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| 8.4 | 47 LANSDOWNE ROAD, ST KILDA EAST |
| LOCATION/ADDRESS: | 47 LANSDOWNE ROAD, ST KILDA EAST |
| RESPONSIBLE MANAGER: | GEORGE BORG, MANAGER CITY DEVELOPMENT |
| AUTHOR: | MATT SPENCER, PRINCIPAL PLANNER |
| TRIM FILE NO.: | PF17/266299 |
| ATTACHMENTS: | 1. Objector map 2. Advertised plans |
| WARD: | Canal |
| TRIGGER FOR DETERMINATION BY COUNCIL: | More than 16 Objections |
| APPLICATION NO: | 437/2014/A |
| APPLICANT: | Urbis P/L |
| EXISTING USE: | Residential Dwelling |
| ABUTTING USES: | Residential Dwellings |
| ZONING: | General Residential Zone (RIZ) |
| OVERLAYS: | Nil |
| STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL | Expired |

PROPOSAL

Reduction in the number of approved dwellings from eight to seven and the number of car spaces from ten to nine. Reduction (to zero) of the requirement to provide one visitor car parking space. Changes to the design of the approved development.

I. EXECUTIVE SUMMARY

- 1.1 This report relates to a Section 72 application to amend an existing permit and plans for the site.
- 1.2 It is understood that ownership of the property has changed since the grant of the original permit and that the new owner has engaged a different architect to re-design the development.
- 1.3 The existing permit (which is still valid) allows construction of a three storey building comprising eight dwellings and car parking for ten cars.
- 1.4 The amendment seeks to reduce the number of dwellings from eight to seven.
- 1.5 The approved development provides the requisite number of resident and visitor car



parking spaces as prescribed by the Planning Scheme. The application to amend seeks a reduction (to zero) of the requirement to provide one visitor car space. The requisite number of resident car spaces would continue to be provided.

- 1.6 The application has received 16 objections citing concerns with traffic, parking, amenity impacts, neighbourhood character and impacts on the existing retaining wall that abuts the north (side) boundary of the site.
- 1.7 It is considered that the proposed amendments, subject to the suggested modifications, would make a positive contribution to the varied character of the area without having a detrimental impact on neighbourhood character, traffic, parking network or the amenity of neighbouring properties.
- 1.8 It is recommended that Council issue a Notice of Decision to Grant a Permit, subject to conditions.

KEY ISSUES

- 1. Neighbourhood character
- 2. Residential amenity impacts
- 3. Waiver of visitor parking

2. RELEVANT BACKGROUND

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

| Application No. | Proposal | Decision | Date of Decision |
|-----------------|--|---|---|
| 437/2014 | Construction of a three storey building comprising eight dwellings and car parking for ten cars. | Approved (Statutory Planning Committee) | 04/12/2015 *This permit is still valid |

3. PROPOSAL

- 3.1 The plans which are the subject of this report are those referred to as TP01 to TP17 (inclusive), prepared by Perkins Architects and dated 27/02/17.
- 3.2 Details of the proposed amendments are as follows:



Amendments to plans and development:

General

The typology of the development would change from a typical apartment development with shared pedestrian lobby/stair/lift to an attached townhouse type development with each townhouse provided with a separate entrance and separate garage.

The approved development includes one dwelling and a car park at ground floor, five dwellings at first floor and two dwellings at second floor, whereas the amendment seeks to construct two storey townhouses above ground floor garages.

Although the typology would change, the development would continue to read as one building, albeit with variations to boundary setbacks and a 0.2m reduction in height.

The appearance of the development, in terms of colours, materials and finishes would also change, noting that the architect for the amended development is different to that which designed the approved development.

Specific details of the proposed changes are provided as follows:

Ground floor TP-04

- The approved racks for ten bicycles within the carpark would be deleted.
- The eight storage units within the car park would be replaced with understair storage to Units 2, 3 and 4;
- The location of the crossover to Lansdowne Road street would not change however the location of the driveway to the car parking area would change from central to the development to the north (side) of the development;
- The car parking area would comprise seven individual garages accessed from a shared driveway abutting the north (side) boundary. Two of the garages would accommodate two car spaces whilst the remainder would accommodate a single car space (nine car spaces in total). The approved development includes ten car spaces within a car park accessed from a shared central driveway;
- A turntable would be introduced to the driveway to enable vehicles parked in the rear garage to exit the site in a forward direction;
- Each of the garages would be provided with separate stair access to the upper levels;
- The garages would also include bin storage, which would replace the approved communal bin storage at the north west corner of the development;
- Pedestrian access to the amended development would be provided from Lansdowne Road via a common walkway along the south (side) boundary of the site. Each dwelling would be provided with a separate entrance facing the walkway with a canopy above extending from the building. The approved development, on the other hand, includes two pedestrian access points, one to the north of the site and one to the south. The pedestrian access to the south of the approved development is provided for a ground floor dwelling, whilst the access to the north provides access to a common stairwell and lift for the remaining dwellings at first and second floor. The approved ground floor dwelling, stair and lift would be replaced by garage and



driveway;

- Fencing within the front setback area would also change. The approved development includes 1.5m to 1.7m high timber slats to the private open space of the front Unit. The amended development includes a part vertical slat fence and part curved masonry wall constructed to a maximum height of 2m within the front setback area;
- In terms of setbacks, at the front of the site, the amended development would be located approximately 1.2m closer to the street than the approved development (setback reduced from 8.8m to 7.6m);
- At the south (side) boundary Units 1 to 6 of the amended development would be located 1m further away from the boundary than the approved development (setback increased from 1m to 2m). Unit 7 would be constructed on the boundary and would abut an existing wall on the common boundary;
- At the east (rear) boundary, the amended development would be located 1.7m and 2.5m closer to the boundary (from 4.3m to 2.6m and from 4m to 1.5m);
- At the north (side) boundary the garages would be setback 6.4m, 5.7m, 6.7m and 1.8m. A retaining wall comprising concrete piles would be constructed on the boundary for a length of 26.5m, which is consistent with the approved development;

First floor TP-05

- At the front of the site, the amended development would be located approximately 1.2m closer to the street than the approved development (setback reduced from 8.8m to 7.4m);
- At the south (side) boundary, the setbacks of the amended development would either remain the same as that approved or would be increased by between 0.1m and 0.3m, noting that an approved balcony within this setback area would be deleted;
- At the east (rear) boundary, the amended development would be setback 2.4m and 4m, whereas the approved development is setback 4m. An approved balcony is located within the rear setback area, the edge of which is setback 2.4m from the rear boundary. The amended development would therefore effectively 'in-fill' this balcony, apart from a (1.5 x 2.4m) portion of kitchen to Unit 7 that would extend beyond the approved building envelope;
- At the north (side) boundary, the setback of the amended development would match that of the approved development apart from a portion of the proposed development at the northwest corner of the building which would be setback 1.6m further from the boundary than the approved development;
- At the northwest corner of the building, approved steps would be replaced with a wrap-around balcony to Unit 7. This balcony would be accessed from a set of steps within the rear setback area;

Second floor TP-17

- At the front of the site, the amended development would be located approximately 1.2m closer to the street than the approved development (setback reduced from 8.8m to 7.4m);



- At the south (side) boundary, the front corner of the building would be 0.4m closer to the side boundary than the approved development (setback reduced from 2.4m to 2m). The mid portion of the amended development would be 0.2m further away from the boundary than the approved development (setback increased from 3m to 3.2m), whilst the setback of the remainder of the amended development at this interface would generally match that of the approved development. It is noted that the amended application seeks to delete an approved balcony within this setback area;
- At the east (rear) boundary, the setback of the northern portion of the amended development would match that of the approved development. The southern portion of the amended development would be located 1.6m closer to the rear boundary and would effectively 'in-fill' an approved balcony at this location;
- At the north (side) boundary, the amended development would be located 0.3m closer to the boundary than the approved development (setback reduced from 2.5m to 2.2m).

Changes to the materials, colours and finishes schedule

- The amended development would maintain light and dark rendered wall surfaces, dark metal cladding, translucent glass screening and horizontal louvres;
- Timber posts and battens would be introduced to the materials palette.

| Existing preamble | Proposed amended preamble |
|--|---|
| To develop the land for the purpose of construction of a three storey building comprising eight dwellings and car parking for ten cars | To develop the land for the purpose of construction of a three storey building comprising seven dwellings and car parking for nine cars |



| Existing preamble | Proposed amended preamble |
|---|---|
| <p>I. Amended Plans required</p> <p>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:</p> <ol style="list-style-type: none"> a) Relocation of the entrance to Unit 1 so that it faces Lansdowne Road. b) Increase in the front setback of the upper level by a minimum of 0.2m. c) An intercom system to allow visitor access to the basement. d) Ten bicycle spaces on the land. e) An increase in the setback from the south boundary of the front portion of the second floor (being walls to the kitchen/meals and bed 1 of Unit 7) by a minimum of 0.1m. f) Re-design of the louvre screens to the balconies and terraces facing the rear and each side boundary to ensure that overlooking of neighbouring secluded private open space and habitable room windows would be prevented (rather than limited). Cross section elevation drawings of the screens must be submitted to and approved by the Responsible Authority. The drawings must: <ul style="list-style-type: none"> • Be drawn to scale and fully dimensioned; • Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen; • Clearly illustrate how any louvre or | <p>I. Amended Plans required</p> <p>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:</p> <ol style="list-style-type: none"> a) No change b) Delete c) Delete d) No change e) Delete f) Delete g) Delete h) Delete i) Delete j) No change k) No change |



| Existing preamble | Proposed amended preamble |
|--|---------------------------|
| <p>batten system may allow upward views but will prevent downward and horizontal views to neighbouring secluded private open space areas and habitable windows;</p> <ul style="list-style-type: none"> • 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 direct views are limited, while allowing outlook horizontally and upward views. <p>g) All ground floor south facing habitable room windows provided with fixed obscure glazing to a height of 1.7m above finished floor level and/or increase in the height of the paling fence on the south (side) boundary to 2.1m.</p> <p>h) The south facing first floor bedroom 2 window of Unit 6 provided with fixed obscure glazing to a height of 1.7m above finished floor level.</p> <p>i) The south facing air conditioner to Unit 7 treated with satisfactory noise attenuation or re-located to the terrace of Unit 7, abutting the south wall of the lift shaft.</p> <p>j) Any consequential changes to the development resulting from the requirements of Condition 3 (Sustainable Design Assessment).</p> <p>k) Any consequential changes to the development resulting from the requirements of Condition 4 (Water Sensitive Urban Design).</p> | |



| Existing preamble | Proposed amended preamble |
|--|---|
| <p>17 Car Parking Allocation</p> <p>Without the further written consent of the Responsible Authority not less than one car space for each dwelling and two visitor spaces must be allocated on any Plan of Subdivision to the satisfaction of the Responsible Authority.</p> <p>19. Ongoing Involvement of the Architect</p> <p>The permit holder must retain David Edelman Architects to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans and endorsed schedule of materials and finishes during construction except with the prior written approval of the Responsible Authority.</p> | <p>17 Car Parking Allocation</p> <p>Without the further written consent of the Responsible Authority not less than one car space for each dwelling and two visitor spaces must be allocated on any Plan of Subdivision to the satisfaction of the Responsible Authority.</p> <p>19. Ongoing Involvement of the Architect</p> <p>The permit holder must retain Perkins Architects to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans and endorsed schedule of materials and finishes during construction except with the prior written approval of the Responsible Authority.</p> |
| <p>New condition/s proposed</p> | |
| <p>Nil</p> | |

4. SUBJECT SITE AND SURROUNDS

- 4.1 The subject site is located on the east side of Lansdowne Road.
- 4.2 The site comprises three Titles, being Lot 1 on Title Plan (TP) 744232Q and Lots 1 and 2 on TP 864116W. The site (inclusive of each title) comprises an 18.3m frontage, a depth of 42.9m and an area of 784m².
- 4.3 An undefined easement runs along the rear boundary of the site, whilst a drainage easement is located at the north east corner of the site. It is noted that no buildings would be constructed on either of the easements.
- 4.4 The site falls approximately 2m from its northeast corner to its southwest corner.
- 4.5 The site accommodates a single storey dwelling brick dwelling with hipped tiled roof that is setback approximately 9m from the street.
- 4.6 The front boundary is fenced with 1.5m high timber palings.
- 4.7 Vehicular access to the site is provided from Lansdowne Road via an existing crossover adjacent the northeast corner of the site.
- 4.8 Abutting the north (side) boundary of the subject site are the rear boundaries of three properties that face Holroyd Court. Along this boundary is a recently constructed concrete retaining wall and an older bluestone retaining wall. These walls delineate a



significant change in grade (of approximately 3m) between the rear yards of properties facing Holroyd Court and the subject site.

- 4.9 Abutting the east (rear) boundary of the subject site is the side boundary of a property that faces Nottage Street. This property accommodates a single storey dwelling that is setback between 2.1m and 2.5m from the subject site and includes two habitable room windows that face the subject site.
- 4.10 Abutting the south (side) boundary of the subject site are two properties. One of these properties faces Lansdowne Road and accommodates a single storey brick dwelling that is setback 9m from the street and 1.3m from the boundary it shares with the subject site. The other property faces Nottage Street and accommodates a single storey brick dwelling that is built on the boundary it shares with the subject site.
- 4.11 Lansdowne Road comprises a mixed streetscape of two and sometimes three storey 1960'/70's flats intermingled with original single storey dwellings and recent double storey dwellings.
- 4.12 Car parking on each side of the street and within the environs of the site is unrestricted.

5. Permit Triggers

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

| Zone or Overlay | Why is a permit required? |
|------------------------------------|---|
| Clause 32.01 Residential 1 Zone | Pursuant to Clause 32.08-4, a permit is required to construct two or more dwellings on a lot. |
| Clause 52.06 Car Parking | Pursuant to Clause 52.06-3 a permit is required to reduce the number of car parking spaces required under Clause 52.06-5 Table 1 at Clause 52.06- 5 requires 1 resident space to each two bedroom dwelling and 1 visitor space for each 5 dwellings. |

- 5.2 The Victorian planning system recognises that a permit holder’s intentions may change over time. Rather than requiring a new permit application to be made every time a change is proposed, Section 72 of the Planning and Environment Act allows applicants to apply to the responsible authority for an amendment to a permit.
- 5.3 An application to amend a permit under Section 72, including any plans, drawings or other documents approved under a permit, follows the same process as an application for a permit. It has the same requirements for giving notice and referral. However, the assessment for an application to amend a permit focuses only on the amendment itself and avoids reopening all the issues associated with the approved use or development. It also avoids the proliferation over time of permits for different aspects of the use and development of a parcel of land.

6. PLANNING SCHEME PROVISIONS

6.1 State Planning Policy Frameworks (SPPF)

The following State Planning Policies are relevant to this application:



Clause 11: Settlement

Clause 15: Built Environment and Heritage

Clause 16: Housing;

6.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

Clause 21.03 Ecologically Sustainable Development, including

Clause 21.03-1 Environmentally Sustainable Land Use and Development

Clause 21.04 Land Use, including

Clause 21.04-1 Housing and Accommodation

Clause 21.05 Built Form, including

Clause 21.05-2 Urban Structure and Character

Clause 21.05-3 Urban Design and the Public Realm

Clause 21.05-4 Physical Infrastructure

Clause 21.06 Neighbourhoods, including

Clause 21.06-1 East St Kilda and Balaclava

6.3 Other relevant provisions

Clause 52.06 Car Parking

Clause 65 Decision Guidelines

6.4 Relevant Planning Scheme Amendment/s

Amendment VCI10 was prepared by the Minister for Planning and introduced to the planning scheme on 27 March 2017. The Amendment changes the Victoria Planning Provisions (VPP) and all planning schemes in Victoria by:

- Amending Clause 32.08 – General Residential Zone to:
 - revise the purposes of the zone to better reflect its role and purpose
 - insert a new sub clause specifying a minimum garden area requirement: Clause 32.08-4 (Construction or extension of a dwelling or residential building)
 - specify a mandatory default maximum building height requirement of 11 metres and 3 storeys and update the exemptions under Clause 32.08-9 (Maximum building height requirement for a dwelling or residential building)
 - allow the maximum building height for land subject to inundation to be measured from the height of the finished floor level required by the relevant



drainage or floodplain management authority under Clause 32.08-9
(Maximum building height requirement for a dwelling or residential building)

- remove sentence specifying that the building height requirement in the zone replaces the height specified in Clause 54 and Clause 55 under Clause 32.08-9 (Maximum building height requirement for a dwelling or residential building)
- insert a new sub clause specifying transitional provisions for requirements introduced by Amendment VC110: Clause 32.08-14 (Transitional provisions).

It is noted that the Transitional provisions at Clause 32.08-14 indicates that the minimum garden area requirement of Clause 32.08-4 and the maximum building height and number of storeys requirements of Clause 32.08-9 introduced by Amendment VC110 do not apply to:

- A planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110.

The current application was lodged with Council on 15/03/2017, which was before the approval date of Amendment VC110 (27/03/2017). The minimum garden requirements and maximum building heights therefore do not apply to this application.

7. REFERRALS

7.1 Internal referrals

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

7.2 Urban Design

Built Form

The design proposes an amended front setback including a slight projection which is considered acceptable in the context of the street.

Additional effort should be made to deliver a considered approach to reducing overlooking other than the default translucent glass. Integrated architectural response is achievable here and should be pursued.

We generally don't prefer the default approach of opaque glazing to 1.7m which can be seen across the proposal but particularly on the North and East elevations. This does not produce an attractive elevation nor provide a good experience from for inhabitants with internal spaces tending to feel claustrophobic.

A preferred approach is to use an architectural solution to at least some of these windows. This could be an architectural screen with less than 25% transparency to comply with overlooking regulations, or vertical or horizontal louvers which can still provide oblique views from internal spaces.



Public realm and ground floor

Consider reconfiguring the ground floor layout to Unit 1. The two separate entries and three doors and unnecessary corridors represent an inefficient use of space. A reduction to a single carpark would allow greater internal amenity and improved presentation to the street.

The addition of a window adjacent to the door of Unit 7 would improve the presentation of the apartment entry.

Façade treatment and detail

The range of materials selected are restrained and represent an appropriate palette in this context.

Amenity

Landscape plan to be supplied including canopy trees to the front and deep-rooted trees to be planted along the rear setback

Recommendation

We generally support the proposal with the following conditions:

- Addition of landscape plan
- Integrated architectural response to reducing overlooking

7.3 Traffic & Parking Management

Proposal

- The demolition of existing residential dwelling at 47 Lansdowne Road.
- Construct a multi storey residential building, comprising:
 - 5 two bedroom apartments;
 - 1 three bedroom apartment; and
 - 1 four bedroom apartment.
- A total of 9 car spaces are proposed on site, comprising of:
 - 5 spaces located in single garages; and
 - 4 spaces located in double garages.
- Ingress / egress via existing widened crossover from Lansdowne Road.

Car Park Layout

- Access ways - vehicle access is proposed via Lansdowne Road. Access way dimensions are in accordance with Clause 52.06 of the planning Scheme.
- Sight triangle – pedestrian sight triangles have been provided in accordance with Clause 52.06 of the planning scheme.

Car parking spaces:

- Double garage dimensions of 6.15m x 6m and 6.9m x 10.2m exceed the planning scheme requirements and are considered appropriate.
- Single garage dimensions of 3.7m x 6m exceed the planning scheme requirements and are considered appropriate.



- Swept paths have been provided by the applicant which show access/egress can be achieved to critical parking spaces with suitable clearance.
- Car Parking Layout is satisfactory.

Headroom

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

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:

Typical residential developments generate a daily traffic rate of between 4-7 vehicle movements per dwelling, with peak hour rates 10% of daily volumes. Based on these rates traffic generation will be in the order of 35 vehicle movements a day and 4 vehicle movements during the peak hours.

Overall the expected traffic generation of the proposed development are expected to have negligible impacts on surrounding local street and intersections.

On Street Parking:

- The existing on-street parking is unrestricted and generally low turnover parking.
- Residents/visitors of the development will not be eligible for resident parking permits and visitors utilising on-street parking provisions will be required to abide by the restrictions displayed.
- The proposed widened crossover will not impact on the level of on-street parking in the area.

Parking overlay and parking provisions:

- Clause 52.06 of the planning scheme requires 10 off street parking spaces to be provided for proposed land uses.
- Given the applicant proposes 9 off-street car spaces, there is a shortfall of 1 off-street car space for visitors.
- Note that the assessment for the appropriate rate for car parking provision lies with Statutory Planning.

Other:

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

7.4 External referrals

The application was not required to be externally referred.



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 and directed that the applicant give notice of the proposal by posting 1 notice 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 16 objections. The key concerns raised are summarised below (officer comment will follow in italics where the concern will not be addressed in Section 9):

- Transformation of proposal

It is considered that the proposed changes are not substantial, being minor changes to boundary setbacks and internal reconfiguration of dwellings. The number of dwellings, the number of car spaces, vehicle access to the site and the height of the development would not significantly change. Further, the land use would not change and no significant changes to the existing permit conditions would be required.

While there are number of minor changes proposed the fundamental components and typology of the building are common to both applications, with both being a residential use and the number of storeys remain the same (at 3 storeys).

It is noted that a substantial amount of case law exists with respect to amendments to planning permits under the provisions of the Planning and Environment Act 1987 (the 'Act') and that the officer is guided by such.

The Tribunal has found that the ambit of change that may be made to a permit may be quite substantial and may include changes to any of the things allowed by the permit, its conditions and the land description. Moreover, Section 72 of the Planning & Environment Act is quite broad and does not suggest that the changes contemplated could not be made subject to proper notice being given to potentially affected persons. As discussed in this report, all affected parties have been given the opportunity to make a submission on the planning application pursuant to the requirements of the Act. Further the report has assessed the proposal and considered all matters relevant under the planning scheme.

It is considered that the extent of change proposed to the components of the existing permit in this instance falls within the broad discretion provided by Section 72. It is therefore considered appropriate that Council consider the application to amend the permit, rather than require the applicant to apply for a fresh permit.

Further the report has assessed the proposal and considered all matters relevant under the planning scheme.

- Traffic congestion, including access for safety vehicles

The amendment includes reduction of dwellings and car parking spaces, thereby ensuring that the amendment would not increase traffic in the area.

- Too many dwellings

The amendment reduces the number of dwellings, this objection is therefore not a relevant consideration in this instance, noting that Council's land use policies for the area have not changed since the original permit was approved.



- Impact on existing embankment

The impact on the existing embankment along the north boundary of the site would not change from that already approved.

- Excessive height and visual bulk

The height of the development would be 0.2m less than that approved and is therefore considered acceptable. Visual bulk impacts are discussed later in this report with a conclusion that the impacts would be acceptable.

- Neighbourhood character
- Overshadowing
- Impact on daylight access
- Insufficient landscaping
- Lack of information regarding plant and equipment
- Lack of visitor parking
- Insufficient setbacks
- Excessive site coverage
- Noise

8.3 A consultation meeting was held on 13 July 2017 which was attended by:

- Ward Councillor;
- Planning Co-ordinator Canal Ward;
- Principal Urban Planner;
- The objectors
- The permit applicant;
- The owner of the subject site; 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 ResCode - Clause 55

Two or More Dwellings on a Lot and Residential Buildings

9.1.1 Clause 55.02 Neighbourhood Character and Infrastructure

As discussed later in this report, it is considered that the proposed amendments would ensure that the development would continue to respect relevant neighbourhood character elements. Specifically, the amendments would be acceptable in terms of front, side and rear setbacks, building height, site coverage, landscaping, access, walls on



boundaries, design detail and front fencing.

9.1.2 **Clause 55.03 Site Layout and Building Massing**

Clause 55.03-1 (Street setback objective)

Standard B6 to this Clause prescribes a front setback distance that matches that of the neighbouring dwelling to the south (49 Lansdowne Road), which is setback 8.6m from the street. The amended front setback would be 7.6m, therefore a 1m variation to the prescribed setback is sought, noting that the approved front setback is 8.8m.

It is considered that a variation to the prescribed front setback and the approved front setback would be acceptable in this instance given the subject property is located at the end of the street. In addition front setbacks within Lansdowne Road are not uniform. Front setbacks generally range from 3 metres unto approximately 8.6 metres.

It is considered that the amended setback would respond to the neighbourhood character in an acceptable manner and ensure that the development would not unreasonably impose itself on the street. The front setback area would provide opportunity for landscaping and the planting of canopy tree(s) that would further reduce the visibility of the building from the street.

Clause 55.03-2 (Building height objective)

The height of the building would be reduced by 0.2m and would therefore continue to respect the character of the area. The differences in building and topographical height between each neighbouring property and the concurrent stepped building form would ensure that a graduation in building height would be evident when viewed from the street.

Clause 55.03-3 (Site coverage objective)

The site coverage of the amended development would be 68% compared with 65% for the previous decision. The 3% increase in site coverage is due to the reduced front and rear setback distances. The footprint of the proposed building would however continue to respect the neighbourhood character, noting that nearby multi dwelling developments comprise site coverages that are not dissimilar to that proposed by the amended application.

Clause 55.03-8 (Landscaping objective)

The extent of structures within the front setback specifically planter boxes, letter boxes and paving would be reduced and/or simplified thereby providing additional opportunities for planting of vegetation above and beyond that already approved.

The proposed increased setback at the south (side) boundary would provide additional opportunities to introduce landscaping. Whilst the rear boundary setback is sought to be reduced, sufficient opportunity would remain for landscaping within the setback area.

Clause 55.03- 9 (Access objective)

The width and location of the crossover to Lansdowne Road would not change.



9.1.3 **Clause 55.04 Amenity Impacts**

Clause 55.04-1 (Side and rear setbacks objective)

At the south (side) interface, the rear portion of the amended building would be located 0.1m closer to the boundary than the approved development for an additional length of 1.6m.

The approved development at this location extends approximately 0.5m beyond the setback envelope prescribed by Standard B17 of ResCode.

The amended building would therefore extend 0.6m beyond the prescribed setback.

This portion of the building would be located opposite a windowless neighbouring wall that is located on the boundary and separated from the neighbouring rear yard by an existing shed. The nearest neighbouring habitable room windows are located approximately 8m to the north east of the non-compliant portion of wall, being elevated highlight kitchen windows at 1 Nottage Street.

It is considered that a further 0.1m variation to the approved development would be acceptable as the amended development would be separated from neighbouring windows and secluded private open space in a manner that would ensure its visual impact would be minimal. In terms of views from the neighbouring rear yard, it is considered that along with the separation provided, the existing shed on the boundary would adequately interrupt views to the non-compliant portion of the amended development. It is noted that increasing the setback of the building in a manner that matches the approved development would not benefit neighbouring properties in terms of overshadowing and daylight access to habitable room windows.

In terms of impacts upon 1 Nottage Street, it is considered that the separation between the non-compliant portion of the amended development and the existing kitchen windows at 1 Nottage Street, along with the design and elevated nature of the windows, would ensure that the visual impact of the additional built form would not be unreasonable.

It is noted that the eave to the second floor of the north elevation and the south facing vertical timber posts at the first floor laundry wall to Unit 1 would extend beyond the prescribed setback envelope by no more than 0.3m. Such encroachments are allowable under the provisions Standard B17.

All remaining elements of the amended development would be located within the setback envelope prescribed by Standard B17, which is considered acceptable.

55.04-2 (Walls on boundaries objective)

The amended application seeks to construct a 3m high wall on the south (side) boundary for a distance of 7.4m. The proposed wall would abut an existing 2.6m high by 10m long wall located on the common boundary.

Standard B18 of ResCode indicates that walls on boundaries should not exceed an average of 3.2 metres with no part higher than 3.6 metres. The proposed wall therefore comply with the height prescribed by Standard B18.



In terms of wall length on boundaries, Standard B18 indicates that where there are existing or simultaneously constructed walls abutting the boundary on an abutting lot, walls on boundaries should not exceed the length of the existing or simultaneously constructed wall. Given that the proposed length of the wall on the boundary would be less than the length of the existing wall on the boundary, the length of the proposed boundary wall would meet Standard B18.

No other elements of the amended development would be constructed on the boundary.

55.04-3 (Daylight to existing windows objective)

Existing habitable room windows affected by the proposed amendments are located to the south and east of the subject site. Impacts upon the existing windows to the south are discussed as part of the north facing windows assessment undertaken later in this report.

Existing habitable room windows to the east are setback 2.5m from the common boundary. These windows are highlight kitchen windows to 1 Nottage Street. The sills to these windows are approximately 2.9m higher than the ground floor level of the proposed development.

Standard B19 of ResCode indicates that where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window, that is, in this instance, the floor level of the neighbouring kitchen.

The wall to the first floor of the amended development would be constructed to a height of 3.3m above the floor level of the kitchen at 1 Nottage Street. Standard B19 prescribes a separation of 1.65m between the proposed first floor wall and the existing kitchen windows. The proposed separation would be 5m, which would therefore comfortably meet the separation distance prescribed by Standard B19.

The wall to the second floor of the amended development would be constructed to a height of 6.5m above the floor level of the kitchen at 1 Nottage Street. Standard B19 prescribes a separation of 3.25m between the proposed second floor wall and the kitchen windows. The proposed separation would be 8.8m, which would therefore comfortably meet the separation distance prescribed by Standard B19.

55.04-4 (North-facing windows objective)

The south elevation of the proposal would be located opposite one neighbouring north facing habitable room window. An assessment of this elevation with respect to Standard B20 of ResCode is provided as follows:

- First floor:

Proposed height = 6.8m

Setback required = 2.9m

Setback proposed = 3.2m

Therefore complies



- Second Floor:

Proposed height = 10.1m

Setback required = 6.2m

Setback proposed = 5m and 6m

Whilst the 6m setback would comply with Standard B20, the 5m setback would not.

It is noted that the intent of condition 1e) of the approved permit is to ensure that the neighbouring north facing window is protected in the manner sought by Standard B20.

There has been no relevant changes to the planning controls affecting the site that would justify the neighbouring north facing window to no longer be protected in the manner sought by Standard B20.

It is therefore considered appropriate that any amended permit that may issue should include an amended condition 1e) that requires the south elevation to continue to comply with Standard B20 [refer recommended condition 1e) below at section 16.3]. It is noted that to meet the standard, a cut-out of approximately 1.7m x 1m would be required at the southwest corner of Unit 3.

Clause 55.04-5 (Overshadowing open space objective)

The amended development would introduce a maximum of 4m² shadow to the neighbouring rear yard at 49 Lansdowne Road between 9am and 2pm. After 2pm, no further shadow would affect this yard. The amount of sunlight to this rear yard would continue to exceed the amount prescribed by Standard B21 at Clause 55.04-5, which is 40m² for 5 hours between 9 am and 3pm on 22 September.

With respect to the neighbouring dwelling at 1 Nottage Street, a maximum of 3m² of additional overshadowing would be introduced to the side yard of this dwelling. The amended development would not however introduce any further shadow to the principal secluded private open space of this dwelling, which is located to the rear and east side of the dwelling.

Clause 55.04-6 (Overlooking objective)

Whilst the amended windows and balconies would be screened in a manner that would comply with the requirements of Standard B22 at Clause 55.04-6, as indicated earlier in this report, Council's Urban Designer has recommended that the design of screening to the habitable room windows at the north and east elevations be improved.

It is considered that the recommended changes would improve the appearance and internal amenity of the amended development.

Accordingly, it is considered appropriate that any amended permit that may issue should include a condition that ensures implementation of the recommendations provided by Council's Urban Designer [refer recommended condition 1f) below at section 16.3].



9.1.4 Clause 55.05 On-Site Amenity and Facilities

Clause 55.05-2 (Dwelling Entry objective)

Entries would be visible and easily identifiable from the street and the common walkway. The entries would be provided with shelter, a sense of personal address and transitional space.

Clause 55.05-4 (Private Open Space objective)

Each dwelling would continue to be provided with secluded private open space in excess of that prescribed by Standard 28 to Clause 55.04-5.

The secluded private open space, in the form of balconies, would be located to the north side of the building, being the least sensitive interface in terms of neighbouring properties. Potential views between each balcony and to neighbouring properties would be appropriately screened.

It is noted that the amendment seeks to delete balconies at the rear and south of the site, which is considered an improvement in terms of the presentation of the building to neighbouring properties.

Clause 55.05-5 (Solar access to open space)

Each balcony would be located on the north side of the dwelling in accordance with the recommendations of the standard to this clause.

The standard also recommends that the southern boundary of each balcony should be setback 4.6m from the existing fence on the north (side) boundary, which is 0.7m more than the setback proposed.

It is considered that the variation sought would be acceptable in this instance as the balconies would be provided with adequate sunlight and are located adjacent the least sensitive interface with neighbouring properties. Further, the proposed balconies generally replace balconies previously approved.

Clause 55.05-6 (Storage objective)

Three of the seven dwellings would be provided with (understair) storage, whereas the approved development includes storage for each dwelling.

The amended development seeks a variation to the amount of storage prescribed by Standard B30 at Clause 55.05-6, which is 6m³ to each dwelling. It would appear that ample space is available for the introduction of storage to the four dwellings that are not proposed to be provided with storage.

It is considered appropriate therefore that any amended permit that may issue should include a condition that requires Units 1, 5, 6 and 7 to be provided with the requisite amount of storage [refer recommended condition 11) below at section 16.4].



9.1.5 Clause 55.06 Detailed Design

Clause 55.06-1 (Design detail objective)

It is considered that the design of the development represents an improvement to the approved development and the planning officer agrees with Council's urban design officer that *'the range of materials selected are restrained and represent an appropriate palette in this context'*.

Clause 55.06-2 (Front fences objective)

In terms of fencing at the front of the site, the amended fencing at the north portion of the front boundary would not substantially change. At the south portion of the front yard, the approved 1.5m to 1.7m high metal slat fence to the private open space of the ground floor unit would be replaced with 1.5m to 2m dark grey vertical posts and a 2m high white rendered curved wall. It is considered that the height of the amended fencing and wall would be excessive and would fail to complement the contribution that existing fencing in the street makes to the public realm. Any amended permit that may issue should include a condition that requires the fencing within the front yard to be no higher than 1.7m, which would be consistent with the approved fencing [refer recommended condition 1m) below at section 16.4].

9.2 Clause 52.06 Car Parking

The application seeks to reduce the Planning Scheme requirement to provide 1 visitor car space. No visitor car spaces are proposed to be provided.

The application material includes a *Traffic and Parking Assessment Report*, which includes a survey of supply and demand of car parking spaces within approximately 100m of the subject site. The surveys indicate that on Monday 13/02/2017 between the hours of 7pm and 8pm, a minimum of 14 car parking spaces were available.

It is considered that the demand generated by the proposed development, being one visitor car space, would be able to be absorbed into the existing supply of on-street car spaces without introducing unreasonable detriment to the amenity of the area.

9.3 Proposed Amended Permit Conditions

- a) *Relocation of the entrance to Unit 1 so that it faces Lansdowne Road.*

It is considered appropriate that this condition be deleted, as it is not relevant to the current application.

- b) *Increase in the front setback of the upper level by a minimum of 0.2m.*

It is considered appropriate that this condition be deleted as sought by the applicant, as it is not relevant to the current application. It is noted that the intent of this condition was to improve the articulation of the upper level and it is considered that the articulation of the amended upper level is appropriately articulated.

- c) *An intercom system to allow visitor access to the basement.*



It is considered appropriate that this condition be deleted as sought by the applicant, as the amended proposal does not provide either a basement or visitor parking, thereby rendering this condition irrelevant.

- e) *An increase in the setback from the south boundary of the front portion of the second floor (being walls to the kitchen/meals and bed 1 of Unit 7) by a minimum of 0.1m.*

The intent of this condition is to ensure that the development complies with the north facing windows standard (B20) at Clause 55.04-4. As discussed above, a portion of the second floor of the south elevation would not meet this standard. It is therefore recommended that this condition be reworded (refer recommended condition below at section 16.3).

- f) *Re-design of the louvre screens to the balconies and terraces facing the rear and each side boundary to ensure that overlooking of neighbouring secluded private open space and habitable room windows would be prevented (rather than limited). Cross section elevation drawings of the screens must be submitted to and approved by the Responsible Authority. The drawings must:*
- *Be drawn to scale and fully dimensioned;*
 - *Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;*
 - *Clearly illustrate how any louvre or batten system may allow upward views but will prevent downward and horizontal views to neighbouring secluded private open space areas and habitable windows;*
 - *Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that direct views are limited, while allowing outlook horizontally and upward views.*

This condition is longer relevant as all windows and balconies would be screened in a manner that would prevent overlooking of neighbouring windows. Nonetheless, as discussed earlier in this report, changes to the screening at the north and east elevation is recommended. Accordingly, it is considered appropriate that condition 1f) be reworded (refer recommended condition below at section 16.3).

- g) *All ground floor south facing habitable room windows provided with fixed obscure glazing to a height of 1.7m above finished floor level and/or increase in the height of the paling fence on the south (side) boundary to 2.1m.*

It is considered appropriate that this condition be deleted as sought by the applicant, as it is not relevant to the current application. The amended development does not include any ground floor south facing habitable room windows.

- h) *The south facing first floor bedroom 2 window of Unit 6 provided with fixed obscure glazing to a height of 1.7m above finished floor level.*

It is considered appropriate that this condition be deleted as sought by the applicant, as it is not relevant to the current application.

- i) *The south facing air conditioner to Unit 7 treated with satisfactory noise attenuation or re-located to the terrace of Unit 7, abutting the south wall of the lift shaft.*



Whilst this condition is not relevant to the current application, it is considered appropriate that it be modified to require screening to the rooftop plant and for the rooftop plant to be shown at elevation. Accordingly, it is considered appropriate that condition 1i) be reworded (refer recommended condition below at section 16.3).

19. Ongoing Involvement of the Architect

It is considered appropriate that this condition be amended as sought by the applicant (refer recommended condition below at section 16.3).

10. COVENANTS

- 10.1 The applicant has completed a restrictive covenant declaration form declaring that the proposal would not breach, in any way, an encumbrance on Title such as restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope on the titles for the subject site known as Lot 1 on Title Plan (TP) 744232Q [Parent Title Volume 05199 Folio 705 and Lots 1 and 2 on TP 864116W [Parent Title Volume 05325 Folio 946].

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 proposed amendments represent an appropriate response to the opportunities and constraints of the site with limited impact on the amenity of adjoining properties and the built form character of the area.
- 13.2 Subject to recommended permit conditions, the proposed amendments comply with the relevant sections of the Port Phillip Planning Scheme including the provisions of Clause 55 (ResCode).
- 13.3 The reduction of visitor car parking requirements would not result in an unreasonable traffic impact on the surrounding parking network or traffic flow.
- 13.4 The amendments sought pursuant to Section 72 of the Act do not fall within the ambit of a transformation of the proposal originally considered by the Council and which was subsequently approved.
- 13.5 It is therefore recommended that Council supports the amendment application subject to the recommended permit conditions.



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 for construction of a three storey building comprising eight dwellings and parking for ten cars at 47 Lansdowne Road, St Kilda East, with the following amendments:

14.2 **Amended Preamble**

To develop the land for the of construction of a three storey building containing dwellings, car parking for nine cars and a reduction (to zero) of the visitor car parking requirements.

14.3 **Amended and New Conditions (in bold)**

I 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) ~~Relocation of the entrance to Unit 1 so that it faces Lansdowne Road.~~
Deleted
- b) ~~Increase in the front setback of the upper level by a minimum of 0.2m.~~
Deleted
- c) ~~An intercom system to allow visitor access to the basement.~~
Deleted
- d) Ten bicycle spaces on the land.
- e) ~~An increase in the setback from the south boundary of the front portion of the second floor (being walls to the kitchen/meals and bed 1 of Unit 7) by a minimum of 0.1m.~~

The south (side) boundary setback of the second floor increased in a manner that ensures Standard B20 at Clause 55.04-4 of the Port Phillip Planning Scheme is met.

- f) ~~Re-design of the louvre screens to the balconies and terraces facing the rear and each side boundary to ensure that overlooking of neighbouring secluded private open space and habitable room windows would be prevented (rather than limited). Cross section elevation drawings of the screens must be submitted to and approved by the Responsible Authority. The drawings must:~~
 - ~~Be drawn to scale and fully dimensioned;~~
 - ~~Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;~~
 - ~~Clearly illustrate how any louvre or batten system may allow upward~~



~~views but will prevent downward and horizontal views to neighbouring secluded private open space areas and habitable windows;~~

- ~~• Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that direct views are limited, while allowing outlook horizontally and upward views.~~

Re-design of the screens to the first floor east facing bedroom windows to Unit 7 and the second floor north facing bedroom windows to each Unit. The screens must comprise a louvred system to ensure that overlooking of neighbouring secluded private open space and habitable room windows within 9m would be prevented (rather than limited). Cross section elevation drawings of the screens must be submitted to and approved by the Responsible Authority. The drawings must:

- Be drawn to scale and fully dimensioned;**
- Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;**
- Clearly illustrate how any louvre or batten system may allow upward views but will prevent downward and horizontal views to neighbouring secluded private open space areas and habitable windows;**

- ~~g) All ground floor south facing habitable room windows provided with fixed obscure glazing to a height of 1.7m above finished floor level and/or increase in the height of the paling fence on the south (side) boundary to 2.1m.~~

Deleted

- ~~h) The south facing first floor bedroom 2 window of Unit 6 provided with fixed obscure glazing to a height of 1.7m above finished floor level.~~

Deleted

- ~~i) The south facing air conditioner to Unit 7 treated with satisfactory noise attenuation or re-located to the terrace of Unit 7, abutting the south wall of the lift shaft.~~

All rooftop plant and equipment shown at elevation. The rooftop plant and equipment must be screened to the same height as the plant and equipment.

- ~~j) Any consequential changes to the development resulting from the requirements of Condition 3 (Sustainable Design Assessment).~~

- ~~k) Any consequential changes to the development resulting from the requirements of Condition 4 (Water Sensitive Urban Design).~~

- l) A minimum of 6m³ of storage provided to Units 1, 5, 6 and 7 provided with the requisite amount of storage;**



1m) Reduction in the height of all fencing between Unit 1 and the front boundary to no higher than 1.7m.

2 No Alterations

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

3 Sustainable Design Assessment

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

4 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.

5 Maintenance Manual for Water Sensitive Urban Design Initiatives

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.



6 Walls on or facing the Boundary

Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also 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 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 or at such later date as is approved by the Responsible Authority in writing.

8 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.

9 No Damage to Existing Street Tree

The proposed works must not cause any damage to the existing street tree.

Any root pruning of this tree must be carried out to the satisfaction of the Responsible Authority prior to the construction of the crossover/works. All trees will require a tree protection zone which complies with AS 4970-2009 at all times throughout the demolition and construction phase of the development.

Prior to the commencement of the development, a tree protection fence is to be installed around any tree that is likely to be impacted by construction. The fence is to be constructed in a diamond or square position around each tree trunk from 4 panels of a minimum height 1.8m x minimum length 2.1m, interlocking by bolted clamps and concrete pads. No entry to this area is permitted without the consent of the Responsible Authority.

10 Piping and ducting

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

11 Car and Bicycle Parking Layout

Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must be:

- a) Constructed;
- b) Properly formed to such levels that may be used in accordance with the



plans;

- c) Surfaced with an all weather surface or seal coat (as appropriate);
 - d) Drained and maintained;
 - e) Line marked and signed to indicate each space and/or access lane;
- All to the satisfaction of the Responsible Authority.

12 Parking Areas Must Be Available

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

13 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.

14 Applicant to Pay for Reinstatement

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

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

15 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.

16 On-Site Bicycle Parking

Before the building is occupied, a minimum of ten bicycle spaces must be provided on the land to the satisfaction of the Responsible Authority.

17 Car Parking Allocation

Without the further written consent of the Responsible Authority not less than one car space for each dwelling and two visitor spaces must be allocated on any



Plan of Subdivision to the satisfaction of the Responsible Authority.

18 Number of Dwellings

Without the further written consent of the Responsible Authority, no more than ~~eight~~ **seven** dwellings may be constructed on the land.

19 Ongoing Involvement of the Architect

The permit holder must retain ~~David Edelman~~ **Perkins Architects** to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans and endorsed schedule of materials and finishes during construction except with the prior written approval of the Responsible Authority.

20 Lighting Baffled

All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby residential properties to the satisfaction of the Responsible Authority.

21 Time for starting and completion

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

- a) The development is not started within two (2) years of the date of this permit.
- b) The development is not completed within two (2) 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.