



6.3 **3 RAINSFORD STREET, ELWOOD**

LOCATION/ADDRESS: **3 RAINSFORD STREET, ELWOOD**

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 P570/2017 for construction of a three storey building comprising 4 dwellings and 4 car spaces at 3 Rainsford Street, Elwood.

2. EXECUTIVE SUMMARY

WARD:	Canal
TRIGGER FOR DETERMINATION BY COMMITTEE:	More than 15 objections
APPLICATION NO:	570/2017
APPLICANT:	KATDESIGN
EXISTING USE:	Residential
ABUTTING USES:	Residential
ZONING:	General Residential, Schedule 1
OVERLAYS:	Special Building Overlay, Schedule 1
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

- 2.1 This application was previously considered by the Planning Committee at its meeting dated 14 November 2018. At that meeting the committee determined '*That the matter be deferred to a later Planning Committee Meeting to allow investigations into retention of the Canary Island Palm tree on site*'.
- 2.2 This report supplements the report considered by the Planning Committee on 14 November 2018, which forms **attachment 1** to this report.
- 2.3 Since the Planning Committee meeting the applicant has investigated retention of the Canary Island Palm tree at the front of the site and subsequently provided Council with amended plans for discussion purposes. These plans are otherwise described as Issue D plans, dated 28/11/2018, prepared by Kat Design for 'discussion purposes only' and received by Council on 29/11/2018. These plans form **attachment 2** to this report.



- 2.4 The discussion plans include retention of the existing Canary Island Palm tree in its current location at the front of the site and subsequent modifications to the front dwelling of the development. The changes proposed by the discussion plans are considered acceptable and could be required by way of permit condition.
- 2.5 It is considered that the proposal be supported and that a Notice of Decision to Grant a Permit be issued as per the recommendations in the report considered by the Planning Committee on 14 November 2018 (attachment 1) with the following changes:
- additional condition **1n)** to require the retention of the Canary Island Palm tree in its current location at the front of the site
 - consequent built form changes to the Unit 1 at the front of the development (additional conditions **1o to 1s)**
 - amendment to condition 18 to include protection of the Canary Island Palm tree
 - delete condition 19 which requires the Canary Island Palm tree to be relocated to another location within the municipality
 - include a new condition 19 that requires a landscape plan that includes and responds to the retention of the Canary Island Palm tree



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 buildings and works including construction of a three storey building comprising 4 dwellings and 4 car spaces at 3 Rainsford Street, Elwood
- 3.3 That the decision be 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 plans submitted under Section 57A of the Planning and Environment Act 1987, but modified to show:

- a) The second floor west elevation of unit 1 setback at least 2.4m from the west (side) boundary and deletion of that part of the staircase at the second floor of Unit 1 that extends into the front balcony
- b) 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
- c) Apart from windows to balconies, all habitable room windows at the east and west elevations notated as having a sill height of 1.7m above finished floor level or provided with fixed obscure glass to 1.7m above finished floor level
- d) Deletion of planter boxes to each balcony at the east elevation and replacement with fixed privacy screening that prevents downward views to neighbouring properties. Elevation and cross section drawings of the screens must be provided. 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)
- e) The balcony to Unit 4 deleted and replaced with an east facing balcony that matches the depth and side boundary setback of balconies to units 2 and 3.



- The south edge of the balcony must be setback at least 1.9m from the south (rear) boundary. The balcony must be screened at each edge with screening as per that described at condition 1d) of this permit.
- f) Deletion of the horizontal battens to the front fence and replacement with vertical battens
 - g) 1.7 m high privacy screening to the south edge of the second floor balcony to unit 4. Elevation and cross section drawings of the screens must be provided. 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)
 - h) An additional 3m³ of storage provided within the vestibule of each dwelling
 - i) The portion of the accessway fronting units 3 and 4 garages widened to at least 3m by increasing the setback of the garages from the east (side) boundary
 - j) All plan and elevation drawings fully dimensioned, including natural ground level, floor levels, and incremental and total wall and building heights and lengths, with heights to be expressed to Australian Height Datum (AHD) and/or reduced levels. The first floor plan must also show detail of the framing elements above the driveway.
 - k) Any changes necessary to meet the requirements of the Sustainable Design Assessment in the corresponding condition below.
 - l) Any changes necessary to meet the requirements of the Water Sensitive Urban Design Response in the corresponding condition below.
 - m) Any changes necessary to meet the requirements of the Landscape Plan in the corresponding condition below.
 - n) Retention of the existing Canary Island palm tree located within the front setback of the building
 - o) Deletion of the first floor north facing balcony to Unit 1 and the introduction of an east facing first floor balcony to Unit 1, comprising minimum dimensions of 5.8m (width) and 2.1m (depth). The balcony to also be provided with fixed screening that prevents downward views to neighbouring properties as per the requirements of condition 1d) of this permit.



- p) The east (side) setback of the east facing wall of the first floor dining room to Unit 1 increased to a minimum of 6.48m
- q) Deletion of the second floor north facing balcony to Unit 1
- r) The north (front) setback of the second floor master bedroom to Unit 1 increased to a minimum of 6.3m
- s) Changes to the first and second floor window and door configurations of the north (front) elevations

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 Melbourne Water

- i. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD) addressing Melbourne Water's requirements.
- ii. The setback from the frontage must be a clear 4 metres the decorative columns must be removed.
- iii. The dwellings must be constructed with Finished Floor Levels set no lower than 5.41 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 5.11 metres to AHD.
- iv. The garages must be constructed with finished surface levels set no lower than 5.26 metres to AHD, which is 150mm above the applicable flood level of 5.11 metres to AHD.
- v. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) to AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
- vi. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, garages and driveway ramp.
- vii. Any new fences or gates must be 50% open style of construction to allow for the passage of floodwaters/overland flow
- viii. The setback from the front boundary must not be altered without prior written consent from Melbourne Water. The existing natural ground surface levels must be maintained within this setback and be kept clear of all permanent structures.

5 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.

6 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.

7 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.

8 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.

9 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.

10 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.

11 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.

12 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.

13 Landscaping Maintenance

The landscaping as shown on 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.

14 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.

15 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.

16 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.

17 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.



18 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 Canary Island Palm tree within the front of the site, the street tree at the front of the site and trees on neighbouring land to the east 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.

19 Landscape Plan

Before the development starts (other than demolition or works to remediate contaminated land), a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. The landscape plan must include retention of the existing Canary Island Palm located within the front setback of the approved building. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit.

20 Piping and ducting

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

21 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.

22 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.

23 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:

- 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
- 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 Amenity) 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

- 5.1 This application was previously considered by the Planning Committee at its meeting on 14 November 2018. At that meeting the Planning Committee determined to defer consideration of this application to a later Planning



Committee Meeting to allow investigations into retention of the Canary Island Palm tree on site.

- 5.2 The applicant has since provided Council with amended plans for discussion purposes. These plans are otherwise described as Issue D plans dated 28/11/2018 prepared by Kat Design (refer attachment 2).
- 5.3 The discussion plans include changes to the front Unit to enable retention of the Canary Island Palm tree at its existing location at the front of the site. No other changes to the development are proposed.
- 5.4 Specific details of the changes made to the application plans are described below at section 6 of this report.

6. PROPOSAL – DISCUSSION PLANS

- 6.1 The discussion plans include the following changes:

Ground Floor – TP03

- Retention of the Canary Island Palm tree in its current location within the front yard of the site

First Floor – TP04

- Deletion of the first floor north facing balcony to Unit 1
- Introduction of a 5.89m wide and 2.159m deep, east facing, first floor balcony to Unit 1. The balcony would be accessed from a living room and would rely on planter boxes to manage overlooking of the neighbouring dwelling
- 0.3m increase to the east (side) setback of the east facing wall of the dining room to unit 1 (from 6.18m to 6.48m)
- Change to the number and proportions of windows facing the street

Second Floor – TP03

- Deletion of the north facing balcony to Unit 1
- Introduction of a 2.385m wide bathroom to the east of the stair to Unit 1
- 0.1m (approx.) increase to the north (front) setback of the master bedroom to Unit 1 (from 6.232m to 6.368m)
- Subsequent internal reconfiguration of Unit 1
- Change to the number and proportions of windows facing the street



7. REFERRALS

7.1 Internal referrals

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

Urban Design Officer

- *The primary changes submitted relates to the reconfiguration of the layout of Unit 1, which has also varied the design and presentation of the front façade to Rainsford St. The Level 1 balcony off the living space has been relocated to the eastern edge of the building, consistent with the other units. The Level 2 balcony off the Master Bedroom has been removed, also consistent with Units 2 & 3, providing building clearance for the crown of the palm tree. To accommodate this, there has also been a removal of the WIR to the Master Bedroom and position of the bathroom. Though there is a loss of the balcony on Level 1, there is no adverse effect on the internal amenity. In fact, the repositioning of the bathroom provides for direct access to natural light and ventilation.*
- *To the public realm, the loss of the Level 2 balcony and the repositioning of the Level 1 balcony would not appear to have an adverse effect on passive surveillance of the street, with visual connection with the street maintained via large openings and multiple fenestrations. In terms of built form, there was original concern regarding the excessively wide built frontage, with the lack of façade articulation to the street and additional building envelope required to accommodate the staircase. There was strong, horizontal banding elements on all levels which exacerbated the reading of visual bulk.*
- *In the amended design, the loss of balconies and accompanying loss of balustrades has reduced the reading of a dominantly wide frontage. The new street façade appears to adopt a more broken-down composition, with a mix of horizontal and vertical elements, and is more consistent with the character of the Victorian styled single-storey building that it replaces. The stepping of the building in plan is more reminiscent of the asymmetrical frontages and projecting bays which characterised the street on a broader context, and specifically along the southern side of Rainsford St, softens this street interface by modulating the façade and introducing recessive setback elements on the façade, in a street which already has an imposing 'cheek-by-jowl', hard-edged setting established by the developments between No.5 to No.9.*
- *The overlooking issue raised against the 'large south facing window' has been reduced through the reduction of the window size and raising of the window sill height to above eye-level.*
- *No further details have been provided regarding the use of planters to address overlooking concerns. Urban Design encourages alternative responses to address overlooking to avoid the excessive use of above eye-height screening elements, and translucent finishes which diminish internal amenity. The depth of the planter boxes should be detailed to demonstrate*



the sightlines are contained reasonably to minimise overlooking, and the detail construction of the planters should note that they are to be fixed and non-mechanically removable elements of the balustrade design.

- *No changes have been appeared to be made to address concern No. 3 relating to the proximity of Unit 4's balcony along the southern boundary to the balcony/carport of the adjoining property.*

Planning officer response:

It is agreed that the changes would represent an acceptable response to the streetscape. Nevertheless, as discussed later in this report at section 9.3, to improve the development's response to the streetscape regarding side setbacks and to reduce shadow impacts on neighbouring balconies, it is considered appropriate to maintain condition 1a) as recommended by the report considered by the Planning Committee on 14 November 2018.

With respect to the planters, recommended condition 1d) which requires the planters to be replaced with screening, would address this issue.

With respect to *the proximity of Unit 4's balcony along the southern*, recommended condition 1e), which requires relocation of the balcony, would address this issue.

Arborist

The proposed design changes will reduce the impacts to the canopy of the Palm tree. At most tip pruning of the live palm fronds will be required to provide clearance for development but this pruning is expected to be minor and not have a detrimental impact on the Palm trees long term health.

A tree protection management plan (TPMP) setting out how the trees within the site proposed to be retained and neighbouring properties (including street trees) will be protected during construction and which generally follows the layout of Section 5 (i.e. General, Tree Protection Plan, Pre-construction, Construction stage and Post Construction) of AS4970 'Protection of trees on development sites' must be submitted to and approved by the responsible authority. When approved the TPMP will be endorsed and form part of the permit.

Planning officer response:

Condition 18, which was recommended by the report that was considered by the Planning Committee on 14 November 2018, requires an arborist report and tree protection plan to be submitted with respect to the street tree at the front of the site and trees on the neighbouring property. It is recommended that this condition be amended to include retention and protection of the Canary Island Palm tree.

7.2 External referrals

The discussion plans were not required to be externally referred.



8. PUBLIC NOTIFICATION/OBJECTIONS

- 8.1 The discussion plans were not the subject of public notice as the plans are considered an improvement to the development and would reduce the overall volume of the building. Furthermore, subject to a condition requiring screening to the new east facing second floor balcony, the discussion plans would not introduce any amenity impacts on neighbouring properties.

9. OFFICER'S ASSESSMENT

9.1 Changes to ground floor

The retention of the Canary Island Palm tree within the front setback would be a positive outcome from a neighbourhood character perspective.

It is recommended that any permit that may issue should include a condition that requires retention of the tree (refer recommended condition 1n).

It is noted that retention of the tree would render recommended condition 19 of the report considered by the Planning Committee on 14 November 2018, obsolete. Condition 19 referred to the relocation of the existing tree elsewhere in the municipality.

It is also noted that the retention of the tree would also necessitate the submission of a landscape plan that considers and responds to the retention of the tree. It is recommended that a condition requiring a landscape plan should replace the aforementioned (obsolete) condition 19 [refer (new) recommended condition 19].

9.2 Changes to first floor

The changes to the first floor would be acceptable in terms of the development's presentation to the street, noting that the discussion plans would reduce the extent of the building envelope. It is recommended that the changes be formalised by permit conditions (refer recommended conditions 1o and p).

The new balcony would integrate with the remainder of the development and would provide a consistent and regular presentation to the east (side) boundary. The new balcony would however rely on planters to manage overlooking, which is considered ineffective.

Nonetheless, Condition 1d), which was recommended by the report that was considered by the Planning Committee on 14 November 2018, requires deletion of planter boxes to each balcony at the east elevation and replacement with fixed privacy screening that prevents downward views to neighbouring properties.

This condition, which is recommended to be retained, would also apply to the new balcony and would therefore ensure that overlooking of the neighbouring property from the new balcony would be prevented.



With respect to the proposed changes to the window configuration, the changes have been reviewed by Council's urban designer and considered acceptable. It is recommended that any permit that may issue should include a condition that formalises these changes (refer recommended condition 1s).

9.3 Changes to second floor

The deletion of the balcony and increase to the north (front) setback of the master bedroom would be acceptable and would not introduce any amenity impacts upon neighbouring properties. Such outcomes could be achieved by permit condition (refer recommended condition 1q and r).

The relocated bathroom and retention of the stair however would not satisfy the permit condition 1a) recommended by the report that was considered by the Planning Committee meeting on 14 November 2018.

Condition 1a) recommends that the proposal be amended in the following manner:

The second floor west elevation of unit 1 setback at least 2.4m from the west (side) boundary and deletion of that part of the staircase at the second floor of Unit 1 that extends into the front balcony

The above condition responds to the following comments received by Council's Urban Design Advisor:

Unit's 1 staircase to second floor is not supported, the top level is to be recessed, it negatively impacts the façade's articulation and doesn't contribute to the design.

The recommended condition would also improve the development's response to the streetscape in terms of side setbacks and reduce shadow impacts on neighbouring balconies.

It is considered that recommended condition 1a) should be retained, noting that the resultant floor area of the second floor would be approximately 49m², which would be approximately 8m² less than the second floor areas of units 2 and 3, each of which have two bedrooms and two ensuites.

With respect to the proposed changes to the window configuration, the changes have been reviewed by Council's urban designer and considered acceptable. It is recommended that any permit that may issue should include a condition that formalises these changes (refer recommended condition 1s).

10. OFFICER DIRECT OR INDIRECT INTEREST

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

11. OPTIONS

- 11.1 Approve with changed or additional conditions



12. CONCLUSION

- 12.1 The retention of the Canary Island Palm tree within the front setback would be a positive outcome for the site and the street.
- 12.2 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.
- 12.3 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.
- 12.4 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.
- 12.5 It is recommended that the proposal be supported and a Notice of Decision to Grant a Permit be issued, subject to conditions.

TRIM FILE NO: PF17/306230

ATTACHMENTS

1. Report - 3 Rainsford Street, Elwood
2. Discussion Plans - subject of supplementary report
3. 570/2017 - ADV (S57) - plans
4. 570/2017 - ADV - level and feature survey plan
5. 570/2017 - Objector Map - 3 Rainsford Street - Elwood