



Planning Committee Agenda

For a meeting of the

Planning Committee

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

on

Tuesday, 18 May 2010

Commencing at 7:00pm

Chairperson: Cr Alex del Porto

Councillors: Cr Louise Cooper-Shaw
Cr Felicity Frederico
Cr. Clifford Hayes (Mayor)
Cr. James Long BM, JP
Cr. Michael Norris
Cr. Simon Russell JP



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 15 June 2010
Tuesday 13 July 2010
Tuesday 3 August 2010
Tuesday 24 August 2010
Tuesday 21 September 2010
Tuesday 19 October 2010
Tuesday 16 November 2010
Tuesday 7 December 2010
Tuesday 21 December 2010

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

Index

1. Apologies
2. Declarations of Interest
3. Confirmation of the minutes of the Planning Committee held on 27 April 2010
4. Matters for Decision
 - 1.1 62 EARLSFIELD ROAD, HAMPTON 5
SECONDARY CONSENT - APPROVE
APPLICATION NO. 2007/400/1 WARD: CENTRAL
 - 1.2 34 COLE STREET, BRIGHTON 10
SECTION 87A - APPLICATION TO AMEND A PERMIT
APPLICATION NO. 2007/27/1 WARD: NORTHERN
 - 1.3 1/20 KENT AVENUE, BRIGHTON 16
SECONDARY CONSENT - APPROVE
APPLICATION NO. 2002/7969/1 WARD: NORTHERN
 - 1.4 21- 25 WILSON STREET, BRIGHTON 21
SECONDARY CONSENT - APPROVE
APPLICATION NO. 2000/6179/1 WARD: NORTHERN

BAYSIDE CITY COUNCIL

PLANNING COMMITTEE MEETING

TUESDAY, 18 MAY 2010

- | | | |
|------|---|----|
| 1.5 | 4 SOUTHEY STREET, BRIGHTON
SECONDARY CONSENT - APPROVE
APPLICATION NO. 2008/463/1 WARD: NORTHERN | 29 |
| 1.6 | 7 HOLMHURST COURT, BRIGHTON EAST
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2007/0414/1 WARD: CENTRAL | 33 |
| 1.7 | 2/74 ESPLANADE, BRIGHTON
SECONDARY CONSENT - APPROVE
APPLICATION NO. 2005/588/1 WARD: NORTHERN | 38 |
| 1.8 | 10 ILUKA STREET BLACK ROCK
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO. 2009/646/1 WARD: SOUTHERN | 43 |
| 1.9 | 80B ESPLANADE, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2010/41/1 WARD: CENTRAL | 69 |
| 1.10 | 118 LINACRE ROAD, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2009/0673/1 WARD: CENTRAL | 78 |

1.1 **62 Earlsfield Road, Hampton**
Secondary Consent - Approve
Application No. 2007/400/1 Ward: Central

City Strategy/Statutory Planning
 File No: 2007/400/1

APPLICATION DETAILS

Land/Address:	62 Earlsfield Road, Hampton
Application is for:	Amended plans under Secondary Consent
Melway Reference:	76 K5
Ward:	Central
Application Number:	2007/400/1
Applicant's/Owner's Name:	Mr N Panopoulos
Date Received:	8 February 2010
Statutory Days Expiry:	9 April 2010
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 2
Restrictive covenants on the title?	Yes – Does not impact upon the proposal
Current use and development:	Three (3) double storey dwellings
Objections:	N/A

PROPOSITION

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

PROPOSAL

As directed by VCAT on 21 April 2008, Permit No. 2007/400/1 was issued for the construction of three (3) double storey attached dwellings in a Special Building Overlay.

On 8 February 2010, the applicant applied pursuant to the Secondary Consent provision afforded by Condition 2 of Permit No. 2007/400/1, which states:

“The development as shown on the endorsed plans must not be altered without the written consent of the responsible Authority.”

The proposed changes to the plans are as follows:

- The extension of the existing front fence along the Raynes Park Road frontage to the eastern property boundary at a height of 1.8-1.85 metres for the pillars and 0.9-0.95 metres for the infill.

The proposed front fence is located over an existing drainage and sewerage easement.

This application is retrospective and the fence has already been constructed on site.

SUBJECT SITE & LOCALITY

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

The site has a total area of 830.75 square metres and currently contains:

- Three (3) double storey dwellings.

The main site/locality characteristics are:

- No. 60 Earlsfield Road to the north contains a single storey brick dwelling with pitched tile roof.
- No. 61 Earlsfield Road to the west contains a single storey brick dwelling with pitched tile roof.
- No. 25 Raynes Park Road to the east contains a single storey weatherboard dwelling with pitched tile roof.
- Across Raynes Park Road to the south is No. 64 Earlsfield Road, which contains a double storey brick dwelling with pitched tile roof.

PERMIT/SITE HISTORY

The history of the site includes:

- Planning Permit 2007/400/1 was issued at the direction of VCAT for the construction of three (3) double storey attached dwellings in a Special Building Overlay on 21 April 2008. A Secondary Consent application was approved on 15 December 2008 to amend the plans to relocate the first floor south facing stairwell door towards the south by 1.4 metres.
- Planning Permit 2009/3821/1 was issued on 2 July 2009 for a three (3) lot subdivision.
- Planning Permit 2003/7843 was issued on 21 May 2003 for alterations and additions to an existing dwelling.

REFERRALS

External Referrals/Notices by the Planning Scheme:

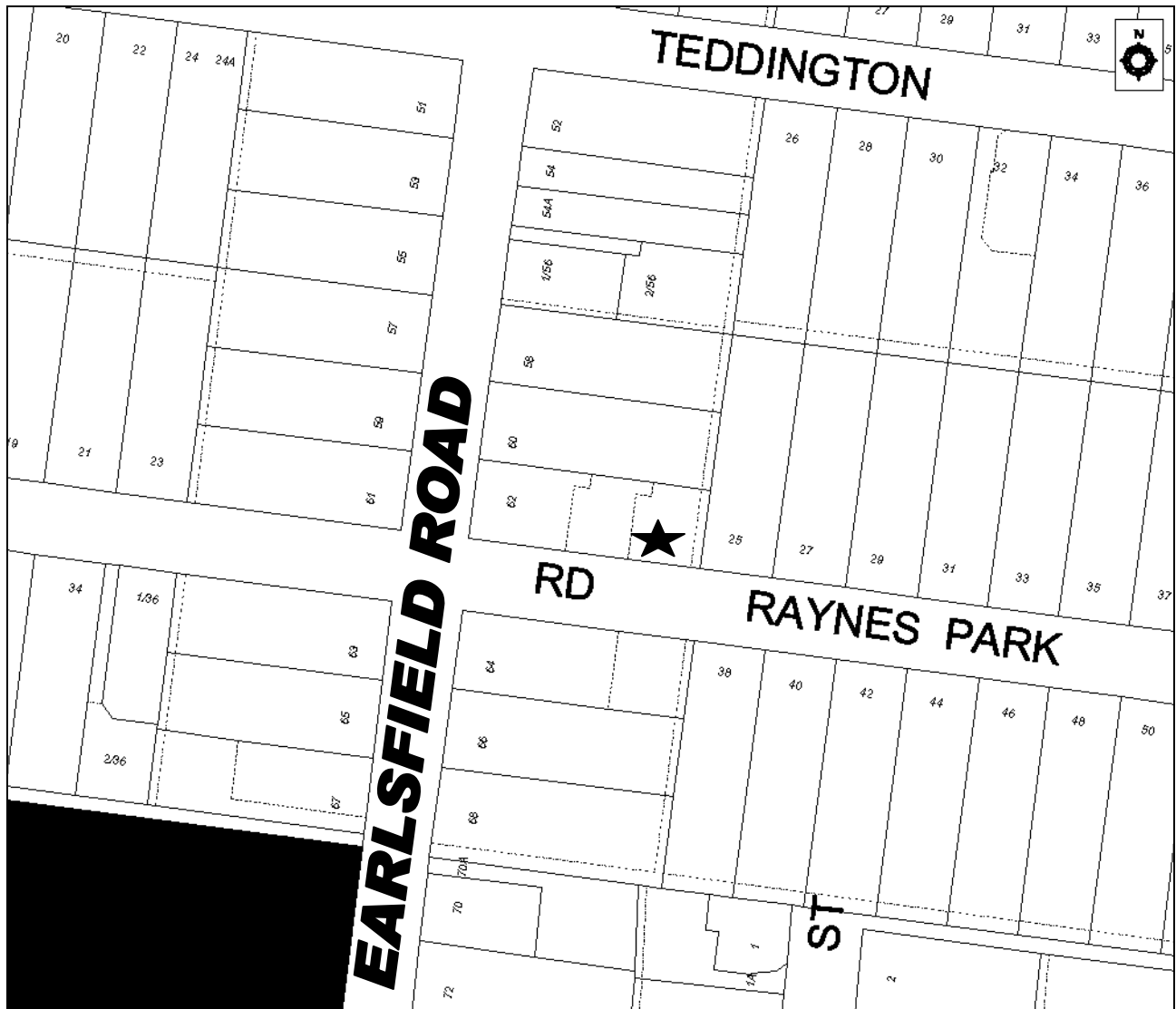
Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	South East Water – No objection Melbourne Water – No objection subject to conditions
Section 52 Notices	N/A

Internal Council Referrals	Advice/Response/Conditions
Council's Drainage Department	No objection

PUBLIC NOTIFICATION

Applications made 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 – 62 EARLSFIELD ROAD, HAMPTON



Legend

Location of subject site	★
--------------------------	---

ASSESSMENT

The principles, or tests, of Secondary Consent

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

The tests include the following:

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

The planning permit was issued for the construction of three (3) double storey attached dwellings in a Special Building Overlay. The proposed additional length of the front fence is minor in nature and will not alter what was previously approved. The proposed additional length of front fence will not result in a transformation of the original proposal.

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

The primary consent of the Planning Permit is for the construction of three (3) dwellings on the site in a Special Building Overlay. Given that the proposal is for additional length to the front fence for Dwelling 3 and there is currently already an existing front fence, it 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 the planning control under which the permit was granted.*

The purpose of the planning controls under which the original Planning Permit was granted is to ensure that the construction of three (3) dwellings within a Special Building Overlay accords with the standards and objectives of Clause 54 and the Schedule to the Residential 1 Zone of the Bayside Planning Scheme and the requirements of Melbourne Water in terms of the Special Building Overlay. Given that the proposed amendments to the endorsed plans relate to a minor extension of length to the front fence, the proposed amendment does not change the purpose of the permit approval. It is considered the fence will not result in any detrimental amenity impact. The proposal is therefore considered satisfactory in the context of the provisions under which the original permit was granted.

It is considered that the proposed amendment is appropriate and suitable for support. The proposed amendment is considered minor in nature and will not affect the amenity of the adjoining properties, and meets the 'tests' of Secondary Consent.

- *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.*

There is no specific permit requirement with regards to the proposed amendments.

This application is retrospective as the front fence has already been constructed on site. The amendment was brought to Council's attention via a complaint made to Council's Planning Investigations Department.

The concern expressed by the complainant was that the fence has been built over the existing easement onto their land.

A Planning Permit can only give permission for buildings and works within the title boundaries. A note will be made at the end of the permit (in the amendment table) reinforcing that buildings and works can only be carried out on the subject site's title land.

Any issue as to the location of the fence is a civil issue. It is the responsibility of a person undertaking works to ensure that they take place within their title boundary. It is only via a site survey undertaken by a licensed land surveyor that this can be verified.

The construction of the front fence over the existing drainage and sewerage easement has been referred to South East Water, Melbourne Water and Council's Drainage Department. None of the authorities had any objection to the construction of the front fence over the easement.

CONCLUSION

It is considered that the proposed extension to the front fence is appropriate and meets the above tests of Secondary Consent. It is therefore recommended that the amended plans be approved.

RECOMMENDATION

That the amended plans for the changes to the endorsed plans be **approved** by Council under the Secondary Consent provisions of **Planning Permit 2007/400/1** issued for the construction of three (3) double storey attached dwellings in a Special Building Overlay and the following table be added to the permit.

Date	Amendment
18 May 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"><li data-bbox="459 909 1433 1010">• The extension of the front fence along the Raynes Park Road frontage to the eastern boundary at a height of 1.8-1.85 metres for the pillars and 0.9-0.95 metres for the pillars.<li data-bbox="459 1028 1329 1093">• Construction must only occur within the subject site's legal title boundaries.

1.2 **34 Cole Street, Brighton**
Section 87A - Application to Amend a Permit
Application No. 2007/27/1 Ward: Northern

City Strategy/Statutory Planning
 File No: 2007/27/1

APPLICATION DETAILS

Land/Address:	34 Cole Street, Brighton
Application is for:	Application to VCAT to Amend a Permit pursuant to Section 87A of the <i>Planning & Environment Act 1987</i>
Melway Reference:	67 D6
Ward:	Northern
Application Number:	2007/27/1
Applicant's/Owner's Name:	Urbis
Date Received:	12 April 2010
Statutory Days Expiry:	11 June 2010
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 1
Restrictive covenants on the title?	No
Current use and development:	Vacant lot at No. 34 Cole Street, existing dwelling at No. 38 Cole Street (Both lots have been consolidated), with additional frontage to Birdwood Avenue
Objections:	N/A

PROPOSITION

It is recommended that Council **not support the amendment to the plans** to remove the Norfolk Pine and **not support the amendment to Permit Conditions 8G and 14** and advise VCAT that Council recommends the proposed amendments be advertised to the adjoining property at No. 2A Birdwood Avenue prior to a decision being made.

PROPOSAL

As the permit was issued at the direction of VCAT, any application for variation of permit conditions must be made to VCAT.

The applicant has applied to VCAT for a number of amendments to the Permit pursuant to Section 87A of the Planning and Environment Act 1987.

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

- Amend Condition 8G which states:

“Retention of existing Tree No.1: Liquidambar styraciflua – Liquidambar, and existing Tree No. 2: Aracauria heterophylla – Norfolk Pine”

To read:

“Retention of existing Tree No.1: Liquidambar styraciflua – Liquidambar, and approved replacement planting for the removal of the Arcauria heterophylla – Norfolk Pine.”

To allow the removal of Tree No. 2 Arcauria heterophylla – Norfolk Pine.

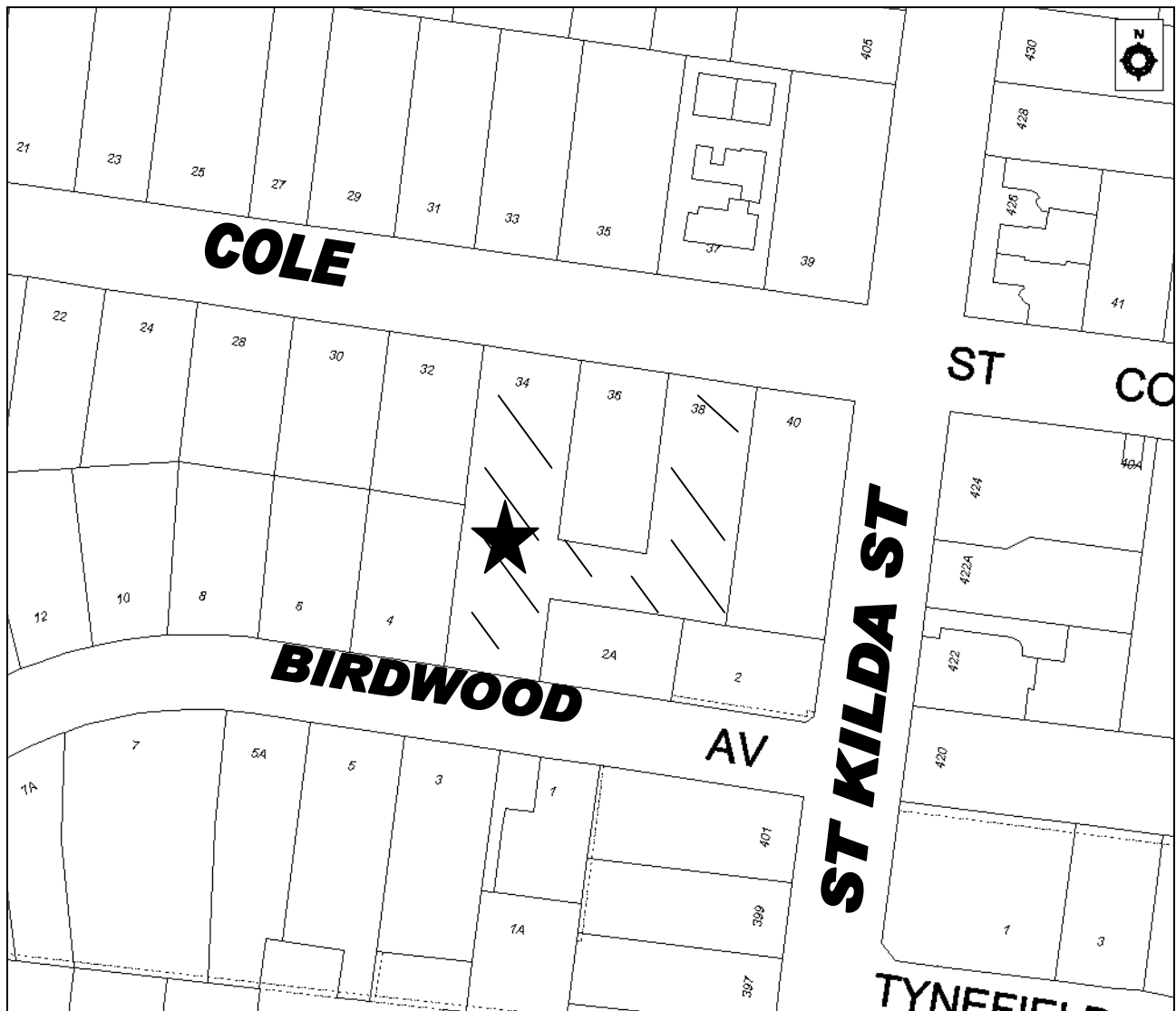
- Amend Condition 14 to remove the reference to Tree 2.
- Amend the endorsed plans as follows:
 - Show the removal of Tree No. 2 Arcauria heterophylla – Norfolk Pine, and to nominate a suitable replacement species and location.

SUBJECT SITE & LOCALITY

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

The site has a total area of 2,479.31 square metres and currently contains:

- A vacant lot at No. 34 Cole Street and an existing dwelling at No. 38 Cole Street (Both lots have been consolidated), with additional frontage to Birdwood Avenue.



Legend

Subject site	★
--------------	---

The main site/locality characteristics are:

- Across Cole Street to the north of the site is No. 33 Cole Street is a single storey brick dwelling with pitched tile roof.
- To the east of the site at No. 36 Cole Street is a double storey brick dwelling with basement car parking and pitched tile roof.

- To the south of the site at No. 2A Birdwood Avenue is a double storey rendered dwelling with flat roof profile.
- To the west of the site at No. 32 Cole Street is a double storey weatherboard dwelling with pitched tile roof.
- To the west of the site at No. 4 Birdwood Avenue is a single storey dwelling with pitched tile roof.

PERMIT/SITE HISTORY

The history of the site includes:

- On 23 October 2007, Planning Permit 2007/27/1 was issued at the direction of the Victorian Civil and Administrative Tribunal VCAT Reference No. P1405/2007, for the construction of a double storey dwelling with basement parking, a roof deck in a DDO1, a tennis court and associated lighting on the same lot as an existing single storey dwelling.
- On 27 March 2008, an amendment to Permit 2007/27/1 was issued at the direction of the Victorian Civil and Administrative Tribunal for amendments to Conditions 1a, 1c, 1d, 1i, 1l, 14, 15 and 20. This included multiple variations to these permit conditions and deletion of some of the conditions.
- On 19 October 2009, a Section 69 Extension of Time was granted to allow the buildings and works to commence by 23 October 2010, to be completed within 2 years of the date of the commencement of works.
- On 9 May 2006, Planning Permit 2006/3301 was issued for the consolidation at No. 38 Cole Street. This resulted in No. 38 Cole Street becoming part of the title of No. 34 Cole Street.

PUBLIC NOTIFICATION

This is a Section 87A application to VCAT and has not been advertised.

REFERRALS

External Referrals/Notices by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	N/A
Section 52 Notices	N/A

Internal Council Referrals	Advice/Response/Conditions
Council's Arborist	Does not support the application

ASSESSMENT

Amendments to the permit conditions

The applicant proposes to amend Permit Condition 8G as follows:

Original:

“Retention of existing Tree No.1: Liquidambar styraciflua – Liquidambar, and existing Tree No. 2: Arcauria heterophylla – Norfolk Pine”

Proposed:

“Retention of existing Tree No.1: Liquidambar styraciflua – Liquidambar, and approved replacement planting for the removal of the Arcauria heterophylla – Norfolk Pine.”

To allow the removal of Tree No. 2 Arcauria heterophylla – Norfolk Pine.

The applicant proposed to amend Permit Condition 14 to remove the reference to *Tree No. 2 Arcauria heterophylla – Norfolk Pine*.

The applicant proposes to also amend the endorsed plans to show the removal of Tree No. 2 Arcauria heterophylla – Norfolk Pine, and to nominate a suitable replacement species and location.

Council’s Arborist has assessed the proposal for the removal of the Arcauria heterophylla – Norfolk Pine. They advise that the tree has a high retention value, the tree is in good health and good structure. The tree does not show any signs of chlorosis. The tree has a high landscape value and has a long life expectancy. The replacement planting proposed could be planted to provide amenity, regardless of whether the subject tree is removed. It is considered the proposed replacement planting is not suitable as a substitute for what exists on site.

Council’s Arborist also provides that the tree is highly suitable to the area, being tolerant of salt laden winds and buffeting coastal winds.

Therefore, for the above reasons, Council does not support the application to amend permit conditions 8G and 14 and does not support the proposed amendments to the plans.

CONCLUSION

It is considered that the changes sought in relation to the variation to Permit Condition 8G, 14 and the proposed change to the endorsed plans shall not be supported by Council. It is also considered the proposed removal of the Norfolk Pine will require advertising to the neighbour.

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 as follows in respect to the proposed **changes to Planning Permit 2007/27/1** issued for the **construction of a double storey dwelling with basement parking, a roof deck in a DDO1, a tennis court and associated lighting on the same lot as an existing single storey dwelling** in accordance with the application dated 12 April 2010 be refused on the following grounds:

Part A

1. The Arcauria heterophylla – Norfolk Pine is in good health and structure and provides a high level of amenity to the streetscape and area.
2. The Arcauria heterophylla – Norfolk Pine is considered to be of high retention value and provides a high landscape value.
3. The proposed replacement planting is not considered to be appropriate.

Part B

1. Council considers that notification of the application should be given to neighbouring properties prior to VCAT hearing the request.

1.3 **1/20 Kent Avenue, Brighton**
Secondary Consent - Approve
Application No. 2002/7969/1 Ward: Northern

City Strategy/Statutory Planning
 File No: 2002/7969/1

APPLICATION DETAILS

Land/Address:	1/20 Kent Avenue Brighton
Application is for:	Secondary Consent – Amended Plans
Melway Reference:	67 C6
Ward:	Northern
Application Number:	2002/7969/1
Applicant's/Owner's Name:	SJB Planning Pty Ltd
Date Received:	21 April 2010
Statutory Days Expiry:	21 May 2010
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay – Schedule 1
Restrictive covenants on the title?	N/A
Current use and development:	Residential
Objections:	N/A

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 secondary consent provisions of Condition 3 of the permit, which states:

“The use and or development as shown on the endorsed plans must not be altered or modified (whether or not in order to comply with any statute, statutory role or for any other reason) without the prior written consent of the Responsible Authority.”

The proposed amendments are as follows:

LOWER GROUND FLOOR

- Three new windows added along the northern elevation of the basement storeroom. (TP04 – Rev D).

GROUND FLOOR

- The glazed wall cladding changed to metal cladding under the window to the kitchen of the southern elevation at ground floor and first floor. (TP05 – Rev D and TP06 – Rev D).
- Double glazed doors to replace existing fire place within the rumpus room and steps to garden area from this doors (TP05 – Rev E).

- New sash-less window to replace gothic arched window. (TP05 – Rev E).

NORTH AND SOUTH ELEVATIONS

- Amendments to the northern and southern elevations and material / finishes schedule in accordance with the above changes (TP08 – Rev D and TP09 – Rev D).

SUBJECT SITE & LOCALITY

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

The site is irregular in shape with 31.7 metre frontage (to side laneway), a 16 metre side abuttal to the Brighton foreshore (western side), a rear boundary of 21.36 metres and an eastern side boundary abuttal of 32.29 metres.

The site comprises a total site area of approximately 482 sqm. and is currently occupied by contemporary double storey dwelling constructed of render with curved skillion roof forms.

Locality Map – 1/20 Kent Avenue, Brighton



Legend	
Subject land	★

PERMIT/SITE HISTORY

Planning Permit No. 2002/97969/1 was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) for “alterations and additions to an existing double storey dwelling on a lot less than 500 square metres” on 18 August 2003.

The plans were endorsed by Council on the 6 November 2003.

A request for a twelve month extension of time to commence works pursuant to Section 69 (1) of the Planning and Environment Act 1987 was granted on the 13 April 2005, with subsequent request granted on the 16 June 2006 and 27 July 2007.

The endorsed plans were amended via secondary consent provisions at Council Planning Delegate on the 15 May 2009.

A request to grant an extension of time for the above permit pursuant to Section 69 (1) of the Planning and Environment Act 1987 was granted on 13 August 2009.

PUBLIC NOTIFICATION

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

REFERRALS

External Referrals/Notices by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	N/A
Section 52 Notices	N/A

Internal Council Referrals	Advice/Response/Conditions
N/A	N/A

ASSESSMENT

The principles, or tests of Secondary Consent

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

The tests include the following:

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

It is considered that the proposed amendments are minor aesthetic changes, in relation to fenestration, internal layout, and type of material used and will not result in a transformation of the original proposal.

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

The primary consent of the planning permit was for alterations and additions to an existing double storey dwelling on a lot less than 500 sqm. The request for secondary consent 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 the planning control under which the permit was granted.*

The purpose of the planning control under which the permit was granted was to ensure that the built form, amenity impacts, car-parking arrangement and overall design of the site accords with the relevant provisions of the Bayside Planning Scheme.

The proposed amendments requested via secondary consent provisions do not change the development of the site for which the permit was issued, with the proposed provision of three windows along the northern elevation at lower ground level considered an improvement to the internal amenity by increasing natural light and improved cross ventilation to this lower ground level. The proposed windows do not have the potential to overlook into adjoining properties further north and are therefore considered appropriate.

The proposed replacement of the existing fireplace within the rumpus room with double glazed doors, provides direct connectivity to the dwelling's garden and is considered acceptable as it will improve the internal amenity of this room through the provision of providing direct connectivity to private open space and increase of natural light within this habitable room.

Other changes include a small section of glazed wall under the window to the kitchen along the southern elevation being replaced with metal cladding and the existing gothic window to be replaced with a sash-less window. It is considered that the proposed changes are cosmetic, and relatively minor.

It is therefore considered that the proposal is appropriate and acceptable in this regard and will not result in changes to the original permit triggers for this application.

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

It is considered that the proposed amendment will not contravene the conditions of the permit, which cannot be altered by secondary consent.

The proposed amendments to the plans are considered to be acceptable, and will not result in any additional amenity impacts to adjoining residential properties.

It is therefore considered that the proposed amendments are appropriate for support.

CONCLUSION

It is considered that the proposed changes to the plans are acceptable, and meet the tests that relate to secondary consent. It is therefore recommended that the amended plans be approved.

RECOMMENDATION

That the amended plans be **approved** under the Secondary Consent Provisions of Planning Permit 2002/7969/1 issued for **alterations and additions to an existing double storey dwelling on a lot less than 500 sqm.** at **1/20 Kent Avenue, Brighton**, and the following table be added to the permit:

Date	Amendment
18 May 2010	<p>Secondary consent to amend plans:</p> <p>LOWER GROUND FLOOR</p> <ul style="list-style-type: none"> • Three new windows along the northern elevation of the basement storeroom. (TP04 – Rev D). <p>GROUND FLOOR</p> <ul style="list-style-type: none"> • The glazed wall cladding changed to metal cladding under the window to the kitchen of the southern elevation at ground floor and first floor. (TP05 – Rev D and TP06 – Rev D). • Double glazed doors to replace existing fire place within the rumpus room and steps to garden area from this doors (TP05 – Rev E). • New sashless window to replace gothic arched window. (TP05 – Rev E). <p>NORTH AND SOUTH ELEVATIONS</p> <ul style="list-style-type: none"> • Amendments to the northern and southern elevations and material / finishes schedule in accordance with the above changes (TP08 – Rev D and TP09 – Rev D).

1.4 **21- 25 Wilson Street, Brighton**
Secondary Consent - Approve
Application No. 2000/6179/1 Ward: Northern

City Strategy/Statutory Planning
 File No: 2000/6179/1

APPLICATION DETAILS

Land/Address:	21-25 Wilson Street, Brighton
Application is for:	Secondary Consent – Amended Plans
Melway Reference:	67 F11
Ward:	Northern
Application Number:	2000/6179/1
Applicant's/Owner's Name:	Minawood Pty. Ltd. C/- SJB Planning
Date Received:	24 December 2009
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 2 (DDO2)
Restrictive covenants on the title?	No
Current use and development:	Khyat's Hotel and associated car parking areas and construction site for the approved apartment building (Planning Permit No. 2000/6179/1).

PROPOSITION

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

PROPOSAL

The applicant has applied pursuant to the Secondary Consent provisions afforded by Condition 3 of Planning Permit No. 2000/6179/1 for the following amendments to the endorsed plans:

Basement Plan (TP Sheet 2 of 9 Rev A)

- The ramp access gradient length (of 1 in 5) increased to a length of 11.5 metres (from 10 metres) with the gradient of the ramp at 1 in 10 reduced in length (from 2.7 metres to 2 metres) at the access entrance.
- The basement level reduced in height by 200 mm to an R.L. of 14.88 from 15.08.
- A water tank introduced under basement slab with a length of 15 metres and width of 2.3 metres.

Ground Floor Plan (TP Sheet 3 of 9 Rev A)

- A larger pergola structure added to the entrance foyer for apartments (via Wilson Street).
- A window added to the south of the entrance foyer (within the common lobby area).

First Floor Plan (TP Sheet 4 of 9 Rev A)

- Alteration to the first floor window to the south of the entrance foyer from 2700 mm x 800 mm to 1750 mm x 900 mm.

Second Floor (TP Sheet 5 of 9 Rev A)

- Internal reconfiguration of Apartment 21, including deletion of staircase and an increase of common area space as a result of this.

Roof Top Plan (TP Sheet 6 of 9 Rev A)

- Roof top pool to apartment 19 increased in length by 2.6 metres to become a 15.1 metre x 3.1 metre lap pool.
- Roof deck to Apartment 21 removed with additional deck space and new lap pool added to Apartment 17.
- Roof top pool to Apartment 18 decreased in length by 1.3 metres to 11.2 metres x 3.1 metres.

Elevation Plans (TP Sheet 7 and 8 of 9 Rev A)

- The elevations have been updated to reflect the changes described above, including amendments to the fenestration.

Landscape Plan (TP Sheet 9 of 9 Rev A)

- The landscape plan has been updated to reflect changes described above.

SUBJECT SITE & LOCALITY

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

The site is currently occupied by Khyat's Hotel, with the currently approved apartment building under construction to the west of the hotel building.

The site is located on the northern side of Wilson Street, abutting the Brighton Police Station and is opposite the Brighton Town Hall and Brighton Council Chambers. The site is generally rectangular in shape, has a frontage of 40.5 metres, a depth of 52 metres and a total area of 2,377 square metres.

A bitumen Right-of-Way (on title) currently provides rear access to the site from Collins Street. An application has been recently received to realign the boundaries of properties located at No. 81 – 83 Carpenter Street (further north east) to acquire part of this right of way. The north-western portion of the site is currently under construction for the purpose of twenty one (21) dwellings and associated car parking with the remainder of the site occupied by Khyat's Hotel, which is a substantial double storey building (with existing use rights) comprising of the following:

- Public bar
- Lounge/saloon bar (100 persons)
- Bistro (120 persons)
- Dining room/restaurant (40 persons)

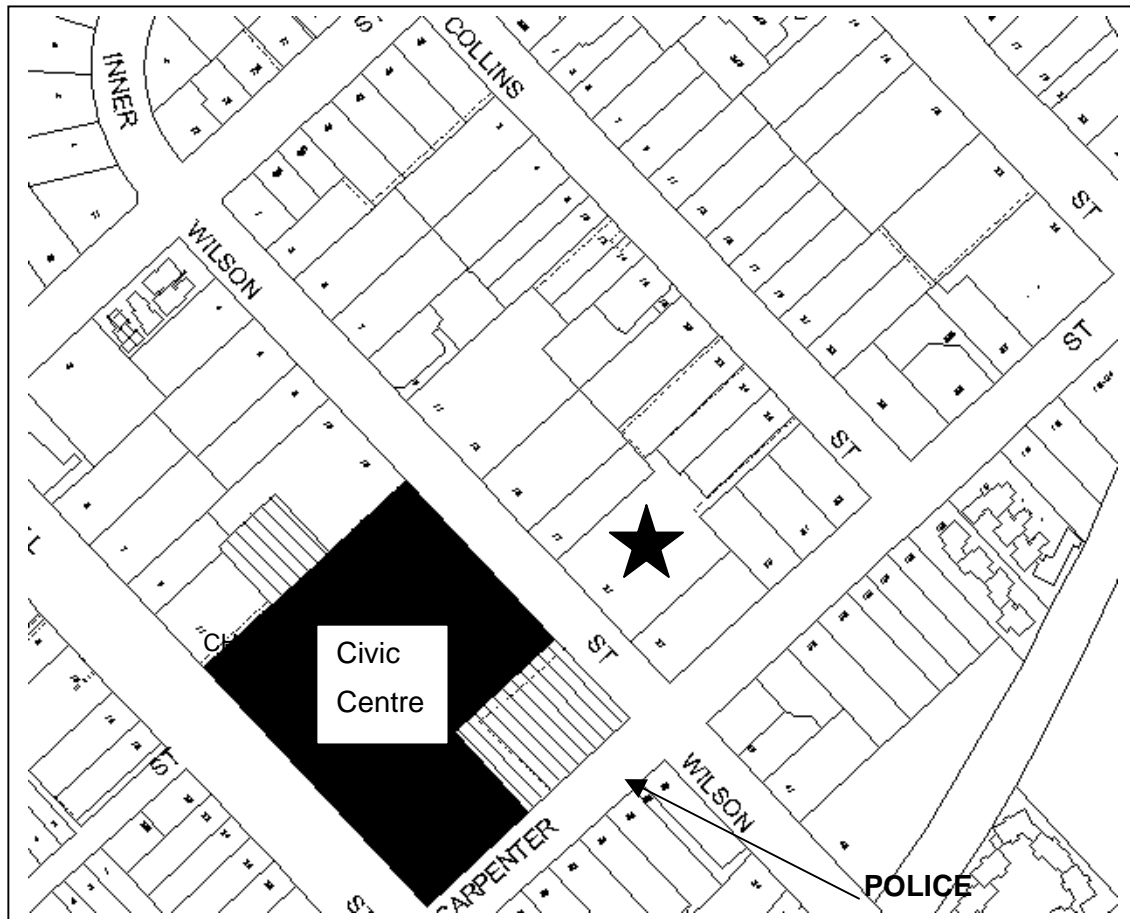
- Function rooms
- Kitchen, office, staff amenities, public toilet and storage/waste areas
- Outdoor courtyard
- Three residential apartments (first floor)

The site/locality characteristics are:

- Immediately abutting the south-east of the site is the Brighton Police Station which is located on the corner of Wilson and Carpenter Streets.
- To the north-west of the site is No 17-19 Wilson Street which comprises of two (2) single storey attached dwellings.
- To the north-east are detached dwellings fronting on to Collins Street or Carpenter Street.
- To the south, (across Wilson Street), is the Brighton Town Hall, Municipal offices, library and public car park

The civic buildings (police station, town hall, council chambers, court house, library and St Cuthbert's church) immediately surrounding the subject site make up the Bayside's Civic Precinct and the 'hotel' makes a valuable contribution as an integral part of this association with the city's social and cultural heritage. The City of Bayside Inter-War & Post-War Heritage Study notes that *'With many of the district's early hotels conspicuously sited on major thoroughfares, the present example stands out for its relatively isolated location, on the edge of a government precinct that would later include town hall, police station and law courts'*.

LOCALITY PLAN – 21-25 WILSON STREET, BRIGHTON



Legend	
Subject land	★

PERMIT/SITE HISTORY

The history of the site includes:

Planning Permit No.2000/6179/1 Council refused Planning Permit No. 2000/6179 for 21 dwellings and associated car parking. On the 30 October 2001 the Victorian Civil and Administrative Tribunal determined to issue a planning permit.

Planning Permit No. 2000/6179 allows for the development of the land whilst retaining the existing front bar, office and caretaker’s flat at Khyat’s Hotel and demolishing the balance of the hotel. The proposal involves a basement car park providing 52 car parking spaces for the proposed (21) apartments and for the hotel staff. No on-site car parking is provided for the patrons of the hotel. The new building is proposed to be 3 storeys.

Requests for an Extension of Time

On 23 September 2003, the applicant requested a twenty-four (24) month extension of time. Council granted a twelve (12) month Extension of Time on 7 October 2003. The permit was due to expire if the development did not commence by 30 October 2004 and the development was not completed by 30 October 2006.

In July 2004 the applicant requested a further twelve (12) months Extension of Time. Council granted a twelve (12) month Extension of Time on 24 August 2004. The permit was due to expire if the development was not started by 30 October 2005 and the development was not completed by 30 October 2007.

On 25 August 2005, the applicant requested a twenty-four (24) months Extension of Time. A twelve months Extension of Time was granted. The permit was due to expire if the development is not started by 30 October 2006 and the development is not completed by 30 October 2008.

On 29 June 2006 the applicant requested a twelve (12) months Extension of Time for commencement and completion of the project. On 17 July 2006 Council wrote to the applicant advising that Council at its Planning Delegate meeting of 10 July 2006 had resolved to Refuse the request for an Extension of Time. The applicant appealed Council's decision. The Tribunal ordered that an Extension of Time be Granted, extending the commencement date until 25 October 2008.

On 12 May 2008 the applicant requested an Extension of Time which Council granted. This extension of time allowed the use and development to commence by 25 September 2009 and to be completed by 25 September 2011.

On 2 July 2008 the applicant submitted an Application to Amend the Permit pursuant to Section 87A of the *Planning and Environment Act 1987* to allow for the demolition of Khyat's Hotel in order to construct an additional five (5) dwellings on the site currently occupied by the hotel. The application was not supported by Council and subsequently refused by the Tribunal on 25 March 2009.

On 6 April 2009 the applicant applied for an Extension of time (12 months) which was refused by Council.

On 25 August 2009 Council approved a six months extension of time to commence and complete the works. The permit will expire if the development is not started by 25 March 2010 and the development is not completed by 25 March 2012.

Requests for Secondary Consent

On 27 January 2010 Council approved under secondary consent provisions amendments to the endorsed plans.

PUBLIC NOTIFICATION

Applications made 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*.

REFERRALS

External Referrals/Notices by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	N/A
Section 52 Notices	N/A

Internal Council Referrals	Advice/Response/Conditions
Traffic Engineer	No objection.

ASSESSMENT

The applicant has applied under Secondary Consent provisions afforded by Condition 3 of Planning Permit No. 2000/6179/2 to amend the endorsed plans.

The principles, or tests, of Secondary Consent

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

The tests include the following:

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

Planning Permit 2000/6179/1 allowed the construction of twenty one (21) apartments. The requested amendments include the internal reconfiguration of the approved building and amendments to the roof top plan (without alteration to the existing approved footprint) and are therefore not considered to represent a transformation of the proposal.

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

The changes proposed do not authorise works that would require primary consent under the planning scheme.

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

The proposed amendment is of no consequence having regard to the purpose of the planning control under which the permit was issued. The modifications will not compromise the standards and objectives of the zone as they are of a minor nature, will not result in detriment to the streetscape or to the adjoining neighbours, and will not constitute a discernible change to the scale and mass of the approved development.

The proposed amendments to the basement level are considered relatively minor and relate to the lowering of the basement depth by 200 mm, installation of a new water tank, and the increase of ramp lengths and grades with no consequence to the planning control for which the permit was granted. The application was internally referred to Councils Traffic Engineer who raised no objection to the amended ramp grades and new basement depth.

The proposed changes to the ground, first and second floor of the building include the internal reconfiguration of apartment 21 and the lobby areas, including alteration to fenestration of the common area and the inclusion of a larger pergola to the ground floor entrance of the building from Wilson Street. The proposed changes are considered appropriate with the increased entrance pergola resulting in a more pronounced sense of address from Wilson Street, which is encouraged within planning policy (Clause 52.35 – Urban Context Report and Design Response for residential development of four or more storeys – Guidelines for Higher Density Development - objective 3.4 – to create street entrances with a strong identity that provides a transition from the street to residential interiors).

The proposed changes to the roof top include the reduction in length of the lap pool to apartment 18, the removal of the roof deck to apartment 21 to make way for additional deck space and new lap pool to apartment 17 and the increase in length of the lap pool of apartment 19 by 2.6 metres. It is considered that the proposed changes are acceptable and will not result in an overall increase of the roof top footprint and are therefore considered acceptable.

- *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 requested changes primarily relate to the internal reconfiguration of the existing building footprint, fenestration changes, a more pronounced front entry (via a new pergola structure) and slight modifications to the basement ramp gradients and level of basement (lowered by 200 mm) as well as new water tank within basement.

The proposed changes are not contrary to any specific requirement or condition to the planning permit and are therefore considered acceptable.

CONCLUSION

It is considered that the proposed modifications to the endorsed plans are appropriate, and meet the above tests of Secondary Consent. It is therefore recommended that the amended plans be approved.

RECOMMENDATION

That the Amended Plans be **approved** by Council under the Secondary Consent provisions of **Planning Permit 2000/6179/1** issued for **twenty-one (21) dwellings and alterations to existing hotel at 21-25 Wilson Street, Brighton**, and the following table be added to the permit.

Date	Amendment
18 May 2010	<p>Secondary Consent to Amend Plans:</p> <p>Basement Plan</p> <ul style="list-style-type: none"> • The ramp access gradient length (of 1 in 5) increased to a length of 11.5 metres (from 10 metres) with the gradient of the ramp at 1 in 10 reduced in length (from 2.7 metres to 2 metres) at access entrance. (TP Sheet 2 of 9 Rev A) • The basement level reduced in height by 200 mm to an R.L. of 14.88 from 15.08. (TP Sheet 2 of 9 Rev A) • A water tank introduced under basement slab with a length of 15 metres and width of 2.3 metres. (TP Sheet 2 of 9 Rev A) <p>Ground Floor Plan</p> <ul style="list-style-type: none"> • A larger pergola structure added to entrance foyer for apartments (via Wilson Street). (TP Sheet 3 of 9 Rev A) • A window added to the south of the entrance foyer (within common lobby area). (TP Sheet 3 of 9 Rev A) <p>First Floor Plan (TP Sheet 4 of 9 Rev A)</p> <ul style="list-style-type: none"> • Alteration to the first floor window to the south of the entrance foyer from 2700 mm x 800 mm to 1750 mm x 900 mm. <p>Second Floor (TP Sheet 5 of 9 Rev A)</p> <ul style="list-style-type: none"> • Internal reconfiguration of Apartment 21, including deletion of staircase and an increase of common area space as a result of this. <p>Roof Top Plan (TP Sheet 6 of 9 Rev A)</p>

	<ul style="list-style-type: none">• Roof top pool to apartment 19 increased in length by 2.6 metres to become a 15.1 metre x 3.1 metre lap pool.• Roof deck to Apartment 21 removed with additional deck space and new lap pool added to Apartment 17.• Roof top pool to Apartment 18 decreased in length by 1.3 metres to 11.2 metres x 3.1 metres. <p>Elevation Plans (TP Sheet 7 and 8 of 9 Rev A)</p> <ul style="list-style-type: none">• The elevations have been updated to reflect the changes described above, including amendments to the fenestration. <p>Landscape Plan (TP Sheet 9 of 9 Rev A)</p> <ul style="list-style-type: none">• The landscape plan has been updated to reflect changes described above.
--	--

1.5 **4 Southey Street, Brighton**
Secondary Consent - Approve
Application No. 2008/463/1 Ward: Northern

City Strategy/Statutory Planning
 File No: 2008/463/1

APPLICATION DETAILS

Land/Address:	4 Southey Street, Brighton
Application is for:	Secondary Consent – Amended Plans
Melway Reference:	67G10
Ward:	Northern
Application Number:	2008/463/1
Applicant's/Owner's Name:	R O'Connell
Date Received:	14 April 2010
Statutory Days Expiry:	14 May 2010
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 2
Restrictive covenants on the title?	No
Current use and development:	Double storey residential 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, which states:

“The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.”

The proposed amendment includes an alteration to the material of the rear-dividing wall at the second storey between the dwellings from brick to Hebel panel wall.

SUBJECT SITE & LOCALITY

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

The subject site is located on the south side of Southey Street and has a total site area of approximately 743 square metres. The second dwelling is currently under construction at frame stage.

The main site/locality characteristics are:

- The properties to the **north**, across Southey Street, contain single and double storey dwellings.

- The properties to the **south**, across the rear laneway, contain residential dwellings at 3 and 5 Byron Street with garages located at the rear of the properties with access via the rear laneway.
- The adjoining properties to the **east**, at 6 and 8 Southey Street, contain two (2) single storey brick dwellings located one behind the other. The front dwelling has a front setback of 8.8 metres from the street frontage.
- The adjoining property to the **west**, at 2 Southey Street, contains a single storey brick dwelling with a front setback of 7.2 metres from the street frontage. There is a swimming pool located at the rear of the site. The site is individually listed with a Heritage Overlay (HO595).

PERMIT/SITE HISTORY

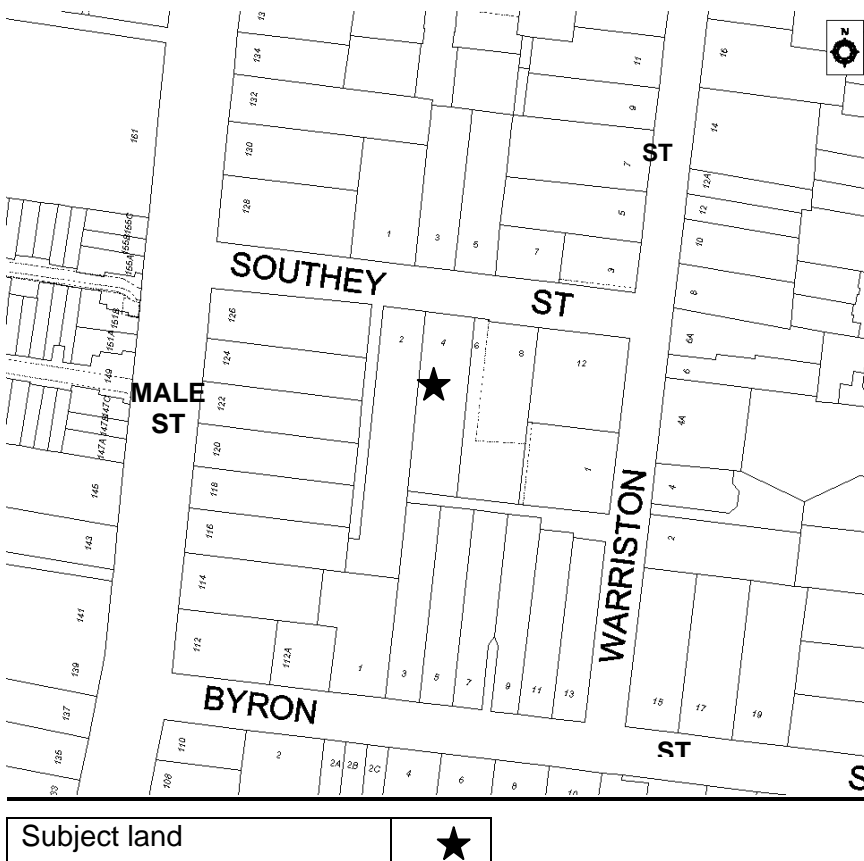
On the 18 June 2009 Planning Permit No. 2008/463/1 was issued at the direction of VCAT for the “construction of a second dwelling on a lot.”

Council endorsed condition 1 plans, on 3 September 2009.

PUBLIC NOTIFICATION

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

Locality Map – 4 Southey Street, Brighton



REFERRALS

No external or internal referrals were required.

ASSESSMENT

The principles, or test 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 PL v Moreland CC [2005]).

The tests include the following:

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

The request for changes to the approved plans, include a change in material to the rear-dividing wall between both dwellings from brick to Hebel panel wall. It is considered that this will not result in the transformation of the proposal.

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

The primary consent for planning approval was for the construction of a second dwelling on a lot.

It is considered that the request for secondary consent 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 built form of the second dwelling, amenity impacts, car parking arrangement and overall design of the site for the purpose of a second dwelling on a lot, accords with the relevant provisions of the Bayside Planning Scheme.

The proposed amendment does not change the purpose for which a permit was granted, with the alteration proposed considered to be relatively minor in nature and not visually detrimental to the adjoining property to the east of 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 amendment is not contrary to specific conditions, which relate to the planning permit, in particular Condition 1b) which state:

“A schedule of all external materials and finishes must be provided to the buildings and works on the land. The schedule shall show the materials, colour (including two colour samples) and finish of all external walls, roof, facias, window frames and paving (including car park surface).”

It is considered that the proposed amendment to the endorsed plans will not contravene the conditions of the permit.

The proposed amendment to the plans is considered appropriate, and is therefore recommended for approval.

CONCLUSION

It is considered that the proposed alteration is appropriate, and meets the above tests that relate to secondary consent. It is therefore recommended that the amended plans be approved.

RECOMMENDATION

That the Amended Plans be **approved** under the Secondary Consent Provisions of **Planning Permit No. 2008/463/1** for the **construction of a second dwelling on a lot at 4 Southey Street, Brighton** and the following table be added to the permit:

Date	Amendment
18 May 2010	Secondary consent to amend plans: <ul style="list-style-type: none">Alteration to the material of the rear-dividing wall at the second storey between the dwellings from brick to Hebel panel wall.

1.6 **7 Holmhurst Court, Brighton East**
Secondary Consent - Approve
Application No: 2007/0414/1 Ward: Central

City Strategy/Statutory Planning
 File No: 2007/0414/1

APPLICATION DETAILS

Land/Address:	7 Holmhurst Court, Brighton East
Application is for:	Secondary Consent – Amended Plans
Melway Reference:	76 J4
Ward:	Central
Application Number:	2007/414/1
Applicant's/Owner's Name:	Peter Batziakas
Date Received:	15 March 2010
Statutory Days Expiry:	15 April 2010
Zoning:	Residential 1
Overlays:	Design and Development Overlay 2
Restrictive covenants on the title?	No
Current use and development:	Two (2) double storey attached dwellings.

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 provisions of Condition 2 of the permit, which states:

“The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.”

The amendments proposed are as follows:

- Removed a window to the ground floor on the east elevation.
- Altered the design of the ground floor windows on the east elevation.
- Altered the location of the first floor windows on the east elevation.
- Removed a window to the ground floor on the west elevation.
- Altered the design of the ground floor windows on the west elevation.
- Removed a window to the first floor on the west elevation.
- Added a window to the first floor on the west elevation.
- Modifications to the internal layout.

PERMIT/SITE HISTORY

On the 23 May 2008 Council issued Planning Permit 2007/414/1 the construction of two (2) double storey attached dwellings.

SUBJECT SITE & LOCALITY

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

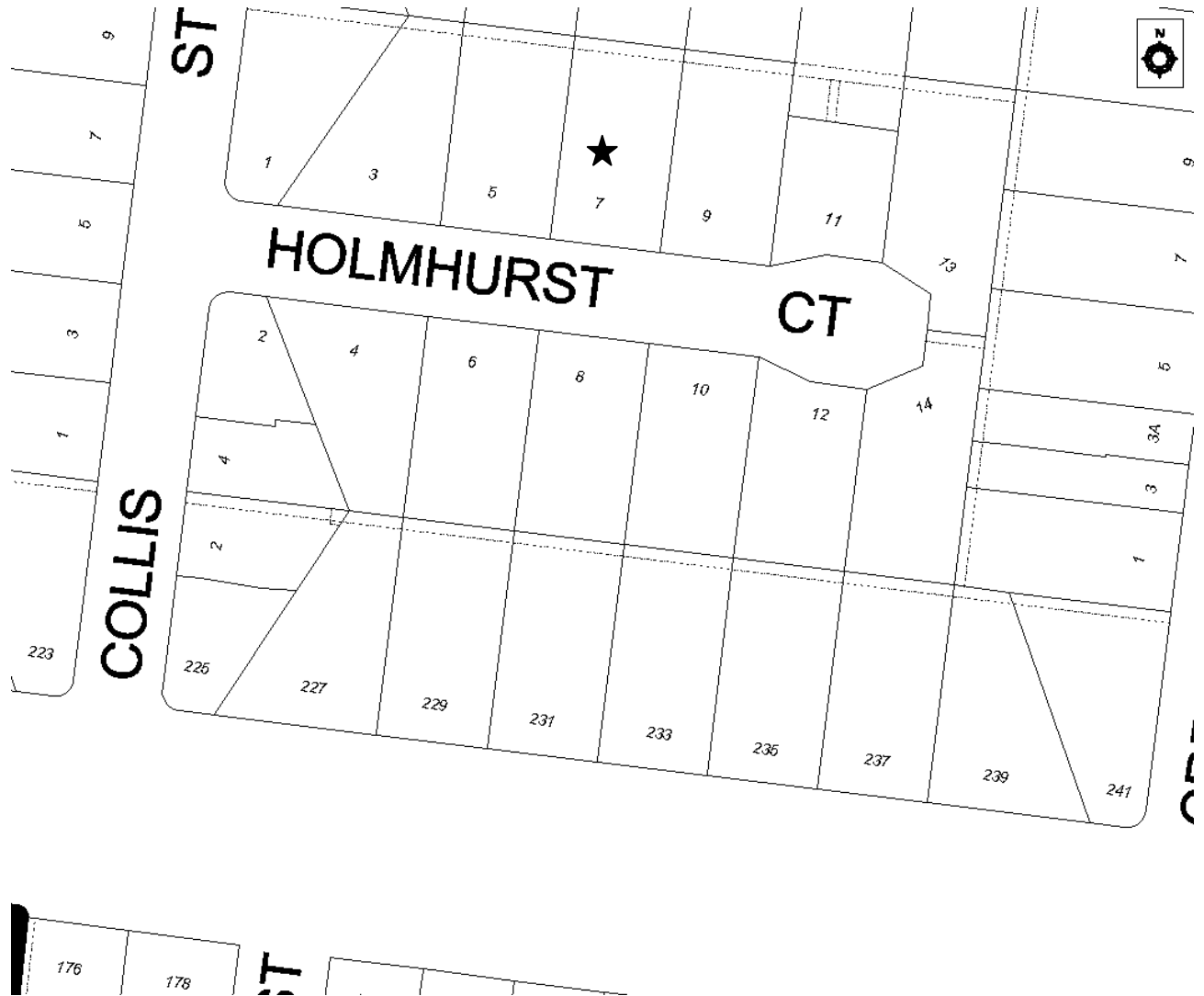
The site has a total area of 637square metres and currently contains:

- Two (2) double storey attached dwellings.

The main site/locality characteristics are:

- To the **east** of the site at 9 Holmhurst Court is a single storey dwelling.
- To the **west** of the site at 5 Holmhurst Court is a single storey dwelling.
- To the **north** (rear) of the site is a single storey dwelling.
- To the **south** (opposite) the site are single storey dwellings.

LOCALITY MAP



Subject land	★
--------------	---

PUBLIC NOTIFICATION

Applications made 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*.

REFERRALS

External Referrals/Notices by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Not applicable.
Section 52 Notices	This application is exempt from the notice requirements of Section 52(1)(a), (b) and (d) of the <i>Planning and Environment Act 1987</i> .

ASSESSMENT

The applicant has applied pursuant to the Secondary Consent provision afforded by Condition 2 of Planning Permit No. 2007/0414/1 to amend the endorsed plans.

The principles, or tests, of Secondary Consent

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

The tests include the following:

- *The proposed amendment does not result in a transformation of the proposal.*
The planning permit was issued for the construction of two dwellings. The proposed alterations are minor in nature and will not alter what was previously approved.
- *The proposed amendment does not authorise something for which primary consent is required under the planning scheme.*

The primary consent of the Planning Permit is for the construction of two dwellings. The proposed amendments to the plans does not authorise something for which primary consent is required under the planning scheme.

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

The purpose of the planning controls under which the original Planning Permit was granted is to ensure that the development accords with the standards and objectives of the Bayside Planning Scheme. The proposed amendments to the endorsed plans relate to minor changes to the plans and do not change the purpose of the permit.

The proposed changes to the first floor windows will not result in any unreasonable overlooking of the adjoining properties. The proposal is therefore considered satisfactory in the context of the provisions under which the original permit was granted and will not result in any unreasonable amenity impacts to the neighbours.

- *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.*

There is no specific permit requirement or condition that the proposed amendment contravenes.

The proposed changes are considered minor in nature and will not result in any amenity impacts to the adjoining properties, and meet the 'tests' of Secondary Consent. It is considered that the proposed amendments are appropriate and are suitable for support.

CONCLUSION

It is considered that the proposed changes via Secondary Consent of Planning Permit No. 2007/414/1 is appropriate and meets the tests of Secondary Consent. It is therefore recommended that the amended plans be approved.

RECOMMENDATION

That the amended plans for the alterations to the plans to include a deck for dwelling 2, be **approved** by Council under the Secondary Consent provisions of **Planning Permit 2007/414/1** issued for the construction of two (2) double storey attached dwellings, at the land known as 7 Holmhurst Court, Brighton East, and the following table be added to the permit.

Date	Amendment
18 May 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> • Removed a window to the ground floor on the east elevation. • Altered the design of the ground floor windows on the east elevation. • Altered the location of the first floor windows on the east elevation. • Removed a window to the ground floor on the west elevation. • Altered the design of the ground floor windows on the west elevation. • Removed a window to the first floor on the west elevation. • Added a window to the first floor on the west elevation. • Modifications to the internal layout.

1.7 **2/74 Esplanade, Brighton**
Secondary Consent - Approve
Application No. 2005/588/1 Ward: Northern

City Strategy/Statutory Planning
 File No: 2005/588/1

APPLICATION DETAILS

Land Address:	2/74 Esplanade, Brighton
Application is for:	Secondary Consent - Amended Plans
Melway Reference:	76 G9
Ward:	Northern
Application Number:	2005/588/1
Applicant's/Owner's Name:	JDA Architects
Date Received:	29 April 2010
Statutory Days Expiry:	29 May 2010
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay 1
Restrictive covenants on the title?	No
Current use and development:	Single dwelling

PROPOSITION

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

PROPOSAL

On 29 November 2006, at the direction of the Victoria Civil and Administrative Tribunal, Council issued Planning Permit No. 2005/588/1 for alterations and additions including a first floor and roof deck to a dwelling on a lot less than 500sqm and in a height control area (Design and Development Overlay Schedule 1).

On 29 April 2010, the applicant applied to amend the approved plans pursuant to the Secondary Consent provision afforded by Condition 2 of Planning Permit No. 2005/588/1, which states:

- *The use and/or development as shown on the endorsed plans must not be altered or modified (whether or not in order to comply with any statute, statutory rule or for any other reason) without the prior written consent of the Responsible Authority.*

The amendment proposed is as follows:

- Relocation of the air-conditioning/heating units from within the roof terrace/deck to the roof adjacent and positioned along with the heater unit to the east side of the stair enclosure. The units are proposed to be visually screened by timber battens around two sides to a height of 1.7m.

SUBJECT SITE & LOCALITY

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

The site has a total area of 177 square metres and currently contains:

- Double storey attached dwelling with a roof deck as part of a three (3) unit development

The main site/locality characteristics are:

- To the north, No 76 Esplanade is occupied by a double storey dwelling.
- To the south, at No 72 Esplanade is occupied by a double storey dwelling.
- To the east, is occupied by a double storey attached dwelling, as the rear dwelling of the three (3) unit development.
- To the west, (across Esplanade) is the beachfront.

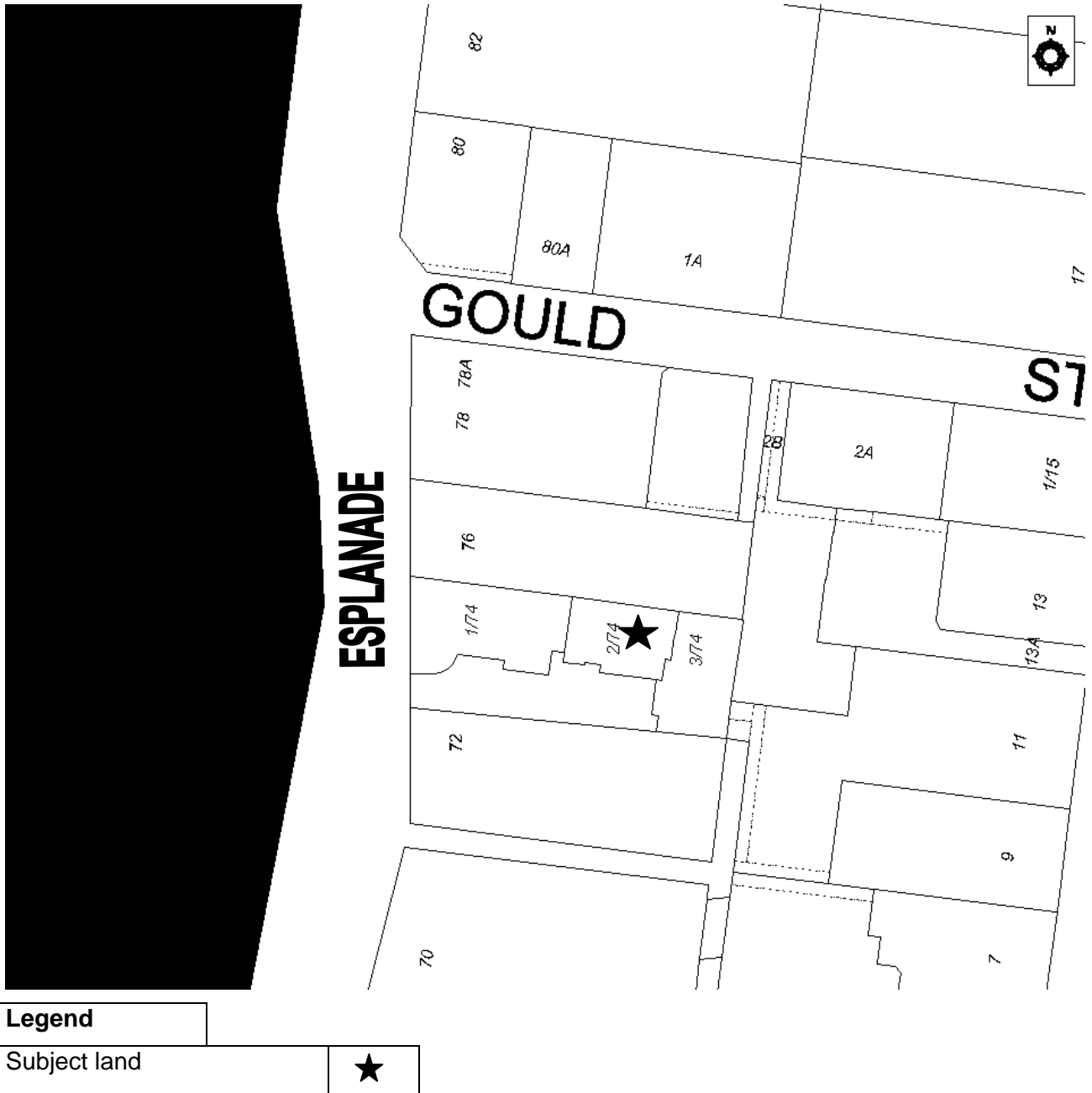
PERMIT/SITE HISTORY

The history of the site includes:

On 29 November 2006, at the direction of the Victoria Civil and Administrative Tribunal, Council issued Planning Permit No. 2005/588/1 for alterations and additions including a first floor and roof deck to a dwelling on a lot less than 500sqm and in a height control area (Design and Development Overlay Schedule 1).

On 8 January 2009, an amendment to plans was approved by Council pursuant to Section 72 of the Planning and Environment Act 1987. The amendment made changes to the internal configuration, changes to windows, and minor changes to roof eaves.

Locality Plan



PUBLIC NOTIFICATION

Applications made 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*.

REFERRALS

External Referrals/Notices by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	N/A
Section 52 Notices	The application is exempt from the notice requirements of Section 52(1)(a)(b) and (d) of the <i>Planning and Environment Act 1987</i> .

ASSESSMENT

The principles, or tests, of Secondary Consent

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

The tests include the following:

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

The planning permit was issued for alterations and additions including a first floor and roof deck to a dwelling on a lot less than 500sqm. The proposed alterations are minor in nature and have not altered what was previously approved.

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

The primary consent of the Planning Permit is for the alterations and additions including a first floor and roof deck to a dwelling on a lot less than 500sqm within a Residential 1 Zone. Given that the proposal is for minor amendments to alter the location of the air-conditioning/heating units, it does not authorise something for which primary consent is required under the Bayside Planning Scheme. Clause 62.02-2 of the Bayside Planning Scheme exempts domestic services which includes air-conditioning units from requiring a planning permit.

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

The purpose of the planning controls under which the original Planning Permit was granted is to ensure that the alterations and additions including a first floor and roof deck to a dwelling on a lot less than 500sqm comply with the standards and objectives of the Bayside Planning Scheme. Given that the proposed amendments to the endorsed plans relate to minor changes to alter the location of the air-conditioning units by 3 metres, the proposed amendments do not change the purpose of the permit approved. It is considered they will not result in any detrimental amenity impact as the location of the air-conditioning/heating units is away from property boundaries and dwellings, and the units will be visually screened by timber battens to two of the sides to a height of 1.7m. The northern side to remain exposed and will not have an adverse visual impact as it will be screened from view from the private open space of the adjoining property by the existing privacy screening on the fence. The proposal is therefore considered satisfactory in the context of the provisions under which the original permit was granted.

- *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.*

Condition 1f) states that: *'All plant and equipment (including air conditioning units, heating units, hot-water systems, etc.), which is proposed to be located externally, shall be identified on*

the plans and located to the satisfaction of the Responsible Authority. Such equipment should be located away from bedrooms of adjoining properties'. The location of the air-conditioning units is away from property boundaries and dwellings to the same distance as previously approved. The units will be visually screened by timber battens to a height of 1.7m. The amendment therefore will not contravene Condition 1f).

CONCLUSION

It is considered that the proposed modifications to the plans are appropriate, and meet the above tests of Secondary Consent. It is therefore recommended that the amended plans be approved.

RECOMMENDATION

That the Amended Plans for the alterations to the plan, be **approved** by Council under the **Secondary Consent** provisions of **Planning Permit No. 2005/588/1 for alterations and additions including a first floor and rood deck to a dwelling in a lot less than 500sqm and in a height control area (Design and Development Overlay Schedule 1)**, and the following table be added to the permit.

Date	Amendment
18 May 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"><li data-bbox="512 1149 1385 1299">• Relocation of the air-conditioning/heating units from within the roof terrace/deck to the roof adjacent and positioned along with the heater unit to the east side of the stair enclosure. The units are proposed to be visually screened by timber battens around two sides to a height of 1.7m.

1.8 **10 Iluka Street Black Rock**
Notice of Decision to Grant a Permit
Application No. 2009/646/1 Ward: Southern

City Strategy/Statutory Planning
 File No: 2009/646/1

APPLICATION DETAILS

Land/Address:	10 Iluka Street, Black Rock
Application is for:	Construction of a multi-unit development for eight (8) dwellings and removal of native trees in a Vegetation Protection Overlay 3
Melway Reference:	86 B4
Ward:	Southern
Application Number:	2009/0646/1
Applicant's/Owner's Name:	Ardcon
Date Received:	2 December 2009
Statutory Days Expiry:	8 February 2010
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay - Schedule 2 Vegetation Protection Overlay – Schedule 3
Under what clause is a permit required?	32.01-4 Construction of two or more dwellings on a lot 42.02 Removal of native trees in a Vegetation Protection Overlay 3
Restrictive covenants on the title?	No
Current use and development:	Vacant
Objections:	Eleven (11)

PROPOSITION

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

PROPOSAL

It is proposed to develop the site for eight (8) double storey dwellings and removal of native vegetation.

The double storey dwellings are generally of a consistent design with varying floor layouts, as follows:

Unit No.	Bedrooms (including study)	Carparking	Private open space
1	5	Double garage	Total 246sqm: Ground floor primarily, first floor balcony facing street, roof top terrace
2	5	Double garage	Total 202sqm: Ground floor primarily, 2 first floor balconies: street facing and west facing
3	5	Double garage	Total 103sqm: Ground floor primarily, first floor balcony internally facing, roof top terrace
4	5	Double garage	Total 339sqm: Ground floor primarily, first floor balcony east facing
5	5	Double garage	Total 134sqm: Ground floor primarily, first floor balcony internally facing, roof top terrace
6	4	Double garage	Total 78sqm: Ground floor primarily, first floor balcony internally facing
7	5	Double garage	Total 159sqm: Ground floor primarily, first floor balcony east facing, roof top terrace
8	4	Double garage	Total 126sqm: Ground floor primarily, 2 first floor balconies: internally facing and south facing

The application proposes the removal of 48 trees which includes 25 native trees located within the site and the removal of one (1) street tree.

SUBJECT SITE & LOCALITY

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

The site has a total area of approximately 3363 square metres and can be described as:

- Single allotment, which is currently vacant.
- There are no easements on the property.
- There is one (1) existing crossover on site, in the south-east corner fronting Iluka Street.
- The land has a fall of approx 4.62m with the highest point being the north-east corner and the lowest point the south-west corner.
- Fifty-one (51) trees are located on site, being greater than 2m in height with a minimum diameter of 50cm, and a mix of shrubs in various stages of health and maturity.
- There is no front fence.

- Three (3) Council street trees are located on the nature strip in front of the site.

The main locality characteristics include:

To the **north**, adjoining the site are five (5) properties which can be generally described as:

- 10A Iluka Street – a double storey cement rendered dwelling setback 7.81m from Iluka Street and a minimum of 2.18 metres from the common boundary with the subject site. Vehicle access to this site is from the crossover and driveway on the Iluka Street frontage which provides access the double garage.
- 78 Iona Street – two (2) double storey side by side units with roof decks and setback 4.32m from the common boundary with the subject site
- 76 & 76A Iona Street – two (2) double storey brick units setback a minimum of 2.26 from the common boundary with the subject site.
- 74 Iona Street – a single storey brick dwelling setback a minimum of 15.72m from the common boundary with the subject site. A shed is located adjacent to the common boundary in the south-west corner of the property.
- 72 Iona Street – a single storey brick dwelling setback a minimum of 6.51m from the common boundary with the subject site

To the **south**, adjoining the site are four (4) properties which can be generally described as:

- 12 Iluka Street - a two (2) unit development consisting of one single storey and one double storey brick and cement rendered units setback 7.36m from Iluka Street and a minimum of 1.78 metres from the common boundary with the subject site. Vehicle access to this site is from the crossover and driveway on the Iluka Street frontage which provides access to a common driveway which serves both units
- 5 Woodall Street – a double storey cement rendered dwelling setback a minimum of 10.6m from the common boundary with the subject site.
- 3 Woodall Street – a single storey weatherboard dwelling setback a minimum of 9.6m from the common boundary with the subject site. A shed abuts the common boundary to the north east of the block.
- 1 Woodall Street – a single storey dwelling setback a minimum of 13.99m from the common boundary with the subject site. A shed abuts the common boundary to the north east of the block.

To the **west**, adjoining the site are two (2) properties which can be generally described as:

- 2 Hunter Avenue - a single storey brick dwelling setback a minimum of 5.21 from the common boundary with the subject site.
- 4 Hunter Avenue – a double storey brick dwelling setback 9.95 from the common boundary, as well as partially abutting the subject site.

To the **east**, across Iluka Street is a range of single and double storey dwelling of various architectural styles.

PERMIT/SITE HISTORY

Application No.	Issue date:	Proposal	Outcome
S-1698	19 Mar 1984	Strata subdivision for second dwelling	Permit
2003/570/1	26 April 2004	Multi-unit development for 12 dwellings comprising six (6) double storey & six (6) single storey dwellings & removal vegetation in a VPO	Appeal against Council's refusal to grant a permit. Affirmed by Tribunal and no permit issued.
2006/596/1	3 October 2006	2 Lot Subdivision	Withdrawn
2006/3355/1	3 October 2006	2 Lot Subdivision	Withdrawn
2007/922/1	6 June 2008	Childcare centre	Lapsed

PUBLIC NOTIFICATION

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

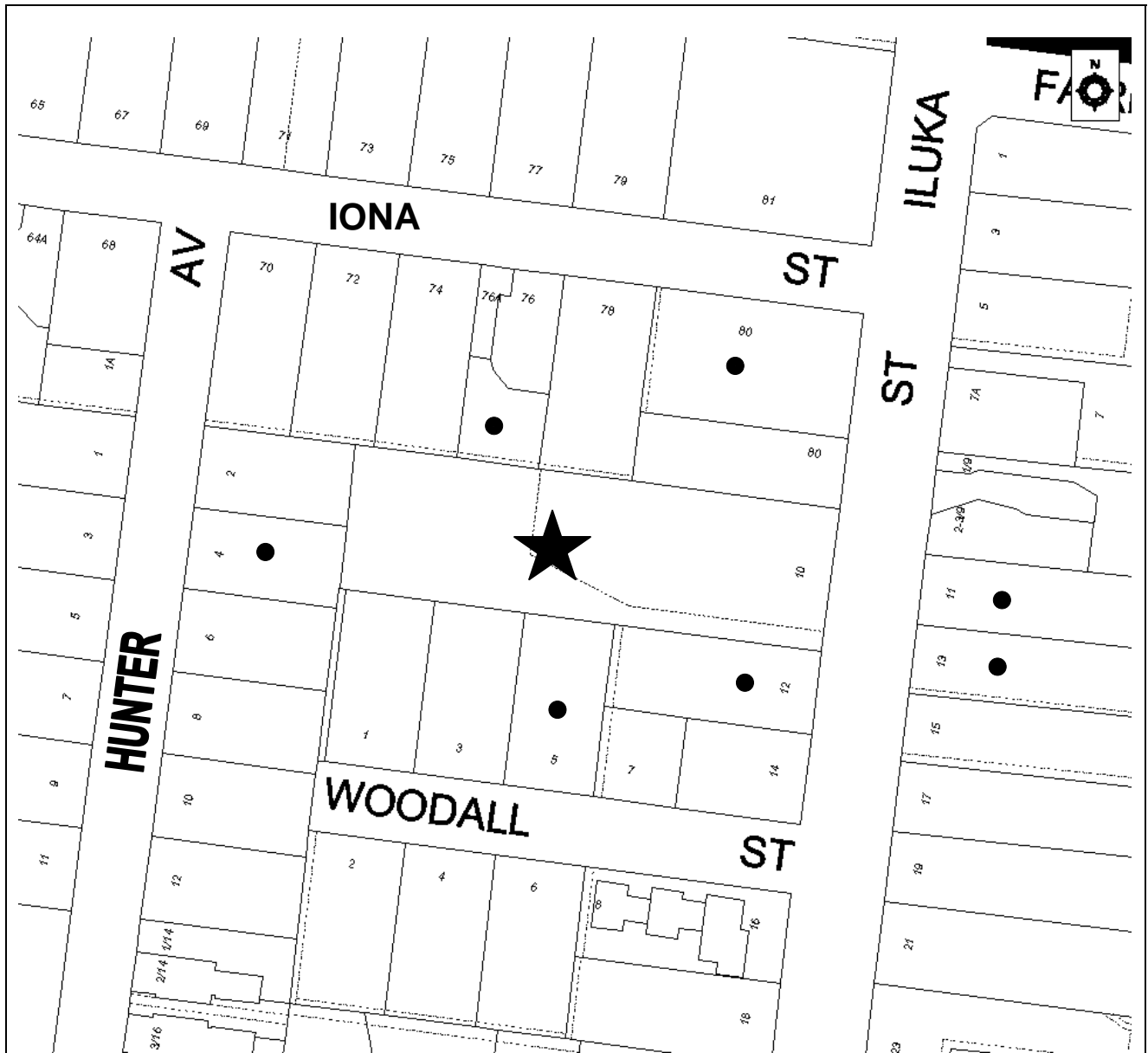
- Sending notices to the owners and occupiers of adjoining land
- Placing a sign on site

The notification has been carried out correctly.

Council received eleven (11) objections to the application. The key issues raised in the objections are:

- Overdevelopment and inappropriate density
- Removal of native vegetation
- Roof decks
- Parking and traffic issues
- Lack of visitor parking
- Character
- Visual bulk
- Side setbacks
- Overlooking
- Overshadowing
- Devaluation of property
- Construction noise

LOCALITY MAP



Legend	
Subject site	★
Objectors (not all shown)	●

CONSULTATION

Consultation was not undertaken at the request of the applicant, on the basis that the central issue raised by objectors was an "in principle" objection to the proposed dwelling density.

REFERRALS

External Referrals/Notices by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 52 Notices	A notice was erected on the site and letters were sent to the owners and occupiers of the adjoining properties.

Internal Council Referrals	Advice/Response/Conditions
Traffic Engineer	No objection to the proposal, subject to permit conditions.
Urban Designer	No objection to the proposal.
Arborist	No objection to the proposal, subject to permit conditions.
Asset Arborist	No objection to the street tree removal as proposed, subject to costs being paid by the applicant.

ASSESSMENT

Relevant Provisions of the Bayside Planning Scheme

State Planning Policies

- Clause 12 Metropolitan Development - Includes objectives and strategies for Metropolitan Melbourne.
- Clause 14 Settlement - Encourages consolidation of residential activities, with development being respectful of neighbourhood character.
- Clause 16.02 Housing - Encourages well-designed medium density housing that respects the character of the neighbourhood and improves housing choice, use of infrastructure and energy efficiency.

Municipal Strategic Statement

- Clause 21.04 Vision and Overarching Goals – Aims to encourage development to responds to the vision and overarching goals of Bayside City Council.
- Clause 21.05-3 Medium Density Housing – Aims to encourage development to accommodate increases in residential population levels and changing demographic profiles; to provide greater certainty to both residents and developers in relation to the preferred future character of residential areas and areas that require special treatment or greater protection; to facilitate quality design outcomes which make a positive contribution to the character of residential areas; to assist the conservation of biodiversity through retention of native vegetation, protection of habitat and control of pest plants and animals; and to promote energy efficient design of new dwelling constructions.

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 Policy 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.

Zoning

- Clause 32.01 Residential 1 Zone - Encourages residential development at a range of densities, with a variety of dwellings to meet housing needs. Clause 32.01-4 requires a permit for the construction of two or more dwellings on a lot. Clause 32.01-5 requires the application of the schedule to the Residential 1 Zone, which incorporates requirements specific to Bayside. **A planning permit is required pursuant to Clause 32.01-4 to develop two or more dwellings on a lot.**

Overlays

- 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 permit is required under this overlay for removal of native or indigenous 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 pursuant to Clause 43.02 – Schedule 2 as the building is not more than two storeys or greater than 9m in height.**

Particular Provisions

- Clause 55 Construction of Two or More Dwellings on a Lot - Includes specific objectives and standards for the proposed residential development to be assessed against.

General Provisions

- Clause 65 Decision Guidelines - Provides guidelines that the responsible authority must consider in assessing the application including the Planning Policy Framework, the purpose and objectives of the Zone to encourage the orderly planning of the area and the effect on the amenity of the area.

SUMMARY OF KEY ISSUES

The following is a summary of the relevant planning policies considering planning principles and issues raised by the objectors.

Previous VCAT decision

On 26 April 2004, VCAT affirmed Council's decision to refuse to grant a permit 2003/570/1 for a multi-unit development for 12 dwellings comprising six (6) double storey & six (6) single storey dwellings and removal of vegetation in a VPO at the subject site.

In the closing statement, the Tribunal noted the following: *'The conclusion I have come to is that too much development is proposed and that this would have an unreasonable impact on neighbourhood character and the amenity of surrounding properties. I find that the subject site is clearly a suitable candidate for a medium density housing development and that its development for this purpose enjoys the support of policy. I do not accept that policy would not support more than 4 dwellings on this site.'* Further, that: *'the individual building elements are too big and the form of development, particularly down the length of the northern side boundary is not broken sufficiently via the provision of suitable gaps. The continuous nature of the development and its height would present an incongruous and inappropriate form of development within the neighbourhood context. The overall visual bulk presented is inappropriate and would result in unreasonable loss of amenity for neighbouring properties. The design of the sunken courtyards is flawed having regard to the tree retention issue and I have not been persuaded that the light well and high sill height solution for some bedrooms is appropriate.'*

In comparison to this application, the previous application proposed a significantly higher density of dwellings with an additional 4 dwellings proposed, and in a less traditional form by attaching buildings together and incorporating sunken levels below ground and a common basement carpark which was noted as unusual for the neighbourhood and problematic for the development design. This application proposes a lower density of dwellings which range between 315 -385 sqm per dwelling being a lower density than other medium density development in the immediate area. The proposed development comprises predominantly detached dwellings with space around each dwelling, along all site boundaries and along driveways and with no basement areas. The proposal is not considered to result in excessive visual bulk with a design response that is sensitive to the adjoining dwellings and their open space. The proposed development reduces the visual impact and any sense of dominance by virtue of the predominantly detached building forms and appropriate space around each dwelling, and a design response which increases the space between the proposed dwellings and to the existing private open space and habitable room windows of adjoining properties.

Certain similarities are found within the Tribunal Order to support this application. In reference to the proposed contemporary architectural style, The Tribunal considered that *'the (proposed) design style employs a contemporary style with a flat roof form,... the buildings in the area are from various eras and display a variety of design styles. Given this context, I would have thought that this provides greater opportunity for architectural freedom.'* Further comparison can be drawn with the proposed arrangement of dwellings by two rows with separation between and to the sides, *'the immediate presentation to the street is akin to 2 dwellings, setback from both side boundaries with a central space in between... this approach responds to the detached nature and rhythm of development along the streetscape'*.

Overall it is considered that this application provides a more appropriate density of development that will fit comfortably with the existing neighbourhood character, and provides a design response that address the failings of the previous VCAT decision and will not result in an unreasonable amenity loss to existing occupants.

Neighbourhood Character

The property is located within Neighbourhood Character Precinct Area H1 pursuant to Clause 22.07 of the Bayside Planning Scheme.

The preferred future character for this precinct is:

The diverse dwelling styles are set within well-vegetated streetscapes dominated by large native and exotic canopy trees within the public and private domains. Tree and other vegetation species reflect the coastal location of the area. The dwellings are set within spacious gardens to accommodate the trees. Streetscapes appear as a mixture of single and double storey dwellings, however individual buildings respect adjoining dwellings and do not dominate the streetscape. 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
<i>To maintain and enhance the garden settings of the dwellings.</i>	<ul style="list-style-type: none"> • <i>Prepare a landscape plan to accompany all applications for new dwellings, that utilises appropriate traditional coastal and native species.</i> 	Lack of landscaping and substantial vegetation.
<i>To enhance the bayside vegetation character of the area through the retention and planting of appropriate coastal species.</i>	<ul style="list-style-type: none"> • <i>Retain established large trees and native and traditional coastal vegetation and provide for the planting of new native coastal trees (locate footings outside root zone).</i> 	Removal of large trees. Planting of environmental weeds.
<i>To retain the rhythm of spacious visual separation between buildings and ensure adequate space is provided around buildings for the retention and planting of vegetation.</i>	<ul style="list-style-type: none"> • <i>Buildings should be sited to allow space for the planting of significant trees and shrubs.</i> • <i>Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation.</i> • <i>Minimise impervious surfaces particularly in front garden areas.</i> 	Loss of front garden space.
<i>To minimise the loss of front garden spaces and the dominance of car parking structures.</i>	<ul style="list-style-type: none"> • <i>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 new dwellings and extensions do not dominate the streetscape.</i>	<ul style="list-style-type: none"> • <i>Recess upper level elements from the front façade.</i> • <i>Use pitched roof forms.</i> 	
<i>To use building materials and finishes that complement the natural setting.</i>	<ul style="list-style-type: none"> • <i>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.</i>	<ul style="list-style-type: none"> • <i>Provide open style front fences, other than along heavily trafficked roads.</i> 	High, solid front fences.

It is considered that the proposal responds appropriately to the neighbourhood context and the rhythm and spacing of the building envelope. The application proposes to develop the lot for eight (8) dwellings, four (4) on each side of a common driveway. Within the immediate area are a number of multi-unit developments which are incrementally changing the subdivision pattern and creating new smaller allotments. The proposed development is less intensive than other medium density developments in the immediate area. It is considered that the proposed dwelling density will fit comfortably with the changing character of the subdivision pattern and more compact neighbourhood whilst providing a good transition from the original undivided allotments.

The proposed development is considered to adequately respond to the objectives of Neighbourhood Character Precinct Area H1, as discussed in the Officer's comments, as follows:

Precinct Area H1 Objective	Officer's comments
<i>To maintain and enhance the garden settings of the dwellings.</i>	The development proposes predominantly detached dwellings with space around each dwelling, along all site boundaries and along driveways for appropriate landscaping opportunities in order to maintain and enhance the garden setting.
<i>To enhance the bayside vegetation character of the area through the retention and planting of appropriate coastal species.</i>	The application proposes to remove 48 trees (including 25 native trees) which are identified by Council's Arborist as poor health and form. The application proposes to retain 3 trees and proposes the planting of 15 (including 7 native) trees, in the front setback, alongside common driveway, and within secluded private open spaces. The application will therefore remove the failing vegetation and replace it with healthy plantings which will enhance the vegetation character of the area.
<i>To retain the rhythm of spacious visual separation between buildings and ensure adequate space is provided around buildings for the retention and planting of vegetation.</i>	The dwellings when viewed from the street will maintain the streetscape rhythm by virtue of the detached form of two visible dwellings and appropriate space around dwellings for good planting opportunities. The development has minimal walls on boundary and new private open space aligned with existing private open space, thereby allowing the planting of vegetation opposite all existing properties and the integration with the existing wildlife corridor. A permit condition is recommended later in the report to setback the Unit 2 garage off the side boundary to address access to light issues. This permit condition will assist to improve the visual separation from the street and ensure there will be no boundary-to-boundary development.
<i>To minimise the loss of front garden spaces and the dominance of car parking structures.</i>	Carparking facilities are predominantly internally located and will not be visible from the street, except for Unit 2 which has a double garage facing the street which is integrated into the dwelling design, reducing the dominance of car parking structures.
<i>To ensure that new dwellings and extensions do not dominate the streetscape.</i>	The scale of dwelling is comparable with surrounding dwellings and newer development within the area, proposing two (2) double fronted width dwellings facing the street with recessed upper floors that will not dominate the streetscape. The proposed upper floor deck to Unit 1 is centrally located and setback from roof edges and will generally not be visible from the street.

Precinct Area H1 Objective	Officer's comments
<i>To use building materials and finishes that complement the natural setting.</i>	The development incorporates a range of textures and materials, large extents of timber cladding to each level and timber fencing which complements the natural setting of the area.
<i>To maintain the openness of the front garden to the street.</i>	The front fence is open to Unit 2, and proposes a semi-transparent fence to Unit 1, proposing no vehicle gates and thereby maintains the openness of the front garden and to the street.

Setbacks

The proposed 7.9m to 9.5m front setback complies with Standard B6 of Clause 55 of the Bayside Planning Scheme - Schedule to the Residential 1 Zone, which requires a minimum 7.8m setback to match the garage of the dwelling to the north. The proposed varying front setback provides a staggering of the façade to each dwelling which provides a softening of the built form when viewed from the street. It is considered that the proposed front setback is consistent with the prevailing street set backs which are at a median range between 7m and 8m, and therefore respects the character of the surrounding area.

The proposal predominantly complies with the side and rear setback requirements of Standards B17 in the Schedule to the Residential 1 Zone of the Scheme, as tabled below:

Standard B17 Side and Rear Setbacks	
Required: <u>Ground Floor</u> North: 2m South: 2m West (rear): 3m <u>First Floor</u> North: 3.68m, 3.92m, 7.38m South: 3.98m West (rear): 5.18m	Proposed: <u>Ground Floor</u> North: 2m to 6.7m South: 2m to 6.2m West: 3.1 to 4.7m <u>First Floor</u> North: 3.7m, 3.8m, 6.9m South: 3.85m to 5m West: 4.8m, 5.3m

The proposed first floor side setbacks marginally do not comply for Units 2 and 7 on the northern side, Unit 6 on the southern side and Unit 8 on the western side. The non-compliance is typically in the vicinity of 100mm, partially due to the land fall to the rear and which varies across the site in small undulations. The remainder of the first floor walls exceed the required setback by 1m to 3m on the northern side, 1m to 2m on the southern side, and the design responds to the adjoining properties by increasing side setbacks where there are existing dwellings closer to the boundaries, particularly along the northern side.

Overall it is considered that the reduced side setbacks are minor non-compliances. The proposed development is considered an appropriate design response that is consistent with the character of the surrounding area. The siting of the proposed dwellings is sensitive to adjoining development

and areas of private open space. The proposed development provides ample space around dwellings, good setbacks at ground and first floors, and will not result in a detrimental amenity impact to adjoining properties or to the streetscape.

Visual Bulk

The proposal is not considered to result in excessive visual bulk. The design response is considered to be sensitive to the existing built form and proximity of existing private open space along the boundaries by virtue of the predominantly detached building form and appropriate space around dwellings. The development has minimal walls on boundary, providing ample space around each dwelling and along side boundaries. The proposed development is considered successful in reducing the visual impact and avoiding any sense of dominance when viewed from adjoining properties as dwellings are situated away from existing sensitive areas.

The development avoids lengthy unbroken upper floor walls instead proposing large spaces between upper floors of each dwelling ranging between 8m and 12m, and proposes articulation and recesses to upper levels by increasing side setbacks up to 6.2m and 7.2m on the northern and southern sides respectively. The upper floors to each dwelling are all recessed from lower levels on average 1.5m to 2m, to ensure that the upper levels do not dominate nor appear top heavy when viewed from adjoining properties.

The dwelling heights range between 6.6m to 7m, to an overall height of 8.6m to the stairwell structure of those dwellings on the northern side with roof decks. The height of the dwellings is comparable with new development in the surrounding area and complies with the preferred maximum height under Standard B7 of Clause 55 of the Scheme. In considering the appropriate side and rear setbacks as discussed, the dwelling height will not create an unreasonable impact.

The architecture of each dwelling adheres to a similar contemporary design proposing generally rectilinear building envelopes with staggered lower and upper levels, flat roof, and incorporates a range of materials comprising rendered walls and expanses of timber cladding and highlighted with glass balustrading. Architecturally speaking, the built form proposed is considered to create a visually interesting development, however the finishes and colours of each dwelling have not been nominated, thus it is assumed that dwelling's will appear near identical which may contribute to the perception of a visually bulky development by being too unified. It is recommended that a permit condition require a schedule of materials and finishes that specifies that the development must have a minimum of two varying colour schemes to ensure dwelling's appear more distinct from one another.

It is considered that subject to the recommended permit conditions, the design response is effective in reducing the appearance of visual bulk when viewed from adjoining properties and from the street, and therefore will not result in a detrimental impact to existing amenity enjoyed by residents of surrounding properties.

Roof decks

Upper floor roof decks are proposed for four (4) of the eight (8) new dwellings. The proposed roof decks are all located on the dwellings on the northern side: Units 1,3,5,7. The roof decks are centrally located on each dwelling, set back a minimum of 2m from roof edges immediately below and are located between 7m and 8m from the nearest property boundary. The decks are screened along the edges facing the nearest property boundaries with 1.7m glass privacy screens and 2m high stairwell structures above finished floor level.

The roof decks are generally small being 12 – 20 sqm in area, proposing low and generally lightweight structures above floor levels. The position of the roof decks generally central on

dwellings and the small scale of the structures above will not create a dominant form and overall will appear a recessive element that will not contribute to an adverse visual impact.

Overlooking from each roof deck to adjoining properties will be restricted due to the central position of the roof decks recessed from the dwelling below, and due to the setbacks from side boundaries. The proposed privacy screens along the edges facing adjoining properties will further assist with preventing any unreasonable overlooking to areas of existing private open space or habitable room windows, and complies with Standard B22 (Overlooking) of Clause 55 of the Bayside Planning Scheme.

Walls on boundary

The garages of Units 2, 6, and 8 locates walls on the southern boundary in sections of 6.5m in length each. The proposed total length of walls on the southern boundary complies with Standard B18 (Walls on boundary) of the Bayside Planning Scheme, proposing a total length of 19.5m which is less than the recommended maximum length of 34.25m. The proposed on-boundary walls are to be constructed to a maximum height of 3m which complies with Standard B18 (Walls on boundary) of the Bayside Planning Scheme.

The proposed on-boundary walls at the rear will not have a detrimental impact to adjoining properties being constructed in three sections which have a low overall height, short length each of 6.5m, and for Units 6 and 8 are located opposite existing outbuildings on adjoining properties.

The proposed on-boundary wall at the front of the site is considered to be inappropriate, having an adverse impact to the north-facing habitable room window of No.12 Iluka Street. A permit condition is recommended to setback the Unit 2 garage off the side boundary to address access to light issues. This permit condition will address the immediate amenity impact whilst improving the visual separation of the development when viewed from the street and ensure there will be no boundary-to-boundary development.

Overlooking

The proposal has adequately addressed the majority of potential overlooking opportunities from habitable room windows to adjoining properties. First floor habitable room windows with views north, south or west are highlight windows with sill heights of 1.7m above floor level, therefore obscuring views, or are located generally perpendicular to adjoining properties and/or setback greater than 9m from existing secluded private open space or existing habitable room windows. These windows comply with Standard B22 (Overlooking) of Clause 55 of the Bayside Planning Scheme.

Unit 4 has two (2) first floor clear windows which overlook the existing private open space to the south. A condition should a permit issue is recommended to require Unit 4's first floor south-facing habitable room windows to be treated in order to comply with Standard B22 (Overlooking) of Clause 55 of the Bayside Planning Scheme.

Unit 2 has a street facing and part south-facing first floor balcony which overlooks the existing habitable room window(s) of No. 12 Iluka Street. A condition should a permit issue is recommended to require the southern side of this balcony to be screened to comply with Standard B22 (Overlooking) of Clause 55 of the Bayside Planning Scheme.

One (1) west-facing bedroom window of Unit 7 is shown on plans but not detailed on the elevations. It is recommended that a condition should a permit issue require this window to be shown on the elevations. This window if assumed to be clear glazed would not have the potential to unreasonably overlook as it is set back greater than 9 metres from the property boundary and

therefore complies with Standard B22 (Overlooking) of Clause 55 of the Bayside Planning Scheme.

Internal views and inter-overlooking between new dwellings is possible which will create internal amenity impacts. Unobstructed views are possible between the central units, 3 and 4, and between Units 5 and 6; between habitable room windows and balconies into habitable room windows. A condition should a permit issue is recommended to require that these windows and balconies be obscured to prevent views into new habitable room windows to comply with Standard B23 (Internal views) of Clause 55 of the Bayside Planning Scheme.

Overshadowing

The shadow diagrams submitted have been checked and found to be correct. When measured on the equinox, the shadow cast will fall predominantly within the existing shadow created by the side fencing due to the east-west orientation of the property, the proposed wall heights and good side setbacks from the adjoining properties to the south.

The extent of overshadowing will not unreasonably impact on the adjoining areas of private open space and complies with Standard B21 (Overshadowing) of Clause 55 of the Bayside Planning Scheme.

North-facing windows

There is one north-facing habitable room window to be considered at Unit 1/12 Iluka Street which is located within 3m of the property boundary. A 3m high wall on boundary is proposed opposite this existing habitable room window. The location of the proposed wall on boundary does not comply with Standard B20 (North-facing windows) of Clause 55 of the Bayside Planning Scheme, which requires this wall to be set back 1m from the boundary.

It is therefore recommended that a permit condition require the garage of Unit 2 to be setback 1m from the southern boundary to ensure adequate solar access to this north-facing habitable room window.

Site coverage

The proposed site coverage is 49.8% which complies with the recommended 50% site coverage at Standard B8 of Clause 55 of the Bayside Planning Scheme – Schedule 1 to the Residential 1 Zone.

Permeability

The proposed development will result in a permeability of 34.6% which complies with the recommended minimum of 20% at Standard B9 of Clause 55 of the Bayside Planning Scheme.

Private open space

All dwellings have adequate secluded private open space as required by Clause 55 of the Bayside Planning Scheme, as per the following table:

Unit No.	Private open space
1	Total 246sqm: Ground floor secluded private open space of 208sqm, first floor balcony facing street, roof top terrace
2	Total 202sqm: Ground floor secluded private open space of 68sqm, 2 first floor balconies: street facing and west facing
3	Total 103sqm: Ground floor secluded private open space of 84sqm, first floor balcony internally facing, roof top terrace
4	Total 339sqm: Ground floor secluded private open space of 92sqm, first floor balcony east facing
5	Total 134sqm: Ground floor secluded private open space of 112sqm, first floor balcony internally facing, roof top terrace
6	Total 78sqm: Ground floor secluded private open space of 63sqm, first floor balcony internally facing
7	Total 159sqm: Ground floor secluded private open space of 135 sqm, first floor balcony east facing, roof top terrace
8	Total 126sqm: Ground floor secluded private open space of 102sqm, 2 first floor balconies: internally facing and south facing

The proposed areas of private open space are located on northern sides of dwellings where possible and have adequate depth to gain good solar access and direct access from the main living areas. All dwellings have access to northerly orientated areas of private open space by virtue of the additional first floor balconies and roof top terraces.

The proposed development complies with the requirements of Standard B28 (Private open space) of Clause 55 of the Bayside Planning Scheme.

Traffic and car parking

The number of car spaces provided complies with Standard B16 of the Bayside Planning Scheme which requires two (2) car spaces per dwelling with three (3) or more bedrooms. Each dwelling has four to five bedrooms and is provided with two (2) car spaces within double garages, which are secure and conveniently located to each dwelling to comply with Standard B15 of the Bayside Planning Scheme. The application provides one (1) visitor car space which does not comply with Standard B16 of the Bayside Planning Scheme which requires 1.6 (2) visitor spaces at a rate of one (1) space per five (5) dwellings. As such it is recommended that a permit condition require one (1) additional visitor car space.

The development does not provide any bicycle parking, which is required by Standard B16 for developments of five or more dwellings. Given the ample storage space provided to each dwelling within good-sized garages and easily accessible and large areas of private open space, it is not considered necessary to require a separate area for bicycle storage.

The majority of habitable room windows adjacent to the common driveway are well designed to reduce noise transmission from the drive by proposing highlight windows or windows set back at least 1.5 metres away from the driveway. Units 1 and 4 each propose habitable room windows which do not comply with this requirement under Standard B15 of the Bayside Planning Scheme. It

is recommended that a permit condition, should one issue, require these windows to comply with Standard B15 of the Bayside Planning Scheme.

Council's Traffic Engineer has reviewed the development and comments that turning circles and vehicle movements within the site are satisfactory and comply with Standard B14 of the Bayside Planning Scheme. Access however out of development via common driveway and onto an existing speed hump is not supported as it would impact on the existing street traffic safety measures. A condition should a permit issue is recommended to require that the entrance of the common driveway is relocated approximately 2m to the south to clear the speed-hump. Further, that the driveway to Unit 2 be relocated accordingly, to be offset 4m from the edge of the common driveway and 1.5m from southern boundary.

Street trees

Three (3) street trees are located on the nature strip in front of the subject site. The application proposes to remove one (1) *Prunus cerasifera 'nigra'* tree (Purple Leaved Plum) street tree. Council's Assets Arborist has reviewed the recommended relocation and has no objection to the removal of the one (1) *Prunus cerasifera 'nigra'* tree (Purple Leaved Plum), subject to conditions that the permit applicant pay all costs for removal and replacement with two (2) trees.

It is noted that the previous recommended traffic condition to relocate both crossovers will not impact on the remaining street trees as confirmed by Council's Assets Arborist.

Vegetation

The proposal will require the removal of 48 trees (including 25 native) and the retention of three (3) trees located within the site. Council's Arborist has inspected the site and advises that all vegetation proposed to be removed is generally suitable for removal on the basis of poor health or form. An arborist report has been submitted with the application on the health of trees on the subject site and arrives at the same conclusion. Tree 9 proposed to be retained is not recommended for retention by Council's arborist. However as this native tree is in fair condition it is recommended that the tree be retained and maintained to Council's satisfaction.

The full landscape plans submitted shows the planting of 15 (including 7 native) trees, native shrubs and ground cover in the front setback, alongside common driveway, and within secluded private open space. Council's Arborist advises that the landscape plan provided is suitable for the area and considered acceptable, however could focus on providing larger vegetation. It is recommended that a permit condition require a landscape plan with larger, predominantly native vegetation to further encourage the regeneration of native vegetation.

Council's Arborist advises that the proposed tree protection measures during construction are inadequate. It is recommended that a permit condition require the submission of adequate tree protection details for the trees to be retained (notably Trees 32 and 47) and include the protection of trees adjacent to the site, to provide construction details and tree protection methods during the construction process to comply with Australian Standard 4970 – Protection of Trees on Development Sites.

The relevant objectives of Clause 42.02 - Vegetation Protection Overlay is to protect significant vegetation, ensure that development minimises loss of vegetation, and to encourage the regeneration of native vegetation. It is considered that subject to the recommended permit conditions, the application will remove the failing vegetation and replace with substantial healthy plantings and a number of canopy trees which will enhance the vegetation character of the area, and therefore complies with the provisions of Clause 42.02 of the Bayside Planning Scheme.

Energy Efficiency

The proposed development is considered to be reasonably energy efficient. All dwellings have access to northerly-orientated areas of private open space by virtue of the additional first floor balconies and roof top terraces.

Council's Environmental Sustainability Officer (ESD) has assessed the energy efficiency of the proposed development and notes that it should be improved by the following points: Eaves or shading devices should be installed over north and west facing windows to reduce harsh solar access during warmer months; and the first floor retreat/living areas of Units 2, 5, and 8 should be relocated to capture more natural light, relocated from the southern side to the northern side which would reduce the reliance on artificial lighting. It is therefore recommended that a permit condition require such measures.

Water sensitive urban design

The application does not include any Water Sensitive Urban Design measures. It is therefore recommended that a permit condition require such water sensitive measures to comply with Clause 22.10 - Water Sensitive Urban Design of the Bayside Planning Scheme.

Front fence

The proposed front fence is open to Unit 2 by stand-alone timber piers which mark the property boundary, and proposes a semi-transparent fence to Unit 1 between 1.35m to 1.8m in height, and no vehicle gates. The fence partially does not comply with Standard B30 of Clause 55 of the Scheme which requires a maximum height of 1.2m. This is not a significant concern as the proposed fence will remain in character as heights range up to 1.7m in Iluka Street. Further, the majority of the front boundary will remain unfenced or be partially transparent fencing, thus the development will maintain the openness of the front garden and to the street.

Overdevelopment

Concerns have been raised by objectors regarding the density of the development.

It is considered that the proposal has responded to the characteristics found within the neighbourhood and does not represent an overdevelopment of the site. The proposed development incorporates adequate carparking, site coverage, secluded private open space, private open space, permeability, landscaping opportunities and predominantly detached built form, and therefore is considered to be appropriate in the surrounding area.

Objector concerns

The issues raised by objectors have been addressed within the assessment section of the report. Other issues raised relating to land value depreciation and construction noise are not relevant planning considerations.

CONCLUSION

It is considered the proposal is appropriate for the site and subject to the recommended permit conditions, the proposal will not have a detrimental impact upon the streetscape, neighbourhood character and will not result in an unreasonable amenity loss to existing occupants.

This application provides a more appropriate form of development that will fit comfortably with the existing neighbourhood character and has responded to the issues of built form raised the previous VCAT decision.

It is therefore considered that the application be supported, subject to the recommended conditions.

RECOMMENDATION

That Council having caused notice of Planning Application No. **2009/0646/1** 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 **10 Iluka Street Black Rock** for the **Construction of a multi-unit development for eight (8) dwellings and removal of native trees in a Vegetation Protection Overlay 3** in accordance with the **advertised plans dated 27 January 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 advertised plans dated 27 January 2010 but modified to show:
 - a) Garage of Unit 2 setback 1m from the southern boundary.
 - b) Provision of one (1) additional visitor car space.
 - c) Unit 4's first floor south-facing habitable room windows must be treated to comply with Standard B22 of Clause 55 of the Bayside Planning Scheme.
 - d) Southern side of Unit 2 balcony screened to comply with Standard B22 of Clause 55 of the Bayside Planning Scheme.
 - e) West-facing bedroom window of Unit 7 shown on elevations.
 - f) Internal views between Units, 3 and 4, and between Units 5 and 6 must be redesigned to comply with Standard B23 of Clause 55 of the Bayside Planning Scheme.
 - g) All habitable room windows to be highlight windows or adequately setback from the driveway to reduce the transmission of vehicular noise and comply with Standard B15 of the Bayside Planning Scheme
 - h) Common driveway must be relocated to clear the speed-hump, to be offset 4m from the northern edge of Unit 2's driveway and 3.3m wide at its intersection with the footpath. Crossover must be 3.3m wide and centred on the driveway.
 - i) Driveway to Unit 2 relocated to be offset 4m from the edge of the relocated common driveway, constructed to be 4.2m wide at its intersection with the footpath and offset 1.5m from the southern boundary. Crossover must be 4.2m wide and centred on the driveway.
 - j) Bollard-type lighting to be provided along the length of the common driveway at 6-8 metre intervals.
 - k) All plant and equipment (including air conditioning units, heating units, hotwater systems etc) which is proposed to be located externally be identified on the plans.

- l) Landscape plan submitted in accordance with Condition 8 of this permit, and must provide more substantial, predominantly native vegetation which encourages the regeneration of native vegetation.
 - m) Tree protection measures in accordance with Condition 12 of this permit.
 - n) Eaves or shading devices installed over north and west facing windows to reduce harsh solar access during warmer months
 - o) First floor retreat/living areas of Units 2, 5, and 8 to be relocated to the northern side of each dwelling to capture more natural light.
 - p) Schedule of external materials, finishes and colours (incorporating paint samples) that provides a minimum of two varying colour schemes between dwellings to appear more distinct from one another.
 - q) Water Sensitive Urban Design measures in accordance with Condition 18 of this 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. A18 Concealment of pipes
 - 5. A19 Plant/equipment or features on roof
 - 6. A20 Boundary walls
 - 7. CP1 Car park construction
 - 8. CP8 Vehicle crossing removal
 - 9. L1 Landscape plan required
 - 10. L2 Completion of landscaping
 - 11. L3 Landscaping maintenance
 - 12. Before the development starts, a tree protection 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 in accordance with AS 4970. The tree protection plan must address:
 - a. Impact of the proposed development on the trees to be retained by sensitive design construction methods.
 - b. How the aforementioned trees are to be protected.

13. All trees to be retained must be maintained to the satisfaction of the Responsible Authority.
14. Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be, to the satisfaction of the Responsible Authority:
- a. Constructed;
 - b. Properly formed to such levels that they can be used in accordance with the plans; and
 - c. Drained.
15. E1 Drainage Plan
16. Prior to the commencement of any works, a construction management plan shall be submitted to and approved by the responsible authority. The construction management plan must address, but is not limited to:
- i hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints;
 - ii provision of a truck wheel-wash so that vehicles leaving the site do not deposit mud or other materials on roadways;
 - iii the covering and maintenance of all roads/storage areas/external stockpiles/vacant or grazed areas to avoid dust nuisance to any residential and commercial premises;
- All works must accord with the approved construction management plan to the satisfaction of the responsible authority.
17. Prior to the commencement of any works, a waste management plan 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. Three copies of the plan must be submitted. The plan must include but is not limited to:
- i the times during which waste will be collected;
 - ii provision on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the responsible authority.
- The waste management plan must be implemented to the satisfaction of the responsible authority. The waste management plan must not be modified unless with the consent of the responsible authority.
18. The applicant must bear all costs associated with the removal and replacement of the one (1) *Prunus cerasifera* 'nigra' tree (Purple Leaved Plum) street tree in accordance with Council's adopted policy. Before works start a fee must be paid to the Responsible Authority. The Responsible Authority must undertake the removal and replacement with (2) street trees. The replacement planting is at the discretion of the Responsible Authority. A minimum of two (2) weeks prior to when the tree is to be removed please contact Council's Parks Arborist on (03) 9599 4444.
19. Before the development starts, 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 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; and
- c. Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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.

20. PT1 Time for starting and completion

Permit Notes

N1 Crossover permit

N2 Building approval

The remaining street trees must not be removed or damaged.

N8 Sewerage

N10 Asset Protection

Any seepage and drainage waters are to be filtered to rain water clarity and to be pumped to the nearest Council drain/pit and not to discharge to the kerb and channel unless directed otherwise.

A Road Opening/Storm water Tapping Permit is required from Bayside City Council prior to the commencement of the connection to the Council's drain or the erection of the front fence/ wall/ letterbox.

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	The existing infrastructure can readily accommodate the additional dwelling without overloading capacity.
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.	Yes	Required: 7.8m Proposed: 7.9m to 9.5m See report
B7 Building Height Building height should respect the existing or preferred neighbourhood character.	Yes	Maximum: 9m Proposed: 8.6m See report
B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	Yes	Maximum: 50% Proposed: 49.8% See report

B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Yes	At least: 20% Proposed: 34.6%
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.	No	To be addressed through a permit condition. 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	The development provides good lighting, visibility and surveillance of each space.
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. 	No	To be addressed through a permit condition. See report
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	See report
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	Yes	The garages are attached to the dwelling and provide safe and convenient access.

developments.				
B16 Parking Provision Ensure car and bicycle parking meets the needs of residents and visitors. Accessways should be practical, attractive and easily maintainable.	Yes	See report		
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	<table border="1"> <tr> <td> Required: <u>Ground Floor</u> North: 2m South: 2m West (rear): 3m <u>First Floor</u> North: 3.68m, 3.92m, 7.38m South: 3.98m West (rear): 5.18m </td> <td> Proposed: <u>Ground Floor</u> North: 2m to 6.7m South: 2m to 6.2m West: 3.1 to 4.7m <u>First Floor</u> North: 3.7m, 3.8m, 6.9m South: 3.85m to 5m West: 4.8m, 5.3m </td> </tr> </table>	Required: <u>Ground Floor</u> North: 2m South: 2m West (rear): 3m <u>First Floor</u> North: 3.68m, 3.92m, 7.38m South: 3.98m West (rear): 5.18m	Proposed: <u>Ground Floor</u> North: 2m to 6.7m South: 2m to 6.2m West: 3.1 to 4.7m <u>First Floor</u> North: 3.7m, 3.8m, 6.9m South: 3.85m to 5m West: 4.8m, 5.3m
Required: <u>Ground Floor</u> North: 2m South: 2m West (rear): 3m <u>First Floor</u> North: 3.68m, 3.92m, 7.38m South: 3.98m West (rear): 5.18m	Proposed: <u>Ground Floor</u> North: 2m to 6.7m South: 2m to 6.2m West: 3.1 to 4.7m <u>First Floor</u> North: 3.7m, 3.8m, 6.9m South: 3.85m to 5m West: 4.8m, 5.3m			
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	Maximum: 19.5m max length: Average of 3 metres high for a length of 10m plus 25% of the remaining length Proposed: 34.25m on southern boundary to a height of 3m. See report		
B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.	Yes	All existing windows on adjoining properties will have sufficient access to daylight		
B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.	No	To be addressed through a permit condition. See report		
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 be addressed through a permit condition. See report
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 be addressed through a permit condition. See report
B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	No	Air-conditioning and services not shown on plans. To be addressed through a permit condition.
B25 Accessibility Consider people with limited mobility in the design of developments.	Yes	Application minimises the change to natural ground level
B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.	Yes	Dwelling entries are clearly defined for ease of access and safety
B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.	Yes	All new windows are provided with adequate daylight
B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.	Yes	See 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	Proposal provides for storage requirement within each garage or private open space
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	Unit 1 is to be fenced between 1.35 to 1.8m. Unit 2 is to be unfenced. See report

<p>B33 Common Property</p> <p>Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.</p> <p>Avoid future management difficulties in common ownership areas.</p>	<p>Yes</p>	<p>The areas of common property are clearly delineated, practical and attractive.</p>
<p>B34 Site Services</p> <p>Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</p> <p>Avoid future management difficulties in common ownership areas.</p>	<p>No</p>	<p>Waste management and bin storage not shown on plans. To be addressed through a permit condition.</p>

1.9 **80B Esplanade, Brighton**
Notice of Decision to Grant a Permit
Application No: 2010/41/1 Ward: Central

City Strategy/Statutory Planning
 File No: 2010/41/1

APPLICATION DETAILS

Land/Address:	80B Esplanade, Brighton
Application is for:	Construction of a roof deck in a Design and Development Overlay Schedule 1
Melway Reference:	76 C2
Ward:	Central
Application Number:	2010/41/1
Applicant's/Owner's Name:	Low Construction
Date Received:	Declaration for amendment submitted 4 May 2010
Statutory Days Expiry:	3 July 2010
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 1
Under what clause(s) is a permit required?	43.02-2 – Buildings and works in a Design and Development Overlay Schedule 1
Restrictive covenants on the title?	No
Current use and development:	Single storey dwelling
Objections:	Nine (9)

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 roof deck to a proposed double storey dwelling.

It is relevant to note that the site is greater than 500 square metres and a planning permit is not required for the construction of a double storey dwelling on a lot greater than 500 square metres. Council can only consider the roof deck and the access structure and their potential impact on the adjoining properties.

SUBJECT SITE & LOCALITY

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

The site has a total area of approximately 728 square metres and currently contains:

- A single storey dwelling.

The main site/locality characteristics are:

- A mix of architectural styles and housing forms, including single and double storey dwellings, and medium density housing developments.
- To the north of the site at 82 Esplanade, Brighton is a Double Storey Heritage dwelling fronting the foreshore.
- To the east of the site at 1-6/17 Tennyson Street, Brighton is a Double Storey apartment block containing 6 apartments.
- To the west of the site at 80A Esplanade, Brighton is a Double Storey dwelling fronting Gould Street.
- To the south of the site at 2B Gould Street, Brighton is a Double Storey dwelling.

PERMIT/SITE HISTORY

The history of the site includes:

- No planning permits have been granted 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 a sign on site

The notification has been carried out correctly.

Council has received nine (9) objections to date.

LOCALITY MAP – 80B Esplanade, Brighton

LEGEND

Subject site	★
Location of objectors	●

● Not all objectors shown

The key issues that were raised in the objections are:

- Neighbourhood character
- Visual bulk
- Overlooking
- Privacy

- Overshadowing
- Noise
- Car parking / increased traffic
- Impact on the adjoining Heritage Dwelling
- Overdevelopment
- Blocks views

CONSULTATION

Consultation was undertaken on the 12 April 2010. As a result of the meeting, revised plans were submitted to Council on the 20 April 2010 in response to concerns raised by objectors. The concept plans, which have been formally substituted, provide the following amendments:

- On the east and north side of the roof deck a solid wall balustrade has been proposed to a height of 1.1 metres with an upstand of obscure glass screening up to a combined height of 1.7 metres.
- The setback of the roof deck to the north increased from 2 metres to 3.9 metres.

The applicant has sent copies of the revised plans to the adjoining objectors who attended the consultation meeting at 82 Esplanade and 19 Tennyson Street, Brighton. Both objections still remain.

REFERRALS

External Referrals/Notices by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	N/A
Section 52 Notices	Placing a sign on site and sending letters to adjoining property owners and occupiers.

ASSESSMENT

Relevant Provisions of the Bayside Planning Scheme

State Planning Policies

- Clause 16.02 Housing - Encourages well-designed medium density housing that respects the character of the neighbourhood and improves housing choice, use of infrastructure and energy efficiency.
- Clause 19.03 Design and Built Form - Encourages architectural and Urban Design outcomes that contribute positively to local Urban Character.

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.

Zoning

- 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 and allows educational, recreational, religious, community and a limited range of other non-residential uses in appropriate locations to serve local community needs. **The proposed double storey development does not require a planning permit pursuant to the Residential 1 Zone as it is on a lot greater than 500 square metres.**

Overlays

- Clause 43.02 – Design and Development Overlay Schedule 1 – Seeks 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 required to construct a roof deck above the second storey of a building in a Design and Development Overlay Schedule 1.**

SUMMARY OF KEY ISSUES

The following is a summary of the relevant planning issues considering planning principles and issues raised by the objectors, with regard to the roof deck only. Matters of siting, overlooking and overshadowing as they relate to the dwelling, will be assessed during the Building Permit Process.

Neighbourhood Character

The subject site is located in Precinct Area C1 as defined in Clause 22.07 of the Bayside Planning Scheme. The preferred Future Character Statement states that:

“The mix of dwelling styles, including a substantial presence of pre WW2 dwellings, sit within spacious gardens and do not dominate or overwhelm the streetscape. Garden plantings, and well-

articulated façades and roof forms, assist in minimising the dominance of buildings from within the street space, as well as providing visual interest. Front setbacks allow planting of substantial trees and shrubs and side setbacks on both sides maintain a sense of spaciousness in the area. Trees are a mixture of exotic and natives, with an increasing frequency of traditional coastal and indigenous species, strengthening the visual connection of the area with the coast. Open style front fences retain an ability to view buildings from the street. Buildings fronting the foreshore reflect their setting and provide a visually attractive built form interface with the reserve.”

Precinct Guidelines

Objective	Design Response	Avoid
To respect the identified heritage qualities of adjoining buildings.	<ul style="list-style-type: none"> Where adjoining an identified heritage building, respect the height, building forms, siting and materials, of the heritage building/s in the new building design. 	<i>Buildings that dominate heritage buildings by height, siting or massing.</i>
To encourage the use of a variety of building materials, finishes and design detail that complement the coastal setting.	<ul style="list-style-type: none"> Use a mix of materials including timber or other non-masonry wall materials in building design. Use simple building details and articulate roof forms. 	<p><i>Large, poorly articulated external wall surfaces of one material only.</i></p> <p><i>Heavy materials and design detailing (eg. large masonry columns and piers).</i></p>
To create a visually interesting and attractive built form interface with the foreshore reserve, on properties fronting the reserve and visible from the reserve.	<ul style="list-style-type: none"> Articulate the form of buildings and elements, particularly front facades, and include elements that lighten the building form such as balconies, verandahs, non-reflective glazing and light-transparent balustrading. Use a mix of contemporary and traditional coastal materials, textures and finishes, including render, timber, non-masonry sheeting, glazing, stone and brick. Provide a fence or landscaping treatment to delineate the property boundary fronting the foreshore reserve. Provide articulated roof forms to create an interesting skyline when viewed from the beach. 	<p><i>Buildings that have no relationship to the foreshore setting.</i></p> <p><i>Poorly articulated roof and building forms.</i></p> <p><i>Highly reflective materials or glazing.</i></p> <p><i>Blank walls facing the foreshore.</i></p> <p><i>Lack of distinction between public and private spaces along the foreshore.</i></p>

The Esplanade and Gould Streets contain a mix of architectural styles and housing forms, including single and double storey dwellings, and medium density housing developments.

It is considered that the proposed roof deck is compliant with the above objectives and will have no detrimental impact on the neighbourhood character of the area. The proposed roof deck is well set back from Gould Street and the adjoining properties. The proposed roof deck is minimal in design and uses materials that are consistent with the proposed dwelling and it is considered that the roof deck will fit comfortably within the area. It is noted that there are several roof decks in the surrounding area.

It is noted that the subject site adjoins a Heritage Property at 82 Esplanade, Brighton. It is an objective in Precinct Area C1 to “*respect the identified heritage qualities of adjoining buildings.*”

The proposed roof deck is located approximately 16.6 metres from the Heritage dwelling with the access structure to the roof deck located approximately 21 metres from the adjoining dwelling. It is considered that the proposed deck is sufficiently separated from the heritage property to the north and will not dominate or have any negative impact on the heritage fabric of the dwelling.

Roof Deck

Pursuant to Schedule 1 of Clause 43.02 of the Bayside Planning Scheme, a planning permit is required to construct a roof deck above the second storey of a dwelling. A roof deck must comply with the following requirements:

“A roof deck must:

- *Be designed and constructed of materials that integrate with the architectural style and form of the building.*
- *Be set back at least 2 metres from the roof edge on all sides to minimise the visual impact on the street, coastal environs and adjoining properties.*
- *Be designed to limit views into secluded private open space and habitable room windows of adjacent dwellings.*
- *Not include any structures or elements that exceed a height of 1.7 metres, apart from an access structure.*
- *Be accessed by a structure that is designed and located to have minimal impact on the street and adjoining properties, does not enclose any useable floor space and does not exceed 2.4 metres in height (measured from floor level at the point of access onto the roof deck).”*

The proposed roof deck is fully compliant with the requirements of the Schedule 1 to the Design and Development Overlay. The setbacks of the proposed deck are 2 metres or greater from all roof edges and the access structure does not exceed 2.4 metres in height. The screening provided is to a height of 1.7 metres which is consistent with the requirements of the Schedule. The proposed deck is designed to limit views into the secluded private open space and habitable rooms of the adjoining properties and is considered to comply with the relevant Design and Development Overlay Schedule 1 objectives.

Visual Bulk

Objectors have raised concerns with the visual bulk of the development and the roof deck adding to this bulk. The proposed roof deck complies with all the requirements of the Design and Development Overlay Schedule 1 and will not contain any element which will present as visually bulky to the street or adjoining properties. It is well set back from the street and is positioned in a manner which minimises the view of the deck from adjoining properties.

The ‘bulk’ of the double storey dwelling, which is proposed to be built, is not the subject of consideration with this application. It is noted that one of the objections was concerned with the visual intrusion of the deck to their property. The applicant subsequently substitutes revised plans to address the objectors concerns by increasing the northern setback of the roof deck from 2 metres to 3.9 metres. The objection has not been withdrawn.

Overdevelopment of the site

Concerns have been raised by the objectors in regards to the proposed dwelling being an overdevelopment of the site. The dwelling to be constructed is not the subject of consideration with this application as there is no trigger for a planning permit for a single dwelling on a lot greater than 500 square metres. As such the only matter that can be assessed in this application is the construction of the proposed roof deck.

Overlooking

Objectors have raised concerns relating to the opportunity for overlooking that will be created by the roof deck. The roof deck is to be setback a minimum of 2.0 metres from the existing roof edge and in excess of 9.0 metres from the title boundaries to the north, north east and east of the site. During the consultation meeting held at Council offices the objectors were concerned with the potential for direct views into the adjoining properties private open space and habitable room windows. In response to these concerns the applicant substituted plans increasing the setback of the proposed roof deck to the north from 2 metres to 3.9 metres and providing screening to 1.7 metres to the north and east of the roof deck which satisfies the objectives of the Design and Development Overlay and meets the overlooking standards of the Bayside Planning Scheme. The increased setback, proposed screening and the fact that the roof deck is offset from the roof edges which helps prevent downward looking, will ensure that there will be no unreasonable overlooking to the private open space areas and habitable room windows of the adjoining properties.

Overshadowing

Objectors have raised concerns with possible overshadowing from the proposed roof deck. It is considered that the roof deck will not result in any unreasonable overshadowing to the adjoining properties. The roof deck is proposed to be constructed above the double storey building and setback 11.80 metres from the northern boundary, approximately 16 metres from the eastern boundary and 10.36 metres from the western boundary. The height of the access structure is compliant with the Design and Development Overlay Schedule 1 and shadow diagrams have been checked and found to be correct confirming that the proposed roof deck will not create any overshadowing onto any adjoining property.

Noise

Concerns have been raised about the amount of noise generated from the proposed roof deck. The roof deck is not considered to be out of scale with the development and provides an area which is not excessive in proportion with the proposed double storey dwelling. It is considered that the roof deck will not result in any unreasonable amenity impacts in a residential area. It is also considered that the noise generated from the roof deck will be residential noise which is no different from other residential properties.

Traffic & Car Parking

It is noted that the objectors have raised concerns about the potential for increased traffic congestion and loss of car parking spaces in association with the proposed development. The proposed dwelling and associated car parking is not the subject of consideration with this application as there is no trigger for a planning permit for a single dwelling on a lot greater than 500 square metres, which meets the requirements of the Design and Development Overlay Schedule 1. As such the only matter that can be assessed in this application is the construction of the proposed roof deck.

Loss of views

A concern has been raised in regards to the loss of views from the proposed development. It is noted that loss of views are not a planning consideration and can not be considered when assessing the application.

CONCLUSION

It is considered that the proposed roof deck will not result in unreasonable detriment to the streetscape nor to the residential amenity of the neighbours. The proposed roof deck complies with the Design and Development Overlay Schedule 1 objectives and requirements and it is recommended that a planning permit be issued, subject to conditions.

RECOMMENDATION

That Council having caused notice of Planning Application No. **2010/41/1** 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 **80B Esplanade, Brighton** for **the construction of a roof deck in a Design and Development Overlay Schedule 1**, with the application date **4 May 2010**, subject to the following conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. G1 Layout not altered
2. G5 Time for starting and completion.

Permit Notes

Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Council's Asset Protection Administrator, Mon-Fri 9.00am-1.00pm on 9599 4638.

N2 Building approval

This decision has not been assessed against the Building Act, Building Regulations, Building Code of Australia or relevant standards.

1.10 **118 Linacre Road, Hampton**
Notice of Decision to Grant a Permit
Application No: 2009/0673/1 Ward: Central

City Strategy/Statutory Planning
 File No: 2009/0673/1

APPLICATION DETAILS

Land/Address:	118 Linacre Road, Hampton
Application is for:	Construction of two (2) double-storey dwellings
Melway Reference:	76 K7
Ward:	Central
Application Number:	2009/0673/1
Applicant's/Owner's Name:	Murley Design
Date Received:	23 December 2009
Statutory Days Expiry:	5 June 2010
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) dwellings on a lot
Restrictive covenants on the title?	Yes – not of relevance to this application
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 two (2) double storey dwellings.

Details of the proposal include:

- Two (2) double storeys, side-by-side dwellings.
- At ground floor, each dwelling contains a single width garage, study, lounge, kitchen, dining and living, together with an alfresco area and secluded private open space located at the rear.
- At first floor, each dwelling contains three (3) bedrooms, together with a bathroom and north-facing balconies.
- An additional off-street car parking space is also proposed in the front setback for each dwelling, together with 1.8m high, rendered, front fence with metal picket gates.

SUBJECT SITE & LOCALITY

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

The site has a total area of 704.71 square metres and currently contains:

- A single storey brick dwelling.

The main site/locality characteristics are:

- Immediately beyond Linacre Road to the north, at 125 Linacre Road, the property contains a double storey rendered dwelling.
- The adjoining property to the south, at 3 Brand Street, contains a single-storey brick dwelling.
- The adjoining property to the west, at 116 Linacre Road, contains a single-storey brick dwelling.
- The adjoining property to the east, at 120 Linacre Road, contains a double-storey rendered dwelling.

PERMIT/SITE HISTORY

There is no planning history for this application.

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 has received three (3) objections to date.

LOCALITY MAP 118 LINACRE ROAD HAMPTON


Legend	
Subject Site	★
Objectors	●

The key issues that were raised in the objections are:

- Neighbourhood Character
- Emerging Medium Density Character
- Side setbacks don't comply with Clause 55 of the Bayside Planning Scheme
- Impact on amenity
- Overshadowing
- Overlooking, and the use of film rather than glazed / frosted glass

- Impact on future redevelopment of surrounding sites
- Loss of existing trees on site
- Sustainability of proposal

CONSULTATION

A consultation meeting was arranged for 31st March 2010. One (1) objector and the applicant attended the meeting. The objectors' concerns relating to overlooking were discussed and clarified.

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 Linacre Road

Internal Council Referrals	Advice/Response/Conditions
Urban Designer	No objection
Traffic Engineer	No objection subject to conditions
Arborist	No objection subject to conditions
ESD Officer	No objection subject to conditions

ASSESSMENT

Relevant Provisions of the Bayside Planning Scheme

State Planning Policies

- **Clause 12 Metropolitan Development** - Includes objectives and strategies for Metropolitan Melbourne.
- **Clause 14 Settlement** - Encourages consolidation of residential activities, with development being respectful of neighbourhood character.
- **Clause 16.02 Housing** - Encourages well-designed medium density housing that respects the character of the neighbourhood and improves housing choice, use of infrastructure and energy efficiency.

Municipal Strategic Statement

- **Clause 21.04-2 Overarching Goals** – outlines the overarching goals for land use and development within the municipality to encourage design outcomes that contribute to the sense of place and respect and enrich the local environment.

- **Clause 21.05 – Housing** – Details the objectives, strategies and implementation guidelines to facilitate quality design outcomes that make a positive contribution to the character and amenity of the area.
- **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.

Zoning

- **Clause 32.01 - Residential 1 Zone** - Encourages residential development at a range of densities, with a variety of dwellings to meet the housing needs of all households and to encourage residential development that respects neighbourhood character. **A planning permit is required to construct two (2) or more dwellings on a lot within a Residential 1 Zone.**

Overlays

- **Clause 43.02 - Design and Development Overlay Schedule 2** - Aims to achieve architectural and urban design outcomes that contribute positively to urban character and enhance the public realm whilst minimising detrimental impact on neighbouring properties. It seeks to preserve the existing character and amenity of the areas as low-rise suburban areas with a strong garden character; to maintain the prevailing streetscape rhythm, building scale and height of neighbourhood; and to maintain a strong landscape character with buildings set within vegetated surrounds. **The proposal does not require a planning permit in this overlay, as the dwelling does not exceed two (2) storey or 9 metres in height measured above the natural ground level.**

Particular Provisions

- **Clause 55** Construction of two (2) 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 planning applications.

SUMMARY OF KEY ISSUES

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

Neighbourhood Character

The subject site is located within Neighbourhood Character Precinct E3 pursuant to Clause 22.07 of the Bayside Planning Scheme. The policy outlines a series of aims and objectives to preserve and enhance the character of the Bayside's municipality. The preferred character statement for Precinct E3 states:

“The low lying dwellings with pitched roof forms and articulated front wall surfaces sit within established garden settings. There is a continued frequent presence of California Bungalow style dwellings, however, new buildings respect, without replicating, this style. The lightness in the streetscapes is maintained by the use of lighter building materials in building facades, particularly in the streets dominated by timber materials. Medium height, open style front fences assist in retaining an open streetscape”.

Precinct Guidelines

Objective	Design Response	Avoid
To encourage the retention of dwellings that contribute to the valued character of the Precinct in the design of development proposals.	<ul style="list-style-type: none"> Attempt to retain wherever possible intact and good condition dwellings that contribute to the valued character of the Precinct in designing new development. Alterations and extensions should retain the front of these dwellings and be appropriate to the building era. 	<i>Demolition of dwellings that contribute to the valued character of the Precinct.</i>
To maintain and enhance the garden settings of the dwellings.	<ul style="list-style-type: none"> Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and shrubs. 	<i>Lack of landscaping and substantial vegetation.</i>
To provide space for front gardens.	<ul style="list-style-type: none"> Buildings should be sited to allow space for the planting of trees and shrubs. 	<i>Loss of front garden space.</i>
To maintain the rhythm of spacious 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 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. Minimise paving in front garden areas including driveways and crossovers. 	<i>Car parking structures that dominate the façade or view of the dwelling.</i> <i>Front setbacks dominated by impervious surfaces.</i>

Objective	Design Response	Avoid
To ensure new development respects the dominant building scale and forms within the streetscape.	<ul style="list-style-type: none"> • Recess upper storey elements from the front façade. • Incorporate pitched roof forms with eaves. 	
To use lighter looking building materials and finishes that complement weatherboard where it predominates in the streetscape.	<ul style="list-style-type: none"> • Incorporate timber or other non-masonry wall materials where possible. 	<i>Heavy materials and design detailing where weatherboard predominates (eg. Large masonry columns and piers)</i>
To maintain the openness of the streetscape.	<ul style="list-style-type: none"> • Provide open style front fences, other than along heavily trafficked roads. • Front fence style should be appropriate to the building era. 	<i>High, solid front fencing</i>

The surrounding area is characterised by detached dwellings, which have utilised varied materials, with reasonable front setbacks and vegetated front gardens.

It is considered that the proposed side-by-side arrangement provides a positive infill development to replace the existing single storey dwelling. The proposed arrangement will adequately maintain the rhythm of the existing streetscape, and with a relatively low overall height, will provide a good transition in the street. Although single storey walls on both the east and west boundaries are proposed, the street setback of a minimum of 9 m and submitted landscaping details, will ensure that the proposed envelope, does not provide an incongruous element in the streetscape.

The dwellings will provide a positive contribution to the streetscape, good articulation to the façade by varying front walls, and street facing balconies, and this compares favourably with similar infill development located within the immediate vicinity. The single car garages and tandem spaces to each side reduces the dominance of vehicle storage and structures in the street. Each dwelling is provided with an individual portico and entry, to provide a clear sense of address to the streetscape in accordance with planning policy.

The proposal mostly complies with the preferred design response found in the precinct guidelines contained within the objectives of Local Policy 22.07 of the Bayside Planning Scheme. However, the design response also requires that the upper floor is recessed from the front façade to ensure that the development respects the dominant building scales and form in the streetscape. The first floor, as proposed, overhangs the ground floor below, and also proposes north-facing balconies that further intrude into the front setback. This non-recessive element is incongruous and adds to the visual bulk of the buildings when viewed from the street. A condition will therefore require that the first floor wall and north-facing balcony is setback from the ground floor below by a minimum of 1m, should a permit be issued.

Setbacks

The proposed dwellings are both set back from Linacre Road by a minimum of 9m, apart from for the width of the proposed party wall (setback approximately 7.5m from the front boundary), in

accordance with the requirements of the Bayside Planning Scheme. Rear setbacks also comply with the requirements of the Bayside Planning Scheme.

Non-compliant setbacks (detailed in the following table) are found on the eastern and western sides both at ground and first floor.

Required:	Proposed:
Dwelling One:	Dwelling One:
<u>Ground Floor</u>	<u>Ground Floor</u>
<i>East: 2m</i>	<i>East: 1m–1.6m</i>
<i>South: 3m</i>	<i>South: 9.205m</i>
<u>First Floor</u>	<u>First Floor</u>
<i>East: 3.62m</i>	<i>East: 3m-3.66m</i>
Dwelling Two:	Dwelling Two:
<u>Ground Floor</u>	<u>Ground Floor</u>
<i>South: 3m</i>	<i>South: 7.72m</i>
West: 2m	West: 1m- 1.6m
<u>First Floor</u>	<u>First Floor</u>
West: 3.86m	West: 3m-3.6m

The reduced side setbacks are considered acceptable in this instance as they will not result in a detrimental impact on the amenity to the occupiers of neighbouring dwellings by virtue of both the orientation of the subject site, and the overall height of the first floor walls (to the parapet) being limited to between 6.3m and 6.7m. In addition, windows on the adjoining properties facing the subject site are separated from the proposed built form by a minimum of 4m at ground floor and 6m at first floor, thus ensuring that daylight to those windows is not impacted by the development. The proposed setbacks (particularly at first floor level) are similar to those found in the surrounding area, will not restrict opportunities for landscaping and will not result in unreasonable levels of visual bulk. The streetscape is not impacted by the non-compliant side setbacks due to the street setback of a minimum of 9m.

A variation from the side setback requirements (found in Schedule 1 of the Residential 1 Zone in the Bayside Planning Scheme) is therefore considered acceptable in this instance.

Overlooking

An objector has raised a concern relating to the use of obscurely glazed windows as opposed to tinted film on clear glazing. Obscurely glazed windows are quite different from a tinted film on windows in that they are permanent treatment of the glazing, whilst a film can be added on. The submitted plans clearly indicate that the relevant windows will be obscurely glazed, up to a minimum of 1.7m above finished floor levels, in accordance with the requirements of Clause 55 of the Bayside Planning Scheme. All habitable room windows on the eastern and western sides have sill heights a minimum of 1.7m above finished floor levels. In addition non-habitable room windows

(i.e. bathroom windows) are obscurely glazed and south facing windows are also obscurely glazed to a minimum 1.7m, above finished floor levels, which fully complies with the requirements of the Bayside Planning scheme.

Overshadowing

The shadow diagrams submitted with this application have been checked and found to be correct.

Due to the orientation of the subject site, and the pattern of built form immediately adjoining, any additional shadows cast by the development will fall mainly over side gardens in the morning to the west and in the afternoon to the east. Both areas of private open space immediately to the east and west of the subject site will still enjoy at least five (5) hours of sunlight to 75% of the area between 9am and 3pm on 22nd September, in accordance with the requirements of the Bayside Planning Scheme.

No north-facing windows on adjoining properties will be overshadowed by the proposal, and all existing east and west-facing windows on adjoining properties will not suffer a loss of daylight as a result of the proposal.

Access and Car Parking

Existing crossovers from Linacre Road are utilised in this development. Each dwelling is provided with two (2) off-street car spaces, with each dwelling having one within the single-width garages, in accordance with the requirements of the Bayside Planning Scheme.

Council's Traffic Engineer has not objected to the proposal, but recommends conditions relating to the width of the driveway and garage door opening, to be included in any permit that may issue. The Traffic Engineer also recommends that the existing crossovers are removed and new crossovers constructed, to facilitate a minimum width of 3.3m wide. Should a permit be issued this requirement will be facilitated.

Landscaping

Council's Arborist has assessed the proposal and it is recommended that at least one (1) tree capable of growing to 10m at maturity is planted in the front setback of the proposed development. A condition will require a revised landscaping plan to facilitate this, should a permit be issued.

Energy Efficiency

A STEPS report has been submitted with the application. The proposed development is considered to be reasonably energy efficient. Good access to daylight and natural ventilation is provided by reasonably sized fenestration, with west-facing windows provided with solar screening by virtue of the overhanging eaves, assisting with reducing harsh solar access during warmer months. Doors are proposed on three sides of each dwelling to provide for cross-ventilation in the dwellings. 5000L water tanks are also proposed underground in the front setbacks, which will be connected to all cisterns and the overflow to be connected to the storm water drain system. Council's Environmental Design Officer has not objected to the proposal, subject to a condition relating to further demonstration of water sensitive urban design features, should a permit be issued.

Front Fence

An existing and solid front fence, measuring approximately 2m in height is located between the two existing cross overs on the front boundary. Within the immediate vicinity of the subject site most front fences are low level or non-existent. The proposed development provides for 1.8m high front fencing / gates across the full width of the front (northern) boundary of the subject site. This exceeds the 1.2m in height prescribed by Schedule 1 of the Residential 1 Zone in the Bayside Planning Scheme.

Approximately 7.5m in width is comprised of solid rendered walls, with the remaining width of fencing / gates comprising of either 'selected metal' or metal pickets. Neither of these materials demonstrates any transparency, which would allow views into the site and increase surveillance opportunities out of the proposed dwellings. Although there is some evidence in the street of solid front fencing, this is not a predominant character of the streetscape. Most dwellings have low (up to 1.2 metres in height) or fencing with picket infill that allow views into the front gardens. A condition on any permit that may issue will require that the height of the front fencing /gates is reduced to 1.2m in accordance with the requirements of the Bayside Planning Scheme.

Objector Concerns

Concerns relating to the "emerging medium density character" of the surrounding area are noted. State and Local Planning Policies, together with other State Government Directives contained within documents such as Melbourne 2030 and Melbourne @ 5million, support an increase in dwelling density and the better use of sites that are located within established neighbourhoods, close to public transport and other community facilities. The subject site has been assessed against all relevant planning policy and the proposed development is considered to be a sustainable infill proposal that will not detrimentally impact on the character of the surrounding area or the amenity of the occupiers of adjoining dwellings.

Any impact on proposed future redevelopment of surrounding sites has not been taken into account, as each case is treated on its own merits, and the assessment of the two proposed dwellings on the subject site takes into account existing site conditions rather than any future potential.

CONCLUSION

It is considered the proposal is appropriate for the site, and subject to the recommended permit conditions, the proposal will not have a detrimental impact upon the streetscape, neighbourhood character or the amenity of adjoining properties. It is therefore considered that the application be supported, subject to the recommended conditions.

RECOMMENDATION

That Council having caused notice of Planning Application No. **2009/0673/1** 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 118 Linacre Road Hampton for the **construction of two (2) dwellings** in accordance with the endorsed plans, with the application date **23 December 2009**, 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 application but modified to show to the satisfaction of the Responsible Authority:
 - a. Setback of first floor walls and north-facing balconies by a minimum of 1m from the ground floor below
 - b. Revised landscape plan showing at least one (1) tree that will grow to 10m at maturity in the front setback of each dwelling
 - c. The front fencing / gates reduced in height to 1.2m
 - d. All plant and equipment (including air conditioning units, heating units, hot water systems, etc.), which is proposed to be located externally shall be identified on the plans and located to the satisfaction of the Responsible Authority.
 - e. The width of the driveway to each dwelling increased to 3.3m with a 0.7m offset from the eastern boundary for dwelling one (1) and a 0.9m offset from the western boundary for dwelling two (2).
 - f. A 2.8m wide (minimum) garage door opening in each dwelling.
 - g. All walls on boundaries notated as cleaned and finished to the satisfaction of the Responsible Authority.
 - h. Water Sensitive Urban Design measures in accordance with condition five (5) of this permit.
2. P4 Layout not altered
3. Before the occupation of the dwellings 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 to the satisfaction of the responsible authority.
4. A18 Concealment of pipes
5. 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;
 - (d) 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.

6. Drainage plans showing the stormwater detention system to be connected to the legal point of discharge must receive Bayside City Council approval prior to the commencement of the development.
7. The proposed internal drainage must be connected to the existing legal point of discharge. The applicant may apply for legal point of discharge and local drain information, or carry out on site verification.
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. 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.
10. Vehicular crossing/s must be constructed to the road to suit the proposed driveway/s to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority, and at the expense of the developer.
11. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
12. This permit will expire if one of the following circumstances applies:
 - The development is not started within two years of the date of this permit.
 - The development is not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Permit Notes

Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Bayside Council's Asset Protection Administrator, Mon-Fri 9.00am-1.00pm on 9599 4638.

- N1 Vehicle Crossing Permit
- N2 Building approval
- N6 Vehicle crossing removal

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	The existing infrastructure can readily accommodate one additional dwelling without overloading capacity.
B5 Integration with the Street Integrate the layout of development with the street	Yes	Dwelling is orientated to the street with street facing balconies
B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	Yes	Required: 9m Proposed: 9m
B7 Building Height Building height should respect the existing or preferred neighbourhood character.	Yes	Maximum: 9m Proposed: 7.7m
B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	Yes	Maximum: 50% Proposed: 50%

B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Yes	At least : 20% Proposed: 39.39%
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	The development provides good lighting, visibility and surveillance of each space.
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
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	See report
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	See report

<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: Four (4)</p> <p>Proposed: Four (4)</p>	
<p>B17 Side and Rear Setbacks</p> <p>Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	<p>No See report</p>	<p>Required:</p> <p>Dwelling One:</p> <p><u>Ground Floor</u></p> <p>East: 2m South: 3m</p> <p><u>First Floor</u></p> <p>East: 3.62m</p> <p>Dwelling Two:</p> <p><u>Ground Floor</u></p> <p>South: 3m West: 2m</p> <p><u>First Floor</u></p> <p>West: 3.86m</p>	<p>Proposed:</p> <p>Dwelling One:</p> <p><u>Ground Floor</u></p> <p>East: 1m–1.6m South: 9.205m</p> <p><u>First Floor</u></p> <p>East: 3m–3.66m</p> <p>Dwelling Two:</p> <p><u>Ground Floor</u></p> <p>South: 7.72m West: 1m–1.6m</p> <p><u>First Floor</u></p> <p>West: 3m–3.6m</p>
<p>B18 Walls on Boundaries</p> <p>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.</p>	<p>Yes</p>	<p>Maximum: 3m in height and 10m in length</p> <p>Proposed: 3m in height and 7.5m in length*</p> <p><i>* each dwelling proposes the same length and height of wall on boundary</i></p>	
<p>B19 Daylight to Existing Windows</p> <p>Allow adequate daylight into existing habitable room windows.</p>	<p>Yes</p>	<p>See report</p>	

B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.	N/A	See report
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.
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.
B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Yes	The dwellings are separated by brick party wall to reduce noise emission. Any noise will be residential in nature and reasonable in the context
B25 Accessibility Consider people with limited mobility in the design of developments.	Yes	Application minimises the change to natural ground level
B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.	Yes	Dwelling entry is clearly defined for ease of access and safety
B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.	Yes	All new windows will have adequate access to daylight
B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.	Yes	Required: 40 square metres Proposed: Dwelling One – 95.27 square metres Dwelling Two – 83.95 square metres
B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.	Yes	Private open space is south-facing due to the limitations of the streetscape layout, nevertheless adequate solar access to the proposed private open spaces is provided.

B30 Storage Provide adequate storage facilities for each dwelling.	Yes	Reasonable storage is provided within 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	Maximum: 1.2m Proposed: 1.8m 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.	N/A	Proposal does not have areas of 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.	Yes	Site services and facilities can be installed and maintained and are accessible, adequate and attractive.