

5.9 636-638 BLACKBURN ROAD AND 1&2/27 FINCH STREET AND 29 FINCH STREET, NOTTING HILL – THE DEVELOPMENT OF A THREE STOREY BUILDING FOR USE AS A RESIDENTIAL HOTEL, IN ORDER TO FACILITATE AN EXTENSION TO THE EXISTING RESIDENTIAL HOTEL BUILDING, TOGETHER WITH THE REMOVAL OF EASEMENTS

(TPA/35971:MM:RB)

Ward : Oakleigh

Responsible Director: Don Cameron

Reason for Council Consideration: Cost of Development and Community Interest

Cost of Development : \$3.5 million

Statutory Processing Date : 10 June 2008

Pre-Application Discussion: Yes

RECOMMENDATION

*The Council having caused notice of planning application No. 35971 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to grant a planning permit and **issue a Notice of Decision** to grant a permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 636-638 Blackburn Road and 1&2/27 Finch Street and 29 Finch Street, Notting Hill, for the purpose of the development of a three storey building for use as a residential hotel, in order to facilitate an extension to the existing residential hotel building, together with the removal of easements (part of E-1 on LP19050 in accordance with easement removal plan dated Feb 08, Ref 0655/D) generally in accordance with the plans submitted with the application and subject to the following conditions, including the specified standard conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council 16 September 2003:*

- 1. Before the development starts, three copies of amended plans drawn to scale and dimensioned, 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 generally in accordance with the plans submitted with the application, but modified to show:

- a) The paved areas within the Blackburn Road setback significantly reduced to enable additional planting of this setback area. Paving to be allowed outside the conference rooms with all other paving areas to be significantly reduced.*
- b) The 1.8 metre high fence along the Finch Street frontage further articulated, relocated away from the property boundary and reduced in height to 1.6 metres.*
- c) Details of all external lighting which must be designed, baffled and located to prevent any adverse effect on adjoining land.*
- d) Details of all service equipment, including mechanical ventilation, heating and cooling systems located outside the building or on the*

building and appropriate screening to be incorporated as part of the architectural design of the building.

- e) Location and design of any proposed electricity supply meter box/kiosk/substation. This facility must not be located within the front or side setback area and should be integrated into the building structure*
 - f) The location of any fire booster, gas and water meters. These facilities should be designed to minimise their visual prominence if located within the front setback.*
 - g) The kerb modified at spaces 1 and 23 to enable easier access to these spaces*
 - h) The existing redundant portion of the existing crossing on Blackburn Road removed and reinstated with kerb and channel. Permits from VicRoads may be required.*
- 2. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 3. The construction works associated with the permitted use/development and/or subdivision must only be carried out during the following hours:*
- Monday to Friday (inclusive) – 7am to 6pm;*
 - Saturday – 9am to 1pm;*
 - Saturday – 1pm to 5pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery);*
- unless otherwise approved in writing by the Responsible Authority.*
- 4. A landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. The plan must show the proposed landscape treatment of the site including:-*
- the location of all existing trees and other vegetation to be retained on site*
 - provision of advanced species of canopy trees with spreading crowns located throughout the site*
 - planting to soften the appearance of hard surface areas such as driveways and other paved areas*
 - a schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), their location, botanical names and the location of all areas to be covered by grass, lawn, mulch or other surface material*
 - the location and details of all fencing*
 - the extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site*

- *details of all proposed hard surface materials including pathways, patio or decked areas*

When approved the plan will be endorsed and will then form part of the permit.

- 5. Before the use allowed by this permit starts, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*
- 6. Any pruning that is required to be done to the canopy of any trees affected by the development is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS 4373-1996, Standards Australia.*
- 7. Any pruning of the root system of any existing tree to be retained is to be done by a qualified Arborist.*
- 8. Prior to the commencement of any works that are permitted by this permit, all trees that are to be retained, or are located within or adjacent to any works area, shall be marked and provided with a protective barricade and verified by an authorised officer of the Responsible Authority.*
- 9. All work within the dripline of any tree to be retained shall be supervised by a qualified landscape architect or horticulturist who shall ensure that the works are done in a manner which protects and minimises any damage to those trees.*
- 10. No building material, demolition material or earthworks shall be stored or stockpiled under the canopy line of any tree to be retained during the construction period of the development hereby permitted.*
- 11. No vehicle shall park under the canopy line of any tree to be retained.*
- 12. Tree protection measures in accordance with the recommendations outlined in the arboricultural report dated 7 April 2008 and prepared by Galbraith and Associates must be strictly adhered to.*
- 13. No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.*
- 14. Before occupation of the development a centralised television antenna system must be installed and connections made to each apartment to the satisfaction of the Responsible Authority.*

15. *No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.*
16. *No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.*
17. *Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.*
18. *Air-conditioning and other plant and equipment installed on or in the buildings must be so positioned and baffled that any noise emitted complies with the appropriate Australian Standards and EPA requirements.*
19. *The occupier of the premises must ensure that any noise emanating from the premises, during and post construction, must not exceed the standards of the State Environment Protection Policies No. N1 and N2 and must on request provide evidence to Council of Compliance with the policies.*
20. *Before the use permitted is commenced, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be :*
 - (a) *constructed to the satisfaction of the Responsible Authority;*
 - (b) *properly formed to such levels that they can be used in accordance with the plans;*
 - (c) *surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
 - (d) *drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
 - (e) *line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*

Parking areas and access lanes must be kept available for these purposes at all times.
21. *The loading and unloading of goods from vehicles must only be carried out on the land.*
22. *Deliveries and waste collection is only to be carried out within hours prescribed by EPA guidelines for a noise sensitive area.*
23. *Construction and performance of kitchen exhaust system must comply with AS 1668.2.*

24. *Design and construction of the kitchen must comply with Council's Food Premises Design and Fit Out Guidelines. Plans must be approved by Council's Environmental Health Department before construction begins.*
25. *All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties (including the road reserve). The on-site drainage system must prevent discharge from the driveway onto the footpath. Such a system may include either:*
 - a) *a trench grate (175mm minimum width) located within the property; and/or*
 - b) *shaping the driveway so that water collected in a grated pit on the property; and/or*
 - c) *another equivalent approved by the Responsible Authority.*
26. *Stormwater discharge is to be retained on-site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required from the Responsible Authority prior to works commencing.*
27. *Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.*

The plans must show a drainage scheme providing for the conveying of the stormwater to the nominated point of discharge. The nominated point of discharge is to the south-east corner of the property where it must be collected and free drained to the Council pit outside No 27 Finch Street in the nature strip to be constructed to Council Standards. If the point of discharge cannot be located then notify Council's Engineering Division immediately.

28. *Before the development starts, a construction management plan must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:*
 - a) *measures to control noise, dust and water runoff;*
 - b) *prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;*
 - c) *the location of where building materials are to be kept during construction;*
 - d) *site security;*
 - e) *maintenance of safe movements of vehicles to and from the site during the construction phase;*
 - f) *on-site parking of vehicles associated with construction activities;*
 - g) *wash down areas for trucks and vehicles associated with*

- construction activities;*
- (h) *cleaning and maintaining surrounding road surfaces;*
- (i) *a requirement that construction works must only be carried out during the following hours:*
- *Monday to Friday (inclusive) - 7.00am to 6.00pm;*
 - *Saturday - 9am to 1pm;*
 - *Saturday - 1pm to 5pm (only activities associated with the erection of the building. This does not include excavation or the use of heavy machinery).*

29. *Prior to the commencement of the development, a comprehensive Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must detail:*

- (a) *that the bin storage areas within the existing building are sufficient to cater for the amount of waste that will be produced;*
- (b) *who will be responsible for taking refuse and recycling bins in and out for collection, where this will occur and how collection of refuse and recycling materials will be managed;*
- (c) *the hours of bin collection, the frequency of the removal of such refuse and recycling materials and how recycling materials will be dealt with and collected;*
- (d) *who will be responsible for collecting the refuse and recycling materials and the method of collection; and*
- (e) *how littering will be managed.*

30. *Before occupation all buildings and works specified in this permit must be completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when all construction and works are completed to enable the site to be inspected.*

31. *All existing redundant crossings are to be removed and replaced with kerb and channel. The footpath and nature strip are to be reinstated to the satisfaction of Council.*

Notes:

1. *Building approval must be obtained prior to the commencement of the above approved works.*
2. *Provision should be made for rainwater collection and wastewater recycling for irrigation and/or toilet flushing.*
3. *Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.*
4. *Stormwater detention requirements may be obtained from the City of*

Monash prior to the design of any stormwater detention system.

5. *A drainage contribution will not be accepted in lieu of a detention system.*
6. *Any new drainage work within the road reserve requires the approval of the Council's Engineering Division prior to the works commencing. Three copies of the plans for the drainage works must be submitted to and approved by the Engineering Division prior to the commencement of works.*
7. *Engineering permits must be obtained for new or altered vehicle crossings and for connections to Council pits and these works are to be inspected by Council (telephone 9518 3410).*
8. *Residential Parking Permits will not be issued for residents of the development hereby permitted.*

Expiry of permit:

In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:

- *The development and use are not started before date.*
- *The development is not completed before date.*

In accordance with section 69 of the Planning and Environment Act 1987, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

and directs that the applicant and each objector be given a notice of the Council's decision to grant the permit.

BACKGROUND

The subject site is located on the eastern side of Blackburn Road, with frontage also to Finch Street, approximately 100 metres south of the intersection of Blackburn and Ferntree Gully Road, in Notting Hill. The site has an area of 1760 square metres and comprises 5 individual allotments with a combined frontage to Blackburn Road of 40 metres and 56.7 metres to Finch Street. See attachment A for locality plan.

A number of 1.83 metre wide sewerage and drainage easements traverse the different titles, as do a number of trees.

The land generally has a slope of approximately 2 metres from the west to the east. Five single storey brick dwellings currently occupy the site.

Planning Permit 13385 was issued in 1990 for the existing Motel "Gateway on Monash" which adjoins the development site to the north. This development is two storeys in height, built of rendered brick. A single driveway services the development with car parking located at the rear. A covered portico at the

building entrance allows guests to check in prior to parking at the rear. The development has the following attributes:

- 37 car parks and one loading bay;
- 30 motel units;
- 1 managers unit; and,
- function facilities.

Surrounding development comprises conventional residential development to the south and east of the site. To the north-west of the site are a number of commercial entities, including a tyre store and exhaust systems store with the Council depot extending behind these buildings. North of the existing Motel also includes a number of commercial uses including a computer shop and take away food premises.

PROPOSAL

It is proposed to develop a three storey building for use as a Residential Hotel, in order to facilitate an extension to the existing two storey residential hotel building known as “*Gateway on Monash*”. The application also includes the removal of sewerage and drainage easements located along the northern boundary of No. 27 Finch Street and the eastern boundaries of 636 Blackburn Road and 29 Finch Street.

The plans submitted with the application detail for the following: (Refer to Attachment B):

Residential Hotel

The proposed residential hotel contains 25 residential units over three levels.

The building is to be setback 8 metres from the Blackburn Road frontage, in line with the existing Motel building. The side street setback proposed to Finch Street is 4 metres. At ground level the building is setback 16.6 metres from the eastern residential boundary and the building is marginally recessed at the second floor level with some greater articulation provided at the third floor level.

Each residential apartment is to contain a bed, kitchenette, ensuite, lounge and patio. In addition to this two conference rooms, an internal courtyard and a kitchen area are provided on the ground level.

The Motel currently employs a total of 28 staff comprising of both 8 full time and 20 casual employees. It is anticipated that the total number of staff will increase to 33 as a result of the proposal, of which 11 will be full time.

The hotel is to be constructed of building materials and colours similar to those of the existing Motel. The external walls will be rendered, and glazed concrete roof tiles will be utilised to match the existing building. The 1.8 metre high

rendered front fence will be continued along the Blackburn Road frontage and wrap around to the Finch Street frontage.

Access

Access to the site is to be provided from the existing driveway off Blackburn Road. It is anticipated that visitors will park temporarily under the portico to check-in at the reception located within the existing building, before continuing to the car park area. It is noted that reception hours are proposed to remain 24 hours, 7 days a week.

Car Parking

A total of 37 car parking spaces are currently provided to the rear of the existing building. It is proposed to extend the existing car park along the length of No. 27 Finch Street to provide for an additional 23 car parking spaces. This car park area will have a landscape setback of 4 metres to Finch Street and 2 metres to the eastern residential boundary, which will be treated with a 2 metre high acoustic fence.

POLICY IMPLICATIONS

The policies relevant to the current application under the Monash Planning Scheme include the following:

State Planning Policy Framework

Clause 12: Metropolitan Development

This clause gives expression to Melbourne 2030 by providing specific objectives and strategies for Metropolitan Melbourne. Strategies include defining the role and function of activity centres by reinforcing the role of concentrating development in established areas of activity while promoting energy efficiency, accessibility to transport and good urban design.

Clause 14: Settlement

Clause 15.12: Energy efficiency

'To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.'

Clause 17: Economic Development

Clause 18.02: Car parking and public transport access to development

'To ensure access is provided to developments in accordance with forecast demand taking advantage of all available modes of transport and to minimise impact on existing transport networks and the amenity of surrounding areas.'

Clause 19.03: Design and built form

'Development should achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.'

Local Planning Policy Framework

Clause 21: Municipal Strategic Statement

A key component of the strategic vision of Monash is to encourage the provision of a variety of housing types to accommodate the changing housing needs and preferences of residents that will also complement and enhance the Garden City Character of Monash.

Clause 21.03-3: Garden City Character

This clause particularly requires that the Garden City Character is to form a central component of land development especially when considering aspects such as setbacks of buildings from roads, public spaces and other buildings, the mass and scale of building envelopes, well designed building facades, canopy tree landscaping and location of car parking and accessways.

Clause 21.03-4: Strategic Framework Plan

Among other things the objectives of the plan include the maintenance of visually significant sites that enhance the image of Monash and maintenance and enhancement of the established Garden City Character of Monash on both private and public land including along main roads.

Clause 21.04: Residential

It is stated that the Garden City Character of all the residential areas should be maintained and enhanced. New development should be carefully designed and sited to complement the current character and satisfy the intent of the desired future character statement for each character type as identified in the 'Monash Urban Character Study'.

Clause 21.05: Economic Development

New development should be of high quality, adding to the attractiveness of business areas and the amenities of neighbourhoods should not be adversely affected by a business conducted in a residential area.

Clause 22.01: Residential Development and Character Policy

The subject site is included in Residential Character Type "C" which is characterised consistently setback, single storey brick veneer 1950's/1960's dwellings with some weatherboards dispersed throughout the area. Within this framework area some two-storey houses constructed of mainly darker red and brown brick.

The desired future character statement indicates that this area will develop within a pleasant leafy framework of well-planted front gardens and large canopy trees. Among other things, setbacks will be generous and consistent within individual streets and in some areas architecture will gradually become more dominant, although it will always be buffered from the street by a well planted front garden that will ensure the soft leafy nature of the street will be perpetrated.

Clause 22.04: Stormwater Management Policy

An objective of the policy is to encourage the provision of on-site retention systems so that stormwater discharge is maintained at pre-development levels.

Zoning

The subject site is located within a Residential 1 Zone under the provisions of the Monash Planning Scheme. The site is not subject to any overlay controls.

The purpose of the 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’.*
- *‘In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs’.*

A planning permit is required for the use of the land for a Residential Hotel, which is defined as *“land used to provide accommodation in serviced rooms for persons away from their normal place of residence....”* A permit is also required for the buildings and works associated with a Residential Hotel.

Blackburn Road is located within a Road Zone 1 under the provisions of the Monash Planning Scheme. A planning permit is required for any alteration to access.

Clause 55: Two or more dwellings on a lot and Residential Building

A detailed assessment of the proposal against the relevant standards of ResCode can be found at Attachment C. It is noted that while an assessment has been made for the development under the class of an accommodation building, the development is defined as a Residential Hotel and therefore several of the standards are not considered applicable to the development. These are discussed in the assessment section of this report.

CONSULTATION

Notice of the application was sent to the owners and occupiers of properties within the immediate vicinity of the subject site and two large notices were also displayed on the site.

Thirteen (13) objections including one on behalf of the Notting Hill Community Association have been received and are summarised as follows:

- The height of the proposed three storey building will impact on the streetscape of Finch Street as well as the amenity of the residential area.
- The three storey height of the proposed building is not in keeping with the heights of surrounding homes.
- Lack of articulation to eastern elevation.

- Noise pollution during construction, from delivery vehicles and from patrons once established would impact on surrounding residents given that the subject site has a significant fall west-east.
- Noise and air pollution from vehicles associated with the Residential Hotel.
- Increased traffic to Finch Street.
- Concern of vehicle access directly from the site to Finch Street.
- Inadequate provision of on-site car parking and the subsequent loss of street parking.
- Concern that the Hotel may become a venue for gambling and poker machines.
- Loss of privacy from windows and balconies to surrounding residential properties.
- Overshadowing
- Loss of skyline
- The proposal will result in too many transient people into the area.
- Guests and alcohol decreasing safety of residents.

The application was referred to VicRoads and Yarra Valley Water for comment. Yarra Valley Water has no objection to the proposed removal of easements. VicRoads have no objection to the proposal as the existing vehicular access arrangement on Blackburn Road is to be utilised for the proposed extension.

The application was also referred to Council's Traffic and Drainage Section for comment. There are no concerns with the proposal. Conditions would be required to be placed on any permit issued.

ASSESSMENT

The use of the site for residential accommodation is not inconsistent with 'Melbourne 2030' and State and Local Policies and the provisions of the Municipal Strategic Statement.

The specific details of the development, as well as a discussion of the issues raised by objectors, are discussed below.

Built Form and Building Height

It is considered that the siting, massing, roof form and detailed design of the proposal including the selection of materials and colours will integrate well with the existing Motel building and create a high-quality development, respectful of its residential interface.

The siting and design of the proposal recognises that this site is a transition site from the more commercial uses along Blackburn Road to the residential precinct to the east and south.

A setback to Blackburn Road of 8 metres and 4 metres to Finch Street is proposed. This is consistent with ResCode requirements, as well as in line with

the setback of the existing Motel building, and will produce a building which sits well within its context as well as enable the planting of new landscaping along these street frontages.

The third storey component of the building has also been massed and sited so as to provide a suitable 20 metre setback to the nearest residential property, and 15 metre setback to the Finch Street streetscape. These significant setbacks have been employed to minimise the impact of the built form and scale of the development on the closest residential properties. The 2 metre landscape strip along the eastern property boundary will also enable the planting of vegetation to minimise any visual impact.

High front fence

A 1.8 metre high rendered fence is proposed along both the Blackburn Road and Finch Street frontages of the site. The fence is a continuation of the existing 1.8 metre high rendered fence along the frontage of the existing Motel and is quite significantly articulated along the Blackburn Road frontage. This articulation will enable the planting of significant vegetation to create a leafy framework for the new Hotel. The fence is considered satisfactory, in the context of the existing conditions, along the Blackburn Road frontage.

With regards to the Finch Street frontage, the 1.8 metre high fence wraps around the corner and extends along the length of the Finch Street frontage. Articulation along this frontage has been minimised and in some parts the fence abuts the boundary of the site. Given the context of the surrounding residential area in Finch Street it is considered that the articulation of this fence should continue, there should be no fence located directly on the boundary and that the fence height should be reduced to 1.6 metres to better integrate with the Street.

Tree Removal

An Arborist's Report has been submitted with the application with regards to the existing trees located on the subject and adjacent sites. The report summarises the majority of trees on site as being very small and of little significance. There are however three (3) trees on site worthy of retention. It is these trees which are proposed to be retained as part of the proposal.

It is considered that the landscape concept plan submitted with the application will enable the planting of canopy trees with spreading crowns, which will enhance the Garden City Character of the municipality.

Car Parking

The proposed use of the site as a 'Residential Hotel' does not have a specified rate of car parking in the Monash Planning Scheme. A 'Residential Hotel' however does fall under the land use category of 'Residential Building' that is nested in the Accommodation group and requires the provision of car parking at a rate of 1 space per lodging room. The small function room facilities and

kitchen are considered ancillary to the residential hotel use of the site and are not expected to generate an additional car parking demand.

The extended Hotel building will result in a total number of 55 rooms, which would equate to a requirement for a total of 55 car parking spaces. As a total of 60 car parking spaces are to be provided on site, the provision of car parking is considered satisfactory.

The traffic report submitted with the application, as well as Council's Traffic division are satisfied with the provision of on-site car parking.

Traffic

A number of objectors have raised concerns with regards to increased traffic to Finch Street and the noise and air pollution associated with the Residential Hotel.

It is noted that the only vehicle access to the site is via the existing access from Blackburn Road. There is no vehicle access proposed from Finch Street.

Council's traffic engineers have advised that the predicted traffic generation from the proposal will have a negligible impact on the local traffic network. Furthermore a 2-metre high timber acoustic fence is proposed along the eastern boundary of the new car park in order to alleviate any concerns with regards to noise. Additional air pollution as a result of the proposal is also considered negligible, particularly given the proximity of the subject site to Blackburn and Ferntree Gully Roads.

Regarding the concern of noise from delivery vehicles, the existing loading bay facilities located on the southern side of the existing building will remain and will also service the proposed extension.

Overshadowing

Given the significant setback of the building to property boundaries there will be no undue overshadowing of the surrounding residential properties. The proposal complies with the overshadowing requirements of the Monash Planning Scheme.

Overlooking

Standard B22 of ResCode provides that a habitable room window should be located and designed to avoid direct views into the secluded private open space area of an existing dwelling, within a distance of 9 metres.

Objection has been raised with regards to the east facing windows and balcony areas on the second and third floors of the proposed building. Where east facing windows and balcony areas are proposed, these are setback 20 metres from the eastern property boundary. Therefore it is considered that the significant setbacks proposed are respectful of the surrounding residential properties and in compliance with the relevant guidelines.

Construction Noise

It is inevitable that with any major construction work there will be some disruption to the surrounding neighbourhood in respect to construction noise. A standard condition is placed on permits for all large developments, which are in close proximity to residential areas, controlling construction hours in order to minimise the impact on surrounding residents.

Impact of Use

A Residential Hotel is defined as “*land used to provide accommodation in serviced rooms for persons away from their place of residence. If it has at least 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines and gambling.*”

Objector concerns have been raised with regards to the possibility of the Hotel becoming a venue for gambling and poker machines. As the above definition implies, there is a possibility that the proposed building could incorporate other entertainment functions in addition to the conference rooms and the existing ancillary restaurant facility, however subject to the provisions of Clause 52.28 of the Monash Planning Scheme a further permit is required to install or use a gaming machine. Any such application is unlikely to be supported given the primary nature of the building for residential purposes.

Drainage and Sewerage Services

The adequate drainage of the site and sewerage matters will be dealt with by the relevant service authorities. Council’s drainage engineers have reviewed the proposed development plans and have provided a number of conditions to be incorporated into a planning permit, should one issue.

Safety

There is objector concern that the proposal will result in an increased number of persons in the area, thus a decrease in the safety of existing residents. This is not a substantiated planning consideration.

CONCLUSION

Overall it is considered that the proposed three storey building for use as a Residential Hotel in order to facilitate an extension to the existing residential hotel building, together with the removal of easements is considered satisfactory and meets the requirements of the Monash Planning Scheme. Accordingly it is recommended that a permit be issued subject to appropriate conditions.