

Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

**Planning Permit Application: TP-2015-81
1-3, 5, 7, 9-11 Epsom Road, Kensington**

15 May 2018

Presenter: Jane Birmingham, Practice Leader Land Use and Development

Purpose and background

1. The purpose of this report is to seek approval of the proposed development of the land at 1-3, 5, 7 and 9-11 Epsom Road, Kensington (refer Attachment 2 – Locality Plan).
2. The applicant is St Mary's Coptic Orthodox Church c/- SJB Planning Pty Ltd, the land owner is Coptic Orthodox Church (Victoria) and the architect is Make Architecture.
3. The application was originally lodged with Council on 9 February 2015 and notice of the application was sent to surrounding owners and occupiers. A number of objections were received, along with internal referral responses. A Section 57A Amendment application was subsequently lodged with Council on 19 October 2017 and notice of the application was again sent to surrounding owners and occupiers, as well as the parties that objected to the original application. A total of 61 objections and over 100 letters of support have been received.
4. The subject site is located in the General Residential Zone (Schedule 1) and is affected by Heritage Overlay (Schedule 223).
5. The application proposes the demolition of existing buildings (5, 7 and 9-11 Epsom Road) to allow for the construction of a two storey building with two basement levels in association with the continued use of the land as a Place of Assembly and Place of Worship, and the creation of a new vehicle crossover off the rear laneway.

Key issues

6. The key issues relevant to making a decision include the demolition of heritage graded buildings at 5 and 7 Epsom Road, the replacement building's design response to the existing, retained church and wider area, the intensification of the existing uses on the site (Place of Assembly) and the traffic and parking implications of the proposed development.
7. The high quality design response and delivery of significant improvements for the local and wider community, has resulted in an exceptional circumstance whereby demolition of two 'D' graded buildings in a Level 3 streetscape is supported. The replacement building will complement existing building form and fabric on-site and the surrounding streets.
8. Intensification of the existing use on-site is supported and builds on existing approvals for the land. An improved and enhanced community facility responds to a key zone purpose and is reinforced by State and local policy.
9. The increased on-site car parking provision will reduce the dependency of on-street parking and a wider rear laneway at certain points will improve two-way vehicle movement. A wider splay at the Epsom Road/Macaulay Road corner will improve pedestrian safety.

Recommendation from management

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

Attachments:

1. Supporting Attachment (Page 2 of 57)
2. Locality Plan (Page 3 of 57)
3. Plans (Page 4 of 57)
4. Delegate Report (Page 25 of 57)

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. Both the original application and Section 57A Amendment application were advertised to surrounding owners and occupiers, pursuant to Section 52 of the *Planning and Environment Act 1987*.

Relation to Council policy

6. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

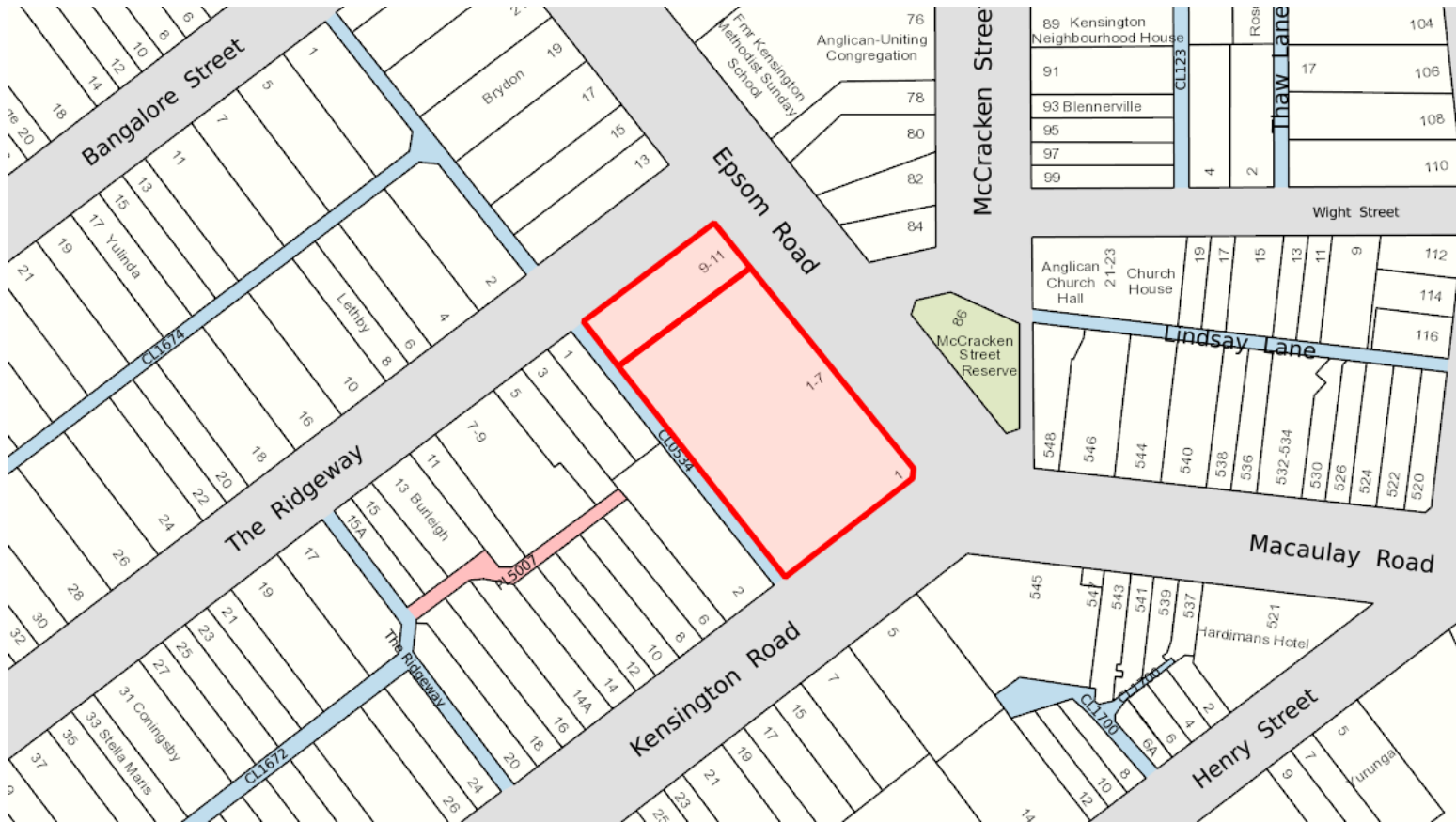
Environmental sustainability

7. An Ecologically Sustainable Development (ESD) Statement, prepared by Atelier Ten and submitted with the application satisfies the requirements of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management / Water Sensitive Urban Design).

Locality Plan

Attachment 2
Agenda Item 6.1
Future Melbourne Committee
15 May 2018

1-3, 5, 7, 9-11 Epsom Road, Kensington





ABBREVIATIONS

SSWB	SINGLE STORY WEATHERBOARD
SSB	SINGLE STORY BRICK
DSWB	DOUBLE STORY WEATHERBOARD
DSB	DOUBLE STORY BRICK
SPOS	SECLUDED PRIVATE OPEN SPACE
HW	HABITABLE SPACE WINDOW
NHW	NON-HABITABLE SPACE WINDOW

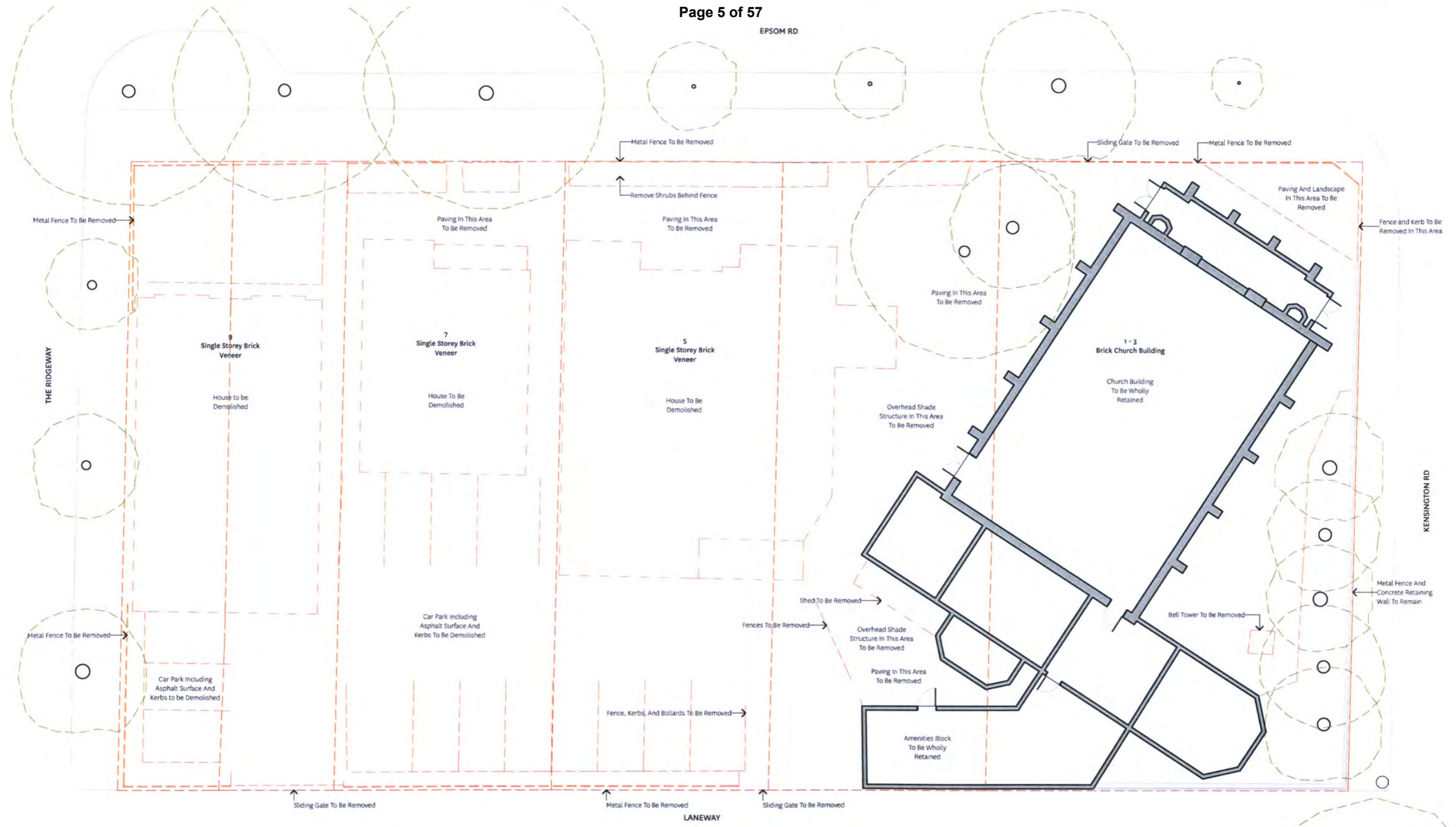
DEVELOPMENT SUMMARY
 TOTAL SITE AREA 2,419.5 m²
 EXISTING CHURCH 489.2 m²



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TP01.1 14/09/2017
 SITE CONTEXT PLAN
 1:500, 1:100

EPSOM RD



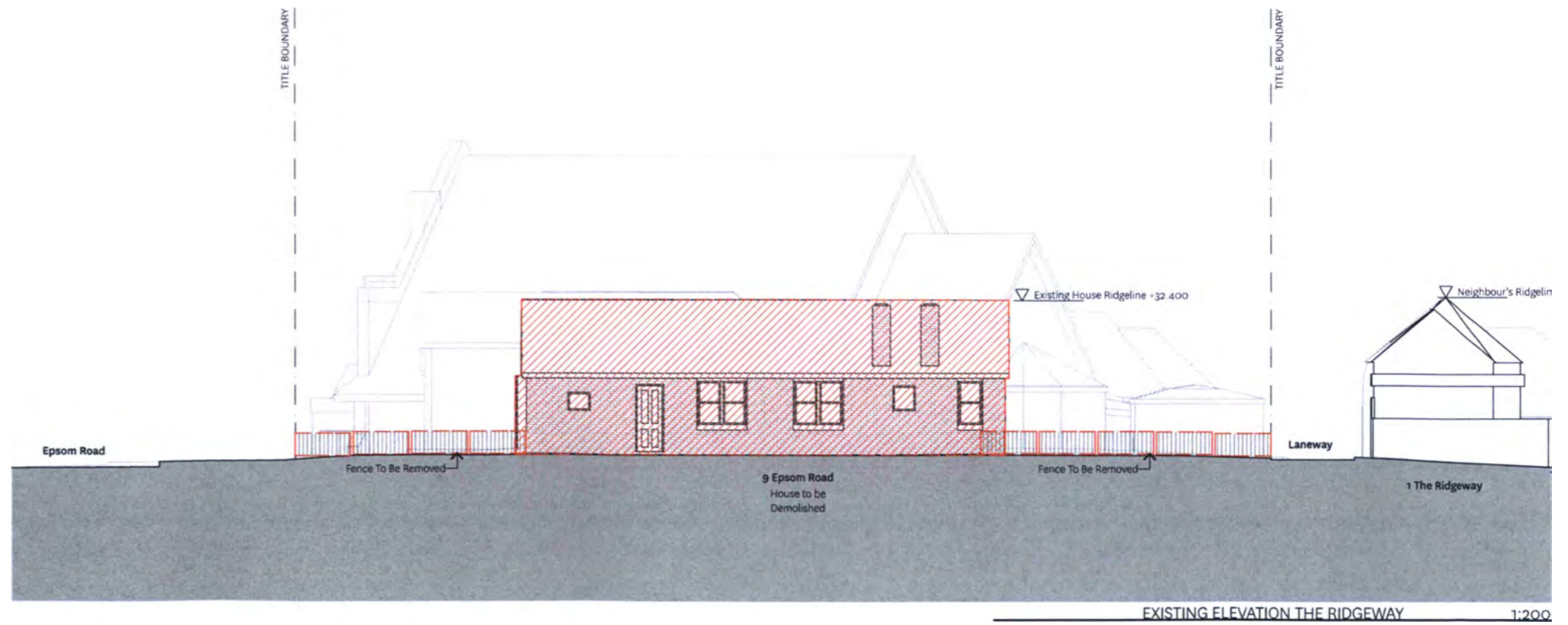
DEVELOPMENT SUMMARY
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 DEMOLITION PLAN
 1:200, 1:100



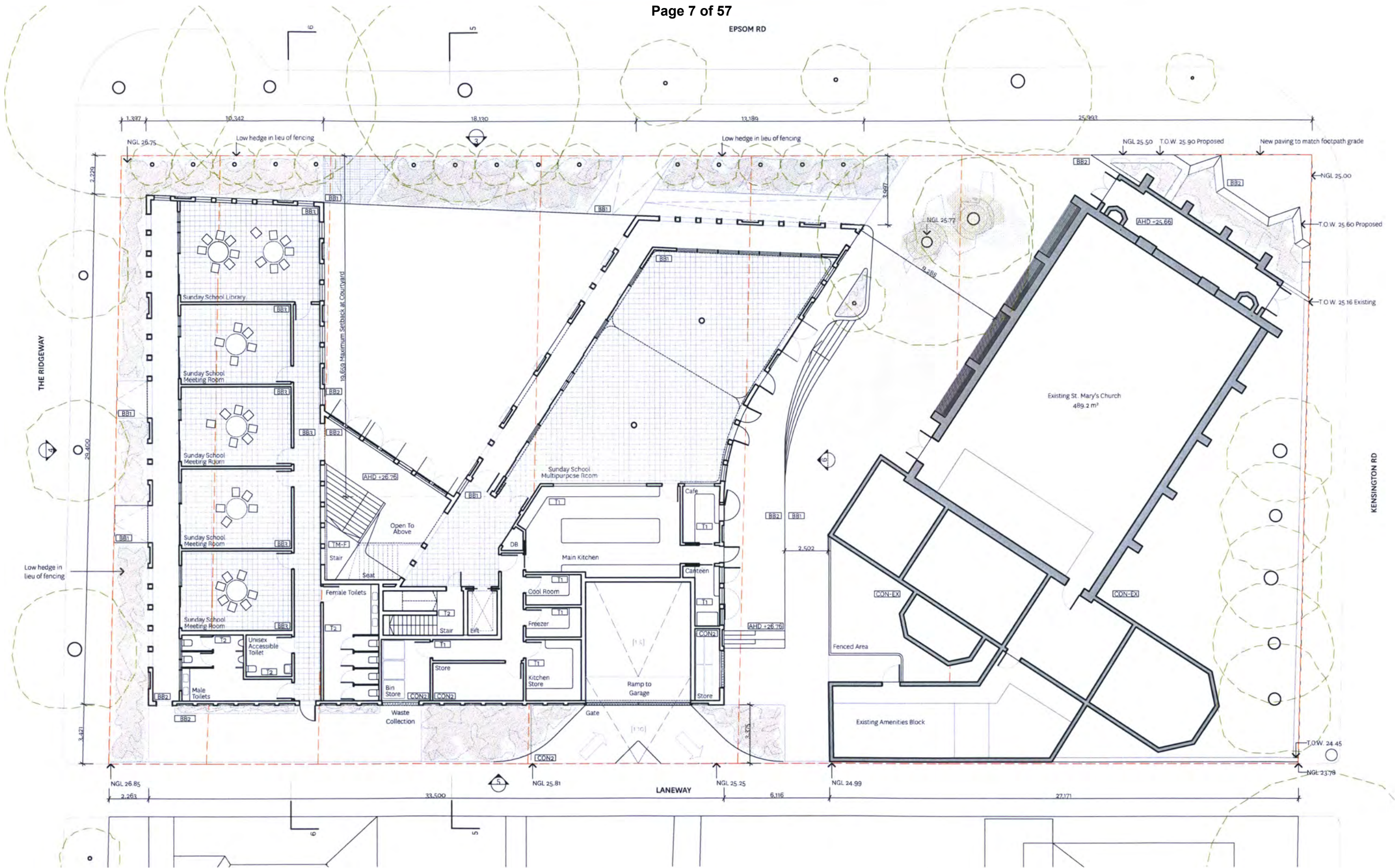
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TP01.3 14/09/2017
EXISTING/DEMOLITION ELEVATIONS



EXTERNAL FINISHES

AL1	ALUMINIUM FRAMING	GL2	STAINED GLASS
BAT1	TIMBER BATTENS	PT	PLANTER TRELIS
CB	COLOURBOND ROOF	TM1	TIMBER TRIMS
CFC	CEMENT CLADDING	TM2	TIMBER LINING
CON1	PRECAST CONCRETE	ST2	STEEL GATE
CON2	CONCRETE FLOOR	PV	PHOTOVOLTAICS
GL1	CLEAR GLAZING		

INTERNAL FINISHES

BAT2	TIMBER BATTENS	TM-F	TIMBER FLOOR
BB3	BREEZE BLOCK FLOOR	ST1	STEEL STAIR
PB1	PLASTERBOARD		
PB2	ACOUSTIC PLASTERBOARD		
T	TILES		
TM3	TIMBER LINING		

LANDSCAPE FINISHES

BB1	BREEZE BLOCK / GRASS
BB2	BREEZE BLOCK / PAVING
BRK1	RED BRICK WALL / SEAT

DEVELOPMENT SUMMARY

TOTAL SITE AREA 2,419.5 m²
 EXISTING CHURCH 489.2 m²
PROPOSED BUILDING AREAS:
 BASEMENT 1 1066 m² - 27 Cars
 BASEMENT 2 1142 m² - 33 Cars
 GROUND FLOOR 674 m²
 FIRST FLOOR 734 m²
 SITE COVERAGE 55%
 PERMEABILITY 20%

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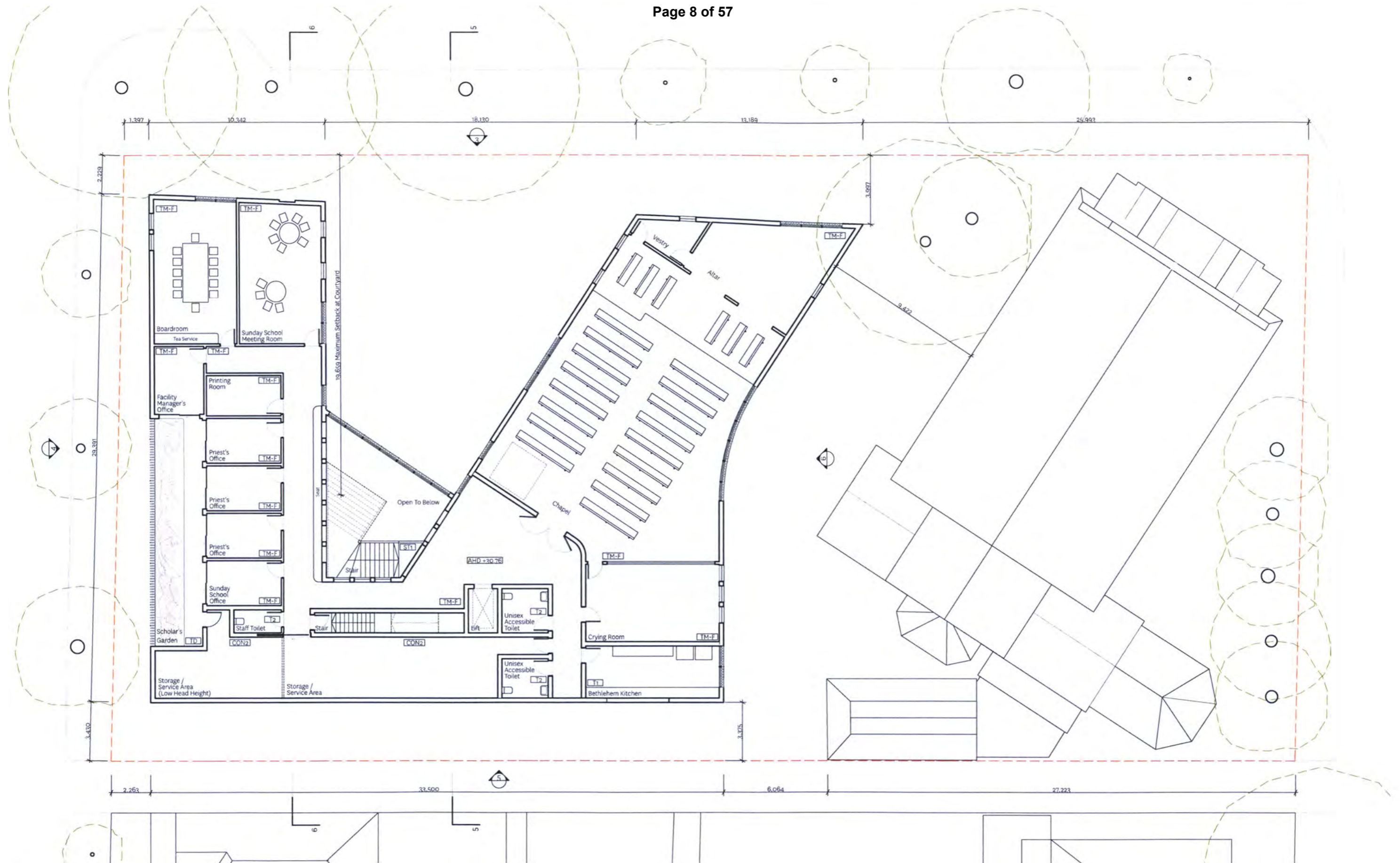
17-002

St Marys Church
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TP02.1

14/09/2017
 PROPOSED GROUND FLOOR PLAN
 1:200, 1:100

For specification of all finishes refer to finishes schedule



EXTERNAL FINISHES

AL1	ALUMINIUM FRAMING	GL2	STAINED GLASS
BAT1	TIMBER BATTENS	PT	PLANTER TRELIS
CB	COLOURBOND ROOF	TM1	TIMBER TRIMS
CFC	CEMENT CLADDING	TM2	TIMBER LINING
CON1	PRECAST CONCRETE	ST2	STEEL GATE
CON2	CONCRETE FLOOR	PV	PHOTOVOLTAICS
GL1	CLEAR GLAZING		

INTERNAL FINISHES

BAT2	TIMBER BATTENS	TM-F	TIMBER FLOOR
BB3	BREEZE BLOCK FLOOR	ST1	STEEL STAIR
PB1	PLASTERBOARD		
PB2	ACOUSTIC PLASTERBOARD		
T	TILES		
TM3	TIMBER LINING		

LANDSCAPE FINISHES

BB1	BREEZE BLOCK / GRASS
BB2	BREEZE BLOCK / PAVING
BRK1	RED BRICK WALL / SEAT

DEVELOPMENT SUMMARY

TOTAL SITE AREA 2,419.5 m²
 EXISTING CHURCH 489.2 m²

PROPOSED BUILDING AREAS:

BASEMENT 1	1066 m ² - 27 Cars
BASEMENT 2	1142 m ² - 33 Cars
GROUND FLOOR	674 m ²
FIRST FLOOR	734 m ²

SITE COVERAGE 55%
 PERMEABILITY 20%

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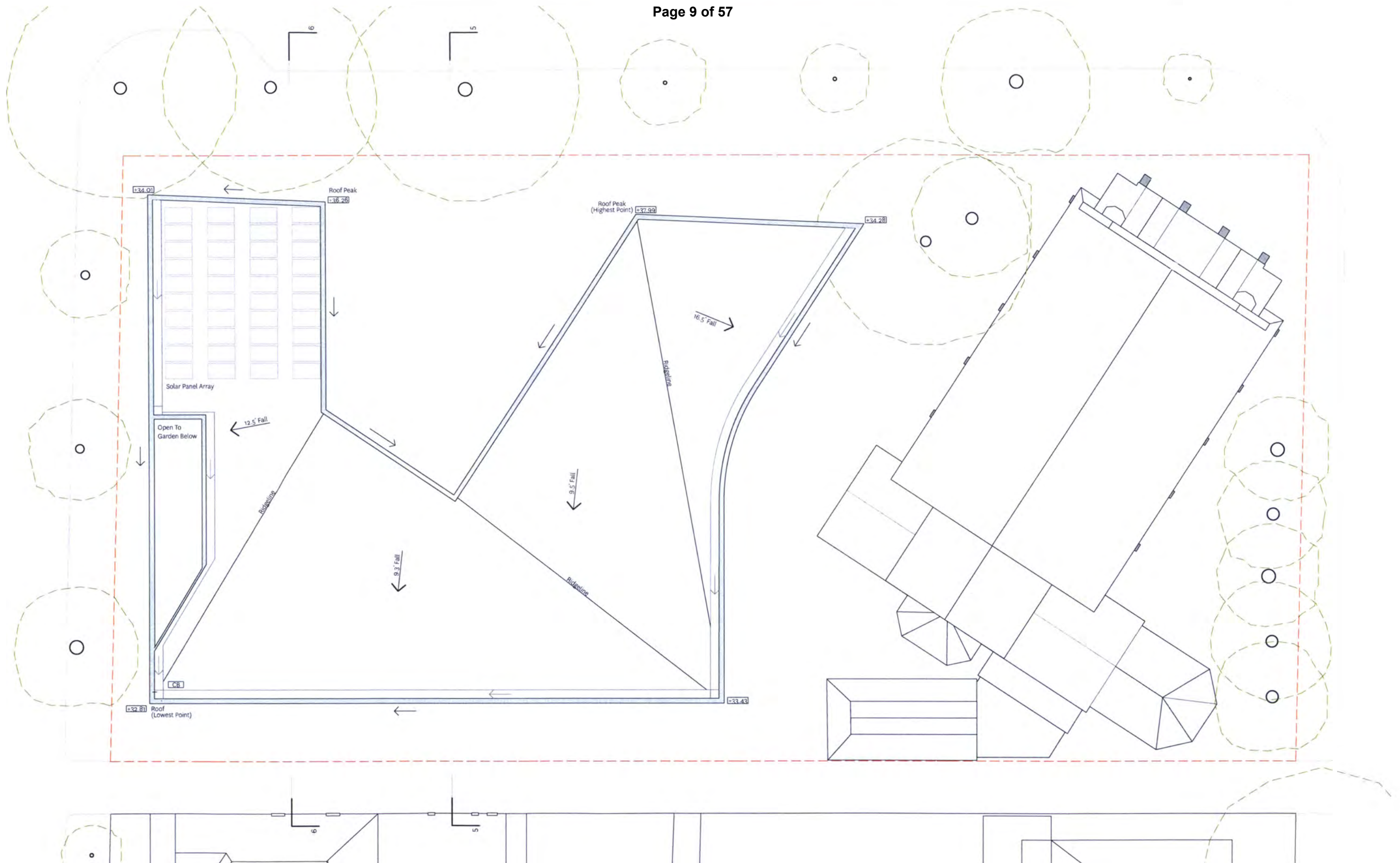
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TP02.2

14/09/2017
 PROPOSED FIRST FLOOR PLAN
 1:200, 1:100

For specification of all finishes refer to finishes schedule



EXTERNAL FINISHES			INTERNAL FINISHES			LANDSCAPE FINISHES		
AL1 ALUMINIUM FRAMING	GL2 STAINED GLASS	BAT2 TIMBER BATTENS	TM-F TIMBER FLOOR	BB1 BREEZE BLOCK / GRASS	BRK1 RED BRICK WALL / SEAT			
BAT1 TIMBER BATTENS	PT PLANTER TRELLIS	BB3 BREEZE BLOCK FLOOR	ST1 STEEL STAIR	BB2 BREEZE BLOCK / PAVING				
CB COLOURBOND ROOF	TM1 TIMBER TRIMS	PB1 PLASTERBOARD						
CFC CEMENT CLADDING	TM2 TIMBER LINING	PB2 ACOUSTIC PLASTERBOARD						
CON1 PRECAST CONCRETE	ST2 STEEL GATE	T# TILES						
CON2 CONCRETE FLOOR	PV PHOTOVOLTAICS	TM3 TIMBER LINING						
GL1 CLEAR GLAZING								

For specification of all finishes refer to finishes schedule

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SITE COVERAGE 55%
 PERMEABILITY 20%



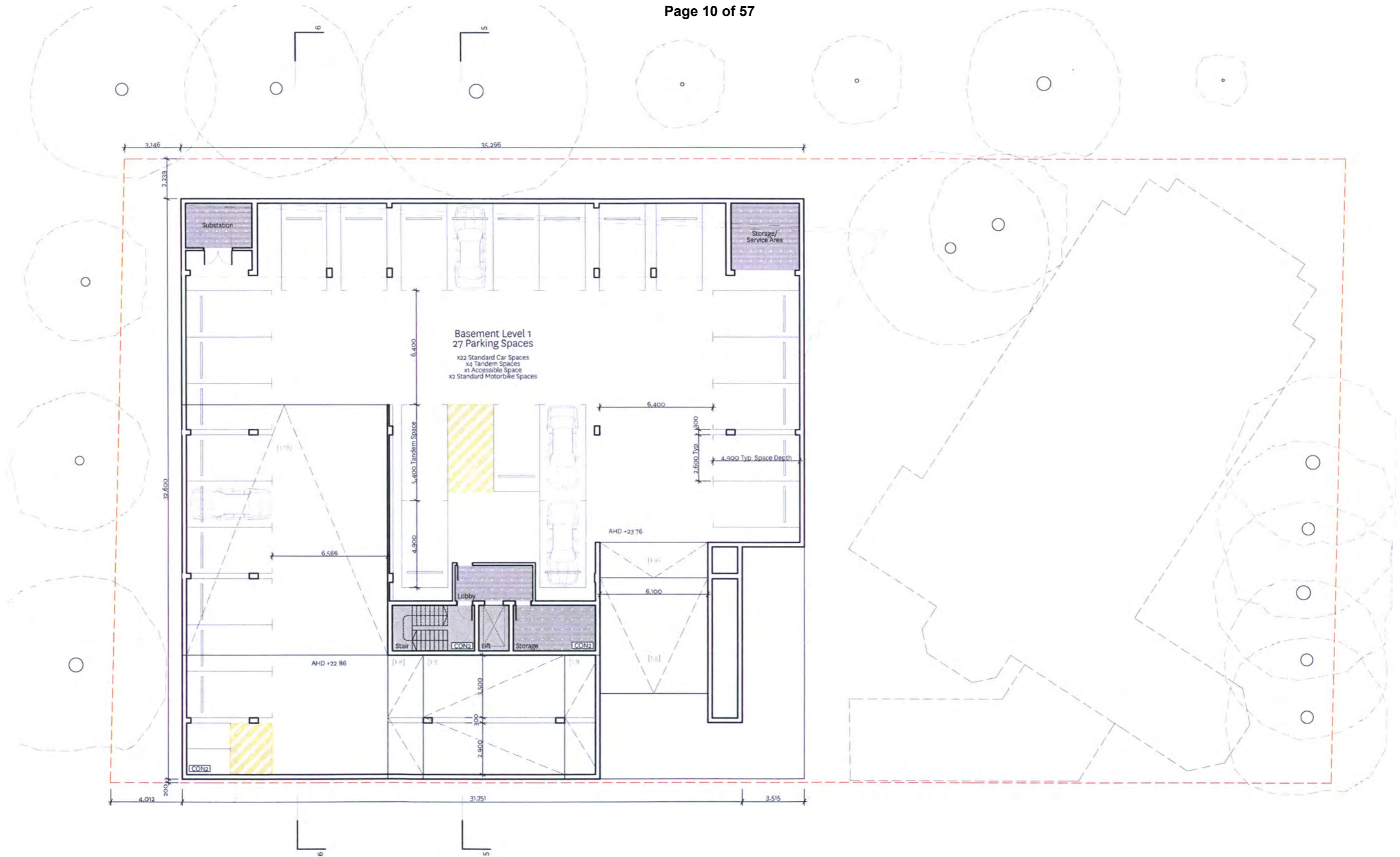
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 PROPOSED ROOF PLAN
 1:200, 1:100



EXTERNAL FINISHES

AL1	ALUMINIUM FRAMING	GL2	STAINED GLASS
BAT1	TIMBER BATTENS	PT	PLANTER TRELIS
CB	COLOURBOND ROOF	TM1	TIMBER TRIMS
CFC	CEMENT CLADDING	TM2	TIMBER LINING
CON1	PRECAST CONCRETE	ST2	STEEL GATE
CON2	CONCRETE FLOOR	PV	PHOTOVOLTAICS
GL1	CLEAR GLAZING		

INTERNAL FINISHES

BAT2	TIMBER BATTENS	TM-F	TIMBER FLOOR
BB3	BREEZE BLOCK FLOOR	ST1	STEEL STAIR
PB1	PLASTERBOARD		
PB2	ACOUSTIC PLASTERBOARD		
T#	TILES		
TM3	TIMBER LINING		

LANDSCAPE FINISHES

BB1	BREEZE BLOCK / GRASS
BB2	BREEZE BLOCK / PAVING
BRK1	RED BRICK WALL / SEAT

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PERMEABILITY 20%

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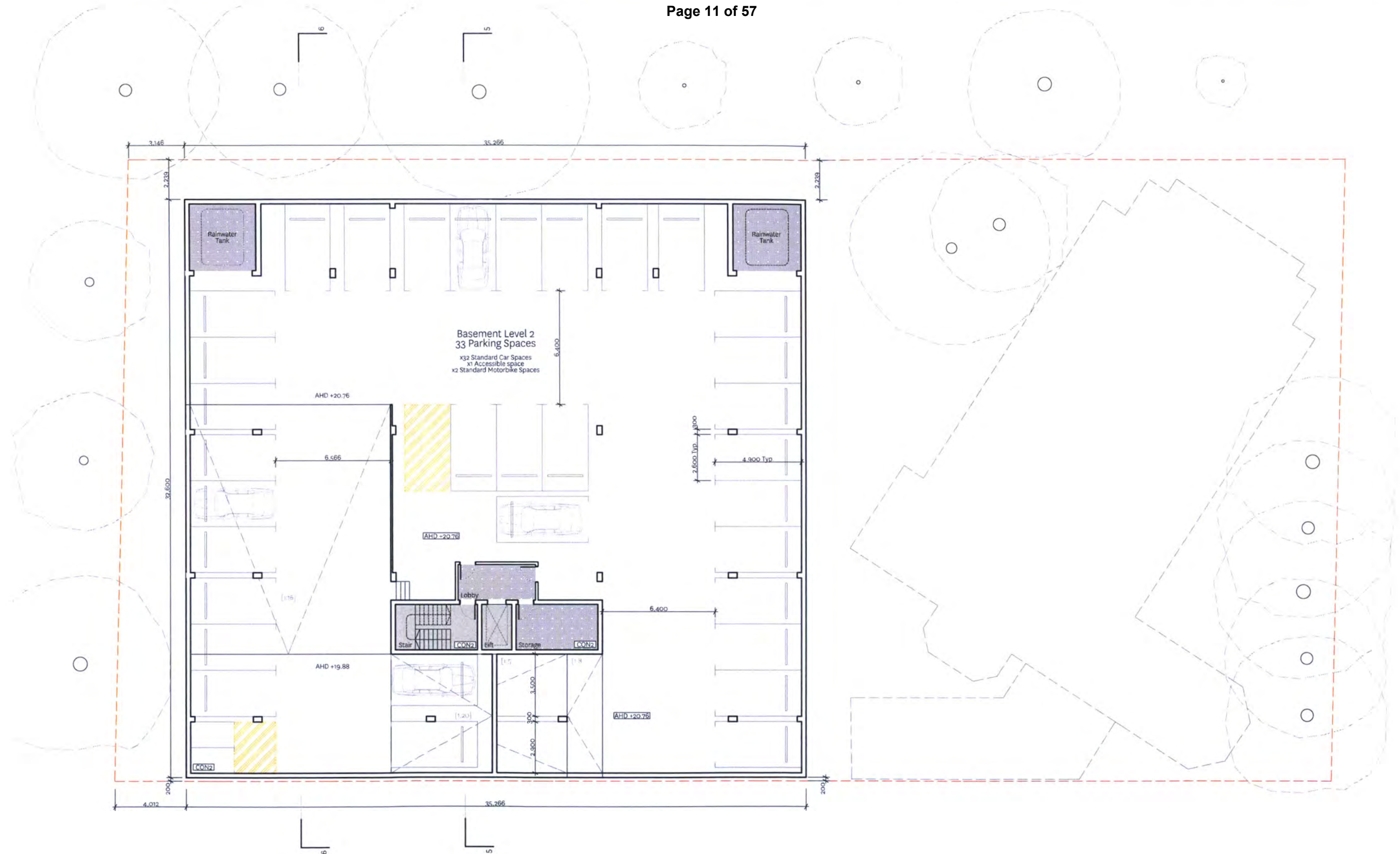
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TP02.4

14/09/2017
PROPOSED BASEMENT 1 PLAN
1:200, 1:100

For specification of all finishes refer to finishes schedule



EXTERNAL FINISHES

AL1	ALUMINIUM FRAMING	GL2	STAINED GLASS
BAT1	TIMBER BATTENS	PT	PLANTER TRELIS
CB	COLOURBOND ROOF	TM1	TIMBER TRIMS
CFC	CEMENT CLADDING	TM2	TIMBER LINING
CON1	PRECAST CONCRETE	ST2	STEEL GATE
CON2	CONCRETE FLOOR	PV	PHOTOVOLTAICS
GL1	CLEAR GLAZING		

INTERNAL FINISHES

BAT2	TIMBER BATTENS	TM-F	TIMBER FLOOR
BB3	BREEZE BLOCK FLOOR	ST1	STEEL STAIR
PB1	PLASTERBOARD		
PB2	ACOUSTIC PLASTERBOARD		
T#	TILES		
TM3	TIMBER LINING		

LANDSCAPE FINISHES

BB1	BREEZE BLOCK / GRASS
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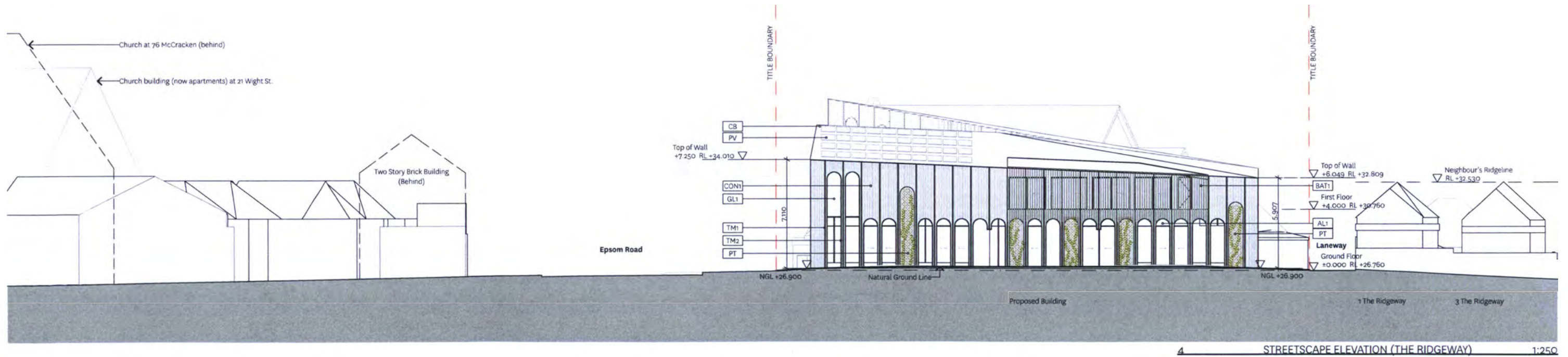
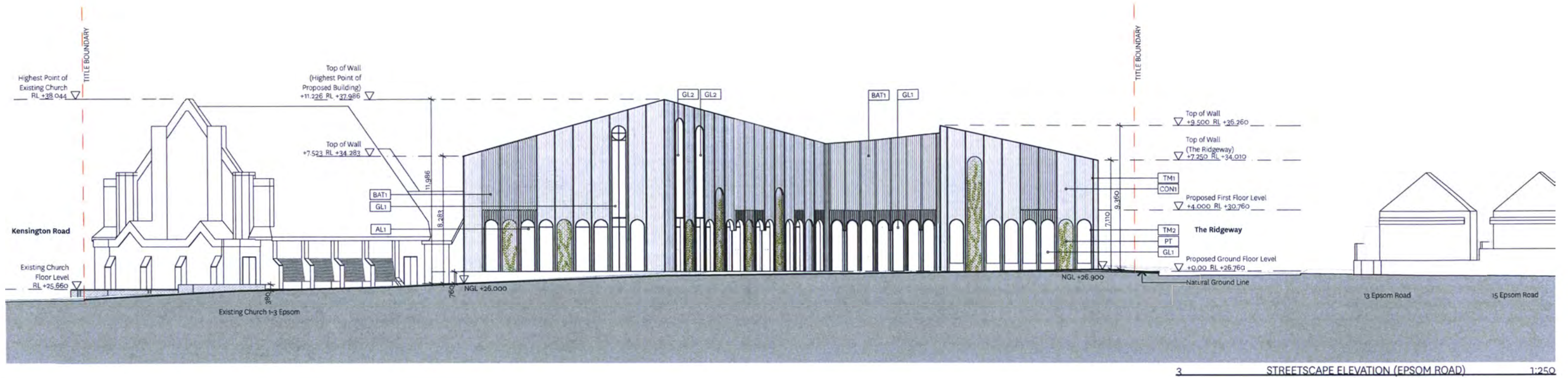
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TP02.5

14/09/2017
PROPOSED BASEMENT 2 PLAN
1:200, 1:100

For specification of all finishes refer to finishes schedule



EXTERNAL FINISHES

AL1	ALUMINIUM FRAMING	GL2	STAINED GLASS
BAT1	TIMBER BATTENS	PT	PLANTER TRELLIS
CB	COLOURBOND ROOF	TM1	TIMBER TRIMS
CFC	CEMENT CLADDING	TM2	TIMBER LINING
CON1	PRECAST CONCRETE	ST2	STEEL GATE
CON2	CONCRETE FLOOR	PV	PHOTOVOLTAICS
GL1	CLEAR GLAZING		

INTERNAL FINISHES

BAT2	TIMBER BATTENS	TM-F	TIMBER FLOOR
BB3	BREEZE BLOCK FLOOR	ST1	STEEL STAIR
PB1	PLASTERBOARD		
PB2	ACOUSTIC PLASTERBOARD		
T#	TILES		
TM3	TIMBER LINING		

LANDSCAPE FINISHES

BB1	BREEZE BLOCK / GRASS
BB2	BREEZE BLOCK / PAVING
BRK1	RED BRICK WALL / SEAT

For specification of all finishes refer to finishes schedule

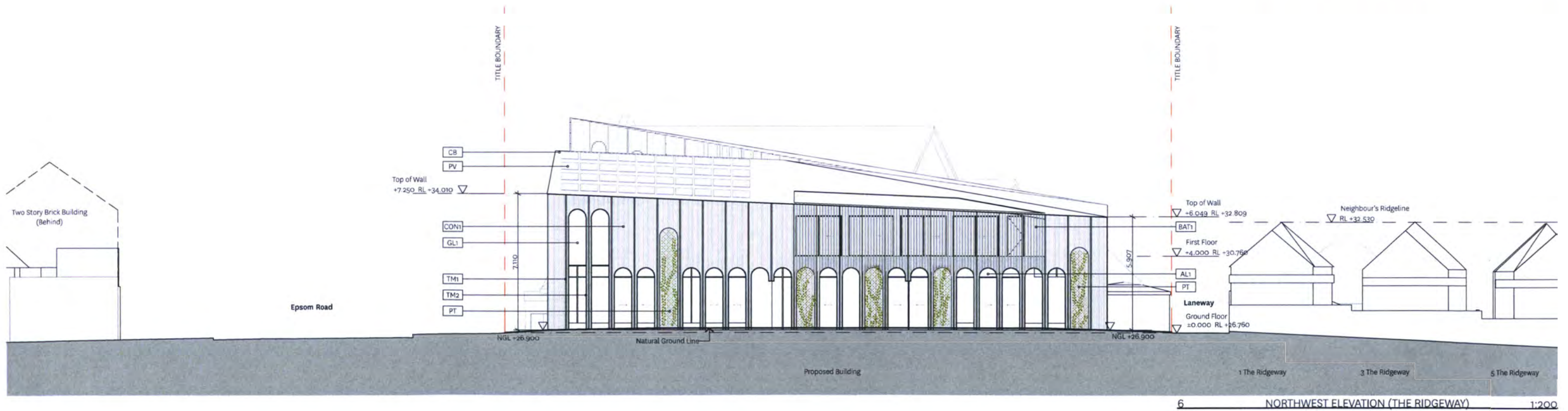
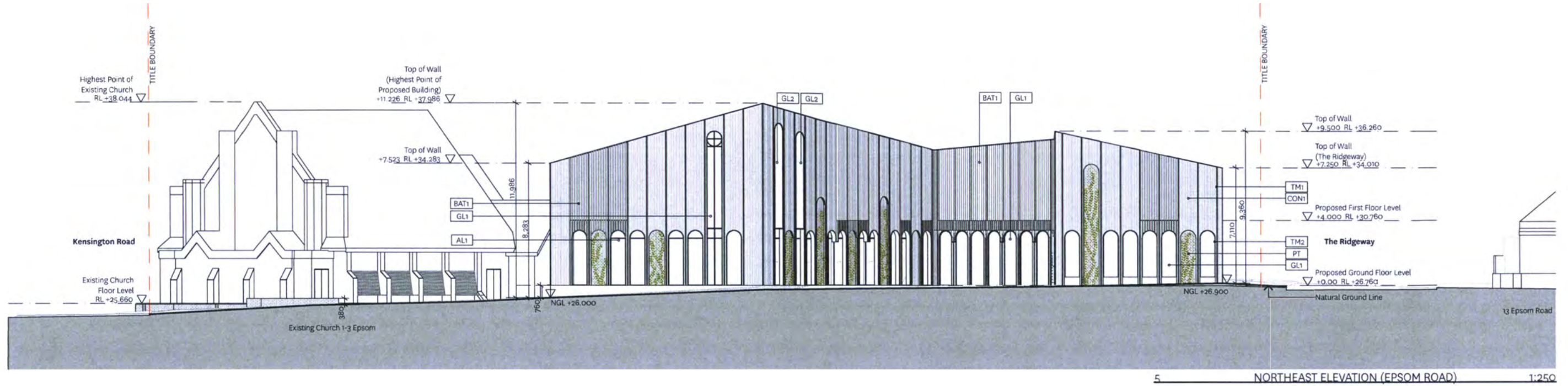
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TPO3.1 14/09/2017
STREETSCAPE ELEVATIONS
1:250



EXTERNAL FINISHES

AL1	ALUMINIUM FRAMING	GL2	STAINED GLASS
BAT1	TIMBER BATTENS	PT	PLANTER TRELLIS
CB	COLOURBOND ROOF	TM1	TIMBER TRIMS
CFC	CEMENT CLADDING	TM2	TIMBER LINING
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T#	TILES		
TM3	TIMBER LINING		

LANDSCAPE FINISHES

BB1	BREEZE BLOCK / GRASS
BB2	BREEZE BLOCK / PAVING
BRK1	RED BRICK WALL / SEAT

For specification of all finishes refer to finishes schedule

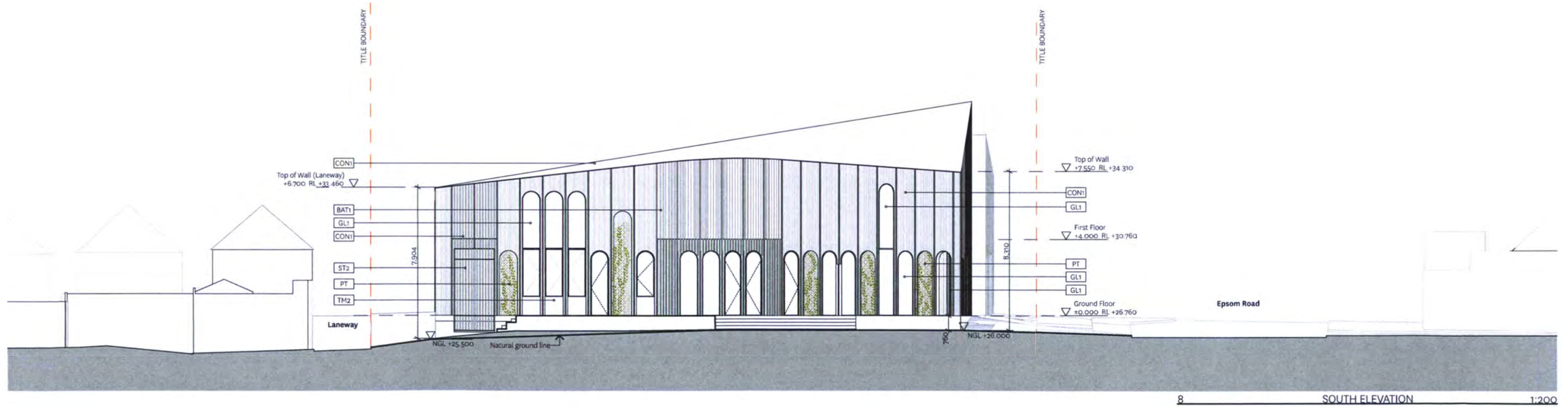
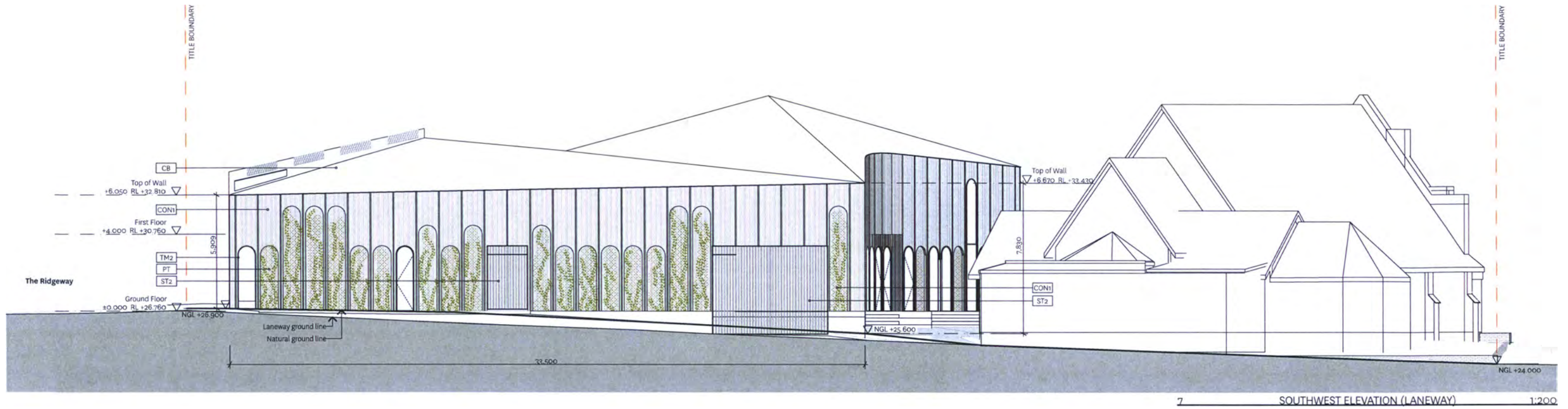
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TPO3.2 14/09/2017
PROPOSED BUILDING ELEVATIONS
1:250, 1:200



EXTERNAL FINISHES

AL1	ALUMINIUM FRAMING	GL2	STAINED GLASS
BAT1	TIMBER BATTENS	PT	PLANTER TRELLIS
CB	COLOURBOND ROOF	TM1	TIMBER TRIMS
CFC	CEMENT CLADDING	TM2	TIMBER LINING
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CON2	CONCRETE FLOOR	PV	PHOTOVOLTAICS
GL1	CLEAR GLAZING		

INTERNAL FINISHES

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PB2	ACOUSTIC PLASTERBOARD		
T#	TILES		
TM3	TIMBER LINING		

LANDSCAPE FINISHES

BB1	BREEZE BLOCK / GRASS
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BRK1	RED BRICK WALL / SEAT

For specification of all finishes refer to finishes schedule

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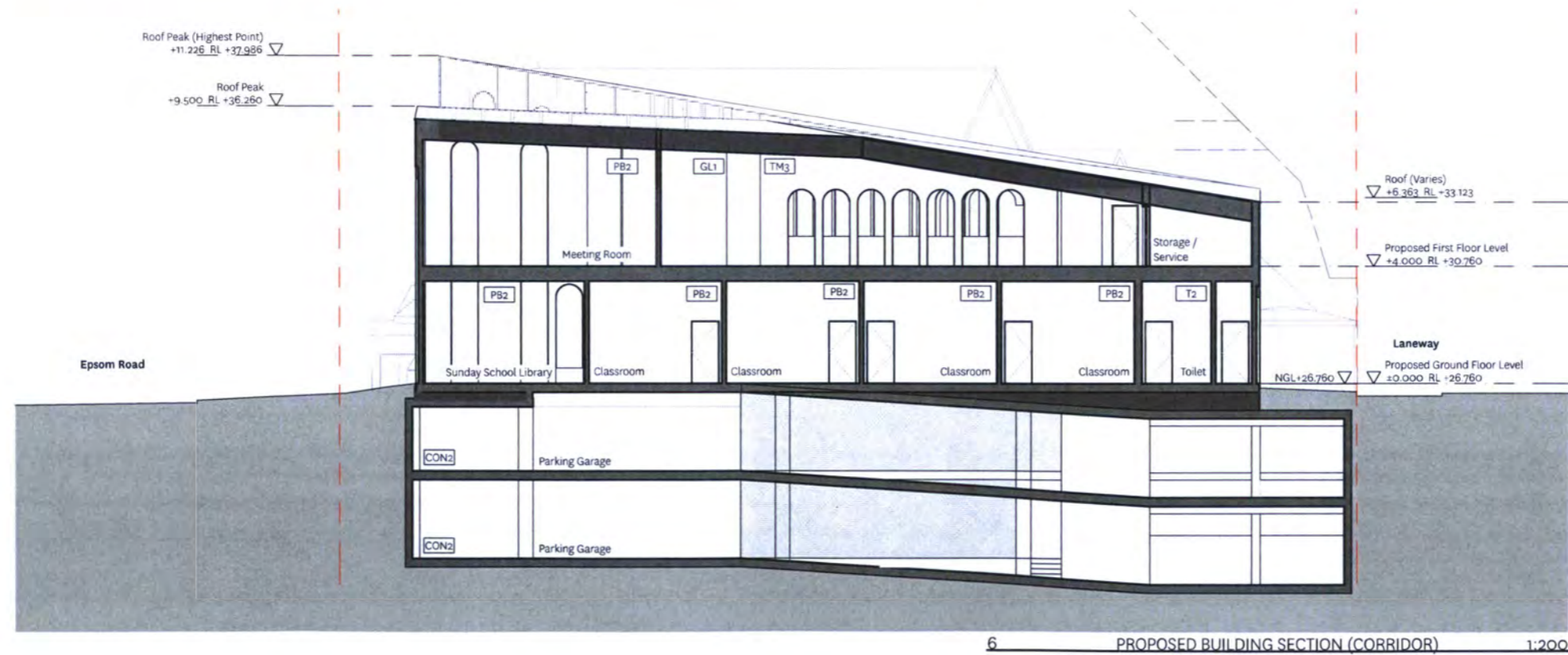
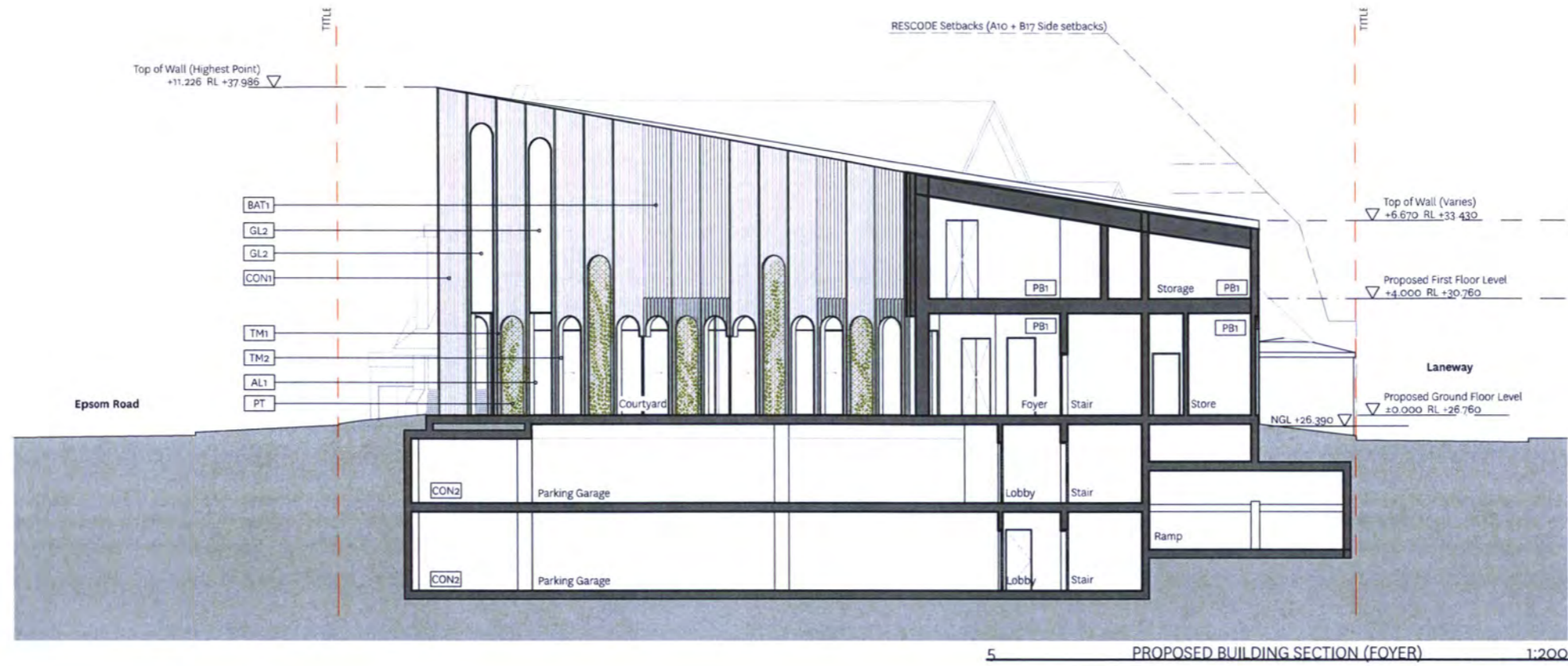
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TPO3.3

14/09/2017
PROPOSED BUILDING ELEVATIONS
1:200



EXTERNAL FINISHES

AL1	ALUMINIUM FRAMING	GL2	STAINED GLASS
BAT1	TIMBER BATTENS	PT	PLANTER TRELLIS
CB	COLOURBOND ROOF	TM1	TIMBER TRIMS
CFC	CEMENT CLADDING	TM2	TIMBER LINING
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TM3	TIMBER LINING		

LANDSCAPE FINISHES

BB1	BREEZE BLOCK / GRASS
BB2	BREEZE BLOCK / PAVING
BRK1	RED BRICK WALL / SEAT

For specification of all finishes refer to finishes schedule

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17-002

St Marys Church
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TP03.4

14/09/2017
BUILDING SECTIONS
1:200

FACADE MATERIALS:

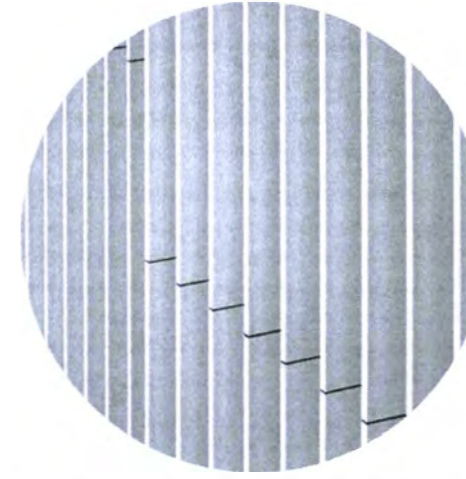


EXISTING CHURCH BRICKWORK

CON1 - PRECAST CONCRETE WALL PANEL



TM1 - TIMBER ARCH AND DOOR LININGS
TM2 - TIMBER TRIM BETWEEN PANELS



BAT1 - PAINTED TIMBER BATTEN SCREEN



AL1 - ANODISED ALUMINUM WINDOWS

PT - PLANT TRELLIS

PAVING MATERIALS:

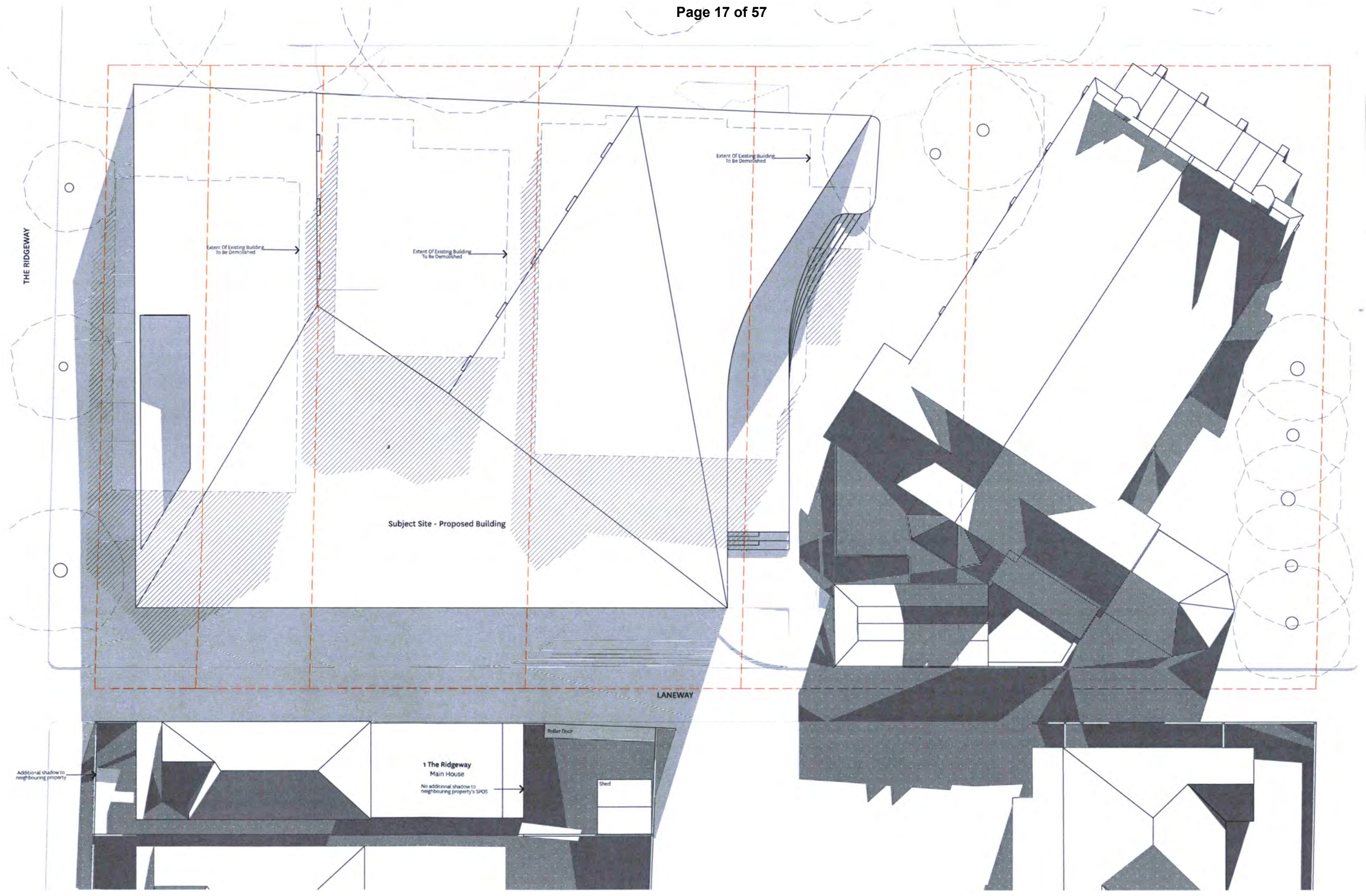
BB1 - BREEZE BLOCK PAVERS WITH CONCRETE INFILL

BB2 - BREEZE BLOCK PAVERS WITH PERMEABLE INFILL




BRK-1 - RED BRICK PAVER

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14/09/2017
TPO3.5 PROPOSED MATERIALS



PROPOSED SHADOW DIAGRAM 9:00AM SEPTEMBER 22ND 1:200

-  Shadows cast by existing - to be demolished
-  Shadows cast by existing
-  Additional shadows cast by proposed



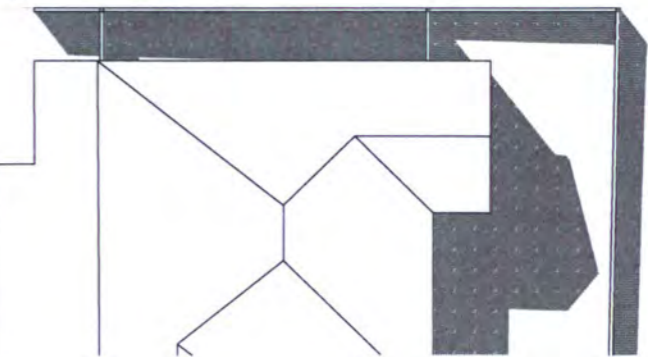
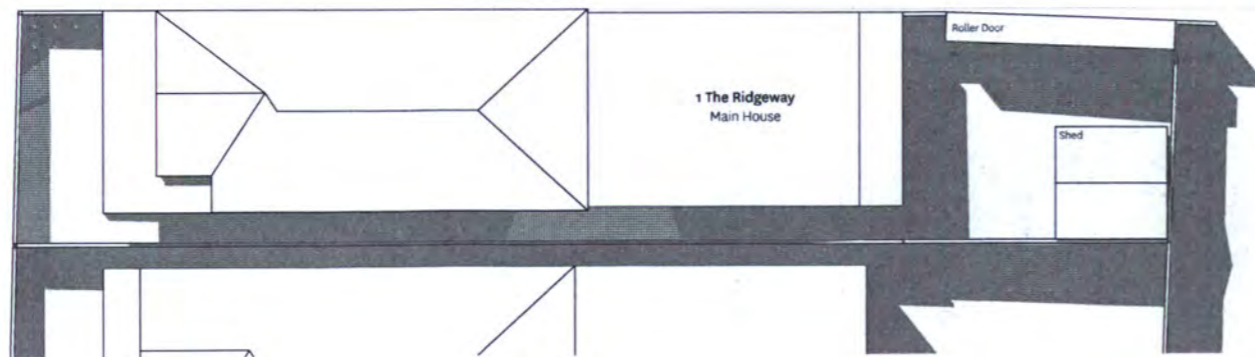
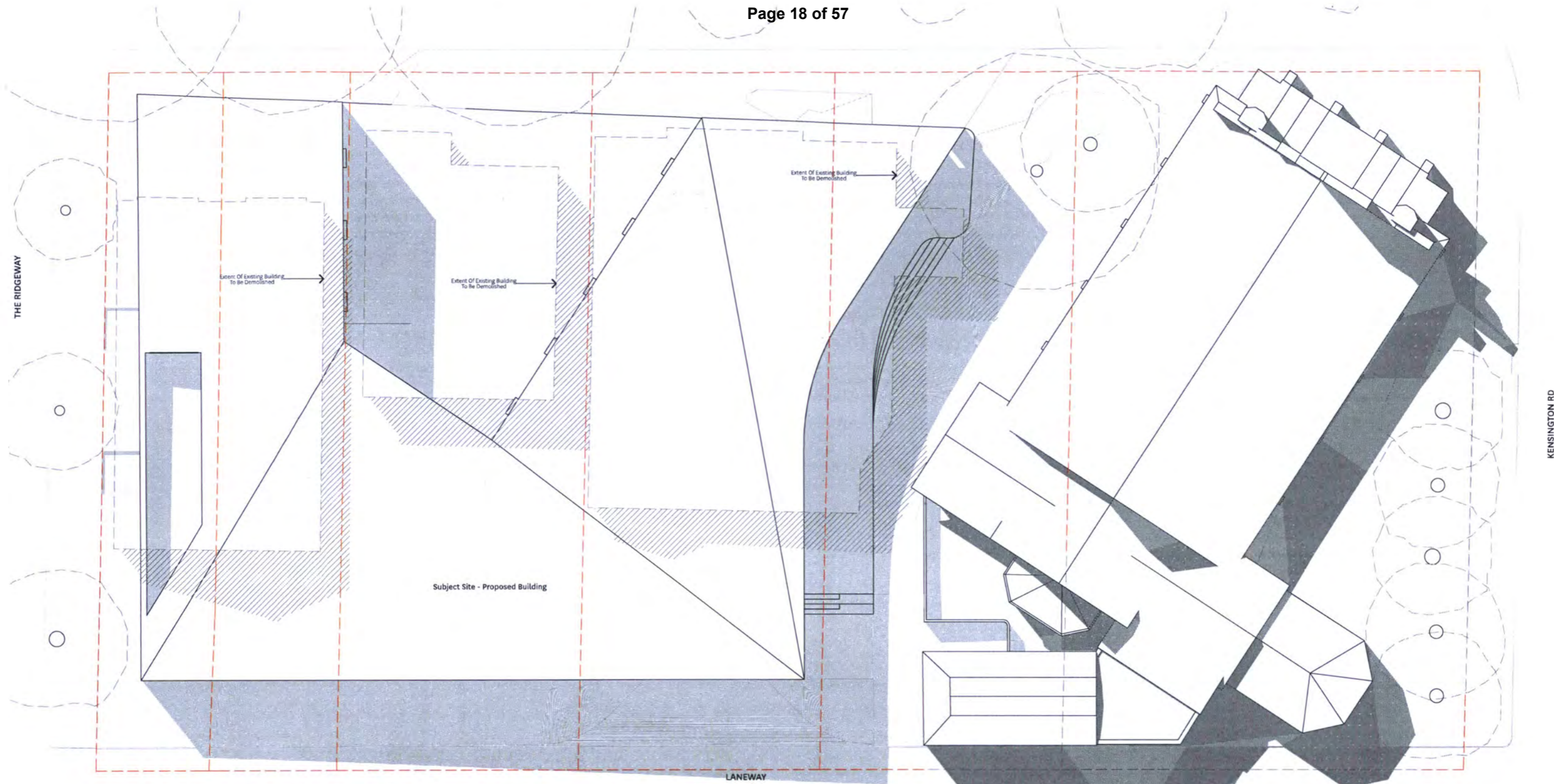
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TPO4.1 14/09/2017
SHADOW DIAGRAM
1:200



PROPOSED SHADOW DIAGRAM 12:00PM SEPTEMBER 22ND 1:200

-  Shadows cast by existing - to be demolished
-  Shadows cast by existing
-  Additional shadows cast by proposed



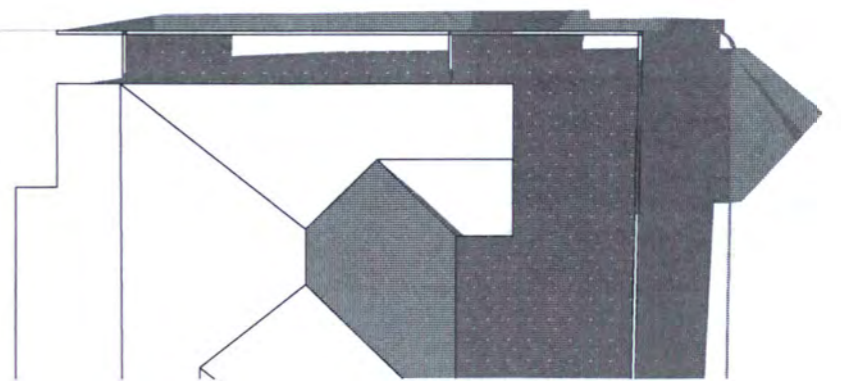
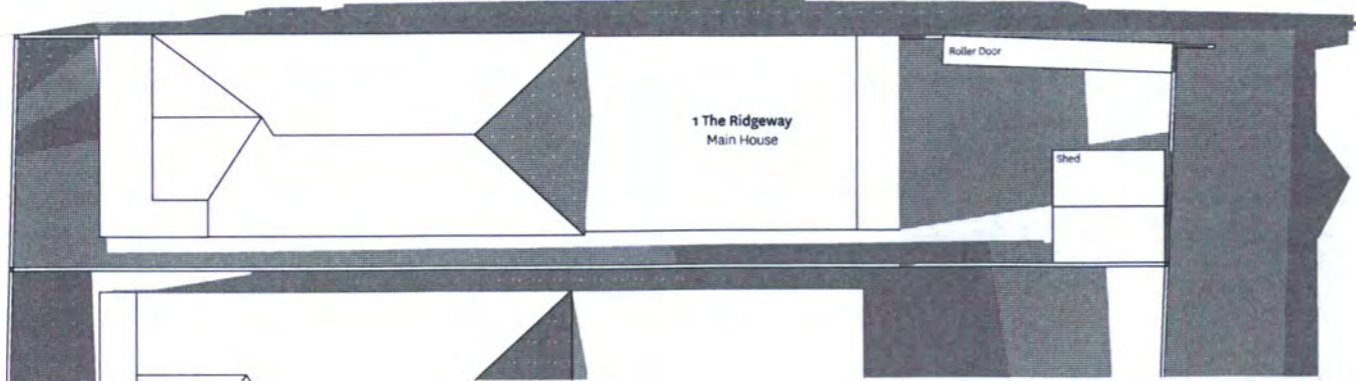
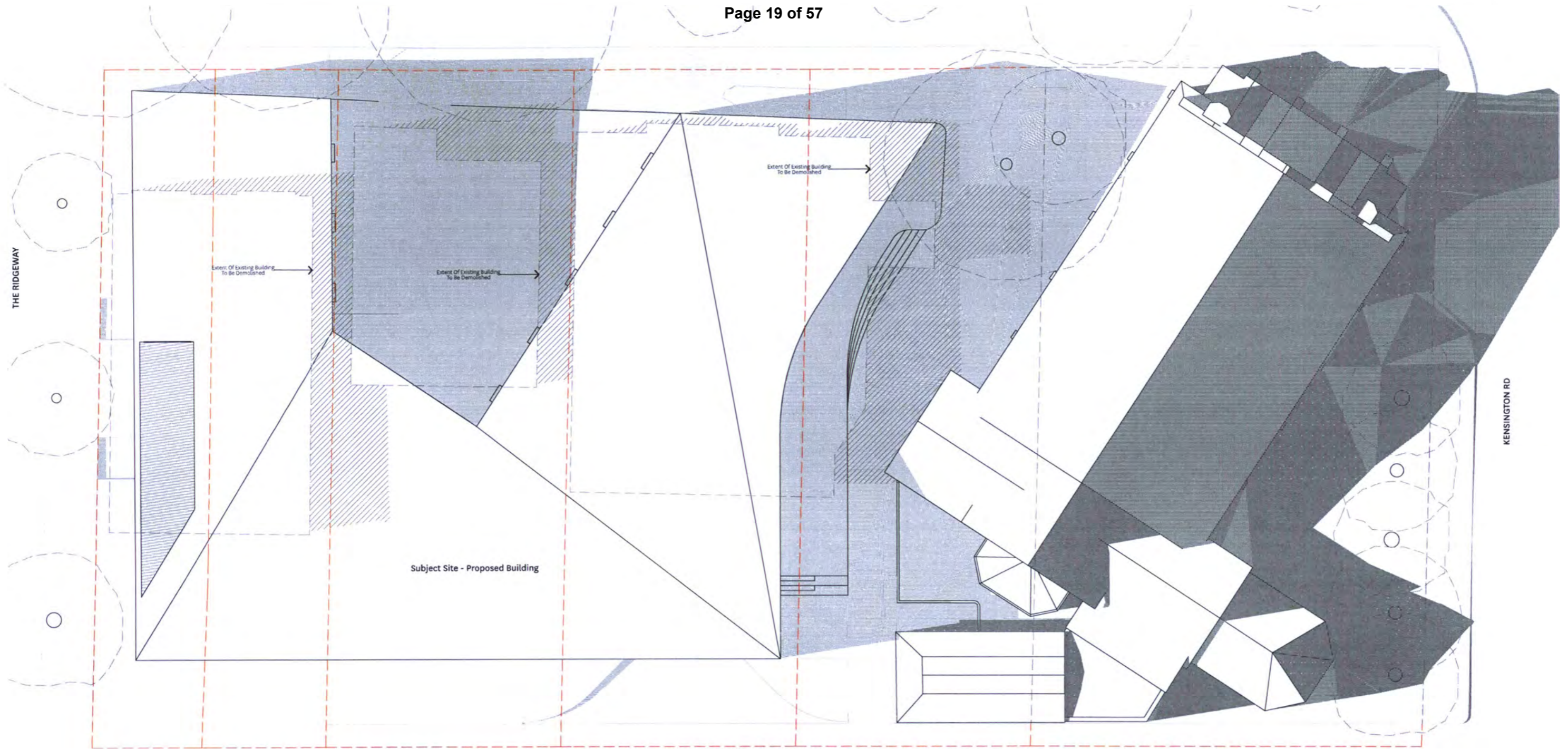
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17-002 St Marys Church
5-11 Epsom Rd Kensington

TP04.2 14/09/2017
SHADOW DIAGRAM
1:200



PROPOSED SHADOW DIAGRAM 3:00PM SEPTEMBER 22ND 1:200

-  Shadows cast by existing - to be demolished
-  Shadows cast by existing
-  Additional shadows cast by proposed



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17-002 St Marys Church
 5-11 Epsom Rd Kensington

TP04.3 14/09/2017
 SHADOW DIAGRAM
 1:200



EPSOM ROAD VIEW LOOKING NORTHWEST

PROJECT
ST MARYS CHURCH

ADDRESS
**5-11 EPSOM RD
KENSINGTON**

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EPSOM ROAD VIEW LOOKING SOUTHWEST

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THE RIDGEWAY ELEVATION

PROJECT
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COURTYARD VIEW

PROJECT
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COLONNADE AT THE RIDGEWAY

PROJECT
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DELEGATED PLANNING APPLICATION REPORT

Application number:	TP-2015-81
Applicant:	St Mary's Coptic Orthodox Church C/- SJB Planning Pty Ltd
Address:	1-3, 5, 7 and 9-11 Epsom Road, Kensington (1-11 Epsom Road, Kensington)
Preamble:	Demolition of existing buildings (5, 7 and 9-11 Epsom Road) to allow for the construction of a two storey building with two basement levels in association with the continued use of the land as a Place of Assembly and Place of Worship, and the creation of a new vehicle crossover off the rear laneway
Date of s.57A application:	19 October 2017
Responsible officer:	Richard Cherry

1 SUBJECT SITE AND SURROUNDS**1.1 Application Site**

The application site comprises four allotments (1-3, 5, 7 and 9-11) and is located on the south-west side of Epsom Road, Kensington, bound by The Ridgeway along the north-west side boundary, Kensington Road along the south-east side boundary and a Council laneway along the south-west rear boundary. The site is at the junction of Epsom Road, McCracken Street, Macaulay Road and Kensington Road (refer Figures 1&2).

The land is regular in shape and has a frontage to Epsom Road of approximately 69m and a depth of approximately 35m. The combined sites have a total area of approximately 1,558m².

The land is developed as follows:

- No. 1-3 – St Mary's Coptic Orthodox Church (Place of Worship), constructed 1918-1920. The church is constructed from brick with a pitched gable tile roof. Single storey brick outbuildings are located to the rear of the church, fronting the rear laneway.

The church is sited so that it faces the south-east corner.

The church currently receives a C grading in a Level 3 streetscape, pursuant to the Heritage Places Inventory June 2016.

The south-east corner of the site is currently splayed to provide for a wider footpath and has been maintained by Council.

- No. 5 – a single storey, double-fronted brick and weatherboard building with pitched tile roof and rear lean-to addition, currently used as a Place of Assembly as part of the church.

The building currently receives a D grading in a Level 3 streetscape, pursuant to the Heritage Places Inventory June 2016.

- No. 7 – a single storey Edwardian block panel façade building with front verandah and corrugated roof, also used as a Place of Assembly as part of the church.

The building currently receives a D grading in a Level 3 streetscape, pursuant to the Heritage Places Inventory June 2016.

- No. 9-11 – located on the corner of The Ridgeway, a single storey brick building with pitched gable terracotta tile roof, currently used as a Place of Assembly as part of the church.

The building is ungraded.

The existing church at 1-3 Epsom Road has been operating as a Place of Worship since its construction (circa 1918). The adjacent building at 5 Epsom Road was constructed a few years later as the vicarage to the church (formerly the Holy Trinity Church of England). No. 7 Epsom Road was originally constructed as a dwelling circa 1912.

In 2006, a planning permit was granted for 5, 7 as well as 9-11 Epsom Road to be variously used as a Place of Assembly; comprising meeting rooms, games rooms, library, kitchens, offices and classrooms – all associated with the church.

A low iron fence extends along the Epsom Road boundary and returns along part of the Kensington Road boundary before stepping up to a higher fence for its remainder.

At grade car parking (15 spaces) is located at the rear of the buildings with access off the laneway.

Pursuant to the Heritage Places Inventory 2017 as part of Planning Scheme Amendment C258, 1-7 Epsom Road is proposed to be combined into one 'significant' grading. No. 9-11 Epsom Road remains ungraded.

1.2 Surrounds

The subject site is located on a key corner, intersected by four roads (Epsom Road, Macaulay Road, Kensington Road and McCracken Street). The characteristics of each street vary.

Epsom Road is defined by predominantly single storey residential development on the south-west side. A large portion of these dwellings comprise heritage fabric including pitched roofs, weatherboard and blockwork façades and low front fences. The north-east side is characterised by rear of dwellings facing McCracken Street and Kensington Primary School.

Macaulay Road is predominantly an activity centre; such is its commercial zoning. Two storey built form dominates the streetscape and the mix of uses is commensurate with the zone.

Kensington Road is characterised by single storey dwellings with pitched roofs, varying materials and a mix of low and high front fences.

McCracken Street includes a mix of period dwellings, brick churches and Kensington Primary School.

Within the site's surrounds:

- The Macaulay Road activity centre is 20m to the east;
- Kensington Railway Station is 275m to the east;
- Kensington Primary School is 100m to the north-west;

- J.J. Holland Park is 300m to the south-west.



Figure 1: Map of application site and surrounding area



Figure 2: Aerial of application site and surrounding area



Figure 3: Subject site (1-3 Epsom Road)



Figure 4: Subject site (1-3 Epsom Road)



Figure 5: Subject site (1-3, 5 & 7 Epsom Road)



Figure 6: Subject site (7 & 9-11 Epsom Road)



Figure 7: Rear of site and laneway looking south-east



Figure 8: Rear of site and laneway looking north-west



Figure 9: Built form along McCracken Street



Figure 10: Macaulay Road looking west towards church

2 BACKGROUND AND HISTORY

2.1 Planning Application History

Permit Number / Address	Preamble	Decision
TP-2003-1301/A 1-11 Epsom Road, Kensington (application site)	Demolish part of the rear of 3-5 and 7 Epsom Road, construct alterations to 3-5 and 7 Epsom Road, construct additions to 3-5 Epsom Road in association with the existing use as a Place of Assembly, use 7 and 9-11 Epsom Road as a Place of Assembly, and construct accessways and car parking on the site for 15 vehicles.	Amended Planning Permit issued on 28 March 2006

2.2 Amended Application

Planning application TP-2015-81 was lodged with Council on 9 February 2015. The application proceeded to advertising. Objections and internal referral responses were received.

Subsequently, a Section 57A Amendment application was lodged with Council on 19 October 2017. Positive key changes to the plans included:

- Amendments to the built form, siting, layout and materiality amendments;
- Relocation of the open courtyard from the rear to the front (facing Epsom Road); and

- Relocation of the basement vehicle ramp from Epsom Road to the rear laneway.

The Section 57A Amendment application is the subject of this assessment.

3 PROPOSAL

- Demolition of:
 - All buildings at 5 Epsom Road;
 - All buildings at 7 Epsom Road;
 - All buildings at 9-11 Epsom Road;
 - A shade structure, shed and internal fence at 1-3 Epsom Road;
 - Paving across the site;
 - Boundary fencing.
- Retention of the entire church building at 1-3 Epsom Road.
- Construction of a two storey building with two level basement located over 5, 7 and 9-11 Epsom Road and part of 1-3 Epsom Road with the following layout:
 - Basement Level 1: 27 car parking spaces, 2 motorbike spaces, services and storage areas that could informally house bicycles.
 - Basement Level 2: 33 car parking spaces, 2 motorbike spaces, rainwater tanks and storage areas that could informally house bicycles.
 - Ground Floor: Sunday school classrooms and multipurpose rooms, kitchen/canteen, bathroom facilities, waste store and rear vehicle ramp down to the basement. The building surrounds a central courtyard fronting Epsom Road.
 - First Floor: Secondary chapel and associated place of worship rooms, office rooms and facilities, kitchen, bathroom facilities and storage.
 - Roof: Solar panels towards the north-west corner of the roof, which variously slopes down at certain points.
- The building varies in height; however, at its highest point, it reaches approximately 11.9m above ground level.
- The application material lists the total floor area on-site (including the church) as 1,544m² with a net floor area increase of 481m².
- The building can be described as having an irregular U-shaped footprint with various pitched roof slopes to create height variation. Materials, colours and finishes include a mix of aluminium framing, timber battens, cement cladding and precast concrete; clear and stained glass; planter trellises; timber trimmings/linings; and a steel gate. The exposed walls include colonnades between arched openings.
- General paving and soft landscaping over the entire site in accordance with the Landscape Plan prepared by Openwork.

The site will continue to be used as a Place of Assembly with the proposal essentially seeking to upgrade existing conditions in a modern facility. The proposal does not seek to use the new building for anything other than what it is already used as, a Place of Assembly.

The plans which have been considered in the assessment of the application are those prepared Make Architecture, dated 14/09/2017.

4 STATUTORY CONTROLS

Clause	Permit Trigger
Clause 32.08 General Residential Zone – Schedule 1	<p>Pursuant to Clause 32.08-2, a Place of Assembly is a Section 2 Use – Permit Required. As outlined at Section 3 of the report, the proposal will continue to use the land as a Place of Assembly, which received approval under Planning Permit TP-2003-1301/A. A permit is therefore not required for the use of the land.</p> <p>There is no change to the use of the host church at 1-3 and 5 Epsom Road, which has existing use rights pursuant to Clause 63.</p> <p>Pursuant to Clause 32.08-8, a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.</p>
43.01 Heritage Overlay – Schedule 223	<p>Pursuant to Clause 43.01-1, a permit is required to demolish or remove a building and construct a building or construct or carry out works.</p> <p>Note that Heritage Overlay 223 affects 1-3 Epsom Road and the south-eastern portion of 5 Epsom Road only.</p>
Clause 52.06 Car Parking	<p>Pursuant to Clause 52.06-1, car parking requirements apply to an increase in the floor area of an existing use.</p> <p>However, the proposal does not seek to increase patron numbers, rather upgrade existing facilities.</p> <p>Notwithstanding, a traffic and parking assessment based on the Place of Assembly Planning Scheme rate of 0.3 spaces to each patron permitted will be used in the assessment at Section 15.5 of the report.</p>
Clause 52.34 Bicycle Parking	<p>Pursuant to Clause 52.34-1, where the floor area occupied by an existing use is increased, the requirement for bicycle facilities only applies to the increased floor area of the use.</p> <p>The net floor area equates to 481m².</p> <p>Pursuant to Clause 52.34-3, Place of Assembly requires bicycle spaces for 1,500m² of more net floor area. Therefore, a permit is not required.</p>
Clause 66.02 Referral and Notice Provisions	<p>Pursuant to Clause 66.02-11, an application to subdivide land, to construct a building or to construct or carry out works for a Place of Assembly comprising 400 or more seats or 600 or more square metres of gross floor area requires referral to Head, Transport for Victoria.</p>

5 STRATEGIC FRAMEWORK

5.1 State Planning Policy Framework (SPPF)

Clause 11.02 (Urban growth) seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Clause 11.06-4 (Place and identity) seeks to create a distinctive and liveable city with quality design and amenity.

Clause 11.06-5 (Neighbourhoods) seeks to create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs.

Clause 11.06-6 (Sustainability and resilience) seeks to create a more sustainable and resilient city that manages its land, biodiversity, water, energy and waste resources in a more integrated way.

Clause 15.01-1 (Urban design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

Clause 15.01-2 (Urban design principles) 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) 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 conservation) seeks to ensure an appropriate setting and context for heritage places is maintained or enhanced.

Clause 18.02-1 (Sustainable personal transport) seeks to promote the use of sustainable personal transport.

Clause 18.02-5 (Car parking) seeks to ensure an adequate supply of car parking that is appropriately designed and located.

Clause 19 (Infrastructure) requires planning to recognise social needs by providing land for a range of accessible community resources.

5.2 Local Planning Policy Framework (LPPF)

5.2.1 Municipal Strategic Statement (MSS)

Clause 21.06-1 (Urban design) seeks to ensure that the height and scale of development is appropriate to the identified preferred built form character of an area.

Clause 21.06-2 (Heritage) seeks to protect buildings, streetscapes and precincts of cultural heritage significance from the visual intrusion of new built form; and conserve, protect and enhance the fabric of identified heritage places and precincts.

Clause 21.06-3 (Sustainable development) seeks to encourage environmentally sustainable building design innovation.

Clause 21.10-5 (Community Facilities) seeks to integrate new community facilities or renewed community facilities with residential developments in order to provide the appropriate balance and mix of facilities; and ensure all future community facilities can accommodate multipurpose uses where appropriate and can be adapted to suit the needs of the community.

Clause 21.15-2 (Flemington and Kensington) are residential areas adjacent to the Flemington Racecourse, the Royal Agricultural Showgrounds and the Maribyrnong River. Maintaining and enhancing residential amenity and the heritage characteristics of the area is a priority.

It seeks to ensure development in the residentially zoned (stable residential) area of Flemington and Kensington maintains its generally low scale nature of heritage streetscapes and buildings; and encourages sympathetic infill redevelopment and extensions that complement the architecture, scale and character of Kensington and Flemington.

5.2.2 Local Policies

Clause 22.05 (Heritage places outside the Capital City Zone) seeks 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 22.14 (Discretionary uses in the Neighbourhood and General Residential Zones) seeks to facilitate non-residential uses in residential areas only where they are compatible with the residential character and amenity and serve the needs of the local community; and discourage new non-residential uses in the Residential Zones unless there is a net benefit to local residents and the local community.

Clause 22.17 (Urban design outside the Capital City Zone) seeks to ensure that the scale, siting, massing and bulk of development complements the scale, siting, massing and bulk of adjoining and nearby built form.

Clause 22.19 (Energy, Water and Waste Efficiency) seeks to ensure buildings achieve high environmental performance standards at the design, construction and operation phases.

Clause 22.23 (Stormwater Management – Water Sensitive Urban Design) seeks to promote the use of water sensitive urban design, including stormwater re-use.

6 ZONE AND OVERLAYS

6.1 General Residential Zone

The purpose of the General Residential Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

6.2 Overlays

The purpose of the Heritage Overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

7 PARTICULAR PROVISIONS

The following particular provisions apply to the application:

- Clause 52.06 – Car Parking.

8 GENERAL PROVISIONS

The following general provisions apply to the application:

- Clause 63 – Existing Uses;
- Clause 65 – Decision Guidelines;
- Clause 66 – Referral and Notice Provisions.

9 OTHER RELEVANT DOCUMENTS

9.1 Amendment C258

Melbourne Planning Scheme Amendment C258 proposes to revise the local heritage planning policies, incorporate new heritage statements of significance and replace the A to D grading system with the significant/contributory/non-contributory grading system.

The amendment proposes to:

- Revise the local heritage planning policies in the Melbourne Planning Scheme;
- Incorporate new heritage statements of significance for the following precincts: Carlton; East Melbourne and Jolimont; North Melbourne and West Melbourne; Parkville; South Yarra; and Kensington;
- Replace the 'A to D' grading system with the 'significant/contributory/non-contributory' grading system in line with the Department of Environment, Land, Water and Planning Practice Note and Planning Panels Victoria directions.

Pursuant to Amendment C258, 1-3 (church), 5 and 7 Epsom Road (buildings associated with the church use) will be consolidated into one combined 'significant' grading and 9-11 Epsom Road (also used by the church) will remain ungraded. It is noted that C258 is not yet a seriously entertained amendment.

10 PUBLIC NOTIFICATION

Original Application

It was determined that the original proposal may have resulted in material detriment. Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties and by posting seven (7) notices on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

Section 57A Application

It was determined that the Section 57A proposal may result in material detriment. Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties, original objectors and by posting seven (7) 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 61 objections have been received to the original and Section 57A applications. The concerns raised are summarised below and are addressed throughout the report.

11.1 Traffic and Parking

- Traffic and parking issues, including
 - Traffic volumes;
 - Congestion within the rear laneway and surrounding streets;
 - Safety of pedestrians and cyclists;
 - Two-way function of the rear laneway;
 - Traffic forecasts based on there being no increase to patron numbers;
 - Traffic and parking survey days/times;
 - Crossover to Epsom Road (note this has been removed under 57A application).

11.2 Built Form

- Heritage impacts, including:
 - Demolition of existing heritage graded buildings;
 - The relationship between existing heritage built form and the proposed building;

- Streetscape character impacts;
- Overdevelopment of the site;
- No boundary fence to Epsom Road.

11.3 Community Amenity

- No benefit to the local community;
- Inappropriate uses on the site (namely the 'Sunday School');
- Increase in patron numbers over time;
- Rubbish impacts.

11.4 Residential Amenity

- Overlooking;
- Overshadowing;
- Loss of views;
- Visual bulk;
- Noise impacts.

11.5 Vegetation

- Landscape concerns;
- Impacts on existing street trees;

11.6 Other

- Construction impacts, including:
 - Disruption to the surrounding area;
 - Impacts on surrounding businesses;
 - Damage to surrounding buildings.
- Decrease in property values in the area;
- No master plan prepared for the development;
- Poor timing of notice of the applications;
- Lack of community consultation.

12 SUPPORT

The application has also received well over 100 letters of support. While the content of these letters generally differs slightly, the key points raised are summarised as follows:

- Improved facilities;
- Benefits to the local Kensington community;
- Reduced on-street traffic and parking congestion;
- Better safety for the area including surveillance of the street and lighting;
- Ability for more community activities to build on existing services such as Manna 4 Life (supporting the underprivileged), ANZAC Day dawn service, markets, fetes and social support programs;
- Improved character of the area;
- Utilise space more efficiently;
- A more environmentally friendly building.

13 INTERNAL REFERRALS

13.1.1 Urban Design

1. Background

The previous advice noted the following:

- *Support for the redevelopment of the site with meeting, education and community spaces associated with the Coptic Church.*
- *Support for the 2 storey height, but recommendation for greater variation in height to improve the composition.*
- *Concerns regarding the low level of architectural ambition given the prominent site and public role.*
- *Recommendation to shape the front setback to encourage gathering and interaction with the public realm.*
- *Greater expression of a series of volumes to break down the mass and express the program.*
- *Stronger material and formal response to existing buildings on site.*
- *Recommendation for integrated planting to exterior walls.*

2. Revised Proposal

We commend the proponent for engaging a high quality design team. The proposed package clearly details the design evolution in response to context and represents a compelling response to both the program and context. It is clear that the proposal has clearly been derived in response to the recommendations in the previous urban design advice. Specifically we note the following:

- *The consolidation of parking underground off the rear lane is supported, this maximises the usability of outdoor areas.*
- *The series of outdoor areas comprising the new laneway between the church and new form, as well as the north facing courtyard/cloister space. These spaces have a strong contribution to the public realm, and use the community program of the site to connect to Epsom Road.*
- *The shaping of the form with a step down and landscape setback to the residential neighbours is a generous gesture, which provides an appropriate transition along a residential street.*
- *The courtyard form with two projecting forms to Epsom Road reduces the perception of bulk of the overall form, and provides for street rhythm which complements the siting of the existing church.*
- *The overall height of the building does not overwhelm the primary vantage points of the church, which has clearly been designed to address the Macaulay Road axis. The highest point of the building is not located in a position that would compete with the primary of the church form on this axis.*
- *The architectural form adopts a clearly civic expression, which makes legible the use of the building. The adoption of the arched motif and colonnade expresses the connection to the Coptic Church.*

Recommendations

Whilst we broadly support the proposal, we note the following elements which we feel require address to achieve a high quality outcome for the site:

- *Further shaping of the form to achieve a more pronounced silhouette. Presently the contemporary 'spire' elements are subtle, and emphasise a flatness in the building which increases visual bulk. Further shaping of these parapet forms could assist in enhancing the vertical proportion, and subsequent relationship to the existing Church.*
- *We have some concerns around the planting strategy in conjunction with the colonnade in its current form where it interfaces with Epsom Road and The Ridgeway. The sections show planting to 2m high which would create unsafe spaces within colonnade, and dense tree planting.*
- *We require the revision of the landscape strategy to ensure any hedge style planting is limited to 1m in height to allow sightlines. Clean trunked trees should be placed to allow for clear views through to the courtyard and colonnade on the Epsom Road frontage.*
- *Lighting outside of hours and in the evening should be incorporated within the colonnade, in order to deter anti-social use which may pose a threat to pedestrians or building users.*

13.1.2 Heritage

The application was referred to Council's Heritage Advisor for comment. The original response is as follows:

Setting aside the issue of the proposed demolition of numbers 5 and 7 Epsom Road, I have reviewed the application documents and I note the following matters:

- *A component of the significance of the existing church relates to its prominence as a termination to views from Macaulay Road. The church is aligned at a sharp angle to the site boundaries aligning with Macaulay Road. The church is a focus to views for a long distance down Macaulay Road, through the local shopping precinct. The siting of the existing church on the land takes advantage of this landmark location at the top of the hill. An elevation in alignment with the front of the existing church is not included in the documentation.*
- *Assessing the current documentation, the bulk of the proposed building is of concern when viewed from Macaulay Road. Following our discussion this afternoon, please request from the applicant an accurate indication of the view to the development from the intersection of Epsom and Macaulay Road, viewing point at 1.7m height at the footpath to the corner of 548 Macaulay Road.*
- *The existing boundary fence to the church and to the properties along Epsom Road is proposed to be removed in some locations. The fence appears to be consistent in form for the church and 5 Epsom Road, and to be of similar but reduced detailing to 7 Epsom Road. The documentation is not clear in relation to the extent of the proposed removal or the proposed works in front of the existing church. A render is included on the Landscape Plan TP01-01 but this does not include any annotation. The description under "Landscape types" does not assist in defining the works proposed at the front of the church. The Building Identification Form in the Flemington and Kensington Conservation Study, identifies the fence as a later element to be retained. Clarification is required for the extent of removal of the existing fence and the proposed works to the front of the existing church. The removal of the fence on the corner and for some distance along Epsom Road is unlikely to be supported.*

- *Street tree canopies. Street trees contribute to the heritage context for the church and houses. Three mature elms could be affected by the development – Trees 12, 13 and 14. These trees are part of an Epsom Road elm avenue. The architectural drawings and the arborist's report appear to show the canopies indicated on the survey drawing. At variance with the survey drawing, the aerial photographs appear to indicate that the canopy of tree 12 extends to be close to the façade alignment of the existing house at 7 Epsom Road. The survey drawing appears to indicate a smaller canopy. I observe that trees 12, 13 and 14 have been wire-pruned. The proposed Basements are set a uniform distance from Epsom Road at 2.239m. The TPZs in the arborist's report appear to adopt a development alignment which relates to above-basement construction set further from the boundary.*

In the arborist's report the height of Tree 12 is nominated as 11m. The proposed building would have a height of approximately 11.986m.

As requested, the applicant subsequently provided an accurate render of the proposed development taken from the intersection of Epsom Road and Macaulay Road (refer Figure 11). Council's Heritage Advisor provided the following response:

The Additional Render is sufficient to show that the prominence of the existing church would be retained from Macaulay Road.

In relation to the proposed works my recommendation is amended to the following:

Amended Recommendation

For Nos. 5 and 7 Epsom Road, demolition of the front 2 rooms in depth is not supported by the statement of significance for these buildings, current local heritage policy or the proposed C258 local heritage policy.

Number 5 "is of local historical interest. The building represents the second phase of ecclesiastical development of the area, which followed the massive wave of development in the surrounding streets in the 1910s." (Allom Lovell BIF, 1999).

Number 7 "is of local historical and aesthetic interest. It is a reasonably intact example of the type of Edwardian villas which were built in this part of Kensington in the 1910s, and it relates visually to its neighbours at Nos. 17, 19 and 21 Epsom Road. It represents the major, formative phase of development of Kensington and Epsom Road." (Allom Lovell BIF, 1999).

Assessed under the proposed amendment C258 to local heritage policy, numbers 1-7 Epsom Road is listed as "significant". Under the proposed clause 22.05, demolition of number 5 and 7 Epsom Road would depend on the demonstration of "exceptional circumstances".

Demolition of numbers 5 and 7 Epsom Road as proposed is not supported. Assessing the proposed development in isolation from the associated demolition, assessment is that: removal of parts of the perimeter fence and development at the front of the church could affect the context for the church; and that the elm avenue which contributes to HO9 and HO223 could be affected by the proposed basement development.

13.1.3 Traffic Engineering

Original Application

Council's Traffic Engineers raised a number of concerns following referral of the original application. Key original comments were as follows:

The Planning Scheme car parking requirement for a "Place of Assembly" requires a car parking rate of 0.3 spaces to each patron. Notwithstanding that the Cardno report claims that the proposal is not anticipated to generate additional patrons, but rather provide

improved facilities to existing patrons, it is likely that some additional patrons will be attracted to the improved facility and/or that additional services/activities will be offered.

The information provided as part of the application is incomplete as it does not include any information about current congregant numbers, current and future types of activities and concurrent activities on the site, number of students attending Sunday school etc.

A condition to cap the maximum number of people on-site at any one time should be considered.

Large volumes of traffic entering and exiting the site in a very short period of time is likely to be dangerous so close to the intersection. Additionally, having large numbers of vehicles crossing the footpath where there are frequent pedestrian movements is also a safety issue.

As a result, an alternative access should be considered, either via Epsom Road located further from the intersection, or preferably via The Ridgeway or the ROW at the rear of the site (widened).

The provision of two disabled parking spaces is required under the BCA. The disabled spaces provided meet the requirements of AS2890.6 in terms of layout.

The Planning Scheme requires 2 visitor bicycle spaces. There is storage for 6 bicycles provided at Basement 1 level, thus complying with this requirement. However, it would be more practical to provide bicycle parking at ground level.

Traffic Engineering also raised concerns with sightlines, headroom clearance, ramp design/gradients, car space dimensions and column locations.

Section 57A Amendment Application

The amendment application was referred to Traffic Engineering who provided the following response:

I refer to planning's request for Traffic Engineering comments in relation to 1-11 Epsom Road, Kensington - St Mary's Church TP-2015-81, amended plans prepared by Make-Architecture received 18/10/2017.

The amended plans show a localised widening adjacent the rear lane way 'CL0534' which will significantly improve pass opportunities within the lane way.

Traffic Engineering is supportive of the proposed changes and have no further comments.

13.1.4 Land Survey

Land Survey has no objection to the deletion of the vesting requirement of the extension to the splay on the proviso that the existing scenario has been assessed from a pedestrian movement point of view.

13.1.5 Waste Services

We have reviewed the Waste Management Plan (WMP) for this proposed development and found it to be acceptable.

Waste Condition:

The waste storage and collection arrangements must be in accordance with the WMP prepared by Atelier Ten dated 8th September 2017.

The submitted WMP must not be altered without prior consent of the City of Melbourne – Engineering Services.

13.1.6 City Design (Landscaping)

The Landscape Report is supported. It describes an appropriate conceptual approach to the soft landscape of the development and the way in which planting and other works would be integrated with the existing and proposed landscape and buildings.

The Report (page 12) also acknowledges practical issues posed by the proposed basement construction and commits to steps to be taken to ensure appropriate soil volumes, drainage and irrigation in and around it:

'We understand that a key factor in the success of planting on structure is the provision of the appropriate volume of soil to enable the retention of moisture and nutrients required for growth. The design makes allowances for these volumes through slab set-downs, built-up areas of soil and planting in terra firma. Achievable depths include 1,000mm for trees, 600mm for shrubs and 400mm for ground covers. All planted areas on slab will include sub-surface drainage outlets for collection of storm water. All planted works will be automatically irrigated and maintained by the Church.'

Any permit should include conditions requiring the submission of detailed landscape plans that confirm the development of the concept described in the Landscape Report into implementation documents. Details should include soil volumes, depths, drainage and irrigation provision.

13.1.7 Civil Design

No comments, subject to standard conditions to be included on any permit granted.

13.1.8 Urban Forest and Ecology

General

These comments refer to the potential impacts of the proposal on publicly owned trees and are made in accordance with the Tree Retention and Removal Policy.

Comments

The Arboricultural Assessment by Tree Logic (dated 9 August 2017) confirms that the current design has responded to Arboricultural guidance, especially in relation to site access and as a result the impact on the eleven public trees adjacent to the application site is largely of a level consistent with AS 4970-2009 – Protection of trees on development sites. The exception to this is the works that are likely to affect public tree asset 1017283 (identified as tree 17 in the Tree Logic report).

I have reviewed previous Urban Forest comments regarding this tree and tree fifteen. Whilst the referral comments dated 20 May 2016 do identify the potential for root impacts, the encroachment into the Tree Protection Zone (TPZ) of tree fifteen is within acceptable standards. In relation to tree seventeen, there are numerous occurrences throughout the city where the roots of public trees are likely to cross (trespass) into private land. The assessment on the impact of any root severance, associated with the legal right to prune to the boundary, has to be made on a case by case basis. In this instance, aerial photography records show that the hard surface within the site and tree seventeen's TPZ, has been there since at least 2009. Given this and the probability that this surface has resulted in ground conditions that are not compatible with root growth, it is my view that to condition the permit requiring the property owner to undertake non-destructive excavation to determine root location, is unnecessary.

The Arboricultural Assessment does not consider any impacts from physical construction requirements. These will only be known at the submission of a Construction and Traffic Management Plan. In view of the site's layout and the access available from the laneway, via The Ridgeway, it is considered that impacts to public trees at this stage should be minimal.

I concur with the Arboricultural Assessment and provide the following conditions and advice notes should a permit be issued.

Refer to Urban Forest and Ecology Conditions.

14 EXTERNAL REFERRALS

Pursuant to Clause 66.02-11, the Section 57A application was referred to Head, Transport for Victoria, who did not object to the proposal or offer any conditions.

15 ASSESSMENT

The proposal seeks approval for demolition of existing buildings (5, 7 and 9-11 Epsom Road) to allow for the construction of a two storey building with two basement levels in association with the continued use of the land as a Place of Assembly and Place of Worship, and the creation of a new vehicle crossover off the rear laneway. The key considerations covered in this assessment are the use of the land, the built form response and impacts on the community including neighbouring amenity and traffic.

15.1 Use

Planning Permit TP-2003-1301/A was issued in March 2006. Approval was granted for use of 7 and 9-11 as a Place of Assembly in association with the existing Place of Worship and Place of Assembly at 1-3 and 5 Epsom Road respectively. The proposed development seeks to continue to use the land as a Place of Assembly.

Relevantly, the endorsed plans relating to TP-2003-1301/A show the following layouts:

- **5 Epsom Road** – Meeting rooms, games rooms, store rooms, library, kitchen, kiosk and bathroom facilities.
- **7 Epsom Road** – Offices, meeting rooms, bathroom facilities.
- **9-11 Epsom Road** – Five classrooms and bathroom facilities.

The following purposes and policies within the Melbourne Planning Scheme are relevant:

- The General Residential Zone seeks to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.
- Clause 11.02 (Urban growth) seeks to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- Clause 11.06-5 (Neighbourhoods) seeks to create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs.
- Clause 19 (Infrastructure) requires planning to recognise social needs by providing land for a range of accessible community resources.
- Clause 21.10-5 (Community Facilities) seeks to integrate new community facilities or renewed community facilities with residential developments in order to provide the appropriate balance and mix of facilities; and ensure all future community facilities can accommodate multipurpose uses where appropriate and can be adapted to suit the needs of the community.
- Clause 22.14 (Discretionary uses in the Neighbourhood and General Residential Zones) seeks to facilitate non-residential uses in residential areas only where they are compatible with the residential character and amenity and serve the needs of the local

community; and discourage new non-residential uses in the Residential Zones unless there is a net benefit to local residents and the local community.

As previously discussed, the site is already being used as a Place of Assembly and Place of Worship. The proposal seeks to continue to use the site for these purposes, albeit in a new building. While the net floor area is greater (approximately 481m²), there is no expectation that the use will intensify. Rather, the services that are offered to members/patrons will be improved.

The proposal continues to rely on existing use rights for the site, including existing and typical hours of operation, services and attendee numbers. Notwithstanding, an Operational Management Plan could be required to be submitted as a condition on any permit granted to ensure that typical hours of operation, special events (fetes etc.) and attendee numbers are provided to Council – **refer recommended Condition 24.**

The improvements to existing facilities on the site will promote a strong community, will provide for a range of accessible community resources, will deliver multipurpose uses and will continue to allow educational, religious and community uses. This aligns with state and local policy outlined above.

In addition, the improved urban design response on-site, which includes an open courtyard with surveillance to Epsom Road, will ensure that a more vibrant neighbourhood is realised, particularly when community services and activities are held on the land.

Pursuant to Clause 22.14, it is policy to assess proposals against the following criteria. Note that due to existing use rights and current planning approval at the application site, the following assessment has been carried out to further demonstrate that the continuation of the use is appropriate.

Table 1 – Clause 22.14

<p>Non-residential uses should have a clear and workable management plan for their operation.</p>	<p>No formal management plan has been submitted for the operation of the place of assembly. While the existing building on the site is used for the same purposes as those proposed, the scale of the use has been increased/intensified. Given this and the site's location within a residential area, it is considered appropriate to require the submission of a management plan for the premises as a condition on any permit granted – refer recommended Condition 24.</p>
<p>Non-residential uses should not result in significant changes to traffic conditions in local streets or significantly increase demand for on-street car parking.</p>	<p>Engineering Services is satisfied that the proposed use will not result in significant changes to traffic conditions in local streets or unreasonably increase demand for on-street car parking.</p>
<p>The times of loading or unloading of deliveries should not adversely affect the amenity or traffic function of the area.</p>	<p>Given the nature of the proposed use there is not anticipated to be any significant deliveries to the site, which will conveniently take place on-site via the rear laneway.</p>
<p>Noise associated with deliveries should not cause disturbance to nearby residents.</p>	<p>See discussion above.</p>
<p>Non-residential uses should not subject neighbouring residential properties to unreasonable levels of noise or vibration (associated with the operation of the use, the hours of operation, music and entertainment, air conditioning</p>	<p>Standard conditions can be included on any permit granted to control noise associated with the operation of the use and music – refer recommended Condition 25-28.</p>

and other plant equipment).	
Provision should be made on site for appropriate waste storage and collection facilities, including provision for specialised wastes. Waste facilities should be screened from neighbouring properties, streets and laneways.	Waste storage and collection will occur on-site via the rear laneway. Council's Waste Services team fully supports this function.
Rubbish and waste collection, particularly the collection of bottles and other recyclable materials, should not disturb residential amenity.	See discussion above.
Signage and its illumination must not detrimentally impact the residential amenity of the area.	No signage is proposed.
Non-residential uses should prevent light spillage onto residential properties.	Council's Urban Design team has requested the following: <i>Lighting outside of hours and in the evening should be incorporated within the colonnade, in order to deter anti-social use which may pose a threat to pedestrians or building users.</i> The above could be required as a condition on any permit granted with light spill also controlled by permit condition – refer recommended Condition 1a.
Residential properties should not be subjected to dust, or offensive air emissions.	Not applicable.
Residents should not be disturbed by the operation of the activity during the night.	Refer recommended Condition 24.
Non-residential uses should not cause electrical interference to neighbouring properties.	Not applicable.

15.2 Heritage

In response to the comments received by Council's Heritage Advisor, the key considerations are the appropriateness of demolition, the appropriateness of the replacement building, removal of the front boundary fence, and the impact on street trees.

15.2.1 Demolition

The proposal seeks to demolish the existing buildings at 5, 7 and 9-11 Epsom Road. As outlined at Section 13.1.2 of the report, demolition of 5 and 7 Epsom Road as proposed is not supported by Council's Heritage Advisor. No's 5 and 7 are both graded 'D'. Pursuant to Clause 22.05 (Heritage Places Outside the Capital City Zone) D graded buildings are:

...representative of the historical, scientific, architectural or social development of the local area. They are often reasonably intact representatives of particular periods, styles or building types. In many instances alterations will be reversible. They may also be altered examples which stand within a group of similar period, style or type or a street which retains much of its original character. Where they stand in a row or street, the collective group will provide a setting which reinforces the value of the individual buildings.

Of relevance, Clause 22.05 states that:

Contributory building means a 'C' grade building anywhere in the municipality, or a 'D' grade building in a Level 1 or Level 2 streetscape.

Pursuant to the current Heritage Places Inventory, the application sites are located in a Level 3 streetscape. As such, they do not have individual heritage importance.

Clause 22.05 states that Level 3 streetscapes:

...may contain significant buildings, but they will be from diverse periods or styles, and of low individual significance or integrity.

Also of relevance, Clause 22.05 states that:

Demolishing or removing original parts of buildings, as well as complete buildings, will not normally be permitted in the case of 'A' and 'B', the front part of 'C' and many 'D' graded buildings.

Broadly, Clause 22.05 asks whether the demolition or removal of graded buildings is justified for the development of land or the alteration of, or addition to, a building. Moreover, as outlined by Council's Heritage Advisor at Section 13.1.2 of the report, demolition of 5 and 7 Epsom Road would depend on the demonstration of "exceptional circumstances".

Clause 22.05 contemplates demolition of some heritage graded buildings with the principal test being whether construction of a replacement building outweighs retention of the two individual buildings (5 and 7 Epsom Road in this instance noting that 9-11 Epsom Road is ungraded). The replacement building is discussed at Section 15.2.2 of the report.

15.2.2 Replacement Building

Setting the demolition aside, Council's Heritage Advisor determined that the key view of new built form in relation to the retained church is from the intersection of Epsom Road and Macaulay Road and its associated long distance views down Macaulay Road, through the local shopping precinct. The siting of the existing church takes advantage of this landmark location at the top of the hill. As requested an accurate, surveyed render was provided by the applicant, taken from the intersection in question. The render, shown in Figure 11, provides a clear indication of the proposed building's relationship with the church.

Council's Heritage Advisor subsequently commented that *'the additional render is sufficient to show that the prominence of the existing church would be retained from Macaulay Road.'*

Clause 22.05 provides design guidance when assessing new buildings. This includes form, façade pattern and colours, materials, details, concealment of higher rear parts, façade height and setback and building height. A response to these is found at Table 2:

Table 2 – Clause 22.05

Form	Subject to minor detail changes as directed in the Urban Design referral comments, the design response is a respectful built form outcome in the Epsom Road (Level 3) streetscape. Its roof form does not mimic, but rather complements the existing church and steps down at certain corners to respond to the lower scale character of the street.
Façade Pattern and Colours	The façade pattern and colours are interpretive of the street. The civic expression and arched motifs pay homage to the existing corner church and its associated uses within the existing buildings being replaced.
Materials	The materials are mute and respectful of the area, acting to blend in rather than contrast and compete with the dominant materiality found in the area.
Details	As outlined under 'Façade Pattern and Colours', the detailing is considered a simplified, modern interpretation of the historic form rather than a direct reproduction.
Concealment of Higher Rear	The two storey building with higher pitches sits proudly in the streetscape and has been designed to step down from the tall church at the corner of Epsom

Parts	Road and Kensington Road. This is evident at Figure 11.
Façade Height and Setback	See 'Concealment of Higher Rear Parts'.
Building Height	This section of Epsom Road is predominately single storey with some two storey built form evident. The proposal is two storeys and has been designed with sloping roof forms to complement the existing single storey buildings with pitched roofs in the street. Given the overall area with a tall church at one end, the site is well placed to accommodate a two storey building as proposed.
Sites of Historic or Social Significance	<p>The combined sites of 1-3, 5 and 7 Epsom Road are considered to be of social significance, such is its proposed 'significant' grading in accordance with Amendment C258.</p> <p>The replacement building has been carefully and appropriately designed so that it does not result in a diminished architectural condition being outweighed by the site's historic or social value.</p> <p>Rather, the opposite is achieved with the proposed replacement building resulting in an exceptional design response that will enhance the church grounds as a whole and raise the bar for future design excellence in the Kensington area.</p>



Figur 11: Accurate render of proposed development taken from the intersection of Epsom Road and Macaulay Road

15.2.3 Front Fence

Proposed low height vegetation is sought in lieu of boundary fencing (as per existing conditions) and a low brick wall acting as a divider at the Epsom Road/Macaulay Road corner splay.

The vegetation and low brick wall will create its own sense of boundary, but will deliver a more open and active street edge; and coupled with an open courtyard to Epsom Road, will result in an improved sense of community.

Previous conservation studies list the existing fence to Epsom Road as a notable feature. This is outlined by Council's Heritage Advisor, stating that '*the fence appears to be consistent in form for the church and 5 Epsom Road, and to be of similar but reduced detailing to 7 Epsom Road.*'

Removal of the fence along Epsom Road does two things: allows for the widening of the Epsom Road/Macaulay Road corner splay for improved pedestrian safety; and achieves a more active and open interface with the public realm. If the existing buildings at 5, 7 and a lesser extent 9-11 Epsom Road were to be retained, it may have been prudent to also retain the fence. However, demolition of the fence aligns with the principles of demolition of the buildings at 5 and 7 Epsom Road in that its retention does not outweigh the built form and community benefits proposed as a replacement.

15.2.4 Street Trees

Refer to Section 13.1.8 of the report for comments received by Council's Urban Forest and Ecology Officer. Also refer to Urban Forest and Ecology conditions that would be included on any permit granted to ensure that the existing street trees are protected.

15.3 Design Response

Clause 11.06-4 (Place and identity) seeks to create a distinctive and liveable city with quality design and amenity; Clause 21.06-1 (Urban design) seeks to ensure that the height and scale of development is appropriate to the identified preferred built form character of an area; and Clause 22.17 (Urban design outside the Capital City Zone) seeks to ensure that the scale, siting, massing and bulk of development complements the scale, siting, massing and bulk of adjoining and nearby built form.

Council's Urban Design team makes the following positive observations:

- *The consolidation of parking underground off the rear lane is supported, this maximises the usability of outdoor areas.*

Clause 22.17 seeks to limit vehicle crossings to pedestrian footpaths and discourages new vehicle crossings in heritage streetscapes. By providing access to the basement car park off the rear laneway, a higher urban design quality along the principal streetscape is achieved.

- *The series of outdoor areas comprising the new laneway between the church and new form, as well as the north facing courtyard/cloister space. These spaces have a strong contribution to the public realm, and use the community program of the site to connect to Epsom Road.*

Presently, there is a disconnect between the church grounds and the public realm. Small and unattractive courtyards in front of the inactive existing buildings are visible from Epsom Road.

The proposed development provides two clear breaks along the street frontage, including one between the existing church and the new building, as well as a large central courtyard that will significantly improve activation between the church grounds and the public realm.

- *The shaping of the form with a step down and landscape setback to the residential neighbours is a generous gesture, which provides an appropriate transition along a residential street.*

Care has been taken to ensure that the more sensitive low-scale residential lots to the rear (on the opposite side of the laneway) are considered. This includes a 3.4m setback from the rear property boundary. The rear elevation measures between 5.9m and 7.8m above the laneway ground level. Using ResCode as a guide, minimum setbacks required would be in the order of 1.69m to 2.89m. The 3.4m setback + approx. 3m wide laneway results in an acceptable response to the residential properties on the south-west side of the laneway – namely 1 The Ridgeway's north-east facing windows and private open space.

- *The courtyard form with two projecting forms to Epsom Road reduces the perception of bulk of the overall form, and provides for street rhythm which complements the siting of the existing church.*

The two storey building with higher pitches sits proudly in the streetscape and has been designed to step down from the tall church at the corner of Epsom Road and Kensington Road.

- *The overall height of the building does not overwhelm the primary vantage points of the church, which has clearly been designed to address the Macaulay Road axis. The highest point of the building is not located in a position that would compete with the primary of the church form on this axis.*

See above.

- *The architectural form adopts a clearly civic expression, which makes legible the use of the building. The adoption of the arched motif, and colonnade expresses the connection to the Coptic Church.*

The design response complements rather than competes with or mimics existing building form and fabric in the immediate surrounding area.

Notwithstanding the above, Council's Urban Design team has made the following design recommendation:

Further shaping of the form to achieve a more pronounced silhouette. Presently the contemporary 'spire' elements are subtle, and emphasise a flatness in the building which increases visual bulk. Further shaping of these parapet forms could assist in enhancing the vertical proportion, and subsequent relationship to the existing Church.

In response to the above, subtle increases in the taller pitch point heights in the order of 1–1.5 metres and an infill break between the south-west axis wing would respond to the feedback above and would ultimately result in a positive outcome for the following reasons:

- The enhanced verticality of the two 'wings' would better respond to the proportions of the church gable end.
- Horizontality equates to bulk, whereas verticality and slenderness is a preferable outcome. Minor additional height at each point to the Epsom Road façade is both victimless in terms of shadow and neighbouring amenity and necessary to improve the building proportions.
- The creation of an 'infill' form between the two wings would increase the sense of openness and reduces the sense of bulk when viewed from both Epsom Road and the residential interface to the rear.

The above necessary building enhancements could be achieved by way of conditions on any permit granted – **refer recommended Condition 1b and 1c.**

15.4 Off-Site Amenity

Objections relating to off-site amenity impacts are addressed as follows:

Overlooking

The use of the land will continue to operate as a Place of Assembly/Place of Worship. Notwithstanding, there will be no unreasonable overlooking opportunities to neighbouring residential properties. This is due to the proposed building having no first floor windows on the rear elevation and properties on the opposite (north-west) side of The Ridgeway are well in excess of 9m away.

Overshadowing

Due to the downward slope of the roof form towards the rear, only some additional shadow will be cast over the rear yard of 1 The Ridgeway in the morning. The rear yard would be in complete shadow at 9am, receding so that by midday, no shadow will be cast over this property. This would not meet ResCode standard, being a relevant test in this instance. However, after 9am a portion of new shadow would be cast over shading caused by existing buildings, fences etc. – limiting the impacts to a reasonable level. No other shadow will be cast over surrounding residential properties.

Loss of views

Loss of views is not a relevant planning consideration.

Visual bulk

The building has been appropriately set back from the rear property boundary to ensure that there are no visual impacts when viewed from neighbouring secluded private open space. Refer to rear setback discussion at Section 15.3 of the report.

Noise impacts

The site is already used as a Place of Assembly associated with the church. Notwithstanding, the proposal represent an increase in the net floor area and to that end, noise associated with the non-residential use is a valid concern. Standard conditions can be included on any permit granted to control noise associated with the operation of the use and music – **refer recommended Conditions 25-28.**

15.5 Traffic and Parking

Traffic and parking is a key consideration in relation to this application. A number of concerns have been raised by objectors, as outlined at Section 11.1 of the report. The original application was met with opposition from Council's Traffic Engineers. The Section 57A Amendment application now receives full support with the amendments addressing the key concerns listed at Section 13.1.3 of the report.

As there is no expectation to increase patronage beyond existing conditions, the additional car parking provided on-site (a net increase of 45 spaces) will reduce reliance on on-street parking.

In any event, if the Place of Assembly was considered a new use (permit requirement), the provision of 45 additional on-site spaces would allow 150 additional patrons to use the site based on the Melbourne Planning Scheme Clause 52.06 (Car Parking) rate of 0.3 spaces to each patron permitted. Therefore, the additional 45 spaces will allow potential future growth on-site if this was to be sought.

In addition to the above, widening of parts of the rear laneway within the application site's title boundary, will improve the ability for two-way passing; and retaining vehicle access off the rear laneway, instead of introducing a new crossover to Epsom Road as originally proposed, will ensure that the safety of pedestrians and cyclists is not unreasonably compromised.

Based on the construction activities proposed on-site, traffic disruption would be controlled through a Construction Management Plan, which would be required to be submitted as a condition on any permit granted – **refer recommended Condition 5.**

While there is storage space within the basements that are able to accommodate bicycle parking, some dedicated facilities should be provided on-site as a minimum. There is a net floor area increase of approximately 481m², which does not trigger the requirement for bicycle spaces on-site. However, bicycle spaces could easily be facilitated on-site in a location to Council's satisfaction. This could be achieved by way of condition on any permit granted – **refer recommended Condition 1d.**

15.6 Landscape Design

Referring to Section 14.1.6 of the report, Council's City Design team supports the Landscape Report submitted with the application subject to greater soil volumes, depths, drainage and irrigation provision details, which could form conditions on any permit granted – **refer recommended Conditions 4.**

In addition to the above, Council's Urban Design team made the following comments in response to the Landscape Report:

We have some concerns around the planting strategy in conjunction with the colonnade in its current form where it interfaces with Epsom Road and The Ridgeway. The sections show planting to 2m high which would create unsafe spaces within colonnade, and dense tree planting.

We require the revision of the landscape strategy to ensure any hedge style planting is limited to 1m in height to allow sightlines. Clean trunked trees should be placed to allow for clear views through to the courtyard and colonnade on the Epsom Road frontage.

It is agreed that a lowering of planting height between columns would be an appropriate outcome to ensure that improved visual connection and surveillance can be achieved. This could form a condition on any permit granted – **refer recommended Condition 4.**

15.7 Environmentally Sustainable Development

The submitted Ecologically Sustainable Development (ESD) Statement, prepared by Atelier Ten, makes the following statement:

This project is a Place of Worship for which there are no specific benchmarks that are defined within the statutory framework with which to comply. It is proposed to demonstrate compliance with the following assessment methods:

- *Compliance with the energy and water efficiency requirements of the Sustainable Design Scorecard.*
- *Preparation of a Waste Management Plan in accordance with the City of Melbourne requirements.*
- *Demonstration of storm water management compliance through a STORM assessment.*

The submitted ESD Statement could be endorsed to form part of any permit granted – **refer recommended Condition 7.**

15.8 Water Sensitive Urban Design

Clause 22.23 of the Melbourne Planning Scheme (Stormwater Management – Water Sensitive Urban Design) seeks to promote the use of water sensitive urban design, including stormwater re-use.

The submitted ESD Statement and Melbourne Water STORM Rating Report identifies:

- *The development will incorporate WELS rated water efficient appliances.*
- *The project includes rainwater capture and re-use from all roof surfaces of the new development with 2 no. 12.5m³ rainwater tanks included at B2 level. It is currently proposed that harvested rainwater will be used for WC flush and outdoor irrigation purposes.*
- *It is proposed the new building will have a separate water sub-meter from other water supplies to the existing main church building. This will be important for monitoring of water usage across site and for the ability to locate leaks.*

- *External surface storm water will be managed through the introduction of soft landscaping elements and permeable paved areas to allow soil infiltration.*
- *The proposal achieves a STORM rating of 107%.*

The submitted ESD Statement could be endorsed to form part of any permit granted – **refer recommended Condition 7.**

15.9 Waste Management

Referring to Section 14.1.5 of the report, Council's Waste Services team supports the Waste Management Plan submitted with the application. Importantly, the rear building line has been set back from the rear laneway to facilitate on-site waste collection.

15.10 Corner Splay

A splay exists at the corner of Epsom Road and Macaulay Road. The result is a wider footpath, which is necessary to provide for safe pedestrian movement. The splay has been maintained by Council and used by the public for many years for pedestrian purposes.

By removing the existing boundary fence, the proposal seeks to provide a deeper splay.

Land Survey has no objection to the applicant's request that the additional splay is not vested in Council on the proviso that the existing scenario has been assessed from a pedestrian movement point of view. The deeper splay is strongly supported by Infrastructure Development and Traffic Engineering, subject to it being finished in asphalt as per current conditions. This could form a condition on any permit granted – **refer recommended Condition 1e.**

15.11 Other

A response to other objector concerns is provided below:

Construction impacts

Potential impacts on surrounding buildings and disruption to the local area is not a relevant planning consideration and is typically assessed during the building permit stage.

Nevertheless a Construction Management Plan could be required to be submitted as a condition on any permit granted – **refer recommended Condition 5.**

Decrease in property values in the area

This is not a relevant planning consideration.

No master plan prepared for the development

The proposal seeks to introduce a new two storey building on a site covering three lots and to continue to use the building as a Place of Assembly, consistent with previous approvals for the land. A master plan is not considered necessary in this instance.

Poor timing of notice of the applications

Both the original application and the Section 57A Amendment application followed correct notice requirements, pursuant to the *Planning and Environment Act 1987*.

Lack of community consultation

Council is unable to control whether the permit applicant decides to undertake independent community consultation.

15.12 Conclusion

Intensification of the existing use on-site is supported and builds on existing approvals for the land. An improved and enhanced community facility responds to a key zone purpose and is reinforced by state and local policy.

Subject to minor changes, the proposed building is fully supported by Council's Urban Design team, resulting in an exceptional infill design response to complement the surrounding building fabric.

The high quality design response and delivery of significant improvements for the local and wider community, has resulted in an exceptional circumstance whereby demolition of two 'D' graded buildings in a Level 3 streetscape is supported.

The building has been designed and sited so that there are no unreasonable impacts on neighbouring residential amenity.

The increased on-site car parking spaces will assist in reducing the dependency of on-street parking while allowing for potential future growth of the site's operation. On-site bicycle spaces would be provided subject to condition. A wider rear laneway at certain points will improve two-way vehicle movement and a wider splay at the Epsom Road/Macaulay Road corner will improve pedestrian safety.

The landscape response will enhance the new building and all waste collections can occur on-site via the rear laneway.

Overall, a well-balanced outcome is achieved that will deliver improved usability of the site and enhance the vitality of the local area.

16 RECOMMENDATION

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

Amended plans before endorsement

1. Prior to the commencement of the development on the land, two copies of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the Section 57A Amendment plans dated 14/09/2017, amended to show:
 - a) Incorporation of lighting within the colonnades.
 - b) An increase in the two central corners of the Epsom Road elevation in the order of 1.5 metres to provide a better vertical proportion and relationship to the existing Church.
 - c) The provision of an infill break between the south-west axis wing, behind the central courtyard, in order to increase the sense of openness and reduces the sense of bulk when viewed from both Epsom Road and the residential interface to the rear.
 - d) The provision of a minimum 10 secure, accessible and convenient bicycle parking spaces on-site.
 - e) The footpath of the widened splay to the corner of Epsom Road and Macaulay Road finished in asphalt, in consultation with Council's Traffic Engineering Services.

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

Endorsed plans

2. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.

Complete works prior to occupation

3. Prior to occupation of the development all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.

Prepare full landscape plan

4. Prior to the commencement of the development, an updated Landscape Report prepared by Openwork Pty Ltd must be submitted and approved by the Responsible Authority. This report must:
 - a. Include submission of detailed landscape plans that confirm the development of the concept described in the Landscape Report into implementation documents;
 - b. Address soil volumes, depths, drainage and irrigation provision;
 - c. Ensure any hedge style planting is limited to 1 metre in height to allow sightlines. Clean trunked trees should be placed to allow for clear views through to the courtyard and colonnade on the Epsom Road frontage.

Construction Management Plan

5. 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.

Drainage system provision

6. 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 Melbourne City Council's stormwater drainage system.

Environmentally Sustainable Design (ESD) Statement Achievement

7. The performance outcomes specified in the Ecologically Sustainable Development (ESD) Statement prepared by Atelier Ten and dated September 2017 must be achieved in the completed development.

Any change during detailed design, which prevents or alters the attainment of the performance outcomes specified in the endorsed ESD Statement, must be documented by the author of the endorsed ESD statement in an addendum to this report, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.

Implementation of Environmentally Sustainable Design (ESD)

8. Within six months of the occupation of the development, a report from the author of the endorsed ESD Statement must be provided to the satisfaction of the Responsible Authority, which details designed initiatives implemented within the completed development that achieve the performance outcomes specified in the endorsed ESD Statement.

Waste

9. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Atelier Ten dated 8 September 2017.

The submitted WMP must not be altered without prior consent of the City of Melbourne – Engineering Services.

Public Tree Protection

10. Prior to the commencement of the development, including any demolition and/or bulk excavation, a Tree Protection Plan (TPP) must be provided to the satisfaction of the Responsible Authority (Urban Forest & Ecology) and demonstrate how public trees will be protected during construction activities associated with the development. The TPP must be in accordance with AS 4970-2009 – Protection of Trees on Development Sites, and include:

- a) City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
- b) Site specific details of the temporary tree protection fencing to be used to isolate publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
- c) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree.
- d) Full specifications of any pruning required to publicly owned trees.
- e) Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
- f) Name and contact details of the project arborist who will monitor the implementation of the Tree Protection Plan for the duration of the development (including demolition).
- g) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to Council's email via trees@melbourne.vic.gov.au.

When provided to the satisfaction of the Responsible Authority, the TPP will be endorsed to form part of this permit.

11. Prior to the commencement of the development, including demolition and bulk excavation, if a Construction Management Plan or Traffic Management Plan changes any of the tree protection methodologies or impacts on public trees, or any other public tree, in ways not identified in the endorsed Tree Protection Plan (TPP), a revised TPP) must be provided to the satisfaction of the Responsible Authority. When provided to the satisfaction of the Responsible Authority the revised Tree Management Report will be endorsed to form part of this permit and will supersede any previously endorsed TPP for the purpose of Condition 9.
12. Prior to the commencement of the development, including demolition and bulk excavation, a bank guarantee equivalent to the combined environmental and amenity value of public trees that may be affected by the development, must be provided to Council and held against the endorsed Tree Protection Plan for the duration of construction activities. The bond amount will be calculated by Council and provided to the applicant/developer/owner of the site. Should any public tree be adversely impacted on, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.

Street Tree Replacement and City Greening

13. If any public trees are proposed for removal at any stage of the development under a Tree Protection Plan endorsed under this permit, then prior to the commencement of the

development (including demolition and bulk excavation), the applicant must submit a Street Tree Plot Replacement Strategy to the Responsible Authority, which shows replacement and/or additional tree plots in accordance with Council's Tree Retention and Removal Policy. When provided to the satisfaction of the Responsible Authority (Urban Forest & Ecology), the Street Tree Plot Replacement Strategy will be endorsed to form part of this permit.

14. Prior to the occupation of the development, the replacement and/or additional street tree plots shown on the Street Tree Plot Replacement Strategy endorsed under this permit must be constructed at no cost to the City Of Melbourne and be to the satisfaction of the Responsible Authority (Urban Forest & Ecology).

Drainage connection underground

15. 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 underground stormwater drainage system.

Demolish and construct access

16. Prior to the commencement of the use/occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

Footpaths

17. The footpaths adjoining the site along Epsom Road and The Ridgeway 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.

Roads

18. All portions of road affected by the construction activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

Street levels not to be altered

19. Existing street levels in Epsom Road, The Ridgeway and laneway CL0534 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.

Existing street lighting not altered without approval

20. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.

Existing street furniture

21. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – Engineering Services.

Vehicle Access as on endorsed plans

22. Vehicular ingress and egress must not be modified from that shown on the endorsed plans without the prior written consent of the Responsible Authority - Engineering Services.

Street levels not to be altered

23. Existing street levels in the rear laneway 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.

Operational Management Plan

24. Prior to the commencement of the use the applicant must submit an operational management plan (generally in accordance with the report accompanying the application) describing:
 - a) The ways in which staff is made aware of the conditions attached to this permit.
 - b) Details of the general hours of operation of the premises.
 - c) Details of any proposed special events.
 - d) Details of the maximum number of patrons to be permitted on the premises at any one time.

The management plan must be to the satisfaction of, and be approved by, the Responsible Authority. Once approved, the management plan will form a part of the endorsed documents under this permit. The operation of the use must be carried out in accordance with the endorsed Operational Management Plan unless with the prior written consent of the Responsible Authority.

Architect to be retained

25. Except with the consent of the Responsible Authority, Make Architecture must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of Responsible Authority.

Compliance with SEPP No N-2

26. The noise generated by the premises must at all times comply with the requirements of the *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2*, to the satisfaction of the Responsible Authority.

No external audio equipment

27. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority.

No live music

28. No amplified live music or entertainment is permitted on the premises without the prior written consent of the Responsible Authority.

Bottle removal time limit

29. No bottles or other waste material may be removed from the site between the hours of 9.00pm and 7.00am the following morning, seven days a week.

Garbage storage area

30. All garbage and waste material must be stored in an area set aside for such purpose to the satisfaction of the Responsible Authority. No goods, garbage, packing material or similar material shall be left outside the venue on adjoining footpaths or roads.

Baffle external lighting

31. Any external lighting must be baffled so that no direct light is emitted outside the site, to the satisfaction of the Responsible Authority.

Parking area construction

32. Prior to the occupation of the approved development, the area set aside for the parking of vehicles and access ways shown on the endorsed plans must be constructed, surfaced, sealed, drained, delineated and maintained at all times to the satisfaction of the Responsible Authority.

Maintain access to parking spaces

33. The parking, loading and unloading areas shown on the endorsed plans must be kept available for that use at all times and the car parking spaces and access ways must not be obstructed or otherwise rendered inaccessible.

All loading/unloading on site

34. Unless with the prior written consent of the Responsible Authority, the loading and unloading of vehicles and delivery of goods to and from the site must at all times take place within the boundaries of the site to the satisfaction of the Responsible Authority.

Development time limit

35. 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

Building Approval Required

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

Building Works to Accord with Planning Permit

The applicant/owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

Drainage Point and Method of Discharge

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Responsible Authority prior to the commencement of any buildings or works.

Other Approvals May be Required

This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

Urban Forest and Ecology

The tree valuation will be provided by Urban Forest and Ecology following the approval of the Tree Protection Plan.

In accordance with the Tree Retention and Removal Policy a bank guarantee must be:

1. Issued to City of Melbourne, ABN: 55 370 219 287.
2. From a recognised Australian bank.
3. Unconditional (i.e. no end date).
4. Executed (i.e. signed and dated with the bank stamp).

Please note that insurance bonds are not accepted by the City Of Melbourne. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.

At the time of lodgement of the bank guarantee written confirmation that identifies the name of the Project Arborist who will supervise the implementation of the Tree Protection Plan will be required in writing. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the project and a final completion report confirms that the health of the subject public trees has not been compromised.

Approval for any tree removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.

All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a tree to be removed, must be met by the applicant/developer/owner of the site. The costs of these works will be provided and must be agreed to before Council remove the subject trees.

Civil Design

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.

A handwritten signature in black ink, appearing to read 'Richard Cherry', with a large, stylized flourish at the end.

Richard Cherry
Senior Urban Planner