



6.4 **24 TENNYSON STREET, ELWOOD**
LOCATION/ADDRESS: **24 TENNYSON STREET, ELWOOD**
EXECUTIVE MEMBER: **LILI ROSIC, GENERAL MANAGER, CITY STRATEGY AND SUSTAINABLE DEVELOPMENT**
PREPARED BY: **HAMISH BEERE, SENIOR URBAN PLANNER**

1. PURPOSE

1.1 To consider and determine application P264/2017 for partial demolition and buildings and works to extend an existing two-storey apartment building at the rear of the site, including construction of one additional level, refurbishment of 20 existing dwellings to create 17 larger dwellings, reconfiguration of the communal areas and construction of a new front fence and a reduction of the standard car parking requirement at 24 Tennyson Street, Elwood.

2. EXECUTIVE SUMMARY

WARD:	Canal
TRIGGER FOR DETERMINATION BY COMMITTEE:	More than 15 objections
APPLICATION NO:	P264/2017
APPLICANT:	Urbis Pty Ltd
EXISTING USE:	Short stay accommodation
ABUTTING USES:	Residential
ZONING:	Neighbourhood Residential Zone Schedule 6 General Residential Zone Schedule 1
OVERLAYS:	Heritage Overlay Schedule 7
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

2.1 The subject site is developed with two distinct double storey buildings. The front building circa 1930 contains eight x two bedroom dwellings and is zoned Neighbourhood Residential – Schedule 6 (NRZ6) and is subject to a Heritage Overlay (HO7). The rear building circa 1960 contains 20 x one bedroom units and is being used for short term accommodation. It is zoned General Residential – Schedule 1 (GRZ1) and is not subject to a Heritage Overlay. Communal at-grade car parking is provided within the front setback and within the rear forecourt.



- 2.2 This application relates to the whole of the land, although no works are proposed to modify the front building. Specifically, it is proposed to modify the rear building (including the construction of one additional level) as well as construct a new front fence and reconfigure the communal car parking across the whole of the site. The modifications and additions to the rear building would reduce the number of dwellings therein from 20 to 17, so that the number of dwellings on the whole of the site would decrease from 28 to 25.

Enforcement proceedings

- 2.3 The land is developed with two apartment buildings. Until recently, both buildings were being operated by lessees for short-stay accommodation.
- 2.4 Council received numerous complaints about the management of the apartments, noise and other amenity impacts from nearby residents.
- 2.5 Council sought and was granted a VCAT Enforcement Order requiring the short-stay uses to cease by 15 May 2018.
- 2.6 The use of the front building for short stay accommodation has ceased.
- 2.7 The operators of the rear building have continued the use and lodged an application (P110/2018) to retrospectively gain approval for the short stay use.
- 2.8 They also lodged an application to amend the Enforcement Order to extend the time in which the use must cease. The Tribunal refused the applicants request to amend the Enforcement Order to extend the time in which the use must cease on 8 October 2018.
- 2.9 Application P110/2018 was advertised and 25 objections were received. The application was refused under delegation on 20 July 2018 on grounds related to off-site amenity impacts and disorderly planning. The applicant lodged an application for review with the Tribunal against Council's refusal. The matter is listed for a hearing on 6 February 2019.
- 2.10 Council and the owner of the land are pursuing actions to stop the short stay accommodation use.

Development matters

- 2.11 This application proposes partial demolition and buildings and works to extend an existing two-storey apartment building at the rear of the site, including construction of one additional level, refurbishment of 20 existing dwellings to create 17 larger dwellings, reconfiguration of the communal areas and construction of a new front fence and a reduction of the standard car parking requirement at 24 Tennyson Street, Elwood. The plans under assessment form **Attachment 1**.



- 2.12 The application initially proposed to enlarge the existing apartments, with no net increase in dwelling numbers, including constructing two additional levels above the existing building and reconfiguration of the car parking areas. The original plans form **Attachment 2**.
- 2.13 The application was advertised and nineteen objections were received.
- 2.14 The applicant lodged an application for review at VCAT against Council's failure to determine the application in the proscribed time.
- 2.15 No objectors sought to be parties to the application for review.
- 2.16 Under delegation, Council determined on 06 March 2018 to not support the proposal on the following grounds:
1. The reduction in car parking is inconsistent with the standards and objectives of Clause 52.06 – Car Parking of the Port Phillip Scheme specially the inability of on-street parking to absorb the parking shortfall adversely affecting the amenity of the local area.
 2. The proposal is inconsistent with State and Local Planning Policy Specifically Clause 18.02-5 (Car Parking) of the Port Phillip Planning Scheme.
 3. The obscured location of the pedestrian entry is inconsistent with Clause 55.02-5 (Integration with street objective) and Clause 55.03-7 (Safety objective) of the Port Phillip Planning Scheme.
 4. The location of the parking spaces is not secure or convenient contrary to Clause 55.03-10 (Parking location objectives) of the Port Phillip Planning Scheme.
 5. The proposal fails to consider those needs of people with limited mobility contrary to Clause 55.05-1 (Accessibility objective) of the Port Phillip Planning Scheme.
 6. The absence of externally accessible storage is inconsistent with Clause 55.05-1 of the Port Phillip Planning Scheme.
 7. The location of the bin storage within the front setback is inconsistent with Clause 55.06-4 of the Port Phillip Planning Scheme.
- 2.17 A Compulsory Conference was held on 14 March 2018. A hearing was held on 23 April 2018.
- 2.18 The applicants submitted amended plans to delete one level. The Tribunal declined to substitute the amended plans and remitted the application back to Council for re-consideration.



- 2.19 The applicant formally amended the proposal and Council gave notice of the amended plans. A further sixteen objections were received (five being from original objectives) and two objections were withdrawn. This brings the number of live objections to 28.
- 2.20 The amended plans have addressed the issues which led to Council's previous position to not support the proposal. Specifically, they lessen the demand generated for onsite car spaces by reducing the number of dwellings within the rear building from the current 20 to 17 and by the provision of one additional parking space and motorcycle space. The reconfigured bin store and front fence would improve the interface with Tennyson Street. The internal reconfiguration would improve access for those with limited mobility whilst enabling the provision of externally accessible storage.
- 2.21 It is recommended that 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 partial demolition and buildings and works to extend an existing two-storey apartment building at the rear of the site, including construction of one additional level, refurbishment of 20 existing dwellings to create 17 larger dwellings, reconfiguration of the communal areas and construction of a new front fence and a reduction of the standard car parking requirement at 24 Tennyson Street, Elwood.
- 3.3 That the decision be issued as follows:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and electronic copy provided. The plans must be generally in accordance with plans referred to as: TP02-05, TP07-08, TP12-13 and TP15-19 all marked VCAT Amendment V2; TP10 and TP14 all marked VCAT Amendment V3; and TP06, TP08A, TP09 and TP11 all marked VCAT Amendment V4; all prepared by Perkins Architects and received by Council on 25 July 2018 and subsequently readvertised but modified to show:
 - a) The location of mail boxes;
 - b) Elevations of the front fence;
 - c) A minimum of one bicycle parking space per dwelling;



- d) The initiatives outlined in the Sustainable Management Plan required by condition 5;
- e) The initiatives outlined in the Water Sensitive Urban Design Report required by condition 8.;
- f) Any changes resulting from the preparation of the landscape plan required by condition 11;
- g) Any changes resulting from the recommendations of the Waste Management Plan required by condition 14;
- h) A coloured schedule (2 copies) of the materials, colours and finishes to be used on the main external surfaces, including roofs, walls, windows, doors of the proposed additions; and
- i) All plant, equipment and domestic services (including air conditioning, heating units, hotwater systems, etc.) which are to be located externally.

No Alterations

- 2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

Satisfactory continuation

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

Walls on or facing the boundary

- 4. 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.

Sustainable Management Plan

- 5. Before the development starts (other than demolition or works to remediate contaminated land) an amended Sustainable Management Plan that outlines proposed sustainable design initiatives, generally in accordance with the one prepared by Sustainable Development Consultants dated August 2017 but updated to reflect the amended plans, must be submitted to and approved by the Responsible Authority. Upon approval the Plan will be endorsed as part of the planning permit and the project must incorporate the sustainable design initiatives listed.



Incorporation of Sustainable Design initiatives

6. The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Management Plan, to the satisfaction of the Responsible Authority.

Implementation of Sustainable Design Initiatives

7. Prior to the occupation of any building approved under this permit, a report from the author of the Sustainable Management Plan, 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 specified in the Sustainable Management Plan report have been implemented in accordance with the approved Plan, to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

8. 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.

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

9. 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.



Site Management Water Sensitive Urban Design

10. The developer must ensure that:
- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
 - b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
 - c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
 - d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
 - e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

Landscape Plan

11. 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. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
- a) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
 - b) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
 - c) Significant trees greater than 1.5m in circumference, 1m above ground;
 - d) All street trees and/or other trees on Council land;
 - e) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways;
 - f) Landscaping and planting within all open space areas of the site;
 - g) All landscaping adjacent to the driveway at the front of the site being low species that will not grow above 0.9 m to preserve pedestrian sightlines; and
 - h) Water sensitive urban design.

All species selected must be to the satisfaction of the Responsible Authority.

Completion of Landscaping

12. 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 or at such later date as is approved by the Responsible Authority in writing.



Landscaping Maintenance

13. 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.

Waste management plan

14. Before the development starts (other than demolition or works to remediate contaminated land), a Waste Management Plan based on the City of Port Phillip's Waste Management Plan Guidelines for Developments must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the Responsible Authority and endorsed as part of this permit. The Plan must include reference to the following:

- Land use type.
- The estimated garbage and recycling volumes for the whole development.
- Bin quantity, size and colour.
- The garbage and recycling equipment to be used.
- Collection frequency.
- The location and space allocated to the garbage and recycling bin storage area and collection point.
- The waste services collection point for vehicles.
- Waste collection provider.
- How tenants will be regularly informed of the waste management arrangements.
- Scaled waste management drawings.
- Signage.

Once submitted and approved, the waste management plan must be carried out to the satisfaction of the Responsible Authority.

Piping and ducting

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

No equipment or services

16. 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.



Privacy screens must be installed

17. 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.

Time for starting and completion

18. 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.

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

4. RELEVANT BACKGROUND

- 4.1 The following relevant applications have previously been considered for the subject site:

Application No.	Proposal	Decision
P1298/2010	Demolish existing buildings and construct a three and four-story building with basement and construct and carry out works. Reduce the number of car parking spaces for the use of the land for 44 dwellings	VCAT mediated settlement – Permit issued 05 July 2011. The permit was extended twice. A third application to extend the permit was refused on 08 February 2018. The permit has now lapsed
742/2014	Demolition of a bin enclosure and alterations and additions to the front of the existing dwelling including painting and the construction of a front fence	Permit issued 25-August-2014
1092/2015	Use of the existing building on the land for the purpose of a 28 room residential hotel. The provision of accommodation in serviced rooms for persons away from their normal place of, residence	Withdrawn 30-Jan-2017



232/2017	Demolition of a waste storage area at the front of the building, alterations to the front fence to widen the vehicle entrance to the building, and the construction of two waste storage areas	Permit issued 06-April-2017
110/2018	Use of the rear building as a Residential building comprising the rental of furnished apartments for periods of three months or more	Refused 20-July-2018. The applicant has lodged an application for review with the Tribunal. The matter is listed for a hearing on 06 February 2019
P503/2018	Nine (9) lot subdivision of an existing building at the front of the site.	Decision pending

- 4.2 Until recently, both buildings were being used by lessees for short-stay accommodation.
- 4.3 Council received complaints from neighbours regarding noise and other amenity impacts from the short-stay use. Council's Planning Compliance Team applied for and was granted an enforcement order directing the short-term accommodation use cease.
- 4.4 The use of the front building for short-stay accommodation has now ceased. The eight dwellings therein are currently used for conventional residential purposes.
- 4.5 At the time of writing, the 20 apartments in the rear building were still being used for short-stay accommodation, and Council and the owners of the land were pursuing actions to stop the use.

5. PROPOSAL

- 5.1 The proposal is for partial demolition and buildings and works to extend an existing two-storey apartment building at the rear of the site, including construction of one additional level, refurbishment of 20 existing dwellings to create 17 larger dwellings, reconfiguration of the communal areas and construction of a new front fence and a reduction of the standard car parking requirement.
- 5.2 More specifically, the proposed works include:
- Extending the ground floor so that it would partially abut the side and rear boundaries;
 - Altering the first floor and constructing balconies within the existing side and rear setbacks;
 - Constructing one additional level so that the building has a maximum overall height of 9.65m;



- Refurbishing the 20 existing small dwellings to create 17 larger dwellings with private open space courtyards or balconies and external stores;
 - A mix of prefinished cement sheet, vertical metal cladding, painted brick and glass balustrades for the external materials;
 - Reconfiguring the car parking to provide a total of 14 spaces for the whole site;
 - Providing 1 motor bike and 12 bicycle parking spaces for the whole site; and
 - Demolishing and altering part of the front fence and constructing a bin store area.
- 5.3 It is not proposed to alter the existing two-storey apartment building (which contains eight, two-bedroom apartments) at the front of the site.
- 5.4 The amended proposal would reduce the overall number of dwellings on the land from 28 to 25.
- 5.5 The plans which are the subject of this report are those referred to as: TP02-05, TP07-08, TP12-13 and TP15-19 all marked VCAT Amendment V2; TP10 and TP14 all marked VCAT Amendment V3; and TP06, TP08A, TP09 and TP11 all marked VCAT Amendment V4; all prepared by Perkins Architects and received by Council on 25 July 2018 and subsequently readvertised. These plans form **Attachment 1**.
- 5.6 A comparison of the existing conditions, original plans that were not supported by Council (which form **Attachment 2**) and the amended plans is as follows:

Existing Conditions	Original Plans	Amended Plans
Building height: Front building: Two storeys Rear building: Two storeys	Front building: Two-storeys Rear building: Four storeys (+2) / 12.78m	Front building: Two-storeys Rear building: Three storeys (+1)
No. Dwellings: 28 comprising Front building: 8 dwellings Rear building: 20 dwellings	28 comprising Front building: 8 dwellings Rear building: 20 dwellings	25 comprising Front building: 8 dwellings Rear building: 17 dwellings
Dwelling Mix: Front building: 2 x 1BR, 6 x 2BR Rear building: 20 x 1BR	Front building: 2 x 1BR, 6 x 2BR Rear building: 7x 1BR, 13 x 2BR	Front building: 2 x 1BR, 6 x 2BR Rear building: 2x 1BR, 15 x 2BR



Private Open Space: Front building: Nil Rear building: Nil	Front building: Nil Rear building: 15 to 32sqm courtyards @ ground level, 8 to 35sqm balconies @ first floor level	Front building: Nil Rear building: 15 to 35.88sqm courtyards @ ground level, 8 to 36 sqm balconies @ first floor and 9 sqm to 10sqm balconies @ second level
No. of car spaces: 20 (undersized) (11 @ front, 2 on south side, and 7 @ rear)	13 (8 @ front and 5 @ rear)	14 (8 @ front and 6 @ rear)
No. of bicycle spaces	12 spaces in 6 floor mounted hoops	12 spaces in 6 floor mounted hoops
No. of motorbike spaces	0	1 @ rear

6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	1879 sqm.
Existing building & site conditions	<p>The subject site is located on the eastern side of Tennyson Street between Dickens Street and Hennessy Avenue, Elwood.</p> <p>The land is rectangular and has a frontage width of 21.95m and a maximum depth of 85.61m.</p> <p>The land is developed with two, two-storey detached apartment buildings.</p> <p>The front building dates from circa 1920-30 and comprises 8 x 2BR dwellings. Until recently, this building was being used for short-stay accommodation. This use has now ceased and the dwellings are being occupied conventionally.</p> <p>The rear building dates from circa 1960s and comprises 20 x 1BR dwellings (10 at ground level and 10 at first floor level). The first floor level dwellings are accessed by external stairs and cantilevered balustraded walkways. Seven (7) at-grade car parking spaces are provided in a ground level common property courtyard area on the southern side of the dwellings.</p> <p>There are a further thirteen car parking spaces at the front and along the side of the subject site, or a total of twenty car parking spaces for 28 dwellings.</p> <p>The rear building is being used for short-stay accommodation.</p> <p>Vehicle access to the site is via two crossovers from Tennyson Street at the northern and southern corners respectively.</p> <p>The site is has a non-contributory grading in the Heritage Overlay.</p>
Surrounds/ neighbourhood character	Surrounding land is developed as follows:



	<ul style="list-style-type: none"> • Northerly (side, along Tennyson St): Three-storey circa 1960s flats, and an older style apartment building to the corner of Dickens Street. Beyond this, and rear of two x three-storey circa 1960s apartments facing to Dickens Street. • Southerly (side, along Tennyson St): Three x two-storey older style apartment buildings to the corner of Hennessy Avenue. • Easterly (rear): Rear of two-storey circa 1960s flats, and garages of other two-storey circa 1960s flats facing to Dickens Street. • Westerly (opposite): Three-storey circa 1960s flats to corner of Dickens Street, single storey detached dwelling, and two and three-storey older style apartment buildings.
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7. PERMIT TRIGGERS

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

Zone or Overlay	Why is a permit required?
Clause 32.09 Neighbourhood Residential Zone Schedule 6 (front half of site only)	<p>A permit is required to construct two or more dwellings on a lot or construct or extend a dwelling on common property.</p> <p>An application must meet the requirements of Clause 55 of the Port Phillip Planning Scheme.</p> <p>There is a maximum building height of 10 m and 3 storeys.</p> <p>The mandatory minimum garden area of 35% does not apply because the existing building, as at the approval date of Amendment VC110, did not comply with the requirement.</p>
Clause 32.08 General Residential Zone Schedule 1 (rear half of site only)	<p>A permit is required to construct two or more dwellings on a lot or construct or extend a dwelling on common property.</p> <p>An application must meet the requirements of Clause 55 of the Port Phillip Planning Scheme.</p> <p>There is a maximum building height of 11 m and 3 storeys.</p> <p>The mandatory minimum garden area of 35% does not apply because the existing building, as at the approval date of Amendment VC110, did not comply with the requirement.</p>
Clause 43.01 Heritage Overlay Schedule 7 (front half of site only)	<p>A permit is required to demolish a building and construct a building and carry out works including a fence that is visible from a street in the Heritage Overlay.</p>
Clause 52.06 Car Parking	<p>Pursuant to Clause 52.06-2, before the floor area of an existing use is increased, the number of car parking spaces required under Clause 52.06-5 must be provided.</p> <p>Here, the number of dwellings on the land is proposed to reduce from 28 to 25, and all dwellings would have one or two car parking spaces which means that the same car parking rate under Clause 52.06-5 would continue to apply.</p>



	<p>However, it is proposed to reconfigure the existing car parking spaces to improve their functionality and meet current design standards so that the number of spaces would reduce from 20 to 14. Therefore car parking across the entire site must be considered as part of this application.</p> <p>Under this Clause, car parking for dwellings must be provided at a rate of one car parking space to each one or two-bedroom dwelling. Therefore a total of 25 car parking spaces are required. As 14 spaces are proposed, a planning permit is required to reduce the standard car parking requirement (i.e. a reduction of 11 spaces).</p>
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8. PLANNING SCHEME PROVISIONS

Planning Policy Frameworks (PPF)

8.1 The following State 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:

Clause 15.01-1R Urban design - Metropolitan Melbourne

Clause 15.01-5S Neighbourhood character

Clause 15.02-1 Sustainable development

Clause 15.03 Heritage

Clause 16 Housing, including:

Clause 16.01-3R Housing diversity - Metropolitan Melbourne

Clause 16.01-4S Housing affordability

Clause 18 Transport, including:

Clause 18.02-4S Car parking

Local Planning Policy Framework (LPPF)

8.2 The Municipal Strategic Statement (MSS) contains a number of clauses, which are relevant to this application as follows:

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 21.05-1 Heritage
 - Clause 21.05-2 Urban Structure and Character
 - Clause 21.05-3 Urban Design and the Public Realm
 - Clause 21.06 Neighbourhoods, including
 - Clause 21.06-2 Elwood and Ripponlea
- 8.3 The following local planning policies are relevant to this application:
- Clause 22.04 Heritage Policy
 - Clause 22.12 Stormwater Management (Water Sensitive Urban Design)
 - Clause 22.13 Environmentally Sustainable Development

Other relevant provisions

- 8.4 The following particular and general provisions are relevant to this application:
- Clause 52.06 Car Parking
 - Clause 55 Two or More Dwellings on a Lot and Residential Buildings (ResCode)
 - Clause 65 Decision Guidelines

9. REFERRALS

Internal referrals

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

Transport Engineer

Car Park Layout:

Access ways:

Vehicle access is proposed via existing internal accessway from Tennyson Street. Plans provided indicate accessway dimensions have not been provided in accordance with the planning scheme, not being at least 3m wide. Given no changes are proposed to the existing internal accessway, and it currently provides access to the rear of the site, I am happy to support the reduced access aisle in this case.



Pedestrian sight triangles have been provided in accordance with the planning scheme and are considered acceptable. Noting, please ensure all landscaping is kept below 900mm in height.

Car parking spaces:

Car parking spaces have been provided in accordance with planning scheme requirements and are considered acceptable.

The traffic report has provided a swept path assessment showing access/egress to all critical spaces can be achieved for B85 vehicle, with suitable clearance.

I am satisfied there is sufficient clearance within the car park to access/egress each parking space.

The car parking layout is considered acceptable.

Headroom:

Minimum headroom complies with Clause 52.06 of the planning scheme.

Bicycles

Bicycle parking is not required under the planning scheme.

It is proposed to provide 6 bicycle racks (12 spaces in total) on site, this exceeds the planning scheme requirement and 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 125 vehicle movements a day and 13 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.

Parking surveys undertaken in the traffic report indicate that on-street parking is nearing capacity outside of typical business hours (residential peaks), with average occupancy recorded at 85%.

Existing and future residents/visitors of the development will be eligible for parking permits.

It is proposed to utilize the existing crossovers to the site, with no impact expected to the number of existing on-street parking spaces. This is considered acceptable.



Parking overlay and parking provisions:

Clause 52.06 of the planning scheme requires 25 off street parking spaces to be provided for the proposed land uses, comprising 25 resident spaces. Noting recent changes to Clause 52.06 state that Column B rates apply if any part of the land is identified as being within the Principle Public Transport Network Area, of which the site is, and therefore does not require any off-street visitor spaces.

The applicant is seeking a waiver in car parking provisions and proposes to provide 13 off-street car parking spaces.

Given the above, the proposed development results in a shortfall of 12 off-street parking spaces.

Note that given the application results in a parking provision of 0.52 spaces per apartment, under the sustainable parking policy the applicant must meet the following conditions:

The mandatory conditions for application of the above reduced rate of 0.8 spaces per dwelling are

- Within or no more than 200 metres walk to edge of an Activity Centre (defined by business zoning)
- No more than 200 metres to fixed rail public transport • Strict control of on-street parking in surrounding streets
- Not eligible to participate in Council's parking permit scheme
- Provision of motor scooter / motorbike parking on site
- Small dwellings only
- In the order of 400 metres to a full line (over 1,500 sqm) supermarket.

Additional requirements for a reduced rate below 0.8 spaces for dwelling are

- Participation in car share scheme or other similar initiatives
- Be located within a mixed-use development or in an employment precinct
- Other contributions to sustainable transport infrastructure or services
- Other initiatives to reduce usage and/or ownership of motor vehicles.

Given the above, I have concerns that the applicant does not meet a significant number of the conditions stated above to warrant such a reduced car parking rate.

Noting 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:

Any redundant crossovers must be reinstated to Council satisfaction.

Any proposed crossovers must be installed to Council satisfaction.



Planner comments:

Fourteen car parking spaces would be provided, not thirteen. Recommended conditions would require that all landscaping adjacent to the driveway at the front of the site would be kept low to preserve sightlines and the provision of a waste management plan. A full car parking and traffic assessment has been undertaken at section 11 of this report.

External referrals

9.2 The application was not required to be externally referred.

10. PUBLIC NOTIFICATION/OBJECTIONS

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

10.2 19 objections were received to the original proposal, and 16 additional objections were received to the amended proposal (five of these were from original objectors). Two of the original objections were withdrawn as a result of the amended proposal. In summary, there are 28 live objections to the proposal.

10.3 The key concerns raised are summarised below (officer comment follows in italics):

- *Streetscape and neighbourhood character impacts, including four storey height*

The application has been amended to delete the fourth storey. Thus the building would comprise three levels, one level over what currently exists. This is consistent with the height allowed under the General Residential Zone and would be consistent with the height of surrounding built form. The proposal would have a minimal impact on the streetscape, with the majority of works located in the rear part of the site.

Refer to the neighbourhood character assessment at section 11 of this report.

- *Traffic and car parking*

24 and 26 Tennyson Street currently share a driveway (shown as an easement) along their shared side boundary. The proposal would maintain the existing access arrangements for both properties.

The proposal would not unreasonably increase traffic or on-street parking demand as the proposal seeks to reduce the number of dwellings onsite from 28 to 25 and to reduce the number of car parking spaces onsite from 20 to 14. The existing car parking layout is not compliant with current standards and has limited functionality. A condition will require that all dwellings are provided with a bicycle parking space. For these key reasons, a reduction of the standard car parking requirement is acceptable.



Refer to the traffic and car parking assessment in section 11 of this report.

- *Increased noise*

Dwellings are an as-of-right use in this location and therefore noise from residents is not something that can be considered as part of the planning assessment.

- *Overlooking*

The first and second floor windows and balconies would be screened to a height of 1.7 metres above finished floor level to prevent overlooking to windows or balconies within 9 metres of adjoining habitable room windows or private open spaces. There would be no unreasonable overlooking as a result of this proposal.

- *Structural integrity*

The structural integrity of the building would be assessed as part of any subsequent building permit process and is not something that can be considered as part of the planning assessment.

- *Dwelling diversity*

The proposal provides for a range of dwelling sizes and layouts, including a mix of one and two bedrooms and studies, with several dwellings being on the ground floor. This will add to the mix of dwellings in the area which includes apartments and detached dwellings.

- 10.4 The objections do not raise any matters of significant social effect under Section 60 (1B) of the Planning and Environment Act 1987.

11. OFFICER'S ASSESSMENT

Local Policy

- 11.1 The subject site is located within an established residential area, within 700 metres of the Carlisle Street Major Activity Centre Retail precinct and 400 metres of fixed rail public transport.
- 11.2 The subject site falls within the two lowest tiers of the five-tier housing growth hierarchy at Clause 21.04-1 and are defined as follows:

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

Minimal Residential Growth Areas: Established residential areas within a Heritage Overlay where new development will be minimised in order to retain recognised heritage values.



- 11.3 The character of the surrounding area is diverse, including a fair proportion of medium scale infill unit developments extending close to side and rear property boundaries. Lot sizes in the area are typically large and have been developed with walk-up-style apartments.
- 11.4 Based on the number of two and three storey apartment blocks located around the subject site an incremental increase in dwelling density in this location could be an acceptable response subject to the design being sympathetic to the existing neighbourhood character.

Neighbourhood character and built form

- 11.5 Clause 21.06-2 Elwood and Ripponlea provides guidance about the features which new development is encouraged to respond to:
- *Detached dwellings on large allotments with generous front, rear and side setbacks that allow for attractively landscaped large open space areas with established trees.*
 - *The consistent architectural character of many areas created by the predominance of Federation and inter-war dwellings with hip or gable roof forms.*
 - *Low building heights ranging from 1 — 2 storeys for single residences and 2— 3 storeys for flats.*
- 11.6 The proposed development is in generally responsive to the existing and preferred neighbourhood character. The retention of the two-storey building at the front of the site would effectively screen the third level from the street.
- 11.7 Clause 21.05-2 (Urban Structure and Character) provides further guidance regarding built form, stating:
- *In a streetscape with a consistent building scale, the height of any new residential development is the same or no more than 1 storey higher than the lower of the adjoining dwellings, with a maximum building height of 3 storeys. The additional storey should be sited and massed so that it does not dominate the streetscape or cause any adverse amenity impacts.*
- 11.8 The three- storey building would be consistent with this policy.
- 11.9 The Port Phillip Design Manual (2000) describes the neighbourhood character as:
- Developed with a number of large houses during the 1850's. Further subdivision to create house allotments and apartment buildings occurred during Edwardian and inter-war periods with the most recent redevelopment during the 1960's and 1970's replacing many houses with two and three storey flat blocks. The succession of development phases has created a rich mixture of housing type, style and scale which is an important element of its present character. However, the post-Second World War flat buildings are less sympathetic.*



- 11.10 The development would be located in the rear portion of the site, and the changes will largely be unseen from the streetscape.
- 11.11 The neighbourhood character is partially derived from the prevalence of two and three storey block of flats representing various architectural styles. The proposed three storey scale would be consistent with those buildings which abut the subject sites north-western side boundary. The design response has introduced elements such as the protruding elements at ground and first floors to provide visual interest.
- 11.12 The fact that the front building on the site is to remain means that the appearance of the site will largely be unchanged when viewed from the public realm. Further, the area is already mixed in character comprising many three storey flats from various eras in addition to detached single and double storey dwellings.
- 11.13 The setbacks of the proposed second storey would be in keeping with the existing generous side and rear setbacks of the building.
- 11.14 While the ground floor is proposed to be partially extended into the side and rear setbacks, ample room would be retained at the ground floor for courtyards and landscaping. A recommended condition requires a full landscaping plan be submitted for endorsement.

Heritage impacts

- 11.15 The front half of the subject site is located in Schedule 7 to the Heritage Overlay – the St Kilda, Elwood, Balaclava and Ripponlea precinct. However it has a non-contributory grading. Properties to the north (19 Dickens Street) and south (26 Tennyson Street) have significant gradings.
- 11.16 The proposed redevelopment would not have a detrimental impact on their heritage value of the surrounding significant buildings. In particular, the works to the rear building would have minimal impact on the streetscape. Further, Council's Heritage Advisor has verbally confirmed that the proposed front fence would be acceptable within the streetscape, being very similar to a front fence approved under a previous planning permit issued for the site.

Car parking and traffic impacts

- 11.17 Pursuant to Clause 52.06-2, before the floor area of an existing use is increased, the number of car parking spaces required under Clause 52.06-5 must be provided. Here, the number of dwellings on the land is proposed to reduce from 28 to 25, and all dwellings would have one or two car parking spaces which means that the same car parking rate under Clause 52.06-5 would continue to apply. However, it is proposed to reconfigure the existing car parking spaces to improve their functionality and meet current design standards so that the number of spaces would reduce from 20 to 14. Therefore car parking across the entire site must be considered as part of this application.



- 11.18 Car parking for dwellings must be provided at a rate of one car parking space to each one or two-bedroom dwelling. Therefore a total of 25 car parking spaces are required. As 14 spaces are proposed, a planning permit is required to reduce the standard car parking spaces (i.e. by 11 spaces).
- 11.19 Of the 14 car spaces, the eight spaces within the front setback would be allocated to each of the eight dwellings in the front building. The six spaces adjacent to the rear building would be allocated to six of the two bedroom dwellings in the new building. There would be two, one-bedroom dwellings that do not have a car space and nine, two-bedroom dwellings that do not have a car space.
- 11.20 At its Strategy and Policy Review Committee meeting dated 2 April 2007, Council resolved to adopt the general direction of the Sustainable Transport Policy and Parking Rates strategy. It includes consideration of a reduction in the car parking requirements prescribed by the Planning Scheme. The reduced rate for residential land uses is 0 – 0.8 spaces per one-bedroom dwelling and one space per three or more bedroom dwelling. The policy does not recommend a reduction in the Clause 52.06 requirement of one space per two bedroom dwelling.
- 11.21 The strategy identifies a number of mandatory conditions that are required to be met before applying an upper limit reduced parking rate, as cited by Council's Traffic Engineer at section 9 of this report. The proposal fails to meet the majority of these conditions, aside from in relation to the provision of one motorbike space and provision of 12 bicycle parking spaces.
- 11.22 However despite this, there are several key aspects of this proposal that lend itself to a reduction in parking:
- The site's proximity to various public transport nodes. This includes being located within a five minute walk (350 m) of tram route 67 and bus route 623 operating along Brighton Road and a 10 minute walk (800 m) of the Balaclava Train Station. It also includes being located within a five to 10 minute walk of tram routes 3/3a, 78 and 16 and bus routes 600, 606, 922 and 923.
 - The number of dwellings on the site is proposed to be reduced from 28 to 25.
 - All dwellings would have either one or two bedrooms.
 - The existing car parking provided on the site does not meet current layout and design standards and subsequently operates with reduced functionality.
 - The proposal would not result in any loss of on-street parking, since the existing crossover would not be modified.
 - One motorcycle space is proposed.



- 11.23 A Traffic impact report prepared by Ratio submitted in support of the application sets out further justification for the car parking provision. This includes an assessment of car parking demand and car ownership data for this area, the deficiency associated with the existing use and the need to create safe, functional and attractive parking areas.
- 11.24 While 12 bicycle parking spaces are proposed, a recommended condition would require that each dwelling be provided with at least one bicycle parking space. This will further reduce dependence on cars.
- 11.25 Subject to this condition and for the key reasons outlined above, a reduction of the standard car parking requirement is acceptable in this instance.
- 11.26 Council's Traffic Engineer has reviewed the proposed parking access and layout arrangement and advised that it is generally satisfactory.
- 11.27 Council's Traffic Engineer has also reviewed the proposed traffic impacts associated with the vehicles using the site and has advised that there would be no unreasonable impacts on the existing street network. Further, this proposal would reduce the number of cars that could park on the site and would therefore lessen vehicle movements and traffic impacts compared to the current arrangement.

Amenity – Clause 55 (Rescode)

- 11.28 The proposed development would provide a significant improvement to the amenity of the dwellings in the rear building and would not cause any unreasonable off-site amenity impacts. It would satisfy the majority of the Clause 55 standards and objectives, however variations have been sought and could be granted in relation to several of the standards. These are discussed as follows, alongside other key Clause 55 considerations.
- 11.29 Relevantly, many of the non-compliances in relation on-site amenity are a result of the existing site configuration and despite not meeting the standards, the proposal would still result in an improved outcome for future residents.

B5 Integration with the street

- 11.30 The opportunities to improve on the currently poor integration between the existing building and Tennyson Street are limited given the primary pedestrian access cannot be relocated from its current position. The proposal would reduce the number of dwellings who rely upon the communal driveway for access from 20 to 17. The reduction in the number of pedestrians who need to walk down the communal driveway to the rear block would be less than what currently exists. For these reasons the proposal would achieve the integration with the street objectives.



B12 Safety

- 11.31 All communal corridors provide safe and convenient access, with entrances to apartments positioned so as to avoid being obscured or isolated. The communal corridor at Level 1 of the proposal provides opportunities for passive surveillance of the car parking area below. While the obscured location of the dwelling entries is not ideal, it is an existing condition and is therefore acceptable in this instance. The safety objectives would be met.

B15 Parking location

- 11.32 The proposed parking would not be secure, however it would be fully functional when compared to the existing parking layout. Given the existing constraints and that there would be an overall reduction in dwelling and parking numbers, the parking location objectives would be met.

B17 Side and rear setbacks

- 11.33 The building does not comply with the side and rear setback requirements in relation to parts of the second floor from the northwest (by 1.44 m), northeast (by 0.22 m) and southeast (by 1.42 m) boundaries.
- 11.34 However the proposed encroachments would not have a detrimental impact on the adjacent properties due to the limited extent of the encroachments. Further, the majority of the immediately adjoining land is not sensitive, being car parking. The exception to this is 15 Dickens Street to the northwest which has communal open space adjacent to the subject site.
- 11.35 The 1.44 metre encroachment into the northwest side setback would not have a detrimental impact on the adjacent communal open space at 15 Dickens Street. The 3.22 metre setback in conjunction with the varied use of cladding materials would prevent unreasonable bulk. The side and rear setbacks objectives would be met.

B18 Walls on boundaries

- 11.36 There are a number of non-compliances with this standard to the side and rear boundaries due to the height of the proposed screening above the ground floor walls. This means that there are sections of walls that have an overall height of up to 5m – a combination of the 3m wall and screening above.
- 11.37 However there would be no unreasonable off-site amenity impacts as a result of these sections of walls with screening. This is due to their location adjacent to non-sensitive interfaces: an existing (garage) brick wall at 26 Tennyson Street, garages at 9 and 11 Dickens Street and car parking areas at 11 and 17 Dickens Street. The use of a lighter material for the screening (obscured glazing), the walls would also not appear unreasonably bulky from any nearby habitable room windows. Therefore the objectives would be met.



B21 Overshadowing

- 11.38 The units at 26 Tennyson Street (south east interface) would be the only abuttal affected by additional overshadowing that contains useable communal space. The shadow diagrams demonstrate that 26 Tennyson Street will enjoy at least 40sqm of unshaded open space for five hours between 9am — 3pm in accordance with standard B21.
- 11.39 Overall, the proposal results in negligible additional shadow which would not adversely impact any adjoining private open space area and would comply with this standard and objective.

B25 Accessibility

- 11.40 A failure to consider those needs of people with limited mobility was an original ground of refusal. However, now the proposal would result in a reduction in the number of dwellings on the site. A lift core cannot reasonably be accommodated without impacting upon the entire layout of the existing building. Further, seven of the rear units have access from the ground floor. For these reasons, the standard and objective would be met.

B28 Private open space

- 11.41 The first and second floor balconies range in size from 8 to 35.88 to square metres all with a minimum width of 1.6 metres with convenient access from a living room.
- 11.42 The seven-ground floor dwellings would have courtyards ranging in size from 15 to 34 sqm in area exceeding 3.0 metres in width with direct access via the respective living areas. These areas do not comply with the standard as they are less than 40sqm in area. However, since the dwellings currently have no private open space, the provision of these courtyards would be a significant improvement. Accordingly, the objectives would be met.

B30 Storage

- 11.43 The original proposal did not provide at least 6 cubic metres of externally accessible storage to each unit in accordance with Clause 55.05-6. The amended proposal has resulted in additional internal storage for all dwellings and sheds for the ground floor dwellings. The dwellings on the first floor would not have any external storage. However, they would be provided with six cubic metres of internal storage in the form of oversized wall robes and other cabinetry. This is an acceptable outcome given the constraints posed by the retention of the existing building and the objective would be met.

B31 Detailed design

- 11.44 The location of the bin storage within the front setback was an original ground of refusal for this application. While the bin storage is proposed to remain in the same location, it would be concealed behind the front fence. Given this and the



constraints of the existing layout and buildings, it is considered that the objective would be met.

Sustainable Design and Water Sensitive Urban Design

11.45 A Sustainability Management Plan was submitted with the proposal and outlines various ESD and WSUD initiatives. Recommended conditions will require that it be amended to reflect the latest version of the plans and ensure it satisfies Council's expectations in terms of environmentally sustainable design and water sensitive urban design. Recommended conditions will also require that the initiatives be implemented into the development and maintained over time.

Has the amended proposal addressed the issues that resulted in Council not supporting the original proposal?

11.46 The amended plans have addressed the issues which led to Council's previous position to not support the proposal. Specifically, they lessen the demand generated for onsite car spaces by reducing the number of proposed dwellings from 28 to 25 and by the provision of one additional parking space and motorcycle space. The reconfigured bin store and front fence would improve the interface with Tennyson Street. The internal reconfiguration would improve access for those with limited mobility whilst enabling the provision of externally accessible storage.

12. COVENANTS

- 12.1 The applicant has completed a declaration that the subject land, being all that land contained within Volume 10949, Folio 933, commonly known as Lots 1 -26 on Plan Subdivision 406688U, are not encumbered by a restrictive covenant.
- 12.2 The southern side of the land is encumbered by a 2.74m wide and 70.41m long carriageway easement. This benefits the adjacent lot to the south side at 26 Tennyson Street and is matched by a 1.42m wide easement along the northern side of 26 Tennyson Street. In combination, these two easements provide vehicular access to and from Tennyson Street, to the rear of both 24 and 26.
- 12.3 Consent from the Owners Corporation PS406688U (Elwood Art Deco Pty Ltd) has been provided.

13. OFFICER DIRECT OR INDIRECT INTEREST

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

14. OPTIONS

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



15. CONCLUSION

- 15.1 The proposal would allow one additional storey to an existing two storey apartment building in the rear part of the site as well as associated works and the reconfiguration of the existing communal areas and parking layout.
- 15.2 The three storey built form can be accommodated in this character context which includes numerous existing apartment buildings of up to three storeys in height. The works would have minimal heritage impacts being predominantly located at the rear of the site.
- 15.3 Despite not complying with some of the Clause 55 standards, all of the objectives would be met (subject to some conditions) and there would be no unreasonable off-site amenity impact.
- 15.4 The proposal would reduce the number of car parking spaces onsite from 20 to 14. However, the number of dwellings onsite would also be reduced, from 28 to 25. Importantly, the existing car parking layout is not compliant with current standards and has limited functionality. A recommended condition would require that all dwellings are provided with a bicycle parking space. For these reasons, a reduction of the standard car parking requirement can be supported.
- 15.5 The amended proposal has addressed the issues that led to the previous position of non-support.
- 15.6 For these key reasons, it is recommended that the proposal be supported and that Notice of Decision to Grant a Permit be issued, subject to conditions.

TRIM FILE NO:

PF17/268921

ATTACHMENTS

- 1. Plans under assessment**
- 2. Original plans (superseded)**