



Planning Committee Agenda

For a meeting of the

Planning Committee

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

on

Tuesday, 7 December 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 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
4. Matters for Decision
 - 1.1 17 BODLEY STREET, BEAUMARIS 5
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO. 2010/0212/1 WARD: SOUTHERN
 - 1.2 28 PINE STREET, BRIGHTON EAST 24
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2010/135/1 WARD: CENTRAL
 - 1.3 121 CENTRE ROAD, BRIGHTON EAST 44
SECONDARY CONSENT - PART APPROVE
APPLICATION NO. 2005/0338/1 WARD: NORTHERN
 - 1.4 26 FERNHILL ROAD, SANDRINGHAM 48
SECTION 87A - SUPPORT
APPLICATION NO. 2007/0785/1 WARD: SOUTHERN

BAYSIDE CITY COUNCIL

PLANNING COMMITTEE MEETING

TUESDAY, 7 DECEMBER 2010

- | | | |
|------|--|-----|
| 1.5 | 4 RESERVE ROAD, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO. 2010/0062/1 WARD: SOUTHERN | 55 |
| 1.6 | 103 PARK ROAD, CHELTENHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NUMBER: 2010/285/1 WARD: CENTRAL | 74 |
| 1.7 | 6 ROYAL AVENUE, SANDRINGHAM
NOTICE OF DECISION TO AMEND A PLANNING PERMIT
APPLICATION NO. 2004/0451/3 WARD: SOUTHERN | 91 |
| 1.8 | 24 VICTORIA STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO.: 2010/402/1 WARD: NORTHERN | 107 |
| 1.9 | 394 NEW STREET, BRIGHTON
SUPPORT
APPLICATION NO. 2010/0393/1 WARD: NORTHERN | 116 |
| 1.10 | 432-436 BLUFF ROAD, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO. 2010/0391/1 WARD: CENTRAL | 138 |
| 1.11 | 3 JOHN STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO. 2010/0172/1 WARD: SOUTHERN | 157 |

1.1 **17 Bodley Street, Beaumaris**
Notice of Decision to Grant a Permit
Application No. 2010/0212/1 Ward: Southern

City Strategy/Statutory Planning
 File No: 2010/0212/1

APPLICATION DETAILS

Land Address:	17 Bodley Street, Beaumaris
Application is for:	Construction of two (2) double storey dwellings and removal of vegetation in a Vegetation Protection Overlay Schedule 3
Melway Reference:	86 E8
Ward:	Southern
Application Number:	2010/0212/1
Applicant's/Owner's Name:	Low Construction
Date Received:	19 April 2010
Statutory Days Expiry:	2 August 2010
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 2 Vegetation Protection Overlay Schedule 3
Under what clause(s) is a permit required?	Clause 32.01-4 – Construction of two (2) or more dwellings Clause 42.02 (Schedule 3) – Removal of vegetation
Restrictive covenants on the title?	Yes, however the application does not breach the covenant
Current use and development:	Double storey dwelling
Objections:	Three (3) objections

PREAMBLE

Consideration of this application was deferred at the Planning Committee Meeting on the 16 November 2010 for one (1) cycle in order to consider e-mailed concerns from the objector at 19 Bodley Street which was received the day of the Meeting.

The report previously tabled at the 16 November 2010 Planning Committee Meeting is re-presented, with consideration of the objectors' concerns set out in their e-mail of 16 November 2010 shown in bold.

PROPOSITION

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

PROPOSAL

It is proposed to construct two (2) double storey attached dwellings and to remove vegetation in a Vegetation Protection Overlay Schedule 3. The proposal includes the following:

- Construction of two (2) attached (side-by-side) double storey dwellings each containing four (4) bedrooms.
- Double garages for each dwelling.
- Removal of native vegetation.

SUBJECT SITE & LOCALITY

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

The site has a total area of 710 square metres and currently contains:

- A double storey dwelling.

The main site/locality characteristics are:

- The adjoining property to the east, at 19 Bodley Street, contains a double storey dwelling fronting Bodley Street with a secondary frontage to Scott Street.
- The adjoining property to the west, at 15 Bodley Street, contains a single storey dwelling fronting Bodley Street.
- The adjoining property to the north, at 1 Scott Street, contains a single storey dwelling fronting Scott Street.
- The subject site faces the Beaumaris Bowling Club across Bodley Street, to the south.

PERMIT/SITE HISTORY

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

PUBLIC NOTIFICATION

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

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

The notification has been carried out correctly.

Council initially received four (4) objections. One (1) was subsequently withdrawn.

Locality Plan – 17 Bodley Street, Beaumaris


Legend					
Subject land	★	Location of Objectors	●	Withdrawn	▲

The key issues that were raised in the objections are:

- Overlooking
- Overshadowing
- Visual bulk
- Neighbourhood character and inappropriate design
- Vegetation removal
- Car parking concerns.
- Non-compliant setbacks

CONSULTATION

A consultation meeting was held on 1 September 2010. The meeting was attended by the applicants, objectors, Council's Officer and Councillor Norris. At the meeting the objectors raised issues concerning neighbourhood character, overlooking, overshadowing and traffic generation and parking. Revised plans were submitted on 8 September 2010 and readvertised on 13 September 2010. One (1) objection has been withdrawn.

The revised plans include the following amendments:

- Cross sections illustrating overshadowing.
- Louvered screening to bedroom windows of Unit 2.
- Extension of garage wall on west elevation for Unit 2.
- Louvered screening to east elevation first floor front deck of Unit 1.
- Notes on footings for the garage for Unit 2.
- Drainage notes to the rear of Unit 2.
- Fence notes to east boundary of Unit 1.
- Air-conditioning located centrally on the roofs

The assessment of the application in this report is based on the revised plans.

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 Bodley Street.

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

ASSESSMENT

Relevant Provisions of the Bayside Planning Scheme

State Planning Policies

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

Municipal Strategic Statement

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

Local Planning Policies

- Clause 22.07-1 – Neighbourhood Character Policy - Aims to encourage development in the area that responds to the particular built form and natural environment elements that make up the neighbourhood character of Bayside.
- Clause 22.07-2 – Neighbourhood Character Objectives - Aims to ensure that development is responsive to the preferred future character of the area and to retain and enhance the identified elements that contribute to the character of the area. It is noted that the subject site is located within precinct H3.

- Clause 22.10 – Water Sensitive Urban Design - Aims to promote the use of water sensitive urban design, including stormwater re-use, to protect the surface water and ground waters in the Port Phillip Bay catchment from stormwater pollutants, to reduce the impacts of peak stormwater flows, to integrate stormwater treatment measures into the landscape, and to reduce the entry of pollutants into stormwater run-off.

Zoning

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

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

Overlays

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

The overlay requires a planning permit to remove native vegetation.

- Clause 43.02 Design and Development Overlay Schedule 2 – Aims to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties, to preserve the existing character and amenity of the areas as low rise (up to two storeys) suburban areas with a strong garden character, to maintain the prevailing streetscape rhythm, building scale and height of neighbourhoods and to maintain a strong landscape character with buildings set within vegetated surrounds.

A planning permit is not required under the DDO2.

Particular Provisions

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

General Provisions

- Clause 65, which sets out decision guidelines for the responsible authority to consider in order to ensure acceptable outcomes in terms of State Planning Policies and Local Planning Policies.

SUMMARY OF KEY ISSUES

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

Issues raised by objector

The objector has stated that they require the following changes to the plans:

- **Setback of the garage on the eastern boundary to be setback to comply with the requirements of the Bayside Planning Scheme.**

It is considered that the proposed ground floor eastern side setbacks are appropriate for the site and will not affect the amenity of the adjoining property. The proposed garage wall is an average of 2.9 metres in height which is considered satisfactory and will not present a visually dominant built form and is compliant with the requirements of the Bayside Planning Scheme.

The garage wall is on the eastern boundary for a length of 3.5 metres and is then setback 0.32 metres for a length of 3.2 metres to comply with Standard B19 Daylight to existing windows objective to allow a light court to the existing windows of the adjoining dwelling. If the garage were to be setback further from the eastern boundary it would no longer meet the required width of 5.5 metres for a double garage.

- **The deletion of the decking at ground floor level abutting the eastern property boundary including the deletion of the deck accessed from the Meals area from Unit 1.**

The proposed deck does not result in overlooking opportunities into the adjoining property to the east due to the 2.4 metre timber paling and trellis fence and is located within a service area and convenient access to the garage due to the slope of the site. It is recommended that this be supported as proposed.

- **Obscure glazing to ground floor east facing windows to 1.8 metres above finished floor level.**

Obscure glazing to 1.8 metre to ground floor windows is unnecessary due to the 2.4 metre high timber paling and trellis fence that prevents overlooking from occurring.

- **Deletion of the sliding door to bedroom 1 of Unit 1.**

It is considered that there will be no amenity impact to the adjoining property from a sliding door from the bedroom. The sliding door provides good access to natural light and ventilation.

- **Relocation of bins to the garage.**

It is considered that the location of the household bins located in the side access adjacent to the laundry is acceptable and meets the requirements of Clause 55.06-4 of the Bayside Planning Scheme which requires bins to be located for the convenient access of residents.

- **Obscure glazing to 1.8 metres to all first floor windows within the east elevation.**

A planning permit condition has been included to ensure that all first floor windows are screened in accordance with Clause Standard B22 (Overlooking) of the Bayside Planning Scheme. This requires fixed screening to 1.7 metres above finished floor levels.

- **Alterations to the roof line adjacent to bedroom 2 and 3 of Unit 1 to be a pitched roof to ensure that decking cannot be included at a later date.**

It is considered that the proposed roof line is appropriate for the development and any alterations to the roof line to include decks at first floor level will require a further application and consideration by the Responsible Authority.

Neighbourhood Character

The subject site is located in Precinct H3 within Clause 22.07 Neighbourhood Character Policy of the Bayside Planning Scheme. The preferred future character statement reads:

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

The precinct guidelines are as follows:

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

Objective	Design Response	Avoid
To ensure that new buildings provide an articulated and interesting façade to the street.	<ul style="list-style-type: none"> Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, combinations of materials, textures or colours or other elements providing appropriate articulation. Recess upper levels from the front façade. 	<p><i>Large, bulky buildings</i></p> <p><i>Poorly articulated front and side wall surfaces.</i></p>
To use building materials and finishes that complement the natural setting.	<ul style="list-style-type: none"> Use a mix of materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick. 	<p><i>Period reproduction styles and detailing.</i></p>
To maintain the openness of the front garden to the street.	<ul style="list-style-type: none"> Provide open style front fences, other than along heavily trafficked roads. Use vegetation as an alternative where possible. 	<p><i>High or solid front fences.</i></p>

The area surrounding Bodley Street contains a mixture of traditional and contemporary housing on medium to large allotments and with a relatively high degree of recent change. Closer to Beach Road Bodley Street contains several commercial tenancies including the Beaumaris Hotel. Garden and street planting are important elements in establishing building settings and the overall landscaped character of the area. The most valued attributes of the area relate to the detached building style, well-developed garden settings and the visual link between garden and the street.

The proposal complies with the objectives of the preferred future character for the precinct, as the front setback of the development is 7.4 metres which matches the setback pattern within the streetscape. The development is appropriately set back from the side to maintain the rhythm of spacious visual separation between buildings on adjoining lots and ensure adequate space is provided around buildings for the planting of vegetation. The proposed site coverage of 50.74% while non-compliant with the 50% requirement of the Bayside Planning Scheme is appropriate and will provide adequate areas for landscaping.

The first floor component is well articulated and provides an interesting façade to the street. The proposal incorporates the use of a variety of building materials, finishes and design details that complement the area.

No front fence is proposed for the development to provide greater linkages of the landscaped front setback and streetscape.

Council's Urban Designer has viewed the plans and comments that the proposal is capable of making a good fit within the neighbourhood and the area generally.

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

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

Setbacks

The proposed setbacks are as follows:

	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
North (rear)	0 or 3 metres	5.5 – 7.7 metres	4.62 – 4.92 metres	8.1 – 8.5 metres
East (side)	0 or 2 metres	<u>0 – 1.95 metres</u>	3.5 – 4.18 metres	<u>2.4 – 3.4 metres</u>
West (side)	0 or 2 metres	<u>0 – 1.4 – 2.4 metres</u>	3.4 – 4.78 metres	<u>2.4 – 2.88 metres</u>
South (front)	7.8 metres	<u>7.4 metres</u>	7.8 metres	9.9 metres

The proposed front setback of 7.4 metres does not comply with the 7.8 metre requirement of the Bayside Planning Scheme. It is considered that the proposed setback is responsive to the setback pattern within the streetscape and will not affect the amenity of the adjoining properties.

The proposed ground floor east side setback of 0 – 1.95 metres does not comply with the 0 or 2 metre setback requirement of the Bayside Planning Scheme. It is considered that the proposed setback is minimal in length and located centrally to the site and will not affect the amenity of the adjoining properties. The proposed wall will not significantly affect natural light to the adjoining properties windows or open space areas. The proposed setback will not affect the amenity of the adjoining property to the east and will not present as a visually dominant element at ground level.

The proposed ground floor west side setback of 0 – 1.4 – 2.4 metres does not comply with the 0 or 2 metre setback requirement of the Bayside Planning Scheme. The proposed setback is 4.9 metres in length and faces a service corridor of the adjoining property to the west. It is considered that there will be no amenity impact upon the adjoining property to the west.

The proposed first floor west setback of 2.4 – 2.88 metres does not comply with the 3.4 – 4.78 metre setback requirement of the Bayside Planning Scheme. It is considered that the proposed wall is well articulated through the mix of materials and finishes and will not detrimentally impact upon the amenity of the adjoining properties. It is noted that the subject site has a significant slope down from the rear to the street and the subject site faces a service yard of the adjoining property.

The proposed first floor east setback of 2.4 – 3.4 metres does not comply with the 3.5 – 4.18 metre setback requirement of the Bayside Planning Scheme. It is considered that the proposed wall is well articulated through the mix of materials and finishes and will not detrimentally impact upon the amenity of the adjoining properties. The proposed setback is site responsive and matches the slope of the land.

It is considered that the proposed setbacks of the development are site responsive and will respect the amenity of the adjoining properties.

Visual Bulk

Council's Urban Designer advises that the development does not present excessive bulk to the street or to the adjoining properties due to the articulation of the development and mix of materials and finishes.

The overall height of the building at 6.7 – 7.7 metres is consistent with the height and scale of other double storey buildings within the streetscape and area. The streetscape elevation indicates that from a streetscape perspective, the scale and height of the development fits comfortably within this area.

Overlooking

All windows to the east and west of the property are either obscure glazing to 1.7 metres in height or provided with appropriate external screening. A condition has been included on any permit that may issue to ensure that screening is provided in accordance with Clause Standard B22 (Overlooking) of the Bayside Planning Scheme. It is considered that subject to the inclusion of this condition there will be no unreasonable overlooking opportunities into the adjoining properties to the west and the development will comply with the Bayside Planning Scheme.

Overshadowing

The shadow diagrams submitted have been checked and found to be correct. Taking into account the orientation of the site the level of overshadowing cast by the development (overshadowing complies with the provisions of Clause 55 Standard B21 Overshadowing Open Space) of the Bayside Planning Scheme.

Traffic and Car Parking

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

Objections have been raised in relation to the location of the garages on the boundaries of the site. It is considered that the location and heights of the garages are appropriate for the development and reduce visual dominance of the structures and will not affect the amenity of the adjoining properties or streetscape.

Council's Traffic Engineer has viewed the plans and does not have any objection subject to conditions relating to the crossovers and driveways. It is considered that should a permit issue a condition requiring the storage area within the garage of Unit 2 be raised above the finished floor level to ensure that the front of a car can fit underneath to ensure easier access for vehicles.

Landscaping/Vegetation

Council's Arborist has viewed the plans provided and comments that there are no trees on the site worthy of retention and has no objections to the removal of the one (1) native (Eucalyptus Globulus), which is not significant and is in decline. This is subject to conditions relating to the provision of a landscape plan and the planting of canopy trees within the front setback and to have a high proportion of replanting being native or indigenous.

Energy Efficiency and Water Sensitive Urban Design

The internal layout of the dwelling is designed so as to maximise daylight to habitable rooms and secluded private open space. Ground floor living areas directly abut the private open space located to the north of the dwelling, and the first floor habitable rooms are generally located to the north of the dwelling to maximise solar access. The design response is considered to adequately comply with the energy efficiency objectives of Clause 55.03.

The proposal lodged with Council is subject to Clause 22.10 of the Bayside Planning Scheme, which requires Water Sensitive Urban Design measures for developments within Bayside. The applicant has provided a 'STORM' report which indicates that the development meets 87% of best practice levels. It is recommended that, in the event that a planning permit issues, conditions be included requiring plans be submitted detailing the measures of Water Sensitive Urban Design to be implemented on-site and that the development meets a minimum of 100% of best practice.

CONCLUSION

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

The proposal will be sympathetic to surrounding development and will respect the residential amenity of adjoining properties, through the incorporation of sufficient setbacks and appropriately located and treated first floor windows. It is therefore recommended that a Notice of Decision to Grant a Permit should be issued subject to conditions.

RECOMMENDATION

That Council having caused notice of Planning Application **No. 2010/0212/1** 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 **17 Bodley Street, Beaumaris** for the **Construction of two (2) double storey dwellings and removal of vegetation in a Vegetation Protection Overlay Schedule 3** in accordance with the application dated 19 April 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 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. All paving (except driveways) to be permeable including details of the permeability.
 - b. A schedule of all external materials and finishes to be provided to the buildings and works on the land, showing the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
 - c. The proposed landscape treatment for the site including the existing and replacement plant species in accordance with the requirements of condition 6 of this permit. Replacement planting must comprise of at least 60% native or indigenous planting. The landscape plan must show a minimum of one (1) canopy tree within the front and rear setback of each dwelling.

- d. All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally identified on the plans.
 - e. Details of all screening to the first floor North, East and West windows to ensure compliance with Clause 55.04-6 Standard B22 Overlooking of the Bayside Planning Scheme.
 - f. Water sensitive urban design stormwater treatment measures providing a rating of a minimum of 100% in accordance with Condition 12 of this permit.
 - g. The crossover for Unit 2 must be 3.3 metres wide and offset from the western property boundary by 0.5 metres.
 - h. The storage area within the garage of Unit 2 must be raised above the finished floor level to allow the front of a car to fit beneath.
2. P4 Layout not altered
 3. A18 Concealment of pipes.
 4. A19 Plant and equipment or features on roof.
 5. A20 Boundary Walls
 6. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed
 - b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - c) details of surface finishes of pathways and driveways
 - d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. At least 60% of all planting must consist of either native or indigenous species.
 - e) landscaping and planting within all open areas of the site
 7. L2 Completion of landscaping
 8. L3 Landscaping maintenance.
 9. Tree protection fencing must be established around the street trees prior to commencement of any works and maintained until all works on site are complete. The fencing is to be constructed and secured so its position cannot be modified by site workers. The fencing is to encompass the entire nature strip adjacent the works site with the exception of the crossovers. The tree protection zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites.
 10. Stormwater discharge is to be retained on site to the pre development level of peak stormwater discharge. The development is to have a '*Stormwater Detention System*' installed - the design capacity to be Council approved.

11. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge neither onto front footpath nor into adjacent properties.
12. Prior to the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:-
 - o The type of water sensitive urban design stormwater treatment measures to be used;
 - o The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - o Design details of the water sensitive urban design stormwater treatment measures, including cross sections;
 - o These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved, to be a minimum of 100%, and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

The water sensitive urban design stormwater treatment system as shown on the endorsed plan must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
13. 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.
14. PT1 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 4444.

N1 Vehicle Crossing Permit

N2 Building approval

N6 Vehicle crossing removal

N7 Retention of existing street trees/protection during construction

Construction of any fence/wall/letterbox structures may necessitate removal/damage of some sections of the footpath. If this is the case, a **'Road Opening Permit'** must be obtained to facilitate such work.

A **'Road Opening / Stormwater Tapping Permit'** is to be obtained from the Bayside City Council Infrastructure Department prior to the commencement of the connection to the kerb/channel.

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	N/A
B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.	Yes	N/A
B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.	Yes	Can be addressed through a permit condition
B5 Integration with the Street Integrate the layout of development with the street	Yes	N/A
B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	No	Minimum: 7.8 metres Proposed: 7.4 metres See Report
B7 Building Height Building height should respect the existing or preferred neighbourhood character.	Yes	Maximum: 9 metres Proposed: 8.7 metres
B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	No	Maximum: 50% Proposed: 50.74% See Report

B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Yes	Minimum: 20% Proposed: 36.81%
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.	Yes	N/A
B12 Safety Layout to provide safety and security for residents and property.	Yes	N/A
B13 Landscaping To provide appropriate landscaping. To encourage: <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. • The retention of mature vegetation on the site. 	Yes	Can be addressed through a permit condition.
B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.	Yes	N/A
B15 Parking Location Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.	Yes	N/A

<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>Minimum: Two (2) spaces each</p> <p>Proposed: Two (2) spaces each</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</p>	<p>Required:</p> <p><u>Ground Floor</u></p> <p>North: 0 or 3 metres</p> <p>East: 0 or 2 metres</p> <p>South: N/A</p> <p>West: 0 or 2 metres</p> <p><u>First Floor</u></p> <p>North: 4.62 – 4.92 metres</p> <p>East: 3.5 – 4.18 metres</p> <p>South: N/A</p> <p>West: 3.74 – 4.78 metres</p>	<p>Proposed:</p> <p><u>Ground Floor</u></p> <p>North: 5.5 – 7.7 metres</p> <p>East: <u>0 – 1.95 metres</u></p> <p>South: N/A</p> <p>West: <u>0 – 1.4-2.4 metres</u></p> <p><u>First Floor</u></p> <p>North: 8.1 – 8.5 metres</p> <p>East: <u>2.4 – 3.4 metres</u></p> <p>South: N/A</p> <p>West: <u>2.4 – 2.88 metres</u></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: 18.29 metres to the west and 18.29 metres to the east and an average height of 3 metres with no part greater than 3.6 metres in height.</p> <p>Proposed:</p> <p>West: 9.5 metres and an average height of 3 metres with no part greater than 3.6 metres in height.</p> <p>East: 4 metres and an average height of 3 metres with no part greater than 3.6 metres in height.</p>	

B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.	Yes	N/A
B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.	Yes	N/A
B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.	Yes	See report
B22 Overlooking Limit views into existing secluded private open space and habitable room windows.	Yes	See report Can be addressed though a permit condition
B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.	Yes	N/A
B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Yes	N/A
B25 Accessibility Consider people with limited mobility in the design of developments.	Yes	N/A
B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.	Yes	N/A
B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.	Yes	N/A
B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.	Yes	Minimum: 40 square metres with a minimum of 25 square metres of secluded private open space Proposed: Dwelling 1: 62m ² Dwelling 2: 77m ²

B29 Solar Access to Open Space Allow solar access into the secluded private open space of new dwellings/buildings.	Yes	N/A
B30 Storage Provide adequate storage facilities for each dwelling.	Yes	Within the garages
B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.	Yes	See report.
B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.	Yes	Maximum: 1.2 metres in height Proposed: No front fence is proposed.
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	N/A
B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.	Yes	N/A

1.2 **28 Pine Street, Brighton East**
Notice of Decision to Grant a Permit
Application No: 2010/135/1 Ward: Central

City Strategy/Statutory Planning
 File No: 2010/135/1

APPLICATION Details

Land/Address:	28 Pine Street, Brighton East
Application is for:	Construction of three (3) double storey dwellings and building and works in a Special Building Overlay
Melway Reference:	76 G1
Ward:	Central
Application Number:	2010/0135/1
Applicant's/Owner's Name:	Peter Pontifex
Date Received:	3 November 2010
Statutory Days Expiry:	4 January 2010
Zoning:	Residential 1
Overlays:	Design and Development Overlay – Schedule 2 Special Building Overlay
Under what clause(s) is a permit required?	Clause 32.01-4 Construction of two or more dwellings on a lot Clause 44.05 – Special Building Overlay
Restrictive covenants on the title?	No
Current use and development:	Single storey dwelling
Objections:	Two (2) objections

PREAMBLE

Consideration of this application was deferred at the Planning Committee Meeting on the 16 November 2010 for one (1) cycle in order to consider concerns with regard to the southern and western setbacks proposed for Unit 3.

The report previously tabled at the 16 November 2010 Planning Committee Meeting and deferred for one (1) cycle to consider the setbacks to Unit 3 is re-presented, with additional comments shown in bold.

PROPOSITION

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

PROPOSAL

It is proposed to demolish the existing dwelling and to construct three (3) double storey dwellings. Two of the dwellings are side by side facing Pine Street (Dwelling 1 and 2) and the third dwelling is located to the rear of the site.

All three dwellings are orientated north south. Unit 1 has its private open space to the rear and the west (where there is a lap pool), Units 2 and 3 have private open space to the north and south.

Unit 1 contains:

At ground floor

- Kitchen and rear living area
- Siting Room
- Laundry
- WC

First floor

- Master bedroom with ensuite, WIR and balcony
- Second Bedroom with ensuite
- Two (2) further bedrooms with shared bathroom
- Lounge Room

Unit 2 contains:

At ground floor

- Kitchen and rear living area
- Siting Room
- Laundry
- WC

First floor

- Master bedroom with ensuite, WIR and balcony
- Two (2) further bedrooms with shared bathroom
- Lounge Room

Unit 3 contains:

At ground floor

- Kitchen, living and meal area
- Laundry
- WC

First floor

- Master bedroom with ensuite and WIR
- Two (2) further bedrooms with shared bathroom

SUBJECT SITE & LOCALITY

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

The site has a total area of approximately 1,061 square metres and currently contains:

- A single storey detached dwelling with private open space located rear.
- A single carport on the eastern boundary and a brick and fibro garage set towards the rear of the dwelling. An existing fibro shed is located in the south western corner.
- Eight (8) trees / shrubs on site and one (1) street tree located in front of the site.

The main site/locality characteristics are:

- The site is the first house on the eastern section of Pine Street off Hampton Street and in close proximity to the Dendy Village shopping centre.
- To the **north** of the site across the street at 736-746 Hampton Street is 'Knobs and Knockers, which includes a rear car park and crossover on the corner of Hampton Street and Pine Street.' At 29 Pine Street there is a double storey brick dwelling with pitched roof and high brick boundary wall. At 31 Pine Street there is a single dwelling with a high brick pier and picket fence.
- To the **south**, the site abuts the rear open space of Unit 3, 726 Hampton Street and Unit 4, 119 Dendy Street.
- To the **east**, the site boundary abuts the rear open spaces of 734 Hampton Street, Unit 2 / 732 Hampton Street and 726 Hampton Street which are all single storey brick dwellings.
- To the **west**, the immediate neighbour to the subject site is 30 Pine Street. This is a weatherboard dwelling with red tile pitch roof, with a second storey element to the rear and a carport in the front setback. To the north west is the Miele Appliance Store at 757 Hampton Street and several other commercial buildings.
- The character of Pine Street is an eclectic mix of different housing types and styles including single and double storey dwellings and unit development.

PERMIT/SITE HISTORY

There is no previous permit history.

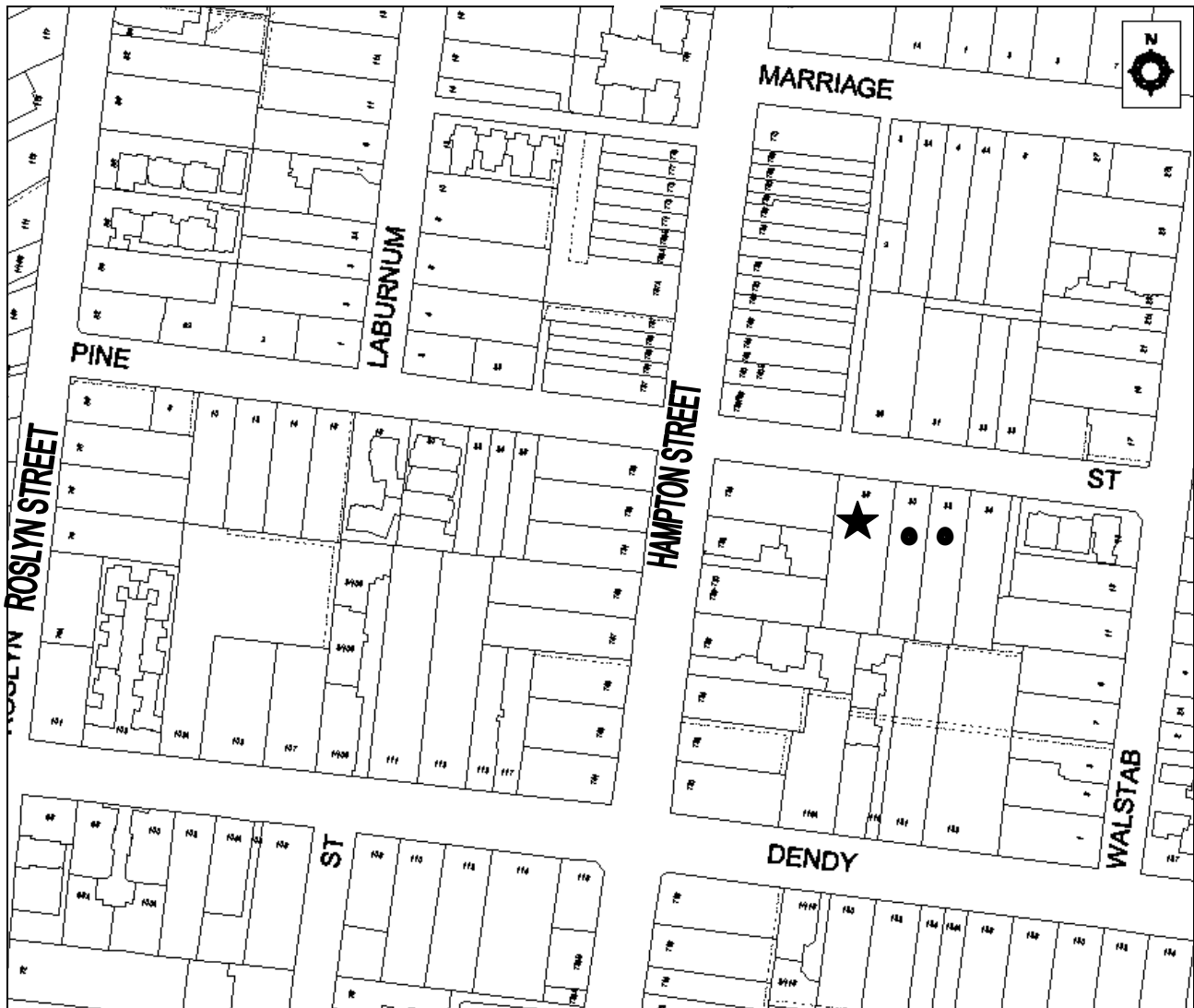
PUBLIC NOTIFICATION

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

- Sending notices to the owners and occupiers of adjoining land; and
- Placing signs on site.

The notification has been carried out correctly.

Council received three (3) objections, **one (1) objector has since withdrawn.**

LOCALITY MAP – 28 Pine Street, Brighton East


Legend	
Subject site	★
Objectors	●

The key issues that were raised in the objections are:

- Visual Bulk
- Noise from pool equipment
- Overshadowing
- Overlooking
- Setbacks
- Drainage
- Neighbourhood Character
- Increased Traffic and lack of on street parking

CONSULTATION MEETING

A consultation was held on 19 July 2010. The applicant and one objector attended.

The applicant agreed at this meeting to locate any pool equipment away from the boundary 3/726 Hampton Street and arranged a site visit with the Council Officer to the objector's home to fully understand their concerns.

Subsequent to the site visit the applicant submitted visualisations of how the proposal would look from the courtyard of 3/726 Hampton Street, which were then passed onto the objector.

Amended plans were received by Council 15 September 2010 and duly circulated to the objectors. These amendments were as follows:

- The garage of Unit 2 moved from the front elevation
- The garage of Unit 3 placed next to Unit 2
- Small changes made to the internal layout of the units to accommodate the above changes

Further amendments were made to the plans, and these were received by Council 3 November 2010 and circulated to all objectors. These amendments were to address concerns raised by the Council Arborist in regard to neighbouring trees impacted by the siting of Unit 3. These amended plans have been formally substituted and are assessed in this report.

One (1) objection has now been withdrawn.

REFERRALS

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

External Referrals	Advice/Response/Conditions
Melbourne Water	No objection subject to conditions

ASSESSMENT

Relevant Provisions of the Bayside Planning Scheme

State Planning Policies

- Clause 10 - Operation of the State Planning Policy Framework – Aims to inform planning authorities and responsible authorities of those aspects of State Policy which they are to take into account and give effect to in planning and administering their respective areas. The State Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities. The planning policies are directed to land use and development, as circumscribed by the *Planning and Environment Act 1987*, a primary objective of which is to provide for the fair orderly, economic and sustainable use and development of land.

- Clause 11 Settlement - Planning is to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing, employment and open space, commercial and community facilities and infrastructure. Planning should recognise the need for and as far as practicable contribute towards, the health and safety, diversity of choice, adaption in response to changing technology, economic viability, a high standard of urban design and amenity, energy efficiency, prevention of pollution to land, water and air, protection of environmentally sensitive areas and natural resources, accessibility and land use and transport integration.
- Clause 16 Housing – Planning should provide for the provision of housing diversity and supporting infrastructure. New housing should have access to services and plan for long term sustainability including walking to activity centres, public transport, schools and open space. To promote a housing market that meets community needs. To locate new housing in or close to activity centre and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne. To provide for a range of housing types to meet increasingly diverse needs. To encourage the establishment of crisis accommodation and community care units in residential areas and to ensure that their location is kept confidential. To facilitate the timely development of residential aged care facilities to meet existing and future needs.

Municipal Strategic Statement

- Clause 21.04 Vision and Overarching Goals – Aims to encourage development to respond for 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 – 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.
- Clause 22.10 – Water Sensitive Urban Design - Promotes the use of water sensitive urban design.

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 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 required pursuant to Clause 43.02 to construct a building greater than two storeys (an attic is considered a storey).**
- Clause 44.05 – Special Building Overlay – Identifies land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority. To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity. To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria). **A planning permit is required to construct a building or carry out works.**

Particular Provisions

- Clause 55 which includes specific objectives and standards for residential development.

General Provisions

- Clause 60 which provides information on the administration of this scheme and other related matters

SUMMARY OF KEY ISSUES

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

A quantitative analysis of the application against the requirements of Clause 55 of the Bayside Planning Scheme is attached to this report.

Neighbourhood character

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

It is considered that the proposed design adequately responds to objectives of Clause 22.07 Neighbourhood Character of the Bayside Planning Scheme and complies with Standard B1 of Clause 55 of the Bayside Planning Scheme.

The preferred future character and guidelines for this precinct state:

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

Precinct Guidelines

Objective	Design Response	Avoid
To maintain and enhance the garden settings of the dwellings.	<ul style="list-style-type: none"> Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and shrubs. Retain large trees wherever possible. Buildings should be sited to allow space for the planting of trees and shrubs. 	<p>Lack of landscaping and substantial vegetation.</p> <p>Removal of large trees.</p>
To maintain the rhythm of visual separation between buildings.	<ul style="list-style-type: none"> Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation. 	
To minimise the dominance of car parking structures in the streetscape	<ul style="list-style-type: none"> Locate garages and car ports behind the line of the dwelling. 	<p>Car parking facilities that dominate the façade or view of the dwelling.</p>
To ensure that buildings and extension do not dominate the streetscape	<ul style="list-style-type: none"> Recess second storey elements from the front façade. Use simple building details 	
To maintain the openness of the streetscape and the views into the front gardens	<ul style="list-style-type: none"> Front fences should be open style, other than along heavily trafficked roads. 	

The preferred character will be achieved by;

- Encouraging the retention and planting of trees and garden planting;
- Ensuring buildings are set back from the front boundary in accordance with the predominant setback in the street;
- Ensuring buildings are set back from one side boundary;
- Ensuring car parking structures are located behind the front building line;
- Ensuring buildings are sited and designed so as not to dominate the streetscape;
- Encouraging open style front fencing.

The front setbacks of Units 1 and 2, which front the street, are 8.24m and 9.03m respectively, Unit 1 has a double garage facing the street, however Unit 2 and Unit 3 have double garages to the rear of the site. This will ensure that garages do not dominate the streetscape.

The side setbacks at ground floor level of Unit 1 vary along the western boundary from 2.16m – 3.54m. There is also an entryway built to the boundary. The side setbacks at ground level to Unit 2 along the eastern boundary are 4.42m – 5.8m. The prevailing characteristics of the area demonstrate side setbacks of 1m on one side of the built form and 3-4m on the other, which includes garages and driveways to the boundary. Front setbacks vary from 5m to 8m.

Unit 3 is set to the rear of the site and at ground level is setback 1.04m – 4.2m from the rear boundary, to the west it is built to the boundary, to the north it is setback 1.05m – 4.2m from the rear boundary, to the west it is setback 2.5m – 4m and is setback from 3.4m to 6.4m along the eastern boundary.

It is considered that the proposed front and side setbacks and driveways will adequately respect the rhythm of the streetscape and will provide space for front gardens consistent with the surrounding dwellings, as well as planting opportunities along the side boundaries.

The side elevations of each dwelling have been broken up with the use of a variety of materials and strong vertical and horizontal elements.

It is an objective of the precinct guidelines to “minimise the dominance of car parking facilities”. A design response to this would be to “locate garages and car part behind the line of the dwelling’ and to avoid ‘car parking facilities that dominate the face or view of the dwelling’. The application proposed to locate two of the double garages further to the rear of the site, off a side driveway, only Unit 1 has a double garage facing the street. From the street Units 1 and 2 can be read as one building, with the double garages to the west of the front façade. Colours and materials have been chosen to reduce its form and it has been recessed behind the building line of the first level, combined with a strong pedestrian entry to this Unit, these design choices have helped minimise its appearance and met the neighbourhood character guidelines.

An on site meeting was held on 23 November 2010 to discuss the southern and western setbacks. The applicant has agreed to increase the rear (southern) setback to 4.5m. If a permit issues this will form part of the conditions.

Setbacks

The side and rear setback requirements in the Schedule to the Residential 1 Zone of the Bayside Planning Scheme, as outlined below:

Ground Level	Unit 1		Unit 2		Unit 3	
	Required	Proposed	Required	Proposed	Required	Proposed
North (front)	9m	<u>8.26m</u>	9m	9.03m	-	-
East	-	-	0 – 2m	4.4m – 5.8m	0 – 2m	3.4m – 4.5m
South (rear)	-	-	-	-	0 – 3m	<u>1.05m</u> – 3m
West	0 – 2m	2.15m	-	-	0 – 2m	2.5 – 4m

First floor	Unit 1		Unit 2		Unit 3	
	Required	Proposed	Required	Proposed	Required	Proposed
North (front)	9m	<u>7.5m (balcony)</u>	9m	<u>7.5m (balcony)</u>	-	-
East	-	-	4.18 – 5.18m	<u>3.4m</u> – 5.47m	3.98m	<u>3m</u>
South (rear)	-	-	-	-	3.86m	<u>3.75m</u>
West	3.92m – 4.78m	<u>3.4 – 4.5m</u>	-	-	3.8m	<u>3m</u>

Note: The underlined figure is the non-compliant setback. **Bold** indicates a revised figure due to an error in the previous report.

At ground floor level the proposal is generally compliant with the setbacks of Schedule 1 to the Residential 1 Zone. The first floor setbacks are non-compliant but do not cause material detriment to any adjoining properties and meet the objectives of the Schedule. The extent of non compliance is relatively minor, for example the eastern setback for Unit 2 is well articulated with only short lengths of wall within the 3.4m setback.

Overlooking

Any concerns about overlooking have been addressed by introducing sill heights, screening or obscure glass to all south, east and west facing windows to a minimum of 1.7m above finished floor level as required by Clause 55.04-6 and Standard B22 of the Bayside Planning Scheme.

Overshadowing

The proposed development has been appropriately set back from the boundaries to minimise overshadowing to the adjoining properties to the south, east and west. The overshadowing cast by the proposed development to these properties complies with Clause 55.04-5, Standard B21 of the Bayside Planning Scheme.

Height

The proposal meets the height objectives of Schedule 2 to Clause 43.02 Design and Development Overlay and Clause 55.03-2 and Standard B7 of the Bayside Planning Scheme which seeks to ensure that the height of buildings respects the existing or preferred neighbourhood character. The maximum building height is 7.54m which does not exceed the maximum height requirement of 9m.

Special Building overlay

The proposal is within a Special Building Overlay and as such was referred to Melbourne Water. Melbourne Water do not object to the proposal subject to permit conditions. These conditions require the dwellings to be constructed with finished floor levels 300mm above the designated flood level which is 16.11m to Australian Height Datum. Garages must also be constructed with finished surface levels 150mm above this flood level. The proposal complies with these conditions.

Private open space

The amount of private open space provided for all the dwellings is in excess of the requirements of Clause 55.05-4, Standard B28 of the Bayside Planning Scheme. Unit 1 has private open space to the south, west and a balcony on the first floor. Unit 2 has north and south facing private open space and a first floor balcony. Dwelling 3 has private open space to the north, south and west.

Vegetation and landscaping

Council's Arborist has assessed the application and has no objection to the proposal subject to permit conditions.

Traffic and car parking

The number of car spaces provided complies with Clause 55.03-11, Standard B16 of the Bayside Planning Scheme. Each unit is provided with two (2) car spaces each in the form of double garages.

Council's Traffic Engineer has no objection to the amended proposal subject to permit conditions and advises that the additional traffic generated by the proposed development can be absorbed into the local road network.

Energy Efficiency and Water Sensitive Urban Design

All dwellings are oriented north/south, with windows on three aspects at ground level which promotes daylight access and natural ventilation into habitable rooms and other areas of each dwelling.

There is good natural ventilation through the dwellings obtained by having windows and doors on different orientations, which will draw air through the dwellings assisting with passive cooling.

The proposed development also includes rainwater tanks for water re-use on site.

Overall the proposal demonstrates satisfactory energy efficiency and Council's ESD Officer has no objections subject to conditions, should a permit issue.

Front Fence Treatment

Unit 1 has a front fence treatment setback .6m from the front boundary which is 2.8m long and 1.2m high, this is a solid render. The fence treatment is to differentiate between the pedestrian access way and the driveway.

Unit 2 has a front fence setback 1.3m from the front boundary, 4.2m in length and 1.8m high, this encloses a north facing private open space. There is no gate proposed to the front entrance maintaining engagement to the streetscape. The height of the fence to Unit 2 although higher than 1.2m is not inappropriate in its context with many surrounding dwellings have front fence treatments in excess of 1.8m.

CONCLUSION

It is considered that the proposed development, subject to permit conditions, will be appropriate for the site. The proposed development is considered to be suitable in its overall context and meets Council's objectives and strategies.

Therefore, it is recommended that Council resolve to support the application, subject to permit conditions.

RECOMMENDATION

That Council having caused notice of Planning Application **No. 2010/0135** 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 **28 Pine Street, Brighton East** for the Construction of three (3) double storey dwellings in a Design and Development Overlay 2 and Special Building Overlay in accordance with the **amended plans received on 3 November 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 2008:-

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 revised plans received on 3 November 2010 but modified to show:
 - a) Each unit must have access to 6 cubic metres of externally accessible, secure storage space.
 - b) The dimension of the garage door openings for all dwellings (4.8m minimum) must be shown on the ground floor plan.
 - c) Bollard-type lighting to be provided along the length of the accessway at 6-8m intervals.
 - d) The eastern vehicle crossover to be 3.3m wide with a 0.9m offset from the eastern property boundary.
 - e) The western vehicle crossover to be 3.3m wide with an 8m offset from the edge of the eastern crossover.
 - f) Increase the southern setback of Unit 3 to 4.5m.**
 - g) Melbourne Water conditions as outlined in Condition 3 of this permit.
 - h) Tree protection measures must be shown in accordance with Condition 5 of this permit.
 - i) A landscape plan in accordance with Condition 6 of this permit.
 - j) Water sensitive urban design measures in accordance with Condition 10 of this permit.
 - k) Landscaping to be provided along the length of driveway along the eastern edge with a widened bed opposite the double garages and to the rear of the driveway adjacent to the secluded private open space of Unit 3. In addition landscaping to continue along the western boundary of the driveway adjacent to the secluded private open space of Unit 2.
2. P4 - Layout not altered
3. Melbourne Water Conditions:
 - a) Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
 - b) The dwellings must be constructed with finished floor levels a minimum of 300mm above the applicable flood level.
 - c) The garages must be constructed with finished floor levels a minimum of 150mm above the applicable flood level.
 - d) Prior to the Issue of a Certificate of Occupancy for the dwellings, a certified survey plan, showing finished floor levels (as constructed) reduced to Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
 - e) Prior to the development plans being endorsed and the commencement of works, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the responsible authority.
5. Before the development (including demolition) starts, the applicant must submit a Tree Protection Management Plan by a qualified arborist detailing tree protection measures in accordance with Australian Standard 4970: Protection of Trees on Development Sites and addressing the following:
 - a) Design details for works inside the Tree Protection Zone (TPZ) of Trees 1 and 2 (tree numbering as set out in the Arborist report prepared by ArbEcology, Dave Williams, 28 Pine Street, Brighton East, 29 October 2010). This must include footings to Unit 3, landscaping proposals, the location of any installation of underground services or similar. This must also include the extent of any required excavations for any works required inside the TPZs.
 - b) The design details must show a footing system that will minimise the impact of construction on the trees and be designed to accommodate the continued existence of the trees.
 - c) Tree protection conditions should be established on all ground floor and sub-ground building plans.
 - d) Different protection conditions required for the three stages of development – demolition, construction and landscaping.
6. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed
 - b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - c) details of surface finishes of pathways and driveways
 - d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. At least 60% of all planting must consist of either native or indigenous species.
 - e) landscaping and planting within all open areas of the site
7. Vehicular crossings must be constructed to the road to suit the proposed driveways 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.
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. 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.
10. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:-
- The type of water sensitive urban design stormwater treatment measures to be used;
 - The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

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

11. 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

- N1 Crossover permit
N2 Building approval
N10 Asset Protection

Melbourne Water Notes:

The designated flood level for the property is 16.11m to Australian Height Datum (AHD).

If further information is required in relation to Melbourne Water's conditions shown above, please contact Land Development on telephone 9235 2517 quoting Melbourne Water's Reference 178029.

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	N/A
B5 Integration with the Street Integrate the layout of development with the street	Yes	Dwelling 1 and 2 are oriented to the street with front entrances and ground floor habitable room windows. Dwelling 3 will be required to have an improved sense of address.
B6 Street Setback The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	No	Required: 9m Proposed: 8.24m and 9.03m
B7 Building Height Building height should respect the existing or preferred neighbourhood character.	Yes	Maximum: 9 metres Proposed: 9 metres

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: 46% 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: More than 20%
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.	No	To be addressed through permit conditions

<p>B15 Parking Location</p> <p>Provide resident and visitor vehicles with convenient parking.</p> <p>Avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>Protect residents from vehicular noise within developments.</p>	<p>Yes</p>	<p>The parking spaces about the dwellings and provide safe and convenient access.</p>
<p>B16 Parking Provision</p> <p>Ensure car and bicycle parking meets the needs of residents and visitors.</p> <p>Accessways should be practical, attractive and easily maintainable.</p>	<p>Yes</p>	<p>Required: 2 car spaces per dwelling</p> <p>Proposed: 2 car spaces per dwelling</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</p>	<p>See report</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>No</p>	<p>See report</p>
<p>B19 Daylight to Existing Windows</p> <p>Allow adequate daylight into existing habitable room windows.</p>	<p>Yes</p>	<p>All existing windows on adjoining properties will have sufficient access to daylight</p>
<p>B20 North Facing Windows</p> <p>Allow adequate solar access to existing north-facing habitable room windows.</p>	<p>N/A</p>	<p>N/A</p>
<p>B21 Overshadowing Open Space</p> <p>Ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Yes</p>	<p>See report</p>

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	N/A
B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Yes	The proposed dwellings are set back to ameliorate noise concerns
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 to both dwellings
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	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.	No	To be conditioned.
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.	Yes	No front fence proposed.
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	N/A
B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.	Yes	Site services and facilities can be installed and easily maintained.

1.3 **121 Centre Road, Brighton East**
Secondary Consent - Part Approve
Application No. 2005/0338/1 Ward: Northern

City Strategy/Statutory Planning
 File No: 2005/0338/1

APPLICATION DETAILS

Land Address:	121 Centre Road, Brighton East
Application is for:	Secondary Consent – Amended Plans
Melway Reference:	68 A12
Ward:	Northern
Application Number:	2005/338/1
Applicant's/Owner's Name:	Arie Fooks & Jacob Fooks
Date Received:	14 October 2010
Statutory Days Expiry:	14 November 2010
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 2
Restrictive covenants on the title?	Yes, not applicable
Current use and development:	Two (2) dwellings under construction

PROPOSITION

It is recommended that Council:

- **Refuse** to consent to the amendment to increase the length of the carport for Unit 2.
- **Approve** the remaining proposed changes under secondary consent.

PROPOSAL

The applicant has applied pursuant to the Secondary Consent provision afforded by Condition 2 of Planning Permit No. 2005/0338/1 for the following amendments to the endorsed plans:

- Inclusion of solid roofs to the rear pergolas for both dwellings.
- Increase in size of the carport to Unit 2 to the rear.

SUBJECT SITE & LOCALITY

Planning Permit 2005/338/1 was issued on 24 May 2006 at the direction of VCAT for the construction of two (2) double storey attached dwellings and access to a declared main road.

On 27 April 2010, an amendment to the plan was granted to delete the front fence for 121A Centre Road and to change the fence design for 121B Centre Road (fence height was 1600mm, changes increase the fence height to 17500mm for the brick piers and 1700mm for the merbau slat infill).

PERMIT/SITE HISTORY

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

The site has a total area of 889.33 square metres and currently contains:

- Two (2) dwellings under construction

The main site/locality characteristics are:

- To the west at No. 119 Centre Road is a single storey dwelling.
- To the north at No. 2 Clinton Street is a double storey dwelling.
- To the east at No. 123 Centre Road is a single storey dwelling.
- To the south across at No. 122 Centre Road are two (2) single storey dwellings.

Locality Plan – 121 Centre Road, Brighton East



Legend	
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 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 (2) double storey attached dwellings and access to a declared main road. The proposed alterations and additions will not alter what was previously approved. Thus the dwellings will still be double storey with access to a declared main road.
- 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 (2) or more dwellings on a lot and access to a declared main road. Given that the proposal is for minor alterations and additions to the built form it 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 construction of two (2) dwellings and the access to a declared main road accord with the standards and objectives of Clause 55 and the Schedule to the Residential 1 Zone of the Bayside Planning Scheme.

The proposed alterations to the pergolas to have solid roofs is minor and will not affect the adjoining properties and will provide a more efficient use of the private open space areas of the dwellings. The covering of the pergolas increase the site coverage from 47% to 50% which complies with the requirements of the Bayside Planning Scheme.

The alterations to the first carport to Unit 2 to increase the length by 5 metres to a total of 11.53 metres along the eastern boundary may impact upon the amenity of the adjoining property to the east and requires notification which is not possible under Secondary Consent. It is considered that this amendment cannot be determined under the provisions 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 regard to the proposed pergolas. There is a condition regarding the size of the carport that it must be limited to one (1) car space. The proposed extension to the carport may be contrary to this condition. As such must be refused.

The proposed amendments, (with the exception of the increase to the carport of Unit 2), are considered minor in nature and will not affect the amenity of the adjoining properties and meet the 'tests' of Secondary Consent. It is considered that the proposed amendment to include roofs to the existing pergolas is appropriate and are suitable for support.

CONCLUSION

It is considered that the proposed modification to include solid roofs to the pergolas is acceptable and meet the above tests of Secondary Consent, and is therefore recommended for support. It is considered that the proposed amendment to increase the length of the carport for Unit 2 is contrary to the specific direction of VCAT and may have an unreasonable amenity impact upon the adjoining property to the east. Accordingly, this modification cannot be dealt with under Secondary Consent provisions.

RECOMMENDATION

That the Amended Plans, be partially **approved** by Council under the Secondary Consent provisions of **Planning Permit** 2005/0338/1 issued for the construction of two (2) double storey attached dwellings and access to a declared main road at 121 Centre Road, Brighton East and that Council resolve to:

- Refuse** to consent to the amendment to increase the length of the carport for Unit 2.
- Approve** the proposed change listed below under secondary consent and that the permit be updated to record the list of changes considered under secondary consent (refer to table below) and that the relevant plans be endorsed.

Date	Amendment
7 December 2010	Secondary Consent to Amend Plans: <ul style="list-style-type: none"> • Inclusion of solid roofs to the rear pergolas for both dwellings.

26 Fernhill Road, Sandringham
Section 87A - Support
Application No. 2007/0785/1 Ward: Southern

1.4

 City Strategy/Statutory Planning
 File No: 2007/0785/1

Application Details

Land/Address:	26 Fernhill Road, Sandringham
Application is for:	Application to Amend a Permit pursuant to Section 87A of the <i>Planning & Environment Act</i>
Melway Reference:	76 H10
Ward:	Southern
Application Number:	2007/0785/1
Applicant's/Owner's Name:	Black Rock Enterprises Pty Ltd
Date Received:	8 November 2010
Statutory Days Expiry:	8 December 2010
Zoning:	Residential 1
Overlays:	Design and Development Overlay – Schedule 6
Under what clause(s) is a permit required?	Clause 32.01-4 (construction of two or more dwellings on a lot)
Restrictive covenants on the title?	No
Current use and development:	Single storey building

Proposition

It is recommended that Council **support** the Application pursuant Section 87A of the *Planning and Environment Act 1987* to the Tribunal to Amend the Permit, subject to the inclusion of additional conditions on the permit.

Proposal

On 15 October 2010 the Applicant lodged an Application with the Victorian Civil and Administrative Tribunal (VCAT) to Amend Planning Permit No 2007/0785/1 pursuant to Section 87A of the *Planning and Environment Act 1987*.

Planning Permit No 2007/0785/1 was issued on 18 September 2008 for the construction of six (6) two storey townhouses with underground car parking.

Pursuant to Section 87A of the *Planning and Environment Act 1987* the applicant seeks to amend the permit and plans as follows:

- Amendment to the permit preamble to allow an increase of the number of dwellings from 6 to 12.
- Increase in the number of car parking spaces from 16 to 26.
- Amendments to the approved plans to accommodate and facilitate the additional dwellings.

SUBJECT SITE & LOCALITY

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

The site has a total area of 1,916 square metres and currently contains:

- A single storey brick building.
- A shed is located at the west corner of the site.

The main site/locality characteristics are:

- The site is irregular in shape and has a frontage to Fernhill Road of 67.88 metres.
- The land slopes approximately 3 metres from north to south.
- The land slopes approximately 4 metres east to west.
- There are three (3) trees located at the front of the site and two (2) street trees located the Fernhill Road nature strip.
- The adjoining property to the north west, 42A Sims Street, contains a two storey brick dwelling.
- The adjoining property to the south, 28 Fernhill Road, contains a two storey weatherboard dwelling. This property is located in a Heritage Overlay
- The southern boundary of the site abuts six (6) properties which contain single and double storey dwellings.
- To the east and north (opposite) the site are predominantly large double storey dwellings on large lots.

Permit/Site History

The history of the site includes:

- Planning Application No.2000/5597, for the construction of a sixty (60) bed residential aged care facility was refused by Council on 18 September 2000.
- Planning Permit No. 2007/0785/1 issued by VCAT for the construction of six two storey townhouses with underground car parking. Council refused this application.

Public Notification

The Section 87A application was made to VCAT .

LOCALITY MAP



Legend	
Subject Site	★

ASSESSMENT

The site is located within Precinct 4 - Area B Residential Area of the Sandringham Village Major Activity Centre Framework Plan where higher density development is encouraged. The precinct objectives aim to ensure that new development respects the preferred future character of the area and to provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.

The existing planning permit to construct a double storey medium density development on this site responds to these objectives. The proposed changes will not result in a transformation of the existing permit but seek to redesign (predominantly internal) the built form to create single level dwellings and to increase the number of apartment.

Amendment to Plans

In summary the proposed changes to the plans are as follows;

- An increase in the number of apartments from 6 to 12.

The general envelope of the approved buildings will only have minor design modifications. The proposed changes will result in an increase in the approved site coverage from 882 square metres (46%) to 974.97 square metres (50%). The increased site coverage is attributed to the increased car parking spaces from the approved 16 spaces to 26 spaces and the provision of bicycle spaces within the basement.

- The approved separate garages in the basement have been deleted and replaced with an open plan basement.
- The ground floor changes include adjustments to setbacks (predominantly along the eastern (frontage) of the site in order to accommodate lift and stair access (regulation requirements for apartment buildings).
- Minor modification to the height of the building (at some are points) are proposed. The overall height of the building will remain unchanged from that approved on the endorsed permit plans.

Details of the proposed changes include the following:

Basement

- The amended plans include 26 car parking spaces. This provides 2 car spaces for each proposed apartment which is the same car parking rate as the approved development (noting the approved development provided 16 car spaces).
- The amended car parking basement is now open plan as opposed to the approved basement garages.
- Due to the slope of the land, apartments 1, 5 & 6 are located at basement level. It is noted that these apartments will have adequate internal amenity and solar access.
- The layout of the stairs and lifts providing access to the respective apartments have been made larger in order to provide lobby areas before accessing the respective apartments.
- Apartment 1 – the northern setback of Apartment 1 has been increased by 0.66 metres. The north east setback of Apartment 1 has been reduced by approximately 0.5metres to provide additional living space. Minor changes to the layout of the western portion of the Apartment.

- The setback along the north and east portion of the eastern boundary of the basement has been reduced by 1.5 metres in order to accommodate the required bicycle parking spaces, car parking spaces and storage within the basement. This amendment is not visible from the street.
- Lift 3 has been squared up and made slightly larger resulting in a reduced setback from the eastern boundary (Fernhill Road) of approximately 1.5 metres.
- The additional car parking spaces have resulted in an increase to the floor area of the basement towards the south eastern portion of the site to accommodate increased car spaces. This change will not be visible from the street.
- The access ramp has been reduced in length by 11 metres resulting in an increased setback from Fernhill Road. These modifications will not be visible from Fernhill Road due to the topography of the land and the location of the basement below ground level.
- Apartment 6 – the floor area has been increased in size to provide more living space to the apartment. The increase in floor area will not result in any changes to the setbacks.
- Apartment 5. Minor rearrangements to the design of Apartment 5 including an increase to the size of the southern portion of the apartment. There will be little change to the setbacks or overall bulk of this apartment.

Overall the majority of amendments to the basement seek to facilitate the required increase in car parking spaces, bicycle parking spaces, and to facilitate the necessary design modifications to the lift and lobby access.

Ground Floor

- Apartments 1, 2, 3, 4, 11 & 12 are located on the ground floor
- Apartment 1's northern setback increased by approximately 0.6 metres.
- The north eastern boundary wall setback of Apartment 1 has been marginally reduced by approximately 585mm towards Fernhill Road to accommodate the new entrance. This will result in a 1.8 metre setback reduction towards Fernhill Road resulting in a front setback of 3.3 metres.
- The entry and lift providing access to Apartments 2 and 8 will have a reduced setback of 2.3 metres from Fernhill Road. However the actual building will only be extended 1.5 metres towards Fernhill Road and the larger increased setback is due to the angle of the boundary. This change is required to accommodate the modified entrance lobby for residents and guests.
- Apartment 2 – There will be a reduced setback of approximately 1.2 metres from the western property boundary of the site.
- Apartment 3 – There will be a marginally reduced from Fernhill Road of approximately 1 metre in order to facilitate the modified entrance lobby.
- Apartment 12 – Located in the southern portion of the site will have 0.7metre increased eastern and 0.35 metre western boundary. The outdoor terrace serving Apartment 12 has been relocated to the south western portion of the site.
- Apartment 11 is located in the southern portion of the site and will have minor alterations to the setbacks to the northern and southern boundaries of the site. Notably the southern portion of Apartment 11 will have a greater building mass but have an increased setback of approximately 0.5 metres.

Overall the proposed amendments to the setbacks on the ground floor are considered to be minor (reshuffling of setbacks) changes to the plans in order to facilitate the changes to the lift access and the redesign of the lobbies.

First Floor

- Apartments 7, 8, 9 & 10 are located on the first floor. In addition the roof terraces for apartments 11 & 12 are located on the first floor.
- Apartment 7. This apartment has been provided with an increased northern boundary setback of approximately 3 metres due to the deletion of the north facing balcony.
- The north eastern setback of Apartment 7 has been reduced by 1.5 metres in order to accommodate the lift lobby access. In addition the bulk of the north-eastern wall of Apartment 7 has been made larger resulting in a reduced setback.
- Apartment 8. The eastern setback of Apartment 8 has been reduced by 1.5 metres to facilitate the necessary lift and lobby areas to the apartment. Due to the angle of the north eastern boundary there will be a 2.5 metre variation in the setback from the original approved plans. In addition the western setback of Apartment 8 has been reduced by 2.5 metres in order to facilitate the necessary outdoor terrace area.
- Apartment 9. This apartment is located in the south east corner of the site and will have a reduced eastern boundary setback of approximately 1.3 metres in order to accommodate the new lift and lobby arrangement required to provide access to apartments.
- Apartment 9 will have a marginally reduced southern boundary setback of approximately 200mm as an adjustment to the outdoor terrace areas.
- Apartment 10. Apartment 10 will also have a reduced western setback of approximately 0.2 metres to facilitate the necessary outdoor terrace area.

Overall the proposed amendments are considered to be minor and will provide outdoor terrace space to the first floor apartments. The reduced setbacks are also required to facilitate the modified lift and lobby access to the apartments.

Roof Terraces

- The roof terrace for Apartment 11 will have an increased setback of 2.8 metres from the western boundary, and a 0.6 metre increased setback from the northern boundary.
- The roof terrace for Apartment 12 will have an increased southern setback of 2.0 metres, a reduced setback of 4 metres to the west and a 1.7 metres increased setback to the east.

The applicant submits that following market investigations it was determined that single level smaller accommodation options were of greater demand in the Sandringham area than large multi level townhouses. Accordingly it was considered appropriate to amend the approved permit and plans to respond to this demand and to reflect a more viable development option for the site.

The 87A Application to Amend the Permit and plans does not vary in principal from the approved development and does not open the doors for a 'fresh' re-consideration of the proposed development, but requires consideration be given only to the difference between the 'approved' development and the 'proposed amendments'.

The permit granted approval for an increase to the dwelling density on a site that is located within the Sandringham Major Activity Centre. The Section 87A application also seeks to develop the site and to further increase the density of the site by proposing smaller sized apartments within the same overall building footprint to meet the varying needs of the community. The changes to the approved development constitute minor reshuffling of apartments that will not compromise the design integrity of the approved development and will not result in detriment to the residential amenity of the neighbours. The proposed variations to the setbacks and marginal increase in site coverage (from 46% to 50%) will not be discernible from the streetscape and will not result in detriment to the character of the area.

Amendment to the Permit Preamble

It is proposed to amend the permit preamble of Planning Permit 2007/0785/1 to reflect the increased number of apartments from the approved six (6) to the proposed twelve (12) apartments and to reflect the proposed amendments on the endorsed plans. It is considered that the proposed amendments to the permit preamble and plans are appropriate.

It is therefore considered that the proposed amendments are minor modifications to the permit and plans that will not result in a departure the approved development.

CONCLUSION

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

RECOMMENDATION

That Council having considered the Application to **Amend the Permit** under Section 87A of the Planning and Environment Act 1987 advises the Victorian Civil and Administrative Tribunal in respect to the proposed **changes to Planning Permit 2007/0785/1** issued for **construction of six townhouses with underground carparking** as follows:

1. That Council supports the proposed rewording of the permit preamble to read 'Construction of a double storey apartment building with 12 apartments with basement car parking and the amendments to the plans to reflect the changes to the permit.
2. That Council supports the amendments to the plans.

1.5 **4 Reserve Road, Beaumaris**
Notice of Decision to Grant a Permit
Application No. 2010/0062/1 Ward: Southern

City Strategy/Statutory Planning
 File No: 2010/0062/1

APPLICATION DETAILS

Land Address:	4 Reserve Road, Beaumaris
Application is for:	Construction of three (3) double storey dwellings with basement parking and roof decks in a Design and Development Overlay Schedule 1
Melway Reference:	86 C9
Ward:	Southern
Application Number:	2010/0062/1
Applicant's/Owner's Name:	Moull Murray Architects
Date Received:	9 February 2010 (CHMP approved 29 July 2010)
Statutory Days Expiry:	27 December 2010
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 1 Vegetation Protection Overlay Schedule 3 Cultural Sensitivity Overlay
Under what clause(s) is a permit required?	Clause 32.01-4 – Construction of two (2) or more dwellings Clause 43.02-1 – Buildings and works to construct a roof deck in a Design and Development Overlay Schedule 1
Restrictive covenants on the title?	No
Current use and development:	Vacant site
Objections:	Three (3) objections

PROPOSITION

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

PROPOSAL

It is proposed to construct three (3) double storey attached dwellings with basement parking. The proposal includes the following:

- Construction of three (3) attached double storey dwellings each containing three (3) bedrooms.
- Double garages for each dwelling with the basement.

SUBJECT SITE & LOCALITY

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

The site has a total area of 754 square metres and currently contains:

- A vacant site.

The main site/locality characteristics are:

- The adjoining property to the north, at 6 Reserve Road, contains a double storey dwelling fronting Reserve Road.
- The adjoining property to the south, at 2 Reserve Road, contains a small single storey structure associated with Melbourne Water assets.
- The subject site abuts two (2) double storey dwellings, at 5 & 7 Burgess Street, across a Right of Way to the east.
- The subject site faces a double storey dwelling, at 415-416 Reserve, across Reserve to the west.

PERMIT/SITE HISTORY

Planning Permit SPS-1009 was granted on 17 February 1994 for a two (2) storey building.

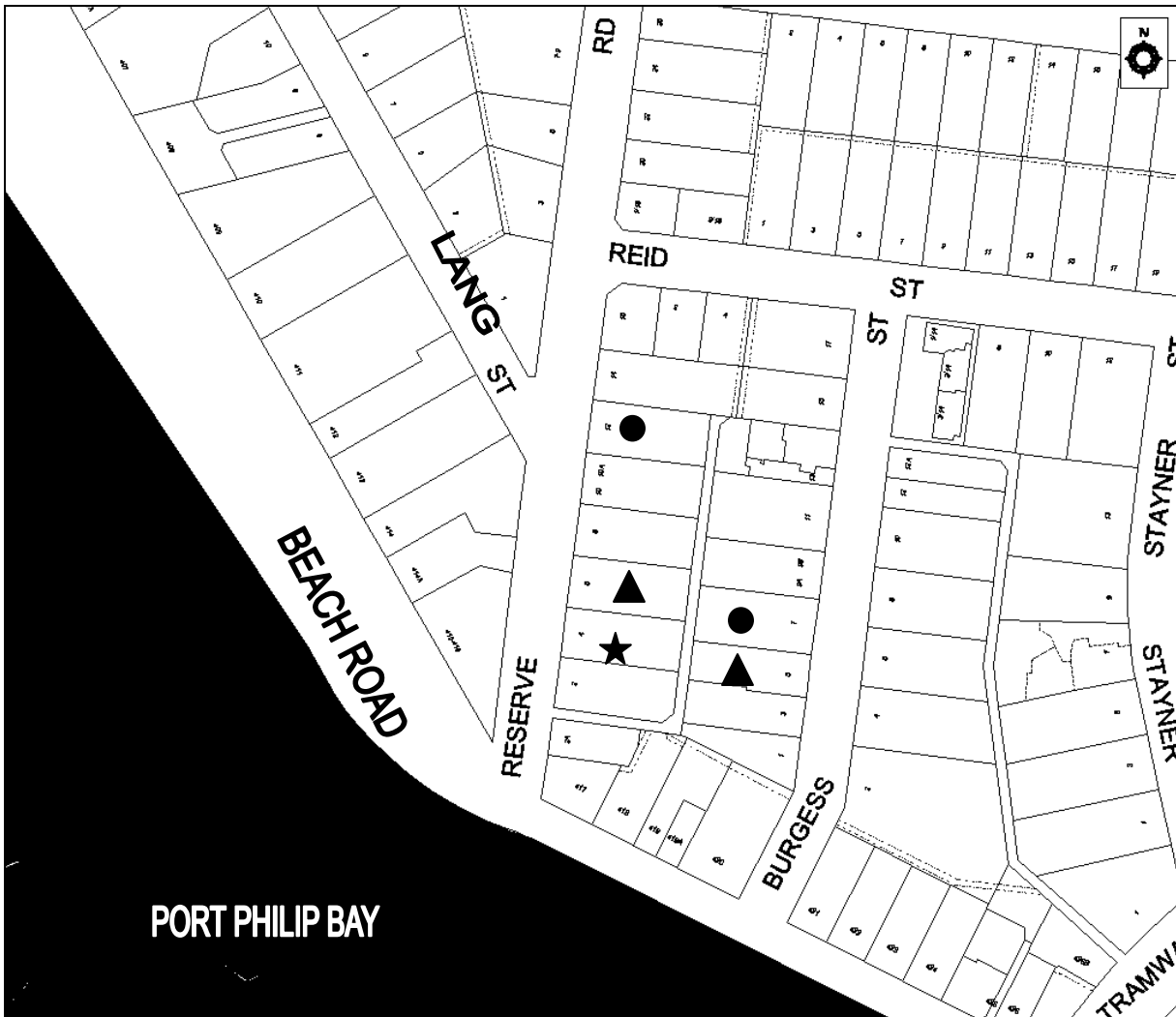
PUBLIC NOTIFICATION

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 five (5) objections of which two (2) objections have been withdrawn provided conditions are included on any permit to issue.

Locality Plan – 4 Reserve Road, Beaumaris


Legend	
Subject land	★
Location of Objectors	●
Withdrawn Objections	▲

Not all objectors are shown.

The key issues that were raised in the objections are:

- Overlooking concerns.
- Not in keeping with the existing neighbourhood character.
- Non-compliant setbacks.
- Excessive height of the development.

- Visual dominance.
- Reduced areas for landscaping.

CONSULTATION

A consultation meeting was held on 23 June 2010. The meeting was attended by the applicants, objectors and a Council Planning Officer. At the meeting the objectors raised issues concerning neighbourhood character, overlooking, overshadowing and design detail. Revised plans were submitted on 21 October 2010.

The revised plans include the following amendments:

- Re-arrangement of the basement parking layout.
- Deletion of 73 square metres of paving throughout the site.
- Water tanks located with the utility room of the basement.
- Inclusion of a landscaped planter box along the northern side of the basement ramp.
- Deletion of the balcony across the front of Unit 1.
- Deletion of the external staircase for Unit 2.
- Reduction in the height of the screening provided along the northern elevation to 1.7 metres in height.
- Reduction in the size of the store for Unit 3 within the basement to allow for a canopy tree within the southeast corner of the site.
- Alteration to the landscape plan to include an increase in canopy tree planting and the use of a majority of indigenous vegetation.

The assessment of the application in this report is based on the revised and current plans.

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 Reserve Road.

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

ASSESSMENT

Relevant Provisions of the Bayside Planning Scheme

State Planning Policies

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

Municipal Strategic Statement

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

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

Local Planning Policies

- Clause 22.07-1 – Neighbourhood Character Policy - Aims to encourage development in the area that responds to the particular built form and natural environment elements that make up the neighbourhood character of Bayside.
- Clause 22.07-2 – Neighbourhood Character Objectives - Aims to ensure that development is responsive to the preferred future character of the area and to retain and enhance the identified elements that contribute to the character of the area. It is noted that the subject site is located within precinct H4.
- Clause 22.10 – Water Sensitive Urban Design - Aims to promote the use of water sensitive urban design, including stormwater re-use, to protect the surface water and ground waters in the Port Phillip Bay catchment from stormwater pollutants, to reduce the impacts of peak stormwater flows, to integrate stormwater treatment measures into the landscape, and to reduce the entry of pollutants into stormwater run-off.

Zoning

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

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

Overlays

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

A planning permit is not required under this Overlay as there are no native or indigenous trees being removed.

- 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 first floor of a building in a Design and Development Overlay Schedule 1.

Particular Provisions

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

General Provisions

- Clause 65, which sets out decision guidelines for the responsible authority to consider in order to ensure acceptable outcomes in terms of State Planning Policies and Local Planning Policies.

SUMMARY OF KEY ISSUES

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

Neighbourhood Character

The subject site is located in Precinct H4 within Clause 22.07 Neighbourhood Character Policy of the Bayside Planning Scheme. The preferred future character statement reads:

The single and double storey dwellings sit within the topography and informal landscaped surrounds, including remnant and indigenous coastal trees. The variety of dwelling styles reflect the coastal setting through their design, details and finishes. An informal feel to the streetscapes is achieved by spaces around buildings, the lack of or unobtrusive style of front fencing and informal street treatments. Along Beach Road, development responds to its highly visible location on the edge of the coast by providing visually interesting forms and facades. Informal street treatments remain in those streets with no kerbing and remnant street tree planting is retained.

The precinct guidelines are as follows:

Objective	Design Response	Avoid
To enhance the bayside vegetation character of the area through the planting of indigenous coastal species.	<ul style="list-style-type: none"> • Prepare a landscape plan to accompany all applications for new dwellings that utilises indigenous coastal species. • Retain large, established trees and provide for the planting of new trees and shrubs wherever possible (locate footings outside root zone). 	<p><i>Lack of a landscape plan.</i></p> <p><i>Removal of large established trees.</i></p> <p><i>Use of exotic species and planting of environmental weeds</i></p>
To maintain the rhythm of spacious visual separation between buildings.	<ul style="list-style-type: none"> • Dwellings should be sited to create the appearance of space between buildings and to accommodate substantial vegetation. 	
To minimise the dominance of car parking structures and the loss of front garden space.	<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. • Underground car parking accessed from the front of the site should only be provided where other options are not possible due to site constraints, the garage doors do not 	<p><i>Car parking facilities that dominate the façade or view of the dwelling.</i></p> <p><i>Creation of new crossovers and driveways or wide crossovers.</i></p> <p><i>Front setbacks dominated by impervious surfaces.</i></p>

Objective	Design Response	Avoid
	dominate the façade and the front setback area is retained as predominantly garden space.	
To ensure that new buildings and extensions do not dominate the streetscape.		
To encourage innovative architecture that reflects the bayside setting.	<ul style="list-style-type: none"> New buildings should be individually designed to respond to the characteristics of the bay side location and the site. Incorporate building elements and details that contribute to a lightness of structure including balconies, verandahs, glazing and light transparent balustrading. 	<p><i>Large, bulky buildings with poorly articulated front and side wall surfaces.</i></p> <p><i>Heavy design detailing (eg. Masonry columns and piers).</i></p> <p><i>Highly reflective materials or glazing.</i></p>
To use lighter looking building materials and finishes that complement the bayside setting.	<ul style="list-style-type: none"> Use a mix of contemporary and traditional coastal materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick. 	<p><i>Period reproduction styles and detailing.</i></p>
To maintain the openness of the streetscape and views to coastal garden settings.	<ul style="list-style-type: none"> Provide open style front fencing, other than in exceptional circumstances. 	<p><i>High or solid front fencing.</i></p>
To create a visually interesting and attractive built form interface with the foreshore reserve, on properties fronting Beach Road and visible from the reserve.	<ul style="list-style-type: none"> Where the properties front to both Beach Road and another street, ensure the dwellings present visually interesting elevations on all faces visible from the public domain. Use landscaping materials and coastal plants within the front setback that contribute to the coastal character and amenity of the street. Provide articulated roof forms to create an interesting skyline when viewed from the beach. Provide low or open style front fencing along Beach Road frontages. 	<p><i>Flat, poorly articulated roof forms and facades visible from the public domain.</i></p> <p><i>High, solid front fencing on Beach Road.</i></p>

Reserve Road contains a mixture of traditional and contemporary housing styles on medium to large allotments with some newer developments. Garden and street planting are important elements in establishing building settings and the overall landscape character of the area. The most valued attributes of the area relate to the detached building style, well-developed garden settings and the visual link between garden and the street.

The proposed front setback reflects the existing setback pattern within the streetscape and allows for landscaping within the front setbacks. The side and rear setback are appropriate for the site and provide a visual separation between the subject site and adjoining properties.

Car parking is located at basement level to lessen the dominance of car parking structures on the streetscape. The first floor component is well-articulated and provides an interesting façade to the street.

The proposed front fence is 1.8 metres in height. Given the busy road and its angle away from the frontage and inclusion of planting both in front and behind the fence, the visual relationship between the private dwellings and the public streetscape will be maintained. It is also noted that there are numerous high front fences within the streetscape.

A mix of materials and finishes coupled with indentations to the built form to the streetscape ensures that the visual presentation is visually interesting and complementary to similar designed developments within the surrounding residential areas

Council's Urban Designer has viewed the plans and comments that in terms of architectural design, neighbourhood character and streetscapes the development is well crafted and will make a positive contribution to the streetscape.

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

Setbacks

The proposed setbacks are as follows:

	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
North (side)	0 or 2 metre	0 – 4 metres	3.68 metres	4 – 6 metres
East (rear)	0 or 3 metres	3.3 – 4 metres	4.68 metres	6.7 metres
West (front)	8.2 metres	8.2 metres	8.2 metres	8.2 metres
South (side)	0 or 2 metres	3.8 metres	3.68 metres	3.8 – 4.6 metres

The proposed front setback complies with the requirements of the Bayside Planning Scheme and respects the existing setback pattern of the streetscape.

The proposed side and rear setbacks comply with the requirements of the Schedule to the Residential 1 Zone of the Bayside Planning Scheme. The proposed development will provide sufficient separation between the adjoining properties which reflects the existing setback pattern within the streetscape.

Design and Development Overlay Schedule 1

Pursuant to 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 conditions:

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 immediately below 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 usable floor space and does not exceed 2.4 metres in height (measured from floor level at the point of access onto the roof deck).*

For the purposes of this schedule a 'roof deck' means an area designed and used as private open space that is located above the upper storey of a building.

The proposed roof deck generally complies with the requirements of the Design and Development Overlay, as it is setback at least 2.0 metres from all roof edges immediately below, comprises no element that is greater than 1.7 metres in height, and the access structure is proposed to be less than a maximum of 2.4 metres in height.

Objectors 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. It is considered that the proposed roof deck, subject to permit conditions requiring screening to 1.7 metres above the roof deck level along the north elevation and east elevation of Unit 3 will satisfy the objectives of the Design and Development Overlay and will ensure that there will be no unreasonable overlooking to the secluded private open space areas of the adjoining properties.

It is considered that, subject to permit conditions the roof deck will not result in detriment to the residential amenity of the neighbours or the character of the streetscape.

Visual Bulk

Council's Urban Designer advises that the development does not present excessive bulk to the street or to the adjoining properties due to the articulation of the development and mix of materials and finishes.

The overall height of the building at 8.5 metres is consistent with the height and scale of other double storey buildings within the streetscape and area and is less than the 9.0 metres permitted under the DDO1. The streetscape elevation indicates that from a streetscape perspective, the scale and height of the development fits comfortably within this area.

Overlooking

All windows to the east and west of the property are either obscure glazing to 1.7 metres in height or provided with appropriate external screening. A condition has been included on any permit that may issue to ensure that screening is provided in accordance with Clause Standard B22 (Overlooking) and Standard B23 (internal overlooking) of the Bayside Planning Scheme. It is considered that subject to the inclusion of this condition there will be no unreasonable overlooking opportunities into the adjoining properties to the north and the development will comply with the Bayside Planning Scheme.

Overshadowing

The shadow diagrams submitted have been checked and found to be correct. Taking into account the orientation of the site the level of overshadowing cast by the development (overshadowing complies with the provisions of Clause 55 Standard B21 Overshadowing Open Space) of the Bayside Planning Scheme.

Traffic and Car Parking

Each dwelling is provided with two (2) car spaces within basement parking. The parking provided is in accordance with the requirements of the Bayside Planning Scheme.

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

Landscaping/Vegetation

Council's Arborist has viewed the plans provided and comments that there are no trees on the site or on adjoining properties which require tree protection zones. It is considered that the proposed landscape plan is appropriate for the site and provides sufficient landscaping onsite with a high percentage of indigenous planting in accordance with the objectives of the Vegetation Protection Overlay.

Energy Efficiency and Water Sensitive Urban Design

The internal layout of the dwelling is designed so as to maximise daylight to habitable rooms and secluded private open space. Ground floor living areas directly abut the private open space located to the north of the dwelling, and the first floor habitable rooms are generally located to the north of the dwelling to maximise solar access. The design response is considered to adequately comply with the energy efficiency objectives of Clause 55.03.

The proposal lodged with Council is subject to Clause 22.10 of the Bayside Planning Scheme, which requires Water Sensitive Urban Design measures for developments within Bayside. It is recommended that, in the event that a planning permit issues, conditions be included requiring plans be submitted detailing the measures of Water Sensitive Urban Design to clarify water tanks in basement to be implemented on-site and that the development meets a minimum of 100% of best practice.

CONCLUSION

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

The proposal will be sympathetic to surrounding development and will respect the residential amenity of adjoining properties, through the incorporation of sufficient setbacks and appropriately located and treated first floor windows. It is therefore recommended that a Notice of Decision to Grant a Permit should be issued subject to conditions.

RECOMMENDATION

That Council having caused notice of Planning Application **No. 2010/0062/1** 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 **4 Reserve Road, Beaumaris** for the **Construction of three (3) double storey dwellings with basement parking and roof decks in a Design and Development Overlay Schedule 1** in accordance with the application dated 9 February 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 three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans received 21 October 2010 but modified to show to the satisfaction of the Responsible Authority:
 - a. All paving (except driveways) to be permeable including details of the permeability.
 - b. A schedule of all external materials and finishes to be provided to the buildings and works on the land, showing the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
 - c. The proposed landscape treatment for the site including the existing and replacement plant species in accordance with the requirements of condition 6 of this permit. Replacement planting must comprise of at least 60% native or indigenous planting. The landscape plan must show a minimum of one (1) canopy tree within the front and rear setback of each dwelling.
 - d. All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally identified on the plans.
 - e. Details of all screening to the first floor north, east and south windows to ensure compliance with Clause 55.04-6 Standard B22 (Overlooking) and Standard B23 (Internal Overlooking) of the Bayside Planning Scheme.
 - f. Water sensitive urban design stormwater treatment measures providing a rating of a minimum of 100% in accordance with Condition 11 of this permit.
 - g. Dimensions must be shown on the plans to ensure that the roof decks comply with the requirements of the Design and Development Overlay Schedule 1 of the Bayside Planning Scheme.
 - h. Screening to 1.7 metres above the finished floor level of the roof deck to the north side of the all Units and East side of Unit 3.
 - i. The basement and access ramp must comply with the requirements of Australian Standard AS 2890.1 to ensure that vehicles can enter and exit the car parks in a forwards direction.
 - j. The existing double crossing must be relocated with a provision of a 1 metre wide separator with No. 6's crossing and the width of the crossing must be 3.3 – 3.5 metres and centred to the ramp.
2. P4 Layout not altered

3. A18 Concealment of pipes.
4. A19 Plant and equipment or features on roof.
5. A20 Boundary Walls
6. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - b) details of surface finishes of pathways and driveways
 - c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. At least 60% of all planting must consist of either native or indigenous species.
 - d) landscaping and planting within all open areas of the site
7. L2 Completion of landscaping
8. L3 Landscaping maintenance.
9. Tree protection fencing must be established around the street trees prior to commencement of any works and maintained until all works on site are complete. The fencing is to be constructed and secured so its position cannot be modified by site workers. The fencing is to encompass the entire nature strip adjacent the works site with the exception of the crossovers. The tree protection zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites.
10. Stormwater discharge is to be retained on site to the pre development level of peak stormwater discharge. The development is to have a '*Stormwater Detention System*' installed - the design capacity to be Council approved.
11. Prior to the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:-
 - o The type of water sensitive urban design stormwater treatment measures to be used;
 - o The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - o Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

- These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved, to be a minimum of 100%, and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

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

12. 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.
13. PT1 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 4444.

- N1 Vehicle Crossing Permit
- N2 Building approval
- N6 Vehicle crossing removal
- N7 Retention of existing street trees/protection during construction

Construction of any fence/wall/letterbox structures may necessitate removal/damage of some sections of the footpath. If this is the case, a **'Road Opening Permit'** must be obtained to facilitate such work.

A **'Road Opening / Stormwater Tapping Permit'** is to be obtained from the Bayside City Council Infrastructure Department prior to the commencement of the connection to the kerb/channel.

STANDARD OF THE BAYSIDE PLANNING SCHEME

Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule to the Residential 1 Zone)

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B1 Neighbourhood Character</p> <p>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>Development responds to features of the site and surrounding area.</p>	Yes	See report
<p>B2 Residential Policy</p> <p>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</p> <p>Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Yes	N/A
<p>B3 Dwelling Diversity</p> <p>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	Yes	N/A
<p>B4 Infrastructure</p> <p>Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	Can be addressed through a permit condition
<p>B5 Integration with the Street</p> <p>Integrate the layout of development with the street</p>	Yes	N/A
<p>B6 Street Setback</p> <p>The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	Yes	<p>Minimum: 8.2 metres</p> <p>Proposed: 8.2 metres</p>
<p>B7 Building Height</p> <p>Building height should respect the existing or preferred neighbourhood character.</p>	Yes	<p>Maximum: 2 storeys</p> <p>Proposed: 2 storeys</p>
<p>B8 Site Coverage</p> <p>Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Yes	<p>Maximum: 50%</p> <p>Proposed: 45%</p>
<p>B9 Permeability</p> <p>Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Yes	<p>Minimum: 20%</p> <p>Proposed: 35%</p>

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

<p>B16 Parking Provision</p> <p>Ensure car and bicycle parking meets the needs of residents and visitors.</p> <p>Accessways should be practical, attractive and easily maintainable.</p>	<p>Yes</p>	<p>Minimum: Two (2) spaces each</p> <p>Proposed: Two (2) spaces each</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>Yes</p>	<p>Required:</p> <p><u>Ground Floor</u></p> <p>North: 0 or 2 metres</p> <p>East: 0 or 3 metres</p> <p>South: 0 or 2 metres</p> <p>West: N/A</p> <p><u>First Floor</u></p> <p>North: 3.68 metres</p> <p>East: 4.68 metres</p> <p>South: 3.68 metres</p> <p>West: N/A</p>	<p>Proposed:</p> <p><u>Ground Floor</u></p> <p>North: 0 – 4 metres</p> <p>East: 3.3 – 4 metres</p> <p>South: 3.8 metres</p> <p>West: N/A</p> <p><u>First Floor</u></p> <p>North: 4 – 6 metres</p> <p>East: 6.7 metres</p> <p>South: 3.8 – 4.6 metres</p> <p>West: N/A</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>Maximum: 18.09 metres to the north with an average height of 3 metres with no part greater than 3.6 metres in height.</p> <p>Proposed: 6.6 metres in length to the north with an average height of 3 metres</p>	
<p>B19 Daylight to Existing Windows</p> <p>Allow adequate daylight into existing habitable room windows.</p>	<p>Yes</p>	<p>N/A</p>	

B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.	Yes	N/A
B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.	Yes	See report
B22 Overlooking Limit views into existing secluded private open space and habitable room windows.	Yes	See report Can be addressed though a permit condition
B23 Internal Views Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.	Yes	Can be addressed though a permit condition
B24 Noise Impacts Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Yes	N/A
B25 Accessibility Consider people with limited mobility in the design of developments.	Yes	N/A
B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.	Yes	N/A
B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.	Yes	N/A
B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.	Yes	Minimum: 8 square metre balcony with a minimum dimension of 1.6 square metres Proposed: Each dwelling is provided with an excess of 8 square metres of private open space
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	N/A
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: 1.2 metres in height Proposed: 1.8 metres in height
B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.	Yes	N/A
B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.	Yes	N/A

1.6 **103 Park Road, Cheltenham**
Notice of Decision to Grant a Permit
Application Number: 2010/285/1 Ward: Central

City Strategy/Statutory Planning
 File No: 2010/285/1

APPLICATION DETAILS

Land/Address:	103 Park Road, Cheltenham
Application is for:	Construction of a double storey dwelling to the rear of an existing dwelling.
Melway Reference:	86 G1
Ward:	Central
Application Number:	2010/285/1
Applicant's/Owner's Name:	Concept Studios
Date Received:	28 May 2010
Statutory Days Expiry:	22 September 2010
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 2
Under what clause(s) is a permit required?	32.01-4 – Construction of two or more dwellings on a lot.
Restrictive covenants on the title?	No
Current use and development:	Double storey dwelling
Objections:	Three (3)

PROPOSITION

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

PROPOSAL

It is proposed to construct a double storey dwelling to the rear of an existing double storey dwelling comprising:

- A single garage with tandem parking.
- At ground floor a bedroom with ensuite, kitchen, laundry, and living room.
- At first floor two (2) bedrooms, a bathroom and a retreat.

SUBJECT SITE & LOCALITY

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

The site has a total area of 785.72 square metres and currently contains:

- A double storey brick dwelling.

The main site/locality characteristics are:

- The adjoining properties to the north and east contain a multi unit development with twenty two (22) single storey dwellings at 105 Park Road, Cheltenham. A paved car park for the units abuts the proposed site.
- To the south over Park Road is Cheltenham Park.
- The adjoining properties to the west at 99 Park Road and 2A Tulip Grove contain single storey dwellings.

PERMIT/SITE HISTORY

The history of the site includes:

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

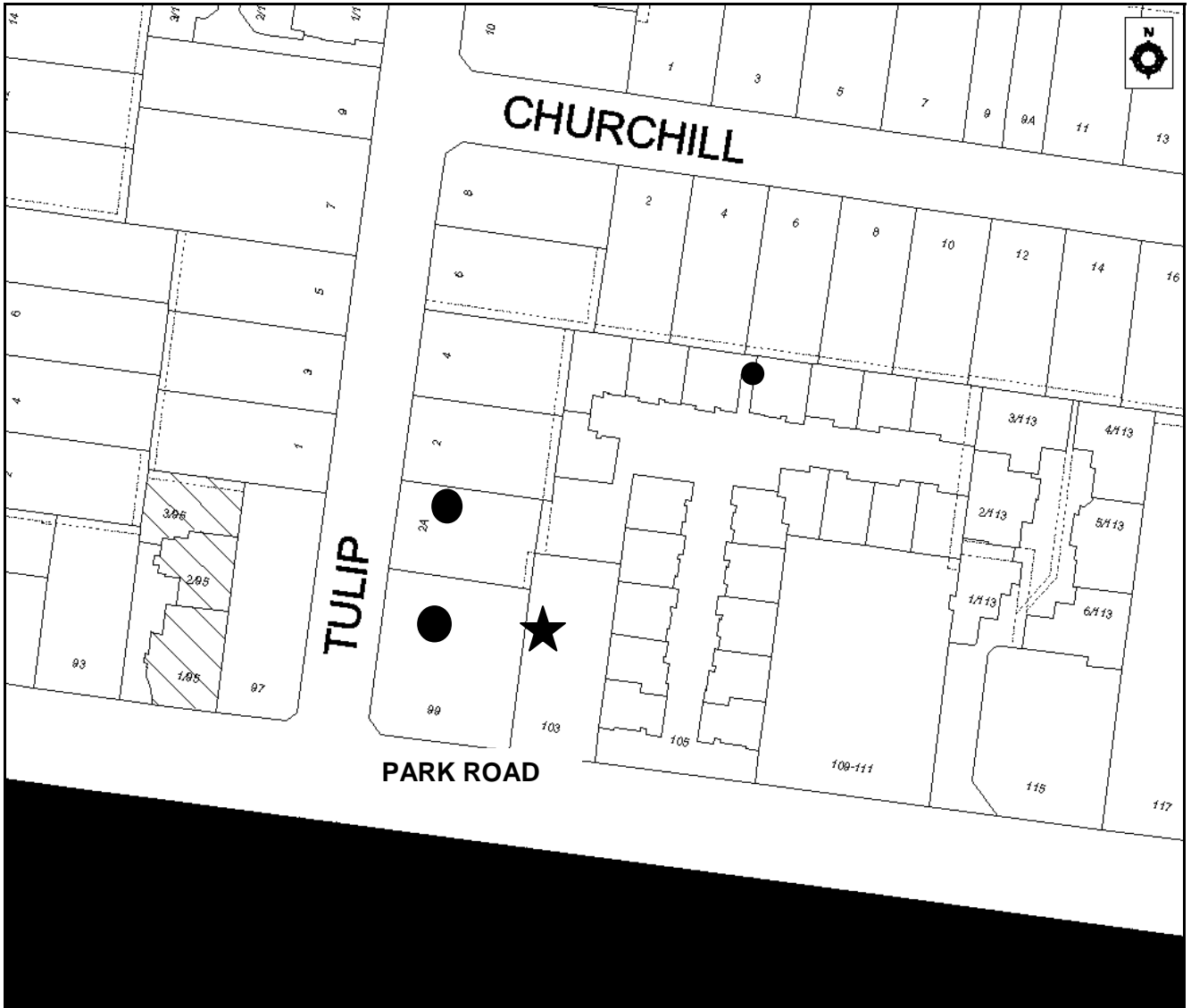
PUBLIC NOTIFICATION

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

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

The notification has been carried out correctly.

Council has received three (3) objections to date.

Locality Map


Legend	
Subject land	★
Location of objectors	●

The key issues that were raised in the objections are:

- Overlooking
- Removal of vegetation
- Inappropriate location for the proposed driveway
- Development outside of title boundaries.

CONSULTATION

The applicant declined an invitation to a consultation meeting.

REFERRALS

External Referrals/Notices by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	N/A
Section 52 Notices	Letters sent to all adjoining and opposite property owners and occupiers and one (1) sign erected on the site.

Internal Council Referrals	Advice/Response/Conditions
Traffic Engineer	No objections subject to conditions
Urban Designer	No objections
Arborist	No objections subject to conditions
Engineering Services	No objections subject to conditions
Street Tree Arborist	No objections subject to conditions

ASSESSMENT

Relevant Provisions of the Bayside Planning Scheme

State Planning Policies

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

The purpose of State Policy in planning schemes is to inform planning authorities and responsible authorities of those aspects of State Policy which they are to take into account and give effect to in planning and administering their respective areas. The State Planning Policy Framework provides a context for spatial planning and decision making by planning and responsible authorities. The planning policies are directed to land use and development, as circumscribed by the *Planning and Environment Act 1987*, a primary objective of which is to provide for the fair orderly, economic and sustainable use and development of land.

- **Clause 11 Settlement**

The objective of planning is to anticipate and respond to the need, recreation, of existing and future communities through the provision of zoned and serviced land for housing, employment and open space commercial and community facilities and infrastructure. Planning should recognise the need for and as far as practicable contribute towards, the health and safety, diversity of choice, adaption in response to changing technology, economic viability, a high standard of urban design and amenity, energy efficiency, prevention of pollution to land, water and air, protection of environmentally sensitive areas and natural resources, accessibility and land use and transport integration.

- **Clause 15 Built Environment and Heritage**

Clause 15 ensures that all new land use and development appropriately responds to its landscape, valued built form and cultural context and protects places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. To achieve high quality urban design and architecture that contributes to local urban character and sense of place, reflects the particular characteristics, aspirations and cultural identity of the community and minimises detrimental impact on neighbouring properties and to ensure the conservation of heritage places.

- **Clause 16 Housing**

The objectives of Clause 16 include the provision of housing diversity and supporting infrastructure. New housing should have access to services and be planner for long term sustainability including walking to activity centres, public transport, schools and open space. To promote a housing market that meets community needs. To locate new housing in or close to activity centre and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne. To provide for a range of housing types to meet increasingly diverse needs. To encourage the establishment of crisis accommodation and community care units in residential areas and to ensure that their location is kept confidential. To facilitate the timely development of residential aged care facilities to meet existing and future needs.

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 - Aim 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 the housing needs of all households. The zone requires a planning permit for the proposed residential development. The Schedule to the zone incorporates requirements specific to Bayside. **A permit is required to construct two (2) dwellings on a lot.**

Overlays

- Clause 43.02 - Design and Development Overlay Schedule 2 - Aims to achieve architectural and urban design outcomes that contributes positively to urban character and enhances 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. **This overlay does not trigger the requirement for a planning permit as the proposed dwelling does not exceed two (2) storeys or 9 metres in height when measured from the natural ground level.**

Particular Provisions

- Clause 55 which includes specific objectives and standards for residential development.

General Provisions

- Clause 65, which includes specific objectives and standards for residential development. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

SUMMARY OF KEY ISSUES

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

Neighbourhood Character

The subject site is located in Precinct H5 within Clause 22.07 Neighbourhood Character Policy of the Bayside Planning Scheme. The Preferred Future Character is:

The low scale dwellings, with pitched roof forms, sit within established gardens with large native and exotic trees providing a backdrop. The dwellings have a strong horizontality to their form, which ensures buildings do not dominate the streetscape. Consistent front and side setbacks create cohesiveness along with the low front fences.

Clause 22.07 provides the following guidelines for development in Area H5:

Objective	Design Response	Avoid
To maintain and enhance the garden settings of the dwellings.	<ul style="list-style-type: none"> • Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and vegetation (locate footings outside root zone). • Minimise impervious surfaces, particularly in front yard spaces. • Buildings should be sited to allow space for the planting of trees and shrubs. 	<i>Lack of landscaping and vegetation.</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 dominance of car parking structures.	<ul style="list-style-type: none"> • Locate garages and carports behind the line of the dwelling. 	<i>Car parking structures that dominate the façade or view of the dwelling.</i>
To ensure that buildings and extensions respect the low scale forms of the streetscape.	<ul style="list-style-type: none"> • Recess second storey elements from the front façade. • Use low pitched roof forms with eaves. 	
To use building materials and finishes that	<ul style="list-style-type: none"> • Use a mix of materials, textures and finishes including render, timber, non-masonry sheeting, 	<i>Period reproduction</i>

Objective	Design Response	Avoid
complement the natural setting.	glazing, stone and brick.	<i>styles and detailing.</i>
To maintain the openness of the streetscape.	<ul style="list-style-type: none"> • Provide open style front fencing, other than Along heavily trafficked roads. • Use vegetation as an alternative where possible. 	<i>High, solid front fencing.</i>

It is considered that the proposed dwelling meets the objectives of the Neighbourhood Character precinct H5 guidelines. The existing two storey dwelling is to be retained. The proposed double storey dwelling to the rear provides side and rear setbacks which are site responsive and allow space for appropriate landscaping. There is appropriate spacing between the dwellings at the first floor level, and the proposed parking will not dominate the streetscape. The elevations of the development show that the building responds to the existing character of the area through the use of architectural details and staggered wall setbacks, which allow the proposal to introduce visual interest into the local neighbourhood.

The existing dwelling is to be provided with a carport with room for an additional car space in tandem. The proposed dwelling is to be accessed via a new crossover to the west of the site. This design element helps to distinguish the two dwellings without disrupting the existing streetscape rhythm.

Council's Urban Designer has viewed the plans and has no objections to the proposal and comments that the subject site is large enough and deep enough to accommodate what is being proposed without being too cramped. The proposed dwelling will be almost invisible from any public place so the potential for streetscape impact is minimal.

It is considered that the proposed development is appropriate in its context. The proposal respects the existing character of the area and will not disrupt or detrimentally affect the amenity of the adjoining properties.

Setbacks

The front setback of the existing dwelling will remain unchanged as it is proposed to retain the existing dwelling.

The proposed ground floor setbacks are compliant except for the east (side) setback for Dwelling 2 that ranges from 1.4 metres to 5.2 metres in lieu of the required 2 metres. This setback is considered appropriate as the setback at 1.4 metres only runs for a length of 10.2 metres and is opposite an existing single storey dwelling to the east, which is located approximately 3.4 metres from the boundary. The proposed ground floor setback will not result in any unreasonable amenity impacts to the adjoining property.

The proposed first floor northern (rear) setback for Dwelling 2 ranges from 3 metres to 3.8 metres in lieu of the required 4.26metres. This setback is considered acceptable and will not have any adverse amenity impacts to adjoining properties as it abuts a car park for the twenty two (22) unit development which is next door to the subject site. The first floor is considered to be appropriately articulated and will not result in any unreasonable visual bulk to the adjoining properties. It is also noted that there is sufficient separation between the first floors of the proposed and existing dwellings and there will be no overlooking or unreasonable overshadowing of the adjoining properties.

The proposed garage to the dwelling to the rear is located on the western boundary and runs for a length of 6.34 metres. The proposed garage complies with the requirements of the Bayside Planning Scheme and the wall height will be an average of 3 metres on the boundary. The proposed first floor western setback of 3.5 metres also complies with the requirements of the Bayside Planning Scheme and will not result any unreasonable visual bulk or detrimental amenity impacts on the adjoining properties.

Visual Bulk

The overall height of the proposed dwelling at 6.7 metres is consistent with the 9 metre requirement of the Bayside Planning Scheme. The proposed dwelling is considered to be appropriate for the site and to be of a scale which is respectful to the existing neighbourhood. The proposed first floor has generous setbacks from adjoining properties that are well staggered which help to soften the potential for detriment of the proposed dwellings. There is sufficient area for planting along Park Road and to the rear of the property which will reduce the impact of the dwellings to the street and backyard scapes of neighbouring properties.

Overdevelopment of the site

The proposed development will have a low site coverage of 37.8% which complies with Standard B8 – site coverage of the Bayside Planning Scheme, which limits developments to a maximum 50% site coverage. The permeability of the site is greater than 20%, which also complies with the Bayside Planning Scheme requirements. It is also noted that there has been adequate car parking and open space provided on site in accordance with the requirements of the Planning Scheme.

Overlooking

Concerns have been raised in regard to the potential for overlooking into adjoining properties from the proposed first floor. It is considered that there will be no unreasonable overlooking into the adjoining properties. All first floor windows, which have the potential to overlook the adjoining properties, have fixed screening to 1.7 metres above the finished floor level to prevent overlooking as required by The Bayside Planning Scheme. A condition of any permit issued will require that all first floor windows to be screened are to comply with the requirements of Clause 55.04-6 Standard B22 of the Bayside Planning Scheme.

Overshadowing

The shadow diagrams submitted have been checked and found to be correct. Taking into account the orientation of the site and the recessive design of the first floor of the development, it is considered that the adjacent properties to the site are not unreasonably overshadowed by the development. The proposed development and consequent overshadowing meets the objectives of Standard B21 of the Bayside Planning Scheme.

Traffic and Car Parking

The proposed dwelling to the rear is provided with a single car garage with room for a car to park in tandem in front of the garage. It is proposed to construct a single carport for the existing dwelling which also has room for a tandem space. The parking provided is in accordance with the provisions of the Bayside Planning Scheme. The car parking does not visually dominate the street and is considered appropriate within its context.

Concerns have been raised about possible impacts of the proposed crossover on the existing power pole and stay wire which is connected to the power pole. A condition of any permit issued will require the applicant to relocate the existing power pole and or stay wire to the satisfaction of the relevant power company.

There is a sewerage pit located in the north-west corner of the property. The proposed garage completely covers this pit. A condition of any permit issued will require the garage to be converted to a carport to ensure clear access to the pit, or alternatively relocated clear of the pit.

Landscaping/Vegetation

Council's Arborist has viewed the proposal and has commented that there are numerous trees in the rear garden area which are not visible from Park Road and which can be removed.

Although the proposal will result in the loss of some vegetation it will maintain sufficient open space areas to support significant replacement planting and will not impact on any vegetation on adjoining properties. The existing street tree is to be retained and conditions will be included on the permit, should one issue, for tree protection for the trees which are being retained. A condition of the permit, should one issue, will also require a landscape plan to be submitted to the satisfaction of the Responsible Authority.

Energy Efficiency and Water Sensitive Urban Design

The internal layout of the proposed dwelling is designed so as to maximise daylight to habitable rooms and secluded private open space. Ground floor living areas directly abut the private open space located to the north of the dwellings to maximise solar access. The design response is considered to adequately comply with the energy efficiency objectives of Clause 55.03.

The proposal submitted to Council is subject to Clause 22.10 of the Bayside Planning Scheme, which guides Water Sensitive Urban Design measures for developments within Bayside. A condition of any permit issued will require the applicant to show how the proposed development will meet the requirements of Clause 22.10.

Other issues raised by objectors

Concerns have been raised with the location of the proposed additions protruding into the adjoining properties legal title. A condition of any permit issued will ensure any new buildings to be located within the site's title boundary.

CONCLUSION

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

The proposal will respect the residential amenity of adjoining properties through the incorporation of sufficient setbacks and appropriately screened first floor windows. It is therefore recommended that a Permit should be issued, subject to conditions.

RECOMMENDATION

That Council having caused notice of Planning Application No. **2010/285/1** 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 **103 Park Road, Cheltenham** for **alterations and additions to the existing dwelling and the construction of double storey dwelling to the rear of an existing double storey dwelling**, with the application dated **28 May 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 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 substituted plans submitted to Council but modified to show to the satisfaction of the Responsible Authority:
 - a. All first floor windows to be screened to comply with the requirements of Clause 55.04-6 Standard B22 of the Bayside Planning Scheme.
 - b. The dimensions of the carport and garage must be clearly shown on the plans. The carport and garage must be at least 3.5 metres in width and 6 metres in length. The door opening to the garage to be at least 2.8 metres.
 - c. The proposed garage to Dwelling 2 to be converted to a carport with clear access to the sewerage pit or alternatively the garage relocated clear of the pit as required by the Responsible Authority.
 - d. The storage location of the garbage and recycling bins and at least 6 cubic metres of storage space for each dwelling.
 - e. The proposed landscape treatment for the site including the existing and proposed species in accordance with Condition 4 of this permit.
 - f. Tree protection as per Australian Standard 4970 is to be provided to the street tree prior to any works on site commencing and maintained until all works are complete.
 - g. All alterations and additions to be located within the subject properties boundaries.
 - h. Water sensitive urban design stormwater treatment measures in accordance with Condition 7 of this permit.
2. P4 Layout not altered
3. A20 Boundary walls
4. CP7 Vehicular crossings

5. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.

The plan must show:

- a) A survey of all existing vegetation to be retained and/or removed
- b) Buildings and trees on neighbouring properties within three metres of the boundary.
- c) Details of surface finishes of pathways and driveways
- d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
- e) Landscaping and planting within all open areas of the site.
- f) Bollard type or similar lighting to be provided along the proposed driveway.

All species selected must be to the satisfaction of the responsible authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

6. T9 Retention of existing street trees
7. T10 Retention of existing trees
8. E2 Stormwater Discharge
9. E3 Kerb & Channel
10. E5 Graded & Drained Discharge
11. 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;

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

12. Before the commencement of works the applicant must relocate the existing power pole and/or the stay wire to the satisfaction of the relevant power company at the applicants cost.
13. All works must be completed before the occupation of Dwelling 2.
14. PT1 Time for starting and completion.

Permit Notes

Prior written approval from the Responsible Authority must be obtained to construct over the sewerage pit, or relocate the garage for Dwelling 2 as required.

N1 Crossover Permit

N2 Building approval

N7 Retention of existing street trees

N10 Asset Protection

Construction of any fence/wall/letterbox structures may necessitate removal/damage of some sections of the footpath. If this is the case, a **'Road Opening Permit'** must be obtained to facilitate such work.

A **'Road Opening / Stormwater Tapping Permit'** is to be obtained from the Bayside City Council Infrastructure Department prior to the commencement of the connection to the kerb/channel

STANDARD OF THE BAYSIDE PLANNING SCHEME

Two or more dwellings on a lot and residential buildings (clause 55 and schedule to the residential 1 zone)

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B1 Neighbourhood Character</p> <p>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>Development responds to features of the site and surrounding area.</p>	Yes	See report.
<p>B2 Residential Policy</p> <p>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</p> <p>Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Yes	See report.
<p>B3 Dwelling Diversity</p> <p>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	Yes	N/A
<p>B4 Infrastructure</p> <p>Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	
<p>B5 Integration with the Street</p> <p>Integrate the layout of development with the street</p>	Yes	
<p>B6 Street Setback</p> <p>The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	Yes	Existing dwelling retained. See report.
<p>B7 Building Height</p> <p>Building height should respect the existing or preferred neighbourhood character.</p>	Yes	Maximum: 9 metres Proposed: 6.7 metres
<p>B8 Site Coverage</p> <p>Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Yes	Maximum: 50% Proposed: 37.8%
<p>B9 Permeability</p> <p>Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Yes	At least: 20% Proposed: At least 20%

<p>B10 Energy Efficiency</p> <p>Achieve and protect energy efficient dwellings and residential buildings.</p> <p>Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	<p>Yes</p>	<p>See report.</p>
<p>B11 Open Space</p> <p>Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p>N/A</p>	<p>N/A</p>
<p>B12 Safety</p> <p>Layout to provide safety and security for residents and property.</p>	<p>Yes</p>	<p>N/A</p>
<p>B13 Landscaping</p> <p>To provide appropriate landscaping.</p> <p>To encourage:</p> <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. • The retention of mature vegetation on the site. 	<p>Yes</p>	<p>To be addressed through a permit condition.</p>
<p>B14 Access</p> <p>Ensure the safe, manageable and convenient vehicle access to and from the development.</p> <p>Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	<p>Yes</p>	<p>See report.</p>
<p>B15 Parking Location</p> <p>Provide resident and visitor vehicles with convenient parking.</p> <p>Avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>Protect residents from vehicular noise within developments.</p>	<p>Yes</p>	<p>See report.</p>
<p>B16 Parking Provision</p> <p>Ensure car and bicycle parking meets the needs of residents and visitors.</p> <p>Accessways should be practical, attractive and easily maintainable.</p>	<p>Yes</p>	<p>Required: 2 spaces per dwelling Proposed: 2 spaces per dwelling</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</p>	<p>Dwelling 1</p> <p>Required:</p> <p><u>Ground Floor</u></p> <p>Existing</p> <p><u>First Floor</u></p> <p>Existing</p>	<p>Dwelling 2</p> <p>Required:</p> <p><u>Ground Floor</u></p> <p>North: 0 or 3m</p> <p>East: 0 or 2m</p> <p>West: 0 or 2m</p> <p>South: N/A</p> <p><u>First Floor</u></p> <p>North: 4.26</p> <p>East: 3.32 m</p> <p>West: 3.32 m</p> <p>South: N/A</p> <p>Proposed:</p> <p><u>Ground Floor</u></p> <p>North: 0 -3 – 5.3 m</p> <p>East: 1.4 – 5.2 m</p> <p>West: 0 – 7.8 m</p> <p>South: N/A</p> <p><u>First Floor</u></p> <p>East: 5.00m</p> <p>West: 3.5 m</p> <p>South: N/A</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: 18.65 m</p> <p>Proposed: 6.34 m</p> <p>See report.</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>	
<p>B20 North Facing Windows</p> <p>Allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Yes</p>	<p>N/A</p>	

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	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	N/A
B25 Accessibility Consider people with limited mobility in the design of developments.	Yes	N/A
B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.	Yes	N/A
B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.	Yes	N/A
B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.	Yes	Required: 40 square metres Proposed: Dwelling 1:145.25 square metres Dwelling 2: 55.76 square metres
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.	No	Can be conditioned
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.	Yes	Maximum: 1200mm Proposed: No fence proposed
B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.	Yes	N/A
B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.	Yes	N/A

1.7 **6 Royal Avenue, Sandringham**
Notice of Decision to Amend a Planning Permit
Application No. 2004/0451/3 Ward: Southern

City Strategy/Statutory Planning
 File No: 2004/0451/3

APPLICATION DETAILS

Land/Address:	6 Royal Avenue, Sandringham
Application is for:	Section 72 Application to Amend a Planning Permit of the plans/permit which allows the construction of a double storey dwelling on a lot of less than 500 square metres and in a Special Building Overlay
Melway Reference:	76 H11
Ward:	Southern
Application Number:	2004/0451/3
Applicant's/Owner's Name:	Bronwyn Fitzgerald
Date Received:	29 April 2010
Statutory Days Expiry:	19 November 2010
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 1
Under what clause(s) is a permit required?	Clause 32.01-3
Restrictive covenants on the title?	No
Current use and development:	Double storey dwelling with a roof deck
Objections:	Four (4)

PROPOSITION

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

PROPOSAL

The applicant has applied for approval of retrospective amendment on the permit and plans endorsed under Planning Permit No. 2004/0451/3. The application was submitted to Council on 29 April 2010 and amended 6 September 2010 to show conditions as built. The plans that form the basis of Council's consideration were annotated by the applicant and are Council date stamped 6 September 2010.

The applicant now seeks approval for the following amendments to the plans:

- Changes to the planting schedule on the landscape plan

- Changes to the material schedule including letterbox and garage piers changed from stacked stone to render; Front door painted black to purple, render colour changed from natural grey/brown to purple, patio paving changed from paving to timber decking.
- Installation of windows to the roof deck access structure (north elevation)
Installation of an acoustic wall on the first floor (north elevation)
- Deletion of a swimming pool
- Deletion of balcony to the south elevation adjacent to Bedroom 1, 2 and 3.
- 1st floor windows on the west elevation now 300 mm above finished floor level.
- Changes to the east elevation ground floor roofline as a result of the deletion of the balcony.
- Patio pavers changed to decking
- Ground floor façade (west elevation) changed to tiling adjacent to entry and study.
- Deletion of a chimney
- Installation of a children's cubby house, shed and TV antenna.

The applicant seeks amendments to the permit conditions as follows:

- Deletion of Condition 5 which reads:

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

SUBJECT SITE & LOCALITY

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

The subject site is located on the southern side of Royal Avenue, Sandringham.

The site is regular in shape.

The site is currently occupied by a double storey dwelling with a roof deck.

The subject site is located within an established residential area, adjacent to the following land uses:

- To the north, (opposite) the site, are 5 and 7 Royal Avenue which each contains double storey dwellings
- To the east is 2 Norwood Street and 4 Norwood Street, Sandringham, which each contain a single storey dwelling
- To the west is 4 Royal Avenue, Sandringham which contains a single storey dwelling
- To the south (rear) is 6 Norwood Street, Sandringham which contains a single storey dwelling

PERMIT HISTORY

Planning Permit 2004/451/1 was issued by Council for the construction of a double storey dwelling on a lot less than 500 square metres and in a Special Building Overlay, on 20 May 2005.

Condition 1 plans were endorsed on 5 July 2005.

On 6 February 2007, an extension of time was granted to allow the development to be completed by 20 May 2010.

On 27 September 2007, a Section 72 amendment to the plans was granted. Changes approved included:

- Reduction in window sizes
- Amended colour and material schedule
- Relocation of proposed pool
- Deletion of basement and proposed balcony

On 15 June 2010, a second extension of time was granted to the planning permit to allow the development to be completed by 20 February 2011.

Public Notification

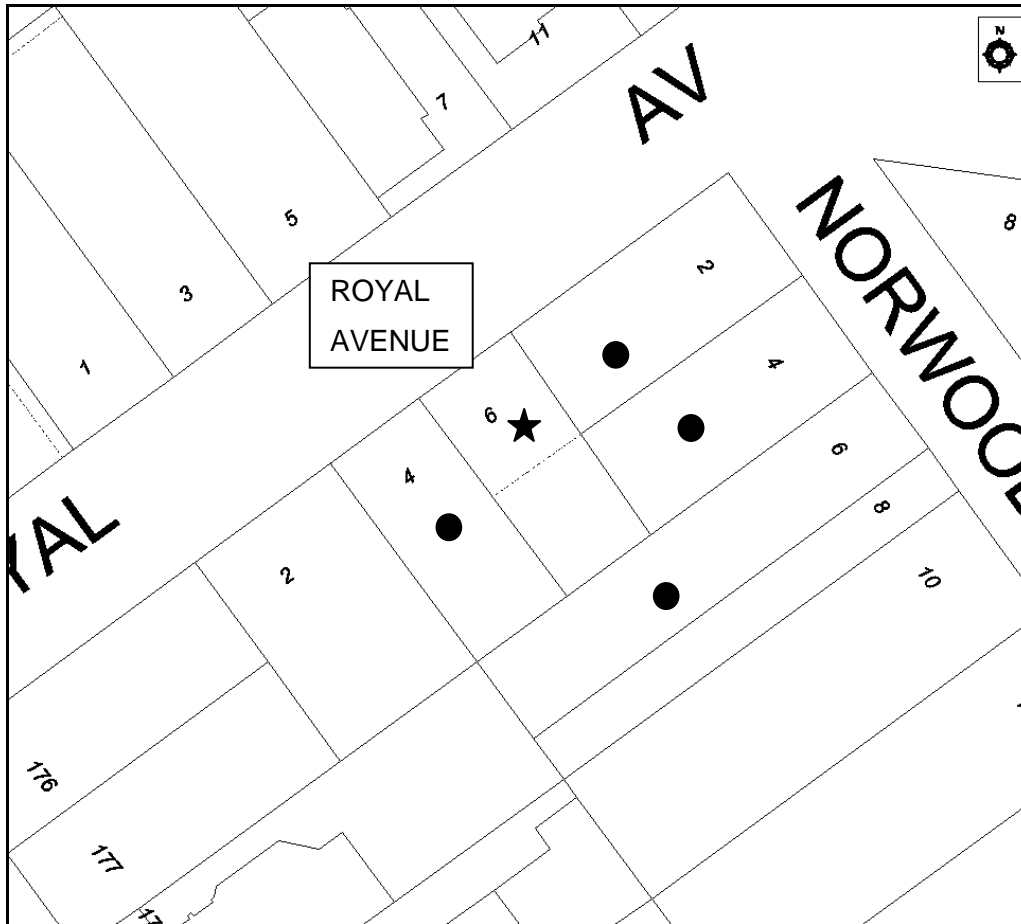
The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land

The notification has been carried out correctly.

Council has received four (4) objections to date.

Locality Map 6 Royal Avenue, Sandringham



Legend	
Subject land	★
Location of objectors	●

The key issues that were raised in the objections are:

- Overlooking for highlight windows on the roof deck access structure, first floor windows and balcony into habitable room windows and secluded private open space
- Ineffective acoustic wall
- Shed and children’s cubby house not identified on landscape plan
- TV Antenna on the roof of the access structure to the roof deck
- Changes to Landscape Plan resulting reduced privacy

The applicant has responded to the objections in writing.

REFERRALS

External Referrals/Notices by the Planning Scheme:

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

Internal Council Referrals	Advice/Response/Conditions
Arborist	No objection

ASSESSMENT

Relevant Provisions of the Bayside Planning Scheme

State Planning Policies

- **Clause 11 - Settlement** - Encourages consolidation of residential activities, with development being respectful of neighbourhood character.
- **Clause 15 - Built Environment and Heritage** – To achieve high quality urban design and architecture that contributes to local urban character and sense of place, reflects the particular characteristics, aspirations and cultural identity of the community and minimises detrimental impacts on neighbouring properties. To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Municipal Strategic Statement

- **Clause 21.04 – Vision and Overarching Goals** – This policy provides a summary of the vision and overarching principles of the Bayside Corporate Plan including a strategic framework plan which provides a schematic overview of the major strategic land use and development features proposed for the municipality.
- **Clause 21.05 – Housing** – Encourages housing choice and quality design outcomes that make a positive contribution to the character of residential areas.

Local Planning Policy Framework

- **Clause 22.07 – 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 and 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.

The subject site is located within Neighbourhood Character Precinct F1.

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, and encourages residential development that respects neighbourhood character.

A planning permit is required for building and works to a dwelling on a lot less than 500 square metres. The proposal is assessed against the requirements of the Schedule to the Residential 1 Zone and Clause 54 of the Bayside Planning Scheme.

Overlays

- **Clause 43.02 - Design and Development Overlay Schedule 1** – Aims to protect and enhance the foreshore environment and views of Bayside from Port Phillip Bay, 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.

- **Clause 44.05 - Special Building Overlay** – Identifies land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority, ensures that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity and protects water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

This overlay does not trigger the need for a Planning Permit, as the proposed amendment does not alter the finished floor level.

Particular Provisions

- **Clause 54 – One Dwelling 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 Neighbourhood Character Policy at Clause 22.07 includes ‘objectives’ and ‘design guidelines’ for “ensuing that development is responsive to key characteristics that make up the preferred character of the area.”

The subject site is located within Neighbourhood Character Precinct F1.

The preferred future character statement reads:

The dwellings, including a continued frequent presence of pre WW2 dwellings, sit within garden settings. Buildings are occasionally built to the side boundary, however the impression of the streetscape is of informality and openness due to the open front fencing, and well articulated building designs. Buildings and gardens are clearly visible from the street despite the presence of front fences, and these are appropriate to the building era. Buildings fronting the foreshore reflect their setting and provide a visually attractive built form interface with the reserve.

The precinct guidelines for this area are as follows:

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.	<p>Attempt to retain wherever possible intact and good condition dwellings that contribute to the valued character of the Precinct in designing new development.</p> <p>Alterations and extensions should retain the front of these dwellings and be appropriate to the building era.</p>	Demolition of dwellings that contribute to the valued character of the Precinct.
To maintain and enhance the garden settings of the dwellings, and enhance the Bayside vegetation character.	<p>Retain established trees and vegetation.</p> <p>Replace any trees removed with species that will grow to a similar height.</p> <p>Encourage replanting of indigenous sandbelt vegetation.</p> <p>Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and shrubs, and indigenous coastal vegetation.</p>	<p>Lack of landscaping and substantial vegetation.</p> <p>Removal of trees.</p> <p>Planting of environmental weeds.</p>
To ensure the building setbacks reflect the existing spacious visual separation of buildings and contribute to the informality of the dwelling setting.	<p>Buildings should be sited to allow space for the planting of trees and shrubs.</p> <p>Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation.</p>	Loss of front garden space.
To minimise the loss of front garden spaces and the dominance of car parking structures.	<p>Locate garages and carports behind the line of the dwelling.</p> <p>Underground car parking accessed from the front of the site should only be provided where</p>	Car parking structures that dominate the façade or view of the dwelling.

Objective	Design Response	Avoid
	other options are not possible due to site constraints, the garage doors do not dominate the façade and the front setback area is retained as predominantly garden space.	
To ensure that new buildings and extensions do not dominate the streetscape.	Recess second storey elements from the front façade.	High pitched or mansard roof forms with dormer windows.
To respect the identified heritage qualities of adjoining buildings.	Where adjoining an identified heritage building, respect the height, building forms, siting and materials, in the new building design.	Large bulky buildings with flat, poorly articulated front wall surfaces.
To reflect the lightness of the streetscape created through the use of a mix of appropriate building materials and finishes.	Incorporate a variety of timber or other non-masonry wall materials where possible.	Heavy materials and design detailing (eg. Large masonry columns and piers).
To maintain the openness of the streetscape and views to the dwellings.	Provide open style front fences, other than along heavily trafficked roads. Front fence style should be appropriate to the building era.	High, solid front fencing.
To create a visually interesting and attractive built form interface with the foreshore reserve.	Articulate the form 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 articulated roof forms to create an interesting skyline when viewed from the beach.	Buildings that have no relationship to the foreshore setting. Poorly articulated roof and building forms. Highly reflective materials or glazing.

It is considered that the proposed changes to the endorsed plans are complementary to the neighbourhood character of the area and that the changes to the material schedule are considered to be complementary to the coastal environs.

The proposed changes to the Landscape Plan were referred to Council’s arborist for comment, who raised no objections.

Overlooking

Condition 1j) of Planning Permit 2004/0451/1 states that:

- j. The windows located to the first floor north-east, south-east and south west elevations must be appropriately screened or incorporate the use of fixed and obscured glazing, to a minimum height of 1.7 metres when measured from the finished floor level.*

The plans submitted to council on 6 September 2010 does not indicate screening to Standard A15 Clause 54 of the Bayside Planning Scheme. It is recommended that revised amended plans be submitted to Council for endorsement. The eastern most window located on the access structure to the roof are located 2,800 mm above the landing, it is consider that this window does not require to be screened. It is considered that the northern most window on the roof access structure may result in unreasonable overlooking into neighbouring properties. It is recommended that the condition be amended to require Screening to Standard A15 for this window also.

Condition 1 m) of Planning Permit 2004/0451/1 states that:

- m. The horizontal timber slat screen to commence from the finished floor level of the terrace located on the first floor southeast elevation, to a minimum height of 1.7 metres and to the satisfaction of the Responsible Authority.*

The plans submitted to council, indicate changes to the balcony on the south east elevation, but not to the first floor plan. In addition, the alterations result in overlooking into secluded private open space. It is recommended that this condition be amended to require screening to Standard A15 to the south elevation.

Deletion of Condition 5

Condition 5 of the Planning Permit relates to a Certificate of Occupancy not being issued until the building and works are completed. As the site is now occupied and the works have completed, it is recommended that this condition not be deleted from the Planning Permit.

Issues raised by Objectors

Noise from domestic air conditioning units are controlled under the Environment Protection Act 1970, Section 48A, and therefore are not considered against the requirements of the Bayside Planning Scheme.

The shed and children's cubby house not identified on landscape plan are considered to be works normal to a dwelling and exempt from requiring a Planning Permit in their own right. It is recommended that a condition on the permit require that these be shown on the Landscape Plan as it impacts upon this plan.

The TV Antenna on the roof of the access structure to the roof deck is considered as works normal to a dwelling. As no roof plan was endorsed with the Planning Permit, it is recommended that TV antenna is not required to be shown on the endorsed plans.

CONCLUSION

It is considered that the proposed amendments to the approved development are appropriate to the site, and are of a scale and design that is compatible with the neighbourhood. It is considered that the modifications respond appropriately to surrounding development in relation to residential amenity and are therefore considered worthy of approval, subject to conditions.

RECOMMENDATION

That Council having caused notice of an **Application to Amend a Planning Permit No. 2004/0451/3** 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 Amend a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of the land known and described as **6 Royal Avenue, Sandringham** for the **Construction of a double storey dwelling on a lot less than 500 square metres and in a Special Building Overlay** in accordance with the amended plans dated **6 September 2010** subject to the original permit conditions and the following additional conditions (as shown in bold):

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit.

The plans must be generally in accordance with the plans lodged with the application but modified to show to the satisfaction of the Responsible Authority:

- a) Alterations to the proposal as indicated in the revised plans dated *15 November 2004*.
- b) The floor type to be constructed and finished floor levels to AHD.
- c) All wall heights above ground level to be nominated on the plans.
- d) All paving (except driveways) to be permeable. Details of the permeability of the paving must be supplied to the satisfaction of the Responsible Authority.
- e) A schedule of all external materials and finishes to be provided to the satisfaction of the Responsible Authority prior to the commencement of any buildings and works on the land. The schedule shall show the materials, colour (including two colour samples) and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
- f) The proposed landscape treatment for the site including the existing and proposed species.
- g) All plant and equipment (including air conditioning units, heating units, hotwater 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.
- h) All openable and fixed glazed sections to be indicated on all elevations, to the satisfaction of the Responsible Authority.
- i) No part of dwelling to exceed nine (9) metres in height when measured from the natural ground level to the highest point of the dwelling.
- j) **The windows located to the roof deck access structure, first floor north-east, south-east and south west elevations must be appropriately screened or incorporate the use of fixed and obscured glazing, to a minimum height of 1.7 metres when measured from the finished floor level.**

- k) Details of the privacy screen to terrace and balcony as indicated on revised drawings dated 15 November 2004, to ensure that there is no overlooking to neighbouring properties to the satisfaction of the Responsible Authority.
- l) The roof deck must comply with the requirements of the Design and Development Overlay Schedule 1.
- m) **First floor terrace to be screened in accordance with Standard A15 of Clause 54 of the Bayside Planning Scheme to the south elevation.**
- n) **Deletion of first floor terrace adjacent to bedroom 1, 3, and 4 on the first floor plan.**
- 2 A schedule of all external materials and finishes to be provided to the satisfaction of the Responsible Authority prior to the commencement of any buildings and works on the land. The schedule shall show the materials, colour (including two colour samples) and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
- 3 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.
- 4 Before the use and/or development starts, a site layout plan drawn to scale and dimensioned must be approved by a Building Practitioner registered under the *Building Act 1993* and submitted to the Responsible Authority.
- The plans must show:-
- a drainage scheme providing for the collection of storm water within the site and for the conveying of the storm water to Council's nominated point of discharge to the satisfaction of the Responsible Authority.
- 5 **Deleted.**
- 6 This permit will expire if one of the following circumstances applies:
- The development and use is/are not started within two (2) years of the date of this permit.
 - The development is not completed within two (2) years of the date of the commencement of the works.
- 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.
- 7 Street numbers contrasting in colour to the background must be fixed at the front boundary of the property as near as practicable to, or on the letterboxes in order to clearly establish the identity of the property. Separate unit numbers shall be placed adjacent to the front entrance of each dwelling, such numbers to be clearly legible from the access driveway.

- 8 All service pipes, fixtures and fittings must be concealed on exposed elevations to the satisfaction of the Responsible Authority.
- 9 The alterations of soil levels involving an increased or decreased level at the boundaries must be retained by the provision of an adequate retaining wall, constructed of brick or masonry or other suitable alternative approved by the Responsible Authority, to buttress the soil against the possibility of shift. The construction of this retaining wall shall be the sole responsibility of the owner/developer.
- 10 All brickwork on or facing the boundaries of the site must be raked and cleaned or rendered to the satisfaction of the Responsible Authority.
- 11 All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally shall be identified on plans and located to the satisfaction of the Responsible Authority and on endorsed copy of such plan shall form part of this permit. Such equipment should, wherever possible, be located away from the bedrooms of adjoining properties.
- 12 Before the development hereby permitted starts, three (3) copies of a Landscape Plan must be submitted for approval by the Responsible Authority. The plan must show the proposed landscape treatment of the site and include supporting information to the satisfaction of the Responsible Authority. In particular, the plan should be to a scale of 1:100 or 1:200 and show:
- a) Accurate location of boundaries, existing and proposed built elements, neighbouring buildings and/or vegetation that may affect or be affected by the proposed development and landscape.
 - b) Accurate location and identification (botanical name) of existing vegetation to be retained and/or removed.
 - c) Tree Protection Zones as required by the Responsible Authority.
 - d) Clear identification of the following elements:
 - i) Areas proposed to be lawn, pavement, garden beds, other landscape features;
 - ii) Proposed tree locations, shrub and ground cover groupings, climber locations;
 - iii) Coded identification for these groupings and the numbers proposed; and
 - iv) A Plant Schedule, which consists of an itemised list of all proposed species. The schedule must include the following headings:
 - Plant code; (refers to codified botanical names used on plan, for example, Bm)
 - Botanical and Common name;
 - Height and Width at maturity;

- Installation height (for trees only);
 - Container size (for all other plant groups); and
 - Total quantities for each species.
- e) Supporting notes on the plan that elaborate on specific requirements for the proposed landscaping (eg. site preparation, protection during construction of existing vegetation, use of a suitable mulching material and proposed depth etc.)
- f) A legend that explains any graphic symbols used on the plan.
- g) The location of a shed.**
- h) The location of a children's cubby house.**

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

- 13 Before the use allowed by this permit starts, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
- 14 All basic services, including water, electricity, gas sewerage and telephone, shall be installed underground and located to the satisfaction of the Responsible Authority.
- 15 Before any construction or demolition works commence on the site, to the extent that the site perimeter is unfenced and/or is not fenced to the satisfaction of the Responsible Authority, a secure fence is to be erected around the perimeter of the site to prevent access to the site from unauthorised persons. This fence is to be maintained for the duration of the construction and demolition, be a minimum height of 1.8 metres or such alternative height as is approved by the Responsible Authority and to be constructed and sited to the satisfaction of the Responsible Authority. The gate or opening to the fence must be securely locked at all times when work has ceased on the site.
- 16 The landscaped areas shown on the endorsed plan and schedule shall only be used as landscaped areas and shall be maintained in a proper tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of a similar size and species.
- 17 The Responsible Authority shall be advised of the completion of the landscaping so that a site inspection can be carried out. A further inspection will be carried out by the Responsible Authority six (6) months after completion of the landscaping to ensure that species have been adequately maintained.
- 18 All disturbed surfaces on the land resulting from the development/building and works authorised or required by the permit shall be revegetated and stabilised to the satisfaction of the Responsible Authority so as to prevent any erosion or siltation either on or adjacent to the land.
- 19 The existing street tree/trees must not be removed or damaged.

- 20 The installation of utility services must be bored under the root systems of the trees to be retained.
- Supplementary watering must be provided to all trees during dry periods, during and after the construction process. This must consist of a deep soaking at least twice a week during summer and daily in extreme heat conditions.
 - nothing whatsoever shall be attached to any tree including temporary services, wires, nails, screws or any other fixing device.
 - all root zones shall be bridged using timber planks, to assist in reducing soil compaction and consequent root damage.
 - A Qualified Arborist must attend the site during site cut and excavation to ensure that all affected tree roots are managed correctly and to ensure any damaged or exposed tree roots are pruned cleanly and the cut ends sprayed with a root hormone solution before covering with soil.
 - Any backfill material must be a mixture of quality topsoil and organic composted material and the trees must be monitored on a regular basis during and after construction, by the Consultant Arborist.

Open trenching must be avoided - bore under the root system as an alternative.

- 21 Prior to the issuing of a building permit for the development hereby permitted, a report must be submitted to the satisfaction of the Responsible Authority. This report must certify that the proposed development has been designed to achieve a five star energy rating, using the Sustainable Energy Authority of Victoria 'FirstRate' system or equivalent.
- 22 The tree removal hereby approved shall be in accordance with the endorsed plan. The endorsed plan shall not be altered or modified unless further consent is obtained from the Responsible Authority.
- 23 The tree removal/ pruning authorised by this permit must be completed to the satisfaction of the Responsible Authority.
- 24 Replacement planting shall take place within six (6) months of the date of this permit.
- 25 All existing vegetation shown on the endorsed plans must not be removed, destroyed, pruned or lopped without the written consent of the responsible authority, all tree pruning must be carried out by a qualified Arborist to AS 4373, Pruning of Amenity Trees."
- 26 Prior to the commencement of any development or demolition works a Tree Protection Zone Fence of cyclone wire or similar construction must be erected to a height of at least 1.8 metres at a minimum distance (metres) in radius from the centre of the following tree(s):

Tree Particulars	Tree Protection Zone (Metres)
Tree 1: <i>Corymbia ficifolia</i> (Nature strip)	1 metre North/south and 2.5 metres East/west
Tree 2: <i>Washingtonia robusta</i>	1.5 metres
Tree 3: <i>Washingtonia robusta</i>	1.5 metres
Tree 4: <i>Washingtonia robusta</i>	1.5 metres

- Barrier fences must stop access by persons, vehicles or machinery to the area it encloses and be maintained throughout the entire construction period and must have a sign attached stating 'Tree Protection Zone Fence'. (*Access may be permitted only with the consent of the Site Manager or the Consultant Arborist*)
- There is to be no excavation in the area enclosed by this fence and a layer of organic mulch (woodchips) to a depth of not less than 100mm, must be laid and receive at least 1 litre of water for every 10mm of trunk diameter on a weekly basis to assist moisture retention and reduce the impact of soil compaction.
- No materials, chemicals, paints etc, equipment, temporary building or otherwise, must not be dumped, stored or erected within this fence.

- 27 Crossings shall be constructed in a manner that will not damage the root systems of any mature street trees. A qualified Arborist must be engaged prior to the design and construction to plan and oversee construction methods, which will ensure no damage to the trees (above and below ground). No work shall be carried out without approval of the Responsible Authority.
- 28 Prior to the commencement of any development works, Tree Protection Zones must be erected around all trees to be retained that are on-site, adjacent to the subject site and street trees. Tree Protection Zones, of cyclone wire or similar construction, shall be erected to the satisfaction of Council's Arborist.

Melbourne Water Conditions

- 29 No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains and watercourses.
- 30 Finished floor levels must be a minimum of 300mm above the applicable flood level.
- 31 All doors, windows, vents and openings to the basement car park must be a minimum of 300mm above the applicable flood level.
- 32 Any drainage system for a basement must be designed such that stormwater is unable to penetrate the basement. Details of the drainage system must be submitted to Melbourne Water and the Responsible Authority prior to works commencing.

Permit Notes

- Building approval must be obtained prior to the commencement of the above-approved works.
- The existing street tree/s must not be removed or damaged.

- Reticulated sewerage must be provided to the requirements of the Sewerage Authority.

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Deborah Cownley on telephone 9235 2523, quoting Melbourne Water's reference 100131.

The applicable flood level for the property is 22.7 metres to Australian Height Datum (AHD).

Date	Brief description of amendment
6 February 2007	Extension of time granted to allow development to be completed by 20 May 2010.
27 September 2007	Section 72 Amendment to the endorsed plans to show the following changes: <ul style="list-style-type: none"> • Reduction in window sizes • Amended colour and material schedule • Relocation of proposed pool • Deletion of basement and proposed balcony
15 June 2010	Extension of time granted to allow development to be completed by 20 February 2011.
7 December 2010	Section 72 Amendment to the endorsed plans to show the following changes: <ul style="list-style-type: none"> • Changes to the planting schedule on the landscape plan • Changes to the material schedule including letterbox and garage piers changed from stacked stone to render; Front door painted black to purple, render colour changed from natural grey/brown to purple, patio paving changed from paving to timber decking. • Installation of windows to the roof deck access structure (north elevation) Installation of an acoustic wall on the first floor (north elevation) • Deletion of a swimming pool • Deletion of balcony to the south elevation adjacent to Bedroom 1, 2 and 3. • 1st floor windows on the west elevation now 300 mm above finished floor level. • Changes to the east elevation ground floor roofline as a result of the deletion of the balcony. • Patio pavers changed to decking • Ground floor façade (west elevation) changed to tiling adjacent to entry and study. • Deletion of a chimney • Installation of a children's cubby house, shed and TV antenna.

1.8 **24 Victoria Street, Brighton**
Notice of Decision to Grant a Permit
Application No.: 2010/402/1 Ward: Northern

City Strategy/Statutory Planning
 File No: 2010/402/1

APPLICATION DETAILS

Land/Address:	24 Victoria Street, Brighton
Application is for:	Construction of a dwelling with floor to floor above and floor to ceiling heights exceeding 3.5 metres and construction of a roof deck in a Design and Development Overlay Schedule 1
Melway Reference:	67 C11
Ward:	Northern
Application Number:	2010/402/1
Applicant's/Owner's Name:	Jonathan Hallinan C/- Keen Planning
Date Received:	15 July 2010
Statutory Days Expiry:	11 December 2010
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 1
Under what clause(s) is a permit required?	Clause 43.02 Construction of a dwelling with floor to floor above heights exceeding 3.5 metres and construction of a roof deck in a Design and Development Overlay Schedule 1
Restrictive covenants on the title?	No
Current use and development:	Single storey dwelling
Objections:	Five (5) objections

PROPOSITION

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

PROPOSAL

The permit applicant seeks approval for the construction of a double storey (with basement) dwelling containing floor to floor above and floor to ceiling heights exceeding 3.5 metres and for the construction of a roof deck in a Design and Development Overlay Schedule 1.

SUBJECT SITE & LOCALITY

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

The site has a total area of approximately 895 square metres and currently contains:

- A single storey detached brick dwelling
- A double garage is located in front of the dwelling

- An in-ground swimming pool is located behind the dwelling
- Out buildings are located behind the dwelling

The main site/locality characteristics are:

- To the north is a large double storey dwelling with an attached garage at Nos.26-28 Victoria Street. A tennis court is located to the south side of the dwelling next to the subject site.
- To the south is a single and part double storey dwelling, with a carport in the front, at No. 22 Victoria Street. An in-ground swimming pool is located behind the dwelling. The rear section of the southern property boundary also abuts No.23 Albert Street, which contains a single storey dwelling in a heritage overlay.
- To the east, is a single storey dwelling with a detached outbuilding located against the rear boundary at 25 Albert Street.
- To the west, across Victoria Street, are single and double storey dwellings.

PERMIT/SITE HISTORY

Title and Covenants

The applicant has submitted a copy of title for the subject site, issued by the titles office on 4 May 2010. The title is not subject to any covenants or restrictions.

Background

No planning applications have been determined for the subject site.

PUBLIC NOTIFICATION

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

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

The notification has been carried out correctly.

Council had received five (5) objections to date.

Locality Plan – 24 Victoria Street, Brighton


Legend	
Subject Site	★
Objector	●

The key issues that were raised in the objections are:

- Out of character with the neighbourhood
- Bulk
- Overlooking
- Overshadowing
- Roof deck access structure/screens
- Energy efficiency
- Next to a heritage dwelling
- Infrastructure
- Description on the proposal in the public notice is deficient

CONSULTATION

A consultation meeting was not on the request of the applicant due to the concerns raised in the objections. All objections remain outstanding.

REFERRALS

No external referrals.

Council's Internal Referral Departments	Response
Building Surveyor	No objection to the proposal. A request for a report and consent has been approved for the proposed development.
Urban Designer	No objections to the proposal.

ASSESSMENT

State Planning Policy Framework

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

Local Planning Policy Framework

- Clause 21.05 - Housing** - Encourages housing choice and quality design outcomes that make a positive contribution to the character of residential areas.
- Clause 22.07 – Neighbourhood Character Policy** – Aims to ensure that development is responsive to the preferred future character of the area, to retain and enhance the identified elements that contribute to the character of the area, to implement the recommendations of the Bayside Neighbourhood Character Review 2004, to recognise the need for change around

activity centres while respecting the desired future character of the area, and to recognise the need for new or additional Design Objectives and Design Responses for areas affected by structure planning outcomes and Melbourne 2030 housing objectives.

Zone

- **Clause 32.01 - Residential 1 Zone** - Provides for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households, encourages residential development that respects the neighbourhood character, allows educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs, in appropriate locations. **A planning permit is not required pursuant to the zoning as the proposed development is on a lot over 500 square metres.**

Overlays

- **Clause 43.02 - Design and Development Overlay Schedule 1** – Aims to protect and enhance the foreshore environment and views of Bayside from Port Phillip Bay, 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 pursuant to this overlay, as the development proposes floor to floor above heights in excess of 3.5m and a roof deck above a second storey level.**

General Provisions

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

SUMMARY OF KEY ISSUES

Below is a summary of relevant planning considerations and matters raised by objectors:

Design and Development Overlay Schedule 1 (DDO1)

The proposed development triggers a planning permit pursuant to Clause 43.02-2 (Design and Development Overlay Schedule 1) of the Bayside Planning Scheme. The subject site is located on a lot greater than 500 square metres. The requirements of Clause 54 (One Dwelling on a Lot) of the Bayside Planning Scheme do not apply. The only matters before Council are whether floor to floor above and floor to ceiling heights greater than 3.5 metres and the proposed roof deck are acceptable. The relevance to this application is the decision guidelines of the Design and Development Overlay Schedule 1, which are listed as follows:

Before deciding on an application, the responsible authority must consider:

- *The neighbourhood and site description.*
- *The design response.*
- *Whether the proposed siting, height, design, building setbacks and landscaping will be in keeping with the character of the area.*
- *Whether replacement buildings or works meet the objectives of this schedule and improve the amenity of the area.*
- *The impact of the development on the coastal environment where appropriate.*
- *The Bayside Coastal Strategy 1997.*

This section of Victoria Street contains a mixture of architectural styles including a substantial presence of pre WW2 dwellings to modern contemporary style dwellings. In terms of the impact of the proposed dwelling on the character and appearance of the surrounding area, it is noted that street has a mix of dwelling styles and building heights from 4.8 metres to 11.5 metres. It is also noted that the subject site is located approximately 150 metres away from the foreshore therefore any impact of the proposal on the coastal environment is limited.

The main purpose of DDO1 is generally to limit the height of development in the coastal area to two storeys plus an attic. The purpose of the floor to floor above and floor to ceiling limit of 3.5 metres is to ensure that the overall height of the building is not contrary to the objectives of the DDO1.

The proposed floor to floor above height measured at the ground floor will be 4.05 metres, exceeding the 3.5 metres height requirements. It is noted that the ground floor of the proposed dwelling will be located approximately 0.85 metres below the natural ground level of the adjoining properties, therefore the true height of the ground floor measured from the natural ground level to the finished floor level of the storey above will be 3.2 metres. It is considered that the increase in floor to floor above height measured at the ground floor of the proposed dwelling, and taking into account of the sunken floor level, will be in keeping with the character of the area.

The proposed floor to ceiling height of the main bedroom and walk-in-robe at the second storey will be 3.95 metres. Due to the sunken ground floor, the wall height of this section of the double storey dwelling will be 8.322 metres above the natural ground level, which will be less than the 9 metres overall building height requirements.

The overall height of the proposed dwelling to the top of the access structure of the roof deck will be 8.87 metres, which is less than the 9 metres overall building height requirements. The overall building height of proposed building will be comparable to the height of other dwellings along Victoria Street, ranging from 4.8 to 8.12 metres for single storey dwellings and from 6.4 to 11.5 metres for double storey dwellings.

Property Address	Number of storey	Height of Building
15 Victoria Street, Brighton	Double storey dwelling	11.36 metres
16 Victoria Street, Brighton	Double storey dwelling	11.5 metres (approximate)
17 Victoria Street, Brighton	Double storey dwelling	9.99 metres
18 Victoria Street, Brighton	Single storey dwelling	6.5 metres (approximate)
19 Victoria Street, Brighton	Double storey dwelling	9.85 metres (approximate)
20 Victoria Street, Brighton	Single storey dwelling	8.12 metres
21 Victoria Street, Brighton	Single storey dwelling	4.8 metres (approximate)
22 Victoria Street, Brighton	Single storey dwelling	7.84 metres
23 Victoria Street, Brighton	Double (attic style) storey dwelling	6.4 metres (approximate)
24 Victoria Street, Brighton	Double storey dwelling (proposed)	8.87 metres
25 Victoria Street, Brighton	Double storey dwelling	7.5 metres
26 Victoria Street, Brighton	Vacant (tennis court)	0 metres
27 Victoria Street, Brighton	Double storey dwelling	8.09 metres
28 Victoria Street, Brighton	Double storey dwelling	8.3 metres (approximate)
29 Victoria Street, Brighton	Double storey dwelling	9 metres
31 Victoria Street, Brighton	Double storey dwelling	9 metres
8 Park Street, Brighton	Double storey dwelling	8.1 metres
Rear of 164 Esplanade Brighton	Double storey dwelling	9.76 metres (approximate)

The height of the proposed development complies with the relevant objectives of the DDO1. Further, the proposed development reflects the prevailing height of double storey development in the surrounding streetscape, and is comparable to the height of the existing dwellings. Therefore the proposed development is considered appropriate and will not have an adverse impact on the character of the surrounding area.

Overlooking from the roof deck

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 (DDO1). The permit requirements of the DDO1 state that *“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 immediately below 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)”*

It is noted that the proposed roof deck will be designed with materials that will integrate with the architectural style and form of the proposed building.

The proposed roof deck will be centrally located on top of the proposed building and will be set back 2 metres from the roof edge immediately below to the north and 2.2 metres from the roof edge immediately below to the south with roof garden located between the roof deck and the edge of the proposed building.

The sides of the roof deck that face the adjoining properties will have privacy screens to prevent any unreasonable downward overlooking. Given the section plans note ‘temporary privacy screen’, a permit condition will be included to ensure these are permanent.

The privacy screen, being a structure, will not be higher than 1.7 metres measured from the finished floor level of the proposed deck.

The access structures to the roof deck will be set back at least 34 metres from the street frontage and at least 3 to 5 metres from the property boundaries to the north and south of the site. It is relevant to note that the adjoining dwelling to the north at Nos. 26 -28 Victoria Street will be separated at least 22 metres from the nearest access structure of the roof deck and the adjoining dwelling to the south at No. 22 Victoria Street will be separated at least 9 metres from the nearest access structure. The access structure will not enclose any usable floor space and will not exceed 2.4 metres in height (measured from floor level at the point of access onto the roof deck).

The Decision Guidelines of the DDO1 require that *“before deciding on an application to construct a roof deck, the responsible authority must consider:*

- *The integration of the structure and form of the roof deck and associated access with the building.*

- *The visual impact of the roof deck and associated access when viewed from the street and surrounding area.*
- *Amenity impacts including overlooking into surrounding private open spaces, views into surrounding habitable room windows and overshadowing.*
- *Use of materials, finishes and colours.”*

The proposed roof deck and access structure have been designed to integrate with the overall form of the proposed building. They will be located centrally above the proposed building and will be substantially set back from the street frontage to limit visual impact to the streetscape of the surrounding area. It is relevant to note that the proposed roof deck will provide privacy screens to both sides which will prevent any unreasonable downward view into the habitable room windows and private open spaces of the adjoining properties to the north and south of the site. The proposed roof deck and access structures are substantially set back from the southern property boundary and will not unreasonably overshadow the adjoining property to the south. The use of materials, colours and finishes of the proposed roof deck and access structures will be consistent with the design of the proposed dwelling.

Council's Urban Designer has not objected to the proposal and advises that *“the roof deck proposed is very well integrated into the overall design, such that it is within the height limit and does not present as an additional, prominent or overbearing element. The strength and integrity of the architectural expression, supplemented by local landscape features, ensures that it has no detrimental visual impact.”*

Energy efficiency/ Infrastructure

As the proposed development is a detached dwelling on a lot over 500 square metres, overshadowing cast by the main building, energy efficiency and infrastructure cannot be considered, under planning. These will be considered by a Relevant Building Surveyor during the building permit process.

Overshadowing

The application can only be assessed against overshadowing cast by the proposed access structure of the roof deck. The submitted shadow diagram has been checked and found to be correct. The adjoining property will only be affected by the shadow cast by the proposed access structure of the roof deck between 1 and 3pm, which would comply with the requirements of the Bayside Planning Scheme.

Adjacent to a heritage listed property

The adjoining property located diagonally to the rear of the subject site, at 23 Albert Street, is a heritage listed property. The proposed building will have a rear setback of approximately 5 metres to the rear property boundary and will be separated by approximately 15 metres in total away from the heritage listed dwelling. It is considered that the proposal will be sustainably set back from the adjacent heritage listed dwelling and will not affect the heritage significance of this building.

Description of the proposal in the public notice is deficient

The description of the proposal in the public notice is correct. The construction of a dwelling on a lot greater than 500 square metres, in normal circumstances, does not require a planning permit. The subject site is located within a Design and Development Overlay Schedule 1, which triggers a planning permit, as the floor to floor above height exceeds 3.5 metres and the proposal includes a roof deck. The remainder of the development will be assessed by a Relevant Building Surveyor during the building permit process.

CONCLUSION

It is considered the proposal is appropriate for the site, subject to appropriate permit conditions should one issue. The proposal will not have any unreasonable detrimental impacts upon the streetscape, neighbourhood character or the amenity of adjoining properties and accords with the DDO1. It is therefore recommended that the application be supported.

RECOMMENDATION

That Council having caused notice of Planning Application No. **2010/0402/1** 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 **Grant a Notice of Decision to Issue a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of the land known and described as **24 Victoria Street, Brighton** for the **construction of a dwelling with floor to floor above heights exceeding 3.5 metres and the construction of a roof deck in a Design and Development Overlay Schedule 1** in accordance with the application dated 14 July 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 application dated 14 July 2010 but modified to show:
 - a) Permanent screening to roof deck to limit views into secluded private open space and habitable room windows of adjacent dwellings (east and west of the site).
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within two years of the date of this permit.
 - b) 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:

- This permit does not constitute approval for siting matters pertaining to Part 4 of the Building Regulations 2006.
- Prior to the commencement of the development you are required to obtain the necessary Building Permit.
- The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.
- A permit must be obtained from Council for all new vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- The existing street tree must not be removed or damaged.

1.9 **394 New Street, Brighton**
Support
Application No. 2010/0393/1 Ward: Northern

City Strategy/Statutory Planning
 File No: 2010/0393/1

APPLICATION DETAILS

Land/Address:	394 New Street, Brighton
Application is for:	Construction of a three storey building containing fourteen (14) apartments and basement car parking in a Design and Development Overlay Schedule 2
Melway Reference:	67 E7
Ward:	Northern
Application Number:	2010/0393/1
Applicant's/Owner's Name:	Henry Ritterman P/L Architects C/- Sixovus Unit Trust
Date Received:	16 July 2010
Statutory Days Expiry:	4 October 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 or more dwellings on a lot Clause 43.02 Construction of a building exceeding two (2) storeys and 9 metres in height above natural ground level
Restrictive covenants on the title?	No
Current use and development:	Vacant land (former tennis courts)
Objections:	Nine (9) objections

PROPOSITION

On 25 October 2010 the applicant lodged an appeal with the Tribunal against Council's failure to determine the application within the prescribed time. Council cannot make a formal decision on the application, but can make a determination as to whether to support the proposal or not.

It is recommended that Council **Support** the application subject to conditions.

PROPOSAL

The permit applicant seeks approval for the construction of a three storey building containing fourteen (14) apartments and basement car parking.

A permit is also required for the construction of a building exceeding 2 storeys and 9 metres measured above the natural ground level in a Design and Development Overlay Schedule 2.

Basement level

- Twenty-two (21) car spaces: Eighteen (18) car spaces for the apartments and three (3) car spaces for visitors.
- Bin and storage areas.
- Lift and staircase access.

Ground floor

- Main entrance and communal lobby area with lift and staircase access.
- Seven (7) two bedroom apartments.

Second storey

- Communal lobby area with lift and staircase access.
- Five (5) two bedroom apartments.

Third Storey

- Communal lobby area with lift and staircase access.
- Two (2) three bedroom apartments.

SUBJECT SITE & LOCALITY

An inspection of the site and the surrounding area has been undertaken. The site has a total area of approximately 1328 square metres and is currently vacant (former tennis courts).

The main site/locality characteristics are:

- Two (2) street trees and a bus stop are located on the nature strip in front of the site.
- The adjoining property to the **north**, at No. 396 New Street is vacant with a permit for two (2) lot subdivision.
- The property to the **south**, No. 69 North Road, contains the heritage listed former John Knox Church on the corner of North Road and New Street. The existing building has a planning permit to use the former church as a dwelling. A large multi car garage abuts near the southern property boundary of the site.
- The properties to the **west**, across New Street, contain single and double storey dwellings.
- The adjoining property to the **east**, at 1A Murphy Street, contains a single storey heritage listed dwelling. A former tennis court (which is not covered by a heritage overlay) is located behind the dwelling (adjoining the rear of the site).

PERMIT/SITE HISTORY

Title and Covenants

The applicant has submitted a copy of title for the subject site, issued by the titles office on 17 February 2010. The title is not subject to any covenants or restrictions.

An agreement under Section 173 of the Planning and Environment Act 1987 was lodged on 14 August 2007 and forms part of the title.

The purpose of this agreement is to link the development approved under Planning Permit No. 2008/666/1 (see below for application details) with the subdivision approved under Planning Permit No. 2009/3893/1.

It is relevant to note that owners of the land are not intending to proceed with the above approved development and subdivision and will allow permits to expire in due course.

Background

The following planning applications have been determined for the subject site:

App. No.	Proposal	Determination	Date
2008/666/1	Construction of three storey dwelling with basement car parking in a Design and Development Overlay Schedule 2	Permit under delegation	28 July 2009
2009/3893/1	Two (2) lot subdivision	Permit under delegation	27 January 2010

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 had received nine (9) objections to date.

Locality Plan – 394 New Street, Brighton



Legend	
Subject Site	★
Objector	●
Not all objectors are shown on the locality plan	

The key issues that were raised in the objections are:

- Out of character with the neighbourhood
- Overdevelopment of the site
- Inappropriate setbacks
- Visual bulk
- Overlooking
- Overshadowing
- Inadequate parking/traffic
- Inappropriate building height
- Devaluation of properties
- Impact on adjoining heritage properties
- Set inappropriate height and density precedent

CONSULTATION

The permit applicant declined Council's invitation to a consultation meeting. The permit applicant has provided a written responses to the issues raised by the objectors.

REFERRALS

No external referrals.

Internal Referral Agency	Response
Arborist	No objections to the proposal.
Drainage Engineer	No objections to the proposal, subject to permit conditions, should one issue.
Traffic Engineer	No objection to the proposal, subject to permit conditions, should one issue.
Urban Designer	No objection.
ESD officer	No objections to the proposal, subject to permit conditions, should one issue, requiring Water Sensitive Urban Design measures and storm rating report.
Waste Management Officer	No objections to the proposal, subject to permit condition, should one issue, requiring a Waste Management Plan and that all waste must be collected by commercial waste collector.

ASSESSMENT

State Planning Policy Framework

- **Clause 11 Settlement** – The objective of planning is to anticipate and respond to the need, recreation, of existing and future communities through the provision of zoned and serviced land for housing, employment and open space commercial and community facilities and infrastructure. Planning should recognise the need for and as far as practicable contribute towards, the health and safety, diversity of choice, adaption in response to changing technology, economic viability, a high standard of urban design and amenity, energy efficiency, prevention of pollution to land, water and air, protection of environmentally sensitive areas and natural resources, accessibility and land use and transport integration.
- **Clause 16 Housing** – The objectives of Clause 16 include the provision of housing diversity and supporting infrastructure. New housing should have access to services and be planner for long term sustainability including walking to activity centres, public transport, schools and open space. To promote a housing market that meets community needs. To locate new housing in or close to activity centre and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. To identify strategic redevelopment sites for large residential development in Metropolitan Melbourne including along bus routes that form part of the Principal Public Transport Network. To provide for a range of housing types to meet increasingly diverse needs. To encourage the establishment of crisis accommodation and community care units in residential areas and to ensure that their location is kept confidential. To facilitate the timely development of residential aged care facilities to meet existing and future needs.

Local Planning Policy Framework

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

Zone

- **Clause 32.01 - Residential 1 Zone** - Provides for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households, encourages residential development that respects the neighbourhood character, allows educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs, in appropriate locations. **The proposal triggers a planning permit under this zone as it proposes to construct two or more dwellings on the site.**

Overlays

- **Clause 43.02 Design and Development Overlay Schedule 2** – Aims to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties, to preserve the existing character and amenity of the areas as low rise (up to two storeys) suburban areas with a strong garden character, to maintain the prevailing streetscape rhythm, building scale and height of neighbourhoods and to maintain a strong landscape character with buildings set within vegetated surrounds. **The proposal triggers a planning permit under this overlay as it exceeds two (2) storey and 9 metres in building height.**

Particular Provisions

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

-

General Provisions

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

SUMMARY OF KEY ISSUES

Below is a summary of relevant planning considerations and matters raised by objectors:

Neighbourhood Character

The property is located within Neighbourhood Character Precinct Area B1 pursuant to Clause 22.07 of the Bayside Planning Scheme.

This section of New Street and the surrounding Precinct Area B1 contains a high proportion of early building styles including Victorian, Federation, Inter War and Post War along with some contemporary dwellings. Dwellings are a mix of single storey and double storey. The building materials used are distinctive to each period. Front setbacks vary from 5 to 9 metres. Side setbacks range from 1 to 4 metres. Front fencing is mixed with open style and solid fencing generally 1 to 1.8 metres in height.

The preferred future characteristics for this precinct are:

“The diverse dwelling styles, with a continued presence of pre World War 2 era dwellings, and new buildings that respect, without replicating, these styles, sit within established gardens with large trees. Garages and carports are set behind the dwelling façade so as not to dominate the streetscape. Generous side setbacks on at least one side allow vegetation to flow around the

dwellings and this, along with avenue street trees and open style front fences, contributes to the green, leafy streetscapes within the area.”

The guideline to this precinct includes:

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 to should retain the front of these dwellings. 	<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"> Retain large trees wherever possible. 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> <i>Removal of large canopy trees.</i>
To maintain the rhythm of spacious visual separation between buildings and 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. Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation. 	<i>Lack of front garden space</i>
To minimise the dominance of car parking facilities, driveways and crossovers.	<ul style="list-style-type: none"> Locate garages and car ports behind the line of the dwelling. Provide vehicular access from a rear laneway where possible, while maintaining pedestrian access from the street frontage Provide a maximum of one single-width crossover per typical property frontage, where no alternative is available. 	<i>Car parking facilities that dominate the facade or view of the dwelling.</i> <i>Dominance of crossovers and driveways.</i>
To ensure new development respects the dominant buildings forms and scale of buildings in the Precinct, through the use of innovative architectural responses.	<ul style="list-style-type: none"> Recess upper storey elements from the front façade. Articulate the form of buildings and elevations, particularly front facades. 	<i>Large bulky buildings with flat, poorly articulated wall surfaces.</i>
To respect the identified heritage qualities of adjoining buildings.	<ul style="list-style-type: none"> Where adjoining an identified heritage building, reflect the dominant building form, height, materials and massing of the heritage building/s, of the heritage building/s in the new building design. 	<i>Imitation or reproduction of historic building styles and detailing.</i>
To reflect the building materials in locations where there is particular consistency.	<ul style="list-style-type: none"> Where consistent materials are used in the streetscape, use similar tonings in the colours of new buildings. 	<i>Excessive use of render on external walls.</i>
To maintain the openness of the streetscape.	<ul style="list-style-type: none"> Provide open style front fences appropriate to the building era. 	<i>High, solid front fencing.</i>

It is considered that the proposal accords with the preferred future character and the guidelines of Precinct B1, as the proposal is adequately setback from the frontage of the site to maintain and enhance the garden settings of the building. There is sufficient room within the front and rear setbacks of the site for the planting of canopy trees. The proposed building is off set from all property boundaries to maintain the rhythm of visual separation between buildings. The car parking for the proposed development is located within the basement thus minimising the loss of front garden spaces and the dominance of car parking structures to the streetscape. The proposed building is articulated and provides an interesting façade to the street which is respectful to the identified heritage qualities of adjoining buildings to the south and east of the site.

Council's Urban Designer has commented that the bulk, scale and form of the proposed building do not detract from the neighbourhood character of the area.

It is considered that the proposal is capable of making a good fit with its neighbourhood and does not disrupt the established streetscape rhythm of the area and is respectful of the heritage listed buildings on the adjoining properties.

Front fence

A new 1.8 metres high front fence is proposed along the New Street frontage of the site. New Street is a Road Zone Category 2 (collector road) and the dominant form of front fencing to newer developments within New Street is predominantly medium to high front fencing which is often solid.

The height of the proposed front fence does not comply with the requirements of Standard B32 of the Bayside Planning Scheme, which requires 1.2 metres. The adjoining property to the north has an approval for a 1.8 metres high front fence with 25% transparency infill above 1.2 metres in height. A high front fence is considered acceptable subject to it providing a visual connection between the dwelling and the public realm, thereby being more respectful of the existing and preferred future character of the area. A permit condition, should one issue, can require the proposed front fence to have 25% transparency infill above 1.2 metres in height.

Setback

The proposed setbacks are as follows:

Ground Level	Proposed Building	
	Required	Proposed
North (Side)	0 or 2m	<u>1.809</u> to 2.22m
South (Side)	0 or 2m	2.005 to 2.494m
East (Rear)	0 or 3m	5.2m
West (Front)	9 m	<u>8</u> to 10.8m

Note: The underlined figure is the non-compliant setback.

The side setback of Bedroom 1 at the ground floor of Apartment 2, at 1.809 metres, from the northern property boundary does not comply with the side setback requirements of Standard B17 of Clause 55 of the Bayside Planning Scheme - Schedule to the Residential 1 Zone, which requires 2 metres. The reduced side setback to this area is considered minimal and the adjoining property to the north is currently vacant.

The front setback of Bedroom 1 and ensuite at the ground floor of Apartment 1, at 8 metres from the western property boundary does not comply with the street setback requirements of Standard B6 of Clause 55 of the Bayside Planning Scheme - Schedule to the Residential 1 Zone, which requires 9 metres. The reduced front setback to this area is considered unacceptable due to the overall scale of the proposed building. A permit condition, should one issue, will require this setback to be increased to a minimum of 9 metres from the site frontage. Subject to this permit condition, the front setbacks of the proposed building will provide a graduated transition between the adjoining properties.

Second Storey	Required	Proposed
North (Side)	3.5m	<u>3.152</u> , 3.577 and 6.165m
South (Side)	3.62m	<u>3.55</u> to 4.425m
East (Rear)	4.65m	5.8, 7.2 and 9.2m
West (Front)	9m	<u>8</u> to 11.4m

Note: The underlined figure is the non-compliant setback.

The side setback of Bedroom 1 at the second storey of Apartments 8 and 9, at 3.152 metres, from the northern property boundary does not comply with the side setback requirements of Standard B17 of Clause 55 of the Bayside Planning Scheme - Schedule to the Residential 1 Zone, which requires 3.5 metres. The reduced side setback to this area is considered minimal and will not cause detriment to the amenity of the adjoining property to the north that is currently vacant.

The side setback of the dining room and Bedroom 2 at the second storey of Apartment 11, at 3.55 metres, from the southern property boundary does not comply with the side setback requirements of Standard B17 of Clause 55 of the Bayside Planning Scheme - Schedule to the Residential 1 Zone, which requires 3.62 metres. The reduced side setback to this area is considered minimal and the adjoining property to the south has a large garage built to the common boundary with the subject site in this location.

The front setback of the living room at the second storey of Apartment 8, at 8 metres, from the western property boundary does not comply with the street setback requirements of Standard B6 of Clause 55 of the Bayside Planning Scheme - Schedule to the Residential 1 Zone, which requires 9 metres. The reduced front setback to this area is also considered unacceptable due to the overall scale of the proposed building. A permit condition, should one issue, will require this setback to be increased to a minimum of 9 metres from the site frontage. The remaining front setbacks of the proposed building exceed the street setback requirements of the above standard.

Third Storey	Required	Proposed
North (Side)	7.58m	7.6 to 8.758m
South (Side)	7.58m	<u>5 to 6.134m</u>
East	11.18m	<u>9.2 to 10.185m</u>
West	9m	9.3 to 13.055m

Note: The underlined figure is the non-compliant setback.

The side setback of Apartment 14 at the third storey, at 5 to 6.134 metres, from the southern property boundary does not comply with the side setback requirements of Standard B17 of Clause 55 of the Bayside Planning Scheme - Schedule to the Residential 1 Zone, which requires 7.58 metres. The reduced side setback to this area is considered acceptable, as the adjoining property to the south has a large garage built to the common boundary with the subject site and the former church building is approximately 19 metres away from the south-east corner of the third storey.

The rear setback of Apartments 13 and 14 at the third storey, at 9.2 to 10.185 metres, from the eastern property boundary does not comply with the rear setback requirements of Standard B17 of Clause 55 of the Bayside Planning Scheme - Schedule to the Residential 1 Zone, which requires 11.18 metres. The reduced side setback to this area is considered acceptable, as the adjoining dwelling to the rear of the subject site is approximately 27 metres away from the nearest wall at the third storey of the proposed building.

Overlooking

There are no overlooking concerns from habitable room windows or balcony of Apartments 8, 9 and 13 to the north, as the adjoining property is vacant (building records have confirmed that at this time no building permits have been approved for No 396 New Street).

However, there are overlooking concerns from habitable room windows and balconies of Apartments 9 and 10 to the east, as these windows and balconies are within 9 metres from the private open space area of the adjoining property to the east.

There is also overlooking concerns from habitable room windows (Bedrooms 1 and 2) of Apartments 11 to the south, as these windows are within 9 metres from the private open space area of the adjoining property to the south. There are also overlooking concerns from the upper windows and balconies to the secluded private open space areas of the apartment below.

Permit conditions, should one issue, will require these windows and balconies to be screened to a height of 1.7 metres and comply with Standards B22 and B23 of Clause 55 of the Bayside Planning Scheme.

Overshadowing

The shadow diagrams submitted have been checked and found to be correct. Taking into account the orientation of the site and the recessed setbacks of the second and third storeys, it is considered that the adjacent properties to the south and east of the site are not unreasonably overshadowed by the proposed development and the overshadowing cast by the proposal comply with Standard B21 of Clause 55 of the Bayside Planning Scheme.

Visual Bulk

The proposal, in particular at the second storey, will be articulated and generally recessed from the ground floor footprint and will be well set back from property boundaries to reduce the appearance of bulk to the streetscape and the adjoining properties. Permit conditions will be included to ensure that the front setback of the proposed building comply with the required 9 metres. The third storey of the proposed building will be substantially set back from all property boundaries and the traditional roof form will be respectful of the adjoining heritage listed buildings to the south and east.

Overdevelopment of the Site

The site coverage proposed will be 51.3% which will exceed the requirement under Standard B8 of Clause 55 of the Bayside Planning Scheme – Schedule to the Residential 1 Zone, which requires 50%. Due to the scale of the proposed development and that the site is a large allotment, a permit condition, should one issue, will require the site coverage of the proposed development not to exceed 50% to ensure that it is not an overdevelopment of the site.

The permeability proposed for the subject site will be 18%, marginally short of the requirements under Standard B9 of Clause 55 of the Bayside Planning Scheme, which requires 20%. Due to the scale of the proposed building, a permit condition, should one issue, will require the permeability of the site to be a minimum of 20%.

Height of Building/Design and Development Overlay Schedule 2

The overall height of the proposed building will be 10.4 metres, which will exceed the building height requirements of Standard B7 of the Bayside Planning Scheme, which allows up to 9 metres.

The subject site is located within a Design and Development Overlay Schedule 2 (DDO2), which requires a planning permit if the building exceeds two (2) storeys or the overall height of the building exceeds 9 metres above natural ground level.

The design objectives of the DDO2 include:

- 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.
- To maintain a strong landscape character with buildings set within vegetated surrounds.

The proposed development will be designed to contribute positively to the neighbourhood character and will be adequately recessed and articulated to minimise amenity impact on adjoining properties. Although the proposal will appear to be a three storey building at the front and rear, its sides will read as a two storey building with the third storey being incorporated with the roof area. The proposed development will be setback from all boundaries to allow for the planting vegetation including canopy trees to maintain a strong garden character. The proposed development will maintain the prevailing streetscape rhythm by providing a graduate transition of built form and height of buildings along New Street.

The Decision Guidelines of the DDO2 states that “before deciding on an application, the responsible authority must consider:

- The design objectives of this Schedule.
- The neighbourhood and site description.
- The design response.

- The effect of the building height on the scale and character of the area.
- Whether the building height exceeds the preferred building height of up to 2 storeys.
- Whether the proposed siting, height, design, building setbacks and landscaping will be in keeping with the character of the area.”

The design objectives of this Schedule have been discussed above. The surrounding areas of the subject site contain diverse of dwelling styles and built form including a church tower and a continued presence of pre World War 2 era dwellings. The proposed development will respect these styles without replicating them. The height of the proposed building will provide a graduated transition from a tall church building to double storey townhouses to single storey detached dwellings. The recessed third storey of the proposed building and its setting within the roof spaces (attic style) will be in keeping with the one to two storey character of the area. It is also noted that the overall building height of the proposed building will be less than the overall building height of the former church to the south.

Private open space

The apartments at the ground floor will be designed with living areas directly accessing secluded private open spaces. The area of private open space provided for each apartment will comply with Standard B28 of Clause 55 of the Bayside Planning Scheme. Apartments 1 to 7 will provide secluded private open space ranging from 43 to 83 square metres.

Apartments 8 to 12 on the second storey will provide secluded private open spaces in the form of balconies ranging from 8.7 to 16.4 square metres with direct access from living areas.

Apartments 13 and 14 on the third storey will also provide secluded private open space in the form balconies of 16 square metres with direct access from living areas.

Traffic and car parking

The proposed development will provide twelve (12) two bedroom apartments and two (2) three bedroom apartments, which require a total of nineteen (19) car spaces (including 2 visitor's car spaces).

The basement car park will provide twenty-one (21) car spaces: eighteen (18) car spaces for the apartments and three (3) car spaces for visitors. The number of car spaces provided complies with the requirements of the above standard.

Council's Traffic Engineer raised minor concerns which can be addressed by permit conditions should one issue. These include the allocation of the car spaces, the width of the parking aisle, the location of the columns, location of the stair and access lift and ramp design.

Council's Traffic Engineer advises that the traffic movements generated by the proposed development can be absorbed into the local road network.

Bicycle Facilities

Standard B16 (Parking Provision objectives) of the Bayside Planning Scheme states that bicycle parking should be provided “in developments of five or more dwellings”. It does not specify a numeric requirement for bicycle parking provisions.

A permit condition, should one issue, will require bicycle parking spaces to be provided for the occupiers and visitors.

Vegetation

There are no trees on the former tennis court site. A permit condition, should one issue, will require the existing street trees to be retained and protected during the construction period of the proposed development.

Energy Efficiency/Water Sensitive Urban Design

The proposed dwellings have living areas designed to face to the north, east and west to access natural light and reduce the need for artificial lighting and heating. Light courts will be provided within the proposed development to provide solar access to internal bedroom and lobby areas.

The design response is considered to adequately comply with the energy efficiency objectives of Standard B10 of the Bayside Planning Scheme.

The application was referred to Council's Environmental Sustainability Officer who commented that a STORM report and appropriate stormwater retention is required through conditions.

A permit condition should one issue, will require the appropriate water sensitive design techniques to be met in accordance with Clause 22.10 Water Sensitive Urban Design of Local Planning Policy to the Bayside Planning Scheme.

Impact on adjoining heritage properties

The subject site abuts to two (2) heritage listed properties: No. 69 North Road and No. 1 A Murphy Street and is directly opposite a further heritage listed dwelling at 417 New Street. The design of the proposed development will be traditional with combination of hipped and gabled roof forms and will respect the adjoining heritage listed properties. It proposed development will be approximately 12.5 metres at the ground floor away from the adjoining church building to the south and approximately 22.5 metres away from the adjoining dwelling to the east. Due to these substantial separations between the proposal and the adjoining heritage listed buildings, it is considered that the proposal will not detract from the heritage significance of these adjoining buildings.

Garbage and Recycling Collection

The plans show garbage and recycling bins within the basement car park next to the visitor's car spaces. A waste management plan must be submitted requiring the proposal to provide its own waste collection service carried out by a private commercial waste collector. The waste collection service must be carried out on-site and no garbage receptacles are to be stored in the road reserve at any time. A permit condition, should one issue, will address this matter.

Devaluation of properties

The issue of property devaluation of adjoining properties as a result of the proposed development is not a matter under planning consideration in this application.

CONCLUSION

The proposal is for the construction of a three (3) storey building containing fourteen (14) apartments with basement car parking in a Design and Development Overlay Scheme 2. The subject site is well serviced by public transport and has provided adequate parking spaces for the proposed development.

It is considered the proposal is appropriate for the site and subject to appropriate permit conditions should one issue, 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 is appropriate for support by Council.

RECOMMENDATION

That Council having caused notice of Planning Application No. **2010/0393/1** 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 **Support** the application under the provisions of the Bayside Planning Scheme in respect of the land known and described as **394 New Street, Brighton** for the **construction of a three (3) storey building containing fourteen (14) apartments with basement car park in a Design and Development Overlay Schedule 2**, in accordance with the application dated 16 July 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 application dated 16 July 2010 but modified to show:
 - a) The front setback of the proposed development at all levels at a minimum of 9 metres.
 - b) The site coverage at a maximum of 50%.
 - c) The permeability of the site at a minimum of 20%.
 - d) All car spaces must be allocated to apartments or for visitors. Tandem car spaces must be allocated to the same apartment.
 - e) Parking aisle widths must be increased to 6.4 metres.
 - f) All column locations must be clearly annotated on the basement plan and designed to meet the Australian Standard AS 2890-1-2004.
 - g) The locations of the stairs and lift in the basement must be designed to minimise impacts upon vehicular turning movement to/from the ramp.
 - h) A longitudinal section of the proposed ramp gradient with 9% for the first 2 metres, 20% for the main grade and 12.5% for the final 2 metres.
 - i) The proposed front fence with a minimum 25% transparency infill above 1.2 metres in height.
 - j) All east facing habitable room windows and balconies of Apartments 9 and 10 screened to a height of 1.7 metres above the finished floor level and comply with Standard B23 of Clause 55 of the Bayside Planning Scheme.
 - k) All south facing habitable room windows (Bedrooms 1 and 2) of Apartments 11 must be screened to a height of 1.7 metres above the finished floor level and in compliance with Standard B23 of Clause 55 of the Bayside Planning Scheme.
 - l) Three (3) bicycle parking spaces must be provided for the use of occupiers and visitors of the apartments.
 - m) Landscape plan to be in accordance with Condition 12 and 14 of this permit.
 - n) Water Sensitive Urban Design measures in accordance with Condition 22 of this permit.
 - o) A schedule of construction materials, external finishes and colours (including samples).
2. P4 Layout not altered
3. A18 Concealment of pipes
4. A19 Plant/equipment, or features on roof

5. A25 Control of light spill
6. CP1 Car park construction
7. CP2 Vehicle manoeuvring
8. Prior to the commencement of any works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The construction management plan must address, but is not limited to:
 - Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.
 - Provision of a truck wheel-wash so that vehicles leaving the site do not deposit mud or other materials on roadways.
 - The covering and maintenance of all roads/storage areas/external stockpiles/or vacant areas to avoid dust nuisance to any residential and commercial premises.
 - The prohibition of delivery/tradesmen's vehicles from obstructing New Street during the construction period.
 - All works must accord with the approved construction management plan to the satisfaction of the Responsible Authority.
9. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, all works and the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
10. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - b) Details of surface finishes of pathways and driveways
 - c) Details of water sensitive urban design elements to be incorporated and the plant species to be used
 - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - e) Landscaping and planting within all open areas of the site
 - f) An in-ground irrigation system to all landscaped areas.

All species selected must be to the satisfaction of the Responsible Authority.
11. Before the development (including demolition) starts, a tree protection fence must be erected around the street trees fronting the site at 3 metres on either side from the base of the trunk and to define a 'Tree Protection Zone'. The fence must be constructed of (star pickets and chain mesh or similar) to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed.

The ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the responsible authority.

12. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone without the written consent of the responsible authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.
13. Stormwater discharge is to be retained on site to the pre-development level of peak stormwater discharge. The development is to have a Stormwater Detention System installed the design capacity to be to the satisfaction of the Responsible Authority.
14. Drainage associated with basement during construction (seepage and agricultural water are to be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
15. 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.
16. Ramp/paved courtyards /paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
17. Prior to the commencement of any works, a waste management plan must be submitted to the Responsible Authority for approval. The waste management plan must address, but is not limited to:
 - (a) The development must provide its own waste collection service carried out by a commercial waste collector;
 - (b) The waste collection service must be carried out on site within the development boundaries;
 - (c) Waste collection receptacles must not be stored in the road reserve at any time;
 - (d) The use of commercial waste and recycle bins is subject to compliance with the guidelines in Schedule 1 of Bayside City Council Local Law No.2 Environment, Section 15.
 - (e) The collection of commercial waste and recycling bins is subject to compliance with EPA noise Control Guidelines, Industrial Waste Collection, Section 6.
18. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:-
 - (a) The type of water sensitive urban design stormwater treatment measures to be used;
 - (b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - (c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved and demonstrates

the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

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

19. PT1 Time for starting and completion

Permit Notes

N1 Crossover permit

N2 Building approval

N7 Retention of existing street trees

N10 Asset Protection

STANDARD OF THE BAYSIDE PLANNING SCHEME

Two or more dwellings on a lot and residential buildings (Clause 55 and schedule to the residential 1 zone)

Title and Objective	Complies with Standard?	Requirement and Proposed
<p>B1 Neighbourhood Character</p> <p>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>Development responds to features of the site and surrounding area.</p>	Yes	See report.
<p>B2 Residential Policy</p> <p>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</p> <p>Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Yes	See report.
<p>B3 Dwelling Diversity</p> <p>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	Yes	Different size apartments
<p>B4 Infrastructure</p> <p>Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	Can be addressed through a permit condition.
<p>B5 Integration with the Street</p> <p>Integrate the layout of development with the street</p>	Yes	See report
<p>B6 Street Setback</p> <p>The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	Partly. See report	<p>Required: 9 metres</p> <p>Proposed: 8 to 10.8 metres</p> <p>It is noted that the site is next to a vacant land at No 396 New Street.</p>
<p>B7 Building Height</p> <p>Building height should respect the existing or preferred neighbourhood character.</p>	No. See report	<p>Required: 9 metres</p> <p>Proposed: 10.4 metres</p>
<p>B8 Site Coverage</p> <p>Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	No. See report	<p>Required: 50%</p> <p>Proposed: 51.3%</p>

B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	No. See report	Required: 20% Proposed: 18%
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	Pedestrian access is separated from vehicular access. All entries to apartments are via a common lobby area.
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	Can be addressed through a permit condition.
B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.	Yes	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	All parking spaces are located within a basement car park.

<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: 19 spaces</p> <p>Proposed: 21 spaces</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>Partly. See report</p>	<p>See table in report.</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>No walls on boundaries.</p>
<p>B19 Daylight to Existing Windows</p> <p>Allow adequate daylight into existing habitable room windows.</p>	<p>Yes</p>	<p>All habitable room windows proximate to the subject site are setback the appropriate distance to ensure adequate daylight to existing windows</p>
<p>B20 North Facing Windows</p> <p>Allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Yes</p>	<p>All habitable room north-facing windows proximate to the subject site are provided with adequate solar access</p>
<p>B21 Overshadowing Open Space</p> <p>Ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Yes</p>	<p>See report.</p>
<p>B22 Overlooking</p> <p>Limit views into existing secluded private open space and habitable room windows.</p>	<p>No</p>	<p>See report. Can be addressed as permit conditions.</p>
<p>B23 Internal Views</p> <p>Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	<p>Yes</p>	<p>See report.</p>
<p>B24 Noise Impacts</p> <p>Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	<p>Yes</p>	<p>It is considered that the noise associated with the development will be relative to other residential noise within the area and is considerable acceptable in this regard.</p>

B25 Accessibility Consider people with limited mobility in the design of developments.	Yes	Ground floor entry to apartments is at grade and will facilitate ease of access to those persons with limited mobility
B26 Dwelling Entry Provide a sense of identity to each dwelling/residential building.	Yes	Each apartment is provided with a clear sense of address to lobby and front entry which easily identifiable from the streetscape.
B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.	Yes	All proposed windows are setback from side and rear boundaries or adjacent to private open space to ensure 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	The proposal is provided with north, east and west facing private open space.
B30 Storage Provide adequate storage facilities for each dwelling.	Yes	Storage of each apartment is located within the basement level.
B31 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.	Yes	See report.
B32 Front Fences Encourage front fence design that respects the existing or preferred neighbourhood character.	No. See report	Required: 1.2m high Existing: 4m high cyclone wire fence Proposed: 1.8m high
B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.	Yes	Common property to pedestrian and vehicular accesses and basement.
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 easily maintained and are accessible, adequate and attractive.

1.10 **432-436 Bluff Road, Hampton**
Notice of Decision to Grant a Permit
Application No. 2010/0391/1 Ward: Central

City Strategy/Statutory Planning
 File No: 2010/0391/1

APPLICATION DETAILS

Land Address:	432-436 Bluff Road, Hampton
Application is for:	Construction of a three (3) storey apartment building (30 apartments) with basement car parking and access to a Road Zone Category 1 in a Design and Development Overlay Schedule 2
Melway Reference:	77 A8
Ward:	Central
Application Number:	2010/0391/1
Applicant's/Owner's Name:	Keen Planning
Date Received:	13 July 2010
Statutory Days Expiry:	17 September 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) or more dwellings Clause 43.02 – Design and Development Overlay Schedule 2 Clause 52.29 - Land adjacent to a Road Zone, Category 1
Restrictive covenants on the title?	No
Current use and development:	Three (3) single storey dwellings
Objections:	Twelve (12)

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 three (3) storey apartment building with basement carparking and access to a Road Zone Category 1 in a Design and Development Overlay 2 comprising the following:

- Construction of five (5) one bedroom apartments and twenty-five (25) two bedroom apartments

- Construction of a basement containing thirty-five (35) car spaces and 12 bicycle spaces.
- Access to a Road Zone Category 1 (Bluff Road).

SUBJECT SITE & LOCALITY

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

The site has a total area of 2089.7 square metres and currently contains:

- Three (3) single storey dwellings.

The main site/locality characteristics are:

- The adjoining property to the north, at 438 Bluff Road, contains a single storey dwelling fronting onto Bluff Road.
- The adjoining property to the south, at 430 Bluff Road, contains a single storey dwelling fronting onto Bluff Road.
- The subject site abuts four single storey dwellings, at 5-11 June Street, which is located to the east and fronting June Street.
- The subject site faces a carpark with frontages to Bluff Road and Linacre Road associated with a Coles Supermarket across Bluff Road to the west.

PERMIT/SITE HISTORY

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

PUBLIC NOTIFICATION

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

- Sending notices to the owners and occupiers of adjoining land
- Placing three (3) signs on site

The notification has been carried out correctly.

Council has received twelve (12) objections to date.

Locality Plan – 329-331 New Street, Brighton



Legend	
Subject land	★
Location of Objectors	●

Note: not all objectors shown.

The key issues that were raised in the objections are:

- Overdevelopment of the site
- Traffic issues
- Safety concerns
- Overshadowing
- Overlooking and loss of privacy.
- Excessive height of the development

- Not in keeping with the character of the area.
- Increase in density and the impact on services.
- The development is not compliant with the Bayside Planning Scheme.

CONSULTATION

A consultation meeting was held on 29 September 2010. The meeting was attended by the applicants, objectors, and a Council planning officer. At the meeting the objectors raised issues concerning neighbourhood character, overlooking, overshadowing and traffic generation and parking, visual bulk and non-compliance with the Planning Scheme. None of the issues were resolved.

REFERRALS

External Referrals/Notices by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	VicRoads who does not object to the proposal subject to conditions
Section 52 Notices	Letters to all adjoining property owners and occupiers, and three (3) notices on-site fronting Bluff Road.

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

ASSESSMENT

Relevant Provisions of the Bayside Planning Scheme

State Planning Policies

- Clause 11 Settlement – The objective of planning is to anticipate and respond to the need, recreation, of existing and future communities through the provision of zoned and serviced land for housing, employment and open space commercial and community facilities and infrastructure. Planning should recognise the need for and as far as practicable contribute

towards, the health and safety, diversity of choice, adaption in response to changing technology, economic viability, a high standard of urban design and amenity, energy efficiency, prevention of pollution to land, water and air, protection of environmentally sensitive areas and natural resources, accessibility and land use and transport integration.

- Clause 15 Built Environment and Heritage – ensures that all new land use and development appropriately responds to its landscape, valued built form and cultural context and protects places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. To achieve high quality urban design and architecture that contributes to local urban character and sense of place, reflects the particular characteristics, aspirations and cultural identity of the community and minimises detrimental impact on neighbouring properties. To ensure the conservation of heritage places.
- Clause 16 Housing – The objectives of Clause 16 include the provision of housing diversity and supporting infrastructure. New housing should have access to services and be planner for long term sustainability including walking to activity centres, public transport, schools and open space. To promote a housing market that meets community needs. To locate new housing in or close to activity centre and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. To identify strategic redevelopment sites for large residential development along transport routes, including bus routes, that are part of the principle transport network in Metropolitan Melbourne. To provide for a range of housing types to meet increasingly diverse needs. To encourage the establishment of crisis accommodation and community care units in residential areas and to ensure that their location is kept confidential. To facilitate the timely development of residential aged care facilities to meet existing and future needs.
- Clause 19 Infrastructure – The provision of social and physical infrastructure should be provided in a way that is efficient, equitable, accessible and timely. The recognition of social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support. To promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met. To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment. To reduce the impact of stormwater on bays and catchments. To avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and unsustainable waste practices.

Municipal Strategic Statement

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

Local Planning Policies

- Clause 22.07-1 – Neighbourhood Character Policy - Aims to encourage development in the area that responds to the particular built form and natural environment elements that make up the neighbourhood character of Bayside.
- Clause 22.07-2 – Neighbourhood Character Objectives - Aims to ensure that development is responsive to the preferred future character of the area and to retain and enhance the identified elements that contribute to the character of the area. It is noted that the subject site is located within precinct G1.
- Clause 22.10 – Water Sensitive Urban Design - Aims to promote the use of water sensitive urban design, including stormwater re-use, to protect the surface water and ground waters in the Port Phillip Bay catchment from stormwater pollutants, to reduce the impacts of peak stormwater flows, to integrate stormwater treatment measures into the landscape, and to reduce the entry of pollutants into stormwater run-off.

Zoning

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

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

Overlays

- Clause 43.02 Design and Development Overlay Schedule 2 – Aims to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties, to preserve the existing character and amenity of the areas as low rise (up to two storeys) suburban areas with a strong garden character, to maintain the prevailing streetscape rhythm, building scale and height of neighbourhoods and to maintain a strong landscape character with buildings set within vegetated surrounds.

A planning permit is required under the DDO2 as the development is three (3) storeys and greater than 9.0 metres in height.

Particular Provisions

- Clause 52.29 Land Adjacent to a Road Zone, Category 1 – **A planning permit is required for altering access to a Road Zone Category 1.**
- Clause 55 Two (2) or More Dwelling on a Lot - which includes specific objectives and standards for the proposed residential development to be assessed against.

General Provisions

- Clause 65, which sets out decision guidelines for the responsible authority to consider in order to ensure acceptable outcomes in terms of State Planning Policies and Local Planning Policies.

SUMMARY OF KEY ISSUES

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

Neighbourhood Character

The subject site is located in Precinct G1 within Clause 22.07 Neighbourhood Character Policy of the Bayside Planning Scheme. The preferred future character statement reads:

The well-articulated dwellings sit within landscaped gardens, some with established trees. New buildings are frequent and are designed to respond to the site, and include a pitched roof form to reflect the dominant forms in the area. Buildings are occasionally built to the side boundary, however the overall impression of the streetscape is of buildings within garden settings due to the regular front setbacks, well vegetated front yards and additional street tree planting in the area.

The precinct guidelines are as follows:

Objective	Design Response	Avoid
To maintain and enhance the garden settings of the dwellings.	<ul style="list-style-type: none"> Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and vegetation. Retain large, established trees and provide for the planting of new trees wherever possible. Buildings should be sited to allow space for the planting of trees and shrubs. 	<p><i>Lack of landscaping and substantial vegetation.</i></p> <p><i>Removal of large trees.</i></p> <p><i>Planting of environmental weeds.</i></p>
To maintain the rhythm of 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 ensure that new buildings provide an articulated and interesting façade to the street.	<ul style="list-style-type: none"> Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, combinations of materials, textures or colours or other elements providing appropriate articulation. Use pitched roof forms with eaves. 	<p><i>Large, bulky buildings with poorly articulated front and side wall surfaces.</i></p>
To maintain the openness of the streetscape.		<p><i>High, solid front fencing.</i></p>

The area surrounding the subject site includes a mix of single storey detached dwellings and commercial tenancies towards Highett Road including a supermarket (Coles) across Bluff Road to the west. Closer to Highett Road there is a high concentration of commercial tenancies including a three (3) storey mixed use development on the corner of Highett and Bluff Road.

The proposed front setback reflects the existing setback pattern within the streetscape and allows for landscaping within the front setbacks. The side and rear setbacks are appropriate for the site and provide a visual separation between the subject site and adjoining properties.

The third storey element is contained within an attic roof form and is a maximum height of 9.6 metres to ensure that the development presents as a double storey built form which will fit within the streetscape.

A mix of materials and finishes coupled with indentations to the built form to the streetscapes ensures that the visual presentation is visually interesting and complementary to similar designed developments within the surrounding residential and commercial areas

Council's Urban Designer has viewed the plans and comments that in terms of architectural design, neighbourhood character and streetscapes the development is well crafted and will make a positive contribution to the streetscape.

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

It is relevant to note that the built form is proposed on a large site created by the consolidation of three (3) titles, rather than siting a three (3) storey form on a normal lot of 700-800 square metres.

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

Setbacks

The proposed setbacks are as follows:

	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
North (side)	0 or 2 metres	6.4 metres	3.56 – 3.8 metres	6.4 metres
West (front)	9 metres	9 – 10.8 metres	9 metres	9 – 10.8 metres
East (rear)	0 or 3 metres	6.9 – 8.7 metres	3.96 – 4.74 metres	7.2 – 8.4 metres
South (side)	0 or 2 metres	3.6 metres	2.96 – 3.14 metres	3 – 3.7 metres

The proposed front, side and rear setbacks for the development all comply with the requirements of the Schedule to the Residential 1 Zone of the Bayside Planning Scheme.

The attic level comprises of sloping roof and some vertical walls. Where the vertical walls occur the setback of 7.5 metres to the south and 10 metres to the north comply with the requirements of the Bayside Planning Scheme.

Visual Bulk/ Building Height

The overall height of the building at 9.6 metres (attic style 3 storeys) does not comply with the 9 metre (2 storeys) height permit threshold requirements of the Design and Development Overlay Schedule 2. The third storey component of the development is located with a roof line which is typical of dwellings within the area. The streetscape elevation indicates that from a streetscape perspective, the scale and height of the development will read as two (2) storeys and fits comfortably within this area and mimics the development pattern of the dwellings within the area.

The front façade of the development is provided with a mix of materials and finishes with indentations to present a built form which blends within the commercial context and complement the residential characteristics of the area and is visually unobtrusive.

Council's Urban Designer advises that the development does not present excessive bulk to the street or to the adjoining properties due to the articulation of the development, the location of the development in a commercial setting, and the mix of materials and finishes. It is considered that the height is appropriate in planning terms within the area.

Traffic and Car Parking

The proposed development proposes the construction of a basement containing thirty-five (35) car spaces of which five (5) are visitor spaces. The proposed development requires thirty (30) car spaces for the dwellings and six (6) visitor spaces for a total of thirty-six (36). The on-site car parking provided is deficient by one (1) car space. It is considered that the reduction of one (1) visitor car space is appropriate for the site as there is ample car parking provided within the immediate vicinity, and there are bus routes on both Bluff and Highett Road.

It is proposed to provide space within the basement for twelve (12) bicycle spaces which complies with the requirements of the Bayside Planning Scheme which requires bicycle parking for developments of five (5) or more dwelling. Twelve (12) bicycle spaces are considered an acceptable number for a thirty (30) unit development.

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

The application has been referred to VicRoads who has indicated that they do not object to the proposed alterations to the crossover subject to conditions.

Landscaping/Vegetation

Council's Arborist has viewed the plans provided and comments that the Willow Myrtle within the rear of 432 Bluff Road is a good example of the tree and should be retained. However, whilst it is acknowledged that the tree contributes to the landscape character of the area, it is relevant to note that the subject site is not located within a Vegetation Protection Overlay and the Willow Myrtle has not been listed on Council's Significant Tree Register and that retention of the tree will require substantial redesign of the proposal.

It is therefore considered appropriate that a permit condition, should a permit issue, will require replacement planting of canopy trees within the front and rear setbacks to make a positive contribution to the area. A landscape plan must be submitted for Council approval before any works can commence.

Council's Street Tree Arborist has viewed the plans and does not object subject to conditions requiring tree protection zones around the three (3) existing street trees to Australian Standards.

Overlooking

All windows to the north and south and east of the property are either obscure glazing to 1.7 metres in height or provided with appropriate external screening. A condition has been included on any permit that may issue to ensure screening in accordance with Clause Standard B22 (Overlooking) and Standard B23 (Internal Overlooking) of the Bayside Planning Scheme. It is considered that subject to the inclusion of this condition there will be no unreasonable overlooking opportunities into the adjoining properties and within the development.

Overshadowing

The shadow diagrams submitted have been checked and found to be correct. Taking into account the orientation of the site the level of overshadowing cast by the development complies with the provisions of Clause 55 Standard B21 (Overshadowing Open Space) of the Bayside Planning Scheme. It is noted that the shadow cast by the proposal will be minimal and will not cause further overshadowing than the existing boundary fencing.

Energy Efficiency and Water Sensitive Urban Design

The internal layout of the dwellings is designed so as to maximise daylight to habitable rooms and secluded private open space. Ground floor living areas directly abut the private open space located to the west of the dwelling, and habitable rooms are generally located to the west of the dwelling to maximise solar access. It is noted that the bedrooms located within the attic space are not provided with natural light or ventilation and it is considered appropriate that a permit condition requiring flush mounted skylights is appropriate. The design response, subject to conditions, is considered to adequately comply with the energy efficiency objectives of Clause 55.03.

The proposal lodged with Council is subject to Clause 22.10 of the Bayside Planning Scheme, which requires Water Sensitive Urban Design measures for developments within Bayside. It is recommended that, in the event that a planning permit issues, conditions be included requiring plans be submitted detailing the measures of Water Sensitive Urban Design to be implemented on-site and that the development meets a minimum of 100% of best practice.

CONCLUSION

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

The proposal will be sympathetic to surrounding development and will respect the residential amenity of adjoining properties, through the incorporation of sufficient setbacks and appropriately located and treated windows. It is therefore recommended that a Notice of Decision to Grant a Permit should be issued subject to conditions.

RECOMMENDATION

That Council having caused notice of Planning Application **No. 2010/0391/1** 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 **432-436 Bluff Road, Hampton** for the **Construction of a three (3) storey apartment building (30 apartments) with basement car parking and access to a Road Zone Category 1 in a Design and Development Overlay Schedule 2** in accordance with the application dated 13 July 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 three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans lodged with application but modified to show to the satisfaction of the Responsible Authority:
 - a. A schedule of all external materials and finishes to be provided to the buildings and works on the land. The schedule must show the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
 - b. Basement ramps in accordance with the requirements of Australian Standard AS/2890.1
 - c. A schedule of car parking spaces showing allocation of spaces for each dwelling and visitors.
 - d. Water sensitive urban design stormwater treatment measures in accordance with Condition 14 of this permit to achieve a minimum 100% STORM rating.
 - e. All alterations as required by VicRoads in Condition 16 of this permit.
 - f. The proposed landscape treatment for the site including the existing and replacement plant species in accordance with the requirements of condition 6 of this permit. The landscape plan must show a minimum of one (1) canopy tree within the front and rear setback of each dwelling.
 - g. All plant and equipment (including air conditioning units, heating units, hotwater systems, lift overrun, etc.) which is proposed to be located externally identified on the plans.
 - h. Details of screening to all habitable room windows and terraces to ensure compliance with Clause 55.04-6 Standard B22 Overlooking and Standard B23 Internal Overlooking of the Bayside Planning Scheme.
 - i. All bedrooms, including Units 14 to 27 inclusive, must have access to natural light and ventilation through the installation of operable flush mounted skylights.
 - j. All units to comply with open space requirements of Clause 55 Standard B28 of the Bayside Planning Scheme.

2. P4 Layout not altered
3. A18 Concealment of pipes.
4. A19 Plant and equipment or features on roof.
5. A20 Boundary Walls
6. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a. A survey (including botanical names) of all existing vegetation to be retained and/or removed
 - b. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - c. Details of surface finishes of pathways and driveways
 - d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. At least 60% of all planting must consist of either native or indigenous species.
 - e. Landscaping and planting within all open areas of the site
7. L2 Completion of landscaping
8. L3 Landscaping maintenance.
9. Tree protection fencing must be established around the street trees being retained prior to commencement of any works and maintained until all works on site are complete. The fencing is to be constructed and secured so its position cannot be modified by site workers. The fencing is to encompass the entire nature strip adjacent the works site with the exception of the crossovers. The tree protection zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites.
10. Stormwater discharge is to be retained on site to the pre development level of peak stormwater discharge. The development is to have a '*Stormwater Detention System*' installed, the design capacity to be Council approved.
11. Construction Management Plan

Prior to the commencement of any works, a construction management plan must be submitted to and be approved by the Responsible Authority. The construction management plan must address, but is not limited to:

- Control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.
- No water containing oil, foam, grease, scum or litter to be discharged to the stormwater drainage system from the site;
- The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
- No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;

All works must accord with the approved construction management plan to the satisfaction of the Responsible Authority.

12. Waste Management Plan

Before the use or occupation of the development starts, a waste management 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. Three copies of the plan must be submitted. The plan must include but is not limited to:

- 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.

All waste material must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created.

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 written consent of the Responsible Authority.

13. Water Sensitive Urban Design

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:-

- The type of water sensitive urban design stormwater treatment measures to be used;
- The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
- Design details of the water sensitive urban design stormwater treatment measures, including cross sections;
- These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved a minimum 100% STORM rating 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.

14. 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.

15. VicRoads conditions
- a. Prior to commencement of the use of the permitted development, all redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
 - b. The edges of the vehicular crossover must be angled at 60 degrees to the road reserve boundary, to improve entry and exit conditions, to the satisfaction of the Responsible Authority.
 - c. The basement ramp slope must not be greater than 1 vertical to 20 horizontal for at least the first 6 metres inside the property. This requirement will ensure that existing vehicles are substantially stationary prior to crossing the footpath and hence to a risk to pedestrians. The remainder of the basement ramp shall be designed in accordance with AS 2890.1-1993.

16. PT1 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 4444.

- N1 Vehicle Crossing Permit
N2 Building approval
N6 Vehicle crossing removal
N7 Retention of existing street trees/protection during construction

Construction of any fence/wall/letterbox structures may necessitate removal/damage of some sections of the footpath. If this is the case, a **'Road Opening Permit'** must be obtained to facilitate such work.

A **'Road Opening / Stormwater Tapping Permit'** is to be obtained from the Bayside City Council Infrastructure Department prior to the commencement of the connection to the kerb/channel.

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9235 2517, quoting Melbourne Water's reference 130334.

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	N/A
B3 Dwelling Diversity Encourages a range of dwelling sizes and types in developments of ten or more dwellings.	Yes	N/A
B4 Infrastructure Provides appropriate utility services and infrastructure without overloading the capacity.	Yes	Can be addressed through a permit condition
B5 Integration with the Street Integrate the layout of development with the street	Yes	N/A
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	Minimum: 9 metres Proposed: 9 – 10.8 metres
B7 Building Height Building height should respect the existing or preferred neighbourhood character.	No	Maximum: 9 metres (2 storeys) Proposed: 9.6 metres (3 storeys - attic)
B8 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	No	Maximum: 50% Proposed: 52%

B9 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Yes	Minimum: 20% Proposed: 30.8%
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.	Yes	N/A
B12 Safety Layout to provide safety and security for residents and property.	Yes	N/A
B13 Landscaping To provide appropriate landscaping. To encourage: <ul style="list-style-type: none"> • Development that respects the landscape character of the neighbourhood. • Development that maintains and enhances habitat for plants and animals in locations of habitat importance. • The retention of mature vegetation on the site. 	Yes	Can be addressed through a permit condition.
B14 Access Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.	Yes	N/A

<p>B15 Parking Location</p> <p>Provide resident and visitor vehicles with convenient parking.</p> <p>Avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>Protect residents from vehicular noise within developments.</p>	<p>Yes</p>	<p>See Report</p>	
<p>B16 Parking Provision</p> <p>Ensure car and bicycle parking meets the needs of residents and visitors.</p> <p>Accessways should be practical, attractive and easily maintainable.</p>	<p>No</p>	<p>Minimum: One (1) space each dwelling and six (6) visitor spaces for a total of thirty-six (36) spaces.</p> <p>Proposed: Thirty (30) residential spaces and five (5) visitor spaces.</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>Yes</p>	<p>Required:</p> <p><u>Ground Floor</u></p> <p>North: 0 or 2 metres</p> <p>East: 0 or 3 metres</p> <p>South: 0 or 2 metres</p> <p>West: N/A</p> <p><u>First Floor</u></p> <p>North: 3.56 – 3.8 metres</p> <p>East: 3.96 – 4.74 metres</p> <p>South: 2.96 – 3.14 metres</p> <p>West: N/A</p>	<p>Required:</p> <p><u>Ground Floor</u></p> <p>North: 6.4 metres</p> <p>East: 6.9 – 8.7 metres</p> <p>South: 3.6 metres</p> <p>West: N/A</p> <p><u>First Floor</u></p> <p>North: 6.4 metres</p> <p>East: 7.2 – 8.4 metres</p> <p>South: 3 – 3.7 metres</p> <p>West: N/A</p>

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

B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.	No	See report
B28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.	No	Minimum: 8 square metres with a minimum width of 1.6 metres Proposed: All units with the exception of Units 11, 12, 29 and 30 comply or exceed the open space requirements.
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	
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.	Yes	Maximum: 2 metres in height Proposed: 2 metres
B33 Common Property Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.	Yes	Basement and entry lobbies.
B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.	Yes	N/A

1.11 **3 John Street, Beaumaris**
Notice of Decision to Grant a Permit
Application No. 2010/0172/1 Ward: Southern

City Strategy/Statutory Planning
 File No: 2010/0172/1

APPLICATION DETAILS

Land/Address:	3 John Street, Beaumaris
Application is for:	Construction of two (2) side by side double storey dwellings and removal of vegetation in a Vegetation Protection Overlay Schedule 3
Melway Reference:	86 D7
Ward:	Southern
Application Number:	2010/0172/1
Applicant's/Owner's Name:	Jim Kolivas
Date Received:	1 April 2010
Statutory Days Expiry:	31 May 2010
Zoning:	Residential 1 Zone
Overlays:	Vegetation Protection Overlay Schedule 3
Under what clause(s) is a permit required?	Clause 32.01 Construction of two or more dwellings on a lot Clause 42.02 Removal of vegetation in a Vegetation Protection Overlay Schedule 3
Restrictive covenants on the title?	No
Current use and development:	Single storey dwelling
Objections:	Fourteen (14) objections

PROPOSITION

It is recommended that Council **approve** the application subject to conditions.

PROPOSAL

It is proposed to construct two double storey side by side dwellings with a roof deck. Key characteristics of the proposal include:

- Two (2) double storey side-by-side dwellings containing four (4) bedrooms each.
- A double garage provided for each dwelling.
- Removal of native vegetation

SUBJECT SITE & LOCALITY

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

The site is located at the rear (east) of the Beaumaris Concourse Neighbourhood Activity Centre.

The site has a total area of 676.3 square metres and currently contains:

- One (1) single storey dwelling.
- A crossing located to the east of the subject site.

The main site/locality characteristics are:

- To the north of the site at 2 John Street is a single storey residence.
- To the east of the site at 5 John Street is a double storey brick veneer residence.
- To the south of the site adjacent (rear) is a single storey brick dwelling with a private open space area immediately abutting the common boundary.
- To the west of the site are 1 & 1 A John Street. No 1 is a two storey brick dwelling with a double car garage located adjacent to the common boundary of the subject site, whilst 1A John Street is a single storey dwelling.

PERMIT/SITE HISTORY

No planning applications have previously been determined for this site.

PUBLIC NOTIFICATION

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

- Sending notices to the owners and occupiers of adjoining land and
- Placing two (2) signs on site

The notification has been carried out correctly and Council has received fourteen (14) objections to date.

CONSULTATION

A consultation meeting was held on 23 June 2010 and was attended by five (5) objectors, a Ward Councillor, the Permit Applicant and Owner of the subject site. The areas of concern were discussed, however, the meeting did not result in any resolution with regard to the concerns raised.

LOCALITY PLAN – 3 JOHN STREET, BEAUMERIS


Legend	
Subject land	★
Location of Objectors	●

Objectors concerns:

- Parking and traffic conflicts at dangerous corner
- Neighbourhood character
- Overdevelopment of the site
- Neighbourhood character.
- Adverse off site amenity impacts including overlooking, overshadowing and visual bulk.
- Construction of the roof top deck.
- Removal of trees, loss of 'greenery'

REFERRALS

The following advice has been received from referral authorities:

Referral	Response
Arborist	Comment provided requiring further information
Traffic Engineer	No objection subject to conditions
Urban Designer	No objection, subject to conditions
Arboricultural Officer	No objection subject to conditions

ASSESSMENT

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

State Planning Policy Framework

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

Local Planning Policy Framework

- Clause 21.05 - Housing** - Encourages housing choice and quality design outcomes that make a positive contribution to the character of residential areas.
- Clause 22.07 – Neighbourhood Character Policy** – Aims to ensure that development is responsive to the preferred future character of the area, to retain and enhance the identified elements that contribute to the character of the area, to implement the recommendations of the Bayside Neighbourhood Character Review 2004, to recognise the need for change around activity centres while respecting the desired future character of the area, and to recognise the need for new or additional Design Objectives and Design Responses for areas affected by structure planning outcomes and Melbourne 2030 housing objectives.

- **Clause 22.10 – Water Sensitive Urban Design** – Seeks to promote the use of water sensitive urban design, including stormwater re-use, to protect the surface water and ground waters in the Port Phillip Bay catchment from stormwater pollutants, and to reduce the impacts of peak stormwater flows to integrate stormwater treatment measures into the landscape to reduce the entry of pollutants into stormwater run-off. **The proposal requires the assessment under this policy.**

Zone

- **Clause 32.01 - Residential 1 Zone** - Provides for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households, encourages residential development that respects the neighbourhood character, allows educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs, in appropriate locations. **The proposal requires a planning permit under this zone as it proposes to construct two or more dwellings on the site.**

Overlays

- **Clause 43.02 Design and Development Overlay Schedule 2** – Aims to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties, to preserve the existing character and amenity of the areas as low rise (up to two storeys) suburban areas with a strong garden character, to maintain the prevailing streetscape rhythm, building scale and height of neighbourhoods and to maintain a strong landscape character with buildings set within vegetated surrounds. **The proposal requires a planning permit under this overlay as it exceeds two (2) storey and 9 metres in building height.**

Particular Provisions

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

General Provisions

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

SUMMARY OF KEY ISSUES

The proposed development requires a planning permit pursuant to Clause 32.01 and Clause 42.02 of the Bayside Planning Scheme. A quantitative analysis of the application against the requirements of Clause 55 of the Planning Scheme and Council's Assessment Criteria is attached to this report.

Below is a summary of relevant planning considerations and matters raised by objectors:

Neighbourhood character

The streetscape and neighbourhood character of John Street has a well-established neighbourhood pattern of single storey detached dwellings, usually without relying on building on the boundary, which creates spacious surrounds and visual separation between buildings. The

subject site is categorised within Neighbourhood Character Precinct H3 under Clause 22.07 of the Bayside Planning Scheme that imposes a series of aims and objectives for the area. Developments complying with these guidelines are an integral component in maintaining the long-term integrity of the Bayside municipality and maintaining the valued character by encouraging a respectful development pattern.

The Preferred Future Character Statement for the precinct states:

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

Precinct Guidelines

Objective	Design Response	Avoid
<i>To strengthen the bushy garden character of the area through the planting of appropriate species.</i>	<ul style="list-style-type: none"> • Retain large established trees and understorey, and provide for the planting of new indigenous trees wherever possible (locate footings outside root zone). • Prepare a landscape plan to accompany all applications for new dwellings that utilises appropriate native, preferably indigenous, vegetation. • Minimise impervious surfaces particularly in front garden spaces to ensure space for plantings. 	<p><i>Lack of landscaping and substantial vegetation.</i></p> <p><i>Removal of large established trees.</i></p> <p><i>Planting of environmental weeds</i></p>
<i>To maintain the rhythm of spacious visual separation between buildings and ensure adequate space is provided around buildings for the retention and planting of vegetation.</i>	<ul style="list-style-type: none"> • Buildings should be sited to allow space for a garden, including trees and shrubs. • Buildings should be sited to create the appearance of space between buildings and accommodate vegetation. 	<i>Loss of front garden space.</i>
<i>To minimise the loss of front garden spaces and the dominance of car parking structures.</i>	<ul style="list-style-type: none"> • Locate garages and carports behind the line of the dwelling. • Underground car parking accessed from the front of the site should only be provided where other options are not possible due to site constraints, the garage doors do not dominate the façade and the front setback area is retained as predominantly garden space. 	<i>Car parking structures that dominate the façade or view of the dwelling.</i>

<i>Objective</i>	<i>Design Response</i>	<i>Avoid</i>
<i>To minimise site disturbance and impact of the building on the landscape.</i>	<ul style="list-style-type: none"> <i>Buildings should be designed to follow the contours of the site on sloping sites.</i> <i>Minimise the use of retaining walls and battering of slopes.</i> <i>Design new buildings and extensions so as not to exceed the predominant tree canopy height.</i> 	<p><i>Major excavation works and site levelling.</i></p> <p><i>Buildings that protrude above the tree canopy height.</i></p>
<i>To ensure that new buildings provide an articulated and interesting façade to the street.</i>	<ul style="list-style-type: none"> <i>Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, combinations of materials, textures or colours or other elements providing appropriate articulation.</i> <i>Recess upper levels from the front façade.</i> 	<p><i>Large, bulky buildings</i></p> <p><i>Poorly articulated front and side wall surfaces.</i></p>
<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> 	<i>Period reproduction styles and detailing.</i>
<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> <i>Use vegetation as an alternative where possible.</i> 	<i>High or solid front fences.</i>

It is important to note from the outset that the subject site is not located in the residential hinterland which is characterised by detached dwellings set in landscaped gardens but is adjacent to the Beaumaris Concourse and within walking distance from the school, close to shops and services where higher density development (to meet Bayside's Housing targets is encouraged).

However, whilst the site's location provides the opportunity to increase the development intensity it is important to ensure that the design response respects the character of the area and the residential amenity of the neighbours.

It is considered that the proposal to construct two (2) double storey dwellings in this location is not uncharacteristic of developments in the area and that subject to the incorporation of permit conditions to provide visual separation and larger areas for canopy tree plantings, the proposed development will make a positive contribution to the streetscape.

The surrounding area comprises a range of dwelling styles at varying scales, and the prevailing characteristics demonstrate dwellings that are responsive, visually diverse and interesting, and do not overwhelm the streetscape.

The proposal will not dominate or detract from the built forms in the area but will respond appropriately to the emerging character of John Street. The proposed development of the site for the purposes of a dual occupancy considered appropriate, particularly given the site's location in close proximity to the Beaumaris Concourse Shops and the emergence of contemporary style developments that sit comfortably amongst traditional dwellings.

The application was referred to Council's Urban Designer who considered the proposed development to be a sound design that is interesting and site responsive, well composed and will result in a high amenity outcome.

It is therefore considered that the proposed development will not result in detriment to the character of the area and subject to permit conditions will make a positive contribution to the streetscape.

Setbacks

The proposed front setback of 7.3 metre setback from John Street complies with Standard B6 of the Planning Scheme.

The proposed side setbacks requirements do not comply with the Planning Scheme. A side setback of 1.2 metres and 1.8 metres is proposed to the ground floor to the east and the west of the subject site which does not comply with the required 2.0 metre setback. This setback is considered to be inappropriate given the proximity of the neighbours and will result in unreasonable visual bulk, particularly given the two storey nature of the development.

The setbacks of the first floor ranges is predominantly 3.065 metres with the exception of the ensuites and studies for both dwellings where the setbacks are reduced to 2.135 to the east and 2.125 to the west in lieu of the required setback of 3.44 to 3.56 metres.

It is considered that a permit condition requiring the setbacks in the vicinity of the ensuites and studies (and kitchen/pantry area on the ground floor) to be increased to 3.56 metres (ground and first floors) will provide a break in the built form that can support appropriate planting, introduce visual interest to the dwellings and visual bulk relief to the neighbours.

Visual Bulk

Council's Urban Designer did not consider the proposed development to be visually bulky and stated the following:

the architectural expression is appropriate to the setting, with a contemporary yet traditional feel and a slightly maritime character with a gabled roofs and vertical timber cladding etc. The proposal does not present too much bulk to the streetscape or to the neighbours and the proposal does not present an overdevelopment, with good planning, sensible layouts and responsible allocations.

A permit condition will require the 'boundary to boundary' garages to be modified to ensure that there is appropriate visual separation between dwellings and to maximise the opportunities for canopy tree planting.

It is considered that the introduction of 'space' and plantings will ensure that the buildings will sit comfortably within its context and will not dominate or detract from the setting.

Overlooking

There will be no overlooking from first floor windows or roof deck areas as these have been appropriately treated to comply with the requirements of Clause 55 Standard B22 of the Bayside Planning Scheme.

Overshadowing

The shadow diagrams submitted have been checked and found to be correct. The shadowing diagrams indicate overshadowing over the units located to the west in the morning period for the 9am period, however, the shadow falls away by 10am and the habitable first floor window is no longer overshadowed. It is considered that there will be no unreasonable overshadowing to adjoining properties, and the proposal complies with the requirements of Clause 55 - Standard B21 of the Bayside Planning Scheme.

Overdevelopment of the site

The subject site is 676 square metres and it is considered two (2) dwellings can be accommodated on the site. Although site coverage has been assessed at 51.24%, in lieu of the 50% required by the Schedule to the Residential 1 Zone, the site permeability is approximately 24%.

A permit condition, should a permit issue, will require the site coverage to be reduced to 50% to comply with the Schedule to the Residential 1 requirements of the Bayside Planning Scheme.

It is relevant to note that the requirement for the ground and first floor setbacks to be increased will ensure that the site coverage will also be reduced.

Water Sensitive Urban Design

The proposal submitted to Council is subject to Clause 22.10 of the Bayside Planning Scheme, which requires Water Sensitive Urban Design measures for developments within Bayside. It is recommended that, in the event that a planning permit issues, conditions be included requiring plans be submitted detailing the measures of Water Sensitive Urban Design to be implemented on-site and that the development meets a minimum of 100% of best practice.

Energy Efficiency

The internal layouts of the dwellings are designed to maximise daylight to habitable rooms and secluded private open space. Ground floor living areas directly abut the secluded private open space areas located to the north of the dwellings. However, it is considered that the internal amenity and solar access can be improved at the centre of the dwellings by a permit condition, should a permit issue, to require the dwellings to incorporate indentations towards the middle section (i.e. delete or redesign the kitchen/pantry/laundry areas and related first floor components-ensuite/study) to allow light to penetrate the centre of the building, to provide opportunities for planting and to improve solar benefits for future occupants.

Traffic and car parking

The proposal is to provide each dwelling with a double garage accessed via a crossover off John Street. This is compliant with Clause 55 – Standard B15 and B16. Council's Traffic Engineer has viewed the plans and advised that the provision of on site car parking complies with the Bayside Planning Scheme requirements and subject to the inclusion of permit conditions the proposal is appropriate for support.

Council's Traffic Engineer noted that the development will require remedial works to the Edith Street/John Street intersection to enable safe access to and from the development. A permit condition, should a permit issue will require the developer to meet all costs associated with line marking at the Edith Street/John Street bend to accommodate legal access to each vehicle crossing.

Although the site and surrounding area do not display characteristics 'typical' of Beaumaris in terms of generous landscaped areas with native vegetation, it is considered that the extent of hard surface coverage occupied by the two driveways proposed is uncharacteristic in a Vegetation Protection Overlay Schedule 3. This concern can be addressed by permit conditions, should a permit issue requiring a reduction to the hard surface areas (deletion of pedestrian paths and minimisation of driveways) to allow for plantings within the front setbacks of both dwellings.

Private open space

The private open space of the two (2) dwellings has been assessed and complies with Clause 55 – Standard B28. Both dwellings are provided with 75 to 85 square metres of secluded private open space to the rear of the dwellings. These spaces directly adjoin the living areas of the respective dwellings, which lead out onto decked areas located approximately 800mm above the natural ground line.

The rear decks of both dwellings do not comply with the requirements of Standard B22 - overlooking. Although the existing rear boundary fences are 2.3 metres high the elevated decks will result in overlooking to the secluded private open spaces areas of the neighbouring properties. The inclusion of a permit condition requiring the deletion of the decks will not only provide areas for the planting of canopy trees but will also address the overlooking concern.

Landscaping/Vegetation

The site currently contains a substantial amount of vegetation within the site. The majority of the trees are typical native/exotic ornamental plantings found throughout Melbourne. No trees are considered to be indigenous.

Council's Arborist has assessed the proposal and confirmed that existing vegetation is not considered to be significant nor worthy of retention.

There is also a street tree located in front of the site which is also proposed to be removed to enable the construction of a crossover for Unit 1.

The application was referred to Council's Street Tree Arborist who did not object to the removal of the street tree subject to compensation costs and removal and replacement costs.

It is considered that the deletion of the pedestrian paths, minimisation of the garages and deletion of the rear decking the proposed development will provide sufficient areas for the planting of canopy trees (minimum of 60% natives) in accordance with the objectives of the Vegetation Protection Overlay and will respond appropriately to the garden character of its residential neighbours.

Roof Terraces

It is proposed to construct roof terraces above the existing dwellings. The subject site is not located within a Design and Development Schedule 1 area therefore the standards and objectives of the DDO1 do not apply in this instance. However in order to comply with the side setback requirements of the Bayside Planning Scheme for the Schedule to the Residential 1 Zone the roof decks will need to be redesigned.

A permit condition on any permit that may issue will require the roof deck to be redesigned to ensure that it does not add unreasonable the visual bulk and to ensure that all sides are appropriately screened to comply with Clause 55 Standard B22 of the Bayside Planning Scheme.

Front Fence

The streetscape is characterised by high front fences and a 1.5 metre high front fence is sought in lieu of the Bayside Planning Scheme requirement for 1.2 metre high front fences.

Although the proposal does not meet the requirements of Clause 55 Standard B32 of the Bayside Planning Scheme it is considered appropriate in the context of a site where front fencing details within the streetscape vary considerably in terms of height and overall design details, including materials and finishes.

A permit condition will require that the front fence is transparent to ensure safety and visibility when entering and exiting the site.

CONCLUSION

The proposed side-by-side dual occupancy at 3 John Street has been assessed having regard to the objectives and standards of the Bayside Planning Scheme and concerns raised by the objectors.

It is considered that the site's proximity renders it suitable for the proposed increased density and subject to permit conditions requiring a reduction in the proposed built form to increase the areas for landscaping the proposed development will respect the amenity of the neighbours and will make a positive contribution to the streetscape.

It is therefore considered that the proposed development is worthy of a permit and should be approved.

RECOMMENDATION

That Council having caused notice of Planning Application No. **2010/0172/1** 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** the application under the provisions of the Bayside Planning Scheme in respect of the land known and described as **3 John Street, Beaumaris** for the **construction of two (2) double storey side by side dwellings and removal of vegetation in a Vegetation Protection Overlay Schedule 3**, in accordance with the application dated 1 April 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 application dated 1 April 2010 but modified to show:
 - a) The garages and driveways to both dwellings must be redesigned so that one becomes an open double carport and the other becomes a single tandem garage set back from the boundary (without setting either garage/carport forward) to ensure 'visual separation between the new dwellings and the abutting properties and to provide sufficient areas for the planting of canopy trees.

- b) The setback at the ground floor kitchen/pantry and first floor bathroom/study areas to be increased to 3.44m to provide a courtyard capable of supporting a canopy tree.
 - c) The site coverage to be reduced to 50% to comply with the Schedule to the Residential 1 requirements of the Bayside Planning Scheme.
 - d) The pedestrian paths (at the front of the dwellings) and decking areas (at the rear of the dwellings) to be deleted to provide larger areas for the planting of native and indigenous canopy trees.
 - e) All first floor windows and roof decks to comply with Standard B22 of the Bayside Planning Scheme.
 - f) Landscape plan to be in accordance with Condition 9 of this permit.
 - g) Water Sensitive Urban Design measures in accordance with Condition 13 of this permit.
 - h) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples)
 - i) The driveway for Dwelling 1 must be 3.3m wide at its intersection with the footpath with a 1.85m offset from the western boundary. A 3.3m wide vehicle crossing must be constructed that is centred on the driveway with a 0.85m offset from the Side Entry Pit.
 - j) The front fence and gates must have a minimum 20% transparency.
 - k) The driveway for Dwelling 2 must be 3.6m wide at its intersection with the footpath with a 0.9m offset from the eastern property boundary. The existing vehicle crossing must be removed with a new 3.6 metre wide vehicle crossing constructed that is centred on the driveway.
 - l) The location of 6 cubic metres of storage for each dwelling.
 - m) The roof deck to be redesigned to ensure that it does not present unreasonable visual bulk and be appropriately screened to comply with Clause 55 Standard B22 of the Bayside Planning Scheme.
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
 3. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the responsible authority.
 5. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

6. Before the occupation of the development starts, the area(s) set aside for the parking of vehicles as shown on the endorsed plans must be:
- Constructed;
 - Properly formed to such levels that they can be used in accordance with the plans;
 - Surfaced with an all-weather-seal coat;
 - Drained;
- To the satisfaction of the responsible authority.
Car spaces and ramp must be kept available for these purposes at all times.
7. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing. All works including the landscaping as shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
8. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
- A survey (including botanical names) of all existing vegetation to be retained and/or removed
- Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - Details of surface finishes of pathways and driveways
 - Details of water sensitive urban design elements to be incorporated and the plant species to be used
 - A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - Landscaping and planting within all open areas of the site
 - An in-ground irrigation system to all landscaped areas.
- All species selected must be to the satisfaction of the Responsible Authority.
9. 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.
10. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.10 of the Bayside Planning Scheme and must show:-
- The type of water sensitive urban design stormwater treatment measures to be used;

- b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
- c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

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

- 11. The developer to pay Bayside Council compensation costs for the removal of the street tree and all costs incurred for street tree removal and street tree replacement.
- 12. The developer must be meet costs associated with line marking at the Edith Street/John Street bend to accommodate legal access to each vehicle crossing.
- 13. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two years of the date of this permit.
 - b. The development is not completed within four years of the date of this permit.

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

- N1 Crossover permit
- N2 Building approval
- N7 Retention of existing street trees
- N8 Sewerage
- N10 Asset Protection