



AGENDA OF SPECIAL PLANNING COMMITTEE MEETING

Thursday 5th September, 2013 at 6.00pm

Councillors: Cr. Colleen Gates
Cr. Sandra Wilson
Cr. Luba Grigorovitch

Brendan Murphy
MANAGER URBAN PLANNING & DEVELOPMENT

Both applicants and objectors should note that whilst recommendations are included in this agenda, Special Planning Committee may accept, amend or propose an alternative resolution.

The disclosure of interest requirements of the Local Government Act (sections 77A and B) apply equally to meetings of the Council and Special Committees. This applies to both conflicts of interest and disclosure of any interest whether pecuniary or non-pecuniary. The Act requires that the interest be disclosed before the matter is discussed or considered.

Disclosure must occur immediately before the matter is considered or discussed.

AGENDA

(A) **APOLOGIES**

(B) **DISCLOSURE OF INTERESTS**

In accordance with Sections 77A, 77B and 78 of the Local Government Act Councillors are required to disclose an “interest” in a decision if they would receive, or could be reasonably perceived as receiving a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

Disclosure must occur immediately before the matter is considered or discussed.

(C) **BUSINESS**

(i) Application: PA1226036

Proposal: Construction of 43 dwellings ranging in height from two to three storeys and a reduction in the statutory car parking rate, in accordance with the endorsed plans, subject to the conditions contained in the Draft Notice of Decision in Appendix 1.

Address: 6 Paine Street, Newport

PLANNING APPLICATION PA1226036

6 Paine Street, Newport

Authors Name: Mark Tenner

Division: Planning and Environment
File No: PA1226036
Ward: Strand

PURPOSE

This application seeks construction of 43 dwellings ranging in height from two to three storeys and a reduction in the statutory car parking rate.

BACKGROUND

In April 2011 the Tribunal affirmed Council's refusal to grant a permit for the development of 40 dwellings in planning application PA1020902, in *Cahill v Hobsons Bay CC* [2011] VCAT 589.

In October 2012 the Tribunal affirmed Council's refusal to grant a permit for the development of 43 dwellings in planning application PA1123425, in *Raio v Hobsons Bay CC* [2012] VCAT 27.

Both Council and the Tribunal determined to refuse the above applications on a variety of grounds, but more specifically it was the design of the building which failed to appropriately respond to the prevailing built form of the heritage protected neighbourhood.

In December 2012 the owner lodged a new application for 43 dwellings, which is the application under consideration.

KEY ISSUES

- The site of the former Newport Timber Yard, in Paine Street Newport, is currently vacant. It is a relatively large site and represents a significant infill development opportunity, within both the Hobsons Bay and the Metropolitan context.
- The site has been the subject to two previously VCAT reviews. The previous reviews provide direction about the appropriate form of development for the site.
- The key issue is neighbourhood character and the degree to which the development sits neatly amongst the modest one and two storey development that surrounds the site.
- There is a small amount variety of development evident in the surrounding area which provides only limited opportunity to vary from the predominant built form.
- On both previous occasions the Tribunal has made some statements about the appropriate form of development for the site. On those occasions, the Tribunal has ruled that: heritage; traffic and parking; and three storey built form are not issues of concern for this development. There is, therefore, limited scope within the context of the current application to raise those issues again, notwithstanding the number of times that those issues are mentioned in objectors' submissions.
- In terms of pointing the way forward, one of the key observations in the previous VCAT ruling was:

".....small variations in setbacks height have been employed to break down the visual uniformity of the Crawford and Armstrong Reserve facades. However, we do not consider that the degree of the articulation and modulation sought by the previous Tribunal has been achieved.

We conclude that the built form requires "fracturing" in order to better reflect that of the neighbourhood. This is not a matter of applied decoration or stylistic references, rather it is simply an echo of, or link to, the variety and broken forms evident in the majority of the existing housing, using a contemporary idiom."

- The key changes that have been incorporated into the current design to make it less “foreign”; more “well mannered”; and “less monolithic” are as follows:
 - Modest increased ground floor setbacks allowing greater landscaping opportunities.
 - “Erosion” of the built form at the various corners of the development (i.e. removing built form from those areas)
 - Introducing a break in built form in the northern elevation, providing an outlook to the park from the podium level and a view from the park to the landscaping on the podium level.
 - Introduction of a break in the Paine Street elevation.
 - Relocating the podium level dwellings to the western side of the podium to allow greater landscaping opportunities.
 - Introducing facade articulation at the ground level to help break up the built form.
 - Introduction of pitched roof and gable forms.
 - Deletion of the fourth level.
 - Deletion of the car parking spaces adjacent to the park.
- The changes proposed by the applicant, combined with the ones being suggested by way of permit conditions, are sufficient to warrant support for this development

POLICY IMPLICATIONS

The proposal satisfies the relevant planning policies in the Hobsons Bay Planning Scheme and is consistent with the objectives and guidelines of Clauses 32.01 – Residential 1 Zone, 43.01 – Heritage and 52.06 – Car Parking.

INTERNAL AND EXTERNAL CONSULTATION

The application was referred to Traffic Engineering, Drainage Engineering, Strategic Planning / City Image, Community Development, Waste and Environment, Council’s Heritage Advisor and Urban Design Consultant (External consultant - MGS Architects) who provided comments on the application.

There are no external referrals required.

ADVERTISING

The application was advertised and more than 300 submissions have been received, most of which are in the format of a pro forma submission. The grounds of objections include: *excessive density, setbacks, height, does not respond appropriately to the character of the neighbourhood, lack of parking and increased traffic and overall would set an inappropriate precedent for the area.*

REPORT APPENDICES

- A detailed assessment of the application, including plans and Draft Notice of Decision is included as Appendix 1.
- A Res Code assessment is included in Appendix 2
- Full copies of the referral responses are included in Appendix 3.

CONCLUSION

The design changes being suggested by the applicant and the ones that would be incorporated by way of permit conditions are a tangible attempt to address the shortcoming identified in the two previous VCAT decisions. Assessment of the success of this attempt is necessarily subjective. The question to be answered is, do the changes go far enough? In the opinion of the officers assessing this application, the answer to that question is yes: the shortcoming of the previous design have been sufficiently addressed to warrant support.

OFFICER'S RECOMMENDATION

That the Special Planning Committee resolves to:

Issue a Notice of Decision to Grant a Permit in respect to Application PA1226036 at 6 Paine Street, Newport, to construct 43 dwellings ranging in height from two to three storeys including a reduction in the statutory car parking rate in accordance with the submitted plans, subject the conditions contained in the Draft Notice of Decision in Appendix 1.

APPENDIX 1**OFFICERS REPORT****PLANNING APPLICATION NO PA1226036**
6 PAINE STREET, NEWPORT

(Mark Tenner)

Application	Construction of 43 dwellings ranging in height from two to three storeys including a reduction in the statutory car parking rate
Applicant	Raio C/- Planning Studio on Peel
Date Received:	21 December 2012
Counter Days	68 as of the 5 September 2013
Zoning	Residential 1 Zone
Overlays	HO27
Any restrictive covenants on the title	None
Easements	No known easements on the subject site.
Current use and development	Vacant
Inspection	Various

BACKGROUND

The subject site has a number of previous planning applications associated with it. The following is summary of those applications together with their current status.

Planning Permit Application P03.858 was issued in 2005 for the subdivision of the subject land into 13 lots, the development of 13 dwellings and associated demolition works. The permit was acted upon by way of the demolition works occurring. However the land has not been subdivided. This permit expires on 22 April 2014.

Planning Permit Application PA1020902 was refused by Council in 2010 to develop 40 dwellings. In April 2011 the Victorian Civil and Administrative Tribunal (VCAT) affirmed Council's refusal to grant a permit for the development of 40 dwellings in planning application PA1020902, in *Cahill v Hobsons Bay CC* [2011] VCAT 589.

Planning Permit Application PA1123425 was refused by Council in December 2011 to develop 43 dwellings. In October 2012 the Tribunal affirmed Council's refusal to grant a permit for the development of 43 dwellings in planning application PA1123425, in *Raio v Hobsons Bay CC* [2012] VCAT 27.

Both Council and the Tribunal determined to refuse the above applications on a variety of grounds, but more specifically on the grounds that centred on the design response and how the series of buildings would present to the public realm. These design 'flaws' failed to appropriately respond to the prevailing site context, the broader neighbourhood character and the preferred development outcomes. In concluding the latter of the two hearings the Tribunal stated:

"The review site provides a good opportunity to introduce a more intense and diverse form of housing into the location... However...the design fails to respond acceptably to the built form of the heritage protected neighbourhood..."

SUBJECT SITE & SURROUNDS

Site

The subject site is a large parcel of land with frontage to three streets, in Newport. The site is on the north side of Paine Street, has frontage to Crawford Street and Latrobe Street, and also abuts Armstrong Reserve to the north.

The site is irregular in shape with respective frontages as follows:

- Paine Street (south) – 65.5 metres;
- Crawford Street (east) - 79.2 metres;
- Latrobe Street (west) - 43.54 metres;
- Armstrong Reserve (north) – 53.02 metres.

The site has a total area of 3,254.2 square metres.

Until recently, the site operated as a timber yard. This was characterised by various timber and metal buildings around the site, while the perimeter of the site was fenced with a very high rusted corrugated iron. The site is currently vacant with all buildings and fencing having been removed from the site.

The Surrounding Area

Within the Hobsons Bay Neighbourhood Character Study the area is in Williamstown Precinct 8, Newport. The area is described as follows:

“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.”

While the area is architecturally diverse it still exhibits an obvious period character. Single storey timber cottages are still the main built form, but the area also exhibits 2-storey infill buildings and additions. Medium density development, including townhouse form, has occurred within many streetscapes. Front setbacks are generally narrow with semi-formal planting in front yards and low rise permeable fencing.

Notably, many properties do not have on-site parking. Properties along Paine Street and Crawford Street do not rear laneways to facilitate on-site parking. Therefore, on-street parking is commonly used and has a reasonably high occupancy.

The site is within an area relatively well-served for social and physical infrastructure, including:

- Newport Station – 700m to the northwest;
- Newport Activity Centre – 700m to the northwest;
- Armstrong Reserve – adjacent to the north;
- Bus service – 200m to the west.
- Williamstown Activity Centre is approximately 1.2 km to the south east.

PROPOSAL

The proposal seeks to construct 43 dwellings ranging in height from two to three storeys including a reduction in the statutory car parking rate. The following summary is summary of the current proposal:

- The proposal comprises 43 dwellings with a semi-basement car park for 50 on site car spaces. Vehicular access is to be provided via a single crossover from Paine Street. Four visitor spaces are also provided within the car park.
- This development provides for a mix of housing type comprising seven one-bedroom, 33 two-bedroom and three three-bedroom dwellings.
- The building is arranged with 15 single level (ground floor) dwellings, configured as five separate groups which have a frontage (outlook) to the respective streets and reserve. These (modules) are separated by four pedestrian entrances that provide access to the first floor podium.
- The remaining 28 dwellings are all double-storey and accessible from, (have their front entry) the first floor podium which is configured around a central common area.
- Street level setbacks are typically between 2.5 metres and 4 metres from the street frontage providing for forecourt landscaping into natural ground combined with terrace areas adjoining living spaces. Timber pickets are provided to a uniform height of 1.5 metres.
- The main walls of the upper levels are setback greater than that of the street level in the range of 3.5m to 5.8m to the three street frontages and 3m to 5m to Armstrong Reserve.
- An elevator is located in the south-eastern entry near the corner of Crawford and Paine Street.
- A 1.0 metre wide pedestrian pathway is proposed along the Armstrong Reserve.
- Materials and finishes are typically brick to ground and first floor levels with a more varied palette of metal cladding and render profiles to the uppermost levels and infill and corner elements at first floor.
- A reduction in on-site parking in respect to four visitor parking spaces.

PERMIT TRIGGERS

Residential 1 Zone

Pursuant to Clause 32.01-4 a permit is required to construct two or more dwellings on the land. The proposal is required to satisfy the requirements of Clause 55 (ResCode).

Heritage Overlay

Pursuant to Clause 43.01-1 of the Hobsons Bay Planning Scheme, a permit is required to construct a building or construct or carry out works.

Car Parking

Pursuant to Clause 52.06-1 a new use must not commence until the statutory number of car spaces has been provided on site or a permit has been obtained to reduce that number.

A statutory car parking rate of one space for each one or two bedroom dwelling and, two spaces for each three (or more) bedroom dwelling applies. In addition to the resident parking provision one visitor space for every five dwellings is also required to be accommodated on site. As 50 car spaces are proposed to be provided on site, a permit is required to waive four of the required visitor car spaces.

PUBLIC NOTIFICATION

The proposed development is not exempt from the notification provisions and therefore the application was advertised pursuant to Section 52 of the Act. Four signs were placed at the site frontages to Paine Street, Crawford Street, Latrobe Street and Armstrong Reserve.

Given the public interest in the previous application for this site, all of the residents who lodged an objection to planning application PA1123425 were notified by mail and a notice was also placed in a local newspaper.

To date, Council has received in excess of 300 separate submissions, 250 of which are in a pro forma format, with the following being the key grounds of objection as follows:

Full copies of the objections are on file and have been summarised below for convenience:

- Residents concerns raised as part of the owner's pre-application community consultation process have not been taken into account.
- Overdevelopment and density too high.
- Out of character with heritage area.
- Buildings height, setbacks and bulk overwhelm the streetscapes and adjacent park.
- The development does not comply with Rescode, Heritage and Neighbourhood Character Policies and Objectives.
- Overlooking.
- Overshadowing.
- High fence(s) around perimeter.
- Poor amenity for future occupants.
- Lack of private open space for dwellings.
- Minimal landscape opportunities.
- Increased traffic will make access to and from Armstrong Reserve hazardous and reduce park experience/amenity.
- Inadequate parking for residents and visitors leading to increased demand for parking, which is already an issue.
- Basement crossover will result in lights from cars shining into bedroom window and be very noisy in general i.e. brakes, car park door, etc.
- The development will place a strain on existing infrastructure and services.
- The residential zone reforms should be considered.
- Noise from heating/cooling systems of concern.
- Environmental sustainable principles have not been appropriately considered.
- Loss of property values.
- The proposed development will set a bad precedent for future development in this area which is characterised by single and double storey detached dwellings.

Comments on the objections are referred to throughout the assessment as relevant.

REFERRALS

The application has been referred to the following Council Departments/Areas for comment:

- Traffic Engineering
- Drainage Engineering
- Strategic Planning / City Image
- Community Development
- Waste and Environment
- Urban Design Advice (External consultant - MGS Architects)

Comments from the above departments and external consultants have been considered in this report where they are specifically relevant to a significant issue in the determination of the proposal.

Full copies of the referral responses are attached in the Appendices.

ASSESSMENT

Most planning proposals include both positive and negative elements. It is the nature of planning that it is almost impossible for major proposals to score a 'perfect 10 out of 10' when stringently assessed the relevant planning policies and guidelines which are sometimes obviously conflicting. The important consideration is to ensure that in making any decision, when weighing up the positives and negatives, a net community benefit will prevail and that the proposal represents an acceptable outcome on-balance. This approach was also put forward by the Tribunal in its most recent decision.

Therefore, in determining whether this current proposal represents an acceptable outcome, it is considered both practical and appropriate to have regard to the previous VCAT decisions as they provide clear direction on what a development outcome should achieve, as well as an analysis of the relevant planning policies. In particular, the most recent decision which focussed on the following key questions:

- *What are the policy objectives for this area of Hobson's Bay?*
- *Is the built form an appropriate response to heritage policy and HO27?*
- *Is the built form an acceptable response to the neighbourhood character?*
- *Does the proposal create any unreasonable off-site traffic or car parking impacts?*
- *Does the proposal achieve appropriate levels of internal amenity?*

What are the policy objectives for this area of Hobson's Bay?

The relevant planning policy provisions in the Hobsons Bay Planning Scheme can be summarised as follows:

State Planning Policy Framework

Clause 11 recognises the need to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in infrastructure including transport and social facilities.

Clause 15 encourages development 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.

The objective of Clause 15.01-1 is *to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*"

Clause 15.01-2 is *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.*"

The objective of Clause 15.01-5 is *to recognise and protect cultural identity, neighbourhood character and sense of place.*

The objective of Clause 15.03-1 is *to ensure the conservation of places of heritage significance.*

Clause 16 includes objectives and standards for residential development.

The objective of Clause 16.01-1 is *to promote a housing market that meets community needs.*

The objective of Clause 16.01-3 is *to identify strategic redevelopment sites for large residential development in Metropolitan Melbourne.*

The objective of Clause 16.01-4 is *to provide for a range of housing types to meet increasingly diverse needs.*

Local Planning Policy Framework

Municipal Strategic Statement (MSS)

Clause 21.06 includes the following overview having regard to Built Environment and Heritage:

Hobsons Bay is a municipality where the residential areas have their own special character. A high standard of design is encouraged in the municipality and gardens and trees in private areas complement green streetscapes. The amenity of residential areas will be protected from the effects of noise, air, water and land pollution.

In established residential areas, dwelling styles and designs contribute to a preferred neighbourhood character in accordance with Neighbourhood Character policies. A new residential character in Strategic Redevelopment Areas will consider and respect the character of the existing surrounding area.

The objectives of Clause 21.06-1 include:

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.

The objectives of Clause 21.06-2 include:

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.

Clause 21.07 includes the following overview having regard to Housing:

“Residential areas provide a distinctive neighbourhood focus and a coherent sense of community and association. Their separation by natural conservation areas reinforces the sense of neighbourhood and unique village feel.

Residential areas will provide a choice of housing types to meet the needs of the diverse households in the municipality. They will contribute to housing affordability and sustainability and energy efficiency through urban consolidation, building design and public transport use.”

The relevant Objective is:

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.

Local Planning Policies

Clause 22.01 relates to Heritage and includes the following relevant Objectives:

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:

- *Inappropriate new development;*

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 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.

Clause 22.01-3 sets out the provisions relating to the Private Survey Heritage Precinct. The following are relevant:

It is policy to encourage infill development that has:

- *Respect for the single storey scale of the precinct with double storey elements setback to minimise visibility from the street;*
- *Detached siting parallel to the frontage, unless angled siting is a characteristic of the street or group of houses where a property is located;*
- *Simple single or double fronted building forms with symmetrical plans in streets or groups of houses that have predominantly Victorian character, or asymmetrically designed plans in streets or groups of houses with predominantly Edwardian or Interwar character;*
- *Horizontal timber weatherboard cladding for walls visible from the street. Alternatively, smooth render brick or masonry or a combination of these may be provided;*
- *Hipped corrugated iron or slate roof forms, except in streets or groups of houses, which have predominantly Edwardian or Interwar character, where terracotta tiles may be provided;*
- *Windows visible from the street that are rectangular, timber-framed and vertically orientated if single, or in a horizontal bank if grouped;*
- *Eaves and verandahs in street elevations.*

Clause 22.10 of the Hobsons Bay Planning Scheme refers to the Hobsons Bay East Neighbourhood Character Policy and includes the following Objectives:

- *To ensure that development responds to the preferred neighbourhood character of the precinct in which it is located.*
- *To retain and enhance the identified elements that contribute to the character of the precincts in Hobsons Bay East.*

In regard to Precinct 8 – Newport, the policy includes the following Objectives:

- *To maintain and strengthen the garden settings of the dwellings.*
- *To minimise the loss of front garden space and the dominance of car parking structures.*
- *To encourage innovative and contemporary architectural responses to surrounding dominant building styles and heritage buildings and streetscapes*
- *To use lighter looking building materials and finishes that complement the use of timber where it is particularly consistent.*

Comment

The key issue in relation to the policy context is balancing the broader policy imperative of achieving urban consolidation with the local policies relating to heritage and neighbourhood character.

In its most recent decision VCAT made the following comments.

The site is identified as a strategic redevelopment site *on which a significant development achieving urban consolidation should be achieved*. However, it was noted that this opportunity is tempered by its context. The site;

“...is not within or adjacent to an activity centre but rather within the residential hinterland. The residential hinterland is under a heritage overlay. The neighbourhood is characterised by low scale, predominantly single storey, cottages. State and local policy both seek development that respects and responds to neighbourhood character.”

The Tribunal went on to say that;

“...on this strategic redevelopment site, we find that respect for the preferred neighbourhood character does not necessarily have to reflect every aspect of the form of development seen in individual allotments....As a result, we would anticipate a built form which is larger in scale than the surrounding housing stock, but one in which cues from the surrounding neighbourhood are clearly evident.”

They further stated 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....a development of far more intense scale and differing built form is acceptable*.

The referral response from Council's City Strategy team advised that the proposal is;

“...in line with the strategic policy framework and City Strategy has no objection to intensification of the residential use given its proximity to Newport train station and the Newport Activity Centre...”

The proposal will better utilise the existing retail, recreational & community facilities afforded by the Newport Activity Centre as well as utilise existing infrastructure within the precinct. As such it is consistent with the relevant strategic policies and represents an overall benefit for the Hobsons Bay community and therefore City Strategy provides ‘in principle’ support for the development...”

It is concluded that the proposed development is consistent with the relevant policy objectives in the Planning Scheme and, as such enjoys, strategic support at both State and Local level because:

- It provides an acceptable urban consolidation outcome based on the size and location of the site.
- It will contribute to housing diversity and some measure of affordability.
- There are limited off-site amenity impacts.
- The design has been revised to take some ‘cues’ from the surrounding built form.
- The design fronts the surrounding three streets and the park which encourages passive surveillance to those public spaces.

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

The relevant heritage policy has been outlined in the previous section of this report. It generally seeks to ensure that new buildings are visually recessive and compatible in terms of scale, siting, design, form and materials with prevailing and preferred character of the immediate area.

In summary the key points raised by council's Heritage Adviser are as follows:

- *A minimum 3.0m setback should be provided along the perimeter of the development and larger if possible with increased horizontal articulation rather than reduced setback areas;*
- *The width of each dwelling/apartment at ground level should be increased to 10-12 metres to reflect the existing context. The design should provide for breaks between the groups buildings.*

- *The podium level should be lowered to provide for a connection between the new development and the surrounding context and to allow for views through the development.*
- *The buildings on the Paine Street and La Trobe Street should be two storey high and the buildings fronting Crawford Street and the Park should incorporate a variety of two storey and three storey high buildings (staggered to incorporate articulation and variety) the central block could be three storey;*
- *All cantilevering design elements should be deleted;*
- *The upper levels should incorporate lightweight forms such as the gable roof with exposed rafters and lightweight wall and roof materials;*
- *The design should provide increased upper level setbacks for those dwellings fronting the Park and use more natural timber finishes;*
- *Access to the car park should be from The Crawford Street where car access is more common. The roof form of the buildings fronting Crawford Street could be more of the skillion type linking in with the outbuildings of the backyards;*
- *Materials and colours should relate to the site and context, such as, natural timber finishes, weatherboards or equivalent and corrugated steel.*

The surrounding area comprises a mixture of built forms, some of which contribute to the heritage significance and some of which do not.

The Tribunal in both its decisions found the heritage character to be fairly low. In its most recent decision it noted that a “...stylistically different group of dwellings could contribute to the layering of history...” which is found in the Private Survey Heritage Precinct. They went on to conclude 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.”

In the face of these findings, it becomes less of a heritage issue and more of a neighbourhood character issue.

On this basis, the proposal is considered to be an acceptable response to the heritage policy. The adoption of pitched roof forms which are a modern interpretation of traditional roof forms assist the proposal to respond to the broader heritage context. There are opportunities to adjust some of the materials and the building detailing to further assist with this.

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

This is considered to be the key issue in a local policy context.

Again the Tribunal’s findings on the previous application are of relevance.

It considered the neighbourhood to comprise of the following characteristics:

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

The Tribunal noted there were variations to these consistent ‘themes’ in terms of diversity of built forms, with the predominance of period homes in some streets and two storey infill dwellings in others.

The following comments by the Tribunal are also relevant:

- *We consider that a development of contemporary design adopting a largely three storey form built around the perimeter of the site is a legitimate starting point for development on this site.*
- *In a neighbourhood where policy identifies its defining characteristics as modest and low scale, it is not unreasonable to seek a development, even if it contains 40 units and rises to three storeys, that has a low key manifestation. We consider that in this location, residents have a legitimate expectation that not only the scale, but also the built form of new development will be a ‘well mannered’ addition to the neighbourhood.*
- *We find, as did the previous Tribunal, that a perimeter layout is a sensible response to the neighbourhood, and accept that a lower podium will assist in providing more legible breaks. Dwellings built along street edges reflect the street pattern of the area.*

In summary, the key failings of the previous proposal were identified by the Tribunal as:

- The proposal presented as a ‘monolithic block’.
- The three metre frontage setbacks while consistent with many in the neighbourhood were diminished by the upper floor projections, particularly along Paine Street.
- A satisfactory degree of articulation and modulation was not achieved.
- The built form required ‘fracturing’ in order to better reflect that of the neighbourhood. *“This is not a matter of applied decoration or stylistic references, rather it is simply an echo of, or link to, the variety and broken forms evident in the majority of the existing housing, using a contemporary idiom.”*
- A design solution is required for a built form which does not mimic existing buildings in the area but sits comfortably amongst them while taking cues from the characteristics evident in the existing built form.
- Lack of variations in building height.
- The third level setbacks while acceptable were a ‘dark element’ which emphasised the horizontality of the blocks rather than breaking them down into smaller forms.
- The setbacks of the dwellings fronting the reserve were inadequate to La Trobe and Crawford Streets and the upper level setbacks to the reserve were diminished by heavy pergola structures.
- Lack of identification of front entries to the ground level dwellings.

Comment

It is considered the current proposal provides an acceptable response to the neighbourhood character and adequately addresses the previously identified shortfalls.

The proposal now includes:

- Pitched roof forms which reflective of the traditional roof forms found in the area.
- Adequate horizontal and vertical articulation of the built form.
- Variations in setbacks along the frontages.
- Increased setbacks of the end two dwellings facing Armstrong Reserve from La Trobe and Crawford Streets.
- The introduction of breaks in the ‘blocks’ of dwellings along all frontages, but in particular the Paine Street and Armstrong Reserve frontages.
- Some variation in height with the introduction of two storey elements and a maximum height of three storeys in lieu of the previous development which went up to four storeys.

The latest proposal provides more defined entries to the ground floor dwellings with separate entry doors, although they are generally located next to larger sliding doors to living areas. In a number of instances the entry gates in the front fence are offset from the dwelling entry. It would be preferable if they were located opposite the dwelling entry to both assist with better defining the entry location and make the paved courtyard more useable and not interrupted by pedestrian access.

Some changes to materials and roof detailing, as generally noted in the heritage section of this report, will also assist the proposal in responding to its context.

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

Car Parking Provision

The proposal seeks to accommodate 43 dwellings which under Clause 52.06 attracts a requirement for 46 car parking spaces and 8 visitor parking spaces.

The application proposes 50 car spaces within the semi-basement area, 46 of which are for the respective dwellings and remaining four for visitor use. Therefore a reduction in the statutory car parking requirement is required for the shortfall of four visitor spaces, under Clause 52.06.

Further to the above numerical car parking spaces the following decision guidelines to Clause 52.06 in the planning scheme must be considered when assessing a reduction in the car parking requirements:

- *The availability of car parking in the locality.*
- *The availability of public transport in the locality.*
- *Any car parking deficiency or surplus associated with the existing use of the land.*
- *An empirical assessment of car parking demand.*

The following discussion responds to the abovementioned decision guidelines of Clause 52.06.

Visitor Parking

The proposed reduction of four on-site visitor car spaces in this application is considered acceptable and can be absorbed by the surrounding street network.

The site enjoys extensive frontages to three streets. There will be in the order 27 on-street car spaces available in those streets adjacent to the subject site. The on-street car parking spaces will adequately cater for the visitor parking needs for this development.

This is consistent with the findings of VCAT on the previous application where there was a shortfall of three spaces. The Tribunal stated:

“...we still find that there will be more than sufficient capacity to cater for the three visitor car parking spaces that are needed off-site at peak times.

We therefore consider it appropriate to grant the requested reduction in the provision of visitor car parking on site.”

Further to the above, given the fairly narrow width of the Paine Street road carriageway (compared to Crawford and La Trobe Streets), it may be appropriate to require the applicant to provide some indented parking bays along this frontage to the site to improve traffic flow along Paine Street.

Car Parking Layout and Access Arrangements

Council's Traffic Engineers acknowledged that the dimensions of the proposed parking spaces, including that of the car stacker systems generally comply with or exceed the requirements of Clause

52.06-8. They queried some minor discrepancies between information included in the traffic report and that detailed on the plans. Conditions can be imposed on any permit issued which address these matters and other comments raised by the Traffic Engineers as follows:

- The plans be altered to correctly refer to 23 stackers in lieu of 22 stackers shown.
- Confirmation of the overall height of the stacker pits and headroom at 5.8m.
- The location of the columns in the car park to comply with Section 5 of AS/NZS 2890.1:2004. to be setback from the front edge of the car space between 0.65m and 1.65m to comply with the specifications.
- Confirmation of the headroom clearance of the proposed semi-basement garage door (height of the garage door) through the provision sectional plans of the semi-basement garage indicating the headroom clearance of the garage and the basement.
- Provision of a disabled parking space which is not included in the stacker spaces.
- Fencing next to the proposed driveway from Paine Street to be not more than 1.2m high for the first 2m along the road frontage, and the side fence should not be more than 1.2m high for the first 2.5m from the front property boundary to provide for adequate pedestrian sight lines.

Traffic

A Traffic Report, prepared by *Traffix Group*, was submitted as part of the application. It provides an assessment of the likely number of vehicle movements to and from the site based on surveys of other medium density developments within middle-suburban areas.

In referring the proposal to Council's Traffic Engineers, it is considered that the surrounding road network is capable of accommodating this increase in traffic and therefore would not cause undue congestion or loss of pedestrian safety.

Overall, the traffic that will be generated by this current proposal can be readily accommodated by the local road network.

Bicycle Facilities

Clause 52.34 requires that bicycle parking/storage facilities are provided for residential developments of four or more storeys at a rate of 1 space per 5 dwellings for residents and 1 space per 10 dwellings for visitors. Although this requirement is not applicable, given the building is less than four storeys in height, this proposal provides for no less than 25 bicycle spaces within the foyer and corridor areas throughout the building. The statutory requirement for a residential development of this number of dwellings (if it was four storeys) would be 13 spaces.

This proposal provides over and above the statutory requirement, is appropriately located and is therefore supported.

Other Matters

Urban Design

The application was referred to Council's external Urban Design consultant for comment. He was generally supportive of the proposal. Key points are summarised as follows:

- *The proposal provides for diversity of housing due to the mix of apartment sizes and bedroom numbers.*
- *The built form and roof forms pick up on the fine grain of the surrounding area.*
- *Public access along the park frontage is supported.*
- *The site organisation, massing and visual permeability is well handled.*
- *Provision of bicycle storage facilities over and above the minimum requirements is supported.*

- *The extension of the visual space of the park into a first floor podium central garden is welcomed and had the potential to provide a visual extension of the green space of the park if well handled.*
- *The amenity provided for the dwellings is well managed and will result in a high level of amenity for occupants.*
- *Balconies are well proportioned. Rooms are generously proportioned and generally configured to achieve cross ventilation.*
- *The majority of dwellings are designed to be visitable by people of all abilities.*
- *The proposed material palette is robust and reference local materials subject to some changes.*
- *The treatment of corners with stepping down of the development to two levels, the provision of generously scaled visual breaks between upper level form and the blending of hip and gable forms combines to provide built form and articulation that is meritorious in concept.*
- *The progressing stepping back of the upper levels has been competently handled.*

The report recommends a number of matters which can be dealt with by way of conditions. These relate to landscaping, the design of the common green space, materials and finishes, measures to reduce amenity conflicts between dwellings and the provision of integrated art and a heritage interpretation strategy based on the historical use of the site.

Footpaths and Park Interface

There are currently no footpaths along the street frontages to the site. It is considered appropriate to include conditions requiring the applicant to provide pedestrian footpaths at their expense. They can either be built by the applicant to Council's specifications or by Council at the applicant's expense.

Council's Recreation Department reviewed the application and, while generally supportive of the proposal to include a path along the northern boundary of the site to Armstrong Reserve as well as access from the development to the reserve, had some concerns with the relationship of proposed development to Armstrong Reserve and potential impacts to its functionality.

Specific suggestions were as follows:

- *Widening of the public path along the northern boundary of the site to 2.0m with 500mm of this coming from the reserve land. Construction of the path to be undertaken at the expense of the developer.*
- *Replacement vegetation be provided in the park adjoining the path at the cost of the developer. This will better integrate the development with the reserve, reduce impacts of noise, loss of privacy, and potential property damage and achieve a clear delineation between the public and private realm.*
- *Relocation and replacement of the existing cricket nets must be at the expense of the developer.*
- *While the communal space provides quality visual amenity and functional value to future residents, the landscaping plans should demonstrate that the courtyard would be an attractive, comfortable and functional environment for future users.*
- *Look at opportunities to further enhance the Armstrong Reserve public infrastructure (these could include, picnic facilities, shelter and seating or additional play opportunities/ expansion of the play space) to better provide a functional communal space for new users resulting from the development.*

Comment

It is proposed to require the owner to construct footpaths along the three street frontages. The standard footpath width is 1.5m. In light of this, it is considered acceptable to require the path along the front of the dwellings facing the reserve to be widened to 1.5m in lieu of 2.0m with the additional 500mm being taken from the reserve.

Replacement tree planting can be required along the north side of the path as part of the requirement for a landscaping plan for the development.

It is also reasonable to request a contribution towards works in the reserve which have a relationship to the development such as the relocation of the cricket nets and other upgrades to the reserve.

Clause 55 (Res Code)

An assessment against the provisions of Clause 55 is attached in Appendix 2. The proposed development achieves a high level of compliance with the Objectives and Standards. Any relevant issues are discussed under the related headings above.

Response to Objections

A response to each of the relevant key issues raised in the objections is provided in the following discussion except in relation to those which have been addressed in the previous sections.

Density

There is no specific density controls in the Res Code provisions of the Hobsons Bay Planning Scheme. The Scheme calls for a development outcome that is responsive to the site and neighbourhood.

The site also provides the opportunity to make a significant contribution to the strategic urban consolidation imperative in an otherwise heritage protected area where fairly limited opportunities exist.

As discussed elsewhere in this report the proposed development is considered to be an acceptable design response in the context of the site and its surrounds and, as such, the proposed density is justified.

Neighbourhood Character, height, bulk and setbacks

As discussed in greater detail above, it is agreed that the proposed form of the building is different to that of the existing prevailing character.

However, the proposal is considered to be an acceptable response given the breaks between the buildings, the level of articulation and the adoption of roof forms found in the area.

Conditions are proposed which make some changes to materials and facade treatments.

Overlooking

The proposal complies with the relevant Res Code provision in relation overlooking. Any overlooking outside the site is towards the public realm and any sensitive interfaces are more than 9.0m away.

Overshadowing

The proposal complies with the relevant Res Code provision in relation to overshadowing. Any overshadowing extends over the adjoining streets rather than private properties.

Lack of Private Open Space for Dwellings

The proposal is considered to comply with the relevant Res Code Objective in relation to private open space for the dwellings.

While the ground floor dwellings have fairly small areas of secluded private open space, they are of sufficient dimensions to be useable. A condition is proposed which relates the entry gates to be

opposite dwelling entries to make the open space areas more useable and not 'interrupted' by pedestrian access.

One dwelling has a balcony which is less than the required area specified in the Standard. Accordingly, a condition is included which addresses this. Another dwelling has a fairly small ground level courtyard which should be increased in area.

Armstrong Reserve provides accessible public open space which the future residents will also be able to make use of. A condition has been included requiring the owner to pay a contribution to the upgrade of the reserve.

Impact of Basement Crossover

This was considered by the Tribunal as part of the previous hearing and found to be acceptable.

Impact on Infrastructure

The site is in an existing established area. No information has been provided to confirm that infrastructure will be adversely impacted upon by the proposed development.

Council has control over storm water impacts and Council's Engineers have advised that storm water discharge needs to be restricted to pre-development levels.

It is up to the relevant service authority to monitor the capacity of its infrastructure.

Noise from Heating/Cooling Systems

A condition is proposed which requires plant and equipment to be located in such a manner to prevent unreasonable amenity impacts.

Loss of Property Values

This is not a relevant planning consideration.

Residential Zone Reforms should be considered.

The State Government has recently announced changes to the residential zones to introduce a suite of new zones being the General Residential Zone, Neighbourhood Residential Zone and Residential Growth Zones.

The General Residential Zone is essentially the equivalent of the current Residential 1 Zone.

The Neighbourhood Residential Zone is a more restrictive zoning which seeks to limit development in areas identified for 'urban preservation'. This might typically apply in an area where there is a particularly strong neighbourhood or heritage character.

As the name implies, the Residential Growth Zone is for areas where increased development is encouraged such as in and around activity centres, train stations and the like.

Councils have 12 months to prepare a Planning Scheme amendment to introduce the new zones. This Council has identified that extensive strategic planning work is required to be done in order to prepare such an amendment. In short, it is not a simple process.

In regard to the current application, Council must consider it based on the zoning as it currently stands.

Environmental sustainable principles have not been appropriately considered.

A condition is proposed which requires the owner to prepare a sustainable design statement which details the sustainable design initiatives to be incorporated into the development.

Pre-application Community Consultation Process

The owner engaged in a fairly extensive pre-application community consultation process to seek the views of residents.

Many objectors raised concerns that the comments provided as part of this process have been ignored.

While council was kept informed of the progress of the community consultation, it did not have any involvement in it.

It was up to the owner to decide how they applied the findings of the consultation.

Council has to consider the application currently put before it.

Parking and traffic

Based on the above assessment of the proposal, it is considered that adequate parking has been provided and the surrounding road network is capable of accommodating any additional traffic that would be generated. This is consistent with the previous VCAT findings.

Would set an inappropriate precedent

Precedent is always a difficult argument to sustain as every proposal must be considered on its individual merits.

CONCLUSION

As discussed, there is strategic support for a more intensive residential development of the subject site due to its particular characteristics. The proposal also contributes to strategic objective of housing diversity.

In the opinion of the officers assessing the current proposal, the changes incorporated into the current design do sufficiently change the nature of the development to make it more in keeping and respectful of its neighbours and subject to the alterations in the proposed conditions below it warrants approval.

The proposal is consistent with relevant provisions of the Hobsons Bay Planning Scheme and therefore an acceptable response to the neighbourhood character. The latest design also largely addresses the matters raised in the previous VCAT decisions.

For reasons outlined in this report it is recommended that the application be approved and a Notice of Decision to Grant a Permit issued.

OFFICER'S RECOMMENDATION

Having caused notice of Planning Application PA1226036 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987, a Delegate of Council decide to issue a Notice of Notice of Decision to Grant a Planning Permit under the provisions of the Hobsons Bay Planning Scheme in respect of the land known and described as 6 Paine Street, Newport, to construct 43 dwellings ranging in height from two to three storeys including a reduction in the statutory car parking rate subject to the draft conditions detailed below:

Permit No. PA1226036

NOTICE OF DECISION TO GRANT A PERMIT



Hobsons Bay
CITY COUNCIL

Hobsons Bay Planning Scheme **Responsible Authority: Hobsons Bay City Council**

The Responsible Authority has decided to grant a permit. The permit has NOT been issued.

ADDRESS OF THE LAND: 6 Paine Street, Newport

THIS PERMIT ALLOWS: Construction of 43 dwellings ranging in height from two to three storeys including a reduction in the statutory car parking rate in accordance with the endorsed plans.

- 1 Before the development starts, three copies of revised plans drawn to scale and dimensioned, 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 substantially in accordance with the advertised plans, but modified to show to the satisfaction of the Responsible Authority:

- a) The positioning of all plant and equipment (including air-conditioning units, heating units, hotwater systems, etc) which is proposed to be located externally. Such plant and equipment must be positioned to prevent unreasonable noise and visual impact. The location of all external downpipes and rain heads and the like must also be shown.
- b) All roof top plant lift overruns, service entries, communication devices, television aerials and other technical attachments located externally to be treated as part of the overall design. (Note: Equipment, services and architectural features (other than those shown on the endorsed plan) must not be above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority).
- c) A detailed schedule of all external materials, finishes and colours. The schedule shall show the materials, colour (including two actual colour samples) and finish of all exterior surfaces including external walls, roof, fascias, canopies, window frames and doors, and paving (including car parking surfacing). The materials to include the following:
 - All external joinery (window and door frames) to be a wide-framed (commercial) section and recessed into (not flush with) the surrounding wall;
 - All ground (street) level face brickwork to comprise recycled red bricks or rendered finish;
 - All first floor brickwork replaced with rendered finish;
 - Corrugated zincalume roof and wall cladding (where metal wall cladding is proposed);
 - All metal wall cladding to be horizontal rather than vertical;

- Zincalume gutters and downpipes – can be painted;
 - Introduction of timber weatherboard cladding in lieu of rendered finishes to the upper levels in accordance with Condition 1(d) hereof;
 - Deletion of white Colorbond cladding;
 - Colour palette to comprise generally lighter colours and natural timbers.
- d) The façade treatment of all of the third-storey walls that will be visible from outside of the site to be replaced with horizontal timber weatherboards or a product with a profile equivalent to timber weatherboards (e.g. Hardies Linea boards).
- e) The provision of eaves, having a minimum depth of 300mm, to all of the dwellings with a hip-roof form.
- f) The fascias to the gabled-roof forms reduced in width to provide a 'lighter' appearance and the 'box-like' extension feature below the pitched portion of the roof (side walls) deleted and the provision of exposed eave rafters to be included.
- g) The front fence to the east of the proposed driveway on Paine Street reduced to 1.2m high for the first 2.0m along the road frontage, and the side fence reduced to 1.2m high for the first 2.5m from the front property boundary to provide for adequate pedestrian sight lines.
- h) The entry gates in the front fence to each ground level dwelling facing the adjoining street relocated to be opposite (in line with) the entry door to the respective dwelling to better define the entry location and improve the usability of the secluded private open space.
- i) The effective headroom clearance for the semi-basement car park, including the pit depth of 2m, provided at a minimum of 5.8m to comply with the applicable Australian Standards.
- j) The location of the columns in the car park to comply with Section 5 of AS/NZS 2890.1:2004. and setback from the front edge of the car space between 0.65m and 1.65m to comply with the specifications.
- k) Confirmation of the headroom clearance of the proposed semi-basement garage door (height of the garage door) through the provision of sectional plans of the semi-basement garage indicating the headroom clearance of the garage and the basement.
- l) The car park layout plan altered to correctly refer to 23 stackers in lieu of 22 stackers currently shown.
- m) Details demonstrating that the development complies with the Access to Premises Standards (via Australian Standard 1428.1 - design for Access and Mobility) including, to the satisfaction of the Responsible Authority:
- Provision of a continuous accessible path of travel to the front door for the dwellings (that is from the car park to the lift; and from the street into the building, and consequently into the dwelling);
 - Provision of internal openings and hallways that meet the Standard;
 - Ensuring the minimum width of any common area in the building meets the Standard;
 - Ensuring the lift dimensions meet the Standard;
 - Provision of a designated accessible car space that is placed closest to the lift and is not located in a car stacker;
 - Ensuring the entrance to the car park is to have a minimum headspace above dedicated accessible car spaces;
 - Alterations to the ramp entrance from the car park to the foyer area that does not rely on the car park entry ramp.
- n) The construction of a 1.5 metre wide pedestrian footpath along the three street frontages to the subject site. The design and construction of the footpaths is to be carried out by the owner at their expense to the satisfaction of the Responsible Authority.
- o) The provision of indented parking bays for three cars on the northern side of Paine Street within the nature strip in accordance with the plans approved by Council pursuant to Condition 27 of this permit.
- p) The construction of a 1.5 metre wide pedestrian path along the length of the Armstrong Reserve property boundary of which 500mm of it is to be accommodated within Council the reserve. The design and construction of the footpaths is to be carried out by the owner at their expense and to the satisfaction of the Responsible Authority
- q) Nomination of tree protection zones around the existing trees in Council land adjacent to the site as referred to in Condition 39 of this permit.

- r) The redesign of the podium level communal garden to provide a more ambitious integrated central village green that is bounded by the pedestrian paths rather than being broken into to smaller areas as currently shown. The positioning of the car park vents must be relocated to provide greater usable areas for relaxation/recreation and significant planting.
- s) All front fencing reduced to a maximum height of 1.2 metres except where the fencing abuts the paved private open space areas where a higher fence would be acceptable subject to the design being a picket style fence with a minimum 25% permeability. The detailing of fences should be further considered to provide a varied and visually interesting streetscape treatment. (i.e. Some setbacks with foreground planting may enhance the longer streetscapes).
- t) Provision of a public lighting strategy for the ground and first floor street areas.
- u) Provision of an integrated artwork within a common area on the site.
- v) Details of the design of mail boxes drawn to a scale of 1:50; mailboxes to be integrated into the overall development/building design. Any such structure(s) is/are to be visually unobtrusive and secure together with space for newspaper delivery.
- w) The location and design (including elevations) of any structure required to accommodate an electricity meter box(s). The structure(s) must be designed to be integrated into the overall development/building design.
- x) The offsetting and resizing of windows throughout the development to minimise the need for overlooking screening between dwellings as generally outlined in the urban design advice from MGS Pty Ltd prepared for the Responsible Authority and dated 1 July 2013.
- y) Window proportions of all windows visible from the reserve and the street altered to 2 vertical to 1 horizontal.
- z) The balcony to Dwelling 30 increased in size to accord with Standard B28 of Clause 55.05-4 of the Hobsons Bay Planning Scheme to the satisfaction of the Responsible Authority.
- aa) The section of courtyard to Dwelling 6 with a depth of 3.5m increased to have a width of 4.0m (similar to Dwelling 7).
- bb) The preparation of a detailed landscaping plan prepared by a suitably qualified landscape architect or designer detailing the proposed landscape treatment of the site including the location of all existing street trees and proposed species. An emphasis must be placed on maximising the use of native drought tolerant species. The landscape plan must include (but not be limited to) the following:
 - i) The provision of advanced evergreen canopy trees and, where appropriate for solar access reasons, deciduous canopy trees to be planted within the property frontages with an emphasis for 'clusters' of trees to enhance the streetscape edges.
 - ii) The provision of additional street trees to be planted within the Paine, Crawford and Latrobe Street road reserves frontage of the site including a notation that the planting of the street trees is to be carried out by the Responsible Authority at the cost of the owner.
 - iii) A notation stating that all landscaped areas provided with an appropriate automated irrigation system.
 - iv) A notation stating that all trees must be a minimum height of 1.5 metres at time of planting.
 - v) Nomination of tree protection zones in accordance with Condition 39.
 - vi) The setting back of fences from the corner of Crawford and Paine Streets to allow the planting of a major corner tree to create a more generous and convenient corner arrangement.
 - vii) Reconfiguration of the ground floor private open space areas to provide for a planted zone between the fence and paved areas and detailed landscape proposals for the ground floor areas.
 - viii) The inclusion of water sensitive urban design principles.
 - ix) The provision of additional streetscape and forecourt planting, street furniture and lighting to the satisfaction of the Responsible Authority. Details of all street furniture, public lighting, materials and finishes to be provided.
 - x) Resolution of the stair and internal street and planter details to the satisfaction of the Responsible Authority.
 - xi) Details of the staircase down to Armstrong Reserve.
 - xii) Details of the landscaping, irrigation, furniture and other structures or treatments for the central common garden area which are designed to ensure the area remains

attractive in the long term. This space should also accommodate some trees in purpose designed planters to act as an extension of the vegetation in the adjoining reserve.

- xiii) Inclusion of buffering planting between the windows to the bathroom and kitchen areas of Units 32, 33, 34 and 38 (bath1) and common walkway areas.
 - xiv) Within Armstrong Reserve the removal of existing vegetation to accommodate the footpath required under condition 1 (p) and the provision of replacement canopy tree planting comprising a consistent row of single species, advanced, deciduous trees. Trees must be of an appropriate scale to the development and at an appropriate spacing to create a consistent canopy cover. The species selection shall be to the satisfaction of the Responsible Authority. The cost of the removal and replacement planting must be borne by the owner.
- 2 The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 - 3 Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.
 - 4 Prior to the occupation of any of the dwellings, all buildings and works specified in this permit must be completed to the satisfaction of the Responsible Authority.

Landscape Bond

- 5 Prior to the endorsed plans being made available a bank guarantee or bond of \$5,000 must be lodged by the owner with the Responsible Authority to ensure the satisfactory establishment of landscaping works. Once landscaping has been completed in accordance with the endorsed landscaping plan, Council must be notified so that a site inspection can confirm the landscaping is compliant, and a 6 week establishment period will commence. The bank guarantee or bond will be returned after landscaping has been initially maintained for that period to the satisfaction of the Responsible Authority. After the establishment period, the landscaping must be maintained in accordance with the endorsed landscaping plan to the satisfaction of the Responsible Authority.

Arborist report

- 6 Concurrently with the submission of amended plans in accordance with Condition 1, the owner shall obtain and submit to Council a report from a suitably qualified Arborist in regard works associated with the construction of any building structure in the vicinity of all existing street trees, in particular the larger trees on the Latrobe Street frontage to the site. The report shall address the following requirements to the satisfaction of the Responsible Authority:
 - a) The establishment of tree protection zones (TPZ) around the existing trees of at least the dimensions referred to in Condition 39 hereof. The area within the TPZ is to be fertilised and receive a root hormone drench.
 - b) The TPZ is to receive deep and infrequent watering, i.e. once a week to once a fortnight or as required depending on climatic conditions and for a period up to the end of the following summer.
 - c) The soil level within the TPZ is to be neither built up nor lowered.
 - d) No excavations or underground services are permitted within TPZ.
 - e) The TPZ must be kept clear of all vehicles, plant, tools, equipment, building materials and debris.
 - f) The washing of tools and equipment should be done at a distance where contaminants will not flow or leach into TPZ.
 - g) A suitably qualified Arborist must supervise all excavations within the vicinity of the tree root zone of the street trees adjacent to the proposed building structure in Latrobe Street.
 - h) Excavation depth for proposed works to be maximum of 200mm or as otherwise recommended by the Arborist to the satisfaction of the Responsible Authority.

- i) Any roots larger than 20mm in diameter that are exposed during excavations must be clean cut and the exposed face of all excavations must be kept moist until it can be backfilled. If trenches are to be left open for extended periods they can be lined with wet hessian to prevent rapid drying of the soil and feeder roots.
- j) Excavation works within the vicinity of the root zones of the Latrobe Street trees adjacent to the proposed building structure, should take place between April and October.
- k) The supervising Arborist may wish to modify treatments depending on the extent of root loss.
- l) Pruning and/or lopping to the canopies of the street trees and any recommendations on the redesign or re-siting of the approved building (if required) to ensure the continued health of the trees.

After the Arborist's report is to Council's satisfaction and has been endorsed, all recommendations of the endorsed Arborist's report must be carried out before and during construction of the approved development, to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

- 7 Concurrently with the submission of amended plans in accordance with condition 1, a Sustainable Design Statement (SDS) detailing sustainable design initiatives to be incorporated into the development must be submitted to the Responsible Authority for approval. The SDS must outline the proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. Upon approval the development must be constructed in accordance with the Sustainable Design Statement to the satisfaction of the Responsible Authority.

Section 173 Agreement

- 8 Prior to the commencement of the development approved under this permit, or any other date approved by the Responsible Authority upon receipt from the owner of a request in writing, the owner must enter into an Agreement (the Agreement) with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987. The Agreement shall provide for:
 - Payment by the owner to Council of a financial contribution of \$35,000.00 towards the costs of works in Armstrong Reserve such as the relocation and/or replacement of the cricket nets and other reserve upgrade works to be carried out by the Council.

All costs associated with the preparation, execution and registration of the Agreement are to be borne by the owner. The agreement must be registered on the title to the land under Section 181 of the Planning & Environment Act 1987.

The requirement to enter into the Section 173 Agreement may be waived by the Responsible Authority if other arrangements to its satisfaction are made to achieve the requirements of this condition.

Site History

- 9 Concurrently with the submission of amended plans in accordance with Condition 1, or prior to any other date approved by the Responsible Authority upon receipt of a written request from the owner, three copies of a heritage interpretation strategy prepared by a suitably qualified person must be submitted to the Responsible Authority for approval. The strategy may include the design of an interpretative plaque or signage detailing the history and significance of the former use of the land or other appropriate outcome to the satisfaction of the Responsible Authority. When approved the strategy will form part of this permit and must be installed prior to the occupation of any dwelling within the buildings hereby permitted.

Waste Management Plan

10 Concurrently with the submission of amended plans in accordance with Condition 1, a Waste/Recyclable Management Plan must be submitted to and approved by the Responsible Authority. The Waste/Recyclable Management Plan must:

- a. Detail how the collection of waste and recyclable materials will be managed;
- b. Specify the frequency at which waste and recyclable materials will be collected from the subject land;
- c. Identify where and how waste and recyclable materials will be stored within the subject land;
- d. Detail how the emission of odour caused by waste and recyclable materials stored on the subject land will be controlled;
- e. Evidence that the bin storage area is sufficient to cater for the amount of waste/ recyclable materials likely to be generated on the subject land;
- f. Detail the type of bins to be used on the subject land;
- g. Provide details of any screening and ventilation to be provided in association with the storage of waste/recyclable materials on the subject land;
- h. Identify who will be responsible for taking bins in and out for collection, and where bins will be collected from;
- i. Identify how recyclable materials will be collected from the subject land and where it will be collected from;
- j. Confine the hours during which waste and recyclable materials are collected to:
 - i. 7am to 8pm Monday to Saturday
 - ii. 9am to 8pm Sunday and public holidays
- k. Nominate access routes (for private waste collection vehicles); and
- l. Any other relevant matters,

all to the satisfaction of the Responsible Authority.

11 The owners and occupiers of the subject land must ensure that the Waste/Recyclable Management Plan approved pursuant to Condition 10 of this permit is complied with, to the satisfaction of the Responsible Authority.

Environmental Assessment/Audit

12 Before the construction of the development allowed by this permit, other than necessary demolition and investigation works forming the environmental site assessment process, an Environmental Assessment must be submitted to and approved by the Responsible Authority. The Environmental Assessment Report must be prepared by a suitably qualified environmental professional in accordance with the Potentially Contaminated Land General Practice Note (Department of Sustainability & Environment June 2005) to the satisfaction of the Responsible Authority and at the expense of the owner/permit holder. The report must include recommendations as to whether the condition of the land is such that an Environmental Audit should be conducted taking into account the proposed use. The owner/permit holder must comply with the findings of the site assessment to the satisfaction of the Responsible Authority, including if required the preparation of an environmental audit. The owner/permit holder is responsible for all costs associated with the preparation of the Environmental Assessment Report and if required the environment audit, including those incurred by the Responsible Authority to review the document.

13 If pursuant to Condition 12 an Environmental Audit is required, then before the construction of the development allowed by this permit (other than excavation as necessary) either:

- a. A Certificate of Environmental Audit for the land must be issued in accordance with Section 65Y of the Environment Protection Act 1970 and provided to the Responsible Authority, or

- b. An Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land are suitable for the use and development that are subject of this permit and that statement must be provided to the Responsible Authority.

14 Where a Statement of Environmental Audit is issued for the land pursuant to Condition 12:

- a. The buildings and works and the uses of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement to the satisfaction of the Responsible Authority.
- b. Prior to the commencement of the use and buildings and works (other than excavation), prior to the issue of a Statement of Compliance under the Subdivision Act 1988 and prior to the issue of an Occupancy Permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the Statement have been satisfied; and
- c. Where any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner must enter into an Agreement with Council pursuant to section 173 of the Planning and Environment Act 1987. Where a Section 173 Agreement is required, the Agreement must be executed before the development starts, and prior to the certification of the plan of subdivision under the Subdivision Act 1988. All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner.

Construction Management Plan

- 15 Prior to the commencement of any site works authorised under this permit, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works are to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority.

The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:

- a) Hours for construction activity in accordance with any other condition of this permit;
- b) Measures to control noise, dust, litter, water and sediment laden runoff from the site;
- c) Retention of public access to public roads, footpaths and any abutting right of way. Any drawings contained in the plan must include notations that such access will be retained;
- d) The location and design of a vehicle wash down bay for construction vehicles on the site, if required;
- e) Details of measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- f) The location of parking areas for construction and sub-contractors' vehicles on the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding land uses and traffic flows. The ground level car park on the land must be made available for use by sub-contractors/tradespersons upon completion of that area, without delay;
- g) Contact details of key construction site staff;
- h) The location of any portable site offices and amenities;
- i) Details of protection works and traffic control measures for Paine, Crawford and Latrobe Streets.
- j) An indicative timetable for the staging of the works;

- k) Details of temporary fencing works;
- l) Details of how compliance with the recommendations of the endorsed Arborist's report (condition 6) and Tree Protection Zone (condition 39) of this permit will be managed and achieved; and
- m) Any other relevant matters;

all to the satisfaction of the Responsible Authority.

- 16 All activities associated with the construction of the development permitted by this permit must be carried out in accordance with the Construction Management Plan approved pursuant to condition 15 of this permit to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality.
- 17 Except with the written consent of the Responsible Authority construction or demolition works must only be carried out between: 7am – 6pm Monday to Friday and Saturday 8am – 6pm. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday.
- 18 Noise associated with construction activities must comply with the Environment Protection Authority's relevant Guidelines at all times.
- 19 Before any construction or demolition works commence on the site, a secure fence must be provided around the perimeter of the site to prevent access to the site from unauthorised persons. This fence must be maintained for the duration of the construction and demolition, be a minimum height of 1.8m (or such alternative height as is approved in writing by the Responsible Authority), and be constructed to the satisfaction of the Responsible Authority. The gate or opening to the fence must be securely locked at all times when work has ceased on the site. No advertising material may be placed on the fence without the prior approval of the Responsible Authority.

Building

- 20 The waste and recycling storage/collection area must not be used for any other purpose and must be maintained in a clean and tidy condition, and free from offensive odour, to the satisfaction of the Responsible Authority.
- 21 Equipment, services and architectural features (other than those shown on the endorsed plan) must not be above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
- 22 All service pipes, (excluding downpipes), fixtures and fittings must be concealed on exposed elevations to the satisfaction of the Responsible Authority.
- 23 No television aerials other than shown on the endorsed plans referred to in Condition 1 of this permit are permitted to be erected so that they are visible from beyond the perimeter of the site.
- 24 Access to all buildings and internal facilities designed having regard to the convenience of disabled in accordance with Australian Standard 1428 (Parts 1 to 4) 2009 – Design for Access and Mobility.

Streetscape alterations

- 25 Prior to the occupation of any dwelling within the buildings hereby permitted, any existing vehicle crossings in Paine, Crawford and La Trobe Streets must be removed and the nature strip and kerb and channel reinstated and made good by the owner at the full cost of the owner.
- 26 Prior to the commencement of the development authorised by this planning permit, detailed construction plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, Council's Engineering Department. The plans must be drawn to scale and show all drainage and pavement works associated with the provision of foot paths and the indented parking bays for three cars on the northern side of Paine Street within the nature strip.

- 27 All costs of the construction of the indented parking bays must be borne entirely by the owner.
- 28 Prior to an Occupancy Permit being issued by the relevant Building Surveyor the construction of the indented parking bays must be completed to the satisfaction of the Responsible Authority.
- 29 Any vehicle crossing(s) must be constructed in the location shown on the endorsed plan to a standard satisfactory to the Responsible Authority. The relocation of any services including electricity poles, drainage pits, Telstra pits, fire hydrants and the like must be at the expense of the owner and approved by the appropriate authority prior to undertaking such works. Consent for such crossings must be obtained through Council's City Maintenance and Cleansing Department prior to construction.
- 30 The owner must meet the costs of all alterations to and reinstatement of, the Responsible Authority and other Public Authority Assets deemed necessary and required by such Authorities for the development. The owner must obtain the prior specific written consent of the Council or other relevant Authority to such alterations and reinstatements and must comply with conditions required by the said Authority in relation to the execution of such works.
- 31 If the footpath, nature strip or any structure or landscaping within the Armstrong Reserve is damaged during construction of the development approved or during the construction of any services, it must be reinstated and made good, (including the planting of grass if appropriate) at the cost of the owner to the satisfaction of the Responsible Authority.
- 32 Prior to the occupation of any dwelling within the buildings hereby permitted, the construction of the footpaths along the street frontages of the site as specified in Condition 1(n) and the reserve frontage as specified in Condition 1(p) must be completed to the satisfaction of the Responsible Authority.

Site Services

- 33 Prior to commencement of the development the owner must prepare stormwater drainage design plans to the satisfaction of the relevant Building Surveyor. An application to Council must be made for a Legal Point of Discharge for the disposal of stormwater from the subject land and to determine the relevant Council standards for the stormwater drainage system design. An on-site storm water detention system will be required if the volume of stormwater exceeds the capacity of the legal point of discharge.
- 34 The land must be connected to a legal point of discharge to the satisfaction of the Responsible Authority.
- 35 The entire development site must be connected to the existing underground drainage and sewerage systems to the satisfaction of the Responsible Authority.
- 36 All basic services, including water, electricity, gas, sewerage and telephone must be installed underground and located to the satisfaction of the Responsible Authority.

Landscaping

- 37 Prior to the occupation of any dwelling within the buildings hereby permitted, all landscaping works shown on the endorsed plans must be completed and thereafter maintained to the satisfaction of the Responsible Authority.
- 38 The street tree planting and landscaping of road reserves (including installation of hard landscaping i.e. footpaths) must be carried out in accordance layout and landscaping plans submitted and approved pursuant to this permit to the satisfaction of the Responsible Authority, and at the full cost of the permit holder/owner.

Tree Protection Zone

39 Prior to commencement of works, the following provisions relating to the protection of existing trees located within Council owned land adjacent to the site that are to be retained must be undertaken to the satisfaction of the Responsible Authority:

- a) Suitable Tree Protection Zone(s) of a minimum 2 metre radius with barrier fence must be established around the tree/s along the Paine, Crawford and Latrobe Street frontages. The tree protection zone(s) must not intrude over the road or footpath.
- b) Suitable Tree Protection Zone(s) of a minimum 2 metre radius with barrier fence must be established around the trees and established landscaping areas within Armstrong Reserve.
- c) The Tree Protection Zone must be enclosed using a minimum 1.8 metre high temporary cyclone fence or similar, which must remain in place through all stages of the development unless with the written consent of the Responsible Authority. This fence must not enclose the footpath which must be kept clear for pedestrian access and a sign must be erected on the fence informing that the fence is a 'Tree Protection Zone'.
- d) Unless with the written consent of the Responsible Authority the area within the Tree Protection Zone must not be disturbed by any means (including parking of vehicles or storage of plant & equipment, materials, soil or waste).

No excavation is allowed within the Tree Protection Zones except with the consent of Council's Town Planning Department and under the supervision of a qualified Arborist.

Car parking and access

40 Prior to the occupation of any dwelling within the buildings hereby permitted, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must to the satisfaction of the Responsible Authority be:

- a) Constructed.
- b) Properly formed to such levels that they can be used in accordance with the plans.
- c) Surfaced with an all-weather seal coat.
- d) Drained and maintained.
- e) Line-marked to indicate each car space and all access lanes. The direction of traffic along the access lanes and driveways must also be clearly marked.

Parking areas and access lanes must be kept available for these purposes at all times.

41 The car parking allocation as designated on the endorsed plan and referred to in Condition 1 must be complied with at all times and to the satisfaction of the Responsible Authority.

Time

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

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

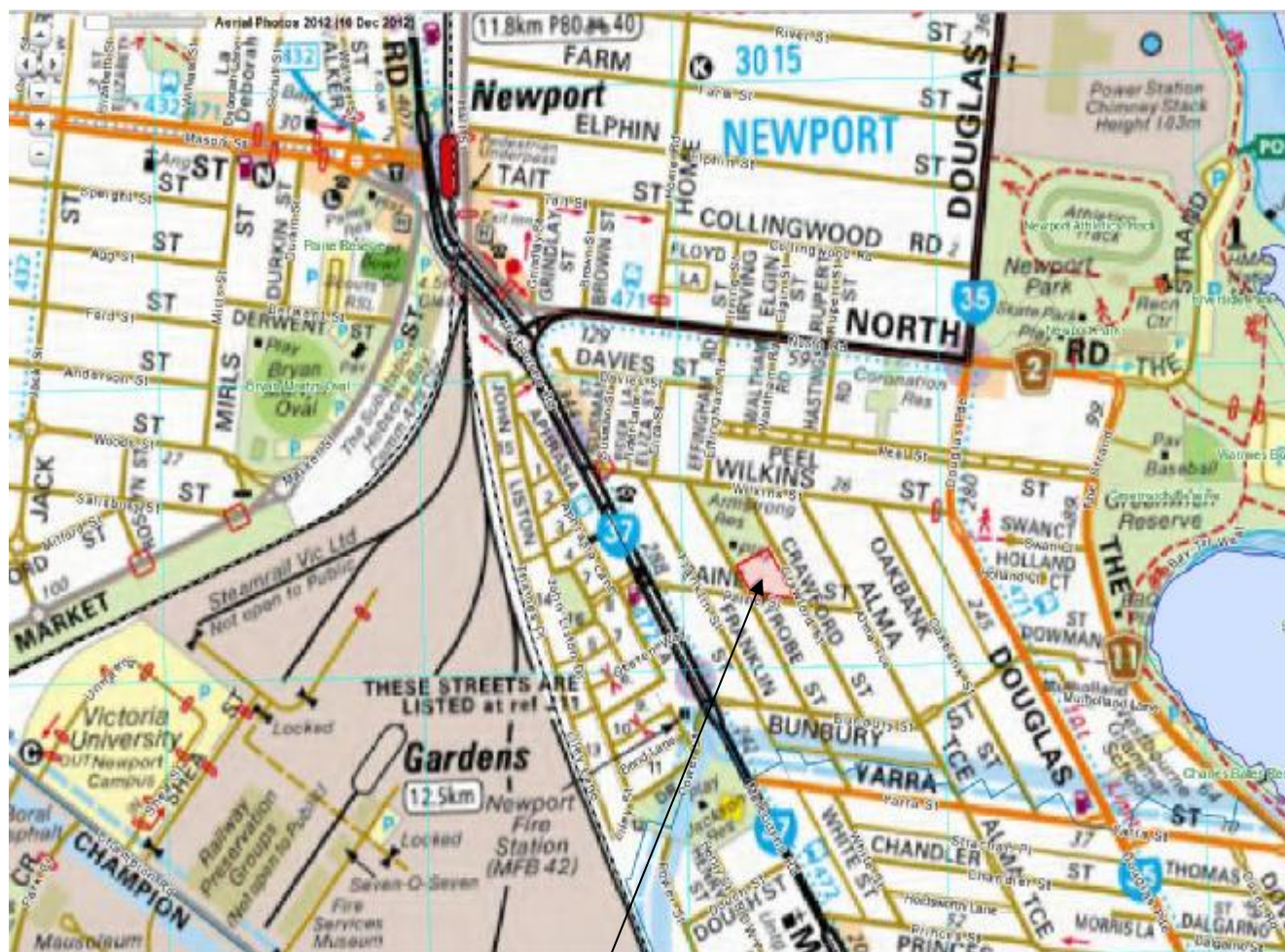
The Responsible Authority may extend the period in which to start the development if a request is made in writing before the permit expires or within six months afterwards.

The Responsible Authority may extend the period in which to complete the development if a request is made in writing before the permit expires or within 12 months afterwards and the development was lawfully started before the permit expired.

Permit notes

- The building is to comply with the requirements of the Building Regulations 2006, and a Building Permit is required before any works are commenced.
- A vehicle crossing permit is required from Council's City Maintenance and Cleansing Department prior to commencing building works for the construction of a new vehicle crossing or, for the removal of, or alteration to, an existing vehicle crossing.
- In the event that an application is made for the subdivision of land to accord with the development hereby approved, the Responsible Authority will not:
 - § Certify the plan of subdivision until construction of the development as approved has substantially commenced, or;
 - § Issue a Statement of Compliance until all development works (including landscaping) are completed in accordance with the permit and the accompanying endorsed plans.
- To complete a satisfactory sustainable Design Assessment, Hobsons Bay City Council recommends the use of the Sustainable Tools for Environmental Performance Strategy (STEPS) assessment tool found at <http://www.morelandsteps.com.au>. This will allow an assessment against the environmental performance of the development against Council's expectations.

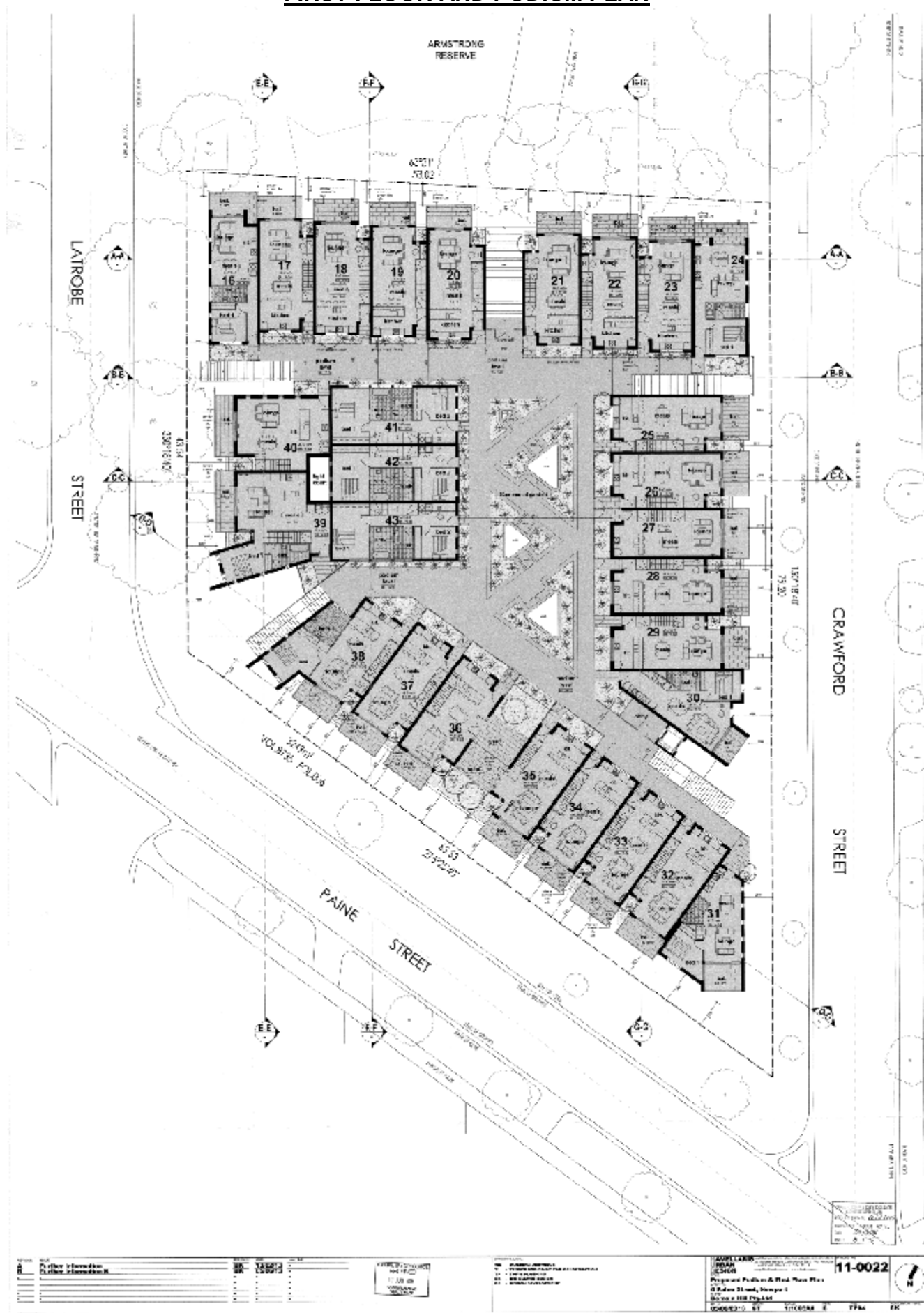
LOCALITY PLAN



Subject Site



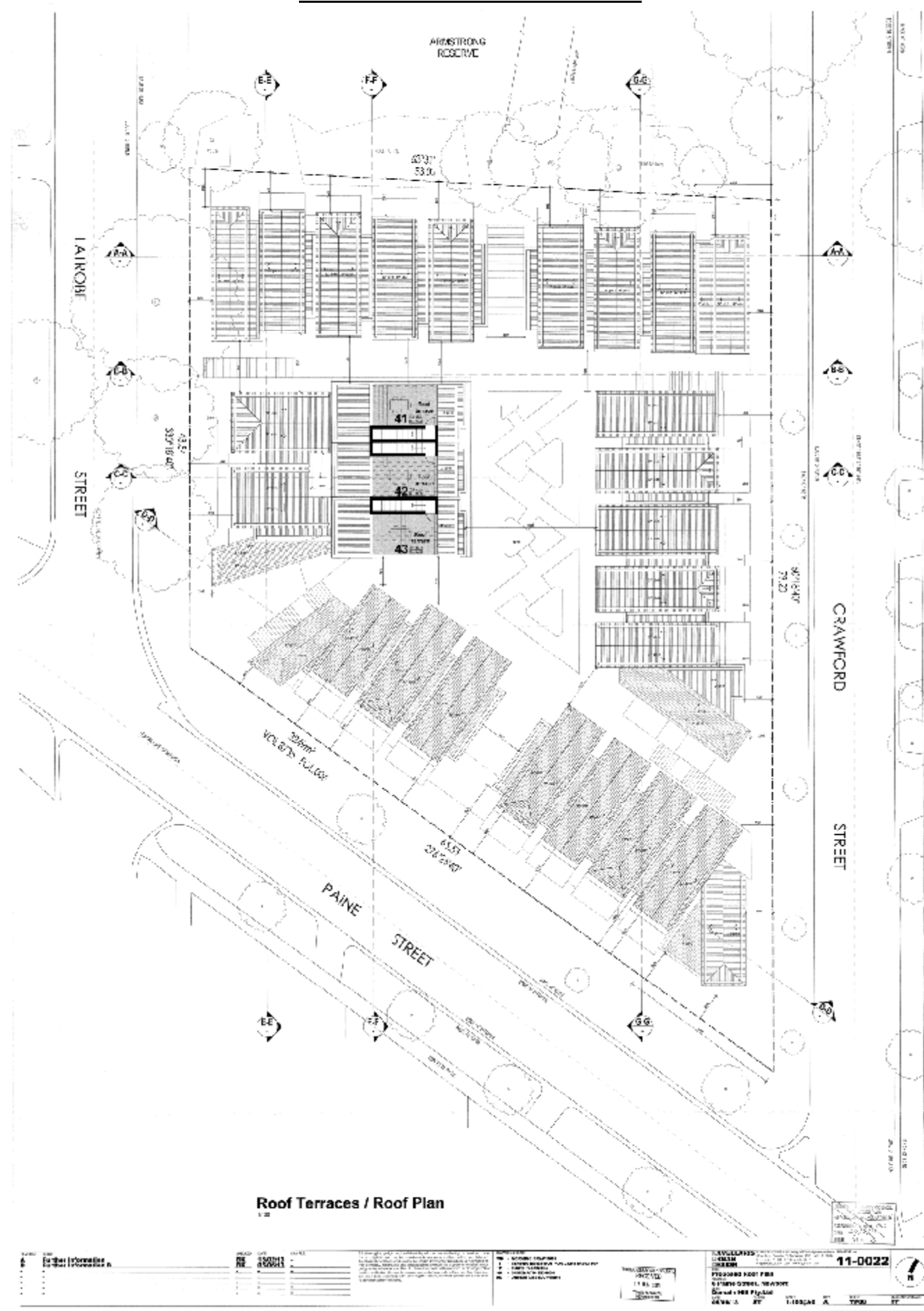
FIRST FLOOR AND PODIUM PLAN



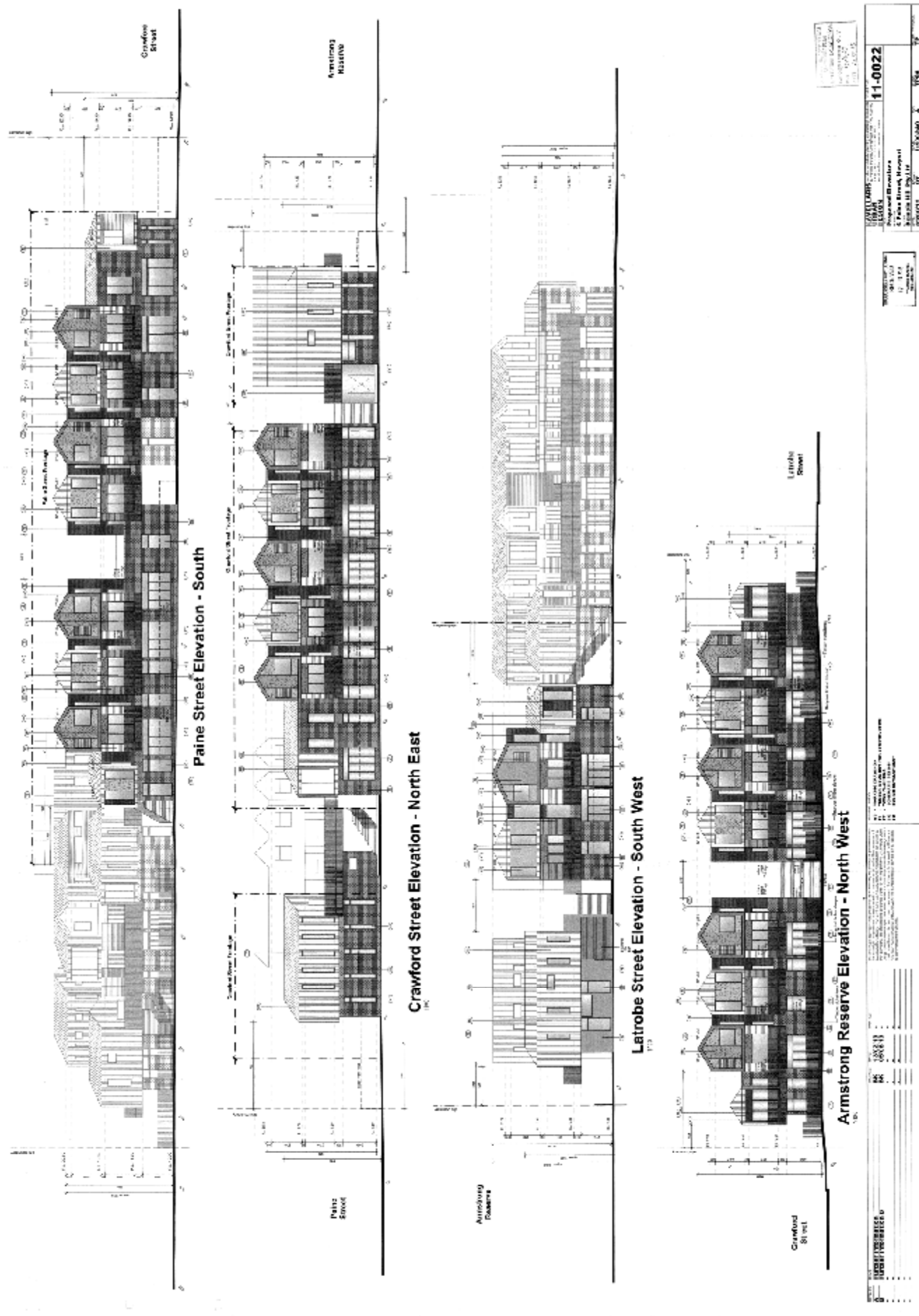
Second Floor Plan



ROOF TERRACES / ROOF PLAN



ELEVATIONS PLAN

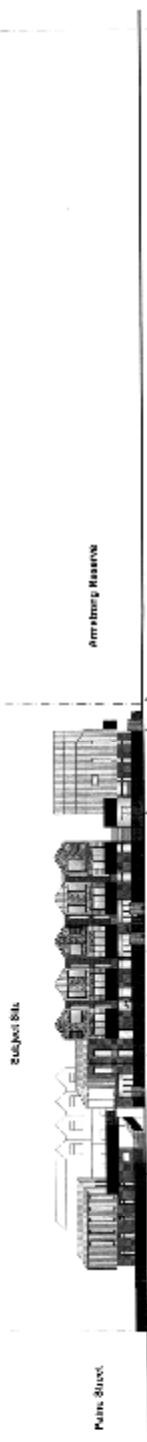


STREETSCAPE ELEVATIONS PLAN



Streetscape Elevation - Paine St.

1:200



Streetscape Elevation - Crawford St.

1:200

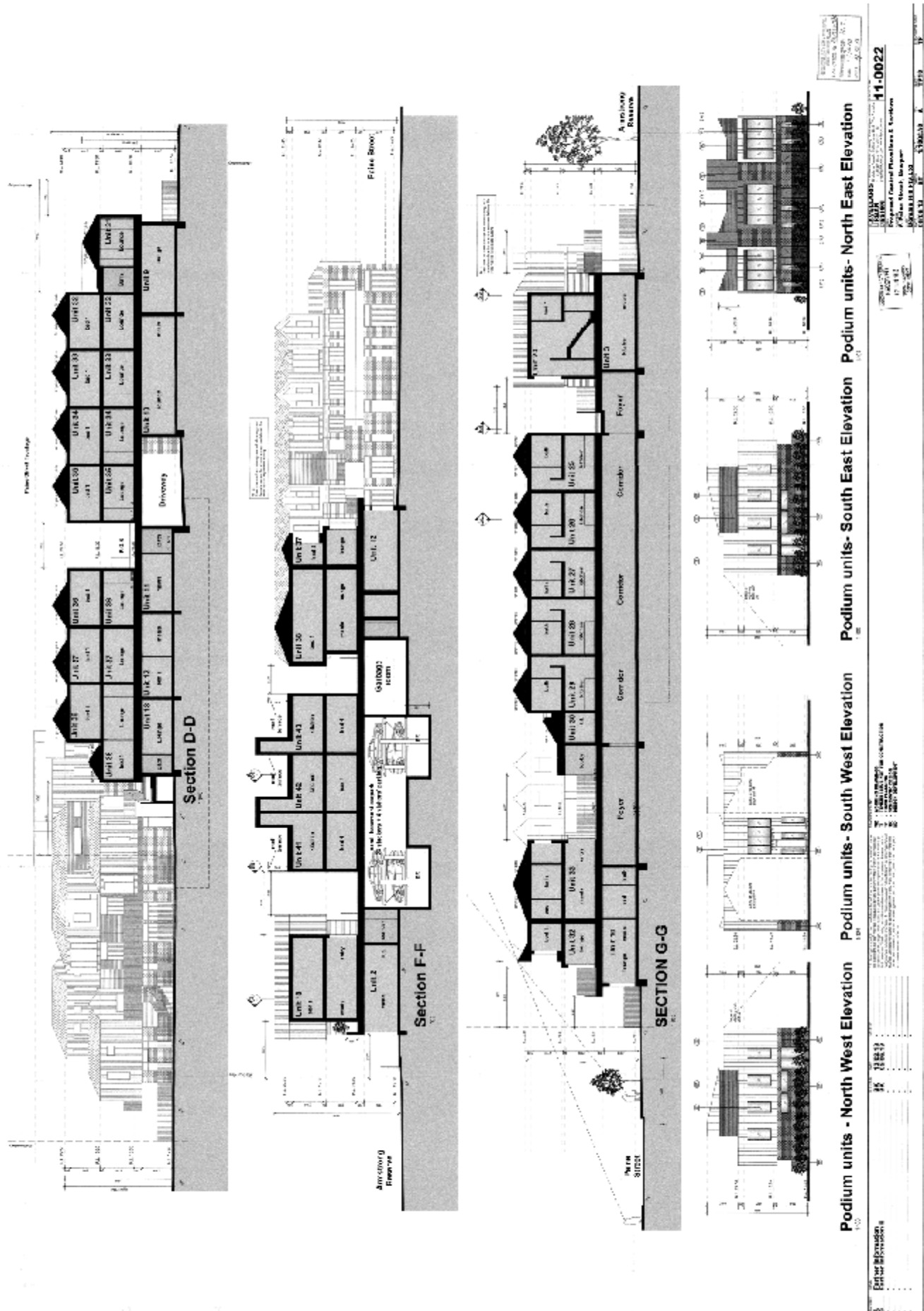


Streetscape Elevation - Latrobe St.

1:200

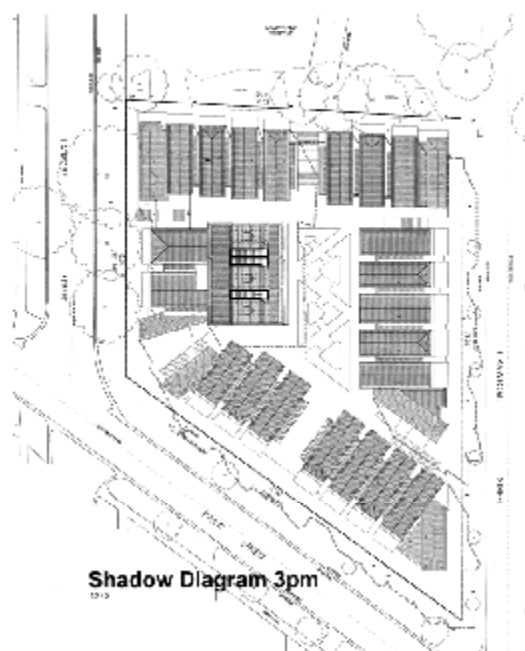
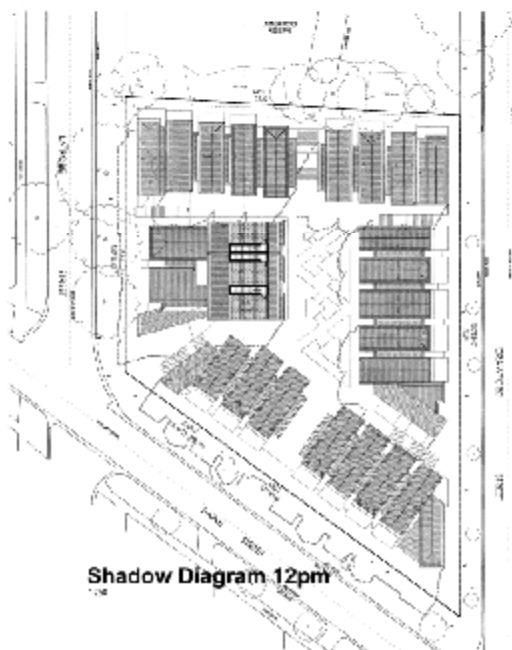
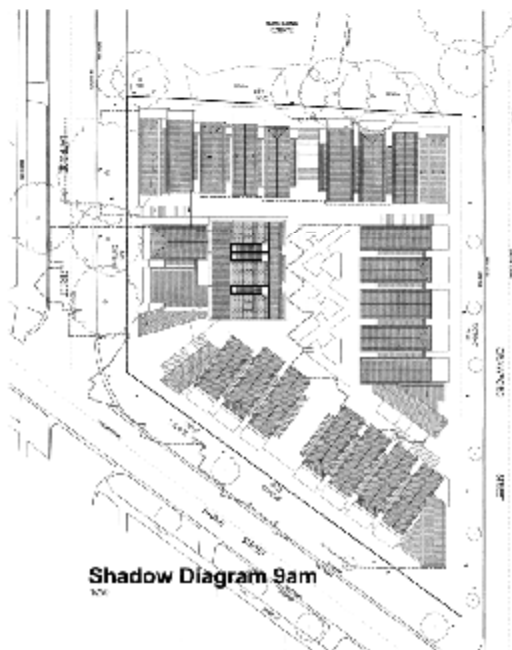
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<p>REVISIONS:</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>11/09/13</td> <td>Initial Design</td> </tr> </tbody> </table>			NO.	DATE	DESCRIPTION	1	11/09/13	Initial Design
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CENTRAL ELEVATIONS AND SECTIONS PLAN





SHADOW DIAGRAMS PLAN



6. Further Information
Further Information 6

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APPENDIX 2**RESCODE ASSESSMENT**

CLAUSE 55 – RESCODE ASSESSMENT	
Neighbourhood Character Objectives: <ul style="list-style-type: none"> To ensure that the design respects the existing neighbourhood character or contributes to the preferred neighbourhood character. To ensure that development responds to the features of the site and surrounding area. Standard B1: <ul style="list-style-type: none"> The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site. 	<p>Complies.</p> <p>The latest design adequately respects the neighbourhood character.</p> <p>See discussion in main body of report</p>
Residential Policy Objectives: <ul style="list-style-type: none"> To ensure that residential development is provided in accordance with relevant State and Local policies. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services. Standard B2: <ul style="list-style-type: none"> Written statement describing how development is consistent with planning policies for housing in the Planning Scheme. 	<p>Complies</p> <p>The development provides for increased residential densities within walking distance of public transport and retail/commercial facilities which is a key government policy.</p> <p>See discussion in main body of report</p>
Dwelling diversity Objectives: <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings. Standard B3: <ul style="list-style-type: none"> Developments of ten or more dwellings should provide a range of dwelling sizes and types, including: Dwellings with a different number of bedrooms. At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	<p>Complies</p> <p>The proposed development provides for a range of dwelling sizes.</p>
Infrastructure Objectives: <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure. Standard B4: <ul style="list-style-type: none"> Development should: Be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available. Not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure. 	<p>Complies</p>

<p>Integration with the street Objectives:</p> <ul style="list-style-type: none"> To integrate the layout of development with the street. <p>Standard B5:</p> <ul style="list-style-type: none"> Development should provide adequate vehicular/pedestrian links that maintain/enhance local accessibility Dwellings 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. 	<p>Complies</p> <p>See discussion in main body of report. Conditions required to adjust fence heights in some locations.</p>
<p>Street Setback Objectives:</p> <ul style="list-style-type: none"> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. <p>Standard B6:</p> <ul style="list-style-type: none"> If there are existing buildings on both abutting allotments The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser. If there is an existing building on one abutting allotment and the other one is vacant The same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. If both abutting allotments are vacant 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets. If the subject allotment is on a corner <p>Front setback</p> <ul style="list-style-type: none"> If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 9 metres, whichever is the lesser. If there is no building on the abutting allotment facing the front street, 6 metres for streets in a Road Zone, Category 1, and 4 metres for other streets. <p>Side setback</p> <ul style="list-style-type: none"> Front walls of new development fronting the side street of a corner site should be setback at least the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 3 metres, whichever is the lesser. Side walls of new development on a corner site should be setback the same distance as the setback of the front wall of any existing building on the abutting allotment facing the side street or 2 metres, whichever is the lesser. 	<p>Complies</p> <p>The proposed street setbacks are considered appropriate in the context of the neighbourhood and based on the previous VCAT decisions.</p> <p>See discussion in main body of report</p>
<p>Building Height Objectives:</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character. <p>Standard B7:</p> <ul style="list-style-type: none"> Changes of building height between existing buildings and new buildings should be graduated. Flat site 	<p>Complies.</p> <p>While the overall height exceeds the Standard, the development is considered to appropriately respect the neighbourhood character.</p> <p>The previous Tribunal decisions have ruled that a three storey development</p>

<ul style="list-style-type: none"> The maximum building height should not exceed 9 metres. Sloping site If the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, the maximum building height should not exceed 10 metres. 	<p>is an acceptable outcome.</p> <p>See discussion in main body of report</p>
<p>Site Coverage Objectives:</p> <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. <p>Standard B8:</p> <ul style="list-style-type: none"> The site area covered by buildings should not exceed 60 %. 	<p>Does not comply</p> <p>Whilst the numerical standard of 60% site coverage has been exceeded it is considered that the objective, in this instance, has been satisfied as the overall development responds positively to the sites context and relationship to the surrounding neighbourhood.</p>
<p>Permeability Objectives:</p> <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. <p>Standard B9:</p> <ul style="list-style-type: none"> At least 20% of the site should not be covered by impervious surfaces. 	<p>Complies.</p> <p>Whilst the standard minimum requirement of 20% permeability has not been achieved it is considered that the stormwater run-off will be dealt with through the requirement of an on-site detention system by way of <i>“achieving a Stormwater flow to be restricted to pre-development flow”</i>, as required by Council’s Drainage Engineer.</p>
<p>Energy efficiency Objectives:</p> <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings and residential buildings. To ensure the orientation and layout of the development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. <p>Standard B10:</p> <ul style="list-style-type: none"> 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. Living areas and private open space should be located on the north side of the dwelling, if practicable. Dwellings should be designed so that solar access to north-facing windows is maximised. 	<p>Complies.</p>
<p>Open space Objectives:</p> <ul style="list-style-type: none"> To integrate the layout of the development with any public and communal open space provided on or adjacent to the development. <p>Standard B11:</p> <ul style="list-style-type: none"> If any public or communal open space is provided on site, it should: Be substantially fronted by dwellings, where appropriate, and be accessible and useable. Provide outlook for as many dwellings as practicable. Be designed to protect any natural features on the site. 	<p>Complies</p> <p>A communal open space area is proposed centrally within the site above the car park and has been integrated to include direct access to Armstrong Reserve.</p> <p>The site has also been designed to front Armstrong Reserve which is an appropriate outcome and provides for passive surveillance of the park.</p>

	See discussion in main body of report.
<p>Safety Objectives:</p> <ul style="list-style-type: none"> To ensure the layout of the development provides for the safety and security of residents and property. <p>Standard B12:</p> <ul style="list-style-type: none"> Entrances to dwellings/residential buildings should not be obscured or isolated from the street and internal access ways. Planting which creates unsafe spaces along streets and access ways should be avoided. Developments should provide good lighting, visibility and surveillance of car parks and internal access ways. Private spaces within developments should be protected from inappropriate use as public thoroughfares. 	<p>Complies.</p> <p>Dwelling entries either face the respective streets or will be visible from the common internal space, namely that of the communal podium courtyard.</p> <p>Dwellings have an outlook to either the public streets and reserve and/or the common open space area and provide opportunities for passive surveillance.</p>
<p>Landscaping Objectives:</p> <ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site. <p>Standard B13:</p> <ul style="list-style-type: none"> The landscape layout and design should: Protect any predominant landscape features of the neighbourhood. Take into account the soil type and drainage patterns of the site. Allow for intended vegetation growth and structural protection of buildings. In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. Provide a safe, attractive and functional environment for residents. Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood. Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. The landscape design should specify landscape themes, vegetation (location and species), paving and lighting. 	<p>Can comply</p> <p>Although a landscape plan was not provided with the application a 'scheme' implicit of what could be achieved, as shown on the ground/site plan generally demonstrates that the setbacks provided are appropriate areas in which to accommodate a meaningful landscaping theme that respects and or reflects the landscape character of the neighbourhood.</p> <p>The landscape plan will need to be detailed in nominating specific species, etc, to ensure a treed/layered landscape outcome develops in the front gardens as well as the communal courtyard.</p> <p>See discussion in main body of report</p>
<p>Access Objectives:</p> <ul style="list-style-type: none"> To ensure vehicle access to and from a development is safe, manageable and convenient. To ensure the number and design of vehicle crossovers respects the neighbourhood character. <p>Standard B14:</p> <ul style="list-style-type: none"> Accessways should: Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network. 	<p>Complies.</p> <p>A traffic and parking assessment was submitted with the application and on the whole provides a satisfactory response in terms of parking provision, traffic circulation and access.</p> <p>The proposal provides for a single vehicular access point via Paine Street which is considered appropriate in the context of the area</p>

<ul style="list-style-type: none"> • Be designed to ensure vehicles can exit a development in a forward 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. • The width of accessways or car spaces should not exceed 33% of the street frontage, or if the width of the street frontage is less than 20 metres, 40% of the street frontage. • No more than one single-width crossover should be provided for each dwelling fronting a street. • The location of crossovers should maximise the retention of on-street car parking spaces. • The number of access points to a road in a Road Zone should be minimised. • Developments must provide for access for service, emergency and delivery vehicles. 	<p>given there would be ample opportunities for additional visitor spaces available along the adjacent three street frontages.</p> <p>See discussion in main body of report</p>
<p>Parking Location Objectives:</p> <ul style="list-style-type: none"> • To provide convenient parking for resident and visitor vehicles. • To avoid parking and traffic difficulties in the development and the neighbourhood. • To protect residents from vehicular noise within developments. <p>Standard B15:</p> <ul style="list-style-type: none"> • Car parking facilities should: • Be reasonably close and convenient to dwellings and residential buildings. • Be secure. • Be designed to allow safe and efficient movements within the development. • Be well ventilated if enclosed. • Large parking areas should be broken up with trees, buildings or different surface treatments. • Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway. 	<p>Complies.</p> <p>The proposed car parking layout plan was referred to Council's Traffic Engineer for comment. No major issues arose although clarification is required for a few minor discrepancies.</p> <p>See discussion in main body of report</p>
<p>Side and rear setbacks Objectives:</p> <ul style="list-style-type: none"> • 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. <p>Standard B17:</p> <ul style="list-style-type: none"> • A new building (if not built on a boundary) should be set back from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. 	<p>Complies</p> <p>As there are no adjoining dwellings and the street setbacks are acceptable it is considered that the height and setbacks proposed in this current application respects the preferred neighbourhood character outcome.</p>
<p>Walls on boundaries Objectives:</p> <ul style="list-style-type: none"> • To ensure that the location, length and height of a wall on a 	<p>Not applicable.</p> <p>There are no boundary walls</p>

<p>boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p> <p>Standard B18:</p> <ul style="list-style-type: none"> • A new wall or carport constructed on a side or rear boundary of a lot should not abut the boundary for a length of more than: <ul style="list-style-type: none"> • 10 metres plus 25% of the remaining length of the boundary of an adjoining lot, or • Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. • The height of a new wall or carport constructed on a side or rear boundary should not exceed an average height of 3 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall. 	<p>proposed in this development.</p>
<p>Daylight to existing windows</p> <p>Objectives:</p> <ul style="list-style-type: none"> • To allow adequate daylight into existing habitable room windows. <p>Standard B19:</p> <ul style="list-style-type: none"> • Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. • Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. 	<p>Not applicable.</p> <p>There are no adjoining windows that will be affected by the development.</p>
<p>North-facing windows</p> <p>Objectives:</p> <ul style="list-style-type: none"> • To allow adequate solar access to existing north-facing habitable room windows. <p>Standard B20:</p> <ul style="list-style-type: none"> • If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. 	<p>Not applicable.</p> <p>There are no north facing windows which will be affected by the proposal</p>
<p>Overshadowing Open Space</p> <p>Objectives:</p> <ul style="list-style-type: none"> • To ensure buildings do not significantly overshadow existing secluded private open space. <p>Standard B21:</p> <ul style="list-style-type: none"> • Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of 5 hours of sunlight between 9 am and 3 pm on 22 September. 	<p>Not applicable.</p> <p>The development will not overshadow existing private open space.</p>
<p>Overlooking</p> <p>Objectives:</p> <ul style="list-style-type: none"> • To limit views into existing secluded private open space 	<p>Not Applicable</p>

<p>and habitable room windows.</p> <p>Standard B22:</p> <ul style="list-style-type: none"> A habitable room window, balcony, etc. should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within 9 metres. 	
<p>Internal views</p> <p>Objectives:</p> <ul style="list-style-type: none"> To limit the views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development. <p>Standard B23:</p> <ul style="list-style-type: none"> Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development. 	<p>Can comply.</p> <p>There will be the ability for overlooking from one window into to another and other private areas of some of the dwellings that open into the central podium courtyard. While this is often inevitable for a development of this type, Council's Urban Design consultant has made some recommendations regarding window locations which can be addressed via conditions.</p>
<p>Noise impacts</p> <p>Objectives:</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise. <p>Standard B24:</p> <ul style="list-style-type: none"> Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms. 	<p>Complies.</p> <p>The location of air conditioners and other plant equipment will be required to be confirmed and this can be achieved through conditions in any permit issued.</p>
<p>Accessibility</p> <p>Objectives:</p> <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments. <p>Standard B25:</p> <ul style="list-style-type: none"> The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility. 	<p>Complies</p> <p>Adequate accessibility has been provided.</p>
<p>Dwelling entry</p> <p>Objectives:</p> <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity. <p>Standard B26:</p> <ul style="list-style-type: none"> Entries to dwellings and residential buildings should: Be visible and easily identifiable from streets and other public areas. Provide shelter, a sense of personal address and a transitional space around the entry. 	<p>Complies.</p> <p>Each dwelling has a satisfactory sense of address either from one of the three streets and or directly from the podium area which is accessible from either one of the five staircases and or the elevator located near to the Paine and Crawford Street intersection.</p>
<p>Daylight to new windows</p> <p>Objectives:</p>	<p>Complies.</p>

<ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows. <p>Standard B27:</p> <ul style="list-style-type: none"> A window in a habitable room should be located to face: <ul style="list-style-type: none"> An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or A verandah provided it is open for at least one third of its perimeter, or A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	All of the dwellings include windows that will allow for adequate daylight into the respective habitable rooms.
<p>Private Open Space Objectives:</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents. <p>Standard B28:</p> <ul style="list-style-type: none"> A dwelling or residential building should have private open space consisting of: <ul style="list-style-type: none"> An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of and convenient access from a living room, or A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. 	<p>Complies with Objective.</p> <p>Acceptable private open space has been provided for each dwelling.</p> <p>Unit 30 has a balcony smaller in size than the Standard, but also has a small courtyard area. A condition can require the size of the balcony to be increased.</p> <p>The portion of the courtyard to Unit 6 which is over 3.5m in width is small and should be increased in area.</p> <p>Armstrong Reserve is also able to be used by future residents.</p> <p>See discussion in main body of report</p>
<p>Solar access to Open Space Objectives:</p> <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings. <p>Standard B29:</p> <ul style="list-style-type: none"> The private open space should be located on the north side of the dwelling, if practicable. The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall. 	Generally Complies
<p>Storage Objectives:</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling. <p>Standard B30:</p> <ul style="list-style-type: none"> Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space. 	<p>Complies.</p> <p>All of the dwellings have been provided with a storage facility which are considered to be an adequate and sufficient space provided for all 43 dwellings</p>
<p>Design Detail Objectives:</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character. <p>Standard B31:</p> <ul style="list-style-type: none"> The design of buildings should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred 	<p>Generally Complies.</p> <p>The proposal will need some minor façade changes that better compliment the prevailing heritage characteristics.</p> <p>See discussion in main body of report.</p>

neighbourhood character.	
<p>Front fences</p> <p>Objectives:</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character. <p>Standard B32:</p> <ul style="list-style-type: none"> The design of front fences should complement the design of the dwelling and any front fences on adjoining properties. A front fence within 3 metres of a street should not exceed: Streets in a Road Zone, Category 1: 2 metres Other streets: 1.5 metres. 	<p>Generally complies</p> <p>The proposed front fence design being permeable in nature is considered to respect the preferred neighbourhood character.</p> <p>Council's Urban Design consultant has made some recommendations regarding front fence heights and permeability which can be addressed via conditions.</p> <p>Full details of the proposed front fences will need to be provided as part of any permit issued.</p>
<p>Common Property</p> <p>Objectives:</p> <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership. <p>Standard B33:</p> <ul style="list-style-type: none"> Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management. 	<p>Complies.</p> <p>Arrangements will need to be made regarding the ownership of the path along the park frontage.</p>
<p>Site Services</p> <p>Objectives:</p> <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive. <p>Standard B34:</p> <ul style="list-style-type: none"> The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post. 	<p>Complies.</p> <p>A condition on the permit will require details of the letter box and metre box structures.</p> <p>The location and design of the letterbox will need to be relocated to accommodate Australia Post requirements.</p>

APPENDIX 3**REFERRAL RESPONSES****CITY STRATEGY**

Council's City Strategy Team made the following comments on the proposal:

The proposal seeks to construct a three storey residential building comprising a semi-basement car park and 43 apartments including 7 one bedroom, 34 two bedroom and 2 three bedroom apartments.

The application is generally in line with the strategic policy framework and City Strategy has no objection to intensification of the residential use given its proximity to Newport train station and the Newport Activity Centre.

The proposal will better utilise the existing retail, recreational & community facilities afforded by the Newport Activity Centre as well as utilise existing infrastructure within the precinct. As such it is consistent with the relevant strategic policies and represents an overall benefit for the Hobsons Bay community and therefore City Strategy provides 'in principle' support for the development. There are however; a number of inconsistencies between the Council's strategic direction and the development proposal that require further consideration. The Council's strategic position is outlined below.

Strategic Planning**Melbourne 2030**

Melbourne 2030 (M2030) seeks to implement the sustainable growth of Melbourne through a number of key directions. It encourages higher density development in areas supported by existing infrastructure, focusing on well established activity centres as a means of sustaining population growth. The directions outlined in M2030 that are relevant to the development application are;

Direction 1: A more compact city, seeks to;

- § Build up activity centres as a focus for high-quality development, activity and living for the whole community; and*
- § Locate a substantial proportion of new housing in or close to activity centres and other strategic redevelopment sites that offer good access to services and transport.*

Direction 5: A great place to be, seeks to;

- § Promote good urban design to make the environment more liveable and attractive;*
- § Recognise and protect cultural identity, neighbourhood character and sense of place;*
- § Improve community safety and encourage neighbourhood design that makes people feel safe; and*
- § Promote excellent neighbourhood design to create attractive, walkable and diverse communities.*

Direction 7: A greener city, seeks to;

- § Contribute to national and international efforts to reduce energy usage and greenhouse gas emissions.*

The directions of M2030 are supportive of the proposal.

The Hobsons Bay Activity Centre Strategy

The site is located in proximity Newport Activity Centre. The Hobsons Bay Activity Centre Strategy 2006 identifies the Newport area as having potential for medium and higher density housing development. The proposed development is generally consistent with the Activity Centre Strategy.

Living in Hobsons Bay: Population and Housing beyond 2000: Our changing neighbourhoods

The proposed one and two bedroom apartments meet the areas demographic need for smaller housing, 'The high proportion of old lone persons households and emerging empty nesters in the area, raises issues with regards to small household sizes and providing alternative housing forms to accommodate these households'.

Open Space Plan - February 2005

The Open Space Plan states that the Council should consider purchasing this site to create a large neighbourhood park to serve most of the neighbourhood. Further it states that "If additional land cannot be purchased, any new houses should overlook the reserve over a laneway." This matter has also been raised at the previous VCAT hearing. It should be noted that this document is currently being reviewed by the Council and the recommendations may differ in the future.

Social Planning

Previous advice from the Council's Social Planning Department raised the following issues:

In this case a full SIA is not warranted as the development is in an area where projected population growth is relatively low. However, given that the intensity of the proposed development is significantly higher than the surrounds, we would like more indicative information from the developer about the future residents that may move into the development. For example, estimates of the number of residents and who they will market to as well as, (if possible), some comparative data of the resident profile for a similar development - numbers, age ranges, number of children and their ages - to help us determine future needs for facilities and services.

It is noted that an accessibility and DDA Compliance Report was prepared for a previous application and this should be updated to reflect the new application. The recommendations provided in the previous report were supported by Social Planning and the application should respond to the Access to Premises Standards (via Australian Standard 1428.1 - design for Access and Mobility) primarily through:

- Providing a continuous accessible path of travel to the front door (that is from the car park to the lift; and from the street into the building, and consequently into the apartment).*
- Providing internal openings and hallways that meet the standard.*
- Ensuring the minimum width of any common area in the building meets the standard.*
- Ensuring the lift dimensions meet the standard.*
- Provision of a designated accessible car space that is placed closest to the lift.*
- Ensuring the entrance to the car park is to have a minimum headspace above dedicated accessible car spaces.*

It is not considered appropriate that the ramp entrance from the car park to the foyer area requires a person to use the main driveway ramp. Additionally consideration for an accessible entrance to Armstrong Reserve is encouraged.

Sustainability

In November 2007 Council adopted a greenhouse strategy to “...assist the local community to achieve zero net emissions by 2030”. The built environment is a significant aspect of this reduction target. In addition, State planning policy encourages practices that assist in the conservation and wise use of natural resources including energy, water, land, flora, fauna and minerals to support both environmental quality and sustainable development over the long term. It also encourages land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions. In support of this, it is important that best practice ESD principles are embedded in the design of this building.

It is noted that a Sustainability Design Assessment (SDA) was provided for a previous application however this will need to be updated to reflect the current proposal.

An SDA is a simple sustainability assessment of a proposed development undertaken at the planning stage to demonstrate that your development meets adequate environmental performance standards. The applicant can use the free web-based tool STEPS as the basis of the assessment to demonstrate that the project meets minimum environmental compliance standards.

STEPS addresses the five sustainable design categories tabled below, and also calculates the number of bicycle places needed and space required for waste recycling services.

STEPS Category
Energy Efficiency (greenhouse gas emissions)*
Peak Energy Demand
Potable Water
Stormwater Quality
Materials

**Each apartment to meet minimum requirements of Section J, Building Code of Australia*

*The STEPS tool is available from the following website:
<http://www.sustainablesteps.com.au/index.php>*

Generally, an SDA can be prepared by applicants themselves – it should not be necessary to engage a sustainability consultant.

To improve energy efficiency a number of design considerations should be undertaken and these include:

- *Screening north facing windows with eaves or horizontal shading and this includes the apartments with Paine Street frontage (units 32-38);*
- *Creation of an east or west facing window for the study / desk alcoves in units 2, 4 and 5;*
- *Providing additional bicycle hoops under the external stairs;*
- *Reduction in the south facing glazing*

It is also noted that the foyer and roof area do not appear to have any roof form. Clarification is also required on the purpose of the room / cupboard located on the ground floor (near the substation).

Environmental Management

The Waste Management Plan dated 13th June 2013 is identical to the previous one dated 4th December 2012.

Previous concerns were regarding the transfer of bins from the utility room to the kerbside of Paine Street within a vehicle dominated space, and consideration of a loading zone in Paine Street.

The developer has not considered engineering out any risks but provides details on how to manage the risks associated with bins transfers and collections in Paine Street.

These are as follows:

- *Clause 2 (page 4) states that "for improved safety, waste collections and bin transfers along the driveway shall be carried out during off peak traffic periods"*
- *Clause 6 (page 10) states that "should ramp gradients, bin weight and/or distance affect the ease/safety of bin transfer, the operator shall consider the use of a powered tug/vehicle".*
- *Clause 6 also provides for the operator being responsible for operations, site safety to visitors, residents, staff and contractors, including the following:*
 - *abiding by OHS legislation, regulation and guidelines.*
 - *compliance with Worksafe Victoria's Occupational Health and Safety Guidelines for the Collection, Transport and Unloading of Non-Hazardous Waste and Recyclable Material (June 2003).*
 - *assessing manual handling risks and prepare a manual handling control plan for waste and bin transfers.*
 - *obtain and provide staff/contractors equipment manuals, training, health and safety procedures, risks assessments and adequate personal protective equipment to control/minimise risks/hazards associated with all waste management activities.*

Engineering out the risks is preferable, however intent of these management practices are acceptable. Controls must be developed with and agreed to by the private waste collection contractor.

To note to the developer, the Council recently adopted a Waste Service and Charge Policy. Applicable from 1st July 2013, the policy allows for the removal of the waste charge from multiunit development that do not use the Council's waste service. Therefore the statement in Clause 1 "every rateable tenement is liable to pay for municipal services irrespective of the level of collection services provided by the Council" is now irrelevant.

Conclusion

The Council's strategic position is generally supportive of the proposed development at the site however it is recommended that the comments provided by Sustainability and Social Planning be relayed to the applicant and that they be incorporated into the proposal. You may wish to further discuss the potential streetscape improvements and appropriate design of the development abutting an open space with the Council's Manager of Recreation.

HERITAGE ADVISER

Council's Heritage Adviser made the following comments on the proposal:

Having read the Tribunal's findings for the previous proposal, following is my assessment of the current proposal which are based on those comments:

- *A minimum 3m setback along the perimeter of this development should be incorporated. Landscaping and tree planting accommodated within this area but using species which ensure that winter benefits are not completely lost;*
- *The articulation within the required setbacks should incorporate an increase rather than a decrease as proposed;*
- *The width of each dwelling/apartment at ground level should incorporate proportions found within the existing context – generally between 10-12 metres and then separations between each of these buildings allowing for the breaks of buildings as per the existing context. Some apartments may be designed in clusters of two or three but the breaks are an essential form required to meet the tribunal's advice/ruling in terms of open spaces and link between the old and the new;*
- *I would recommend that the applicant incorporate a minimum of 3m throughout the front setbacks and where required larger setbacks;*
- *The podium will need to be lowered and I cannot determine how far it has been lowered since the previous application but I would suggest that the podium floor level not exceed 1000mm above the natural ground level thus allowing for connection between the new development and the surrounding context and for the community to see through the development (less steps and therefore more simplicity and openness);*
- *The buildings on the Paine Street and La Trobe Street should be two storey high and the buildings fronting Crawford Street and the Park should incorporate a variety of two storey and three storey high buildings (staggered to incorporate articulation and variety) the central block could be three storey;*
- *All cantilevering design elements should be deleted and the upper levels set in rather than out maximising the relationship between their design and the single storey context to the east, west and south (where two storey). The setback could incorporate a parapet form emphasising the single storey component but at the same time incorporating the balconies for the second storey level but the built form would have to be well setback;*
- *The upper level (especially those fronting Paine Street and La Trobe Street should incorporate lightweight forms such as the gable roof with exposed rafters (typical of the contemporary American form) and lightweight materials such as linea boards and corrugated zincalume. The form could relate to the fishermen's cottages or the boat sheds synonymous with Williamstown and not copy the existing context .the development approved for the Gasworks site could be an appropriate example to mention;*
- *The design fronting the Park will need to incorporate large setbacks for the upper levels (especially the third level) and more natural timber finishes to link the form to the park and the natural setting;*
- *The Crawford Street facade should incorporate access to the carparking area (backyard/car entry points are synonymous with this streetscape) and the heights should vary incorporating two storey and three storeys but not continuous forms so that the articulation required by the Tribunal is achieved. Setbacks between each buildings as outlined above should still be incorporated;*
- *The roof form of the buildings fronting Crawford Street could be more of the skillion type linking in with the outbuildings of the backyards;*
- *The selected materials and colours should be associated with the site and the context. So natural finish timbers, linea boards, corrugated steel, should form part of this development.*

TRAFFIC ENGINEER

The proposal was referred to Council's Traffic Engineer who provided the following comments:

- *The proposed ground/site floor plan shows the semi-basement car park to accommodate 23 stackers (46 car spaces), but reads as '22 stackers'. It is recommended that the plan should be amended to read '23 stackers'.*
- *Section 4 of the traffic report states that 'bus route 471 operating along North Road is approximately 350m walking distance north of the site', but this assumption is incorrect as the actual walking distance from the proposed site to the bus stop (near Home Road) is 530m.*
- *The statutory parking requirements for the proposed development as per the HBCC Planning Scheme are 55 on-site car parking spaces (46 spaces for the 43 dwellings, and nine spaces for visitors).*
- *The proposed development proposes for 50 on-site parking spaces (46 spaces for the 43 dwellings and four spaces for visitors). The proposal has a shortfall of five on-site visitor parking spaces.*
- *As outlined in Section 2 (Table 1) of the traffic report, a visitor parking rate of 0.09 spaces/dwelling has been adopted as part of the parking assessment. This parking rate is considered too low for the proposed development, and therefore, a reasonable parking rate has to be applied. Application of a reasonable visitor parking rate of 0.13 spaces/dwelling (assumed to be an appropriate visitor parking rate) for the proposed development would result in six on-site visitor car parking spaces. Therefore, the proposal has a shortfall of two on-site visitor parking spaces.*
- *The on-street parking survey conducted by TraffixGroup is dated one year back and does not reflect the existing conditions. However, based on the fact that the survey was conducted as part of the previous application, and taking into consideration the location of the proposed development, the survey results can be considered acceptable.*
- *The parking survey records streets within 200m of the proposed development. Based on a walking speed of 1.2m/sec, the walking distance to the proposed development is approximately 2.5 minutes, which can be considered reasonable.*
- *The summary of the parking survey indicates that the on-street parking facilities for the proposed development are considered adequate to accommodate for two visitor parking spaces. Therefore, a shortfall of two on-site visitor parking spaces can be considered acceptable.*
- *It is recommended that the on-site visitor parking spaces should be clearly marked and signposted.*
- *The driveway ramp grades to access the semi-basement car park are considered satisfactory.*
- *The on-site parking spaces for the 43 dwellings are proposed as mechanical car parking stacker arrangement with two levels. Section 8 of the traffic report states "A pit depth of 2m and headroom clearance of 3.8m will ensure that the car stackers can accommodate cars up to 1.8m high". The above statement indicates that the headroom clearance for the semi-basement car park including the pit of 2m deep should be 5.8m. But, the proposed plans TP09 and TP10 indicate the effective depth to be 5.7m. Hence, it is recommended that the effective headroom clearance for the semi-basement car park including the pit depth of 2m should be proposed at 5.8m to comply with the specifications, and the plans amended accordingly.*
- *Section 8 of the traffic report specifies the column locations for the proposed car parks. It is noted from the proposed plans that the column location for the mechanical car stacker of 5.3m long does not comply with Section 5 of AS/NZS 2890.1:2004. Hence, it is recommended that the columns for the mechanical car stackers should be located between 0.65m and 1.65m to comply with the specifications.*
- *Section 8 of the traffic report states that 'Blind aisle extensions of at least 400mm are provided for the blind aisles'. However, the ground/site floor plan dated 05/06/2013 (Rev B) provides blind aisle extensions of 1.2m (near and opposite to locker 26), 1m (opposite locker 8) and 0.85m (near locker 8), which contradicts the above statement. It is recommended that the traffic comments with respect to blind aisle extensions as shown on the proposed plan should be reflected in Section 8 of the traffic report and amended accordingly.*

- *It should be noted from Section 8 of the traffic report that B85 design car (4.91m long) will be accommodated in the lower level of the mechanical car stackers, and B99 design car (5.2m long) in the upper level. Further, it is noted from the traffic report that swept paths for the car spaces adjacent to the blind aisles with B85 design car are provided in Appendix E. However, the traffic report has no enclosures as Appendix E. It is recommended that the traffic report should be provided with swept path assessments as Appendix D, and not E.*
- *It is noted from the swept path assessments that the ingress and egress of the vehicles adjacent to the blind aisle extensions for the B85 design car (4.9m long) is considered satisfactory. However, it is recommended that the applicant provide swept path assessments for B99 design cars to demonstrate safe ingress/egress for the car spaces adjacent to the blind aisle extensions.*
- *It should be noticed that the applicant has not provided sufficient information with regards to the headroom clearance of the proposed semi-basement garage door (height of the garage door). It is recommended that the applicant provide sectional plans of the semi-basement garage indicating the headroom clearance of the garage and the basement.*
- *It should be noted that the mechanical car stackers may not be able to accommodate a disability car space. It is recommended to provide at least one normal space as a disability car space for the proposed development.*
- *The proposed doors leading to the stairs (north and west of the semi-basement car park) should not open into the car park area to reduce conflicts with the vehicle movements.*
- *Adequate bicycle spaces are proposed for the proposed development.*
- *It should be noted that timber fence pickets 1.5m high are proposed along the road frontage (Paine Street- East) and to the north of the proposed driveway (side fence). Therefore, it is recommended that the front fence to the east of the driveway should not be more than 1.2m high for the first 2m along the road frontage, and the side fence should not be more than 1.2m high for the first 2.5m from the front property boundary to provide for adequate pedestrian sight lines.*
- *Adequate information has not been provided with respect to waste collection*
 - *days and time periods associated with the collection of waste; and*
 - *duration to undertake the waste collection.*

Note: The above Traffic advice was provided to the permit applicant prior to the receipt of the revised plans being received in June 2013 and many of the issues raised have already been addressed in those revised plans. Any further issues/clarification will be discussed and appropriately responded to in the assessment in the body of the report.

DESIGN SERVICES

The proposal was referred to Council's Design Engineer who provided the following comments:

- *Drainage to legal points of discharge as nominated.*
- *Stormwater flow to be restricted to pre-development flow.*

RECREATION AND OPEN SPACE

The proposal was referred to Council's Recreation and Open Space department who provided the following comments:

The Recreation Department has reviewed the amended plans submitted by the applicant (Dwg. TP 01-09, dated 05.06.13) for the proposed residential development at 6 Paine Street, Newport.

As mentioned in previous comments (memo dated 07.10.11), a key concern remains the proposed development's relationship with Armstrong Reserve and potential impacts to its functionality. In previous comments we requested a 'design response within the reserve at this interface...to resolve identified impacts'. Specifically, we requested:

- § the provision of appropriate connections into the reserve for new residents, and;*
- § landscaping at the interface to better integrate the development with the reserve, reduce impacts of noise, loss of privacy, and potential property damage and achieve a clear delineation between the public and private realm.*

The recently submitted plans require further amendment and detail to adequately achieve these objectives.

Specific aspects of the plans that require review:

- An east-west connection (concrete path) has been proposed along the boundary of the development. The proposal of a path in this location is supported in principle to provide a connection into the reserve, however the proposed width of 1 metre is considered inadequate and should be widened to a minimum of 2 metres to comply with universal access standards and create an adequate buffer.*
- Currently the path is proposed within the residential land. To create an effective and attractive interface to the reserve, the Recreation Department would support construction of up to 500mm width of the overall 2 metre width within the reserve boundary, in recognition of its shared use and to reduce impacts on the amount of private open space provided for residents. Construction of the path must be undertaken at the expense of the developer and constructed in accordance with the HBCC Standard Landscape Details.*
- The proposed central link at the reserve interface is supported in principle, however it must be integrated into the landscape interface treatment (refer recommendations below and concept plan attached). Creating a direct connection at this location will necessitate the relocation of the existing cricket nets. Relocation and replacement of the nets must be at the expense of the developer. Works associated with the relocation would be co-ordinated by HBCC.*
- The construction of a path along the boundary would compromise the health and scale of existing vegetation. In particular the damage to root zones would compromise the health of the mature trees and shrub plantings would be reduced in scale to a point where they do not provide an adequate or attractive buffer. We request that existing vegetation within 5 metres of the boundary be removed and replaced with an approved landscape treatment at the expense of the developer. A financial contribution will be sought from the developer, based on approved landscape plans, for HBCC to undertake the construction of landscape improvements within the reserve.*

Recommendations

1.0 Landscape Interface Treatment

A landscape plan by a suitably qualified landscape architect with demonstrated experience in delivering similar high quality public/private landscaped spaces is required to be submitted for

approval. The landscape plan should address the interface issues identified between the reserve and the development.

A suitable treatment must achieve the following:

- A minimum 5 metre wide landscape buffer, including the 500mm wide section of path within the reserve and a landscape treatment (trees underplanted with shrubs);
- A minimum shrub planting density of 5 plants per/m² @ 140mm pot sizes;
- A consistent row of single species, mature, deciduous trees. Trees must be of an appropriate scale to the development and at an appropriate spacing to create consistent canopy cover; and
- A clear visual and physical connection with the proposal's main reserve entrance, including shrub planting no higher than 500mm mature height.

The plans must show:

- Proposed path location, width and materials;
- Landscape materials palette, species (botanic and common names), spacings, densities and quantities;
- Planting and construction details in accordance with the HBCC Landscape Specification (supplied);
- Relationship of proposed path and landscaping to existing infrastructure ie: playground equipment and cricket nets; and
- An elevation image of the southern aspect of the development, showing the context of the proposed development, landscape interface treatment and existing infrastructure.

We note that current TP drawings provide limited detail on the proposed communal garden located centrally within the development. We recognise that such communal space allows for natural ventilation (from lower level car park) however it is important that such communal space provides quality visual amenity and functional value to future residents. As such, landscaping plans should demonstrate that the courtyard would be an attractive, comfortable and functional environment for future users.

2.0 Cricket net replacement/ relocation and play opportunities

While it is evident that the current cricket nets located within Armstrong Reserve are heavily used for informal activities and would likely increase in use with the additional residents in the immediate area, there are safety concerns if the nets are to be retained and upgraded in their current location. The location of the proposed central link to the development will necessitate the removal and replacement of the cricket nets as a minimum. Similarly, it is reasonable to assume, increased use of the playspace will result from the residential development. A monetary contribution should be sought from the developer for relocation/replacement of the nets or upgrade of the existing playspace of equal value to cater for new residents.

A consultation and design process will need to be undertaken with the local residents to determine needs, costs and expenditure of the developer funds.

3.0 Reserve Infrastructure Improvements

As noted above, the quality of the proposed communal garden space is somewhat compromised due to the servicing function it provides for the lower car parking areas. Noise and smells emitted from the

car park would significantly impact on the quality of the space and inhibit the private use of the courtyard.

There are opportunities to further enhance the Armstrong Reserve public infrastructure (these could include, picnic facilities, shelter and seating or additional play opportunities/ expansion of the play space) to better provide a functional communal space for new users resulting from the development.



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INDEPENDENT URBAN DESIGN ADVICE

Proposed Development at 6 Paine Street Newport

An aerial photograph of a residential neighborhood. A large, irregularly shaped lot in the center is outlined in red. This lot is mostly bare earth with some sparse vegetation. Surrounding the red-outlined lot are numerous houses with various roof colors (red, grey, brown) and some trees. A road runs vertically through the left side of the image, and another road runs horizontally across the top. The overall scene is a dense urban or suburban setting.

Our ref: 12135

Proposed Development – 6 Paine Street Newport

CONTENTS

1. Background.....	3
2. Physical Context	3
3. Proposed Development.....	4
4. State Planning Policy Framework.....	5
5. Local Planning Policy Framework.....	8
6. Summary of Findings.....	9
7. Conclusion	9
8. Documents Forming the Basis of the Report	14

Proposed Development – 6 Paine Street Newport

1. BACKGROUND

- 1.1. In January 2013 I was asked by Hobsons Bay City Council ("Council") to comment on the proposed development at 6 Paine Street Newport. I have commented on an earlier proposal in October 2010. Subsequently I have met with the applicant in the company of planning officers on a number of occasions to seek to reconfigure and refine the project to align with principles that I believe are appropriate to the site in an urban design and architectural sense.
- 1.2. My comments are made with regard to the resolution of the scheme in relation to its context and principles of good urban design.
- 1.3. This proposal seeks approval to:
 - 1.3.1. Construct 43 dwellings ranging in height from one to three storeys
 - 1.3.2. A reduction in the statutory car parking rate

2. PHYSICAL CONTEXT

- 2.1. Site context
 - 2.1.1. The site is a former industrial site bounded by Paine, Crawford and Latrobe Streets with a park (Armstrong Reserve) to the northwest. The site enjoys generous frontages to each of these interfaces and has a site area of over 3250 square metres. The site sits within an otherwise largely fine grain residential neighbourhood of primarily older style dwellings. The area's fine grain residential coherence has been acknowledged with a Heritage Overlay affecting both the subject site and environs.
 - 2.1.2. Newport Station is approximately 700m to the northwest, with regional bus services within a five minute walk of the site to the east and west.
 - 2.1.3. The roads bounding the site are generously scaled and offer a distributed transport access network to and from the site. The bike path to the city is within five minutes of the site to the east.
 - 2.1.4. The Newport Activity centre is approximately 600 metres northwest whilst the Williamstown Ferguson Street Activity Centre is a little over 1km to the south.
 - 2.1.5. The site could be best described as a large brownfields infill site which due to its scale and location within an established inner urban neighbourhood offers strategic opportunity for replacement with housing stock that contributes to the diversity and urban repair of the precinct. The previous

Proposed Development – 6 Paine Street Newport

occupancy of the site was a large industrial complex that was built largely to the perimeter of the site. The adjacent park forms part of a generous network of parks that exist to the east of the rail with Coronation Reserve one further block to the northeast connecting through ultimately to Newport Park. Within a five minute walk to the east is the Foreshore Reserve.

3. PROPOSED DEVELOPMENT

- 3.1. The proposal comprises 43 dwellings with semi-basement car parking for 50 on site car spaces. Car access is provided from Paine Street with a further 26 spaces available on street to the site frontages. 25 secure bicycle spaces are provided within the development with additional bicycle racks at key visitor arrival points. Additionally four visitor spaces are provided on site.
- 3.2. The project provides for a diversity of housing with seven one-bedroom units, 33 two-bedroom units and three three-bedroom units in contrast to the previous application where only one- and two-bedroom units were provided.
- 3.3. The project is configured with 15 single level ground floor apartments configured as five separate groups. These are divided by four major entrances to the first floor podium and lift core and internal car park areas. A lift is provided in the south-eastern entry near the corner of Crawford and Paine Street adjacent to the Visitor parking zone. In addition five of the units have access from a new pedestrian pathway that abuts the adjacent parkland within the site footprint providing a useful new connection for the neighbourhood along the south side of the park. It is understood that the path is to be a public path and title to the path will be transferred to the council as a condition of permit. The materials and finishes for the path and the lighting thereof should be to the satisfaction of the responsible authority also. The remaining units are oriented to each of the adjoining street frontages. Each unit has both an internal door accessed from the secure corridor and parking area and a door via their front gardens to a front gate on the street. Setbacks are typically between 2.5 metres and 4 metres from the street frontage providing for forecourt landscaping into natural ground combined with terrace areas adjoining living spaces. Timber pickets are provided to a uniform height of 1.5 metres.
- 3.4. At each of the corners of the site a publically accessible staircase links first floor landscaped podium to street level

Proposed Development – 6 Paine Street Newport

- 3.5. The first floor podium is configured around a central garden zone in excess of 13.5 metres wide and double this in length placed centrally and arranged longitudinally in alignment, with a new stair extending down towards the path adjoining the parklands. The first floor level incorporates 28 one and two level units. All but three of the units have their primary outlook to and living areas oriented to the surrounding streets and parklands with the remaining three units orienting their outlook to the central garden. The street edge of the built form is broken at this level into six separate built form elements ensuring that no street or park edge is interfaced with a continuous two-level podium.
- 3.6. At second floor level further erosion occurs at each of the four corners and additionally at the primary entrance to the development in Crawford Street.
- 3.7. The streetscape and more detailed elevations depict the projects built form design objectives with a picturesque roofscape of varied one level parapet and two and three level hipped and gabled forms expressed in a fine grain rhythm referencing surrounding finer grain subdivision patterns
- 3.8. At the second floor, the primary facades of upper level of development is consistently setback further from that of the lower level with setbacks of typically in the range of 3.8-5.8 metres to primary street frontages and 3.5 metres plus to the adjacent park interface. At the level below the street interfaces provide typically in excess of 2 metres to the face of balconies and architectural features with the balconies scaled typically with a 2 metre depth to enable flexibility in use and a greater emphasis of articulation and setback to the primary wall of the building at typically in excess of 4 metres from the street frontage and 3.5 metres to the park with the exceptions of NW and SE corners where a side wall expression brings the two level building closer to the street in a manner found in other locations within the municipality.
- 3.9. Materials and finishes are typically brick to ground and first floor levels with a more varied palette of metal cladding and render profiles to the uppermost levels and infill and corner elements at first floor.

4. STATE PLANNING POLICY FRAMEWORK

- 4.1. Within the Hobsons Bay Planning Scheme there are a number of relevant clauses that need to be considered when reviewing this proposal from an urban design perspective.

Proposed Development – 6 Paine Street Newport

- 4.2. **Clause 11** and **Melbourne 2030** encourages more intensive development in Activity Centres incorporating regard for Melbourne @ 5 million. It outlines a vision for the sustainable growth of Melbourne for the next 30 years.
- 4.3. **Clause 11.01** relates to 'Activity Centres' and seeks to:
 - 4.3.1. Encourage a diversity of housing types at higher densities in and around activity centres.
 - 4.3.2. Reduce the number of private motorised trips by concentrating activities that generate high numbers of (non-freight) trips in highly accessible activity centres.
 - 4.3.3. Improve access by walking, cycling and public transport to services and facilities for local and regional populations.
 - 4.3.4. Broaden the mix of uses in activity centres to include a range of services over longer hours appropriate to the type of centre and needs of the population served.
 - 4.3.5. Provide a focus for business, shopping, working, leisure and community facilities.
 - 4.3.6. Encourage economic activity and business synergies.
- 4.4. **Clause 11.04** relates to 'Metropolitan Melbourne' and seeks to establish a hierarchy of centres and to provide targeted new housing within these centres. Within Activity Centres like Spotswood (an Urban Village - Neighbourhood Centre within the C1, 21.08 - Activity Centres), the SPPF seeks to:
 - 4.4.1. Have a mix of activities that generate a high number of trips including business, retail, services and entertainment.
 - 4.4.2. Have the potential to grow and support intensive housing developments without conflicting with surrounding land-uses.
 - 4.4.3. Encourage Major Activity Centres with good public transport links to grow in preference to other centres with poor public transport links serving the same catchment.
- 4.5. **Clause 15** Built Environment and Heritage – notably Clause 15.01 Urban Design – encourages development 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.
- 4.6. Policy guidelines to consider where relevant include:

Proposed Development – 6 Paine Street Newport

- 4.6.1. Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004) in assessing the design and built form of residential development of four or more storeys.
- 4.6.2. Activity Centre Design Guidelines (Department of Sustainability and Environment, 2005) in preparing activity centre structure plans and in assessing the design and built form of new development in activity centres.
- 4.6.3. Safer Design Guidelines for Victoria (Crime Prevention Victoria and Department of Sustainability and Environment, 2005) in assessing the design and built form of new development.
- 4.6.4. Urban Design Charter for Victoria (Department of Planning and Community Development 2009).
- 4.7. **Clause 16** Housing - encourages housing in and around activity centres and the prioritising of opportunities in these areas for intensification of housing. More generally it looks to create housing diversity and increased housing in established areas that respects neighbourhood character, more effectively utilises existing infrastructure and adds housing diversity. Importantly, it seeks to increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.
- 4.8. **Clause 17** Economic Development - encourages the economic development of activity centres to build employment and commercial opportunities.
- 4.9. **Clause 18** Transport - encourages solutions that 'ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe'.
 - 4.9.1. Clause 18.02-1 promotes Sustainable Personal Transport.
 - 4.9.2. Clause 18.02-1 promotes cycling and aims to integrate planning for bicycle travel with land use and development planning and to encourage cycling as an alternative mode of travel.
- 4.10. **Clause 19.01** promotes renewable energy use in development.
 - 4.10.1. Clause 19.03-05 seeks to minimise waste and encourages recycling.
- 4.11. **Melbourne 2030: A Planning Update - Melbourne @ 5 Million** acknowledges the higher than anticipated growth of the city and obliges established areas to accommodate 53 per cent of new dwellings.

Proposed Development – 6 Paine Street Newport

5. LOCAL PLANNING POLICY FRAMEWORK

- 5.1. Relevant local policy provisions include:
 - 5.1.1. **Clause 21.06** Residential - residential areas will provide a choice of housing types to meet the needs of the diverse households in the municipality. Objective 2 seeks to encourage and facilitate the provision of a range of dwelling types to suit the varying needs of the community with a high quality living environment.
 - 5.1.1.1. It notes as a strategy, support for medium density residential development where it can be accommodated within the capacity of the existing infrastructure and, of particular relevance. In this instance, it encourages medium density residential development within Activity Centres in a manner that does not detract from the concentration and viability of retail and commercial activity.
 - 5.1.1.2. It encourages this residential development to be located at the first floor within these activity centres, the purpose to be aligned with high density residential guidelines and the principle of providing eyes to the street in areas where street life is encouraged.
 - 5.1.2. **Clause 21.07** Heritage
 - 5.1.3. **Clause 21.11** Open Space, Environment and Conservation - this clause seeks to improve the overall quality of open space and to ensure that all development enhances the environmental values of streetscapes and open space systems. Melbourne Road is noted as a Landscape Improvement Corridor on Map 5 of this clause.
 - 5.1.4. **Clause 22.01** Heritage Policy
 - 5.1.4.1. 22.01-3 Private Survey Heritage Precinct
 - 5.1.5. **Clause 22.10** Hobsons Bay East Neighbourhood Character Policy
 - 5.1.6. **Clause 43.01** Heritage overlay
- 5.2. **Zoning** - the site is zoned RZ1.
- 5.3. **Overlays** - A heritage Overlay HO27 applies to the site.

Proposed Development – 6 Paine Street Newport

6. SUMMARY OF FINDINGS

- 6.1. The site as a large remnant brownfields site within an otherwise residential neighbourhood is a site that warrants transformation for residential use and the provision of a variety of dwelling sizes and configurations will I think provide a welcome addition to housing options within the neighbourhood.
- 6.2. I am generally satisfied that the site organisation, massing and visual permeability of the site is well handled. The inclusion of a cross street link to the southern interface with the park ensures that the southern park interface provides a useful addition to the pedestrian network for residents and an animated southern landscaped edge to the park.
- 6.3. The erosion of the street corners with new entry and stair forms provides opportunities for substantial street tree clusters to enhance the streetscape edges of the site.
- 6.4. The access to the site off Paine Street for cars and the wrapping of car parking with development also seems logical. I understand rates and access arrangements have been previously tested and confirmed at VCAT hearings. The inclusion of additional bicycle storage facilities over and above minimum requirements is supported.
- 6.5. The extension of the visual space of the park into a first floor podium central garden is also welcomed. This space has the potential to provide a visual extension of the green space of the park if well handled.
- 6.6. I am also of the view that for the most part subject to the points raised below that the amenity provided for dwellings is well managed and will result in a high level of amenity for occupants. Balconies are typically well proportioned and rooms generously scaled with living areas frequently configured for cross ventilation.
- 6.7. Ground floor at grade units and the configuration of the lift accessed first floor levels with all but three units having living areas at this level make the vast majority of units visitable for people of all abilities.
- 6.8. The proposed use of masonry and metal claddings and picket fences provides a robust material palette template that references local materials and subject to my comments below is also supported.
- 6.9. The treatment of the corners with stepping down of the development to two levels, the provision of generously scaled visual breaks between upper level form and the blending of hip and gable forms combines to provide a built form and articulation strategy for the ensemble that I think is meritorious in concept.

Proposed Development – 6 Paine Street Newport

6.10. The progressive stepping back of upper level form has I think been competently handled.

6.11. My primary concerns remaining in the development are as follows:

6.11.1. The success of the project will rely on the quality of placemaking and the quality of detailing and finish in the solution and how the development is experienced from the street. A landscape plan prepared by a landscape designer with a track record of exemplary landscape architecture is critical to the developments success. Equally an Arborist report should be sought to ensure that existing trees will not be compromised by new development.

6.11.1.1. A High Quality Landscape Plan

In this instance I would recommend a landscape plan and details for critical entrance zones, street interfaces and first floor, street and central green areas be required. This should be prepared by a landscape architect with demonstrated expertise as shown through awards in delivering high quality urban spaces underpinned by water-sensitive urban design principles. The plans should address the following issues:

6.11.1.1.1. Resolution of public realm treatments to the kerb line to all three street frontages and to the southern park interface to the north. As a former industrial site the site has not been well integrated in a public streetscape sense previously with its neighbours. An opportunity exists to substantially resolve this to provide a convincing high quality integration of the built and landscape ensemble so it enhances these abutments. The works should include additional streetscape and forecourt planting and street lighting and furniture as appropriate to the satisfaction of the responsible authority. Details of all street furniture, public lighting and materials and finishes should be provided.

6.11.1.1.2. The setting back of fences from the corner of Crawford and Paine Streets behind a major corner tree to create a more generous and convenient corner arrangement.

10

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Proposed Development – 6 Paine Street Newport

- 6.11.1.1.3. Reconfiguration of the ground floor private open space areas to provide for a planted zone between the fence and paved areas and detailed landscape proposals for the ground floor area.
- 6.11.1.1.4. Resolution of stair and internal street and planter details to the satisfaction of the responsible authority.
- 6.11.1.1.5. The development of a more ambitious integrated central village green on the upper level bounded but not broken by pedestrian streets (The triangulation of the central courtyard and positioning of vents is unconvincing and results in very little usable area for relaxation and little opportunity for significant planting). Details of seating and pavilions etc. for this area should also be provided in addition to details of the irrigation and planting treatments to ensure the area remains attractive in the long term. In my view this space should also accommodate some trees in purpose designed planters to extend the vegetation evident in the adjoining parklands.
- 6.11.1.1.6. A detail of the staircases down to the parkland also requires resolution.
- 6.11.1.1.7. The inclusion of buffering planting between the windows to the bathroom and kitchen areas of Units 32, 33, 34 and 38 (bath 1) and common walkway areas.
- 6.11.1.1.8. Lowering of street fencing to a maximum height of 1 200 metres except where the fencing abuts the private paved open space areas of the development where a taller 25% permeability picket arrangement would be acceptable. The detailing of fences should be further considered to provide a varied and visually interesting streetscape treatment. Some setbacks with foreground planting may enhance the longer streetscapes.

11

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Proposed Development – 6 Paine Street Newport

6.11.1.1.9. The inclusion of a public lighting strategy for the ground and first floor street areas is warranted.

6.11.1.1.10. The use of Bluestone paving is supported typically but a more permeable treatment may be required in the interface with the park and other street trees subject to Arborist advice.

6.11.1.2. Materials and Finishes

The details of finishes require more resolution. The proposed brickwork appears to suggest that recycled or similar bricks would be used for the lower podium and ground level forms. In principle this would be strongly supported as is the proposed use of other recycled timbers at key entries referencing back to the previous use in an interpretive manner giving the place greater potential for character (see below suggested heritage interpretation strategy). The inclusion of an upper level palette of weatherboard and metal claddings for the most part is supported in principle. I am however concerned at the widespread use of white Colourbond and paint finishes at upper levels. In my view the quality of the metal claddings to the corner elements in particular and the framed gables and hips should be of high quality but a less contrasted and more muted colour palette than currently proposed. Zinc claddings provide this array and would be appropriate. Some Colourbond products inclusive of the proposed grey cladding may also be acceptable. In a proposal of this scale proposed finishes boards are warranted with the elevations matching the colour palettes shown in the finishes schedule to avoid uncertainty about design intent that currently exists. Presently for example Cladding M5 is shown differently in the sample depiction and elevations.

6.11.1.3. Minimising Conflicts Between Units Whilst Maximising Amenity

The juxtaposition of upper level apartments is generally satisfactory however the positioning of windows is not in my view optimised resulting in excessive need for screening that

Proposed Development – 6 Paine Street Newport

will not resolve acoustic privacy. Substantial opportunities exist to offset and resize windows to avoid these conflicts.

- 6.11.1.4. As an example the uniform positioning of windows to the south wall of unit 43 puts these in conflict with those of unit 38 opposite.

6.11.1.4.1. An opportunity may exist for the inclusion of a feature bay window opposite the alignment with the dining table of unit 43 and removal of the NW windows to Bed 2 opposite of unit 38.

6.11.1.4.2. The remaining three windows could be removed from the south alignment of unit 43.

6.11.1.4.3. Similarly the extension of the north wall of unit 41 to form a bay window element with a westerly aspect to bedroom 2 of unit 40 would avoid conflicts with the bedrooms opposite.

6.11.1.4.4. The north bedroom of Bed 1 could be deleted.

6.11.1.4.5. In the case of Unit 41 the north window to the living area should be deleted. A bay window orienting views to the street could be provided for the dining area and the central windows could be changed to a highlight fixed glazed element above 1.7 metres.

6.11.1.4.6. Likewise to unit 25 the north facing bedroom windows should be deleted.

6.11.1.4.7. The south windows of bed 2 to unit 29 should also be deleted.

6.11.1.4.8. In the case of units 41 to 43 I would recommend the inclusion of a retractable door system and Juliet balcony to the adjacent village green.

6.11.1.4.9. All plant and equipment should be appropriately screened.

- 6.11.1.5. Heritage Interpretation and Integrated Art

An opportunity exists to celebrate the history of the site and the contribution of industry to the cultural history of Newport. This typically is best developed through the inclusion of a heritage interpretation strategy that may help inform material treatments

Proposed Development – 6 Paine Street Newport

and messages and appropriate integrated art opportunities within the public areas of the development. It is recommended that an integrated art and heritage interpretation strategy is adopted for the site to the satisfaction of the responsible authority.

Subject to these changes and acceptable clarification and quality of answers and development, I am satisfied that the project warrants support.

7. DOCUMENTS FORMING THE BASIS OF THE REPORT

7.1. A number of documents were referred to in the preparation of this report, which are listed below in chronological order:

- 7.1.1. Planning and Urban Design Submission – Planning Studio on Peel – June 2013
- 7.1.2. Heritage Issues – Bryce Raworth Pty Ltd – June 2013
- 7.1.3. Waste management Plan – Leigh Design – 13 June 2013
- 7.1.4. Traffic Engineering Assistance – Traffic Group – 14 June 2013
- 7.1.5. Architect's Statement of Change as of 11.06.2013 – Kavellaris Urban Design
- 7.1.6. Amended Plans 05.06.2013 – Kavellaris Urban Design - TP01 to TP11



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Dated

01 July 2013

14

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