



**ORDINARY
MEETING OF
COUNCIL**

AGENDA

27 MAY 2002

PORT PHILLIP CITY COUNCIL BUSINESS PAPER

To Councillors

Notice is hereby given that an **Ordinary Meeting** of the **Port Phillip City Council** will be held in the **Council Chamber, St Kilda Town Hall** on **Monday, 27 May 2002 at 6.00pm.**

AGENDA

1. **APOLOGIES**
2. **DECLARATIONS OF PECUNIARY INTEREST**
3. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
 - Minutes of the Ordinary Meeting of the Port Phillip City Council held on 22 April 2002.
 - Minutes of the Special Council Meeting of the Port Phillip City Council held on 2 May 2002.
 - Minutes of the Statutory Planning Committee of the Port Phillip City Council held on 13 May 2002 – Nil.
4. **PRESENTATION TO COUNCIL BY THE SOUTHERN CHURCHES DISTRICT CRICKET LEAGUE – CENTENARY BOOK “ONE HUNDRED YEARS OF CRICKET SOUTH OF THE YARRA” TO BE PRESENTED**
5. **PETITIONS AND JOINT LETTERS**
6. **SEALING SCHEDULE**
7. **CORRESPONDENCE**
8. **PUBLIC QUESTION TIME**
9. **PRESENTATION OF REPORTS AND RECOMMENDATIONS**
 - Reports of the Strategy and Policy Review Committee - 6 May 2002.
 - Reports of the Statutory Planning Committee - 13 May 2002.
10. **ORDERS OF THE DAY**
11. **REPORTS BY DELEGATES APPOINTED TO OTHER BODIES**
12. **URGENT BUSINESS**
13. **COUNCILLORS QUESTION TIME**
14. **CONFIDENTIAL MATTERS**

Including reports considered at the Strategy and Policy Review Committee and the Statutory Planning Committee.

David Spokes
Chief Executive Officer
22 MAY 2002

4. PRESENTATION TO COUNCIL BY THE SOUTHERN CHURCHES DISTRICT CRICKET LEAGUE – CENTENARY BOOK “ONE HUNDRED YEARS OF CRICKET SOUTH OF THE YARRA”

Mr Graeme Fischer to present Council with a Centenary Book titled “One Hundred Years Of Cricket South Of The Yarra”.

5. PETITIONS AND JOINT LETTERS

6. SEALING SCHEDULE

The following documents are submitted for signature and sealing:

CONTRACT NO. 0601 between PORT PHILLIP CITY COUNCIL and ENTRACON, for the provision Civil Engineering Works for the Relocation of the Todd Road Outfall, Stage 1. Item not considered by Council. This report has been considered via a Report by the Director Environment and Infrastructure under Delegate approval.

Responsible Manager: Rosa Marguccio – Manager Assets and Environment.

CONTRACT NO. 0605 between PORT PHILLIP CITY COUNCIL and ENTRACON, for the provision Civil Engineering Works for the Relocation of the Todd Road Outfall, Stage 2. Item not considered by Council. This report has been considered via a Report by the Director Environment and Infrastructure under Delegate approval.

Responsible Manager: Rosa Marguccio – Manager Assets and Environment.

CONTRACT NO. 0578 between PORT PHILLIP CITY COUNCIL and ELD GROUP, for the provision Civil Engineering Works to Broadway Kerb and Channel Rehabilitation, Elwood. Item not considered by Council. This report has been considered via a Report by the Director Environment and Infrastructure under Delegate approval.

Responsible Manager: Rosa Marguccio – Manager Assets and Environment.

CONTRACT NO. 0587 between PORT PHILLIP CITY COUNCIL and R & S PLANT HOLDINGS PTY LTD, for the Drainage Rehabilitation Cumberland Road and Dustan Parade, Port Melbourne.

Item not considered by Council. This item is part of the Capital Works Program.

Responsible Manager: Rosa Marguccio – Manager Assets and Environment.

SECTION 173 AGREEMENT between PORT PHILLIP CITY COUNCIL and METROPOL PTY LTD, LENDMORE PTY LTD, FOURTH BELLISTON PTY LTD, and AUSTRALIA AND NEW ZEALING BANKING CORPORATION LIMITED, on the 17 December 2001 a Section 173 Agreement was put to Council which required retail car parking lots at 60-64 Fitzroy Street, St Kilda (St Kilda Station Site) as shown on the plans of subdivision to be always used for public car parking and retail car parks are to be used for short term parking, this is a variation/new agreement which requires retail car parking lots shown on the plans of subdivision to be always used for public car parking and retail car parks are to be used for short term parking. Users of the retail car parking spaces shall be entitled to 60 minutes free car parking from the time of entry into the car park on the production of a receipt from the business being operated from the Davis Jones Land.

Item not considered by Council. This agreement is a variation to a previous Section 173 Agreement.

Responsible Manager: Bruce Phillips, Manager Planning and Building Services.

CONTRACT between PORT PHILLIP CITY COUNCIL and CHRISTOPHER LUKAS, to provide a deed of covenant (Section 173 Agreement), for land at 1 Fitzroy Street, St Kilda, to pay monies (negotiated outcome).

Item not considered by Council. Approximately in 1995 Council issued a planning permit for a Restaurant with cash in lieu carparking conditions. This was appealed and a long process has occurred to broker an outcome that will cause some payment to be agreed to and paid. The amount of payment is for \$2,400pa for 25 years.

Responsible Manager: Bruce Phillips, Manager Planning and Building Services.

RECOMMENDATION

That the Common Seal of the Port Phillip City Council be affixed to the above documents.

7. CORRESPONDENCE

Item 1

A copy of the Confidential List of Registered Correspondence for the Mayor and Councillors between the months of 17 April 2002 and 21 May 2002 is attached for information.

Item 2

A Letter was received from Reconciliation Australian and the Australian Local Government Association, dated 3 May 2002, in regards to the '*National Reconciliation Week 2002 – Walking the Talk*'.

They ask that Communities and organisations find their own ways to promote the theme '*Reconciliation - Walking the Talk*'.

They would like Council to send information about events we are organizing and they will promote them on their website (www.reconciliation.org.au).

**Copy of Newsletter is attached to the Agenda for information.*

8. PUBLIC QUESTION TIME

9. PRESENTATION OF REPORTS AND RECOMMENDATIONS

9(A) REPORTS OF THE STRATEGY AND POLICY REVIEW COMMITTEE HELD AT THE ST KILDA TOWN HALL ON 6 MAY 2002

A1 INTENTION TO DECLARE SOUTH MELBOURNE BUSINESS PRECINCT SPECIAL RATE

Purpose:

This report enables Council to proceed with the statutory process for the consideration of the introduction of a special rate for the purpose of marketing, management and development of the South Melbourne Business Precinct.

COMMITTEE'S RECOMMENDATION

1. Council resolves, in accordance with section 163(1A) of the Local Government Act 1989 (the "Act"), to give public notice of its intention to declare a special rate for the purpose of defraying marketing, management, business development, security and other incidental expenses associated with the encouragement and development of commerce, trade and associated employment in the South Melbourne Business Precinct.
2. In accordance with section 163(1A) & (1B) of the Act, public notice of the proposed special rate declaration and the rights of a person to make a submission under section 163A of the Local Government Act 1989 (to be considered by Council in accordance with section 223 of the Act) is to be given in the Port Phillip Leader and separate notices of the proposed declaration are to be given to all property owners who are to be made liable for the special rate. Additionally, notice will also be sent to occupiers of the property affected by the special rate proposal.
3. Prior to the special rate or any part being paid to the South Melbourne Business Association, and as a condition precedent to such payment, the Association must enter into a formal agreement with Council which, amongst other matters, acknowledges and confirms that
 - The role of the Association in expending the monies raised by the special rate on behalf of Council is of an administrative nature only and at all times under the direction of and for Council; and
 - Council reserves to itself all discretions relevant to the application of the proceeds of the special rate.

4. Proposed declaration of the South Melbourne Business Precinct Special Rate
- a) Under section 163 (1) of the Local Government Act 1989 (the "Act") Council proposes to declare a special rate for the purpose of defraying marketing, management, business development, security and other incidental expenses associated with the encouragement and development of commerce and trade and associated employment in the South Melbourne Business Precinct.
 - b) In order to raise an amount of \$90,000 per annum, being a total of not less than \$450,000.00 for the period of the scheme. The special rate will remain in force for a period of 5 years until June 30, 2007. The special rate will be assessed on the basis of geographic and commercial use criteria and will apply to the (currently) 245 properties listed in attachment 3 and which, in the opinion of the Council, form and are included in the precinct and are otherwise shown on the attached plan. The plan shows the area and the land for which the special rate is being declared.
 - c) On the basis of these assessments, the special rate will be levied by sending notices to the owners of properties included in the scheme that will require that the special rate must be paid in full by the date on the notice. For the first year (period) of the special rate, the date for payment in full will be February 15, 2003. In subsequent years to the first year of the special rate, the dates for payment will be as per the prescribed payments dates as fixed by the Minister under the Local Government Act 1989. The assessments included in the special rates scheme are detailed in attachment 3 and will be assessed and levied as follows:
 - Properties listed in Attachment 3 identified as a primary benefit property, (e.g. retail businesses that front Coventry Street and Clarendon Street, South Melbourne and that in the opinion of the Council receive a Primary Special Rate Benefit) will be subject to a rate of 0.006 cents (referred to as 6.0 cents in the dollar) which is multiplied by the assessments current Net Annual Value. Those properties contributing a primary benefit level will be subject to a minimum of contribution of \$430.00 (based on the valuations that are current as at the date of this report).
 - Properties listed in Attachment 3 identified as a secondary benefit property, (e.g. non-retail businesses that front Coventry Street and Clarendon Street South Melbourne and any commercial properties within the geographic region and which in the opinion of the Council receive a Secondary Special Rate Benefit) will be subject to a rate 0.0042 cents in the dollar (referred to as 4.2 cents in the dollar) which is multiplied by the assessments current Net Annual Value. Those properties contributing a secondary benefit level will be subject to a minimum of contribution of \$295.00 (based on the valuations that are current as at the date of this report).
 - Council considers that there will be a special benefit to persons required to pay the special rate (being the owners of the properties included in the scheme) in that there will be a benefit to them over and above that available to persons not the subject of the special rate, and directly and indirectly the viability of the Clarendon Street South Melbourne Shopping Centre will be enhanced through increased economic activity and tourism by the marketing and promotion in that area. The value of the properties included in the scheme, their desirability as letting propositions and their general image and stature, both separately and severally in the context of the area generally, will be maintained or enhanced.

- No incentives will be given for the payment of the special rate before the due date.
- In subsequent years to the 2002/2003 year, that is from July 1, 2003 to June 30, 2007 the due dates will be prescribed payment dates as fixed by the Minister under the Local Government Act 1989. Ratepayers will have the option to pay the special rate by lump sum or by installments.
- Interest will apply to unpaid special rates in accordance with the provisions of the Local Government Act 1989, the due date for the special rate will be determined should the special rate proceed to the declaration report. The interest rate and the due dates applicable to the special rates will accord with the City of Port Phillip general rates and charges declaration each year.
- The prescribed interest rate in accordance with the provisions of the Local Government Act 1989 will be the interest rate applied for special rates not paid by the prescribed payment dates.
- The properties included in the special rate scheme will be subject to general re-valuations and supplementary valuations on the same cycle as the City of Port Phillip general rates and charges

A2 KRA MONTHLY MANAGEMENT REPORT FROM THE CHIEF EXECUTIVE OFFICER

Purpose:

This report aims to provide Councillors with a summary of the major areas of activity and operational performance.

COMMITTEE'S RECOMMENDATION

That the monthly management report from the CEO detailing Council's year to date financial and operating performance to be received and noted.

**A3 2001 PORT PHILLIP COMMUNITY SATISFACTION SURVEY - ANALYSIS
AND COMMUNICATION OF RESULTS**

Purpose:

To brief Council on the results of the 2001 Community Satisfaction Survey, the implications, the proposed organisational response and the communication strategy.

COMMITTEE'S RECOMMENDATION

1. Council accepts the 2001 Community Satisfaction Survey.
2. Council agrees to make available to the community the summary of the survey results via the Internet & provide printed copies on request as well as providing access to the full survey results for perusal at Town Halls.

A4 CITY OF PORT PHILLIP WASTE WISE STRATEGY

Purpose:

To outline the contents of Council's Waste Wise Strategy and provide information on the consultative process to follow.

COMMITTEE'S RECOMMENDATION

1. That the Waste Wise Strategy be adopted by Council as the guiding document for Waste Wise activities in the City of Port Phillip over the coming three years.
2. That the performance indicators be further refined.

**A5 SEAC PRIORITIES RESULTING FROM A REVIEW OF THE COPP
SUSTAINABLE ENVIRONMENT STRATEGY
(SEE SUPPLEMENTARY INFORMATION)**

Purpose:

That Council be presented with a verbal report by SEAC Members.

COMMITTEE'S RECOMMENDATION

1. That Council thanks SEAC for their presentation and continuing efforts to advise Council on environmental priorities.
2. That the Report be referred to staff for preliminary advice regarding implementation of "bolded" priority actions and their implications, prior to Council, and that SEAC be provided with this advice.
3. That this advice be referred to Council for consideration during the Corporate Planning and Budget processes.
4. That this advice include ways of supporting increased city involvement and discussion on these issues.

A6 COMMONWEALTH GAMES AND MSAC REDEVELOPMENT

Purpose:

To provide Council with an update on the progress of the Commonwealth Games and the MSAC Redevelopment.

COMMITTEE'S RECOMMENDATION

1. That the Council reaffirms its stated position on the Commonwealth Games as resolved on 22 October 2001.
2. Council acknowledges that the 2006 Commonwealth Games will proceed and that the Melbourne Sports and Aquatic Centre will be expanded in preparation for the Games. Council's role is to ensure planning and design solutions that achieve maximum long term recreation benefits for the City. Council resolves to participate fully in planning and consultation processes and to develop a comprehensive submission the Advisory Committee.
3. Council invites Sport and Recreation Victoria and the Office of Major Projects to brief Council on the current status of the redevelopment plans for MSAC.
4. That the Council adopt the following principles to guide its contribution to the planning and staging of the Commonwealth Games 2006;
 - the Commonwealth Games experience should promote a 'community games' ethos that attempts to provide venues and events which;
 - the Commonwealth Games must leave maximum long term recreation and leisure opportunities for the residents of the City of Port Phillip, that are highly accessible, meet the identified needs of the residents of the City of Port Phillip as expressed through previous Council resolutions and the Sport and Recreation Strategy; and
 - the Commonwealth Games venues and events are planned and developed consistent with the objectives of Councils Planning Scheme and Policies, and the impact of these events and venues on residential amenity, and public open space, is minimised
5. That Council endorse formation of an internal staff 'coordination committee' and the estimated resource expenditure required to effectively participate in the Commonwealth Games 2006 'public domain' and venue development planning processes, as part of maintaining an effective working partnership with the State Government and other agencies.
6. That Council's submission to the Advisory Committee outlining Council's assessment of the effectiveness and viability of the current or alternative proposals to provide an additional swimming venue at MSAC for the Games, specifically consider how to:
 - maximise enduring recreational opportunities and equity for the Port Phillip community
 - reduce traffic congestion in the park and surrounding areas by considering the overall traffic movement in the area
 - deliver high quality planning outcomes which minimize any negative amenity impacts of local residents

- ensure high architectural standards
 - develop feasible alternative design and development solutions.
7. That Council write to the Minister for Sport, Recreation and Commonwealth Games
- stating the resolved position of Council's role during the planning and staging of the Commonwealth Games and the principles upon which Council would like to ensure an effective working partnership;
 - stating that Council is unconvinced that the community consultation and information process to date has been rigorous enough to ensure that the community is well placed to make informed judgements about the long term community and recreational benefits of the venue, or to fully understand the likely impacts of the current proposal both during and after the development and for Council and the City to make appropriate submissions.
 - requesting the deadline for the report of the Advisory Committee be extended by a period of 1 month to 30 July 2002, to provide adequate time for strenuous consideration of the project (given the formal consultation period for the venue has not yet begun);
 - requesting the formal community consultation / exhibition period, that precedes consideration of submissions by the Advisory Committee, be extended for a period of not less than 4 weeks.
 - requesting amendments (in italics) to the Terms Of Reference for the Advisory Committee that include
 - Under item 5, dot point 2 to read "Whether the development results in a net community benefit, *with consideration to the long term operation of the venue in a manner that ensures broad based community (eg: school children, low income persons and people with disabilities) access to the venue*";
 - under item 5, dot point 8 to read "*How impacts on local amenity and access to the park and venue by the public can be minimized during the development*";
 - under Item 5, dot point 9 to read " Likely impacts on local *residential* amenity, *park amenity and access to both Albert Park and MSAC* once the development is complete *and advice on how these impacts can be minimized and potential alternative solutions*".
- Requesting a separate transport study be undertaken before any decisions on parking expansion are made to properly assess transport needs and impacts (incl. both public transport, car and other modes of access),
 - Inviting the members of the Advisory Committee to a formal briefing of Council.

A7 RESIDENTIAL AGED CARE FUTURES PROJECT – PROPOSAL FOR USE OF COUNCIL LAND AND CONTRIBUTION TO REDEVELOPMENT PROJECT

Purpose:

To inform Council and request endorsement of outcomes of a meeting between SPCRH, Melbourne South Rotary, CEO and Director S&CD regarding Council's commitment and assistance to the future of SPRCH.

COMMITTEE'S RECOMMENDATION

1. That Council endorses the proposal to establish an amalgamated aged care consortium of residential care providers to ensure local, community based, viable residential care is available to local residents. This requires South Port Community Residential Home (SPCRH) and Napier Street Aged Care Services (NSACS) as essential partners in the process.
2. Council further notes and endorses that the shared planning process between these two organizations and Council is the commencement of a process leading to amalgamation of SPCRH and NSACS.
3. That Council explores options of sale with deferred payment, or a long- term lease for the land on which SPCRH is located to an amalgamated provider. In the event of either option for the proposal the following conditions are to apply to use of Council land:
 - Future use of the land is tied to not for profit aged care services.
 - The amalgamated provider can ensure viability that will not result in financial exposure to Council.
 - The proposal is a local community management model.
 - The service will be provided by a not for profit organization, although it is possible that the amalgamated provider may run some for-profit components of the business to subsidize the not for profit components.
 - The service will cater primarily for people over 65 years of age, and it will enable maintenance of a minimum of 60 not for profit, high level care residential beds in the municipality.
 - The service is able to demonstrate both quality care and quality accommodation
 - Council will not be participating in a service provider role.
4. That a preferred option for sale or lease of land be presented to Council once a final proposal for a service and financial model has been developed and advice received from financial and legal institutions.
5. That Council endorse in principle the contribution of up to \$100,000 to launch a community fund raising campaign to contribute to the final proposal redevelopment costs and that this be referred to the 2002/03 Social & Cultural Development Division's budget estimates process.

6. That Council contributes \$20,000 towards preparation of feasibility reports to develop a final proposal for redevelopment on the basis that the other two partners (SPCRH and NSACS) contribute equally. That \$20,000 be referred to the 2002/03 Social & Cultural Development Division's budget estimates process for this purpose.
7. That Council notes that Cr. Hutchens is the nominated Councillor representative to sit on the SPCRH Committee of Management, but the position will remain vacant during the Council, SPCRH and NSACS shared planning process, due to Cr. Hutchen's participation on this working group.
8. That a progress report on the City of Port Phillip, SPCRH and NSACS Shared Planning Working Group be presented to Council in the August meeting cycle.

A8 APPOINTMENTS TO THE CULTURAL PROGRAMS BOARD

Purpose:

This report proposes that Council support the recommended nominations for the Chairperson and six community representatives to the Cultural Programs Board.

COMMITTEE'S RECOMMENDATION

That Council proceed with the appointment of:

- Professor Clarkson as the Chairperson of the Cultural Programs Board and the following nominations of
- Jon Cattapan,
- Dr. Lianne Gibson,
- Gerry Kerlin,
- Dr. Helen Light,
- Martin Thiele,
- Jennifer Stokes for the six community representative positions of the Cultural Programs Board for its third term.

A9 STATUS REPORT – GASWORKS ARTS PARK

ITEM WITHDRAWN.

A10 STREET FURNITURE PROGRAM- REVISED DESIGNS

Purpose:

To inform Council of design changes in response to Council resolution of February 4, 2002.

COMMITTEE'S RECOMMENDATION

1. That Council endorse the work undertaken in addressing its resolution of February 4 seeking further design development to achieve a more coherent suite of furniture.
2. That Council endorse the attached developed designs as the preferred elements in the City of Port Phillip Street Furniture Range.
3. That Council endorse the attached concept designs as a suitable basis for future design development for the City's suite of street furniture.

Note:

Cr Hutchens asked Officers to advise whether street furniture can be available in different heights.

A11 FOOD ACT REGISTRATION FEES

Purpose:

To review existing Fee Structure and establish a new Fee Structure in relation to services required under Food Act 1984.

COMMITTEE'S RECOMMENDATION

That Council adopts the Proposed Fee Structure for the various fee components in relation to Food Act Registration as detailed in Attachment A.

A12 COUNCIL COMMITMENT TO DIVERSITY - RESPONSE TO THE ASYLUM SEEKER

Purpose:

Consideration of community concerns re current Government policy on asylum seekers and proposals for council response.

COMMITTEE'S RECOMMENDATION

1. That the proposed actions outlined below be endorsed by Council:
 - a) A public statement that asserts that the current treatment of asylum seekers and particularly their mandatory detention is unjust and inhumane, compounding the trauma that most individuals in this situation have experienced.
 - b) Engage in discussion with citizens and local groups, including multicultural, interfaith, community health and support agencies, to determine an appropriate community response.
 - c) A Harmony Day (Mar 03) event be conducted with the theme of celebrating diversity with a discussion of Australia's response to asylum seekers as part of the event. Maximum community input in to the event planning and management to be sought.
 - d) Information on asylum seekers to be provided on the City of Port Phillip website and in ASSIST centres and libraries. The information to be provided is attached as Appendix 2.
 - e) Information on the ways people can become involved in supporting asylum seekers through other organisations to be readily available on the website and elsewhere in council publications.
 - f) The Council's service agreement with South Central Migrant Resource Centre be amended to reserve two places for those on Temporary Protection Visas and therefore not eligible for Government funded English language training.
 - g) Continue to advocate for and support programs that celebrate diversity.

Note:

Cr Ray raised the following question: "Has the CoPP ever measured that 'Employment practices are inclusive and active recruitment of people from other cultures, religions and diverse sexual orientation occurs'?"

A13 PROPOSED PARKS & OPEN SPACE VARIATIONS

**PLEASE REFER TO THE END OF THE AGENDA FOR THE COMMITTEE'S
RESOLUTION ON THIS ITEM.**

A14 SUSTAINABLE VALUE-OVERVIEW AND FUTURE DIRECTIONS

**PLEASE REFER TO THE END OF THE AGENDA FOR THE COMMITTEE'S
RESOLUTION ON THIS ITEM.**

A15 REFURBISHMENT OF THE MURPHY RESERVE PAVILION

**PLEASE REFER TO THE END OF THE AGENDA FOR THE COMMITTEE'S
RESOLUTION ON THIS ITEM.**

**9(B) REPORTS OF THE STATUTORY PLANNING COMMITTEE HELD AT THE ST
KILDA TOWN HALL ON 13 MAY 2002**

MEETING CANCELLED.

10. ORDERS OF THE DAY

ORDER OF THE DAY 1 26 ORMOND ROAD, ELWOOD

(Refer to attached Report).

ORDER OF THE DAY 2 372 DANKS STREET, MIDDLE PARK

(Refer to attached Report).

ORDER OF THE DAY 3 BALACLAVA DEVELOPMENT FEASIBILITY STUDY – PROGRESS REPORT

(Refer to attached Report).

ORDER OF THE DAY 4 PORT MELBOURNE SOCCER CLUB – UPGRADING SOCCER FACILITIES AT MURPHY RESERVE

(Refer to attached Report).

ORDER OF THE DAY 5 CONFIRMATION OF THE PERFORMANCE REVIEW FOR THE CEO (CONFIDENTIAL)

Verbal Report By The Mayor

11. REPORTS BY DELEGATES (COUNCILLOR) APPOINTED TO OTHER BODIES

Item 1

Cr Johnstone to present the MAV's - President's Report for the month of April. Major Issues outlined in the Newsletter include the following:

- CORE Councils Continue To Fight;
- Changes To The Local Government Act;
- Changes to MAV Rules;
- Right To Farm.

**Copy of Newsletter is attached to the Agenda for information.*

12. URGENT BUSINESS

13. COUNCILLORS QUESTION TIME

14. CONFIDENTIAL MATTERS

**A13 PROPOSED PARKS & OPEN SPACE VARIATIONS
(SEE SUPPLEMENTARY REPORT)**

A14 SUSTAINABLE VALUE-OVERVIEW AND FUTURE DIRECTIONS

A15 REFURBISHMENT OF THE MURPHY RESERVE PAVILION

ORDER 5 CONFIRMATION OF THE PERFORMANCE REVIEW FOR THE CEO

**ORDINARY COUNCIL
27 MAY, 2002**

ORDER OF THE DAY

ORDER 1	26 ORMOND ROAD, ELWOOD
KEY RESULT AREA:	IMPROVING OUR BUILT ENVIRONMENT
ADDRESS:	26 Ormond Road, Elwood
PROPOSAL:	Alterations and additions to existing building including a third level addition to allow for an increase in shop retail floor space and three dwellings in addition to a new crossover to allow for six car parking spaces
WARD:	Ormond
NEIGHBOURHOOD	Elwood
TRIGGER FOR DETERMINATION BY STANDING COMMITTEE	More than 10 Objections
APPLICATION NO:	1230/2001
APPLICANT:	Laserfast Australia Pty. Ltd.
EXISTING USE:	Retail and dwelling
ABUTTING USES:	Retail / Residential
ZONING:	Business 1 Zone (B1Z)
OVERLAYS:	Heritage Overlay 8 (HO8)
AMBIT OF DISCRETION:	
PLANNING SCHEME PROVISIONS:	21.05-4, 21.05-5, 21.05-8, 21.05-10 22.02, 22.04, 22.06, 34.01, 43.01. 65
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired
RESPONSIBLE MANAGER:	Bruce Phillips - Manager, Planning & Building Services (CoMPS)
AUTHOR:	Rebecca Doherty

1. EXECUTIVE SUMMARY

- 1.1. The proposed development involves the part demolition of the rear of an existing retail building to facilitate an increase in retail floor space and the construction of three new residences at second and third floor levels in addition to the relocation of a crossover along Byrne Street to provide six car parking spaces at ground floor level.
- 1.2. The application was advertised and a total of 16 objections were received. The main issues addressed in the report relate to car parking, proposed bulk and mass and the interface of the development with the adjoining residential properties.
- 1.3. Approval of this application is recommended subject to appropriate conditions.

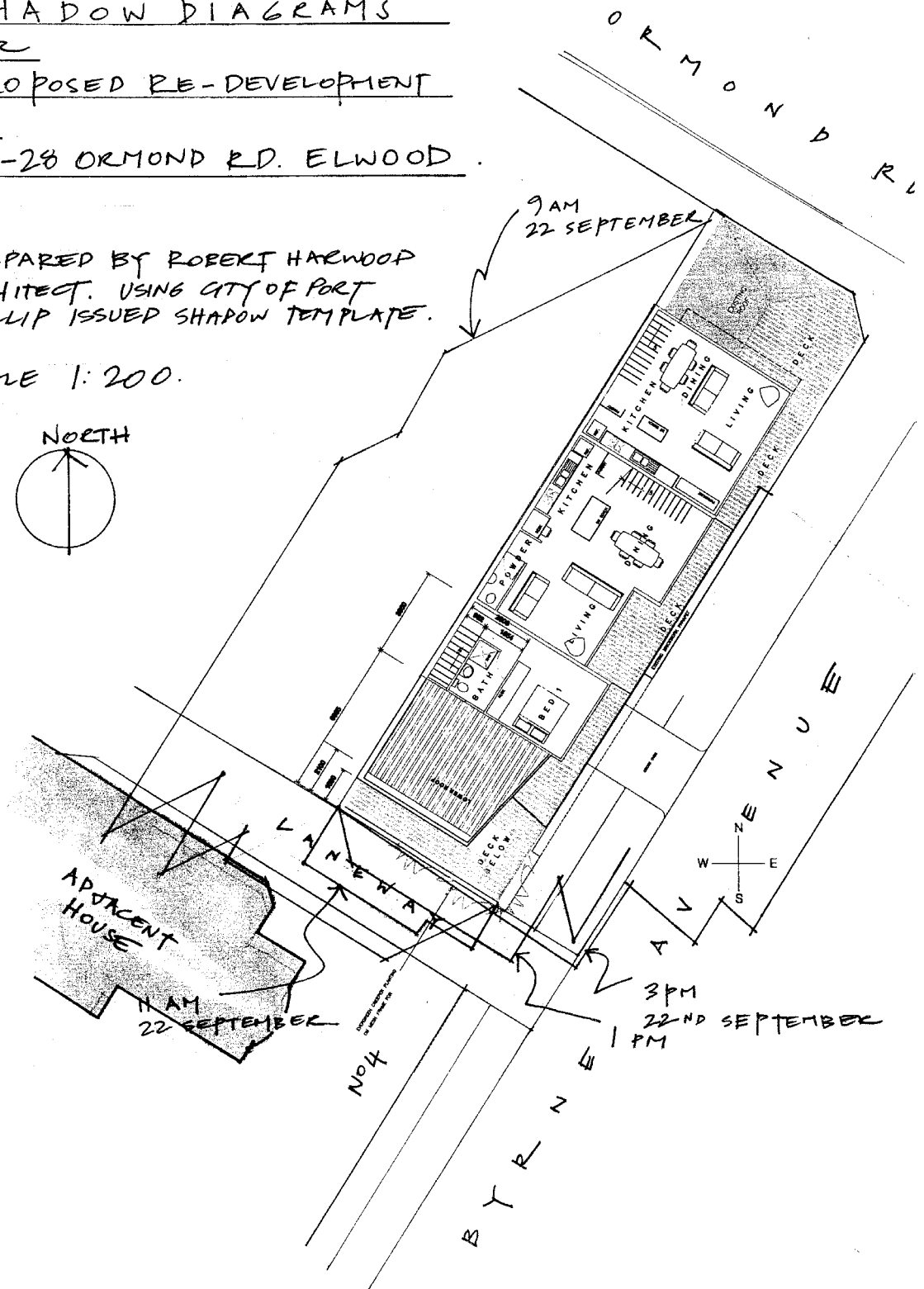
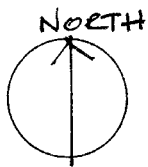
KEY ISSUES

1. Neighborhood Character
2. Building Bulk
3. Impact upon amenity of adjoining dwellings
4. Car parking and impact.

SHADOW DIAGRAMS
FOR
PROPOSED RE-DEVELOPMENT
OF
26-28 ORMOND RD. ELWOOD.

PREPARED BY ROBERT HARWOOD
ARCHITECT. USING CITY OF PORT
PHILLIP ISSUED SHADOW TEMPLATE.

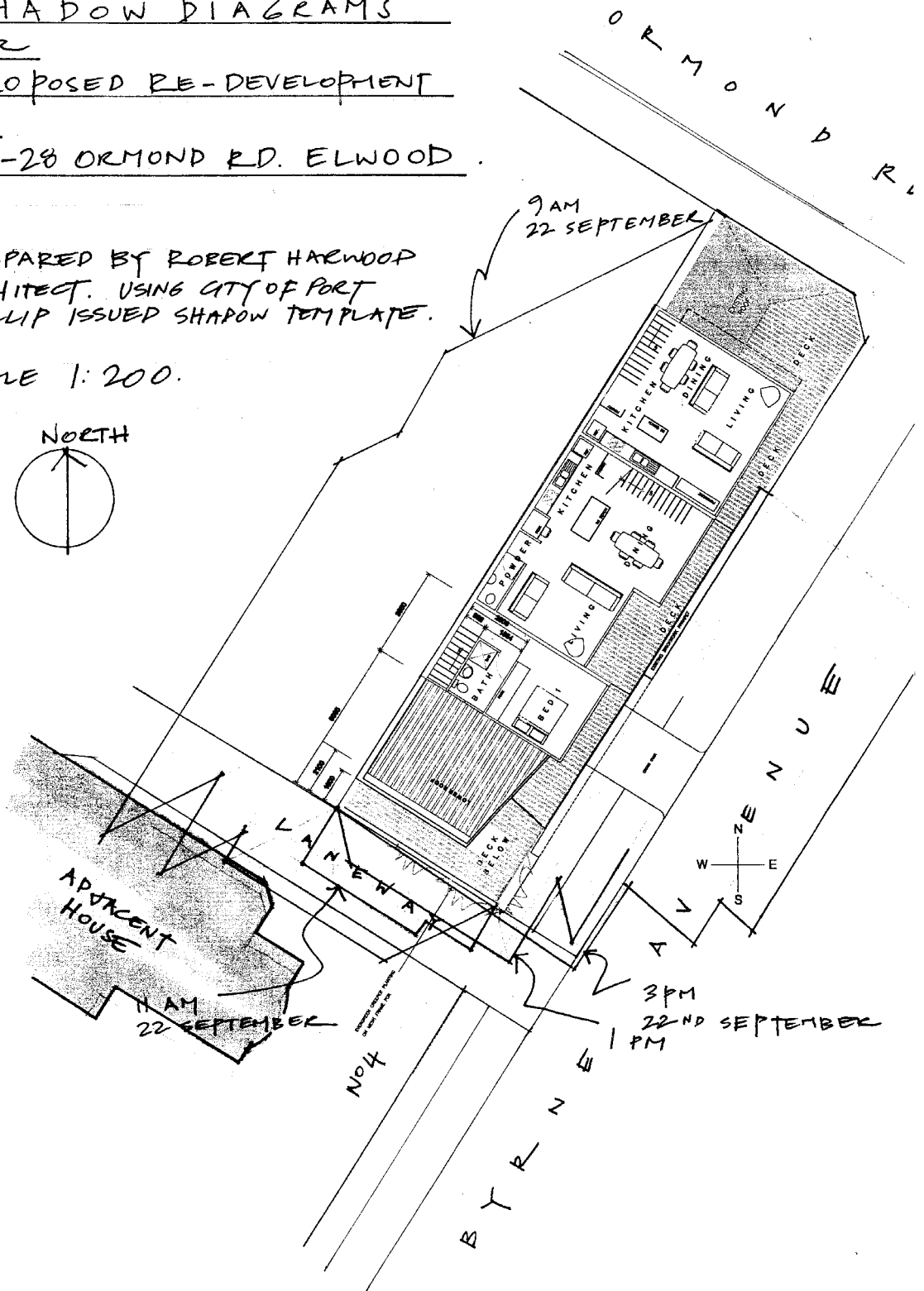
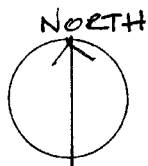
SCALE 1:200.



SHADOW DIAGRAMS
FOR
PROPOSED RE-DEVELOPMENT
OF
26-28 ORMOND RD. ELWOOD.

PREPARED BY ROBERT HARWOOD
ARCHITECT. USING CITY OF PORT
PHILLIP ISSUED SHADOW TEMPLATE.

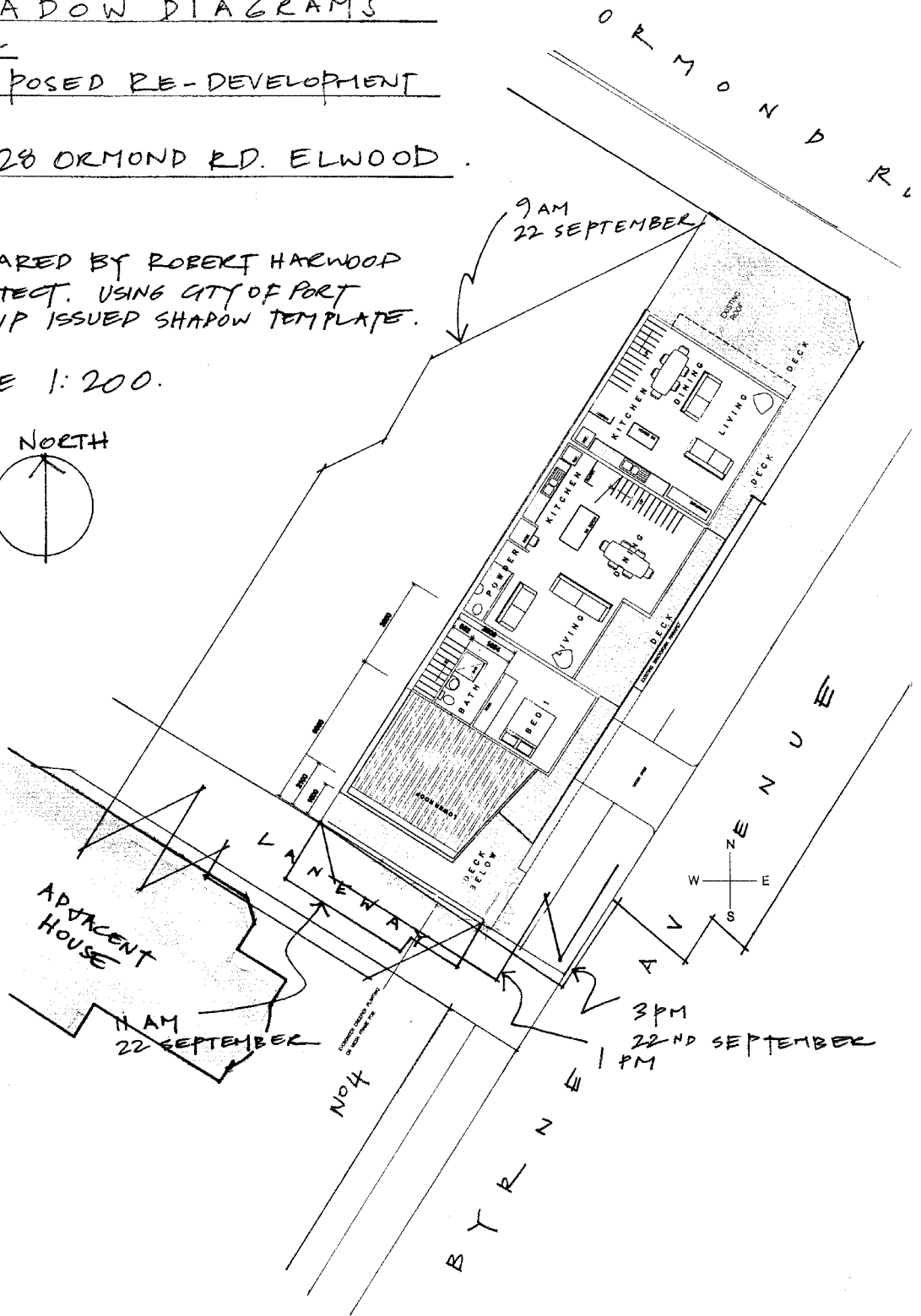
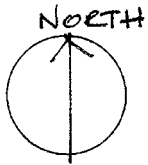
SCALE 1:200.



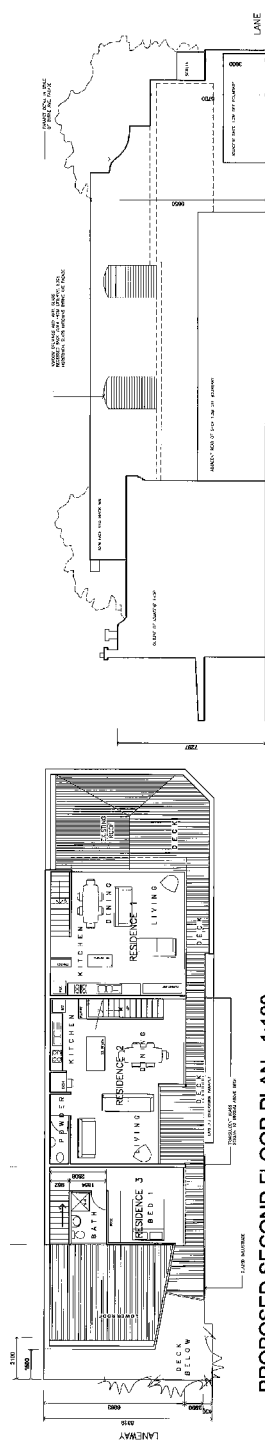
SHADOW DIAGRAMS
FOR
PROPOSED RE-DEVELOPMENT
OF
26-28 ORMOND RD. ELWOOD.

PREPARED BY ROBERT HARWOOD
ARCHITECT. USING CITY OF PORT
PHILLIP ISSUED SHADOW TEMPLATE.

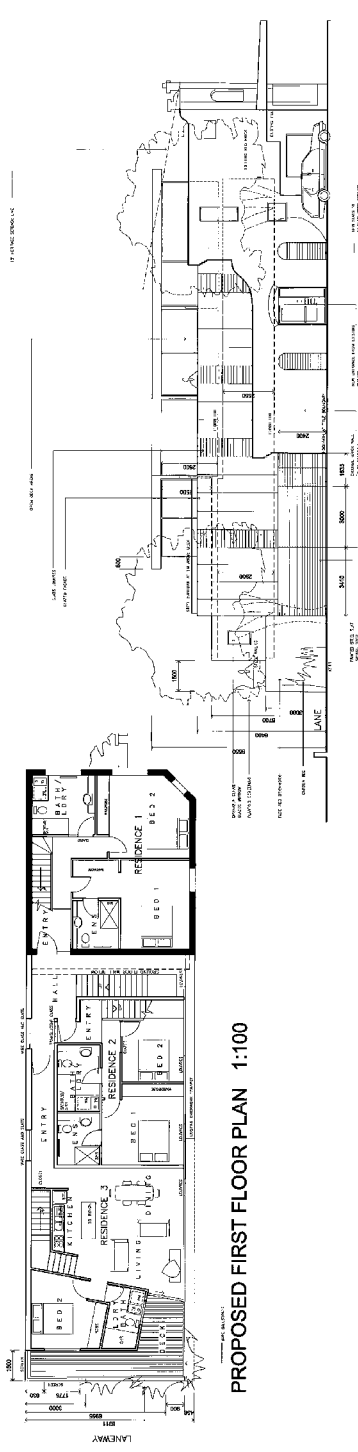
SCALE 1:200.



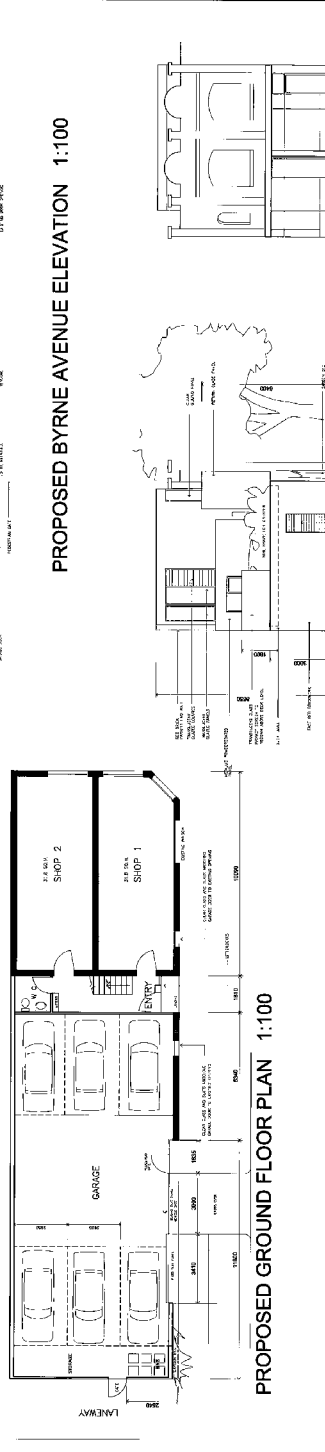
HARWOOD architecture



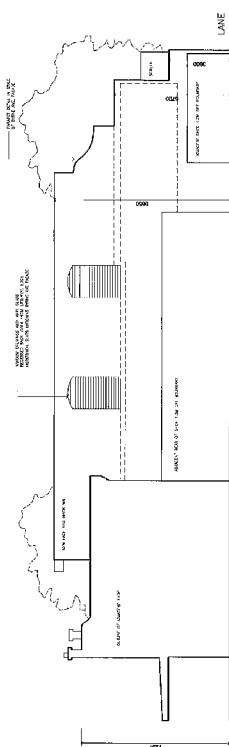
PROPOSED SECOND FLOOR PLAN 1:100



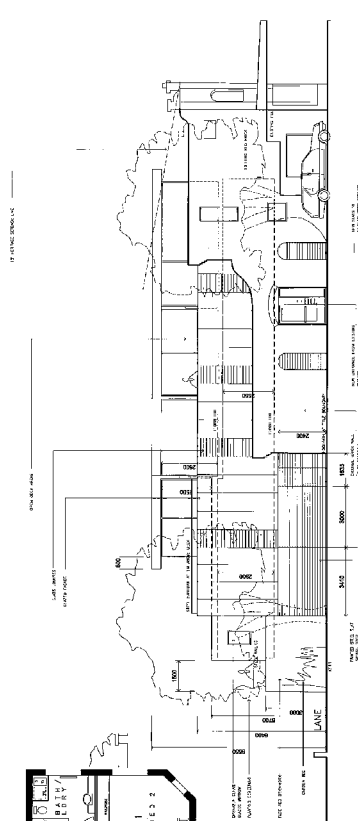
PROPOSED FIRST FLOOR PLAN 1:100



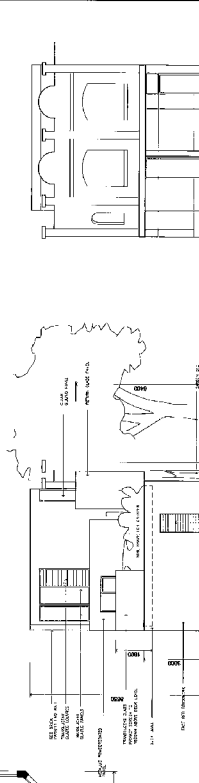
PROPOSED GROUND FLOOR PLAN 1:100



PROPOSED NORTH WEST ELEVATION 1:100



PROPOSED BYRNE AVENUE ELEVATION 1:100



PROPOSED REAR LANEWAY ELEVATION 1:100

PROPOSED ORMOND ROAD ELEVATION 1:100

PROJECT: RECONSTRUCTION OF 25-27 ORMOND ROAD
 DRAWING TITLE: PROPOSED ARCHITECTURAL ELEVATIONS
 CLIENT: COUNCIL OF THE CITY OF SYDNEY
 ARCHITECTURE: HARWOOD ARCHITECTURE
 25-27 ORMOND ROAD, SYDNEY NSW 1513
 25-27 BYRNE AVENUE, SYDNEY NSW 1513
 COPYRIGHT: © HARWOOD ARCHITECTURE 2002
 DIMENSIONING: SCALE: 1:100
 DATE OF ISSUE: 15/05/02

2. RELEVANT HISTORY

- 2.1. Planning application 0454/2001 was lodged with Council on the 2nd April 2001, for the re-development of the subject site and the construction of three new office tenancies at the rear of the existing building over three levels. This application was advertised to adjoining and nearby residents and business and two (2) notice signs were erected on the site. A total of thirteen objections (including one petition) were lodged with Council in response to the proposal.
- 2.2. Council advised that applicant that the proposal was unlikely to receive support on the grounds of insufficient car parking, in addition to issues regarding the bulk and height arising from the extent of development across the length of the site.
- 2.3. On this advice the applicant requested that the file be placed “on hold” until further notice.
- 2.4. On the 23rd of August 2001, the applicant lodged a second proposal. This application was a reduced development comprising a mix of residential and commercial facilities. This second application is the subject of this report.

3. SITE AND SURROUNDS

- 3.1. The subject site is located on the southern side of Ormond Road situated within the eastern end of the Glenhuntly – Ormond Road Shopping Strip, approximately 70 metres from the Glenhuntly and Ormond Road intersection.
- 3.2. The application site has a frontage to Ormond Road of approximately 8.3 metres (including a small splay to the north eastern corner) and a sidage to Byrne Street, a typical residential street of 20.9 metres with a total site area of 256.47 square metres. The site is bounded at the rear by a 3.00 metre wide right of way.
- 3.3. The land is improved by way of two matching double storey heritage retail shops graded as “significant” in Council’s Heritage Review. The existing buildings extend along the Byrne Street sidage at ground floor level for a distance of 19.5 metres. The double storey element is constructed along the full extent of the front boundary to a height of 7.15 metres (to the top of the parapet), and along the Byrne Street sidage for a distance of 12 metres. The remainder of the Byrne Street sidage is occupied by a high timber paling fence and garage roller door.
- 3.4. Internally, the building accommodates two retail shops of 30.8 square meters each. There is one existing apartment located at the rear of the shop, accessed directly off the Byrne Street footpath and a second unit at the top level accessed via an internal stairwell.
- 3.5. At the rear of the site is a service yard of 83 square metres which is occupied by a shed, outdoor WC and general service facilities.

- 3.6. A vehicle crossover is located at the rear of the site on the south eastern corner of the laneway and Byrne Street. Currently this area is not utilized for parking facilities.
- 3.7. Two large plane trees are located along the nature strip of the Byrne Street frontage. These trees add significantly to the garden character of the street and are an important element in the streetscape.
- 3.8. To the immediate west of the subject site at number 24 Ormond Road is another shop which adjoins the subject site for a distance of 9.00 metres. Further west a line of shops, all constructed to the property frontage extend along the Ormond Road frontage.
- 3.9. To the east, opposite the subject site to the Byrne Street frontage is the St. Bede's Anglican Early Learning Centre.
- 3.10. To the south of the property opposite the laneway is a single storey Heritage residential building graded as "significant" in Council's Heritage Review. This building is setback approximately 5.6 metres from the street frontage. Further south extending along Byrne Street are other single storey dwellings many of them marked as either contributory or significant heritage buildings. These dwellings are generally single storey in nature. Other larger scaled buildings are located within close proximity to the subject site including the apartments at 3 Byrne Avenue.

4. PROPOSAL

- 4.1. A number of amended drawings have been provided to Council throughout the application process. After advertising, Council held a consultation meeting which was attended by objectors the applicant and Council planning officers and was facilitated by the Ward Councillor.
- 4.2. As a result of that meeting amended plans were prepared showing increases in the setback of the second and third levels from the southern boundary. These plans were circulated to all objectors on the 6th of December 2002.
- 4.3. No objections were withdrawn, and at the request of Council officer's the applicant prepared an additional set of amended plans, this time the plans showed a substantial increase of the third level from the southern boundary partly facilitated by a decrease in the second level setback from the southern boundary and amendments to the façade of the eastern and western elevations. These plans were re-circulated to all parties on the 22nd April 2002. At the request of the applicant these drawings are the subject of this report.

4.4. The proposal provides the following buildings and works:

- Alterations to the façade of the existing significant heritage building including new slats to cover existing door openings along the Byrne Street frontage.
- New entrance to be created from an existing window at the Byrne Street frontage.
- Part demolition of the rear of the existing building to allow for a minor increase in the retail floor space to 31.8 sq.m each.
- Part demolition of the existing ground floor dwelling and the replacement with six car parking spaces at ground floor level.
- New three metre wide crossover from Byrne Avenue to allow access to the new car parking area.
- Extension of the second storey to accommodate ground floor levels of three dwellings. The building profile extends along the boundary line of the site's Byrne Street frontage. This level is setback 1.5 metre from the laneway (southern boundary) with a small area set in within the southern most corner of the site to be used for open space associated with dwelling 3.
- Third floor addition to comprise the second storey levels of the three dwellings. The third level has a five metre setback from Ormond Road, a minimum setback from the Byrne Avenue frontage of 1.5 metres and a setback of 6.665 metres from the rear (southern) laneway.
- As the third level of the building may be exposed to view, the third level western elevation will be constructed of brick and will include window openings with wire glass recessed from the external edge to add interest to the building.
- Each of the new dwellings will comprise two bedrooms each and will have open space in the form of decking area.
- The overall height of the proposed building does not exceed 8.650 metres.

5. ADVERTISING/OBJECTIONS

5.1. The application was advertised to adjoining property owners and occupiers and a notice was placed at the Byrne Street and Ormond Road frontages. Sixteen (16) objections were received to the application.

5.2. As mentioned earlier, after a consultation meeting held on the 15th of November 2001 a set of amended plans were re-circulated to all objectors. No objections were withdrawn. On the 22nd of April 2002, a second set of revised plans were circulated to all objectors. As at the time of writing no objections had been withdrawn.

The objections received pertained to the following issues:

- Car parking and vehicular access.

Council's Traffic and Parking department have reviewed this aspect of the proposal and deemed the arrangement to be satisfactory. Please refer to section 8 of this report for a detailed discussion of this issue.

- Building Bulk.

Concerns were raised regarding the building bulk of the proposed development, particularly the bulk resulting from the proposed third level. In response to concerns raised by Council and objectors, the applicant provided amended plans which significantly reduced the bulk of the proposed building within the southern section of the site. Specifically, the setback of the third floor was increased to 6.65 metres from this boundary (being the interface between the commercial and residential zones). Due to the location of the laneway at the rear of the subject site, this third level will be separated by 9.6 metres from the closest residential property. This setback greatly exceeds the setback requirements of the Good Design Guide and will provide a distinct stepping down from the third storey element down to the single storey residential building encouraged by local policy. It is also worth noting that the increased setback will significantly reduce the extent of overshadowing onto adjacent residential properties and is sufficiently separated to avoid unreasonable visual bulk when viewed from Byrne Avenue.

- Loss of Privacy.

The amended plans have been revised to include screening at the third level to negate views into adjoining residential properties. A condition has been recommended which asks the applicant to demonstrate proposed screening from the second floor to avoid direct views into the front yard of 4 Byrne Avenue to the satisfaction of the Responsible Authority.

- Impact upon the Byrne Street streetscape.

In summary the proposed timber slats to the parking areas should see an improvement to the ground floor Byrne Street frontage which will replace the existing roller door and pailing fence.

At second and third floor levels, the decrease in the third level and the stepping away of the third level at the southern boundary will see a significant reduction in the bulk over previous proposals. In addition, the use of softer materials such as glass and timber will ensure that the upper elements read as more domestic in nature and assist the building in reading as more light weight and recessive. On balance it is considered that the proposed massing of the building adequately responds to the sites constraints and addresses the broader heritage issues of the existing building and surrounds (Refer section 8 for a more detailed assessment of this issue).

- Over development of the site

The proposed development provides for three new dwellings (currently the site already accommodates two dwellings). The new dwellings will each be provided with sufficient car parking provisions and open space in accordance with the provisions of Good Design Guide. Moreover the setback of the third floor level will ensure that the building is separated by 9.6 metres from the closest residential property. Given the commercial zoning of the property the reduce bulk at third floor level, and the general compliance of the proposal against Local and State Policy and the Good Design Guide, it is argued that the proposal does not represent an over development of the site.

- Impact upon traffic in the street and conflict with existing facilities.

Please refer to section 8 of this report for a discussion of the traffic and parking elements of the proposal.

- Location of the rubbish bins

Rubbish bins have been relocated within the car parking area. The bins will not be visible from the street frontage. A side gate will allow the bins to be removed from the site down the laneway to the street for collection

- Overshadowing.

The revised development plans demonstrate that the building will cast a small shadow down the side wall of the existing building at 4 Byrne Avenue during the morning hours only. This shadow will be completely dissipated by 11.00 am when the shadow will fall onto the street. The proposed shadowing is well within the acceptable standards as prescribed by the Good Design Guide.

6. POLICY CONTEXT

Local Planning Policy Framework	Officers assessment
RETAIL LANDUSE (MSS CL 21.05 –10):	
Objectives:	
<p>Viable, sustainable retail centres, serve local shopping needs, retain local character & heritage, do not adversely affect amenity of adjacent residential areas.</p>	<p>The proposed development will improve the existing retail facilities through a small increase in retail floor space and internal upgrading, ensuring the sustainability of the existing retail facilities on the site. The upgrading and increase of the residential component of the site will also serve to add to the sustainability of the local shopping center. Finally the proposed building envelope has been reduced so that the proposal will not result in unacceptable visual bulk, overshadowing or overlooking onto adjacent residential properties.</p>
Strategies:	
<p>Discourage uses that may adversely affect range of commercial services & residential opportunities.</p>	<p>Proposal provides for improved retail layout at ground floor level in addition to upgrading of the existing building to accommodate new residential development. The uses will have a positive impact on the vibrancy and viability of the existing shopping strip.</p>
<p>Discourage new development which may result in adverse amenity impacts from increased traffic & car parking demands.</p>	<p>Two car spaces are to be provided for each of the dwellings. As the retail is only being marginally increased in size, Council’s traffic and parking department have advised that there should be no additional requirement for parking spaces should be required for the shops.</p>

Retail centres policy (CI 22.02):	
General:	
<ul style="list-style-type: none"> • Attractive ground floor uses & frontages; • Development consistent with local character; • Discourage new bar or tavern except in association with existing food & drink premises located on the ground floor; • Discourage new industrial & warehouse except for Laundromat; • Allow dry cleaner if no impact on nearby residential amenity; • New eating premises to comply with PPP's, • If potential increase in parking demand, through traffic or the dispensation sought, a parking analysis is to be provided; • Discourage expansion of centers into residential areas; • Minimise adverse impacts on adjacent residential areas including car parking. 	<p>The presentation of the proposal to the Ormond Road streetscape at ground floor level is to remain substantially unchanged apart from some upgrading and the provision of a reinstated shopfront to match existing detailing. This is a welcomed inclusion of the proposal.</p> <p>No change of use is proposed to the shop and it is anticipated that it will continue to be used for retail / office purposes.</p>
Elwood Junction, Elwood Village, Ripponlea & Tennyson Street:	
Continue offering balanced range of retail, services & some eating premises.	<p>N/A</p> <p>The application does not relate to a change of use to the existing tenancies.</p>
Activities:	N/A.
<ul style="list-style-type: none"> • Continue as key community hubs; • New restaurants in Elwood Junction & Ripponlea where adequate on site car parking can be provided & use complements centres primary retail role; • Discourage new restaurants in Elwood Village & Tennyson Street unless requisite amount of car parking provided on site. 	<p>Development does not provide for a change of use to restaurant / tavern or food and drink premises.</p>
Character:	
<ul style="list-style-type: none"> • Respect Federation & inter -war two storey scale except for Tennyson street which has a single storey character; • Zero frontage setbacks. 	<p>The Ormond Road façade of the existing building is to remain substantially unchanged with buildings and works at the third level set back from the facade to limit impact upon the heritage qualities of the building. Council's Heritage Advisor has made comments on the proposal and has made some recommendations to the urban design of the building to</p>

	<p>better respond to the significance of the existing heritage building.</p> <p>The proposal will raise the overall height of the building from a two storey profile to a three storey profile. However the new element will only project 1.7 metres above the Ormond Road parapet and has been designed with sunken floors to minimize any impact of the third level. It is also noted that the building height is only 8.650 metres.</p> <p>The proposal has a zero frontage setback.</p>
<p>6.1. <i>Urban Design (MSS CI 21.05-4):</i></p>	
<p>Objectives:</p>	
<p>Provide net improvement in the public realm & minimise impacts such as overshadowing, wind tunneling & appearance.</p>	<p>The proposed development will cast only a minor shadow onto adjacent residential areas, with a small shadow being cast onto the side wall of 4 Byrne Avenue during the morning hours only. No shadowing will fall into the principle open space areas of this property</p>
<p>Development to be high quality, enhance streetscape amenity, neighborhood character & minimize detrimental impact on neighboring properties.</p>	<p>Proposed development will result in the upgrade to the existing façade. The quality of architecture is considered to be quite good, with well considered features incorporated. To reduce overall bulk and mass, parts of the building are “sunk” to ensure only small elements project over existing parapets will be visible from Ormond Road.</p> <p>Neighboring properties will not be unreasonably affected by the proposal with no overlooking or significant overshadowing resulting from the proposal.</p> <p>The development’s impact upon neighborhood character is dealt with in greater detail later in this report.</p>

<p>Consistent with Design and Development Overlay requirements.</p>	<p>N/A</p> <p>No Design & Development Controls applicable.</p>
<p>Encourage gradual stepping up of built form at interface of existing low rise & proposed higher rise development.</p>	<p>Achieved</p> <p>Proposed development provides an articulated building form, with upper levels recessed and separated from each other providing a visually interesting building form when viewed from the street frontage and from side elevations.</p> <p>The new elements of the building will be clearly distinct from the older elements, and when viewed from Byrne Street this element will be “tucked away” behind the parapet line (through incorporating setbacks, and sinking of floor levels), rendering them less obvious and obtrusive in the streetscape.</p> <p>The most sensitive interface is the relationship that the subject site has with the residential dwellings along Byrne Street. To provide a transition in height from the traditional built form of commercial development to the single storey nature of residential buildings, the applicant has provided amended plans which have provided a setback of the third level of 6.6 metres from the southern boundary.</p> <p>The distance of this third level is further separated from the residential buildings by a 3 metre wide laneway. This results in a separation of the proposed third level to 9.6 meters from 4 Byrne Avenue.</p> <p>A separation of 9.6 meters provides a clear break between the highest and more modern element of the proposal and the heritage and</p>

	<p>residential qualities of this dwelling.</p> <p>To assist in understanding the distance between the third level and the adjoining residential dwelling, the separation will be approximately three metres less than the entire frontage width of 4 Byrne Avenue.</p> <p>It is considered that this separation is sufficient and appropriate, particularly in a location where a commercial zone interfaces with a residential zone.</p>
Encourage energy efficiency.	A condition is recommended for the provision of environmentally sustainable building elements.
Sensitively site solar panels, satellite dishes, air conditioning units & other building equipment.	A condition is recommended to require the location of building service equipment to be located to the satisfaction of the responsible authority.
Sensitively site plumbing & servicing equipment.	A condition is recommended to require the location of building service equipment to be located to the satisfaction of the responsible authority.
Strategies:	
Urban Design Policy (CI 22.06):	
<p>Positively respond to neighborhood context: Performance measure 1: Application accompanied by Site Analysis & Descriptive Statement that:</p> <ul style="list-style-type: none"> • Records character elements; • Identifies Planning Scheme requirements; • Analyses opportunities & constraints; • Evaluates data which influences design; • Includes three-dimensional potential building envelope. 	All relevant information was provided.
Protect & enhance public realm.	Proposed development involves the upgrade of a contributory building within a Heritage Overlay. The public realm is protected by way of appropriate massing of the third element on the site, so that it is setback from both the front and the rear boundaries.

<p>For major new development: create or emphasize landmarks, views & vistas by carefully responding to site's context.</p>	<p>N/A</p>
<p>Building frontage design at footpath level to offer visual interest, surveillance, interaction, safety, shelter & convenience. Performance Measure 3:</p> <ul style="list-style-type: none"> • Not to exceed three story next to public space, including a footpath (except as specified in a Design & Development Overlay); • Higher elements set back beyond three story; • Respects front adjacent building setbacks & reinforce neighborhood character; • Design does not dominate public spaces; • Minimize overshadowing & wind tunneling. 	<p>Proposal does not exceed three storeys, respects the adjacent building setbacks, and retains neighborhood character via the retention of the existing shop front.</p> <p>As mentioned earlier, the setback to Ormond Road will not change, and the setback of the third level at 6.6 metres to the laneway is appropriate in the context of the commercial / residential interface.</p>
<p>Discourage blank walls & car park vents onto pedestrian spaces.</p>	<p>N/A</p> <p>At ground floor level along the Byrne Street elevation (side elevation) the applicant has suggested the use of timber slats for the pedestrian gates and horizontal sliding garage doors.</p> <p>As existing conditions present a timber fence to the Byrne Street frontage, the new design will add visual interest and upgraded conditions which will add to and improve the streetscape. A new entrance within the existing building profile will add further interest to this elevation.</p> <p>The design meets this design objective by removing blank walls to this elevation and adding a combination of materials and contrasting forms to add visual interest.</p>
<p>Large sites are to allow pedestrian permeability.</p>	<p>N/A</p>
<p>Maximize access to sunlight from key public spaces: Performance Measure 4: New development not to further overshadow parkland between 10 am & 4 pm on 22 June (except as specified in a Design Design Overlay).</p>	<p>N/A</p> <p>The proposal is not located adjacent to key public spaces.</p>
<p>Encourage energy efficiency including techniques.</p>	<p>Conditions relating to energy efficient are recommended.</p>

<p>Encourage architectural quality to:</p> <ul style="list-style-type: none"> • Express urban grain & subdivision pattern; • Provide facade articulation; • Avoid poor design & inappropriately located reproduction architecture; • Integrate elevations, roof forms & facade treatments; • Define corners at major intersections; • Detail side walls to provide interest & reduce visual impacts of blank walls; • Use robust & high quality materials. 	<p>The architecture of the proposal is considered to be responsible to the heritage qualities of the building through the incorporation of sympathetic design features. The use of domestic materials such as timber slats and expansive glass will soften the impact of the additions and render them less obtrusive in the streetscape. The visible western elevation has been improved through the incorporation of window forms in a style the responds to the heritage qualities of the building. The articulation of the eastern and southern elevations will reduce the impact of bulk.</p> <p>The new modern addition will not overwhelm the heritage qualities of the building and the ground floor Byrne Street elevation will be improved over existing conditions with the incorporation of a new opening, and timber slats to shield the car parking and amenities areas.</p>
<p>Building facades to allow for external lighting, mechanical equipment & signage.</p>	<p>N/A Building facade to remain unchanged apart from restoration works to the shop front.</p>
<p>Retain existing trees & landscape elements.</p>	<p>N/A No significant vegetation on the site.</p>
<p>Encourage landscaping to setbacks, open space & outdoor car parking areas.</p>	<p>N/A No landscaping is proposed however a condition is recommended to provide planter boxes to the second and third floor southern boundaries to soften the impact of the built form from the adjoining residential properties.</p>
<p>Contribution to street/public landscaping where appropriate.</p>	<p>N/A</p>
<p>Reduce private open space only where it can be demonstrated that communal open space provided better serves residents needs.</p>	<p>N/A</p>
<p>Fences to be compatible, relate to building's architectural style, open space areas, character & amenity of surrounding area.</p>	<p>The proposal will replace a pailing fence with vertical timber slats along the Byrne Street frontage. This is an improvement in the overall presentation to the street.</p>
<p>Discourage front & side fences on St Kilda Road.</p>	<p>N/A</p>
<p>Daylight & sunlight into open spaces & onto main</p>	<p>The new dwellings will all receive</p>

<p>living rooms of new & neighboring development. Performance Measure 5:</p> <ul style="list-style-type: none"> • Habitable rooms receive sufficient daylight; • No significant loss of daylight to existing habitable rooms in nearby properties; • Main living room windows on existing or nearby residential properties not significantly overshadowed; • Private or communal open space able to receive 4 hours of sunshine between 9am & 3 pm on 22 September. 	<p>sufficient daylight with north and east facing windows incorporated into the design. Due to the pattern of subdivision the new design and the orientation of the site there will be no significantly increase in shadowing onto adjacent properties. Specifically, only a very small amount of shadow will be cast onto 4 Byrne Avenue during the morning hours, mostly affecting a side wall. One front window will be affected at 9.00 am but this shadow will be completely reduced by 11.00 am.</p>
<p>New open spaces to take advantage of solar access, are reasonably private & of sufficient size: Performance Measure 6:</p> <ul style="list-style-type: none"> • Open space is adequate in area & able to be used; • Accessed from main living room; • Respects privacy of surrounding dwelling's private open space; • Balconies/terraces are: <ul style="list-style-type: none"> a) Within site boundary or no more that 500 mm beyond property line; b) No more than 2.5m wide if cantilevered; c) Provide legal clearance for vehicles; d) Add visual interest; e) Min area of 8m² & width of 1.6m. 	<p>Proposed open space for residential development is adequate in size and location. See Good Design Guide Assessment below. All balconies / terrace areas are provided within the site boundaries.</p>
<p>Limit views into neighboring private open space & habitable rooms, protect occupants from external noise & contain noise sources: Performance Measure 7:</p> <ul style="list-style-type: none"> • Neighboring residential properties' private open space & habitable rooms protected from significant additional direct overlooking by siting, setbacks, building articulation & screening; • Minimise noise transmission between buildings & floor levels; • If close to noise sources, dwellings are designed accordingly & use noise shielding techniques; • Noise sources from new development minimised & consistent with EPA standards. 	<p>Only dwelling three (the southern most dwelling) faces an adjoining residential dwelling. Views will be available into the front garden of 4 Byrne Avenue. To negate direct views, translucent glass panels shall be incorporated to unit three southern elevations in accordance with plans dated 8th April 2002.</p> <p>At first floor level, appropriate screening shall be provided to a height of 1.8 metres. A condition is recommended which requires the applicant to demonstrate the extent of screening necessary to this elevation at first floor level to ensure direct views into the front open space and windows of 4 Byrne Avenue are negated.</p>

	The building mass is appropriately articulated to avoid visual bulk and sufficiently separated to limit impacts from increased noise generated by the property.
Buildings have safe, manageable & convenient access.	Access to the site is via a relocated crossover from Byrne Avenue. This new crossover will be 3.00 meters wide. No objection to the new access arrangement have been raised by Standard Roads or Council's traffic and parking department. Pedestrian entrance to the new dwellings is via a new entrance to the existing building leading to a foyer and stair area. This new entrance will also allow for access to both shops.
Pedestrian accessways within the development are safe, attractive & convenient to use.	A separate pedestrian entrance is provided, which should be provided with security facilities.
Bicycle storage facilities close to vehicle access or entries.	A bicycle and scooter storage facilities are available at the rear of the site.
Vehicle access point from single crossover, or if appropriate existing crossover & enable vehicles to move safely & efficiently between development & street network.	A single vehicle access point is proposed.
Loading facilities on site & do not cause detriment to pedestrian amenity or traffic movement: Performance Measure 9: Loading facilities: <ul style="list-style-type: none"> • Allow loading & unloading without disruption to pedestrian or traffic flow; • Not require vehicles to reverse off-site; • Located at building rear in area of low pedestrian activity & screened; • Screened from street when not in use; • Designed to allow loading/unloading to occur wholly within site boundaries. 	No loading facilities are provided.

<p>Site facilities provide for efficient maintenance & management, meet occupants' needs, are attractively designed & easily maintained: Performance Measure 10: Garbage, recycling bin enclosures & collection points should be:</p> <ul style="list-style-type: none"> • Located within the building where possible; • Adequate in size & screened; • Conveniently accessible & away from residential uses; • Designed not to detract from character & amenity of streetscape. 	<p>All appropriate amenities are provided for including garbage bin enclosures, mailboxes, and storage facilities. Storage and garbage bin enclosures will be located within the parking areas, and will not be visible from the street frontage.</p> <p>Mailboxes are located within the pedestrian entrance area.</p>
<p>Well lit main building entries, pedestrian areas & car parks that do not detract from surrounding properties' amenity.</p>	<p>Achieved</p>
<p>Mailboxes well designed, conveniently accessible & satisfy Aust Post requirements.</p>	<p>Achieved</p>

7. GOOD DESIGN GUIDE ASSESSMENT

7.1. As the application was lodged prior to August 23rd 2001, the Good Design Guide (GDG) is the relevant document for assessing multi unit development.

ELEMENT/CRITERIA (summary)	TECHNIQUES	OFFICER COMMENTS
<p>Element 1 - Density</p> <ul style="list-style-type: none"> · Support urban consolidation. · Increase diversity. · Increase yield through high design standards minimising off-site impacts. (Density will be determined by excellent design). · To support higher densities on larger sites and encourage consolidation of sites. · limit development where site constraints exist. 	<p><i>GDG Supplement requires 1:170 sq.m.</i></p>	<p>Site area = 254.2 sq.m Proposed Density: :84 sq.m</p> <p>While the proposal does not achieve compliance with the density requirements, given the commercial zoning of the land and proximity to surrounding retail, services and facilities it is considered that a variation of the density requirements is reasonable.</p> <p>Moreover, the site provides sufficient car parking for each dwelling and private open space areas in excess of the requirements indicating that the dwellings can be self-sufficient.</p>
<p>Element 2 - Infrastructure</p> <p>Criteria:</p> <ul style="list-style-type: none"> · Limit impact in flood prone areas (use infiltration and stormwater mitigation and limit site cover. 	<p>None</p>	<p>No objection to the proposal has been raised by Council in regards to the impact of the proposal on infrastructure. The site is not located within a Special Building Overlay.</p>

ELEMENT/CRITERIA (summary)	TECHNIQUES	OFFICER COMMENTS
<p>Element 3 - Neighbourhood Character</p> <ul style="list-style-type: none"> · Achieve development respectful of its neighbourhood (look for predominant characteristics of neighbourhood character/built form). · Encourage innovative contemporary designs which make a positive contribution to the character of the neighbourhood. · Incorporate trees. · Graduated building height change. · Retain historic buildings 	<p>None</p>	<p>The character of the area is mixed in nature typical of areas where commercial and residential intersect. The commercial development in the area is typically two-storey development with many building's expressing heritage qualities. These buildings extend along both sides of Ormond Road. The St. Bedes Learning Centre located opposite the site presents a large two storey form to the Byrne Avenue frontage. Byrne Avenue itself is a residential street comprising large setbacks, generally large sing dwellings on the site with occasional three storey apartment buildings punctuated in the streetscape.</p> <p>The proposed three-storey building is generally consistent with the overall bulk and scale of development within the area as indicated by Council's Heritage Advisor; this includes the generally large form of single dwellings, commercial buildings and large apartment blocks.</p> <p>Most concerns by objectors related to the impact of the third storey where it interfaces with the residential area. Amended plans show a setback of 6.6 metres from the southern boundary of the site and with the additional separation of the 3 metre wide laneway , the development will be setback 9.6 metres from the closest residential property at number 4 Byrne Avenue. This will ensure that the residential character of Byrne Street will not be overwealmed by the third storey element of the proposal.</p> <p>Finally, it is also noted that the existing plane trees do provide some additional shielding to the existing building, and this will assist in screening some of the bulk resulting from the new development.</p>
<p>Element 4 - Site Layout and Landscaping</p> <ul style="list-style-type: none"> · To provide appropriate landscaping, front fence height, accessway design and garage location. · Safe, attractive and secure layouts. 	<p>None</p>	<p>The proposed development will be constructed so that there is no opportunity for landscaping at ground level. This is generally acceptable of a development within a commercial zone.</p> <p>However, to soften the appearance of the building from the residential interface it is recommended that planter boxes be incorporated into the southern portion of the building second and third floor levels to assist in softening this aspect from the streetscape.</p>

ELEMENT/CRITERIA (summary)	TECHNIQUES	OFFICER COMMENTS
Element 5 - Energy Efficiency · North orientation, shared walls and floors, energy efficient design.	No	Due to site constraints of the existing building, energy efficient of the new design is limited. Nonetheless, the building has incorporated east facing windows for the lounge and facility areas with northern aspects into unit one. The use of shared walls and floor also adds to the efficiency of the development.

ELEMENT/CRITERIA (summary)	TECHNIQUES	OFFICER COMMENTS
<p>Element 6 - Building Envelope</p> <ul style="list-style-type: none"> · Ensure setbacks from boundaries, height and length of walls, site coverage and visual bulk, are acceptable in the neighbourhood setting. · Allow adequate daylight into the habitable rooms of new and neighbouring dwellings. · Allow sunlight into the secluded private open spaces and onto the windows of main living rooms of new and neighbouring dwellings. 	<p>Formulas on:</p> <p>Setbacks, Length of walls on boundaries, Height and daylight/visual bulk, sunlight to private open space.</p>	<p>As the proposed development is located within a commercial zone, it is generally accepted that front, side and rear setbacks of buildings are generally more hard edged that what would be appropriate in a normal residential setting.</p> <p>Notwithstanding, it is relevant to assess the building envelope standards as set out in the GDG for the aspect of the building where it interfaces with the residential zone.</p> <p>In this instance, the southern boundary at a height of 5.8 metres (to the second floor) should have a setback of 1.66 metres. The proposal is setback 1.5 metre for a distance of 5.5 metres. It is considered that this is appropriate variation given the site's commercial zoning, and the additional separation of the site from the residential properties by way of the existing 3 metre wide laneway.</p> <p>The third storey at a height of 8.650 metres should have a setback of 3.9 metres. The proposal has a setback of 6.6 metres in addition to the 3 metre wide laneway ensuring that the setbacks of the third level of the building are well in excess of what would be expected in a normal residential precinct.</p> <p>It is noted that front setbacks will not be altered and the second and third storeys will be constructed fully to the western boundary generally consistent with commercial development in the area.</p> <p>The location of the presentation of the building heights along the Byrne Street frontage is acceptable on the grounds that the objectives of this technique are achieved. These objectives include ensuring that the setbacks of a building must be acceptable in the neighborhood setting, that the building profile suits the efficient use of the site and that building should not significantly overshadow or overlook residential properties. It is considered that given the scale of buildings in the area the building profile is acceptable in the setting and that only 1.7 metre will be visible above the height of the existing parapet.</p> <p>Given the massing of the proposal, the new building profile will not result in any significant loss of sunlight or daylight.</p>

AGENDA - ORDINARY MEETING OF COUNCIL - 27 MAY 2002

ELEMENT/CRITERIA (summary)	TECHNIQUES	OFFICER COMMENTS
<p>Element 7 - Visual and Acoustic Privacy</p> <ul style="list-style-type: none"> · Protect residents from overlooking and noise. 	<p>Separation between windows, screening</p>	<p>Overlooking from the adjoining residential buildings will be managed by way of the use of appropriate screening to a height of 1.7 metre high screening devices at the southern boundary.</p> <p>In addition it is noted that due to the setback of 4 Byrne Avenue at 5.7 metres and the orientation and interface of the site with the subject land, the majority of the proposed building bulk will only interface with the front setback area of 4 Byrne Avenue. Refer to the Site Analysis. To this end, overlooking from the proposed subject land will be focused into the front setback. However to ensure that this aspect is protected, It is recommended that a condition should be provided on permit to ensure that the screening is provided to the satisfaction of the Responsible Authority. This screening should be in accordance with the Element 7 of the Good Design Guide.</p>
<p>Element 8 - Car Parking and Access</p> <ul style="list-style-type: none"> · Provide adequate and convenient parking and convenient access according to need. · Avoid creating parking and traffic. · Garages not to dominate 	<p>Car parking ratios (1:1 bed unit, 1.5: 2+ bed unit, 1:5 units for visitors),</p> <p>access widths, car parking dimensions,</p> <p>Location of access, garages.</p>	<p>A total of six car parking spaces are to be provided for the three dwellings. This is consistent with the requirements of Good Design Guide, which require 4.5 parking spaces.</p> <p>Dimensions shown on the plans indicated that the car parking spaces are of adequate width and length and have appropriate turning circles, which would allow for cars to enter and exit in a forward direction.</p> <p>A full review of the parking availability is discussed in the body of this report.</p>
<p>Element 9 - Private and Communal Open Space</p> <ul style="list-style-type: none"> · Provide sufficient private open space with access to sunlight and well integrated with living areas. · Well designed communal open space. 	<p>8 sq.m. balconies, or</p> <p>40 sq.m. courtyards (25 sq.m. in one area with 3m width).</p>	<p>The proposal provides for open space in the form of decked areas. This includes more than 8 sq.m for each dwelling which is accessed from living areas.</p> <p>Additional off-site recreational open space is available along the Foreshore located 330 metres south of the application site. Given the type of accommodation proposed, (ie 2 bedroom - shop top housing, where stairs must be used to access the dwellings), this distance is not considered unreasonable.</p>
<p>Element 10 - Site Facilities</p> <ul style="list-style-type: none"> · Provide garbage areas, letterboxes, storage areas etc. 	<p>None</p>	<p>All provided.</p>

ELEMENT/CRITERIA (summary)	TECHNIQUES	OFFICER COMMENTS
Element 11 - Dwelling Entry and Interior · Create sense of identity, personal security for residents and adaptable layouts.	None	Satisfactory. See Local policy review for discussion on this issue.

8. INTERNAL CONSULTATION

8.1. The application was referred to a number of internal departments for comment regarding specific aspects of the proposal, the following provides a summary of the comments received.

8.2. Traffic

8.2.1. Comments from Council's Traffic and Parking department are as follows:

8.2.2. *On-street parking is highly utilized (at a rate of 75-95%) during the usual business and shopping hours of 9 am – 6.00 pm, Monday to Friday. The proposal currently has at least one off-street car space and a crossover associate with it. As the proposal works involves more than 20% of the site, it should be considered as a full redevelopment and credits from the previous use should not apply.*

8.2.3. *As such, 8 car spaces per 100 sq.m of the floor area for the shops and 1.5 car spaces per dwelling would be required, resulting in a requirement for 10 car parking spaces.*

8.2.4. *However as the shops are existing (with one off-street space), the floor area is proposed to remain almost unchanged it is seen reasonable to use the following rates:*

- Shops : to accept existing state = 1 space*
- Residential: GDG requirement 1.5 per dwelling = 4.5 spaces*
- Total required = 5.5*
- Total provided = 6*

Car Parking Layout

8.2.5. *Considering the site's constraints, the proposed car parking layout having a wide aisle of 6.3 metres (standard is 6.4 m) is tight but workable.*

8.2.6. *There is not expected to be a loss of on street parking as the existing cross-over will be removed and a new one installed.*

8.2.7. *There is a mature tree near the proposed location of the crossover. Also Gates shown to open out in the laneway should open in.*

8.2.8. *In conclusion the proposal is seen as an improvement of the existing conditions.*

8.3. Standard Roads

- 8.3.1. *The proposal to construct a new crossover in Byrne Street to the right of the existing street tree appears to be acceptable provided a minimum clearance of 2 metres is maintained from the existing street tree. The redundant crossover towards the rear of the property must be removed and the area reinstated to Council's satisfaction.*
- 8.3.2. *Considering that the proposal is removing one on street car space and gaining six spaces within the property I can not see a problem with the application.*
- 8.3.3. *Please advise the applicant that prior to the construction or removal of any crossovers a vehicle-crossing permit must be obtained from standard roads.*

8.4. Heritage/Demolition Issues

The application was referred to Council's Heritage Advisor on three separate occasions. Comments received to the original advertised plans are as follows:

8.4.1. General

In the context of the area, this reasonably respects the existing heritage building on the site by maintaining its external format but in the framework of the existing development is of notably greater bulk, external dimensions and height, which while generally unremarkable in along the Byrne Avenue, due to the upper floor setbacks, becomes notably oppressive at the rear of the site in relation to the dwelling across the lane where the balustrades of the upper decks will be to be raised to give privacy protection on the lane side. Some address of the bulk at the site is necessary.

In response to the plans, which are the subject to this application, the revised comments were made and are as follows.

8.4.2. General

Contextually, the development is part of the commercial area of the village in spite of it being visible mainly from the side street. It is in fact an extension of the relatively large scale of the buildings that surround the focal intersection of Glenhuntly, Ormond and Broadway, both new and old.

Up to the lane on Byrne Avenue the character of mixed commercial development is appropriate. It is of the same nature as other buildings in the area including the corner (The Alderley) and the one immediately opposite the end of Byrne. The character also changes across Byrne with the church and then residential only until the next group of shops.

In terms of streetscape scale, it fits the area generally in principle at least. With regard to Byrne Ave, there is a significant group of Interwar apartments of similar scale at Nos 3 –9, so in fact the scale is not particularly foreign to the street itself. Detailed issues are dealt with later.

8.4.3. Siting/setbacks

In heritage terms, it is quite appropriate in a general sense that 1.5 or 2 storey buildings appear on laneways. It's quite OK for a development to follow the side street boundary, in the case of an extension. Re the upper floor, it's unlikely to be visible to the casual view from the front although I would prefer it set back further if possible.

8.4.4. Height/policy issues

The heritage policy doesn't really apply to such applications in relation to height, except in general terms. In this case, the height is dealt with to some extent by setting back the upper floor.

8.4.5. Bulk/massing/built form

See the above. The setback of the upper level on Byrne needs to be enhanced. This will involve removal of the roof overhang (probably not that essential given its orientation). Interestingly, the concrete columns shown in front of the leading edge of the roof do not appear on the plan, but they are not acceptable for the same reasons, ie, intrusive into the setback. Everything needs to be done to minimize the impact of the top floor. (Note revised drawings of the 8th April 2002 have been provided which have reduced this overhang and concrete columns have also been deleted)

*In many respects the aspect of most concern is for the adjacent site (**24 Ormond Road**) and the prospect of a high blank boundary wall of great length being visible in a suburban context in which such features are not contextual. It's interesting that the plans show nothing of this clearly negative aspect of the scheme. They seem to have been totally focused on the street frontage. (Note: revised drawings dated the 8th April 2002 have addressed this elevation, through the incorporation of new windows openings to the satisfaction of Council's Heritage Advisor).*

8.4.6. Style / Design elements / Heritage integrity

Architecturally, the scheme retains an uncompromising modernity and this is OK particularly as it is devised through the mainly glass façade to be recessive.

This becomes a bit of a pastiche with changes of materials and introduction of arbitrary geometry, eg, turning down the fascia on the back wall. Any permit should include a condition requiring resolution of the exterior detailed design to the satisfaction of the Responsible Authority.

8.4.7. Fence

The back wall needs to be in brick.

9. DISCUSSION OF KEY ISSUES

- 9.1. The proposed alterations and additions will only increase the yield of the land by one additional dwelling. The existing two dwellings on the site will be demolished and allow for the increase in the floor area to provide larger apartments. Each new dwelling will be provided with two bedrooms and the floor space of the existing shops will be marginally increased.
- 9.2. The main issues surrounding the application relate to the increase in the building bulk on the site, the modifications to the heritage building and the car parking associated within the development.
- 9.3. As discussed in the body of this report the third level has been revised so that it is located 6.6 metres from the southern boundary and 9.6 metres from the closest residential building. This setback more than adequately meets the setback tests that apply under the Good Design Guide and given the commercial zoning of the land the setback provides sufficient separation so that the bulk of the building is located away from the single storey dwelling and steps down to the residential areas along Byrne Avenue.
- 9.4. Due to the massing of this third level the new development will result in only marginal overshadowing to 4 Byrne Avenue in the morning hours only, and adequate screening can be provided along this elevation to ensure that no views into the front garden of this property will be available.
- 9.5. As indicated by Council's Heritage Advisor in the context of the streetscape the proposed mass and bulk of the existing new building will not be out of place. The site is located close to other similarly scaled buildings including the corner site (The Alderley) and the development immediately opposite the end of Byrne Street.
- 9.6. In terms of streetscape scale, the development will fit the area generally in principle. With regard to Byrne Ave, there is a significant group of Interwar apartments of similar scale at Nos 3 –9, so the scale will not be particularly foreign to the street itself.
- 9.7. Council's traffic department have indicated that the new proposal will result in an improved site conditions, with six car parking spaces being available to the site in comparison to existing conditions.
- 9.8. The ground floor Byrne Street presentation will be an improvement on existing conditions, with new timber slats and door openings, replacing an older piling fence and roller garage door. The Ormond Road façade will be upgraded and re-instated, and the third floor will only project 1.7 meters above the existing parapet. The use of domestic materials for the additions will ensure that the upper levels will be recessive and not overwhelm the existing site conditions or the adjoining residential properties.
- 9.9. On balance, the proposal adequately responds to the site constraints and is an appropriate location for shop top development.

10. COVENANT

- 10.1. There are no restrictive covenants that would limit the development on the site.

11. OPTIONS

11.1. Approve as recommended

11.2. Approve with changed conditions

11.3. Refuse - on key issues

11.3.1. Neighborhood Character

11.3.2. Building Bulk .

11.3.3. Impact upon amenity of adjoining dwellings

11.3.4. Car parking and impact.

12. CONCLUSION

- 12.1. A review of the proposal has highlighted that the application demonstrates a general compliance with local and state policy and the Good Design Guide. No objection to the proposal has been raised by Council's Standard Roads Departments, and Councils Heritage advisor has indicated support of the development. A response from Councils Traffic department has indicated that the new arrangement should not have any increased impact upon existing parking conditions in the street. For these reasons and those discussed in the body of this report it is considered that the new development will not have any detrimental impact upon adjoining residential properties and it worth of support.

13. RECOMMENDATION

- 13.1. That the Council, being the Responsible Authority, having caused the application to be advertised and having received and noted sixteen objections, is of the opinion that the granting of a Planning Permit for the proposed development will not cause material detriment to any persons other than the applicant.
- 13.2. That the Council issue a Notice of Decision to Grant a Permit under the provisions of the Port Phillip Planning Scheme to including alterations and additions to the existing building to accommodate three dwellings at second and third level, relocation of a crossover to accommodate six car parking spaces on the land known as 26 Ormond Road.
- 13.3. That the Council issue a Notice of Decision to Grant a Permit on the following grounds:
- 13.3.1. 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 submitted to Council on the 8th of April 2002 but modified to show.
- a. The provision of planter boxes to the southern elevation and second and third floor levels. This shall not result in an increase of wall height to existing boundary walls.
 - b. Resolution of the treatment to the existing building to be finalized to the satisfaction of the Responsible Authority in consultation with Council's Heritage Advisor;
 - c. Screening devices to the southern elevation of dwelling three to negate views into 4 Byrne Avenue to be in accordance with Element 7 of the Good Design Guide.
 - d. Proposed crossover to be 2 metres from the existing street tree.
 - e. All existing street trees which may be impacted upon by construction works must be marked on a plan. This plan will be forwarded to Council's Street Tree Co-ordinator for comment prior to commencement of any works.
 - f. Location of building service and equipment.
- All to the satisfaction of the Responsible Authority.
- 13.3.2. The development and use as shown on the endorsed plans must not be altered with out the written consent of the Responsible Authority
- 13.3.3. Once the development and use has started it must be completed to the satisfaction of the responsible authority

- 13.3.4. Prior to the commencement of the development hereby permitted a schedule, and colored elevations that show all details of the external materials, finishes and colors (including color samples) shall be submitted to the satisfaction of the responsible authority. Once approved they will form part of the permit.
 - 13.3.5. Prior to the commencement of the development hereby permitted the applicant must demonstrate how environmentally-sustainable features (eg. Stormwater retention and use, solar collectors etc.) will be incorporated into the development, where possible, to the satisfaction of the Responsible Authority.
 - 13.3.6. No equipment (including, but not limited to, ducting and piping, air conditioned and heating units and satellite dish), services and architectural features other than those shown on the endorsed plan shall be permitted unless otherwise agreed to in written by the responsible authority.
 - 13.3.7. Parking areas / spaces and all access lanes must be kept available for those purposes at all times.
 - 13.3.8. Each dwelling must be provided with a minimum of one car parking spaces.
- 10.3.1 The Applicant/ Owner shall do the following things to the satisfaction of the responsible authority:
- (1) All new crossovers (and other associated works) shall be constructed at the cost of the of the applicant/owner, and shall be constructed to the satisfaction of the responsible authority
 - (2) The applicant/owner shall submit detailed plan of the relocated position of the new crossover, to the approval and satisfaction of the Responsible Authority
- 10.3.14 Prior to any works the written approval of the Council of other relevant authority for such alterations/ reinstatements (including the construction of new crossovers:
- (1) Complies with conditions (if any) required by the Council or other relevant authorities in respect of reinstatement.
- 10.3.15 This permit will expire if one of the following circumstances applies;
- (a) The development and use 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 of works.

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.

Permit Footnotes

- a) *The application / owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/ owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.*
- b) *Prior to the removal of the crossover a vehicle crossing permit must be obtained from Council's Standard Roads.*

**ORDINARY COUNCIL
27 MAY 2002**

ORDER OF THE DAY

ORDER 2	372 DANKS STREET, MIDDLE PARK
KEY RESULT AREA:	IMPROVING OUR BUILT ENVIRONMENT
ADDRESS:	372 Danks Street, Middle Park
PROPOSAL:	Alterations and additions to the existing dwelling including ground floor additions and first floor balcony.
WARD:	Albert Park
NEIGHBOURHOOD	Middle Park / Albert Park
TRIGGER FOR DETERMINATION BY	More than 10 objections
APPLICATION NO.:	0208/2002
APPLICANT:	Thomas Mantesso Allan Architects Pty Ltd
EXISTING USE:	Residential
ABUTTING USES:	Residential
ZONING:	Residential 1 Zone
OVERLAYS:	Heritage Overlay (HO3)
AMBIT OF DISCRETION:	Residential 1 Zone – Clause 32.01 Heritage Overlay (HO3) – Clause 43.01
PLANNING SCHEME PROVISIONS:	Municipal Strategic Statement – Clause 21.01 Port Phillip Heritage Policy – Clause 22.04 Residential Neighborhood Character Policy – Clause 22.01 Residential 1 Zone – Clause 32.01 Heritage Overlay (HO3) – Clause 43.01
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired
RESPONSIBLE MANAGER:	Bruce Phillips - Manager, Planning & Building Services (CoMPS)
AUTHOR:	Paul Little

1. EXECUTIVE SUMMARY

- 1.1. Consideration of the application was deferred from the Council meeting held on the 8 April 2002 so that a consultation meeting between the applicant, objectors and Council could be arranged to discuss issues relating to the likely amenity impacts of the proposed development on the adjoining property at 374 Danks Street, Middle Park.
- 1.2. This is a supplementary report to be read in conjunction with the report on the subject application previously to the Statutory Planning Committee of 8 April 2002.
- 1.3. As previously reported, the proposal involves the construction of ground floor alterations and additions at the rear of an existing dwelling including the provision of a pool and associated deck with ground floor extensions on the north and south boundaries and the construction of a first floor deck on the northern side of the existing first floor of the dwelling.
- 1.4. The applicant and objectors to the proposal were invited to attend a consultation meeting on 30 April 2002 attended by the applicant and subject property owner, objectors, the Ward Councilor and the Planning Officer. It is noted that as a result of this meeting a set of amended plans have been prepared by the applicant which are referred to in the amended officers recommendation. These plans lower the height of the proposed southern ground floor addition and as a consequence reduce the amount of glazing which would be visible to the neighbouring property. The officers recommendation includes a requirement that this design change be incorporated.

2. PROPOSAL

- 2.1. The application proposes the following:
 - Construction of a new first floor balcony on the north-west corner of the existing first floor addition.
 - Construction of a ground floor addition at the rear south east corner and on the west side of the existing ground floor.
 - Construction of a cellar beneath the existing dwelling.
 - Construction of an in ground swimming pool and associated deck at rear.
 - Screening to east boundary wall dividing the subject site from the property known as 374 Danks Street.
 - Sunshades over the rear garage parking area.

3. DISCUSSION

- 3.1. As previously reported, the application proposes works at the rear of the site including the construction of a small ground floor addition predominantly constructed from glass. It is also proposed to construct a lap pool and associated pool deck. It is noted that the subject dwelling is currently elevated from the natural ground level by 500mm and that the ground floor addition and the pool and associated deck are proposed to be constructed to the same level as the existing dwelling 500mm above the natural ground level.
- 3.2. The principle issues associated with the subject application relate to the possible amenity implications associated with the proposed alterations and additions. The amenity concerns relate specifically to issues of overlooking and overshadowing which arise due to the differences in levels between the subject property at 372 Danks Street and the adjoining property to the south east at 374 Danks Street.
- 3.3. These issues have been considered in detail and are interrelated.
- 3.4. Officers previously concluded that the proposal was suitable subject to the provision of screening to the existing boundary fence (as proposed by the applicant) as contained in the original recommendation to Council on 8 April 2002.
- 3.5. The key issues arising from the assessment of this application have not changed from those previously considered, however as a result of further discussions it is now considered a more appropriate arrangement that minor changes to the design occur to address the issues which arise rather than imposing screening requirements which may exacerbate existing conditions.
- 3.6. It is concluded that the location of the ground floor addition and pool deck as proposed would allow for additional overlooking of the adjoining property. The proposal to add screening to the existing boundary fence separating the two properties is one method to address overlooking of the adjoining property from the existing ground floor. However, the adjoining property owners at 374 Danks Street have raised concerns with the proposal to increase the height of the boundary fence, for reasons of increased overshadowing and visual bulk.
- 3.7. The key considerations of this proposal relate to finding a solution to ensure that the proposed additions at the rear do not result in unreasonable amenity implications for the adjoining property at 374 Danks Street. On this basis it is considered that whilst screening attached to the boundary fence of the property may be a reasonable solution in some circumstances, it is noted that increasing the existing 1.9m boundary fence height may have an amenity implication on the adjoining property in terms of visual bulk.

- 3.8. As a consequence officers have reviewed the previous recommendation and now propose a condition which requires that the proposed pool and deck be lowered to natural ground level. It is noted that the ground floor addition to the south east is proposed to be constructed upon an existing deck and that this deck as existing is 500mm above the natural ground level. This would ensure that there would not be overlooking as a result of the proposed works which is a major concern of the neighbouring objector.

4. CONCLUSION

- 4.1. This application proposes typical residential additions at the rear of an existing two storey dwelling which has a first floor addition that was constructed approximately 12 years ago. It is considered that subject to ensuring that resultant amenity issues are addressed that the proposal should be granted with a Notice of Decision to Grant a planning permit subject to conditions as outlined below.
- 4.2. The issues associated with this application relate to overlooking of the adjoining property at 374 Danks Street and the perceived visual bulk arising from the proposal to raise the height of the existing boundary fence. These issues when considered are interrelated.
- 4.3. Following the consultation process and discussions with objectors, officers have amended the previous recommendation to require deletion of proposed boundary screening in lieu of a requirements to reduce the height of the proposed pool and pool deck.

5. RECOMMENDATION

5.1. That the Council issue a Notice of Decision to Grant a Permit for alterations and additions to the existing dwelling including ground floor alterations and additions and a first floor balcony in accordance with the submitted plans and subject to the following conditions:

5.1.1. 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 drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with plans submitted with the application but modified to show:

- a) Deletion of screening and additional fence height to the south boundary fence.
- b) The pool and associated deck to be lowered to the existing natural ground level.
- c) The ground floor glass addition to be lowered in accordance with plans prepared by Thomas Mantesso Allan Architects Drawing TP_A05 (Revision C) dated February 2002 and TP_A06 (Revision D) dated March 2002.

5.1.2. External Finishes

Prior to the commencement of the buildings and works hereby permitted, a schedule of the materials, colours and finishes to be used in the external surfaces of the proposed building shall be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit. Such schedule shall be adhered to unless otherwise permitted in writing by the Responsible Authority.

5.1.3. Satisfactory Continuation

Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

5.1.4. No Equipment on Roof

No equipment, services and architectural features other than those shown on the endorsed plan shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

5.1.5. The proposed alterations to the existing building as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

5.1.6. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

- 5.1.7. 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.
 - (a) The development is not completed within 2 years of the date of commencement of works.

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

Notations:

Building Approval Required

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Due Care

The developer shall show due care in the development of the proposed extensions so as to ensure that no damage is incurred to any dwelling on the adjoining properties.

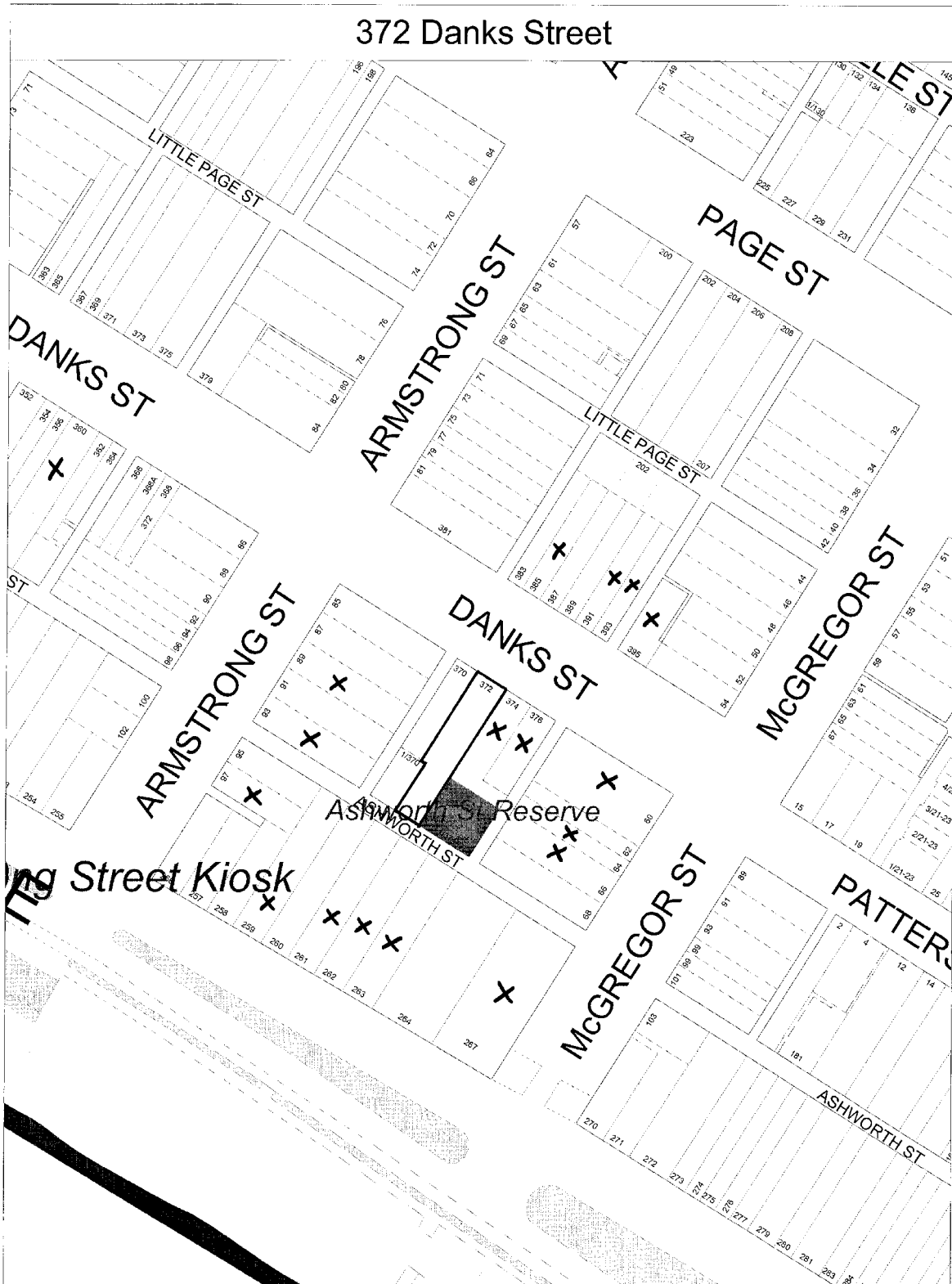
**STATUTORY PLANNING COMMITTEE
8 APRIL 2002**

**ATTACHMENT
ORIGINAL REPORT**

KEY RESULT AREA:	372 DANKS STREET, MIDDLE PARK IMPROVING OUR BUILT ENVIRONMENT
ADDRESS:	372 Danks Street, Middle Park
PROPOSAL:	Alterations and additions to the existing dwelling including ground floor additions and a first floor balcony.
WARD:	Albert Park
NEIGHBOURHOOD	Middle Park / Albert Park
TRIGGER FOR DETERMINATION BY	More than 10 objections
APPLICATION NO.:	0208/2002
APPLICANT:	Thomas Mantesso Allen Architects P/L
EXISTING USE:	Residential
ABUTTING USES:	Residential / Park Land
ZONING:	Residential 1 Zone
OVERLAYS:	HO3
AMBIT OF DISCRETION:	Residential 1 Zone - Clause 32.01 Heritage Overlay – Clause 43.01
PLANNING SCHEME PROVISIONS:	Municipal Strategic Statement - Clause 21.01 Port Phillip Heritage Policy – Clause 22.04 Residential Neighbourhood Character Policy – Clause 22.01 Residential 1 Zone – Clause 32.01 Heritage Overlay (HO3) – Clause 43.01
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	30 Days
RESPONSIBLE MANAGER:	Bruce Phillips - Manager, Planning & Building Services (CoMPS)
AUTHOR:	Paul Little

1. KEY ISSUES

- 1.1. Location of ground floor addition and pool deck at rear.
- 1.2. Location of proposed first floor balcony.
- 1.3. Overlooking of adjoining property at 374 Danks Street, Middle Park.



Subject Property **Objectors** **X** **Supporters**

SITE DESCRIPTION
SCALE 1:200

- 1 LESS THAN 250M TO HOBSONS BAY BEACH, 10M TO A BEACH PARK OUTDOOR GROUNDS AND INDOOR SPORTING FACILITIES, 30M TO RAIL AND BUS STATIONS, 10M TO PUBLIC TRANSPORT LIGHT TRAM AND VEHICLE TRAFFIC
- 2 WESTERLY SEA BREEZE AND PREDOMINANT WIND DIRECTION
- 3 FOGG ACCESS TO PROPERTY STREET CHARACTER IS MADE UP OF SINGLE AND TWO STOREY RESIDENTIAL BUILDINGS, 10M TO ALBERT PARK GARDEN SPACES REFER TO PHOTOGRAPHS X, B, C AND D
- 4 FINISHED OFF COMMUNITY PARK AND UP OF CHILDREN'S PLAY EQUIPMENT, BASKETBALL COURT AND SEATING CONSISTS A MIXTURE OF PAVED AND GRASSED AREAS
- 5 TWO LARGE WILLOW TREES SUBSTANTIALLY OVERSHADOW THE SOUTH-EAST CORNER OF THE WALL OF THE PARK IS BUILT ON THE 110 DANKS STREET IS A SINGLE STOREY RESIDENTIAL BUILDING BUILT ON THE NORTHERN BOUNDARY OF THE PROPERTY EXISTING VIEW FROM SECOND STOREY IS ON THE SOUTHERN ROOF COURTYARD WHICH IS MADE UP OF SMALL STORAGE SHEDS CONCRETE PAVED AREA AND LIGHT PLANTING
- 6 EXISTING CEDAR TREE APPROXIMATELY 10M HIGH WITH LEAN TOWARDS THE EAST ON DANKS STREET
- 7 EXISTING SECOND STOREY WITH VERG TO THE NORTH WEST AND SOUTH
- 8 OUTDOOR AREA APPROXIMATELY 50M ABOVE NATURAL GROUND VEGETABLE GARDEN AND LANDSCAPED AREA
- 9 OPEN BRICK PAVED AREA FOR CARS
- 10 OPEN BRICK PAVED COURTYARD HEAVILY VEGETATED WITH CREeping PLANTS
- 11 CREAM BRICK TWO COVERED GARAGE ENTRY FACING ASHWORTH STREET
- 12 TO BEACH APPROXIMATELY 200M
- 13 TO CENTRAL BUSINESS DISTRICT APPROXIMATELY 300M
- 14 TO ALBERT PARK SPORTING COMPLEX APPROXIMATELY 100M

LOOKING NORTH FROM DANKS STREET

LOOKING SOUTH FROM DANKS STREET

LOOKING EAST FROM ALBERT PARK STREET

LOOKING WEST FROM ALBERT PARK STREET

LOOKING EAST FROM MIDDLE PARK STREET

LOOKING WEST FROM MIDDLE PARK STREET

LOOKING EAST FROM MIDDLE PARK STREET

LOOKING WEST FROM MIDDLE PARK STREET

LOOKING EAST FROM MIDDLE PARK STREET

LOOKING WEST FROM MIDDLE PARK STREET

LOOKING EAST FROM MIDDLE PARK STREET

LOOKING WEST FROM MIDDLE PARK STREET

2 SITE DESCRIPTION PHOTOGRAPHS
SCALE 1:200

PLANNING PERMIT

RESIDENTIAL ALTERATIONS AND ADDITIONS FOR 372 DANKS STREET MIDDLE PARK 3206

NEIGHBOURHOOD CHARACTER AND SITE DESCRIPTION

DATE: FEBRUARY 2002
DRAWN BY: AS SHOWN
CHECKED BY: 01/04/2002/AVI
SCALE: 1:100
NO. 8

N.T.M. Architects

30 GARDNER STREET
SUNSHINE 3028
TEL: 9479 9999
FAX: 9479 9999

EXISTING GROUND FLOOR
SCALE 1:100

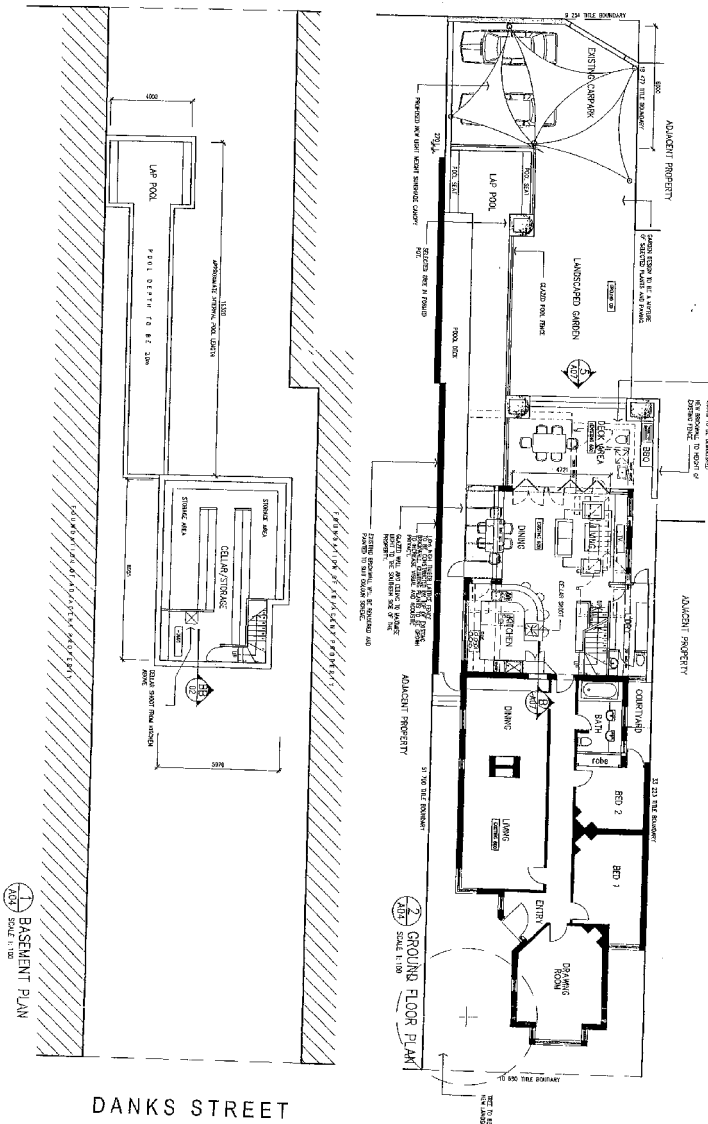
EXISTING FIRST FLOOR PLAN
SCALE 1:100

EXISTING ROOF PLAN
SCALE 1:100

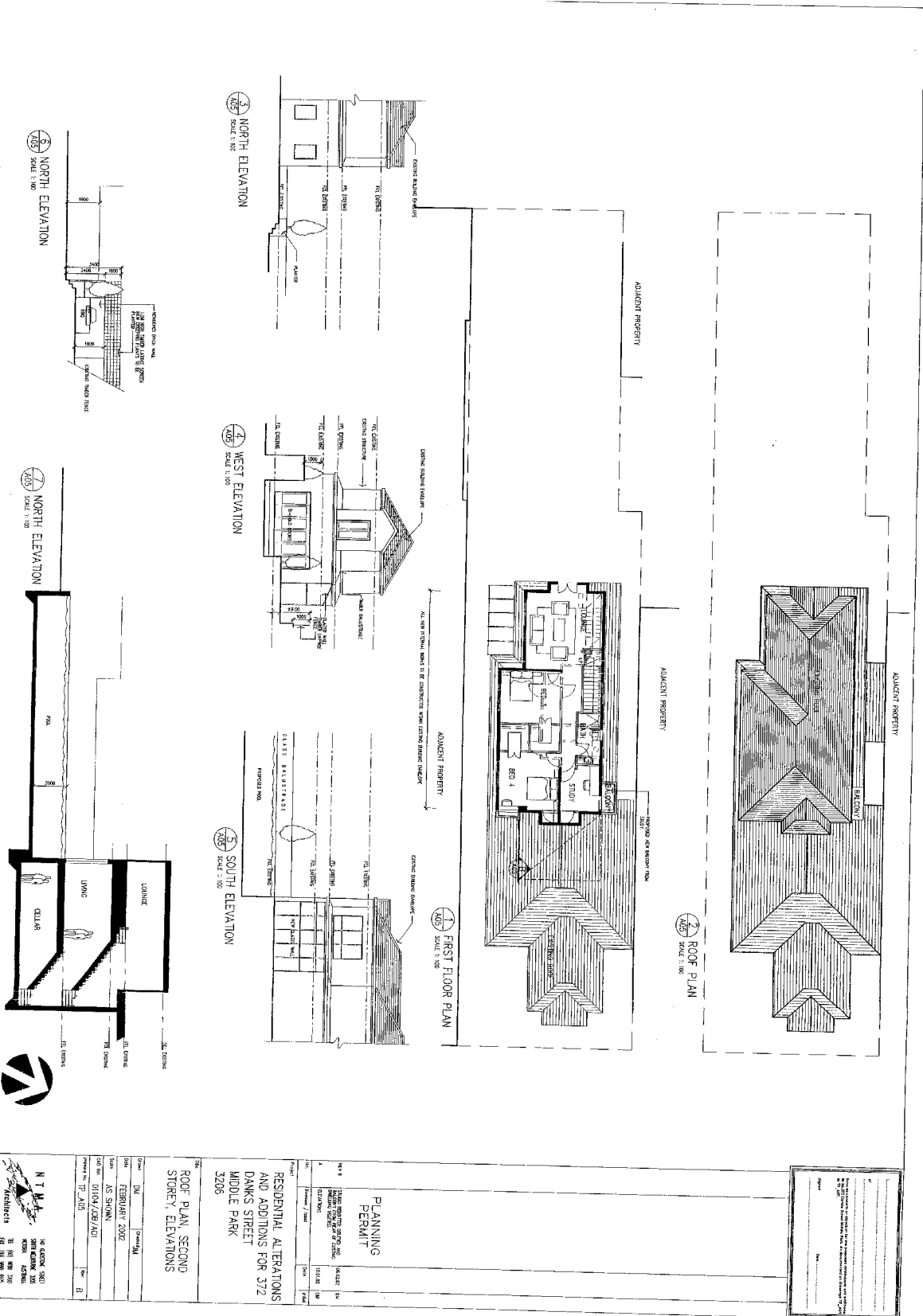
Project	RESIDENTIAL ALTERATIONS AND ADDITIONS FOR 372 DAKES STREET MIDDLE PARK 3206
Client	EXISTING CONDITIONS ROOF SECOND STOREY GROUND FLOOR PLAN
Drawn	AS SHOWN
Checked	AS SHOWN
Date	FEBRUARY 2002
Scale	AS SHOWN
Author	AS SHOWN
Project No.	3206
Sheet No.	12
Total Sheets	12
Scale	AS SHOWN
Author	AS SHOWN
Project	RESIDENTIAL ALTERATIONS AND ADDITIONS FOR 372 DAKES STREET MIDDLE PARK 3206
Client	EXISTING CONDITIONS ROOF SECOND STOREY GROUND FLOOR PLAN
Drawn	AS SHOWN
Checked	AS SHOWN
Date	FEBRUARY 2002
Scale	AS SHOWN
Author	AS SHOWN
Project No.	3206
Sheet No.	12
Total Sheets	12
Scale	AS SHOWN
Author	AS SHOWN

PLANNING PERMIT
 12/02/02
 12/02/02
 12/02/02

N T M ARCHITECTS
 14 MACKAY ROAD
 MIDDLE PARK
 MIDDLE PARK
 3206
 TEL: (08) 9386 3206
 FAX: (08) 9386 3206



<p>PLANNING PERMIT</p> <p>RESIDENTIAL ALTERATIONS AND ADDITIONS FOR 372 DANKS STREET MIDDLE PARK 3206</p>	
<p>Project: 0104/058/ADJ</p> <p>Client: AS SHOWN</p> <p>Scale: AS SHOWN</p> <p>Date: FEBRUARY 2002</p> <p>Author: DM</p> <p>Checked: AS</p> <p>Drawn: AS</p> <p>Revised: AS</p>	<p>Project: 0104/058/ADJ</p> <p>Client: AS SHOWN</p> <p>Scale: AS SHOWN</p> <p>Date: FEBRUARY 2002</p> <p>Author: DM</p> <p>Checked: AS</p> <p>Drawn: AS</p> <p>Revised: AS</p>
<p>Project: 0104/058/ADJ</p> <p>Client: AS SHOWN</p> <p>Scale: AS SHOWN</p> <p>Date: FEBRUARY 2002</p> <p>Author: DM</p> <p>Checked: AS</p> <p>Drawn: AS</p> <p>Revised: AS</p>	<p>Project: 0104/058/ADJ</p> <p>Client: AS SHOWN</p> <p>Scale: AS SHOWN</p> <p>Date: FEBRUARY 2002</p> <p>Author: DM</p> <p>Checked: AS</p> <p>Drawn: AS</p> <p>Revised: AS</p>



<p>PLANNING PERMIT</p> <p>RESIDENTIAL ALTERATIONS AND ADDITIONS FOR 372 DAWNS STREET MIDDLE PARK 3206</p>	
<p>DATE: 14 FEBRUARY 2002</p> <p>SCALE: 1:100</p>	<p>PROJECT NO: 01/04/038/AD1</p> <p>DATE: 14 FEBRUARY 2002</p>
<p>PROJECT NO: 01/04/038/AD1</p> <p>DATE: 14 FEBRUARY 2002</p>	<p>PROJECT NO: 01/04/038/AD1</p> <p>DATE: 14 FEBRUARY 2002</p>

N.T.M. ARCHITECTS
 16 GARDEN STREET
 SOUTH BRISBANE QLD 4008
 PH: 07 554 1111
 FAX: 07 554 1112

1. BACKGROUND

1.1 The property at 372 Danks Street, Middle Park has been the subject of one previous planning permit application. Application 1805/2001 was lodged in December 2001 and proposed alterations and additions to the existing dwelling including ground and first floor additions and construction of a new dwelling at the rear fronting Ashworth Street.

1.2 This application was later withdrawn after advertising on the basis of officer concerns and objectors comments to the proposal. All objectors were advised in writing that application had been withdrawn and that a revised proposal would be lodged under a new application number and that they would be notified of the new planning permit application.

1.3 The following is a time line of events during the former and current planning permit application process.

12 December 2001 - Application 1805/2001 lodged for *'alterations and additions to the existing dwelling at ground floor and first floor level and construction of a new two storey dwelling fronting Ashworth Street'*.

15 January 2002- Further information requested on 8 January 2002 received and application advertised to adjoining property owners and occupiers.

5 February 2002 – Statutory declaration received to complete advertising of application 1805/2001 and 29 objections received.

11 February 2002– Meeting with the principle objectors to discuss their concerns meeting was arranged between the applicant and planner to discuss the options for the process of the application.

22 February 2002– Applicant advises in writing that application 1805/2001 has been withdrawn and that a new modified proposal would be submitted.

22 February 2002 - Letter sent to all objectors advising that application 1805/2001 had been withdrawn and that a new planning permit application would be lodged shortly.

23 February 2002 - Application 208/2002 lodged for *'alterations and additions to the existing dwelling including ground floor additions and a first floor balcony'*.

27 February 2002- Application 208/2002 advertised to all original objectors and adjoining property owners and occupiers. Copies of plans and additional explanatory letter sent to all affected properties.

19 March 2002- Statutory declaration received to complete advertising of application 208/2002 and 22 objections received.

8 April 2002- Application 208/2002 reported to the Statutory Planning Committee triggered by more than 10 objections being received.

- 1.4 The revised proposal included the deletion of the formerly proposed second dwelling at rear and deletion of a rear first floor deck that would have allowed direct overlooking to the adjoining properties.
- 1.5 The subject site is a Edwardian style building and has had a first floor addition added in the early 1980's. There are records of building permits having been issued for the first floor addition, however there is no record of planning permission being required at the time of construction.
- 1.6 The existing first floor additions have windows facing east which overlook the adjoining properties to the east, including the property at 374 Danks Street, Middle Park. It is noted that these are existing conditions and the requirement for a planning permit for the proposed works under this application does not enforce screening of the existing first floor windows. It is however noted that the issue of overlooking is considered to be an important component of the assessment of this current planning permit application.

2. PROPOSAL

2.1 The new planning permit application proposes the following:

- Construction of a new first floor balcony on the north-west corner of the existing first floor addition.
- Construction of a ground floor addition at the rear south east corner and on the west side of the existing ground floor.
- Construction of a cellar beneath the existing dwelling.
- Construction of an in ground swimming pool and associated deck at rear.
- Screening to east boundary wall dividing the subject site from the property known as 374 Danks Street.
- Sunshades over the rear garage parking area.

3. SUBJECT SITE

3.1 The subject site is located on the south side of Danks Street, and is developed by an Edwardian dwelling which is in good condition. The subject property enjoys dual street frontage principally to Danks Street and secondly to Ashworth Street, where vehicle access and parking exists at the rear for two vehicles.

The subject site is the only remaining property with principle street frontage to Danks Street that also continues through to Ashworth Street, within the block located between Armstrong and McGregor Streets. For this reason the subject site is bounded by four separate properties.

3.2 The properties to the north are both occupied by residential dwellings one with frontage to Danks Street known as 370 Danks Street, Middle Park a single storey Edwardian dwelling and the second, a contemporary two storey dwelling, with frontage to Ashworth Street and known as 1/370 Danks Street, Middle Park.

The properties to the south are occupied by a dwelling at 374 Danks Street, Middle Park and the Ashworth Street Reserve, which is an area of public open space owned by Council and occupied by children's play equipment and a large non-deciduous tree.

4. ADVERTISING / OBJECTIONS.

- 4.1 The current application was lodged on 22 February 2002, and was subsequently advertised to the objectors to application 1805/2001 and other adjoining property owners and occupiers by way of letter and placement of public notice on site.

On the basis of the initial application and the concerns raised by the objectors it was considered appropriate to circulate plans to all the initial objectors via mail. This letter was sent on 4 March 2002 and outlined the new application proposal and included a set of A3 plans.

- 4.2 Twenty two (22) objections were received during the advertising of the planning permit application. The objections relate principally to the possible impact of the proposed ground floor additions upon the adjoining property at 374 Danks Street, Middle Park. The grounds of objection are outlined below with officers comments in italics.

- **Changes will increase an already out of scale building.**

The proposed additions to the subject property are limited to a 6.3m² ground floor addition on the south boundary and a 5m² ground floor addition to the north side of the property. In addition it is proposed to construct a 2m² balcony at first floor level on the north side of the property. The additional building envelope is minimal and will not unreasonably extend the existing two storey dwelling.

- **Loss of amenity to adjoining residents of 374 Danks Street, Middle Park.**

The amenity impacts upon the adjoining property to the south at 374 Danks Street are limited. It is acknowledged that the existing first floor addition allows overlooking of the adjoining property, however these are existing conditions. The proposed ground floor alterations on the south side of the property propose to raised the level of the subject property on the south boundary in the form of a pool deck.

The application includes the provision of timber screening to the south boundary wall which is proposed to extend 400mm above the existing 1.9m boundary wall height. In effect the resulting change is 400mm of timber batten screening above the existing 1.9m brick boundary wall. It is considered that the pool deck will be screened at a height of 1800mm in accordance with the provisions of Clause 54 Standard A15 of the Port Phillip Planning Scheme. It is noted that this will be discussed in more detail later in the Clause 54 (Rescode) assessment table at section 5.2 of this report.

Comprehensive site inspections have been undertaken of the rear of both properties at 372 and 374 Danks Street, Middle Park. These site inspections have allowed for verification of the existing conditions of the site including existing ground and internal floor levels as well as the differences in levels between both properties. It is considered that the application proposes appropriate screening to prevent overlooking of the adjoining property at 374 Danks Street, Middle Park.

- **Outdoor area proposed to be elevated above existing ground level resulting in overlooking of the property at 374 Danks Street, Middle Park.**

It is acknowledged that the proposed additions at the rear of the property raise the level of the property on the boundary by way of a pool deck. As noted above the proposal includes screening to the south boundary fence which will be in the form of a timber batten screen which is proposed to extend 300mm above the existing 1900mm brick boundary fence. The application is to be assessed against Standard A15 of Clause 54 of the Port Phillip Planning Scheme. This standard relates to screening of decks, terraces and habitable room windows which face a property boundary and will be discussed in detail under section 5.2 of this report.

- **Overlooking of 374 Danks Street, Middle Park from ground floor addition.**

The grounds of objection include issues of overlooking from the proposed ground floor addition on the south side of the property. It is noted that the proposed ground floor addition is set off the south boundary by 1100mm which is the width of the proposed pool deck. It is considered that screening at 400mm above the existing boundary wall and 1.8m above the pool deck will adequately screen the adjoining property from overlooking from the ground floor addition. The basis for concern from the objecting parties relates to the increase in deck level which is proposed to match the internal floor level of the existing ground floor of the dwelling. The proposed ground floor additions and pool deck are provided with appropriate screening at a height of 1.8m above the maximum floor/deck level as proposed. A condition of approval will require the submission of plans and elevations indicating the location and treatment of the south boundary screening.

- **Existing overlooking already exists and will be exacerbated.**

As noted earlier the existing conditions of the site allow for overlooking from the existing first floor windows of the dwelling. It is noted that these are existing windows and are not proposed to be altered by the subject proposal. The issues associated

with the existing overlooking from the first floor level of the dwelling are not relevant to this application. There is no requirement within the Planning Scheme or related documents to screen the existing windows. The additions have been proposed with appropriate screening which by way of conditions on any permit that may issue comply with the current requirements of the Planning Scheme. Therefore it is considered that the proposed additions will not increase the overlooking of the adjoining property at 374 Danks Street.

- **Proposed lattice and greenery screen is inappropriate.**

The application proposes to use timber batten screening to the south boundary which will extend 400mm above the existing 1900mm boundary fence. This will result in a maximum boundary height of 2300mm including 400mm of timber screening. This form of screening is considered appropriate to prevent overlooking of the adjoining property at 374 Danks Street and will not unreasonably raise the boundary height and will be specified as a conditional requirement of any permit that should issue.

- **The development will set a precedent in a closely developed area.**

The proposed development is not considered unreasonable and complies with the relevant provisions of the Port Phillip Planning Scheme. It is a development which will not set a precedent in terms of built form or amenity impact, especially in regard to the future development of the surrounding properties and neighbourhood. There are many examples of similar ground floor additions and first floor balconies in the surrounding area.

The existing conditions of the subject dwelling include a first floor addition that was constructed without the requirement of a planning permit in the early 1980's. Such a first floor addition would require a planning permit under the current planning controls of the Port Phillip Planning Scheme, however the first floor addition exists and was approved under municipal building controls relevant at the time.

- **Adverse impact upon the character of the local area and heritage.**

The proposed additions will not be visible from the street and will not impact upon the heritage significance of the subject dwelling or the surrounding area. The proposed additions are sympathetic to the Port Phillip Heritage Policy and the Residential Neighbourhood Character Policy. It is noted that the proposed alterations and additions will be assessed against those policies in Section 5.

- **Possible second balcony at first floor level.**

The proposal allows for the provision of one additional first floor balcony on the north side of the existing first floor addition. The application plans include internal alterations at first floor level which do not require a planning permit. It is noted that there is an inconsistency between the existing conditions plan and the proposed plan at first floor level which affects the south east corner of the existing first floor. The applicant has been advised of the discrepancy and it is agreed that it may be rectified as a condition of any permit that may issue. On this point, it is noted that there is no proposed external alteration to the existing first floor addition on the south side of the property.

5. URBAN PLANNERS ANALYSIS OF KEY ISSUES

5.1 Local Policy:

LOCAL PLANNING POLICY FRAMEWORK	OFFICER'S ASSESSMENT
Objectives:	
Protect heritage & streetscape character.	Achieved – The proposed alterations and additions will not be visible from the street and will not affect the streetscape perspective and view of the existing dwelling.
Ensure high level of amenity & design excellence.	Achieved – The proposed additions provide improved amenity for the subject dwelling by way of increased light filtration and ground floor living area. The design of the proposed additions is considered to display appropriate form relative to the limited visibility of the additions.
Achieve constant residential population.	Achieved – The proposal allows for alterations to the existing single dwelling on site and will maintain the existing family housing on site.
Encourage retention & construction of larger dwellings & range of housing types.	Achieved – The proposed additions will add to the amenity of the existing family size dwelling occupying the subject property.
Strategies:	
Ensure new development in establishment residential areas does not adversely affect amenity & neighbourhood character.	N/A – Additions to an existing dwelling
Encourage medium density housing on sites with frontage to a Main Road or public transport route or within identified growth area on Framework Plan.	N/A - Additions to an existing dwelling
Encourage energy efficient design.	Achieved – The proposed addition is relatively small and would not greatly improve environmental efficiency.
Support restoration & retention of older	Achieved – The existing dwelling occupying

AGENDA - ORDINARY MEETING OF COUNCIL - 27 MAY 2002

dwelling.	the site will be maintained.
Ensure non-residential uses are limited in residential areas & located on Main Roads & do not result in loss of amenity for residential properties.	N/A - proposal is for residential land use only.
In transition areas, consider the affect of landuse on residential opportunities.	N/A - land is within established residential area.
Neighbourhood Character: (Municipal Strategic Statement CI 21.05–3):	
<i>Objectives:</i>	
Respond to site, its context & integrate with & enhance the prevailing neighbourhood character.	Achieved - The proposed additions to the existing dwelling are small in scale and ensure that the prevailing neighbourhood character of the local area is maintained.
Strategies:	
Respect & enhance scale, form & setback of nearby heritage buildings.	Achieved – The proposed ground floor additions are respectful to the existing scale, form and setbacks of the adjoining properties.
Retain low rise scale of established residential areas.	Achieved – The proposed additions are at ground floor level with a small 2m ² balcony proposed at first floor level. The proposed additions will maintain the scale of the existing dwelling occupying the site.
Respond to characteristics of adjacent and nearby buildings in relation to prevailing scale, orientation, side & rear setbacks.	Achieved – The proposed additions respond to the characteristics of the subject and adjoining properties in relation to form, siting and setbacks. The orientation of the site has been a consideration of the proposal and appropriate setbacks have been applied.
Encourage retention of existing street trees.	N/A – No street tree will be affected by the proposal.
Encourage retention of established trees & vegetation in front & side setbacks where this is an important part of streetscape character.	Achieved – The existing vegetation in the rear yard of the dwelling will be maintained with an existing vegetable garden making way for the proposed swimming pool in the rear yard of the subject property.
Encourage retention of mature trees on private property.	Achieved – Existing vegetation in the rear yard of the subject property will be maintained and there is no proposed loss of mature trees.
Residential Neighbourhood Character Policy (CI 22.01).	
Discourage that adversely affects the character of area or the amenity of adjoining properties.	Achieved – The proposed alterations and additions to the existing dwelling have been designed to respect to the amenity of the adjoining properties. The original proposal under planning permit application 1805/2001 had unreasonable impacts on the amenity of the adjoining properties by virtue of a large rear first floor terrace. This has been deleted

	<p>under the current planning permit application.</p> <p>The remaining issue with regard to amenity of the adjoining properties affects only one property at 374 Danks Street, Middle Park. The applicant has provided sufficient screening to prevent overlooking of the adjoining property at 374 Danks Street. The remaining amenity concerns of the objectors relative to noise and other residential activity considered to be part of a normal residential setting.</p>
Encourage design responses which identify & show how contributory heritage buildings outside of the Heritage Overlays have been considered where they form part of the neighbourhood character.	N/A – The subject site is a significantly graded building under the Port Phillip Heritage Review – Version 2 (2000)
Respect & where possible enhance character elements for each of the local neighbourhoods (as applicable): South Melbourne, Albert Park & Middle Park: <ul style="list-style-type: none"> • Historic architectural character; • Low scale development. 	Achieved – The proposed additions to the existing dwelling will not negatively affect the neighbourhood character of the local area. The additions have been designed to have a minimal impact upon the adjoining properties and the prevailing Neighbourhood Character of the local area, by way of appropriate location and built form.
Urban Design (MSS CI 21.05-4):	
Objectives:	
Provide net improvement in the public realm & minimise impacts such as overshadowing, wind tunnelling & appearance.	Achieved – The proposed additions will not result in increased overshadowing or wind tunneling within the local neighbourhood.
Development to be high quality, enhance streetscape amenity, neighbourhood character & minimise detrimental impact on neighbouring properties.	Achieved – The proposed additions are not visible to the street and will therefore not change or impact upon the existing streetscape view of the subject property. The additions have been located so as to have a limited impact on the adjoining properties.
Consistent with Design and Development Overlay requirements.	N/A – The subject property is not affected by a Design and Development Overlay.
Encourage gradual stepping up of built form at interface of existing low rise & proposed higher rise development.	N/A – The proposal relates to ground floor additions and a first floor balcony and will not increase the height of the existing dwelling.
Encourage energy efficiency.	Discussed previously
Sensitively site solar panels, satellite dishes, air conditioning units & other building equipment.	N/A – Not proposed. An appropriate condition can address this consideration.
Sensitively site plumbing & servicing equipment.	Achieved – An appropriate condition can address this consideration.
Heritage (Municipal Strategic Statement CI 21.05):	
Objectives:	
Development to be sympathetic & respectful of heritage place, high quality design that	Achieved – The proposed additions have been designed and located so as to have no

positively contributes to heritage values.	impact upon the subject property as viewed from the principle Danks Street streetscape. The additions are located at the rear of the existing dwelling and will improve the amenity of the subject dwelling without compromising its heritage integrity as noted via its Significant grading under the Port Phillip Heritage Review – Version 2 (2000).
Strategies:	
Development respectfully & harmoniously integrates with neighbourhood character.	Achieved – The proposed additions have been designed and located with consideration to the existing neighbourhood character and will not impact upon the existing neighborhood character of the local area.
Heritage places are to be restored, recycled or renovated in a sympathetic manner that enhances the heritage value of the place.	Achieved – The proposed additions have been designed having regard to the heritage Significance of the existing dwelling. The proposed additions are considered appropriate in regard to typical additions to heritage buildings. The heritage character of the subject building will not be affected by the proposal.
Conservative approach to urban consolidation – increase density only where it does not affect heritage significance.	N/A – Existing single on site dwelling retained and enhanced.
Refer to Statement of Significance in Heritage Review – respect & conserve all identified elements.	Achieved – The proposed additions under this planning permit application have been designed and located with respect to the existing conditions of the subject dwelling. Most of the visible heritage features of the existing dwelling pertain to the façade of the existing dwelling which will remain untouched by the proposed development.
Heritage Policy (CI 22.04):	
Objectives:	
Conserve all significant/contributory buildings & discourage demolition.	Achieved – The proposed additions will not alter the significance of the existing heritage building by way of appropriate location at the rear ground floor of the existing dwelling.
Promote design excellence which clearly & positively supports ongoing heritage significance.	Achieved – The proposed additions have been designed having consideration to the heritage significance of the subject dwelling. They display sufficient design articulation and excellence given the minor scope of the works and their location at the rear of the existing dwelling.
Maintain significance of heritage place & employ a contextual design approach.	Achieved – The proposed additions have been designed having particular regard to the heritage significance of the existing dwelling. The design approach has been to ensure that the proposed additions are not visible from the principle streetscape view which will maintain the heritage significance of the

AGENDA - ORDINARY MEETING OF COUNCIL - 27 MAY 2002

	existing dwelling.
<i>General:</i>	
Encourage restoration & reconstruction of all significant/contributory buildings, particularly in intact or substantially consistent streetscapes in Heritage Overlay Area 3.	Achieved – The relevant section of Danks Street is considered to be an intact and important streetscape. The proposed additions will not alter the appearance of the dwelling from the street and therefore the approach taken by the designer will ensure that the subject property remains a important component of the streetscape as existing.
Respect scale, form, siting & setbacks of nearby significant/contributory buildings.	Achieved – See above
Disregard buildings atypical to the streetscape character when determining appropriate mass & scale.	N/A – The proposed rear additions do not rely upon the existence of atypical buildings within the local area.
Contextual approach – development “sits comfortably” & does not diminish significance of heritage place or streetscape character.	Achieved – The proposed additions will not alter the view of the existing building from the streetscape and will not diminish the significance of the existing dwelling. The proposed additions are located at the rear of the building and are at ground level with a 2m ² balcony at first floor level located so as to have no overlooking impact or be visible from the streetscape perspective.
Contemporary architecture encouraged.	N/A – Contemporary design not proposed. The additions are minor and are contextual in appearance.
In limited cases (HO3) reproduction architecture appropriate – where not easily distinguishable from original or adjacent buildings due to similar elements, detailing, material & finishes.	N/A – The proposed additions will not be visible from the street. The additions are contextual and not reproductive in form.
Remove additions & alterations that detract from significance but retain additions & alterations that are significant (heritage adviser to advise).	N/A – The proposal does not include demolition or removal of any rear additions.
Demolition application to be accompanied by application for new development.	N/A – Demolition not proposed.
Demolition of part of heritage place allowed if significance not affected & proposed addition is sympathetic.	N/A – Demolition not proposed.
Allow demolition of significant building only if structurally unsound & not feasibly reusable & new building displays design excellence & supports ongoing significance of area.	N/A - Demolition not proposed.
Allow demolition of contributory building only if structurally unsound & not feasibly reusable & new building displays design excellence & supports ongoing significance of area <u>or</u> streetscape not intact or consistent.	N/A - Demolition not proposed.
<i>Car parking:</i>	
No new front crossover if street frontage is narrow or if street has few or no crossovers.	N/A – No new crossing is proposed to Danks Street.
On-site car park at rear or in side setback.	N/A – Existing car parking for two cars at rear will be maintained.
Visible carports, garages & outbuildings are	Achieved - The existing garage at rear will be

AGENDA - ORDINARY MEETING OF COUNCIL - 27 MAY 2002

to complement main building & streetscape.	maintained and it is proposed to install shade sails within the garage area to provide weather protection for the vehicles. It is noted that the proposed shade sails are located wholly within the existing walls of the garage and will not be visible externally.
<i>Additions & alterations:</i>	
<ul style="list-style-type: none"> • No change to facade or roof; • Distinguishable from original building (contemporary approach) or not easily distinguishable (reproduction approach); • Not obscure element that contributes to significance; • Maintain existing view to principal façade. 	Achieved – The proposed additions are small in scale and do not proposed to alter the existing façade or roof of the existing dwelling. The heritage significance of the existing dwelling will be maintained as there are no proposed works that will be visible to the principle Danks Street frontage.
Upper storey addition sited & massed so as not to be visible, particularly in intact or consistent streetscapes, Performance measure 1: <ul style="list-style-type: none"> • If narrow street (5m) or laneway – sits within 1.6m envelope; • Within 10 degree envelope; • In exceptional circumstances in diverse streetscape & appropriate contextual response, sits within envelope up to 18 degrees. 	N/A – The first floor addition is a 2m2 balcony on the north side of the existing first floor addition which will not be visible from the street.
Visible roof form related to original building	N/A – No change to the existing roof form
On corner sites, upper storey addition visually recessive from main frontage so original building is dominant element in either streetscape.	N/A – Not a corner site.
Avoid new window & door openings in principal facade, if visible, clearly relate to heritage place.	N/A – No new window openings proposed to the front facade.
Walls, roofs & fences are complementary & appropriate to architectural style.	Achieved – New walls, roofs and windows are all located at ground floor level and will not be visible to the street. The design of the additions is contextual and will not undermine the heritage significance of the existing dwelling.
New development:	
Maintain existing vista to adjacent heritage place Performance Measure 2: <ul style="list-style-type: none"> • Equivalent frontage setback to one adjacent significant/contributory buildings or maintains reasonable vista to building; • If significant/contributory buildings on both adjacent sites, then setback is in between largest & smallest setback. 	N/A –Alterations and additions.
Reflect prevailing streetscape scale & not dominate. Performance Measure 3: <ul style="list-style-type: none"> • If consistent building scale & adjacent to significant/contributory building, building height no higher than highest adjacent roof ridgeline but may have higher 	N/A –Alterations and additions.

<p>component to rear;</p> <ul style="list-style-type: none"> If diverse building scale & adjacent to significant/contributory building, new building height respects both adjacent buildings & area's prevailing scale. 	
Roofs, doors & windows complementary to streetscape character.	N/A –Alterations and additions.
Avoid large expanses of glass or horizontal windows unless appropriate contextual response.	N/A –Alterations and additions.
If major redevelopment site contains heritage place, then respect setting & individual building & area's building scale.	N/A –Alterations and additions.
Side setbacks reflect adjacent dwellings & streetscape where an important element of the streetscape.	N/A –Alterations and additions.
Visible wall elevations, materials, textures, colour schemes & fences are appropriate to the streetscape.	N/A –Alterations and additions.
Protect Port Phillip parks & open space from overshadowing by private development.	Achieved – The Ashworth Reserve is located to the south-east of the subject site and will not be affected by the proposed additions under this application.

5.2 Rescode assessment

An assessment of the proposal against the requirements of Clause 54 of the Port Phillip Planning Scheme (ResCode) is as follows:

Objectives and summary of standards	Assessment
<ul style="list-style-type: none"> A development must meet all objectives A development should meet all these standards 	<p><i>i.e. Explain how achieved/ Not achieved/ Variation required</i></p>
<p>Clause 54.01: Neighbourhood and Site Description and Design Response</p> <p>An application must be accompanied by:</p> <ul style="list-style-type: none"> A Neighbourhood and site description. A Design Response 	<p>Complies. Application has included a suitable Neighbourhood and Site Description, and Design Response.</p>
<p>Clause 54.01-1: Neighbourhood and site description</p> <p>The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:</p> <ul style="list-style-type: none"> In relation to the neighbourhood: <ul style="list-style-type: none"> The built form, scale and character of surrounding development including front fencing. Architectural and roof styles. Any other notable features or characteristics of the neighbourhood. In relation to the site: <ul style="list-style-type: none"> Site shape, size, orientation and easements. Levels of the site and the difference in levels between the site and surrounding properties. Location of existing buildings on the site and on surrounding properties, including the location and height of walls built to the boundary of the site. The use of surrounding buildings. The location of secluded private open space and 	<p>The submitted Neighbourhood and Site Description accurately illustrates the particular characteristics of the subject site and surrounds.</p>

<p>habitable room windows of surrounding properties which have an outlook to the site within 9 metres.</p> <ul style="list-style-type: none"> - Solar access to the site and to surrounding properties. - Location of significant trees existing on the site and any significant trees removed from the site in the 12 months prior to the application being made, where known. - Any contaminated soils and filled areas, where known. - Views to and from the site. - Street frontage features such as poles, street trees and kerb crossovers. - Any other notable features or characteristics of the site. <p><i>If in the opinion of the responsible authority a requirement of the neighbourhood and site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.</i></p>	
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>Objectives and summary of standards</p>	<p>Assessment <i>i.e. Explain how achieved/ Not achieved/ Variation required</i> <i>(If additional commentary is required, please use separate sheet)</i></p>
<p>Clause 54.01-2: Design Response The design response must explain how the proposed design:</p> <ul style="list-style-type: none"> • Derives from and responds to the neighbourhood and site description. • Meets the objectives of Clause 54. • Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay. • The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. <p><i>If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.</i></p>	<p>Complies. The submitted Design Response accurately illustrates how the proposed design has been derived from the particular characteristics of the site and surrounds.</p>
<p>Clause 54.02: Neighbourhood character</p>	
<p>Clause 54.02-1 - Neighbourhood character objectives</p> <ul style="list-style-type: none"> • To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character; • To ensure that the design responds to the features of the site and the surrounding area. <p>Standard A1 (Cannot be varied)</p> <ul style="list-style-type: none"> • The design response must be appropriate to the neighbourhood and the site. • The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site. <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The neighbourhood and site description. • The design response. <p>Standard A2 (Can be varied)</p> <ul style="list-style-type: none"> • Dwellings should be orientated to front existing and 	<p>Complies. The proposed design has been appropriately designed to respect and enhance the existing character of the local neighbourhood.</p> <p>Complies. No change to the orientation of the dwelling and the front fencing.</p>

<p>proposed streets</p> <ul style="list-style-type: none"> • High fencing in front of dwellings <u>should</u> be avoided if practicable. <p>Dwellings <u>should</u> be designed to promote the observation of abutting streets and any abutting public open spaces.</p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The design response. 	
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

<p>Objectives and summary of standards</p>	<p>Explain how achieved/ Not achieved/ Variation required <i>(If additional commentary is required, please use separate sheet)</i></p>
<p>Clause 54.03: Site layout and Building Massing</p>	
<p>Clause 54.03-1 - Street setback objective To ensure that setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site</p> <p>Standard A3 (Can be varied)</p> <p>Walls of buildings <u>should</u> be setback from streets the distance specified in Table A1 as follows:</p> <ul style="list-style-type: none"> • Where there are existing buildings on both abutting lots facing the same street, and the site is not on a corner, the average distance of front walls of existing adjacent buildings facing the same street or 9m, whichever is lesser. • Where there is an existing buildings on one abutting lot facing the same street, and no existing building on the other abutting lot facing the same street and the site is not on a corner, the same distance as the front wall of the existing adjacent building or 9m, whichever is lesser. • Where there is no existing buildings on either abutting lot facing the same street and the site is not on a corner, 6m for streets in a Road Zone Category 1, and 4m for other streets. • Where the site is on a corner, and there is a building on the abutting lot facing the front street, the same distance as the setback of the front wall of the existing abutting building facing the front street, or 9m whichever is lesser. • Where the site is on a corner and there is no building on the abutting lot facing the front street, 6m for streets in a Road Zone Category 1, and 4m for other streets. • Buildings should be setback from the side street of a corner site, the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street, or 2m, whichever is the lesser. <p>Note 1: <i>for a corner lot, the frontage or front street is the smaller frontage. For lots with equal frontage to two streets, the Council may nominate the frontage or front street.</i></p> <p>Note 2: <i>Porches, pergolas and verandahs that are less than 3.6m high and eaves may encroach not more than 2.5m into the setbacks of this standard.</i></p> <p>Decision Guidelines</p>	<p>Complies. No change to existing front setback.</p>

AGENDA - ORDINARY MEETING OF COUNCIL - 27 MAY 2002

<p><i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The design response. • Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots. • The visual impact of the building when viewed from the street and adjoining properties. • The value or retaining vegetation within the front setback. 	
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Objectives and summary of standards	Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)
<p>Clause 54.03-2 - Building height objective To ensure that the height of the buildings respects the existing or preferred neighbourhood character</p> <p>Standard A4 (Can be varied)</p> <ul style="list-style-type: none"> • The maximum building height <u>should</u> not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10m. • Change of building height between existing buildings and new buildings <u>should</u> be graduated. <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The design response. • The effect of the slope of the site on the height of the building. • The relationship between the proposed building height and the height of existing adjacent buildings. • The visual impact of the building when viewed from the street and adjoining properties. 	<p>Complies. No increase in building height. Rear ground floor additions at the rear reflect similar rear additions in the local area.</p>

Objectives and summary of standards	i.e. Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)
<p>Clause 54.03-3 - Site coverage objective To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site</p> <p>Standard A5 (Can be varied) The site area covered by buildings <u>should</u> not exceed 60%.</p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The design response. • The existing site coverage and any constraints imposed by existing development or the features of the site. • The site coverage of adjacent properties. 	<p>Variation Required. The existing site coverage of the land is calculated at 62%. The proposed alterations and additions allow for the construction of a swimming pool and rear patio/deck area which are included in the proposed site coverage calculation. This will result in a site coverage of 74%.</p> <p>It is noted that Standard A5 can be varied and that site coverage should not exceed 60%. In this example a site coverage of 74% is considered acceptable on the basis that the rear amenity of the dwelling is being improved by way of installation of a swimming pool and rear</p>

AGENDA - ORDINARY MEETING OF COUNCIL - 27 MAY 2002

<ul style="list-style-type: none"> • <i>The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood.</i> 	<p>terrace area. Whilst the proposal requires a variation to the site coverage requirement, it is considered that the average site coverage of properties in the local area and neighbourhood would exceed 60 % and be approximately 70-80%. On this basis a site coverage of 74% is considered appropriate given the local context and the improved amenity of the subject dwelling.</p>
<p>Clause 54.03-4 - Permeability objectives</p> <ul style="list-style-type: none"> • To reduce the impact of increased storm water run-off on the drainage system; • To facilitate on-site storm water infiltration <p>Standard A6 (Can be varied) At least 20 % of the site <u>should</u> not be covered by impervious surfaces.</p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • <i>The design response</i> • <i>The existing site coverage and any constraints imposed by existing development or the features of the site.</i> • <i>The capacity of the drainage network to accommodate additional stormwater.</i> • <i>The capacity of the site to absorb run-off.</i> • <i>The practicality of achieving at least 20 per-cent site coverage of pervious surfaces, particularly on lots of less than 300m².</i> 	<p>Complies. Approx. 22% of the site remains as landscaped front and rear garden.</p>

Objectives and summary of standards	<i>i.e. Explain how achieved/ Not achieved/ Variation required</i> <i>(If additional commentary is required, please use separate sheet)</i>
<p>Clause 54.03-5 - Energy efficiency protection objectives</p> <ul style="list-style-type: none"> • To achieve and protect energy efficient dwellings; To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. <p>Standard A7 (Can be varied)</p> <p>Buildings <u>should</u> be:</p> <ul style="list-style-type: none"> • Orientated to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. <p>Living areas and private open space <u>should</u> be located on the north side of the dwelling, if practicable. Dwellings <u>should</u> be designed so that solar access to north-facing windows is maximised.</p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • <i>The design response</i> • <i>The size, orientation and slope of the lot.</i> • <i>The existing amount of solar access to abutting properties.</i> • <i>The availability of solar access to north facing windows on the site.</i> 	<p>The proposed renovations are minor in nature and thus only limited consideration has been given to this element of ResCode.</p>
<p>Clause 54.03-6 - Significant tree objectives</p> <ul style="list-style-type: none"> • To encourage development that respects the landscape character of the neighbourhood; 	

<ul style="list-style-type: none"> • To encourage the retention of significant trees on the site <p>Standard A8 (Can be varied)</p> <ul style="list-style-type: none"> • Development <u>should</u> provide for the retention or planting of trees, where these are part of the neighbourhood character. • Development <u>should</u> provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. <p>Decision Guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The design response. • The health of any trees that were removed or are proposed to be removed. • Whether a tree was removed to gain a development advantage 	<p>Complies. Existing limited vegetation in the rear yard of the site will be maintained.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------

Objectives and summary of standards	Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)
<p>Clause 54.03-7 - Parking objective To ensure that car parking is adequate for the needs of residents.</p> <p>Standard A9 (Can be varied)</p> <p>Two car spaces <u>should</u> be provide per dwelling with:</p> <ul style="list-style-type: none"> • one space at least 6m x 3.5m and covered or capable of being covered. • One space at least 4.9m x 2.6m. • If the car spaces are in a garage, car port or otherwise constrained by walls, a double space may have an internal width of 5.5m. • A building may project into a car space if it is at least 2.1m above the space. <p>Note: the requirements of this standard do not apply to extensions to existing dwellings.</p> <p>Decision Guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • The likely needs of users • The practicality of providing car parking on the site, particularly for lots of less than 300 square metres. • The reduction of on-street car parking spaces resulting from the provision of car parking on the site, particularly for lots of less than 300 square metres. • The availability of public transport and on-street parking. • Any relevant local planning policy or parking precinct plan. 	<p>Complies. The existing car spaces located at the rear of the site will be maintained. It is noted that the application includes the installation of sun shades internally within the existing enclosed car parking area at the rear of the site.</p>
Clause 54.04: Amenity Impacts	
<p>Clause 54.04-1 –Side and rear setbacks objective To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p> <p>Standard A10 (Can be varied) New building not on, or within 150mm of boundary <u>should</u> be setback from side or rear boundaries:</p> <ul style="list-style-type: none"> • 1m, plus 0.3m for every metre height over 3.6m up to 	<p>Complies. Setbacks of the rear ground floor additions clearly comply with the objectives of Clause 54.04-1.</p> <p>The ground floor additions on the north side of the property are proposed to be constructed against an existing wall on boundary. The existing wall height on the north boundary is 4280mm in height and it is proposed to construct a new wall at a height of</p>

<p>6.9m, plus 1m for every metre height over 6.9m.</p> <p>Sunblinds, verandahs, porches, eaves, gutters etc may encroach not more than 0.5m into the setbacks of this standard.</p> <p>Landings with an area of not more than 2m², and less than 1m high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The design response. • The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings. • Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary. • Whether the wall abuts a side or rear lane. 	<p>proposed to construct a new wall at a height of 3800mm against the existing wall.</p> <p>The ground floor addition on the south boundary is proposed to be set off the south boundary by 1100mm and be at a height of 3000mm above the existing ground floor level and 2500mm above the proposed pool deck level. In addition it is noted that the south facing ground floor addition is proposed to be constructed to be constructed from glass and would be transparent.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>Objectives and summary of standards</p>	<p>Explain how achieved/ Not achieved/ Variation required <i>(If additional commentary is required, please use separate sheet)</i></p>
<p>Clause 54.04-2 Walls on boundaries objective To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p> <p>Standard A11 (Can be varied) New wall on or within 150mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary <u>should</u> not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> • 10m plus 25% of the remaining length of the boundary of an adjoining lot; or • the length of an existing or simultaneously constructed wall or carport. <p>whichever is the greater.</p> <p>A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls would result in the effective height of the wall or carport being less than 2m on the abutting property boundary.</p> <p>A building on a boundary includes a building up to 150mm from a boundary.</p> <p>New wall on or within 150mm of a side or rear boundary of a lot, or a carport on or within 1m of a side or rear boundary <u>should</u> not exceed an average of 3m height, with no part higher than 3.6m, unless abutting a higher existing or simultaneously constructed wall.</p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The design response. • The extent to which wall on boundaries are part of the neighbourhood character. • The visual impact of the building when viewed from adjoining properties. • The impact on the amenity of existing dwellings. • The opportunity to minimise the length of walls on boundaries 	<p>Complies – New walls on the north boundary are constructed against existing walls and will be no higher than existing.</p> <p>It is noted that the proposal as recommended would increase the height of the south boundary by 400mm by virtue of screening affixed to the existing brick fence. The maximum height of this boundary would not exceed 2300mm.</p>

AGENDA - ORDINARY MEETING OF COUNCIL - 27 MAY 2002

<p>by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property.</p> <ul style="list-style-type: none"> • The orientation of the boundary that the wall is being built on. • The width of the lot. • Whether the wall abuts a side or rear lane. • The need to increase the wall height to screen a box gutter. 	
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Objectives and summary of standards	Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)
<p>Clause 54.04-3 Daylight to existing windows objective</p> <p>To allow adequate daylight into existing habitable room windows.</p> <p>Standard A12 (Can be varied)</p> <p>Buildings opposite an existing habitable room window <u>should</u> provide for a light court to the existing window, of at least 3m² and 1m clear to the sky. The area may include land on the abutting lot.</p> <p>Walls or carports more than 3m height opposite an existing habitable room window <u>should</u> be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Note: Where the existing window is above ground level, the wall height is measured from the floor level of the room containing the window.</p> <p>Decision Guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • The design response. • The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows. • The impact on the amenity of existing dwellings. 	<p>Complies. Proposed buildings do not impact on the levels of daylight available to neighboring habitable rooms. It is noted that it is proposed to install 400mm of timber batten screening to the south boundary wall which will result in a total height of 2300mm. It is considered that the existing conditions affecting the adjoining property with regard to light access will not be further exacerbated by the screening to the south boundary.</p>

Objectives and summary of standards	Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)
<p>Clause 54.04-4 North Facing windows objective</p> <p>To allow adequate solar access to existing north facing habitable room windows.</p> <p>Standard A13 (Can be varied)</p> <p>If a north-facing habitable room window of an existing dwelling is within 3m of a boundary of an abutting lot, a building <u>should</u> be setback:</p> <ul style="list-style-type: none"> • 1m, plus 0.6m for every metre height over 3.6m up to 6.9m, plus 1m for every metre height over 6.9m, for a distance of 3m from the edge of each side of the window. <p>Note: A north facing window is a window with an axis perpendicular to its surface orientated north 20 degrees west to north 30 degrees east.</p> <p>Decision Guidelines Before deciding on an application, the responsible authority must</p>	<p>Complies. The application proposes the installation of a north facing balcony of 2m² at first floor level. This new opening will improve solar access at first floor level.</p>

AGENDA - ORDINARY MEETING OF COUNCIL - 27 MAY 2002

<p><i>consider:</i></p> <ul style="list-style-type: none"> • The design response. • Existing sunlight on the north-facing habitable room window of the existing dwelling • The impact on the amenity of existing dwellings. 	
Objectives and summary of standards	Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)
<p>Clause 54.04-5 Overshadowing open space objective</p> <p>To ensure buildings do not unreasonably overshadow existing secluded private open space.</p> <p>Standard A14 (Can be varied)</p> <ul style="list-style-type: none"> • 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 the lesser area, or the secluded open space <u>should</u> receive a minimum of 5 hours sunlight between 9am and 3pm at 22 September. <p>If existing sunlight to the secluded private open space of a dwelling is less than the requirements of this standard, the amount of sunlight <u>should</u> not be further reduced.</p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • The design response. • The impact on the amenity of existing dwellings. • Existing sunlight penetration to the secluded private open space of the existing dwelling. • The time of day that sunlight is available to the secluded private open space of the existing dwelling. • The effect of a reduction in sunlight on the existing use of the secluded private open space. 	<p>Complies. The proposed additions do not add to the existing levels of shadows experienced on adjoining properties.</p>
<p>Clause 54.04-6 Overlooking objective</p> <p>To limit views into existing secluded private open space and habitable room windows.</p> <p>Standard A15 (Can be varied) Habitable room windows, balconies, terraces etc <u>should</u> be located and designed to avoid direct view to secluded private open space and habitable room windows of an existing dwelling within 9m distance, and a 45 degree arc from the window , balcony etc.</p> <p>The window, balcony etc may:</p> <ul style="list-style-type: none"> • Be offset at least 1.5m from the edge of one window to the edge of the other; or • Have sill heights, obscure glazing or permanent screens of at least 1.7m above floor level. <p>Obscure glazing may be openable provided it does not allow direct views.</p> <p>Note: This standard does not apply to a new habitable room window, balcony, terrace etc which faces a property boundary where there is a visual barrier at least 1.8m high and the floor level of the habitable room, balcony, terrace etc is less than 0.8m above ground level at the boundary.</p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • The design response. 	<p>Complies. The proposed alterations and additions include provision for a ground floor addition set off the south boundary by 1100mm which will result in a finished floor level 500mm above that of the ground level of the adjoining property. It is noted that this proposed internal floor area is proposed to be matched by an external pool deck adjacent to the south boundary.</p> <p>While it is proposed to fill in a section of the existing south boundary and allow for a ground floor addition that is setback 1100mm from the south boundary, it must be noted that the proposal includes provision of timber batten screening to the south boundary which will increase the boundary height by 400mm only with a resulting maximum boundary height of 2300mm for the adjacent property at 374 DanksStreet.</p> <p>The proposed screening to the south boundary will screen the adjoining property in accordance with Standard A15. It is considered that the provision of screening to a boundary fence in the form of timber battens is an accepted form of residential screening treatment, which is also appropriate for the subject proposal.</p> <p>This has been the principle issue raised by the</p>

AGENDA - ORDINARY MEETING OF COUNCIL - 27 MAY 2002

<ul style="list-style-type: none"> • The impact on the amenity of the secluded private open space or habitable room window. • The existing extent of overlooking into the secluded private open space and habitable room windows of existing dwellings. • The internal daylight to and amenity of the proposed dwelling. 	<p>objectors and site inspections were undertaken of both properties to ensure that adequate screening could be provided in a form that would not unreasonably affect the amenity of the adjoining property.</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Objectives and summary of standards	Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)
Clause 54.05: On-Site Amenity and Facilities	Applicant's Assessment
<p>Clause 54.05-1 Daylight to new windows objective</p> <p>To allow adequate daylight into new habitable room windows.</p> <p>Standard A16 (Can be varied) A window in a habitable room <u>should</u> be located to face:</p> <ul style="list-style-type: none"> • an outdoor space clear to the sky or a light court with a minimum area of 3m² and minimum dimension of 1m, not including land on an abutting lot, or • a verandah provided it is open for at least 1/3rd of its perimeter, or • a carport provided it has two or more open sides and is open for at least 1/3rd of its perimeter. <p>Decision Guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • The design response. • Whether there are other windows in the habitable room which have access to daylight. 	<p>Complies. New windows will increase light ventilation to the dwelling.</p>
<p>Clause 54.05-2 Private Open Space objective</p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p> <p>Standard A17 (Can be varied) A dwelling <u>should</u> have private open space of:</p> <ul style="list-style-type: none"> • 80m² or 20% of the lot area, whichever is the lesser, but not less than 40m². • At least one part of the private open space <u>should</u> consist of secluded private open space with a minimum area of 25m² and a minimum dimension of 3m at the side or rear of the dwelling, with convenient access from a living room. <p>Decision Guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • The design response. • The useability of the private open space, including its size and accessibility. • The availability of and access to public open space. • The orientation of the lot to the street and the sun. 	<p>Complies- Proposed alterations will retain 61m2 of secluded private open space at the rear of the site.</p>

Objectives and summary of standards	Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)
Clause 54.05-3 Solar access to open space objective	

<p>To allow solar access into the secluded private open space of a new dwelling.</p> <p>Standard A18 (Can be varied)</p> <ul style="list-style-type: none"> • The private open space <u>should</u> be located on the north side of the dwelling, if practicable. • The southern boundary of secluded private open space <u>should</u> be setback from any wall on the north of the space at least $(2 + 0.9h)$, where 'h' is the height of the wall. <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • <i>The design response.</i> • <i>The useability and amenity of the secluded private open space based on the sunlight it will receive.</i> 	<p>Complies. The private open space is able to receive appropriate levels of direct sunlight.</p>
<p>Clause 54.06: Detailed Design</p>	
<p>Assessment</p>	
<p>Clause 54.06-1 Design detail objective</p> <p>To encourage design detail that respects the existing or preferred neighbourhood character.</p> <p>Standard A19 (Can be varied) The design of buildings <u>should</u> respect the existing or preferred neighbourhood character, including:</p> <ul style="list-style-type: none"> • facade articulation and detailing; • window and door proportions; • roof form; and • verandahs, eaves and parapets. <p>Garages and carports should be visually compatible with the development and the existing or preferred neighborhood character.</p> <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> • <i>Any relevant neighborhood character objective, policy or statement set out in this scheme.</i> • <i>The design response.</i> • <i>The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting.</i> • <i>Whether the design is innovative and of a high architectural standard.</i> 	<p>Complies. The design of the proposed alterations and additions is appropriate for the context of the subject site. The additions will allow for improved internal and external amenity for the subject site while not having an unreasonable impact upon the adjoining and surrounding properties.</p>
<p>Objectives and summary of standards</p>	
<p><i>Explain how achieved/ Not achieved/ Variation required (If additional commentary is required, please use separate sheet)</i></p>	
<p>Clause 54.06-02 Front Fences objective</p> <p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p> <p>Standard A20 (Can be varied) The design of front fences <u>should</u> complement the design of the dwelling and any front fences on adjoining properties.</p> <p>A front fence within 3m of a street should not exceed:</p> <ul style="list-style-type: none"> • 2m height for streets in a Road Zone, Category 1; or • 1.5m height for any other street. <p>Decision Guidelines <i>Before deciding on an application, the responsible authority must consider:</i></p>	<p>Complies – Front fence not altered.</p>

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <ul style="list-style-type: none">• <i>Any relevant neighbourhood character objective, policy or statement set out in this scheme.</i>• <i>The design response.</i>• <i>The setback, height and appearance of front fences on adjacent properties.</i>• <i>The extent to which slope and retaining walls reduce the effective height of the front fence.</i>• <i>Whether the fence is needed to minimise noise intrusion.</i> | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

6. DISCUSSION OF DESIGN ELEMENTS AND KEY ISSUES

Design Issues / Amenity / Neighborhood Character

- 6.1 The proposed alterations and additions under planning permit application 0208/2002 have been designed to improve the external and internal amenity of the existing dwelling and are predominately located at ground floor level with the exception of a small, 2m² balcony on the north side of the existing first floor of the dwelling. It is noted that no overlooking concerns have been raised or are relevant to this part of the proposal.

The ground floor additions on the north ground floor side of the existing dwelling comprises 5m² of additional floor area and have been designed to accommodate a relocated laundry facility.

The ground floor addition on the south ground floor side of the existing dwelling comprises 6.3m² of additional ground floor area and has been designed to allow greater light access to the rear ground floor of the existing dwelling. The addition is located 1m off the south boundary at ground floor level and is wholly constructed from glass to allow for improved light access.

- 6.2 Consequently concerns have been raised by objectors in relation to this ground floor addition and perceived overlooking of the property to the south. These concerns are considered valid on the basis of the proposed finished floor level. However despite the differences between the levels of the two properties as proposed, the applicant has demonstrated that appropriate screening can be provided at a height of 1.8m above the finished floor area. This is achieved with the used of a timber batten screen that will project only 400mm above the existing 1.9m (21 bricks) boundary fence dividing the two properties.

It is considered that this is a typical and accepted form of screening applied in residential areas and that the additional 400mm of timber screening will prevent overlooking of the adjoining properties from the ground floor addition without unreasonably affecting the amenity of the adjoining property in regard to boundary height.

- 6.3 The proposed additions involve construction of a swimming pool in the rear yard of the subject site, together with a deck which is proposed to be constructed to the same finished floor level of the ground floor addition and to extend to the boundary. This deck fills the setback in-between the glazed ground floor addition and the boundary of the properties and is subsequently also screened by the timber batten screen proposed to be affixed to the south boundary. Thus the screening provided in the form of a timber battens at a height of 1800mm above the finished floor/deck level is appropriate and accords with Standard A15 of Clause 54 of the Port Phillip Planning Scheme.

- 6.4 The design of the additions applies a contextual form and will not be visible from the principle Danks Street streetscape. In respect to Neighbourhood Character, the additions are considered typical of other ground floor additions in the local neighbourhood.

7. ENVIRONMENTAL ASSESSMENT

- 7.3 The proposed additions are relatively small in scale and so do not greatly improve environmental efficiency.

8. COVENANT

- 8.1 Officers have sighted the copy of title submitted for the proposal and no restrictive covenants are noted.

9. CONCLUSION

- 9.1 Officers feel satisfied that issues of amenity raised by objectors to the application have been appropriately considered by the designers who have provided technical evidence to demonstrate that appropriate screening can be installed to minimise the impacts to the property to the south at 374 Danks Street.
- 9.2 It must be noted that the existing conditions of the subject site and indeed the existing overlooking issues associated with the existing first floor cannot be addressed under this planning permit application. It is therefore considered important that the assessment of the current proposal be limited to the impact of the additional works. The assessment within this report has concluded that the issue of overlooking of the adjoining properties from a ground floor level is adequately addressed via the provision of screening to the south boundary.

10. RECOMMENDATION

That the Statutory Planning Committee (having caused the application to be advertised) and having received and noted twenty two (22) objections, is of the opinion that the proposed development of the land for the purpose of alterations and additions to the existing dwelling including ground floor additions and a first floor balcony will not cause material detriment to any person other than the applicant.

That a Notice of Decision to Grant a Planning Permit be issued for the development of the land for the purpose alterations and additions to the existing dwelling including ground floor additions and a first floor balcony

That a Notice of Decision to issue a planning permit be issued subject to the following conditions.

Amended Plans

10.1 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 drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with plans submitted with the application but modified to show:

- a) Details of the timber screening to the south boundary to be in accordance with Clause 54.04-6 Standard A15 of the Port Phillip Planning Scheme and at a height of 1.8m above the finished floor/deck level.
- b) Sectional plans of the proposed ground floor addition on the south side of the property including the pool deck and proposed screening to the south boundary wall.
- c) East elevation plans of the existing first floor clearly showing no changes to the existing first floor.

External Finishes

10.2 Prior to the commencement of the buildings and works hereby permitted, a schedule of the materials, colours and finishes to be used in the external surfaces of the proposed building shall be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit. Such schedule shall be adhered to unless otherwise permitted in writing by the Responsible Authority.

Satisfactory Continuation

10.3 Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

No Equipment on Roof

10.4 No equipment, services and architectural features other than those shown on the endorsed plan shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

10.5 The proposed alterations to the existing building as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

10.6 The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

10.7 This permit will expire if one of the following circumstances applies:

(b) The development is not started within 2 years of the date of this permit.

(c) The development is not completed within 2 years of the date of commencement of works.

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

Notations:

Building Approval Required

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Due Care

The developer shall show due care in the development of the proposed extensions so as to ensure that no damage is incurred to any dwelling on the adjoining properties.

**ORDINARY COUNCIL
27 MAY 2002**

ORDER OF THE DAY

ORDER 3	BALACLAVA DEVELOPMENT FEASIBILITY STUDY-PROGRESS REPORT
KEY RESULT AREA:	BUILDING STRONGER COMMUNITIES
LOCATION/ADDRESS:	30-34 AND 46-58 MARLBOROUGH ST, BALACLAVA
RESPONSIBLE MANAGER:	GEOFF OULTON – DIRECTOR CITY DEVELOPMENT
AUTHOR:	GARY SPIVAK - HOUSING DEVELOPMENT OFFICER
FILE NO.:	44/03/15-03
ATTACHMENTS:	FEASIBILITY COMPLETION PLAN DOCUMENT WOODSTOCK ROOMING HOUSE DESIGN IMAGES STATION SITE' PLANS

1. KEY ISSUES

- 1.1. This report outlines progress in conducting the feasibility study on the Balaclava Community Housing Development.
- 1.2. The feasibility study covers development of the two Council car parks off the east end of Marlborough Street behind the Carlisle Street Shopping Centre. These are being called the Woodstock site (30-34 Marlborough St) and Council's 'Station site' (46-58 Marlborough St). In both project components, existing car parking will be retained through its incorporation into the developments so there will no loss of shopping centre car parking.
- 1.3. The purpose of the report is for Council to note the progress of the feasibility study and, in particular, recommend the differing further stages with respect to each site, ie:
 - 1.3.1. Re. the Woodstock site, to formally notify Council of the successful application for State funding for the Woodstock rooming house component. This funding has enabled the progression of the feasibility study to refine a concept proposal for the Woodstock site. A preliminary community consultation meeting in June 2002 will be conducted prior to the lodging of a planning permit application, subject to the outcome of the community consultation.

1.3.2. Re. The Council 'Station site' and environs, to complete the feasibility study into land use options and their viability with a further report to Council to follow providing the Steering Committee recommendations.

1.4. The report seeks Council support to hold a community consultation meeting on 13 June with an emphasis on the Woodstock rooming house project to address resident concerns about the use and development potential of the project, as well as to consult on the broad land use options for the Council 'Station site'.

2. BACKGROUND

2.1. The feasibility study has progressed through a number of stages which are detailed in Appendix One. The key stages are summarized below.

2.2. The Balaclava Development sites were identified by Council as part of the 2000/01 budget process. Funding for a feasibility study into a development was provided under the 200/01 Capital Works Program and partly rolled forward into the 2001/02 year.

2.3. This project was incorporated into the Housing Program Review process in 2000. The final Review document, *City of Port Phillip Community Housing Program-Towards 2005*, outlined the nature of Phase IV of the City of Port Phillip Housing Program and, in particular, identified:

- Three initial projects: Excelsior Hall and Liardet projects in Port Melbourne and the Balaclava development sites in Balaclava.
- Housing target group priorities for Phase IV.
- Committed Council to consider allocating \$2 million over 5 years (2000/01-2004/05) or \$400,000 on average per year subject to annual budget allocation, for leveraging State and developer joint venture contributions and
- Identified joint venture models and arrangements.

2.4. In response to the second and final open tender round under SHIP, a funding application for the Woodstock rooming house was submitted to the Office of Housing (OoH) in early November 2001 on the basis of shared total project costs: Council provides 25% or \$983,000 comprising land of \$825,000 and cash of \$158,000; and the OoH 75% or \$2.949 million. The total project cost for land, professional fees and construction is \$3.932 million. In March the Minister for Housing, the Hon. Bronwyn Pike, announced in State parliament a package of new project approvals across Victoria including the Woodstock rooming house.

2.5. In late March, the City wrote to all Carlisle Street traders and residents around the Woodstock site informing them in broad terms about the rooming house proposal and forthcoming consultation process. This has generated considerable community comment based on the broad description of the project in the letter and opposition.

- 2.6. Work on progressing the feasibility study has continued for both sites under the direction of the project Steering Committee comprising Cr. Ray, Director City Development, Manager Neighbourhood Development, Housing Development Officer, Senior Strategic Planner and the principal consultant, McGauran Soon Architects.
- 2.7. A preliminary consultation meeting is now planned for 13 June subject to Council consent.

3. PROPOSAL

- 3.1. The Balaclava development is primarily a community housing project. However, consistent with Council policy (Housing Strategy 1997, Housing Program Review 2000, draft Urban Art Strategy Jan 2002 and the Corporate Plan, the project seeks to achieve a broader range of objectives:
 - 3.1.1. To maximise social housing provision through joint venture arrangements with the Office of Housing and possibly a private developer through a creative use of the two sites.
 - 3.1.2. To build on the experience of the *Inkerman Oasis* development for any private development component in terms of contractual issues and project investigation/masterplanning cost minimisation.
 - 3.1.3. To maximise developer interest for any component targeting a mixed private and social housing development by seeking a viable development and transferring development risk to the developer.
 - 3.1.4. To enhance public spaces, pedestrian access and safety, to increase economic activity and generally address micro urban decay and dilapidation, especially in relation to the Council 'Station site'.
 - 3.1.5. To achieve a successful design integration of best practice ecologically sustainable development principles (passive and active), stimulating integrated art and effective integration process with building design and high quality urban design and architecture which addresses the built form of the adjoining and adjacent properties.
 - 3.1.6. Integrate public transport with the development and the Carlisle Street Shopping Centre so that the viability of the shopping precinct is enhanced.
- 3.2. It is proposed that these objectives can be met through the following proposals:

3.3. Woodstock Rooming House

- 3.3.1. The housing use for the site at 30-34 Marlborough Street was determined through analysis of the development potential of the car park site. The site at 834 square metres is too small for excavation for a basement or sub-basement car park after allowing for ramps and pillars. This necessitated a community housing use with little additional car parking demand so that existing and proposed car parking can be accommodated at grade. A rooming house was the most suitable use as surveys of rooming house car parking demand showed that the average level of car ownership was as low as 1 car space: 22 units of accommodation. Thus, Woodstock rooming house required 2 car spaces for the size originally proposed (34 units). With a redesign of the car park it is possible to accommodate the retention of all 24 existing car spaces, the two rooming house car spaces plus ground level rooming house access and several units.
- 3.3.2. The site is very suitable for a rooming house as it is next to the Carlisle Street Shopping Centre and very close to tram and train services and community services at the St.Kilda Town Hall and St.Kilda Community Centre.
- 3.3.3. The design solution is to repair the streetscape, that was damaged in the 1960s/1970s with the creation of the car parks, by providing a residential use along the Marlborough Street frontage. Rooming house pedestrian access will be off Marlborough Street and the ground level component could include a couple of bedsitters, bicycle storage and foyer area containing the lift, store, communal laundry and mail area. In addition, transition from the rooming house to the adjoining private housing will be created by:
- Locating a one bedroom unit at the east edge of the property adjoining 36 Marlborough Street with separate Marlborough Street access. This unit also addresses the need for disability housing located across Port Phillip.
 - Modulating building setback from a zero setback on the corner of Marlborough and Woodstock Streets, reflecting the built forms on the adjacent corners of the intersection, to a 3 metre setback matching that of 36 Marlborough Street.
 - Modulating the building height by stepping it down to the single level and this part adopting the general roof form of 36 Marlborough Street.
- 3.3.4. The rooming house has been designed to comply with ResCode and the Port Phillip Planning Scheme. Appendix Two demonstrates how planning requirements in relation to height, setbacks, overshadowing and overlooking can be addressed by the proposal. A presentation of these issues will be made to Council on this at the committee.

- 3.3.5. The rear two thirds of the site is proposed to be car parking, accessed by a new crossover in Woodstock Street and the rear ROW. The two rooming house car spaces will be enclosed in a garage to be separate from the public car space. The car parking is proposed to be accessed off Woodstock Street instead of the current access off Marlborough Street, and open to Woodstock Street and the ROW to create surveillance which aims to reduce potential security problems. Passive surveillance from the foyer and avoidance of hidden corners will minimize potential safety problems associated with undercover car parking.
- 3.3.6. A 9 metre setback of the North East corner of the site will provide privacy and prevent overshadowing to the private open space of 36 Marlborough Street. This will create a void from the ground level car park through the upper levels and enables passive surveillance of the car park from open space areas of the rooming house located next to the void and assist with ventilation and natural lighting of the car park.
- 3.3.7. A 26-34 room and bedsitter rooming house is proposed. The unit yield at this stage is not finalized as the design is being refined in response to Office of Housing preference for additional bedsitter units and incorporation of preferred levels of disability access (about 9% of units) and the degree of bedsitter self-containment. At this stage the building envelope can accommodate a unit breakdown of approximately the following:

16 bedsitter units (mix of self-contained with bathroom and kitchenette and semi self-contained with bathrooms only)

15 Traditional bedrooms (with shared communal facilities)

1 One bedroom disabled persons' unit

32

The upper two levels will contain communal lounges, kitchens and bathrooms on each level in accordance with social housing standards. Each level will also contain communal open space located next to the party wall of 36 Marlborough Street which acts as a buffer to number 36 and enables the height modulation described above.

3.4. **The 'Station' site at 46-58 Marlborough Street and associated properties**

3.4.1. The proposal is considering two options:

- A joint venture with a private developer (similar to the Inkerman Oasis model) involving predominantly private housing mixed with community housing provided by the developer to Council as a return on the land. This option may also contain a commercial use component in the north east corner of the site.
- A Council developed, predominantly community housing project, with the possibility of a small commercial component. This option would involve Council funding the community housing under a joint venture with SHIP where Council's contribution of 25% is largely funded by the land value of \$1.2 million and a cash contribution from the Housing Program. In addition, a small number of units could be sold to:
 - the private sector to internally cross-subsidise the community housing (in accordance with joint venture model (d) in the Housing Program Review, page 81) and/or
 - potential social housing investors which have already tentatively expressed a potential interest in acquiring units in this location and project.
- These options are currently being developed, their viability being assessed and their implications on Housing Fund capacity assessed. They will be reconsidered by the project Steering Committee to arrive at a recommended option.
 - The community housing will target families (30%), older persons (50%), couples (5%) and disabled persons (15%) in accordance with housing need weighting adopted in the Housing Program Review in 2000. This will round off the target groups under Phase IV of the Housing Program following the heavy emphasis on singles and rooming house accommodation with the Excelsior Hall, Liardet and Woodstock projects.

- 3.4.2. To enhance the development of the Council 'Station' site, the Steering Committee supports the objective of improving the pedestrian walkway and integrating the development with improvements to the adjoining Balaclava Station. At a meeting in February 2002 with the Department of Infrastructure, the DOI expressed some tentative interest in the City's proposal for an integrated development approach and for a proposal to be presented by Council. Currently the pedestrian ramp to the station does not comply with disability access standards and would require replacement by Bayside trains within a number of years. Instead of this limited improvement, there could also be consideration of commercial development options for the western railway embankment, possibilities for new railway station facilities and relocation of the station entrance to Carlisle Street. The DOI indicated the possibility of State funding for this proposed development. This increased the scope of the feasibility study but enhanced its potential to be a successful, integrated development with the walkway, Carlisle Street and Balaclava Station. Options for an integrated development are provided in Appendix Three.
- 3.4.3. Discussions with owners of key commercial properties between the site and Carlisle Street have also commenced. This will consider how the entrance of the walkway at Carlisle Street can become a gateway for Balaclava Station, development of the Council 'Station' site and any other commercial uses proposed to face the pedestrian precinct.
- 3.4.4. The Steering Committee has indicated a preference for combining options to provide:
- A relocation of the Balaclava Station entrance to Carlisle Street.
 - A flat pedestrian walkway linking Carlisle Street to Marlborough Street and the Council site with a new disability accessible ramp off this to the railway platform.
 - Commercial uses facing the walkway on both the Council 'Station site' and the Balaclava Station. On council's site, a small component of commercial use is also a possibility. These commercial uses would need to complement and reinforce the shopping centre's value as a general shopping centre. They also could provide a mix of uses with higher lease returns, eg. gym, medical centre, radio station etc. and uses providing a social or cultural benefit to the community. This could include uses becoming marginalized in inner Melbourne such as shoe repairers, second hand book sellers, craft workshops, galleries for local artists, arts studio spaces/home occupation, compatible cottage industry eg. wood turning. Andersen has been engaged as a sub-consultant to assess the viability of these commercial uses as well as the development options for Council's 'Station site'.

3.5. Integrated Art and Ecologically Sustainable Design

- 3.5.1. Integrated art opportunities have been proposed by the sub-consultant, William Kelly & Associates for both sites. This consultant was involved with the early arts masterplanning for the Inkerman Oasis project. Locations for art include significant corner elements to buildings, the gateway of the walkway to Carlisle Street, the void space in Woodstock rooming house, the walkway, the eastern edge of the buildings on Council's 'Station site', the railway platform and linear art in the footpaths in Marlborough Street. Art themes include links to local history and culture, reflections on aboriginal culture using indigenous artists and art associated with ecologically sustainable design (ESD) features. The art is planned to be truly integrated in terms of a collaborative process involving use of commissioned artists working closely with the project architect from the early design stages under the co-ordination of a project artist.
- 3.5.2. ESD opportunities have been proposed by sub-consultant, Integrated Eco-Villages for both sites. This consultant had also been engaged by Inkerman Developments Pty. Ltd. for the grey and storm ('streywater') water recycling component of Inkerman Oasis. Ideas for ESD with water systems include potable water supply from rainwater, hot water supply from stormwater runoff, reclaimed domestic grey water for irrigation or toilet flushing and 'blackwater' reuse for irrigation. Other ESD includes investigation for hot water heating and heating by sustainable techniques including solar, investigation of solar photovoltaic energy systems, wind power and co-generation and geothermal power, waste reduction, minimization and recycling, roof gardens and vegetative wall treatments.
- 3.5.3. Opportunities for integration of ideas for architecture, integrated art and ESD is creating interesting design possibilities for the project.

4. OPTIONS

- 4.1. Options for the development focus on Council's 'Station site'. This is because the Woodstock site is best suited to a rooming house to address car parking requirements and that joint venture funding for the rooming house from the Office of Housing is already approved.
- 4.2. The options for the Council's 'Station site' principally relate to whether Council or a private developer develops the site and whether the final, preferred option includes a commercial component. These options are being further investigated and a further report will be presented to Council following Steering Committee recommendation when the feasibility study is completed.

- 4.3. Lastly, Council could choose whether it seeks an integrated development with the Balaclava Station and commercial uses on the edge of the walkway. This seeks to realise a strategic approach to land use planning rather than development planning in isolation. Again, this will be the subject of a further report when further investigated.

5. POLICY CONTEXT

- 5.1. The Balaclava development is supported by the following Council policy:
- 5.1.1. Housing Program review adopted November and December 2000. This identified the three preliminary projects including this project.
 - 5.1.2. The Corporate Plan which 1999/2000-2001/2002, strategy 2.5 on supporting quality housing, action 2.5.1 on support for community housing initiatives consistent with Council adopted community housing policy including the Balaclava Station/development feasibility study.
 - 5.1.3. The Parking Plan-Towards 2010 seeking, amongst other things, to increase use of alternative modes of transport other than private vehicles. This relates to the project's proximity to public transport and its potential to actively support public transport use.
 - 5.1.4. The draft Urban Art Strategy, January 2002 which proposes to encourage urban art, including requiring a developer contribution scheme of 0.5% of development costs for projects over \$2 million. This anticipated to be adopted in July 2002 and subsequent planning permits will be required to comply with its provisions. Integrated art is proposed to feature in the two project components.
- 5.2. The project is consistent with State policy, namely:
- 5.2.1. The Office of Housing's community housing policy, in particular emerging policy under SHIP.
 - 5.2.2. Department of Infrastructure Transit Cities Program and associated policy to upgrade railway stations in an integrated manner with surrounding property and opportunities to reinforce urban villages.
 - 5.2.3. Department of Infrastructure Urban Villages policy seeking to enhance or create urban villages as activity centres focusing retail/commercial, residential and transport uses.

6. ENVIRONMENTAL ASSESSMENT

- 6.1. The ESD proposed for the project will provide a positive environmental impact as a result of the development of both sites. The impacts cannot be detailed until further investigation is completed and will be addressed in a further report to Council.

7. TRIPLE BOTTOM LINE ASSESSMENT

- 7.1. The project will make a positive social impact by providing community housing in both sites. At Woodstock, about 30 units of rooming house accommodation are proposed. At the Council 'Station site' the level of community housing is yet to be determined but will need to be a significant proportion to warrant transfer to a developer or will be the majority of the housing if Council is proposed as the developer.
- 7.2. The economic impact will generally be positive in terms of construction industry employment generation during project construction; and the provision of a captive market for the Carlisle St Shopping Centre. In 1992 USE Consultants advising Council's Shop Top Housing Program advised that ABS data on household expenditure showed that re-use of vacant shop top dwellings may generate an additional \$12-15,000 of retail expenditure per annum; and retail centres which perform weekly shopping roles may expect to capture an additional \$4-5,000 per annum from each new household. This would apply especially to rooming house residents who have low car ownership and would shop locally, although their expendable income would be lower and to community and private flat occupants on the Council 'Station site' due to their close proximity to the shopping centre.
- 7.3. The environmental impact will be positive and is described in section 3.5.2.

8. RESOURCE IMPLICATIONS

- 8.1. The resource implication of the feasibility study itself are \$75,300. This will cover costs associated with architectural services, quantity surveying, land surveying, legal advice, viability analysis and valuations, soil testing, arts consultancy and ESD consultancy. The current budget accommodates this cost.
- 8.2. The resource implications of the Woodstock project will comprise Council's 25% joint venture contributions of \$983,000. This will comprise \$825,000 in land value and \$158,000 in cash from the Community Housing Fund for Phase IV of the Housing Program. Council's contribution is likely to increase when the cost of additional bedsitter bathrooms/kitchenettes and disability access provisions are calculated. The Office of Housing have indicated that it is likely to contribute its 75% share of additional costs.
- 8.3. The resource implications of development of the Council 'Station site' can only be calculated when the preferred development option and number of community housing units is determined. If a private development option is pursued, the community housing will be provided at no construction cost to Council as a return on the transferred land. The value of the community housing has to equal or exceed the value of the land to be justifiable. If Council is the developer, the \$1.2 million land value plus a yet undetermined cash contribution from the Community Housing Fund will be required. The capacity of the Fund to carry the cash contribution will need to be fully determined and will be the subject of a further report to Council.

- 8.4. The current Council funds available from existing and the forthcoming 2002/03 budget allocations total \$1,050,000 and cash liabilities for the three committed projects are \$721,000 and \$30,000 to complete the Balaclava feasibility study. This leaves about \$280,000 in net cash funds for another project, ie:

Funds available	Year	Amount
	2000/01	230,000 *
	2001/02	400,000
	2002/03	400,000
	TOTAL	1,030,000
Existing liabilities **	Projects	
	Excelsior Hall	534,000
	Liardet	29,000
	Woodstock	158,000
	Balaclava feasibility completion	30,000
	TOTAL	751,000
Net cash available		279,000

* Net from original contribution of \$250,000

** This does not allow for escalation to tender and variations agreed with the Office of Housing which are likely to increase project costs. Reasonable cost increases are likely to be shared with the Office of Housing.

- 8.5. Thus, even allowing for additional costs to existing project commitments, the fund has the capacity for a small contribution to another community housing joint venture on the Balaclava 'Station site'.
- 8.6. The resource implications for a community housing project on Council's 'Station site' will be calculated and fully outlined in a further report to Council after the completion of the feasibility study. This will include projects of the fund's capacity over the five years.

9. INTERNAL CONSULTATION

- 9.1. This has occurred through the project Steering Committee. In addition, there has been consultation with:
- the Integrated Transport Co-ordinator and Neighbourhood parking Co-ordinator in relation to integration with Balaclava Station
 - the Senior Traffic Engineer re. car parking implications of development of the two sites
 - Senior Planner re. the Woodstock rooming house proposal and overall development.

10. EXTERNAL CONSULTATION

- 10.1. This has occurred with the Office of Housing and Port Phillip Housing Association.
- 10.2. Residents and traders have been written to in late March 2002 with general information on the Woodstock rooming house proposal and forthcoming consultation process. Individual written information has been provided on request to two property owners near Woodstock re. the consultation process and funding application to the Office of Housing as well as the Office of Leonie Burke MP re. the consultation process. An individual consultation has been provided to the owners of 36 Marlborough Street on the impacts of the Woodstock rooming house and a general community consultation meeting is planned for 13 June. The purpose of this consultation will be to seek resident comment on how the project could be improved.

11. IMPLEMENTATION

- 11.1. The forthcoming steps to progress the feasibility study and development of the Woodstock rooming house are outlined in Appendix One. These are:

Woodstock rooming house:

- Holding a community consultation meeting in mid June and assessment of the community comment. A further report to Council may be required.
- Execution of the Joint Venture Agreement with the Office of Housing. This will be the subject of a separate report to Council.
- Lodging a planning permit application and holding a planning consultation meeting.

'Council's Station site'

- Completion of the feasibility study into land use options and their viability.
- Further report to Council on the completed feasibility study and Steering Committee's recommended development option.

12. CONCLUSION

- 12.1. The Balaclava Development offers a community housing opportunity to provide a significant contribution to low income housing need over the two sites for rooming house singles, families, older persons, couples and disabled persons. This will assist with balancing the location of projects over Phase IV of the Housing Program across Port Phillip in accordance with relative housing need.
- 12.2. In addition, the overall project has the potential to provide ESD and integrated art to enhance the amenity of the project's residents, surrounding community and contribute to environmental and cultural sustainability.

- 12.3. An integrated development approach involving an upgrade of the pedestrian walkway as an enhanced pedestrian precinct, provision of commercial uses by the project and potentially Vic Track and upgrade of the Balaclava Station has the potential to make the walkway an active extension of the shopping centre, address existing micro urban blight, solidify the tram-train transport interchange, potentially enhancing railway patronage and complementing the Carlisle Street Shopping Centre.

13. COMMUNICATION

- 13.1. The Woodstock rooming house proposal and broad direction of the feasibility into the Council 'Station site' will need to be communicated to the surrounding community. This will principally occur through a preliminary community consultation meeting scheduled for 13 June as discussed in sections 10 and 11 of this report, preparation of information and media briefs that will be forwarded to local press and in 'Diversity'.

14. RECOMMENDATION

- 14.1. That Council note the progress of the feasibility study on the Balaclava Development proposal relating to development potential for the two Council sites at 30-34 and 46-58 Marlborough Streets, Balaclava.
- 14.2. That Council support the direction of the feasibility study for the purpose of holding a community consultation meeting on 13 June 2002 on the Woodstock rooming house proposal at 30-34 Marlborough Street and the broad land use options being considered for the 46-58 Marlborough Street site.
- 14.3. That a planning permit application be lodged for the Woodstock rooming house project following assessment of feedback from the community consultation process.
- 14.4. A further report be submitted to Council at the completion of the Balaclava Development feasibility study on the project Steering Committee's recommendation for development of the Council site at 46-58 Marlborough Street.
- 14.5. That a separate report be submitted to Council on the execution of a Joint Venture Agreement between the Port Phillip City Council and the Director of Housing on the Woodstock rooming house project.

**APPENDIX ONE
BALACLAVA DEVELOPMENT FEASIBILITY PROCESS**

DATE	PROCESS	
2001/02 budget	<ul style="list-style-type: none"> Site identification and approval for feasibility study under the Capital Works Program 	
July 2000	<ul style="list-style-type: none"> Preliminary feasibility identifying preference for rooming house on the Woodstock site 	
Nov 2000	<ul style="list-style-type: none"> Completion of Housing Program Review. Council resolution in Nov. & Dec. 2000 on the nature of Phase IV of the Housing Program, with 3 initially identified sites including the 2 Balaclava Development sites 	
Nov 2001	<ul style="list-style-type: none"> Submission for State SHIP joint venture funding of 75% of total project costs for the Woodstock rooming house proposal 	
Feb 2002	<ul style="list-style-type: none"> Meeting with the Department of Infrastructure re. The potential for the upgrade of the Balaclava Station integrated with the development of the adjoining Council 'Station' site. The proposal was well received. This broadens the scope of the feasibility study. 	
Mar 2002	<ul style="list-style-type: none"> State approval announcement for joint venture funding of the Woodstock rooming house proposal. This enables progression of the feasibility study on this component. 	
Late Mar 2002	<ul style="list-style-type: none"> Council writes to local residents informing them of the Woodstock rooming house proposal following State funding approval and the forthcoming consultation process 	
April-May 2002	<ul style="list-style-type: none"> Development of feasibility study progressing proposals for each site differentially under direction of the project Steering Committee, ie: 	
	'Woodstock' rooming house	'Station' site and associated properties (Balaclava Station, walkway and environs)
	<ul style="list-style-type: none"> Refining of the plans in response to Office of Housing comments re. unit mix and local resident preliminary concerns in response to Council letter only re. built form aspects such as scale, shadowing, density as well as use. 	<ul style="list-style-type: none"> Development of land use options re. Council's 'Station' site, Balaclava Station and pedestrian walkway and environs. Steering Committee approval for viability analysis of preferred options
Mid May 2002	<ul style="list-style-type: none"> Individual consultation with owners of 36 Marlborough St as the most affected adjoining property 	<ul style="list-style-type: none"> Commencement of viability analysis of preferred land use options
27 May 2002	<ul style="list-style-type: none"> This Report to Council to note the progress of the feasibility study 	
	<p>Recommendation for:</p> <ul style="list-style-type: none"> holding a preliminary community consultation meeting in June assessment of community comment lodging a planning permit application and holding a planning consultation meeting 	<p>Recommendation for:</p> <ul style="list-style-type: none"> completion of the feasibility study into land use options and their viability further report to Council on the completed feasibility study and the Steering Committee's recommended development option.

**ORDINARY COUNCIL
27 MAY 2002**

ORDER OF THE DAY

ORDER 4	PORT MELBOURNE SOCCER CLUB - UPGRADING SOCCER FACILITIES AT MURPHY RESERVE
KEY RESULT AREA:	IMPROVING OUR BUILT ENVIRONMENT
LOCATION/ADDRESS:	JL MURPHY RESERVE, WILLIAMSTOWN ROAD, PORT MELBOURNE
RESPONSIBLE MANAGER:	SALLY CALDER – DIRECTOR SOCIAL AND CULTURAL DEVELOPMENT
AUTHOR:	PETER BROMLEY
FILE NO.:	76/06/02
ATTACHMENTS:	1. PROPOSED TRAINING LIGHT AND PLAYING FIELD CONFIGURATION

1. KEY ISSUES

- 1.1. Port Melbourne Soccer Club is experiencing growth in participation and is now fielding 14 teams including 2 female and this is putting pressure on both match play and training facilities. Currently the Club has access to 1 full sized flood lit ground, a paddock training area and access in the winter season to a temporary match play ground marked out on the adjacent baseball ground.
- 1.2. The number of players has increased since 1998 (Sport and Recreation Strategy 1998) with there now being 150 juniors (105), 40 seniors (32) and 30 women (0). The Club has had to turn away juniors, as it is unable to accommodate them. It also advises that it has 30 adults who would like to form a team and play in a veterans competition if playing space was available
- 1.3. The main full sized ground was upgraded for use as an Olympic training venue and is considered to be the third best ground in Victoria. This ground is receiving excessive use both for match play and training and deterioration in the playing surface will occur if this level of use continues. The paddock training area is undersized and while part of the ground is illuminated the goal mouths are not and the surface not of a high standard.
- 1.4. Port Melbourne Soccer Club has requested that a light tower in the south west corner of the main ground be relocated further north enabling a full size training/match play ground to be developed, which will enable training and match play to be transferred from the main ground.

2. BACKGROUND

- 2.1. The JL Murphy Reserve was developed on a Crown Reserve that had been used during the War by the American Army for storage. The Anderson Oval was converted to a soccer ground in the early 1960's and has been used by the Port Melbourne Soccer Club since 1968. A new pavilion and social rooms were built in 1993 and in 1999 the soccer ground was upgraded and used as a training venue for soccer that was played at the Melbourne Cricket Ground as part of the 2000 Sydney Olympics.
- 2.2. Sports other than soccer played at Murphy's Reserve are: Australian football, cricket and baseball. Leisure trends show that participation in traditional sports such as football and cricket is declining while the popularity of soccer and baseball is growing particularly women's and junior soccer.
- 2.3. The training area to the south of the main soccer ground appears to have been developed some years ago. A light tower that was later installed to provide illumination primarily to the main ground encroached on the training area restricting its width making it unable to be used as a full size ground and most match play. If the light tower were relocated north, the fence to the south relocated to the south to allow a full size ground could be developed. Currently under 10 junior games are played on this under sized area.
- 2.4. A temporary ground is marked out on the adjacent baseball ground and is used for match play. As there is no lighting this area cannot be used for training and in any event the baseball club has indicated that it is looking to play in the winter competition and this means that this ground would be required year round for baseball.
- 2.5. Excessive use of the main soccer ground for match play and training will lead to deterioration of the playing surface requiring unscheduled renovation and maintenance works and will lead to its down grading as the number three ground in the State.

3. PROPOSAL

- 3.1. It is proposed that the light tower at the southwest corner of the main soccer ground be relocated to the north, the playing surface upgraded, the existing southern fence be relocated 2m to the south and a total of three additional lights be installed on the relocated southwest tower and the existing southeast tower to illuminate the training area including the goal mouths.
- 3.2. This will enable most training and a number of matches to be relocated from the main ground thus reducing excessive use of that ground and also provide an additional soccer ground to meet the Clubs growth and demands.

4. OPTIONS

- 4.1. Carryout works to upgrade the soccer paddock training area by relocating the light tower, supplementing the existing lighting, increasing the size of the area to meet standard soccer ground requirements and upgrading the ground surface.
- 4.2. Do nothing. Failure to carry out this project will reduce the life of the No 1 ground. Maintenance costs of that ground will increase disproportionately. The capacity of the Club to increase the number of teams that it fields will also be severely restricted.

5. POLICY CONTEXT

- 5.1. Under the 1998 Sport and Recreation Strategy (4.2 Statement of Principles)-
 - Council's infrastructure for sport and recreation shall be flexible to accommodate changing usage patterns and demands.
 - Services, programs and facilities shall be developed to an agreed quality standard.
 - Council shall give priority to the development of sport and recreation facilities that cater for municipal and local needs.
- 5.2. The 1998 Sport and Recreation Strategy recommend with regard to soccer facilities:
 - that Council explore avenues of providing assistance for clubs to install training lights for soccer; and
 - that no further action be taken to develop soccer facilities in the short to medium term. However, the 1998 strategy did not predict the enormous growth in participation that has occurred in soccer and particularly at the Port Melbourne Soccer Club. Since the 1998 Strategy was produced the club has expanded to the equivalent of an additional 5 junior teams and 3 women teams.
- 5.3. This proposal is consistent with KRA 1, Building stronger communities, 4.3 Improve recreation services and facilities to better accommodate community needs; and KRA 2, Improving our built environment, 4 Improves the City's physical infrastructure.
- 5.4. The JL Murphy Master Plan advocated the upgrading of the Reserves built facilities. While few recommendations were made in regards to the soccer grounds as negotiations were underway with SOCOG regarding the development of Olympic standard soccer facilities at the Reserve it was recognized that upgraded playing facilities were required for soccer.

6. ENVIRONMENTAL ASSESSMENT

- 6.1. This project will provide for the already increased number of participants and allow the Port Melbourne Soccer Club to accept more participants to the game.
- 6.2. This project will also reduce the impact of overuse on the main soccer ground thus reducing maintenance in the short and long term.

7. TRIPLE BOTTOM LINE ASSESSMENT

7.1. Social

Provides a facility that will enable Club to increase the number of participants as Club is currently turning people away due to lack of playing and training facilities. This is consistent with the intent of Councils Health and Sport and Recreation Strategies and policy.

7.2. Economic

Ensure that the asset of the lights and the grounds are used to their full potential. This project will reduce wear and tear on the main ground and encourage more evenly distributed use across the two grounds thus prolonging the life and quality of the playing fields.

7.3. Environment

There is no impact on the immediate landscaped environment of the park.

8. RESOURCE IMPLICATIONS

- 8.1. The estimated cost of the works is \$35,000.
- 8.2. Carrying out this project will reduce wear and tear on the number one ground, ensuring that the condition of this ground is maintained in a high standard and prolonging the use of the playing fields.
- 8.3. It will allow the Club to continue to grow providing recreational opportunities for young people, enable the Club to increase the number of women players and develop a veterans program.

9. INTERNAL CONSULTATION

- 9.1. This project has been discussed with Environmental Services who recognise and support the value in developing the paddock training area and reducing wear on the main soccer ground.

10. EXTERNAL CONSULTATION

- 10.1. The Port Melbourne Soccer Club has approached Council and this proposal is consistent with their request.

11. IMPLEMENTATION

- 11.1. Given that the soccer season has commenced it is proposed to carryout the works immediately to enable benefit to the Club and Council to be obtained by mid season.

12. CONCLUSION

- 12.1. Upgrading of the paddock training area by moving the existing light tower, supplementing the existing lights and increasing the size to recommended standard will reduce impact on the main ground and enable more people to participate in soccer.

13. COMMUNICATION

- 13.1. It is proposed to place an article in Councils next issue of Divercity.

14. RECOMMENDATION

- 14.1. Council proceed immediately with the relocation of the light tower, the provision of supplementary lights and the upgrading of the paddock training area to match play standards for the Port Melbourne Soccer Club at JL Murphy Reserve at a cost of \$35,000.
- 14.2. That Council fund these works from the Council Resort and Recreation Reserve.
- 14.3. That Council instructs Officers to notify the Port Melbourne Soccer Club of this decision.