



NOTICE PAPER

Monday 4 September 2017 at 7pm

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

RECONCILIATION STATEMENT

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

PRAYER

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

NOTE

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

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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.

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RECOMMENDATION

That the Council confirms the Minutes of the Council Meeting of the Stonnington City Council held on 21 August 2017 and Minutes of the Confidential Meeting of the Stonnington City Council held on 21 August 2017 as an accurate record of the proceedings.

j) *Reports of Special and Other Committees; -Assembly of Councillors*

1. REPORTS OF COMMITTEES: IMAP

Civic Support Officer: Judy Hogan

Manager Governance & Corporate Services: Fabienne Thewlis

General Manager Corporate Services: Geoff Cockram

BACKGROUND

The Cities of Melbourne, Port Phillip, Stonnington, Yarra and Maribyrnong have set up the Inner Melbourne Action Plan Implementation Committee, pursuant to Section 86 of the Local Government Act 1989, to provide a coordinated decision making process to facilitate the implementation of the Inner Melbourne Action Plan (IMAP) as adopted by member Councils in December 2005.

DISCUSSION

The IMAP Committee held a meeting on Friday 25 August 2017 where the minutes of the meeting of 24 May 2017 were adopted. As a Section 86 Committee of Council, the minutes of the meeting of 24 May 2017 are now submitted to Council for confirmation.

HUMAN RIGHTS CONSIDERATION

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

ATTACHMENTS

[1.](#) IMAP Minutes 24 May 2017 Attachment 1 of 1

Excluded

RECOMMENDATION

That Council confirms the minutes of the Inner Melbourne Action Plan Implementation Committee (IMAP) meeting held on Friday 24 May 2017 as circulated.

l) *General Business*

1. STONNINGTON INDOOR SPORTS STADIUM - ASSESSMENT OF ALTERNATE SITES

Manager Community Facilities: Tony Oulton
General Manager Community & Culture: Karen Watson

PURPOSE

The purpose of this report is to present the findings of the assessment of three possible alternate sites for the Stonnington Indoor Sports Stadium.

BACKGROUND

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. *Completes 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.*

At the Council Meeting on 10 July 2017, a Notice of Motion to further expand the scope of the project was endorsed by Council. Specifically, Notice of Motion No. 1/2017: Indoor Stadium Feasibility Study, stipulated that:

Three possible alternate sites be subjected to a more rigorous assessment by an independent Consultancy that has professional expertise across a range of disciplines including master planning, urban planning and design and landscape architecture.

1. *These sites include:*
 - *The Malvern Valley Golf Course*
 - *The Orrong-Romanis Reserve*
 - *The Car Park opposite the East Malvern RSL Club site*
2. *A report be brought back to Council on 21 August 2017. (Council meeting six weeks after the meeting on 10 July 2017).*
3. *The community continue to be kept informed of the progress of this additional study through our website and social media.*
4. *It be noted that the feasibility study will simultaneously continue looking at the site within the Percy Treyvaud Memorial Park in preparation for a report to be brought back to Council no later than 30 November 2017.*

Hansen Partnership was engaged to undertake the more rigorous assessment of the three sites nominated by Council for further investigation.

DISCUSSION

In accordance with Notice of Motion No. 1/2017, three sites were subjected to a more rigorous assessment.

This assessment included gathering general information about the three sites including location, spatial characteristics, adjacent uses, planning, traffic and services.

The independent assessment of three possible alternate sites is included as Attachment 1 to this report.

This assessment concluded that Malvern Valley Golf Course and the car park opposite East Malvern RSL Club are not viable options for the indoor sports stadium.

Two options within Orrong Romanis Reserve were identified. Orrong Reserve - North was of limited potential due to the height of the proposed building which is not responsive to the building character in the immediately adjacent streets, and the congestion in these streets stemming from traffic accessing the basement carpark.

The only option recommended for consideration and further investigation is Orrong Romanis Reserve – South and involves:

- Demolition of the existing two-court Orrong Romanis Recreation Centre
- Construction of 5 tennis courts on the current site of the Orrong Romanis Recreation Centre
- Construction of a six-court stadium in a two level configuration (3 courts on top of 3 courts) with two levels of basement carparking, on the site of the current Orrong Romanis Tennis Centre.

Further investigation since the receipt of this assessment has included independent planning advice, a preliminary geotechnical and environmental investigation of the site, and the receipt of an indicative cost plan.

Planning Considerations

Independent advice from a planning consultant regarding the statutory planning implications for such a development was sought by Hansen Partnership.

Based upon that advice there is good access to the site, there are no restrictive overlays, and the site is not located in an area of cultural heritage significance. There are a lot of significant trees within the reserve and minimising the loss of vegetation would be important.

A planning permit for buildings and works would be required, and the development of land in the Public Park & Recreation Zone where there is not an incorporated plan will have to be advertised to the adjoining land owners.

A two-storey stadium would be approximately 22 metres high. No height controls exist on the site that would prohibit this development and the higher built form would be adjacent to buildings of a similar height.

Existing Ground Conditions

Historical records indicate that the land that is now Orrong Romanis Reserve, was a clay pit and a rubbish tip for the City of Prahran at the beginning of the twentieth century.

Based upon the statewide geological database the site was more likely a sand pit than a clay pit, and the rubbish tip was presumably in a worked out section of the sand pit.

A preliminary geotechnical and environmental investigation to establish the existing ground conditions was commissioned to inform the feasibility of constructing a stadium above two levels of basement carparking on the site.

Borehole samples were taken at three locations outside the existing tennis court enclosure. Results of these tests indicate the south-west and north-west corners of the tennis courts are outside the old sand pit area where there is shallow fill (depth of approximately 1.2m) over natural soil, whilst the mid-north side is probably inside the old tip area and was all fill to a depth of 9m.

Engineering Considerations

The sub-surface conditions vary and the design of the buildings footings will need to accommodate this variability. Based upon the preliminary investigation, a combination of spread footings to support internal columns, bored piles to support external loads and a suspended floor slab on deep footings would be required.

The engineering considerations for the basement retaining wall will also vary between areas outside and inside the old sand pit envelope.

Further investigation would be required to inform the detailed design considerations for the proposed building.

Groundwater was detected at one location at a depth of about 8m. Further investigation would be required to accurately determine the depth of groundwater at the site, and any contamination in that groundwater.

Soil Contamination

The environmental laboratory tests indicate a significant degree of chemical contamination in the sub-surface soil at all three sample locations. Contaminated soils are classified as Category A (most contaminated), B or C (least contaminated). All soil samples tested contained contaminants from these categories.

Despite the presence of these contaminants in the sub-surface soil, the reserve is adequately capped to ensure there is no risk to the safety of existing users.

Category A contaminated waste is banned from landfill in Victoria and requires treatment on-site so that it can be reclassified before disposal. The cost of remediation is significant and time consuming and the options for undertaking the required treatment on site at Orrong Romanis Reserve is limited. Additional testing would be required to establish the extent of Category A contamination on the site. Category B and Category C contaminants can be disposed of in an EPA licenced facility.

Allowing for a basement depth of 7.8m during construction on the current tennis court enclosure (100m x 38m = 3800m²), the excavation required would produce approximately 29,640m³ of fill for removal and disposal. Based upon the profile of the soil samples assessed as part of this preliminary environmental investigation, an estimate of the cost of disposing of this fill would be \$11.909 million. This disposal cost does not include the necessary on-site treatment of any Category A contamination before it is reclassified as Category B contamination.

Cost Estimate

An indicative cost plan for a 6-court indoor sports stadium built on two levels with two levels of basement carparking is \$37.5 million.

The engineering considerations in the design of the footings and basement retaining walls that the geotechnical investigation identifies, the noise attenuation treatments that will be required and further design modifications will all increase the final project cost to approximately \$40.2 million.

Furthermore an allowance for remediation of the contaminated soil conditions on site that will be required. The disposal of Category B and C contaminants is estimated to cost \$11.909 million. There would be further costs associated with the treatment of Category A contaminants on site.

The estimated project cost for the construction of the proposed indoor sports stadium and associated basement carparking on this location is at least \$51.1 million.

POLICY IMPLICATIONS

The Stonnington Recreation Strategy 2014-2024 includes Equitable Provision as one of its six priorities and an action to conduct a feasibility study into the construction of a new multi-court indoor stadium to service the needs of indoor court users.

The decision to nominate Percy Treyvaud Memorial Park as the preferred site for the proposed Stonnington Indoor Sports Stadium was consistent with Council's Recreation Strategy (2014) and Strategies for Creating Open Space, as would be the case for the Orrong Romanis Reserve - South option.

FINANCIAL AND RESOURCES IMPLICATIONS

The cost to date to undertake the assessment of three possible alternate sites and gather further information on one of the options is \$26,225 and is in addition to the original estimated cost of the feasibility study of \$100,000.

Based on the information available to inform a preliminary concept plan, and the predicted costs escalations, the indicative cost of the Orrong Romanis Reserve – South option the final project cost could be at least \$51.1 million.

Council has allocated \$24.8 million dollars towards the provision of indoor courts from 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 that has been committed to the project by the Commonwealth Department of Infrastructure and Regional Development and the opportunity to apply for a further \$3 million from the Victorian Government's Better Indoor Stadiums Funding Program. This amount was allocated based upon the indicative cost estimate for the indoor sports stadium on the site of the Chadstone Bowls Club when Council resolved to undertake a feasibility study on that option.

On current estimates additional funding of up to \$26.3 million would need to be found to deliver the Orrong Romanis Reserve – South option if it were to cost \$51.1 million.

CONCLUSION

The findings from the independent assessment of three sites endorsed as part of the Notice of Motion, will be included within the final report of the feasibility study to be reported to Council no later than 20 November 2017.

Based on the findings of the independent assessment no further action or investigation into Malvern Valley Golf Course and the carpark opposite the East Malvern RSL Club is recommended.

Further investigation of Orrong Romanis Reserve has identified existing conditions and indicative costs that would have a significant impact on Council's ability to construct an indoor sports stadium at this location.

HUMAN RIGHTS CONSIDERATION

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

ATTACHMENTS

⇒1. Stonnington Indoor Sports Stadium - Assessment of Alternate Sites Excluded

RECOMMENDATION

That Council note the contents of this report and the findings of the more rigorous assessment of three sites endorsed as part of Notice of Motion No. 1/2017: Indoor Stadium Feasibility Study, for inclusion in the final Stonnington Indoor Sports Stadium Feasibility Study report.

2. PLANNING APPLICATION 0652/16- 1262 HIGH STREET, ARMADALE - PART DEMOLITION, BUILDINGS AND WORKS ON A LOT IN A COMMERCIAL 1 ZONE AND HERITAGE OVERLAY AND REDUCTION TO THE CAR PARKING REQUIREMENT.

Acting Manager Statutory Planning: Gareth Gale
General Manager Planning & Amenity: Stuart Draffin

PURPOSE

For Council to consider a planning application for part demolition, buildings and works to a shop, construction of a new dwelling on a lot in a Commercial 1 Zone and Heritage Overlay and reduction to the car parking requirement at 1262 High Street, Armadale.

Executive Summary

Applicant:	Michael Angus Architecture
Ward:	South
Zone:	Commercial 1 Zone
Overlay:	Heritage Overlay
Date lodged:	25 July 2016
Statutory days: (as at council meeting date)	109
Trigger for referral to Council:	4 storeys
Number of objections:	4
Consultative Meeting:	No
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 Michael Angus Architecture and are known as Drawing No.s: TP01, TP03, TP05, TP06, TP07, TP08, TP09 Council date stamped 17 October 2016 and TP02, TP04, Council date stamped 9 January 2017.

It is proposed to demolish part of the existing double storey building on the subject site and construct a new 4 storey addition to the building containing a shop at ground level and a dwelling at first, second and third floor levels. Key features of the proposal are as follows:

- Partial demolition of the building including demolition of the existing first floor and the front (partial) and rear facades at ground level.
- One new dwelling at first, second and third floor level containing 2 bedrooms.
- Access to the dwelling is located at the front of the site via a separate entry from the shop entry.
- 1 car space provided for the dwelling to the rear of the site accessed from the laneway. No car spaces are provided for the shop.
- The maximum building height is 14.56 metres.
- External materials include painted and rendered blockwork, aluminium fascia and trim, clear glass and opaque glass.

The plans have been amended twice since the application was first lodged.

The first amendment was lodged on 17 October 2016, prior to advertising, to show changes responding to feedback from Council's Heritage Advisor. The changes include:

- First floor street setback increased from 4.228 metres to 4.788 metres (measured to glass line).
- Second floor street setback reduced from 7.308 metres to 4.788 metres and the front balcony deleted.
- Third floor balcony setback reduced from 6.958 metres to 4.438 metres.

The second amendment was lodged on 9 January 2017 to show:

- Alterations to the shopfront with retention of the front façade and installation of a new pedestrian entrance to the apartment.

A plan for discussion (TP10) has also been submitted which is Council date stamped 4 August 2017. This plan shows details of proposed shopfront alterations.

Site and Surrounds

The subject site is located on the southern side of High Street, approximately 40 metres to the west of Glenferrie Road and has the following characteristics:

- The site has a frontage to High Street of 5.18 metres and a site depth of 30.48 metres, yielding an overall site area of 157.8 square metres.
- There is no appreciable fall in the land.
- The site is within a Heritage Overlay (H0349) and is identified as a B graded building; being a building that makes an architectural and historic contribution that is important within the local area.
- The subject site is currently developed with a double storey building used as a shop at the ground floor and an office at the first floor level.
- The existing building is constructed to both site boundaries and the ground floor shopfront is built to the front boundary line. The first floor level is setback 7.8 metres from High Street. The building is also setback 8.56 metres from the rear lane.
- The subject site currently includes 2 open air car spaces located at the rear of the building accessed from the lane.

The subject site forms part of an established commercial area that exhibits a mixture of architectural styles including contemporary and period style buildings. The site has the following direct interfaces:

- To the east of the site at No. 1264-1266 High Street is a double storey commercial building which is constructed to both side boundaries and is also setback from the rear laneway. This building is heritage graded C and contains shops and offices.
- Further east at No. 1268-1270 High Street is an A2 graded pair of double storey Edwardian shops. This property has a current planning permit for part demolition to the rear, and construction of a three storey addition. This addition is setback 4.5 – 5 metres from the original front façade. The approved works are currently under construction.
- To the west at No. 1260 High Street is a single storey shop which forms a pair with the subject site and has a heritage grading of B. Vehicle access to the property is from the rear lane.

- To the south is a 3 metre wide lane that runs parallel to High Street and beyond this to the south-west are residential properties that front Willis Street. These properties are located within a General Residential Zone (Schedule 10) with a mandatory maximum height of 9 metres. These properties are not affected by the Heritage Overlay.
- The building immediately south-west of the subject site at No. 3 Willis Street is occupied by a double storey dwelling with secluded private open space to the rear (north) adjacent to the laneway.
- A public car park containing 10 car spaces within a Public Use Zone sits to the south-east of the subject site, beyond the lane.

Previous Planning Application(s)

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

- Planning Application No. 804/14 was lodged on 11 September 2014 and proposed a similar development to the current application. Specifically, this application sought to retain the existing shop and construct new ground, first and second floor additions to the building. This included a new three bedroom apartment over the new first and second floor levels. Two car spaces were proposed to the rear of the site within a car stacker accessed from the lane.

The apartment entry was proposed to be via the rear of the building within the car parking area.

The proposed first floor level was to include a new first floor façade above the original parapet to High Street, while the second floor level was to be setback 4.7 metres from High Street. The upper levels were proposed to be setback 0 metres to the rear boundary.

The building proposed under this previous application was to have a maximum wall height of 11.2 metres and an overall building height of 12.3 metres to the top of the roof.

This application was refused under delegation on 20 July 2015 and no appeals were lodged in respect to this decision. The grounds application was primarily refused for reasons pertaining to:

- The new additions undermining the legibility of the original heritage building
- Unreasonable visual bulk to residential properties to the rear
- Inadequate internal amenity
- Inadequate sense of address with the dwelling entry being through the car parking area via the rear lane
- Adverse impacts on motorists using the rear ROW through congestion and queuing due to car stackers

The Title

The site is described on Certificate of Title Volume 08383 Folio 455 / Plan of Subdivision 002275 and no covenants affect the land. A party wall easement is located along part of the west boundary of the subject site.

Planning Controls

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

Clause 34.01 – Commercial 1 Zone

Pursuant to Clause 34.01-1 a permit is required to use the land for a dwelling if the frontage at ground level exceeds 2 metre. In this case, the proposed entry to the dwelling from High Street is 1.4 metres wide. Therefore, a permit is not required for the use of the land for a dwelling.

Pursuant to Clause 34.01-4 a permit is required for buildings and works.

Overlay

Clause 43.01 - Heritage Overlay

Pursuant to Clause 43.01-1 a permit is required to partially demolish or remove a building and to construct a building or construct or carry out works.

Particular Provisions

Clause 52.06 - Car Parking

Pursuant to Clause 52.06-2, prior to a new use commencing or a new building being occupied the car parking spaces required under Clause 52.06-5 must be provided on the land. A permit is also required if the number of car parking spaces currently provided in connection with an existing use is reduced after the new use commences.

A permit may be granted to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.

A shop is to have 4 car spaces to each 100 square metres of leasable floor area. The shop in this case has an area of 150 square metres in area, equating to a requirement of 6 spaces. However, the existing shop currently has only 2 spaces and this application proposes to reduce the shop parking provision to 0.

The table at Clause 52.06-5 states that 1 car space is to be provided to a 1 or 2 bedroom dwelling. This proposal provides 1 at grade car parking space for the dwelling accessed from the rear lane. This satisfies the residential car parking requirement.

Bicycle Parking

Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

Pursuant to Clause 52.34-3 a dwelling requires the following rates:

- In developments of four or more storeys, 1 to each 5 dwellings for residents.
- In developments of four or more storeys, 1 to each 10 dwellings for visitors.

Given 1 dwelling is proposed no bicycle spaces are required.

The bicycle parking requirement applies to offices and shops where the floor area exceeds 1000 square metres. Given the proposed shop is 150 square metres no bicycle parking is required.

The proposal provides 4 bicycle spaces on site and exceeds the requirements of Clause 52.34.

Amendment VC136

Planning Scheme Amendment VC136 was introduced on 13 April 2017. The amendment introduced objectives and standards for apartment development at Clause 58 of the Planning Scheme.

Transitional provisions are included at Clause 34.01-4 (Commercial 1 Zone) which outline that Clause 58 does not apply to an application for a planning permit lodged before the approval date of Amendment VC136. Accordingly, given the application was formally amended on 9 January 2017, Clause 58 does not apply in this instance.

Relevant Planning Policies

Clause 11	Settlement
Clause 11.06	Metropolitan Melbourne
Clause 15.01	Urban Environment
Clause 15.02	Sustainable Development
Clause 15.03	Heritage
Clause 16.01	Housing
Clause 18.02	Movement networks
Clause 21.03	Vision
Clause 21.05	Housing
Clause 21.06	Built Environment and Heritage
Clause 21.08	Infrastructure
Clause 22.04	Heritage Policy
Clause 22.18	Stormwater Management (Water Sensitive Urban Design) Policy
Clause 34.01	Commercial 1 Zone
Clause 43.01	Heritage Overlay
Clause 52.06	Car Parking
Clause 54	One Dwelling On a Lot
Clause 65	Decision Guidelines

Amendment C223 - Glenferrie Road and High Street Activity Centre Structure Plan

A draft Design and Development Overlay has been prepared and adopted by Council. The design guidelines for the High Street precinct are as follows:

- Maximum building height of 14.5 metres (4 storeys).
- Building forms to retain heritage fabric.
- Preferred minimum setback above the street wall of 8-10 metres.
- Balconies, terraces and decks should be contained within the building envelope to maintain building separation and minimise overlooking.
- Include a minimum 1.5 metre rear lane offset at ground level and first level, from the rear property boundary.
- Development with a Rear Laneway Interface to residential zoned land should provide rear upper level setbacks, above the second level, 4.5m from the rear property boundary.

Council recently resolved to advance Amendment C223 to a Panel Hearing. Whilst it can't be considered as a seriously entertained policy, it is well advanced.

Amendment C132 – Heritage Policy and Guidelines

Amendment C132 proposes to update Clause 22.04 Heritage Policy and the reference document Heritage Design Guidelines. The amendment has been forwarded to the Minister for Planning for approval and is considered to be a seriously entertained document. As such, the Draft Heritage Policy and Guidelines and will be used in the assessment of this proposal.

Advertising

The application has been advertised in October 2016 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 signs on the site. The public notification of the application has been completed satisfactorily.

The site is located in South Ward and objections from 4 different properties have been received

- Concerns regarding privacy.
- Concerns regarding visual bulk.
- Concerns regarding overshadowing.
- Concerns regarding views of the clock tower (associated with Malvern Town Hall).
- Concerns regarding noise – specifically from the proposed garage door.
- Concerns regarding sewerage capacity and potential blockage.

A Consultative Meeting has not been held.

The application was amended post-advertising on 9 January 2017 to show alterations to the shopfront with retention of the front façade and installation of a new pedestrian entrance to the apartment.

The plans were not re-advertised as it was considered that there would be no increase in detriment compared with the originally advertised plans. The increase to the building height is minor at 16 centimetres and this is offset by the increase to rear setbacks by 0.55 metres at first floor and 1.47 metres at second floor.

Referrals

Urban Design

- The form, scale and proposed upper-level setbacks are accepted.
- It is suggested that further clarification regarding the Northern façade be provided in relation to the proposed glazing type and colour and the colour of the proposed external 'retractable fabric screens'.

Planner Note:

The applicant has provided additional information of the external blinds which are to be 'Charcoal' coloured fabric screens. A condition of any permit issued will require the glazing type to be shown.

Heritage

Council's Heritage Advisor has provided written comments to the application on a number of occasions throughout the process following the submission of amended plans and plans for discussion. This includes:

- Comments dated 30 August after the application was lodged.
- Comments dated 11 October after discussion plans were provided showing increased setbacks.
- Comments dated 17 January 2017 recommending a heritage impact statement be obtained to establish the integrity of the shopfront.
- Comments dated 13 June 2017 after a heritage impact statement was provided by the applicant and plans were revised.

The key heritage referral responses are summarised below.

Comments dated 30 August 2016

- The subject building at 1262 High Street is one of a pair of B graded commercial buildings located in the *Glenferrie Road/ High Street Heritage Overlay Precinct* (HO349).
- The building retains its original shopfront, and the pair of buildings both feature an unusual pressed metal parapet.
- Although it presents as a single storey building to the street, there is an existing small second storey addition setback approximately 7.8 metres from the front parapet.
- The High Street streetscape is largely characterised by a mix of single and double-storey Victorian and Edwardian shops, interspersed with some non-contributory infill.
- The current application seeks to demolish the rear of the existing building in order to add a four-storey extension. Alterations to the shopfront are also proposed.
- It is not possible to support changes to the original shopfront such as those currently proposed (previous plans Council date stamped 25 July 2016). Council's Heritage Guidelines encourage the retention of original fabric, and the proposed changes represent an undesirable outcome from a heritage perspective.
- Generally speaking, the Guidelines anticipate a single level above an existing retail building. They note:

Additions should generally be concealed from views within the street, or should be of low visual impact if partly visible.

And continue:

First floor additions to single storey commercial buildings should be set back 8-10 metres from the principal facade of the building.

- Within the terms of the proposed Structure Plan, the subject site is located within an area where there will be a preferred maximum four storey height limit. However, this height limit is premised on the assumption that there will be the equivalent of a three-storey street wall (or double-storey Victorian building) on the front title boundary. This is not the case in this particular situation, and the single-storey height of the early building effectively limits the potential for concealment of upper storey additions.

- Aside from the need to retain the original shopfront, my other principal heritage concern is that the current proposal will dominate and overwhelm the early building as viewed from High Street. As it currently stands, all of the additional levels would be visible from the opposite side of High Street as none of the levels effectively conceals views to the level above. For a single storey shopfront, this represents a large and prominent addition.
- These elements would undermine the presentation of the B graded building, creating an outcome that would be unsympathetic to High Street as well as the broader heritage precinct. It would be contrary to Council's heritage policy as set out in Clauses 43.01 and 22.04, as well as the *Stonnington Heritage Guidelines*.
- It may be that four storeys is achievable on this site without adversely affecting the broader heritage precinct. However, the apparent height of the additions should be no greater than that of the nearby double storey buildings along High Street. The setback to the upper storey in particular should be based on an analysis of the relevant viewlines: both from the opposite side of High Street and within the streetscape. As it currently stands, the selected setbacks do little to conceal any of the additional levels in views from High Street. It would make more sense to use the mass of the lower storeys to conceal the third floor.

Heritage - Comments dated 11 October 2016

- The amendments to the plans have addressed earlier concerns regarding the visibility of the upper storey and its potential heritage impact on the High Street streetscape.
- The third floor (fourth level) will now be concealed by the parapet to the floor below when viewed from the opposite side of High Street.

Heritage - Comments dated 17 January 2017

- Before it is possible to assess the extent to which the shopfront at 1262 High Street, Armadale, might be changed, it is necessary to know whether the shopfront is, in fact, original or not.
- Photographs provided show only that the glazed toplights have been replaced.
- It may be worth obtaining a Heritage Impact Statement from a qualified heritage consultant to accompany the application.
- In effect, the current proposal to install a frameless door to the east of the property either removes part of the original shopfront, or else it retains part of a non-original shopfront. Removal of original fabric is contrary to the provisions of the *Stonnington Heritage Guidelines*.
- Either way, the partial loss of the stallboard results in an odd composition.

Heritage - Comments dated 13 June 2017

- The setbacks to the upper storey elements have crept forward in the latest set of plans. There was little scope to reduce the setbacks to the upper level.
- With respect to the proposed changes to the existing shopfront, heritage advice provided by Lovell Chen as part of the revised application states that:

The shopfront is substantially intact to its 1912 state. The broad form of the original shopfront including its recessed entry and the arrangement of plinths and window lights survives. The original timber framing survives and the principal entry door also appears to date from the original construction. Two notable changes have occurred. Firstly, decorative crossed timber detail was introduced into the upper window lights of the shopfront in the 1990s... Secondly, the stallboard to the plinth beneath the window has been removed and replaced with a relatively modern piece of flat timber. However, the original shopfront survives to a large extent.

The advice then sets out how the detailing to a new residential entry in the eastern section of the shopfront might be sympathetically resolved:

The design should retain as much original fabric as possible. It should retain the upper light above the proposed eastern entry door with the new door introduced below. A frameless glass door has been suggested by Council. This approach is encouraged. The design should also aim to 'extend' the line of the plinth across the new entry. This could be achieved through a change of materiality in the lower section of the door. This could take the form of a timber or steel kick plate to match the height of the adjacent plinth. Alternatively, a similar outcome could be achieved through a decorative treatment such as frosted glass to the lower section of the glazed door. The careful removal of the crossed timber detailing across the entire facade is encouraged.

- I agree with this advice, and believe that the detail of the proposed doorway should be refined to visually extend the line of the existing stallboard.
- The application documentation should include a 1:20 drawing of the proposed shopfront, clearly showing which fabric is to be retained and which fabric is to be removed.
- Clarify what is shown on the front title boundary at first floor level on both the east and west elevations. This is not noted on any of the drawings.
- The proposed planter directly behind the early parapet at 1262 High Street is an undesirable outcome from a heritage perspective. The objective of the development should be to maintain the legibility of the parapet, as well as the pattern of early buildings in the heritage streetscape. The parapet should be retained in its existing form.

Planner Note:

Following the above advice, the applicant provided a 1:20 scale elevation of the proposed shopfront (as a plan for discussion purposes) on 4 August 2017. The plan shows the existing stallboard extended across the proposed frameless glass door to the apartment. The plan also clearly shows detail of all retained and proposed works to the shopfront.

It is also noted that the upper level setbacks have not crept forward on the latest set of plans. The upper levels include side wing walls which extend forward from the front façade (0.35 metre). This has not changed since the advertised plans.

A condition will be included on any permit issued requiring the planter directly behind the original shopfront parapet be deleted.

Transport and Parking

- The proposal includes the provision of one resident parking space, which meets the minimum statutory parking provision requirements.
- Reduction to the car parking requirement in relation to patrons of the shop is accepted as the development is located within an activity centre and it is considered that a significant proportion of the patrons will already be in the area (working, shopping, dining, etc) and as such will not specifically drive to the area to visit the proposed tenancy.
- It is generally preferred that staff parking be provided onsite. Notwithstanding, the development is located within an activity centre, where most of the available on-street parking is restricted, and as such cannot be used for long term parking demands of employees.
- The proposal is unlikely to significantly impact existing parking conditions in the surrounding area.
- The traffic generation associated with the proposed development is not considered likely to have a significant impact to the operation of the surrounding road network.
- It is not clear whether the required minimum headroom clearance of 2.2m will be maintained at the entrance with the door in an open position.
- The plans do not show the width of the garage door to the parking area, however it appears the minimum width required will be exceeded.
- Plans should demonstrate whether vehicle access to the car park can be achieved from the right of way.
- The proposal does not meet minimum requirements for sightlines to the right of way. Notwithstanding, given the nature of the development and the anticipated difficulties to meet the minimum requirements depicted below, an alternate measure such as convex mirrors on either side of the access point will be accepted.
- The garage length and width, excluding the lift core and rubbish bins, exceed the minimum statutory requirements, and this can be accepted.
- The plans show a door, providing pedestrian access from the garage to the retail component. However, the parking space is to be allocated to the residential component, and will not have any connection to the retail component.
- No details regarding waste collection have been provided.

- The grade change at the property boundary is not clear. It is to be ensured that any grade changes at the property boundary do not exceed the maximum requirements so that vehicle scraping does not occur.
- The Australian Standards requires a minimum grade of 1 in 200 (0.5%) across parking areas for drainage purposes.

Planner Note:

Subsequent to the above comments the applicant updated the plans to show a ramp up into the garage from the lane with a grade of 1 in 4. This complies with the requirements of Clause 52.06 which allow a maximum grade of 1:4.

Updated plans also show the turning movements for a B99 vehicle from the lane into the rear car space and indicate that this is achievable.

With regard to headroom clearance the section diagrams show a clearance of 2.56 metres at the entrance to the car space with the garage door in an open position.

Infrastructure

- The following should be included as conditions on any permit issued:
 - 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 existing right-of-way levels must not be lowered or altered in any way at the property line (to facilitate the garage levels). This is required to ensure that normal overland flow from the ROW is not able to enter the basement due to any lowering of the footpath at the property line.

Strategic Planning

The subject site is within the Glenferrie Road and High Street Activity Centre which is the subject of current Planning Scheme amendment C223. Referral comments from Council's Strategic Planning Unit are summarised below.

- The proposed height of the development at 4 storeys is consistent with the preferred maximum building height.
- The existing heritage building is proposed to be retained and as such the proposed development is compliant with the objective to protect significant buildings and fabric.
- The proposed development is not compliant with the preferred upper level setbacks above the street wall. Consideration should be given to the height of the balustrade of the terrace on level three and whether this height is consistent with the parapet height of the nearby parapet height of 1258 High Street when viewed from the street.
- It is preferable that the terraces be contained within the building envelope and not extend into the upper level setbacks.
- The proposed development is compliant with the preferred 1.5 metre rear lane offset at ground level and first level from the property boundary.

- The proposed development is not setback in accordance with the preferred upper level rear setback of 4.5 metres above the second level. The intention of this upper level setback is to maintain building separation and minimise overlooking to adjoining residential development. At present the rear balcony extends into this setback.

Planner Note:

A condition will be included on any permit issued requiring a 4.5 metre setback from the rear boundary in relation to the second floor level. This will not have a significant impact on the dwelling given this would require reduction to the size of the balcony at second floor level. The balcony services a bedroom and is not required in relation to open space provision. It is noted that the third floor level is setback 5 metres from the rear and complies with the 4.5 metre preferred setback.

KEY ISSUES

A number of provisions from the State Section of the Planning Scheme are relevant to the policy setting for assessment of this application. These include commentary about Metropolitan Melbourne (Clause 11.06), Urban Design (Clause 15.01), Sustainable Development (Clause 15.02), Housing (Clause 16), Economic Development (Clause 17) and Transport (Clause 18).

At the State policy level these policy objectives provide impetus for the residential intensification of sites that are well served by physical and social infrastructure. Specific State policy support for appropriate residential intensification is highlighted in Clause 16 (Clause Housing). This includes strategies to increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land (Clause 16.01-1) and to increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban areas particularly in Activity Centres, employment corridors and at other strategic sites (Clause 16.01-2). In addition, Clause 17.01-1 (Business) encourages development which meets the community's needs for office and other commercial services.

The State Policy objectives in regard to transport also include a particular emphasis on encouraging higher land use densities and mixed use developments near railway stations, major bus terminals, transport interchanges, tramways and principal bus routes (Clause 18.01-2).

When considered against the policy direction there is State policy support for the proposed mixed use development and residential intensification of an existing site that is located within a Major Activity Centre, within close proximity to tramways and railway stations, and which would increase housing yield.

Local Planning Policy Framework

The Stonnington Strategic Framework Plan identifies locations where specific outcomes are encouraged. In regard to residential intensification this framework at Clause 21.05-2 directs the majority of new housing development to locations with the highest level of accessibility to both an Activity Centre and the Principal Public Transport Network (which includes High Street). The proposal meets this criteria and responds to Clause 21.05-3 (Housing in Activity Centres) which encourages residential use at upper levels of buildings in activity centres.

Specific built form outcomes are addressed in local Built Environment Policy at Clause 21.06. This policy directs new buildings to not be significantly higher or lower than the surrounding buildings and that development be of a height and scale that is consistent with its particular setting and location. In this instance the character of the surrounding area is mixed comprising built form ranging from one to four storeys. In general terms, the proposed built form is compatible with buildings within the surrounding Major Activity Centre. Examples include:

- The four storey building at No. 1196 High Street located approximately 135 metres west of the subject site.
- The approved three storey building currently under construction at No. 1268-1270 High Street (allowed under Permit No. 1043/14).
- The approved four storey building at No. 1152-1154 High Street (now known as 40 Seymour Avenue and approved under Permit No. 1062/11). This property is located approximately 250 metres west of the subject site.

The scale and built form of the proposal must also be responsive to the Heritage Policy at Clause 22.04. This local policy seeks to ensure that the significance of the heritage place is considered and new buildings and works are compatible with the characteristics of the heritage place and undertaken generally in accordance with any guidelines prepared by the Responsible Authority. The proposal includes setbacks at upper levels to reduce the visual impact of the new form in relation to the existing heritage fabric on site. Overall, the buildings and works are considered acceptable in relation to the heritage policy as discussed in further detail below.

It is noted that the subject site is located within the Draft Glenferrie Road / High Street Structure Plan area for which a planning scheme amendment has been prepared and exhibited. Council's Strategic Planning Unit have reviewed the application against the above guidelines and advised that the proposal generally accords with the High Street Structure Plan in terms of its height. It has been recommended that changes be made with regard to front and rear setbacks of upper levels in order to accord with the structure plan. This is discussed further below.

Overall, it is considered that the proposal is generally consistent with the strategic direction outlined by the Stonnington Planning Scheme.

Proposed Scale and Neighbourhood Character

Subject to some modifications, the application is considered to be a site responsive design which will sit comfortably in the existing and emerging streetscape. Importantly, the building has responded to the sensitive residential interface to the south and has limited visual impacts associated with the scale of the building by providing increased setbacks at upper levels. These setbacks provide a visual transition between the lower scale General Residential Zone to the south and the Commercial Zone within which the site is located and which is expected to accommodate larger scale built form.

The upper levels of the building are setback from the front and rear boundaries with the first and second floor levels maintaining a sheer wall which is setback 4.438 metres behind the front façade of the existing single storey façade. The top level is then setback a further 5.53 metres behind the first and second floor wall with an overall setback of 10.32 metres from the front boundary. The third floor level roof terrace and the first floor terrace are designed to sit behind parapets of levels below. This will ensure that the terraces are not viewed as a protrusion from the front façade and are incorporated into the overall design and massing of the proposal building. These setbacks are designed so that the first and second floor levels will block views of the top level from High Street directly in front of the site.

However, it is considered that the proposed setbacks of the first and second floors, consequently the top level should be increased to further reduce the prominence of the additions. This is discussed further below.

It is acknowledged that the additions will be visible from oblique views at greater distances along High Street, however, it is expected that the new built form would be visually recessive from these aspects. Given, the additions sit back from the frontage, it is considered that the proposed building form will blend with the surrounding buildings on adjoining properties which vary in height. As detailed further below, the three storey section of the proposal should be setback further to align with the extension at No. 1268-1270 High Street to the east of the site. This will create a relatively consistent building edge of more recent additions within this section of High Street.

The proposal includes a modified shopfront which retains as much original fabric as possible whilst providing safe and identifiable apartment access from High Street. The alterations to the shopfront maintain the existing building edge with recessed entry and will preserve the heritage character of the building as viewed from High Street.

Design elements and materials including the painted blockwork, aluminium fascia's and trim, and glass will ensure that the building presents a simple, contemporary form which will ensure the proposal is recessive compared to its neighbouring heritage buildings.

Heritage

The application has been assessed against Clause 22.04 and Council's Heritage Guidelines as well as Amendment C132.

Demolition

The subject building at 1262 High Street is one of a pair of B graded commercial buildings located in the Glenferrie Road / High Street Heritage Overlay Precinct (HO349). The High Street streetscape contains a mix of single and double-storey Victorian and Edwardian shops, interspersed with some non-contributory infill.

Council's Heritage Guidelines 2002 and the draft Heritage Policy (Clause 22.04 proposed under Amendment C132) discourage demolition of parts of significant buildings unless it can be demonstrated that:

- The fabric to be demolished has no significance.
- The demolition is minor in scale.
- The demolition will not adversely affect the significance of the heritage place.
- The works will assist in the long-term conservation of the heritage place.
- The replacement built form is sympathetic to the scale, setback and significance of the heritage place

The proposed demolition of the first floor is considered to meet the above requirements. The first floor is not original and is not visible from the street. The removal of this part of the building will not affect the heritage significance of the original single storey shop.

The application plans also show proposed demolition of the eastern portion of the existing shopfront which is to be replaced with a frameless glass door providing access to the apartment above. As outlined by Council's Heritage Advisor, there is concern with removal of this part of the front façade, particularly given the replacement glass door and loss of stallboard would produce an incongruous appearance. Following the advice of Council's Heritage Advisor as well as the applicants Heritage Architect, a discussion plan has been produced which responds to these concerns.

The discussion plan Council date stamped 4 August 2017 shows retention of the western two thirds of the existing shopfront. The new frameless glass door includes a solid timber base with rebates to align with the existing stallboard located across the remainder of the existing shopfront.

It is considered that this provides an acceptable approach which balances the need to provide a safe entry from the street and clear sense of address for the proposed upper level dwelling, and the need to retain significant heritage fabric wherever possible. The proposal meets the heritage guidelines and draft heritage policy in that the new replacement works are sympathetic to the heritage place.

It is noted that the current demolition plan shows removal of the entire shopfront. This design response has now been superseded by the proposed shopfront retention with new frameless glass door (and, via discussion plans, the incorporation of a stallboard and other features). Accordingly, a condition will be included on any permit issued requiring an updated demolition plan which reflects the works to the shopfront as show on the shopfront elevation (TP10, dated 3 August 2017).

The shopfront elevation discussion plan shows removal of the crossed timber detailing, which has been established as non-original fabric, as well as the glazing across the top of the shopfront. This is not consistent with the heritage advisor recommendation to carefully remove this timber detailing whilst retaining the glazing behind. Accordingly, it is recommended that a condition be included on any permit issued requiring amended plans to show all changes on the discussion plan but modified to show retention of the glass toplights across the top of the shopfront with removal of the crossed timber detailing only.

Overall, the proposed demolition is considered acceptable subject to the recommended conditions included on any permit issued.

Additions

Council's Heritage Guidelines 2002 anticipate a single level above an existing retail building. They note:

Additions should generally be concealed from views within the street, or should be of low visual impact if partly visible.

And continue:

First floor additions to single storey commercial buildings should be set back 8-10 metres from the principal facade of the building.

The Draft Heritage Guidelines which form part of the proposed Planning Scheme Amendment C132 provide more specific guidance for commercial additions (as relevant):

Upper level additions should:

- *Achieve the preferred minimum setbacks and sightlines shown in Figure 5. Greater upper level setbacks may be appropriate dependent on site context including:*
 - *The degree of intactness of the streetscape.*
 - *Oblique views obtainable to the new built form from the opposite side of the street/s or laneway.*
 - *The size and dimensions of the allotment and density of original or early development within the streetscape.*
 - *Whether the site is a corner site.*

- *Whether the site adjoins a residential zone, laneway or other sensitive use.*
 - *The height and roof form of the existing building, the proposed addition and adjoining significant or contributory buildings.*
 - *Where the preferred height, setback or street wall is greater in a schedule to a zone or overlay.*
- *Be visually recessive and present minimal bulk from oblique view points from the footpath on the opposite side of the street/s or laneway*

The proposed heritage guidelines and policy are, to a degree, based on the assumption that the existing heritage buildings are double storey. The guidelines do not anticipate single storey buildings and how additions to these should be treated. Further, the draft Schedule 19 to the Design and Development Overlay (Amendment C223) also anticipates extensions to double storey rather than single storey commercial buildings. This is not the case in this particular situation, and the single-storey height of the early building significantly limits the ability for concealment of upper storey additions. The draft Schedule 19 to the Design and Development Overlay specifies a preferred 8-10 metre setback for 4 storey additions. The proposal responds to this in that the fourth storey is setback 10.32 metres from the existing streetwall. The lower levels below will obscure views to the top level which will be limited to views from the west over the adjoining single storey shop.

Given there is minimal guidance for additions to single storey heritage buildings, Council's Heritage Advisor has outlined that consideration of the proposed additions should be based on how these relate to neighbouring buildings and how recessive the additions are as viewed from various aspects within the streetscape.

The applicant has provided perspective diagrams which show that, when viewed from High Street, the height of the proposed additions will correspond with the nearby double storey buildings at No. 1258 and No. 1264-1266 High Street situated to the east and west of the subject site.

The setback of upper levels has been designed so that the facades of the first and second floor levels align with each other and present a single building mass. The third floor level is setback further to the extent that, in most views from High Street, it will be restricted by the levels below. Given the existing heritage building is single storey, it is accepted that any upper level additions are likely to be visible to some degree. The overall design of the additions with the first and second floor obscuring the third floor above is considered generally acceptable. However, it is considered that the new built form should be setback further from the street in order to reduce its visual prominence and ensure that the single storey heritage building is the dominant form as viewed from the street. It is noted that the three storey extension at No. 1268-1270 High Street (12 metres east of the subject site) has a setback of 4.5-5 metres (varying due to the alignment of the front title boundary) from the double storey front façade of the original building. It is considered that the setbacks of the current proposal should be informed by this in order to achieve a consistent upper level building edge within this section of High Street. In addition, the setback of the second floor parapet (third floor level roof terrace balustrade) could be reduced to further lessen the overall scale of the building. Accordingly, it is recommended that the following changes be required as conditions:

- The first and second floor levels setback a minimum of 5 metres from the front façade of the existing building. This is to be measured from the wing walls of this structure.
- The second floor level parapet reduced in height by 300mm by virtue of setting back the top level terrace further from the street. This height reduction in conjunction with the increased second floor level setback to 5 metres will further reduce the overall visual bulk of the proposal and its impact on the heritage building.

- To ensure that the top level remains generally obscured by the levels below, the top level should be reduced in height. A reduction of 300mm could be achieved given the proposed floor to ceiling height of 3 metres. This would result in a floor to ceiling height of 2.7 metres which is acceptable in terms of internal amenity, particularly from a bedroom.
- The third floor level roof terrace balustrade should be setback to ensure that it is not visible within sightlines from the north side of High Street directly opposite the subject site.

Overall, the general design response is considered acceptable provided that it includes the abovementioned adjustments. The proposed additions will be visible, but will respond appropriately to the heritage place.

It is important to note that the proposed additions are located within a mixed rather than pristine section of streetscape and the additions respond to this mixed context. The proposed additions are setback from the original front facade which will remain the dominant building form as viewed from High Street. It is considered that the bulk of the proposed upper levels will be minimised to an acceptable degree.

As per the comments from Council's Heritage Advisor, the planter located on the first floor balcony behind the existing shopfront parapet should be amended so that it is no higher than the parapet. This is to ensure that the original parapet is clearly distinguishable. However, it is considered appropriate to require deletion of the planter so that the presence of a terrace is not discernible from the street and so that planting does not disrupt the legibility of the parapet. A condition will be included on any permit issued to address this.

The proposed additions are considered to be visually recessive and will present an acceptable heritage outcome to High Street.

Built Form

Clause 54 (ResCode) and Clause 58 do not apply to the assessment this proposal. Accordingly, the application has been assessed against the relevant design principles at Clause 15.01-2 (Urban Design Principles) of the Stonnington Planning Scheme.

The Public Realm & Safety

The proposal will not impact the public realm. The shopfront alignment to the street is maintained and the footpath in front will not be affected from a functional or safety perspective.

Landmarks, Views and Vistas

The proposal includes additions which are setback from the front façade and these will be visually recessive from key views along High Street. Given the setbacks proposed, the height and scale of the proposal will generally align with that of nearby buildings when viewed from the street.

Pedestrian Spaces

The design of the modified shopfront to High Street will ensure that entrances, windows, and architectural detailing are generally maintained as per existing conditions. The new door to the shopfront includes frameless glass which will maintain the commercial style of the building to the street. A condition will be included on any permit issued requiring that the door open inward so as not to impede the footpath.

Heritage

As detailed above, it is considered that the proposal will provide an acceptable response with regard to the heritage of the subject site and surrounding area (subject to conditions).

Light and Shade

The subject site is located on the south side of High Street. As such, the proposal will not cast any shadow to the public realm.

Energy and Resource efficiency

Clause 15 requires that all building, subdivision and engineering works should include efficient use of resources and energy efficiency. Clause 22.05 (Environmentally Sustainable Development Policy) requires a sustainable design response (SDA) be submitted which addresses key objectives.

The applicant has provided a sustainable design assessment addressing each of Council's 10 Key Sustainable Building Categories. The dual aspect nature and orientation of the development allows for adequate daylight, sunlight and natural ventilation

The SDA indicates that solar panels and gas boosted solar hot water will be installed. This is not shown on the plans and will be required as a condition of any permit issued.

Overall the ESD response is acceptable.

Architectural Quality

The additions are designed present a simple, contemporary form. This understated style is supported as it defers to the original, heritage building on the site.

The bulk and massing of the building is addressed through the setbacks proposed. The façade of the first and second floor levels will mostly block views to the top level from most aspects.

The proposed water tanks will be screened by the parapet to the ground floor level and will be located to the rear of the building. Accordingly, the tanks will not be visible.

Details of air-conditioner units, solar panels and gas boosted hot water services have not been shown. A condition will be included on any permit issued which requires plans to show this detail. Conditions will also require that services not be visible in views from High Street or the residential properties to the rear.

Amenity Impacts

Decision guidelines within the Commercial 1 Zone call for consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone. Clause the objective and standards of Clause 54 are a useful tool to assess these matters and are discussed below.

Overshadowing

Although not strictly applicable, the overshadowing objective at Clause 54.04-5 seeks to ensure buildings do not significantly overshadow existing secluded private open space (SPOS). Standard A14 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 shadow diagrams that were advertised with the application show that the proposal will overshadow the secluded private open space areas at No. 3 and No. 5 Willis Street.

However, the applicant has now provided updated shadow diagrams (Council date stamped 28 August 2017) which correct the previous shadow diagrams. The corrected shadow diagrams (with shadow outlined in red) show that the proposal will not cast any additional shadow to the rear secluded private open areas beyond that already cast by the boundary fence to these spaces.

It is also noted that the proposed overshadowing will be further reduced as a result of increased setbacks that will be required for visual bulk reasons (discussed later in this report).

Accordingly, the proposal is considered acceptable in relation to overshadowing.

Overlooking

Within Clause 54 the key assessment tool to determine unreasonable overlooking is the Overlooking Objective, including Standard A15. The standard provides a 9 metre, 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. The Standard does not apply to any overlooking issues from the proposed ground level as the existing and proposed fences will prevent any unreasonable overlooking issues.

The proposal will have potential to overlook the rear secluded private open space areas at No. 3 and No. 5 Willis Street.

The first and second floor balconies have 1.7 metre high screens around the outer edges which will restrict views in accordance with Standard A15.

The top level rear window is associated with a walk in robe which is not a habitable room and does not technically require screening under Standard A15. Nonetheless, this window has a raised sill with a height of 1.7 metres above finished floor level which will adequately restrict views from this space.

All other windows face the street and will do not require screening.

Visual Bulk

In terms of assessing visual bulk impacts to the south adjoining residential properties, Standard A10 is a useful guide. The south elevation of the building responds to this standard as follows:

Location	Wall Height	Setback Required	Setback Proposed	Setback Proposed including laneway	Complies?	Complies combined with lane?
Ground Floor	4.1 metres	1.15 metres	1.66 metres	4.66 metres	✓	✓
First Floor	7.5 metres	2.59 metres	3.5 metres	6.5 metres	✓	✓
First Floor Balcony	5.9 metres	1.69 metres	1.66 metres	4.66 metres	×	✓
Second Floor	10.8	5.89 metres	4.98 metres	7.98 metres	×	✓
Second Floor Balcony	9.2 metres	4.29 metres	3.48 metres	6.48 metres	×	✓
Third Floor	14.4 metres	9.49 metres	5 metres	8 metres	×	×

The rear setbacks of the first and second floor levels are considered acceptable as, when combined with the 3 metre wide laneway, the building is generally compliant with Standard A10. The upper level of the building falls short of the Standard by 1.49 metres (including the width of the laneway). Given the proposal is located opposite backyards of dwellings within a General Residential Zone, it is considered that this should be setback to comply with the Standard (including the width of the laneway). This would reduce visual bulk as viewed from the residential properties to the rear. An increased setback is also anticipated to reduce the shadow impacts to these properties. Accordingly, an increased setback (to achieve compliance with Standard A10, including the width of the rear laneway) will be required as a condition of any permit issued. It is noted that the rear of the top level is used as a walk in robe. Reduction to the size of this room will not significantly affect the function and layout of the dwelling. It is further noted that, the condition could also be met by implementing a raked roof which would allow the floor area to be retained but the bulk of the wall to be pushed away from the rear.

Given the commercial setting of the proposal it is considered that the setback is acceptable in relation to the dwellings to the south of the subject site. This residential pocket of land comprises 5 properties which are surrounded to the north, east and west by commercial and public land (car parks) which also form part of a Major Activity Centre. Accordingly, it should not be expected that the same level of amenity as a pristine residential area be afforded to these neighbouring properties. In this context and subject to the additional conditions detailed above, the interface to the south is considered acceptable.

Internal Amenity

The proposed new dwelling has an acceptable level of internal amenity

All habitable room windows face outdoor spaces clear to the sky and the proposed dwelling includes an 18 square metre north facing terrace at first floor level accessed from the living room. In addition, the proposed dwelling includes 2 smaller balconies associated with the kitchen and the second floor Bedroom 2 which will supplement the open space provision.

The entry to the dwelling will have its own sense of address with a separate door in the front façade of the building accessed from High Street.

Car Parking and Traffic

Pursuant to Clause 52.06-5, one car space is required to be provided for a two bedroom dwelling. The proposal provides one car space for the dwelling and complies with Clause 52.06. It is recommended that a condition of any permit issued require the car space to be for use of the dwelling only to ensure the long term operation and use of this car space for the dwelling is maintained.

The proposal falls short of the shop car parking requirement with no spaces provided on site for this use. The proposed reduction to the parking requirement is acceptable as the subject site is located within a Major Activity Centre where multi-purpose trips by patrons are likely. A centre based approach should be taken in this instance as advised within Planning Practice Note 22: Using the Car Parking Provisions (2013). The practice note details that car parking should be considered on a centre wide basis rather than site by site and with regard to the future growth and development of the centre.

Given the parking restrictions within the activity centre, staff and patrons of the shop will not be able to park on street long term. Council's Transport and Parking Unit have confirmed that traffic generation associated with the proposed development is not likely to have a significant impact on the operation of the surrounding road network.

As noted by Council's Transport and parking unit the dimensions of the car space within the garage comply with Clause 52.06. Access to the car space and sightlines to the rear laneway would be further improved if the rear water tanks were relocated underground. This will achieve an improved clearance to the rear and will be required as a condition of any permit issued.

The applicant has provided turning diagrams which demonstrate vehicle access to the car park can be achieved from the right of way. In addition, the gradient of the ramp to the garage complies with the Planning Scheme.

It is noted that the Transport and Parking Unit have questioned the pedestrian access provided between the garage to the retail component. The applicant has advised this is to enable the shop to access the bicycle spaces and bin storage. This is considered acceptable and, as noted above, a condition will be included on any permit issued requiring the car space be for the dwelling only.

If a permit were to be issued, conditions should be included requiring the following to address the comments of Council's Transport and Parking Unit and show additional detail on the plans:

- Dimensions of the width of the garage door.
- The grade of the parking area to be 1 in 200 (0.5%) as per Australian Standards.
- Water tanks relocated below ground.

Overall, the proposed vehicle parking and access is considered satisfactory.

Water Sensitive Urban Design

The applicant has submitted a water sensitive urban design response in response to Clause 22.18 Stormwater Management (water sensitive urban design).

This includes a STORM Rating Report which indicates rainwater tanks with a total capacity of 4500 litres will be installed to collect water from the roof of the building. Water collected within these tanks will be connected to toilets for the dwelling. The STORM Rating report indicates that this will achieve a rating of 101% which complies with Clause 22.18. The plans confirm that the water tanks will be connected to toilets.

Objections

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

- Concerns regarding view of clock tower (associated with Malvern Town Hall). Views are not a planning consideration in this instance.
- Concerns regarding noise – specifically from proposed garage door. Any noise from the proposal is required to comply with Environment Protection Authority (EPA) regulations. Potential noise from the garage door is not considered unreasonable in this commercial context with the vehicular use of the right of way and various forms of car parking types an existing condition of the area.
- Concerns regarding sewerage capacity and potential blockage. The proposal has been referred to Council's Infrastructure Unit who has raised no concerns. The development would be required to be connected to reticulated services according to the requirements of relevant authorities.

Human Rights Consideration

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

CONCLUSION

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

- The proposal represents a design which responds to the policy direction for the area;
- The proposed height is appropriate in an area where policy encourages higher density development;
- Appropriate setbacks are provided for spacing of the development;
- The proposal provides sufficient parking on-site.

ATTACHMENTS

1. PA1 - 652-15 - 1262 High Street Armadale - Attachments 1 of 1

Plans

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit No: 652/16 for the land located at 1262 High Street, Armadale be issued under the Stonnington Planning Scheme for part demolition, buildings and works to a shop, construction of a new dwelling on a lot in a Commercial 1 Zone and Heritage Overlay and reduction to the car parking requirement subject to the following conditions:

1. *Before the commencement of the development, 1 copy of plans drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans known as Drawing No.s: TP01, TP03, TP05 TP06, TP07, TP08, TP09 Council date stamped 17 October 2016, TP02, and TP04, Council date stamped 9 January 2017 but modified to show:*
 - a) *Revised shopfront elevation to show retention of the existing shopfront with a new frameless glass door to the eastern end of the shopfront generally in accordance with drawing no. TP10 Council date stamped 4 August 2017, but further modified to show:*
 - i. *The shopfront elevation drawing no. TP10 Council date stamped 4 August 2017 notated to confirm retention of the glass toplight windows across the top of the shopfront and careful removal of the crossed timber detailing only.*
 - ii. *Demolition plan updated to reflect the retention of the existing shopfront with new frameless glass door as shown on TP10 and dated 4 August 2017.*
 - b) *The second floor level balcony setback a minimum of 4.5 metres from the rear boundary. This must be achieved without changing any other building setbacks.*
 - c) *Privacy screening to the south facing bedroom window at second floor level. Screening to comply with Standard A15 of Clause 54.04-6 of the Stonnington Planning Scheme.*
 - d) *The first and second floor levels setback a minimum of 5 metres from the front façade of the existing building. This must be achieved without changing any other building setbacks.*
 - e) *The second floor level parapet reduced in height by 300mm and the third floor level roof terrace balustrade setback to ensure that it is not visible within sightlines from the north side of High Street directly opposite the subject site.*
 - f) *The top level reduced in height by 300mm.*
 - g) *The water tanks within the rear setback at ground level relocated underground.*
 - h) *The top level setback from the rear to comply with Standard A10 of Clause 54.04-1. This setback may include the rear laneway.*
 - i) *The planter directly behind the original shopfront parapet deleted.*
 - j) *Finishes schedule updated to show the type of glazing proposed.*
 - k) *Solar panels and gas boosted solar hot water on a roof plan as referred to in the Sustainable Design Assessment (SDA) dated 10 July 2016. This must be screened and not be visible in views from High Street or the immediately adjacent residential properties to the rear.*
 - l) *Location of any air-conditioner units and other plant and equipment. This must be screened and not be visible in views from High Street or the immediately adjacent residential properties to the rear.*

- m) Dimensions of the width of the garage door.*
- n) The grade of the parking area to be 1 in 200 (0.5%) as per Australian Standards.*
- o) Notation to confirm the car space is to be allocated to the dwelling.*

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. The car space must be provided only for use by occupants of the dwelling at all times.*
- 4. 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.*
- 5. 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.*
- 6. The level of the footpaths must not be lowered or altered in any way to facilitate access to the site.*
- 7. 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.*
- 8. The existing right-of-way levels must not be lowered or altered in any way at the property line (to facilitate the garage levels).*
- 9. All works must be undertaken in accordance with the endorsed Sustainability Design Assessment to the satisfaction of the Responsible Authority. No alterations to the Sustainable Management Plan may occur without written consent of the Responsible Authority.*
- 10. 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.*
- 11. The collection of wastes and recyclables from the premises (other than normal Stonnington City Council collection) must be in accordance with Council's General Local Laws.*
- 12. All plant and equipment (including air-conditioning units) 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.*
- 13. The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.*

14. 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:

- i. 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.**
- ii. This property is located in a Heritage Overlay and planning permission may be required to demolish or otherwise externally alter any existing structures. External alterations include paint removal and any other form of decoration and works, but does not include re-painting an already painted surface.**
- iii. 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 1276/16 - 1 3 & 5 HURSTMON STREET, MALVERN EAST (& ADJOINING LAND SUBJECT TO ADVERSE POSSESSION: LOT 1 ON TITLE PLAN 923984S) - CONSTRUCTION OF A MULTI-DWELLING DEVELOPMENT ON A LOT IN A RESIDENTIAL GROWTH ZONE

Acting Manager Statutory Planning: Gareth Gale
General Manager Planning & Amenity: Stuart Draffin

PURPOSE

For Council to consider a planning application for construction of a multi-dwelling development in a Residential Growth Zone at 1, 3 & 5 Hurstmon Street, Malvern East (& adjoining land subject to adverse possession: Lot 1 on Title Plan 923984S).

Executive Summary

Applicant:	SJB Planning
Ward:	East
Zone:	Residential Growth Zone (Schedule 2)
Overlay:	None
Neighbourhood Precinct:	Garden Suburban 4
Date lodged:	16 December 2016
Statutory days: (as at council meeting date)	149
Trigger for referral to Council:	No. of storeys (4)
Number of objections:	2
Consultative Meeting:	No
Officer Recommendation:	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 t.a square and are known as File No. TA1624, Drawing No.s: TP.002, TP.100, TP.101, TP.102, TP.103, TP.104, TP.105, TP.106, TP.107, TP.200, TP.201, TP.202, TP.203, TP.204, TP.300, TP.301, TP.302, TP.303, TP.304, TP.400, TP.401 and TP.402 Council date stamped 07/03/2017.

Key features of the proposal are:

- Construction of a residential development comprising a four storey building incorporating forty-six (46) dwellings and associated car parking.
- The building will be contemporary in style incorporating a mix of brick, render and metal walls.
- The dwelling mix comprises forty-one (41) two-bedroom dwellings and five (5) three-bedroom dwellings.

- The building will be constructed to a maximum height of 13.5 metres (RL40.57) above nominal ground level. The lift overrun will rise an additional 1.2 metres to RL41.77 metres.
- Pedestrian access is provided to the dwellings via a designated pedestrian path accessed from Hurstmon Street, with a ramp leading to the lift lobby.
- Sixty-three (63) car parking spaces are proposed in a double basement (54 for residents and 9 for visitors).
- The existing crossovers are to be removed. A new crossover is proposed to the western end of the frontage to Hurstmon Street.
- Private open space is provided in the form of ground level courtyards and upper level balconies.

Site and Surrounds

The site is located on the northern side of Hurstmon Street, approximately 40 metres from Malvern Road. The site has the following significant characteristics:

- The site comprises four parcels of land which are described below under 'The Title'. The fourth parcel of land is identified on the plans as easement (adverse possession). It is noted that an application to claim this land via adverse possession will be lodged with Land Victoria in the near future.
- The combined site is generally regular in shape, with a frontage to Hurstmon Street of 43.06 metres, a depth of 41.16 metres, a rear boundary of 42.56 metres, and a total site area of approximately 1785.44 square metres.
- The site is currently developed with three single storey detached dwellings facing Hurstmon Street, plus outbuildings. Each dwelling has a crossover providing vehicle access from Hurstmon Street.
- A Council drain runs along the northern and eastern boundaries, located in the land identified on the plans as easement (adverse possession).

The subject site and surrounding land to the north, east and south are located in the Garden Suburban 4 (GS4) precinct defined by Clause 22.23 of the Stonnington Planning Scheme as comprising spacious and leafy streetscapes presenting Edwardian, Interwar or Post-war era buildings interspersed with new buildings. The overriding character includes one to two storey buildings with regular front and side setbacks and established gardens. Areas within a Residential Growth Zone or within a substantial change area generally accommodate more development with a more compact setting but with space for canopy trees and other vegetation.

The subject site is located beside a Small Neighbourhood Activity Centre (Darling Village, which fronts Malvern Road to the west) and is within walking distance of Darling Railway Station (approximately 200 metres to the east). Therefore, the subject site is designated as a Substantial Change Area (Clause 21.05 – 1.2).

The site's immediate surrounds are described as follows:

- To the immediate northwest of the site at No.2 Moira Street, is a double storey unit development comprising 5 dwellings. The approved plan of subdivision shows that there are two units at ground level and one unit at first floor level immediately opposite the subject site, as described below:

- Unit 3 at ground level has a small courtyard located in the southwest corner which will interface with the northwest corner of the subject site. The remainder of the area along the shared boundary of the subject site comprises a paved service yard/walkway with areas for permitter landscaping. The plans indicate two windows in its southern elevation which interface with the subject site.
 - Unit 2 at ground level has a small courtyard in the southeast corner which will interface with the middle of the subject site. The remainder of the area along the shared boundary of the subject site comprises a paved service yard/walkways with area for permitter landscaping. The plans indicate that one window in its south elevation will interface with the subject site.
 - Unit 5 at first floor has a balcony facing east. The plans also show three windows in its southern elevation which interface with the subject site.
- To the immediate northeast of the site at No.53 Clynden Avenue, Malvern East, is a single storey unit development comprising 7 dwellings. Immediately opposite the subject site is Unit 7/53 Clynden Avenue. This dwelling's main area of useable private open space is located adjacent to its eastern elevation, which will interface with the northeast corner of the subject site. The remainder of the area along the shared boundary with the subject site appears to comprise a service yard/walkway with areas for permitter landscaping. The plans show two windows in its southern elevation which interface with the subject site.
 - To the immediate east of the site at No.45-49 Clynden Avenue, Malvern East, is a double storey complex used for accommodation. The plans show eleven windows in its western elevation that interface with the subject site. The plans also show the area along the shared boundary with the subject site comprising a common walkway. It is noted that this property has an area of common property in the middle of site for the recreation needs of residents. The building is setback approximately 7.6 metres from Hurstmon Street and approximately 3 metres from the boundary of the subject site (including easement).
 - To the immediate west of the site at No.1905-1915 Malvern Road, Malvern East is an office building located in the Commercial 1 Zone. The building is setback approximately 3 metres from Hurstmon Street and approximately 7.5 metres from the subject site.
 - To the immediate south of the site, on opposite side of the road, are three lots containing detached single storey dwellings.

Previous Planning Application(s)

A search of Council records found no relevant planning applications.

The Title

The subject site comprises four parcels of land as described below.

- 1 Hurstmon Street, Malvern East - The site is described as Lot 6 on Plan of Subdivision 005576 Volume 04003 Folio 572. The diagram location is TP474873C. No covenants or easements affect the land, however the land has a right of carriageway over the land coloured yellow on the map.
- 3 Hurstmon Street, Malvern East - The site is described as Lot 9 on Plan of Subdivision 005576 Volume 05018 Folio 455. The diagram location is TP474878R. No covenants or easements affect the land, however the land has a right of drainage over the land coloured blue on the map.

- 5 Hurstmon Street, Malvern East - The site is described as Lot 10 on Plan of Subdivision 005576 Volume 05112 Folio 338. The diagram location is TP474879R. No covenants or easements affect the land, however the land has a right of drainage over the land coloured blue on the map.
- Other (described on plans as Easement – adverse possession) – The site is described as Lot 1 on Title Plan 923984S. The plan makes reference to a Drainage Reserve on PS315842T. Council's Infrastructure Engineer has identified that this land contains a Council drain.

In this instance, each of the above parcels of land are under different ownership and the applicant has checked the relevant section of the application form to confirm that all owners have been notified of the application.

The applicant has also described the fourth parcel of land on the plans as easement (adverse possession) on the basis that this land has allegedly been fenced in and used as part of the backyards and side yards of the properties fronting Hurstmon Street for many years. Adverse possession is a legal principle that makes it possible for the occupier of a piece of land to obtain ownership if they can prove uninterrupted and exclusive possession of the land for at least 15 years. Whilst the proposed plans make reference to this parcel of land being 'adverse possession', an application must be submitted to Land Victoria to determine whether this land can be obtained for the purposes of this development. This application has not been submitted yet. Ultimately, it is unknown whether any adverse possession claim will be successful or not successful.

For this reason, the applicant has requested that the application be considered on the basis that any permit for the development be conditional upon obtaining Title for the area of land identified on the plans as easement (adverse possession), which is considered appropriate. Given that there is a Council asset (drain) in the area of land identified as easement (adverse possession), it is necessary to ensure that Council's rights to the drain are maintained by condition of any permit that issues. This will be discussed later in the report.

If the applicant is unsuccessful in their adverse possession claim, it is considered that the proposed development would need to be substantially revised to provide adequate space around the building. This can be considered via an amendment application or a new application.

Planning Controls

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

Zone

Clause 32.07 - Residential Growth

The purpose of the zone includes:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.*

- *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.*
- *To ensure residential development achieves design objectives specified in a schedule to this zone.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.07-2 a planning permit is not required to use the land for dwellings.

Pursuant to Clause 32.07-5 a planning permit is required to construct two or more dwellings on a lot. The schedule to the zone advises that a building used as a dwelling or residential building must not exceed a height of 13.5 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 14.5 metres). The land does not have a significant slope and therefore the maximum height limit is 13.5 metres.

Pursuant to Clause 32.07-5 a planning permit is required to construct a front fence associated with two or more dwellings on a lot, and which exceed the maximum height specified in Clause 55.06-2 (1.5 metres).

Overlay(s)

No overlays affect the site.

Particular Provisions

Clause 52.06 – Car Parking

Pursuant to Clause 52.06-2, before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided on the land. Pursuant to Clause 52.06-5, a dwelling requires 1 car space to each one or two bedroom dwelling, 2 car spaces to each three or more bedroom dwelling and 1 visitor space to each 5 dwellings for development of 5 or more dwellings.

A total of 51 car spaces for residents and 9 spaces for visitors are required for the proposal. A total of 54 for residents and 9 for visitors have been provided.

52.34 – Bicycle Facilities

Pursuant to Clause 52.34-1, the number of bicycle facilities required under Clause 52.34 must be provided on the land. Pursuant to Clause 52.34-3, a dwelling requires 1 resident space to each 5 dwellings and 1 visitor space to each 10 dwellings for development of 4 or more storeys.

A total of 9 resident spaces and 4 visitor spaces are required. A total of 16 resident bicycle spaces and 6 visitor bicycle spaces have been provided in the proposal.

Clause 55 – Two or more dwellings on a lot.

A development must meet all of the objectives of this clause and should meet all of the standards of this clause. A development must meet the requirements of Clause 55.

Relevant Planning Policies

State Planning Policy Framework:

Clause 9	Plan Melbourne
Clause 11	Settlement
Clause 12	Environmental and Landscape Values
Clause 15	Built Environment and Heritage
Clause 16	Housing

Local Planning Policy Framework

Municipal Strategic Statement

Clause 21.03	Vision
Clause 21.05	Housing
Clause 21.06	Built Environment and Heritage
Clause 22.05	Environmentally Sustainable Development
Clause 22.18	Stormwater Management (Water Sensitive Urban Design)
Clause 22.23	Neighbourhood Character Policy (Garden Suburban 4)
Clause 55	Two or more dwellings on a lot and residential buildings
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 three signs on the site. The public notification of the application has been completed satisfactorily.

The site is located in East Ward and objections from two different properties (from 3/2 Moira Street, Malvern East and 2/51 Clynden Avenue, Malvern East) have been received on the following grounds:

- Neighbourhood Character Impacts / Excessive height
- Amenity Impacts
- Overlooking Impacts
- Clutter on balconies / Screening desired
- Roof structures / Screening desired
- Construction impacts
- Traffic and parking impacts
- Noise impacts
- Boundary fencing / Request solid structure for privacy, security and screening
- Waste disposal impacts / Screening desired
- Street tree impacts/ replanting desired
- Landscaping response to be balanced
- Overshadowing impacts / compliance desired

A Consultative Meeting was not held given that there were less than seven objections to the proposal.

Following the advertising period, the applicant has submitted a landscape plan for discussion to address concerns raised by Council's planning officer regarding a lack of landscaping along the western side setback.

Referrals

Urban Design

Councils Urban Designer has advised that the key issues with this proposal are as follows:

Setbacks and Equitable development

- The setbacks from the North-Western and North-Eastern shared boundaries do not enable equitable re-development opportunities for adjoining lots. At a minimum, it is suggested that setbacks of 4.5m (to the external faces of any balconies) be provided to these interfaces. This will also assist with the resolution of the landscape response to these interfaces.

Landscape response

- Given the nature of the street-tree planting across the frontage of the site, the proposed landscape provision within the front setback is accepted.
- To the North-West and North-East, the landscape proposal continues to rely upon the assumption that the two perimeter easements are under 'Adverse Possession'. Until this claim is resolved, the landscape response to these interfaces remains problematic.
- To the South-West, the basement is proposed to be constructed to the site boundary; and the proposal assumes landscaping within the adjoining easement. As canopy-tree planting within easements is not supported, this precludes the opportunity for a meaningful in-ground landscape treatment to this interface within the site boundary.

Councils Urban Designer considers that a meaningful landscape setting for new apartment building developments is required in order to: improve the on-site residential amenity and outlook for future residents; assist in managing neighbouring residential interfaces; assist in managing the urban heat-island effects of higher-density development; and complement and strengthen the landscape character of this evolving neighbourhood. Council's Urban Design has stated that until such time as the 'adverse possession' question is resolved, the landscape responses to the South-West, North-West and North-East are considered to be problematic.

Landscape

Council's Arborist has inspected the above site and noted the following:

The landscape plan dated 07/03/2017 is suitable for approval.

Protection fencing must be afforded to the 2 *Platanus x acerifolia* (London Plane) and *Melaleuca styphellioides* (Prickly Paperbark) street trees at this location prior to construction works occurring. Fencing must comply with Section 4 of AS 4970.

If the application for adverse possession is unsuccessful, reducing the above ground space from 3m to 1.78m will definitely prevent the establishment of large landscape elements along the eastern and northern aspects of this site. The reduction will result in access paths and garden beds being squeezed into a narrow 1.78m distance. This will also result in only 1.78m of air-space between the built form and the boundary. The reduction along the northern aspect looks to result in large areas of hedging previously proposed being unable to be included in the scheme.

Transport and Parking

Council's Transport and Parking Unit have reviewed the advertised plans and advised that:

- The car parking and bicycle provision at the site meets the requirements of the Planning Scheme and can be considered satisfactory
- The additional traffic generated by the proposed development is not likely to significantly impact upon the existing traffic conditions

The basement access and layout were reviewed. It was determined that the access way width, ramp grades, parking bay dimensions, blind aisles, column locations, circulation roadways and swept paths, ramp gradients, and bicycle parking design are satisfactory. Revisions are required to the plans to accord with the Planning Scheme and/or Australian Standards regarding headroom clearance, sight distance at property boundary, parking bays adjacent to walls and gradients. It was also recommended that the intercom be relocated, to install information signs regarding the stop/go light system, and to ensure pedestrian access to the lift is maintained at a clear width of 1.2m, to the satisfaction of Council.

Waste

Council's Waste Coordinator has advised that a comprehensive Waste Management Plan prepared by Ratio Consultants Pty Ltd dated 27 February 2017 responded appropriately to the waste management challenges presented. It was recommended that any Planning Permit issued for this development should include a clause requiring the submission and approval of a Waste Management Plan similar to that previewed.

Infrastructure

Council's Infrastructure Engineer reviewed the plans and advised that the following conditions are recommended:

- 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.
- The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp). This is required to ensure that normal overland flow from the street is not able to enter the basement due to any lowering of the footpath at the property line
- All redundant vehicular crossing must be removed and the footpath, naturestrip and kerb reinstated at the owner's cost to the satisfaction of Council.
- There will be significant additional stormwater runoff generated by the development and there are existing flooding problems in this immediate area as identified by the SBO. 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.

The following other issues were identified:

There is a reference on the plans to 'easement(s), adverse possession' and these apparently are shown to be included as part of the site. There are Council stormwater drains located in this land.

There are several issues that need to be considered. It may well be that this can be negotiated to the agreement of all parties however there are issues that need to be resolved.

There seems to be an assumption that the occupiers have had uninterrupted possession of the land however it is likely that Council has at times had access to the land to clean and maintain the drain.

It cannot be assumed that any adverse possession claim will be successful until the relevant authority makes that determination. That is done when all supporting evidence is supplied and that process should include Council being advised of a pending claim and being given the opportunity to comment and if necessary to oppose such a claim.

The location of the Council drain is such that we need to ensure that Council's rights are maintained on Title. We may however not oppose the claim if we can be assured that a drainage easement will be created over the land to protect the drain however that is a decision that will need to be further considered.

The reason for the easement being critical is that if no easement exists over the land, no other party (with the exception of Council) can be expected to know of the existence of the drain in the future. This can lead to the drain being detrimentally impacted in the future i.e. building permits being issued for structures over the drain as well as other site works which may impact on the drain.

The design and methods of construction for excavations within vicinity of these drains must be such that these drains are protected at all times from undermining and subsidence. Any damage that may occur to the drains must be reported immediately to Council's Infrastructure Unit and the damage must be rectified at the owner's cost under the supervision and to the satisfaction of Council's Infrastructure Unit.

All development including the terraces below natural ground level, must be clear of the Reserves regardless of whether or not the owner has title because the development is not compatible with the Council drain contained within the Reserves.

Property

The application was referred to Council's Property Coordinator due to the potential claim for adverse possession of land that includes a Council drain. The following comments were made:

- It would ultimately be up to the relevant section of the Titles Office if a claim of adverse possession would be successful or not successful.
- In relation to the drainage reserve Council believes that in any outcome an easement should be shown to identify that the land was/is set aside for drainage purposes.

The issuing of any permit does not make any representation that Council supports or does not support the consolidation of the land identified as easement –adverse possession with the other lots containing the development.

Environmentally Sustainable Design

Council's ESD Officer has advised that there are some concerns regarding how this development has been modelled in BESS and the details of some of the apartments have not been entered into BESS. Overall, Council's ESD Officer has requested that a revised BESS Report be submitted in relation to Water and Stormwater, Energy, Indoor Environment Quality, Daylighting, Natural Ventilation and Transport.

The following additional information is required:

- The Water Category is to be remodelled to include all of the apartments in the development, which may impact the size of the proposed water tank
- The Energy category is to be remodelled to include all apartments, including grouping thermally similar apartments and thermally unique apartments
- Further details are required for the proposed carpark ventilation including a written explanation of either the fully natural ventilation or carbon monoxide monitoring, describing how these systems will work, what specifications are required for them to be fully integrated and who is responsible for their implementation throughout the design, procurement and operational phases of the buildings life.
- The Indoor Environment Quality Category is to be remodelled to show how the neighbouring properties have been taken into consideration regarding daylight modelling. In addition, evidence is required to support the claim for 100% credits for natural ventilation.

KEY ISSUES

State Planning Policy

Consideration must be given to the strategy in Plan Melbourne 2017-2050: Metropolitan Planning Strategy (Department of Environment, Land Water and Planning, 2017) and the principal strategies of relevance to this application which are those that focus on higher density development and development in or near activity centres. Clause 16.01-2 (Location of residential development) seeks to locate new and higher density housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Clause 16.01-4 (Housing diversity) also seeks a range of housing types to meet increasingly diverse needs.

Local Planning Policy

Council's Local Planning Policy and Municipal Strategic Statement introduces the concept of Substantial, Incremental and Minimal change areas for residential development (Clause 21.05-2). Substantial Change Areas are generally land with immediate abuttal to a main road containing a tram or priority bus route, as well as land beside or opposite a railway station in close proximity to an activity centre, land shown on the Strategic Framework Plan as a Principal, Major or Large Neighbourhood Activity Centre, land in, beside or opposite a Small Neighbourhood Activity Centre or land in a Mixed Use Zone. Minimal change areas include residential land within a Heritage Overlay or Neighbourhood Character Overlay. Incremental change areas include land in the remaining residential areas. The subject site is located on a local road and is not within a Heritage Overlay or Neighbourhood Character Overlay. The subject site is located beside a Small Neighbourhood Activity Centre (Darling Village, which is shown on Councils Strategic Framework Plan) and is within walking distance of Darling Railway Station (approximately 200 metres to the east). Therefore, the subject site is designated as a Substantial Change Area (Clause 21.05 – 1.2).

Strategic Justification

The subject site has attributes which makes it suited to being redeveloped for medium density housing. The land is a designated Substantial Change Area and the purpose of the Residential Growth Zone includes:

- *To provide housing at increased densities in buildings up to and including four storey buildings.*
- *To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.*
- *To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.*
- *To ensure residential development achieves design objectives specified in a schedule to this zone.*

Further, the Residential Growth Zone also allows for a maximum height limit of 13.5 metres on the land. More specifically, the site is well located to the Darling Village Commercial Precinct and Darling Railway Station, thereby providing good access to services and transport. In addition, the subject site is located in the Garden Suburban 4 Precinct defined by Clause 22.23 (Neighbourhood Character Policy) which acknowledges that areas within a Residential Growth Zone will accommodate more development with a more compact setting but with space for canopy trees and other vegetation. For these reasons, the proposal for a multi-unit development on the subject site is considered appropriate to further the strategies of the State and Local Planning Policies.

Importantly, consideration must also be given to how the proposal specifically responds to neighbourhood character and residential amenity, as assessed below. It is considered that the proposed building depicted in the advertised plans respects the preferred character of the area subject to conditions, as outlined below.

Neighbourhood Character/ Design Detail

The development has been assessed against the relevant design principles of Clause 15.01-1 (Built Heritage and Environment), Council's Local Policy at Clause 21.06 (Built Environment and Heritage) and the preferred character guidelines relating to the Garden Suburban 4 Precinct set out by Clause 22.23 (Neighbourhood Character Policy). Notably, policy supports higher density development in Substantial Change Areas in and beside activity centres and to repair and reinforce the high quality landscape character of the City.

At four storeys in height, the proposal is generally in accordance with the purposes of the Residential Growth Zone and the mandatory height limit of the schedule to the zone. In addition, the form of the building and the proposed architecture generally meets the guidelines for Residential Growth Zones as defined by Clause 22.23 of the Stonnington Planning Scheme, given the larger scale of the building and that the façade has been designed with variation in materials and finishes, in addition to the use of recesses and windows openings.

Further, the design of the upper level incorporates a raked wall to reduce the impact on the streetscape and residential properties to the north and east. It is also noted that the front façade contains a cut out in the middle measuring a depth of approximately 5.86 metres and a width of 4.13 metres, to create a break in the façade to alleviate the impact of the new development on the single storey dwellings immediately opposite the subject site on

Hurstmon Street. Although the roof form does not include eaves, this is considered appropriate in this instance given the site's location within a Residential Growth Zone coupled with the fact that the architecture is contemporary and innovative in form.

When viewed from the footpath along Hurstmon Street, the proposed front façade will rise to a maximum height of 11.14 metres (RL38.41) above nominal ground level, before the walls will be raked away from the front boundary to a maximum height of 13.3 metres (RL40.57) above nominal ground level. The eastern elevation will also rise to 8.25 metres (RL35.32) metres above nominal ground level before raking away from the eastern boundary to a maximum height of 13.5 metres (RL40.57) above nominal ground level. The western elevation will rise to 13.3 metres (RL40.57) above nominal ground level. This proposed development will be sited between the existing three storey commercial building immediately to the west in the Commercial 1 Zone (which has a maximum building height of RL39.61 as shown on the submitted design response plan) and the part double part single storey building immediately to the east in the Residential Growth Zone. This design response is expected to adequately respond to the general variation of heights in the immediate context whilst also increasing density to respond to the site's location in a Substantial Change Area.

The design response will provide space around the building when viewed from Hurstmon Street and neighbouring properties. The proposed building will comprise a side setback of between 3 metres to 4.6 metres along the western boundary and between 3 metres and 3.87 metres along the eastern boundary (including the easement). The rear setback will be 3 metres (including the easement). It is also noted that the proposed front façade will be setback an additional metre from Hurstmon Street compared to the commercial building immediately to the west, to respond to the site's location within a Residential Growth Zone, and on the periphery of the commercial zone.

Given the above, the proposal for a medium density development on the subject site is considered to be compatible in scale, mass and siting with the preferred and emerging character of the area. Therefore, it is recommended to support the proposal as furthering the strategies of the State and Local Planning policies. Landscaping detail is discussed later in this report, as will the appropriateness of the zero basement setback to the west.

Street Setback

In this instance, the subject site is not on a corner, however the property to the immediate west contains a commercial building facing Malvern Road and the property to the immediate east contains a residential building facing Clynden Avenue. Therefore, Standard B6 requires a minimum setback from the front street of 4 metres (given Hurstmon Street is a local road). The proposed front setback is shown to be between 4 metres and 6.020 metres, which satisfactorily complies with the street setback requirement. Importantly, the street setback proposed will continue to allow a landscaped frontage to respond to the existing and preferred landscape character of the area, which is considered to meet the objective of Clause 55.03-1.

Building Height

The proposed development on the advertised plans measures a maximum height of 13.5 metres (RL 40.57) above nominal ground level. Standard B7 and the schedule to the zone allows a maximum building height of 13.5 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 maximum building height should not exceed 14.5 metres. The lift overrun may exceed the abovementioned mandatory height requirements by no more than 1.2 metres.

The proposal complies with the height requirements and as discussed earlier, the massing and scale of the building presented is considered to be appropriate to be respectful and compatible with the surrounding area.

Site Coverage

The development shown on the advertised plans satisfactorily proposes 59.9 per cent site coverage at ground level which is less than the maximum 60 per cent site coverage recommended by Standard B8 at Clause 55.03-3. In addition the basement site coverage is 72.2 per cent which is less than the maximum 75 per cent site coverage recommended by Standard B8.

Permeability

The development proposes 24 per cent permeability which meets the minimum 20 per cent suggested by Standard B9 of Clause 55.03-4, which is considered satisfactory. However, the permeable areas proposed are not clearly shown on the development plans and therefore a condition is recommended to be included on any permit that issues requiring this information to be clearly shown.

Energy Efficiency

Clause 22.05 of the Stonnington Planning Scheme requires the development to achieve best practice in environmentally sustainable development. The applicant has submitted a Sustainable Management Plan (SMP), detailing how the development addresses the 10 key sustainable design categories using the Built Environment Sustainability Scorecard (BESS). The submitted SMP shows that the development achieves a BESS score of 57% and a pass for each of the mandatory pass categories of Water, Energy, Stormwater and IEQ, which is satisfactory. However, Council's ESD officer has reviewed the reports and requested those matters identified within the referral section to be addressed. Therefore, conditions are recommended to be included on any permit that issues requiring a revised Sustainable Management Plan.

Safety

The development incorporates a clear and identifiable designated pedestrian path located toward the centre of the frontage accessed from Hill Street. There will also be windows located in the front and side elevations to provide for passive surveillance of the street.

Landscaping

Council's MSS and various local policies seek to ensure that landscaping forms a key consideration of development proposals. A development on a large parcel of land should be able to provide substantive vegetation as sought by Clause 21.06 (Built Environment and Heritage), Clause 22.23 (Neighbourhood Character Policy) and Clause 55.03-8 (Landscaping) of the Stonnington Planning Scheme. As noted earlier, the subject site is located in the Garden Suburban 4 Precinct subject to Council's Local Policy at Clause 22.23 (Neighbourhood Character Policy). The statement of preferred neighbourhood character details how areas within a Residential Growth Zone accommodate more development with a more compact setting but with space for canopy trees and other vegetation and high quality, responsive design.

Having regard to the siting of the building, the proposal generally meets the guidelines for Residential Growth Areas by providing space between and around buildings to accommodate vegetation, including planting around the perimeter of the site and adjacent to the existing sensitive areas of secluded private open space on adjoining properties. At ground level, the proposed building will be provided with adequate side setbacks including a western side setback of between 3 metres to 4.6 metres, an eastern side setback of between 3 metres and 3.87 metres (including a 1.2 metre wide easement) and a rear setback of 3 metres (including a 1.2 metre wide easement). The submitted landscape plan shows that these setbacks will allow for the planting of approximately 17 small to medium sized deciduous and evergreen trees, predominantly along the northern and eastern perimeters of the building. The proposal will also result in the removal of existing crossovers and associated driveways within the front setback to provide additional areas for landscaping, including a mix of 9 small to medium sized deciduous and evergreen trees as shown on the submitted landscape plan. The existing street trees will also be retained. However, the provision of landscaping along the western interface is considered insufficient.

The proposal involves extending the basement to the western boundary and the submitted landscape plan shows that this area will be provided with a clipped evergreen hedge in a raised insitu planter, one large planter box midway along the boundary featuring a small deciduous tree and a climbing plant along the fence adjacent to the driveway. Council's Urban Designer is concerned with the proposal extending the basement to the western boundary because it precludes the planting of canopy trees along this interface due to limiting the depth of soil available for any proposed landscaping.

To address these concerns, a further landscape plan for discussion has been submitted which is considered appropriate to enhance the landscape setting. The landscape plan for discussion shows additional insitu planter boxes along the western boundary and a green wall along the southwestern corner of the building. These measures are considered appropriate to enhance the landscape setting on the periphery of the Commercial 1 Zone.

Additional conditions are recommended to be included on any permit that issues requiring details of the proposed soil volume including for all insitu planter boxes demonstrating that all proposed landscaping will be provided with adequate depth of soil to allow the proposed landscaping to grow to maturity. A separate condition requiring details for the proposed green wall are also recommended.

There are also concerns that the basement construction along the boundary may impact the health of the existing row of trees located on the adjoining western property in the Commercial 1 Zone. Whilst, it is acknowledged that these trees are located in the Commercial 1 Zone and away from the residential hinterland, the existing trees add to the existing landscape character of the area particularly addressing the periphery of the residential zone. Therefore, it is recommended to include the following conditions on any approval:

- *The proposed basement must be setback a sufficient distance from the western boundary to ensure that the existing row of Chinese Hawthorns located at 1905-1915 Malvern Road adjoining the subject site are not compromised, to the satisfaction of the Responsible Authority. A non-invasive root investigation (or similar) must be undertaken by a qualified arborist to determine the location of the proposed basement from the western boundary to the satisfaction of the Responsible Authority. Any revised vehicular crossover location must ensure the health of the street tree as sought by condition 12 (Tree Management Plan).*

- *Concurrent with the endorsement of 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 row of Chinese Hawthorns located at No.1905 – 1915 Malvern Road, Malvern East adjoining the subject site. This may include the results of a non-invasive root investigation (or similar) undertaken by a qualified arborist to determine the location of the proposed basement from the western boundary.*

Depending on the extent of the basement setback deemed necessary, the requirement for the aforementioned revised landscape plan may be obviated. Council's Urban Designer is also concerned with the proposed development relying on the area of land identified on the plans as easement (adverse possession), on the basis that the planting of canopy trees in easements is generally not supported.

It is important to state that if the adverse possession claim is unsuccessful, this will significantly alter the size of the subject site, by reducing the above ground space from 3m to 1.78m. In this instance, it is considered that the proposed development would need to be substantially revised to provide adequate space around the building. For this reason, it is recommended that any planning permit that issues for this development include the following conditions:

This planning permit does not come into effect until such time that the area of land labelled 'adverse possession' has been legally leased, licensed or acquired to lawfully provide separation by way of a boundary fence from No.s 1905-1915 Malvern Road, No.2 Moira Street, No.53 Clynden Avenue and No.45-49 Clynden Avenue, Malvern East, to the satisfaction of the Responsible Authority.

The area of land within the subject site containing Council pipes and drains, identified on Certificate of Title Volume 5309 and Folio 1061665, must continue to enjoy unregistered easements rights (unless can be legally demonstrated otherwise).

Provided the area of land labelled adverse possession is included in the subject site, the proposed landscape layout and design is considered acceptable, subject to the conditions recommended above. It is relevant to note that Council's Arborist has reviewed the proposed landscape plan and advised that the location of the proposed landscaping is suitable for endorsement.

Access

The proposal seeks to remove the existing crossovers along Hurstmon Street and install a new crossover on the western end of the property frontage measuring 5.5 metres wide with splays either side. The proposed crossover will not exceed 33 per cent of the site frontage, which satisfies Standard B14.

Parking Location

The car parking facilities are secure, convenient and provide safe and efficient access for residents subject to the changes required by Council's Traffic Engineer. Conditions are recommended to be included on any permit that issues requiring those matters identified within the referral section to be addressed. This is with the exception for the requirement to relocate the intercom to the basement and to require information signs to be installed about the stop/go light system.

Amenity Impacts

Side and Rear Setbacks

Standard B17 (side and rear setbacks) is relevant to this assessment and sets out numeric requirements for side and rear setbacks. This assessment will include the easements along the northern and eastern extremities.

Rear Elevation

The rear (northern) elevation will interface with three units located at No.2 Moira Street, Malvern East and one unit at No.53 Clynden Avenue, as described previously in the site and surrounds section. The rear elevation will be setback 3 metres from the rear boundary (inclusive of the parcel of land containing the easements). A setback of 3 metres will allow for a maximum wall height of 7.91 metres above natural ground level according to Standard B17. The rear elevation will rise to 7.9 metres (RL34.90) above natural ground level on the subject site, before raking away from the rear boundary for a distance of approximately 5.7 metres to a maximum height of 13.5 metres (RL40.57) above natural ground level. A setback of 8.7 metres will allow for a maximum wall height of 13.61 metres. Therefore, the numerical requirements of the rear setback standard are met when measured from above the natural ground level on the subject site.

The rear elevation also contains a cut out in the middle of the rear elevation immediately opposite the secluded private open space areas of Unit 2 and Unit 5 at No.2 Moira Street, measuring a depth of 13.53 metres and width of 9 metres. In this instance, not only does the proposal comply with the Standard, but it comfortably exceeds the requirements of the Standard.

Notwithstanding the above, it is noted that the sections and elevations show the natural ground line of the secluded private open space areas of the adjoining properties to the rear of the subject site are lower than the subject site, however the exact RL has not been provided for these ground levels. Therefore, it is recommended that a condition be included on any permit that issues requiring:

An increase in the rear setback or reduction in the overall height of the rear elevation to comply with Standard B17 when measured from the natural ground line at the Title Boundary of the adjoining properties located at No.2 Moira Street, Malvern East and No.53 Clynden Avenue, Malvern East

Subject to the recommended condition, it is considered that the proposal will be appropriate to alleviate the impact of visual bulk on the existing sensitive areas of secluded private open space to meet the objective for side and rear setbacks.

Eastern side setback

The side (eastern) elevation will interface with the units located at No.45-49 Clynden Avenue, Malvern East, as described previously in the site and surrounds section. The eastern elevation will be setback between 3.01 metres and 3.5 metres from the eastern boundary (inclusive of the parcel of land containing the easements). This setback will allow for a maximum wall height of between 7.92 metres to 8.41 metres above natural ground level according to Standard B17. The eastern elevation will rise to approximately 8.45 metres (RL35.32) above natural ground level at the Title Boundary on the adjoining property. Therefore this part of the eastern elevation will not meet the Standard.

The eastern elevation will rise to approximately 8.45 metres (RL35.32) above natural ground level at the Title Boundary on the adjoining property, before raking away from the eastern boundary for a distance of approximately 5.2 metres to a maximum height of 13.5 metres (RL40.57) above natural ground level. This means that at its peak the eastern elevation will be setback between 8.21 metres and 8.7 metres from the eastern boundary. These setbacks will allow for a maximum wall height of 13.12 metres to 13.61 metres according to the Standard. Therefore parts of the eastern elevation will not meet the Standard.

Given the above, the proposal must meet the objective. The objective seeks to ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings. The development has already been found to respect the preferred neighbourhood character as assessed earlier. In addition, the height and setback of the building from the eastern boundary is not expected to result in unreasonable visual bulk impacts to the neighbouring eastern property given that the new walls will interface with a service yard at No.45-49 Clynden Avenue, that the new walls will be separated at least 6 metres from any existing habitable room windows and that the composition of the eastern elevation includes variation in materials and finishes to provide visual interest and visual relief.

Western side setback

The side western elevation will interface with the commercial development at 1905-1915 Malvern Road, Malvern East, as described previously in the site and surrounds. The side eastern elevation will be setback between 2.7 metres and 4.6 metres from the western boundary. This setback will allow for a maximum wall height of between 7.61 metres to 9.51 metres above nominal ground level according to Standard B17. The western elevation will rise to approximately 13.3 metres (RL40.57) above nominal ground level on the subject site. As such, the western elevation does not comply with Standard B17 and therefore the proposal must meet the objective.

The development has already been found to respect the preferred neighbourhood character subject to additional landscaping measures in this setback. There will also be no unreasonable amenity impacts by way of visual bulk to the west given that the western elevation interfaces with the rear of a commercial development in a Commercial 1 Zone. In addition, it has also been recommended to require the basement to be setback from the western boundary to the extent necessary to protect the viability of the existing row of trees adjacent to the western boundary of the subject site, which will provide filtered views of the proposed development.

Walls on Boundaries

The proposed development will not incorporate any walls on boundaries above ground level. There will be one wall located along a section of the western boundary at basement level, which is satisfactory given that there would be no amenity impacts. Conditions have also been recommended (as discussed in the Landscaping section) to require this basement wall to be setback from the western boundary to protect the viability of the existing row of Chinese Hawthorns located at 1905-1915 Malvern Road, Malvern and to provide details of the proposed soil volume available for all proposed landscaping above the basement to grow to maturity.

Daylight to Existing Windows

Standard B19 (Daylight to existing windows) is relevant to this assessment.

Rear Elevation

The rear elevation will interface with one unit at No.53 Clynden Avenue and three units located at No.2 Moira Street, Malvern East, as described previously in the site and surrounds section. Each of the windows will be provided with a light court of minimum 3 square metres and 1m clear to the sky, which complies with this Standard. The Standard also requires walls more than 3 m in height opposite an existing habitable room window to be set back from the window at least 50 per cent of 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). The proposal complies with the Standard as assessed below.

No.53 Clynden Avenue, Malvern East

The ground level habitable room windows are located at a setback of 2.6 metres from the rear boundary. The proposed rear elevation will be setback 3 metres from the shared boundary (inclusive of the parcel of land containing the easements). Therefore the existing windows will be setback 5.6 metres from the new walls. The new walls will rise to 7.9 metres (RL34.90) above nominal ground level, before raking away from the rear boundary for a distance of approximately 5.7 metres to a maximum height of 13.5 metres (RL40.57) above nominal ground level. In order for a wall to fall within the Standard's parameters, it could rise to 11.2 metres, before raking away from the rear boundary to a maximum height of 22.6 metres. Therefore, the rear elevation comfortably complies with the Standard.

No.2 Moira Street

The ground level habitable room windows are located at a setback of 4.5 metres from the rear boundary and the first floor habitable room windows are located at a setback of 6.5 metres from the rear boundary. The proposed rear elevation will be setback 3 metres from the rear boundary (inclusive of the parcel of land containing the easements). Therefore the existing windows will be setback between 7.5 metres and 9.5 metres from the new walls. The new walls will rise to 7.9 metres (RL34.90) above nominal ground level, before raking away from the rear boundary for a distance of approximately 5.7 metres to a maximum height of 13.5 metres (RL40.57) above nominal ground level. The Standard states that the wall height is measured from the floor level of the room containing the existing window. In order for a wall to fall within the Standard's parameters having regard to the ground level windows, it could rise to 15 metres, before raking away from the rear boundary to a maximum height of 26.4 metres. The first floor windows are setback further from the shared boundary and therefore the wall height could rise even higher. Therefore, not only does the proposal comply with the Standard, but it comfortably exceeds the requirements of the Standard.

East Elevation

The side eastern elevation will interface with the units located at No.45-49 Clynden Avenue, Malvern East, as described previously in the site and surrounds. The endorsed plans for this property show that the building is setback 3 metres from its western boundary. The proposed east elevation will be setback between 3.01 metres and 3.5 metres from the shared boundary (inclusive of the parcel of land containing the easements). Therefore, the existing windows will be setback between 6.01 metres and 6.5 metres from the new walls. The eastern elevation will rise to approximately 8.45 metres (RL35.32) above nominal ground level at the Title Boundary on the adjoining property, before raking away from the eastern boundary for a distance of approximately 5.7 metres to a maximum height of 13.5 metres (RL40.57) above nominal ground level. In order for a wall to fall within the Standard's parameters, it could rise to 12.02 metres, before raking away from the eastern boundary to a maximum height of 23.42 metres. Therefore, the rear elevation comfortably complies with the Standard.

North-facing Windows

There are no north facing windows within 3 metres of the subject site.

Overshadowing

The advertised plans show that the property at No.1905-1915 Malvern Road, Malvern East will be affected by overshadowing between the hours of 9am to 12pm. There will be no overshadowing to any other property between 9am and 3pm on the 22nd September. Given that the affected property is in a Commercial 1 Zone and used for commercial use, the impact is considered reasonable in this context.

Overlooking

Standard B22 is relevant to this assessment and requires that all habitable room windows or balconies with a direct view into a habitable room window or secluded private open space area of an existing dwelling within a horizontal distance of 9 metres should be screened. Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development

Notably, the 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 of 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 the ground level at the Title boundary.

Rear Elevation

The rear (northern) elevation will interface with three units located at No.2 Moira Street, Malvern East and one unit at No.53 Clynden Avenue, as described previously in the site and surrounds section.

The north elevation will be constructed to less than 800mm above ground level and it is proposed to screen the development as follows:

Ground Floor - The plans show the existing fence to be retained with lattice added in part to create a 2.5 metre high fence along the length of the rear boundary. It is noted that rear fences associated with this development are technically not controlled by the Planning Scheme and rather a building permit is required for this fence subject to specific calculations under the Building Code and consent from the adjoining neighbour under the Fences Act. In this instance, the proposed fence is considered to be adequate to screen the proposed ground floor of the development. Should the neighbours not consent to the new fence design, the applicant will need to amend the plans and screening requirements can be reassessed.

First Floor/Second Floor – The plans show privacy screens to all proposed habitable room windows and balconies within 9 metres of the existing windows and secluded private open space of adjoining properties. These screens are shown to be 25 per cent maximum transparency. This is acceptable subject to additional information on the plans to meet the Standard including that the privacy screens will be fixed and to 1.7 metres above finished floor level

Third Floor – The plans do not show screening to the balconies or roof windows within 9 metres of the existing windows and secluded private open space of adjoining properties, and therefore screening must be added to the plans to meet the Standard; or additional information must be provided by way of overlooking diagrams to demonstrate that there will be no unreasonable overlooking from these windows in accordance with the Standard.

Therefore, given the above it is recommended to include a condition on any permit that issues requiring screening to all proposed habitable room windows, balconies, deck and patios in accordance with Standard B22 of Clause 55.04-6 Overlooking Objective of the Stonnington Planning Scheme.

East Elevation

The side eastern elevation will interface with the units located at No.45-49 Clynden Avenue, Malvern East, as described previously in the site and surrounds section.

The east elevation will be constructed to less than 800mm above ground level and it is proposed to screen the development as follows:

Ground Floor - The plans show a 1.8 metre high fence with 500mm lattice above proposed on the boundary. It is noted that side fences associated with this development are technically not controlled by the Planning Scheme, rather a building permit is required for all fences subject to specific calculations under the Building Code and consent from the adjoining neighbour under the Fences Act. In this instance, the proposed fence is considered to be adequate to screen the proposed ground floor of the development. Should the neighbours not consent to the new fence, the applicant will need to amend the plans and screening requirements can be reassessed.

First Floor/Second Floor – The plans show privacy screens to all proposed habitable room windows and balconies within 9 metres of the existing windows and secluded private open space of adjoining properties. These screens are shown to be 25 per cent maximum transparency, however additional information is required on the plans to meet the Standard including that the privacy screens will be fixed and to 1.7 metres above finished floor level.

Third Floor – The plans do not show screening to the balconies or roof windows within 9 metres of the existing windows and secluded private open space areas of adjoining properties. Therefore, screening must be added to the plans to meet the Standard; or additional information must be provided by way of overlooking diagrams to demonstrate that there will be no unreasonable overlooking from these windows in accordance with the Standard.

Therefore, given the above it is recommended to include a condition on any permit that issues requiring screening to all proposed habitable room windows, balconies, deck and patios in accordance with Standard B22 of Clause 55.04-6 Overlooking Objective of the Stonnington Planning Scheme.

Western Elevation

The western elevation interfaces with commercial uses in the Commercial 1 Zone and therefore screening is not required in this context. It is also noted that there will be no overlooking from the western elevation into any existing windows or secluded private open space of adjoining properties at No.2 Moira Street, Malvern East in the northwest corner of the development due to the design of the building.

Noise Impacts

The proposed development will not create any undue noise that will affect any existing dwellings over and above that normally expected for a residential development. This is with the exception of the location of the bedroom 1 window to Apartment 3.04 and the bedroom 2 window to Apartment 3.09 which are located adjacent to the balconies of Apartment 3.06 and 3.07. It is recommended to include a condition to require the bedroom 1 window to Apartment 3.04 and the bedroom 2 window to Apartment 3.09 to be reduced in width to diminish noise impacts to these windows from the adjacent proposed balconies.

On-Site Amenity and Facilities

Accessibility and Dwelling Entry

The proposal will be required to comply with any access regulation at the building permit stage. The ground floor of the dwellings will be accessible to persons with limited mobility via a pedestrian path from Hurstmon Street or a lift from the basement. A lift is also provided to access all levels of the building.

Internal Views

The front elevation contains a cut out in the middle, measuring a depth of approximately 5.86 metres and a width of 4.13 metres. There are a number of opportunities for internal views within this part of the building, including from habitable room window to habitable room window and downward views. Obscure glazing is shown to the ground, first and second level windows, however the third floor has not been screened.

The rear elevation also contains a cut out in the middle measuring a depth of 13.53 metres and width of 9 metres. Similarly, there are a number of opportunities for internal views within this part of the building, including views from across a balcony to another balcony or habitable room window, and downward views

The west elevation may also allow opportunities for downward views from the upper level apartments to the courtyards below.

Given the above, it is recommended to include a condition requiring overlooking shelves to be provided to all habitable room windows and balconies that offer opportunities for downward views to the apartments below. In addition, it is recommended to include a condition to require the living room windows of Apartment 1.05, 1.08, 2.05 and 2.08 to be obscured to prevent internal views to Apartments 1.06, 1.07, 2.06 and 2.07. Although there will be views between the balconies of these units, this is considered to be in the realm of acceptability. There will also be opportunities for internal views between bedroom 1 of apartment 3.04 and bedroom 2 of apartment 3.09 into the adjacent balconies and living room windows. It is recommended to include a condition to require screening to the windows of bedroom 1 of apartment 3.04 and bedroom 2 of apartment 3.09 (in addition to further requirements relating to noise discussed above). It is also recommended to screen the bedroom 1 windows to Units 3.01 and 3.12 to ensure no unreasonable interlooking.

It is also noted that the north and east elevation habitable room windows will be screened to prevent overlooking and therefore there are no opportunities for downward views into the development itself.

Daylight to New Windows

Standard B27 is relevant to this assessment and requires a window in a habitable room to be located to face:

- An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or
- A verandah provided it is open for at least one third of its perimeter, or
- A carport provided it has two or more open sides and is open for at least one third of its perimeter.

The majority of new ground floor windows will face an outdoor space clear to the sky with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. However, the new dining/living room windows to Apartment G.01, G.12, G.06, and G.07 will each face an outdoor area with a balcony above.

The majority of upper level bedroom windows will also face an outdoor space clear to the sky with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. However the majority of upper level dining/living room windows will face an outdoor area with a balcony above.

Subsequently, the applicant has submitted a Daylight Impact Assessment to show that whether the proposed living areas and bedrooms meet the required daylight factors when modelled against the existing conditions on surrounding properties. The report found that all proposed living room and bedrooms meet this requirement with the exception of Apartment G.06, G.07, 1.06, 1.07, 2.06, 2.07, 3.06, and 3.07 which will be below the respective daylight factor thresholds.

Notably, the affected apartments will have a kitchen area that does not receive adequate daylight and this is generally not acceptable. As such, it is considered necessary to include a condition on any permit that issues requiring:

The layout of apartment G.06, G.07, 1.06, 1.07, 2.06, 2.07, 3.06, and 3.07 to be modified to ensure that 90% of the floor area of the living rooms and kitchens of each apartment achieves a minimum daylight factor of 1%. None of the bedrooms can rely on borrowed daylight.

Subject to this condition, the proposal is considered to be satisfactory.

Private Open Space

All dwellings will be afforded either a ground floor courtyard or balcony accessed via a living area which meets the minimum requirements of Standard B28.

Solar Access to Open Space

All dwellings will be provided with balconies which will provide adequate solar access given the orientation of the site. It is noted that there are south facing dwelling, which will not meet the Standard, however this is considered acceptable in this context.

Storage

Each dwelling will be provided with a separate storage area in the basement provided by over bonnet storage cages.

Transport and Parking

Council's Traffic Engineer has reviewed the plans and advised that the proposal meets the statutory requirements for car parking and bicycle parking spaces. The application proposes 46 dwellings. There is a statutory requirement to provide 51 resident car spaces and 9 visitor car spaces. The advertised plans show 63 car parking spaces proposed in a double basement, 54 for residents and 9 for visitors, which meets the requirements of the Planning Scheme. There is also a statutory requirement to provide a total of 9 resident bicycle spaces and 4 visitor bicycle spaces. A total of 16 resident bicycle spaces and 6 visitor bicycle spaces have been provided in the proposal, which meets the requirements of the Planning Scheme. Council's Traffic Engineer has also confirmed that the proposed additional traffic generated by the proposed development is not likely to significantly impact upon the existing traffic conditions.

Council's Traffic Engineer has also reviewed the basement access and layout. Revisions are required to the plans to accord with the Planning Scheme and/or Australian Standards regarding headroom clearance, sight distance at property boundary, parking bays adjacent to walls and gradients. It was also recommended that the intercom be relocated, to install information signs regarding the stop/go light system, and to ensure pedestrian access to the lift is maintained at a clear width of 1.2m, to the satisfaction of Council. Therefore, it is recommended to include conditions on any permit that issues requiring this information.

Water Sensitive Urban Design

Clause 22.18 of the Stonnington Planning Scheme requires the development to meet best practice for Stormwater Management (Water Sensitive Urban Design). The applicant has provided a STORM Report showing that the proposal shown on the advertised plans will meet best practice given the provision of a total of 20000 litres of water tank. The proposed basement plan shows the location of the 20000 litre water tank and indicates that the water tank will be connected to the toilets, which is satisfactory.

Additionally, Council's Infrastructure Engineer requires the applicant to provide either:

- 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; or
- 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.

The above requirement is recommended to be included as a condition of any approval.

Waste Management

A Waste Management Plan was submitted with the application. The development plans depict adequate space has been allocated in the basement for storage of bins and there is ample kerbside space to present the required allocation of bins for collection. Council's Waste Coordinator recommended that any Planning Permit issued for this development should include a clause requiring the submission and approval of a Waste Management Plan similar to that advertised with the application. This is recommended as a condition of any approval.

Drainage/Infrastructure

The conditions recommended by Council's Infrastructure Unit are recommended for inclusion on any permit that issues.

Objections

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

- Construction impacts – not a planning consideration. It is noted that Council's Local Laws are in place for the administration and enforcement of building activity including noise restrictions, hours and dust control.
- Clutter on balconies / Screening desired –all balconies already screened.
- Roof structures / Screening desired – condition recommended
- Waste disposal impacts / Screening desired to bin area – It is noted that the bins will be stored in the basement and therefore no additional screening is recommended.
- Street tree impacts/ replanting desired – no street trees will be removed. Instead, conditions are recommended to require protection fencing for the 2 Platanus x acerifolia (London Plane) and Melaleuca styphellioides (Prickly Paperbark) street trees at this location prior to construction works occurring.
- Boundary fencing – the type, style and height of boundary fencing will be negotiated between the developer and adjoining property owners separately to the issue of this planning permit.

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, subject to conditions, for the following reasons:

- The proposal will result in a built form and landscape setting that is acceptable to the site and surrounding context to further the strategies of the State and Local Planning Policies.
- The proposal will not cause unreasonable off-site amenity impacts.
- The proposal offers future occupants with an acceptable level of internal amenity.
- The parking and traffic impacts are acceptable.
- The planning permit will not come into effect until such time that the area of land labelled adverse possession has been legally leased, licensed or acquired to lawfully exclude and provide separation by way of a boundary fence from No.s 1905-1915 Malvern Road, No.2 Moira Street, No.53 Clynden Avenue and No.45-49 Clynden Avenue, Malvern East, to the satisfaction of the Responsible Authority.

ATTACHMENTS

1. PA2 - 1276 16 - 1 3 & 5 Hurstmon Street Malvern East - Attachment 1 of 1 Plans

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit No: 1276/16 for the land located at 1, 3, and 5 Hurstmon Street Malvern East (and adjoining land subject to adverse possession: Lot 1 on Title Plan 923984S) be issued under the Stonnington Planning Scheme for Construction of a multi-dwelling development in a Residential Growth Zone subject to the following conditions:

1. ***This planning permit will not come into effect until such time that the area of land labelled adverse possession has been legally leased, licensed or acquired by the permit holder.***
2. ***Irrespective of condition 1, the area of land within the subject site containing Council pipes and drains must continue to enjoy unregistered easements rights (unless can be legally demonstrated otherwise).***
3. ***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 March 2017 but modified to show:***
 - a) ***All references to adverse possession removed from the plans, in conjunction with condition 1.***
 - b) ***Elevations to be labelled clearly (i.e. north, south etc).***
 - c) ***Clearly label all permeable areas on the plans to ensure that the permeability of the development meets the minimum 20 per cent suggested by Standard B9 of Clause 55.03-4. The permeable areas must also match the calculations provided in the revised Water Sensitive Urban Design Report, required by condition 7.***
 - d) ***The proposed basement must be setback a sufficient distance from the western boundary to ensure that the existing row of Chinese Hawthorns located at 1905-1915 Malvern Road adjoining the subject site are not compromised, to the satisfaction of the Responsible Authority. A non-invasive root investigation (or similar) must be undertaken by a qualified arborist to determine the location of the proposed basement from the western boundary. Any revised vehicular crossover location must ensure the health of the street tree as sought by condition 12 (Tree Management Plan).***
 - e) ***An increase in the rear setback or reduction in the overall height of the rear elevation to comply with Standard B17 when measured from the natural ground line at the Title Boundary of the adjoining properties located at No.2 Moira Street, Malvern East and No.53 Clynden Avenue, Malvern East***
 - f) ***The bedroom 1 window to Apartment 3.04 and the bedroom 2 window to Apartment 3.09 to be reduced in width to diminish noise impacts to these windows from the adjacent proposed balconies.***
 - g) ***Screening to all proposed habitable room windows, balconies, deck and patios in accordance with Standard B22 of Clause 55.04-6 Overlooking Objective of the Stonnington Planning Scheme.***

- h) Overlooking shelves to be provided to all habitable room windows and balconies that offer opportunities for downward views to the proposed apartments below.**
- i) The living room windows of Apartment 1.05, 1.08, 2.05 and 2.08 to be obscured to prevent internal views to Apartment 1.06, 1.07, 2.06 and 2.07.**
- j) The windows of bedroom 1 of apartment 3.04 and bedroom 2 of apartment 3.09 to be obscured to prevent internal views to the adjacent apartments.**
- k) The bedroom 1 windows to Units 3.01 and 3.12 to be provided with screening to ensure no unreasonable interlooking.**
- l) The layout of apartment G.06, G.07, 1.06, 1.07, 2.06, 2.07, 3.06, and 3.07 to be modified to ensure that 90% of the floor area of the living rooms and kitchens of each apartment achieves a minimum daylight factor of 1%, unless otherwise agreed to in writing by the Responsible Authority. None of the bedrooms can rely on borrowed daylight.**
- m) The basement plan to accord with the requirements of the Planning Scheme/and or Australian Standards, specifically including for headroom clearance, sight distance at property boundary, parking bays adjacent to walls and gradients to the satisfaction of the Responsible Authority.**
- n) The basement plan modified to show pedestrian access to the lift and stairs maintained at a clear width of 1.2m, to the satisfaction of Council.**
- o) Any changes as required by condition 5, 7, 9, 10 and 12.**
- p) Any changes required by condition 26.**

all to the satisfaction of the Responsible Authority.

- 4. 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.**
- 5. Concurrent with the endorsement of any plans, a revised Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. This plan must be generally in accordance with the Sustainable Management Plan prepared by Northern Environmental Design dated 28th February 2017 but modified to show:**
 - a) The Water Category remodelled to include all of the apartments in the development**
 - b) The Energy category remodelled to include all apartments, including grouping thermally similar apartments and thermally unique apartments**
 - c) Details for the proposed carpark ventilation including a written explanation of either the fully natural ventilation or carbon monoxide monitoring, describing how these systems will work, what specifications are required for them to be fully integrated and who is responsible for their implementation throughout the design, procurement and operational phases of the buildings life.**
 - d) The Indoor Environment Quality Category remodelled to show how the neighbouring properties have been taken into consideration and to provide evidence to support the claim for 100% credits for natural ventilation.**
 - e) Any requirements of condition 3l) relating to daylight to proposed living rooms and kitchens.**

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. All works must be undertaken in accordance with the endorsed Sustainability 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.

- 6. Prior to the occupation of the development approved under this permit, a report from the author of the Sustainability Management Plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved plan.***
- 7. Concurrent with the endorsement of plans, the applicant must provide a Water Sensitive Urban Design Response addressing the Application Requirements of the Water Sensitive Urban Design Policy to the satisfaction of the Responsible Authority. All proposed treatments included within the Water Sensitive Urban Design Response must also be indicated on the plans.***
- 8. The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.***
- 9. Concurrent with the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Ratio dated 27 February 2017 but modified to respond to any requirements of condition 1.***

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

- 10. 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. The landscape plan must be in generally in accordance with the landscape concept plan prepared by CDA Design Group Pty Ltd dated Nov 2016 and must include:***
 - a) The changes on the landscape discussion plan dated 26th May 2017 including additional landscaping along the western boundary and a green wall along the southwestern corner of the building.***
 - b) Details of the proposed soil volume including for all insitu planter boxes (as applicable) demonstrating that all proposed landscaping will be provided with adequate depth of soil to allow the proposed landscaping to grow to maturity.***
 - c) Details for the proposed green wall.***

all to the satisfaction of the Responsible Authority.

11. ***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.***
12. ***Concurrent with the endorsement of 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 row of Chinese Hawthorns located at No.1905 – 1915 Malvern Road, Malvern East adjoining the subject site. This may include the results of a non-invasive root investigation (or similar) undertaken by a qualified arborist to determine the location of the proposed basement from the western boundary. The tree management plan must also detail that protection fencing must be afforded to the 2 Platanus x acerifolia (London Plane) and Melaleuca styphellioides (Prickly Paperbark) street trees at this location prior to construction works occurring. Fencing must comply with Section 4 of AS 4970.***

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.

13. ***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.***
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. ***The level of the footpaths and/or laneways must not be lowered or altered in any way to facilitate access to the site***
16. ***The development must be clear of the Reserves or easements.***

17. ***The design and methods of construction for excavations within vicinity of Council's stormwater drains must be such that these drains are protected at all times from undermining and subsidence. Any damage that may occur to the drains must be reported immediately to Council's Infrastructure Unit and the damage must be rectified at the owner's cost under the supervision and to the satisfaction of Council's Infrastructure Unit.***
18. ***Prior to occupation of the building, any existing vehicular crossing made redundant by the building and works hereby permitted must be broken out and re-instated as standard footpath, naturestrip, kerb and channel at the permit holders cost to the approval and satisfaction of the Responsible Authority.***
19. ***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 crossover/s 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.***
20. ***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 of the Stonnington Planning Scheme 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.***
21. ***Prior to the occupation of the building, any new walls on the boundaries of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.***
22. ***All plant and equipment shall be located or screened so as to minimise visibility from any of the surrounding footpaths and from overhead views 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.***
23. ***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.***
24. ***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 and those tanks must be connected to all toilets, to the satisfaction of the Responsible Authority.***

25. 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 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.

The crossover must be constructed to Council's Standard Vehicle Crossover Guidelines unless otherwise approved by the Responsible Authority. Separate consent for crossovers is required from Council's Building and Local Law Unit.

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

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.**

Attachments - Locality Plans, Site Plan, Floor Plans, Elevations etc.

4. PLANNING APPLICATION 1045/14 - WESLEY BOATSHED, 160 ALEXANDRA AVENUE, SOUTH YARRA - BUILDINGS AND WORKS ASSOCIATED WITH AN EXISTING USE (BOATSHED), TREE REMOVAL AND BUSINESS IDENTIFICATION SIGNAGE IN A PUBLIC PARK AND RECREATION ZONE, LAND SUBJECT TO INUNDATION OVERLAY, SIGNIFICANT LANDSCAPE OVERLAY AND ALTERATION OF ACCESS TO A ROAD ZONE.

Acting Manager Statutory Planning: Gareth Gale
General Manager Planning & Amenity: Stuart Draffin

The Proposal

The plans that form part of the basis of Council's consideration were prepared by FMSA Architecture and are known as Drawing No.s: Sheet 1 Council date stamped 03 June 2017, TP.00, TP.01, TP.02, TP.03, TP.04, TP.05, TP.06, TP.07, TP.08, TP.09, TP.10, TP.11, TP.12, TP.13 Council date stamped 23 June 2017, and Sheet 2 and Sheet 3 Council date stamped 8 November 2016.

Key features of the proposal are:

- Extension to the existing boatshed (used by Wesley College) at lower ground level for boat storage and at upper ground level for associated facilities including change rooms, storage, kitchens, and multi-purpose rooms.
- The proposed extension is to accommodate use of the boatsheds and associated facilities by Melbourne High in addition to Wesley College.
- Open trailer parking is proposed to the north of the lower ground level storage rooms.
- New car parking and widened vehicle access from Alexandra Avenue including 27 new car spaces to the east of the boatshed.
- Boat ramp access realigned.
- New shared pedestrian path constructed along the riverbank.
- Removal of three trees on the land including one Victorian native tree.
- New business identification signage to the building. It is proposed to install a new Wesley College sign with an area of 2.2 square metres and a new Mac. Robertson School sign with an area of 3.23 square metres.

It is noted that following advertising of the application the plans were revised on 23 June 2017 to address referral comments from Melbourne Water who initially objected to the application on issues relating to setbacks from the Yarra River and impacts on the natural processes (movement and erosion of banks) on the river. The plans included the following changes:

- Additional vegetation to the north of the proposed boatshed.
- Access to boat ramp realigned with the curvature of the river.
- Shared footpath added to river bank, relocation of north-west staircase.
- Boat storage replaced with open trailer parking.

Following lodgement of the revised plans, Melbourne Water withdrew their objection and advised that the proposal is supported subject to conditions.

Site and Surrounds

The subject site is located to the north of Alexandra Avenue in South Yarra and has the following significant characteristics:

- The site is 'S' shaped and follows the curvature of the Yarra River.
- The area of the site which is affected by this proposal is to the north-east end of the property.
- The subject building on the land is the boatshed used by Wesley College.
- This building is two levels and has a floor area dedicated to boat storage of 570 square metres. The upper ground level (which includes change rooms, kitchen, maintenance areas) has a floor area of 605 square metres.
- The existing building has a height of 4.23 – 6.01 metres along the north, south and east elevations. Along the west side of the building the land is cut away and allows direct access between the boat storage level and the boat ramp on the Yarra River. The height of the existing building on the west elevation is a maximum of 6.8 metres.
- There is an existing boat ramp and launching area to the west of the subject building.
- The subject site currently includes informal car parking with access off Alexandra Avenue.
- The site is approximately 19,757 square metres and includes a number of other occupiers and improvements. These include the Power House boatshed (directly east of the subject building), a kiosk and a communications tower. The balance of the site is open parkland.
- There are a number of mature trees on the land within the vicinity of the subject building which include a mixture of exotic and native species.
- A large power tower is located to the east of the subject building.
- The site enjoys existing use rights due to more than 15 years of continuous use of the boatsheds.

Land surrounding the subject site is described as follows:

- To the north of the subject site is the Yarra River with land within City of Yarra on the northern side of the river.
- To the south of the site is Alexandra Avenue with Como Park North located opposite.
- To the east of the site is public land which accommodates parkland and the Main Yarra Trail.
- To the west of the site the nearest adjoining property is located approximately 300 metres south-west of the subject building and includes Alexandra Avenue north adjoining the river.
- The nearest residentially zoned land is located approximately 140 metres to the east of the subject building.

Previous Planning Application(s)

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

- Planning Permit 311/12 issued on 21 December 2012 for alterations to an existing sporting facility in a Public Park and Recreation Zone and Land Subject to Inundation Overlay. This permit relates to the Power House boatshed and allows reconstruction of the rowing tank, installation of windows, and replacement of gutters and downpipes.
- Planning Permit for 88/08 issued on 23 September 2008 for works to replace existing rowing staging. This permit relates to the Power House staging on the land.

- Planning Permit 835/04 issued on 24 November 2004 for refurbishment and extension of the existing pavilion, associated landscaping works. This permit relates to the kiosk on the land.

The Title

The site is described on Certificate of Title Volume 05197 / Folio 394 on Title Plan 924158X and no covenants affect the land.

There is an S.E.C easement (for electricity) located on the land which extends from Alexandra Avenue to the Yarra River east of the subject building. Citipower was notified of this application and provided no response.

The easement relates to the power lines above the site and the proposed car parking at ground will be located underneath these. However, given the car park will be at ground level, these works will not impede the easement.

Planning Controls

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

Zone

Clause 36.02 - Public Park and Recreation Zone

Pursuant to Clause 36.02-2 a permit is required to construct a building or construct or carry out works.

Advertising sign requirements are at Clause 52.05, this zone is in Category 4.

It is noted that Clause 36.02-3 requires that an application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- To the application for permit being made.
- To the application for permit being made and to the proposed use or development.

The applicant has provided a letter from Council's Community and Culture Division advising that Council has given consent to Wesley College / Melbourne High and / or their agent to make a planning application for alterations and additions to the rowing shed. This consent was provided in accordance with a Council resolution dated 18 July 2016.

Overlays

Clause 42.03 - Significant Landscape Overlay – Schedule 1

Pursuant to Clause 3.0 of Schedule 1 to the Significant Landscape Overlay, a permit is required to construct a building or construct or carry out works.

Pursuant to Clause 42.03-2 a permit is required to remove, destroy or lop vegetation. Clause 3.0 of Schedule 1 to the Significant Landscape Overlay confirms that a permit is required to remove, destroy or lop vegetation including vegetation that has:

- a trunk circumference of 0.35 metre or more at 1 metre above ground level;
- a height of 6 metres or more; and
- a branch spread of 4 metres or more.

The proposal includes removal of 3 trees (known as Trees 4, 5 and 7 on the submitted arborist report dated 28 October 2016). These trees include:

- An 8 metre high Sweet Pittosporum with an 8 metre wide canopy.
- A 16 metre high *Eucalyptus botryoides* (referred to as Ecephalocarpa Mealy Stringybark in the submitted Treelogic report with a 15 metre wide canopy).
- A 14 metre high Box Elder with a canopy width of 14 metres.

Given the height and branch spread of the trees proposed to be removed, a planning permit is required under the Significant Landscape Overlay.

Clause 43.02 - Design and Development Overlay – Schedule 6

Pursuant to Clause 43.02-2 a permit is required to construct a building or construct or carry out works unless a schedule to this overlay specifically states that a permit is not required.

Clause 2.0 of Schedule 6 to the Overlay states that a permit is not required for buildings and works.

Clause 4.0 of Schedule 6 to the Overlay requires that, where a permit is required to use land or for the construction of a building or the construction or carrying out of works under another provision in this scheme, notice be given to the EPA, Transurban City Link Ltd and the Roads Corporation.

These bodies were notified of the application and VicRoads advised that it does not object and provides no comment under Clause 43.02. The EPA advised that they had no concerns with the proposal. Transurban City Link Ltd did not respond.

Clause 44.04 - Land Subject to Inundation Overlay

Pursuant to Clause 44.04-1 a permit is required to construct a building or construct or carry out works.

Pursuant to Clause 44.04-5 an application must be referred to the relevant floodplain management authority (Melbourne Water).

Particular Provisions

Clause 52.05 – Advertising Signs

Pursuant to Clause 52.05-10 a permit is required for business identification signage. This provision requires that the total advertisement area to each premises must not exceed 3 square metres.

The proposal includes two business identification signs with a total combined advertisement area of 5.43 square metres.

Clause 52.06 – Car Parking

There is no car parking rate for a minor sport and recreation facility under Clause 52.06. Pursuant to Clause 52.06-6 where a car parking requirement is not specified, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority

Clause 52.17 – Native Vegetation

Pursuant to Clause 52.17-2 permit is required to remove, destroy or lop native vegetation, including dead native vegetation. Typically, there is an exemption for native vegetation removal where it is on land which, together with all contiguous land in one ownership, has an area of less than 0.4 hectare. Given the overall subject site has an area of 19,757 square metres, this exemption does not apply in this instance.

It is proposed to remove 1 native tree. Under Clause 72 of the Planning Scheme native vegetation is defined as plants that are indigenous to Victoria. Of the three trees proposed to be removed, only the *Eucalyptus botryoides* (listed as *Eucalyptus cephalocarpa* in the submitted Arborist report) is a Victorian native. Accordingly, its proposed removal requires a planning permit.

Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

Pursuant to Clause 52.29 a permit is required to create or alter access to a road in a Road Zone, Category 1.

An application must be referred to VicRoads.

Relevant Planning Policies

Clause 09	Plan Melbourne
Clause 11.06	Metropolitan Melbourne
Clause 12	Environment and Landscape Values
Clause 15	Built Environment and Heritage
Clause 15.03	Aboriginal Cultural Heritage
Clause 21	Municipal Strategic Statement
Clause 21.03	Vision
Clause 21.06	Built Environment and Heritage
Clause 21.07	Open Space and Environment
Clause 22.18	Stormwater Management Policy (Water Sensitive Urban Design)
Clause 36.02	Public Park and Recreation Zone
Clause 42.03	Significant Landscape Overlay
Clause 43.02	Design and Development Overlay
Clause 44.04	Land Subject to Inundation Overlay
Clause 52.05	Advertising Signs
Clause 52.17	Native Vegetation
Clause 52.29	Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
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 North Ward and one objection on behalf of the Powerhouse Rowing Club was received. The objection is summarised as follows:

- Trailer space is proposed to be extended and similar permission is desired for the Powerhouse boatshed facility and rowing club. (Planner Note: the Powerhouse Rowing Club includes separate boat ramp access and landing deck to the east of the subject site).
- Formalisation of car parking reduces the number of spaces available.
- Request a construction management plan for boat staging and construction of the overall development.
- Addition of another school using facilities will impact current users and car parking.

No consultative meeting was held.

It is noted that following advertising of the application the plans were revised to address referral comments from Melbourne Water who initially objected to the application on issues relating to setbacks from the Yarra River and impacts on the natural processes (movement and erosion of banks) on the river. It was considered that re-advertising was not required given that the changes to the plans were minor and would not result in increased detriment compared with the advertised plans.

Referrals

Melbourne Water

Planner Note:

It is noted that Melbourne Water originally objected to the application (response dated 8 December 2016). The applicant subsequently revised plans (application plans Council date stamped 23 June 2017) to address the concerns of Melbourne Water. The plans included access to boat ramp realigned with the curvature of the river, shared footpath added to river bank, relocation of north-west staircase, and the boat storage replaced with open trailer parking.

Melbourne Water withdrew their objection and advised that the proposal is supported subject to the following conditions.

- The extension of the boat shed including staircases and upper levels must be set back 20 metres from the top of the Yarra River.
- Prior to the endorsement of plans - a detailed landscape plan must be submitted to Melbourne Water for approval.
- The finished floor level of the boat sheds ground floor is to be no lower than the existing level of the boatshed.
- The ground floor of the boathouse must not be used for any other purposes other than the storage of boats and associated equipment.
- A Flood Response Plan must be prepared to manage the ongoing effective management of flood risks at the site.
- No development or carparking is allowed within 15 metres of the top of bank (with the exception of the existing boat apron) and this area shall be revegetated to the satisfaction of Melbourne Water.

- Prior to the commencement of works, a Site Management Plan detailing pollution and sediment control measures, must be submitted to Melbourne Water for approval.
- All electrical and plumbing fittings must be to the standards of the Relevant Authority for areas subject to inundation, for all services contained within the ground floor.

Planner Note:

As per the requirements of Melbourne Water, the proposal:

- Maintains the floor level of the existing ground floor at 6.31 metres to AHD.
- Ensures that there is no development proposed within 15 metres of the top of bank (with the exception of the existing boat apron). The proposed car parking and this area is setback a minimum of 15 metres from the top of bank.

It is noted that, to reinforce the requirements of Melbourne Water, a condition will be included on any permit issued requiring revised plans to show the entire building with a minimum setback of 20 metres measured from the top of the Yarra River.

All other Melbourne Water requirements will be included as conditions on any permit issued.

VicRoads

- VicRoads advised that they have considered the application and do not object and do not require the inclusion of any conditions.

Parks

- Three mature trees are listed to be removed during the proposal. Council has no objection to these removals.
 - Tree 4 – *Pittosporum undulatum* (Sweet Pittosporum).
 - Tree 5 – *Eucalyptus botryoides* (*E.cephalocarpa* in the submitted Arborist report).
 - Tree 7 – *Acer negundo* (Box Elder).
- A Tree Management Plan (TMP) must be conditioned to ensure that all retained trees are sufficiently protected during construction works at this site.
- The Tree Management Plan must also address details / methods of the car park construction within the TPZ's of all retained trees.
- The TMP must address the method of construction for the retaining wall adjacent to Tree 6.
- The landscape species palette is acceptable - Detail on numbers to be planted, installation sizes and locations to be supplied.
- Note – Only shrubs / grasses can be planted within 13m of the electricity transmission wires.

Transport and Parking

- There is no specific rate for car parking and the car parking on site must be provided to the satisfaction of the responsible authority.
- The parking surveys undertaken were not conducted at the proposed peak times.
- The provision of 27 car spaces may be less than the current informal parking provision on site.
- The accessway as designed allows vehicles to exit in a forwards direction, and has a minimum width greater than 3m. This is considered reasonable. The width is such that vehicles can pass at the entry.
- The proposal is to have parking spaces on-site very close to the property boundary. In this area Alexandra Avenue is classified as a Road Zone, and therefore to accord with the Planning Scheme the first space must be at least 6m from the carriageway.
- The required sight distance triangle at the exit lane from the parking area has been adequately shown on the plans. This area must be kept clear.
- Regular parking space dimensions are generally 4.9m long by 2.6m wide accessed via a 6.4m wide aisle.
- There are no walls or other constraints shown on the plans to limit door opening.
- The plans provided do not clearly indicate what (if any) grades will be present in the parking area or along the access aisles. It appears that there is some grade change across the site, and therefore it is recommended that this be clearly shown on revised material to allow for assessment.
- The proposal is to provide four (4) double-sided bicycle rails, for a total of eight (8) bicycle spaces. It is recommended that a greater bicycle parking supply be provided, to encourage greater use of sustainable modes.
- The proposal is to provide the bicycle parking as four (4) double sided rails. The applicant is to include the relevant dimensions on the plan to allow for assessment against the requirements of AS 2890.3:2015.
- It is unclear from the material provided whether the parking will be made available for the public when not being used for rowing, or if so how this will be secured. This should be clarified. The management arrangements should be developed prior to any works commencing.

Planner Note:

The applicant has advised they are willing to provide bicycle parking for 20 bicycles on site. This responds to the referral comments above and will help supplement the car parking provision on site. This will be addressed via a condition of any permit issued.

KEY ISSUES

Strategic Justification

The subject site is located within a Public Park and Recreation Zone, the purpose of which is to:

- To recognise areas for public recreation and open space.
- To protect and conserve areas of significance where appropriate.
- To provide for commercial uses where appropriate.

As the proposed works are to extend an existing boatshed and upgrade the associated boat ramp used for recreation, it is considered that the proposal is generally consistent with the purpose of the zone.

The proposal is considered to meet the objectives of the Land Subject to Inundation Overlay as Melbourne Water has assessed the proposal and has no objections to the works subject to conditions. These conditions will ensure the appropriate measures to protect the existing river system.

Clause 12.05 (Rivers) of the Planning Scheme seeks to maintain and enhance the natural landscape character of the Yarra River corridor in which the topography, waterway, banks and tree canopy are dominant features providing a highly valued, secluded, natural environment for the enjoyment of the public. Clause 21.06 (Overall Urban Structure) also seeks to protect and reinforce the Yarra River environs as well as manage the height and design of future development to enhance the City's landmarks, main streets, boulevards and key views and vistas, including the Yarra River environs. It is considered that the proposal is consistent with the intent to plan for use and enjoyment of the Yarra River for recreation and tourism and results in no significant change to the use of the site and surrounding river environs.

Clause 21.07 (Open Space and Environment) includes objective and strategies to manage the impact of development in public open spaces. Clause 21.07-3 (Significant Trees and Landscape) seeks to protection trees and environmental values of the Yarra River edge. The visual intrusion of buildings beside waterways is to be minimised in order to protect the visual amenity of the waterway and associated trails and green spaces. Opportunities should be sought to increase and replace significant trees. Whilst the proposal includes new built form closer to the river, the landscape response will screen this and provide increased vegetation throughout the northern and western setbacks to the river. Given that these areas are sparsely vegetation at present, the proposal will result in net benefit with regard to vegetation and landscape character of the River.

The subject site is located in an area of cultural heritage sensitivity and pursuant to Clause 15.03-2 (Aboriginal Cultural Heritage) it is policy that planning consider the *Aboriginal Heritage Act 2006* for all Aboriginal cultural heritage. The *Aboriginal Cultural Heritage Act 2006* stipulates that under the *Aboriginal Heritage Regulations 2007* a cultural heritage management plan must be completed for any area that has cultural heritage sensitivity.

Section 46 of the *Aboriginal Heritage Act 2006* states that a cultural heritage management plan is required for a proposed activity if the regulations require the preparation of the plan for the activity. Pursuant to Regulation 43(3) of the *Aboriginal Heritage Regulations 2007*, the proposal is not a high impact activity as it is associated with a purpose for which the land has been lawfully used immediately before the commencement day of the *Aboriginal Heritage Act 2006* (which was 28 May 2007). Given that the land has been used for minor recreation facility (boat shed) since before 28 May 2007, the proposal is deemed to constitute minor works and a cultural heritage management plan is not required.

Since the boatshed has been operating for over 15 years continuously, it enjoys existing use rights. In *Wellington v Surf Coast SC (includes summary)(Red Dot)* [2011] VCAT 2317, Deputy President Dwyer found 'under established common law principles, an existing use may be continued, even with intensification of the use and/or additional amenity impacts, provided the purpose of the use did not change'. Therefore, it is permissible for the boatshed to increase the capacity and number students/users utilising the facility without obtaining planning permissions, even if this may cause additional impacts on the area.

Built Form

The proposal seeks to extend the existing boatshed facility 14.4 metres to the north of the existing building.

Clause 12.05-2 (Yarra River Protection) seeks to ensure that development is designed and sited to maintain and enhance the river's secluded and natural environment by:

- *Minimising the visual intrusion of development when viewed from major roads, bridge crossings, public open space, recreation trails and the river itself.*
- *Ensuring that the siting and design of buildings avoid contrast with the local natural landscape and environmental character.*
- *Ensuring building height is below the natural tree canopy and all development is set back a minimum of 30 metres, or greater, from the banks of the river.*

Based on an officer assessment, the extended building including boat storage will have a minimum setback that falls short of the preferred 30 metres referred at Clause 12.05-2. In other areas of the site, the proposal has a maximum setback of 35 metres to the north and north-east of the building. This variation in setbacks occurs due to the irregular curvature of the river bank.

Overall, the majority of the building is considered to achieve the setbacks envisioned by Clause 12.05-2. The reduced setback has been accepted by Melbourne Water, subject to a slight increase in setback to the northwestern corner such that no building is set closer than 20m when measured from *the top of the banks* (albeit still less than 30m when measured from the *banks of the river*, which is the test referred to in Clause 12.05-2). This setback has been accepted by Melbourne Water particularly given the area to the north and west of the building will be strongly landscaped. This will help to soften the appearance of the building and minimise its visual intrusion when viewed from the river to the north. This would also be an improvement compared with existing conditions given that there is minimal landscaping in this area at present. It is considered that, despite the reduced setback in some areas, the proposal addresses the objective and strategies at Clause 12.05-1 (River Corridors) to ensure new development is sensitively designed and sited to maintain and enhance environmental assets, significant views and the landscapes along all river corridors.

To the west, the proposed building is setback approximately 30 metres from the river bank. This western setback will be occupied by an altered concrete apron providing access to the boat landing deck. There is an existing concrete apron in this location and the proposal will not significantly change this existing condition.

The extended building will have a single storey appearance as viewed from the north, south and east with a height of 4.1 – 5.5 metres. This is considered low scale and will not present an overly dominant form in the landscape as viewed from the north, south and east. To the west the site is cut in to enable access between the boat storage and the boat landing deck on the river. To this interface the proposal will have a maximum overall height of 6.79 metres. This is considered acceptable as the existing boat shed and ramp access is currently designed this way. The proposal seeks to utilise the same mode of access and storage, albeit from a larger building. The river bank curves around the west boundary of the site and the master plan (Sheet 01) shows a number of new trees in this location, as such much of the extension will be screened from the river. This addresses the objective and strategies at Clause 12.05-2 (Yarra River Protection) to minimising the visual intrusion of development when viewed from major roads, bridge crossings, public open space, recreation trails and the river itself.

The proposal also includes new, formalised car parking and vehicle access to the east of the boat shed building. This will result in additional paving on the site, however, the arborist report submitted by the applicant recommends that consideration be given to construction of a permeable driveway allowing for the continuous movement of moisture and oxygen, necessary for root growth, to penetrate into the ground where car parking and driveways are located near to trees. It is recommended that this be required as a condition of any permit issued in order to protect the retained trees on site.

Land Subject to Inundation Overlay

It is considered that the proposal accords with the purpose of the Land Subject to Inundation Overlay to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

Melbourne Water has advised that the proposal is satisfactory provided it meets specified conditions.

Car Parking

It is proposed to construct car parking and vehicle access with 27 car spaces provided from a widened vehicle crossover.

There is no car parking rate specified for minor recreation facility. As such, car parking is to be provided to the satisfaction of the Responsible Authority. It is considered that the proposal provides the maximum number of car spaces able to be constructed on site, having regard to avoiding adverse impacts on the river bank to the north, and the design standards for car parking spaces and vehicle accessways at Clause 52.06-8.

It is acknowledged that the proposal will most likely result in a reduction in car parking capacity given the current informal arrangement on site. However, the proposed formalisation of car parking, the design and layout of which complies with the Planning Scheme, is considered an improvement as it will improve vehicle movement and safety.

The existing boatsheds are currently used by Wesley College and the extended boatshed is proposed to also be used by Melbourne High School. The applicant has advised that scheduling of use of the boatshed will be organised to ensure that only one school is on site at any one time. The proposal may result in the boat storage facility being used for longer periods and possibly more frequently than under existing conditions. However, the peak user numbers on the site at any one time will be consistent with existing operations.

It is noted that Council's Transport and Parking Unit have recommended that additional parking surveys be undertaken to establish car parking demand. The use of the facility between the two schools will be coordinated to ensure no overlapping and therefore no increase in peak utilisation at any one time. The only exception to this is rowing regattas which occur twice a year. This is considered an infrequent occurrence that will not impact the car parking function of the site on a day-to-day basis. As such, the peak parking demand generated by the site is not expected to increase. Accordingly, car parking as proposed is considered acceptable and it is not considered necessary to require further parking surveys to be undertaken.

Buses associated with the use of the site utilise existing nearby on-street parking including car spaces restricted to 'No Stopping 2:30-7:30pm Mon-Thu, Feb-Mar Oct-Dec, Buses Excepted' to allow bus parking during the rowing season.

The applicant has advised that there will be no increase to the number of buses associated with the site at any one time and that they will continue to use nearby on-street parking as consistent with existing conditions.

A total of 46 line marked parking spaces are provided along Alexandra Avenue within the vicinity of the boatshed area on the subject site including approximately six (6) spaces (predominately unrestricted) directly adjacent to the site. This will supplement the parking to be provided on site.

As confirmed by Council's Transport and Parking Unit, the design of car spaces and the accessway is acceptable. The following details should be addressed via conditions if a planning permit is issued:

- Grades of the parking area and access aisles.
- Dimensions of bicycle parking spaces in accordance with Australian Standard 2890.3:2015.
- Details of management of car parking including confirmation that the parking will be made available for the public when not being used for rowing.

Tree Removal

It is proposed to remove 3 trees from the land.

A permit is required to remove the *Eucalyptus botryoides* (listed as *Eucalyptus cephalocarpa* in the submitted arborist report) under Clause 52.17 of the Planning Scheme.

Decision guidelines at Clause 52.17 require consideration of:

- *The contribution that native vegetation to be removed makes to Victoria's biodiversity. This is determined by:*
 - *The extent and condition of the native vegetation.*
 - *The biodiversity value of the native vegetation, including whether the native vegetation is important habitat for rare or threatened species.*
- *Whether the removal of native vegetation is defined as being in the low, moderate or high risk-based pathway, as defined in the Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013) and apply the decision guidelines accordingly.*

Decision guidelines at Clause 42.03-4 require consideration of the reasons for and effect of removing vegetation, the extent of replacement planting.

The native vegetation to be removed includes one tree and the arborist report submitted with the application indicates that this tree has fair-poor structure, has incipient decay, and previous branch failures. The vegetation to be removed is not extensive and not considered to be in a condition that would make it worthy of retention. The proposal includes replacement planting (as shown on the Masterplan Sheet 01) which is more extensive than the landscaping along the riverbank at present. Council's Parks Unit have advised that the proposed tree removal is acceptable.

Clause 52.17-6 requires that biodiversity impacts of the removal of native vegetation be offset in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013)*.

The conditions on a permit for the removal of native vegetation must specify this offset requirement. Based on the results of the native vegetation information management tool, a general offset of 0.011 (general biodiversity equivalence units) is required.

Conditions will be included on any permit issued requiring a native vegetation offset in accordance with the above and with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013)*.

Conditions will also be included requiring a tree management plan for all trees which are to be retained on site.

Subject to conditions the proposal tree removal is considered acceptable.

Advertising Signs

Pursuant to Clause 52.05-10, the total advertisement area to each premises must not exceed 3 square metres. Signage exceeding this area is prohibited. Given the proposed signage has a total combined advertisement area of 5.43 square metres, a condition will be included on any permit issued requiring that the proposed signage to the premises be reduced to a maximum of 3 square metres.

The applicant has advised that the signage shown on the plans is for indicative purposes only. As such, a condition will be included to require details as to the dimensions, materials and locations of both proposed signs.

Relevant decision guidelines at Clause 52.05-3 require consideration of the sensitivity of the area in terms of the natural environment, waterways and open space and the potential to obscure or compromise important views from the public realm.

In order to protect views to the building and site from the Yarra River, it is considered that the any sign on the north elevation should be relocated to the south or west elevation. This condition, combined with the requirement to reduce the total advertisement area to 3 square metres will ensure that signage is minimal and does not overwhelm or disrupt the landscape character or river environs. Overall, the signage is considered to have a lightweight, simple appearance and is acceptable subject to conditions.

It is noted that the existing signage located on the northern elevation of the existing building is understood to be unlawful and would need to be removed to facilitate the extension of the building proposed by this Permit.

Water Sensitive Urban Design (WSUD)

The applicant has submitted a STORM Rating report Council date stamped 8 November 2016.

The proposal has been amended since the submission of this STORM Rating report and, as such, the WSUD response needs to be updated. Accordingly, a condition will be included on any permit issued requiring this.

Objections

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

- Trailer space is proposed to be extended and similar allowance is desired for Powerhouse Rowing Club.
The Power House Rowing Club is not part of this application. Any extension to the Powerhouse boatsheds would need to go through a similar process of obtaining consent from Council and applying for planning approval.
- Request a management plan for boat staging and construction of the overall development.
The construction of the development is not a planning consideration. This will be controlled under building regulations and building local laws.

Human Rights Consideration

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

CONCLUSION

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

- The proposal provides a satisfactory design response to the river environs as well as the Land Subject to Inundation Overlay (subject to conditions).
- The proposal is acceptable with regard to tree removal.
- The proposal will not have a detrimental impact on adjoining properties.

ATTACHMENTS

1. PA - 1045-14 - Wesley Boatshed 160 Alexandra Avenue South Yarra - Plans
Attachments 1 of 1

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit No: 1045/14 for the land located at Wesley Boatshed, 160 Alexandra Avenue, South Yarra be issued under the Stonnington Planning Scheme for buildings and works associated with an existing Section 2 Use (minor recreation facility) subject to the following conditions:

1. ***Before the commencement of the development, 1 electronic 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 known as Drawing No's. Sheet 1 Council date stamped 03 June 2017; TP.00, TP.01, TP.02, TP.03, TP.04, TP.05, TP.06, TP.07, TP.08, TP.09, TP.10, TP.11, TP.12, TP.13 Council date stamped 23 June 2017; and Sheet 2 and Sheet 3 Council date stamped 8 November 2016 but modified to show:***

- a) *The extension of the boat shed including staircases and upper levels set back 20 metres from the top of the Yarra River in accordance with Condition 8.*
- b) *Bicycle parking spaces to accommodate a minimum on 20 bicycles.*
- c) *Dimensions of bicycle parking spaces in accordance with Australian Standard 2890.3:2015.*
- d) *Details of management of car parking including confirmation that the car parking will be made available for the public when not being used for rowing, with associated signage throughout the site to reflect this public availability.*
- e) *Details of all signage including dimensions, materials and locations, such that they are no larger than a total of 3 square metres and that no sign be on the northern or western elevation.*
- f) *Any changes required by the Landscape Plan in accordance with Conditions 3 & 18.*
- g) *Any changes required by the Tree Management Plan in accordance with Condition 15.*
- h) *Any changes required by the water sensitive urban design response in accordance with Condition 16.*
- i) *Any changes required by the Flood Response Plan in accordance with Condition 21.*
- j) *Any changes required by the Site Management Plan in accordance with Condition 23.*

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 three copies must be provided. The landscape plan must show:*
 - a) *Any requirements of Melbourne Water pursuant to Condition 18.*
 - b) *Tree planting throughout the northern and western setback generally consistent with the indicative landscaping shown on the Masterplan Sheet 01 Council date stamped 3 June 2017 and the Plant Palette Sheet 03 Council date stamped 8 November 2016.*
 - c) *A survey (including botanical names) of all existing vegetation to be retained and/or removed.*
 - d) *Details of surface finishes of pathways and driveways, including permeable paving as required by the TMP.*
 - e) *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.*
 - f) *Landscaping and planting within all open areas of the site.*
 - g) *The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.*

- h) Details of all proposed hard surface materials including pathways, patio or decked areas.**
- i) Only shrubs / grasses can be planted within 13 metres of the electricity transmission wires.**

All to the satisfaction of the Responsible 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. Prior to native vegetation removal, an offset plan showing appropriate offsets to compensate for the removal of the *Eucalyptus botryoides* (*E.cephalocarpa* in the submitted Arborist report) native tree must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed by the responsible authority and form part of the planning permit. Maps or plans forming part of the offset plan must be drawn to scale with dimensions. The plan must include details of the:**
 - (a) Vegetation to be removed.**
 - (b) Gain targets.**
 - (c) Offset(s) to compensate for the vegetation removal including:**
 - i. A general offset of 0.011 (general biodiversity equivalence units).**
 - ii. The contribution to Victoria's biodiversity made by the offset must be equal to the loss of the contribution to Victoria's biodiversity from the removal of native vegetation.**
 - iii. The offset site must be located within the same Catchment Management Authority boundary as the native vegetation to be Removed (Port Phillip and Westernport Catchment Management Authorities).**
 - iv. A compliant offset must be secured in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013).**
 - (d) Details of any proposed vegetation including number of trees, shrubs and other plants, species mix, and density.**
 - (e) Methods of managing and restoring the existing vegetation to be retained.**
 - (f) Methods of interim protection for newly established vegetation.**
 - (g) Methods of permanent protection for established offset(s).**
 - (h) Persons responsible for implementing and monitoring the offset plan.**
 - (i) Time frame for implementing the offset plan.**

All to the satisfaction of the Responsible Authority.

- 6. Vegetation removal and the provision of offsets must accord with the endorsed offset plan to the satisfaction of the Responsible Authority.**
- 7. The offset plan is required to ensure that the principles of the Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013) are followed to the satisfaction of the Responsible Authority.**

8. ***The offset area(s) specified in the offset plan endorsed by this permit must be permanently protected and maintained in perpetuity to the satisfaction of the Responsible Authority.***
9. ***Pest plants and animals must be controlled in the offset area(s) to the satisfaction of the Responsible Authority.***
10. ***The offset area(s) must be managed to ensure that high threat environmental weeds are eliminated and controlled to the satisfaction of the Responsible Authority.***
11. ***Unless with the further consent of the Responsible Authority, the offset plan endorsed under this permit must be implemented to the satisfaction of the Responsible Authority prior to vegetation removal occurring.***
12. ***Machinery related to vegetation removal and planting of offsets must be cleaned prior to entering the construction / vegetation removal site and after leaving the site with appropriate cleaning agents to restrict the spread of weeds, phytophthora root disease and other soil borne diseases to the satisfaction of the Responsible Authority.***
13. ***All earthworks must be undertaken in a manner that will minimise soil erosion and adhere to construction techniques for sediment pollution control (EPA 1991) and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority.***
14. ***No environmental weeds may be planted on or allowed to invade the site.***
15. ***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 to be retained (as detailed in the in the arborist report prepared by Tree Logic, dated 28 October 2016) located within the vicinity of the Wesley Boatsheds.

Without limiting the generality of the tree management plan it must include the following:

- a) ***A section on 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) ***A section on during-construction – details to include watering regime during construction and method of protection of exposed roots.***
- c) ***Section on post-construction – details to include watering regime and time of final inspection when barrier can be removed and protection works and regime can cease.***

- d) *Details / methods of the car park construction within the tree protection zones of all retained trees. This must include permeable driveway allowing for the continuous movement of moisture and oxygen, necessary for root growth, to penetrate into the ground where car parking and driveways are located near to trees.*
- e) *Details / method of construction for the retaining wall adjacent to Tree 6.*

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. All to the satisfaction of the Responsible Authority.

- 16. *Concurrent with the endorsement of plans, the applicant must provide a Water Sensitive Urban Design Response addressing the Application Requirements of the Water Sensitive Urban Design Policy to the satisfaction of the Responsible Authority. All proposed treatments included within the Water Sensitive Urban Design Response must also be indicated on the plans.*

MELBOURNE WATER CONDITIONS

- 17. *The extension of the boat shed including staircases and upper levels must be set back 20 metres from the top of the Yarra River.*
- 18. *Prior to the endorsement of plans a detailed landscape plan must be submitted to Melbourne Water for approval.*
- 19. *The finished floor level of the boat sheds ground floor is to be no lower than the existing level of the boatshed.*
- 20. *The ground floor of the boathouse must not be used for any other purposes other than the storage of boats and associated equipment.*
- 21. *A Flood Response Plan must be prepared to manage the ongoing effective management of flood risks at the site. The plan is to address the following:*
 - a) *River gauge and continuous monitoring;*
 - b) *Clear protocol to activate the flood response plan;*
 - c) *Flood depth indicators;*
 - d) *The on-going maintenance and commitment to the plan;*
 - e) *Flood advisory signs;*
 - f) *Evacuation procedures and assembly points;*
 - g) *Flood proofing of buildings and structures to minimise flood damage; and*
 - h) *A recovery procedure after the flood has receded.*

The plan must require that the land manager/tenant register the final flood response plan with Council and all relevant emergency services. The flood response plan must also be binding to successors in title to provide for ongoing effective management of flood risks.

- 22. *No development or carparking is allowed within 15 metres of the top of bank (with the exception of the existing boat apron) and this area shall be revegetated to the satisfaction of Melbourne Water.*

23. ***Prior to the commencement of works, a Site Management Plan detailing pollution and sediment control measures, must be submitted to Melbourne Water for approval.***
24. ***All electrical and plumbing fittings must be to the standards of the Relevant Authority for areas subject to inundation, for all services contained within the ground floor.***

END MELBOURNE WATER CONDITIONS

25. ***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.***
26. ***The level of the footpaths and/or laneways must not be lowered or altered in any way to facilitate access to the site.***
27. ***Prior to the commencement of any works over any easement, the permit holder must obtain approval from the relevant authorities to remove and/or build over the easements pertaining to the site to the satisfaction of the Responsible Authority.***
28. ***Only shrubs / grasses can be planted within 13 metres of the electricity transmission wires.***
29. ***The location and details of the signs, including those of the supporting structure, must be in accordance with the endorsed plans, unless otherwise agreed in writing by the Responsible Authority.***
30. ***The signs must be maintained to the satisfaction of the Responsible Authority.***
31. ***The signs must not contain any flashing or moving light.***
32. ***The signs must not be illuminated by external or internal light.***
33. ***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.***
 - c) ***The signs are not erected within 2 years of the date of this permit.***
 - d) ***This permit, as it relates to signage, expires 15 years from the permit issue date.***

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

- i. 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***

- ii. 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:***
 - a) Before or within 6 months after the permit expiry date, where the development allowed by the permit has not yet started; and***
 - b) Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.***

5. PLANNING APPLICATION 0221/17- 37 WESTBOURNE STREET, PRAHRAN VIC 3181- PART DEMOLITION, ALTERATIONS AND ADDITIONS TO A DWELLING ON A LOT LESS THAN 500SQM IN A NEIGHBOURHOOD RESIDENTIAL ZONE, SPECIAL BUILDING OVERLAY AND HERITAGE OVERLAY.

Acting Manager Statutory Planning: Gareth Gale
General Manager Planning & Amenity: Stuart Draffin

PURPOSE

For Council to consider a planning application for part demolition, alterations and additions to a dwelling on a lot less than 500sqm in a Neighbourhood Residential Zone, Special Building Overlay and Heritage Overlay at 37 Westbourne Street, Prahran.

Executive Summary

Applicant: Miss Kate Hatherley
Cera Stribley Architects
Ward: South
Zone: Neighbourhood Residential Zone - Schedule 3
Overlay: Heritage Overlay (Schedule 370 - *Westbourne Street Precinct*)
Special Building Overlay
Neighbourhood Precinct: Inner Urban
Date lodged: 21 March 2017
Statutory days: (as at 107
council meeting date)
Trigger for referral to Councillor call up
Council:
Number of objections: One (1)
Consultative Meeting: Yes - held on 4 July 2017
Officer Recommendation: Issue a Notice of Decision to Grant a Planning Permit

BACKGROUND

The Proposal

The plans that form part of the basis of Council's consideration were prepared by Cera Stribley Architects and are known as File No. 221/17, Drawing No.s: TP 101 to TP105, TP 200 to TP 206, TP 300 and TP 301 and TP 500 to TP 503 and Council date stamped 3 May 2017.

Key features of the proposal are:

- Partial demolition of the rear of the existing dwelling and rear shed.
- Construction of a ground floor addition comprising a master bedroom ensuite, laundry, kitchen, dining and living area. A deck and pool is proposed at the rear of the site on the southern corner.
- Construction of a first floor level comprising a further 2 bedrooms and a bathroom.
- Overall, the extended dwelling will contain 3 bedrooms.

- The building will have a maximum height of 6.41m above natural ground level and will be finished in cement render, timber cladding and charcoal metal sheets with timber batten screening, black aluminium windows frames and a metal roof at the rear of the site. The existing roof at the front of the dwelling will be retained.
- The first floor addition will be setback behind the original roof of the existing dwelling at a distance of approximately 12.3 metres from the street and 7.6 metres behind the principal façade.

Site and Surrounds

The site is located on the western side of Westbourne Street, approximately 65 metres south of the intersection with Malvern Road. The subject site sits in a row of four intact Victorian cottages. The built form of Westbourne Street is comprised of predominantly modest Victorian Workers' cottages that are of single storey built form with first floor extensions to the rear of some existing dwellings.

The site has the following significant characteristics:

- The site is rectangular in shape with a frontage to Westbourne Street of 6.24 metres, a rear boundary of 6.36 metres and an average site depth of 31.70 metres. The site covers a total area of approximately 201m².
- The land is currently developed with a single storey Victorian timber cottage (B graded under the heritage citation of HO370).
- The dwelling has two bedrooms and an open plan living, dining, kitchen area.
- Secluded private open space is located to the rear on the western side of the dwelling.
- A laneway (Morgans Lane) runs along the western boundary (parallel with Westbourne Street) and is accessed from Westbourne Street.
- A shed is located at the rear of the site.
- There is a street tree at the front of the subject site. The street tree will be retained.
- Trees will be removed at the rear of the site.

The sites immediate abuttals are as follows:

- To the immediate north of the subject site is No. 39 Westbourne Street. No. 39 Westbourne Street is occupied by a single storey weatherboard dwelling with a pitched metal roof at the rear and a pitched tiled roof at the front. The dwelling is a B graded building. An area of west facing secluded private open space is located to the rear of the dwelling. The wall on the southern boundary abutting the proposed development extends for a length of approximately 20.8 metres.
- To the immediate south of the subject site is No. 35A and No. 35B Westbourne Street. No. 35A and No. 35B Westbourne Street is occupied by two attached rendered dwellings with a flat roof. The dwellings are ungraded buildings. An area of west facing secluded private open space is located to the rear of each dwelling. The first floors of No. 35A and No. 35B Westbourne Street are setback approximately 8.543 metres from the street. The dwelling at No. 35B Westbourne Street interfaces with the subject site and contains one north facing window on the first floor that is setback approximately 1.685 metres from the boundary and one north facing courtyard at ground floor level.
- To the west of the subject site is Morgans Lane. Further west on the opposite side of Morgans Lane is No. 34 Errol Street. No. 34 Errol Street is occupied by a single storey brick dwelling with a pitched, tiled roof. An area of east facing secluded private open space is located to the rear of the dwelling.

- To the north of the subject site is No. 41 Westbourne Street. No 41 Westbourne Street is comprised of a single storey Victorian Workers' cottage with a first floor extension located 12.035 metres from the street. The dwelling is a B graded building that has a pitched roof at the front and a flat roof at the rear of the site. An area of west facing secluded private open space is located to the rear of the dwelling.

Previous Planning Application(s)

Nil

Relevant surrounding planning application(s)

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

- Planning Permit No. 14/15 for 41 Westbourne Street Prahran issued on 30 June 2015 for 'part demolition and construction of alterations and additions to an existing dwelling on a lot less than 500 square metres in a Neighbourhood Residential Zone, A Heritage Overlay and a Special Building Overlay'. The permit is similar to this application and allows for a double storey addition, with the first floor setback 12.035 metres from the street. The permit has been acted upon.

The Title

The site is described on Certificate of Title Volume 04117 Folio 234 / Lot 1 on Title Plan 698090M. No covenants or easements affect the land.

Planning Controls

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

Zone

Clause 32.09 - Neighbourhood Residential Zone (Schedule 3)

Pursuant to Clause 32.09-4 a permit is required to construct or extend one dwelling on a lot less than 500sqm. A development must meet the requirements of Clause 54.

Schedule 3 to the Neighbourhood Residential Zone also includes modified ResCode Standards as follows:

	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 Road Zone, Category 1. Other streets 1.2 metres maximum height.

As the application was lodged on 21 March 2017, prior to the gazettal of Amendment VC110, the minimum garden area requirement and the maximum number of storey requirement do not apply. In any event the proposal would be consistent given it is two (2) storeys and under 400sqm so there are no garden area requirements.

Overlay

Clause 43.01 - Heritage Overlay

Pursuant to Clause 43.01-1 a permit is required to construct a building or construct or carry out works, including demolition.

Particular Provisions

Clause 52.06 – Car Parking

Pursuant to Clause 52.06-1, Clause 52.06 does not apply to the extension of one dwelling on a lot in a Neighbourhood Residential Zone. Therefore, the requirements of Clause 52.06 are not applicable to this application.

Clause 54 – One dwelling on a lot

A development:

- Must meet all of the objectives of this clause.
- Should meet all of the standards of this clause.

Amendment C132 – Heritage Policy

Amendment C132 seeks to replace and update the Heritage Policy contained at Clause 22.04 of the Stonnington Planning Scheme. The amendment was adopted by Council and was submitted 10 July 2017 to the Minister for Planning for approval, in accordance with Section 31(1) of the Planning and Environment Act 1987. Given that Amendment C132 is now a seriously entertained document, the proposal will be assessed against the updated version of Clause 22.04.

Relevant Planning Policies

Clause 15	Built Environment and Heritage
Clause 21.06	Built Environment and Heritage
Clause 22.04	Heritage Policy
Clause 22.05	Environmentally Sustainable Development
Clause 22.18	Stormwater Management
Clause 22.23	Neighbourhood Character Policy
Clause 32.09	Neighbourhood Residential Zone
Clause 43.01	Heritage Overlay
Clause 44.05	Special Building Overlay
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 one sign on the site). The public notification of the application has been completed satisfactorily.

The site is located in South Ward and one objection from one property has been received. In summary, the objection raised the following concern:

- As this is the first application since the regulations were implemented in Neighbourhood Character Overlay (Schedule 4), it could form a precedent.
- Side setbacks should be retained instead of building to the boundaries.
- The additions will be visible from the streetscape because it is only setback 7.5 metres from the building façade.

A Consultative Meeting was held on 4 July 2017. The meeting was attended by Councillor Hindle, the applicant, the owner, the objector, a Council Planning Officer and a Council Planning Co-ordinator. The consultative meeting did not result in any changes to the plans.

Referrals

Heritage Advisor

Council's Heritage Advisor has reviewed the plans and these comments have been summarised as follows:

- The demolition will not have a detrimental impact on the significance of the precinct or the dwelling.
- As indicated by the sight lines on the drawings the addition will not be visible from directly opposite in Westbourne Street. Some minor visibility will be possible from angled views, but as with the addition to No 41 these views should not have a detrimental impact on the precinct.
- The single storey extension to the north of the existing house will be visible, but this would not have a significant impact.
- The materials for the addition will be mainly a modern timber finish and this is Bailey appropriate.
- Overall, this proposal is supported.

Infrastructure

Council's Infrastructure Department has reviewed the plans. The most recent comments received, regarding the advertised plans have been summarised as follows:

- The applicant must engage a suitably qualified Engineer to provide a flood protection and management plan/design to address all planning permit conditions relating to flooding associated with the Special Building Overlay.
- A grated collection drainage pit (600mm square x 500mm minimum depth) must be provided at the front of the dwelling to collect and convey flood water that may enter the front of the property through to the rear. The pit must be located on the low side of the property as close as practicable to the front of the dwelling.
- The outfall drain for the above pit must be at least 225mm in diameter (sewer quality) and must extend to the rear of the new building to connect to a new 600 x 600mm grated pit from where it must be discharged to a legal point of discharge being the surface of the rear R.O.W. The size of that discharge pipe need be no more than 100mm in diameter provided that the surcharge from the rear pit is able to disperse onto the rear surface without causing damage to the rear section of the building and the neighbouring properties.
- The applicable flood level at the rear of the dwelling is 24.87m A.H.D. The new floor level shall be a minimum of 25.07m A.H.D.
- Given that the existing surface level near the Eastern end of the extension is shown as 25.27m, which is 200mm above the above minimum new floor level, that section of the building including the floor must be fully waterproofed to a level of 500mm above the existing natural surface level to prevent flooding being able to enter the building.
- 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.

Parks

Council's Arborist has reviewed the plans advertised in May 2017 and their comments are as follows:

- Landscape detail would be appropriate to ensure appropriate tree replacement occurs.

Melbourne Water:

Melbourne water has reviewed the plans advertised in May 2017 and their comments are as follows:

- Melbourne Water, pursuant to Section 56(1) of the Planning and Environment Act 1987, does not object to the proposal.

KEY ISSUES

Heritage

As detailed above, the proposal has been assessed against the updated Heritage Policy (Clause 22.04) as a result of the adoption of Amendment C132 by Council, and the subsequent submission to the Minister for Planning for approval on 10 July 2017.

The heritage place is graded B and therefore defined in Clause 22.04-2 as a '*significant place*.'

With respect to additions and alterations in residential areas, Clause 22.04-4 of the Council's Heritage Policy states that the following apply to the proposed demolition of '*significant*' buildings:

- *Discourage demolition of significant buildings.*
- *Discourage demolition of parts of significant buildings (including but not limited to significant building fabric, the primary building volume, original fences, outbuildings, gardens and other features identified in the statement of significance or heritage assessment) unless it can be demonstrated that one or more of the following apply:*
 - *The demolition is minor in scale.*
 - *The demolition will not advertised affect the significance of the heritage place.*
 - *The replacement development is sympathetic to the scale, setback and significance of the heritage place.*
- *Ensure significant building fabric is retained to conserve:*
 - *The heritage significance of the place (including the buildings, fences and gardens)*
 - *The primary building volume (including original external joinery to doors and windows, original or early shopfront features, verandahs and other features).*
 - *The intactness of the heritage streetscape (if applicable).*
- *Require all applications for full or partial demolition to be accompanied by an application for new development.*

And new alterations and additions in all areas should:

- *Retain and conserve the primary building volume and significant building fabric.*
- *Are set back behind the primary building volume (defined as the front two rooms of original dwelling).*
- *Respect the built form character of the place including but not limited to scale, form, height, street wall, siting and setbacks.*
- *Adopt a visually recessive design where the heritage place remained the dominant visual element.*
- *Are readily identifiable as new works while respecting and having minimal impact on the significance of the heritage place.*
- *Complement the materials, detailing and finishes and paint colours of the heritage place.*
- *Avoid new openings in the primary building volume and significant building fabric.*

As confirmed by Council's Heritage Advisor, the extent of demolition is considered to be acceptable and is in accordance with Council's Heritage Policy (Clause 22.04) as the works will not be significantly visible from Westbourne Street, will not impact on the heritage significance of the precinct and the primary building volume is retained. Notably, the existing chimney will be retained by the proposal.

The new works are also supported as they are well setback and will have limited visibility from Westbourne Street. Westbourne Street is a tightly packed subdivision where the dwellings typically have close boundary construction, therefore any oblique views from the proposal will be obscured by the form of the adjoining properties.

In this case, the new ground and first floor additions are setback behind the principal façade. More specifically, the proposed ground floor extension is setback a minimum of 4.35 metres from the principal façade. The setback of the additions at ground floor level are considered acceptable as they are setback appropriately so that they will have limited visibility from the street.

In terms of upper level setbacks, the below diagram sets out that which is required by Council's proposed Heritage Policy, which is a seriously entertained document.

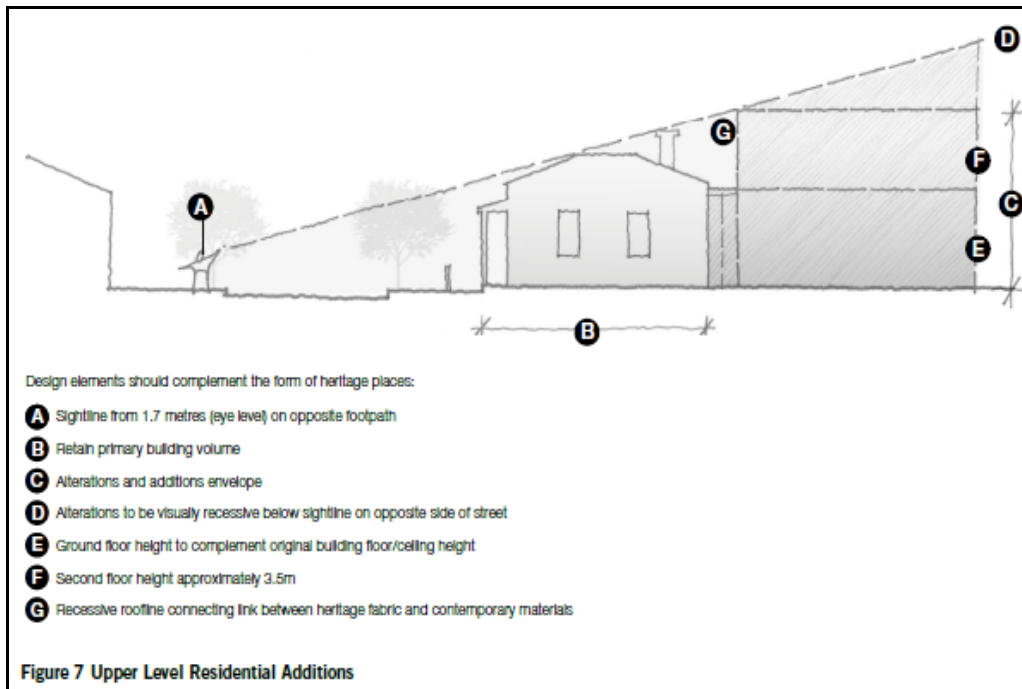


Figure 1: Upper level additions setback (Councils proposed Heritage Policy)

The proposed first floor is considered to achieve the preferred setbacks and sightlines of this diagram. The setback of the first floor at 7.6 metres from the principal façade and the first floors recessed setback from the southern boundary will ensure the first floor does not dominate or detract from the original heritage place or the wider heritage precinct.

In regards to the additions, it is a commonly held view that new works can be supported on heritage buildings where they are sympathetically integrated to provide a clear delineation between the old and new fabric. In saying this, the proposed new additions are considered to be sympathetic and complementary to the original heritage fabric.

Whilst the above is an assessment of the proposal against the updated heritage policy, the proposal is also generally consistent with the 2002 Heritage Guidelines given the extent of demolition is minor and the significant setback of the proposed first floor from the front façade.

Overall, Councils Heritage Advisor did not advise of any changes that need to be made to the proposal and supported the proposal.

Neighbourhood Character

The subject site is included in the Inner Urban Precinct as defined by Council's Neighbourhood Character Policy at Clause 22.23. Compliance with the following design guidelines will achieve the preferred character of the area. A response is provided beneath each objective:

- To encourage the retention of intact, older dwellings that contribute to the character of the area*

The principal building volume will be retained, with the new addition setback behind the principle building facade.

- To ensure new buildings and extensions do not dominate the streetscape.*

The proposed first floor will be setback 7.6 metres from the street and the ground floor will be located 4.35m behind the existing facade. Although the proposed first floor will be partly visible from the street, it will not dominate the streetscape as a result of its modest scale, significant setback from the front facade and lightweight material. It is not considered that the new additions will dominate the streetscape.

- To encourage a high quality of building detailing that references, without mimicking, the details of buildings in the area.*

The proposed ground and first floor additions are of a contemporary architectural style, whilst not mimicking the original heritage features of the Westbourne Street Precinct.

- To maintain and reinforce the rhythm, of spacing between and around buildings.*

The ground and first floor addition proposed will maintain and reinforce the building pattern along this street given the primary building volume at the front facade will be retained.

- To maintain and strengthen the garden settings of buildings and the tree canopy of the neighbourhood.*

The proposal will continue to allow space for landscaping to the front and rear of the dwelling. Vegetation at the rear of the site will be removed, and replacement planting is proposed, this is considered acceptable given the vegetation is at the rear of the site and does not form part of the character of the neighbourhood. Furthermore, the garden setting and tree canopy of the neighbourhood will be maintained as the proposed extension does not include the removal of any significant trees on the subject site or the street and no significant trees on adjoining properties will be affected.

- To prevent the loss of front garden space and the dominance of car parking structures.*

No car parking structures are proposed within the front setback. Furthermore, there are no changes proposed to the front garden space.

- To ensure fences complement the predominant style of front boundary treatment in the street and retain views to dwellings and gardens.*

There is no new front fence proposed as part of the application.

Built Form

As detailed above, the new additions are compatible with the preferred neighbourhood character of this area. A more detailed assessment of the building massing and amenity impacts is provided below.

Street setback

Through the retention of the main building volume and front façade, the primary street setback will be retained.

Building Height

In terms of building height, the additions to the dwelling will extend to a maximum overall height of 6.410m. This is below the maximum mandatory height of 9m as stipulated by the Schedule to the Zone.

Site Coverage and Permeability

Site coverage will equate to 60.3% of the overall site area. Whilst this is in excess of Standard A5 (Site Coverage) by 0.3%, high site coverage is characteristic of the immediate and surrounding area and the variation proposed is minor.

The proposal will include 32% of the site with permeable surfaces, exceeding the minimum 20% required by Standard A6 (Permeability).

Energy Efficiency

The living/kitchen dining area proposed is open plan and features a number of west facing clear windows and doors to make appropriate use of daylight. Given the size and orientation of the lot it is not practical for the proposal to have north facing windows and doors. As will be discussed in greater detail below, the additions have been designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.

Significant Trees

There are no trees on the subject site that are deemed to be significant under Council's Local Laws.

Amenity Impacts

Side and Rear Setbacks

South

To the south, the living room wall at ground floor level is proposed to be setback 1.0 metre from the southern boundary. The proposed 3.26 metre wall is required to be setback 1m from a side boundary. The wall therefore complies with the standard.

At first floor level, the proposed first floor will be setback at a distance of between 1.0 metres and 2.89 metres from the boundary. The proposed height of the first floor bedroom 2 wall is 6.2 metres and therefore it is required to be setback 1.78 metres from the southern boundary. In this case the bedroom 2 wall is setback 1.0 metres from the boundary and therefore does not comply with the standard. In addition, the proposed height of the first floor bathroom and walk in robe wall is 6.22 metres and therefore it is required to be setback 1.78 metres from the southern boundary. In this case the bathroom wall is setback 1.345 metres from the boundary and therefore does not comply with the standard. Furthermore, the proposed height of bedroom 1 wall is 6.220 metres and is required to be setback 1.78 metres from the southern boundary. In this case the bedroom 1 wall is setback 2.890 metres from the boundary and therefore complies with the standard.

While the setback of the first floor bedroom 2 wall and bathroom/walk in robe wall does not comply with the standard, the setbacks proposed are considered appropriate given the subject site is narrow in nature and reduced side setbacks are not uncommon in the precinct. There is a ground floor courtyard of No.35B Westbourne Street opposite the walls on the southern side and one north facing habitable room window opposite the bathroom/walk in robe wall located on the first floor. Given that the courtyard of the property at No.35 B Westbourne Street is not the dwellings primary area of useable private open space the setbacks of the proposed dwelling from the southern boundary are considered appropriate. An assessment of the proposal against this north facing window will be discussed in greater detail below.

North

To the north, the proposed ground floor ensuite wall is proposed to be setback 260mm from the boundary. The proposed height of the ensuite wall is 3.475 metres and therefore it is required to be setback 1.0 metres from the northern boundary.

At first floor level, the proposed staircase wall will be setback 520mm from the boundary. The proposed 6.2 metre wall is required to be setback 1.78m from a side boundary. The wall therefore does not comply with the standard.

While the setbacks of the ensuite at ground floor level and staircase wall on the first floor do not comply with the Standard, the setback is considered appropriate given that the walls are not located opposite any habitable room windows or secluded private open space and minimal setbacks or boundary built form is part of the character of the area.

Walls on Boundaries

North

The standard allows for walls on boundaries to be a maximum height of 3.6 metres with an average height of 3.2 metres and an average length of 10 metres plus 25 percent of the remaining length of the boundary or the length of the existing or simultaneously constructed walls or carports.

The ground floor wall is constructed for the length of the wall of the adjoining dwelling at No. 39 Westbourne Street, however the first floor wall is constructed for an additional 350 millimetres further than the adjoining wall. A condition is proposed to be placed on any permit issued to reduce the length of the first floor wall so it is the same length as the adjoining wall at No. 39 Westbourne Street.

The ground and first floor wall is a height of between 6.205 metres and 6.410 metres on the boundary. Given that the maximum height of the wall is in excess of 3.6 metres, the proposal will result in a non-compliance with the Standard. On balance, the height of the walls is considered appropriate given it is constructed simultaneously against another boundary wall at No. 39 Westbourne Street.

Daylight to existing windows

There is one north facing window opposite the new additions and an assessment is provided below.

35B Westbourne Street

To the south there is a first floor north facing habitable room (bedroom) window located opposite the bathroom. Under the recommendations of the Standard, a new wall should be setback from the boundary '*1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window*'. This would equate to 2.572 metres. Therefore the setback of the first floor wall does not comply with the standard as it is setback 1.345 metres from the boundary.

This non-compliance is not considered to result in an unreasonable impact to the bedroom window as the bedroom window of No. 35B Westbourne Street will continue to receive some sunlight.

Given that the north facing window of No. 35B Westbourne Street is at first floor level and that there is a distance of approximately 3 metres between the north facing window and the wall of No. 37 Westbourne Street it is considered that there will be adequate light to the north facing first floor window.

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

The shadow diagrams submitted with the application indicate that proposed additions will minimally increase shadows to the adjoining property at No. 35B Westbourne Street. The increase in overshadowing is between 9am and 11am. The table below shows the difference in shadow between the existing conditions and the application plans. An assessment of the shadows against standard A14 is detailed below:

35B Westbourne Street (40sqm area of secluded private open space)

Time	Existing Area Free of Shadow (m2)	Proposed Area Free of Shadow (m2)	Increase in shadow (m2)
		<i>Application Plans</i>	<i>Application Plans</i>
9am	7.7	0	7.7
10am	10	8.6	1.4
11am	15	15	0

As detailed above, the proposal is not strictly compliant with the Standard. However, the additional overshadowing is considered acceptable, given that the additional shadowing at 10am is a minor increase at an additional 1.4m². Furthermore given that the proposal is located on a narrow site, the design response is considered to be sympathetic to the sites orientation and the potential shadowing impacts by stepping the upper floor back towards the rear. Overall, the impact of the proposed development is considered to be reasonable in accordance with the Overshadowing Open Space Objective Clause 54.04-5.

Overlooking

The key assessment tool to determine unreasonable overlooking is Standard A15 (Overlooking Objective).

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. The Standard does not apply to any overlooking issues from the proposed ground level as the existing and proposed fences will prevent any unreasonable overlooking issues. Assessment of overlooking impacts from the upper levels to each interface is provided as follows:

South

Potential overlooking to the south from bed 2 will be restricted via horizontal screens to a height of 1.7 metres above finished floor level. There is no notation on the plans confirming that the screens will be 'no more than 25 percent transparent' to comply with the overlooking standard. Accordingly a condition will be included on the permit requiring 'a notation on the plans confirming that the screens to bedroom No. 2 will be no more than 25% transparent'.

Potential overlooking to the south from bedroom no. 1 will be restricted, as the window to bedroom 1 is located 1.7 metres above floor level and therefore complies with the overlooking standard.

West

Potential overlooking from bed 1 will be restricted via timber screening to the entire bedroom window. The timber screen is a vertical screen, given the screen is a vertical screen a condition will be included on the permit requiring a section to demonstrate compliance with the 25% transparent requirement of standard A15.

Internal Amenity

The internal amenity of the extended dwelling will be of high quality. All habitable rooms have direct access to natural light and ventilation. The area of private open space to the rear is large and north facing. The open plan dining, living and kitchen areas are also orientated to receive sunlight and are directly accessible to the secluded private open space.

Design Detail

The new additions are contemporary in nature and use materials commonly seen in the immediate and surrounding area. Despite being contemporary, the proposed cement render finish, timber cladding and charcoal metal sheets with timber batten screening will be compatible with the heritage building. The use of concrete, timber cladding and metal sheets will create a sympathetic visual contrast, clearly differentiating between the original heritage dwelling and the new works. As a result, there is no concern with the design detail of the proposal.

Car Parking and Traffic

As this application is for the extension to an existing dwelling there is no statutory requirements relating to car parking. No further comment is required on this aspect of the proposal.

Water Sensitive Urban Design

In accordance with Council's local Stormwater Management Policy (Clause 22.18), the application has detailed a 1500L rainwater tank on the plans to address on-site water retention.

A STORM Report submitted with the application confirms that the proposed treatments will comply with Council requirements by achieving the minimum 100% STORM rating. There is a notation on the plans next to the water tank which states 'Toilets', however there is no notation confirming that 'The rainwater tank will be connected to toilets for flushing', this will be included on any permit issued.

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*.

Objections

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

- *Given this is the first application since the regulations were implemented in Neighbourhood Character Overlay (Schedule 4) it could form precedent-* The proposal is not located within the neighbourhood character overlay. As outlined in the report, the application is located within the Neighbourhood Residential Zone and Heritage Overlay, therefore it is not relevant to assess it against the Neighbourhood Character Overlay.

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 additions are sympathetic to the heritage streetscape.
- The additions are in accordance with the preferred neighbourhood character as defined by the Neighbourhood Character Policy (Clause 22.23).
- The development will not unreasonably impact upon the adjoining amenity as determined by compliance with the Clause 54 Objectives.

ATTACHMENTS

[1](#). PA - 221-17 - 37 Westbourne Street Prahran - Attachment 1 of 1

Plans

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit No: 221/17 for the land located at 37 Westbourne Street, Prahran be issued under the Stonnington Planning Scheme for Part demolition, alterations and additions to a dwelling on a lot less than 500sqm in a Neighbourhood Residential Zone, Special Building Overlay and Heritage Overlay subject to the following conditions:

1. ***Before the commencement of the development, 1 electronic 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 May 2017 but modified to show:***
 - a) ***The length of the first floor northern wall reduced so that it is the same length as the adjoining wall of No. 39 Westbourne Street.***
 - b) ***A notation on the plans stating that 'the rainwater tank will be connected to toilets for flushing'.***
 - c) ***A notation on the plans confirming that the timber screens to the southern side of Bedroom No. 2 will be no more than 25% transparent.***
 - d) ***A section for the rear (western) timber screen of bedroom no 1. to demonstrate compliance with the 25% transparent requirement of standard A15***
2. ***The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Stonnington Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.***
3. ***The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan.***
4. ***Before the development (including excavation and demolition) starts, tree protection fences must be erected around the Fraxinus angustifolia street tree at the front of the subject site, in accordance with Section 4 of AS 4970 to the satisfaction of the Responsible Authority. The tree protection fences must remain in place until all construction is completed.***
5. ***Concurrent with endorsement of plans the applicant must engage a suitably qualified Engineer to provide a flood protection and management plan/design to address the following requirements***
 - (i) ***A grated collection drainage pit (600mm square x 500mm minimum depth) must be provided at the front of the dwelling to collect and convey flood water that may enter the front of the property through to the rear. The pit must be located on the low side of the property as close as practicable to the front of the dwelling.***

- (ii) The outfall drain for the drainage pit must be at least 225mm in diameter (sewer quality) and must extend to the rear of the new building to connect to a new 600 x 600mm grated pit from where it must be discharged to a legal point of discharge being the surface of the rear R.O.W. The size of that discharge pipe need be no more than 100mm in diameter provided that the surcharge from the rear pit is able to disperse onto the rear surface without causing damage to the rear section of the building and the neighbouring properties.**
- (iii) The applicable flood level at the rear of the dwelling is 24.87m A.H.D. The new floor level shall be a minimum of 25.07m A.H.D.**
- (iv) As the existing surface level near the Eastern end of the extension is shown as 25.27m, which is 200mm above the above minimum new floor level, that section of the building including the floor must be fully waterproofed to a level of 500mm above the existing natural surface level to prevent flooding being able to enter the building.**

Once approved the flood protection management plan must be endorsed to form part of the permit

- 6. 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.**
- 7. 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.

NOTE:

- 1. This property is located in a Heritage Overlay and planning permission may be required to demolish or otherwise externally alter any existing structures. External alterations include paint removal and any other form of decoration and works, but does not include re-painting an already painted surface.**
- 2. 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.**

3. 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.**

6. FINANCIAL STATEMENTS AND LOCAL GOVERNMENT PERFORMANCE REPORT FOR THE YEAR ENDED 30 JUNE 2017

Manager Finance: Scott Moore

Manager Advocacy, Performance and Improvement: Tracey Limpens

General Manager Corporate Services: Geoff Cockram

Chief Executive Officer: Warren Roberts

PURPOSE

The purpose of this report is to seek Council approval in principle of the attached Financial Statements, Performance Statement and Report of Operations including Governance and Management Checklist for the year ended 30 June 2017.

BACKGROUND

Under the *Local Government Act 1989* s132(2) the annual Financial Statements and Performance Statement must be approved in principle by the Council.

These statements were considered by Council's Finance Advisory Committee on 16 August 2017 and Audit Committee at its meeting on 21 August 2017. Having reviewed the process to prepare the Financial Statements and Performance Statement, reviewed the draft Annual Financial Report and Performance Statement and consulted with management and auditors, the Audit Committee recommended that Council approve in principle the Financial Report and the Performance Statement for the year ended 30 June 2017.

After the review by the Auditor General Victoria, but prior to his sign off, two Councillors duly authorised by Council are required under the *Local Government Act 1989* s132(5) to certify the Financial Statements and Performance Statement, in their final form after any changes recommended or agreed to by the auditor have been made, in accordance with the *Local Government (Planning and Reporting) Regulations 2014*. It is proposed that the Mayor, Cr Jami Klisaris, and Councillor Chair of the Finance Advisory Committee, Cr John Chandler, be authorised to certify the required statements on Council's behalf.

Upon receipt of the Auditor General's report, anticipated in September 2017, a meeting of the Council will be required to consider the Annual Report 2016/17 incorporating the audited Financial Statements and Performance Statement.

DISCUSSION

Annual Financial Report

The Financial Statements are prepared in accordance with Australian Accounting Standards, the *Local Government Act 1989*, *Local Government (Planning and Reporting) Regulations 2014* and the Local Government Model Financial Report (LGMFR) published by Local Government Victoria as required by the Regulations.

The Financial Statements are a general purpose financial report comprising a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and accompanying notes.

Comprehensive Income Statement

Council achieved a Surplus for the year of \$42.26 million before Net asset revaluation increment, compared to a budget of \$28.36 million and last year's surplus of \$33.11 million.

The material factors that contributed to the 2016/17 surplus included:

- Rates and charges income \$0.83 million above budget due to higher than expected garbage charges \$0.13 million and increase in supplementary rates \$0.70 million.
- Statutory fees and fines income \$2.24 million above budget due to: traffic enforcement revenue \$0.65 million above budget due to improved collection rates prior to Court lodgement; food and health permits income \$0.59 million above budget due to increased number of premises, including Chadstone redevelopment; statutory planning fees \$1.04 million above budget as a result of increased statutory fees effective October 2016.
- User fees income \$0.70 million above budget due to the net impact of: Aquatic Centres income net increase \$0.46 million from increased Learn to Swim program enrolments, greater Prahran Aquatic casual attendances and reduced Harold Holt Swim Centre gym utilisation; footpath trading permit and municipal building surveyors user fee income \$0.56 million above budget; Child Care Services income \$0.10 million lower than budget due to reduced utilisation rates; Malvern Valley Golf Course green fees and cafe income \$0.12 million below budget, due to closure for hub redevelopment works during February to June 2017; and reduced Chapel off Chapel booking income \$0.12 million due to building works closure.
- Total Grants income (operating and capital) was \$1.94 million higher than budget due to: 50% of the 2017/18 general purpose grant and local roads funding from the Victorian Grants Commission received in advance in June 2017 of \$1.37 million; Department of Health and Human Services grants \$0.17 million higher than budget; Family Education Engagement Support program funding unbudgeted \$0.11 million; Roads Humps Installation at Dandenong Road grants unbudgeted \$0.11 million; and Department of Industry, Innovation and Science grant for CCTV Trailer for the Malvern area unbudgeted \$0.10 million;
- Open space contributions exceeded budget by \$8.09 million due to higher than expected levels of development in South Yarra, Armadale, Toorak and Glen Iris.
- The Fair value adjustments for investment property \$0.12 million represents the unbudgeted valuation increase for Malvern City Square of \$0.82 million and valuation decrement for Lot1 and Lot 7 Almeida Crescent of \$0.70 million.
- The share of Clayton Landfill joint operation net loss \$0.23 million was largely due to the revaluation of the provision for environmental rehabilitation during the year. The landfill closed in January 2016 after reaching capacity, with rehabilitation now in progress in accordance with EPA requirements. A June 2017 review of the post closure aftercare management costs resulted in an increase in estimated landfill cell capping, gas extraction infrastructure and aftercare costs for the next 28 years. Council's share of the rehabilitation provision is \$1.46 million at 30 June 2017 and is reported as Other non-current liabilities in the Balance sheet.
- Other income was \$0.45 million above budget due to: unbudgeted reimbursement for Melbourne Metro Rail Authority project \$0.21 million; unbudgeted Chapel Street gas main repair cost recovery \$0.08 million; cost recovery from City of Boroondara for 50% maintenance cost on Winton Street bridge \$0.06 million; and recreation facilities utility recoveries \$0.03 million higher than budget.

- Employee costs were \$0.89 million under budget largely due to budgeted Defined benefit superannuation funding call did not eventuate \$1.80 million and vacant position savings in Risk Management \$0.12 million, Statutory Planning \$0.22 million and Library services \$0.12 million. Partly offsetting this were budget overspends in: Aquatic Services for higher demand for Learn to Swim \$0.38 million (funded by additional income); Building and Local Laws increased contract staff and overtime to resource permit payment/renewals, bonds, VicPol Night Watch operations and entertainment precinct patrols \$0.23 million (funded by additional income); Youth Services budgeted salary capitalisation (Pahran Adventure Playground, Educational Pathways Project) did not meet capitalisation criteria \$0.23 million (partly funded by grants); Service Centres additional call centre operators to improve customer service and increased casuals to cover staff leave and secondments \$0.21 million; Childcare Services unbudgeted maternity leave (4 positions) and contract staff to backfill for staff leave and secondments \$0.20 million; and Venues and Facilities to cover for events and staff leave \$0.12 million.
- Materials and services expenditure was \$1.53 million over budget due to; Parking Control \$0.54 million overspend on stamp duty/lodgement costs due to PIN (parking infringement notice) cost increase; vehicle servicing \$0.21 million overspend due to wear and tear of heavy fleet; increased merchant fees as a result of increased online payments \$0.14 million; water charges overspend in Parks and Environment \$0.23 million; Property maintenance over budget by \$0.38 million due to increased level of proactive and reactive works.
- Net loss on disposal/write off of road assets, as a result of the road renewals program \$1.71 million and demolition of buildings for reconstruction \$0.11 million, offset by proceeds from sale of parts of roads and laneway during the year of \$0.86 million.

Balance Sheet

Net assets at 30 June 2017 were \$528.65 million higher than budget (\$309.64 million higher than 2015/16), which maintains Council's strong financial position.

Cash, cash equivalents and other current financial assets \$112.08 million exceeded budget by \$32.80 million (\$12.49 million higher than 2015/16), mainly due to a \$11.72 million better starting cash position at 1 July 2016 than forecasted, together with reduced payments for property, infrastructure, plant and equipment \$19.21 million (largely driven by \$33.06 million capital carryover to 2017/18) and higher than expected cash from operating, investing and financing activities during the year of \$1.88 million.

Council's cash and term deposits are subject to external restrictions of \$52.50 million (Trust funds and deposits, Public open space and developers contribution reserves) and \$66.34 million discretionary reserve allocations (including capital carried forward, employee leave entitlement provisions, Future Fund, Infrastructure reserve, Park reinstatement reserve, conditional grants unspent and IMAP monies held under Payables).

Experienced Council valuers performed a desktop revaluation of Council's land, land under road, roads and bridges infrastructure assets at 30 June 2017 and reviewed the carrying value of individual asset classes measured at fair value to ensure each asset materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date, the class of asset was revalued. This resulted in a net \$267.38 million non-current physical asset valuation increment for 2016/17.

The land valuation resulted in land and land under roads increasing by \$177.82 million and \$72.30 million respectively, consistent with the average movement in market values of properties by suburbs by observing sales prices in the municipality since the last valuation.

Council assessed Road assets value movements by analysing the Australian Bureau of Statistics (ABS) indexation movement at 31 March 2017. This resulted in a requirement to change the carrying amounts of roads, streets and right of ways assets. The index was used as an indicator, but actual contract rates have been used to compare the movement in unit costs and applied for all roads assets class. Rate per unit, length or square metre were then assessed to determine the overall replacement cost. This resulted in revaluation increment of \$16.64 million.

A valuation of Council's bridge assets was conducted based on conditional assessment and stocktake performed by an independent valuer, and verified by Mr. Simon Thomas, B.Eng. (Civil), MIE CP Eng. The valuation was based on current condition assessment and replacement cost as at 31 March 2017 (effective date 30 June 2017), resulting in an overall valuation increment of \$0.91 million. This movement included the recognition of VicRoads' contribution to Council's share of the Glenferrie Rd bridge (\$0.47 million reserve increment) now added to Council's asset base and the Webster Street timber bridge as a gifted asset \$0.87 million (with nil impact on the asset revaluation reserve).

Buildings value decreased by \$0.29 million due to demolition of Scout Heritage Hall, Como Avenue and Gardiner Pavilion, resulting in the write back of reserves by \$0.29 million and a loss for assets written off of \$0.95 million.

Statement of Capital Works

Expenditure on capital works of \$46.23 million was predominantly funded internally by cash flows from operations. Asset renewal represented 44% of this expenditure, with upgrade and expansion 13% and new assets 43%.

Works already underway totalling \$33.06 million that are carried over to 2017/18 for completion include: Cato Street redevelopment feasibility study; Gardiner Park redevelopment, Malvern Valley Golf Course; Dunlop Pavilion redevelopment; Harold Holt masterplan implementation, Harold Holt Swim Centre dive tower; Harold Holt Swim Centre pool tiling; Harold Holt pool water treatment system upgrade; Prahran Town Hall Master Plan Development; sportsground facility upgrades; and public open space art acquisition.

Statement of Cash Flows

Council's cash and investments less than 90 days were \$11.08 million at 30 June 2017, compared to \$9.54 million in the prior year. This was due to the net impact of the following:

- Increased net cash from operating activities \$9.05 million mainly through higher inflows from rates and charges, statutory fees and fines, and trust funds and deposits taken;
- Increased net cash used in investing activities \$8.05 million mainly due to increased capital outflows.
- Slightly higher cash balance at the start of the year \$0.48 million.

At 30 June 2017 loan borrowings were \$9.0 million, after \$2.20 million scheduled principal repayments made during the year.

Annual Performance Report

The Local Government Performance Reporting Framework (LGPRF) is a mandatory reporting requirement under the *Local Government (Planning and Reporting) Regulations 2014*. The framework includes:

- Report of Operations: All service indicator results.
- The Performance Statement: A selection of service indicators and all financial and sustainability indicators. The Performance Statement is audited and is certified by two Councillors, the CEO and Principal Accounting Officer.

- Governance and Management Checklist: A list of 24 policies, plans, strategies and guidelines.

All performance results are reported in Council's Annual Report 2016/17 and published on the 'KnowYourCouncil' website (circa November 2017).

Performance Statement

Three financial performance indicators recorded materially unfavourable variations.

Service Performance Indicator	2014/15	2015/16	2016/17	Materiality threshold	Comment to be published in Annual Report
<i>Workforce turnover</i>	7.29%	11.93%	14.43%	+/- 10%	Higher permanent part time staff departure experienced in 2017 in Community Facilities in particular due to high number of part time staff members leave for other commitments.
<i>Unrestricted cash compared to current liabilities</i>	-118.61%	-139.54%	-196.58%	+/- 10%	<p>Forecasts assume all term deposits as having original maturity less than 90 days and included in unrestricted cash and completion of capital works on time without deferrals, whereas term deposits with maturity over 90 days are classified outside of unrestricted cash in other financial assets in 2015 - 2017 actual results.</p> <p>The reduced unrestricted cash in 2017 is due to an increase in unused contributions placed in reserve for future strategic property acquisition, together with a number of major capital project deferrals, including Cato Square and Dunlop Pavilion redevelopments. However, the total level of cash, including long term deposit investments (Other financial assets), will more than cover this unrestricted cash deficit.</p> <p>2014/15 and 2015/16 results for this indicator have been updated to ensure consistency between Council's Annual Report and the <i>Know Your Council</i> website.</p>
<i>Asset renewal compared to depreciation</i>	128.28%	149.50%	119.44%	+/- 10%	A number of capital renewal projects have been delayed into 2017/18, including part of the Dunlop Pavilion redevelopment, Harold Holt Swim Centre dive tower and masterplan implementation, right of ways renewals, Malvern Valley Golf Course refurbishment and library air conditioning replacements.

Report of Operations

Four service performance indicators recorded materially favourable results:

Service Performance Indicator	2014/15	2015/16	2016/17	Materiality threshold	Comment to be published in Annual Report
<i>Animals reclaimed</i>	78%	61.24%	78.28%	+/- 15%	In 2016/17, Council increased the number of animals reclaimed to owners.
<i>Council decisions made at meetings closed to the public</i>	12%	17.28%	9.47%	+/- 5%	In 2016/17, Council reduced the number of confidential resolutions by 35% compared to 2015/16. In 2016/17, all Confidential Business matters are listed in the open Notice Paper. Commercial-in-confidence matters such as property purchases, Public Acquisition Overlays, contracts, legal matters and external financial reports attributed to 67% of all confidential resolutions. Citizen of Year and CEO contract items are publicly released in Council Meeting minutes. All property purchases are recorded in the Annual Statements after completion or nearing completion of acquisition.
<i>Standard of library collection</i>	58%	65.10%	83.21%	+/- 7.5%	In 2016/17, Council invested 26,700 new items to upgrade the library collection and be responsive to community expectation for modern and contemporary library facilities.
<i>Kerbside bin collection requests</i>	125.07	128.41	140.35	+/-10	Result reflects Councils commitment to increase diversion from landfill. A promotional education period in May/June 2017 resulted in higher collection requests which increased uptake of green waste kerbside collection service.

Four service performance indicators recorded materially unfavourable results:

Service Performance Indicator	2014/15	2015/16	2016/17	Materiality threshold	Comment to be published in Annual Report
<i>Reportable safety incidents at aquatic facilities</i>	2.00	0.00	5.00	+/- 2	Council is committed to reporting all incidents to ensure maximum safety for residents, visitors and employees. In 2016/17, Council changed its incident reporting procedures for the Prahran and Harold Holt aquatic facilities to embed a safe workplace culture.
<i>Library collection usage</i>	5.54	5.96	4.42	+/- 1	Library borrowing trends continues to evolve. In 2016/17, borrowing of items declined by 13%. During the same period, Council increased its extensive collection available to the public by 26,700 new items.
<i>Sealed local road requests</i>	90.77	25.60	63.25	+/- 20	Improved record management processes and systems allows Council to accurately respond and report sealed local road requests received by the community.
<i>Cost of statutory planning service</i>	\$2,218	\$2,391	\$3,497	+/- \$250	The methodology of calculating this measure has changed from 2015/16 and direct comparison is not advised.

All remainder measures are within materiality thresholds, with minor improvements or declines.

HUMAN RIGHTS CONSIDERATION

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

ATTACHMENTS

⇒1. Annual Financial Report 2016/17 - Attachment 1	Excluded
⇒2. Performance Statement 2016/17 - Attachment 2	Excluded
⇒3. Report of Operations 2016/17 - Attachment 3	Excluded

RECOMMENDATION

That Council:

- i) approves in principle the Financial Statements, Performance Statement and Report of Operations including Governance and Management Checklist for the year ended 30 June 2017;***
- ii) authorises two Councillors, namely the Mayor, Councillor Jami Klisaris, and Councillor Chair of the Finance Advisory Committee, Councillor John Chandler, to certify the Financial Statements and Performance Statement for the year ended 30 June 2017, in their final form after any changes recommended or agreed to by the auditor have been made, in accordance with the Local Government (Planning and Reporting) Regulations 2014 and in the event of either of the above Councillors not being available, a Councillor who has been Mayor of the City of Stonnington is to be the authorised substitute;***
- iii) after receipt of the Auditor General Victoria's report, a meeting of the Council be arranged to consider the Annual Report 2016/17 incorporating the Financial Statements, Performance Statement and Report of Operations including Governance and Management Checklist.***

7. INSTRUMENT OF DELEGATION S6 FROM COUNCIL TO ORGANISATIONAL ROLES

Civic Support Officer: Judy Hogan

Manager Governance & Corporate Services: Fabienne Thewlis

General Manager Corporate Services: Geoff Cockram

PURPOSE

The purpose of this report is to recommend that Council approve a new *Instrument of Delegation* from the Council to various positions in the organisation.

BACKGROUND

Section 98 of the *Local Government Act 1989* ("the Act") provides that a council may, by *Instrument of Delegation*, delegate to a member of staff, any power, duty or function of the Council under the Act or any other Act, other than some powers (such as adoption of the budget), that are reserved for Council decision. The delegations are made to the position rather than to the staff member occupying the position.

Delegations are essential to enable Council staff to carry out operational duties particularly in areas which involve enforcement, such as town planning, local laws, environmental health, animal management and parking control. The current delegation from Council to various positions in the organisation was approved on 6 February 2017.

The proposed delegation (Refer Attachment 1) is based on a document prepared by Council's solicitors and is similar to that used by many Victorian municipalities.

The proposed amendments to the delegation:

- a) incorporate the inclusion of section 19(3) of the *Food Act 1984*; and
- b) reflect the fact that the Growth Areas Authority has been replaced by the Victorian Planning Authority.

It is therefore appropriate to adopt a revised Instrument of Delegation to particular organisational roles where the delegation must be direct from Council to the position, rather than as a sub-delegation from the Chief Executive Officer.

Accordingly, it is recommended that Council revoke the existing delegations and approve new delegations to Council staff.

HUMAN RIGHTS CONSIDERATION

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

ATTACHMENTS

- [⇒](#)1. Instrument of Delegation Council to Organisational Roles Attachment 1 of 1 Excluded

RECOMMENDATION

That the attached Instrument of Delegation from Council to various positions in the organisational structure be adopted and sealed.

8. PROPOSAL TO RE-NAME VIVA STREET RESERVE

Manager Governance & Corporate Services: Fabienne Thewlis
General Manager Corporate Services: Geoff Cockram

PURPOSE

The purpose of this report is to consider a proposal to change the name of Viva Street Reserve to Rutherford Reserve.

BACKGROUND

The Malvern Historical Society Inc. has asked for Council consideration of this request and have forwarded background information regarding the name they propose which is Rutherford Reserve.

Gideon Rutherford was born in Scotland in 1819 and arrived at Port Phillip in 1841. He was in the sheep industry and partnered Robert Power in business as auctioneers and stock salesmen Melbourne from c1854 and lived in Toorak. He became the First Chairman of the Gardiner Road Board in November 1856, a position he held until 1858. He was also briefly a Member of the Legislative Council of Victoria from November 1859 – September 1860. He died in December 1860 aged just 41.

DISCUSSION

A brief snapshot of the history of this reserve that was prepared by Ellen Porter in Council's History Centre is attached.

- Viva Street was created in 1910
- The land was purchased by Council in 1918
- In 1932 the Council Minutes refer for the first time to the land on the corner of Tooronga Road and Viva Street as the Viva Street Reserve.
- Viva Street Reserve was registered on 02/05/1966 with the body now known as the Office of Geographic Names. The reserve which had been there since before 1929 according to the local history.

POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCES IMPLICATIONS

The change of name can be accommodated within Council's budget.

LEGAL ADVICE & IMPLICATIONS

Council is required to comply with the Office of Geographic Names Guidelines when considering names or changes of names. There is a formal consultation process required to be undertaken and, if Council and the community demonstrate support for the proposal, it is then sent to the Office of Geographic Names for further consideration.

CONCLUSION

That the proposed name change be supported in principle and Council consult with the community in respect to the proposed name change.

HUMAN RIGHTS CONSIDERATION

This report is seeking the input of the community into the naming process and as such the recommendation complies with the Victorian Charter of Human Rights and Responsibilities Act 2006.

ATTACHMENTS

⇒1. Attachment One - Summary Background Viva Street Reserve Excluded

RECOMMENDATION

That Council:

- 1 (a) ***Write to the surrounding properties seeking input into the proposed name change;***
- (b) ***Advertise on the Council website and locally circulated newspapers calling for input into the proposed name change; and***
2. ***A report to come back to Council on the outcome of the community consultation for further consideration.***

9. MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2017-2021 DRAFT

Community & Health Planner: Adam Zimmermann
Manager Advocacy, Performance and Improvement: Tracey Limpens
Chief Executive Officer: Warren Roberts

PURPOSE

This report seeks approval to exhibit the draft Municipal Public Health and Wellbeing Plan 2017-21 (MPHWP).

BACKGROUND

The MPHWP is one of Council's key strategic documents and is closely aligned with the Council Plan and Municipal Strategic Statement (refer Attachment 1).

The Public Health and Wellbeing Act 2008 mandates that Local Governments must prepare a Municipal Public Health and Wellbeing Plan every four years following Council elections. The new Plan must be submitted to the Local Government Minister by 31 October 2017.

A Municipal Public Health and Wellbeing Plan must:

- i. include an examination of data about health status and health determinants in the municipal district (refer Attachment 2).
- ii. identify goals and strategies based on available evidence for creating a local community in which people can achieve maximum health and wellbeing.
- iii. provide for the involvement of people in the local community in the development, implementation and evaluation of the public health and wellbeing plan.
- iv. specify how the Council will work in partnership with the Department and other agencies undertaking public health initiatives, projects and programs to accomplish the goals and strategies identified in the Municipal Public Health and Wellbeing Plan.
- v. ensure consistency with the Council Plan and the Municipal Strategic Statement

The development of the MPHWP has also taken into consideration the health objectives and priorities of the Victorian Public Health and Wellbeing Plan 2015-2019.

DISCUSSION

The City of Stonnington plays a key role to enhance and support the public health and wellbeing of Stonnington residents throughout all life stages. The health of individuals and the community are influenced by the social determinants of health; the conditions in which we live and work, including our built, social, natural and economic environments.

The evidence shows that across many areas, Stonnington residents continue to enjoy higher levels of health and wellbeing than the rest of Victoria, yet there are still some concerning trends. This plan has been developed in response to a series of identified key health indicators and issues.

The Plan articulates five (5) overarching priority areas (or *pillars*) that Council and its partners will prioritise to deliver improved health and wellbeing outcomes for the community.

Pillars	MPHP Strategies 2017-2021
Active and Healthy Lifestyle	<ol style="list-style-type: none"> 1. Promote and provide opportunities for active transport 2. Promote the importance of and provide opportunities for healthy nutritional choices 3. Increase physical activity across all life stages 4. Ensure the built environment supports residents to lead active and healthy lives 5. Encourage local health services to deliver targeted programs to address community health needs
Community Safety	<ol style="list-style-type: none"> 1. Provide public spaces and places where people can feel safe and enjoy 2. Recognise Council's statutory role and its contribution to community safety 3. Provide a leadership role in integrated community safety 4. Strengthen Community Resilience
Vulnerable Communities	<ol style="list-style-type: none"> 1. Support the community to age well 2. Minimise health inequalities across groups within the community 3. Support marginalised residents and vulnerable communities 4. Support communities from culturally diverse backgrounds 5. Improve social and emotional wellbeing of young people
Harmful Alcohol and Other Drug Use	<ol style="list-style-type: none"> 1. Minimise harm from alcohol 2. Promote smoke free environments 3. Develop partnerships related to minimising harm from pharmaceutical and illicit substances
Violence and Injury	<ol style="list-style-type: none"> 1. Support community initiatives related to the prevention of violence 2. Provide supportive work practices across Council business related to gender equity and preventing violence 3. Promote initiatives and campaigns designed to reduce injury

Role of local government

Local government takes a population based approach to health and wellbeing by focusing on the underlying causes of ill health to improve the health of the community as a whole. While local governments are not responsible for the provision of hospitals and other medical services traditionally associated with the health sector, Council has a key role in influencing the built and social environment and providing services to promote good health within the community. Providing spaces, places, services and activities that support good health and wellbeing as part of everyday life will continue to be a key function of Council, in addition to advocacy, policy and strategy development and partnerships with health service providers.

While Council's health and wellbeing programs will support programs delivered by State and Federal Governments, Council will place emphasis on implementing programs that improve the lives of residents of the City of Stonnington. Local businesses, community groups, allied health services, schools and government departments and agencies will all be encouraged to play a part in the delivery of this plan.

This plan clearly outlines Council's role in health and wellbeing planning and service delivery:

- **Leadership:** On health related policy issues such as land use, housing and life stage planning.

- **Coordination:** Coordinate health and wellbeing initiatives in partnership with key stakeholders that deliver on priority health outcomes. Current partner agencies include the Southern Melbourne Primary Care Partnership, Star Health, Caulfield Community Health, Women’s Health in the South East (WHISE) and Prahran Mission.
- **Advocate:** On behalf of our community on health and wellbeing issues.
- **Service Provider:** Deliver early childhood services, home and community care services, immunisation, libraries, food safety, environmental health, recreation and aquatic facilities, emergency management transport, parks, waste management, recreation, cultural activities and creating safe public places.

Community engagement

The collection of this information from the community is a vital part of the development of the MPHWP. In developing the current plan, Council undertook several engagement strategies to collect information about the health and wellbeing priorities of the community. Community members were asked about their priorities for improving health and wellbeing and were also asked to provide feedback on Council services which are what is working well to promote good health and if there were any areas for improvement.

Information was gathered via two community engagement surveys available online and in hard copy at several Council locations between December 2016 and March 2017. In addition to the community surveys, Council staff attended a range of community group meetings, including those from a variety of cultural backgrounds, a neighbourhood action group, youth leaders and Council’s Access and Inclusion Committee. Council officers also attended the Pets in the Park event, offering the survey for completion and free health checks.

There were a total of 360 completed surveys and over 750 comments received. Males represented 41% of respondents and females 59%. The majority of respondents were aged between 45-54 (23%) and 55-64 (23%). Respondents were positive about their health, with 85% rating their health as good or very good.

Across all engagement methods “promoting an active and healthy lifestyle” and “community safety” were the most common health and wellbeing priority areas for Stonnington residents. Respondents also believed that crime, violence and injury, alcohol and other drug harm and low rates of physical activity, were the main factors contributing to the burden of ill health and disease within Stonnington.

Resident health and wellbeing priorities:

Priority	Importance
Promoting an active lifestyle	1
Improving community safety	2
Preventing violence & injury	3
Minimising health inequalities	4
Reducing harmful alcohol and other drug use	5
Reducing the impact of chronic disease	6

Additionally, many survey respondents identified access to open space as an important factor to improving current health status, closely followed by access to health and support services, and while the community generally believe that provision of open space was an area that Council was doing well, it was also identified as an area to prioritise in to the future.

The importance of open space was a prominent theme throughout the community engagement process, particularly its contribution to improving the rates of physical activity and promoting a connection with nature. Some people identified social isolation as a barrier to maintaining their good health.

Implementation

Through the implementation of the MPHWP, Council aims to maintain and improve public health and wellbeing at a local community level. A focus on prevention and early intervention activities to promote the achievement of health and wellbeing goals is central to the effectiveness of the MPHWP implementation.

The intention of the Plan is to give general direction to the community and partners about the City of Stonnington's health and wellbeing priorities from an evidence-based perspective, as well as general direction to the organisation on future budget and advocacy process.

NEXT STEPS

It is proposed that the draft plan is exhibited between 6 – 27 September for further community feedback. The draft Plan and the proposed timelines fulfil Council's statutory requirements.

POLICY IMPLICATIONS

The *Public Health and Wellbeing Act 2008* mandates that councils must prepare a Municipal Public Health and Wellbeing Plan every four years following Council elections. The new Plan must be submitted to the Local Government Minister by 31 October 2017.

FINANCIAL

The plan is subject to review and may change as circumstances change. Council's financial support to the MPHWP will be subject to Annual Budget processes.

CONCLUSION

The MPHWP is an evidenced-based, strategic document to guide Council's planning, policy and strategic direction in response to community health and wellbeing priorities.

The evidence shows that across many areas, Stonnington residents continue to enjoy higher levels of health and wellbeing than the rest of Victoria, yet there are still some concerning trends. This plan has been developed in response to a series of identified key health indicators and issues, and community priorities.

The draft Plan and the proposed timelines fulfil Council's statutory requirements.

HUMAN RIGHTS CONSIDERATION

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

ATTACHMENTS

- | | |
|---|----------|
| ⇒1. Draft Municipal Health & Wellbeing Plan | Excluded |
| ⇒2. Municipal Health Summary | Excluded |

RECOMMENDATION

That Council:

- 1. Approves to exhibit the draft Municipal Public Health and Wellbeing Plan (2017-2021).***

10. GLENLOCH GROVE - PLAQUE DESIGN

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

PURPOSE

The purpose of this report is to seek approval from Council to install a plaque to recognise the opening of Glenloch Grove, a new residence managed by Glenloch Inc.

BACKGROUND

Glenloch Inc. are a not-for-profit charitable organisation providing affordable, independent living for aged pensioners.

Glenloch have recently completed the construction of a new residence at 34E Rose Street, Armadale, known as Glenloch Grove.

DISCUSSION

An official opening of Glenloch Grove is planned to be held on Wednesday 20 September 2017. The Mayor has accepted an invitation from Glenloch to open the site.

Glenloch Inc. have requested Council's permission to erect a plaque on a prominent wall near the building entrance (exact location to be determined) to mark the official opening. The design and materials of the plaque will be decided by Glenloch, who have indicated that they will request a simple and modern design which will not feature the Stonnington logo.

A recommended plaque content is as follows:

Glenloch Grove
34E Rose Street, Armadale
Opened by the Mayor of the City of Stonnington, Cr Jami Klisaris,
On 20 September 2017

CONCLUSION

Glenloch Homes plan to open their new residence, Glenloch Grove, on Wednesday 20 September 2017. To mark the official opening of this facility, Glenloch Homes have requested Council install a plaque near the buildings entrance (exact position to be determined).

HUMAN RIGHTS CONSIDERATION

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

RECOMMENDATION

That Council approves the content and design of the plaque to recognise the official opening of Glenloch Grove, including the following words:

Glenloch Grove

34E Rose Street, Armadale

Opened by the Mayor of the City of Stonnington, Cr Jami Klisaris,

On 20 September 2017

11. DRAFT CHILDREN, YOUTH AND FAMILY STRATEGY

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

PURPOSE

The purpose of this report is for Council to endorse the draft Children, Youth and Family (CYF) Strategy for public consultation.

BACKGROUND

The draft CYF Strategy has been developed based on the needs of children, young people and families who live, study, work and play in the City of Stonnington, and provides a clear strategic direction to guide future services, supports and priorities.

The CYF Strategy is an important initiative for Council in planning for children, young people and families in Stonnington. It is driven by an increasing understanding that the social, emotional and physical development of children and young people commences at birth and continues right through to 25 years of age, and that families play a critical role in building resilience and capacity in children and young people.

DISCUSSION

Stonnington Children, Families and Young People

Stonnington is experiencing consistent population growth driven by increasing residential densification, particularly in South Yarra, and to a lesser extent in Malvern East, Armadale, Windsor and Prahran.

The proportion of children and young people aged between 0 and 24 years in the City of Stonnington is projected to remain consistent between 2016 and 2026 at 27 percent. The number and proportion of children and young people aged between 0 and 24 years increased markedly in Prahran, Windsor and South Yarra between 2011 and 2016, with further moderate growth projected between 2016 and 2026. The south-eastern parts of the city (Glen Iris and East Malvern), are projected to see growth levels similar to that occurring in the western part of the city between 2016 and 2026, whereas the central areas are projected to see lower levels of growth.

Overall households in the City of Stonnington are affluent, however, it is important to recognise that there are pockets of disadvantage evidenced by the western and southern parts of the city having higher proportion of low income households. In addition, service providers are seeing evidence of increasing financial stress, with affluent families having difficulty paying childcare or children's services fees.

Health and wellbeing indicators suggest that children in Stonnington are generally well positioned in terms of their health, development, education and social cohesion. Compared with the Victorian average Stonnington residents have strong breastfeeding rates, school engagement and high proficiency in literacy and numeracy for 3-5 year olds. The health indicators for young people however, are more variable with higher proportion experiencing bullying and psychological distress however they also have high levels of literacy and numeracy in year 7 and 9 and year 12 completion rates.

Supports Available

Services for children, young people and their families are provided by a mix of private operators, community or not-for-profit organisations, the state and federal government, and Council.

The service system for children, families and young people is organised into three broad categories:

Universal services – are available to all families, children and young people, and include service such as such as maternal and child health, schools and recreation opportunities. These are generally well developed with some gaps around public secondary education, low open space ratio and increased demand on maternal and child health services.

Secondary services – focus on early intervention and the identification of risk factors. This might include developmental disability services, parenting / family relationship programs and early intervention programs. There is growing demand for intervention and support services because of the increasing complexity of issues families are experiencing. Federal and state government funding is largely directed to tertiary services for families and children at high risk, rather than families with emerging needs.

Tertiary services – focus on families, children and young people who require intensive and often ongoing interventions such as child protection and specialised allied health services. A number of the tertiary services for children, young people and their families are stretched to the limit, particularly DHHS Child First which provides child and family information and referral support services. This places other service providers in the position of ‘holding’ children, young people and families for extended periods until the right supports can be put in place.

Consultation and Engagement with the children, young people, parents and carers, service providers, and Council Officers. Some of the key themes from each group include.

- For parents and carers childcare is a key area of concern. Access to quality open spaces is important and an aspect parents and carers like most about Stonnington, but it is also one of the aspects they would like to see improved, along with public secondary school options. Parents are also concerned about adolescent drug and alcohol use and the need for activities for young people.
- For children parks, playgrounds, swimming pools and libraries are places they love to spend time. Children want play opportunities where they can be challenged and interact with nature. They also want places that are safe and inviting, free from rubbish and graffiti.
- Young people want an opportunity to have a voice and be acknowledged for their positive attributes and contributions. They see access to facilities events and services offered by Stonnington as important.
- Service providers are facing increased demand on services due to heightened levels of vulnerability and complex issues being experienced by individuals and families. Constant changes in funding sources and difficulty accessing long term funding for services, is also seen as a challenge for many providers.

Council's Role in supporting children, young people and their families:

- Providing and planning for universally accessible experiences, programs, facilities and services that are available to the whole of the Stonnington community, and are designed to strengthen the health and wellbeing of the community. For example, libraries, aquatic and leisure facilities, playgrounds and open space, festivals and events.

- Providing, facilitating or planning for programs, facilities and services that are specifically designed to support children, young people and their families. For example, childcare, maternal child health and youth programs, providing infrastructure or funding, advocating to government or other agencies, sector coordination, development and capacity building of the community, quality control, research and strategic planning.
- Providing targeted supports for those with lower levels of resilience or experiencing disadvantage. For example, enhanced maternal child health services, case management for young people, family support referrals, and the Prahran Child and Youth Community Wellbeing Hub. These services provide an important safety net for families, children and young people who are experiencing disadvantage or challenges in their life.

Council will continue to monitor and assess its role in supporting children, young people and families, and the Strategy outlines criteria to assist Council to make decisions about its ongoing role.

Planning for the future

The CYF Strategy's vision is that *Stonnington is a place where all families, children and young people can actively participate in community life, feel safe and valued, and can reach their full potential.*

The strategy identifies four themes with associated priority action areas. These actions will be implemented over 3 years, at which point they will be reviewed and a new set of priority actions developed for the next 3 years. The four themes are:

Thriving families We will support families, children and young people to be stronger and more resilient through facilitating access to services, improving access to information, and focusing on supporting families, children and young people who are facing additional challenges. We will strengthen the capacity of families, children and young people to take up opportunities and actively participate in community life.

Strengthening community wellbeing We will celebrate the contribution families, children and young people make to the Stonnington community, providing them with opportunities for expression and for their voice to be heard. We will actively use libraries, playgrounds, open space, leisure centres, festivals, events, and policy and planning to achieve better outcomes for families, children and young people.

Responsive and sustainable We will be smarter about how we manage services, infrastructure and resources for families, children and young people. We will actively look for opportunities to deliver integrated services and infrastructure, provide services that are agile, respond to community need, and have sustainable funding models.

Partnerships, advocacy and planning We will improve the outcomes and support for families, children and young people, through creative partnerships and strong advocacy for improved services, infrastructure and resources. We will strengthen existing partnerships where they deliver the right outcomes for our community, and we are clear about Council's role.

We will be proactive in planning for the current and future needs of our community, ensuring programs, services and activities are consistent with Council's broader priorities, and deliver the right outcomes for families, children and young people.

POLICY IMPLICATIONS

The development of the CYF Strategy will assist Council to deliver the Council Plan objectives of Community and Liveability. The strategy will have a clear focus on improving the health and wellbeing outcomes for the community by planning, delivering and advocating for quality services in partnership with the community, government and other service providers.



CONCLUSION

Widespread consultation and research has been completed to understand the needs of children, young people and families who live, work, study or play in the City of Stonnington. This has informed the development of the Children, Youth and Family Strategy which outlines a clear vision, key themes and an action plan that will guide Council's support for children, young people and their families over the next ten years.

HUMAN RIGHTS CONSIDERATION

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

ATTACHMENTS

⇒1. Draft Children, Youth and Family Strategy

Excluded

RECOMMENDATION

That Council endorse the draft Children, Youth and Family Strategy for community consultation.

12. DRAFT ECONOMIC DEVELOPMENT STRATEGY 2017-2021

Acting Coordinator Economic Development, Arts and Tourism: Christina Foscolos
General Manager Community & Culture: Karen Watson

PURPOSE

The purpose of this report is to endorse the draft Economic Development Strategy 2017-2021 for community consultation.

BACKGROUND

The purpose of the draft Economic Development Strategy (EDS) is to set the strategic vision for the next five years, 2017-2021 and provide a blueprint for growing the vitality and productivity of the local economy and its contribution to the liveability of Stonnington as a whole. It is a plan to maintain and grow the status of Stonnington as a premier inner-city location to live, work, and visit.

The EDS is the key strategic document to guide Council's actions to facilitate economic growth. It aims to provide an achievable, evidence based plan for the future, while responding to the challenges and opportunities presented by the local, regional and international conditions.

The EDS document is presented in two main parts:

Part A: Background: Key findings from the research and consultation process to set the economic context for the Strategy

Part B: Future Directions: The framework to guide implementation of the Strategy, including a future vision, objectives, strategies and actions.

DISCUSSION

Stonnington is known for its dynamic and unique precincts which draw visitors from across Melbourne for the mix of high quality retail, food, music, culture and nightlife. It is also home to major leading education and medical institutions.

The EDS addresses a range of issues, challenges, and opportunities for sustainable economic development in Stonnington which include:

- Strong population growth fuelled by an increasing appetite for apartment development and the area's lifestyle attractiveness
- Major residential and infrastructure works, and associated impacts on local business;
- Supply and affordability of suitable commercial office space
- Shifts in the retail sector and growth of major shopping centres (i.e. Chadstone Shopping Centre)
- Revitalisation of Chapel Street as retail and entertainment destination, and also supporting a thriving and innovative business community
- Continued employment growth in key sectors matched with Stonnington (e.g. health, education, professional services)
- The evolution of Stonnington's precincts to manage and leverage increasing residential growth, changing economic conditions, new infrastructure projects and local development opportunities.

The future direction of the EDS provides the framework and directions for Stonnington's economic development, focusing on three key themes, and a set of related strategies that Council will plan to achieve over the next four years.

Additionally, the City of Stonnington has the opportunity to help influence the economic landscape through the promotion, support and celebration of local entrepreneurial success.

By providing stewardship the business community can assist Council in developing the next generation of young entrepreneurs and innovators. Feedback received through consultation will be incorporated into the key themes and strategies to ensure they are relevant and support our local entrepreneurs and business community.

Below is a summary of the key themes and strategies developed to date. They will be further developed around key questions that aim to encourage and challenge new economic development in the city.

Theme 1 - A Creative, Innovative and Productive City

Attract new business and industry investment and assist existing businesses to grow in key high value industries that are matched to the strengths of Stonnington and the needs of local community.

Strategy 1

Position Stonnington as a preferred location for creative and innovative business and enterprise.

Strategy 2

Ensure a suitable supply of commercial land and premises are available to support business expansion and new investment.

Strategy 3

Leverage the existing strengths and increasing demand for health and wellbeing services to support increased employment and business activity.

Theme 2 - A Lifestyle City

Promote Stonnington's unique activity centres and cultural assets as welcoming to locals and visitors alike and hubs for shopping, hospitality, entertainment and culture.

Strategy 4

Identify, showcase and promote Stonnington's tourism assets to facilitate growth in tourist visitation and spending.

Strategy 5

Maintain vibrant activity centres which are accessible, easy to navigate, and have a strong sense of place.

Strategy 6

Work collaboratively with Business Associations to effectively market and showcase the unique characteristics of each activity centre.

Strategy 7

Ensure that Stonnington's night-time precincts are perceived as safe, accessible and dynamic.

Strategy 8

Promote and facilitate the development of liveable precincts and sustainable business practices.

Strategy 9

Continue to leverage Stonnington's events program to grow economic and lifestyle benefits.

Theme 3 - A Proactive, Facilitative and Coordinated City

Support a positive business environment through embedding a consideration of economic implications within decision making and engaging with businesses in a meaningful way.

Strategy 10

Ensure Economic Development, Arts and Tourism staff are visible and active in the local business community, and develop procedures to ensure that Council are engaging with business in a meaningful way.

Strategy 11

Provide targeted and relevant services and assistance to facilitate business growth, especially for small business and entrepreneurs.

Strategy 12

Ensure that Council processes are business friendly and embed a consideration of economic development outcomes within decision-making across Council.

Key actions associated with each strategy are listed in Attachment 1.

Following community consultation, the draft EDS will be brought back to Council with feedback for consideration by Council.

POLICY IMPLICATIONS

The draft Economic Development Strategy 2017 – 2021 reflects Council's commitment to creating the best possible environment for business investment and success as outlined in in the 2017 – 2021 Council Plan under the 'Economy' pillar which aims to:

- Develop long-term plans to ensure sustainability of Stonnington's activity centres
- Provide effective engagement and support to local business through business skills development and marketing
- Leverage Stonnington's strategic location to attract new business and industry investment in key high value industries that are matched to the strengths of Stonnington
- Promote Stonnington's premier vibrant precincts, employment clusters and cultural assets as hubs for shopping, hospitality, entertainment and culture.

It is important to note that the draft EDS has been prepared in the context of the role of economic development in Council's broader program of work and related strategic documents including the draft Arts and Cultural Strategy.

FINANCIAL AND RESOURCES IMPLICATIONS

The draft Economic Development Strategy 2017–2021 falls within the Economic Development budget allocations for the purpose of community consultant and review.

Pending Council's endorsement and following community consultation, the implementation of the Strategy may require bids for new capital projects and will be sought through the budget process.

CONCLUSION

Council has an important role in economic development and the draft Economic Development Strategy 2017 – 2021 defines that role with a focus on strategies and actions which support business and are key to facilitate economic growth in Stonnington.

Pending Council's endorsement of the draft EDS, consultations with the community and key stakeholders will commence and the results will be presented to Council.

HUMAN RIGHTS CONSIDERATION

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

ATTACHMENTS

[1](#). Draft Economic Development Strategy 2017-2021 Excluded

RECOMMENDATION

That Council endorses the draft Economic Development Strategy 2017 – 2021 for community consultation.

13. DIXON STREET, PRAHRAN - S223 REPORT - PROPOSAL TO ALTER PARKING ARRANGEMENT

Traffic Engineer: Jordan Allan
Manager Transport & Parking: Ian McLauchlan
General Manager Assets & Services: Simon Thomas

PURPOSE

The purpose of this report is to discuss submissions received in response to Council's proposal to close the footpath and provide marked parking bays on the north side of Dixon Street, Prahran as part of the statutory 223 process undertaken by council officers.

BACKGROUND

At the meeting on 19 September 2016, Council considered the matter of traffic access on Dixon Street, Prahran, in response to a concern raised by a resident.

A resident at the east end of Dixon Street, Prahran had raised concerns that when vehicles park on both sides of the street, the width remaining for through access is not sufficient for a large vehicle (such as a van or 4-wheel drive) to pass. This manifests in the resident not being able to access their private off-street parking area.

At the meeting on 19 September 2016, Council resolved to:

- 1. Consult affected property occupiers in Dixon Street, Prahran with a proposal to either install NO STOPPING restrictions on the north side operating at all times, or to formally close the footpath to allow vehicles to park up on the kerb on the north side.*
- 2. A further report be submitted to Council including the results of the consultation, and a recommended action to resolve the access issue.*

Consultation material was distributed to affected property occupiers on 5 October 2016 seeking resident feedback, with two options being either the removal of parking on the north side of the street, or to allow parking on the footpath in marked parking areas on the north side of the street.

A street meeting was also held on Tuesday 11 October 2016 to provide additional information to residents if needed. The meeting was well attended, particularly considering the relatively small number of dwellings consulted.

The response from residents was considered, and at the meeting of Council on 19 December 2016, it was resolved that:

- 1. Council commence the statutory procedures under Section 223 of the Local Government Act to consult the wider community on the preferred option to close the footpath and provide marked parking bays on the north side of Dixon Street, Prahran.*
- 2. Those property occupiers previously consulted be notified of the outcome, and the next steps.*

This report is to resolve the Section 223 process undertaken in accordance with the above resolution.

In accordance with the statutory requirements of the 223 process, a public notice of the proposed changes was released via:

- Advertisement in the Age Newspaper on Saturday 13 May 2017.

The public notice provided a plan of the proposed permanent modifications and outlined the process required to submit or be heard at a council meeting.

DISCUSSION

No submissions were received in response to the public notice.

As the option to close the footpath on the north side of Dixon Street and provide marked parking bays was adopted as the preferred option as part of the previously undertaken direct consultation, with this option selected by 62% of respondents, it is considered reasonable to now proceed with the works.

As outlined in the original consultation to directly affected residents, there is no “do-nothing” option in this case, as the access issue for the original complainant can only be resolved if some action is taken.

FINANCIAL AND RESOURCES IMPLICATIONS

The works can be scheduled as part of the 2017/18 Capital Works Program, funded from budget x8584 On-Street Parking Improvements.

CONCLUSION

A public notice was exhibited under the requirements of Section 223 of the Local Government Act for the proposal to close the footpath and provide marked parking bays on the north side of Dixon Street, Prahran. No submissions were received in response to the public notice. As such, it is considered reasonable to now proceed with the works, as this was the preferred option for the originally consulted residents.

HUMAN RIGHTS CONSIDERATION

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

ATTACHMENTS

- ⇒ 1. Attachment 1 of 1 - Dixon Street - Proposal to Alter Parking Arrangements Excluded
Circular Option 2

RECOMMENDATION

That Council:

- 1. Note that no submissions were received in response to the public notice for the proposal to close the footpath and provide marked parking bays on the north side of Dixon Street, Prahran;***
- 2. Proceed with the proposal to close the footpath and provide marked parking bays on the north side of Dixon Street, Prahran which was previously adopted as the preferred option of directly affected residents.***
- 3. Notify directly affected residents of the decision.***

14. MARKET STREET CAR PARK, SOUTH YARRA - PROPOSED PERMANENT CLOSURE TO THROUGH TRAFFIC

Traffic and Parking Coordinator: Peter Kyrkylis
Manager Transport & Parking: Ian McLauchlan
General Manager Assets & Services: Simon Thomas

PURPOSE

To advise Councillors of a recent letter submission received on 23 June 2017, from the Prahran Market Board to permanently close the Market Street Car Park in South Yarra to through traffic, and to seek approval to take no action in response to the submission.

BACKGROUND

The proposal presented by the Prahran Market Board at this time has been considered in the past.

In February 2014, correspondence addressed to the CEO was received from the Prahran Market Board seeking support to permanently close the Market Street Car Park to through traffic between Elizabeth Street and Market Street, in the section at the rear of the market.

Council resolved the following at its meeting of 23 June 2014 to:

- 1. Commence the statutory procedures under S223 of the Local Government Act to consult the community on a proposal to permanently close Market Car Park, South Yarra to through traffic between Elizabeth Street and Market Street.***
- 2. All relevant traffic and parking surveys are undertaken to assist with the assessment of this matter.***
- 3. All property occupiers and owners, abutting Market Street Car Park and Market Street, be advised of the decision and invited to make a submission on the proposal.***

The report is included as Attachment A.

The property occupiers and owners in the vicinity of the Market Street Car Park and Market Street were advised of the decision and invited to make a submission on the proposal in September 2014. Public notices were also issued in the Stonnington Leader on 2 September 2014 and in the Saturday edition of The Age newspaper on 30 August 2014.

As a result of the public notification process and direct letter notification, a total of four (4) written submissions were received from the community, all opposed to the proposal.

At the time, comments were sought from VicRoads and emergency service authorities. VicRoads advised that they had no objection to the closure. Council received an objection from the Metropolitan Fire Brigade (MFB) advising they had concerns with the proposal because the booster hydrants servicing this area would be located within the enclosed area and unimpeded access is required at all times.

Furthermore, the MFB were not in favour of any arrangement which required them to retain key fobs or passes that opened a gate or barrier. Any consent from the MFB was therefore indicated to be subject to the relocation of the booster assembly outside the closed off area.

No responses were received from the remaining emergency service authorities.

Following a meeting on 25 November 2014 between Council officers and representatives of the Prahran Market Board, a further submission from the Prahran Market Board was provided on 9 December 2014, withdrawing their proposal to permanently close the Market Car Park to through vehicle and pedestrian traffic.

The Prahran Market Board made this offer to withdraw on the understanding that they may re-submit at a later time when confident of council officer support.

Given that Council resolved to commence the statutory procedures under S223 of the Local Government Act to consult the community, from a procedural perspective the S223 process had to be formally resolved by Council, and the submitters had to be notified. In this way the process would be legally closed. Council resolved the following at its meeting of 2 February 2015:

That:

- 1. Having considered all written submissions, the proposal to permanently close the Market Street Car Park, South Yarra to through traffic be abandoned,***
- 2. All submitters and all property owners/occupiers previously notified as part of the S223 process be advised of the decision,***
- 3. Discussions continue with representatives from the Prahran Market regarding options to maintain pedestrian access/permeability, to reduce potential conflict between various users and to improve security in the Market Street Car Park.***

The report is included as Attachment B.

DISCUSSION

Correspondence addressed to the CEO dated 15 June 2017 (refer to Attachment C) was received from the Prahran Market Board seeking Council to support the permanent closure of the Market Street Car Park to through traffic between Elizabeth Street and Market Street at the rear of the market. Essentially, the PMB sought the closure to:

- Reduce the risk of conflict between pedestrians and vehicular traffic; and
- Eradicate anti-social behaviour.

This recent submission is a near identical proposal from the Prahran Market Board in 2014.

In a traditional engineering sense, when conflicts arise, three (3) options are generally considered. Movements are separated by time, separated by space, or prohibited. The PMB has opted for the most extreme of the three (3) options, which is to prohibit a particular movement.

The main objections during the last S223 process related to pedestrian access between the Elizabeth Street Car Park and commercial tenancies along Commercial Road, large supermarkets in Cato Street and Wattle Street, Grattan Gardens, Grattan Community Centre, the Greville Street precinct, and the Prahran Train Station.

Origin-destination traffic surveys conducted in 2014 indicated approximately 1,125 pedestrians use the Market Car Park/Market Street (proposed closure area) as access between Elizabeth Street and Commercial Road in a 24 hour period. In the same 24 hour period, approximately 260 vehicles used the proposed closure area (and approximately 11 of these were heavy vehicles).

The above results suggested that Market Street is well utilised by both vehicle and pedestrian traffic. It is noted that these counts are over three (3) years old. However, given the increase in the number of high density developments in the area, and the pedestrian improvements to the Chapel Street precinct, it can be assumed that the pedestrian volumes are likely to have increased since when the surveys were previously conducted. The volumes of pedestrians along this pedestrian route will also be significantly increase once the Cato Square project is completed.

This important link provides, north south accessibility, permeability, and walkability which is encouraged in the Chapel Street Master Plan, Council's Walking policy and Public Realm Strategy.

Further to this, the MFB objected on the basis that booster hydrants would be located within the closure. It is anticipated that this objection would still have merit. Officers also considered a part time closure in the evenings, however the MFB requires unimpeded access, 24/7. Therefore, a part time closure would be similar to a full time closure; both would likely receive an objection from the MFB.

Considering Council's objective to provide important links in the Chapel Street environs and the Prahran Market Board's intention for pedestrian and vehicular safety, officers had come up with a proposal to link the existing footpaths (indicated below in green) to proposed footpaths (indicated below in blue), to provide a pedestrian link between Elizabeth Street and Commercial Road.

Ultimately, pedestrians could still walk along the carriageway, however that is the case with many other locations. This being said, it is reasonable to expect pedestrians to use a safe, higher standard, DDA compliant, designated pedestrian path, over walking amongst large vehicles, forklifts etc.

For this option to be further explored, it would require physical modification to the carriageway and kerb to ensure an appropriate separation between pedestrians and vehicles. At present, the areas are used for parking, or storage of crushed cardboard and polystyrene. The Prahran Market Board would need to cater for these in other locations for the pedestrian path to be a viable option. Council officers have tried to work with Prahran Market representatives on this proposal however no alternative storage or parking options from the Prahran Market Board have been finalised, and as such this could not be explored further.



■ = Existing pedestrian path
■ = Proposed pedestrian path

In response to the anti-social behaviour, previously, the police have advised this area is no different to other laneways or pocket car parks near Chapel Street and Commercial Road. Notwithstanding, there are four (4) street lights in the car park/Right of way, however there may be opportunity to include an additional light to illuminate potential dark spots.

Permanently closing Market Street Car Park will impact access to the three (3) disabled parking spaces in the car park used by the public.

POLICY IMPLICATIONS

Supporting this closure would be inconsistent with Council's Policy position outlined in the Council Plan. Council will "support the shift towards the use of sustainable transport options".

In addition, a Chapel Street Master Plan objective includes design principles to improve links, accessibility, permeability, and walkability. This objective is also consistent with Council's Walking Policy and Public Realm Strategy.

A permanent closure will also impact direct access between the Elizabeth Street car park and Cato Square/Greville Street area once it is completed.

LEGAL ADVICE & IMPLICATIONS

If a gate closure is considered, a Section 223 process will be required again as this is the most conservative approach regarding consultation.

CONCLUSION

The Prahran Market Board has made a request to permanently close the Market Street Car Park, South Yarra to through traffic, to address conflict between pedestrians and vehicular traffic and anti-social behaviour in the evening, having submitted supporting documentation. This is a similar proposal submitted by the Prahran Market Board in 2014.

Traffic surveys undertaken previously indicate that the Market Street Car Park is well utilised by both vehicle and pedestrian traffic, however it is predominantly operating as a pedestrian walking connection between Elizabeth Street and Commercial Road, Cato Square/Grattan Gardens/Greville Street area. Further, 24 hour access for the MFB is required to the booster hydrants which are located within Market Street.

The recent submission from the Prahran Market Board is similar to their previous submission in 2014, and it is expected that the public's opinion on the matter would be largely the same identified in the last Section 223 process. As such, it is not considered appropriate to commence a new S223 process.

Supporting this closure would be contrary to Council's position outlined in the Council Plan, Walking Policy and Public Realm Strategy.

It is therefore recommended that the Market Street Car Park remain open.

HUMAN RIGHTS CONSIDERATION

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

RECOMMENDATION

That;

- 1. Council respond to the Prahran Market Board outlining its concerns with their request for closure of Market Lane, advising that at this stage it is not prepared to support the proposal.*
- 2. Council officers continue to work with representatives from the Prahran Market with a view to developing a solution which preserves the connectivity of Market Lane for pedestrian and vehicular traffic.*

o) *Confidential*

1. **POTENTIAL PROPERTY PURCHASE**

Property Coordinator: Peter Angwin

Confidential report circulated separately.

2. **REPORTS OF COMMITTEES: IMAP**

Civic Support Officer: Judy Hogan

Confidential report circulated separately.

CONFIDENTIAL