



6.6 **7 HUGHENDEN ROAD, ST KILDA EAST**
LOCATION/ADDRESS: **7 HUGHENDEN ROAD, ST KILDA EAST**
EXECUTIVE MEMBER: **LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT**
PREPARED BY: **MATT SPENCER, PRINCIPAL PLANNER**

1. PURPOSE

- 1.1 To consider and determine Planning Permit Application P350/2018 for the construction of six dwellings on a lot in a two and three-storey building with an associated basement car park and to construct a front fence exceeding 1.5m height at 7 Hughenden Road, St Kilda East.

2. EXECUTIVE SUMMARY

WARD:	Canal
TRIGGER FOR DETERMINATION BY COMMITTEE:	More than 15 objections
APPLICATION NO:	350/2018
APPLICANT:	Dreamvale Group Pty Ltd
EXISTING USE:	Residential – single dwelling
ABUTTING USES:	Residential – single dwelling and multi dwelling
ZONING:	General Residential Zone - Schedule 1 (GRZ1)
OVERLAYS:	Nil
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

- 2.1 The application seeks permission to construct a two and three storey building comprising six dwellings and 12 car spaces at 7 Hughenden Road, St Kilda East.
- 2.2 The site is located within the General Residential Zone and is not affected by any overlays.
- 2.3 The application was advertised. 22 objections were received raising concerns with:
- Overshadowing
 - Overlooking



- Loss of daylight to windows
 - Visual bulk
 - Failure to respect neighbourhood character
 - Insufficient transition in building height
 - Excessive front fence height
 - Detrimental impact on carparking availability in the area
 - Unsafe vehicular access to and egress from the subject site
 - Lack of green space
 - Adverse traffic impacts
- 2.4 The proposal includes two and three storey building forms that have been sited to respond to the streetscape and to minimise amenity impacts on neighbouring properties.
- 2.5 The proposal includes retention of a tree within the front setback and further landscaping including trees at the perimeter of the building.
- 2.6 It is considered that the proposed development, with some modifications, would sit comfortably within the streetscape, which comprises a mix of architectural styles and includes several three storey multi-dwelling developments.
- 2.7 The proposed development would display satisfactory compliance with the standards of Clause 55 (ResCode) thereby ensuring that the amenity of neighbouring dwellings would not be unreasonably impacted upon. Variations to the street setback, side and rear setbacks, overshadowing, private open space and solar access to open space standards are considered acceptable, whilst permit conditions would ensure that the overlooking, design detail and front fences standards would be satisfied.
- 2.8 The number of car spaces proposed would meet the requirements of the planning scheme.
- 2.9 The design of the car parking area would allow for safe and efficient vehicle movements to and from the site.
- 2.10 It is recommended that the Council approve the application and issue a Notice of Decision to Grant a Permit, subject to conditions.



3. RECOMMENDATION

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit
- 3.2 That a Notice of Decision to Grant a Permit be issued for construction of six dwellings on a lot in a two and three-storey building with an associated basement car park at 7 Hughenden Road, St Kilda East
- 3.3 That the decision be issued as follows:

1 Amended Plans required

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 an electronic copy must be provided. The plans must be generally in accordance with the application plans but modified to show:

- a) The hotwater and air-conditioning units as shown on the roof plan to also be shown on the elevation and section plans and screened to the same height of the units
- b) The corner splays/sightlines located adjacent the driveway kept 50% clear of visual obstructions and all landscaping less than 900mm in height
- c) Amended privacy screen details which reduce the height of the screens to 1.7m above finished floor level and include elevation and cross section drawings of the screens. The drawings must:
 - Be drawn to scale and fully dimensioned;
 - Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
 - Clearly illustrate how any louvre or batten system will prevent (rather than limit) downward and horizontal views to neighbouring secluded private open space and/or habitable room windows;
 - Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that views of adjacent secluded private open space and/or habitable room windows are prevented (rather than limited)
- d) Privacy screening provided to the first floor east facing bedroom window to dwelling 1 and the east edge of the second floor balcony to dwelling 1. The privacy screen must be designed as per the screening described at condition 1c) of this permit
- e) All habitable room windows notated as openable apart from those windows with obscure glass. The windows with obscure glass must be notated as having fixed obscure glass to 1.7m above finished floor level with the remainder of the window above 1.7m being openable



- f) The first floor louvres facing the street to be spaced further apart and provided with a deeper profile. The lower 1.5m portion of the louvres may be operable whilst the remaining upper portion must be fixed
- g) The front fence deleted and replaced with a fence of no more than 1.5m high, comprising a low masonry plinth, punctuated by masonry pillars with charcoal palisade inserts that match the proposed pedestrian gates
- h) Sightlines notated at the vehicular entrance to the site in accordance with dot point 7 of design standard 1 at Clause 52.06-9 of the Port Phillip Planning Scheme
- i) A notation on the plans stating that the rainwater tanks will be used for toilet flushing and garden irrigation.
- j) A clothesline in each of the east facing ground floor courtyards
- k) External shading to all sun exposed glazing
- l) A notation on the plans stating that all windows and glass doors will be double glazed
- m) A notation indicating the extent of all permeable paving
- n) Any changes necessary to meet the requirements of the Sustainable Design Assessment in the corresponding condition below.
- o) Any changes necessary to meet the requirements of the Water Sensitive Urban Design Response in the corresponding condition below.
- p) Any changes necessary to meet the requirements of the Landscape Plan in the corresponding condition below.

2 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.

3 Satisfactory continuation

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

4 Walls on or facing the boundary

Prior to the occupation of the building(s) allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or the laneway must be cleaned and finished to a uniform standard. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed to the satisfaction of the responsible authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the responsible authority.

5 Sustainable Design Assessment

Before the development starts (other than demolition or works to remediate contaminated land) a Sustainable Design Assessment that outlines proposed sustainable design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. When approved, the Assessment will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.



6 Incorporation of Sustainable Design initiatives

The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Design Assessment to the satisfaction of the Responsible Authority.

7 Implementation of Sustainable Design Initiatives

Before the occupation of the development approved under this permit, a report from the author of the Sustainable Design Assessment approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the Ecologically Sustainable Design report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

8 Water Sensitive Urban Design

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

9 Incorporation of Water Sensitive Urban Design initiatives

Before the occupation of the development approved under this permit, the project must incorporate the water sensitive urban design initiatives listed in the endorsed Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.

10 Maintenance Manual for Water Sensitive Urban Design Initiatives (Stormwater Management)

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority.

The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- inspection frequency
- cleanout procedures
- as installed design details/diagrams including a sketch of how the system operates

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Building User's Guide or a Building Maintenance Guide.



11 Completion of Landscaping

The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.

12 Landscaping Maintenance

The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

13 Applicant to Pay for Reinstatement

Before the occupation of the development allowed by this permit, the applicant/owner must do the following things to the satisfaction of the Responsible Authority:

- a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development.
- b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
- c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

14 Parking and Loading Areas Must Be Available

Car parking areas must be kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the Responsible Authority.

15 Vehicle Crossings

Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

16 Public Services

Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the Responsible Authority. All costs associated with any such modifications must be borne by the applicant/owner.



17 Arborist Report

Before the development starts, a report and plan by a suitably qualified Arborist to comply with AS 4970 - 2009 Tree protection on development sites setting out how the existing street tree at the front of the site, the tree within the naturestrip at the front of the site and trees on neighbouring land to the north of the property will be protected during construction, must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When approved the report and plan will be endorsed and form part of the permit. The tree protection measures outlined in the report must be complied with to the satisfaction of the Responsible Authority.

18 Waste Management

An adequate waste management arrangement must be provided for the premises, in accordance with Council's Local Law No. 1 (Community Amenity) 2013 to the satisfaction of the Responsible Authority.

19 Piping and ducting

All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed to the satisfaction of the Responsible Authority.

20 No equipment or services

Any plant, equipment or domestic services visible from a street (other than a lane) or public park must be located and visually screened to the satisfaction of the responsible authority.

21 Privacy screens must be installed

Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.

22 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.

Permit Notes:

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.



Building Works to Accord with Planning Permit

The applicant/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.

Due Care

The developer must 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.

Days and Hours of Construction Works

Except in the case of an emergency, a builder must not carry out building works outside the following times, without first obtaining a permit from Council's Local Laws Section:

- Monday to Friday: 7.00am to 6.00pm; or
- Saturdays: 9.00am to 3.00pm.

An after-hours building works permit cannot be granted for an appointed public holiday under the Public Holidays Act, 1993.

Drainage Point and Method of Discharge

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the responsible authority prior to the commencement of any buildings or works.

Noise

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

- a) noise from the plant during the day and evening (7.00am to 10.00pm Monday to Friday, 9.00am to 10.00pm Weekends and Public Holidays) must not exceed the background noise level by more than 5 dB(A) measured at the property boundary
- b) noise from the plant during the night (10.00pm to 7.00am Monday to Friday, 10.00pm to 9.00am Weekends and Public Holidays) must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open).

Significant Trees

This permit does not authorise the pruning or removal of any significant trees and/or removal of vegetation. A permit must be obtained pursuant to Local Law No. 1 (Community Amenities) 2013, Clause 44. For further information contact Council's City Permits unit on Ph: (03) 9209 6216.

4. RECOMMENDATION – PART B

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

5. RELEVANT BACKGROUND

There is no relevant history or background for this application.



6. PROPOSAL

- 6.1 The architectural plans which are the subject of this report are those prepared by ADDARC, dated 15/06/2018 and otherwise described as:
- TP00 (REV 4), TP01 to TP03 (REV 4), TP03A (REV 4), TP04 to TP06 (REV 4), TP07 to TP10 (REV 3) and TP11 to TP22 (REV 2)
- 6.2 The landscape plan which is the subject of this report is that prepared by John Patrick Landscape Architects Pty Ltd, dated May 2018 and received by Council on 17/05/2018.
- 6.3 The application for planning permit seeks approval for construction of six dwellings on a lot in a two and three-storey building above a basement car park with 12 car spaces.
- 6.4 Specific details of the application are as follows:

Site Layout and Building Massing

- The development would adopt an attached townhouse typology with the front two dwellings sited side by side with the remaining four dwellings sited one behind the other
- The front five dwellings would each be constructed over three levels whilst the rear dwelling would be constructed over two levels
- Each dwelling would have three bedrooms
- The site area covered by buildings would be 429m² which equates to 59% of the total site area
- The permeable surfaces would equate to 20% of site area
- The area of garden would be 35%
- The landscape plan for the site includes three 10m high (at maturity) trees along the west (side) boundary, a 5m high (at maturity) tree within three of the four courtyards within the east (side) setback area and two 6m high (at maturity) trees within the front setback area. An existing 4-5m high tree within the front setback would be retained. The remainder of the site would be landscaped with a combination of shrubs, groundcovers, grasses and climbers, including climbing plants to the west (side) elevation to the front portion of the building
- Vehicular access to the basement would be provided from Hughenden Road via a proposed 3m wide crossover adjacent to the southeast corner of the site. An existing crossover adjacent to the southwest corner of the site would be removed and re-instated with footpath, nature strip and herb and channel

Setbacks and height

Ground floor



- The building would be setback 6.1m from Hughenden Road, 2.1m from the west (side) boundary and between zero and 4.6m from the east (side) boundary. The portion of the building constructed on the east boundary would be 2.9m long and approximately 2.8m high
- The building would be constructed on the north (rear) boundary for a length of 11.8m and height of 3.2m above natural ground level (NGL)

First floor

- The building would be setback 6.1m from Hughenden Road and a minimum of 2.1m from the west (side) boundary, where the front part of the building would be constructed to a height of 7.1m above NGL with the remainder constructed to a maximum height of approximately 6m above NGL
- At the north (rear) boundary, the building would be setback a minimum of 1.4m and constructed to a height of 5.8m
- At the east (side) boundary the building would be setback a minimum of 3.9m. The front part of the east elevation would be constructed to a height of 7m with the remainder constructed to a maximum height of approximately 6.1m
- The portion of the building constructed on the east boundary would be 2.9m long and approximately 2.8m high

Second floor

- The building would be constructed to a maximum height of 9.1m
- The building would be setback 8.7m from the street, a minimum of 3.4m from the west (side) boundary, 8.1m from the north (rear) boundary and 7.4m and 4.9m from the east (side) boundary

On-Site Amenity and Facilities

- The two front dwellings would be provided with direct entry from the street via a gate. The remaining dwellings would be accessed from the street via a common walkway within the west (side) setback. The common walkway would also provide access to and from the basement carpark
- All proposed windows would have access to daylight
- Open space would be provided to each dwelling as follows:
 - Dwelling 1 = 29m² secluded front yard with access to a living area and a 13m² second floor balcony with a minimum dimension of 2.5m facing the street
 - Dwelling 2 = 33m² secluded front yard with access to a living area and a 12m² second floor balcony with a minimum dimension of 2.5m facing the street



- Dwellings 3, 4 and 5 = 23m² secluded east and north facing courtyard with access to a living area
- Dwelling 6 = 50m² secluded east and north facing courtyard with access to a living area
- Each dwelling would be provided with two car spaces within the basement carpark. The car spaces to dwellings one to five would be provided in tandem, whilst dwelling six would be provided with two, separately accessible car spaces.
- The basement would also include 8m³ of storage for each dwelling, a refuse and recycling area, six bicycle spaces, a services and utilities area and an underground 12,000 litre water tank
- Mailboxes and two visitor bicycle spaces would be located adjacent the common pedestrian entrance to the site
- Hotwater and air-conditioning units would be located on the roof. It is noted that the elevation and section plans do not show these elements. Accordingly, any permit that may issue should include a condition that requires this information (refer recommended condition 1a)

Detailed Design

- The building would have a flat roof would comprise a variety of colours and materials including:
 - Feature brickwork to frame the front façade and returning to each side elevation. The rear boundary wall and ground floor west elevation would also include brickwork
 - charcoal coloured vertical cladding to each side and the rear of the first floor
 - charcoal and mid grey coloured horizontal batten screens
 - white and light grey render to the upper level
- Charcoal render to the front fence punctuated by charcoal palisade gates. The front fence would be constructed to approximately 2m high and would be setback approximately 0.5m from the front boundary, with climbing vegetation planted between the fence and the footpath

7. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	725m ²
Existing building & site conditions	The subject site accommodates a single storey Federation style dwelling constructed of brick with part hipped and part gable end slate tiled roof.



	<p>The existing dwelling on the site is setback 8.8m and 9.2m from the street, behind a low timber paling fence that is painted white.</p> <p>At the west (side) boundary the existing dwelling is setback a minimum of approximately 4.5m, whilst at the east (side) boundary it is setback approximately 2m.</p> <p>The rear elevation of the existing dwelling is setback 6.7m and 8.7m from the rear boundary. Secluded private open space is located within this setback area and contains a smattering of trees and shrubs. It is noted that none of the trees on the site have a trunk circumference of 1.5m or more and are not therefore defined by Council's local law as being 'significant'.</p> <p>Vehicle access to the site is provided from Hughenden Road via a crossover adjacent to the southwest corner of the site. The crossover provides access to a gravel car parking area that is located within the west (side) setback of the existing dwelling. Further car parking is provided within the partly vegetated front setback.</p>
<p>Abutting properties</p>	<p><u>5 Hughenden Road (abutting west side boundary of the subject site):</u></p> <p>This site accommodates a single storey Federation style dwelling constructed of brick with part hipped and part gable end ceramic tiled roof. A front verandah returns around the east side of the dwelling.</p> <p>The existing dwelling is setback 6.5m and 7.6m from the street behind a timber picket front fence.</p> <p>At its interface with the subject site, the dwelling is setback a minimum of approximately 1.1m from the common side boundary, which is fenced with 1.83m high timber palings.</p> <p>Three habitable room windows face the subject site.</p> <p>Secluded private open space is located at the rear of the site along with a two storey studio at the northwest corner of the site.</p> <p><u>Land abutting the entire length of the east (side) boundary of the subject site:</u></p> <p>This site is located on the northwest corner of the junction of Hughenden Road and Wando Grove. The site accommodates a development that was approved by Planning Permit 1494/1999, which allows for development of the land for the purposes of four, two-storey attached houses with associated car parking.</p> <p>Three of the four dwellings face Wando Grove, whilst one of the dwellings faces Hughenden Road.</p> <p>The dwellings are finished in brick, rendered masonry, stone cladding, timber and metal.</p> <p>Subdivision of the land into four separate allotments was approved by permit 1099/2002. These allotments are otherwise described as 9 Hughenden Road, 12, 8 and 10 Wando Grove.</p> <p>The front dwelling (9 Hughenden Road) is setback 6m from Hughenden Road behind a 1.8m high timber rail fence. The</p>



secluded private open space to this dwelling is located within this front setback area.

At ground floor, a garage to the front dwelling is constructed on the boundary shared with the subject site for a length of approximately 6.2m. This garage is accessed from Hughenden Road via an existing crossover adjacent the southwest corner of the site.

The first floor of the front dwelling is setback 2.9m from the boundary it shares with the subject site and includes one non-habitable room window facing the subject site and a corner window facing the street and partly facing the subject site.

Abutting the rear of 9 Hughenden Road is 12 Wando Grove. Part of this dwelling is constructed on the boundary shared with the subject site and also abuts the rear wall of the garage to the front dwelling. The overall length of wall on the boundary, being the garage wall to 9 Hughenden Road and the wall to 12 Wando Grove, is 10.3m and the height is approximately 3.5m.

The secluded private open space to 12 Wando Grove, being a courtyard of approximately 27m², abuts the subject site for a length of 4.8m. The east edge of this secluded private open space is setback approximately 5.7m from the common boundary. The common boundary is fenced with 1.84m high palings with 0.6m trellis above.

One ground floor habitable room window faces west toward the subject site, whilst a further (north facing) ground floor habitable room window has oblique views to the subject site. The first floor to this dwelling is setback 5.5m and 5.7m from the common boundary and includes two habitable room windows facing the subject site.

Abutting the north boundary of 12 Wando Grove is 10 Wando Grove. Part of the dwelling at 10 Wando Grove is constructed on the common boundary for a length of approximately 4.5m and to a height of approximately 3.65m. The secluded private open space to this dwelling, being a part covered and part open courtyard of approximately 26m², abuts the subject site for a length of 4.5m. The east edge of this secluded private open space is setback approximately 5.7m from the common boundary. The common boundary is fenced with 2.82m high steel sheet.

Two ground floor habitable room window face west toward the subject site, whilst a further (north facing) ground floor habitable room window has oblique views to the subject site. The first floor to this dwelling is setback 5.5m and 5.7m from the common boundary and includes two habitable room windows facing west toward the subject site.

Abutting the north boundary of 10 Wando Grove is 8 Wando Grove. Part of the dwelling at 8 Wando Grove is constructed on the common boundary for a length of approximately 4.3m and to a height of approximately 3.5m. The secluded private open space to this dwelling, being a courtyard of approximately 29m², abuts the subject site for a length of 5.2m. The east edge of this secluded private open space is setback approximately 5.7m from the



	<p>common boundary. The common boundary is fenced with 1.84m high palings with 0.6m trellis above.</p> <p>One ground floor habitable room window faces west toward the subject site, whilst a further (north facing) ground floor habitable room window has oblique views to the subject site. The first floor to this dwelling is setback 5.5m and 5.7m from the common boundary and includes one habitable room window facing west toward the subject site.</p> <p><u>6 Wando Grove (abutting north rear boundary of the subject site):</u></p> <p>This site is developed with a three storey block of 1970's era brick flats that extend deep into its allotment. This development is setback 3.2m from the boundary it shares with the subject site. A common walkway, which provides pedestrian access to the flats, is located within this setback area. The walkway is landscaped and includes garden beds, a 2-3m high tree and a 7-10m high tree. The common boundary is fenced with 1.8m high palings and 1.8m palings with 0.7m high lattice above. Several first and second floor habitable room windows face the subject site.</p>
<p>Neighbourhood Character</p>	<p>To the west of the subject site, beyond 5 Hughenden Road, are two blocks of flats each with a flat roof. The footprints of these buildings extend deep into their respective allotments. Further west is an inter war apartment development with a hipped roof. Each of these multi dwelling developments are setback between approximately 3 and 5m from the street behind low fences/plinths. Each is provided with a crossover and a driveway along its side boundary.</p> <p>Further west is double storey multi dwelling development.</p> <p>To the east of the subject site, on the opposite side of Wando Grove, is a three storey block of flats with a flat roof, followed by single storey original housing stock and a double storey inter war apartment building.</p> <p>The south side of Hughenden Road predominantly comprises detached three storey blocks of flats with footprints that generally extend deep into their respective allotments. These flats are occasionally punctuated by original detached housing stock.</p> <p>A recently constructed three storey apartment building is located diagonally opposite the subject site, occupying the southeast corner of the junction of Te-Arai Avenue and Hughenden Road. The footprint of this development extends deep into its allotment.</p> <p>Hughenden Road is lined with mature street trees and nature strips, punctuated by crossovers to each property. Street trees are complemented by established vegetation with the front gardens of period housing stock whilst multi dwelling developments in the street provide minimal contribution to the landscape character of the area.</p> <p><i>The Port Phillip Design Manual Version 3, 2000 Chapter 4 - Neighbourhood Character Descriptions 2000, indicates that the site is located within character Area 26, the description of which is provided below, provides an accurate snapshot of the area:</i></p>



	<p><i>The area appears to have been subdivided and developed in the Edwardian and inter-war period, with a high proportion of large allotments. These large lots attracted extensive redevelopment during the 1960's and 1970's with two and three storey walk-up flat blocks dominating the character of the area. The area now has a diverse mix of building types and styles at various set backs and height levels.</i></p> <p><i>Streets were originally developed with bluestone kerbs, channels and nature strips, however, many now have concrete footpaths, crossings and kerbs.</i></p> <p><i>The area has some mature street trees including flowering gum, liquid amber and others, although recent plantings with small scale mixed natives has changed the character to a certain degree.</i></p> <p><i>Dominant style 1950s - 1960s</i></p> <p><i>Dominant scale one, two and three storey</i></p> <p><i>Dominant roof flat/metal</i></p> <p><i>Setback less than 5 metres/mixed</i></p> <p><i>Heritage limited number of heritage places</i></p> <p><i>Gardens visible/medium/small</i></p> <p><i>Fences various heights/various materials</i></p>
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8. PERMIT TRIGGERS

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

Zone or Overlay	Why is a permit required?
<p><i>General Residential Zone - Schedule 1 (GRZ1)</i></p>	<p><i>A permit is required to:</i></p> <ul style="list-style-type: none"> ▪ <i>Construct two or more dwellings on a lot pursuant to Clause 32.08-6.</i> <p><i>A development must meet the requirements of Clause 55.</i></p> <p><i>Pursuant to Clause 32.08-4, 35% of the lot must be provided as garden area.</i></p> <p><i>Pursuant to Clause 32.08-10, the building height must not exceed 11 metres; and the building must contain no more than 3 storeys at any point.</i></p>

9. PLANNING SCHEME PROVISIONS

9.1 Planning Policy Frameworks (PPF)

The following State and Regional Planning Policies are relevant to this application:

Clause 11: Settlement, including:

Clause 11.01-1R1: Settlement - Metropolitan Melbourne



Clause 11.02: Managing Growth

Clause 15: Built Environment and Heritage, including:

15.01-1: Built Environment

15.01-1S: Urban Design

15.01-1R: Urban design - Metropolitan Melbourne

15.01-2S: Building Design

15.01-5S: Neighbourhood character

15.02-1: Sustainable development

Clause 16: Housing, including:

Clause 16.01: Residential development

Clause 16.01-1S: Integrated housing

Clause 16.01-1R: Integrated housing - Metropolitan Melbourne

Clause 16.01-2S: Location of residential development

Clause 16.01-3S: Housing diversity

Clause 16.01-3R: Housing diversity - Metropolitan Melbourne

Clause 16.01-4S: Housing affordability

Clause 19: Infrastructure

Clause 19.01-1S: Energy supply

Clause 19.01-2S: Renewable energy

Clause 19.01-2R: Renewable energy - Metropolitan Melbourne

Clause 19.03: Development Infrastructure

Clause 19.03-4S: Stormwater

Clause 19.03-6S: Waste and resource recovery

9.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

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 21.05-4 Physical Infrastructure



- Clause 21.06 Neighbourhoods, including
- Clause 21.06-1 East St Kilda and Balaclava
- Clause 22.12 Stormwater Management (Water Sensitive Urban Design)
- Clause 22.13 Environmentally Sustainable Development

9.3 Other relevant provisions

- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a lot and residential buildings
- Clause 65 Decision Guidelines
- Clause 65.01 Approval of an application or plan
- Clause 66 Referral and notice provisions

10. REFERRALS

10.1 Internal referrals

The application was referred to the following areas of Council for comment. The comments are discussed in detail in Section 9.

Urban Design Officer

The design response is appropriate for the area, respecting its character and providing adequate amenity to the six dwellings within the constraints of the site.

Planning officer response:

It is agreed that the proposal represents an acceptable response to the character of the area and would provide acceptable levels of internal amenity.

Transport Safety Engineer

Car Park Layout:

Access ways:

- *Vehicle access is proposed via a new crossover to Hughenden Road. Access way dimensions have been provided in accordance with the planning Scheme and are considered acceptable*
- *Full pedestrian sight triangles have not been provided in accordance with Clause 52.06-9 of the planning scheme. Please ensure the corner splays (2m x 2.5m) located adjacent the driveway are kept 50% clear of visual obstructions and all landscaping is less than 900mm in height*



Car parking spaces:

- Car parking spaces of dimensions 2.6m x 4.9m with aisle width of minimum 6.4m are considered appropriate in accordance with Clause 52.06 of the planning scheme
- Tandem parking spaces have been provided with an additional 500mm clearance between spaces, in accordance with the planning scheme
- An additional 300mm clearance has been provided for spaces adjacent any columns/walls
- The traffic report has provided a swept path assessment showing a B85 vehicle can access/egress all critical parking spaces with suitable clearance and number of corrective manoeuvres
- The proposed car park layout is considered acceptable

Headroom and gradient of ramps

- Minimum headroom complies with Clause 52.06 of the planning scheme
- The proposed ramp grades have been provided in accordance with the planning scheme, this is considered acceptable

Bicycles

- The applicant proposes 7 bicycle spaces on site which exceeds the requirements set out in Clause 52.34 of the planning scheme
- This level of bicycle parking is considered acceptable

Loading and Waste Collection

- A Loading Zone is not required in the planning Scheme
- Waste Management plan to be referred to Council's Waste Management department for assessment

Traffic Generation and Impact:

- Typical residential developments generate a daily traffic rate of between 4-7 vehicle movements per dwelling, with peak hour rates 10% of daily volumes Based on these rates, traffic generation will be in the order of 30 vehicle movements a day and 3 vehicle movement during the peak hours
- Overall the expected traffic generation of the proposed development is expected to have a negligible impact on surrounding local streets and intersections



On Street Parking:

- *The existing on-street parking is generally unrestricted with relatively low turnover*
- *Residents/visitors of the development will not be eligible for resident parking permits and will need to abide by on-street parking restrictions*
- *It is proposed to remove and reinstate the existing crossover and locate the new crossover along the eastern site boundary. The proposed crossover, in conjunction with the reinstated crossover, will result in no net loss to the level of on-street parking spaces, this level of impact is considered acceptable*

Parking overlay and parking provisions:

- *Clause 52.06 of the planning scheme requires 13 off street parking spaces to be provided for the proposed land uses, comprising 12 resident spaces and 1 visitor space*
- *The applicant is seeking a waiver in car parking provisions and proposes to provide 12 off-street car parking spaces for residents only*
- *Given the above, the proposed development results in a shortfall of 1 visitor space*
- *Note that the assessment for the appropriate rate for car parking provision lies with Statutory Planning. Reference should be made to CoPP's Sustainable Parking Policy. We also suggest comparing previous approved parking provision rates of adjacent developments as part of the Planning team's assessment / determination*

Other:

- *All redundant crossovers must be reinstated to Council satisfaction*
- *All proposed crossovers must be installed to Council satisfaction*
- *The Applicant is responsible for all costs, including those incurred by Council for associated on-street parking signage and line-marking changes*

Planning officer response:

Any permit that may issue should include a condition that requires the sightline splay to be kept 50% clear of visual obstructions and all landscaping is less than 900mm in height (refer recommended condition 1b).

With respect to visitor carparking provision, it is noted that since the application was lodged, the planning scheme has been amended. The amendment indicates that no visitor car parking is required for land that is *identified as being within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, August 2018)*.



The Principal Public Transport Network Area Maps indicate that the site is located within the Principal Public Transport Network Area, therefore no visitor carparking is required to be provided in this instance.

Any permit that may issue should also include a condition that requires waste management to be undertaken to Council's satisfaction (refer recommended condition 18).

With respect to crossovers, any permit that may issue should include conditions that implement the above recommendations (refer recommended condition 15).

Sustainable Design Officer

- *Concerns for this project are few, and are potentially conditionable. Key concerns are:*
- *NatHERS - the project is proposed to have the legal minimum thermal performance allowed*
- *Solar – none proposed*
- *ventilation – poor cross ventilation, and no details of carpark ventilation*
- *Shading on the first floor needs attention, and the full-height visual screen to bedrooms will limit daylight and prevent upward sky views – which seems unwarranted*

Clearly show on the drawings and annotate the following:

FLOOR PLANS

- *Rainwater tank – Indicate water reuse*
- *Electric vehicles – Annotate any EV charging infrastructure*
- *Clothes drying – Indicate location of clotheslines for each apartment*
- *Sun shading – Indicate effective shading for all sun exposed glazing*
- *NatHERS rating – State the average and minimum NatHERS rating for all dwellings*
- *Double glazing – Note on drawings that the windows and glazed doors of all habitable rooms are to be double-glazed*
- *Irrigation – Annotate the provision of taps and floor waste gullies to all balconies and courtyards*
- *Permeable paving - Clearly annotate permeable paving extent on ground floor plan*



ROOF PLAN

- *Solar panels – Show panel location for any photovoltaic (annotate array size) and solar hot water panels (annotate percentage boost)*

ELEVATIONS

- *Sash operation – Indicate sash operation for all windows and glazed doors*
- *Sun shading – Indicated effective shading as above*

Planning officer response:

The application material included a Sustainable Design Assessment, the details of which are described later in this report at section 12.10.

With respect to the changes recommended by Council's Sustainable Design officer, the following considerations are provided:

- *Rainwater tank – Indicate water reuse*

This outcome could be achieved by permit condition (refer recommended condition 1i)

- *Electric vehicles – Annotate any EV charging infrastructure*

It is considered that this recommendation is unnecessary. Future owners can provide such facilities at their discretion at a later date.

- *Clothes drying – Indicate location of clotheslines for each apartment*

This outcome could be achieved by permit condition (refer recommended condition 1j)

- *Sun shading – Indicate effective shading for all sun exposed glazing*

This outcome could be achieved by permit condition (refer recommended condition 1k)

- *NatHERS rating – State the average and minimum NatHERS rating for all dwellings*

It is considered unnecessary to include this information on the plans, as it would be addressed by the Sustainable Design Assessment required by recommended condition 5.

- *Double glazing – Note on drawings that the windows and glazed doors of all habitable rooms are to be double-glazed*

This outcome could be achieved by permit condition (refer recommended condition 1l)



- *Irrigation – Annotate the provision of taps and floor waste gullies to all balconies and courtyards*

It is considered that this recommendation is unnecessary. Future owners can provide such facilities at their discretion at a later date.

- *Permeable paving - Clearly annotate permeable paving extent on ground floor plan*

This outcome could be achieved by permit condition (refer recommended condition 1m)

- *Solar panels – Show panel location for any photovoltaic (annotate array size) and solar hot water panels (annotate percentage boost)*

This recommendation is considered unnecessary. Future occupants of the development may choose to install solar panels at a later date.

- *Sash operation – Indicate sash operation for all windows and glazed doors*

This outcome could be achieved by permit condition (refer recommended condition 1e)

- *Sun shading – Indicated effective shading as above*

This outcome could be achieved by permit condition (refer recommended condition 1k)

10.2 External referrals

The application was not required to be externally referred.

11. PUBLIC NOTIFICATION/OBJECTIONS

11.1 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 (35 letters) and directed that the applicant give notice of the proposal by posting one notices on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

11.2 The application has received 22 objections. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 12):

- Overshadowing
- Overlooking
- Loss of daylight to windows



The proposal would meet the daylight to existing windows standard of clause 55 (ResCode).

- Visual bulk

It is considered that the bulk and mass of the building represents an acceptable response to the site context and would sit comfortably within the streetscape. The building has been sensitively designed by providing generous landscaped side setbacks, a recessed upper level and a stepping down to the street and the rear boundary. Further, the design includes a combination of complementary and integrated forms, colours, materials and finishes.

- Failure to respect neighbourhood character
- Insufficient transition in building height
- Excessive front fence height
- Detrimental impact on carparking availability in the area
- Unsafe vehicular access to and egress from the subject site
- Lack of green space

It is considered that the landscaping plan for the site would achieve an acceptable outcome, noting that the proposal would provide the amount of garden area required by the planning scheme.

- Adverse traffic impacts

11.3 A consultation meeting was held on 25 September 2018. The meeting was attended by a Ward Councillor, applicants, objectors and Planning Officers. The meeting did not result in any changes to the proposal.

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

12. OFFICER'S ASSESSMENT

12.1 Zoning - General Residential Zone (GRZ)

Schedule 1 to the GRZ does not specify any variations to the height requirements of the parent Clause. The building must therefore not exceed 11 metres or 3 storeys at any point.

The proposed building would be three storeys and its parapet is proposed to be constructed to a maximum height of 9.1m above NGL. The building would therefore comply with the mandatory height requirement of the GRZ.



With respect to the garden area requirement of the GRZ, the plans include a garden area plan (TP03-A) which demonstrates that 35% of the site would comprise garden area which would meet the minimum requirement.

12.2 **Local Policy**

12.3 **Clause 21.04 Land Use**

Clause 21.04-1 Housing and Accommodation

Pursuant to Clause 21.04-1, it is considered that the subject site is located within an area that demonstrates the characteristics where limited residential growth is sought to be achieved, given that:

- The site is in an established residential area outside a Heritage Overlay;
- It is not located proximate to a Major Activity Centre; and
- The site does not have a frontage to a main road that is adjacent to the Principal Public Transport Network (PPTN).

New medium density housing is not encouraged within these areas.

At Strategy 2.2 of Clause 21.04-1, the key matter to consider is whether the proposed development responds to its context in an acceptable manner.

It is considered that the proposed development would adequately respect the neighbourhood character for the following reasons:

- The front setback of the building would be consistent with the front setback of nearby developments
- The height of the building would respect the height of three storey buildings that are common in the area
- The footprint of the building would be consistent with nearby apartment developments, which commonly extend well into their respective allotments
- The proposed development provides opportunities for landscaping that would complement the existing landscaping of the public realm
- The proposed access to the site would be similar to that provided to other properties in the street
- Side boundary setbacks would be provided in a manner that would respect the generally detached nature of building forms in the street
- Where proposed, walls on boundary would be distant from the street and would either abut existing boundary walls and/or would be consistent with nearby development



- Apart from the front fence and first floor louvres facing the street, which are discussed later in this report, the rectilinear form and robust materiality of the front façade would represent a contemporary response to the flat developments in the area, several of which exist nearby
- Additionally, while the policy discourages medium density in this locality, as the site is not proximate to Major Activity Centre or on a main road adjacent to a PPTN, the site is appropriately located for increased densities considering:
 - It is within 300m of Alma Village Neighbourhood Activity Centre; and
 - The site is approximately 200m from the tram routes that operate along Dandenong Road, and hence the *PPTN*.
- Furthermore, the Tribunal has consistently formed the view that each application should be determined on its merits regardless of whether policy seeks to encourage or discourage medium density housing.
- For areas where medium density housing is discouraged, neighbourhood character considerations are of fundamental importance and the policy should not be seen as any attempt to control density.

For instance, in the matter of *Mediam Pty Ltd v Port Phillip CC (2011] VCAT 664*, which relates to 16 Hughenden Road (diagonally opposite the subject site), the Tribunal's decision includes the following commentary:

“Under the Amendment C62 version of the MSS, Port Phillip has been divided into areas which can accommodate four levels of residential growth; substantial, moderate, limited and minimal. The subject land would be located in a “Limited Residential Growth Area” [LRGA]. The definition of the LRGA is:

Established residential areas (outside the Heritage Overlay) where future medium density infill development is not encouraged based on: limited proximity to the PPTN and any Major or Neighbourhood Activity Centre, or the areas highly consistent neighbourhood character.

Given the above, it could be inferred that given that this site would be located in a LRGA, its redevelopment for medium density housing would be discouraged under the proposed MSS. Despite this, I have not been able to come to the conclusion that this site should not be redeveloped for medium density housing.

An important planning principle is that each proposal should be assessed on its own merits. The proper and sensible application of policy forms part of this.

The definition of the LRGA suggests that medium density housing is discouraged in these areas because there is limited proximity to the PPTN



and any neighbourhood activity centre, or the area has a highly consistent neighbourhood character. In relation to this particular site, I make the following observations.

The site is within a few hundred metres of trams that run along Dandenong Road. Those tram routes form part of Melbourne's PPTN. The site is also within a few hundred metres of a neighbourhood activity centre on Orrong Road. Accordingly, I am unable to conclude that this site has limited proximity to either the PPTN or a neighbourhood activity centre. On the contrary, both are within easy walking distance.

The nature of the built form surrounding the site is quite mixed. There is an array of development in Hughenden Road, Te-Arai Avenue and other nearby streets. That development includes single storey dwellings, double storey townhouses, dual occupancy development and three and four storey blocks of 1960-1970s style blocks of flats. About half the properties in Hughenden Road are occupied by flats. Given this, I am unable to agree with Mr Beard's submission that the area has a consistent character comprised of two basic forms. Rather, I conclude that this site is not located in an area where there is a highly consistent neighbourhood character.

From the above it should be evident that the designation of the area within which the site lies as an LRGAs does not sit comfortably with the criteria on which such designation is based. This not in itself meant to be a criticism of the proposed MSS. Rather, the point to be made is that it is necessary to look at the individual circumstances of each case and then to apply the MSS and other planning policies in a sensible way".

In the matter of *Oxford Development Pty Ltd v Port Phillip CC [2011] VCAT 673 (18 April 2011)*, the Tribunal's decision includes the following commentary:

"Notwithstanding Amendment C62's explicit discouragement of medium density development in a Limited Residential Change [sic] area for the site, it is not realistic that the site cannot be redeveloped for more than one dwelling. That would be contrary to the fundamentals of the Residential 1 Zone and the overall thrust of increased housing in the established areas of Metropolitan Melbourne. It is a matter that the design has to be appropriate to the existing neighbourhood character and the character elements identified in the Scheme as contributing to this character for East St. Kilda."

Based on the above it is considered that the site is relatively well located for an increased density and the design appropriately responds to the site's context.

12.4 **Clause 21.05 Built Form**

Clause 21.05-2 Urban Structure and Character



The design of the development in terms of its response to the character of the neighbourhood and its impact upon the amenity of neighbouring dwellings is discussed as part of the Clause 55 assessment below.

In terms of scale, Local Policy seeks to ensure that *in a streetscape with a diverse building scale, the height of any new residential development is generally no more than 1 storey above the height of the lower adjoining buildings, with a maximum building height of 3 storeys.*

Whilst the development would be two storeys more than the neighbouring one storey dwelling to the east, it is considered that a variation to the above policy would be acceptable in this instance as the height difference between the roof ridge of the single storey dwelling and the roof of the proposed building would be 2.1m, which is less than one storey.

Further, the recessive nature of the uppermost level of the building, which would be accomplished by a combination of setbacks and form, would ensure that it would not dominate the streetscape.

12.5 **Amenity – Clause 55 (ResCode)**

12.6 The proposed development satisfies the neighbourhood character, residential policy, infrastructure, integration with the street, building height, site coverage, permeability, energy efficiency, safety, landscaping, access, parking location, daylight and sunlight to existing windows, internal views, noise, accessibility, dwelling entry, daylight to new windows, storage, common property and site services standards of ResCode.

12.7 Recommended permit conditions would ensure that the following standards would be satisfied:

- Overlooking
- Design detail
- Front fence

A discussion of these permit conditions is provided as follows:

Overlooking – Standard B22

TP15 provides details of the proposed screens to be used to manage overlooking. The screens however appear to allow some views through them and do not therefore prevent overlooking in a satisfactory manner. It is considered that any permit that may issue should include a condition that requires these screens to be amended so that they do indeed prevent overlooking (refer condition 1c).

It is also considered that the height of the screens should be reduced to 1.7m to improve light and air penetration to each dwelling (refer condition 1c).

The assessment of screening below is undertaken on the basis that each of the screens referred to would be amended to prevent overlooking.

- East (side) elevation:

Existing boundary fencing would prevent overlooking from all ground floor courtyards and windows.

At first floor, all but one window would be provided with a privacy screen. These screens are also shown at floor plan. The window that is not screened, being the first floor east facing bedroom window to dwelling 1, would provide opportunities to overlook neighbouring courtyards and should therefore be screened (refer recommended condition 1d).

At second floor, TP15 demonstrates that views from (bedroom) windows to neighbouring properties within 9m would be prevented by the parapet at the level below. The absence of screening to these windows is therefore considered acceptable.

The east edge of the balcony to dwelling 1 would introduce overlooking to the neighbouring secluded front yard and should therefore be screened (refer recommended condition 1d).

- West (side) elevation:

At ground floor, all but one window would be provided with a privacy screen, which would comply with this standard.

The one window that would not be screened is the lounge room window to dwelling 6. Views to the neighbouring property from this window however would be screened by a 1.83m high paling fence with 0.9m high screen above.

At first floor, all but one window would be fitted with a screen in accordance with this standard.

The window without a screen would comprise obscure glass in accordance with this standard.

It is noted that this window does not appear operable which would limit ventilation. This window should be amended so that it comprises fixed obscure glass to 1.7m above finished floor level (FFL) with the remainder of the window above 1.7m to comprise operable glass (refer recommended condition 1e).

All windows at second floor would be fitted with privacy screening in accordance with this standard. The balcony to dwelling 2 would not introduce any overlooking of neighbouring secluded private open space or habitable room windows.



Design detail - Standard B31

Apart from the louvres to the first floor windows, it is considered that the simple geometric form and robust materiality of the front façade represents a contemporary interpretation of the form and materiality that is evident within the area.

With respect to the louvres, it is considered that these elements, whilst permeable, would not provide an acceptable sense of public realm surveillance and would introduce an alien element into the streetscape. Further, given their south facing orientation, the louvres would not be required as shading devices.

Comment regarding this concern was requested from Council's Urban Designer who provided the following response:

I agree with you that the louvred façade does little to contribute to public realm surveillance given that a) the density of louvre would greatly restrict visual connectivity to the street and b) they are operable and considering that bedrooms are located behind, they will be certainly closed most of the time to retain 'privacy'.

Considering that these 2 principles are mutually exclusive, both objectives cannot be achieved. However, the louvres appear to be a strong component of the design, so I don't believe they should be removed. If the street fence and entry gate was more transparent, then the louvered façade would be less of a concern.

To balance the needs of both objectives then, I would recommend that:

- *The louvres be spaced further apart (to 'open-up' the façade)*
- *The louvre profiles be deeper (to compensate for larger spacing, effectively reduced sightline angle)*
- *Only the lower portion of the louvres be operable (say 1.2m to 1.5m), this ensures that residents can still look out to the street*
- *An internal sunscreen or translucent blind can provide an additional level of privacy to bedrooms without compromising street surveillance*

Any permit that may issue should include a condition that requires the louvres to be amended in the manner recommended by Council's Urban Design advisor. (refer recommended condition 1f).

Front fences - Standard B32

Whilst the front fence would adequately reference the neighbouring front fence to the east, it is considered that the neighbouring fence is an anomaly within the streetscape.

Front fences within the street are generally low and/or visually permeable thereby providing a connection between front gardens and the street.



The proposed 2m high solid front fence is not considered an acceptable response to the front fence character of the street and would disengage the site from the public realm.

It is considered that this fence should be amended by reducing its height to no more than 1.5m and changing its design to one that comprises a low masonry plinth, punctuated by masonry pillars with charcoal palisade inserts that match the proposed pedestrian gates (refer recommended condition 1g).

12.8 The proposal seeks variation to the following Clause 55 standards:

- Street Setback
- Side and rear setbacks
- Overshadowing
- Private open space
- Solar access to open space

An assessment of these elements is provided as follows:

Street Setback – Standard B6

This standard recommends that buildings should be setback from the street as follows:

- *Where there are buildings on both abutting lots facing the same street, and the site is not on a corner, the average distance of their front walls facing the same street or 9m, whichever lesser.*

The standard also includes the following decision guidelines:

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

- *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 from adjoining properties.*
- *The value of retaining vegetation within the front setback.*

The neighbouring building to the west is setback 7.6m from the street, with a covered verandah extending to within 6.5m of the street. The neighbouring dwelling to the east is setback 6m from the street.



The average setback is 6.8m whilst the proposed building would be setback 6.1m, which represents a shortfall of 0.7m.

Considering the decision guidelines of the standard, it is concluded that a variation to the prescribed setback would be appropriate for the following reasons:

- The setback would be consistent with the setbacks of buildings further west along the street which are setback 5.5m from the street and buildings on the opposite side of the street, which are setback between 4.9m and 6.3m from the street
- As indicated earlier in this report, Council's Urban Design Manual, recognises that buildings in the area are mixed and less than 5m
- The setback would allow for the retention of an existing tree within the front yard and would also provide opportunities for further landscaping
- The proposed front setback would provide an appropriately gradual transition between the neighbouring verandah to the west and the neighbouring building to the east
- The design and articulated form of the building would respond to the character of the area and would not dominate the street or adjoining properties. Retained and proposed vegetation would also assist in ensuring that the building would comfortably integrate with the streetscape

Side and rear setbacks – Standard B17

The second storey of the west (side) elevation and the first storey of the north (rear) elevation would not meet the setbacks prescribed by this standard.

At the west (side) elevation, this standard recommends that the second storey be setback 4.1m, whereas it is proposed to provide a setback of 3.4m, which represents a shortfall of 0.7m.

In terms of neighbourhood character, it is considered that the proposed 3.4m side setback represents an acceptable response as it would be more generous than the side setbacks of nearby flat developments, which are generally setback approximately 3m from their side boundaries and also more generous than nearby single dwellings which are generally setback less than 2m.

In terms of amenity impacts, the non-compliant portion of the west elevation would not contribute to overshadowing of secluded private open space, nor would it unreasonably impact upon daylight to neighbouring habitable room windows, noting the proposal satisfies the daylight to windows standard of ResCode.

At the north (rear) elevation, this standard recommends that the first storey of the building be setback 1.7m, whereas it is proposed to provide a setback of 1.4m, which represents a shortfall of 0.3m.



In terms of neighbourhood character, it is considered that the design of the rear two storey form of the building would respond to its context in an acceptable manner given that each neighbouring property includes two storey building forms on and/or close to the boundary.

In terms of amenity impacts, the non-compliant portion of wall at the north elevation would not introduce any unreasonable overshadowing of neighbouring secluded private open space, nor would it impact on daylight to any existing habitable room windows. It is noted that the interface with the abutting flats to the north is not particularly sensitive given that it comprises a communal walkway and an at-grade undercroft carpark.

Overshadowing – Standard B21

This standard recommends the following:

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

The proposal would introduce additional shadow at two locations, being the 118m² rear yard of the neighbouring property to the west (5 Hughenden Road) and the 91m² front yard of the neighbouring property to the east (9 Hughenden Road).

Existing sunlight to the secluded private open space of each of these properties is currently less than the requirements of this standard. A variation to this standard is therefore sought.

With respect to 5 Hughenden Road, less than 40m² of the rear yard receives sunlight between 9am and 10am and between 2pm and 3pm. For the four hours between 10am and 2pm a minimum of 40m² of the rear yard currently receives sunlight.

The additional overshadowing caused by the proposed development would occur between 9am and 11am.

At 9am, 37m² (32%) of the rear yard to 5 Hughenden Road currently receives sunlight.

The proposed development would result in 24m² (20%) of this yard receiving sunlight at 9am, which is a reduction of 13m² (12%).

At 10am, 48m² (40%) of the rear yard to this property currently receives sunlight.



The proposed development would result in 46m² (39%) of this yard receiving sunlight at 10am, which is a reduction of 2m² (1%).

After 10am, the proposed development would not introduce any further overshadowing of the rear yard to 5 Hughenden Road.

It is considered that a variation to this standard would be acceptable in this instance as the additional 2m² shadow at 10am would be imperceptible, whilst the shadow at 9am would still maintain sunlight to a usable area of the rear yard, being that part located adjacent the rear of the dwelling and the rear outbuilding/bungalow.

With respect to 9 Hughenden Road, between 5m² (5%) and 25m² (27%) of the secluded front yard receives sunlight during the specified hours.

From 9am up to 3pm, the proposed development would not introduce any additional shadowing of the front yard at 9 Hughenden Road.

At 3pm, 25m² (27%) of the front yard currently receives sunlight.

The proposed development would result in 20m² (22%) of this yard receiving sunlight at 3pm, which is a reduction of 5m² (5%).

It is considered that a variation to this standard would be acceptable in this instance as the as the additional shadow would be imperceptible and would still maintain sunlight to a usable area of the front yard.

Private open space - Standard B28

This standard recommends the following:

A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone. If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:

- *An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or*
- *A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or*
- *A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.*

Dwellings 3, 4 and 5 would each have 23m² of secluded private open space, which is marginally less than the requirements of this standard.



It is considered that the minor variation sought to the amount of secluded private open space provided would be acceptable in this instance as each area of open space would be easily accessed, of a usable size and shape and have good access to sunlight.

It is considered that the provision of ground floor courtyards as proposed is a better alternative to balconies, which are also deemed acceptable by this standard.

The remaining dwellings would be provided with the amount of secluded private open space prescribed by this standard.

Solar access to open space - Standard B29

This standard recommends the following:

The private open space should be located on the north side of the dwelling or residential building, if appropriate.

The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.

The southern boundaries of the ground floor courtyards to dwellings 4 to 6 would comply with this standard.

The front yards to dwellings 1 and 2 would not however comply with this standard.

The orientation of the site makes it impractical for these front yards to be oriented and designed in the manner prescribed.

It is noted that other standards of ResCode encourage dwellings to be oriented to face the street to provide a sense of address and surveillance of the public realm and the proposal would comply with these standards.

It is considered that, on balance, a variation to this standard would be acceptable in this instance.

12.9 **Traffic and Parking**

In terms of carparking provision, the development would satisfy the car parking requirement of Clause 52.06 of the Port Phillip Planning Scheme.

As indicated by Council's traffic engineer, the dimensions of car spaces and accessways and the gradient of the ramp would comply with the design standards at Clause 52.06 of the planning scheme.

With respect to traffic impacts, Council's traffic engineer has concluded that *'overall the expected traffic generation of the proposed development is expected to have a negligible impact on surrounding local streets and intersections'*.



It is considered therefore that the proposal would not introduce unreasonable traffic impacts.

12.10 **Sustainable Design and Water Sensitive Urban Design**

The application material includes a Sustainable Design Assessment (SDA) prepared by Frater Consulting services, dated 15/05/2018.

The SDA includes an assessment against the Built Environment Sustainability Scorecard (BESS) which indicates that all dwellings would achieve a 6 star energy rating and concludes that a score of 50% would be achieved, which is considered 'Best Practice'.

The SDA indicates that the development would include the following sustainable design initiatives:

- Wall and roof insulation
- Energy efficient air-conditioners
- Gas instantaneous hot water units and cooktops
- Internal and external LED lighting
- Energy efficient appliances
- An external retractable clothes drying line
- All paints, adhesives and sealants and flooring would have low Volatile Organic Compound content
- Direct daylight and/or sunlight to all habitable rooms
- A minimum double glazing provided to all habitable areas
- A combination of fixed shading (canopies and building overhangs) and screens provided for the east and west facades
- All kitchens would have a separate dedicated exhaust fan which would be directly exhausted out of the building
- All townhouses would have cross flow ventilation which would reduce the need for mechanical cooling. Window locks, fly screens and door catches would be included to encourage and improve natural ventilation in the dwellings
- Separate utility meters (water, gas and electricity) provided for each townhouse to allow residents to monitor and reduce their consumption

The SDA also identifies the following stormwater initiatives:

- 1 x 12,000L shared underground rainwater tank for toilet flushing
- Permeable paving of courtyards to units 5 and 6 and permeable decking within the front setback

The SDA indicates that the proposed stormwater treatments would achieve a STORM score of 109%, which exceeds the minimum compliance score of 100%.



13. COVENANTS

- 13.1 The applicant has completed a declaration form declaring that the subject land, being all that contained within Volume 03771, Folio 179, commonly known as Lot 1 on Title Plan 427680F, is not encumbered by a restrictive covenant or Section 173 Agreement or other obligation such as an easement or building envelope.

14. OFFICER DIRECT OR INDIRECT INTEREST

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

15. OPTIONS

- 15.1 Approve as recommended
- 15.2 Approve with changed or additional conditions
- 15.3 Refuse - on key issues

16. CONCLUSION

- 16.1 Subject to conditions, it is considered that the proposed development represents an acceptable response to the character of the area and is respectful of its context.
- 16.2 The proposal would provide for a good level of internal amenity for future occupants and would include the requisite number of car spaces, which would be accessed in a safe and functional manner.
- 16.3 Subject to conditions, the development would achieve a satisfactory degree of compliance with the off-site amenity standards of Clause 55, thereby ensuring that it would not introduce any unreasonable amenity impacts upon neighbouring properties.
- 16.4 It is recommended that the proposal be supported and a Notice of Decision to Grant a Permit be issued, subject to conditions.

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ATTACHMENTS

1. 350/2018 - ADV - Plans
2. 350/2018 - ADV - Montage
3. 350/2018 - ADV - Landscape plan
4. 350/2018 - objector map