

Report to the Future Melbourne (Planning) Committee

Agenda item 6.3

**Planning Permit Application: TP-2018-790
45 and 47 Arnold Street, South Yarra**

12 November 2019

Presenter: Ashley Treloar, Acting Practice Leader Land Use and Development

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a planning permit application seeking approval for part demolition, alterations and additions to the existing dwellings, construction of a third dwelling and a reduction of car parking requirements at 45 and 47 Arnold Street, South Yarra (refer Attachment 3 – Selected Plans).
2. The applicant is Cathryn McMillan c/- James Hampton Design Partner Pty Ltd, the owner is Cathryn McMillan and McSummons Pty Ltd and the architect is James Hampton Design Partner Pty Ltd.
3. The site is located within the General Residential Zone Schedule 1 and is affected by Heritage Overlay (HO6), and Design and Development Overlay Schedule 15 Area 1 and Schedule 17.
4. The existing dwellings are 'A grade' in the Heritage Places Inventory, March 2018.
5. Specifically, the application seeks approval for demolition of the single-storey portions of the existing dwellings and the garage and carport structures and construction of a new two-storey dwelling at the rear of the site. The alterations and additions to the existing dwellings include a first floor terrace above the car park and enlarged door and window openings. The development will retain the two-storey portions of the existing dwelling, six rooms in depth, including the roof structure and chimneys.
6. Public notice of the application was undertaken and two objections have been received.

Key issues

7. The key issues relate to the part demolition of the existing dwellings; the height, scale and design of the new dwelling; the appropriateness of the alterations and additions to the existing dwellings; Clause 55 (Rescode) and potential amenity impacts; parking, traffic and waste; and environmentally sustainable design.
8. Broadly, subject to conditions, the proposed development will not adversely affect the heritage significance of the A grade buildings. The scale and design of the new dwelling responds to the features of the site and surrounds, and sits comfortably at the rear of the existing dwellings. It will not have an unreasonable impact on the amenity or equitable development of the adjoining properties having regard to the surrounding built form. It has a contemporary form and appearance that does not dominate or detract from the heritage significance of the existing dwellings. It is appropriately articulated and has a complementary palette of materials and finishes.
9. The reduction of two car parking spaces is considered acceptable having regard to the site's proximity to amenities and public transport. The new dwelling will have two spaces and the existing dwellings will have one space each.

Recommendation from management

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

Attachments:

1. Supporting Attachment (Page 2 of 40)
2. Locality Plan (Page 3 of 40)
3. Plans (Page 4 of 40)
4. Delegate Report (Page 23 of 40)

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. Section 61 of the Act sets out that the Council may decide to grant a permit, grant a permit subject to conditions or refuse to grant a permit on any ground it thinks fit.
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.

Health and Safety

5. Relevant planning considerations such as traffic and waste management and potential amenity impacts that could impact on health and safety have been considered within the planning permit application and assessment process.

Stakeholder consultation

6. Public notice of the application was undertaken in accordance with the Act and resulted in two objections at the time of writing this report.

Relation to Council policy

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

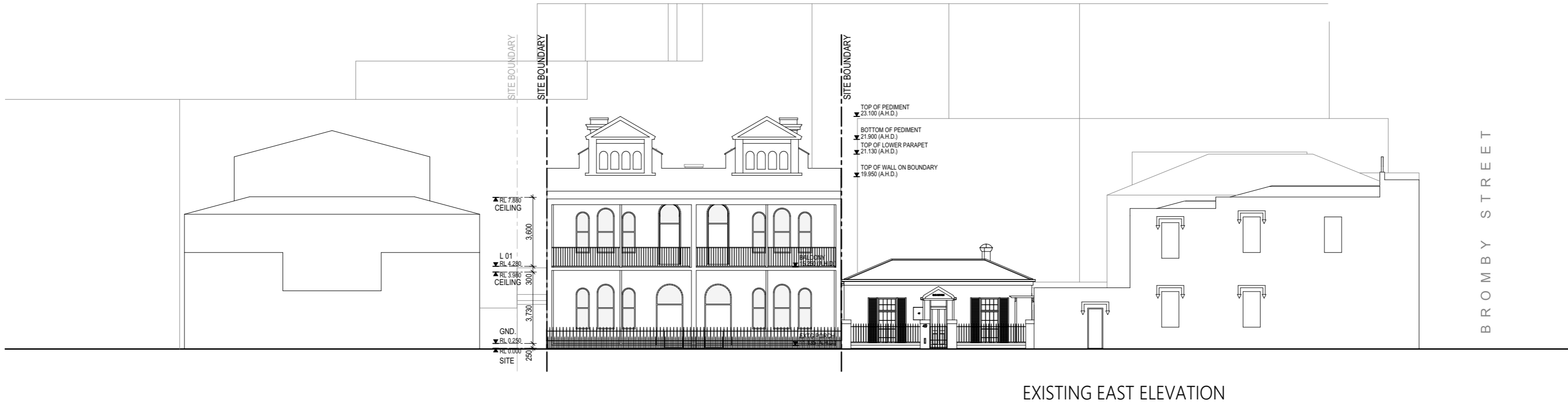
Environmental sustainability

8. The Environmentally Sustainable Design (ESD) Statement submitted with the application demonstrates that the development will achieve the ESD performance requirements of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management).
9. Permit conditions requiring implementation of the ESD initiatives are recommended.

Locality Plan

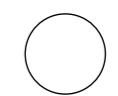
45 & 47 Arnold Street, South Yarra





ARNOLD HOUSE
 45 & 47 ARNOLD STREET, SOUTH YARRA
 PROJECT NO: 1720
 REASON FOR ISSUE: DRAFT

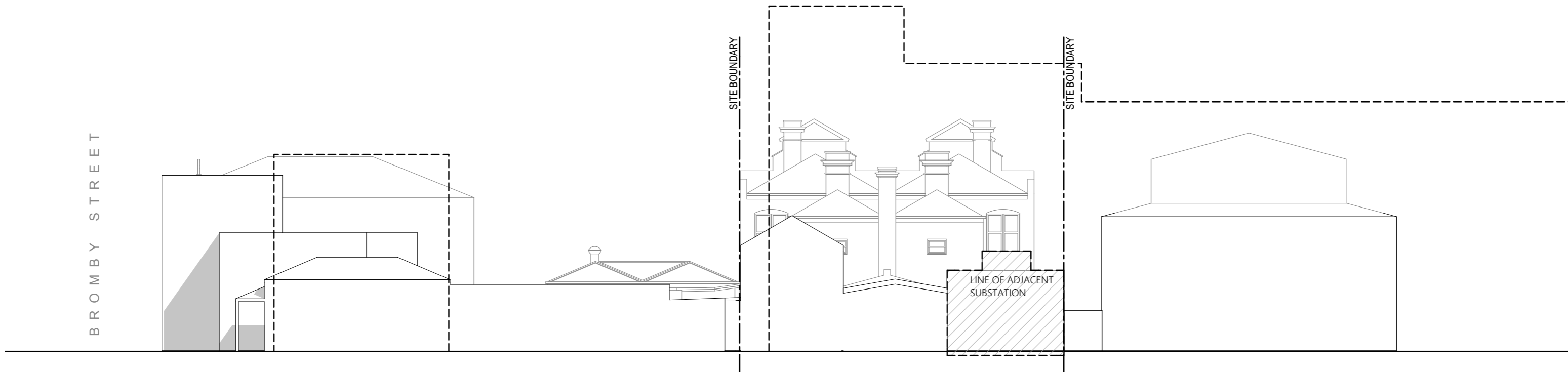
EXISTING EAST AND SOUTH ELEVATIONS
 REVISION: -
 DATE: JUNE 2017
 SCALE: 1:200 @A3



DRAWING NO:
 - EC101



EXISTING NORTH ELEVATION

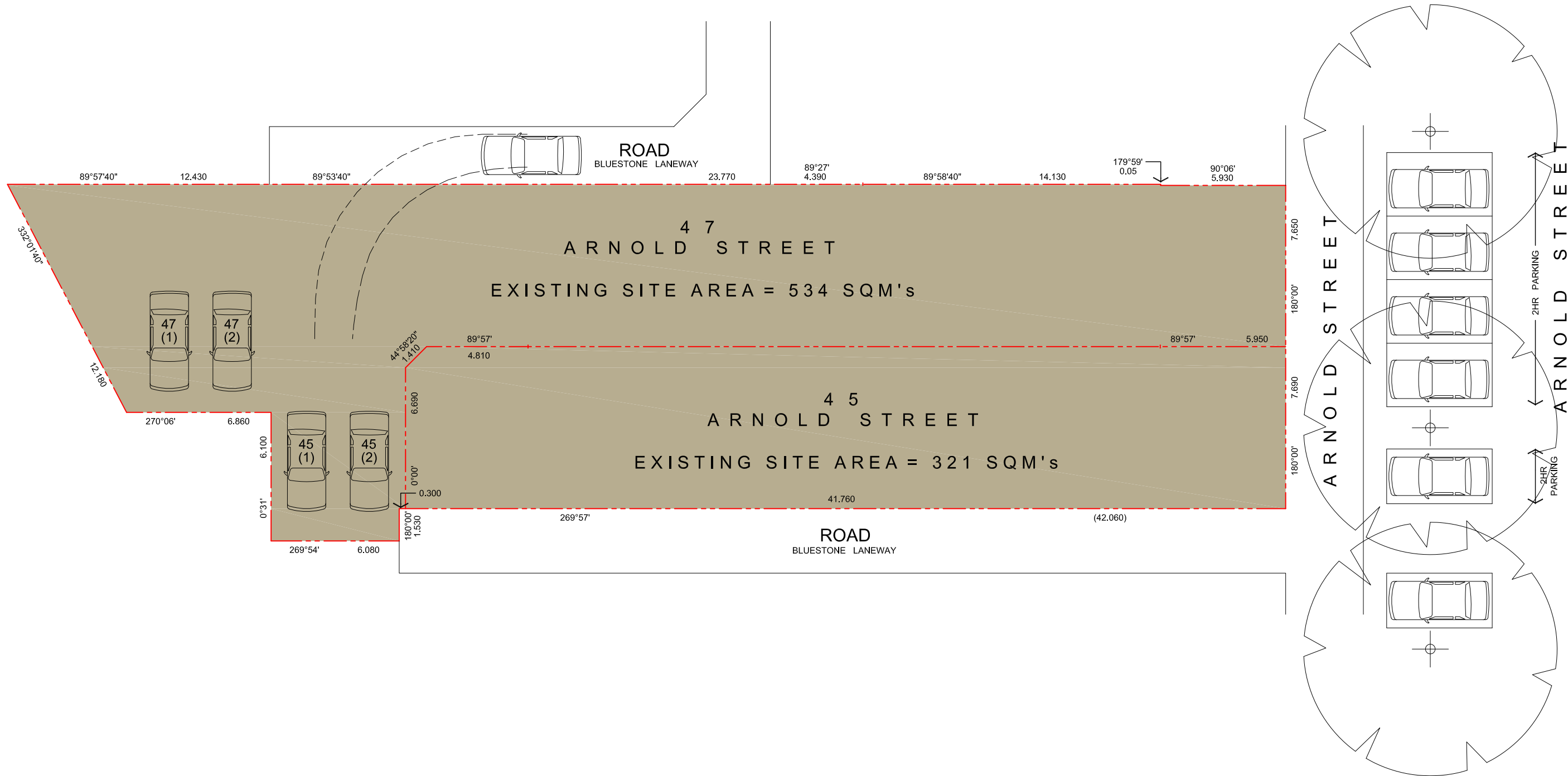


EXISTING WEST ELEVATION

ARNOLD HOUSE
 45 & 47 ARNOLD STREET, SOUTH YARRA
 PROJECT NO: 1720
 REASON FOR ISSUE: DRAFT

EXISTING NORTH AND WEST ELEVATIONS
 REVISION: -
 DATE: JUNE 2017
 SCALE: 1:200 @A3

DRAWING NO: - EC102



COLOUR LEGEND

EXISTING TITLE DIVISION
 COMBINED SITE AREA = 855 SQM's

ARNOLD HOUSE
 45 & 47 ARNOLD STREET, SOUTH YARRA

PROJECT NO:
 1720

REASON FOR ISSUE:
 TOWNPLANNING SUBMISSION

EXISTING TITLE DIVISION (TWO LOTS)

REVISION:
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DATE:
 JUNE 2018

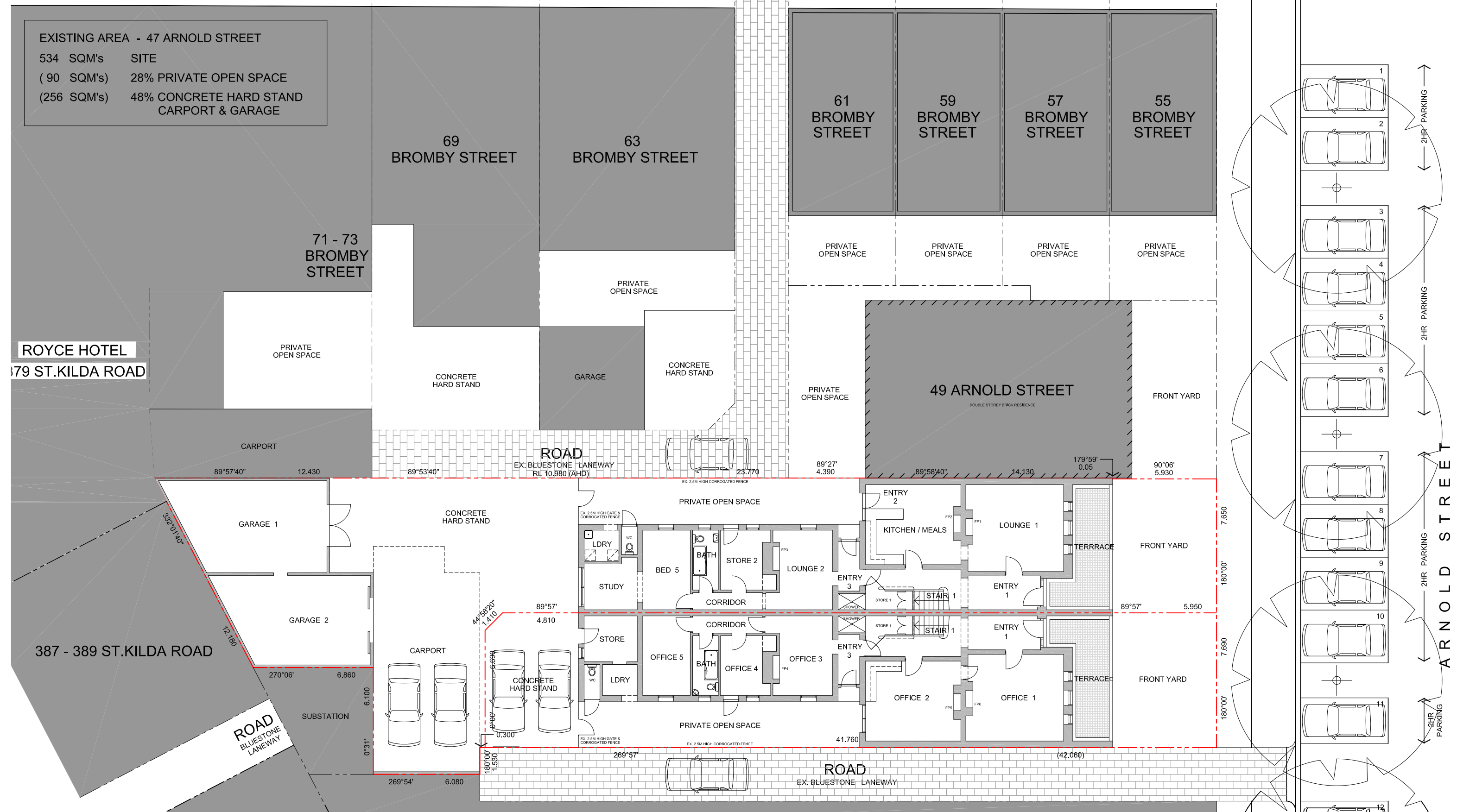
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DRAWING NO:
 - TP006

EXISTING AREA - 45 ARNOLD STREET
 321 SQM's SITE
 (90 SQM's) 28% PRIVATE OPEN SPACE
 (39 SQM's) 12% CONCRETE HARD STAND

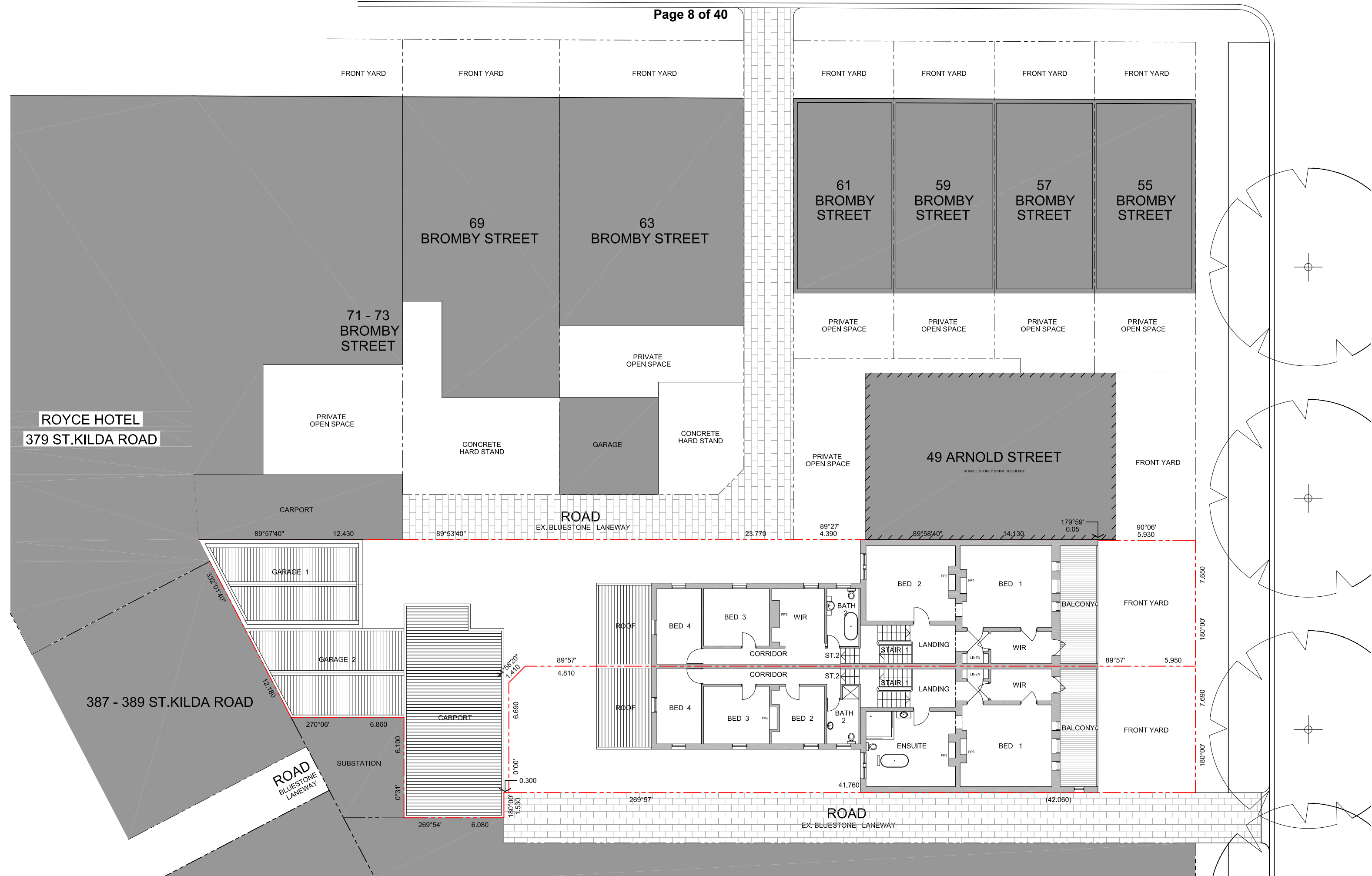
EXISTING AREA - 47 ARNOLD STREET
 534 SQM's SITE
 (90 SQM's) 28% PRIVATE OPEN SPACE
 (256 SQM's) 48% CONCRETE HARD STAND
 CARPORT & GARAGE



ARNOLD HOUSE
 45 & 47 ARNOLD STREET, SOUTH YARRA
 PROJECT NO: 1720
 REASON FOR ISSUE: TOWNPLANNING SUBMISSION

EXISTING GROUND LEVEL
 REVISION: -
 DATE: JUNE 2018
 SCALE: 1:200 @A3

DRAWING NO: - TP008



ARNOLD HOUSE
 45 & 47 ARNOLD STREET, SOUTH YARRA

PROJECT NO:
 1720

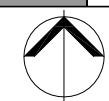
REASON FOR ISSUE:
 TOWNPLANNING SUBMISSION

EXISTING FIRST LEVEL PLAN

REVISION:
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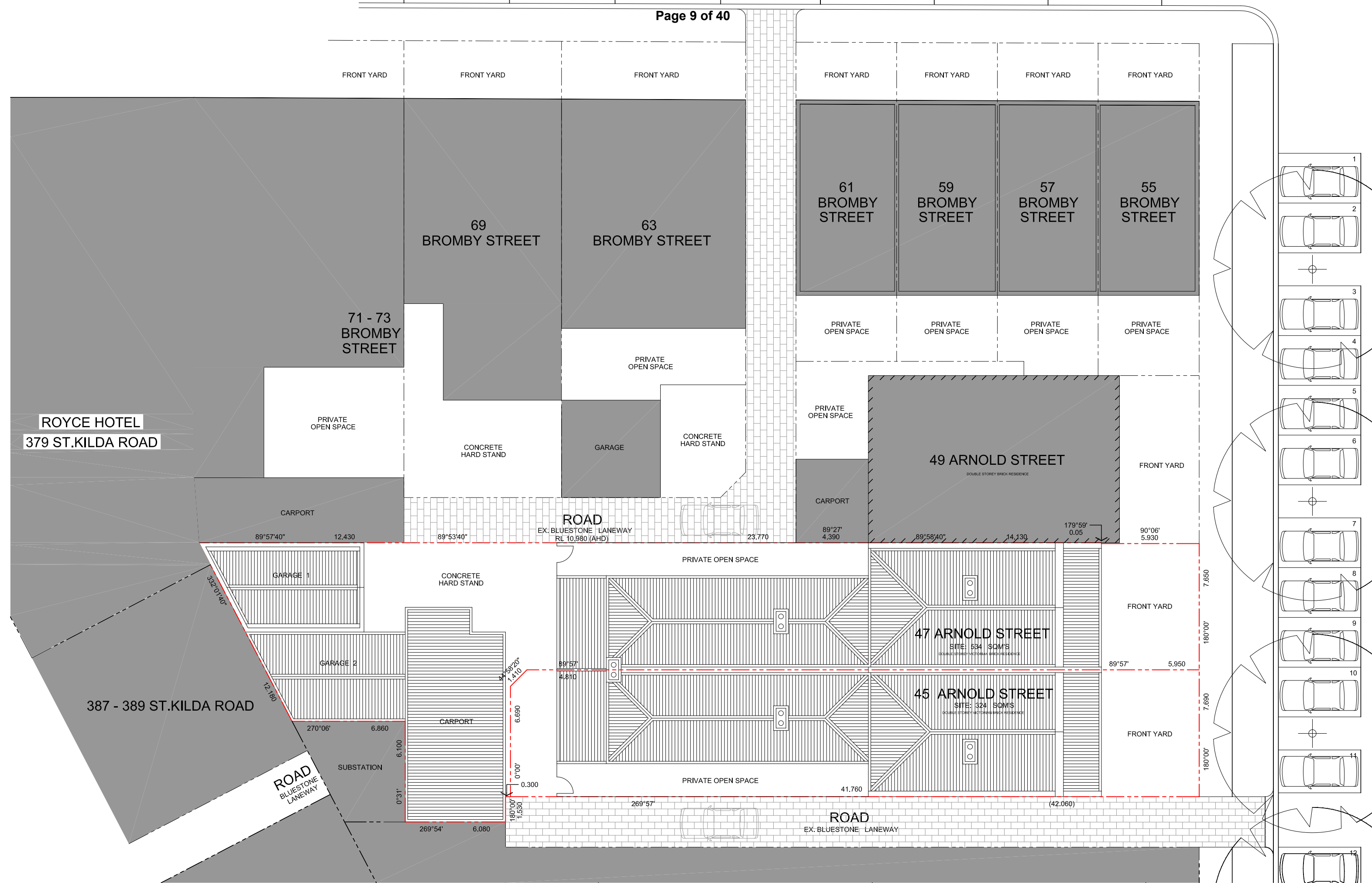
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 JUNE 2018

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DRAWING NO:

- TP009



ARNOLD HOUSE
45 & 47 ARNOLD STREET, SOUTH YARRA

PROJECT NO:
1720

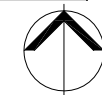
REASON FOR ISSUE:
TOWNPLANNING SUBMISSION

EXISTING SITE & EXISTING ROOF PLAN

REVISION:
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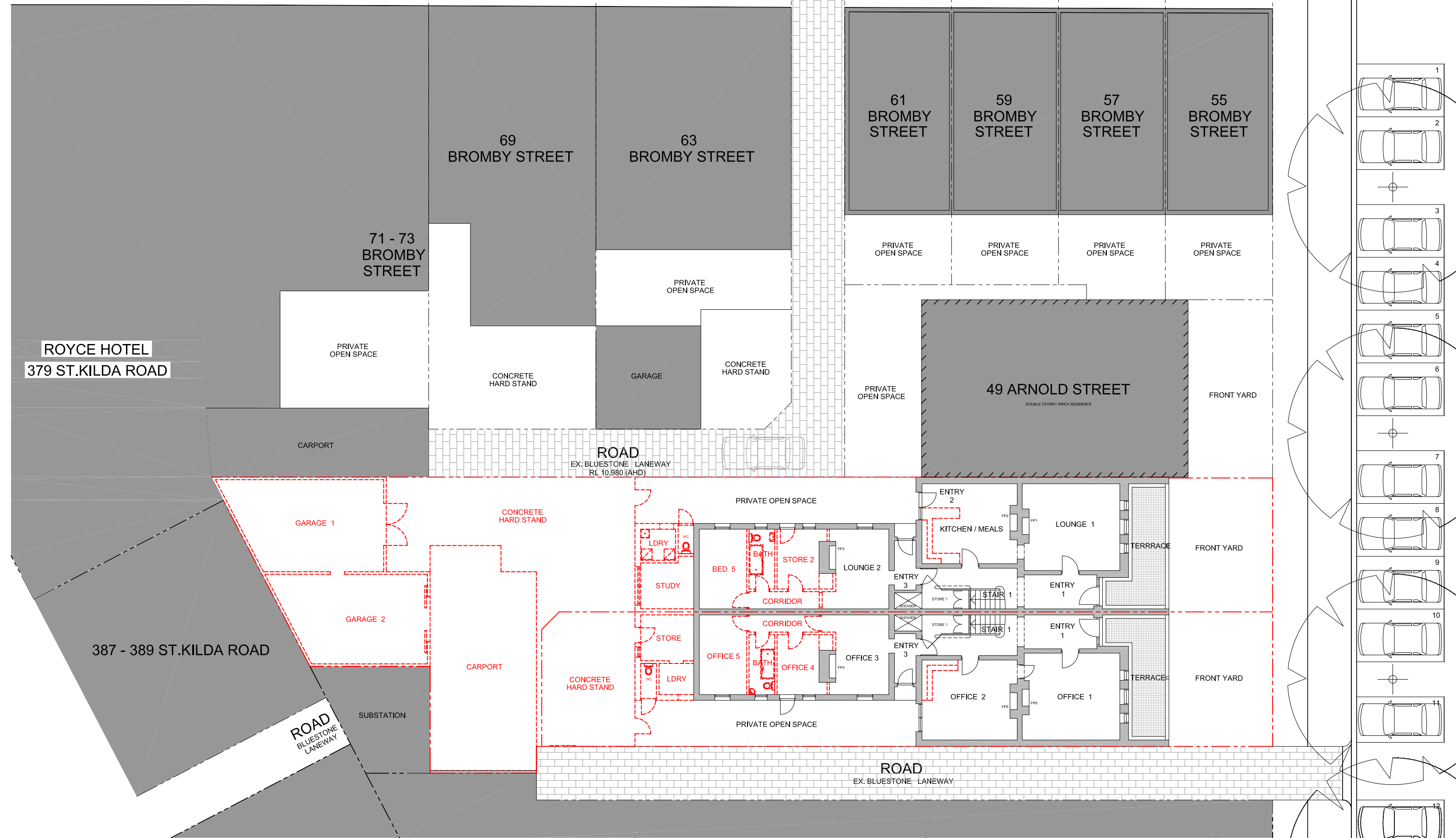
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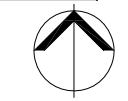
- TP010



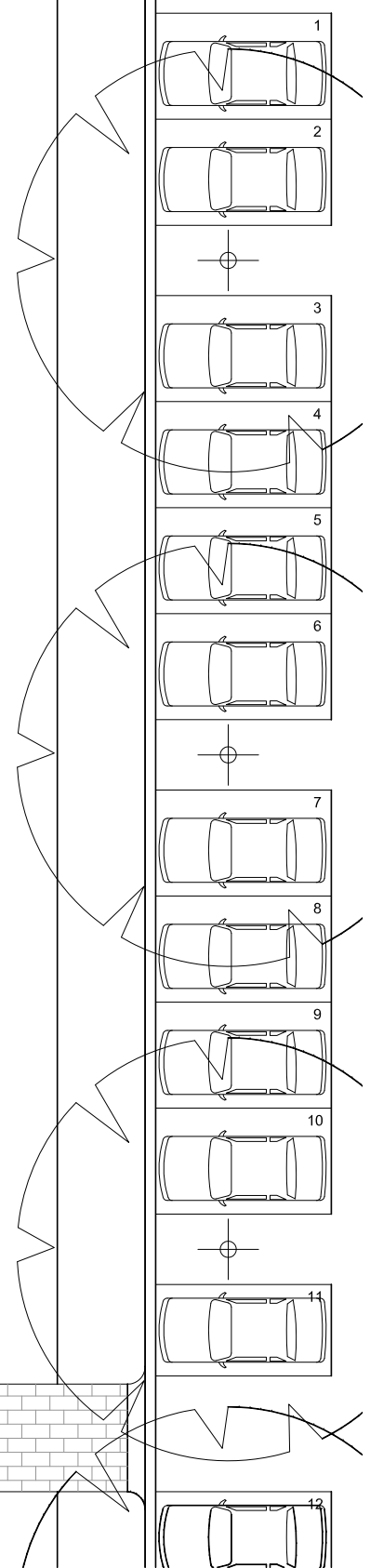
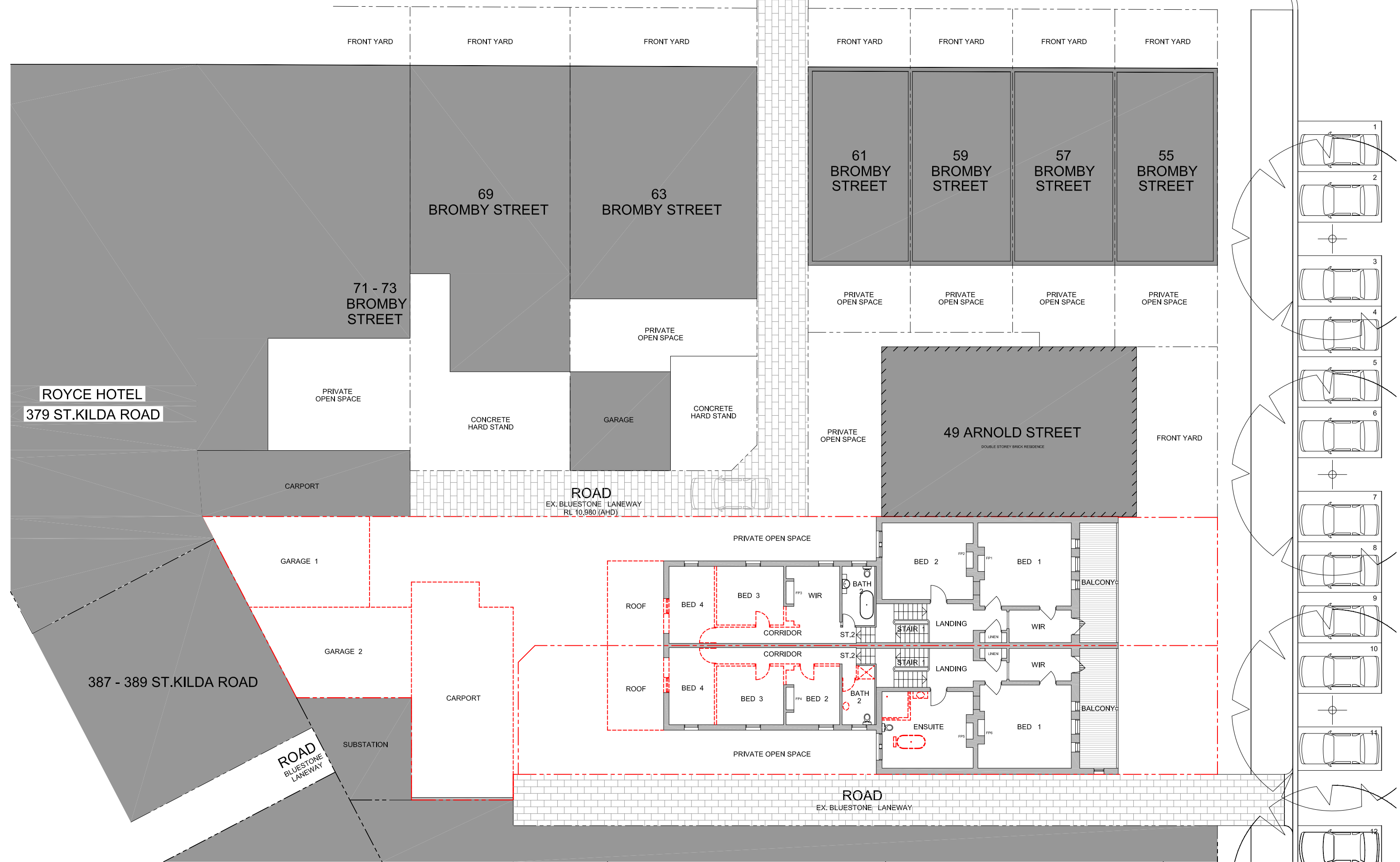
LEGEND
 [Red dashed line] EXISTING PROPOSED TO BE DEMOLISHED

ARNOLD HOUSE
 45 & 47 ARNOLD STREET, SOUTH YARRA
 PROJECT NO: 1720
 REASON FOR ISSUE: TOWNPLANNING SUBMISSION

EXISTING GROUND LEVEL WITH PROPOSED DEMOLITION
 REVISION: -
 DATE: JUNE 2018
 SCALE: 1:200 @A3



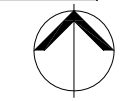
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LEGEND
 [Red dashed line] EXISTING PROPOSED TO BE DEMOLISHED

ARNOLD HOUSE
 45 & 47 ARNOLD STREET, SOUTH YARRA
 PROJECT NO: 1720
 REASON FOR ISSUE: TOWNPLANNING SUBMISSION

EXISTING FIRST LEVEL WITH PROPOSED DEMOLITION
 REVISION: -
 DATE: JUNE 2018
 SCALE: 1:200 @A3



DRAWING NO: - TP012

PROPOSED AREA - 45 ARNOLD STREET

- 254 SQM's SITE
- (86 SQM's) 34% PRIVATE OPEN SPACE AT GROUND LEVEL
- 19 SQM's GROUND LEVEL TERRACE
- 31 SQM's LEVEL 1 PRIVATE OPEN SPACE
- 17 SQM's LEVEL 1 BALCONY

PROPOSED AREA - 47A ARNOLD STREET

- 254 SQM's SITE
- (86 SQM's) 34% PRIVATE OPEN SPACE AT GROUND LEVEL
- 19 SQM's GROUND LEVEL TERRACE
- 31 SQM's LEVEL 1 PRIVATE OPEN SPACE
- 17 SQM's LEVEL 1 BALCONY

PROPOSED AREA - 47B ARNOLD STREET

- 208 SQM's SITE
- (85 SQM's) 41% PRIVATE OPEN SPACE AT GROUND LEVEL
- 28 SQM's LEVEL 1 PRIVATE OPEN SPACE

ROYCE HOTEL
379 ST.KILDA ROAD

387 - 389 ST.KILDA ROAD

ROAD
BLUESTONE LANEWAY

71 - 73
BROMBY STREET

69
BROMBY STREET

63
BROMBY STREET

61
BROMBY STREET

59
BROMBY STREET

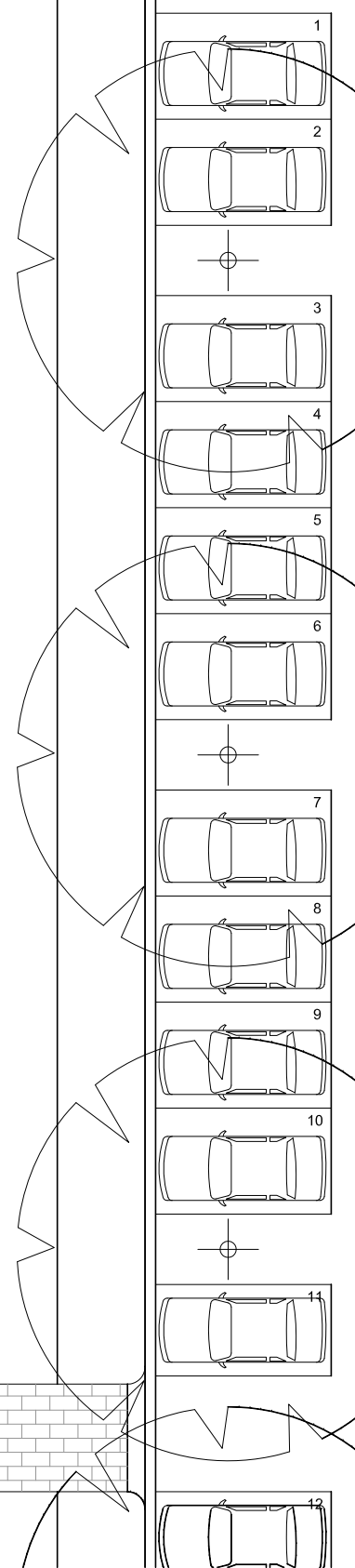
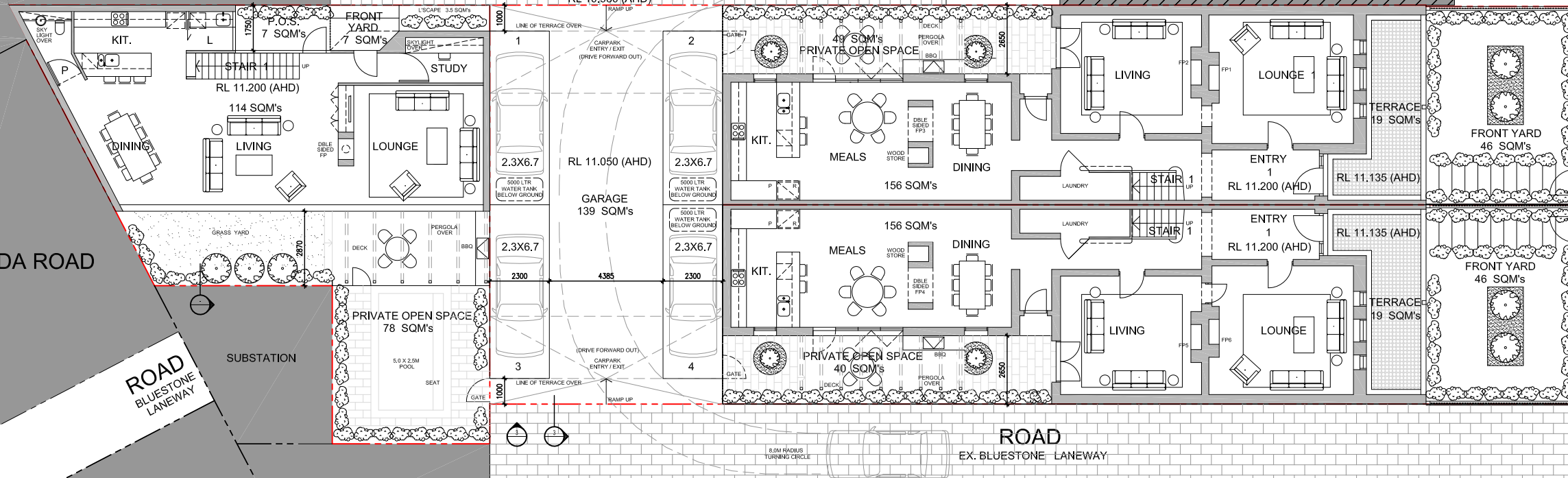
57
BROMBY STREET

55
BROMBY STREET

49 ARNOLD STREET
SINGLE STOREY BRICK RESIDENCE

ROAD
EX. BLUESTONE LANEWAY

ROAD
EX. BLUESTONE LANEWAY



ARNOLD HOUSE
45 & 47 ARNOLD STREET, SOUTH YARRA

PROJECT NO:
1720

REASON FOR ISSUE:
TOWNPLANNING SUBMISSION

PROPOSED GROUND LEVEL PLANS

REVISION:
-

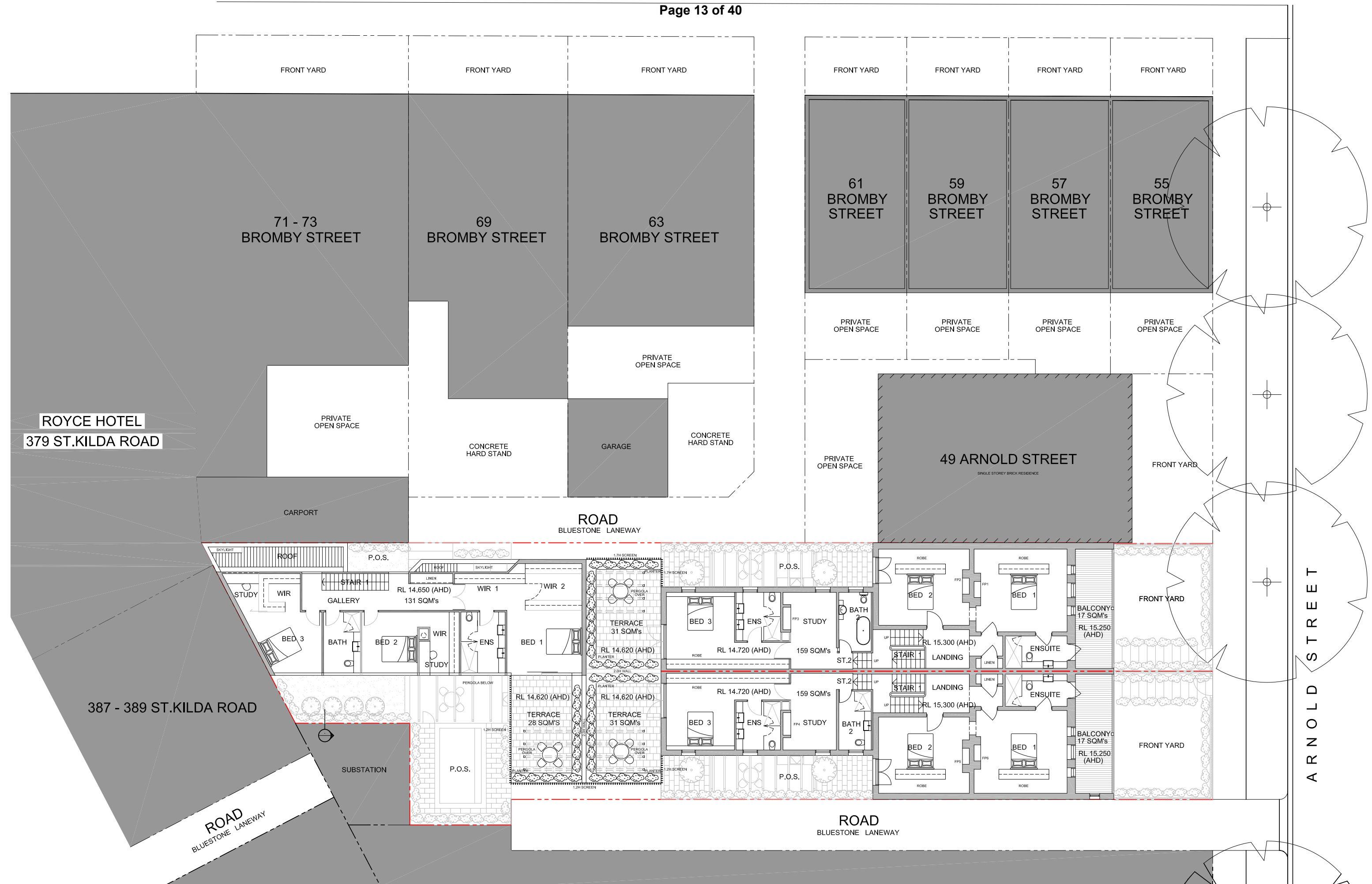
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- TP017



ARNOLD HOUSE
45 & 47 ARNOLD STREET, SOUTH YARRA

PROJECT NO:
1720

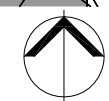
REASON FOR ISSUE:
TOWNPLANNING SUBMISSION

PROPOSED FIRST LEVEL PLANS

REVISION:
-

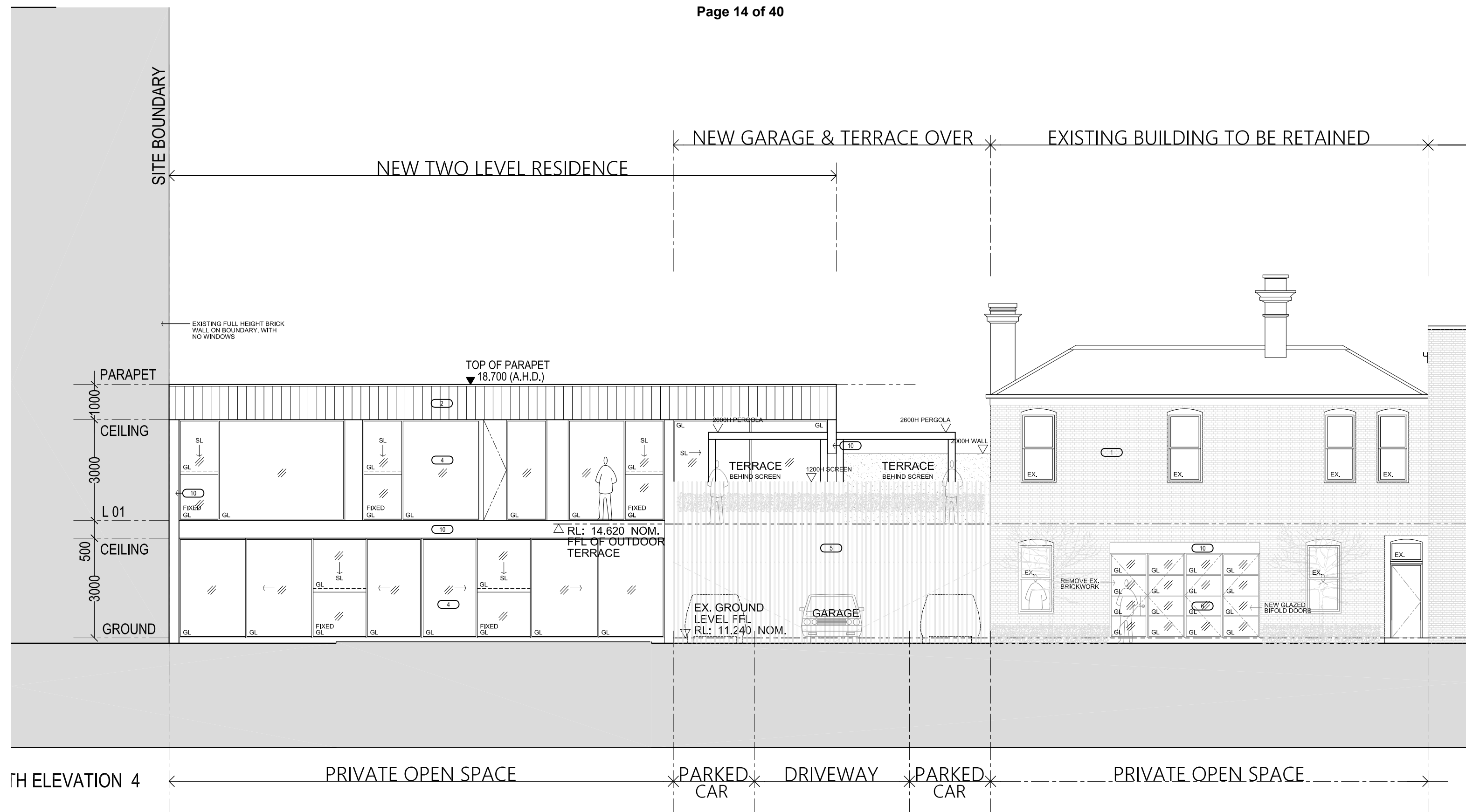
DATE:
JUNE 2018

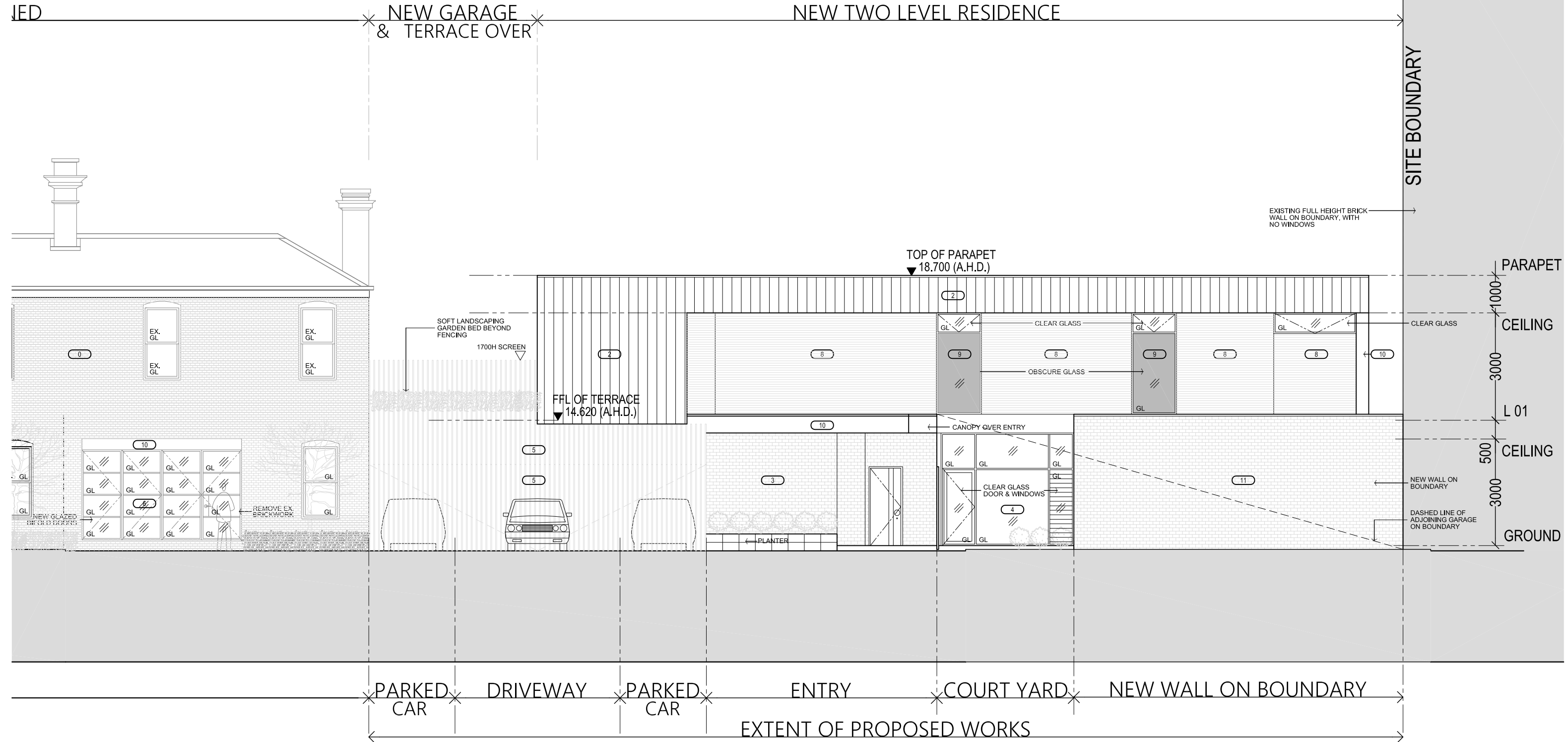
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DRAWING NO:

- TP018





FINISHES LEGEND

- | | | | |
|---|--|----|------------------------------------|
| 1 | EXISTING BRICKWORK RETAINED | 7 | ZINCALUME ROOFING |
| 2 | NEW METAL CLADDING, COLOUR: CHARCOAL | 8 | CHARRED TIMBER BATTENS |
| 3 | NEW GLAZED FACE BRICKWORK | 9 | ALUMINIUM FRAME WITH OBSCURE GLASS |
| 4 | ALUMINIUM WINDOWS WITH CLEAR GLASS | 10 | PAINTED FINISH |
| 5 | DECORATIVE FINS IN MILD STEEL PAINTED FINISH | 11 | BRICKWORK ON BOUNDARY |
| 6 | MILD STEEL WINDOWS & DOOR, WITH CLEAR GLASS | | |

ARNOLD HOUSE
45 & 47 ARNOLD STREET, SOUTH YARRA

PROJECT NO:
1720

REASON FOR ISSUE:
TOWNSHIP SUBMISSION

PROPOSED NORTH ELEVATION

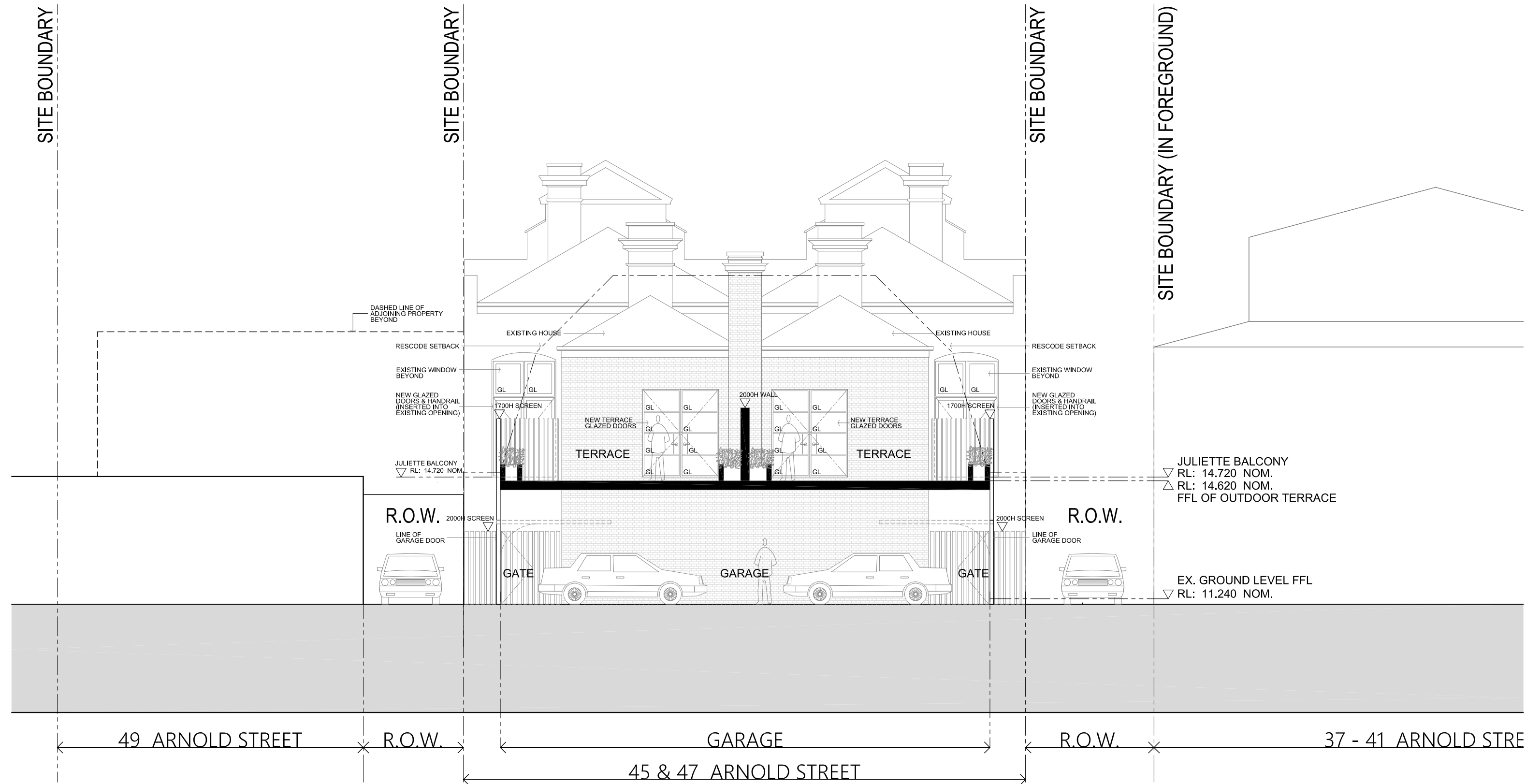
REVISION:
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DATE:
JUNE 2018

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DRAWING NO:

- TP021

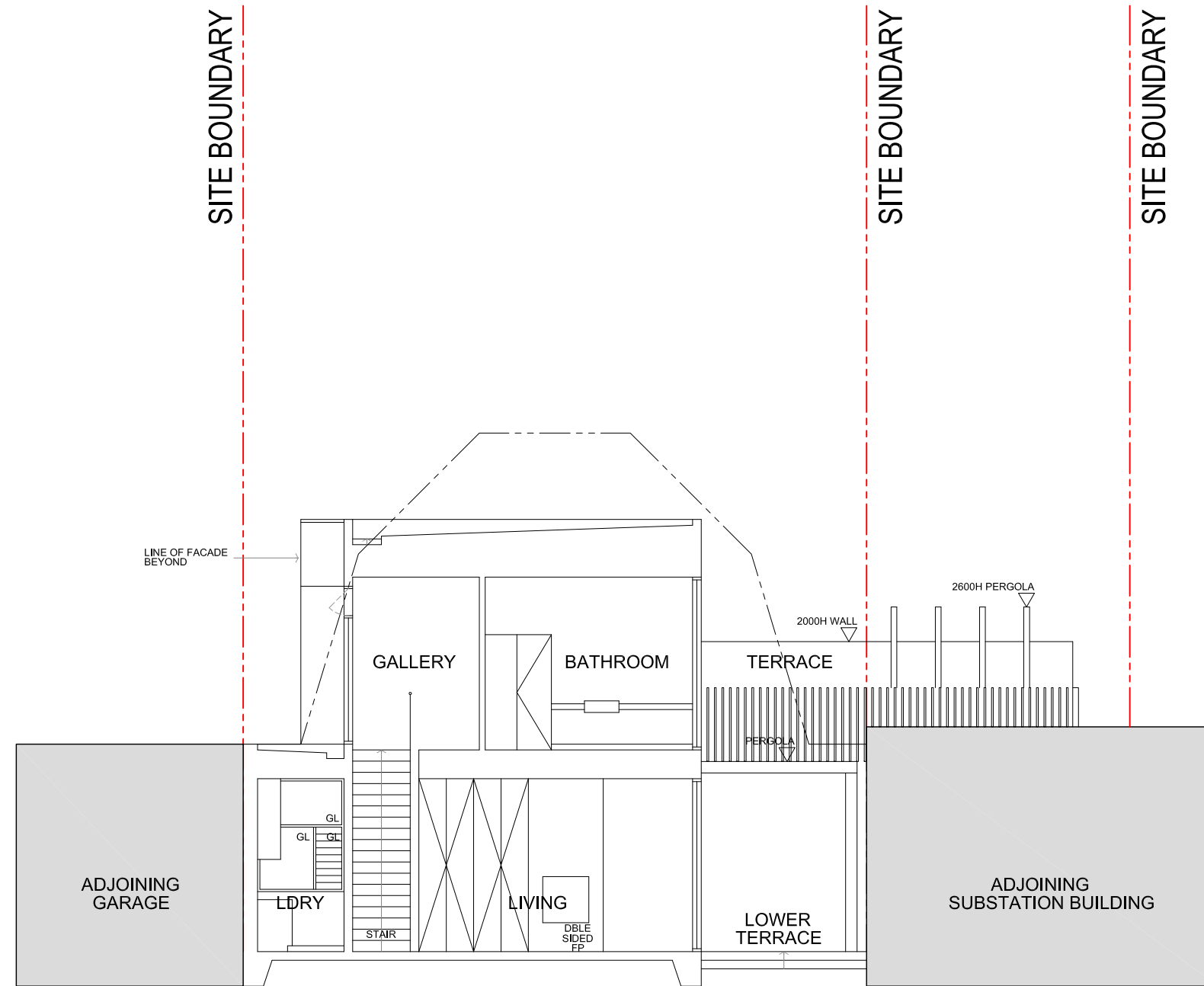


USED SECTIONAL (WEST) ELEVATION 3

ARNOLD HOUSE
 45 & 47 ARNOLD STREET, SOUTH YARRA
 PROJECT NO: 1720
 REASON FOR ISSUE: TOWNPLANNING SUBMISSION

PROPOSED WEST ELEVATION (PART SECTION)
 REVISION: -
 DATE: JUNE 2018
 SCALE: 1:100 @A3

DRAWING NO: - TP022



PROPOSED SECTION

ARNOLD HOUSE
45 & 47 ARNOLD STREET, SOUTH YARRA

PROJECT NO:
1720

REASON FOR ISSUE:
TOWNPLANNING SUBMISSION

PROPOSED SECTION

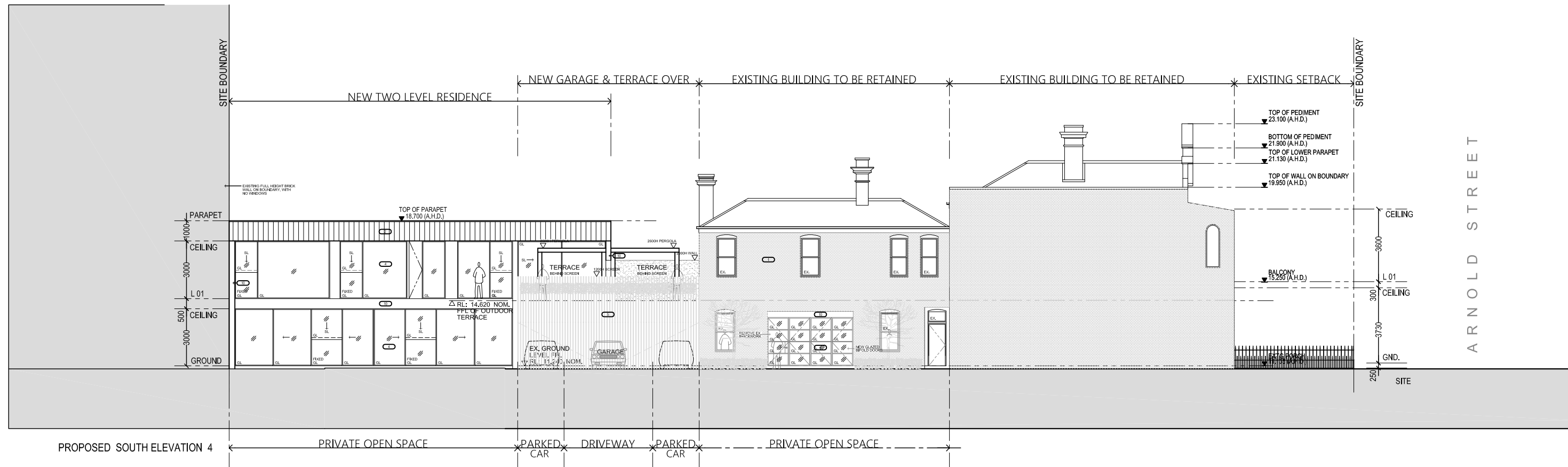
REVISION:
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DATE:
JUNE 2018

SCALE:
1:100 @A3



DRAWING NO:
- TP023



FINISHES LEGEND

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| 1 | EXISTING BRICKWORK RETAINED | 7 | ZINCALUME ROOFING |
| 2 | NEW METAL CLADDING, COLOUR: CHARCOAL | 8 | CHARRED TIMBER BATTENS |
| 3 | NEW GLAZED FACE BRICKWORK | 9 | ALUMINIUM FRAME WITH OBSCURE GLASS |
| 4 | ALUMINIUM WINDOWS WITH CLEAR GLASS | 10 | PAINTED FINISH |
| 5 | DECORATIVE FINS IN MILD STEEL PAINTED FINISH | 11 | BRICKWORK ON BOUNDARY |
| 6 | MILD STEEL WINDOWS & DOOR, WITH CLEAR GLASS | | |

ARNOLD HOUSE
45 & 47 ARNOLD STREET, SOUTH YARRA

PROJECT NO:
1720

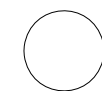
REASON FOR ISSUE:
TOWNPLANNING SUBMISSION

PROPOSED SOUTH ELEVATION

REVISION:
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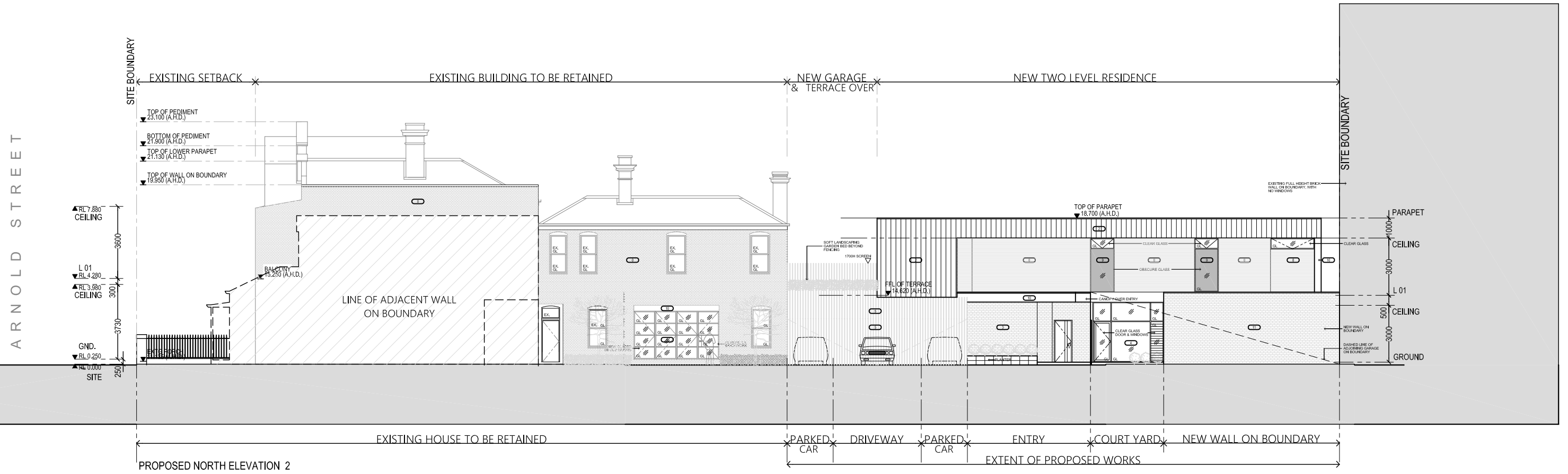
DATE:
JUNE 2018

SCALE:
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DRAWING NO:

- TP024



FINISHES LEGEND

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|---|--|----|------------------------------------|
| 1 | EXISTING BRICKWORK RETAINED | 7 | ZINCALUME ROOFING |
| 2 | NEW METAL CLADDING, COLOUR: CHARCOAL | 8 | CHARRED TIMBER BATTENS |
| 3 | NEW GLAZED FACE BRICKWORK | 9 | ALUMINIUM FRAME WITH OBSCURE GLASS |
| 4 | ALUMINIUM WINDOWS WITH CLEAR GLASS | 10 | PAINTED FINISH |
| 5 | DECORATIVE FINS IN MILD STEEL PAINTED FINISH | 11 | BRICKWORK ON BOUNDARY |
| 6 | MILD STEEL WINDOWS & DOOR, WITH CLEAR GLASS | | |

ARNOLD HOUSE
45 & 47 ARNOLD STREET, SOUTH YARRA

PROJECT NO:
1720

REASON FOR ISSUE:
TOWNPLANNING SUBMISSION

PROPOSED NORTH ELEVATION

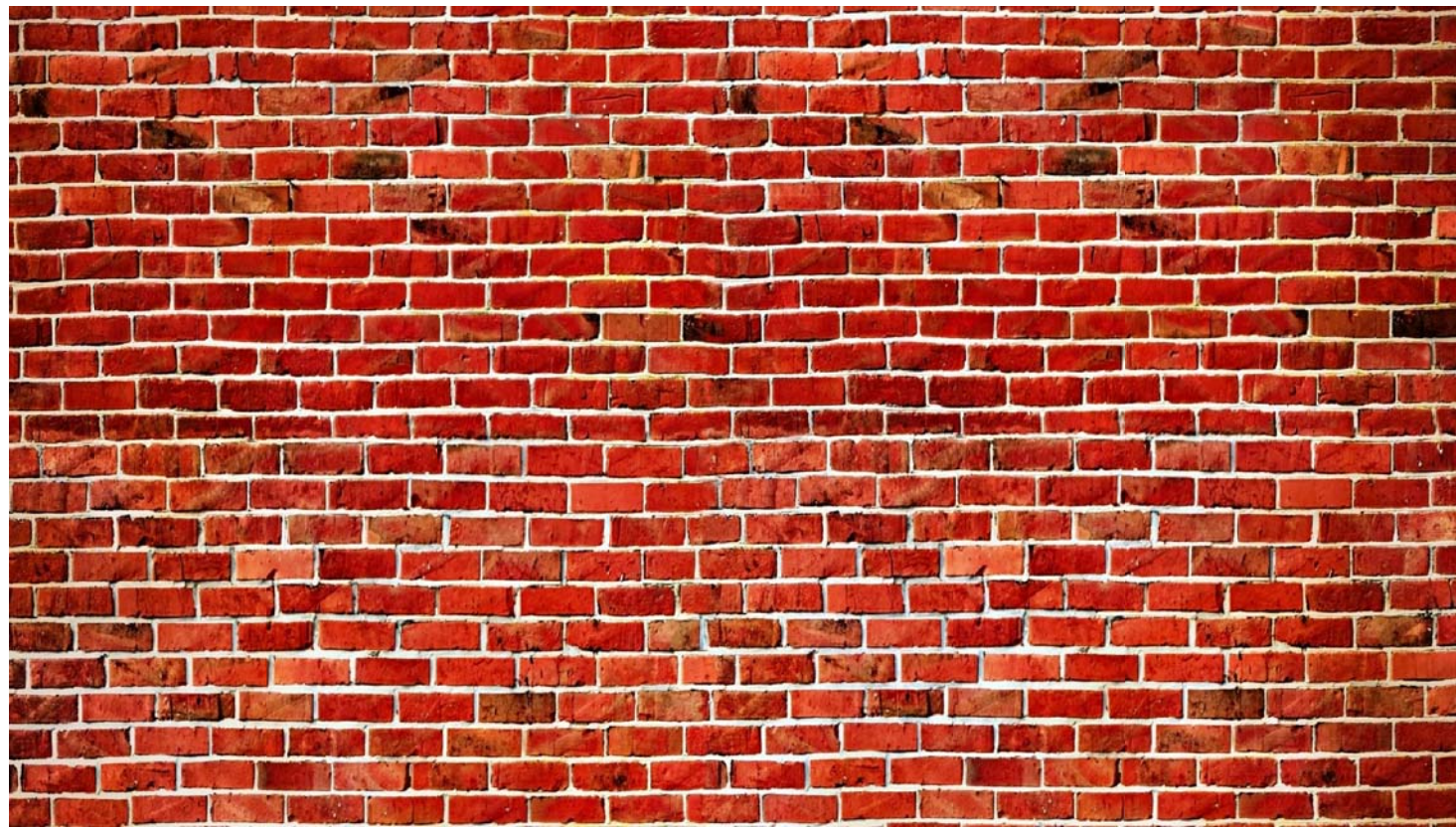
REVISION:
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DATE:
JUNE 2018

SCALE:
1:200 @A3



DRAWING NO:
- TP025



1 EXISTING RED BRICK FACADE WALLS



6 MILD STEEL WINDOWS WITH CLEAR GLASS (TO EXISTING BUILDING)

ARNOLD HOUSE
45 & 47 ARNOLD STREET, SOUTH YARRA

PROJECT NO:
1720

REASON FOR ISSUE:
TOWNPLANNING SUBMISSION

PROPOSED EXTERNAL FINISHES - SHEET 1
EXISTING BUILDING WITH NEW FINISHES

REVISION:
-

DATE:
JUNE 2018

SCALE:
NTS @A3



DRAWING NO:
- TP030



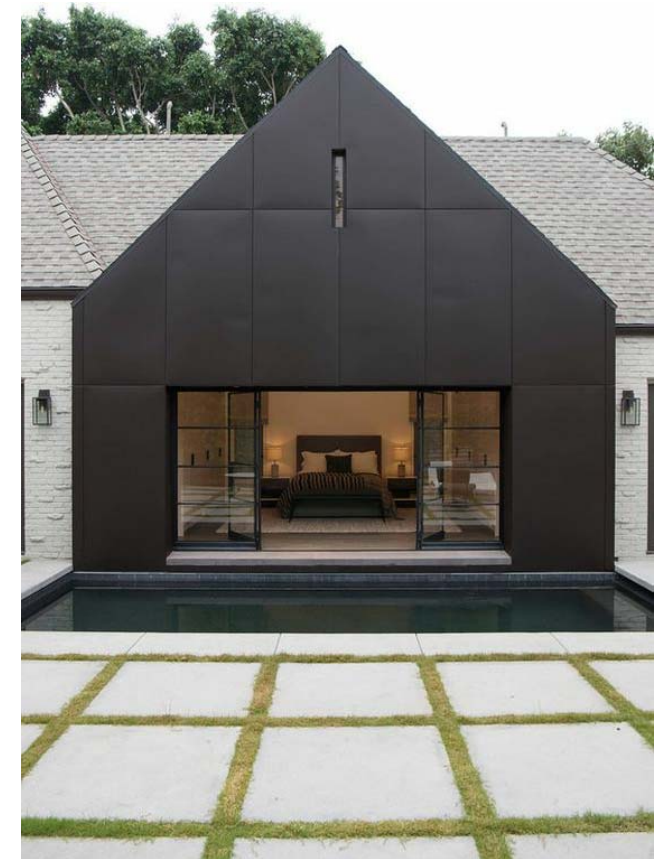
2 METAL CLADDING, COLOUR: CHARCOAL



3 GLAZED BRICKWORK PATTERN



8 TIMBER BATTENS



10 PAINTED FINISH

ARNOLD HOUSE
45 & 47 ARNOLD STREET, SOUTH YARRA

PROJECT NO:
1720

REASON FOR ISSUE:
TOWNPLANNING SUBMISSION

PROPOSED EXTERNAL FINISHES - SHEET 2
EXISTING BUILDING WITH NEW FINISHES

REVISION:
-

DATE:
JUNE 2018

SCALE:
NTS @A3



DRAWING NO:
- TP031



3 GLAZED BRICKWORK



5 DECORATIVE FINS, MILD STEEL PAINTED FINISH



4 ALUMINIUM WINDOWS WITH CLEAR GLASS



7 ZINCALUME ROOFING

ARNOLD HOUSE
45 & 47 ARNOLD STREET, SOUTH YARRA

PROJECT NO:
1720

REASON FOR ISSUE:
TOWNPLANNING SUBMISSION

PROPOSED EXTERNAL FINISHES - SHEET 3
PROPOSED BUILDING WITH NEW FINISHES

REVISION:
-

DATE:
JUNE 2018

SCALE:
NTS @A3



DRAWING NO:
- TP032

PLANNING PERMIT APPLICATION

DELEGATE REPORT

Application number:	TP-2018-790
Applicant / Owner / Architect:	Cathryn McMillan c/- James Hampton Design Partner Pty Ltd / Cathryn McMillan & McSummons Pty Ltd / James Hampton Design Partner Pty Ltd
Address:	45 & 47 Arnold Street, South Yarra
Proposal:	Part demolition, alterations and additions to the existing dwellings, construction of a third dwelling and a reduction of car parking requirements
Cost of works:	\$1.2 million
Date of original submission:	12 September 2018
Responsible officer:	Ashley Treloar

1 SUBJECT SITE AND SURROUNDS

1.1 Site

The subject site is located on the west side of Arnold Street between Bromby Street to the north and Toorak Road to the south. Council Lane 1291 adjoins the south boundary and is approximately 3.3m wide. Council Lane 1292 adjoins part of the north boundary; the N-S section is approximately 3.1m wide and the E-W section is approximately 2.7m wide.

The site has an irregular shape and a total area of 855m².

The site contains two two-storey Victorian terraces and rear carport and garage structures. Both terraces have been afforded an A grade in a level 3 streetscape in the Heritage Places Inventory, March 2018. Their notable features include the unpainted decorative brickwork, unpainted cement render, verandah decoration, verandah roof and structure, evidence of early colours and finishes, and front fence. Vehicle access is provided via the adjoining laneways.

The site is formally described as Lot 1 on Plan of Subdivision 324488J (Volume 10121 Folio 919) and Lot 2 on Plan of Subdivision 324488J (Volume 10121 Folio 920). The site is not affected by any restrictive covenants.

1.2 Surrounding properties

North

49 Arnold Street contains a single-storey dwelling with a two-storey rear addition. The dwelling is built to the shared boundary and has rear secluded private open space. The dwelling has been afforded a D grade in a level 3 streetscape.

63 Bromby Street, over CL1292, contains a two-storey apartment building with rear hardstand for car parking. The building is ungraded.

67 Bromby Street, over CL1292, contains a two-storey apartment building with a rear garage and hardstand for car parking. The building has been afforded a B grade in a level 3 streetscape.

71 Bromby Street contains a single-storey Victorian dwelling and a rear garage. The dwelling is ungraded.

South

39-41 Arnold Street, over CL1291, contains a two-storey Art Deco building occupied by Melbourne Grammar. The building has been afforded a D grade in a level 3 streetscape.

West

The substation at the rear of 45 Arnold Street is owned by CityPower Ltd and is formally described as Lot 1 on Title Plan 230575Y (Volume 05145 Folio 856).

379 St Kilda Road contains the Royce Hotel. The multi-storey residential hotel has a courtyard adjoining the subject site. The building has been afforded an A grade in a level 3 streetscape.

387 St Kilda Road contains a four-storey office building. The building has a solid wall on the shared boundary and is ungraded.

Site photos: front and rear



Aerial Photograph (Source: Council's GIS dated 31 August 2019)



2 BACKGROUND AND HISTORY

2.1 Pre-application discussions

A pre-application meeting was held prior to lodgement.

2.2 Planning application history

The following applications are relevant to the subject site and surrounds.

Address	Reference	Description	Decision
45 Arnold Street, South Yarra (subject site)	TP-2012-639	Change of use for home occupation (office)	Permit 5/4/2013
49 Arnold Street, South Yarra	TP-2016-461/B	Part demolition, alterations and additions, including a two-storey rear addition	Amended permit 5/4/2018
39-41 Arnold Street, South Yarra	TP-1993-283	Erection of an additional level and use of the building for integrated arts centre	Permit 1/6/1993

3 PROPOSAL

The application seeks planning permission for part demolition, alterations and additions to the existing dwellings, construction of a third dwelling and a reduction of car parking requirements.

The plans that have been considered in this assessment are the advertised drawings by James Hampton Design Partner Pty Ltd dated June 2018.

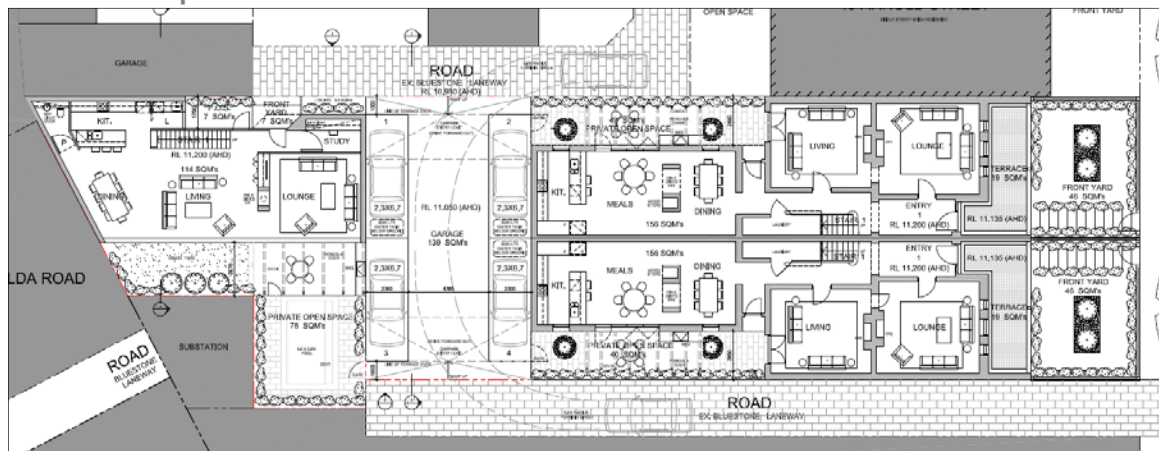
Details of the proposal can be summarised as follows:

- Demolition of the single-storey portions of the existing dwellings and the garage and carport structures.
- Construction of a new two-storey dwelling at the rear of the existing dwellings. The dwelling has a flat roof and is 7.5m high. The entrance is located on the north

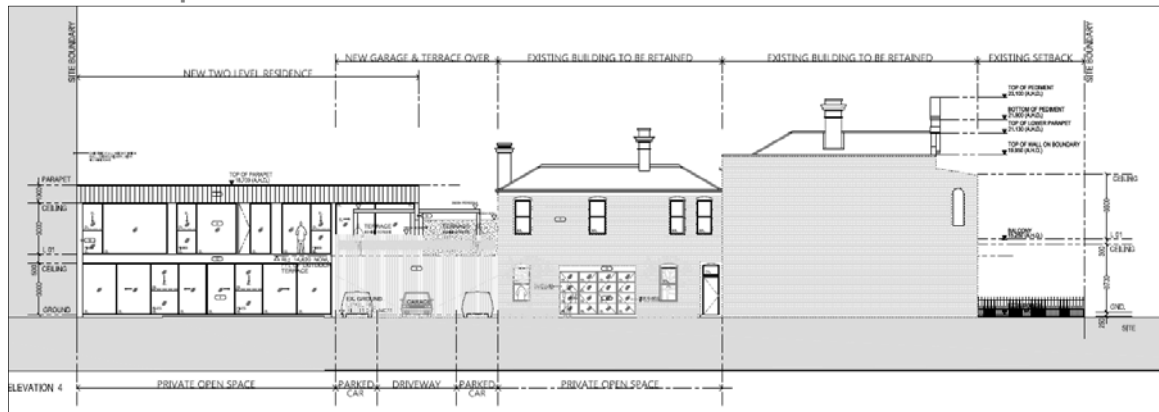
side of the dwelling off CL1292. A 78m² courtyard is located on the south side of the dwelling and a 28m² terrace is located at first floor level. The materials and finishes include metal cladding, glazed brickwork, timber battens and aluminium framed doors and windows.

- Construction of a new driveway and car park between the existing dwellings and the new dwelling. The car park provides four spaces for the three dwellings.
- Construction of first floor terraces to each of the three dwellings over the new car park.
- Alterations to the fenestration on the side elevations of the existing dwellings at ground floor level to enlarge the door and window openings to the courtyards.
- Alterations to the fenestration on the rear elevation of the existing dwellings at first floor level to provide Juliette balconies to Bedroom 2.

Extract of Proposed Ground Floor Plan



Extract of Proposed South Elevation



4 STATUTORY CONTROLS

The following provisions of the Melbourne Planning Scheme apply.

<p>Planning Policy Framework</p>	<p>Clause 11 – Settlement Clause 15 – Built Environment and Heritage Clause 16 – Housing Clause 18 – Transport Clause 19 – Infrastructure</p>
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Municipal Strategic Statement	<p>Clause 21.04 – Settlement</p> <p>Clause 21.06 – Built Environment and Heritage</p> <p>Clause 21.07 – Housing</p> <p>Clause 21.09 – Transport</p> <p>Clause 21.10 – Infrastructure</p> <p>Clause 21.16 – Other Local Areas – St Kilda Road and South Yarra</p>
Local Planning Policies	<p>Clause 22.05 – Heritage Places outside the Capital City Zone</p> <p>Clause 22.17 – Urban Design outside the Capital City Zone</p> <p>Clause 22.19 – Energy, Water and Waste Efficiency</p> <p>Clause 22.23 – Stormwater Management</p>

Statutory Controls	
<p>Clause 32.08</p> <p>General Residential Zone</p> <p>Schedule 1</p>	<p>A permit is required to construct two or more dwellings on a lot.</p> <p>A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.</p> <p>An application to construct or extend a dwelling on a lot over 650m² must provide at least 35% garden area. This does not apply to an application to construct or extend a dwelling on a lot if the lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan. The site benefits from this exemption, as such the minimum garden area is not required. This is discussed further in section 9.1 of this report.</p> <p>A building must not be constructed for use as a dwelling that exceeds 11m high and more than three storeys at any point. The new dwelling complies with this requirement and is 7.5m high and two-storeys.</p>
<p>Clause 43.01</p> <p>Heritage Overlay</p> <p>Schedule 6</p>	<p>A permit is required to:</p> <ul style="list-style-type: none"> • Demolish or remove a building. • Construct a building or construct or carry out works.
<p>Clause 43.02</p> <p>Design and Development Overlay</p> <p>Schedule 15-A1</p>	<p>A permit is required to construct a building or construct or carry out works.</p> <p>A permit cannot be granted to vary the 12m maximum building height.</p>
<p>Clause 43.02</p> <p>Design and Development Overlay</p> <p>Schedule 17</p>	<p>A permit is not required for buildings or works constructed up to 33m in height above the Australian Height Datum (AHD). The new dwelling is 18.7m AHD, as such no permit is required under this overlay.</p>
Particular Provisions	
<p>Clause 52.06</p> <p>Car Parking</p>	<p>Clause 52.06-5 requires two car parking spaces to each 3+ bedroom dwelling. A permit is required to reduce the number of car parking spaces.</p> <p>The existing dwellings have two car parking spaces each. Four car parking spaces are proposed for the three 3+ bedroom dwellings, as such a reduction of two spaces is required.</p>

<p>Clause 55 Two or more dwellings on a lot and residential buildings</p>	<p>A development must meet all of the objectives and should meet all of the standards of this clause that apply to the application.</p>
<p>General Provisions</p>	
<p>Clause 65 Decision Guidelines</p>	<p>The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause, which include the matters set out in Section 60 of the Planning and Environment Act 1987.</p>

5 PUBLIC NOTIFICATION

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

6 OBJECTIONS

Two objections were received, which raised the following concerns (summarised):

- Overdevelopment of the site.
- The new dwelling is not in keeping with the neighbourhood character.
- The development will increase pedestrian and vehicle traffic in the adjoining laneways, which will result in loss of privacy, noise and disturbance. The public lighting should be upgraded at the applicant's expense.
- Construction management concerns, including access to the adjoining laneways.
- Noise from wheelie bins on the bluestone laneway.
- Emergency vehicle access to the new dwelling.
- The owner of the land is also the proprietor of 49 Arnold Street, which adjoins Private Lane 5066. PL5066 is the subject of a carriageway and drainage dispute between the adjoining property owners. The approval of this application would cause further loss to the owners of 57, 59 and 61 Bromby Street by way of increased use of CL1292 and loss of amenity.

7 INTERNAL REFERRALS

7.1 Heritage

The application was referred to the Heritage Advisor who provided the following comments (summarised).

- The particularly high level of integrity on all elevations is readily evident from the public realm.
- There are some new window openings on the single-storey portions to the existing dwellings and new windows on the rear elevation at first floor level.
- Construction of a new dwelling on the rear portion of the site is acceptable provided it does not diminish from the significance of the existing dwellings.
- Two aspects are of concern:
 - The first floor terraces project beyond the north and south alignment of the existing dwellings, and

- The first floor terraces read as a large addition to the existing dwellings reducing their visual presence.
- Discrete alterations to the fenestration at ground floor level are supported, however alterations to the fenestration at first floor level are not supported.

7.2 Traffic

The application was referred to the Traffic Department who provided the following comments (summarised).

- The swept paths present reasonable configuration of vehicle access and parking arrangement complying with the minimum requirements according to Australian Standards. Though it is worth noting that this has resulted in vehicles requiring multiple manoeuvres to enter and exit the site. Any inconveniences and issues that arise from this are for the applicant to resolve.
- A note should be placed on any permit advising that Council will not change on-street parking restrictions and residents will not be eligible for 'Area 1C resident parking permits'.

7.3 Waste

The application was referred to the Waste Department who advised that the Waste Management Plan by Sustainable Built Environments Pty Ltd dated 15 May 2019 was acceptable.

7.4 Civil

The application was referred to Civil Design who had no objection, subject to standard conditions.

7.5 ESD and Green Infrastructure

The application was referred to the ESD and Green Infrastructure Officer who suggested the following:

- Operable shading devices on the west facing habitable room windows.
- Light coloured roofing material (solar absorbance <0.32).
- Provision for future electric vehicle charging to each car space notated on the plans. This requires the provision of an extra electrical circuit with 32A single phase capacity.
- Raingardens shown on the plans, including a section detail of the raingardens to Melbourne Water standards and detailing connection to the stormwater drainage system.

8 EXTERNAL REFERRALS

No external referrals were required.

9 ASSESSMENT

The key issues in the assessment of the application are:

- Garden area requirement.
- Part demolition of the existing dwellings.
- The height, scale and design of the new dwelling.
- The appropriateness of the alterations and additions to the existing dwellings.

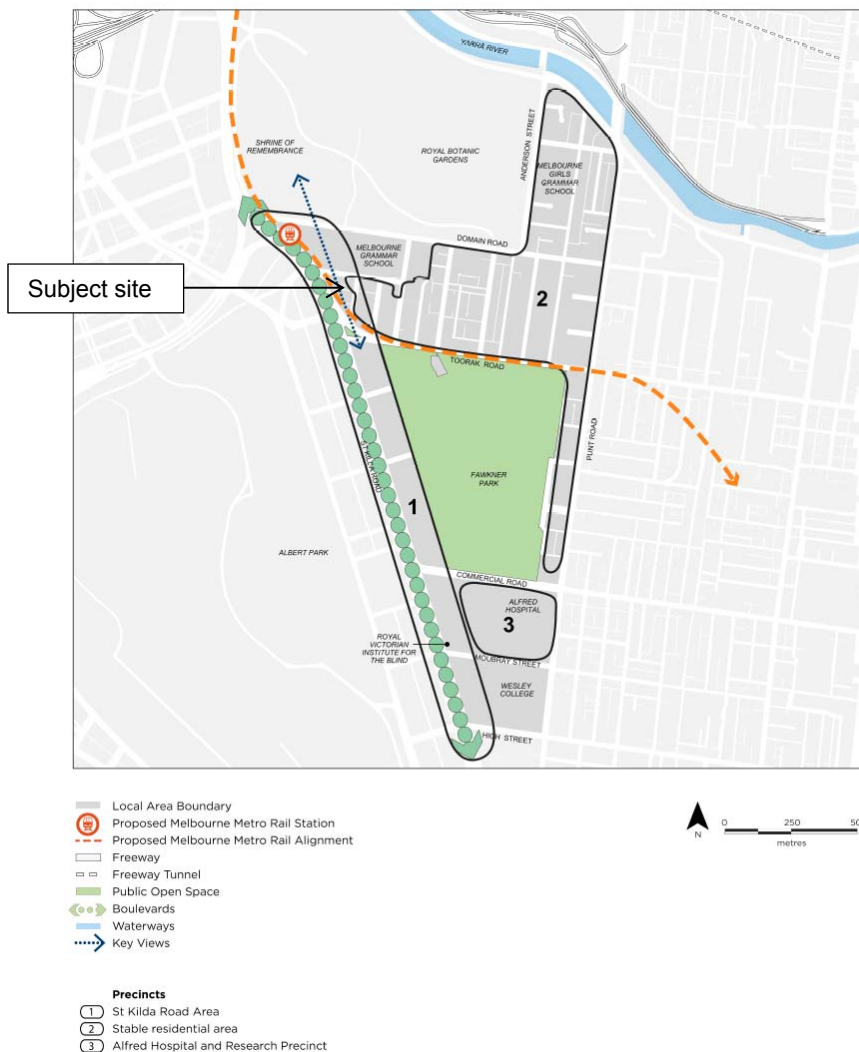
- Clause 55 and perceived amenity impacts.
- Parking, traffic and waste.
- Environmentally sustainable design.
- Any other issues raised by the objectors.

9.1 Garden area requirement

The site is located within the General Residential Zone Schedule 1, which requires that an application to construct or extend a dwelling on a lot over 650m² provide at least 35% garden area. This does not apply to an application to construct or extend a dwelling on a lot if the lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan.

Clause 21.16-1 (St Kilda Road and South Yarra) provides the spatial and built form strategies for the local area. According to Figure 16, the site is located within Precinct 1 (St Kilda Road Area). The strategies recognise that St Kilda Road is a premier boulevard containing high density office and residential development and they support further high density residential development within this context, as such this precinct benefits from the exemption to the garden area requirement.

Figure 16: St Kilda Road and South Yarra



9.2 Part demolition of the existing dwellings

The site is located within Heritage Overlay HO6 (South Yarra Precinct).

The existing dwellings are A graded in the Heritage Places Inventory, March 2018.

Clause 22.05 (Heritage Places outside the Capital City Zone) states that demolishing or removing original parts of A graded buildings will not normally be permitted.

The application seeks planning permission for demolition of the carport and garage structures and the single-storey portions of the dwellings, and part demolition of the side and rear elevations associated with alterations to the fenestration.

Demolition of the carport and garage structures will not remove any significant heritage fabric.

The single-storey portions of the dwellings are original. They include a storeroom, laundry and toilet. They feature red brick and a gabled roof, however they have been altered with new door and window openings. Demolition of the single-storey portions of the dwellings is considered acceptable because:

- They are located at the rear of the two-storey terraces and are not visible from Arnold Street or Bromby Street.
- The development will retain the two-storey portions of the dwellings, six rooms in depth, including the roof structure and chimneys.
- This demolition is required for the alterations and additions to the dwellings and the development of the land for a third dwelling.

Site as viewed from Arnold Street along CL1291 Site as viewed from Bromby Street along CL1292



The development includes part demolition of the first floor windows on the rear elevation to provide Juliette balconies to Bed 2. These changes are not supported because they impact the front portion of the terraces and will be visible from the adjoining laneways. Condition 1 amended plans are recommended to delete the part demolition and alterations associated with the Juliette balconies to Bed 2.

Original first floor windows (location of proposed Juliette balconies)



The development includes part demolition of the side and rear elevations to enlarge the door and window openings to the courtyard and terrace. These changes will not be visible behind the boundary fences and terrace screening and are considered acceptable. Condition 1 amended plans are recommended to ensure that the part demolition associated with the enlarged door and window openings to the courtyard and terrace are shown on the plans as some of these details are missing at present.

9.3 Height, scale and design of the new dwelling

9.3.1 Height

The site is located within the General Residential Zone Schedule 1 (GRZ1) and is affected by Design and Development Overlay Schedule 15 Area 1 (DDO15-A1). GRZ1 has a maximum building height of 11m and three storeys; DDO15-A1 has a maximum building height of 12m excluding architectural features and building services.

The new dwelling complies with these requirements and is approximately 7.5m high and two storeys. The development achieves the design objectives and built form outcomes of DDO15, including a scale of development that is compatible with the buildings in the area, and not overshadowing or intruding on the vistas within the Royal Park Gardens.

9.3.2 Scale and design

Clause 22.05 (Heritage Places outside the Capital City Zone) requires that the height of a new building respect the scale and character of adjoining buildings and streetscapes. The materials should be respectful and the details should be interpretive.

Clause 22.17 (Urban Design outside the Capital City Zone) encourages site responsive development, acknowledging that any development is part of a larger setting. The scale of new development is encouraged to respond to the scale of surrounding development in terms of its overall dimensions and the size of its individual elements. Building forms and surface treatments should be appropriately articulated to moderate apparent bulk and mass and avoid blank walls. Elements / services above the roof should be absorbed within the overall building or included in the roof design.

The scale and design of the new dwelling responds to the features of the site and surrounds. It sits comfortably at the rear of the existing dwellings and will not be visible from Arnold Street or Bromby Street. It is lower than the existing dwellings and appropriately setback from the rear of the existing dwellings. It will not have an unreasonable impact on the amenity or equitable development of the adjoining properties having regard to the surrounding built form. It has a contemporary form and appearance that does not dominate or detract from the heritage significance of the existing dwellings. It is appropriately articulated by window openings and a complementary palette of materials and finishes. It includes 10.5m² and 78m² of garden area on the north and south sides of the building respectively, to contribute to the landscape qualities of the area.

9.4 Alterations and additions to the existing dwellings

The development includes construction of first floor terraces to the rear of the existing dwellings, pergolas above the courtyards and terraces, and part demolition of the side and rear elevations associated with alterations to the fenestration as discussed in section 9.2 of this report.

While the Heritage Advisor recommended that the first floor terraces be setback from the north and south boundaries to align with the sides of the existing dwellings, the first floor terraces are considered acceptable as proposed because:

- They will not be visible from Arnold Street or Bromby Street. They will only be visible from the adjoining laneways, which are no through roads and do not have a streetscape grading.
- They enclose the carpark and align with the entry and exit gates at ground floor level.
- They do not detract from the prominence of the existing dwellings given their lightweight, permeable design.
- The front portion of the existing dwellings is built to the side boundaries, the rear portion is setback 2.7m and the first floor terraces will be setback 1m, providing an appropriate design response.

The pergolas above the courtyards and terraces will not have an unreasonable impact on the heritage significance of the existing dwellings. The pergolas attached to the existing dwellings will be at ground floor level. The pergolas to the first floor terraces will be attached to the new dwelling and structures to minimise the interventions to the upper levels of the existing dwellings.

9.5 Clause 55 and perceived amenity impacts

The development meets the objectives of Clause 55 (Rescode). Variations to the standards, which are not uncommon in inner city areas, are discussed below.

9.5.1 Standard B6 – Street setback

Standard B6 states that where there is no existing building on either of the abutting allotments facing the same street and the site is not on a corner, the walls of buildings should be setback 4m from the street (other than streets in a Road Zone Category 1, which should be setback 6m).

The new dwelling does not comply with this standard; the front façade is setback 1m from the adjoining laneway. A variation of Standard B6 is considered acceptable having regards to:

- The character of CL1292 and the built form adjoining the laneway.
- The dwelling will not be overbearing when viewed from the laneway or the surrounding properties having regards to its siting and scale.

- A small garden is provided within the front setback.

9.5.2 Standard B8 – Site coverage

Standard B8 requires no more than 60% site coverage.

The development has 69.5% site coverage. A variation of Standard B8 is acceptable having regard to the neighbourhood character, which includes high site coverage.

9.5.3 Standard B17 – Side and rear setbacks

Standard B17 requires a new building not on or within 200mm of a boundary to be setback from the side and rear boundaries:

- 1m plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m.

North elevation

While the north boundary is the street frontage of the new dwelling and has been assessed under Standard B6 (street setback), it also adjoins 71 Bromby Street and an assessment against Standard B17 (side and rear setback) is provided below.

The first floor of the third dwelling is approximately 7.5m high and is setback 1m and 1.8m from the north boundary; the required setback is 2.6m. A variation of Standard B17 is considered acceptable because it adjoins the garage at 71 Bromby Street and will not adversely affect the amenity of the adjoining property by way of visual bulk or overshadowing.

9.5.4 Standard B29 – Solar access to open space

Standard B29 states that private open space should be located on the north side of a dwelling, if appropriate. The southern boundary of private open space should be setback from any wall on the north side of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.

The new dwelling has private open space on the south side of the building at ground and first floor level.

The southern boundary of the private open space at ground floor level should be setback 8.8m from the 7.5m high wall on the north side. Not all of the space complies with this standard; some is setback 2.9m. A variation of Standard B29 is considered acceptable because:

- The new dwelling has a total of 113m² private open space, which exceeds that required by Standard B28 (private open space).
- The first floor terrace and a good portion of the area at ground floor level comply with Standard B29.

9.5.5 Standard B30 – Storage

Standard B30 requires that each dwelling have access to at least 6m³ of externally accessible, secure storage.

The new dwelling will not have externally accessible, secure storage nor will the existing dwellings. A variation of Standard B30 is considered acceptable having regard to the size and layout of the dwellings, which provide ample storage.

9.6 Parking, traffic and waste

Clause 52.06-5 requires two car parking spaces to each 3+ bedroom dwelling.

The existing dwellings have two car parking spaces each. Four car parking spaces are proposed for the three 3+ bedroom dwellings, as such a reduction of two spaces is required.

A reduction of two car parking spaces is considered acceptable having regard to the site's proximity to amenities and public transport.

It is proposed to allocate two car parking spaces to the third dwelling and one space to each of the existing dwellings. A condition is recommended accordingly.

The Traffic Department reviewed the application and did not object to the access, layout, parking provision, traffic generation or emergency vehicle access.

The application was referred to the Waste Department who advised that waste storage and collection arrangement were acceptable.

9.7 Environmentally sustainable design

Clause 22.19 (Energy, Water and Waste Efficiency) requires that residential developments up to 5,000m² GFA achieve:

- 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent.
- A Waste Management Plan prepared in accordance with the current version of the City of Melbourne's Guidelines for Waste Management Plans.

Clause 22.23 (Stormwater Management) requires that applications be accompanied by a water sensitive urban design response.

The Environmentally Sustainable Design (ESD) Statement by Sustainable Built Environments Pty Ltd dated January 2019 was referred to Council's ESD and Green Infrastructure Officer. While the report satisfies the requirements of Clause 22.19 and Clause 22.23, the following was suggested:

- Operable shading devices on the west facing habitable room windows.
- Light coloured roofing material (solar absorbance <0.32).
- Provision for future electric vehicle charging to each car parking space notated on the plans. This requires the provision of an extra electrical circuit with 32A single phase capacity.
- Raingardens shown on the plans, including a section detail of the raingardens to Melbourne Water standards and detailing connection to the stormwater drainage system.

The installation of operable shading devices to the west facing habitable room windows, while preferable from an ESD perspective, are not supported from a heritage perspective. These interventions, particularly at first floor level would alter original fabric and detract from the heritage significance of the existing dwellings.

A light coloured roofing material for its ESD benefits was discussed with the applicant, who ultimately decided to retain the proposed dark colour. The Responsible Authority cannot require an applicant to achieve an environmental performance greater than that required by policy.

Provision for future electric vehicle charging would not require an amendment to the plans. The applicant has taken this item on notice.

The ESD Statement includes raingardens as part of the water sensitive urban design strategy together with 5,000L rainwater tanks for each dwelling for toilet flushing. It is appropriate that details of the raingardens be included on the plans. Condition 1 amended plans are recommended accordingly.

9.8 Any other issues raised by the objectors

Some objectors raised concern regarding increased use of the adjoining laneways resulting in a loss of privacy, noise and disturbance. The adjoining laneways are Council owned and publicly accessible. Engineering Services did not raise any concern with the pedestrian entry to the new dwelling off CL1292 or the access and layout of the car parking spaces, and they did not request a public lighting condition. Excessive noise and anti-social behaviour in the adjoining laneways should be reported to Police.

A construction management plan condition is recommended.

Noise from wheelie bins on bluestone laneways is not uncommon in a Heritage Overlay.

The civil dispute over PL5066 is not a relevant planning consideration. The development does not rely on this private lane.

9.9 Conclusion

The proposal is generally consistent with the relevant sections of the Melbourne Planning Scheme. It is recommended that a Notice of Decision to Grant a Permit is issued subject to the following conditions.

10 RECOMMENDATION

That a Notice of Decision to Grant a Permit be issued for part demolition, alterations and additions to the existing dwellings, construction of a third dwelling and a reduction of car parking requirements at 45 and 47 Arnold Street, South Yarra subject to the following conditions:

Amended plans

1. Prior to the commencement of the development, including demolition, two copies of plans, drawn to scale must be submitted to the Responsible Authority, generally in accordance with the drawings by James Hampton Design Partner Pty Ltd dated June 2018, but amended to show:
 - a) Proposed roof plan.
 - b) Deletion of the part demolition and alterations associated with the Juliette balconies to Bed 2 to the existing dwellings.
 - c) The part demolition associated with the enlarged door and window openings to the courtyards and terraces to the existing dwellings included on the demolition plans and elevations.
 - d) Details of the raingardens, including a section of the raingardens to Melbourne Water standards and connection to the stormwater drainage system.

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.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Materials and finishes

4. Prior to the commencement of the development, including demolition, a schedule and samples of all external materials, colours and finishes including a colour render and notated plan / elevation must be submitted to and approved by the Responsible Authority.

Construction management plan

5. Prior to the commencement of the development, including demolition, a detailed demolition and construction management plan must be submitted to and be approved by the City of Melbourne – Construction Management Group. This demolition and construction management plan must be prepared in accordance with the City of Melbourne – Construction Management Plan Guidelines and is to consider the following:
 - a) Management of public access and linkages around the site during construction.
 - b) Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian accessways).
 - c) Any works within the adjoining street network road reserves.
 - d) Sediment control and site drainage.
 - e) Hours of construction.
 - f) Control of noise, dust and soiling of roadways.
 - g) Discharge of polluted waters.
 - h) Collection and disposal of building and construction waste.

Civil design

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 City of Melbourne's underground stormwater drainage system.
7. Prior to 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.
8. Any damage to the road adjoining the site along Council Lane 1291 and Council Lane 1292 during construction must be made good (to the standard of its existing condition) at the cost of the developer, to the satisfaction of the Responsible Authority.
9. Existing street levels in Council Lane 1291 and Council Lane 1292 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.

Environmentally sustainable design

10. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement by Sustainable Built Environments Pty Ltd dated January 2019 must be achieved in the completed development.

11. 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.
12. Within six months of occupation of the development, a report must be provided to the satisfaction of the Responsible Authority, which details the designed initiatives implemented within the completed development that achieve the performance outcomes specified in the endorsed ESD Statement.

Waste management

13. The waste storage and collection arrangements must be in accordance with the Waste Management Plan by Sustainable Built Environments Pty Ltd dated 15 May 2019. The Waste Management Plan must not be altered without prior consent of the City of Melbourne – Engineering Services.
14. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Responsible Authority.

Building appurtenances and services

15. The screening of the windows, balconies and terraces shown on the endorsed plans must be installed prior to occupation of the building and must be maintained to the satisfaction of the Responsible Authority.

Street trees

16. Prior to the commencement of the development, including demolition and bulk excavation, a Tree Protection Plan (TPP) for any public trees that may be affected by the development, must be provided to the satisfaction of the Responsible Authority – Urban Forestry & Ecology. 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) Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries.
 - c) 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.
 - d) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree. These must be provided for any utility connections or civil engineering works.
 - e) Full specifications of any pruning required to publicly owned trees.
 - f) Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
 - g) 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).

- h) 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.
17. Following the approval of a Tree Protection Plan (TPP) a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of demolition and construction activities. The bond amount will be calculated by Melbourne City Council and provided to the applicant / developer / owner of the site. Should any tree be adversely impacted on, Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.
18. In the event that a construction management plan or traffic management plan changes any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed Tree Protection Plan (TPP), a revised TPP must be provided to the satisfaction of the Responsible Authority – Urban Forestry & Ecology. When approved, the revised TPP will be endorsed to form part of the permit and will supersede any previously endorsed TPP.
19. In the event that public trees are proposed for removal at any stage of the development, the applicant must submit plans for the approval of Melbourne City Council that show replacement and or additional tree plots of a larger size and increased soil volume than currently exists in the street frontages adjacent to the development.
20. All works, including demolition and bulk excavation, within the Tree Protection Zones of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.

Car parking

21. Of the four car parking spaces, two spaces must be allocated to the new dwelling and one space must be allocated to each of the existing dwellings, unless with the written consent of the Responsible Authority.

Development time limit

22. 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:

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.

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.

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.

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

In accordance with the City of Melbourne 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.

Council may not change the on-street parking restrictions to accommodate the access, servicing, delivery and parking needs of this development. However, new parking restrictions may be introduced in the surrounding area if considered appropriate by Council.

As per Council's policy, new developments in this area that have been reconstructed to increase residential density, are not entitled to resident parking permits. Therefore, the residents / visitors of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions.