



Planning Committee Agenda

For a meeting of the

Planning Committee

to be held in the Council Chambers, Civic Centre,
Boxshall Street, Brighton

on

Tuesday, 17 May 2011

Commencing at 7:00pm

Chairperson: Cr Louise Cooper-Shaw

Councillors: Cr Felicity Frederico
Cr. Clifford Hayes
Cr. James Long BM, JP
Cr. Michael Norris
Cr. Simon Russell JP
Cr Alex del Porto (Mayor)



Members of the Gallery

Your attention is drawn to Section 91 of Council's Governance Local Law No 1.

Section 91 The Chair's Duties and Discretions

In addition to the 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 gallery 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 Chairperson, remove from a meeting any Councillor or other person who has committed such an offence.

In the absence of an Authorised Officer the Chairperson may cause to be removed from a meeting any Councillor or other person who has committed such an offence.

Your co-operation is appreciated

Chairperson of Committee

Planning Committee – Schedule of Meetings

Tuesday 7 June 2011
Tuesday 28 June 2011
Tuesday 26 July 2011
Tuesday 16 August 2011
Tuesday 6 September 2011

Planning Committee Meeting

Planning Committee Charter

To deal with all matters relating to the consideration of planning applications.

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

Membership of the Committee

All Councillors

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4.1 **27 Smith Street, Hampton**
Secondary Consent - Approve
Application No. 2010/0213/1 Ward: Central

City Strategy - Statutory Planning
 File No: 2010/0213/1

APPLICATION DETAILS

Land Address:	27 Smith Street, Hampton
Application is for:	Secondary Consent – Amended Plans
Melway Reference:	77 A5
Ward:	Central
Application Number:	201900213/1
Applicant's/Owner's Name:	BMG Architects
Date Received:	19 April 2011
Statutory Days Expiry:	19 May 2011
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 2
Restrictive covenants on the title?	No
Current use and development:	Single storey dwelling

PROPOSITION

It is recommended that the **amended plans be approved** by Council under the provisions of Secondary Consent.

PROPOSAL

The applicant has requested approval to amend the endorsed plans pursuant to the Secondary Consent provision of Condition 2 of the permit.

Planning Permit No. 2010/0213/1, which was issued on 21 December 2010 by VCAT, for the construction of two (2) double storey attached dwellings.

The proposed amendments include:

- The deletion of the basement level entertainment areas for both dwellings.

SUBJECT SITE & LOCALITY

An inspection of the site and the surrounding area has been undertaken.

The site has a total area of approximately 726 square metres and currently contains:

- A single storey brick dwelling
- A weatherboard bungalow to the rear of the site.

The main site/locality characteristics are:

- A street tree is located in front of the site.
- A number of trees are located within the site.
- The adjoining property to the **north**, at 25 Smith Street, contains a single storey brick dwelling with a front setback of 10.6 metres. A weatherboard bungalow and sheds are located behind the dwelling.
- The adjoining property to the **south**, at 29 Smith Street, contains a single storey brick dwelling with a front setback of 10.6 metres. A fibro bungalow is located behind the dwelling.
- Single storey dwellings with front setbacks varying from 6 to 8.6 metres are located to the **east**, across Smith Street.
- RJ Sillitoe Reserve is located to the **west** of the site.

PERMIT/SITE HISTORY

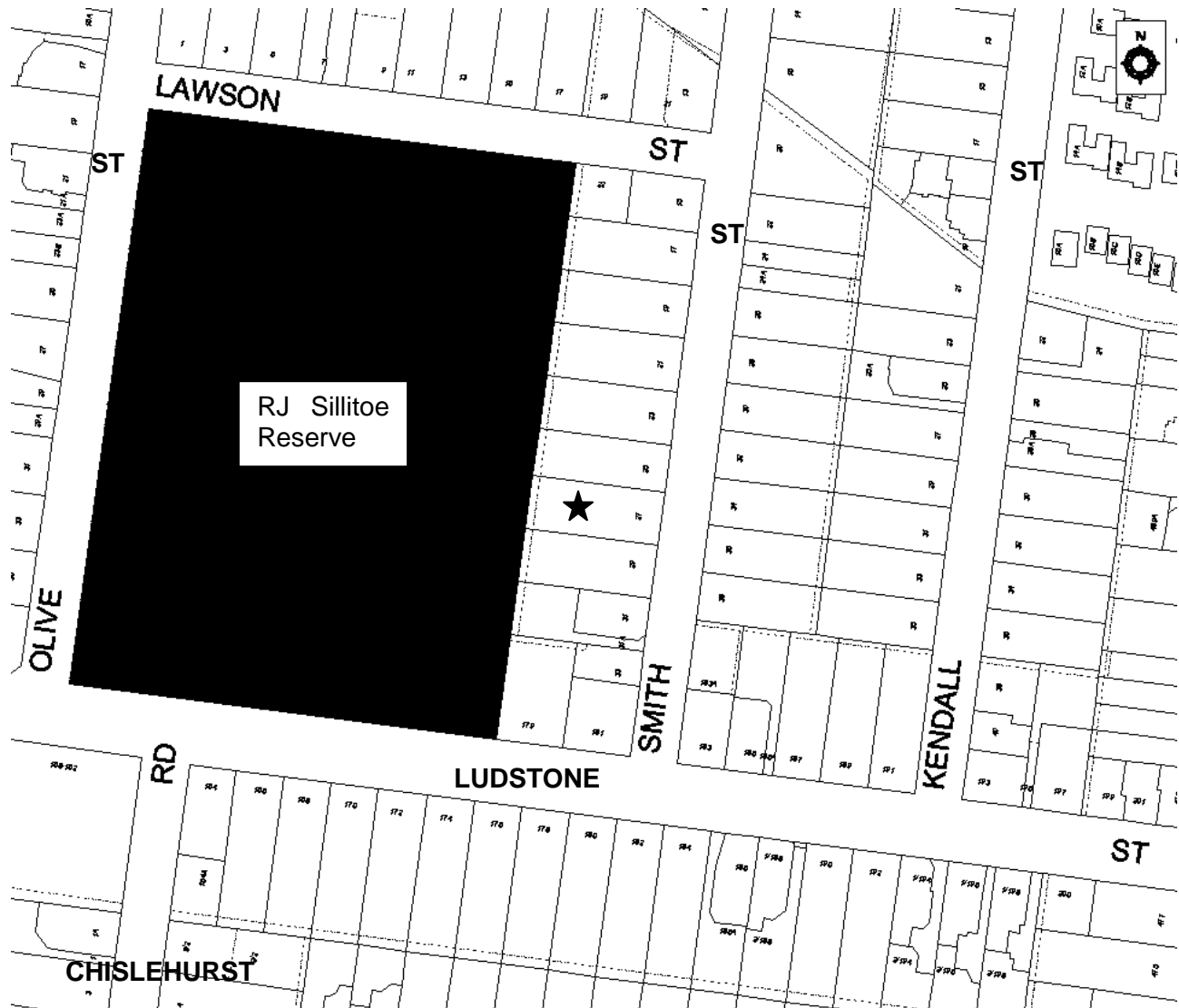
On 23 August 2010, Council determined to issue a Notice of Decision to Grant a Permit for Planning Permit 2010/0213/1. Following an Appeal against traffic conditions lodged by the applicant, Planning Permit 2010/0213/1 was issued on 21 December 2010 at the direction of VCAT for a construction of two (2) double storey attached dwellings.

Council endorsed Condition 1 plans, on 1 October 2010.

PUBLIC NOTIFICATION

Applications under the provision of Secondary Consent are exempt from the notice requirements of Section 52 (1) (a), (b) and (d) of the *Planning and Environment Act 1987*.

Locality Map – 27 Smith Street, Hampton



Legend	
Subject land	★

REFERRALS

No external or internal referrals were required.

ASSESSMENT

The principles or tests of Secondary Consent

The Victorian Civil and Administrative Tribunal has set out, on a number of occasions, the principles, or tests, of Secondary Consent (eg. Westpoint Corporation PI v Moreland CC [2005]).

The tests include the following:

- *The proposed amendment does not result in a transformation of the proposal.*

The proposed amendments to the approved plans are considered to be in keeping with the original endorsed plans. The proposed deletion of the basement level of both dwellings is of a minor nature and will not cause any detrimental amenity impacts upon the adjoining neighbours.

- *The proposed amendment does not authorise something for which primary consent is required under the planning scheme.*

The primary consent for the planning approval was for the construction of two (2) double storey attached dwellings in accordance with the endorsed plans. The deletion of the basement level for both dwellings is not a permit trigger and does not authorise something for which primary consent is required under the Bayside Planning Scheme.

- *The proposed amendment is of no consequence having regard to the purpose of a planning control under which the permit was granted.*

The purpose of the planning control under which the permit was granted aims to ensure that the building envelope is sufficiently setback from the boundaries of the site to minimise visual impacts as well as any potential amenity impacts upon adjoining dwellings.

The proposed basements are located below ground and their deletion will have no impact upon the adjoining properties and streetscape.

The proposed amendments do not change the purpose for which a permit was granted. The changes proposed are considered to be relatively minor in nature and will not result in detriment to the properties surrounding the site.

- *The proposed amendment is not contrary to a specific requirement (or condition of the permit) as distinct from an authorisation within the permit, which itself cannot be altered by consent.*

The proposed amendments do not contravene any permit condition or specific requirement required within the original planning permit.

CONCLUSION

It is considered that the proposed amendments to the endorsed plans are appropriate for the site. They meet the tests of Secondary Consent and are not contrary to any condition or special requirement specified in planning permit 2010/0213/1. It is recommended that the proposed changes be approved.

RECOMMENDATION

That the Amended Plans for the changes to the endorsed plans of **Planning Permit No. 2010/0213/1** be **approved** under the Secondary Consent provisions for the construction of two (2) double storey attached dwellings at **27 Smith Street, Hampton** and the following table be added to the permit:

Date	Amendment
17 May 2011	Secondary consent to amend plans: Amendment to the endorsed plans under Secondary Consent: <ul style="list-style-type: none"><li data-bbox="432 813 1393 846">• Deletion of the basement level entertainment areas for both dwellings.

4.2 **1-7 Waltham Street, Sandringham**
Secondary Consent - Approve
Application No.: 2002/7765/1 Ward: Southern

City Strategy - Statutory Planning
 File No: 2002/7765/1

APPLICATION DETAILS

Land Address:	1-7 Waltham Street, Sandringham
Application is for:	Secondary Consent – Amended Plans
Melway Reference:	76 G9
Ward:	Southern
Application Number:	2002/7765/1
Applicant's/Owner's Name:	Boeing Development Pty Ltd
Date Received:	3 March 2011
Statutory Days Expiry:	3 April 2011
Zoning:	Business 1 Zone
Overlays:	Special Building Overlay Proposed Design and Development Overlay Schedule 9
Restrictive covenants on the title?	No
Current use and development:	Four (4) storey retail/apartment building

PROPOSITION

It is recommended that the **amended plans be approved** by Council under the provisions of Secondary Consent.

PROPOSAL

The applicant has requested approval to amend the endorsed plans pursuant to the Secondary Consent provision of Condition 2 of the permit.

Planning Permit No. 2002/7765/1, which was issued on 2 June 2003 by VCAT enables the construction of a four (4) storey building comprising, shops at the ground floor and apartments above with basement car parking.

The proposed amendments include:

- Installation of stairway platform lift in lieu of secondary accesses for shops 1 and 2.
- Deletion of landings in front of the platform lift for shop 3 and 4 due to structural problems and restriction of space.
- Installation of external sliding doors for shops 1 to 4.

The request to amend the plans seeks an alternative access solution for access by people with disabilities and to achieve compliance with the Building Regulations for Disabled Access. The completed building (occupied) does not comply with the current Disability Access Regulations.

SUBJECT SITE & LOCALITY

An inspection of the site and the surrounding area has been undertaken.

The site has a total area of approximately 813 square metres and currently contains:

- A four (4) storey retail/apartment building with basement car parking

The main site/locality characteristics are:

- The subject site is located at the north-west corner of Waltham and Abbott Streets.
- To the **north** of the site, across Abbott Street, are residential dwellings and the Sandringham Police building.
- To the **south-west**, across Waltham Street, are a library, car park and Coles Supermarket.
- To the **south-east**, at 9 Waltham Street, is a five (5) storey retail/apartment building with associated car parking and beyond this is 11 Waltham Street, which contains a four (4) storey building with shops and residences above.
- To the **east** is a R.O.W. and the Telecom substation. Beyond this is a six (6) storey building on the corner of Abbott and Station Streets and further east is the Sandringham Railway Station.

PERMIT/SITE HISTORY

On 25 November 2002, Council determined to issue a refusal for Planning Application 2002/7765/1. Planning Permit 2002/7765/1 was issued on 2 June 2003 at the direction of VCAT for a construction of a five (5) storey retail/apartment building.

PUBLIC NOTIFICATION

Applications under the provision of Secondary Consent are exempt from the notice requirements of Section 52 (1) (a), (b) and (d) of the *Planning and Environment Act 1987*.

Locality Map – 1-7 Waltham Street, Sandringham



Legend	
Subject land	★

REFERRALS

No external or internal referrals were required.

ASSESSMENT

The principles or tests of Secondary Consent

The Victorian Civil and Administrative Tribunal has set out, on a number of occasions, the principles, or tests, of Secondary Consent (eg. Westpoint Corporation PI v Moreland CC [2005]).

The tests include the following:

- *The proposed amendment does not result in a transformation of the proposal.*

The proposed amendments to the approved plans are considered to be in keeping with the original endorsed plans. The proposed alterations to the disabled access platform and external doors to external entrances of shops 1 to 4 fronting Waltham Street are of a minor nature and will not cause any detrimental amenity impacts upon the adjoining neighbours.

- *The proposed amendment does not authorise something for which primary consent is required under the planning scheme.*

The primary consent for the planning approval was for the construction of four (4) storey retail/apartment building with basement car parking in accordance with the endorsed plans. The proposed alterations to shops 1 to 4 do not authorise something for which primary consent is required under the Bayside Planning Scheme.

- *The proposed amendment is of no consequence having regard to the purpose of a planning control under which the permit was granted.*

The purpose of the planning control under which the permit was granted aims to ensure that the building envelope is consistent with the structure plan of the Sandringham Urban Village to minimise visual impacts as well as any potential amenity impacts upon adjoining buildings.

The proposed alterations are mainly internal, except of the sliding doors, and will have no impact upon the adjoining properties and streetscape.

The proposed amendments do not change the purpose for which a permit was granted. The changes proposed are considered to be relatively minor in nature and will not result in detriment to the properties surrounding the site.

- *The proposed amendment is not contrary to a specific requirement (or condition of the permit) as distinct from an authorisation within the permit, which itself cannot be altered by consent.*

The proposed amendments do not contravene any permit condition or specific requirement required within the original planning permit.

CONCLUSION

It is considered that the proposed amendments to the endorsed plans are appropriate for the site. They do not impact on any other person and meet the tests of Secondary Consent as they are not contrary to any condition or special requirement specified in planning permit 2002/7765/1.

The purpose of the amendment is to provide a stairway platform lift access within the development. In particular, the installation of a lift within the principal entry of tenancies 1, 2, 3 and 4 at the ground floor entry level fronting Waltham Street.

The stairway platform lift (AS1735.7) does not comply with the Deemed to satisfy the requirements of Part E3.6 of the Building Code of Australia (BCA). However, the applicant has provided a report to state that the proposed lift demonstrates adequate access for people who use a wheelchair and ambulant physical disabilities consistent with the BCA as an 'alternative solution' rather than 'deemed to satisfy' provision of the BCA.

RECOMMENDATION

That the Amended Plans for the changes to the endorsed plans of **Planning Permit No. 2002/7765/1** be **approved** under the Secondary Consent provisions for the construction of two (2) double storey attached dwellings at **1-7 Waltham Street, Sandringham** and the following table be added to the permit:

Date	Amendment
17 May 2011	<p>Secondary consent to amend plans:</p> <p>Amendment to the endorsed plans under Secondary Consent:</p> <ul style="list-style-type: none"> • Installation of a stairway platform lift in lieu of secondary accesses for shops 1 and 2. • Deletion of landings in front of platform lift for shop 3 and 4 due to structural problems and restriction of space. • Installation of external sliding doors for shops 1 to 4.

4.3 **30-42 Warleigh Grove, Brighton**
Section 87A Application to Amend a Permit
Application No. 2005/0810/1 Ward: Northern

City Strategy - Statutory Planning
 File No: 2005/0810/1

APPLICATION DETAILS

Land/Address:	30-42 Warleigh Grove, Brighton.
Application is for:	Application to Amend a Planning Permit pursuant to Section 87A of the <i>Planning & Environment Act (1987)</i>
Melway Reference:	67 G9
Ward:	Northern
Application Number:	2005/0810/1
Applicant's/Owner's Name:	
Date Received:	7 April 2011
Statutory Days Expiry:	6 June 2011
Zoning:	Residential 1 Zone
Overlays:	Design Development Overlay Schedule 2
Restrictive covenants on the title?	Yes but not breached by the development
Current use and development:	Vacant site
Statement of Grounds (VCAT Submissions)	0

PROPOSITION

It is recommended that Council **support** the amendments to the endorsed plans.

PROPOSAL

Planning Permit No. 2005/0818/1 was issued at the direction of the Victorian Civil Administrative Tribunal (VCAT) on 25 August 2006 for the construction of a four (4) storey residential development with basement car parking.

The plans considered by VCAT provided for a total of ninety-one (91) residential apartments with basement car parking containing one-hundred and ninety-seven (197) car spaces accessed from Warleigh Grove.

Pursuant to Section 72(2) of the *Planning & Environment Act 1987*, a planning permit granted at the direction of the Tribunal can only be amended through a Section 87A Application to VCAT.

On 7 April 2011 the applicant lodged an Application to Amend the Planning Permit with VCAT pursuant to Section 87A of the *Planning & Environment Act (1987)*.

The Section 87(A) application to VCAT seeks the following amendments:

- the reconfiguration of the approved 'H' shaped four storey building into two (2) x four (4) storey apartment buildings and
- the introduction of seven (7), double storey townhouses (paired with a series of separate pitched roofs to reflect the more traditional rhythm of the suburban character of Brighton)

- the vehicle access to remain via a central access road with the basement ramp relocated behind the townhouses
- the reconfiguration of the basement car park to include a second basement level
- the provision of a total of one hundred and ninety-seven (197) car spaces
- the total number of residences increased from ninety-one (91) to one hundred and one (101) apartments and seven (7) townhouses (total of 108)
- Materials and finishes revised

SUBJECT SITE & LOCALITY

The subject site (consisting of seven parcels of land including the former North Brighton Croquet Club and adjacent dwellings) was cleared several years ago and has remained as a vacant site since the issue of the permit in 2006.

The consolidated site has a total area of 8,995 square metres with a frontage to Warleigh Grove of 127 metres and a depth of 97 metres which directly abuts to the back of shops which front the Bay Street Major Activity Centre.

The site is located 150 metres from the North Brighton train station.

The main site/locality characteristics are:

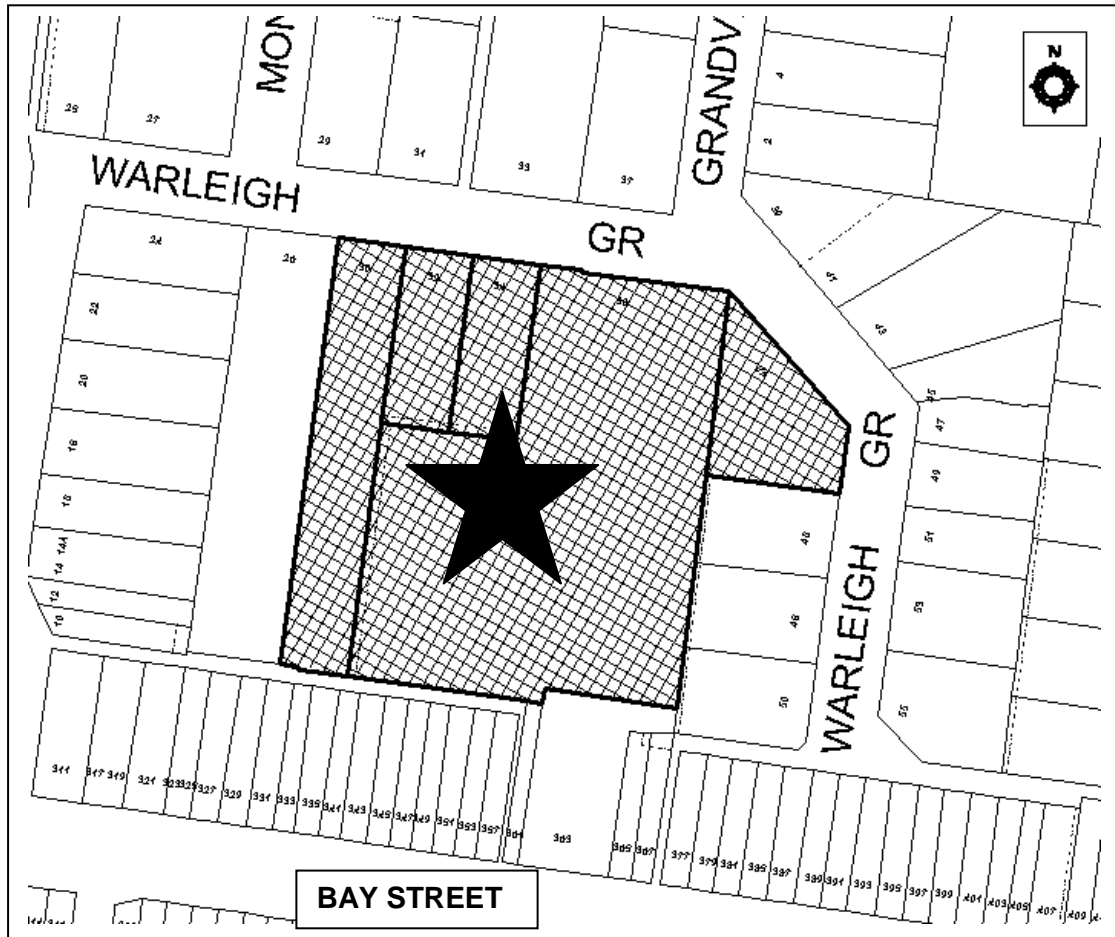
Warleigh Grove runs north from Bay Street, bends easterly, then southerly and terminates at a Right of Way that leads onto Hillcrest Avenue. Hillcrest Avenue contains predominantly single storey dwellings with the exception of the commercial developments at the Bay Street intersection.

Warleigh Grove contains a mixture of new infill developments, single and double storey period residences, apartment blocks from the 30's and 60's and single storey cream brick dwellings from the 1950's-1960's.

Warleigh Grove (east - adjacent to the North Brighton Train Station) has recently been transformed from a low scale single storey (red brick Edwardian) streetscape into a medium density streetscape containing two (2) four storey contemporary style developments with basement car parking adjacent to double storey (3 storey height) commercial building and a three (3) storey residential development.

- To the north (directly opposite the site) are four (4) single storey dwellings which are located between the T-intersections of Warleigh Grove, Montclair Avenue and Grandview Road.
- To the south of the site (rear) are the yards and car parking areas of the shops fronting onto Bay Street. These buildings are single and double storey and are zoned Business 1.
- To the east of the site are residential dwellings. The dwellings across Warleigh Grove are single storey brick residences with the exception of a double storey brick apartment block at 43 Warleigh Grove.
- To the south-east of the site and adjacent to 42-44 Warleigh Grove are 46, 48 & 50 Warleigh Grove which consist of two (2) double storey and one (1) single storey dwellings.
- Immediately west of the site, at 26/28 Warleigh Grove is a double storey apartment block and beyond that are single storey dwellings.

LOCALITY PLAN 30-42 WARLEIGH GROVE BRIGHTON



North
Brighton
Train
Station

BAY STREET

LEGEND	
Subject site	★

PERMIT/SITE HISTORY

25 August 2006	Planning Permit No 2005/0818/1 was issued at the direction of VCAT for the construction of a four storey residential development with basement car parking.
8 March 2007	Condition 19 (m) of this permit was amended on 08/03/07 as directed by the Victorian Civil Administrative Tribunal.
23 April 2008	Secondary Consent <ul style="list-style-type: none"> approved in accordance with conditions 1(e), 2(a), 9 and 11
7 April 2010	Amendment to the permit under Section 71 of the Planning and Environment Act 1987: Permit issue date to be altered to be the original permit issue date of 25 August 2006.
21 April 2010	Amended permit under Section 71 of the Planning and Environment Act 1987: Permit Condition No. 32, onwards renumbered.
28 April 2010	Extension of time granted to allow development to commence by 25 August 2012 and be completed within two (2) years of the date of the commencement of works.
28 February 2011	Extension of time granted to allow development to commence by 25 August 2013 and be completed by within two (2) years of the date of the commencement of works.

PUBLIC NOTIFICATION

The Section 87A application to VCAT was advertised at the direction of VCAT.

There have been no submissions opposing the amendments submitted to Council nor to the Tribunal to date.

ASSESSMENT

Changes to the Approved Development

The approved development consists of an 'H' shaped four storey building with ninety-one (91) apartments comprising of 85 x 2 bedroom and 6 x 3 bedroom dwellings. The building form presents a three storey development fronting Warleigh Grove with a fourth level set towards the middle and rear of the site. Vehicle access is provided via a crossover and basement driveway centred along the main Warleigh Grove frontage.

The main change to the approved development is the introduction of three (3) distinct building pods in place of the approved 'H' shaped development.

The proposed amendment does not propose to transform the primary purpose of the permit (which has approval for a four storey residential development) but seeks the following changes to the approved plans:

- Improved built form outcome
- Increased level of articulation
- Visual transparency through the development by creating three distinct building pods in place of the approved 'H' shaped building

The proposed amendments present a reduction in the overall massing of the development by creating space between the buildings. This space will respond more appropriately to the domestic development pattern and improve the streetscape presentation to Warleigh Grove.

The introduction of the 'townhouses to the north-east corner of the site will improve the integration of the development with the low scale residential developments in Warleigh Grove and respond more appropriately to the existing streetscape and built form character effectively creating an appropriate transition in height and massing between the 'commercial and residential interfaces.

The three building pods represent a more efficient use of space which translates into the introduction of more apartments with very few changes to the approved building envelopes.

The amended access will enable the basement ramp to be located behind the townhouses so that it is not visible from Warleigh Grove

The amended plans provide somewhat increased areas for landscaping.

Details of the proposed changes are as follows:

Setbacks to Warleigh Grove

At ground floor level, Building A is set back 7.4 metres which is consistent with the approved plans. Whilst some variations to the building footprint are proposed, the setbacks remain in the vicinity of 7.4 metres (minimum) to 25 metres, with minor increases offset by corresponding reductions).

The revised central road access, which extends deeper into the site provides a significant reduction in mass when viewed from Warleigh Grove.

East setback

At ground, first, second and third floor levels the setbacks have been varied, with some significant reductions in places and minor increases in other places.

Windows and balconies are oriented towards the east and those that fall within 9 metres of the title boundaries have been appropriately treated to prevent overlooking

The revised basement ramp is proposed to be located adjacent to the western (rear) boundary of 46 Warleigh Grove. To address any potential increased noise impacts to the residential amenity of this dwelling, it is proposed to construct an acoustic fence in addition to significant planting.

South Boundary

The setbacks to the south are generally consistent with the previously approved building. The major change being the introduction of Building 2 which extends east-west across the rear of the site (the interface abutting the commercial developments fronting on to Bay Street).

West Boundary

The building envelopes to the west are generally consistent with the approved envelope with some setbacks marginally increased in some areas, (noting this boundary abuts the car parking and service area of the apartment block located at 26 Warleigh Grove)..

Car Parking

The following table provides an assessment of the proposed provision of onsite car parking against requirements of Clause 52.05 of the Bayside Planning Scheme.

Component	Area/ No -Proposed	Clause 52.06 - Required	Total
1 bedroom	28	1 space per dwelling	28
2 bedroom	64	1 space per dwelling	64
3+ bedrooms	9	2 spaces per dwelling	18
Sub total	101		110
Visitor	108 dwellings (including 7 townhouses)	1 space per 5 dwellings	22
Total	197 car spaces		132 car spaces

The car parking provision of one hundred and ninety-seven (197) spaces including thirteen (13) at grade visitor spaces exceeds the one-hundred and thirty-two (132) car parking requirements of Clause 52.06 of the Bayside Planning Scheme.

The traffic report prepared by the permit applicant's traffic Engineers, Cardno Grogan Richards stated that the proposed amendments will result in an additional nine (9) vehicle movements during the peak hour which will have minimal effect to the surrounding road network.

Internal Amenity

All dwellings have been provided with open plan living areas with direct access to private open space. Apartments and townhouses fronting Warleigh Grove are provided with private open space areas within the front setback to maximise northern orientation and solar access. Apartments not oriented towards north are provided with east -west solar access and outlook. The number of south facing apartments have been limited within Building 2 with the upper level apartments provided with views across the Bay Street Activity Centre.

Consideration of the four storey development in a residential 1 Zone

In its determination to approving the four storey development the Tribunal noted that the site

- *is within a 'residential opportunity area' pursuant to Clause 21.05*
- *it is part of an activity centre as recognised by the DDO6*
- *is a consolidation of sites and has few physical or topographic constraints to limit its development*
- *abuts a fixed rail public transport and is very close to shops and other facilities*
- *abuts a commercial property to its rear and the side/rear of two storey flats to its west.*

It is important to note that although the site is located within a Residential 1 Zone where the current planning scheme controls require a planning permit to construct a dwelling/ residential building in excess of 2 storeys and over 9.0 metres in height, the site has a current planning permit (issued at the direction of VCAT) for a four storey 15 metres high residential development.

It is also noted that there are also current planning permits for four (4) storey developments at 16-20 (construction completed) and 22-24 Warleigh Grove (under construction).

Amendment C101 - Bay Street Major Activity Centre Structure Plan

Amendment C101, which is currently on exhibition, identifies the site as being located in precinct E. Precinct E proposes a maximum building height of 11.0 metres (3 storeys) or 12 metres on sloping sites. The approved development at 15 metres (max) exceeds the height objectives expressed in the Activity Centre Structure Plans.

The application to amend the approved plans does not seek to increase the height of the development or to transform the permit but seeks to reconfigure the design elements and to achieve an improved urban design response that will sit more comfortably within the context of its residential surrounds and will provide an improved amenity for future occupants.

It is relevant to note that Council's DDO6 interim height controls had been incorporated into the Bayside Planning Scheme (identifying the subject site as being located in a three (3) storey zone) at the time of VCAT's determination to approve the four (4) storey development. In considering the merits of the application, particularly the appropriateness of the fourth storey the Tribunal member noted the following:

While I appreciate that the building's mass and height may be regarded as substantial, in the planning context set by the Bayside Planning Scheme notably expectations set by DDO6, the relationship between the proposed building and existing dwelling at No. 22 Warleigh Grove is acceptable in terms of visual bulk.

I find the proposal accords with the directions for the area's future development set by the Council through its Planning Scheme and would produce an acceptable outcome.

Arguably the main issue is the inclusion of a fourth floor that is a departure from DDO6's requirements. In favour of the further level is the degree of its recession from the north and east as well as from the street. It is positioned closer to the south where the increment above the height of the commercial building can be absorbed. A larger fourth level would be more dominant, prominent and potentially unacceptable. However, on my assessment, the height and extent of the fourth storey is sufficiently compatible with development in, and expected to occur in, this activity centre and takes advantage of non-sensitive aspects of the site's context including its position opposite the North Brighton Railway Station. I am satisfied that the proposal is acceptable in terms of the outcomes sought by the DDO, its Schedule 6 and the whole of the Scheme's policy matrix that is relevant in reaching a balanced decision with respect to built form, character and urban design outcomes.

The proposed amendments do not superimpose a larger building mass above and beyond the forms that were previously approved but seek to redistribute the approved forms in a more sensitive manner.

CONCLUSION

It is noted that since the issue of the 'original' permit to construct a four storey development, the development pattern in Warleigh Grove has undergone extensive transformation from a low scale predominantly single storey streetscape to a streetscape that contains a 'mix' of more intensive /contemporary built forms that responds to its Activity Centre location.

The three (3) storey unit development at 10 Warleigh Grove (completed and occupied) the four (4) storey developments at 16-20 Warleigh Grove (completed) and 22-24 Warleigh Grove (currently under construction) and the intensification of the unit development at 43 Warleigh Grove sit comfortably amidst their 'low' scale neighbours testament that new infill developments can make a positive contribution to the streetscape without unreasonably disrupting the residential development patterns.

The application to increase the number of apartments from the approved ninety-one (91) to one hundred and eight (108) will not constitute a retrograde change to the approved design. Indeed they represent some degree of improvement in the areas of building mass, landscaping and presentation to Warleigh Grove.

Although this is still a large development beyond Council's expectations as set out in Amendment C101, it does represent an improvement in the proposal previously approved by VCAT.

Having regard to this, it is recommended that Council support the amendment to the permit at VCAT as proposed.

RECOMMENDATION

That Council having considered the Application to **Amend the Permit** under Section 87A of the Planning and Environment Act 1987 advises the Victorian Civil and Administrative Tribunal in respect to the proposed **changes to Planning Permit 2005/0810/1** issued for the **construction of a four storey residential development with basement car parking** as follows:

1. That Council supports the amendments to the plans

4.4 **188 The Esplanade, Brighton**
Section 87A Application - Support
Application No: 2006/0961/1 Ward: Northern

City Strategy - Statutory Planning
 File No: 2006/0961/1

APPLICATION DETAILS

Land/Address:	188 The Esplanade, Brighton
Application is for:	Application to VCAT to Amend a Planning Permit pursuant to Section 87A of the <i>Planning & Environment Act (1987)</i>
Melway Reference:	67 C11
Ward:	Northern
Application Number:	2006/0961/2
Applicant's/Owner's Name:	SJB Planning
Date Received:	8 March 2011
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 1
Restrictive covenants on the title?	No
Current use and development:	Double storey building containing two (2) apartments and a roof deck
Statement of Grounds (VCAT Submissions)	One (1)

PROPOSITION

It is recommended that Council **support** the amendments to the permit conditions.

PROPOSAL

The applicant has applied to VCAT for amendments to the Permit pursuant to Section 87A of the *Planning & Environment Act (1987)*. The applicant seeks the following amendments:

- Amend Condition 1(g) to read *“The privacy screen on the north side of the first floor level terrace to be solid and fully enclosed between the angled sections, to a height of 1.7 metres above terrace level.”*
- To delete Condition 8 which requires *“Two coastal tea trees planted to the east and west ends of the terraces trimmed above the existing fence height.”*

SUBJECT SITE & LOCALITY

An inspection of the site and the surrounding area has been undertaken.

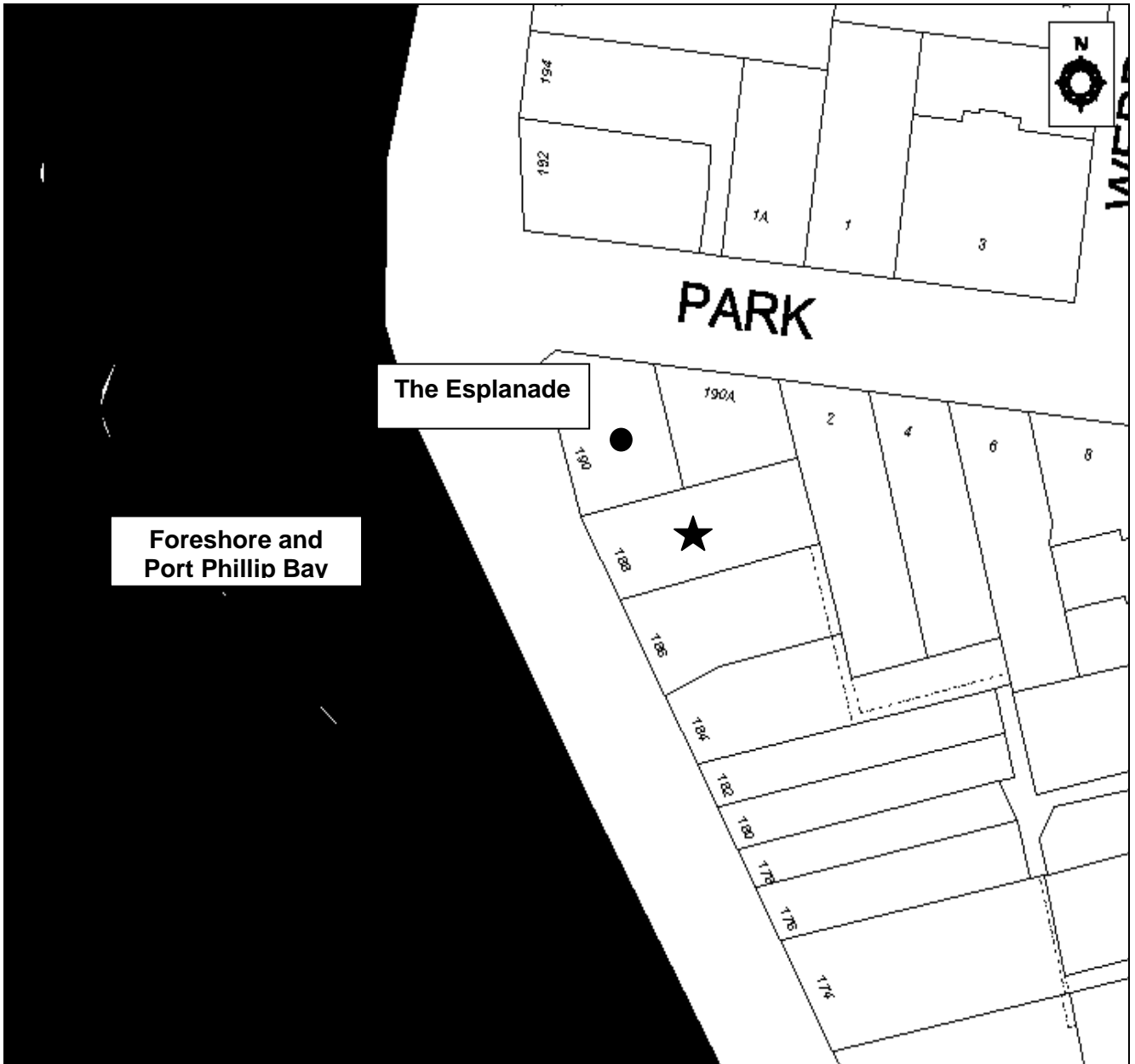
The site has a total area of approximately 607 square metres and currently contains:

- A double storey building containing (2) apartments
- A basement car park
- Access to a Road Zone Category 1
- A roof deck above the double storey building

The main site/locality characteristics are:

- The adjoining properties to the **north**, at 190 and 190A Esplanade, contain two (2) double storey dwellings.
- The adjoining property to the **south**, at 186 Esplanade, contains a double storey dwelling.
- The adjoining property to the **east**, at 2 Park Street, contains a single storey dwelling.
- To the **west**, across Esplanade, is the foreshore reserve and Port Philip Bay.

Locality Map – 188 The Esplanade, Brighton



Legend	
Subject site	★
Objector	●

PERMIT/ SITE HISTORY

The history of the site includes:

- On 27 November 2007, Planning Permit 2006/961/1 was issued at the direction of the Victorian Civil and Administration Tribunal for the construction of a double storey dwelling containing (2) apartments.
- By consent Condition 1(d) was amended as per VCAT order dated 27 November 2007.
- On 11 March 2008 by secondary consent Condition 17 was amended under delegation.
- On 28 April 2008 by secondary consent Condition 17 was amended under delegation.
- On 22 September 2009 by secondary consent amended plans were approved by Council.

PUBLIC NOTIFICATION

The Section 87A application to VCAT was not advertised.

ASSESSMENT

The applicant proposes to amend Condition 1(g) and delete Condition 7.

Permit Condition 1(g) requires that the privacy screening on the north side of the first floor terrace be solid and fully enclosed within the angled section. The applicant has requested that the requirement for the angled section to be fully enclosed be deleted as this does not provide any additional privacy benefits to the abutting property to the north. Deleting the infills to the 'blade' screens will allow for bay glimpses.

In addition the applicant seeks deletion of Condition 7 in regard to the planting of two coastal tea trees to the east and west end of the terraces due to insufficient room for planting. There is no soil for the tree nominated to the west end of the terrace on the northern boundary due to bored piers having been located along the boundary to support the side of the basement ramp. The tree nominated to the east of the terrace along the northern boundary is shown in a planter, this planter has inadequate depth to support a Tea Tree, however the applicant has planted smaller shallow rooted plants.

It is noted that the modifications to the permit are retrospective as the areas of non compliance have already been identified by Bayside City Council's Investigations Coordinator.

It is considered that the proposed modification to the screening complies with Standard B22 (Overlooking) Clause 55.04-6 of the Bayside Planning Scheme as it still successfully obstructs views onto the adjoining property which has been readily able to be observed on site.

Furthermore the deletion of the two coastal tea trees although reducing the amount of landscaping along the northern boundary will not cause any further detriment to the neighbouring properties.

CONCLUSION

It is considered that the changes sought in regard to the variation to the permit are appropriate for support.

RECOMMENDATION

That Council having considered the Application to **Amend the Permit** under Section 87A of the Planning & Environment Act 1987 advises the Victorian Civil and Administrative Tribunal as follows in respect to the proposed **modification to Condition 1g and the deletion of Condition 8** to **Planning Permit 2006/0961/1** issued for **construction of a double storey dwelling containing two (2) apartment with basement car parking, access to a declared main road and roof decks in a Design and Development Overlay 1** in accordance with the application dated 7 March 2011 but amended as follows

Amendment of Conditions

- Amend Condition 1(g) to read “The privacy screen on the north side of the first floor level terrace to be solid and ~~fully enclosed between the angled sections,~~ to a height of 1.7 metres above terrace level.

To delete Condition 8 which requires “Two coastal tea tree planted to the east and west ends of the terraces trimmed above the existing fence height.”

50 Milroy Street, Brighton East
Notice of Decision to Grant a Permit
 4.5 **Application No. 2010/0573/1 Ward: Northern**

City Strategy - Statutory Planning
 File No: 2010/0573/1

APPLICATION DETAILS

Land/Address:	50 Milroy Street, Brighton East
Application is for:	Use of the site for the purpose of a Place of Assembly within a Residential 1 Zone and associated reduction in car parking.
Melway Reference:	67 H9
Ward:	Northern
Application Number:	2010/573/1
Applicant's/Owner's Name:	Urban Edge Consultants
Date Received:	3 November 2010
Statutory Days Expiry:	3 January 2011
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay – Schedule 2
Under what clause(s) is a permit required?	<p>Clause 32.01 - 1 – Use of the site for the purpose of a Place of Assembly (Satsang - evening of meditation, chanting and teachings).</p> <p>Clause 52.06 – To waiver or reduce the required car parking requirements for a particular use.</p>
Restrictive covenants on the title?	No
Current use and development:	Residential
Submissions:	Fourteen (14) letters of support, five (5) objections and one (1) withdrawal of objection.

PROPOSITION

It is recommended that a **Notice of Decision to Grant a Permit** be issued subject to conditions.

PROPOSAL

It is proposed to use part of the existing double storey dwelling for the purpose of a Place of Assembly. The Place of Assembly will conduct meditation, chanting and teachings on site. These gatherings known as 'satsangs' operate once a month on Thursday evenings commencing at 7:20 pm and conclude at 9:30 pm.

As outlined by the applicant, the structure of the evening will be as follows:

The applicant has advised that the average attendance to these evenings is upwards of 50 people to a maximum of 80. Control of numbers attending the evening is by an electronic booking system.

It is of note that the evenings are private gatherings which require bookings rather than the public 'walking in.'

There is provision of four (4) spaces provided on site. Two (2) of the spaces will be allocated to the proposed use.

No amplified equipment will be located outside of the building and noise will comply with the State Environment Protection Policy (Control on Music Noise from Public Premises No. N/2).

The applicant has advised that guests will not congregate or locate outside of the dwelling during 'satsang' evenings (i.e. only when entering or exiting the session for the evening).

It is of note that no buildings and works or signage is proposed as a result of the application.

SUBJECT SITE & LOCALITY

An inspection of the site and surrounding area has been undertaken.

The subject site is located on the north west side of Milroy Street, near the intersection of Mavis Street, Brighton East and in close proximity to Landcox Park.

The site is currently occupied by a double storey dwelling.

Vehicular access to the site is provided to the south west corner of the site.

Surrounding land is developed for residential purposes and currently contains:

- To the north-east is No. 48 Milroy Street, a single detached dwelling.
- To the south – east on the opposite side of Milroy Street are a number of single detached dwellings.
- To the south-west is No. 50A Milroy Street, a single detached dwelling.

PERMIT/SITE HISTORY

No previous planning applications have been determined for this site.

PUBLIC NOTIFICATION

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987* by:

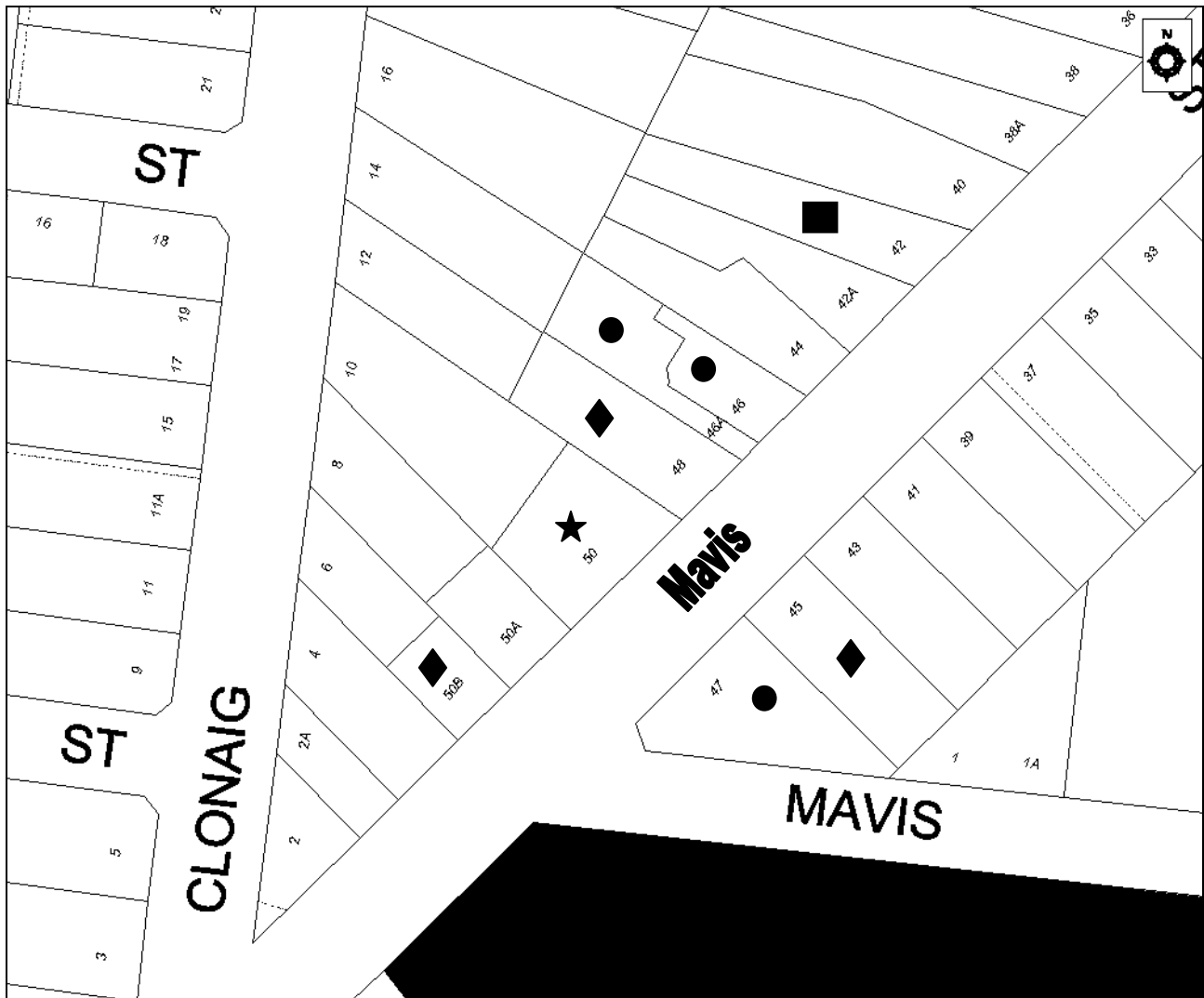
- Sending notices to the owners and occupiers of adjoining land.
- Placing one (1) sign on site (facing Milroy Street).

The notification has been carried out correctly.

Council has received a total of fourteen (14) letters of support, five (5) objections and one (1) of which has been withdrawn. Four (4) objections remain.

The key issues raised in the objections are:

- Increase of traffic
- Car parking availability
- Driveway / Access

Locality Map – 50 Milroy Street, Brighton East


Legend	
Subject land	★
Location of Objectors	●
Location of Supporter	◆
Location of withdrawal	■

N.B. Not all objectors and supporters are nominated on the locality plan above.

CONSULTATION

A consultation meeting was held on the 3rd February 2011 to allow all parties to hear each other's views and to develop an understanding of the issues raised as a result of the application from all perspectives. At the request of the Council Officer, additional information was submitted to Council in relation to traffic management procedures for the application. This information was re referred to Councils Traffic Department for comment and review. No objections were withdrawn as a result of the consultation meeting.

REFERRALS

External Referrals/Notices by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	N/A
Section 52 Notices	Letters to all adjoining property owners and occupiers and one (1) notice placed on site.

Internal Council Referrals	Advice/Response/Conditions
Traffic Engineer	No objection, subject to conditions, to reduce number of patrons.

ASSESSMENT

State Planning Policies

Clause 10 - Operation of the State Planning Policy Framework

The purpose of State planning policy is to inform responsible authorities of the aspects to be considered and given effect in administering the planning scheme. The State Planning Policy Framework provides a context for decision making by responsible authorities.

The planning policies are directed to land use and development, as circumscribed by the *Planning and Environment Act 1987*, a primary objective of which is to provide for the fair, orderly, economic and sustainable use and development of land.

Municipal Strategic Statement

- **Clause 21.05 – Housing** - Encourages housing choice and quality design outcomes that make a positive contribution to the character of residential areas.

Local Planning Policy Framework

- **Clause 22.09 – Discretionary Uses in Residential Areas** – Applies to discretionary uses within a residential zone.

Zoning

- **Clause 32.01 – Residential 1 Zone** – To provide for residential development at a range of densities to meet the housing needs of all households, to encourage development that respects neighbourhood character and in appropriate locations allows educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

The proposed use of the property as a ‘place of assembly’ comes under a Section 2 – Use within the Residential 1 Zone.

A planning permit is required for any Section 2 Use within the Residential 1 Zone.

Overlays

- **Design and Development Overlay – Schedule 2** – Aims to 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, to preserve the existing character and amenity of the areas as low rise (up to two storeys) suburban areas with a strong garden character, to maintain the prevailing streetscape rhythm, building scale and height of neighbourhoods and to maintain a strong landscape character with buildings set within vegetated surrounds.

The proposal does not trigger the need for a planning permit within this overlay.

Particular Provisions

- **Clause 52.06 Car Parking** – To ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality.

A planning permit is required to waiver or reduce the required car parking requirements of a particular use.

- **Clause 65 Decision Guidelines** – Details matters to be considered when determining a planning application

SUMMARY OF KEY ISSUES

The proposal requires a planning permit pursuant to Clause 32.01-1 and Clause 52.06-3 of the Bayside Planning Scheme.

Discretionary Uses within a Residential 1 Zone – Proposed ‘place of assembly’ use

Pursuant to Clause 32.01-1 of the Residential 1 Zone a planning permit is required for the purpose of a ‘place of assembly.’

A “place of assembly” is defined within the land use definitions of the Bayside Planning Scheme as:

‘land where people congregate for religious or cultural activities, entertainment or meetings.’

Clause 22.09 – 3 of the Bayside Planning Scheme provides guidance in relation to the preferred location, siting, built form and design, traffic and car parking, fencing, landscaping, advertising signage and general amenity concerns of non residential uses. This policy recognises that there are a number of uses that can be located within residential areas subject to the provision that nearby residential properties are not adversely impacted.

The policy considerations at Clause 22.09-3 of the Bayside Planning Scheme outline that the *preferred location* for discretionary uses is:

- *The discretionary use abuts a Road Zone or collector road. Other locations may only be favourably considered where it can be demonstrated that residential amenity will not be unreasonably compromised.*
- *Site consolidation is encouraged to ensure adequate on-site parking, landscaping and setbacks are provided.*
- *The discretionary use is on a corner site.*
- *The discretionary use is located on the periphery of commercial areas or adjacent to other discretionary uses to provide a transition between commercial and residential areas.*
- *The discretionary use is located near similar community and support facilities.*
- *The discretionary use is located within walking distance of public transport and promotes safe and convenient pedestrian access.*

In response to the above considerations it is noted that the site abuts a Road Zone – Category 2, which is a preferable location for non residential uses rather than being within the hinterland of residential areas and along a local residential street. The site is not located on a corner or adjacent to commercial uses. The use is however located close to other non residential uses which are located within a Residential 1 Zone including the Tara Institute at 5 Mavis Street, Brighton East approximately 100 metres to the east of the site. It is considered that overall the proposed location of the non residential use is acceptable within this location.

Also relevant to this application are the *siting, built form and design* policy guidelines at Clause 22.09 – Discretionary Uses within a Residential 1 Zone outline:

- *Setbacks from front, side and rear boundaries for buildings or additions must be in accordance with the setback provisions contained in Clauses 54 and 55 of the Bayside Planning Scheme.*
- *Any increase in building height is transitional and represents a height increase of no more than one storey above the prevailing building height.*
- *The materials and finishes reflect that prevailing in the area.*
- *The discretionary use respects the prevailing built form, scale and materials of surrounding buildings, established neighbourhood character and responds to the preferred neighbourhood character.*

A number of the above considerations are not relevant to this application as the proposal seeks approval to use part of the existing dwelling for the purpose of the proposed activities on the site, with no external works or signage is proposed.

The applicant has advised that the use of the dwelling for the proposal is restricted to the upstairs ‘entertainment room’, kitchen and one bathroom. The outside terrace area is not to be used at any time when the gatherings are to take place. This can be placed as a condition to the permit should a permit issue.

It is also considered that as the proposal does not involve any works or advertising signage, and the existing dwelling will retain its residential appearance, it will therefore not have any adverse impacts on the surrounding residential environment in terms of built form and design.

In addition, Clause 22.09-2 of the Bayside Planning Scheme provides objectives relating to discretionary uses in a Residential 1 Zone. These are listed as follows:

- *Furthers objectives in Clause 21.04 – Vision and Overarching Goals.*
- *To ensure that development respects the established neighbourhood character and responds to the preferred neighbourhood character.*
- *To ensure that adequate access is available to the site.*
- *To ensure adequate provision is made for on-site parking.*
- *To ensure traffic generated by the discretionary use is appropriate to the street and the locality and will not adversely affect the existing traffic patterns and safety.*
- *To ensure that local community needs are served by the proposal.*

The applicant has advised that the ambience of the gathering is introspective and contemplative with the proposed music and chanting on site relatively quiet in nature. It is of note that no amplification equipment will be located outside of buildings and music and noise will comply with the State Environment Protection Policy (Control on Music Noise from Public Premises No. N/2 and Environment protection (Residential Noise) Regulations 2008. This can form as a condition to the permit, should a permit issue.

More particularly, the music and noise associated with the proposal, incorporates chanting during the evening, comprising a total length of approximately 10 minutes, with the majority of the evening involving meditative practice and listening to teachings. The applicant has advised that the chanting proposed involves periods of two minute intervals, running for a total of 10 minutes throughout the two hour gathering, with some chants spoken and others whispered. It is considered that the proposed noise associated with the place of assembly is acceptable and will not disrupt the amenity of the residential neighbourhood. It is also considered that the noise will be commensurate to what can be considered as 'normal' residential noise.

It is considered that the proposed use of the site for the purpose of a 'Place of Assembly' is acceptable, subject to permit conditions to reduce the number of patrons. Further, the hours of operation between 7:20 – 9:30 pm are not considered to be irregular or disruptive to the amenity of adjoining residential properties. However, should a permit issue, a condition will require the hours of operation to be restricted to those specified by the applicant to ensure that the proposed use will not cause loss of amenity.

In light of the above assessment, putting aside the question of car parking, and noting the of letters of support for the application, it is considered that the proposed Place of Assembly is acceptable as a service that meets the 'needs' of the local community. Further, it is considered that, subject to the reduction of patrons to fifteen (15), the proposed use will not result in unreasonable impacts to surrounding residential properties.

The decision guidelines for non residential uses in relation to car parking and traffic generation is discussed within the following section of this report.

Traffic / Car Parking

Pursuant to Clause 52.06 – Car Parking of the Bayside Planning Scheme a 'place of assembly' requires the rate of 0.3 spaces per each seat or square metres of net floor area, whichever is greater.

The site has the provision of four (4) car parking spaces on site, (i.e. two in garage and two in driveway) which are currently used for the purpose of the existing dwelling.

The applicant has advised that as part of the booking process to attend the gatherings, guests are required to nominate their means of transport so that the number of cars expected on site is known in advance.

Pursuant to Clause 52.06 – Car Parking of the Bayside Planning Scheme a total of 15 – 24 spaces is required on site. The proposal results in a shortfall of 11 – 20 spaces based on the number of guests being between 50 – 80 persons.

The application was referred to Councils Traffic Engineer, who considered that the shortfall of spaces provided is significant due to the location of the site. It is recommended that the place of assembly be operated with fifteen (15) patrons in total, at any one time. This will ensure that the residential amenity of the neighbours is not unreasonably compromised.

It is of note that the issue of car parking availability on site was raised at the consultation meeting by both the objector and Council Officer. In response, the applicant provided additional information in relation to the management of parking for the use. This information incorporates the reliance of on street car parking opposite 50 Milroy Street and in front of Landcox Park.

It is relevant to note that there are other institutional uses within the locality, including the Tara Institute (centre for Buddhist philosophy and meditation) at 5 Mavis Avenue, Brighton East which put “strain” on the existing on street parking car parking availability on certain days. Due to this circumstance the applicant altered the session day for gatherings from a Wednesday to a Thursday to not coincide with the operations of the Tara Institute.

However, it is considered that the waiver of 11 – 20 spaces required, is substantial and not able to be readily absorbed by the surrounding area. It is also considered that the reliance of on street car parking (as stated in the additional information) around the frontage of 50 Milroy Street and in front of Landcox Park does not ensure that spaces will be directly available for the use, without disrupting the amenity of the surrounding area.

It is also noted that the applicant has not provided any additional Traffic Survey evidence to support the car parking waiver sought or demonstrated that the parking is able to be absorbed within the area.

The proposed on street spaces nominated are unrestricted and for general public use, it is not reasonable for the applicant to seek almost exclusive use of this parking the days the use operates and not worthy of support in terms of justification for the car parking waiver. In addition it is noted that this the site is not located close to public transport.

The car parking waiver sought, is not supported to the extent sought. A condition on the permit should a permit issue will require that the maximum number of patrons on site for the place of assembly be restricted to a maximum of 15 patrons at any one time, in accordance with the recommendations of Councils Traffic Engineer.

Matters Raised by Objectors

A total of three (3) objections have been received for this application. The objections have raised concerns in relation to the demands of the ‘place of assembly’ use on the parking availability on the street.

The car parking demand imposed upon the amenity of the surrounding street has already been addressed within the car parking and traffic section of this report. It is considered that should a permit issue for the use of this site for a place of assembly should be restricted to a maximum number of fifteen (15) patrons in accordance with Council Traffic Engineer recommendations.

CONCLUSION

It is considered that the proposed use of the existing dwelling for the purpose of a Place of Assembly is acceptable given the nature of the use. Further, the use will not result in unreasonable amenity impacts to the surrounding neighbourhood subject to a permit condition restricting the number of patrons on site to not exceed fifteen (15) at any one time.

RECOMMENDATION

That Council having cause notice of **Planning Application No. 2010/573/1** 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 issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect to land known and described as **50 Milroy Street, Brighton East** for the **use of the site for the purpose of a Place of Assembly within a Residential 1 Zone and the associated reduction in car parking** in accordance with the application material dated **28 September 2010, 3 November 2011 and 8 March 2011**, subject to the following conditions, including the conditions set out in the Councils 'Town Planning Standard Conditions' adopted by the Council on 28 November 2006.

1. P5 – Layout not altered – use of land.
2. The use may only operate between the hours of 7:20 – 9:30 pm once a month on a Thursday.
3. The area from which the use operates must be in accordance with the plans endorsed under this Planning Permit and must not be altered without the prior written consent of the Responsible Authority.
4. The outside terrace area must not to be used at any time when the gatherings are to take place.
5. One (1) car parking space must be provided on site for non resident staff (Swami) when the use is operating.
6. Not more than fifteen (15) patrons may be present on the premises at any one time without the prior written consent of the Responsible Authority.
7. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music noise from Public Premises), No. N-2 and Environment protection (Residential Noise) Regulation 2008.
8. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
9. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
10. A1 – General amenity provision
11. PT1 – Time for starting and completion (use)

4.6 **11 Banool Street, Cheltenham**
Notice of Decision to Grant a Permit
Application no: 2010/0646/1 Ward: Southern

City Strategy - Statutory Planning
 File No: 2010/0646/1

APPLICATION

Land Address:	11 Banool Street, Cheltenham
Application is for:	Construction of two (2) double storey dwellings and removal of one (1) native tree in a Vegetation Protection Overlay Schedule 3
Melway Reference:	86 F2
Ward:	Southern
Application Number:	2010/0646/1
Applicant's/Owner's Name:	Will Leaf
Date Received:	27 October 2010
Statutory Days Expiry:	22 April 2011 (revised plans submitted 22 February 2011)
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 2 Vegetation Protection Overlay Schedule 3
Under what clause(s) is a permit required?	Clause 32.01-4 – Construction of two (2) or more dwellings on a lot Clause 42.02 (Schedule 3) – Removal of native vegetation
Restrictive covenants on the title?	No
Current use and development:	Single storey dwelling
Objections:	Two (2)

PROPOSITION

It is recommended that a **Notice of Decision to Grant a Permit** be issued subject to conditions.

PROPOSAL

It is proposed to construct two (2) double storey attached dwellings and to remove one (1) native tree in a Vegetation Protection Overlay Schedule 3. The proposed dwellings include the following:

- A sitting room/study, open plan kitchen/living area and laundry at the ground floor.
- A living area, three (3) bedrooms (master bedroom with ensuite) and bathroom at the first floor.
- Double garages for each dwelling.
- Provision of approximately 150 square metres of private open space for each dwelling.

SUBJECT SITE & LOCALITY

An inspection of the site and the surrounding area has been undertaken.

The site has a total area of 759 square metres and currently contains:

- A single storey weatherboard dwelling.
- A detached carport at the side of the dwelling.
- A garage with a bungalow above attached to the carport.
- A 1.8 metre high solid timber paling front fence.

The main site/locality characteristics are:

- The adjoining property to the north at 13 Banool Street contains a single storey weatherboard dwelling with a front setback of 7.9 metres.
- The adjoining property to the south at 9 Banool Street contains a single brick storey dwelling with a front setback of 7.7 metres.
- Opposite the site to the east is Victoria Golf Course and 12 Banool Street which contains a single storey brick dwelling with a front setback of 8 metres.
- Two (2) adjoining properties are located to the west (rear) of the site. 4 Timmis Avenue contains a single storey brick dwelling and 6 Timmis Avenue contains a double storey brick dwelling.

PERMIT/SITE HISTORY

No previous planning permits have been determined for the subject site.

PUBLIC NOTIFICATION

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land
- Placing a sign on site

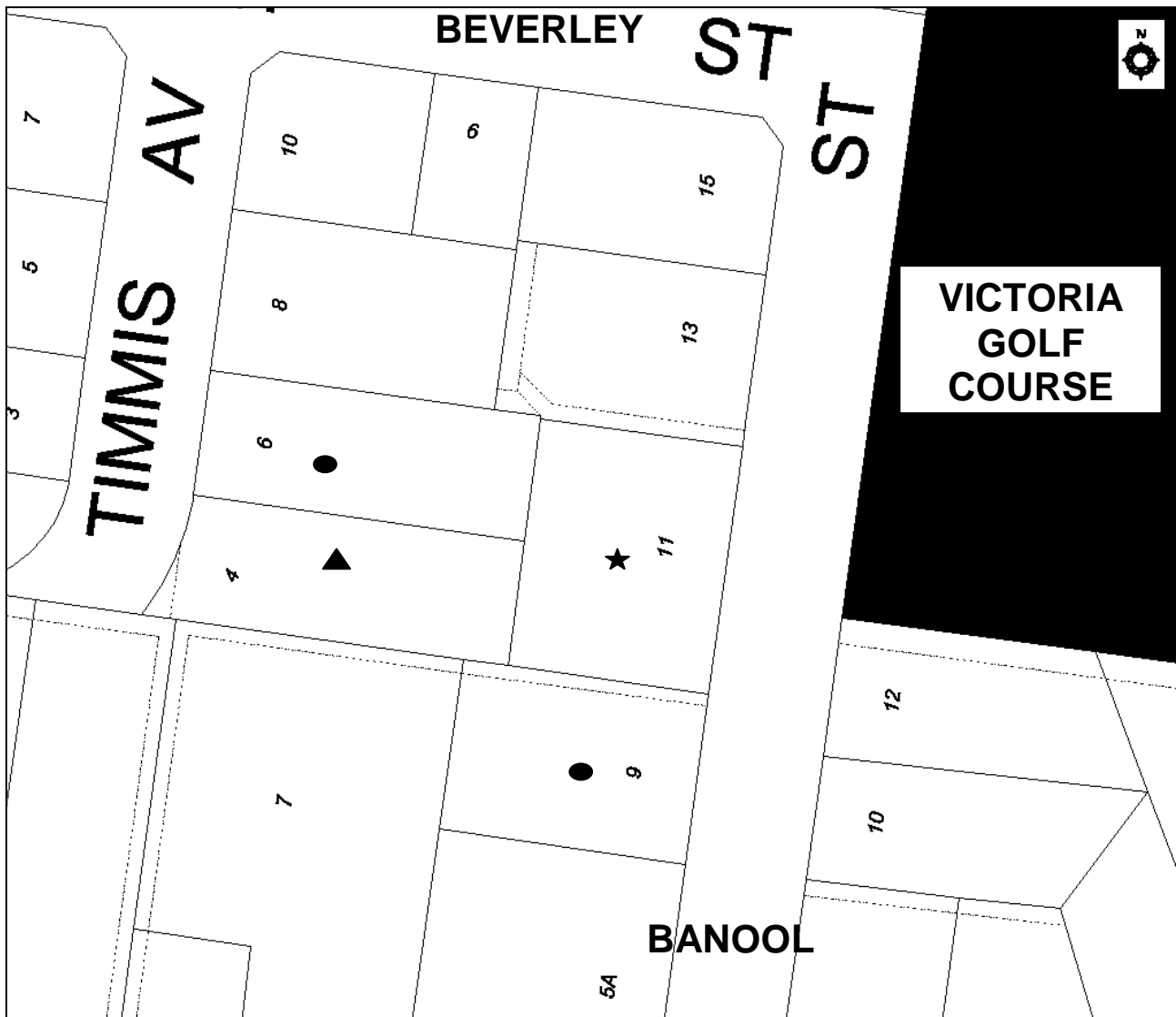
The notification has been carried out correctly.

Council initially received three (3) objections. One (1) was subsequently withdrawn.

The key issues that were raised in the objections are:

- Overlooking
- Traffic/Parking
- Damage to neighbouring property's tree (6 Timmis Avenue)
- Height of deck
- Storm water drains affected
- Noise

Locality Plan - 11 Banool Street, Cheltenham



Legend	
Subject Site	★
Objectors	●
Objector Withdrawn	▲

CONSULTATION

A consultation meeting was not held at the request of the applicant.

REFERRALS

External Referrals/Notices by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	N/A
Section 52 Notices	Letters to all adjoining property owners and occupiers and one (1) notice on-site fronting Banool Street.

Internal Council Referrals	Advice/Response/Conditions
Urban Designer	No objection, subject to conditions.
Traffic Engineer	No objection, subject to conditions.
Arborist	No objection, subject to conditions.
Street Trees	No objection, subject to conditions.
Drainage Engineer	No objection, subject to conditions.
ESD	No objection, subject to conditions.

ASSESSMENT

Relevant Provisions of the Bayside Planning Scheme

State Planning Policies

- Clause 11 Settlement** – The objective of planning is to anticipate and respond to the need, recreation, of existing and future communities through the provision of zoned and serviced land for housing, employment and open space commercial and community facilities and infrastructure. Planning should recognise the need for and as far as practicable contribute towards, the health and safety, diversity of choice, adaption in response to changing technology, economic viability, a high standard of urban design and amenity, energy efficiency, prevention of pollution to land, water and air, protection of environmentally sensitive areas and natural resources, accessibility and land use and transport integration.
- Clause 16 Housing** – The objectives of Clause 16 include the provision of housing diversity and supporting infrastructure. New housing should have access to services and be planner for long term sustainability including walking to activity centres, public transport, schools and open space. To promote a housing market that meets community needs. To locate new housing in or close to activity centre and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. To identify

strategic redevelopment sites for large residential development in Metropolitan Melbourne. To provide for a range of housing types to meet increasingly diverse needs. To encourage the establishment of crisis accommodation and community care units in residential areas and to ensure that their location is kept confidential. To facilitate the timely development of residential aged care facilities to meet existing and future needs.

Municipal Strategic Statement

- **Clause 21.04 Vision and Overarching Goals** – Aims to enrich a ‘locality’ or ‘village’ focus whilst encouraging new economic development that adds value to the economy of Bayside and builds on a collaborative approach to achieving the goals in the planning scheme. The design and image objectives aim to achieve high quality design and continually improve the image of land use and development in Bayside, which contributes to a sense of place appropriate to Bayside’s character and maintains, strengthens and enhances local character.
- **Clause 21.05 Housing** - Encourages housing choice and quality design outcomes that make a positive contribution to the character of residential areas.

Local Planning Policies

- **Clause 22.07-1 – Neighbourhood Character Policy** - Aims to encourage development in the area that responds to the particular built form and natural environment elements that make up the neighbourhood character of Bayside.
- **Clause 22.07-2 – Neighbourhood Character Objectives** - Aims to ensure that development is responsive to the preferred future character of the area and to retain and enhance the identified elements that contribute to the character of the area. It is noted that the subject site is located within precinct H3.
- **Clause 22.10 – Water Sensitive Urban Design** - Aims to promote the use of water sensitive urban design, including stormwater re-use, to protect the surface water and ground waters in the Port Phillip Bay catchment from stormwater pollutants, to reduce the impacts of peak stormwater flows, to integrate stormwater treatment measures into the landscape, and to reduce the entry of pollutants into stormwater run-off.

Zoning

- **Clause 32.01-4 - Residential 1 Zone** - Encourages residential development at a range of densities, with a variety of dwellings to meet the housing needs of all households.

This zone requires a planning permit for the proposed residential development.

Overlays

- **Clause 42.02 Vegetation Protection Overlay, Schedule 3** - Aims to prevent the loss of native and particularly indigenous vegetation, to retain the amenity, aesthetic character and habitat value of Australian native vegetation and indigenous vegetation and to promote the regeneration and replanting of indigenous species.

The overlay requires a planning permit to remove native vegetation.

- **Clause 43.02 Design and Development Overlay Schedule 2** – Aims to 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, to preserve the existing character and amenity of the areas as low rise (up to two storeys) suburban areas with a strong garden character, to maintain the prevailing

streetscape rhythm, building scale and height of neighbourhoods and to maintain a strong landscape character with buildings set within vegetated surrounds.

A planning permit is not required under the above overlay, as the height of the proposed development does not exceed 2 storey or 9 metres measured above natural ground level.

Particular Provisions

- **Clause 55 Two (2) or More Dwelling on a Lot** - Includes specific objectives and standards for the proposed residential development to be assessed against.

General Provisions

- **Clause 65 Decision Guidelines** - Sets out decision guidelines for the responsible authority to consider in order to ensure acceptable outcomes in terms of State Planning Policies and Local Planning Policies.

SUMMARY OF KEY ISSUES

The following is a summary of the relevant planning issues and areas of non-compliance, considering planning principles and issues raised by the objectors.

Neighbourhood Character

The subject site is located in Precinct H2 within Clause 22.07 Neighbourhood Character Policy of the Bayside Planning Scheme. The preferred future character statement reads:

“The low scale dwelling styles sit within established gardens that contain some substantial vegetation including trees. Front setbacks are large, and sometimes variable, and dwellings usually include a pitched roof form of some type. The streetscapes have an open feel due to buildings being offset from at least one side boundary and a lack of intrusive front fencing, complemented by wide roads and nature strips. Linkages with the remainder of the Beaumaris area are strengthened through the use of more indigenous planting in the private and public domains.”

The precinct guidelines are as follows:

Objective	Design Response	Avoid
To maintain and enhance the garden settings of the dwellings.	<ul style="list-style-type: none"> • Prepare a landscape plan to accompany all applications that includes substantial trees and shrubs, preferably indigenous species. • Retain large, established trees and provide for the planting of new trees and shrubs wherever possible (locate footings outside root zone). 	<p><i>Lack of landscaping and substantial vegetation.</i></p> <p><i>Removal of large trees.</i></p> <p><i>Planting of environmental weeds.</i></p>
To maintain the rhythm of spacious visual separation	<ul style="list-style-type: none"> • Buildings should be sited to create the appearance of space 	

Objective	Design Response	Avoid
between buildings and allow space for trees and other planting.	<ul style="list-style-type: none"> between buildings and accommodate vegetation. Buildings should be sited to allow space for a garden including trees and shrubs. Minimise impervious surfaces, particularly in the front garden. 	
To minimise the loss of front garden spaces and the dominance of car parking structures.	<ul style="list-style-type: none"> Locate garages and carports at or behind the line of the dwelling. 	<i>Car parking structures that dominate the façade or view of the dwelling.</i>
To ensure that new buildings reflect the low scale forms of the area, and provide an articulated and interesting façade to the street.	<ul style="list-style-type: none"> Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, pitched roof forms, combinations of materials, textures or colours or other elements providing appropriate articulation. Recess upper levels from the front façade. 	<p><i>Large, bulky buildings</i></p> <p><i>Poorly articulated roof, front and side wall surfaces</i></p>
To use building materials and finishes that complement the natural setting.	<ul style="list-style-type: none"> Use a mix of materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick. 	<i>Period reproduction styles and detailing.</i>
To enhance the openness and informality of the streetscape and maintain views into front gardens.	<ul style="list-style-type: none"> Provide open style front fencing, other than along heavily trafficked roads. Use vegetation as an alternative where possible. 	<i>High or solid front fencing.</i>

The area surrounding area is characterised by medium size allotments, dwellings with deep front setbacks surrounded by bushy gardens. Garden and street planting are important elements in establishing building settings and the overall landscaped character of the area. The most valued attributes of the area relate to the detached building style, well-developed garden settings and the visual link between garden and the street.

The proposal generally meets the neighbourhood character objectives. The development is appropriately set back from all boundaries to maintain the rhythm of spacious visual separation between buildings on adjoining lots and ensure adequate space is provided around buildings. The proposed site coverage of 39.6% will provide adequate areas for landscaping.

The development is well articulated and provides an interesting façade to the street. The proposal incorporates the use of a variety of building materials, finishes and design details that complement the area. The incorporation of timber into the front facades complements the natural setting of the area.

Council's Urban Designer viewed the advertised plans and commented that the proposal's architectural presentation could be improved to the street. He commented that with greater articulation and pergolas provided to the front, the development's presentation to the street would be enhanced. The revised plans (which have been circulated to objectors) have addressed the Urban Designer's concerns through the inclusion of timber pergola entries and battened fencing between the dwellings and greater variation in materials and colours.

It is considered that the proposed composition of the development responds appropriately to the site, and will create a building form that is of an appropriate scale to integrate with and complement the existing streetscape.

It is considered that proposed development will present as a site responsive design that respects the valued neighbourhood characteristics, respects the amenity of its residential neighbours and will make a positive contribution to the area.

Setbacks

The proposed setbacks are as follows:

	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
North (side)	0 or 2m	3.2 to 6.45m	4.6 to 5.6m	6.45m
South (side)	0 or 2m	3.2 to 6.45m	3.8-4.4m	6.45m
East (front)	7.9m	<u>6m</u>	7.9 metres	<u>6</u> to 9.075m
West (rear)	0 or 3m	4m	6.38 to 6.78 metres	<u>5m</u>

The proposed front setback at 6 metres does not comply with the required 7.9 metre setback of Clause 55, Standard B6 of the Bayside Planning Scheme – Schedule to the Residential 1 Zone. The prevailing front setbacks in the street (excluding the front setbacks of 5 Banool Street at approximately 20 metres) are 7 metres. The proposed front setback at 6 metres, despite the depth of the block, is not reflective of the setback pattern within the streetscape and is therefore considered inappropriate. A condition will be included should a permit issue requiring the setback to be increased to a minimum of 7 metres.

The proposed side setbacks at both the ground and first floor exceed the requirements of Clause 55, Standard B17 of the Bayside Planning Scheme – Schedule to the Residential 1 Zone. It is considered that the proposed setbacks provide good separation between the adjoining properties and opportunities for generous amounts of landscaping.

The proposed rear setback at the ground floor exceeds the requirements of Clause 55, Standard B17 of the Bayside Planning Scheme – Schedule to the Residential 1 Zone. However the rear setback at the first floor does not comply with the above standard, which requires 6.38 to 6.78 metres. Notwithstanding it is considered that the proposed first floor rear setback of 5 metres provides sufficient separation to the adjoining properties and opportunities for reasonable amounts of landscaping including the planting of canopy trees.

Visual Bulk

The overall height of the proposed dwellings varies from 6.529 to 7.804 metres. The development does not present excessive bulk to the street or to the adjoining properties due to the articulated facades and mix of materials and finishes.

The generous side and rear setbacks ensure that the development will not present any unreasonable visual bulk to the adjoining neighbours or streetscape. The development is therefore considered to be of appropriate form and scale.

Overlooking

A conditional objection was received from a neighbour to the rear at 4 Timmis Avenue expressing concerns about overlooking from the rear second storey windows and from the ground floor (across the existing boundary fence) into their rear private open space. The neighbour requested screening to the second storey windows and trellis installed on the boundary fence to limit views. All first floor habitable room windows are required to be screened to 1.7 metres in height above the finished floor level to minimise any unreasonable overlooking. A permit condition, should one issue, can ensure that screening is provided in accordance with Clause 55, Standards B22 and B23 of the Bayside Planning Scheme. A condition can also be included to require the addition of privacy screens (trellis) on top of the existing side and rear boundary fence to a minimum of 1.7 metres above the finished floor level of the rear ground floor decks in accordance with Standard B22. As the recommendation includes conditions that address the objectors concerns, the objection has been withdrawn.

Overshadowing

The shadow diagrams submitted have been checked and found to be correct. Taking into account the orientation of the site the level of shadow cast by the development over the adjoining properties, it is considered that the proposal complies with the provisions of Clause 55, Standard B21 of the Bayside Planning Scheme.

Traffic and Car Parking

Each dwelling is provided with two (2) car spaces within separate double garages. The parking provided is in accordance with the requirements of Clause 55, Standard B16 of the Bayside Planning Scheme.

Council's Traffic Engineer has viewed the plans and does not have any objection to the proposal subject to permit conditions relating to the widths and location of crossovers and driveways.

Private Open Space

The proposal provides 127 square metres of secluded private open space located to the side and rear of each dwelling. The open space provided exceeds the requirements of Clause 55, Standard B28 of the Bayside Planning Scheme, which requires a minimum of 40 square metres.

Landscaping/Vegetation

The subject site is located within a Vegetation Protection Overlay Schedule 3 (VPO3). The proposal will result in the removal of four (4) trees and it is noted that one (1) of these trees is a native. The applicant has submitted an Arborist Report in which the trees identified for removal have been assessed. This report was reviewed by Council's Arborist who raised no objection to the tree removal. The adjoining owner to the rear at 6 Timmis Street raised a concern in relation to potential damage to a mature Pin Oak located next to the rear boundary of 6 Timmis Street. Council's Arborist has viewed the plans, inspected the site and recommended conditions for tree

protection during construction. Conditions can be included should a permit issue requiring tree protection to the Pin Oak on the adjoining property at 6 Timmis Street.

A concept landscape plan submitted with the application shows the location of new canopy trees to be planted in the front and within private open space areas. A condition will be included on any permit that may issue to ensure that canopy planting is provided.

Energy Efficiency and Water Sensitive Urban Design

The proposal has included sufficient amounts of glazing so as to maximise solar access to habitable rooms. It is considered that the proposal generally meets Clause 55 Standard B10 of the Bayside Planning Scheme.

The proposal lodged with Council is subject to Clause 22.10 of the Bayside Planning Scheme, which requires Water Sensitive Urban Design measures for new developments. A condition can be included, should a permit issue, requiring plans and a report to be submitted detailing the measures of Water Sensitive Urban Design to be implemented on-site.

Front Fence

A 1.8 metre high solid timber paling front fence exists on site. A 1.5 metre high stone fence is proposed in front of the study of each dwelling. The height of the proposed front fence does not comply with the requirements of Clause 55, Standard B32 of the Bayside Planning Scheme – Schedule to the Residential 1 Zone, which allow only a maximum of 1.2 metres in height. However, it is considered that the height of the front fence is acceptable, as it is setback behind a 1.6 metres depth planter box and will be screened by planting.

Impact on Storm Water Drains

As previously discussed the applicant will be required to provide plans and a report in response to Council's Water Sensitive Urban Design policy at Clause 22.10 of the Bayside Planning Scheme.

Noise

It is considered that the residential development will not constitute any additional noise beyond what is considered normal in a residential area.

CONCLUSION

The development is considered to be appropriate for the site and will not detract from the existing streetscape and neighbourhood character. The development provides good separation between the adjoining properties and maintains the established streetscape pattern.

The development will be sympathetic to surrounding development and subject to permit conditions will respect the residential amenity of adjoining properties, through the incorporation of variety of materials and finishes and good opportunities for landscaping. It is therefore recommended that the development be supported.

RECOMMENDATION

That Council having caused notice of Planning Application **No. 2010/0646/1** 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 issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of the land known and described as **11 Banool Street, Cheltenham** for the **construction of two (2) double storey dwellings and removal of a native tree in a Vegetation Protection Overlay Schedule 3** in accordance with the application dated 27 October 2010 and revised plans dated 22 February 2011, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised 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 dated 27 October 2010 and 22 February 2011 but modified to show to the satisfaction of the Responsible Authority:
 - a. The front setback of the dwellings to be increased to a minimum of 7 metres.
 - b. All first floor habitable room windows to be screened in accordance with Clause 55, Standards B22 and B23 of the Bayside Planning Scheme.
 - c. Addition of privacy screens (trellis) on top of the existing side and rear boundary fence to a minimum of 1.7 metres above the finished floor level of the decks in accordance with Clause 55, Standard of the Standard B22 of the Bayside Planning Scheme.
 - b. A schedule of all external materials and finishes to be provided to the buildings and works on the land, showing the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
 - c. The proposed landscape treatment for the site including the existing and replacement plant species in accordance with the requirements of Condition 6 of this permit. Replacement planting must comprise of at least 60% indigenous planting. The landscape plan must show a minimum of one (1) canopy tree to the front and rear of each dwelling.
 - d. All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally identified on the plans.
 - e. Water sensitive urban design stormwater treatment measures providing a STORM rating of a minimum of 100% in accordance with Condition 14 of this permit.
2. P4 Layout not altered
3. A18 Concealment of pipes.
4. A19 Plant and equipment or features on roof.
5. A20 Boundary Walls
6. Before the development starts, a landscape plan 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 then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed

- b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
- c) details of surface finishes of pathways and driveways
- d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. At least 60% of all planting must consist of indigenous species and a minimum of one (1) canopy tree to the front and rear of each dwelling.
- e) landscaping and planting within all open areas of the site

7. L2 Completion of landscaping

8. L3 Landscaping maintenance.

9. Before the development including demolition starts, a tree protection fence must be erected inside the property from the centre of the following trees.

Tree Name	Tree Protection Zone Distances
T10 Quercus palustris next to the rear boundary of 6 Timmis Street	To be 1 metre east of the western property boundary, 10 metres north and south of the trunk of the tree on the subject site...

The fence must be constructed of star pickets and chain mesh or similar to a minimum height of 1.8m.

The tree protection fence must remain in place until construction is completed.

A 100mm deep layer of mulch must cover the ground surface of the Tree Protection Zone before the development starts.

Watering of trees must occur as directed by any written request from Council.

Any excavation within the above distance must be done by hand to a minimum depth of 500mm below surface level and in the presence of a Qualified Arborist.

Any roots encountered must be cut cleanly with a sharp implement.

Excavations may continue with machinery below the 500mm minimum depth, once the 500mm minimum depth by hand has been achieved.

10. The area that comprises the tree protection Zone that is located between the building envelope and the tree protection fence for the following trees

Tree Name
T10 Quercus palustris

- Must be covered by 100mm of mulch and covered with a solid board, or by a structure that will provide protection from compaction.
- No heavy machinery, excavator or similar is to operate in this area.
- No storage or dumping of tools, equipment or waste is to occur within this area.

11. Footings for any buildings within the following distances must comply with the following conditions.

The distances are to be measured from the middle of the tree.

Tree Name Approximate location	Construction Technique Distances
T10 Quercus palustris	10m

The footings for the dwelling must be constructed on:

- an above grade slab that does not require any excavation
- bored piers, screw piles or similar, with beams to be totally above grade.
- Bores must be able to be repositioned to enable retention of any root over 40mm in diameter.
- Excavation for bores or piles must be done by hand to a minimum depth of 500mm below surface level and in the presence of a Qualified Arborist.
- Excavations may continue with machinery below the 500mm minimum depth, once the 500mm minimum depth by hand has been achieved.
- Any roots less than 40mm encountered must be cut cleanly with a sharp implement.
- If any roots over 40mm are encountered in the proposed bore hole, the bore hole for the footing must be repositioned to at least 100mm from the root over 40mm.
- Any surface coverings should be permeable and above grade.

12. Within the following distance from the centre of the following trees

Tree Name Approximate location	Excavation Supervision Distances
T10 Quercus palustris	10.0m

- Any excavation within the above distance must be done by hand to a minimum depth of 500mm below surface level and in the presence of a Qualified Arborist.
- Any roots encountered must be cut cleanly with a sharp implement.
- Excavations may continue with machinery below the 500mm minimum depth, once the 500mm minimum depth by hand has been achieved.
- Excavations must be documented (photographs and notes) and documentation must be submitted to Council within 28 days of request for such documentation.

13. Stormwater discharge is to be retained on site to the pre development level of peak stormwater discharge. The development is to have a '*Stormwater Detention System*' installed - the design capacity to be Council approved.

14. Prior to the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be 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 in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:-

- The type of water sensitive urban design stormwater treatment measures to be used;
- The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
- 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, to be a minimum of 100%, and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

The water sensitive urban design stormwater treatment system as shown on the endorsed plan 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.

15. 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 and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.

16. PT1 Time for starting and completion

Permit Notes

N1 Crossover permit
N2 Building approval
N10 Asset Protection

- Any seepage/agricultural waters are to be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
- 16. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
- 17. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge neither onto front footpath nor into adjacent properties.

STANDARD OF THE BAYSIDE PLANNING SCHEME

TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS (CLAUSE 55 AND SCHEDULE TO THE RESIDENTIAL 1 ZONE)

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B1 Neighbourhood Character</p> <p>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>Development responds to features of the site and surrounding area.</p>	Yes	See report.
<p>B2 Residential Policy</p> <p>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</p> <p>Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Yes	See report.
<p>B3 Dwelling Diversity</p> <p>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	N/A
<p>B4 Infrastructure</p> <p>Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	Can be addressed through a permit condition.
<p>B5 Integration with the Street</p> <p>Integrate the layout of development with the street</p>	Yes	See report.
<p>B6 Street Setback</p> <p>The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	No	See table in report. Can be addressed through a permit condition.
<p>B7 Building Height</p> <p>Building height should respect the existing or preferred neighbourhood character.</p>	Yes	<p>Required: 7.9 metres</p> <p>Proposed: 6 metres</p>
<p>B8 Site Coverage</p> <p>Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Yes	<p>Required: 50%</p> <p>Proposed: 39.66%</p>
<p>B9 Permeability</p> <p>Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Yes	<p>Required: 20%</p> <p>Proposed: 48.35%</p>

<p>B10 Energy Efficiency</p> <p>Achieve and protect energy efficient dwellings and residential buildings.</p> <p>Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	<p>Yes</p>	<p>See report. Can be addressed through a permit condition.</p>
<p>B11 Open Space</p> <p>Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p>N/A</p>	<p>N/A</p>
<p>B12 Safety</p> <p>Layout to provide safety and security for residents and property.</p>	<p>Yes</p>	<p>N/A</p>
<p>B13 Landscaping</p> <p>To provide appropriate landscaping.</p> <p>To encourage:</p> <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. • The retention of mature vegetation on the site. 	<p>Yes</p>	<p>See report. Can be addressed through a permit condition.</p>
<p>B14 Access</p> <p>Ensure the safe, manageable and convenient vehicle access to and from the development.</p> <p>Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	<p>Yes</p>	<p>N/A</p>
<p>B15 Parking Location</p> <p>Provide resident and visitor vehicles with convenient parking.</p> <p>Avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>Protect residents from vehicular noise within developments.</p>	<p>Yes</p>	<p>N/A</p>
<p>B16 Parking Provision</p> <p>Ensure car and bicycle parking meets the needs of residents and visitors.</p> <p>Accessways should be practical, attractive and easily maintainable.</p>	<p>Yes</p>	<p>Required: 4 car spaces Proposed: 4 car spaces See Report.</p>

B17 Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	No to first floor rear setback	See setback table in report. Can be addressed through a permit condition.
B18 Walls on Boundaries Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	Yes.	No walls on boundaries
B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.	Yes	N/A
B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.	Yes	N/A
B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.	Yes	See report.
B22 Overlooking Limit views into existing secluded private open space and habitable room windows.	No to first floor west facing windows	See report. Can be addressed through a permit condition.
B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.	No to first floor west facing windows	See report. Can be addressed through a permit condition.
B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Yes	N/A
B25 Accessibility Consider people with limited mobility in the design of developments.	Yes	N/A
B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.	Yes	N/A
B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.	Yes	N/A

B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.	Yes	127sqm of SPOS to the side and rear of each dwelling.
B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.	Yes	See report.
B30 Storage Provide adequate storage facilities for each dwelling.	Yes	Within the garage of each dwelling.
B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.	Yes	See report.
B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.	No. See report.	Required: 1.2m Proposed: 1.5m See report.
B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.	Yes	N/A
B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.	Yes	N/A

4.7 **71 Tramway Parade, Beaumaris**
Notice of Decision to Grant a Permit
Application No. 2010/0782/1 Ward: Southern

City Strategy - Statutory Planning
 File No: 2010/0782/1

APPLICATION DETAILS

Land/Address:	71 Tramway Parade, Beaumaris
Application is for:	Construction of two (2) double storey attached dwellings and the removal of one (1) native tree in a Vegetation Protection Overlay Schedule 3
Melway Reference:	86 F7
Ward:	Southern
Application Number:	2010/0782/1
Applicant's/Owner's Name:	Matthew Salisbury
Date Received:	31 December 2010
Statutory Days Expiry:	24 May 2011 (revised plans received on 24 March 2011)
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 1 Vegetation Protection Overlay Schedule 3
Under what clause(s) is a permit required?	Clause 32.01-4 2 – Construction of two (2) or more dwellings on a lot Clause 42.02 – Removal of native vegetation in a Vegetation Protection Overlay Schedule 3
Restrictive covenants on the title?	No
Current use and development:	Single storey residential dwelling
Objections:	Three (3)

PROPOSITION

It is recommended that a **Notice of Decision to Grant a Permit** be issued subject to conditions.

PROPOSAL

It is proposed to construct two (2) double storey attached dwellings with associated garages and the removal of one (1) native tree in a Vegetation Protection Overlay Schedule 3.

The proposal includes the following features:

- Each dwelling comprises of an open plan kitchen/meals/living area, toilet, laundry and a single garage at the ground floor. The first floor of each dwelling comprises of two (2) bedrooms and a bathroom.
- The existing native tree proposed for removal is a Liquid Amber located within the front setback of the dwelling facing Tramway Parade.

Revised plans have been submitted on 24 March 2011 to include shadow diagrams and the location of four (4) canopy trees. These plans have been circulated to all objectors on 8 April 2011.

SUBJECT SITE & LOCALITY

An inspection of the site and the surrounding area has been undertaken.

The site has a total area of approximately 404 square metres and is currently occupied by a single storey brick dwelling. A number of trees are located along the street frontages of the site.

The main site/locality characteristics are:

- The property to the **north**, across Cromb Avenue, contains tennis courts belonging to the Beaumaris Tennis Club and Banksia Reserve.
- The adjoining property to the **south**, at 69 Tramway Parade, contains a single storey brick dwelling with a front setback of 7.73 metres. A detached brick garage is located to the side of the dwelling with a front setback of 8.07 metres. An in-ground swimming pool is located to the side of the dwelling.
- The properties to the **east**, across Tramway Parade, contain single storey dwellings.
- The adjoining property to the **west**, at 71 (House 2) Tramway Parade, contains a single storey brick dwelling with a front setback of 7.615 metres from Cromb Avenue.

PERMIT/SITE HISTORY

Previous planning permits have been determined for the site:

- S1384 was issued on 23 November 1981 for subdivision between 71 and 71 (House 2) Tramway Parade.
- Council's records indicated that the building permit for the dwelling at 71 (House 2) Tramway Parade was issued in 1982.

PUBLIC NOTIFICATION

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

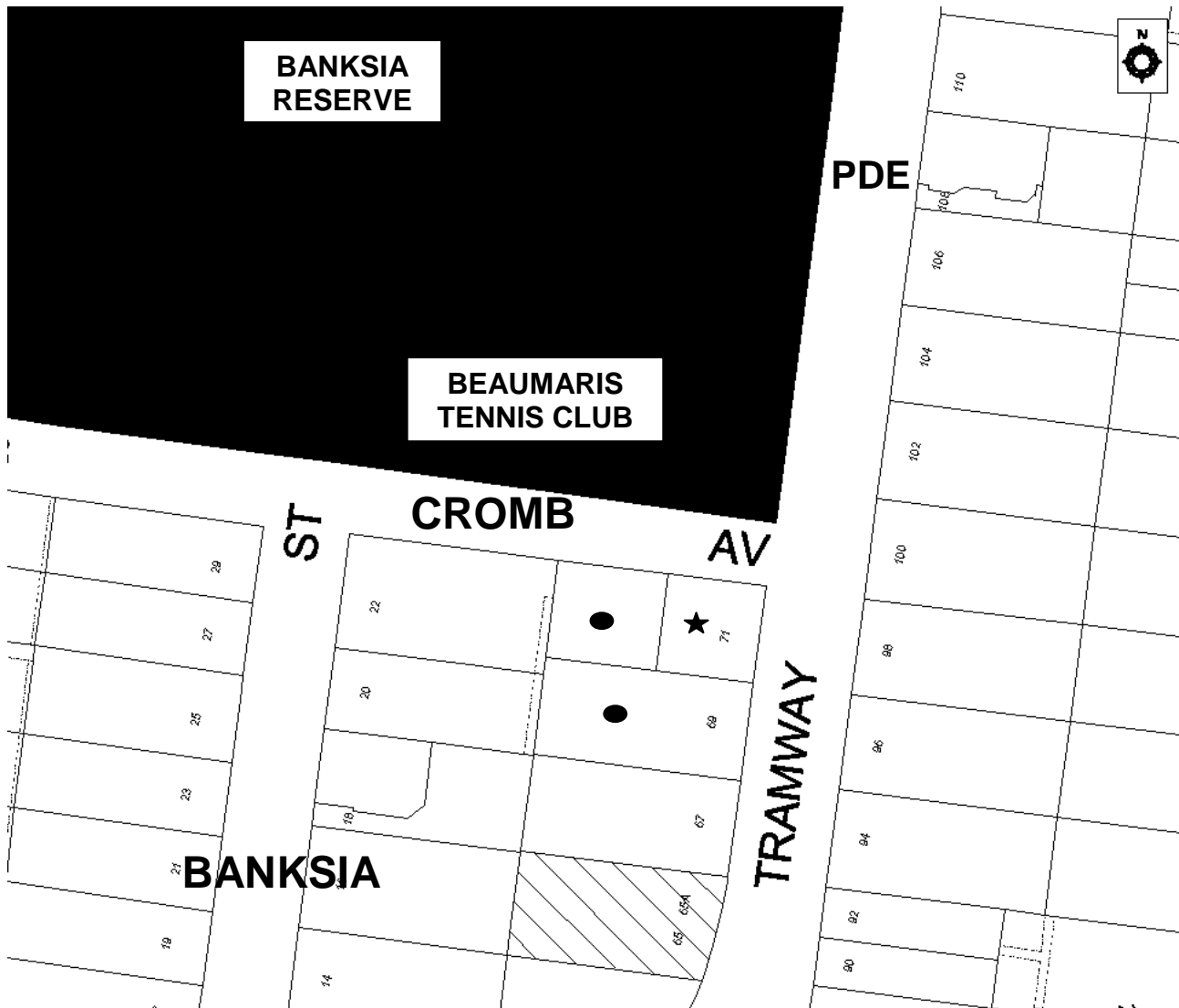
- Sending notices to the owners and occupiers of adjoining land; and
- Placing two (2) signs on site (one facing Tramway Parade and the other facing Cromb Avenue).

The notification has been carried out correctly. Council has received three (3) objections to date.

The key issues that were raised in the objections are:

- Neighbourhood character
- Setbacks
- Visual bulk
- Overshadowing
- Over development of the site
- Devaluation of properties

Locality Plan – 71 Tramway Parade, Beaumaris



Legend	
Subject Site	★
Objectors	●
Note: Not all objectors are shown on the locality plan	

CONSULTATION

A consultation meeting was held on 5 May 2011. It was attended by the applicant, objectors and the planning officer. The applicant and objectors were unable to resolve the concerns and all objections remain.

REFERRALS

External Referrals/Notices by the Planning Scheme:

External Referral Authority	Response
Section 55 Referrals	N/A

Internal Referral Agency	Response
Arborist	No objection, subject to conditions.
Drainage Engineer	No objection, subject to conditions.
Traffic Engineer	No objection, subject to conditions.
Urban Designer	No objection, subject to conditions.
ESD Officer	No objection, subject to conditions.

ASSESSMENT

State Planning Policy Framework

- **Clause 10 - Operation of the State Planning Policy Framework**

The purpose of State planning policy is to inform responsible authorities of the aspects to be considered and given effect in administering the planning scheme. The State Planning Policy Framework provides a context for decision making by responsible authorities.

The planning policies are directed to land use and development, as circumscribed by the *Planning and Environment Act 1987*, a primary objective of which is to provide for the fair, orderly, economic and sustainable use and development of land.

- **Clause 15.01-1 - Urban design**

Urban environments should be created that are safe, functional and provide good quality environments with a sense of place and cultural identity.

New development should respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate and encourage the retention of existing vegetation or revegetation as part of subdivision and development proposals.

- **Clause 15.02-1 - Energy and resource efficiency**

Encourages land use and development which is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions by ensuring that building design improves efficiency in energy use, promotion of consolidation of urban development, integration of land use and transport, and use of low energy forms of transport such as walking and cycling.

- **Clause 16 - Housing**

Planning should provide for housing diversity, including affordable housing, and ensure the efficient provision of supporting infrastructure. New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.

Local Planning Policy Framework

- **Clause 21.05 - Housing**

Encourages housing choice and quality design outcomes that make a positive contribution to the character of residential areas.

- **Clause 22.07 – Neighbourhood Character Policy**

Aims to ensure that development is responsive to the preferred future character of the area, to retain and enhance the identified elements that contribute to the character of the area, to implement the recommendations of the Bayside Neighbourhood Character Review 2004, to recognise the need for change around activity centres while respecting the desired future character of the area, and to recognise the need for new or additional Design Objectives and Design Responses for areas affected by structure planning outcomes and Melbourne 2030 housing objectives.

- **Clause 22.10 – Water Sensitive Urban Design**

Seeks to promote the use of water sensitive urban design, including stormwater re-use, to protect the surface water and ground waters in the Port Phillip Bay catchment from stormwater pollutants, and to reduce the impacts of peak stormwater flows to integrate stormwater treatment measures into the landscape to reduce the entry of pollutants into stormwater run-off.

Zone

- **Clause 32.01 - Residential 1 Zone**

Provides for residential development at a range of densities with a variety of dwellings to meet the needs of all households, encourages residential development that respects neighbourhood character, allows educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs, in appropriate locations.

This zone triggers the requirement for a planning permit to construct more than two (2) dwellings on a lot.

Overlays

- **Clause 42.02 Vegetation Protection Overlay, Schedule 3**

Aims to prevent the loss of native and particularly indigenous vegetation, to retain the amenity, aesthetic character and habitat value of Australian native vegetation and indigenous vegetation and to promote the regeneration and replanting of indigenous species.

A planning permit is required to remove native vegetation under this overlay.

- **Clause 43.02 - Design and Development Overlay Schedule 1**

Aims to protect and enhance the foreshore environment and views of Bayside from Port Phillip Bay, to relate the scale and form of any new development to the landform of the coast, to maintain a pedestrian scale along Beach Road, to maintain consistency with urban design and development objectives in the Bayside Coastal Strategy 1997 and the Victorian Coastal Strategy 2002, to protect the foreshore from overshadowing, to manage the increased pressure for higher buildings along the coast and to protect the amenity and privacy of residential properties.

A planning permit is not required under this overlay, as the floor to ceiling height of the proposed dwellings does not exceed 3.5 metres in height.

Particular Provisions

- **Clause 55 – Two or More Dwellings on a Lot**
Includes specific objectives and standards for residential development.

General Provisions

- **Clause 65 – Decision Guidelines**
Details matters to be considered when determining a planning application.

SUMMARY OF KEY ISSUES

The following is a summary of the relevant planning issues and areas of non-compliance, considering planning principles and issues raised by the objectors.

Neighbourhood Character

The proposed development falls in Character Area H3 as identified in Clause 22.07 of the Bayside Planning Scheme.

It is considered that the proposed design adequately responds to objectives of Clause 22.07 Neighbourhood Character of the Bayside Planning Scheme and complies with Clause 55 Standard H3 of the Bayside Planning Scheme.

The preferred future character and guidelines for this precinct states:

“The bushy gardens surrounding the dwellings dominate the streetscapes. Where the topography is hilly, the buildings are set within the landscape, and are sometimes sited to take advantage of water views without dominating the streetscape. Adequate space is provided around dwellings for the retention and planting of vegetation, and indigenous canopy trees are common. Low or open style front fences are usually provided, in order to retain the openness of the front garden to the street.”

Precinct Guidelines

Objective	Design Response	Avoid
To strengthen the bushy garden character of the area through the planting of appropriate species.	<ul style="list-style-type: none"> • Retain large established trees and understorey, and provide for the planting of new indigenous trees wherever possible (locate footings outside root zone). • Prepare a landscape plan to accompany all applications for new dwellings that utilises appropriate native, preferably indigenous, vegetation. • Minimise impervious surfaces particularly in front garden spaces to ensure space for plantings. 	<p><i>Lack of landscaping and substantial vegetation.</i></p> <p><i>Removal of large established trees.</i></p> <p><i>Planting of environmental weeds</i></p>
To maintain the rhythm of spacious visual separation between buildings and ensure adequate space is provided around buildings for the	<ul style="list-style-type: none"> • Buildings should be sited to allow space for a garden, including trees and shrubs. • Buildings should be sited to create the appearance of space between buildings and 	<i>Loss of front garden space.</i>

Objective	Design Response	Avoid
retention and planting of vegetation.	accommodate vegetation.	
To minimise the loss of front garden spaces and the dominance of car parking structures.	<ul style="list-style-type: none"> • Locate garages and carports behind the line of the dwelling. • Underground car parking accessed from the front of the site should only be provided where other options are not possible due to site constraints, the garage doors do not dominate the façade and the front setback area is retained as predominantly garden space. 	<i>Car parking structures that dominate the façade or view of the dwelling.</i>
To minimise site disturbance and impact of the building on the landscape.	<ul style="list-style-type: none"> • Buildings should be designed to follow the contours of the site on sloping sites. • Minimise the use of retaining walls and battering of slopes. • Design new buildings and extensions so as not to exceed the predominant tree canopy height. 	<i>Major excavation works and site levelling.</i> <i>Buildings that protrude above the tree canopy height.</i>
To ensure that new buildings provide an articulated and interesting façade to the street.	<ul style="list-style-type: none"> • Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, combinations of materials, textures or colours or other elements providing appropriate articulation. • Recess upper levels from the front façade. 	<i>Large, bulky buildings</i> <i>Poorly articulated front and side wall surfaces.</i>
To use building materials and finishes that complement the natural setting.	<ul style="list-style-type: none"> • Use a mix of materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick. 	<i>Period reproduction styles and detailing.</i>
To maintain the openness of the front garden to the street.	<ul style="list-style-type: none"> • Provide open style front fences, other than along heavily trafficked roads. • Use vegetation as an alternative where possible. 	<i>High or solid front fences.</i>

The area surrounding the site contains a mixture of traditional and contemporary housing styles on medium size allotments. The streetscape is characterised by established gardens including canopy trees within the front setback of dwellings and medium to high solid and semi-transparent front fences.

The proposal provides a transitional front setback which is site responsive and provides opportunity for planting including canopy trees. The side and rear setbacks are site responsive and provide adequate visual separation between the subject site and adjoining properties. Four (4) existing trees located along the street frontages have been retained.

The car parking is recessed behind the front façade of the dwellings to reduce the presentation of garages to the streetscape. The dwellings are articulated at ground and first floor and the first floor component is recessed from the ground floor's footprint. The materials and finishes are consistent with those found in surrounding developments.

Council's Urban Designer has no objection and advises that the proposal *"is very conventional but able to fit well enough with the context and does not unduly disrupt the established streetscape rhythm."*

The conventional form of the proposed dwellings incorporate renders, face brickworks, glazing, stacking stone and timber cladding to the streetscape to respond to the coastal environment and present a visually interesting and attractive built form.

Setbacks

The proposed setbacks are as follows:

Ground Floor	Dwelling 1		Dwelling 2	
	Required	Proposed	Required	Proposed
East (front)	7.73m	<u>6.01 to 6.46m</u>	7.73m	<u>6.46 to 7.435m</u>
West (rear)	0 or 3m	0m	0 or 3m	3.78 to 5m
North(side)	0 or 2m	3.5 to 5.6m	N/A	N/A
South (side)	N/A	N/A	0 or 2m	0m

First Floor	Dwelling 1		Dwelling 2	
	Required	Proposed	Required	Proposed
East (front)	7.73m	<u>6.58m</u>	7.73m	<u>7 to 7.48m</u>
West (rear)	4.44m	<u>3.78m</u>	4.44m	<u>3.78m</u>
North(side)	2m	4.025 to 5.5m	N/A	N/A
South (side)	N/A	N/A	3.44m	3.7 to 4.395m

The proposed front setback varies from 6.01 to 7.435 metres at the ground floor and from 6.58 to 7.48 metres at the first floor. These setbacks do not strictly comply with the 7.73 metre requirements of Clause 55, Standard B6 of the Bayside Planning Scheme Schedule to the Residential 1 Zone. However, the proposed front setback is appropriate, as the proposal provides a transitional front setback to the adjoining property to the south of the site from the corner allowing for substantial areas of planting and private open space. The proposal does address this corner well.

The proposed side setbacks at the ground and first floors of both dwellings exceed the requirements of Clause 55, Standard B17 of the Bayside Planning Scheme Schedule to the Residential 1 Zone.

The proposed rear setbacks at the ground floor of both dwellings of 0 to 5 metres fully comply with the requirements of Clause 55, Standard B17 of the Bayside Planning Scheme Schedule to the Residential 1 Zone. The rear setbacks at the first floor of both dwellings at 3.78 metres do not comply with the above standard, which requires a rear setback of 4.44 metres at the first floor. However, it is considered that the proposed rear setbacks at the first floor of both dwellings are marginal and do not cause unreasonable amenity detriment to the adjoining dwelling to the west in appropriate terms of overlooking and overshadowing.

Visual Bulk

The proposed development does not present excessive bulk to the street or to the adjoining properties due to the articulated facades of the development at the grounds and first floor and the use of various materials and finishes. The first floor component is recessed from the ground floor's foot print.

The development is considered to be of appropriate height and scale and adequately setback from all property boundaries except for garages.

Site Coverage/Permeability

The proposed site coverage is 46% which fully complies with the requirements of Clause 55, Standard B8 of the Bayside Planning Scheme - Schedule to the Residential 1 Zone, which specifies a maximum site coverage of 50%. The proposal provides sufficient areas of private open space, reasonable setbacks and does not present as an overdevelopment of the site.

The proposed development achieves permeability of 44% which exceeds the requirements of Clause 55, Standard B9 of the Bayside Planning Scheme- Schedule to the Residential 1 Zone, which requires minimum permeability of 20%.

Overshadowing

The submitted shadow diagrams have been checked and found to be correct. Shadow diagrams indicate that the proposal will not unreasonably impact on the amenity of the neighbouring residential properties to the south and west of the site. The overshadowing cast by the development complies with Clause 55, Standard B21 of the Bayside Planning Scheme.

Overlooking

There is no potential for unreasonable overlooking from the first floor south facing habitable room windows of dwelling 2.

The west side of the first floor balcony of dwelling 1 is screened to a height of 1.7 metres above the floor level to prevent any unreasonable overlooking to the adjoining property to the west. A permit condition, should one issue, can require the timber privacy screen to comply with the requirements of Standard B22 of the Bayside Planning Scheme. This requirement will ensure that the screening is appropriately designed to address potential overlooking.

Private Open Space

The proposed development provides adequate amounts of private open space in the form of courtyards at ground floor with direct access from living areas and in balconies.

Private Open Space	Ground Floor Courtyard	Balcony
Dwelling 1	42sqm	9.5sqm
Dwelling 2	40sqm	4sqm

The amount of private open space for each dwelling complies with the 40 square metres required by Clause 55, Standard B28 of the Bayside Planning Scheme. The orientation of the private open space areas will receive the maximum solar access in accordance with Clause 55, Standard B29 of the Bayside Planning Scheme.

Height of Building

The overall height of the proposed dwellings, at 7.1 metres above natural ground level to the top of the ridge, comply with the building height requirement of Clause 55, Standard B7 of the Bayside Planning Scheme which requires a maximum building height of 9 metres.

Height and Length of Wall on Boundary

Standard B18 aims to ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.

The height of the garage walls of dwellings 1 and 2 on the western (dwelling 1) and southern (dwelling 2) property boundaries is 3 metres and varies from 2.9 to 3.1 metres (average of 3 metres) respectively. The wall height complies with Clause 55, Standard B18 of the Bayside Planning Scheme, which requires an average wall height of 3 metres above natural ground level. Although the front parapet walls of the garages are higher than 3 metres the additional height will not result in visual bulk detriment as the garage wall of dwelling 1 fronts Cromer Avenue and the garage wall of dwelling 2 abuts the wall of the existing garage on the adjoining property at 69 Tramway Parade.

The length of the garage walls for dwellings 1 and 2 built on the western and southern property boundaries are proposed to be 6.48 metres and 7.5 metres respectively, which comply the requirements of Standard B18.

Traffic & Car Parking

Each dwelling has two (2) bedrooms and is provided with two (2) car spaces in the form of a single garage and a tandem car space. The tandem car space in front of the garage for each dwelling can be used for visitor's parking. The number of car spaces provided for the proposed development comply with the requirements of Clause 55, Standard B16 of the Bayside Planning Scheme.

Council's Traffic Engineer has no objection to the proposed car parking layout subject to permit conditions, should one issue, related to the widths of the garage's door openings, driveways and crossovers and a 2 by 2 metres splay at the north-east corner of the property and the east side of the driveway of dwelling 1 and a north side of the driveway of dwelling 2.

It is considered that the proposed traffic generation as a result of the development can be absorbed within the existing street network.

Energy Efficiency and Water Sensitive Urban Design

Generous amounts of glazing particularly to the north, east and west are included in the design so as to maximise solar access to habitable rooms. It is considered that the proposal meets Clause 55, Standard B10 of the Bayside Planning Scheme. Permit conditions, should one issue can require a skylight to be located over the staircase of each dwelling and the balustrade of the staircase to be opened to allow natural light to reach the ground floor area. A west facing highlight window can be required to bedroom 2 of dwelling 2 to further improve solar access to the room.

Water Sensitive Urban Design treatments including a 3,000 litres rain water tank for each dwelling has been incorporated into the design to minimise stormwater runoff into Council's drains. A STORM rating report has been completed to ensure that it complies with the measures of Clause 20.10 Water Sensitive Urban Design of the Bayside Planning Scheme.

Landscaping/Vegetation

The subject site is located within a Vegetation Protection Overlay Schedule 3 (VPO3), which covers all of Black Rock and Beaumaris. A planning permit is required to remove native trees in the VPO3 area. There are five (5) trees located along the street frontages of the site.

The proposal will result in the removal of a large Liquidambar styraciflua located within the front setback of Tramway Parade. Council's Arborist has inspected the tree and advises that it is fair in health and structure but is in decline, as it has been poorly managed in the past. There are a number of hollows located on the main trunk of the tree, one of which has an active bee-hive in it. The tree has high streetscape amenity value however only moderate retention value. Based on the above assessment of the tree, it is considered appropriate to allow the tree to be removed subject to replacement of a large canopy tree indigenous to the area capable of growing to a height of eight (8) metres at maturity.

A concept landscape plan submitted with the application shows the location of two (2) new trees to be planted in the front and within private open space of dwellings 1 and 2. A permit condition, should one issue, can require the landscape plan to include the replacement tree a mentioned above.

Front Fence

The existing front fence facing Tramway Parade is a low brick fence. The existing fence facing Cromb Avenue is a high solid brick fence.

The proposed front fence to both street frontages is 1.8 metres in height and made of brick pier with horizontal timber slats infill with a 25% spacing instead of the required height of 1.2 metres under Clause 55, Standard B32 of the Bayside Planning Scheme – Schedule to the Residential 1 Zone. The prevailing front fence height in this section of Tramway Parade and Cromb Avenue are generally high and in some instances solid. The fencing survey conducted along this section of Tramway Parade and Cromb Avenue confirm at the majority of front fences along this section of both streets are generally high. The height of the proposed front fence is considered acceptable in this instance and will continue the existing front fencing style in the street.

Devaluation of Properties

Devaluation of properties is not a planning consideration.

CONCLUSION

The proposed development, subject to permit conditions, is considered to be appropriate for the site and will not detract from the existing streetscape and neighbourhood character. The proposal is regarded as being of a scale and design compatible with surrounding development that will sit comfortably in the street.

The proposal will be sympathetic to surrounding development and will respect the residential amenity of adjoining properties. It is therefore recommended the proposal be supported.

RECOMMENDATION

That Council having caused notice of Planning Application No. **2010/0782/1** 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 issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of the land known and described as **71 Tramway Parade, Beaumaris** for the **construction of two (2) double storey attached dwellings with associated garages and the removal of one (1) native tree in a Vegetation Protection Overlay Schedule 3** in accordance with the application dated 31 December 2010 and revised plans dated 24 March 2011, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and be 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 submitted with the application dated 19 August 2010 and the but modified to show:
 - a) The timber privacy screen to the west side of the balcony of dwelling 1 be in accordance with Clause 55, Standard B22 of the Bayside Planning Scheme.
 - b) A skylight be located over the staircase area of each dwelling and the balustrade of the staircase to be opened to allow light to penetrate.
 - c) The width of the garage door openings must be a minimum of 2.8 metres.
 - d) The width of the driveways for the garages must be 3 metres.
 - e) The width of the crossover for dwelling 1 increased to 3.3 metres with a 0.5 metres offset from the western property boundary.
 - f) The width of the crossover for dwelling 2 increased to 3.3 metres centred to the driveway.
 - g) A 2 metre by 2 metre sightline splay be provided at the north-east corner of the property.
 - h) A 2 metre by 2 metre sightline splay be provided at the left side of the driveway of dwelling 1 when viewed from Cromb Avenue.
 - i) A 2 metre by 2 metre sight line splay be provided at the right side of the driveway of dwelling 2 when viewed from Tramway Parade.
 - j) The Landscape Plan must include at least 60% native or vegetation indigenous to Bayside and include One (1) indigenous canopy tree capable of reaching eight (8) metres at maturity planted within the front setbacks of each dwelling. The Landscape Plan must be in accordance with Condition 4 of this permit.
 - k) Locations of plant and equipment in accordance with Condition 7 of this permit.
2. P4 Layout not altered
3. A20 Boundary Walls
4. L1 Landscape plan required
5. L2 Completion of landscaping

6. L3 Landscaping maintenance
7. A19 Plant/equipment or features on roof
8. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
9. All water sensitive urban design stormwater systems including the water tank to be maintained to the satisfaction of the Responsible Authority.
10. PT1 Time for starting and completion

Permit Notes

- N1 Crossover permit
- N2 Building approval
- N7 Retention of existing street trees
- N10 Asset Protection

STANDARD OF THE BAYSIDE PLANNING SCHEME

TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS (CLAUSE 55 AND SCHEDULE TO THE RESIDENTIAL 1 ZONE)

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B1 Neighbourhood Character</p> <p>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>Development responds to features of the site and surrounding area.</p>	Yes	See report.
<p>B2 Residential Policy</p> <p>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</p> <p>Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Yes	See report.
<p>B3 Dwelling Diversity</p> <p>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	N/A
<p>B4 Infrastructure</p> <p>Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	Can be addressed through a permit condition.
<p>B5 Integration with the Street</p> <p>Integrate the layout of development with the street</p>	Yes	See report.
<p>B6 Street Setback</p> <p>The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	No	See table in report.
<p>B7 Building Height</p> <p>Building height should respect the existing or preferred neighbourhood character.</p>	Yes	<p>Required: 9 metres</p> <p>Proposed: 7.1 metres</p>
<p>B8 Site Coverage</p> <p>Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Yes	<p>Required: 50%</p> <p>Proposed: 46%</p>
<p>B9 Permeability</p> <p>Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Yes	<p>Required: 20%</p> <p>Proposed: 44%</p>

<p>B10 Energy Efficiency</p> <p>Achieve and protect energy efficient dwellings and residential buildings.</p> <p>Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	<p>Yes</p>	<p>See report. Can be addressed through a permit condition.</p>
<p>B11 Open Space</p> <p>Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p>N/A</p>	<p>N/A</p>
<p>B12 Safety</p> <p>Layout to provide safety and security for residents and property.</p>	<p>Yes</p>	<p>N/A</p>
<p>B13 Landscaping</p> <p>To provide appropriate landscaping.</p> <p>To encourage:</p> <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. • The retention of mature vegetation on the site. 	<p>Yes</p>	<p>See report. Can be addressed through a permit condition.</p>
<p>B14 Access</p> <p>Ensure the safe, manageable and convenient vehicle access to and from the development.</p> <p>Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	<p>Yes</p>	<p>N/A</p>
<p>B15 Parking Location</p> <p>Provide resident and visitor vehicles with convenient parking.</p> <p>Avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>Protect residents from vehicular noise within developments.</p>	<p>Yes</p>	<p>N/A</p>
<p>B16 Parking Provision</p> <p>Ensure car and bicycle parking meets the needs of residents and visitors.</p> <p>Accessways should be practical, attractive and easily maintainable.</p>	<p>Yes</p>	<p>Required: 2 car spaces Proposed: 4 car spaces See Report.</p>

B17 Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	Partly No.	See setback table in report
B18 Walls on Boundaries Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	Yes.	See report.
B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.	Yes	N/A
B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.	Yes	N/A
B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.	Yes	See report.
B22 Overlooking Limit views into existing secluded private open space and habitable room windows.	Yes	See report. Can be addressed through a permit condition.
B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.	Yes	N/A.
B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Yes	N/A
B25 Accessibility Consider people with limited mobility in the design of developments.	Yes	N/A
B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.	Yes	N/A
B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.	Yes	N/A

B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.	Yes	See table in report.
B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.	Yes	See report.
B30 Storage Provide adequate storage facilities for each dwelling.	Yes	See report (within garages).
B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.	Yes	See report.
B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.	No. See report.	Required: 1.2m Proposed: 1.8m
B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.	Yes	N/A
B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.	Yes	N/A

4.8 **77 Bonanza Road, Beaumaris**
Notice of Decision to Grant a Permit
Application No. 2010/0550/1, Ward:
Southern

City Strategy - Statutory Planning
 File No: 2010/0550/1

APPLICATION DETAILS

Land/Address:	77 Bonanza Road, Beaumaris
Application is for:	Construction of one (1) double storey dwelling on a lot less than 500m²
Melway Reference:	86G7
Ward:	Southern
Application Number:	2010/0550/1
Applicant's/Owner's Name:	Keith Caspersz
Date Received:	22 September 2010
Statutory Days Expiry:	31 December 2010
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 1 Vegetation Protection Overlay Schedule 3
Under what clause(s) is a permit required?	Clause 32.01-3 – Construction of one (1) dwelling on a lot less than 500 square metres
Restrictive covenants on the title?	No
Current use and development:	Single storey dwelling
Objections:	Three (3)

PROPOSITION

It is recommended that a **Notice of Decision to Grant a Permit** be issued subject to conditions.

PROPOSAL

It is proposed to construct a double storey dwelling on a lot less than 500 square metres. The dwelling is proposed to include a cellar below the ground floor, which will be 4.1m by 3.4m wide. At the ground floor level:

- Double garage, office, bedroom, a laundry and bathroom and an open plan living/dining/kitchen area.
- An 8m lap pool and a 6m by 4.3m deck with a finished floor level approximately 400mm above natural ground level.
- A pool shed

At the first floor level:

- Two (2) bedrooms with walk in robes and ensuites, a bathroom and a retreat room located to the eastern end of the first floor.

SUBJECT SITE & LOCALITY

An inspection of the site and the surrounding area has been undertaken.

The site has an area of approximately 415 square metres and currently contains a single storey detached dwelling with tiled roof. The site contains a small 4m high tree and has a 1.6 metre high front fence constructed of horizontal timber boards.

The main site/locality characteristics are:

- The adjoining property to the north, at 75A Bonanza Road is a single storey detached dwelling with a car port constructed against the southern boundary. The dwelling is located approximately 1.3 - 2.4 metres from the common boundary.
- The adjoining property to the south, at 79 Bonanza Road is a single storey weatherboard dwelling. The dwelling is located 1.3 – 1.9 metres from the common boundary.
- The adjoining property to the west of the subject site is a single storey weatherboard dwelling at 17 Charman Road. The dwelling is located 13.3m from the common boundary with the subject site.
- The adjacent property to the east contains two (2) single storey brick units, at 1/80 & 2/80 Bonanza Road.

PERMIT/SITE HISTORY

There are no previous planning permits in relation to the subject site.

PUBLIC NOTIFICATION

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land; and
- Placing a sign on site

Council has received three (3) objections to date

The key issues that were raised in the objections are:

- Overshadowing
- Non-compliant setbacks
- Overlooking
- Loss of light
- Walls on boundary
- Neighbourhood character
- Visual Bulk
- Loss of privacy

CONSULTATION

A consultation meeting was held on 21 January 2011 and was attended by two (2) of the objectors, a Councillor and the consultant acting on behalf of the applicant. A resolution of the issues raised in the objections was not reached and all objections remain.

The main issues discussed included:

- The height of the rear pool shed
- Overlooking/screening

After the consultation meeting, the applicant submitted revised plans which proposed significant changes and were re-advertised. The changes included:

- Notation that the pool shed is not to exceed the height of the new 2.25 metre high brick fence.
- Replace the existing boundary fence along the northern boundary of the site with a 2.25 metre high brick fence from the rear boundary to the eastern elevation and provide a 2.0 metre high brick fence adjacent to the proposed courtyard. The new brick fence will retain the existing retaining wall.
- Provide a new 2.0 metre high timber paling fence with 600mm high privacy screen extension along the southern boundary, except adjacent to the neighbours (79 Bonanza Road) deck/verandah, where the existing 2 metre high paling fence is retained and provided with a 600mm high privacy screen extension.
- Provide notation on the plan that applies to the northern and southern boundaries that reads as follows:
“Provide ‘cream’ or ‘off-white’ colour to brick walls on title boundary to the satisfaction of neighbour at No. 75 and No. 79”.
- At the first floor level the north and south facing habitable room windows have been raised to 1.8 metres.

The application was re-advertised pursuant to Section 52(1) of the *Planning and Environment Act 1987*, by:

- Sending notices to both parties who originally objected to the application

The notification has been carried out correctly.

Council received one (1) objection from the re-advertising process. However it was from a previous objector (79 Bonanza Road) and raised similar issues as per the original objection.

Locality Map - 77 Bonanza Road, Beaumaris



Legend	
Subject Site	★
Objectors	●
Objection from re-advertising	▲

REFERRALS

External Referrals/Notices by the Planning Scheme:

External Referral Authority	Response
Section 55 Referrals	N/A

Internal Referral Agency	Response
Arborist	No objection subject to replacement planting/landscape plan
Drainage Engineer	No objection, subject to conditions.
Traffic Engineer	No objection, subject to conditions.
Urban Designer	No objection, subject to conditions.
Arboricultural Officer	No objection, subject to conditions.

ASSESSMENT

State Planning Policy Framework

- **Clause 10 - Operation of the State Planning Policy Framework**

The purpose of State planning policy is to inform responsible authorities of the aspects to be considered and given effect in administering the planning scheme. The State Planning Policy Framework provides a context for decision making by responsible authorities.

The planning policies are directed to land use and development, as circumscribed by the *Planning and Environment Act 1987*, a primary objective of which is to provide for the fair, orderly, economic and sustainable use and development of land.

- **Clause 15.01-1 - Urban Design**

Urban environments should be created that are safe, functional and provide good quality environments with a sense of place and cultural identity.

New development should respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate and encourage the retention of existing vegetation or revegetation as part of subdivision and development proposals.

- **Clause 16 - Housing**

Planning should provide for housing diversity, including affordable housing, and ensure the efficient provision of supporting infrastructure. New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.

- **Clause 16.01-2 Location of residential development**
New housing should be located in or close to activity centres, employment corridors and strategic redevelopment sites that offer good access to services and transport. An increasing proportion of housing in Metropolitan Melbourne should be developed within the established urban area, particularly sites well located to activity centres, employment corridors and public transport.

Local Planning Policy Framework

- **Clause 21.05 - Housing** - Encourages housing choice and quality design outcomes that make a positive contribution to the character of residential areas.
- **Clause 22.07 – Neighbourhood Character Policy** – Aims to ensure that development is responsive to the preferred future character of the area, to retain and enhance the identified elements that contribute to the character of the area, to implement the recommendations of the Bayside Neighbourhood Character Review 2004, to recognise the need for change around activity centres while respecting the desired future character of the area, and to recognise the need for new or additional Design Objectives and Design Responses for areas affected by structure planning outcomes and Melbourne 2030 housing objectives.
- **Clause 22.10 – Water Sensitive Urban Design** – Seeks to promote the use of water sensitive urban design, including stormwater re-use, to protect the surface water and ground waters in the Port Phillip Bay catchment from stormwater pollutants, and to reduce the impacts of peak stormwater flows to integrate stormwater treatment measures into the landscape to reduce the entry of pollutants into stormwater run-off.

Zone

- **Clause 32.01 - Residential 1 Zone** - Provides for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households, encourages residential development that respects the neighbourhood character, allows educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs, in appropriate locations.

A planning permit is required under the zone to construct a dwelling on a lot less than 500 square metres.

Overlays

- **Clause 43.02 - Design and Development Overlay Schedule 1** – Aims To protect and enhance the foreshore environment and views of Bayside from Port Phillip Bay, relate the scale and form of any new development to the landform of the coast and to maintain a pedestrian scale along Beach Road. It also seeks to maintain consistency with urban design and development objectives in the Bayside Coastal Strategy 1997 and the Victorian Coastal Strategy 2002 whilst protecting the foreshore from overshadowing. It further seeks to manage the increased pressure for higher buildings along the coast and to protect the amenity and privacy of residential properties.

A planning permit is not required under this overlay

- **Clause 42.02 - Vegetation Protection Overlay Schedule 3** – Seeks to prevent the loss of native and particularly indigenous vegetation incurred by development, to retain the amenity, aesthetic character and habitat value of Australian native vegetation and indigenous vegetation in particular within the Beaumaris and Black Rock area and to promote the regeneration and replanting of indigenous species in the Beaumaris and Black Rock area.

A planning permit is required to remove native vegetation in a VPO3

Particular Provisions

- **Clause 54 – One dwelling on a Lot** – Includes specific objectives and standards for residential development.

General Provisions

- **Clause 56.02 – Car Parking** - Ensures the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality
- **Clause 65 – Decision Guidelines** – Details matters to be considered when determining a planning application.

SUMMARY OF KEY ISSUES

The following is a summary of the relevant planning issues and areas of non-compliance, considering planning principles and issues raised by the objectors.

Neighbourhood Character

The proposed development falls in Character Area H3 as identified in Clause 22.07 of the Bayside Planning Scheme.

It is considered that the proposed design adequately responds to objectives of Clause 22.07 Neighbourhood Character of the Bayside Planning Scheme and complies with Clause 54 Standard A1 of the Bayside Planning Scheme.

The preferred future character and guidelines for this precinct states:

“The bushy gardens surrounding the dwellings dominate the streetscapes. Where the topography is hilly, the buildings are set within the landscape, and are sometimes sited to take advantage of water views without dominating the streetscape. Adequate space is provided around dwellings for the retention and planting of vegetation, and indigenous canopy trees are common. Low or open style front fences are usually provided, in order to retain the openness of the front garden to the street.”

Precinct Guidelines

Objective	Design Response	Avoid
To strengthen the bushy garden character of the area through the planting of appropriate species.	<ul style="list-style-type: none"> Retain large established trees and understorey, and provide for the planting of new indigenous trees wherever possible (locate footings outside root zone). Prepare a landscape plan to accompany all applications for new dwellings that utilises appropriate native, preferably Minimise impervious surfaces particularly in front garden spaces to ensure space for plantings. 	<p><i>Lack of landscaping and substantial vegetation.</i></p> <p><i>Removal of large established trees.</i></p> <p><i>Planting of Environmental weeds</i></p>
To maintain the rhythm of spacious visual separation between buildings and ensure adequate space is provided around buildings for the retention and planting of vegetation.	<ul style="list-style-type: none"> Buildings should be sited to allow space for a garden, including trees and shrubs. Buildings should be sited to create the appearance of space between buildings and accommodate vegetation. 	<p><i>Loss of front garden space.</i></p>
To minimise the loss of front garden spaces and the dominance of car parking structures.	<ul style="list-style-type: none"> Locate garages and carports behind the line of the dwelling. Underground car parking accessed from the front of the site should only be provided where other options are not possible due to site constraints, the garage doors do not dominate the façade and the front setback area is retained as predominantly garden space. 	<p><i>Car parking structures that dominate the façade or view of the dwelling.</i></p>
To minimise site disturbance and impact of the building on the landscape.	<ul style="list-style-type: none"> Buildings should be designed to follow the contours of the site on sloping sites. Minimise the use of retaining walls and battering of slopes. Design new buildings and extensions so as not to exceed the predominant tree canopy height. 	<p><i>Major excavation works and site levelling.</i></p> <p><i>Buildings that protrude above the tree canopy height.</i></p>
To ensure that new buildings provide an articulated and interesting façade to the street	<ul style="list-style-type: none"> Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, combinations of materials, textures or colours or other elements providing appropriate articulation. Recess upper levels from the front façade. 	<p><i>Large, bulky buildings</i></p> <p><i>Poorly articulated front and side wall surfaces.</i></p>
To use building materials and	<ul style="list-style-type: none"> Use a mix of materials, textures 	<p><i>Period</i></p>

Objective	Design Response	Avoid
finishes that complement the natural setting.	and finishes including render, timber, non-masonry sheeting glazing, stone and brick.	<i>reproduction styles and detailing.</i>
To maintain the openness of the front garden to the street	<ul style="list-style-type: none"> • Provide open style front fences, other than along heavily trafficked roads. • Use vegetation as an alternative where possible 	<i>High or solid front fences.</i>

The area contains a mixture of traditional and contemporary housing styles on medium to small size allotments. The area is characterised by a variety of subdivision patterns, lot sizes and their resultant built forms. The area is well vegetated with predominantly native and indigenous trees, including the provision of canopy planting in the majority of front setbacks.

The proposal provides an appropriate front setback (7.5m). The front setback is greater than the existing dwelling (approximately 5m from the carport) and reflects the existing setback pattern within the streetscape and will sit comfortably with its neighbours. However, the proposal presents a boundary-to-boundary form, which does not provide sufficient visual separation between the two adjoining dwellings when viewed from the streetscape (due to their close proximity to both boundaries). The boundary-to-boundary nature of the development does not comply with the objectives of the Neighbourhood Character Policy. A condition on any permit to issue will require the garage to be set back 2m from the southern boundary. This will maintain the rhythm of the streetscape, provide sufficient visual separation and enable opportunities for landscaping.

The proposed front fence will be 1.5m high, constructed with brick pillars with horizontal steel bar infills. The proposed height and transparency of the fence are considered to be appropriate, given that the adjoining fence at 75A Bonanza Road is 1.8m high and solid corrugated iron and the other adjoining fence to the south at 79 Bonanza Road is constructed of wrought iron to a height of 1.65m. It is considered that the fence will maintain the openness of the streetscape and provide sufficient sightlines to the dwelling to promote a strong sense of address.

Council's Urban Designer has no objection to the proposal and advises that it is reasonably sound, largely compliant and will be seen as an overall improvement to the streetscape.

It is considered that the development responds appropriately to the site and will create a built form that is of an appropriate scale to integrate with and complement the existing streetscape.

Setbacks

The proposed setbacks are as follows:

(**bold** indicates areas of non compliance)

	Ground Floor		First Floor	
	Required	Proposed	Required	Proposed
North (side)	0 or 2metres	0 to 2metres	3.68 metres	<u>2 – 3.9 metres</u>
South (side)	0 or 2 metres	0 to 2 metres	3.56 metres	3.7 metres
West (front setback)	7.5 metres	7.5 metres	7.5 metres	7.5 metres
East (rear)	0 or 3 metres	7.1 metres	4.68 metres	8.8 metres

The ground floor setbacks are fully compliant with the Bayside Planning Scheme. The ground floor is either constructed to the boundary or is set back 2m, which fully complies with the Schedule to the Residential 1 Zone. If the recommended conditions are adopted, the southern wall of the garage will be set 2m in from the boundary. This will provide sufficient visual separation from the adjoining property and will ensure the proposal does not present as a boundary-to-boundary development to the street.

The proposed first floor side setbacks largely comply with the requirements of the Schedule to the Residential 1 Zone. The reduced side setback to the northern elevation (2m in lieu of the required 3.68m) is considered acceptable as the setback will not impact on the adjoining property in terms of overshadowing and is non compliant for a length of only 4.5m out of the total 17.2m length of the first floor. It is noted that the remainder of the northern and southern first floor element is fully compliant with the Bayside Planning Scheme.

The proposal is considered acceptable in this instance as it will not cause any unreasonable off site amenity impacts to the adjoining neighbours and the remaining length of the first floor provides a well articulated separation between both dwellings.

The proposal is considered to be respectful of neighbourhood character and provides for adequate separation and will sit comfortably within the streetscape rhythm.

Visual Bulk

The proposed development does not present excessive bulk to the street or to the adjoining properties due to the articulated facades of the development and sufficient areas for landscaping. However the proposal presents as a boundary to boundary development, which is not reflective of the character of the area.

It is considered that the double garage can be reduced in width to 5.5m and the internal layout of the ground floor can be slightly altered so the southern boundary wall is set back 2m from the boundary. This will provide for greater visual separation between 77 and 79 Bonanza Road and will ensure that a precedent for boundary to boundary development along the street is not created. It also ensures there is sufficient area for landscaping along the boundary of the site. It is recommended that this design change becomes a condition on the planning permit, should one issue.

The articulated side setbacks of the first floor reduce the perception of visual bulk to both neighbours, particularly to the northern façade as the setbacks range from 2m to 3.9m. These varying setbacks decrease the dominance of the 2m setback (of bedroom 3) upon the adjoining neighbours at 75 Bonanza Road and accords with the objectives of the Neighbourhood Character Review.

The proposed double storey dwelling abuts single storey dwellings to both the north and south of the site. Due to the ample side setbacks of the first floor, the dwelling does not present as visually bulky to the streetscape and will fit within the character of the immediate area. The dwellings' bulk is further reduced by the mix of materials, including render, face brick, timber cladding, stone (of varying colours) and glazing, all of which provide visual interest to the façade.

Site Coverage

The proposed site coverage is 48% which complies with the requirements of the Schedule to the Residential 1 Zone. The proposal provides sufficient areas of private open space, reasonable setbacks and does not present as an overdevelopment of the site.

Overshadowing

The submitted shadow diagrams have been checked and found to be correct. Shadow diagrams indicate that the proposal will not unreasonably impact on the amenity of the neighbouring residential properties to north and south of the site. The overshadowing cast by the development complies with Clause 54, Standard A14 of the Planning Scheme. The proposal will not overshadow any secluded private open space areas located on the adjacent land.

Overlooking/Loss of Privacy

The proposed first floor windows to all elevations are compliant with the requirements of the Bayside Planning Scheme. All windows are either screened to 1.7m or are high light windows which will restrict any overlooking onto adjoining private open space or habitable room windows. The east facing first floor window to the retreat will be fitted with a 1.7m high aluminium louvre screen. This is considered appropriate, however it is required to be fixed in order to fully restrict overlooking and comply with Standard A15 of the Bayside Planning Scheme. It is recommended that this forms a condition on any permit, should one issue.

Objections have been raised by both adjoining neighbours regarding overlooking, and in consultation the applicant agreed to alter the plans to provide more privacy to the objectors. The revised plans (received 7 March 2011) show the north and south facing first floor habitable room windows to be raised to 1.8m, which exceeds the requirements of the Bayside Planning Scheme.

Furthermore, the applicant will replace the existing boundary fence along the northern boundary of the site with a 2.25m high brick fence, adjacent to the proposed courtyard. Similarly, a new 2m high timber paling fence with 600mm high privacy screen will be provided along the southern boundary of the site to alleviate privacy concerns from the adjoining neighbours at 79 Bonanza Road. It is considered that these design inclusions will reduce the potential for overlooking from the ground floor, especially from the proposed decking to the rear of the site which will be constructed at 400mm above natural ground level.

It is considered that the proposal is responsive to all adjoining neighbours and will not result in any detrimental overlooking concerns.

Height of Building

The maximum overall height of the proposed dwelling, at 7.7 metres above natural ground level, fully complies with the building height requirement of Clause 54, Standard A4 of the Planning Scheme.

Walls on Boundary

The length of the wall proposed along the north elevation of 13.8m does comply with Standard A11 which specifies that a wall should not abut the boundary for a length of more 16m (for this site). The wall on boundary is not considered to cause any adverse amenity impacts as the wall does not exceed the 3m average height limit and its bulk is broken by a 3.3m by 2m wide courtyard.

The proposed condition requiring the garage to be moved 2m off the boundary will ensure that the proposal does not exhibit a boundary to boundary form and therefore will have no walls along the southern boundary.

Traffic & Car Parking

The development provides two (2) car spaces in the form of a double garage located along the southern boundary of the site. The numbers of car spaces provided comply with the requirements of Clause 54, Standard A9 of the Planning Scheme.

Council's Traffic Engineer has no objection to the proposed car parking layout subject to permit conditions, should one issue.

Landscaping/Vegetation

The application was referred to Council's Arborist who visited the site and commented that there are no trees or significant vegetation on the site that are worthy of retention and that no vegetation on the adjoining site will be affected by the proposal.

The applicant has stated that they wish to retain a small 4m high tree in the south east corner of the site. Council's arborist has assessed the tree and determined that the proposed pool will cause extensive damage to the root system as the tree protection condition would be inadequate due to the location of the pool. It is therefore recommended that the tree is removed and replaced with a small native tree, capable of growing to 4m at maturity. There is a very large existing street tree located in the nature strip in front of the subject site which is to be retained.

Street Tree

Council's arboricultural officer has reviewed the proposed development and determined that the proposed crossover and front fence will not detrimentally impact upon the root system of the tree. (provided the brick pier fence is constructed without strip footings). The arboricultural officer has recommended the inclusion of a tree protection fence which will help to maintain the health and integrity of the street tree during construction. The fence is to protect the entire nature strip and the only excavation for the brick pier fence is to be the post holes for the piers. It is recommended that this forms a condition on the permit, should one issue.

Front Fence

It is proposed to construct a 1.5 metre high brick pier fence with horizontal steel bar infills, to replace the existing 1.6m high front fence on the site. The fence styles and heights in the street are varied, and generally higher than 1.2 metres. The adjoining fence located to the north is a 1.8m high solid corrugated iron fence and the dwelling to the south has a 1.65m high wrought iron fence. It is considered that the proposed 1.5 metre transparent fence will respect the objectives of Clause 22.07 and satisfies Standard A20 of the Bayside Planning Scheme.

Energy Efficiency and Water Sensitive Urban Design

Substantial amounts of glazing are included in the design so as to maximise solar access to habitable rooms. It is considered that the proposal meets the requirements of Clause 54, Standard A7 of the Bayside Planning Scheme. A 2000 litre underground water tank is proposed under the decking to the rear of the site. A permit condition, should one issue, can require a STORM rating assessment to be carryout for the proposed development to comply with the measures of Clause 20.10 Water Sensitive Urban Design of the Bayside Planning Scheme.

Additional Objector Concerns

Overlooking from rear decking

Revised plans submitted on 7 March 2011 show a proposed 2.25m high solid brick fence to be constructed along the common boundary between 77 and 75A Bonanza Road. This is considered to address the concerns raised by the objectors at 75A Bonanza Road who were concerned about the height of the existing 1.6m timber paling fence and the potential for overlooking from the decking, proposed at 400mm above natural ground level. The brick wall will be finished and coloured 'cream' or 'off white' to the satisfaction of the adjoining neighbour. This has been notated on the plans.

Loss of daylight

The proposal has been assessed against the requirements of Clause 54 Standard A12 of the Bayside Planning Scheme and is considered to comply with this requirement. The proposed dwelling will not compromise the daylight to the existing windows of adjoining dwellings.

Loss of privacy

Subject to conditions included in this recommendation, it is considered that the proposal will not result in unreasonable overlooking into any habitable room window or secluded private open space area.

CONCLUSION

The proposed development is considered to be appropriate for the site and will not detract from the existing streetscape and neighbourhood character. The proposed dwelling, subject to conditions, is regarded as being of a scale and design compatible with surrounding development that will sit comfortably in the street, and will respect the residential amenity of adjoining properties. It is therefore recommended the proposal be supported.

RECOMMENDATION

That Council having caused notice of Planning Application No. **2010/0550/1** 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 **Issue a Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of the land known and described as **77 Bonanza Road, Beaumaris**, for the **construction of one (1) double storey dwelling on a lot less than 500 square metres** in accordance with the application dated 22 September 2010, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples).
 - b) The double garage must be set back a minimum of 2m from the southern boundary.
 - c) The double garage must have a minimum width of 5.5m when measured internally.

- d) The driveway where it intersects with the footpath to be at least 3m wide and indicated on the plan.
 - e) The door opening to the double garage to be at least 4.8m wide and indicated on the plan.
 - f) A pedestrian door opening must be provided outwards from the garage.
 - g) The existing vehicle crossing to be removed and a new vehicle crossing is to be constructed with at least a 3.3m boxed width, centred to the driveway.
 - h) Tree protection measures to be notated on the plans in accordance with condition 5.
 - i) A landscape plan in accordance with Condition 5 of this planning permit.
 - j) The proposed screening treatment for the first floor retreat window (facing east) is to be fixed, in accordance with Standard A15 of the Bayside Planning Scheme.
 - k) Water sensitive urban design stormwater treatment measures in accordance with Condition 7 of this planning permit.
2. P4 Layout not altered
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 and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
4. A20 Boundary walls
5. Before the development starts, a landscape plan 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 then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
- a) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - b) Details of surface finishes of pathways and driveways.
 - c) Details of water sensitive urban design elements to be incorporated and the plant species to be used.
 - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. At least 60% of all planting must consist of indigenous species.
 - e) Landscaping and planting within all open areas of the site.
- All species selected must be to the satisfaction of the Responsible Authority.
6. T9 Retention of existing street trees
7. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be 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 in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:-
- a) The type of water sensitive urban design stormwater treatment measures to be used including the 2000L underground water tank
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping 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.

The water sensitive urban design stormwater treatment system as shown on the endorsed plan 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.

8. Any seepage / agricultural drainage water are to be filtered to rain water clarity and must be pumped to the nearest Council Drain / Pit and not be discharged to the kerb and channel unless directed otherwise.
9. The driveway / parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge neither onto the front footpath nor into adjacent properties.
10. Tree protection fencing is to be established around the street tree prior to demolition and maintained until all works on site are complete.
 - The fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - The fencing is to encompass the entire nature strip
 - The Tree Protection Zone is to be established and maintained in accordance with *Australian Standards 4970 Protection of Trees on Development Sites*.
 - The only excavation for the construction of the brick pier fence is to be post holes for the piers
11. PT1 Time for starting and completion

Permit Notes

- N1 Crossover permit
- N2 Building approval
- N6 Vehicle crossing removal
- N7 Retention of existing street trees
- N10 Asset Protection

STANDARDS OF THE BAYSIDE PLANNING SCHEME

FOR SINGLE DWELLINGS ON LOTS < 500 SQUARE METRES (CLAUSE 54 AND SCHEDULE TO THE RESIDENTIAL 1 ZONE)

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>A1 Neighbourhood Character Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Design responds to features of the site and surrounding area.</p>	Yes	Condition to remove the boundary to boundary form will ensure better compliance with the immediate neighbourhood character. See report.
<p>A2 Integration with Street Integrate the layout of development with the street.</p>	Yes	The dwelling is orientated towards the street.
<p>A3 Street Setback Setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	Yes	See report.
<p>A4 Building Height Building height respects the existing or preferred neighbourhood character.</p>	Yes	Maximum: 9 metres Proposed: 7.7 metres (max)
<p>A5 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Yes	Maximum: 50% Proposed: 48%
<p>A6 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Yes	Minimum: 20% Proposed: 43.3%
<p>A7 Energy Efficiency Achieve and protect energy efficient dwellings. Ensure the development's orientation and layout reduce fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	Yes	See report.
<p>A8 Significant Trees Development respects the landscape character of the neighbourhood and retains significant trees on site.</p>	Yes	See report.
<p>A9 Parking Ensure car parking is adequate for the needs of residents.</p>	Yes	Required: 2 spaces. Proposed: 2 spaces.

<p>A10 Side and Rear Setbacks Ensure the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>No</p>	<p>Ground Floor Required North: 0 – 2m South: 0 – 2m East: 0 – 3m West: 7.5m</p>	<p>Ground Floor Required North: 0 – 2m South: 0 - 2m East: 7.1m West: 7.5m</p>
<p>A11 Walls on Boundaries Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>Yes</p>	<p>Height Maximum: average height of 3.00 metres with no part higher than 3.6 metres Proposed: 3m average</p> <p>Length Maximum: 16 metres along the north east boundary 15.75 metres along the south west boundary Proposed: 13.8 metres along the north 0 metres along the south west</p>	
<p>A12 Daylight to existing Windows Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p>	<p>N/A</p>	<p>N/A</p>	
<p>A13 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Yes</p>	<p>See report.</p>	
<p>A14 Overshadowing Open Space Ensure buildings do not unreasonably overshadow existing secluded private open space.</p>	<p>Yes</p>	<p>See report.</p>	
<p>A15 Overlooking Limit views into existing secluded private open space and habitable room windows.</p>	<p>Yes</p>	<p>See report.</p>	
<p>A16 Daylight to New Windows Allow adequate daylight into new habitable room windows.</p>	<p>Yes</p>		

A17 Private Open Space Provide adequate private open space for the recreation and service needs of residents.	Yes	Minimum: 40sqm Proposed: 95 sqm
A18 Solar Access to Open Space Allow solar access into secluded private open space of a new dwelling.	Yes	N/A
A19 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.	Yes	See report.
A20 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.	No	Maximum: 1.2 metres Proposed: 1.5 metres (existing 1.6m) See report

4.9 **16 Plunket Street, Brighton East**
Notice of Decision to Grant a Permit
Application No: 2010/0514/1 Ward:Central

City Strategy - Statutory Planning
 File No: 2010/0514/1

APPLICATION DETAILS

Land/Address:	16 Plunket Street, Brighton East
Application is for:	Construction of two (2) double storey side by side dwellings with basement car parking
Melway Reference:	76 J1
Ward:	Central
Application Number:	2010/514/1
Applicant's/Owner's Name:	Keen Planning
Date Received:	6 September 2010
Statutory Days Expiry:	18 May 2011
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 2
Under what clause(s) is a permit required?	Clause 32.01-4 – Construction of two (2) or more dwellings on a lot
Restrictive covenants on the title?	No
Current use and development:	Single storey dwelling
Objections:	One (1) and a petition with the seven (7) signatures

PROPOSITION

It is recommended that a **Notice of Decision to Grant a Permit** be issued subject to conditions.

PROPOSAL

It is proposed to construct two (2) double storey dwellings with basement car parking. Each dwelling will contain the following:

- A study, bedroom with ensuite and walk in robe, open plan kitchen/living area, powder room and laundry at ground floor.
- Three (3) bedrooms, an ensuite and walk in robe to the master bedroom and a bathroom at the first floor.
- Each dwelling will have two (2) car spaces.
- Dwelling 1 will have approximately 69sqm and dwelling 2 will have 107sqm of private open space.

SUBJECT SITE & LOCALITY

An inspection of the site and the surrounding area has been undertaken.

The site has a total area of approximately 588 square metres and currently contains a single storey dwelling.

The main site/locality characteristics are:

- The adjoining property to the north at 18 Plunket Street contains a single storey dwelling with a garage.
- The adjoining property to the south at 14 Plunket Street contains a single storey dwelling.
- The adjoining property to the east (rear) contains a double storey dwelling.
- Opposite the site to the west at 13 Plunket Street contains a double storey dwelling.

PERMIT/SITE HISTORY

No previous planning applications have been determined for the subject site.

PUBLIC NOTIFICATION

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

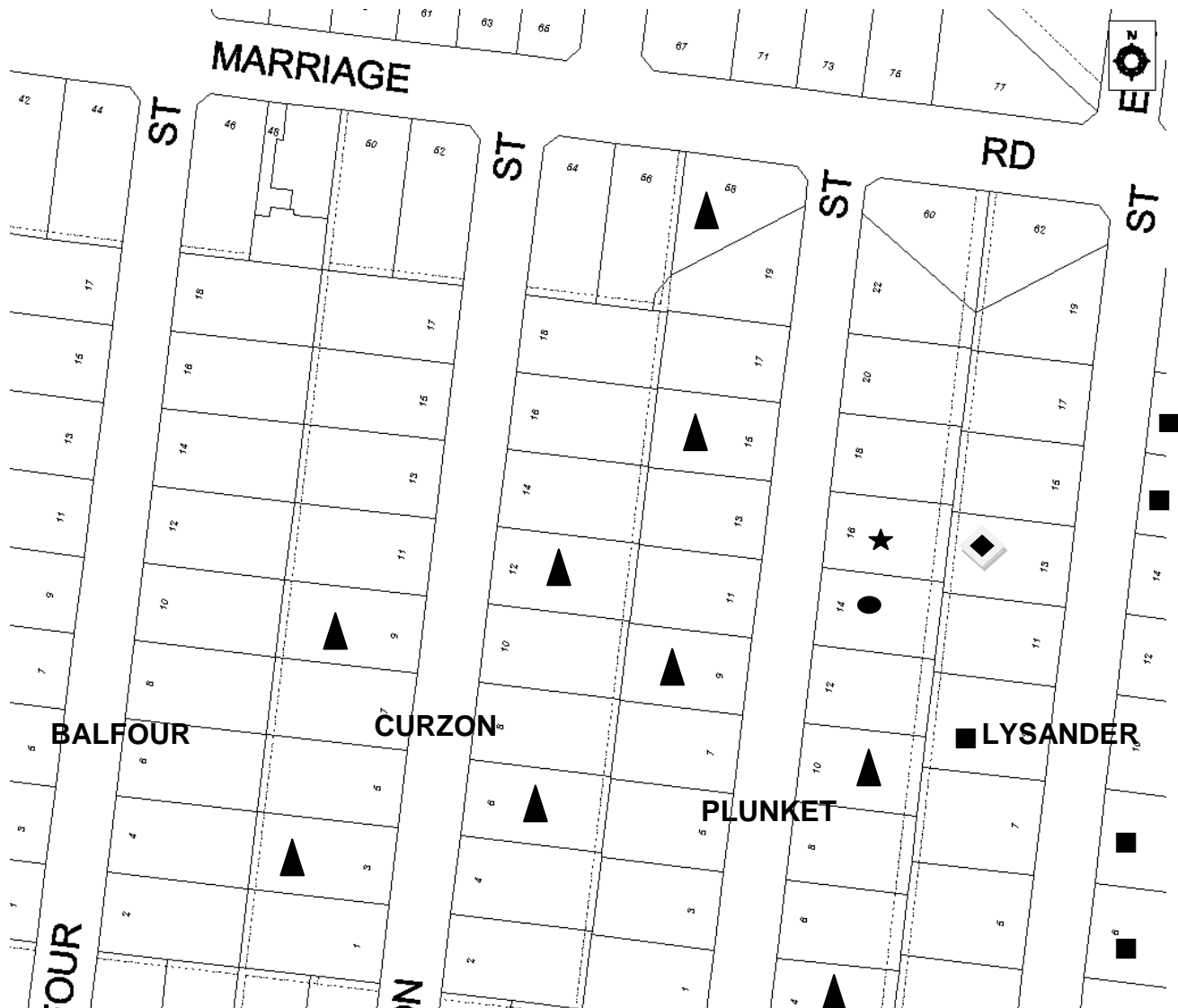
- Sending notices to the owners and occupiers of adjoining land
- Placing a sign on site

The notification has been carried out correctly.

Council initially received two (2) objectors and a petition containing nineteen (19) signatures (excluding the petitioner who is the objector). It is relevant to note that one (1) of the objectors and twelve (12) petitioners having been withdrawn. One (1) objector and a petition with seven (7) petitioners remain.

The key issues that were raised in the objections are:

- Neighbourhood character
- Visual bulk
- Overdevelopment
- Basement
- Overlooking
- Overshadowing
- Devaluation of properties

Locality Plan – 16 Plunket Street, Brighton East


Legend	
Subject Site	★
Objector Withdrawal	◊
Objector (Petitioner)	●
Objectors (Petitioners)	■
Objector Withdrawal (Petitioner)	▲
Note: Not all objectors are shown on the locality map	

CONSULTATION

A consultation meeting was held and attended by the applicant, objectors and planning officer. The applicant has since submitted revised plans incorporating the following changes:

The revised plans were circulated to the objector. The applicant met separately with the remaining objectors resulting in one (1) objector and twelve (12) out of the nineteen (19) petitioners withdrawing.

REFERRALS

External Referrals/Notices by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	N/A
Internal Council Referrals	Advice/Response/Conditions
Urban Designer	No objection, subject to conditions.
Traffic Engineer	No objection, subject to conditions.
Arborist	No objection, subject to conditions.
Street Trees	No objection, subject to conditions.
Drainage Engineer	No objection, subject to conditions.
ESD	No objection, subject to conditions.

ASSESSMENT

Relevant Provisions of the Bayside Planning Scheme

State Planning Policies

- Clause 11 Settlement** – The objective of planning is to anticipate and respond to the need, recreation, of existing and future communities through the provision of zoned and serviced land for housing, employment, open space, commercial and community facilities and infrastructure. Planning should recognise the need for and as far as practicable contribute towards, the health and safety, diversity of choice, adaption in response to changing technology, economic viability, a high standard of urban design and amenity, energy efficiency, prevention of pollution to land, water and air, protection of environmentally sensitive areas and natural resources, accessibility and land use and transport integration.
- Clause 15 Built Environment and Heritage** – Ensures that all new land use and development appropriately responds to its landscape, valued built form and cultural context and protects places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. To achieve high quality urban design and architecture that contributes to local urban character and sense of place, reflects the particular characteristics, aspirations and cultural identity of the community and minimises detrimental impact on neighbouring properties. To ensure the conservation of heritage places.

- **Clause 16 Housing** – The objectives of Clause 16 include the provision of housing diversity and supporting infrastructure. New housing should have access to services and be planned for long term sustainability including walking to activity centres, public transport, schools and open space. To promote a housing market that meets community needs. To locate new housing in or close to activity centre and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne. To provide for a range of housing types to meet increasingly diverse needs. To encourage the establishment of crisis accommodation and community care units in residential areas and to ensure that their location is kept confidential. To facilitate the timely development of residential aged care facilities to meet existing and future needs.
- **Clause 19 Infrastructure** – The provision of social and physical infrastructure should be provided in a way that is efficient, equitable, accessible and timely. The recognition of social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support. To promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met. To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment. To reduce the impact of stormwater on bays and catchments. To avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and unsustainable waste practices.

Municipal Strategic Statement

- **Clause 21.04 Vision and Overarching goals** – Aims to enrich a ‘locality’ or ‘village’ focus whilst encouraging new economic development that adds value to the economy of Bayside and builds on a collaborative approach to achieving the goals in the planning scheme. The design and image objectives aim to achieve high quality design and continually improve the image of land use and development in Bayside, which contributes to a sense of place appropriate to Bayside’s character and maintains, strengthens and enhances local character.
- **Clause 21.05 Housing** - Encourages housing choice and quality design outcomes that make a positive contribution to the character of residential areas.

Local Planning Policies

- **Clause 22.07-1 – Neighbourhood Character Policy** - Aims to encourage development in the area that responds to the particular built form and natural environment elements that make up the neighbourhood character of Bayside.
- **Clause 22.07-2 – Neighbourhood Character Objectives** - Aims to ensure that development is responsive to the preferred future character of the area and to retain and enhance the identified elements that contribute to the character of the area. It is noted that the subject site is located within precinct D4.
- **Clause 22.10 – Water Sensitive Urban Design** - Aims to promote the use of water sensitive urban design, including stormwater re-use, to protect the surface water and ground waters in the Port Phillip Bay catchment from stormwater pollutants, to reduce the impacts of peak stormwater flows, to integrate stormwater treatment measures into the landscape, and to reduce the entry of pollutants into stormwater run-off.

Zoning

- **Clause 32.01-4 - Residential 1 Zone** - Encourages residential development at a range of densities, with a variety of dwellings to meet the housing needs of all households.

This zone requires a planning permit for the proposed residential development. The Schedule to the zone incorporates requirements specific to Bayside.

Overlays

- **Clause 43.02 Design and Development Overlay Schedule 2** – Aims to 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, to preserve the existing character and amenity of the areas as low rise (up to two storeys) suburban areas with a strong garden character, to maintain the prevailing streetscape rhythm, building scale and height of neighbourhoods and to maintain a strong landscape character with buildings set within vegetated surrounds.

A planning permit is not required under the DDO2.

Particular Provisions

- **Clause 55 Two (2) or More Dwelling on a Lot** - Includes specific objectives and standards for the proposed residential development to be assessed against.

General Provisions

- **Clause 65 Decision Guidelines** - Sets out decision guidelines for the responsible authority to consider in order to ensure acceptable outcomes in terms of State Planning Policies and Local Planning Policies.

SUMMARY OF KEY ISSUES

The following is a summary of the relevant planning issues and areas of non-compliance, considering planning principles and issues raised by the objectors.

Neighbourhood Character

The proposed development falls in Character Area D4 as identified in Clause 22.07 of the Bayside Planning Scheme.

The preferred future character and guidelines for this precinct states:

The wide variety of dwelling styles sit within established gardens, with occasional canopy trees, and do not dominate the streetscape. The buildings are consistently set back from the front and at least one side boundary, which, combined with the open style front fencing, creates a sense of spaciousness in the streetscape. Avenues of street trees assist in unifying streetscapes.

Objective	Design Response	Avoid
To maintain and enhance the garden settings of the dwellings and rhythm of front boundary setbacks.	<ul style="list-style-type: none"> • Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and 	<i>Lack of landscaping and substantial vegetation.</i>

Objective	Design Response	Avoid
	<ul style="list-style-type: none"> shrubs. Retain large trees wherever possible. Buildings should be sited to allow space for the planting of trees and shrubs. 	<i>Removal of large trees.</i>
To maintain the rhythm of visual separation between buildings.	<ul style="list-style-type: none"> Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation. 	
To minimise the dominance of car parking structures in the streetscape.	<ul style="list-style-type: none"> Locate garages and carports behind the line of the dwelling. 	<i>Car parking structures that dominate the façade or view of the dwelling.</i>
To ensure that buildings and extensions do not dominate the streetscape.	<ul style="list-style-type: none"> Recess second storey elements from the front façade. Use simple building details. 	
To maintain the openness of the streetscape and the views into front gardens.	<ul style="list-style-type: none"> Front fences should be open style, other than along heavily trafficked roads. 	<i>High, solid front fences.</i>

The surrounding area contains a mix of traditional and contemporary housing on medium to large sized allotments and with a high degree of recent construction. There is visual separation between dwellings with established gardens. The most valued attributes of the area relate to the detached building style, well-developed garden settings and the visual link between garden and the street. Car parking structures are generally located to the side or rear of dwellings and are not dominant to the streetscape.

It is considered that the proposal meets the neighbourhood character objectives. The proposal provides a transitional front setback at 7.601 and 9.063 metres between the adjoining properties at 14 and 18 Plunket Street respectively, which is appropriate and reflects the existing setback pattern in the streetscape. The front setback allows good opportunities for landscaping. A concept landscape plan has been submitted with the application that shows two (2) canopy trees located within the front setback of proposed development. The proposal is well articulated with the incorporation of a variety of materials and finishes.

Council's Urban Designer expressed concern in relation to the proposal presenting as visually bulky to the street. The revised plans have addressed the Urban Designer's concerns. Council's Urban Designer viewed the revised and commented that 'improved separation between the two (2) dwellings could be addressed through permit conditions. He commented that the overall height has only been reduced by 100mm and suggested the height be reduced a further 300mm. It is recommended that a condition be included, should a permit issue, requiring the height of the front parapets be reduced by a minimum of 300mm.

It is considered that the proposal is compatible with the existing diverse neighbourhood character and is capable of making a positive contribution to the street. The design is site responsive and complies with the preferred neighbourhood character objectives.

Setbacks

The proposed setbacks are as follows:

	Ground Floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
North	0 or 2m	2 to 2.9m	3.62 to 5.78m	<u>3.07 to 3.9m</u>
South	0 or 2m	2 to 3.59m	3.92 to 5.18m	<u>3.07 to 3.9m</u>
West (front)	9m	<u>7.8m</u>	9m	<u>7.8m</u>
East (rear)	0 or 3m	4.54 to 4.68m	6.18 to 6.58m	<u>4.9m</u>

The proposed street setback at 7.8 metres does not comply with the setback requirements of Clause 55, Standard B6 of the Bayside Planning Scheme – Schedule to the Residential 1 Zone, which requires a street setback of 9 metres. A street setback survey has been conducted within Plunket Street that shows that the street setbacks vary from approximately 2.2 to approximately 9.5 metres. The average street setback of Plunket Street is approximately 7.3 metres. It is considered that the proposed setback is responsive to the setback pattern within the streetscape and will provide a transition between the adjoining properties and exceeds the prevailing street setback of Plunket Street. It is relevant to note that the front setback of the existing dwelling on the subject site is 7.5 metres. The proposed development will be set back further at 7.8 metres.

The first floor side setbacks (at 3.07 to 3.9 metres and 4.9 metres respectively) of the proposed development do not comply with the requirements of Clause 55, Standard B17 of the Bayside Planning Scheme – Schedule to the Residential 1 Zone, which require the side setbacks from 3.62 to 5.78 metres and rear setbacks from 6.18 to 6.58 metres. Given that the height of the dwellings at 7.17 to 7.88 metres the development will result in unreasonable visual bulk and massing to the adjoining properties. A condition will be included should any permit issue requiring the side and rear first floor setbacks be increased. It is noted that the double storey dwelling at 13 Lysander Street located directly at the rear of the site has a first floor setback of 5.623 metres from its rear boundary. The rear first floor setback of the proposed dwellings should be increased to 5.6 metres to minimise mass and bulk and match the rear setback of the adjoining rear dwelling. With a condition also requiring the rear roof height to be reduced by 0.2 metre, the recommended 5.6 metre setback is close to complying with the required setback of 5.78 metres.

Overlooking

The neighbour at the rear raised a concern in relation to overlooking. The applicant submitted revised plans to add trellis above the existing two (2) metre high paling fence and the louvers to the first floor windows to be angled downwards (to restrict viewing within the rear yard of the site) to prevent unreasonable overlooking. A condition can be included, should a permit be issued, requiring the rear fence to be screened a minimum height of 1.7 metres in height above the finished floor level of the deck.

The first floor windows are treated with either obscure glazing to 1.7 metres in height above the floor level or provided with appropriate external screening. A condition can be included should a permit issue to ensure that screening is provided in accordance with Clause 55, Standards B22 and B23 of the Bayside Planning Scheme. It is considered that subject to the inclusion of this condition there will be no unreasonable overlooking into the adjoining properties.

Overshadowing

The submitted shadow diagrams have been checked and found to be correct. Shadow diagrams indicate that the proposal will not unreasonably impact on the amenity of the neighbouring residential properties to the south and east of the site. The shadowing caused by the development complies with Clause 55 Standard B21 of the Bayside Planning Scheme.

Visual Bulk

Due to the non compliant rear setback and the height of the proposed development, it is considered that the proposal will result in unreasonable visual bulk to the adjoining properties. To minimise any potential for unreasonable visual bulk a condition can be included should any permit issue to increase the side and rear setbacks. This matter has been addressed previously in this report.

Site Coverage

The proposed site coverage is 45% which complies with Standard B8 of Clause 55 of the Bayside Planning Scheme.

Traffic and Car Parking

The proposed development provides basement car parks containing two (2) car spaces for each dwelling and a vehicle turn table to allow vehicle to exit the basement ramps in a forward direction. The parking provided is in accordance with the requirements of Clause 55, Standards B15 and B16 of the Bayside Planning Scheme.

Council's Traffic Engineer has viewed the plans and does not have any objection subject to conditions relating to the ramp's grade.

Vegetation and Landscaping

The application was referred to Council's Arborist who commented that there is no vegetation on site worthy of retention. Conditions will be included should any permit issued requiring tree protection to the neighbours trees and the planting of canopy trees within the front setback of the proposed development.

Energy Efficiency and Water Sensitive Urban Design

Generous amounts of glazing are included in the design so as to maximise solar access to habitable rooms. It is considered that the proposal generally meets Clause 55, Standard B10 of the Bayside Planning Scheme. Due to the orientation of the site and the attached side by side development, dwelling 1 is provided with north facing habitable room windows and open space areas accessed from the living room. Dwelling 2 has been provided with sufficient open space areas with good access to maximise sunlight. Skylights have been included over the hallway areas at the first floor to improve solar access to the staircase and hallway areas to minimise the energy usage during the day.

Water Sensitive Urban Design treatments including water tanks have been provided within the basement car parks of the proposed dwellings. This will minimise stormwater runoff into Council's drains and watercourses. It is recommended that conditions be included on any permit issued requiring plans be submitted detailing the measures of Water Sensitive Urban Design to be implemented on-site.

Front Fence

The existing front fence facing Plunket Street is a low brick fence. The height of the proposed front fence varies from 1.5 metres to 2.083 metres of solid masonry with steel picket gates instead of the required height of 1.2 metres under Clause 55, Standard B32 of the Bayside Planning Scheme – Schedule to the Residential 1 Zone. The prevailing front fence height in this section of Plunket Street is generally low solid fencing. A fencing survey conducted along this section of Plunket

Street confirms that the majority of front fences along Plunket Street are 0.8 metre in height. The height of the proposed front fence is inconsistent with the street and will detract from the streetscape of the area. It is recommended that a permit condition require the height of the front fence in front of the proposed development to be reduced to a maximum of 1.2 metres and the gates over the ramp leading to the basement car parks to be deleted.

Matters Raised by Objectors

The neighbour at 14 Plunket Street raised a concern in relation the basement causing damage to his property. This is not a planning matter and will be addressed under the building permit process.

Devaluation of Properties

Devaluation of properties is not a planning consideration.

CONCLUSION

The proposed development is considered to be appropriate for the site and will not detract from the existing streetscape and neighbourhood character. The proposed dwellings, subject to conditions, is of a scale and design compatible with surrounding development and will sit comfortably in the street.

The proposal will be sympathetic to surrounding development and will respect the residential amenity of adjoining properties. It is therefore recommended the proposal be supported.

RECOMMENDATION

That Council having caused notice of Planning Application **No. 2010/0514/1** 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 issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of the land known and described as **16 Plunket Street, Brighton East** for the **construction of two (2) double storey side by side dwellings with basement car parking** in accordance with the application received on **6 September 2010** and the revised plans received on **7 February 2011**, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised 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 received with the application received on 6 September 2010 and the revised plans received on 7 February 2011 but modified to show to the satisfaction of the Responsible Authority:
 - a) The height of the front fence be reduced to a maximum of 1.2 metres and the gate over the ramp be deleted.
 - b) The height of the front parapets of both dwellings be reduced by a minimum 300mm (excluding the portals).
 - c) The first floor to be setback a minimum of 5.6 metres from the rear (east) boundary.
 - d) The height of the rear wall of both dwellings be reduced by a minimum of 200mm.
 - e) The rear portion (bedrooms 2) of the first floor of both dwellings be setback a minimum of 4.2 metres from the north and south property boundaries.
 - f) Deletion of that part of the rear decks proposed to be constructed over the easement located along the entire eastern property boundary.

- g) The height of the rear fence or privacy screen be a minimum of 1.7 metres above the finished floor level of the deck.
- h) The finished floor level of the decks to Australia Height Datum (AHD).
- i) A longitudinal section of the proposed vehicular ramp be in accordance with the requirements of AS2890.1-2004 with a 9% grade for the first 2 metres, a 1 in 5 grade for the main ramp and a 1 in 8 grade for the final transition over minimum 2 metres in length.
- j) The width of the proposed vehicular ramp be increased to 4.8 metres where it intersects with the footpath and the width proposed crossover be increased to 4.8 metres.
- k) The redundant crossing shown to be removed and the area reinstated to nature strip and kerb and channel.
- l) The width of car space 2 for both dwellings be increased to a minimum of 3 metres.
- m) The headroom clearance at the entrance to the basement (measure perpendicular to the ramp) and throughout the basement be a minimum of 2.2 metres.
- n) Car turntable specifications be provided to the satisfaction of the responsible authority.
- o) A 2 metres by 2 metres sightline splay be provided on each side of the proposed ramp.
- p) A schedule of all external materials and finishes to be provided to the buildings and works on the land, showing the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
- q) The locations of plant and equipment be in accordance with Condition
- r) The proposed landscape treatment for the site including the existing and replacement plant species including two (2) canopy trees be planted within the front setback of the proposed development capable of growing to a height of 9 metres at maturity in accordance with the requirements of Condition 5 of this permit.
- s) The location of tree protection fence in accordance with Condition 8 of this permit.
- t) Water Sensitive Urban Design stormwater treatment measures including a STORM report with a STORM rating of a minimum of 100% in accordance with Condition 10 of this permit.
- u) Screening must be provided to all habitable rooms and terraces in accordance with Clause 55, Standards B22 and B23 of the Bayside Planning Scheme.

- 2. P4 Layout not altered
- 3. A19 Plant/equipment or features on roof
- 4. A18 Concealment of pipes
- 5. L1 Landscape plan required
- 6. L2 Completion of landscaping
- 7. L3 Landscaping maintenance

8. Before the development including demolition starts, a tree protection fence must be erected inside the property from the centre of the following trees.

Tree Name	Tree Protection Zone Distances
T1 <i>Brachychiton acerifolius</i> (Illawarra Flame tree) at 14 Plunket Street	Existing fence east, 3 metres north and west.
T2 <i>Pittosporum undulatum</i> (Sweet Pittosporum) at 14 Plunket Street	2.3 metres north, 3 metres east and west.

- The fence must be constructed of specify star pickets and chain mesh or similar to the satisfaction of the responsible authority.
 - The tree protection fence must remain in place until construction is completed.
 - The ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch before the development starts.
 - Any excavation within the above distance must be done by hand to a minimum depth of 500mm below surface level and in the presence of a Qualified Arborist.
 - Any roots encountered must be cut cleanly with a sharp implement.
 - Excavations may continue with machinery below the 500mm minimum depth, once the 500mm minimum depth by hand has been achieved.
 - Excavations must be documented (photographs and notes) and documentation must be submitted to Council within 28 days of request for such documentation.
9. Tree protection fencing must be established around the street trees prior to commencement of any works and maintained until all works on site are complete. The fencing is to be constructed and secured so its position cannot be modified by site workers. The fencing is to encompass the entire nature strip adjacent the works site with the exception of the crossovers. The tree protection zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites. The tree protection fencing is only to be removed to construct the proposed crossover. All access on site during construction is to be via the existing crossover.
10. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be 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 in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and 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 landscaping 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.

The water sensitive urban design stormwater treatment system as shown on the endorsed plan 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.

11. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.

12. PT1 Time for starting and completion

Permit Notes

- N1 Crossover permit
- N2 Building approval
- N7 Retention of existing street trees
- N10 Asset Protection

- Stormwater discharge is to be retained on site to the pre-development level of peak stormwater discharge. The development is to have a Stormwater Detention System installed.

- Drainage associated with the basement during construction (seepage and agricultural waters are filtered to rain water clarity) must be pumped to the nearest Council Drain/Pit and not to be discharged to the kerb and channel unless otherwise directed.

- The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.

STANDARD OF THE BAYSIDE PLANNING SCHEME
TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS (CLAUSE 55 AND SCHEDULE TO THE RESIDENTIAL 1 ZONE)

Title and Objective	Complies with Standard?	Requirement and Proposed
B1 Neighbourhood Character Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.	Yes	See report.
B2 Residential Policy Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.	Yes	See report.
B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.	N/A	N/A
B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.	Yes	Can be addressed through a permit condition.
B5 Integration with the Street Integrate the layout of development with the street	Yes	See report
B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	No	Required: 9 metres Proposed: 7.8 metres See report
B7 Building Height Building height should respect the existing or preferred neighbourhood character.	Yes	Required: 9 metres Proposed: 7.17 to 7.8 metres
B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	Yes	Required: 50% Proposed: 45%
B9 Permeability Reduce the impact of stormwater run-off on	Yes	Required: 20%

the drainage system and facilitate on-site stormwater infiltration.		Proposed: 35%
B10 Energy Efficiency Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.	Yes	See report.
B11 Open Space Integrate layout of development with any public and communal open space provided in or adjacent to the development.	N/A	N/A
B12 Safety Layout to provide safety and security for residents and property.	Yes	N/A
B13 Landscaping To provide appropriate landscaping. To encourage: <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. • The retention of mature vegetation on the site. 	Yes	See report. Can be addressed through a permit condition.
B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.	Yes	N/A
B15 Parking Location Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.	Yes	N/A
B16 Parking Provision Ensure car and bicycle parking meets the needs of residents and visitors. Accessways should be practical, attractive and	Yes	Required: 2 car spaces Proposed: 2 car spaces

easily maintainable.		
B17 Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	No	See table in report. Can be addressed through a permit condition.
B18 Walls on Boundaries Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	N/A	No walls on boundaries.
B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.	Yes	N/A
B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.	Yes	N/A
B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.	Yes	See report.
B22 Overlooking Limit views into existing secluded private open space and habitable room windows.	Yes	See report. Can be addressed through a permit condition.
B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.	Yes	See report. Can be addressed through a permit condition.
B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Yes	N/A
B25 Accessibility Consider people with limited mobility in the design of developments.	Yes	N/A
B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.	Yes	N/A

B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.	Yes	N/A
B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.	Yes	Required: 40sqm Proposed: Dwelling 1: 69.9sqm Dwelling 2: 107.5sqm
B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.	Yes	N/A
B30 Storage Provide adequate storage facilities for each dwelling.	Yes	Storage provided in basement car park.
B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.	Yes	See report.
B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.	No	Required: 1.2m Proposed: 1.6-2.0m
B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.	N/A	Ramp access to basement will be common property.
B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.	No	See report. Can be addressed through a permit condition.