

**FUTURE MELBOURNE (PLANNING)  
COMMITTEE REPORT**

Agenda Item 5.4

**APPLICATION FOR PLANNING PERMIT : TP-2008-1073/A  
283, 285-289 FLEMINGTON ROAD, NORTH MELBOURNE**

7 February 2012

**Presenter:** Martin Williams, Acting Manager Planning and Building

**Purpose and background**

1. This application is presented to the Future Melbourne Committee at the request of Councillor Oke.
2. The purpose of this report is to advise the Committee of an application to amend an existing planning permit. The existing permit allows the demolition of the existing building and construction of three, two storey dwellings. Demolition has been completed but construction has not yet commenced. The amendment seeks approval for construction of three, three storey dwellings (refer Attachment 2 – Locality Plan and Attachment 3 – Proposed Plans).
3. The site is located in the Residential 1 Zone and is affected by the Heritage Overlay (North and West Melbourne precinct).
4. The original application sought approval for three, three storey dwellings. The officer recommendation for this version was for refusal. After discussion with officers and Councillors, the applicant submitted amended plans prior to the Future Melbourne Committee meeting in September 2009 showing a two-storey design. The revised scheme was supported by Committee and a permit issued.
5. Since the original decision, a three storey apartment building has been considered by the Future Melbourne Committee and approved directly across Dryburgh Street to the south east. There have been no changes in planning policy since the issue of the original permit.
6. The application was advertised and received three objections.

**Key issues**

7. The key issues considered in the assessment of this application in 2009 and in this request for amendment are the appropriateness of the built form having regard to the architectural and historic character of the area, and the potential amenity impacts on neighbouring properties.
8. The reasons for the recommendation to refuse the original application for a three storey built form would be addressed in this current design with the amendments proposed by the officer's recommendation. The demolition of the heritage building has been approved and has occurred. A recommended condition of permit requires the deletion of the third storey from the westernmost townhouse. This has a sensitive interface with neighbouring sites, having a common boundary with a single storey development to the north-west and is due north of a single storey dwelling across the private lane to the south.
9. The proposed design response is considered appropriate to the site and the heritage streetscapes, and subject to the recommended changes listed in Condition 1, is of an appropriate scale and will not unreasonably impact on the amenity of the neighbouring dwellings. Recent approvals in the locality support three storey built form along Flemington Road.

**Recommendation from management**

10. That the Future Melbourne Committee issue a Notice of Decision to Grant an Amended Permit, subject to the conditions included in the delegate's report (refer Attachment 4, Delegate's Report).

**Attachments:**

1. Supporting Attachment
2. Locality Plan
3. Proposed Plans
4. Delegate Report



## SUPPORTING ATTACHMENT

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### Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (the Act) sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme.
2. As objections have been received, sections 64 and 65 of the Act provides that the Responsible Authority must give the applicant and each objector a notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The Responsible Authority must not issue a permit to the applicant until the end of the period in which an objector may apply to the Tribunal for a review of the decision or, if an application for review is made, until the application is determined by the Tribunal or withdrawn.
3. In making its decision, section 60(1)(c) of the Act requires the Responsible Authority to consider, amongst other things, all objections and other submissions which it has received.

### Finance

4. There are no direct financial issues arising from the recommendations contained in this report.

### Conflict of interest

5. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

### Stakeholder consultation

6. Formal notification (advertising of the planning application) was carried out for the application.

### Relation to Council policy

7. Relevant Council policies are discussed in the attached officer report (refer Attachment 4).

### Environmental sustainability

8. This application is for an amendment to an existing planning permit and as such there are no specific environmental sustainability matters that are relevant in the consideration of this application.

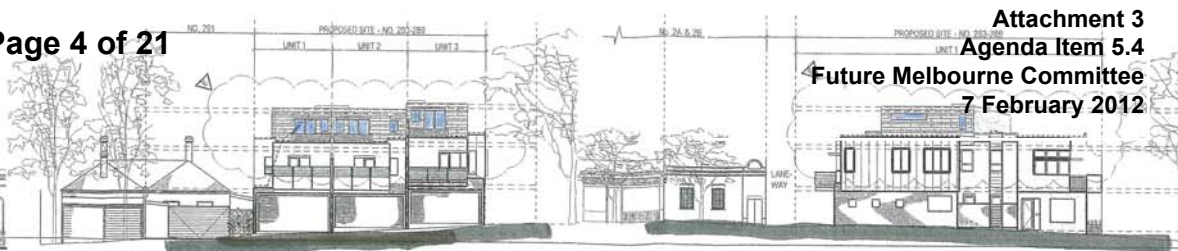




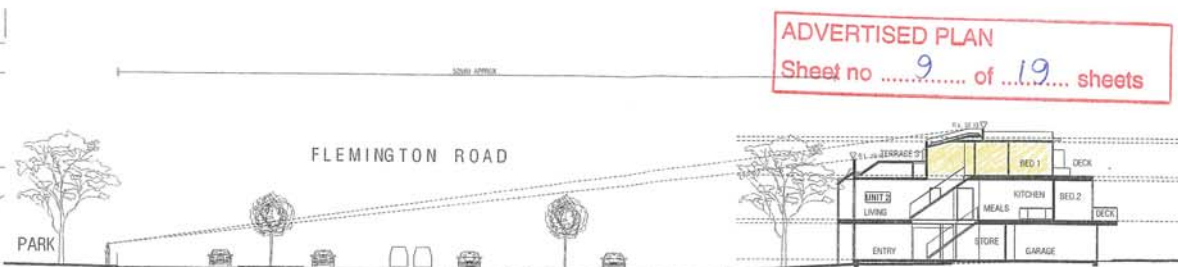
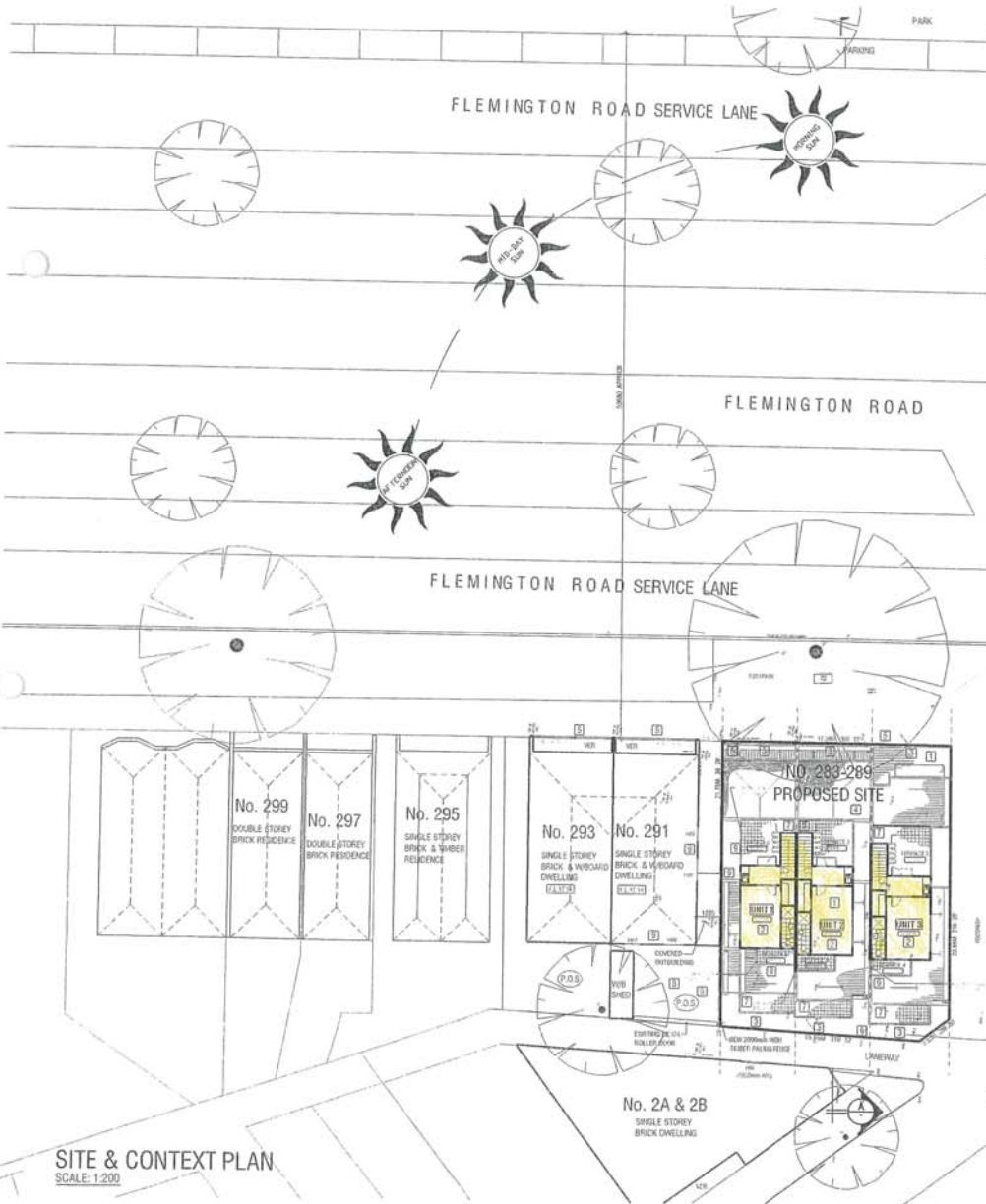




STREETSCAPE ELEVATION - NORTH-WEST (FLEMINGTON ROAD) SCALE: 1:200



STREETSCAPE ELEVATION - SOUTH-WEST (LANEWAY) SCALE: 1:200 SOUTH-EAST ELEVATION (DRYBURGH STREET) SCALE: 1:100



SECTION A-A SCALE: 1:200

ADVERTISED PLAN  
Sheet no .....9..... of .....19..... sheets

**283-289 FLEMINGTON ROAD, NORTH MELBOURNE  
DESIGN RESPONSE**

1. THE SUBJECT SITE IS MADE UP OF TWO ALLOTMENTS, 285-289 FLEMINGTON ROAD IS 242M<sup>2</sup> AND IS VACANT. 283 FLEMINGTON ROAD, THE ADJOINING ALLOTMENT IS VACANT LAND OF APPROXIMATELY 142M<sup>2</sup> AND CONTAINS ADVERTISING BILLBOARDS.
2. OUR PROPOSAL IS FOR THE CONSTRUCTION OF THREE ATTACHED THREE LEVEL DWELLINGS.
3. EACH DWELLING WILL HAVE ENTRIES FROM THE FLEMINGTON ROAD FOOTPATH FOR OCCUPANTS AND VEHICULAR ACCESS FROM THE REAR LANE. TWO CARSPACES ARE PROPOSED FOR UNITS 2 AND 3 AND ONE SPACE FOR UNIT 1.
4. THE SITE IS ZONED RESIDENTIAL 1 AND IS WITHIN NORTH WEST MELBOURNE HERITAGE OVERLAY H03. THE BUILDING IS GRADED C AND IS A LEVEL 2 STREETSCAPE. REFER CLAUSE 22.05 ASSESSMENT PREPARED BY PETER GABBETT, ARCHITECTURAL CONSERVATION CONSULTANT.
5. THE ATTACHED TERRACE BUILDING TYPOLOGY AND RESTRAINED PALETTE OF MATERIALS IS A DIRECT DESIGN RESPONSE TO THE SITE CONTEXT. THE FLEMINGTON ROAD STREETSCAPE CONTAINS REFERENCE TO ARCHITECTURAL ELEMENTS FOUND ALONG THIS BOULEVARD AND THE SURROUNDING NEIGHBOURHOOD. THE FENESTRATION, INTERESTIVE VERANDA AND PARAPET ROOF ARE ALL SYNTHETIC DESIGN CONSIDERATIONS WHICH WILL HELP TRANSITION OUR DESIGN INTO THE STREETSCAPE.
6. THE REAR LANE FACADE TREATMENT HAS A MORE RUSTIC "BACK OF HOUSE" PRESENTATION. THE ZINCALUME ROLLER DOOR, RECYCLED BRICKS AND GALVANISED METAL ENCAPSULATE A MORE APPROPRIATE RESPONSE TO THIS LANEWAY LOCATION.
7. ALL DWELLINGS ARE PROVIDED WITH UPPER FLOOR TERRACES ON FIRST AND SECOND LEVELS WHICH EXCEED THE MINIMUM REQUIREMENTS FOR SECLUDED PRIVATE OPEN SPACE.
8. THERE IS NO DETRIMENTAL OVERSHADOWING TO ADJOINING DWELLINGS BY PROPOSED DEVELOPMENT.
9. THERE IS NO OVERLOOKING POSSIBLE FROM UPPER FLOOR WINDOWS & TERRACES INTO ADJOINING SECLUDED PRIVATE OPEN SPACE AND HABITABLE WINDOWS.

DEVELOPMENT  
18 AUG 2011  
PLANNING

NO.	DATE	AMENDMENTS	BY
E	25/07/10	TP AMENDMENT SUBMISSION	SN
D	25/11/09	ENCORSED T.P. SUBMISSION	TT
C	01/07/08	COUNCIL RE-SUBMISSION	SP
B	05/12/08	TP SUBMISSION	TT
A	31/10/08	CLIENT/CONSULTANT ISSUE	SP

Dominic Bagnato Antonio Marjan Frank Guarino 168 Cardigan Street Carlton 3053 Victoria Australia Telephone: (03) 9347 9471 Facsimile: (03) 9347 1073	
All Drawings & Designs remain the property of Bagnato Marjan Guarino Architects Pty Ltd & are subject to the laws & protection of COPYRIGHT.	
PROJECT TITLE <b>PROPOSED RESIDENTIAL DEVELOPMENT AT No. 283-289 FLEMINGTON ROAD, NORTH MELBOURNE</b>	
DESIGN RESPONSE	
DATE: OCT 2008 SCALE: ORIGINAL AS SHOWN NORTH	
DRAWN: SP CHECKED: FG	
JOB NO: 0716	
SITE NO: DR01	
PROPERTY: E	





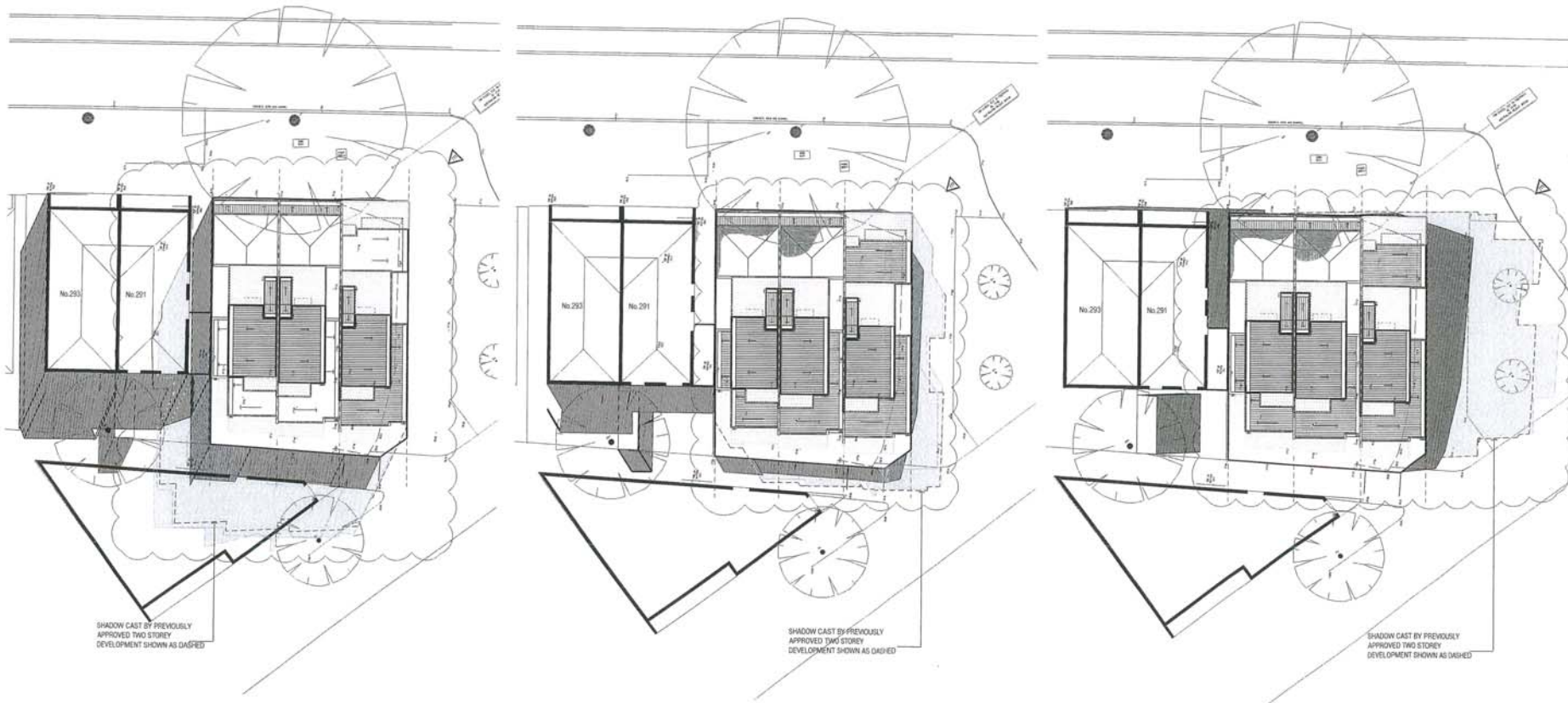




ADVERTISED PLAN  
 Sheet no ...13... of ...19... sheets

LEGEND

-  SHADOW CAST BY EXISTING FENCE, BUILDING & ADJOINING STRUCTURES
-  ADDITIONAL SHADOW CAST BY PROPOSED DEVELOPMENT



9AM SHADOW  
 SCALE 1:200

12PM SHADOW  
 SCALE 1:200

3PM SHADOW  
 SCALE 1:200

No.	DATE	AMENDMENTS	BY
E	25.07.10	TP AMENDMENT SUBMISSION	BN
D	25.11.09	ENDORSED T.P. SUBMISSION	TT
C	01.07.09	COUNCIL RE-SUBMISSION	DP
B	05.12.09	TP SUBMISSION	TT
A	13.10.08	COUNCIL CONSULTATION ISSUE	SP




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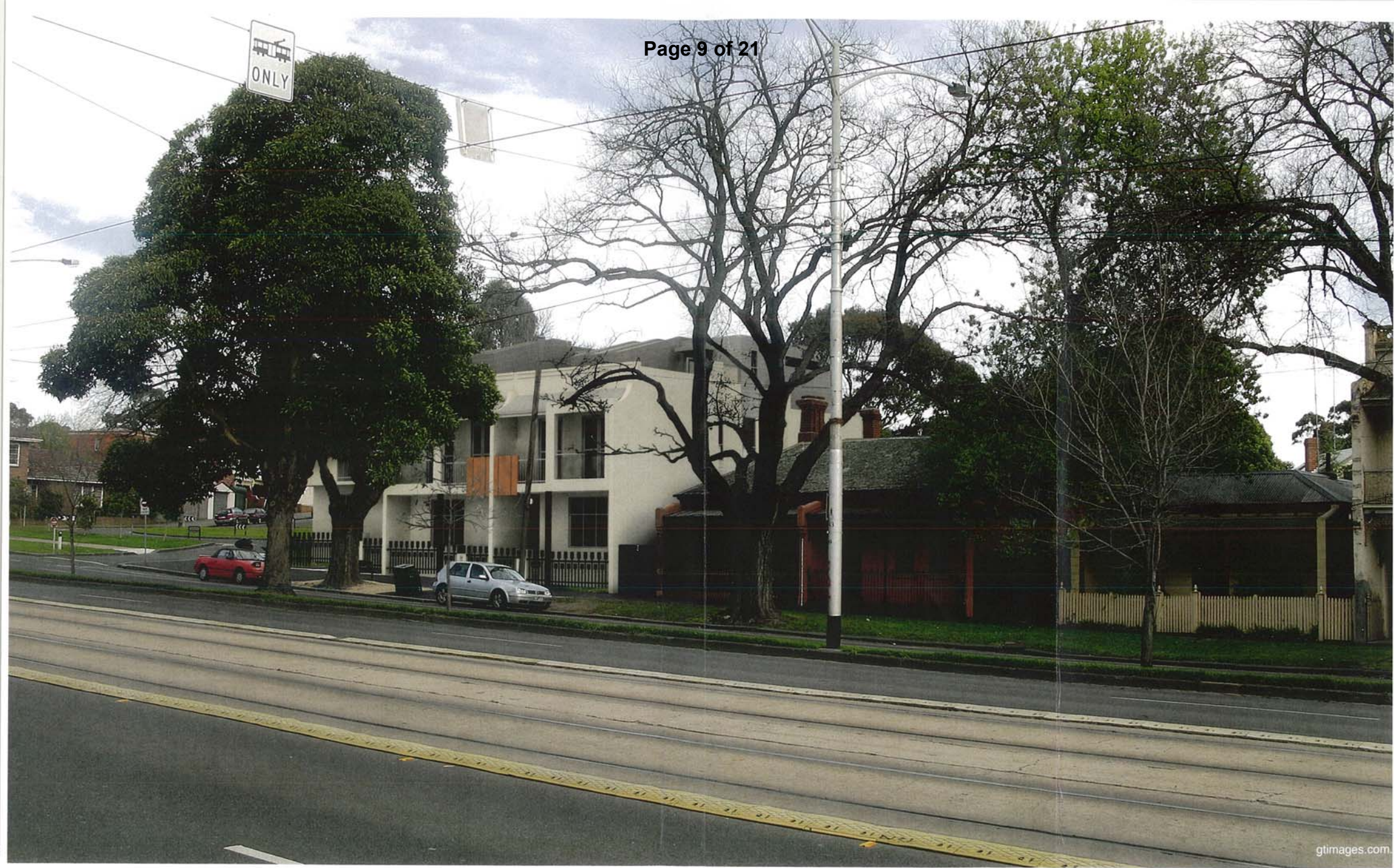
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PROJECT TITLE  
**PROPOSED RESIDENTIAL DEVELOPMENT AT**  
**NO. 283-289 FLEMINGOTN ROAD,**  
**NORTH MELBOURNE**

DEVELOPMENT  
 18 AUG 2011  
 PLANNING

SHADOWING TITLE  
**SHADOW DIAGRAM**  
**SEPTEMBER 22 EQUINOX**

DATE: OCT 2008	SCALE: 1:200	ORIGIN: AS	NORTH 
DRAWN: SP	CHECKED: FG		
DATE No: 0716	REVISION: SD01		



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FLEMINGTON ROAD, NORTH MELBOURNE  
nA01L.jpg

ADVERTISED PLAN  
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289 FLEMINGTON ROAD, NORTH MELBOURNE  
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ADVERTISED PLAN  
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FLEMINGTON ROAD, NORTH MELBOURNE  
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ADVERTISED PLAN  
Sheet no ...16... of ...19... sheets

## DELEGATED PLANNING APPLICATION REPORT

<b>Application number:</b>	<b>TP-2008-1073/A</b>
<b>Applicant:</b>	<b>BMG Architects</b>
<b>Address:</b>	283, 285-289 Flemington Road, NORTH MELBOURNE VIC 3051
<b>Proposal:</b>	Construction of three, three storey dwellings
<b>Date of application:</b>	19 August 2011
<b>Responsible officer:</b>	Dianne King

### 1 SUBJECT SITE AND SURROUNDS

#### 1.1 Subject Site

The subject site is located over two lots, being 283 Flemington Road and 285-289 Flemington Road, with frontages to Flemington Road, Dryburgh Street and partially to Curran Street.

The site is currently vacant, as demolition of the existing buildings has occurred (as approved in the original planning permit). The lot at 283 Flemington Road has advertising hoardings occupying the Flemington Road and Dryburgh Street frontages. It is evident that these signs have been in place, in some form or another, for a number of years.

#### 1.2 Surrounds

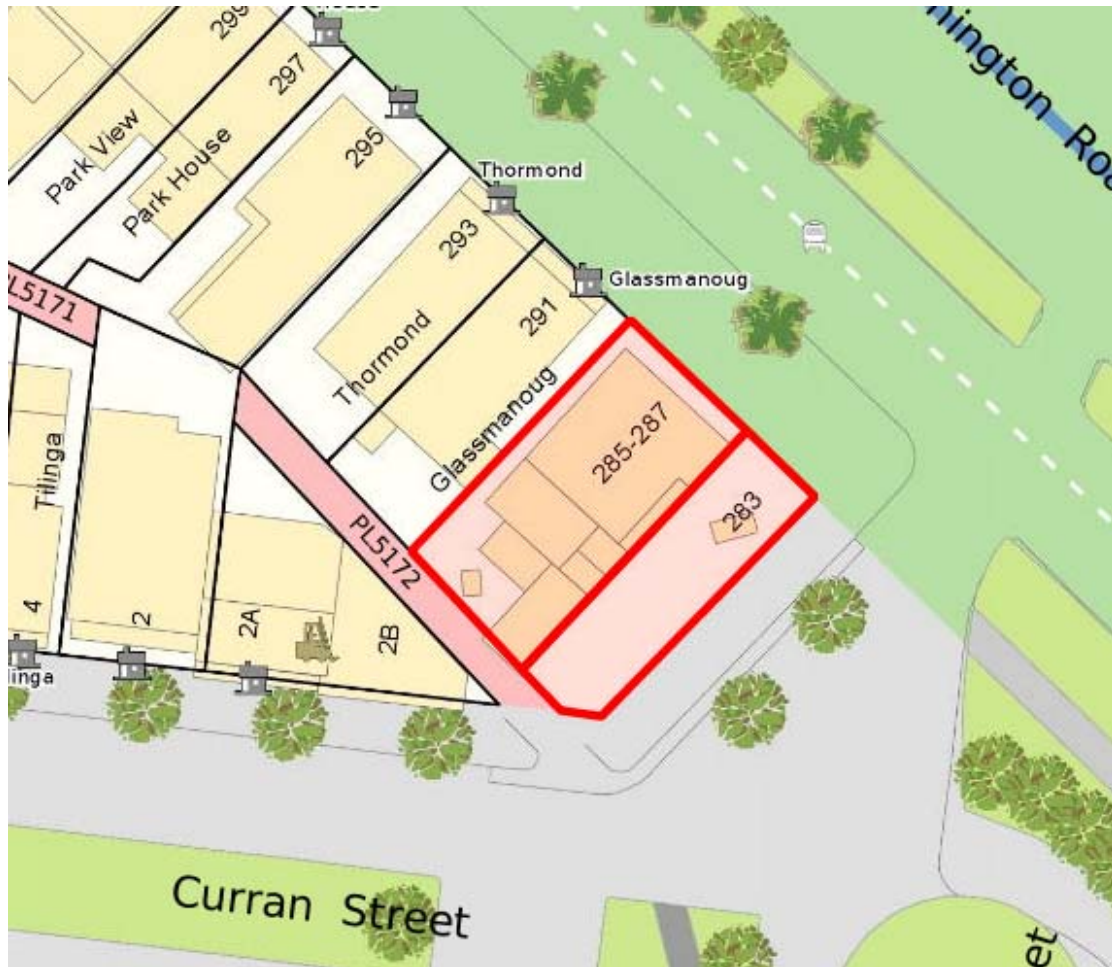
To the north of the subject site is Flemington Road, a major arterial road carrying a high volume of traffic.

To the south is the intersection of Dryburgh and Curran Street. On the south side of this intersection is a two storey 'B' graded dwelling.

There is a triangular shaped building located roughly south west of the subject site. The building which used to be an old farrier's workshop is 'D' graded and is separated from the subject site by a 3 metre wide Right of Way. This building is built to all boundaries.

To the north west of the site is a row of three single storey dwellings. The dwelling directly abutting the site at 291 Flemington Road is 'D' graded and 293 Flemington Road is 'C' graded. These dwellings are set back approximately 1.2 metres from the front property boundary.

Locality Plan



**2 BACKGROUND AND HISTORY**

**2.1 Pre-application discussions**

A pre-application meeting was held prior to lodgement of the amendment. The applicants were advised that they would need to provide sufficient justification to allow the three storey development given the previous decision of the Council (see planning history section below).

**2.2 Planning Application History**

The following applications, listed as considered relevant to the current proposal, have previously been considered for the subject site and/or adjoining sites:

TP number	Description of Proposal	Decision & Date of Decision	Officer Comment
TP-2010-413	279 Flemington Road: Demolition of the existing dwelling and construction of 6 dwellings (over three levels ) with a partial parking waiver of the car parking requirements.	Permit	A NOD was issued for this development, and an appeal lodged by objectors.  The decision of the Responsible Authority was upheld at VCAT as per the corrected order



			dated 25 May 2011.
TP-2008-1073	Subject Site: Demolition of a building within a Heritage Overlay and the development of the land for the construction of three, double storey dwellings	Permit 10/9/2009	See below.

The delegate planning officer assessed an application for three, three storey dwellings, and determined to recommend refusal for the following reasons:

- The proposed demolition of the existing dwelling and shop at 285-289 Flemington Road is contrary to Clause 22.05 Heritage Places outside the Capital City Zone and Clause 43.01 Heritage Overlay Schedule 3.
- The design of the proposed development is out of keeping with the architectural and historic character of immediately adjoining properties, laneways and the area generally.
- The proposal is an overdevelopment of the site and does not adequately respond to the constraints of the subject site and will have unreasonable amenity impacts to adjoining properties as it fails to meet key objectives and standards of Clause 55 Two or more dwellings on a lot and residential buildings.
- Proposed access arrangements for the garages are unsatisfactory.

Following this recommendation, the application was called in to a Council meeting.

Prior to the meeting, the applicant amended their application to three, two storey dwellings. Councillors supported the amended application and a planning permit was issued. Plans have been endorsed to form part of this planning permit.

### 3 PROPOSAL

It is proposed to amend the existing endorsed plans to allow the following changes:

- Ground floor to remain unchanged.
- First floor setback of units 1 and 2 to Flemington Road to be reduced by 0.6 metres.
- Internal reconfiguration of the First floor.
- New third level to each unit, comprising bedroom with walk-in-robe and en suite, and two terraces facing north and south.
- The third floors are set back between 6.8 metres and 10 metres from the Flemington Road boundary; 1.4 metres from the north western boundary; between 4.7 metres and 6.2 metres from the south west (rear) boundary, and 1.4 metres from the south eastern boundary.
- Maximum building height will be 9.6 metres (increase in 2 metres from approved development).
- Changes to materials and finishes.

### 4 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Clause	Permit Trigger
Clause 32.01 Residential 1 Zone	Pursuant to Clause 32.01 a permit is required to construct or extend two or more dwellings on a lot.
Clause 43.01 Heritage Overlay Sch 3	Pursuant to Clause 43.01, a permit is required to construct a building or construct or carry out works.

## 5 STRATEGIC FRAMEWORK

### 5.1 State Planning Policy Framework (SPPF)

The relevant provisions of the SPPF are summarised as follows:

- Clause 15.01-2 Urban design principles, seeks to achieve outcomes that 'contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties'. It includes relevant design principles for development proposals for non-residential and residential development not covered by Clauses 54 to 56.
- Clause 15.03- Heritage has the objective to 'ensure the conservation of places of heritage significance.'

### 5.2 Local Planning Policy Framework (LPPF)

#### 5.2.1 Municipal Strategic Statement (MSS)

The land use amenity principles set out in the MSS for residential developments seek to maintain the highest standards of residential amenity, and in appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to service local community needs.

In doing this, they seek to ensure that responsibility for management of operational impacts such as traffic, parking, odour, light spill, signage and noise falls upon the agent of change, to minimise impacts on the neighbourhood.

Further, the MSS identifies that all new dwellings immediately adjacent to a Road Zone, should consider acoustic attenuation measures.

Clause 21.08-9 provides a vision for North and West Melbourne. The following is relevant to this application:

'Higher scales of development are located at the Central City Fringe, around the North Melbourne Railway Station and along Flemington Road; however these forms maintain solar access to the public domain, important view corridors and protect the heritage values of the area.'

With relation to height and scale, this policy recommends:

- Maintaining the existing low scale of the residential areas of North Melbourne (identified as [1] in Figure 20).
- Ensure infill redevelopment and extension complement the architecture, scale and heritage values of the residential area, especially where it is within a Heritage Overlay (identified as [1] in Figure 20).

#### 5.2.2 Local Policies

##### Clause 22.05 Heritage Places Outside the Capital City Zone

Amongst other matters this clause provides guidance for the design of new buildings in heritage areas, and includes the following relevant objective:

'To ensure that new development, and the construction or external alteration of buildings, make a positive contribution to the built form and amenity of the area and are respectful to the architectural, social or historic character and appearance of the streetscape and the area. '

### **Clause 22.17 Urban Design outside the Capital City Zone**

This Clause provides objectives and policy direction with relation to scale, context, building height and bulk, large and prominent sites, facades, building tops, pedestrian connection and vehicle access and weather protection amongst others.

## **6 ZONE**

The subject site is located within the Residential 1 Zone. The relevant purposes of the Residential 1 Zone are:

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.

## **7 OVERLAY(S)**

The subject site is affected by Heritage Overlay Schedule 3, North & West Melbourne Precinct. The purpose of the Heritage Overlay is:

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.

## **8 PARTICULAR PROVISIONS**

The following particular provisions apply to the application:

- Clause 52.29, Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
- Clause 55, Two or More Dwellings on a Lot

## **9 GENERAL PROVISIONS**

The following general provision applies to the application:

- Clause 65, Decision Guidelines, which includes the matters set out in Section 60 of the Planning and Environment Act 1987.

## **10 PUBLIC NOTIFICATION**

It was determined that the proposal may result in material detriment. Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties and by posting 3 notices on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

## **11 OBJECTIONS**

The application to amend a planning permit received three objections from two properties, raising the following concerns (summarised):

- Non compliance with Victorian Planning Laws.
- Amenity Impacts.
- Building Height.
- Side Setbacks.
- Overlooking.
- Overshadowing.

A fourth objection was received but was subsequently withdrawn.

## **12 REFERRALS**

### **12.1 Internal**

The application was referred internally to Council's Heritage Advisor, who did not support the third storey addition, due to its impact on the neighbouring building to the north-west, and the single storey character of Curran Street.

### **12.2 External**

The application was not required to be externally referred pursuant to Clause 66.

## **13 ASSESSMENT**

The application seeks an amendment to the endorsed plans to allow an additional level as well as other minor changes. This assessment will consider the proposed changes only. The key issues for consideration in the assessment of this application are the previous recommendation for refusal, the appropriateness of the built form having regard to the architectural and historic character of the area, and potential amenity impacts on neighbouring properties.

### **13.1 Previous Decision**

The built form of this proposal is similar to the original three storey development proposed for this site.

The reasons for recommending refusal of this original application were as follows:

- The proposed demolition of the existing dwelling and shop at 285-289 Flemington Road is contrary to Clause 22.05 Heritage Places outside the Capital City Zone and Clause 43.01 Heritage Overlay Schedule 3.
- The design of the proposed development is out of keeping with the architectural and historic character of immediately adjoining properties, laneways and the area generally.
- The proposal is an overdevelopment of the site and does not adequately respond to the constraints of the subject site and will have unreasonable amenity impacts to adjoining properties as it fails to meet key objectives and standards of Clause 55, *Two or More Dwellings on a Lot and Residential Buildings*.
- Proposed access arrangements for the garages are unsatisfactory.

Demolition of the existing buildings has since been approved and has occurred, and there are no changes to the approved access arrangements. Therefore, this assessment must determine whether the proposed amendment adequately responds to dot points 2 and 3 above.

## 13.2 Architectural and Historic Character

The proposed amendment includes a change to the materials and finishes of the third floor from those originally considered by Council. The original proposal comprised weatherboard and acrylic render to the third floor, whilst the proposed plans show zinc metal cladding.

### 13.2.1 Heritage Advice

Of particular relevance to this application, the advice of City of Melbourne's heritage advisor states:

'The height of the proposed three storey building is substantially too tall adjoining number 291 Flemington Road. Height is also a potential issue in relation to the single storey form of Curran Street.

In relation to higher rear parts, Clause 22.05 directs that in a level 2 streetscape higher rear parts should be 'partly concealed'.

The proposed third storey would dominate the streetscape.'

A Heritage Impact Statement was also submitted by the applicant, prepared by Lovell Chen. The following comments are of note:

'... the material selection for the top level is one which references a roof cladding, as might be applied in a mansard treatment and is distinguished from the base building below.

In form the composition is one which is respectful of its neighbours and responds directly to the terrace house tradition of the area. The second level element is one which is well set back from the principal street frontage on Flemington Road and as such will have limited visual impact...

On the laneway interface the upper level is set back approximately 8.5 metres to the west wall. This setback, combined with the shallower setback of the floors below is such that the upper level will be completely concealed from view from within the lane...

In the Dryburgh Street case it will be viewed in the context of a substantial open area in which heritage buildings to the south and south-west are well removed...

The proposal is one which sits comfortably in the more diverse development along Flemington Road in which there is a degree of scale variation, which contrasts with the more uniform built form of much of the residential area to the west. In this regard the proposal is one which can be accommodated without any adverse impact on the immediate streetscape or on the North and West Melbourne area as a whole.'

### 13.2.2 Consideration of Heritage Impact

Since the original assessment, a three storey modern development has been approved on the corner of Dryburgh Street and Flemington Road, and a three storey mixed use development was previously approved a block south east of the subject site on Flemington Road.

The only immediately adjoining property is a single storey 'D' graded dwelling. The development to the south across the private lane is also a single storey 'D' graded dwelling.

The proposed extension would result in a three storey building directly next door to a single storey dwelling. This has been identified in the previously recommended grounds for refusal as unacceptable on heritage, built form and amenity grounds.

The Heritage Impact Statement by Lovell Chen does not specifically address this immediate relationship, but simply states that a three storey building would sit comfortably within the Flemington Road Streetscape.

City of Melbourne's heritage advisor does not support a three storey built form directly adjoining a single storey heritage dwelling.

Deletion of the third storey element of unit 1 (which is a matter that could be dealt with by permit condition) would provide an appropriate transition between the existing single storey dwelling and the proposed three storey built form of units 2 and 3. The smaller floor-plate of the third floor of Unit 1 may also be transferred to unit 2, further reducing the built form close to the north western boundary and consolidating the third floor element into one form close to the Dryburgh Street intersection.

As identified in the previous assessment, the north side of Curran Street is typically single storey. The proposed three storey development will be visible from Curran Street. Local Policy Clause 22.05 states that:

'The height of a building should respect the character and scale of adjoining buildings and the streetscape. New buildings or additions within residential areas consisting of predominantly single and two-storey terrace houses should be respectful and interpretive.'

The proposed three storey elements are separated from the existing single storey Curran Street dwellings by the ROW and a 6 metre setback from the site boundary. With the deletion of the second floor of Unit 1, and the further setback of unit 1 from the north western boundary, the proposed third storey element will have limited visibility from Curran Street.

Subject to the above recommended changes, it is considered that the proposed building height is respectful and interpretive of the surrounds.

### **13.3 Potential Amenity Impacts**

The deletion of the third floor element of unit 1 will result in significantly reduced amenity impacts on the neighbour to the north-west at 291 Flemington Road.

Subject to these changes there would also be no third storey element directly north of 2B Curran Street. The third storey is south-east of the neighbouring site.

With a reduced footprint of the third floor, the proposal is considered to provide an appropriate transition between the three storey built form and the neighbouring single storey residences.

### **13.4 Minor Amendments**

In addition to a new third floor, the following proposed amendments have been considered:

- The proposal shows a reduced setback of the first floor of units 1 and 2 to Flemington Road. This loss of 0.6 metres will result in a more dominant built form to Flemington Road. Given the 'D' graded single storey dwelling to the north west, it is considered that the setback of the first floor should not come forward of what has been approved, in order to ensure the proposed development does not dominate the neighbouring heritage building.
- The proposal shows internal reconfiguration of the first floor. This will need to be revised (as will the ground floor) of unit 2 in order to respond to the recommended condition relating to the orientation of the third floor.
- The changes to the materials and finishes are supported in that they continue to ensure a modern interpretation to the surrounding heritage buildings.

### 13.5 Objector Concerns

In addition to the proposals compliance with the Melbourne Planning Scheme as addressed above, specific concerns were raised by objectors. These matters are addressed below.

- The proposed development will be just under 10 metres in height, given the slope of the land. The proposed third storey results in a height increase of 2 metres from the approved development. Whilst the proposed height does not meet Standard B7. The objective of Clause 55.03-2 is:

‘To ensure that the height of buildings respects the existing or preferred neighbourhood character.’

It is considered that, subject to the recommended changes to the third floor, the proposed building height respects the prevailing character of the neighbourhood whilst providing an appropriate transition to the surrounding low scale residential buildings.

- The recommended condition requiring deletion of the third floor of unit 1 addresses the concerns with regards to side setbacks, thereby significantly reducing the amenity impacts to 291 Flemington Road as discussed above.
- The proposal provides screening to 1.7 metres high in order to ensure there will be no unreasonable overlooking. It is recommended a condition of permit require screening to the third floor front deck of unit 2 in order to ensure there will be no overlooking following the reconfiguration.
- The recommended condition requiring deletion of the third floor of unit 1 will ensure that there is no third storey built form directly north of the windows and skylights of the Curran Street dwellings. Given the proposed setbacks, the amendment will not result in an increase in overshadowing to the neighbouring habitable room windows and open space.

### 13.6 Conclusion

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme and should be approved subject to conditions.

## 14 RECOMMENDATION

That a Notice of Decision to Grant an Amended Permit be issued subject to the following conditions:

Condition 1 amended to read:

1. Prior to the commencement of any construction or carrying out of works on the land, the applicant must submit to the Responsible Authority three copies of plans drawn to scale generally in accordance with the plans received on 18 August 2011 but amended to show:
  - a) Increase the depth of the first floor front terraces of units 1 and 2 to 1.8 metres.
  - b) Deletion of the third floor of Unit 1.
  - c) Reconfiguration of Unit 2 so that the third floor adjoins the third floor of Unit 3 without increasing the floor area.
  - d) Provision of a 1.7 metre high fixed screen on the north western boundary of the third floor front terrace. All screens must have a maximum transparency of 25% located in accordance with the requirements of Clause 55.04-6.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

The Lord Mayor, Deputy Lord Mayor and Councillors were notified of the above recommendation on 16 December 2011.

**Dianne King**

Senior Planning Officer

## **15 DECISION**

The signature and date below confirms that the Lord Mayor, Deputy Lord Mayor and Councillors affirmed this recommendation as the Council's decision.

Signature:

Date affirmed:

**Dianne King**

Senior Planning Officer