Glossop
town planning

STATEMENT OF PLANNING EVIDENCE
APPLICATION FOR REVIEW P1053/2011
DEVELOPMENT OF A 4 STOREY BUILDING (COMPRISING 8 DWELLINGS)
AND A REDUCTION IN CAR PARKING REQUIREMENTS

18 BRAHE PLACE, EAST MELBOURNE &
6-8 & 10-12 GARDEN AVENUE, EAST MELBOURNE
STATEMENT PREPARED BY JOHN GLOSSOP, DIRECTOR
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JULY 2011

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1. INTRODUCTION

1. I received instructions from the landowners[1] to prepare a statement of planning evidence regarding an application for review at 18 Brahe Place and part of 6 and 12 Garden Avenue, East Melbourne.

2. The review concerns a Refusal to Grant a Planning Permit (TP-2010-362), issued by Melbourne City Council (the "Council") on 15 March 2011.

3. The permit applicant lodged an appeal pursuant to section 77 of the Planning and Environment Act 1987 ("the Act").

4. The planning application, TP-2010-362 sought approval for:

   Construction of a four (4) storey building (9 dwellings); removal of existing fence between 18 Brahe Place and 6 &12 Garden Avenue; pedestrian access, bike & bin storage via 6 & 12 Garden Avenue; and a reduction in the standard car parking requirements[2].

5. The land is zoned Residential 1 and is affected by the Design and Development Overlay – Schedule 21 (Area 20) and the Heritage Overlay – Schedule 2.

6. The application was not referred to any external authority pursuant to section 55 of the Act.

7. The application was referred internally to Council's Urban Design and Engineering Services Departments and Heritage Consultant for comments. No objection was issued by the first 2 departments, however, some comments and recommended alterations were provided. The Heritage Consultant objected to the proposal.

8. The application was advertised pursuant to section 52 of the Act and 67 objections were received.

9. I was not involved in the planning application process and was introduced following lodgement of the appeal.

10. In preparing this statement, I have:

    10.1 Inspected the review site and surrounds;

    10.2 Reviewed the Plan of Survey depicting the existing site conditions and surrounding context (prepared by Peter Richards Surveying);

    10.3 Reviewed the advertised plans (dated 13 September 2010) showing the proposed development of the site;

    10.4 Reviewed the amended plans (dated 7 January 2011), considered by Council in the delegate report;

[1] The Garden Avenue lots are owned by Andrew Swanson. The Brahe Place lot is owned by Rusty Pieces Pty Ltd.
[2] As described in the Council's Notice of Refusal to Grant a Planning Permit.

10.5 Reviewed the Town Planning Report (prepared by Land Use Town Planning Service), the Waste Management Plan (prepared by Peter Tesdorpf), the Traffic Report and supplementary report (prepared by TTM Consulting) and the Heritage Report (prepared by Graeme Butler) which formed part of the permit application.

10.6 Reviewed the written response to objector issues (prepared by Land Use Town Planning Service);

10.7 Considered relevant aspects of the Melbourne Planning Scheme;

10.8 Read the Council's delegate report, dated 25 February 2011;

10.9 Read the summary of objector issues in response to the application;

10.10 Reviewed the Council's Grounds of Refusal;

10.11 Reviewed the Statements of Grounds received from the objector parties;

10.12 Read the Application for Review; and

10.13 Reviewed the amended plans (prepared by Mattingly Courtney Pty Ltd comprising TP1 – TP6 dated June 2011) circulated as part of the VCAT proceedings, together with the list of changes.

11. I base my evidence on the amended plans. It is my opinion that the proposal is entirely appropriate in its context and that the proposal does not result in unreasonable off-site amenity implications.

12. My conclusions are set out at Section 7 of this statement.

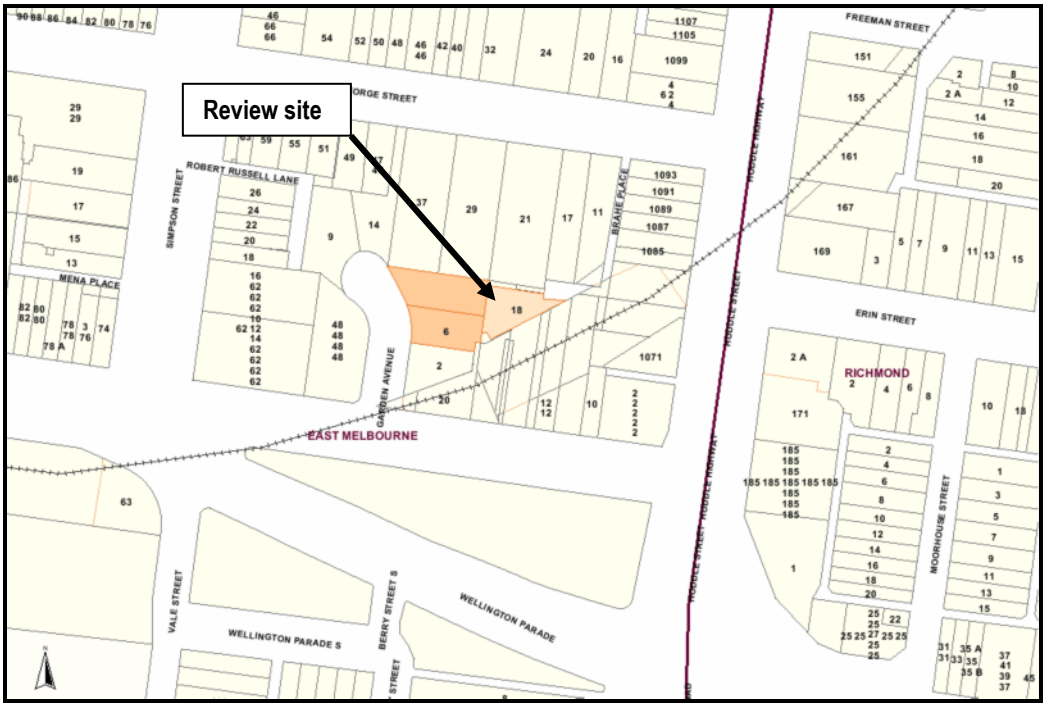
13. I have been advised that the following matters will be addressed by others in their expert evidence statements:

- In relation to matters of traffic and car parking, I defer to the proposed expert evidence of Mr Jim Higgs.
- In relation to matters of heritage, I defer to the proposed expert evidence of Ms Helen Lardner and Mr Graeme Butler.
- In relation to matters of urban design, I defer to the proposed expert evidence of Mr Mark Sheppard.
- In relation to arboriculture matters, I defer to the proposed expert evidence of Mr Rob Galbraith.
- In relation to acoustic matters, I defer to the proposed expert evidence of Mr Tim Marks.
- In relation to landscape design, I defer to the proposed expert evidence of Mr Rob Thomson.

2. REVIEW SITE AND SURROUNDS

THE REVIEW SITE

14. The review site is located at 18 Brahe Place, East Melbourne and includes part of 6 and 12 Garden Avenue, East Melbourne. These properties are otherwise known on Certificate of Title as Crown Allotment 5A Section 19 at East Melbourne (being Volume 10314 Folio 986) and Lot 6 and Lot 7 on Plan of Subdivision 104734 (being Volume 10314 Folio 962 and Volume 10865 Folio 963 respectively).



Cadastral plan

18 Brahe Place

15. The principal review site, 18 Brahe Place, is located at the south-west end of Brahe Place, which is a short "L shaped" 'no-through' road, accessed via George Street. More broadly, the review site is located at the rear of properties that are bound by George Street (to the north), Garden Avenue (to the west), Wellington Parade (to the south) and Hoddle Street (to the east).

16. This part of the review site is triangular in shape and measures approximately 303 square metres in area. The land is currently vacant and is informally used for car parking. A 2.72 metre wide easement (right of way) runs along the south-eastern boundary.

6-12 Garden Avenue

17. 6-12 Garden Avenue is located on the eastern side of Garden Avenue, a short court accessed from Wellington Parade. Each property is currently developed with a three storey apartment building (constructed in the 1930s). The land

between the buildings is landscaped with grass and a shared pedestrian path leads to the entry of each building.

18. In terms of the immediate context, the review site has the following interfaces:

North

19. A row of buildings facing George Street are located to the north of the review site. These include: 17 George Street, 21-27 George Street and 29 George Street. All of these properties 'front' George Street and have a rear abuttal to the review sites. I also note that 37 George Street has a rear abuttal to 12 Garden Avenue, however there are no changes proposed along this interface.

20. 11 George Street is located at the entrance of Brahe Place and faces George Street. The land is improved with a single storey brick dwelling that is built flush to Brahe Place and has car parking at the rear. The dwelling appears to have a pedestrian entrance from Brahe Place. A number of habitable room windows face Brahe Place.

21. 17 George Street is located to the north east of the review site. This land is occupied by a single storey building that is currently used as a medical centre. This property has an open air gravel car park located at the rear, with the rear wall of the dwelling setback 19.7 m from its southern title boundary.

22. 21-27 George Street is currently developed with a two storey building setback 9.2 metres from the review site. The area at the rear of the building is used for car parking with access via Brahe Place. A galvanised iron garage and a shed are located in the south-west corner. This property is used for a 'bed and breakfast' accommodation. This property trades the 'Georgian Court'.

23. 29 George Street is currently developed with a three storey apartment building with a courtyard located in the south-east corner with perimeter landscaping.

East & South

24. The site adjoins a railway reserve (Hurstbridge and Epping Train Line) along its south-eastern boundary. A row of Peppercorn trees are located adjacent to the boundary at the top of a steep embankment associated with the railway line.

25. At the south-west corner, there is a brick shed which contains a laundry that is currently shared by 6 and 12 Garden Avenue.

West

26. To the west of the site (i.e. beyond 6-12 Garden Avenue) is Garden Avenue itself.

THE SURROUNDS

27. East Melbourne is one of Melbourne's finest residential locations that contains a number of wonderful streetscapes and contains some very significant heritage buildings. In addition to this wonderful architectural heritage, the area is

strategically located with respect to the CAD, the Melbourne Cricket Ground, public transport and comparison shopping.

Development patterns

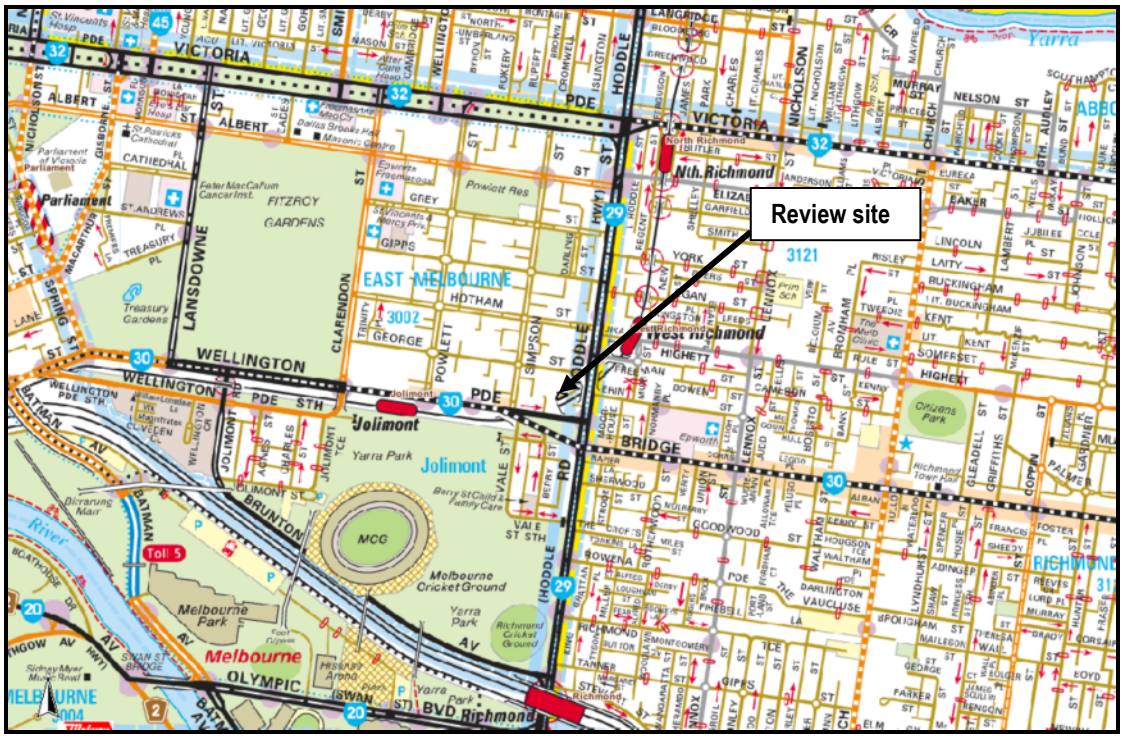
28. The review site is surrounded by buildings that vary in height, style and era. Buildings range from single, double and three storeys in height and are generally attached along the side boundaries (in the form of terrace housing) or are located on or close to the boundary (generally apartment buildings). There are a number of large apartment buildings in the surrounding area.

Landscaping

29. Landscaping varies from limited font gardens and backyards in the terrace housing and more generous landscaping around the apartment buildings. Although this varies from site to site with some comprising large areas of hardstand car parking. Street tree planting along and the vegetation within the railway reserve play an important role in the landscape character in the area.

Services and facilities

30. The site is extremely well located to a range of services and facilities by virtue of its inner city locale. In particular, it is close to the sports and entertainment precinct and a number of hospitals and public parks and gardens.



Locality Plan

31. Of particular relevance, I note the following:

- West Richmond Train Station, approximately 200 metres to the north-east;

- Jolimont Train Station, approximately 350 metres south-west;
- Bridge Road strip activity centre (Major Activity Centre), approximately 200 metres to the south-east;
- The Central Business District (CBD), 1.2 kilometres to the west (corner of Spring and Flinders Streets);
- Yarra Park and the MCG, opposite to the south; and
- Access to City Link, approximately 1.3 kilometres to the south.



Aerial Photograph (review site outlined in red)

3. THE PROPOSAL

32. It is proposed to construct a four (4) storey apartment building comprising eight (8) dwellings with ground level car parking in an undercroft. The proposal includes a reduction in the standard car parking requirements of clause 52.06 of the Melbourne Planning Scheme.

33. The building is located on 18 Brahe Place, the triangular shaped allotment that is currently vacant.

34. The development comprises eight (8) one bedroom dwellings. Each dwelling is provided with an area of private open space in the form of a balcony. A communal roof top garden is also provided, which complements the balconies at the lower levels.

35. Each dwelling is allocated with one car parking space located at the ground floor level and a separate storage area.

36. In more detail, the development proposes the following features:

Ground Level

- The building is set back 0.8 metres from the northern boundary, 3 metres to 3.25 metres from the south-east boundary and 0.6 metres to 0.922 metres from the western boundary.
- Vehicle access is via Brahe Place. A driveway ramp extends along the south-east boundary.
- A solid sliding security gate provides access to the ground level car park from the driveway.
- 8 x car spaces in the form of independent stackers are located in the car park.
- 8 x individual secure storage units are located in the south-west corner and in the eastern corner.
- A lift and stairs are located internally, centrally towards the western boundary.
- Stormwater / Rain water storage tank is located beneath the ground level slab.
- Pedestrian entry points are located centrally on the western elevation and at the rear on the eastern election (north-east corner).

First and Second Levels

- These floor levels are identical. Each level comprises three dwellings.
- Each dwelling contains one bedroom with ensuite bathroom, open plan kitchen meals and living room. Each dwelling is provided within a balcony.

These are located in the north-east, north-west and south-west corners of the building.

- The building is setback 0.8 metres to 1 metre from the northern boundary.
- The balconies in the north-west and south-west corners extend to the western boundary, the building is otherwise setback 0.8 metres to 1.12 metres from the western boundary.
- The building is setback 2.7 metres from the south-east boundary.

Third Level

- This level contains two dwellings.
- Each dwelling contains one bedroom (one with an ensuite bathroom the other a separate bathroom), open plan kitchen meals and living room. Each dwelling is provided within a balcony. These are located in the north-east and south-west corners of the building.
- The building is setback from the northern boundary increases from the levels below and is setback 3 metres from the northern boundary.
- The south-eastern and western setbacks are consistent with the levels below.

Roof Top

- A communal open space area is located on the roof top (approximately 57 square metres) surrounded by 1 metre high planter boxes along the northern interface and part of the western interface.
- The northern planter box is setback 1 metre from the level below (or 4 metres from the northern boundary).
- The western planter box is setback 2.7 metres from the level below (or 3.5 metres from the western boundary.
- Air-conditioning condenser units for each dwelling are located within the common area and solar hot water panel are aligned with the south-east balustrade.

37. The building height to the roof top parapet (on the west elevation) is approximately 11.9 metres (12.9 metres to the top of the roof top garden).

38. The building height to the roof top parapet (on the east elevation) is approximately 12.39 metres (13.39 metres to the top of the roof top garden).

39. The plans include a schedule of external materials and finishes.

Landscaping

40. It is proposed to landscape the rear portion of 6-12 Garden Avenue by extending the existing paths up to the new building entry and planting mature trees along the new paths.

41. It is also proposed to landscape the setback area along the northern boundary.

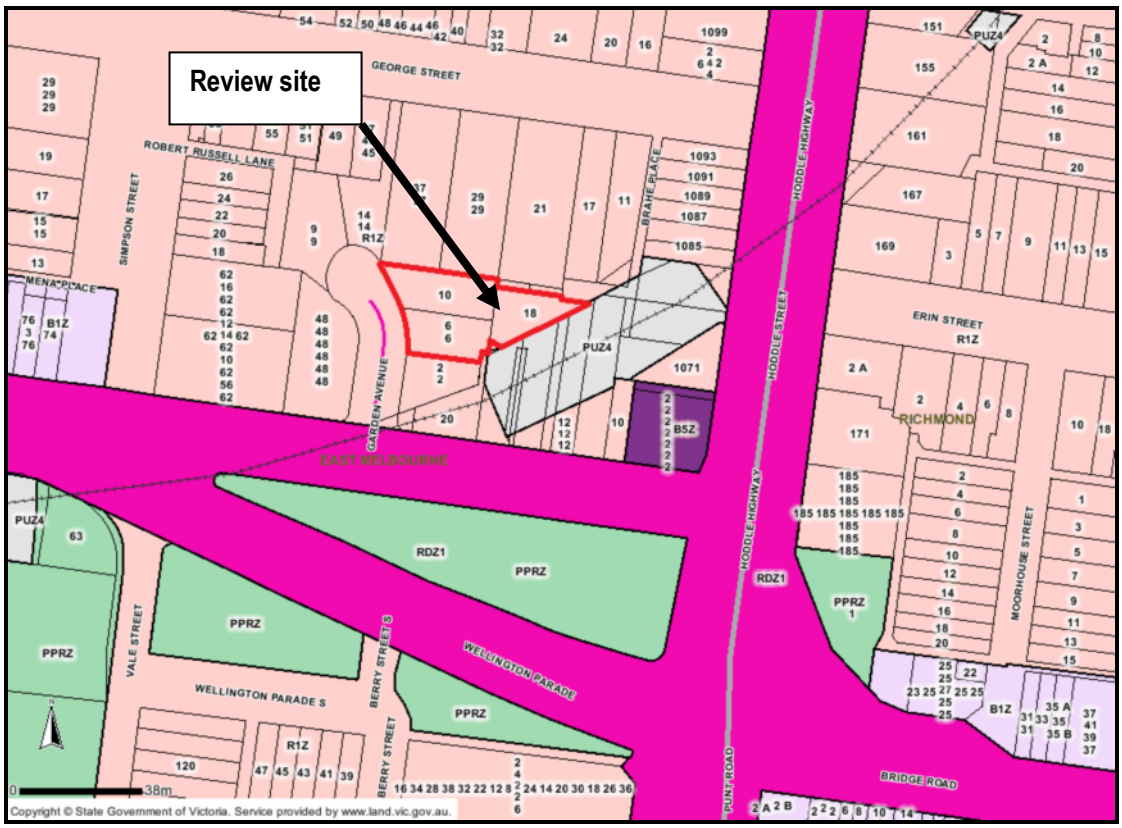
42. The existing bin storage in the north-east corner of 12 Garden Avenue (currently shared by 6 and 12 Garden Avenue) will be increased and shared with the proposed development. This is located adjacent to an existing 2.7 metre high wall on the boundary. The adjoining bicycle storage area will also be shared by the proposed development.

4. MELBOURNE PLANNING SCHEME

ZONING

43. The review site is zoned Residential 1 pursuant to clause 32.01 of the Melbourne Planning Scheme (the "Scheme"). The Purpose of the Residential 1 Zone is:

> *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
>
> *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households;*
>
> *To encourage residential development that respects the neighbourhood character; and*
>
> *In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.*



Zoning Map

44. Pursuant to clause 32.01-1 'Dwelling' is a 'Section 1 – Permit not required' use.

45. Pursuant to clause 32.01-4, a planning permit is required to construct two or more dwellings on a lot.

46. The requirements of clause 55 do not apply to developments of four or more storeys.

OVERLAYS

47. The site is affected by the Design and Development Overlay – Schedule 21 (Area 20) and the Heritage Overlay – Schedule 2 pursuant to the Melbourne Planning Scheme.

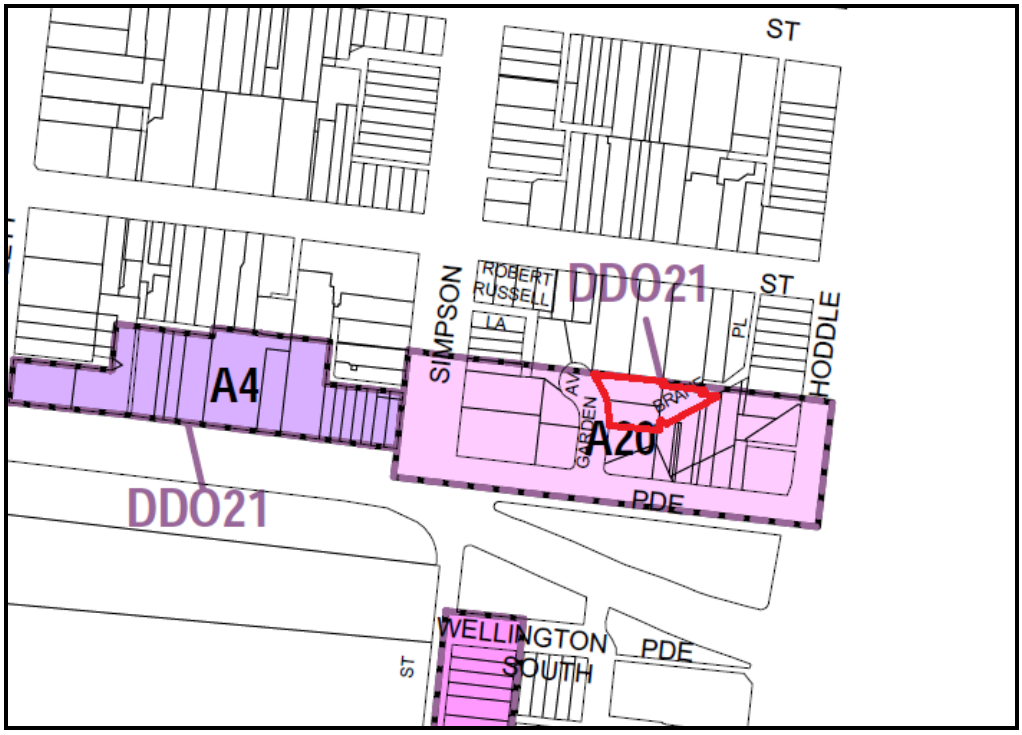
Design and Development Overlay – Schedule 21 (Area 20)

48. The Purpose of the Design and Development Overlay is:

> *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
>
> *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

49. Pursuant to clause 43.02-2, a permit is required to construct a building or construct or carry out works (unless the schedule specifically states a permit is not required).

50. An application is exempt from the notice and review requirements.



Design and Development Overlay Map (DDO21 – Area 20) (review site outlined in red)

51. Schedule 21 relates to 'Wellington Parade and Clarendon Street'. The Design objectives are:

> *To enhance the importance of Wellington Parade as a key approach to central Melbourne through quality building design and street amenity.*
>
> *To minimise the visual impact and overshadowing effect of buildings on the Fitzroy Gardens and Yarra Park.*
>
> *To respect the scale and significance of heritage buildings on the site or on adjacent sites.*

52. Pursuant to clause 2.0 of the schedule, a permit may be granted to vary any maximum building height specified in Table 1 to this schedule.

53. The site is in Area 20 and has the following requirements pursuant to Table 1:

AREA	MAXIMUM BUILDING HEIGHT	BUILT FORM OUTCOMES
20	24 metres	Development that does not overshadow Yarra Park between 11am and 2pm on 22 September and 22 March. Buildings are developed to a consistent scale along the Wellington Parade entry to the CBD but are articulated to allow sunlight to penetrate to the street and to avoid creating a wall of buildings.

54. An application must be accompanied by a site analysis and urban context report which demonstrates how the proposed building or works achieves each of the Design Objectives and Built Form Outcomes of this schedule and any local planning policy requirements.

55. Building height is defined as '*the vertical distance between the footpath or natural surface level at the centre of the site frontage and the highest point of the building, with the exception of architectural features and building services*'.

<u>Heritage Overlay – Schedule 2</u>

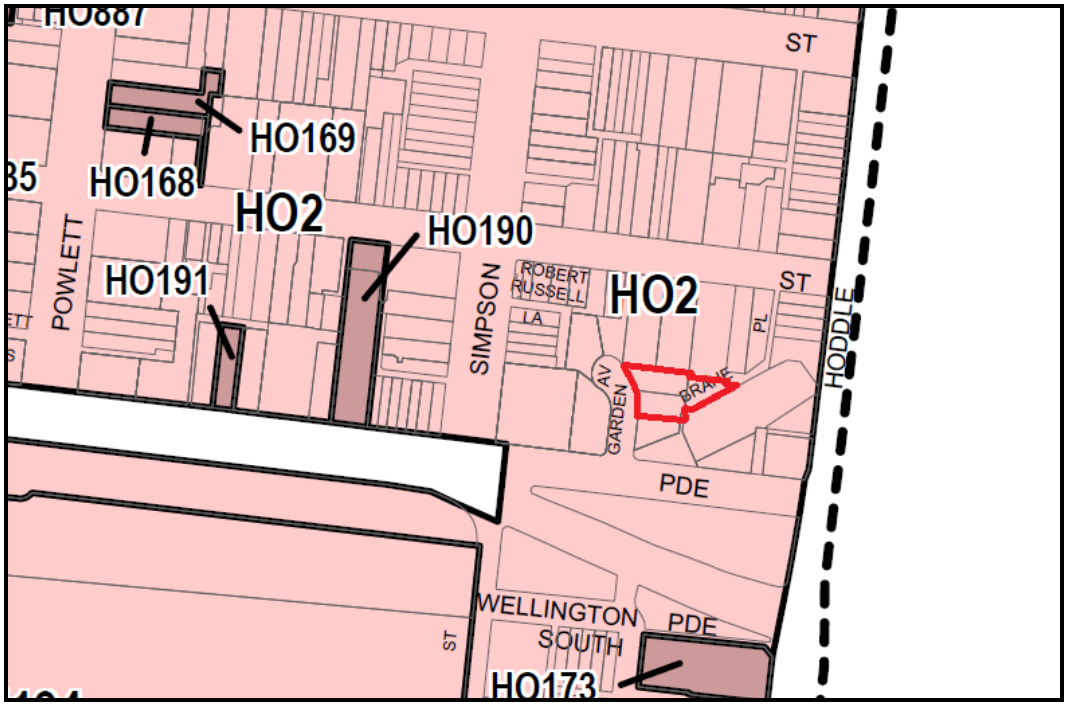
56. The Purpose of the Heritage Overlay is:

> *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
>
> *To conserve and enhance heritage places of natural or cultural significance.*
>
> *To conserve and enhance those elements which contribute to the significance of heritage places.*

To ensure that development does not adversely affect the significance of heritage places.

To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

57. Pursuant to clause 43.01-1, a permit is required to construct a building or construct or carry out works.



Heritage Overlay Map (HO2) (review site outlined in red)

58. Schedule 2 relates to 'East Melbourne & Jolimont Precinct'. External paint controls apply. The area is not included on the Victorian Heritage Register.

PARTICULAR PROVISIONS

Clause 52.06 Car parking

59. A planning permit is triggered by clause 52.06-1 to reduce the required car parking generated by this development.

60. Clause 52.06 specifies that two (2) spaces per dwelling are required (giving a statutory requirement of 16 spaces).

61. The proposal provides a total of 8 car parking spaces at the ground level of the building. The spaces are allocated to provide one car parking spaces per dwelling. No visitor parking is provided.

62. I expect that this matter will be dealt with in the traffic engineering evidence.

Clause 52.34 Bicycle facilities

63. The provision seeks to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

64. The clause provides that before a new use commences or the floor area of an existing is increased, the required bicycle facilities must be provided unless a permit is granted to vary, reduce or waive any requirement. The proposal incorporates adequate bicycle storage facilities in the basement to accommodate the future resident's needs.

65. The table at clause 52.34-3 states that for the use of the land as a dwelling, where the development is of four or more storeys, the following spaces must be provided:

- Resident: 1 space to each 5 dwellings; and
- Visitor: 1 space to each 10 dwellings.

66. Consequently, 2 bicycle spaces are required for residents and 1 for visitors; a total of 3 bicycle spaces are required to be provided on site.

67. I understand that the existing bicycle store (located adjacent to the bin store on 12 Garden Avenue) will be adequate to accommodate the additional bicycle parking requirements.

68. It follows that a planning permit is not required by this clause. The adequacy of the proposed bicycle parking facilities will be addressed in the separate traffic engineering evidence.

Clause 52.35 Urban context report and design response for residential development of four or more storeys

69. This policy applies to all residential development of four or more storeys. The policy requires certain information to be submitted with the application, in particular, an urban context report and design response.

GENERAL PROVISIONS

Clause 65 Decision guidelines

70. Clause 65 outlines matters that must be considered before deciding on an application. Relevant matters under clause 65.01 include:

- *The matters set out in Section 60 of the Act.*
- *The purpose of the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*

STATE PLANNING POLICY FRAMEWORK

71. Within the State Planning Policy Framework (the "SPPF"), the following policies are considered to be relevant to this matter:

- Clause 10 'Operation of the State Planning Policy Framework';
- Clause 11 'Settlement', including:
  - Clause 11.01 'Activity centres';
  - Clause 11.02 'Urban growth' and
  - Clause 11.04 'Metropolitan Melbourne';
- Clause 15 'Built environment and heritage', including:
  - Clause 15.01 'Urban environment';
  - Clause 15.02 'Sustainable development'; and
  - Clause 15.03 'Heritage'
- Clause 16 'Housing', including:
  - Clause 16.01 'Residential development';
- Clause 18 'Transport', including:
  - Clause 18.02 'Movement networks'.

72. A summary of these clauses is provided at **Appendix A**.

LOCAL PLANNING POLICY FRAMEWORK

73. The following clauses within the Local Planning Policy Framework "LPPF" are considered most relevant to this matter:

- Clause 21.01 Introduction;
- Clause 21.02 Municipal profile;
- Clause 21.03 Vision and approach;
- Clause 21.04 Land use;
- Clause 21.05 City structure and built form;
- Clause 21.08 Local areas;
- Clause 22.02 Sunlight to public spaces;

- Clause 22.05 Heritage Places outside the capital city zone; and

- Clause 22.17 Urban design outside the capital city zone.

74. I include a summary of these policies within my assessment at Section 6.

RELEVANT PLANNING SCHEME AMENDMENTS

75. Amendment C162 seeks to replace the existing MSS with a new MSS that is generally consistent with the current directions. This amendment received 147 submissions and it is going to a Panel Hearing. I am satisfied that the proposal is consistent with the changes sought under this amendment.

76. There are no other planning scheme amendments that would affect this proposal.

OTHER DOCUMENTS

The following documents are referenced in the State Planning Policy Framework.

Melbourne 2030

77. The key focus of the State Government's planning policy with respect to metropolitan Melbourne is *Melbourne 2030*. Key directions and polices which relate to housing seek to:

- Encourage a greater proportion of housing to locate at strategic redevelopment sites (including in and around activity centres) (Direction 1).

- Build up activity centres as important locations for a range of mixed uses including housing (Direction 1).

- Set clear limits on outward development to protect areas of important conservation, rural and agricultural values and limit fringe development to identified growth areas (Direction 2).

- Promote development that is appropriately designed for its context and improves livability (Direction 5).

- Ensure that housing matches changing and future demographic profiles and provides opportunities to increase the supply of affordable housing (Direction 6).

- Manage the urban system in a way that minimises its impact on the environment (Direction 7).

- Ensure that housing is more accessible to a range of services with good access to public transport (Direction 8).

78. *Melbourne 2030* envisages that considerable change will occur in the demographic profile of Melbourne.

79. *Melbourne 2030* envisages that the population of Melbourne will increase by 925,000 people and by 620,000 households by 2030.

80. Melbourne's households are changing. Households are getting older and smaller. This in turn drives demand for new households. Demand for housing diversity will be influenced by a range of factors such as the ageing of the population, declining household size and the choice of many couples to not have children until later in life.

81. *Melbourne 2030* has responded to these demographic trends by seeking to encourage a range of different housing types and for this diversity to be concentrated in key areas.

82. While the review site is not within an Activity Centre as defined in Melbourne 2030, it has excellent access to public transport, commercial and community services, infrastructure and open space. The urban consolidation principals espoused in Melbourne 2030 apply to this site.

Melbourne @ 5 Million

83. Melbourne @ 5 Million is an update of Melbourne 2030 and follows the release of the *Victoria in Future 2008* population projections. The update focuses on building jobs and services in key Central Activities Districts (CADs) and employment corridors across the metropolitan area.

84. It also identifies the need to support the redevelopment of suitable sites in established areas of Melbourne. It refines some of the key directions of Melbourne 2030.

85. New population forecasts for Melbourne estimate that over the next 30 years (2006 to 2036) the population of Victoria will grow by 2.3 million people, with 1.8 million additional people within the metropolitan area. An additional 600,000 dwellings will be required over the next twenty years to accommodate the population. It is anticipated that almost 316,000 new dwellings will be located within Melbourne's established areas and over 284,000 will be located in the growth areas.

Guidelines for Higher Density Residential Development (DSE)

86. DSE's Guidelines for Higher Density Residential Development were developed to help ensure higher standards for higher density housing developments as more Victorians choose to live in apartments and units across Melbourne.

87. An assessment of the proposal against the six design elements is provided at **Appendix C** to my statement.

5. COUNCIL DECISION

88. The planning permit application was received by Melbourne City Council on 21 May 2010 (TP-2010-362).

89. I am advised that the application was lodged following three separate pre-application meetings with Council.

90. Following lodgement of the application, further discussions were had with the Council's assessing Officer and Council's Heritage Advisor which led to the proposal being amended.

91. On 11 June 2010 the application was formally amended and on 13 September 2010 the plans were amended again and photomontages were submitted.

92. The application was advertised based on the plans submitted on 13 September 2010.

93. 67 objections were received by Council. Their issues are summarised in the Council's Delegate Report. Several letters of support were also received by Council.

94. As a result of objectors' concerns the plans were modified and submitted on 7 January 2011. These plans were not re-advertised but were the subject of Council's assessment. The applicant also submitted a written response to the objectors' issues.

95. The application was not referred to any external authorities, but was referred internally to Council's Urban Design and Engineering Services Departments and Heritage Consultant for comments.

96. The delegate report assessed the application and determined to refuse the issue of a planning permit.

97. The application was Refused on the following grounds:

    1. *The design of the proposed building, including its height, bulk, setback and appearance, would compromise the valued characteristics of the Garden Avenue heritage buildings and their setting, which is contrary to the objectives of the MSS, Clause 22.17 and the purposes and objectives of clause 43.01.*

    2. *The design of the proposed development runs the risk of being confused with the original A graded heritage apartments, with reproduction of details and form, contrary to Clause 22.05 and Clause 43.01.*

    3. *The proposed development provides insufficient setbacks from its neighbouring residential properties, compromising neighbouring private amenity and compromising the development potential of adjoining properties.*

6. PLANNING ASSESSMENT

PRELIMINARY COMMENTS

98. The Tribunal has previously said that:

> *Within the metropolitan policy there are three themes which require change in urban environments to accommodate demographic changes including population growth. They are urban consolidation, housing diversity, and affordability*[3]*.*

99. Development sites, such as this vacant allotment, are uncommonly found within the established areas like East Melbourne. Like most sites, this land has both opportunities and constraints that any new development must have regard to. From a town planning perspective, the site is a candidate for higher density housing. I say this for the following reasons:

- The developments to the north have a rear abuttal to the review site. As a consequence of their land use, building setbacks or layout, these rear abuttals are not especially sensitive.
- The land to the east is already developed with multi-storey apartment housing. Again, the particular development form and layout of these lots means that the eastern interface is not especially sensitive.
- The land to the south-east is occupied by a sunken railway line, which is itself screened by tall trees. The railway line forms a buffer between the review site and development further to the south on Wellington Parade.
- The site itself is a level site that aside from a carriageway easement along its south-eastern boundary has few development constraints.

100. On the other side of the ledger, any development must have regard to the presence of numerous heritage buildings in the immediate area. Car access to the site is limited to that provided by Brahe Place, which is a relatively narrow road that runs along the edge of 11 George Street. I also agree with the Council planner that any new development on the review site should have regard to the future development potential of No. 21-27 George Street (although we might differ on how this should be resolved). Lastly, I accept that any new development on the review site should have regard to the reasonable amenity of residential development at 11 and 29 George Street and the Garden Avenue apartments.

101. Having considered these factors and the strategic policies and statutory controls that affect the site, I have formed the view that this development is appropriate in its context.

102. The development provides a good level of internal amenity for its future residents and results in an improved outcome for this site, particularly in terms of safety. The provision of the roof terrace is an added benefit to future residents,

[3] *Chahid Kairouz v Darebin CC [2008] VCAT 253.*

who will be able to take advantage of a wonderful outlook that will include some of Melbourne's most famous landmarks. Ground level, secure storage is provided to each apartment. Living rooms will be light and airy. These rooms have a good relationship with their secluded private open spaces. The apartments are modest in size, with each comprising only one bedroom. They are likely to be attractive to either singles or couples. Car parking is conveniently provided and this has been successfully integrated into the design.

103. I will leave the issue of heritage to others with specialist qualifications to address. However, what I would say is that the development is well setback from Garden Avenue and that views of the site are screened and in some cases obscured by existing development.

104. In my view, a balanced assessment of this proposal suggests that a planning permit should be issued.

WHAT ARE THE ISSUES?

105. Council raised concerns about the design of the building, in terms of its height, bulk and setbacks and its appearance being contrary to the objectives of the Scheme and its streetscape presentation to Garden Avenue having regard to the heritage values of the precinct.

106. It also raised concerns regarding off-site amenity impacts and insufficient setbacks and concluded that this meant the building compromised the development potential of 'adjoining properties'.

107. I defer to the expertise of Ms Lardner and Mr Butler in relation to Council's concerns regarding heritage matters.

108. The objectors have raised other issues (in addition to concerns of height/scale and setbacks), some of which are planning matters. These essentially relate to car parking, traffic, safety, noise, overlooking, overshadowing, waste and bicycle storage, loss of views, heritage character and construction management.

109. I have made my assessment of the proposal and addressed the above considerations under the following sub-headings:

- State and local planning policy considerations;
- Off-site amenity considerations;
- Internal amenity; and
- Objectors' issues.

STATE AND LOCAL PLANNING POLICY CONSIDERATIONS

110. The proposal is entirely consistent with the policy direction contained within the Melbourne Planning Scheme.

111. In broad terms, the proposal is consistent with the State Planning Policy Framework and Local Planning Policy Framework for the following reasons:

- The proposal responds to urban consolidation principles, that is, it develops a parcel of land that is currently underutilised in an inner-city area located close to a range of existing facilities and infrastructure, including employment, commercial activity and public transport.

- The proposed development is appropriate having regard to Melbourne's increasing population and housing needs. The proposal facilitates urban consolidation and is, therefore, consistent with long term urban development sustainability objectives.

- The site is unique in that it is entirely surrounded by properties fronting their respective adjoining streets and by the railway line reserve. At present, the site is a fenced area that is informally used for car parking at the end of a 'dead end' laneway. All the properties to the north of the Brahe Place site are characterised by rear car parking. A rail line abuts the land to the south-east. This is an ideal context within which to introduce an active, residential use to reinvigorate this rather dreary patch of vacant land.

- The development responds to the policy drivers of sustainability, affordability and housing diversity. Each dwelling contains one bedroom within open plan living providing comfortable spacious apartments. Each dwelling is provided with generous individual balconies which are also complemented by a communal roof top terrace. Other physical aspects of the building, such as rain water retention tanks (and their reuse for toilet flushing, laundry and irrigation), solar hot water panels and communal rooftop garden contribute towards the sustainability of this building.

112. At a more detailed level and providing an assessment of the LPPF, the following is provided.

Clause 21.01 'Introduction' & 21.03 'Vision and Appearance'

113. The proposal provides a form of development that responds to the vision of the municipality for *'a thriving and sustainable City that simultaneously pursues economic prosperity, social equity and environmental quality'*. This is achieved by a City that:

- *Allows for increased residential densities and provides for diverse housing needs in a way that does not compromise the valued characteristics of areas, including the City's Identified Heritage Places and Precincts;*

- *Recognises and responds to the diversity of people who live, work and visit the municipality; and*

- *Has buildings which use energy and water efficiently and minimise waste.*

- At clause 21.03-1, the key to achieving Council's vision is:

  > *The recognition that different parts of the municipality have to be managed differently and that development potential varies markedly. There is a mixture of activities and built form throughout the City and understanding the local context of a proposal is the key to understanding whether or not a proposal is acceptable (my emphasis).*

- Further, to achieve this vision, Council will manage urban structure and built form to:

  - *Enhance City structure and urban form.*
  - *Preserve places and precincts of identified heritage significance.*
  - *Ensure new development does not adversely impact on residential neighbours.*
  - *Ensure development adequately responds to the needs of a diverse population.*

114. I make no comment with respect to heritage issues. Putting that issue to one side, this development certainly achieves the third and fourth dot point concerning amenity impacts and diversity.

115. Although the development will be partly seen between the buildings on Garden Avenue, the property does not have an address to this street and is located over 28 metres from this frontage. The proposal will provide an appropriate response to Brahe Place. This will improve its safety, passive surveillance and overall appearance consistent with clauses 15.01-1 and 21.03-3.

116. The development will also contribute to housing diversity goals through the provision of modest self-contained 1 bedroom apartments with on-site car parking space and good on-site services.

Clause 21.02 'Municipal Profile'

117. The proposal responds to the growing population and the expected growth rate of 8% at clause 21.02-2, by providing for more housing within the municipality.

Clause 21.04 'Land Use'

118. Clause 21.04 'Land use' recognises that the municipal population is growing and that it is critical to *"take advantage of current opportunities for residential growth"* to continue to reverse previous population losses.

119. It also recognises that some areas of the municipality are limited to the amount of change that can be accommodated. Some areas that are stable and will experience minimal change. These include South Yarra, parts of Parkville, North Melbourne, Kensington, Carlton, East Melbourne and Jolimont.

120. In the context of this clause, the proposal is consistent with this 'minimal change' context. The site is one that does not principally form part of the heritage

streetscape and is largely hidden from those streetscapes. Whilst glimpses of the development will be seen between buildings on 6-12 Garden Avenue, these are views of a building that is well setback and which does not diminish streetscape values.

121. The proposal is appropriate having regard to clause 21.04.

Clause 21.05 'City Structure and Built Form'

122. Clause 21.05 explores city structure and built form under various themes, including heritage structure and character.

123. In managing amenity through built form strategy, it states:

> *The built form and city structure can influence the sort of amenity experienced by residents in the municipality; it can influence solar access to a dwelling, privacy, outlook, access to private and public open space, safe and pedestrian friendly streets and lanes, neighbourhood and heritage character, social character and diversity, and proximity to parks and gardens.*

124. In areas where the existing built form character is to be preserved, the amenity principles include:

- *Ensure that the height and bulk of new buildings, as well as new structures, including signage, respond to site context including the prevailing neighbourhood and heritage character.*
- *Ensure that development does not undermine the significance of any identified Heritage Place or Precinct.*
- *Ensure that neighbouring properties are not adversely affected by the scale and bulk of development.*
- *Ensure buildings are designed and located so that levels of sunlight and daylight available to neighbouring properties are not unreasonably reduced.*
- *Ensure buildings are designed to minimise overlooking of adjoining residential properties.*
- *Ensure a high level of on-site amenity for future occupants of new residential developments.*

125. In relation to heritage, at clause 21.05-1, it is recognised that much of municipality's character is defined by its historic street pattern, boulevards, and parks, the collection of buildings within heritage precincts, as well as individually significant buildings, identified and protected for their high cultural heritage value. It is emphasised that *"sensitivity to heritage buildings and places, local landmarks, landscape, views and character is an important component of development in context"*.

126. In relation to structure and character at clause 21.05-2, it is recognised that this is made up of a number of distinct patterns and the relationship between them. The height, scale, mass and bulk of new development needs to preserve the existing character of areas.

127. The proposal is entirely consistent with the built form and city structure characteristics. The area is within a heritage precinct that is recognised for its intact streetscapes and individually listed buildings. The development will not unreasonably alter the sense of place and identity of this area. Relevantly, the building is well within the recommended height limits set out by the Design and Development Overlay for this area.

Clause 21.08 'Local Areas'

128. In particular reference to the Local Area 'East Melbourne and Jolimont' at clause 21.08-5, it has the following vision:

> *East Melbourne and Jolimont continue to accommodate the use and development of Government facilities, institutions and businesses in the Treasury and Parliament precinct. It has an important role in providing hospital and medical services and supporting Central City edge business uses while maintaining residential amenity.*
>
> *Generally low scale, heritage residential areas of East Melbourne and Jolimont have been maintained whilst accommodating very limited residential growth.*
>
> *Preserving the area's historical character and significant heritage buildings has guided the scale and form of new development. Development has taken account of the heritage, visual and recreational importance of Fitzroy, Treasury and Parliament Gardens.*
>
> *Development in East Melbourne and Jolimont has enhanced Victoria Parade boulevard and other major city entrance roads such as Albert Street and Wellington Parade.*

129. The relevant Land Use Implementation Strategies includes:

- *Ensure development in the residential areas of East Melbourne and Jolimont (identified as [1] in Figure 16) is sensitively designed so that it maintains the generally low scale nature of heritage streetscapes and buildings.*

130. The relevant Built Form Implementation Strategies includes:

- *Protect heritage places, including buildings, structures, streetscapes, historic subdivision patterns, street layout, landscape features and indigenous sites in East Melbourne and Jolimont.*
- *Ensure that development is sympathetic to the heritage values of adjacent heritage areas and places.*

- *Encourage sympathetic infill redevelopment and extensions that complement the architecture, scale and character of the areas in the low rise areas of East Melbourne and Jolimont (identified as [1] on Figure 16).*

131. The ways in which the planning scheme addresses these matters (those that are particularly relevant to the site) is through applying the Design and Development Overlay and the Heritage Overlay.

132. The Design and Development Overlay, in particular DDO21 (Wellington Parade Area) provides design objectives on building heights. The site is in Area 20 of DDO21 and has a maximum height of 24 metres[4]. The proposal is approximately 50% of this limit.

133. The Heritage Overlay identifies designated buildings and precincts, and this site is within 'East Melbourne & Jolimont Precinct'. Clause 22.05 and 22.17 provides further guidance to the development of this place.

Clause 22.02 'Sunlight to Public Spaces'

134. By virtue of the context of this site, the proposal will not unreasonably reduce sunlight to public spaces, such as parks and gardens, squares, streets and lanes and including privately owned spaces accessible to the public as sought by clause 22.02.

Clause 22.05 'Heritage Places Outside the Capital City Zone'

135. Clause 22.05 'Heritage places outside the Capital City Zone' is the mechanism by which local objectives are applied to conserve or enhance heritage places that are identified by the Heritage Overlay.

136. Obviously, I am not a heritage expert, but I feel that I can comment on the application of these policies from a town planning perspective. Moreover, these policies are also instructive in helping me to form a view about the building's overall composition and scale. For these reasons, I have undertaken the following assessment.

137. The relevant objectives are:

- *To conserve all parts of buildings of historic, social or architectural interest which contribute to the significance, character and appearance of the building, streetscape or area.*

- *To ensure that new development, and the construction or external alteration of buildings, make a positive contribution to the built form and amenity of the area and are respectful to the architectural, social or historic character and appearance of the streetscape and the area.*

138. In considering applications under the Heritage Overlay, regard should be given to the individual Buildings Identifications Sheets. The buildings in Garden

[4] This is discretionary and may be varied by a permit.

Avenue are all individually 'A' graded buildings within a Level 1 streetscape.[5] The Council Delegate Report notes that there are no graded buildings on Brahe Place and by default it is a Level 3 Streetscape.

139. The proposal does not seek to alter an existing building or develop a site within the Garden Avenue streetscape, nor does it alter a building of particular significance. The proposal does not require any demolition or removal of vegetation.

140. The proposal seeks to develop an isolated site within a Level 3 streetscape, with a building that will make a positive contribution to the built form and amenity of the area in design that is respectful of the appearance of nearby buildings. Within the Level 3 streetscapes, the policy for new buildings is to be 'interpretive', which is defined at clause 22.06 as:

> *'Interpretive' means a looser reference to historic size, form, proportions, colours, detailing and decoration, but still requires use of historic or closely equivalent materials.*

141. Whilst there will be views of the proposed building from Garden Avenue, the site is not located within that streetscape and only relies this street for pedestrian access. Views of the building will be limited to glimpses between existing buildings as you travel along Garden Avenue. These will be further restricted by existing streetscape vegetation and the proposed landscaping in the forecourt area immediately to the west of the building. Landscaping can be planted at a semi-mature height and can be species nominated to grow to a reasonable height.

142. Where buildings are visible in a Level 1 streetscape the façade pattern and colours should be respectful and surface materials should always be 'respectful', which is defined at clause 22.06 as:

> *'Respectful' means a design approach in which historic building size, form, proportions, colours and materials are adopted, but modern interpretations are used instead of copies of historic detailing and decorative work.*

143. The proposal is respectful of nearby forms. The new design does not mimic but rather adopts particular elements of the adjoining buildings. It provides a new building that will be distinguishable in form from its older neighbours. The details (such as verandahs, ornaments, windows and doors) are interpretative. This will be a form that can be read as a modern interpretation of the historic form rather than a direct reproduction.

144. The proposed height and the building position will not dominate any adjoining building or streetscapes. The building is commensurate to the height of existing surrounding buildings. While those on Garden Avenue are three storeys, they are tall buildings. Relevantly, the new building (at 4 storeys) is only 1.69 metres higher (to the roof parapet)[6]. In terms of building heights, new buildings should not be significantly higher or lower than the typical heights in the streetscapes

[5] In accordance with the Heritage Places Inventory July 2008.
[6] Compared to 12 Garden Avenue parapet height.

and the facades should not be positioned forward or setback of typical building lines in the streetscape.

145. This site does not sit within the Garden Avenue streetscape and therefore cannot be compared in terms of its relative façade position to those buildings in that streetscape. The building is appropriately located on this site.

146. The surrounding context of the site is characterised by large three storey apartment buildings, with a two storey apartment building to the north together with some single storey and double storey terraces to the north-east. The proposed building, its height and location on the site is entirely appropriate to the surrounding built form context, particularly having regard to the intact heritage streetscapes and values of the precinct.

Clause 22.17 'Urban design outside the capital City Zone'

147. Urban design and the built form character is important to the valued aspects of the City and particularly in established areas new development must respect or add to this character to ensure the overall quality is not lost.

148. There are a number of objectives to achieve the valued urban design outcomes within the City. I have assessed the proposal against each of the policy elements and include this at **Appendix B**.

149. I consider the proposal achieves the desired outcome for a site having unusual characteristics. It will improve the existing conditions and general safety of the area. The building addresses each boundary interface and appropriately engages with its immediate context. The development appropriately integrates car parking, storage and services within the building. The proposed building will sit comfortably within the broader surrounds without unreasonable off-site amenity impacts or unreasonably compromising the character of the area.

150. I note that the Council's Urban Designer offered some suggested changes to the proposal, which have been accommodated in the amended plans. It also went on to say '*the proposal results in appropriate massing'*.

151. An assessment of urban design outcome must be balanced with a number of objectives relating to the development of urban land for residential purposes within an inner-city location. The development achieves the tests of the Design and Development Overlay and the associated Design Objectives and Built Form Outcomes. The proposal is entirely appropriate having regard to the policy context and will contribute to the overall quality of the urban environment.

Zone and Overlays

152. Having reviewed the proposal in relation to the SPPF and LPPF, it is relevant to consider the zone and overlay controls and the permit triggers in considering this proposal.

153. The development of the site for residential purposes is entirely consistent with the purpose of the **Residential 1 Zone**. The fact that there is more than one dwelling on the land triggers a permit under the zone. There are no measurable

tests (such as clause 55) which directly apply to the consideration of the proposal, however, clause 52.35 applies. It requires a development application to be accompanied by an urban context report and a design response. This report, together with the plans and application documents provide a good assessment of the proposal in its context. I am aware that Mr Sheppard will be undertaking an urban design analysis of the proposal being considered by the Tribunal.

154. A useful tool in assessing development of four storeys or more is the DSE's Guidelines for Higher Density Residential Development. I have had regard to this in the preparation of this statement of evidence and refer to my detailed tabular assessment included at **Appendix C.**

155. In brief, I make the following comments:

155.1 The building has been designed to respond to the opportunities and constraints of the site and the surrounding context.

155.2 The height of the building, the setbacks and overall form can be justified having regard to its context.

155.3 Although the development will be slightly taller than its immediate neighbours, it is appropriate for this isolated site that does not form part of a heritage streetscape.

155.4 The building design has considered circulation and site services for future residents.

155.5 The development will provide excellent internal amenity for future residents and provide diversity to the range of dwellings within the area.

155.6 Generous areas of private open space are given to each unit that is commensurate to the size of the dwelling, and is complemented by a communal roof top terrace.

156. I conclude that the building properly addresses the higher density housing guidelines.

157. In relation to the **Design and Development Overlay** (DDO21 - Area 20), a permit is triggered for the buildings and works (by virtue of being included in the overlay). I note that the proposal complies with the relevant maximum height of 24 metres for this area and in fact, it is substantially lower than this limit at a maximum height of 13.39 metres. In accordance with the overly applications must demonstrate how it achieves the design objectives and built form outcomes, in this regard:

158. **Design objectives**:

- *To enhance the importance of Wellington Parade as a key approach to central Melbourne through quality building design and street amenity;*

The proposal is well set back from Wellington Parade and will be largely screened by the row of Peppercorn trees along the adjacent train line reserve.

- *To minimise the visual impact and overshadowing effect of buildings on the Fitzroy Gardens and Yarra Park;*

  There will be no overshadowing of Yarra Park located to the south of Wellington Parade or Fitzroy Gardens.

- *To respect the scale and significance of heritage buildings on the site or on adjacent sites.*

  The proposal respects the scale and significance of the surrounding heritage buildings and broader precinct.

159. **Built form outcomes**:

- *Development that does not overshadow Yarra Park between 11am and 2pm on 22 September and 22 March.*

  Refer comment above.

- *Buildings are developed to a consistent scale along the Wellington Parade entry to the CBD but are articulated to allow sunlight to penetrate to the street and to avoid creating a wall of buildings.*

  The site is well set back from Wellington Parade and will not contribute to any perception of a 'wall of buildings'.

160. As discussed earlier in relation to clause 22.17 and having regard to the purpose of the Design and Development Overlay, I consider the proposal achieves the specific requirements relating to the design and built form of new developments that is sought under this overlay.

161. In relation to the **Heritage Overlay** (HO2), the site is within the 'East Melbourne & Jolimont Precinct'. A permit is triggered for the construction of a building and the associated works. The overlay relates to a precinct rather than an individual building or site. The Council's heritage studies identifies that certain buildings are individually significant and that streetscapes contribute to heritage character. I agree with the Council's Officer who concluded that the site sits within a Level 3 streetscape and not the Garden Avenue streetscape which is Level 1. I consider the building design is complementary to the heritage place and satisfies the purpose of the overlay. I defer to the expertise of Ms Lardner and Mr Butler in this regard. I note external paint controls apply to the precinct.

162. In summary, I consider the proposal will improve the existing amenity of the site and its immediate context and provides a built form outcome that is entirely consistent with the Melbourne Planning Scheme.

OFF-SITE AMENITY IMPACTS

163. An assessment of the potential off-site amenity impacts generally relates to a consideration of the following:

- Overlooking;
- Overshadowing; and
- Visual bulk.

164. An assessment of the reasonable response to these issues must be considered in the context of the site. This is a site within an inner-city location where higher density development is expected. A reasonable outcome must be achieved to balance the development objectives and amenity objectives.

Overlooking

165. The site is located at the rear of properties and, as such, it generally has an interface to rear car parking, sheds and garages (particularly on 21, 17 and 11 George Street to the north). These areas do not present any particular sensitivity to overlooking. The building on 21 George Street is located over 9 metres from the building. Using ResCode as a guide, this building is sufficiently setback so overlooking is not an issue.

166. The area to the rear of 29 George Street is used for private open space and requires a response to overlooking. The buildings on 6 and 12 Garden Avenue are within approximately 5.3 metres and approximately 10.22 metres of the proposed building (respectively). The western elevation of the building on 6 Garden Avenue comprises obscure glazing to all windows and does not present a particularly sensitive interface.

167. The proposal responds to the potential views into the private open space of 29 George Street by screening the proposed balconies in the north-west corner of the development.

168. There is the potential for new Apartments 3, 6 and 8 to look into some of the existing east facing widows at the rear of 6-8 Garden Avenue. I understand that these windows are now fitted with obscure glazing; that the Council has taken action to have this removed and that the landowner has lodged an application to have this retained.

169. In the event that this application is unsuccessful, some form of balcony screening would be appropriate to be added to the balcony decks of Apartments 3, 6 and 8 Brae Place in order to meet Standard B22. This would be consistent with Design Suggestion 2.9:1 of the DSE's Guidelines for higher Density Residential Development. I do not think it is necessary to screen the living room windows of these apartments given that that they are offset from the existing windows.

170. The communal area at the roof top is sufficiently setback and screened by the planter boxes to prevent overlooking to the north and west.

171. There will be no unreasonable overlooking opportunities associated with the proposal.

Overshadowing

172. The potential for overshadowing is limited to the morning hours by virtue of the site's orientation and interfaces. The afternoon sun will cast a shadow on railway line reserve.

173. At 9am a shadow will be cast on the building at 6 Brahe Place, and will affect windows on the east elevation and the north-east corner of the building. This shadow reduces at 10am and by 11am it does not affect the building.

174. The shadow principally relates to the ground and first floor levels of the corner windows. Given the extent of shadow is limited to 2 hours, I consider the overshadowing relating to this proposal is not unreasonable.

Visual Bulk

175. Any assessment of visual bulk principally relates to the reasonableness of a perception of this building in relation to its impact on adjoining sensitive areas. Having regard to my description above, the most sensitive interface is to the private open space area at 29 George Street. The other sensitive edge is the rear of 6-8 Garden Avenue. I discuss both edges below[7].

176. There are no other particularly sensitive views of the building. There is no policy control in relation to the sharing of views within this area and it is unreasonable to limit the development of this site to retain views that are currently enjoyed by virtue of this site being vacant.

177. The building setbacks from the northern boundary are 0.8 metres at ground floor level, 0.8 – 1.0 metres on the first and second floors and 3.0 metres on the third floor (4.0 metres to the roof top planter box). Although these are modest setbacks, they do add articulation and interest to the elevation.

178. The northern elevation and all the elevations are articulated though changes in external materials and finishes, architectural treatments and varying setbacks. Windows and balconies provide further articulation and add visual interest to this building, together with the balconies located at each corer.

179. I consider the combination of the proposed setbacks, which are generous at the third level combined with the architectural treatment adequately address the potential visual bulk.

180. 6-8 Garden Avenue has an outlook to the review site. The conditions here include a 3-storey apartment building, with some apartments having an outlook to the review site and some ground level open space. Although this land is part of the planning unit, it is appropriate that I consider this relationship.

[7] The rear of 21 George Street is not particularly sensitive given that the land is used for a commercial use; that the nature of occupation is short term; that the occupants are transitory and that the rear interface is primarily used for car parking.

181. Firstly, I note that the ground level open space is not 'secluded' in the terms described by the planning scheme and plays more of a landscaping or access function. It follows that the impact of the new building on the ground level open space is satisfactory.

182. At the upper levels, the outlook of some of the Garden Avenue apartments will be interrupted by the new building, but this is perfectly acceptable in an inner urban context (and is typical in many areas). I do not consider that the proximity of the new building to these windows to be unsatisfactory. The outlook will be to a well-designed building, which is an urban condition in many apartments.

183. The proposal does not present unreasonable visual bulk having regard to the design of the building and the surrounding context.

Daylight

184. The building at 6 Garden Avenue has east facing apartments with windows that will be setback 5.3 m from the western edge of the new building at ground level. At the first, second and third floor levels, the balconies are setback 4.8 m from the windows.

185. The daylight standards of Clause 55 require a 1 m by 3 m light court for walls opposite walls of 3 m or less. For walls of more than 3 m, the new wall needs to be setback 50% of its height from a habitable room window.

186. A 4.8 m setback allows a wall height of 9.6 m opposite the window. The floor level of the third level balcony is approximately 9 m high and this meets the standard.

INTERNAL AMENITY

187. The proposal provides a good level of internal amenity for the future occupants.

188. Each dwelling is provided with a generous floor plan and open plan layout for 1 bedroom dwellings.

189. Although the Higher Density Design Guidelines contemplate borrowed light, there is no reliance in the proposal, all habitable room windows have good access to daylight.

190. Each dwelling is provided with a balcony area that is in excess of 8 square metres which I consider to be generous in the context of 1 bedroom apartments. All balconies are accessible from the living room except apartment 7, which is located adjacent to the bedroom. All of the dwellings have either a northern orientation or face east or west (none of the dwellings entirely face south) and, therefore, will obtain good solar access.

191. The dwellings are supplemented by a roof top communal open space area that will provide solar access and long distant views.

192. Each apartment is provided with an individual secure storage unit at the ground level and a car parking space.

193. Bicycle facilities are provided within the existing storage area on 12 Brahe Place which is a practical arrangement. Waste storage is also provided on this site.

194. The future residents will benefit from the solar hot water and recycled rainwater (to be used for laundry, toilet flushing and landscape irrigation).

195. Overall, the development presents a well resolved housing opportunity with good internal amenity for its future occupants.

OBJECTORS' ISSUES

196. This statement is expected to address most of the objectors' issues raised in their objections and statements of grounds. For those matters still outstanding, the following comments are made:

Car parking and Traffic concerns

- I defer to the proposed expert evidence of Mr Jim Higgs in relation to these matters.

Safety

- The proposal seeks to replace an existing vacant site that is isolated and used as informal car parking with a residential development.

- The proposal will improve the safety of the area by introducing passive surveillance from dwellings and balconies and revitalising the area with urban activity which is consistent with the surrounding context.

Noise

- There are no unreasonable nose implications associated with the proposed residential development.

Waste and bicycle storage

- The sharing of these facilities on the land at 12 Garden Avenue is not unreasonable and is practical. A waste management plan was submitted with the application material. Whilst the proposed number of dwellings has reduced by one since that report was prepared, the balance of the plan is still relevant. There could be a condition of permit requiring a lease relating to the sharing of facilities with Garden Avenue and Brahe Place or by those arrangements being done via a Section 173 agreement.

Loss of views

- There are no policy requirements relating to the sharing of views across this site and it would be unreasonable to limit the development potential of this land to protect existing views obtained by virtue of this site being vacant.

Construction management

- A standard condition of permit could require the preparation of a construction management plan to address potential development concerns.

7. CONCLUSIONS

197. My conclusions are summarised below:

197.1 The proposal is entirely consistent with the State and local planning policy framework of the Melbourne Planning Scheme.

197.2 The development is an appropriate built form outcome for the site having regard to its inner city location.

197.3 The proposal presents a well resolved building that responds to the isolated context of this site and successfully integrates with its surrounds.

197.4 The building will not compromise the streetscape values of Garden Avenue.

197.5 The proposal will add to the diversity of dwellings within the area and will give future residents a good level of internal amenity.

197.6 There are no unreasonable off-site amenity implications associated with the proposal.

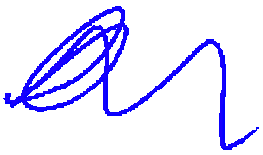
197.7 The proposal is consistent with the purpose of the Residential 1 Zone and responds to the requirements of the Design and Development Overlay and Heritage Overlay.

197.8 The development can be considered favourably in light of the DSE's Guidelines for Higher Density Residential Development.

197.9 Local policy recognises that appropriately designed infill development is part of the urban context and will contribute to the housing needs of the City of Melbourne and will increase its population.

197.10 In my view, the proposal is entirely appropriate for the site and I see no town planning reason why a planning permit should not be granted.

198. I have made all inquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have to my knowledge been withheld from the Tribunal.



JOHN GLOSSOP (B.A HONS.) CPP MPIA
DIRECTOR
GLOSSOP TOWN PLANNING PTY LTD
JULY 2011

8. SITE INSPECTION RECORD

199. I inspected the site on 21 March 2011 and 10 July 2011.

200. I have inspected the site on a number of times since and documented what I observed on the site and the surrounding area and have taken photographs.

201. During my first inspection, I walked around the site and the surrounding area.

9. REQUIREMENTS UNDER PRACTICE DIRECTION NO. 2: EXPERT EVIDENCE

202. This statement is prepared by John Glossop, Glossop Town Planning Pty Ltd, 466 William Street, West Melbourne. I am a Director of the firm. The firm has been in business since 1997.

203. I have a Bachelor of Arts (Urban Studies) Hons. I have been engaged in the following positions and roles in my career as a planner including:

- Former planner with the Shire of Newham and Woodend (prior to its amalgamation with the Macedon Ranges Shire).
- Strategic and Social Planning Manager, Shire of Melton until 1997.
- Sessional member, Planning Panels Victoria since 1997.

204. I have sat as a Chairman or member on a number of planning scheme amendments, dealing with a broad range of issues from high-rise housing in Williamstown, the redevelopment of Pentridge Prison and the application of flooding overlays in the Mornington Peninsula Shire.

- Sessional lecturer and tutor in strategic, statutory planning and urban studies at Victoria University of Technology (1996-99) and lecturer in statutory planning Latrobe University Bendigo (2000- 02).
- Member of the ResCode Advisory Committee 2000.

205. I have considerable experience in statutory and strategic planning and new format planning schemes.

206. My expertise to make this statement is based on a combination of my experience working in metropolitan Melbourne and regional Victoria, an understanding of the site and my experience as a planner in both the private and public sectors. I have been instructed by the landowner to provide an opinion on the planning merits of this application and to provide town planning evidence at VCAT. I was not involved in the preparation of the application for planning permit.

207. The facts of this case are set out in the Officer's report.

208. I have relied on the documents referred to in the introduction section of my statement.

209. There were no tests undertaken in the preparation of this statement. I was assisted in this statement by Claudia Tonelli of my office.

APPENDIX A: STATE PLANNING POLICY FRAMEWORK

210. **Clause 10 'Operation of the State Planning Policy Framework'** sets out the structure of the SPPF and seeks to achieve integrated decision making for the present and future interests of all Victorians

211. **Clause 11 'Settlement'** seeks to respond to the needs of existing and future communities. Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.

212. **Clause 11.02 'Urban growth'** includes clause 11.02-1 'Supply of urban land' which seeks to ensure a sufficient supply of land is available for urban purposes to meet the forecast demand. Planning should consider opportunities for consolidation, redevelopment and intensification of existing urban areas and have regard to neighbourhood character and landscape considerations.

213. **Clause 11.04 'Metropolitan Melbourne'** includes clause 11.04-1 'City structure' which seeks to facilitate the development of a multi-centres metropolitan structure. This includes facilitating targeted redevelopment to increase levels of housing in established areas close to where people reside. Clause 11.04-2 'Activity Centre hierarchy' seeks to create a network of activity centres. Clause 11.04-3 'Employment Corridors' nominates areas for substantial increase in employment, housing education and other opportunities and better link them through improved transport. Clause 11.04-5 'Melbourne's urban growth' seeks to set clear limits to Metropolitan Melbourne's urban development and facilitate a compact city. Urban consolidation is a strategy to achieve the containment urban development within the established urban growth boundary.

214. **Clause 15 'Built environment and heritage'** seeks to ensure planning properly responds to the landscape and valued built form and cultural context. Planning should achieve high quality urban design outcomes. Clause 15.01 'Urban environment' seeks to create safe, functional and good quality urban environments and architectural and urban design outcomes that contribute positively to the public realm. Clause 15.02 'Sustainable development' seeks to achieve energy and resource efficiency, which includes the promotion of urban consolidation. Clause 15.03 'Heritage' seeks to conserve places of heritage significance.

215. **Clause 16 'Housing'** seeks to ensure diversity in housing and efficient provision of supporting infrastructure. Clause 16.01-2 'Location of residential development' seeks to locate new housing in or close to activity centres and employment corridors and other strategic redevelopment sites that offer good access to services and transport. Strategies to achieve this include:

- *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*

- *In Metropolitan Melbourne, locate more intense housing development in and around activity centres, in areas close to train stations and on large redevelopment sites.*

- *Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.*

- *Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.*

- *Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.*

- *Identify opportunities for increased residential densities to help consolidate urban areas.*

216. **Clause 16.01-4 'Housing diversity'** seeks to provide for a range of housing types to meet the increasingly diverse needs. It encourages the development of well-designed medium density housing which respects the neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency of housing.

217. **Clause 18.02 'Movement networks'** seeks to promote the use of sustainable personal transport and encourage cycling as an alternative mode of travel.

APPENDIX B: CLAUSE 22.17 POLICY ASSESSMENT

Scale	
▪ The relative size of buildings and their parts be considered in terms of human scale, building scale, subdivision patterns, and building location and alignment. ▪ The scale of new development is encouraged to respond to the scale of surrounding development both in terms of its overall dimensions and the size of its individual architectural elements. ▪ In areas where the desire for built form change has been identified, the scale of new development is encouraged to respond to the scale of the emerging preferred new built form.	The proposed building size and height is commensurate to the surrounding built form context. Whilst the building is higher in terms of storeys, it only measures 1.69 metres taller than the adjacent building at 12 Garden Avenue (as measured to the respective parapet levels). The site is within an area covered by the Design and Development Overlay that seeks a level of change (notwithstanding the Heritage Overlay that also applies to the site and that the MSS identifies parts of East Melbourne should experience minimal change). The proposal is entirely consistent to the objectives of the DDO21 (Area 20).
Context	
▪ Buildings and works are encouraged to respond to the building and settlement pattern of the surrounding area acknowledging that any development is part of a larger setting and that each setting is different. ▪ In areas where the desire for built form change has been identified, new buildings and works should consider the potential for other development to occur in the immediate environment and respect the ability for surrounding sites to be at least equally developed. ▪ An application will be assessed against the qualities of contextual response being scale, building grain, building location and alignment, and heritage.	The proposal responds to the isolated context of this site that has no immediate relationship with a valued heritage streetscape. The development provides appropriate setbacks to the adjoining properties considering the development potential of these areas are more limited than the review site (given these are properties that are located within valued heritage streetscape contexts and generally serve for vehicle access and parking). An assessment of the detailed design has been provided within this statement.
Building Height	
▪ The height of new development should respect the existing built form of the immediate surroundings. ▪ In areas where the desire for built form change has been identified, the height of new development is encouraged to respond to the height of the emerging preferred new built form character.	Refer comments above at scale.
Building Bulk	
▪ The massing and design of large new buildings is discouraged from overwhelming the built scale of any important pattern and character of existing built form. ▪ The articulation of a building's form and surface	The massing of the proposed building is appropriate and this is recognised in the Council's Urban Design comments. The proposal achieves a high level of articulation.

treatment is encouraged to moderate the apparent bulk by using techniques such as : ○ creating contrast between recessive and projecting elements of a building's various frontages; ○ the apparent subdivision of its street frontages to reflect neighbouring frontage subdivision patterns; and ○ the break-up of a building's overall volume into a number of sub-volumes to modify its perceived size. ▪ Where these techniques are ineffective, other techniques including dimensional constraints such as setbacks and reshaping of the building form are encouraged.	An assessment of the detailed design has been provided within this statement.
Large and Prominent Sites	
▪ New development in prominent locations will be encouraged to use building design, including the design of certain building elements as well as other techniques of perceived scale and contrast to acknowledge this prominence. ▪ Building siting should be used to contribute meaning and positive effect to the public realm but not at the expense of the important contextual qualities of the built surroundings of the development site. ▪ Developments on large sites are encouraged to provide laneway and pedestrian through block links.	This site is not considered to be a prominent site. The building will contribute positively to the public realm and will not have any unreasonable off-site amenity implications. Pedestrian links are provided through the site via 6-12 Garden Avenue and along Brahe Place.
Street Level Frontages	
▪ In commercial and mixed use areas, ground floor occupancies to street frontages of new development are encouraged to directly engage with the street and be visually evident from the street. ▪ In circumstances where the immediate potential for active use is limited, building design is encouraged to make provision for the ultimate conversion of ground floor frontages to active uses. ▪ The design of residential and institutional buildings is encouraged to provide ground level interest to engage with the street through a direct relationship of ground floor entries, front doors and windows at or adjacent to the street. ▪ Solid roller shutters are prohibited on shopfronts. Open mesh security or transparent grills are preferred and should be mounted internal to the shopfront.	The building is designed to respond to the limited streetscape interface with Brahe Place through provision of a pedestrian entry at ground floor and balconies and windows above.

Fronts and Backs of Buildings	
▪ The fronts and backs of buildings are encouraged to be developed in ways that connect with and acknowledge the prevailing structure of neighbouring public space. ▪ Development is encouraged to give prominence to the principal street entrance and frontage of a building. ▪ Building design is encouraged to acknowledge local access patterns when locating front and rear entrances and associated activities.	The building addresses its street frontage to Brahe Place. The building has been designed to encourage pedestrian access along Brahe Place and from Garden Avenue.
Building Tops	
▪ All roof elements including plant, lift over-runs, and other building services are encouraged to be absorbed within the overall building form or be included as part of overall roof design.	This is achieved in the proposal. In addition, the roof top has been designed to incorporate a communal outdoor space and planter boxes which represents a good use of this area.
Visible Facades and Blank Walls	
▪ Design consideration is encouraged to compose and articulate all visible frontages of a building. ▪ The development of a blank building wall along street frontages or that is visible from streets and other public spaces is discouraged. ▪ The visible service areas (and other utility requirements) of a building are encouraged to be treated as an integral part of the overall design and fully screened from public areas.	All facades of the building is highly articulated and well designed. There are no blank walls associated with this proposal. All service areas are integrated within the development.
Pedestrian Connection and Vehicle Access	
▪ The design of new development is encouraged to maintain and enhance the existing form of pedestrian access of the development site unless it can be demonstrated that it can be relocated to achieve an equal level of pedestrian amenity and accessibility. ▪ The design of new development is encouraged to provide for new pedestrian links and laneways where there is an absence of such connections. ▪ Where new development involves the master planning or development of very large sites, it is encouraged that a subdivision pattern of publicly accessible streets, pedestrian links, laneways and appropriate public spaces will be achieved. ▪ Discourage alcoves to ensure safe pedestrian environments. ▪ Encourage access, lighting, visibility, and surface detailing to ensure a safe and interesting pedestrian environment. ▪ The design of new vehicular and pedestrian networks both within and surrounding a	The proposal enhances pedestrian permeability associated with this site (limited to the occupants of the building). There is no reason to provide for public permeability through the site. The proposal will improve pedestrian safety. Lighting can be dealt with by way of permit condition. I defer to the expertise of Mr Higgs in relation to vehicle access.

development is encouraged to minimise traffic conflicts with pedestrians. ▪ Vehicle crossings to pedestrian footpaths are encouraged to: o be limited to the minimum necessary for access requirements; o avoid, where possible, the aggregation of vehicle crossings. ▪ New vehicle crossings are discouraged in many heritage streetscapes.	
Building Projections	
▪ Enclosed floor spaces overhanging the public space are generally not encouraged. ▪ Open balconies/canopies, projecting cornices and other similar building elements that overhang public space beyond a building's boundaries are discouraged, except if they follow a local pattern, contribute positively to the design outcome and to the safety of public spaces, are discreet rather than prevailing elements of a building's design and provide evidence of the building's occupation. Projections over laneways are discouraged in circumstances where they would detrimentally impact on the servicing requirements of the lane. ▪ Enclosed floor space and balcony projections are discouraged at first floor level or at a clearance height less than 5 metres from any public space.	There are no parts of the building that project over public space.
Protection from Wind and Rain	
▪ The design of new development is encouraged to consider the possible wind effects of building proposals on their surroundings. ▪ In areas where there is an established pattern of continuous weather protection along a street, the design of new development is encouraged to reinforce this pattern. ▪ Weather protection need not be provided where it would interfere with the integrity or character of heritage buildings.	The height of this proposal is unlikely to result in any wind effects on the surrounding land. The building entry points provide for adequate weather protection.
Landscape	
▪ New development is encouraged to respect and maintain the garden or landscape character of an area where this is a dominant feature of the neighbourhood. ▪ New buildings are encouraged, where possible, to retain existing mature trees and to provide opportunities to enhance the landscape features of the area. In circumstances where mature trees are removed, developers are encouraged	The site is located at the end of a laneway and will not contribute to a landscape streetscape character. The site is currently vacant and devoid of any vegetation. The development incorporates landscaping of the land immediately to the west of the building with canopy trees and will also include perimeter planting along the northern boundary.

to incorporate suitable replacement planting.	
Access and Safety in Public Spaces	
▪ Public spaces should be designed to be easily accessible and available for public use. ▪ Design of public spaces should ensure safe and adequate access for people with disabilities. ▪ Pedestrian circulation and through-access in public spaces should be designed to allow ease of access. ▪ Active uses are encouraged to abut the street and public spaces so as to increase interest, use, and the perception of safety. ▪ Lighting is encouraged to be provided to improve safety. ▪ Alcoves and spaces that cannot be observed by pedestrians are discouraged. ▪ Building lighting design is encouraged to be fully integrated and contribute to the public amenity. ▪ On major streets and other areas of pedestrian activity, windows at ground floor level should be maximised to provide surveillance.	The site does not adjoin a public space.

APPENDIX C: DPCD'S GUIDELINES FOR HIGHER DENSITY RESIDENTIAL DEVELOPMENT

ELEMENT 1: URBAN CONTEXT		
NEIGHBOURHOOD CHARACTER AND STRATEGIC CONTEXT		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 1.1 To ensure buildings respond creatively to their existing context and to agreed aspirations for the future development of the area. This should take the form of an urban context report.	**Design Suggestion 1.1.1** Prepare an Urban Context Report that documents the character of the area and identifies opportunities and constraints of the site. Identify and document existing planning scheme objectives and requirements applicable to the specific site. Include these in the Urban Context Report.	**Satisfies objective** ▪ A range of urban context material was submitted with the application including an Existing Conditions Plan, a Site Context Plan and Planning Report (submission). ▪ All these documents contained details regarding the site and surrounding properties. ▪ Further discussion on the site context and design response is contained within my statement and contributes to this analysis. This will be supplemented by the urban design evidence of Mr Sheppard. ▪ The design and layout of the development has responded to the site context.
DESIGN RESPONSE		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
	Design Suggestion 1.1.2 Ensure a development is consistent with the strategic location of the site. Address this in the Urban Context Report.	**Satisfies objective** ▪ The review site is located an inner-city context and is part of East Melbourne. As identified through both the State and Local Planning Policy Framework (including Melbourne 2030) as the site is a preferred location for appropriately designed infill development to respond to urban consolidation and increase housing opportunities. ▪ Refer to Section 6 of my statement for further discussion in relation to the suitability of the site for the proposed development having regard to its context.
	Design Suggestion 1.1.3 Consider the likely location, size and expected impact of future developments and possible uses nearby when designing new developments. Address this in the Urban Context Report.	**Satisfies objective** ▪ The building has been designed to have regard to its urban context. ▪ The building is setback from adjoining properties. ▪ Given the adjoining properties are located within valued heritage streetscapes, the development potential of these sites is more limited than the review site. ▪ It seems unlikely to me that the property to the north at 21-27 George Street will be developed flush to its rear boundary to any significant

		height. ▪ Instead, any redevelopment of this site is likely to be directed towards the middle of the site, with the rear being used for car parking. ▪ It seems to me that the redevelopment of the review site will not unreasonably prejudice the development potential of 21-27 George Street. ▪ 29 George Street and the properties at 6-12 Garden Avenue are already likely to be developed to their potential (or very close to it). ▪ I am not aware of any other properties that could be unreasonably constrained by the development of the review site.
DESIGN RESPONSE		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 1.2 To provide a creative design response that is based on a clear understanding of the urban context and neighbourhood character.	**Design Suggestion 1.2.1** Structure the design response to explain how it responds to relevant planning provisions that apply to the land, any relevant housing, neighbourhood character, urban design and landscape plan, strategy or policy set out in the relevant planning scheme and the Urban Context Report including: – Why the massing and overall height is appropriate to the context. – How the development contributes to the quality of adjoining streets and other public spaces. – How the internal layout makes safe and efficient provision for residents. – Why particular design treatments have been chosen.	**Satisfies objective** ▪ The design has responded to the relevant planning provisions that apply to the site. ▪ The development provides increased housing on land zoned Residential 1. ▪ The building height is less than the maximum under the DDO21 and responds to the built form objectives and outcomes. ▪ The proposal has had regard to the Heritage overlay and the surrounding heritage precinct.
	Design Suggestion 1.2.2 Provide illustrations of the project in its context.	**Satisfies objective** ▪ Elevation Plans, sightline diagrams and images have been prepared to illustrate how the development will appear from various vantage points surrounding the site.

ELEMENT 2: BUILDING ENVELOPE		
HEIGHT AND MASSING		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 2.1 To ensure that the height of new development responds to existing urban context and neighbourhood character objectives of the area.	**Design Suggestion 2.1.1** Arrange building height, massing and form to reinforce the structure and character of the area.	**Satisfies objective** ▪ The proposed building height is appropriate having regard to the surrounding context. ▪ The site is an isolated site from the surrounding streetscapes and does not play an immediate role in a streetscape context. ▪ The building has been designed to complement the character of the area and will sit comfortably within the broader heritage context. ▪ Refer to Section 6 of my statement for further discussion in relation to building height and form.
	Design Suggestion 2.1.2 Mass new buildings in response to the scale of surrounding buildings unless doing otherwise helps to achieve neighbourhood character objectives.	**Satisfies objective** ▪ Refer to comments at Section 2.1.1 above. ▪ The proposed building is only marginally taller than the surrounding 3 storey buildings and given its recessed context from the established public realm (by virtue of being surrounded by rear interfaces of adjoining development) it is appropriate in its context.
Objective 2.2 To ensure new development is appropriate to the scale of nearby streets, other public spaces, and buildings.	**Design Suggestion 2.2.1** Relate building height to street widths and intended character.	**Not applicable** ▪ Refer to comments above.
	Design Suggestion 2.2.2 Set back upper levels of taller buildings or use a podium and tower form to help create a pedestrian scale at street level.	**Satisfies objective** ▪ At 4 storeys, this building is not 'tall' and is not located in a highly pedestrianised environment. Having said that, the third floor level is well setback from the northern boundary and the building will help create an improved pedestrian environment.
	Design Suggestion 2.2.3 Respect nearby heritage buildings and places.	**Satisfies objective** ▪ The proposal is interpretative and respectful of the surrounding heritage precinct and the individually recognised buildings. ▪ I defer to the expertise of Ms Lardner and Mr Butler in relation to this matter.
	Design Suggestion 2.2.4 Reduce heights, increase setbacks or steps the mass of the building to create sensitive interfaces with adjoining buildings.	**Satisfies objective** ▪ The development appropriately responds to the more sensitive interfaces to the north-west by increasing the setback to the third level from the northern boundary.

		▪ The proposed height is commensurate to the surrounding context.
Objective 2.3 To protect sunlight access to public spaces.	**Design Suggestion 2.3.1** Avoid reducing sunlight to important public spaces.	**Satisfies objective** ▪ There will be no shadow implications on Yarra Park which is in proximity to the site (located to the south of Wellington Parade)
STREET SETBACKS		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 2.4 To respond to existing or preferred street character.	**Design Suggestion 2.4.1** Don't set buildings back from the street in retail areas or where a consistent street edge needs to be reinforced, except where creating a new public space is an integral part of the proposal.	**Satisfies objective** ▪ The site is an isolated site from the established streetscape character, and is located at the end of a laneway. There are no streetscape setbacks that are relevant to this site.
	Design Suggestion 2.4.2 Match existing setbacks where an established landscape setting contributes to the proportions of the street and to the street's character.	**Not applicable** ▪ Refer to comments above.
	Design Suggestion 2.4.3 Respond to the local physical context in a way that makes a positive contribution to the pedestrian environment at street level.	**Satisfies objective** ▪ The proposal creates a safer pedestrian environment as compared to the existing conditions. ▪ Refer to comments above and Section 6 of my statement for a response to positive contribution to the pedestrian environment.

RELATIONSHIP TO ADJOINING BUILDINGS		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 2.5 To ensure building separation supports private amenity and reinforces neighbourhood character.	**Design Suggestion 2.5.1** Don't separate buildings with side setbacks in streets that have connected buildings with party walls, e.g. terrace housing.	**Satisfies objective** ▪ The surrounding area is characterised attached building forms (terrace housing) and detached buildings (apartments) which are also located on or near the boundaries. ▪ The proposal will sit comfortably within its context and inner-city location.
	Design Suggestion 2.5.2 Where side setbacks are an important part of the local streetscape character but do not contribute to private amenity, build with party walls and use recesses at the street front to create the appearance of separated buildings.	**Not applicable** ▪ The site is a unique site that does not have an immediate presence in an established streetscape context and therefore the side setbacks are not applicable.
	Design Suggestion 2.5.3 Use side setbacks where they are important for private amenity, e.g. for solar access, access to the rear off the lot, or to avoid unreasonable impacts on neighbouring properties and public spaces.	**Satisfies objective** ▪ Side setbacks (setbacks from boundaries) are adequate for private amenity in this context.
Objective 2.6 To ensure areas can develop with an equitable access to outlook and sunlight.	**Design Suggestion 2.6.1** Consider the possible future development of adjoining sites and allow, as best as possible, or an equitable spread of development potential throughout the area.	**Satisfies objective** ▪ The development has been designed to have regard for the development potential on the adjoining properties. ▪ There are no particular view lines across this site (other than those obtained by virtue of it being vacant).
	Design Suggestion 2.6.2 Maintain sunlight and daylight access to adjoining private open spaces of dwellings in accordance with Clause 55 of the planning schemes.	**Not applicable** ▪ The development will not have any unreasonable sunlight or daylight impacts on residential adjoining residential properties.

RELATIONSHIP TO ADJOINING BUILDINGS		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
	Design Suggestion 2.6.3 Provide space between taller buildings to provide outlook, daylight access and privacy for residents.	**Not applicable** ▪ Each dwelling is provided with good access to daylight, and future residents are provided with privacy and an outlook. ▪ There are no unreasonable visual bulk implications as associated with the proposal.
	Design Suggestion 2.6.4 Orient new buildings to optimise sunlight and amenity for dwellings, private open spaces and adjoining public spaces.	**Satisfies objective** ▪ Balconies and living room windows have been oriented to the edges of the building and are optimised in terms of the site's context. ▪ The building is provided with a communal roof top roof garden to supplement these private areas.
Objective 2.7 To ensure visual impacts to dwellings at the rear are appropriate to the context.	**Design Suggestion 2.7.1** Consider views from dwellings at the rear or sides of the development.	**Not applicable** ▪ The proposal has been designed to have an interface with all side boundaries.
VIEWS TO AND FROM RESIDENTIAL UNITS		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 2.8 To maximize informal or passive surveillance of streets and other public open spaces.	**Design Suggestion 2.8.1** Provide windows overlooking streets and other public spaces.	**Satisfies objective** ▪ The building presents balconies to all boundaries to promote passive surveillance of the surrounding area.
	Design Suggestion 2.8.2 Locate living areas towards adjoining streets and other public spaces.	**Satisfies objective** ▪ Balconies and living rooms are located adjacent to the building edges.
	Design Suggestion 2.8.3 Use level changes, especially floor and balcony spaces elevated above the street level, to allow views form residential units onto adjacent public spaces while controlling views into these units.	**Satisfies objective** ▪ All dwellings and balconies are located above ground level.

Objective 2.9 To maximise residential amenity through the provision of views and protection of privacy within the subject site and on neighbouring properties.	**Design Suggestion 2.9.1** Local living areas, windows and private open spaces to minimize the potential for overlooking.	**Satisfies objective** ▪ Save for my comments at Section 6 of my statement, the proposed layout will not cause unreasonable overlooking of adjacent residential properties.
WIND PROTECTION		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 2.10 To ensure new tall buildings do not create adverse wind effects	**Design Suggestion 2.10.1** Use stepped buildings forms and articulation of the building mass to reduce wind turbulence at ground level.	**Not applicable** ▪ It is considered that the height of proposed building would not create adverse wind effects. ▪ The building form is well articulated.
	Design Suggestion 2.10.2 Provide protection for pedestrians in public and private spaces from wind down drafts where a building is taller than the surrounding environment**.**	**Satisfies objective** ▪ Whilst the building is marginally taller than the surrounding context, it is unlikely to cause adverse wind down drafts.
ROOF FORMS		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 2.11 To treat roof spaces and forms as a considered part of the overall building design.	**Design Suggestion 2.11.1** Incorporate plant and lift overruns as an integral part of the roof design.	**Satisfies objective** ▪ The lift core, stairs and plant areas have been designed as in integrated part of the building.
	Design Suggestion 2.11.2 Design the roof to be used.	**Satisfies objective** ▪ The building incorporates a communal roof top garden terrace.

ELEMENT 3: STREET PATTERN AND STREET-EDGE QUALITY		
STREET PATTERN AND STREET EDGE INTEGRATION		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 3.1 To create walkable areas within a safe and interesting public setting.	**Design Suggestion 3.1.1** Maintain and extend street networks to create a closely space and interconnected street systems in areas where higher density buildings are proposed.	**Not applicable** ▪ Brahe Place is not a highly pedestrianised street that requires a response. Notwithstanding, proposal will enhance the pedestrian environment.
	Design Suggestion 3.1.2 Create new cross-site pedestrian links where the walkable perimeter of a block is great than 400 metres. Position these links to take advantage of obvious desire lines for local pedestrian movement.	**Not applicable** ▪ The proposal provides a cross link for the future residents. ▪ Given Brahe Place is not a highly pedestrianised street it is considered a public cross link is not required through the site.
Objective 3.2 To closely integrate the layout and occupation patterns of new development with the street.	**Design Suggestion 3.2.1** Locate active ground floor uses along the street perimeter of new development to increase the safety, use and interest of the street.	**Not applicable** ▪ Notwithstanding this site has a limited street environment, the development improves the safety and security of the surrounding area through built form and passive surveillance.
	Design Suggestion 3.2.2 Maximize ground level windows and entrances to promote active frontages.	**Not applicable** ▪ Refer to comments above.
	Design Suggestion 3.2.3 Avoid creating blank walls, large service areas, car parking, co-located or continuous garage doors or dense planting to ground level street frontages of new developments.	**Satisfies objective** ▪ All façades are articulated and provide window openings for passive surveillance, including at the ground floor level which is principally for car parking.
	Design Suggestion 3.2.4 Avoid recesses to ground level street frontages that could allow concealment**.**	**Satisfies objective** ▪ There are no recesses to the development that would allow concealment.

STREET PATTERN AND STREET EDGE INTEGRATION		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 3.3 To ensure car parking does not dominate the street frontage	**Design Suggestion 3.3.1** Screen or disguise above-ground parking areas in new development from the street.	**Satisfies objective** ▪ The car parking is located at the ground floor level and is integrated with the overall building presentation. The car parking will not be visible from the public realm.
	Design Suggestion 3.3.2 Screen half basement car parking.	**Not applicable**
BUILDING ENTRIES		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 3.4 To create street entrances with a strong identity that provides a transition from the street to residential interiors.	**Design Suggestion 3.4.1** Accentuate and identify building entrances.	**Satisfies objective** ▪ The building has a pedestrian entry on the west elevation facing the pedestrian path on 6 and 12 Garden Avenue and on the east elevation facing the driveway accessing Brahe Place. ▪ The site is not located on an established streetscape that requires a particular response to eventuate the building entry.
	Design Suggestion 3.4.2 Support the role of entrances as points of orientation.	**Satisfies objective** ▪ The secure entry points provide an appropriate transitional space to orient pedestrians to the upper levels of the building.
	Design Suggestion 3.4.3 Create more rather than fewer entries to help activate the street.	**Satisfies objective** ▪ Two entries are provided to activate both sides of the building to help activate Brahe Place to the north and the driveway to the east and south-east and the pedestrian pathway to the west.
	Design Suggestion 3.4.4 Provide individual entries to ground floor dwellings accessed from the street.	**Not applicable** ▪ There are no dwellings located on the ground floor level.
	Design Suggestion 3.4.5 Provide good visual and physical connections between the street and lobby spaces.	**Not applicable** ▪ Refer to response for 3.4.1.

Objective 3.5 To ensure car park entries do not detract from the street.	**Design Suggestion 3.5.1** Avoid car parking entrances on shopping streets.	**Not applicable**
	Design Suggestion 3.5.2 Incorporate pedestrian access with car park entrance, or provide discrete car entrances.	**Satisfies objective** ▪ A vehicle ramp is provided to the car park as a discrete entry on the south-eastern elevation and pedestrian entries to the building are located on the east and west elevation.
FRONT FENCES		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 3.7 To avoid creating inactive frontages as a result of fencing private open spaces.	**Design Suggestion 3.7.1** Use low height, transparent or partially open fences to create an impression of openness and permeability.	**Satisfies objective** ▪ There is no front fencing proposed.
	Design Suggestion 3.7.2 Front fences should respect the existing character or contribute to establishing a new neighbourhood character.	**Satisfies objective** ▪ There is no front fencing which respects and contributes to the neighbourhood character.

ELEMENT 4: CIRCULATION AND SERVICES		
PARKING LAYOUT		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 4.1 To provide adequate, safe and efficiently designed parking layouts.	**Design Suggestion 4.1.1** Cleary mark access into and movement through car park with clear signage, floor markings and lighting.	**Satisfies objective** ▪ The car parking layout has been designed to provide safe and convenient vehicle access. ▪ Appropriate lighting can be provided within the car park to enhance the safety of residents.
	Design Suggestion 4.1.2 Clearly identify parking spaces allocated to specific dwellings.	**Satisfies objective** ▪ Car spaces can be easily allocated via a planning permit condition or a car parking management plan. ▪ I defer to the evidence of Mr Higgs in relation to this matter.
	Design Suggestion 4.1.3 Make provision for loading and unloading of goods and services.	**Not applicable**
	Design Suggestion 4.1.4 Make provision for bicycle parking.	**Satisfies objective** ▪ A communal bicycle storage space is proposed within the existing facility shared by 6 and 12 Garden Avenue. ▪ I defer to the evidence of Mr Higgs in relation to this matter.
Objective 4.2 To provide safe and convenient access between car parking and bicycle areas and the pedestrian entry to buildings.	**Design Suggestion 4.2.1** Provide well considered entrances from the car park to residential lobbies, foyers and individual apartment entrances.	**Satisfies objective** ▪ The proposal includes paths to provide convenient access to building entry and the bicycle storage. The car parking is conveniently located within the building. Lift and stair core provides access to each dwelling entry.
	Design Suggestion 4.2.2 Design car parks to assist orienting and away-finding.	**Satisfies objective** ▪ The lift core is clearly visible from within the building. ▪ The limited size and regular layout of the car park avoids access difficulties. ▪ The car park has a single entry/exit point.
	Design Suggestion 4.2.3 Provide adequate parking facilities for visitors.	**Satisfies objective** ▪ I defer to the evidence of Mr Higgs in relation to this matter.

CIRCULATION SPACES		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 4.3 To create shared internal spaces that contribute positively to the experience of living in higher density development.	**Design Suggestion 4.3.1** Ensure that the main entry and individual dwelling entries allow for the delivery or removal of large furniture items.	**Satisfies objective** ▪ The width of the ground floor lift and stair core and individual dwelling entries are considered to be sufficient to enable furniture items to be delivered/removed.
	Design Suggestion 4.3.2 Ensure service lifts can accommodate large furniture items to the upper levels.	**Satisfies objective** ▪ The lift size is considered sufficient to enable furniture items to be delivered/removed.
	Design Suggestion 4.3.1 Design quality internal spaces.	**Satisfies objective** ▪ The layout of internal common spaces has sought to allow for visibility and ease of movement and avoid long corridors.
SITE SERVICES		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 4.4 To minimise running and maintenance costs.	**Design Suggestion 4.4.1** Consider the total 'lifecycle cost' of the building.	**Satisfies objective** ▪ It is assumed that high quality mechanical and electrical systems will be incorporated in to the building in order to minimise running and maintenance costs. ▪ ESD techniques are also incorporated to reduce overall running costs.
	Design Suggestion 4.4.2 Design mechanical and electrical systems to minimize energy consumption.	**Satisfies objective** ▪ The developer can fit energy efficient appliances and lighting systems where appropriate. ▪ Solar hot water panels are incorporated.
Objective 4.5 To minimise water use.	**Design Suggestion 4.5.1** Collect and re-use stormwater where practical.	**Satisfies objective** ▪ A stormwater retention tank is provided beneath the ground floor car park. I am advised the water will be connected for laundry, toilet flushing and landscape irrigation purposes.
	Design Suggestion 4.5.2 Use natural irrigation in landscape areas.	**Satisfies objective** ▪ Refer response above.

Objective 4.6 To incorporate provision for site services in the building design to ensure good function and ease of service and maintenance	**Design Suggestion 4.6.1** Provide a clear method for refuse disposal.	**Satisfies objective** ▪ The garbage storage area is conveniently located at the rear of 12 Garden Avenue. ▪ Waste collection can be accommodated by Council's services on Garden Avenue. ▪ Sufficient area has been allocated for the anticipated resident's needs. Refer to the Waste Management Plan submitted with the application material. Although the number of dwellings has reduced by one, the balance of the plan is still relevant.
	Design Suggestion 4.6.2 Provide facilities for mail deliveries and parcel drop off.	**Satisfies objective** ▪ A communal mail box area has been provided adjoining the drive way off Brahe Place. I am advised this complies with Australia Post requirements.
	Design Suggestion 4.6.3 Ensure that all utility meters are easily accessible.	**Satisfies objective** ▪ A space has been allocated for utilities / electrical meters adjoining the pedestrian entrance on Brahe Place.
	Design Suggestion 4.6.4 Provide space for cleaning and servicing equipment.	**Satisfies objective** ▪ A space can be provided within the ground floor level area for the storage of cleaning equipment if necessary.
	Design Suggestion 4.6.5 Ensure emergency services have easy access.	**Satisfies objective** ▪ I defer to the evidence of Mr Higgs in relation to this matter.
ELEMENT 5: BUILDING LAYOUT AND DESIGN		
DWELLING DIVERSITY		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 5.1 To provide a range of dwelling sizes and types in higher density residential developments.	**Design Suggestion 5.1.1** Design for a mix of dwelling types, particularly in larger residential developments (e.g. to suit single people, family groups of varying sizes, students, the elderly, people of limited mobility, and people on low to moderate incomes).	**Satisfies objective** ▪ The building contains eight 1- bedroom dwellings in a variety of layouts to add diversity to the housing within the area.

BUILDING LAYOUT		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 5.2 To optimise the layout of buildings in response to occupants' needs as well as identified external influences and characteristics of a site.	**Design Suggestion 5.2.1** Design the internal layout of new higher density residential buildings to suit the site and surrounding as well as the needs of its occupants.	**Satisfies objective** ▪ Balconies, living room windows and bedroom windows are oriented to face outwards from the building and provide each apartment with an outlook and good sunlight access.
	Design Suggestion 5.2.2 Consider multiple lifts and stair cores rather than a single central core in buildings with a larger footprint or floor plate.	**Satisfies objective** ▪ The building does not comprise a large foot print that justifies more than one lift and stair core to access the dwellings.
Objective 5.3 To create functional, flexible, efficient and comfortable residential apartments.	**Design Suggestion 5.3.1** Check layouts for practicality.	**Satisfies objective** ▪ The open plan design of the main living space provides a functional and efficient layout.
	Design Suggestion 5.3.2 Where possible, build in some flexibility in the use of rooms.	**Satisfies objective** ▪ Refer response to 5.3.1.
Objective 5.4 To ensure that a good standard of natural lighting and ventilation is provided to internal building spaces.	**Design Suggestion 5.4.1** Provide direct light and air to all rooms wherever possible.	**Satisfies objective** ▪ The main living area for each apartment and each bedroom is located at the edge of the building, where it will receive good access to natural light and ventilation.
	Design Suggestion 5.4.2 Design light-wells that are adequately sized for their intended purpose.	**Satisfies objective** ▪ A form of light-well is used in the building design to provide some of the bedrooms with access to daylight and they are adequately designed.
	Design Suggestion 5.4.3 Take measures to reduce the reverberation of noise in light wells.	**Not applicable**
Objective 5.5 To provide adequate storage space for household items.	**Design Suggestion 5.5.1** Provide adequate storage space.	**Satisfies objective** ▪ Each unit is provided with a secure storage area within the ground floor car park.

DESIGN DETAIL		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 5.6 To promote buildings of high architectural quality and visual interest**.**	**Design Suggestion 5.6.1** Design various building elements to suit the different ways they are viewed.	**Satisfies objective** ▪ Each elevation of the building has been properly considered and is of high quality architecture.
	Design Suggestion 5.6.2 Consider materials as in integral part of the design response.	**Satisfies objective** ▪ Consideration has been given to the external materials and finishes, particularly in relation to heritage requirements.
	Design Suggestion 5.6.3 Avoid an unconsidered repetition of elements.	**Satisfies objective** ▪ Refer comment at 5.6.1.
	Design Suggestion 5.6.4 Use external lighting to enhance the design.	**Satisfies objective** ▪ Can be a permit condition if required.
	Design Suggestion 5.6.5 Integrate signage and graphics with the building design.	**Not applicable**
	Design Suggestion 5.6.6 Provide a discrete location for air conditioning units.	**Satisfies objective** ▪ Air conditioning units for each dwelling is located within the communal roof top area on the roof.

ELEMENT 6: OPEN SPACE AND LANDSCAPE DESIGN		
PRIVATE AND COMMUNAL OPEN SPACE		
OBJECTIVE NO.:	**DESIGN SUGGESTION**	**ASSESSMENT/COMMENT**
Objective 6.1 To ensure access to adequate open space for all residents.	**Design Suggestion 6.1.1** Ensure private open space areas are useable and provide reasonable levels of amenity.	**Satisfies objective** ▪ Each apartment is provided with a balcony that has an area exceeding 8m². ▪ The future residents will have access to a communal roof top area to supplement the balcony spaces. ▪ The site is located within easy walking distance to extensive nearby public parkland, which will cater for the active recreational needs of residents.
	Design Suggestion 6.1.2 Clearly distinguish between private and public spaces.	**Satisfies objective** ▪ Private and public spaces are clearly distinguished. ▪ Common or shared areas are clearly defined and can be functionally managed through a condition requiring a lease or a Section 173 agreement.
Objective 6.2 To ensure common or shared spaces are functional and attractive for their intended users.	**Design Suggestion 6.2.1** Consider the availability of recreation spaces and facilities in the area, potential demands for them, and provide facilities that are absent of undersupplied**.**	**Satisfies objective** ▪ The site is close to Yarra Park. ▪ There is no need to provide additional facilities on-site.
	Design Suggestion 6.2.2 Consider providing high-quality specialized facilities that will be shared by other local developments, rather than treating each development as a stand-alone entity.	**Not applicable** ▪ The proposal seeks to share bicycle and rubbish storage areas with 6 & 12 Garden Avenue and will gain shared pedestrian access through this land.
	Design Suggestion 6.2.3 Design open spaces that can be well maintained.	**Satisfies objective** ▪ The proposed roof top area and other common areas will be low maintenance defined and can be functionally managed.
	Design Suggestion 6.2.4 Design spaces that are usable in a range of weather conditions at various times of the year.	**Satisfies objective** ▪ All balconies except those on the upper level are provided with weather protection (i.e. they are located directly above one another).

	Design Suggestion 6.2.5 Open spaces should: – Provide a clear delineation between public, communal and private space. – Be substantially fronted by active ground floors including building entries. – Provide an outlook for as many dwellings as possible. – Provide opportunity for mature planting to provide shade, shelter or screening. – Be designed to protect any natural features on the site or immediately adjacent to the site. – Be accessible and useable.	**Satisfies objective** ▪ The communal roof top area is a functional use of this space for all residents.
Objective 6.3 To allow solar access to the private and shared open space of new high density residential units.	**Design Suggestion 6.3.1** Orient balconies, terraces and communal open space to optimize access to sunlight.	**Satisfies objective** ▪ Balconies and the roof top areas are well oriented to optimise access to sunlight.
	Design Suggestion 6.3.2 Use the open spaces on balconies, podiums and roof terraces to provide open spaces with maximum access to sunlight**.**	**Satisfies objective** ▪ Refer comment above.
Objective 6.4 To integrate the design of shared and private open space into the overall building design and façade composition.	**Design Suggestion 6.4.1** Integrate balconies, terraces and roof gardens with the overall building design and façade composition.	**Satisfies objective** ▪ The design has integrated the balconies and roof top area into the façade composition and the overall design of the building.
Objective 6.5 To provide for greenery within open spaces**.**	**Design Suggestion 6.5.1** Include substantial areas for landscaping**.**	**Satisfies objective** ▪ The ground floor setback areas will provide for landscaping. ▪ The area to the west of the building will be landscaped in associate with the proposal. ▪ The root top area will provide low scale planting in planter boxes.
	Design Suggestion 6.5.2 Design to enable high quality, sustainable landscaping over structures.	**Satisfies objective** ▪ The rain water storage will be used to irrigate landscaping areas.

	Design Suggestion 6.5.3 Minimise the visual effects of water run-off from open space areas.	**Satisfies objective** ▪ The roof top area will be appropriately drained.
	Design Suggestion 6.5.4 Provide permeable ground surfaces.	**Satisfies objective** ▪ The driveway will comprise a permeable surface to improve site permeability.
PUBLIC OPEN SPACE		
Objective 6.6 To create public open space appropriate to its context	**Design Suggestion 6.61** Ensure new public open spaces contribute to a safe, attractive and well used public environment.	**Not applicable**