

## Report to the Future Melbourne Committee

Agenda item 6.3

### Planning Permit Application: TP-2021-28 57-59 Wakefield Road, Kensington

6 July 2021

**Presenter:** Larry Parsons, Head of Statutory Planning

#### Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of an application for the construction of two dwellings on a lot and a car parking reduction pursuant to Clause 52.06 at 57–59 Wakefield Road, Kensington (refer to Attachment 2, Locality Plan).
2. The applicant is Plan Urban acting on behalf of Odette Kasab (the owner). The architect is SDS Pty Ltd.
3. The site is located within the General Residential Zone (GRZ) and is not affected by any overlays.
4. The proposal seeks approval for the construction of two, triple storey dwellings in a side-by-side arrangement and a reduction in car parking to one space per dwelling.
5. Public notice of the proposal has been undertaken and a total of 19 objections have been received.

#### Key issues

6. Key issues for consideration relate to the compliance with the mandatory provisions of the Melbourne Planning Scheme in regard to height, the impacts of the development upon neighbourhood character, and built form and potential amenity impacts.
7. The proposed development is consistent with the relevant objectives of Clause 55 of the Melbourne Planning Scheme. The development is in character with the modern, robust streetscape of Wakefield Street and the broader Kensington area.
8. At 8.82m the development is below the maximum height of 11m, provides surveillance to the street and rear lane, has habitable windows screened where they overlook adjoining private open space, will maintain the existing open rear yard corridor, although some additional overshadowing of neighbours is unavoidable due to the street orientation.
9. The waiver of car spaces is considered appropriate in this location due to high public transport accessibility and amenities.

#### Recommendation from management

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

#### Attachments:

1. Supporting attachment (Page 2 of 36)
2. Locality Plan (Page 3 of 36)
3. Plans (Page 4 of 36)
4. Delegate Report (Page 10 of 36)

## Supporting Attachment

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### Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (the Act) sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme.
2. As objections have been received, sections 64 and 65 of the Act provide that the responsible authority must give the applicant and each objector notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The responsible authority must not issue a permit to the applicant until the end of the period in which an objector may apply to the VCAT for a review of the decision or, if an application for review is made, until the application is determined by the VCAT.

### Finance

3. There are no direct financial issues arising from the recommendations contained in this report.

### Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

### Health and Safety

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

### Stakeholder consultation

6. Public notice of the application has been undertaken to surrounding owners and occupiers, pursuant to Section 52 of the Act.

### Relation to Council policy

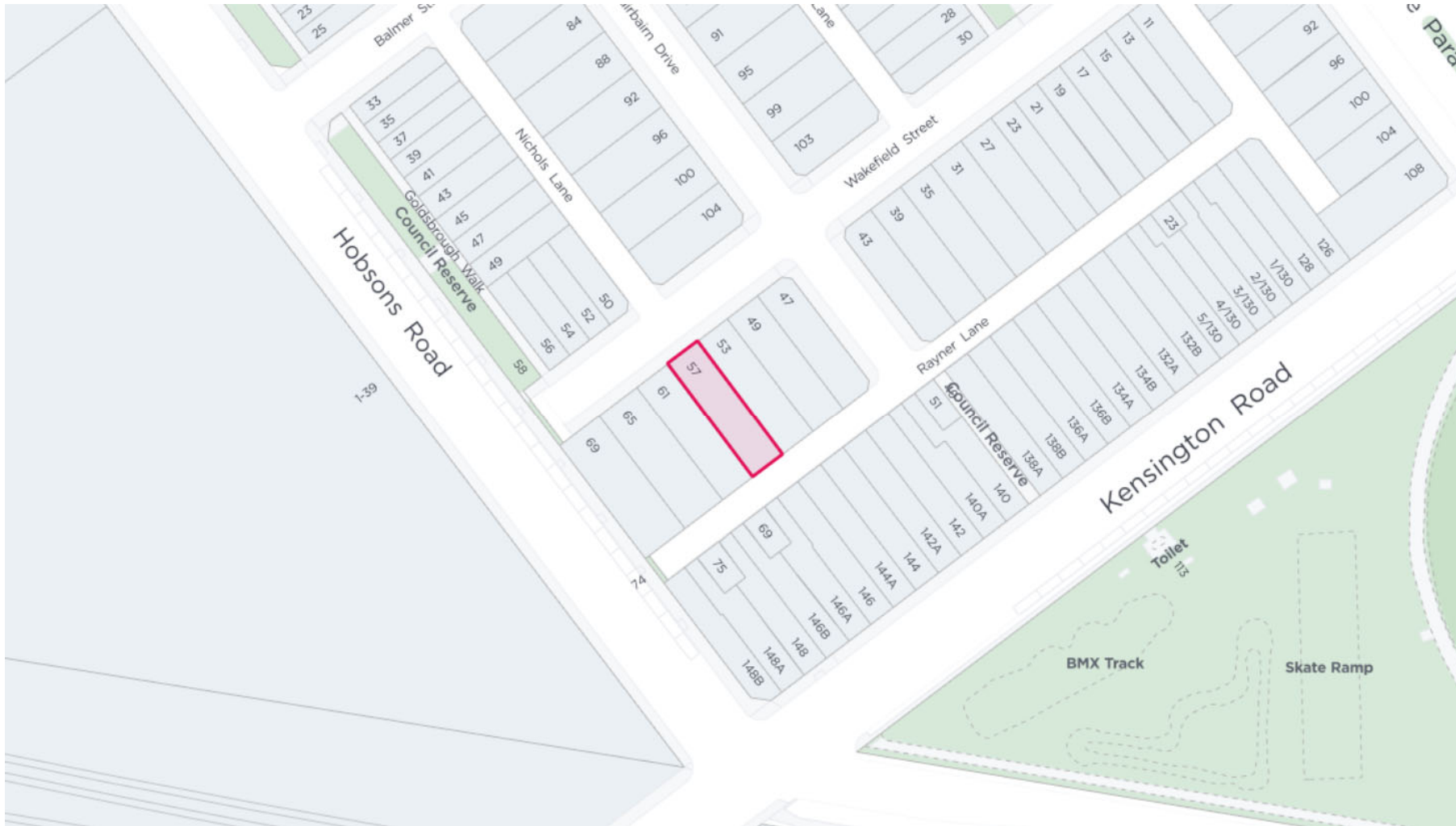
7. Relevant Council policies are discussed in the attached Delegate Report (refer Attachment 4)

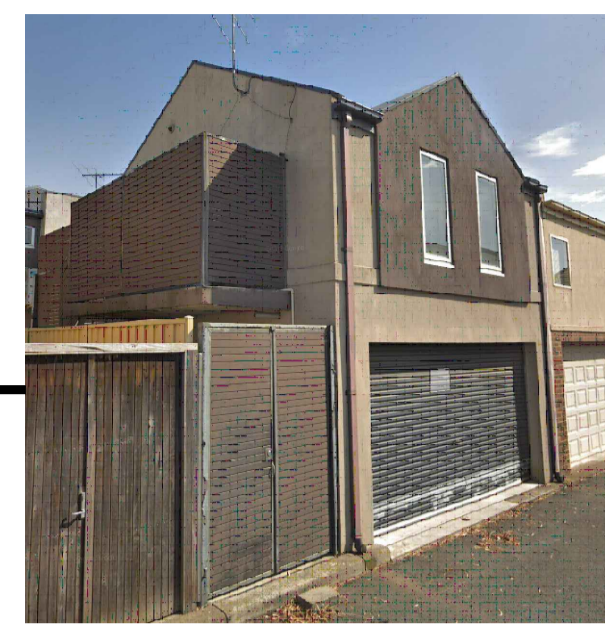
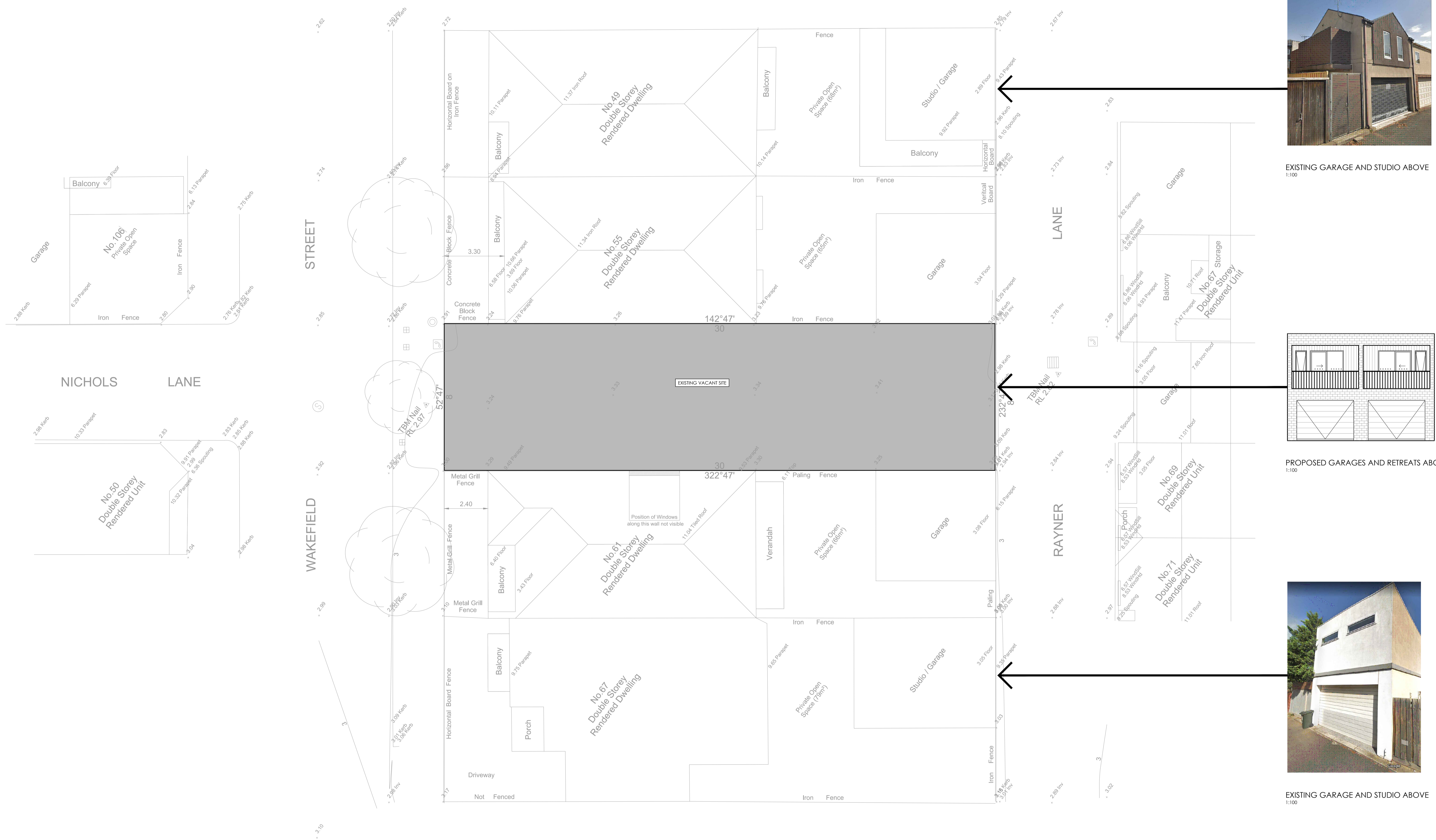
### Environmental sustainability

8. The development will comply with policy and will be enforced through permit conditions.

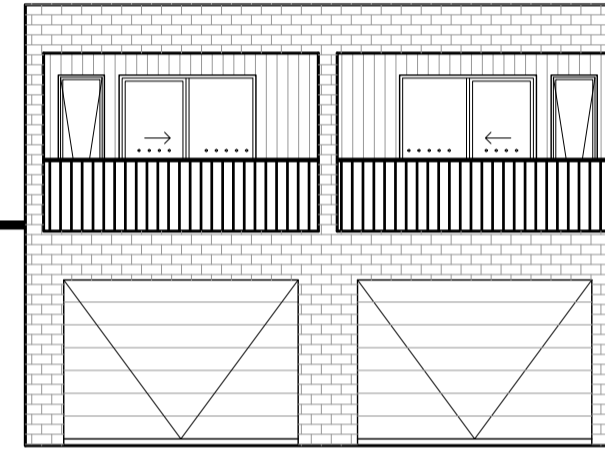
# Locality Plan

57-59 Wakefield Road, Kensington

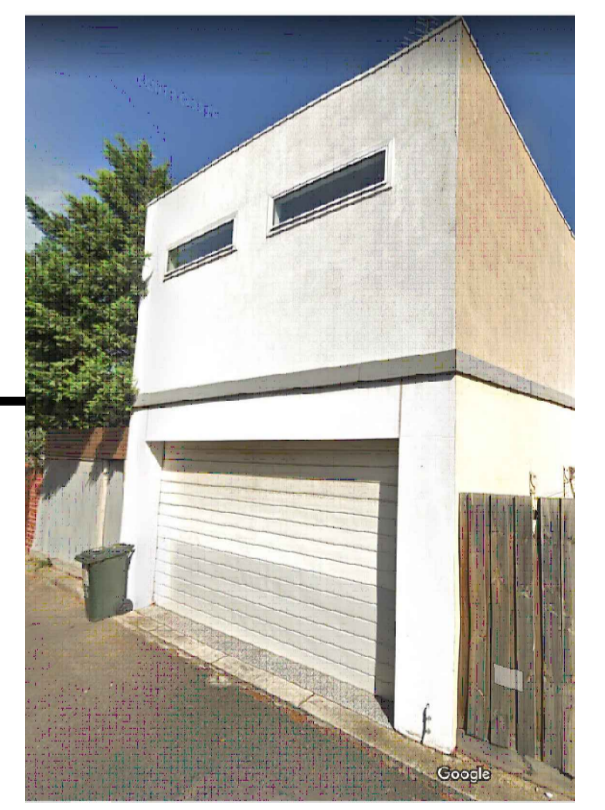




EXISTING GARAGE AND STUDIO ABOVE  
1:100



PROPOSED GARAGES AND RETREATS ABOVE  
1:100

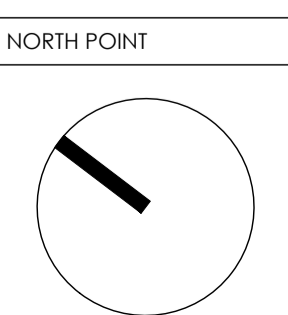


EXISTING GARAGE AND STUDIO ABOVE  
1:100

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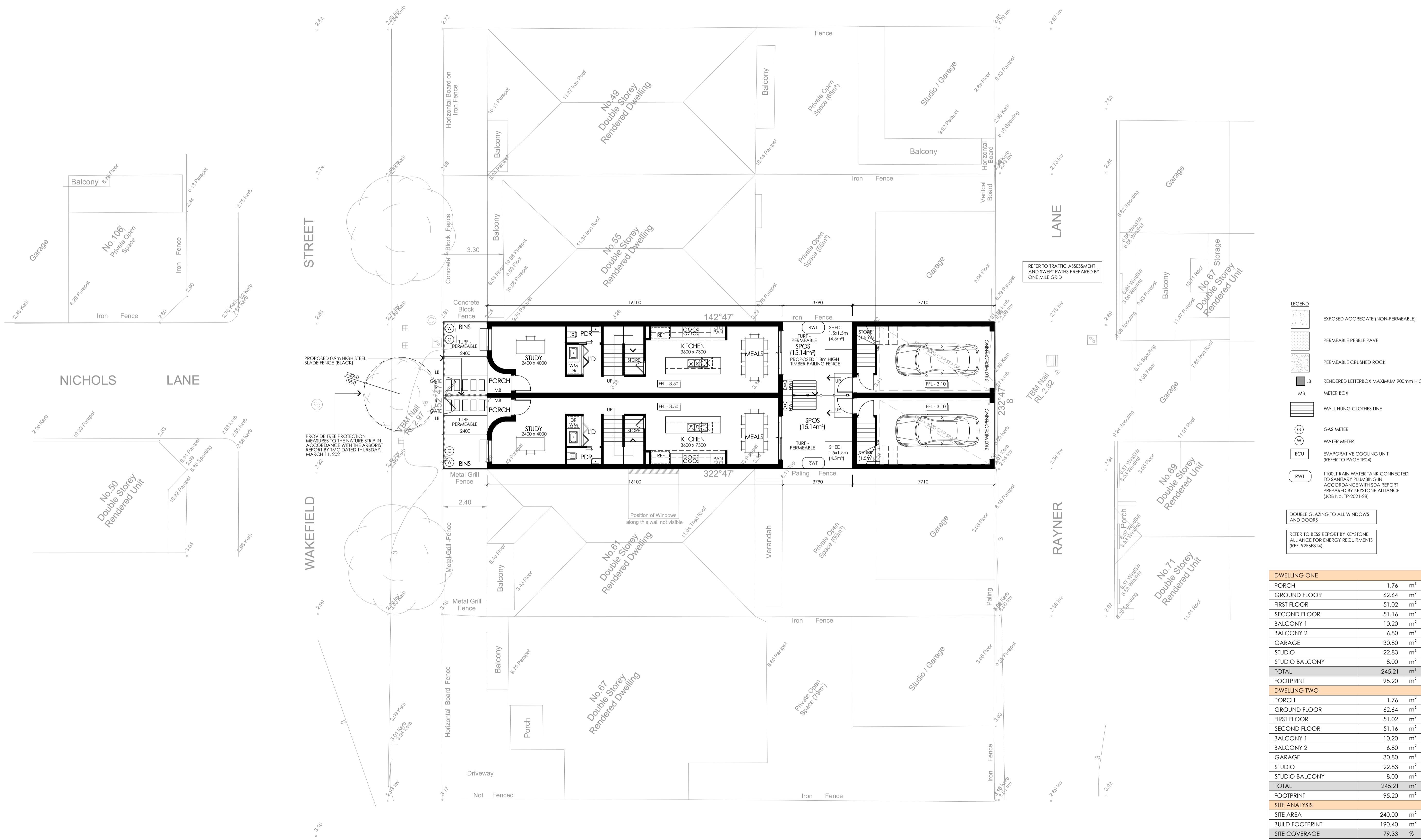
DATE	REVISION	No.
26.02.2021	RESPONSE TO RFI DATED 11.02.2021	1
29.03.2021	ADDITIONAL ELEVATIONS PROVIDED	2
-	-	-

PROJECT TITLE	PROPOSED TOWNHOUSE DEVELOPMENT
PROJECT ADDRESS	57-59 WAKEFIELD STREET, KENSINGTON

DRAWING TITLE	EXISTING CONDITIONS
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ISSUE DATE	OCT 2020
JOB No.	202028
DRAWN	RW
SCALE	1:100 (A1)
DRAWING No.	TP01
REVISION	OF 2
	TP06

TOWN PLANNING	SDS developments pty ltd
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- LEGEND**
- EXPOSED AGGREGATE (NON-PERMEABLE)
  - PERMEABLE PEBBLE PAVE
  - PERMEABLE CRUSHED ROCK
  - LB RENDERED LETTERBOX MAXIMUM 900mm HIGH
  - MB METER BOX
  - WALL HUNG CLOTHES LINE
  - G GAS METER
  - W WATER METER
  - ECU EVAPORATIVE COOLING UNIT (REFER TO PAGE TP04)
  - RWT 1100L RAIN WATER TANK CONNECTED TO SANITARY PLUMBING IN ACCORDANCE WITH SDA REPORT PREPARED BY KEYSTONE ALLIANCE (JOB No. TP-2021-28)
- DOUBLE GLAZING TO ALL WINDOWS AND DOORS**
- REFER TO BESS REPORT BY KEYSTONE ALLIANCE FOR ENERGY REQUIREMENTS (REF. 92F6F314)**

DWELLING ONE	
PORCH	1.76 m <sup>2</sup>
GROUND FLOOR	62.64 m <sup>2</sup>
FIRST FLOOR	51.02 m <sup>2</sup>
SECOND FLOOR	51.16 m <sup>2</sup>
BALCONY 1	10.20 m <sup>2</sup>
BALCONY 2	6.80 m <sup>2</sup>
GARAGE	30.80 m <sup>2</sup>
STUDIO	22.83 m <sup>2</sup>
STUDIO BALCONY	8.00 m <sup>2</sup>
<b>TOTAL</b>	<b>245.21 m<sup>2</sup></b>
FOOTPRINT	95.20 m <sup>2</sup>

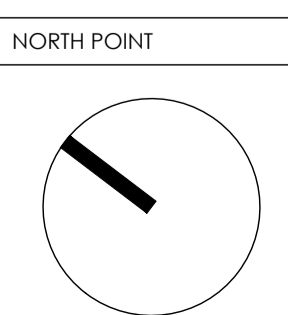
DWELLING TWO	
PORCH	1.76 m <sup>2</sup>
GROUND FLOOR	62.64 m <sup>2</sup>
FIRST FLOOR	51.02 m <sup>2</sup>
SECOND FLOOR	51.16 m <sup>2</sup>
BALCONY 1	10.20 m <sup>2</sup>
BALCONY 2	6.80 m <sup>2</sup>
GARAGE	30.80 m <sup>2</sup>
STUDIO	22.83 m <sup>2</sup>
STUDIO BALCONY	8.00 m <sup>2</sup>
<b>TOTAL</b>	<b>245.21 m<sup>2</sup></b>
FOOTPRINT	95.20 m <sup>2</sup>

SITE ANALYSIS	
SITE AREA	240.00 m <sup>2</sup>
BUILD FOOTPRINT	190.40 m <sup>2</sup>
SITE COVERAGE	79.33 %
NON-PERMEABLE	0.00 m <sup>2</sup>
PERMEABLE	49.60 m <sup>2</sup>
PERMEABLE	20.67 %

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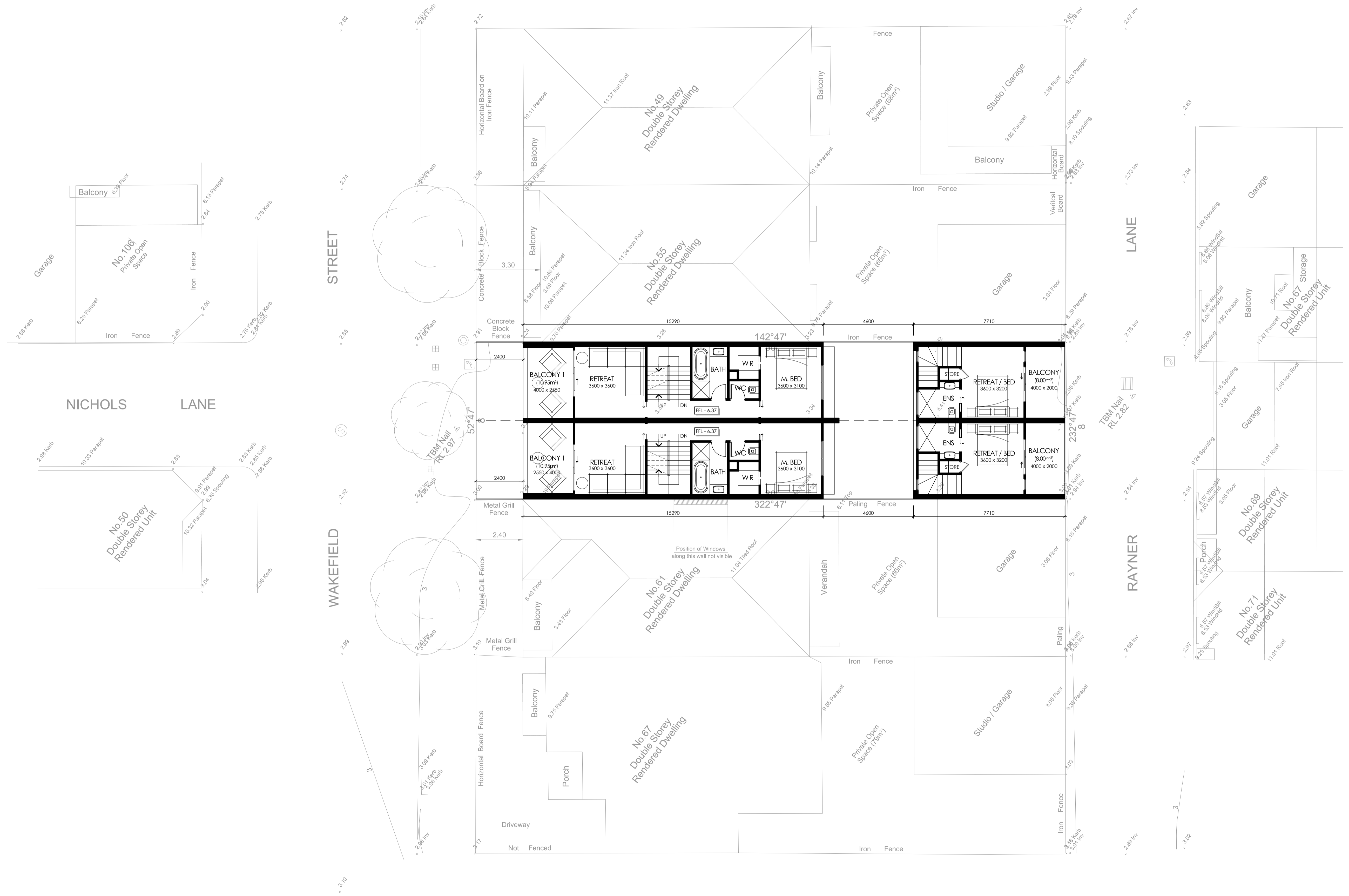
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PROJECT TITLE	PROPOSED TOWNHOUSE DEVELOPMENT
PROJECT ADDRESS	57-59 WAKEFIELD STREET, KENSINGTON

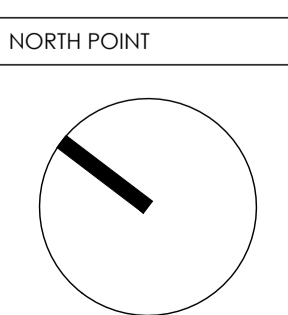
DRAWING TITLE	GROUND FLOOR PLANS / DESIGN RESPONSE
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ISSUE DATE	OCT 2020
JOB No.	202028
SCALE	1:100 (A1)
DRAWING No.	TP02 OF TP06
DRAWN	RW
REVISION	2

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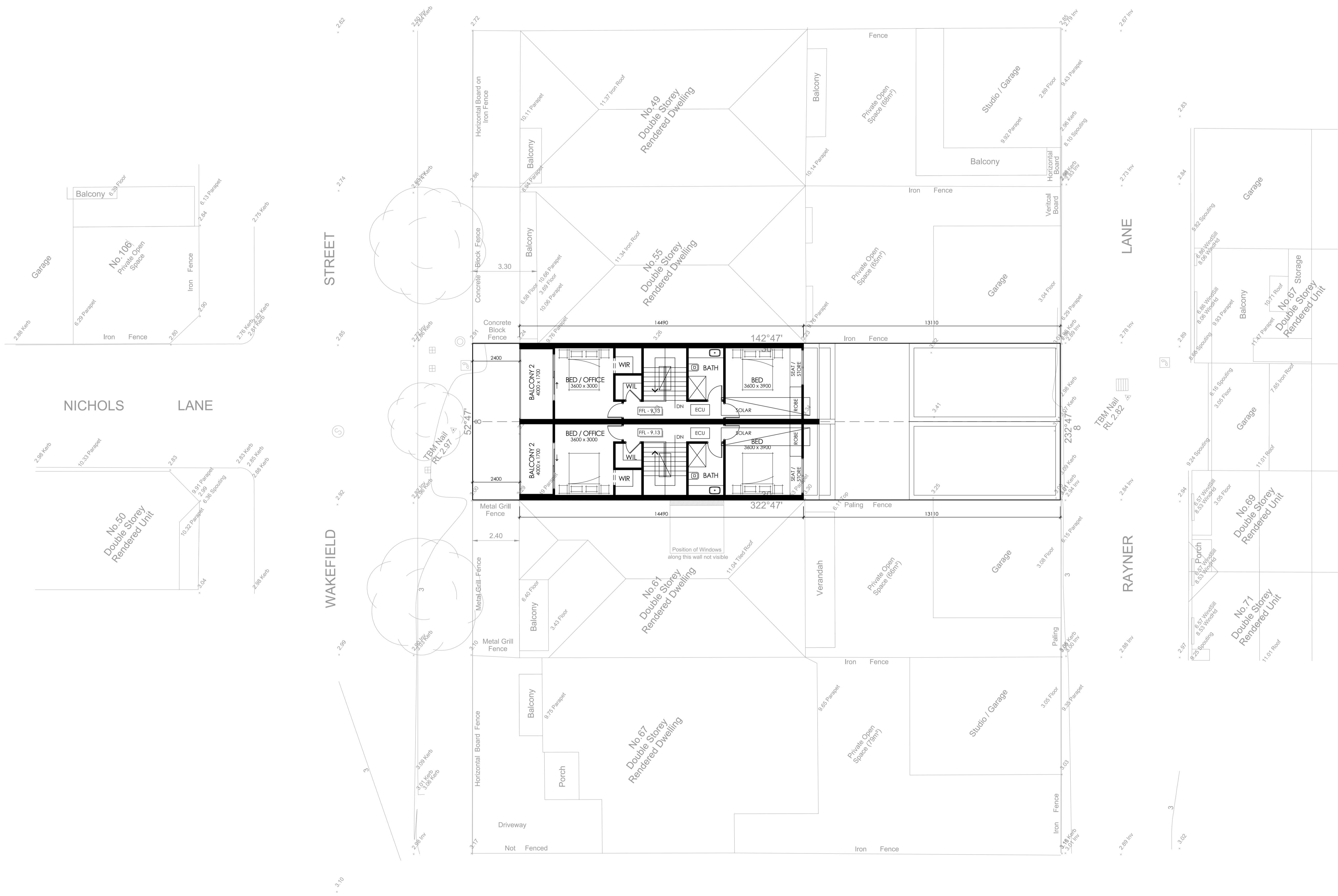
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29.03.2021	ADDITIONAL ELEVATIONS PROVIDED	2
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PROJECT TITLE	PROPOSED TOWNHOUSE DEVELOPMENT
PROJECT ADDRESS	57-59 WAKEFIELD STREET, KENSINGTON

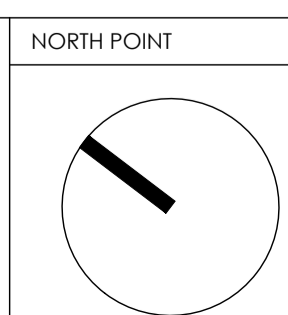
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ISSUE DATE	OCT 2020
JOB No.	202028
DRAWN	RW
SCALE	1:100 (A1)
DRAWING No.	TP03
REVISION	OF TP06
	<b>2</b>

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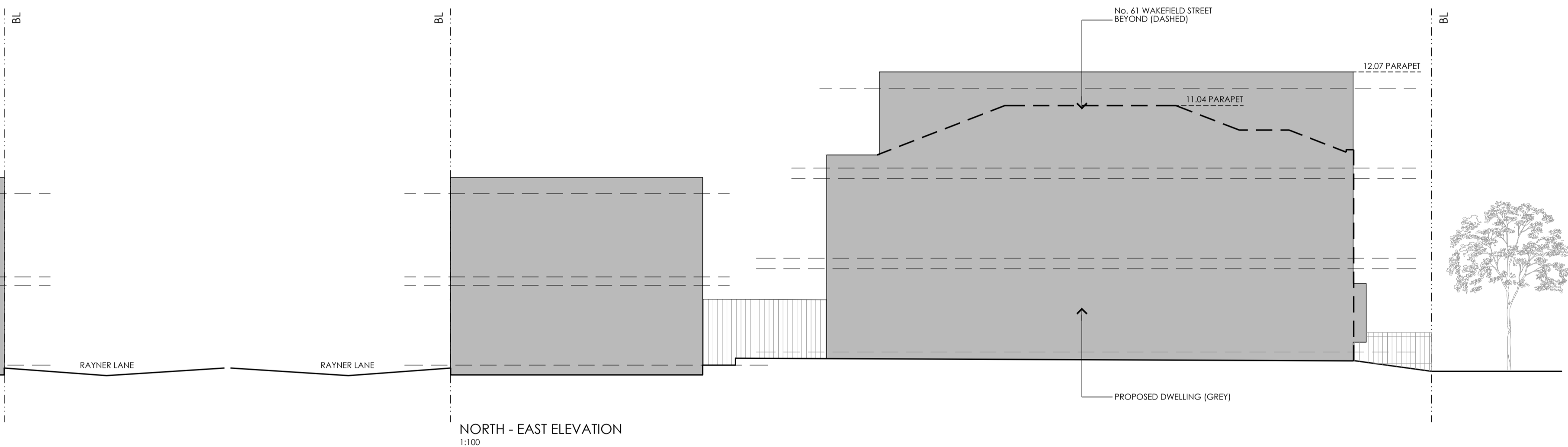
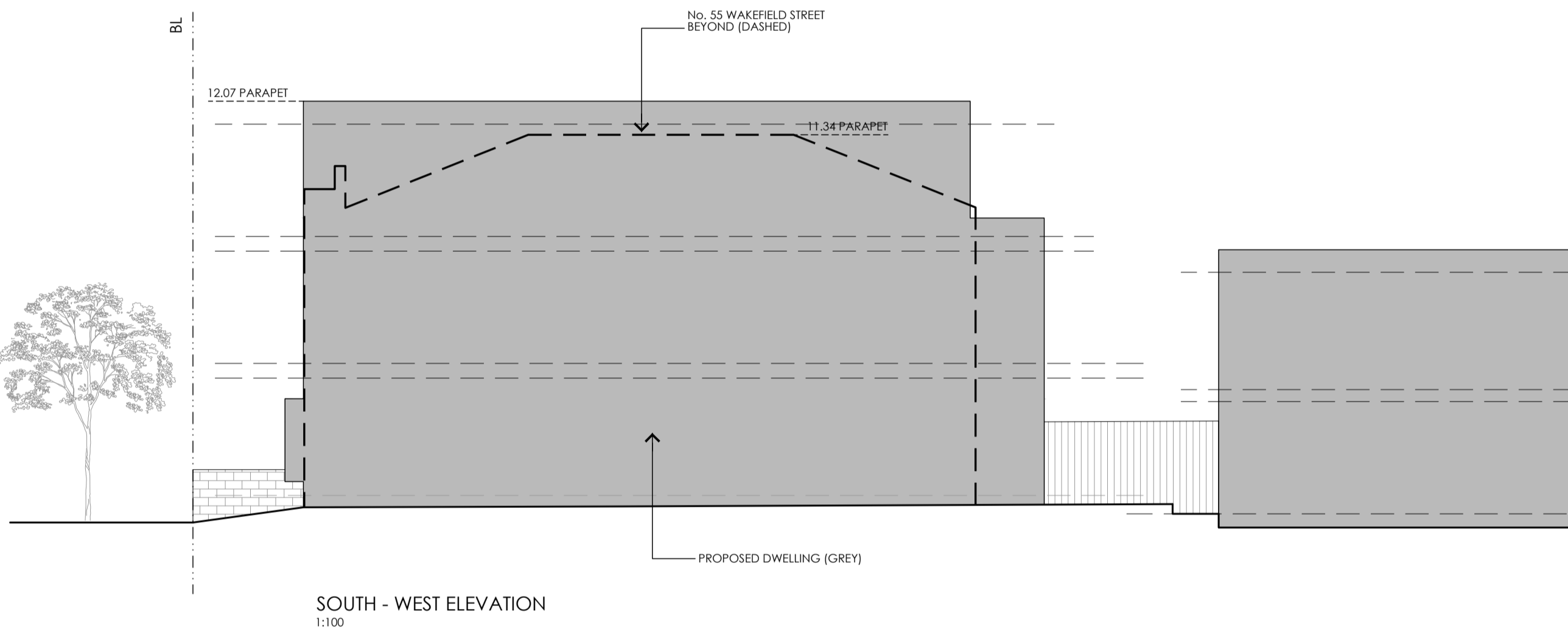
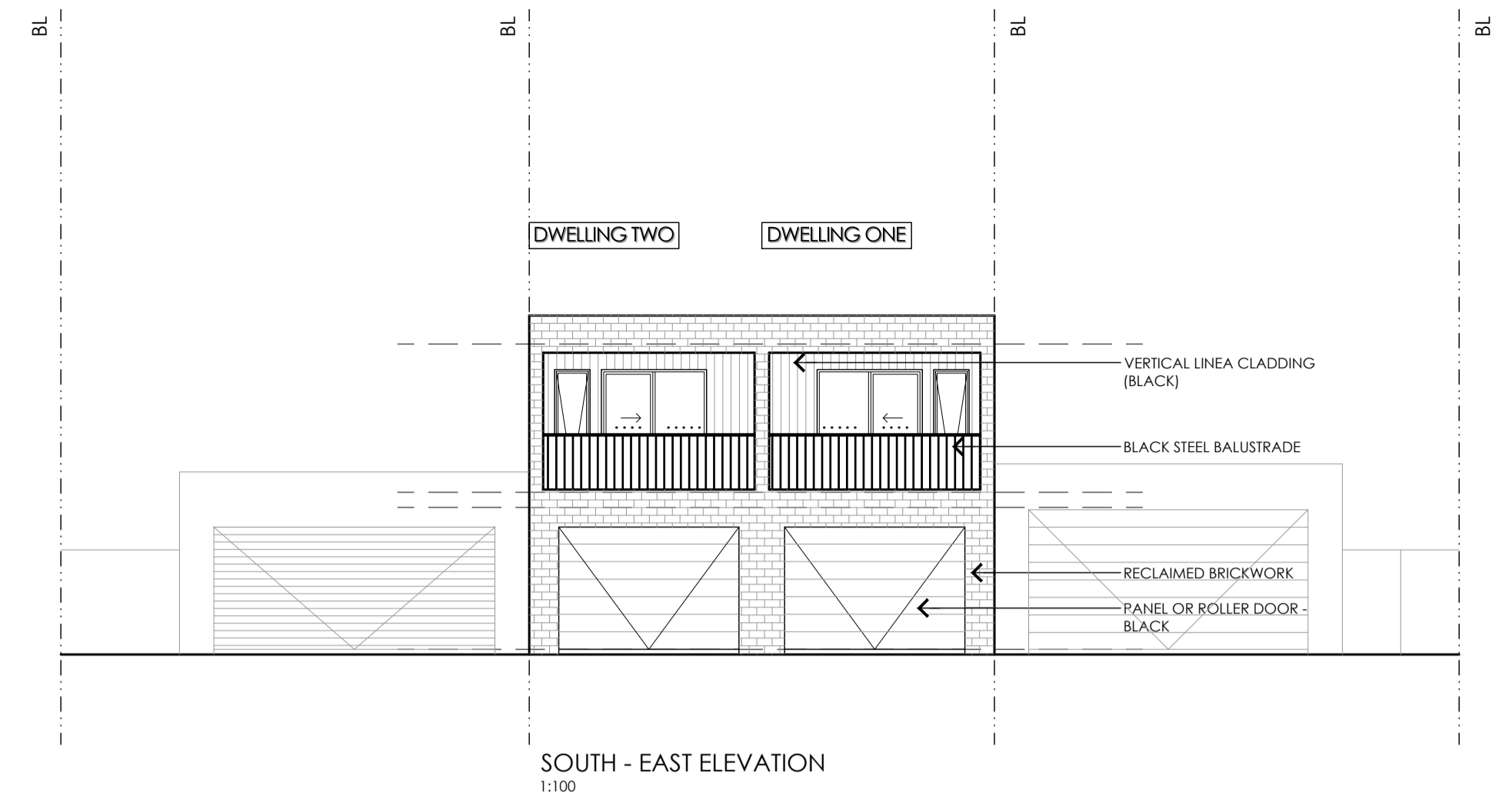
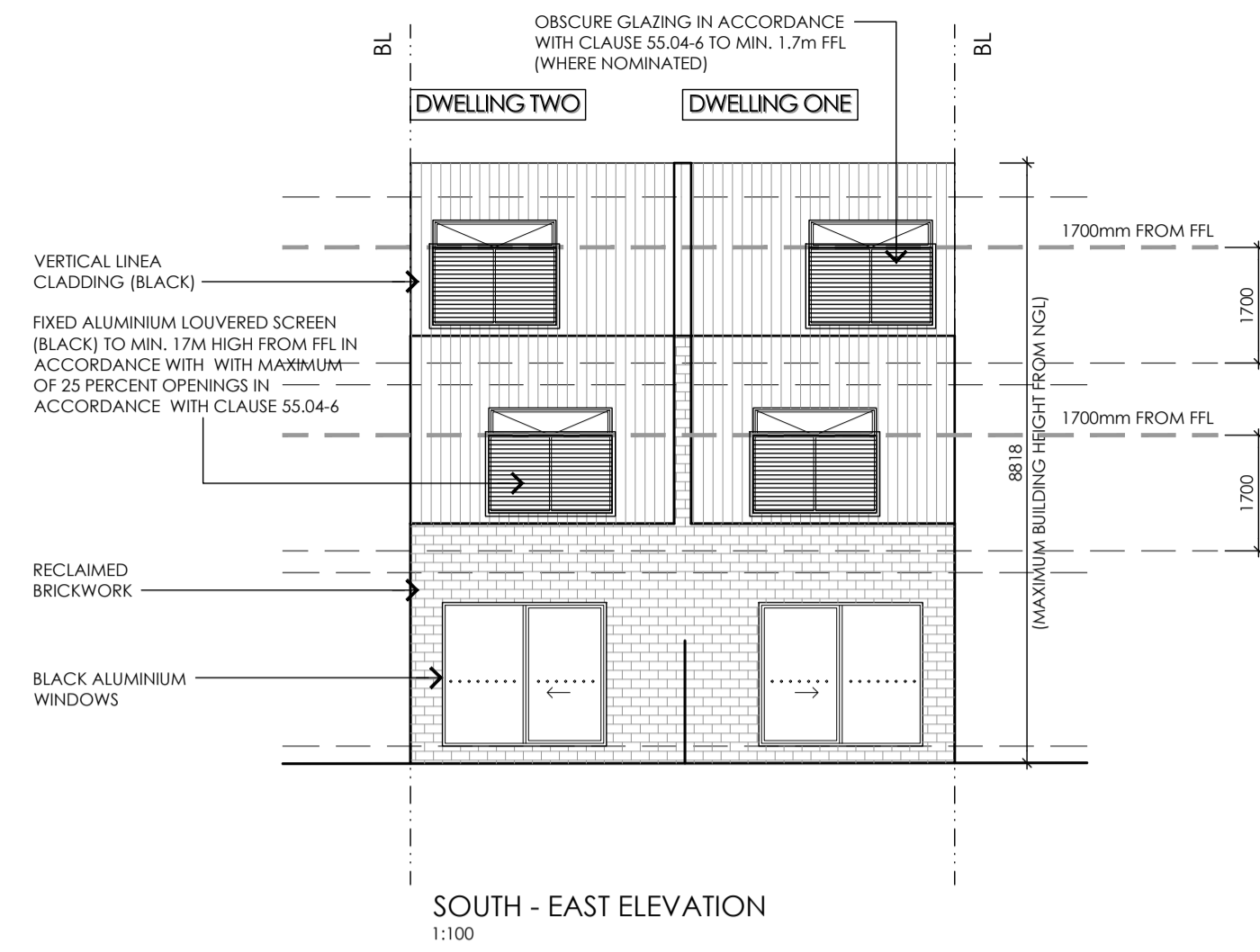
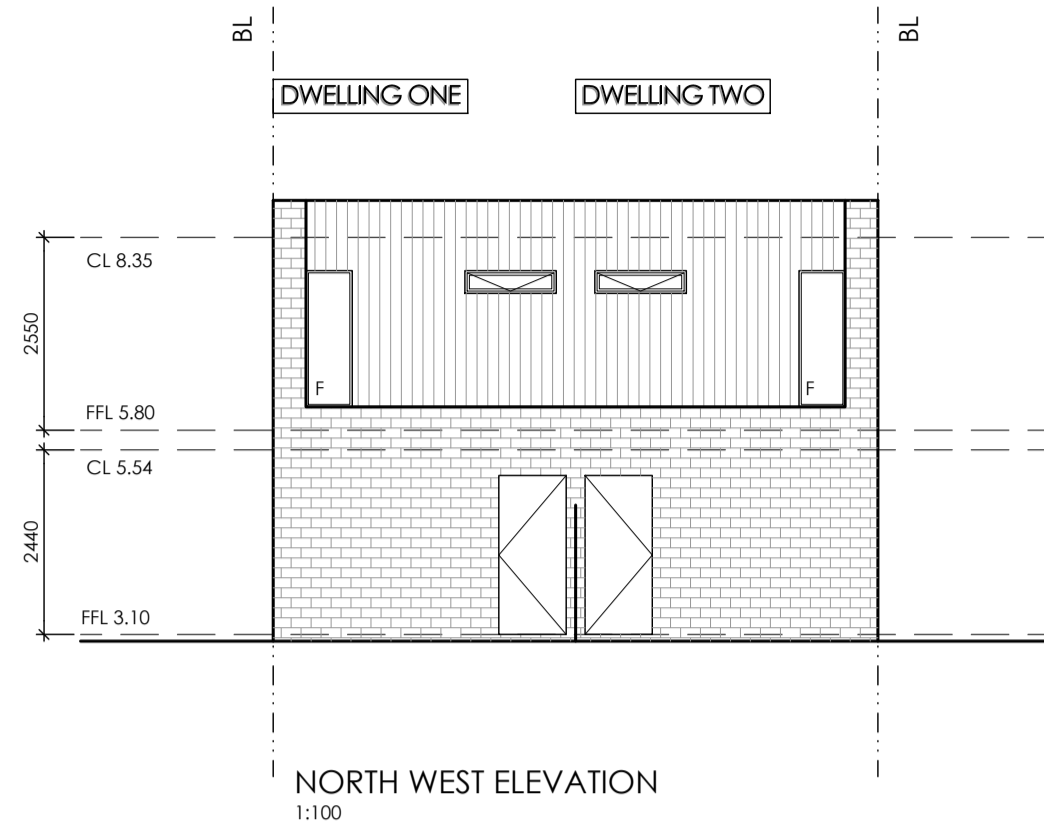
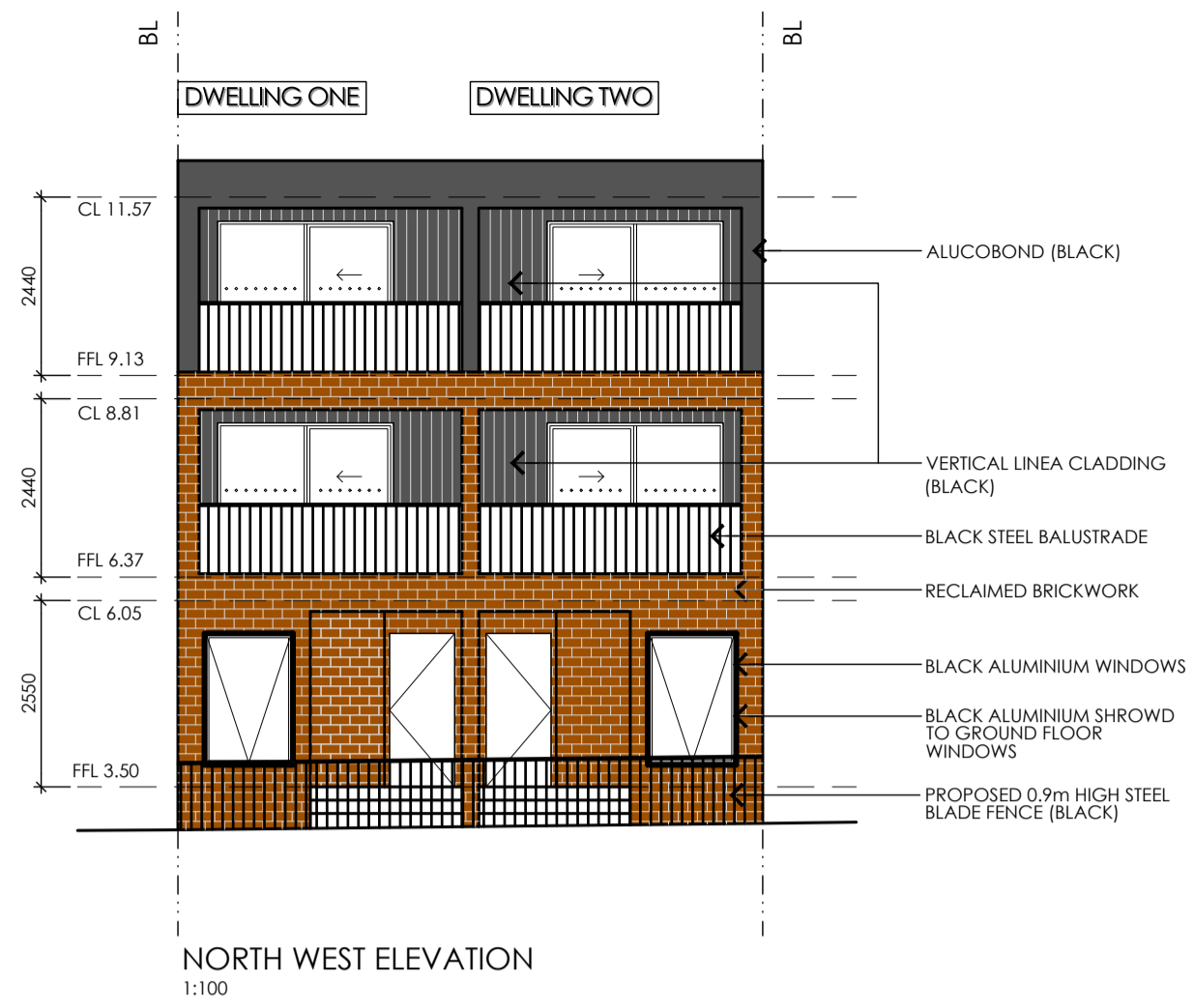
PROJECT TITLE	PROPOSED TOWNHOUSE DEVELOPMENT
PROJECT ADDRESS	57-59 WAKEFIELD STREET, KENSINGTON

DRAWING TITLE	SECOND FLOOR PLANS
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ISSUE DATE	OCT 2020
SCALE	1:100 (A1)

JOB No.	202028
DRAWING No.	TP04
OF	TP06
DRAWN	RW
REVISION	2

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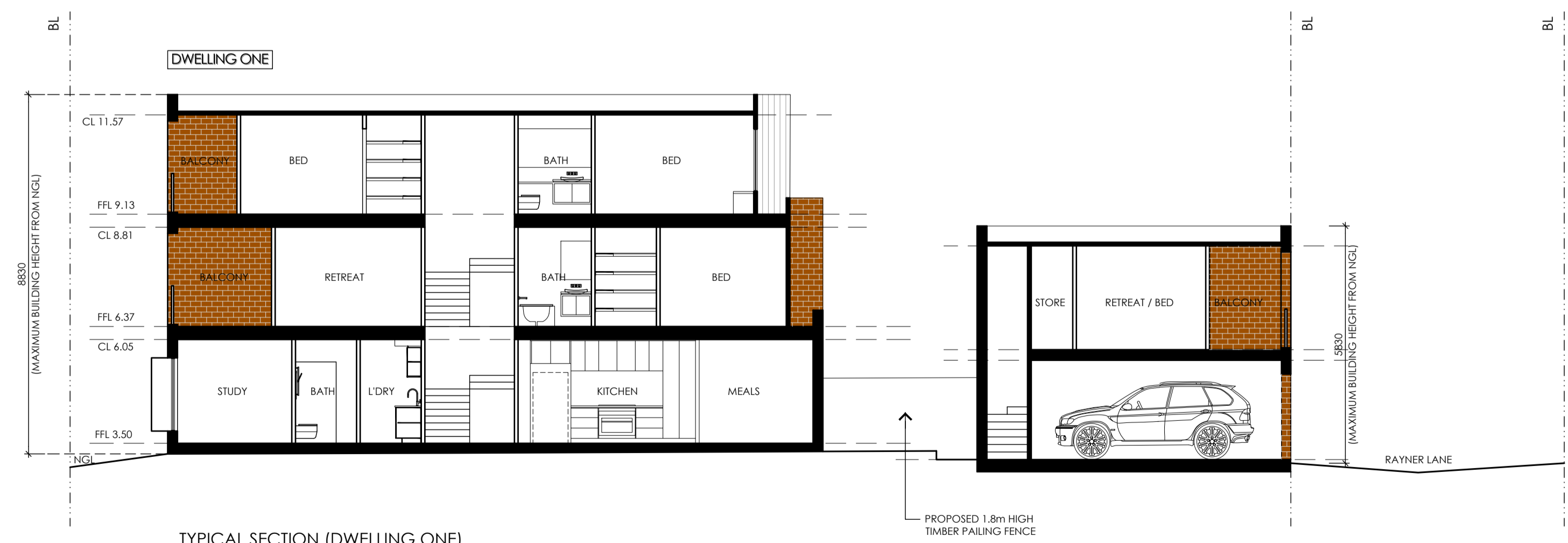
MATERIAL SELECTION



55 WAKEFIELD ST  
1:100

57-59 WAKEFIELD ST  
1:100

61 WAKEFIELD ST  
1:100



TYPICAL SECTION (DWELLING ONE)  
1:100

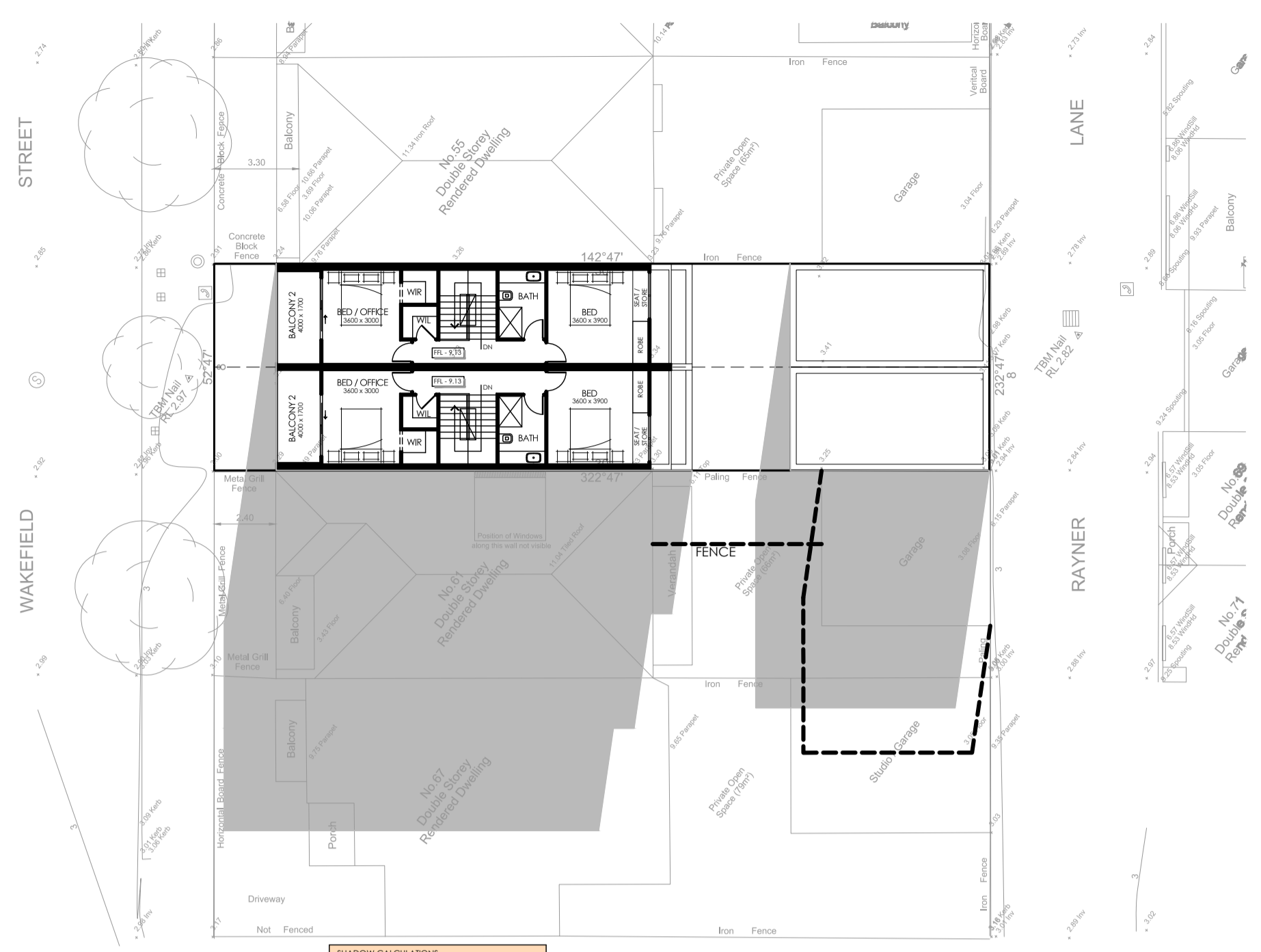
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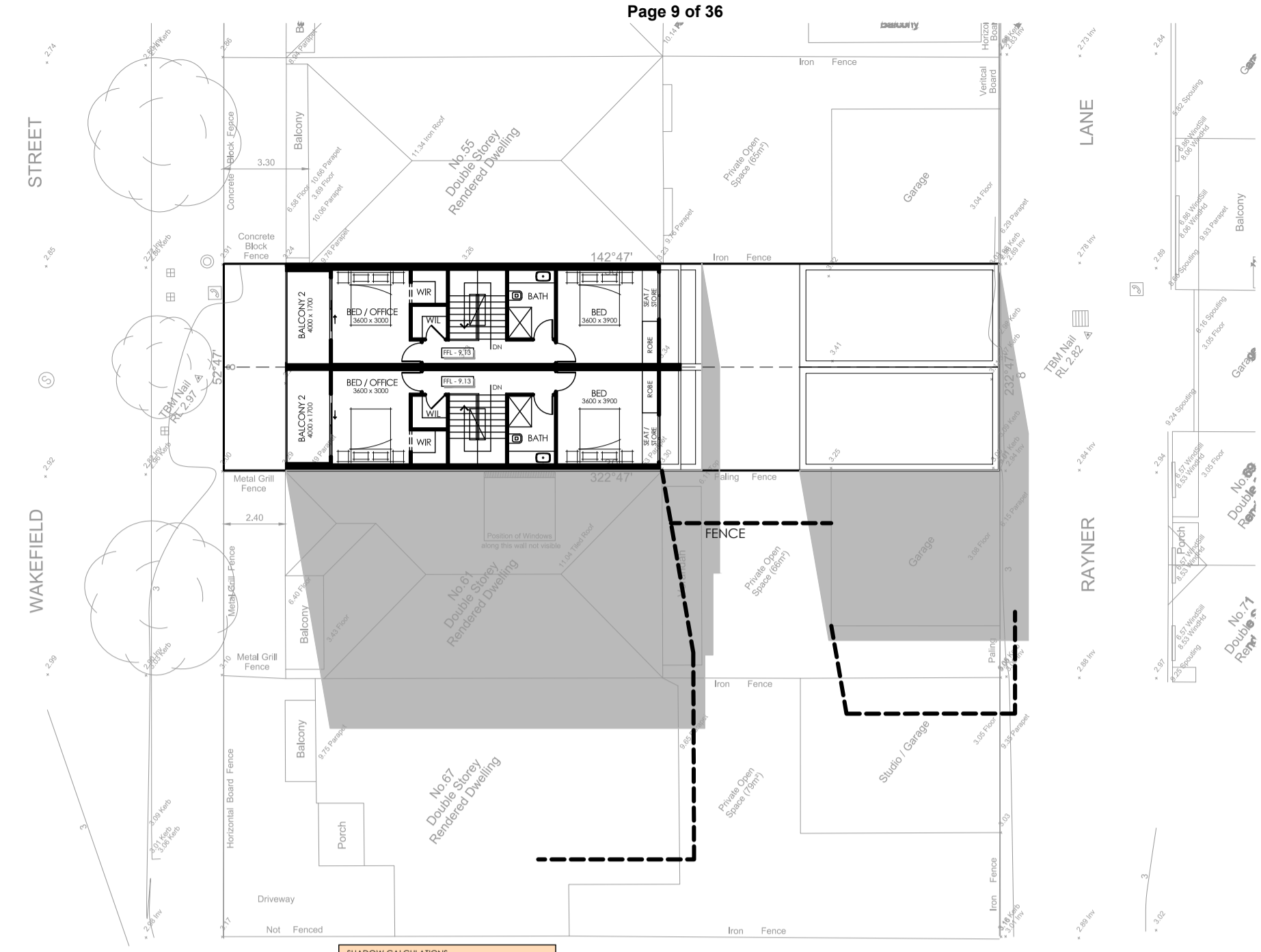
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	CLIENT <b>ODETTE KASAB</b>	DATE 26.02.2021 RESPONSE TO RFI DATED 11.02.2021	No. 1	PROJECT TITLE <b>PROPOSED TOWNHOUSE DEVELOPMENT</b>	DRAWING TITLE <b>ELEVATIONS AND MATERIAL GUIDE</b>	ISSUE DATE OCT 2020	JOB No. 202028	DRAWN RW	TOWN PLANNING SDS developments pty ltd PO BOX 1194 ST KILDA 3TH VIC 3182 p. 0421 139 013 w. skylinedesignstudio.com.au
		REVISION 29.03.2021 ADDITIONAL ELEVATIONS PROVIDED				PROJECT ADDRESS 57-59 WAKEFIELD STREET, KENSINGTON	SCALE 1:100 (A1)	DRAWING No. TP05 OF TP06	

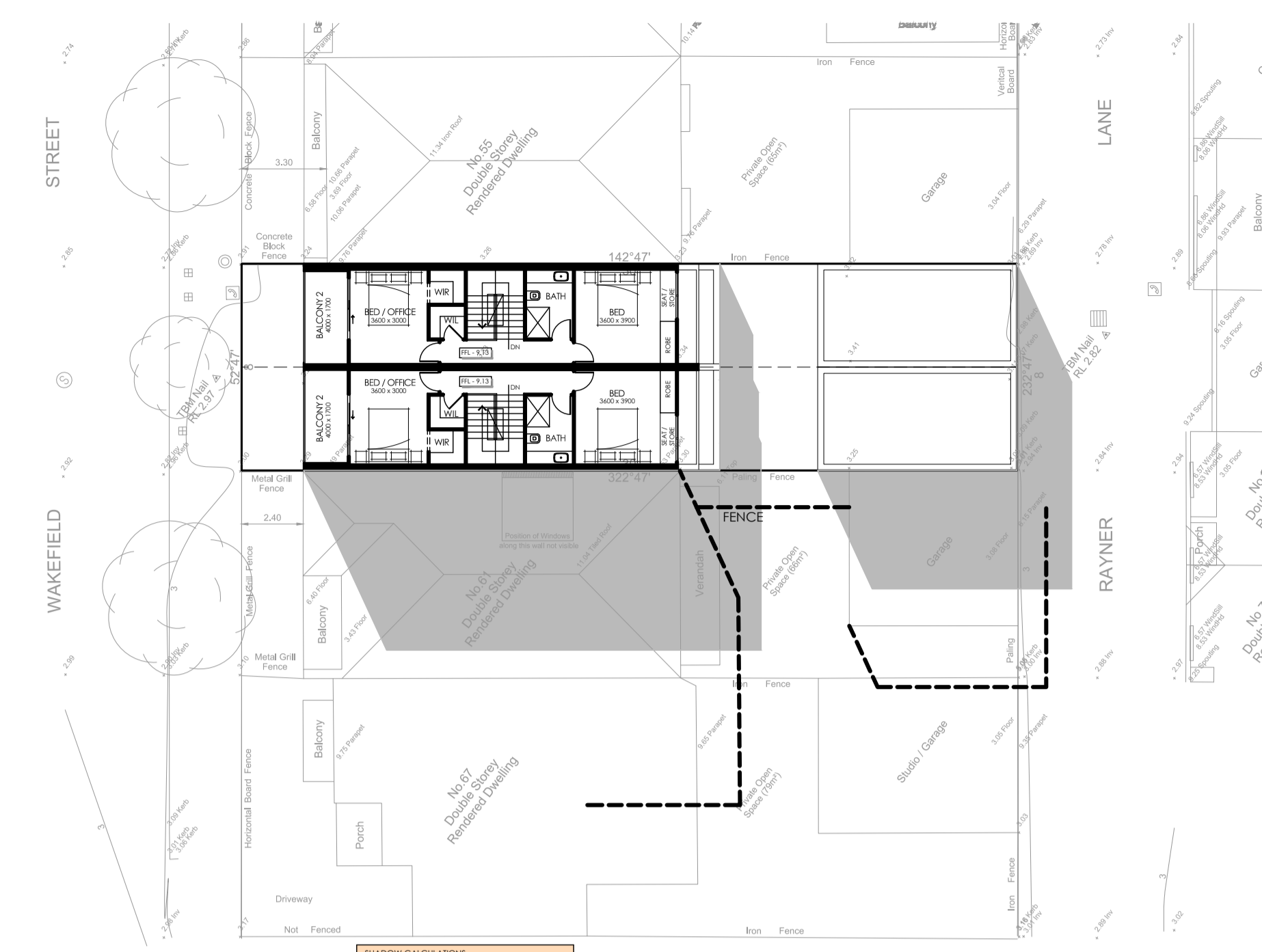




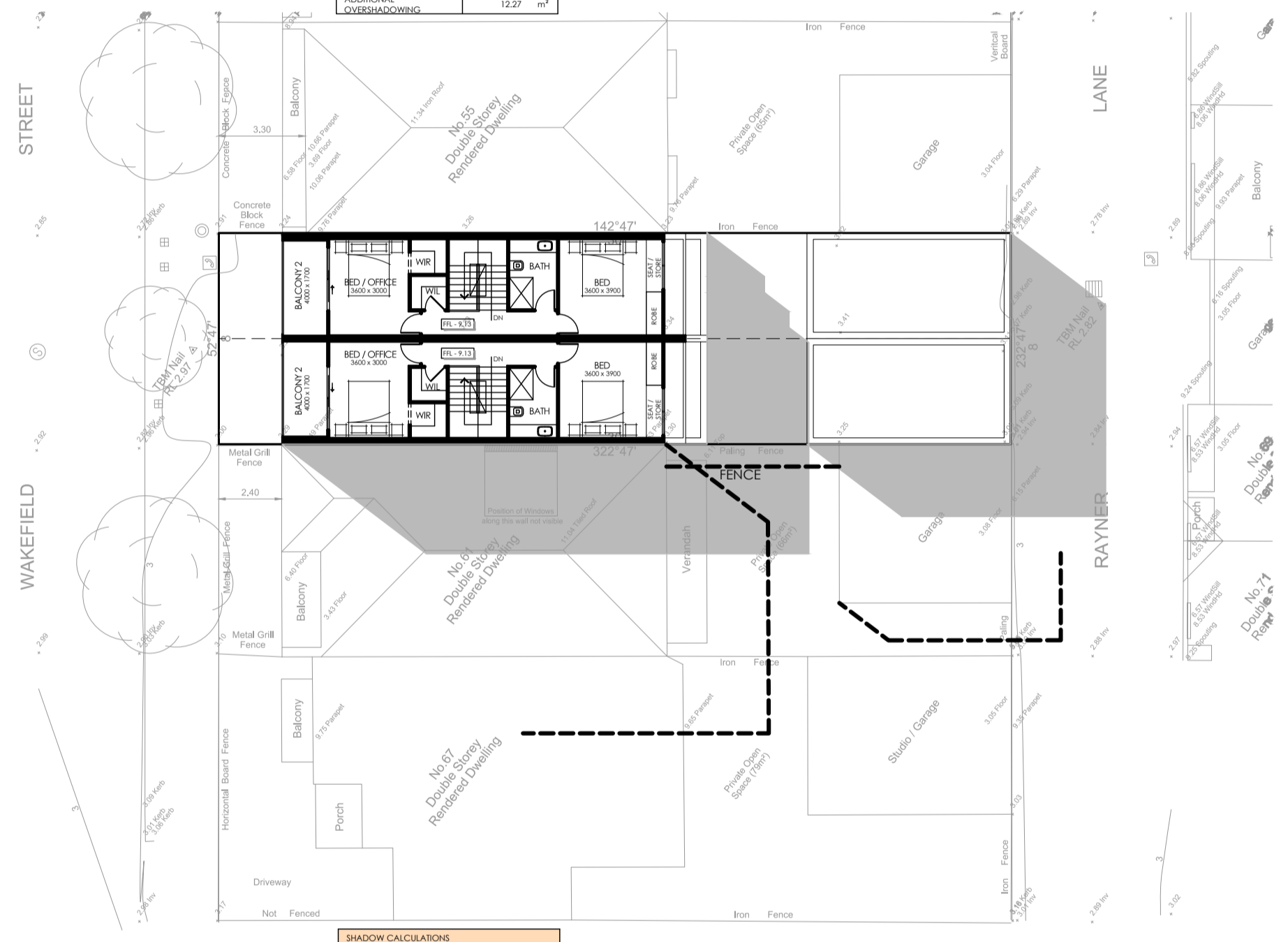
SHADOW CALCULATIONS	
EXISTING SHADOWS	3488 m <sup>2</sup>
ADDITIONAL FENCE SHADOWING	1237 m <sup>2</sup>



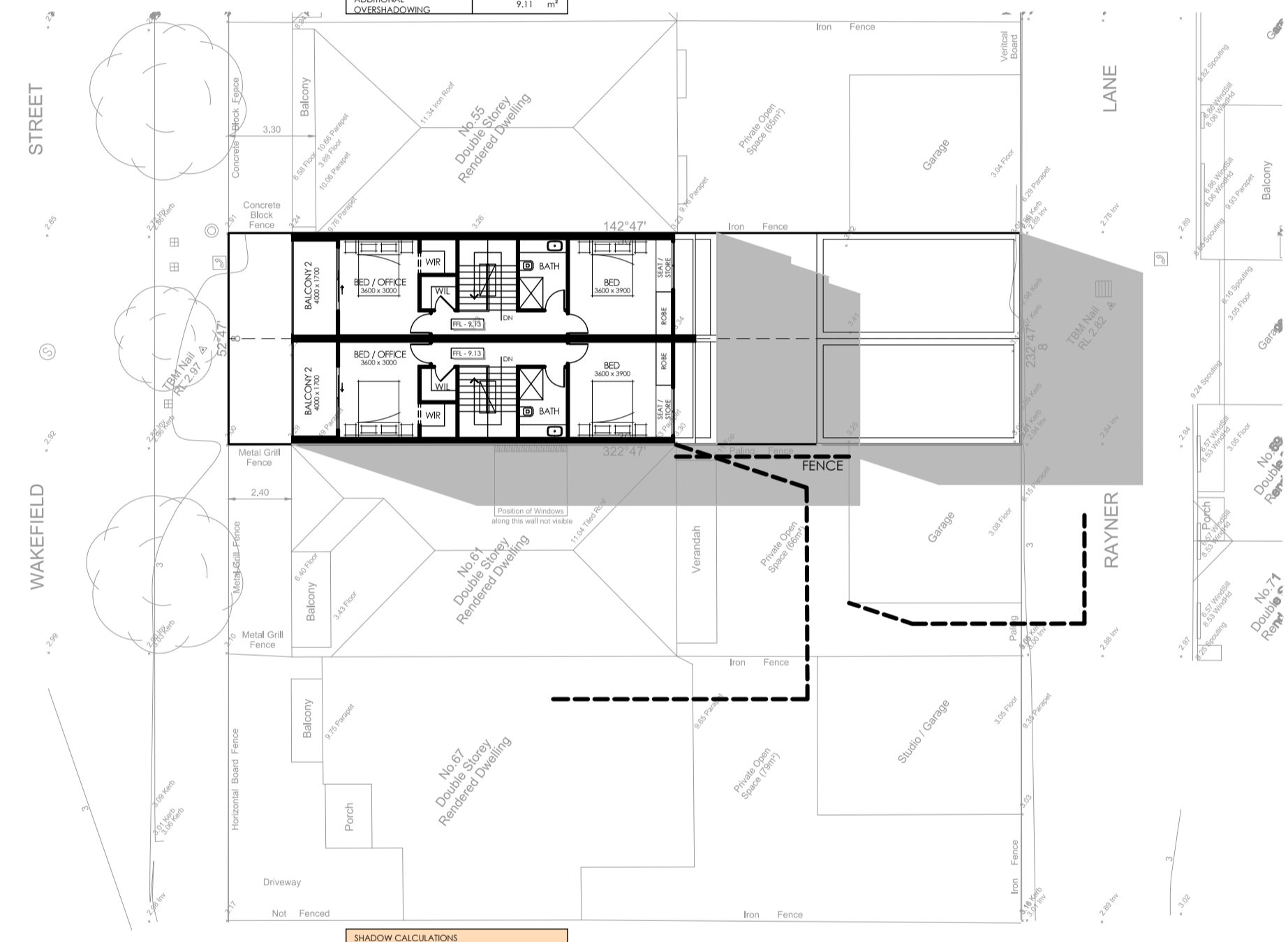
SHADOW CALCULATIONS	
EXISTING SHADOWS	3189 m <sup>2</sup>
ADDITIONAL FENCE SHADOWING	911 m <sup>2</sup>



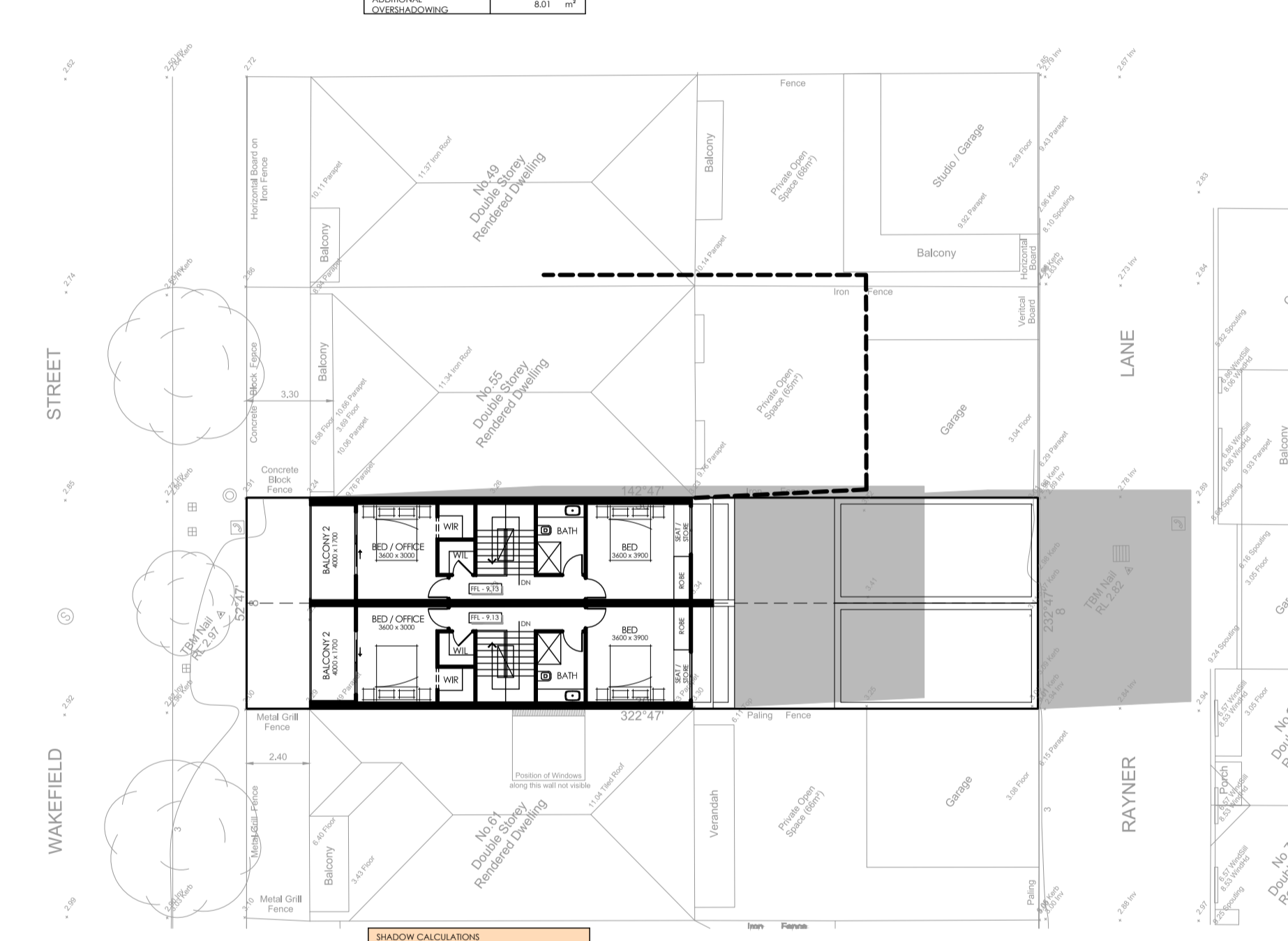
SHADOW CALCULATIONS	
EXISTING SHADOWS	3348 m <sup>2</sup>
ADDITIONAL FENCE SHADOWING	891 m <sup>2</sup>



SHADOW CALCULATIONS	
EXISTING SHADOWS	3819 m <sup>2</sup>
ADDITIONAL FENCE SHADOWING	838 m <sup>2</sup>



SHADOW CALCULATIONS	
EXISTING SHADOWS	4256 m <sup>2</sup>
ADDITIONAL FENCE SHADOWING	888 m <sup>2</sup>



SHADOW CALCULATIONS	
EXISTING SHADOWS	5145 m <sup>2</sup>
ADDITIONAL FENCE SHADOWING	688 m <sup>2</sup>



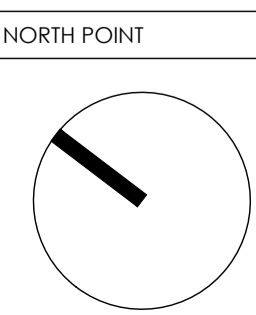
SHADOW CALCULATIONS	
EXISTING SHADOWS	3329 m <sup>2</sup>
ADDITIONAL FENCE SHADOWING	294 m <sup>2</sup>

**LEGEND**  
 - - - EXISTING FENCE SHADOWS  
 ■ PROPOSED SHADOWS

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PROJECT TITLE	PROPOSED TOWNHOUSE DEVELOPMENT
PROJECT ADDRESS	57-59 WAKEFIELD STREET, KENSINGTON

DRAWING TITLE	SHADOW ANALYSIS 9am to 3pm
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ISSUE DATE	OCT 2020
SCALE	1:200 (A1)

JOB No.	202028
DRAWN	RW
REVISION	2
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## DELEGATE REPORT

### PLANNING PERMIT APPLICATION

<b>Application number:</b>	TP-2021-28
<b>Applicant / Owner / Architect:</b>	Plan Urban / Odette Kasab / SDS Developments Pty Ltd
<b>Address:</b>	57-59 Wakefield Street, KENSINGTON VIC 3031
<b>Proposal:</b>	Development of two dwellings on the site and a car parking reduction pursuant to Clause 52.06
<b>Cost of works:</b>	\$870,000
<b>Date of application:</b>	22 January 2021
<b>Responsible officer:</b>	Michelle Fernando, Senior Urban Planner

## 1 SUBJECT SITE AND SURROUNDS

### 1.1 Subject site

The subject site is formally identified as Lot 181 on PS415065H. There are no registered easements on Title. The site is encumbered by covenant W80617P regarding geotechnical guidelines as detailed under report prepared by CMPS & F Pty Ltd dated December 1994 and planting of vegetation.

The subject site has a frontage to Wakefield Street and Rayner Lane of approximately 8 metres, a site depth of approximately 30 metres, resulting in an area of 240 square metres.

The site is currently vacant.

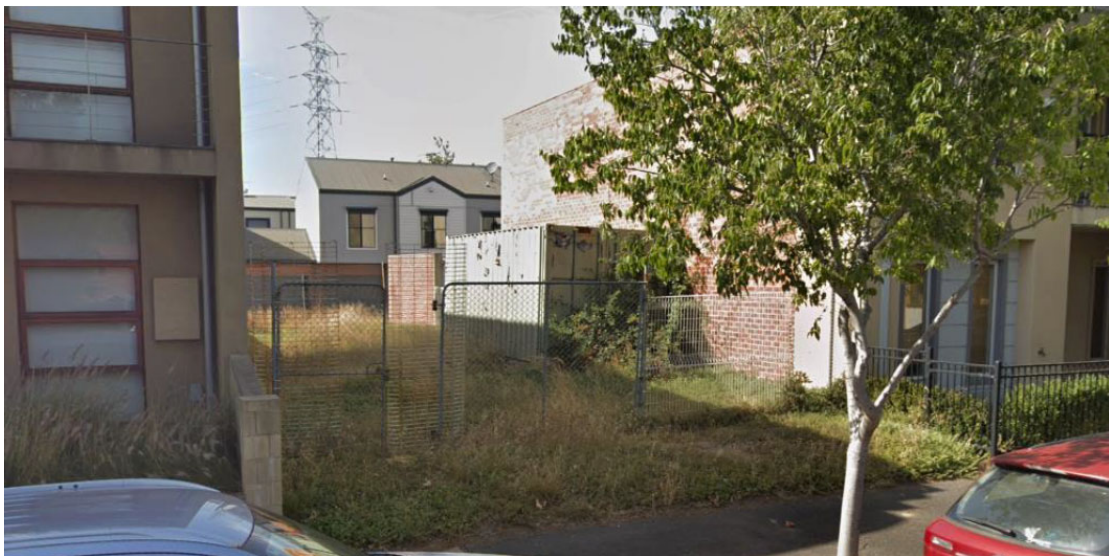


Figure 1a – Subject site as viewed from Wakefield Street



Figure 1b – Subject site as viewed from Rayner Lane

## 1.2 Surrounds

The immediate surrounds is predominately established residential development, constructed in the early 2000s. To the south-west of the site, across Hobsons Road, is Mixed Use zoned land which predominately contains light industrial uses. To the south-east of the site beyond Kensington Road is J.J. Holland Park and South Kensington train station.



Figure 2 – Aerial of site and surrounds

Details of the properties immediately adjacent the site are summarised below:

### North-west

To the north-west of the site is 50 Wakefield Street. The site is occupied by a double storey dwelling with entry from Wakefield Street. The dwelling is contemporary in design with sheer walls to the Wakefield Street frontage.



Figure 3a – 50 Wakefield Street

### North-east

To the north-east of the site is 104 Fairbairn Drive. The site is occupied by a double storey dwelling with a contemporary design with a mix of brick, weatherboard and concrete render. The dwelling has a frontage to Fairbairn Drive and rear access via Nichols Lane.



Figure 3b – 104 Fairbairn Drive

### West

Adjacent the site to the west / south-west is 61 Wakefield Street. The site is occupied by a double storey dwelling with a rear garage accessed via Rayner Lane. Private open space is to the rear of the site. The dwelling has a double storey wall on boundary for a depth of approximately 15 metres and there are no habitable room windows on boundary. It is noted a light court is located to the centre of the dwelling however this is enclosed by the above noted double storey wall.

## East

Abutting the site to the east is 55 Wakefield Street. The site is occupied by a double storey dwelling with a rear garage accessed via Rayner Lane. Private open space is to the rear of the site. The dwelling has a double storey wall on boundary for a depth of approximately 15 metres and there are no habitable room windows on the boundary.



Figure 3c – 55-61 Wakefield Street (L-55, C-57, R-61)

## South

To the south of the site beyond Rayner Lane are either rear garages of dwellings with a primary frontage to Kensington Road or limited dwellings (no. 69 & 75) with a frontage to Rayner Lane.

## 2 BACKGROUND AND HISTORY

There is no directly relevant planning history or background for this application.

## 3 PROPOSAL

The application seeks planning approval buildings and works to construct two, side by side, dwellings. Details of the proposal are as follows:

### Buildings and works:

- Construction of two three-storey dwellings and double storey rear garages comprising five bedrooms (inclusive of one study) and single car space. The dwellings have an identical layout.
- Ground floor comprises of dwelling entries, study, bathroom and open plan living and dining area. Fifteen square metres of secluded private open space (SPOS) is provided. Vehicle access to the garage is via Rayner Lane, with pedestrian access provided via SPOS.

- First floor of the main dwelling comprises retreat and main bedroom with ensuite. A 10 m<sup>2</sup> balcony is provided to the Wakefield Street frontage. First floor of rear garage studio includes bedroom with ensuite and 8 m<sup>2</sup> balcony.
- Second floor comprises two bedrooms, bathroom, laundry and 6 m<sup>2</sup> balconies.

The key dimensions are summarised as follows:

- The maximum building height is 8.82 metres from natural ground level.
- Street setback between 2.4 metres to Wakefield Street frontage and built to boundary to Rayner Lane.
- Site is built to the boundary to the east and west to adjoining properties.

The proposed materials and finishes include brick, concrete render and cladding in black.



Figure 4 – Streetscape elevation of proposal

#### 4 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Clause	Permit Trigger
Zone	
Clause 32.08 General Residential Zone Schedule 1	Pursuant to Clause 32.08-6, a permit is required to construct two or more dwellings on a lot.
Particular provisions	
Clause 52.06 Car Parking	Pursuant to Clause 52.06-5, two car parking spaces should be provided to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedroom).  The development proposes one single car garage for each dwelling, as such requires a waiver of one car space per dwelling.

Clause 55	A development must meet all of the objectives and should meet all of the standards of this clause that apply to the application.
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## **5 STRATEGIC FRAMEWORK**

### **5.1 Planning Policy Framework (PPF)**

The relevant provisions of the SPPF are summarised as follows:

- Metropolitan Melbourne (Clause 11.01-1R1)
- Built Environment and Heritage (Clause 15), including:
  - Built Environment (Clause 15.01)
  - Healthy neighbourhoods (Clause 15.01-4S and 15.01-4R)
  - Sustainable Development (Clause 15.02)
- Housing (Clause 16), including:
  - Integrated Housing (Clause 16.01-1S and 16.01-1R)
  - Location of Residential Development (Clause 16.01-2S)

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

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

The relevant provisions of the MSS are summarised as follows:

- Clause 21.01 – The Municipal Strategic Statement – introduction
- Clause 21.02 – Municipal Profile
- Clause 21.03 – Vision
- Clause 21.06 – Built Environment and Heritage
- Clause 21.07 – Housing
- Clause 21.16 – Potential Urban Renewal Areas
  - Clause 21.15-2 – Flemington and Kensington

#### **5.2.2 Local Policies**

The relevant local policies are summarised as follows:

- Clause 22.17 – Urban Design outside the Capital City Zone
- Clause 22.19 – Energy, Waste and Water
- Clause 22.23 – Stormwater Management (Water Sensitive Urban Design)

## **6 GENERAL PROVISIONS**

The following general provision applies to the application:

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

## **7 PUBLIC NOTIFICATION**

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

## 8 OBJECTIONS

A total of 19 objections were received, and raised the following concerns with the proposal:

Built form	<ul style="list-style-type: none"> <li>• Inconsistent with neighbourhood character</li> <li>• Excessive scale and height</li> <li>• Insufficient setbacks and extent of wall on boundary</li> <li>• Inappropriate response to streetscape</li> <li>• Visual bulk</li> <li>• Dwelling layout and density</li> <li>• Loss of vegetation</li> <li>• Insufficient private open space</li> <li>• Overdevelopment</li> <li>• Site coverage</li> </ul>
Amenity impacts	<ul style="list-style-type: none"> <li>• Overshadowing</li> <li>• Overlooking</li> <li>• Access to daylight</li> </ul>
Traffic	<ul style="list-style-type: none"> <li>• Insufficient car parking</li> <li>• Impact on function of adjacent laneways</li> </ul>
Other	<ul style="list-style-type: none"> <li>• Noise</li> <li>• Potential future tenants</li> <li>• Use of rear studio as second dwelling</li> <li>• Dwellings being economically unviable</li> <li>• Discrepancies in plans</li> </ul>

## 9 CONSULTATION

Given the receipt of the above objections, the following consultation was undertaken:

- The applicant was provided a copy of all objections and has not opted to amend plans to address objections.
- The applicant has provided revised concept plans dated 15 June 2021, clarifying location of air conditioning units and extent of overshadowing.

## 10 REFERRALS

### 10.1 Internal

The application was referred internally to:

- Traffic
- Waste
- Urban Forest and Ecology
- Civil Design.



### **10.1.1 Traffic**

Traffic engineering offered no objection to the proposal and requested that standard notes be included on any permit issued.

### **10.1.2 Waste**

Waste Officers provided the following comment (summarised):

- The floor plans need to be attached to the Waste Management Plan (WMP) with individual bins drawn to scale.
- Preferred bin location for collection is Rayner Lane.

Recommended Condition 3 below requires the submission of a revised Waste Management Plan (WMP) reflecting the above changes.

### **10.1.3 Urban Forest and Ecology**

Urban Forest and Ecology offered no objection to the proposal and requested that standard conditions be included on any permit issued

### **10.1.4 Civil Design**

Civil Design offered no objection to the proposal and requested that standard conditions be included on any permit issued.

### **10.1.5 ESD**

Council's ESD officer offered no objection to the proposal and requested that standard conditions be included on any permit issued.

## **10.2 External**

The application was not required to be referred externally.

## **11 ASSESSMENT**

The key issues when considering this application are;

- Compliance with the mandatory provisions of the Melbourne Planning Scheme.
- The impacts of the development upon neighbourhood character.
- Built form and potential amenity impacts.
- Other objector concerns.

### **11.1 Clause 55 (ResCode)**

The below includes an assessment of the proposal against the provisions of Clause 55. A checklist against each Clause 55 objective and standard appears in Appendix 1. The key considerations of Clause 55 are discussed below.

#### **Neighbourhood Character**

##### **Clause 55.02-1 - Neighbourhood character objectives -Standard B1**

The objective of Clause 55.02-1 is:

- To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
- To ensure that development responds to the features of the site and the surrounding area.

The corresponding Standard B1 states that:

- *The design response must be appropriate to the neighbourhood and the site.*
- *The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.*

The proposed development represents a response which is in keeping with its immediate surrounds. The proposal responds to the character of the area and is in keeping with the intent of the General Residential Zone. Of note:

- The proposed development is triple storey, and under 9 metres in height, thus complying with zone requirements of a maximum height of 11 metres and 3 storeys.
- The proposed development maintains a limited front setback to Wakefield Street and open rear yard corridor consistent with abutting properties.
- The development locates car parking to the rear of site consistent with dwellings on Wakefield Street.
- The proposed development provides an appropriate response to the existing character of the area. The development proposes a contemporary design response which has been sympathetically designed to integrate appropriately within the streetscape. The proposal maintains front and side setbacks consistent with the streetscape.
- The development allows for an open and landscaped front garden and provides sufficient landscaping opportunities in the areas of secluded private open space for each dwelling.
- Both dwellings provide habitable rooms at each frontage allowing for passive surveillance.

The proposal is considered to be site responsive and consistent with the robust existing neighbourhood character, and as such achieves the standard and objective.

### **Site Layout and Building Massing Clause 55.03**

#### **Clause 55.03-1 - Street setback objective - Standard B6**

The objective of Clause 55.03-1 is:

- To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

The corresponding Standard B6 states that:

- *As there is an existing building on both the abutting allotments facing the same street, and the site is not on a corner, the following minimum setbacks apply:*

*The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser*

The development is setback 2.4 metres from the street frontage. The adjoining dwellings are setback 3.3 metres and 2.4 metres respectively. A minimum setback of 2.9 metres is required, and as such a variation of 0.45 metres must be considered. A variation is supported on the following basis:

- Wakefield Street has a character of varied but limited front setbacks, with property opposite the site at 50 Wakefield Street providing no setback to the street.
- The proposed variation is minor and will not be discernible from the streetscape.
- The proposed setback will not result in undesirable visual bulk.
- The proposed setback will not impact vegetation on site.

The proposed setback respects the existing neighbourhood character and makes efficient use of the site, as such the objective is met and the minor variation supported.

Clause 55.03-2 - Building height Objective - Standard B7

Clause 32.08-10 states that a building must not be constructed for use as a dwelling or a residential building that:

- Exceeds the maximum building height specified in a schedule to the zone.
- Contains more than the maximum number of storeys specified in a schedule to the zone.

Clause 3 of Schedule 1 of the GRZ does not state a maximum building height requirement for a dwelling as such the following maximum building height and maximum number of storeys applies:

- the building height must not exceed 11 metres.
- the building must contain no more than 3 storeys at any point.

Clause 73.01 of the Melbourne Planning Scheme defines the following relevant terms:

*Building height - The vertical distance from natural ground level to the roof or parapet at any point.*

*Storey - That part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine.*

The maximum height of both buildings is 8.82 metres (RL 12.07), measured in accordance with the above definition and contain a maximum of three storeys. As such, the proposed development complies with the mandatory maximum building height requirement at Clause 32.08-10.

Clause 55.03-3 - Site coverage objective - Standard B8

The objective of Clause 55.03-3 is:

- To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

The corresponding Standard B8 states that:

The site area covered by buildings should not exceed:

- *The maximum site coverage specified in a schedule to the zone, or*
- *If no maximum site coverage is specified in a schedule to the zone, 60 per cent.*

The application proposes site coverage of 79%. As the standard states a maximum of 60% a variation to the standard will need to be considered.

A variation to the standard is supported on the following basis:

- There is an existing character of high site coverage in the immediate surrounds due to inherent constraints of narrow allotments and inner city context.
- The proposal exceeds permeability and private open space requirements.
- As noted above the site represents an appropriate outcome in regards to neighbourhood character and complies with the mandatory building height, as such is not considered to result in undesirable visual bulk.

The proposed site coverage is consistent with the existing neighbourhood character, and responds to the features of the site given the constraints of a 240 square metre lot. The variation is considered acceptable as it satisfies the objective.

Clause 55.03-9 - Access objectives - Standard B14

The objective of Clause 55.03-9 is:

- To ensure the number and design of vehicle crossovers respects the neighbourhood character.

The corresponding Standard B14 states that:

- *The width of accessways or car spaces should not exceed:*
  - *33 per cent of the street frontage, or*
  - *if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.*
- *No more than one single-width crossover should be provided for each dwelling fronting a street.*
- *The location of crossovers should maximise the retention of on-street car parking spaces.*
- *The number of access points to a road in a Road Zone should be minimised.*
- *Developments must provide for access for service, emergency and delivery vehicles.*

The proposed garage doors for both dwellings will occupy 100% of the Rayner Lane frontage, which is in excess of the standard of 40% for a frontage less than 20 metres.

Three dwellings have a frontage to Rayner Lane however the lane is predominately utilised for vehicle access in a similar arrangement to the proposal. The proposed consolidated location of vehicle crossovers to the rear is supported as it maintains the pedestrian scale of Wakefield Street and is consistent with the existing neighbourhood character.

**Amenity Impacts Clause 55.04**

Clause 55.04-2 - Walls on boundaries Objective - Standard B18

The objective of Clause 55.04-2 is:

- To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

The relevant sections of Standard B18 state that:

*A new wall constructed on or within 200mm of a side or rear boundary of a lot ... should not abut the boundary:*

- *For a length of more than the distance specified in a schedule to the zone; or*
- *If no distance is specified in a schedule to the zone, for a length of more than:*
  - *10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or*
  - *Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater*

*The height of a new wall constructed on or within 200mm of a side or rear boundary ... should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.*

A variation to Standard B18 is required for wall length as follows:

	<b>Maximum wall length permissible</b>	<b>Proposed maximum wall length</b>	<b>Variation</b>
<b>North - East</b>	15 m	23.8 m	8.8 m variation
<b>South -West</b>	15 m	23.8 m	8.8 m variation

A variation to Standard B18 is required for wall height as follows:

	<b>Maximum wall height permissible</b>	<b>Proposed maximum wall height</b>	<b>Variation</b>
<b>North - East</b>	3.6 m	8.8 m	5.2 m variation
<b>South -West</b>	3.6 m	8.8 m	5.2 m variation

A variation to the standard is supported on the following basis:

- Walls on boundary are a common feature of the surrounding context.
- Adjoining wall on boundary at 61 Wakefield Street has a height of approximately 6.25 metres and 6.52 metre wall height at 55 Wakefield Street has an approximate wall height of 6.52 metres.
- The proposed walls on boundary are generally adjacent existing walls on boundary with the central open rear yard corridor maintained.
- The length of wall on boundary is approximately 1.5m longer than the neighbouring dwellings and 1.2m longer than the neighbouring garages,
- The proposal complies with relevant access to daylight standards and overshadowing objectives.

The proposed height of walls on boundary is generally consistent with the existing neighbourhood context and has limited impact on the amenity of adjoining lots. The variation is considered acceptable as it satisfies the objective.

#### Clause 55.04-3 - Daylight to existing windows objective - Standard B19

The objective of Clause 55.04-3 is:

- To allow adequate daylight into existing habitable room windows.

The relevant sections of Standard B19 state that:

*Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.*

*Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.*

An assessment of the related Standard B19 follows:

61 Wakefield Street

There are two habitable room windows at the ground and first floor of 61 Wakefield Street facing a light court of approximately 3 square metres; as illustrated in Figure 5 the light court is enclosed by a double storey wall along the subject boundary. Of the habitable room windows, only one utilises the light court as its only light source, it is noted this window is not directly opposite the proposal and is south facing.

53 Wakefield Street

There are no habitable room windows adjacent this subject boundary.

The standard is achieved.



Figure 5 – Aerial image of subject boundary to 61 Wakefield Street

Clause 55.04-5 - Overshadowing open space objective - Standard B21

The objective of Clause 55.04-5 is:

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

The corresponding Standard B21 states that:

*Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.*

An assessment of the Standard B21 is as follows:

61 Wakefield Street						
	Minimum unshadowed POS required (m <sup>2</sup> )	Existing unshadowed POS (m <sup>2</sup> )	Complies?	Proposed change in shadow (m <sup>2</sup> )	Proposed sunlight (m <sup>2</sup> )	Complies?

<b>9:00 AM</b>	39	30	N	12.27	17.73	N
<b>10:00 AM</b>	39	33.75	N	9.21	24.54	N
<b>11:00 AM</b>	39	30.7	N	8.02	22.68	N
<b>12:00 PM</b>	39	21.77	N	8	13.77	N
<b>1:00 PM</b>	39	13.68	N	5.05	8.63	N
<b>2:00 PM</b>	39	3.94	N	0	3.94	N/A – No change
<b>3:00 PM</b>	39	2.96	N	0	2.96	

<b>55 Wakefield Street</b>						
	Minimum unshadowed POS required (sqm)	Existing unshadowed POS (sqm)	Complies?	Proposed change in shadow (sqm)	Proposed sunlight (sqm)	Complies?
<b>9:00 AM</b>	39	31.46	N	0	31.46	N/A – No change
<b>10:00 AM</b>	39	33.98	N	0	33.98	
<b>11:00 AM</b>	39	33.94	N	0	33.94	
<b>12:00 PM</b>	39	21.28	N	0	21.28	
<b>1:00 PM</b>	39	12.59	N	0	12.59	
<b>2:00 PM</b>	39	0.53	N	0.53	0	N
<b>3:00 PM</b>	39	2.96	N	2.96	0	N

\*approximate private open space area

The extent of existing non-compliance demonstrates an established character of narrow allotments with high site coverage, consistent with the inner city context of the site. Due to the orientation, any development on the subject site would increase overshadowing of the neighbouring properties.

Unshadowed secluded private open space of both dwellings is centrally located and maintains a high level of usability, with some sunlight at most times. As such, it is considered that the development will not unreasonably overshadow the existing secluded private open spaces of surrounding properties

#### Clause 55.04-6 - Overlooking objective - Standard B22

The objective of Clause 55.04-6 is:

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

The corresponding Standard B22 states that:

*A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.*

Ground floor windows have been provided a boundary fence to limit views to adjoining secluded private open space; a condition of the recommendation will require fences are annotated as having a minimum height of 1.8 metres consistent with Standard B22.

South facing first and second floor windows have been provided fixed aluminium louvered screening up 1.7 metres with a maximum transparency of 25%, as such comply with Standard B22.

South facing windows of first floor bedrooms and balcony above the garage has not been screened. This aspect of the development has a frontage to Rayner Lane which is utilised predominately for vehicle access, with a number of properties with habitable rooms constructed over garages. Whilst the proposed windows will be within 9 metres of habitable room windows and balconies, it is considered that screening is not required at this interface to allow for passive surveillance of Rayner Lane. This is consistent with other habitable room windows and balconies facing Rayner Lane.

Clause 55.04-8 - Noise impacts objectives - Standard B24

The objective of Clause 55.04-8 is:

- To contain noise sources in developments that may affect existing dwellings.
- To protect residents from external noise.

The corresponding Standard B24 states (as relevant) that:

- *Noise sources, such as mechanical plants, should not be located near bedrooms of immediately adjacent existing dwellings.*
- *Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.*

Hot water units have been located at the ground floor adjacent the shared boundary of proposed dwellings. This is not located near bedrooms of immediately adjacent existing dwellings.

The applicant has advised that air conditioning units will be located as follows:

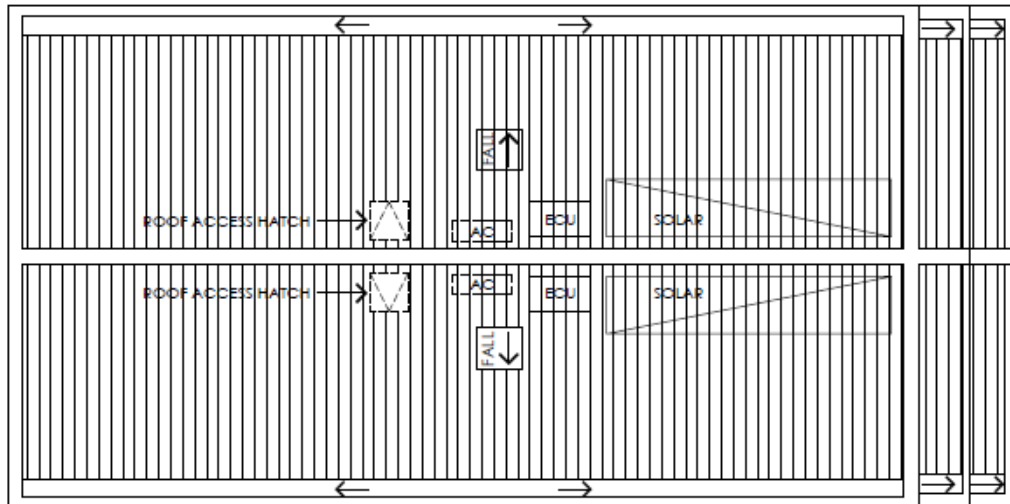
- Ground floor adjacent shared boundary of proposed dwellings with hot water units.
- Roof level in a central locations, as illustrated in Figure 6 below.
- Balcony of rear studios adjacent shared boundary of proposed dwellings.

The units are not immediately adjacent noise sensitive rooms on adjoining lots. This will be formalised through a condition of permit.

Noise sensitive rooms and secluded private open spaces of the proposed building is not directly adjacent noise sources of adjacent properties.

Concerns have been raised regarding the potential noise generated from the dwellings after occupancy. The consideration of this planning application is confined only to the construction of the dwellings. The residential use of the dwellings does not require a planning permit.





ROOF PLAN  
1:100

Figure 6 – Roof plan as per concept plans with ac units, provided by the applicant dated 15 June 2021

### On-Site Amenity and Facilities

#### Clause 55.05-5 - Solar access to open space objective – Standard B29

The objective of Clause 55.05-5 is:

- To allow solar access into the secluded private open space of new dwellings and residential buildings.

The corresponding Standard B29 states that:

- *The private open space should be located on the north side of the dwelling or residential building, if appropriate.*
- *The southern boundary of secluded private open space should be set back from any wall on the north of the space at least  $(2 + 0.9h)$  metres, where 'h' is the height of the wall.*

Due to the orientation of the site private open space cannot be located on the north side of the dwelling. The southern boundary of the SPOS has been setback 3.8 metres, short of the require 9.9 metres. A variation is supported as the rear SPOS will still maintain a high level of useability and amenity due to the open rear corridor. The dwellings also have access to north facing balconies. It is considered the objective of adequate solar access is achieved.

### 11.2 Car parking

Clause 52.06-5 (Car Parking) of the Melbourne Planning Scheme requires provision of the following:

- 2 spaces to each 3 or more bedroom dwelling.

A reduction of one space per dwelling is sought. The reduction is supported on the following basis:

- The property is well located to the retail and recreational spaces to meet the relevant daily convenience needs of potential residents.
- The reduction is adequately compensated through the availability of alternative transport options in proximity to the site, including;
  - South Kensington Station (Werribee and Williamstown lines) within 550 metres.

- Route 404 (Moonee Ponds to Footscray Station) running approximately every 20 minutes on weekdays and every 40 minutes on weekends, from Smithfield Road approximately 700 metres from site.
- Route 402 (Footscray Station to East Melbourne) running approximately every 10 minutes on weekdays, and every 30 minutes on weekends, from Kensington Road approximately 70 metres from site.
- The subject site is also within proximity to car share pods along Alton Street and Derby Street.
- Existing off-site car parking is available in the immediate surrounds, should Council introduce permit parking then the proposed development will not be entitled to residential parking permits.

The site is well located to public transport and amenities and as such is considered to be able to readily accommodate a reduction in car parking. Council's Traffic Engineer has reviewed the provision of spaces and required traffic movements and has not raised any concerns. The standard note regarding eligibility for parking permits has been included as a note within the recommendation overleaf.

### **11.3 Waste**

Council's Waste Engineer has advised the following are required to be shown:

- Provision of scaled waste management drawings.
- Dimensioned waste storage area.
- Bin presentation to be located off Rayner Lane.

A condition to affect has been included in the recommendation overleaf.

### **11.4 ESD**

Clause 22.19 of the Melbourne Planning Scheme requires that following performance measures, in so far as they are applicable to the development:

Accommodation use up to 5,000 m<sup>2</sup>:

- Energy Efficiency: N/A (sufficiently covered by the Building Code of Australia).
- Water efficiency: 1 point for Wat-1 credit under a current version of the Green Building Council of Australia's Green Star – Multi Unit Residential rating tool or equivalent.

The proposal provides an adequate response the relevant criteria. A condition of permit will require a revised ESD statement as required by Council's ESD officer.

### **11.5 Other objector concerns**

- Overdevelopment

The proposal generally satisfies the requirements of Clause 55 as noted above and therefore the proposal is not considered to be an over development of the site. State Government Policy, particularly Plan Melbourne, as well as Council Policy supports higher densities within areas with good access to public transport and other services. Given the site's location and its proximity to public transport the level of development proposed is appropriate and consistent with State and Local planning policy frameworks.

- Loss of vegetation

There is limited vegetation on site and no relevant vegetation controls on site.

- Dwelling layout and density

The internal amenity of each dwelling, by reference to the functional layout of living areas and bedrooms, is not specifically controlled by an objective or standard under Clause 55 (for townhouse style developments).

An assessment of the townhouse layouts, referencing the requirements of Clause 55.07-12 (Functional Layout Objective) has been undertaken below recognising that these requirements do not explicitly apply to the Application, but provide a suitable reference point for assessment of functional interior layouts. A similar approach was adopted by the Tribunal in [Blue Earth Group Pty Ltd v Yarra CC & Ors \[2013\] VCAT 1083](#)

### Bedroom dimensions

The minimum bedroom dimensions for the proposed development have been assessed against the requirements provided in Table B10 to Clause 55.07-12 below. The main bedroom is taken as the largest bedroom in each townhouse. The front 'study' of each townhouse has not been included in the below assessment as these rooms are not enclosed.

Bedroom type	Standard B46 Minimum width	Proposed minimum width	Standard B46 Minimum depth	Proposed minimum depth
Main bedroom	3.2 metres	3.9 metres (complies)	3.4 metres	3.6 metres (complies)
All other bedrooms	3 metres	3 metres (complies)	3 metres	3.6 metres (complies)

### Living room dimensions

The living area dimensions for the proposed development have been assessed against the requirements provided in Table B11 to Clause 55.07-13 below:

Dwelling type	Standard B46 Minimum width	Proposed minimum width	Standard B46 Minimum area	Proposed minimum area
2 or more bedroom dwelling	3.6 metres	3.6 metres (complies)	12 m <sup>2</sup>	12.96 m <sup>2</sup> (complies)

As demonstrated by the above assessment, the minimum dimensions for bedrooms and living areas provided within the development, meet the minimum dimensions referred to in Standard B46 of Clause 55.07-12 (Functional Layout Objective). As such it is considered that the development provides an acceptable degree of internal amenity.

- Potential future residential activity and behaviour

As noted a permit is not required for the use of the site as a dwelling. Future behaviour of occupants is not a matter that can be considered under this application.

- Discrepancies in advertised planning report

Minor errors in the plans have been noted and the applicant has provided revised shadow diagrams that correct the veranda of 61 Wakefield Street to an open pergola and height of parapet wall.

- Dwellings being economically unviable

The Victorian Civil and Administrative Tribunal and its predecessors have generally found claims that a proposal will reduce property values or economic viability of

dwelling is difficult, if not impossible, to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impact upon property values. This report provides a detailed assessment of the amenity impact of this proposal.

- Use of rear studio as second dwelling

The rear studios have been provided a bedroom with ensuite and balcony. The definition of a dwelling as per Clause 73 (Land Use Terms) is as follows:

*A building used as a self-contained residence which must include*

- a) kitchen sink*
- b) food preparation facilities*
- c) a bath or shower*
- d) a toilet and wash basin.*

*It includes outbuildings and works normal to a dwelling.*

The studios do not provide kitchen facilities as such it is considered the studios are not an additional dwelling.

A condition of permit and an explanatory note on any permit issued will advise the applicant that they may not install all four requirements of a Dwelling within the development without seeking additional planning permission.

## **11.6 Conclusion**

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant a Permit be issued for the proposal subject to the following conditions.

## **12 RECOMMENDATION**

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

1. Prior to the commencement of the development (excluding any demolition, construction or carrying out of works), an electronic set of plans drawn to scale, must be submitted to the Responsible Authority, generally in accordance with the plans prepared by SDS Developments Pty Ltd dated 29/03/2021 (Plan Ref: 'Proposed Townhouse Development – 57-59 Wakefield Street, Kensington' Revision 2) but amended to show:
  - a) Updated plans showing roof plan, location of solar panels and air conditioning units as per concept plans dated 15 June 2021 (Revision 3).
  - b) Boundary fences provided a minimum height of 1.8 metres in accordance with Standard B22.
  - c) Any changes as required by Waste Management Plan (WMP) required by condition 3.
  - d) Any changes as required by Environmentally Sustainable Design (ESD) Statement required by condition 5.

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

### **Compliance with the endorsed plans**

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

### **Waste Management Plan**

3. Prior to the commencement of development, a revised Waste Management Plan (WMP) shall be prepared, submitted and approved by the Melbourne City Council – Infrastructure and Assets. This Plan must be generally in accordance with the plans prepared by Melbourne Energy Rating Pty. Ltd. dated 16 February 2021 but amended to show:

- a) Provision of scaled waste management drawings.
- b) Dimensioned waste storage area.
- c) Bin presentation to be located off Rayner Lane.
- d) Details of proposed organic waste collection in accordance with ESD statement to the satisfaction of the Responsible Authority.

The WMP should detail waste storage and collection arrangements and be prepared with reference to the Melbourne City Council Guidelines for Preparing a Waste Management Plan.

4. The waste storage and collection arrangements must be in accordance with the endorsed Waste Management Plan (WMP). The endorsed WMP must not be altered without prior consent of the Responsible Authority – Infrastructure and Assets.

### **Environmentally Sustainable Design (ESD)**

5. Before development commences, an amended Environmentally Sustainable Design (ESD) Statement to the satisfaction of the Responsible Authority and prepared by a suitable qualified person must be submitted to and approved by the Responsible Authority. When approved, the amended Environmentally Sustainable Design (ESD) Statement will be endorsed and form part of this permit. The amended Environmentally Sustainable Design (ESD) Statement report must be generally in accordance with the Environmentally Sustainable Design (ESD) Statement prepared by Keystone Alliance dated 24 March 2021, but modified to include or show:

- a) A rooftop plan that indicates design of roof, and approximate size and location of solar PV array.
- b) Confirmation of the proposed NatHERS ratings for each townhouse (and removal of the error on page 4 of the SDA).
- c) Clarification of external shading strategy throughout, including north-west windows on the ground floor of the main dwellings, and the first floor of the secondary units.
- d) Inclusion of operable windows on the first-floor façade of secondary units to facilitate natural cross-ventilation.
- e) Location and design of bicycle parking space within each garage.
- f) Inclusion of 80% construction waste target, and confirmation of extent of recycled SCM content in concrete components or removal of ambiguous language.
- g) A landscape design for the front setback and a statement regarding the approach to mitigate urban heat impacts through vegetation and / or materiality.

6. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed ESD report, or similarly qualified persons or

companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans.

7. Prior to commencement of development, a complete Landscape package, Landscape Maintenance Plan and a Landscape Irrigation Performance Specification in connection with the proposed development must be submitted to, and be approved by the Responsible Authority. The landscape package should include detailed planter sections including soil volumes and schedules of species with specific consideration given to soil volume requirements and growing medium proposed. The Landscape Maintenance Plan should provide details of proposed maintenance regimes with provision for maintenance beyond the fifty-two-week period following Practical Completion. Except with the prior written consent of the Responsible Authority the approved landscaping must be implemented prior to the occupation of the development. The landscaped area(s) must be maintained to the satisfaction of the Responsible Authority.

#### **Civil Design**

8. The title boundaries for the property may not exactly agree with the road alignments of the abutting the City of Melbourne's laneway(s). The approved works must not result in structures that encroach onto the City of Melbourne's laneways.
9. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Infrastructure and Assets. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.
10. Prior to the commencement of the use / occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.
11. All portions of roads and laneways affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Infrastructure and Assets.
12. Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Infrastructure and Assets.

#### **Tree Protection Plan**

13. Prior to the commencement of any works, including bulk excavation, a Tree Protection Plan (TPP) must be provided to the satisfaction of the Responsible Authority (City of Melbourne - Urban Forestry & Ecology). The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:

- a) Reference to the Arboricultural Impact Assessment (AIA) by TMC Reports, dated 11 March 2021.
  - b) City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
  - c) Where applicable, reference to the finalised Construction and Traffic Management Plan, including any public protection gantries, loading zones and machinery locations.
  - d) Site specific details of the temporary tree protection fencing to be used to isolate public trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the works.
  - e) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.
  - f) Full specifications of any pruning required to public trees with reference to marked images.
  - g) Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
  - h) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).
14. No public tree adjacent to the site can be removed or pruned in any way without the written approval of the City Of Melbourne.
15. All works within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.
16. Following the approval of a Tree Protection Plan (TPP) a bond equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by council and provided to the applicant / developer / owner of the site. Should any tree be adversely impacted on, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.

**Standard Conditions**

17. No architectural features and services other than those shown on the endorsed plans shall be permitted above the roof level unless otherwise approved in writing by the Responsible Authority.
18. Any screening or obscure glazing required by this permit must be installed prior to occupancy of the development, to the satisfaction of the Responsible Authority.

19. The outbuilding hereby approved must only be used in association with the principal dwelling on the land and shall not be subdivided, or leased, for use as a separate dwelling.

**Permit Expiry**

20. This permit will expire if one of the following circumstances applies:
- a) The development is not started within three years of the date of this permit.
  - b) The development is not completed within five years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

**Notes:**

As this development increases the residential density of the property, the residents who will occupy this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions.

All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – Infrastructure and Assets.

A tree protection bon can be provided as an EFT or bank guarantee. If a bank guarantee is preferred it must be:

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

If an EFT is preferred Council's bank details will be provided on request.

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

At the time of lodgement of the tree protection bond a completed Project Arborist Confirmation Form must be provided. On completion of the works the tree protection bond will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the health of the subject public tree(s) has not been compromised.

The permit holder must ensure that the outbuilding does not feature all of the following at any point in time:

- a) a kitchen sink
- b) food preparation facilities
- c) a bath or shower
- d) a closet pan and wash basin



If the outbuilding were to feature all such items then pursuant to Clause 73.03 of the Melbourne Planning Scheme it would be classified as its own self-contained dwelling, which would require additional planning approval.

## Appendix 1

### Two or More Dwellings on a Lot and Residential Buildings (Clause 55)

Refer to Clause 55 of the Planning Scheme for decision guidelines.

The following table provides a quick reference for the proposal's compliance/non-compliance with the Objectives and Standards of Clause 55. Refer to the main body of the report for a detailed assessment against of the key elements of Clause 55 as they relate to the proposal.

#### Neighbourhood Character Clause 55.02

Clause & Objective	Standard Met	Objectives Met
Clause 55.02-1 - Neighbourhood character objectives -Standard B1	Yes	Yes
Clause 55.02-2 - Residential policy objectives -Standard B2	Yes	Yes
Clause 55.02-3 - Dwelling diversity objective - Standard B3	N/A	N/A
Clause 55.02-4 - Infrastructure objectives - Standard B4	Yes Dwellings are able to be connected to services	Yes
Clause 55.02-5 - Integration with the street objective Standard B5	Yes	Yes

#### Site Layout and Building Massing Clause 55.03

Clause & Objective	Standard Met	Objectives Met
Clause 55.03-1 - Street setback objective - Standard B6	<b>No – variation required</b> <i>Refer to discussion under Section 10.2</i> <i>Required – 2.85 metres</i> <i>Proposed – 2.4 metres</i>	Yes
Clause 55.03-2 - Building height Objective - Standard B7	Yes – Refer to discussion under Section 12.1 Maximum – 11 metres / 3 storeys Proposed – 8.82 metres / 3 storeys	Yes
Clause 55.03-3 - Site coverage objective - Standard B8	<b>No – variation required</b> Maximum – 60% Proposed – 79%	Yes
Clause 55.03-4 - Permeability objectives - Standard B9	Yes - Minimum – 20% Proposed – 20%	Yes
Clause 55.03-5 - Energy efficiency objectives - Standard B10	Yes Living areas and private open space has been orientated to the south due to orientation of the site, however benefit from an open rear yard corridor. Proposed balconies and some habitable rooms enjoy northern orientation. The energy efficiency of adjacent existing dwellings is not impacted, nor do they have existing rooftop solar energy facilities.	Yes
Clause 55.03-6 - Open space objective - Standard B11	N/A	N/A

Clause & Objective	Standard Met	Objectives Met
Clause 55.03-7 - Safety objective - Standard B12	Yes	Yes
Clause 55.03-8 - Landscaping objectives - Standard B13	Yes	Yes
Clause 55.03-9 - Access objectives - Standard B14	<b>No – variation required</b> <i>Refer to discussion under Section 12.2</i>	Yes
Clause 55.03-10 - Parking location objectives - Standard B15	Yes	Yes

#### Amenity Impacts Clause 55.04

Clause & Objective	Standard Met	Objectives Met
Clause 55.04-1 - Side and rear setbacks objective - Standard B17	N/A	Yes
Clause 55.04-2 - Walls on boundaries Objective - Standard B18	<b>No – variation required</b> <i>Refer to discussion under Section 10.2</i>	Yes
Clause 55.04-3 - Daylight to existing windows objective - Standard B19	Yes	Yes
Clause 55.04-4 - North facing windows objective - Standard B20	N/A	N/A
Clause 55.04-5 - Overshadowing open space objective - Standard B21	<b>No – variation required</b> <i>Refer to discussion under Section 10.2</i>	Yes
Clause 55.04-6 - Overlooking objective - Standard B22	<b>Yes – subject to condition</b> <i>Refer to discussion under Section 10.2</i>	Yes
Clause 55.04-7 - Internal views objective - Standard B23	Yes	Yes
Clause 55.04-8 - Noise impacts objectives - Standard B24	Yes	Yes

#### On-Site Amenity and Facilities Clause 55.05

Clause & Objective	Standard Met	Objectives Met
Clause 55.05-1 - Accessibility objective - Standard B25	Yes Dwelling entries can be made accessible to people with limited mobility. Open plan living area and bathroom available at ground floor to improved access.	Yes
Clause 55.05-2 - Dwelling entry objective - Standard B26	Yes Entries are provided with sense of address and covered porches	Yes
Clause 55.05-3 - Daylight to new windows objective - Standard B27	Yes All new habitable room windows provided sufficient access to daylight.	Yes
Clause 55.05-4 - Private open space objective - Standard B28	Yes All dwellings provided balcony area of at least 10 m <sup>2</sup> with a minimum width of 2.5 metres and convenient access from a living room.	Yes

Clause & Objective	Standard Met	Objectives Met
	Ground floor SPOS also provided with an area of 15 m <sup>2</sup> .	
Clause 55.05-5 - Solar access to open space objective – Standard B29	<b>No – variation required</b> <i>Refer to discussion under Section 10.2</i>	N/A
Clause 55.05-6 - Storage objective - Standard B30	Yes <i>Required – 6m<sup>3</sup> metres</i> <i>Proposed – 6m<sup>3</sup> metres</i>	Yes

### Detailed Design Clause 55.06

Clause & Objective	Standard Met	Objectives Met
Clause 55.06-1 - Design detail objective - Standard B31	Yes	Yes
Clause 55.06-2 - Front fences objective - Standard B32	Yes	N/A
Clause 55.06-3 - Common property objectives - Standard B33	N/A	N/A
Clause 55.06-4 - Site services objectives - Standard B34	Yes Site services are able to be installed and easily maintained.	Yes