

**PLANNING & URBAN
DESIGN SUBMISSION**

**6 PAINE ST
NEWPORT**

**PLANNING
STUDIO ON PEEL**



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Planning Studio on Peel has prepared the following town planning and urban design assessment of the proposed townhouse development at 6 Paine Street, Newport, which seeks planning permission to construct 43 dwellings on land in a Residential 1 Zone and Heritage Overlay. The proposal also seeks to reduce the standard car parking requirements.

Architectural drawings prepared by Kavellaris Urban Design dated December 2012 illustrate the proposal as one which seeks to respond to previous decisions of the Victorian Civil & Administrative Tribunal and Hobsons Bay City Council relating to the subject site as well as ongoing feedback from local residents. This report takes these as a starting point for examination, combined with an assessment of the characteristics of the subject site and the surrounding urban conditions and the relevant plans, strategies and policies of the Hobsons Bay Planning Scheme to determine whether the proposal is suitable from a town planning and urban design perspective.

The key issue in this case as highlighted by the Tribunal in the latest judgement on the subject site, *Raio v Hobsons Bay CC* [2012] VCAT P27, is how the revised design strikes a balance between those policies relating to urban consolidation and those seeking an appropriate built form outcome within the strategic and physical context of the site.

The tension between protecting urban character and supporting housing growth were explored in the decision of *NJJJKT Pty Ltd v Whitehorse CC* [2008] VCAT 1410 (referenced in *Raio v Hobsons Bay CC* [2012] VCAT P27) where the Tribunal discussed the need to balance neighbourhood character considerations with urban consolidation, diversity and affordability considerations rather than giving undue weight to one or the other. As such, the Tribunal noted in the latest judgement on the subject site that a redevelopment proposal can only ever be “appropriate or reasonable” rather than “ideal” in regards to satisfying the competing tensions underpinning the Planning Scheme [27].



OVERVIEW

SITE

The subject site is an irregularly shaped island site bounded by Paine Street, Crawford Street and Latrobe Street Newport. The land has an overall length of 65.5m along Paine Street, 79.2m along Crawford Street, 43.6m along Latrobe Street and 53m along Armstrong Reserve yielding a site area of 3254.2sqm. The site is currently vacant and all buildings and ancillary structures associated with the former timber yard have been demolished. Vehicular access to the site was previously provide via a crossover at the intersection of Paine and Latrobe Streets.

ENVIRONS

The surrounding environs are of an eclectic urban character, comprising a mix of single and two storey detached and attached dwellings and a number of dual occupancy and multi dwelling developments. There are a range of new infill developments interspersed within the adjoining Victorian and Edwardian streetscapes, notably Franklin Street to the west and Aphrasia Lane/John Liston Drive to the west of Melbourne Road.

Land to the south, east and west is developed for residential purposes in a variety of forms and configurations. To the north is an open space reserve known as Armstrong Reserve and which abuts Wilkins Street to its north. The reserve is characterised by canopy tree vegetation as are the surrounding streetscapes. To the east of the site is Crawford Street which is occupied by timber and masonry single storey dwellings of various eras. To the south is Paine Street of similar materials to Crawford Street and with low front fences and small gardens. To the west is Latrobe Street where properties also display low front fences and gardens but comprises a variety of modern double storey brick and single storey weatherboard dwellings of both nineteenth and twentieth century styles.

It is significant to note that the subject site is within easy walking distance of a range of established public transport facilities including train services at Newport Railway Station around 700m to the north-west. Bus services exist along Melbourne Road 200m to the west and along Douglas Parade 350m to the east.

These public transport options provide reliable access to a range of educational, shopping, recreational and employment opportunities in the municipality and beyond. A comprehensive range of local and higher order shopping facilities are located nearby in both Williamstown and Altona Gate Shopping Centres. A broad level of community services and facilities, including primary and secondary schools are also available in either the local neighbourhood or within easy driving or public transport distance. The foreshore and associated recreational facilities is located approximately 500m to the east.



OVERVIEW

ENVIRONS



SECTION

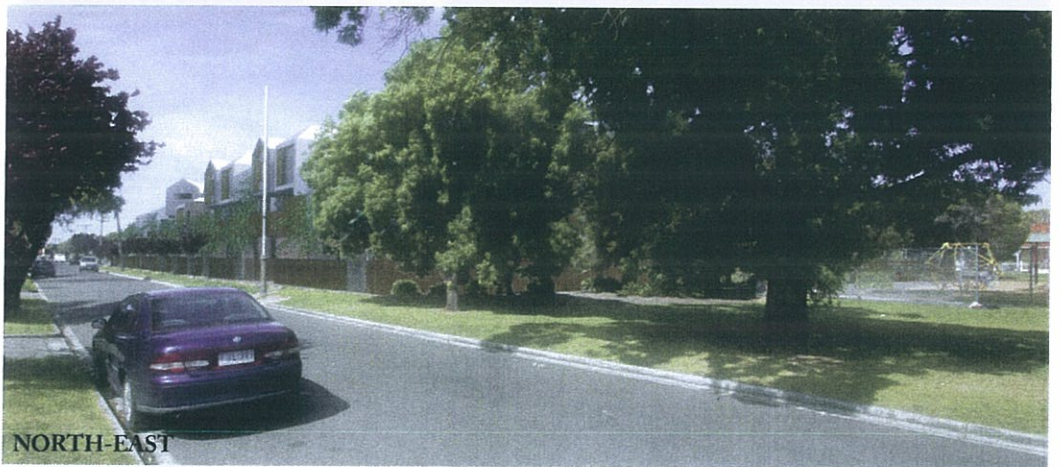
PROPOSAL



SOUTH-WEST



SOUTH-EAST



NORTH-EAST



NORTH-WEST

The proposal seeks planning permission to construct a two and three storey residential development accommodating a total of 43 dwellings in a mix of apartment and townhouse formats pursuant to the following clauses;

- construct more than one dwelling on a lot in a Residential 1 Zone [32.01-4];
- construct a building or to construct or carry out works on land in a Heritage Overlay [43.01-1]; and
- reduce the standard car parking requirement [52.06-3].

The proposal involves the considered placement of a three storey form which has the advantage of three street frontages and an abuttal to a reserve. The effect of this is that the proposal does not have an immediate abuttal to any dwellings and hence the typical planning considerations of overshadowing and overlooking do not come into play.

The clear advantage of this is that the subject site can be and is considered an island site which takes its own lead in terms of form, shape, height and juxtaposition with its neighbours. Having said that, it still needs to be recognised and acknowledged that it is a site nestled amongst a residential streetscape which is predominately single storey in form.

The plans submitted with the application illustrate that the buildings will provide an interpretive modern streetscape aspect to all frontages that will, in their own way, contribute to a new urban character of the precinct.

The provision of hips and gable ends is the predominant built form in the more traditional Victorian and Edwardian streetscapes whilst the subject proposal represents a modern style of architectural response.

The use of this style and form together with a palate of materials and colours will, in our submission, be blended to result in a well crafted building.

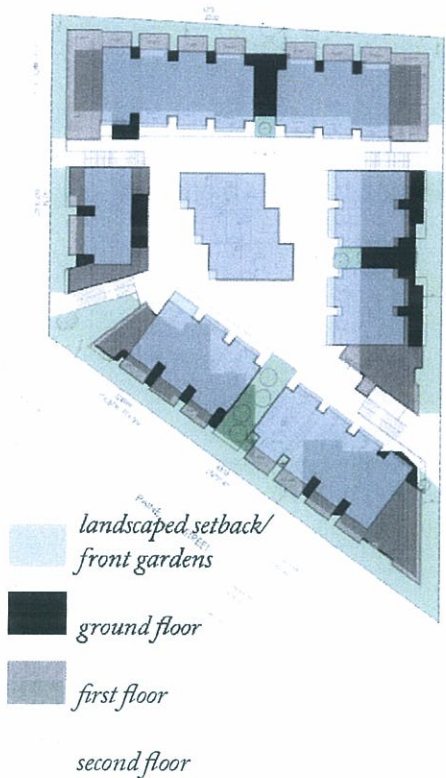
Dwelling Layout

All habitable rooms, including bedrooms, have access to natural light and therefore enjoy a high level of internal amenity. The dwellings also have terraces at intervening levels with access from all living areas which assist to provide a pleasant mix of access to sunlight at different times of the day and depending on the time of year and the orientation of the dwelling.

The dwellings have been designed to ensure that the development provides a consistent neighbourhood response to the issue of overlooking and overshadowing.

This development will have no impact on any adjoining properties in terms of overshadowing. The adjoining properties are sufficiently distant from the subject site and the private open space is sufficiently distant from the proposal that they will therefore not experience any overshadowing impact.

Each dwelling is provided with sufficient car parking and ample storage of 6m3.



The **State Planning Policy Framework** specifically encourages consolidation at points within the urban realm that are well serviced by public transport, looks to high standards of urban design and architecture and asks that new development be respectful and considerate of existing and preferred neighbourhood characters. It is noted of that State policy identifies the site as a strategic redevelopment site [16.01-3], one on which a significant development achieving urban consolidation should be achieved. The Tribunal have stated that policy creates an expectation that opportunities to intensively develop sites such as this should be grasped, and not reduced in yield unless there are sound reasons to do so.

The following objectives and strategies are important to the planning and urban design considerations of the proposed development.

Urban Growth [11.02]

- To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Urban Environment [15.01]

- To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.
- To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.
- To improve community safety and encourage neighbourhood design that makes people feel safe.
- To recognise and protect cultural identity, neighbourhood character and sense of place.

Sustainable Development [15.02]

- To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
- Ensure that buildings and subdivision design improves efficiency in energy use.
- Promote consolidation of urban development and integration of land use and transport.
- Improve efficiency in energy use through greater use of renewable energy.
- Support low energy forms of transport such as walking and cycling.

Heritage [15.03]

- To ensure the conservation of places of heritage significance.

Residential Development [16.01]

- To promote a housing market that meets community need.
- To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.
- To provide for a range of housing types to meet increasingly diverse needs.
- To deliver more affordable housing closer to jobs, transport and services.

Identify strategic redevelopment sites that are:

- In and around Central Activities Districts.
- In or within easy walking distance of Principal or Major Activity Centres.
- In or beside Neighbourhood Activity Centres that are served by public transport.
- On or abutting tram, train, light rail and bus routes that are part of the Principal Public Transport Network and close to employment corridors, Central Activities Districts, Principal or Major Activity Centres.
- In or near major modal public transport interchanges that are not in Principal or Major Activity Centres.
- Able to provide 10 or more dwelling units, close to activity centres and well served by public transport.

LOCAL PLANNING POLICY FRAMEWORK

The **Local Planning Policy Framework** comprises the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22. The following objectives and strategies are important to the planning and urban design considerations of the proposed development.

Strategic Redevelopment Areas [21.03-2]

- To successfully manage the transition and strategic redevelopment of redundant industrial areas identified as Strategic Redevelopment Areas through the development of Outline Development Plans (i.e. a master plan) or other appropriate planning controls to achieve net community benefit.

Built Environment [21.06-1]

- To ensure that new development respects and enhances the preferred neighbourhood character of the existing residential areas of Hobsons Bay.
- To protect and enhance the amenity of residential areas.
- To protect the amenity of residential areas adjacent to land uses with off-site amenity impacts and protect industry and sensitive open space from constraints and adverse impacts caused by the encroachment of residential development.
- To provide landscaping that enhances open space areas and surrounding amenity.

Heritage [21.06-2]

- To protect and conserve places and precincts of heritage significance in Hobsons Bay.
- To ensure that new development responds positively and enhances the unique and valued character of heritage places and precincts within Hobsons Bay.
- To improve awareness, understanding and appreciation of the value of heritage places and the significance of twentieth century heritage, including significant industrial places.

Housing [21.07]

- To encourage and facilitate the provision of a range of dwelling types to suit the varying needs of the community in a high quality living environment.

General Heritage Policy [22.01-1]

To conserve characteristics that contribute to the individual identity of heritage places and precincts within Hobsons Bay and ensure that their cultural significance is not diminished by:

- The loss of any fabric which contributes to the significance of the heritage place or precinct;
- Inappropriate new development;
- To conserve heritage places in accordance with the principles and procedures recommended by the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter).
- To ensure new development is of a high quality design that creatively interprets and responds positively to the historic context provided by the heritage place or precinct.
- To support the replacement of non-contributory buildings with new development that responds positively to the historic context provided by surrounding heritage places.
- To ensure new development becomes a valued addition, which complements the aesthetic qualities of a heritage place or precinct.
- To ensure new development does not distort historic evidence of heritage places by copying or reproducing historic styles or detailing.
- To encourage the viable use of buildings as part of their conservation.
- To ensure a consistent approach to the conservation of heritage places.
- To conserve heritage places and precincts based on the statement of significance for the place or precinct. To improve community awareness of the importance and value of heritage places and precincts.
- To ensure new development responds positively to special features such as views, vistas, significant vegetation and landmarks.
- To ensure landscaping enhances the historic cultural landscape character found in a street or precinct.
- To ensure new development does not visually dominate a heritage place or precinct.

Hobsons Bay East Neighbourhood Character Policy [22.10]

Precinct 8, Newport Character Description: This precinct is characterised by an architecturally diverse range of housing, but low scale timber homes are the prevailing form. Very few streets have nature strips and therefore street trees are often planted in the footpaths, giving the precinct an inner suburban feel. Some streets are consistently planted with established, tall trees which results in a sense of enclosure in some streets. Low front fences and views to front gardens are an important element in this precinct.

Statement of Preferred Neighbourhood Character: The low scale nature of the precinct and the garden settings of the dwellings should be retained and strengthened.

Objective: To maintain and strengthen the garden settings of the dwellings.
 Design Response: Retain large, established trees and provide for the planting of new trees wherever possible.

Objective: To minimise the loss of front garden space and the dominance of car parking structures.

Design Response: Locate garages and carports behind the line of the dwelling. Minimise the number of vehicular crossovers. Provide vehicular access from a rear laneway if available.

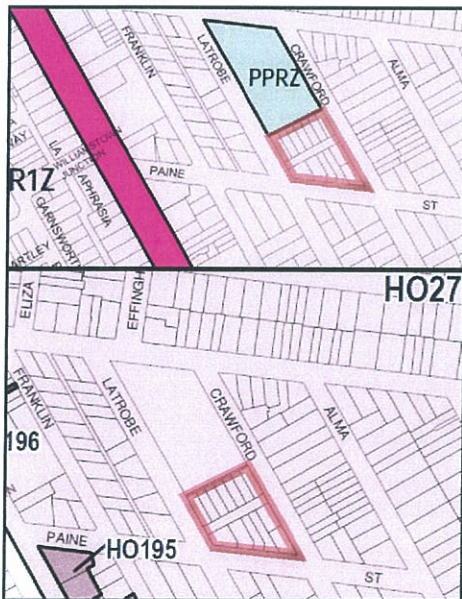
Objective: To encourage innovative and contemporary architectural responses to surrounding dominant building styles and heritage buildings and streetscapes.

Design Response: Use simple building details. New development, including additions to existing buildings, should be distinguishable from original dwelling stock through the use of innovative and contemporary design.

Objective: To use lighter looking building materials and finishes that complement the use of timber where it is particularly consistent.

Design Response: Incorporate timber or other non-masonry materials and finishes where appropriate.

Design Response: Front fence style should be appropriate to the building era.



Residential 1 Zone [32.01]

- To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.
- To encourage residential development that respects the neighbourhood character.

Heritage Overlay [43.01]

- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.

The subject site is located within HO27 Private Survey Heritage Precinct which has no restrictions under the Schedule to the Heritage Overlay.

Car Parking [52.06]

- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Two or more dwellings on a lot and residential buildings [55]

- To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.
- To encourage residential development that provides reasonable standards of amenity for existing and new residents.
- To encourage residential development that is responsive to the site and the neighbourhood.

Hobson Bay Heritage Study - 2010

The 'Private Survey Heritage Precinct' has been noted for its local historic, social and aesthetic significance to the City of Hobsons Bay and *'demonstrates the influence of the two main development phases of the city during the Victorian (port rise and decline) and the Edwardian to Interwar periods (railway and manufacturing industry), which have created a distinctive historic development pattern that is different from the Government Survey precinct to the south of Ferguson Street'*.

Guidelines for infill development in Heritage Areas in Hobsons Bay - 2006

In regard to new infill development on land covered by a Heritage Overlay, the guidelines state that: *'a new building should be recognisable as a product of its time and not create a false impression of age or a style. Good contemporary design is strongly encouraged. Reproduction of period detailing on new infill building such as cast iron lacework and timber decoration to gables is inappropriate. Contemporary detailing however, which is sympathetic to other buildings in the street, is encouraged'*.

Hobsons Bay Neighbourhood Character Study - 2002

Victorian Government's Urban Design Charter - 2010

Melbourne @ 5 million - 2008

DSE Safer Design Guidelines for Victoria - 2005

DSE Guidelines for Higher Density Development - 2004

Melbourne 2030 - 2002

SECTION

APPRAISAL



Having regard to the nature of the proposal and the applicable provisions as set out in the Hobsons Bay Planning Scheme, this report addresses the appropriateness of the proposal having regard to:

1. Strategic intent of the Planning Scheme;
2. Heritage Considerations;
3. Traffic & Parking;
4. ResCode; and
5. Neighbourhood Character.

1. Does the proposal satisfy the strategic intent of the Hobsons Bay Planning Scheme?

The strategic policy context of the site clearly supports redevelopment of the land and although the land is not within or adjacent to an activity centre, it is well positioned from a strategic planning perspective. The redevelopment of the land provides an excellent opportunity to support the urban consolidation policies of the SPPF Clauses 11 and 16.01. Furthermore, the LPPF supports the redevelopment of former industrial and adjacent residential development, ensuring the land more satisfactorily meets the provisions of the Residential 1 Zone. The key reasons the site presents a significant opportunity for strategic redevelopment are:

- the overall land area of 3249sqm;
- the island nature of the land with one frontage to a public reserve and three street frontages;
- the separation from immediately adjacent residential streetscapes given the intervening roadways;
- the lack of residential abuttals thereby minimising the potential for amenity impacts;
- the absence of buildings with heritage significance; and
- the absence of significant vegetation of other constraints.

Further discussion in relation to the use and development composition, including an assessment against the applicable local planning provisions, follows.

2. Is the built form an appropriate response to heritage policy and HO27?

In the second Tribunal case, Ms Riddett's heritage expert evidence indicated that due to the atypical site, a higher built form with perimeter blocks broken up as proposed is an acceptable response to the heritage values of the precinct. Both Mr Rayworth and Ms Riddett agreed that the surrounding streets are of mixed character and generally low heritage interest where they are opposite the site. Mr Rayworth stated that the impact on the character and appearance of this small part of HO27 will not have an adverse impact on the overall significance of the precinct. As such the Tribunal concluded that the "relatively low level of significance attributed to this portion of the precinct based heritage overlay provides an opportunity for a contemporary design of some scale to be developed, without impacting on the significance of the heritage place as a whole" [35].

Furthermore, the LPPF places significant value on the contribution of heritage places to the Municipality while recognising that new development ought to adopt a contemporary appearance and avoid replicating heritage buildings or their architectural features. To this end, the proposal;

- does not involve the demolition of heritage fabric;
- is a contemporary architectural response that does not replicate the surrounding heritage fabric;
- represents an overall incremental level of change from the surrounding heritage fabric in terms of height and built form;
- complements the subdivision of the heritage area in small compact allotments through its architectural response; and
- does not adversely affect or detract from the significance of the heritage overlay area.

3. Does the proposal create any unreasonable off-site traffic or car parking impacts?

A Traffic and Transport Assessment has been prepared by Traffix Group which considers the traffic, parking and access implications of the proposed development. In summary, the traffic assessment concludes:

- the proposed development has a statutory carparking requirement of 54 car spaces under Clause 52.06-5 of the Planning Scheme (i.e. 46 resident spaces and 8 visitor spaces). The development includes 50 car spaces, including 46 spaces in mechanical car stackers and 4 visitor spaces. Therefore, the proposal requires a dispensation of 4 visitor spaces,
- there are adequate grounds to support a dispensation of 4 visitor parking spaces based on the decision factors at Clause 52.06-6 on the basis that there is sufficient parking available on-street in the nearby area to accommodate any overflow visitor parking demands, including along the site's frontages,
- the bicycle parking provision accords with the requirements of Clause 52.34 of the Planning Scheme,
- the proposed parking layout and access arrangements to Paine Street accord with the relevant standards and current practice,
- the level of additional traffic generated as a result of this proposal will be low, residential in nature and will not have a detrimental impact on Paine Street or the surrounding local road network,
- waste collection for this site will occur on-street via Paine Street with bins transferred to and from the street for collection during non-peak traffic times under a Waste Management Plan,
- the proposed development is consistent with the previous VCAT decision in matters regarding traffic and parking, and
- there are no traffic engineering reasons why a planning permit for the proposed residential development should not be approved, subject to appropriate conditions

From our analysis of the proposed development, we concur with the above conclusions.

4. Does the proposed development accord with ResCode provisions?

The provisions for the design and development of housing are incorporated pursuant to Clause 55 of the Hobsons Bay Planning Scheme and the relevant design requirements for the assessment of this application are as follows.

Neighbourhood character objectives – Standard B1

The proposed development has been designed in a manner that is respectful of the mixed use housing styles of the immediate area and as identified on the site analysis plan.

The relevant test is found at Clause 16.02 where the objective is;

To encourage the development of well-designed medium-density housing which:

- *Respects the neighbourhood character.*
- *Improves housing choice.*
- *Makes better use of existing infrastructure.*
- *Improves energy efficiency of housing.*

It is our submission that the proposal addresses each of these matters, it respects the neighbourhood character for the reasons outlined throughout this report and for the reasons expressed in the urban design assessment above, it improves housing choice, makes better use of infrastructure and improves energy efficiency of housing with the provision of a concentration of dwellings over several levels.

Residential policy objectives - Standard B2

The Planning and Environment Act 1987 provides a framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians.

The specific objectives for planning in Victoria are:

- *“To provide for the fair, orderly, economic and sustainable use and development of land.*
- *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.*
- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.*
- *To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.*
- *To facilitate development in accordance with the objectives set out in the points above.*
- *To balance the present and future interests of all Victorians.”*

These objectives are implemented in the Hobsons Bay Planning Scheme.

Dwelling diversity objective - Standard B3

The proposed design response provides an appropriate form of dwelling diversity compared to both existing smaller and larger single dwellings located in this neighbourhood. The precinct has a significant number of single dwellings. This form of housing adds to the diversity of housing in the area.

Infrastructure objectives - Standard B4

All reticulated services are provided to the site. Given the form of development proposed for the site and the mixed form of conventional development in this area, it is unlikely that the proposal will affect the capacity or function of utility and service infrastructure.

Integration with street objective – Standard B5

The standard requires that;

- *Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.*
- *Development should be oriented to front existing and proposed streets.*
- *High fencing in front of dwellings should be avoided if practicable.*
- *Development next to existing public open space should be laid out to complement the open space.*

The proposed development achieves a high degree of compliance with respect to each of the above. We note that the proposal provides for low fences and driveway access one street frontage.

Given the context of the site, the surrounding road characteristics and built form, it is our submission that these are appropriate design responses.

Street setback objective – Standard B6

We note that the site has adopted a lesser frontage setback than one would expect given the setbacks of dwellings in the precinct. It is our submission that it is not unreasonable to adopt this lesser setback given the island site nature of the development, given its abuttal to the reserve, given the policy imperatives for urban consolidation and given the high level of architectural exemplar that this development brings to the site. We note that the Tribunal found that the setback was appropriate in both previous design responses.

Building height objective – Standard B7

The proposal only marginally exceeds the suggested building height of 9m in part but it is distant from the abutting developments and therefore does not create any amenity impacts and in our submission and there is significant separation between the subject site and the nearby residential allotments to allow for the proposed height.

The decision guidelines to be taken into consideration with buildings over 9m include:

- *The relationship between the proposed building height and the height of existing adjacent buildings.*
- *The visual impact of the building when viewed from the street and from adjoining properties.*

In considering these two factors, it is our submission that the proposal is appropriate given the distance from abutting developments and that the visual impact from the street is one which is well mannered in the context of its location.

Site Coverage objective – Standard B8

The objective requires site coverage of 60%. Whilst the standard is exceeded, it is our submission that the urban consolidation policy imperative is to consider such sites for higher density to meet the severe shortage of housing currently being experienced.

We note that the Tribunal did not make any adverse comments about this matter in either of the previous decisions.

Permeability objectives – Standard B9

ResCode requires a minimum 20% pervious area to be provided on site and whilst this has not been met, it is our submission that there needs to be some flexibility for the same reasons expressed in Standard B8 above.

Energy efficiency objective – Standard B10

In respect of the energy efficiency requirements of ResCode, the proposed development will be capable of achieving a high energy efficiency rating.

This standard requires that buildings should be:

- *Oriented to make appropriate use of solar energy.*
- *Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.*

And that;

- *Living areas and private open space should be located on the north side of the development, if practicable.*
- *Developments should be designed so that solar access to north-facing windows is maximized.*

Open Space objective – Standard B11

The objective is to integrate the layout of the development with any public and communal open space provided in or adjacent to the development. The plans illustrate that the row of dwellings which abut Armstrong Reserve enjoy an outlook second to none. It is our submission that they have been well integrated with the public open space.

The internal communal area-the podium- is to be essentially used as an area for residents to travel through either on their way to or from their dwelling, a space to enjoy the architectural foliage and perhaps sit and chat or admire the architecture. It is a public space in the passive sense rather than an active communal open space.

Safety objective – Standard B12

The proposed dwellings have a visible element in the streetscape and are orientated so as to enjoy direct views towards the abutting street. This will ensure a high degree of compliance with this objective as they will each have a street frontage and street address and provide the ‘eyes to the street’ as a means of passive surveillance.

Landscaping objective – Standard B13

An indicative landscape response and a landscape plan will be prepared and form part of the permit documentation. It will provide for a landscape theme commensurate with the high architectural standard of the proposed dwellings. The landscape plan can be required by way of a condition of the planning permit.

Access objectives – Standard B14

This objective is satisfied by the proposed site layout. The standard requires that the accessway should;

- *Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network.*
- *Be designed to ensure vehicles can exit a development in a forwards direction if the accessway serves five or more car spaces, three or more dwellings, or connects to a road in a Road Zone.*
- *Be at least 3 metres wide.*
- *Have an internal radius of at least 4 metres at changes of direction.*
- *Provide a passing area at the entrance that is at least 5 metres wide and 7 metres long if the accessway serves ten or more spaces and connects to a road in a Road Zone.*

This standard more properly describes a “standard medium density development” and fails to recognise the particular site constraints and characteristics of the site which include three street frontages.

Taking into account each of these factors leads to the conclusion that the access arrangement and design response is appropriate. Refer to the TrafficGroup Assessment.

Parking location objectives – Standard B15

On site car parking facilities are conveniently located on site, providing for safe and efficient movement and conveying a high degree of security. Refer to the TrafficGroup Assessment.

Parking provision objectives – Standard B16

These car parking spaces have been designed and located in accordance with all relevant dimensions and access requirements specified under ResCode. Refer to the TrafficGroup Assessment.

Side and rear setbacks objectives – Standard B17

The objective is to ensure;

- *To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.*

As indicated above, the character of the area is represented by single to two storey forms.

The relevant decision guidelines include;

- *Any relevant neighbourhood character objective, policy or statement set out in this scheme.*
- *The design response.*
- *The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.*

It is our submission that the proposed design response is appropriate as there is no detrimental impact on the amenity of the habitable room windows and secluded private open space of existing dwellings.

Walls on boundaries objectives – Standard B18

The proposed building design and site layout does achieve compliance with the provisions of this objective.

Daylight to existing windows objectives – Standard B19

The location of buildings on adjacent properties and the proposed layout of the new development achieve compliance with the provisions of this objective.

North facing windows objective – Standard B20

The proposal achieves compliance with this objective.

Overshadowing open space objectives – Standard B21

The proposal achieves compliance with this objective as the proposal will not reduce or impact on the secluded open space of any existing dwelling.

Overlooking objective – Standard B22

The proposal achieves compliance with this objective.

Internal views objective – Standard B23

The proposal achieves compliance with this objective as all windows with overlooking potential have been frosted or made as highlight windows to 1.7m. The architect has also skilfully positioned all windows to minimize such impacts.

Noise impacts objectives – Standard B24

We note that the orientation of noise sensitive rooms and open space has been carefully located and a suitable condition can be placed on the permit to address the placement of any plant or equipment.

Accessibility objectives – Standard B25

The proposal has been designed to provide a mix of dwellings types and with an internal lift. The development is suitable for persons with limited mobility.

Dwelling entry objectives – Standard B26

Covered entries providing all weather cover and a distinct sense of individual identity and address have been provided.

Daylight to new windows objectives – Standard B27

All new windows have unencumbered daylight access.

Private open space objectives – Standard B28

Each dwelling has access to open space areas of generous proportions in the form of balconies. There is a mix of orientations for the open space areas with some having a northern orientation and in all cases either meet or exceed the minimum ResCode standard.

Solar access objectives – Standard B29

The proposed design and layout achieves compliance with this objective where the open spaces have a direct northern orientation. However, given the size of the site, its orientation and form of development, it is not possible to address this matter in all cases.

We note that the decision guidelines provide Council with discretion having regard to:

- The design response.
- The useability of the private open space, including its size and accessibility.
- The availability of and access to public or communal open space.
- The orientation of the lot to the street and the sun.

It is our submission that the overwhelming consideration is the design response and its proximity to a large public open space.

Storage objectives – Standard B30

The provision of a substantial storage area of 6m³ for each dwelling satisfies this ResCode objective. Ample storage bays are provided and these spaces are supplemented with additional storage beneath stairs where required.

Design detail objectives – Standard 31

In accordance with the Site Context and Design Response components of this report, it is considered that the overall development concept is sympathetic to the existing neighbourhood character and will be effectively integrated into the urban form.

Front fences objectives – Standard 32

The standard requires that;

The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.

It also recommends that the height of the fence should not exceed 2m. It is our submission that the fence height does complement the design of the development and provides for a design response which is commensurate with the style and form of the proposal.

Common property objectives – Standard B33

The proposal has been designed to ensure that the common property area will be well managed and under the control of the owners corporation.

Site services objectives – Standard 34

Each dwelling will be provided with a letter box within its frontage setback, whilst garbage collection and storage will be serviced by a private contractor. A waste management plan is provided with the submission.

5. Is the built form an acceptable response to the neighbourhood character?

In the latest judgement on the subject site, *Raio v Hobsons Bay CC* [2012] VCAT P27, the Tribunal noted that the Applicant was entitled to use previous Tribunal findings to form a new proposal. As such, we highlight below those clear statements as to what design elements are considered acceptable and what are not in respect to the surrounding neighbourhood character.

First of all, the Tribunal determined the character of the surrounding neighbourhood to comprise:

- Modest built form, consistently at one and two storeys in height;
- Materials consisting mostly of timber, usually painted weatherboards;
- Spaces between buildings, albeit sometimes of narrow dimensions or the result of a combination of heights;
- Consistent small front gardens with front doors clearly visible from the street;
- Low front fences; and,
- Pitched roofs.

Further, the Tribunal noted that “despite these consistent themes, the surrounding neighbourhood also contains some diversity in built form. For example, some streets contain a high number of period cottages, others contain small collections of newer two storey dwellings, and others, including those streets abutting the review site, a mix of low scale dwellings” [50].

In regards to previous proposals, the Tribunal noted that the following design elements were acceptable within this neighbourhood context:

- a contemporary design response;
- a carefully modelled series of three storey buildings;
- a perimeter based configuration;
- three storey presentation to Armstrong Reserve;
- numerous opportunities for outlook;
- direct entries to the ground level apartments from the surrounding streets;
- front setbacks in the order of three metres.

In combination with this determination, we also note that the design responses clearly sought in this character area [22.10-3], include the following: *New development, including additions to existing buildings, should be distinguishable from original dwelling stock through the use of innovative and contemporary design.*

Further, as highlighted at the beginning of the report, the Tribunal made clear that “the level of respect or responsiveness that a proposal for the site should show to neighbourhood character should not be over emphasised at the expense of consolidation policies. Indeed the previous Tribunal has already determined that a development of far more intense scale and differing built form is acceptable.” [25].

In concluding, the Tribunal determined that the following matters were not addressed satisfactorily by the previous design response:

- streetscape pattern and rhythm
- variety of form and scale; and
- visual mass.

Examples of recent attached housing



Franklin Street



Melbourne Road



John Liston Drive



11 Crawford Street: older attached housing

It is our assessment that the new design rationale has addressed the ‘big picture’ in terms of these fundamental design issues as follows.

Streetscape pattern and rhythm

Within the surrounding streetscapes, we agree with the Tribunal determination that spaces between buildings are often of narrow dimensions. Diagram 1 opposite highlights that although dwellings are predominately detached single and double storey, there is a clear tendency towards tight spaces between them. We also note that the context comprises numerous examples of attached contemporary housing and sheer rising forms which incorporate zero setbacks. It is significant to observe that a number of vacant and elongated sites surround the subject site, most of which would be expected to be redeveloped in a contemporary fashion the future.

The proposed attached terrace housing development has genuinely dealt with the Tribunal’s notion of ‘fracturing’ by incorporating both projections and voids. The built form itself is now more diverse as these spacing elements serve to separate and distinguish the terraces rather than link them. This occurs through the following means:

- Increased ‘fracturing’ of each street-fronting building module ensures each is read as an individual distinct form which addresses each individual streetscape, maximising the opportunity to inject diversity into the development.
- By responding seriously to each streetscape, each module will have a strong ‘active’ street edge whilst street views of the rears and sides of buildings will be minimised.
- Wider spacing between buildings also provides for larger landscaped areas in front of the stairs, and grander visual connections through the site which provide a heightened ability for people to understand the development as well as feel a greater sense of safety within the site and surrounding public realm.
- Whilst the Tribunal noted that the previous design response comprised a strong horizontal profile rather than breaking buildings down into smaller forms, the revised design response clearly emphasises the verticality of the local vernacular through recesses and setbacks that ensure the widths of modules are in line with the surrounding neighbourhood.
- Unlike the previous proposal, the design comprises a range of hip and pitched roofs to reflect the local neighbourhood character which further emphasises the connection between old and new.
- The front entrances of the street level dwellings have been further defined to provide an individual sense of address by ensuring front doors are clearly visible from the street, larger front gardens and lower, more transparent front fences.
- The entrances to the reserve from the ground level private open spaces ensure the development is connected with the open space whilst protecting the privacy of residents.

- Diagram 1 below illustrates the proposal within the broader context of site coverage in the neighbourhood. Of note is the proximity of buildings to one another within the blocks highlighted by the red-dotted line. Not only do these groups of dwellings contain limited side setbacks, many present as sheer rising forms along side boundaries, although they do often adopt setbacks from the street.
- Diagram 1 also demonstrates how a frontage setback is achieved over the entire subject site via front gardens and landscaping so that the building modules are setback from the street to a further extent that typically found in the neighbourhood.

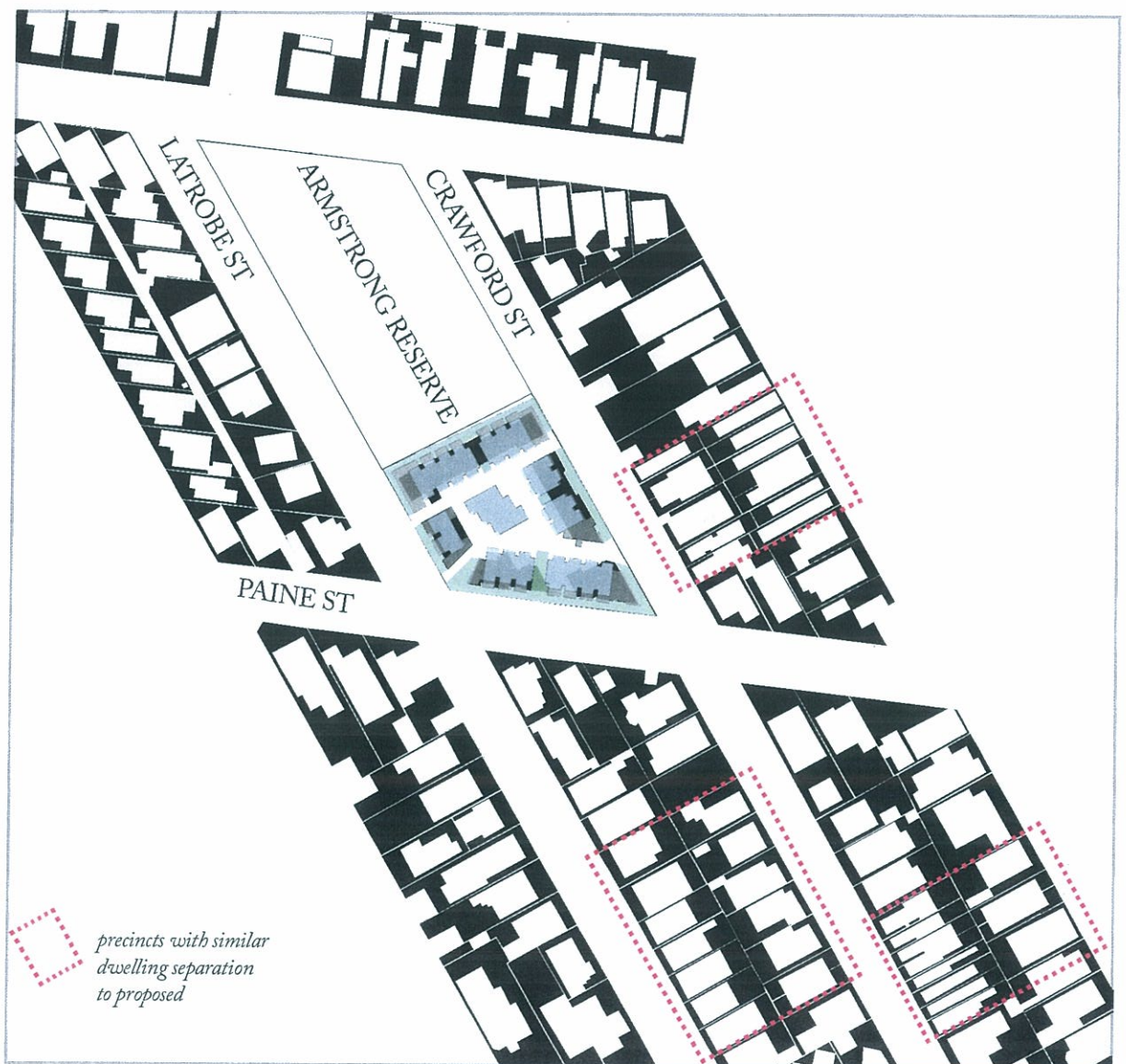


Diagram 1: figure ground analysis

Variety of form and scale

As demonstrated by massing diagrams 2-5 below, the new design response comprises two to three storey forms along site boundaries and a central three storey form. While the three storey forms remain greater than the height of adjacent single and double storey dwellings, the proposal introduces a variation in heights by reducing each corner of the site to two storeys. In accordance with the Tribunal decision, it is considered that this more adequately reflects the variation in heights evident in the neighbourhood. The reduction in building height also serves to ensure the development incrementally scales up in a manner that is gradual and discrete.

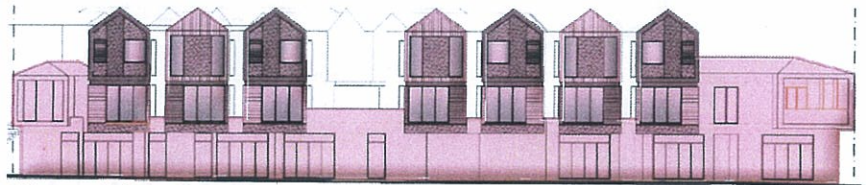


Diagram 2: Paine St massing

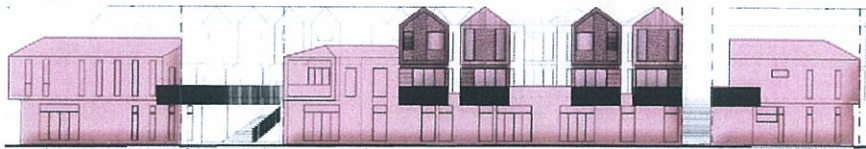


Diagram 3: Crawford St massing

Additional changes include the reduction of height of the central building module to three storeys. As such, the module sits behind the three storey forms fronting the adjacent streets. This ensures the central podium form is almost completely recessive in long range views, whilst minimal visibility will occur through immediate views in building breaks. In these circumstances it is significantly setback from the street and buffered by landscape, stairs and podium features.

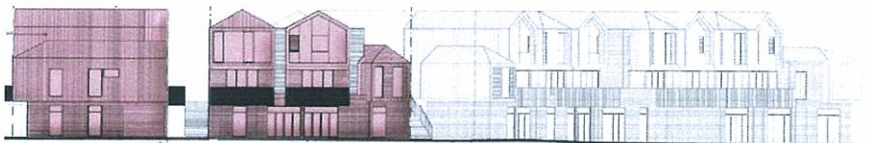


Diagram 4: Latrobe St massing

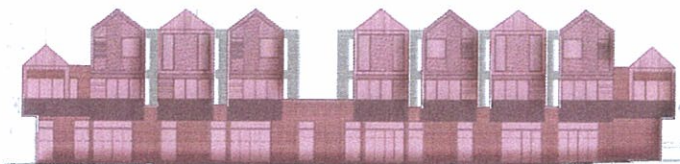


Diagram 5: Armstrong Reserve massing

Visual mass

As also demonstrated by diagrams 2-5, the overall mass and bulk of the development has been minimised through the introduction of numerous cut-outs and voids used to reduce the overall proportion. The resulting buildings are of narrower forms than previous iterations, reflecting a more local domestic scale of development that address concerns regarding visual bulk through the following means:

- The setback of the third level is now combined with lighter materiality to emphasise the lower two levels and further distinguish each terrace and reduce the dominance of street walls.
- As diagram 6 demonstrates below, the setback of the third level of the Armstrong Reserve facing units is visually emphasised by the removal of heavy timber pergolas and incorporation of lighter materials. The new proposal emphasises its verticality through numerous primary and secondary breaks in the build form. A strong horizontal profile is also achieved through a recessed and lighter upper floor, protruding and light first floor and recessed and dark ground floor.

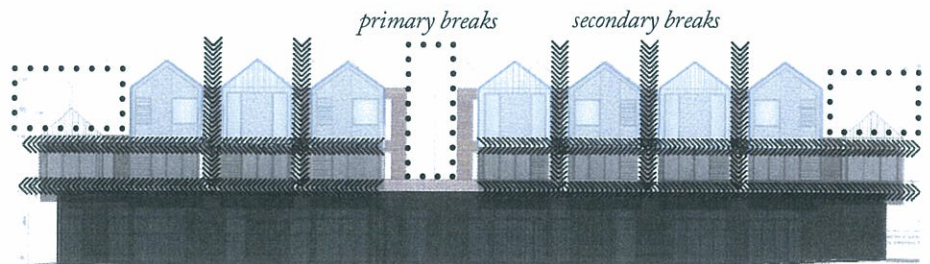


Diagram 6: proposed articulation of Armstrong Reserve elevation

- Diagrams 7A and 7B illustrate the recessive nature of upper levels serving to reduce visual bulk perceived from Latrobe and Crawford Streets. As can also be derived, the proposed heights are proportional to the street width so that any street wall domination effect is eliminated.

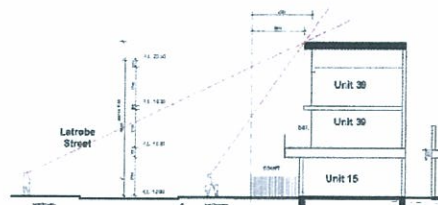


Diagram 7A: proposed sight lines from Latrobe St (section B-B)

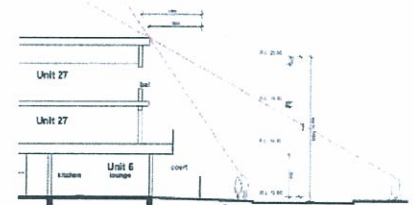


Diagram 7B: proposed sight lines from Crawford St (section B-B)

The proposal is consistent with the relevant objectives of the Hobsons Bay Planning Scheme and substantively responds to the previous decisions of the Tribunal for the following reasons:

- The proposal will assist in the implementation of the strategic policy objectives associated with urban consolidation and housing choice;
- The proposed scale and built form is a considered and well mannered architectural response having regard to the applicable planning and urban design criteria contained within the Planning Scheme;
- The proposal will provide a high level amenity for future occupants of the site;
- The introduction of new residents will add to the street vibrancy;
- The proposal will not unreasonably affect the amenity of surrounding properties in terms of overlooking, overshadowing and visual bulk;
- The proposed development generally accords with the objectives and design criteria of ResCode and where it does not, we agree with the Tribunal's findings that these areas of non-compliance are not fatal to the application;
- The degree of 'fracturing' incorporated into the proposal ensures the verticality of the local vernacular is appropriately reflected in the new development as directed by the Tribunal;
- The proposed reduction of corner dwellings to double storey more adequately reflects the variation in heights evident in the neighbourhood whilst ensuring the development incrementally scales up in a manner that is gradual and discrete; and
- The proposed narrower and more articulated facades minimise visual bulk and subsequently do not dominate any street interface.

We therefore consider that there are no town planning or urban design grounds that would preclude the granting of a planning permit for this development.

PLANNING STUDIO ON PEEL

December 2012