

STATUTORY PLANNING COMMITTEE
9 FEBRUARY 2009

B1	86-88 ALEXANDRA STREET, EAST ST KILDA
ADDRESS:	86-88 Alexandra Street, East St. Kilda
PROPOSAL:	Construction of a three level building, above basement, containing 20 dwellings
WARD:	Carlisle
NEIGHBOURHOOD	East St. Kilda
TRIGGER FOR DETERMINATION BY STANDING COMMITTEE:	More than 15 objections
APPLICATION NO.:	1041/2008
APPLICANT:	S. Davidoff
EXISTING USE:	Residential
ABUTTING USES:	Residential
ZONING:	Residential 1
OVERLAYS:	Nil
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired (Application for Review lodged)
RESPONSIBLE EXECUTIVE DIRECTOR:	Geoff Oulton, Executive Director Community Development & Planning
AUTHOR:	Phillip Beard, Senior Planner

1. EXECUTIVE SUMMARY

- 1.1. The applicant has lodged an Application for Review with the Victorian Civil and Administrative Tribunal (VCAT) against failure to determine the application within the required time (in view of the likelihood that with the number of objections received, this matter would proceed to the Tribunal regardless of Council's determination). No date has yet been set. This report is therefore to establish Council's position to be put at the Tribunal hearing.
- 1.2. It is proposed to construct a three level building over basement, for the use of 20 dwellings. Key issues relate to the likely amenity impacts of the proposal (overlooking, overshadowing, visual bulk), built mass and the suitability of the proposal in relation to neighbourhood character, the streetscape and nearby rear yards.
- 1.3. Car parking provision is considered satisfactory and the access arrangements are also considered satisfactory. The overall mass and bulk is considered generally acceptable, but some additional obscuring of the upper level is recommended to reduce the appearance of height and bulk in the streetscape.

- 1.4. It is recommended that Council advise VCAT that had it been in a position to determine the application, it would have issued a Notice of Decision, subject to conditions, principally relating to Rescode standards.

KEY ISSUES

1. Abutting amenity impacts.
2. Overall appropriateness of bulk and mass (streetscape and from abutting properties).
3. Car parking provision.
4. Alignment with policy

2. PROPOSAL

- 2.1. It is proposed to develop the site with a three storey building over basement car park (accessed from Alexandra Street) to accommodate 20 dwellings. There would be three x one bedroom dwellings, six one bedroom-plus study dwellings and 11 x two bedroom dwellings. The proposal would be arranged as follows:

Basement level:

- 2.2. The basement would be accessed from an extended/relocated existing crossover) leading to an access ramp at the north-west corner of the site. This would ramp down to a basement containing 22 car spaces, with 20 of these allocated to permanent residents and two for visitors. Storage areas, bicycle parking (20 parks), bin room and two access points to the level above are also proposed.
- 2.3. The basement would be set off the boundaries by 1.8m and 1.5m (north and south respectively), but in a practical sense is considered to abut the rear (east) boundary. The front of the basement would generally be 3.6m from the front title boundary.

Ground level:

- 2.4. This level would contain nine dwellings, five having two bedrooms, three having one bedroom plus a study and one having one bedroom. Courtyards generally of 26m² in area are proposed for most of the north facing dwellings, which would constitute the north side setback at this level. The south side setback would mainly consist of a pathway leading to the rearmost dwelling and main entry way. At this level, the front setback would mainly consist of open space parcels of 40m² and 48m² for the two front dwellings.
- 2.5. Most walls at this level would be setback from the various boundaries. Where adjacent to the north side boundary, setbacks would mostly be 3m and would constitute the open space areas mentioned earlier. The **Northern side setback would increase to 5.8m** across the basement access ramp. The rearmost section of the building would partly be setback zero to the north (4m long wall at 3.1m above natural ground level), but mostly it would be setback 3.8m (where facing Nos. 193 and 193a Alma Road). Where facing south, setbacks would mostly be 2m and 2.3m (the earlier mentioned pathway), but one section of wall would abut the boundary for a length of 16.2m at 2.6m above natural ground level.
- 2.6. East (rear) setbacks would mostly be zero, but small portions of wall would be setback just over one metre from both portions of neighbouring rear boundaries (Nos. 193 Alma road and 53 Wilgah Street). Front (west) setbacks would vary between 5.8m, 6.2m and 8.7m. These setbacks would constitute the open space parcels mentioned earlier.

First level:

- 2.7. This level would contain eight dwellings with three having two bedrooms, three having one bedroom and study, and two having one bedroom. The footprint of this level would be very similar to that below, although a two metre setback is proposed for portion of the rear boundary and most significantly, there is no building proposed at this level at the very rear of the site. Therefore, in relation to interface with No. 53 Wilgah Street, the setback of the first level would be approximately 18.5m. All other side wall setbacks would be the same as the level below, although certain balcony faces would be setback 1.8m to the north boundary and the main front wall would be setback between 5.2m and 6.3m to the street.
- 2.8. A gently curved and slightly cantilevered wall is proposed at this level on the north face at the front section of the building.
- 2.9. Open space at this level would consist of balconies of 8m² in area.

Second level:

- 2.10. This level would recede notably from the various boundaries. North facing walls would be setback between 6m and 8m, whilst south facing walls would be setback mostly 5.2m and 6.5m. North facing balconies would be setback 4.4m and 4.8m. There are no south facing balconies proposed at this level.
- 2.11. The stairwell would be setback 4.1m from the southern boundary at this level. The closest rear setback would be 4.6m, but a portion of rear wall would also be setback 7.8m. There would be no rear (east) facing balconies proposed at this level.
- 2.12. The main front wall at this level would be setback between 11.5m and 12.3m, with the single balcony edge setback approximately 9m from the street.
- 2.13. Given the smaller footprint of this level, it would only contain three dwellings, all having two bedrooms. Two balconies would face north together with a single balcony facing the street.

General description:

- 2.14. The building would be approximately 9.8m high to the top of the proposed flat roof as facing the street. The building would essentially consist of a series of interlinked rectangular elements. These would mostly be arranged in a stepped fashion graduating away from the boundaries. The building would be rectangular in shape and as a single element would be orientated east-west. The proposal would be flat roofed.
- 2.15. The architectural style would be contemporary and would generally display simple box elements arranged vertically and horizontally. Where facing the street, the proposal would mainly be characterised by notable horizontal slats or louvres occupying approximately one third of the façade's area. This feature would be approximately 7.8m high and 8m wide at its widest. Similar screening features, although of a more regular pattern, are proposed for the north facing balconies.

- 2.16. Behind the front screen feature would be living room and bedroom windows and front balconies. A single rectangular element of 'texture panels' is proposed on the portion of the building immediately to the south of the front screen feature facing the street. Therefore, whilst the screen feature would be the most notable element of the front elevation, it would also be well articulated by varied massing and a mix of vertical and horizontal elements.
- 2.17. The north elevation would have similar cladding, including the texture panels, render and a generous extent of glass. It would have articulation mainly through the protruding dividing elements between each dwelling. The south elevation would be slightly more utilitarian in its treatment with less emphasis proposed on screen slats and a greater extent of render and texture panels. Windows would also generally be smaller than on the north elevation and would have a more rhythmic vertical arrangement when compared to those on the north.
- 2.18. The rear elevation would be most similar in treatment to the south elevation in terms of materials and window proportions.
- 2.19. Two front fences are proposed, being a 1.4m high solid fence and a 1.8m high slatted timber fence.

3. RELEVANT HISTORY

- 3.1. The proposal is subject of an application for review by VCAT. No date has been set for the hearing. This report is to establish Council's position to be put at the hearing.

4. SUBJECT SITE AND SURROUNDS

- 4.1. The subject site is a comparatively large and generally rectangular shaped parcel of land consisting of two residential lots fronting Alexandra Street. No. 88 is the wider of the two lots whilst No. 86 is longer but narrower. The combined area of the two lots is approximately 1,140m². The site is located on the east side of the street approximately 35m south of Alma Road. Both lots currently contain single storey houses behind low brick and open wire front fencing. The house at No. 86 has a relatively narrow gable ended metal roof, whilst that at No. 88 is a larger transverse metal hipped roof with a protruding gable ended feature. Both dwellings are weatherboard and have modest workers' cottage appearances, although the dwelling at No. 88 is a slightly more substantial structure. It is setback approximately 7.5m from the street, whilst the dwelling at No. 86 is setback approximately 13m from the street. Side setbacks are in the region of 1m to 1.5m. Current rear setbacks are relatively generous and in the order of 20m for No. 88 and 26m for No. 86. Some very small outbuildings exist in the rear yard, along with some well established vegetation in the rear yard of No. 88.
- 4.2. There are no vehicle crossovers onto No. 86 Alexandra Street, with its front yard consisting of a large grassed area with some modest trees near the front fence. No. 88 has a crossover at its very north-west corner, where abutting No. 90. This crossover accesses an open concrete parking area. Total frontage to Alexandra Street is approximately 22m. A single tree exists in the front yard of No. 88 but is not 'significant'. A tree in the rear yard of No. 88 is, however, significant as defined by Council's Local Law.

- 4.3. The immediate surrounding area has a mixed character of single dwellings and blocks of flats of either two or three storeys. Most of the flats in Alexandra Street are located on the opposite side of the street and slightly further south of the subject site. These mostly date from the 1960s and 70s. Building stock on the subject side of the street is mixed, but in the immediate vicinity of the subject site comprises predominantly single storey detached dwellings. Immediately to the south of the site is a dwelling with a combination of brick and weatherboard and a protruding front carport set relatively close to the street. It has two windows in its front section facing the subject site setback approximately 1.2m from the boundary. The remainder of the north wall of No. 84 Alexandra Street is, however blank. The main front wall of the dwelling on the abutting property at No. 84 Alexandra Street is setback approximately 9.5m from the street.
- 4.4. Further to the south lie single storey dwellings with gabled tiled roofs and reasonably well established front yard vegetation. They are generally setback between 12m and 17m to the street. The nearest block of flats on the subject side of the street is located at No. 74 Alexandra Street approximately 40m south of the site. It is a substantial development set relatively close to the street. Three storey flats also exist at Nos. 70 and 55 Alexandra Street, At No. 70 they are well setback from the street behind a Telstra exchange building.
- 4.5. Immediately to the north of the site is No. 90 Alexandra Street which contains a single dwelling occupying most of its site. Only a small strip of land on No. 90 (approximately 1.5m wide) faces the subject site with a wall containing two windows beyond. Abutting the remainder of the site's north boundary are the rear yards of the properties fronting Alma Road. These sites contain single storey dwellings and various outbuildings. The dwellings have varied setbacks to the common boundary of generally between 6m and 10m.
- 4.6. To the east of the site (the rear) lie the rear yards of No. 193 Alma Road and the building at No. 53 Wilgah Street, which is a single storey dwelling set in close proximity (approximately 2m) to the boundary. It has one window facing the subject site and some intervening timber decking.
- 4.7. Opposite the site on the west side of Alexandra Street lie relatively intact and consistent groups of single storey detached dwellings setback approximately 7m to 8m from the street. These have only modest modifications and are of very similar appearance and date generally from the 1920s. To their south lies the Rabbinical College with its substantial front setback and generous garden.
- 4.8. Alexandra Street is approximately 19.5m wide with unrestricted parallel parking on both sides. There is no substantial street planting at the front of the site. Nearby Alma Road is a relatively heavily trafficked road and has typical 'main road' characteristics, especially in relation to traffic volumes. It too has unrestricted parking in the vicinity of the subject site.

5. ADVERTISING/OBJECTIONS

The application was advertised pursuant to Section 52 of the Planning and Environment Act 1987, with notices sent to adjoining and nearby land owners/occupiers and signs erected on the site. 38 objections have been received, the key points of which are summarised below: An officer response follows in italics.

- Excessive height, out of character, general overdevelopment.

These matters are discussed later in this report with particular reference to height, bulk and setbacks.

- Overlooking and overshadowing.
- Loss of light.
- Insufficient parking, effect on parking on the street.
- Noise (occupant and traffic)

These matters are discussed in Section 7 of this report.

- Rubbish bin/waste collection difficulties.

Submission of a waste management plan is recommended (refer proposed Condition 14). It is noted that a bin store area is provided within the basement. In circumstances such as this, waste collection is usually undertaken by private contractor and appropriate access and collection arrangements are made.

- Lack of housing diversity, would not 'enhance' current diversity.

One of the objectives of Clause 21.05 is to encourage a range of housing types to suit the diverse needs of Port Phillip's community. Specifically for East St. Kilda, the policy suggests that the current diversity of housing stock in the area be maintained and enhanced.

It is considered that the proposal would achieve these aims. In this instance, it is considered that the mix of dwelling sizes including a number of relatively small one-bedroom dwellings within the development would provide for a range of housing types suited to Port Phillip's diverse needs. Whilst larger and/or smaller dwellings could be proposed (and noting that there would be a loss of two existing dwellings), it is considered that the variety of housing stock would be enhanced by the proposal.

In terms of maintaining the 'current' diversity of housing stock, this cannot simply mean retain all existing buildings. This policy seeks to maintain diversity in the types and styles of housing offered in East St. Kilda. It is considered that providing apartments such as proposed would add to the diversity of housing opportunities in the locality.

- General lowering of amenity of the East St. Kilda neighbourhood. Overall physical and social 'erosion' of East St. Kilda character.

An assessment of potential amenity impacts takes place later in this report in relation to immediately abutting properties. Much of what constitutes local 'character' in planning is based on the physical appearance of an area and therefore, demolition of buildings and replacement with new buildings of a different appearance must have some impact on that character.

Council policy can only encourage the retention of existing large dwellings; it cannot prohibit their demolition where there are no demolition controls (as is the case here). Socially, it is considered that many and varied factors beyond planning affect the social makeup of an area. Whilst traditional dwellings may be retained, they may not automatically be occupied by traditional families. Given the absence of demolition controls, it is considered that the primary planning focus should be on the design quality of the

proposed building in terms of properly managing the ongoing physical change of an area. Discussion of that matter occurs later in this report.

- Visual impact from Alma Road Heritage Overlay

The proposal would be visible from some angles in Alma Road, with buildings within a Heritage Overlay in the foreground. The proposal would, however, read as a highly recessive element being some 40m south of Alma Road. This is not considered to be an unreasonable outcome and the buildings in the foreground would continue to present as the dominant structures in Alma Road and would consequently retain the key heritage elements presenting to Alma Road.

- Loss of trees

This matter is discussed in section 7 of this report.

6. PORT PHILLIP PLANNING SCHEME PROVISIONS:

Relevant State Planning Policy Framework:

Clause 12 relates to Melbourne 2030 and the various strategies make reference to urban consolidation, increasing housing choice and taking advantage of existing settlement patterns and infrastructure.

Clause 12.01 seeks to achieve a more compact city and states as an objective “to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities”.

With regards to housing it seeks to establish a substantial proportion of new housing in or close to activity centres (such as Carlisle Street) and other strategic redevelopment sites that offer good access to services and transport by (inter alia):

Increasing the proportion of housing to be developed within the established urban area, particularly at activity centres (such as Carlisle Street) and other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.

Encourage higher density housing development on sites that are well located in relation to activity centres (i.e. Carlisle Street) and public transport (for instance Carlisle Street and Dandenong Road tram services and Balaclava station).

Supporting opportunities for a wide range of income groups to choose housing in well serviced locations.

Identifying strategic redevelopment sites for large residential development that are...in or within easy walking distance of Principal or Major Activity Centres (i.e. Carlisle Street, Balaclava)...and able to provide 10 or more dwelling units, close to activity centres and well serviced by public transport.

Ensuring an adequate supply of redevelopment opportunities within the established urban area to reduce pressure for fringe development.

Clause 12.05-2 suggests that development respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate and encourages:

Compact neighbourhoods that are orientated around walkable distances between activities and where neighbourhood centres provide access to services and facilities to meet day to day needs.

Reduced dependence on car use because public transport is easy to use, there are safe and attractive spaces for walking and cycling...

A range of lot sizes and housing types to satisfy the needs and aspirations of different groups of people.

Clause 16 relates to medium density housing and its objectives seek to encourage development which respects neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficient housing. General implementation requires the application of Clause 55 (Rescode) to new housing proposals for medium density housing (as assessed later in this report).

Melbourne 2030:

Locations for new development:

“More development – housing and employment – will be accommodated in selected parts of established areas to encourage more effective use of infrastructure for human services, public transport and water, power and communications. This will also reduce pressure for inappropriate developments in established areas with valued urban character and streetscapes (particularly heritage areas which cover 70% of the municipality).

Encouraging higher density development on sites that are well located in relation to activity centres and public transport will:

Provide for the forecast increase in population and households.

Ensure the available housing stock better matches changing demand by widening housing choice...

Support opportunities for a wide range of income groups to choose housing in well-serviced locations.

Increase the local population base that supports activity centres and local businesses.

Encourage walking, cycling and public transport as viable transport alternatives.

Conclusion:

The proposal may be categorized as “medium density” rather than “high density” as Clause 55 (Rescode) applies. The subject site is located conveniently to Carlisle Street (a Major Activity Centre, less than 1.5km away) and its associated shopping, community services and public transport, and conveniently located to the public transport options of Dandenong Road and Chapel Street. The subject site may be considered a “strategic site” in that it allows for a medium density housing development in excess of 10 dwellings without the constraints associated with small parcels of land in fine grained subdivisions which typify many areas of the City of Port Phillip and would not impact on a heritage area (heritage controls cover approximately 70% of the municipality).

Accordingly, the use of the site for medium density housing is considered consistent with the broad strategies of the State Planning Policy Framework and Melbourne 2030.

Relevant Local Planning Policy Framework:

Clause 21.04-7: (Port Phillip's Vision) East St.Kilda:

The established residential areas retain their mixed architectural character and diverse housing stock while heritage places or areas are conserved and enhanced. Any new residential development respects the important setback and garden characteristics of the area and are generally located in areas that have undergone significant redevelopment in the 1960s and 1970s.

New development, including alterations to existing buildings, are encouraged only where it can be achieved without adversely affecting the character of the area, or the amenity of adjoining properties.

Officer Comment: The subject site is not located in a sensitive heritage area and is located generally within an area in which redevelopment has occurred in the 1960s and 1970s.

Clause 22.01: Residential Neighbourhood Character Policy (East St.Kilda Neighbourhood):

Development is to respect the low scale of development that is predominantly 1 and 2 storeys in most streets with the exception of pockets of 2 and 3 storey flat developments, particularly along main roads such as Alma Road, and Chapel, Hotham and Westbury Streets and

The Residential Land Use Framework Plan indicates the locality as being within "established residential neighbourhoods where existing residential character should generally be protected and the impact of new medium density development be minimised".

Officer Comment: It is considered that to assess the appropriateness of the development in terms of neighbourhood character and the impact on neighbouring properties to meet Council's vision is best done by assessing the proposal against the provisions of Rescode, which addresses these issues. In doing so, it is critical that a conclusion is reached that the proposal is appropriate in scale and height so as to ensure the new development is consistent with and respectful of the existing neighbourhood character.

Clause 22.05 Urban Design Policy for Multi-Unit Residential Development.

This policy applies to residential development not covered by a Heritage Overlay where the provisions of Rescode apply. Potential non-compliances with the Local Planning Policy Framework are assessed in the report below.

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.

7. URBAN PLANNERS ANALYSIS OF KEY ISSUES

7.1. The following points relate to the key potential variations from the Municipal Strategic Statement and Local Planning Policy Framework (LPPF) followed by officer comment. The LPPF seeks primarily to achieve development which is respectful of the prevailing neighbourhood character. The table providing a full assessment against the LPPF is retained on file as a hard copy.

Protect important heritage and streetscape characteristics of established residential areas.

The subject site is not covered by a Heritage Overlay. The streetscape character would be adequately protected by this proposal with its articulated front façade and by the relatively generous front setbacks to the upper level creating a highly recessive upper level so that the building reads primarily as a two storey building.

Sections of the proposed building would be visible from the Alma Road streetscape (which is included in a Heritage Overlay) but they would not read as a primary element, with the upper level being some 40m from Alma Road. The development would be of a design that would reference the two lots of the site, particularly by the front screen element and combination of vertical and horizontal elements.

Whilst single storey buildings exist on the abutting sites, the proposal's upper level would be highly recessive with its main wall setback over 11m from the front boundary. This level should, however, be better obscured from the street (refer condition 1 (a)) which would achieve this outcome.

Achieve a constant residential population.

The proposal would facilitate an increased population rather than maintain the existing population level..

Encourage retention and construction of larger dwellings to cater for larger households and the restoration and retention of older dwellings.

Not achieved. The proposal would necessitate the demolition of the two existing detached dwellings (no planning permit is required for demolition). This local policy sits somewhat at odds with the State Planning Policy Framework and Melbourne 2030 which encourages the identification of potential development sites. Moreover, it encourages a range of dwelling types to meet a variety of household needs.

Ensure new development particularly that which increases density in established residential areas only takes place where it can be achieved without adversely affecting the amenity and character of the neighbourhood.

This matter is discussed later in this report as part of the Rescode assessment.

Medium density housing on main roads or public transport routes or in identified growth area in the Residential Land Use Framework Plan.

The amenity of adjacent properties and the neighbourhood character is best assessed with reference to Rescode.

The proposal is not on a main road, a public transport route or an identified growth area in the Residential Land Use Framework Plan. In the Framework Plan, the site sits within an area defined as “established residential neighbourhood where existing residential character should generally be protected and the impact of new medium density development be minimised”. The site is however, close to the Carlisle Street Activity Centre, which is in easy walking/cycling distance being approximately 600m north-east of the site. The site is also in easy walking distance to public transport with Dandenong Road trams being approximately 500m north of the site and trams and a train station being located at the Carlisle Street Activity Centre, thereby confirming the property’s categorisation as a strategic development site.

Maintain and enhance housing stock diversity.

The proposed development would contribute to the provision of a range of housing to suit the diverse needs of Port Phillip’s community. The loss of two detached dwellings would diminish that form of housing stock and would consequently reduce the amount of traditional housing. The proposal would, however, cater for other types of occupiers in Port Phillip’s diverse community.

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

The road pattern would be retained, but the proposal would consolidate two lots. However, the proposed footprint would be modest, with the front façade at first level being approximately 14m wide. Such a façade width is not considered adverse to the prevailing grain of development, noting the varied character of the wider area, particularly the lots opposite and approximately 40m south of the site. The nearby heritage places are not located in the Alexandra Street streetscape. However, some greater screening of the upper level can be achieved (refer condition 1 (a)) to better integrate the proposed building into the streetscape.

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

Clause 21.05-3: Neighbourhood Character: “Seek to retain the differentiation in building scale between various areas and achieve a gradation in building scale between areas of medium and high rise development to traditional low rise scale.

Performance Measure No.1: “Reflect the prevailing streetscape scale and not dominate the streetscape or public realm...and the height of any new

residential development is to be the same or no more than one storey higher than the lower of the adjoining dwellings”.

The proposed development would be medium rise and would not produce an outcome where high rise is adjacent to low rise. The overall height would exceed the requirements of Rescode in relation to the upper level.

The prevailing character of the immediate surrounds is single storey but given the upper level setbacks proposed and the resultant recessive nature of that level, the prevailing scale (whilst not replicated) would be respected. Whilst the rectangular form with flat roof would not replicate the built form of dwellings on adjacent properties it would respect the character of the broader area. Setbacks are assessed later in this table as are direct amenity impacts.

The transition of built form height to the immediate neighbours would be appropriate subject to some greater screening of the upper level.

Encourage retention of trees.

No street trees would be affected by the proposal. The tree at the front of No. 88 is not significant under Council's Local Law, but the larger tree toward the rear of that site is. It is, however, recommended that the proposed replacement trees as shown on the landscaping plan (front of unit two and north boundary) be at least 4m high at time of planting. (refer condition 1 (j)). In addition, Council's Arborist has indicated that the tree is suitable for removal.

Improve the public realm and minimise impacts.

Very limited shadowing of the public realm would occur. Public surveillance and activation of the public realm would improve compared to the current situation.

The proposal would be more than one storey higher than adjoining development in the street, but the recessed upper level combined with the greater screening of that level as recommended would lead to an appropriate scale of development consistent with the neighbourhood character. Side setbacks, especially at the upper level facing north, are generous.

By way of comparison of height, it is worth noting that the roof ridge apex to the north is 6.06m high and that to the south is 5.9m high. These would compare to the proposed front louvre feature at approximately 7.8m high and the recessed upper level at approximately 9.8m high.

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

The proposal would step up from all its single storey neighbours and would be of similar scale to the three storey developments approximately 40m to the south.

7.2. Rescode:

An assessment of the proposal has been made against relevant Council policies, strategies and Clause 55 (Rescode): Neighbourhood and site description and design response. Neighbourhood Character:

Respect the existing neighbourhood character or contribute to a preferred neighbourhood character, respond to the features of the site and the surrounding area.

Standard B1: (Cannot be varied). Response must be appropriate to the neighbourhood and the site design must respect the existing/preferred neighbourhood character and respond to the features of the site.

Standard B2: Dwellings should be orientated to front streets, high fencing in front of dwellings should be avoided, dwellings should promote observation of streets and public open spaces.

Officer comment:

An appropriate analysis of the site and context was submitted.

The proposed development is considered to be appropriately sited and would be of a bulk, scale and form that would be respectful of existing development in the area without replicating it. Some greater streetscape obscuring of the upper level is, however, recommended (refer condition 1 (a)) to improve the proposal's integration into the streetscape.

There is no specific preferred neighbourhood character but it is considered that the proposal would 'respect' the varied character of the area largely by way of articulation/presentation and recessive setbacks. Its contemporary style would be in keeping with the varied wider area and emerging character. The front dwellings would be orientated to the street with an appropriate sense of address.

Dwelling Diversity:

Encourage a range of dwelling sizes and types in development of ten or more dwellings.

Standard B3: Developments of 10 or more dwellings should provide a range of dwelling sizes and types including dwellings with a different number of bedrooms; and at least one dwelling with a kitchen, bath or shower, and toilet and wash basin at ground floor level.

Officer comment:

The proposal would meet the objective of the standard in that it would provide a range of dwelling sizes, being a mix of one, one plus study and 2 bedroom dwellings.

Integration with the Street:

Standard B5: Adequate vehicle and pedestrian links, orientated to front existing and proposed streets, avoid high front fencing, complement existing public open space.

Officer comment:

The proposal would be orientated to the street and would have clearly defined vehicle and pedestrian links. High and solid front fencing would be avoided.

The setback from the street is considered to be in keeping with overall local character, but the upper level should be further obscured in order to be more recessive in the streetscape

Surveillance of the street would improve from the proposed front balconies.

Street Setback:

Respect existing/preferred neighbourhood character and make efficient use of the site. Where there are buildings on both abutting lots facing the same street, and the site is not on a corner, the average distance of their front walls facing the same street or 9m, whichever lesser.

Officer comment:

The neighbouring buildings are setback generally 1.9m and 9.4m (north and south respectively) from Alexandra Street. The proposal, to meet the standard, should have a front setback of 5.65m. At ground and first levels, setbacks would generally be 5.3m and 6.2m. Whilst not directly meeting the standard, the variation is considered modest and would result in a building being sited in a transitional manner between its neighbours thus providing visual graduation.

Building height:

Building height to respect existing/preferred neighbourhood character. The maximum building height should not exceed 9m, unless the slope of the ground at any cross section wider than 8m of the site of the building is 2.5° or more, in which case the maximum building height should not exceed 10m.

Officer comment:

There is a modest variation in the site's natural ground level. Thus, overall building height to the north would be 9.5m and to the south would be 9.7m. This is considered to be appropriate considering the graduated setbacks of the upper level and the recommendation that it is to be made even more recessive. The generous upper level side setbacks should ensure that a variation in height of (up to) 700mm would not be visually intrusive. A lowering of the building by approximately 250mm is, however, recommended (refer condition 1 (i)) lowering overall maximum height as facing the street to approximately 9.55m.

Parking Provision:

Car parking for residents should be provided as follows. One space for each 1 or 2 bedroom dwelling, two spaces for each 3 or more bedroom dwelling, with one space under cover. Developments of five or more dwellings should provide one space clearly marked as visitor parking per five dwellings.

Officer comment:

The proposal consists of 20 dwellings, none being larger than two bedroom. This would require 20 resident car spaces and this number would be provided.

A total of two visitor car spaces are proposed instead of the four required by the standard. Given the unrestricted kerbside parking nearby, such a minor variation is considered acceptable in this instance.

A bicycle storage area is also provided within the basement for 20 bicycles. It is worth noting, however, that Clause 52.34 does not apply as the proposal is less than four storeys high.

Side and rear setbacks:

Ensure heights and setbacks from a boundary respects the existing/preferred neighbourhood character and limits the impact on the amenity of existing dwellings. New buildings not on, or within 150mm of boundary should be setback from side or rear boundaries 1m, plus 0.3m per metre height over 3.6m up to 6.9m, plus 1m per metre height over 6.9m.

Officer comment:

First level

Walls facing north would be 6.7m high and setback 3m from the boundary. This substantially exceeds the 1.9m Rescode standard. Where facing south, walls would be 6.6m high setback a minimum of 2.1m, also exceeding the standard. Where facing east (rear), the minimum proposed setback would be 2.1m, again exceeding the standard.

Second (upper) level

Walls facing north (closest point) would be 9.5m high and setback 6m from the boundary, substantially exceeding the 4.6m standard. Other walls would be setback 8.1m to the boundary, approaching double the Rescode standard. Where facing south, walls would be 9.7m high and setback 5.2m (at the closest point) exceeding the 4.8m standard. Other walls would be setback 6.5m, significantly exceeding the standard. Where facing east (rear), walls would be 9.3m high setback 4.6m to the boundary, exceeding the 4.4m standard.

Walls on boundaries: Location, length and height of a wall on a boundary to respect the existing/preferred neighbourhood character and limit the impact on the amenity of existing dwellings.

Officer comment:

Ground level walls abutting No. 84 Alexandra Street would be 2.8m high, less than the 3m standard.

Three portions of rear wall-on-boundary are proposed. Where abutting No. 193 Alma Road, the proposed walls would essentially abut a simultaneously constructed wall for much of their length (approximately 4.8m out of 7m length). The small portion of wall-on-boundary abutting No. 193 Alma Road beyond the existing wall would be 3.1m high. In this instance, given its very short length (approximately 2.2m), the variation is considered supportable. Where abutting No. 53 Wilgah Street, the proposed wall would be 3.2m high instead of 3m. It is recommended that this wall be lowered to 3m maximum height noting the small size of the adjacent rear yard (refer condition 1 (g)).

Daylight to existing windows:

Allow adequate daylight into existing habitable room windows. Buildings opposite an existing habitable room window should provide for a light court to the existing window, of at least 3m² and one metre clear to the sky. The area may include land on the abutting lot. Walls or carports greater than 3m height opposite an existing habitable room window should be setback from the window at least 50% of the height of the new wall if the wall is within a 55° arc from the centre of the existing window. The arc may be swung to within 35° of the plane of the wall containing the window.

Officer comment:

The nearest windows (not north facing) to the proposal are located at No. 90 Alexandra Street. They would be opposite the basement accessway. The first level 6.7m high wall would be setback a total of 7m to the window, substantially exceeding the 3.35m standard. The next nearest (non north facing windows) are located at No. 185 Alma Road and would be opposite the proposed 9.5m high wall at a total setback of 13m, significantly exceeding the 4.75m standard.

North Facing windows:

Allow adequate solar access to existing north facing habitable room windows. If a north-facing habitable room window of an existing dwelling is within 3m of a boundary of an abutting lot, a building should be setback: One metre plus 0.6m per metre height over 3.6m up to 6.9m, plus one metre per metre height over 6.9m, for 3m from the edge of each side of the window.

Officer comment:

There are two windows located in the front portion of No. 84 Alexandra Street. They would be setback a total of 3.6m to the 6.6m high first level wall, significantly exceeding the 2.8m standard. These same windows would be setback a total of 6.4m to the 9.7m high upper level wall, exceeding the 5.8m standard.

Overshadowing open space:

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40m² with a minimum dimension of 3m, whichever is lesser, or the secluded open space should receive a minimum of 5 hours sunlight between 9am and 3pm on 22 September. If existing sunlight to the secluded private open space of a dwelling is less than the requirements of this Standard, the amount of sunlight should not be further reduced.

Officer comment:

The only parcel of secluded open space that would be shaded by the proposal is the rear yard of No. 84 Alexandra Street. At 9am, approximately 25% of the abutting open space would be shaded. Shading between that time and 3pm would increase to a maximum of approximately 35% shading, but at no time would that amount of shading be exceeded. Given that the width of the abutting rear yard is approximately 8.5m and that the proposed

shadow would be no wider than approximately 2.6m, the unshaded portion of abutting open space would be practical and useable. As well, the difference between 25% (compliant) shading and the proposed 35% in this instance is a 'strip' of shadow generally 600mm wide. Such a portion of shading would not be discernable in a practical sense.

Overlooking:

Limit views into existing secluded private open space and habitable room windows.

Officer comment:

The most sensitive interfaces are those to the north. First and upper level balconies and windows are proposed and all are depicted with screening in the form of 1.7m high louvres. The screen is depicted as being offset from the wall of the building and in the case of the balconies, planter boxes behind the screen is also depicted. The spacing and depth of the louvres would be inadequate to prevent downward views. Further, the planter boxes should not be relied upon to such an extent and in order to be visually consistent, all north side louvre screening at first level should have appropriate spacing and depth. (refer condition 1 (b))

The upper level north facing screening is depicted differently and details are recommended (refer condition 1 (c)) so that its effectiveness can be assured.

South facing windows at first and upper level would not be screened. They are very narrow 'slot' type windows, but some of them would offer views into the adjacent rear yard. It is therefore recommended that the living/dining windows of unit 15 be screened and that the easternmost two living room windows of unit 20 be similarly be screened (refer proposed condition 1 (d)).

Rear facing windows of units 14 and 20 would also be slot type but would also allow some views into the adjacent yards, despite the presence of a neighbouring brick wall in one instance. It is recommended that additional screening be provided. (Refer proposed condition 1 (f)) Similarly, it is recommended that the rear facing balcony to unit 15 and the east face of unit 20's balcony be screened to prevent downward views. (Refer proposed condition 1 (e))

7.3. Residential Amenity

Overlooking.

This ground has been previously discussed but in summary, it is considered that the plans show a clear intent to deal with the most sensitive north interface, but the method depicted would not achieve an appropriate outcome. The north side louvre screen, shown to 1.7m in height, is obviously intended to limit overlooking from the first level and the notation on the plans reinforces that fact. However, the spacing between the louvres and their depth would allow future residents to look downwards into the abutting rear yards.

Matters of overlooking can be readily dealt with by condition on any permit issued should Council support the proposal. Given that the plans clearly intend to limit overlooking, it is considered reasonable that the

recommendation require full detail of any louvre screening mechanism so as to achieve the Rescode standard.

In terms of the north side screening on the second level, the plans are less clear but continue to indicate screening to 1.7m high. Similarly, greater detail of this screening is recommended. (Refer proposed condition 1 (c))

In terms of the less sensitive south interface, it is acknowledged that the plans depict only very narrow slot windows at both first and second levels. These would restrict overlooking, but greater restriction should be achieved. **Provision for screening of particular south facing windows as previously discussed is recommended** (refer condition 1 (d))

Overshadowing:

Whilst not fully meeting the Rescode standard in all respects, the variation sought would be relatively modest, not only numerically, but also in a physical sense. That is, whilst the 25% maximum standard would be varied up to 35%, it is noted that this would leave (at worst) 65% of the abutting rear yard free of shade from the proposal.

Additionally, the physical shape of the shadow and the consequent shape of the un-shaded portion of rear yard have been considered in terms of any detrimental impacts. At its worst, the shadow would constitute a long strip adjacent to the common boundary fence approximately 2.6m wide. The remaining un-shaded portion of open space, at worst, would measure approximately 13m x 5.5m (71.5m²). This is considered a practical and useful portion of open space.

The increase from 25% to 35% shadowing occurs by way of a strip of shadow only approximately 60cm wide.

Loss of light.

The most reasonable measures are the two relevant Rescode standards, being the protection of daylight standard and the north-facing window standard. The proposal would exceed these standards, in some cases substantially. The proposal is therefore not considered to result in detrimental loss of light to neighbouring habitable room windows.

An assessment has also been made of the solar access for the north facing ground level open space areas of the proposal. The relevant Rescode standard gives a formula in relation to the depth of a proposed open space parcel when that parcel would have its outer boundary facing north. In this instance, units three, four and five would have the north boundary of their open space parcels as being a fence plus trellis of 2.3m high. The Rescode standard would require the depth of these parcels to be 4.07m. Its maximum depth scales to 4.8m with a minimum depth of 3m. The north boundary of unit six's open space would be fence plus trellis of 2.7m high, requiring an open space depth of 4.43m. It would be 3m deep. Finally, the north boundary of unit nine's open space would be fence plus trellis of 2.9m high requiring an open space depth of 4.61m. It would be 3.7m deep.

The open space parcels for units three, four and five would have sufficient of their area meeting the Rescode depth. As for units six and nine, it is considered that the standard can be varied due to the trellis above the conventional paling fence. This would allow mottled light to penetrate the open space parcels.

Insufficient parking, effect on parking on the street.

The proposal would provide all required resident car parking on site. Whilst an argument could be put that some of the dwellings may generate more than one car space per dwelling, it is only reasonable to argue the provision as required by the relevant planning tool, in this case Rescode which requires one car space per dwelling (noting that none of the dwellings would be larger than two bedroom).

Rescode also requires one visitor car space per each five dwellings, in this case, four spaces. Two of those would be provided on site but two would rely on kerbside parking.

Given that there are no parking restrictions in either Alexandra Street or Alma Road, that the site has a total frontage of 22m and that requested dispensation is a small number, it is not considered that any discernable detriment would occur to this area as a result of the visitor dispensation being sought.

Noise (occupant and traffic).

The use (residential) does not require a planning permit. Levels of noise generation from a residential property within a residential precinct would be related to the normal functioning of a dwelling and are controlled by civil legislation, not the Planning Scheme. It is also reasonable to consider that residents of these proposed dwellings would be closer neighbours to each other than they are to other adjoining residents and therefore, that some form of self management is likely to occur.

In relation to additional traffic noise, whilst there would be an increase in traffic volumes with associated noise and whilst it is acknowledged that the driveway ramp would be adjacent to the rear of an abutting dwelling, it is not considered that the likely traffic movements over a 24 hour period would not produce a noticeable impact on the neighbouring property particularly given background noise from nearby Alma Road, especially at peak times.

7.4. Height:

It is noted that the height would exceed the 9m as suggested by Rescode, but not to the extent that would be fatal to the proposal or justify deletion of the upper level.

In order to support a variation from Rescode, the streetscape impact would need to be acceptable in the context of this specific site. The context includes neighbouring buildings all being single storey, but with three storey development (greater than 9m high) approximately 40m south of the site.

Despite the presence of three storey buildings further south, any proposal for this site should primarily read in the street as a two storey building, or one less than 9m high. The applicant's design response has been to setback

upper levels substantially from the street, being between 11.5 and 12.3m from the front boundary. In addition, a front façade screen is proposed in order to largely obscure the upper level from streetscape view.

The front façade screen feature would aid in obscuring portion of the upper level when viewed from directly across the street (essentially, the portion on No. 88) but there would be inadequate obscuring of the portion of the upper level on No. 86. The matter of oblique views of the upper level is also assessed.

It is not considered necessary to delete the upper level altogether in order to achieve an appropriate streetscape outcome. The front louvre screen would be slightly transparent and therefore, some vision of the upper level could occur through it. This transparency for the top section of the screen should be addressed, and it is recommended that the top 200mm of the feature have some backing to it, in the form of a translucent or obscure material, or alternatively, have the louvres at the top 200mm of the feature angled upwards or spaced more closely together. This would effectively screen the upper level at No. 88 when viewed from opposite. (Refer proposed condition 1 (a))

Similarly, it is recommended that a parapet be introduced along the front façade (on the front wall of Bedroom 2, Unit 17 and above the adjacent void). This should be in a contrasting material to the textured panels and would need to be at least one metre high. When combined with the more solid louvre screen as recommended above, the entire upper level would have virtually no streetscape impact when viewed from directly opposite. (Refer proposed conditions 1 (a))

The upper level would be more visible from the street when viewed obliquely and would be an element over 9m high. Noting that the upper level would be setback between 11.5m and 12.3m from the street, on balance, it is considered that the proposed oblique outcome is supportable and the proposed setbacks would be adequately recessive.

The louvre screen feature and the wall immediately behind would be setback 5.2m from the street. The upper level would be setback a minimum of 6.3m further from the street than the front of the level below. When obliquely reading these elements, it is considered that this degree of stepped setback would adequately lead to a recessive appearance and therefore, the upper level at greater than 9m in height would not have a dominant oblique streetscape presence. It follows that the oblique streetscape presentation of the upper level would not be detrimental.

It is, however, recommended that the front portions of the north and south elevations at upper level (6m in depth) be coloured neutrally to Council's satisfaction. (Refer proposed condition 1 (h)).

7.5. Visual Bulk

Whilst the concept of recessiveness can be subjective, its assessment can be assisted by testing the proposal against the side boundary setback standard of Rescode. That standard is the best test as to whether a proposal would be intrusive and provides for graduated setbacks away from side boundaries as building height increases in order to minimise

intrusiveness. In this case, the north face of the building would have a maximum height above natural ground of 9.5m. At that height, the minimum setback allowed under Rescode would be 4.6m.

Where facing north, the building would be setback either 6m or 8.1m. Noting the 4.6m standard and the fact that such a setback would ordinarily be considered appropriate, an objective assessment is made as to whether the proposed setbacks would be adequate.

In the case of the 8.1m setback, it would be approaching double the Rescode standard. The lesser setback of 6m would exceed the relevant standard by 1.4m. This degree of setback would create a visual difference. That is, the additional 1.4m would be noticeable and would create a recessive building when viewed from the adjacent rear yards.

It is acknowledged that the building would be relatively long and would be a new visual element when viewed from abutting properties, but not necessarily intrusive.

The greatest change would be experienced by No. 189 and 191 Alma Road, the rear yards of which currently face the treed rear yard of no. 88 Alexandra Street. It is acknowledged that these rear yards form a relatively 'enclosed' setting, but it is noted that the proposed upper level would be at its greatest setback (8.1m) from those rear yards. This setback would be just over 5m greater than that of the level below. This would create a relatively strong sense of recessiveness.

The visual change experienced by the abutting properties to the north would, however, have added effect due to the loss of the well established tree in the yard of No. 88 Alexandra Street. Noting that the basement would be setback 1.8m from the common boundary, the submitted landscaping plan shows four new trees to be planted at an initial height of 3m which would increase to 10m. These trees, combined with the 8.1m upper level setback, would reduce the extent of visual change as experienced by the neighbours. It is, however, recommended that the trees noted above be semi-mature (4m high) at time of planting. (refer condition 1 (j))

When viewed from the south, there would be limited impact. The section of proposed building opposite the rear yard of No. 84 Alexandra Street would only be single storey and the upper level would not be visible from the windows in the front portion of that dwelling.

7.6. Urban Design

The application was referred to Council's Urban Design Advisor. The following comments were provided:

"The following is in response to the plans stamped 25th September 2008 and a site visit:-

- The context is characterised by a diverse mix of walk up three storey 1960s dwellings (no. 74 Alexandra St), gable fronted single storey weatherboard and brick dwellings, low height front fencing and a detached streetscape rhythm. The site is also situated virtually opposite the Jewish Rabbinical College;

- The front and side setbacks are site responsive reinforcing the detached streetscape character;
- The single storey massing to the east (interfacing 53 Wilgah St) is site responsive whilst the core of the development is positioned centrally to reduce amenity impacts to adjoining neighbours;
- Separation of pedestrian and vehicular entry is supported. The ramp access creates an effective physical buffer to the residential dwelling to the north;
- There is a clear sense of address to the apartments from the south;
- Living areas are positioned to maximise the northern aspect whilst directly interfacing private open space areas. There is a satisfactory level of internal amenity to the majority of apartments. The only units compromised in terms of direct access to natural light are apartments 8 & 16 – on balance this is not a major concern;
- The materials include a mix of render, textured concrete panels, timber cladding and glazing;
- Screening to the west assists to control heat loads, break up the façade and reduce the perception of the 3rd level as viewed from the street. The horizontal louvres could be overlapped to further screen views from the south in lieu of the glass balustrade to the top level apartment;
- The proposal is highly articulated and will help reduce the massing to a more human scale in its interface to adjoining residential development;
- The layered fence design to unit 1 in the 3d image is more successful than as proposed in the documented west elevation. Recommend a more layered approach to the fence design to ensure an appropriate streetscape interface;
- The proposal will achieve effective urban consolidation with satisfactory internal amenity;
- The applicant needs to submit proposed colours – preference for neutral natural tones that complement the timber cladding and concrete panels”.
- The intent of the reference to a more ‘layered’ front fence is to minimise the extent of hard fencing directly abutting the front boundary. It was verbally stated by Council’s Urban Design Advisor that small indentations be placed between the front fence and front boundary within which low level landscaping could be planted.
- It is, however, not considered necessary for this to occur. The existing fencing in the street is varied and the proposed fencing, totaling approximately 14m in width, would consist of two different fence types thereby minimising visual impact. Planting would not

significantly improve this situation and could create maintenance problems.

- With regard to the overlapping of the horizontal louvers in lieu of the glass balustrade depicted at the top level (south elevation) for unit 18, it is considered that the submitted design is satisfactory. The balustrade would form part of the front upper level balcony and would be separate from the louvre screen.

7.7. Vegetation removal.

The proposal was referred to Council's Tree Maintenance Office/Arborist who commented that the tree at the rear of No. 88 Alexandra Street is not in good condition and its removal (via the Local Law provisions) would be supported. A Local Law permit has now, in fact, been issued.

8. ENVIRONMENTAL ASSESSMENT

8.1. The applicants have submitted an Environmentally Sustainable Design (ESD) report which is considered satisfactory by Council's Sustainable Design Officer.

8.2. Measures included in the ESD report are:

9. COVENANT

9.1. There is no restrictive covenant or easement on title.

10. CONCLUSION

10.1. The local planning policy framework would suggest that three storey development should be avoided where neighbouring buildings are single storey. The policy requires that proposals should 'respect' their context. Not being more than one storey higher than any neighbour would be one way of achieving that outcome.

10.2. It is considered that the subject proposal is supportable subject to modification to the top of the front louvre feature and inclusion of an adjacent parapet to the abutting dwelling. These measures would result in a better and appropriate streetscape outcome, achieving a three storey building with a highly recessive uppermost level, which would comfortably sit alongside single storey dwellings and thereby achieve the objective of the policy.

10.3. The front and side setbacks combined with the front louvre feature and recommended parapet would create an outcome whereby the upper level would be recessive and would not have detrimental impacts either to the street or to the immediate neighbours. This case raises issues of the balance between a new character and scale on a relatively large consolidated site and respecting nearby low rise form. It is considered that this site is strategically appropriate for redevelopment and for a contemporary apartment style building, but that some greater attention to detail is needed in relation to landscaping and privacy screening in particular. As recommended, it is considered that an appropriate balance would be reached.

- 10.4. Subject to the conditions as noted throughout the report, it is recommended that the Tribunal be advised that if Council had been the responsible authority it would have issued a Notice of Decision to Grant a Permit.

11. OPTIONS

- Approve as recommended
- Approve with changed conditions
- Refuse on key issues

12. RECOMMENDATION

- 12.1. That the Statutory Planning Committee advise the Victorian Civil and Administrative Tribunal that Council would have issued a Notice of Decision to Grant a Permit for the construction of a three storey building containing 20 dwellings above basement car park had it been the responsible authority for determination of this application. The relevant Notice of Decision is not issued as a result of an appeal under S. 79 of the Act having been lodged.
- 12.2. That VCAT be advised that Council's seeks the following conditions on any permit issued:
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 top 200mm of the front louvre feature to have zero transparency together with a parapet feature added to the top of the front wall of unit 17 (and above the adjacent void), such feature being an equivalent height as the front screen feature,
 - b) The louvres on the north elevation (1st level) spaced more closely and with a greater depth so as to prevent downward views but allow outward views,
 - c) Detail cross section/sight line plans of the upper (2nd) level north facing screening to prevent downward views,
 - d) Screening to 1.7m above finished floor level, to the living/dining room windows of unit 15 and the easternmost two living room windows of unit 20,
 - e) Screening to 1.7m above finished floor level to the east facing balcony edges of units 15 and 20 so as to prevent any downward views,
 - f) Screening to 1.7m above finished floor level, to the rear (east) facing windows of units 14 and 20,
 - g) The wall adjacent to No. 53 Wilgah Street as having a maximum height of 3m above natural ground level,
 - h) The north and south elevations of the uppermost level coloured in a neutral tone for a depth of at least 6m,
 - i) The overall height of the building reduced by at least 250mm,

- j) The proposed tree at the front of the site and the four proposed mature trees abutting the north boundary all to be at least 4m high at time of planting,
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. All external materials finishes and paint colours are to be to the satisfaction of the responsible authority and must not be altered without the written consent of the Responsible Authority.
- 4. No equipment, services and architectural features other than those shown on the endorsed plans must be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
- 5. Any new walls on or facing the boundary of adjoining properties must be cleaned and finished in a manner to the satisfaction of the Responsible Authority.
- 6. Any plant and equipment proposed on the roof of the building must be screened in a manner to complement the appearance of the building to the satisfaction of the Responsible Authority and all plant and equipment, including air conditioning units, must be acoustically screened and baffled so as to minimise noise impacts on abutting and nearby residential properties.
- 7. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
- 8. The project must incorporate the sustainable design initiatives listed in the endorsed Sustainability Statement
- 9. The car parking areas and accessways as shown on the endorsed plans must be left open and unobstructed for those purposes at all times and must be formed to such levels so that they may be used in accordance with the plan, and shall be properly constructed, surfaced, drained and line-marked. The car park and driveways shall be maintained to the satisfaction of the Responsible Authority.
- 10. Before commencement of the works, a construction management plan must be prepared, including a works program, with the objective of minimising the impact of construction works on the nearby residential properties to the satisfaction of the responsible authority. The plan must specify the means of reducing the construction impact (at the cost of the applicant) of dust and noise on the nearby properties, and must provide that hours of work be in accordance with any relevant Local Law.
- 11. During the construction of the buildings and works allowed by this permit, the roads and streets and lanes adjacent to the subject land must be kept free of parked or standing vehicles or any other obstruction, including building materials, equipment etc. so as to maintain free vehicular passage to abutting benefiting properties at all times, unless with the written consent of the Responsible Authority.
- 12. The car parking allocation of this development must not be less than one car space for each one and two bedroom apartment and two visitor parking spaces held in common property.
- 13. Before completion of the building allowed by this permit, the permit holder must incorporate Urban Art in the development, in accordance with Council's Urban Art Strategy, viewable from the frontage/public realm, to a value of at least 0.5% of the

total building cost of the development to the satisfaction of the responsible authority and Council's Urban Art Officer.

14. Prior to the completion of the development, a Waste Management Plan 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 Waste Management Plan will be endorsed as part of this permit.

15. Prior to the commencement of the development hereby permitted, a landscape plan and schedule must be submitted to and approved by the responsible authority. When approved the plan will be endorsed and will then form part of the permit. Landscaping in accordance with such approved plan and schedule must be completed before the commencement of the occupation of the building hereby permitted. The plan must show the proposed tree at the front of the site and the four proposed trees adjacent to the north boundary as being 4m high at time of planting.
16. Vehicular crossings must be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority, before the use is commenced or building occupied:
- a) Standard vehicular crossings must be constructed and/or widened at right angles to the road to suit the proposed driveways incorporating bluestone pitchers or suitably shaped and coloured concrete kerb and channel to match the existing laneway or kerb and guttering (as appropriate),
 - b) Any redundant crossing (or part thereof) must be removed and the footpath and kerb reconstructed incorporating bluestone pitchers or suitably shaped and coloured concrete kerb and channel to match existing kerb and guttering (as appropriate) to specifications to the satisfaction of the Responsible Authority and at no cost to the Responsible Authority. Any new car space(s) created along the street frontage of the site as a result of the removal of the crossing must be line marked to the satisfaction of the responsible authority. Any surplus bluestone pitchers must be returned to Councils depot, at cost to the applicant or owner.

c) Any proposed vehicular crossing must have satisfactory clearance of any side-entry pit, power or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required must be in accordance with the requirements of the relevant Authority and must be at the applicant's expense.

17. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within 2 years of the date of this permit.
 - (b) The development is not completed within 2 years of the date of commencement.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within three months afterwards.

Footnotes:

Noise

The air conditioning plant must be screened and baffled and/or insulated to minimise noise and vibration to other residences in accordance with Environmental Protection Authority Noise Control Technical Guidelines as follows:

Noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5dB(A) measured at the property boundary

Noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).