

STATUTORY PLANNING COMMITTEE
17 AUGUST 2009

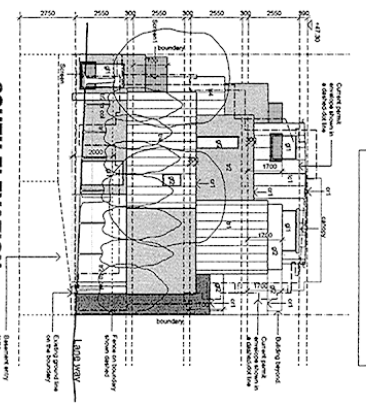
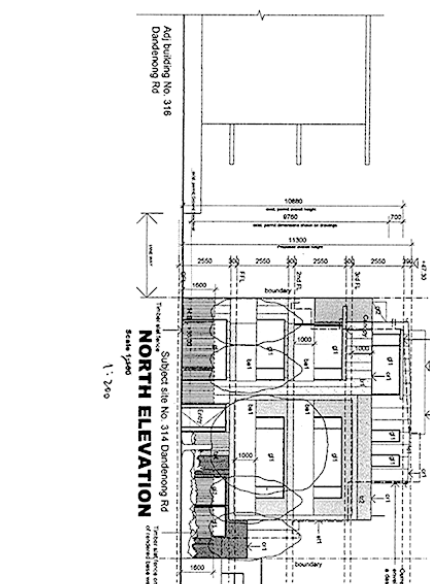
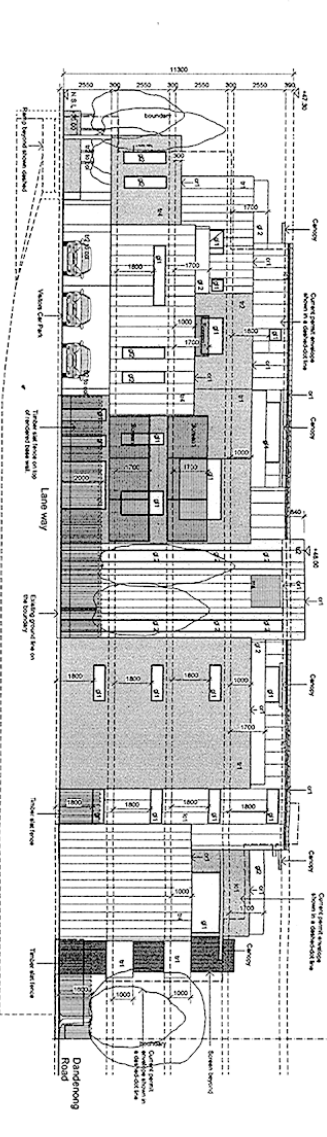
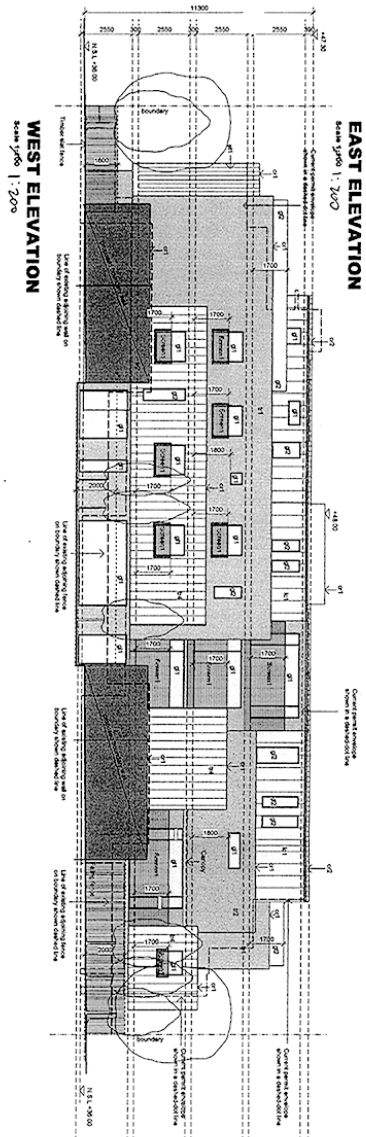
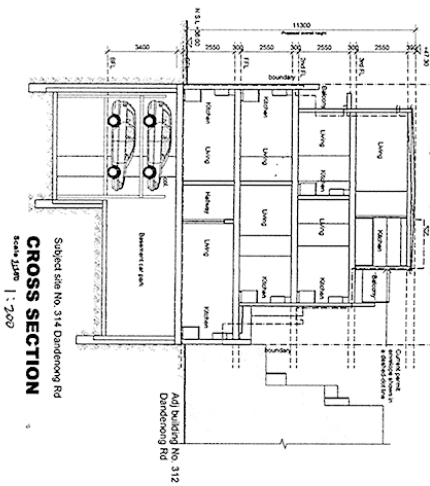
1	314 DANDENONG ROAD, EAST ST KILDA
ADDRESS:	314 Dandenong Road, East St Kilda
PROPOSAL:	To amend an existing permit for a four storey building. Proposed amendments include external alterations, changing the ground level car park to dwellings and relocating the car parking to a basement with a resultant increase in dwelling numbers from 11 to 15
WARD:	Carlisle
NEIGHBOURHOOD	East St Kilda
TRIGGER FOR DETERMINATION BY STANDING COMMITTEE:	More than 15 objections
APPLICATION NO.:	1221/2002/B
APPLICANT:	Terry Harper Architects
EXISTING USE:	Vacant dwelling
ABUTTING USES:	Residential
ZONING:	Residential 1
OVERLAYS:	Nil
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired
RESPONSIBLE MANAGER:	George Borg, Manager, City Development
AUTHOR:	Phillip Beard, Senior Planner

1. EXECUTIVE SUMMARY

- 1.1. It is proposed to amend aspects of a proposal which already has planning approval.
- 1.2. This report only assesses the amendments proposed. The original approval is not open to reassessment.
- 1.3. The primary changes relate to an increase in dwelling numbers from 11 to 15 by replacing the ground level car park with dwellings and relocating the required parking to a basement car park.
- 1.4. Other changes relate to building height and various external setback changes.

KEY ISSUES

- 1. Parking provision
- 2. Amenity impacts

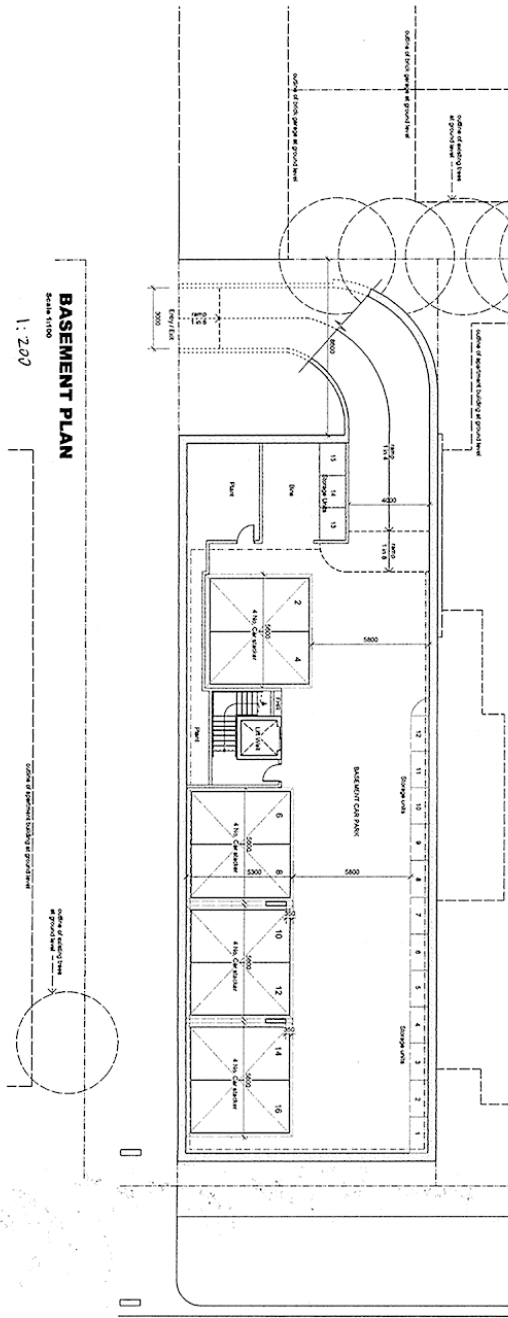


FINISHES SCHEDULE	
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S2	Included wall finish type 2
S3	Included wall finish type 3
S4	Included wall finish with vertical relief line
S5	Included floor finish type 1
S6	Included floor finish type 2
S7	Included floor finish type 3
S8	Included floor finish type 4
S9	Included floor finish type 5
S10	Included floor finish type 6
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S100	Included floor finish type 96

ELEVATIONS
PROPOSED RESIDENTIAL DEVELOPMENT
314 DANDENONG ROAD, ST KILDA EAST
 PROJECT: 08-04
 DRAWING NO: TP 04
 DATE: E
 1/12/09
 TERAH TIMBER ARCHITECTS
 16/100/467/10/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100
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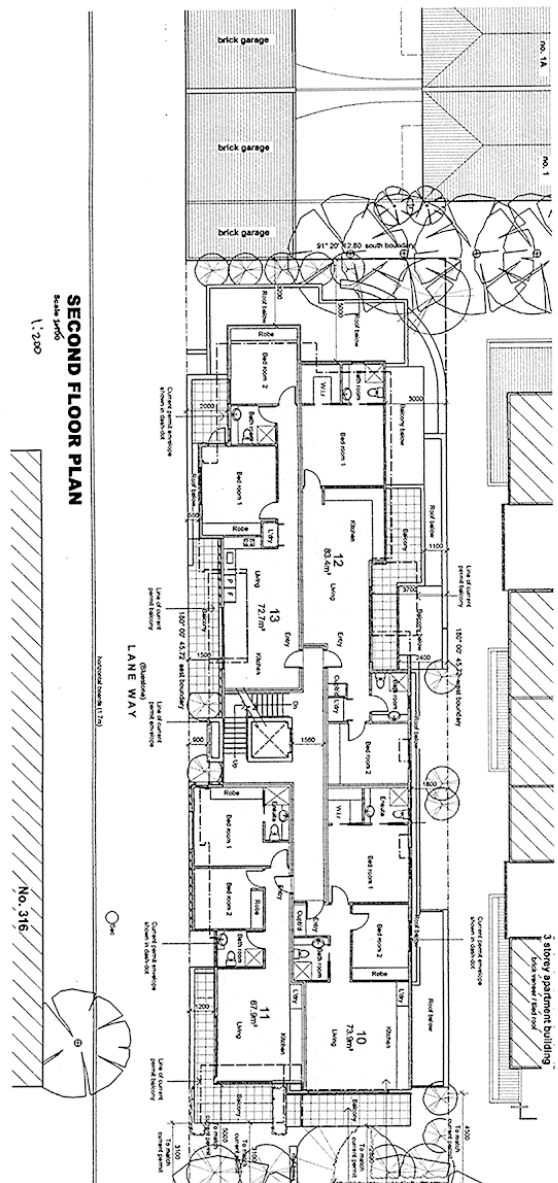
DRAWING INDEX

- TP 01 COVER SHEET & BASEMENT FLOOR PLAN
- TP 02 GROUND & FIRST FLOOR PLANS
- TP 03 SECOND & THIRD FLOOR PLANS
- TP 04 ELEVATIONS

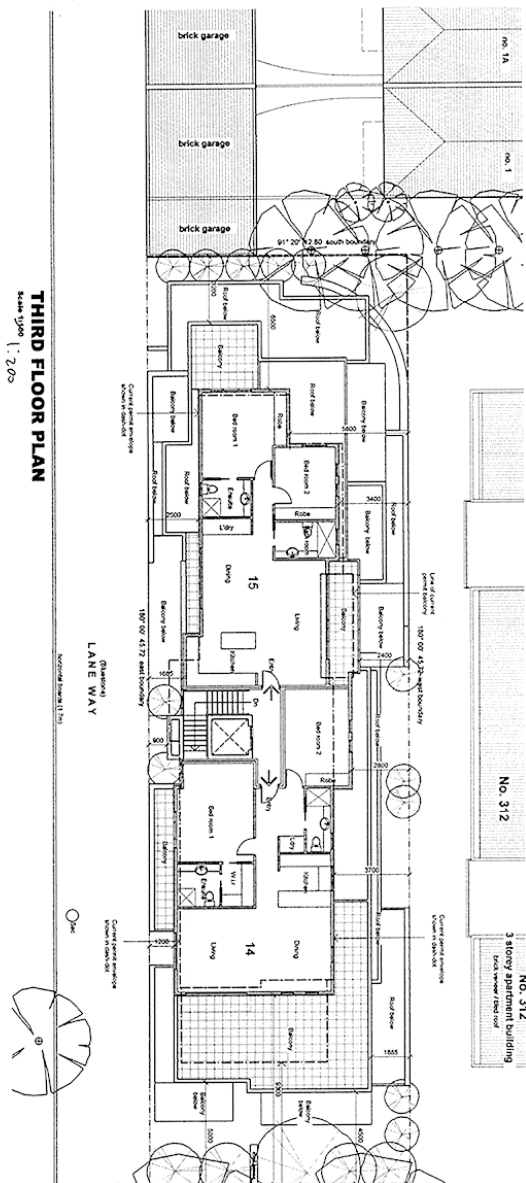


RECEIVED
 25 FEB 2009
 PORT PHILLIP
 PLANNING DEPT.

BASEMENT PLAN
 PROPOSED RESIDENTIAL DEVELOPMENT
 314 DANDENONG ROAD, ST KILDA EAST.
 PROJECT 08-04 DRAWING NO. TP 01
 DATE 13/10/08
 TERRY HANDEEN ARCHITECTS
 14 Road, St. Kilda, Victoria 3182
 TEL: 9593 1333 FAX: 9593 1334



SECOND FLOOR PLAN
Scale 1:200



THIRD FLOOR PLAN
Scale 1:200

SECOND & THIRD FLOOR PLANS
PROPOSED RESIDENTIAL DEVELOPMENT
314 DANDENONG ROAD, ST KILDA EAST
 PROJECT: 08-04
 DRAWING NO: TP 03
 DATE: 13/09/08
 DRAWN BY: E
 CHECKED BY: E
 PROJECT MANAGER: E
 ARCHITECT: TERRY BARBER ARCHITECTS
 14 FLOU, 64A VICTORIA STREET SOUTH MELBOURNE 3001 T: (03) 9232 1196 F: (03) 9232 7288

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2. RELEVANT HISTORY

- 2.1. On 10 August 2004, Council's Statutory Planning Committee resolved to issue a Notice of Decision for construction of a four level building containing 11 dwellings. No application for review was lodged with VCAT and planning permit 1221/2002 was issued on 7 September 2004.
- 2.2. In January 2008 an application was received to amend the endorsed plans. These amendments essentially involved altering setbacks, balcony locations, replacing the curved roof with a flat one and increasing the building's height by approximately 300mm. The proposed amendments were advertised to neighbouring and nearby properties. Three objections were received. The amended proposed continued to comprise 11 dwellings in a four storey building.
- 2.3. Council's delegate resolved to issue a Notice of Decision to Amend a Planning Permit on 18 April 2008. No application for review was lodged with VCAT and the amended planning permit was issued on 16 May 2008.
- 2.4. One further minor amendment to the plans, solely relating to the location of the bin store, was approved on 2 July 2008.
- 2.5. The expiry time of the permit has been extended twice to allow commencement of the development up to September 2010.

3. PROPOSAL

- 3.1. The key purpose of the amendments is to enable the ground level to be utilised for additional dwellings. The carparking currently shown on the ground level would be moved to a basement. The proposed amendments are summarised as follows:

Basement Level

- 3.2. The current approved plans do not show a basement level. It is proposed to create a basement car park to contain the majority of the car parking for the site, along with bin storage, plant and equipment areas and storage units. This level would contain 16 car spaces in the form of pit-type car stackers, giving independent and individual access to each car space.
- 3.3. The basement would be accessed from a ramp at the southern end of the site where the abutting Right-of-Way is approximately 4.5m to 4.7m wide. The basement level would abut most site boundaries, but would be setback approximately 1.2m from the front boundary.

Ground Floor:

- 3.4. The current approved plans show two studies at the front of the building and the resident car parking located at this level. The proposed amendments would replace the car parking at this level with four dwellings and three visitor car spaces immediately adjacent to the lane at the site's southern end.

- 3.5. Aside from the visitor car spaces, most of the southern portion of this level would be occupied by the basement access ramp. Where parallel to the rear boundary, it would be setback 1.2m.
- 3.6. The proposed new dwellings at this level would consist of three x two bedroom dwellings and a single bedroom dwelling. They would partly abut the Right-of-Way and be partly setback 1.6m to it. Where facing west, this level would partly abut the boundary or be partly setback 2m. The front setback would be 5.2m, the same as the majority of the current approval, whilst the rear setback would be 8.6m, the same as the existing approval. The front setback would contain two new private open space areas of 19m² and 23m² respectively. The other setbacks mentioned above, aside from the rear, would be occupied by private open space areas.

First Floor:

- 3.7. This level would continue to contain five x two bedroom dwellings as currently approved. The front setback to the balconies and main wall would remain unchanged (2.9m/3.1m and 4.5m/5m respectively). Where facing west, this level would have a similar setback to the current approval generally between 1.4m and 3m.
- 3.8. Two setbacks would change; unit 5 would be setback 500mm further from the boundary whilst proposed unit 8 would be between 300mm and 800mm closer to the boundary. The two west facing balconies would be in similar locations to the current approval. One would be slightly larger whilst the other would be slightly smaller.
- 3.9. Where facing the Right-of-Way to the east, the development would generally be at a reduced setback compared to those of the current approval, being mostly at zero compared to the current 500mm to one metre setback. One east facing balcony is proposed in a very similar location to that currently approved but would be slightly larger.
- 3.10. The rear setback would continue to step away from the boundary as does the current approval, but at reduced distances of 1.2m and 2m compared to the current approval of 2m and 2.9m.

Second Floor

- 3.11. This level would continue to contain four x two bedroom dwellings. The front setback to the balcony would be unchanged at 2.9m and 3.1m, whilst one section of the main wall on the front elevation would be 1m closer to Dandenong Road that is, five metres compared to the current six metres. This would result in one of the front balconies being slightly smaller than currently approved.
- 3.12. Where facing west, this level would follow a very similar envelope to the current approval with main walls either being at the same setback or approximately 250mm greater. One west facing balcony remains in generally the same location, but it would be wider by approximately 3.5m across the face of the building. This larger balcony would be setback 1.1m to the boundary. The current approval shows this level's setback to be approximately 2.8m in the same location but this would be to a full height wall as opposed to a balcony.

- 3.13. Where facing the Right-of-Way, the main wall would generally follow that of the current approval. Similar to the level below, it would be partly closer to the lane being a zero setback compared to 500mm and one metre but partly further away compared to the current approval. In one such location, a balcony would continue to be at a zero setback as opposed to a one metre setback and the balcony would be a total of approximately three metres wider across the face of the building. A balcony at the south-east corner of the building is proposed at this level which does not form part of the current approval. It would be relatively small at 6m² and accessed from a bedroom. A new 1.2m wide return section of balcony is also proposed at the front corner of the building interfacing with the lane.
- 3.14. The rear setback would be very similar to the current approval with one point of the building being setback 2.4 metres, approximately 800mm closer than currently approved at 3.2m. The other portion of the rear wall would be setback approximately 500mm further away from the boundary compared to the current approval.

Third floor:

- 3.15. This level would continue to contain two x two bedroom dwellings. The front setback to Dandenong Road to the balcony would be reduced by 1.4m to 4.6m at its closest point. The front main wall would be between approximately 200mm and 600mm closer to the boundary.
- 3.16. Where facing west, the main wall would have virtually the same setback as currently approved, except for one portion of wall which would be approximately 850mm closer to the boundary. A central balcony on this side of the building would be in a very similar location and of a very similar size. The most notable change would be a 'return' of the front balcony to the west face at the north-west corner of the building. This balcony would be setback 1.9m from the boundary.
- 3.17. Where facing the Right-of-Way, the building would have a virtually identical setback to that currently approved. Similarly, the rear setback would be virtually identical to the current approval, but a new balcony is proposed at the south-east corner of the building setback 3.2m from the rear boundary. This balcony would be approximately 11m² in area. A new balcony is also proposed towards the north-east corner of the building at a zero setback to the laneway.

General description:

- 3.18. Externally, the overall character of the building would not appreciably change. Some of the panelling details would alter in location and proportion but the overall treatment and presentation would be very similar.
- 3.19. The most notable external change would be at ground level which would change from a blank wall with various vehicle openings to a series of walls behind a 2m high timber slat fence. The three visitor car spaces at ground level would also represent an external difference compared to the current approval replacing a blank wall and a vehicle gate.

- 3.20. In terms of specific external treatments, the proposal includes 1.7m high screening to all east and west facing balconies with windows on those elevations showing either fully obscure glass, metal batten screens (25% transparent) to windows or windows with 1.8m high sills. The current approval shows particular first floor screens mainly on east and west elevations as being zero percent transparent, but this is not depicted in the proposed amendment.
- 3.21. Overall the height of the proposed building would, for the most part, not increase, with the main parapet roof feature to the sides of the building remaining unchanged. However, the amendments include a slightly flatter roof which would in part be approximately 300mm higher than the current approval. The amendments also include a new light and stair core projecting approximately 800mm above the main roof. This core would be located centrally and facing the laneway. However, the current lift core towards the opposite side of the building would be deleted and therefore, a lowering of approximately 600mm would occur in that location.
- 3.22. The proposed visual treatment of the front elevation would remain virtually unchanged and would continue to have one metre high glass balustrades with relatively large windows behind. Similarly, the rear elevation would retain a similar character although the proposed external cladding would be articulated in a more vertical way.
- 3.23. The proposed front fencing continues to be shown at 1.6m high, but would be timber slat as opposed to a solid plinth with glass above.

4. SUBJECT SITE AND SURROUNDS

- 4.1. The subject site is located on the south side of Dandenong Road, approximately 25m to the east of its intersection with Shirley Grove. It is a rectangular shaped lot with a frontage of 12.8m to Dandenong Road and a depth of almost 46m, giving an area of approximately 585m². It also abuts and has access rights over a lane to the east which is approximately 4.5m wide in the vicinity of the site. The site is currently flat with no notable slope. The approved development, however, includes an up-slope from east to west of approximately 400mm.
- 4.2. Dandenong Road is a large and busy road with four traffic lanes in each direction with one used for kerbside parking outside clearway times, a large central median containing tram lines and substantial street tree planting. The street contains a consistently residential uses on both sides mainly consisting of two and three storey flats mostly dating from the 1930s to 1970s.
- 4.3. Front setbacks on the south side of Dandenong Road are generally consistent and between approximately 3m to 5m. Front fencing is varied but generally in the 1.2m to 1.5m range.

- 4.4. The subject site contains a single storey 1970s brick house with vehicle access from the abutting lane. It is setback approximately 1.7m from the lane and approximately 5m from Dandenong Road. The site contains some reasonably well established vegetation in its front yard, but its rear yard is open and devoid of any vegetation of note. The side setback of the existing house to the flats to the west is minimal.
- 4.5. Building stock on the subject side of Dandenong Road is relatively consistent and mainly consists of three storey blocks of flats. Nos. 328, 318, 316, 312, 310, 306 and 304 all contain three storey flats. No. 320 Dandenong Road contains art deco inspired two storey flats. Most of these buildings date from the 1950s to 1970s. By contrast, the building at No. 312 is only three to four years old.
- 4.6. Building stock in nearby Shirley Grove is more commensurate with its dead-end nature. It contains largely single storey houses, including those closest to the subject site at Nos. 1 and 3. The rear portion of No. 1 Shirley Grove, where closest to the subject site, consists mainly of secluded open space although it is partly occupied by a carport. Portion of No. 1's open space directly abuts the subject site. No. 3 Shirley Grove has a similar layout and footprint, but its rear open space is more open without any carport or large outbuildings.
- 4.7. Whilst Shirley Grove contains mainly single storey houses, it also contains two storey flats at Nos. 2 and 5 and three storey flats at No. 8. These all date from the 1960s.

5. ADVERTISING/OBJECTIONS

- 5.1. The proposed amendments were advertised to abutting and nearby properties. Twenty objections have been received. The objections raised the following key grounds, (*with officer response and assessment following in italics*):

- Overlooking.
- Insufficient setbacks, loss of light and increased shading.

The above matters are discussed in Section 7 of this report.

- Too high, bulky, lack of open space and landscaping to the laneway.

Assessment of this proposal relates only to the proposed amendments and therefore, matters of height, bulk and landscaping are assessed in that light.

In terms of height and bulk, the proposal involves only modest changes from the current approval. The overall height would not increase with the main parapet roof feature to the sides of the building remaining unchanged from the current approval at 11m.

The proposed amendments include a slightly flatter roof on the front and rear elevations which are, in part, approximately 300mm higher than the current approval. In terms of impact on neighbourhood character and bulk, this increase would not lead to a fundamental change noting that the sides of the building would be no higher than the current approval. The overall impression of bulk would be largely unchanged from the current approval.

The proposed amendments also include a new lift and stair core projecting approximately 800mm above the main roof. This core would be located centrally facing the laneway. The current approved lift core would have been located towards the opposite side of the building. This would be replaced with the newly proposed lift core and therefore a lowering of approximately 600mm would occur in the location of the currently approved lift core. The overall impression of height and bulk would remain with one lift/stair core projecting above the roof as per the current approval but in a different location.

Impressions of bulk can also be influenced by setbacks and external treatment. Whilst the specific amenity impacts of the amended setbacks are assessed later in this report, it is considered that the proposed changes to the setbacks with some increased and some decreased and external cladding would not increase the impression of bulk. The 'footprints' of the various floors would be very similar to the current approval and the various panels of cladding would also show only modest changes and none which would lead to a notable increase in building bulk.

Following from the consultation meeting the applicants have offered to lower the building by 180mm. It is considered that a lowering of 180mm, whilst extremely modest, would reinforce the above conclusions in relation to height and bulk. Whilst a minor improvement, it is recommended that the offer of a 180mm height reduction is accepted. Refer proposed condition 1 (a).

In terms of landscaping, the proposal would have very limited planting adjacent to the laneway and Dandenong Road. The current approval shows two small planting strips approximately 300mm wide facing the laneway whilst the amended proposal would have a combination of blank walls and timber slat fencing facing the lane.

In the light of current development conditions in the side lane which is dominated by rear fences and garage doors, it is not considered that the change in the proposed development's presentation to the lane would be inappropriate. It is relevant to note that the currently approved 300mm wide planting strip would only be able to support very limited planting and other changes resulting from removal of the ground level car park are considered a visual improvement balancing any loss. The new slat fencing with a courtyard, doors and windows behind is also considered an improvement.

- Greater vehicle use of laneway.

The change to be assessed relates only to the additional four car spaces proposed. Vehicle access from the subject site to the laneway has already been previously approved.

The current approval shows a total of 15 on site car spaces whilst the proposed amendment would be for 19 car spaces. All car spaces, as per the current approval, would be accessed from the laneway and therefore, there would be an increase in vehicle activity in the lane. However, as per the current approval, vehicle movements are highly likely to be concentrated in the northernmost portion of the lane and therefore, are unlikely to have notable impact on residential properties further south.

Four additional cars are likely to generate in the order of an extra 24 movements over a 24 hour period (six movements per car, per day). At morning and evening peak times there would be approximately nine additional car movements each peak period or approximately one extra car movement each 10 minutes in peak times.

It is policy that where a laneway exists, it is the preferential vehicle access to a development. In this case the lane is approximately 4.5m or more wide and remains the most appropriate vehicle access point.

This position has been supported by Council's Traffic Engineer for this site and for a proposal at nearby 4 Lansdowne Road.

It has also been put that a vehicle waiting to turn left out of the lane will block access to a vehicle in Dandenong Road wishing to turn left into the lane and that at clearway times, this vehicle could run the risk of being collided into, if stationary, from traffic behind. Further assessment of this issue occurs in Section 7 of this report.

- Insufficient parking and car stackers will not be used.

At the adopted Rescode parking rates, one car space is required for each new dwelling. This is proposed to be provided.

The proposed total of 15 dwellings would require three visitor car spaces. These would be directly accessed from the lane rather than in the new basement greatly increasing the likelihood of them being used.

In terms of car stackers, there is no evidence to suggest that residents would not use them. Stackers are common and widely used.

- No bicycle parking or water tanks.

The applicant has offered two 5,000 litre rainwater tanks along with a dedicated bicycle storage area in the basement. This offer should be accepted. Refer proposed condition 1(b).

- Waste management not addressed.

It is considered reasonable that this matter be addressed even though a permit for 11 dwellings already exists. The cumulative impact of an extra four dwellings is considered such that methods of waste management, in particular rubbish bin storage and rubbish bin placement on collection day, need to be considered. Refer proposed condition 16.

- General overdevelopment for the area.

Numerous objections assert that the proposal is symptomatic of a general trend of overdevelopment in the area. A permit for multi dwelling development already exists and it is only the increase from 11 dwellings to 15 that is being assessed.

The concept of overdevelopment is not a valid ground in its own right but rather, overdevelopment needs to be demonstrable by reference to off site impacts flowing from the proposed changes. In this instance, there are not considered to be any measurable or demonstrable effects flowing from the proposed changes. Whilst greater assessment of shadowing, setbacks and protection of daylight and privacy matters are assessed in Section 7 of this report, it is more generally considered that the proposed changes would result in a development so similar in style and envelope to that currently approved that no demonstrable reduction in amenity would occur. Sufficient open space and car parking are proposed and the revised building would be very similar in height and bulk compared to the current approval.

- 5.2. A consultation meeting was held on 21 May, 2009 which was attended by the Ward Councillor, most objectors, the permit applicant and Architect and Council's Planning Officer. Concerns expressed related to car parking, access to Dandenong Road, the overall proposed height and the adverse amenity impacts flowing from the additional four dwellings.
- 5.3. It was commented that the proposal is being increased from three to four levels. This is a misunderstanding. The existing approval allows a four level building. No additional floor is proposed, although a basement level is now proposed.
- 5.4. The applicant offered to assess some of the matters raised, mainly with respect to height as referred to in section 5.1 above.
- 5.5. A recurrent theme is that the objectors are concerned that too many 'large' developments seem to have been approved in the immediate area.

6. URBAN PLANNERS ANALYSIS OF KEY ISSUES

Port Phillip Planning Scheme Provisions:

6.1. Residential 1 Zone

The site is located in a Residential 1 Zone and pursuant to the provisions of the Residential 1 Zone (Clause 32.01) a permit is not required for the use of the site for the purposes of dwellings.

Pursuant to Clause 32.01-4 a planning permit is required to construct two or more dwellings on a lot.

Before deciding on an application, the responsible authority must consider, as appropriate:

- The decision guidelines at Clause 65.
- The SPPF and LPPF, including the MSS and local planning policies.

6.2. Other relevant controls.

Council previously applied Rescode parking rates to the current approval and this would not change in this amended proposal.

Clause 52.34: Bicycle parking. The requirement for dwellings in a four or more storey building is one bicycle space for every 10 dwellings. Currently, no formal bicycle parking is shown, but the revised plans submitted show a bicycle storage area easily capable of accommodating more than the required one bicycle.

Clause 19.03: Design and built form. There are various design principles which the responsible authority must have regard to, as follows.

- Context,
- The public realm,
- Safety,
- Landmarks, views and vistas,
- Pedestrian access,
- Heritage,
- Consolidation of empty sites,
- Light and shade,
- Energy and resource efficiency,
- Architectural quality,
- Landscape architecture.

The DPCD (State Government) Guidelines for Higher Density Development have also been taken account of in the assessment of this application.

None of these guidelines are adversely affected by the addition of the four dwellings on the ground level.

7. STRATEGIC ISSUES

7.1. An assessment of the proposal has been made against relevant Council policies and strategies, particularly Clause 22.06. The following extracts relate to the assessment table, a hard copy of which is retained on file. The assessment relates only to the proposed changes, as only the proposed amendments are subject of the application:

- Protect heritage and streetscape character.

Officer comment: Achieved. The changes to the proposed development would not be substantial. The overall height of the proposal remains generally the same in the context of the three storey buildings nearby.

The site is not in a Heritage Overlay.

The streetscape character would be better served by an increase in the front balcony setback at the upper level. Refer proposed condition 1(c). The other proposed changes would have no discernable impact on the streetscape character. The style would remain contemporary and in keeping with the existing multi-dwelling building abutting at No. 312 Dandenong Road.

- Medium density housing on main roads or public transport routes or in identified growth area on Framework Plan.

Officer comment: The site is suitable for maximizing opportunities for residential growth being close to local facilities and public transport routes on Dandenong Road.

- Respond to road pattern/subdivision grain/neighbourhood context/character/heritage places.

Officer comment: The site is not in a Heritage Overlay and the streetscape would be appropriately responded to by way of orientation and scale, which would not notably change from the current approval. An increased front setback should be achieved for the upper level front balcony. Refer proposed condition 1 c). The scale of the proposal, in terms of streetscape response in this context, would not be notably different from the current approval. It is, however, recommended that the offer to reduce the building height by 180mm be accepted by way of a condition. Refer proposed condition 1 (a).

- Respect prevailing scale, form and setbacks and minimise impact on neighbourhood character and amenity of adjoining properties.

Officer comment: The proposed development would be medium rise and the amendments would not increase the scale of the proposal. Some further setback increases are recommended. Refer proposed conditions 1(c), 1(d) and 1(e).

- Consistent scale and forms.

Officer comment: The revised proposal continues to take into account the scale of abutting development on Dandenong Road and would, subject to

condition, have virtually identical rear setbacks to the current approval. Refer proposed conditions 1(d) and 1(e).

- Gradual stepping up of built form between low and higher rise development.

Officer comment: The amended proposal would continue to be no more than one storey higher than either abutting building in Dandenong Road. It would also present very similar setbacks to the properties behind compared to the current approval, but some increased setbacks are recommended. Refer proposed conditions 1(d) and 1(e).

- Frontage design at footpath level to offer visual interest, surveillance, interaction, safety, shelter and convenience. Not to exceed 3 storeys next to public space, including a footpath. Higher elements to be set back beyond 3 storeys. Respect front adjacent building setbacks and reinforce neighbourhood character; Design does not dominate public spaces; Minimise overshadowing and wind tunnelling.

Officer comment: The ground level front setback would be virtually unchanged, aside from an angled protrusion. This would not notably alter the building's character. Other front setbacks would be virtually identical to the current approval. A reduction in size of the upper level front balcony is recommended. Refer proposed condition 1(c).

- Discourage blank walls and car park vents onto pedestrian spaces.

Officer comment: The current approval shows a combination of blank walls and very modest landscaping abutting the side lane. The amended proposal would continue to show a similar presentation, including the blank walls, but slat fencing would be introduced. Whilst different from the current approval, the degree of change is considered minimal and of no consequence.

- High dwelling amenity and design excellence.

Officer comment: The layout and design of the new dwellings is satisfactory. They would have between 10m² and 17m² of private open space each, would be provided with adequate privacy and access to daylight. The new dwellings would be provided with one resident car space each in the basement.

7.2. Residential Amenity

Overlooking.

The amended design shows screening virtually identical to that currently approved in that full height windows on the side elevations would either have fixed translucent glass at 1.7m above floor level or would have external metal batten privacy screening to 25% transparency. Other windows are shown as having high sills at 1.8m above floor level.

The revised proposal proposes some different screening to the current approval. The first floor balconies to the currently approved units 3 and 5 were required to have increased screening provision and the endorsed plans show such screening with zero transparency.

Proposed first floor units 7 and 9 would have balconies in the same location as currently approved with neighbouring windows and balconies in close proximity. No circumstances have changed since the initial approval that would justify a reduction in screening provision and it is therefore recommended that the balconies to units 7 and 9 have screening with zero transparency. Refer proposed condition 1(f).

The balcony to unit 8 would be in close proximity to the same neighbouring windows and balconies and therefore, this is also recommended to have screening with zero transparency. Refer proposed condition 1(f).

New Ground Level windows:

All ground level windows would be new compared to the current approval. An assessment has been made as to whether any would require screening, as follows.

One objection is that the window to bedroom one of unit 4 would overlook the abutting property. The ground level would rise away from the laneway to the point where some overlooking could potentially occur. Therefore, it is recommended that the window be screened to prevent overlooking. Refer proposed condition 1(g).

Another new rear ground level window would face the car park ramp and be approximately 9m to the nearest boundary which would remain fenced.

In terms of west facing ground level windows, the existing two metre high boundary fence would prevent overlooking.

New east facing windows would face the laneway and limited direct overlooking could result. It is recommended that unit 13's balcony be screened with zero percent transparency and that the east facing 'return' of unit 11's balcony is shown with 1.7m high translucent glass. Refer proposed condition 1(h).

Setbacks:

The majority of the proposed setbacks would be such that there would be no discernable difference to the current approval. Whilst some walls would be closer to boundaries, others would be further away. A more detailed assessment of potential amenity impacts follows. The assessment does not focus on changes to front setbacks. Subject to the recommended modifications, they would be consistent with neighbourhood character and they would not have amenity impacts.

Ground floor.

All east, west and south setbacks would, for all practical purposes, be identical to the current approval. The deletion of the 300mm wide planting strip adjacent to the lane is noted but this would not have a direct amenity impact.

First floor:

Generally, the proposal would be between approximately 600mm and one metre closer to the east boundary shared with the laneway than currently permitted. This does not impact residential amenity given the 4.7m width of the laneway. The neighbouring dwelling to the east would be a total distance of approximately 7.2m to the revised proposal. Using Rescode as a guide, the proposal would comfortably exceed the protection of daylight standard in relation to the neighbouring dwelling to the east. The outlook from the flats to the east would remain appropriate and consistent with the current approval.

Where facing west towards the abutting flats, the proposal would follow a similar setback to that currently approved being generally between 1.4m and 3m. However, two different setbacks are proposed compared to the current approval. Unit 5 would be 500mm further from the boundary whilst Units 7 and 8 would partly be between 300mm and 800mm closer to the boundary respectively. As well, the balcony to Unit 7 would abut the boundary compared to the current approval's 500mm setback.

The 300mm reduced setback is not considered discernable and would be at a total setback of 3m to the balconies opposite. This is considered an appropriate setback in the context of nearby development. The difference between a 3m and 3.3m setback is negligible. Whilst a total setback of 3m to the abutting balconies is proposed, a total setback of 4.2m is proposed to the opposite windows. This setback would exceed the Rescode protection of daylight standard.

The section of balcony proposed to be 800mm closer to the west boundary would be opposite a small portion of the neighbouring flats containing a window. The total setback to the first floor window in question would be 4m. This would comfortably exceed the Rescode setback requirement in relation to protection of daylight as the proposed wall would be approximately 3.6m higher than the first floor level of the abutting flats. A 4m setback, using the Rescode daylight standard as a guide, would allow for an 8m high wall.

When measured above ground level, this same wall would be 5.4m high. A ground level window in the opposite flats would have a total setback of approximately 3.5m to the proposed wall. Rescode, used as a guide, would require a setback of 2.7m. This would again exceed the Rescode standard in relation to daylight protection.

The rear setback would continue to step away from the boundary, as does the current approval, but at reduced distances of 1.2m and 2m compared to the current approval being 2m and 2.9m. Where at 1.2m, the wall would be opposite a carport structure in the rear yard of the abutting property but where at 2m, the wall would be opposite the primary open space of that abutting property. It is considered that this could result in amenity impacts by way of bulk and outlook. It is therefore recommended that the setback of this section of wall, being bedroom 2 and ensuites for unit 8, be increased to 2.9m to match that of the current approval. Refer proposed condition 1(d).

Second floor:

Where facing east to the lane, the main wall would generally follow that of the current approval. It would, however, be partly closer to the boundary being zero compared to 500mm and one metre, but partly further away compared to the current approval. As with the assessment of the level below, it is considered that the degree of separation across the lane would not result in a loss of residential amenity.

In terms of daylight protection, this section of wall would be 9m high at a total distance of 7.2m to the nearest windows to the east. This would exceed the Rescode setback requirement which would allow a 4.5m minimum setback.

A balcony would continue to face the lane but at a zero setback as opposed to a one metre setback as previously approved and the balcony would be approximately 3m wider than that currently approved. This balcony is depicted with a 1.7m high, 25% transparent screen as per the current approval.

The additional width of the balcony is not considered of concern, but its reduced setback is considered to have an impact on overlooking potential. As with the proposed balcony immediately below, it is considered reasonable that the balcony screen have its battens arranged so as to achieve zero transparency. Refer proposed condition 1(f).

A new balcony is proposed at the south-east corner of the building at this level. It would be relatively small at 6m² and accessed from a bedroom and would be mainly opposite the rear parking area of the abutting flats. Both its external faces are depicted with fixed translucent glass to 1.7m above floor level, which would adequately limit overlooking.

Similarly, a 1.2m wide 'return' section of balcony is proposed at the front corner of the building interfacing with the lane. It is shown with a one metre high balustrade and a clear living room window behind. This section of balcony and window behind would face windows, albeit obliquely, at relatively close proximity. It is recommended that balustrade height be increased to 1.7m with translucent glass. Refer proposed condition 1(h).

Where facing west, this level would follow a very similar envelope to the current approval with main walls either being at the same setback or approximately 250mm greater than current approval. One west facing balcony remains as part of the proposal in generally the same location, but it would be wider by approximately 3.5m across the face of the building. This larger balcony would be setback 1.1m to the boundary, approximately 300mm closer than the current approval.

This reduction in setback is considered acceptable as the current approval allows a setback of approximately 2.8m in the same location but this would be to a full height wall as opposed to a balcony. In addition, the amended position of this balcony would result in an adjacent section of wall being setback 3.7m to the boundary where the current approval allows a setback to the balcony face of 1.7m. These setback changes would not result in significant amenity impacts.

The rear, south setback would be very similar to the current approval with one point of the building being setback approximately 2.4metres which is 800mm closer than currently approved at 3.2m. The other portion of the rear wall would be setback approximately 500mm further away from the boundary compared to the current approval. Whilst the portion of building with the 800mm reduced setback would be adjacent to the neighbouring property's garage, it is nonetheless considered that its increased visibility would be noticeable in terms of mass and bulk. It is therefore recommended that this setback be increased such that it would align with that of the current approval. Refer proposed condition 1(d).

Third floor:

The front main wall would be between approximately 200mm and 600mm closer to the boundary. No notable impact on amenity or neighbourhood character would result from the reduced front main wall setback. This level of the building would remain recessive and would be setback 9.3m to the front boundary at its closest point.

The setback to the front balcony face from Dandenong Road would be reduced by 1.4m to 4.6m at its closest point. Whilst not resulting in direct impact on amenity, this may have a negative impact on neighbourhood character and the streetscape presentation of the building. It is recommended that this balcony face have a minimum front setback of 6m, being that of the current approval. Refer proposed condition 1(c).

Where facing west, the main wall would have virtually the same setback as currently approved, except for one portion of wall which would be approximately 850mm closer to the boundary. This wall would, however, be setback 2.8m to the boundary and would therefore allow adequate daylight into the abutting flats.

A central balcony on this side of the building continues to form part of the proposal in a very similar location and of a very similar size compared to the current approval. The most notable change would be a relatively large 'return' of the front balcony to the west face at the north-west corner of the building. The balcony would be setback 1.9m from the boundary and whilst depicted with 1.7m translucent glazing, is considered to add unnecessarily to the bulk of the building. It is recommended that this section of balcony be deleted. Refer proposed condition 1(c).

Where facing the laneway and the rear boundary, this level would be at virtually identical setbacks to that currently approved. However, a new balcony to the south-east corner of the building is proposed with a setback of 3.2m from the rear boundary. This balcony would be approximately 11m² in area. Whilst fully screened, given that this balcony would be at third level, it would undesirably add to the mass of the building and detrimentally affect outlook from the neighbouring open space to the south. It is recommended to be deleted. Refer proposed condition 1(e).

On balance, it is considered that most of the proposed setbacks would be adequate and not have a greater impact on amenity than those currently approved. However, some of the setback reductions are not supported and should revert to align with those of the current approval.

Overshadowing

Based on the shadow diagrams provided, it is considered that shadowing from the proposed development would not unreasonably impact on any adjoining properties. The revised design would involve some modest increase in shadowing at all times of day but no detrimental impact would result. At 9am, additional shadows as cast over No. 1 Shirley Grove would fall within the shadows of existing boundary fencing and/or would be no greater than shadows cast by the current approval.

7.3. Parking and Traffic

Vehicle access from the subject site to the laneway forms part of the current approval. This report only comments on the possible impacts related to the additional four dwellings over those already approved.

Comment was sought from Council's Traffic Engineer in relation to access from the laneway to Dandenong Road in response to the concerns raised by objectors. The following key comments were made.

"Assuming approximately 6-7 trips per existing car space using the lane (22 properties, approx. 50 car spaces) gives 300-350 trips, with a 10 % peak flow of 30-35 trips/hour. It is assumed there is an 80-20 split during these peak periods.

The proposed development of 15 apartments gives a traffic generation of 90-105 trips, with a peak flow of 9-10 trips with say 7 departing in the am and 7 entering in the pm. Conversely, two entering in the am and two exiting in the pm. Therefore in the am peak, when the clearway is in operation, the assumed existing entering traffic numbers would be 6-7 cars/hour + an additional two from the proposed development.

In the pm peak when the entry numbers are higher, the majority would perform the u-turn east of the site and would typically be done when the westbound traffic is stopped at the Orrong Road lights.

The existing lane way and crossover is 4.5 m wide which can cater for slow 2-way flow, with one car in the stopped position to let the other car pass. Also the 'slow' lane in Dandenong road is wider (3.6m) which permits a car approaching from the rear to overtake the turning vehicle with care. There is good visibility on the eastern approach to the laneway and it is foreseen that the proposed development will have minimal impact on the safety of this intersection."

It is considered, therefore, that there is no fundamental flaw with the proposal as a result of it continuing to gain access from the laneway and with that laneway's intersection with Dandenong Road.

Comment was also sought in relation to the new visitor parking in relation to vehicle and pedestrian safety. Verbal comment received was that the visitor spaces would operate safely.

8. ENVIRONMENTAL ASSESSMENT

- 8.1. There are no aspects of the proposed amendments which would change its environmental performance compared to the current approval. However, the willingness to install rainwater tanks is noted.

9. COVENANT

- 9.1. There is no restrictive covenant on title.

10. CONCLUSION

- 10.1. The proposal would involve an intensification of an as-of-right residential use by increasing dwelling numbers from 11 to 15. It would consequently involve changing most of the ground level from the currently approved car parking to four new dwellings and placing the car park within a basement. The proposal would also involve some external changes to ground level wall treatment, landscaping and various changes to side and rear setbacks and balcony placements.
- 10.2. Assessed as a whole, the proposed changes would have very minimal impact on the overall character of the building and its presentation to Dandenong Road. It would remain a four storey building with generally graduating setbacks away from side and rear boundaries. The additional four dwellings would not impose any notable impacts on neighbouring properties or the abutting laneway.
- 10.3. Subject to the conditions as noted, it is considered that the changes are reasonable and therefore it is recommended that a Notice of Decision be issued.

11. OPTIONS

Approve as recommended.

Approve with changed conditions.

Refuse - on key issues.

12. RECOMMENDATION: NOTICE OF DECISION

- 12.1. That the Responsible Authority, having caused the application to be advertised and having received 20 objections is of the opinion that the construction of a four storey building, comprising 15 dwellings with basement car parking will not cause material detriment to any person.
- 12.2. That an amended permit be issued for construction of a four storey building, comprising 15 dwellings with basement car parking generally in accordance with the endorsed plans.
- 12.3. That the Planning Permit be issued with amended conditions and pre-amble as follows:

(Pre-amble)

“construction of a four level building containing 15 dwellings with one car space each and a total of three visitor car spaces generally in accordance with the endorsed plans and subject to the following conditions”

(Amended conditions)

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans forming part of the application but modified to show the following:
 - (a) The building lowered by 180mm so as to have a maximum height not exceeding 47.0m AHD from natural ground level.
 - (b) The basement plan to depict provision of bicycle storage, including details of racks, and two 5,000 litre rainwater tanks.
 - (c) An increase in the upper floor front balcony face setback from the front boundary to a consistent 6m along with the deletion of the north-west ‘return’ of that balcony.
 - (d) An increase in the first level rear setback (unit 8) from 2m to a minimum of 2.9metres and deletion of the ‘robe’ from the rear wall of unit 13 so as to increase its rear setback to a minimum of 4metres.
 - (e) Deletion of the upper level (third floor) rear balcony, relating to unit 15.
 - (f) The balcony screening to units 7, 8 and 9 constructed of a solid material with zero percent transparency.
 - (g) The bedroom 1 window to unit 4 appropriately screened to prevent overlooking into neighbouring adjacent open space or habitable room windows.
 - (h) The screening to the balcony accessed from the living room of unit 13 constructed of a solid material with zero percent transparency along with the ‘return’ to the balcony to unit 11 screened with translucent glass to a minimum of 1.7metres above finished floor level.

16. Prior to the commencement of the development, a Waste Management Plan based on the draft "Best Practice Guidelines for Kerbside Recycling at Multi-Occupancy Residential Developments (Sustainability Victoria June 2006) must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to the following:
- The estimated garbage and recycling generation volumes for the whole development.
 - The garbage and recycling equipment to be used and the collection service requirements, including the frequency of collection.
 - The location of, proximity, screening of and space allocated both to the garbage and recycling storage areas and collection points.
 - The path of access for both users and collection vehicles.
 - How noise, odour and litter will be managed and minimised.
 - Approved facilities for washing bins and storage areas.
 - Who is responsible for each stage of the waste management process.
 - How tenants and residents will be regularly informed of the waste management arrangements.

Once approved, the plan will be endorsed as part of the permit and all waste management must be carried out in accordance with this plan.

17. The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.

That conditions 2-15 remain unchanged and that current conditions 16 and 17 be renumbered accordingly to 18 and 19.