from the common boundary of the site. The proposal will have a wall height of 5.98 metres opposite the habitable room window, which would require a setback of 2.99 metres from the habitable room window.

A setback of 2.46 metres is proposed from the habitable room window at No. 11 Gertrude Street. This will result in a shortfall of 0.53 metres as required under Standard A12.

Along the western elevation of the site, there are six existing ground floor habitable room windows located at No. 7 Gertrude Street with a setback of 1.3 metres to 1.6 metres from the common boundary of the site. Four of the existing habitable room windows are located adjacent an existing wall on the western boundary to a height of approximately 4.4 metres at the subject site. The proposal entails the construction of a first floor wall along the western boundary of the site with a wall height of 6.98 metre high wall as adjacent these four habitable room windows at No. 7 Gertrude Street. The proposed wall would require a setback of 3.49 metres from the existing habitable room windows. As such the proposal has a shortfall of 1.89 metres to 2.19 metres as required under Standard A12. This shortfall is significant and would result in an unreasonable further reduction of daylight to these habitable room windows, especially considering that there are no other daylight sources to these habitable rooms. This design response has had no regard to these impacts.

It is noted that concerns about the impact of the proposal on the existing habitable room windows at No. 7 Gertrude Street were raised with the Applicant during the application process. Discussion plans were received by Council, which showed a reduction in wall height to 6.5 metres and setback of 0.4 metres from the western boundary (1.7 metre to 2 metre setback from the habitable room windows) as opposite only three of the four habitable room windows at No. 7 Gertrude Street. The discussion plans still proposed a significant shortfall from the required setback under Standard A12 and showed that the Applicant was unwilling to amend the design of the proposal to adequately respond to the amenity impacts on adjoining lot at No. 7 Gertrude Street.

The section of the proposal located adjacent the remaining two habitable room windows at No. 7 Gertrude Street is associated with the first floor balcony. The first floor balcony will have a 5.956 metre high wall opposite the remaining two habitable room windows, with a proposed setback of 2.3 metres and 2.6 metres from these windows. The proposed wall height would require a setback of 2.978 metres and as such the proposal has a shortfall of 0.378 metres to 0.678 metres as required under Standard A12.

The proposal will unreasonably impact on daylight to the habitable room windows associated with adjoining dwellings and therefore fails to meet the objective of Clause 54.04-3 (Daylight to Existing Windows) and Clause 54.03-5 (Energy Efficiency).

Overshadowing

The relevant assessment mechanism for overshadowing of neighbouring areas of private open space is the overshadowing open space objective, including Standard A14. This standard states the following:

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

The objective of Clause 54.04-5 is to 'ensure buildings do not significantly overshadow existing secluded private open space.'

TP05 identifies the areas of existing and proposed overshadowing. It is noted that the shadow diagrams do not include overshadowing from existing buildings on adjoining lots and existing boundary fences. Any additional shadow to the adjoining lot to the east will be predominately encompassed in existing shadows, including of the existing buildings on the site.

The proposed shed extension will however result in overshadowing to adjoining lot to the west, No. 7 Gertrude Street. The secluded private open space of No. 7 Gertrude Street is approximately 50 square metres. The proposal results in overshadowing of approximately 20 square metres at 9 am and approximately 11 square metres at 10 am. While the shadow diagrams do not include existing boundary fences, it is considered that the proposal will predominately be encompassed in existing shadows from existing buildings. The proposal is considered to comply with the objective of Clause 54.04-5 (Overshadowing).

Overlooking

The key assessment tool to determine unreasonable overlooking is the Overlooking Objective, including Standard A15. The standard provides a 9m 45 degree angle arc that determines unreasonable overlooking, and windows or balconies that are located in such a position must be screened to a height of 1.7m above finished floor level accordingly.

It is noted that this standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

None of the ground level windows or areas of private open space are located in a position that will generate overlooking concerns given the existing boundary fences, which will act as a visual barrier. Further it is noted that the proposal removes ground floor windows on the east and west elevation and replaces them with a singular north facing window associated with the 'Lounge Room'.

The proposed first floor windows on the east and west elevations are associated with non-habitable rooms, with the exception of the west facing habitable room window associated with first floor study. The proposed window is openable and is constructed below 1.7 metres from finished floor level with no screening measures proposed. The window may result in unreasonable overlooking into the habitable room windows allocated on adjoining lot, No. 7 Gertrude Street and therefore does not comply with Standard A15.

The other first floor areas which are applicable under the Standard are the 'balcony' and north facing window associated with 'bedroom'. The balcony is proposed to be screened to 1.7 metres from finished floor level with maximum 25% transparency along all elevations and therefore complies with the Standard.

The remaining 1 metre of north facing window associated with first floor 'bedroom' is not proposed to be screened. The window may result in unreasonable overlooking into the habitable room windows allocated on adjoining lot, No. 7 Gertrude Street and therefore does not comply with Standard A15.

On- Site Amenity and Facilities

Daylight to New Windows

The proposed windows on all elevations are sufficient to allow an appropriate amount of sunlight and daylight into the habitable areas of the proposed addition.

It is noted that in the event that a permit is issued, a condition will be placed to remove the proposed first floor windows along the western boundary of the site, including the habitable room window associated with the first floor 'study'. The first floor 'study' has an additional window along the southern elevation of the site, as such the habitable room will still receive appropriate amounts of sunlight and daylight even if the window on the western elevation is removed.

Private Open Space

Standard A17 requires an area of private open space of 80 square metres or 20 per cent of the area of the lot, whichever is lesser. Of this, a minimum of 25 square metres, with a minimum dimension of 3 square metres at the side or rear of the dwelling with convenient access from a living room should consist of secluded private open space.

The proposed private open space and secluded private open space will exceed the 80 square metres required by the standard. The SPOS is to remain located at the rear (north) of the dwelling and has an area of 65.84 square metres, which also exceeds the minimum required by the standard. Further the proposal entails a first floor balcony associated with bedroom with an area of 14.57 square metres. As a result, it is considered that the proposal complies with Standard A17.

Further, it is noted that the dwelling's private open space remains to the north of the dwelling and will continue to receive adequate solar access, consistent with Standard A18 (Solar Access to Private Open Space).

Special Building Overlay

As the determining authority for the Special Building Overlay, Council's Infrastructure Department has provided no objection to the proposal, subject to conditions being placed on any permit issued.

Car Parking and Traffic

As this application is for the extension to an existing dwelling, Clause 52.06 is not applicable. In any event, on-street parking is provided.

Water Sensitive Urban Design

The policy at Clause 22.18 details the requirement for any new buildings or extensions to existing buildings which are 50 square metres in floor area or greater to submit to Council a water sensitive urban design response which details the stormwater treatment measures. The proposed extension is in excess of 50 square metres. Therefore, Clause 22.18 is applicable.

Water Sensitive Urban Design Response was submitted to Council 22 March 2017, which included a STORM Rating Report achieving a STORM Rating of 111% through 5,000L rainwater. The proposal is therefore in compliance with the best practice performance objective, set out in the Urban Stormwater Best Practice Environment Management Guidelines, Victoria Stormwater Committee 1999.

The proposed 5,000L rainwater tank is shown underground towards the rear (north) of the subject site. Annotation on the plans include details connectivity of rainwater tank to toilets, and shows roof catchment areas.

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 refused for the following reasons:

- The proposal will result in an unreasonable level of visual bulk and will negatively impact upon the amenity of adjoining lots.
- The proposal will result in an unreasonable reduction in sunlight and daylight of adjoining lots.
- The proposal will result in unreasonable overlooking into adjoining lot.

ATTACHMENTS

[1.](#) PA - 233-17 -9 Gertrude Street Windsor - Attachment 1 of 1

Plans

RECOMMENDATION

That a Refusal to Grant a Planning Permit No: 233/17 for the land located at 9 Gertrude Street, Windsor be issued under the Stonnington Planning Scheme for extension to a dwelling on a lot less than 500 square metres in a Neighbourhood Residential Zone and Special Building Overlay on the following grounds:

- 1. The minimal setbacks and development on the boundaries presents an unreasonable level of visual bulk and amenity impact contrary to Clause 54.04-1 (Side and rear setbacks) and Clause 54.04-2 (Walls on boundary) of the Stonnington Planning Scheme.***
- 2. The proposal will result in unreasonable sunlight and daylight impacts to adjoining lots and fails to meet the Objectives of Clause 54.04-3 (Daylight to Existing Windows) of the Stonnington Planning Scheme.***
- 3. The development will result in unreasonable overlooking impacts and does not comply with Clause 54.04-6 (Overlooking).***

5. AMENDMENT C261 - PERMANENT HERITAGE PROTECTION FOR 2 VICTORIAN PLACES

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

PURPOSE

The purpose of this report is for Council to:

- Decide whether to adopt Amendment C261 which proposes to apply the Heritage Overlay to two Victorian places following exhibition of the Amendment; and
- Request the Minister for Planning approve the Amendment.

BACKGROUND

Council has a strong program of heritage investigation and protection with the current stage focusing on gaps in the Heritage Overlay (HO) of individual houses by era.

Interwar and Victorian Houses Heritage Study

In early 2017 Stage 1 of the Interwar Houses Study identified four sites as requiring further investigation as part of a future study of Victorian houses. Council has engaged heritage consultants Context Pty Ltd (Context) to undertake Stages 2 and 3 of the Victorian Houses Heritage Study (Study), which is now complete. Accordingly, Council requested Context to investigate the four places in light of their other work on Victorian houses.

Context investigated the four sites features houses from the Victorian era (1837 to 1901) and upon further investigation added them to the Victorian Houses Heritage Study (revised Stage 3 June 2017). Context found that two of the four places (17-19 Ethel Street, Malvern and 3 & 5 Avondale Road, Armadale) meet the threshold of high local significance and recommended them for more detailed investigation (Stage 3). Heritage citations were prepared for them (refer Attachment 2 and 3). This determined that the places were of local architectural and aesthetic significance, and recommend the places for inclusion in the HO on an individual basis.

The findings of the citations are summarised in the City of Stonnington Victorian Houses Heritage Study – Stage 3 Background Report (revised June 2017), to include the additional two places.

Amendment C261

Amendment C261 seeks heritage protection for two Victorian places that were identified in Stage 1 of the Interwar Houses Study as requiring further investigation. Context found that two places (17-19 Ethel Street and 3 & 5 Avondale Road, Armadale) meet the threshold of high local significance and recommended them for protection in the HO.

An onsite inspection of 17-19 Ethel Street, Malvern was conducted with permission of the owners on 17 August 2017 by Council Officers and Council's Heritage Consultant. An inspection of the exterior was conducted and further information was provided by the owner. The site visit and information provided by the owner was used to update the citation in advance of exhibition.

Exhibition

Formal exhibition of the Amendment took place from 7 September to 9 October 2017.

Notification and exhibition of the Amendment was carried out via the following measures:

- On 29 August 2017 letters were sent to:
 - Prescribed Authorities;
 - All owners of the properties affected by the Amendment.
 - All owners of neighbouring properties to the two Victorian Places.
- Notice was published in the Government Gazette on 7 September 2017.

The letters sent included a Frequently Asked Questions sheet (refer to Attachment 1) which provided general information on the application of the Heritage Overlay and the purpose of Amendment C261.

Council offered owners affected by the Amendment the opportunity of a one on one meeting with Council Officers and Council's heritage consultant to discuss their property and citation further. None of the owners affected by Amendment C261 requested a one on one meeting to discuss their citation.

No submissions were received during the exhibition period.

DISCUSSION

Adoption of C261

Amendment C261 has not received any submissions and as such there is no need to progress to a Planning Panel to resolve submissions. Accordingly, it is recommended that Council adopts the Amendment C261 as exhibited.

POLICY IMPLICATIONS

The proposed Amendment is consistent with the following Council Plan (2017-2021) strategy:

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

It is 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 Amendment is 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, cultural or historic significance."

The Amendment is consistent with Council's Heritage Strategy (2006) and 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 investigations and planning scheme amendments has been included in the budget of Council's City Strategy Unit for 2017/2018.

Application of the HO to two places subject to Amendment C261 will potentially result in a minor increase in planning applications over the long term, and this can be resourced within current staffing levels and budgets.

LEGAL ADVICE & IMPLICATIONS

All affected parties have been given the opportunity to make submissions on Amendment C261.

Legal advice will be sought as required.

CONCLUSION

Amendment C261 proposes to apply individual heritage controls to two Victorian places (17-19 Ethel Street, Malvern and 3 & 5 Avondale Road, Armadale) that are not currently included in the Heritage Overlay.

It is recommended that Council adopts Amendment C261 as exhibited given no submissions were received.

HUMAN RIGHTS CONSIDERATION

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

ATTACHMENTS

⇒ 1. Attachment 1 - Amendment C261 - FAQ Sheet Exhibition	Excluded
⇒ 2. Attachment 2 - Citation - 17-19 Ethel	Excluded
⇒ 3. Attachment 3 - Citation - 3 & 5 Avondale	Excluded

RECOMMENDATION

That Council:

- 1. Adopts Amendment C261 to the Stonnington Planning Scheme as exhibited.***
- 2. Submits the adopted Amendment C261 to the Minister for Planning for approval, in accordance with Section 31(1) of the Planning and Environment Act 1987.***

6. SOLAR SAVERS PROJECT

Acting Coordinator Sustainable Environment: Jane Spence

Manager Parks & Environment: Simon Holloway

General Manager Assets & Services: Simon Thomas

PURPOSE

The purpose of this report is to seek Council endorsement to participate in the *Solar Savers* initiative being administered by the Eastern Alliance for Greenhouse Action (EAGA), of which Council is a member.

This project aims to facilitate the installation of solar PV systems by low income and vulnerable households across urban and regional Victorian municipalities, including eligible households in the City of Stonnington.

BACKGROUND

Council commitment to energy and climate

The City of Stonnington is committed to creating a healthy and sustainable city. Environment is one of the four pillars of the *Council Plan 2017-2021*. Reducing energy use and greenhouse gas emissions is a key strategy of the Council Plan (E1).

Council's *Sustainable Environment Strategy 2013-2017* provides a strategic approach to addressing key environmental issues impacting the City.

Articulated through the *Sustainable Environment Strategy*, the City of Stonnington is committed to using energy resources more efficiently and reducing the level of greenhouse gas emissions to minimise the social, economic and environmental impacts associated with climate change.

This commitment includes goals to both reduce Council's own energy consumption and corresponding greenhouse gas emissions and support the Stonnington community to conserve energy and reduce emissions.

Supporting energy conservation and emissions reduction in the community

In addition to its strong focus on reducing its own corporate energy use and associated greenhouse gas emissions, the City of Stonnington has also actively supported the wider community to reduce their energy use through a number of programs since 2007.

Community focussed energy efficiency initiatives implemented to-date have included environmental education programs, sustainable living events, home energy assessments and advice on options and suitability of rooftop solar.

Council's current flagship initiative in this space is the *Making Solar Simple* program. This residential energy efficiency program aims to increase the number of rooftop solar installations throughout the City by making the process easier to understand and navigate for home owners. The program is delivered in partnership with independent energy experts Positive Charge and a carefully selected and reputable solar provider, accredited by the Clean Energy Council (CEC). Through the program, home owners can access reliable advice on, and assistance with, suitable rooftop solar options, including installation of systems, warranties and installers.

Council has recently expanded the promotion of the program with a direct mail out to residents, offering advice on solar, the opportunity to attend a workshop and / or the opportunity to obtain a quote for a solar installation.

The program has experienced a significant and immediate boost in interest, with over 400 registrations and 100 orders for new solar installations in the two months since the mail out.

The program has also received very positive feedback from residents, who have highlighted that it has helped them to navigate the complex and confusing solar market.

Community interest in solar and barriers to participation

Residential solar installations have increased rapidly across Australia in recent years, driven by home owners' commitment to reduce greenhouse gas emissions, the rising cost of grid-supplied electricity and concern about energy security.

Impacts of climate change, many of which are becoming increasingly evident in Melbourne, are further driving many households to look to rooftop solar to augment their electricity supply. These impacts include increases in average and extreme temperatures and increases in the frequency, duration and severity of heat waves.

One sector of the community that is particularly vulnerable to both rising electricity prices and the impacts of changing climatic conditions is low income households.

Rising electricity prices have a disproportionate impact on low income households, many of which cannot readily accommodate cost increases within fixed or low incomes. It has been increasingly reported in recent times that many low income households are having to choose between using electricity for basic needs, such as heating and cooling, and other essential living expenses, such as food and shelter.

Within this context of being unable to meet rising electricity costs, changing climatic conditions such as higher temperatures and heatwaves are likely to have a significant impact on the city's most vulnerable residents, affecting human health and comfort.

The installation of solar systems have the potential to help low income households improve their resilience to rising energy costs and manage extreme weather events. However, a key barrier to residential solar installations is the substantial up front capital investment required, placing solar out of reach for many households, in particular low income households.

Original Solar Savers program

Darebin Council introduced the *Solar Savers* program in 2014. The program assisted 292 pensioner households install 1.5-2kW solar systems with no upfront costs. The residents are paying off their systems over 10 years, interest-free, through their Council rates via a special rates charge mechanism.

The Darebin *Solar Saver* program pioneered the use of the existing Special Charges Scheme (Sec 163) of the Local Government Act 1989 to apply a charge for 292 pensioner households to repay a solar system. Section 163 was originally designed to allow Councils to pass on the cost of constructing sealed roads, kerbs and channels, footpaths, underground drainage and other capital infrastructure to the owner of a property that generally receives a unique benefit from the construction works.

While the use of a special rates charge mechanism worked successfully at the City of Darebin, other municipalities have had concerns about the use of this mechanism for private household improvements and reservations about its implementation and associated risk.

In light on this, the City of Stonnington sought legal advice on the use of the special rates charge mechanism for the installation of solar systems on private property.

In summary, the advice indicated that Council could establish a special rates charge mechanism for this purpose under the Local Government Act 1989 under certain circumstances, however would need to fulfil considerable administrative requirements and manage risks and exposure to liability arising from its implementation of the scheme.

While it is possible to establish a special rates charge mechanism to install solar systems on private property, Council officers remain concerned about the cost and administrative requirements to establish a scheme for this purpose and the extent of risk and liability that Council would be exposed to associated with implementation of the scheme.

EAGA led Solar Savers program

In June 2016, the Eastern Alliance for Greenhouse Action (EAGA) along with the Northern, South Eastern and Central Victorian Greenhouse Alliances, secured a \$760k grant through the Victorian Government's New Energy Jobs Fund to trial a scaled-up version of Darebin City Council's *Solar Savers* Program.

The application was informed by a rigorous business case which analysed the economic, regulatory and technical viability of Council rates charges and other low income solar finance options, including low cost bank loans.²

The business case demonstrated that interest rates and repayment terms have the greatest impact on the economic viability of solar for low income households.

On the basis of the business case, the new EAGA led *Solar Savers* program was established to pilot various funding models to overcome the barriers faced by low income households wanting to install solar.

The project is a collaboration between Victorian Greenhouse Alliances, local government, the Victorian Government and the private sector and will run through to June 2019. The project aims to:

- test a model for scaling-up the use of Council rates to provide individual loans to households and recover costs through the rates system;
- catalyse private-sector investment within a community segment traditionally viewed as high risk to investors by establishing and evaluating partnership finance models with the banking sector; and
- establish a shared services approach to project implementation to enable access to dedicated capability and thereby reduce resource requirements and risks to individual Councils. This approach is intended to leverage economies of scale in administration, procurement and governance, and (importantly) enable participation by Councils not otherwise able to offer this service to their residents.

The *Solar Savers* program seeks to install approximately 1,200 solar systems (2kW) on low income households across more than twenty municipalities in Victoria. It is expected to deliver immediate net savings of around \$10-20 per month on electricity costs for large numbers of low-income households, depending on the funding model used.

For the purpose of the *Solar Savers* program, a low income household is considered a home-owner in possession of a Government Pension Card (aged or disability).

² <https://eaga.com.au/projects/solar-rates/>

Additional criteria for involvement in the program include average to high electricity use and that occupants are usually home and consuming electricity through the day between 9am and 5pm. The screening process also ensures that households will receive a minimum \$100 per year net benefit from the installed solar system.

Pensioners have been found to be an ideal group to install solar as they use most of their energy during the daytime, have high home ownership rates, spend a higher proportion of their income on energy costs and benefit from reduced cooling costs.

The ability of solar systems to provide low cost energy throughout the day means these householders can cool their homes during heatwaves without fear of 'price shock', further protecting a vulnerable sector.

The project is led by EAGA and coordinated by the Victorian Greenhouse Alliances. A Program Leader has been recruited and is hosted by Maroondah Council. The project is supported by two Sustainable Energy Officers who liaise with Councils and households to facilitate engagement in the program.

The Victorian Government is funding the new *Solar Savers* program as a pilot to trial the various models for possible future implementation across Victoria's 74,000 households on rate relief and other cohorts of financially constrained households. The project also has the potential to materially reduce Victorian Government energy concession payments, and meet broader social and environmental policy objectives.

Funding models

The *Solar Savers* program will trial three funding models to support low income households install solar, which will be progressively rolled out through to June 2019. The program was originally designed to trial two funding models:

- 1. Council rates loan**

Councils directly fund solar installations from their existing budgets and recoup the costs through the special charge mechanism at 0% interest over 10 years.

- 2. Personal bank loan**

Bank Australia finance solar installations through a 4.75% interest rate, fixed for 10 years.

A third finance option was also identified in the business case, and is now being developed and tested through the *Solar Savers* program:

- 3. LGFV + Rates**

Councils fund installations through Local Government Funding Vehicle (LGFV) debt finance and recoup costs through the special charge mechanism over 10 years. The LGFV is a mechanism for local government to access cheaper debt from the wholesale market, through aggregation.

The following table summarises the three funding models.

	1. Council Rates Loan Councils directly fund solar installations and recoup the costs through the special charge mechanism	2. Personal Bank Loan Bank Australia finance solar installations through unsecured personal loans. Council carries recruitment overheads	3. LGFV + Rates Council accesses low interest debt on capital markets to finance solar installations and recoups the costs the special rates mechanism
Interest rate	0%	4.75%	3.97%*
Loan term	10 years	10 years	10 years
Solar system cost (2kW)	\$3,069 (ex. GST)	\$3,376 (inc. GST)	\$3,069 (ex. GST)
Quarterly repayments	\$77	\$106	\$93
Total repayments	\$3,069	\$4,261	\$3,733
Net position from bank loan over life of loan ²	-\$1,190	N/A	-\$573
Loan attached to the property	✓	X	✓
GST saving for household	✓	X	✓
Outside of council budget restraints	X	✓	✓
Limitations	Dependent on council cash reserves and ability to subsidise 0% interest	Participants must apply through separate personal loan process	Must aggregate debt across sufficient councils/projects to access capital markets

DISCUSSION

Participating Councils

To-date, 22 Victorian Councils have signed on to participate in the *Solar Savers* program. Of these, six have opted to deliver the Council rates / special charge scheme model, while 16 have opted to progress with the Bank Australia loan model. An additional five Councils have expressed interest in joining the program.

Initial program outcomes

With the program now underway in a number of municipalities, some outcomes of the program are achieving greater success than initially expected.

The *Solar Savers* program screens households to ensure that there is a clear financial benefit to installing solar. The threshold to participate is net savings of \$100 per year (i.e. households receive an additional \$100 per year in electricity bill savings after paying the loan costs for their solar system).

The average daily consumption for households participating in the program is 16.5kWh per day. A household with this average consumption is forecast to save \$640 per year (gross) in electricity bills, based on current electricity prices. The following table sets out the expected costs, repayments and savings for an average household participating in the program under the Bank Australia bank loan model:

Solar system size	2kW
Solar system purchase price	\$3,376 inc GST
Loan term	10 years
Interest rate	4.75%
Total repayments, including interest	\$4,261
Annual repayments	\$426
Average daily consumption	16.5kWh
Annual electricity savings	\$640
Net annual savings	\$214

These figures indicate that an average household participating in the program under the Bank Australia bank loan model is expected to save \$214 per year (net) for the life of the loan and then \$640 per year once the loan is fully repaid.

A quarter of households applying for the *Solar Savers* program have been found ineligible as they do not meet the \$100 per year net benefit requirement. Despite being unable to participate in the program, a significant proportion of these households are choosing to proceed with the installation of solar. Additionally, a number of households are choosing to not proceed with the Bank Australia loan and self-fund their solar systems. This demonstrates the benefits of independent, expert solar advice and minimising the information and trust barriers for households.

City of Stonnington involvement

It is estimated that there are 2,740 low income owner households in the City of Stonnington that may be eligible for participation in the *Solar Savers* program. Actual take up will be dependent on household interest and the capacity of the program.

In the first instance, the *Solar Savers* program would look to facilitate the installation of solar systems by 25-30 low income households as part of the initial trial.

Based on reservations about the use of Council's rate base for funding home improvements, and concern about the application of a special rates charge mechanism for this purpose, it is proposed in the first instance that the City of Stonnington's involvement in the *Solar Savers* program would focus on supporting the personal bank loan funding option.

The *Solar Savers* program has established a partnership agreement with Bank Australia to offer a low cost, fixed interest personal loan to eligible low income households, repayable over a 10 year period. Cost benefit modelling undertaken for the project business case identified that such households would need to be offered interest rates no higher than 5% per annum repaid over at least 10 years, in order for the household to be in a cash positive position when balancing borrowing costs against energy savings.

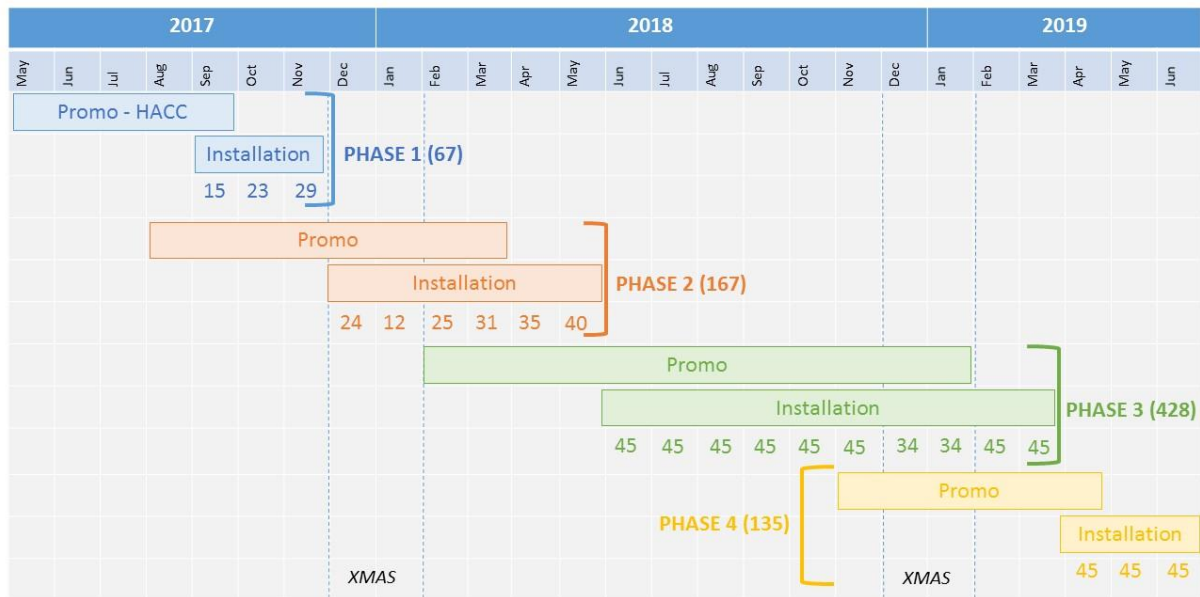
Under this model, *Solar Savers* program staff first assess a household's eligibility to participate in the program and then facilitate the connection between the household and bank. The bank itself will lend to and collect directly from residents, resulting in significantly lower risk for Council. Council's role is simply to promote and recruit households to participate in the program.

Participating councils are required to sign a *Participating Organisation Agreement* with Maroondah City Council, as lead organisation. This agreement outlines the arrangements and expectations of participating organisations in the project.

Importantly, Council has little to no risk associated with participation in the bank loan option of the *Solar Savers* program. The loan is established directly between the applicant (property owner) and Bank Australia. Council is not liable or responsible for repayments or defaults on the loan, nor other issues associated with the installation and use of the solar system.

Project Timeframe

The project will be delivered in three phases from August 2017 to June 2019. Each phase will involve a selection of participating Councils undertaking the Special Rates Charge Scheme and the Bank Loans.



Given current registrations to participate in the initiative, Council would be involved in Phase 3 of the project with household recruitment starting in February 2018 and installations expected to begin in June 2018.

POLICY IMPLICATIONS

Council's *Sustainable Environment Strategy 2013-2017* includes seven priority areas, one of which is "Energy Conservation". This priority area includes the goal to "support the community to reduce energy consumption and corresponding greenhouse gas emissions."

The project also aligns with Council's *Municipal Health and Wellbeing Plan 2013-2017* particularly as part of the strategy to "support a response to, and mitigation of, the effects of climate change on the health and wellbeing of the community."

Participation in the *Solar Savers* initiative would enable Council to support a vulnerable sector of the community adapt to the changing climate and impacts that will have on human health and comfort. It is proposed that recruitment of low income households occur in partnership with relevant teams within the Community and Culture Division to target those most in need.

FINANCIAL AND RESOURCES IMPLICATIONS

A *Solar Savers* Program Leader has been recruited and is hosted by Maroondah Council. The project will be supported by two Sustainable Energy Officers who will liaise with Councils and households to facilitate engagement in the program.

There is no financial cost to Council for involvement in the project. Participating Councils are expected to promote and facilitate the trial and provide in-kind support to the initiative through project officer time (estimated at \$2,000) in line with the role of the project network.

CONCLUSION

The *Solar Savers* program provides an opportunity for Council to trial support for low income households to improve their resilience to rising energy costs and extreme weather events. It also helps engage and educate a section of the community on energy use and supports a reduction in community greenhouse gas emissions.

Through EAGA, the project aims to facilitate the installation of solar systems on low income Stonnington households through a low interest bank loan, delivering households with financial savings, improved access to affordable energy and greater ability to heat and cool homes during periods of extreme temperature.

In the first instance, the City of Stonnington would look to facilitate the installation of solar systems by 25-30 low income households.

The bank loan option significantly reduces risk to Council, while still enabling low income households to access solar power and realise financial savings. The project builds on previous local government initiatives aimed at supporting low income households access solar power through an affordable mechanism

The project aligns with a number of key Council strategic documents including the Council Plan, the Sustainable Environment Strategy and the Municipal Health and Wellbeing Plan.

HUMAN RIGHTS CONSIDERATION

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

RECOMMENDATION

That Council endorse:

- 1. Endorse City of Stonnington participation in the Solar Savers trial project being administered by the Eastern Alliance for Greenhouse Action (EAGA), specifically the bank loan funding model.***
- 2. Monitor the experience of other municipalities participating in the project, in particular those utilising other funding models including the use of special charge schemes.***

7. PROPOSED DEMOLITION OF WILL SAMPSON CENTRE FOR PUBLIC OPEN SPACE

Property Coordinator: Peter Angwin
Corporate Counsel: Michael Smith
General Manager Corporate Services: Geoff Cockram

PURPOSE

The purpose of the report is to seek Council approval to demolish the Will Sampson Centre (WSC) at 102 Henry Street, Windsor which will expand the Windsor Siding Reserve.

BACKGROUND

Will Sampson Centre (WSC) is located at 102 Henry Street, Windsor, on the western boundary of the Windsor Siding Reserve. The site, including the building, driveway, verandah and outdoor gardening area, is approximately 530 sqm. The building is a single storey predominantly brick building. This building was built in the mid 1950's and has been used for a variety of uses during its life.

Council's Aged Services department have operated two client programs at WSC during business hours for some time. Council's Planned Activity Group and Centre Based Meals programs have been accommodated at WSC. A small number of community groups have also used the facility for after-hours and weekend hire.

The property is zoned as Public Park and Recreation zone and no heritage or other overlays exist on the site.

The WSC is reaching the end of its effective functional life and it is considered that because of the age, condition and location of the building, retaining the building is not now the best use of the land.

DISCUSSION

WSC is an ageing community facility with limited functional opportunity for future use without significant capital improvement. Recent condition audits for the building identified a number of works required to maintain its service provision.

Due to the age of the facility and changes to its use over time, it has been identified that the WSC is no longer required for the delivery of community services. This decision forms part of a broader divisional strategy for community facilities infrastructure planning, which aims to position Council's community facilities and services to respond more effectively to the community's changing needs and providing more modern and multifunctional facilities.

Due to the current environment of Aged Care Reforms and associated funding changes from June 2020, the future of some of Council's aged care programs such as the Planned Activity Group and Centre Based Meals programs are somewhat uncertain.

For some time, participation rates for these programs at WSC have been declining, and it is recognised that the programs in their current form are unsustainable. Combining the services at WSC with the existing aged care service programs at the nearby Chris Gahan Centre provides Council the opportunity to help better position these services for the future. The final stages of the relocation is scheduled for October 2017. The Planned Activity Group program will relocate to the Chris Gahan Centre (Grattan St, Prahran) and commence services on 8 November. This program will run alongside the Social Support and Centre Based Meals programs already based at the Chris Gahan Centre.

All programs will be refreshed and re-energised, providing a great opportunity for clients to join in and experience some exciting new activities. Council will continue to provide regular transport services for all clients to this location.

In addition to Aged Services programs, a small number of community groups have hired WSC after-hours and on weekends. The relocation of Aged Services programs from WSC prompted discussions with all user groups to determine potential alternative hire locations that meet their specific needs. Officers have worked closely with members from each group to ensure smooth transition to alternative facilities by December 2017.

As all the services within this facility are currently being relocated it is now an opportune time to determine the ongoing use of the land and the future of this building.

To accommodate new services or community groups, it is considered that there would be significant costs associated with ongoing maintenance and significant capital improvement works. The site is also in an isolated location, and therefore not well suited to accommodate other Council services.

The family of Will Sampson, of whom the facility was named after will be contacted advising them of Council's intention for this site. A further report is to be tabled at Council regarding the possibility of naming other Council facilities after Will Sampson.

Stonnington has the second lowest amount of public open space at 6.7% (20sqm per person) of any Victorian municipality. Windsor specifically has one of the smallest percentages of open space in Stonnington, at only 3%. Open space is a highly valued community priority and it is becoming increasingly scarce as population growth and development density in Stonnington continue to place pressure on all areas of the municipality.

Council's Strategies for Creating Open Space identifies a priority to increase public open space, and the demolition of WSC would create an additional 530 sqm of public open space by expanding the Windsor Siding Reserve. This coupled with Council's recent purchase of 129 Peel Street adjacent to WSC would also create greater visibility and access to this public open space from the south-western corner of the Reserve. Design for this additional open space will be developed in conjunction with Council's Urban Design Unit, and will incorporate existing aesthetics of the Windsor Siding Reserve and Council's recent purchase of 129 Peel Street.

A copy of the proposed concept design is shown in Attachment 1.

The demolition of the WSC would present an excellent opportunity in expanding Windsor Siding Reserve, which the site abuts, and would provide significant additional open space to the community. The opportunity cost of this is low as all of the services are being located in nearby Council facilities. Demolition of WSC would also provide a public safety benefit. The Windsor Siding Masterplan developed in 2015 notes that entries to Windsor Siding Reserve are poorly defined and not evenly distributed, which results in areas of the park, particularly the south-western corner adjacent to WSC, being somewhat secluded and as a result being a focal area for undesirable behaviour. There is evidence of vandalism and a concern for safety at night, which discourages people using the space. The configuration of the park hinders the ability of police to adequately patrol the park, and particularly the south-western corner adjacent to WSC. Demolition of WSC would open up the south-western corner of the park, reducing the sense of seclusion or isolation of these areas.

FINANCIAL AND RESOURCES IMPLICATIONS

The initial estimate for the cost of this demolition is \$60,000. This has been estimated by Council Officers and is based on an estimation of the cost to demolish a building of this size.

No specific provision has been made in the 2017/18 budget for the cost of these works. It is proposed that the cost to demolish WSC and expand the Windsor Siding Reserve will be drawn from the Open Space Reserve for Prahran/Windsor.

LEGAL ADVICE & IMPLICATIONS

This matter is not considered to have any legal implications for Council. Any demolition would be carried out in accordance with required regulations and guidelines.

CONCLUSION

WSC has been identified for retirement as part of divisional community facilities infrastructure future planning. It is recognised that existing use of this facility is unsustainable as from October 2017, Aged Services program operations will be consolidated to the Chris Gahan Centre. Community groups that hire WSC after-hours and weekends will also be relocated. When the services are relocated an excellent opportunity exists to demolish the building for open space which will significantly improve Windsor Siding Reserve.

HUMAN RIGHTS CONSIDERATION

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

ATTACHMENTS

 1. Windsor Siding proposed concept design Excluded

RECOMMENDATION

That Council:

- 1. Note the report***
- 2. Approve the demolition of Will Sampson Centre for public open space.***

o) *Confidential*

1. PRAHRAN MARKET PTY LTD - APPOINTMENT OF DIRECTOR AND DIRECTORS FEES 2017/18

General Manager Corporate Services: Geoff Cockram

Confidential report circulated separately.

2. VIRGIN AUSTRALIA MELBOURNE FASHION FESTIVAL

Acting Coordinator Economic Development, Arts and Tourism: Christina Foscolos

Confidential report circulated separately.