



Council Meeting Notice Paper

Monday 4 March 2019 at 7pm

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

Vision

Stonnington will be an inclusive, healthy, creative, sustainable and smart community.

Council's vision will be implemented through four key pillars:

- **Community:** An inclusive City that enhances the health and wellbeing of all residents, where people can feel safe, socially connected and engaged.
- **Liveability:** The most desirable place to live, work and visit.
- **Environment:** A cleaner, safer and better environment for current and future generations to enjoy.
- **Economy:** A City that will grow its premier status as a vibrant, innovative and creative business community.

These pillars reflect the shared priorities of our community and Council, and are consistent with our history and vision for a liveable future. For each pillar, there is a framework for our strategies, actions and measures which outline the key services and projects to be delivered to our community.

The Strategic Resource Plan sets out how Council will provide the resources needed to implement strategies and actions within the Council Plan.

Councillors

Cr Steven Stefanopoulos, Mayor
Cr Glen Atwell
Cr John Chandler
Cr Sally Davis
Cr Marcia Griffin
Cr Judy Hindle
Cr Jami Klisaris
Cr Matthew Koce
Cr Melina Sehr

NOTES

Council business is conducted in accordance with Part 4 Division 3 of the Meeting Procedure section of Council's General Local Law 2018 (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.

Councillors carry out the functions, powers, authorities and discretions vested with them under the **Local Government Act 1989**, and any other relevant legislation. Councillors impartially perform the Office of Councillor duties, in the best interests of the City of Stonnington residents to the best of their skills and judgement.

Councillors must formally declare their conflicts of interest in relation to any items listed on the agenda at the start of the meeting and immediately prior to the item being considered, in accordance with Sections 77 to 79 of the Act.

READING OF THE 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.

READING OF THE AFFIRMATION STATEMENT

We are reminded that as Councillors we are bound by our Oath of Office to undertake the duties of Councillor in the best interests of the people of the City of Stonnington and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in us under the Local Government Act and any other relevant Act

Welcome

Welcome to a Stonnington City Council meeting. These meetings are an important way to ensure that your democratically elected Councillors work for you in a fair and transparent way.

About this meeting

The first page of tonight's agenda shows the different parts to the meeting, some of these are administrative and are required by Stonnington's Local Law.

In the agenda you will also find a list of all the items to be discussed under 'General Business'. Each report is written by a council officer and outlines the purpose of the report, relevant information and a recommended decision for councillors.

Council will consider the report and either accept, reject or make amendments to the recommendation. Council decisions are adopted if they receive a majority vote from the Councillors present at this meeting.

Arrangements to ensure meetings are accessible to the public

Council meetings are held at the Malvern Town Hall, corner High Street and Glenferrie Road (entry via Glenferrie Road by the door closest to the Malvern Police Station).

The Malvern Town Hall has an entrance ramp and elevators to ensure that the Council Chamber is accessible to the public. Fully accessible toilet and bathroom facilities are also available.

If you require translation, interpreting services or a hearing loop set up, please contact Council's civic support on 03 8290 1331 to make appropriate arrangements before the meeting.

To ensure that people in the chamber can follow the meetings' proceedings, proposed alternate resolutions, also known as 'yellows', are displayed on a screen and microphones are used during debate.

Live webcasting

Council meetings are webcast live via Council's website, allowing those interested to view proceedings without attending Council meetings.

This gives people who may otherwise be unable to attend access to Council decisions and debate. A recording of the meeting is available on our website after the meeting (usually within 48 hours).

Only Councillors and Council officers seated around the Council table are visible on film. People in the public gallery will not be filmed, but if you speak, you will be recorded. Visit stonnington.vic.gov.au for more information.

Members of the gallery

If you choose to attend a council meeting as a member of the public gallery, you should note the role of the Chairperson and your responsibilities under the City of Stonnington General Local Law 2018(1).

Extracts from the Local Law:

81. Gallery to be Silent

- (1) Visitors must not interject or take part in the debate.
- (2) The gallery must be silent at all times during any Council Meeting.
- (3) The ring tones of mobile telephones and other devices must be turned off by people in the gallery at all times.

88. Recording or Filming Proceedings

- (1) A person must not operate an audio tape, mobile telephone or other recording or transmitting equipment or film ('a device') at any Council Meeting without first obtaining the consent of the Chairperson.
- (2) Consent given under sub-clause (1) may be revoked by the Chairperson at any time during the course of a meeting.
- (3) If a device is operated, or suspected of being operated, in contravention of sub-clause (1), the Chairperson may:
 - (a) order the person operating, or suspected of operating, the device to produce the device to the Chairperson; and
 - (b) arrange for any matter that has been recorded on the device in contravention of sub-clause (1) to be deleted, erased or otherwise removed from the device.
- (4) Subject to sub-clause (5), the Chairperson shall return any device that has been produced to him or her pursuant to sub-clause (3) at the conclusion of the relevant Council Meeting.
- (5) If the Chairperson has been unable to arrange for the matter that has been recorded on the device in contravention of sub-clause (1) to be deleted, erased or otherwise removed from the device, the device shall be returned to the person as soon as practicable after the deletion, erasure or removal has been carried out.

84. Removal from Chamber of a Councillor or Member of the Public

The Chairperson, or Council in the case of a suspension under clause 82, may ask any Authorised Officer or member of Victoria Police to remove from the meeting (including the gallery):

- (1) any person who the Chairperson has ordered to be removed under clause 82(3); or
- (2) any Councillor who has been suspended under clause 82 and who has not immediately left the Council Meeting.

50. Questions to Council from Members of the Public

- (1) Questions to Council from members of the public will be considered as part of the order of business of an Ordinary Meeting only when submitted in the format outlined below:
 - (a) Questions must be in writing and lodged at the office of the Chief Executive Officer by 12 noon on the day of the next scheduled Ordinary Meeting.
 - (b) A limit of five (5) questions per questioner applies.
 - (c) Questions must include the name and address of the questioner and the date of the question. Questions by facsimile or email are acceptable.
- (2) Within four (4) working days of receiving a complying question to Council from a member of the public, the Chief Executive Officer will dispatch a notice to the member of the public who submitted the question, advising that the question has been received.
- (3) At a meeting at which a question is to be considered:
 - (a) The Chairperson will acknowledge that a question or questions have been received from a (named) person and ask if that questioner is in the gallery.
 - (b) If the questioner is present in the gallery, a summary of the subject matter of the question(s) will be read out by the Chairperson and the questioner advised that a written reply to the question(s) will be issued within 14 days of that meeting date.
 - (c) If the questioner is not in the gallery, Council will respond to the question(s) in accordance with any standard correspondence to Council.
- (4) The Chairperson has the discretion to allow a question to be asked and/or answered at the meeting that is in variance with the procedure in this Local Law.
- (5) The Chairperson may refuse to acknowledge a question if, in the opinion of the Chairperson, the question is, or is potentially, defamatory, indecent, offensive, abusive, objectionable in language or substance, irrelevant, trivial, aimed at embarrassing a Councillor or a member of Council staff, outside Council's powers or functions, has been asked at a previous Council Meeting and a reply issued, or relates to matters that come under section 89(2) of the Act.
- (6) Any question relating to electoral matter during an Election Period will not be considered at any Council Meeting.
- (7) A copy of the questions and responses will be tabled and inserted into the minutes of the following Council Meeting.

47. Open Meetings

- (1) Subject to sub-clause (2), Council Meetings must be open to members of the public pursuant to section 89(1) of the Act.
- (2) Council may resolve, under section 89(2) of the Act, that a meeting be closed to members of the public if Confidential Business is to be discussed.

Your cooperation is appreciated, we hope you enjoy the meeting.

Mayor and Councillors, Stonnington City Council

Council Meeting

Notice Paper

Monday 4 March 2019

Order of Business and Index

- a) Reading of the Reconciliation Statement and Affirmation Statement
- b) Introductions
- c) Apologies
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- h) Questions to Council Officers from Councillors
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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.

o) Confidential Business

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RECOMMENDATION

That the Council confirms the Minutes of the Council Meeting of the Stonnington City Council held on 18 February 2019 and Minutes of the Confidential Meeting of the Stonnington City Council held on 18 February 2019 as an accurate record of the proceedings.

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

1. REPORTS OF COMMITTEES: IMAP

Civic Support Officer: Judy Hogan

Manager Governance & Corporate Support: 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 22 February 2019 where the minutes of the meeting of Friday 30 November 2018 were adopted. As a Section 86 Committee of Council, the minutes of the meeting of Friday 30 November 2018 are now submitted to Council for confirmation.

HUMAN RIGHTS CONSIDERATION

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

ATTACHMENTS

[1.](#) Minutes of IMAP Committee 30 November 2018 Attachment 1 of 1 Excluded

RECOMMENDATION

That Council confirms the minutes of the Inner Melbourne Action Plan Implementation Committee (IMAP) meeting held on Friday 30 November 2018 as circulated.

m) *General Business*

**1. PLANNING APPLICATION 1102/18- 6-36 MANDEVILLE CRESCENT, TOORAK VIC 3142
– CONSTRUCTION OF A THREE STOREY REPLACEMENT SCHOOL BUILDING PLUS NEW
BASEMENT LEVELS INCLUDING 63 NEW CAR PARKING SPACES**

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

PURPOSE

For Council to consider a planning application for the construction of a replacement school building associated with an existing education centre (section 2 use) in a General Residential Zone and Incorporated Plan Overlay at 6-36 Mandeville Crescent, Toorak.

Executive Summary

Applicant:	Urbis Pty Ltd
Ward:	North
Zone:	General Residential Zone - CL32.08 - Schedule 3 - Residential Boulevards & Corridors & Schedule 11 - Garden River & Garden Suburban
Overlay:	Heritage Overlay - CL43.01 (HO80) Incorporated Plan Overlay (Schedule 1) - CL43.03 - Institutional Uses Special Building Overlay - CL44.05
Neighbourhood Precinct:	Garden River
Date lodged:	01 November 2018
Statutory days: (as at council meeting date)	95
Trigger for referral to Council:	Seven or more objections
Number of objections:	Twenty-two (22)
Consultative Meeting:	Yes – held on 31 January 2019
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 Architectus Melbourne and are known as Drawing No's: TP0005 Rev C, TP0006 Rev B, TP0007 Rev C, TP0008 Rev C, TP0009 Rev B, TP0010 Rev B, TP0011 Rev B, TP1202 Rev D, TP1201 Rev C, TP1200 Rev C, TP1203 Rev C, TP1204 Rev B, TP1205 Rev B, TP1206 Rev B, TP2001 Rev C, TP2000 Rev C, TP2502 Rev C, TP2501 Rev C, TP2500 Rev C, TP2503 Rev B, TP9000 Rev B, TP9001 Rev B, TP9002 Rev B and Council date stamped 26 October and 29 November 2018 and 5 February 2019.

Key features of the proposal are:

- The construction of a new three storey building comprising new teaching spaces, administration areas and offices, plus three levels of basement. The levels are described as follows:
 - Two new basement levels (Basement 2 and 3) are proposed to accommodate 63 new car parking spaces for staff and are to be connected via an underground ramp. The basement will utilise the existing access way via Mandeville Crescent. No new vehicle access is proposed via Clendon Road. 11 bicycle parking spaces and end of trip facilities (toilets, showers and change rooms) will also be provided within the new basement levels.
 - Basement 1 will accommodate teaching and study spaces, including a cinema/conference space. It includes two sunken courtyards along the eastern side of the site providing access to natural light. The building is setback across the sunken courtyards a distance of between 7.6 and 7.9 metres.
 - Ground floor, Level 1 and 2 will contain numerous teaching rooms, staff office spaces, locker bay areas and bathrooms.
- The building will have an overall height of 12.1 metres to Clendon Road and 13.9 metres to the height of the plant screen.
- At its closest point the building will be constructed abutting the eastern boundary at Basement Level 1, 2, 3 as well as at Ground Floor and Level 1.
- The new building is setback 7.6 metres from Clendon Road at Basement 1 and Ground Floor across the sunken courtyards. At Level 1 the building will be setback 1.23 metres from Clendon Road and 1.1 metres at the second floor level to the window hoods. The primary building will be setback 2.6 metres from the street at Levels 1 and 2.
- The new front fence will have a concrete finish and will have a height of between 2 and 3.3 metres.
- This application does not propose to alter student or staff numbers or the current hours of operation of the school.
- The development relies on the demolition of a section of building known as the St George's extension (an existing school building). A Heritage Victoria permit has been issued which authorises the removal of this existing building.

Site and Surrounds

The site is located on the northern side of Mandeville Crescent and interfaces with Millicent Avenue to the north, Clendon Road to the east and Orrong Road to the west. The site has the following significant characteristics:

- The subject site is irregular in shape, yielding a total site area of approximately 30,180 square metres.
- It is occupied by Loreto Mandeville Hall, an independent Catholic School that has been operating since 1924.
- The area that is the subject of this application abuts Clendon Road to the east, opposite Iona Avenue and is known as the "St George's extension".
- The St George's extension has undergone many additions over the years and contains outdated classroom facilities. The building presents as a double storey building to Clendon Road with a hipped roof form.
- A solid, rendered masonry front fence extends along the eastern frontage of the St George's extension and is approximately 2 metres in height. This wing of the school is not identified as significant in the Heritage Victoria Statement of Significance.

- An existing entrance via Clendon Road is located to the south of the subject building, to the north of the existing stables.
- The heritage listed laundry and the double storey historic stables are situated to the north and south of the St George's extension, respectively.
- The stables abut the footpath at two storeys in height.
- Mandeville Hall is listed on the Victorian Heritage Register VHR HO676 and is of architectural, aesthetic and historical significance to the State of Victoria.
- Currently 77 car parking spaces are provided across the site.

While the subject site has been used as a school (education centre) for many years, the surrounding land is predominantly residential, comprising single and double storey detached houses and multi-dwelling developments.

Clendon Road runs between Malvern Road to the south and Toorak Road to the north. There are many mature street trees on both the east and west sides of the street. The eastern side of the road, adjacent to the school, comprises large individual dwellings and some multi dwelling developments, most of which are two or three storeys in height.

Previous Planning Application(s)

The subject site has an extensive planning history and many planning permits have been issued for a wide range of buildings and works projects in the past.

Heritage Victoria

The subject site is affected by an individual Heritage Overlay and is listed as a registered heritage place. Therefore, Heritage Victoria are the relevant authority under the Heritage Overlay. Heritage Victoria have issued a permit for the works associated with this subject application. Permit P29386 issued on 16 January 2019 allows *demolition of the St George's Wing classroom complex and the adjacent boundary wall to Clendon Road and construction of a replacement school building and associated works.*

The Title

The site is described on Certificate of Title Volume 09980 Folio 235 as Land in Plan of Consolidation 173953, Certificate of Title as Volume 09576 Folio 959 as Land in Plan of Consolidation 157859 and Certificate of Title as Volume 04353 Folio 485 as Lot 2 on Plan of Subdivision 004352.

There are a number of restrictive covenants registered on title which relate to the construction of dwellings, including prohibiting the construction of a wooden dwelling. It is considered that the proposed development for a new school building will not breach the covenants.

Planning Controls

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

Zone

Clause 32.08 - General Residential Zone

Pursuant to Clause 32.08-8, a planning permit is required to construct a building or carry out works for a use in Section 2 of Clause 32.08-2.

The mandatory height controls do not apply to this development as this is not an application for a dwelling or residential building.

Overlays

Clause 43.01 – Heritage Overlay

Pursuant to Clause 43.01-3 a permit is not required under this overlay to develop a heritage place which is included in the Victorian Heritage Register, other than an application to subdivide a heritage place of which all or part is included in the Victorian Heritage Register.

The subject site (Mandeville Hall) is listed on the Victorian Heritage Register VHR HO676. Therefore, no permit is required under this Overlay.

Clause 43.03 – Incorporated Plan Overlay (Schedule 1)

Pursuant to Clause 43.03-1, a permit granted must:

- Be generally in accordance with the incorporated plan, unless a schedule to this overlay specifies otherwise.
- Include any conditions or requirements specified in a schedule to this overlay

Schedule 1 (Institutional Uses) specifies the relevant incorporated plan as the Loreto Mandeville Hall Master Plan, October 1999 (the Master Plan).

The Schedule specifically states that a permit may be granted which is not generally in accordance with the Loreto Mandeville Hall Master Plan, October 1999. However, conditions and requirements for permits and decision guidelines included in the Incorporated Plan must be complied with.

The Master Plan was developed and approved by Council in 1999 and anticipated a range of proposed buildings and works throughout the school campus, all of which have now been undertaken and completed, aside from the proposed building at the corner of Orrong Road and Mandeville Crescent, which is identified as 'Stage 7 - new educational facilities'. The Master Plan identifies the St George's extension as being part of the Mandeville Hall Historic House, however did not anticipate the removal and replacement of this building.

Therefore, this application is not in accordance with the Loreto Mandeville Hall Master Plan, October 1999 and does not benefit from the exemptions from public notice and potential VCAT review.

A permit may be granted that is not in accordance with the Loreto Mandeville Hall Master Plan, October 1999.

Clause 44.05 – Special Building Overlay

Pursuant to Clause 44.05-2 a permit is required to construct a building or to construct or carry out works. The proposed building sits outside of the area of the Special Building Overlay which runs along the southern boundary of the site. As the works do not fall within the Special Building Overlay area, no permit is required under this Overlay.

Particular Provisions

Clause 52.06 - Car Parking

There is no statutory trigger to provide any new car parking on the subject site as the number of students is not being increased. Nevertheless, this application is proposing 63 new on-site car parking spaces within two new basement levels. The works do not seek to remove any existing on-site parking. Therefore the school campus will have a net gain of 63 spaces.

Clause 52.34 – Bicycle Facilities

As noted above, there is to be no change in the number of students on the site or the number of staff and therefore, no new bicycle facilities are required under Clause 52.34-5. However, the application includes 11 bicycle parking spaces within the new basement and 8 new end of trip facilities (toilets, showers and change rooms).

Relevant Planning Policies

- Clause 9 Plan Melbourne
- Clause 11 Settlement
- Clause 15 Built Environment and Heritage
- Clause 19.02-2S Education Facilities
- Clause 21.02 Overview
- Clause 21.03 Vision
- Clause 21.06 Built Environment and Heritage
- Clause 21.07-3 Significant trees and landscapes
- Clause 21.08-5 Community infrastructure
- Clause 22.05 Environmentally Sustainable Design
- Clause 22.16 Institutional Uses Policy
- Clause 22.18 Stormwater Management (Water Sensitive Urban Design)

Clause 22.23 (Neighbourhood Character Policy) does not apply to Institutional Uses as listed in Clause 22.16, of which this school is listed.

Advertising

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987 by sending notices to the owners and occupiers of adjoining land (and by placing two signs on the site). The public notification of the application has been completed satisfactorily.

The site is located in North Ward and objections from twenty-two (22) different properties have been received. The concerns can be summarized as follows:

- Out of character with the residential street
- Building looks commercial in nature
- Scale and bulk
- Visibility of the plant and services
- Front setbacks
- Insufficient landscaping to the street
- Damage to street trees
- Traffic and parking impacts on Clendon Road
- Loss of heritage fabric

A Consultative Meeting was held on 31st January 2019. The meeting was attended by Councillors Koce and Griffin, representatives of the applicant, objectors and a Council planning officer. The meeting did not result in any changes to the plans; however the applicant has advised that they are willing to accept conditions if a permit were to issue that make the following changes:

- Increase the setbacks to Clendon Road of the two projecting teaching areas by a distance of 1.4 metres to create a setback of 4 metres at Levels 1 and 2.
- Increase the setback of the window hoods to the Clendon Road frontage by a distance of 1.1 metres to create a minimum setback of 3.4 metres.

- Increase the vegetation along the Clendon Road frontage through provision of a creeper to the Clendon Road wall.
- Setback the plant screen on the northern roof from the eastern site boundary by an additional 1.5 metres (from 9.16 metres to 10.65 metres) and lower the height of the screen to the plant by 0.3 metres to RL49.821.

These changes are considered to be positive in recognising some of the objector concerns. As such, they will be included as conditions on any permit that may issue.

Referrals

Urban Designer

Council's Urban Designer has reviewed the plans and supports the proposal.

They are of the view that this is a thoughtful, high-quality design response that provides the school with a state-of-the-art teaching facility. The form, scale, design character and materiality of the new building achieves a high degree of integration within the Clendon Road streetscape. The architectural and urban design issues have been well considered and expertly resolved.

Parks Department

The only trees in close vicinity to the proposed building are the street trees, although the trees around the Upper Courtyard should also be noted in the Tree Management Plan.

With appropriate management there will be minimal damage to the street trees root systems. The canopy loss from the street trees will be dependent on the method of building construction. The building itself will only require a relatively minor amount of canopy pruning to achieve clearance. The risk is that the construction method will necessitate substantial canopy reduction.

Please request a detailed Tree Management Plan (TMP) to protect the street trees in Clendon Road. The plan should also reference the trees in the Upper Courtyard. The plan must detail among other things:

1. Location and type of tree protection fencing,
2. Mulching material,
3. Watering regime,
4. Method of root pruning,
5. Canopy pruning that will be permitted,
6. Location of services and method of installation.

The TMP is to be approved by Council.

A bank guarantee is required for the protection of the street trees. The trees are valued as follows:

Trees 2, 3 and 5 = \$13,178 for each tree.

Tree 4 = \$1,006.

All trees valued at a total of \$40,541.

The landscape report is acceptable. The final plans should be subject to endorsement by Council.

Infrastructure

The proposed basement with teaching rooms is of concern to Infrastructure due to potential flooding issues.

Prior to a building permit being 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 all 'recommendations' and requirements contained in that report. All drainage must be by means of a gravity based system with the exception of runoff from any basement ramp and agricultural drains which may be pumped. The relevant building surveyor must check and approve the drainage design and ensure that protection of the building is provided from a 1 in 100 A.R.I. rainfall event as required by the Building Regulations.

Prior to an 'Occupancy Permit' being issued, a suitably qualified Engineer must carry out a detailed inspection of the completed stormwater drainage system and associated works including all water storage tanks and detention (if applicable) to ensure that all works have been constructed in accordance with the approved design and the relevant planning permit conditions.

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.*

Transport and Parking

- There are no concerns with the increase in basement car parking provision.
- The new car park can be expected to generate at least an additional 63 inbound and outbound movements should all the spaces be occupied. The expected traffic generation would be approximately one additional vehicle movement per minute across the peak hour.
- An additional vehicle movement per minute is not considered a significant change.
- The plans submitted do not detail the proposed floor gradients of the parking areas. The minimum gradient of the parking area shall be 1 in 100 (1.0%) for outdoor areas to allow for adequate drainage as per AS2890.1.
- The proposed location of the bicycle parking area has been highlighted on the basement car park layout, however the applicant has not provided the generic specifications of the proposed bicycle parking hoops or any design dimensions of the proposed bicycle parking design. Full details of the bicycle parking design, including the spacing of these parking spaces are to be provided.

Sustainability Officer

The Sustainability Management Plan (SMP) and Water Sensitive Urban Design (WSUD) Response have been reviewed by Councils Sustainability Officer who has raised a number of concerns with the information as submitted. The SMP is to be updated to include a daylight assessment for subterranean classrooms, energy efficiency modelling or fabric commitments, an updated BESS Report, amongst other things. The site plan and STORM report will require revision and commitments to construction phase stormwater quality protection measures and ongoing management and maintenance.

KEY ISSUES

Strategic Context

The City of Stonnington has many institutional uses within residential zones that service the needs of not only the local community but the wider population. As per Clause 22.16 (Institutional Uses Policy) of the Stonnington Planning Scheme:

These institutions employ a significant number of people and generate economic activity that benefits local businesses. They also are important in ensuring that Stonnington remains a prime residential location for families and students.

State and local policies recognize the need for high quality education facilities which are designed to respect residential neighbours and minimise the detriment to local amenity. Clause 21.08-5 (Community Infrastructure), encourages the preparation of master plans for institutions as a way of providing greater certainty about the development of schools.

Loreto Mandeville Hall prepared a Master Plan to help guide development expectations and to identify a number of upgrades around the site, such as the construction of the multi-purpose centre to the north-east of the school grounds, and the redevelopment of the auditorium and library buildings. This Master Plan was prepared in consultation with Council and the community and was approved in 1999. The proposal for the new St George's extension falls outside of the scope of the incorporated Master Plan, as these works were not identified as an area of future development. Irrespective of this, a permit may be granted for works not in accordance with the Incorporated Plan.

Importantly, Section 3.1 of the Masterplan outlines the Urban Design Guidelines for Future Development of the School and requires that all use and development shall be in accordance with the nominated Design Guidelines. The relevant guidelines are considered in detail later in this report and provide direction on building envelopes, streetscapes, interfaces with residential properties and vehicles and access.

The proposal is considered to make a positive contribution to the existing area and will provide this longstanding school with new state-of-the-art facilities in line with State and local planning policies for institutional uses.

Built Form

The broad design principles identified in the Master Plan are:

- Provide a safe environment for the School site.
- Promote architecture which is complementary with the existing School buildings and provides a positive contribution to the existing streetscape and residential neighbourhood.
- Respect the amenity of the adjoining residential properties.
- The appearance and location of on-site car parking is not to detrimentally affect streetscape amenity.
- Respect the historic significance of the Historic House.
- Create an integrated development with the existing School buildings and adjoining development.
- Development is to represent a positive contribution to the existing streetscapes.

The current St George's extension contains outdated facilities and presents significant challenges for accessibility due to the many level changes and additions that have taken place over the years. The new building is proposed to provide a modern learning environment within a high quality building that will enhance safety and integration within the school but that will also sit comfortably in the streetscape behind the canopy of the street trees.

The design guidelines within the Master Plan that relate to the *Built Form, Building Envelopes and Streetscape* are:

- Reflect a transition of building height, scale and massing in respect to adjoining development.
- Development of the site complements and enhances the surrounding streetscape and built form.
- Building facades to be articulated by variation in materials, colour and architectural features that complement the existing School buildings and residential neighbourhood.
- Promote architecture which is complementary with the existing School buildings and residential neighbourhood.
- Provide the opportunity to promote the corner of Orrong Road and Mandeville Crescent for an appropriate 'statement' building.

In terms of building height, the existing building has a predominant ridge height of RL49.30 (approximately 13.08 metres) and then steps down to RL48.68 (12.46 metres) and RL 46.85 (12.12 metres) to the north. The brown brick building parapet is at RL45.170 (8.8 metres). The heights vary across the building due to the slopes in ground level.

The proposed building has a parapet RL of 48.32 (approximately 12.1 metres), an entry parapet height of RL 44.02 (7.7 metres) with the height of the screens to the plant at RL 50.11 (approximately 13.9 metres). The RL of 50.11 is only 0.81 metres higher than the roofline of the existing building, while the height of the new parapet is lower than the ridgeline of the existing St George's extension by 0.98 metres.

It is considered that the building at this height integrates well with the existing school buildings and the surrounding area. The proposed height is considered to be acceptable given:

- There is no height control which applies to the site given the school use.
- The building presents to Clendon Road as a three-storey building form, which is consistent with the prevailing scale of development within the street.
- The overall height of the proposed building (excluding the plant screen) does not exceed that of the existing building on the site.
- The visibility of the proposed building will be significantly screened by the existing street trees that are to be retained and protected.

With regard to the street setbacks, the St George's extension is presently setback from Clendon Road a distance of between 5.3 to 5.4 metres at the northern end and between 3.9 and 4 metres at the southern end. The proposed building is situated closer to the street with new walls proposed on the eastern boundary.

At the lower levels the new walls on the boundary will not result in a marked change to the street as they are either located below ground or align with the height of the new front fence, which is to have a height of between 2 metres and 3.3 metres. The front fence will have a concrete finish, similar to the rendered masonry fence that currently exists on this boundary.

The only section of double storey wall on the boundary is located to the south above the new entry and contains a staff work area. The height of this wall is 7.7 metres above ground and closely relates to the double storey wall of the stables, further to the south along the Clendon Road frontage.

The primary volume of the new building is setback from the street at ground level between 7.6 metres and 7.9 metres due to the angle of the title boundary. At Levels 1 and 2 the primary building façade is setback 2.6 metres with the window hoods encroaching to within 1.1 metres of the eastern boundary. The objectors have raised concerns with the street setbacks and the presence of building bulk to the street.

In response to the concerns of the objectors, the Applicant has agreed to conditions that will increase the street setbacks at the upper floor levels. The setback to Clendon Road is to be increased by a distance of 1.4 metres to create a setback of 4 metres at Levels 1 and 2, while the setback of the window hoods to the Clendon Road is to be increased by a distance of 1.1 metres, resulting in a minimum setback of 3.4 metres. These varied setbacks will more closely align with the existing building setback of 4 metres.

The additional setbacks to Level 1 and 2 will further diminish the perceived scale of the built form when viewed from Clendon Road and will seek to provide greater setback as requested by the residents at the consultative meeting. The proposed change to the street setbacks are supported.

Subject to the above conditions, the proposed building will have a similar building envelope to the existing St George's extension and will be slightly lower in height, with the exception of the plant screens. The plant screens are proposed in two locations of the roof. One area of plant is located to the north of the new building and is setback 9.16 metres from the street. The second area of plant is setback over 20 metres from Clendon Road on the west side of the roof.

To reduce the visibility of the plant screen closest to the street (on the northern portion of the roof) the Applicant has agreed to a condition to setback the plant screen from the eastern site boundary by an additional 1.5 metres (from 9.16 metres to 10.65 metres) and lower the height of the screen to the plant by 0.3 metres to RL49.821.

The Applicant has supplied renders from the north and south perspectives of the site as viewed from Clendon Road to further clarify the streetscape impact and the extent of visibility of the proposed plant (lowered as per the condition above), as these were matters raised by objectors at the consultative meeting. The renders indicate that the visibility of these services will be minimal as the grey metal screens are largely obscured by the parapet of the new building and the canopies of the street trees. The services are deemed to integrate well with the overall development and will be minimally seen from the adjacent residential properties that are located in excess of 20 metres from the new building.

It is considered that the new school building responds well to the urban design guidelines set out in the Master Plan and respects the character and built form qualities of the area. Council's Urban Designer supports the application, noting that the form, scale, design character and materiality of the new building achieves a high degree of integration within the Clendon Road streetscape and has been expertly resolved.

To further address the concerns of the objectors, a condition of the approval will require that the plant and equipment be screened so as to minimise visibility from any of the surrounding footpaths and from overhead views and is to 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*.

Landscaping

The proposal includes four landscaped courtyards around and within the new building, two of which will soften the interface between the new building and the existing Mandeville Hall Mansion at the northern and western sides of the proposed building. These spaces have been designed with new paving, seating areas and tree planting to enhance the environment for students.

Along the Clendon Road frontage are two sunken courtyards that sit below the footpath level. These courtyards provide light and ventilation, as well as a landscaped outlook from the Basement 1 learning spaces.

Concerns were raised by the objectors at the consultative meeting around the provision of landscaping within the front setback to Clendon Road. Importantly, there are four mature street trees in front of the St George's extension. These street trees are highly valued and contribute significantly to the amenity of the streetscape. Therefore, the protection of these trees is paramount to Council's assessment of this application. New canopy trees within close proximity of the front boundary may compromise the health of the street trees and this is not supported.

While it is considered that the canopy of the street trees will sufficiently soften the appearance of the new building from within the street, the Applicant has offered to accept a condition requiring masonry clinging climbers to the Clendon Road frontage at the locations of the Eastern Courtyard North and Eastern Courtyard South. This is a continuation of the approach adopted for the internal treatment of the courtyards and will provide some greening to the Clendon Road frontage without competing with the street trees.

It is considered that the greening of the street wall will assist in softening any perceived bulk and will positively contribute to the leafy streetscape. As confirmed by Council's Arborist, the landscape response is deemed to be acceptable.

With regarding to street tree protection, Council's Arborist is satisfied that with appropriate management there will be minimal damage to the street trees root systems. A comprehensive tree management plan and deed requiring a bank guarantee as security against a failure to protect the health of the three London Plane and the Box Elder street trees, will be required via conditions of any approval granted.

Amenity Impacts

The Master Plan provides the following guidance on the *Interface with residential properties*:

- Ensure privacy for the surrounding residential dwellings through good design.
- Access to daylight and overshadowing of adjoining dwellings and private open spaces shall achieve the relevant objectives and criteria of The Good Design Guide for Medium-Density Housing.
- Lighting should not intrude on any surrounding residential property.
- Avoid detrimental noise and visual impact to the adjoining residential areas.

The new building is centrally located along the Clendon Road frontage of the site, resulting in there being no direct interface with a residential neighbour. The new building is entirely bound by existing built form within the school site. The nearest residential properties are located to the east of the subject building, approximately 20 metres across Clendon Road.

Overshadowing

The shadow diagrams submitted by the Applicant demonstrate that there is no potential for overshadowing to adjoining residential properties from the proposed building. Specifically, the 3pm shadow confirms that there will be no impact beyond the road reserve, with the shadows falling well short of the properties on the eastern side of Clendon Road. There will be no overshadowing impact on an adjacent residential property on the Equinox (22 September) as a result of the proposal.

Overlooking

As noted above, the nearest residential property is located no less than 20 metres from the eastern boundary of the subject site. As required by conditions, the upper levels are to be setback an additional 4 metres from the street. At this distance, there will be no unreasonable overlooking from the new learning spaces at Levels 1 and 2. The window hoods will further limit views towards the adjacent residential properties.

Environmentally Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD)

Council's Sustainability Officer has raised a number of concerns with the commitments made within the Sustainability Management Plan. Most notably they are seeking a daylight assessment that confirms compliance with Council's daylight requirements for Basement 1, operable glazing to allow for natural ventilation, thermal performance modelling, and a commitment to the use of solar panels as shown on the roof plan. All of the above can be addressed via conditions.

With regard to the WSUD response, the proposal includes a 20,000L rainwater tank to be connected to toilets. The stormwater is to be collection from 1,185sqm of non-trafficable roof area. These measures will equate to a 101% STORM rating. While this is acceptable, there are several details required to be confirmed on plans to ensure full compliance with Council's Stormwater Management Policy (Clause 22.18). This will be dealt with via conditions of any approval issued.

Flooding

Council's Infrastructure Department have raised concern with the habitable spaces below the ground level (Basement 1) due to flooding. The proposal has considered the potential for flooding and has improved stormwater flow via the establishment of new levels in St Joseph's Courtyard and the Northern Courtyard, which are designed to direct overland flow around the Chapel and towards the Oval, mitigating the risk of flooding.

Car Parking and Traffic

The additional car parking to be provided within the new basement levels is considered to be positive in that it will further increase the amenity of the school and assist with reducing the reliance on on-street parking in the area.

The layout of the basement is in accordance with the design requirements of the Stonnington Planning Scheme and will provide safe and functional car parking for staff of the school. The introduction of bicycle parking and end of trip facilities will encourage cycling as a sustainable mode of transport, further assisting to reduce the demand for car parking. As detailed in the referral comments, the dimensions of the bicycle parking spaces are to be shown on the plans and this will be required via conditions.

Some objectors have raised concerns with traffic and parking impacts on Clendon Road. Importantly, this application will not alter the existing parking conditions along Clendon Road and vehicle access to the basement parking is via Mandeville Crescent. The existing entrance to the school along this frontage will be maintained and enhanced with a new gate to better identify the school and improve the safety of the students. The proposal is not expected to result in any changes to the existing traffic and parking conditions in Clendon Road.

Objections

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

- Loss of heritage building

As mentioned earlier in this report, Heritage Victoria have issued a permit that allows for the removal of the St George's extension and the construction of a replacement school building. This assessment has determined that the proposal is acceptable from a heritage perspective. No permit is required from the City of Stonnington for demolition of the existing building and as such, this cannot be considered as part of the planning application.

Human Rights Consideration

This application has been assessed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Stonnington Planning Scheme), reviewed by the State Government and which complies with the *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 form, scale, design character and materiality of the new building achieves a high degree of integration within the Clendon Road streetscape and is fitting to the neighbourhood character that includes many three storey forms.
- The proposal is deemed to meet the Urban Design Guidelines for Future Development of the School as contained within the incorporated Master Plan.
- The new building will not result in any unreasonable amenity impacts on the adjacent residential properties such as overshadowing or overlooking.
- The existing street trees are to be retained and protected and will not be comprised by the proposed works.

ATTACHMENTS

- [1](#). PA3 - 1102-18 - 6-36 Mandeville Crescent Toorak - Attachment 1 of 1 Plans

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit No: 1102/18 for the land located at 6-36 Mandeville Crescent, Toorak be issued under the Stonnington Planning Scheme for construction of a replacement school building associated with an existing education centre (section 2 use) in a General Residential Zone and Incorporated Plan Overlay subject to the following conditions:

- 1. Before the commencement of the development, 1 copy of plans drawn to scale and fully dimensioned, must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans TP0005 Rev C, TP0006 Rev B, TP0007 Rev C, TP0008 Rev C, TP0009 Rev B, TP0010 Rev B, TP0011 Rev B, TP1202 Rev D, TP1201 Rev C, TP1200 Rev C, TP1203 Rev C, TP1204 Rev B, TP1205 Rev B, TP1206 Rev B, TP2001 Rev C, TP2000 Rev C, TP2502 Rev C, TP2501 Rev C, TP2500 Rev C, TP2503 Rev B, TP9000 Rev B, TP9001 Rev B, TP9002 Rev B and Council date stamped 26 October and 29 November 2018 and 5 February 2019 but modified to show:***
 - a) Increase the setbacks to Clendon Road of the two projecting teaching areas by a distance of 1.4 metres to create a setback of 4 metres at Levels 1 and 2;***
 - b) Increase the setback of the window hoods to the Clendon Road frontage by a distance of 1.1 metres to create a minimum setback of 3.4 metres;***
 - c) Increase the vegetation along the Clendon Road frontage through provision of a creeper to the Clendon Road wall;***
 - d) Setback the plant screen on the northern roof from the eastern site boundary by an additional 1.5 metres (from 9.16 metres to 10.65 metres) and lower the height of the screen to the plant by 0.3 metres to RL49.821.***
 - e) Operable windows to be indicated on plans to allow for natural ventilation;***
 - f) Fabric assumptions for glazing and insulation to be listed on the materials schedule;***
 - g) Confirm the use of solar panels on the roof or remove from plans;***
 - h) The rainwater tank to be annotated to confirm location of an access hatch for maintenance and connection to all building toilets as per STORM tool;***
 - i) Roof plans to be updated to confirm drainage areas connected to the rainwater tank as per STORM tool;***
 - j) Bicycle parking to be dimensioned;***
 - k) Notations to confirm the proposed floor gradients of the parking areas to allow for adequate drainage as per AS2890.1;***
 - l) Changes as required to comply with Conditions 3 (Landscape Plan), 5 (Sustainability Management Plan), 7 (Tree Management Plan), 9 (Project Arborist);***

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, 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. The landscape plan must be in accordance with the landscape report Rev A, prepared by Oculus dated 21 October 2018 and Council date stamped 26 October 2018, but modified to show:**
 - a) **Increase the vegetation along the Clendon Road frontage through provision of a creeper to the Clendon Road wall at the locations of the Eastern Courtyard North and Eastern Courtyard South.**
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. **Concurrent with the endorsement of any plans pursuant to Condition 1 a Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. Upon approval the SMP will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority. Amendments to the SMP must be incorporated into plan changes required under Condition 1. The report must include, but not limited to, the following:**
 - a) **Daylight Assessment for the basement classrooms and study areas demonstrating compliance with Council's daylight requirements.**
 - b) **Preliminary thermal performance modelling against Section J requirements, or else detailed fabric assumptions and glazing calculator, demonstrating compliance with Council's energy efficiency requirements.**
 - c) **Confirm the use of solar panels or remove any reference to their use within the SMP and adjust the credits accordingly.**
 - d) **A site plan detailing calculations for the vegetated area in accordance with the SMP.**
 - e) **Remove innovation credit for Contractor sustainability education.**
 - f) **Further justification to claim BESS credit 1.1.**
 - g) **The type and efficiency of hot water system to be utilised to be specified.**
 - h) **Indicative site management plan which details how the site will be managed through construction relating to WSUD.**
 - i) **Indicative maintenance program which sets out future operational and maintenance requirements for the rainwater tank.**
 - j) **Demand calculations to confirm that the number of toilets provided on site and occupancy are equivalent to 40 bedrooms.**
 - k) **Subsequent updates to the SMP and plans to reflect the above and to achieve a minimum BESS rating of 50% and the relevant policy objectives of Clause 22.05 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 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 (AS 4970)***

The tree management plan must detail measures to protect the street trees in Clendon Road. The plan must also reference the trees in the Upper Courtyard. The plan must detail among other things:

1. ***Location and type of tree protection fencing,***
2. ***Mulching material,***
3. ***Watering regime,***
4. ***Method of root pruning,***
5. ***Canopy pruning that will be permitted,***
6. ***Location of services and method of installation.***

Among other things, the tree management plan must include the following information:

- a) ***Pre-construction (including demolition) – 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 Responsible Authority's Parks Unit. Removal of protection works and cessation of the Tree Management Plan must be authorised by the Responsible Authority's Parks Unit.

8. ***Prior to the endorsement of plans and prior to any development commencing on the site (including demolition and excavation whether or not a planning permit is required), the owner/ developer must enter into a Deed with the Responsible Authority and provide it with a bank guarantee of \$40,541.00 as security against a failure to protect the health of Trees 2, 3 & 5 – Platanus x acerifolia (London Plane) and Tree 4 – Acer negundo (Box Elder) to be retained. The applicant must meet all costs associated with drafting and execution of the Deed, including those incurred by the responsible authority. Once a period of 12 months has lapsed following the completion of all works at the site the Responsible Authority may discharge the bank guarantee upon the written request of the obligor. At that time, the Responsible Authority will inspect the tree(s) and, provided they have not been detrimentally affected, the bank guarantee will be discharged.***

9. ***Concurrent with the endorsement of plans or prior to the commencement of any works at the site (including demolition and excavation whether or not a planning permit is required), whichever occurs sooner, a letter of engagement must be provided to the Responsible Authority from the project arborist selected to oversee all relevant tree protection works. The project arborist must be an appropriately experienced and qualified professional (minimum Cert IV or equivalent in experience).***
10. ***The project arborist must maintain a log book detailing all site visits. The log book must be made available to the Responsible Authority within 24 hours of any request.***
11. ***Prior to the commencement of any works at the site (including demolition and excavation whether or not a planning permit is required), the project arborist must advise the Responsible Authority in writing that the Tree Protection Fences have been installed to their satisfaction.***
12. ***Prior to the commencement of any works on the land, each Tree Protection Zone as shown on the endorsed plans must:***
 - a) ***be fenced with temporary fencing in accordance with the attached specifications annotated in this permit to the satisfaction of the Responsible Authority.***
 - b) ***include a notice on the fence to the satisfaction of the Responsible Authority advising on the purpose of the Tree Protection Zone, the need to retain and maintain the temporary fencing and that fines will be imposed for removal or damage of the fencing and trees.***
 - c) ***No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone without the prior written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.***
13. ***A copy of the tree protection zones are to be included in any contract for the construction of the site or for any other works which may impact upon the trees.***
14. ***The permit holder / developer must advise Council in writing that a Certificate of Occupancy has been issued in respect to the development and that the 12 month establishment period has commenced.***
15. ***Prior to a building permit being 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 all 'recommendations' and requirements contained in that report. All drainage must be by means of a gravity based system with the exception of runoff from any basement ramp and agricultural drains which may be pumped. The relevant building surveyor must check and approve the drainage design and ensure that protection of the building is provided from a 1 in 100 A.R.I. rainfall event as required by the Building Regulations***
16. ***Prior to an 'Occupancy Permit' being issued, a suitably qualified Engineer must carry out a detailed inspection of the completed stormwater drainage system and associated works including all water storage tanks and detention (if applicable) to ensure that all works have been constructed in accordance with the approved design and the relevant planning permit conditions.***

17. ***The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp).***
18. ***Any poles, service pits or other structures/features on the footpath required to be relocated to facilitate the development must be done so at the cost of the applicant and subject to the relevant authority's consent.***
19. ***The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.***
20. ***Prior to occupation, access for persons with disabilities must be provided in compliance with the Disability Discrimination Act 1992 and such access must be maintained at all times the building is occupied or in use.***
21. ***Any external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.***
22. ***All plant and equipment (including air-conditioning units) 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. ***This permit will expire if one of the following circumstances applies:***
 - a) ***The development is not started within two years of the date of this permit.***
 - b) ***The development is not completed within four years of the date of this permit.***

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

NOTES:

- A. ***This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.***
- B. ***Nothing in this permit hereby issued shall be construed to allow the removal of, damage to or pruning of a significant tree (including the roots) without the further written approval of Council.***

“Significant Tree” means a tree or palm:

- a) ***with a trunk circumference of 140 cm or greater measured at 1.4 m above its base;***
- b) ***with a total circumference of all its trunks of 140 cm or greater measured at 1.4 m above its base;***
- c) ***with a trunk circumference of 180 cm or greater measured at its base; or***
- d) ***with a total circumference of all its trunks of 180 cm or greater measured at its base.***

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

- C. 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.***
- D. Nothing in the permit hereby issued may be construed to allow the removal of, damage to or pruning of any street tree without the further written consent of the Stonnington City Council. Contact the Council Arborists on 8290 1333 for further information.***
- E. 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.***
- F. Council has adopted a zero tolerance approach in respect to the failure to implement the vegetation related requirements of Planning Permits and endorsed documentation. Any failure to fully adhere to these requirements will be cause for prosecution. This is the first and only warning which will be issued.***

2. PLANNING APPLICATION 0374/18 - 14 WILMOT STREET, MALVERN EAST VIC 3145 - DEMOLITION OF THE EXISTING DWELLING AND CONSTRUCTION OF TWO DWELLINGS ON A LOT IN A NEIGHBOURHOOD RESIDENTIAL ZONE AND NEIGHBOURHOOD CHARACTER OVERLAY

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

PURPOSE

For Council to consider a planning application for demolition of the existing dwelling and construction of two dwellings on a lot in a Neighbourhood Residential Zone and Neighbourhood Character Overlay at 14 Wilmot Street, Malvern East.

This item was considered at the Council meeting of 18 February 2019. The application is now re-presented to Council for further consideration.

Executive Summary

Applicant:	Keen Planning
Ward:	East Ward
Zone:	Neighbourhood Residential Zone
Overlay:	Neighbourhood Character Overlay
Neighbourhood Precinct:	Garden Suburban 4
Date lodged:	12 April 2018
Statutory days: (as at council meeting date)	85
Trigger for referral to Council:	7 or more objector properties
Number of objections:	10
Consultative Meeting:	Yes – held on 4 September 2018
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 DNB Design and Drafting and are known as Project No: DP-AD28044, Drawing No: 17-032, Sheet No's: 1 to 9, Revision E, and Landscape Plans prepared by Marnie Lewis Design known as Job No: 18004, Page No's: TP2-001 to TP2-004, all Council date stamped 22 November 2018.

Key features of the proposal are:

- Demolition of the existing dwelling and outbuildings;
- Construction of two double storey dwellings in a side by side configuration, each with four bedrooms;
- Provision of two car parking spaces for each dwelling within a basement level, accessed via the existing crossover towards the northern side of the frontage;

- Pedestrian access is via individual entries located centrally to the frontage;
- Each dwelling is provided with ground level secluded private open space to the east (rear);
- The proposed maximum building height is 7.6 metres;
- The building design references the key elements of Californian bungalow style with pitched roofing incorporating several street facing gables, generous front porches supported by solid pillars, and wall materials including render, face brickwork and horizontal timber-look cladding;
- A 1.2 metre high front fence constructed of face brickwork piers with timber picket infill.

Site and Surrounds

The site is located on the eastern side of Wilmot Street, approximately 140 metres north of the intersection with Dandenong Road. The site has the following significant characteristics:

- A frontage to Wilmot Street of 15.24 metres, a depth of 45.72 metres, with an overall site area of approximately 697 square metres.
- The land is currently occupied by a single storey weatherboard dwelling with a tiled, pitched roof. The dwelling is a Californian bungalow yet is not considered to be of heritage significance. The dwelling is setback 8.6 metres from the street frontage and side setbacks range between 1.74 metres and 4.2 metres.
- Vehicle access to the site is via a single width crossover located toward the northern end of the frontage, with a driveway sited along the northern side boundary accessing a garage toward the rear.
- The land is relatively flat with a slight slope upwards of approximately 400mm from front to rear (west to east).

Wilmot Street forms part of a broader Significant Character Area which is defined by numerous Californian bungalows which typically have a low slung appearance and incorporate key original features including large terracotta tiled roofs with simple chimneys, stucco and timber fretwork on gable ends, decorative brickwork, bay windows and arched verandahs with large pillars. Front fences are typically timber picket or low brick to match the era and style of dwellings. This description is somewhat apt within Wilmot Street which comprises numerous original Californian bungalow dwellings, however several of these have been improved with sympathetic first floor additions, and they are interspersed with replacement dwellings of one to two storeys, including several dual occupancy developments. Whilst terracotta tiled roofs are predominant, there are several examples of alternative roof materials including Colorbond and alternative coloured tiles.

The site has the following direct interfaces:

- To the north the property addressed to 16 and 16A Wilmot Street comprises of two double storey, attached dwellings. The dwellings are setback 9.1 metres from the street, with the garages built to both side boundaries. Each dwelling is provided with a separate crossover accessing single car garages. The development displays masonry and weatherboard cladding with dark tiled roofing incorporating street facing gables. Secluded private open space interfaces with the subject site at the rear.
- The property to the south at 12 and 12A Wilmot Street comprises of two single storey, attached dwellings. The dwellings are setback 8.77 metres from the street. Each dwelling is provided with a separate crossover accessing single car garages which are constructed to both side boundaries. The development adopts a modest contemporary style with low profile corrugated iron roofing and a low front fence. Secluded private open space interfaces with the subject site at the rear.

- To the east the property at 13 MacGregor Street contains a single storey brick dwelling with pitched tiled roof. A large area of secluded private open space interfaces with the subject site at the rear.
- To the west, directly across Wilmot Street, is a dual occupancy development addressed to 13 and 13A Wilmot Street. The property is improved with two single storey attached dwellings constructed to both side boundaries, each accessed via separate crossovers.

Previous Planning Application(s)

A search of Council records indicates that there is no permit history on the subject site.

The following planning applications on adjoining properties are considered to be of relevance:

- Planning Permit 449/06 at 16 Wilmot Street, Malvern issued by VCAT on 18 January 2007 allowing construction of two double storey attached dwellings. The development has been constructed.
- Planning Permit 814/04 at 12 Wilmot Street, Malvern issued under delegation on 10 March 2005 allowing construction of two single storey attached dwellings. The development has been constructed.

The Title

The site is described on Certificate of Title Volume 4793 Folio 537 as Lot 45 on Plan of Subdivision 7579 and no covenants or easements affect the land.

Planning Controls

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

Zone

Clause 32.09 Neighbourhood Residential Zone (Schedule 4)

Pursuant to Clause 32.09-6 a permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55.

Pursuant to Clause 32.09-4, a minimum garden area of 35% is required to be provided at ground level. The development provides a minimum garden area of approximately 38% in compliance with this mandatory requirement.

Pursuant to Clause 32.09-10, the maximum height of a building for use as a dwelling must not exceed a height of 9 metres and must not contain more than two storeys. The proposed two storey development has a maximum height of 7.6 metres in compliance with this mandatory requirement.

Overlay

Neighbourhood Character Overlay (Schedule 7)

Clause 43.05

Pursuant to Clause 43.05-2 a permit is required to construct a building or construct or carry out works. A permit is also required to demolish or remove a building and construct an outbuilding pursuant to Schedule 7 of the overlay.

Schedule 7 of the Neighbourhood Character Overlay modifies standards B6 (Street setback), B18 (Walls on boundaries) and B31 (Design detail). Refer to the assessment under Key Issues for specific details.

Particular Provisions

Clause 52.06 - Car Parking

Pursuant to Table 1 at Clause 52.06-5 two car parking spaces are required for each three or more bedroom dwelling, and at least one space is to be under cover. As the development proposes two dwellings each with four bedrooms, a total of 4 car parking spaces are required. There is no requirement for visitor car parking.

Each dwelling is provided with two car parking spaces within a basement level. Accordingly, the requirements of Clause 52.06-5 are satisfied and a permit is not required in this regard.

Relevant Planning Policies

Clause 16.01 - Residential Development

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

Clause 22.23 - Neighbourhood Character Policy

Clause 32.09 - Neighbourhood Residential Zone

Clause 43.05 - Neighbourhood Character Overlay

Clause 55 - Two or more dwellings on a lot (ResCode)

Clause 65 - Decision Guidelines

Advertising

The original application plans (Council date stamped 9 July 2018) were 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 was completed satisfactorily.

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

- neighbourhood character;
- overdevelopment;
- visual bulk, scale and mass;
- basement car park is out of character;
- centrally located basement access;
- lack of landscaping opportunities in front setback;
- pedestrian safety;
- increased traffic;
- lack of car parking;
- extent of basement and impact of excavation;
- inadequate side setbacks;
- equitable development opportunities limited;
- overlooking;
- overshadowing;
- loss of outlook and daylight to existing windows;
- inadequate materials information;
- reduced garden space and loss of trees;
- proposed tree species and climbers are inappropriate;
- increased potential for flooding;
- devaluation of properties;

- increased crime.

A Consultative Meeting was held on 4 September 2018. The meeting was attended by Councillors Klisaris, Atwell and Davis, representatives of the applicant, objectors and a Council planning officer. Subsequent to the consultation meeting, the application was formally amended with revised plans received by Council on 22 November 2018. The amended plans included the following key changes:

- Relocation of the basement accessway from the centre of the frontage to the northern end of the frontage, utilising the existing vehicle crossover for access, and associated revisions to landscaping and front fencing;
- Alterations to the basement layout to facilitate the new driveway location;
- Staggering the front façade presentation resulting in the northern dwelling being setback approximately 1 metre behind the façade of the southern dwelling, and associated change to the rear setback;

The amended plans were re-advertised by sending notices to the owners and occupiers of adjoining land and all objectors. One objection was received from a previous objector who raised additional issues and reiterated concerns, summarised as follows:

- lack of provision for canopy tree planting within frontage to soften visual impact;
- inappropriate tree species;
- overdevelopment;
- increased visual bulk impacts from existing windows due to Dwelling 1 being setback further into site;
- overlooking;
- colour of roof cladding is not specified.

Referrals

Urban Design (comments based on original plans, dated 9 July 2018)

- To moderate the bulk of the building and improve the presentation to the streetscape the following is suggested:
 - Relocate the basement access ramp towards the northern site boundary, leaving space for landscaping between the driveway and the boundary;
 - Stagger the siting of the two dwellings, ie. set back the northern dwelling, and eliminate the projecting central party wall;
 - In the staggering of the two dwellings the extent of ground floor may require some reduction in area which would assist in the reduction of the overall building bulk and would also enable an improved landscape setting for the development.
- The proposed first-floor setbacks appear to be reasonable.

Planner response: The amended plans address the suggestions to relocate the basement access ramp and provide a staggered front facade, however a condition of permit will require the projecting central party wall to be deleted. Subject to this change, the Urban Designer has noted that the revised plans are acceptable.

Parks

- There is no objection to the proposed tree removal within the site, including two significant trees (a Canary Island Date Palm and a WA Willow Myrtle) which will require further permission from Local Laws to be removed.
- When considering the level of tree removal within the rear setback of the site and the increased height in built form for this proposal, larger trees should be installed along the eastern boundary than the proposed Malus 'Sutyzam' (Sugar Thyme Crabapple).

Planner response: A condition of permit will require an amended landscape plan to be submitted with a revised tree species along the rear boundary. All proposed species must be to Council's satisfaction. With regard to the removal of significant trees the following is noted:

- The Canary Island Date Palm is located centrally along the northern boundary of the site. It is 3.5 metres in height and only meets the definition of a significant tree due to its wide base. Council's arborist has confirmed that it makes no contribution to the surrounding landscape.
- The WA Willow Myrtle is located within the front setback and will not be impacted by the proposed building footprint. However the tree is in fair-poor health and Council's arborist is supportive of its removal as it has a very thin canopy and is most likely approaching the end of its useful life expectancy. The preferred planning outcome is for this tree to be replaced with a healthier canopy tree, as demonstrated within the landscape plan.

Infrastructure

- Permit conditions are recommended to address drainage design and stormwater runoff.

Transport and Parking

- The parking provision meets the requirements of the Planning Scheme.
- The development is not anticipated to generate significant traffic volumes or to impact the surrounding road network.
- A 3.2 metre wide access ramp with extension of kerbs on either side is satisfactory for two dwellings.
- A minimum height clearance of 2.2 metres is required above the access ramp.
- Pedestrian sight triangles either side of access ramp are to be dimensioned, and any fencing and landscaping within splays should not exceed 0.9 metres in height.
- The width and length of car parking garages within the basement are satisfactory.
- If proposed, garage doors should be a minimum width of 4.8 metres.
- Manoeuvrability within the basement is acceptable.
- Basement access grades are acceptable. The plans should detail floor gradients within the basement (minimum 1:200).
- Any new vehicle crossover should meet the requirements of Council's policy.

Planner response: These matters will be addressed via permit conditions.

KEY ISSUES

Strategic Context

The overarching policies and objectives at both a State and Local level encourage urban consolidation in established urban areas and residential development in and around neighbourhood activity centres and close to public transport.

These strategies call for well-designed medium-density development that respects neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency.

Council's Strategic Framework defines the site as being within a "minimal change area" as it falls within a Neighbourhood Character Overlay. Medium density development is accepted in the residential hinterland, provided it is in accordance with the requirements of the relevant overlay and other local planning policies.

The site is located in close proximity to a tram route along Waverley Road to the north which connects onto Dandenong Road further west, and is within walking distance of two local Neighbourhood Activity Centres on Waverley Road, as well as the Carnegie Major Activity Centre to the south-east, thus it is suitably located to support the modest increase in density proposed in line with these policy expectations.

Neighbourhood Character

The objectives of Council's Neighbourhood Character Policy, at Clause 22.23-2, seek to ensure that developments contribute to the preferred character of the area and reflect the intention of the statement of preferred neighbourhood character and associated design guidelines for each precinct. The relevant statement of preferred neighbourhood character is:

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

A neighbourhood character response is required against the design guidelines for the Garden Suburban 4 Precinct and the objectives of the Neighbourhood Character Overlay at Clause 43.05. Essentially a development is required to complement the identified character elements of the area. Schedule 7 to the Neighbourhood Character Overlay provides the following direction for the preferred neighbourhood character of this area:

The preferred neighbourhood character for these areas is defined by the continued presence of Californian bungalows and new dwellings that reflect the key characteristics of the streetscapes which comprise:

- *Single storey building scale with second storeys recessed behind the front façade.*
- *Simple floor plans with projecting front room and porch or verandah.*
- *Orientation of buildings to the street according to lot orientation.*
- *Consistent front and side setbacks.*
- *Established planting, including canopy trees, in the front, side and rear setbacks.*
- *Use of weatherboard, brick or brick and render.*
- *Dark terracotta tiled, pitched roofs.*
- *Car parking and car parking structures located behind the dwelling with side driveway access.*
- *Low brick or timber picket front fences.*

The neighbourhood character objectives of the overlay are:

- *To ensure that new buildings and works contribute to the preferred neighbourhood character of the area.*
- *To encourage the retention of intact, original dwellings that contribute to the preferred neighbourhood character of the area.*
- *To maintain the established pattern of front and side setbacks in the street.*
- *To ensure that new dwellings...respect the dominant building height, form, façade articulation, materials and roof forms of the streetscape.*
- *To ensure that the use of design detail in new buildings complements, rather than mimics, that of the predominant building styles in the street.*
- *To minimise the loss of front garden space due to car parking and driveways, and minimise the dominance of car parking structures in the streetscape.*
- *To ensure space is available for the planting of trees and gardens.*

Whilst retention of original Californian bungalows is encouraged in this location, demolition may be supported provided the replacement building suitably reflects the key characteristics of the precinct. The context of the broader streetscape character should be considered, rather than just the character elements of the existing dwelling which is not subject to heritage protection. As indicated within the above objectives, neighbourhood character is predominantly defined by the pattern of front and side setbacks, building height, form and design detailing, the siting of car parking and accessways, and the provision of adequate landscaped areas reflective of the garden character. A new building should not detract from the neighbourhood character, but rather it should fit in by respecting the streetscape and reflecting the key characteristics of the preferred character.

The proposal responds to the relevant key characteristics and the design guidelines of the preferred neighbourhood character in the following manner:

- The streetscape character is mixed with several infill dwellings and side by side dual occupancy developments. The contribution that the existing dwelling makes to the streetscape is somewhat reduced by the presence of medium density developments on both adjoining lots which are constructed to the common boundaries.
- The generous front setbacks to the new development are greater than 11 metres which exceeds both of the neighbouring properties and is consistent with the broader streetscape.
- The upper level of the development is well setback approximately 8 metres behind the front façade, ensuring it is a recessive element with a predominantly low scale single storey presentation maintained to the streetscape. In contrast, the adjacent development to the north is provided with minimal first floor setbacks from the façade and thus has a more prominent presence within the street.
- The side setbacks range between 1.2 metres to 1.8 metres at ground floor, and from 1.8 metres to 3.19 metres at first floor, which provides adequate space around the building to maintain the rhythm of this streetscape in which side setbacks are typically minimal.
- The two storey development proposes a relatively modest height of 7.6 metres and does not exceed the scale of development in the street in which numerous two storey dwellings exist. The height is generally consistent with the adjacent development to the north.
- The design detailing of the development seeks to reference the key characteristics of the Californian bungalow style without strictly mimicking it. The proposal includes a well-articulated façade with projecting verandahs and first floor bay windows, gable roof ends, use of eaves, substantial front verandahs and traditional window styles.

- The Colorbond roof sheeting is compatible with the streetscape. Whilst not the predominant material there are several dwellings, including Californian bungalows, which employ this material. Other materials comprising rendered finishes, face brickwork and horizontal timber-look cladding also complement the predominant material palette of the neighbourhood. Council's Urban Designer has not raised any issues with the proposed materials. A materials schedule incorporating proposed colours will be required via permit condition.
- The vehicle access is provided to the side of the frontage which is consistent with the streetscape and provides for a landscaped front garden. The provision of a basement ensures that car parking structures do not dominate the streetscape.
- There is adequate space around the development to accommodate meaningful landscaping including the provision of canopy trees to the front and rear and screen planting to the side setbacks. Whilst the basement level is constructed partially to both side boundaries, the above areas at ground level will be used as walkways to access the sides and rear of the property, thus they would not be suitable for large canopy trees which would reduce the functionality of the spaces. Furthermore, the basement walls on the boundary generally abut boundary walls on adjoining lots, therefore the ability to plant canopy trees in these locations is already limited. The existing vegetation proposed to be removed is not significant to the character of the area and removal is supported by Council's arborist.
- The proposed front fence is a modest height of 1.2 metres and will be constructed in a style to complement the more traditional fencing within the streetscape with the use of brick piers and timber picket infill panels. The visually permeable fence will allow views to the front garden and dwellings beyond.

On balance, the proposed demolition and replacement building are considered to represent an appropriate design response to the preferred neighbourhood character outcomes for the area.

Built Form

The provisions of the Neighbourhood Residential Zone require that the proposal for two dwellings be assessed against the objectives and standards of Clause 55 (ResCode) as well as the modified standards specified in Schedule 7 to the Neighbourhood Character Overlay. A full assessment against the applicable objectives and standards has been carried out and the development is generally compliant. The following relevant standards are highlighted and discussed:

Street Setback

Schedule 7 to the Neighbourhood Character Overlay modifies Standard B6 and states that the minimum street setback should be equal to the prevailing setback of dwellings on the same side of the street in the same Overlay area.

The development proposes a street setback of between 11.17 metres to 12.25 metres, with verandahs projecting 1.68 metres into the front setback. The setbacks are greater than the prevailing setbacks on the eastern side of Wilmot Street which generally range between 8.5 metres to 10 metres. The development will also be further setback from the street than the adjacent dual occupancy developments on either side of the subject site.

Building Height

The proposal has a maximum building height of 7.6 metres above natural ground level. This complies with the maximum 9 metre height limit permitted by the Neighbourhood Residential Zone.

Site Coverage and Permeability

The development represents site coverage of approximately 55% which is less than the 60% permitted by Standard B8.

The development provides on-site permeability of approximately 38.5% which is well in excess of the 20% minimum required by Standard B9.

Design Detail

Schedule 7 to the Neighbourhood Character Overlay modifies Standard B31 and calls for developments to specifically respond to the following character elements of the neighbourhood:

- *Scale and form,*
- *Roof form, pitch and eaves,*
- *Number of storeys,*
- *Materials and finishes,*
- *Façade articulation,*
- *Building siting, and*
- *Siting and design of vehicle access and car parking structures.*

As outlined in the neighbourhood character assessment above, the proposed design complements the detailed features of the original Californian bungalow dwellings that contribute to the neighbourhood character in terms of the above elements. With deletion of the central party wall between the dwellings as previously recommended, the attached pair will essentially present to the street as a substantial single dwelling with an asymmetrical façade and detailed roof forms, which is characteristic of the original dwellings in the street.

The modified standard requires the first floor to be sited 8 metres behind the ground floor façade, in order to ensure the single storey part of the building, including its roof form, is the dominant visual element when viewed from the street. This has generally been achieved in the proposed development, with the first floor walls (not including projecting bay windows) setback 8 metres behind the front verandahs which are beneath the prominent roof gables of the ground floor.

In compliance with the modified standard, provision of a basement ensures that there are no car parking structures to visually dominate the frontage, and hard paving within the front setback is minimised by utilising a shared driveway. This is an improved outcome on other attached developments within the street which provide two driveways which consequently reduces space for landscaping.

Amenity Impacts

Side and Rear Boundary Setbacks

The dwellings are setback from both side boundaries, with increased setbacks at first floor level. The following table demonstrates full compliance against the side setback requirements of Standard B17:

Ground Floor				
Location	Wall height	B17 Setback required	Setback proposed	Complies?
North-west corner	3.33 metres	1.0 metre	1.2 metres	Yes
North-east corner	3.12 metres	1.0 metre	1.8 metres	Yes
South-west corner	3.42 metres	1.0 metre	1.2 metres	Yes
South-east corner	3.16 metres	1.0 metre	1.8 metres	Yes
First Floor				
Location	Wall height	B17 Setback required	Setback proposed	Complies?
North-west corner	6.23 metres	1.789 metres	1.8-2.8 metres	Yes
North-east corner	6.13 metres	1.759 metres	1.8-3.2 metres	Yes
South-west corner	6.25 metres	1.795 metres	1.8-2.8 metres	Yes
South-east corner	6.15 metres	1.765 metres	1.8-3.2 metres	Yes

There are no boundary walls proposed as the basement floor is constructed below natural ground level, therefore Standard B18 as modified in Schedule 7 to the Neighbourhood Character Overlay is not applicable.

Rear setbacks range between 6.69 metres to 7.76 metres at ground floor, and between 12.26 metres and 12.31 metres at first floor. The ground level deck areas are covered with open pergola structures which are setback between 3.69 metres and 4.76 metres from the rear boundary. The setbacks will exceed the minimum setback requirement of 1.765 metres for a wall height of 6.15 metres and provide generous space for meaningful landscaping to complement the open garden character toward the rear of properties along Wilmot Street and MacGregor Street.

Overshadowing

The submitted shadow diagrams demonstrate that the proposal will not result in unreasonable overshadowing of the primary area of secluded private open space at the rear of the neighbouring property to the south at 12A Wilmot Street. This is primarily due to the generous setbacks and the siting of the proposed first floor which does not extend beyond the built form of the adjoining dwelling. The shadow cast by the proposed development will be predominantly contained within the shadow line of the existing fence on the common boundary, with only a small increased area affected at 3pm on 22 September (the equinox).

A courtyard which is centrally located to the side of the neighbouring dwelling to the south will be impacted by additional shadows, however this is a narrow space and is not the primary area of secluded private open space which is located to the rear. The impact is not significant as the dwelling will retain a substantial area of secluded private open space which remains unaffected by shadows cast from the development. The development complies with overshadowing Standard B21 of ResCode.

Daylight to neighbouring windows

The proposed setbacks, combined with the setbacks of neighbouring dwellings, are more than adequate to ensure that all habitable room windows with a direct outlook to the subject site will receive sufficient daylight access in compliance with Standard B19.

There is one north-facing window which is setback 3.54 metres from the common boundary. As the setback is greater than 3 metres, adequate solar access to the room will be maintained in accordance with Standard B20. Furthermore, the associated room is an open plan living area with additional dual aspect windows to the east and west.

Overlooking

Overlooking from all ground floor windows will be adequately limited by 2 metre high boundary fencing. All first floor habitable room windows on the side elevations are screened with either obscure glazing or sill heights to 1.8 metres above floor level, in compliance with Standard B22. However, the projecting bay window to the first floor façade of Dwelling 1 is within 9 metres of adjacent habitable room windows to the north. Thus it is considered appropriate to require that the northern side of the window be screened to limit unreasonable overlooking of the neighbouring dwelling. This can be addressed via permit condition.

To the rear, the first floor east facing windows are in excess of 9 metres from the rear boundary and have limited oblique views to the north and south. Whilst they are not required to be screened as there are no sensitive interfaces within the 45 degree viewing arc stipulated by Standard B22, the applicant has indicated a willingness to screen the windows to address the concerns raised by objectors. This will form a permit condition.

Landscaping

The layout of the development will allow adequate opportunities for sufficient landscaping throughout the site. The submitted landscape plan includes provision for three canopy trees and shrubbery within the front setback which is consistent with the character of the streetscape and will assist to soften the built form presentation to the street. Additional vegetation is proposed throughout the site including a row of hedging trees along the rear boundary. Council's arborist has confirmed that the proposed landscape design is an appropriate response in this context, although the suggestion to provide larger canopy trees along the rear boundary will be addressed via permit condition.

The development will not unreasonably impact on any neighbouring trees.

Internal Amenity

Each dwelling is provided with separate entries defined by pedestrian pathways from the street.

Provision of a lift from the basement to all floors within each dwelling increases the accessibility of the development to people with limited mobility.

The dwellings will each receive good access to daylight via windows facing outdoor spaces clear to the sky, and solar access is provided to secluded private open spaces which have a north-easterly aspect and convenient access from a living room.

Secluded private open space areas comprise of 51 square metres and 59 square metres respectively and the spaces are not encumbered by service areas and storage facilities which are provided elsewhere within the development. The spaces are considered functional and adequate to meet the recreational needs of future residents.

Generous storage facilities including a store room, cellar and bin storage are provided within the basement level for each dwelling.

Car Parking and Traffic

The proposal satisfies the car parking requirement under Clause 52.06 with two car spaces provided for each dwelling.

The access and layout of the basement meet the applicable Design Standards of Clause 52.06 and are therefore acceptable. As previously indicated, permit conditions will be imposed in line with Council's Traffic Engineer's recommendations to improve the level of detail on the plans.

Pedestrian sight triangles have been provided to both sides of the accessway and are considered adequate to maintain pedestrian safety, particularly given all vehicles will be exiting the site in a forwards direction and front fencing is visually permeable.

Environmentally Sustainable Development (ESD)

A Sustainable Design Assessment (SDA) was submitted with the application as required by Clause 22.05.

The proposed development seeks to incorporate several ESD initiatives to ensure the development achieves a BESS score of 52%, which is considered to meet best practice and is satisfactory. The plans are required to be annotated to clearly show the proposed ESD initiatives in accordance with the SDA.

A Water Sensitive Urban Design Response was also submitted with the application. The report includes a STORM Rating Report with a rating of 101% which is achieved by the provision of 4000 litre rainwater tanks for each dwelling along with a 100mm rain garden. The plans indicate a 3000 litre underground tank for each dwelling beneath the basement and the location of rain garden has not been specified. A permit condition will require the plans to demonstrate compliance with the proposed treatment measures, in order to meet the requirements of Clause 22.18.

Objections

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

- Reduction in property values is not a relevant planning consideration and does not form part of the assessment.
- Increased crime is not a relevant planning consideration for a development of this nature.

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 *Charter of Human Rights and Responsibilities Act 2006*.

ATTACHMENTS

⇒1. PA - 374-18 - 14 Wilmot Street Malvern East - Attachment 1 of 1

Plans

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit No: 374/18 for the land located at 14 Wilmot Street, Malvern East be issued under the Stonnington Planning Scheme for demolition of the dwelling and construction of two new dwellings on a lot in a Neighbourhood Residential Zone and Neighbourhood Character Overlay subject to the following conditions:

- 1. Before the commencement of the development, including demolition, 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 amended plans prepared by DNB Design and advertised in November 2018, but modified to show:***
 - a) Deletion of the central party wall projection to the front façade to the satisfaction of the Responsible Authority.***
 - b) A materials and colours schedule in accordance with Condition 3.***
 - c) Fixed obscure glazing to a minimum height of 1.7 metres above finished floor level provided to the northern side of the bay window to the first floor façade of Dwelling 1, in accordance with Clause 55.04-6 (Overlooking standard).***
 - d) The first floor east facing habitable room windows screened in accordance with Standard B22 of Clause 55.04-6 (Overlooking standard).***
 - e) Pedestrian sight triangles on either side of the accessway to be fully dimensioned and annotated to state that the corner splays will be at least 50 per cent clear of visual obstructions and landscaping must not exceed 900mm in height.***
 - f) The width of basement access ramp to be fully dimensioned.***
 - g) A minimum headroom clearance of 2.2 metres above the access ramp and within the basement.***
 - h) A minimum floor gradient of 1:200 (0.5%) within the basement.***
 - i) Garage doors within the basement, if proposed, dimensioned to be at least 4.8 metres in width.***
 - j) An amended landscape plan in accordance with Condition 4.***
 - k) Notations to demonstrate compliance with the proposed ESD initiatives as detailed in the Sustainable Design Assessment prepared by EcoResults, including all stormwater treatment measures in accordance with the STORM Rating Report.***
- 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, without the prior written consent of the Responsible Authority.***
- 3. Before the development starts, a schedule of construction materials, external finishes and colours to the satisfaction of the Responsible Authority must be submitted and approved. When approved, the schedule will be endorsed and will form part of the permit.***

4. ***Before the development starts an amended landscape plan must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions. The landscape plan must be generally in accordance with the plan advertised in November 2018, prepared by Marnie Lewis Design, but modified to show:***
 - a) ***The Malus 'Sutyzam' (Sugar Thyme Crabapple) proposed along the eastern (rear) boundary to be replaced with a larger tree species to the satisfaction of the Responsible Authority.***
5. ***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.***
6. ***Prior to the occupation of the building, fixed privacy screens (not adhesive film or timber screens) designed to limit overlooking as required by Standard B22 of Clause 55.04-6 in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.***
7. ***All plant and equipment (including air-conditioning units) 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.***
8. ***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.***
9. ***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.***
10. ***Prior to the commencement of the development hereby approved, the permit holder must obtain approval from Council's Building and Local Laws Department to construct or modify any vehicle crossovers providing access to the subject site. The issue of a planning permit does not provide approval for vehicular crossovers which are outside of the title boundary.***
11. ***Prior to a building permit being 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 all 'recommendations' and requirements contained in that report. All drainage must be by means of a gravity based system with the exception of runoff from any basement ramp and agricultural drains which may be pumped. As required by the Building Regulations, the relevant building surveyor must check and approve the drainage design and ensure that protection of the building is provided from a 1 in 100 A.R.I. rainfall event.***

12. ***The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp).***
13. ***The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.***
14. ***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 2,500 litres greater than those tanks required to satisfy WSUD requirements for the development. Those tanks must be connected to all toilets.***
15. ***This permit will expire if one of the following circumstances applies:***
 - a) ***The development is not started within two years of the date of this permit.***
 - b) ***The development is not completed within four years of the date of this permit.***

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

NOTES:

- 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. ***Nothing in this permit hereby issued shall be construed to allow the removal of, damage to or pruning of a significant tree (including the roots) without the further written approval of Council.***

"Significant tree" means a tree:

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

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

- III. ***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.***

- VI. 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 0803/18 - 349 WAVERLEY ROAD MALVERN EAST - USE OF LAND FOR A RESIDENTIAL BUILDING (ROOMING HOUSE) IN A GENERAL RESIDENTIAL ZONE

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

PURPOSE

For Council to consider a planning application for use of land for a Residential Building (Rooming House) in a General Residential Zone at 349 Waverley Road, Malvern East.

This item was considered at the Council meeting of 18 February 2019. The application is now re-presented to Council for further consideration.

Executive Summary

Applicant:	Nick Hao
Ward:	East
Zone:	General Residential Zone Schedule 7
Overlay:	Nil
Neighbourhood Precinct:	Garden Suburban 4
Date lodged:	1 August 2018
Statutory days:	128
Trigger for referral to Council:	Greater than seven objections
Number of objections:	Ten objections from nine properties
Consultative Meeting:	Yes held on 6 December 2018
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 Shaw 4 Design and are known as Drawing No.s: TP01 & TP02 Council date stamped 19 October 2018, TP03-TP06 Council date stamped 13 September 2018 and TP07 Council date stamped 19 September 2018.

Key features of the proposal are:

- Construction of two internal walls (buildings and works exempt from permit requirement pursuant to Clause 62 of the Planning Scheme), to create two additional bedrooms within an existing Rooming House. As the total number of bedrooms exceeds nine (total ten proposed), the use of the land for a Rooming House now requires a planning permit.
- The proposed two new bedrooms have been created by dividing two existing bedrooms in half. Each of the four rooms have individual access from within the existing building.
- The existing Rooming House has eight bedrooms. This application proposes two additional bedrooms, to increase the total number of bedrooms to ten.
- The existing number of persons accommodated on site is ten, this is not proposed to increase.
- No external buildings and works are proposed.

Site and Surrounds

The site is located to the north-west of the intersection of Waverley Road and Lewes Drive in Malvern East. The site has the following significant characteristics:

- The land has a frontage to Waverley Road (Category 1 Road Zone) of 17.7 metres and a frontage to Lewes Drive of 44.5 metres, yielding a total site area of approximately 787 square metres.
- The existing building located on the land is described as a double storey, rendered brick dwelling with a pitched, tiled roof.
- The front setback to Waverley Road comprises an open, landscaped yard, with the building setback 9.0 metres from the title boundary. A projecting bay window is positioned on the façade wall of the dwelling to Waverley Road.
- The secondary frontage to Lewes Drive includes a setback from the dwelling to the title boundary of between 3.4-5.2 metres, with an entry porch projecting into the setback. The setback comprises further landscaped, open areas.
- Secluded private open space in the order of 197 square metres is provided to the north and west of the existing building.
- Vehicle access to the site is gained via an existing single width crossover to Lewes Drive, providing access to a double car carport, positioned to the north-west boundaries of the site.
- Bicycle parking for a total of ten bicycles is provided to the south of the carport, abutting the western title boundary.
- The site and existing building is currently used as a Rooming House with eight bedrooms and currently accommodates ten people on site.

Previous Planning Application(s)

A search of Council records indicates no previous planning history registered to the site.

The Title

The site is described on Certificate of Title 05563 Folio 563, as Lot 1 on Title Plan 684589C contains Covenant 1520598, described as follows:

'...will not any anytime hereafter excavate, carry away or remove or permit to be excavated, carried away or removed any sand, clay, earth from the said land except for the purpose of excavating for the foundations of any building to be erected thereon and further, shall not erect more than one dwelling house upon the said land'

The proposal does not seek to undertake excavation works to remove the above-listed materials/resources from the site and does not seek to construct more than one dwelling on the land. As such, the proposal is not in breach of the listed covenant.

Planning Controls

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

Zone

Clause 32.08 - General Residential Zone Schedule 7

Pursuant to Clause 32.08-02 a permit is required to use the land for the purpose of a Rooming House, which does not meet all the requirements of Clause 52.23-2 (Rooming House).

Particular Provisions

Clause 52.23 – Rooming House

Pursuant to Clause 52.23-2 a permit is required as the proposal seeks to increase the total number of bedrooms from eight (8) to ten (10). The provisions of Clause 52.23 require a planning permit to use a site for the purpose of a Rooming House when the number of bedrooms exceeds nine (9).

Clause 52.06 – Car Parking

Pursuant to Clause 52.06, the use of the land as a Rooming House attracts a car parking rate of one space, for every four bedrooms. As ten bedrooms are proposed, two car spaces are required. A total of two on-site car parking spaces are currently provided in the form of a carport and are proposed to be retained, therefore the provisions of Clause 52.06 are satisfactorily met.

Clause 52.32 – Bicycle Facilities

It is noted that the provisions of Clause 52.34 (Bicycle Facilities) do not provide an applicable rate for use of the land as a Rooming House. Notwithstanding this, ten spaces are provided on site.

Clause 62.02 – Buildings and works not requiring a permit unless specifically required by the Planning Scheme. Pursuant to Clause 62.02, the construction of internal walls within the existing building does not require a planning permit.

Relevant Planning Policies

Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16.01	Integrated Housing
Clause 16.01-3	Housing Diversity
Clause 21	Municipal strategic Statement
Clause 32.08	General Residential Zone
Clause 52.23	Rooming House
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 signs on the site. The public notification of the application has been completed satisfactorily.

The site is located in East Ward and ten objections from nine different properties have been received, summarised as follows:

- There is inadequate car parking in the street (Lewes Drive) and the proposal will exacerbate existing problems/Increased traffic and noise, blocking of driveways etc.
- Overlooking and impact on privacy.
- Council should not be allowed to permit such intensification of the use, the building cannot easily accommodate the number of occupants proposed and will create overcrowding.
- Night-time noise and disturbance from residents, visitors etc.

- Increasing the number of bedrooms of the existing use will exacerbate the problems already experienced.
- The property and its gardens have been neglected and run down over the last few years, rubbish is left out etc.
- There is enough student housing in the area.
- There is no information that the building complies with fire and safety standards.
- No ResCode assessment has been submitted.
- The applicant is seeking to maximise commercial gain from the property.
- The title has a single dwelling covenant

A Consultative Meeting was held on 6 December 2018. The meeting was attended by Councillor Davis, representatives of the applicant, objectors and a Council planning officer. The meeting did not result in any changes to the proposal. A detailed response to each of the above grounds of objection is provided in the body of this report.

Referrals

Whilst it is noted that compliance with Clause 52.06 (Car Parking) of the Stonnington Planning Scheme has been achieved, the application was referred to Council's Transport for comment due to concerns raised in objections. Comments received are summarised as follows:

- Based on the requirements of the Planning Scheme, the proposal would generate a provision for two parking spaces. Two parking spaces are already provided on site and are proposed to remain which would meet this requirement.
- Although the number of bedrooms is increasing, the number of persons on-site is to remain the same. As such, it would be difficult to argue against the existing conditions of the site and its parking generation as the number of residents is not proposed to change.

The above comments are noted.

KEY ISSUES

The proposal poses the following questions which are relevant to the assessment of the Rooming House:

- What is the existing use of the land/building?
- Is the proposed internal amenity of the altered bedrooms acceptable?
- Will the proposal result in any unreasonable off-site amenity impacts?
- Does the proposal provide adequate car and bicycle parking facilities?

Each of the above key questions are considered in turn below, with reference to relevant planning policy where applicable.

What is the existing use of the land/building?

The existing building on the land is used as a Rooming House, with a total of eight bedrooms provided. Pursuant to Clause 32.08 (General Residential Zone), a permit is required to use land for the purpose of a Rooming House, if it does not meet all the requirements of Clause 52.23 (Rooming House).

The triggers for the requirement of a planning permit in accordance with Clause 52.23 (Rooming House) of the Stonnington Planning Scheme are:

Any requirement in the General Residential Zone to obtain a permit to use the land for a rooming house does not apply if all of the following relevant requirements are met:

- The total floor area of all buildings on the land does not exceed 300 square metres, excluding outbuildings.
- No more than 12 persons are accommodated
- No more than 9 bedrooms are provided.

In accordance with the above, the use of the land as a Rooming House as it exists on the land does not require a permit, as it provides a maximum of eight bedrooms and has capacity to accommodate a maximum of ten people. In addition, the total floor area of the building does not exceed 300 square metres (approximately 243 square metres).

It is important to highlight that the existing conditions on site provide accommodation for ten people, within eight rooms. The proposal seeks to divide two rooms into two, with no provision for additional people to be accommodated.

It is noted that the provisions of Neighbourhood Character (which relate to built form) do not apply as the proposed works are internal and are exempt from requiring a planning permit pursuant to Clause 62.02.

As noted above, the proposal seeks to formally divide two of the existing bedrooms, each of which currently accommodate two people. As such, the proposal does not seek to increase the intensity of the existing use and a permit is only required due to the number of bedrooms proposed. On this basis, it is considered that the increase in the number of bedrooms provided will not result in an increase in the intensity of the use from what is currently in existence.

Is the proposed internal amenity of the altered bedrooms acceptable?

The proposal seeks to divide existing bedrooms 1 and 2 as identified on the existing conditions plan. These rooms are both currently larger rooms, with two people in each. The proposed divided rooms will comprise the following dimensions:

(Previously Bedroom 1)

Proposed Bedrooms 1 and 2 – 2.4 x 4.3 metres = 10.3 square metres

(Previously Bedroom 2)

Proposed Bedrooms 6 and 7 – 2.2 x 4.8 metres = 10.5 square metres

It is noted that there are no specific requirements regarding internal amenity included in the Scheme or the *Residential Tenancies Act 1997*, which are applicable to a Rooming House. However, it is considered that the nature of the use is to provide basic but comfortable temporary accommodation.

Notwithstanding the above, each of the proposed new bedrooms are provided with individual access from within the main internal hallway of the building. In addition, each of the divided rooms are provided with an external window clear to the sky, which allows each room to gain appropriate solar access.

The proposed room sizes are capable of accommodating a single bed (standard dimensions approximately 0.9 x 1.8 metres), with additional space for storage.

The subject site also provides an area of secluded private open space to the north and west of the dwelling, with an area of 197 square metres. This area enhances the on-site amenity of the occupants of the Rooming House. It is further noted that the existing building includes a generously sized, open plan kitchen/communal area for the use of all dwelling occupants.

Whilst not considered during the Planning process, it is noted that the Building Regulations include provisions regarding internal amenity, which will be applicable to the proposed works to the subject site. The Regulations require the following:

- Minimum natural light (window area) for each bedroom must be not less than 10% of the bedroom floor area.

Proposed Bedrooms 1 and 2 each have an area of 10.3sqm, with a window area to each room of 1.5sqm, which is greater than the required 10%. Proposed Bedrooms 6 and 7 each have an area of 10.5sqm, with a window area to each room of 1.75sqm, which is greater than the required 10%.

On the basis of the above, it is considered that the proposed on-site and internal amenity is acceptable.

Will the proposal result in any unreasonable off-site amenity impacts?

As previously discussed, the proposal seeks to create two additional rooms by dividing two larger rooms, with no change to the total number of people to be accommodated (currently ten). The proposed works are internal and will not be visible from the exterior of the building.

When considering adjoining sensitive interfaces, the subject site shares a boundary with 347 Waverley Road (west) and 1 Lewes Drive (north). Each of these properties is used and developed for residential purposes.

As the proposal seeks to alter internal conditions (works exempt from Planning requirements) and does not seek to intensify the use on site via increased occupants, the additional off-site amenity impacts are considered acceptable.

It is noted that objections raised concerns with regard to the unsightly nature of the exterior/gardens of the building. In accordance with Council's Local Law 150, an unsightly premises is defined as follows:

Unsightly Premises

- (1) *For the purpose of this section the word 'land' includes any nature strip.*
- (2) *The owner and occupier of land must not cause or allow the land to be kept in a condition that is unsightly or detrimental to the amenity of the area.*
- (3) *The owner and occupier of land must ensure that:*
 - all necessary steps are taken to prevent Fire on that land and minimise the possibility of the spread of Fire from that land; and*
 - the land is kept free of undergrowth, scrub bracken, ferns, weeds, stubble or grass (whether alive or dead exceeding 30 cm in height and whether standing or not standing) and any other material or substance likely to assist in the spread of Fire.*
- (4) *Without affecting the operation of Clause 11, where Council is of the opinion that any land contains:*

- (a) *unconstrained rubbish;*
 - (b) *an excavation that is not part of current works;*
 - (c) *waste material; or*
 - (d) *any material or substance on premises that constitutes or is likely to constitute a Fire hazard,*
- *the Council may serve a Notice to Comply on the owner and occupier of the land for the cleaning up, screening, removal or disposal of any material or substance on that land.*

An Officer of Council's Local Laws department inspected the site in February 2019 following receipt of the complaint and reported that the exterior of the building and its yard/gardens are not unsightly (in accordance with the above definition), with no action required to be undertaken.

Does the proposal provide adequate car and bicycle parking facilities?

Clause 52.06 (Car Parking) of the Stonnington Planning Scheme provides that for use of the land as a Rooming House, 1 space should be provided to every 4 bedrooms to the building. The proposal seeks a total of 10 bedrooms, therefore the applicable on-site car parking rate is 2.5 spaces. It is noted that Clause 52.06 (Car Parking) of the Stonnington Planning Scheme states that *'if in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number.'* As such, the applicable car parking rate is 2 spaces.

The existing land use includes the provision of 2 car parking spaces in the form of a double car carport, in the north-west corner of the site, accessed from Lewes Drive. Information submitted with the application clarifies that the on-site car spaces are provided on a 'first come, first served' basis for any/all of the occupants of the Rooming House.

Based on the above, no car parking dispensation is required. Council's Transport and Parking department have reviewed the application has have raised no concerns with parking provision or traffic generation.

It is noted that within 100 metres of the subject site in both east and west directions along Waverley Road, no parking restrictions apply with the exception of 'no standing' signs positioned within 9.0 metres of the intersection of Waverley Road and Lewes Drive, Albert Street, Chaucer Avenue and Serrell Street. It is noted that these restrictions are in place to avoid traffic conflicts when entering/existing streets intersecting with Waverley Road.

Furthermore, Lewes Drive is free from restricted parking, with the exception of the northern end of Lewes Drive which is a 'no through road' with a cul de sac containing a roundabout and 'no standing' signs which maintain clearance of the roundabout. Appendix B to this report contains an image depiction of the above parking provisions.

A Rooming House does not trigger the requirement for bicycle parking, pursuant to Clause 52.34 (Bicycle Facilities) of the Stonnington Planning Scheme. Nonetheless, the existing conditions on site include the provision of ten bicycle spaces, to the south of the car port. This is considered to be a positive outcome, as the nature of the use requires minimal on-site car parking provision and the provision of bicycle parking encourages this mode of transportation.

As such, it is considered that the proposal provides adequate on-site parking provision of cars and bicycles.

Objections

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

There is inadequate car parking in the street (Lewes Drive) and the proposal will exacerbate existing problems. Increased traffic and noise, blocking of driveways etc.

- As noted in the above assessment against Clause 52.06 (Car Parking) the proposal for a Rooming House comprising ten bedrooms requires the provision of two car parking spaces on site. As the proposal seeks to provide a total of two car spaces in the form of the existing car port, the relevant Planning Scheme requirement has been satisfied. Should illegal parking be witnessed at any time, Councils' Transport and Parking team can be contacted to address the matter.

Overlooking and impact on privacy.

- The proposal does not seek to construct any new windows, with all works being confined within the building and exempt from planning provisions.

Council should not be allowed to permit such intensification of the use, the building cannot easily accommodate the number of occupants proposed and will create overcrowding. Increasing the number of bedrooms of the existing use will exacerbate the problems already experienced.

- As discussed within the Proposal section of this report, the current proposal does not seek to introduce additional capacity within the existing Rooming House. The application proposes to divide two existing larger bedrooms, into four single bedrooms. As such, the intensity of the use will remain the same as what currently exists on site, with the technical trigger being the number of bedrooms, not the number of occupants.

Night-time noise and disturbance from residents, visitors etc. The property and its gardens have been neglected and run down over the last few years, rubbish is left out etc.

- There are mechanisms provided by Council's Local Laws, which allow for the management of noise and unsightly gardens. Should an issue regarding unkempt and unsafe gardens remain/arise, Council's Local Laws Department can be contacted for action where appropriate. As previously noted, Council's Local Laws department have inspected the property and have indicated that the grounds are not in an unsightly condition.

With regard to the storage of waste facilities, a permit condition will be included, to require that waste bins be kept in the designated storage area at all times, with the exception of collection day.

There is enough student housing in the area.

- Council policy does not provide a threshold which governs the maximum provision of student housing for an area, or the wider municipality, with each application assessed on its individual merits. The subject site is within close proximity (approximately 1.6 kilometres) from the Caulfield Monash University campus, which results in an on-going demand for conveniently located student accommodation. Irrespective of this, the application is for a Rooming House, not Student Accommodation. The Stonnington Planning Scheme defines use of the land as a Rooming House as follows:

“Land used for a rooming house as defined in the Residential Tenancies Act 1997”

Section 3 (1) of the *Residential Tenancies Act 1997* provides the following definition of a Rooming House:

“Rooming house’ means a building in which there is one or more rooms available for occupancy on payment of rent – in which the total number of people who may occupy those rooms is not less than four”

Council’s Local Policy at Clause 22.08 (Student Housing Policy) provides the following definition for Student Housing:

Student housing is the use or development of land for:

- *Accommodation, whether it be dormitory, hostel or apartment, that is purpose built to accommodate bona fide students while studying at tertiary institutions; or*
- *Accommodation that is modified or converted (for ten or more habitable rooms) to accommodate bona fide students while studying at tertiary institutions. This would include accommodation that was used in the past as a dwelling.*

It is acknowledged that whilst students may occupy some/all of the available rooms at any one time, the use of the building on the subject site is not expressly limited to students and is not a purpose built facility in accordance with the above. Therefore, the use of the land is classified as a Rooming House, not Student Accommodation.

There is no information that the building complies with fire and safety standards.

- It is noted that fire rating and safety standards are applicable to the Building Regulations and do not form a relevant part of the Statutory Planning Assessment.

Council’s Building department have confirmed that the following regulations will apply to the Rooming House at it currently exists and how it is proposed to be modified:

Smoke Alarms (BCA 3.7.2.4)

Smoke alarms must be installed on or near the ceiling:-

- 1) In each bedroom;
- 2) In every corridor or hallway associated with each bedroom or where there is no corridor or hallway, between the bedrooms and the rest of the building; and
- 3) On each storey of the building.

Lighting to Assist Evacuation (BCA 3.7.2.5)

A system of lighting must be installed to assist in the evacuation of occupants in the event of a fire and be activated by the smoke alarm and consist of:-

- 1) A light incorporated within the smoke alarm; or
- 2) The lighting located in the corridor, hallway or area served by the smoke alarm.

As such, the relevant considerations to fire and safety as they apply under the relevant Regulations, will be made at the Building approval stage.

No ResCode assessment has been submitted.

- The subject site exceeds 500 square metres in site area, therefore the provisions of Clause 54 (One Dwelling on a Lot) are not applicable. Furthermore, the application does not seek to construct two or more dwellings on the lot, therefore the provisions of Clause 55 (Two or More Dwellings on a Lot) are not applicable. On this basis, an assessment of the proposal against the provisions of ResCode is not relevant.

The applicant is seeking to maximise commercial gain from the property.

- This is not a relevant Planning consideration.
The title has a single dwelling covenant

- The proposed use does not seek to construct more than one dwelling on the land, in accordance with the requirements of Covenant 1520598 registered on title. The Stonnington Planning Scheme defines a 'dwelling' as follows:

A building used as a self-contained residence which must include:

- *A kitchen sink*
- *Food preparation facilities*
- *A bath or shower*
- *A closet pan and wash basin*

It includes out-buildings and works normal to a dwelling.

Based on the above, it is considered that the covenant is not being breached.

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 *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 does not result in an intensification of the use, as the number of occupants is to remain the same.
- No unreasonable off-site amenity impacts will be imposed as a direct result of conversion of two larger bedrooms, to four single bedrooms.
- The proposal demonstrates adequate on-site internal amenity.
- The number of occupants is less than the triggered permit requirement prescribed by Clause 52.23 (Rooming House) of the Stonnington Planning Scheme (ten proposed, twelve being the permit trigger).
- The number of on-site car parking spaces achieved compliance with Clause 52.06 (Car Parking) of the Stonnington Planning Scheme.

ATTACHMENTS

[1.](#) PA - 803/18 - 349 Waverley Road Malvern East - Attachment 1 of 1

Plans

RECOMMENDATION

That Notice of Decision to Grant Planning Permit No: 803/18 for the land located at 349 Waverley Road Malvern East be issued under the Stonnington Planning Scheme for use of the land for a Residential Building (Rooming House) in a General Residential Zone subject to the following conditions:

- 1. The plans endorsed to accompany the permit must not be amended without the written consent of the Responsible Authority.***
- 2. A maximum number of ten (10) persons may be housed on the premises at any one time to the satisfaction of the Responsible Authority.***
- 3. A maximum number of ten (10) bedrooms may be provided within the Rooming House at any one time to the satisfaction of the Responsible Authority.***
- 4. All waste bins are to be stored in the designated storage area at all times, with the exception of waste collection day to the satisfaction of the Responsible Authority.***
- 5. No fewer than two (2) car spaces must be provided on the land associated with the Rooming House to the satisfaction of the Responsible Authority.***
- 6. This permit will expire if one of the following circumstances applies:***
 - a) The use is not started within two years from the date of this permit.***
 - b) The use is discontinued for a period of two years or more.***

In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing within the prescribed timeframes, where the use allowed by the permit has not yet started.

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.

At the permit issue date, Section 69 of the Planning and Environment Act 1987 stated that the Responsible Authority may extend the periods referred to if a request is made in writing within the following timeframes:

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

4. PLANNING APPLICATION 0747/18 - 117 DARLING ROAD, MALVERN EAST VIC 3145 – CONSTRUCTION OF FOUR NEW DWELLINGS OF TWO AND THREE STOREYS IN HEIGHT ABOVE BASEMENT GARAGES

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

PURPOSE

For Council to consider a planning application for construction of a multi-dwelling development in a General Residential Zone at 117 Darling Road, Malvern East.

Executive Summary

Applicant:	Human Habitats
Ward:	East
Zone:	General Residential Zone - CL32.08 - Schedule 10 - Garden River & Garden Suburban
Overlay:	None
Neighbourhood Precinct:	Garden Suburban 4
Date lodged:	19 July 2018
Date revised:	29 November 2018
Statutory days: (as at council meeting date)	95
Trigger for referral to Council:	Seven or more objections
Number of objections:	9 properties
Consultative Meeting:	Yes – held on 30 January 2019
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 KUD and are known as Drawing No's: TP000, TP001, TP002, TP003, TP004, TP005, TP090, TP091, TP101, TP102, TP103, TP109, TP200, TP201, TP300, TP301, TP400, TP401, TP402, TP403, TP501 Rev E and F, and Council date stamped 29 November 2018 and 4 February 2019.

Key features of the proposal are:

- Remove existing dwelling (no permit required).
- Construction of four new attached dwellings comprising 2, two storey dwellings and 2, three storey dwellings.
- 2 car parking spaces are provided to each dwelling with a total of 8 car parking spaces provided in the basement with access from Darling Road.
- The existing crossover to Manning Road is to be removed and reinstated as kerb and footpath.

- The new dwellings are oriented to Manning Road with four entrances setback between 3 and 3.25m from the street. Each dwelling comprises a ground floor living, dining and kitchen area with a courtyard along the northern boundary of the site.
- At the first floor level each dwelling has three bedrooms, bathrooms, a laundry and secondary sitting area.
- The two dwellings within the centre of the site (known as Units 2 and 3) contain a second floor level (third storey) which comprises a master suite with ensuite and study.
- No balconies are proposed throughout the development.
- Each dwelling has an individual lift that provides access from the basement to each of the levels of the dwelling. The applicant has confirmed that a lift overrun is not required.
- The maximum overall building height is 9.98 metres above natural ground level.
- Site Coverage: 57.4%
- Basement coverage: 61.3%
- Garden Coverage: 36.4%
- Permeability: 28.4%

Site and Surrounds

The site is located on the north-west corner of Darling Road and Manning Road in Malvern East. The site has the following significant characteristics:

- The site is generally rectangular in shape with an overall site area of 738 square metres.
- The site has a frontage to Darling Road of 18.29 metres, a side interface to Manning Road of 32.32 metres and a laneway interface to the rear of 5.79 metres.
- An existing substation adjoins the subject site directly to the west.
- The land currently contains a single storey brick dwelling with a brick garage and vehicle access via Manning Road. The dwelling has not been identified as having any heritage significance.
- A low brick fence extends along the Darling and Manning Road frontages.
- There is an appreciable slope in the land of approximately 1.7 metres from the east to the west and a slope down towards the north of approximately 0.8 metres.
- The subject site is located within a General Residential Zone (GRZ) and abuts a Neighbourhood Residential Zone (NRZ), with a Neighbourhood Character Overlay (NCO6), to the west. The site is also within a Garden Suburban 4 Neighbourhood Character Precinct.

Directly to the north of the subject site is No. 119 Darling Road which contains a double storey dwelling with a car port accessed via Darling Road. A double car garage door abuts the footpath. This dwelling is setback from the common boundary with the subject site by a distance of 4.49 metres at ground and 6 metres at first floor level. There are 3 habitable room windows at ground and 3 habitable room windows at the first floor level oriented towards to the subject site. A 1.9 metre high paling fence extends along the common boundary. Private open space, including a swimming pool are located to the rear (west) of the dwelling.

To the east of the subject site is Darling Road, beyond which are largely single and double storey detached dwellings. There are some examples of contemporary infill, including three storey townhouses under construction at No. 107 Darling Road, further to the south of the subject site.

To the south is Manning Road, a local street carrying two way traffic with no parking restrictions and parking on both sides of the street. There is a large street tree in front of the subject site. On the southern corner of Manning and Darling Roads is No. 115 Darling Road. This site contains a single storey dwelling with a garage abutting Manning Road.

Directly adjoining the subject site to the west is a substation that also has an abuttal to the lane that runs parallel with Darling Road. Beyond the lane is a double storey brick dwelling at No. 165 Manning Road, setback 10.8 metres from the street. The properties to the west of the lane along Manning Road are within a Neighbourhood Character Overlay (NCO6) for Edwardian and Interwar Era Significant Character Areas. This streetscape exhibits a high degree of consistency in the use of red-orange brick with contrasting painted features, and pitched roofs clad in red terracotta tiles and original buildings have many similar decorative details and features.

Previous Planning Application(s)

A search of Council records indicates there are no recent planning applications registered to this site.

The Title

The site is described on Certificate of Title Volume 05411 Folio 028 as Lot 1 on Title Plan 234521 and no covenants or easements affect the land. The subject site is not affected by a single dwelling covenant.

Planning Controls

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

Zone

Clause 32.08 – General Residential Zone (Schedule 10)

Pursuant to Clause 32.08-2 a permit is not required to use the land for dwellings.

Pursuant to Clause 32.08-6, a permit is required to construct two or more dwellings on a lot and a front fence that exceeds a height of 1.5 metres. A development must meet the requirements of Clause 55.

The Zone requires that an application to construct a residential building on a lot greater than 650 square metres in area must provide a minimum garden area of 35% of the site. The plans confirm 36.4% of the site will be provided as garden area.

In addition, a residential building must not exceed a height of 9 metres, or 10 metres on a sloping site. The slope is sufficient to allow a 10 metre high residential building on this land. The development as proposed has a maximum overall height of 9.98 metres above natural ground level and contains 3 storeys.

Schedule 10 varies the following ResCode Standards:

	Standard	Requirement
Site coverage	A5 and B8	Basements should not exceed 75% of the site area.
Landscaping	B13	In addition to the requirements of B13, at least one canopy tree should be planted on the site.
Side and rear Setbacks	A10 and B17	For a distance of at least 5 metres behind the front facade of the building fronting the street, setback new buildings (including basements) a minimum of 2 metres from at least one side boundary and at least 1 metre from the other side boundary up to 3.6 metres in height.

		Where no setback is specified, standard A10 or B17 applies.
Walls on boundaries	A11 and B18	Walls should not be located on side boundaries for a distance of 5 metres behind the front façade of the building fronting the street.

Overlays

None.

Any Particular Provisions:

Clause 52.06 – Car Parking

Pursuant to Clause 52.06-2, the car parking spaces required under Clause 52.06-5 must be provided on the land prior to the commencement of a new use.

Pursuant to Clause 52.06-5, a dwelling requires:

- 1 car space to each one or two bedroom dwelling; and
- 2 car spaces to each three or more bedroom dwelling.

As each new dwelling contains 3 or 4 bedrooms, 2 car parking spaces are required. The plans confirm that 2 spaces are provided to each dwelling within the new basement which meets the statutory requirements.

Clause 55 – Two dwellings on a lot and residential buildings

A development:

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

Relevant Planning Policies

- Clause 9 Plan Melbourne
- Clause 11 Settlement
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 21.02 Overview
- Clause 21.03 Vision
- Clause 21.05 Housing
- Clause 21.06 Built Environment and Heritage
- Clause 22.05 Environmentally Sustainable Design
- Clause 22.18 Stormwater Management (Water Sensitive Urban Design)
- Clause 22.23 Neighbourhood Character Policy

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 3 signs on the site). The public notification of the application has been completed satisfactorily.

The site is located in East Ward and objections from 9 different properties have been received. The concerns of the objectors are summarized as follows:

- Out of character
- Excessive scale
- Visual bulk
- Car parking and traffic impacts
- Building height
- Safety
- Loss of sunlight and privacy
- Entrances via Manning Road and street setback to Manning Road
- Does not respect the adjacent Neighbourhood Character Overlay (NCO6)
- Overdevelopment / density
- Overlooking
- Construction issues
- Noise

Following advertising amended plans were submitted on 29th November 2018. The changes show a variation to the first floor level façade and change of material, a change to the second floor level facades to include indented sections of wall to improve articulation, introduction of light wells within the first floor living areas of Units 2 and 3, basement amended to improve vehicle access, and site services moved to the northern boundary.

A Consultative Meeting was held on 30th January 2019. The meeting was attended by Councillor Davis, representatives of the applicant, objectors and a Council planning officer. The meeting did not result in any further changes to the plans.

Referrals

Urban Designer

Council's Urban Designer reviewed the original advertised plans and encouraged the applicant to incorporate a stronger sense of residential identity to the individual units; to incorporate windows at ground-floor level to enable casual surveillance to Manning Road; and consider a colour palette that references its neighbourhood context. The revised plans have sought to address these concerns by incorporating brick to the first floor level and have replaced tinted glazing at the ground floor level with a louver screen to the windows to improve casual surveillance to Manning Road.

Council's Urban Designer is satisfied that the plans as revised are acceptable and fitting to the surrounding context.

Transport and Parking Department

Council's Traffic Engineers have reviewed the advertised plans and raised the following concerns:

- It is recommended that a condition be included on any permit issued, that the sight distance triangles remain clear of obstructions at all times.
- The plans submitted do not detail the proposed floor gradients of the entire parking area. The minimum gradient of the parking area shall be 1:100 (1.0%) for outdoor areas and 1:200 (0.5%) for covered areas to allow for adequate drainage as per AS 2890.1.

- The revised plans still show a curved fence, and the dimensions are still unclear. The revised plans do indicate a 1.1m fence height.
- A 2m x 2m straight splay should be provided at this intersection, and this should be shown on revised plans for assessment.

Landscape

Permit Conditions

- Protection fencing must be afforded to the *Platanus x acerifolia* (London Plane) and two *Pyrus calleryana* (Callery Pear) street trees at this location (1 tree is outside of the adjoining property) prior to construction works occurring. Fencing must comply with Section 4 of AS 4970 and form a 2m radius protection zone around the tree within the nature strip area.
- No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.
- Bank guarantee requirement for the street trees. Tree values calculated as \$3,907 for the *Pyrus calleryana* (Callery Pear) on the Darling Road frontage and \$13,007 for the *Platanus x acerifolia* (London Plane) on the Manning Road frontage.

Landscape Plan

- The *Cornus kousa* will not be a suitable tree species for the northern aspect of this site. A more robust species must be considered which will contribute to softening the new larger built form when viewed from existing dwellings to the north of this site.
- All tree stock must be listed as being installed in 45L containers.

Infrastructure Department

Infrastructure require the following conditions:

- Prior to a building permit being 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 all 'recommendations' and requirements contained in that report. All drainage must be by means of a gravity based system with the exception of runoff from any basement ramp and agricultural drains which may be pumped. The relevant building surveyor must check and approve the drainage design and ensure that protection of the building is provided from a 1 in 100 A.R.I. rainfall event as required by the Building Regulations. *(Please do not state drainage design to satisfaction of Council, that is the responsibility of the relevant building surveyor to check and approve in accordance with the report and 'recommendations' for the legal point of discharge).*
- Prior to an 'Occupancy Permit' being issued, a suitably qualified Engineer must carry out a detailed inspection of the completed stormwater drainage system and associated works including all water storage tanks and detention (if applicable) to ensure that all works has been constructed in accordance with the approved design and the relevant planning permit conditions. Certification of the completed drainage from the Engineer must be provided to Council prior to a 'Statement of Compliance' being issued for the subdivision.

- 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.*
- The 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 known drainage problems and flooding downstream of the property.* 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 2,500 litres greater than those tanks required to satisfy WSUD requirements for the development. Those tanks must be connected to all toilets.

KEY ISSUES

Strategic Context

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

Council's Municipal Strategic Statement (MSS) identifies the site as being within an "incremental change area". These areas (outside of the Heritage Overlay and Neighbourhood Character Overlay), are encouraged to direct multi-unit development (2-3 storeys) to lots capable of accommodating increased density. The subject site is 738 square metres in area and is within the Principal Public Transport Network Area being only 300 metres from an activity centre serviced by public transport. The proximity of the site to public transport and an activity centre suggests that the land is capable of accommodating increased density. Furthermore, the design represents an appropriate infill response and achieves appropriate integration with the double storey brick dwellings to the north, east, south and west.

Neighbourhood Character

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

The proposal is a contemporary design response that will present largely as a double storey building across the site with a recessive third level. Canopy trees are proposed around the front and side of the new building.

The architectural form is innovative and incorporates a pronounced first floor façade of brown brick to reflect the Edwardian and Interwar dwellings to the west. Notably, the existing dwelling on the subject site is constructed of brown brick. The front and side setbacks align closely with the existing setbacks of the current dwelling and allow for the establishment of canopy trees and the retention of street trees to soften the built form in the streetscape.

Positively, the car parking has been placed underground within the basement; removing the need for any visible garage structures to the street and increasing opportunities for landscaping within the front setbacks.

It is considered that the proposal will not dominate the streetscape as the third storey of the development is setback from the street frontages at distances of 16.5m from Darling Road, 5.1 metres from Manning Road and 10.95 metres from the rear laneway (west). These setbacks ensure a highly recessive third storey addition when viewed from the east and west on oblique angles. The metal cladding at the upper level creates a visual distinction between the more robust brick façade below, which is deemed to be a positive feature.

The front fencing proposed varies in height between 1.1 metres and 1.7 metres due to the slope in the land. The fencing style of a low bluestone clad wall with a charcoal railing above is fitting to the character of the area and in most parts retains a low fence with landscaping integrated behind.

The proposal for a contemporary building set amongst canopy trees and soft landscaping reflects the garden character of the wider neighbourhood and will provide transition in scale between the main road properties along Darling Road and the Neighbourhood Character Overlay (NCO6) to the west along Manning Road.

The development is deemed to be compatible with the surrounding built form and meets the objectives of the Garden Suburban 4 (GS4) Neighbourhood Character Precinct.

Site Layout and Building Massing

Street setback

The development has been setback from Darling Road by 9 metres and between 3-3.25 metres to Manning Road. The dwelling currently on the site has a frontage to Darling Road, whereas the new dwellings will be oriented to Manning Road. There is currently a brick garage to the rear of the subject site that fronts Manning Road with a setback of 1.5 metres from the street. The side of the existing dwelling is currently setback 3.2 metres from Manning Road. Therefore, the siting of the new development is deemed to be in line with the existing setbacks currently seen across the site.

The 9m setback to Darling Road will reflect the wider street setbacks along this main road, while the setback to Manning Road will reflect the existing building setbacks to this streetscape. The first floor level will sit slightly closer to the street as a result of it overhanging the ground floor level; however the building will be setback further than the existing garage to the far south-west corner of the site. Landscaping within the front setback will soften the bulk of the building and the existing street trees on Manning and Darling Roads are to be retained.

While some objectors believe that a greater setback more in line with the Manning Road properties is required, the subject site is separated from other properties in Manning Road by a laneway and a substation. The subject site is not within the NCO6 area and the distinction by way of a reduced setback to the street helps to define the boundary between the NCO6 and the more contemporary built form on the eastern side of the lane.

Council's Urban Designer has not raised the setbacks to Manning Road as a concern. As the setbacks generally reflect the existing setbacks on the subject site, the proposal is deemed to respect the existing or preferred neighbourhood character and makes efficient use of the site.

Building Height

At a maximum overall height of 9.98 metres above natural ground level, the building will just sit below the allowable height of 10m as stipulated by the Zone. The streetscape is predominantly made up of single and double storey forms, yet there are some examples of three storey buildings (some under construction) along Darling Road. The Zone allows for a building up to three storeys and Council's Municipal Strategic Statement encourages 2-3 storey built form within incremental change areas on lots capable of accommodating it, which Darling Road falls within. Some objectors have raised concerns with a three storey form adjacent to the Neighbourhood Character Overlay to the west. Importantly the third storey as proposed is setback 10.9 metres from the laneway to the rear of the site. This is considerable distance and is deemed to provide an acceptable transition in scale to the built form character of Neighbourhood Character Overlay to the west.

Site Coverage and Permeability

The proposal complies with the site coverage and permeability recommendations of the Zone which calls for a maximum of 75% basement coverage, as well as Standards B8 (Site coverage) that seeks maximum 60% site coverage and Standard B9 (Permeability objective) which recommends a minimum 20% permeability. The development proposes the following:

- Site Coverage: 57.4%
- Basement coverage: 61.3%
- Permeability: 28.4%

The proposed 36.4% garden area achieves the minimum area set by the Zone, which requires 35%. The garden area as provided allows for landscaping to the front, side and rear of the new building. The setbacks and building footprint will provide satisfactory opportunities for the establishment of new trees, particularly along the side and rear boundaries as discussed below.

Energy Efficiency

Energy efficiency in the design of the building has been considered in conjunction with Council's Environmentally Sustainable Development Policy (Clause 22.05). The townhouses will benefit from having multiple aspects and as such will be cross ventilated. The sustainability assessment provided in support of this application confirms that the proposed development achieves an average 6 star rating, despite Council's Best Practice requiring an energy efficiency standard at least 10% above minimum NCC compliance. Although a BESS Rating score of 51% has been achieved, which exceeds minimum best practice of 50%, the living areas at first floor level do not have direct access to an external window. To compensate for the lack of natural and ventilation at the first floor level within Units 2, 3 and 4 the applicant has agreed to the use of on-site renewable energy (solar panels) for this development. This will form a condition of any permit that issues. The use of on-site renewable energy is considered to be positive and adequately addresses Council's best practice standards for energy efficiency.

Landscaping

The landscape response includes the provision of 16 new trees to be planted on the north, east and south sides of the new building. The trees are anticipated to reach mature heights of between 6 and 12 metres. The landscape plan has been reviewed by Council's Arborist who has advised that subject to larger tree stocks being installed and a more suitable species for the northern boundary; the landscape response is acceptable.

There are two street trees in front of the subject site and one street outside of the adjoining property on Darling Road that are to be protected during construction with tree protection fencing. A bank guarantee will also be required as security against a failure to protect the health of the two street trees in front of the subject site. This will form part of the conditions of any approval.

Access

The proposal seeks to remove the existing crossover to Manning Road and replace it with a new crossover to Darling Road that will provide access to the basement garages below the building. The crossover is to be 3 metres wide with 1.3 metre wide splays as required by Council's vehicle crossover policy. Some objectors have raised concern with the loss of one on-street parking space on Darling Road. However, the redundant crossover on Manning Road will create additional on-street parking, which will off-set this loss. The 3 metres wide crossover on Darling Road will occupy 16% of the site's frontage which is substantially less than the 33% recommended by Standard B14 (Access objective).

The garages within the basement will provide safe and convenient parking for the future residents of the building.

Amenity Impacts

The proposal has been designed with adequate setbacks from the side and rear boundaries to protect the adjoining residential amenity. These setbacks meet, and in many cases exceed, the setbacks recommended by the relevant ResCode Standards, as discussed below.

Setbacks to the North

Northern setback	Minimum setbacks	proposed	Setback required by Standard B17 (Side and rear setbacks)	Complies?
Ground	3.9 metres		1 metres	Yes
First	2.6 metres		2.2 metres	Yes
Second	5.6 metres		5 metres	Yes

As evidenced by the table above the setbacks to the north comply with the recommended setbacks of Standard B17 (Side and rear setbacks). The setbacks allow for landscaping along the northern interface that will assist in softening the building bulk when viewed from the north.

The setbacks also easily comply with Standard B19 (Daylight to existing windows) and ensure that windows on the property to the north will not be unreasonably affected.

As the adjoining windows are setback a minimum of 4.4m from the common boundary with the subject site, the new building has been well setback in excess of the recommendations of Standard B19 as detailed below:

North setbacks	Proposed setbacks	Setback required by Standard B19 (Daylight to existing windows)	Complies?
Ground	8.3 metres	1.5 metres	Yes
First	7 and 8.7 metres	3.55 metres	Yes
Second	10 and 11.6 metres	4.99 metres	Yes

Setbacks to the West

West setbacks	Minimum proposed setback	Setback required by Standard B17 (Side and rear setbacks)	Complies?
Ground	0 metres to the lane	1.09 metres	No
First	3.3 metres to the lane	2.49 metres	Yes
Second	10.9 metres to the lane	4.84 metres	Yes

The only area of non-compliance to the west is as a result of the stairwell structure that is to be constructed abutting the rear lane. The stair is proposed to have a height of 3.9 metres to the lane and serves as an emergency exit from the basement. The building will be no higher than the substation that is already constructed abutting the lane. As the lane provides a separation of 3.5 metres from the dwelling to the west (No. 165 Manning Road), the wall on the boundary will not result in any unreasonable amenity impacts on the adjacent property.

There are no north facing windows on an adjoining property within 3 metres of the common boundary with the subject site.

Overlooking

The proposal includes a number of north facing habitable room windows at the first and second floor level that have an outlook into the private open space of the dwelling to the north within 9 metres. The revised plans (submitted in November 2018) show some of these windows screened to 1.7 metres above finished floor level within the first floor bedrooms of Units 3 and 4. The remaining bedrooms in Units 2 and 3 at the first floor level and all windows at the second floor level of Units 2 and 3 have not been shown to have screening and will overlook the private open space to the north. A condition of any permit that issues will require screening to these windows in accordance with Standard B22 (Overlooking objective) and the details of the screening devices (materials and transparency).

There are no windows proposed to the west at any floor level.

There are no sensitive interfaces (private open space or habitable room windows) to the east or south within 9 metres of the subject site.

Overshadowing

There will be no overshadowing impacts to any adjoining area of private open space on the Equinox (22 September) as the site is bound on the east, south and west sides by roads and a lane. The only private open space that adjoins the subject site is directly to the north, which due to its orientation will be unaffected by any new shadows cast by this development. The proposal fully complies with the Overshadowing Standard B21 of Clause 55 (ResCode).

Internal Amenity

The amenity of the new dwellings is deemed to be of an acceptable standard and complies with the Objectives of Clause 55.05.

Each of the dwellings include a lift that provides access to all levels of the building which considers the needs of people with limited mobility. The main dwelling entries are well defined and clearly visible from Manning Road.

The dwellings are provided adequate access to natural light and ventilation with at least two aspects (north and south). The secondary living areas located at the first floor level within Units 2, 3 and 4 have been provided with skylights as a source of natural light. While ideally all rooms should have direct access to a window, in this case these spaces are unlikely to be used for long periods of time during the day and the applicant has agreed to the use of on-site renewable energy (solar panels) for these dwellings. The principal living area at the ground floor will have ample northern sunlight and all bedrooms have windows for natural light and ventilation.

Each of the dwellings are provided with a north facing courtyard garden of between 30 square metres and 50 square metres in area. This provision is well in excess of the recommended 25 square metres of secluded private open space as recommended by Standard B28 (Private open space objective).

Storage provision of 10 cubic metres is provided to each dwelling with the basement garages, which exceeds the recommended 6 cubic metres of storage sought by Standard B30 (Storage objective).

On balance, the proposal is considered to offer acceptable accommodation for future occupants.

Water Sensitive Urban Design and Stormwater Management

In response to Council's Storm Water Policy (Clause 22.18), the applicant has submitted a Water Sensitive Urban Design Response (WSUD). A response to the policy requirements has been provided which achieves a STORM rating of 101%.

The dwellings will each have a 2000L rainwater tank within the north facing courtyards that are to be connected to sanitary and irrigation systems. The roof catchment areas have been identified. These measures comply Council's Storm Water Policy requirements.

In addition, a concern has been raised by Council's Infrastructure Department that there will be significant additional stormwater runoff generated by the development and there are known drainage problems and flooding downstream of the property. To address this concern the applicant may choose to install rainwater tanks 2,500 litres greater than those tanks required to satisfy WSUD requirements for the development.

The current rainwater tank collection of 8,000 litres would therefore need to be increased to 10,500 litres to meet the requirements, or alternatively a detention system may be installed. This is to be addressed via a condition of any approval.

Car Parking and Traffic

Car Parking Provision

Each new dwelling is provided 2 car parking spaces within the basement level, which meets the statutory rate. No visitor car parking is required. Residents and visitors of the development will not be able to access resident or visitor parking permits.

Traffic Generation

The proposal is expected to generate approximately 4 movements in each peak period. As confirmed by Council's Transport and Parking Department this will not adversely impact on the safety or operation of the road network.

A swept path demonstrating that a B99 vehicle can easily access the new crossing in one movement has been provided. This ensures no queuing or corrective movements are required.

Many objectors have raised safety as a concern given the high volumes of foot traffic along Darling Road and Manning Road. The plans clearly show the sight distance triangles on both sides of the accessway in accordance with the requirements of the Stonnington Planning Scheme. These sight lines will ensure that visibility is clear between vehicles exiting the site and pedestrians utilising the footpath. To further ensure pedestrian safety, a condition will require that the sight distance triangles remain clear of obstructions at all times.

A concern raised by the Transport and Parking Department relates to the lack of splay on the corner of Manning and Darling Roads. The splay is required for pedestrian and vehicle safety. A curved front fence is located at this intersection at a height of 1.1 metres. A condition will require that a 2 x 2 metre splay be incorporated unless otherwise agreed to by the Responsible Authority. The intention being to ensure adequate sight lines are provided at the corner for safety reasons, but acknowledging that there may be other options to achieve this without requiring a 2 by 2 metre splay (i.e. reduced height of fencing or landscaping).

Car Park Design

The car park design meets the relevant design standards of Clause 52.06. Although some of the swept paths suggest multiple manoeuvres are required to access the garage spaces, this is considered reasonable in the context of a private basement arrangement. The swept paths also show the proposal is functional, which is accepted. The basement garages are dimensioned as 6.1 metres by 6.1 metres, which exceeds the recommended dimensions of 6 metres by 5.5 metres.

The headroom clearances appear to be satisfactory, however further details to confirm 2.1 metre high clearances within the individual basement garages this will be required via conditions.

Objections

The concerns of the objectors not previously mentioned in this report are discussed below:

- Construction Impacts

Construction impacts are not a matter that can be considered as part of the planning application process. Matters relating to construction are dealt with at the building permit stage.

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 *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 achieves an appropriate built form outcome and building height for an incremental change area in accordance with Council's local policies and respects the surrounding neighbourhood character.
- The proposal does not unreasonably impact on the amenity of adjacent or nearby sites and complies with the Standards of Clause 55 of the Stonnington Planning Scheme.
- The development provides the full provision of car parking in accordance with the statutory requirement.

ATTACHMENTS

- ⇒1. PA - 747-18 - 117 Darling Road Malvern East - Attachment 1 of 1 Plans

RECOMMENDATION

That a Notice of Decision to Grant a Planning Permit No: 747/18 for the land located at 117 Darling Road, Malvern East be issued under the Stonnington Planning Scheme for construction of a multi-dwelling development in a General Residential Zone 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 revised plans Drawing No's TP000, TP001, TP002, TP003, TP004, TP005, TP090, TP091, TP101, TP102, TP103, TP109, TP200, TP201, TP300, TP301, TP400, TP401, TP402, TP403, TP501 Rev E and F, and Council date stamped 29 November 2018 and 4 February 2019 but modified to show:***
 - a) ***The glazing alongside the ground floor entries fronting Manning Road is to be noted as being clear glazing behind the louver screen;***

- b) Screening to limit overlooking in accordance with Standard B22 of Clause 55 must be provided to all north facing habitable room windows and must be shown on floorplans and elevations. Details of screening including materials and transparency must be noted on plans;**
- c) Plans to confirm a clearance of 2.1 metres for vehicles within the garage units confirming the garage doors have been designed to provide a clearance height of 2.1 metres;**
- d) Notations on plans to confirm the proposed floor gradients of the entire parking area. The minimum gradient of the parking area shall be 1:100 (1.0%) for outdoor areas and 1:200 (0.5%) for covered areas to allow for adequate drainage as per AS 2890.1;**
- e) Adjustment to the curved front fence so that the plans show a 2 metre x 2 metre splay at the intersection of Darling and Manning Road, unless otherwise agreed to by the Responsible Authority;**
- f) Roof plan updated to show the use of solar panels or an alternative on-site renewable energy source as agreed to by the Responsible Authority;**
- g) Any changes as required to meet Conditions 12 (Landscape Plan), 14 (Sustainable Design Assessment), and 19 (Stormwater Management);**

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, without the prior written consent of the Responsible Authority.**
- 3. Vehicle sight distance triangles remain clear of obstructions at all times.**
- 4. Prior to the endorsement of plans and prior to any development commencing on the site (including demolition and excavation whether or not a planning permit is required), the owner/ developer must enter into a Deed with the Responsible Authority and provide it with a bank guarantee of \$3,907.00 as security against a failure to protect the health of the *Pyrus calleryana* (Callery Pear) on the Darling Road frontage and \$13,007.00 to protect the health of the *Platanus x acerifolia* (London Plane) on the Manning Road frontage. The applicant must meet all costs associated with drafting and execution of the Deed, including those incurred by the responsible authority. Once a period of 12 months has lapsed following the completion of all works at the site the Responsible Authority may discharge the bank guarantee upon the written request of the obligor. At that time, the Responsible Authority will inspect the tree(s) and, provided they have not been detrimentally affected, the bank guarantee will be discharged.**
- 5. Concurrent with the endorsement of plans or prior to the commencement of any works at the site (including demolition and excavation whether or not a planning permit is required), whichever occurs sooner, a letter of engagement must be provided to the Responsible Authority from the project arborist selected to oversee all relevant tree protection works. The project arborist must be an appropriately experienced and qualified professional (minimum Cert IV or equivalent in experience).**
- 6. The project arborist must maintain a log book detailing all site visits. The log book must be made available to the Responsible Authority within 24 hours of any request.**

7. ***Protection fencing must be afforded to the Platanus x acerifolia (London Plane) and two Pyrus calleryana (Callery Pear) street trees at this location prior to construction works occurring. Fencing must comply with Section 4 of AS 4970 and form a 2m radius protection zone around the tree within the nature strip area.***
8. ***Prior to the commencement of any works on the land, each Tree Protection Zone nominated on the approved Landscape Plan must:***
 - a) ***be fenced with temporary fencing in accordance with the attached specifications annotated in this permit to the satisfaction of the Responsible Authority.***
 - b) ***include a notice on the fence to the satisfaction of the Responsible Authority advising on the purpose of the Tree Protection Zone, the need to retain and maintain the temporary fencing and that fines will be imposed for removal or damage of the fencing and trees.***
 - c) ***No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone without the prior written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.***
9. ***Prior to the commencement of any works at the site (including demolition and excavation whether or not a planning permit is required), the project arborist must advise the Responsible Authority in writing that the Tree Protection Fences have been installed to their satisfaction.***
10. ***A copy of the tree protection zones are to be included in any contract for the construction of the site or for any other works which may impact upon the trees.***
11. ***The permit holder / developer must advise Council in writing that a Certificate of Occupancy has been issued in respect to the development and that the 12 month establishment period has commenced.***
12. ***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 generally in accordance with the landscape concept plans known as LCD-001 Landscape Concept Plan Ground Floor Council date stamped 19 July 2018 prepared by Hansen Partnership, but modified to show:***
 - a) ***A more robust species in place of the Cornus kousa to the north of the site, which will contribute to softening the new larger built form when viewed from existing dwellings to the north of this site to the satisfaction of the Responsible Authority.***
 - b) ***All tree stock must be listed as being installed in 45L containers.***
13. ***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.***

14. ***Concurrent with the endorsement of any plans pursuant to Condition 1 a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. Upon approval the SDA will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SDA to the satisfaction of the Responsible Authority. The SDA must be generally in accordance with the report submitted with the application prepared by Frater Consulting Services dated 11 September 2018 and Council date stamped 14 September 2018, but modified to include the following:***
 - a) ***Updated to include the use of solar panels or an alternative on-site renewable energy source to the satisfaction of the Responsible Authority.***
15. ***Prior to a building permit being 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 all 'recommendations' and requirements contained in that report. All drainage must be by means of a gravity based system with the exception of runoff from any basement ramp and agricultural drains which may be pumped. The relevant building surveyor must check and approve the drainage design and ensure that protection of the building is provided from a 1 in 100 A.R.I. rainfall event as required by the Building Regulations.***
16. ***Prior to an 'Occupancy Permit' being issued, a suitably qualified Engineer must carry out a detailed inspection of the completed stormwater drainage system and associated works including all water storage tanks and detention (if applicable) to ensure that all works has been constructed in accordance with the approved design and the relevant planning permit conditions. Certification of the completed drainage from the Engineer must be provided to Council prior to a 'Statement of Compliance' being issued for the subdivision.***
17. ***The existing footpath levels must not be lowered or altered in any way at the property line (to facilitate the basement ramp).***
18. ***The redundant vehicular crossing must be removed and the footpath, naturestrip and kerb reinstated at the owner's cost to the satisfaction of Council.***
19. ***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 2,500 litres greater than those tanks required to satisfy WSUD requirements for the development. Those tanks must be connected to all toilets.***
20. ***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.***
21. ***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, and must not impact on the health of the existing street trees.***

22. ***Prior to the occupation of the building, fixed privacy screens (not adhesive film) designed to limit overlooking as required by the Standard B22 of Clause 55.04-6 in accordance with the endorsed plans must be installed to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.***
23. ***The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.***
24. ***All plant and equipment (including air-conditioning units) 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.***
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:

- A. ***This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.***
- B. ***Nothing in this permit hereby issued shall be construed to allow the removal of, damage to or pruning of a significant tree (including the roots) without the further written approval of Council.***

“Significant Tree” means a tree or palm:

- a) ***with a trunk circumference of 140 cm or greater measured at 1.4 m above its base;***
- b) ***with a total circumference of all its trunks of 140 cm or greater measured at 1.4 m above its base;***
- c) ***with a trunk circumference of 180 cm or greater measured at its base; or***
- d) ***with a total circumference of all its trunks of 180 cm or greater measured at its base.***

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

- C. ***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.***

- D. The owners and occupiers of the dwelling/s hereby approved are not eligible to receive “Resident Parking Permits”.**
- E. 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.**
- F. Council has adopted a zero tolerance approach in respect to the failure to implement the vegetation related requirements of Planning Permits and endorsed documentation. Any failure to fully adhere to these requirements will be cause for prosecution. This is the first and only warning which will be issued.**

5. C278 - EXTENSION TO THE HAWKSBURN RAILWAY STATION PRECINCT (HO137) - CONSIDERATION OF SUBMISSIONS

Acting Manager City Strategy: Anthony De Pasquale
General Manager Planning & Amenity: Stuart Draffin

PURPOSE

The purpose of this report is for Council to consider:

- The submissions received on Amendment C278.
- A response to the submissions received.
- Whether to request the Minister for Planning to appoint an independent Panel for Amendment C278 and refer submissions to the Panel for consideration.

BACKGROUND

Hawksburn Railway Station Precinct (HO137)

The *Hawksburn Railway Station Precinct* was first identified in the 1983 *Prahran Conservation Study* (Nigel Lewis and Associates) and included the railway station and properties alongside the railway line between Cromwell Road and Williams Road. The 1992 *Prahran Character and Conservation Study* (Nigel Lewis, 1992) recommended an addition to the heritage area extending north along Hawksburn Road in the vicinity of Cassell Street, which was formerly the driveway between 'Hawksburn House' and Williams Road.

Precinct Gap Study 2009

In 2007, Bryce Raworth Pty Ltd was commissioned to investigate precinct gaps within the Heritage Overlay. The *City of Stonnington Gap Study (Heritage Precincts) Interim Report* (May 2008) identified potential extensions to a number of precincts, including HO137 the *Hawksburn Railway Station Precinct*.

The HO137 '*Hawksburn, Luxton and Barnsbury Roads Precinct*' was extended and renamed '*Hawksburn Railway Station Precinct*'. This extension added six properties on the east side of Hawksburn Road (No's 58 to 68) and a pocket of three contiguous properties on the west side of Hawksburn Road (No's 55 to 59). A detailed citation for HO137 was prepared and the precinct was formally extended with the approval of Amendment C103 in 2010. The map in Attachment 1 shows the extent of HO137 as originally approved.

Heritage Strategy and Action Plan 2018

In December 2018, the Stonnington Heritage Strategy and Action Plan 2018-2029 were adopted by Council. The strategy provides an approach for the next decade to ensure the continued protection and enhancement of the municipality's extraordinary built heritage. The Action Plan provides a framework for reviewing existing places and heritage citations and assessing new places not currently protected under the Heritage Overlay. A key action of the Strategy is to investigate places of potential heritage significance and protect precinct gaps within the municipality.

74 Hawksburn Road

Planning Permit No. 601/13 was issued on 31 May 2016 at the direction of VCAT for the 'construction of two or more dwellings on a lot and reduction of the standard car parking requirement' on the land at 74 Hawksburn Road, South Yarra.

Following the permit being issued, a petition was formed by residents of the area calling upon Council to review the area for heritage significance.

The permit has not been acted upon and has since expired. An application was received on 30 May 2018 for an extension of time to the permit for a period of two (2) years from the date of expiry of the permit for the commencement of works. The application for an extension of time was refused by Council on 10 July 2018 and an application for review of Councils decision was lodged by the permit applicant. The matter was heard by VCAT on 25 January 2019. At the time of preparing this report, VCAT has not determined a resolution on this matter. This is expected in March 2019.

364 Toorak Road

On 25 July 2017 Council received a request under Section 29a of the *Building Act 1993* to provide consent to the proposed full demolition of the place at 364 Toorak Road South Yarra. The building was not identified to be of heritage significance, consequently, Council issued consent for demolition on 8 August 2017. The building at 364 Toorak Road has since been demolished.

Council Meeting 5 February 2018 – Petition tabled

At Councils Ordinary Meeting on 5 February 2018, a petition was tabled asking Council to review the area for heritage significance.

At the request of Council a review of the heritage extent in the locality was undertaken by Bryce Raworth Pty Ltd to investigate whether the boundaries of the Hawksburn Railway Station Precinct were appropriate, specifically regarding the properties at the northern end of Hawksburn Road.

Councillor Briefing 26 March 2018 – Preliminary advice

At Councils Briefing on 26 March 2018, a report was presented which outlined the preliminary advice from Bryce Raworth Pty Ltd recommending the Heritage Overlay be extended to the south only.

The Councillor Briefing report recommended that Council consider requesting authorisation from the Minister for Planning to prepare a planning scheme amendment to protect properties to the south in Howitt and Hobson Streets only. Councillors requested officers to seek a further opinion from another heritage consultant into a potential precinct extension to the north prior to the report being formally considered by Council.

Council Meeting 25 June 2018 – Heritage Investigation

The findings of the two heritage investigations (Nigel Lewis and Bryce Raworth) were considered at Councils meeting on 25 June 2018. It was resolved to request authorisation from the Minister for Planning for an Amendment to the Planning Scheme to apply the Heritage Overlay to both the southern and northern end of the existing *The Hawksburn Railway Station Precinct* (HO137).

Nigel Lewis Pty Ltd supported the extension of HO137 to the north and south and was commissioned to prepare a revised citation to include the additional areas.

Amendment C277 – Interim Heritage Controls

Following Councils meeting on 25 June 2018, Council pursued interim controls for properties at both the northern and southern end of the Hawksburn Railway Station Precinct (HO137).

Amendment C277 was gazetted on 29 November 2018 and applies the Heritage Overlay to the places shown on the map in Attachment 1 on an interim basis while Amendment C278 for permanent heritage controls is progressed. These interim controls expire on 30 September 2019.

Interim controls were approved for all properties in the proposed extension except for the buildings at 43-65 Hawksburn Road, 364a & B Toorak Road and 74 Hawksburn Road.

Amendment C278 – Permanent Heritage Controls

Formal exhibition of the Amendment took place from 8 November to 10 December 2018.

Letters (including a Frequently Asked Questions sheet) were sent to all owners and occupiers of affected properties, prescribed authorities and stakeholders. Notice was placed in the Stonnington Leader and Government Gazette and full amendment documentation was made available on the Department of Environment, Land, Water and Planning and City of Stonnington's websites.

Council also offered one-on-one meetings with Council Officers and its heritage consultants if affected parties wished to obtain more information on the Amendment. Council officers met with property owners from 1 Howitt Street, South Yarra.

DISCUSSION

As a result of exhibition, Council has received eighteen (18) submissions to date. Three (3) supporting and fifteen (15) opposing the Amendment. Refer to Attachment 2 for the location of submitters.

Submissions 1 and 2, support the application of the Heritage Overlay to protect the places deemed to be of heritage significance to the City of Stonnington. Submission 10 from the National Trust considered the Amendment to be consistent with the objectives of Planning for Victoria, as identified by the *Planning and Environment Act 1987*.

Objecting submissions 3-9 and 11-18 present a variety of issues including the perceived heritage significance and gradings, the demolition of a place within the extension, the need for demolition or works to properties and sufficient planning controls already being in place.

The key issues raised in the submissions and the proposed Council responses to these issues is summarised below. A more comprehensive response to submissions is detailed in Attachment 3. A memorandum further outlining Nigel Lewis's comments in response to submissions is included in Attachment 4.

Key Issues Raised in the Submissions

Heritage Significance/ Heritage Grading/Citation

Issue Summary:

A number of submissions note the amount of non-contributory buildings included within the proposed precinct extension. Submitters note the extensive alterations to the original buildings including facades, roofing and fencing.

The conflicting heritage advice from Nigel Lewis and Bryce Raworth with respect to the inclusion of the northern section is addressed in objecting submission 15. The submission maintains that the advice from Bryce Raworth, recommending that the northern section should not be included in the precinct extension, is to be the preferred option. The submission also disputes that the northern extension meets Heritage Criterion A (historical significance) and Criterion E (aesthetic significance).

Submissions 3-12 and 14 oppose the heritage significance of the extension in the southern end. These submissions state that Motherwell Street was considered to be a natural southern boundary to the Hawksburn Railway Station Precinct when it was first developed and there is no logical reason for extending the Heritage Overlay beyond this street.

Response:

In regard to the high presence of contributory buildings, Council's heritage consultant, Nigel Lewis comments that a Heritage Overlay can be justified if a precinct largely comprises contributory buildings. He states that "*The uniformity of form and scale can be an attribute that justifies such an inclusion*". Further, the mix of *contributory* buildings within the proposed extension is not unlike what is currently existing with The Hawksburn Railway Station Precinct.

Nigel Lewis does not accept that the northern end of the precinct does not demonstrate historical or aesthetic significance. The attached memorandum describes how the 19th century railway station subdivision extended to Toorak Road at a time when it was mainly developed with grand mansions on large allotments. The memorandum also details how the area displays aesthetic characteristics consistent with the existing HO137.

In response to submissions not supporting the inclusion of the proposed southern, Nigel Lewis considers that this section comprises a sequence of two streetscapes, both with a high degree of consistency in scale and form. In Howitt Street there is a high quality group of four houses, 3-5 Howitt Street and 7-9 Howitt Street that are graded *significant*. Further, the proposed Southern extension was supported by the Bryce Raworth memorandum of March 2018. A peer review of this report as well as an on-foot survey was conducted by Nigel Lewis.

Demolition of 364 Toorak Road, South Yarra

Issue Summary

Submission 17 queries the heritage significance of the buildings at 364 Toorak Road in light of its full demolition. The submission states that the site no longer has any heritage integrity and the document underpinning Amendment C278 is now inaccurate and outdated.

Additionally, it is argued in submission 13 that the demolition of 364 Toorak Road divides 362 Toorak Road from the rest of the precinct and as it is a contributory place, diminishes the feasibility of including it in the Heritage Overlay.

Response:

It is acknowledged by Council's heritage consultant that the *significant* building at 364 Toorak Road has been demolished and has subsequently reduced in significance. The Nigel Lewis memorandum states that in the event of demolition was considered, the site would become *non-contributory* to the precinct.

362 Toorak Road was included in the proposed extension to HO137 as it forms part of the 1880 subdivision of Hawksburn Road and should be maintained. However, with consideration for Submission 13, Council Heritage advisor has decided that the status of 362 Toorak Road as a *contributory* building could be reviewed as *non-contributory*.

Planned demolition or works to properties

Issue Summary:

Submission 13 discusses the poor structural condition of 362 Toorak Road and the subsequent need for its demolition. Similarly, in Submission 18, the owner of 79 Hawksburn Road states that they have plans to renovate at the rear of the dwelling and replace their fence in the future. The concern is raised that the application of the Heritage Overlay to these properties will impede upon these plans.

Response:

As stated in the above response regarding the demolition of 364 Toorak Road, Council Heritage advisor has deliberated that the status of 362 Toorak Road as a *contributory* building could be reviewed as *non-contributory*. Demolition of *non-contributory* buildings may be supported by council on the basis that development does not impact upon the cultural heritage significance of the precinct and any adjacent *significant* or *contributory* heritage places.

In consideration of the issues raised in Submission 18, the application of the Heritage Overlay is only one component of regulating land use and development via the Planning Scheme, which is a long established and accepted practice in Victoria. The Heritage Overlay in most circumstances, does not prevent redevelopment, restoration and sympathetic additions such as the plans proposed by the submitter.

Sufficient planning controls in place

Issue Summary:

It is highlighted in Submissions 3-12 and 14 that sufficient planning controls to guide appropriate development are already existing on all effected properties. Permit requirements for lots under 500 square metres and in areas affected by the Special Building Overlay are used as examples of existing controls.

Response:

The purpose of the Heritage Overlay is to conserve and enhance heritage places of significance and to ensure that development does not adversely affect the significance of heritage places. This type of safeguard is not provided by any other zone or overlay.

As the places within the proposed extension to the Heritage Overlay (HO137) have been deemed to be of heritage significance, a Heritage Overlay is therefore considered to be the most appropriate tool.

Recommended changes to Amendment

Some minor changes are proposed to the Amendment. These include:

- Updating The Hawksburn Railway Station Precinct citation to better reflect changes that have occurred to places. This is proposed for:
 - 362 Toorak Road – With consideration for Submission 13, Citation is to be updated to reflect a *non-contributory* grading.
 - 364 Toorak Road – With consideration for Submission 17, Citation is to be updated to reflect a *non-contributory* grading.

Next Steps

There remains several outstanding issues from the submissions that have not been resolved. It is therefore recommended that Council forward submissions received on Amendment C278 to an independent Panel.

Council needs to make a formal request to the Minister for Planning to appoint a Panel, after which Planning Panels Victoria will confirm the hearing dates. In accordance with Ministerial Direction No. 15, Council must request the appointment of a Panel under Part 8 of the Act within 40 business days after the closing date of submissions unless an extension of time is sought by Council.

In accordance with established protocols pre-set dates for a directions hearing and Panel hearing have been set as follows:

- Directions Hearing - week beginning 18 March 2019
- Panel Hearing - week beginning 15 April 2019

On receipt of the Panel report for Amendment C278, a report will be prepared for Council to consider the Panel's recommendations.

POLICY IMPLICATIONS

The City of Stonnington is committed to the retention and conservation of its heritage houses. The Amendment will deliver an outcome for protection of houses of heritage value and significance in the municipality, consistent with the objectives of the planning scheme.

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

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

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

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

The Amendment is also consistent with Council's Local Heritage Policy at Clause 22.04. This seeks to:

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

The Amendment is consistent with Council's Heritage Strategy and Heritage Action Plan (2018) which is currently focusing on the assessment of individual houses not included within the Heritage Overlay.

FINANCIAL AND RESOURCES IMPLICATIONS

Heritage investigations represent a significant commitment of resources by the City Strategy Unit. The financial cost and resourcing of heritage investigations and planning scheme amendments has been included in the budget of Council's City Strategy Unit for 2018/19 and 2019/20.

The indicative timeframe for Amendment C278 is shown in the below table:

Sep 2018	Dec 2018	Jan-Feb 2019	April 2019	Aug 2019	Nov 2019
Authorisation	Exhibition	Consideration of Submissions	Panel Hearing	Adoption	Approval

LEGAL ADVICE & IMPLICATIONS

All submitters to Amendment C278 have the opportunity to be heard by an independent Planning Panel.

As interim controls have been introduced as of 29 November 2018, any application for development (including demolition) will be assessed pursuant to the provisions of the Heritage Overlay and the owners will have the right of appeal to VCAT.

CONCLUSION

Amendment C278 has been prepared to deliver upon Council Heritage objectives by proposing to extend the current precinct boundary for The Hawksburn Railway Station Precinct (HO137) to include additional properties to the north and south.

Exhibition of Amendment C278 has concluded and Council has received eighteen submissions to the Amendment. Submissions have raised a number of issues relating to heritage significance and gradings, the demolition of a place within the proposed extension, the need for demolition or works to properties and sufficient planning controls already being in place.

It is recommended that an independent Panel be requested to consider the Amendment and that all submissions are referred to this Panel. Council's position to the Panel is recommended to be based on the response to the submissions outlined in this report and attachments.

HUMAN RIGHTS CONSIDERATION

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

ATTACHMENTS

- | | | |
|--------------------|---|----------|
| 1. | Attachment 1 - The Hawksburn Railway Station Precinct - Explanatory Map | Excluded |
| 2. | Attachment 2 - Map of Submissions | Excluded |
| 3. | Attachment 3 - Officer responses to Submissions | Excluded |
| 4. | Attachment 4 - Nigel Lewis - Response to submissions | Excluded |

RECOMMENDATION

That Council:

1. *Requests the Minister for Planning appoint a Panel pursuant to Section 23 of the Planning and Environment Act 1987 to hear submissions and consider proposed Amendment C278 to the Stonnington Planning Scheme.*
2. *In its submission to the Panel Hearing, adopts a position in support of Amendment C278, generally in accordance with the officer's response to the submissions as contained in this report and Attachment 3 and 4.*
3. *Refers the submissions and any late submissions received prior to the Directions Hearing affecting Amendment C278 to the Panel appointed to consider Amendment C278.*
4. *Advises the submitters to the proposed Amendment C278 of Council's decision.*
5. *Authorises Council officers to make minor changes to Amendment documents (generally in accordance with the attachments).*

6. GRATTAN STREET, PRAHRAN - ONE-WAY FLOW PROPOSAL

Acting Coordinator Transport & Parking: Jordan Allan
Manager Transport & Parking: Ian McLauchlan
General Manager Assets & Services: Simon Thomas

PURPOSE

To present to Council the findings of a report prepared by a consultant into the traffic conditions on Grattan Street, Prahran, and seek approval to consult the directly affected community abutting Grattan Street and Hinton Lane to seek their views on a proposal to implement one-way flow in a southbound direction.

BACKGROUND

At the Council meeting on 6 August 2018 two emails were tabled outlining concerns with congestion in Grattan Street as a result of two-way flow being permitted on a street which has only a single lane between parked cars. The authors do not reside on Grattan Street, but have vehicle access via Hinton Lane to the street.

The letters request that Grattan Street be converted to one-way flow, operating southbound (Commercial Road to Greville Street).

Grattan Street is a local street which has a north-south orientation between Commercial Road and Greville Street.

Parking is currently permitted on both sides of the street, subject to a range of restrictions. Those sections abutting residential property are restricted to assist with resident parking (including PERMIT ZONE restrictions), with some parking to assist commercial operations abutting commercial frontages. The park frontage on the east side of the street is primarily covered by 2-HOUR parking restrictions, however some sections are restricted for Council buses.

The width of the street means that when vehicles are parked on both sides, at times there is only a single through lane remaining (depending on the width of vehicles, and how they are parked). Wider passing areas where there is no kerbside parking are limited, as there are no driveways on the east side due to the park.

The parking is highly utilised based on observations, and appears highly valued by the community.

In response to the resident submissions, a commitment was made to investigate the possibility of implementing one-way flow on Grattan Street. A contractor was engaged to undertake this work.

The contractor was engaged to undertake surveys, including origin-destination surveys, to determine the likely impact to traffic as a result of implementing one-way flow. The contractor was also requested to prepare concept design options for discussion of one-way flow.

Cardno was engaged, and undertook surveys in October 2018. A report was prepared, and is included as Attachment 1.

DISCUSSION

The report is detailed, and includes a wealth of data regarding traffic currently using Grattan Street (and surrounding streets).

Investigation

Traffic Volume

Tube counts were undertaken at 2 locations on Grattan Street, immediately north of Glass Place (which is near Greville Street) and immediately north of Hinton Lane (nearer to Commercial Road).

The peak weekday full day volume along Grattan Street was 2,207 vehicles, and was 2,263 on the peak weekend full day. The Cardno report notes that the volume of traffic using Grattan Street is reasonable in traffic terms.

The stated issue from the original submitters is the management of conflicts between vehicles travelling in opposite directions along Grattan Street. It is noted that, at times, there have been instances where vehicles travelling in opposite directions cannot pass, due to parked vehicles on both sides of the street.

This is difficult to quantify, but is relatively common throughout the road network. There are many local streets where vehicles in opposite directions cannot pass due to parked vehicles. In the case of Grattan Street, this appears to depend on the type of parked vehicles and how they are parked.

Grattan Street is shown in the image below.



Origin-Destination Survey

A small-scale origin-destination survey was undertaken as part of the analysis by Cardno. This was requested as part of the analysis to determine how local travel would be affected by a one-way flow proposal.

The key consideration is the impact to motorists currently travelling northbound on Grattan Street, and more specifically those through-traffic trips northbound on Grattan Street. In simple terms, if there is a high percentage of northbound through-traffic trips, then implementing a one-way southbound arrangement would force these motorists to use either Izett Street or Porter Street instead, which are more appropriate. Disruption of through-traffic trips is less likely to be a significant concern to the abutting property occupiers on Grattan Street.

However, if the northbound traffic is not a result of through-traffic, and is instead motorists using Grattan Street as a destination (homes, shops, parking, etc), then implementing one-way flow may be a greater concern to the directly affected community. These trips would be likely to still occur, but would require a longer journey, including using Commercial Road. These trips are considered local traffic for this assessment.

The origin-destination survey revealed the following regarding northbound traffic on Grattan Street. The percentages are based on traffic entering at the Greville Street end of Grattan Street in the time period identified.

Time Period	% Through Traffic	% Local Traffic
Weekday AM Peak	38%	62%
Weekday PM Peak	23%	77%
Weekend Midday Peak	47%	53%

The survey results indicate that in each of the surveyed periods, more than half of the traffic entering Grattan Street at Greville Street (the traffic which would need to seek an alternative route if the one-way flow was implemented) has a destination within Grattan Street.

For those seeking a destination at the southern end of Grattan Street travelling from the Izett Street/Greville Street intersection, the Cardno report indicates that an additional travel distance of 530m would be required. It is estimated through the Cardno analysis that an additional 80 seconds of travel time would be incurred.

The above is noted, as the most likely source of opposition to a one-way flow proposal would be local residents affected by additional travel distance and time.

Concepts

Cardno has prepared 3 concept options for consideration of one-way southbound flow. These are as follows:

- **Option 1** - One-way from Commercial Road to Greville Street;
- **Option 2** - Two-way flow from Commercial Road to the Grattan Gardens Community Centre car park, and one-way flow from this point to Greville Street; and
- **Option 3** - Two-way flow from Commercial Road to the Grattan Gardens Community Centre car park, and one-way flow from this point to Greville Street, with angled parking on the east side of Grattan Street replacing the parallel parking and the footpath.

Option 1

This option, with one-way flow the full length from Commercial Road to Greville Street, is the simplest of the layout options, and would affect all properties with access along Grattan Street. There would be no change to existing on-street parking supply associated with this option.

Option 2

This option has a section of two-way flow between Commercial Road and a location to the south of the Grattan Gardens Community Centre car park. There is high density residential use in this section, as well as the community centre, a hotel, and other commercial use. Providing a length of two-way flow in this section would allow an outlet to Commercial Road for these properties, reducing the southbound circulation (keeping some traffic off Greville Street). This may reduce possible sources of objection from the properties nearest Commercial Road.

The remaining length of Grattan Street would be one-way.

There is a net loss of approximately 2 parking spaces in this option, to create the kerb outstands at the location where the one-way flow commences. Further, parking in the two-way section could be considered for removal to assist with managing conflict if desired.

Option 3

This option uses the same split of one-way and two-way flow as Option 2, but includes angled parking on the east side of Grattan Street. In order to implement this parking, the footpath currently in place along the east side of the street would be removed. There is a footpath on the west side of the street, and a path through the adjacent park (which could be realigned). The proposal would therefore result in changes to access along the east side of Grattan Street, with pedestrian movements directed through the adjacent park (or to the existing footpath on the west side of the street).

Cardno has estimated a net increase of 9 parking spaces with this option.

Impact of One-Way Flow

As part of the assessment report, Cardno has estimated the impact of the traffic redistribution if the one-way flow proposal is implemented. This includes SIDRA (intersection traffic software in common use in the traffic consulting industry) analysis of the signalised intersections.

The assessment indicates that implementing one-way flow on Grattan Street would not unreasonably impact nearby signalised intersections.

Consultant Assessment

The following is the summary provided in the Cardno report:

“The analysis and discussions presented within this report have identified that there are no significant existing issues present with regard to the level of traffic and travel speeds along Grattan Street for both northbound and southbound flows to Commercial Road and Greville Street, respectively. Survey data collected by Cardno indicates that traffic movements generated through Grattan Street have been found to mostly be generated by residents/staff that live/work on Grattan Street (i.e. local/‘destination’ trips), rather than Grattan Street being used as a rat-run route.

Based on the access arrangements available with the local road network in the vicinity of Grattan Street, the existing traffic volumes recorded throughout the study area and resultant traffic redistributions throughout the local road network based on origin-destination data sourced, it is considered that both the partial or full conversions of Grattan Street to southbound flow could be supported from a traffic engineering perspective if implemented.

As noted in Section 4.2, Cardno’s analysis indicates that should either partial or full southbound flow option be implemented by Council along Grattan Street, the signalised and unsignalised intersections forming part of the study area will continue to operate generally in line with existing conditions. Additional delays or queuing experienced by motorists at these intersections is expected to be negligible, given the existing delays and queues evident across the intersections during peak periods and at all other times.

Whilst preliminary swept path assessments have been undertaken to support the various concept plans put forward by Cardno, it is recommended that Council consult with operators of The Cullen Hotel, Grattan Gardens Community Centre and any other additional business operating within Grattan Street that may be impacted by the one-way southbound flow restrictions, mainly regarding site access requirements for larger vehicles.”

Based on this assessment, each of the options considered could be implemented.

Options

In considering the material provided, the following options appear possible:

Proceed to Consultation with a One-Way Flow Proposal –

The one-way flow proposal would address the concern raised in the submission. Any proposal to change the traffic conditions in Grattan Street would require consultation with the wider community in accordance with the provisions of S223 of the LG Act.

Given the high percentage (greater than 50% in each time period surveyed) of local traffic using Grattan Street, it is suggested that consultation be undertaken with the properties abutting Grattan Street (and those properties with direct access e.g. Hinton Lane) before progressing to a S223 process.

Abandon the Proposal – Based on the assessment by the consultant, conditions could be retained in the current configuration. It is possible that the community would not be supportive of changing the street to one-way, due to additional travel time which would be incurred by those who have origins or destinations in the street. Surveys indicated that the majority of traffic in Grattan Street is not through traffic (as high as 77% “local” traffic in the PM peak period). However, abandoning the proposal does not address the concern raised in the submission.

Defer the Proposal – The study was completed in October 2018, during construction at Cato Square. It is likely that when Cato Square is completed that traffic patterns will change in the area. During the study, the very low volumes on Izett Street in particular on certain days suggest there were road closures in place. The matter could be deferred until later 2019 or early 2020 when traffic patterns have settled, to allow for further assessment under more typical conditions.

Proposal for Consultation

In order to address the concern tabled at the Council meeting, it is proposed that the matter proceed to consultation on a one-way flow proposal. This would allow the community most affected (who generate the local traffic on Grattan Street) to have their say on the preferred treatment. Direct consultation is recommended with all properties which either abut Grattan Street or have direct vehicle access to the street (ie, those abutting Hinton Lane).

It is recommended that the Option 1 one-way concept, which is the full length one-way treatment from Commercial Road to Greville Street without the indented parking be adopted as the option for consultation. This is the simplest concept, and would be consistent with nearby one-way streets. It would allow existing on-street parking to be retained.

The consultation to the directly affected community would seek feedback on either the one-way flow option or a do-nothing option. The results of the feedback would be reported back to Council for further consideration.

As outlined above, implementation would be subject to further formal consultation with the broader area in accordance with S223 of the LG Act following the consultation process.

FINANCIAL AND RESOURCES IMPLICATIONS

The study undertaken, which included detailed surveys and an origin-destination study, was completed for \$22,880 including GST.

CONCLUSION

A study was undertaken by a consultant to review the traffic conditions on Grattan Street, and provide recommendations and design options if a one-way flow arrangement in a southbound direction was to be adopted. The assessment concluded that based on the survey work completed, all options are available, and would not unreasonably impact the surrounding road network.

In order to address the concern tabled at the Council meeting, it is recommended that the matter proceed to consultation on a one-way flow proposal.

It should be noted that if the proposed changes were supported through the consultation process, implementation would be subject to further formal consultation with the broader area in accordance with S223 of the LGAct.

HUMAN RIGHTS CONSIDERATION

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

ATTACHMENTS

⇒1. Consultant Report Excluded

RECOMMENDATION

That Council:

- 1. Note the report regarding traffic conditions in Grattan Street, Prahran.**
- 2. Consult those property occupiers abutting Grattan Street and Hinton Lane on a proposal to implement one-way flow along the full length of Grattan Street from Commercial Road to Greville Street.**
- 3. A further report be brought to Council following the consultation.**

7. TEMPORARY RELOCATION OF PRAHRAN LIBRARY AND PRAHRAN CUSTOMER SERVICE CENTRE

General Manager Community & Culture: Cath Harrod
Chief Executive Officer: Warren Roberts

PURPOSE

The purpose of this report is to outline the options available to Council for the temporary relocation of the Prahran Library and Prahran Customer Service Centre during the redevelopment of the Prahran Town Hall.

BACKGROUND

On 5 March 2018, Council resolved to proceed with the redevelopment of the Prahran Town Hall generally incorporating:

- relocation of the Prahran Library expanded over two levels
- development of community activity spaces and an IT Hub on the second level
- refurbishment of the Prahran Town Hall with reduced back of house facilities
- refurbishment of the ground floor of the fire station
- technical upgrade only of the Committee Room, Dining Room & Council Chamber
- provision of a café / bar facility located at the entry to the Prahran Town Hall
- future proofing for upper floor extension – structural support to build a rehearsal room on the first floor above the back of house facilities
- construction of a central atrium
- full upgrade works to Functions on Chapel incorporating relocation of and upgrade of amenity facilities, changes to the entry foyer, acoustic treatment and baseline sound and lighting equipment as per the main town hall.

The estimated capital cost of the works is \$29.1 million.

With the scope of the project more fully defined and the decision made to proceed with the redevelopment of the Prahran Town Hall, officers commenced investigating alternatives for the operation of the Prahran Library and Prahran Customer Service Centre during construction of the Prahran Town Hall. Broadly there are four options available to Council:

- **Option 1:** Relocate a scaled down version of the Prahran Library and Customer Service to an alternate site while construction works occur at the Prahran Town Hall.
- **Option 2:** Relocate Customer Service to a small shop front site, providing a book pick up and drop off service only for the Library.
- **Option 3:** Close the Prahran Library and Customer Service Centre while construction of Prahran Town Hall occurs.
- **Option 4:** Stage the Prahran Town Hall works allowing the Library to remain in its current location until the new Library is finished. Under this option, the Customer Service Centre would be relocated into the existing Library. The principal design consultant advised Option 4 is not viable because of the impact construction works (noise, dust etc.) will have upon access to and the operation of the Library, with a cost penalty estimated to be \$200,000. As such this option was not pursued any further.

It is considered preferable to continue operation of the Prahran Library and Customer Service during construction to:

- Ensure continuity of service for the local community
- Build community interest in and knowledge of the Prahran Town Hall Redevelopment.

Option 1 (to relocate a scaled down version of the Prahran Library and Customer Service to an alternate site while construction works occur at the Prahran Town Hall) has been identified as the most practical option to deliver these outcomes.

DISCUSSION

To understand the implications of Option 1, possible sites for the temporary location of Prahran Library and Customer Service were identified and assessed. Key requirements for sites included:

- footprint of around 300m²
- location within 500m of Prahran Town Hall
- highly visible site
- universally accessible building
- available for a minimum period of 2 years from early to mid-2019
- minimal fit out requirements.

Opportunities to locate the services in existing community infrastructure were considered including Functions on Chapel and Prahran Mechanics Institute. Neither option was considered viable:

- Functions on Chapel forms part of the Prahran Town Hall redevelopment. Locating the Library and Customer Service in this space would require the works to Functions on Chapel to be staged, and the cost penalty to do this is estimated to be \$200,000. In addition, the disruption to the Library and Customer Service from the construction works (noise, dust etc.) to the remainder of the building is unacceptable.
- There is no space available in the Prahran Mechanics Institute building to house Prahran Library and Customer Service. Prahran Mechanics Institute proposed that the car park be made available for this purpose, however, there are considerable costs involved in developing and fitting out the space, and there are likely to be planning restrictions which would not allow this type of development to occur.

Opportunities to locate the services in a commercial premises were investigated with several sites identified within 500m of the Prahran Town Hall. They were between 330m² and 400m² in size, and their condition and fit out requirements were variable. The annual leasing cost for the sites varied between \$125,000 and \$175,000 depending upon the condition of the buildings. This means the minimum leasing cost to Council would be between \$250,000 and \$350,000 for a period of 18months to 2 years, with fit out costs of up to \$200,000 - \$300,000 additional to this.

With the high costs associated with leasing a commercial space, a third alternative was considered i.e. to locate the Prahran Library and Customer Service in the opportunity spaces proposed at the Chatham Street end of the Cato Square development. While smaller than desired (200m²), the space meets many of the other requirements for the Library and Customer Service including its proximity to Prahran Town Hall, its high visibility, and universal accessibility.

Key reasons to pursue this option are outlined below:

- help activate Cato Square when it re-opens as a public space
- assist in managing relationships with food and beverage operators in the area
- provide a visible and accessible Council presence on the site
- allow usage patterns for Cato Square to settle and may provide a commercial advantage for Council at a later date e.g. a commercial tenant may pay a higher rent in 2 years' time because usage patterns are clearer.

From a financial perspective, Council would forgo potential commercial rent from the spaces for the period, still incur the fit-out cost for the space. The foregone rental return combined with the fitout costs are estimated to be significantly less for this option than the option of leasing and fitting out a commercial space. Images for the proposed temporary 'Pop Up' are included as attachment 1.

Program

At this stage it is anticipated that the Chatham Street opportunity spaces will be completed and ready for final fit out in late August/Early September 2019.

The Prahran Town Hall project is scheduled to commence in late 2019. There is sufficient time between the completion of the opportunity spaces and the commencement of the Prahran Town Hall project to allow for final fitout and transition of the library and customer service functions.

FINANCIAL AND RESOURCES IMPLICATIONS

Provision has been made in the 2019/2202 budget to fund the fitout and transition accordingly.

CONCLUSION

It is preferable the Prahran Library and Customer Service continue to operate while construction of the Prahran Town Hall redevelopment occurs, to ensure continuity of service, manage the impact upon on other Council services in the area and help build community interest in and knowledge of the Prahran Town Hall Redevelopment.

A number of options for where the services could be located were examined including:

- existing community infrastructure
- leasing a commercial site
- the Cato Square development (the commercial space at the Chatham Street end of Cato Square).

The Cato Square development (Chatham Street opportunity spaces) is considered to be the most viable option as it will help activate Cato Square when it re-opens as a public space, assist in managing relationships with food and beverage operators in the area, provide a visible and accessible Council presence on the site, allow usage patterns for Cato Square to settle and may provide a commercial advantage for Council at a later date.

HUMAN RIGHTS CONSIDERATION

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

ATTACHMENTS

- [1](#). Attachment 1 - Cato Square Library & Customer Service Temporary 'Pop Up' Excluded

RECOMMENDATION

That Council approve the proposal for temporary relocation of Prahran Library and Customer Service Centre to the opportunity space at the Chatham Street end of Cato Square development during the Prahran Town Hall redevelopment project.

8. PRAHRAN MARKET OPERATING REPORT TO COUNCIL FOR THE QUARTER ENDED 31 DECEMBER 2018

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

PURPOSE

The purpose of this report is to consider the quarterly operating report of Prahran Market Pty Ltd for the quarter ended 31 December 2018.

DISCUSSION

A copy of the Prahran Market operating report to Council for the quarter ended 31 December 2018 is attached.

Items of particular note are:

- Say Cheese Festival campaign
- Christmas campaign
- Community events.

HUMAN RIGHTS CONSIDERATION

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

ATTACHMENTS

- [1](#). Prahran Market Operating Report for the period ended 31 December 2018 Excluded

RECOMMENDATION

That Council receives the Prahran Market operating report to Council for the quarter ended 31 December 2018.

o) Confidential

1. **PLANNING APPLICATION 0412/18 - 17-22 GRATTAN STREET, PRAHRAN – CONSTRUCTION OF A SEVEN STOREY MIXED USE BUILDING AND A REDUCTION IN CAR PARKING REQUIREMENTS**

Manager Statutory Planning: Alexandra Kastaniotis

Confidential report circulated separately.

2. **PRAHRAN MARKET FINANCIAL REPORT TO COUNCIL FOR THE HALF YEAR ENDED 31 DECEMBER 2018**

General Manager Corporate Services: Geoff Cockram

Confidential report circulated separately.