Agenda

for the

Planning & Amenity Committee Meeting

To be held at the Council Chambers, Civic Centre, Boxshall Street Brighton

on

Monday, 11 December, 2017 at 7.00pm

Chairperson: Cr Rob Grinter
Councillors: Cr Alex del Porto
           Cr Laurence Evans (Mayor)
           Cr Michael Heffernan
           Cr James Long BM JP
           Cr Clarke Martin
           Cr Sonia Castelli
Members of the Gallery

Your attention is drawn to Section 92 of Council's Governance Local Law No 1.

Section 92 The Chair's Duties and Discretions

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

Your cooperation is appreciated

Chairperson of Council
Planning & Amenity Committee Meeting

Planning & Amenity Committee Charter
To deal with all matters relating to consideration of statutory planning, tree removal applications, traffic and parking matters.

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

Membership of the Committee
All Councillors

Order of Business

1. Apologies

2. Declarations of Interest

3. Adoption and Confirmation of the minutes of previous meeting

4. Matters of Decision

   4.1 25 Pacific Boulevard, Beaumaris Notice of Decision to Grant a Planning Permit Application No: 2016/520/1 Ward: Southern .... 7

   4.2 46 Well Street and 51 Burrows Street, Brighton Notice of Decision to Grant a Planning Permit Application No: 2016/417/1 Ward: Northern ................................................................. 33

   4.3 11 Alfred Street, Beaumaris Notice of Decision to Grant a Planning Permit Application No: 2017/216/1 Ward: Southern ............... 73

   4.4 4/12 Grenville Street, Hampton Notice of Decision to Grant a Planning Permit Application No. 2017/306/1 Ward: Central... 105

   4.5 6/12 Grenville Street, Hampton Notice of Decision to Grant a Planning Permit Application No. 2017/305/1 Ward: Central...131

   4.6 10 Ruxton Rise, Beaumaris (Formerly Lot 9, 489 Balcombe Road) Grant a Planning Permit Application No: 2017/383/1 Ward: Southern................................................................. 157

   4.7 84 Carpenter Street, Brighton Support the Grant of a Planning Permit Application No: 2017/111/1 Ward: Northern.............. 189

   4.8 142-142A Esplanade, Brighton Notice of decision to grant a planning permit Application No: 2016/87/1 Ward: Northern ... 225

   4.9 322-328 Bay Road, Cheltenham Notice of Decision to Grant a Planning Permit Application No: 2017/369/1 Ward: Central ... 275

5. Confidential Business

   Nil
## Next Meetings 2017/2018

- Thursday 21 December 2017
- Tuesday 23 January 2018
- Tuesday 13 February 2018
- Tuesday 27 February 2018
- Tuesday 13 March 2018
- Tuesday 27 March 2018
- Tuesday 17 April 2018
- Tuesday 1 May 2018
- Tuesday 15 May 2018
- Tuesday 29 May 2018
- Tuesday 12 June 2018
- Tuesday 17 July 2018
- Tuesday 14 August 2018
- Tuesday 28 August 2018
- Tuesday 11 September 2018
- Tuesday 16 October 2018
- Tuesday 13 November 2018
- Monday 10 December 2018
- Thursday 20 December 2018
1. Apologies

2. Declarations of Interest

3. Adoption and Confirmation of the minutes of previous meeting

   3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 28 November 2017.
4. Matters of Decision

4.1 25 PACIFIC BOULEVARD, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/520/1  WARD: SOUTHERN

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/231915

1. Purpose and background
To report a planning permit application for the construction of two double storey side-by-side dwellings in a Special Building Overlay (refer to Attachment 1) at 25 Pacific Boulevard, Beaumaris (refer Attachment 2) on a lot with an area of 780 square meters.

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Cultured Building Design</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date application received</td>
<td>15 August 2017</td>
</tr>
<tr>
<td>Statutory days expired</td>
<td>14 January 2017</td>
</tr>
</tbody>
</table>

2. Policy implications
Planning permit requirements
Clause 32.09-5 (Neighbourhood Residential Zone) – Construction of two or more dwellings on a lot.
Clause 44.05-1 (Special Building Overlay) – Buildings and works.
Clause 42.02-2 (Vegetation Protection Overlay) – removal of native vegetation.

3. Stakeholder Consultation
External referrals
The application was referred to the following authorities:

<table>
<thead>
<tr>
<th>Referral Authority</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melbourne Water</td>
<td>No objection, subject to conditions.</td>
</tr>
</tbody>
</table>

Internal referrals
The application was referred to the following Council departments for comment

<table>
<thead>
<tr>
<th>Internal Referral</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arborist</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Drainage</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Traffic</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Street trees</td>
<td>No objection, subject to conditions.</td>
</tr>
</tbody>
</table>

Public notification
The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and 4 objections were received. The objections can be summarised as follows:

- Overshadowing;
- Boundary wall;
- Overdevelopment;
- Parking and traffic volumes;
- Visual bulk; and
- Neighbourhood character.

Consultation meeting
A consultation meeting was held on 29 June 2017 and was attended by the permit applicant and 3 objectors. Plans were drafted and circulated to all objectors on a ‘without prejudice’ basis however, no objections were withdrawn as a result of this process. One objection was withdrawn as a result of amended plans received by Council on 13 February 2017 from the neighbour located to the west (23A Pacific Boulevard, Beaumaris) indicating a re-design of the proposed wall on boundary at that location.

4. Recommendation
That Council:
Issues 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 25 Pacific Boulevard, Beaumaris, for the Construction of two double storey side-by-side dwellings in a Special Building Overlay and removal of vegetation in a VPO3 in accordance with the endorsed plans and subject to the following conditions:

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 Council date stamped 25 November 2016 but modified to show:
   a) Demonstration of compliance with Standard B22 (Overlooking) and B23 (Internal Views) of the Bayside Planning Scheme.
   b) Water sensitive urban design measures in accordance with condition 8 of this permit.
   c) A landscape plan showing a minimum percentage of 80% indigenous plantings in accordance with Condition 11 of this permit.
   d) The gradient of each driveway not to exceed 1 in 16 complying with AS2890.1 for car parking.
   e) The access way for Dwelling 1 must be 3.6 metres wide and offset 1 metre from the western property boundary. The existing crossover must be removed.
   f) The access way and crossover for Dwelling 2 must be 3 metres wide and have a 0.8 metre offset away from the eastern property boundary.
   g) The eastern wall at the ground floor level belonging to Dwelling 2 must be offset 2 metres away from the eastern boundary and the respective Alfresco area offset accordingly.
   h) Melbourne Water requirements in accordance with Condition 22 and up to and inclusive of Condition 29.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless
the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

7. Before occupation, screening of nominated windows as required by Standard B22 must be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

8. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
   a) The type of water sensitive urban design stormwater treatment measures to be used.
   b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
   c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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

10. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/kerb and channel, to the satisfaction of the Responsible Authority.

11. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must show:
   a) A survey, including botanical names, of all existing trees to be retained on the site.
   b) A survey, including botanical names, of all existing vegetation to be removed from the site.
c) A survey, including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.

d) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

e) Plantings must be 80% indigenous by species type and count.

f) Plantings must be 40% coastal by species type and count.

g) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

h) Details of surface finishes of pathways and driveways.

i) The planting of one indigenous tree capable of reaching 14 m at maturity in the front set back.

j) The planting of one indigenous tree capable of reaching 12 m at maturity in the rear set back.

12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

14. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.

b) The location of tree protection measures to be utilised.

15. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

16. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During
construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.

17. No soil excavation must occur within 2 metres of the Banksia marginate (Silver Banksia located within the nature strip) asset when measured from the edge of the trunk.

A tree protection fence is for the protection of a tree’s canopy and root zone. Conditions for street tree protection fencing during development are as follows:

- Fencing is to be secured and maintained prior to demolition and until all site works are complete.
- Fencing must be installed to comply with AS 4970–2009, Protection of trees on development sites.
- Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
- Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
- If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

**Root pruning within the TPZ**

- Prior to soil excavation for a Council approved crossover within the TPZ. A trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques.
- All roots that will be affected must be correctly pruned.

**Installation of utility services within the TPZ**

- Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

18. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

19. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council’s Infrastructure Assets Department.

20. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

21. The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

**Melbourne Water Conditions:**

22. Finished floor levels of the dwelling must be constructed no lower than 12.3 metres to Australian Height Datum (AHD).

23. Finished floor levels of the garage must be constructed no lower than 12.5 metres to AHD.
24. A minimum 3.5 metre setback measured from the southern boundary and maintained at natural surface levels free of any obstructions is required for the conveyance of overland flow.
25. Imported fill to achieve ramping the garages must be located outside the minimum 3.5 metre setback.
26. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the dwellings, garages and driveway ramps.
27. The open space areas within the property must be constructed at natural surface levels and no fill or retaining walls should be used in the development of this land.
28. Any new front fence must be open style (50%) of construction or timber paling to allow for the conveyance of overland flow.
29. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water’s requirements.

End of Melbourne Water Conditions.
30. This permit will expire if one of the following circumstances applies:
   a) The development is not started within two years of the date of this permit.
   b) The development is not completed within four years of the date of this permit.

5. **Council Policy**

**Council Plan 2017-2021**

Relevant strategies of the Council plan include:
- Where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.
- Where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.
- Where a range of housing types is provided to accommodate the changing needs of the community, enabling people to age in place and providing opportunities for young adults and families to live and remain in the municipality.

Relevant strategies of the Council plan include:
- Make discretionary planning controls stronger, by advocating for Council’s planning and urban design objectives to state government.

**Bayside Planning Scheme**
- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 13 Environmental Risks
- Clause 14 Natural Resource Environment
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 21.02 Bayside Key Issues and Strategic Vision
6. Considerations

In considering this application, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme, objections received and the individual merits of the application.

6.1. Neighbourhood character

The site is located within Neighbourhood Character Precinct H3. The proposal is considered to demonstrate a high level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 2.

The streetscape and general area presents with a diverse range of architectural responses, informed by older detached housing forms being replaced by larger, contemporary architectural forms. The streetscape is characterised by single dwellings as well as numerous multi-unit developments as seen within the immediate vicinity at 21, 23, 29, 31 Pacific Boulevard and 31 Pacific Boulevard and is of a predominantly semi-detached formation.

On balance, the area exhibits a diverse range of architectural styles with the unifying elements extending to front garden areas and setbacks which promote the appearance of spaces between buildings through recessed built forms being located away from at least one boundary.

The proposed construction of the side-by-side dual occupancy is considered to be respectful of both the existing and the preferred neighbourhood character through the use of traditional suburban housing forms which includes a pitched roof, appropriate level of fenestration detailing and recessed first floor level which creates further articulation to the overall mass of the building.

The Neighbourhood Charactered guidelines at Clause 22.06 call for minimisation of car parking structures. Although the proposal provides for two double car garages, their visual effect to the street is minimised primarily by the expanses of garden areas and the use of a natural timber finish to the garage doors. The front setback and setback of the garages will ensure that the visual impact of the doors is further minimised as does the punctuation of front entries between the garages to ensure that the built form is varied, articulated and presents with visual interest when viewed from the street. Pacific Boulevard is a relatively wide road with wide naturestrips which further negates the impact of the built form to the street.
Landscaping opportunities are available both within the front and the rear setbacks to accommodate an arrangement of small to large planting, which includes trees, to reinforce the valued garden characteristics.

On balance, it is considered that the proposal is both respectful of the existing and the preferred neighbourhood character and will make a positive contribution to the streetscape.

6.2. Compliance with Clause 55 (ResCode)

An assessment against the requirements of Clause 55 is provided at Attachment 3. Those non-compliant standards are discussed below

Site Coverage (Standard B8)

Site coverage of 56.8% is proposed in lieu of the prescribed 50% requirement. This is considered to be an inappropriate outcome.

It is noted that the proposed wall on the eastern boundary has not been appropriately located and will provide an unreasonable interface to the private open space area of 2/27 Pacific Boulevard to the east.

The siting of the wall on the boundary contributes to the non-compliance with Standard B8.

As such, a condition has been included requiring that the wall on the boundary (and subsequent increased setback to the alfresco area) be offset a minimum distance of 2 metres from the eastern boundary. This condition will reduce site coverage to 52.9% and improve the interface with the private open space area located to the east.

The reduced site coverage (as a consequence of a condition of permit) is considered to be an appropriate outcome for the area.

Side and Rear Setbacks (Standard B17)

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required</td>
<td>Proposed</td>
</tr>
<tr>
<td>West (side)</td>
<td>0m or 2m</td>
</tr>
<tr>
<td>North (rear)</td>
<td>0m or 3m</td>
</tr>
<tr>
<td>East (side)</td>
<td>0m or 2m</td>
</tr>
</tbody>
</table>

A variation of approximately 200-300 millimetres is sought along the first floor eastern boundary setback associated with dwelling 2.

The dispensation at the first floor east interface is acceptable as the proposed setback provides for an adequate separation away from the common boundary to provide visual relief when viewed from the adjacent land located to the east and also when viewed from the streetscape.

The area of non-compliance is relatively minor and enables the efficient use of the land without generating any off site impacts to the adjoining land in terms of visual bulk, overshadowing or overlooking.

Further, it is noted that a condition of permit has been recommended above (site coverage) to increase the side boundary setbacks at ground floor, thereby further mitigating the impacts on the adjoining property to the east.
The modest overall building height coupled with the modulated walls, fenestration detailing, adequately negate any visual bulk issues which can be associated with side-by-side developments.

On balance, it is considered that the proposal will not generate any unreasonable off site impacts and is respectful of the prevailing neighbourhood character offering a sufficient level of visual separation between buildings.

Walls on boundaries (Standard B18)

The application proposes a 19.08 metre boundary wall length along the eastern boundary. This exceeds the maximum length allowable of 18.16 metres by 0.92 metres.

The length of wall is considered unacceptable in this instance taking into consideration the undue visual bulk and overshadowing this would create on the small private open space area located on the adjacent land with particular regard to 2/27 Pacific Boulevard.

On balance, it is considered that the proposal does not meet the objective specified pursuant to clause 55.04-2 (Walls on boundaries) as the proposed length of wall is neither respectful of the existing nor preferred neighbourhood character and will generate an adverse off site amenity impact on the adjacent dwelling.

A condition has been included requiring that the wall is removed from the boundary for a minimum distance of 2 metres which will assist in creating a positive outcome for the adjoining neighbours at 27 Pacific Boulevard. This condition has been discussed within the assessment for site coverage and side boundary setbacks.

Overlooking (Standard B22)

The first floor windows have been appropriately treated either with the use of fixed obscure glazing or highlights windows. Demonstration of compliance is required to show that the proposal will not generate an unreasonable view into any adjoining private open space area or habitable room window from the Bedroom 3 first floor windows on the east elevation for Dwelling 1 and Dwelling 2. As such, a condition has been included as part of the recommendation which requires compliance with Standard B22 (Overlooking).

6.3. Car parking and traffic

Each dwelling has been provided with a single car garage with tandem parking in accordance with the requirements set out under Clause 52.06. Council’s Traffic Engineer has reviewed the proposal and has not raised any concerns subject to the inclusion of conditions which have been included as part of the recommendation.

6.4. Vegetation & Landscaping

<table>
<thead>
<tr>
<th>VPO3 protected trees</th>
<th>Local Law protected trees</th>
<th>Trees not protected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed for removal</td>
<td>Proposed for retention</td>
<td>Proposed for removal</td>
</tr>
<tr>
<td>5 &amp; 6</td>
<td>n/a</td>
<td>1-8 and 11</td>
</tr>
</tbody>
</table>

There are two trees on the site which meet the criterion for protection under the VPO. These trees are identified as:

- #5 – Native Willow Myrtle (Agonis flexuosa) - located within the rear setback - the tree has poor structure and cannot be remediated by pruning.
• #6 – Spotted Gum (Corymbia maculate) – located within the rear setback (adjacent to the rear boundary) - the tree is dead.

Council’s Arborist has considered the removal of the two native trees as being acceptable, subject to indigenous replacement plantings.

There are Rough Tree ferns (*Cyathea australis*) which are also protected by the VPO3 located in the front yard area which are proposed for removal. No objection has been raised with regard to removal of these Tree Ferns.

The proposed extent of vegetation removal is considered to be acceptable when assessed against the decision guidelines of the VPO3. The character of the area, including the extent of indigenous vegetation present, will be maintained once replacement plantings are undertaken. The proposed vegetation removal will also not impact on the overall quality of habitat within the broader area and the extent of removal is justified when considered against the level of development proposed. Therefore the proposed vegetation removal is considered to comply with the objectives of the VPO3.

Council’s Arborist has included conditions requiring the planting of a minimum of two large indigenous trees and a landscape plan which includes a minimum 80% indigenous vegetation which will ensure the (continued) presence of indigenous species in the area.

The existing street tree will be able to be retained as part of this application.

6.5. **Objections received**

Issues raised by objectors that have not been addressed in the assessment above, are discussed below.

**Overshadowing**

The objective at Clause 55.04-5 seek to ensure that buildings do not significantly overshadow existing secluded private open space. More specifically, the standard calls for that the existing sunlight to the secluded private open space of an existing dwelling, is not further reduced where such an area does not enjoy 5 hours of sunlight. The dwellings located to the east at 27 Pacific Boulevard form part of older housing stock and have their private open space areas located on their western side. The submitted shadow diagrams indicate that overshadowing in the morning period will fall towards 23 Pacific Boulevard and move across to the front yard area of the subject site, in the direction of the street. The 3pm shadow shows overshadowing across the private open space area and over the habitable room windows of 1/27 Pacific Boulevard. Taking into consideration the extent of the shadow generated by the timber paling fence and projecting eaves, which aligns with the eave line, the shadow impact generated will be negligible.

A condition has been included requiring removal of the wall from the boundary and setting it back 2 metres which will assist in alleviating any overshadowing concerns.

With all of these factors considered, the design of the dwelling achieves the objective for solar access to the on-site open space. Quality internal amenity and solar access will be retained for the open space along the western interface.

**Visual Bulk**

Issues concerning visual bulk relating in particular to the wall on boundary and the development in its entirety have been addressed as part of neighbourhood character and walls on boundaries.
Support Attachments

1. Development Plans ↓
2. Site imagery and surrounds ↓
3. Neighbourhood Character Assessment ↓
4. Clause 55 Assessment ↓
ATTACHMENT 2
Site Surrounds and Imagery

Figure 1. Aerial overview of the site and surrounds

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<th>Legend</th>
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</thead>
<tbody>
<tr>
<td>Subject site</td>
</tr>
<tr>
<td>Objectors</td>
</tr>
<tr>
<td>Objection Withdrawn</td>
</tr>
</tbody>
</table>

Figure 2. View of subject site as seen from the streetscape (most vegetated site).
Neighbourhood Character Precinct H3

Preferred Future Character Statement

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

Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To strengthen the bushy garden character of the area through the planting of appropriate species. | • Retain large established trees and understorey, and provide for the planting of new indigenous trees wherever possible (locate footings outside root zone).  
• Prepare a landscape plan to accompany all applications for new dwellings that utilises appropriate native, preferably indigenous, vegetation.  
• Minimise impervious surfaces particularly in front garden spaces to ensure space for plantings. | Lack of landscaping and substantial vegetation.  
Removal of large established trees.  
Planting of environmental weeds | Responds  
The application involves the removal of two native trees and native ferns supported by Council’s Arborist. The site includes sufficient areas within which to plant meaningful vegetation, particularly within the front yard and back yard areas which will significantly contribute to the preservation of the habitat value of the place and ensure continuance of the valued ‘green’ characteristics of the area. |
| To maintain the rhythm of spacious visual separation between buildings and ensure adequate space is provided around buildings for the retention and planting of vegetation. | • Buildings should be sited to allow space for a garden, including trees and shrubs.  
• Buildings should be sited to create the appearance of space between buildings and accommodate vegetation. | Loss of front garden space. | Responds  
Suitable opportunity for the planting of trees and shrubs exists both within the front yard and the rear yard areas.  
A setback from the western boundary ensures that the development will not appear to be boundary to boundary and will provide for a perception of space between buildings.  
The first level has been setback against the ground floor footprint to negate the effects of visual bulk, often associated with contemporary architectural forms. |
| To minimise the loss of front garden spaces and the | • Locate garages and carports behind the line of the dwelling. | Car parking structures that dominate the façade or | Responds  
The car parking structures have been offset at a slight angle to the driveway areas to ensure the |
<table>
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<tbody>
<tr>
<td>Avoidance of car parking structures.</td>
<td>- Underground car parking accessed from the front of the site should only be provided where other options are not possible due to site constraints, the garage doors do not dominate the façade and the front setback area is retained as predominantly garden space.</td>
<td>view of the dwelling.</td>
<td>dominance of the garden areas as the primary element when viewed from the streetscape. The vertical timber cladding will contribute to the overall articulation of the built form at the site. Further, the juxtaposition of the garages between the dwelling entries will further minimise the visual impact of the garages when viewed from the streetscape.</td>
</tr>
</tbody>
</table>
| To minimise site disturbance and impact of the building on the landscape. | - Buildings should be designed to follow the contours of the site on sloping sites.  
- Minimise the use of retaining walls and battering of slopes.  
- Design new buildings and extensions so as not to exceed the predominant tree canopy height. | Major excavation works and site levelling. Buildings that protrude above the tree canopy height. | Responds  
The overall building height is relatively conservative for a two storey form and major excavations are not proposed at this site. |
| To ensure that new buildings provide an articulated and interesting façade to the street. | - Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, combinations of materials, textures or colours or other elements providing appropriate articulation.  
- Recess upper levels from the front façade. | Large, bulky buildings  
Poorly articulated front and side wall surfaces. | Responds  
The application provides for an articulated façade through primarily through the use of varied setbacks a variation in construction materials and built form and opportunity for landscaping to be incorporated within the front yard areas. The proposal will sit comfortably within its streetscape and provide a positive contribution. |
| To use building materials and finishes that complement the natural setting. | - Use a mix of materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick. | Period reproduction styles and detailing. | Responds  
The application uses a variety of materials and finishes and will sit comfortably and recessively within the streetscape. |
| To maintain the openness of the front garden to the street. | - Provide open style front fences, other than along heavily trafficked roads. | High or solid front fences. | Responds  
No front fence is proposed ensuring that the garden |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Use vegetation as an alternative where possible.</td>
<td></td>
<td></td>
<td>characteristics will dominate the streetscape.</td>
</tr>
</tbody>
</table>
## ATTACHMENT 4
### CLAUSE 55 ASSESSMENT

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B1 Neighbourhood Character</strong>&lt;br&gt;Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.&lt;br&gt;Development responds to features of the site and surrounding area.</td>
<td>Yes</td>
<td>Refer Attachment 2.</td>
</tr>
<tr>
<td><strong>B2 Residential Policy</strong>&lt;br&gt;Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.&lt;br&gt;Support medium densities in areas to take advantage of public transport and community infrastructure and services.</td>
<td>Yes</td>
<td>The subject site is appropriately located in an established suburban area and is able to take advantage of public transport and community infrastructure services.</td>
</tr>
<tr>
<td><strong>B3 Dwelling Diversity</strong>&lt;br&gt;Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td><strong>B4 Infrastructure</strong>&lt;br&gt;Provides appropriate utility services and infrastructure without overloading the capacity.</td>
<td>Yes</td>
<td>Any upgrades required will be the responsibility of the developer.</td>
</tr>
<tr>
<td><strong>B5 Integration with the Street</strong>&lt;br&gt;Integrate the layout of development with the street.</td>
<td>Yes</td>
<td>The dwellings appropriately address the street and entries are clearly when viewed from the streetscape.</td>
</tr>
<tr>
<td><strong>B6 Street Setback</strong>&lt;br&gt;The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</td>
<td>Yes</td>
<td><strong>Minimum:</strong> 8m&lt;br&gt;&lt;br&gt;<strong>Proposed:</strong> 7.5m for Dwelling 1 metres and for Dwelling 2.</td>
</tr>
</tbody>
</table>
### B7 Building Height
Building height should respect the existing or preferred neighbourhood character

<table>
<thead>
<tr>
<th>Item</th>
<th>Decision</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Yes</td>
<td>9m</td>
<td>7.2m for Dwelling 1 and 7.26m for Dwelling 2</td>
</tr>
</tbody>
</table>

### B8 Site Coverage
Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.

<table>
<thead>
<tr>
<th>Item</th>
<th>Decision</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>No</td>
<td>50%</td>
<td>56.8%</td>
</tr>
</tbody>
</table>

### B9 Permeability
Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.

<table>
<thead>
<tr>
<th>Item</th>
<th>Decision</th>
<th>Minimum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Yes</td>
<td>20%</td>
<td>30%</td>
</tr>
</tbody>
</table>

### 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.

<table>
<thead>
<tr>
<th>Item</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The proposal provides appropriate solar access to the dwellings.

### B11 Open Space
Integrate layout of development with any public and communal open space provided in or adjacent to the development.

<table>
<thead>
<tr>
<th>Item</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The northern elevations provide a suitable level of passive surveillance of the public open space to the north.

### B12 Safety
Layout to provide safety and security for residents and property.

<table>
<thead>
<tr>
<th>Item</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Yes</td>
</tr>
</tbody>
</table>

No safety issues are considered to be likely to arise as a result of this development.

### B13 Landscaping
To provide appropriate landscaping. To encourage:
- 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.

<table>
<thead>
<tr>
<th>Item</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Refer to report.
Bayside City Council
Planning & Amenity Committee Meeting - 11 December 2017
Attachment 4

**Item 4.1 – Matters of Decision**

| **B14 Access** | **Yes** | **Appropriate vehicular access is provided.**
| | | **Maximum:** 40% of street frontage
| | | **Proposed:** 35% of street frontage

Ensure the safe, manageable and convenient vehicle access to and from the development.
Ensure the number and design of vehicle crossovers respects neighbourhood character.

| **B15 Parking Location** | **Yes** | The proposed car parking areas are appropriately located.

Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.

| **B17 Side and Rear Setbacks** | **No** | Refer report and table below. Areas of non-compliance are underlined. Refer report.

Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impact on existing dwellings.

| **Ground Floor** | **First Floor** |
| **Required** | **Proposed** | **Required** | **Proposed** |
| West (side) | 0m or 2m | 0m and 2.5m | 3.2m-3.86m | 3.9m |
| North (rear) | 0m or 3m | 5m for both Dwellings | 4.7m | 5m for both Dwellings |
| East (side) | 0m or 2m | 0m and 2.5m | 3.74m-3.8m | 3.5m-3.6m |

| **B18 Walls on Boundaries** | **No** | **Maximum Height:** 3.6 metres with an average height of 2 metres
| | | **Proposed:** 3.4 metres to the parapet with an average wall height of 2 metres
| | | **Maximum Length:** 18.16m
| | | **Proposed:** 19.088 metres along the eastern boundary and 11.65 metres along the western boundary

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.

| **B19 Daylight to Existing Windows** | **Yes** | There are no habitable room windows which face the wall proposed on the western boundary which are located within the prescribed distance.

Allow adequate daylight into existing habitable room windows.

| **B20 North Facing Windows** | **Yes** | No north facing windows on adjoining properties are affected.

Allow adequate solar access to existing north-facing habitable room windows.
<table>
<thead>
<tr>
<th>B21 Overshadowing Open Space</th>
<th>Yes</th>
<th>Shadow diagrams submitted with the application demonstrate that at least 75%/40m² of adjoining dwellings secluded private open space receives at least five hours of sunlight between 9am and 3pm on 22 September.</th>
</tr>
</thead>
<tbody>
<tr>
<td>B22 Overlooking</td>
<td>Yes</td>
<td>Proposal complies with Standard B22. All windows on the side elevations utilise either fixed and obscured glazing or windows with sill heights up to a minimum height of 1700mm above the finished floor level. The rear Bedroom 3 windows at the first floor level are located in excess of 12 metres away from the common boundary.</td>
</tr>
<tr>
<td>B23 Internal Views</td>
<td>No</td>
<td>The building design generally limits internal overlooking at the ground floor level however there may be views achieved into the private open space areas from the first floor Bedroom 3 windows on the north elevation. A condition has been included requiring compliance.</td>
</tr>
<tr>
<td>B24 Noise Impacts</td>
<td>Yes</td>
<td>The development will not generate any noise above that typically expected from a residential building.</td>
</tr>
<tr>
<td>B25 Accessibility</td>
<td>Yes</td>
<td>Entries are easily accessible for people with limited mobility. The development could be retrofitted to accommodate people with limited mobility in the future if required.</td>
</tr>
<tr>
<td>B26 Dwelling Entry</td>
<td>Yes</td>
<td>Dwelling 1 has an entry located on the side elevation whilst the entry for Dwelling 2 faces the street. The entries have been appropriately treated with entry canopies and have pavers at grade level which all clearly act as signifiers of the point of entry.</td>
</tr>
<tr>
<td>B27 Daylight to New Windows</td>
<td>Yes</td>
<td>All habitable windows have direct access to daylight.</td>
</tr>
</tbody>
</table>
| B28 Private Open Space        | Yes | **Minimum:** 25m² secluded, 40m² overall.  
**Proposed:** 73.2m² and 74m² SPOS for Dwelling 2 and Dwelling 1 respectively, both areas accessible from a family living space. |
<p>| B29 Solar Access to Open Space| Yes | Appropriate solar access to the private open space areas is provided. |
| B30 Storage                   | Yes | Appropriate storage areas are located within the |</p>
<table>
<thead>
<tr>
<th>Item</th>
<th>B31 Design Detail</th>
<th>B32 Front Fences</th>
<th>B33 Common Property</th>
<th>B34 Site Services</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Provide adequate storage facilities for each dwelling.</strong></td>
<td><strong>B31 Design Detail</strong>&lt;br&gt;Encourage design detail that respects the existing or preferred neighbourhood character.</td>
<td><strong>Yes</strong>&lt;br&gt;Appropriate levels of design detail provided that respects both the existing and the preferred neighbourhood character.</td>
<td><strong>Yes</strong>&lt;br&gt;The common property is consists of the driveway and front garden and should be capable of effective management through the subdivision process.</td>
<td><strong>Yes</strong>&lt;br&gt;Plans show clotheslines, mailboxes and storage areas as required. Space for meters has been provided alongside the entries of each dwelling.</td>
</tr>
<tr>
<td><strong>garage of Dwelling 1 and adjacent to the garage for Dwelling 2.</strong></td>
<td><strong>B32 Front Fences</strong>&lt;br&gt;Encourage front fence design that respects the existing or preferred neighbourhood character.</td>
<td><strong>Yes</strong>&lt;br&gt;Required: 1.2m&lt;br&gt;Proposed: None.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>B33 Common Property</strong>&lt;br&gt;Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</td>
<td><strong>Yes</strong>&lt;br&gt;The common property is consists of the driveway and front garden and should be capable of effective management through the subdivision process.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>B34 Site Services</strong>&lt;br&gt;Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</td>
<td><strong>Yes</strong>&lt;br&gt;Plans show clotheslines, mailboxes and storage areas as required. Space for meters has been provided alongside the entries of each dwelling.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4.2 46 WELL STREET AND 51 BURROWS STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/417/1 WARD: NORTHERN

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/245158

1. Purpose and background
To report a planning permit application for the construction of a three storey building
comprising three apartments and two, two-storey townhouses with roof terraces and
basement parking in a Special Building Overlay on a lot with an area of 848 square
metres (refer Attachment 1) at 46 Well and 51 Burrows Street, Brighton (refer Attachment
2).

<table>
<thead>
<tr>
<th>Applicant</th>
<th>RK Tech Studio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date application received</td>
<td>1 November 2017</td>
</tr>
<tr>
<td>Statutory days expired</td>
<td>1 January 2018</td>
</tr>
</tbody>
</table>

2. Policy implications
Planning permit requirements
Clause 32.08-4 (General Residential Zone Schedule 2) – Construction of two or more
dwellings on a lot.
Clause 43.02-2 (Design and Development Overlay Schedule 11) – Construct a building
and carry out works exceeding a height of 9 metres.
Clause 44.05 (Special Building Overlay) – Construct a building or to construct or carry
out works.

Planning scheme amendments
Planning Scheme Amendment C150 outlines the overall policy direction for the
commercial areas in the Bayside Municipality. Amendment C150 was adopted by
Council at its 16 August 2016 Ordinary Meeting. Case law confirms that proposed
amendments to Planning Schemes are not considered to be 'seriously entertained' and
applied in the assessment of permit applications until such time as they have progressed
beyond a Panel and Adopted.

Planning Scheme Amendment C153 proposes to modify the boundaries of the Special
Building Overlay (SBO) and remove the Land Subject to Inundation Overlay from the
Bayside Planning Scheme. The public exhibition process concluded on 16 January 2017
and Council has requested the Minister for Planning to appoint an independent Planning
Panel to consider submissions received. A Panel hearing is expected to occur later in
2017. Case law confirms that proposed amendments to Planning Schemes are not
considered to be 'seriously entertained' and applied in the assessment of permit
applications until such time as they have progressed beyond a Panel and adopted. As
such, there is no statutory weight which can be given to Amendment C153.

Amendment C153 proposes to modify the overlay, but will still be applicable to the
site. As is the case now, a planning permit will be required to construct or carry out works
that are located within the area covered by the SBO.

Amendment VC136 was incorporated into the Bayside Planning Scheme on 13 April
2017 and introduced state wide planning requirements for apartment developments. The
Amendment changed the Victorian Planning Provisions (VPP) and all planning schemes
in Victoria by:
- Inserting a new Particular Provision at Clause 58 (Apartment developments) to introduce new requirements for apartment developments of five or more storeys (excluding a basement) in a residential zone and all apartment developments in other zones.

- Amending Clause 55 (Two or more dwellings on a lot and residential buildings) to include new requirements for apartment developments.

- Deleting Clause 52.35 (Urban context report and design response for residential development of five or more storeys). The content of Clause of 52.35 is translated into Clause 58.01.

- Amending clauses 32.04 (Mixed Use Zone), 32.05 (Township Zone), 32.07 (Residential Growth Zone) and 32.08 (General Residential Zone) to:
  - Require an application for an apartment development of five or more storeys (excluding a basement) to meet the requirements of Clause 58.
  - Update the decision guidelines to require the responsible authority to consider the objectives, standards and decision guidelines of Clause 58 before deciding on an application for an apartment development of five or more storeys (excluding a basement).
  - Specify application requirements for an apartment development in the Residential Growth Zone and the General Residential Zone.
  - Include transitional provisions for applications lodged before the approval date of this Amendment.

- Amending Clause 32.09 (Neighbourhood Residential Zone) to include transitional provisions for applications lodged before the approval date of this Amendment.

- Amending Clauses 34.01 (Commercial 1 Zone), 37.01 (Special Use Zone), 37.02 (Comprehensive Development Zone), 37.04 (Capital City Zone), 37.05 (Docklands Zone), 37.06 (Priority Development Zone) and 37.08 (Activity Centre Zone) to:
  - Require an application for an apartment development to meet the requirements of Clause 58.
  - Update the decision guidelines to require the responsible authority to consider the objectives, standards and decision guidelines of Clause 58 before deciding on an application for an apartment development.
  - Specify application requirements for an apartment development.
  - Include transitional provisions for applications lodged before the approval date of this Amendment.

- Amending Clause 43.05 (Neighbourhood Character Overlay) to prevent Standards B35 to B49 (inclusive) of Clause 55 from being modified in a schedule to the overlay.

- Amending Clause 72 (General Terms) to introduce a definition for the term ‘Apartment’.

This application was lodged prior to the approval date of Amendment VC136 and therefore benefits from the transitional provisions. The new provisions do not apply to this proposal.
3. Stakeholder Consultation

External referrals

The application was referred to the following authorities:

<table>
<thead>
<tr>
<th>Referral Authority</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melbourne Water</td>
<td>No objection, subject to conditions.</td>
</tr>
</tbody>
</table>

Internal referrals

The application was referred to the following Council departments for comment:

<table>
<thead>
<tr>
<th>Internal Referral</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arborist</td>
<td>Concerns regarding proposed landscaping.</td>
</tr>
<tr>
<td>Open Space Arborist</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Traffic Engineer</td>
<td>No objection.</td>
</tr>
<tr>
<td>Drainage Engineer</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Waste Management</td>
<td>No objection, subject to conditions.</td>
</tr>
</tbody>
</table>

Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and three objections were received. The following concerns were raised:

- Overdevelopment;
- Traffic congestion;
- Visual bulk;
- Wall on boundary;
- Loss of light;
- Noise from the car lift;
- Overlooking; and
- Overshadowing.

Consultation meeting

A consultation meeting was held on 23 August 2017 attended by the permit applicant and three objectors.

Following this meeting, the applicant submitted additional shadow diagrams showing existing and proposed shadows and an elevation showing the Bayside setback profile. These were forwarded to the objectors on the 25 September 2017.

On 1 November 2017, the applicant formally amended the plans to address concerns raised by Council Officers and objectors as follows:

- Reducing the height of the wall of the master bedroom suite from 3.6 metres to 3.2 metres on the north west boundary (facing 44 Well Street).
- Increasing the side setback of the ground floor on the splay (corner of Well and Burrows Street) to 2 metres. The porch to Dwelling 3 is now facing this splay.
- Roof top skillion to Burrows Street dwellings increased in width to accommodate solar panels.

These were forwarded to the objectors on 1 November 2017. No objections have been withdrawn.
4. **Recommendation**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2016/417/1** for the land known and described as **46 Well Street and 51 Burrows Street, Brighton**, for the **construction of a three storey building comprising three apartments and two, two storey townhouses with roof terraces and basement car parking in a Special Building Overlay** in accordance with the endorsed plans and subject to the following conditions:

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 prepared by RK Tech Studio and Council date stamped 1 November 2017, but modified to show:
   a) The portico and porches to be less than 3.6 metres high.
   b) The second floor plan labelled correctly.
   c) A roof plan.
   d) All site services, including storage areas and bin enclosures, for all dwellings.
   e) The car lift motor to be located in the basement to minimise noise to adjoining properties.
   f) The proposed storage facilities to meet the minimum requirements of Standard B30.
   g) The proposed allocation of car parking to each dwelling and the location of the visitor space on the basement plan.
   h) Water sensitive urban design measures in accordance with Condition 7 of this permit.
   i) Location of all plant and equipment, including hot water services and air conditioners etc.
   j) Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
   k) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
   l) Any built form modifications required by Melbourne Water (conditions 22 – 32).

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

6. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

**Water Sensitive Urban Design**

8. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
   a) The type of water sensitive urban design stormwater treatment measures to be used.
   b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
   c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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

10. Before the occupation of the development starts, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing openings must be removed and replaced with footpath/nature strip/kerb and channel, to the satisfaction of the Responsible Authority.

**Landscaping**

11. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
   a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
   b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

e) Details of surface finishes of pathways and driveways.

f) The provision of two evergreen canopy trees (8 metres by 4 metres) in the front setback along Well Street and one evergreen canopy tree (8 metres by 4 metres) in the rear setback of Townhouse 3 along Burrows Street.

g) Information on the design, construction and maintenance of the vertical gardens.

All to the satisfaction of the Responsible Authority.

12. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

14. There is to be no soil excavation within the 3.5 metres of all street tree asset measured from the edge of the trunk.

15. Tree protection fence is to be installed around all street trees in compliance with AS 4970–2009, Protection of trees on development sites.

Waste Management Plan

16. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:

a) Dimensions of storage waste areas.

b) Storm water drains in storage areas should be fitted with a litter trap.

c) The number and size of bins to be provided.


e) Types of waste for collection, including colour coding and labelling of bins.

f) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).

g) Method of hard waste collection.

h) Method of presentation of bins for waste collection.

i) Sufficient headroom within the basement to accommodate waste collection vehicles.

j) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.

k) Strategies for how the generation of waste and recyclables will be minimised.

l) Compliance with relevant policy, legislation and guidelines.
When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

Construction Management Plan

17. Before the commencement of works, a Construction Management Plan (CMP), 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 and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:

a) A detailed schedule of works including a full project timing.

b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.

c) The location for the parking of all construction vehicles and construction worker vehicles during construction.

d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.

e) Proposed traffic management signage indicating any inconvenience generated by construction.

f) Fully detailed plan indicating where construction hoardings would be located.

g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.

h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.

i) Site security.

j) Public safety measures.

k) Construction times, noise and vibration controls.

l) Restoration of any Council assets removed and/or damaged during construction.

m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).

n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).

o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.

q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.

r) Details of crane activities, if any.

**Drainage**

18. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

19. Before the development starts, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On Site Detention System where applicable) must be submitted to and approved by Council’s City Assets and Projects Department.

20. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures".

21. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

   The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

**Melbourne Water**

22. Finished floor levels of the Dwelling 1 must be constructed no lower than 9.41 metres to Australian Height Datum (AHD).

23. Finished floor levels of Dwelling 2 must be constructed no lower than 9.45 metres to AHD.

24. Finished floor levels of Dwelling 3 must be constructed no lower than 9.54 metres to AHD.

25. Finished floor levels of the carlift must be constructed no lower than 9.3 metres to AHD.

26. The location of the basement entrance must not be altered without further review and written approval by Melbourne Water, to ensure adequate protection of the basement level.

27. A minimum four (4) metre setback measured from the southern boundary and maintained at natural surface levels is required for the conveyance of overland flow.

28. Decking must be constructed unenclosed underneath to allow for the conveyance of overland flow.

29. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building and driveway ramp.

30. New fencing must be open style (50%) of construction or timber paling to allow for the conveyance of overland flow.

31. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.
32. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

Permit Expiry

33. This permit will expire if one of the following circumstances applies:
   a) The development is not started within two years of the date of this permit.
   b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

Melbourne Water Advice

- The flood level for the property grades from 9.24 metres to Australian Height Datum (AHD) at the southern corner down to 8.87 metres to AHD at the northern corner.
- The floor level of the car lift is based on the graded flood level as stated above. If the location of the car lift changes the floor level may change also.

5. Council Policy

Council Plan 2017-2021

Relevant strategic objectives of the Council plan include:

- Where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.
- Where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.
- Where a range of housing types is provided to accommodate the changing needs of the community, enabling people to age in place and providing opportunities for young adults and families to live and remain in the municipality.

Relevant strategies of the Council plan include:

- Make discretionary planning controls stronger, by advocating for Council's planning and urban design objectives to state government.

Bayside Planning Scheme

- Clause 9 Plan Melbourne
• Clause 11 Settlement
• Clause 13 Environmental Risks
• Clause 15 Built Environment and Heritage
• Clause 16 Housing
• Clause 21.02 Bayside Key Issues and Strategic Vision
• Clause 21.03 Settlement and Housing
• Clause 21.05 Environmental Risks
• Clause 21.06 Built Environment and Heritage
• Clause 21.09 Transport and Access
• Clause 21.11 Local Areas (Church Street)
• Clause 22.06 Neighbourhood Character Policy (Precinct B2)
• Clause 22.08 Water Sensitive Urban Design
• Clause 32.08 General Residential Zone (Schedule 2)
• Clause 43.02 Design and Development Overlay (Schedule 11)
• Clause 44.05 Special Building Overlay
• Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
• Clause 52.06 Car Parking
• Clause 55 Two or more dwellings on a lot
• Clause 65 Decision Guidelines

6. **Considerations**

In considering this application, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme, objections received and the individual merits of the application.

6.1. **Strategic Justification**

The site is located on the corner of Well Street and Burrows Street, Brighton, which is located within the boundaries of the Church Street Major Activity Centre. The preferred future role of the Church Street Major Activity Centre has been developed in the Church Street Structure Plan, the Bayside Housing Strategy 2014 and the Retail, Commercial and Employment Strategy 2016. Clause 21.11-3 (Local Areas) and the Design and Development Overlay Schedule 11 implement the preferred future role of the Church Street Centre in the Bayside Planning Scheme.

Clause 21.11-3 includes a variety of objectives and strategies that are relevant in the development of the Church Street Major Activity Centre. Broadly, the policy encourages residential development close to shops and services to provide a transition from the business precinct to low scale residential areas. The site is included within the residential precinct of the Centre but within close proximity to existing services and facilities along the Church Street commercial area. The proposal is consistent with the policy direction of Clause 21.11-3.

Planning Scheme Amendment C150 seeks to implement the Retail, Commercial and Employment Strategy 2016 (RCE Strategy), which seeks to guide the future commercial growth of Bayside’s employment areas. The amendment proposes to include the RCE Strategy as a reference document and to ensure the activity centre hierarchy responds to each centres economic role and function. The amendment would reclassify Church...
Street as a Large Neighbourhood Activity Centre. Broadly, the RCE Strategy seeks to encourage residential development within residential precincts. The proposal is consistent with the strategic direction of the RCE Strategy. This amendment is scheduled for a Panel Hearing in February 2018.

The provision of a three storey development comprising three apartments and 2 x two storey townhouses is considered a suitable design response for the site and the strategic context of the precinct.

6.2. **Design and Development Overlay Schedule 11**

The site is covered by the Design and Development Overlay Schedule 11 (DDO11) which implements the Church Street Centre Final Structure Plan 2006 in the Bayside Planning Scheme. Of relevance is the objective of the DDO11 which seeks to develop the centre in a way that conserves and enhances its valued urban character and heritage places.

The three storey maximum height requirement, combined with the objectives of the DDO11 and the sites location within the Church Street Major Activity Centre recognise the opportunity for increased building heights within an area which offers appropriate community services, facilities and public transport.

**Building Height**

The site is located within Precinct E of the Church Street Major Activity Centre Built Form Precincts, which specifies a maximum height of 11 metres (3 storeys). The development proposes a maximum height of 10.965 metres (three storeys) which complies with the maximum allowable height of 11 metres.

**Building Setbacks**

Pursuant to the design requirements of the DDO11, buildings in a residential zone should be setback in accordance with the relevant Clause 55 standards, except that the second floor should be setback a minimum of 4 metres behind the front wall of the floor immediately below, unless the second floor is an attic.

At second floor level, the proposed setbacks vary between 0.26 metres to 2.875 metres which fail to comply with the 4 metre setback requirement of the DDO11. A variation is supported as the extent of non-compliance relates to the second floor apartment only. The provision of projecting and recessed design elements provide a reasonable level of articulation and visual interest to the street. Furthermore, extensive fenestration works to alleviate any perception of visual bulk and will ensure that the development adopts an appropriate design response for the site and broader precinct.

6.3. **Neighbourhood character**

The site is located within Neighbourhood Character Precinct B2 and the proposal is considered to demonstrate a high level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 3.

The building incorporates appropriate boundary setbacks to reflect built form spacing of the area while promoting adequate visual separation between the adjoining dwellings. The building will sit comfortably within its context and will adopt a reasonable built form transition with adjoining dwellings. In addition, the building setbacks allow for meaningful landscaping to maintain and enhance the landscaped character of the area, subject to conditions. The garage is recessed from the front façade of the building and open style fencing will surround the site, allowing for views to gardens.

Concerns have been raised in relation to the dominance and height of the proposed development. The scale, siting and boundary spacing is considered responsive to the preferred built form character objective of the DDO11. The design response is a suitable outcome for the existing and preferred character of the area and the emerging character of medium density development featured within the area.
6.4. **Compliance with Clause 55 (ResCode)**

An assessment against the requirements of Clause 55 is provided at Attachment 4. Those non-compliant standards are discussed below.

**Standard B6 (Street setback)**

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.455 metres (Well Street)</td>
<td>3 metres</td>
</tr>
</tbody>
</table>

The portico and porches are proposed to be 3.6 metres high. These are not allowable encroachments and therefore the proposed front setback is 3 metres. A recommended condition will require these to be lowered to less than 3.6 metres high. This will result in a proposed front setback of 5 metres in Well Street which still fails to meet the minimum front setback requirement of 7.455 metres.

In considering a variation to the numerical setback requirement, Clause 55.03-1 seeks to ensure that the setbacks of buildings from a street respect the existing or preferred character and make efficient use of the site.

The site is located at the interface of the commercial precinct within the Church Street Activity Centre area (opposite side of Well Street and north west side of Male Street) and front setbacks within the immediate residential area are reflective of this proximity to the commercial area. At 41 Well Street, a three storey development under construction has a 2 metre front setback and at 43 Well Street, three storey side by side dwellings have a 4.5 metre front setback. Both these sites are located opposite the subject site. At 48 Wells Street (also opposite the subject site) the dwelling is setback 4.96 metres from Well Street and 2.91 metres from Burrows Street. At 40 Burrows Street, the dwelling is setback 2.74 metres from Burrows Street.

The proposed 5 metre front setback for the development is similar to that of the existing dwellings on the site and is considered an acceptable outcome. The development offers a reasonable level of articulation through projecting porticos, varied upper level setbacks and the use of glazing on the balconies. The development will sit comfortably within its context and will complement the existing character of the area while responding to the emerging trend of medium density development in the precinct.

**Standard B17 (Side and rear setbacks)**

The proposed side and rear setbacks for the development are shown below. Areas of non-compliance are underlined.

<table>
<thead>
<tr>
<th>Ground floor</th>
<th>First Floor</th>
<th>Second Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Required</td>
<td>Proposed</td>
</tr>
<tr>
<td>North west</td>
<td>0m or 1m</td>
<td>0m</td>
</tr>
<tr>
<td>(side)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>South west</td>
<td>0m or 1m</td>
<td>4m</td>
</tr>
<tr>
<td>(rear)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The side setback of the second floor from the north west boundary is 3.82 metres which fails to meet the setback requirement of 5.86 metres. The extent of non-compliance is limited to the master bedroom and walk in robe of the second floor apartment only. The living room is setback 8.815 metres which complies.

The rear setback of the second floor from the south west boundary ranges from 5 to 5.5 metres which fails to meet the setback requirement of 5.96 metres. Again the extent of
non-compliance is limited to the second floor apartment only. The access structures to the townhouses are setback 8.695 metres which complies. The variations for the side and rear setback are supported as the elevations are sufficiently articulated and provide adequate visual separation between adjoining dwellings. Furthermore, in terms of the impact on neighbouring amenity and neighbourhood character, the proposal is considered to be acceptable and compliant. As such, it is considered that the objective of this clause is achieved and the variations acceptable.

**Standard B18 (Walls on boundaries)**

The length of wall on the north west boundary complies, however, the height of the wall of the garage car lift does not. The garage car lift is proposed to be constructed on the north west boundary at a height of 4.19 metres. This fails to comply with Standard B18 which requires 3.2 metres. The proposed variation is considered acceptable as the subject site is located in a Special Building Overlay and the garage must satisfy Melbourne Water flood level requirements and have sufficient room to accommodate the car lift. Furthermore, the increased height of the wall will not cause any offsite amenity impacts as it is located adjacent to the driveway of the adjoining property at 44 Well Street and not opposite any habitable room windows or secluded private open space.

The master bedroom suite to the ground floor apartment is also proposed to be constructed on the north west boundary. The height of this wall will be 3.2 metres which fully complies with Standard B18.

**Standard B20 (North facing windows)**

There are two north east facing first floor habitable room windows at 49 Burrows Street which are located within 3 metres of the boundary. The second floor apartment will be setback 5 to 5.5 metres from the south west boundary which fails to comply with the required setback of 6.95 metres for north facing habitable windows. The variation of 1.45 to 1.5 metres is considered acceptable. The habitable room at 49 Burrows Street has additional solar access from a large north west facing sliding door and only one window will experience a small area of additional overshadowing at 12 noon. It is therefore considered that the proposal meets the objective of Clause 55.04.-4.

The access structures to the townhouses are setback 8.695 metres from the south west boundary which fully comply with the setback requirement for north facing windows.

**Standard B29 (Solar access to open space)**

The secluded open space for the ground floor apartment and townhouses are located on the south west side of the site. For these spaces to receive adequate solar access, the building should be setback 11.783 metres from the south west boundary. The proposal is setback 5 to 8.695 metres which fails to comply with this standard. Shadow diagrams submitted with the application show that half of these areas will receive solar access by 3pm at the equinox. This is considered acceptable as the dwellings have additional, north facing, open space areas. The ground floor apartment has north facing open space at the front of the site, directly accessed from the living area and both townhouses have first floor, north facing balconies directly accessed from a rumpus room and second floor north facing roof terraces.

**Standard B30 (Storage)**

The proposed basement includes the provision of storage areas however these have not been dimensioned. The standard requires the provision of at least 6 cubic metres of storage for each dwelling. A condition of permit will require the application to meet the minimum storage requirements.
6.5. **Car parking and traffic**

The proposal comprises 2 x three bedroom townhouses, 1 x three bedroom apartment and 2 x two bedroom apartments.

Pursuant to the car parking provisions of Clause 52.06-5, the proposal generates a demand of 8 car parking spaces, plus one visitor parking space. The application proposes 12 car parking spaces in total at basement level and therefore exceeds the minimum requirement by 3 spaces.

The provision of basement parking accessed via a car lift garage is an acceptable outcome for the site. The garage is recessed from the front façade of the building and allows the built form to integrate appropriately within the existing streetscape context.

Council’s Traffic Engineer has raised no concerns in regards to the access arrangement and basement car parking facility however has advised that a new crossover will be required to access the site and appropriate sight lines will be required. The applicant has demonstrated on the plans that the crossover will be modified in accordance with Council’s requirements.

Council has received objections to the proposed application of which raise concerns in relation to an increase in car parking congestion and traffic safety. The proposed number of parking spaces meets the statutory car parking requirement under Clause 52.06 and the proposal utilises an existing crossover. In addition, no concerns regarding traffic disturbance and traffic safety were raised by Council’s Traffic Engineers. In order to ensure the immediate neighbours are not unreasonably impacted during the construction of the application, a construction management plan is included as a condition of permit.

A waste management plan is also included as a condition of permit.

6.6. **Vegetation & Landscaping**

The application plans show a number of trees to be removed from the site. Council’s Arborist does not object to the proposed tree removal but raised concerns with regards to the extent of planting demonstrated in the proposed landscape plan. In particular, the landscape plan did not provide sufficient information on the proposed vertical gardens and did not include suitable replacement planting of canopy trees. As the site is surrounded by four large, London Plane street trees, Council’s Arborist has recommended that replacement planting be evergreen trees. These requirements are included as part of the recommendation.

Subject to conditions requiring additional landscaping and further information on the design, construction and maintenance of the vertical gardens, the proposal is supported.

6.7. **Special Building Overlay**

The application was referred to Melbourne Water who does not object to the proposal subject to conditions. These have been included as part of the recommended permit conditions.

6.8. **Objections received**

Issues raised by objectors that have not been addressed in the assessment above, are discussed below.

**Loss of light**

An objection has been received in regards to loss of light to two south east facing habitable room windows at ground floor level at 44 Well Street. Standard B19 requires the building to be setback 1.2 metres from the habitable room window at ground floor level. The driveway to this dwelling is 2.845 metres wide and therefore constructing a wall 3.2 metres high on the boundary complies with this standard. Adequate daylight will be provided to the existing habitable room windows.
Overshadowing

Council has received objections in regards to overshadowing, including overshadowing during the winter solstice. Under Clause 55.04-1 of the Planning Scheme, Council can only assess overshadowing during the equinox and not the winter solstice.

The shadow diagrams submitted with the application demonstrate that at least 75%/40m² of adjoining dwellings secluded private open space receives at least five hours of sunlight between 9am and 3pm on 22 September. This complies with Standard B20.

Overlooking

An objection has been received in regards to overlooking from the north west facing windows and balconies of the first and second floor apartments. The plans indicate that the balconies will be screened to 2 metres high above floor level. This exceeds the requirement of Standard B22 which requires screening to 1.7 metres above floor level.

Noise from car lift

An objection has been received in regards to mechanical noise from the proposed car lift. The applicant has provided some information from a car lift manufacturer who recommends placing the motor at the lowest level (basement) to contain any noise and that the noise associated with the lift itself is similar to a garage roller door. A condition to this effect has been included on the permit.

Property Devaluation

Property devaluation is not a legitimate planning consideration.

Support Attachments

1. Development Plans ↓
2. Site and Surrounds Imagery ↓
3. Neighbourhood Character Assessment ↓
4. Clause 55 Assessment ↓
Figure 1. Aerial overview of the site and surrounds

<table>
<thead>
<tr>
<th>Legend</th>
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</thead>
<tbody>
<tr>
<td>Subject site</td>
</tr>
<tr>
<td>Objector(s)</td>
</tr>
</tbody>
</table>
Figure 2: View of the subject site from the north east.
Figure 3: View of 49 Burrows Street, adjoining the subject site to the south west.

Figure 4: View of 44 and 44A Well Street, adjoining property to the north west.
Figure 5: View of 1 and 3 Male Street, north of the subject site, located in the Commercial 1 Zone.

Figure 6: View 41 Well Street located to the north east of the subject site.
Figure 7: View of 41 Well Street from Male Street.

Figure 8: View of 43A and 43B Well Street located to the north east of the subject site.
Figure 9: View of both 41 Well Street and 43A and 43B Well Street located to the north east of the subject site (opposite).
Figure 10: View of 40 Burrows Street located south east of the subject site.
Figure 11: View of 48 Wells Street located south east of the subject site.
ATTACHMENT 3
Neighbourhood Character Policy (Precinct B2)

Preferred Future Character Statement
The diverse dwelling styles, with a continued presence of pre WW2 dwellings, sit within established gardens with occasional tall canopy trees. Side setbacks on both sides, and the setting back of car ports/garages from the dwelling, allows for vegetation to flow around the dwellings. New buildings blend with the existing, through using a variety of materials or colours within front façades, and by respecting the older building styles and scales without replicating them. Open style front fencing improves the visual connection between the dwelling and the street. Street tree planting consistency is improved to provide a unifying element to the area.

Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To encourage the retention of dwellings that contribute to the valued character of the Precinct in the design of development proposals. | • 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. | Demolition of dwellings that contribute to the valued character of the Precinct. | N/A  
Demolition of the existing dwelling does not require planning permission. |
| To maintain and enhance the garden settings of the dwellings. | • Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and shrubs. | Lack of landscaping and substantial vegetation. | Responds  
A condition of permit will require a landscape plan with canopy planting throughout the site. |
| To maintain the rhythm of spacious visual separation between buildings and provide space for front gardens. | • 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. | Loss of front garden space. | Responds  
The development incorporates appropriate boundary spacing which responds to the character of existing built form within the area while also addressing the emerging trend of |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To minimise the loss of front garden space and the dominance of car parking facilities. | • Locate garages and carports behind the line of the dwelling.  
• Provide only one vehicular crossover per typical site frontage.  
• Underground car parking accessed from the front of the site should only be provided where other options are not possible due to site constraints, the garage doors do not dominate the façade and the front setback area is retained as predominantly garden space. | Car parking facilities that dominate the façade or view of the dwelling. | Responds  
The garage is recessed from the front façade of the building. |
| To ensure new development respects the dominant buildings forms and scale of buildings in the Precinct, through the use of innovative architectural responses. | • Articulate the form of buildings and elevations, particularly front facades.  
• Recess upper storey elements from the front façade. | Large buildings with poorly articulated facades. | Responds  
The development is articulated with projecting porticos, varied upper level setbacks and balconies which ensures the 3 storey form does not dominate the streetscape. |
| To respect the identified heritage qualities of adjoining buildings.      | • Where adjoining an identified heritage building, respect the height, building forms, siting and materials of the heritage building/s, in the new building design. | Buildings that dominate heritage buildings by height, siting or massing.  
Imitation or reproduction of historic building styles and detailing. | N/A  
The development does not adjoin any heritage buildings. |
| To use a variety of building materials and finishes that provide visual interest in the streetscape. | • Incorporate a variety of building materials such as brick, render, timber and non-masonry into the building design.  
• Use simple building details. | Exclusive use of one material on external wall facades. | Responds  
The development incorporates a variety of building materials including render, tiles and glazing. The façade is |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To improve the visual connection between the dwellings and the streetscape and encourage views to front gardens. | • Provide open style front fences, other than along heavily trafficked roads.  
• Front fence style should be appropriate to the building era. | High, solid fences | Responds  
An open style front fence incorporating brick piers and vertical iron pickets maintains the visual connection with the streetscape. |
<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B1 Neighbourhood Character</strong></td>
<td>Yes</td>
<td>Refer report.</td>
</tr>
<tr>
<td>Design respects existing</td>
<td></td>
<td></td>
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<tr>
<td>neighbourhood character or</td>
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<tr>
<td>contributes to a preferred</td>
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<tr>
<td>neighbourhood character.</td>
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<tr>
<td>Development responds to</td>
<td></td>
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<td>features of the site and</td>
<td></td>
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<tr>
<td>surrounding area.</td>
<td></td>
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<tr>
<td><strong>B2 Residential Policy</strong></td>
<td>Yes</td>
<td>The construction of a three storey building comprising three dwellings</td>
</tr>
<tr>
<td>Residential development is</td>
<td></td>
<td>and two, two storey townhouses is supported by relevant policies for</td>
</tr>
<tr>
<td>consistent with housing policies in</td>
<td></td>
<td>this site.</td>
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<td>the SPPF, LPPF including the MSS</td>
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<td>and local planning policies.</td>
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<td>Support medium densities in</td>
<td></td>
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<td>areas to take advantage of</td>
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<td>public transport and</td>
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<td>community infrastructure and</td>
<td></td>
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<tr>
<td>services.</td>
<td></td>
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<tr>
<td><strong>B3 Dwelling Diversity</strong></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Encourages a range of dwelling</td>
<td></td>
<td></td>
</tr>
<tr>
<td>sizes and types in developments of</td>
<td></td>
<td></td>
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<tr>
<td>ten or more dwellings.</td>
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<tr>
<td><strong>B4 Infrastructure</strong></td>
<td>Yes</td>
<td>The dwellings will make use of existing infrastructure servicing the</td>
</tr>
<tr>
<td>Provides appropriate utility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>services and infrastructure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>without overloading the capacity.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B5 Integration with the Street</strong></td>
<td>Yes</td>
<td>The dwellings appropriately address the street and entries are clearly</td>
</tr>
<tr>
<td>Integrate the layout</td>
<td></td>
<td></td>
</tr>
<tr>
<td>development with the street.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| and entries are clearly identifiable from the streetscape. Vehicle entry is via Well Street and pedestrian access to the apartments and townhouses are identifiable from Well Street.
### B6 Street Setback
The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Status</th>
<th>Description</th>
</tr>
</thead>
</table>
| No          | Refer report | Required: 7.455m
Proposed: 3m
The ground floor south eastern wall is setback 2 metres from Burrows Street and complies with the minimum setback from a side street of 2 metres. |

### B7 Building Height
Building height should respect the existing or preferred neighbourhood character

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Status</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Maximum allowed: 11m</td>
<td>Proposed: 10.965m</td>
</tr>
</tbody>
</table>

### B8 Site Coverage
Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Status</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Maximum allowed: 60%</td>
<td>Proposed: 59.4%</td>
</tr>
</tbody>
</table>

### B9 Permeability
Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Status</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Minimum: 20%</td>
<td>Proposed: 22.24%</td>
</tr>
</tbody>
</table>

### 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.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Status</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>The proposal provides appropriate solar access to the dwellings.</td>
<td></td>
</tr>
</tbody>
</table>

### B11 Open Space
Integrate layout of development with any public and communal open space provided in or adjacent to the development.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Status</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### B12 Safety
Layout to provide safety and security for residents and property.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Status</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>The proposal provides clear legibility and access to the dwellings from Well Street. The proposal provides stairs and a lift to each apartment and townhouse.</td>
<td></td>
</tr>
</tbody>
</table>

### B13 Landscaping
To provide appropriate landscaping. To encourage: Development that respects the landscape character of the neighbourhood.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Status</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>Refer report</td>
<td>The proposed landscape plan has failed to demonstrate the planting of canopy trees and suitable landscaping to satisfy Council’s neighbourhood guidelines. A condition of permit requires an amended landscape plan.</td>
</tr>
</tbody>
</table>
Development that maintains and enhances habitat for plants and animals in locations of habitat importance.
The retention of mature vegetation on the site.

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
Refer report.
Appropriate vehicular access is provided.

B15 Parking Location
Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.

Yes
Refer report.
On site car parking is provided in a basement level which will be accessed via a reconstructed crossover along Well Street. The proposed parking location is secure and convenient for future residents.
Council's Traffic Engineer has raised no concerns in regards to the proposed parking conditions of the site.

B17 Side and Rear Setbacks
Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impact on existing dwellings.

No
Refer report. Areas of non-compliance are underlined.

<table>
<thead>
<tr>
<th>Ground floor</th>
<th>First Floor</th>
<th>Second Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Proposed</td>
<td>Requirement</td>
</tr>
<tr>
<td>North west</td>
<td></td>
<td>First Floor</td>
</tr>
<tr>
<td>(side)</td>
<td>0m or 1m</td>
<td>2.63m</td>
</tr>
<tr>
<td>South west</td>
<td>0m or 1m</td>
<td>2.655m</td>
</tr>
<tr>
<td>(rear)</td>
<td>4m</td>
<td></td>
</tr>
</tbody>
</table>

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.

No – garage car lift

Maximum Height: 3.6m
Proposed: 4.19m
Maximum Average Height: 3.2m
Proposed: 4.19m
Maximum Length: 13.1m
Proposed: 9.1m
<table>
<thead>
<tr>
<th>B19 Daylight to Existing Windows</th>
<th>Yes</th>
<th>The proposal is well setback from property boundaries to ensure daylight to existing windows is maintained and comfortably complies with the setback requirements of the standard.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B20 North Facing Windows</strong></td>
<td>No</td>
<td>Refer report.</td>
</tr>
<tr>
<td><strong>B21 Overshadowing Open Space</strong></td>
<td>Yes</td>
<td>Shadow diagrams submitted with the application demonstrate that at least 75%/40m² of adjoining dwellings secluded private open space receives at least five hours of sunlight between 9am and 3pm on 22 September.</td>
</tr>
<tr>
<td><strong>B22 Overlooking</strong></td>
<td>Yes</td>
<td>All habitable room windows with views towards the secluded private open space and habitable room windows of adjoining properties have been designed to incorporate appropriate screening measures.</td>
</tr>
<tr>
<td><strong>B23 Internal Views</strong></td>
<td>Yes</td>
<td>All habitable room windows have been screened and sited appropriately in accordance with this Standard.</td>
</tr>
<tr>
<td><strong>B24 Noise Impacts</strong></td>
<td>Yes</td>
<td>The development will not generate any noise above that typically expected from a residential building.</td>
</tr>
<tr>
<td><strong>B25 Accessibility</strong></td>
<td>Yes</td>
<td>Entries are accessible for people with limited mobility. Each dwelling has a lift. The development could be retrofitted to accommodate people with limited mobility in the future if required.</td>
</tr>
<tr>
<td><strong>B26 Dwelling Entry</strong></td>
<td>Yes</td>
<td>The entries to both the apartment building and each townhouse are easily identifiable from the street.</td>
</tr>
<tr>
<td><strong>B27 Daylight to New Windows</strong></td>
<td>Yes</td>
<td>All habitable windows have direct access to daylight.</td>
</tr>
<tr>
<td><strong>B28 Private Open Space</strong></td>
<td>Yes</td>
<td>Minimum: 25m² secluded, 40m² overall or 8m² balcony.</td>
</tr>
<tr>
<td>and service needs of residents by adequate pos.</td>
<td>Proposed: Ground floor apartment: 118.6m² First floor apartment: 24.4m² (balcony) Second floor apartment: 18.8m² (balcony) Townhouse 2: 83.9m² plus first floor balcony and 70.44m² roof terrace Townhouse 3: 76.49m² plus first floor balcony and 65.91m² roof terrace</td>
<td></td>
</tr>
<tr>
<td>B29 Solar Access to Open Space</td>
<td>No</td>
<td>See report.</td>
</tr>
<tr>
<td>Allow solar access into the secluded private open space of new dwellings/buildings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B30 Storage</td>
<td>No</td>
<td>External storage is provided in the basement to each apartment and townhouse to meet the requirements of this standard. The dimensions have not been included on the plans and a condition of permit will ensure the minimum 6 cubic metres have been achieved.</td>
</tr>
<tr>
<td>Provide adequate storage facilities for each dwelling.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B31 Design Detail</td>
<td>Yes</td>
<td>Refer Attachment 1.</td>
</tr>
<tr>
<td>Encourage design detail that respects the existing or preferred neighbourhood character.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B32 Front Fences</td>
<td>Yes</td>
<td>Required: 1.5m Proposed: 1.5m</td>
</tr>
<tr>
<td>Encourage front fence design that respects the existing or preferred neighbourhood character.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B33 Common Property</td>
<td>Yes</td>
<td>Common property is easily identifiable and is limited to the basement and pedestrian access to the apartments.</td>
</tr>
<tr>
<td>Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B34 Site Services</td>
<td>No</td>
<td>Plans do not show bin storage areas. Can be addressed via permit condition.</td>
</tr>
<tr>
<td>Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4.3 11 ALFRED STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/216/1 WARD: SOUTHERN

City Planning & Community Services - Development Services
File No: PSF/17/3665 – Doc No: DOC/17/248727

1. Purpose and background

To report a planning permit application for the construction of one additional dwelling to the rear of an existing dwelling and the removal of one native tree on a lot with an area of 985.88 square metres (refer Attachment 1) at 11 Alfred Street, Beaumaris (refer Attachment 2).

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Hellier McFarland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date application received</td>
<td>18 April 2017</td>
</tr>
<tr>
<td>Statutory days expired</td>
<td>26 September 2017</td>
</tr>
</tbody>
</table>

2. Policy implications

Planning permit requirements
Clause 32.09-6 (Neighbourhood Residential Zone) (Schedule 3) – Construction of two dwellings on a lot.
Clause 42.02-2 (Vegetation Protection Overlay) (Schedule 3) – Removal of native vegetation.

Planning scheme amendments
There are no planning scheme amendments relevant to this application.

3. Stakeholder Consultation

External referrals
There were no external referrals required to be made in accordance with Clause 66 of the Bayside Planning Scheme.

Internal referrals
The application was referred to the following Council departments for comment:

<table>
<thead>
<tr>
<th>Internal Referral</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arborist</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Open Space Arborist</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Drainage Engineer</td>
<td>No objection, subject of conditions.</td>
</tr>
<tr>
<td>Traffic Engineer</td>
<td>No objection, subject to conditions.</td>
</tr>
</tbody>
</table>

Public notification
The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and three objections were received. The following concerns were raised:
- Two storey backyard dwelling not appropriate to the area;
- The extent of proposed driveway;
- Overshadowing of neighbouring residential properties;
- Overlooking of neighbouring residential properties;
- Construction of a garage in lieu of a carport;
- Parking on the site is low and will result in increased on-street parking;
- Mutual boundary fence with 9 Alfred Street should be replaced;
- Relocation of bin storage;
- Mature trees planting along western boundary;
- The removal of Tree no.9 from the site;
- Construction of the development may result on the structural damage to 3/13 Alfred Street;
- Access to neighbouring properties for maintenance purposes;
- Bathroom window in east elevation not frosted;
- Noise from air conditioning units;
- Errors in planning report which include incorrect annotation of photographs and;
- Maintenance of the existing dwelling.

Consultation meeting
The applicant was offered a consultation meeting on 30 August 2017. Following their review of the grounds of objection the applicant declined the consultation meeting.

4. Recommendation
That Council:
Issues a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning Application No. 2017/216/1 for the land known and described as 11 Alfred Street, Beaumaris, for the construction of one additional dwelling on a lot containing one dwelling and the removal of one native tree in accordance with the endorsed plans and subject to the following conditions:

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 date stamped 19 July 2017 but modified to show:

a) Sight line visibility from each side of the access such that no obstruction lies within it above 0.75 metres in height.

b) Ground floor habitable room windows in the east elevation of the new dwelling screened in accordance with Standard B22 of Clause 55 of the Bayside Planning Scheme.

c) Screening along the east, south and west sides of the balcony of the dwelling in accordance with Standard B22 and B23 of Clause 55 of the Bayside Planning Scheme.

d) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.

e) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
f) Water sensitive urban design measures in accordance with condition 8. All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

7. Before occupation, the obscure screening of windows in accordance with the endorsed plans and designed to limit overlooking as required by Standard B22 shall be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

Water Sensitive Urban Design

8. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:

9. The type of water sensitive urban design stormwater treatment measures to be used.

10. The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.

11. Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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

Traffic

13. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
Drainage

14. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

15. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council’s Infrastructure Assets Department.

16. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Landscaping

17. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan drawn by Zenith Concepts, dated May 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must be modified to show:

a) A survey, including botanical names, of all existing trees to be retained on the site.

b) A survey, including botanical names, of all existing vegetation to be removed from the site.

c) A survey, including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.

d) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.

e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

f) Details of surface finishes of pathways and driveways.

18. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

19. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

20. There is to be no soil excavation with in the 3 metres of the *dais cotinitolia* street tree asset to be retained measured from the edge of the trunk.

21. Prior to soil excavation for a Council approved crossover within the Tree Protection Zone of the street tree assets, a trench must be excavated along the line of the crossover adjacent to the tree using root-sensitive, non-destructive techniques. All roots affected must be pruned in consultation with a suitably qualified Arborist.
22. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the Tree Protection Zone established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.

Permit Expiry

23. This permit will expire if one of the following circumstances applies:
   a) The development is not started within two years of the date of this permit.
   b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit notes

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.
- The existing street tree/s to be retained must not be removed or damaged.
- Subsurface water must be treated in accordance with Council’s Policy for “Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Council records indicate there is no easement within the property.

5. Council Policy

Council Plan 2017-2021

Relevant strategies of the Council plan include:
- Where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.
- Where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.

Relevant strategies of the Council plan include:
- Make discretionary planning controls stronger, by advocating for Council’s planning and urban design objectives to state government.

Bayside Planning Scheme

- Clause 9 Plan Melbourne
- Clause 11 Settlement
6. Considerations

In considering this application, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme, objections received and the individual merits of the application.

6.1 Neighbourhood Character

The site is located within Neighbourhood Character Precinct H2 and the proposal is considered to demonstrate a high level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 3.

The existing dwelling on the subject site is a low scale dwelling set within its own large garden. It occupies the southern part of the site, with vehicular access from Alfred Street taken via an existing crossover formed in the eastern part of the south property boundary. The driveway of the dwelling occupies the eastern part of the site. A number of trees pepper the site.

The proposed dwelling would be constructed within the large rear garden of the existing dwelling and would be accessed via the existing driveway of the dwelling which is to be extended and upgraded. The proposed dwelling would be two storeys in height with a shallow pitched roof. A porch/balcony component would be attached to its front elevation with a single storey flat roofed rear projecting element attached to its rear elevation. A garage would be attached to its east elevation. The garage component would abut the mutual boundaries with the neighbouring residential properties of 2/13 and 3/13 Alfred Street to the east of the subject site.

The proposed carport would be erected such that its rear elevation would abut the mutual west property boundary with 9 Alfred Street to the west.

The existing low scale dwelling on the subject site forms part of an area characterised by a mix of dwelling styles including low scale single storey dwellings and modern infill two storey dwellings, all of various complementary architectural styles and external
finishes. Within this context, the proposed dwelling would not appear as an alien or incongruous addition within this part of Alfred Street. In its backyard setting, it would not compromise the spatial relationship between dwellings that is established by the existing dwelling on the site. Nor by its proposed setbacks, external finishes and its articulated façade would it have a deleterious effect on the setting of the existing dwelling or those within its immediate environs.

As a car parking facility associated with the existing dwelling, the proposed carport would be well contained to the rear of the dwelling and would not be visible within the streetscape of Alfred Street. It would be appropriate for its location and would not be harmful to the setting of the development or to the character of the area.

Landscaping throughout the development would enhance the setting of the development, subject to conditions.

In all these considerations the proposed dwelling and the works associated with it are respectful of both the prevailing and preferred neighbourhood character of the area.

6.2 Compliance with Clause 55 (ResCode)

An assessment against the requirements of Clause 55 is provided at Attachment 3. Those non-compliant standards are discussed below:

**Standard B17 (Side & Rear Setbacks)**

<table>
<thead>
<tr>
<th></th>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Required</td>
<td>Proposed</td>
</tr>
<tr>
<td><strong>East</strong></td>
<td>0m or 2m</td>
<td>0 - 2.53m</td>
</tr>
<tr>
<td><strong>(side)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>West</strong></td>
<td>0m or 2m</td>
<td>3.36m</td>
</tr>
<tr>
<td><strong>(side)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>North</strong></td>
<td>0m or 3m</td>
<td>4.865m</td>
</tr>
<tr>
<td><strong>(rear)</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The proposal would vary the first floor east side setback of the proposed dwelling as detailed in the table above. The objective of Standard B17 is to ensure the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

The variation being sought to the first floor east side of the proposed dwelling is 30 centimetres. Whilst not compliant with Schedule 3 of the Neighbourhood Residential Zone variation to Standard B17, there is a sufficient level of visual separation with the neighbouring residential properties of 2/13 and 3/13 Alfred Street so as not to have a detrimentally overbearing effect on those neighbouring residential properties.

The minor incursion into the first floor east side setback would be sufficiently setback from habitable room windows and areas of private open space associated with them so as not to give rise to unreasonable amenity impacts as a result of overlooking or overshadowing.

The proposed variation is appropriate as the setbacks would not negatively impact the neighbouring properties of 2/13 or 3/13 Alfred Street or any other neighbouring residential properties, are consistent with the positional relationship of built form to plot ratio within the immediate area and overall, the proposal has a level of compliance with Rescode.

Furthermore, full compliance with the Standard would negatively impact on the usability of a first floor bedroom and powder room on the east side of the proposed dwelling and further compromise the overall design of the dwelling.
Standard B22 (Overlooking)

Owing to the ground floor finished floor level of the proposed dwelling, fencing on the east property boundary would not be of a sufficient height to prevent inter-visibility between the ground floor habitable room windows to be formed in its east elevation and a habitable room window in the west elevation of 3/13 Alfred Street. It can be made a condition of the permit and is included as part of the recommendation that screening be provided up to a height of 1.7 metres measured from finished floor level to limit overlooking of that neighbouring residential property.

Otherwise all habitable first floor windows in the west and east elevations of the dwelling would be obscured up to a height of 1.7 metres measured from finished floor level.

The west side of the balcony to be formed on south elevation of the dwelling would be within 9 metres of the mutual boundary with 9 Alfred Street to the west and has the potential to overlook the secluded open space of that neighbouring residential property. It is a recommended condition that the balcony be provided with sufficient screening on its west side to limit the overlooking of that neighbouring residential property.

Standard B23 (Internal Views)

First floor windows and the balcony of the south elevation of the proposed dwelling would be within 9 metres and face towards the private open space that is to be retained and associated with the existing dwelling and as such would allow for overlooking of that neighbouring property. It can be made a condition of a permit and is included as part of the recommendation, that the balcony and consequently the first floor windows be screened up to a height of 1.7 metres in accordance with the standard.

6.3 Car parking and traffic

Both dwellings are provided with two car parking spaces in accordance with Clause 52.06-09 of the Bayside Planning Scheme. Council’s Traffic Engineer raised no objection to this provision.

The Council’s Traffic Engineer does however advise that the carport for the existing dwelling and the garage for the proposed dwelling each be 6 metres long with a minimum 4.8 metres wide garage door. Moreover that a swept path diagrams be provided to demonstrate that vehicles can access and egress the car port and garage satisfactorily.

It is not indicated on the application drawings that the proposed car port have a door in its frontage however it would measure 5.5 metres wide. Therefore it can be concluded that the car port is of a sufficient width to allow two vehicles to access it. The car port would however measure some 5.98m metres long. It would therefore be prudent that a control be included in the recommended conditions that the car port measure 6 metres in length.

The garage associated with the proposed dwelling would measure some 6 metres long and would have a garage door width of 5.3 metres. Subject to the control, included in the recommended conditions that the development be constructed in accordance with the endorsed plans, the garage of the proposed dwelling would accord with Council Standards.

A swept path shown on sheet 3A of 6 entitled Vehicle Plan demonstrates that two vehicles can each access the car port and garage respectively without detriment.

The Council’s Traffic Engineer has further recommended that the driveway where it intersects with the footpath be straightened to provide a 2 metre off-set from the property boundary and that a new 3metre crossing be provided in accordance with the Council’s Standards. There is no proposal to alter the existing access therefore it would be unreasonable to retrospectively apply this standard. Matters of sightline visibility from the access can however be controlled and are included as part of the recommended conditions.
6.4 **Street tree removal**  
The Council’s Open Space Arborist confirms that there is a *dais continifolia* street tree asset within the roadside verge outside the property. Whilst it is not proposed to alter the existing crossover and access, it is proposed to resurface and extend the existing driveway of the dwelling. It is therefore recommended that no excavation occur within 3 metres of the street tree asset measured from the edge of the trunk and furthermore that tree protection fencing be erected around the tree to protect it during construction. These matters are controlled by conditions included in the recommendation.

6.5 **Vegetation & Landscaping**  
A number of trees exist on the site which are to be removed to facilitate the development. One of them is a *Grevilla robusta* (Silky Oak), an Australian Native, and the requirement for a permit for its removal is triggered under Clause 42.02 (Vegetation Protection) of the Bayside Planning Scheme.  
The other trees on the site are exotic trees and the removal of these trees in not triggered under the Planning Scheme.  
The arborist report submitted in support of the application advises that *Grevilla robusta* (Silky Oak) is of good to fair health structure and of moderate amenity value and is a native of New South Wales and Queensland. It removal is to facilitate the upgrade of the existing driveway and the extension to it and its loss would be mitigated by indigenous species as well as low maintenance exotic species.  
The other non-natives on the site are of poor, fair and good health and structure and of low/ moderate and in some cases, high retention value. All trees are itemised on the landscape plan submitted in support of the application.  
The Council’s Arborist is content with the findings of the report raising no objection to the removal of the native and all non-native tree species. It was recommended however that the landscape plan be amended to show 80% of all mitigation planting as indigenous species type and count. This matter can reasonably be controlled by a condition of a permit and is included as part of the recommendation. Subject to this control the proposed landscaping scheme would provide an appropriate landscape setting to the subject site.

6.6 **Objections received**  
Issues raised by objectors that have not been addressed in the assessment above, are discussed below.  
**Two storey backyard dwelling not appropriate to the area**  
Whilst two storey dwellings in the area, do for the most part, have an interface with the street, the Neighbourhood Residential Zone and the Schedule to it do not seek to limit the construction of two storey dwellings to lots fronting a street and thus not within a backyard setting. They merely limit the number of storeys to two and, in this, the proposal is compliant with the requirements of Clause 32.09-9 of the Bayside Planning Scheme.  
**The extent of proposed driveway**  
The extent of driveway is commensurate with a development of this nature and is not considered excessive but is instead functionally related to accessing the garage and carport associated with the development.  
**Overshadowing of neighbouring residential properties**  
The shadow diagrams submitted in support of the application indicate that at 9am a part of the neighbouring residential property of 9 Alfred Street will be overshadowed. However, the degree of overshadowing would be to a decreasing extent between the hours of 9am and 12 noon. Moreover, that at least 75%/40m² of that neighbouring secluded private open space will receive at least five hours of sunlight between 9am and
3pm on 22 September.

Parts of the neighbouring residential properties of 2/13 and 3/13 Alfred Street would be overshadowed by the development between 1pm and 3pm. However the areas of those properties that would be overshadowed would be the roofs of those neighbouring dwellings and a part of secluded open space. The secluded open space is already overshadowed by the existing mutual boundary fencing of those neighbouring residential properties and therefore the degree of overshadowing is no greater than occur at present on the September equinox.

On the matter of overshadowing the proposed development is consistent with Standard B22.

Construction of a garage in lieu of a carport

There is nothing extraordinary in the use of the carport that would justify Council exercising controls over matters of noise relating to the use of it. Accordingly there is no sound planning justification to insist on the substitution of the proposed carport with a garage.

Garaging on the site is low and will result in increased on-street parking

Whilst it is alleged that the garages of other dwellings on the street are now used for storage rather than parking with the consequential effect that on-street parking is congested, the parking associated with the proposed development is provided in accordance with Clause 52.06 of the Bayside Planning Scheme. Notwithstanding the level of compliance it would be prudent to impose a condition on a permit, as included in the recommendation, that prior to occupation of the proposed dwelling that the arrangements for parking be formed as shown on the endorsed plans and thereafter retained as such for the life of the development.

Mutual boundary fence with 9 Alfred Street should be replaced

Matters relating to the replacement of the mutual boundary fence with 9 Alfred Street are controllable under the Victorian Fences Act 1968 and not through planning legislation.

Relocation of bin storage

The bin storage area shown on the application drawings is indicative and demonstrates that there is sufficient space for such a facility. It is not anticipated that matters of noise associated with the use of such an area would be any greater than can normally be associated with a domestic bin area.

Mature trees planting along western boundary

The landscape plan submitted in support of the application indicates two trees exist within the rear garden of 9 Alfred Street in close proximity to the mutual boundary with the subject site. If mature trees are planted adjacent to them, there is the potential that the vitality of those neighbouring trees be compromised. Furthermore the amount of usable garden area associated with the proposed dwelling would be diminished.

The removal of Tree no.9 from the site

Whilst the removal of tree no. 9 indicated to be a Common Coral Tree is considered in the arborist report as being of high amenity and retention value, the removal of this mature exotic tree is considered appropriate on the basis that its loss would be mitigated for elsewhere on site by indigenous species.

Construction of development may result on the structural damage to 3/13 Alfred Street

Any structural damage caused to neighbouring properties as a result of a development is controllable under legislation other than planning legislation and is not a material consideration in the determination of an application for a planning permit.
Access to neighbouring properties for maintenance purposes

Whether access is afforded to owners/occupiers of neighbouring residential properties for the maintenance of their property is a civil matter to be resolved between the respective parties. It is not a material consideration in the determination of an application for a planning permit.

Bathroom window in east elevation not frosted

Whilst it is not proposed to frost or obscure a bathroom window in the east elevation of the proposed dwelling, this room is not a habitable room and there are no provisions within Standard B22 of Clause 55 of the Bayside Planning Scheme to insist upon it.

Noise from air-conditioning units

Any noise associated with the operation of air-conditioning units is controllable under legislation other than planning legislation. Notwithstanding this, it is reasonable to impose a condition on a permit that any air-conditioning units or other plant and equipment associated with the development be located away from habitable room windows, to minimise the impact of their operation on the amenity of neighbouring residential properties.

Errors in planning report

The errors in the planning report with the regard photo annotations, whilst regrettable do not render the application invalid. Nor do they prejudice Council’s determination of the application.

Support Attachments

1. Development Plans ↓
2. Site & Surrounds Imagery ↓
3. Neighbourhood Character Assessment Precinct H2 ↓
4. Clause 55 Assessment ↓
ATTACHMENT 2
SITE AND SURROUNDS IMAGERY

Figure 1 Aerial overview of the site and surrounds.

Legend

<table>
<thead>
<tr>
<th>Subject site</th>
<th>✓</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objector(s)</td>
<td>✓</td>
</tr>
</tbody>
</table>
Figure 2 View of subject site from the south

Figure 3 View looking south down existing driveway of site
Figure 4 View looking east towards 2/13 and 3/13 Alfred Street

Figure 5 View looking north into subject site
Figure 6 View looking northwest into subject site

Figure 7 View looking northwest to 9 Alfred Street
Figure 8 View looking west to 9 Alfred Street
ATTACHMENT 3

Neighbourhood Character Precinct H2

Preferred Future Character Statement

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

Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To maintain and enhance the garden settings of the dwellings. | • Prepare a landscape plan to accompany all applications that includes substantial trees and shrubs, preferably indigenous species.  
• Retain large, established trees and provide for the planting of new trees and shrubs wherever possible (locate footings outside root zone). | Lack of landscaping and substantial vegetation.  
Removal of large trees.  
Planting of environmental weeds. | Responds  
There are opportunities for landscaping within the front and side setbacks of the development and within the front setback of the existing dwelling on the site to provide a landscaped setting. |
| To maintain the rhythm of spacious visual separation between buildings and allow space for trees and other planting. | • Buildings should be sited to create the appearance of space between buildings and accommodate vegetation.  
• Buildings should be sited to allow space for a garden including trees and shrubs.  
• Minimise impervious surfaces, particularly in the front garden. | | Responds  
The proposed new dwelling would not compromise the relationship the existing dwelling has with neighbouring dwellings to the east and west of it when viewed from Alfred Street.  
Sufficient space would be maintained between the proposed and existing dwelling and the ratio of built form to lot size would be appropriate.  
Space exists to allow for a garden area to be formed in association with the proposed dwelling and to allow the existing dwelling to maintain amenity space if its own.  
The extent of driveway proposed in addition to what already exists is not unreasonable. |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>To minimise the loss of front garden spaces and the dominance of car parking structures.</td>
<td>• Locate garages and carports at or behind the line of the dwelling.</td>
<td>Car parking structures that dominate the façade or view of the dwelling.</td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>A car port is proposed to serve the existing dwelling and would be located to the rear of it.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>An integral garage would be provided to serve the proposed new dwelling and would be setback within the site so as to not appear dominant within the streetscape.</td>
</tr>
<tr>
<td>To ensure that new buildings reflect the low scale forms of the area, and provide an articulated and interesting façade to the street.</td>
<td>• Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, pitched roof forms, combinations of materials, textures or colours or other elements providing appropriate articulation.</td>
<td>Large, bulky buildings Poorly articulated roof, front and side wall surfaces</td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td>• Recess upper levels from the front façade.</td>
<td></td>
<td>The proposed dwelling would be located to the rear of the existing dwelling. Owing to this and the topography of the land on which it would sit, the proposed dwelling would not be readily visible within the streetscape.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Notwithstanding the visual containment of it, the proposed dwelling is appropriately articulated.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>With its two storey form, the proposed dwelling would be responsive to other two storey dwellings present within the streetscape.</td>
</tr>
<tr>
<td>To use building materials and finishes that complement the natural setting.</td>
<td>• Use a mix of materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick.</td>
<td>Period reproduction styles and detailing.</td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>An appropriate mix of materials is proposed that will complement their surroundings.</td>
</tr>
<tr>
<td>To enhance the openness and informality of the streetscape and maintain views into front gardens.</td>
<td>• Provide open style front fencing, other than along heavily trafficked roads.</td>
<td>High or solid front fencing.</td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td>• Use vegetation as an alternative where possible.</td>
<td></td>
<td>No change is proposed to the existing arrangements allowing visual permeability of the site from the street.</td>
</tr>
</tbody>
</table>
## ResCode Clause 55 (Two or More Dwellings on a Lot and Residential Buildings)

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B1 Neighbourhood Character</strong></td>
<td>Yes</td>
<td>Refer Attachment 3.</td>
</tr>
<tr>
<td>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B2 Residential Policy</strong></td>
<td>Yes</td>
<td>The subject site is appropriately located with regard to services and facilities to support the development.</td>
</tr>
<tr>
<td>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B3 Dwelling Diversity</strong></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B4 Infrastructure</strong></td>
<td>Yes</td>
<td>Any upgrades required will be the responsibility of the developer.</td>
</tr>
<tr>
<td>Provides appropriate utility services and infrastructure without overloading the capacity.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B5 Integration with the Street</strong></td>
<td>Yes</td>
<td>The development would be in a back land location which would not present to the street. It would be appropriate in its location relative to the existing dwellings and within its rear garden setting.</td>
</tr>
<tr>
<td>Integrate the layout of development with the street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B6 Street Setback</strong></td>
<td>N/A</td>
<td>Minimum: N/A</td>
</tr>
<tr>
<td>The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</td>
<td>Proposed: N/A</td>
<td></td>
</tr>
<tr>
<td><strong>B7 Building Height</strong></td>
<td>Yes</td>
<td>Required: 9m</td>
</tr>
<tr>
<td>Building height should respect the existing or preferred neighbourhood character</td>
<td>Proposed: 7.54m</td>
<td></td>
</tr>
<tr>
<td><strong>Item</strong></td>
<td><strong>B8 Site Coverage</strong></td>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td>----------</td>
<td>----------------------</td>
<td>---------</td>
</tr>
<tr>
<td><strong>B9 Permeability</strong></td>
<td>Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration. Yes</td>
<td><strong>Minimum:</strong> 20%&lt;br&gt;<strong>Proposed:</strong> 43.8%</td>
</tr>
<tr>
<td><strong>B10 Energy Efficiency</strong></td>
<td>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</td>
<td>The proposal provides appropriate solar access to the building.</td>
</tr>
<tr>
<td><strong>B11 Open Space</strong></td>
<td>Integrate layout of development with any public and communal open space provided in or adjacent to the development. N/A</td>
<td></td>
</tr>
<tr>
<td><strong>B12 Safety</strong></td>
<td>Layout to provide safety and security for residents and property. Yes</td>
<td>No safety issues are considered to be likely to arise.</td>
</tr>
<tr>
<td><strong>B13 Landscaping</strong></td>
<td>To provide appropriate landscaping. To encourage: 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</td>
<td>Refer report.</td>
</tr>
<tr>
<td><strong>B14 Access</strong></td>
<td>Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character. N/A</td>
<td>Appropriate vehicular access is provided. <strong>Maximum:</strong> 33% of street frontage&lt;br&gt;<strong>Proposed:</strong> No change to existing crossover or access.</td>
</tr>
<tr>
<td><strong>B15 Parking Location</strong></td>
<td>Yes</td>
<td>The proposed car parking areas are appropriately</td>
</tr>
</tbody>
</table>
Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.

**B17 Side and Rear Setbacks**
Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impact on existing dwellings.

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>East (side)</strong></td>
<td><strong>First Floor</strong></td>
</tr>
<tr>
<td>Required</td>
<td>Proposed</td>
</tr>
<tr>
<td>0m or 2m</td>
<td>0 - 2.53m</td>
</tr>
<tr>
<td><strong>West (side)</strong></td>
<td></td>
</tr>
<tr>
<td>0m or 2m</td>
<td>3.36m</td>
</tr>
<tr>
<td><strong>North (rear)</strong></td>
<td></td>
</tr>
<tr>
<td>0m or 3m</td>
<td>4.865m</td>
</tr>
</tbody>
</table>

**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.

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Yes</strong></td>
<td><strong>Maximum Height</strong>: 3.6m</td>
</tr>
<tr>
<td><strong>Proposed</strong>: 2.890m</td>
<td><strong>Maximum Average Height</strong>: 3.2m</td>
</tr>
<tr>
<td><strong>Proposed</strong>: 2.90m</td>
<td><strong>Maximum Length</strong>: 38.85m, with no more than 13.025m on mutual boundary with 2/13 Alfred Street and no more than 12.15 metres in mutual boundary with 3/13 Alfred Street.</td>
</tr>
<tr>
<td><strong>Proposed</strong>: 6.5m on mutual boundary with 2/13 Alfred Street and 1.5m on mutual boundary with 3/13 Alfred Street.</td>
<td></td>
</tr>
</tbody>
</table>

**B19 Daylight to Existing Windows**
Allow adequate daylight into existing habitable room windows.

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Yes</strong></td>
<td><strong>The proposal is well setback from property boundaries to ensure daylight to existing windows is maintained.</strong></td>
</tr>
</tbody>
</table>

**B20 North Facing Windows**
Allow adequate solar access to existing north-facing habitable room windows.

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Yes</strong></td>
<td><strong>No north facing windows on adjoining properties are affected.</strong></td>
</tr>
</tbody>
</table>

**B21 Overshadowing Open Space**
Ensure buildings do not significantly overshadow existing secluded private open space.

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Yes</strong></td>
<td><strong>Shadow diagrams submitted with the application demonstrate that at least 75%/40m² of adjoining dwellings secluded private open space receives at least five hours of sunlight between 9am and 3pm on 22 September.</strong></td>
</tr>
</tbody>
</table>

**B22 Overlooking**

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No</strong></td>
<td><strong>Refer report. Owing to the finished floor level of the</strong></td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>Limit views into existing secluded private open space and habitable room windows.</td>
<td>proposed dwelling, the existing fencing on the east property boundary would not be of a sufficient height to prevent inter-visibility between habitable room windows to be formed at ground floor level in the east elevation of the proposed dwelling and a habitable room window in the west elevation of 3/13 Alfred Street. It can be made a condition of the permit that a screening be provided to limit overlooking. All habitable first floor windows of the dwelling would be obscured up to a height of 1.7 metres measured from finished floor level. West side of balcony on south elevation of dwelling has potential to overlook SPOS of 9 Alfred Street to the west. Screening can be provided by condition to limit overlooking.</td>
</tr>
<tr>
<td>B23 Internal Views</td>
<td>Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</td>
</tr>
<tr>
<td>B24 Noise Impacts</td>
<td>Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</td>
</tr>
<tr>
<td>B25 Accessibility</td>
<td>Consider people with limited mobility in the design of developments.</td>
</tr>
<tr>
<td>B26 Dwelling Entry</td>
<td>Provide a sense of identity to each dwelling.</td>
</tr>
<tr>
<td>B27 Daylight to New Windows</td>
<td>Allow adequate daylight into new habitable room windows.</td>
</tr>
<tr>
<td>B28 Private Open Space</td>
<td>Provide reasonable recreation and service needs of residents by adequate pos.</td>
</tr>
<tr>
<td>B29 Solar Access to Open Space</td>
<td>Allow solar access into the secluded private open space of new dwellings/buildings.</td>
</tr>
<tr>
<td>B30 Storage</td>
<td>6 cubic metres of external storage is proposed to be formed in the west side garden of the proposed</td>
</tr>
</tbody>
</table>

Item 4.3 – Matters of Decision

Page 102 of 303
<table>
<thead>
<tr>
<th>Item</th>
<th>4.3 – Matters of Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Provide adequate storage facilities for each dwelling.</strong></td>
<td>dwelling.</td>
</tr>
<tr>
<td><strong>B31 Design Detail</strong></td>
<td>Yes</td>
</tr>
<tr>
<td>Encourage design detail that respects the existing or preferred neighbourhood character.</td>
<td></td>
</tr>
<tr>
<td><strong>B32 Front Fences</strong></td>
<td>N/A</td>
</tr>
<tr>
<td>Encourage front fence design that respects the existing or preferred neighbourhood character.</td>
<td>Proposed: N/A</td>
</tr>
<tr>
<td><strong>B33 Common Property</strong></td>
<td>Yes</td>
</tr>
<tr>
<td>Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</td>
<td></td>
</tr>
<tr>
<td><strong>B34 Site Services</strong></td>
<td>Yes</td>
</tr>
<tr>
<td>Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</td>
<td></td>
</tr>
</tbody>
</table>
4.4 4/12 GRENVILLE STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO. 2017/306/1 WARD: CENTRAL

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/244399

1. **Purpose and background**

To report a planning permit application for the construction of a first floor extension to an existing dwelling on a lot with an area of 96 square metres (refer Attachment 1) at 4/12 Grenville Street, Hampton (refer Attachment 2).

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Simon Shaw Architect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date application received</td>
<td>23 May 2017</td>
</tr>
<tr>
<td>Statutory days expired</td>
<td>17 January 2018</td>
</tr>
</tbody>
</table>

2. **Policy implications**

**Planning permit requirements**

Clause 32.08-5 (General Residential Zone) - Extension of one dwelling on a lot.

3. **Stakeholder Consultation**

**External referrals**

There were no external referrals required to be made in accordance with Clause 66 of the Bayside Planning Scheme.

**Internal referrals**

The application was not internally referred to any Council departments for comment.

**Public notification**

The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and five objections were received. The following concerns were raised:

- Car parking and traffic impacts
- Application inaccuracies
- Building bulk
- Safety
- Insufficient SPOS for children
- Construction impacts
- Purpose and use of the General Residential Zone
- Precedent
- Property value

**Consultation meeting**

A consultation meeting was held on 9 October 2017 attended by the permit applicant and four objectors. As a result of this meeting one objection was withdrawn. Therefore, four objectors remain.
4. Recommendation

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2017/306/1** for the land known and described as *4/12 Grenville Street, Hampton*, for the **construction of a first floor extension to an existing dwelling on a lot** in accordance with the endorsed plans and subject to the following conditions:

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 decision plans, prepared by Simon Shaw Architect and Council date stamped 10 November 2017, but modified to show:
   
   a) The provision of a skylight to the roof above the first floor rumpus room to comply with Standard A7 - Energy efficiency protection objectives of Clause 54.03-5 of the bayside Planning Scheme.
   b) Deletion of the ensuite associated with bed 3. Any redesign must occur to the satisfaction of the Responsible Authority and must not include a double storey wall on boundary element adjacent the secluded private open space area of unit 3.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

4. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

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

**Permit Expiry**

6. This permit will expire if one of the following circumstances applies:

   a) The development is not started within two years of the date of this permit.
   b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the **Planning and Environment Act 1987**, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

**Permit Notes**

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Council records indicate that there is no easement within the property.
5. Council Policy

Council Plan 2017-2021

Relevant strategic objectives of the Council plan include:

- Where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.
- Where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.
- Where a range of housing types is provided to accommodate the changing needs of the community, enabling people to age in place and providing opportunities for young adults and families to live and remain in the municipality.

Relevant strategies of the Council plan include:

- Make discretionary planning controls stronger, by advocating for Council’s planning and urban design objectives to state government.

Bayside Planning Scheme

- Clause 9  Plan Melbourne
- Clause 15  Built Environment and Heritage
- Clause 16  Housing
- Clause 21.02  Bayside Key Issues and Strategic Vision
- Clause 21.03  Settlement and Housing
- Clause 21.06  Built Environment and Heritage
- Clause 21.11  Local Areas
- Clause 22.06  Neighbourhood Character Policy (Precinct F1)
- Clause 22.08  Water Sensitive Urban Design
- Clause 32.08  General Residential Zone (Schedule 2)
- Clause 43.02  Design and Development Overlay (Schedule 12)
- Clause 54  One dwelling on a lot
- Clause 65  Decision Guidelines

6. Considerations

In considering this application, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme, objections received and the individual merits of the application.

6.1. Neighbourhood character

The site is located within Neighbourhood Character Precinct F1 and the proposal is considered to demonstrate a high level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 3.

The proposal entails the construction of a first floor extension to the existing single storey dwelling that is located within a seven unit development.

The angled layout of the existing development is conducive to minimising off site visual bulk impacts to the private open space and habitable room windows of adjoining properties. It is noted that streetscape impacts will not occur as a result of the proposal.
The extension provides recessed and projecting elements to disrupt the singular building plane associated with the perceived visual bulk presented to the front (east) and rear (west) elevations.

The contemporary extension features a variety of cladding and foamboard in grey and cream tones that match and complement the existing brickwork, fenestration and roof colours of the remaining dwellings within the development.

6.2. **Compliance with Clause 55 (ResCode)**

An assessment against the requirements of Clause 55 is provided at Attachment 3. Those non-compliant standards are discussed below:

**Energy Efficiency**

The proposed layout provides direct solar and daylight access to all habitable rooms except the first floor rumpus room adjacent to the landing. This area will be reliant on daylight from the adjoining rooms.

Whilst this outcome is not ideal, the design response is significantly restrained by the building footprint and dwelling typology. The provision of a skylight to the rumpus room will assist in maximising the energy efficiency of the dwelling whilst increasing the internal amenity of the room for future residents. A condition to this effect is included.

**Wall on boundaries**

Although the length of the proposed walls on boundaries are compliant with the Standard, the height of the first floor addition along the north and south boundary at 6.5m does not accord with the numerical standard that requires a maximum height of 3.6m.

The first floor southern wall on boundary associated with bed 2’s walk in robe (w.i.r) is considered to be acceptable as the majority of the wall abuts the single storey built form and carport of unit 5.

According, it is considered that no off site amenity impacts are likely to be generated by this area of non-compliance and for these reasons this variation to the southern boundary is considered to be acceptable.

However, it is considered that the addition of the ensuite associated with bed 3’s, located to the northern title boundary will generate unacceptable off site amenity impacts to the adjoining unit (no. 3).

The ensuite presents as a double storey sheer wall along a boundary of the adjacent units SPOS. The provision of this ensuite will enclose the neighbouring SPOS, resulting in a poor amenity outcome that offers reduced solar access and compromised visual amenity.

A condition will therefore be enforced requiring the deletion of the ensuite to bedroom 3.

6.3. **Objections received**

Issues raised by objectors that have not been addressed in the assessment above, are discussed below.

Issues raised by objectors that have not been addressed in the assessment above, are discussed below.

**Car parking and traffic impacts**

The extension of one dwelling on a lot in the Neighbourhood Residential Zone is not subject to additional car parking requirements of Clause 52.06 - Car Parking of the Bayside Planning Scheme.

**Application inaccuracies**

Sufficient information to enable an informed view of the application has been made
available for viewing at Council offices as part of the notification process, which has been carried out in accordance with Section 57 of the Planning and Environment Act 1987. Additional information submitted with the application has been made available at the request of interested parties.

Building bulk
The building’s bulk is tempered through its articulation from front and side boundaries, further complements by the contrasting wall cladding materials used at ground and first floors.

The design response is suitable in an eclectic streetscape of single and double storey building form, many of which are not dissimilar to the proposed built form.

Safety
It is noted that neighbourly relations, general safety, the tidiness of dwellings/unit developments and whether dwellings are tenanted or owner occupied is not a relevant consideration in assessing an application under the provisions of the Planning & Environment Act 1987, or the Bayside Planning Scheme.

Insufficient SPOS for children
There is no change to the existing provision of SPOS.

Construction impacts
Building work can sometimes affect adjoining properties. An owner who is proposing building work has obligations under the Building Act 1993 to protect adjoining property from potential damage from their work. If building work is close to or adjacent to adjoining property boundaries, then the relevant building surveyor may require the owner to carry out protection work in respect of that adjoining property. This is to ensure that the adjoining property is not affected or damaged by the proposed building work. Protection work provides protection to adjoining property from damage due to building work. It includes but is not limited to underpinning of adjoining property footings, including vertical support, lateral support, protection against variation in earth pressures, ground anchors, and other means of support for the adjoining property. This process is not controlled or overseen via the planning process and regulations. It is a matter addressed at the building permit stage.

The potential for damage arising to the property during construction are outside the scope of the planning process and are not sufficient to warrant the refusal of the application. These matters are dealt with by the building surveyor.

Some noise and other off site impacts are inevitable when any construction occurs. The developer will be required to meet relevant Local Laws and EPA regulations regarding construction practices to ensure these impacts are mitigated.

Purpose and use of the General Residential Zone
The purpose of the General Residential zone is to facilitate a diversity of housing types including increase residential densities. State and Local Planning Policy of the Bayside Planning Scheme envisage an increase in housing densities and diversity of housing types on sites that are well located in relation to activity centres, employment corridors and public transport.

The increase in population and density at this site is considered an appropriate response to the underutilised state of the site and the proximity of the site to public transport, shops and other services. While any increase in population density will likely increase the level of activity around the site and area, it is not envisioned that such an increase would be detrimental or substantially more intensive than what is currently experienced.
Precedent

Future planning permit applications on this site or neighbouring and nearby land will be assessed against relevant planning policy and site conditions, based on their own merits at the time of assessment.

The possibility of setting an undesirable precedent cannot be substantiated and is not a relevant planning consideration.

Property value

The Victorian Civil and Administrative Tribunal has consistently found that property values are speculative and not a planning matter. Fluctuations in property prices are not a relevant consideration in assessing an application under the provisions of the Planning & Environment Act 1987, or the Bayside Planning Scheme.

Support Attachments

1. Development Plans ▼
2. Sites and Surrounds Imagery ▼
3. Neighbourhood Character Assessment ▼
4. Clause 54 Assessment ▼
Item 4.4 – Matters of Decision
MATERIALS & COLOUR SCHEDULE
UNIT 4 & 6, 12 GRENVILLE STREET, HAMPTON

EXTERNAL WALL:
Hardies weatherboard cladding (horizontal)
Colour: Charcoal

Rendered Foamboard
Colour: Cream to match existing ground floor brick work (approx)

Lightweight Rendered Cladding
Colour: Cream to match existing ground floor brick work (approx)

ROOFING
Tiles
Colour: Dark Grey to match existing re-sprayed tiles of units 5, 6, 7

WINDOWS
Powder coated aluminum windows
Colour: White to match existing

GUTTERS, DOWNPIPES, FACIA’S
Colorbond steel
Colour: White to match existing
**STORM Rating Report**

<table>
<thead>
<tr>
<th>Description</th>
<th>Impervious Area (m²)</th>
<th>Treatment Type</th>
<th>Treatment Area/Volume (m² or L)</th>
<th>Occupants / Number Of Bedrooms</th>
<th>Treatment %</th>
<th>Tank Water Supply Reliability (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tiled Roof</td>
<td>95.00</td>
<td>Rainwater Tank</td>
<td>900.00</td>
<td>3</td>
<td>100.40</td>
<td>71.90</td>
</tr>
</tbody>
</table>

TransactionID: 532987
Municipality: BAYSIDE
Rainfall Station: BAYSIDE
Address: Unit 4/12 Grenville St, Hampton, VIC
Assessor: Simon Shaw
Development Type: Residential - Extension
Allotment Site (m²): 95.00
STORM Rating %: 100
Figure 1 Aerial overview of the site and surrounds

<table>
<thead>
<tr>
<th>Legend</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject site</td>
<td>⭐</td>
</tr>
<tr>
<td>Objector(s)</td>
<td>⚫</td>
</tr>
<tr>
<td>Withdrawn</td>
<td>▲</td>
</tr>
</tbody>
</table>
Figure 2 View towards the sites frontage from the north

Figure 3 View internally towards the site from the north
ATTACHMENT 3
Neighbourhood Character (Precinct F1) Assessment

Preferred Future Character Statement

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

Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To encourage the retention of dwellings that contribute to the valued character of the Precinct in the design of development proposals. | • 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. | Demolition of dwellings that contribute to the valued character of the Precinct. | Complies  
The first floor addition proposes a modern design response that interprets the design detail of the post-war dwellings.  
Whilst the first floor extension will clearly protrude within the development, the materials and colours provide a sympathetic response that are in keeping with the existing conditions.  
Associated with the proposal is a duplicate application (without the roof deck) within the same development at number 6 (2017/305/1). This allows an opportunity to provide a cohesive response, mitigating bulk impacts and perceived visual fragmentation to dwellings within the unit development. |
| To maintain and enhance the garden settings of the dwellings, and enhance the bayside vegetation character. | • Retain established trees and vegetation.  
• Replace any trees removed with species that will grow to a similar height. | Lack of landscaping and substantial vegetation.  
Removal of trees. | N/A |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| **To ensure the building setbacks reflect the existing spacious visual separation of buildings and contribute to the informality of the dwelling setting.** | • 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. | Loss of front garden space.                | Complies  
The development does not propose any changes to the building footprint of the existing ground floor dwelling.  
The first floor provides a recessed response to disrupt the perceived visual impact of the singular building plane when viewed from the secluded private open space of the adjoining property to the rear (10 Grenville). The angular siting of the dwellings within the development to the western boundary and in which the extension is built over, will assist in creating a level of visual separation to contribute to the informality of the development that the dwelling is located in. |
**ATTACHMENT 4**  
**Clause 54 (ResCode) Assessment**

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A1 Neighbourhood Character</strong></td>
<td>Yes</td>
<td>Refer report.</td>
</tr>
<tr>
<td>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A2 Integration with Street</strong></td>
<td>N/A</td>
<td>There are no changes proposed to the layout of the existing development.</td>
</tr>
<tr>
<td>Integrate the layout of development with the street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A3 Street Setback</strong></td>
<td>N/A</td>
<td>There are no changes proposed to the street setback.</td>
</tr>
<tr>
<td>Setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A4 Building Height</strong></td>
<td>Yes</td>
<td>Required: 11m</td>
</tr>
<tr>
<td>Building height respects the existing or preferred neighbourhood character.</td>
<td></td>
<td>Proposed: 8.2m</td>
</tr>
<tr>
<td><strong>A5 Site Coverage</strong></td>
<td>N/A</td>
<td>There are no changes proposed to the existing ground floor conditions.</td>
</tr>
<tr>
<td>Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A6 Permeability</strong></td>
<td>N/A</td>
<td>The first floor addition is wholly contained within the ground floor building footprint. Accordingly, the standard does not apply.</td>
</tr>
<tr>
<td>Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A7 Energy Efficiency</strong></td>
<td>No</td>
<td>The rumpus room/landing does not have direct daylight access.</td>
</tr>
<tr>
<td>Achieve and protect energy efficient dwellings. Ensure the development's orientation and layout reduce</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
fossil fuel energy use and makes appropriate use of daylight and solar energy.

### A8 Significant Trees
Development respects the landscape character of the neighbourhood and retains significant trees on site.

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North (side)</strong></td>
<td><strong>South (side)</strong></td>
</tr>
<tr>
<td><strong>Required</strong></td>
<td><strong>Proposed</strong></td>
</tr>
<tr>
<td>0m or 1m</td>
<td>N/A</td>
</tr>
<tr>
<td>0m or 1m</td>
<td>N/A</td>
</tr>
<tr>
<td>0m or 1m</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### A10 Side and Rear Setbacks
Ensure the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North (side)</strong></td>
<td><strong>South (side)</strong></td>
</tr>
<tr>
<td><strong>Required</strong></td>
<td><strong>Proposed</strong></td>
</tr>
<tr>
<td>0m or 1m</td>
<td>N/A</td>
</tr>
<tr>
<td>0m or 1m</td>
<td>N/A</td>
</tr>
<tr>
<td>0m or 1m</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### 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.

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North boundary (to unit 3)</strong></td>
<td><strong>South boundary (to unit 5)</strong></td>
</tr>
<tr>
<td><strong>Maximum Height</strong>: 3.6m <strong>Proposed</strong>: 6.5m</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Average Height</strong>: 3.2m <strong>Proposed</strong>: 6.5m</td>
<td></td>
</tr>
<tr>
<td><strong>North boundary (to unit 3)</strong></td>
<td><strong>South boundary (to unit 5)</strong></td>
</tr>
<tr>
<td><strong>Maximum Length</strong>: 10.4m <strong>Proposed</strong>: 7.7m</td>
<td></td>
</tr>
<tr>
<td><strong>South boundary (to unit 5)</strong></td>
<td><strong>Proposed</strong>: 7.7m</td>
</tr>
</tbody>
</table>

### A12 Daylight to existing windows
To allow adequate daylight into existing habitable room windows.

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>N/A</strong></td>
<td><strong>There are no existing habitable room windows proximate to the site.</strong></td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>A13 North Facing Windows</td>
<td>Allow adequate solar access to existing north-facing habitable room windows.</td>
</tr>
<tr>
<td>A14 Overshadowing Open Space</td>
<td>Ensure buildings do not unreasonably overshadow existing secluded private open space.</td>
</tr>
<tr>
<td>A15 Overlooking</td>
<td>Limit views into existing secluded private open space and habitable room windows</td>
</tr>
<tr>
<td>A16 Daylight to New Windows</td>
<td>Allows adequate daylight into new habitable room windows.</td>
</tr>
<tr>
<td>A17 Private Open Space</td>
<td>Provide adequate private open space for the recreation and service needs of residents.</td>
</tr>
<tr>
<td>A18 Solar Access to Open Space</td>
<td>Allow solar access into secluded private open space of a new dwelling.</td>
</tr>
<tr>
<td>A19 Design Detail</td>
<td>Encourage design detail that respects the existing or preferred neighbourhood character.</td>
</tr>
<tr>
<td>A20 Front Fences</td>
<td>Encourage front fence design that respects the exiting or preferred neighbourhood character.</td>
</tr>
</tbody>
</table>
4.5 6/12 GRENVILLE STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO. 2017/305/1 WARD: CENTRAL

1. Purpose and background

To report a planning permit application for the construction of a first floor extension and roof deck to an existing dwelling on a lot with an area of 96 square metres (refer Attachment 1) at 6/12 Grenville Street, Hampton (refer Attachment 2).

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Simon Shaw Architect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date application received</td>
<td>23 May 2017</td>
</tr>
<tr>
<td>Statutory days expired</td>
<td>17 January 2018</td>
</tr>
</tbody>
</table>

2. Policy implications

Planning permit requirements
Clause 32.08-5 (General Residential Zone) - Extension of one dwelling on a lot.
Clause 43.01 (Design and Development Overlay, Schedule 12) – Construction of a roof deck.

3. Stakeholder Consultation

External referrals
There were no external referrals required to be made in accordance with Clause 66 of the Bayside Planning Scheme.

Internal referrals
The application was not internally referred to any Council departments for comment.

Public notification
The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and four objections were received. The following concerns were raised:
- Car parking and traffic impacts
- Application inaccuracies
- Building bulk
- Safety
- Insufficient SPOS for children
- Construction impacts
- Purpose and use of the General Residential Zone
- Precedent
- Property value

Consultation meeting
A consultation meeting was held on 9 October 2017 attended by the permit applicant.
and 4 objectors. As a result of this meeting one (1) objection was withdrawn.

4. **Recommendation**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2017/305/1** for the land known and described as **6/12 Grenville Street, Hampton**, for the **construction of a first floor extension and roof deck to an existing dwelling on a lot** in accordance with the endorsed plans and subject to the following conditions:

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 decision plans, prepared by Simon Shaw Architect and Council date stamped 10 November 2017, but modified to show:

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3. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

4. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

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

**Permit Expiry**

6. This permit will expire if one of the following circumstances applies:

   a) The development is not started within two years of the date of this permit.

   b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the **Planning and Environment Act 1987**, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

**Permit Notes**

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

- Council records indicate that there is no easement within the property.
5. **Council Policy**

**Council Plan 2017-2021**

Relevant strategic objectives of the Council plan include:

- Where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.
- Where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.
- Where a range of housing types is provided to accommodate the changing needs of the community, enabling people to age in place and providing opportunities for young adults and families to live and remain in the municipality.

Relevant strategies of the Council plan include:

- Make discretionary planning controls stronger, by advocating for Council’s planning and urban design objectives to state government.

**Bayside Planning Scheme**

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- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.06 Built Environment and Heritage
- Clause 21.11 Local Areas
- Clause 22.06 Neighbourhood Character Policy (Precinct F1)
- Clause 22.08 Water Sensitive Urban Design
- Clause 32.08 General Residential Zone (Schedule 2)
- Clause 43.02 Design and Development Overlay (Schedule 12)
- Clause 54 One dwelling on a lot
- Clause 65 Decision Guidelines

6. **Considerations**

In considering this application, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme, objections received and the individual merits of the application.

6.1. **Neighbourhood character**

The site is located within Neighbourhood Character Precinct F1 and the proposal is considered to demonstrate a high level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 2.

The proposal entails the construction of a first floor extension to the existing single storey dwelling that is located within a seven unit development.

The angled layout of the existing development is conducive to minimising off site visual bulk impacts to the private open space and habitable room windows of adjoining properties. It is noted that streetscape impacts will not occur as a result of the proposal.

The extension provides recessed and projecting elements to disrupt the singular building...
plane associated with the perceived visual bulk presented to the front (east) and rear (west) elevations.

The contemporary extension features a variety of cladding and foamboard in grey and cream tones that match and complement the existing brickwork, fenestration and roof colours of the remaining dwellings within the development.

6.2. **Compliance with Clause 55 (ResCode)**

An assessment against the requirements of Clause 55 is provided at Attachment 3. Those non-compliant standards are discussed below

**Energy Efficiency**

The proposed layout provides direct solar and daylight access to all habitable rooms except the first floor rumpus room adjacent to the landing. This area will be reliant on daylight from the adjoining rooms.

Whilst this outcome is not ideal, the design response is significantly restrained by the building footprint and dwelling typology. The provision of a skylight to the rumpus room will assist in maximising the energy efficiency of the dwelling whilst increasing the internal amenity of the room for future residents. A condition to this effect is included.

**Wall on boundaries**

Although the length of the proposed walls on boundaries are compliant with the Standard, the 6.5m wall height of the first floor addition does not accord with the numerical standard that requires a maximum height of 3.6m along the northern (unit 5) and southern boundary (unit 7).

In this instance, the proposed walls on boundary abut either a roofed structure or the single storey built form of neighbouring properties. Therefore, there would be no visual impact from habitable room windows, and no unreasonable visual impact from secluded private open space.

The outcome is therefore acceptable.

6.3. **Roof deck**

The application proposes a roof deck above the first floor accessed from an internal staircase located in the rumpus room.

Pursuant to the DDO12, the roof deck should ‘be set back at least 2 metres from the roof edge immediately below on all sides to minimise the visual impact on the street and adjoining properties’.

Sited towards the rear and overlooking the train tracks, the roof deck is approximately 18.3 square metres in area.

Proposed to be set back 6.8 metres from the dwellings ground floor front façade, the roof deck is set back 2 metres from the northern and southern (side) roof edges and 600mm from the rear (western) roof edge, minimising visual impacts to the sensitive interfaces of the adjoining properties.

The roof deck and all associated structures and elements do not exceed 1.7m in height or the maximum building height of 11 metres and 3 storeys pursuant to Precinct E of the Hampton Street Major Activity Centre Built Form Precincts – Clause 21.11-4 Local Areas of the Bayside Planning Scheme.

The roof deck balustrades are to be constructed of obscure glass with heights of 1.7 metres to the front (east) and side (north) with the balance at 1 metre to minimise overlooking to adjoining properties. The reduced heights of the balustrade that mitigate overlooking are confined the elevations that overlook the rear (train tracks) and the covered area to unit 7.
Accordingly, in combination with the finished floor level of the deck that is constructed only 400 millimetres above the finished ceiling level of storey immediately below, it is considered that the roof deck has been designed to limit views into the secluded private open space of adjacent dwellings.

It is considered that the roof deck will successfully integrate into the architectural form and style of the dwelling, will create additional secluded private open space to the occupants and will not create any unreasonable offsite amenity impacts to any properties or third parties.

6.4. **Objections received**

Issues raised by objectors that have not been addressed in the assessment above, are discussed below.

**Car parking and traffic impacts**

The extension of one dwelling on a lot in the Neighbourhood Residential Zone is not subject to additional car parking requirements of Clause 52.06 - Car Parking of the Bayside Planning Scheme.

**Application inaccuracies**

Sufficient information to enable an informed view of the application has been made available for viewing at Council offices as part of the notification process, which has been carried out in accordance with Section 57 of the Planning and Environment Act 1987. Additional information submitted with the application has been made available at the request of interested parties.

**Building bulk**

The building’s bulk is tempered through its articulation from front and side boundaries, further complements by the contrasting wall cladding materials used at ground and first floors.

The design response is suitable in an eclectic streetscape of single and double storey building form, many of which are not dissimilar to the proposed built form.

**Safety**

It is noted that neighbourly relations, general safety, the tidiness of dwellings/unit developments and whether dwellings are tenanted or owner occupied is not a relevant consideration in assessing an application under the provisions of the Planning & Environment Act 1987, or the Bayside Planning Scheme.

**Insufficient SPOS for children**

There is no change to the existing provision of SPOS. The determination of ‘suitable’ SPOS for varying cohorts will ultimately be decided by market forces.

**Construction impacts**

Building work can sometimes affect adjoining properties. An owner who is proposing building work has obligations under the Building Act 1993 to protect adjoining property from potential damage from their work. If building work is close to or adjacent to adjoining property boundaries, then the relevant building surveyor may require the owner to carry out protection work in respect of that adjoining property. This is to ensure that the adjoining property is not affected or damaged by the proposed building work. Protection work provides protection to adjoining property from damage due to building work. It includes but is not limited to underpinning of adjoining property footings, including vertical support, lateral support, protection against variation in earth pressures, ground anchors, and other means of support for the adjoining property. This process is not controlled or overseen via the planning process and regulations. It is a matter addressed at the building permit stage.
The potential for damage arising to the property during construction are outside the scope of the planning process and are not sufficient to warrant the refusal of the application. These matters are dealt with by the building surveyor.

Some noise and other off site impacts are inevitable when any construction occurs. The developer will be required to meet relevant Local Laws and EPA regulations regarding construction practices to ensure these impacts are mitigated.

**Purpose and use of the General Residential Zone**

The purpose of the General Residential zone is to facilitate a diversity of housing types including increase residential densities. State and Local Planning Policy of the Bayside Planning Scheme envisage an increase in housing densities and diversity of housing types on sites that are well located in relation to activity centres, employment corridors and public transport.

The increase in population and density at this site is considered an appropriate response to the underutilised state of the site and the proximity of the site to public transport, shops and other services. While any increase in population density will likely increase the level of activity around the site and area, it is not envisioned that such an increase would be detrimental or substantially more intensive than what is currently experienced.

**Precedent**

Future planning permit applications on this site or neighbouring and nearby land will be assessed against relevant planning policy and site conditions, based on their own merits at the time of assessment.

The possibility of setting an undesirable precedent cannot be substantiated and is not a relevant planning consideration.

**Property value**

The Victorian Civil and Administrative Tribunal has consistently found that property values are speculative and not a planning matter. Fluctuations in property prices are not a relevant consideration in assessing an application under the provisions of the Planning & Environment Act 1987, or the Bayside Planning Scheme.

**Support Attachments**

1. Development Plans ↓
2. Sites and Surrounds Imagery ↓
3. Neighbourhood Character Assessment ↓
4. Clause 54 Assessment ↓

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Item 4.5 – Matters of Decision
MATERIALS & COLOUR SCHEDULE
UNIT 4 & 6, 12 GRENVILLE STREET, HAMPTON

EXTERNAL WALL:
Hardies weatherboard cladding (horizontal)
Colour: Charcoal

Rendered Foamboard
Colour: Cream to match existing ground floor brick work (approx)

Lightweight Rendered Cladding
Colour: Cream to match existing ground floor brick work (approx)

ROOFING
Tiles
Colour: Dark Grey to match existing re-sprayed tiles of units 5, 6, 7

WINDOWS
Powder coated aluminum windows
Colour: White to match existing

GUTTERS, DOWNPIPES, FACIA’S
Colorbond steel
Colour: White to match existing
## STORM Rating Report

**TransactionID:** 562667  
**Municipality:** BAYSIDE  
**Rainfall Station:** BAYSIDE  
**Address:** Unit 6/12 Grenville St., Hampton, VIC  
**Assessor:** Simon Shaw  
**Development Type:** Residential - Extension  
**Allotment Site (m2):** 95.00  
**STORM Rating %:** 100

<table>
<thead>
<tr>
<th>Description</th>
<th>Impervious Area (m2)</th>
<th>Treatment Type</th>
<th>Treatment Area/Volume (m2 or L)</th>
<th>Occupants/Number Of Bedrooms</th>
<th>Treatment %</th>
<th>Tank Water Supply Reliability (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tiled Roof</td>
<td>95.00</td>
<td>Rainwater Tank</td>
<td>900.00</td>
<td>3</td>
<td>100.40</td>
<td>71.90</td>
</tr>
</tbody>
</table>
ATTACHMENT 2
SITE AND SURROUNDS IMAGERY

Figure 1 Aerial overview of the site and surrounds

<table>
<thead>
<tr>
<th>Legend</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject site</td>
<td>⭐️</td>
</tr>
<tr>
<td>Objector(s)</td>
<td>⚪️</td>
</tr>
<tr>
<td>Withdrawn</td>
<td>▲️</td>
</tr>
</tbody>
</table>
Figure 2 View towards the sites frontage from the north
Figure 3 View internally towards the site from the north

Figure 3 View towards the rear of the site from the south
ATTACHMENT 3
Neighbourhood Character (Precinct F1) Assessment

Preferred Future Character Statement

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

Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To encourage the retention of dwellings that contribute to the valued character of the Precinct in the design of development proposals. | • 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. | Demolition of dwellings that contribute to the valued character of the Precinct. | Complies  
The first floor addition proposes a modern design response that interprets the design detail of the post-war dwellings.  
Whilst the first floor extension will clearly protrude within the development, the materials and colours provide a sympathetic response that are in keeping with the existing conditions.  
Associated with the proposal is a duplicate application (without the roof deck) within the same development at number 4 (2017/306/1). This allows an opportunity to provide a cohesive response, mitigating bulk impacts and perceived visual fragmentation to dwellings within the unit development. |

To maintain and enhance the garden settings of the dwellings, and enhance the bayside vegetation character. | • Retain established trees and vegetation.  
• Replace any trees removed with species that will grow to a similar height. | Lack of landscaping and substantial vegetation.  
Removal of trees. | N/A |

By: Charles A. \(\text{MCS}^\)
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To ensure the building setbacks reflect the existing spacious visual separation of buildings and contribute to the informality of the dwelling setting. | - Encourage replanting of indigenous sandbelt vegetation.  
- Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and shrubs, and indigenous coastal vegetation.                                                                                                                                                                                                                           | Planting of environmental weeds.                                                                                                                                                                                                                                          | Complies  
The development does not propose any changes to the building footprint of the existing ground floor dwelling.  
The first floor provides a recessed response to disrupt the perceived visual impact of the singular building plane when viewed from the secluded private open space of the adjoining property to the rear (10 Grenville). The angular siting of the dwellings to the rear of the development (southwestern boundary) and in which the extension is built over, will assist in creating a level of visual separation to contribute to the informality of the development that the dwelling is located in. |
| To minimise the loss of front garden spaces and the dominance of car parking structures. | - 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.                                                                                                                                                                                                                                        | Loss of front garden space.                                                                                                                                                                                                                                             | N/A                                                                                                           |
|                                                                             | - Locate garages and carports behind the line of the dwelling.  
- Underground car parking accessed from the front of the site should only be provided where other options are not possible due to site constraints, the garage doors do not dominate the façade and the front setback area is retained as predominantly garden space.                                                                                                                   | Car parking structures that dominate the façade or view of the dwelling.                                                                                                                                       |                                                                                                               |
## ATTACHMENT 4
### Clause 54 (ResCode) Assessment

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **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 | Refer report. |
| **A2 Integration with Street**  
Integrate the layout of development with the street. | N/A | There are no changes proposed to the layout of the existing development. |
| **A3 Street Setback**  
Setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site | N/A | There are no changes proposed to the street setback. |
| **A4 Building Height**  
Building height respects the existing or preferred neighbourhood character. | Yes  
*Required:* 11m  
*Proposed:* 9.1m |
| **A5 Site Coverage**  
Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site. | N/A | There are no changes proposed to the existing ground floor conditions. |
| **A6 Permeability**  
Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration. | N/A | The first floor addition is wholly contained within the ground floor building footprint. Accordingly, the standard does not apply. |
| **A7 Energy Efficiency**  
Achieve and protect energy efficient dwellings. | No | The rumpus room/landing does not have direct daylight access. |
Ensure the development's orientation and layout reduce fossil fuel energy use and makes appropriate use of daylight and solar energy.

<table>
<thead>
<tr>
<th>A8 Significant Trees</th>
<th>N/A</th>
<th>No trees are proposed to be removed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development respects the landscape character of the neighbourhood and retains significant trees on site.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A10 Side and Rear Setbacks</th>
<th>Yes</th>
<th>Refer table below.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required</td>
<td>Proposed</td>
</tr>
<tr>
<td>North (side)</td>
<td>0m or 1m</td>
</tr>
<tr>
<td>South (side)</td>
<td>0m or 1m</td>
</tr>
<tr>
<td>West (rear)</td>
<td>0m or 1m</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>A11 Walls on Boundaries</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>North boundary (to unit 5)</th>
<th>Maximum Height: 3.6m Proposed: 6.5m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Average Height: 3.2m Proposed: 6.5m</td>
<td></td>
</tr>
<tr>
<td>North boundary (to unit 7)</td>
<td></td>
</tr>
<tr>
<td>Maximum Length: 10.4m Proposed: 7.7m</td>
<td></td>
</tr>
<tr>
<td>South boundary (to unit 7)</td>
<td></td>
</tr>
<tr>
<td>Maximum Length: 10.4m Proposed: 7.7m</td>
<td></td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>A12 Daylight to existing windows</td>
<td>To allow adequate daylight into existing habitable room windows.</td>
</tr>
<tr>
<td>A13 North Facing Windows</td>
<td>Allow adequate solar access to existing north-facing habitable room windows.</td>
</tr>
<tr>
<td>A14 Overshadowing Open Space</td>
<td>Ensure buildings do not unreasonably overshadow existing secluded private open space.</td>
</tr>
<tr>
<td>A15 Overlooking</td>
<td>Limit views into existing secluded private open space and habitable room windows</td>
</tr>
<tr>
<td>A16 Daylight to New Windows</td>
<td>Allows adequate daylight into new habitable room windows.</td>
</tr>
<tr>
<td>A17 Private Open Space</td>
<td>Provide adequate private open space for the recreation and service needs of residents.</td>
</tr>
<tr>
<td>A18 Solar Access to Open Space</td>
<td>Allow solar access into secluded private open space of a new dwelling.</td>
</tr>
<tr>
<td>A19 Design Detail</td>
<td>Encourage design detail that respects the existing or preferred neighbourhood character.</td>
</tr>
<tr>
<td>A20 Front Fences</td>
<td>Encourage front fence design that respects the exiting or</td>
</tr>
</tbody>
</table>
preferred neighbourhood character.
4.6 10 RUXTON RISE, BEAUMARIS
(FORMERLY LOT 9, 489 BALCOMBE ROAD)
GRANT A PLANNING PERMIT
APPLICATION NO: 2017/383/1 WARD: SOUTHERN

This matter has been reported to the Planning and Amenity Committee for a decision as a result of Councillor call-in.

1. Application details

To report a planning permit application for the construction of a double storey dwelling on a lot with an area of 410 square metres (refer Attachment 1) at 10 Ruxton Rise, Beaumaris (refer Attachment 2).

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Trusch Design Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date application received</td>
<td>20 June 2017</td>
</tr>
<tr>
<td>Statutory days expire</td>
<td>20 November 2017</td>
</tr>
</tbody>
</table>

Site History

Planning permit 2014/516 was granted on the 17 March 2015 at the direction of the Victorian Civil and Administrative Tribunal (VCAT) for the subdivision of the former Beaumaris RSL site at 489 Balcombe Road into 20 lots, removal of vegetation, alteration of access to a Category 1 Road Zone and variation and removal of easements.

The permit was amended via Section 72 of the Planning and Environment Act 1987 on the 13 October 2015 for minor amendments to the conditions. The permit was amended again via Section 71 of the Planning and Environment Act 1987 on the 5 November 2015 to correct a minor clerical error in the original drafting of the conditions.

Individual titles for the 20 lots have been issued. A number of the conditions of the subdivision permit, the endorsed plans and a Section 173 agreement lodged on all titles across the site place restrictions on the development of each site. These are discussed later in the report.

Subdivision plans have been endorsed that direct a number of aspects of the development of individual sites, including the provision of building envelopes and maximum building heights.

A landscape concept plan has also been endorsed for the larger site. All landscape plans for individual lots must be consistent with the landscape concept plan.

The section 173 agreement on each title imparts obligations on the owner in relation to the building envelope, height of development and tree protection fencing, and requires landscape plans to be prepared for each site and arborist reports where trees are to be retained.

It is noted the original Section 173 agreement did not allow works outside of the building envelope. This prohibited all works that would normally be associated with a dwelling including site cuts, driveways and letterboxes from occurring outside the building envelope. It is acknowledged this was over and above the intent of the building envelopes as decided by the VCAT decision and an amended Section 173 agreement was re-drafted that reflects the intent of the VCAT decision and community expectations for the development of the site, while enabling landowners to reasonably develop each site. The amended section 173 was signed by all owners and Council and registered on all titles on the 21 June 2017 (Dealing No. AN936521R).
2. Planning controls

Planning Permit requirements

A planning permit is required pursuant to:

- Clause 32.09-6 (Neighbourhood Residential Zone) – Construction of one dwelling on a lot.

Planning Scheme Amendments

There are no Planning Scheme Amendments relevant to this application.

3. Stakeholder consultation

External referrals

There are no external referrals required to be made in accordance with Clause 66 of the Bayside Planning Scheme.

Internal referrals

The application was referred to the following Council departments for comment:

<table>
<thead>
<tr>
<th>Internal Referral</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drainage</td>
<td>No objection, subject to condition.</td>
</tr>
<tr>
<td>Traffic Engineer</td>
<td>No objection, subject to condition.</td>
</tr>
</tbody>
</table>

Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and no objections were received.

Consultation meeting

A consultation meeting was not required to be held for this application.

4. Recommendation

That Council resolve to:

Issues a Planning Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2017/383/1 for the land known and described as 10 Ruxton Rise, Beaumaris, for the construction of a double storey dwelling on a less than 500 square metres in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans submitted 3 August 2017 but modified to show:

   a) Length and width of the basement car parking spaces in accordance with Clause 52.06 of the Bayside Planning Scheme.

   b) Removal of all reference to height and location of boundary fencing.

   c) A Water Sensitive Urban Design response in accordance with Condition 7 of this permit.

   d) A schedule of construction materials, external finishes and colours
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

6. Before occupation, screening of windows and roof decks including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

7. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
   a) The type of water sensitive urban design stormwater treatment measures to be used.
   b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
   c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

8. Before the occupation of the development starts, the areas set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.

9. Before the occupation of the development starts, new or altered vehicle crossing servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/kerb and channel, to the satisfaction of the Responsible Authority.

10. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction.
Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.

b) The location of tree protection measures to be utilised.

11. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

12. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan submitted to Council 29 August 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

a) A planting schedule, including quantities, of all shrubs, groundcovers, grasses and climbers.

b) Details of surface finishes of pathways and driveways.

13. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

15. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where storm-water is drained under gravity to the Council network.

16. Before the development, detailed plans indicating, but not limited to, the method of storm-water discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council’s Infrastructure Assets Department.

17. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

18. This permit will expire if one of the following circumstances applies:

a) The development is not started within two years of the date of this permit.

b) The development is not completed within four years of the date of this permit.
In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit notes

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of 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 Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.

- Council records indicate that there is no easement within the property.

- Subsurface water must be treated in accordance with Council’s Policy for “Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

5. Council Policy

Council Plan 2017-2021

Relevant strategic objectives of the Council plan include:

- Where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.

- Where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.

- Where a range of housing types is provided to accommodate the changing needs of the community, enabling people to age in place and providing opportunities for young adults and families to live and remain in the municipality.

Relevant strategies of the Council plan include:

- Make discretionary planning controls stronger, by advocating for Council’s planning and urban design objectives to state government.

Bayside Planning Scheme

- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.06 Built Environment and Heritage
- Clause 22.06 Neighbourhood Character Policy
- Clause 22.08 Water Sensitive Urban Design
6. Considerations

In considering this application, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme and the individual merits of the application.

6.1. Neighbourhood character

The site is located within Neighbourhood Character Precinct H3 and the proposal is considered to demonstrate a high level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 3.

The proposal retains landscaping in the rear private open space to the south of the dwelling to accommodate a level of vegetation consistent with the bushy character identified in the preferred neighbourhood character and endorsed concept landscape plan prepared by John Patrick Landscape Architects.

The proposed garage door is in-line with the primary ground floor façade of the dwelling and is sought to be dug-in to allow for parking facilities at the basement level. This reduces the dominance of the car parking structures. The slope of the site further reduces the dominance of the garage when viewed from the Ruxton Rise streetscape. The front door is recessed behind the primary front wall but it is clearly delineated with a walkway, stairs and a steel pergola over the entrance facing the street. The proposal is considered to represent a design that is both congruent with other applications approved on the former Beaumaris RSL site and appropriate with regard to the preferred neighbourhood character.

Given the slope and undulation of the existing site, a level of disturbance is unavoidable, particularly given the 8 metre height limit prescribed for the site in the endorsed subdivision plans. The need to establish a useable area of private open space for each dwelling is also acknowledged. The proposed site cut for the dwelling is not considered excessive in this context.

The dwelling would utilise selected render and horizontal timber cladding. Window joinery is sought to be aluminium. The materials proposed are generally in keeping with other dwellings approved on the former Beaumaris RSL site and the proposal is considered to respond to the existing neighbourhood character. No front fencing is proposed as a part of the application, retaining the open nature of the streetscape and providing a conceptual integrated between public and private spaces.

6.2. Compliance with Clause 54 (ResCode)

An assessment against the requirements of Clause 54 is provided at Attachment 4. Those non-compliant standards are discussed below:

<table>
<thead>
<tr>
<th>Ground floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Proposed</td>
</tr>
</tbody>
</table>

Item 4.6 – Matters of Decision
The proposal seeks a variation to the setback standards to the rear southern boundary of 410 mm at the first floor level. The objective of Standard A10 is to ensure the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

The variations required are considered to satisfactorily achieve the preferred neighbourhood character associated with Precinct H3 thus satisfying the objective. The first floor provides a combination of well-articulated surfaces with setbacks that preserve a spaciousness within the streetscape. The sloping nature of sites to the south of Ruxton Rise will further provide a conceptual separation between the streetscape and the built form. Additionally, the variation to the rear setback is unlikely to adversely impact on the private open space at 25D Bolton Street through its height or reduced setback. As such, it is recommended that the variations are supported and the design of the built form remains consistent.

Walls on Boundaries (Standard A11)

Max. Height: 3.6m – proposed 3.13m
Average Height: 3.2m – proposed 2.88m
Max. Length: 14.75m – proposed 15.4m

The length of the wall along the eastern boundary is proposed at 15.4 metres in length which requires a variation to Standard A11. In order to meet this standard a length of 14.75 metres would be required, therefore the variation would be 650mm.

The objective for walls on boundary is to ensure that 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 dwelling. In this instance, no application for a dwelling has been received for 11 Ruxton Rise directly east of the site. With that said, the orientation of the building parcel approved on this site is such that it can be assumed that a dwelling would be built to this boundary. The proposal associated with 10 Ruxton Rise allows for the sharing of eastern light through light wells, which could also break up the built form along this interface. It is unlikely that this wall along the boundary would have an adverse impact on the amenity of this property when it is developed in the future. As such, the length of the wall on the boundary satisfies the objective.

Solar access to open space (Standard A18)

The proposed wall along the south elevation has a maximum height of 5.95 metres, meaning that the setback from the rear boundary would need to be 7.36 metres in order to achieve this standard. The application proposes a 4 metre setback from this boundary, requiring a variation to the standard and the objective to be satisfactorily achieved. The variation to the standard requested by the applicant is 3.36 metres.

The objective for solar access to open space is to allow solar access into the secluded private open space of a new dwelling. The design of the site is such that the secluded private open space is located on the southern side of the dwelling. The building parcel registered on the subdivision application 2014/516/2 allows a dwelling to extend to within 4 metres of the rear boundary. The natural slope of the land and position of the southern wall will lead to overshadowing impacts on the southern private open space throughout the day. That said, there has been provision made for private space along the western interface with 8 Ruxton Rise. This would include two patios and quality access to the front yard. This portion of the POS would experience quality afternoon sun at the vernal
equinox. Further, the open space in the southern portion of the site will experience diminished shadowing throughout the course of an afternoon.

With all of these factors considered, the design of the dwelling achieves the objective for solar access to the on-site open space. Quality internal amenity and solar access will be retained for the open space along the western interface.

6.3. **Landscaping**

A landscape concept plan, prepared by John Patrick Landscape Architects Pty Ltd, was endorsed in accordance with subdivision permit 2014/516/2. Pursuant to the Section 173 Agreement all development applications for individual sites must be accompanied by a landscape plan that is generally consistent with the endorsed landscape concept plan. The landscape concept plan requires a planting schedule allowing for two Black Sheoak (*Allocasuarina littoralis*) canopy trees on the site, one in the front garden and one in the rear open space. Further, a Coast Banskia (*Banksia integrifolia*) is required in the rear secluded private open space. Lastly, Tree 61 in the front garden is a Silky Oak (*Grevillea robusta*) which is required to be retained on-site.

A landscape plan for the site prepared by John Patrick Landscape Architects and dated October 2016, has been submitted in support of the application. A variety of trees, shrubs and groundcovers are proposed throughout the site, including 5 canopy trees. A condition will be added to the permit to update the quantities of shrubs, groundcovers, grasses and climbers. An arborist report has been submitted in support of the application specifically with regard to the retention of the Silky Oak (Tree 61). A recommended condition of permit is to require a Tree Management and Protection Plan in order to give certainty to the ongoing health of this tree. The variety of planting proposed throughout the site, particularly along the Ruxton Rise streetscape and within the southern secluded private open space, is consistent with the endorsed landscape plan and is therefore recommended for support.

6.4. **Car parking and traffic**

The dwelling is provided with a basement car parking area which allows space for two car parking spaces in accordance with Clause 52.06. Council’s Traffic Engineer has reviewed the application and advises they have no objection subject to conditions regarding access from Ruxton Rise and car parking spaces.

The level of increased traffic generated by the proposed development will not adversely impact the local road network and Council’s Traffic Engineer has raised no objection in this regard.

**Support Attachments**

1. Development Plans
2. Site Surrounds and Imagery
3. Neighbourhood Character Assessment
4. Clause 54 Assessment
PROPOSED NEW RESIDENCE
at 10 RUXTON RISE (LOT 9)
BEAUMARIS VICTORIA
for E VANCE

Amended Plan
Figure 1. Aerial overview of the site and surrounds

Legend

<table>
<thead>
<tr>
<th>Subject site</th>
</tr>
</thead>
<tbody>
<tr>
<td>✪</td>
</tr>
</tbody>
</table>
Figure 2. View to 10 Ruxton Rise looking south-east from the streetscape

Figure 3. View toward Bolton Street looking south from 10 Ruxton Rise front garden
Figure 4. View from 10 Ruxton Rise looking west towards 25 Bolton Street

Figure 5. View to Ruxton Rise streetscape from top of 10 Ruxton Rise driveway
Preferred Future Character Statement

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

Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To strengthen the bushy garden character of the area through the planting of appropriate species. | - Retain large established trees and understorey, and provide for the planting of new indigenous trees wherever possible (locate footings outside root zone).<br>- Prepare a landscape plan to accompany all applications for new dwellings that utilises appropriate native, preferably indigenous, vegetation.<br>- Minimise impervious surfaces particularly in front garden spaces to ensure space for plantings. | Lack of landscaping and substantial vegetation.<br>Removal of large established trees.<br>Planting of environmental weeds | Responds  
A landscape plan has been submitted in support of the application. It is considered that the level of landscaping is a positive reflection on the preferred neighbourhood character. |
| To maintain the rhythm of spacious visual separation between buildings and ensure adequate space is provided around buildings for the retention and planting of vegetation. | - Buildings should be sited to allow space for a garden, including trees and shrubs.<br>- Buildings should be sited to create the appearance of space between buildings and accommodate vegetation. | Loss of front garden space. | Responds  
The dwelling is within the building parcel approved as a part of the subdivision permit (2014/516/2) which allows for an appropriate spread of dwellings within the new site. |
<p>| To minimise the loss of front garden spaces and the | - Locate garages and carports behind the line of the dwelling. | Car parking structures that | Responds |</p>
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>dominance of car parking structures.</td>
<td>• Underground car parking accessed from the front of the site should only be provided where other options are not possible due to site constraints, the garage doors do not dominate the façade and the front setback area is retained as predominantly garden space.</td>
<td>dominate the façade or view of the dwelling.</td>
<td>The proposed garage is in line with the primary façade and the undulation of the land and natural cladding diminish visual impacts on the future streetscape of Ruxton Rise. There is sufficient space for landscaping along the Ruxton Rise frontage and this will include the retention of Tree 61.</td>
</tr>
</tbody>
</table>
| To minimise site disturbance and impact of the building on the landscape.| • Buildings should be designed to follow the contours of the site on sloping sites.  
• Minimise the use of retaining walls and battering of slopes.  
• Design new buildings and extensions so as not to exceed the predominant tree canopy height. | Major excavation works and site levelling. Buildings that protrude above the tree canopy height.                                | Responds                                                                                                                              |
|                                                                           |                                                                                  |                                                                                  | While significant excavation is proposed on the site, it is considered necessary in order to allow this undulating land to be developed. The design of the dwelling reduces the need for retaining walls on and off-site. |
| To ensure that new buildings provide an articulated and interesting façade to the street. | • Incorporate design elements into the front façade design of new dwellings such as recessed portions, projecting elements behind the front setback line, combinations of materials, textures or colours or other elements providing appropriate articulation.  
• Recess upper levels from the front façade. | Large, bulky buildings  
Poorly articulated front and side wall surfaces.                                                                 | Responds                                                                                                                              |
|                                                                           |                                                                                  |                                                                                  | This proposal incorporates a variety of materials and screening in order to present an interesting and naturally complementary built form. |
| To use building materials and finishes that complement the natural setting. | • Use a mix of materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick. | Period reproduction styles and detailing.                                                                                      | Responds                                                                                                                              |
|                                                                           |                                                                                  |                                                                                  | As discussed, the variety of materials will complement the natural surrounds.                                                               |
| To maintain the openness of the front garden to the street.               | • Provide open style front fences, other than along heavily trafficked roads.  
• Use vegetation as an alternative where possible.                             | High or solid front fences.                                                                                                     | Responds                                                                                                                              |
<p>|                                                                           |                                                                                  |                                                                                  | No front fencing is proposed.                                                                                                               |</p>
<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A1 Neighbourhood Character</strong></td>
<td>Yes</td>
<td>Refer Attachment 3.</td>
</tr>
<tr>
<td>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A2 Integration with Street</strong></td>
<td>Yes</td>
<td>The dwelling appropriately addresses the street and a steel pergola over the entrance means that the entry is clearly identifiable from the Ruxton Rise streetscape.</td>
</tr>
<tr>
<td>Integrate the layout of development with the street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A3 Street Setback</strong></td>
<td>Yes</td>
<td>Minimum: 6m</td>
</tr>
<tr>
<td>Setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</td>
<td></td>
<td>Proposed: 6.5m</td>
</tr>
<tr>
<td>Note: The street setback is set by the building parcel approved under the original subdivision permit (2014/516/2).</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A4 Building Height</strong></td>
<td>Yes</td>
<td>Required: 8m</td>
</tr>
<tr>
<td>Building height respects the existing or preferred neighbourhood character.</td>
<td></td>
<td>Proposed: 6.3m</td>
</tr>
<tr>
<td>Note: The height limit is specified in sheet 3 of 7 of the previously endorsed plans for the original subdivision permit (2014/516/2).</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A5 Site Coverage</strong></td>
<td>Yes</td>
<td>Maximum: 50%</td>
</tr>
<tr>
<td>Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</td>
<td></td>
<td>Proposed: 43%</td>
</tr>
<tr>
<td><strong>A6 Permeability</strong></td>
<td>Yes</td>
<td>Minimum: 20%</td>
</tr>
</tbody>
</table>

Item 4.6 – Matters of Decision
Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.

**Proposed:** 39%

**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 | All habitable areas, including habitable rooms and secluded private open spaces would be appropriately located in relation to the orientation of the site.

**A8 Significant Trees**
Development respects the landscape character of the neighbourhood and retains significant trees on site.

| Yes | Tree T61 is located on the lot in accordance with the approved plan under permit 2014/516/2 – conditions of permit will ensure its ongoing retention.

**A10 Side and Rear Setbacks**
Ensure the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

| No | Refer report and table below. Areas of non-compliance are underlined.

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Required</strong></td>
<td><strong>Proposed</strong></td>
</tr>
<tr>
<td>West (side)</td>
<td>2m</td>
</tr>
<tr>
<td>East (side)</td>
<td>0m or 2m</td>
</tr>
<tr>
<td>South (rear)</td>
<td>3m</td>
</tr>
</tbody>
</table>

**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.

| No | Max. Height: 3.6m – proposed 3.13m |
|    | Average Height: 3.2m – proposed 2.88m |
|    | Max. Length: 14.75m – proposed **15.4m** |

**A12 Daylight to existing windows**
To allow adequate daylight into existing habitable room windows.

<p>| Yes | The proposal will ensure daylight to existing windows is maintained. |</p>
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Decision</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>A13 North Facing Windows</td>
<td>Allow adequate solar access to existing north-facing habitable room windows.</td>
<td>Yes</td>
<td>No north facing windows on adjoining properties are affected.</td>
</tr>
<tr>
<td>Note: This has considered windows proposed in the previously approved development at 25D Bolton Street (2016/744)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A14 Overshadowing Open Space</td>
<td>Ensure buildings do not unreasonably overshadow existing secluded private open space.</td>
<td>Yes</td>
<td>Shadow diagrams submitted with the application demonstrate that at least 75%/40m² of adjoining dwellings secluded private open space receives at least five hours of sunlight between 9am and 3pm on 22 September.</td>
</tr>
<tr>
<td>A15 Overlooking</td>
<td>Limit views into existing secluded private open space and habitable room windows</td>
<td>Yes</td>
<td>Applicant has made notations on the plans and provided details of screening of all first floor windows in accordance with the Standard.</td>
</tr>
<tr>
<td>A16 Daylight to New Windows</td>
<td>Allows adequate daylight into new habitable room windows.</td>
<td>Yes</td>
<td>All habitable windows have direct access to daylight.</td>
</tr>
<tr>
<td>A17 Private Open Space</td>
<td>Provide adequate private open space for the recreation and service needs of residents.</td>
<td>Yes</td>
<td>Minimum: 25m² secluded, 40m² overall Proposed: greater than 100m² of SPOS has been provided</td>
</tr>
<tr>
<td>A18 Solar Access to Open Space</td>
<td>Allow solar access into secluded private open space of a new dwelling.</td>
<td>No</td>
<td>Required setback from north-facing wall to SPOS: 7.36m Proposed: 4m</td>
</tr>
<tr>
<td>A19 Design Detail</td>
<td>Encourage design detail that respects the existing or preferred neighbourhood character.</td>
<td>Yes</td>
<td>Refer Attachment 3.</td>
</tr>
<tr>
<td>A20 Front Fences</td>
<td>Encourage front fence design that respects the exiting or preferred neighbourhood character.</td>
<td>Yes</td>
<td>Required: 1.2m Proposed: No front fence proposed</td>
</tr>
</tbody>
</table>
4.7 84 CARPENTER STREET, BRIGHTON
SUPPORT THE GRANT OF A PLANNING PERMIT
APPLICATION NO: 2017/111/1 WARD: NORTHERN

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/253282

1. Purpose and background
To report a planning permit application which is the subject of an appeal to the Victorian Civil and Administrative Tribunal (VCAT) pursuant to Section 79 (failure to determine) of the Planning and Environment Act 1987.

The application is for the development of a three-storey residential building containing five dwellings (refer Attachment 1) on a lot with an area of 616 square metres at 84 Carpenter Street, Brighton (refer Attachment 2).

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Keen Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date application received</td>
<td>28 February 2017</td>
</tr>
<tr>
<td>Statutory days expired</td>
<td>3 November 2017</td>
</tr>
</tbody>
</table>

It is noted that the applicant circulated amended plans on 31 October 2017. These plans form part of Council’s decision.

2. Policy implications
Planning permit requirements
Clause 32.08-4 - General Residential Zone, Schedule 2 (GRZ2) - Construction of two or more dwellings on a lot.
Clause 43.02-2 - Design and Development Overlay, Schedule 11 (DDO11) – Construct a building or construct and carry out works.

Planning Scheme Amendment
There are no planning scheme amendments relevant to this proposal.

3. Stakeholder Consultation
External referrals
There were no external referrals required to be made in accordance with Clause 66 of the Bayside Planning Scheme.

Internal referrals
The application was referred to the following Council departments for comment:

<table>
<thead>
<tr>
<th>Internal Referral</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drainage engineer</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Arborist</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Street tree</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Traffic engineer</td>
<td>No objection, subject to conditions.</td>
</tr>
</tbody>
</table>

Public notification
The application was advertised pursuant to Sections 52(1) (a) and (d) of the Planning and Environment Act 1987 and 20 objections were received and 30 signatures of support were received. The following concerns were raised:
- Overdevelopment;
- Rubbish collection;
- 3 storey development;
- Side setbacks;
- Use of the laneway;
- Loss of solar access;
- Car parking impacts and increased traffic congestion;
- Visual bulk / height / physical dominance;
- Loss of views;
- Overshadowing;
- Property devaluations;
- Inconsistency with neighbourhood character;
- Loss of privacy/overlooking;
- Structural damage during construction;
- Views;
- Pedestrian safety;
- Precedent;
- Plan inaccuracies;
- Tree protection;
- Lack of open space and limited landscaping opportunities; and,
- Increased stormwater run-off.

Consultation meeting
The applicant declined a consultation meeting.

4. Recommendation

That Council:

Determines to **Support** the application under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/111/1** for the land known and described as **84 Carpenter Street, Brighton**, for the **construction of a three storey apartment building containing five dwellings** in accordance with the endorsed plans and subject to the following conditions:

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 amended plans, Council date stamped 3 November 2017 but modified to show:
   a) Full compliance with Standard B22 (Overlooking) of the Bayside Planning Scheme along the eastern and southern boundaries.
   b) The provision of external security lighting within the site.
c) Details of the pedestrian sight triangle on the south side of the accessway.

d) Ground and floor levels to be shown in Australian Height Datum.

e) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.

All to the satisfaction of the responsible of the re

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

4. All pipes (except downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

6. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building

7. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:

a) The type of water sensitive urban design stormwater treatment measures to be used.

b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.

c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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

9. Before the development starts, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan drawn by Wallbrink, Revision B, dated 31/3/2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

a) A reduction in the extent of paving within the tree planting zone of the October Glory Maple (Acer rubrum ‘October Glory’).
10. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

11. Before the development starts, a construction impact report and tree protection methodology for trees on neighbouring properties must be provided in relation to the five (5) Silver Birches (Pendula pendula) located in the front setback of 82 Carpenter Street, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. The report should be in accordance with the Australian Standard Protection of Trees on Development Sites and should identify impacts that may be detrimental to the tree and include any design responses required to reduce any identified negative impact.

12. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

13. The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.

b) The location of tree protection measures to be utilised.

14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

16. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

17. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

18. Before the development, detailed plans indicating, but not limited to, the method
of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council’s Infrastructure Assets Department.

19. Before the development starts, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:

a) Dimensions of storage waste areas.
b) Storm water drains in storage areas should be fitted with a litter trap.
c) The number and size of bins to be provided.
d) Facilities for bin cleaning.
e) Method of waste and recyclables collection.
f) Types of waste for collection, including colour coding and labelling of bins.
g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
h) Method of hard waste collection.
i) Method of presentation of bins for waste collection.
j) Sufficient headroom within the basement to accommodate waste collection vehicles.
k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
l) Strategies for how the generation of waste and recyclables will be minimised.
m) Compliance with relevant policy, legislation and guidelines.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

20. Before the commencement of works, a Construction Management Plan (CMP), 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 and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:

a) A detailed schedule of works including a full project timing.
b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
e) Proposed traffic management signage indicating any inconvenience generated by construction.
f) Fully detailed plan indicating where construction hoardings would be located.
g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
i) Site security.
j) Public safety measures.
k) Construction times, noise and vibration controls.
l) Restoration of any Council assets removed and/or damaged during construction.
m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
r) Details of crane activities, if any.

21. This permit will expire if one of the following circumstances applies:
   a) The development is not started within two years of the date of this permit.
   b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

**Permit Notes**

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Council records indicate that there is no easement within the property.
- Before the development commences, the applicant must pay $3,616.34 to the Responsible Authority of the removal and replacement of the existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and
replacement of the street trees. Any replacement planting will be at the discretion of the Responsible Authority must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

5. Council Policy

Council Plan 2017-2021

Relevant strategies of the Council plan include:

- Where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.
- Where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.

Relevant strategies of the Council plan include:

- Make discretionary planning controls stronger, by advocating for Council’s planning and urban design objectives to state government.

Bayside Planning Scheme

- Clause 9 Plan Melbourne
- Clause 11 Settlement
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.06 Built Environment and Heritage
- Clause 21.10 Infrastructure
- Clause 21.11 Local Areas
- Clause 22.06 Neighbourhood Character Policy (Precinct B2)
- Clause 22.08 Water Sensitive Urban Design
- Clause 32.08 General Residential Zone (Schedule 2)
- Clause 43.02 Design and Development Overlay (Schedule 11)
- Clause 45.06 Drainage Contributions Plan Overlay
- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a lot
- Clause 65 Decision Guidelines

6. Considerations

In considering this application, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme, objections received and the individual merits of the application.

6.1. Strategic Justification

The Planning Policy Framework supports the intensification of development in and around public transport nodes and in activity centres. The local areas policy contains a subsection relating specifically to the Church Street Major Activity Centre (Clause 21.11-
3) that seeks to encourage residential development close to shops and services to provide a transition from the business precinct to low scale residential areas.

Furthermore Clause 21.11 encourages redevelopment of larger sites and grade level car parks for residential with basement car parking and encourages the provision of adequate off-street parking for all new dwellings.

Additionally, the policy in Clause 21 seeks to provide an opportunity for as many people as is appropriate given the character of the area and the opportunities for change to live and work in Brighton, with access to public transport and within walking and cycling distance of activity centres, and hence to provide a real transport option for people other than the private car. It is considered that the proposal meets the above policy aspirations.

6.2. **Design and Development Overlay Schedule 11 (DDO11)**

The design objectives of this schedule are as follows:

- To ensure that the height of new development is compatible with the preferred future role and character of the Church Street Major Activity Centre;
- To develop the centre in a way that conserves and enhances its valued urban character and heritage places;
- To ensure that new development contributes to safe and active streets; and,
- To maintain a strong landscape character with residential buildings set within vegetated front gardens and streetscapes in the residential precincts.

The subject site is identified as being located within the Church Street Major Activity Centre and identified as been within Precinct E of the Schedule.

Precinct E has the following build form provisions:

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Preferred building height</th>
<th>Maximum building height</th>
</tr>
</thead>
<tbody>
<tr>
<td>B</td>
<td>13.5m (4 storeys)</td>
<td>-</td>
</tr>
<tr>
<td>C</td>
<td>11.0m (3 storeys)</td>
<td>-</td>
</tr>
<tr>
<td>D</td>
<td>9.0m (2 storeys) fronting Well Street</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>11.0m (3 storeys) fronting any other street</td>
<td>-</td>
</tr>
<tr>
<td>E</td>
<td>11.0m (3 storeys); or 12.0m (3 storeys)</td>
<td>12.0m (3 storeys) where the slope of the natural ground level at any cross section of the site of the building wider than 8m is 2.5 degrees or more</td>
</tr>
</tbody>
</table>

The proposal retains the low rise, neighbourhood character of the Church Street Major Activity Centre by respecting the scale of the predominately two to three storey built form. The amended plans comply with the Design and Development Overlay – Schedule 11 for the following reasons:

- The proposed development consists of a maximum height of 10 metres (above NGL) / three storeys development. There are no portions that exceed the 11
metres;

- The second floor is setback 4 metres from the front wall of the first floor;
- The bulk, location and appearance of the development is considered to be in keeping with the emerging character and appearance of adjacent buildings located within close proximity and is considered to enhance the streetscape;
- The proposed development does not overshadow any public space nor any adjoining streets;
- The proposed use of a mixture of building materials provides a level of articulation and breaks up the perceived bulk from all abutting allotments;
- The subject is located within walking distance to Middle Brighton Station which encourages the use public transport and furthers The Church Street Centre Framework Plan;
- The proposed development will contribute to creating a vibrant residential activity centre;
- The proposed development is considered to be consistent with the Church Street Centre Framework Plan;
- The subject site does not abut any heritage dwellings, therefore the design, form, layout, proportion and scale of the proposed buildings is considered to be compatible with the style, form, proportion, and scale of the neighbouring properties; and,
- The layout and appearance of areas set aside for car parking is considered sufficient;

In principle, the proposed development and the diversity of the housing stock is supported. The precinct as a whole offers a variety of dwelling sizes and types therefore the increase in assortment of dwellings for the subject site is an appropriate outcome for the precinct. In general, this form of medium density development is encouraged under the Church Street Centre Framework Plan therefore, the proposed development is considered to be consistent with the objectives of the DDO11.

6.3. Neighbourhood character

The site is located within the Neighbourhood Character Precinct B2. The proposal is considered to demonstrate a high level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 3.

The development incorporates appropriate boundary setbacks to reflect the built form pattern of the area while promoting adequate visual separation between the adjoining dwellings. It is noted that the character of Carpenter consists of various built form elements, therefore the proposed contemporary design will not seem at odds with the immediate area. The development will sit comfortably within the context largely due to the articulated facades, roof form responsive to dwelling forms in the neighbourhood, appropriate front setbacks in accordance with the DDO, materials and finishes that are complementary to the existing and the preferred character of the area. The contemporary design of the development provides a level of visual interest along with various forms of articulation along all boundaries. The various forms of external building materials including brickwork assists in integrating the development in to the emerging neighbourhood character.

The buildings setback from the side boundaries allow for suitable landscaping opportunities to enhance the landscaped character of the area. The proposed setback along with the amount of open space along the frontage and rear the subject site provides an opportunity for the provision of landscaping, subject to conditions, thus maintaining
the vegetated streetscape.

On balance, it is considered that the proposal is respectful of both the prevailing and preferred neighbourhood character and appropriately responds to the characteristics of, vegetated streetscape, visual separation between buildings, and street presentation.

6.4. **Compliance with Clause 55 (ResCode)**

An assessment against the requirements of Clause 55 is provided at Attachment 4. Those non-compliant standards are discussed below (noting the corresponding objectives have been achieved):

**Side and Rear Setbacks (Standard B17)**

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North-east (side)</strong></td>
<td><strong>North-east (side)</strong></td>
</tr>
<tr>
<td>Required</td>
<td>Proposed</td>
</tr>
<tr>
<td>0-0.2m or 1m</td>
<td>0m - 3.1m</td>
</tr>
<tr>
<td><strong>South-west (side)</strong></td>
<td><strong>South-west (side)</strong></td>
</tr>
<tr>
<td>0-0.2m or 1m</td>
<td>1.0m – 2.0m</td>
</tr>
<tr>
<td><strong>South-east (rear)</strong></td>
<td><strong>South-east (rear)</strong></td>
</tr>
<tr>
<td>0-0.2m or 1m</td>
<td>3m – 4.3m</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Second floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North-east (side)</strong></td>
</tr>
<tr>
<td>Required</td>
</tr>
<tr>
<td>3.6m, 4.6m, 4.29m</td>
</tr>
<tr>
<td><strong>South-west (side)</strong></td>
</tr>
<tr>
<td>4.7m, 4.1m, 1.8m</td>
</tr>
<tr>
<td><strong>South-east (rear)</strong></td>
</tr>
<tr>
<td>4.9m</td>
</tr>
</tbody>
</table>

The proposal complies with the required setbacks at ground and first floor on all boundaries. However at second floor the setback on the north-east boundary does not comply with the requirement of 4.7m, the setbacks being 3.4m.

Furthermore, the second floor is also non-compliant along the south-west boundary of the second floor where the setback is required to be 4.2m however a 3.3m setback is proposed.

The encroachment of the second floor along the North-east (side) requires a variation of (maximum) 1.3m, whilst the south-western boundary requires a variation of 0.9m.

This variation is considered to be appropriate as:

- The subject site along the north-east boundary buts a non-interactive interface (driveway) therefore negative impact on the abutting allotment is not anticipated;
- Sufficient solar access is provided to the abutting allotment,
- Due to the proposed mixture of building materials along the north-east the visual bulk is reduced;
- The encroachment is not considered to have a detrimental impact on neighbourhood character of the area as it does not create an unreasonable amount of visual bulk when viewed from the abutting allotment as well as the public realm;
- The variation of between 0.09 - 1.3m is considered to be minimal as it achieves the objective of the standard;
- Full compliance with Standard B17 (side and rear setbacks) would unreasonably compromise the internal layout of the proposed development;
- There is sufficient built form separation (recession) between first and ground floor;
- The proposed setback does not negatively overshadow the abutting allotment as it meets all the requirements;
- The requirement for the development to full comply with Standard B17 (side and rear setbacks) would not meet the minimum dimensions for a room, therefore unreasonably compromise the internal layout of the proposed development;

The proposed variations are considered to appropriate as the setbacks are not considered to negatively impact the neighbouring properties, the setbacks are consistent with the built from within the immediate area and the overall proposal has a high degree of compliance with ResCode.

Furthermore, it is noted that a certain level of compromise is required based on the sites location and been identified as been located within a Major Activity Centre (Church Street Major Activity Centre).

Overlooking (Standard B22)

The proposal lacks details on the elevation plan in relation to overlooking. It is for this reason that a condition will be place on any permit issued requiring full compliance with Standard B22.

6.5. Car parking and traffic

The purpose of Clause 52.06 (Car Parking) is to:

- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

The development proposes the following:

<table>
<thead>
<tr>
<th>Use</th>
<th>Size</th>
<th>Planning Scheme Parking Rate</th>
<th>Car Parking Requirement</th>
<th>Car Parking Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling (resident)</td>
<td>3 x 3 Bedroom</td>
<td>1 space to each 1 or 2 - Bedroom dwelling</td>
<td>8 spaces</td>
<td>8</td>
</tr>
</tbody>
</table>
Dwelling (visitor) | 1 | 1 space for visitors to every 5 dwellings | 1 visitor space | 1
--- | --- | --- | --- | ---
TOTAL | 9 SPACES | 9 SPACES

Pursuant to Clause 52.06 a minimum of 8 spaces are required to be provided for the proposed development with an additional 1 visitor space. The proposal complies with Clause 52.06. It is noted that the advertised plans requested a dispensation of 1 visitor space, the plans amended on 31 October 2017 (Council date stamped 3 November 2017) provides for the 1 visitor space required.

Whilst it is acknowledged that the development will generate some additional vehicle movements on the local road network, it is not considered that such additional movements would necessarily be concentrated or conflict substantially with existing traffic. Furthermore some residents may choose to walk, cycle or use public transport which is available within a short walking distance of the site.

The level of increased traffic generated by the proposed development will not adversely impact the local road network and Council’s Traffic Engineer has raised no objection in this regard.

6.6. **Street tree removal**

The existing *Ulmus parvifolia* abutting the subject site (north-west) will be removed to accommodate the crossover. Council’s Open Space Arborist has supported the application subject to conditions which are included in the recommendation.

6.7. **Vegetation & Landscaping**

Council’s Arborist has attended the site and has advised that the existing vegetation on the site have low amenity values. It is noted that no trees are protected by any statutory planning overlay.

The table below identifies those trees protected by the Local Law and those which are not protected by any statutory mechanism. Native trees are marked with an *.

<table>
<thead>
<tr>
<th>Local Law protected trees</th>
<th>Trees not protected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed removal</td>
<td>Proposed for retention</td>
</tr>
<tr>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Council’s Arborist in their referral response advised that there is no objection to the proposed removal of all trees on their low amenity value and subject to replacement value. Conditions will be placed on any permit issued requiring replacement planting to occur throughout the development.

Council’s Arborist in their referral response advised that a row of five (5) Silver Birches (*Pendula pendula*) are located within the front setback of 82 Carpenter Street (south-west), therefore it was recommended that a *construction impact report* and *tree protection methodology* be provided as part of any permit issued in order to protect their health. This is included in the recommendation.

With regards to the future planting on the site, the proposed development incorporates landscaping opportunities to achieve an outcome consistent with the existing and preferred character of the area. The Bayside City Council Landscape Guidelines (2015) specify that for medium density applications, one small canopy tree (8m+) should be planted for each dwelling. The development proposes the planting of an October Glory...
Maple (*Acer rubrum* ‘October Glory’) in the front setback which reaches a height of 12m+. The planting of a large tree within the front setback is considered to be meet the landscaping guidelines as the tree will provide sufficient screening of the development.

The proposed development is considered to comply with The Bayside City Council Landscape Guidelines (2015) subject to conditions. The landscape plan also includes a variety of shrubs and ground covers within the front and rear setbacks, and along the side boundaries. The landscape plan will achieve an outcome consistent with the preferred landscaped character of the area.

### 6.8. Objections received

Issues raised by objectors that have not been addressed in the assessment above, are discussed below.

**Overdevelopment**

State and Local Planning Policy envisage an increase in housing density in well serviced areas such as this. Clause 21.11 State Planning Framework of the Bayside Planning Scheme encourages higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport. The increase in population and density at this site is considered an appropriate response to the underutilised state of the site and the proximity of the site to public transport, shops and other services. While any increase in population density will likely increase the level of activity around the site and area, it is not envisioned that such an increase would be detrimental or substantially more intensive than what is currently experienced.

**Rubbish collection**

A waste management plan requiring private waste collection will be required as part of any permit issued. It is noted that the basement plan show the provision of a waste storage area to ensure the bins are suitably located on site and do not interfere with car parking access.

**Use of laneway**

Although the site does back onto a laneway, the development does not proposed the use of the laneway.

**Loss of views**

The Victorian Civil and Administrative Tribunal has consistently found that although impact upon views can be considered amongst the amenity impacts of a proposal, there cannot be considered a right to any particular view. In the absence of particular planning controls which might require the protection of, or sharing of views, loss of views is usually afforded very limited weight. This is especially the case where a view is obtained across adjoining land and the views are not afforded any special consideration in a planning control. In this case the development is not considered to intrude unreasonably upon the skyline to reduce the amenity of neighbours through their outlook or access to daylight.

**Property devaluation**

The Victorian Civil and Administrative Tribunal has consistently found that property values are speculative and not a planning matter. Fluctuations in property prices are not a relevant consideration in assessing an application under the provisions of the Planning & Environment Act 1987, or the Bayside Planning Scheme.

**Precent**

Future planning permit applications on this site or neighbouring and nearby land will be assessed against relevant planning policy and site conditions, based on their own merits at the time of assessment.

**Plan inaccuracies**
The plans have minor inaccuracies, however these do not prohibit a comprehensive assessment of the application being undertaken by Council.

Support Attachments
1. Development Plans ▼
2. Site and Surrounds Imagery ▼
3. Neighbourhood Character Assessment ▼
4. Clause 55 Assessment ▼
Planning Permit Application for Multi Unit Development at 84 Carpenter St., Brighton
Item 4.7 – Matters of Decision
Figure 1 Aerial overview of the site and surrounds

<table>
<thead>
<tr>
<th>Legend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject site</td>
</tr>
<tr>
<td>Objector(s)</td>
</tr>
</tbody>
</table>
Figure 2 View towards the site from the northeast

Figure 3 View towards the site from the northeast
Attachment 2
Neighbourhood Character Precinct B2

Preferred Future Character Statement

The diverse dwelling styles, with a continued presence of pre WW2 dwellings, sit within established gardens with occasional tall canopy trees. Side setbacks on both sides, and the setting back of carports/garages from the dwelling, allows for vegetation to flow around the dwellings. New buildings blend with the existing, through using a variety of materials or colours within front façades, and by respecting the older building styles and scales without replicating them. Open style front fencing improves the visual connection between the dwelling and the street. Street tree planting consistency is improved to provide a unifying element to the area.

Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To encourage the retention of dwellings that contribute to the valued character of the Precinct in the design of development proposals. | • 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. | Demolition of dwellings that contribute to the valued character of the Precinct. | Responds  
The existing building on the site comprises of a single dwelling and is not of any great architectural merit. |
| To maintain and enhance the garden settings of the dwellings. | • Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and shrubs. | Lack of landscaping and substantial vegetation. | Respond  
There is sufficient space to provide substantial trees to maintain and enhance the garden settings of the dwellings. |
| To maintain the rhythm of spacious visual separation between buildings and provide space for front gardens. | • 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. | Loss of front garden space. | Responds, subject to conditions  
There is sufficient area for the provision of landscaping to occur within the front setback of the proposed development. |
| To minimise the loss of front garden space and the dominance of car parking facilities. | • Locate garages and carports behind the line of the dwelling.  
• Provide only one vehicular crossover per typical site frontage.  
• Underground car parking accessed from the front of the site should only be provided where other options are not possible due to site constraints, the garage doors do not dominate the façade and the front setback area is retained as predominantly garden space. | Car parking facilities that dominate the façade or view of the dwelling. | Responds  
Basement parking is proposed with a single vehicular access. |
| To ensure new development respects the dominant buildings | • Articulate the form of buildings and elevations, particularly front façades. | Large buildings with poorly | Responds  
Carpenter Street contains various forms of development including contemporary |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>forms and scale of buildings in the Precinct, through the use of innovative architectural responses.</td>
<td>• Recess upper storey elements from the front façade.</td>
<td>articulated facades.</td>
<td>design. The proposed development will enhance the existing and emerging character of the area by utilising similar forms of materials, finishes; and, landscaping. The dwellings feature articulated forms and second storey elements will be recessed from the side walls and surfaces. The recessed upper storey elements from the front façade response to the neighbourhood character of the street. It is considered that due to the architectural design found throughout Carpenter street, the roof form for the proposed development dwellings is considered to be appropriate as it meets the existing and emerging neighbourhood character of the street.</td>
</tr>
<tr>
<td>To respect the identified heritage qualities of adjoining buildings.</td>
<td>• Where adjoining an identified heritage building, respect the height, building forms, siting and materials of the heritage building/s, in the new building design.</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>
| To use a variety of building materials and finishes that provide visual interest in the streetscape. | • Incorporate a variety of building materials such as brick, render, timber and non-masonry into the building design.  
  • Use simple building details.                                            | Exclusive use of one material on external wall facades.                     | Responds The proposal utilises a variety of materials, including render and stack brickwork. The palette of colours is considered appropriate and assists in reducing visual bulk.                                                                                                               |
| To improve the visual connection between the dwellings and the streetscape and encourage views to front gardens. | • Provide open style front fences, other than along heavily trafficked roads.  
  • Front fence style should be appropriate to the building era.             | High, solid fences                                                        | Responds The front fencing would be of a height up to 1.5 metres and be masonry with metal palisades. It is considered the fence does not present as a dominant feature as it is in keeping with the surrounding area. The fencing material is considered to be appropriate and will not seem juxtaposed to the immediate area. |
ResCode Clause 55 (Two or More Dwellings on a Lot and Residential Buildings)

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>B1 Neighbourhood Character</td>
<td>Yes</td>
<td>Refer report.</td>
</tr>
<tr>
<td>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</td>
<td>Yes</td>
<td>The subject site is appropriately located with regard to the services and facilities required to support the proposed aged care facility.</td>
</tr>
<tr>
<td>B2 Residential Policy</td>
<td>Yes</td>
<td>Refer report.</td>
</tr>
<tr>
<td>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</td>
<td>Yes</td>
<td>The subject site is appropriately located with regard to the services and facilities required to support the proposed aged care facility.</td>
</tr>
<tr>
<td>B3 Dwelling Diversity</td>
<td>Yes</td>
<td>Refer report.</td>
</tr>
<tr>
<td>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</td>
<td>Yes</td>
<td>Refer report.</td>
</tr>
<tr>
<td>B4 Infrastructure</td>
<td>Yes</td>
<td>Any upgrades required will be the responsibility of the developer.</td>
</tr>
<tr>
<td>Provides appropriate utility services and infrastructure without overloading the capacity.</td>
<td>Yes</td>
<td>Any upgrades required will be the responsibility of the developer.</td>
</tr>
<tr>
<td>B5 Integration with the Street</td>
<td>Yes</td>
<td>The development addresses the street and entries are clearly identifiable from the road.</td>
</tr>
<tr>
<td>Integrate the layout of development with the street.</td>
<td>Yes</td>
<td>The development addresses the street and entries are clearly identifiable from the road.</td>
</tr>
<tr>
<td>B6 Street Setback</td>
<td>Yes</td>
<td>The required setback is 7.1m, the proposed setback is 7.2m.</td>
</tr>
<tr>
<td>The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</td>
<td>Yes</td>
<td>The required setback is 7.1m, the proposed setback is 7.2m.</td>
</tr>
<tr>
<td>B7 Building Height</td>
<td>Yes</td>
<td>Required: 11m</td>
</tr>
<tr>
<td>Building height should respect the existing or preferred neighbourhood character</td>
<td>Yes</td>
<td>Proposed: 9.6m</td>
</tr>
<tr>
<td>Item</td>
<td>Requirements</td>
<td>Decision</td>
</tr>
<tr>
<td>------</td>
<td>--------------</td>
<td>----------</td>
</tr>
</tbody>
</table>
| **B8 Site Coverage**  
Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site. | Variation required |  
**Maximum:** 60%  
**Proposed:** 54%  
| **B9 Permeability**  
Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration. | Yes |  
**Minimum:** 20%  
**Proposed:** 21%  
| **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 |  
The proposal provides for adequate solar access to the building, with living areas and private space located to achieve maximum energy efficiency.  
| **B11 Open Space**  
Integrate layout of development with any public and communal open space provided in or adjacent to the development. | N/A | N/A.  
| **B12 Safety**  
Layout to provide safety and security for residents and property. | Yes | Complies  
| **B13 Landscaping**  
To provide appropriate landscaping. To encourage:  
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 | Refer report.  
| **B14 Access**  
Ensure the safe, manageable and convenient vehicle access to and from the development.  
Ensure the number and design of vehicle crossovers respects neighbourhood character. | Yes |  
**Appropriate vehicular access is provided.**  
**Maximum:** 33% of street frontage  
**Proposed:** 37% of street frontage  
| **B15 Parking Location** | Yes | Refer report.  

Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.

<table>
<thead>
<tr>
<th>B17 Side and Rear Setbacks</th>
<th>Variation required</th>
<th>Refer report.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impact on existing dwellings.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Required</strong></td>
<td><strong>Proposed</strong></td>
</tr>
<tr>
<td><strong>North-east (side)</strong></td>
<td>0-0.2m or 1m</td>
</tr>
<tr>
<td><strong>South-west (side)</strong></td>
<td>0-0.2m or 1m</td>
</tr>
<tr>
<td><strong>South-east (rear)</strong></td>
<td>0-0.2m or 1m</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Second floor</strong></th>
<th><strong>Proposed</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North-east (side)</strong></td>
<td>3.6m, 4.6m, 4.29m</td>
</tr>
<tr>
<td><strong>South-west (side)</strong></td>
<td>4.7m, 4.1m, 1.8m</td>
</tr>
<tr>
<td><strong>South-east (rear)</strong></td>
<td>4.9m</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B18 Walls on Boundaries</th>
<th>Yes</th>
<th><strong>Maximum Height:</strong> 3.3m</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>Proposed:</strong> 3.1 m</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Maximum Average Height:</strong> 3.2m</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Maximum Length:</strong> 18.7m</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Proposed:</strong> 5.5m (North-east)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B19 Daylight to Existing Windows</th>
<th>Yes</th>
<th>The proposal is set back from property boundaries sufficiently to ensure daylight to existing windows is maintained.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>B20 North Facing Windows</th>
<th>Yes</th>
<th>There are no north facing windows within 3 metres of the boundary.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>B21 Overshadowing Open</th>
<th>Yes</th>
<th>Shadow diagrams submitted with the application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Space</td>
<td>Ensure buildings do not significantly overshadow existing secluded private open space.</td>
<td>demonstrate that at least 75% / 40m² of adjoining dwellings secluded private open space receives at least five hours of sunlight between 9am and 3pm on 22 December.</td>
</tr>
<tr>
<td>B22 Overlooking</td>
<td>Limit views into existing secluded private open space and habitable room windows.</td>
<td>Yes, subject to condition</td>
</tr>
<tr>
<td>B23 Internal Views</td>
<td>Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</td>
<td>Yes</td>
</tr>
<tr>
<td>B24 Noise Impacts</td>
<td>Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</td>
<td>Yes</td>
</tr>
<tr>
<td>B25 Accessibility</td>
<td>Consider people with limited mobility in the design of developments.</td>
<td>Yes</td>
</tr>
<tr>
<td>B26 Dwelling Entry</td>
<td>Provide a sense of identity to each dwelling.</td>
<td>Yes</td>
</tr>
<tr>
<td>B27 Daylight to New Windows</td>
<td>Allow adequate daylight into new habitable room windows.</td>
<td>Yes</td>
</tr>
<tr>
<td>B28 Private Open Space</td>
<td>Provide reasonable recreation and service needs of residents by adequate pos.</td>
<td>Yes</td>
</tr>
<tr>
<td>B29 Solar Access to Open Space</td>
<td>Allow solar access into the secluded private open space of new dwellings/buildings.</td>
<td>Yes</td>
</tr>
<tr>
<td>B30 Storage</td>
<td>Provide adequate storage facilities for each dwelling.</td>
<td>Yes</td>
</tr>
<tr>
<td>B31 Design Detail</td>
<td>Encourage design detail that respects the existing or</td>
<td>Yes</td>
</tr>
<tr>
<td>Item</td>
<td>4.7 – Matters of Decision</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>--------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>preferred neighbourhood character.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B32 Front Fences</strong></td>
<td>Yes</td>
<td>The 1.5m front fence is considered to be in keeping with the existing fence heights found throughout Carpenter Street.</td>
</tr>
<tr>
<td>Encourage front fence design that respects the existing or preferred neighbourhood character.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B33 Common Property</strong></td>
<td>Yes</td>
<td>Complies</td>
</tr>
<tr>
<td>Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B34 Site Services</strong></td>
<td>Yes</td>
<td>There is adequate space in and around the development for required services and facilities.</td>
</tr>
<tr>
<td>Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1. **Purpose and background**

To report a planning permit application for the construction of a two storey residential building on a lot comprising 4 apartments with basement car parking, attic and alteration of an access to a road in a Road Zone Category 1 on a lot with an area of 942.3 square metres (refer Attachment 1) at 142 – 142A Esplanade, Brighton (refer Attachment 2).

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Mecone Town Planning on behalf of Chew Architects Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date application received</td>
<td>30 June 2017 (Amended)</td>
</tr>
<tr>
<td>Statutory days expired</td>
<td>29 August 2017</td>
</tr>
</tbody>
</table>

2. **Policy implications**

**Planning permit requirements**

Clause 32.09-5 (Neighbourhood Residential Zone) – Construction of two or more dwellings on a lot.

Clause 52.29 (Land Adjacent to a Road) – Alteration of an access to a Road in a Road Zone Category 1.

**Planning scheme amendments**

Amendment VC136 was incorporated into the Bayside Planning Scheme on 13 April 2017 and introduced state wide planning requirements for apartment developments. The Amendment changed the Victorian Planning Provisions (VPP) and all planning schemes in Victoria by (as relevant):

- Amending Clause 55 (Two or more dwellings on a lot and residential buildings) to include new requirements for apartment developments.
- Amending Clause 32.09 (Neighbourhood Residential Zone) to include transitional provisions for applications lodged before the approval date of this Amendment.
- Amending Clause 72 (General Terms) to introduce a definition for the term ‘Apartment’.

This application was lodged prior to the approval date of Amendment VC136 but as the application was amended via Section 57A of the Planning and Environment Act 1987 (after public notification) the application therefore must be assessed under the amendments to policies introduced by this amendment.

Amendment VC110 was incorporated into the Bayside Planning Scheme on 27 March 2017 and implements the government's response to the recommendations of the Managing Residential Development Advisory Committee by amending Clause 72 to introduce a new general term, “garden area” and amending the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone and Township Zone. In general terms as it relates to this application, the amendment increases the maximum height control from 8 metres to 9 metres, deletes the restriction of no more than two dwellings on a lot and introduces a minimum garden area requirements. There were no transitional provisions afforded by this amendment.

3. **Stakeholder Consultation**
External referrals
The application was referred to the following authorities:

<table>
<thead>
<tr>
<th>Referral Authority</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>VicRoads</td>
<td>No objection, subject to conditions.</td>
</tr>
</tbody>
</table>

Internal referrals
The application was referred to the following Council departments for comment:

<table>
<thead>
<tr>
<th>Internal Referral</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arborist</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Drainage Engineer</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Traffic Engineer</td>
<td>No objection, subject to conditions.</td>
</tr>
</tbody>
</table>

Public notification
The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and five objections were received. The following concerns were raised:

- Demolition of the existing building;
- Overdevelopment;
- Neighbourhood character
- Height, including an attic and basement level;
- Visual bulk;
- Street, side and rear setbacks;
- Overlooking;
- Traffic and access arrangements;
- Disturbances during construction; and
- Impacts on Sewerage and Drainage.

Consultation meeting
A consultation meeting was held on 3 May 2017 attended by the permit applicant and four objectors. As a result of this meeting the applicant amended the plans to generally alter the proposed roof form, increase side and rear setbacks, amendments to window screening and clarification of turning movements from the rear laneway.

As Amendment VC 110 deleted the limitations to the number of dwellings on a lot, the amended application deleted the original subdivision request.

No objections were withdrawn as a result of the amended application, while two objectors submitted additional comments in respect of the revised plans.

4. Recommendation
That Council:

Issues a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2016/87/1 for the land known and described as 142 and 142A Esplanade, Brighton, for the construction of a two storey residential building on a lot comprising 4 apartments with basement car parking, attic and alteration of an access to a road in a Road Zone Category 1 in
accordance with the amended advertised plans Council date stamped 30 June 2017 and subject to the following conditions:

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 amended advertised plans Council date stamped 30 June 2017 but modified to show:
   a) Provision of a 4.5m wide vehicle turntable be provided adjacent the garage of Apartment 4.
   b) A minimum storage area of 6 cubic metres provided at basement level to Apartment 3 in accordance with ResCode Standard B30 – Storage.
   c) A NatHERS report demonstrating compliance with the requirements of ResCode Standard B35 - Energy efficiency. Any consequential changes to facilitate compliance with Standard B35 are to the satisfaction of the Responsible Authority.
   e) Location of all plant and equipment, including hot water services and air conditioners. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
   f) Deletion of boundary fence notations.
   g) An amended Landscape Plan in accordance with Condition 7, with all indicative landscaping deleted from the development plans.
   h) A Tree Protection and Management Plan in accordance with Condition 10. Any consequential changes to facilitate the requirements of the Tree Protection and Management Plan are to the satisfaction of the Responsible Authority.
   i) Drainage Contributions Levy Charge in accordance with Condition 16.

   All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the written consent of the Responsible Authority.

5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

6. Before occupation, screening of windows including fixed privacy screens, be designed to limit overlooking as required by Standard B22 and Standard B23 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

7. Prior to the endorsement of plans pursuant to condition 1, an amended landscape
plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the Landscape Plan, Chew Architecture, LP, Revision C, 28/5/2016 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

a) Exotic canopy trees replaced with indigenous coastal trees. Suitable species include Coast Tea-tree (*Leptospermum laevigatum*) and Coast Banksia (*Banksia integrifolia*).

b) All plants in the landscape plan must be coastal adapted; preferentially indigenous species.

c) Details of construction methods and Tree Management measures approved pursuant to the requirements of Condition 10 of this permit.

d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

e) Details of surface finishes of pathways and driveways

8. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

10. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

a) Details of Tree Protection Zones for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site;

b) Comment on methods to be utilised and instruction on how to deploy them;

c) Comment on when the protection measures are to be deployed;

d) Comment on when the protection measures can be modified;

e) Process that will be followed if any damage occurs to a tree;

f) Process that will be followed if construction works require alteration to protection measures outlined in report; and

g) Stages of development at which inspections will occur.

Any proposed alteration to the plan must be assessed by the site arborist and can only occur following the approval of the site arborist.

Any damaged tree must be inspected by the site arborist without any delay and remedial actions undertaken. Such actions must be documented.
The Tree Protection Plan must be drawn to scale and show:

a) The location of all tree protection measures to be utilised, specifically tree #13 identified in the arborist report (Bluegum, 26/8/2015).

If tree protection measures are proposed to be changed during the development, one plan for each stage of tree protection measures must be submitted.

11. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

12. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

13. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:

a) The type of water sensitive urban design stormwater treatment measures to be used.

b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.

c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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

15. Before the development, detailed plans indicating, but not limited to, the method of storm-water discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council’s Infrastructure Assets Department.

16. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

VicRoads Conditions

17. Prior to works commencing, amended plans must be submitted to and approved by the Responsible Authority. The amended plans must be generally in accordance with the submitted plans but amended to show:

a) A pedestrian visibility splay along the southern edge of the vehicular crossover in accordance with Design Standard 1 per Clause 52.06-8 of the
Bayside Planning Scheme.

18. Prior to the occupation of the dwellings, the redundant crossover must be removed and wholly reinstated with kerb, channel, footpath and verge to the satisfaction of the Responsible Authority, and at no cost to the Responsible Authority or VicRoads.

19. Vehicles must enter and exit the land in a forward direction at all times.

20. Before the occupation of the development starts, the areas set aside for vehicle parking and accessways must be constructed and drained to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.

21. Before the occupation of the development starts, new or altered vehicle crossing servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/kerb and channel, to the satisfaction of the Responsible Authority.

End VicRoads conditions

22. Before the commencement of works, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
   a) Dimensions of storage waste areas.
   b) Storm water drains in storage areas should be fitted with a litter trap.
   c) The number and size of bins to be provided.
   d) Facilities for bin cleaning.
   e) Method of waste and recyclables collection.
   f) Types of waste for collection, including colour coding and labelling of bins.
   g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
   h) Method of hard waste collection.
   i) Method of presentation of bins for waste collection.
   j) Sufficient headroom within the basement to accommodate waste collection vehicles.
   k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
   l) Strategies for how the generation of waste and recyclables will be minimised.
   m) Compliance with relevant policy, legislation and guidelines.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

23. Before the commencement of works, a Construction Management Plan (CMP), 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 and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
a) A detailed schedule of works including a full project timing.
b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
e) Proposed traffic management signage indicating any inconvenience generated by construction.
f) Fully detailed plan indicating where construction hoardings would be located.
g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
i) Site security.
j) Public safety measures.
k) Construction times, noise and vibration controls.
l) Restoration of any Council assets removed and/or damaged during construction.
m) Protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site).
n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
r) Details of crane activities, if any.

24. This permit will expire if one of the following circumstances applies:

a) The development is not started within two years of the date of this permit.
b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.
Permit notes

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- Council must be notified of the vehicular crossing and reinstatement works.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

Council records indicate that there is no easement within the property.

Subsurface water must be treated in accordance with Council’s Policy for “Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

5. Council Policy

Council Plan 2017 - 2021

Relevant strategic objectives of the Council plan include:

- Where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.
- Where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.
- Where a range of housing types is provided to accommodate the changing needs of the community, enabling people to age in place and providing opportunities for young adults and families to live and remain in the municipality.

Relevant strategies of the Council plan include:

- Make discretionary planning controls stronger, by advocating for Council’s planning and urban design objectives to state government.

Bayside Planning Scheme

- Clause 9 Plan Melbourne
- Clause 11 Settlement
- Clause 15 Built Environment and Heritage
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.06 Built Environment and Heritage
- Clause 22.06 Neighbourhood Character Policy (C1)
- Clause 22.08 Water Sensitive Urban Design
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 43.02 Design and Development Overlay (Schedule 1)
- Clause 45.06 Drainage Contributions Plan Overlay
- Clause 52.06 Car Parking
6. Considerations

In considering this application, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme, objections received and the individual merits of the application.

Details of the objections received note that the development cannot be approved if the development does not meet the quantitative requirements of the standards of Clause 55 (as varied). A standard contains the requirements to meet the objectives. A standard should be met.

However, if the responsible authority is satisfied that an application for an alternative design solution meets the objectives, the alternative design solution may be considered. Section 6.1 to 6.7 inclusive will assess the application against these standards and objectives.

6.1. Neighbourhood character

The site is located within Neighbourhood Character Precinct C1 and the proposal is considered to demonstrate a high level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 3.

The subject site is located in an area characterised by a variety of built form comprising a blend of architectural styles, including WW2 dwellings set within spacious gardens and modern infill developments.

The front setback provided is sufficient to ensure that the building does not dominate the streetscape. In addition, the proposal is generally consistent with the preferred neighbourhood character and all the requirements of Clause 55, save for minor variations to the side setbacks opposite which do not result in any discernible impacts to the street rhythm and character of the area. The proposal is designed to integrate with the existing and preferred built form character of the area and adopts a building height of 8.55m (which falls below the permissible height of 9 metres).

The new fencing and gates allows for passive surveillance and views to the Port Phillip Bay, but also into the front setback which will feature coastal vegetation complementary to the natural environment.

The development has been suitably recessed and utilises the adjoining driveway to the south to the benefit of the proposal, thereby ensuring oblique views are limited by increasing setbacks to the central portion of the building and introducing a flat roof form.

The massing, combined with a high level of articulation, ensures the development is responsive to the existing site context whilst also appealing to the emerging trend of modern built form within the area.

The proposal offers a contemporary form, incorporating a mixture of materials commonly found within the foreshore setting such as timber cladding and glazing which is responsive to the more modern developments within along the streetscapes. Further landscaping conditioned as part of the recommendation will ensure that the garden setting of the area is maintained and enhanced. It is considered that, with minor changed detailed in the recommendation, the proposal demonstrates a high level of compliance with the precinct guidelines.

6.2. Design and Development Overlay, Schedule 1

Pursuant to Clause 43.02-2 a permit is not required under the Design and Development Overlay – Schedule 1 to construct or carry out works for a building with a building height
of not more than 2 storeys provided that each storey is less than 3.5 metres measured from the floor level to the finished floor level of the floor above or if there is no floor above, to the ceiling (excluding staircases, architectural voids and light wells). Building height must not exceed 2 storeys (excluding an attic or basement).

The development proposed both an attic and a basement. Objections have raised concerns in respect of both of these elements.

A basement is defined as:

- A storey below ground level, or that projects no more than 1.2 metres above ground level.

The proposed basement does not exceed a height of 1.2 metres at any point and as such complies with the definition of a basement.

Clause 43.02-2 specifically defines an attic as:

- A space within a building, contained wholly within the roof pitch that is not immediately enclosed by vertical external walls and may contain dormer windows, recessed windows, or skylights and does not contribute materially to the scale and mass of the building form.

Clause 43.02-2 specifically defines a dormer window as:

- A projecting construction to provide natural lighting to attic spaces, comprising a vertical window with its own pitched roof, gable and side walls, framed into a larger sloping roof. Usually several dormers are used for balanced design."

For the purpose of this Schedule the following factors are indicative of an attic:

- A space which is wholly contained / enclosed within a roof space.
- A space which is not bordered by any vertical external walls except gable walls.
- A space which is relatively small in scale in relation to the scale of the remaining built form.
- The presence of dormer style windows or skylights.
- Does not contribute significantly to the building form.
- A space or series of spaces which in total occupy and area no greater than half the floor area of the storey below.

The proposed attic spaces meet the definition of an attic as the uncovered spaces facing west are contained within the hipped roof form and provide a natural light source to the enclosed rooms at this level.

To the eastern portion of the attic, staircases with natural light sources largely present within the hipped roof form and a dormer style windows which are incorporated to provide sufficient headroom clearance to access this level. This element meets the definition as a dormer window as it presents its own pitch roof, gable and side walls framer into a larger hipped roof.

It is noted that the roof form has been significantly altered from that which was previously proposed (where two hipped roofs were proposed across the proposed development). The rear hipped roof was deleted in order to assist with reducing the perception of visual bulk to this adjoining properties.

The proposed building is respectful of the scale and form of development which presents to the Esplanade streetscape and does not result in any adverse character or amenity impacts. The attic profile is well resolved with the architecture of the building and the rear flat roof form reduces and perception of bulk from oblique views.
6.3. **Compliance with Clause 55 (ResCode)**

An assessment against the requirements of Clause 55 is provided at Attachment 5. Those non-compliant standards are discussed below

**Side and Rear Setbacks (Standard B17)**

The below table details the proposed side and rear setbacks.

<table>
<thead>
<tr>
<th>Ground floor</th>
<th>Proposed</th>
<th>First Floor</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Requirement</td>
<td>Proposed</td>
<td>Requirement</td>
</tr>
<tr>
<td>North (side)</td>
<td>0, 2m</td>
<td>2.3m, 3.2m and 6.49m</td>
<td>2.96m and 3.08m</td>
</tr>
<tr>
<td>South (side)</td>
<td>0, 2m</td>
<td>2.3m, 3.2m and 5.72m</td>
<td>2.96m and 3.08m</td>
</tr>
<tr>
<td>West (rear)</td>
<td>0, 3m</td>
<td>4.55m</td>
<td>4.08m</td>
</tr>
</tbody>
</table>

All ground floor setbacks exceed the required setbacks.

At first floor level the setback to the living room, kitchen and landing area for Apartments 3 and 4 are proposed at 2.3 metres in lieu of 2.96 metres (a variation of 0.66 metres).

The proposed setbacks are considered acceptable as the side setbacks of the existing dwelling at 144 Esplanade, immediately to the north, is 2.3 metres. The proposed setbacks have been directly informed by the adjoining built form. Due to the site orientation the proposed variations to the northern boundary will not result in any amenity impacts.

To the south, the varied setbacks are located adjacent to a 4.8 metre wide driveway which serves four dwellings at 140 Esplanade. Again, the varied setbacks do not result in any amenity impacts including unreasonable overshadowing.

At first floor level the setbacks to bedrooms 1 and 2 of Apartments 3 and 4 are proposed at 3 metres in lieu of 3.08 metres (a variation of 0.08 metres).

This minor variation will be indiscernible from adjoining properties, the streetscape and will not result in any amenity impacts.

All other setbacks along this boundary exceed the requirements of this standard.

The relatively low wall heights and well-articulated façades which include wall recesses, suitable schedule of materials and finishes, ensures the built form respects the street rhythm, provides visual separation and sufficient opportunities for landscaping to establish along the site boundaries in order to soften the built form. The first floor setbacks increase to the eastern / rear boundary and the flat roof form ensues minimisation of the built form adjacent to the areas of secluded private open space at 144 Esplanade.

**B29 Solar Access to Open Space**

The proposed setback of the south facing ground floor walls associated with Apartment 2 requires a side setback 6.68 metres. The proposed setback of 2.30 to 3.2 metres to this wall does not meet the numerical standard (a variation of 3.48 metres to 4.38 metres).

The standard requires consideration of the design response and the usability and amenity of the secluded private open space. The areas to the south of Apartment 2 are considered to be acceptable due to its generous areas of secluded private open space and west facing balcony which will afford afternoon sun. The spaces remain usable for
reasonable recreational needs. The proposed development is therefore considered to meet the objectives of this standard.

6.4. Car parking and traffic

The application proposed to alter the access to the Esplanade, a Road Zone Category 1. VicRoads as the Referral Authority have reviewed the application and do not object to the proposed access arrangements, subject to conditions. These are included in the recommendation.

Each dwelling is provided with the required number of car parking spaces in accordance with Clause 52.06.

Council’s Traffic Engineer has reviewed the application and raised no objection subject to minor conditions, including clarification of the basement ramp gradient levels, removal of the redundant crossover and sightlines to the remaining crossing in accordance with the Australian Standard. All recommendations are included as conditions of approval.

Further, the proposed development will not result in an unreasonable level of vehicular movements within the surrounding road networks including the rear laneway. Concerns regarding access to the laneway to the rear of the site have been raised. The proposed development is limited to the title boundaries and amended plans detail swept path diagram detailing access to the rear laneway. No concerns have been raised by Council’s Traffic Engineer in this regard.

6.5. Waste Management Plan

Kerbside waste collection by Council Services is not supported and a condition of permit has been included requiring a Waste Management Plan for on-site private waste collections. The headroom clearance is the basement access at 2.2 metres is sufficient to accommodate a 6.4 metre long rear mini loader. The 6.4m long truck can reverse in to the basement and then exit in forward manner when the collection is completed.

6.6. Vegetation & Landscaping

On-site vegetation

Existing trees on the site are generally less than 3 metres in height with low retention and amenity values. Their removal is acceptable if replaced with indigenous coastal trees.

The Neighbourhood Character Policy for precinct C1 states landscape plans should ‘provide for the planting of new indigenous coastal trees where possible’. The landscape plan does not include indigenous coastal trees.

The selection of Silver Birch (*Betula pendula*) is inappropriate for a site exposed to coastal, salt-laden winds; this species will not succeed on this site.

The landscape plan must be amended to replace exotic canopy trees with indigenous coastal trees. Suitable species include a Coast Tea-tree (*Leptospermum laevigatum*) and Coast Banksia (*Banksia integrifolia*). All plants in the landscape plan must be coastal adapted; preferentially indigenous species. These are included as recommended planning permit conditions.

Impacts on neighbouring vegetation

Tree 12 is a small Sweet Pittosporum (*Pittosporum undulatum*) and was located to the south-east corner of 144 Esplanade, Brighton and was identified.

This tree was considered to have a low retention value when assessed by the applicant’s arborist. This tree has been removed since the arborist’s report was completed in August 2015.
Tree 13 is a small Sweet Pittosporum (*Pittosporum undulatum*) growing in the common driveway of 140 Esplanade. The TPZ of this tree is 2 metres and falls within the private open space of proposed Apartment 2.

Tree 13 is sufficiently distant from the basement level and above-ground built form that it will remain viable. A planning permit condition has been included requiring tree protection measures for this tree.

### 6.7. Cultural Heritage

The site is not located within an area of Aboriginal Cultural Heritage Sensitivity.

In deciding whether a mandatory Cultural Heritage Management Plan (CHMP) is required under the *Aboriginal Heritage Act 2006* (Act) and *Aboriginal Heritage Regulations 2007* (Regulations), Council must consider if a development which is wholly within an area of cultural heritage sensitivity, requires a CHMP or if it is exempt due to Regulation 8A, which states:

*The construction of 3 or more dwellings on a lot or allotment is an exempt activity if the lot or allotment is—*

(a) not within 200 metres of the coastal waters of Victoria or the Murray River; and

(b) less than 0.11 hectares

In the recent decision of the Victorian Civil Administrative Tribunal in *Ross Mitch Property Group Pty Ltd v Port Phillip CC* (No.2) the Tribunal found that Port Phillip Bay does not fall within the meaning of “coastal waters of Victoria”, and the exemption in Regulation 8A applies to this proposal.

In basic terms, the various legislative definitions have the effect that the meaning of “coastal waters of Victoria” differs from “sea within the limits of Victoria”. As a result, Port Phillip Bay is considered “a sea within the limits of Victoria”, but differs from waters such as Bass Strait, and does not fall within the definition of “coastal waters of Victoria” which is referred to in Regulation 28 (Coastal land).

The consequence of the decision is that applications within 200 metres of the high water mark of Port Phillip Bay, and possibly other enclosed bays in Victoria (and that are for three or more dwellings on a lot less than 0.11 hectares), do not require a CHMP due to the exemption in Regulation 8A.

### 6.8. Objections received

Issues raised by objectors that have not been addressed in the assessment above, are discussed below.

**Demolition of the existing building**

This building is not subject to any heritage designation under the Planning Scheme. Although it is acknowledged that it is a pleasant building that offers a high level of amenity, it has no statutory protection under the Planning Scheme and could be demolished without a planning permit.

**Overdevelopment**

Overdevelopment is a commonly used expression to dismiss development proposals which seek to remove existing buildings and to introduce new built forms into particular neighbourhoods. An assessment against State and local planning policies and the provisions of Clause 55 included in this report demonstrates that this proposal is not an overdevelopment despite being more intensive than what existed before.

**Disturbances during construction**

A condition requiring the submission and approval of a Construction Management Plan has been included in the recommendation. Construction Management Plan’s typically
contain measures to control impacts on neighbouring properties, including traffic movements, site access and dust.

**Drainage and infrastructure**

The application has been referred to Council's Drainage Engineer who has required that specific drainage conditions be included on any planning permit that is issued. The proposed dwellings will be required to be connected to the water, sewerage, electricity and gas services. The applicant will have to meet the requirements of the relevant servicing authorities.

A concern in a number of objections was the impact of the dwellings on infrastructure and increased pressure on sewerage and drainage infrastructure. The owner will be required to address infrastructure servicing demands as required by the relevant service authorities towards the upgrade of existing infrastructure.

**Support Attachments**

1. Amended Development Plans ↓
2. Site and Surrounds Imagery ↓
3. Amended Plans: Statement of Changes ↓
4. Neighbourhood Character Assessment (Precinct C1) ↓
5. Clause 55 (ResCode) Assessment ↓
Item 4.8 – Matters of Decision
ATTACHMENT 2
Site and Surrounds Imagery

Figure 1. Aerial Overview of subject site and objector map.

<table>
<thead>
<tr>
<th>Legend</th>
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<tbody>
<tr>
<td>Subject site</td>
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<tr>
<td>Objectors</td>
<td>⬤</td>
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</tbody>
</table>
Figure 2: 142 and 142A Esplanade, Brighton with 144 Esplanade, Brighton to the left of the photograph.

Figure 3: 146 Esplanade, Brighton.
Figure 4: View looking north along Esplanade, Brighton towards the junction of Wellington Street, Brighton

Figure 5: View looking south along Esplanade, Brighton with the subject site in the foreground.
Figure 6: View looking east towards the shared driveway associated with the four unit development at 140 Esplanade, Brighton.

Figure 7: View looking east along the shared driveway associated with the four unit development at 140 Esplanade, Brighton.
Figure 8: View looking north along the laneway running north to Wellington Street, Brighton. The subject site is in the foreground to the left of the photograph.

Figure 9: View looking west from the laneway towards the subject site. The proximity of the built form to the adjoining property at 144 Esplanade is noted.
Figure 10: View looking along the laneway running north-south to Wellington Street, Brighton.
28 June 2017

Patricia Stewart
Statutory Planning Department
Bayside City Council
76 Royal Avenue
SANDRINGHAM VIC 3191

Dear Patricia,

SECTION 57A AMENDMENT - PLANNING APPLICATION NO. 2016/87 – 142 The Esplanade, Brighton

I confirm that we act for the Permit Applicant in this matter and seek amendment to the above planning permit application pursuant to Section 57A of the Planning and Environment Act, 1987.

What the amendment involves

The amendment being applied for includes:

- A change to the permit preamble (description) to remove subdivision from the application. The limit on the number of dwellings per lot is no longer a requirement under the current Neighbourhood Residential Zone and therefore the concurrent subdivision of the land is no longer required and can be submitted at a later date. The permit preamble (description) is to be amended back to the original description for “Construction of a two-storey building plus basement and attic comprising four dwellings and alteration of access to a road in a Road Zone Category 1”.

- Amendments to plans in response to neighbourhood character concerns raised by Council and in response to objections raised by neighbours.

Plan Amendments Summary

The following amendments to the drawings are submitted in response to Council and objector concerns following advertising of the proposal.
Basement (TP103-F)

- The storage spaces have been changed to media rooms given the ‘two dwellings on a lot’ requirement no longer applies in the Neighbourhood Residential Zone, which allows greater flexibility to locate these rooms in the basement. (Refer basement plan Drawing TP103-F).

Ground Floor (TP103-F)

- Wider vehicle splay shown for vehicle crossover to No. 144 Esplanade (final detail to VicRoads requirements).

- Pedestrian sight lines added along the front setback for both the proposed driveway and also for the adjoining driveways at No. 144 and 140 Esplanade. Pedestrian visibility splays measuring 2.0m by 2.5m are shown specifying no structure or plantings within these areas greater than 0.9m above natural ground level in accordance with relevant standards.

- Proposed trees removed on north side of unit 1 living and kitchen space (adjacent driveway of No. 144 at request of this neighbour).

- All trees shown in the landscape concept are to be planted away from property boundaries in accordance with neighbour request.

- Vehicle turning template added to demonstrate ability for turning movements from driveway of No. 140 into the public laneway at the rear of the site.

- Slide setbacks and internal floor plan for Unit 2 amended to largely match the setbacks along the northern boundary to improve articulation and landscaping around the building. Maximum setback increased to 3.2m to Bedroom 1.

- Rear building setback increased to 4.55m by reconfiguring stairs and dividing fence between Unit 2 and 4 at the rear aligned with common wall of unit 1 and 2 on ground floor.

Second Storey (TP105-F)

- Timber screens at northern and southern ends of the street facing balconies added, fixed to 1.7m above floor level with maximum permeability of 25% to prevent overlooking to No 144 and 140 Esplanade in accordance with the relevant ResCode standards. Screens not extended to full height of this level as this will unnecessarily increase building bulk when viewed on oblique angles from the Esplanade and is not necessary to meet the standard and prevent direct and unreasonable overlooking to adjoining properties.
• Internal stair, laundry and bathroom configurations amended in unit 3 and 4.

• Southern side setback increased to a maximum of 4m to match the northern setback building setback – reducing the width of the building as it moves towards the rear of the site and adding articulation/reducing visual bulk.

• Rear (eastern) setback increased to 7m.

• Sun shades/hoods added to bedroom windows and pitched roof removed from rear half of the building to reduce height/bulk towards the rear of the site where adjacent private open space of No 144 Esplanade.

Attic/Roof (TP106-F)

• Terrace setback increased to 9m from habitable room windows of No 144 Esplanade to meet ResCode overlooking standard.

• Stair reconfigured and dormer roof pitch added for strict compliance with ‘dormer’ definition under DDO1.

• Overlooking fin/blade and high level windows shown to dormer window to prevent overlooking in accordance with ResCode standards.

• Pitched roof removed from rear half of the building to reduce height and bulk.

Elevations (TP107 and TP108-F)

• Elevations updated to reflect the plan changes above.

• The ridge line for the roof increased by 500mm, to 17.8RL, or 8.5m, to achieve building code ceiling height requirements for attic. Note that a maximum building height of 9m applies to the Neighbourhood Residential Zone and the building height proposed is lower than the existing dwelling on the site and lower than the dwellings at No. 144, 146 and 1 Keith Court, within close proximity to the site. As such, the building height is entirely appropriate in this context. Further, the building height at the rear of the site is much lower, at approximately 6m.

• Overlooking screens to bedroom windows for the rear portion of the site changed from screens to fixed obscure glazing to 1.7m above finished floor level to prevent overlooking to adjoining development.

• Application of materials to façade amended to increase timber cladding and add visual interest.
Shadow Diagrams

- Updated to account for changes to building height, roof form and setbacks.

We trust that the above information adequately satisfies Council and objectors requests for amendments and ask that the application be renotified at your earliest opportunity.

Should you require any additional information or clarification of this advice, please contact the undersigned.

Yours sincerely,

Danny Mahony
Director
Neighbourhood Character Precinct C1

Preferred Future Character Statement

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

Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To encourage the retention of dwellings that contribute to the valued character of the Precinct in the design of development proposals. | • 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. | Demolition of dwellings that contribute to the valued character of the Precinct. | Responds  
The existing dwelling on site is not protected by a heritage Overlay or Neighbourhood Character Precinct. The proposed replacement building is considered to make a good fit within the streetscape and will contribute to the values character of the area. |
| To maintain and enhance the spacious garden settings of the dwellings. | • Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and shrubs. | Lack of landscaping and substantial vegetation. | Responds  
The proposed development provide opportunities for meaningful landscaping within the site. Refer to Section 6.6 of the report for further discussion. |
| To enhance the bayside vegetation character of the area. | • Retain large trees and established native and traditional coastal vegetation and provide for the planting of new indigenous coastal trees where possible. | Removal of large native and coastal trees.  
Planting of environmental weeds. | Responds  
The development provide opportunities for replacement planting on site. A condition of permit requires all vegetation to be responsive to its coastal environment. Refer to Section 6.6 of this report for further discussion. |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To retain the sense of spaciousness in the area and provide adequate space for front gardens. |  |  | **Responds**  
The development continues to provide for a front garden and opportunities for landscaping to wrap around the side setbacks of the development. The proposed street, side and rear setbacks maintain the street rhythm and ensure a sense of visual separation with adjoining built forms. The location of the common driveway to 140 Esplanade further enhances the sense of spaciousness to the southern site boundary. |
| To minimise the dominance of car parking facilities, driveways and crossovers. |  |  | **Responds**  
Basement car parking is proposed due to the site’s access off the Esplanade which is categorised as a Road Zone Category 1. The basement access ramp is flanked by a pedestrian access path lined with vegetation with upper floor balconies cantilevering the security gate minimises the impact of parking facilities on site. |
| To ensure that new buildings and extensions do not dominate the streetscape. |  |  | **Responds**  
The proposed development at two storeys with an attic sits at a lower level than the adjoining built form at 144 the Esplanade and the built form property at 146 Esplanade. The overall building height and hipped roof form stands to an overall height of 8.55 metres and is well articulated through appropriate use of setbacks and a material schedule which ensure the proposal comfortably within the streetscape. |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>To respect the identified heritage qualities of adjoining buildings.</td>
<td>• Where adjoining an identified heritage building, respect the height, building forms, siting and materials, of the heritage building/s in the new building design.</td>
<td>Buildings that dominate heritage buildings by height, siting or massing.</td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The proposed building sufficient offset from Heritage assets in the area so as not to compromise their special architectural or historic interest.</td>
</tr>
<tr>
<td>To encourage the use of a variety of building materials, finishes and design detail that complement the coastal setting.</td>
<td>• Use a mix of materials including timber or other non-masonry wall materials in building design. • Use simple building details and articulate roof forms.</td>
<td>Large, poorly articulated external wall surfaces of one material only. Heavy materials and design detailing (eg. large masonry columns and piers).</td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The external finishes of the building include timber, render and glazing combined with darker aluminium classing. These finishes are characteristic of the wide variety of materials found within this coastal setting. The use of materials combined with the hipped roof form to the front of the building ensure a well-articulated, appealing design which is contemporary but nods at the more traditional design cues within the streetscape.</td>
</tr>
<tr>
<td>To encourage the openness of the streetscape.</td>
<td>• Provide open style fencing, other than along heavily trafficked roads.</td>
<td>High, solid front fencing.</td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>A 0.9m high front RHS Batten style fence with 50% transparency ensure the openness of the streetscape and views to the garden setting is retained.</td>
</tr>
<tr>
<td>To create a visually interesting and attractive built form interface with the foreshore reserve, on properties fronting the reserve and visible from the reserve.</td>
<td>• 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.</td>
<td>Buildings that have no relationship to the foreshore setting. Poorly articulated roof and building forms. Highly reflective materials or glazing.</td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The proposed architectural design presents a well composed design which reflects the scale, massing and setbacks of the adjoining properties and as such provides a complementary built form to the streetscape. The articulated roof forms, recesses and palette of materials including glazing</td>
</tr>
<tr>
<td>Objectives</td>
<td>Design Responses</td>
<td>Avoid</td>
<td>Planning Officer Assessment</td>
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<td></td>
<td>• Provide a fence or landscaping treatment to delineate the property boundary fronting the foreshore reserve.</td>
<td>Blank walls facing the foreshore. Lack of distinction between public and private spaces along the foreshore.</td>
<td>softened with the use of native vegetation required by a planning permit condition ensures the development is respectful of its locality.</td>
</tr>
<tr>
<td></td>
<td>• Provide articulated roof forms to create an interesting skyline when viewed from the beach.</td>
<td></td>
<td></td>
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</tbody>
</table>
# ATTACHMENT 5
ResCode (Clause 55) Assessment

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B1 Neighbourhood Character</strong></td>
<td>Complies</td>
<td>Refer to Attachment 3.</td>
</tr>
<tr>
<td>Design respects existing</td>
<td></td>
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<tr>
<td>neighbourhood character or contributes</td>
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<tr>
<td>to a preferred neighbourhood</td>
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<td>character.</td>
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<td>Development responds to features of</td>
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<tr>
<td>the site and surrounding area.</td>
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<tr>
<td><strong>B2 Residential Policy</strong></td>
<td>Complies</td>
<td>Refer to ‘Strategic Justification’ section of the report for an assessment of the proposal against the relevant policy context.</td>
</tr>
<tr>
<td>Residential development is consistent</td>
<td></td>
<td></td>
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<td>with housing policies in the SPPF,</td>
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<td>LPPF including the MSS and local</td>
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<td>planning policies.</td>
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<td>Support medium densities in areas to</td>
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<td>take advantage of public transport</td>
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<td>and community infrastructure and</td>
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<td>services.</td>
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</tr>
<tr>
<td><strong>B3 Dwelling Diversity</strong></td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Encourages a range of dwelling sizes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>and types in developments of ten or</td>
<td></td>
<td></td>
</tr>
<tr>
<td>more dwellings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B4 Infrastructure</strong></td>
<td>Complies</td>
<td>The proposal will make use of existing infrastructure servicing the site. The developer will be responsible for upgrading this infrastructure if necessary to accommodate the development. Council’s drainage engineers have reviewed the application and raise no issues with infrastructure capacity in the area. It is noted that the developer will be required to pay a development contributions levy in accordance with the requirements of Clause 45.06 of the Bayside Planning Scheme.</td>
</tr>
<tr>
<td>Provides appropriate utility services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>and infrastructure without overloading</td>
<td></td>
<td></td>
</tr>
<tr>
<td>the capacity.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>B5 Integration with the Street</strong></td>
<td>Complies</td>
<td>The development will integrate appropriately with the street and features a staggered front setback at ground floor level, providing an appropriate transition to the setbacks of the adjoining properties. The side setbacks, whilst non-compliant with the numerical standards of Standard B17m are reflective of its immediate adjoining properties at 144 Esplanade and the larger scale</td>
</tr>
</tbody>
</table>
developments which present to the Esplanade.
The overall building height of 8.55 metres, when read with the taller built forms along the streetscape, ensures that any perception of dominance is. See Neighbourhood Character at Attachment 3 for further discussion.

| Item 4.8 – Matters of Decision | B6 Street Setback
The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. | Complies | Requirement: 9m.
Proposed: 11.2m to 13.4 at ground floor and 11.2m to 12.9m at first floor.
Balconies at first floor level encroach into the front setback by 1.8m. These encroachments continue to demonstrate compliance with this Standard whilst added articulation to the front façade.

| Item 4.8 – Matters of Decision | B7 Building Height
Building height should respect the existing or preferred neighbourhood character. | Complies | Maximum: 9m.
Design and Development Overlay, Schedule 1 also identifies a height of 2 storeys excluding an attic and basement.
Proposed: 8.55 metres (2 storeys+ attic)
It is noted that the basement at no point rises above natural ground level and the space within the roof form complies with the definition of an attic and as such the proposal complies with this Standard and the Design and Development Overlay, Schedule 1.

| Item 4.8 – Matters of Decision | B8 Site Coverage
Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site. | Complies | Maximum: 50%
Proposed: 47.7%

| Item 4.8 – Matters of Decision | B9 Permeability
Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration. | Complies | Minimum: >20%
Proposed: 33.5%

| Item 4.8 – Matters of Decision | 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. | Complies | All habitable areas, including habitable rooms and secluded private open space areas have been located to maximise solar access and no habitable rooms rely on secondary light sources.

| Item 4.8 – Matters of Decision | B11 Open Space
Integrate layout of development with any public and communal open space provided in or adjacent to the development. | N/A | There is no communal open space in or adjacent to the development. |
### B12 Safety
Layout to provide safety and security for residents and property.

**Complies**

The pedestrian entry points are clearly recognisable while upper levels allow for the passive surveillance of the street.

### B13 Landscaping
To provide appropriate landscaping.

To encourage:
- 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.

**Complies**

The siting of the development creates sufficient opportunities for meaningful landscaping subject to conditions. A condition of permit will require an amended landscape plan to be submitted to the satisfaction of the Responsible Authority.

See Section 6.5 of the report for further discussion.

### 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.

**Complies**

An appropriate access off the Esplanade to basement parking has been provided. Standard traffic conditions are included as permit conditions. Further, VicRoads do not object to the proposed development.

See Section 6.4 of the report for further discussion.

### B15 Parking Location
Provide resident and visitor vehicles with convenient parking.

Avoid parking and traffic difficulties in the development and the neighbourhood.

Protect residents from vehicular noise within developments.

**Complies**

On site car parking is provided in the form of a basement carpark. Standard traffic conditions are included as permit conditions.

Refer to Section 6.4 of the report for further discussion.

### B17 Side and Rear Setbacks
Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.

**No**

Refer to Section 6.3 of the Report.

<table>
<thead>
<tr>
<th>Ground floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Proposed</td>
</tr>
<tr>
<td>North (side)</td>
<td>0, 2m</td>
</tr>
<tr>
<td>South (side)</td>
<td>0, 2m</td>
</tr>
<tr>
<td>West (rear)</td>
<td>0, 3m</td>
</tr>
<tr>
<td>Item</td>
<td>Standard Description</td>
</tr>
<tr>
<td>------</td>
<td>----------------------</td>
</tr>
<tr>
<td>B18 Walls on Boundaries</td>
<td>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.</td>
</tr>
<tr>
<td>B19 Daylight to Existing Windows</td>
<td>Allow adequate daylight into existing habitable room windows.</td>
</tr>
<tr>
<td>B20 North Facing Windows</td>
<td>Allow adequate solar access to existing north-facing habitable room windows.</td>
</tr>
<tr>
<td>B21 Overshadowing Open Space</td>
<td>Ensure buildings do not significantly overshadow existing secluded private open space.</td>
</tr>
<tr>
<td>B22 Overlooking</td>
<td>Limit views into existing secluded private open space and habitable room windows.</td>
</tr>
<tr>
<td>B23 Internal Views</td>
<td>Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</td>
</tr>
<tr>
<td>B24 Noise Impacts</td>
<td>Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</td>
</tr>
<tr>
<td>B25 Accessibility</td>
<td>Consider people with limited mobility in the design of developments.</td>
</tr>
</tbody>
</table>
### B26 Dwelling Entry
Provide a sense of identity to each dwelling/residential building.

**Complies**

The development fronts the Esplanade and includes a clearly identifiable entry with dedicated pedestrian pathway. The entry provides shelter, a sense of personal address and a transitional space around the building entry.

### B27 Daylight to New Windows
Allow adequate daylight into new habitable room windows.

**Complies**

All habitable windows will open out onto a space clear to the sky.

### B28 Private Open Space
Provide reasonable recreation and service needs of residents by adequate private open space.

**Complies**

**Minimum:**
- 25m² secluded, 40m² overall with a minimum dimension of 3 m;
- A balcony of 8m² with a minimum width of 1.6m.

**Proposed:**
All apartments meet the requirements of this standard and are provided with adequate private open space for the reasonable recreation and service needs of residents.

It is noted that Clause 32.09-4 of the Bayside Planning Scheme requires a minimum gardens area at ground floor level of 35% of the site area. This equates to 329m². A total of 397.5 m² has been provided, equating to 42.2% garden area.

It is noted the garden areas calculated in the 42.2% include areas not classified as private open space associated with an apartment but exclude balconies.

<table>
<thead>
<tr>
<th>Private Open Space</th>
<th>Secluded Private Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment 1</td>
<td>25m²</td>
</tr>
<tr>
<td>Apartment 2</td>
<td>42.4m²</td>
</tr>
<tr>
<td>Apartment 3</td>
<td>38m²</td>
</tr>
<tr>
<td>Apartment 4</td>
<td>36m²</td>
</tr>
</tbody>
</table>

### B29 Solar Access to Open Space
Allow solar access into the secluded private open space of new dwellings/buildings.

**No**

See Section 6.3 of the report for further discussion.

### B30 Storage
Provide adequate storage facilities for each dwelling.

**Complies**

Designated storage areas are provided to Apartments 1, 2 and 4 within the basement and have a minimum area of 6 cubic metres. Apartment 3 has an area which can easily accommodate the required area of storage. This has been included as a planning permit condition.
<table>
<thead>
<tr>
<th><strong>B31 Design Detail</strong></th>
<th>Complies</th>
<th>Refers to Section 6.2 of the report for further discussion.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Encourage design detail that respects the existing or preferred neighbourhood character.</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**B32 Front Fences**

Encourage front fence design that respects the existing or preferred neighbourhood character.

| Complies | As the site fronts a Road Zone Category 1, a 2m high front fence is as-of-right. The applicant proposed a 0.9m high RHS battens with 50% permeability. |

**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.

| Complies | All areas of common property have been designed to clearly delineate public, communal and private areas. Common property is functional and capable of efficient management. |

**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.

| Complies | All appropriate site services can be easily catered for on-site. Mails boxes are shown to adjoin the pedestrian entry with waste provisions being provided within the basement level. A condition has been included requiring the location of solar hot water systems and air conditioning units to be located away from adjoining habitable room windows. |

**Standard B35 Energy efficiency objectives**

To achieve and protect energy efficient dwellings and buildings.

To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

To ensure dwellings achieve adequate thermal efficiency

| Complies, subject to conditions. | The site orientation maximises the solar access and does not unreasonably reduce energy efficiency and solar access to adjoining properties. Areas of open space facing north have been maximised where possible.

A NatHERS Assessment has not been provided with the amended application but it is considered the proposed development reasonable provides for an appropriate level of energy efficiency. A condition has been included to require measures to ensure compliance with this the NatHERS Cooling Load. |

**Standard B36 Communal open space**

To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.

Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 sq metres per dwelling or 250 sq metres, whichever is lesser.

| N/A | This standards relates to developments with 40 or more dwellings. |

**Standard B37 Solar access to communal outdoor open space**

<p>| N/A | There is no communal outdoor open space provided within this development. |</p>
<table>
<thead>
<tr>
<th>Item 4.8 – Matters of Decision</th>
<th>Page 272 of 303</th>
</tr>
</thead>
<tbody>
<tr>
<td>To allow solar access into communal outdoor open space.</td>
<td>Communal areas within this development at ground floor level to do constitute recreational outdoor open space.</td>
</tr>
</tbody>
</table>
| **Standard B38 Deep soil areas and canopy trees objective**  
To promote climate responsive landscape design and water management in developments to support thermal comfort and reduce the urban heat island effect. | Complies | **Required:** 5% of the site area with a minimum dimension of 3 metres and 1 small tree (6-8 metres) per 30 square metres of deep soil.  
I.e 47m² and 1 small tree.  
**Proposed:** 115m² with 8 canopy trees. Please refer to Section 6.6 of this report for further discussion regarding landscaping. |
| **Standard B39 Integrated water and stormwater management**  
To encourage the use of alternative water sources such as rainwater, stormwater and recycled water. To facilitate stormwater collection, utilisation and infiltration within the development. To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site. | Complies, subject to conditions | The supporting Planning Report notes the provision of two 4,500L rainwater tanks located at underground, adjacent to the basement. This is not detailed on the plans. Notwithstanding this, a condition has been included requiring integrated storm water and management objectives. |
| **Standard B40 Noise impacts**  
To contain noise sources in developments that may affect existing dwellings. To protect residents from external and internal noise sources. | Complies, subject to conditions | As previously mentioned at Standard B24 above. Conditions have been included requiring the sensitive placement of services and mechanical equipment. |
| **Standard B41 Accessibility**  
To ensure the design of dwellings meets the needs of people with limited mobility. | Complies | **Requirement:** 50 per cent of dwellings should have:  
- A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.  
- A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.  
- A main bedroom with access to an adaptable bathroom.  
- At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table B7.  
**Proposed:** Two (50%) of the proposed dwellings meet this standard. |
| **Standard B42 Building entry and circulation**  
To provide each dwelling and building | Complies | The building entry and foyer area provides a clearly identifiable area which benefits from direct solar access and |
with its own sense of identity. To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. To ensure internal communal areas provide adequate access to daylight and natural ventilation.

| Standard B43 Private open space above ground floor | Complies | Requirement: An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or a balcony with an area of 12m² with a minimum dimension of 2.4 metres. Proposed: Apartment 3 and 4 are provided with open space areas as outlined at Standard B28 above. These areas are supplemented with 10m² balconies fronting the Esplanade at first floor. Apartment 3 has an additional 5m² in the attic area. Apartment 4 has an additional balcony accessed of the stair landing area at first floor of 7.4m² and 8m² in the attic area.

| Standard B44 Storage | Complies, subject to conditions | Required: 3 bed apartments require 18m³ total minimum storage volume and 12m³ minimum storage volume with the dwelling. Provided: a minimum of 12m³ has been provided internally for all apartments. Refer to Standard B30 for external storage provisions.

| Standard B45 Waste and recycling | Complies, subject to conditions | The proposal provides for appropriate and conveniently located areas for waste collection on site. A waste management Plan has been included as a condition of permit requiring on-site waste collection services. Refer Section 6.5 of this report regarding comments for accessibility and functional layouts for these services.

| Standard B46 Functional layout | Complies | Requirement: Bedrooms should provide for a main bedroom with a minimum dimensions of 3mx 3.4m. All other bedrooms should have a minimum dimension of 3m x 3m. 2 or more bedroom dwellings should have a minimum living area width of 3.6m with a minimum area of 12m². Proposed: All apartments comply with
<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B47 Room depth</strong></td>
<td>To allow adequate daylight into single aspect habitable rooms.</td>
<td>Complies</td>
</tr>
</tbody>
</table>
| **B48 Windows** | To allow adequate daylight into new habitable room windows. | Complies | **Requirement:** Habitable rooms should have a window in an external wall of the building. A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky. The secondary area should be:  
  - A minimum width of 1.2 metres.  
  - A maximum depth of 1.5 times the width, measured from the external surface of the window. **Proposed:** All rooms have a window in an external wall of the building. |
| **B49 Natural ventilation** | To encourage natural ventilation of dwellings.  
To allow occupants to effectively manage natural ventilation of dwellings. | Complies | **Requirement:** At least 40 per cent of dwellings should provide effective cross ventilation that has:  
  - A maximum breeze path through the dwelling of 18 metres.  
  - A minimum breeze path through the dwelling of 5 metres.  
  - Ventilation openings with approximately the same area. **Proposed:** All dwellings are provided with natural ventilation. |
4.9  322-328 BAY ROAD, CHELTENHAM
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/369/1  WARD: CENTRAL

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/248735

1. Purpose and background
To report a planning permit application for the use of the land for the purpose of the sale of packaged liquor and associated buildings and works, display of advertising signs, removal of native vegetation and alterations to a Road Zone, Category 1 (refer Attachment 1) on a lot with an area of 3,505 square metres at 322-328 Bay Road, Cheltenham (refer Attachment 2).

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Chandos Bay Pty Ltd C/- Planning &amp; Property Partners Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date application received</td>
<td>18 July 2017</td>
</tr>
<tr>
<td>Statutory days expired</td>
<td>5 October 2017</td>
</tr>
</tbody>
</table>

2. Policy implications
Planning permit requirements
Clause 34.02-1 (Commercial Zone Schedule 2) – Use of land for retail purposes
Clause 34.02-4 (Commercial Zone Schedule 2) – Construct a building and construct and carry out works
Clause 52.05 (Advertising Signs) - Installation of business identification signage in excess of 8 square metres
Clause 52.17-2 – Removal of native vegetation
Clause 52.27 – Licensed premises
Clause 52.29 – Alterations to land adjacent to a Road Zone Category 1

Planning scheme amendments
There are no planning scheme amendments relevant to this proposal.

3. Stakeholder Consultation
External referrals
The application was referred to the following authorities:

<table>
<thead>
<tr>
<th>Referral Authority</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>VicRoads</td>
<td>No objection, subject to conditions.</td>
</tr>
</tbody>
</table>

Internal referrals
The application was referred to the following Council departments for comment:

<table>
<thead>
<tr>
<th>Internal Referral</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drainage Engineer</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Open Space Arborist</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Traffic Engineer</td>
<td>Raised concerns, however these can be dealt with by condition.</td>
</tr>
</tbody>
</table>
Community and Health Planning | No objection.
---|---
Arborist | No objection, subject to conditions.

Public notification
The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and four objections were received raising the following concerns:

- Increase in traffic;
- Already plenty of options to buy packaged liquor;
- Negative impact on local businesses;
- Loss of vegetation; and
- Anti-social behaviour.

Two letters of support were also received, making the following comments:

- Improvement on existing site, which is an eyesore;
- Good parking provision and layout; and
- Removal of vehicle access on Bay Road will improve traffic conditions.

Consultation meeting
A consultation meeting was held on 8 November 2017 attended by the permit applicant and two objectors. As a result of this meeting no objections were withdrawn.

4. Recommendation

That Council:

Issues a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2017/369/1 for the land known and described as 322-328 Bay Road, Cheltenham, for the use of the land for the purpose of the sale of packaged liquor and associated buildings and works, display of advertising signs, removal of native vegetation and alterations to a Road Zone, Category 1 in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but modified to show:
   a) The setback of the building from Bay Road increased to 5 metres.
   b) The setback of the building from Hamlet Street increased to a minimum of 1.5 metres.
   c) The car parking fronting Bay Road to be set back 3 metres to allow for additional landscaping along the frontage, including the provision of 3 canopy trees to the satisfaction of the Responsible Authority.
   d) The car parking along Chandos Street to be set back 2 metres from the boundary to allow for additional landscaping to the satisfaction of the Responsible Authority.
   e) In order to comply with conditions (a-d) above, the number of parking
spaces can be reduced to the amount required by Clause 52.06.

f) The provision of external security lighting within the site.

g) Car parking and accessways to be in accordance with Clause 52.06.

h) An updated landscaping plan in respect of conditions (a-d) above as required by condition 8.

i) Details of any kerbing and pedestrian ramps for disabled access.

j) An amended Arboricultural Assessment and Report to accurately reflect the tree species for trees 3 and 13 and to provide comments on the Callistemon citrinus on the western boundary and the Correa alba at the base of tree 8.

k) Removal of all advertising signage from the southern elevation of the building.

l) Removal of the advertising signage on the north and south aspects of the entrance portal (wording stating ‘lowest liquor price guarantee’).

m) Removal of the advertising signage on the western elevation which states ‘lowest liquor price guarantee’.

n) Removal of the four internally illuminated signage zones below the Dan Murphy’s logo on the pylon sign.

o) A red line plan showing the area where the liquor licence will apply.

p) Surface construction, dimensional and kerbing details of the accessway within the carriageway easement. This must be to the satisfaction of the Responsible Authority and be consistent with any relevant requirements of condition 16.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

4. All pipes (except downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

6. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:

a) The type of water sensitive urban design stormwater treatment measures to be used.

b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.

c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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

8. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Memia, dated 22 May 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
   a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
   b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
   c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
   d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
   e) Details of surface finishes of pathways and driveways.

9. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

11. Before the development starts, an amended Arboricultural Assessment & Report to the satisfaction of the Responsible Authority must be submitted and endorsed by the Responsible Authority. The Report must generally be in accordance with the Arboricultural Assessment & Report prepared by Treemap Arboriculture dated 2017 but amended to include the details specified in condition 1(f).

12. There is to be no soil excavation within 3 metres of all street tree assets measured from the edge of the trunk. Tree protection fencing is to be installed around all street trees in compliance with AS 4970-2009, Protection of trees on development sites.

13. The street tree assets identified as trees numbered 3 (Angophora hispidai) and (Acmena smithii) can be removed under Clause 6.5 of the Street and Park Tree Management Policy (2016) to allow the development to proceed with the installation of the proposed new vehicle crossing.

14. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.

15. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or
crossing opening must be removed and replaced with footpath/nature strip/kerb and channel, to the satisfaction of the Responsible Authority.

16. Before the development starts, a Loading Management Plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The Plan must include details of:

   a) How the delivery vehicles will enter and exit the loading bay.
   b) Swept paths showing the delivery vehicle movements.
   c) How the traffic will be managed during the delivery times
   d) Times of deliveries.
   e) How any restrictions/requirements will be enforced and communicated with all relevant parties.

The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority. All loading and associated activities must be undertaken in accordance with the endorsed Loading Management Plan at all times.

17. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

18. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.

19. Before the commencement of works, a Construction Management Plan (CMP), 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 and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:

   a) A detailed schedule of works including a full project timing.
   b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
   c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
   d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
   e) Proposed traffic management signage indicating any inconvenience generated by construction.
   f) Fully detailed plan indicating where construction hoardings would be located.
   g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.

i) Site security.

j) Public safety measures.

k) Construction times, noise and vibration controls.

l) Restoration of any Council assets removed and/or damaged during construction.

m) Protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site).

n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).

o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.


q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.

r) Details of crane activities, if any.

20. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:

a) Dimensions of storage waste areas.

b) Storm water drains in storage areas should be fitted with a litter trap.

c) The number and size of bins to be provided.

d) Facilities for bin cleaning.

e) Method of waste and recyclables collection.

f) Types of waste for collection, including colour coding and labelling of bins.

g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).

h) Method of hard waste collection.

i) Method of presentation of bins for waste collection.

j) Sufficient headroom within the basement to accommodate waste collection vehicles.

k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.

l) Strategies for how the generation of waste and recyclables will be minimised.

m) Compliance with relevant policy, legislation and guidelines.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.
21. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
   a) Transport of materials, goods or commodities to or from the land.
   b) Appearance of any building, works or materials.
   c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
   d) Presence of vermin.

22. The use may operate only between the hours of 9am and 11pm, without the prior written consent of the Responsible Authority.

VicRoads Conditions
23. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings on Bay Road must be removed and the area reinstated to the satisfaction of the Responsible Authority and at no cost to VicRoads or the Responsible Authority.

24. Prior to the commencement of the use or the occupation of the buildings or works hereby approved. The access crossover and associated works must be provided and available for use.

End of VicRoads Conditions
25. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

26. The location and details of the sign/s, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.

27. All signs must be located wholly within the boundaries of the land.

Expiry condition – use development and signage
28. This permit will expire if one of the following circumstances applies:
   a) The development is not started within two years of the date of this permit.
   b) The development is not completed within four years of the date of this permit.
   c) The use is not started within five years of the date of this permit.
   d) The use is discontinued for a period of two years or more.
   e) The signs are not erected within two years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
• This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

• Council records indicate that there is a 1.83 metre wide drainage and sewerage easement along the southern property boundary as indicated on the drawings provided. The plans indicate that a carriageway shall be constructed over the easement. Any proposal to encroach into the easement may require Build Over Easement consent from the Responsible Authority / Authorities. The carriageway shall be partially demountable over the easement and the proposal may require a Section 173 agreement to be created on the property title to ensure the continuation of Council rights of drainage.

• The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.

• Before the vehicle crossing application will be approved, the applicant must pay $5,794.06 to the Responsible Authority for the removal and replacement of the existing street trees. This amount has been determined in accordance with Council’s current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence works is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

5. Council Policy

Council Plan 2017-2021

Relevant strategies of the Council plan include:
• Where neighbourhood character, streetscapes and heritage is respected and enhanced, and the community has a strong connection to place.

• Where development contributes to a high visual amenity, is ecologically sustainable, demonstrates high quality compliant design, and responds to the streetscape and neighbourhood context.

Relevant strategies of the Council plan include:
• Make discretionary planning controls stronger, by advocating for Council’s planning and urban design objectives to state government.

Bayside Planning Scheme
• Clause 9 Plan Melbourne
• Clause 11 Settlement
• Clause 12 Environmental and Landscape Values
• Clause 15 Built Environment and Heritage
• Clause 17 Economic Development
• Clause 21.02 Bayside Key Issues and Strategic Vision
• Clause 21.04 Environmental and Landscape Values
• Clause 21.06 Built Environment and Heritage
• Clause 21.10 Infrastructure
• Clause 21.11 Local Areas
6. Considerations

In considering this application, regard has been given to the State and Local Planning Policy Frameworks, the provisions of the Bayside Planning Scheme, objections received and the individual merits of the application.

6.1 Strategic justification

The site is located within the Commercial 2 Zone and is not affected by any overlays. A planning permit is required for both the use and development of the site under the zone. Clause 34.02-9 set out the decision guidelines to be considered for applications for use of land and buildings and works. The application is consistent with the purposes of the Commercial 2 Zone as it is for a commercial use which will make a positive contribution to the emerging and existing context of the site. The proposed built form responds to the built form in the surrounding area with a contemporary design. It is therefore considered that the proposal is in accordance with both State and Local Planning Policy.

The subject site is also located within the Bayside Business Employment Area (Clause 22.04 of the Bayside Planning Scheme). This policy acknowledges that a significant proportion of the area is obsolete, run down and in need of improvement and recognises the economic importance of Bayside’s Employment area. The policy encourages new business to locate in the area, to better develop the underutilised sites and to generate new employment opportunities, especially for local residents and to establish a business employment area of a quality and profile which will fulfil an identifiable niche in the south-east region of Melbourne.

The site is currently occupied by three vacant warehouse buildings and will soon be subdivided into a separate lot. The site forms part of the commercial area located on the southern side of Bay Road. The surrounding character of the area and along the commercial spine of Bay Road is generally characterised by one and two storey office and warehouse buildings varying in age, form and design.

Policy as set out in Clause 22.04 seeks to (amongst other things):

- encourage the upgrading and regeneration of built form and use;
- require high standards for provision of off-street car parking and additional landscaping;
The proposal has been assessed against the general urban design guidelines set out within this policy (refer Attachment 3) and shown to demonstrate a high level of compliance.

In addition, clause 22.04 sets out urban design guidelines for specific areas within the Employment Area. The subject site falls within an area identified as ‘small lots south of Bay Road’ having recently been subdivided off from a larger lot (Planning reference 2017/7267). The preferred built form is for:

- A maximum building height of 14 metres.
- A minimum building setback of 6 metres from the street frontage.

The maximum height of the proposed building will be 9.3 metres.

The proposed setback from Bay Road is 3.275 metres, which does not comply with the preferred setback. The existing building is setback 5 metres and a condition is therefore included in the recommendation requiring the setback be increased to 5 metres. This will also reflect the predominant setback patterns along this stretch of Bay Road. The proposed new building will front Bay Road for a shorter length than the existing building, thereby providing better integration with the streetscape. In addition, the existing two vehicle crossovers on Bay Road will be removed. There is a carriage way to the rear of the site which it is proposed to utilise for vehicle access, which restricts any further setback. In addition, the main vehicle access and parking will be off Chandos Street. For these reasons, a setback of 5 metres is considered reasonable.

A condition is also included in the recommendation requiring a minimum setback of 1.5 metres from Hamlet Street. This will allow for additional planting and landscaping.

In summary, the proposal is considered to be consistent with State and Local Planning Policy, including the policy basis set out in Clause 22.04 Bayside Business Employment Area.

6.2 **Car parking and traffic**

This application is for the use and development of land for a bottle shop. Under the land use definitions set out at Clause 75, a bottle shop is defined as a shop use. There is also an ancillary office element included within the proposal; the parking for this use is treated as the same as the shop element. The parking requirements are specified in Clause 52.06 and are set out in the table below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Floor area</th>
<th>Parking rate</th>
<th>Parking requirement</th>
<th>Parking provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shop</td>
<td>1,340m²</td>
<td>4 spaces per 100m²</td>
<td>53</td>
<td>undefined</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>53</strong></td>
<td><strong>64</strong></td>
</tr>
</tbody>
</table>

The proposal will provide 64 parking spaces within the site. This clearly exceeds the minimum parking requirements and is considered to be acceptable. However, conditions are included in the recommendation requiring the setbacks of the building to be increased. This may result in the loss of some of the proposed parking spaces and a condition is therefore included to allow for some loss of parking provided it still remains compliant with Clause 52.06.

In terms of traffic movement and generation, vehicles will be able to enter and exit the site from either Chandos Street or Hamlet Street. VicRoads has assessed the development plans and considers that the traffic generation in Bay Road is considered reasonable. No objection is raised to the proposal subject to conditions in relation to the removal of the existing crossovers on Bay Road.

Council’s Traffic Engineer has also raised no objection to the proposal subject to
conditions.

6.3 **Loading and Unloading of vehicles**

Clause 52.07 requires land to be set aside for the loading and unloading of commercial vehicles. Minimum loading bay dimensions are specified for buildings with a floor area of less than 2,600 square metres. The proposal incorporates a loading bay to the rear of the proposed building adjacent to the carriageway. The dimensions are in excess of those required by this clause. A condition is included in the recommendation requiring a loading management plan to ensure that there is no disruption to traffic during delivery times and to ensure that access to the loading area is safe, functional and efficient.

6.4 **Bicycle parking**

Clause 52.34 sets out the requirements for the provision of bicycle parking. The proposed development will provide six bicycle parking spaces; four for employees and two for visitors. This meets the requirements of this clause.

6.5 **Alterations to an access in a Road Zone Category 1**

The application proposes to remove two vehicle crossovers to Bay Road, which is a Road Zone Category 1 road. The application was referred to VicRoads, who have raised no objection to the proposal subject to conditions. These are included in the recommendation.

6.6 **Street tree removal**

There are multiple street trees fronting the site along Bay Road, Hamlet Street and Chandos Street. It is proposed to remove two street trees (Trees 3 and 13) to facilitate new crossovers for the development. Tree 3 is an *Angophora hispida* located on Chandos Street and Tree 13 is *Acmena smithii* located on Hamlet Street. These trees have been incorrectly identified in the submitted Arboricultural Assessment and Report. Council’s Open Space Arborist has reviewed the proposal is advised that as the design does not allow any other option for the location of the vehicle crossing and to allow the development to proceed, these two trees may be approved for removal under Clause 6.5 of the *Street and Park Management Policy* (2016). Conditions are included in the recommendation requiring protection for the remaining street trees during construction. Replacement planting of two street trees will also be required and this is included in the monetary amount the applicant will have to pay to Council.

6.7 **Vegetation & Landscaping**

Trees 5-8 as identified in the submitted Arboricultural Assessment & Report occur naturally in Victoria and are indigenous to Victoria. As the subject site is over 4000 square metres, a planning permit is therefore required for their removal under Clause 52.17 of the Bayside Planning Scheme. There are other trees on the site, which are also proposed to be removed but which are not native to Victoria.

Council’s Arborist has raised no objection to the removal of the trees, but has advised that the submitted Arboricultural Report makes no reference to the *Callistemon citrinus* on the western boundary of the site or the *Correa Alba* at the base of the Wattle tree on the north boundary. Conditions are therefore included in the recommendation to require an updated report to include reference to these trees and shrubs.

The submitted landscaping plan provides a good layout for replacement planting and is in accordance with the Bayside Landscaping guidelines. Conditions are included in the recommendation however, requiring increased setbacks for both the building and parking areas to increase the areas available for planting and landscaping.

It is reasonable to require offset planting given the minimal and low quality of the native vegetation being removed, and noting the robust industrial nature of this area. It must also be noted that the land will soon be subdivided at which point it will be less than 0.4 hectares and the removal of native vegetation would not require a planning permit.
All things considered, the plantings to be required through the landscape plan would provide a far superior landscape outcome to that of the existing situation.

6.8 Licensed Premises

The proposal seeks a permit to sell packaged liquor between the hours of 9am and 11pm. Clause 52.27 sets out the following Decision Guidelines to consider when determining the appropriateness of an application:

- The State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and Local Planning Policies

The business objective of Clause 17.01 states that use and development should be managed to provide new commercial facilities for the needs of the local population in new residential areas and within, or immediately adjacent to existing commercial centres and to encourage development which meets the communities’ needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability or commercial facilities.

As defined by Clauses 21.11-9 and 22.04, the subject site is located within the Bayside Business Employment Area. The liquor licence will strengthen the provision of services offered to local residents in a convenient location to residential and commercial areas.

The sale and consumption of packaged liquor does not conflict with State and Local Planning Policy Frameworks and is considered to be appropriate.

- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area

The subject site currently comprises of three vacant disused warehouse buildings. It is proposed to demolish this building and provide a new single storey building with parking and landscaping within the site. The proposal is for a packaged liquor licence typically associated with a bottle shop. Council’s Community Health and Planning Coordinator is satisfied that this type of liquor licence will be unlikely to have an adverse impact on the amenity of the surrounding area.

- The impact of the hours of operation on the amenity of the surrounding area

Evidence regarding the impact of alcohol has been reviewed for Bayside’s Alcohol Harm Minimisation Policy. Findings suggest that late trading (after 1am) contributes to increased alcohol consumption and violence and that even small changes in hours are associated with significant local impact. In order to avoid “pre-loading”, “side-loading”, and “post-loading”, it is recommended that bottle shops close at 11pm. The proposed opening hours for this application are 9am to 11pm and these are included in the recommended conditions.

- The impact of the number of patrons on the amenity of the surrounding area

The proposal is for a packaged liquor licence only, with no consumption of alcohol on the premises. As such, there is no requirement for a limit on patron numbers as people will generally spend a short time choosing and purchasing liquor, before leaving.

- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area

Pursuant to Bayside Council’s Alcohol Harm Minimisation Policy, locations at risk of harm associated with cumulative impact have been identified as three or more licensed premises (including the proposed premises) within a radius of 100 metres of the proposed land; or 15 or more licenced premises (including the proposed premises) within a radius of 500 metres from the subject land.

Council’s Coordinator for Health and Community Planning has advised that there are approximately six packaged liquor licences within one kilometre of the proposed venue.
This is not over the threshold of increased alcohol related harms and given that the proposal is for packaged liquor only, it is unlikely that this type of premises will be associated with alcohol related harms.

6.8 Advertising Signage

The subject site is located within the Commercial Zone Schedule 2. Under Clause 34.02-8, the site is designated as being within a ‘minimum limitation’ area for the display of advertising signs under Clause 52.05.

The application is proposing business identification signage on all four elevations of the new building, allowing for brand identification. Pelmet lighting is proposed to the signs on the north, south and east elevations. An internally illuminated pylon sign is also proposed in the north-east corner of the site.

The size and location of the signs is considered to be excessive and so conditions are included in the recommendation requiring the removal of all signage on the southern elevation, the removal of the internal illumination from the pylon sign and a reduction in the overall amount of signage proposed. This will result in a level of signage similar to other signage within the Bayside Business Employment Area.

The proposed signage will not impact on any views or vistas, is of a scale and form relative to the proposed building and will not detract from or detrimentally impact upon the streetscape and is supported.

6.10 Objections received

Issues raised by objectors that have not been addressed in the assessment above, are discussed below.

Already plenty of options to buy packaged liquor

There are an estimated six packaged liquor licences within one kilometre of the proposed venue. There are no planning controls in terms of the number of packaged liquor venues within an area. The decision to buy alcohol from a particular venue will be down to consumer choice.

Negative impact on local businesses

It is a well recognised planning principle that there is no right to compensation as a result of competing business.

Anti-social behaviour

Council’s Community and Health Planning Coordinator has assessed the application and is satisfied that the introduction of a packaged liquor licence venue to the area will not result in an increase in anti-social behaviour. This is based on the hours of operation, the location and the type of liquor licence.

Support Attachments

1. Development Plans ↓
2. Site and Surrounds Imagery ↓
3. Clause 22.04 Assessment ↓
Figure 1. Aerial Overview of subject site and objector map. Two additional objectors are located outside of the above map.

<table>
<thead>
<tr>
<th>Legend</th>
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<tbody>
<tr>
<td>Subject site</td>
<td>✭</td>
</tr>
<tr>
<td>Objectors</td>
<td>⬤</td>
</tr>
</tbody>
</table>
Figure 2. Subject site viewed from the north side of Bay Road.

Figure 3. View of the subject site from the South-East on Chandos Street.
Figure 4. View of subject site looking west from corner of Bay Road and Chandos Street.

Figure 5. View of subject site looking east from corner of Bay Road and Hamlet Street.
Figure 6. View of subject site from the west on Chandos Street.
## ATTACHMENT 3
### Urban Design Guidelines (Clause 22.04) Assessment

<table>
<thead>
<tr>
<th>Element</th>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| Building Form and Detailing   | To encourage high quality, individually designed buildings that improve the appearance and amenity of the street environment. | • Use building forms, or changes of surface treatment, or a combination of these, to provide visually interesting buildings, and to diminish visual bulk.  
• Design ground floor street frontage to provide pedestrian/human scaled elements at street level.  
• Locate habitable spaces along the street frontage with windows overlooking the street.  
• Locate the main building entrance on the street frontage.  
• Ensure that underground car parking areas do not dominate the building frontage. | • Buildings that present a poor quality frontage/interface with the street or an adjacent reserve.  
• Buildings with blank walls that detract from the perception of a safe street environment.  
• Main entrances at the side or rear of the buildings.  
• Building frontages dominated by underground car parking.  
• Excessive shading of an adjacent reserve.  
• Illumination that will impact on | Complies  
The proposed building will be single storey with a mezzanine floor for ancillary office use and have a maximum height of 9.3 metres. It will occupy the western section of the site adjacent to Hamlet Street and will be set back from Bay Road to allow for landscaping. Articulation to all elevations will be provided through a varied palette of materials. Glazing along the northern and eastern elevations will promote integration with the street.  
The main entrance will be to the side of the building from the car park, however clear pedestrian access will be provided from Bay Road.  
Parking is at grade, in the eastern section of the site.  
There are no reserves adjacent to the site. |
<table>
<thead>
<tr>
<th>Element</th>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| **Landscaping**               | To include a substantial proportion of landscaping within the front setback that provides an attractive setting for the buildings and relates to the native vegetation there in the area. | - Retain large established native trees and provide for the planting of new wide spreading native canopy trees within the front setback where possible.  
- Provide sufficient permeable surfacing around trees that ensures their continual survival.  
- Provide access paths to building entrances. | - Loss of native canopy trees.  
- Large areas of impervious surfaces.  
- Buildings that provide poor pedestrian access. | Complies  
Landscaping is proposed in the front setback with canopy trees planted throughout the car park. Conditions are included in the recommendation requiring increased setbacks of the building and parking areas to allow for additional landscaping.  
The existing vegetation on the site is low key and minimal and no objection is raised to its removal.  
Council’s Arborist is satisfied with the proposed landscaping plan and it will provide an improvement over the existing situation. |
| **Vehicle Parking and Loading Areas** | To minimise the visual and physical dominance of vehicles, car parking surfaces and service areas in the streetscape or from an adjacent reserve. | - Minimise vehicle parking within the front setback.  
- Locate permanent parking to the side or rear of the building, or below the ground floor level of the building. | - Car parking and vehicles that dominate the streetscape or an adjacent reserve.  
- Excessive paving in the front setback area to | Complies  
The proposed building will occupy the western section of the site with at grade car parking in the eastern section. Landscaping is proposed along the frontage with Bay Road and on the corner of Bay Road and Chandos Street. |
<table>
<thead>
<tr>
<th>Element</th>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>● Locate storage yards and loading docks to the side or rear of the building.</td>
<td>accommodate vehicles.</td>
<td>The loading bay is located to the rear of the building with access via the laneway.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>● Minimise interruption of footpaths by crossovers.</td>
<td>● Large vehicles and loading structures that dominate the streetscape or an adjacent reserve.</td>
<td>The existing two vehicle crossovers to Bay Road will be infilled and kerbs provided.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>● Excessive interruption of footpaths by driveways and crossovers.</td>
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</table>
5. Confidential Business

Nil

As Chief Executive Officer, I hereby declare that the contents of this agenda relating to the closed meeting of the ordinary meeting of Council are deemed confidential and accordingly members of Council are reminded that the contents of the agenda are not to be disclosed to any other party.

Adrian Robb

Chief Executive Officer