



**6.2** 6 PATTERSON PLACE, SOUTH MELBOURNE

**LOCATION/ADDRESS:** 6 PATTERSON PLACE, SOUTH MELBOURNE

**EXECUTIVE MEMBER:** LILI ROSIC, GENERAL MANAGER, DEVELOPMENT,  
TRANSPORT AND CITY AMENITY

**PREPARED BY:** RICHARD LITTLE, SENIOR URBAN PLANNER

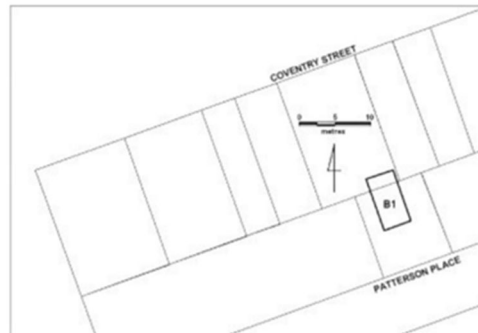
**1. PURPOSE**

- 1.1 To consider and determine Planning Permit Application P199/2020 for the demolition of existing building and development of a two storey dwelling and a reduction in the car parking requirements

**2. EXECUTIVE SUMMARY**

<b>WARD:</b>	Gateway
<b>TRIGGER FOR DETERMINATION BY COMMITTEE:</b>	Demolition of a Significant Graded Building
<b>APPLICATION NO:</b>	199/2020
<b>APPLICANT:</b>	DD Planning
<b>EXISTING USE:</b>	Vacant
<b>ABUTTING USES:</b>	Residential
<b>ZONING:</b>	Neighbourhood Residential Use – Schedule 1
<b>OVERLAYS:</b>	Heritage Overlay Schedule 97 and 440
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	Expired

- 2.1 The subject site is located within Heritage Overlay – 97 (Bellhouse Iron House and Iron House) and 440 (Emerald Hill Residential Precinct) and contains a former electrical substation.
- 2.2 The subject site was formally part of a larger site (No. 399 Coventry Street) which comprised two lots (one facing Coventry Street and one facing Patterson Street). The Bellhouse Iron House was relocated to No. 399 Coventry Street from Fitzroy in 1971 by the National Trust, with the former electrical sub-station transformed into an amenity block for visitors to the portable iron houses.
- 2.3 The Bellhouse Iron House when relocated, was positioned in a manner that straddled the two lots (see diagram below).



bellhouse iron house plan

Image: Bellhouse Iron House Location Plan (Source: Victorian Heritage Database Report)

- 2.4 In June 2019, the Bellhouse Iron House was repositioned (Planning Permit 364/2019) to be wholly within the allotment of No. 399 Coventry Street. This resulted in the remaining lot (the subject site) only containing the former electrical substation.
- 2.5 This change however, has not been reflected in the mapping and schedule of the heritage controls in the Port Phillip Planning Scheme, or the Victorian Heritage Database Report which continue to identify the subject site as having a significant heritage grading and is partially included in the Victorian Heritage Register.
- 2.6 Enquiries made to Heritage Victoria regarding the site's continued registration have confirmed that they no longer have any jurisdiction over the subject site and therefore are not a referral authority for this application.
- 2.7 Council's Heritage Advisor has advised that while some interwar substations are significant within precincts and some are of individual significance, the one contained on the subject site does not have a high historic value due to the loss of the original use and the alterations that have been made to the building. As such, Council's Heritage Advisor has raised no objection to the proposed demolition of the former electrical substation.
- 2.8 The proposal seeks permission for the complete demolition of the former electrical substation and the construction of a two storey dwelling. The dwelling would be constructed to the frontage and would occupy the full width of the site. The proposal also seeks to reduce the car parking requirements to zero.
- 2.9 The new dwelling would be an 8.4m high, two storey (with roof terrace), three bedroom dwelling that would be built over the majority of the site. Private open space would be provided though a 13.5sqm first floor balcony and a 44sqm roof terrace and no on site car parking is proposed.
- 2.10 The dwelling would be finished in bricks (white), colourbond cladding (surfmist), timber (cedar), doors (night sky), Window louvers (night sky), Downpipes (surfmist) and windows (night sky).
- 2.11 Pursuant to Clause 22.04 (Heritage), where a permit is required for demolition of a significant or contributory building, it is policy to:
  - Refuse the demolition of a significant building unless and only to the extent that:
    - the building is structurally unsound;



- the replacement building and/ or works displays design excellence which clearly and positively supports the ongoing heritage significance of the area.
- 2.12 The applicant has not demonstrated that that the former electrical substation is structurally unsound. However, Council's Heritage Advisor has advised that because the Portable Iron House has been removed from the site, there is no basis for the retention of the significant grading on this site. Furthermore, Heritage Victoria has confirmed that they no longer have any jurisdiction over the site.
- 2.13 The application was also formally referred to Council's Urban Design Officer who had no objection to the proposal.
- 2.14 The application was advertised and received one objection. The applicant provided further clarification regarding the screening measures to the objector. As a result, the objection was formally withdrawn.
- 2.15 The replacement two storey dwelling is generally considered acceptable and could be supported subject to minor changes, including additional/ further clarification on screening measures.
- 2.16 There is sufficient justification in this instance to reduce the statutory car parking rate due to the site's proximity to nearby activity centres, public transport and alternative forms of transport, as well as strong alignment to state and local policy.
- 2.17 It is recommended that the Council approve the application and issues a Planning Permit, subject to conditions.

### 3. RECOMMENDATION

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Planning Permit
- 3.2 That a Planning Permit be issued for demolition of existing building and development of a two storey dwelling and a reduction in the car parking requirements at 6 Patterson Place, South Melbourne
- 3.3 That the decision be issued as follows:

#### 1 Amended Plans required

Before the 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 submitted with the application but modified to show:

- a) The Ground floor level noted as 10.10 RL
- b) Demonstrate that the first floor kitchen windows and balcony and roof level terrace do not allow for downward views into the adjoining secluded private open space of Nos 401 and 393 Coventry Street. If downward views are obtainable then screening to these windows, balcony and terrace are to be provided that would prevent downward views into the secluded private open space of Nos. 401 and 393 Coventry Street. Where louvers or battens are to be used the drawings must:
  - I. Be drawn to scale and fully dimensioned;



- II. Clearly delineate any solid parts of the screen and any louvre or batten parts of the screen;
- III. Clearly illustrate how any louvre or batten arrangement will prevent sightlines into neighbouring properties' private open space and windows;
- IV. Show the exact width and thickness of each louvre or batten, the exact spacing between each louvre or batten and a section detail from behind the screen demonstrating that views of neighbouring private open space and windows are precluded.

c) Any changes required as a result of conditions 6 and 7

**2 No Alterations**

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.

**3 Walls on or facing the boundary**

Prior to the occupation of the building(s) allowed by this permit, all new or extended walls on or facing the boundary of adjoining properties and/or the laneway must be cleaned and finished to a uniform standard. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed 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.

**4 Piping and ducting**

All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed to the satisfaction of the Responsible Authority.

**5 No equipment or services**

No plant, equipment or domestic services (including any associated screening devices) or architectural features, other than those shown on the endorsed plan are permitted, except where they would not be visible from a street (other than a lane) or public park without the written consent of the responsible authority.

**6 Water Sensitive Urban Design**

Before the development starts (other than demolition or works to remediate contaminated land) a Water Sensitive Urban Design Report that outlines proposed water sensitive urban design initiatives must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The report must demonstrate how the development meets the water quality performance objectives as set out in the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) or as amended.

When approved, the Report will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.

**7 Maintenance Manual for Water Sensitive Urban Design Initiatives**

Before the development starts (other than demolition or works to remediate contaminated land) a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority.



The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- inspection frequency
- cleanout procedures
- as installed design details/diagrams including a sketch of how the system operates

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder' User's Guide or a Building Maintenance Guide.

**8 Privacy screens/measures must be installed**

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

**9 Vehicle Crossings – Removal**

Before the occupation of the development allowed by this permit, all disused or redundant vehicle crossings must be removed and the area re-instated with footpath, nature strip and kerb and channel at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

**10 Time for starting and completion**

This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the 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 The subject site was formally part of a larger site (399 Coventry Street) which comprised two lots (one facing Coventry Street and one facing Patterson Street. When the Bellhouse Iron House was relocated Fitzroy in 1971 by the National Trust, the building was sited across each of the two lots.
- 4.2 In June 2019, the Bellhouse Iron House was repositioned (Planning Permit 364/2019) to be wholly within the site of 399 Coventry Street, with the subject site continuing to accommodate the former electrical sub-station, which was transformed into an amenity block for visitors to the Iron Houses.



## 5. PROPOSAL

- 5.1 Demolition of existing building and development of a two storey dwelling and a reduction in the car parking requirements.
- 5.2 The plans, which are the subject of this report are those drawn by Sketch Building Design entitled “*Proposed Single Dwelling Development No. 6 Patterson Place South Melbourne VIC 3205*”, Sheet 00 to 15, dated 03/04/2020 and date received by Council 09/04/2020.
- 5.3 The proposal involves the following:
- Full demolition of the existing single storey red brick outbuilding in the south west corner of the site.
  - Construction of a new two storey (with roof terrace), three bedroom dwelling.
  - The dwelling would be built over the majority of the site. Private open space would be provided though a 13.5sqm first floor balcony and a 44sqm roof terrace.
  - It would be a contemporary designed dwelling with a flat roof constructed from white brick work, insert vertical timber cladding, aluminium window louvres, and various render finishes.
  - The dwelling would have an overall height of 8.4m.
  - No car parking is provided for the dwelling.
  - Removal of the existing crossover and reinstatement of the kerb and footpath.

- 5.4 The proposed dwelling utilises a reverse living design and is described as follows:

The ground floor would be built to the frontage and partially to the side and rear boundaries and would contain an entry, master bedroom with en-suite, two bedrooms, bathroom, laundry, store and stairs. To the side and rear of the dwelling would be a courtyard (13.61 sqm). The dwelling would be partially setback from the northern boundary 1.2 m and be partially setback 1.82 m from the eastern boundary.

The first floor would be built to the frontage and partially to the side and rear boundaries and would contain stairs, open plan family/ dining/kitchen area, pantry and powder room. There would be a balcony (13.56 sqm) along part of the eastern boundary.

At roof level there would be a terrace (44.30 sqm) and the overall height of the dwelling would be 8.41 above natural ground level.

## 6. SUBJECT SITE AND SURROUNDS

Description of Site and Surrounds	
Site Area	120 sqm
Existing building & site conditions	The subject site is a regular shaped allotment on the northern side of Patterson Place. The site has a frontage of 10.06 m and a length of 11.94 m. The site contains a single storey masonry former electrical substation at the south western corner of the site. The remainder of the site is vacant.





<p>Surrounds/neighbourhood character</p>	<p>The surrounding residential area contains a mix of dwellings of various scale and design. This mix of dwellings include single storey period dwellings that have been retained, 1970's walk up apartment buildings and some large modern multi dwelling buildings such as the recently constructed three storey apartment building at 193 - 195 Montague Street.</p> <p>The surrounding neighbourhood has a strong "built" character where buildings cover significant portions of their lots with limited provision made for landscaping.</p> <p>The site interfaces with adjoining property as follows:</p> <p>To the east of the site is the rear garden of the dwelling at No. 393 Coventry Street. The property has a high masonry wall on the rear boundary, facing Patterson Place.</p> <p>To the north and west of the site (399 Coventry Street) are three portable iron houses, two are to the north of the subject site and one to the west. This site is on the Victorian Heritage Register.</p> <p>The site to the north east at 395 Coventry Street is developed with a single storey residential dwelling. The subject site partly interfaces with the private open space area that is to the rear of the dwelling.</p> <p>To the south of the site is Patterson Place. On the opposite side of Patterson Place are a number of single storey contemporary dwellings.</p> <p>The site is well located being proximate to public transport with the No. 96 Tram (320 m) and No. 236 Tram (200 m) nearby. In addition to this are two bus lines No. 234 (260 m) and No. 236 (200 m) and a bike share lane along Dorcas Street to the south of the site. The site is also within walking distance (600 metres) to both Bay Street and Clarendon Street Activity Centres and (300 metres) the South Melbourne Market.</p> <p>There is limited on street car parking within Patterson Place. On the northern side of the street is no standing, whilst on the southern side is a combination of 15 minute parking at all times and two hour parking from 8am – until 6pm Mon - Sat. Patterson Place connects with Montague Street to the west and becomes a dead end street to the east. On Montague Street (around the intersection with Patterson Place) the on-street car parking is also limited to 1-2 hours between 8am and 6pm or midnight.</p>
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## 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?
Clause 32.09 – Neighbourhood Residential Zone - Schedule 1	A permit is required to construct or extend one dwelling on a lot which is less than 500 sqm pursuant to Schedule 1 to Clause 32.09. A development must meet the requirements of Clause 54.
Clause 43.01 Heritage Overlay –Schedule 97 and 440	A permit is required to demolish and to construct or carry out works pursuant to Clause 43.01 – 1.
Clause 52.06 Car Parking	A permit is required to reduce (including to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.

## 8. PLANNING SCHEME PROVISIONS

### 8.1 Planning Policy Frameworks (PPF)

The following State Planning Policies are relevant to this application:

Clause 11 Settlement, including

Clause 11.01-1R1: Settlement - Metropolitan Melbourne

Clause 11.02: Managing Growth

Clause 11.03: Planning for Places

Clause 13 Environmental Risks and Amenity, including

Clause 13.07: Amenity

Clause 15 Built Environment and Heritage, including

Clause 15.01-1: Built Environment

Clause 15.01-1R: Urban design - Metropolitan Melbourne

Clause 15.01-2S: Building Design

Clause 15.01-4R: Healthy neighbourhoods Metropolitan Melbourne

Clause 15.01-5S: Neighbourhood character

Clause 15.02-1: Sustainable development

Clause 15.03: Heritage

Clause 15.03-1S: Heritage conservation

Clause 16 Housing, including

Clause 16.01: Residential development

Clause 16.01-1R: Integrated housing - Metropolitan Melbourne

Clause 16.01-3R: Housing diversity - Metropolitan Melbourne





- Clause 21.03 Ecologically Sustainable Development, including
  - Clause 21.03-1 Environmentally Sustainable Land Use and Development
  - Clause 21.03-2 Sustainable Transport
- Clause 21.04 Land Use, including
  - Clause 21.04-1 Housing and Accommodation
- Clause 21.05 Built Form, including
  - Clause 21.05-1 Heritage
  - Clause 21.05-2 Urban Structure and Character
  - Clause 21.05-3 Urban Design and the Public Realm
- Clause 21.06 Neighbourhoods, including
  - Clause 21.06-5 South Melbourne

## 8.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

- Clause 22.04 Heritage Policy
- Clause 22.12 Stormwater Management (Water Sensitive Urban Design)

## 8.3 Other relevant provisions

- Clause 52.06 Car Parking
- Clause 54/55 ResCode
- Clause 65 Decision Guidelines

## 8.4 Relevant Planning Scheme Amendment/s

Nil

## 9. REFERRALS

### 9.1 Internal referrals

The application was referred to the following areas of Council for comment. The comments are discussed in detail in Section 11.

#### Heritage Advisor

This land contains a small red-brick building, which may have been an electricity substation, but has been converted for toilets (in conjunction the former use of this site by the National Trust as a pre-fabricated iron house museum). The Significant grading reflects the partial inclusion in the VHR registration, which (contrary to the DELWP advice) still applies to part of the property.

While some interwar substations are Significant within precincts and some are of individual significance I don't consider this building to have high historic value due to the loss of the original use, and the alterations that have been made. I therefore have no objection to the complete demolition of the building.

The question then turns to the design merit of the new building and, more specifically, whether it is an appropriate response to the context. In this regard I note that Patterson Place does not have a consistent (or valued) historic character. There is only one



original dwelling remaining – this is white gabled timber cottage at no.2. On the opposite side are social housing units dating from the c.1980s/90s, while the western end is defining by flats either existing or under construction. The adjoining house to the south at no.8 is not original – it was moved here by the National Trust from either Fitzroy or North Melbourne as one of the collection of early prefab houses and it is important for that reason only. The surrounding context is not important in the appreciation of this building. In this very mixed context, there are few constraints upon the design of the building. To address your specific questions, a zero front setback is appropriate as buildings to back streets and laneways such as this often were sited in this way, and a two storey height is also appropriate. The modern cubic form, materials and detailed are also acceptable given the lack of any consistent heritage character. The materials, particularly the use of painted brick and timber, are appropriate.

Planner Comments

Council’s Heritage Advisor has not raised any concerns about the proposed demolition of the existing building or the construction of the replacement building.

**Urban Design Officer**

No vehicle access is proposed and therefore no conflict with the pedestrian space identified with the proposal.

Given the adjacent development (west of the site) has heritage value, the building height on the western title boundary may be a concern however, the scale of proposed development does not diminish its significance relative to the scale of the recent development at 93-195 Montague Street.

Building to the property line is generally supported as the site is constrained and establishments on the northern side of Patterson Place are built to the boundaries to have high brick fences (over 2m).

The current proposal features two secondary bedrooms fronting the street. The proposal could improve its interaction with the street with living areas providing outlook and passive surveillance however, with reverse living proposed this is only a minor concern and understandable given the pretence for natural light in the kitchen dining and family areas.

The use of brick in the façade retains the scale and materiality that helps define the character of the street and scale and rhythm of fenestrations are generally supported as well.

**RECOMMENDATION**

The proposal is supported without change.

Planner Comments

Council’s Urban Designer has not raised any concerns about the proposal.

**9.2 External referrals**

Referral Authority	Response	Conditions
Heritage Victoria	The land at 6 Patterson Place, South Melbourne is not within the Victorian	Nil



	<p>Heritage Register. The Bellhouse Portable Iron House which was previously located partially on the block is registered as a building only (VHR H1888), without land and as it is no longer on this land, there are no Registered buildings or land remaining at 6 Patterson Place. As such, Heritage Victoria has no jurisdiction over the site, under the Heritage Act 2017.</p>	
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## 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 (29 letters), in accordance with Section 52 of the Planning and Environment Act 1987.
- 10.2 The application originally received one objection relating to overlooking.
- 10.3 Following discussions between the applicant and objector, the objection was formally withdrawn.

## 11. OFFICER'S ASSESSMENT

### Local Policy

#### 11.1 Does the proposal provide sufficient garden area and comply with the height control under the Neighbourhood Residential Zone?

The subject site has a total area of 120 sqm. There is no requirement for minimum garden area under Clause 32.09-10. The proposal would have a maximum building height of 8.41 m and be two storeys, which is below the maximum of 9 m and two storeys allowed under the zone.

#### 11.2 Does the extent of demolition impact on the heritage values of the site? Is the alteration(s) compatible with the existing building and sympathetic to heritage values?

The heritage policy at Clause 22.04-3 states under "Demolition":

Where a permit is required for demolition of a significant or contributory building, it is policy to:

- Refuse the demolition of a significant building unless and only to the extent that:
  - the building is structurally unsound, and either
  - the replacement building and/or works displays design excellence which clearly and positively supports to the ongoing heritage significance of the area, or
  - Require all applications for demolition of significant or contributory buildings to be accompanied by an application for new development. [Emphasis added]

The applicant has not demonstrated that the existing building is structurally unsound. Under Clause 22.04-3 the first test is whether or not the building is structurally unsound. Only after that has been satisfied can the Council consider the design excellence and integrity of the streetscape.



However, in this case the demolition is supported. The building to be demolished is not a dwelling but a modified former electrical substation. Council's Heritage Advisor has noted that *the significant grading reflects the partial inclusion in the Victorian Heritage Register registration*. As the portable iron house has now been removed there is no grounds for the significant grading to be retained on this site. Furthermore, Heritage Victoria has confirmed that the registration only applied to the building and not the land and that they no longer have any jurisdiction over the site and are no longer a referral authority in this case.

Furthermore, the streetscape of Patterson Place has very limited heritage value and mainly consists of back of house walls and garages or contemporary buildings. In particular it is noted that there is a three storey apartment building on the corner of Patterson Place and Montague Street. Within this context the sub-station has no significant heritage value. It is also noted that the substation has been modified and converted into to a toilet block. This further reduces any heritage value the structure may have had.

It is also noted that Council's Heritage Advisor does not object to the demolition of the sub-station.

**11.3 Is the development consistent with the nature of development in the immediate neighbourhood in terms of existing/preferred scale, setbacks, form and pattern of subdivision?**

Clause 21.05 (Built Form) requires new development to respect and enhance the scale, mass and setback of nearby heritage buildings. Clause 22.04-2 (Heritage) encourages new development to be respectful of the scale, form, siting and setbacks of nearby significant and contributory buildings.

The proposed two storey dwelling would be an acceptable design response for Patterson Place. The streetscape of Patterson Place is varied with a four storey apartment building on the corner of Patterson Place and Montague Street. To the east of the site (rear of No. 393 Coventry Street) is a high level masonry wall on the street frontage. To the east (No. 2 Patterson Place) is a single storey Victoria era timber dwelling with zero setback. Further to the east and at the end of the street is high level rear fencing. On the opposite side of the street are a row of contemporary single storey dwellings. To the west of the site is a portable iron dwelling.

As detailed above the streetscape is varied, with no consistent character. Within this context the proposed two storey dwelling has a zero setback, which would be appropriate and in keeping with other developments in the street..

**11.4 Amenity – Clause 54 (Rescode)**

A full assessment against Clause 54 (One Dwelling on a Lot) has been undertaken and is attached to this report (Attachment 1). The proposal seeks variations to the side and rear setback and wall on boundary standards, but these are considered acceptable given the non sensitive interfaces to the north and west (where the new building would be adjacent to non habitable prefabricated portable iron houses) and the small degree of variation to the setbacks standards in relation to the east.

The proposed building would not affect any habitable room windows as there are no habitable room windows that face onto the subject site.

Given the orientation of the site and the non sensitive interfaces to the north and west, the proposed building would not cause any unreasonable overshadowing. There would



be some overshadowing of the property to the east at 393 Coventry Street but an area of at least 60 sqm would be unaffected between 9 am and 3 pm at the September equinox which by far exceeds the required standard.

The building has been designed to protect adjacent properties from overlooking. This includes the use of horizontal louvers fixed to the kitchen windows and balcony on the first floor and the provision of a 1.0 m high balustrade on the roof terrace to protect the privacy of the properties to the east and north. However, the detail provided does not confirm if downward views would be possible to the secluded private open space of no. 393 Coventry Street (east) and no's 393, 395 and 401 Coventry Street (north). Therefore, it is recommended that a condition be included which requires further details of the screening to the first floor kitchen, first floor balcony and roof top terrace to demonstrate that downward views would not be possible to the properties to the east and north. **(Refer recommended condition 1b).**

### 11.5 Internal Amenity

The dwelling would provide three bedrooms, open plan kitchen / dining / family, and three bathrooms. Private open space would be provided through a 13.5sqm balcony on the first floor and a 44.3sqm roof top terrace. The facilities provided and the size of the dwelling would provide comfortable and practical living arrangements for future residents.

### 11.6 Traffic and Parking

The proposal does not include any on-site car parking for the proposed three bedroom dwelling. Pursuant to Clause 52.06 of the Port Phillip Planning Scheme, this requires a total of two car parking spaces to be provided on the land. Therefore, the proposal requires a permit for the reduction (waiving) of the parking requirements under Clause 52.06 for a total of two spaces.

Pursuant to Clause 52.06-7 an application that seeks to reduce the number of car parking spaces required under Clause 52.06-5 must prepare and submit a Car Parking Demand Assessment in order to determine the appropriateness of the reduction.

The permit applicant has submitted a car parking demand assessment, prepared by OneMileGrid (dated 12<sup>th</sup> March 2020). The report has anticipated a car parking demand of one car space for the proposed dwelling, based on car ownership data from the 2016 Census for the City of Port Phillip sourced from the Australian Bureau of Statistics.

The report undertook a survey of the available parking in the surrounding streets and found that:

*“...on-street parking is heavily restricted surrounding the proposed development, and there is limited opportunity for long term resident parking in the area.*

*These restrictions are therefore expected to ensure that residents of the proposed development do not own a vehicle, as they will not be able to conveniently park their vehicle long-term on-street in the vicinity of the site.”*

Council Officer's agree with the above and note there is limited on street car parking within Patterson Place. On the northern side of the street is no standing, whilst on the southern side is a combination of 15 minute parking at all times and two hour parking from 8am – 6pm Mon to Sat. On Montage Street (around the intersection with



Patterson Place) the car parking is limited to 1-2 hours between 8am and 6pm or midnight.

The report also found that the site is well served for alternative forms of transport and found that:

*“The site has very good access to public transport, with numerous tram and bus services in the immediate vicinity. The provision of public transport ensures that residents of the proposed development will have good access to alternate transportation modes.”*

In addition to public transport the report also found that the site has good access to car share options and noted:

*“The development is located within 500 metres of 9 car share pods including GoGet, Flexicar and Car Next Door, as shown in Figure 5. With the closest car share vehicle being a Flexicar, located on the northern side of Nelson Road, approximately 200 metres walk from the subject site”*

Again, Council’s officers agree with the above noting that the site is well located for public transport with the No. 96 Tram (320 m) and No. 236 Tram (200 m) nearby. In addition to this are two bus lines No. 234 (260 m) and No. 236 (200 m) and a bike share lane along Dorcas Street to the south of the site.

Whilst it has been established that on-street parking is available, but heavily restricted, there are viable alternatives to car ownership for this site, Council must be satisfied that approving a reduction of two car parking spaces for the dwelling is an appropriate outcome. It should also be noted that the occupiers of the proposed dwelling could apply for a parking permit. The question Council needs to consider is that just because there is available on-street parking during peak times does this warrant the waiver sought?

Contextually, the site is located within the Principal Public Transport Network Area and is within walking distance to a number of centres that provide a range of daily and weekly goods, services and additional entertainment and commercial uses. As discussed earlier in this report, the site is within walking distance (600 metres) to both the Bay Street and Clarendon Street Activity Centres and (300 metres) the South Melbourne Market.

Further, as previously identified, the site is located in close proximity to high quality public transport infrastructure with the No. 96 Tram and No. 236 Tram and two bus lines No. 234 and No. 236 as well as a bike share lane along Dorcas Street to the south of the site. The site also has access to numerous car share options as well.

The distances to some of these transport options outlined above marginally exceed the criteria for usually granting a reduction of parking for three bedroom dwellings under Council’s Sustainable Parking Policy. Despite this, there is strong policy support for addressing traffic congestion, limiting greenhouse emissions, and encouraging a modal shift to more sustainable transport options as per Clauses 16.01-1S (Integrated Housing), 16.01-2S (Location of Residential Development), 21.04-1 (Housing and Accommodation), 18.01-2S (Transport System), and 18.02-2R (Principal Public Transport Network). On this basis, a balanced outcome needs to be achieved acknowledging that the Sustainable Transport Policy explicitly seeks to reduce the high rate of private vehicle ownership within the municipality and subsequently reduce the dependence on cars as a mode of transport.





It is accepted that the site and proposed development is well positioned to achieve the objectives of Council's Sustainable Transport Policy. In this instance there is sufficient justification to reduce the statutory car parking rate due to the site's proximity to nearby activity centres, public transport and alternative forms of transport as well as strong alignment to state and local policy.

Clause 52.06-7 outlines the considerations the Responsible Authority must have regard to in determining the appropriateness of a car parking reduction.

The following table provides an assessment of the proposal against these considerations:

<b>Clause 52.06-7 Consideration</b>	<b>Assessment</b>
<b>The Car Parking Demand Assessment.</b>	The car parking demand assessment provided by the applicant identified that there would be a likely demand of one car parking space. The review also found that the surrounding area was heavily restricted. These findings are accurate and supported.
<b>Any relevant local planning policy or incorporated plan.</b>	The proposal is considered to be supported by Council's local planning policy as discussed earlier in this report.
<b>The availability of alternative car parking in the locality of the land.</b>	The surrounding on-street car parking is highly restricted and generally limited to 1-2 hours between 8am and 6pm, with some space limited until midnight. As such there would be available parking outside of normal business hours, but almost no long-term parking available.
<b>On street parking in residential zones in the locality of the land that is intended to be for residential use.</b>	The surrounding land is all zoned residential. As described above, the surrounding parking is highly restricted with almost no long-term parking
<b>The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.</b>	The subject site has an area of only 120 sqm. Providing two car parking spaces at ground floor would be impractical in terms of the reduction of the dwelling floor area on such a constrained site.
<b>Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.</b>	The nearby activity centres (Clarendon Street and Bay Street) and the South Melbourne Market are all well served by Public Transport and the proposed car parking reduction for this dwelling is unlikely to have any unreasonable adverse economic impact on these areas.



<b>The future growth and development of any nearby activity centre.</b>	Given the minor car parking variation being sought, it is unlikely to have any impact on the future growth of the surrounding activity centres.
<b>Any car parking deficiency associated with the existing use of the land.</b>	There is currently no parking deficiency associated with the existing use of land.
<b>Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.</b>	This is not applicable to this application.
<b>Local traffic management in the locality of the land.</b>	The immediate area is well controlled for parking during business hours, with maximum parking periods of 1 to 2 hours. These roads are also under Council management who has sufficient ability to control parking restrictions within the area if the need arises.
<b>The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.</b>	The reduction of two car parking spaces is not considered to be at scale that would have unreasonable impacts on local amenity.
<b>The need to create safe, functional and attractive parking areas.</b>	This is not applicable to this application as no car parking has been provided.
<b>Access to or provision of alternative transport modes to and from the land</b>	As discussed earlier in this report the site is located within close proximity to numerous tram services in addition to cycling infrastructure.
<b>The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.</b>	This is not relevant to this application.



**The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.**

The lack of vehicle parking would provide an improved urban design outcome, with less of the 10.6 m wide frontage devoted to garage space.

In summary, the proposal is considered acceptable with respect to the considerations of Clause 52.06-7 and would bear favourably in granting the proposed car parking waiver. The likely car parking demand from the proposal would be small, being only one car space. The site is well served by public transport and other sustainable transport options, including car share and bike lanes. The site has a good level of walkability to activity centres and the South Melbourne Market and is considered to represent an acceptable traffic and parking outcome..

#### **11.7 Sustainable Design and Water Sensitive Urban Design**

The submitted Water Sensitive Urban Design Response is not yet of a Standard that can be supported. If the remainder of the application is acceptable, a condition could be imposed requiring the resubmission of the Water Sensitive Urban Design Response **(Refer recommended conditions 1c, 6 and 7)**

#### **11.8 Other Matters**

The applicant has advised that the ground floor levels have been incorrectly noted on the plans as 10.55 RL and should be 10.10 RL. There would be no change to the wall height or overall height of the building from this change. To address this error a condition would require the floor level to be noted as 10.10 RL. **(Refer recommended condition 1a)**

### **12. COVENANTS**

12.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Lot 1 on Title Plan 962611P [Parent Title Volume 11871 Folio 688].

### **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

### **15. CONCLUSION**

- 15.1 It is considered that the proposed demolition of the former electrical substation would be appropriate in this instance, as the significant grading on the site reflects the site's history and not the current situation for this land.
- 15.2 The Victorian Heritage Registration only applied to the portable iron houses and not to the former electrical substation. Furthermore, the electrical substation has been altered



to convert it to a toilet block, thereby further reducing any heritage value it had. Council's Heritage Advisor has no objection to the proposed demolition.

- 15.3 The design and appearance of the proposed dwelling is appropriate and respectful of the height and form of the surrounding streetscape. The Council's Urban Design and Heritage Advisors have assessed the proposal and all supporting documentation submitted by the applicant and support the application.
- 15.4 Furthermore, the proposal has been sympathetically designed to protect the amenity of the neighbouring occupiers and is considered worthy of support subject to conditions.
- 15.5 The contemporary two storey dwelling would represent an appropriate design response with respect to both the heritage overlay and the wider neighbourhood.
- 15.6 Variations to ResCode has been supported in relation to A3, A5, A6, A10 and A10, and is justified having regard to the existing pattern of development in the locality, proposed design and the existing conditions. Subject to a condition to demonstrate no downwards views are possible from the first floor and roof top terrace the proposal would not cause any unreasonable amenity impacts on adjacent properties.
- 15.7 The reduction of car parking is also supported in this instance, as there is sufficient justification to reduce the statutory car parking rate due to the site's proximity to nearby activity centres, public transport and alternative forms of transport as well as strong alignment to state and local policy.
- 15.8 Approval is recommended subject to conditions.

**TRIM FILE NO:** PF20/10644  
**ATTACHMENTS**  
1. Clause 54 Assessment  
2. 199/2020 - ADV - Plans