



Hobsons Bay
CITY COUNCIL

MINUTES OF SPECIAL PLANNING COMMITTEE MEETING

5th September 2013, commencing at 6:00 PM

CHAIRPERSON: - Cr. Gates
Cr. Grigorovitch
Cr. Wilson

Chris Willard

Chris Willard
ACTING MANAGER URBAN PLANNING AND ENVIRONMENT

AGENDA

(A) **APOLOGIES**

None

(B) **DISCLOSURE OF INTERESTS**

No conflicts of interest.

(C) **BUSINESS**

- (i) Application: PA1226036
- Proposal: Construction of 43 dwellings ranging in height from two to three storeys including a reduction in the statutory car parking rate.
- Address: 6 Paine Street, Newport

Started: 6.12 pm

Introduction

Cr. Gates introduced the meeting and the Committee members and Council staff.

Officer's Presentation:

Mark Tenner, Team Leader Urban Planning, described application PA1226036 and briefly took the Special Planning Committee through the Officer's Report, as printed in the Agenda.

Objector's Concerns

Darren Williams

- Despite many pro forma objections being lodged, this should not affect their validity.
- Residents could accept a modest increase in density up to three storeys in height.
- Concerned about the extent of development on the site.
- Any development should be tempered by its context.
- The proposal does not adequately respond to the last VCAT decision – is not 'well mannered' and does not have a 'low key manifestation'.
- Should be graduated to three storeys rather than be three storeys with cantilevered sections.
- Large parcel of land – should be easy to design an acceptable outcome.
- Suggested that 32 dwellings would be more appropriate with modest setbacks and up to three storeys high – not an ideal outcome for the residents but could live with it.
- Developer was not willing to compromise.
- Excessive scale.

- Excessive density, particularly compared to other sites in more appropriate activity centre locations e.g. 87 Stevedore Street and on Melbourne Road. This proposal is double the density of the Stevedore Street proposal and three times that of the Melbourne Road example.
- Is an overdevelopment aimed at maximizing yield and profit and is not a sensitive outcome.
- Upper level balconies come forward closer to the street thus emphasizing the upper levels.
- Upper floors should be more recessive.
- Development is packed in too tightly and represents as an unbroken mass.
- The large stair entries don't allow views through the site.
- Cantilevered upper floor in visible locations should not be necessary on a site of this size.
- Second VCAT decision gave clear guidance on how the design should respond.

Nick Bebic

- Proposal does not meet the Res Code building height requirements. This appears to have been glossed over and hidden.
- Three storey height exceeded due to inclusion of podium – more like three and a half storeys.
- Res Code requires a maximum height of 9.0 metres. Height to the ridge line is 11.2 metres all the way around.
- The internal units are not dimensioned but would appear to be around 13 metres high.

Alison Terry

- Council's urban design advice refers to the development providing an opportunity for a place making outcome. Does not achieve this.
- The relocation of the dwellings to the side of the central garden area creates a monolithic form.
- The cantilevered form draws attention to the bulk of the development.
- The light wells for units 39 and 42 is a poor amenity outcome. Issues with amenity, access to light, ventilation and maintenance.
- The proposal is pushing the development to the limits.
- The stairs and breaks create a canyon like result with the potential to funnel the prevailing south westerly and northerly winds which also impacts on amenity and the usability of the central garden area.
- The proposal does not appear to provide for disabled access and universal design and therefore, the ability to age in place. Only one lift provided. No ramp from the street.
- The ground level apartments do not have easy access to the car park and bin enclosure for people with mobility issues.
- The ground floor dwellings are not designed to provide for cross ventilation.
- The proposal does not appear to include any active sustainability initiatives. The provided water tanks are for irrigation only not for other purposes. Tanks are primarily to deal with storm water run-off control due to the high site coverage.
- Making the buildings accessible also future proofs them and is an example of sustainable development.
- Apartments 41 to 43 should be removed to make the podium more useable.
- 30 apartments overall would be a better outcome.

Anthony Simmons

- Raised the reformed residential zones. If the General Residential Zone was adopted, a maximum height of 9.0 metres would apply.
- The number of objections should be taken into account.
- Minister Guy has previously stated that the number of objections should be taken into account in the consideration of an application.
- The community consultation outcomes were not incorporated into the development.

Philip Henkel

- Raised heritage and indented parking.
- Key grounds raised by VCAT were neighbourhood character.
- Heritage and neighbourhood character are linked.
- Council's Heritage Adviser raised a number of points which had not been taken into account.
- Paine Street is the feeder street into the neighbourhood from Melbourne Road. The street is narrow so indented parking should be provided and paid for by the developer.
- The previous VCAT decision ruled that the previous proposal was not good enough and that the owner should try again.
- The new proposal is still not good enough – try again.

Anthony Pollock

- VCAT previous decision was right – the proposal was not good enough. New proposal still not good enough.
- Site coverage at 73% is excessive.
- Height at 11 to 13 m is excessive and not good enough.
- Reduction in parking unacceptable.
- 22 dwellings at one and two storeys would be preferable.
- The development is too large for the site.
- Would Council officers and planner want to live opposite the development?

Scott Hall

- Advocating from a child's perspective.
- A healthy and functional development is required for this site.
- The design differs little from the previous proposal.
- Council's Municipal Early Years Plan refers to planning and design to make areas child friendly.
- Issues around safety due to high density and increased traffic. Extra cars will compromise children walking to school or the park.
- Proposal is an overdevelopment.
- Parking and access in and out of the site unsafe.

Anne Fowler

- The proposal will cause a negative impact on the surrounding area and the adjoining park.
- The central community garden won't deliver the outcome proposed.

- The steps up from the park create a secluded space, doesn't integrate the development with the park and emphasizes the separation.
- The proposal requires the removal of the cricket nets – where will they go?
- Proposal creates in effect a gated community due to the high fencing and lack of transparency.
- Removal of existing vegetation on south side of park is not supported – currently used by children for play.
- The recommendations by Council's Recreation Department for a 5.0 metre encroachment into the park with paving and new landscaping is not supported. The design of the development should not compromise the public open space and should include the required setback within the subject site.

Patrick Love

- Concerns regarding the traffic, parking height and density in a low rise neighbourhood.
- Not convinced the latest proposal deals with the issues raised by VCAT.
- Distance between the site and the Newport Station is 700m. This is the only direct public transport option available as an alternative to car travel. Site is outside the usual 400m walkable distance/catchment. As a result residents will rely on cars.
- Potential is for occupants to own more cars than the statutory parking rate e.g. in tow bedroom dwellings.
- If the new residential zones are introduced, will the area be in the General Residential Zone or the Neighbourhood Residential Zone. This is an 'argument' to be had and allowing this development will 'cheapen' that process.

Corey Bugeja

- Lives opposite the site in Paine Street and opposite the driveway entry.
- Concerned about noise from traffic entering and exiting the car park and from the electronic gates.
- Concerned about headlights shining into his front bedrooms.
- If indented parking is provided, should be on the north side of the street.
- The gates in the front fences will encourage residents to park on-street rather than in the car park.
- He does not have off-street parking so this will impact on his ability to park on-street.
- Concerned about the volume of traffic movements.

Louise Karch

- New to Australia and Newport.
- Proud of her new neighbourhood.
- Chose to live in Crawford Stet and likes the low fences and the interaction with neighbours that this encourages.
- Wants to protect the quality of this interaction.
- Right kind of development required for the site.

Applicant's Response

- Concerned about the number of pro-forma objections.

- Contains inaccurate information – refers to a 3 to 4 storey development whereas the proposal is 3 storeys.
- Not convinced all the people signing the pro forma objections had seen the plans. Is easy to solicit objections this way.
- In terms of sustainability, the Building Code of Australia (BCA) requires a 6 star energy rating – the development will be required not achieve this.
- Similarly the requirements for disabled access are mandated by the BCA.
- The design has been based on the findings of the previous VCAT decisions.
- The long street frontages on the site provide an opportunity for on-street parking compared to other development sites. Therefore the waiving of four visitor spaces is appropriate.
- The provision of indented parking bays is acceptable.
- The Council's urban design comments have been included as conditions and this is acceptable. The urban designer is a highly respected expert in the field and his advice is invaluable.
- The development is about a sense of place. It provides linkages to the neighbourhood and connects to the park. Is not a gated community.
- Accepts the conditions for a sustainable design assessment, storm water design to pre-development flows, and works within the reserve. The latter requires further discussion with Council as to how this will work and whether it requires consultation with residents or is just carried out by the Council. Accept the dollar amount suggested – not consulted about this but will discuss with Council officers as to how it was calculated if a permit was to issue.
- Has dealt with wind modeling on high rise proposals but not for a three storey proposal so has no experience in this regard.

Peter Cahill

- His approach to development is simple. Aims to provide properties that purchasers are proud to own and that represent value for money.
- Tends to avoid large projects.
- Has done a similar development known as St Josephs which has met with a positive response from that local community and has proven to be a style of development that meets a community need.
- Highlighted the previous industrial use of the site.
- First application was for 47 dwellings which was reduced to 40 dwellings at the VCAT mediation hearing.
- The first proposal was architecturally adventurous – was aiming for an iconic building for Newport.
- VCAT ruled that the form, height, scale, density and traffic issues were acceptable but that the external architecture was wrong.
- The second proposal was again rejected for similar reasons. Acknowledges he got it wrong on both occasions.
- Current proposal represents a reduction in gross building area of 900sqm which equates to 8 or 9 three bedroom dwellings.
- Sought input into the latest proposal from Council officers and their urban designer as well as local residents.
- The community engagement commenced in October 2012. Tried to negotiate with Darren Williams to produce an outcome acceptable to the residents.

- Engaged a professional community consultation expert for the broader community consultation.
- The outcome of the consultation process was significant and resulted in changes to the proposal including:
 - Increased upper level setbacks
 - Breaks in the upper levels
 - Introduction of two storey components
 - Introduction of hipped and gabled roofs, weatherboard cladding and corrugated metal roofing and cladding.
 - Provision of access to the reserve
 - Provision of a footpath on the reserve frontage
 - The inclusion of three bedroom dwellings in lieu of more one bedroom dwellings.
- While the proposal does not include affordable housing in a social housing sense, the question of affordability was a key driver in the proposal but not in planning terms.

Adjourned: 7.50 pm

Resumed: 8.07 pm

Moved:

Cr. Grigorovitch moved that the application be refused on the following grounds:-

1. The proposal does not meet State Planning Policy, particularly the objectives and guidelines at Clause 15 (Built Environment and Heritage) of the Hobsons Bay Planning Scheme.
2. The proposal does not meet the Municipal Strategic Statement and Local Planning policy, particularly Council's objectives at Clause 21.02 (The Hobsons Bay Strategy), Clauses 21.06 (Built Environment & Heritage) and 21.07 (Housing) and Clause 22.10 (Neighbourhood Character) of the Hobsons Bay Planning Scheme as it negatively impacts on local neighbourhood character and the amenity of the surrounding residential areas.
3. The proposal does not satisfy the requirements of Clause 21.06-2 (Heritage) and Clause 22.01(Heritage Policy) of the Hobsons Bay Planning Scheme because it is inappropriately designed and unrelated in terms of design, scale, form and materials to the historic context provided by the surrounding heritage places.
4. The bulk, form and appearance of the proposed building is inconsistent with the objectives and guidelines of Clause 43.01 (Heritage Overlay) of the Hobsons Bay Planning Scheme.
5. The proposed development does not meet the purpose of Clause 32.01 (Residential 1 Zone), as it does not provide residential development that respects the neighbourhood character.
6. The bulk, form and appearance of the proposed development will have an adverse impact upon the significance of the prevailing heritage precinct covered by Heritage Overlay – HO27 in the Hobsons Bay Planning Scheme.
7. The proposal fails to comply with the following Standards of Clause 55 (ResCode) of the Hobsons Bay Planning Scheme:

- Standard B1 – Neighbourhood character
- Standard B5 – Integration with the street
- Standard B6 – Street setback
- Standard B7 – Building height
- Standard B8 – Site coverage
- Standard B9 – Permeability
- Standard B13 – Landscaping
- Standard B28 – Private open space
- Standard B31 – Design detail
- Standard B32 – Front fences


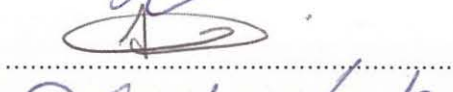
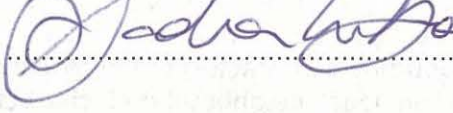
8. The proposal is excessive in height and creates unreasonable visual bulk.
9. The proposal is not responsive to the prevailing character of the neighbourhood.

Seconded: Cr. Wilson

Carried unanimously

Meeting Concluded: 8.13 pm

Confirmation of the minutes:

Cr. Colleen Gates		Date	24 Sep 2013
Cr. Luba Grigrovitch		Date	23/10/2013
Cr. Sandra Wilson		Date	30/9/2013