

**Planning Permit Application: TP-2015-942
17-19 Gipps Street, East Melbourne**

3 May 2016

Presenter: Jane Birmingham, Practice Leader Statutory Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of an application that was called in by Councillor Ong at 17-19 Gipps Street, East Melbourne (refer to Attachment 2 – Locality Plan). Melbourne City Council is the Responsible Authority for the application. The application was advertised and received 14 objections. The applicant is SJB Planning, the owner of the land is Cranecorp Pty Ltd and the architects are Canny Architecture.
2. The subject site is located within the General Residential Zone – Schedule 2 and is affected by a Heritage Overlay Schedule 2 – East Melbourne and Jolimont.
3. The application seeks approval for the partial demolition of, and alterations and additions to the existing building to accommodate four dwellings (1 x 3 bedroom and 3 x 2 bedroom).

Key issues

4. Key issues in consideration of this application are the vehicle access via Hayes Lane, appropriateness of built form in relation to ResCode and the Heritage Overlay, and potential impacts resulting from the depth of the basement car park.
5. A condition is recommended to be added to restrict the car stacker to the use of small vehicles (B50) only. This is considered to be a reasonable response to particularly tight access to the site.
6. The extent of demolition is appropriate for a D graded building and the proposed built form generally complies with the objectives of ResCode.
7. A note is recommended to be added reminding the builder of their obligations to protect adjoining sites during construction in accordance with the *Building Act 1993*.
8. The design of the building, including the proposed selection of materials and architectural expression, is broadly supported.

Recommendation from management

9. That the Future Melbourne Committee resolves to issue of Notice of Decision to Grant a Permit subject to the conditions outlined in the Delegate Report (Attachment 4).

Attachments

1. Supporting Attachment (Page 2 of 37)
2. Locality Plan (Page 3 of 37)
3. Selected Plans (Page 4 of 37)
4. Delegate Report (Page 19 of 37)

Supporting Attachment

Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (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 provide that the responsible authority must give the applicant and each objector 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 VCAT for a review of the decision or, if an application for review is made, until the application is determined by the VCAT.

Finance

3. There are no direct financial issues arising from the recommendations contained within this report.

Conflict of interest

4. 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

5. Council officers have advertised the application to adjoining properties and undertaken consultation with stakeholders including the applicant and owner.

Relation to Council policy

6. Relevant Council policies are discussed in the attached Delegate Report (refer to Attachment 4).

Environmental sustainability

7. A Sustainable Management Plan has been submitted with the application demonstrating that the development will achieve 1 point for Wat-1 credit under the Green Star Design and As Built 2014 Certified Rating.

Locality Plan

17-19 Gipps Street, East Melbourne



3.1 DESIGN CONCEPT

DEVELOPMENT CONCEPT

Given the subject site's narrow width, orientation and the planning overlay determined height restriction, the insertion of solid and void forms within the permissible building envelope to the rear of the existing heritage building provides an integral component in the spatial ordering of the proposed building.

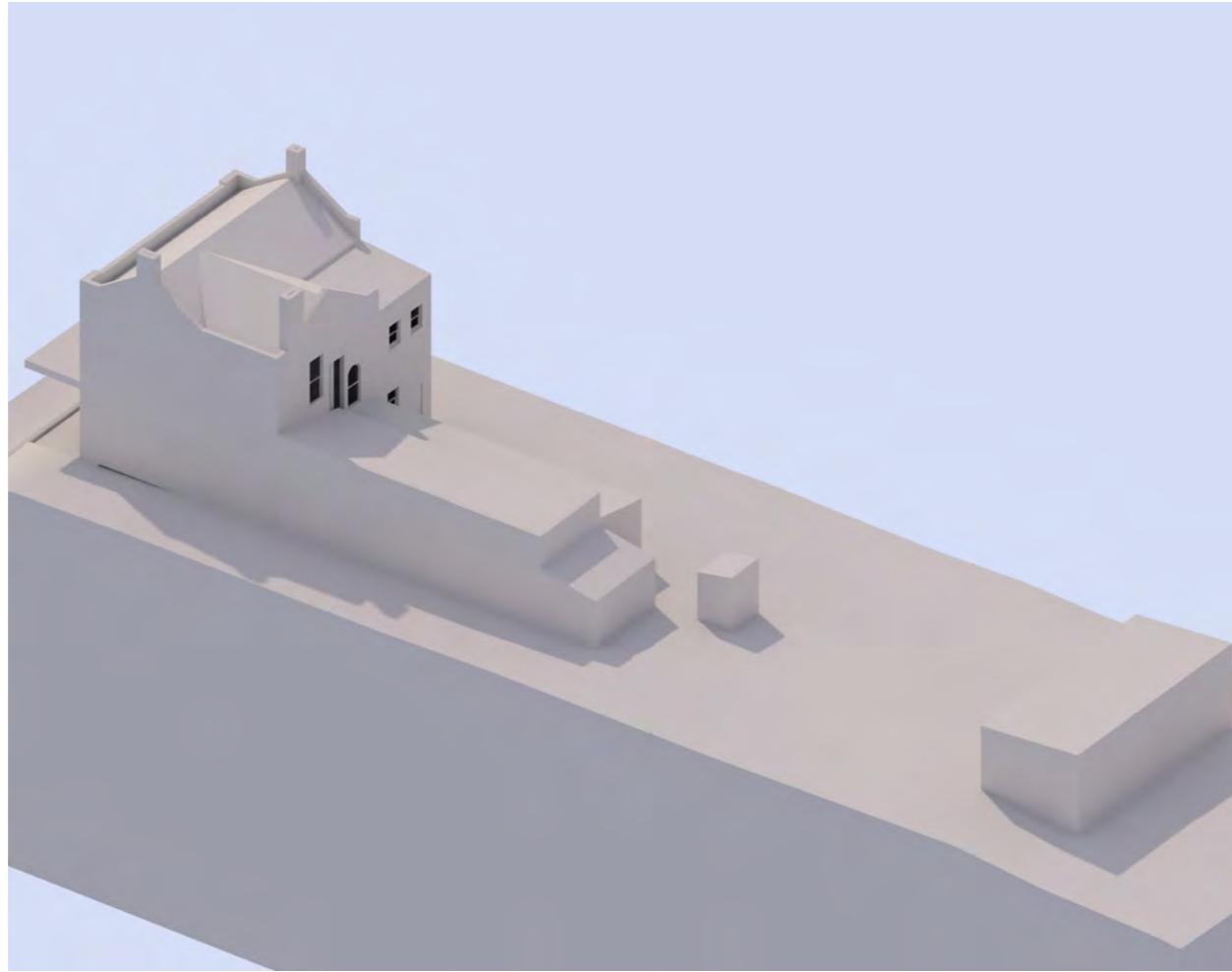
The building form steps back from the adjoining property interfaces which maintains the solar gain of the neighbour's private open spaces whilst reducing the visual bulk of the proposed building when viewed from the adjoining properties and surrounds.

The proposed building has been designed to provide a balance of no additional overshadowing to the adjoining properties over a period of five hours on the 21 September Equinox, as detailed in the shadow diagrams shown in this submission.



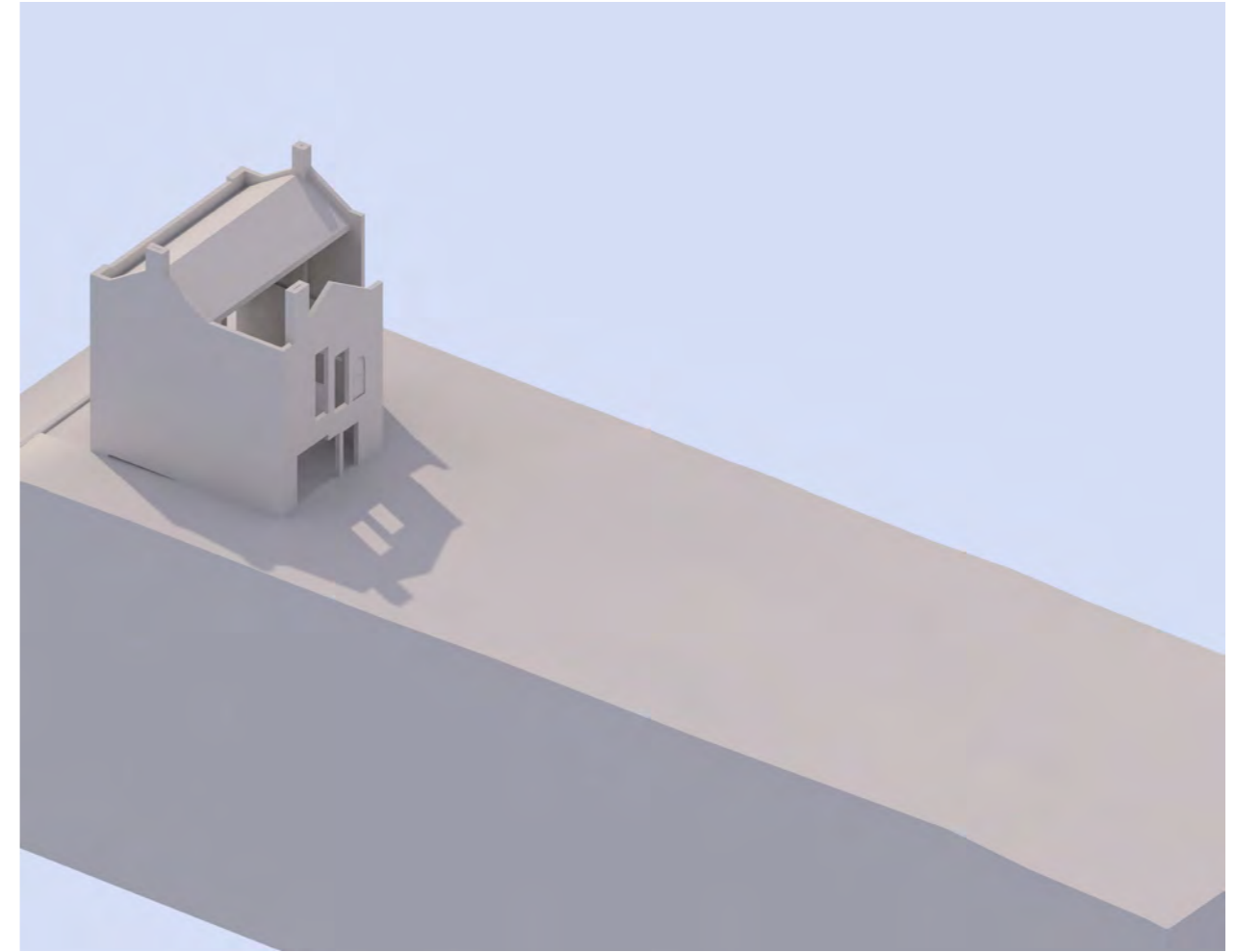
3.1 DESIGN CONCEPT

FORM AND SETBACKS



Current Massing

The current footprint entails the original heritage building and the stables at the rear. Additions that have been made to the original building over time include the extension on the western side including a small outhouse, and the addition to the heritage building seen on the eastern side.



Demolition

Demolition will include the relevant additional buildings on the western and eastern side of the original building, plus the stables and outhouse. The original building, including all bluestone walls and roof, will remain.

3.2 FACADE

EXTERIOR MATERIALITY CONCEPT

A limited range of materials and finishes have been included in the palette, carefully selected to compliment and respond to the existing neighbourhood fabric. The materials and finishes have a raw and pure characteristic, contributing to the artisan theme of the proposed building. It is proposed to remove the layers of paint on

the brick and bluestone facades of the heritage building. Restoring it's natural finish is one of the crucial commitments to reinstate the heritage building to its original form. Heritage Consultant, Lovell Chen have prepared a comprehensive assessment of the heritage building as part of this Planning Application. The proposed new facades

beyond the heritage building will be constructed in a light grey pre-cast concrete with a Class 2 finish and articulated control joints. The building makes provision for an abundance of climbing vines onto the building facades, providing controlled softness via landscaping against the solidity of the building construction.

Doors and windows are in a timeless dark finished steel frame. All new window glazing is double glazed and privacy screens are in a translucent narrow reeded glass to prevent overlooking while allowing light to filter through. The reeded glass provides a softer appearance than frosted glass.



3.2 FACADE

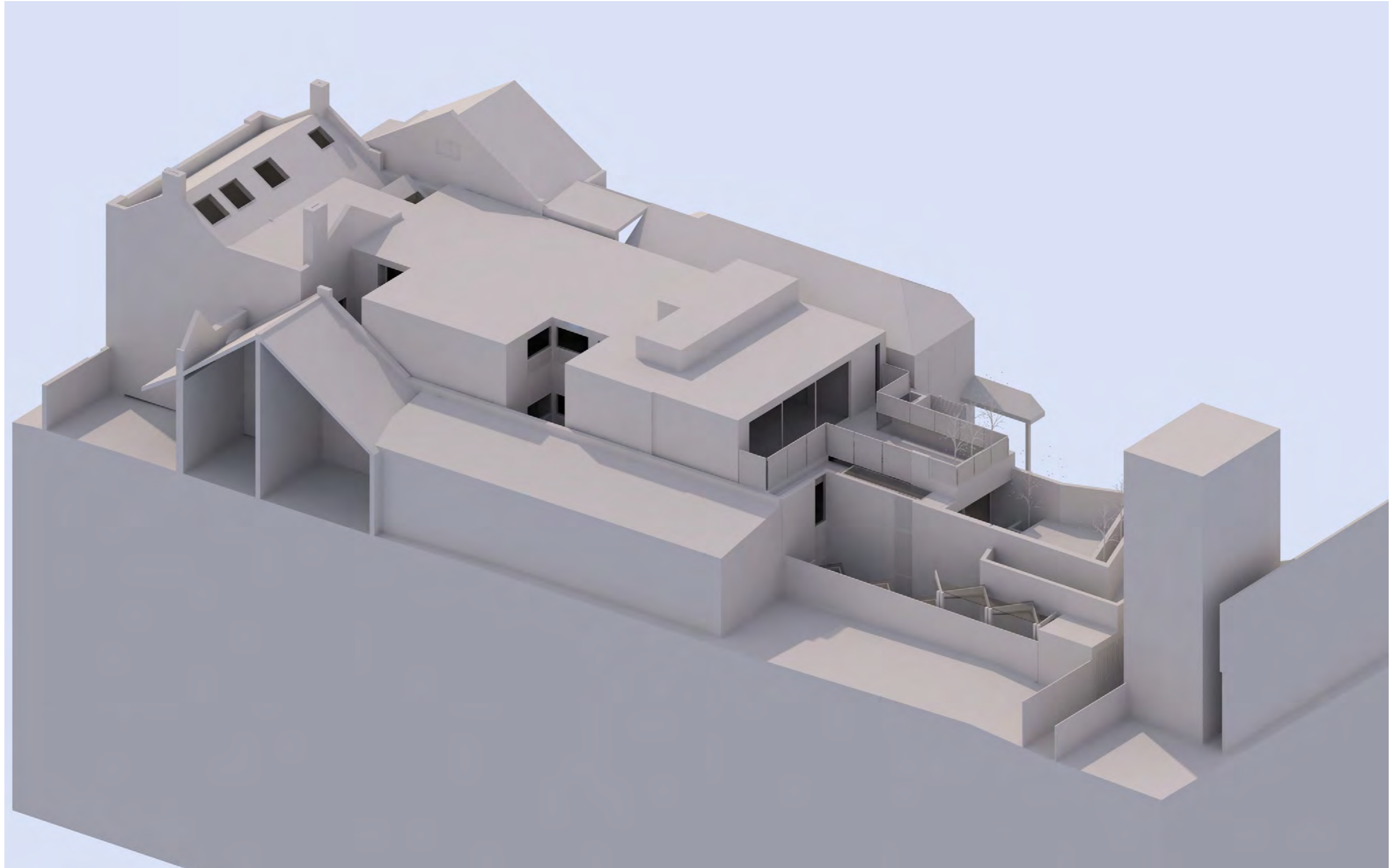
EXTERNAL FENESTRATION

The proposed new building fenestration was designed utilising passive solar design principles whilst maintaining privacy to the windows and outdoor areas of adjoining properties.

The first and second floor window sills or screens in the 'light courts' are 1.7m above floor level to prevent overlooking whilst permitting cross ventilation to occur.

Ground and first floor windows on the rear are limited on the west facade and generally controlled on the east facade with shading from balcony structure above.

All screens to balconies are 1.7m high on unit three and four to restrict overlooking whilst providing views to the sky and allowing ventilation.



3.2 FACADE

HERITAGE FACADE RENEWAL

As part of the redevelopment of 17-19 Gipps Street East Melbourne, the original Victorian heritage facade will experience a complete regeneration, taking this beautiful, original building back to its former glory.

The heritage renewal will include:

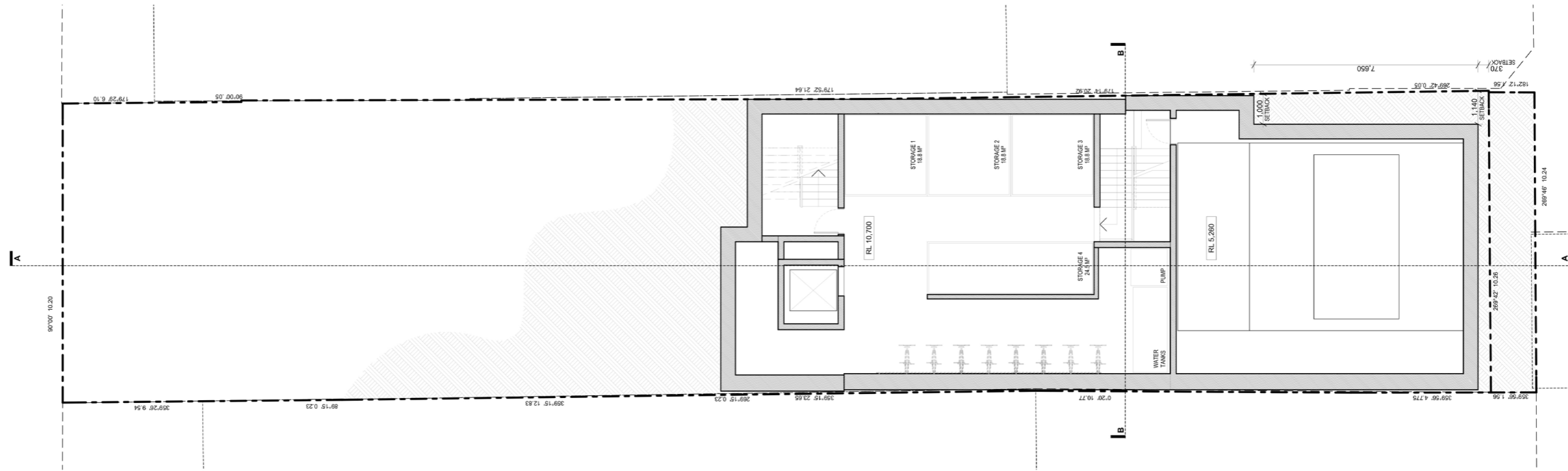
- strip paint and make good on existing bricks plus render front facade in grey colour;
- strip paint of the eastern and western walls to expose the natural (original) bluestone finish;
- reinstate the original roof and retain the existing ridge height;
- retain original chimneys visible from Gipps Street;
- delete shop front canopy and make good to surrounding affected area;
- retain existing windows with frames to be fully restored;
- deleting the non-original shop front window to create an outdoor landscape buffer zone between the street and the ground floor apartment.



4.2 PLANS

FLOOR PLANS (TP100) SECTION 1

Rev.	Date	Reason for Issue
1	08/15/15	Consultation
2	09/15/15	TP Submission



BASEMENT - 2 & -3

Stage:
TOWN PLANNING
 For:
TP SUBMISSION
 Orientation:

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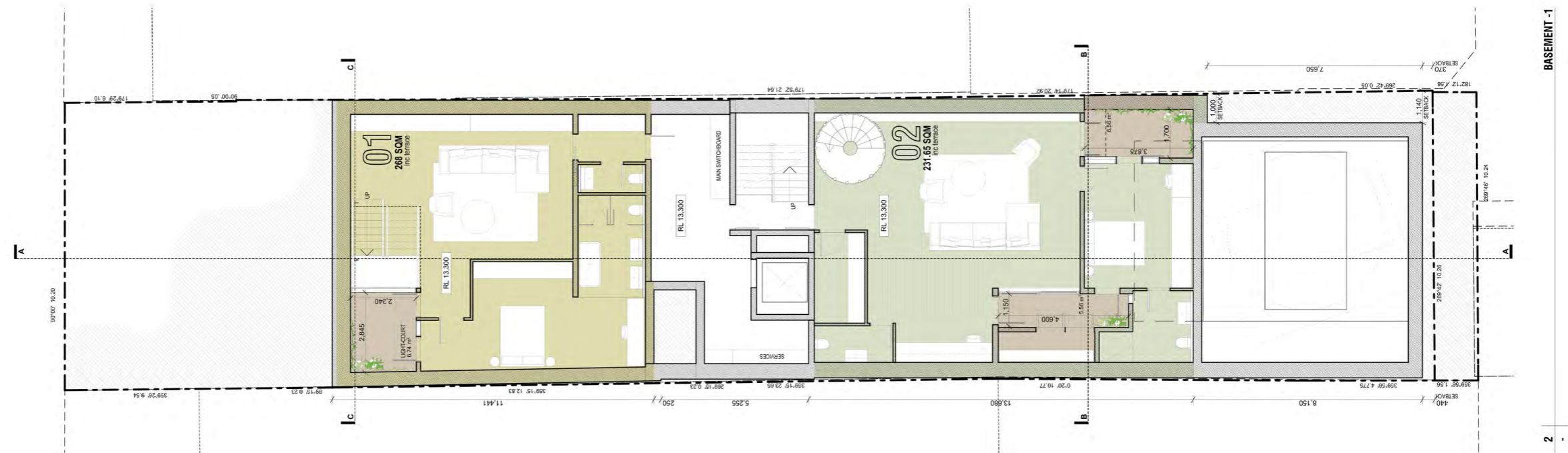
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 At:
 17-19 GIPPS STREET
 EAST MELBOURNE, VIC
 Client:
 CRANECORP
 Drawing Description:
FLOOR PLANS
 Drawing No.:
TP100
 Revision No.:
2

Date: 09/15/15
 Drawn: 109
 Checked: 109

4.2 PLANS

FLOOR PLANS (TP100) SECTION 2

Rev.	Date	Reason for Issue
1	08/10/15	Consultation
2	09/10/15	TP Submission



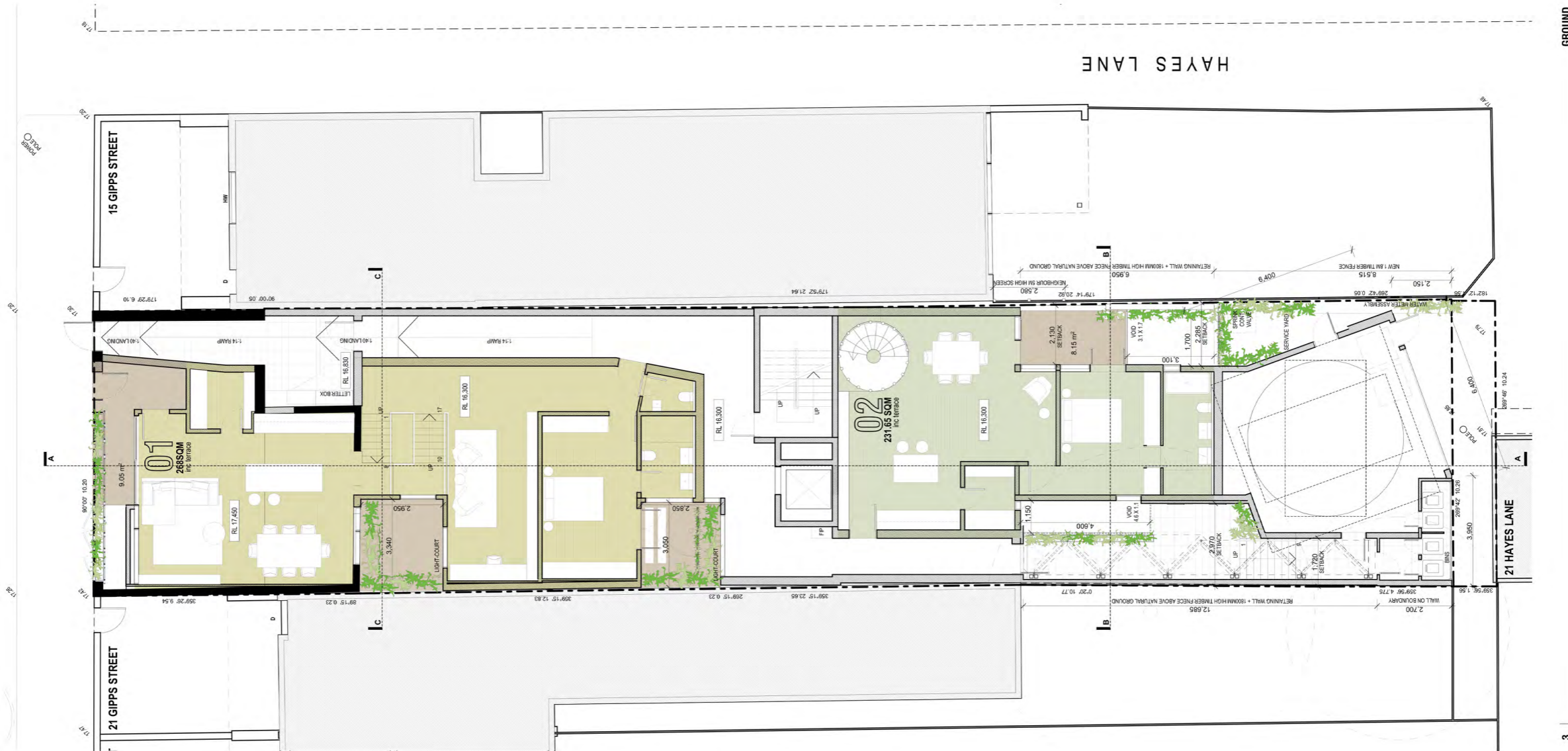
Steps:
TOWN PLANNING
 For:
TP SUBMISSION
 Orientation:

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Project:
RESIDENTIAL DEVELOPMENT
 At:
 17-19 GIPPS STREET, EAST MELBOURNE, VIC
 Client:
 CRANECORP
 Drawing Description:
FLOOR PLANS
 Drawing No.: **TP100** Revision No.: **2**
 Date: 09/10/15 Drawn: 193 Checked: 193

4.2 PLANS

FLOOR PLANS (TP100) SECTION 3



Rev.	Date	Reason for Issue
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2	09/10/15	TP Submission

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TOWN PLANNING
 For:
TP SUBMISSION
 Orientation:

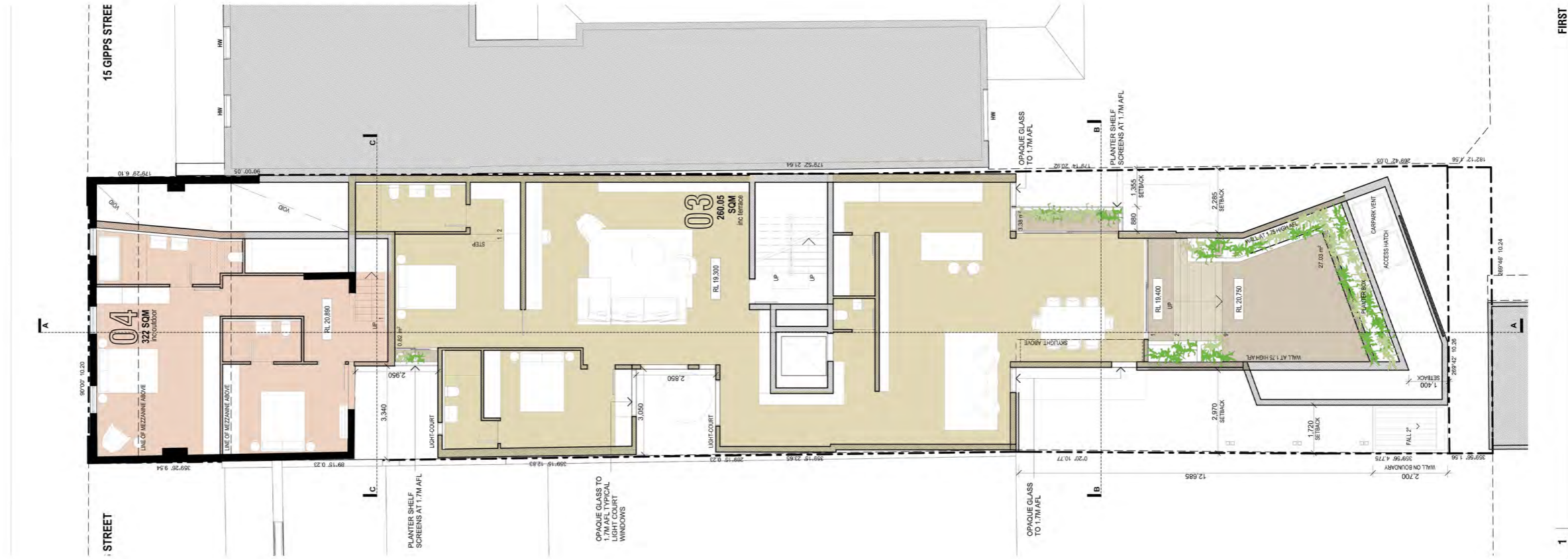
CA
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Project:
RESIDENTIAL DEVELOPMENT
 At:
 17-19 GIPPS STREET
 EAST MELBOURNE, VIC
 Client:
 CRANECORP
 Drawing Description:
FLOOR PLANS
 Drawing No.:
TP100
 Revision No.:
2
 Date:
 09/10/15
 Drawn:
 193
 Checked:
 193

4.2 PLANS

FLOOR PLANS (TP101) SECTION 1

Rev	Date	Reason for Issue
1	05/03/15	Consulted Issue
2	06/10/15	TP Submission



FIRST

Stage:
TOWN PLANNING
 For:
TP SUBMISSION
 Orientation:



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Project:
RESIDENTIAL DEVELOPMENT
 At:
 17-19 GIPPS STREET
 EAST MELBOURNE 3002
 Client:
 CRANECORP

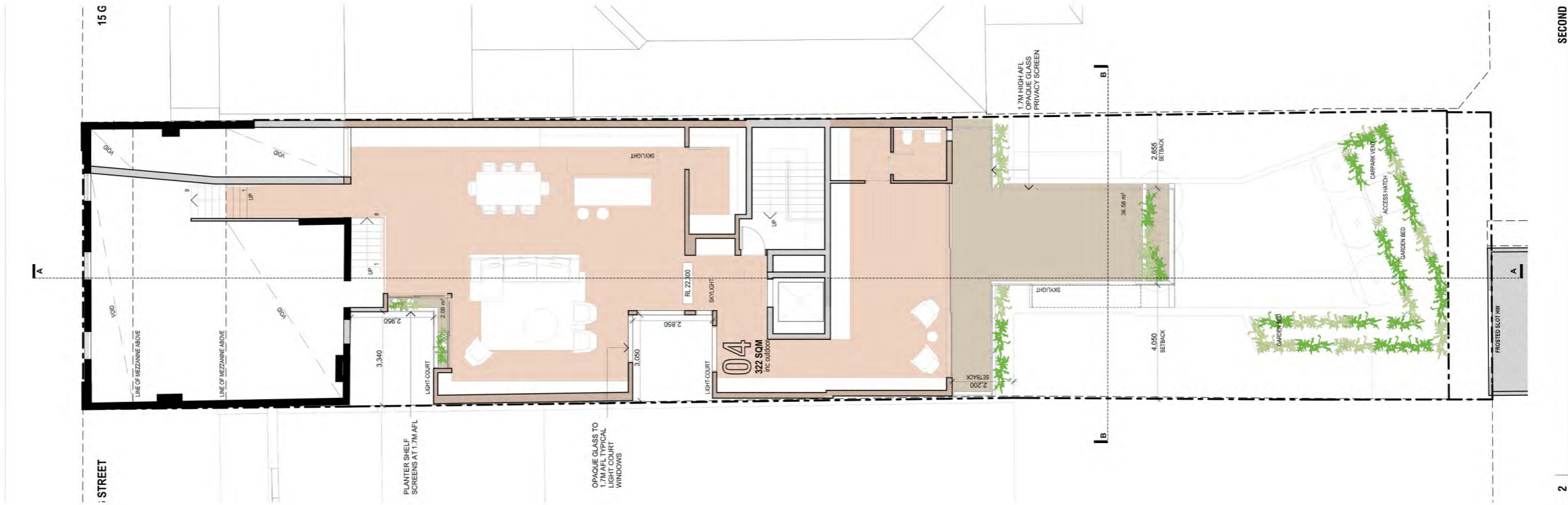
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FLOOR PLANS
 Drawing No.:
TP101
 Revision No.:
2

Date: 01/02/15
 Drawn: FM
 Checked: FM

4.2 PLANS

FLOOR PLANS (TP101) SECTION 2

Rev.	Date	Reason for Issue
1	05-03-15	Completed Issue
2	26-10-15	TP Submission



2 SECOND

Stage:
TOWN PLANNING

For:
TP SUBMISSION

Orientation:

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Project:
RESIDENTIAL DEVELOPMENT

At:
17-19 GIPPS STREET
EAST MELBOURNE 3002

Client:
CRANECORP

Drawing Description:
FLOOR PLANS

Drawing No.:
TP101

Revision No.:
2

Date:
9/10/2015

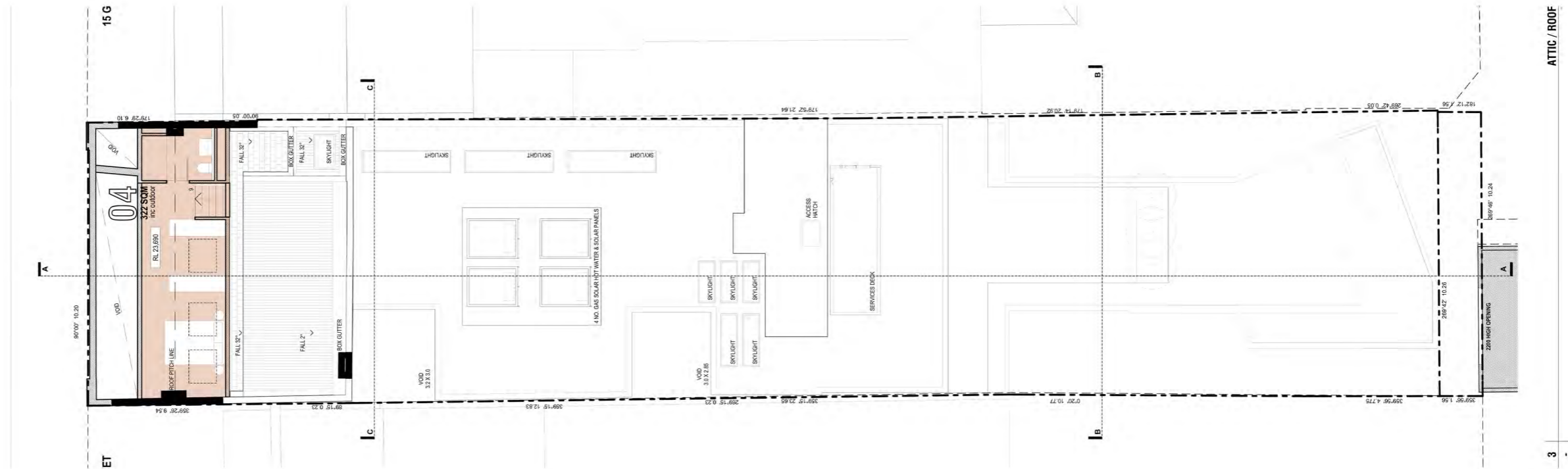
Drawn:
SU

Checked:
FM

4.2 PLANS

FLOOR PLANS (TP101) SECTION 3

Rev.	Date	Reason for Issue
1	05/03/15	Consulted Issue
2	26/10/15	TP Submission



Stage:
TOWN PLANNING
 For:
TP SUBMISSION
 Orientation:



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Project:
RESIDENTIAL DEVELOPMENT
 At: 17-19 GIPPS STREET EAST MELBOURNE 3002
 Client:
 CRANECORP

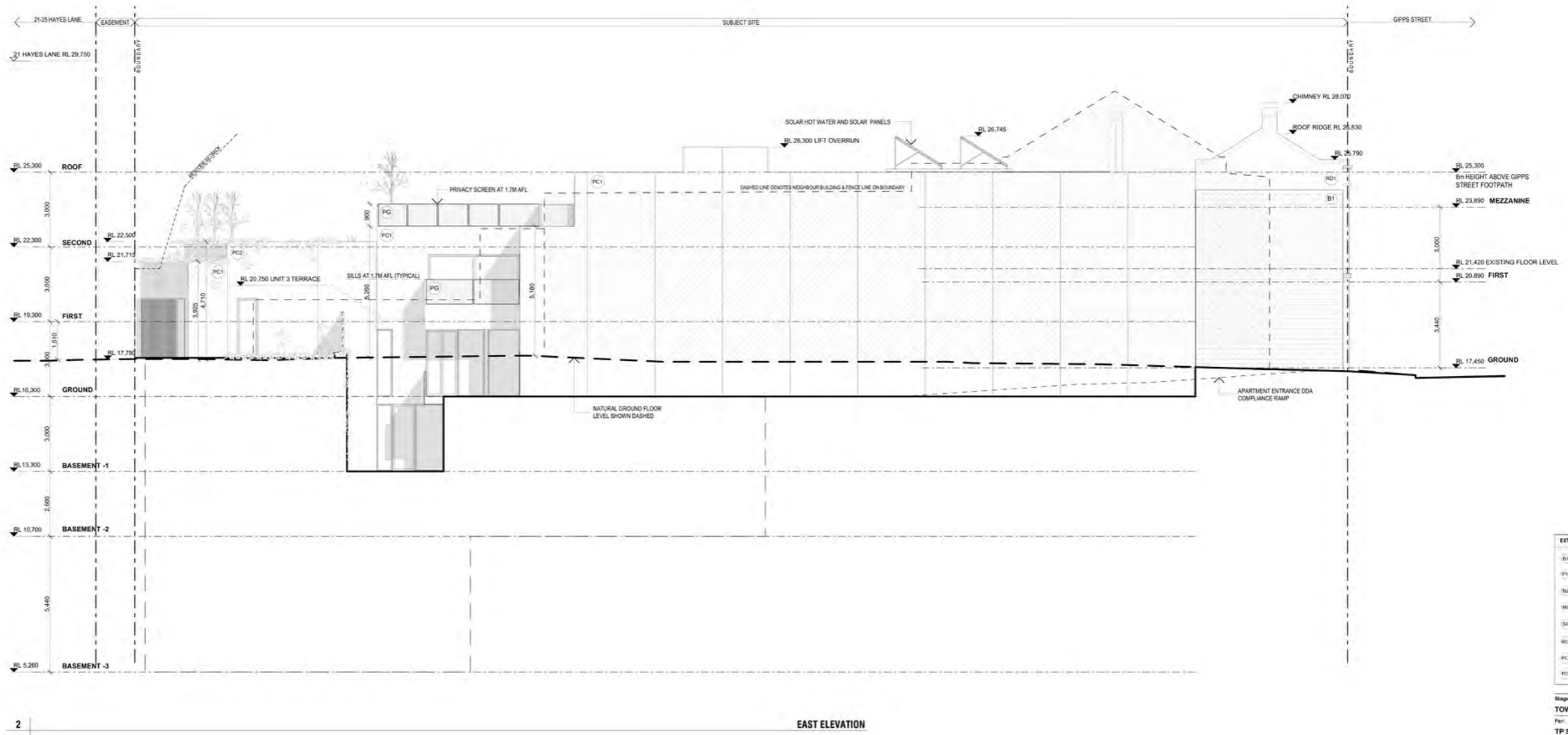
Drawing Description:
FLOOR PLANS
 Drawing No.: **TP101** Revision No.: **2**

Date: 26/10/15 Drawn: PJM Checked: PJM

4.3 ELEVATIONS

EAST ELEVATION

Rev	Date	Reason for Issue
1	06.10.15	Consultant Issue
2	06.03.15	TP Submission



EXTERNAL FINISHES LEGEND

B1	BLUESTONE WALL EXISTING BLUESTONE WALL
B2	TRIVACY SCREEN GLASS MIRRORED GLASS
B3	STEEL COLOUR DARK BRONZE
B4	WELSH SLATE ROOF COLOUR GREY
B5	SCREEN - GARAGE DOOR COLOUR DARK BRONZE
B6	ANKER - SAND COLOURED COLOUR DARK GREY
B7	PRECAST CONCRETE PANEL COLOUR NATURAL CONCRETE GREY
B8	PRECAST CONCRETE PANEL COLOUR DARK GREY

Stage:
TOWN PLANNING

For:
TP SUBMISSION

Orientation:



Project:
RESIDENTIAL DEVELOPMENT

At:
17-19 GIPPS STREET
EAST MELBOURNE VIC 3002

Client:
CRANECORP

Drawing Description:
ELEVATIONS

Drawing No.: **TP200**

Revision No.: **2**

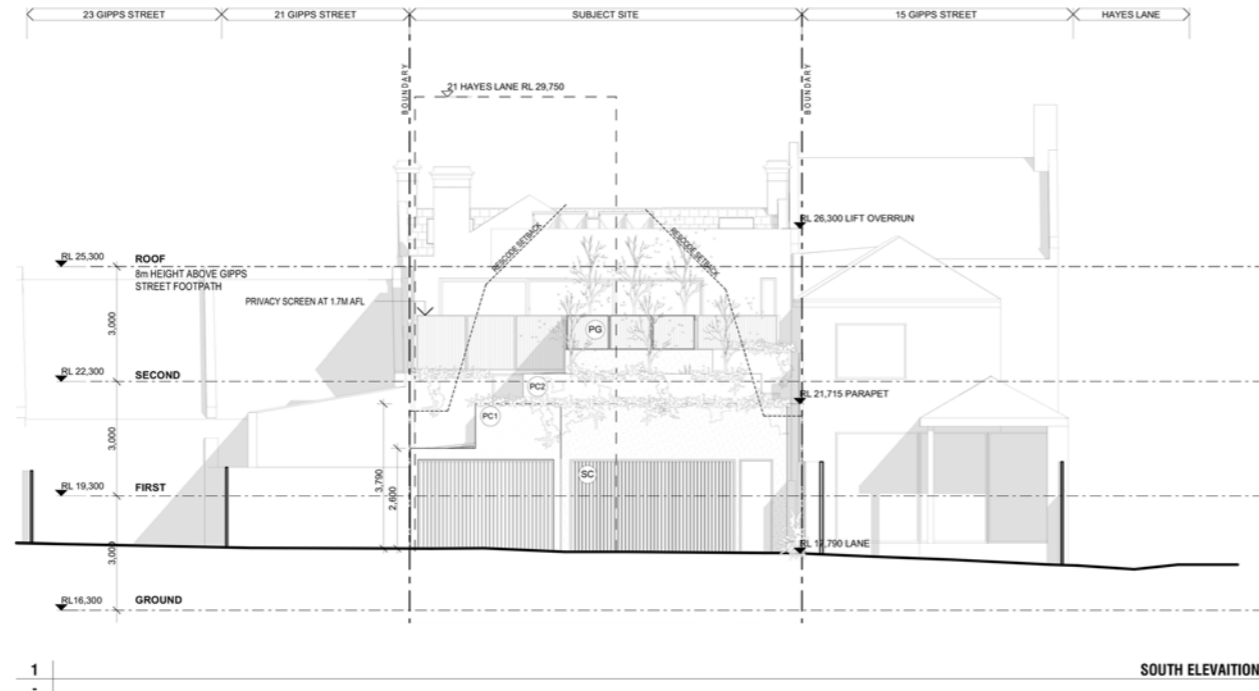
Date: 01/10/2015

Drawn: JH

Checked: JH

4.3 ELEVATIONS

SOUTH ELEVATION



EXTERNAL FINISHES LEGEND:

(SI)	WALLSTONE WALL EXISTING WALLSTONE WALL
(PG)	PANELS FRANCIS HOBSON GLASS HEATED GLASS
(SC)	SCREEN COLOUR GRAY BROZE
(PC)	PANELS HOLLOWGLASS ROOF COLOUR GRAY
(SC)	SCREEN SCREEN + GARAGE POOR COLOUR GRAY BROZE
(PC)	PANELS HEATED GLASS COLOUR GRAY
(PC1)	PANELS IMPACT CONCRETE PANEL COLOUR METAL COPPER GREY
(PC2)	PANELS IMPACT CONCRETE PANEL COLOUR GRAY

Stage:
TOWN PLANNING

For:
TP SUBMISSION



Project:
RESIDENTIAL DEVELOPMENT

At:
17-19 GIPPS STREET
EAST MELBOURNE VIC

Client:
CRANECORP

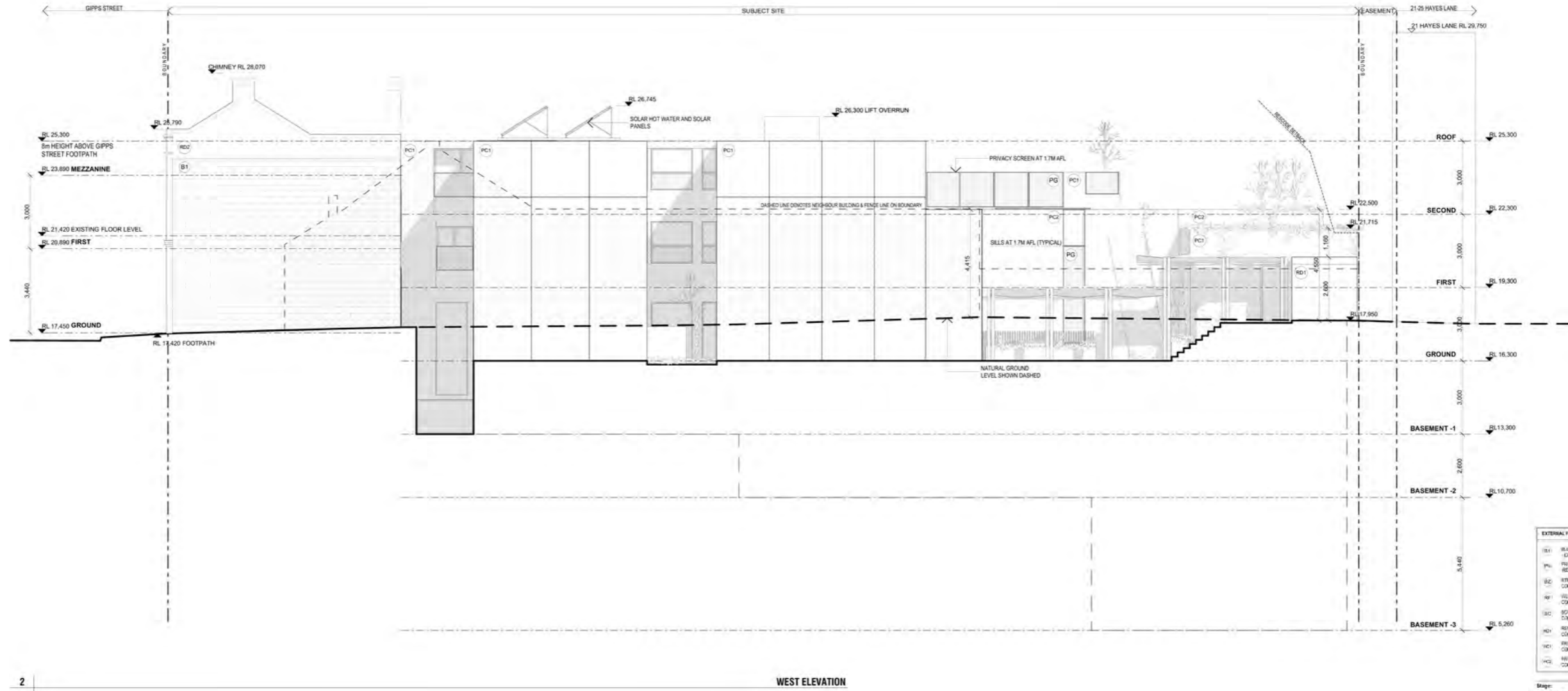
Drawing Description:
ELEVATIONS

Drawing No.: **TP201** Revision No.: **2**

Date: 19/02/15 Drawn: JMF Checked: HJ

4.3 ELEVATIONS

WEST ELEVATION



WEST ELEVATION

Rev	Date	Reason for Issue
1	08.10.15	Consulted Issue
2	08.10.15	TP Submission

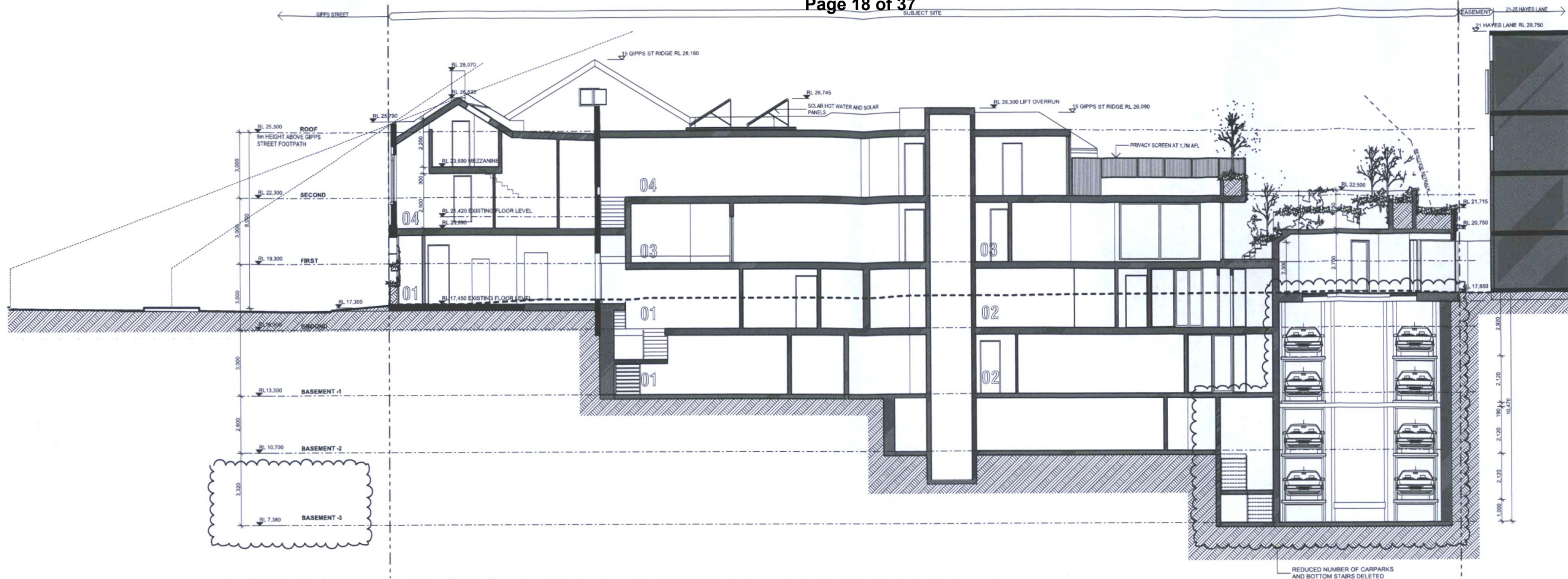
EXTERNAL FINISHES LEGEND:

- (B) EXISTING BRICK - EXISTING BRICK WALL
- (P) FINISH - BROWN GLASS BEDED GLASS
- (E) STEEL - COLOUR GRAY BROZE
- (A) TUBERGLASS ROOF COLOUR GREY
- (S) ROOF - GARAGE POOR - COLOUR GRAY BROZE
- (R) ROOF - GARAGE POOR - COLOUR GRAY BROZE
- (C) REPAIR CONCRETE FLOOR - COLOUR NATURAL CONCRETE GREY
- (D) REPAIR CONCRETE FLOOR - COLOUR GRAY GREY
- (I) REPAIR CONCRETE FLOOR - COLOUR NATURAL CONCRETE GREY
- (G) REPAIR CONCRETE FLOOR - COLOUR GRAY GREY

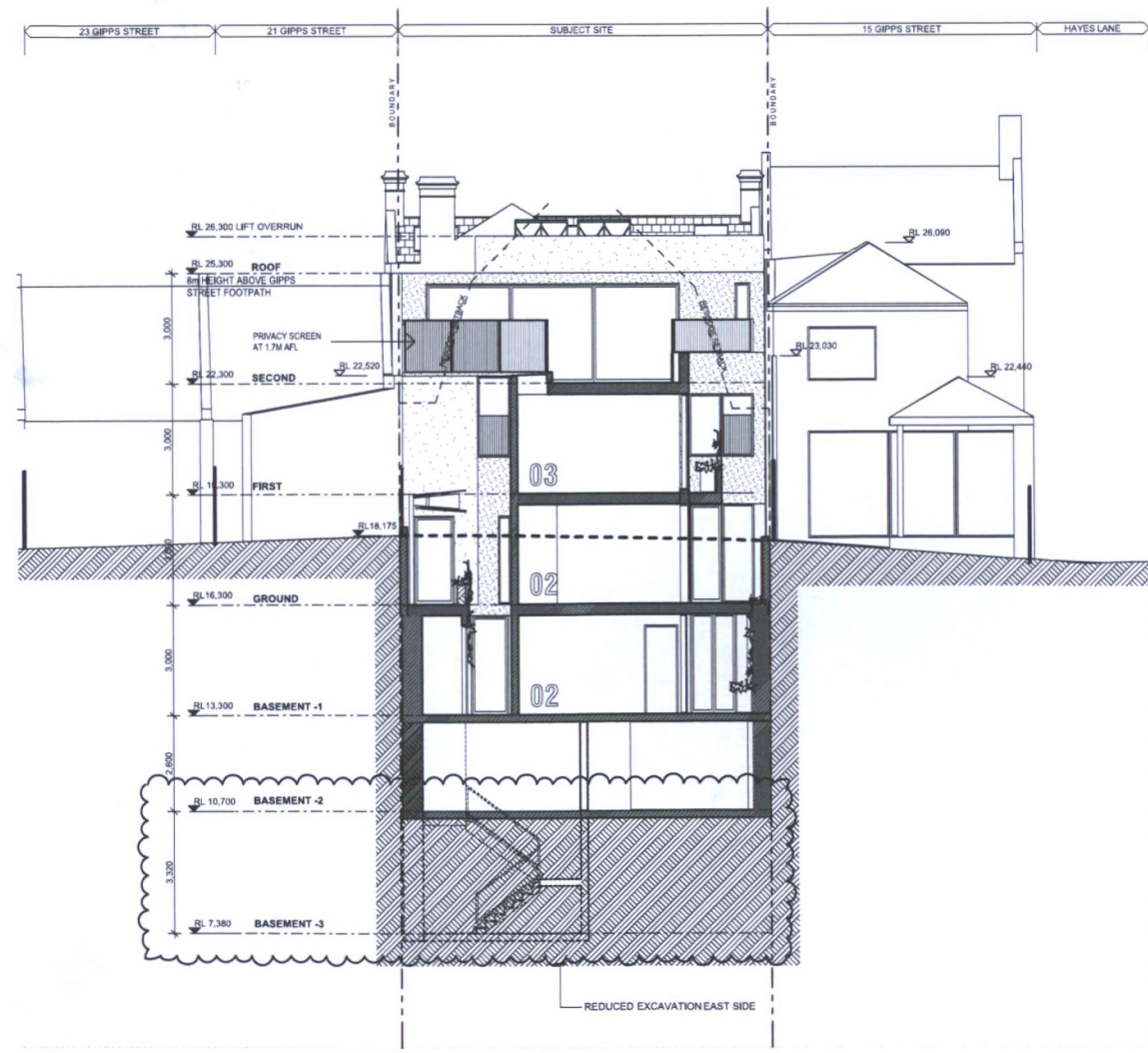
Stage: **TOWN PLANNING**
 For: **TP SUBMISSION**



Project: **RESIDENTIAL DEVELOPMENT**
 At: 17-19 GIPPS STREET EAST MELBOURNE VIC
 Client: CRANECORP
 Drawing Description: **ELEVATIONS**
 Drawing No.: **TP201** Revision No.: **2**
 Date: 19/02/15 Drawn: JMF Checked: HJ



SECTION A
1:100



SECTION B
1:100


PROVISIONAL NOTES:
THE CLIENT ARCHITECTURE WRITTEN SPECIFICATIONS TO TAKE PRECEDENCE OVER THE DRAWINGS. DIMENSIONS AND HEADS SHALL BE APPROXIMATE. THESE PLANS ARE SUBJECT TO ENGINEER APPROVALS.

Rev.	Date	Reason for Issue
1	06.10.15	Consultant Issue
2	09.10.15	TP Submission
3	12.10.15	TP Submission
4	11.01.16	TP Amendment

Stage:
TOWN PLANNING

For:
TP SUBMISSION

Orientation:



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Project:
RESIDENTIAL DEVELOPMENT

At:
17-19 GIPPS STREET
EAST MELBOURNE 3002

Client:
CRANECORP

Drawing Description:
SECTIONS

Drawing No.: **TP202** Revision No.: **4**

Date: 12/02/2016 Drawn: HM Checked: HM Scale: 1:100 @ A1

DELEGATED PLANNING APPLICATION REPORT

Application number:	TP-2015-942
Applicant:	Cranecorp Pty Ltd c/o SJB Planning
Address:	17-19 Gipps Street, EAST MELBOURNE VIC 3002
Proposal:	Partial demolition and alterations and additions to the existing building to accommodate four dwellings
Date of application:	20 October 2015
Responsible officer:	Billy Rebakis

1 SUBJECT SITE AND SURROUNDS

The subject site is located on the south side of Gipps Street. It is rectangular in shape with a frontage to Gipps Street of approximately 10.2 metres and a depth of approximately 48.4 metres. The total site area is approximately 493 square metres.

The subject site is developed with a two-storey building with a shop at ground level and a dwelling above and a garage / shed on the south boundary. The building is identified as D-graded in the City of Melbourne's *Heritage Places Inventory June 2015*. Gipps Street is identified as a level 2 streetscape and Hayes Lane is identified as a level 3 streetscape.

The neighbourhood is characterised by a mix of building styles including heritage buildings and modern infill buildings while the predominant height is two storeys.

To the east, is a C-graded, two-storey dwelling at 15 Gipps Street with a two-storey dwelling at the rear at 1 Hayes Lane. Both dwellings have a boundary wall along part of the boundary shared with the subject site.



Figure One: Map of the subject site and surrounds showing graded heritage buildings



Figure Two: City of Melbourne Aerial photograph of the site and surrounds taken Sep 2015

To the west at 21 Gipps Street is a C-graded, one-storey dwelling with a boundary wall along part of the boundary shared with the subject site.

To the south is a four-storey modern infill dwelling at 21 Hayes Lane and two-storey modern infill dwellings at 23-25 Hayes Lane.

To the north over Gipps Street, are two-storey modern infill dwellings at 10-12 and 14 Gipps Street and a D-graded, one-storey dwelling at 2 Darling Street.

Gipps Street extends east-west from Hoddle Street and includes parallel parking, one lane of traffic and a median. Hayes Lane is a bluestone laneway extending south from Gipps Street with a width of approximately 3 metres. It includes an east-west extension to the south of the subject site with a width of approximately 3.8 metres.

The subject site is affected by a carriageway and drainage easement along the southern boundary adjacent to Hayes Lane and by a party wall easement along the eastern boundary. The applicant has declared that the application does not breach any encumbrances such as easements or restrictive covenants on the subject site.

2 BACKGROUND AND HISTORY

2.1 Pre-application discussions

Pre-application discussions were arranged for 22 April and 16 September 2015 and included Council's Heritage Advisor. The key areas of discussion were the extent of demolition and the suitability of the built form of the new addition.

2.2 Planning Application History

The following applications, listed as considered relevant to the current proposal, have previously been considered for the subject site:

TP number	Description of Proposal	Decision & Date of Decision	Officer Comment
TP-2012-872	Partial demolition, external alterations and construction of single storey additions, external painting, display of business identification signage and reduction in car parking requirements	Permit issued 23 August 2013	The approved partial demolition and alterations and additions were not implemented.

3 PROPOSAL

The proposal seeks approval for partial demolition and alterations and additions to the existing building to accommodate four dwellings.

The plans which have been considered in this planning assessment have been prepared by Canny Architecture and are identified as plans TP01-TP04, TP100-TP101, TP111-TP116, TP200-TP201 and TP300-301 dated 12 October 2015 and TP101 and TP202 dated 12 February 2016. TP101 and TP202 were submitted to address concerns raised by Council's Engineering Services Group by reducing the number of car parking spaces from 12 to eight.

The proposal is described as follows in the submitted *Heritage Impact Assessment* prepared by Lovell Chen and dated October 2015:

'The proposal is for part demolition and the residential redevelopment of the property including adaptation of the facade to Gipps Street. The original upper level facade, the bluestone side and rear elevations and the chimneys will be retained and part of the slate roof reinstated.

The proposal involves the demolition of the non-original ground floor shop front, entry and verandah, as well as the rear two-storey brick carriageway infill and the single-storey rear addition. The original building fabric will be made good following the removal of these elements. To the rear of the property it is proposed to remove two trees and all of the outbuildings within the property.

It is proposed to remove the paintwork from the upper level facade to Gipps Street and strip the paint from the side and rear bluestone elevations to expose the natural bluestone finish. On the rear elevation of the bluestone building, the arched window will be retained, three existing openings will be removed and several new openings are proposed.

The slate roof will be entirely removed with the roof ridge height and fabric reinstated to the gable slope to Gipps Street only. The rear gable slope will be reinstated with new materials to match the existing pitch and will include new skylights. The remainder of the roof will be replaced with a new roof and skylight over the new built form. The three rendered chimneys will be retained as existing.

Internally, it is proposed to remove the walls and floor throughout.

The proposed adaptation and redevelopment of the property comprises a three-storey building plus mezzanine level and three level basement within and to the rear of the retained building. The original upper level facade and side and rear bluestone elevations will generally be retained as part of the proposed redevelopment. The upper level facade to Gipps Street will be rendered in a grey coloured render and the timber window frames will be restored. The proposed adaptation of the ground floor facade involves the

introduction of a rectangular opening comprising a narrow planter finished externally with dark bronze coloured steel and two steel-framed timber slat doors, with a rendered surround.

To the rear of the retained building, the new building will generally extend over the whole of the subject property to the basement and ground floor levels, with terraces above. The rear portion of the proposed new building at levels 1 and 2 will be variously set back from the east and west property boundaries. To the rear of the property, level 1 will align with the south property boundary with level 2 setback. A light court is proposed which will set the proposed new building back approximately 3m from the rear elevation of the retained bluestone building.

The proposed new building will rise to a total height of approximately 7.8m, excluding the lift overrun. It will be clad with precast concrete panels, with glazed privacy screens to the windows and terraces.

Vehicular entry to the basement car park will be via Hayes Lane. The rear property boundary will comprise precast concrete surrounding two perforated screen garage doors.'

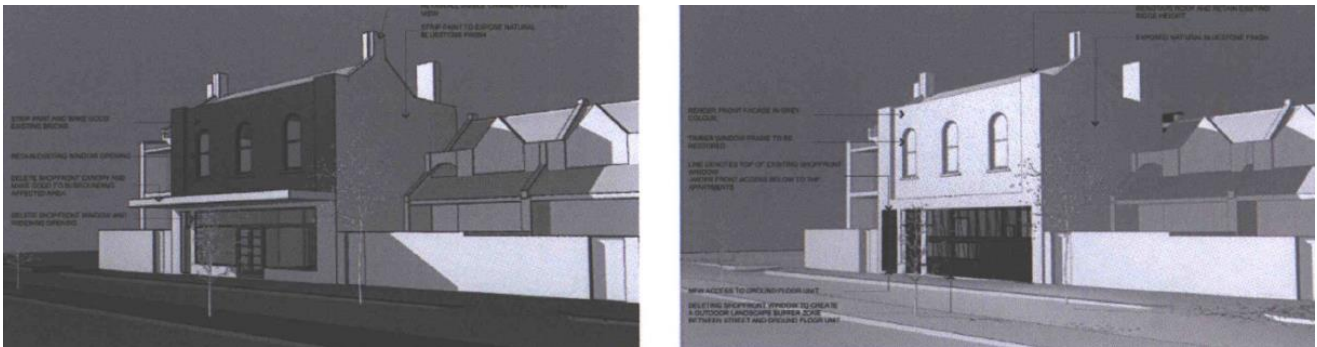


Figure Three and Four: Existing and proposed streetscapes.

The key details are summarised as follows:

- Retention of the upper level façade of the D-graded building, the bluestone side and rear elevations and chimneys
- Reinstatement of part of the slate roof
- Demolition of ground floor shopfront, verandah over the footpath, single storey extension, brick carriageway infill, and garage / shed
- Replacement of the existing shopfront with dark bronze steel screen with windows and two steel-framed timber slat doors
- Rendering of the existing upper level façade and striping paint from bluestone walls
- Three storey plus mezzanine level with a three level basement comprising four dwellings and a car parking stacker with eight spaces
- Dwelling 1 (two bedrooms) has the following layout:
 - Ground floor: entry from Gipps Street, open plan kitchen, living and dining, bedroom with ensuite, powder room, study, front courtyard (9 square metres) and rear courtyard (8.7 square metres)
 - Basement 1: living area, bedroom with ensuite, powder room and a light court (6.7 square metres)

- Dwelling 2 (two bedrooms) has the following layout:
 - Ground floor: entry from shared entry foyer, open plan kitchen and dining, bedroom with ensuite and courtyard (8.2 square metres)
 - Basement 1: living area, bedroom with ensuite, powder room and two light courts (5.6 and 6.6 square metres)
- Dwelling 3 (two bedrooms) has the following layout:
 - First floor: entry from shared entry foyer via lift and stairs, living area, open plan kitchen and dining, powder room, two bedrooms with ensuites, study and terrace (27.0 square metres)
- Dwelling 4 (three bedrooms) has the following layout:
 - First floor: two bedrooms with ensuites
 - Second floor: entry from shared entry foyer via lift and stairs, open plan kitchen, living and dining, powder room, additional living area and terrace (36.6 square metres)
 - Mezzanine: bedroom with ensuite
- The internal floor areas (including terraces) are approximately 268 square metres (Dwelling 1), 232 square metres (Dwelling 2), 260 square metres (Dwelling 3) and 322 square metres (Dwelling 4)
- Maximum building height of 8 metres as measured from the Gipps Street footpath but excluding services and lift overrun
- New construction has minimum setbacks of zero to all boundaries and articulation provided in the form of courtyards, light courts and terraces. The new built form will be separated from the retained bluestone section of the existing building with a 3 metres wide light court
- Proposed materials include pre-cast concrete panels (natural concrete grey and dark grey), reeded glazing, dark grey render, steel framed doors. The proposed front façade can be seen in figure four above.
- Vehicle access via Hayes Lane to a car stacker (over Basement - 1, 2 and 3) with eight spaces
- Eight bicycle parking spaces and storage for each dwelling (ranging from 18.8 to 24.5 square metres) at Basement - 2
- Removal of two trees on the site

4 STATUTORY CONTROLS

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

Clause	Permit Trigger
Clause 32.08 General Residential Zone, Schedule 2 (GRZ2)	Pursuant to Clause 32.08-4, a permit is required to construct two or more dwellings on a lot. In addition, this clause states that a development must meet the requirements of Clause 55.
Clause 43.01 Heritage Overlay Schedule 2 (East Melbourne and Jolimont precinct)	Pursuant to Clause 43.01-1, a permit is required to demolish or remove a building, construct a building or construct and carry out works and externally alter a building by structural work, rendering, sandblasting or in any other way.

<p>Clause 52.06 Car parking</p>	<p>Pursuant to Clause 52.06-3, a permit is required to reduce the number of car parking spaces required under Clause 52.06-5.</p> <p>Table 1 to Clause 52.06-5 specifies the following relevant rates:</p> <ul style="list-style-type: none"> • Dwelling - 1 space to each one or two bedroom dwelling, 2 spaces to each three bedroom dwelling and 1 visitor space to every 5 dwellings <p>Based on the above, the proposal requires 5 residential car parking spaces and no visitor parking spaces.</p> <p>This proposal includes eight car parking spaces and therefore exceeds the requirements of Clause 52.06-5. The issues of car parking design and access are addressed below in Section 14.</p>
<p>Clause 52.34 Bicycle facilities</p>	<p>Pursuant to Clause 52.34-2, a permit is required to reduce or waive any requirement of Clause 52.34-3 and 52.34-4.</p> <p>Table 1 of Clause 52.34-3 specifies the following relevant rates:</p> <ul style="list-style-type: none"> • Dwelling - 1 resident space to each 5 dwellings and 1 visitor space to each 10 dwellings in developments of four or more storeys <p>Based on the above, the proposal requires one resident space as the buildings contains four storeys.</p> <p>The proposal includes eight bicycle parking spaces in Basement - 2 and therefore a permit is not required under Clause 52.34.</p>

5 STRATEGIC FRAMEWORK

5.1 State Planning Policy Framework (SPPF)

The relevant provisions of the SPPF are summarised as follows:

- Clause 11.02, Urban Growth, which seeks to 'ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses'. This includes consideration of opportunities for the 'consolidation, redevelopment and intensification of existing urban areas'.
- Clause 15.01-1, Urban design principles, which seeks to 'achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties'.
- Clause 15.02-1, Energy and resource efficiency, which seeks to 'encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions'.
- Clause 15.03-1, Heritage, which seeks to 'ensure the conservation of places of heritage significance'.

5.2 Local Planning Policy Framework (LPPF)

5.2.1 Municipal Strategic Statement (MSS)

Council's Municipal Strategic Statement (MSS) is contained at Clause 21.

The subject site is located within the East Melbourne and Jolimont local area.

Clause 21.16-2, East Melbourne and Jolimont, includes the following statement:

'The East Melbourne and Jolimont area will continue to accommodate Government facilities, institutions and businesses in the Treasury and Parliament precinct. It has an important role in providing hospital and medical

services and supporting Central City edge business uses while maintaining residential amenity through limited development of residential areas.'

The following statement is relevant in terms of housing, built environment and heritage:

- 'Ensure development in the residential areas of East Melbourne and Jolimont is sensitively designed so that it maintains the generally low scale nature of heritage streetscapes and buildings.
- Encourage sympathetic infill redevelopment and extensions that complement the architecture, scale and character of the areas in the low rise areas of East Melbourne and Jolimont.'

5.2.2 Local Policies

The relevant local policies are summarised as follows:

- Clause 22.05, Heritage Places outside the Capital City Zone, which includes objectives and performance standards to ensure that new development makes a positive contribution and is 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, which includes objectives and policy relating to scale, height, bulk and pedestrian interest and engagement at street level frontages.
- Clause 22.19, Energy, Water and Waste Efficiency, which includes objectives and policy relating to greenhouse gas reduction and energy efficiency, water consumption and waste management. Clause 22.19-5 sets out relevant performance measures for accommodation up to 5000 square metres gross floor area.
- Clause 22.23, Stormwater Management (Water Sensitive Urban Design), seeks to promote the use of water sensitive urban design and includes an application requirement for a Water Sensitive Urban Design Response.

6 ZONE

The subject site is located within the General Residential Zone, Schedule 2 (GRZ2), which seeks:

- 'To encourage development that respects the neighbourhood character of the area.
- To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.'

As set out above at Section 4, a permit is required for the proposal pursuant to GRZ2.

Decision guidelines are set out at 32.08-10 including:

- 'The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.'

Maximum Building Height

A building used as a dwelling or a residential building must not exceed a height of 8 metres, with the exception of architectural features and building services.

7 OVERLAY

The subject site is affected by the Heritage Overlay Schedule 2 (East Melbourne and Jolimont Precinct). The building is identified as D-graded in the City of Melbourne's *Heritage Places Inventory* June 2015. Gipps Street is identified as a level 2 streetscape and Hayes Lane is identified as a level 3 streetscape.

As set out above at Section 4, a permit is required for the proposed demolition, building and works and externally alter a building by structural work, rendering, sandblasting or in any other way pursuant to HO2.

The purpose of the Heritage Overlay set out at Clause 43.01 includes:

- '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.'

Decision guidelines are set out at Clause 43.01-4 including:

- 'The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.
- Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place.
- Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.
- Whether the demolition, removal or external alteration will adversely affect the significance of the heritage place.'

8 PARTICULAR PROVISIONS

The following particular provisions apply to the application:

- Clause 52.06, Car Parking
- Clause 52.34, Bicycle Facilities
- Clause 55, Two or More Dwellings on a Lot

9 GENERAL PROVISIONS

The following general provisions apply to the application:

- Clause 65, Decision Guidelines, which includes the matters set out in Section 60 of the Planning and Environment Act 1987
- Clause 66, Referral and Notice Provisions

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 two notices on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

11 OBJECTIONS

A total of 14 objections were received, and raised the following concerns with the proposal:

- Not respectful of heritage surrounds
- Not respectful of existing and preferred neighbourhood character
- Excavation concerns for existing trees and foundations of adjoining sites due to deep site cut
- Overdevelopment and excessive bulk of site
- Non-compliance with Clause 55 specifically: site coverage, permeability, walls on boundary, side and rear setbacks, overlooking and overshadowing
- Amenity issues including noise and loss of privacy
- Parking issues and traffic concerns including loss of on street car parks on Gipps Street and unsuitability of Hayes Lane to cater for increased traffic
- Excess car parking spaces for 4 dwellings

12 CONSULTATION

Given the receipt of the concerns from Council's Engineering Services Group and the above objections, the applicant provided a response dated 12 February 2016 (including traffic advice and revised plans TP101 and TP202 dated 12 February 2016) to reduce the number of car parking spaces from 12 to eight.

The applicant sent this response to all of the objectors however, a number advised by telephone that they still had significant concerns regarding the application. None of the objectors sought to withdraw their objections based on these revised plans.

13 REFERRALS

13.1 Internal

The application was referred internally to Heritage and Engineering.

13.1.1 Heritage

The application, including the *Heritage Impact Assessment* prepared by Lovell Chen and dated October 2015, was referred to Council's Heritage Advisor who provided the following comments dated 28 January 2016:

Demolition

- 'The extent of demolition is substantial and will include the modified shopfront to the main façade which is understood to be of limited heritage interest but will otherwise see the key component parts visible to the public realm retained and restored.
- It is understood that research has concluded that no verandah previously existed to the main façade as had been speculated.
- On balance, the extent of demolition can be deemed acceptable on the basis of the attributed relatively low level of heritage significance attached to the place and the conclusion that the later 20th modifications made to the frontage are of limited heritage interest.'

Proposed new works

- 'The new works include the proposed construction of a substantial 3 storey building plus mezzanine, plus basement which will result in 4 substantial new residences but will see the discontinuation of a retail use, which has existed almost continuously since 1875.
- The works will see the restoration of the upper level of the main façade and associated side walls with a contemporary and appropriately interpretive and respectful new version of the ground level shopfront.

- Given the low heritage grading of the property, the very limited visibility of the proposed rear additions from Gipps St and the suitability sensitive expression of the components which will be visible from the rear lane, the scheme is understood to have low negative heritage impact.'

In conclusion, Council's Heritage Advisor recommended the support of the application with the inclusion of a permit condition relating to materials and finishes.

13.1.2 Engineering

The application was referred to Council's Engineering Services Group (ESG). The following key relevant comments were provided:

Civil

- The outward opening door and windows projecting into Gipps Street are not supported and should be redesigned such that they do not project beyond the street alignment when open, when closed or when being opened or closed.
- The comments also include standard permit conditions relating to drainage, street levels and footpath reconstruction.

Waste

- The submitted *Waste Management Plan* (WMP) prepared by Waste Space Solutions and dated 1 October 2015 for the development is acceptable.
- The comments include a standard permit condition relating to the WMP.

Traffic

- The car parking provision, dimensions and automatic stacker system is considered to be acceptable with regard to Clause 52.06.
- The bicycle parking provision and 'Ned Kelly' style vertically hung racks is considered to be acceptable with regard to Clause 52.34.
- The expected traffic generation is 3 vehicle movements in each peak hour with a total of 12 car parking spaces (as proposed in the original plans dated 12 October 2015). On the basis of the queue length assessment included in the *Transport Impact Assessment* prepared by GTA and dated 12 October 2015, the queues and traffic generation is not expected to adversely impact the capacity of Hayes Lane.
- Swept paths provided in the *Transport Impact Assessment* prepared by GTA demonstrate satisfactory access to and from the turntable of the car stacker. However, the swept paths could not demonstrate appropriate access around the corner of Hayes Lane.
- ESG conducted a site inspection and determined that a correctional manoeuvre would be required for larger vehicles. Due to the increased vehicle movements generated by the proposal, there is a high likelihood that surrounding fences and structures will be struck with particular concern regarding the structural support column on the south-west corner. As a result, ESG requires 'protective measures be undertaken (such as the installation of bollards) to protect this column and surrounding properties, without obstructing the access granted to existing properties whom currently take access off Hayes Lane'. In addition, ESG noted that any 'issues which arise with respect to the vehicle access provisions for the site will be for the applicant/developer to resolve, at no cost to Council'.

The applicant provided a response to these comments dated 12 February 2016 (including traffic advice and revised plans TP101 and TP202 dated 12 February 2016) to reduce the number of car parking spaces from 12 to eight and provide a

convex mirror on the corner. This response was forwarded to ESG who provided the following comments dated 17 February 2016:

- 'According to the documentation supplied to me, a bollard is not proposed within Hayes Lane in order to protect adjacent properties at this corner. GTA have recommended a convex mirror in this location, but given the short sections of laneway stemming from this corner, this is not considered beneficial, nor would it alleviate the difficulties in accessing the proposed basement.
- The reduction in the car parking supply from 12 spaces (3 per apartment) to 8 spaces (2 per apartment) is expected to result in only a very minor reduction in traffic generation to/from the proposed basement. This is reflected in ES comments which calculate traffic generation per apartment, rather than per car space provided (i.e. an apartment which has 4 car spaces is not assumed to have twice the traffic generation of an apartment with 2 car spaces - the utilisation of each space goes down the more spaces that are provided).
- GTA have confirmed that a correctional manoeuvre is required at the corner within Hayes Lane, even for the 50%ile (average size) vehicle. This requires motorists to drive in forwards as far as the motorist deems comfortable, before reversing into a position where direct forwards access is then possible. This increases the potential for vehicles to drive over the property boundary of 23 Hayes Lane, or collide with the fencing to properties at 1151 and 1153 Hoddle Street.
- In summary, the revised proposal represents only a marginal improvement with respect to concerns raised by ES, and as such the original comments stand.'

13.2 External

The application was not required to be referred externally pursuant to the relevant statutory controls of Clause 66.

14 ASSESSMENT

The application seeks approval for the partial demolition of and alterations and additions to the existing building to accommodate four dwellings. The key issues for consideration in the assessment of this application are:

- Site access arrangements
- Heritage
- Clause 55 (including neighbourhood character, site layout and building massing, off-site and on-site amenity and detailed design)
- Environmentally sustainable design
- Stormwater management

These issues are addressed in the following sections.

14.1 Site access arrangements

ESG reviewed the application and provided civil, waste and traffic engineering comments of which only the site access arrangements have not been resolved.

The concerns regarding the site access arrangements have arisen as a result of the swept paths provided in the *Transport Impact Assessment* prepared by GTA and dated 12 October 2015. These swept paths could not demonstrate appropriate access around the corner of Hayes Lane without a correctional manoeuvre. As a result, ESG required measures to be undertaken (such as the installation of bollards)

to protect the column on the south-west corner and surrounding properties without obstructing access granted to existing properties on Hayes Lane.

The applicant provided a response to these comments dated 12 February 2016 to reduce the number of car parking spaces from 12 to eight and provide a convex mirror on the corner. However, as stated above at Section 13.1.2, ESG is not supportive of the convex mirror and noted that the reduction in car parking will result in only a minor reduction in traffic generation. As such, the concerns raised by ESG in the comments dated 11 November 2015 remain relevant.

A meeting was held on 18 March 2016 between GTA, the applicant and Council engineers regarding the access issues to the site. At this meeting it was agreed that accessing the basement would be particularly difficult for large vehicles. The agreed solution at this meeting to achieve acceptable access and egress within Hayes Lane, was to restrict vehicles accessing the site to 50th percentile vehicles (B50) or smaller. GTA have noted that a B50 vehicle includes a Toyota Corolla, Audi S3, VW Golf R and Mercedes A45 as examples.

The applicant has provided advice from the distributor of the car stacker, XSpacial, who advise that the Master Vario F2 System KLAUS Car Stacker can be programmed to only accept vehicles less than a certain length – in this case 4.45m long.

Council's Engineer provided written confirmation on 6 April 2016 that subject to access to the development being limited to B50 vehicles (or smaller), previously requested protective measures (a bollard) at the intersection of Hayes Lane and CL1756 are not warranted, and access and egress to the site will be of an acceptable standard.

A condition requiring the submission of amended plans with annotation confirming restriction of vehicles entering the car stacker to B50 vehicles or smaller, in addition to a condition restricting vehicles utilising the car stacker to B50 vehicles or smaller, and a condition requiring the owner/develop to enter into a Section 173 agreement with Council will be placed on any permit being granted.

Subject to these conditions, limiting vehicle access to the development to B50 vehicles only, it is considered that vehicles movements into the site from Hayes Lane will achieve appropriate access and egress and do not warrant provision of protective measures by the applicant (e.g. a bollard). Potential purchasers of properties will be made aware of this restriction on title before committing to buy by way of the Section 173 Agreement required to be registered on Title.

These conditions satisfy Council concerns and allow appropriate access to the site via Hayes Lane. Council's traffic engineers are satisfied that the car parking layout is appropriate and complies with Clause 52.06-8.

14.2 Heritage

The existing building is identified as D-graded in the City of Melbourne's *Heritage Places Inventory* October 2014. Gipps Street is identified as a level 2 streetscape and Hayes Lane is identified as a level 3 streetscape.

The following provides an assessment of the proposal against the relevant performance standards set out at Clause 22.05, Heritage Places outside the Capital City Zone:

- Demolition – The proposal seeks to demolish the ground floor shopfront, verandah over the footpath, single storey extension, brick carriageway infill, and garage / shed. The proposed extent of partial demolition is greater than the front two rooms in depth as envisaged in the policy for D-graded building. However, it is considered to be acceptable given the retention of the upper level façade, the bluestone side and rear elevations and chimneys and the

removal of later modifications to the façade including the shopfront and verandah.

Council's Heritage Advisor stated the extent of demolition is acceptable given the 'attributed relatively low level of heritage significance attached to the place and the conclusion that the later 20th modifications made to the frontage are of limited heritage interests'.

- Renovating graded buildings – The D-graded building is identified as contributory and, in accordance with the performance standard, the visible fabric of the Gipps Street elevation is to be preserved.

The proposal seeks to remove later modifications to the façade including the shopfront and verandah. This extent of demolition of visible fabric is considered to be acceptable as Council's Heritage Advisor concluded that these later modifications are of 'limited heritage interest'.

- Form – Gipps Street is identified as a level 2 streetscape and, as such, the performance standard encourages a respectful approach for form when viewed from Gipps Street. The proposed additions and alterations behind the retained section of the building are almost not visible from Gipps Street, apart from an obscure view of the new roof across the façade of 21 Gipps Street.

The proposed modern form of the additions and alterations are considered to be respectful to the subject building and surrounding area. These additions are also not a reproduction of the original design and, due to their only limited views from Gipps Street, will not dominate the existing building.

- Façade pattern and colours – The performance standard encourages an interpretive approach for façade patterns and colours given that Gipps Street is identified as a level 2 streetscape.

Compared with 'respectful', 'interpretive' means a looser reference to historic size, form, proportions, colours, detailing and decoration, but still requires use of historic or closely equivalent materials.

The façade pattern and colours of the alterations comprise an adapted version of the shopfront for the new dwelling with a dark bronze steel screen with windows and two steel-framed timber slat doors. The upper level of the façade is also proposed to be rendered dark grey and paint stripped from the side bluestone walls. These alterations and the colour palette is considered to be appropriately interpretive with many contemporary additions in the neighbourhood using similar colours. As recommended by Council's Heritage Advisor, if the application was supported, the materials and finishes schedule could be confirmed via a permit condition.

- Materials – The proposed materials include pre-cast concrete panels (natural concrete grey and dark grey), reeded glazing, dark grey render and steel framed doors. Whilst contemporary, the proposed materials are considered to be respectful and compatible with the materials of buildings, including recent extensions and new buildings, in the neighbourhood.

The materials also provide a clear distinction between the existing building and the proposed additions. As recommended by Council's Heritage Advisor, if the application was supported, the materials and finishes schedule could be confirmed via a permit condition.

- Details – The proposed details (including windows and doors) of the development are considered to be interpretive or a simplified modern form.
- Concealment of higher rear parts – The proposed additions and alterations behind the retained section of the building are lower than the front pitched roof of the D-graded building. As such, the limited visibility of the rear

additions complies with the performance standard which requires partial concealment in a level 2 streetscape. This is evident in the sightline on revised plan TP202 dated 12 February 2016.

- Façade height and setback – This performance standard is not relevant given that the proposal does not impact the existing façade height and setback of the D-graded building.
- Building height – The proposed maximum building height of 8 metres for the rear additions (excluding the services and lift overrun) is considered to comply with the relevant performance standard as it respects the character and scale of adjoining buildings and is no higher than the existing building.

On the basis of the above assessment and comments from Council's Heritage Advisor, it is considered that the application is acceptable from a heritage perspective in that the location, bulk, form and appearance of the proposed development will not adversely affect the significance of the heritage place.

14.3 Clause 55

Clause 55 sets out objectives and standards relating to neighbourhood character, site layout and building massing, off-site and on-site amenity and detailed design.

As demonstrated in the attached assessment, the proposal generally satisfies the objectives and standards of Clause 55. The key areas of non-compliance with standards relate to site coverage (standard B8), permeability (standard B9), walls on boundaries (standard B18), overlooking (standard B22), internal views (standard B23) and solar access to private open space (standard B29).

14.3.1 Site coverage and permeability

The proposed site coverage (approximately 97 per cent) is greater than the relevant standard and the proposed permeable surface coverage (approximately 3 per cent) is lower than the relevant standard. This aspect of the proposal is considered to be acceptable given the inner city location of the subject site with a fine-grained neighbourhood character where a higher site coverage (and therefore a lower permeability) is not uncommon.

14.3.2 Walls on boundary

A variation is sought from Standard B18 as the proposed development is built to all boundaries at an average height exceeding 3 metres.

The wall on the east boundary is proposed at a height of approximately 6 metres above the natural ground level for a length of approximately 26 metres. Although it exceeds the standard in terms of height, it is considered to be acceptable as it is generally adjoining (apart from a short length of approximately 1 metre at the south end) the existing wall of 15 Gipps Street and 1 Hayes Lane.

The wall on the west boundary is proposed at a height of approximately 5.8 metres above natural ground level for a length of approximately 20 metres. This wall is broken up with two light courts providing articulation along the boundary. Although it exceeds the standard in terms of height, like the wall on the east boundary, it is considered to be acceptable as it generally adjoins the existing wall of 21 Gipps Street.

On the south boundary, the wall is built to the boundary for approximately 4 metres at a height of approximately 6.2 metres. This boundary wall is adjacent to the carriageway and drainage easement along the southern boundary and therefore separated from 21 Hayes Street by approximately 1.56 metres. In addition, it is noted that 21 Hayes Lane presents to the south boundary of the carriageway and drainage easement with a wall height of four storeys.

14.3.3 Overlooking and internal views

As outlined in the attached Clause 55 assessment, to address potential overlooking and internal views, the submitted plans indicate that fixed screening or opaque glazing is proposed to a height of 1.7 metres above finished floor level to upper level terraces and windows. However, it is unclear whether the screening meets the standard requirement with a maximum of 25 per cent openings. This can be addressed via a permit condition.

14.3.4 Solar access to private open space

As identified at Standard B10, due to the orientation of the site, it is not practicable to have the secluded private open space to the north of each dwelling.

The setbacks of the southern boundary of the secluded private open spaces at ground level and Basement – 1 for Dwelling 2 do not comply with the standard. It is considered acceptable given it is not feasible to meet the standard requirement for all areas of secluded private open space given the constraints of the long site oriented north-south. In addition, as indicated on the submitted shadow diagrams, these areas have some access to sunlight during the day.

14.4 Environmentally sustainable design

Clause 22.19, Energy, Water and Waste, is relevant and includes policy objectives at Clause 22.19-2 and policy requirements at Clause 22.19-3. In addition, Clause 22.19-4 requires all applications to include a Waste Management Plan (WMP) and an Environmentally Sustainable Design (ESD) Statement. In terms of the ESD Statement, Clause 22.19-4 states that:

‘Applications for buildings under 2,000 square metres in gross floor area must provide a statement demonstrating that the building has the preliminary design potential to achieve the relevant required Performance Measures set out in clause 22.19-5.’

The relevant performance measure is:

- For accommodation up to 5000 square metres gross floor area - 1 point for Wat-1 credit under a current version of the Green Building Council of Australia’s Green Star – Multi Unit Residential rating tool or equivalent.

The application included a *Waste Management Plan (WMP)* prepared by Waste Space Solutions and dated 1 October 2015. ESG reviewed the WMP and found it to be acceptable. A condition will be placed on any approval requiring this endorsed WMP not to be altered without prior consent of Melbourne City Council.

The submitted *Sustainable Management Plan* prepared by Norman Disney & Young and dated 6 October 2015 provides an outline of the sustainable design initiatives for the proposed development with consideration of the relevant policy objectives of Clause 22.19-2, the policy requirements of Clause 22.19-3 and performance measure at Clause 22.19-5. Compliance with the *Sustainable Management Plan* can be ensured via a planning permit condition.

14.5 Stormwater management

Clause 22.23, Stormwater Management (Water Sensitive Urban Design), is relevant and requires that applications include a Water Sensitive Urban Design Response addressing the details set out in Clause 22.23-4.

The application did not include a Water Sensitive Urban Design Response. However, there is a brief section relating to stormwater management at 4.4 of the submitted *Sustainable Management Plan* prepared by Norman Disney & Young. It states that the development will include a 4kL rainwater tank and will achieve a STORM assessment score of 100 per cent. This is considered acceptable and addresses the requirements of set out in Clause 22.23-4.

14.6 Issues raised by the objectors

The majority of the issues raised by the objectors have been addressed in the above sections or the attached assessment against Clause 55. The following responses are provided in terms of the remaining issues:

- Excavation impacts – The proposal includes a three level basement. The excavation required for the basement has raised concerns for existing trees and foundations of adjoining sites.

Victorian Planning Schemes do not currently allow any Council to take the structural/geotechnical impact of basements into account.

The submitted *DRAFT Stage 1 Geoenvironmental Investigation Factual Report* prepared by Jacobs and dated 2 September 2015 provides an initial assessment of the soil with regards to geotechnical and environmental considerations. In terms of geotechnical considerations, the report concludes that temporary and permanent shoring is likely to be required to safely construct and maintain any basements. However, the report also recommends further site investigation when development plans are finalised to undertake detailed design. This matter would be a consideration at the building permit stage if the application was supported. The Building Act 1993 (the Act) is a State based document which allows for building permits and inspections, in relation to that building permit, to be undertaken by registered private building surveyors. The appropriate section of the Act and the Building Regulations 2006, 'Protection of Adjoining Properties' provides a process, where the relevant building surveyor deems protection works are required, to inform the adjoining owners and provide the opportunity to raise issues with the proposed protection works.

Notwithstanding the above, given the heritage grading of the adjoining residences, which may be affected by the excavation associated with the basement levels, a note will be included on any permit being issued to reinforce the owner/developer's obligations under relevant legislation to ensure protection work is undertaken if required.

The submitted *Arboricultural Assessment & Report* prepared by Treemap Arboriculture and dated July 2015 provides an assessment of two trees on the subject site and two trees at 21 Gipps Street. The report concludes that the two trees on the subject should be removed as the quality of the vegetation is considered to be poor. The report identifies Tree Protection Zones (TPZ) for the two trees at 21 Gipps Street and an allowable encroachment of 10 per cent in accordance with AS4970-2009 (*Australian Standard – Protection of trees on development sites*). A condition will be added to ensure a Landscape Plan is submitted prior to demolition to ensure the adjoining trees are protected.

- Loss of on-street car parks on Gipps Street – The revised plans TP101 and TP202 dated 12 February 2016 seek a provision of eight spaces. This is in excess of the requirements at Clause 52.06, which requires five spaces for the dwellings and no visitor spaces. Therefore, based on a provision of two spaces per dwelling, it is considered that the impact on on-street car parking on Gipps Street will be negligible. As stated above at Section 14.1, the arrangements to access the car parking have been resolved and only B50 vehicles will be able to access the basement.
- Excess car parking spaces – In contrast to the concern above, an objection relating to excess car parking spaces was also raised. The revised plans TP101 and TP202 dated 12 February 2016 reduce the proposed number of car parking spaces from 12 to eight. As opposed to a Parking Overlay with a

maximum rate, Clause 52.06 is relevant for the subject site and sets out a minimum rate for car parking.

14.7 Conclusion

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant a Permit should be issued.

15 RECOMMENDATION

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

1. Prior to the commencement of the development (including any demolition, bulk excavation, construction or carrying out of works) on the land, two copies of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans received on 20 October 2015 but amended to show:
 - a) Reduction in the number of car parking spaces to eight.
 - b) Details of all screening to be shown on elevations. Screening must be external and permanently fixed to at least 1.7m above floor level and be no more than 25 percent transparent in accordance with Standard B22 of Clause 55.
 - c) The two outward opening doors and windows projecting onto Gipps Street shall be redesigned such that they do not project beyond the street alignment when open, when closed or when being opened or closed.
 - d) An automatic car parking stacking system limited to providing for B50 or 50th percentile vehicles (4.45m long x 1.7m wide) in accordance with Australian Standard AS/NZS2890.1-2004.
 - e) Any modifications required by Condition 11 – Waste Management Plan.

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

2. Prior to the commencement of the development a schedule and samples of all external materials, colours and finishes including a colour rendered and notated elevation of the front facade must be submitted to, and approved by the Responsible Authority.
3. Prior to the commencement of the development, a Landscape Management Plan (LMP) must be submitted for approval by the Responsible Authority. The LMP shall include:
 - a) Steps necessary to protect existing trees on adjoining sites during the construction of the development.
 - b) Trees that are required to be removed.

This plan must be to the satisfaction of the Responsible Authority and when approved will form part of the permit.

4. Prior to the commencement of the development, including demolition, a report prepared by a suitably qualified Structural Engineer, or equivalent, must be submitted to the Responsible Authority, demonstrating the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention, to the satisfaction of the

Responsible Authority. The recommendations contained within this report must be implemented at no cost to Melbourne City Council and be to the satisfaction of the Responsible Authority.

5. Prior to the commencement of the development, a stormwater drainage system incorporating integrated water management design principles must be submitted to, and approved, by the Responsible Authority - Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's stormwater drainage system.
6. The footpath adjoining the site along Gipps Street must be reconstructed together with associated works including the reconstruction or relocation of kerb and channel and/or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
7. Existing street levels in Gipps Street and Hayes Lane must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services
8. The performance outcomes specified in the Sustainable Management Plan prepared by Norman Disney and Young and dated 06 October 2015 for the development must be implemented prior to occupancy at no cost to the Melbourne City Council and be to the satisfaction of the Responsible Authority.

Any change during detailed design, which affects the approach of the endorsed Sustainable Management Plan, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.

9. Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group. This construction management plan must be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider the following:
 - a) public safety, amenity and site security.
 - b) operating hours, noise and vibration controls.
 - c) air and dust management.
 - d) stormwater and sediment control.
 - e) waste and materials reuse.
 - f) traffic management.
10. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Waste Space Solutions dated 1 October 2015. The submitted WMP must not be altered without prior consent of the City of Melbourne – Engineering Services.
11. Prior to the commencement of the use on the land, the owner of the land must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must ensure that access to and the use of the car stacking system be limited to B50 vehicles (4.45m long x 1.7m wide) in accordance with Australian Standard AS/NZS2890.1-2004. The agreement is to indemnify Council against any claims on the matter and must also contain such other conditions as may be advised by Council's Chief Legal Counsel.

The owner of the land must pay all of the Melbourne City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

12. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

NOTES

All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the responsible authority – Manager Engineering Services Branch.

The owner and/or developer of the site must ensure that all obligations under the *Building Act 1993* have been fully satisfied prior to development commencing, particularly with respect to the need for protection works to adjoining properties, if the relevant building surveyor determines that these properties are at risk of damage from the building work.

16 DECISION

The Lord Mayor, Deputy Lord Mayor and Councillors were notified of the above recommendation on 6 April 2016.

Councillors have called the application in and thus it will be presented at Future Melbourne Committee on 3 May 2016.

Signature:

Date affirmed:

Billy Rebakis

Acting Senior Planning Officer