Planning & Amenity Committee Meeting

Council Chambers
Civic Centre – Boxshall Street Brighton

Tuesday 11 June 2019 at 7pm

Late Agenda
Members of the Gallery

Your attention is drawn to Section 92 of Council’s Governance Local Law No 1.

Section 92 The Chair’s Duties and Discretions

In addition to other duties and discretions provided in this Local Law, the Chair –

(a) must not accept any motion, question or statement which is derogatory, or
defamatory of any Councillor, member of Council staff, or member of the community;

(b) may demand retraction of any inappropriate statement or unsubstantiated allegation;

(c) must ensure silence is preserved in the public gallery during any meeting;

(d) must call to order any member of the public who approaches the Council or
Committee table during the meeting, unless invited by the Chair to do so; and

(e) must call to order any person who is disruptive or unruly during any meeting.

An Authorised Officer must, if directed to do so by the Chairman, remove from a meeting any
Councillor or other person who has committed such an offence.

Your cooperation is appreciated

Chairperson of Council
Planning & Amenity Committee Meeting

Planning & Amenity Committee Charter
To deal with all matters relating to consideration of statutory planning, tree removal applications, traffic and parking matters.

This Committee has the full delegated authority of Council to finally determine upon planning applications.

Membership of the Committee
All Councillors

Order of Business

4. Matters of Decision

4.14 28-30 Lawrence Street, Brighton Support the Grant of a Permit (Consent Order) Application No: 2018/56/1 Ward: Northern

Next Meetings 2019

Tuesday 16 July 2019
Tuesday 30 July 2019 (*CANCELLED)
Tuesday 13 August 2019
Tuesday 10 September 2019
Tuesday 8 October 2019
Tuesday 22 October 2019 (*CANCELLED)
Tuesday 12 November 2019
Tuesday 26 November 2019 (*CANCELLED)
Monday 9 December 2019
4. Matters of Decision

4.14 28-30 LAWRENCE STREET, BRIGHTON
SUPPORT THE GRANT OF A PERMIT (CONSENT ORDER)
APPLICATION NO: 2018/56/1  WARD: NORTHERN

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/135838

In accordance with Section 68(b) of the Governance Local Law No: 1 - 2013, a person is not permitted to present to this item as it is a report summarising a decision already made by another body. In addition, the Consent Order is the outcome from the VCAT Compulsory Conference where parties established an agreed position.

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Support the Grant of a Permit (VCAT Consent Order)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>The Edge Development Group</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants.</td>
</tr>
<tr>
<td>Date application received</td>
<td>15 February 2018, with the Substituted Plans circulated on 23 May 2019.</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>N/A</td>
</tr>
<tr>
<td>Zoning</td>
<td>General Residential Zone (Schedule 2)</td>
</tr>
<tr>
<td>Overlays</td>
<td>Heritage Overlay (Schedule 760)</td>
</tr>
<tr>
<td></td>
<td>Design and Development Overlay (Schedule 11)</td>
</tr>
<tr>
<td></td>
<td>Development Contributions Plan Overlay (Schedule 1)</td>
</tr>
<tr>
<td>Site area</td>
<td>1,505m²</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>Twenty (20)</td>
</tr>
<tr>
<td></td>
<td>Four objectors have joined as parties to the VCAT proceedings.</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>In the event of permit issue, $8,080.</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>Yes. An approved Cultural Heritage Management Plan was submitted to Council on 14 January 2019.</td>
</tr>
</tbody>
</table>

Purpose

The purpose of this report is to endorse a consent position reached by all parties on 7 June 2019 following the circulation of substituted plans at VCAT, prior to a merits hearing. The Draft Consent Order is provided at Attachment 1.
History

The application sought the demolition of two dwellings and the construction of a three storey residential building consisting of 14 dwellings, a front fence exceeding 1.5 metres and the subdivision of land.

On 18 May 2018, Council Officers determined to refuse the planning application. The grounds of refusal were as follows:

1. The proposal fails to respond to the objectives of Clause 43.01 (Heritage Overlay) and Clause 22.05 (Heritage Policy) in that it does not conserve and enhance the heritage place.

2. The demolition of the existing contributory heritage building at 28 Lawrence Street is inappropriate.

3. The proposal fails to achieve a design objective of Schedule 11 to the Design and Development Overlay, specifically:
   a. To develop the centre in a way that conserves and enhances its valued urban character and heritage places.

4. The proposed development fails to respect the existing neighbourhood character and does not achieve the preferred future character objectives of the precinct guidelines for Precinct B2 in Clause 22.06 (Neighbourhood Character Policy).

5. The proposed development does not provide the minimum garden area requirement as set out at Clause 32.08-4 of the Bayside Planning Scheme.

6. The proposal fails to comply with the objectives and standards of Clause 55 of the Bayside Planning Scheme, in particular:
   a. Neighbourhood Character (Standard B1)
   b. Street Setback (Standard B6)
   c. Site Coverage (Standard B8)
   d. Side and Rear Setbacks (Standard B17)
   e. North Facing Windows (Standard B20)
   f. Overshadowing Open Space (Standard B21)
   g. Solar Access to Open Space (Standard B29)
   h. Detailed Design (Standard B31)
   i. Front Fences (Standard B32)
   j. Private Open Space above Ground Floor (Standard B43)
   k. Room Depth (Standard B47)

7. The proposal fails to achieve the purpose of Clause 52.06 (Car Parking) in that it does not allow for easy and safe vehicle access and egress to Lawrence Street.

8. The proposed size of the basement does not allow an acceptable area of post-construction deep soil landscaping

9. The proposed basement location may impact on the long-term health of Trees 2 & 3 on 55 Black Street.

On 21 November 2016, Council Officers refused a previous planning application (5/2016/571/1) at 28 Lawrence Street. This matter proceeded to VCAT and the Tribunal affirmed Council’s refusal in an order made on 23 May 2017.

VCAT

An Application for Review against the decision made by Council was lodged with VCAT
pursuant to Section 77 of the *Planning and Environment Act 1987*.

The application is scheduled for a three-day hearing starting on 31 July 2019.

Following the decision made by Council, and upon further discussions following the lodgement of the Section 77 Appeal, an agreement was reached on 7 June 2019 based on the substituted plans, circulated on 23 May 2019, which included the following changes to the decision plans:

**Overall**

- Reduction of 8 dwellings.
  - From 14 apartments to 6 townhouses.
- Reduction of 18 car parking spaces.
  - From 30 spaces to 12 spaces including 8 inside basement garages.
- Deletion of the second floor.
- Changes to building envelope to allow for 4 separate buildings with central common walkway.
- Introduction of a visual break of 2.85 metres at ground floor and 7.15 metres at first floor.
- Habitable spaces and light courts introduced at basement levels for Townhouses 01-04.
- Common stair access to ground level entries for Townhouses 05-06.
- Minimum street setback increased by 590mm.
- Increased side and rear setbacks at ground and first floor levels.
- Roof profiles amended to reflect gable roof forms in the immediate precinct.
- Removal of the subdivision from the application.

The permit applicant, all 4 objector parties and Council all agreed to the above changes subject to further conditions as listed in the Consent Order which is included at Attachment 1.

The Substituted Plans, a full list of the Statement of Changes and the Streetscape views are included at Attachment 2, 3 and 4 respectively.

If the Consent Order is not endorsed by the Planning and Amenity Committee, the application will proceed to a full merits hearing on 31 July 2019 for 3 days.

### 2. Recommendation

That Council resolve to **Support the Grant of a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application 2018/56/1 for the land known and described as *28-30 Lawrence Street, Brighton* for the **demolition of two dwellings, construction of dwellings and a front fence exceeding 1.5 metres high** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts (including any demolition), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by ADDARC referenced VCAT Amendment, drawing nos. TP03 to TP06 and TP08 to TP24 (inclusive).
all marked revision number 04 and dated 20.05.19 but modified to show:

a) A demolition plan demonstrating the removal of both dwellings and all associated outbuildings.

b) The installation of a stair lift on the common stairs to the basement at the rear. The stairs to be widened to 1250mm.

c) The retention or relocation of Tree 12 (California Fan Palm) on 30 Lawrence Street. If relocated, the tree must be replanted on-site.

d) TH03-04 brick cladding to be recycled red brick.

e) TH03-04 timber cladding to be stained natural colour vertical timber.

f) Storage areas within the basement visible from common areas to be enclosed within a metal cladding to ensure they are secure and goods within the storage area are not visible.

g) Any solar panels on the roof are to be mounted flush with the roof so as to minimise visibility from Lawrence Street.

h) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).

i) A stop-go traffic signal system to be installed for basement entry and exit.

j) A notation on the plans showing minimum 2.2 metre clearance at the basement entrance.

k) The new crossover to be a minimum of 3.6 metres wide.

l) Removal of the existing vehicle crossing and replaced with kerb and channel and paved parking areas complimenting the remainder of the street.

m) A Landscaping Plan in accordance with Condition 10 of this permit.

n) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.

o) A Tree Management Plan and Tree Protection Plan in accordance with Condition 13 of this permit.

p) A Construction Management Plan in accordance with Condition 18 of this permit.

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

**Water Sensitive Urban Design**

8. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
   a) The type of water sensitive urban design stormwater treatment measures to be used.
   b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
   c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

9. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

**Landscaping**

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Memla, reference 1975, dated 22-01-2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
   a) The retention or relocation of Tree 12 (California Fan Palm) on 30 Lawrence Street. If relocated, the tree must be replanted on-site.
   b) The building footprint amended to match floor plans.
   c) The provision of 6 canopy trees capable of reaching 10 metres high at maturity. Trees should be indigenous coastal species and be planted in locations that allow appropriate deep soil volumes.
   d) A survey including botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
   e) A survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
f) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

g) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

h) Details of surface finishes of pathways and driveways.

11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

13. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified Arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.

b) The location of tree protection measures to be utilised.

14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street tree protection

16. Soil excavation must not occur within 2 metres from the edge of the Lagerstroemia indica (Crepe Myrtle) street tree asset’s stem at ground level.

17. A tree protection fence is for the protection of a tree’s canopy and root zone. Conditions for street tree protection fencing during development are as follows:

a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.

b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

Construction Management Plan

18. Prior to commencement of any building works including demolition works or the issue of a Building Permit, a Construction Management Plan (CMP) prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (but not limited to):

a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure.
b) Works necessary to protect road and other infrastructure.
c) Remediation of any damage to road and other infrastructure.
d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land.
e) Facilities for vehicle washing, which must be located on the land.
f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street.
g) Site security.
h) Management of any environmental hazards including, but not limited to:
   i. contaminated soil and ground water;
   ii. materials and waste;
   iii. dust;
   iv. stormwater contamination from run-off and wash-waters;
   v. sediment from the land on roads;
   vi. washing of concrete trucks and other vehicles and machinery; and
   vii. spillage from refuelling cranes and other vehicles and machinery.
i) The construction program.
j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency.
k) Parking facilities for construction workers.
l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan.
m) An outline of requests to Council /Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services.

n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced.

o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

p) Include details of bus movements throughout the precinct during the construction period.

q) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:

   i. using lower noise work practice and equipment;

   ii. the suitability of the land for the use of an electric crane;

   iii. silencing all mechanical plant by the best practical means using current technology;

   iv. fitting pneumatic tools with an effective silencer;

   v. other relevant considerations; and

   vi. any site-specific requirements.

During the construction:

r) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines.

s) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system.

t) Vehicle borne material must not accumulate on the roads abutting the land.

u) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads.

v) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction
Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

Drainage

19. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

20. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council’s City Assets and Projects Department.

Waste Management

21. Before the endorsement of plans, an amended Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
   a) Dimensions of storage waste areas.
   b) Storm water drains in storage areas should be fitted with a litter trap.
   c) The number and size of bins to be provided.
   d) Facilities for bin cleaning.
   e) Method of waste and recyclables collection.
   f) Types of waste for collection, including colour coding and labelling of bins.
   g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
   h) Method of hard waste collection.
   i) Method of presentation of bins for waste collection.
   j) Sufficient headroom within the basement to accommodate waste collection vehicles.
   k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
   l) Strategies for how the generation of waste and recyclables will be minimised.
   m) Compliance with relevant policy, legislation and guidelines.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

Drainage Development Contributions

22. Prior to endorsement of the plans required under condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Development Levy Charge Sheet and it must include the Building Price Index applicable at time of payment.
Permit Expiry

23. This permit will expire if one of the following circumstances applies:
   a) The development is not started within two years of the date of this permit.
   b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours’ notice is required.

3. Amended Plans Assessment

This report will detail how the amended plans at Attachment 3 respond to the previous Grounds for Refusal and relevant planning policies.

Grounds of Refusal 1, 2 and 3

1. The proposal fails to respond to the objectives of Clause 43.01 (Heritage Overlay) and Clause 22.05 (Heritage Policy) in that it does not conserve and enhance the heritage place.

2. The demolition of the existing contributory heritage building at 28 Lawrence Street is inappropriate.

3. The proposal fails to achieve a design objective of Schedule 11 to the Design and Development Overlay, specifically:
   a. To develop the centre in a way that conserves and enhances its valued urban character and heritage places.

The first, second and third grounds for refusal relate to the proposed impacts on the Lawrence Street Heritage Precinct. The amended plans have sufficiently considered the surrounding precinct particularly through the reduction in height and scale of the development. The amended plans have been referred to Council's Heritage Advisor who stopped short of being supportive of the application. That said, the Heritage Advisor stated that the two relatively modest streetscape forms would be radically less intrusive within the precinct than the previous design.

The pairing of the two street-facing duplexes reflects a similar building typology to contributory dwellings within the vicinity. Council’s Heritage Advisor considers this a reference to a valid element of the form and character of the surroundings. Furthermore, the central walkway and recessed ground level side setbacks provide a separation of the built form which respects the grain of the precinct. The pitched roofs draw from the predominant forms in the precinct without overly borrowing from the hip styles on contributory dwellings.

At refusal, officer position was that although the dwelling was considered at the very low end of the grading scale by VCAT, its demolition was inappropriate. VCAT originally found that the removal of the contributory dwelling at 28 Lawrence Street would not devalue the heritage value of the precinct. Although officers did not
support the demolition of this dwelling at refusal, it is prudent to apply a balanced approach to the development.

Council’s Heritage Policy discourages demolition of contributory buildings unless it can be demonstrated that the fabric has deteriorated to such an extent that major works are required to make the building habitable. As the images demonstrate in Attachment 5, the interior of this dwelling has deteriorated significantly. Further, Heritage Policy allows consideration for the removal of contributory buildings where the replacement building clearly and positively supports the ongoing significance of the precinct. In this instance, officer’s position is that the replacement buildings complement the adjoining and surrounding contributory buildings and positively support the ongoing significance of the precinct.

The modern style built form is considered an acceptable contribution to the heritage precinct. The decision guidelines of the Heritage Overlay (at Clause 43.01-8 of the Bayside Planning Scheme) generally support the demolition of the two dwellings and the construction of the replacement buildings. On balance, the proposed built form is now appropriately respectful of the surrounding dwellings subject to conditions contained within the Consent Order.

Ground of Refusal 4

4. The proposed development fails to respect the existing neighbourhood character and does not achieve the preferred future character objectives of the precinct guidelines for Precinct B2 in Clause 22.06 (Neighbourhood Character Policy).

The preferred future character policy has a number of objectives and design responses sought to achieve the intended character of Precinct B2. The amended design results in a contribution to the preferred character that responds positively to the objectives of this policy.

The amended design allows generous visual separation to present itself around the dwellings. This will preserve and enhance the rhythm of spacious visual separation within the streetscape. Further, the presentation of the built form is similar to adjoining properties in that two duplexes will present to Lawrence Street. Although the proposed duplexes are double storey, their presentation will not overwhelm the surroundings owing to the side setbacks being recessed.

The amended plans offer street-facing gable roof forms that respect the prevailing roof styles of adjoining dwellings. The cladding, subject to a condition of permit, will complement surrounding materials. The differentiation between the materials in the two duplexes is refined and is considered an excellent feature. Although the built form will present similarly the subtle differences will result in a visually interesting contribution to Lawrence Street.

The recessing of the front fences away from the public-private interface will allow considerable landscaping to be planted. This will result in a softening of the fences and built form once planting has matured and is considered an appropriate reflection of the preferred future character. The open elements of the palisade fencing will allow some views in and around the street-facing POS. Overall, the amended design is considered to deliver an appropriate contribution to the character of Lawrence Street.

Ground of Refusal 5

5. The proposed development does not provide the minimum garden area requirement as set out at Clause 32.08-4 of the Bayside Planning Scheme.

The minimum garden area requirement set out at Clause 32.08-4 of the planning scheme is mandatory for a planning permit to be granted. The applicant submitted a garden area plan as a part of their amended plans, clearly demonstrating compliance with this requirement.
Ground of Refusal 6

6. The proposal fails to comply with the objectives and standards of Clause 55 of the Bayside Planning Scheme, in particular:

   a. Neighbourhood Character (Standard B1)

   Standard B1 specifically considers the neighbourhood character which has been discussed in the Ground for Refusal 1 to 4 earlier.

   b. Street Setback (Standard B6)

   The front setback of the TH01-02 duplex is setback 7.1 metres from the Lawrence Street frontage. This achieves the average of two abutting properties in compliance with Standard B6. Furthermore, the pattern of the surrounding dwellings will not be compromised by the increased setbacks. The TH03-04 duplex is recessed further from the streetscape providing greater articulation and a sense of stepping back. The response is considered to achieve the street setback objective.

   c. Site Coverage (Standard B8)

   The site coverage has increased to 56.65% which achieves the 60% requirement of Standard B8. The reduction in the area covered by buildings provides more private open space and landscaped areas for future residents. Further, the reduction in the massing of the built form means that the dwellings will settle into this part of Lawrence Street rather than dominating the surrounds.

   d. Side and Rear Setbacks (Standard B17)

   Whilst a non-compliance remains along the south-eastern side setback, it is measurably small, limited in length and directly abuts a non-sensitive interface (i.e. the garage of 32 Lawrence Street).

   The ground floor setbacks have been increased particularly toward the front of the site. The amended style of the dwellings allows for increased visual separation while maintaining a fine-grain pattern of development. This reflects the existing character of the precinct.

   The first floors are inset above the ground floor setbacks providing good articulation, particularly from oblique angles. This, coupled with the 7 metre visual break through the centre of the site, substantially improves the spaciousness within the development. The amended plans show vast improvements with respect to side and rear setbacks with the setbacks (non-compliance is underlined) as follows:

<table>
<thead>
<tr>
<th></th>
<th>Ground floor</th>
<th></th>
<th>First floor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Proposed</td>
<td>Requirement</td>
<td>Proposed</td>
</tr>
<tr>
<td>North-west (side)</td>
<td>1.13 metres</td>
<td>3.2 metres</td>
<td>2.16 metres</td>
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<td>(max.)</td>
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<td>(max.)</td>
</tr>
<tr>
<td>South-east (side)</td>
<td>1.07 metres</td>
<td>0 &amp; 4.37 metres</td>
<td>1.78 metres</td>
</tr>
<tr>
<td>(max.)</td>
<td>(max.)</td>
<td></td>
<td>(max.)</td>
</tr>
<tr>
<td>South-west (rear)</td>
<td>1.08 metres</td>
<td>3.2 &amp; 3.9 metres</td>
<td>1.93 metres</td>
</tr>
<tr>
<td>(max.)</td>
<td>(max.)</td>
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<td>(max.)</td>
</tr>
</tbody>
</table>

   e. North Facing Windows (Standard B20)

   The north-facing habitable room window at 32 Lawrence Street will no longer be adversely impacted by the development. The additional inset of the first floor walls away from the south-eastern boundary mean that the amended plans are compliance with Standard B20. The treatment of this interface is now considered
acceptable and daylight to the north-facing windows will not be unreasonably impacted.

**f. Overshadowing Open Space (Standard B21)**

The inset of the built form further away from the south-eastern interface reduces the overshadowing impacts on 32 Lawrence Street. The amended plans are compliant with Standard B21.

**g. Solar Access to Open Space (Standard B29)**

The redesigned development provides private open space that has acceptable solar access. TH01-04 have dual (front and rear) access to POS that allow solar access in the morning and afternoon. TH05-06 have rear POS with outstanding provision of afternoon sunlight along the south-western interface. The improved alignment of the proposal will allow an acceptable level of outdoor amenity to the future residents.

**h. Detailed Design (Standard B31)**

Standard B31 specifically considers the detailed design elements which have been discussed in the Ground for Refusal 1 to 4 earlier.

**i. Front Fences (Standard B32)**

Although the front fences proposed remain non-compliant there have been substantial changes to the design of the fences. The fences are now setback a variety of distances from Lawrence Street. This will allow for informal landscaping to contribute positively to the public realm and reduce the imposition of the fencing. Further, palisade style fencing and gates are interspersed providing intermittent views to and from street-facing POS. This is considered a net positive contribution to the Lawrence Street streetscape.

**j. Private Open Space above Ground Floor (Standard B43)**

**k. Room Depth (Standard B47)**

As the development no longer proposes any apartments, the Better Apartment Design Standards do not apply. Standards B43 and B47 are no longer relevant.

**Ground of Refusal 7**

7. The proposal fails to achieve the purpose of Clause 52.06 (Car Parking) in that it does not allow for easy and safe vehicle access and egress to Lawrence Street.

The application has substantial reduced the size of the basement footprint and has allowed a number of car parking spaces that complies with the requirements of Clause 52.06. The amended plans were referred to Council’s Traffic Engineer who were satisfied with the changes. Conditions within the consent order allow a stop-go light system to sufficiently control traffic accessing and egressing from the site. This refusal ground is considered to have been sufficiently addressed.

**Ground of Refusal 8**

8. The proposed size of the basement does not allow an acceptable area of post-construction deep soil landscaping.

The amended plans have included a substantial reduction in the size of the basement. The original basement size was approximately 992m² which was 66% of the subject site. The amended plans include a basement that is 895m² which is 59% of the subject site. The decrease in 97m² of basement area will result in greater deep soil landscaping opportunities.

Outdoor space close to Lawrence Street now has additional soil volumes to support the maturity and retention of significant canopy trees. Further, the inset of the
basement of the north-western side boundary will allow greater landscaping opportunities along this interface. This is considered a substantial improvement compared to the decision plans, sufficiently addressing this concern.

Ground of Refusal 9

9. The proposed basement location may impact on the long-term health of Trees 2 & 3 on 55 Black Street.

The trees at 55 Black Street were permitted to be removed under the permissions of planning permit 5/2016/863/1. In between the initial refusal of the application and now these trees have been removed from the adjoining property. As such, this refusal ground is no longer valid.

4. Conclusion

As described above, the changes to the plans are substantial, and address the previous grounds of refusal to an acceptable level.

All the concerns raised by Council and the objectors have been satisfactorily addressed by the amendments. This includes a deletion of the third storey, 8 dwellings and 18 basement car parking spaces. The amendments also include substantial increases in the side and rear setbacks, particularly at the first floor level. A generous central break in the built form has been introduced in order to allow greater visual separation and a pattern of development that respects the surrounding built form.

The combination of the amendments results in an overall development which is considered to show an acceptable level of compliance with the Bayside Planning Scheme.

Support Attachments

1. Draft Consent order ↓
2. Formally Amended Development Plans ↓
3. Statement of Changes to Formally Amended Plan ↓
4. Photos of existing dwelling at 28 Lawrence Street ↓
5. Formally Amended Streetscape Views ↓
Consent order – S 77, s79 or s 82
Permit granted after REFUSAL OR NOD

PLANNING & ENVIRONMENT
LIST

Tribunal File No: P1299/2018
Permit Application No: 5/2018/56/1
Date of Comp. Conf: 7 June 2019
Member: S. R. Cimino

PARTIES

Responsible Authority: Bayside CC – Mr S. Matheson, town planner
Applicant(s) for Review: The Edge Development Group Pty Ltd – Mr I. Pitt QC, special counsel, Best Hooper
Respondent(s) Present: For Margaret Braddon, Kathryn Braddon, Dean Marchiandi and Reg Gleeson – Mrs M. Braddon

TERMS OF SETTLEMENT - REQUEST FOR CONSENT ORDER

Subject to the Council confirming its consent subsequent to the Compulsory Conference, the parties request that the Tribunal make the following order by consent pursuant to Section 93(1) of the Victorian Civil and Administrative Act 1998 as settlement of this proceeding:

Amend application

1 Pursuant to section 127 and clause 64 of Schedule 1 of the Victorian Civil & Administrative Tribunal Act 1998, the permit application is amended by substituting for the permit application plans, the following plans filed with the Tribunal:

Prepared by: ADDARC
Drawing numbers: TP03 to TP06 and TP08 to TP24, all Revision 04
Dated: 20 May 2019

Grant permit

2 In application no.5/2018/56/1, the Responsible Authority’s decision is set aside.

3 In permit application no. 5/2018/56/1 a permit is granted and directed to be issued for the land at 28-30 Lawrence Street BRIGHTON VIC 3181

Photocopy of this signed document to be handed to each party prior to departure
in accordance with the endorsed plans and on the conditions set out in 
Appendix A: The permit allows:

Demolition of two dwellings, the construction of six (6) dwellings and 
a front fence exceeding 1.5 metres high

4 The hearing listed to commence on 31 July 2019 is cancelled and the dates 
vacated.

APPENDIX A

1. Before the development starts (including any demolition), amended plans to 
the satisfaction of the Responsible Authority must be submitted to and 
approved by the Responsible Authority. When approved, the plans will be 
derived and will then form part of the permit. The plans must be drawn to 
scale with dimensions and three copies must be provided. The plans must 
be generally in accordance with the plans by ADDARC, drawing nos. TP03 
to TP08 and TP08 to TP24 (inclusive) all marked Revision 04 and dated 20 
May 2019 but modified to show:

   a) A demolition plan demonstrating the removal of both dwellings and all 
      associated outbuildings;
   b) The installation of a stair lift on the common stairs to the basement at 
      the rear. The stairs to be widened to 1250mm.
   c) The relocation or retention of tree 12 (California Fan Palm) on 30 
      Lawrence Street. If relocated, the tree must be replanted on-site;
   d) TH03-04 brick cladding to be recycled red brick.
   e) TH03-04 timber cladding to be stained natural colour vertical timber.
   f) Storage areas within the basement visible from common areas to be 
      enclosed within a metal cladding to ensure they are secure and 
      goods within the storage area are not visible.
   g) Any solar panels on the roof are to be mounted flush with the roof so 
      as to minimise visibility from Lawrence Street.
   h) A schedule of construction materials, external finishes and colours 
      (incorporating for example paint samples).
   i) A stop-go traffic signal system to be installed for basement entry and 
      exit.
   j) A notation on the plans showing minimum 2.2 metre clearance at the 
      basement entrance.
   k) The new crossover to be a minimum of 3.6 metres wide.
   l) Removal of the existing vehicle crossing and replaced with kerb and 
      channel and paved parking areas complimenting the remainder of 
      the street.
   m) A Landscaping Plan in accordance with Condition 10 of this permit.
   n) Water Sensitive Urban Design measures in accordance with 
      Condition 8 of this permit.
   o) A Tree Management Plan and Tree Protection Plan in accordance 
      with Condition 13 of this permit.
p) A Construction Management Plan in accordance with Condition 18 of this permit.

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the Responsible Authority.

5. All pipes (except downpipes and spouting), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by the Standards B22 of the Bayside Planning Scheme. All screens are to be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

8. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:

   a) The type of water sensitive urban design stormwater treatment measures to be used.
   b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
   c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

9. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

Landscaping
10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Memla, reference 1975, dated 22-01-2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

   a) The retention or relocation of tree 12 (California Fan Palm) on 30 Lawrence Street. If relocated, the tree must be replanted on-site;

   b) The building footprint amended to match floor plans;

   c) The provision of 6 canopy trees capable of reaching 10 metres high at maturity. Trees should be indigenous coastal species and be planted in locations that allow appropriate deep soil volumes.

   d) The provision of 2 new street trees in the naturestrip in front of the site. The trees are to be planted by Council at the cost of the owner.

   e) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.

   f) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.

   g) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

   h) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

   i) Details of surface finishes of pathways and driveways

11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

**Tree Management and Protection Plan**

13. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

   The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified Arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

   The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:
a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.

b) The location of tree protection measures to be utilised.

14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street tree protection

16. Soil excavation must not occur within 2 metres from the edge of the Lagerstroemia indica (Crepe Myrtle) street tree asset's stem at ground level.

17. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:

a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.

b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.

c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.

d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.

e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

Construction Management Plan

18. Prior to commencement of any building works including demolition works or the issue of a Building Permit, a Construction Management Plan (CMP) prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (but not limited to):

a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;

b) Works necessary to protect road and other infrastructure;

c) Remediation of any damage to road and other infrastructure;

d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;

e) Facilities for vehicle washing, which must be located on the land;
f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;

g) Site security;

h) Management of any environmental hazards including, but not limited to:
   i. contaminated soil and ground water,
   ii. materials and waste,
   iii. dust,
   iv. stormwater contamination from run-off and wash-waters,
   v. sediment from the land on roads,
   vi. washing of concrete trucks and other vehicles and machinery, and
   vii. spillage from refuelling cranes and other vehicles and machinery;

i) The construction program;

j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;

k) Parking facilities for construction workers;

l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;

m) An outline of requests to Council/Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services;

n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;

o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

p) Include details of bus movements throughout the precinct during the construction period;

q) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2006. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
   i. using lower noise work practice and equipment,
   ii. the suitability of the land for the use of an electric crane,
   iii. silencing all mechanical plant by the best practical means using current technology,
   iv. fitting pneumatic tools with an effective silencer,
   v. other relevant considerations, and
vi. any site-specific requirements;

During the construction:

r) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;

s) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;

t) Vehicle borne material must not accumulate on the roads abutting the land;

u) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and

v) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

Drainage

19. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

20. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council’s City Assets and Projects Department.

Waste Management

21. Before the endorsement of plans, an amended Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:

a) Dimensions of storage waste areas.

   a) Storm water drains in storage areas should be fitted with a litter trap.

   b) The number and size of bins to be provided.

   c) Facilities for bin cleaning.

   d) Method of waste and recyclables collection.

   e) Types of waste for collection, including colour coding and labelling of bins.

   f) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).

   g) Method of hard waste collection.

   h) Method of presentation of bins for waste collection.

   i) Sufficient headroom within the basement to accommodate waste collection vehicles.
j) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.

k) Strategies for how the generation of waste and recyclables will be minimised.

l) Compliance with relevant policy, legislation and guidelines.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

Drainage Development Contributions

22. Prior to endorsement of the plans required under condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Development Levy Charge Sheet and it must include the Building Price Index applicable at time of payment.

Permit Expiry

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

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

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

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Other terms

Further RA consent required

This agreement is subject to the Council confirming that it gives its consent. If the Council consents, this agreement stands and the parties request orders by consent pursuant to Section 93(1) of the Victorian Civil and Administrative Tribunal Act 1998.

If the Council does not consent to this agreement by 12 June 2019 (or some other date agreed to by the applicant), the parties acknowledge that this agreement is void and the matter will proceed to hearing commencing on 31 July 2019.

Procedural orders (if the Council does not consent)

1 Confirm hearing
SIGNED and dated 7 June 2019

Applicant/s for Review

Mr I. Pitt, QC, special counsel, Best Hooper

Responsible Authority

Mr S. Matheson, town planner

For Margaret Braddon,
Kathryn Braddon, Dean
Marchiandì and Reg
Gleeson

Mrs M. Braddon
Item 4.14 – Matters of Decision
Item 4.14 – Matters of Decision
Item 4.14 – Matters of Decision
General Notes:
- Change from apartment typology to townhouses. (Previously 14No. New 8No.)
- Building Envelope separated into 4No. buildings with central common walkway
- Front setback increased
- Side setbacks increased
- Greater opportunity for in-ground landscaping
- Townhouse areas amended to reflect changes in plan

TP03 - Basement Level Floor Plan
- Vehicular access ramp location retained
- Ramp grades amended to reflect new basement level. (Previously AHD 6.80. New AHD 9.30)
- Car park layout amended to reflect change in unit numbers and access.
- Number of car spaces reduced. (Previously 30No. inc 2No. visitor and 8No. tandem spaces. New 12No. inc 8No. within garage arrangement)
- Refuse and recycling storage area has been relocated
- Provision for a waste vehicle to turn and load maintained albeit in new location
- Townhouses 01-04 have habitable space within basement and direct access into unit from basement garage.
- Townhouses 05 & 06 have common stair access to ground level entry
- Lightcourt provided to TH01-TH04 to provide light and ventilation to basement habitable rooms

TP04 - Ground Level Floor Plan
- Building Envelope separated into 4No. buildings with central common walkway
- Articulation of front landscaping and fences amended to provide more substantial landscape zones abutting the public realm, specifically adjacent to vehicular ramp and pedestrian entry
- Minimum setback from street title boundary increased. (Previously 6.265mm. Now 6.875mm.)
- Maximum setback from street title boundary increased. (Previously 0.040mm. Now 11.890mm.)
- Built form stepped to street frontage to provide greater articulation. Townhouses 03 & 04 are setback 1500mm behind façade alignment of townhouses 01 & 02.
- Ramp grades amended
- Increased setback and opportunity for landscape abutting southern boundary. (Minimum setback. Previously 1.025mm. Now 3.200mm.)
- Increased setback and opportunity for landscape abutting southern boundary. (Minimum setback. Previously 2.390mm. Now 4.265mm.)
- Section of wall on boundary to Townhouse 06 abutting neighbouring wall on boundary. Extent of wall limited to ensure nil additional shadow in adjoining POS at No. Lawrence St.
- Ground level slab stepped to better interface with natural ground line on adjoining properties. Central pedestrian spine ramped to provide access to this rear level. Retaining walls to rear boundary eliminated.
**TP06 – Level 01 Floor Plan**
- Building Envelope separated into 4No. buildings with central common walkway. Separation increased at level 1 to 715mm.
- Minimum setback from street title boundary decreased. (Previously 8,675mm, Now 8,675mm.)
- Maximum setback from street title boundary decreased. (Previously 8,175mm, Now 8,060mm.)
- Built form stepped to street frontage to provide greater articulation. Townhouses 03 & 04 are setback 1500mm behind façade alignment of townhouses 01 & 02.
- Increased setback abutting northern boundary. (Minimum setback Previously 2,025mm, Now 5,350mm.)
- Increased setback abutting southern boundary. (Minimum setback Previously 2,150mm, Now 6,130mm.)
- Building envelope to south-west corner (TH08) setback to ensure no additional shadow to adjoining POS at No. Lawrence St.

**TP06 – Previously Level 02 Floor Plan, Now Roof Level Floor Plan**
- Habitable level deleted.
- Roof Plan adjusted to reflect changes in building envelope and articulation to levels below

**TP07 – Previously Roof Level Floor Plan, Drawing now deleted**
- See drawing sheet TP06

**TP08 – East Elevation**
- Built form separated into two distinct envelopes across street frontage.
- Roof profiles amended to reflect gable/pitch roofs for in immediate precinct
- Setbacks from side boundaries increased
- Level 2 deleted
- Finer grain to façade articulation
- Building form and articulation amended to reflect changes in plan

**TP09 – North Elevation**
- Built form separated into two distinct envelopes
- Roof profiles amended to reflect gable/pitch roofs for in immediate precinct
- Level 2 deleted
- Step in ground level to reflect fall in natural ground level
- Building form and articulation amended to reflect changes in plan

**TP10 – West Elevation**
- Built form separated into two distinct envelopes
- Roof profiles amended to reflect gable/pitch roofs for in immediate precinct
- Setbacks from side boundaries increased
- Level 2 deleted
- Step in ground level to reflect fall in natural ground level
- Finer grain to façade articulation
- Building form and articulation amended to reflect changes in plan

**TP11 – South Elevation**
- Built form separated into two distinct envelopes
- Roof profiles amended to reflect gable/pitch roofs for in immediate precinct
- Level 2 deleted
- Step in ground level to reflect fall in natural ground level
- Section of wall on boundary abutting neighbouring wall noted
- Building form and articulation amended to reflect changes in plan

**TP12 – Section AA**
- Section line shifted to align with proposed central pedestrian walkway
- Built form separated into two distinct envelopes
- Roof profiles amended to reflect gable/pitch roofs for in immediate precinct
- Level 2 deleted
- Step in ground level to reflect fall in natural ground level
- Building form and articulation amended to reflect changes in plan
TP13: Section BB
- Built form separated into two distinct envelopes
- Roof profiles amended to reflect gable/pitch/roof forms in immediate precinct
- Level 2 deleted
- Step in ground level to reflect fall in natural ground level
- Building form and articulation amended to reflect changes in plan

TP14: Section CC
- Built form separated into two distinct envelopes
- Roof profiles amended to reflect gable/pitch/roof forms in immediate precinct
- Level 2 deleted
- Step in ground level to reflect fall in natural ground level
- Building form and articulation amended to reflect changes in plan

TP15: Section DD
- Built form separated into two distinct envelopes
- Roof profiles amended to reflect gable/pitch/roof forms in immediate precinct
- Level 2 deleted
- Building form and articulation amended to reflect changes in plan

TP16: Section EE
- Section line shifted (to align with rear courtyards of front townhouses)
- Built form separated into two distinct envelopes
- Roof profiles amended to reflect gable/pitch/roof forms in immediate precinct
- Level 2 deleted
- Building form and articulation amended to reflect changes in plan

TP17: Section FF
- Section line shifted and view reversed
- Built form separated into two distinct envelopes
- Roof profiles amended to reflect gable/pitch/roof forms in immediate precinct
- Level 2 deleted
- Building form and articulation amended to reflect changes in plan

TP18 – TP24: Shadow Analysis
- Amended to reflect plan changes.
ATTACHMENT 4
Imagery of Dwelling

Subject site shown in yellow.

Site to the north is the contributory dwelling and in the photos to follow.
Image 1. Image of 28 Lawrence Street from street setback
Image 2. Internal damage to dwelling at 28 Lawrence Street
Image 3. Image of the hallway for the dwelling at 28 Lawrence Street