



6.2 **97 ALMA ROAD, ST KILDA EAST (PDPL/00823/2022)**
LOCATION/ADDRESS: **97 ALMA ROAD, ST KILDA EAST VIC 3182**
EXECUTIVE MEMBER: **BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT**
PREPARED BY: **DARREN CAMILLERI, PLANNING COORDINATOR CANAL WARD**

1. PURPOSE

- 1.1 To determine an application for the construction multiple dwellings on a lot and construction of buildings and works for a Section 2 use of the land as a 'food and drink premises' in the General Residential Zone, and the construction of works in a Special Building Overlay, and a reduction in the number of car parking spaces required by Clause 52.06 of the Planning Scheme.

2. EXECUTIVE SUMMARY

WARD:	Canal
TRIGGER FOR DETERMINATION BY COMMITTEE:	More than 16 objections
APPLICATION NO:	PDPL/00823/2022
APPLICANT:	Alma Road Developer Pty Ltd
EXISTING USE:	Gymnasium and multi-purpose sports courts
ABUTTING USES:	Residential
ZONING:	General Residential Zone (Schedule 1)
OVERLAYS:	Special Building Overlay (Schedule 2)
STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL	Expired

- 2.1 The application proposes the construction of a residential development, comprising 41 apartments (one, two and three bedrooms), and 20 townhouses, as well as the use of part of the site for a food and drink premises (64sqm). The development will be in the form of a three to four storey apartment building at the front of the site and two to three storey town houses located at the rear of the site. Parking for 88 cars, 5 motorbikes and 64 bicycles will be provided within a basement accessed via a vehicle crossing on the west side of the site. A further 16 bicycle parking spaces are located at ground level.
- 2.2 Pedestrian access is proposed via two pathways from Alma Road and via the laneway from Raglan Street that terminates at the site. No onsite provision is made for loading.
- 2.3 The proposal would necessitate the full demolition of buildings on the site, including the existing gymnasium building and multipurpose sports courts and associated fencing and lighting. The site is not located within a Heritage Overlay; therefore, no planning permit is required for the demolition.



- 2.4 To satisfy Clause 52.06 (Car Parking) the proposal would require a total of 98 car parking spaces (2 spaces for the food and drink premises and 96 spaces for the dwellings). A total of 88 car parking spaces are provided within the basement (1 space for the food and drink premises and 87 spaces for the dwellings). Therefore, the application seeks a waiver of 1 space for the food and drink premises and 9 spaces for the dwellings. No visitor car parking is required.
- 2.5 The permit triggers for the application are:
- Use of the land as a 'food and drink premises' and associated buildings and works for a Section 2 'permit required' use pursuant to the General Residential Zone (Schedule 1)
 - Construct two or more dwellings on a lot pursuant to the General Residential Zone (Schedule 1)
 - Construct a building or construct or carry out works pursuant to the Special Building Overlay (Schedule 2)
 - Reduce the number of car parking spaces required pursuant to Clause 52.06 (Car parking)
- 2.6 The application was advertised in May/June 2023 resulting in 22 submissions, of which 20 are objections and 2 are in support of the application. Key concerns include overshadowing, overlooking, neighbourhood character and density, building bulk and scale, walls on boundaries, car parking, loading, traffic congestion, and loss of gym/pool asset.
- 2.7 A consultation meeting was held on 17 July 2023. The meeting was attended by a Ward Councillor, the permit applicant, objectors and planning officers. The meeting and ongoing discussion between the applicant and objector parties resulted in a Section 57A Amendment to the application being lodged on 28 July 2023. The key changes made include:
- Increase setbacks of Townhouses 7-10;
 - Townhouses 11 and 12 redesigned into one with southern setback increased and reduction by one dwelling;
 - Revised basement layout retaining 88 car spaces; and
 - Screening added to town houses 7-11.
- 2.8 This report considers the proposal as amended 28 July 2023.
- 2.9 Following re-notification of the amended proposal in August 2023, a further two objections were received. Issues raised relate to fencing, landscaping and external materials proposed.
- 2.10 Whilst the proposal will represent a significant level of change to the existing conditions, it is considered an acceptable proposal having regard to the following:
- The site is large and provides a rare opportunity to contribute to meeting the demand for new housing in an established residential area with good access to public transport, parkland, services and facilities.
 - The mix of dwellings contributes to the diversity sought to meet demands of varying household sizes.



- The response to context is appropriate including higher built form adjacent to Alma Road and lower form to the more sensitive interfaces to the rear.
 - The built form is well resolved with high architectural merit and will present positively to the street including through activation provided by the food and drink premises.
 - The pedestrian permeability through the site, the opportunity for landscaping especially to site boundaries and the retention of existing trees are good design features.
 - Subject to conditions related to overlooking and overshadowing, amenity of the adjoining properties is not unreasonably impacted.
 - Subject to conditions to improve daylight and storage to some apartments, there will be an acceptable level of internal amenity for future residents.
- 2.11 The concern over the loss of the existing privately owned sporting facilities on the site is acknowledged. However, the Planning Scheme provides no control over retention of an existing use.
- 2.12 Both the car parking waiver of 9 spaces for the dwellings and 1 space for the food and drink premises is acceptable given the site is within the Principal Public Transport Network (PPTN) and close to a range of public transport options, retail offerings, goods and services.
- 2.13 The provision of bicycle parking onsite exceeds the minimum requirements (18 required, 64 provided within basement for residents and 16 provided at grade for visitors). Together with the provision of five motorcycle spaces, this adds to justification for a reduction in the car parking requirements.
- 2.14 The proposal is recommended for approval, subject to the conditions below.

3. RECOMMENDATION

- a. That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
- b. That a Notice of Decision to Grant a Permit be issued for the construction of multiple dwellings on a lot and use and development of the land as a 'food and drink premises' in the General Residential Zone, and the construction of works in a Special Building Overlay, and a reduction in the number of car parking spaces required by Clause 52.06. at 97 Alma Road, St Kilda East.
- c. That the decision be issued as follows:

Amended Plans Required

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans advertised 31 July 2023 (development plans by *Kersten Thompson Architects Pty Ltd* dated 27 July 2023) but modified to show:
 - a) A 1.2m minimum width for the three internal light courts within the apartment building.



- b) Details of all habitable room windows that face the internal light courts within the apartment building (height and width dimensions, extent of clear glazing, screening or obscure glazing). Habitable room windows that face the internal light courts must be increased in size and/or number where practicable.
- c) Details of all the window glazing, screening treatments and staircases along the internal corridors to ensure maximum daylight penetration.
- d) The use of reflective materials and colours for the light court surface treatment to maximise daylight access to habitable rooms.
- e) Details of the treatment of openings for all the internal corridors to ensure appropriate access to natural ventilation and night purge in warmer months.
- f) Details (elevation plan, material, colour) of the gate and pedestrian entry from Raglan Lane.
- g) All upper level balconies with views to adjoining secluded private open space or habitable room windows within a 9m distance are screened and/or obscured in accordance with Standard B22 (Overlooking Objective) of Clause 55.04-6 of the Port Phillip Planning Scheme. This may require provision of additional detailed overlooking diagrams and sections to demonstrate compliance. Screening and/or obscuring information on elevations and floor plans must be consistent.
- h) Wayfinding signage at several strategic locations, including in the area adjacent to the arbour structure on the east side of the site and adjacent to the pedestrian entry via the laneway that enables pedestrians to easily identify access to the Townhouses.
- i) A cantilevered porch over each of the entries for the Townhouses.
- j) Lighting within communal areas.
- k) Alterations to the built form of the apartment building that result in compliance with Standard B21 (Overshadowing Open Space Objective) of Clause 55.04-5 of the Port Phillip Planning Scheme as related to the secluded private open space of 1 Graylings Grove.
- l) Provision of a minimum of 6m³ storage for Townhouses 12-20 within the basement or an alternative location.
- m) A traffic lighting system to manage traffic on the one-way ramp as per the recommendation at Section 8.3 (Single Width Ramp) of Traffic Impact Assessment prepared by Ratio and dated 27/7/2023.
- n) Amended basement ramp to avoid encroachment of the 300mm clearance lines for waste truck collection.
- o) Allocation of a commercial garbage bin of a minimum size of 660 Litres or alteration to the Waste Management Plan to require an increase in the frequency of commercial garbage collection for the food and drink premises.
- p) The northern bin room door either a roller door or shown to open inwards to ensure ease of transportation of skip bins to and from the collection point.
- q) Deletion of reference to landscaping on road reserve to the east of the site.
- r) All ground floor habitable levels a minimum 500mm above the adjacent natural ground level.
- s) All ground floor non-habitable levels a minimum 350mm above the adjacent natural ground level, excluding the substation which is subject to approval from the power authority



- t) A notation on all external openings down to the basement that these openings must be watertight
- u) 'MS2' mesh fencing along the south and west boundaries.
- v) The mesh fencing adjacent 14 and 16 Godfrey Street lowered to 2.0 m.
- w) Any changes or notations to the plans as recommended by the acoustic report required pursuant to Condition 5.
- x) Urban Art in accordance with the requirements of Condition 9.
- y) Any changes to the plans to accord with the amended Sustainability Management Plan required pursuant to Condition 10.
- z) Any changes to the plans to accord with the amended landscape plan required pursuant to Condition 19.

No Alterations (Development)

- 2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

Layout Not to be Altered (Use)

- 3. The layout and description of the food and drink premises as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority unless the Port Phillip Planning Scheme exempts the new use from requiring a permit.

Privacy Screens Must be Installed

- 4. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building and thereafter maintained to the satisfaction of the Responsible Authority.

Acoustic Report

- 5. Prior to the endorsement of plans under Condition 1 of this permit an acoustic report by a suitably qualified acoustic consultant must be submitted to and approved by the Responsible Authority. The acoustic report must provide recommendations for appropriate acoustic treatment for the development to protect future occupants from noise from the nearby railway line or any other relevant noise sources.

Amended Waste Management Plan

- 6. Prior to the endorsement of plans under Condition 1 of this permit, a Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must be generally in accordance with the WMP submitted with the application by Ratio Consultants dated 28 November 2022 but amended to include nomination of a responsible party to ensure future residents are informed of the Waste Management Plan provisions relating to bin collection, hard waste removal and other waste facilities in the building and to include changes required by Condition 1 in relation to waste management.

Walls on or facing the boundary

- 7. Before the occupation of the development allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the



satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

No equipment or services

8. Any plant, equipment or domestic services visible from the primary street frontage (other than a lane) or public park must be located and visually screened to the satisfaction of the Responsible Authority.

Urban Art Plan

9. Prior to the endorsement of plans under Condition 1 of this permit, an urban art plan in accordance with Council's Urban Art Strategy must be submitted to and approved by the Responsible Authority. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the Responsible Authority. Urban art in accordance with the approved Urban Art plan must be installed prior the issue of any Certificate of Occupancy for the development.

Amended Sustainability Management Plan

10. Prior to plans being endorsed under Condition 1 of this permit, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The amended SMP must be generally in accordance with the SMP by GIW21210 dated 16 March 2023 but modified to show:
 - a) An average of 7 star NatHERS rating with a maximum 48 M/Jm² average heating load for the apartments.
 - b) Availability of access to rainwater tanks
 - c) An updated WSUD Site Layout Plan showing all surface treatments.
 - d) Updated daylight modelling taking into account the requirements of Condition 1 a-e.

Where alternative ESD initiatives are proposed to those specified in this condition, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes.

When approved, the updated SMP will be endorsed and will then form part of this permit. The ESD initiatives in the endorsed SMP must be fully implemented and must be maintained throughout the operational life of the development to the satisfaction of the Responsible Authority.

Implementation Report for Environmentally Sustainable Design (for all permits with SDA or SMP)

11. Prior to the issue of any Certificate of occupation for the development under this permit, an ESD Implementation Report (or reports) from a suitably qualified person or company, must be submitted to and endorsed by the Responsible Authority. The Report must confirm that all ESD initiatives in the endorsed SDA/SMP and WSUD report have been implemented in accordance with the approved plans to the satisfaction of the Responsible Authority. The ESD and WSUD initiatives must be maintained throughout the operational life of the development to the Satisfaction of the Responsible Authority.

Implementation of Water Sensitive Urban Design Initiatives

12. The initiatives in the endorsed Water Sensitive Urban Design (WSUD) Response must be fully implemented. These initiatives must be maintained throughout the operational life of the development to the satisfaction of the Responsible Authority.



Construction Management Water Sensitive Urban Design

13. Throughout the construction of the building(s) and construction and carrying out of works allowed by this permit;
- No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
 - All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
 - The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
 - No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
 - The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

Vehicle Crossings

14. Prior to the issue of any Certificate of Occupation for development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

Vehicle Crossings – Removal

15. Prior to the issue of any Certificate of Occupation for development allowed by this permit, all disused or redundant vehicle crossings must be removed and the area reinstated with footpath, nature strip and kerb and channel at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

Applicant to Pay for Reinstatement

16. Before the issue of any Certificate of Occupation for the development allowed by this permit, the applicant/owner must do the following things to the satisfaction of the Responsible Authority:
- Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary, including crossover alterations, reinstatement of nature strip and planting of trees within the Alma Road frontage.
 - Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
 - Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

Car Parking Space Allocation

17. A minimum of one car parking space must be provided on the land for the food and drink premises to the satisfaction of the Responsible Authority. The car parking space for the food and drink premises must be clearly marked for its use only to the satisfaction of the Responsible Authority.
18. No more than two car parking spaces are to be allocated to one dwelling.



Amended Landscape plan

19. Prior to the endorsement of plans under Condition 1 of this permit, an amended landscape plan must be submitted to the satisfaction of the Responsible Authority. The amended landscape plan must be generally in accordance with the landscape plan by Myles Baldwin Design dated 24 July 2023 but modified to show:
- a) A reduction in the number of Palm trees in deep soil locations and replacement with a tree species that provides increased shading and diversity of species.
 - b) Provision of street trees within a nature strip along the Alma Road frontage to match existing street trees within the streetscape.
 - c) Deletion of the three *Betula Nigra* trees adjacent to the south boundaries and replacement with a deciduous tree species of moderate mature height to minimise overshadowing impacts to properties to the south.
 - d) Removal of the part of the garden bed west of Apartment G.04 within the Alma Road frontage to create a straight and direct pedestrian pathway.
 - e) Greater detail of the roof top deck including dimensions to ensure the spatial layout is functional including the provision of an appropriately accessible width between the raised gardens and an appropriate width of the raised gardens/planters.
 - f) Accurate location of trees to be retained, consistent with the Tree Protection Management Plan required by Condition 21.
 - g) Confirmation of level changes between landscape areas and built form.
 - h) Paths and landscaping adjacent to Trees 6-8 as shown on the Arboricultural Report by Tree Response dated 15 March 2023 at or above existing grade.
 - i) Deletion of proposed landscaping on the road reserve to the east of the site.

Completion of Landscaping

20. The landscaping as shown on the endorsed Landscape Plan, including the provision of a nature strip and street trees within the Alma Road frontage in accordance with Condition 16 must be carried out and completed to the satisfaction of the Responsible Authority before the issue of any Certificate of Occupation for the development or at such later date as is approved by the Responsible Authority in writing.

Landscaping Maintenance

21. The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

Tree Protection Management Plan (TPMP)

22. Prior to the endorsement of plans under Condition 1 of this permit, a TPMP must be submitted to the satisfaction of the Responsible Authority. The TPMP must:
- a) Show the exact location of all trees to be retained. Trees to be retained must be consistent with the recommendations of the Arboricultural Report by Tree Response dated 15 March 2023
 - b) Outline how trees to be retained will be protected



- c) Outline what works require aborist supervision. This must include where works, including landscaping works encroach within the Tree Protection Zone.
- d) Outline procedures to ensure contractor compliance
- e) Require the suitable replacement of Tree 12 (English Elm) should further investigation mean that it cannot be retained.

Tree Protection

23. Before the development starts, a tree protection fence must be erected around the all trees nominated for retention to comply with AS 4970 - 2009 Tree protection on development sites to the satisfaction of the Responsible Authority.

Hours of Operation

24. Without the further written consent of the Responsible Authority the use of the food and drink premises must operate only between the hours of 6am to 11 pm.

Ongoing Involvement of the Architect

25. The applicant must retain Kerstin Thompson Architects to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans and endorsed schedule of materials and finishes during construction except with the prior written approval of the Responsible Authority

Time for Starting and Completion

26. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two (2) years of the date of this permit.
 - b) The development is not completed within two (2) years of the date of commencement of works.
 - c) The use is not commenced within two (2) years of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

4. RELEVANT BACKGROUND

- 4.1 Previous permits granted for signage and various buildings and works associated with the existing gym/sports centre are not relevant to this proposal.
- 4.2 The use of the site as a gym/sports centre use has been subject to community complaint and planning compliance proceedings over a number of years previously. Matters such as errant balls entering private property and lighting impacts have been subject to complaint and various Council investigations and mediated arrangements.

5. PROPOSAL

- 5.1 The application proposes the construction of a predominantly residential development, comprising:

- 41 apartments (one, two and three bedrooms) within a three to four storey building.
- 20 town houses in three attached blocks, two to three storeys in height.
- A food and drink premises (64sqm) on the ground floor of the apartment building, facing Alma Road.
- Provision of 88 car parking spaces, 5 motorbike spaces and 64 bicycle spaces within the basement. A further 16 bicycle spaces are proposed at grade.

5.2 The layout includes the apartment building adjacent to Alma Road and the town houses at the rear of the site with several pedestrian paths providing access from Alma Road and via a laneway from Raglan Street. Figure 1 shows the site plan.

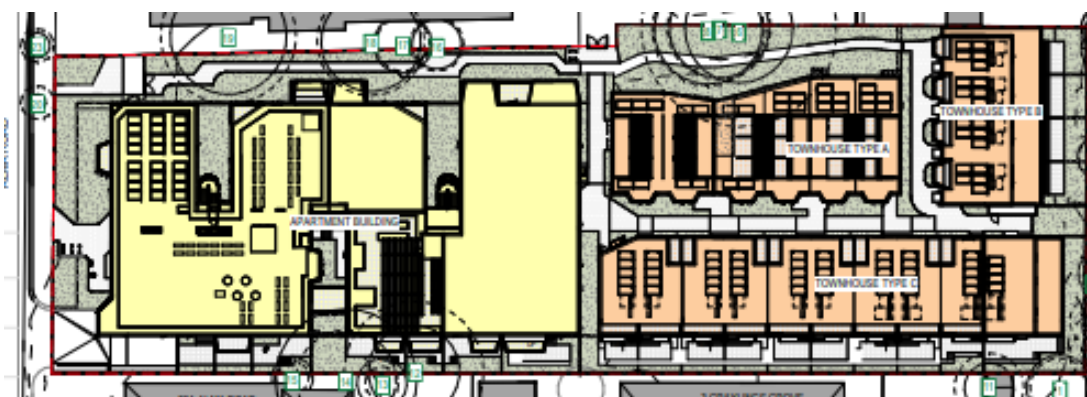


Figure 1: Site plan (TP002 dated 27.07.2023)

The proposal is described in detail as follows.

Basement

- 5.3 All car parking is provided in the basement. Vehicle access is provided via a 6.4m wide crossover to Alma Road leading to a single width ramp. This vehicle access is to be along the western (side) boundary of the site.
- 5.4 Within the basement are 88 car parking spaces, 5 motorcycle spaces and a bike room with space for 64 bicycle parking spaces. Storage units for all dwellings are provided with direct internal access to basement storage provided for 11 townhouses. Two bin rooms and an electrical substation are also contained within the basement. A private waste collection is proposed.

Apartment building

- 5.5 41 apartments are proposed comprising 6 x one bedroom, 20 x two bedroom and 15 x three-bedroom. The building comprises three levels extending into the site with a fourth level containing four apartments adjacent to the Alma Road frontage with a communal roof deck to the rear of these apartments. Overall height of the building varies due to slope of the site but the maximum to the fourth level parapet is 12 metres.
- 5.6 A walkway/corridor is provided via a centrally placed entrance facing Alma Road with a second walkway proposal adjacent to the eastern boundary.
- 5.7 At ground level, apartments are provided with secluded private open space in the form of raised terrace or ground level space. At the upper levels apartments are served by balconies located either on the outer part of the building projecting out or within the building envelope.

- 5.8 There are several breaks in the built form between apartments.
- 5.9 Fronting the street at ground floor level is a food and beverage tenancy (64sqm), a substation (adjoining the basement entrance) and a three-bedroom apartment.
- 5.10 There are 16 at grade bicycle parking spaces for the use of visitors to the site.
- 5.11 At the rooftop level is a lift overrun and other building services including solar panels, heat pumps for the hot water systems, condensers and antennas.

Townhouses

- 5.12 To the rear of the site, separate from the apartment building are 20 townhouses with 19 three storey and one two storey. Six town houses include a roof terrace at fourth level. The town houses are arranged in three 'blocks' with pedestrian access and communal open space provided between the blocks.
- 5.13 The town houses are accessed from the basement as well as a communal pedestrian walkway from Alma Road and the laneway leading from Raglan Street.
- 5.14 Three large trees located near the mid-eastern side of the site will be retained and incorporated within a communal grassed open space area.
- 5.15 All townhouses have ground level private open space areas and balconies with six having roof terraces. The layout of the built form over the site is illustrated in Figure 2 below.



Figure 2: Aerial 3D view from northwest corner (TP00 dated 27.02.2023)

Materials and colours

- 5.16 The buildings are proposed to be constructed predominantly of bagged brick in a light cream colour with some galvanised steel, fibre cement sheeting and stainless-steel cable mesh elements all in similar neutral tones. The façade to Alma Road is shown in Figure 3 below.



Figure 3: 3D image of Alma Road elevation (TP00 dated 27.07.2023)

5.17 The plans can be located in **Attachment 1**.

6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	The site has a frontage to Alma Road of 38.08 metres, a western side boundary of 124.54 metres, an eastern side boundary of 119.98 metres (with a 2.63 metre dog leg 63.01 metres from the frontage). The site has a total area of approximately 4997 square metres.
Existing building & site conditions	<p>The site is occupied by a building with equivalent height of four storeys located to the front of the site. The building is used as a sports and fitness centre with a swimming pool, gym and other facilities. Two multi-purpose sports courts are located to the rear of the site. The existing building is setback from all boundaries with 7 at grade car parking spaces provided within the front setback to Alma Road. The site is relatively flat toward the rear, and a more significant slope is present toward the front.</p> <p>There are three large trees located on the site near the eastern boundary and a medium tree along the western boundary.</p>
Surrounds/neighbourhood character	The site sits within a predominantly residential context which is diverse in its built form character, comprising heritage dwellings, more modern unit/apartment developments and post-war flats. The site is located opposite Alma Park, within proximity to Windsor Station (800 metres) and Balaclava Station (900m) and trams along Chapel Street and Dandenong Road. Chapel Street and Carlisle Street shopping strips are also within 10-15 minutes walking distance.



To the **north**, across Alma Road, is Alma Park which is in the Public Park and Recreation Zone and affected by a Heritage Overlay (HO6). The park contains mature trees, walking paths, cycling paths, play areas, public toilets, BBQ facilities and a sports oval.

To the **south** there are properties fronting Godfrey Street, all of which are in the Neighbourhood Residential Zone (NRZ1) and affected by the Heritage Overlay (HO386). Each of the dwellings adjoining the site (4 – 18 Godfrey Street) front Godfrey Street and have their secluded private open space areas, which face north, abutting the site. All dwellings have pitched roof forms, some have more recently constructed extensions and rear setbacks between 3m and 6.5m.

To the east there are properties that front Alma Road and Raglan Street. Fronting Alma Road is 99 Alma Road in the General Residential 1 Zone (GRZ1) which contains a three and four storey apartment building constructed of brick and render with a flat roof form.

To the southeast there are properties fronting Raglan Street (1 – 7) which are made up of residential apartments, townhouses and single dwellings. The interface of these properties with the site varies including secluded private open space, a car park area and outbuildings. A grassed section of road adjoins part of this boundary. These properties are within the GRZ1.

To the **west**, facing Alma Road, is 95A Alma Road which is a part two and part three storey art deco era apartment building with a hipped tiled roof and in the GRZ1 and affected by Heritage Overlay (HO6).

To the southwest, there is a pair of attached single storey dwellings at 1 and 3 Graylings Grove, with secluded private open space adjoining the site.

Further southwest, at 5 Graylings Grove, there is a two-storey apartment building with a car parking area adjoining the site. To the south of this property is a detached dwelling at 2 Graylings Avenue with secluded private open space adjoining the site.

These properties to the southwest are in the GRZ1.

Figure 4 is an aerial image showing the subject site with the interfaces as described above.



Figure 4: Aerial image showing interfaces with the site (Nearmap 2023)

7. PERMIT TRIGGERS

The following zone and overlay controls apply to the site, with planning permission required as described.

Zone or Overlay	Why is a permit required?
General Residential Zone (Schedule 1)	<p>Clause 32.08-6 states that a permit is required to:</p> <ul style="list-style-type: none"> Construct two or more dwellings on a lot <p>A development must meet the requirements of Clause 55.</p> <p>Clause 32.08-2 states that a 'food and drink premises' is a Section 2 (Permit required) use.</p> <p>Clause 32.08-9 states that a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.</p>
Special Building Overlay (Schedule 2)	<p>Clause 44.05-2 states that a permit is required to:</p> <ul style="list-style-type: none"> Construct a building or to construct or carry out works



Particular Provisions	Why is a permit required?
<p>Car Parking (Clause 52.06)</p>	<p>Clause 52.06-3 states that a permit is required to:</p> <ul style="list-style-type: none"> • Reduce the number of car parking spaces required under Clause 52.06-5. <p>Overall, the proposal is required to provide 98 car parking spaces on site, and 88 spaces are provided.</p> <p><u>Provision for dwellings</u></p> <p>Clause 52.06-5 states that a dwelling is required to provide one space for each one or two bedroom dwelling, and two spaces to each three or more bedroom dwelling. The application proposes 26 one and two bedroom dwellings, 35 three-bedroom dwellings, therefore 96 spaces are required to be provided for residents. 87 spaces are provided within the basement, therefore a reduction of 9 dwelling spaces is required.</p> <p><u>Provision for visitors</u></p> <p>Clause 52.06-5 states that a dwelling within Column B is not required to provide visitor parking spaces. Column B applies as the land is within the Principal Public Transport Network (PPTN).</p> <p><u>Retail premises provision</u></p> <p>Clause 52.06-5 states that a food and drink premises is required to provide 3.5 spaces to each 100sqm of leasable floor area. Given the size of the retail premises, 2 spaces are required to be provided. 1 space is provided within the basement; therefore a permit is required for a reduction of 1 food and drink premises space.</p> <p>A permit is required to reduce the number of car parking spaces required under Clause 52.06-5 by 10 spaces.</p>
<p>Bicycle Facilities (Clause 52.34)</p>	<p>Clause 52.34-1 states that a new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.</p> <p><u>Resident provision</u></p> <p>Clause 52.34-5 states that in developments of four or more storeys, 1 bicycle parking space should be provided to each 5 dwellings for residents. The application proposes 61 dwellings (partially within a four-storey building); therefore 12 spaces are required to be provided onsite for residents.</p> <p><u>Visitor provision</u></p> <p>Clause 52.34-5 states that in developments of four or more storeys, 1 bicycle parking space should be provided to each 10 dwellings for visitors. The application proposes 61 dwellings (partially within a four-storey building); therefore 6 spaces are required to be provided onsite for visitors.</p>



	<p><u>Retail premises provision</u></p> <p>Clause 52.34-5 states that 1 space is required for each 300sqm of retail premises. Given the size of the retail premises, no spaces are required to be provided.</p> <p>Overall, the proposal is required to provide 18 bicycle parking spaces onsite, and the application proposes the provision of 62 spaces within the basement for residents, 2 spaces within the basement for the retail premises, and 16 visitor spaces on ground level. A total of 80 bicycle parking spaces are provided across the site.</p> <p>Given that all requisite bicycle parking spaces are provided onsite, no permit is required to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6.</p>
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A site map showing the planning controls of the site and surrounding area is **Attachment 2**.

8. PLANNING SCHEME PROVISIONS

8.1 Planning Policy Frameworks (PPF)

The following provisions of the PPF are of particular relevance to this application:

Clause 02: Municipal Planning Strategy

02.01 – Context

02.02 – Vision

02.03 – Strategic Direction

02.04 – Strategic Framework Plans

Clause 11: Settlement

11.01-1S – Settlement

11.01-1R – Settlement – Metropolitan Melbourne

11.0-1S - Supply of urban land

Clause 12: Environmental and Landscape Values

12.01-1L – Urban Forest

Clause 13: Environmental risks and amenity

13.07-1L-03 - Interfaces and amenity

Clause 15: Built Environment and Heritage

15.01-1S – Urban Design

15.01-1L-02 - Urban design

15.01-2S - Building Design

15.01-2L-02 – Environmentally Sustainable Development

15.01-2L-03 – Urban Art

15.01-5S – Neighbourhood character



15.01-5L – Neighbourhood Character

Clause 16: Housing

16.01-1S – Housing Supply

16.01-1R Housing supply – Metropolitan Melbourne

16.01-1L-01 – Housing Diversity

16.01-1L-02 – Location of Residential Development

Clause 17: Economic Development

17.02-1S - Business

Clause 18: Transport

18.01-1L-01 – Land Use and Transport Integration

18.02-3S – Public transport

18.02-3R Principal Public Transport Network

18.02-4S - Roads

18.02-4L-01 – Car Parking

18.01-4L-02 – Loading Facilities

Clause 19: Infrastructure

19.03-3L – Stormwater Management (Water Sensitive Urban Design)

19.03-5L – Waste and Resource Recovery

8.2 Other relevant provisions

Clause 52.06 Car Parking

Clause 52.34 Bicycle Facilities

Clause 55 Two or more dwellings on a lot and residential buildings

Clause 65 Decision Guidelines

Clause 71.02 Integrated Decision Making

8.3 Relevant Planning Scheme Amendment/s

Amendment C203port is a municipal-wide amendment, which:

- Implements the Port Phillip Planning Scheme Audit 2018 and the land use and development directions of Council's adopted strategies and documents, including Act and Adapt – Sustainable Environment Strategy 2018-28, Art and Soul – Creative and Prosperous City Strategy 2018-22; Don't Waste It! – Waste Management Strategy 2018-28, In Our Backyard – Growing Affordable Housing in Port Phillip 2015-25, and Move, Connect, Live – Integrated Transport Strategy 2018-28.
- Updates the Port Phillip Planning Scheme to comply with Victorian Government changes to planning schemes regarding language, format and structure introduced by Amendment VC148.



- Updates local heritage policy to implement new Heritage Design Guidelines, which provide detailed and illustrated guidance on eleven development themes, informed by extensive consultation undertaken in 2019.
- Introduces new local VicSmart planning provisions to enable quicker assessments of some minor types of planning permit applications.
- Removes eleven Incorporated Documents from the Port Phillip Planning Scheme as they are obsolete.

Amendment C203port was approved with changes by the Minister for Planning and was gazetted on 14 April 2023. There are no transitional arrangements in the adoption of C203port. The Planning Scheme Amendment is policy neutral in respect to the majority of the policy changes where it does not alter the meaning of policy previously in the Port Phillip Planning Scheme. Where it is not policy neutral, it gives effect to adopted Council strategies and plans, augments policy by filling a known policy gap and/or responds to a recommendation of the Port Phillip Planning Scheme Audit 2018

9. REFERRALS

9.1 Internal referrals

The application was referred to the following areas of Council for comment. The comments are summarised below.

Internal Department	Referral comments (summarised)
<p>Urban Design Advisor</p>	<p>No objection subject to conditions.</p> <p>The proposal is supported as a high-quality design response to its site and context. In particular the following elements are supported:</p> <ul style="list-style-type: none"> • Response to neighbourhood context in terms of scale, architectural design and heritage interfaces. • The inclusion of food and drink component providing interaction to street. • Setbacks to boundaries appropriate to provide landscaping and protect amenity of neighbours. • Legible pedestrian access. • Common areas provide good amenity. • Individual dwellings have a high standard of amenity. <p>Further details of screening and review of planting is sought.</p> <p><u>Planner’s comments</u></p> <p>Analysis of the plans show that whilst appropriate screening techniques are utilised for most dwellings, further clarity is required for others to ensure no unreasonable overlooking will result. The planting proposed has been assessed by Council’s Landscape Architect and found satisfactory, subject to some amendments. Permit conditions of the officer recommendation address the above matters.</p>



<p>Transport Safety Engineer</p>	<p>No objection subject to conditions</p> <ul style="list-style-type: none"> • Stop/go lighting system to be adopted to manage traffic as suggested in the traffic report. • Concern about tight access for waste truck at basement entrance whereby there is encroachment into the 300mm clearance lines for the waste truck. • The proposal results in a parking shortfall and reference should be made to CoPP’s Sustainable Parking Policy. Given the shortfall no dwelling should be allocated parking spaces in excess of the Planning Scheme. • The applicant is responsible for all costs associated with alterations to the crossover and related infrastructure, including those incurred by Council. <p><u>Planner’s Comments:</u></p> <p>The stop/go lighting and demonstration of adequate access for the waste truck forms a permit condition of the officer recommendation waste truck. A detailed parking assessment is provided later in this report. Standard conditions relating to the reinstatement of crossovers, kerb and channel form part of the officers recommended permit conditions.</p>
<p>Drainage Engineering</p>	<p>No objection subject to conditions</p> <p>The drainage engineer sort minimum ground floor levels of to cater of 528mm above the adjacent natural ground level for habitable areas and a minimum 378mm above the adjacent natural ground level for non-habitable areas. External openings to basements were also recommended to be watertight.</p> <p><u>Planner’s Comments:</u></p> <p>The above are included in the officer recommended planning permit conditions.</p>
<p>Waste Management</p>	<p>No objection, subject to conditions.</p> <ul style="list-style-type: none"> • Commercial garbage bin allocation is not sufficient and will need to be increased to 1 x 660L bin or increase the collection frequency • Residential bin allocation is sufficient. • The Waste Management Plan (WMP) should nominate a responsible party to ensure future residents are informed of the Waste Management Plan provisions relating to bin collection, hard waste removal and other waste facilities in the building. • The ramp height (access to the basement) is 2.2 metres which is the same height as the waste truck – this is an issue. • The northern bin room door should either be a roller door or have the ability to open inwards as this could impact the transportation of skip bins to and from the collection point. <p><u>Planner’s Comments:</u></p> <p>The applicant has indicated that an additional bin for commercial use can be provided and this can be addressed by permit condition. The matters</p>



	relating to the WMP and the bin room door can also be addressed by permit condition. The ramp height issue is addressed in assessment of waste collection, later in this report.
Landscape Architect	<p>No objection, subject to conditions.</p> <p>The landscape plan is generally acceptable with the landscape proposal being comprehensive and well prepared. The proposed planting palette is appropriate for the setting and should provide greening of interfaces and building edges to an appropriate level, however there are matters that are recommended for change as follows:</p> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> • Reduce the number of palms in deep soil locations, to provide increased shading, diversity in species and general landscape amenity. • Provide a deep soil plan. • Explore increasing the set back of the basement line along Alma Road to provide increased deep soil planting. • Provide additional street trees within the nature strip along Alma Road due to the vehicle crossover being removed - tree species to match existing within the streetscape. • Refine the design language and path edge to have a consistent design language (currently the edge treatment consists of angles, curved edges, and geometric form). • Remove the garden bed at the pedestrian entrance and replace with pavement to provide improved mobility, movement, and increased entry pavement space. • Details of fencing/screening. • Increased detail to the roof top deck to ensure spatial layout is functional <p><u>Planner's Comments:</u></p> <p>The officer's recommendation includes conditions requiring an amended landscape plan to show altered species selection, additional street trees, changes to the paving in the front setback and additional detail for the roof deck. A deep soil plan is provided, and screening details are addressed in dealing with amenity impacts. The recommendation to increase the deep soil area in the front setback is not supported since the provision meets the standard and a change would result in reduced basement carparking. The recommendation to regularise the path layout is not supported as the paths provide interest with varied alignment yet remain legible. These matters are discussed in the section relating to landscaping.</p>
Arborist	<p>Raised concerns about:</p> <ul style="list-style-type: none"> • Inconsistencies between plans in terms of location of trees and whether trees retained or removed.



	<ul style="list-style-type: none"> • Significant encroachment into Tree Protection Zone (TPZ) of Tree 12 noting an increased setback from the tree would be beneficial unless it can be shown by a non-destructive root investigation that there is not significant massing of roots along the existing built form. • Confirmation of level changes between landscaped areas and built form • Paths and landscaping adjacent to Trees 6-8 to be at or above existing grade. • Potential impacts to Trees 1, 2, 3 and 11 (although this may be due to inaccurate location of trees on the plans). <p>Planner's Comments:</p> <p>The concerns raised can be addressed by permit conditions requiring accurate and consistent plans in relation to trees and a Tree Protection Management Plan that ensures appropriate protection measures for all trees to be retained including on the adjoining land. These matters are discussed under the landscaping section of the assessment.</p>
<p>Sustainable Design Advisor</p>	<p>No objection subject to conditions</p> <p>The SDA advises that the application does not demonstrate best practice for ESD with some improvements/additional information required in relation to:</p> <ul style="list-style-type: none"> • Additional information on the WSUD layout plan • Ensure access is available to rainwater tanks • Provide all water catchment details • Address heating loads of several apartments. In particular, 48 MJ/m² is a National Construction Code requirement for 7 star rating. The average heating load is 59.3 with the highest being 73.4 MJ/m². • Some apartment living rooms and bedrooms have poor daylight. The window sizing and opacity, floor finishes, external wall colour and the staircase and hallway construction will dictate the performance of these rooms with windows facing the hallways. • Specify if corridors have openable windows • Implementation report should be a condition requirement <p>Planner's Comments</p> <p>The officer's recommendation includes conditions that can resolve the matters at issue and ensure satisfactory ESD outcomes.</p>

9.2 External referrals

The application was referred to the Department of Transport (DoT) pursuant to Clause 62.02-11 (Land use and transport integration) residential development containing 60 or more dwellings. The DoT did not object to the proposal.

10. PUBLIC NOTIFICATION/OBJECTIONS

10.1 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 (166 properties notified) and directed that the applicant give notice of the proposal by posting 3 notice(s) on the site for a 18 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

10.2 The application has received 22 submissions, made up of 20 objections to the application and 2 supporting submissions. The key concerns raised in objections are summarised below (officer comment will follow where the concern is not addressed in Section 11):

- **Built form / visual bulk /building height**
- **Inappropriate density of development**
- **Interface to Heritage buildings along Godfrey Street**
- **Parking availability and increased traffic congestion**
- **Offsite amenity impacts (overshadowing and overlooking)**
- **Daylight to existing windows**
- **Walls on boundaries**
- **Onsite amenity**
- **Loss of sporting facility**

It is acknowledged that the sporting facilities are an asset for the community. However, the loss of the existing facilities is not a consideration that forms part of the scope of the application. The land is privately owned and within a General Residential Zone. There are no obligations within the planning scheme for an owner to continue to provide sporting facilities.

- **Addition of a food and drink premises and effect on similar local businesses**

Competition between local businesses is not a planning consideration.

- **Construction impacts**

Construction impacts (building damage, property access, vehicle access) are dealt with under the Building Permit process should a permit be issued for this application.

- **Flooding impacts**

The proposal has been referred to Council's Drainage Engineers who have not objected to the proposal subject to conditions that form part of the recommendation.

10.3 The matters raised in the two submissions in support of the application include the need for additional housing in the area, the excellent quality of the design, an appropriate scale and good provision of garden area. It is suggested the fourth storey extend into the site to provide additional dwellings and more EV charging points be provided.

10.4 A consultation meeting was held on 17 July 2023. The meeting was attended by a Ward Councillor, planning officers, the applicants and six objectors. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns and for the applicant to respond.



- 10.5 Following the consultation meeting the applicant submitted amended plans to address some of the concerns raised. These plans were advertised during August 2023 and are the plans considered in this report.
- 10.6 The key changes in the amended plans include:
- Increase setbacks of town houses 7-10 with altered layout of town houses 3-6, including deletion of break between town houses 2 and 3;
 - Townhouses 11 and 12 redesigned into one with southern setback increased and associated net reduction of one dwelling.
 - Revised basement layout retaining 88 car spaces.
 - Screening added to town houses 7-11.
- 10.7 A further two submissions have been received in response to the amended plans. The submissions acknowledge the amended plans address many of the concerns previously raised but refer to issues relating to material and height of fencing and planting to southern boundary and inadequate detail on materials and colours. These matters will be addressed in the assessment section.

11. OFFICER'S ASSESSMENT

- 11.1 The key issues relevant to assessment of this application arise from applicable policies and provisions of the Planning Scheme, the referral comments and the objections. The key issues can be identified under the following headings:
- Is there strategic support for increased housing on the site?
 - Does the design respond appropriately to its context?
 - Is the provision for landscaping acceptable?
 - Is the inclusion of a food and drink premises appropriate?
 - Is the parking provision and vehicle access adequate?
 - Is there traffic, loading or waste management reasons to reject the proposal?
 - Are there unreasonable amenity impacts to neighbouring properties?
 - Will future residents have acceptable amenity?

11.2 Is there strategic support for housing on the site?

There is strong support in the Planning Scheme for residential development on the site. This support is derived from the following:

- At a high level, State based policies seek sustainable development and use of opportunities for intensification of existing urban areas that take full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services. Residential development of this site in an established residential area accords with this direction.
- There are policies that direct housing growth to well-located development sites with such sites providing the key opportunity to accommodate a large proportion of Port Phillip's housing growth. The locational attributes of the site include excellent access to parkland and public transport and proximity to activity centres and a variety of services including St Kilda Library and Childcare Centres. These



attributes combine to make it a 'well located' site and suitable for increased density of housing.

- The site is located on the PPTN where policy specifically seeks substantial residential growth and increased diversity and density of development, both Windsor and Balaclava stations in easy walking distances with a number of tram routes nearby.
- The proposal provides a mix of dwelling styles and sizes. This fulfills the policy aims for increased variety of housing to meet the diverse needs of Port Phillip's community in terms of household size, lifestyles, abilities, income levels and lifecycle stages.
- A purpose of the GRZ1 zoning of the site includes encouragement for a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- The large size of the site (approximately 4997sqm) provides a relatively rare opportunity to facilitate well-located, integrated and diverse housing as sought in policies relating to housing supply.

11.3 Does the design respond appropriately to its context?

It is acknowledged in policy that accommodating housing growth will bring change to the scale and density of existing areas and that managing the impact of this change on the character of Port Phillip is a key challenge. There is clear direction that new development is to achieve a built form that responds to site characteristics, respects the surrounding built form context including the valued neighbourhood and heritage character, contributes to the public realm and limit adverse impacts on the amenity of adjoining properties.

In East St Kilda and Balaclava, local policy at Clause 15.01-1L, specifies that development should be designed so that height, scale, massing and bulk respects the scale and form of nearby buildings and respond to the existing neighbourhood character.

The GRZ, in addition to providing a purpose and decision guidelines that are relevant to building design, include mandatory requirements relating to building height and garden area.

The four-storey height is criticised in objections as inappropriate on a site within a GRZ where 3 storey height is anticipated and within an incremental change area where 2-3 storeys are sought. The appearance of the four-storey height is examined in the assessment of how the proposal presents to Alma Road. It is relevant to note however, that although the building, at 12m and four storeys, exceeds the 11m and three storeys specified in the GRZ, this is permitted pursuant to Clause 32.08-10 which allows:

- The number of storeys or maximum building height to be exceeded if the building replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.
- A building to exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

Both the above circumstances apply to the site and thus the 12m height and four storeys can be considered.

In assessing how the design has responded to the physical and planning context, the proposal is considered as an overall concept and then as it addresses each interface, noting amenity impacts are addressed later in the report.

Overall concept

The proposal is considered well resolved and responsive to the site context with the following positive elements:

- Height and bulk that is greater towards the main road frontage where higher built form is present.
- Location of lower built form to the rear of the site where site interfaces with one and two storey dwellings and private open spaces.
- The transition in height to adjoining development is acceptable and demonstrated in Figure 5 below that shows the height (in storeys) of adjoining development.



Figure 5: Figure 6: 3D of northwest corner showing proposal in context of adjoining development with height shown in storeys (TP000 dated 27.07.2023)

- The proposal would not detract from the prominence of Alma Park opposite the site, recognised as a key landmark.
- Gaps between buildings and to side boundaries provide for pedestrian connectivity, landscaping and a sense of space.
- The materiality, including pale bagged brickwork with textured elements and metal, textured glass, coloured tiles, galvanised infills and painted cladding element generally in light or grey colours, is acceptable in a setting where diverse external materials are evident.

Street frontage

To Alma Road, the proposal presents with a four-storey apartment building in a design considered to be a positive response to the street through the following features:

- Although the height is higher than the immediately adjoining development and is not the 2-3 storey which is identified for main roads in East St Kilda, it is considered acceptable. It represents a graduated height difference of one storey

compared to the adjoining apartment building to the east and, with the front and side setbacks proposed, will avoid a building mass that is incongruous in the street or one that detracts from views of Alma Park opposite. It is relevant that the proposal replaces a building of similar height. The elevation in Figure 6 below shows development in the streetscape context.



Figure 6: Alma Road elevation showing proposal in context of adjoining development (TP003 dated 27.07.2023)

- The lack of upper-level recess is criticised in objections for presenting an excessive building mass. The design of the building provides interest through projecting balconies, varied window shapes and a centrally placed open area extending through the three lower levels. In addition a 'barley sugar' column element is proposed that is a 'place holder' for a future public art piece to be designed and created by a professional artist. This design achieves the well-articulated outcome sought in policy for larger sites (with a frontage over 10m) through variation in form, openings and vertical design elements.
- The architectural style is attractive and, as put by Council's Urban Designer, is "contextually appropriate, including articulation, materials and integrated artwork."
- The front setback is between 5.1 and 7 metres with much of that area available for landscaping. Although this is forward of the 9m front setback at 95a Alma Road and not fully compliant with the Clause 55 standard, it will not appear intrusive in a context where the front setback to the east includes an element at 4.4m and the setbacks more generally in the streetscape are varied, as shown in Figure 7 below.



Figure 7: 3D of northwest corner showing proposal in context of adjoining front setbacks (TP000 dated 27.07.2023)

- Setbacks to side boundaries of between 4.5 and 5.7m provide separation from adjoining development and maintain the sense of space between development that is evident on nearby properties.

- The design of pedestrian access is well resolved with a clear and attractive entry to the apartment building and a separate pathway on the east side of the site providing access to the rear of the site. An entry structure setback from the street provides an identifiable sense of entry for access to the dwellings to the rear of the site. To further improve access, a condition of the recommendation requires provision of wayfinding information at several strategic locations.
- The use of a single vehicle access point limits interruptions to footpath and the bicycle path, as sought in the Planning Scheme (at Clauses 18.02-4L-01 and 55.07-6) and is a positive response to the public realm. There will be a passing bay provided in the front setback adjacent to the one-way access to the basement resulting in a 6.4m wide crossing to the street. This layout is acceptable given the need to provide a passing bay to avoid queueing on the street, the relatively wide frontage of the site (38m) and the removal of the current layout where approximately two-thirds of the frontage is used for car parking and access.
- The location of all car parking in the basement accords with Planning Scheme provisions (at 18.02-4L-01 and 52.06-9) that seeks to avoid visibility of car parking from the street.
- A low front fence of 900mm is proposed allowing the garden to be visible to the street.
- The inclusion of a food and drink premises at part of the ground floor is a positive response to policies that seek opportunities for social interaction at the interfaces between the public and private realm.

To the east

The site adjoins a number of properties to the east including the termination of a lane that is a sealed access way off Raglan Street.

The interfaces to the east are shown in Figure 8 below.

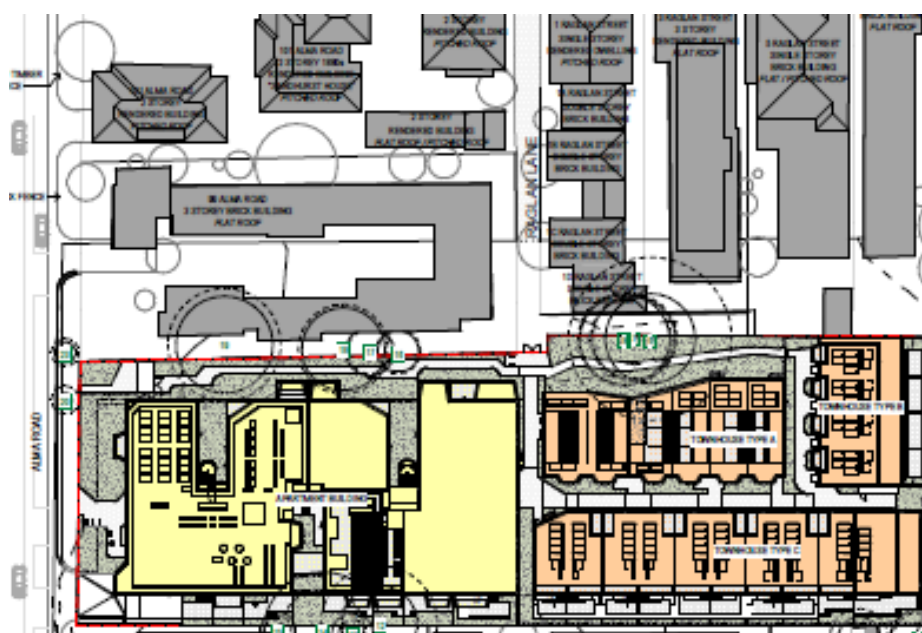


Figure 8: Site plan showing interface to east (TP002 dated 27.07.2023)



The proposal has responded appropriately to the eastern interfaces.

- To 99 Alma Road
 - The siting of the apartment building aligns generally with the 3-4 storey apartment building on 99 Alma Road. The setback of the apartment building at all levels to the eastern boundary is a minimum of 5.7 metres with balconies projecting to within 3.4m. These setbacks combined with the 2.5 to 3.4m setback of the building on 99 Alma Road will create a sense of space between built form.
 - The opportunity for deep soil planting in this setback combined with the existing vegetation on the western boundary of 99 Alma Road will soften the interface between the buildings.
 - There are two 'gaps' provided to the east elevation of the apartment building that will avoid the appearance of an unbroken length of wall when viewed from 99 Alma Road. Furthermore, the limited extent of the top level means the rear section of the east elevation will appear as three levels rather than the four at the front of the site. These features combined with windows and balconies will modulate the elevation and avoid the appearance of unreasonable visual bulk.
- To the laneway (leading to Raglan Street) and to 1 and 3 Raglan Street
 - The site adjoins the termination of a sealed section of the laneway from Raglan Street. The layout provides pedestrian access to the laneway with gates indicated at the property boundary. This pedestrian access will connect with the pedestrian pathways that traverse the site. Bicycle parking for visitors is located adjacent to the entry. This layout appropriately makes use of the laneway with increased use contributing to public safety, noting that multiple existing properties make use of the lane for pedestrian and vehicular access.
 - An objector referred to the lack of detail on the appearance of the gates and pedestrian entry from the lane. This information should be required and forms a permit condition of the officer recommendation.
 - The view from the lane will be to a separation between the apartment building (three storey at this point) and the three storey townhouses in the rear section of the site. This creates sense of space when viewed from the public realm, albeit a confined type of public realm, and avoids the appearance of continuous built form.
 - The section of unused land at the rear of 1D and 3 Raglan Street combined with the minimum 6m setback of the six attached townhouses facing the boundary (1-6) creates a separation of at least 9m. This setback combined with the retention of three existing trees and the proposed landscaping on the site, will avoid the appearance of unreasonable visual bulk to these interfaces.
- To 5 and 7 Raglan Street
 - The side wall of Townhouse 7 ('TH7') is constructed to the rear boundary with 5 and 7 Raglan Street for a total length of 12m. The townhouse is three storeys with two levels on the boundary and the third level setback 0.6m. An objection regarding this siting raises concerns about lack of setback, height, visual bulk and lack of landscaping.
 - Although TH7 does present with high boundary construction, the interface is of limited sensitivity. This is due to a two-storey outbuilding and connected carport at

the rear of 5 Raglan Street and the use of the rear yard of 7 Raglan Street for communal carparking associated with the apartment building on that site.

- The transition in built form is acceptable given there are two storey flats at 7 Raglan Street and a two-storey outbuilding at the rear of 65 Raglan Street.
- The context surrounding TH7 makes the boundary construction acceptable. The amenity impacts of the siting of TH7 are discussed later in this report.

To the south

There are eight properties adjoining the site to the south or rear. Each of these properties face Godfrey Street, contain secluded private open space (spos) adjoining the site and are included in Heritage Overlay. The dwellings on the adjoining Godfrey Street sites are setback from the site at varying distances ranging from 3 and 7.8m.

The proposal presents with four attached three storey town houses (TH07-10) setback from the southern boundary a minimum of 5.47m at ground and level 1 and 9m at level 2. Spos for each of the town houses is proposed in the setback and the existing boundary paling fence to be replaced and a 2.5m high mesh screening fence constructed on the site adjacent to the replaced fence.

TH11 is two storey and proposed to the southwest portion of the site setback 2.7m from the southern boundary at ground level and 5.9m at level 1. There is a gap of approximately 4m between TH10 and TH11. Figure 9 shows the layout adjacent to the southern boundary.

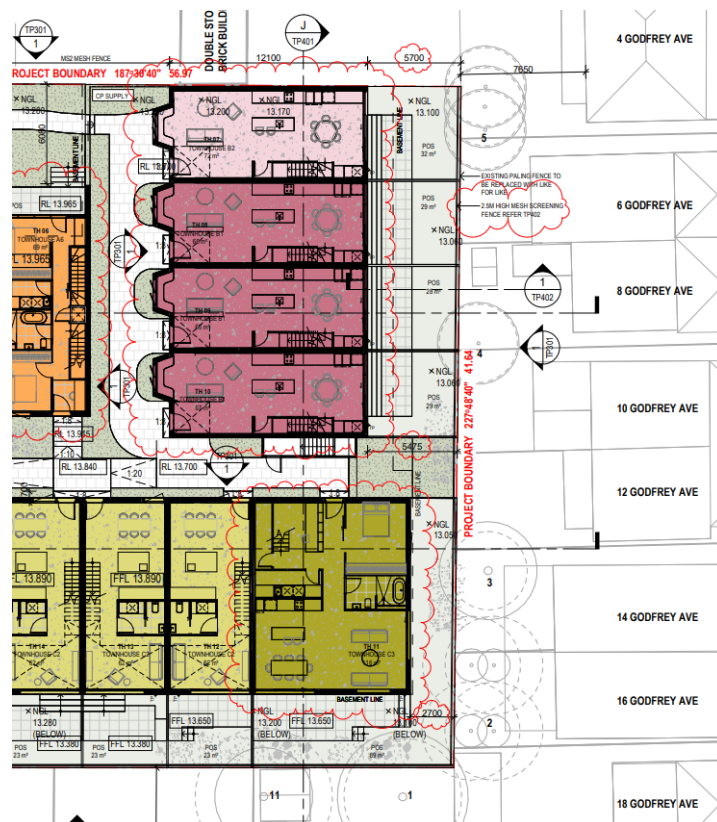


Figure 9: Site layout adjacent to southern boundary (TP002 dated 27.03,2023)

There were multiple objections about the proposed interface to the south as shown on the originally advertised layout. The current layout incorporates increased setbacks at all levels to TH7-10 and deletes boundary construction associated with TH11.

The layout now proposed has responded appropriately to the sensitive interfaces to the south. This is achieved through:

- Setbacks that exceed the standard and provide a sense of space between the development and the adjoining properties.
- The setback of the upper level of the three storey town houses and the two-storey nature of TH11 creates a transition in built form to the single storey development to the south and provides articulation in the built form. These features combine to avoid unreasonable visual bulk when viewed from the south.
- There is opportunity to landscape along the southern boundary with the landscape plan showing planting of 12 trees along this boundary.
- The gap between TH11 and TH10 that ensures continuous built form is avoided to the south elevation.

Objections to originally advertised plans raise concern about the shadow and visual bulk impact of proposed mesh fencing to boundaries to the south and west. Two objections lodged to the current plans raise concern that the proposed mesh fencing along the southern boundary is not detailed in plans and may result in shadow, depending on design as wall planting to the mesh. It is requested that the fence be lowered to 2m. The materials palette plan shows two mesh details as shown in Figure 10 below.

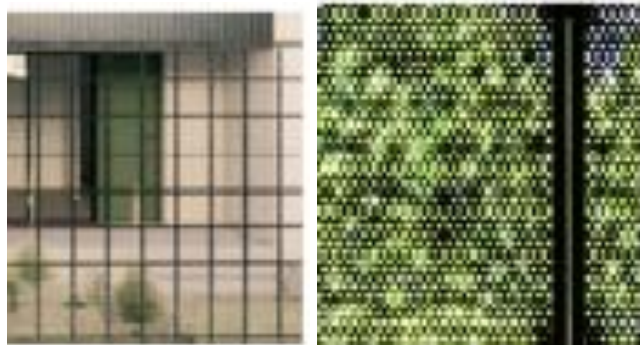


Figure 10: Mesh fencing and mesh screening detail MS2 mesh fencing to the left and MS3 mesh screening to the right (TP800 dated 27.07.2023)

The plans include reference to 'mesh screening fence' to the south and west boundaries but are unclear about which type of mesh is proposed. A condition of the officers recommendation requires the use of MS2 'mesh fencing' to ensure the fencing is relatively open. The request to lower the mesh fence adjacent to 14 and 16 Godfrey Street is also a permit condition contained in the officer recommendation. However, it is considered inappropriate to alter the height proposed to other boundaries since the same request was not received from other property owners. The proposed open style mesh fence with future planting behind the boundary fencing will minimise the shadow and bulk impacts associated with a solid fence.

Concern was raised about the external finishes of the south elevation with a request made in objections for the render to be white. The proposed finishes and colours shown – a light coloured textured bagged wall for the lower two levels and a light grey painted wall for the upper-level shown in Figure 11 below – present a neutral appearance and are acceptable.

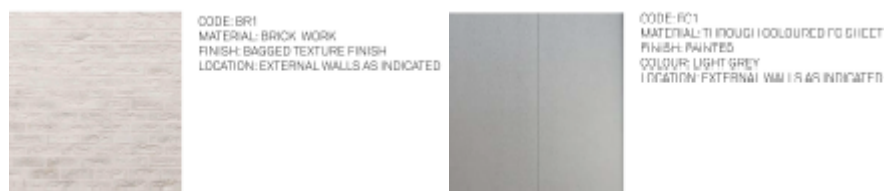


Figure 11: Light coloured bagged brickwork and light grey painted finish (TP800 dated 27.07.2023)

A request was made to alter the proposed planting of three *Betula Nigra* adjacent to the south boundary due to concerns about tree height and potential for shadow to the adjoining properties. It is requested a deciduous tree of moderate mature height be substituted. This is resolved through a permit condition contained in the officer recommendation.

To the west

The site adjoins five properties to the west as shown in Figure 12 below. The design response to these properties is addressed in turn.

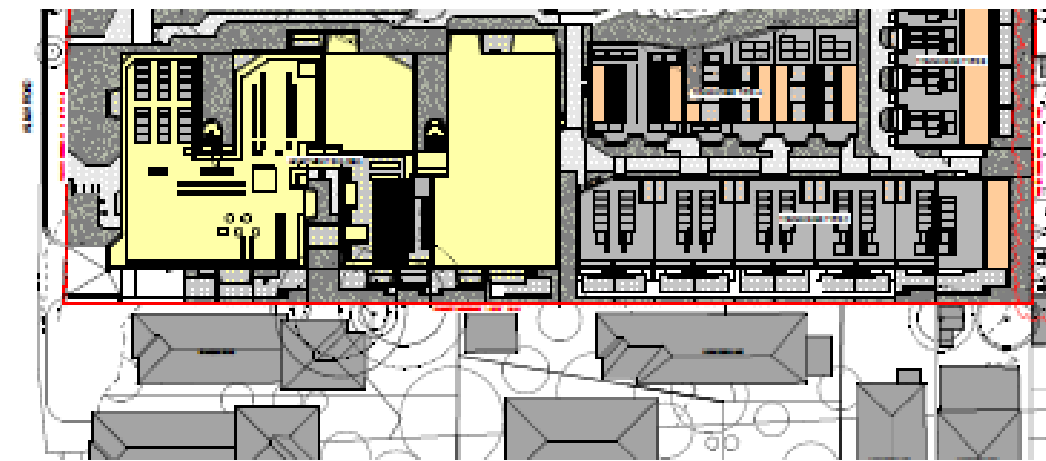


Figure 12: Site plan showing interface to the west ((TP002 dated 27.07.2023)

- To 95A Alma Road

There are two to three storey art deco flats of recognised heritage significance on the adjoining site facing Alma Road. This building is setback 9.3m from Alma Road and between approximately 1.2 and 2m from the common boundary with the site. The proposal incorporates the apartment building setback 4.5m from the common boundary with a number of balconies to within 2.6m.

Objections raise concern about the height of the building, the setback to the street and the impact on heritage values.

The proposal is setback between 6.8 and 7m from Alma Road with balconies projecting to 5.4m (on the west side of the site). There are varied front setbacks along this section



of Alma Road. The setbacks include approximately 4m at 95 Alma Road and similar for the eastern portion of 99 Alma Road. These varied setbacks combined with the 7.5m setback of the existing building on the site create a setting where setbacks are not consistent and where the 7m setback proposed will not be intrusive.

Unlike the existing building on the site, the proposed development presents with a modulated façade to the west with the inclusion of windows and balconies and with the stepping down of the apartment building from four to three levels.

A 4m wide void behind the four-storey section of the apartment building avoids a continuous built form when viewed from the west.

The 4.5m setback to the western boundary, beyond the vehicle access ramp, is set aside for secluded private open space for the ground floor apartments. It allows for planting of some trees along this boundary and for the retention of an existing tree on the site. This will soften the impact of the built form when viewed from the west.

- To **1 Graylings Grove** (noting some plans incorrectly refer to this property as 3 Graylings Avenue)

This property has a common boundary with the site of approximately 34.5m and contains one of a pair of attached single storey dwellings setback approximately 1.2m from the common boundary. An outbuilding is located at the rear spos of this dwelling, adjacent to the boundary with the site.

The proposal presents with the southern part of the three-storey apartment building and the northern end of the row of three storey town houses facing this property.

The proposal achieves an acceptable interface to this property through the 4.5m setbacks that at ground floor will allow for planting along the boundary, the spacing between the apartment building and the townhouses that is shown with landscaping and the modulation achieved by windows and balconies to this elevation. There is some shadow to the spos of this property which will be addressed under amenity impacts.

- To **3 Graylings Grove** (noting some plans incorrectly refer to this property as 3 Graylings Avenue or 1 Graylings Grove)

This property has a common boundary with the site of approximately 15m and contains one of a pair of attached single storey dwellings setback approximately 1.2m from the common boundary. An objection raises concerns about impact of the development on the light to and outlook from 3 Graylings Grove, including from recently installed glazed doors.

The proposal presents with four of the row of 10 attached townhouses facing this property. The townhouses are setback 4.5m at ground level and level 1 with balconies at level 2.

Clearly this will present a significant change from the open outlook currently provided by the open sport facilities on the site. In a residential zone where residential development is expected, the change proposed is considered acceptable. It provides a 4.5m setback at all levels, allows for planting along the boundary and the appearance of the development will be appropriately modulated by windows and balconies to this elevation.

- To **5 Graylings Avenue**

At 5 Graylings Avenue there is a two-storey block of flats setback 10m from the site. Open car parking is located in this setback with some trees adjacent to the boundary.

The proposal presents with three of the row of 10 attached townhouses facing this property. The townhouses are setback 4.5m at ground level and level 1 with balconies at level 2.

The car park use of the space adjacent to the site makes the interface less sensitive compared to spos at the boundary. The separation provided by the 4.5m setback proposed on the site and the opportunity for planting in that setback will result in an acceptable interface to this property, noting the flats will be 14m away from the new built form.

- **To 2 Grayling Avenue**

This property contains a single storey 1960s era house setback approximately 13m from the site with a roofed outdoor area and outbuildings in the rear setback.

TH11 is adjacent to the common boundary with this property. This two-storey townhouse setback 4.5m from the common boundary. To its south elevation it is setback 2.7m at ground level and 5.9m at upper level.

The setbacks, the two-storey height, the stepped design and the opportunity for landscaping in the setbacks is a respectful response to this interface.

11.4 **Is the provision for landscaping acceptable?**

Policy and the provisions of Clause 55 seeks landscaping that supports the urban context of the area, reduce the visual impact of buildings on the streetscape, retain existing trees, support the provision of new canopy cover, include sufficient deep soil, minimise paved areas, provide for productive gardens, include a range of vegetation and include species that benefit biodiversity and create shade.

Having regard to the matters to be considered, landscaping proposed is acceptable subject to some changes.

The features of the landscaping that are considered appropriate include:

- Garden area of 36% that exceeds the 35% mandatory minimum.
- Deep soil planting area that is 793sqm (16% of site area), exceeding the 750sqm required.
- Tree canopy cover area of 896sqm exceeding the 850sqm required.
- Permeability at 20% that meets the relevant standard.
- Retention of four trees on the site.
- Range of planting that includes trees, shrubs, ground covers and climbers.
- Planting of over 200 trees with mature heights ranging from 4m to 10m.
- Provision of raised planters on the rooftop deck allowing for communal productive gardens.
- The provision of landscaping opportunities to all interfaces (other than the section of boundary construction associated with TH7).



- Inclusion of 'spines' through the site that will allow for planting which is visible internally and externally. This provides a softening of the built form, shade and a 'greening' to the site.
- Council's Landscape Architect advises the landscape design is comprehensive and well prepared with an appropriate planting palette for the setting providing greening of the interfaces and building edges.

A number of changes suggest by Council's Landscape Architect are accommodated by permit condition in the officer recommendation. These include:

- Reduced planting of palms in deep soil locations, to provide increased shading, diversity in species and general landscape amenity.
- Provide additional street trees within the nature strip along Alma Road due to the vehicle crossover being removed.
- Alterations to the garden bed adjacent to the central pedestrian entry to increase pavement providing for improved mobility.
- Increased detail to the roof top deck to ensure spatial layout is functional.

Two suggested changes are not supported. First that the deep soil area adjacent to Alma Road be increased. This is considered inappropriate since the extent of deep soil proposed exceeds the required standard and includes an area with minimum width of 2.7m adjacent to the Alma Road frontage. Increasing deep soil planting in this location would also have consequential impacts on basement design and potentially the number of car spaces provided. Secondly, the suggestion to redesign the paths to a more consistent design language is considered unnecessary. The paths as proposed throughout the site vary in width and include angled and curved alignments and are considered to provide interest and present attractively.

The plans show retention of four trees on the site and four trees are proposed for removal.

The Arborist report that accompanied the application commented on the trees to be retained and assesses the impact of the development on 17 trees outside the site.

Based on the Arborist report, the comments of Council's arborist and having regard to the relevant provisions of the Planning Scheme regarding tree protection, the following comments are made:

- Trees 6, 7 and 8 are English Elms and proposed to be retained. They are located near the eastern boundary. There is no impact to the Tree Protection Zone (TPZ) of Trees 7 and 8. There is a minor encroachment (7%) to the TPZ of Tree 6, but this can be compensated within the garden areas north and south of the tree. Proposed landscaping and paths will require arborist supervision.
- Tree 12 is an English Elm located near the western boundary. There is a major encroachment (19%) to the TPZ of this tree, noting that up to 10% is considered minor. Although the Applicant's arborist report states the tree is likely to tolerate the encroachment subject to appropriate tree management and arborist supervision, it is possible the tree will not survive. Reducing the extent of encroachment would involve reduction in the basement area with implications for the access ramp and provision of car parking. This is not supported. On balance, it



is acceptable that measures be implemented to protect the tree, but if this is not successful, the tree can be removed and replaced with a suitable species.

- Trees 9, 10, 20 and 21 are proposed to be removed. Three of these are palms and Tree 20 is a weed species. Removal or in the case of the palms, relocation, is acceptable.
- Council's arborist raised concern about potential impact on Trees 1, 2, 3 and 11 that are located on adjoining properties to the southwest. The amended plans now under consideration provide a 2.7m setback of TH11 from the south and 4.5m setback from the west. These setbacks combined with similar setbacks at basement level will avoid unacceptable encroachment into the TPZ of these trees.
- Other neighbouring trees located close to the property boundaries on the eastern, southern and western sides and the two trees in front of the site along Alma Road are all expected to remain viable post development, subject to appropriate protection.
- Permit conditions are included in the officer's recommendation that address tree protection including:
 - Requirement for preparation of a TPMP to ensure that trees are protected, works supervised by an arborist where appropriate and procedures to ensure contractor compliance.
 - Inclusion of a requirement to replace Tree 12 if it fails with a suitable tree to the satisfaction of Council.
 - Amendments to plans to ensure accurate and consistent location of Trees 1-23 on all plans, including the landscape plans and clear designation of trees to be retained and trees to be removed.

11.5 Is inclusion of the food and drink premises appropriate?

The inclusion of a food and drink premises accords with policy that seeks commercial facilities to provide for needs of the local community, where appropriate. The location opposite a major and well used park supports a café type use. The food and drink premises are part of an integrated proposal that ensures it is compatible with the surrounding residential context. As such it accords with policy relating to interfaces and amenity for non-residential uses in residential zones.

The advantages of activation to the Alma Road frontage have been identified in assessing the response to context.

The 64sqm size of the premises will, by its relatively small size, limit the capacity and associated potential adverse amenity impacts. The officer recommended permit conditions impose a limit on hours of operation to between 6am and 11pm to ensure operating hours do not result in unreasonable impacts on the amenity of the future residents of the property or those nearby.

11.6 Is the parking provision and vehicle access adequate?

Number of car spaces

Pursuant to Clause 52.06, the development should provide car parking as set out in the table below.



Proposal	Rate	Total	Spaces required	Total required	Spaces provided	Shortfall
1 or 2 bedroom dwellings	1 space each	26	26	98	88	10
3 or more bedroom dwellings	2 spaces each	35	70			
Food and drink premises	3.5 spaces per 100sqm	64sqm	2			

No visitor car parking is required as the site is in the PPTN. In addition, the site will reduce the visitor demand for spaces compared to the current public use of the site. The proposal will also provide for additional on-street parking opportunity with the reduction of crossover width front of the site. In addition, the need for the two disabled car parking spots and the community bus can be reviewed by Council's Transport team which may result in extra spaces for use by visitors. Currently, unrestricted car parking existing along the northern part of Alma Road along the park.

As indicated, there is an overall shortfall of 10 spaces. The parking allocation is proposed to be one space for the food and drink premises and 87 for the dwellings. This means the shortfall is nine spaces for the dwellings and one space for the food and drink premises.

A permit is required to reduce the number of car spaces and Clause 52.06-7 sets out the matters Council must consider before granting such a permit. These matters include (as relevant):

- A car parking demand assessment that assesses the car parking demand likely to be generated by the proposal based on matters including the availability of public transport nearby; the convenience of pedestrian and cyclist access to the land; the provision of bicycle parking and end of trip facilities for cyclists and the anticipated car ownership rates of occupants (residents or employees) of the land.
- Relevant planning policy; and
- Access to alternative transport modes to and from the land.

Key relevant policy is set out below.

Clause 18.02-4L-01 – Car Parking Provision

Support a reduction in the required number of car parking spaces where the following are met:

- *The site is located within a short walking distance to high frequency public transport; or the site is located within Activity Centres or areas immediately adjacent to Activity Centres.*



- *The provision of sustainable transport infrastructure / initiatives, including higher quantities of bicycle parking can reduce the demand for parking through increased use of alternative modes of transport: walking, cycling, and public transport.*
- *The development or use is unlikely to result in unreasonable adverse impacts on existing on-street parking.*
- *It results in an improved heritage outcome (where relevant).*

Council's Sustainable Transport Policy and Parking Rates Policy (Ratio 2007 and referred to as policy document at Clause 18.02-4L-01) sets out necessary conditions for dwellings to receive a sustainable (reduced) rate for the requisite car parking spaces. The policy outlines that if a site is within 200m walk to the edge of an Activity Centre, no more than 200m from fixed rail public transport, has resident parking controls in nearby street, is within 400m walk of a supermarket and provides generously for bicycle and motor scooter facilities, a reduced rate can be applied.

Having regard to the relevant matters, it is considered acceptable for a reduction in parking provision to be permitted based on the following factors:

- The site is well located to provide access to public transport with the following options within walking distance: Tram route 79 – 200m; Tram routes 5 and 64 – 600m; Bus route 603 – 650m; Windsor railway station – 850m. This allows trips to various locations to be made without the need for a car.
- The site is within a short tram ride or approximately 900m walk of the supermarkets, shops and services at the Balaclava activity centre. This proximity allows future residents to meet some of their shopping and service needs without relying on a car. There is Aldi supermarket approximately 800m from the site, approximately 5 minute walk, plus other the supermarkets in the Balaclava activity centre. Whilst not within 400m of the site, they are nevertheless within reasonable proximity.
- Resident and visitor use of bicycles is supported by the generous provision of bicycle parking onsite. Although the Planning Scheme requires the provision of 18 bicycle spaces, a total of 80 spaces are provided, including 16 externally for visitors to the site. The provision for bicycle parking combined with the various bicycle routes nearby, including the on-road bicycle lanes in Alma Road, make the use of bicycles a viable alternative to a car in this location.
- Although not required by the Planning Scheme, provision is made for five motorcycle parking spaces, allowing an additional alternative to car travel.
- A reduced car parking provision combined with generous bicycle parking and proximity to public transport is supported by policy that seeks development that promotes alternative modes of transport and reduces reliance on private car travel.
- An empirical assessment of car ownership rate in East St Kilda in the Traffic Impact Assessment (TIA) provided by the applicant shows that 30% of one-bedroom apartments, 16% of two-bedroom apartments and 11% of three-bedroom apartments and 3% of three-bedroom town houses are without a car. Applying these rates to the 41 apartments and the 20 townhouses would result in approximately 8 dwellings without a car. The percentage of three-bedroom town houses without a car in East St Kilda (3%) is low when compared with the entire Port Phillip municipality (13%). This is likely due to the small sample size of town

houses in East St Kilda. If the 13% figure is applied to the 20 town houses, the total number of dwellings without a car would be approximately 10. This number matches the 10 car space reduction sought.

- The total provision of 87 car spaces for 61 dwellings is sufficient to allow each dwelling to have at least one car space.
- The size of the food and drink premises is relatively small and is likely to require one fulltime employee for day-to-day operations. The single car space will provide for this demand. Public transport and cycling provide travel options for other staff. Customer parking demand is likely to be limited with patronage expected to be predominantly from walk-up trade from residents of the development and nearby in addition to visitors to Alma Park, opposite the site. It is noted that unrestricted on-road parking is available on the northern side of Alma Road to cater for customers who might access the premises by car.
- The proposal will result in the provision of an additional car space on Alma Road through the removal of one existing crossing. This increases public car parking and is a net community benefit.
- There is existing resident parking permit on the southern side of Alma Road, protecting existing residents from demand from the proposal.
- Reduced provision for resident car parking can result in lower rates of private vehicle ownership. This has benefits including reduced traffic congestion and the environmental and health benefits associated with increased use of walking, cycling and public transport. These outcomes are supported in local policy.

Design of car and bicycle parking and vehicle access

All car parking is provided in the basement together with bicycle and motorcycle parking and various other services and facilities. Vehicle access is provided via a 3.6m wide ramp. A widened crossover and passing bay adjacent to the ramp entry is proposed. The vehicle access layout is shown at Figure 13 below.

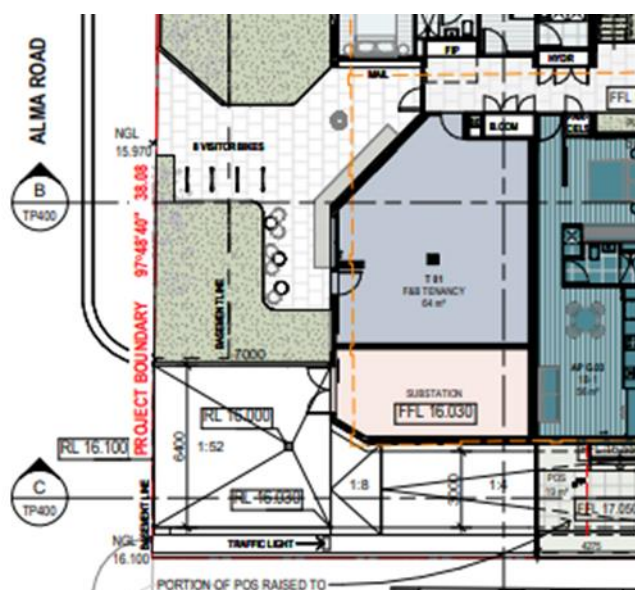


Figure13: Vehicle entry at ground level providing access to basement



Council's Traffic Safety Engineer has assessed the car parking against the requirements of clause 52.06-9 and is generally satisfied the layout meets relevant design standards subject to three matters being addressed as follows:

- Installation of a stop/go lighting system to manage traffic on the one-way ramp.
- Increased ramp width to avoid encroachment of 300mm clearance lines for waste collection truck.
- Inclusion of permit conditions that require crossover alterations be at the cost of the applicant.

The matters raised by Council's Traffic Safety Engineer are addressed by permit conditions contained in the officer recommendation. Subject to these conditions, the car parking layout and access is considered acceptable.

Bicycle parking spaces are provided in a mix of horizontal and vertical spaces in a manner that accords with the standard.

11.7 Is there traffic, waste management or loading reasons to reject the proposal?

Traffic

Concern about increased traffic congestion is raised in objections. Based on the assessments provided by the TIA, the traffic likely to be generated by the development can be accommodated safely and without adverse operational impacts on the existing nearby road network based on the following factors:

- The proposal is estimated to generate approximately 19 vehicle movements during the AM and PM peak periods (derived from the traffic assessment in the TIA). This is considered a relatively low level of traffic from a traffic engineering perspective.
- The location of the site in proximity to arterial roads of Dandenong Road and Nepean Highway means traffic generated by the development is likely to be evenly dispersed on the surrounding road network. The nearby arterial road network is highly permeable thereby limiting volume increases on any one road.
- The traffic likely to be generated by the development will be approximately 3% of the existing traffic volumes confirming the low level of additional traffic in the context of the existing road network. The 3% is likely to be a conservative estimate given that the existing traffic volume captures the traffic generated by the current use of the site which will cease once the development commences.

Waste management

A Waste Management Plan (WMP) was submitted with the application providing details of volumes, storage and collection of waste. Council's Waste Management Advisor has indicated the proposed arrangements are satisfactory subject to the following matters being addressed:

- Commercial garbage bin allocation increased or increased collection frequency.
- The WMP to nominate a responsible party to ensure future residents are informed of waste management requirements
- Ramp height is 2.2 metres which is the same height as the waste truck.
- The northern bin room door to be a roller door or of a design to open inwards.



The WMP identifies the waste is to be collected by a private waste collection contractor using a 6.4m long rear loader which has a travel height clearance of 2.2m and operational height clearance of 2.5m. The ramp clearance is 2.2m and the basement height exceeds 2.5m thus allowing for waste truck access and operation. The other matters can be addressed by permit condition.

Loading

The plans do not show a dedicated loading bay onsite.

The TIA says that the ramp between the ground and basement level has not been designed to accommodate service vehicles and thus loading activities will be undertaken within the on-street parking spaces along Alma Road. It is said that this is acceptable given that on-street parking is provided on both sides of the carriageway. Loading and unloading for residential developments are infrequent in nature. It is therefore not considered necessary for a dedicated loading spot. The existing bus parking space in front of the site would be available for residents for loading outside 9-5 Monday to Friday and weekends when most loading and unloading would occur.

The loading and unloading for the food and drink premises would be undertaken by vans and other small vehicles given the small size of the tenancy. These vehicles can park permitted parking areas within vicinity of the site.

Policy (at Clause 18.02-4L-02) supports development that enables loading and unloading to occur within the site including for occupants moving in and out of the building.

Although not consistent with local policy, the absence of a dedicated loading area onsite is not considered fatal to the proposal for the following reasons:

- Deliveries to the food and drink premises will be intermittent and limited by the size of the commercial space.
- It is anticipated that commercial deliveries will be primarily undertaken by vans or other small vehicles.
- Loading associated with move in/move out of residents will be intermittent. Small scale loading is able to occur in the basement.
- There is opportunity for larger loading activities to occur onstreet in Alma Road.

11.8 **Are there unreasonable amenity impacts to neighbouring properties?**

Well-designed housing that provides a high level of external amenity is sought in policy and in clause 55 provisions. Concerns about impacts on amenity have been raised by objectors. This section identifies and assesses areas where the proposal fails to meet the amenity standards set in Clause 55. A detailed clause 55 assessment is provided in **Attachment 3**.

Side and rear setbacks

The objective relating to this element is:

To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.



The majority of setbacks proposed comply with the standard and are acceptable. The table below sets out where variations from the standards are sought.

Dwelling number	Boundary	Setback proposed	Wall height	Setback required	Variation
AP 3.03	East	5.73m	12m	7.09	1.36m
AP 3.04	East	6.1m	12m	7.09	0.99m
TH 07	East (level 2)	0.6m	10.34m	5.52m	4.92m
Aps 208 - 211	West	4.5m	10m	5.09m	0.59m
AP 301	West	4.5m	12m	7.09m	2.59m
Ap 302	West	4.5m	12m	7.09m	2.59m
Apartment roof deck	West	4.5m	11.5m	6.59m	2.09m

In summary, the proposal seeks a variation from the side setback standards:

- For the third level of the apartment building, including the roof deck, from the western and eastern boundaries.
- For the second level of the rear portion of the apartment building from the western boundary.
- For the setback of the top level of townhouse 7 from the eastern boundary.

A variation from the standard relating to walls on boundaries (B18) is also sought for the two-storey eastern wall of TH7. The length of the boundary construction complies with the standard (12.1m proposed where standard would allow up to 40m) but fails to meet the height. At 7.1m it exceeds the 3.2m average sought with a maximum of 3.6m specified.

Having regard to the affected interfaces and potential amenity impacts of the reduced setbacks sought, the variations are considered acceptable. This is based on the following:

- The greatest variation sought is in relation to the setback of townhouse 7 from the eastern boundary. At the first two levels, this dwelling will be on the eastern boundary with the upper level setback 0.6m. Although this will be a solid three storey wall adjacent or close to the boundary, the impact will be mitigated by the interface with the adjoining properties, as shown in Figure 14 below. The town house will adjoin part of the western boundaries of 5 and 7 Raglan Street.
- At 7 Raglan Street there is a two-storey apartment development setback approximately 11m from the boundary with the site. In that setback is an open communal car parking area. The setback of the adjoining flats combined with the

car parking use adjacent to the common boundary limits adverse amenity impacts arising from the boundary construction.

- At 5 Raglan Street there is a detached dwelling that has been divided into four one-bedroom dwellings and is setback approximately 11m from the site. Adjacent to the common boundary are outbuildings including a two-storey laundry/store and a carport. The eastern wall of TH7 aligns with this construction. These outbuildings combined with the setback will limit adverse amenity impacts from the siting of town house 7 on the boundary.



Figure 14: Aerial image of outbuildings at rear of 5 Raglan Street and car parking at rear of 7 Raglan Street with the site in the foreground (Source: Domain.com)

- The variation from the setback standard for the west facing second floor apartments 208-211 is minor in extent and will not unreasonably impact the amenity of the adjoining flats at 95A Alma Road.
- The reduced setbacks from the western and eastern boundary for the top level vary with a maximum variation from the standard of 2.59m. The apartment building is located in the front section of the site with two to four storey apartment buildings to either side. The proposal replaces a building of equivalent four storey height. These circumstances create a context of high side walls in proximity to side boundaries. It is considered that the minimum 4.5m setbacks to side boundaries, the opportunity for landscaping in the side setbacks and the articulation provided by windows and balconies will avoid the built form adversely impacting amenity of the adjoining sites.

Overshadowing Open Space

The objective relating to this element is:

To ensure buildings do not unreasonably overshadow existing secluded private open space.

There is additional shadow to the spos of 1 Graylings Grove at 9am and 10am and the standard is not met in relation to this property. The property has 89sqm of spos and the existing compared with proposed shadows are as follows:

- At 9am there is 74sqm shaded and 15sqm unshaded. The proposal will result in all spos shaded – an increase of 15sqm of shadow.

- At 10am there is 39sqm shaded and 50sqm unshaded. The proposal will result in 54sqm shaded and 35sqm unshaded - an increase of 15sqm of shadow.

As a result, the standard, which requires a minimum of 40sqm of spos to receive at least five hours of sunlight between 9am and 3pm at the equinox, is not met. Although the variation from the standard is not substantial and relates only to one property, it is considered unacceptable. The site is large and avoiding unreasonable shadow to sensitive interfaces should be part of the design response. It is considered that the loss of morning sun to the spos of 1 Graylings Road will unreasonably adversely impact the amenity of that dwelling.

The Applicant has indicated that the plans could be modified to achieve compliance with the standard, without significant changes to the building or apartment layouts. The officer's recommendation includes a condition to ensure compliance with the Standard is achieved for 1 Graylings Road.

The property at 3 Graylings Grove has recently been renovated to include a covered verandah and deck area adjacent to the review site as shown in Figure 15 below. The open deck area is between 1.3 and 1.4m wide where it adjoins the site. The shadow analysis has not addressed this space. Notwithstanding this oversight, it is considered that the space that is open to the sky adjacent to the boundary at 1.4m wide would already be subject to shadow from the 2.1m high paling fence in the mornings at the equinox and the proposal is unlikely to increase this shadow. It is noted there is an area of spos adjacent to the front boundary of this property (privacy provided by a high front fence).

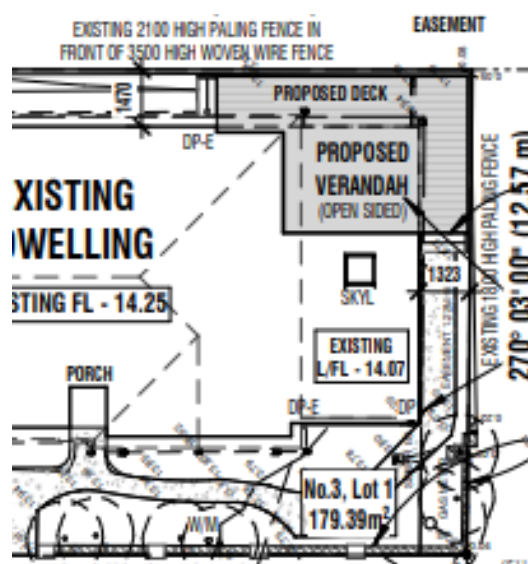


Figure 15: Layout of deck at 3 Graylings Grove, now constructed (provided by objector)

Shadows to all other spos adjacent to the site meet the standard, noting that although there is afternoon shadow to 3 Raglan Street rear yard, this is private open space shared between the four dwellings on the site and not secluded private open space that is protected by the standard.

Overlooking

The objective relating to this element is:



To limit views into existing secluded private open space and habitable room *windows*.

The layout includes a range of measures to limit overlooking to adjoining habitable room windows and spos. These include window and balcony placement, setbacks, external screens to windows and balconies, obscure glazing and screen fencing.

The measures proposed, for the most part, limit views and will meet the standard. However, there are some unreasonable opportunities for overlooking that are not addressed and some inconsistencies between floor plans and elevations in showing screening measures. A permit condition is recommended to require detailed overlooking diagrams for all elevations to ensure all upper-level balconies with direct views to adjoining spos or habitable room windows within a 9m distance are appropriately screened and information on elevations and floor plans is consistent.

11.9 Will future residents have acceptable amenity?

Policy and clause 55 provisions seek residential development to provide reasonable standards of amenity for future residents. An assessment of the proposal against the standards and objectives of clause 55 is at **Attachment 3**.

Many elements of the proposal provide a good standard of amenity for future residents. These include:

- The north-south orientation of the site means dwellings are predominantly oriented east west. Nevertheless TH 7-10 face north as do the apartments facing Alma Road.
- Communal open space is provided in a shared rooftop deck and an area east of TH1-6. Both these areas have some northern aspect, will be landscaped and are accessible for residents. The amount provided meets the standard.
- Accessibility standards and objectives are met for the apartments ensuring the design satisfactory provides for the needs of persons with limited mobility.
- The dwelling entries to the townhouses are accessible and easily identifiable from within the site. A wayfinding guide at both pedestrian entry points should be provided to ensure townhouses can be easily located by visitors. This forms a condition of the officer recommendation.
- Waste and recycling facilities are appropriately provided with a WMP that implements management.
- The standards relating to functional layouts, room depth and natural ventilation are met.
- Building entry to the apartments is clear to the street and provides weather protection. Importantly, there are no blank walls fronting the street and the windows, door openings, balconies provide surveillance of and visual connection to the public area.
- Site services are accessible and can be easily maintained.

There are some elements of the proposal that do not meet the relevant Clause 55 standards but are nevertheless deemed to meet the objectives. The Clause 55 assessment examines these elements in detail. Of note are the following:

Private open space



- Private open space for 13 townhouses is under the standard but adequate given the useable size of the ground level space and the secondary space provided in the form of balconies.
- Ground floor private open space for 10 apartments does not meet the standard but is considered acceptable given the space is useable in area, the residents have access to the rooftop garden and to the excellent open space opportunities provided by Alma Park, opposite the site.
- Ground level private open space for Townhouses 7 – 10 and balconies to five apartments are on the south side of buildings and do not meet the standard relating to solar access. It is considered acceptable since each of the four townhouses have a small upper level balcony with northern aspect and the balconies or ground level open space of all nine dwellings will have access to eastern or western aspect, or in the case of the townhouses, both.

Storage

- External storage is not nominated for townhouses 12-20. A condition included in the recommendation can require the appropriate provision.

Daylight to habitable room windows

Bedroom windows in seventeen apartments face an internal light court instead of an external wall. The light courts are not dimensioned, however they scale at approximately 800mm by 2 m. A Sustainable Management Plan (SMP) by GIW Environmental Solutions was submitted with the application. The SMP includes daylight modelling to a select number of apartments. It concludes that the development will exceed BESS daylight targets. These targets require 80% of apartments to comply with numerical standards for daylight access to bedrooms and living areas. Despite complying with BESS, the 800mm by 2 m light courts are considered unacceptable for the following reasons:

- Standard B48 (Windows objective) of Clause 57.07-14 states that Habitable rooms should have a window in an external wall of the building. This is not provided for 17 bedrooms that rely on light courts. Whilst it is common for apartment buildings to include light courts, and hence variation to the standard, the light courts should be generous in size.
- Some of the apartments perform significantly poor (i.e. Apartment (G02) due to the small light courts.
- The daylight that will penetrate via the opposite side of the common walkway is likely to be significantly impeded by the stairwell. It is unclear what assumptions were made in the daylight modelling in relation to such factors.
- The light courts provide amenity that extend beyond daylight access. They provide a sense of separation between 17 bedrooms and studies and common walkway areas. 800 mm separation is not satisfactory.

Whilst it would be preferred to have a light court of approximately 2 m minimum width for a four-storey building, a 1.2 m minimum width is acceptable. A greater width would have greater impacts on the internal apartment layouts. A permit condition contained in the officer recommendation requires the three internal light courts be increased in size to a minimum of 1.2 m. In addition a permit condition requires windows that rely on light from the light courts to be increased in size and number where practicable. For example, the easternmost bedroom of Apartment G13 could remove the secondary robe to enable a larger window. In addition, a



recommended permit condition requires all windows facing the light courts to be detailed in relation to their size (height and width).

12. INTEGRATED DECISION MAKING AND CONCLUSION

12.1 Clause 71.02-3 of the planning scheme requires the decision maker to integrate the range of policies relevant to the issues to be determined and balance the positive and negative environmental, social, and economic impacts of the proposal in favour of net community benefit and sustainable development. When considering net community benefit, fair and orderly planning is key; the interests of present and future Victorians must be balanced; and the test is one of acceptability.

It is considered that the proposal presents positive aspects including:

- Increased number and diversity of housing on a well-located site.
- High standard of architectural design, good response to context and landscaping that will contribute to the public and private realm and improve on current presentation of the built form on the site.
- Limited amenity impacts and good standard of amenity for future residents.
- Adequate car parking and appropriate access.

On balance, is considered the proposal is acceptable subject to conditions to address the issues of concern raised in this report and will result in a net community benefit.

It is recommended that Council issues a Notice of Decision to Grant a Planning Permit

13. OFFICER DIRECT OR INDIRECT INTEREST

13.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

14. OPTIONS

- 14.1 Approve as recommended
- 14.2 Approve with changed or additional conditions
- 14.3 Refuse - on key issues

- ATTACHMENTS**
1. [Advertised Plans](#)
 2. [Site Plan and Zone Control](#)
 3. [Clause 55 Assessment](#)