



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 June 2011

Commencing at 7:00pm

Chairperson: Cr Louise Cooper-Shaw

Councillors: Cr Felicity Frederico
Cr Alex del Porto (Mayor)
Cr. Clifford Hayes
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 28 June 2011
Tuesday 26 July 2011
Tuesday 16 August 2011
Tuesday 6 September 2011
Tuesday 4 October 2011
Tuesday 25 October 2011
Tuesday 22 November 2011

Planning Committee Meeting

Planning Committee Charter

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

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

Membership of the Committee

All Councillors

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4.1 **26-30 Waltham Street, Sandringham**
Secondary Consent - Approve
Application No. 2008/0259/1 Ward: Southern

City Strategy - Statutory Planning
 File No: 2008/0259/1

APPLICATION DETAILS

Land/Address:	26-30 Waltham Street, Sandringham
Application is for:	Secondary Consent – Amended Plans
Melway Reference:	76 G9
Ward:	Southern
Application Number:	2008/0259/1
Applicant's/Owner's Name:	SJB Planning Pty Ltd
Date Received:	6 April 2011
Statutory Days Expiry:	6 June 2011
Zoning:	Business 1 Zone
Overlays:	None
Restrictive covenants on the title?	No
Current use and development:	Double storey building containing three (3) shops and one (1) dwelling

PROPOSITION

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

PROPOSAL

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

The proposed amendments include:

- Removal of the secondary stairs within the basement levels.
- Alteration to the amenities and services areas at ground level.
- Decrease in the area for Shop 2 by 1 square metre.
- Increase in the Office Area by 10 square metres, including a kitchen.

SUBJECT SITE & LOCALITY

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

The site is located in the Sandringham Major Activity Centre.

The site has a total area of 408.22 square metres and currently contains:

- Three retail premises comprising of a gift store, yoga studio and gift/wine store. One (1) car space is currently provided on site at its southern end, to the rear of the specialty shops. The first floor accommodates a dwelling.

The main site/locality characteristics are:

- To the northwest of the site are a single storey bakery and a single storey fruit and vegetable shop.
- To the southeast of the site is a two storey hairdressing salon and a single storey travel agency.
- Opposite the site, on the north-east side of Waltham Street are a number of retail shops including Video-Easy and Boxes and Bows as well as the four story developments located at 1-7; 9 and 11 Waltham Street.

PERMIT/SITE HISTORY

Planning Permit 2008/0259/1 was issued on 10 March 2009 at the direction of VCAT for the construction of a four (4) storey building, use of the ground level for office and retail tenancies with eleven (11) apartments on the upper levels and basement carparking, waiver of part of the requirement for car parking spaces and waiver of the requirement for loading bays.

Condition 1 plans were endorsed on 30 September 2009.

An application to amend the endorsed plans under Secondary Consent provisions was approved at the Ordinary Meeting of Council on 23 November 2010.

PUBLIC NOTIFICATION

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

Locality Plan – 26-30 Waltham Street, Sandringham



Legend	
Subject land	★

REFERRALS

No external or internal referrals were required.

ASSESSMENT

The principles or tests of Secondary Consent

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

The tests include the following:

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

The proposed alterations are confined within the internal structure of the development and maintain the approved uses and building footprint. The proposed variations are of a minor nature and will not cause any detrimental amenity impacts upon the adjoining neighbours.

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

The primary consent for the planning approval was for the construction of a four (4) storey building, use of the ground level for office and retail tenancies with eleven (11) apartments on the upper levels and basement carparking, waiver of part of the requirement for car parking spaces and waiver of the requirement for loading bays, in accordance with the endorsed plans. The deletion of the secondary stairs within the basement levels and alteration to the amenities and service areas are not a permit trigger and do not authorise something for which primary consent is required under the Bayside Planning Scheme.

The increase in the area of the office by 10 square metres does not require any further car parking to be provided. It is noted that a kitchen area has been included within this increase in area.

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

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

The deletion of the secondary staircase within the basement levels is minor in nature and is confined within the centre of the development and is not externally visible. The relocation of the amenities and service areas at ground floor level is minor and provides a more usable layout for the ground floor tenancies.

The increase in floor area for the office tenancy of 10 square metres is minimal and will not require further car parking requirements above the one (1) space currently provided for the tenancy.

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

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

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

CONCLUSION

It is considered that the proposed amendments to the endorsed plans are appropriate for the site. They meet the tests of Secondary Consent and are not contrary to any condition or special requirement specified in planning permit 2008/0259/1. It is recommended that the proposed changes be approved.

RECOMMENDATION

That the Amended Plans for the changes to the endorsed plans of **Planning Permit No. 2008/0259/1** be **approved** under the Secondary Consent provisions for the construction of a four (4) storey building, use of the ground level for office and retail tenancies with eleven (11) apartments on the upper levels and basement carparking, waiver of part of the requirement for car parking spaces and waiver of the requirement for loading bays at **26-30 Waltham Street, Sandringham** and the following table be added to the permit:

Date	Amendment
9 June 2011	Secondary consent to amend plans: Amendment to the endorsed plans under Secondary Consent: <ul style="list-style-type: none">• Removal of the secondary stairs within the basement levels.• Alteration to the amenities and services areas at ground level.• Decrease in the area for Shop 2 by 1 square metre.• Increase in the Office Area by 10 square metres, including a kitchen.

4.2 **30 Tramway Parade, Beaumaris**
Secondary Consent - Approve
Application No: 2008/556/1 Ward: Southern

City Strategy - Statutory Planning
 File No: 2008/556/1

APPLICATION DETAILS

Land/Address:	30 Tramway Parade, Beaumaris
Application is for:	Secondary Consent – Amended Plans
Melway Reference:	88A8
Ward:	Southern
Application Number:	2008/556/1
Applicant's/Owner's Name:	Craig Selleck
Date Received:	8 March 2011
Statutory Days Expiry:	7 April 2011
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay – Schedule 1 Vegetation Protection Overlay – Schedule 3
Restrictive Covenants on the title?	No
Current use and development:	Single dwelling

PROPOSITION

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

PROPOSAL

The application seeks to amend the endorsed plans under the secondary consent provisions provided by Condition 2 which includes:

- Relocation of the air conditioning units from the basement store room to adjacent the ground floor meals area.
- Replacing the roof shingles with concrete roof tiles.
- Air condenser units to be located on the roof deck of unit 3.
- Deleting the highlight windows on unit 3 (first floor kitchen).

SUBJECT SITE & LOCALITY

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

The subject site is located on the southern side of Outer Crescent and has a total site area of 1032 square metres.

The main site/locality characteristics are:

- The adjoining property to the north-east, at 32 Tramway Parade, contains a double storey brick dwelling with a brick garage located in front of the dwelling
- The adjoining properties to the south-west, at 6 and 8 Sparks Street, contains two (2) double storey detached brick dwellings with undercroft parking for two (2) vehicles.
- The properties to the north-west, across Tramway Parade, contain double storey dwellings.
- 4 Sparks Street is located to the south-east of the subject site and contains a double storey brick dwelling with a double garage located at the front of the site. The properties to the other side of the laneway, at 2 Sparks Street contains a double storey brick dwelling and at 453 Beach Road contains three (3) double storey dwellings.
- The subject site is located approximately 60m from Beach Road and approximately 95m from the water.

PERMIT/SITE HISTORY

The following previous planning applications have been determined for this land:

- 2008/556/1 – On 24 March 2009 Council issued a Notice of Decision to Grant a Planning Permit for the construction of three (3) double storey dwellings and removal of vegetation in a Vegetation Protection Overlay.
 - The application was appealed by one of the original objectors and the proposal was heard at VCAT and subsequently approved on 22 December 2009.
 - Council endorsed the permit plans on 12 May 2010.

PUBLIC NOTIFICATION

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

REFERRALS

No external or internal referrals were required.

ASSESSMENT

The principles or tests of Secondary Consent

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

The tests include the following:

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

The proposed amendments to the approved plans are considered to be in keeping with the original endorsed plans. The proposed variations are of a minor nature and will not cause any detrimental amenity impacts upon the adjoining neighbours and will not result in the transformation of the permit.

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

The primary consent for the planning approval was for three (3) double storey dwellings and removal of vegetation in a Vegetation Protection Overlay. The relocation of the plant equipment, revised roof materials and the removal of highlight windows are not permit triggers and do not authorise something for which primary consent is required under the Bayside Planning Scheme.

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

The purpose of the planning control under which the permit was granted aims to ensure that the dwellings are appropriate in their context and they do not result in any potential amenity impacts upon adjoining dwellings.

The air conditioning units located adjacent the meals area on the ground floor are located approximately 8.8m from habitable room windows on adjoining dwelling to the south and approximately 4.5m from habitable room windows on the adjoining dwelling to the north. This is considered an adequate separation. Similarly, the relocation of the plant equipment to the roof of unit 3 will not result in unreasonable noise detriment to the adjoining neighbours.

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

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

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

The amendments proposed are considered appropriate as discussed above and if these matters were originally applied for and assessed under the Bayside Planning Scheme, would have been considered appropriate for support.

CONCLUSION

It is considered that the amendments to the endorsed plans are appropriate for the site. They meet the tests of Secondary Consent and are not contrary to any condition or special requirement specified in planning permit 2008/556/1. It is recommended that the proposed changes be approved.

RECOMMENDATION

It is considered that the application for secondary consent is supported and the following table added to the permit:

Date	Amendment
7 June 2011	Secondary consent to amend plans: Amendment to the endorsed plans under Secondary Consent: <ul style="list-style-type: none">• Relocation of the air conditioning units from the basement store room to adjacent the ground floor meals area.• Replacing the roof shingles with concrete roof tiles.• Air condenser units to be located on the roof deck of unit 3.• Deleting the highlight windows on unit 3 (first floor kitchen).

4.3 **4 Southey Street, Brighton**
Secondary Consent - Approve
Application No. 2008/463/1 Ward: Northern

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

APPLICATION DETAILS

Land/Address:	4 Southey Street, Brighton
Application is for:	Secondary Consent – Amended Plans
Melway Reference:	67G10
Ward:	Northern
Application Number:	2008/463/1
Applicant's/Owner's Name:	R O'Connell
Date Received:	16 May 2011
Statutory Days Expiry:	16 June 2011
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 2
Restrictive covenants on the title?	No
Current use and development:	Double storey residential dwelling

PROPOSITION

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

PROPOSAL

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

The proposed retrospective amendments include:

- Deletion of a north facing window to the ground floor kitchen area of dwelling 1.
- Deletion of a metal shed located next to the rear property boundary of dwelling 2.
- Addition of a new storage shed (minimum of 3 metre wide by 1 metre deep by 2 metre high) located to the side of the garage at the rear of dwelling 2.

SUBJECT SITE & LOCALITY

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

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

The main site/locality characteristics are:

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

PERMIT/SITE HISTORY

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

Council endorsed condition 1 plans, on 3 September 2009.

A previous Secondary Consent Amended Plan was approved on 18 May 2010 to alter the material to the rear dividing wall at the second storey between the dwellings from brick to Hebal panel wall.

PUBLIC NOTIFICATION

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

Locality Map – 4 Southey Street, Brighton



Subject land ★

REFERRALS

No external or internal referrals were required.

ASSESSMENT

The principles or test of Secondary Consent

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

The tests include the following:

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

The request for retrospective changes to the approved plans, include the deletion of an existing north facing window to the ground floor kitchen area of dwelling 1, the deletion of a metal shed located next to the rear property boundary of dwelling 2 and the addition of a storage shed located to the side of the garage at the rear of dwelling 2. It is considered that this will not result in a transformation of the proposal.

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

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

It is considered that the request for secondary consent does not authorise something for which primary consent is required under the Bayside Planning Scheme.

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

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

The proposed retrospective amendment does not change the purpose for which a permit was granted. The deletion of the kitchen window of dwelling 1 and the metal shed at the rear of dwelling 2 and addition of a new storage shed to the side of the garage of dwelling 2 is considered to be relatively minor in nature and will not impact upon the amenity of the adjoining property to the east of the site.

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

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

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

CONCLUSION

It is considered that the proposed retrospective amendments are appropriate, and meet the above tests that relate to secondary consent. It is therefore recommended that the amended plans be approved.

RECOMMENDATION

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

Date	Amendment
7 June 2011	Secondary consent to amend plans: <ul style="list-style-type: none">• Deletion of a north facing window to the ground floor kitchen area of dwelling 1.• Deletion of a metal shed located next to the rear property boundary of dwelling 2.• Addition of a new storage shed (minimum of 3 metre wide by 1 metre deep by 2 metre high) located to the side of the garage at the rear of dwelling 2.

4.4 **851 Hampton Street, Brighton**
Secondary Consent - Approve
Application No. 2007/0714/1 Ward: Northern

City Strategy - Statutory Planning
 File No: 2007/0714/1

APPLICATION DETAILS

Land Address:	851 Hampton Street, Brighton
Application is for:	Secondary Consent – Amended Plans
Melway Reference:	67 G11
Ward:	Northern
Application Number:	2007/0714/1
Applicant's/Owner's Name:	Michael Angus
Date Received:	28 February 2011
Statutory Days Expiry:	28 March 2011
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 2
Restrictive covenants on the title?	No
Current use and development:	Dwelling

PROPOSITION

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

PROPOSAL

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

The proposed amendments include:

- Relocation of the internal lobby staircase.
- Relocation of the mezzanine level bathroom for Unit 4.

SUBJECT SITE & LOCALITY

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

The site is located on the west side of Hampton Street and midway between Durrant Street and Centre Road.

The site has a total area of 636.83 square metres and currently contains:

- A single storey weatherboard dwelling with a weatherboard shed at the rear of the site.

The main site/locality characteristics are:

- To the north of the site, 1/853 and 2/853 Hampton Street are double storey brick units.
- To the south of the site, 849 Hampton Street is a vacant site.
- To the east of the site, (across Hampton Street) are single and double storey dwellings.
- To the west (rear) of the site is a single storey brick dwelling.

PERMIT/SITE HISTORY

The history of the site includes:

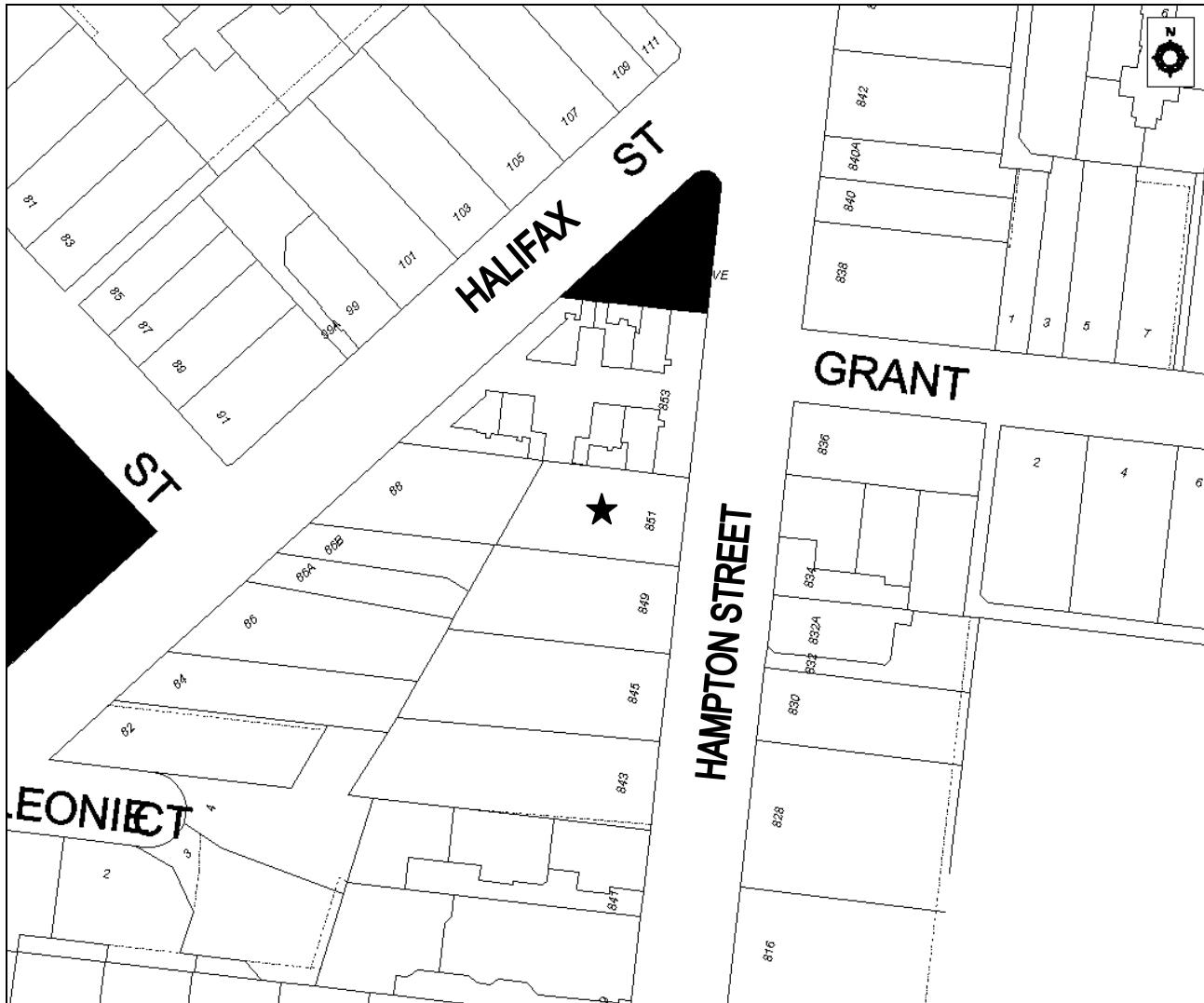
- On 16 June 2008, Council determined to issue A Refusal to Grant a Permit for Planning Permit 2007/0714/1. The applicant appealed Councils decision for Planning Permit 2007/0714/1 and the permit was granted at the direction of VCAT for the development of four (4) dwellings.

Council endorsed Condition 1 plans, on 29 September 2009.

PUBLIC NOTIFICATION

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

Locality Map – 851 Hampton Street, Hampton



Legend	
Subject land	★

REFERRALS

No external or internal referrals were required.

ASSESSMENT

The principles or tests of Secondary Consent

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

The tests include the following:

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

The proposed relocation of the lobby staircase and mezzanine level bathroom for dwelling 2 will not transform the approved development. The proposed variations are of a minor nature and will not cause any detrimental amenity impacts upon the adjoining neighbours.

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

The primary consent for the planning approval was for the construction of four (4) dwellings. The internal alteration to both the lobby staircase and the mezzanine level bathroom for dwelling 4 are not permit triggers and do not authorise something for which primary consent is required under the Bayside Planning Scheme.

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

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

The internal rearrangement of the lobby staircase and mezzanine level bathroom for dwelling 4 are minor in nature and are located within the centre of the development. There will be no increase in the overall height of the development and no external changes to the elevations.

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

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

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

CONCLUSION

It is considered that the proposed amendments to the endorsed plans are appropriate for the site. They meet the tests of Secondary Consent and are not contrary to any condition or special requirement specified in planning permit 2007/0714/1. It is recommended that the proposed changes be approved.

RECOMMENDATION

That the Amended Plans for the changes to the endorsed plans of **Planning Permit No. 2007/0714/1** be **approved** under the Secondary Consent provisions for the development of four (4) dwellings at **851 Hampton Street, Hampton** and the following table be added to the permit:

Date	Amendment
6 June 2011	Secondary consent to amend plans: Amendment to the endorsed plans under Secondary Consent: <ul style="list-style-type: none">• Relocation of the internal lobby staircase.• Relocation of the mezzanine level bathroom for Unit 4.

4.5 **298 South Road, Hampton East**
Notice of Decision to Grant a Permit
Application No. 2010/0773/1 Ward: Central

City Strategy - Statutory Planning
 File No: 2010/0773/1

APPLICATION DETAILS

Land Address:	298 South Road, Hampton East
Application is for:	Construction of a multi-dwelling development (apartment building) with basement car parking in a Design and Development Overlay Schedule 2 and access to a Road Zone Category 1
Melway Reference:	77 B4
Ward:	Central
Application Number:	2010/0773/1
Applicant's/Owner's Name:	The Silver Arc
Date Received:	22 December 2010
Statutory Days Expiry:	24 February 2011
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 2
Under what clause(s) is a permit required?	Clause 32.01-4 – Construction of two (2) or more dwellings 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:	Single storey dwelling
Objections:	Seven (7)

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 two (2) storey apartment building containing ten (10) apartments with basement carparking comprising the following:

- Ten (10) apartments containing two bedrooms.
- Basement level containing thirteen (13) car spaces and bicycle parking for four (4) bikes.
- Amended access to a Road Zone Category 1.

SUBJECT SITE & LOCALITY

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

The site has a total area of 925.75 square metres and currently contains:

- A single storey dwelling.

The main site/locality characteristics are:

- The eastern boundary of the site (side) abuts a shared driveway and rear garden of two (2) residential properties at 1-2/300 South Road.
- The western boundary of the site (side) abuts the rear open space of a sixteen (16) unit residential development at 290 – 296 South Road.
- The southern boundary of the site (rear) abuts the rear garden of a residential property at 63 Lonsdale Avenue.
- The subject site is located on South Road which is a Category 1 Road.

PERMIT/SITE HISTORY

No previous planning applications have been determined.

PUBLIC NOTIFICATION

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

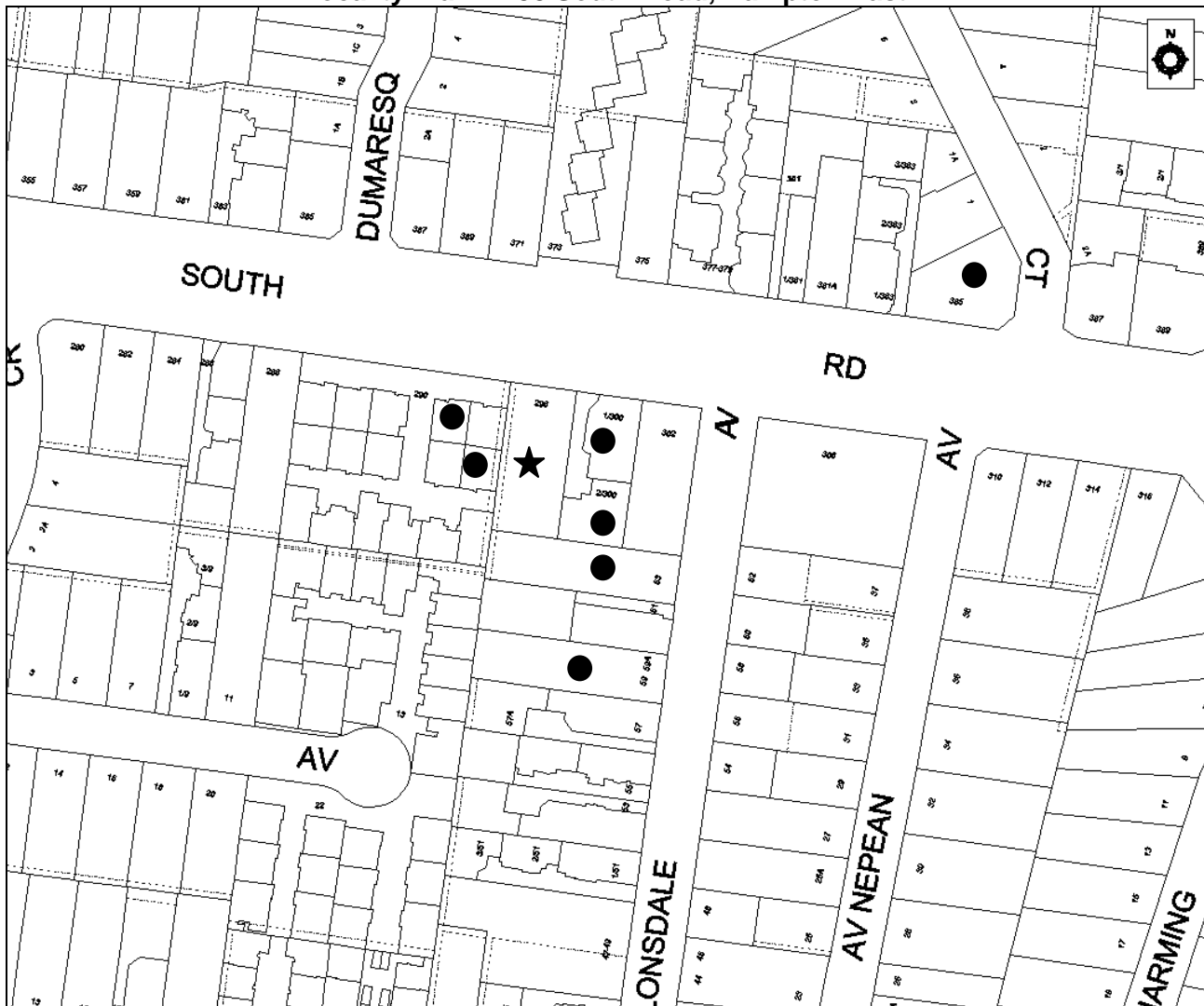
- Sending notices to the owners and occupiers of adjoining land
- Placing a sign on site

The notification has been carried out correctly.

Council has received seven (7) objections to date.

The key issues that were raised in the objections are:

- Overdevelopment of the site
- Height of the development
- Visual bulk of the development
- Increase in use of the existing infrastructure for sewerage etc.
- Increase in noise from the site
- Carparking issues
- Safety concerns
- Overshadowing
- Overlooking and loss of privacy

Locality Plan – 298 South Road, Hampton East


Legend	
Subject land	★
Location of Objectors	●

CONSULTATION

The permit applicant declined an invitation to attend a consultation meeting.

REFERRALS

External Referrals/Notices by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	VicRoads
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.
Drainage Engineer	No objection, subject to conditions.
ESD	No objection, subject to conditions.
Urban Strategy	No objection.

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

- Clause 19 Infrastructure – The provision of social and physical infrastructure should be provided in a way that is efficient, equitable, accessible and timely. The recognition of social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support. To promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met. To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment. To reduce the impact of stormwater on bays and catchments. To avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and unsustainable waste practices.

Municipal Strategic Statement

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

Local Planning Policies

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

Particular Provisions

- Clause 52.29 Land Adjacent to a Road Zone, Category 1 – **A planning permit is required to alter 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.

Strategic Planning

The proposed apartment building containing ten (10) dwellings with basement parking is located approximately 250 metres from the Moorabbin Major Activity Centre and is located close to several bus routes (811, 812). It is considered that the location of the subject site is appropriate for development of this size and type and will not affect the amenity of the streetscape. The area exhibits several medium density development including the site to the west of the site at 230 South Road (16 units), and opposite the site, at 373 South Road (19 units).

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>

South Road contains a mixture of traditional and contemporary housing styles on medium to large allotments with several unit developments in the vicinity of the site. Garden and street planting are important elements in establishing dwelling 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 setbacks are appropriate for the site and provide a visual separation between the subject site and adjoining properties.

A mix of materials and finishes coupled with indentations to the built form to the streetscape interface 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 proposal 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 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 (front)	9 metres	<u>8.5 – 8.9 metres</u>	9 metres	10.5 – 14.5 metres
West (side)	0 or 2 metres	3 – 3.34 metres	3.02 – 3.5 metres	4 – 4.6 metres
East (side)	0 or 2 metres	3 metres	3.02 – 3.62 metres	4 – 4.6 metres
South (rear)	0 or 3 metres	3.03 – 3.34 metres	3.9 – 4.02 metres	4.6 metres

The proposed ground floor front setback of 8.5 – 8.9 metres does not strictly comply with the 9 metre setback requirement of the Bayside Planning Scheme. However, the proposed front setback does reflect the prevailing setback pattern within the streetscape which averages between 7 – 9 metres. It is considered that the proposed setback is appropriate for the site and will not affect the existing streetscape character.

The proposed ground and first floor side and rear setbacks for the development comply with the requirements of the Schedule to the Residential 1 Zone of the Bayside Planning Scheme.

Visual Bulk/ Building Height

The overall height of the building at 8.4 – 9.3 metres does not comply with the 9 metre height permit threshold requirements of the Design and Development Overlay Schedule 2 and as such requires a planning permit pursuant to Clause 43.02 Design and Development Overlay Schedule 2 of the Bayside Planning Scheme. The proposed maximum height of 9.3 metres is due to the slope of the land and is limited in area. The streetscape elevation indicates that from a streetscape perspective, the scale and height of the development will fit comfortably within this area and responds to 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 and complements the residential characteristics of the area.

Council's Urban Designer advises that the development does not present excessive bulk to the street or to the adjoining properties as there is articulation in the form of the development, and a varied mix of materials and finishes. It is considered that the height is appropriate in planning terms.

Site Coverage

The development is proposed to have a site coverage of 52.1%, which does not comply with the 50% site coverage requirement of the Bayside Planning Scheme. However, it is considered that the proposed development includes sufficient areas for landscaping, to respond appropriately to the character of the surrounding area.

Traffic and Car Parking

The proposed development proposes the construction of a basement containing thirteen (13) car spaces of which three (3) are visitor spaces. The proposed development requires ten (10) car spaces for the dwellings and two (2) visitor spaces for a total of twelve (12). The on-site car parking provided exceeds the requirements of the Bayside Planning Scheme.

It is proposed to provide space within the basement for four (4) bicycle spaces which complies with the requirements of the Bayside Planning Scheme. Four (4) bicycle spaces are considered an acceptable number for a ten (10) 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 have 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 and comments that there is no vegetation onsite that is worthy of retention.

It is considered appropriate that a permit condition, should a permit issue, require submission of a landscape plan 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 existing street tree to Australian Standards.

Overlooking

The proposed development presents the opportunity for unreasonable overlooking to secluded private open space areas of adjoining properties. A wrap around first floor balcony is proposed for the development with a 300mm wide landscape strip on the outer edge with planting to a height of 1.7 metres. Relying on landscaping is not an acceptable screening method for a development and will present significant overlooking opportunities to the east, west and south of the site. A condition can be included on any permit that may issue to provide a 0.5 metre blade on a 45 degree angle on the outer edge of the first floor balcony east, west and south elevations to ensure compliance with Clause Standard B22 (Overlooking) and Standard B23 (Internal Overlooking) of the Bayside Planning Scheme. The inclusion of this condition will ensure that if the vegetation does not provide sufficient screening the amenity of the adjoining properties is protected. 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 east and west of the building. Habitable rooms are generally located to the east and west of the building to maximise solar access. 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.

Issues raised by objectors

The following comments are in relation to objections raised but not discussed elsewhere within the report.

Noise levels generated by the development will not result in unreasonable detriment and be typical of normal urban residential noise levels.

With respect to the increase in the use of the existing infrastructure, a development of this nature will not significantly impact upon the existing infrastructure within the area.

CONCLUSION

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

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. 2010/0773/1** 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 **298 South Road, Hampton East** for the **Construction of a multi-dwelling development (apartment building) with basement car parking in a Design and Development Overlay Schedule 2 and access to a Road Zone Category 1** in accordance with the application dated 22 December 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 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.
 - c) 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.
 - d) The proposed landscape treatment for the site including the existing and replacement plant species in accordance with the requirements of condition 5 of this permit.
 - e) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally identified on the plans.
 - f) Details of screening to the first floor west, east and south balcony in the form of a 0.5 metre blade on a 45 degree angle on the outer edge of the wraparound balcony to ensure compliance with Clause 55.04-6 Standard B22 (Overlooking) and Standard B23 (Internal Overlooking) of the Bayside Planning Scheme.
 - g) Water sensitive urban design stormwater treatment measures providing a rating of a minimum of 100% in accordance with Condition 11 of this permit.
 - h) Alterations to the development in accordance with VicRoads requirements of condition 13 of this permit.
 - i) The basement ramp must show a 5 metre by 7 metre passing area at the entrance to the basement.
 - j) The basement and access ramp must comply with the requirements of Australian Standard AS 2890.1.
2. P4 Layout not altered
3. A18 Concealment of pipes
4. A19 Plant and equipment or features on roof

5. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) 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.
 - e) landscaping and planting within all open areas of the site
6. L2 Completion of landscaping
7. L3 Landscaping maintenance
8. Before the development (including demolition) starts, the applicant must submit a report detailing tree protection in accordance with Australian Standard 4970: Protection of Trees on Development Sites, including trees on adjacent properties (within 3 metres of any common property boundary. This must be adhered to before, during and after construction.
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. Before the development begins, detailed plans (3 sets) 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.
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;
 - d) These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

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

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. VicRoads conditions
 - a. The proposed vehicular crossing near the western side property boundary must be construction in accordance with the submitted plan to the satisfaction of the responsible authority.
 - b. The eastern edge of the vehicular crossover must be angled at 60 degrees to the road reserve boundary, to improve entry and existing conditions 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
<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>	No	<p>Minimum: 9 metres</p> <p>Proposed: 8.5 - 8.9 metres</p>
<p>B7 Building Height</p> <p>Building height should respect the existing or preferred neighbourhood character.</p>	No	<p>Maximum: 9 metres</p> <p>Proposed: 8.4 – 9.3</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	<p>Maximum: 50%</p> <p>Proposed: 52.1%</p>
<p>B9 Permeability</p> <p>Reduce the impact of stormwater run-off</p>	Yes	Minimum: 20%

on the drainage system and facilitate on-site stormwater infiltration.		Proposed: 37%
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.	Yes	N/A

Protect residents from vehicular noise within developments.				
B16 Parking Provision Ensure car and bicycle parking meets the needs of residents and visitors. Accessways should be practical, attractive and easily maintainable.	Yes	Minimum: One (1) space each dwelling and two (2) visitor spaces Proposed: one (1) space each dwelling and three (3) visitor spaces		
B17 Side and Rear Setbacks Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	Yes	<table border="0"> <tr> <td style="vertical-align: top;"> Required: <u>Ground Floor</u> North: N/A East: 0 or 2 metres South: 0 or 3 metres West: 0 or 2 metres <u>First Floor</u> North: N/A East: 3.02 – 3.62 metres South: 3.9 – 4.02 metres West: 3.02 – 3.5 metres </td> <td style="vertical-align: top;"> Proposed: <u>Ground Floor</u> North: N/A East: 3 metres South: 3.03 – 3.34 metres West: 3 – 3.34 metres <u>First Floor</u> North: N/A East: 4 – 4.6 metres South: 4.6 metres West: 4 – 4.6 metres </td> </tr> </table>	Required: <u>Ground Floor</u> North: N/A East: 0 or 2 metres South: 0 or 3 metres West: 0 or 2 metres <u>First Floor</u> North: N/A East: 3.02 – 3.62 metres South: 3.9 – 4.02 metres West: 3.02 – 3.5 metres	Proposed: <u>Ground Floor</u> North: N/A East: 3 metres South: 3.03 – 3.34 metres West: 3 – 3.34 metres <u>First Floor</u> North: N/A East: 4 – 4.6 metres South: 4.6 metres West: 4 – 4.6 metres
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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 are proposed on the boundaries		
B19 Daylight to Existing Windows Allow adequate daylight into existing habitable room windows.	Yes	N/A		
B20 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.	Yes	N/A		

B21 Overshadowing Open Space Ensure buildings do not significantly overshadow existing secluded private open space.	Yes	See report
B22 Overlooking Limit views into existing secluded private open space and habitable room windows.	No	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	Can be addressed though a permit condition
B27 Daylight to New Windows Allow adequate daylight into new habitable room windows.	Yes	N/A
28 Private Open Space Provide reasonable recreation and service needs of residents by adequate private open space.	Yes	Minimum: 8 metres square of private open space Proposed: Unit 1: 62m ² Unit 2: 33.8m ² Unit 3: 60.8 m ² Unit 4: 60.8 m ² Unit 5: 31.5 m ² Unit 6: 49.9 m ² Unit 7: 58.6 m ² Unit 8: 18.4 m ² Unit 9: 42.5 m ² Unit 10: 18.3 m ²
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	Can be addressed through a permit condition
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: 1.89 – 1.96 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	N/A
B34 Site Services Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.	Yes	N/A

4.6 **1/137 Cole Street, Brighton**
Notice of Decision to Grant a Permit
Application No. 2011/0111/1 Ward: Northern

City Strategy - Statutory Planning
 File No: 2011/0111/1

APPLICATION DETAILS

Land/Address:	1/137 Cole Street, Brighton
Application is for:	Buildings and works to an existing dwelling on a lot less than 500 square metres
Melway Reference:	67 G6
Ward:	Northern
Application Number:	2011/0111/1
Applicant's/Owner's Name:	Mr G Brown
Date Received:	25 February 2011
Statutory Days Expiry:	29 April 2011
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 2
Under what clause(s) is a permit required?	Clause 32.01-3 – Buildings and works to an existing dwelling on a lot less than 500 square metres
Restrictive covenants on the title?	No
Current use and development:	Single dwelling
Objections:	Five (5)

PROPOSITION

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

PROPOSAL

It is proposed to undertake buildings and works to an existing single storey dwelling on a lot less than 500 square metres. The proposal includes the following:

- Removal of the existing garage door and the replacement with a wall and window.
- Deletion of the existing garden areas to the sides of the driveway and the widening of the driveway to allow two (2) vehicles to park.

The proposed buildings and works have commenced with the garage door being removed and the new wall and window being installed.

SUBJECT SITE & LOCALITY

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

The site has a total area of 244 square metres and currently contains:

- A single storey brick dwelling, that is the front dwelling of a three unit development.

The main site/locality characteristics are:

- The adjoining property to the north, at 2/137 Cole Street, contains a single storey brick dwelling.
- The adjoining property to the west, at 135 Cole Street, contains one (1) double storey brick dwelling and one (1) single storey dwelling.
- The adjoining property to the east, at 139 Cole Street, contains a single storey brick dwelling.
- The subject site is opposite a single storey dwelling, at 124 Cole Street, to the south.

PERMIT/SITE HISTORY

Planning Permit No. 1996/2154 for a three (3) unit development was approved by Council on 23 October 1996.

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 to date.

The key issues that were raised in the objections are:

- Loss of parking spaces on the site and if the crossover is increased in width the loss one (1) on-street space.
- Use of the garage as a future bedroom/study area.

Locality Plan – 1/137 Cole Street, Brighton


Legend	
Subject land	★
Location of Objector	●

CONSULTATION

The permit applicant declined an invitation to attend a consultation meeting.

REFERRALS

External Referrals/Notices by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	N/A
Internal Council Referrals	Advice/Response/Conditions
Urban Designer	No objection.
Traffic Engineer	No objection.

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

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 A2.

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 construction or extension of a dwelling on a lot less than 500 square metres. The Schedule to the zone incorporates requirements specific to Bayside.

Overlays

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

A planning permit is not required under the DDO2.

Particular Provisions

- Clause 54 Lots under 500 square metres - 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 A2 within Clause 22.07 Neighbourhood Character Policy of the Bayside Planning Scheme. The preferred future character statement reads:

The compact streetscapes continue to be dominated by pre World War 2 dwellings, and new dwellings that respect the forms, siting and materials of the older dwellings. The consistently pitched roof forms and highly articulated front wall facades form a unified, fine grain subdivision pattern. The character of the area is enhanced by the use of light materials in building facades, and open style front fences that allow views to the buildings and gardens.

The precinct guidelines 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.	<ul style="list-style-type: none"> Attempt to retain wherever possible intact and good condition dwellings that contribute to the valued character of the Precinct in designing new development. Alterations and extensions should retain the front of these dwellings and be appropriate to the building era. 	<i>Demolition of dwellings that contribute to the valued character of the Precinct.</i>
To maintain and enhance the small garden settings of the dwellings.	<ul style="list-style-type: none"> Retain existing vegetation and provide for the planting of new trees and shrubs wherever possible. 	<i>Lack of vegetation in garden spaces.</i>
To maintain the rhythm of spacing of buildings from the front and side boundaries and provide space for front gardens.	<ul style="list-style-type: none"> Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation. 	<i>Loss of front garden space.</i>
To minimise the number of vehicular crossovers and the dominance of driveways and car parking structures.	<ul style="list-style-type: none"> Locate garages and car ports at or behind the line of the dwelling. Provide for vehicular access from a rear laneway where possible. Where required, and where the pattern is established in the street, a single width crossover may be provided. 	<i>Dominance of crossovers and driveways.</i> <i>Car ports or garages in the front setback area.</i>
To ensure new dwellings and extensions do not dominate the streetscape.	<ul style="list-style-type: none"> Recess upper level elements from the front façade. 	<i>Large, bulky buildings with flat, poorly articulated front wall surfaces.</i>

Objective	Design Response	Avoid
To encourage contemporary architectural responses that respect surrounding dominant building styles and fine grain subdivision pattern.	<ul style="list-style-type: none"> Adopt, adapt or re-interpret existing building forms (eg. Façade proportions and articulation, roof forms, plan forms) without copying period design details. 	<i>Imitation or reproduction of historic building styles.</i> <i>Buildings lacking in façade articulation.</i>
To respect the identified heritage qualities of adjoining buildings.	<ul style="list-style-type: none"> Where adjoining an identified heritage building, new buildings should respect the height, building forms, siting and materials of the heritage building. 	<i>Buildings that dominate heritage buildings by height, siting or massing.</i>
To use building materials and finishes that complement the dominant pattern within the streetscape.	<ul style="list-style-type: none"> Incorporate timber or a combination of masonry and non-masonry materials where possible, and render, bag or paint large brick surfaces. 	<i>Heavy design detailing (eg. masonry columns and piers) and excessive use of a single masonry material or 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 era of the dwelling. 	<i>High, solid front fencing.</i>

Cole Street is typified by small to medium sized dwellings set within established gardens. There is a prevalence of unit development within the section of Cole Street intersecting with Asling Street surrounding the subject site.

The proposed conversion of the double garage to a storage/laundry through the construction of a wall and window is minor in nature and will not affect the existing character of the area as it will remove the visual appearance of a car parking structure (garage) from the streetscape. It is considered that, should a permit be granted, a condition be included to require the retention of the existing crossover to maintain the existing crossover pattern in the streetscape.

The proposed wall is to match the existing building to retain the visual presentation which is complementary to similar developments within the surrounding area.

Traffic & Car Parking

No specific car parking requirements are set out in the Planning Scheme for extensions to dwellings, however in general terms the scheme expects that single dwellings will be provided with two (2) car spaces. With the conversion of the garage two (2) car spaces will still be available in the driveway in front of it. Although open car spaces are usual in Bayside there is nothing in the Planning Scheme which prohibits or mitigates against them. Indeed open car spaces are common in other areas of Melbourne.

The proposed increase in the width of the existing driveway to allow two (2) vehicles to park off street is an appropriate design response subject to a condition on any permit to issue requiring that the existing crossover be reconstructed to be a minimum of 3.3 metres in width when measured from the footpath and that there be no increase in the width towards the east to ensure that no on-street car spaces are lost. Council's Traffic Engineer has viewed the plans and does not oppose the application subject to the crossover not being significantly increased in width.

It is considered that subject to conditions the proposed conversion of the garage is an appropriate design response and will not affect the existing parking situation within the area.

Landscaping

The proposal includes the removal of two (2) existing garden beds on either side of the existing driveway. Currently there is no vegetation within the areas and they are used as storage for household bins. It is considered that the removal of the garden beds is acceptable due to the landscaped garden within the remainder of the front setback and the low 1.5 metre high timber picket fence providing a visual connection with the streetscape.

CONCLUSION

The proposed development is considered to be appropriate for the site and will not detract from the existing streetscape and neighbourhood character. The proposal will be sympathetic to surrounding development and will respect the residential amenity of adjoining properties. 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. 2011/00111/1** 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 **1/137 Cole Street, Brighton** for the **buildings and works to an existing dwelling on a lot less than 500 square metres** in accordance with the application dated 25 February 2011, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit.
The plans must be generally in accordance with the application but modified to show to the satisfaction of the Responsible Authority:
 - a. The existing crossover to be reconstructed and increased in width to 3.3 metres with no increase in width towards the east.
2. P4 Layout not altered
3. PT1 Time for starting and completion

Permit Notes

N2 Building approval

4.7 **2 St James Park Drive, Brighton**
Notice of Decision to Grant a Planning Permit
Application No: 2010/0556/1, Ward: Northern

City Strategy - Statutory Planning
 File No: 2010/0556/1

APPLICATION DETAILS

Land/Address:	2 St James Park Drive, Brighton
Application is for:	Alterations and additions to an existing dwelling on a lot less than 500 square metres
Melway Reference:	69G12
Ward:	Northern
Application Number:	2010/0556/1
Applicant's/Owner's Name:	Paul Mingarelli
Date Received:	24 September 2010 (revised plans received 10 March 2011)
Statutory Days Expiry:	9 May 2011
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 2
Under what clause(s) is a permit required?	Clause 32.01-3 – Construction of a single dwelling on a lot less than 500 square metres
Restrictive covenants on the title?	Yes (proposal does not breach covenant)
Current use and development:	Existing double storey dwelling
Objections:	Two (2)

PROPOSITION

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

PROPOSAL

It is proposed to construct alterations and additions to the existing double storey dwelling on the site. Part of the works are retrospective, and a planning permit is being sought after a 'Building Order to stop work' was issued by Bayside City Council on 8 September 2010.

The proposed alterations and additions include the following:

- Roofing and enclosing the first floor balcony to the rear of the dwelling.
- Existing deck walled and roofed to create Walk-In-Robe (southern elevation) on the first floor.
- A verandah to the north-east of the dwelling on the ground floor. The verandah is to be 5.2m long by 2.97m wide with a 2.56m high roof above.

SUBJECT SITE & LOCALITY

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

The site has a total area of approximately 315 square metres and currently contains:

- A double storey rendered brick dwelling

The main site/locality characteristics are:

- To the south of the subject site, 36 Berwick Street contains a double storey rendered brick dwelling.
- To the north of the subject site, 4 St James Park Drive contains a double storey rendered brick dwelling.
- To the east of the subject site, 45 St James Park Drive contains a double storey brick dwelling.
- To the west of the subject site, 1 St James Park Drive contains a double storey brick dwelling.
- Cora Lynn Park is located approximately 65m east of the subject site.
- Bay Street Activity Centre is located approximately 320m south-east of the subject site.

PERMIT/SITE HISTORY

There have been no previous planning applications for this land.

PUBLIC NOTIFICATION

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

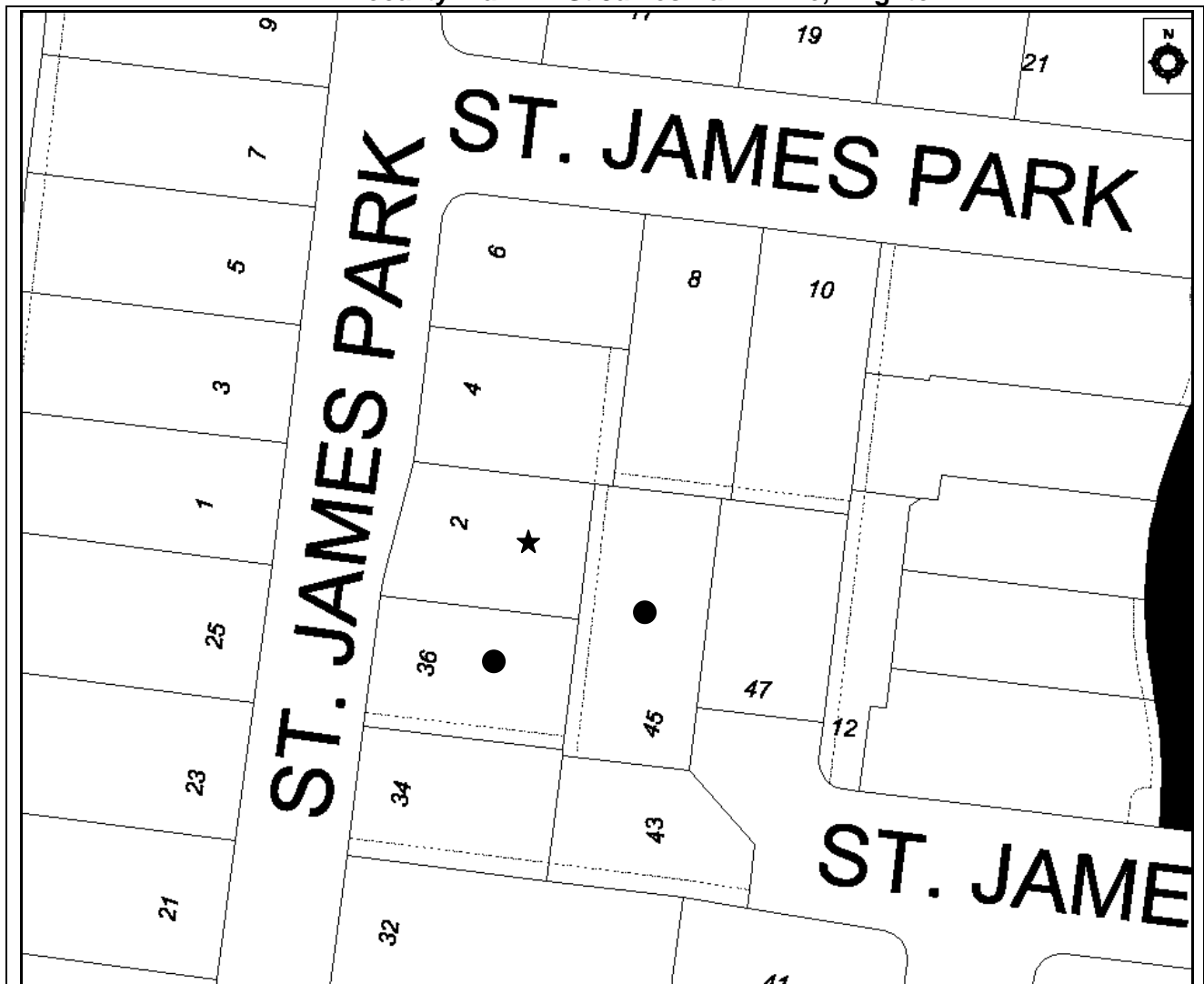
- Sending notices to the owners and occupiers of adjoining land

The notification has been carried out correctly. Council has received two (2) objections to date.

The key issues that were raised in the objections are:

- Overdevelopment/Visual Bulk
- Setbacks
- Overshadowing
- Overlooking

Locality Plan – 2 St James Park Drive, Brighton



Legend

Subject site	★
Location of objectors	●

CONSULTATION MEETING

The permit applicant declined an invitation to attend a consultation meeting.

REFERRALS

External Referrals/Notices by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	There were no Section 55 referrals

Internal Council Referrals	Advice/Response/Conditions
Internal Referrals	There were no internal referrals required

ASSESSMENT

Relevant Provisions of the Bayside Planning Scheme

State Planning Policies

Clause 10 - Operation of the State Planning Policy Framework

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

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

Clause 15 - Built Environment and Heritage

All new land use and development should appropriately respond to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. Quality built environments should be created that achieve high quality urban design and architecture that:

- Contributes positively to local urban character and sense of place.
- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Enhances liveability, diversity, amenity and safety of the public realm.
- Promotes attractiveness of towns and cities within broader strategic contexts.
- Minimises detrimental impact on neighbouring properties.

Clause 16 - Housing

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

Clause 16.01-4 - Housing diversity

A range of housing types to meet increasingly diverse needs should be provided. The development of well-designed medium-density housing is encouraged, which should:

- Respect the neighbourhood character.
- Improve housing choice.
- Make better use of existing infrastructure.
- Improve energy efficiency of housing.
- Support opportunities for a wide range of income groups to choose housing in well serviced locations.
- Ensure planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres.

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 required to construct or extend a dwelling on a lot less than 500m²

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.

This overlay does not trigger the need for a Planning Permit.

Particular Provisions
Clause 54 – Development on a site less than 500m²

Includes specific objectives and standards for residential development.

General Provisions
Clause 65 Decision Guidelines

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

SUMMARY OF KEY ISSUES
Neighbourhood Character

The subject site is located with Neighbourhood Character Area B1. The preferred future character statement and precinct guidelines are shown below.

The diverse dwelling styles, with a continued presence of pre WW2 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.

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 carports 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 	<i>Car parking facilities that dominate the facade or view of the dwelling.</i> <i>Dominance of crossovers and driveways.</i>

Objective	Design Response	Avoid
	no alternative is available.	
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>

The dwellings in the area are predominantly double storey recent infill development, with reduced front setbacks and garages built in line with the façade of properties. The front fences are typically transparent and provide substantial views of the dwellings.

It is considered that the proposal will have very little impact upon the streetscape as the alterations and additions are located to the side and rear of the dwelling and will not be visible from the street.

Setbacks

The following table shows the required and constructed side and rear setbacks which apply to the enclosure of the balcony on the first floor:

	Required	Constructed conditions
North (side)	3.44m	6.2m
South (side)	3.44m	<u>2m</u>
East (rear)	4.44m	<u>2m</u>

The first floor setback of the enclosed balcony and deck, that has been partially constructed, do not comply with the Schedule to the Residential 1 Zone. The balcony is set back 2m from the south and west boundary whilst a 3.44 and 4.44m setback is required respectively. It is considered that the proposed setbacks for the enclosed balcony are inappropriate and result in visual bulk detriment to the amenity of the adjoining neighbours at 36 Berwick Street and 45 St James Park Drive. As the enclosure of this balcony is partially constructed a permit condition is recommended for its removal within six (6) months of the date of the permit.

The enclosure of the decking to the southern elevation of the first floor is considered to be appropriate as it does not result in any excessive amenity impacts. The new wall is only 2m long and does not discernibly increase the bulk of the dwelling when viewed from the adjoining private open space of 36 Berwick Street. The enclosed deck will maintain the existing set back of the southern elevation (2m). It is considered that this non compliant setback is appropriate in this instance and does not detrimentally affect the amenity of the adjoining dwelling at 36 Berwick Street.

Visual Bulk

The 2m setback of the enclosed balcony dominates the private open space of 36 Berwick Street. The building results in 13.3m of wall, at a height of 6m, set 2m from the boundary to the south. This is excessive and not considered to be appropriate for such a small site (315m²). Further consideration has also been given to the close proximity of the adjoining dwelling at 36 Berwick Street, which has all secluded private open space in the courtyard directly adjoining the enclosed balcony. The 2m setback of the balcony wall would be unreasonably bulky and visually dominant from all points within the secluded private open space. It is therefore considered that a condition be included in any permit to issue, requiring the enclosed balcony to be fully removed from the first floor of the dwelling.

Council has received two (2) objections from 36 Berwick Street and 45 St James Park Drive, both of which raise concerns regarding the excessive visual bulk that the development presents. It is considered that the removal of the enclosed first floor balcony will address these concerns.

Overlooking

Although the enclosure of the balcony is not supported in concept it is noted that it has no windows facing the south or eastern boundaries and the 1.78m privacy screen would provide sufficient screening to the adjoining dwelling at 45 St James Park Drive.

From the ground floor, the proposed verandah will maintain the same finished floor level of the existing dwelling. Given the 2.4m height of the northern boundary fence, there will be no overlooking concerns as a result of the proposed verandah.

Overshadowing

The shadow diagrams have been checked and found to be correct. The enclosed balcony results in increased shadowing to the rear secluded private open space of 36 Berwick Street between 9am and mid afternoon. 45 St James Park Drive currently has shadow which covers the ground and first floor windows facing west towards the subject site. It is considered that the increased shadow as a result of the enclosed balcony results in shadowing to a majority of the private open space to 36 Berwick Street. Whilst this level of overshadowing may comply with the Standard, the existing double storey dwelling already shadows its own secluded private open space significantly. A site visit to 36 Berwick Street on 10 February 2011 confirmed that the visual bulk of the balcony results in an increased level of overshadowing

The removal of the enclosed balcony (in accordance with the recommended conditions) will provide a more appropriate level of natural light to the adjoining dwellings.

Other issues raised by objectors

Of the two (2) objections received from 36 Berwick Street and 45 St James Park Drive, the main concern was regarding visual bulk and overshadowing. Other concerns raised include:

- Loss of views

- Loss of property value

These issues cannot be considered under the Planning Scheme and therefore have not been addressed.

CONCLUSION

The application has received two (2) objections relating specifically to the enclosing of the balcony. It is considered that the addition results in excessive visual bulk due to its height and proximity to the southern boundary. Furthermore, the increased overshadowing to 36 Berwick Street and setback non compliance with the Schedule to the Residential 1 Zone exacerbates the impact of the alterations and additions. The proposed verandah to the ground floor and the enclosing of the first floor decking to the south is considered to be of no consequence to the adjoining neighbours or neighbourhood character and can be supported. It is recommended that a Notice of Decision to Grant a Planning Permit is issued, subject to conditions.

RECOMMENDATION

That Council having caused notice of Planning Application No. **2010/0556/1** 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 **2 St James Park Drive, Brighton**, for the **alterations and additions to an existing dwelling on a lot less than 500m²** in accordance with the application dated 24 September 2010 and revised plans submitted 10 March 2011, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The first floor enclosed balcony to the rear must be removed.
 - b) All measurements shown on the plans must be from natural ground level.
2. P4 Layout not altered
3. A19 Plant/equipment or features on roof
4. All works hereby permitted must be completed within six (6) months from the date of this permit.
5. The first floor enclosed balcony must be removed within six (6) months from the date of this permit to the Satisfaction of the Responsible Authority
6. This permit will expire six (6) months from the date of issue.

Permit Notes

N2 Building approval

STANDARD OF THE BAYSIDE PLANNING SCHEME

For single dwellings on lots <500 square metres (clause 54 and schedule to the residential 1 zone)

Title and Objective	Complies with Standard?	Requirement and Proposed		
A1 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	The proposal will have little impact upon the neighbourhood character of the area as the alterations and additions are focussed towards the rear/sides of the dwelling.		
A2 Integration with Street Integrate the layout of development with the street.	Yes	No change		
A3 Street Setback Setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site	Yes	No change		
A4 Building Height Building height respects the existing or preferred neighbourhood character.	Yes	Maximum: 9 metres Proposed: No change		
A5 Site Coverage Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	Yes	Maximum: 50% Proposed: No change		
A6 Permeability Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Yes	Minimum: 20% Proposed: No change		
A7 Energy Efficiency Achieve and protect energy efficient dwellings. Ensure the development's orientation and layout reduce fossil fuel energy use and makes appropriate use of daylight and solar energy.	Yes	The dwelling has a number of windows which allows for appropriate use of natural solar energy.		
A8 Significant Trees Development respects the landscape character of the neighbourhood and retains significant trees on site.	N/A	No impact on any tree on the site		
A9 Parking Ensure car parking is adequate for the needs of residents.	N/A	There are no proposed changes to the car parking on site		
A10 Side and Rear Setbacks Ensure the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on	No	<i>First floor</i>	Required	Existing
		North	3.44m	6.2m
		South	3.44m	<u>2m</u>

the amenity of existing dwellings.		East	4.4m	<u>2m</u>
A11 Walls on Boundaries Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.	N/A	There are no proposed walls on boundary		
A13 North Facing Windows Allow adequate solar access to existing north-facing habitable room windows.	N/A	The proposal will allow for adequate north facing solar access.		
A14 Overshadowing Open Space Ensure buildings do not unreasonably overshadow existing secluded private open space.	No	See report		
A15 Overlooking Limit views into existing secluded private open space and habitable room windows	Yes	The alterations and additions provide sufficient screening and comply with Standard A15		
A16 Daylight to New Windows Allows adequate daylight into new habitable room windows.	N/A	There are no proposed changes to the habitable room windows		
A17 Private Open Space Provide adequate private open space for the recreation and service needs of residents.	Yes	Minimum: 40 square metres Proposed: No change		
A18 Solar Access to Open Space Allow solar access into secluded private open space of a new dwelling.	Yes	N/A		
A19 Design Detail Encourage design detail that respects the existing or preferred neighbourhood character.	Yes	See report.		
A20 Front Fences Encourage front fence design that respects the exiting or preferred neighbourhood character.	Yes	No change		

4.8 **5 Manor Street, Brighton**
Notice of Decision to Grant a Permit
Application No. 2011/0093/1 Ward: Northern

City Strategy - Statutory Planning
 File No: 2011/0093/1

APPLICATION DETAILS

Land Address:	5 Manor Street, Brighton
Application is for:	Construction of a roof deck in a Design and Development Overlay Schedule 1
Melway Reference:	67 D12
Ward:	Northern
Application Number:	2011/0093/1
Applicant's/Owner's Name:	4D Architects
Date Received:	21 February 2011
Statutory Days Expiry:	22 May 2011
Zoning:	Residential 1 Zone
Overlays:	Design and Development Overlay Schedule 1
Under what clause(s) is a permit required?	43.02-2 – Buildings and works in a Design and Development Overlay Schedule 1
Restrictive covenants on the title?	No
Current use and development:	Double storey dwelling under construction
Objections:	Two (2)

PROPOSITION

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

PROPOSAL

The proposal is for the construction of a roof deck above a double storey building which is currently under construction.

The site exceeds 500 square metres and construction of the dwelling does not require a planning permit.

SUBJECT SITE & LOCALITY

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

The site has a total area of 783 square metres and currently contains:

- A double storey dwelling under construction.

The main site/locality characteristics are:

- The subject site is the rear Lot of a 'Battleaxe' shaped subdivision.
- The adjoining property to the north, at 7 Manor Street, contains a double storey dwelling.
- The adjoining property to the south, at 3 Manor Street, contains a single storey dwelling.
- The adjoining property to the east, at 5A Manor Street, contains a single storey dwelling.
- The adjoining property to the west, at 114A Esplanade, contains a double storey dwelling.

PERMIT/SITE HISTORY

No previous planning permit 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 has received two (2) objections to date.

The key issues that were raised in the objections are:

- Overlooking from the deck
- Visual dominance/bulk
- Overdevelopment of the site

Locality Plan – 5 Manor Street, Brighton



Legend	
Subject land	★
Location of Objector	●

CONSULTATION

The permit applicant declined an invitation to attend a consultation meeting.

REFERRALS

External Referrals by the Planning Scheme:

Referrals	Advice/Response/Conditions
Section 55 Referrals	N/A

Internal Council Referrals	Advice/Response/Conditions
Urban Designer	No objection.

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.

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 C1.

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 1 – Seeks to protect and enhance the foreshore environment and views of Bayside from Port Phillip Bay, to relate the scale and form of any new development to the landform of the coast, to maintain a pedestrian scale along Beach Road, to maintain consistency with urban design and development objectives in the Bayside Coastal Strategy 1997 and the Victorian Coastal Strategy 2002, to protect the foreshore from overshadowing, to manage the increased pressure for higher buildings along the coast and to protect the amenity and privacy of residential properties. **A planning permit is required to construct a roof deck above the second floor of a building in a Design and Development Overlay Schedule 1.**

Particular Provisions

- N/A

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 considering planning principles and issues raised by the objectors, with regard to the roof deck and ground floor ceiling heights only.

Neighbourhood Character

The subject site is located in Neighbourhood Character Area C1. The preferred future character Statement and precinct guidelines are as follows:

The mix of dwelling styles, including a substantial presence of pre WW2 dwellings, sit within spacious gardens and do not dominate or overwhelm the streetscape. Garden plantings, and well-articulated façades and roof forms, assist in minimising the dominance of buildings from within the street space, as well as providing visual interest. Front setbacks allow planting of substantial trees and shrubs and side setbacks on both sides maintain a sense of spaciousness in the area. Trees are a mixture of exotic and natives, with an increasing frequency of traditional coastal and indigenous species, strengthening the visual connection of the area with the coast. Open style front fences retain an ability to view buildings from the street. Buildings fronting the foreshore reflect their setting and provide a visually attractive built form interface with the reserve.

The precinct guidelines are as follows:

Objective	Design Response	Avoid
To ensure that new buildings and extensions do not dominate the streetscape.	<ul style="list-style-type: none"> Recess upper level elements from the front façade. 	<i>High pitched roof forms with dormer windows.</i>
To encourage the use of a variety of building materials, finishes and design detail that complement the coastal setting.	<ul style="list-style-type: none"> Use a mix of materials including timber or other non-masonry wall materials in building design. Use simple building details and articulate roof forms. 	<p><i>Large, poorly articulated external wall surfaces of one material only.</i></p> <p><i>Heavy materials and design detailing (eg. large masonry columns and piers).</i></p>
To create a visually interesting and attractive built form interface with the foreshore reserve, on properties fronting the reserve and visible from the reserve.	<ul style="list-style-type: none"> Articulate the form of buildings and elements, particularly front facades, and include elements that lighten the building form such as balconies, verandahs, non-reflective glazing and light-transparent balustrading. Use a mix of contemporary and traditional coastal materials, textures and finishes, including render, timber, non-masonry sheeting, glazing, stone and brick. Provide a fence or landscaping treatment to delineate the property boundary fronting the foreshore reserve. Provide articulated roof forms to create an interesting skyline when viewed from the beach. 	<p><i>Buildings that have no relationship to the foreshore setting.</i></p> <p><i>Poorly articulated roof and building forms.</i></p> <p><i>Highly reflective materials or glazing.</i></p> <p><i>Blank walls facing the foreshore.</i></p> <p><i>Lack of distinction between public and private spaces along the foreshore.</i></p>

Manor Street contains a mixture of architectural styles with a predominance of large contemporary developments.

It is considered that the proposed roof deck will not have a detrimental impact upon the Neighbourhood Character due to it having sufficient setbacks from the roof edges and title boundaries and the location of the site which is to the rear of an existing 'Battleaxe' subdivision.

Council's Urban Designer has viewed the plans and does not object to the proposed roof deck.

Design and Development Overlay Schedule 1

Roof Deck

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 complies with the requirements of the Design and Development Overlay, as it is set back 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 no more than 2.4 metres in height.

Objectors raised concerns relating to the opportunity for overlooking resulting from the roof deck. The roof deck is proposed 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, south, and west elevations 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 to require the roof deck to be appropriately screened, the roof deck complies with the Design and Development Overlay Schedule 1 objectives and will not result in detriment to the residential amenity of the neighbours.

CONCLUSION

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

RECOMMENDATION

That Council having caused notice of Planning Application **No. 2011/0093/1** 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 **5 Manor Street, Brighton** for the **construction of a roof deck in a Design and Development Overlay Schedule 1** in accordance with the application dated 21 February 2011, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the application but modified to show to the satisfaction of the Responsible Authority:
 - a. Screening, to the north, south and west elevations of the roof deck to a height of 1.7 metres to minimise overlooking opportunities.
2. P4 Layout not altered
3. The screening must be 1.7m high above the finished floor level of the roof deck. The screening must be maintained in good condition and must remain in place permanently.
4. Before occupation of the Roof Deck 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.
5. PT1 Time for starting and completion

Permit Notes

N2 Building approval

This permit does not constitute approval for siting matters pertaining to Part 4 of the Building Regulations 2006.