



<b>6.2</b>	<b>702/1 ROY STREET, MELBOURNE</b>
<b>LOCATION/ADDRESS:</b>	<b>702/1 ROY STREET, MELBOURNE</b>
<b>EXECUTIVE MEMBER:</b>	<b>CLAIRE FERRES MILES, GENERAL MANAGER PLACE STRATEGY &amp; DEVELOPMENT</b>
<b>PREPARED BY:</b>	<b>RICHARD LITTLE, SENIOR URBAN PLANNER</b>
<b>WARD:</b>	Gateway
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	More than 16 objections
<b>APPLICATION NO:</b>	572/2017
<b>APPLICANT:</b>	2181 Planning
<b>EXISTING USE:</b>	Dwelling
<b>ABUTTING USES:</b>	Accommodation
<b>ZONING:</b>	Residential Growth Zone- Schedule 1
<b>OVERLAYS:</b>	Design and Development Overlay- schedule 26-6b
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Expired

## 1. PURPOSE

- 1.1 To consider and determine Council's position in the upcoming Victorian Civil and Administrative Tribunal (VCAT) hearing for Planning Permit Application 572/2017.

## 2. EXECUTIVE SUMMARY

- 2.1 The proposal seeks permission for buildings and works including alterations and additions to extend the existing apartment (on the 7th floor) to the Queens Road and Roy Street elevations.
- 2.2 The proposed changes to the apartment are minor and involve extending the living area by 600mm to Queens Road and 400mm to Roy Street (total increased floor area of 8sqm). The proposal would be a minor alteration to the built form and would not impact on the overall design and appearance of the building. The application is supported by Council's Urban Design Officer.
- 2.3 Following notice of the application, Council received twenty-nine (29) objections. The objections relate to the impact on the design and appearance of the existing apartment building, impact on the Heritage area and the Stanhill apartment building nearby, the proposed works do not have Body Corporate (Owners Corporation) consent, works might not be in accordance with Building regulations, loss of views and the proposal would set an undesirable precedent for similar applications to this building.



- 2.4 The applicant lodged an appeal to VCAT against Council's failure to determine the application within the prescribed time (60 days) on 11 January 2018. The hearing is listed for 15<sup>th</sup> June 2018 for three (3) hours.
- 2.5 The site is located within the Residential Growth Zone - Schedule 1 and is covered by the Design and Development Overlay – Schedule 26-6B. The proposal accords with the relevant objectives of the Overlay, in particular setbacks to Queens Road and Roy Street and would not exceed the height requirements. The changes would not result in any loss of amenity to the surrounding properties.
- 2.6 It is recommended that Council informs the Tribunal that it supports the application subject to conditions.



### 3. RECOMMENDATION

- 3.1 That the Planning Committee adopts Recommendation "Part A" and Part "B", to advise VCAT that:
- It supports the application with conditions
  - In the event that VCAT determines to grant a permit for the application, any permit issued should incorporate the conditions in this report.
  - Authorise the Manager City Development to instruct Council's Statutory planners and/ or Council Solicitors on the VCAT Application for Review.

#### RECOMMENDATION "PART A":

- 3.2 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, advise VCAT that, had it been the Responsible Authority for determination of the application, it would have issued a Notice of Decision to Grant a Permit for buildings and works including alterations and additions to extend the existing apartment (on the Queens Road and Roy Street elevations) at 702/1 Roy Street, Melbourne.
- 3.3 That the decision be issued as follows:

#### 1 No Alterations

The development and colours, materials and finishes as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

#### 2 Time for starting and completion

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

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within two years of the date of commencement of works.

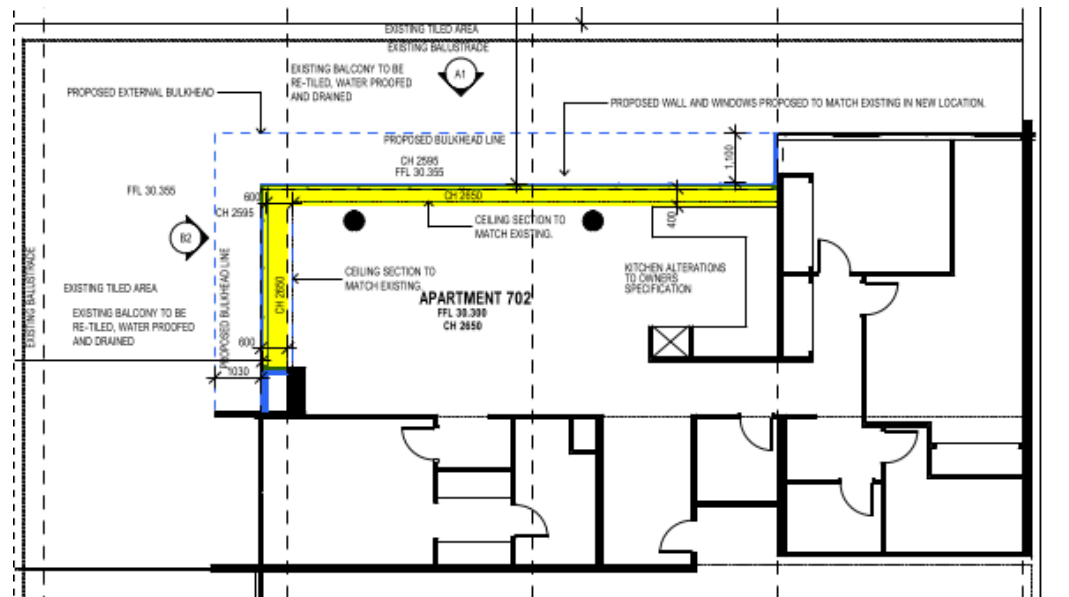
The Responsible Authority may extend the periods referred to if a request is made in writing:

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

#### RECOMMENDATION "PART B":

- 3.4 Authorise the Manager City Development to instruct Council's Statutory Planners and/or Council's solicitors on the VCAT application for review.





Proposed Floor Plan

- The layout of the dwelling would be unchanged but would have a larger open plan living area. (the yellow highlighted area shows the increase in floor area).

### 5.3 Finishes and Materials

- The additions would be finished to match the existing windows, and those used in the rest of the development.

5.4 The assessment relates to the advertised plans (A01-A07) all prepared by Hatzis Design and received by Council on 14<sup>th</sup> September 2017.

## 6. SUBJECT SITE AND SURROUNDS

6.1 The subject site (identified by the green dot at paragraph 6.6) contains a thirteen (13) storey residential apartment building, located on the corner of Queens Road and Roy Street.

6.2 The site has a frontage of 30.2 m to Queens Road and a length of 76.6 m. The site contains a 13 storey apartment building (known as Scala). The application site relates to apartment (701) located on the 7<sup>th</sup> floor (on the corner Queens Rd and Roy Street).

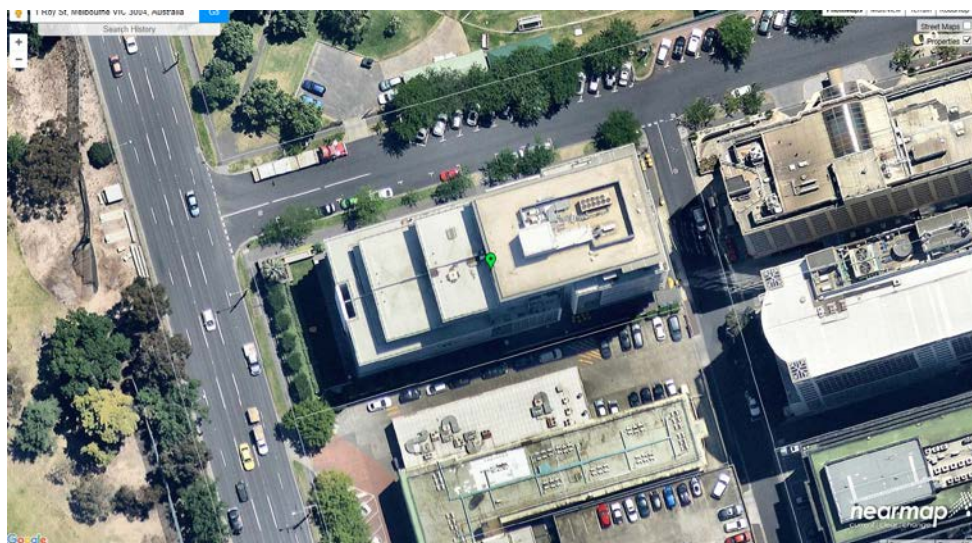
6.3 To the north of the site is Albert Park Cricket Ground.





Photo: View from opposite corner of Roy Street and Queens Road

- 6.4 To the west of the site is Queens Road. On the opposite side of Queens Road is the Albert Park Public Golf Course and Albert Park Lake.
- 6.5 To the south of the site (No. 50-52 Queens Road) is Bayview on the Park Hotel.
- 6.6 To the east of the site (rear) is Queens Lane. On the opposite side of the lane is Melbourne Parkview Hotel.



**Image 1** - Aerial photograph of the subject site and surrounding environs  
(Source: *Nearmap* picture taken 23<sup>rd</sup> November 2017).



**7. PERMIT TRIGGERS**

The following zone and overlay controls apply to the site, with planning permission required as described.

<i>Zone or Overlay</i>	<i>Why is a permit required?</i>
<i>Clause 32.07 Residential Growth Zone- Schedule 1</i>	<ul style="list-style-type: none"> <li>▪ <i>A permit is required to extend a dwelling if there are two or more dwellings on a lot.</i></li> </ul>
<i>Clause 43.02 Design and Development Overlay Schedule 26-6B</i>	<ul style="list-style-type: none"> <li>▪ <i>A permit is required to construct a building or carry out works.</i></li> </ul>

**8. PLANNING SCHEME PROVISIONS**

**8.1 State Planning Policy Framework (SPPF)**

The following State Planning Policies are relevant to this application:

- Clause 15 Built Environment and Heritage, including;
- Clause 15.01-1 Urban Design
- Clause 15.02-1 Sustainable development, Energy and resource efficiency
- Clause 16: Housing;

**8.2 Local Planning Policy Framework (LPPF) and Municipal Strategic Statement (MSS)**

- Clause 21.03 Ecologically Sustainable Development, including
  - Clause 21.03-1 Environmentally Sustainable Land Use and Development
  - Clause 21.03-2 Sustainable Transport
- Clause 21.04 Land Use, including
  - Clause 21.04-1 Housing and Accommodation
- Clause 21.05 Built Form, including
  - Clause 21.05-2 Urban Structure and Character
  - Clause 21.05-3 Urban Design and the Public Realm
- Clause 21.06 Neighbourhoods, including
  - Clause 21.06-7 St Kilda Road and Queens Road

**8.3 Other relevant provisions**

Clause 65

**8.4 Relevant Planning Scheme Amendment/s**



Nil

## 9. REFERRALS

### 9.1 Internal referrals

The application was referred to the following areas of Council for comment.

- Council's Urban Design Officer

No objections to the proposal.

### 9.2 External referrals

The application was not required to be externally referred.

## 10. PUBLIC NOTIFICATION/OBJECTIONS

10.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (164 letters) and directed that the applicant give notice of the proposal by posting two notices on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

10.2 The application has received twenty-nine (29) objections. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 9):

- Impact on the design and appearance of the building

*Refer Section 11.1.*

- Loss of property values due to external changes

*Impact on property values are not a valid planning objection.*

- The applicant has not received Body Corporate (Owners Corporation) consent.

*Granting planning permission does not override any other obligation of the owner. Failure to have Body Corporate (Owners Corporation) consent is not grounds to refuse or not consider an application. The works are contained wholly within the subject site and its airspace.*

- The changes would impact on the heritage area and the Stanhill Apartment building

*The site is not within a Heritage Overlay. The nearest heritage overlay is to the north (Albert Cricket Ground) and west (Albert Park Public Golf Course). The Stanhill apartment building is over 230m to the north and separated by the cricket ground. Given the minor nature of the proposal, together with its location on the 7<sup>th</sup> floor, would make the alterations virtually imperceptible from a streetscape perspective.*





- If approved, it will set a precedent for other owners to change their apartments.  
*Any subsequent applications would need to be assessed on their own merits.*
- The building work may not be carried out in accordance with Building Regulations.  
*Compliance with the Building Regulations is part of the building permit process.*
- *Loss of views from extending the bulk head.*  
*Views are not protected under the Port Phillip Planning Scheme.*

10.3 It is not considered that the objections do not raise any matters of significant social effect under Section 60 (1B) of the Planning Environment Act 1987.

10.4 A consultation meeting was not held as it was unlikely to achieve a resolution given the nature of the works.

## 11. OFFICER'S ASSESSMENT

### 11.1 Local Policy

#### **Is the proposal an acceptable response to the design objectives of the relevant planning controls?**

Clause 21.06-7 (St Kilda Road North precinct) of the Port Phillip Planning Scheme has a number of local strategies, amongst others, seeks to ensure that development frames long ranging views along Queens Road and forms an edge to Albert Park.

The Design and Development Overlay Schedule 26-6B provides further guidance on the recommended design and appearance of development in the area.

The proposal is considered to comply with the precinct wide design objectives of the overlay. The proposal would be located on the 7<sup>th</sup> floor and would not extend beyond the existing setback of the building. As such, there would be no impact on the Shrine Setting, landscape setting or the existing street level environment.

#### Private Amenity and Outlook

- The proposal would increase the area of the open plan living area of the apartment and thereby increase the internal level of amenity for the occupants.
- The proposal would reduce the area of the terrace from 96sqm to 85sqm. The terrace would continue to exceed the 12 sqm required under Clause 58 and provide a satisfactory amenity space for the occupants of the apartment.
- The proposed works would not have any impact on the amenity of adjoining residential areas.

The proposal is considered to comply with the sub-precinct design objectives of the overlay to the extent that:



- The proposal would not change the overall building height and therefore maintain the primacy of St Kilda Road and maintain the transition in height to Queens Road.
- The building would continue to frame long range views along Queens Road.
- Given the proposed alterations to the façade are at level 7, the proposal would not affect the overall setbacks along Queens Road.
- The proposal would not result in any loss of landscaping along Roy Street.
- The proposal would not alter the existing scale of the building and maintain the existing backdrop for the Shrine of Remembrance.

#### Buildings and Works

The proposal complies with all general precinct requirements.

The proposal is consistent with the buildings and works sub-precinct (sub-precinct 6-b Queens Road) requirements to the extent that:

- The landscape setbacks would be unchanged as a result of the proposal.
- The proposal would not alter the setback to Queens Lane.

#### Height

- The overall height of the existing building would be unchanged at 45.750m.

#### Setbacks

- The overall setback of the building would not change. The proposed works to the apartment would be setback 21.04m to Queens Road and 8.75m to Roy Street. The proposed works would not have a height exceeding 30m within 25m of Queens Road, in accordance with the requirements to the schedule of this overlay.

#### Decision Guidelines

The proposal is considered to meet the decision guidelines;

- The proposal achieves the Design Objectives.
- The proposal would be in accordance with the General Requirements and the Requirements of sub-precinct 6b.
- The proposal would not result in additional overshadowing.

The overall design and appearance of the building would be retained from the public realm. The proposal would result in the setback of the walls and windows of the living area being reduced by 400mm to Roy Street and 600mm to Queens Road. The whole works would be set within the existing terrace area and within the existing roof overhang along Roy Street and Queens Road whilst retaining the setback in keeping with the rest of the building, as such there would be little perceivable change to the appearance of the building.

Furthermore, given that the apartment is located on the seventh floor it would have limited visibility from ground level. The proposal would use matching windows and wall materials to match the existing apartment and building.



Council's Urban Design Officer has no objection to the proposal on the appearance of the building.

**Are the impacts on the amenity of adjoining residents acceptable?**

Objective 9 of Clause 21.05-2 (Built Form) is "to ensure new development minimises any detrimental impacts on neighbouring properties. Strategy 9.1 of the objective is to "ensure new development does not unreasonably affect the amenity of adjoining properties by way of overshadowing, privacy or visual bulk".

Given the minor scale of the works there would be no amenity impact to the adjoining properties through overshadowing, loss of privacy or visual bulk. The proposal complies with Clause 21.05-2.

**12. COVENANTS**

- 12.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Lot 702 on Plan of Subdivision 446158A, Parent Title [Volume 01355 Folio 983].

**13. OFFICER DIRECT OR INDIRECT INTEREST**

- 13.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

**14. OPTIONS**

- 14.1 Approve as recommended  
14.2 Approve with changed or additional conditions  
14.3 Refuse - on key issues

**15. CONCLUSION**

- 15.1 It is considered that the proposed buildings and works including alterations and additions to extend the existing apartment (on the 7th floor) to the Queens Road and Roy Street elevations would be an appropriate built form outcome for the existing building. The Council's Urban Design Officer has assessed the proposal and all supporting documentation submitted by the applicant and has no objection to the application.
- 15.2 Furthermore, the proposal due to its minor scale, would not impact on the amenity of neighbouring occupiers and is considered to be worthy of support subject to the conditions noted at Section 3.
- 15.3 The alterations to the apartment would represent an appropriate design response with respect to both the Design and Development Overlay and the wider neighbourhood.
- 15.4 Approval is recommended subject to conditions.



**PLANNING COMMITTEE**  
**28 MARCH 2018**

**TRIM FILE NO:**  
**ATTACHMENTS**

- PF17/306319**
- 1. 572/2017 - Objector map**
  - 2. 572/2017 - Advertised Plans**