

**Planning Permit Application: TP-2014-193  
33-35 Arden Street, North Melbourne**

11 November 2014

**Presenter:** Daniel Soussan, Planning Coordinator

**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of an application for planning permit TP-2014-193 at 33-35 Arden Street, North Melbourne (refer Attachment 2 – Locality Plan).
2. The application is for the construction of a multi-storey residential apartment building (four storeys in height) and an increase in the standard car parking requirements. The building will comprise 39 dwellings (refer Attachment 3 – Plans).
3. The site is located within the Mixed Use Zone and is affected by Heritage Overlay - Schedule 3 (HO3), Design and Development Overlay - Schedule 32 (DDO32) and Parking Overlay - Schedule 12.
4. The application was advertised on the 26 May 2014 and is referred to the Future Melbourne Committee because at least 16 non identical objections have been received.
5. A consultation meeting was held on 18 June 2014. Following the consultation meeting a series of amended plans were submitted. These plans were formally readvertised to all of the objectors, most recently on the 18 September 2014.

**Key issues**

6. The key considerations associated with the proposal are the height, massing and building design, the potential amenity impacts, internal amenity, car parking and access.
7. The proposed design response and built form is considered appropriate having regard to the unusual nature of the subject site and having regard to its existing context. The proposal has been assessed against Clause 55 (ResCode) and is considered to achieve broad compliance with relevant objectives.
8. Overshadowing of existing areas of private open space is not increased with the exception of 9am shadow to the rear properties of the dwellings that face Errol Street. This quickly dissipates by 10am before completely disappearing by 11am. Overlooking can be effectively managed, subject to a condition requiring additional screening to second floor windows.
9. The internal amenity of the apartments is appropriate, with no reliance on borrowed light. There is however, some concern regarding the size of some one bedroom apartments which are less than 45sqm in area. A condition is therefore recommended requiring all one bedroom apartments smaller than 45sqm to be converted into studio apartments or consolidated with adjoining apartments to create an improved, more spacious floor plate.
10. Engineering Services are satisfied with respect to car parking and access related matters.

**Recommendation from management**

11. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit in accordance with the conditions set out in the delegate report (refer Attachment 4 – Delegate Report).

**Attachments:**

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

## Supporting Attachment

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### 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 in this report.

### Conflict of interest

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

### Stakeholder consultation

5. Formal notification of the application was carried out on 26 May 2014 by notices to the owners and occupiers of adjoining land and via a series of signs on the site. A consultation meeting with the applicant, project architect and a number of residents/objectors was held on 18 June 2014. Notification of the amended application was undertaken in 18 July 2014 and again in September 2014 by posting letters to all objectors and making the plans available for viewing on the Council website.

### Relation to Council policy

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

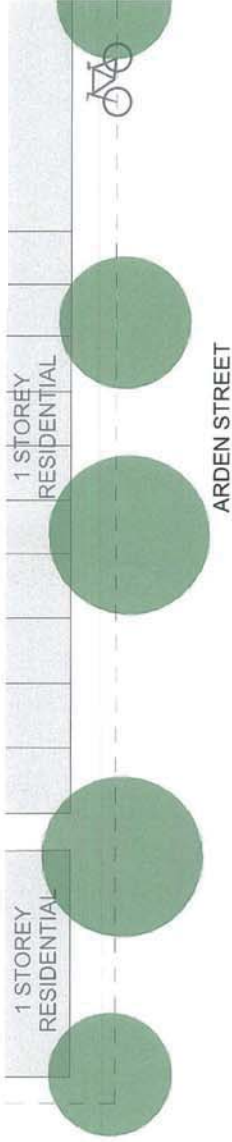
### Environmental sustainability

7. An Environmental Sustainable Development (ESD) report was provided with the application indicating that the proposal will achieve a five star green star rating. Further details of ESD measures are set out in the attached delegate report (refer Attachment 4).

# Locality Plan

## 33-35 Arden Street, North Melbourne





PROJECT  
33-35 ARDEN STREET

JOB NO.  
11699

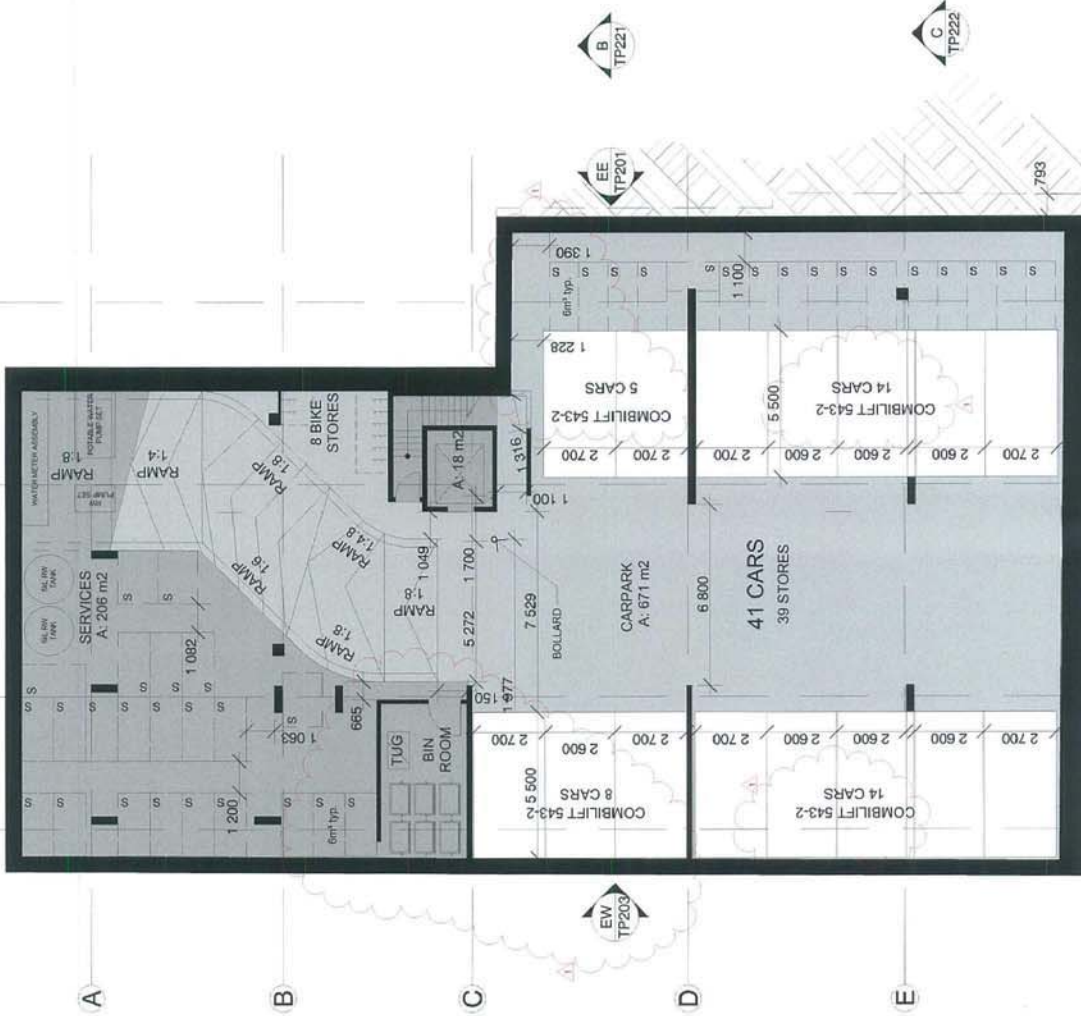
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- KEY:
- RESIDENTIAL APARTMENT ENTRY
  - VEHICLE ENTRY / EXIT
  - HIGH ACTIVATION
  - SECONDARY ACTIVATION
  - SETBACKS
  - CYCLE LANES



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PROJECT <b>35-36 ARDEN STREET</b>	SCALE DATE 11/08/2014	SCALE DATE 11/08/2014	JOB NO. <b>11699</b>	REVISION <b>1</b>
PREPARED BY <b>TP200</b>	DATE <b>11/08/2014</b>	DATE <b>11/08/2014</b>	JOB NO. <b>11699</b>	REVISION <b>1</b>
PROJECT TITLE <b>BASEMENT 1</b>	DATE <b>11/08/2014</b>	DATE <b>11/08/2014</b>	JOB NO. <b>11699</b>	REVISION <b>1</b>



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CHECKED BY	DM
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REVISION	TP102 2



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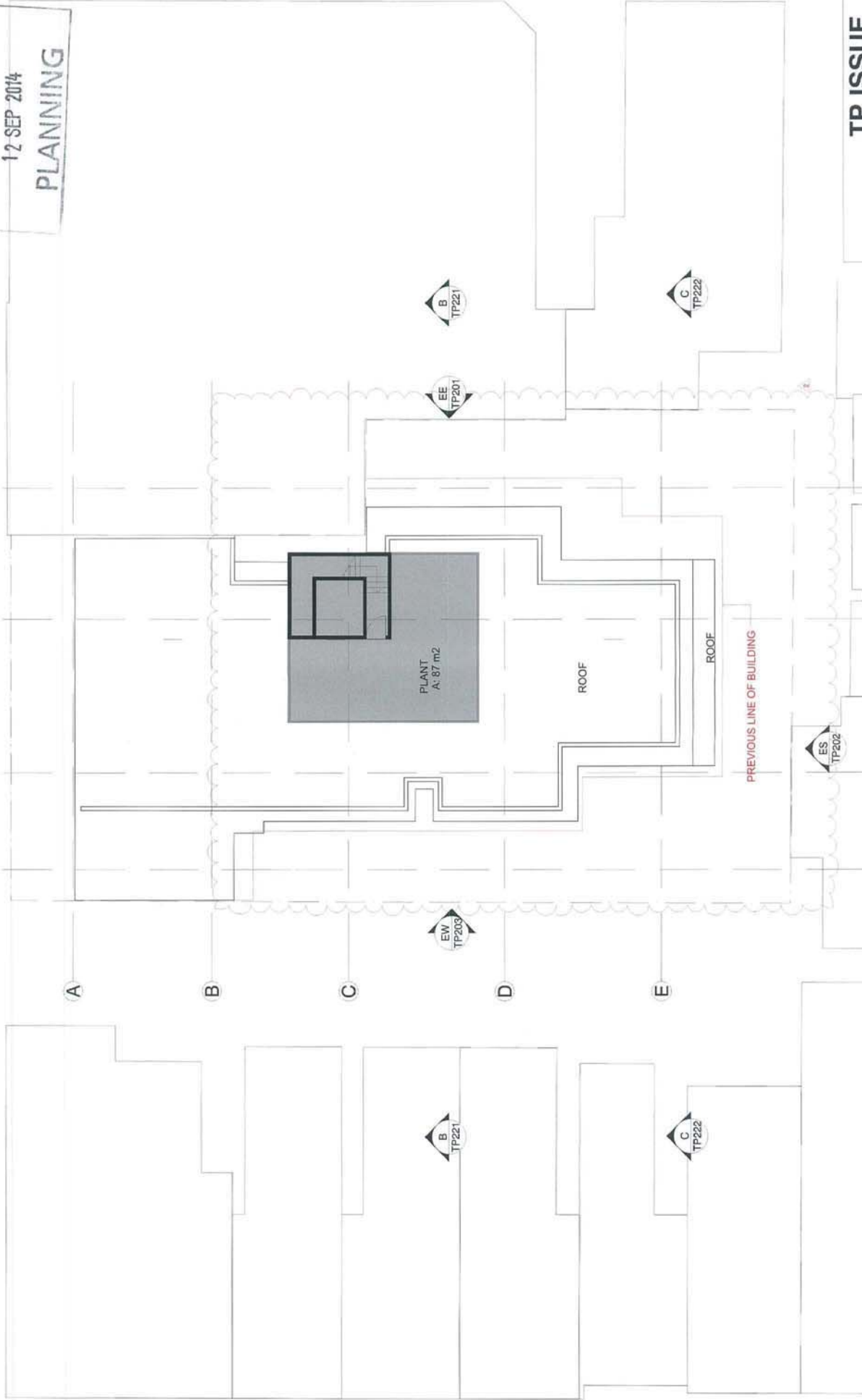
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DESIGNED BY JW	CHECKED BY JW	DATE 11/03/2014	DATE 11/03/2014
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Sydney NSW 2000  
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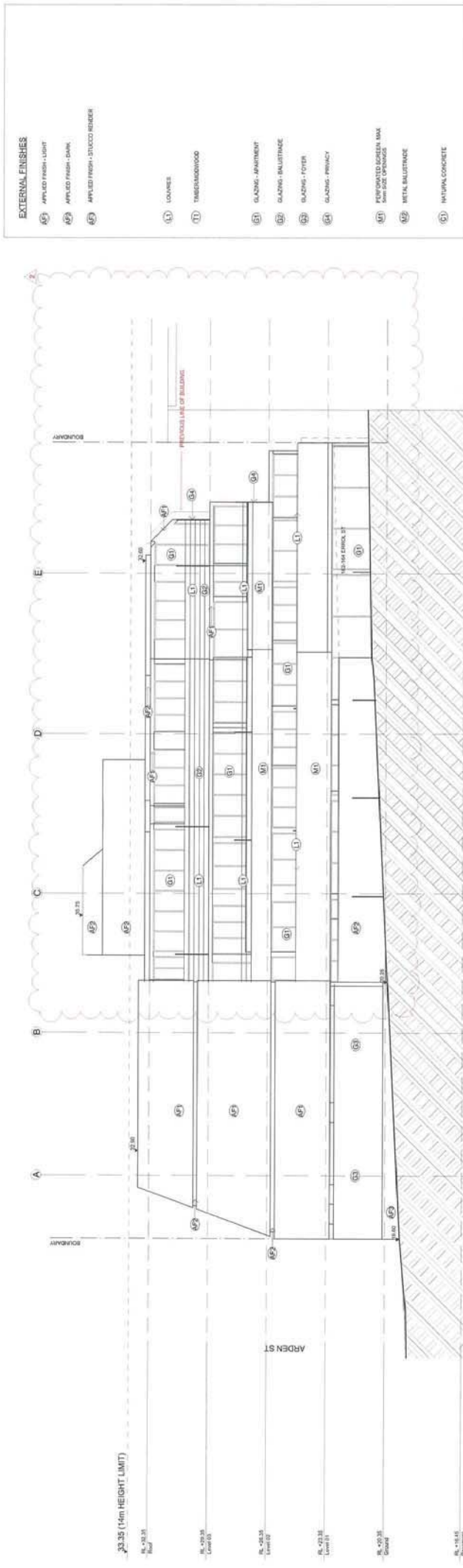
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Structural Engineer	JW	JW	JW	JW
Services Engineer	JW	JW	JW	JW
Architect	JW	JW	JW	JW
Quantity Surveyor	JW	JW	JW	JW
Interior Designer	JW	JW	JW	JW
Other	JW	JW	JW	JW







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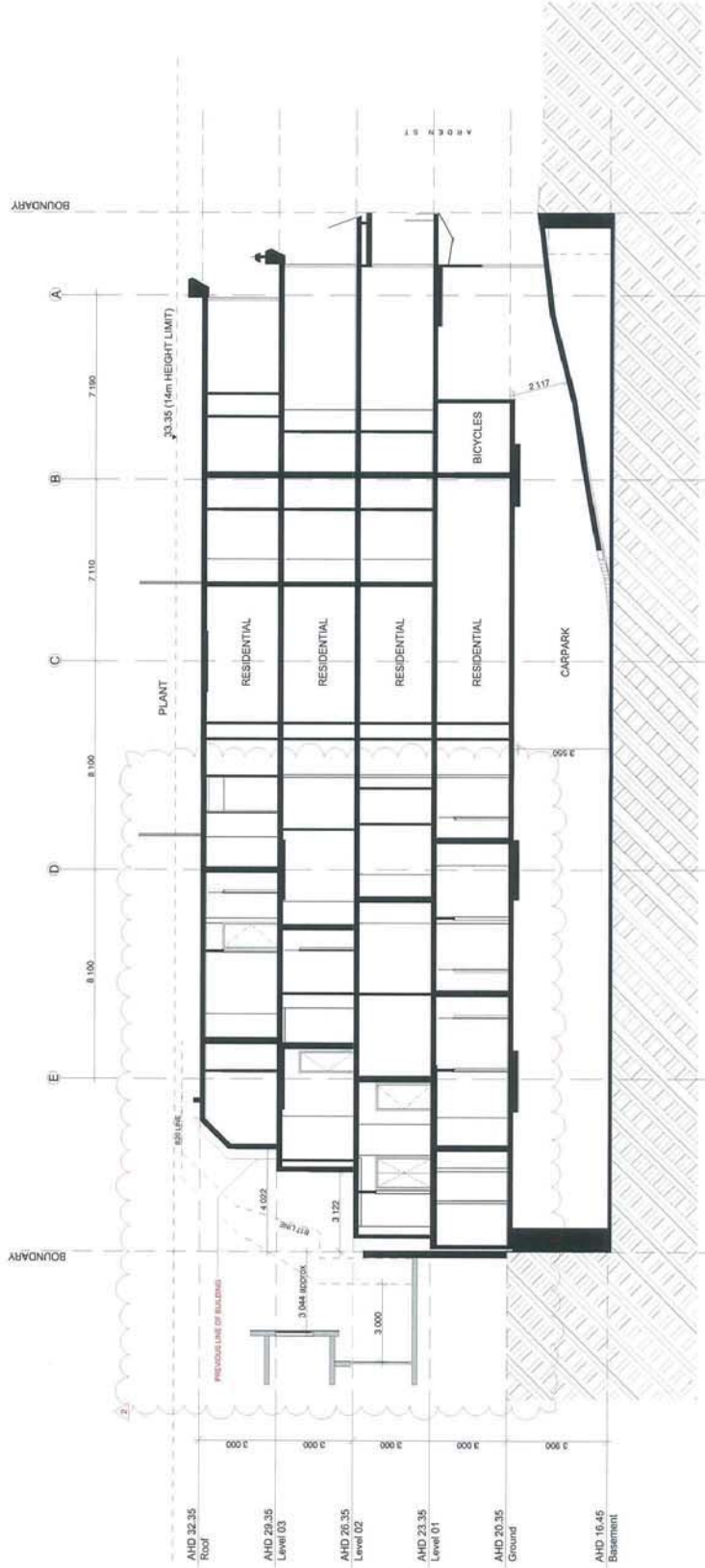
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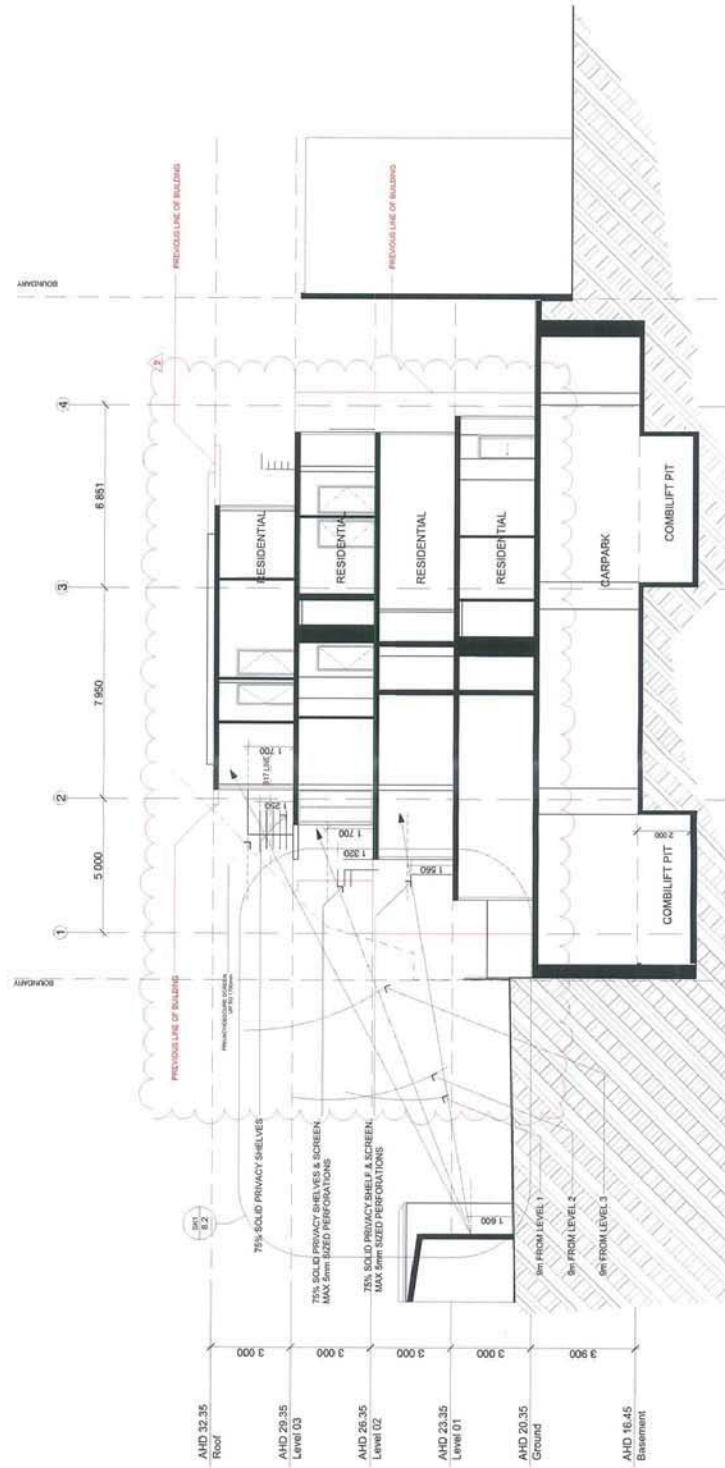
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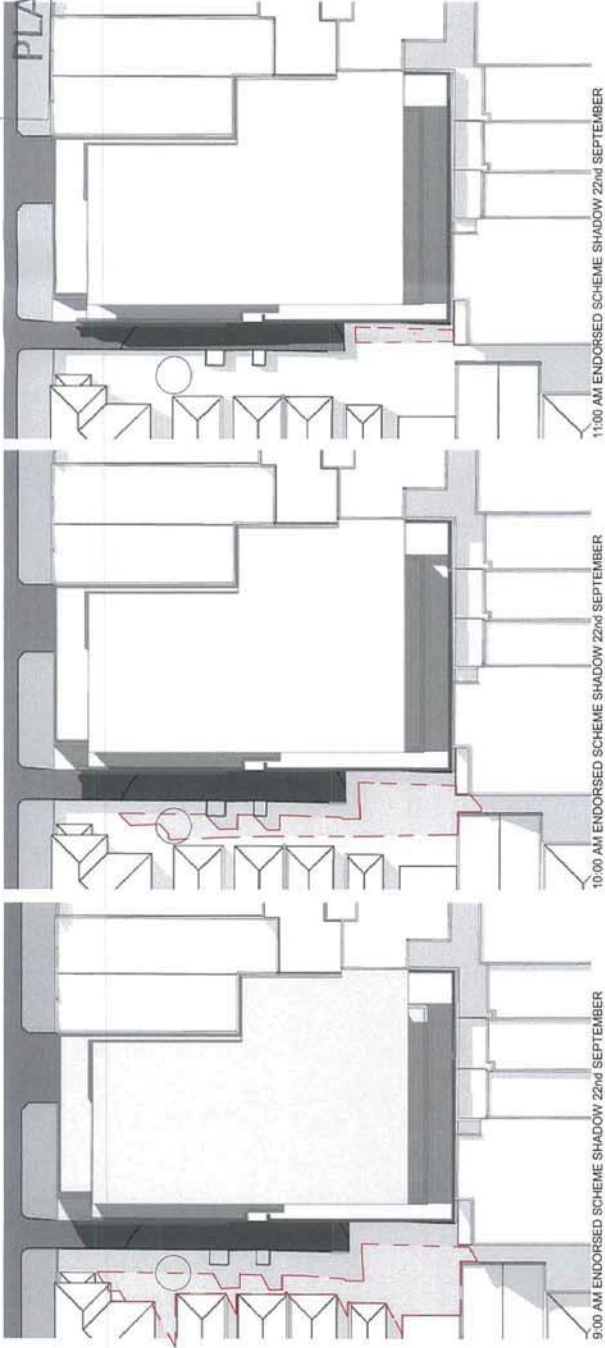
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DEVELOPMENT  
12 SEP 2014  
PLANNING

SHADOW ANALYSIS 01 4.01

PROJECT  
33-35 ARDEN STREET

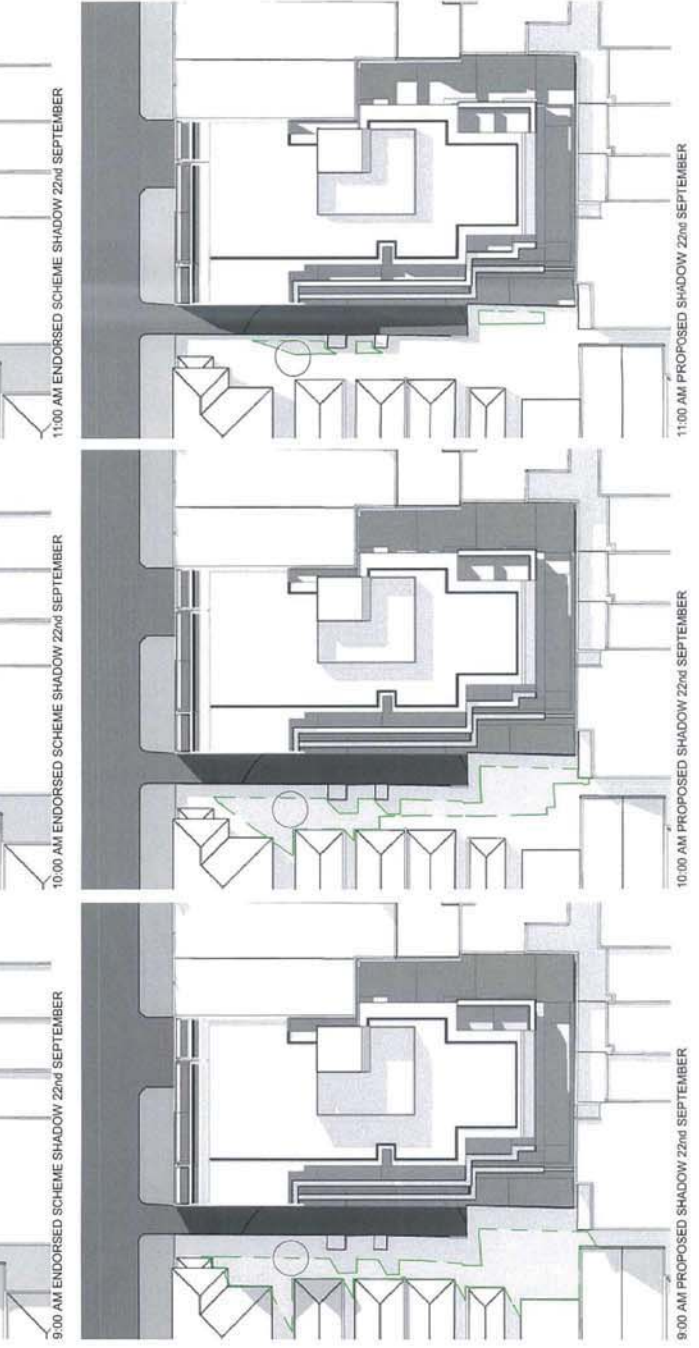
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DATE 11/09/2014



WESTERN CALCULATIONS

	EXISTING CONDITION		PREVIOUSLY ENDORSED SCHEME		PROPOSED	
	TOTAL PRIVATE OPEN SPACE	EXISTING AREA OVERSHADOWED	EXTRA AREA OVERSHADOWED	% OF ADDITIONAL OVERSHADOWING	EXTRA AREA OVERSHADOWED	% OF ADDITIONAL OVERSHADOWING
9am	286.65m <sup>2</sup>	155.28m <sup>2</sup>	126.86m <sup>2</sup>	44%	128.79m <sup>2</sup>	45%
10am	286.65m <sup>2</sup>	116.84m <sup>2</sup>	93.89m <sup>2</sup>	33%	97.23m <sup>2</sup>	34%
11am	286.65m <sup>2</sup>	89.59m <sup>2</sup>	14.55m <sup>2</sup>	5%	17.64m <sup>2</sup>	6%

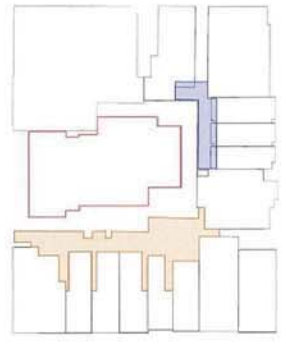
EXTENT OF POS USED FOR CALCULATIONS



SOUTHERN CALCULATIONS

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9am	93.52m <sup>2</sup>	58.43m <sup>2</sup>	0m <sup>2</sup>	0%	0m <sup>2</sup>	0%
10am	93.52m <sup>2</sup>	48.97m <sup>2</sup>	0m <sup>2</sup>	0%	0m <sup>2</sup>	0%
11am	93.52m <sup>2</sup>	44.09m <sup>2</sup>	0m <sup>2</sup>	0%	0m <sup>2</sup>	0%

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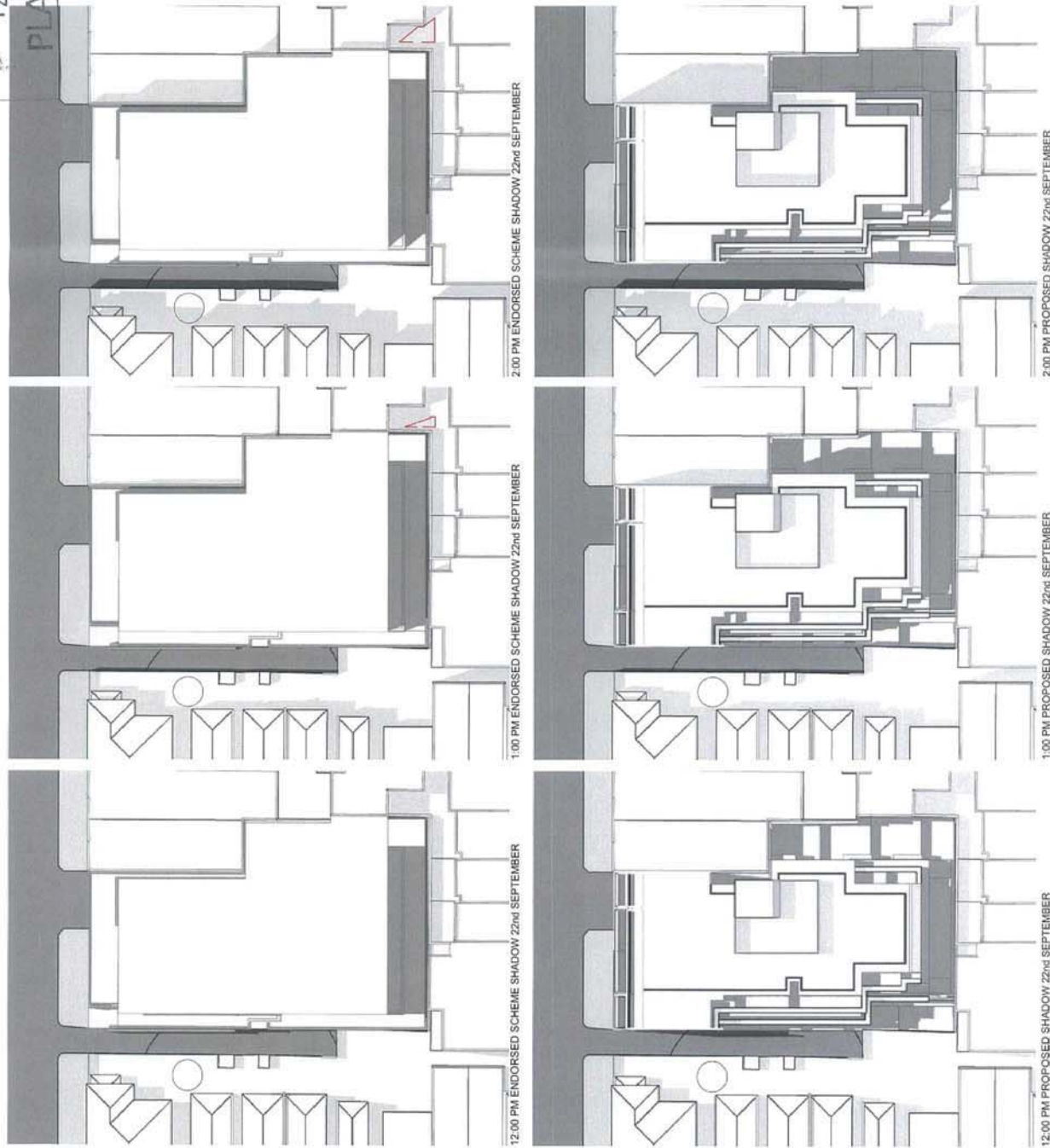


DEVELOPMENT  
12 SEP 2014  
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SHADOW ANALYSIS 02 4.02

PROJECT  
33-35 ARDEN STREET

JOB NO. 11699  
DATE 11/09/2014



WESTERN CALCULATIONS

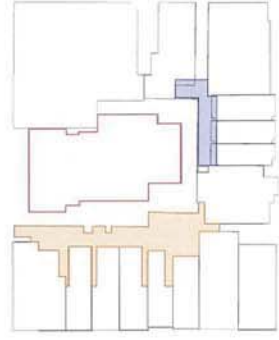
	EXISTING CONDITION		PREVIOUSLY ENDORSED SCHEME		PROPOSED	
	TOTAL PRIVATE OPEN SPACE	EXISTING AREA OVERSHADOWED	EXISTING AREA OVERSHADOWED	% OF ADDITIONAL OVERSHADOWING	EXTRA AREA OVERSHADOWED	% OF ADDITIONAL OVERSHADOWING
12pm	286.65m <sup>2</sup>	74.14m <sup>2</sup>	0m <sup>2</sup>	0%	0m <sup>2</sup>	0%
1pm	286.65m <sup>2</sup>	117.01m <sup>2</sup>	0m <sup>2</sup>	0%	0m <sup>2</sup>	0%
2pm	286.65m <sup>2</sup>	177.75m <sup>2</sup>	0m <sup>2</sup>	0%	0m <sup>2</sup>	0%

EXTENT OF POS USED FOR CALCULATIONS

SOUTHERN CALCULATIONS

	EXISTING CONDITION		PREVIOUSLY ENDORSED SCHEME		PROPOSED	
	TOTAL PRIVATE OPEN SPACE	EXISTING AREA OVERSHADOWED	EXISTING AREA OVERSHADOWED	% OF ADDITIONAL OVERSHADOWING	EXTRA AREA OVERSHADOWED	% OF ADDITIONAL OVERSHADOWING
12pm	93.52m <sup>2</sup>	38.75m <sup>2</sup>	0m <sup>2</sup>	0%	0m <sup>2</sup>	0%
1pm	93.52m <sup>2</sup>	40.20m <sup>2</sup>	2.30m <sup>2</sup>	2%	0m <sup>2</sup>	0%
2pm	93.52m <sup>2</sup>	46.13m <sup>2</sup>	6.31m <sup>2</sup>	7%	0m <sup>2</sup>	0%

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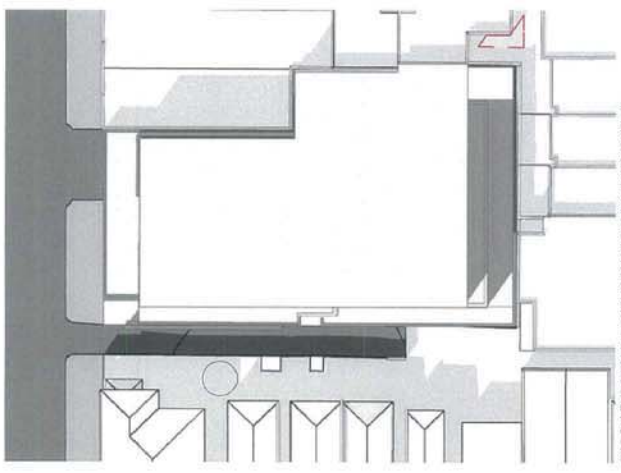


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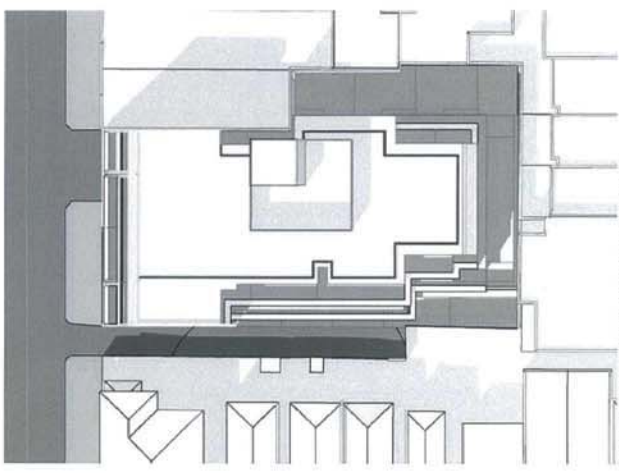
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PROJECT  
**33-35 ARDEN STREET**

JOB NO. 11699 DATE 11/09/2014



3:00 PM ENDORSED SCHEME SHADOW 22nd SEPTEMBER



3:00 PM PROPOSED SHADOW 22nd SEPTEMBER

WESTERN CALCULATIONS

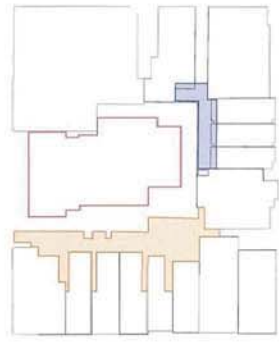
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	EXISTING AREA OVERSHADOWED	% OF ADDITIONAL OVERSHADOWING	EXTRA AREA OVERSHADOWED	% OF ADDITIONAL OVERSHADOWING
TOTAL PRIVATE OPEN SPACE	286.65m <sup>2</sup>	230.23m <sup>2</sup>	0m <sup>2</sup>	0%
3pm			0m <sup>2</sup>	0%

■ EXTENT OF POS USED FOR CALCULATIONS

SOUTHERN CALCULATIONS

EXISTING CONDITION	PREVIOUSLY ENDORSED SCHEME		PROPOSED	
	EXISTING AREA OVERSHADOWED	% OF ADDITIONAL OVERSHADOWING	EXTRA AREA OVERSHADOWED	% OF ADDITIONAL OVERSHADOWING
TOTAL PRIVATE OPEN SPACE	93.52m <sup>2</sup>	48.20m <sup>2</sup>	5.52m <sup>2</sup>	6%
3pm			0m <sup>2</sup>	0%

■ EXTENT OF POS USED FOR CALCULATIONS

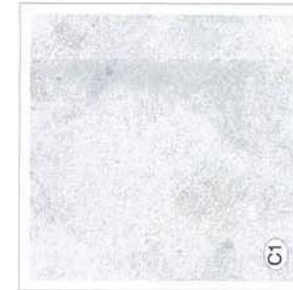
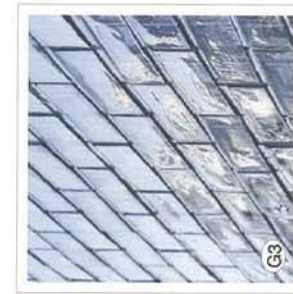
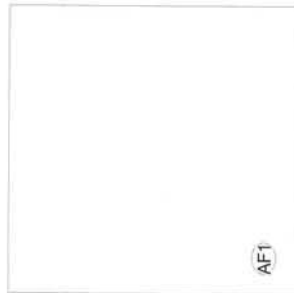


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12 SEP 2014  
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MATERIALS 7.01

PROJECT  
33-35 ARDEN STREET

JOB NO. 11689 DATE 11/09/2014



- EXTERNAL FINISHES**  
 AF1 APPLIED FINISH - LIGHT  
 AF2 APPLIED FINISH - DARK  
 AF3 APPLIED FINISH - STUCCO RENDER
- L1 LOUVRES  
 T1 TIMBER/MODWOOD
- G1 GLAZING - APARTMENT  
 G2 GLAZING - BALUSTRADE  
 G3 GLAZING - FOYER
- M1 PERFORATED SCREEN  
 M2 METAL BALUSTRADE  
 C1 NATURAL CONCRETE

PROJECT

33-35 ARDEN STREET

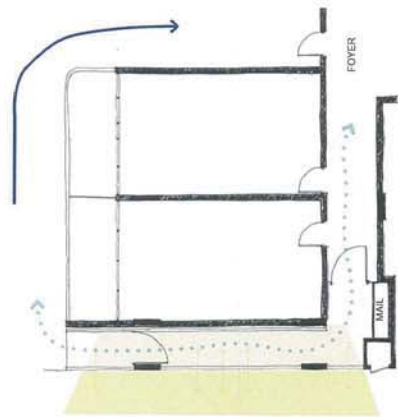
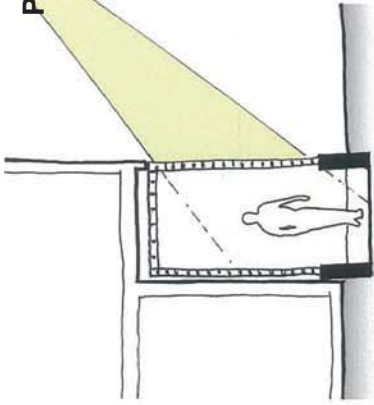
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PROJECT

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PROJECT

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PLANNING





PROJECT  
33-35 ARDEN STREET

JOB NO. 11699 DATE 11/09/2014

DEVELOPMENT  
12 SEP 2014  
PLANNING

## DELEGATED PLANNING APPLICATION REPORT

<b>APPLICATION NO:</b>	<b>TP-2014-193</b>
<b>APPLICANT:</b>	<b>Prince Developments Pty Ltd</b>
<b>ADDRESS:</b>	<b>33-35 Arden Street, NORTH MELBOURNE VIC 3051</b>
<b>PROPOSAL:</b>	<b>Construction of a 4-storey residential building comprising 39 apartments, and an increase in the provision of parking.</b>
<b>DATE OF APPLICATION:</b>	<b>20 March 2014</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Blair Mather</b>

## 1. SUBJECT SITE AND SURROUNDS

The subject site was once part of the Bulla Ice Cream precinct and is located on the southern side of Arden Street, between Errol Street to the west and Leveson Street to the east.

The site is currently vacant and irregular in shape being close to that of a battleaxe configuration. It has a frontage to Arden Street of 18.8 metres wide, a maximum depth of 40.9 metres and overall site area of 930sqm.

FIGURE 1: AERIAL PHOTO



Arden Street is located to the north, beyond which is a mix of residential properties. There is a mixture of both heritage and non heritage buildings along the northern side of Arden Street. The southern side of Arden Street is a level 3 streetscape under the City of Melbourne's Heritage Places Inventory 2008.

To the south of the site there is a mixture of both commercial and residential properties fronting Byron Street. Building height along Byron Street is varied with the recent three dwelling development located at the rear of the subject site (50-56 Byron Street) reaching three storeys in height.

To the east there are both residential and commercial properties fronting Arden Street and Loughmore Lane. The property directly abutting the subject site (31 Arden Street) has windows and a door directly abutting the property boundary. It is noted that the title does not show any easements or right of ways encumbering 31 Arden Street.

Located directly west of the subject site is Bulla Lane which gives access to the rear of the properties that face Errol Street. The subject site does not enjoy legal access rights over the lane. The properties beyond Bulla Lane are B graded single storey dwellings. To the south of these buildings is another dwelling, followed by a mixture of commercial and light industrial buildings to the south-west.

**FIGURE 1: THE SUBJECT SITE VIEWED FROM THE OPPOSITE SIDE OF ARDEN STREET**



## **2. BACKGROUND AND HISTORY**

### **2.1. Pre-application discussions**

There were a series of pre-application discussions between planning officers and the applicant. These focussed on the VCAT history of the subject site and the nature of the proposed development.

## 2.2. Amendments during the process

The application, as originally advertised, was not supported by officers due to concerns with overlooking, overshadowing and visual bulk.

Several meetings were held with the applicant to discuss and explore changes to the proposed design. Suggested changes included increasing the setbacks at the first, second and third floor level in relation to the southern boundary, reducing the height of the building and rearranging the internal layout of the dwellings to prevent overlooking and improve internal amenity.

The applicant amended the proposal on the 16 July 2014 and again on the 12 September 2014 to address some of the concerns raised by officers and objectors at the consultation meeting held on the 18 June 2014. The main changes to the application plans included:

- Level 2 was setback approximately 3.0 metres and Level 3 was set back an additional 1.8 metres (3.9 metres total) from the southern boundary to eliminate any additional overshadowing from what is currently experienced by the properties to the south.
- Ground floor, level 1 and level 2 were setback an additional 1.5 metres from the eastern boundary.
- Level 3 was set back an additional 4.3 metres (7.8 metres in total) from the boundary to the east (shared by 7 Loughmore Lane).
- The introduction of screening devices around the perimeter of the balconies to prevent overlooking.
- Internal reconfiguration of the ground floor apartments to improve the layout and internal amenity of the apartments.
- Various changes to the basement layout to satisfy traffic engineering conditions.

The following assessment is based on the plans received on 12 September 2014.

## 2.3. Planning Application History

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

TP number	Description of Proposal	Decision & Date of Decision
TP-2005-884	Five lot subdivision, removal of easement and creation of carriageway (3163) PS543924S STAGE 1	Permit 20/12/2005
TP-2004-1194	Four unit residential development with 8 car spaces (front of site - see TP04/1195 for development at rear of site)	Notice of Decision to Grant Permit 22/3/2005
TP-2004-1195	Five unit residential	Notice of Decision to Grant

	development to the rear with 10 car spaces (rear of site- see TP04/1194 for development at front of site)	Permit 22/3/2005
TPPENQ-2007-35	Require confirmation of zoning and whether a new planning permit application would require an environmental audit	Completed 27/2/2007
TP-2007-563	Change of land use and development to construct a 3 storey office building with associated partial waiver of car parking requirements	Refusal 2/5/2008
TP-2009-5	Construction of a 3-storey office building and waiver of the car parking requirements	Permit issued 23/12/2009

### 3. PROPOSAL

The proposal as detailed in the plans prepared by Plus Architecture seeks to construct a four storey building comprising 39 dwellings over a basement car park comprising 41 car parking spaces.

Key features of the proposal are as follows:

#### 3.1. Proposed layout

- A total of 39 apartments proposed with a dwelling mix comprising nine studio apartments, 19 one-bedroom apartments and 11 two-bedroom apartments.
- A total of 22 bicycle parking spaces are proposed, including eight spaces within the basement and 14 spaces within the ground level. Access to the ground level bicycle parking spaces is proposed via Arden Street.
- A total of 41 car parking spaces in a basement car park utilising a selection of combi-lift car stackers.
- Vehicle entry to the basement level will be provided via a double width access ramp from Arden Street.
- The ground floor level will comprise 10 apartments, an entry foyer.
- The first floor level will comprise 11 apartments.
- The second floor level will comprise 10 apartments.
- The third floor level will comprise eight apartments.
- The apartments will either a ground floor courtyard or a terrace balcony for open space of between 6sqm and 28sqm.
- All open space and windows will be screened to a height of 1.7 metres above the finished floor level of the dwelling.

#### 3.2. Building Height, Style and Materials

The proposal has been designed in a contemporary architectural language and features a creative, residential vernacular.

A range of modern materials and finishes are proposed including precast concrete walls finished in applied render (finished in off-white and charcoal colours), timber cladding, glazed bricks, powder-coated louver panels, natural concrete and glazing.

The development will have a maximum height of 13.65 metres from natural ground level to the top of the roof parapet (excluding lift and mechanical plant).

The main entrance to the development from Arden Street is proposed to comprise a feature wall of glazed bricks constructed along the laneway to provide activation and a glazing and wrought iron painted in charcoal colour.

Full details of the proposed are shown on the plans prepared by Plus Architecture, which should be read in conjunction with this report.

#### **4. STATUTORY CONTROLS**

##### **4.1. Zone**

The subject site is located within the Mixed Use Zone (MUZ). The purposes of the Mixed Use Zone include:

To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.

To provide for housing at higher densities.

To encourage development that responds to the existing or preferred neighbourhood character of the area.

To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

Any buildings or works constructed on a lot that abuts land which is in a General Residential Zone, Residential Growth Zone, Neighbourhood Residential Zone or Township Zone must meet the requirements of Clauses 55.04-1, 55.04-2, 55.04-3, 55.04-5 and 55.04-6 along that boundary.

##### **4.2. Overlays**

The subject site is affected by the following overlays:

###### **Heritage Overlay (HO3 - North & West Melbourne Precinct)**

The subject site is affected by the HO3 – North & West Melbourne Precinct. The purpose of the Heritage Overlay includes the conservation and enhancement of heritage places and ensuring that development does not adversely affect the significance of heritage places.

Decision guidelines set out the matters which the responsible authority must consider and include:

‘... whether the proposal will adversely affect the... significance of the place’.

‘Any applicable ... heritage study...’

‘Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place’.

‘Whether the demolition... will adversely affect the significance of the heritage place’.

**Design and Development Overlay (DDO32 - North Melbourne Central)**

DDO32 seeks to maintain the predominant low scale nature of the area and stipulates maximum building height of 14 metres.

The built form outcomes seek new buildings that respect the existing built form, especially the low scale of the existing older building stock in the street. This provides the opportunity for a new building on this site to be different from those surrounding it so long as it is respectful.

**Parking Overlay Schedule 12 (PO12)**

PO12 seeks to facilitate an appropriate provision of car parking spaces in an area states that the number of parking spaces must not exceed one (1) space per dwelling. The proposal seeks to provide 41 car spaces for 39 dwellings, a permit is therefore required.

**4.3. Permit Triggers**

The following planning permit triggers apply to the proposed development:

Control	Permit Requirement
Clause 32.04 - Mixed Use Zone	Pursuant to Clause 32.04 a permit is required to construct two or more dwellings on a lot.  A development must meet the requirements of Clause 55.
Clause 43.01 - Heritage Overlay 3 <i>North and West Melbourne</i>	Pursuant to Clause 43.01 a permit is required to demolish or remove a building, to construct a building or to construct or carry out works.
Clause 43.02 - Design and Development Overlay – Schedule 32	Pursuant to Clause 43.02 a permit is required to construct a building or construct or carry out works.  The maximum height control identified in Schedule 32 is 14 metres.
Clause 52.06 - Car Parking and PO12 Parking Overlay Schedule 12	Pursuant to Clause 52.06-2, a new use commences the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay (in this case PO12)  Schedule 12 to Clause 45.09, sets out car parking ratios for dwellings and states that the number of parking spaces must not exceed one (1) space per dwelling. The proposal seeks to provide provide 41 car spaces for 39 dwellings. A permit is therefore required.

**5. STRATEGIC FRAMEWORK**

**5.1. State Planning Policy Framework (SPPF)**

The objectives of the SPPF relevant to the assessment of this proposal include the following:

**Clause 15 - Built Environment and Heritage**

The objective of Clause 15.01-1 (Urban Design) includes the creation of good quality urban environments. Relevant strategies set out under this clause include:

‘Promotion of good urban design.’

‘Requiring development to respond to its context in areas including urban character and cultural heritage.’

The objective of Clause 15.01-2 (Urban design principles) includes achieving urban design outcomes that contribute positively to local urban character. A range of strategies are set out under this clause, including the following:

‘Development must take into account the natural, cultural and strategic context of its location.

A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.

New development should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.

New development should achieve high standards in architecture and urban design.’

Clause 15.03-1 relates to heritage conservation. Strategies set out under this clause include:

‘Provide for the conservation and enhancement of places of architectural or special cultural value.’

## **5.2. Local Planning Policy Framework (LPPF)**

### **Municipal Strategic Statement (MSS)**

The City of Melbourne’s Municipal Strategic Statement (MSS) is contained at Clause 21. The MSS sets out the vision, objectives and strategies for managing land use change. The objectives and strategies for the municipality as a whole are set out under the themes of settlement, environment and landscape, built environment and heritage, housing, economic development, transport and infrastructure. The Local Area section provides more detailed and locally specific information about the strategies.

Clause 21.06 Built Environment and Heritage, includes the following urban design and heritage principles:

To ensure that the height and scale of development is appropriate to the identified preferred built form character of an area.

To conserve and enhance places and precincts of identified cultural heritage significance

Clause 21.16 (Other Local Areas) identifies the vision for North and West Melbourne and states that:

‘North and West Melbourne should provide a balance of residential and commercial uses that maintains an emphasis on local community and liveability. There should be a clear distinction in scale from the Central City with higher scales of development expected located at the Central City fringe, around the North Melbourne railway station and along Flemington Road. In all other areas, a lower scale of development should be maintained.’



Implementation of the objectives and strategies that relate to this application include:

‘Support limited residential development that maintains the low scale nature of heritage buildings and streetscapes in the Residential Zone (stable residential areas).’

‘Maintain the predominantly low scale of residential areas and the Mixed Use Zone in North Melbourne.’

‘Maintain lower scale streetscapes in other parts of West Melbourne and North Melbourne. Ensure that development is sympathetic to the architecture, scale and heritage character of the lower scale areas.’

‘Encourage the re-use of existing warehouse and industrial buildings with efficient recycling potential where these contribute to the traditional mixed use character of the area.’

‘Ensure infill redevelopment and extensions complement the architecture, scale and heritage values of the residential area, especially where it is in a Heritage Overlay.’

### **5.3. Local Policies**

The following Local Planning Policies apply:

#### **Clause 22.05 - Heritage places outside the Capital City Zone**

The objectives of this clause include:

‘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 of the architectural, social or historic character and appearance of the streetscape and the area.’

This clause details performance standards against which applications to construct new additions and buildings in a HO must be assessed. These performance standards relate more so to alterations to graded buildings, new buildings adjacent to graded buildings or alterations to existing buildings adjacent to graded buildings.

The existing building on site is not graded and neither are the adjacent buildings to both the north and west. The buildings to the south and west are graded. On this basis, the performance standards of Clause 22.05 and the overarching objectives of Clause 22.05 must be considered when determining the appropriateness of the proposed addition.

#### **Clause 22.17 - Urban design outside the Capital City Zone**

The objectives of this clause include:

‘To ensure that the scale, siting, massing and bulk of development complements the scale, siting, massing and bulk of adjoining and nearby built form.’

‘To ensure that the height of buildings relates to the prevailing patterns of height and scale of existing development in the surrounding area.’

‘To reduce unacceptable bulk in new development.’

‘To ensure that development uses design and detail to ensure all visible facades (including the rear and sides of buildings) provide a rich and positive contribution to the public realm.’

Like Clause 22.05, this clause includes performance standards against which applications for additions to existing buildings and new buildings must be assessed.

These performance standards seek to ensure that the scale, height, bulk, detailed design, landscaping and resulting amenity of a development is appropriate for the site or surrounding context.

#### **Clause 22.19 - Energy, Water and Waste Efficiency**

The policy provides guidelines to ensure that the design, construction and operation of buildings and urban renewal areas:

- Minimise the production of greenhouse gas emissions and maximise energy efficiency.
- Minimise mains potable water use and encourage the use of alternative water sources.
- Minimise waste going to landfill, maximise the reuse and recycling of materials and lead to improved waste collection efficiency.
- Applications for residential buildings less than 5,000 square metres in gross floor area must achieve a 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 for water efficiency.

#### **Clause 22.23 - Stormwater Management (Water Sensitive Urban Design)**

The policy provides guidelines to ensure best practice water quality performance objectives and includes the following objectives:

- To promote the use of water sensitive urban design, including stormwater re-use.
- To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.
- To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.

#### **5.4. Particular Provisions**

- Clause 55, Two or more Dwellings on a Lot

The key purpose of this Clause is to achieve residential development that respects the existing neighbourhood character and is responsive to the site and the neighbourhood, as well as to encourage residential development that provides reasonable standards of amenity for existing and new residents.

#### **5.5. General Provisions**

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

### **6. PUBLIC NOTIFICATION**

It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties and directed that the applicant give notice of the proposal by posting three notices on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

## 7. OBJECTIONS

Eleven objections were received in response to the original application, including a pro-forma objection letter prepared on behalf of the Electron Workshop (the occupiers of 231 Arden Street). The concerns of the objectors were:

- General building bulk and form impacts particularly as it is believed that the proposed three storey building will dwarf nearby one storey dwellings.
- Development will be out of character with existing streetscape as there are no other four storey buildings on either side of Arden Street.
- Overshadowing of neighbouring rear yards of dwellings along Errol Street.
- Overlooking to 48 Byron Street.
- Height of first floor terrace in relation to the balcony of 7 Loughmore Street.
- Design response and detail should favour a horizontal form rather than a vertical one.
- Development will building up to windows of building at 31 Arden Street.
- Insufficient car parking (42 spaces). Insufficient visitor car parking onsite.
- Access via Bulla Lane should not be used as a main vehicle access point (amenity remains a private lane).
- Insufficient vehicle access width. Single access to both car parks for 2 way traffic.
- Impact on local traffic flow and access to site.
- Noise – specifically relating to any proposed air-conditioning units (or other such services), car parking venting units and vehicle traffic to and from the site
- Planning information was only provided in English (neighbour adjacent only speaks Cantonese).

The objectors have also raised concerns regarding the potential for disruption to be caused to adjoining residents during construction; however, this is not a ground upon which to base an objection. It is noted that should a permit issue that a condition could be imposed requiring the submission of a Construction Management Plan (CMP).

The locations of the neighbouring objectors have been identified in Figure 3 below:

FIGURE 3: LOCATION OF OBJECTORS



## 8. CONSULTATION

Following advertising of the application, a consultation meeting was held on 18 June 2014, to which all interested parties were invited.

Twelve residents from neighbouring properties attended as well as the permit applicant, owner and architect.

At the meeting the residents generally commented that they do not oppose redevelopment of the site but object to inappropriate built form and were concerned with respect to both the impact on the character of the area and in terms of loss of amenity. In particular the following matters were discussed:

- Loss of daylight to windows, skylights and private open space at the adjoining property at 57 Byron Street
- Loss of sun and daylight to the properties fronting Errol Street and Byron Street
- The height of the wall adjoining Byron Street and lack of transition to Byron and setback and articulation of the upper levels
- Inconsistency with the heritage character of the area
- Access arrangements off the private lane.
- Construction impacts
- Building height and the lack of transition to the adjoining heritage properties
- The use of borrowed light to habitable rooms on site.
- The impact on parking availability in the vicinity of the site

- Wind impacts
- Loss of views
- Impact of property values

On the 16 July 2014, the applicant amended the proposal seeking to address the concerns raised by officers and objectors at the consultation meeting. The application was then re-advertised.

The revised plans including the following modifications:

- The number of apartments reduced by five (from 45 to 41).
- Additional screening added to the west facing balconies Balconies.
- Additional setbacks incorporated in relation to the southern and western interfaces.

On the 12 September 2014, the applicant amended the proposal again seeking to address the concerns raised by officers in relation to overshadowing and internal amenity. The application was again re-advertised.

The revised plans including the following modifications:

- The number of apartments reduced by five (from 41 to 39).
- Additional setbacks incorporated in relation to the southern, eastern and western interfaces.
- Internal reconfiguration of the ground floor apartments to improve the layout and internal amenity of the apartments.

Given the nature of the objections received, the subsequent submission of amended plans and the re-advertisement of plans and referral to other internal departments for further comment, it was not considered necessary to further consult third parties.

## **9. REFERRALS**

### **9.1. Internal**

The application was referred to the City of Melbourne's Engineering Services Group, Urban Design Branch and Heritage Advisor for comment. A summary of the comments from each internal referral is set out below. A detailed set of all comments has been retained on the file.

#### **Engineering Services Group**

Engineering Services Group (ESG) did not have any major issues with the layout of the car park or any traffic issues associated with the proposal. However it was noted that there were a small number of outstanding issues that could be dealt with via conditions of permit. Further discussion of these matters can be found later in this report.

##### 'Car Parking Layout

*The proposed car parking layout generally complies with Clause 52.06 of the Melbourne Planning Scheme and / or the Australian / New Zealand Standard for Off-Street Car Parking (AS/NZS2890.1:2004)*

##### Bicycle Parking

*A total of 22 'Ned Kelly' bicycle spaces are to be provided on-site, including 14 spaces within the ground level and eight spaces within the basement level. This provision is acceptable.*

Loading / Waste Collection

A Waste Management Plan has been prepared by Leigh Design dated 22 February 2014. The WMP includes an appropriate number, type and size of bins for the development.

The bins are proposed to be stored in a bin room in the basement car park. A storage facility is in front of the bin room. I recommended changing the shape of the bin room so it is narrower and longer, and relocating the storage facility beside the bin room. This will allow more direct access from the lift to the bin room.

The car park ramp is steep. A mechanical tug will be required to transfer the bins from the street to the bin room for collection. Storage space for the tug must be shown on the plans. Space must also be shown for hard waste.

The WMP complies with Council's 2014 Waste Guidelines, but some changes are required to the basement level to comply with Council's requirements – noting that bins may be presented on Arden Street twice per week for collection by Council.

Traffic generation

Having regard to the location of site each dwelling allocated a car space can be expected to generate 2 to 4 vehicle movements per day with approximately 10% of these movements occurring during the respective AM and PM peak periods. Application of a conservative rate of 0.4 movements per dwelling (assuming 41 car spaces are proposed on-site) indicates that the site could be expected to generate up to 16 vehicle movements in any peak hour.

Having regard to these traffic volumes and the provision of signals at Arden Street / Errol Street and associated bunching the volume of traffic generated by the development could not be expected to impact on the operation of the road network surrounding the site and is considered satisfactory.'

**Urban Design Branch**

'Existing Context:

We note that the location and orientation of the site facilitates the potential for well-designed dwellings with very good amenity, particularly as it is a corner site facing a laneway. The immediate context consists of one to two storey buildings that address the street and contribute to the architectural character of the neighbourhood. The residential buildings located on Arden Street contribute individual entries to dwellings from the street that have a sense of address. Many of the residential sites also include landscaping.

Site Response & Design:

We strongly recommend that the primary frontage is designed to include a foyer entry that addresses the street and provides a quality entrance that is contributory to the character of the neighbourhood and appropriate to the number of dwellings proposed. A door to a long corridor off an internal foyer is considered inappropriate. We strongly recommend that the primary entry is re-located to be central to the development and that the ground floor apartment located on the north-western corner includes an external window on the western facade to alleviate the proposed

*borrowed light to the bedroom. We support the inclusion of individual entries to ground level apartments.*

*The proposed building mass, depth and layout results in single-aspect units with borrowed light and L-shaped/ battle axe rooms that compromise the environmental performance of the building and indoor environment quality for occupants especially with regards to access to daylight and natural ventilation. Whilst the 3.5m long corridor spaces that are 1m wide and connected to the bedrooms allow access to an external window, they are considered as inappropriate and very poor design solutions. The result would be that of very poor amenity for the residents and inflexible apartment layouts that would be ineffectual in accommodating occupants changing needs. We note that many of the primary bedrooms restrict circulation when including a queen sized bed. The design of apartments with borrowed light and battle axe rooms is an indication of a proposed overdevelopment of the site.*

Height:

*We consider the height to be an appropriate response to the context.*

Building Design:

*The Hydrant/Sprinkler should not be located on the primary street frontage, the relocation of this element would allow for more usable private open space for the ground floor dwelling. The facades are lacking in design resolution. Whilst we appreciate that the Applicant has integrated some framing elements that begin to break the building down into a series of elements, the design lacks the level of design, detail and clarity that would deem the building to be contributory to the neighbourhood character. We recommend that all glazing panes are recessed a minimum of 200mm back from the front face of all external walls to create a play of light and shade and articulate window reveals.*

These comments were forwarded to the applicant who responded by preparing amended plans. It is noted that the latest amended plans do not satisfy all recommendations of urban design, however, the Council's urban design department are generally satisfied with the development as proposed.'

Further discussion of the design response is found below

## **9.2. External**

No external referrals were required.

## **10. ASSESSMENT**

State policy recognises the need for urban consolidation and both State and Local policy encourage medium density housing to be located within established urban areas; close to the CBD and the Errol Street shopping area; and well serviced by public transport.

On balance, there is strong strategic justification for medium density development of this site as it is within a zone which supports residential use, the lot is of a size which is suitable for medium density residential development and the site is well serviced by retail and transport services. The subject site is located within the Mixed Use Zone where a dwelling is an as of right (no permit required) land use.

This strategic and policy support must however be considered having regard to the specific context of the site, the surrounding built form, the amenity of nearby properties and the design detail of the proposal itself.

In this case, the key issues for consideration are:

- The scale, bulk and height of the development.
- The impact of the development upon the general amenity of the immediate surrounding area.
- Internal amenity considerations
- The concerns of objectors.

### **10.1. Scale, bulk and height**

The principal issue in this application is the appropriateness of the built form having regard to the site context and the relevant planning controls affecting the land, including the Design and Development and Heritage overlays. This issue was raised by a number of the objectors.

Design and Development Overlay - Schedule 32 (DDO32) specifies a maximum permissible building height of 14m. A permit cannot be granted to exceed this building height.

While DDO32 allows development up to 14m, it does not necessarily promote development at that level across the whole of the land. The extent of development at around the mandatory height, and the overall form of development, is highly dependent on, or tempered by, various factors. They include streetscape considerations, the clear direction in local policy that new development not adversely affect neighbouring properties, and the quality of internal amenity afforded to future residents.

The maximum height of the building, at 13.65 metres, is not unreasonable taking into account the size of the block and the prominent location of the site. While the site is adjoined by a mix of buildings, including a number of single storey cottages, this particular part of North Melbourne is characterised by a juxtaposition of buildings of various heights, viewed one behind the other, and that a variation of up to two storeys is not uncommon in streetscape views more broadly.

The wall on the eastern boundary is between 12.5 and 13 metres high. Standard B17 of Clause 55 requires this wall to be setback 8.5 metres from the common boundary (measured from the opposite side of the ROW). The failure to comply with the standard is not in itself problematic, however, it does highlight the bulk of the wall to this boundary. It is considered that the height impact on adjacent residential properties to the west is somewhat mitigated by the adjacent ROW and the length of the wall on the boundary, which is only 12.9 metres long. There also need to be some sensible consideration of the fact that the subject site is large vacant parcel of land within a mixed use zone and therefore some degree of substantial built form change seems inevitable and indeed promoted by the relevant strategic policies mentioned above.

There is also a clear hierarchy of heights intended for North Melbourne as expressed by the DDO with specific heights for different parts of North Melbourne. Overall, the development will provide an appropriate transition in terms of scale and will allow the building to meet the objectives of the DDO specifically in relation to respecting the low scale of the existing older building stock.

Consideration has been given to providing an addition setback from the western boundary at the uppermost level of the building; however, it is considered that



tampering with the architectural composition of the building would significantly compromise the streetscape presentation, with very little benefit in terms of reducing the apparent visual bulk of the building to neighbouring properties.

In addition to the DDO, with consideration for the content of Clause 22.17, Urban Design outside the Capital City Zone, the proposal is also considered to be acceptable from an urban design perspective for the following reasons:

- The proposed building is well articulated with setbacks, windows, balconies and varied materials to moderate the apparent bulk.
- The relationship between the proposed building and the street frontages is positive with a pedestrian entry separated from the vehicle entrance and windows and balconies to Arden Street;
- The proposal includes balconies, which adds to the active street frontage of the proposal.

It is considered that the proposed development will achieve an appropriate degree of fit and is considered to be respectful to the heritage significance of the adjoining buildings and the surrounding streetscape and will comply with Clauses 22.05 and 22.17 of the Melbourne Planning Scheme.

## **10.2. External Amenity Considerations**

The subject land has direct interfaces with 12 properties. An assessment of many of the key amenity issues relies on a detailed appreciation of the nature of development on those properties, particularly the 11 that are developed for residential purposes.

The application has endeavoured to meet these standards in consideration of overlooking, overshadowing and bulk to adjoining properties to the south, west and east.

The application has been assessed against the provisions of Clause 55, where most were found to be either satisfied or not applicable.

The areas of non-compliance are discussed as follows:

### **Standard B17 - Side and Rear Setbacks**

Objectors specifically identified that the wall heights of the development will create excessive bulk and shadowing and lead to considerable loss of enjoyment for directly adjoining properties, particularly with regard to loss of outlook.

As discussed above, the wall on the eastern boundary is between 12.5 and 13.0 metres high. Standard B17 of Clause 55 requires this wall to be setback 8.5 metres from the common boundary – noting that no objection has been received from the owner or occupier of the directly adjoining property at 162-164 Errol Street.

Where the subject site abuts a neighbouring property on its southern boundary the development has been sited to provide setbacks in excess of those required by the standard. A cut out in the built form in the southeast corner of the site adjacent to the private open space of the property at 7 Loughmore Lane also complies with the standard. All other side walls abut a side or rear lane and are located opposite an existing or simultaneously constructed wall built to the boundary.

The height and setback of the side and rear walls of the building are therefore appropriate and are considered to respect the existing inner city character of the area and limit the impact on the amenity of existing dwellings. The proposed built form outcome with relation to setbacks and building separation is therefore supported.

### **Standard B21 - Overshadowing open space objective**

Overshadowing of the private open spaces of adjoining properties has generally been addressed by the proposed siting of the building. For the most part of the day overshadowing of existing areas of private open space is not increased with the exception of 9am shadow to the rear properties of the dwellings that face Errol Street. It is noted that this quickly dissipates by 10 am before completely disappearing by 11am.

Additionally, the extent of overshadowing is generally the same as that approved under TP-2009-5 and supported by VCAT (Reference P1744/2009).

On balance, the proposed extent of overshadowing is considered limited and acceptable.

### **Standard B22 - Overlooking**

A range of devices including timber screening, translucent glass, solid walls and setback are provided in almost all locations where there is the potential for overlooking from open space or windows within nine metres of neighbouring private open space or windows. Evidence of this is provided by the analysis of potential overlooking and the response documented in Drawings TP221.

There are several points where screening has not been provided that is within nine metres of neighbouring open space or windows – namely the eastern elevation of the second floor apartments. A condition is therefore recommended requiring screening to these balconies/windows to achieve compliance with Standard B14.

Subject to this condition, the issue of overlooking can be effectively managed in a challenging environment where separation distance was not going to be a universally applicable tool.

### **10.3. Internal Amenity Considerations**

A total 39 residential apartments are proposed throughout the development, comprising a mix of studios and one and two bedroom units with a minimum apartment size of 40 sq.m for the studio bedroom apartments and 71.sq.m for two bedroom apartments. Unit types are generally of a similar internal layout, scale, dimensions and appearance.

The proposal will achieve (with some exceptions discussed below) appropriate levels of internal amenity for future occupants as:

- The proposed apartments are appropriately dimensioned and include open plan living / dining areas with direct access to private balconies;
- All apartments have a terrace within a minimum dimension of six square metres.
- The proposal provides a secure entry lobby providing access to all apartments.
- All apartments will be well dimensioned and will achieve good daylight access and ventilation to bedrooms and living areas.
- All habitable rooms / units are provided with adequate self-contained facilities.
- Appropriate bicycle parking is provided at ground floor level to meet the reasonable needs of future occupants and to promote sustainable modes of transport.
- The development will provide bicycle parking layout that is functional, and allows for safe and efficient access within the site.

- All site services are located at ground level and are easily accessible within the building by all residents, emergency services and maintenance workers.
- The pedestrian entrance providing clear and appropriate access to the street.

There was some initial concern regarding the outlook of the central, west facing, apartments which are orientated towards the southwest. The layout of these apartments, including the balcony locations, was amended post lodgement to provide an improved outlook from these apartments.

There remains some concern, however, regarding the size of some of the one bedroom apartments which are less than 45 sq.m. The size of the apartments would make it difficult to accommodate a dining table and sofa along with other required furniture. The apartments also feature poor circulation in kitchens and inadequate storage space and limited laundry facilities. These characteristics, when combined, cannot be said to provide a high standard of internal amenity. A condition is therefore recommended requiring all one bedroom apartments smaller than 45sq.m to be converted into studio apartments or consolidated with adjoining apartments to create an improved, more spacious floor plate.

Subject to this condition, the the amenity of the proposed apartments will generally be of an acceptable standard.

#### **10.4. Objector's Concerns**

##### **Excessive Visual Bulk**

The proposed scale of development is considered acceptable in that it is within the height controls of the DDO and is in keeping with the character of the area. It is noted that the applicant has responded to criticism with the proposal and has introduced a number of additional setbacks and reduced ceiling heights which will result in a decrease in the perceived height/bulk of the development.

The height of the development on opposite and adjoining land ranges between one and four storeys. The proposal respects the existing built form, particularly given the three storey structures in the vicinity of the site and proposed developments separation from other development on two of its boundaries.

The footprint of the third floor level (uppermost level in question) covers an area of approximately 521m<sup>2</sup>, which results in a site coverage of approximately 58% for the top floor level. The remaining area is made up of voids, decks and open areas.

With a separation of a minimum of at least 3 to 5 metres this is considered to be an acceptable outcome given the sites context.

##### **Overlooking**

The issue of overlooking has been discussed above in Section 14.2, where it was found that the issue of overlooking can be effectively managed, subject to a condition requiring additional screening to second floor windows.

##### **Loss of sky/city views**

The Melbourne Planning Scheme has no policy or specific direction that existing views should be protected or shared between properties.

Where views are currently enjoyed across the subject site and other rooftops to the east and south, these views are fortuitous and cannot be considered a major determinant of the application. Even if a lower building was constructed on the subject site, an appreciable change to the outlook from these dwellings would occur.

Loss of views is not therefore an amenity impact which can be considered as part of a planning assessment.

The impact of the bulk of the development on neighbouring properties has been discussed above. It is considered that the proposal is adequately setback and articulated so as not to impose an unreasonable bulk to neighbouring properties.

**The design does not compliment the streetscape**

The proposed design response is considered a high quality scheme that is considered to be in keeping with the emerging character of the area. The proposed colours and materials are appropriate to the character of the area whilst presenting a sustainable new development.

**Noise:**

It is reasonable to accept that the use of the land as a residential building would probably result in some “people” noise being heard when compared to the existing vacant land.

Hearing “people” noise within a residential environment does not represent an unacceptable impact on amenity. The potential for music and parties exists in any residential situation.

It is therefore likely that there will be an increase in people living on the site and a greater concentration of people on it compared to surrounding properties. It is also expected that from time to time noise from neighbours will be heard, particularly from the balconies. This, however, is not considered to give rise to unreasonable impacts on the amenity of adjoining properties, particularly in the context of the Mixed Use Zone, which allows for a variety of uses.

Furthermore, air conditioning units and other plant and equipment have been positioned away from adjoining properties to ensure that noise disturbance to occupiers of adjoining properties is reduced. In any event there are EPA guidelines that govern noise from these units.

**Inadequate response to heritage and neighbourhood character:**

These issues are discussed above and the proposed built form impact on the public realm is considered to be acceptable.

**Inadequate car parking:**

The site is subject to a Parking Overlay (Precinct 12). The parking overlay specifies a maximum provision of car parking of one car space per dwelling. The provision of 41 car-parking spaces for the proposed 39 dwellings is above the maximum statutory provision and is acceptable, particularly as nearby residents criticised the lack of available car parking within the development.

**Amenity:**

It is considered that any impact on the general amenity of the immediate area is reasonable to allow and will not be significantly detrimental. The residential use is appropriate to the area and zoning of the land. See above for a more detailed assessment of the impact upon amenity.

**Building over existing windows on the boundary:**

The application proposes to build against the eastern boundary fronting Arden Street (31 Arden Street). The adjoining building presently has windows on this wall. The windows were originally adjoining a laneway which was privately owned by Bulla cream. This road has been discontinued. The adjoining building was originally in the same ownership as the subject site and no rights for a light and air easement exist on this boundary. The objector therefore has no specific rights to a setback under the *Property Law Act 1958*.

**Disturbance during construction:**

A permit condition will require a construction management plan to be prepared for assessment by the City of Melbourne's Building Department. This will deal with standard construction related matters, including hours for construction.

**Environmental Sustainable Design**

A Sustainable Management Plan compiled by Lucid Consulting was submitted with the original application. The documents include an assessment against Clause 22.19 requires the following for Accommodation:

- A 5 star rating under a current version of Green Star - Multi Unit Residential rating tool or equivalent, and
- 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.

It is considered that the ESD statement satisfactorily address the Energy efficiency requirements of Clause 22.19 for a residential building and demonstrates that the building is capable of achieving the minimum requirements for a 5 star building.

Should a permit be issued it is recommended that a condition be placed on the planning permit to require the requirements of the ESD report be satisfied.

**10.5. Conclusion**

It is considered that the objectors concerns have been addressed in the assessment of the application against the provisions of Clause 55. On balance, the proposed development is appropriate to the heritage character of the area, the site itself, and the amenity of surrounding properties. The proposal is therefore supported subject to conditions.

**11. RECOMMENDATION**

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

1. Prior to the commencement of the demolition, bulk excavation, construction or carrying out of works on the land, two copies of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans received on 12 September 2014 but amended to show:
  - a. A ramp grade not exceeding 1:10 should be provided for the first 5.0m into the site, noting that the proposed grade at the site entrance is 1:8 for only 4m and then increases to 1:4.
  - b. Treatment of the balconies and terraces to demonstrate compliance with the objectives of standard B22 of Rescode, drawn at a scale of 1:50.
  - c. All one bedroom apartments smaller than 45sq.m must be converted into studio apartments or consolidated with adjoining apartments to create an improved floor plate.
  - d. Detailed location of any proposed plant equipment including air-conditioning units and mechanical ventilation systems. All services should be appropriately screened and acoustically treated so as to not cause nuisances to adjoining properties.
2. The use of any land or building or part thereof and the development as shown on the endorsed plan(s) must not be altered or modified unless with the prior written consent of the Responsible Authority.

Waste Management

3. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Leigh Design dated 22 February 2014. The submitted WMP must not be modified or altered without prior consent of the City of Melbourne – Engineering Services.
4. All garbage and other waste material must be stored in an area set aside for such purpose to the satisfaction of the Responsible Authority.
5. No garbage bin or waste materials generated by the permitted use shall be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practicable after garbage collection.

ESD

6. The performance outcomes specified in the Environmentally Sustainable Design (ESD) Statement for the development prepared by Lucid Consulting dated March 2014 must be implemented prior to occupancy at no cost to the City of Melbourne and be to the satisfaction of the Responsible Authority.  
Any change during detailed design, which affects the approach of the endorsed ESD Statement, must be assessed by an accredited professional. The revised statement must be endorsed by the Responsible Authority prior to the commencement of construction.

Infrastructure Engineering

7. The existing footpath/road levels in Arden Street must not be altered for the purpose of constructing new vehicle or pedestrian entrances without first obtaining the written approval of the Responsible Authority - Engineering Services.
8. The owner of the subject land must construct a drainage system, incorporating integrated water management design, within the development and make provision to connect this system to the City of Melbourne's stormwater drainage system in accordance with plans and specifications first approved by the Responsible Authority - Engineering Services.
9. All necessary vehicle crossings adjacent to the subject land must be constructed and all unnecessary vehicle crossings demolished in accordance with plans and specifications first approved by the Responsible Authority - Engineering Services.
10. The existing footpath/road levels in Haig Street and Blakeney Place must not be altered for the purpose of constructing new vehicle or pedestrian entrances without first obtaining the written approval of the Responsible Authority - Engineering Services.
11. The road in Arden Street which is adjacent to the subject land must be reconstructed in accordance with plans and specifications first approved by the Responsible Authority - Engineering Services.

Construction Management

12. 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. This construction management plan is to be prepared in accordance with the *City of Melbourne - 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; and
- f) traffic management.

Other

- 13. A full schedule and samples of all external materials, colours and finishes must be submitted to the satisfaction of the Responsible Authority prior to the commencement of the development. The schedule must show the materials, colours and finishes of all external walls, roof, fascias, window frames, glazing types, doors, balustrades, fences and paving (including car park surfacing).
- 14. No vehicle may reverse out of the site into Arden Street. All vehicles must exit the site in a forward motion.
- 15. The maximum noise level emitted from the premises must not exceed levels specified in the State Environment Protection Policy (Control of Noise from Commercial, Industrial or Trade Premises within the Melbourne Metropolitan Area), No. N-1.
- 16. All external lighting of the site including car parking areas and buildings must be located, directed and baffled so that no nuisance is caused to adjoining or nearby residents, and must be energy efficient.
- 17. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light, when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.
- 18. All building plant and equipment on the roof must be concealed to the satisfaction of the Responsible Authority. The installation of any additional plant including but not limited to air-conditioning equipment and ducts must be to the satisfaction of the Responsible Authority.
- 19. Any satellite dishes, antennae or similar structures must be designed and located at a single point to the satisfaction of the Responsible Authority, unless otherwise approved by the Responsible Authority.
- 20. All mechanical exhaust systems for the car park must be sound attenuated to prevent noise nuisance to occupants of surrounding properties, to the satisfaction of the Responsible Authority.
- 21. 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; and/or
  - 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

1. The permitted development has not been assessed against the *Building Regulations 2006*, Part 5, Division 2 – Projections. It is the responsibility of the Relevant Building Surveyor to make such an assessment prior to issuing a Building Permit. Matters that do not meet the requirements of the Regulations require the Report and Consent of Council prior to a building permit being issued.
2. The City of Melbourne will not change on-street parking restrictions to accommodate the servicing/delivery/parking needs of this development, as the restrictions are designed to cater for a number of other competing demands and access requirements. Residents who occupy this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions in the area.
3. All street furniture temporarily relocated and/or removed must be reinstated to the satisfaction of the City of Melbourne – Manager Engineering Services Branch.
4. All necessary approval and permits for works in the public realm are to be first obtained from the City of Melbourne – Manager Engineering Services and VicRoads and the works performed to the satisfaction of the City of Melbourne – Manager Engineering Services and VicRoads.
5. All construction and development works near street trees must abide by the protection and retention requirements outlined in the City of Melbourne's Tree Retention and Removal Policy.
6. No street tree is to be pruned in any form and branches and roots must not be removed without the prior written consent of the City of Melbourne's Urban Landscapes Branch.
7. The noise from any air conditioner(s) must not be audible within a habitable room of any other residence before 7.00 am and after 10.00 pm Monday to Friday, or before 9.00 am and after 10.00 pm on weekends and public holidays, in accordance with the Environment Protection (Residential Noise) Regulations 1997: (Prohibited times).
8. All necessary approvals and permits are to be first obtained from Council and the works performed to the satisfaction of Council's Manager – Engineering Services.