

6 Paine Street, Newport

Planning and Urban Design Evidence

Prepared by C A Heggen BTRP FPIA

Prepared for Raio Pty Ltd

Instructed by Best Hooper Solicitors

VCAT Application for Review No. P2101/2013

January 2014



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1 Preamble

The proposal seeks to develop a 2 and 3 storey townhouse style development of 43 dwellings on land known as 6 Paine Street, Newport.

The review site occupies the southern half of the block bounded by Crawford, Latrobe, Wilkins and Paine Streets. The northern half of the block is occupied by a local park known as Armstrong Reserve.

The review site has an area of 3354.2sqm and is currently vacant although it has formerly been used as a timber yard. An aerial photograph of the site and its immediate context is included as Figure 1 and an Urban Context Plan is included as Figure 2.

The Council officer's report regarding Planning Permit Application PA226036 recommended that a NOD to grant a permit issue and concluded that;

"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."

At the 5 September 2013 Council meeting the City of Hobson Bay resolved to refusal the permit application on the following nine (9) 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.

Amended plans have been prepared and circulated to parties to this review hearing. These amended plans are noted as Rev C and dated 5 December 2013.



Figure 1: Aerial of the review site and surrounds

These plans have sought to incorporate many of the Condition 1 modifications recommended by the Council Officer. This statement of evidence relies on the Rev C plans.

There have been two previous attempts at formulating a medium density residential development of the review site. Both of these efforts have resulted in VCAT determining to confirm the decision of Council to refuse each respective proposal.

The first VCAT order Ref No. P3214/2010 was dated 6 April 2011 and the second order Ref No. P27/2012 was dated 5 October 2012.

A comparison analysis between these two proposals and the subject development as well as a summary of the Tribunal's considerations in relation to the two earlier proposals is contained in the following Section 1.1 Background.

In concise terms I consider that;

- The subject proposal represents a purposeful application of the design recommendations of, and overcome the criticisms that, the Tribunal made about the 2 previous projects.
- The proposal successfully balances and interprets objectives that call for urban consolidation and increased housing choice particularly on strategic redevelopment sites against those moderating objectives addressing heritage management and neighbourhood character qualities,

- The built form and architectural styling of the development has taken its cues from the surrounding neighbourhood,
- The proposal will not create any unreasonable amenity impacts on the surrounding area and will offer an excellent level of internal amenity and liveability for future residents.

My detailed analysis of the proposal and its response to context is set down in the remainder of this report. The appendices attached to this report comprise:

Appendix A – Site description and context

Appendix B – Summary of proposal

Appendix C – Summary of planning controls and relevant policy

Appendix D – Assessment against Clause 55

Appendix F – Response to proposed permit Condition 1

Appendix E – Witness summary

I note that, Mr Bryce Raworth, Heritage Architect will discuss heritage matters, Mr Allan Wyatt, Landscape Architect, will discuss landscape matters and Ms Charmaine Dunstan, Traffic engineer, will address traffic and car parking issues.

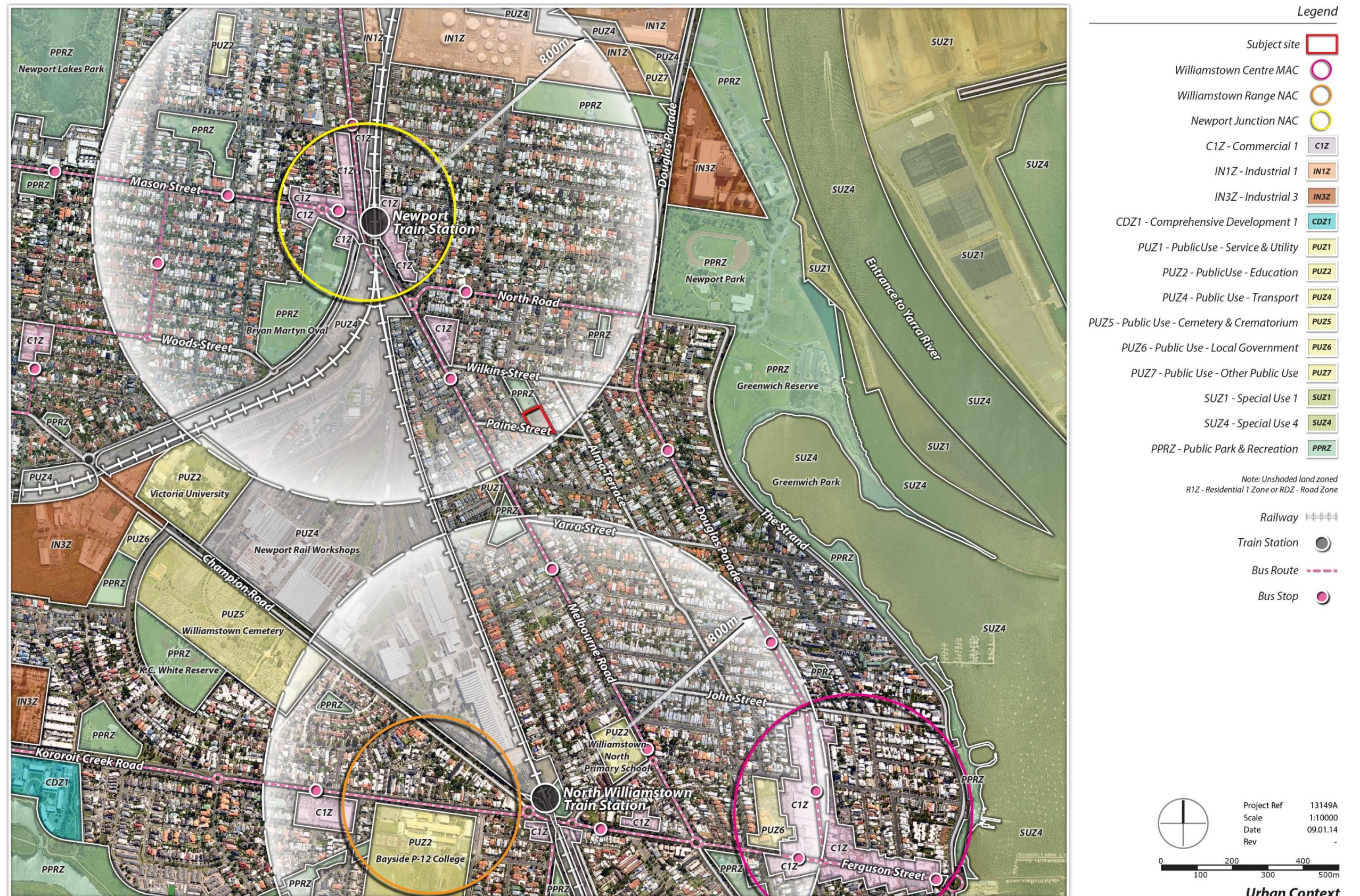


Figure 2: Urban Context of the review site and surrounds

1.1 Background

The two previous written VCAT decisions provide useful design suggestions regarding what built form and architectural styling might be acceptable on the review site.

A comparison of the key elements of the previous two developments as well as the subject proposal is contained at Figure 3 overleaf.

I have found it helpful to distil the analysis and findings of the two previous VCAT decisions and I have set down that narrative below.

At the outset, the first VCAT decision ([2011] VCAT 589) noted at Paragraphs 6, 7 and 8 as follows;

*“6. The site is a sizeable vacant property in an established residential neighbourhood. It provides a significant residential redevelopment opportunity. To date, its history has been one of industrial/commercial use. A pertinent strategy in clause 21.06-2*¹ of the scheme is to support residential redevelopment of former industrial sites adjacent to established residential development.*

7. In general, all parties supported the redevelopment of the land for apartments. The dispute largely centred around the acceptability or otherwise of the built form proposed by the application.

8. The land provides an excellent opportunity for sensitive redevelopment that would further urban consolidation policies. At the same time, I consider that the scale and design of any redevelopment needs to be respectful of its siting in the ‘residential hinterland’. It is relevant that the site is not located on a main road, is not in close proximity to an activity centre or the principal public transport network – factors which would ordinarily point to higher densities accompanied by a greater degree of robustness in the built form response.”

The second VCAT decision affirmed these findings with respect to the land qualifying as a strategic

redevelopment site noting that the re development opportunities presented by the land are tempered by its context (see Paragraph 14 ([2012] VCAT 27)

This second VCAT decision summarised those aspects of the previous development that were found acceptable namely

“10. The previous Tribunal decision identifies a number of acceptable aspects in the previous development proposed for the site. In summary, these are:

a. A contemporary design response with building modules around the street edges (paragraph 21);

b. The provision of direct entries to the ground level apartments from the surrounding streets (21);

c. A carefully modelled series of three storey buildings (24), including a three storey presentation to Armstrong Reserve with numerous opportunities for outlook (25);

d. Front setbacks in the order of three metres, on the proviso that the overall building envelope is moderated (26);

e. The traffic and car parking impacts of the proposal were found to be appropriate (40-43); and,

f. By implication through a series of comments, it is also clear that the podium form central to the site was also an acceptable component of the proposal.

11. We draw from this that the Applicant should have a reasonable expectation that a three storey development is acceptable on the site, utilizing a perimeter based configuration. To this end, we consider that many of the submissions made on behalf of the group of local residents, which seek a less intense two storey form of development for the site, are contrary to the findings and guidance of the previous Tribunal decision.” (my emphasis) (Paragraphs 10 and 11 ([2012] VCAT 27)

The second VCAT order then went on to summarise those aspects of the previous development that were of concern namely:

“12. The earlier proposal comprised a series of glazed, unashamedly contemporary three storey dwellings in a similar configuration to the current iteration. The Tribunal’s concerns were, in summary:

a. The juxtaposition of the proposal to the fundamental built form and siting characteristics of surrounding residential properties (paragraph 23);

b. The combination of the uniform three storey rectangular building forms, consistency in façade treatment and minimal front setbacks over reasonably long elevations, particularly to Armstrong Reserve and Crawford Street. (27);

c. Insufficient articulation and modulation in façade treatment (30);

d. The lack of reference to prevalent characteristics of the neighbourhood, including the width and scale of the properties opposite (28, 30);

e. The way in which the presentation of monumental stairways diminished the value of the breaks in building forms by not allowing the opportunity for through site views (36).” (Paragraph 12 ([2012] VCAT 27)

In considering what might be a preferred outcome for the review site the Tribunal noted at Paragraph 17 as follows;

“17. However, 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. This too was clearly recognised in the previous Tribunal decision. 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.” (my emphasis)

With respect to the impact of the precinct wide Heritage Overlay 27 on what might be considered to be an acceptable design outcome for the review site, the Tribunal commented at paragraphs 34 and 35 as follows;

“34. We see no reason why, in principle, the ‘layering of history’ characterising HO 27 could not be enhanced by yet another ‘stylistically different’ group of dwellings.

35. Both heritage experts emphasise the modest built form, mixed character and low heritage values of this part of HO27. We 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. As put to us by Mr Pitt ‘this case is all about neighbourhood character and built form.’” (my emphasis)

The Tribunal then went on to identify what it considered to be the elements that characterised the neighbourhood as follows;

“49 We consider this neighbourhood to be characterised by the following:

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.

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

(Paragraphs 49 and 50 ([2012] VCAT 27)

¹ AM C63 rationalised the MSS although not as explicit, now relevant policy directions are found at Clauses 21.06 and 21.07.

VCAT	1 st FLOOR PLAN- On podium	Paine Street – SOUTHERN ELEVATION
<p>2011 VCAT Ref no. P3214/2010 Permit Application PA1020902 No of Storeys: 3 Building height: 9.6 metres - max height to top of roof terrace stairs approx. 12.1m Roof form: Flat Materials: masonry render, cement sheet, timber cladding and timber battens Fence: Timber batten fence 1.7m high Pedestrian access points: 3 No. of dwellings: 40 (6 x 1-bed and 34 x 2-bed apartments) Car spaces: 47 (40 resident spaces (stackers) and 7 at grade visitor spaces.</p>		
<p>2012 VCAT Ref no. P27/2012 Planning Permit Application PA1123425 No of Storeys: 3 Building height: 9.755m, top of terrace stairs approx. 12.5m Roof form: Flat Materials: masonry render, timber cladding Fence: 1.2m to 1.5m high, timber batten Pedestrian access points: 4 No. of dwellings: 42 dwellings (4 x 1-bed and 38 x 2-bed apartments) Car spaces: 49 (44 resident spaces (stacker) and 5 at grade visitor spaces.</p>		
<p>2014 VCAT Proposal P2101/2013 Planning Permit Application PA226036 No of Storeys: 2 to 3 Building height: 10.6 metres, top of terrace stairs approx. 12.7m Roof form: Pitched with gable and hip forms Materials: bricks, weatherboard or metal cladding. Trims of light colour timber cladding or a grey render finish. Fence: 1.2m to 1.5m high timber batten Pedestrian access points: 5 and visual break at 1st floor along Paine Street No of dwellings: 43 (7 x 1 bed, 34 x 2 bed, and 2 x three bed dwellings) Car spaces: 47 (40 resident spaces (stacker) and 7 at grade visitor spaces.</p>		

Figure 3: VCAT Summary

In concluding that the second development proposal failed to achieve an acceptable outcome in its response to both the existing and preferred future character of the neighbourhood, the Tribunal noted;

“51.This failure may not be fatal to an application in every case, for example where a neighbourhood is one in which a far greater degree of change is sought. We draw the distinction here between a strategic redevelopment site located in a neighbourhood that could be characterised as one where incremental change is expected and one, for example, in an area largely comprising redundant industrial land, or on the edge of an activity centre. However, this neighbourhood, modest and diverse as it may be, is one which is not only valued by both Council and residents, it is protected by a clear policy objective, which we have already identified, whereby:

“The low scale nature of the precinct and the garden settings of the dwellings should be retained and strengthened.”

52. The previous Tribunal found the crisp glazed apartment blocks before it ‘overly foreign’. We find the current iteration equally so. We find that the way in which this series of new dwellings relates to, and is accommodated within, the surrounding streets is a key failing.

53. There is the opportunity to build an integrated contemporary development which of itself has interest and reflects the current era. But conversely, if the built form is jarring or aggressive and presents too strong a contrast to the existing housing and as a result draws attention to itself at the expense of the valued buildings of former periods, then it is disruptive.”

54. 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.

55. The current proposal with its uniform architectural presentation to most elevations and decorative box framing elements along Paine Street, does not achieve this goal.

56. 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. Whilst we accept that changes in materials emphasises the lower two storeys rather than the topmost one, the proposal still presents as a monolithic block, particularly to Paine and Crawford Streets, despite these changes.

57. The neighbourhood character statement in the planning scheme notes that landscaping provides the opportunity to strengthen the garden settings which characterise the area. We acknowledge the attractive landscaping proposed to the south west corner and we have no doubt that the interior spaces will be well landscaped. The example of planting along Paine Street shows open fencing and low hedging which reflects that of the neighbourhood. The proposed new street planting will considerably enhance a neglected part of the street.

58. The three metre setbacks along street frontages is consistent with many in the neighbourhood, but they are diminished in Paine Street by the projections of the floor above. This in itself is not necessarily problematic. It is the framing element, a device regularly seen in the more constrained areas of the inner suburbs, which is out of keeping with the neighbourhood. We do not find the device successful in breaking down the Paine Street block. Further, small variations in setbacks and height have been employed to break down the visual uniformity of the Crawford Street and Armstrong Reserve façades. However, we do not consider that the degree of the articulation and modulation sought by the previous Tribunal has been achieved.

59. 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.”

(Paragraphs 51 to 59 ([2012] VCAT 27)

The Tribunal noted at Paragraph 66 that “the proposal presented at the hearing is not an appropriate ‘fit’ into this residential neighbourhood.”

Finally, the Tribunal offered the following advice;

67. We note that after the previous Tribunal indicated changes which might benefit the design, it made the following comment:

Alternatively, another approach may be to vary building heights across the development to range between 2-3 storeys or to shift the upper level away from the street, although this would represent a more dramatic departure from the current design rationale.

68. While we recognise that this advice was provided in the alternative, given what has been put before us, we suggest that it is an alternative approach worth exploring. We consider that it is more likely to result in an appropriate built form outcome for a site within this neighbourhood. In response to the previous Tribunal’s observations, the Applicant chose to apply a differing style to the original proposal, rather than investigating the ‘more dramatic’ Tribunal suggestion. Individual issues have been addressed, but the ‘big picture’, the response to the neighbourhood character, has not.”

The proposal that is the subject of this review has sought to take up the more dramatic suggestion of the Tribunal and apply a different approach to the built form and design aesthetic.

I discuss whether I consider this different approach sufficiently addresses the Tribunal’s design suggestions in the following sections of this evidence statement.

2 Assessment

2.1 What are the relevant considerations?

In approaching my assessment of the subject proposal I have first turned my mind to identify what the relevant considerations are.

This proposal is the third development application for the site and the planning issues raised by a residential project have been well ventilated.

The two previous VCAT decisions have established those matters that are acceptable and honed the issues that remain unresolved.

In the second VCAT decision at Paragraph 4 the Tribunal considered the following questions to be relevant in a repeat appeal, namely;

“4.

a. What did the previous Tribunal say?

b. What are the policy objectives for this area of Hobson’s Bay?

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

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

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

f. Does the proposal achieve appropriate levels of internal amenity?”

The Tribunal went on to say

“5. Missing from that list is the topic of off-site amenity impacts. This is a site surrounded by roads and public open space and as a result there are no offsite amenity impacts from the development by way of overshadowing, overlooking or to daylight the daylight [sic] available to existing dwellings as set out in ResCode. There is a potential impact caused by visual bulk, which we address as part of our neighbourhood character analysis.”

(Paragraph 5 ([2012] VCAT 27)

I have adopted the above questions posed in the second VCAT decision as the framework for my own assessment.

In terms of question (a) I have summarised the key elements of the Tribunals decisions in the preceding Section 1.1 Background.

I consider that the question that follows from this Section 1.1 summary is;

- i) Has the proposal responded in a purposeful manner to the design recommendations of, and overcome the criticism that, the Tribunal made about the two previous proposals?

I address this matter in Section 2.2

In terms of questions (b) and (d), I consider that these questions are linked and represent the key matter to be determined namely;

- ii) Has the built form and architectural styling of the proposal delivered an acceptable response to the existing and preferred future neighbourhood character?

The answer to this question is one that turns on the response to question (a).

In terms of addressing question (c), I note that Mr B Rayworth, Heritage Architect will provide expert evidence in this regard. However the second VCAT decision concluded in Paragraph 32 as follows;

“32. In relation to the previous proposal, the Tribunal found that it would not detract from the significance of the heritage precinct, nor from that of nearby contributory buildings, in the sense that it would interfere with the legibility of layering of history identified in the statement of significance. Further, it suggested that 15;

To the extent that the common elements of housing are referred to in the heritage statement of significance, they are apt descriptors of the area under consideration. Ultimately, I regard these elements as far more significant in character terms than heritage, since they derive from the agglomeration of both heritage and non-heritage dwellings. This

character is mostly comprised of a prevailing collection of modest single storey cottages.

In saying this, I regard the application of the Heritage Overlay to the entirety of the area around the development site as making it likely that built form change can be expected to be only incremental. In my opinion, the existence of the Overlay reinforces the stability of the existing built form of the immediate area, as does the current subdivision pattern of overwhelmingly compact lots in all adjoining local streets.”

Given that the proposal adopts the same site planning and dwelling density as envisaged in the previous two developments, I consider that the subject proposal will similarly be an acceptable “layering of history” in this heritage precinct.

In this context I propose to focus my assessment on neighbourhood character issues.

With respect to question (e), I note that Ms Charmaine Dunstan, traffic engineer, will provide expert evidence regarding traffic impacts and car parking. Given that both VCAT decisions concluded that traffic impacts, onsite car parking arrangement including the use of stackers and reduced visitor car parking numbers were acceptable, I do not consider that these same issues for a similar number of dwellings and car parking arrangement to be a key matter of concern.

Question (f) regarding internal amenity is addressed in Section 2.3 in response to the following question;

- iii) Will the proposal deliver a high standard of amenity for future occupants?

I note the Tribunal’s observation at Paragraph 5 in the second VCAT decision that in essence there are no external amenity impact consequences other than that of visual bulk which forms part of a neighbourhood character analysis.

I consider there is one final matter to be addressed namely the proposal’s response to the Council Officer’s recommended permit conditions which I have examined in Section 2.4.

2.2 Has the proposal responded in a purposeful manner to the design recommendations of, and overcome the criticism that, the Tribunal made about the two previous proposals?

An examination of the comparative analysis contained in Figure 3 is a useful starting point in answering the above question.

What can be seen in this analysis is that the quantitative elements of each of the 3 proposals are very similar.

However, what is observably different in the subject proposal is the approach to the built form arrangement, architectural styling and application of materials. The earlier two developments presented orthogonal, uniform flat roofed forms and, in the second proposal assertively contemporary framing detailing to reference a dwelling width rhythm along Paine Street. This is also illustrated at Figures 4 and 5 which illustrate the photomontages of the second VCAT hearing and the current proposal respectively.

By comparison the subject proposal;

- Adopts a 2 and 3 storey building form with each of the street corners, as well as either side of the pedestrian entries to the podium, reduced to 2 storeys.
- Employs a pitched roof idiom incorporating hipped and gable end elements. Each of these elements sit over a dwelling module width of generally 5m at the upper level. Extended edges to the hipped or gable end provide 'eave' protection to the windows contained in the elevation.
- Reduces the width of the pedestrian access stairs to the central podium so that there are breaks in the new streetscape that more closely resemble the gaps between the existing dwellings in the neighbourhood.

- Applies terracotta brick panels on the ground floor, and a combination of natural timber cladding, parchment or grey coloured weatherboard and interlocking metal cladding with highlight panels of grey render are utilised in a variety of combinations on the 1st and 2nd floors. The roof material is metal fabric. The use of brick and timber in particular, introduces more characteristically domestic materials and references the former timber yard use of the site.
- Vertical timber pickets define the low 1.2m (or 1.5m) high fence on the street or on the balcony edges. The low inset front gate is aligned with the doorway entrance and 'identified' by taller recycled timber sleepers. This treatment will increase the visibility of the front door from the street. The modest 2.5m to 3m ground floor setback provide for small gardens and are consistent with the typical frontage setback treatments evident in the surrounding streets.
- Incorporates vertical articulation slots that extend over 1st and 2nd floors so that each dwelling module is both visually and physically expressed.
- Provides for the 3rd storey to be setback behind the 2nd storey below. Whilst this setback between the 2nd and 3rd storeys is modest it does introduce a differential height profile to the street and Armstrong Reserve rather than one that cantilevers the upper storey forward towards the street or park.

It is the combination of the pitched roofs, the vertically articulated building forms that step away from the perimeter streets and park, and the reduced width of the podium stairs that assist in 'fracturing' the building mass and responds in a positive manner to the greater variety of forms and scale evident in the neighbourhood.

The application of domestic materials and doorways and window proportions, modest garden setbacks, low front fence heights and picket style presentation, all take their cues from the surrounding neighbourhood, albeit in a contemporary idiom.

I consider this treatment to the architectural styling of each streetscape elevation overcomes the criticisms of VCAT regarding the previous two projects namely the uniformity of the architecture response and the 'lack' of finer grained reference to the characteristics of the built forms and architectural styling evident in the area.

Moreover I consider the Rev C plans overcome Council's grounds of refusal that relate to neighbourhood character issues (Grounds 1,2,3,5,7,8 and 9).



Figure 4: Previous VCAT Montage VO3 (no landscaping) of the corner of Paine and Crawford Street



Figure 5: Montage VO3 (no landscaping) of the corner of Paine and Crawford Street

2.3 Has the built form and architectural styling of the proposal delivered an acceptable response to the existing and preferred future neighbourhood character?

The main issues raised by this question have been addressed in the preceding section.

However, in terms of the proposal's direct response to the neighbourhood character policies of the local planning policy framework, I have undertaken the following assessment against the provisions of Clause 22.10 – ‘Hobsons Bay East Neighbourhood Character Policy’

This clause nominates the review site located within Precinct 8, Newport. The character description for Precinct 8 recognises the “architecturally diverse range of housing, but low scale timber homes are the prevailing form.... Low front fences and views to front gardens are an important element in this precinct.”

The Statement of the Preferred Neighbourhood Character seeks to respect the “low scale nature of the precinct and the garden settings of the dwellings should be retained and strengthened.”

The Precinct 8 provisions go on to set down “Objectives and Design Responses” that describe how the preferred neighbourhood character is to be achieved. I have undertaken an assessment of the subject proposal against the provisions of the Objectives and Design Response guidelines in Table 1. Figures 6 and 7 depict the photomontages of the proposal.

I consider that the proposal achieves the objectives set out in the Preferred Character Statement. Accordingly I consider that the design response for the new dwellings will allow them to sit comfortably in this neighbourhood.

Clause 22.10 Hobsons Bay East Neighbourhood Character Policy’ Precinct 8, Newport design guidelines

OBJECTIVES	DESIGN RESPONSES	Proposal - design response
<i>To maintain and strengthen the garden settings of the dwellings.</i>	<i>Retain large, established trees and provide for the planting of new trees wherever possible.</i>	A comprehensive landscaping scheme for the site has been prepared by ERM that includes canopy trees. This plan also includes street tree planting to Crawford and Paine Street.
<i>To minimise the loss of front garden space and the dominance of car parking structures.</i>	<i>Locate garages and carports behind the line of the dwelling.</i> <i>Minimise the number of vehicular crossovers.</i> <i>Provide vehicular access from a rear laneway if available.</i>	All car parking is contained within an internal ground floor level car park, accessed via a single, new, 5.5m wide crossover from Paine Street.
<i>To encourage innovative and contemporary architectural responses to surrounding dominant building style s and heritage buildings and streetscapes.</i>	<i>Use simple building details.</i> <i>New development, including additions to existing buildings, should be distinguishable from original dwelling stock through the use of innovative and contemporary design.</i>	The proposal provides a contemporary medium density development which employs a built form that references the prevailing neighbourhood character and architectural styling, see Section 2.2.
<i>To use lighter looking building materials and finishes that complement the use of timber where it is particularly consistent.</i>	<i>Incorporate timber or other non-masonry materials and finishes where appropriate.</i>	Employs a number of materials and finishes including; brick, timber and weatherboard and metal cladding that references the building materials found in the surrounding neighbourhood.
	<i>Front fence style should be appropriate to the building era.</i>	The front fence is a timber batten /picket fence of 1.2m – 1.5m in height which is consistent with the surrounding fence styles and front garden character.

Table 1: Assessment of the subject proposal against the provisions of the Objectives and Design Response guidelines



Figure 6: Montage VO4 (no landscaping) view south along Crawford Street



Figure 7: Montage VO2 (no landscaping) view east along Paine Street

2.4 Will the proposal deliver a high standard of amenity for future occupants without unreasonable impact on amenity of adjacent properties?

In approaching an assessment of internal amenity qualities of the proposal, I have undertaken an assessment of the proposal against the relevant provisions of Clause 55 in accordance with the provisions of Residential 1 Zone. This assessment is contained at Appendix D.

In concise terms the proposal achieves the objectives for each element, and most of the standards.

The proposal will offer residents a high standard of internal amenity and liveability.

A range of dwelling sizes and layouts are envisaged with comfortably sized living, dining, kitchen and bedroom spaces.

The dwellings are oriented to optimise solar collection with the bedroom, living and private open space areas predominately orientated to the north, east and west. Only 7 of 43 dwellings on the ground floor facing Paine Street have solely south facing windows and POS areas. I consider this outcome to be satisfactory given the lot orientation and streetscape requirements for dwellings to “address” the public domain.

All the dwellings have usable private open space areas that are at least 8sqm, except for the 1 bedroom apartment No 30 which has a balcony of 4.6sqm. The ground floor apartments have larger open space areas ranging from 15.5sqm to 73sqm and include paved terrace areas. Dwellings 41, 42 and 43 have usable roof terraces of more than 40sqm.

The communal circulation area that includes the garage and corridor areas are well located and functional.

There are 26 storage cages of 6 cubic metres, 25 bicycle parking spaces and 6 visitor bicycle spaces are located near the Latrobe and Crawford Streets pedestrian entries.

The development includes carefully considered hard and soft landscaping both within the private open space areas as well as the communal central podium planters that will ensure future residents have an attractive ‘internal’ outlook.

The proximity to the Armstrong Reserve to the north and the passive outlook it affords to those dwellings that share a common boundary with the park will enhance the amenity for future occupiers and improve the passive surveillance.

Overall the proposal provides useable communal and private open space areas that will deliver a good standard of amenity to future occupiers.

Locational amenity is also an important consideration for future residents. A description of the assets of the area is set down in Appendix A, discussed at Section 1 and depicted in Figure 2 Urban Context Plan.

These geographical benefits and physical infrastructure attributes delivers future residents a range of nearby open space, recreational, shopping, employment, education and public transport services that provide an excellent locational amenity profile.

2.5 The proposal’s response to the Council Officer’s recommended permit conditions

The proposal as described in the Rev C plans have sought to address most of these Condition 1 permit conditions 1(a) to 1(bb).

I have prepared a table of the recommended Condition 1 requirements and noted the status of the Rev C plans against each requirement at Appendix E.

This table identifies those matters which still require further design development work or further consultant input, such as Condition 1(a) which

requires the location of external downpipes, rain heads and external plant and equipment to be detailed. This requirement has not been shown in the Rev C plans but will be included in a final set of plans submitted to Council at a later date for endorsement should a permit be directed to issue.

Other permit conditions such as Condition 1(m) address matters that are dealt with under separate building permit requirements regarding disability access and in my view, do not belong on a planning permit.

The key outstanding matter that has not been addressed relates to the requirement to turn the vertical ‘seamed’ metal cladding systems horizontal. This design treatment applied to some of the upper level dwelling modules seeks to express the upper storey as a roof element. Metal is a traditional roofing material and I consider that the application of the metal cladding system with vertical rather than horizontal ‘seams’ is both acceptable and desirable as a contemporary design gesture on a traditional pitched roof form. Similarly the Condition 1(d) requirement to apply horizontal weatherboard cladding rather than vertical metal seamed cladding I consider to be unnecessary.

In relation to the proposed Council 1(z) and 1(aa) that seek to increase private open space allocation to apartment 30 and the ground floor apartment 6. These dwellings have POS areas of 4.6sqm and 27.8sqm respectively and I consider these areas to be acceptable given the likely occupancy profile and the proximity of the Armstrong Reserve.

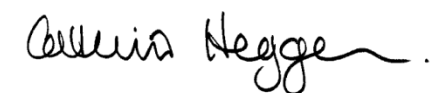
I consider the Rev C plans reflect the relevant recommended permit conditions so as to deliver the nuanced ‘cues’ of design detail. In my view the building will present a high standard of finish that will settle well into its neighbourhood

3 Conclusion

The Williamstown and Newport area is valued for its heritage and low scale neighbourhood quality. The question to be answered in this review is whether the subject proposal will damage or undermine the valued character of the neighbourhood

My conclusion is that the proposal will deliver a successful ‘fit’ into this established neighbourhood and overcome the design criticisms that the Tribunal consider were problematic in the previous two VCAT proposals.

Further, I consider that the subject proposal will deliver a high standard of liveability for future residents and represents the next ‘layer of history’ within this neighbourhood.



C A Heggen
BTRP FPIA

Appendix A: The site and its context

The review site is located on an irregular shaped island site 6 Paine Street, Newport. This site forms the southern half of the block between Paine, Crawford, Latrobe and Wilkins Street in Newport. The northern half of the block comprises of the Armstrong Reserve

The review site is 3354.2 sqm in area with the following dimensions;

- 65.5m frontage along Paine Street
- 79.2m along Crawford Street,
- 43.6m along Latrobe Street.
- A 53.02m northern boundary abuttal to Armstrong Reserve.

The review site is vacant and devoid of vegetation. The site once accommodated a timber yard.

Land surrounding the review site comprises a mix of single and double storey, detached, attached, dual occupancy and residential properties from a variety of eras along with some contemporary infill.

The properties, on the opposite side of the road reserves, surrounding the review site are as follows:

- **South:** 11, 9 & 7 Paine Street contain detached single storey weatherboard dwellings. The side fence of 33 Crawford Street fronts onto Paine Street.
- **West:** 10 Paine Street and No.s 15 & 17 Latrobe Street comprise detached single storey weatherboard dwellings.
- **East:** 34-46 Crawford Street comprises detached single storey weatherboard dwellings. 46C and 46D are recent attached double storey infill. Several properties present either their side or rear fences to the review site.

- **North:** Abutting the review site is the Armstrong Reserve. Beyond the Reserve along Wilkins Street are single and double storey dwellings.

The review site has good access to surrounding public transport, shopping and recreational facilities all within approximately 1 km.

The Newport Railway Station and Newport shopping strip are located approximately 800m to the north west of the review site. Buses run along Melbourne Road.

A Melways Map, Lot Plan Map and Site Locality Aerial Context are included at Figures A1, A2 and A3 respectively.

Photographs of the review site and surrounds is included at Figures A4 to A17.

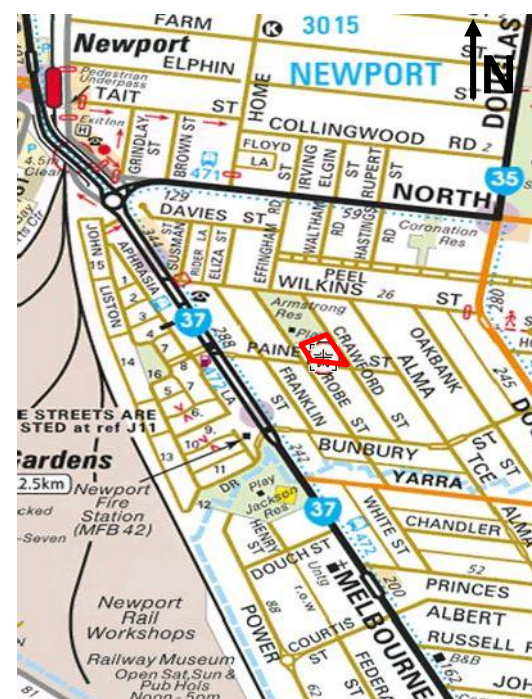


Figure A1: Melways Map extract



Figure A2: Lot Plan Map extract



Figure A3: Aerial of the review site and surrounds

Appendix A: Photographs of the review site and surrounds



Figure A4: View north from Paine Street towards the review site along Latrobe Street



Figure A5: View north east along the Paine Street frontage of the review site



Figure A6: View north east from Paine Street towards the review site



Figure A7: View north west of the review site from the junction of Paine and Crawford Streets frontage



Figure A8: Panorama view of dwellings opposite the review site in Crawford Street



Figure A9: View south west of the review site from Crawford Street, Armstrong Reserve on right

Appendix A: Photographs of the review site and surrounds continued



Figure A610 & A11: View south towards the review site across Armstrong Reserve

Figure A12: View south east towards the review site from Latrobe Street



Figure A13: View south towards the review site across Armstrong Reserve



Figure A14: View of dwellings opposite the review site in Latrobe Street



Figures A15 & A16: examples of recent infill development along Melbourne Road



Figure A17: View west from Crawford Street of the review site's northern interface with Armstrong Reserve

Appendix B: The proposal

The proposal involves a 2 to 3 storey residential development of: 43 dwellings consisting of 7 x one bedroom, 34 x two bedroom and 2 x three bedroom dwellings.

The dwellings provide a variety of layouts and designs.

The building configuration comprises of ground floor apartments wrapped around the ground floor garage area. The upper level built form sits on the garage podium and wraps around a central courtyard containing a landscaped "common". TP 12 of the VCAT Plans provides the development schedule.

Ground Floor

Comprises of 4 x 1 bedroom and 12 x 2 bedroom dwellings that have POS frontages onto Paine, Crawford and Latrobe Streets. Units 1, 2, 3, 4 and 5 have their open spaces areas abutting Armstrong Reserve separated by a new 1.5m wide publically accessible pathway.

Pedestrian access to the ground floor dwellings is via the frontages onto Crawford, Latrobe and Paine Streets or the pathway abutting Armstrong Reserve. A second pedestrian entry to all ground floor apartments is available from the corridors surrounding the car parking area.

The vehicle entry is via a new 5.5m wide cross over from Paine Street leading to the garage area. There are 46 resident car parking spaces (23 dual car stackers) and 4 visitor parking spaces. This area also has a garbage, utility and services area. Within the common area surrounding the garage there are 26 storage cages, 25 bicycle parking spaces. 6 visitor bicycle spaces are located near the Latrobe and Crawford Street pedestrian entries.

First Floor and Second Floor

Contains 3 x 1 bedroom, single level apartments (No.s 24, 30 & 31) and 22 x 2 bedroom and 2 x 3 bedroom, double storey, terrace dwellings. Three of these dwellings (No.s 41, 42 & 43) have a rooftop terrace area.

Pedestrian access to all these dwellings is from the central courtyard which is accessed either via 5 pedestrian entries from Crawford and Latrobe Streets or the pathway abutting the Armstrong Reserve. There is also a lift from the ground floor carpark/foyer area near the corner of Paine and Crawford Streets.

The dwellings at the 1st and 2nd floor levels provide a variety of layouts and designs, with the living areas at the 1st floor level having a POS balcony that orientate towards the streets or reserve. At the second floor of the double storey dwellings are the bedrooms and bathrooms.

Roof Level

Dwellings 41, 42 & 43 have rooftop deck areas, otherwise all other dwellings have pitched roofs.

Material and Finishes

The proposed materials and finishes on the elevations comprise of brick at the ground and first floor levels combined with either grey or parchment coloured weatherboard or metal cladding on the 1st and 2nd floor levels. There are some trims and panels finished in a light colour timber cladding or a grey render finish. The ground and first level fencing is a 1.2m to 1.5m high timber batten fence. The balconies are clear glass or timber battens.

Landscaping

The Landscape Plan prepared by ERM proposes new Chinese Elm street trees to be inserted along Crawford and Paine Streets.

The ground level street frontages have landscaping that fringe the site comprising of canopy trees with some low level shrubs and ground covers.

The first floor level landscaping has a copse of trees in a raised central courtyard planter box. (Note this raised planter bed also contains air vents to the ground floor car parking area). There are smaller canopy trees and shrubs within planters located in the courtyard dwelling setbacks.



Figure B1: Proposed elevations, extracted from TP08

Appendix C: Planning controls and policies

C.1 Zone Control

The subject site is located within a Residential 1 Zone (R1Z) at Clause 32.01 of the Hobsons Bay Planning Scheme (See Figure C1). The purposes of this zone are:

“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.

To encourage residential development that respects the neighbourhood character.

In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.”

Under the Residential 1 Zone (R1Z) at Clause 32.01 a dwelling is an as of right use.

Pursuant to 32.04-1 a planning permit is required to;

- construct two or more dwellings on a lot, and
- construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.

C.2 Overlay Controls

The subject site is located within a Heritage Overlay (HO27) at Clause 43.01 (See Figure C2). The purpose of this Overlay are;

“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.”

Pursuant to Clause 43.01-1, a planning permit is required to construct and carry out works inside the HO area.

The review site is located in HO27 “Private Survey Heritage Precinct” which covers a wide area within parts of Williamstown and Newport.

There are no specific requirements in relation to HO27.

“Hobsons Bay Heritage Study Amended 2010 - Volume 3 – Heritage Precinct and Place Citations Part 1 – Heritage Precincts – Private Survey Heritage Precinct” provides a summary of the heritage significance of the precinct.

C.3 Particular Provisions

The following particular and general provisions are relevant:

Clause 52.06 – specifies car parking requirements. Based on these requirements, the proposed development of 43 dwellings triggers a car parking requirement of 45 spaces resident spaces and 9 visitor spaces. As the proposal includes 46 resident and 4 visitor spaces on-site car parking spaces, a planning permit is required to reduce the car parking requirement pursuant to Clause 52.06-1.

Clause 65 – sets down additional decision guidelines that a Responsible Authority must have regard to before deciding on a permit application.

C4 Ambit of discretion

The preceding analysis confirms that a planning permit is triggered for the following elements of the proposal:

- Clause 32.04-1 – construction of two or more dwellings on a lot.
- Clause 32.04-1 - construct a front fence to construct or extend a front fence within 3 metres of a street
- Clause 43.01-1 - to construct and carry out works
- Clause 52.06 – reduction to the car parking ratios

C.5 State Planning Policy Framework (SPPF)

The SPPF sets down how it is to operate at Clause 10. In particular Clause 10.04 notes that;

“Planning and responsible authority should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.”

The key themes and policies in the SPPF influencing the proposal are contained in the following Clauses. All of these clauses, the policies guidelines note in **Section C6** and the issues they address where relevant have been considered in the assessment of the proposal.

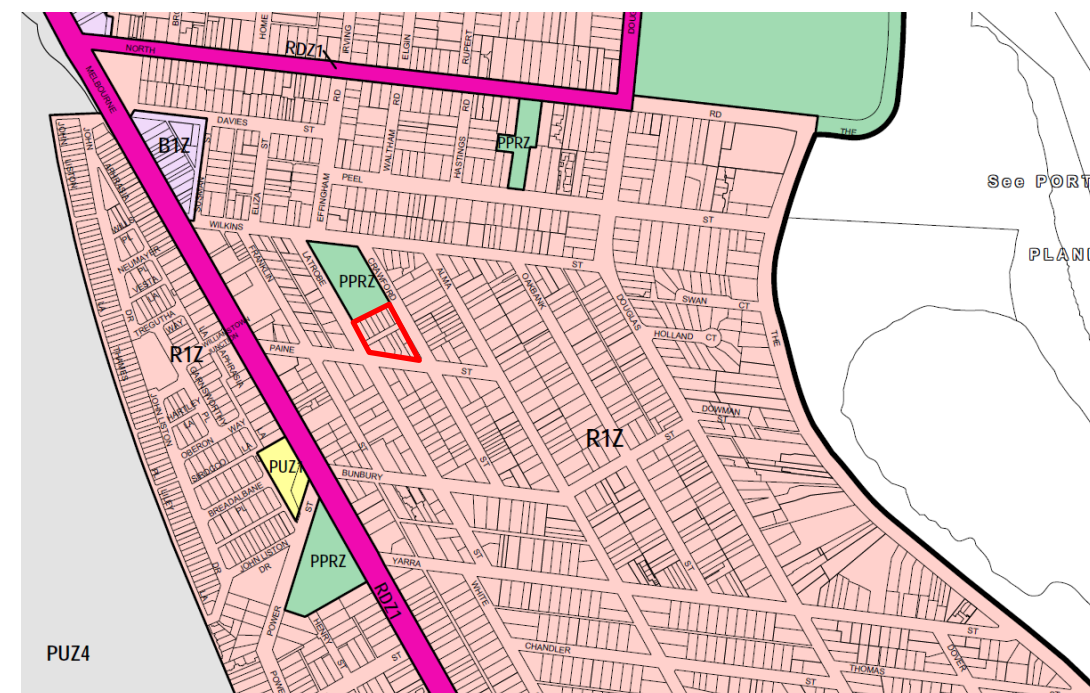


Figure C1: Zone Map extract

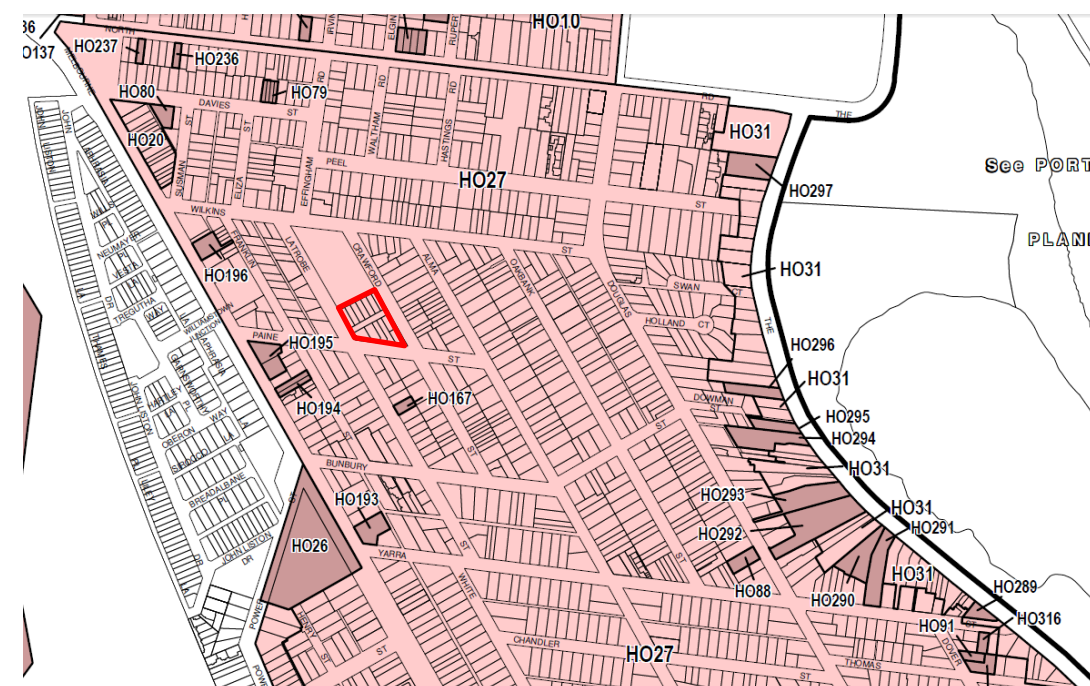


Figure C2: Heritage Overlay Map extract

Appendix C: Planning controls and policies continued

Clause 11 Settlement

- Clause 11.02-1 Supply of Urban Land
- Clause 11.02-2 Planning Urban Growth

Clause 15 Built environment

- 15.01 Urban environment
- 15.01-1 Urban design
- 15.01-2 Urban design principles
- 15.01-4 Design for safety
- 15.01-5 Cultural Identity and Neighbourhood Character
- 15.02 Sustainable development
- 15.02-1 Energy and resource efficiency

Clause 16 Housing

- 16.01 Residential development
- 16.01-1 Integrated housing
- 16.01-2 Location of residential development
- 16.01-3 Strategic redevelopment sites
- 16.01-4 Housing diversity
- 16.01-5 Housing affordability

Clause 18 Transport

- 18.01 Integrated transport
- 18.01-1 Land Use and Transport Policy
- 18.02 Movement Networks
- 18.02-1 Sustainable Personal Transport
- 18.02-2 Cycling
- 18.02-3 Principal Public Transport Networks

Clause 19 Infrastructure

- 19.03-3 Stormwater

C6 Policy Guidelines

Clause 11.01, 11.04, 11.04-2, 16.01-2, 16.01-3, 16.01-4, 17.01 and 18.01-1 nominates ‘Melbourne 2030’ and its planning update ‘Melbourne @ 5 Million’ as policy guidelines.

Clause 15.01 identifies that the ‘Safer Design Guidelines for Victoria (Crime Prevention Victoria and the Department of Sustainability and Environment, 2005’) as a policy guidelines to be considered;

Clause 11.04 nominates ‘The Victorian Transport Plan (Department of Transport, 2008)’ as a reference document.

Clause 15.01 identifies the following policy guidelines:

- ‘Design Guidelines for Higher Density Residential Development (Department of Sustainability and Environment, 2004)’
- ‘Urban Design Charter for Victoria (DPCD, 2009)’

Clause 16.01-1 nominates ‘The Victorian Integrated Housing Strategy (State Government of Victoria, 2010)’ as policy guidelines.

Clause 18.01-1 identifies ‘The Victorian Transport Plan (Department of Transport, 2008)’ as policy guidelines.

Clause 18.01-1 and 18.02-2 nominates the ‘Victorian Cycling Strategy (State Government of Victoria, 2009)’ policy guidelines.

Clause 18.02-2 nominates ‘Guide to Road Design, Part 6A: Pedestrian and Cycle Paths’ as a reference document

Clause 18.01-1 and Clause 18.02-3 identify ‘Public Transport Guidelines for Land Use and Development (Department of Transport, 2008)’ as policy guidelines.

Clause 19.03-3 identifies ‘Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999)’ as policy guidelines.

C7 Local Planning Policy Framework (LPPF)

Clause 21 Municipal Strategic Statement

- Clause 21.02 Key Issues and Strategic Vision.
Clause 21.02-5 Strategic Framework Plan
- Clause 21.04 Open Space

- Clause 21.06 Built Environment and Heritage
Clause 21.06-1 Built environment (Objectives 2 & 4)
Clause 21.06-2 Heritage (Objective 2)
- Clause 21.07 Housing
Objective 1
- Clause 21.09 Transport and Mobility
- Clause 21.10 Infrastructure

Clause 22 Local Policy

- Clause 22.01 Heritage Policy seeks amongst other matters to ensure that the cultural significance of the Hobson Bay heritage places and precincts are not diminished by inappropriate new development.
Clause 22.01-3 Private Survey Heritage Precinct Policy, encourages 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 – ‘Hobsons Bay East Neighbourhood Character Policy’

The review site is located within Precinct 8, Newport, which provides the character description which is characterised by an “architecturally diverse range of housing, but low scale timber homes are the prevalent form” and identifies the Preferred Neighbourhood Character of ‘low scale nature of the precinct and the garden settings of the dwellings should be retained and strengthened’ and is to be achieved by the following Objectives and Design Responses listed in Table C1.

The proposal’s response to this character and the design guidelines presented in the Neighbourhood Character Study of 2006 ‘Williamstown - Precinct 8- Newport’ is addressed in the main body of this report.

Table C1. Objectives Design Responses

OBJECTIVES	DESIGN RESPONSES
To maintain and strengthen the garden settings of the dwellings.	Retain large, established trees and provide for the planting of new trees wherever possible.
To minimise the loss of front garden space and the dominance of car parking structures.	Locate garages and carports behind the line of the dwelling. Minimise the number of vehicular crossovers. Provide vehicular access from a rear laneway if available.
To encourage innovative and contemporary architectural responses to surrounding dominant building style s and heritage buildings and streetscapes.	Use simple building details. New development, including additions to existing buildings, should be distinguishable from original dwelling stock through the use of innovative and contemporary design.
To use lighter looking building materials and finishes that complement the use of timber where it is particularly consistent.	Incorporate timber or other non-masonry materials and finishes where appropriate.
	Front fence style should be appropriate to the building era.

Appendix C: Planning controls and policies continued

C8 Reference Documents

Hobsons Bay Neighbourhood Character Study, December 2002, including Neighbourhood Character Precinct Brochures

Hobson Bay Council, Guidelines for Infill Development in Heritage Areas in Hobson Bay 2006. I note that this policy relates more to single dwelling infill and is not relevant to this proposal.

Hobsons Bay Landscape Design Guidelines 1999

C9 Previous VCAT decisions

The review site has been subject to two previous VCAT decisions;

Cahill v Hobsons Bay CC [2011] VCAT 589.

The Tribunal, in April 2011, affirmed Council's refusal to grant a permit for a development of 40 dwellings (planning application PA1020902).

Raio v Hobsons Bay CC [2012] VCAT 27.

The Tribunal, on the 5 October 2012, affirmed Council's refusal to grant a permit for the development of 43 dwellings (planning application PA1123425).

These VCAT decisions are discussed in the main body of this report.

C10 Amendment C63

I note that the MSS has been updated via Amendment C63 gazetted on the October 2012 since the previous VCAT decision dated 5 October 2012.

AM C63 essentially a statutory neutral rationalisation of the MSS and was gazetted on the 25/10/2012.

Appendix D: Assessment against Clause 55 (ResCode)

As identified by the Tribunal there are no “*offsite amenity impacts from the development by way of overshadowing, overlooking or to daylight the daylight available to existing dwellings as set out in ResCode.*” and as such I have not assessed the proposal against the B17 to B22 Clause 55 standards.

Neighbourhood Character Objectives		B1
Does the proposal meet the Objectives?		Yes
Does the proposal meet the Standard?		Yes
Objectives <i>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</i> <i>To ensure that development responds to the features of the site and the surrounding area.</i>		
The proposal and its response to Standard B1 An assessment of how the development responds to the character of the surrounding area is contained in the main body of my report. In summary the development provide an appropriate response to the opportunities and constraints presented by the site, the Residential 1 zone controls, and the Neighbourhood Character at Clause 22.10.		

Residential Policy Objectives		B2
Does the proposal meet the Objectives?		Yes
Does the proposal meet the Standard?		Yes
Objectives <i>To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i> <i>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</i>		

The proposal and its response to Standard B2

A description of how the development is consistent with any relevant policy for housing in the SPPF and LPPF is contained in main body of my report.

In essence, the subject site will deliver a medium housing proposal on land that is zoned for residential purposes and located in good proximity to the Newport Activity Centre and train station. The proposal actively implements Clauses 16.01 and 21.07 in that it will provide for a diversity of housing on land identified as being suitable for increased density.

Dwelling Diversity Objective		B3
Does the proposal meet the Objectives?		Yes
Does the proposal meet the Standard?		Yes
Objective <i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</i>		
The proposal and its response to Standard B3 The proposed development provides 43 dwellings consisting of 7 x one bedroom, 34 x two bedroom, and 2 x three bedroom apartments or double storey town house dwellings. It is considered that the proposal will add to a diversity of housing options in the local area.		

Infrastructure Objectives		B4
Does the proposal meet the Objectives?		Yes
Does the proposal meet the Standard?		Yes
Objectives <i>To ensure development is provided with appropriate utility services and infrastructure.</i> <i>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</i>		
The proposal and its response to Standard B4 It is anticipated that the existing infrastructure has sufficient capacity to service the development or can be managed effectively by way of conditions.		

Integration with the Street Objective		B5
Does the proposal meet the Objectives?		Yes
Does the proposal meet the Standard?		Yes
Objective <i>To integrate the layout of development with the street.</i>		
The proposal and its response to Standard B5 The proposed layout has been carefully designed and successfully integrates with the street. The proposal will present as a 2-3 storey building set behind a landscape area surrounding the site. This is discussed in detail in the main body of the report.		

Street Setback Objective		B6
Does the proposal meet the Objectives?		Yes
Does the proposal meet the Standard?		Yes
Objectives <i>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</i>		
The proposal and its response to Standard B6 The review site has no abutments with existing dwellings. The neighbouring properties have street setbacks ranging from 1.8m to 4.2m. The proposed building is setback between 1.57m (1 st floor balconies) to 3m from the street edge. The proposed building setbacks are consistent with and complementary to surrounding setbacks.		

Appendix D: Assessment against Clause 55 (ResCode) continued

Building Height Objective B7	
Does the proposal meet the Objectives?	Yes
Does the proposal meet the Standard?	No
Objectives <i>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</i>	
The proposal and its response to Standard B7 The proposed building is 2-3 storeys and will reach a maximum overall height of 10.67m (apex of the pitched roof), however the predominate building street wall reaches approximately 9m. Thought the building does not strictly comply with the B7 standard, given the nature of the site and pitched roof forms, I consider the proposal is appropriated for this context.	

Site Coverage Objective B8	
Does the proposal meet the Objectives?	Yes
Does the proposal meet the Standard?	No
Objective <i>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</i>	
The proposal and its response to Standard B8 Standard B8 identifies that a maximum 60% site coverage applies. The proposal has a site coverage of 73.7%. The area is characterised by a high site coverage and the potential visual impacts and massing of the proposed development is discussed in the main body of this report.	

Permeability Objectives B9	
Does the proposal meet the Objectives?	Yes
Does the proposal meet the Standard?	No
Objectives <i>To reduce the impact of increased stormwater run-off on the drainage system.</i> <i>To facilitate on-site stormwater infiltration.</i>	

The proposal and its response to Standard B9	
The proposal has a permeability of 16.8% so does not meet the prescriptive 20% permeability standard set down in Standard B9. However given the proposal provides planter box landscaping in the raised courtyard areas and underground water storage tanks I consider it meets the B9 permeability objectives.	

Energy Efficiency Objectives B10	
Does the proposal meet the Objectives?	Yes
Does the proposal meet the Standard?	Yes
Objectives <i>To achieve and protect energy efficient dwellings and residential buildings.</i> <i>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</i>	
The proposal and its response to Standard B10 The proposal achieves a good standard of energy efficiency by orientating living and open space areas in a northerly, easterly and westerly direction. The number of apartments with only a southerly aspect has been kept to a minimum .There are 4 of the 43 apartments at the ground floor level with a southerly aspect. As required under the Building Regulations, it is expected that the development will be able to achieve a five star energy rating.	

Open Space Objectives B11	
Does the proposal meet the Objectives?	Yes
Does the proposal meet the Standard?	Yes
Objective <i>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</i>	
The proposal and its response to Standard B11 Proposed communal open space areas include the communal landscaped entry areas and 1 st floor courtyard. These spaces have been designed to offer an outlook and visual link to the landscaping surround the site and to the Armstrong Reserve to the north of the site. The orientation of the dwellings fronting the street and Armstrong Reserve will provide ongoing passive surveillance of these areas.	

Safety Objective B12	
Does the proposal meet the Objectives?	Yes
Does the proposal meet the Standard?	Yes
Objective <i>To ensure the layout of development provides for the safety and security of residents and property.</i>	
The proposal and its response to Standard B12 The layout of the dwellings provides a good standard of safety for future residents. The apartments will have passive surveillance of the common areas and building entries. There are security gates to prevent general public access to the site. Overall, the design of the proposal will provide a high degree of safety and security for residents.	

Landscaping Objectives B13	
Does the proposal meet the Objectives?	Yes
Does the proposal meet the Standard?	Yes
Objectives <i>To encourage development that respects the landscape character of the neighbourhood.</i> <i>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</i> <i>To provide appropriate landscaping.</i> <i>To encourage the retention of mature vegetation on the site.</i>	
The proposal and its response to Standard B13 The proposal provides for landscaping in and around the site as well as new street trees to Paine and Crawford Street. The landscape areas and raised planter beds are of sufficient width for the planting of decorative canopy trees. Overall, I am satisfied that the landscape solution for the site will assist in the successful 'settling' of the proposal into its context.	

Appendix D: Assessment against Clause 55 (ResCode) continued

Access Objectives		B14
Does the proposal meet the Objectives?		Yes
Does the proposal meet the Standard?		Yes
Objectives <i>To ensure vehicle access to and from a development is safe, manageable and convenient.</i> <i>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</i>		
The proposal and its response to Standard B14 The proposal utilises a new 5.5m wide vehicle crossover from Paine Street to provide access to the garage area ensuring that the car parking is respectful of the neighbourhood character.		

Parking Location Objectives		B15
Does the proposal meet the Objectives?		Yes
Does the proposal meet the Standard?		Yes
Objectives <i>To provide convenient parking for resident and visitor vehicles.</i> <i>To avoid parking and traffic difficulties in the development and the neighbourhood.</i> <i>To protect residents from vehicular noise within developments.</i>		
The proposal and its response to Standard B15 The car park area will provide accessible on-site parking for 50 vehicles within a ground floor garage area. Sufficient room is provided for vehicles to turn and to exit the site in a forward direction.		

Internal Views Objective		B23
Does the proposal meet the Objectives?		Yes
Does the proposal meet the Standard?		No

Objective
<i>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</i>
The proposal and its response to Standard B23 The proposal meets the objectives B23. Views within the development have been limited by the careful placement and design of windows and screening. There is some potential from the 1 st floor level to overlook into the private open space (street frontage setback) of the ground floor apartments, however given their location and 'openness' to the street I consider this condition to be acceptable.

Noise Impacts Objective		B24
Does the proposal meet the Objectives?		Yes
Does the proposal meet the Standard?		Yes
Objectives <i>To contain noise sources in developments that may affect existing dwellings.</i> <i>To protect residents from external noise.</i>		
The proposal and its response to Standard B24 The proposal will not generate any significant noise, nor is it exposed to an existing significant noise source. While there may be a perception of noise associated with the use of terrace areas, these are a regular part of residential use.		

Accessibility Objective		B25
Does the proposal meet the Objectives?		Yes
Does the proposal meet the Standard?		Yes
Objective <i>To encourage the consideration of the needs of people with limited mobility in the design of developments.</i>		
The proposal and its response to Standard B25 Ready access is available to people of limited mobility to the apartments either via the ground level or the lift to the 1 st floor level.		

Dwelling Entry Objective		B26
Does the proposal meet the Objectives?		Yes
Does the proposal meet the Standard?		Yes
Objective <i>To provide each dwelling or residential building with its own sense of identity.</i>		
The proposal and its response to Standard B26 The development provides for a sense of address and clearly identifiable pedestrian and vehicle entrances from the three street frontages or Armstrong Reserve. Each of the dwellings has an identifiable entry from the street or raised courtyard area.		

Daylight to New Windows Objective		B27
Does the proposal meet the Objectives?		Yes
Does the proposal meet the Standard?		Yes
Objective <i>To allow adequate daylight into new habitable room windows.</i>		
The proposal and its response to Standard B27 All proposed habitable rooms have been designed to ensure that they receive adequate access to natural light in accordance with requirements of Standard B27. There are no habitable rooms that rely on borrowed light.		

Appendix D: Assessment against Clause 55 (ResCode) continued

Private Open Space Objective B28	
Does the proposal meet the Objectives?	Yes
Does the proposal meet the Standard?	In part
Objective <i>To provide adequate private open space for the reasonable recreation and service needs of residents.</i>	
The proposal and its response to Standard B28 <p>The ground floor apartments have POS areas ranging from 15sqm to 73sqm. Although only 3 (No.1,5 & 9) of the 15 ground floor apartments have POS areas greater than 40sqm, the POS provided to each dwelling are usable.</p> <p>All 1st floor dwellings are provided with areas of more than 8sqm, except for apartment 30 which has a balcony area of 4.6m. Whilst the prescriptive requirement to provide all balconies of 8sqm is not satisfied, the provision of a private terrace area of 4.6sqm is acceptable in this instance given the size and nature of the 1 bedroom unit and the communal open space area that is provided within the site.</p> <p>There are three roof terraces (No.41,42 and 43) with POS of 28.4sqm that are usable spaces and are greater than 10sqm.</p> <p>Overall the proposal meets the objectives of B28. In addition, there is open space opportunities and a playing area available in the Armstrong Reserve.</p>	

Solar Access to Open Space Objective B29	
Does the proposal meet the Objectives?	Yes
Does the proposal meet the Standard?	In part
Objective <i>To allow solar access into the secluded private open space of new dwellings and residential buildings.</i>	
The proposal and its response to Standard B28 <p>Private open space areas have been located to enable good solar access. There are 9 dwellings with southern POS areas which do not strictly comply with the standard. Overall, the outcome is satisfactory having regard to the B29 Objective and the perimeter street alignments.</p>	

Storage Objective B30	
Does the proposal meet the Objectives?	Yes
Does the proposal meet the Standard?	In part
Objective <i>To provide adequate storage facilities for each dwelling.</i>	
The proposal and its response to Standard B31 <p>The development provides 26 individual storage cages at the ground level of 6 cubic metres. Though there is not one storage cage per dwelling there is sufficient space within the double storey townhouses for storage to be provided within the dwellings or under the stairs. The under stairs storage area is approximately 4.5 cubic metres.</p>	

Design Detail Objective B31	
Does the proposal meet the Objectives?	Yes
Does the proposal meet the Standard?	Yes
Objective <i>To encourage design detail that respects the existing or preferred neighbourhood character.</i>	
The proposal and its response to Standard B31 <p>For the reasons outlined in the main of my report, the external appearance and design of the building is considered acceptable.</p>	

Front Fences Objective B32	
Does the proposal meet the Objectives?	Yes
Does the proposal meet the Standard?	Yes
Objective <i>To encourage front fence design that respects the existing or preferred neighbourhood character.</i>	
The proposal and its response to Standard B32 <p>Yes all the front timber picket fences are either 1.2m or 1.5m in height.</p>	

Common Property Objectives B33	
Does the proposal meet the Objectives?	Yes
Does the proposal meet the Standard?	Yes
Objectives <i>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</i> <i>To avoid future management difficulties in areas of common ownership.</i>	
The proposal and its response to Standard B33 <p>Common property areas within the development are clearly identified, attractive and can be easily maintained.</p>	

Site Services Objectives B34	
Does the proposal meet the Objectives?	Yes
Does the proposal meet the Standard?	Yes
Objectives <i>To ensure that site services can be installed and easily maintained.</i> <i>To ensure that site facilities are accessible, adequate and attractive.</i>	
The proposal and its response to Standard B34 <p>A mailbox is provided at each of the street front entries to the site.</p> <p>An enclosed rubbish and recycling bin area is provided in the ground floor garage area near the vehicle entry to the building.</p>	

Appendix E: Response to the Proposed Permit Condition 1

1	CONDITION	COMMENT
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.	To be shown in Condition 1 plans
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).	To be shown in Condition 1 plans
c.	<p>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:</p> <ul style="list-style-type: none"> 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. 	<p>Plan TP12 added to show this more clearly. Metal cladding not turned horizontal, vertical ‘seam’ provides interpretive design gesture.</p> <p>Not adopted in its entirety.</p>
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).	Not adopted. Design intent clarified by Plan TP-12. Metal cladding not replace with timber weatherboards. Doing so compromises the design intent of expressing the upper storey as a ‘roof’ element.
e.	The provision of eaves, having a minimum depth of 300mm, to all of the dwellings with a hip roof form.	Not adopted. Design intent clarified by plan TP-12. Doing so compromises the design intent of expressing the upper storey as a ‘roof’ element.
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.	Not adopted. Design intent clarified by plan TP-12. Doing so compromises the design intent of expressing the upper storey as a ‘roof’ element.
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.	Plans amended to comply. See Ground Floor Plan (TP03)
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.	Plans amended to comply. See Ground Floor Plan (TP03) and elevations (TP08). I note however that My Wyatt’s landscape evidence recommends the gate to be offset from the door entry. I support this recommendation.
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.	Already complied in previous scheme. No further changes made.
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.	Plans amended to comply. See Ground Floor Plan (TP03)

Appendix E: Response to the Proposed Permit Condition 1 continued

1	CONDITION	COMMENT
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.	Already complied in previous scheme. No further changes made.
l.	The car park layout plan altered to correctly refer to 23 stackers in lieu of 22 stackers currently shown.	Plans amended to comply. See Ground Floor Plan (TP03).
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: <ul style="list-style-type: none"> 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. 	Not adopted – not a necessary planning permit requirement.
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.	Plans amended to comply. See Ground Floor Plan (TP03).
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.	Not adopted – not required by Traffic Group.
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	Plans amended to comply. See Ground Floor Plan (TP03).
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.	To be shown in Condition 1 plans.
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.	Plans amended to comply. See Landscape Architect's Plans.
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).	Plans amended to comply. See Fence Detail Plan (TP08), Streetscape (TP11) and Materials Schedule (TP12).
t.	Provision of a public lighting strategy for the ground and first floor street areas.	Not adopted. To be shown in Condition 1 plans.
u.	Provision of an integrated artwork within a common area on the site.	Not adopted. To be shown in Condition 1 plans. Possible location at the corner of Paine and Crawford Streets.
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.	Plans amended to comply. See Fence Detail Plan (TP08).
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.	To be shown in Condition 1 plans.
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.	Not adopted.

Appendix E: Response to the Proposed Permit Condition 1 continued

1	CONDITION	COMMENT
y.	Window proportions of all windows visible from the reserve and the street altered to 2 vertical to 1 horizontal.	Plans amended to comply. See Fence Detail Plan (TP08).
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.	Not adopted as it is a 1 bed apartment but could be achieved through the re instatement of the balcony.
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).	Not adopted as doing so compromises the design intent
bb.	<p>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:</p> <ul style="list-style-type: none"> 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. <p>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.</p>	See the concept Landscape Plans by ERM

Appendix F: Witness statement

Name and Address

Catherine Anne Heggen

Message Consultants Australia Pty Ltd

2/398 Smith Street, Collingwood 3066

Qualifications

- Bachelor of Town and Regional Planning, Melbourne University 1982
- Fellow, Planning Institute of Australia
- Fellow, Victorian Planning and Environmental Law Association

Professional experience

- Current Position: Director, Message Consultants Australia Pty Ltd
- 1985 – Current: Town Planning Consultant
- 1982 – 1985: Town Planner in local government and regional authorities (Australia & overseas)

Professional appointments

- 1996 – 2002: Member, Victoria's Heritage Council
- 1998 – 2002: Chair, Victoria's Heritage Council
- 1998 – 2002: Trustee, Melbourne Heritage Restoration Fund
- 2001 & 2002: Jury Member, Stonnington Urban Design Awards
- 2001: Jury Member, Australian Institute of Landscape Architects (Vic Chapter) Awards
- 2003: Jury Member, Planning Institute of Australia (Vic Division) Awards
- 2004 – ongoing: Member, Heritage Committee to the Building and Estates Committee – University of Melbourne
- 2005 – ongoing: Member, Building Committee – Queen Victoria Women's Centre
- 2011 Member, Ministerial Advisory Committee on Planning System Reform

Areas of expertise

- Extensive urban design advice to architects and project managers involved in medium and high density housing and other built form projects.
- Strategic and statutory planning advice to commercial and institutional clients as well as government and alpine management authorities on a range of residential, environmental, tourism, cultural heritage and urban character issues.
- Consulting advice to a wide range of private sector and government clients addressing the management of urban development and rural land use.
- Project planning and coordination of Institutional Master Plans.
- Experience in the preparation of environmental management plans and Environment Effects Statements for extractive industry.
- Preparation and presentation of evidence before VCAT, and various government appointed independent panels and advisory committees.

Expertise to prepare this report

Professional qualifications and expertise in urban design and town planning, including:

- Urban design and building form impact assessment.
- Ongoing involvement in a range of residential, mixed use, institutional, commercial and extractive industry development proposals.
- Ongoing involvement in cultural heritage, urban character and visual and landscape impact issues.
- Experience in new community development, greenfield subdivision projects and institutional Master Plans.
- Specialist experience in medium and high density housing issues.

Investigations and research

In preparing this evidence I have:

- Inspected the site and locality;
- Reviewed the application plans and supporting documents;
- Reviewed the Council Officers report ;
- Reviewed the Council grounds for refusal;
- Reviewed the planning policy framework and the relevant planning controls for the site;
- Reviewed the previous VCAT decisions; and
- Reviewed the objections to the permit application.

I note that my involvement in this matter commenced following lodgement of this application for review with VCAT.

In accordance with the Tribunal's Practice Note No. 2, I confirm that my instructions are to:

- Review the proposal against the statutory and policy provisions of the Hobsons Bay Planning Scheme.
- Address whether the proposal is an acceptable built form and urban design outcome having regard to its physical context and the relevant policy initiatives of Council.

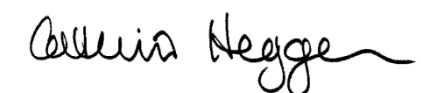
My evidence is based upon the amended plans Rev C, prepared by KUD and dated the 5 December 2013.

Summary of opinions

My conclusions are summarised in the preamble and conclusion of this report.

Declaration

In accordance with the Tribunal's Practice Note No. 2, I declare that I have made all the inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Tribunal. I prepared this report with assistance from Susan Mitchell at Message Consultants Australia Pty Ltd.



C A Heggen
BTRP FPIA