



<b>8.7</b>	<b>99 HOTHAM STREET, BALACLAVA</b>
<b>LOCATION/ADDRESS:</b>	<b>99 HOTHAM STREET, BALACLAVA</b>
<b>RESPONSIBLE MANAGER:</b>	<b>GEORGE BORG, MANAGER CITY DEVELOPMENT</b>
<b>AUTHOR:</b>	<b>MATT SPENCER, PRINCIPAL PLANNER</b>
<b>TRIM FILE NO.:</b>	<b>PF17/2716</b>
<b>ATTACHMENTS:</b>	<b>1. Objector map 2. Plans 3. Survey plan</b>
<b>WARD:</b>	Canal
<b>TRIGGER FOR DETERMINATION BY COUNCIL:</b>	Councillor call-in
<b>APPLICATION NO:</b>	P0055/2017
<b>APPLICANT:</b>	Contour Consultants P/L
<b>EXISTING USE</b>	Place of worship (Synagogue) and (one) dwelling
<b>ABUTTING USES:</b>	Residential
<b>ZONING:</b>	General Residential, Schedule 1 (RIZ)
<b>OVERLAYS:</b>	Heritage Overlay, Schedule 337 Special Building Overlay, Schedule 1 (SBO1)
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Expired

## **PROPOSAL**

Buildings and works including part demolition and construction of a three storey building comprising 29 dwellings (including re-use of the existing building for four dwellings) and 28 car spaces. Reduction (by a total of 6 spaces) from the required number of car spaces, being one resident space and five visitor spaces.

## **I. EXECUTIVE SUMMARY**

- 1.1 This application seeks to redevelop a site that currently used as a place of worship. Part of the building also accommodates a two bedroom dwelling.
- 1.2 The site is covered by an individual Heritage Overlay by virtue of two significant buildings located on the land sited one behind the other. The front building was constructed in the 1950's whilst the building behind it from the Victorian era (1890's).
- 1.3 It is proposed to retain and restore the front building and to remove its non-original fabric.



- 1.4 The Victorian era building would be demolished along with a further element behind it, which is deemed to be of no heritage value.
- 1.5 The application seeks to replace the demolished buildings with a three storey residential development that would accommodate 29 dwellings and 28 car spaces.
- 1.6 The application was advertised and 11 objections were received. The key concerns related to neighbourhood/heritage character, traffic impacts, parking provision and amenity impacts.
- 1.7 Subject to some modifications, the proposed development would be consistent with Council's Heritage Policy, would be site responsive and would meet all of the objectives of Clause 55 (ResCode) of the Planning Scheme.
- 1.8 Additionally the approval of the development will return this site to a residential use consistent with the purpose of the zone.
- 1.9 It is recommended that a Notice of Decision to Grant a Permit, subject to conditions be issued for this application.

**KEY ISSUES**

- 1. Demolition of a heritage building
- 2. Car parking provision
- 2. Neighbourhood/heritage character
- 3. Traffic
- 3. Residential Amenity

**1. RELEVANT BACKGROUND**

Planning Permit 1141/2013 for construction of fences and a gate around the perimeter of the rear carpark was approved on 24 January 2014. This permit has been acted upon.

**2. PROPOSAL**

- 2.1 Apart from partial demolition it is proposed to retain the front building on the site and demolish the two rear extensions.
- 2.2 Windows, internal and external walls and stairs to the ground floor of the front module would be demolished. Supporting columns would be retained along with the northern portion of the front facade and part of the north facing side wall.
- 2.3 The front fence would also be demolished and replaced with a fence of similar height at 1.695m.
- 2.4 At first floor, internal walls would be demolished along with a south facing door/window. The remaining first floor external walls would be retained.
- 2.5 The development would comprise three distinct modules located one behind the other, comprising the retained front module, a central module and a rear module. Each module would be separated by a common walkway.



- 2.6 The front module would be remodelled to provide four double storey dwellings, two of which would be provided with rooftop decks. Part of the ground floor of the retained building would be extended to the north (side) boundary. Courtyards to the front dwellings would be provided at ground floor within the side and/or front setback areas.
- 2.7 The ground floor of the front module would be setback a minimum of 5.635m from the street, 3.290m from the south (side) boundary and would be constructed on the north (side) boundary for a distance of 4.305m. The wall on this boundary would be constructed to a maximum height of 2.8m and an average height of 2.7m.
- 2.8 At first floor the existing setbacks would not change, being 1.775m from the north (side) boundary, 3.665m from Hotham Street and 3.240m from the south (side) boundary/laneway. Similarly, the height of the retained front module, which is constructed to a height of 7.5m above natural ground level, would not change.
- 2.9 The central module of the building would be setback 1m from the south (side) boundary/laneway at ground floor and would be constructed on the boundary at first and second floors to a height of 9.7m above natural ground level.
- 2.10 The central module would comprise ten attached dwellings facing the south boundary and ten dwellings facing the north boundary.
- 2.11 The ground floor of each of these dwellings would comprise entry, stairs to the upper levels, storage, a bathroom and a bedroom.
- 2.12 The first floor of these dwellings would comprise stair and open plan living/dining/kitchen. Half of the north facing dwellings would be provided with a 1.5m<sup>2</sup> north facing balcony.
- 2.13 The second floor of each dwelling would comprise a further bedroom with ensuite and access to a balcony on the north side of the bedroom.
- 2.14 The rear module of the development would comprise car parking and five dwellings.
- 2.15 At ground floor, this module would be setback 1.245m from the north (side) boundary, 4.3m from the west (rear) boundary/laneway and would be constructed on the south (side) boundary/laneway for a distance of 6.4m and to a height of 3.2m.
- 2.16 The carparking would be provided at ground floor and comprise two sets of triple stackers. The stackers would be one and a half storeys. One set of the stackers would be accessed from the rear laneway and would accommodate 20 car spaces, whilst the other, which would be accessed from the side laneway would accommodate 8 spaces.
- 2.17 A bedroom, stair, store and bathroom to two of the five rear dwellings would also be located at ground floor.
- 2.18 The ground floor of the rear module would also include stair access to the remaining three dwellings, located above the stackers.



- 2.19 The first floor would comprise a further bedroom, bathroom, stair and store to two the five rear dwellings.
- 2.20 The second floor would comprise the living/kitchen/kitchen of two of the dwellings and the bedroom and living/dining/kitchen of each of the remaining three dwellings. Each of the living rooms to the dwellings would have access to a balcony.
- 2.21 This level would be setback 2.920m from the north (side) boundary, 1.625m from the west (rear) boundary/laneway and would be constructed on the south (side) boundary/laneway for a distance of 42.350m and to a height of 8.7m.
- 2.22 Pedestrian access to the site would be provided from Hotham Street at two locations; one central to the site, the other adjacent to the laneway that runs along the south (side) boundary of the site.
- 2.23 Vehicular access to the site would be provided from the laneway abutting the south (side) boundary and the west (rear) boundary.
- 2.24 Bin storage and two visitor bicycle racks would be provided within the separation between the front module and central module of the development.
- 2.25 A further 15 bicycle racks would be provided within the separation between the central module and rear module of the development.
- 2.26 Garden beds would be provided at various locations around the building including a garden bed along the north (side) boundary, which would include communal edible gardens, worm farms and compost areas.
- 2.27 The development would be finished in a variety of colours, materials and finishes, including:
- Refurbishment of the existing fabric to the retained front module
  - Dark brick to the front fence and the ground floor north and south (side) elevations of the central and rear modules
  - Charcoal coloured metal to courtyard fences
  - Brass coloured curved metal cladding to the south (side) facing upper levels of the central module
  - Brass coloured curved perforated metal cladding/screening with 25% transparency to the north (side) facing upper levels of the central module
  - Charcoal coloured metal privacy screens
  - Gold and charcoal coloured flat metal cladding
  - Timber entrance doors



- Charcoal perforated horizontal metal doors to car stackers
- Light grey metal roofing

### 3. SUBJECT SITE AND SURROUNDS

- 3.1 The site is located on the west side of Hotham Street, approximately 65m to the north of its intersection with Carlisle Street/Balaclava Road.
- 3.2 The site is rectangular and flat, with a frontage to Hotham Street of 20.1m, a depth of 86.3m and an area of 1735m<sup>2</sup>.
- 3.3 The site is affected by an individual Heritage Overlay.
- 3.4 The site accommodates a part single and part double storey brick building that comprises three distinct modules.
- 3.5 The front module is double storey. The ground floor of this module is setback 5.6m from Hotham Street whilst its upper, cantilevered, element is setback a minimum of 3.7m from the street.
- 3.6 A 1.8m high brick fence is located on the front boundary.
- 3.7 The second module of the building is single storey and attached to the rear of the front module.
- 3.8 Citation 2018, which forms part of the Port Phillip Heritage Review describes the front module and the module behind it as follows:

*Two aspects of this site are significant. The two storey religious institution (B'nai B'rith House), was built in front of a still existing c. 1890 villa in 1959. Despite being rather too large for its allotment, its architecture is of a high quality, demonstrating the aesthetic possibilities of the usually banal building conventions of the time. It has served as an important community focus among the Jewish population in this area. The remnant 1890's house, sandwiched between the 1959 building and extensive additions behind, can be clearly recognised by the extent of the hipped and gable roofs, remnant chimneys, polychrome brick walls and eaves detailing is historically significant as a demonstration of the early settlement of the area as one with substantial houses with generous front setbacks on very large sites (see 305, 366 and 382 Carlisle Street).*

- 3.9 As indicated above, the rear of the building comprises an extension to the remnant 1890's house. The rear of this extension which is part single and part double storey, is setback approximately 30m from the rear boundary of the site.
- 3.10 Beyond the rear extension is a carpark that accommodates 16 car spaces. The car park is accessed from a laneway that abuts the south (side) boundary and west (rear) boundary of the subject site. This laneway, which is approximately 4m wide, connects to Hotham Street, Chusan Street and Balston Street.



- 3.11 Land on the opposite side of the laneway, where the laneway abuts the south (side) boundary of the site, accommodates four properties that have a frontage to Carlisle Street, otherwise described as 366, 378, 380 and 382 Carlisle Street.
- 3.12 366 Carlisle Street accommodates a double storey Victorian mansion with a two storey extension at the rear. This property is used as a place of worship. The rear elevation of this building is setback approximately 12m from the laneway. Within this setback area is a concrete carpark and a double storey building at the northwest corner of the site.
- 3.13 378 Carlisle Street accommodates a double storey block of 1960's flats. The rear elevation of these flats, which includes garage doors and first floor windows, is setback approximately 7.5m from the laneway. Within this setback area is a carpark and carport.
- 3.14 380 Carlisle Street accommodates two, three storey attached dwellings that face the laneway. The ground floor of these dwellings comprises garage doors facing the laneway. Windows are located at first floor facing the laneway. The garage doors and windows are setback 2.5m from the laneway. The third floor comprises a cantilevered balcony with privacy screening presenting to the laneway. The edge of this balcony is setback approximately 0.5m from the laneway.
- 3.15 382 Carlisle Street accommodates a double storey boarding house. This building is setback a minimum of 3.7m from the laneway and includes a number of windows facing the subject site.
- 3.16 Land to the north of the subject site, (97 Hotham Street) accommodates a double storey block of 1970's era flats. The front portion of these flats is setback 2.9m from the boundary in common with the subject site. Within this setback area is a garage with terrace above. The garage is accessed from Hotham Street via an existing crossover at the southeast corner of the site.
- 3.17 The middle portion of these flats is setback 2.4m from the common boundary whilst the rear portion is setback 1.9m.
- 3.18 A number of ground and first floor habitable room windows face the subject site.
- 3.19 Land further north of the subject site includes single storey brick flats, a pair of three storey blocks of flats, two single storey Victorian dwellings and a pair of older style two storey apartment buildings.
- 3.20 At the rear of the subject site, on the opposite side of the laneway, are properties that face Balston Street. These properties include a carpark to a three storey block of flats, the rear of a recently constructed three storey development (at 52 Balston Street) and the rear yard of single storey dwelling (50 Balston Street).
- 3.21 Chapter 7 of *The Port Phillip Design Manual, Version 3, 2000* identifies the subject site as being located within Residential Precinct R7 and includes the following description of the areas key existing characteristics:

*Hotham Street is a busy main road. Many buildings are sheltered from the main road through*



*the use of vegetation or high front fences.*

- *Whilst the character of the area is mixed, dwellings that are present from earlier eras are particularly intact. Some individual buildings may be of potential heritage value.*
- *There is a strong base of dwellings from the Victorian era mixed with some examples of Interwar and immediate post war dwellings from the late 1940s and early 1950s. The larger lot sizes have also attracted 1960s-70s blocks of flats to the precinct.*
- *Building height ranges between one and three storeys.*
- *Lot sizes range from medium to very large. Building setbacks are varied.*
- *Paperbark street trees help to soften the built form, while gardens are generally low-maintenance.*
- *The wide road and relatively low buildings mean that the precinct has a strong horizontal emphasis.*

3.22 The following parking restrictions apply along Hotham Street:

- On the west side of the street, at the front of the subject site is a no standing zone and a single disabled space
- Further north, is unrestricted parking (in front of 89 to 97 Hotham Street), apart from a no standing area in front of 91 Hotham Street
- Further north, within approximately 100m of the site, is time restricted (two hour) parking between the hours of 8am and 6pm on weekdays
- To the south of the subject site, up to Carlisle Street is time limited no standing zone (7am to 9am, Monday to Friday)
- Further south, on the other side of Carlisle Street, parking is generally unrestricted on the west side of Hotham Street, except for the weekday morning peak (7am to 9am) when a clearway operates
- On the east side of the street, a clearway operates within the weekday morning peak (4.30pm to 6.30pm). Outside of these hours and outside school times, parking on the east side is generally unrestricted.

## 4. PERMIT TRIGGERS

### 4.1 Zone and Overlays

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

Zone or Overlay

Why is a permit required?



<p>Clause 32.01 General Residential Zone (RIZ)</p>	<p>A permit is required to:</p> <ul style="list-style-type: none"> <li>▪ Construct two or more dwellings on a lot pursuant to Clause 32.08-4.</li> </ul> <p>A development must meet the requirements of Clause 55.</p> <p>Pursuant to Clause 32.08-10, before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:</p> <ul style="list-style-type: none"> <li>▪ The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</li> <li>▪ The purpose of this zone.</li> </ul> <p>It is noted that the apartment standards at Clause 55.07 and the garden area requirements and mandatory building heights of the zone do not apply to the application pursuant to the transitional provisions provided at Clauses 32.08-6 and 32.08-14.</p>
<p>Clause 43.01 Heritage Overlay</p>	<p>Pursuant to Clause 43.01-1, a permit is required to demolish a building and to construct a building or to construct or carry out works.</p>
<p>Clause 44.05 Special Building Overlay</p>	<p>A permit is required to construct a building or to construct or carry out works pursuant to Clause 44.05-1.</p> <p>Pursuant to Clause 44.05-5 an application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed to in writing between the responsible authority and the floodplain management authority.</p> <p>Schedule 1 to the Special Building Overlay indicates that Melbourne Water is the relevant floodplain management authority for the purposes of Clause 44.05-5.</p>

#### 4.2 Particular Provisions

The following particular provisions apply to the site, with planning permission required as described.

Particular Provision	Why is a permit required?
<p>Clause 52.06 Car Parking</p>	<p>A permit is required to:</p> <ul style="list-style-type: none"> <li>▪ Reduce the number of car parking spaces required by Table 1 at Clause 52.06-5.</li> </ul> <p>The table prescribes the provision of one car parking space for each of the (25) two bedroom dwellings and each of the (4) one bedroom dwellings, which equates to a requirement of 29 spaces.</p> <p>Given that 28 (resident) car spaces are proposed, the application seeks to reduce the number of residential car spaces prescribed by the table by 1 space.</p> <p>The table also prescribes visitor car parking to be provided at the rate of one space per 5 dwellings, which equates to a requirement of five spaces (rounded down as per the provisions at Clause 52.06-5).</p> <p>No visitor car parking is proposed, therefore the application seeks a reduction (to zero) of five visitor car spaces.</p>
<p>Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road</p>	<p>A permit is required to create or alter access to a road in a Road Zone, Category 1 pursuant to Clause 52.29.</p> <p>Hotham Street is in a Road Zone, Category 1 and given that access to the site from Hotham Street would be altered, a permit is required by this Clause.</p> <p>An application must be referred to the Roads Corporation under Section 55 of the Act.</p>

#### 4.3 General Provisions

The following general provisions apply to the site, with planning permission required as described.

General Provision	Why is a permit required?
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<p>Clause 65 Decision guidelines</p>	<p>Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:</p> <ul style="list-style-type: none"> <li>▪ The matters set out in Section 60 of the Act.</li> <li>▪ The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</li> <li>▪ The purpose of the zone, overlay or other provision.</li> <li>▪ Any matter required to be considered in the zone, overlay or other provision.</li> <li>▪ The orderly planning of the area.</li> <li>▪ The effect on the amenity of the area.</li> <li>▪ The proximity of the land to any public land.</li> <li>▪ Factors likely to cause or contribute to land degradation, salinity or reduce water quality.</li> <li>▪ Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.</li> <li>▪ The extent and character of native vegetation and the likelihood of its destruction.</li> <li>▪ Whether native vegetation is to be or can be protected, planted or allowed to regenerate.</li> <li>▪ The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.</li> </ul>
<p>Clause 66 Referral of permit applications under other State standard provisions</p>	<p>Applications of the kind listed in Clause 66.03 must be referred to the person or body specified as a referral authority in accordance with Section 55 of the Act.</p> <p>The Table at Clause 66.03 specifies the Roads Corporation (otherwise known as VicRoads) as the determining referral authority for applications to create or alter access to a road in a Road Zone, Category 1 and Melbourne Water Corporation for an application under Schedule 1 of the Special Building Overlay.</p>

## 5. PLANNING SCHEME PROVISIONS

### 5.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:

Provisions of the SPPF relevant to the applications include:

Clause 9: Plan Melbourne

Clause 11: Settlement, including Clause 11.02 Urban Growth and Clause 11.04 Metropolitan Melbourne

Clause 15: Built Environment and Heritage, including Clauses 15.01-1 and 15.01-2 Urban Design and 15.02-1 Energy and resource efficiency. Clause 15.01-2 requires consideration be given to the Design Guidelines for Higher Density Residential Development (*Department of Sustainability and Environment, 2004*)

Clause 17: Economic Development

Clause 18: Transport

### 5.2 Local Planning Policy Framework (LPPF)

The Municipal Strategic Statement (MSS) contains a number of clauses that are relevant to these applications 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 21.05-4 Physical Infrastructure
- Clause 21.06 Neighbourhoods, including
  - Clause 21.06-1 East St Kilda and Balaclava

The following local planning policies are relevant to this application:

- Clause 22.12 Stormwater Management (Water Sensitive Urban Design)
- Clause 22.13 Environmentally Sustainable Development
- Clause 22.04 Heritage Policy
- Clause 22.11 Carlisle Street Major Activity Centre Policy

5.3 **Relevant Planning Scheme Amendment/s**

5.4 Amendment C123

5.5 At its meeting on 27 October 2015, Council adopted Amendment C118, as its updated translation of the New Residential Zones across Port Phillip, and Amendment C123, as an alternative option that addressed all of the matters for review raised by Minister. The Minister has referred Amendment C123 to the Residential Zones Standing Advisory Committee. Amendment C123 proposes to include the subject site in a General Residential Zone - Schedule 2.

5.6 The purposes and provisions of the General Residential Zone are identical to that of the existing General Residential Zone that affects the site. Similarly, the proposed Schedule 2 to the General Residential Zone does not propose any local variations to the existing General Residential Zone. Amendment C123 does not therefore have any impact on the proposed development.

**6. REFERRALS**

6.1 **Internal referrals**

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

6.1.1 **City Design**

**Heritage Advisor**

*In preparing this response I have inspected the site (including an internal inspection of the building) and have reviewed the information submitted with the application, including the*



heritage impact assessment (HIA) prepared by Lovell Chen.

This is an individually listed building, however, the citation, which is from the 1992 St Kilda Twentieth Century Heritage Study has very limited information about the building. There is no history (apart from a build date), no description and no comparative analysis. Despite this lack of information a statement of significance has been prepared as follows:

Two aspects of this site are significant. The two storey religious institution (B'nai B'rith House), was built in front of a still existing c. 1890 villa in 1959. Despite being rather too large for its allotment, its architecture is of a high quality, demonstrating the aesthetic possibilities of the usually banal building conventions of the time. It has served as an important community focus among the Jewish population in this area. The remnant 1890s house, sandwiched between the 1959 building and extensive additions behind, can be clearly recognised by the extent of the hipped and gable roofs, remnant chimneys, polychrome brick walls and eaves detailing is historically significant as a demonstration of the early settlement of the area as one with substantial houses with generous front setbacks on very large sites (see 305, 366 and 382 Carlisle Street).

The front building, constructed in 1959 and designed by the prominent architect, Dr Ernest Fooks (who had a strong association with B'Nai B'Rith), is clearly of primary significance both for its architectural and aesthetic values, and its historic and social significance.

However, having inspected the building on site (both internally and externally) I am of the opinion that the surviving section of the Victorian residence is of limited significance. Unlike some other examples in St Kilda where new buildings have been constructed in front of older residences that remain freestanding with largely intact main elevations, in this case the new (1959) building at the front involved the complete obliteration of the original façade of the residence. Accordingly, all that remains are the two side walls (the rear having been subsumed in later additions), the slate roof and some chimneys. Internally, all traces of the Victorian residence have been lost. In comparison, the three nearby examples in Carlisle Street cited in the citation include two (305 & 366) that survive with their original façades relatively intact and visible, whilst the façade of no.382 has been completely altered in the 1930s.

The rear 1960s additions are also of limited or no significance.

On this basis, I believe the complete demolition of the surviving section of the Victorian residence may be permitted in this instance, as there is no opportunity for recovery of its heritage values given the complete loss of the façade, and the historic and aesthetic significance (and potential social value) of the place is more clearly demonstrated through the 1959 building.

I am also supportive of the proposed scale, form, siting, materials and detailing of the new residential building that will replace the Victorian house and the rear buildings. I note that:

- The building will be physically separate from the 1959 building.
- It complies with Council's 10 degree sightline, and an 'across the street' sightline also shows that it will be largely concealed behind the front building
- The visible wall will present a neutral backdrop with an undulating surface that responds to the curve in the façade of the 1959 building. This will, I believe, provide an appropriate balance between providing an interesting façade, whilst not detracting from the 1959 building.



- Overall, I believe the building is of a high standard in terms of its form, details and materiality and could be described as reaching the benchmark of 'design excellence'.

Accordingly, I believe the proposed new residential building will not adversely impact upon the setting of the 1959 building and will complement it.

That leaves the alterations and additions to the 1959 building. Overall, the approach to this building is good and much of the original fabric will be conserved. The aspects that will have no/limited impacts or a neutral/positive impact (and may be permitted) are:

- The demolition of the non-original additions to the undercroft area (as shown in an early photo in the Lovell Chen HIA this was originally an open space).
- The demolition of the external stair on the south side and the restoration/reconstruction to match the other windows on that side (NOTE: whilst the elevation shows the new window as matching the original windows, I would like this to be specified in a note on the plan – Drawing no. TPI 1).
- The like for like replacement of windows on the north side elevation to allow for the installation of obscure glass.
- The small ground floor addition on the north side, as this will be well set back and discreetly detailed.
- The roof top terraces as they will be mostly concealed due to the set back from the frontage.
- The replacement of the front and side fences. The high brick fence at the front is not original and the proposed new fence will be of a similar height and some additional transparency is provided.

There are several matters, however, that I have some concerns about or cannot assess because of inadequacies in the submitted plans. These are the changes to the ground floor elevations in the 'undercroft area', because all of the elevations showing the new works in these areas are obscured by the high boundary fence. From what I can see I have some concerns because, after removing the non-original additions and exposing the undercroft, some of the proposed new works I believe will have a negative impact by once again infilling this area and destroying the sense of openness – specifically, the solid walls to the northern courtyard that would connect to one of the original pylons are one example of this.

Accordingly, further plans should be provided showing these elevations. A meeting with the architect would also be beneficial to talk through these changes so I can fully understand what is proposed.

I am also not supportive of the proposed relocation of the menorah sculpture to the foyer area. The sculpture is an integral part of the façade of this building and provides a strong connection to the history of the place. The proposed location (which, again, is not clearly shown in any detail plans) would mean that it is no longer publicly visible (unless you were to stand and peer through the high front gate down the entrance corridor). For me, this is a non-negotiable element. The sculpture must stay on the façade.

#### 6.1.2 Planning Officer Response:



Refer to discussion at section 8.4 below with respect to amended plans.

### 6.1.3 Urban Designer

#### General comments

*The site sits in a Minimal Change Area /Heritage Area in the Carlisle Street Activity Centre Structure Plan, 2009. The proposal will make a significant change to the area, but proposes to do this in a sensitive manner which will enhance the neighbourhood. The design is generally of a high standard and will make a positive contribution to the overall character of the area and create a respectful setting for the heritage building from the street. Other merits include opening up the laneway creating an active frontage and reinforcing the urban structure through laneways as set out in the Port Phillip Planning Scheme (21.05-2.1.1). The quality of materials are of a high standard and good design intent. All of which promise to deliver a building reaching design excellence.*

*However there are a number of concerns on parts of the proposal, which are listed below. These will be expanded on further and recommendations have been made at the end of this report:*

- *The proposal is trying to achieve too many dwellings on the site which results in moments of poor external circulation and internal entrances to dwellings.*
- *Resolution between the raised footpath and existing laneway is unclear.*
- *Ground floor refurbishment of the heritage B'nai B'rith House is not in keeping with original design intent.*

#### Built Form

*The proposal comprises of three buildings, the B'nai B'rith House heritage building, a block of 20 townhouses and the car stacker block incorporating two townhouses and three apartments on the second floor.*

*The proposed renovation of B'nai B'rith House heritage building would include the removal of the infilled undercroft on the ground floor. New front elevations, minus the fence, were submitted to Council on 5 June 2017 and demonstrate the columns read clearly in the front elevation, further detailing at the column junctions should unblock their expression by having an offset or shadow gap. However the new foyer walls infill and disrupt the column grid which as a strong architectural feature of the original heritage building. It is a concern that residents and visitors will not experience original intent and character of the design. As local policy seeks to encourage opportunity for social interaction at interfaces between the public and private realms, and spaces and facilities within multi-storey residential developments (21.05-3.3.2) this would not be supported. The entrance should be redesigned to encourage interaction and enjoyment of the original design intent, which will also be viewed through the ironmongery of the proposed new fence.*

*The townhouse block sits close to the boundary on both sides with narrow footpath widths around it's perimeter, that should be increased to allow for better access. The block sits higher than the existing, at three storeys, however its graduating scale change from the B'nai B'rith House will provide an elegant backdrop from Hotham Street. The rhythm of townhouses is consistent with the planning scheme in achieving a fine grain scale along the laneway. The first and second floor cantilever over the ground floor entrance by 1m and are therefore built to*



boundary. This undercroft is proposed at a height of 2.86m, it is recommended that this be increased to 3m min to allow for a more generous entrance. The path's width should also be increased to 1.2m, please see laneways below for further details.

The car stackers and apartment block to rear has a large footprint and high site coverage. There are two townhouses located north of the site that run in line with the townhouse block and will create a unity between the two blocks from the north path. The three apartments located on the third floor each have separate stairwells of two flights leading from the ground floor which have no windows. This would be a poor design outcome and is not supported. On the south elevation, the block extends right to the title boundary. Local policy seeks to ensure car parking spaces and structures are sited and designed to minimise their impact on the streetscape. (21.05-2.7.7) should be in line with the ground level of the B'nai B'rith building and townhouse block at grade to allow a continuous path along the laneway. The current design creates a visual and physical block, which disrupts the urban fabric and. It is recommended that the block position and accommodation be reconsidered. A reduction of apartments and car parking is recommended to allow the design of the block to work more effectively within the constraints of the site and to enhance the neighbouring area.

#### Public realm & ground floor

##### Laneways

The proposal indicates a 1m raised path fronting the townhouse block. There are a number of opportunities but also concerns with the current design. 21.05-3.3 of the Port Phillip Planning Scheme objectives is to ensure new development provides a positive contribution to the public realm. This is achievable by widening the path to 1.2 m (minimum footpath in Port Phillip standards for new footpaths) and by allowing visual continuity by reconfiguring the car stacker block, as described above. Works should also match bluestone kerbs and gutter as per council typical standard details. It is also recommended that lighting be included, in line with the Planning Scheme to: Improve the quality, consistency, efficiency and application of lighting in the public realm. (21.05-3.3.5)

The proposed design effectively is creating a number of new private laneways between the blocks. Design development should consider how people will use different access points and widen accordingly. It is likely that the gates from the laneway will be used as primary entrance by residents, where bin and bike storage are currently proposed. It is recommended that an unobstructed clearway allowing two people walking bikes to pass each other be designed in, encouraging universal access as stipulated in the Port Phillip Planning Scheme, 21.05-3 2.

##### Ground floor activation

From the Hotham Street the proposed fence with ironwork is a more elegant and permeable proposal than the current design, which is not original. Due to the heritage nature of the site, it is encouraged that the fence is more permeable to allow glimpses through. The fence height should be maximum for 1.7m at highest point.

##### Landscaping

The proposed design successfully explores innovative approaches to landscape design and construction, including greater use of indigenous plant species and recycled materials. 21.05-2.10.5. More communal open space is encouraged which could be achieved by the widening of the raised footpath and reconfiguring of the car stacker configuration.

#### Façade treatment & detail



#### *Materials and reflectivity*

*The materials choices are of a high standard and promise to make a building reaching design excellence. Design details of the townhouse cladding system is required to better understand the visual lightness/heaviness of the design. The brass specified could prove too bold and detracting. A samples board should be submitted to Council to verify material and colour, especially because of the heritage setting.*

#### *Fence height*

*Covered in Ground floor activation*

#### *Windows*

*The south facing windows have a strong arch shape which differs from the modernist style of the B'nai B'rith House and could detract from the scalloped cladding system. The arch could be adjusted to respond to the gentle arch of the of the heritage front brick façade. Or a rectilinear design would be sensitive to the heritage building while being secondary to the cladding. Further design rationale should be provided.*

*Privacy screening has been proposed to mitigate overlooking on relevant windows. With the proposal's high articulation of materials and detailing, it is encouraged that a better design solution be sought such, as the use of angled louvres. This would further accentuate the formal qualities of the façade and to create better experience from within the balconies.*

#### *Roof form and pitch*

*The roof form, although not a traditional pitch, respects the form of the B'rith B'nai heritage building. The articulation of the pitch when in the roof terraces, which follows the rise of the internal stairs below, will open up views to the sky and will create a useful shelf space for outdoor planting. This is a successful design feature which will make an enjoyable open space.*

#### *Other (i.e.: apartment sizes, bicycle storage):*

- *Apartment circulation. The ground floor internal circulation to the townhouse type 20-29 appears overly complex. If the staircase was switched to the opposite side and brought forward, the bedroom and bathroom (which could include store) could be pushed back. This would minimise corridor length while also allowing a more generous front garden, and could provide the extra width to the proposed path.*
- *Sculpture to remain in the existing location on the exterior to be clearly visible from the street as public art.*
- *Bicycle storage. Effort has been made to demonstrate where and how bike storage can be incorporated into the design. The 'towel hitching' racks seems to impact on much needed space in the circulation area. It is recommended that an alternative be explored, this could be designed into the reconfigured car stacker.*

#### *Recommendation*

*We generally support the proposal with the following conditions:*

- *Reconfiguration of the car stacker to achieve a continuous path from the laneway and better access to above apartments. A reduction of apartments and car parking is recommended to enable this block to work more effectively within the constraints of the*



*site and to enhance the neighbouring area.*

- *Increase townhouse undercroft height in the laneway to a minimum of 3m.*
- *Increase raised path width to a minimum of 1.2m.*
- *B'nai B'rith House all heritage columns to be expressed in the foyer at ground floor and external perimeter of the building.*
- *An unobstructed clearway allowing two people walking bikes to pass each other be achieved in the side pathways.*
- *Fence height to Hotham Street be reduced to 1.7m at highest point with more permeability allowing views to the heritage building.*
- *Sculpture to remain in the existing location on the exterior to be clearly visible from the street as public art.*
- *Provide rationale behind window arches in response to the heritage.*
- *Privacy screens redesigned to be considered to match high quality material design of the proposal.*
- *Technical details for townhouse cladding to be provided to council to give more clarity on the façade cladding system.*
- *Technical detail for raised path and laneway junction to be submitted for council approval.*
- *Material and finishes sample board to be submitted for council approval.*
- *Technical details for townhouse cladding to be provided to council to give more clarity on the façade cladding system.*
- *Technical detail for raised path and laneway junction to be submitted for council approval.*
- *Material and finishes sample board to be submitted for council approval.*

**6.1.4 Planning Officer Response:**

Refer to discussion at section 8.4 below with respect to amended plans.

**6.1.5 Traffic & Parking Management**

Proposal:

*The demolition of existing Rambam Sephardic Synagogue at 99 Hotham Street and construct a three storey residential building, comprising:*

- *4 x one bedroom apartments; and*
- *25 x two bedroom apartments.*





A total of 28 car spaces are proposed on-site, comprising of:

- 20 spaces in a mechanical car stacker located along the western boundary; and
- 8 spaces in a mechanical car stacker located along the southern boundary.

Vehicle access proposed via ROWs accessed from Hotham Street, Chusan Street and Balston Street.

A total of 17 bicycle spaces are proposed on-site, comprising:

- 8 Ned Kelly style spaces;
- 7 towel rail style spaces; and
- 1 double-sided bicycle rail.

#### Car Park Layout:

Access ways:

- Vehicle access is proposed via existing ROWs accessed from Hotham Street, Chusan Street and Balston Street. Access way dimensions are in accordance with Clause 52.06 of the planning Scheme.

#### Car Stackers:

- The proposed car stackers will provide a usable platform width of 2.4m and length of 5.0m.
- The proposed stackers provide a heights clearance of 1.8m for over 25% of car spaces, this exceeds clause 52.06 of the Port Phillip Planning Scheme and is considered acceptable.
- The applicant has provided swept paths showing that vehicles are able to enter/egress critical spaces, with some corrective manoeuvres as allowed in the Australian Standards.
- The proposed parking layout is considered satisfactory.

#### Headroom

- Minimum headroom complies with Clause 52.06 of the planning scheme.

#### Gradient of Ramps

- The proposed gradients do not meet the design requirements of Clause 52.06 of the planning scheme –
  - The proposed ramp gradients exceed 1:10 within the first 5m of the property boundary; and
  - Plans must include an assessment of grade changes which are less than 3m apart for clearances.
- The applicant has provided an assessment of grade changes which indicate that vehicles will not scrape/bottom out when accessing critical parking spaces. Therefore, the proposed ramp grades are considered acceptable in this case.

#### Bicycles

- The applicant proposes 17 bicycle spaces on site which exceeds the requirements set out



in Clause 52.34.

- This level of bicycle parking is considered acceptable.

Loading and Waste Collection

- A Loading Zone is not required under clause 52.07 of the planning Scheme.
- Waste Management plan to be referred to Council's Waste Management department for assessment.

Traffic Generation and Impact:

- Traffic generation rates adopted by the applicant have been checked and are considered appropriate for the proposed land use.
- 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 a mixture of 2P, unrestricted and clearway parking.
- Residents/visitors/staff of the development will not be eligible for resident parking permits and will need to abide by on-street parking restrictions.
- It is proposed to utilize existing ROW's and crossovers, with no impact expected to the level of on-street parking.

Parking overlay and parking provisions:

- Clause 52.06 of the planning scheme requires 34 off street parking spaces to be provided for the proposed land uses, comprising 29 resident and 5 visitor spaces.
- The applicant is seeking a waiver in car parking provisions and proposes to provide 28 off street car parking spaces for residents only.
- Given the above the proposed development results in a shortfall of 1 resident and 5 visitor spaces.
- Note that the assessment for the appropriate rate for car parking provision lies with Statutory Planning. Reference should be made to CoPP's Sustainable Parking Policy. We also suggest comparing previous approved parking provision rates of adjacent developments as part of the Planning team's assessment / determination.

Other:

- Any redundant crossovers must be reinstated to Council satisfaction.
- Any proposed crossovers must be installed to Council satisfaction.

**6.1.6 Planning Officer Response:**

It is considered that should Council be of a mind to issue a permit, any permit issued should include conditions that reflect the recommendations of Council's traffic engineer with respect to the re-instatement of the footpath and the construction of the proposed crossover (refer recommended condition 22).

**6.1.7 Sustainable Design**

Indoor Environment Quality



#### Ventilation openings

Council's Best Practice Standard is for all dwellings to be effectively naturally ventilated, either via cross ventilation, single-sided ventilation or a combination. Further details are required to establish if windows allow practical ventilation. The proposal features bedrooms and living rooms where sliding glass doors appears to be their only route for natural ventilation. These are likely to provide poor ventilation, and inhibit use of natural ventilation. The provision of windows that allow a degree of protection against windblown rain and gusty conditions are important. Consider the provision of at least one sash per room that can be locked in an ajar position to increase likelihood of use when unattended. Window and door opening format/direction need to be clearly indicated.

#### Ventilation vs pedestrian traffic

The townhouses proposed have bedrooms which appear will have windows which open directly onto, or within a meter of a paved road or path. Passing vehicle and pedestrian traffic is likely to inhibit use of natural ventilation unless designed well. Consider multiple, high-level sashes which facilitate cross-ventilation. Consider the selection of paving which will reduce noise from passing pedestrians

#### Cross ventilation

Council's Best Practice Standard Design for at least 60% of a development's dwellings to be cross ventilated. There is no detail as to how rooms can be cross-ventilated. Many apartment living and bedrooms appear to have only sliding doors to balconies to access ventilation.

Consider the provision of:

- an operable window sashes over or next to these doors to increase likelihood of use in more temperate, windy and inclement conditions
- windows to all northern townhouse second floor en'suites (not every second as currently proposed)
- a simple explanatory diagram per each typical dwelling design to show how cross ventilation for habitable rooms can be achieved.

#### Apartment daylight levels

Council's Best Practice Standard Achieve a minimum daylight factor of 1% for 90% of the floor area in each living area including kitchens, and a minimum daylight factor of 0.5% for 90% of the floor area for each bedroom. Consider providing daylight modelling for typical dwellings.

#### Energy

Solar hot water – Water heating is currently proposed to be heated by fossil fuel without any solar pre-heating. Consider solar preheating to reduce energy use and cost to occupants. Noting Victorian Building Authority Practice Note: 2014-55 (Issued July 2014)

[http://www.vba.vic.gov.au/\\_data/assets/pdf\\_file/0003/20397/PN-55-2014-Residential-Sustainability-Measures.pdf](http://www.vba.vic.gov.au/_data/assets/pdf_file/0003/20397/PN-55-2014-Residential-Sustainability-Measures.pdf)

Shading – Pages 9 and 10 note shading to facades although this is not apparent in the sections. Clarify shading intent to:

- bedrooms opening to roof terraces
- clerestories



- any other glazed north or west facing windows or doors such as the doors opening to the roof terraces of the southern townhouses

*Carpark ventilation – Council’s Best Practice Standard is for basement carparks to be provided that are either fully naturally ventilated, or use carbon monoxide monitoring to control the speed and operation of ventilation fans. Consider the provision of these.*

Water

*Rainwater capture – Page 13 notes the provision of rainwater tanks. Provide detail of tank capacity and location on the drawings. No Rainwater Tank Maintenance Manual has been provided. The Council offers a useful template for these at:*

Stormwater

*Proprietary systems – The drawings propose the use of proprietary stormwater treatment systems. The provision of productive gardens is encouraged however proprietary systems are not considered by Council as acceptable treatment solution. Clarify how productive gardens and stormwater treatment can be provided without reliance on a proprietary systems and provide appropriate details and maintenance program.*

Transport

*Bicycle security – Consider providing CCTV monitoring of the bicycle storage area to minimise theft.*

*Bicycle shelter – Clarify what sort of rain protection is provided to the bike parking facilities.*

*Low emission vehicles – Consider the provision of appropriate electrical charging points for electric bicycles.*

Waste

*Waste & recycling – Page 8 notes a dedicated storage room, with space for hard waste. Note this area on drawings and clarify if this space is to be an enclosed room or open to sky area. Consider need to protect rejected items from weather to avoid spoiling encouraging potential reuse by others, and easier collection*

*Compost siting – Consider repositioning compost areas further away from dwelling windows to avoid nuisance from odours.*

Urban ecology

*Urban Heat Island Effect – Use of lighter colour roofing and/or paving can assist in alleviating the UHI Effect. Provide detail of the albedo of the roof level paving and roofing material.*

*Private gardening – Council’s Best Practice Standard is for a tap for irrigation and drainage to be provided on balconies and in courtyards to allow residents the potential to garden. Note the provision of taps and floor waste gullies to all private balconies and courtyards.*

*Communal areas - Council’s Best Practice Standard is for areas for social interaction between building occupants to be provided. The provision of such a space with good solar access and breeze protection would be desirable. Consider the inclusion of a communal area.*

**6.1.8 Planning Officer Response:**

It is recommended that any permit that may issue should include a condition that requires an amended Sustainable Management Plan to Council’s satisfaction (refer



recommended conditions 10-12).

Any permit that may issue should also a requirement for additional plan(s) of each typical dwelling demonstrating that cross ventilation for habitable rooms would be achieved. [refer recommended condition 1a)].

Similarly, any permit that may issue should also include a condition that requires the capacity of the water tank and its location to be shown on the plans [refer recommended condition 1b)].

#### 6.1.9 **Tree Services**

The arborist report that was submitted with the application was reviewed by Council's Senior Arborist and the following comments were received:

*Almost all of the remaining/existing trees I observed on site are less than significant size under the local law and most are poor specimens, which do not need to be retained.*

*Tree 4 (Shining Privet) is possibly significant; this is a weed species that has poor structure, so can be removed upon receipt of a Significant Tree Permit.*

*I agree and will arrange removal of the street tree through our street tree removal process.*

*I recommend Tree 4 be granted a Significant Tree Permit for removal.*

*If the applicant wishes they could approach the neighbour to negotiate removal of weed species trees and use the Arborist's advice as supporting evidence and sound reasoning for removal. (The neighbour would need to apply for any necessary Significant Tree Permits.)*

*If, however, the neighbour wishes to retain the trees, they should be afforded protection from potential damage by this development.*

*An appropriate Tree Protection Plan should be developed by the Arborist to document how all retained trees will be protected from potential damage during the development (both demolition and construction). This TPP must be submitted to Council and will form part of the Planning Permit conditions.*

*Implement measures as outlined in 5.6 of the Arborist report.*

#### 6.1.10 **Planning Officer Response:**

It is recommended that any permit that may issue should include a condition that reflects the above recommendations (refer recommended condition 13).

#### 6.1.11 **Waste Management Services**

Council's Waste Projects officer has reviewed the waste management plan submitted as part of the application and provided the following comments:

*The Plan will need to be updated to show 8 x 240L bins in the refuse room. 7 x 660/1100L bins are currently shown.*

*A charity bin could also be added to the WMP and kept in the Bin Store. Charity bins are suggested under the City of Port Phillip WMP Guidelines for Developments.*

*All other requirements have been met.*

#### 6.1.12 **Planning Officer Response:**

It is recommended that any permit that may issue should include a condition that



addresses the above matters (refer recommended condition 18). With respect to the reference to charity bins, the *City of Port Phillip WMP Guidelines for Developments* indicates that charity bins should be provided for high-rise developments, rather than developments of the type sought by this applicant.

6.2 External referrals

Referral Authority	Response	Conditions
Melbourne Water	No objection subject to conditions.	<p>1. <i>The layout of the site and size, design and location of buildings and works and finished floor levels of the dwellings and garages as shown on the submitted plans must not be altered without prior written consent from Melbourne Water.</i></p> <p>2. <i>Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building and driveway.</i></p> <p>3. <i>Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.</i></p> <p><b>Advice</b></p> <p><i>The applicable flood level is 13.45 metres to Australian Height Datum (AHD).</i></p> <p><i>For the purpose of the Building Code of Australia – Building in Flood Hazard Areas, Melbourne Water, as the relevant floodplain management authority has determined that the maximum flow rate of flood water (velocity) for this property is below 1.5 metres per second.</i></p> <p><i>(refer recommended condition 5)</i></p>



<p>Roads Corporation (VicRoads)</p>	<p>No objection subject to conditions.</p>	<p>1) <i>Before the development starts, amended Ground Floor Plan must be submitted to and approved by Roads Corporation (VicRoads). The plans must be drawn to scale with dimensions and two copies must be provided. The amended plans must provide a passing area at the ROW entrance to Hotham Street at least 6.1m wide and 7m long.</i></p> <p>2) <i>The passing area must be constructed to the satisfaction of the Roads Corporation (VicRoads) and for the Responsible authority and at no cost to the Roads Corporation, prior to the occupation of any of the proposed dwellings.</i></p> <p>3) <i>The passing area must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.</i></p> <p><i>[refer recommended condition 4 and 1p)]</i></p>
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**6.2.1 Planning Officer Response:**

With respect to the changes required by VicRoads, the applicant has provided discussion plans that show the passing area required can be achieved. These plans demonstrate that part of the garden area within the side setback of Townhouse 1 would be removed, noting that the extent of open space to this Townhouse would continue to meet the requirements of ResCode.

Whilst the introduction of a passing bay would reduce the permeability of the site, the development would continue to meet the permeability requirements of ResCode.

**7. AMENDED PLANS**

7.1 In response to matters raised by Council’s Urban Designer and Heritage Advisor and Vic Roads, the applicant submitted amended plans for discussion purposes on 10 October 2017. These plans were emailed to objectors on 8 November 2017. The plans include the following changes:

- Retention of the minora sculpture in its current location.
- Introduction of art work to the east facing wall of the rear carstackers. The artwork would be visible to users of the proposed footpath and laneway along the south (side) boundary of the site.
- The undercroft clearance on the south (side) of the central building module



increased to 3 metres.

- The width of the footpath on the south side increased from 1m to 1.2 metres and the footpath raised to 0.15m above the surface of the abutting laneway by way of introducing a concrete kerb.
- Internal reconfiguration of townhouses on the south side of the central building component (Townhouses 20 to 29) including increase in storage from 3m<sup>3</sup> to 3.5m<sup>3</sup>.
- Improved internal reconfiguration of townhouses 15 and 16 which would increase storage by 2m<sup>2</sup> and 1m<sup>2</sup> respectively.
- Screens to second floor north facing terraces angled so that they do not extend beyond the setback envelope prescribed by standard B17 of ResCode.
- Bins and bikes divided between service areas separating each building module.
- Internal columns of retained heritage building expressed at ground floor level.
- Introduction of a passing bay at the southeast corner of the site, adjacent the junction of the laneway and Hotham Street in accordance with the requirements of VicRoads.

7.2 The discussion (amended) plans were referred to Council's Urban Designer and Heritage Advisor and the following responses were received:

Urban Designer

*I'm happy with the amended plans. A good effort has been made resolve my concerns for the most part and I'm in support of the application with no conditions*

7.3 Heritage Advisor

*In terms of heritage, this resolves most of my key issues – I'm pleased that the minora sculpture will remain.*

*However, they haven't resolved my issue as to how the proposed new front courtyard fences meet the original columns. Rather than touch them I would like separation so they can still be perceived as freestanding elements (note: this only relates to the two front columns near the main entrance, not the columns that continue down the entry hall – I see that they propose some changes to ensure these remain visible within the design).*

7.4 **Planning Officer Response:**

It is considered that the changes offered by the applicant represent an improvement to the development. It is recommended therefore that the changes be implemented by way of conditions on any permit that may issue along with an additional condition that addresses the heritage advisor's comments regarding the two front columns near the main entrance [refer recommended conditions 1c to 1l)].

## 8. PUBLIC NOTIFICATION/OBJECTIONS

8.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (164 letters) and directed that the applicant give notice of the proposal by posting 3 notice(s) on the site for a 14 day period, in accordance with





Section 52 of the Planning and Environment Act 1987.

8.2 The application has received 11 objections. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 9):

- Traffic impacts upon the laneway
- Car parking impacts
- Visual bulk impacts
- Impact on heritage value
- Neighbourhood character
- Noise and odour
- Poor internal amenity
- Failure to comply with ResCode standards in terms of building height, side and rear setbacks, daylight to existing and proposed windows, overshadowing, overlooking and noise impacts.
- Loss of existing trees
- Waste management
- Impacts upon operation of nearby convenience shop

8.3 A consultation meeting was held on 24 August 2017 which was attended by

- One Ward Councillor;
- Principal Urban Planner;
- The objectors
- The permit applicant; and
- The project architect.

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

## 9. OFFICER'S ASSESSMENT

9.1 **Local Policy**

9.2 **Clause 21.04 Land Use**

Clause 21.04-1 seeks to:

2.1 *Limit new residential development within established residential areas to achieve*

- *Minimal residential growth in areas where an existing heritage overlay applies. All new development shall be in accordance with the Port Phillip Heritage Policy at Clause 22.04.*



- 9.3 An assessment of the development with respect to Council's Heritage Policy is provided later in this report.
- 9.4 **Clause 21.05 Built Form**
- 9.5 Strategy 7.5 at Clause 21.05- 2 seeks to:
- 9.6 Encourage residential development to respect and be consistent with the prevailing streetscape scale:
- 9.7 In a streetscape with a diverse building scale, the height of any new residential development is generally no more than 1 storey above the height of the lower adjoining buildings, with a maximum building height of 3 storeys.
- 9.8 As discussed as part of the Rescode assessment later in this report, the maximum building height would be three storeys and the proposal would be no more than one storey higher than the lower adjoining building, being the two storey development to the north at 97 Hotham Street.
- 9.9 **Clause 21.06 Neighbourhoods**
- 9.10 Clause 21.06-1 seeks to:
- 6.1.3 *Encourage new development to respond to the following specific character elements:*
- *The prevailing low rise (1 and 2 storey) development throughout most residential streets, with the exception of pockets of 2 and 3 storey flat development along main roads such as Alma Road, and Chapel, Hotham and Inkerman Streets.*
- 9.11 It is considered that the proposal would appropriately respond to the two and three storey flat development on Hotham Street.
- 9.12 **Clause 22.04 Heritage Policy**
- Demolition
- Whilst the 1870's villa is identified as contributing to the heritage value of the site, the façade of the building has been removed and only its side walls and roof remain.
- Whilst the remaining heritage fabric of the villa is visible from the laneway abutting the south (side) boundary of the site, the view is obscured by existing vegetation and a high boundary fence. From Hotham Street, oblique views to the villa are possible, but again, these views are masked by a combination of the front building, which would be retained, and the aforementioned fence and vegetation.
- The officer therefore concurs with the conclusion of Council's Heritage Advisor which is that *the surviving section of the Victorian residence is of limited significance.*
- The extent of demolition to the 1950's building in front of the villa is also considered acceptable. The fabric that would be demolished, including the front fence, is not original and detracts from the heritage integrity of the building, noting that the extent of demolition is supported by Council's Heritage advisor.



It is considered therefore that the extent of demolition would satisfy heritage policy where it seeks to *encourage the removal of alterations and additions that detract from the heritage significance of a heritage place.*

Additions and/or Alterations to Heritage Places

The recessive siting of the new building(s) at the rear of the retained building would not obscure views to the retained heritage building and would ensure that existing viewlines to the principal façade are maintained.

The rear buildings would satisfy Performance Measure 1 in that they would be *sited within an “envelope” created by projecting a line of 10 degrees from the height of the base of the front parapet or gutter line on the main façade and extending to the rear of the heritage place sited.*

It is considered that all new walls, windows, roofs and fences would be complementary to the heritage place in terms of materials, finishes, textures and paint colours and are appropriate to its architectural style. The replacement building would display design excellence which would clearly and positively support the ongoing heritage significance of the place.

9.13 **Clause 22.11 Carlisle Street Major Activity Centre Policy**

9.14 Clause 22.11-3 seeks to:

- *Manage the level of change within Established Residential Areas to:*
  - *Ensure new development in areas covered by the Heritage Overlay is minimised to that which retains heritage fabric and significance, in accordance with the Heritage Policy at Clause 22.04.*
  - *Ensure all new residential development contributes to the ‘Preferred Character Statement’ and ‘Design Guidelines’ specified in Port Phillip Design Manual 2000 (Chapter 7: Neighbourhood Character Statements - Carlisle Street Major Activity Centre Environs).*

9.15 An assessment of the development with respect to the Heritage Overlay is provided earlier in this report.

9.16 Chapter 7 of The Port Phillip Design Manual, Version 3, 2000 identifies the subject site as being located within Residential Precinct R7 and includes the following preferred character statement:

*Existing Victorian dwellings in good condition will be retained. Larger lot sizes will attract further redevelopment including medium density housing. New development will be well articulated with variations in wall surfaces and through the composition of openings and setbacks. Where a new development adjoins an existing Victorian dwelling, it will provide an innovative design response that respects the scale, form and setbacks of the existing building. The built form and dominance of hard surfaces will be lessened through landscaping suited to the size of garden spaces. Where possible, higher front fences will be avoided in favour of other measures, such as vegetation screening, to enhance privacy and reduce noise impacts.*



9.17 It is considered that the proposed development represents an appropriate response to the preferred character of the precinct. It is considered that the modulated form of the development and its mixed palette of complementary materials would deliver an innovative and respectful building. Further, the development would retain a significant heritage building and utilise existing vehicular access arrangements. The choice of at-grade car parking negates the need for a basement carpark and provides opportunities for deep planting.

9.18 **Amenity – Clause 55 (Rescode)**

The proposed development satisfies the neighbourhood character, residential policy, dwelling diversity, infrastructure, integration with the street, street setback, permeability, energy efficiency, safety, landscaping, access, parking location, walls on boundaries, daylight to existing and proposed windows, north facing windows, overshadowing open space, internal views, noise, accessibility, daylight to new windows and private open space standards of Rescode.

Variations have been sought and could be granted in relation to the following:

Building Height – Standard B7

The development would be constructed to a maximum overall height of 9.9m being to the roof ridge of Townhouses 15 and 16, which forms part of the rear module of the development. The parapets to the remainder of the rear central module would be constructed to maximum heights of 8.7m and 9.3m.

The parapet of the central module would be constructed to a maximum height of 9.6m.

It is considered that a variation to the 9m height prescribed by this standard would be acceptable in this instance as the proposed height would be consistent with the heights of three storey development that is evident within the vicinity of the subject site.

The proposed height would also be consistent with and the heights of older style two storey developments, which, by virtue of generous floor to ceiling heights, are of an equivalent height to a contemporary three storey development.

For instance, two storey buildings at 378 Carlisle Street and 380 Carlisle Street have roof ridge heights of 22.8m and 22.9m respectively to the Australian Height Datum (AHD). These heights compare with the AHD height of the central module of the proposed development, which would be constructed to a height of 21.8m AHD.

The elevation plans and section diagrams demonstrate that the changes in building height between the proposed development and existing development on neighbouring property would be graduated.

It is noted that the roof ridge of the neighbouring development to the north is constructed to a height of between 19.6m and 20.8m AHD, which is a maximum of 2.2m lower than the central module of the proposed development.

As discussed earlier in this report with respect to Strategy 7.5 at Clause 21.05- 2, the proposed development would no more than one storey above the height of the lower adjoining buildings.

Site Coverage – Standard B8



The officer's assessment concludes that 73 per cent of the site would be covered by buildings which is 13 per cent more than the site coverage prescribed by this standard.

It is considered that a variation would be acceptable in this instance given the inner urban context of the site and the high site coverage of nearby apartment and townhouse developments, noting that a number of nearby buildings extend deep into their respective allotments.

#### Permeability – Standard B9

The officer's assessment concludes that the site area covered by pervious surfaces would be 21 percent of the site, which exceeds the standard by 1 per cent. The permeability calculation relies on the following areas being provided with permeable paving:

- The walkways along the north of the building and between each building module; and
- The courtyards within the front setback and the south (side) setback.

It is noted however that the plans do not indicate that these areas would be provided with permeable paving. It is recommended therefore that any permit that may issue should include a condition that requires the surfaces of these areas to be notated as permeable [refer recommended condition 1r)].

It is also noted that the Sustainable Management Plan commits to underground water storage of 26,000 litres, which would assist in on-site water retention. This is considered to meet the relevant objective of ResCode.

#### Side and Rear Setbacks – B17

The elevation plans and section diagrams demonstrate that the development would extend beyond the setback envelope prescribed by this standard.

With respect to the development's interface with the neighbouring building to the north, the maximum distance that the building would extend beyond the prescribed setback envelope, would be 1m.

It is considered that the variation sought would be acceptable in this instance as the 3m setback of the development at this interface would respect the side setbacks of nearby development facing Hotham Street, which are generally setback between 1m and 2m from side boundaries.

Additionally, the development would meet Rescode standards with respect to daylight to existing windows and overshadowing secluded private open space, thereby ensuring that the amenity of existing dwellings at this interface would not be unreasonably impacted upon.

Similarly, at the rear and south (side) interfaces, the proposed laneways at the rear and south (side) boundaries would provide separation between the proposed development and neighbouring dwellings in a manner that would respect the neighbourhood character and meet Rescode standards with respect to daylight to existing windows and overshadowing secluded private open space.



Overlooking – B22

An east facing first floor habitable room window to Townhouse 4 would provide opportunities for overlooking of the neighbouring development. The floor plan indicates that this window would be provided with a 1.7m high screen, however Section A-A does not show screening to this window. It is recommended therefore that any permit that may issue should include a condition that requires elevations and/or section of this window to be notated as being screened [refer recommended condition 1n), dot point 1)].

With respect to the north elevation of the central module, at ground floor the top of the fence on the boundary would be a minimum of 1.3m and a maximum of 1.7m above the finished floor level of the ground floor bedrooms. Such an outcome would provide opportunities to overlook the neighbouring windows. It is recommended therefore that any permit that may issue should include a condition that requires the top of the boundary fence to be constructed to a minimum height of 1.7m above the finished floor level of the bedrooms and/or the north facing bedroom windows to be provided with appropriate screening to 1.7m above finished floor level of the bedrooms [refer recommended condition 1n), dot point 2)].

At the first and second floor of the north elevation to the central module of the development, all balconies and habitable room windows would be provided with screening constructed to a height of 1.7m above finished floor level. The screening however is nominated as being 25 per cent transparent, which would limit overlooking rather than preventing overlooking. It is recommended therefore that any permit that may issue should include a condition that requires this screening to be solid rather than transparent [refer recommended condition 1m)].

With respect to the north elevation of the rear module, at ground floor the top of the fence on the boundary would be less than 1.7m above the finished floor level of the ground floor bedrooms to Townhouses 15 and 16. Such an outcome would provide opportunities to overlook the neighbouring windows. It is recommended therefore that any permit that may issue should include a condition that requires the top of the boundary fence to be constructed to a minimum height of 1.7m above the finished floor level of the bedrooms and/or the north facing bedroom windows to be provided with appropriate screening to 1.7m above finished floor level of the bedrooms [refer recommended condition 1n), dot point 2)].

At first floor, north facing bedroom windows to Townhouses 15 and 16 would be provided with metal louvre privacy screens. These screens would continue to the second floor where they would form part of the balustrade to balconies above. The remainder of the balustrades would be of a solid material.

The plans do not provide detail with respect to the effectiveness of these screens. That is, the plans are unclear as to whether or not the screens would prevent overlooking. It is recommended therefore that any permit that may issue should include a condition that requires specific details of the screening including a requirement demonstrating that the screen would prevent overlooking to neighbouring dwellings [refer recommended condition 1o)].

Also at first floor, the north facing kitchen window to Apartment 18 would not be provided with screening and would therefore provide opportunities to overlook



neighbouring dwellings. It is recommended therefore that any permit that may issue should include a condition that requires this window to be screened in a manner that would prevent overlooking of neighbouring dwellings [refer recommended condition 1n), dot point 3)].

The north facing bedroom to Apartment 18 would be screened, however specific details of the screen are not shown on the plans. It is recommended therefore that any permit that may issue should include a condition that requires specific details of the screen including a requirement demonstrating that the screen would prevent overlooking to neighbouring dwellings [refer recommended condition 1o)].

At the west (rear) elevation, the first floor balcony to Apartment 18 would provide opportunity to overlook the rear yard of 50 Balston Street. Accordingly, it is recommend that any permit that may issue should include a condition that requires this balcony to be appropriately screened [refer recommended condition 1n), dot point 4)].

Another balcony at this elevation, being the balcony to Apartment 17, would not be within the 9m and 45 degree overlooking arc prescribed by this standard with respect 50 Balston Street and would not therefore require screening.

At the south (side) elevation, the only existing unscreened habitable room windows, balconies and/or secluded private open space within 9m of the proposed development are the rear yard and habitable room windows at 382 Carlisle Street.

At first floor of the proposed south facing elevation of the development, all second floor windows would be ensuite windows, which are not defined as habitable rooms and do not therefore require screening.

At first floor, a number of unscreened living room windows to the central module of the development and unscreened bedroom windows to the front module would be within 9m and a 45 degree arc of the windows and rear yard at 382 Carlisle Street.

Accordingly, it is recommend that any permit that may issue should include a condition that requires screening consistent with the Rescode standard at the following locations:

- The first floor south facing lounge room windows to Townhouses 25 to 29 (inclusive); and
- The first floor south facing bedroom windows to Townhouses 1, 2 and 3 (inclusive) [refer recommended condition 1n), dot points 5 and 6].

#### Solar Access to Open Space – B29

Whilst balconies would be provided to the north side of dwellings where practicable, to meet the depth of open space prescribed by this standard, the (north-south) depth of second floor balconies would need to be increased by up to 0.5m.

Sections H-H and I-I however demonstrate that each of these balconies would receive adequate sunlight throughout the day.

#### Storage – Standard B30

This standard prescribes the provision of 6m<sup>3</sup> of externally accessible storage. The proposed development would include storage to each dwelling as follows:

Townhouse 1 = 3m<sup>3</sup> understair at ground floor and 4.5m<sup>3</sup> opposite the first floor stair lobby (total 7.5m<sup>3</sup>).



Townhouse 2 = 1.5m<sup>3</sup> understair at ground floor and 1.2m<sup>3</sup> within roof terrace (total 2.7m<sup>3</sup>)

Townhouse 3 = 1.5m<sup>3</sup> understair at ground floor and 1.2m<sup>3</sup> within roof terrace (total 2.7m<sup>3</sup>)

Townhouse 4 = 3m<sup>3</sup> understair at ground floor.

Townhouses 5 to 14 = 4m<sup>3</sup> understair at ground floor and 2 x 2m<sup>3</sup> at first floor (total 8m<sup>3</sup>)

Townhouses 15 and 16 = 3m<sup>3</sup> understair at ground floor and a further 1m<sup>3</sup> adjacent ground floor stair/entry. 1m<sup>3</sup> at first floor landing, a further 2m<sup>3</sup> at second floor within the kitchen. Storage/BBQ on terrace (total 7m<sup>3</sup>).

Apartment 17 = 5m<sup>3</sup> understair at ground floor and a further 2 x 2.7m<sup>3</sup> at first floor (total 10.4m<sup>3</sup>)

Apartment 18 = 10m<sup>3</sup> understair at ground floor

Apartment 19 = 7m<sup>3</sup> understair at ground floor.

Townhouses 20 to 28 = 3m<sup>3</sup> understair at ground floor. Store/BBQ on balcony.

Whilst none of the storage would be externally accessible and 5 of the 28 dwellings would not have the requisite storage, it is considered that the storage provided would be adequate for the needs of residents.

9.19 **Clause 52.06**

In terms of traffic, Council's Traffic Engineer has advised that *overall the expected traffic generation of the proposed development is expected to have a negligible impact on surrounding local streets and intersections.*

It is noted that objectors have raised concerns with respect to the calculations of the applicants' traffic report. The objectors submit that the traffic report appears to overstate the existing traffic generated by the current use of the site and as a consequence the extent of additional laneway traffic generated by the proposed development would be higher than that purported by the applicants' traffic report.

It is noted that since the application was advertised and referred internally to Council's traffic engineer, VicRoads has required a passing bay to be provided at the entrance to the laneway abutting the south (side) boundary of the site. Such an outcome would improve the safety and efficiency of the laneway by minimising the potential for vehicle conflict within the laneway and resolve issues with respect to the traffic calculations.

In terms of access and carpark design, including the car stackers, Council's Traffic Engineer has not raised any concern or objection with the proposal.

With respect to the number of on-site car parking spaces provided, each two bedroom dwelling would be provided with one car space whilst three of the four one bedroom dwellings would also be provided with one car space.

Car spaces to the one bedroom dwellings would be provided at a rate of 0.75 spaces per dwelling.

Council's *Sustainable Transport Policy and Parking Rates* strategy recommends application





of a rate of 0 to 0.8 spaces per one bedroom dwelling subject to the following criteria being met:

- *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*

In terms of the above criteria, the site does not meet all of the conditions as follows:

- The site is 360m walk to the Carlisle Street Major Activity Centre,
- No motor scooter or motorbike parking would be provided
- The site is 700m from the nearest supermarket

The remaining criteria would be met.

It is considered that the variation to the criteria is minor and, for all intents and purposes, the reduction of one resident car space would align with the general direction of the *Sustainable Transport Policy and Parking Rates* strategy.

In terms of visitor car spaces, the application seeks a reduction of five spaces.

The traffic report provided by the applicant refers empirical data collected with the City of Port Phillip that records a peak parking visitor demand of 0.12 spaces per dwelling during weekend evenings.

It is considered that a rate of 0.12 visitor spaces per dwelling is rational given the municipalities' relatively convenient access to public transport.

Applying this rate to the proposed 29 one and two-bedroom apartments, equates to an anticipated peak visitor car parking demand of three to four spaces.

The parking utilisation surveys of the area and which form part of the applicants' traffic report conclude that there is a minimum of 34 vacant spaces on a typical Friday evening (outside clearway times) and a minimum of 36 vacant spaces on a typical Saturday evening.

In response to concerns raised by objectors, the applicant provided further parking surveys undertaken on Thursday 29 June 2017. These surveys found that during the evening (outside of clearway times), 31 vacant spaces would be available. These surveys were emailed to all objectors.

It is considered that the number of available spaces within the vicinity of the subject site could absorb the visitor car parking demand generated by the proposed development.



**10. COVENANTS**

- 10.1 The applicant has completed a declaration that the subject land, being all that land contained within Volume 02637 Folio 399, commonly known as Lot 1 on Title Plan 512062K, is not encumbered by a restrictive covenant or Section 173 Agreement or other obligation such as an easement or building envelope.

**11. OFFICER DIRECT OR INDIRECT INTEREST**

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

**12. OPTIONS**

- 12.1 Approve as recommended
- 12.2 Approve with changed or additional conditions
- 12.3 Refuse - on key issues

**13. CONCLUSION**

- 13.1 The site, being located in an area that offers good access to services and transport and in a varied streetscape is considered an appropriate candidate for the extent of housing growth sought.
- 13.2 The extent of demolition is considered acceptable, noting that the front building would be retained and Council's Heritage Advisor supports demolition of the 1890's villa behind it.
- 13.3 The proposal is considered to represent high quality architecture that provides a sensitive response to the heritage place, neighbourhood character and is respectful of the height and form of surrounding buildings.
- 13.4 The proposal has been sympathetically designed to protect the amenity of neighbouring occupiers and is considered worthy of support subject to conditions noted below.
- 13.5 The proposed change in use from a place of worship to residential would return the land to a use that is consistent with the key purpose of the zoning of the land.
- 13.6 The reduction of car parking spaces is considered appropriate given the extent of car parking provision and availability in the area.



**14. RECOMMENDATION - NOTICE OF DECISION**

- 14.1** 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.
- 14.2** That a Notice of Decision to Grant a Permit be issued for buildings and works including part demolition and construction of a three storey building comprising dwellings and a reduction in the required number of car spaces under Clause 52.06 of the Port Phillip Planning Scheme, at 99 Hotham Street, Balaclava.
- 14.3** That the decision be issued as follows:

**1 Amended Plans required**

Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) Drawings of each typical dwelling demonstrating that cross ventilation, single-sided ventilation or a combination of both for habitable rooms will be achieved;
- b) The location and capacity of the underground water storage nominated by the Sustainable Management Plan submitted with the application;
- c) Retention of the minora sculpture facing Hotham Street in its current position and location;
- d) Change to the finish of the east facing wall of the rear carstackers that are accessed from the west (rear) boundary;
- e) The undercroft clearance on the south (side) of the central building module increased to a minimum of 3 metres;
- f) The width of the 'raised path' abutting the existing laneway to the south of the development, increased from 1m to a minimum of 1.2 metres and the footpath raised to 0.15m above the surface of and along the length of the abutting laneway through the provision of a kerb;
- g) Internal reconfiguration of townhouses on the south side of the central building component (Townhouses 20 to 29) including increase in storage capacity by a minimum of 1m<sup>3</sup> to each dwelling;
- h) Internal reconfiguration of Townhouses 15 and 16 including increase in storage by a minimum of 2m<sup>3</sup> and 1m<sup>3</sup> respectively;
- i) Privacy screens to second floor north facing terraces angled so that they do not extend beyond the setback envelope prescribed by Standard B17 at Clause 55.04-1;



- j) Bin storage and bicycle storage divided between service areas separating each building module;
- k) Internal columns of retained heritage building expressed at ground floor;
- l) 0.1m minimum gaps provided between the front courtyard fences and the retained columns located on either side of the '1.7m high transparent metal gate';
- m) The 25% transparent screening otherwise described as 'MC2', notated as being 100% solid;
- n) Privacy screens constructed to a minimum height of 1.7m above finished floor level at the following locations:
  - i. The first floor east facing (undefined room) window to Townhouse 4;
  - ii. The north facing ground floor bedroom windows to Townhouses 5 to 16 (inclusive) or the top of the fence opposite each of these bedroom windows nominated as a minimum 1.7m above finished floor level of the bedroom opposite; Please show me
  - iii. the north facing kitchen window to Apartment 18
  - iv. the west facing balcony to Apartment 18
  - v. The first floor, south facing lounge room windows to Townhouses 25 to 29
  - vi. The first floor, south facing bedroom windows to Townhouses 1, 2 and 3
- o) Elevation and/or cross section drawings of the screens required by condition 1n) of this permit and the metal louvre privacy screens, otherwise shown as 'SCRI', which demonstrate that overlooking of neighbouring secluded private open space and/or habitable room windows within 9m and a 45 degree arc of the proposed windows and balconies is prevented (rather than limited). The drawings must:
  - i. Be drawn to scale and fully dimensioned;
  - ii. Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
  - iii. Clearly illustrate how any louvre or batten system will prevent (rather than limit) overlooking of neighbouring secluded private open space and/or habitable room windows;
  - iv. 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 overlooking of neighbouring secluded private open space and/or habitable room windows are prevented (rather than limited).



- p) Any changes required as a consequence of meeting the requirements of condition 4 (VicRoads), condition 7 (Sustainable Management Plan) and condition 18 (Waste Management Plan).
- q) 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.
- r) Paved areas notated as 'permeable paving' at the following locations:
  - i. The walkways along the north of the building and between each building module notated; and
  - ii. The courtyards within the front setback and the south (side) setback.

## **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, unless the Port Phillip Planning Scheme exempt the need for a permit.

## **3 Satisfactory continuation**

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

## **4 VicRoads**

- i. Before the development starts, amended Ground Floor Plan must be submitted to and approved by Roads Corporation (VicRoads). The plans must be drawn to scale with dimensions and two copies must be provided. The amended plans must provide a passing area at the ROW entrance to Hotham Street at least 6.1m wide and 7m long.
- ii. The passing area must be constructed to the satisfaction of the Roads Corporation (VicRoads) and /or the Responsible authority and at no cost to the Roads Corporation, prior to the occupation of any of the proposed dwellings.
- iii. The passing area must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.

## **5 Melbourne Water**

- i. The layout of the site and size, design and location of buildings and works and finished floor levels of the dwellings and garages as shown on the submitted plans must not be altered without prior written consent from Melbourne Water.
- ii. Imported fill must be kept to a minimum on the property and must only be



used for the sub floor areas of the building and driveway.

- iii. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

**6 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.

**7 Sustainable Management Plan**

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

**8 Incorporation of Sustainable Design initiatives**

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

**9 Implementation of Sustainable Design Initiatives**

Before the occupation of the development approved under this permit, a report from the author of the SMP 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 SMP have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority.

**10 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.

**11 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.

**12 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 Builder' User's Guide or a Building Maintenance Guide.

**13 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 all retained trees on and adjacent to the site will be protected during demolition and 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.

**14 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.

**15 Landscaping Maintenance**

The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping



plan to the satisfaction of the Responsible Authority.

**16 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.

**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 Waste Management Plan**

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 be generally in accordance with the Waste Management Statement submitted as part of the application material but updated to show 8 x 240L bins in the refuse room and a charity bin in the Bin Store.

**19 Piping and ducting**

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

**20 No equipment or services**

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

**21 Number of Dwellings**

Without the further written consent of the Responsible Authority, no more than 29 dwellings may be constructed on the land.





**22 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.

**23 Car Parking Space Allocation**

A minimum of 28 car parking spaces must be provided on the land for the development including a minimum of one space for each two bedroom dwelling and one space for three of the four one bedroom dwellings.

**24 Car Parking Stacker Maintenance and Provision**

The mechanical car stackers are to be maintained in a good working order and be permanently available for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority.

Prior to the occupation of the approved development, the owner/permit holder must prepare and have approved in writing by the Responsible Authority, a car stacker system management plan including but not limited to the following:

Allocation of car parking spaces according to vehicle size and type;

Ongoing maintenance of the car stacker system;

Instructions to owners/occupiers about the operation of the car stacker system; and

Communicating to prospective residents about the availability of car stacker spaces and sizes.

Once approved this document must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

**25 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.

**26 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:**

- **Melbourne Water**

The applicable flood level is 13.45 metres to Australian Height Datum (AHD).

For the purpose of the Building Code of Australia – Building in Flood Hazard Areas, Melbourne Water, as the relevant floodplain management authority has determined that the maximum flow rate of flood water (velocity) for this property is below 1.5 metres per second. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

- **No Resident or Visitor Parking Permits**

The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.

- **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

## AGENDA - ORDINARY MEETING OF COUNCIL – 13 DECEMBER 2017



Technical Guidelines as follows:

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

A cross-over permit must be obtained from Council (contact 9209.6216) prior to the carrying out of any vehicle crossing works.