Planning & Amenity Committee Meeting Agenda

Agenda

for the

Planning & Amenity Committee Meeting

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

on

Tuesday, 30 October, 2018
at 7:00pm

Councillors:  Cr Alex del Porto
Cr Laurence Evans (Mayor)
Cr Michael Heffernan
Cr James Long BM JP
Cr Clarke Martin
Cr Sonia Castelli
Cr Rob Grinter
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
   4.1 209 Balcombe Road, Beaumaris Notice of Decision to Grant a Planning Permit Application No: 2018/148/1 Ward: Southern .... 5
   4.2 372 Beach Road, Beaumaris Notice of Decision to Grant a Planning Permit Application No: 2018/163/1 Ward: Southern .. 61
   4.3 163 Bay Road, Sandringham Notice of Decision to Grant a Planning Permit Application No: 2018/118/1 Ward: Central ..... 99
   4.4 46 Dendy Street, Brighton Notice of Decision to Grant a Planning Permit Application No: 2018/242/1 Ward: Central ................. 113

5. Confidential Business
   Nil

Next Meetings 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 16 October 2018.
## 4. Matters of Decision

### 4.1 209 BALCOMBE ROAD, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2018/148/1 WARD: SOUTHERN

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/231370

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Planning Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Tony Preiato &amp; Associates</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The site is subject to restrictive covenant 1462331. The covenant does not restrict the proposed development.</td>
</tr>
<tr>
<td>Date application received</td>
<td>21 March 2018 (Amended 21 June 2018)</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>143 days</td>
</tr>
<tr>
<td>Zoning</td>
<td>Neighbourhood Residential Zone (Schedule 3)</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay (Schedule 3) Vegetation Protection Overlay (Schedule 3)</td>
</tr>
<tr>
<td>Site area</td>
<td>698m²</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>8</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>Yes, $2,020. Catchment Area: 24</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>No</td>
</tr>
</tbody>
</table>

### Proposal

The application seeks the construction of one additional dwelling on a lot, alterations to the existing dwelling and a two lot subdivision. Key details of the proposal are as follows:

- Retention of existing single storey dwelling to the north of the site.
- Relocation of carport associated with existing dwelling north of its current position.
- Construction of two storey dwelling to rear of existing dwelling on southern part of subject site.
- Two lot subdivision comprising Lot 1 measuring 395m² and Lot 2 measuring 302m².
- Site coverage 44.1%
- Permeability 30.1 %.
- 2 Car parking spaces associated with each dwelling.

The application plans are provided at Attachment 1.

An aerial image and photographs of the site and surrounds are provided at Attachment 2.
History
There is no planning permit history relevant to this application.

2. Planning controls

Planning Permit requirements
A planning permit is required pursuant to:

- Clause 32.09-3 (Subdivision) – Subdivision of land.
- Clause 32.09-6 (Neighbourhood Residential Zone) – Construction and extension of two or more dwellings on a lot.

Note: Clause 32.09-4 requires that for the construction of a dwelling or residential building on a lot above 650 square metres, a lot must provide a minimum of 35% garden area at ground floor level.

The development plans confirm that the development has a garden area of 37.1%, which exceeds the minimum 35% garden area required by the Clause.

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>Arborist</td>
<td>No objection, subject to conditions.</td>
</tr>
<tr>
<td>Drainage Assets 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>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 eight (8) objections were received. Two objections were lodged by one party. 8 objections remain outstanding at the time of this report. The following concerns were raised:

- Neighbourhood character;
- Overdevelopment;
- Design;
- Street and side setbacks
- Overlooking;
- Overshadowing;
- Lack of landscaping;
- Road Safety;
The number of objections received for this application is consistent across Council’s record management systems.

Consultation meeting
A consultation meeting was held on 15 August 2018 attended by the permit applicant and 6 objectors. As a result of this meeting no objections were withdrawn.

4. Recommendation
That Council resolve to:
Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2018/148/1 for the land known and described as 209 Balcombe Road, Beaumaris, for the construction of an additional dwelling on a lot, alterations to the existing dwelling and a two lot subdivision 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 prepared by Tony Preiato Associates referenced Sheets 3-9 Rev A inclusive and sheet 14 Rev A, all dated 15/05/18 but modified to show:
   a) A driveway with a gradient no greater than 1 in 10.
   b) Pedestrian sightline triangles where the driveway intersects with the footpath in accordance with AS2890.01 and/ or The Bayside Planning Scheme.
   c) Tree protection zones and fencing dimensions for the street tree assets on ground floor and landscape plans in accordance with AS4979-2009 – Protection of Trees on Development Sites.
   d) A Landscaping Plan in accordance with Condition 10 of this permit.
   e) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.

   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 (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. 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

7. 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.

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.

Landscaping

9. Prior to the endorsement of plans pursuant to Condition 1, 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 Tony Preiato Associates, Sheet 11 of 15, dated 09/03/18 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
   a) Tree protection zones and fencing dimension of street tree assets in accordance with AS4979-2009 – Protection of Trees on Development Sites.
   b) 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.
   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) Replacement canopy trees in accordance with the Bayside Landscape Design Guidelines June 2016.
f) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

g) Details of surface finishes of pathways and driveways.

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.

Street tree protection

12. Soil excavation must not occur within 3 metres from the edge of each of the three street tree asset’s stems at ground level.

13. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised tree care contractors.

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

15. Before the development starts, including demolition, tree protection fencing shall be established around the street tree assets. Tree protection fencing is required for the protection of a tree’s canopy and root zone. Conditions for street tree protection fencing during development are as follows:

   a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.

   b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.

   c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.

   d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.

   e) 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.

16. 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 by must correctly pruned.

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

Traffic

18. Before the occupation of the development starts, the area(s) 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.

19. The gradient of the driveway of the new dwelling shall not exceed 1 in 10.
Drainage

20. 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.

21. 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 City Assets and Projects Department.

Development Contribution

22. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy of $2,020 in accordance with 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 Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

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.

24. This permit will expire if:
   a) The plan of subdivision is not certified within two years of the date of this permit.
   b) The plan of subdivision is not registered within five years of the original date of certification.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

Subdivision

25. The subdivision on the endorsed plans must not be altered without the written consent of the Responsible Authority.

26. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

27. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
28. The plan of subdivision submitted for certification under the *Subdivision Act* 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

29. The owner of the land must enter into an agreement with:
   a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and
   
b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

30. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act* 1988, the owner of the land must provide written confirmation from:
   a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and
   
b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

31. Prior to the Plan of Subdivision being certified by the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority or the construction on site reaching a minimum of a completed frame stage, the owner of the land must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act* 1987 with the Responsible Authority to the effect that:
   a) The development of the land indicated on the plan of subdivision shall be in accordance with approved plans forming part of Planning Permit No. 2018/148/1 or any amendment to the plans approved by the Responsible Authority.
   
b) The agreement shall be prepared and executed at the owners cost.

32. This permit will expire if:
   a) The plan of subdivision is not certified within two (2) years of the date of this permit.
   
b) The registration of the subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.
Subdivision Permit Notes

Compliance

- The land may be inspected by Council to ensure compliance with this planning permit and any plans and documents endorsed to this permit. Investigations and possible prosecutions may apply if you fail to accord with all requirements of this Planning Permit and any relevant Building Regulation, Local Law or other legislation. This includes the need for the retention and maintenance of any building, hard and soft landscaping assets and all building services.

Telecommunications infrastructure in new developments

- Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, you must contract a carrier to install and operate a telecommunications network. As the Infrastructure Provider of Last Resort (IPOLR) for your area, you should be able to have the NBN™ broadband access network connected to your development - but you need to apply.

- Telstra is the Infrastructure Provider of Last Resort (IPOLR) supporting voice services for developments with less than 100 lots in areas where the NBN has not established its network.

- Developers are asked to apply six months before the required service date to ensure a connection is ready when residents move in.

Development 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.

- 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.

- 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.

- Subsurface water must be treated in accordance with Council's Policy for Works on Assets within the Road Reserve Policy 2018.

- Council records indicate that there is a 1.83m wide drainage and sewerage easement along the south property boundary as indicated on the drawings provided. The plans indicate that a side timber fence and gate crossing will be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the Responsible Authority/ Authorities.

- 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.

- No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

5. Council Policy
Council Plan 2017-2021

Relevant 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.
- Ensure new development responds to preferred neighbourhood character in activity centres.

Bayside Planning Scheme

Update the text below as required and relevant to your proposal.

- Clause 10 Planning Policy Framework
- 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 21.04 Environmental and Landscape Values
- Clause 21.06 Built Environment and Heritage
- Clause 21.11 Local Areas (specify activity centre)
- Clause 22.06 Neighbourhood Character Policy (Precinct H3)
- Clause 22.08 Water Sensitive Urban Design
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 42.02 Vegetation Protection Overlay (Schedule 3)
- Clause 43.02 Design and Development Overlay (Schedule 3)
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a lot
- Clause 56 Residential Subdivision
- 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 H3. The proposal is considered to demonstrate an appropriate level of compliance with the preferred future character statement and precinct guidelines as contained in Attachment 3.

The subject site is located within an area characterised by a mix of dwelling types and sizes. This includes single storey weatherboard or brick dwellings and single two storey brick or rendered dwellings.

The proposed dwelling would have a minimum street back of 3 metres from Margate Street. In subdividing the lot the proposed dwelling would be setback 1 metre from the shared property boundary with the dwelling to be retained at 209 Balcombe Road. It would be setback 3 metres from the shared boundary with 23 Margate Street to the south. The proposal would provide an appropriate level of visual separation between buildings and would not conflict with the objectives of the neighbourhood character precinct. Moreover the development would be similar in its plot to built form ratio as other developments at 2A and 2A Hastings Road at the corner of Hastings and Balcombe Roads and 51 and 54 Well Road at the corner of Well and Balcombe Roads.

The new dwelling will respond well to its residential context due to the proposed articulated facade treatments, appropriate setbacks and choice of external materials and finishes that complement the prevailing and preferred neighbourhood character.

The proposed setbacks, whilst failing to accord in part, with Council’s varied numerical requirements prescribed by the schedule to the zone, provide suitable landscaping opportunities, including future canopy tree plantings consistent with the established and preferred garden setting character. No front fence is proposed in association with the new dwelling, which will further enhance views of the landscaped setback facing Margate Street.

The existing front and boundary fencing along the Margate Street and Balcombe Road boundaries associated with the existing dwelling remains in good condition and provides privacy to the private open space area of this dwelling, whilst continuing to reflect the prevailing streetscape character. Therefore, its retention is supported.

The proposed carport proposed for the existing dwelling is an open structure that will sit under the eaves-line of the existing dwelling and would be set back 13.6 metres from Balcombe Road and thus would be contained within the private open space of the dwelling. In such circumstance it would be a visually unobtrusive recessive element that would not dominate the streetscape of Balcombe Road.

Overall, the proposed development is well articulated and will contribute to the emerging contemporary built form character of development featured within surrounding streets and wider neighbourhood character and is an acceptable outcome for this precinct.

6.2. 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:

<table>
<thead>
<tr>
<th>Site coverage (Standard B8)</th>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Dwelling</td>
<td>50%</td>
<td>50.4%</td>
<td>0.4%</td>
</tr>
</tbody>
</table>
The objective of the standard is to ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

A variation of 0.4% is sought to the site coverage prescribed by the standard. This variation is not considered to have an appreciable effect on the character or visual amenity of the area and in the context of other similar infill development at Hastings Avenue and Wells Road is appropriate in this location.

### Side and rear setbacks (Standard B17)

<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>0m to 2m</td>
</tr>
<tr>
<td>south (side)</td>
<td>0m to 2m</td>
</tr>
<tr>
<td>west (rear)</td>
<td>3m</td>
</tr>
</tbody>
</table>

The objective of the standard 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 subject site is a corner lot that is proposed to be subdivided in association with the development. In this regard, the west boundary is nominated as the rear boundary of the proposed dwelling, with the shared north boundary of the new lot to be created, being the rear boundary of the existing dwelling.

The proposed setbacks to these boundaries fail to satisfy the numerical requirements of the Council’s side and rear setbacks varied by the schedule to the zone. However, on balance the proposed setbacks are considered to reasonable and provide an appropriate response to the residential built from context for the following reasons:

- The setbacks provide good visual separation between existing and proposed buildings within the development site and the adjoining property to the south.
- The building footprint of the proposed dwelling has been considered to minimise adverse amenity impacts to existing dwellings to the south and west.
- The ground and first floor envelope of the proposed dwelling provided an appropriate setback which allows light to existing windows in the existing dwelling.
- The first floor envelope of the proposed dwelling is well articulated and orientated towards Margate Street to achieve a generous 4.84 metre setback to the south to minimise visual bulk and amenity impacts to this property.

### 6.3. Landscaping

The objectives of the VPO3 are to retain the amenity, aesthetic character and habitat value of native vegetation by preventing the loss of native (particularly indigenous) vegetation and promoting the regeneration and replanting of indigenous species in the Beaumaris and Black Rock area.

A Lemon tree would be removed within the rear setback of the existing dwelling to facilitate the construction of the proposed dwelling. An existing Weeping Bottlebrush would be retained within the front setback of the existing dwelling.
The table below identifies those trees protected by the VPO3, those protected by the Local Law and those which are not protected by any statutory mechanism. Indigenous trees are marked with a **.

<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 removal</td>
<td>Proposed for removal</td>
</tr>
<tr>
<td>Proposed for retention</td>
<td>Proposed for retention</td>
<td>Proposed for retention</td>
</tr>
<tr>
<td>1x Weeping bottle Brush (Front setback of existing dwelling)</td>
<td>1 x Lemon Tree (Rear Setback)</td>
<td></td>
</tr>
</tbody>
</table>

Council’s Arborist raises no objection to the removal of the lemon tree or other vegetation on site advising that it is not protected by the Vegetation Protection Overlay owing to its exotic origin, or if native or indigenous, a single stem circumference less that 50cm measured at a height of 1m above ground level.

However, the landscape plan submitted in support of the application does not include a planting schedule of existing vegetation to be retained on site or tree protection zones. With regards the proposed planting schedule, it does not include plantings 80% indigenous by species and count. It is recommended that an amended landscape plan be submitted to ensure adequate indigenous plantings in accordance with the Bayside Landscape Design Guidelines and Vegetation Protection Overlay and Tree Protection Zones. This requirement is included in the recommended permit conditions.

6.4. Street tree(s)

Three street assets are located within the nature strip fronting Margate Street and are proposed for retention. Council’s Street Tree Arborist is satisfied that the development will not compromise those assets, recommending measures for their protection during construction. Those matters can reasonably be controlled and are included in the recommended conditions.

6.5. Car parking and traffic

Pursuant to the car parking requirements at Clause 52.06, a dwelling requires car parking to be provided at a rate of 1 car space per one or two bedroom dwellings and 2 car spaces per three or more bedroom dwellings.

The existing Dwelling comprises four bedrooms and is afforded two car parking spaces in the form of a single carport and tandem outdoor parking. Dwelling 2 comprises four bedrooms and has a double garage. The proposed on site car parking meets the requirements of Clause 52.06-5.

The application was referred to Council’s Traffic Engineer who expressed no concern with the development subject to the inclusion of standard permit conditions relating to vehicle access, driveway gradients, sightlines and internal parking dimensions. These are included as conditions of the permit.

Concerns have been raised in relation to increased car parking congestion however it is considered that the proposed development will not unreasonably impact on the car parking network in the street. In addition, car parking congestion was not raised as a concern by Council’s Traffic Engineer.
6.6. Cultural Heritage management plan
The site is not located within an area of cultural heritage sensitivity and therefore a cultural heritage management plan is not required.

6.7. Development contributions levy
The subject site is located within catchment area 24.
Based on the proposed application and the below recommendation, a payment of $2,020 is required. The payment of the development contributions is included as a condition of permit.

6.8. Subdivision
The development and subdivision will respect the existing and preferred neighbourhood character. The lots will have dimensions and layouts that enable the appropriate siting and construction of dwellings, solar access, private open space, vehicle access and parking and water management. Areas are identified for vehicle access as necessary. The subdivision will not impact on the efficient manner of utilities provision.

In addition, the pattern of the proposed subdivision would result in an acceptable spacing of buildings as required by the zone and character of the neighbourhood. The subdivision is therefore acceptable and follows the built form outcome.

6.9. Objector issues not already addressed

**Street setback (Standard B6)**

<table>
<thead>
<tr>
<th>Location</th>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Margate Street</td>
<td>3m</td>
<td>3m</td>
<td>0</td>
</tr>
</tbody>
</table>

The objective of the street setback is to ensure the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of a site.

A street setback from Margate Street of 3 metres is proposed which is compliant with the standard. The front porch of the new dwelling has an overall height of 3.4 metres and as such is an acceptable encroachment into the required setback, consistent with the provisions of the standard.

**Overshadowing (Standard B21)**

Additional overshadowing would occur over a neighbouring shed in the rear garden of 211 Balcombe Road to the west at 9am to11am on 22 September however, it would not be to any usable part of the SPOS of that neighbouring property and would otherwise be to a decreasing extent between those hours.

Overshadowing would occur to a part of the side garden of 23 Margate Street however would be to a service area of the dwelling and not the SPOS of that neighbouring property. Otherwise the shadow cast would fall within the existing shadow line of the boundary fence of that neighbouring property.

**Overlooking (Standard B22)**

Existing boundary fencing would limit overlooking from the ground floor habitable room glazed openings in the north, west and south elevations of the proposed new dwelling.

First floor habitable room windows in its north elevation would be highlight windows with the exception of the two windows which would form part of its Retreat.

The retreat window would however face towards a part of the roof the existing dwelling and not towards any secluded private open space associated with that dwelling.
Habitable room windows in the south and west elevations of the proposed dwelling would not harmfully overlook the neighbouring residential properties of 211 Balcombe Road to the west or 23 Margate Street to the south owing to them being either highlight windows or orientated and at such a distance away from them.

Accordingly, the proposed development would not detrimentally impact the amenity of neighbouring residential properties as a result of overlooking.

**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.

**Refusal of Development at 19 Margate Street, Beaumaris**

On 11 June 1996 planning permit 96/2064 was submitted to Council, proposing the construction of 2 double storey attached dwellings at 19 Margate Street, Beaumaris.

At their meeting of 12 August 1996 the Council’s Planning & Amenity Committee resolved to refuse the application for the following reasons:

1. The proposal would be detrimental to the streetscape character.
2. The proposal would result in an overdevelopment of the site.
3. The proposal would result in excessive visual bulk.
4. The proposal would result in a loss of amenity to adjoining properties.
5. The orientation and siting of proposed Dwelling 2 is unacceptable in terms of energy efficiency.
6. Lots 1 and 2 of the proposed subdivision would not be appropriately developed.

On 12 August 1996 the permit applicant lodged a review of Council’s decision to refuse to issue a planning permit with VCAT pursuant to Section 77 of the Planning and Environment Act 1987.

The Tribunal were of the opinion that the site is capable of a dual occupancy development but that it take the form of a two detached dwellings, one behind the other with a single driveway and front garden landscaping. They acknowledged that the proposed development satisfied most of the criteria of the Good Design Guide, effective at the time, but that the effect of the driveway to each dwelling, garages and siting of the dwellings would create visual bulk and front mass that would spoil the streetscape.

On these consideration the Tribunal’s Order dated 28 November 1996 disallowed the appeal and directed that no permit issue in respect of the development.

Notwithstanding the considerations of the above, the development that is the subject of this application is different in its physical form and design approach to that at 19 Margate Street considered by Council and thereafter by the Tribunal.

In this, it would be a development of a single double storey detached dwelling on a lot to be created by the subdivision of the lot comprising 209 Balcombe Road. The decision to refuse a dual-occupancy development at 19 Margate Street does not prejudice Council’s considerations of this application. It has been assessed on its own merits.

**Refusal of Street Setbacks at 21 Margate Street, Beaumaris**

There is no record of a planning permit application having been submitted for development at 21 Margate Street, Beaumaris. The lot contains a single dwelling which has recently been completed. Such development did not require a planning permit.
pursuant to Clause 32.09-5 of the Bayside Planning Scheme as the lot is greater than 500m2.

Support Attachments
1. Development Plans
2. Site & Surrounds Imagery
3. Neighbourhood Character Precinct H3
4. Clause 55 Assessment
5. Clause 56 Assessment
6. VPO Assessment
7. Tree Location Plan
Item 4.1 – Matters of Decision

Project: Unit Development
Site Address: 206 Balcombe Road, BEAUMARIS
Client: Sierra Romeo Oscar Trust (C/O Stuart Overall)
LGA: Bayside City Council

Content:
Sheet 01 Context Plan 1:400
Sheet 02 Design Response 1:400
Sheet 03 Design Response 1:200
Sheet 04 Ground Floor Plan
Sheet 05 First Floor Plan
Sheet 06 Roof Plan
Sheet 07 Elevations
Sheet 08 Elevations
Sheet 09 Plan of Subdivision & Garden Layout
Sheet 10 Shadow Diagrams
Sheet 11 Shadow & Overlooking Diagrams
Sheet 12 Landscape Plan
Sheet 13 Drainage Plan
Sheet 14 Streetscape
Sheet 15 Section B-B
Sheet 16 3D Images

ADVERTISED PLAN

revato

building designers
Item 4.1 – Matters of Decision
Item 4.1 – Matters of Decision
Item 4.1 – Matters of Decision
Item 4.1 – Matters of Decision
Item 4.1 – Matters of Decision
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 site from the north.

Figure 3 View towards the subject site from the east.
Figure 4 View south along Margate Street.

Figure 5 View north opposite subject site.
Figure 6 View southeast towards 207 Balcombe Road.

Figure 7 View towards 211 Balcombe Road to the west of the subject site.
Figure 8 View towards subject site from the east.

Figure 9 View towards 23 Margate Street from the east.
Figure 10 View towards 21 Margate Street from the northeast.

Figure 11 View south towards Margate Street.
Figure 12 View east towards 24 Margate Street.
Attachment 3

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, subject to conditions.  
A landscape plan has been prepared which details the retention of vegetation within the front setback of the existing dwelling and post construction landscaping.  
The Council’s Arborist raises no objection to the removal of a Lemon Tree within the rear setback to facilitate the proposed new dwelling.  
Whilst the landscape plan submitted in support of the application does not indicate 80% indigenous plantings by species and count, this matter can be controlled by a recommended condition. |

| 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, subject to conditions.  
The proposed dwelling will replace an existing small bungalow and detached garage.  
Ground and first floor plans submitted in support of the application indicate that the proposed dwelling would be set off 1m from the northern boundary to be created with the SPOS of the existing dwelling and otherwise 3 metres from the southern boundary and a minimum of 2 metres from the western |
<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</td>
<td>• Locate garages and carports behind the line of the dwelling.</td>
<td>Car parking structures that dominate the façade or view of the dwelling.</td>
<td>Partly Responds No change is proposed to the existing car parking arrangements associated with the existing dwelling. Vehicular access to the proposed dwelling would be from Margate Street and would be to a double garage set 3.5 metres from the back edge of the footpath of Margate Street. The garage would be slightly recessed from the frontage at ground floor owing to the slight cantilever of part of the first floor. The front façade of the garage would be externally finished in timber battens, including its double width door. The effect of this would be to minimise the visual impact of the garage entry from Margate Street. Street and side setbacks will allow sufficient space for landscaping within the site to soften the development.</td>
</tr>
<tr>
<td>parking structures.</td>
<td>• Underground car parking accessed from the front of the site should only be</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>provided where other options are not possible due to site constraints, the</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>garage doors do not dominate the façade and the front setback area is retained</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>as predominantly garden space.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>To minimise site disturbance and impact of the building on the landscape.</td>
<td>• Buildings should be designed to follow the contours of the site on sloping sites.</td>
<td>Major excavation works and site levelling. Buildings that protrude above the tree canopy height.</td>
<td>Responds N/A.</td>
</tr>
<tr>
<td></td>
<td>• Minimise the use of retaining walls and battering of slopes.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Design new buildings and extensions so as not to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Objectives</td>
<td>Design Responses</td>
<td>Avoid</td>
<td>Planning Officer Assessment</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| 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 composition of external finishing materials combined with the fenestration of windows and recessed ground and first floor components would provide appropriate articulation to the façade of the dwelling consistent with the objective. |
| 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 streetscape elevation is primarily proposed to be finished in render with elements of timber cladding and aluminium and is responsive to the external finishes of other dwelling 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.  
- Use vegetation as an alternative where possible.                                        | High or solid front fences.                                                                  | Responds  
Part of the east side fence of the existing dwelling would be removed to facilitate the dwelling.  
Otherwise there would be no change to its roadside boundary enclosures.  
It is not proposed to erect a front fence in association with the proposed new dwelling. Accordingly, the front garden of the dwelling would be open to the street and meet the objective. |
<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 and the report for further discussion.</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>Complies</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>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>
</tbody>
</table>
### CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B5 Integration with the Street</strong> Integrate the layout of development with the street</td>
<td>Complies</td>
<td>The proposed 6.96m maximum building height and massing is responsive to nearby dwellings and preferred streetscape character. Further, the contemporary built form with a flat roof form incorporating and articulated first floor envelope respond well and enhance the preferred streetscape character, whilst respecting neighbouring properties in Margate Street. Refer to Attachment 2 and the report for further discussion.</td>
</tr>
<tr>
<td><strong>B6 Street Setback</strong> The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</td>
<td>Complies</td>
<td>Requirement: 3m  Proposed: 3m-3.5m at ground floor 2.7m – 3.4m at first floor  The porch associated with the new dwelling is 3.35m in height and is therefore a permissible encroachment.</td>
</tr>
<tr>
<td><strong>B7 Building Height</strong> Building height should respect the existing or preferred neighbourhood character.</td>
<td>Complies</td>
<td>Maximum: 9m  Proposed: 6.96m</td>
</tr>
<tr>
<td><strong>B8 Site Coverage</strong> Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</td>
<td>Does not comply</td>
<td>Maximum: 50%  Proposed: 44.1% of combined site 50.4% of the proposed new lot.</td>
</tr>
<tr>
<td><strong>B9 Permeability</strong> Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</td>
<td>Complies</td>
<td>Minimum: &gt;20%  Proposed: 30.1%</td>
</tr>
<tr>
<td><strong>B10 Energy Efficiency</strong> 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.</td>
<td>Complies</td>
<td>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.</td>
</tr>
<tr>
<td><strong>B11 Open Space</strong> Integrate layout of development with any public and communal open space provided in or adjacent to the development.</td>
<td>N/A</td>
<td>There is no communal open space in or adjacent to the development.</td>
</tr>
</tbody>
</table>
### B12 Safety
Layout to provide safety and security for residents and property.

| Complies | Pedestrian entry points are recognisable from the street frontage, whilst 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 | Council’s Arborist supports the removal and retention of existing on-site vegetation subject to conditions requiring mitigation canopy tree planting in accordance with the Bayside Landscape Design Guidelines and 80% indigenous by species and count. These requirements form part of the recommended conditions. Refer to 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 from Margate Street for the new dwelling would be provided. Standard traffic conditions are included as permit conditions with regard sightline visibility from the access. 
The existing dwelling will utilise the existing crossover. |

### 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 conveniently located adjacent to the entry of the existing and proposed dwelling and provided in the form of a single with tandem car space in front and a double garage respectively. |

### CLAUSE 55.04 AMENITY IMPACTS

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| B17 Side and Rear Setbacks | Does Not Comply | Requirement: A new building not on or within 200mm of a boundary should be setback 2m from the side boundary and 3m from the rear boundary at ground, plus 0.6m of height over 3.6m up to 8.9m. 
Areas of non-compliance are underlined. Refer to the report for further discussion. |

<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</td>
<td>0m to 2m</td>
</tr>
<tr>
<td>(side)</td>
<td>south (side)</td>
</tr>
<tr>
<td>--------</td>
<td>--------------</td>
</tr>
<tr>
<td></td>
<td>0m to 2m</td>
</tr>
<tr>
<td></td>
<td>3m</td>
</tr>
<tr>
<td></td>
<td>3.85m</td>
</tr>
</tbody>
</table>

Item 4.1 – Matters of Decision
### B22 Overlooking

**Limit views into existing secluded private open space and habitable room windows.**

| Complies | Existing boundary fencing would limit overlooking from the ground floor habitable room glazed openings in the north, west and south elevations of the proposed new dwelling. First floor habitable room windows in its north elevation would be highlight windows with the exception of the two windows which would form part of its Retreat. The retreat window however face towards a part of the roof the existing dwelling and not towards any secluded private open space associated with that dwelling. Habitable room windows in the south and west elevations of the proposed dwelling would not harmfully overlook the neighbouring residential properties of 211 Balcombe Road to the west or 23 Margate Street to the south owing to them being either highlight windows or orientated and at such a distance from them. |

### B23 Internal Views

**Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.**

| Complies | The submitted plans indicate a fence will be erected between the private open space of the existing and proposed dwelling to a height of 1.8 metres. This would sufficiently limit inter-visibility between the two properties. |

### B24 Noise Impacts

**Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.**

| Complies | It is anticipated that the level of noise which will be emitted from the dwellings will not exceed levels otherwise expected from residential uses. |

### CLAUSE 55.05 ON-SITE AMENITY AND FACILITIES

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B25 Accessibility</strong></td>
<td>Complies</td>
<td>Entries are accessible for people with limited mobility and a bedroom will be conveniently located at ground floor for people with limited mobility. In addition, the development could be further retrofitted to accommodate people with limited mobility in the future if required.</td>
</tr>
<tr>
<td><strong>Item</strong></td>
<td><strong>Description</strong></td>
<td><strong>Complies</strong></td>
</tr>
<tr>
<td>----------</td>
<td>-----------------</td>
<td>--------------</td>
</tr>
<tr>
<td>B26 Dwelling Entry</td>
<td>Provide a sense of identity to each dwelling/residential building.</td>
<td>Complies</td>
</tr>
<tr>
<td>B27 Daylight to New Windows</td>
<td>Allow adequate daylight into new habitable room windows.</td>
<td>Complies</td>
</tr>
<tr>
<td>B28 Private Open Space</td>
<td>Provide reasonable recreation and service needs of residents by adequate private open space.</td>
<td>Complies</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Total Private Open Space</strong></th>
<th><strong>Secluded Private Open Space</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing dwelling (Unit 1)</td>
<td>75.3m²</td>
</tr>
<tr>
<td>Proposed dwelling (Unit 2)</td>
<td>32.25m²</td>
</tr>
</tbody>
</table>

| B29 Solar Access to Open Space | | **Complies** | **The subject site has a northerly aspect.** |
| Allow solar access into the secluded private open space of new dwellings/buildings. | | | |
**B30 Storage**
Provide adequate storage facilities for each dwelling.

<table>
<thead>
<tr>
<th>Partly Complies</th>
</tr>
</thead>
</table>

The submitted plans indicate that external storage would be provided with in the south side setback of the proposed dwelling. Whilst it is indicated to have a floor area of 2.88m² it is not confirmed to have a cubic content of 6m³. This matter can be controlled by a condition of permit and is included in the recommendation.

---

### CLAUSE 55.06 DESIGN DETAIL

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>B31 Design Detail</td>
<td>Complies</td>
<td>Refer to Attachment 3 and the report for further discussion. The development responds well to the preferred neighbourhood character.</td>
</tr>
<tr>
<td>B32 Front Fences</td>
<td>N/A</td>
<td>No front fence is proposed.</td>
</tr>
<tr>
<td>B33 Common Property</td>
<td>N/A</td>
<td>There is no need for common property.</td>
</tr>
<tr>
<td>B34 Site Services</td>
<td>Complies</td>
<td>All appropriate site services can be easily catered for on-site with sufficient space for storage of rubbish bins and provision of mailboxes. A condition has been included requiring the location of hot water systems and air conditioning units to be located away from adjoining habitable room windows.</td>
</tr>
<tr>
<td>Title and Objective</td>
<td>Complies with Standard?</td>
<td>Comments</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>-------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>C6 Neighbourhood Character</strong></td>
<td>Yes</td>
<td>Refer Attachment 3 and the report for further discussion.</td>
</tr>
<tr>
<td>To design subdivisions that respond to neighbourhood character.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C8 Lot Area and Building Envelopes</strong></td>
<td>Yes</td>
<td>Both proposed lots are capable of containing a rectangle measuring 10m by 15m.</td>
</tr>
<tr>
<td>Provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C9 Solar Orientation of Lots</strong></td>
<td>Yes</td>
<td>Both lots are designed with appropriate solar access from the north.</td>
</tr>
<tr>
<td>Provide good solar orientation of lots and solar access for future dwellings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C11 Common Area</strong></td>
<td>N/A</td>
<td>No common areas are proposed.</td>
</tr>
<tr>
<td>Identify common areas and the purpose for which the area is commonly held.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ensure the provision of common area is appropriate and that necessary management arrangements are in place.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintain direct public access throughout the neighbourhood street network.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C21 Lot Access</strong></td>
<td>Yes</td>
<td>Vehicle access is provided from Margate Street for the proposed dwelling with existing arrangements for the existing dwelling being maintained from Balcombe Road.</td>
</tr>
<tr>
<td>Provide for safe vehicle access between roads and lots.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>C22 Drinking Water Supply</strong></td>
<td>Yes</td>
<td>Adequate provision for potable water would be provided by an existing supply.</td>
</tr>
<tr>
<td>Reduce the use of drinking water. Provide an adequate, cost-effective supply of drinking water.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Item</td>
<td>C23 Reused and Recycled Water</td>
<td>N/A</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td></td>
<td>Provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>C24 Waste Water Management</th>
<th>Yes</th>
<th>The site will be connected to reticulated sewerage.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>C25 Urban Run-Off Management</th>
<th>Yes</th>
<th>The site adequately considers stormwater run-off with the use of rain water tanks and a rain garden. Otherwise the development will be conditioned to drain to a legal point of discharge.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimise damage to properties and inconvenience to residents from urban run-off.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ensure that the street operates adequately during major storm events and provides for public safety.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minimise increases in stormwater run-off.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>C26 Site Management</th>
<th>Yes</th>
<th>As above -- appropriate drainage of the site will be provided through a permit condition.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Protect drainage infrastructure and receiving waters from sedimentation and contamination.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>C27 Shared Trenching</th>
<th>Yes</th>
<th>Reticulated service already exist in the road reserve which will be shared and utilised where necessary.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximise opportunities for shared trenching.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minimise constraints on landscaping within street reserves.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>C28 Electricity, Telecommunications and Gas</th>
<th>Yes</th>
<th>The site will be connected to the relevant public utilities.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Provide public utilities to each lot in a timely, efficient and cost effective manner.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reduce greenhouse gas emissions by supporting</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
generation and use of electricity from renewable sources.
## Decision Guidelines of the Vegetation Protection Overlay (Schedule 3)

<table>
<thead>
<tr>
<th>Decision Guideline</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The impact the vegetation removal would have on the character of the area</td>
<td>It is not proposed to remove native vegetation from the site that triggers the requirement for a planning permit. Replacement planting would be consistent with the VPO and Bayside Landscape Design Guidelines.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the presence of indigenous species in the locality</td>
<td>As above. Further landscaping to enhance the development would include 80% indigenous plantings.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the appearance of development.</td>
<td>Proposed planting coupled with the native tree to be retained on the site, will enhance the streetscape of the development.</td>
</tr>
<tr>
<td>The impact the vegetation removal would have on the habitat quality of any remaining vegetation and the fragmentation of wildlife corridors.</td>
<td>There would be no impact on local fauna.</td>
</tr>
<tr>
<td>Any proposal to regenerate or plant indigenous vegetation on the site.</td>
<td>Subject to conditions, the landscape plan will include a schedule of 80% indigenous by species type and count providing an appropriate setting to the native and indigenous tree to be retained on the site.</td>
</tr>
</tbody>
</table>
4.2 372 BEACH ROAD, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2018/163/1 WARD: SOUTHERN

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/233694

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Planning Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Contour Consultants Australia</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants.</td>
</tr>
<tr>
<td>Date application received</td>
<td>10 July 2018</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>106 days</td>
</tr>
<tr>
<td>Zoning</td>
<td>Neighbourhood Residential Zone (Schedule 3)</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay (Schedule 1)</td>
</tr>
<tr>
<td></td>
<td>Development Contributions Plan Overlay</td>
</tr>
<tr>
<td></td>
<td>(Schedule 1)</td>
</tr>
<tr>
<td></td>
<td>Vegetation Protection Overlay (Schedule 3)</td>
</tr>
<tr>
<td>Site area</td>
<td>649 square metres</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>23</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>$2,020</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Proposal

The application seeks the construction of two double storey dwellings removal of native vegetation in a Vegetation Protection Overlay (Schedule 3) and creation of access to a road in a Road Zone, Category 1.

Key details of the proposal are as follows:

- Two double storey dwellings with a building height of 6.6 metres.
- Site coverage 52.55%.
- Permeability 48.2%.
- Garden Area 31.6%
- Access is provided to Dwelling 1 via an amended crossover off Surf Avenue. A second access is proposed to Dwelling 2 off Beach Road (a Road Zone Category 1).
- A total of four car spaces are provided with two car parking spaces allocated to each dwelling within a double garage.

The application plans are provided at Attachment 1.
An aerial image and photographs of the site and surrounds are provided at Attachment 2.

History

Planning Permit 5/2014/211/1 was issued at the direction of VCAT on 16 September 2015.

The permit allows the removal of native vegetation (Tree nos. 1, 2, 5, 9 and 11) in a Vegetation Protection Overlay (Schedule 3). Plans have not been endorsed to date. This permit expires on 15 September 2019.

This current application before the Planning and Amenity Committee continues to seek the removal of these trees.

2. Planning controls

Planning Permit requirements

A planning permit is required pursuant to:

- Clause 32.09-5 (Neighbourhood Residential Zone) – Construction of two or more dwellings on a lot.
- Clause 42.02-2 (Vegetation Protection Overlay) - Remove, destroy or lop any vegetation as specified in Schedule 3.
- Clause 52.29-2 (Land adjacent to a Road Zone, Category 1) - Create or alter access to a road in a Road Zone, Category 1

Note: Clause 32.09-4 requires that for the construction of a dwelling or residential building on a lot between 500 square metres and 650 square metres, a lot must provide a minimum of 30% garden area at ground floor level.

The submitted plans indicate a garden area of approximately 31.6% will be provided, this exceeds the minimum 30% garden area required by the Clause.

Demolition does not require a planning permit pursuant to the Bayside Planning Scheme, and as such, is not relevant consideration for the purpose of this assessment.

Planning Scheme Amendments

Planning Scheme Amendment C158

The property at 372 Beach Road was identified at Stage 3 of the City of Bayside Inter-War and Post-War Heritage Study in 2008 as of potential heritage significance and should be investigated further.

As a result of Council's decision to abandon the implementation of that study, no detailed assessment of the site has been undertaken. As such, Council does not have sufficient evidence to commence a process which would allow for protection of the dwelling on the property.

Interim heritage controls for this property were sought through Planning Scheme Amendment C158. The Minister for Planning did not support interim heritage controls until further work was done to accompany the interim application with permanent heritage controls.

At its Ordinary Meeting of 24 April 2018, Council resolved not to proceed with a mid-century modern heritage study, and to pursue a voluntary inclusion process. As a result, Council will not be pursuing heritage controls for 372 Beach Road at this time.

Planning Scheme Amendment VC148

Deletes any application under Clause 52.29 (Land Adjacent to a Road Zone, Category 1) from notice and third party-review requirements of the Planning and Environment Act
1987. As such, this element of the application is exempt from public notice and Council cannot consider comments made in relation to this issue.

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 standard 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. Note: Removal of Trees 1, 2, 5, 9 and 11 was approved on 16 September 2015.</td>
</tr>
<tr>
<td>Drainage Assets Engineer</td>
<td>No objection, subject to conditions</td>
</tr>
<tr>
<td>Open Space Arborist</td>
<td>No objection, Tree 11 can be removed at the cost of the developer/permit holder.</td>
</tr>
<tr>
<td>Traffic Engineer</td>
<td>No objection, subject to conditions</td>
</tr>
<tr>
<td>Strategic Planning</td>
<td>Amendment C158 was abandoned by Council on 24 April 2018</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 23 objections were received. The following concerns were raised:

- Neighbourhood character;
- Mid-century homes must be protected in Bayside;
- Overdevelopment of the land; and
- Additional crossover / safety concerns.

The number of objections received for this application is consistent across Council’s record management systems.

Consultation meeting

A consultation meeting was held on 12 September 2018 attended by the permit applicant and three objectors. As a result of this meeting no objections were withdrawn.
4. Recommendation

That Council resolve to:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 5/2018/163/1** for the land known and described as **372 Beach Road, Beaumaris** for the **construction of two double storey dwellings removal of native vegetation in a Vegetation Protection Overlay (Schedule 3) and creation of access to a road in a Road Zone, Category 1** 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 plans advertised with the application prepared by Oroszvary Architects Pty Ltd referenced as Job No. 1401 Drawing No. TP-03I, TP-04G & TP-05E dated 9 January 2018 but modified to show:

   a) Sightlines in accordance with AS2890.1 and/or the requirements of Clause 52.06 of the Bayside Planning Scheme to the satisfaction of the Responsible Authority.

   b) Internal dimensions of each garage to be in accordance with Design Standard 2 of Clause 52.06-9 of the Bayside Planning Scheme.

   c) Each garage must have a minimum garage door opening of 4.8m and internal pedestrian doors must swing outwards.

   d) The crossover to Dwelling 1 reduced to a maximum width of 4.8 metres. The northern edge of the crossover must be a minimum of 2.3 metres from the Saw-tooth Banksia (*Banksia serrata*) located on the nature strip.

   e) Dwelling 1’s bins to be relocated outside of its garage.

   f) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).

   g) 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.

   h) VicRoads condition requirements in accordance with Conditions 8 – 11 of this permit.

   i) Water Sensitive Urban Design measures in accordance with Condition 12 of this permit.

   j) A Landscaping Plan in accordance with Condition 14 of this permit.

   k) Street Tree Removal and Replacement in accordance with Condition 18 of this permit.

   l) Appropriate drainage in accordance with Condition 19 of this permit.

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 (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 the occupation of the site commences, 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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

VicRoads

8. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.

9. Prior to the commencement of the use or occupation of the buildings or works hereby approved, the access crossover and associated works must be provided and available for use.

10. The level of the footpaths must not be lowered or altered in anyway to facilitate access to the site.

11. All the vehicles must enter and exit in a forward direction only at all times.

Water Sensitive Urban Design

12. 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

13. 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.

**Landscaping**

14. Prior to the endorsement of plans pursuant to Condition 1, 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 Oroszvary Architects Pty Ltd dated 9 Jan 2018 submitted with the application but modified to show:

   a) Reduction in the areas of hard standing within adjacent to Bedroom 3 and Living Room of Dwelling 1 to accommodate canopy tree planting in accordance with Bayside City Councils Landscape Guidelines (2016) to the satisfaction of the Responsible Authority.

   b) Tree protection zones (TPZ) for those neighbouring trees where their TPZ extends into the subject site.

   c) Two (2) large replacement canopy trees located within the Beach Road frontage to grow to a minimum mature height of 8m – 10m or three (3) small replacement canopy tree species with a minimum mature height of 6m.

   d) 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.

   e) 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.

   f) An amended 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.

   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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

Street Tree Protection

20. Before the development starts tree protection fencing is to be established around the Saw-tooth Banksia (Banksia serrata) located along the Surf Avenue frontage and 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 naturestrip 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.

Drainage

21. 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.

22. 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 City Assets and Projects Department.

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:

- 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.
- 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.
- 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, if applicable, prior to the commencement of the connection to the Council Drain / kerb / channel.
- Subsurface water must be treated in accordance with Council’s Policy for Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

Before development commences the applicant must pay $11,246.60 to the Responsible Authority for 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 tree. 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 tree. Any replacement planting will be at the discretion of the responsible Authority.

5. Council Policy

Council Plan 2017-2021

Relevant 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.
- Ensure new development responds to preferred neighbourhood character in activity centres.
Bayside Planning Scheme

- Clause 10 Planning Policy Framework
- 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 18 Transport
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.03 Settlement and Housing
- Clause 21.04 Environmental and Landscape Values
- Clause 21.05 Environmental Risks
- Clause 21.06 Built Environment and Heritage
- Clause 21.09 Transport and Access
- Clause 22.06 Neighbourhood Character Policy (Precinct H4)
- Clause 22.08 Water Sensitive Urban Design
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 42.02 Vegetation Protection Overlay (Schedule 3)
- Clause 43.02 Design and Development Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 52.29 Land adjacent to a Road Zone, Category 1
- 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. Neighbourhood character

The site is located within Neighbourhood Character Precinct H4. Subject to conditions, 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 area is characterised by a variety of built form, consisting of a mix of single and double storey render, face brick and weatherboard original housing stock and contemporary, mostly double storey infill dwellings. Front fences are generally high, especially fences along Beach Road due to its Road Zone, Category 1 classification. Whilst landscaping is established and consists of the typical bushy coastal plantings evident in the immediate area.

The design response is contemporary and its general form, scale and building massing with appropriate side setbacks responds to the varied coastal residential feel of the streetscape and wider neighbourhood precinct. Conditions requiring a reduction in hard
paving within Dwelling 1’s front setback to increase landscaping and soften the development when viewed from the corner of Beach Road and Surf Avenue is also desirable to provide an improved design response to the preferred residential coastal garden setting evident within Precinct H4.

Therefore, on balance the proposal is generally supported and will contribute favourably to the preferred neighbourhood character objectives envisioned for this precinct, subject to the conditions as described above.

6.2. 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:

Street setback (Standard B6)

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beach Road</td>
<td>7.5m</td>
<td>7.2m – 9m (ground)</td>
<td>0.3m</td>
</tr>
<tr>
<td>Surf Avenue</td>
<td>2m</td>
<td>7.2m – 7.7m (first)</td>
<td>none</td>
</tr>
</tbody>
</table>

The proposed variations are considered acceptable based on the development patterns of Beach Road. The proposed variations to Beach Road at 0.3 metres is considered minor and generally responds to the site’s irregular shape and angled relationship with Beach Road and the foreshore.

Site coverage (Standard B8)

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>50%</td>
<td>52.55%</td>
<td>2.55%</td>
</tr>
</tbody>
</table>

The subject site has an irregular shape, yet it is considered that the proposed side and rear setbacks respond to the pattern of development within the immediate area and will allow suitable landscaping opportunities within the subject site, subject to recommended conditions. Therefore the 2.55% transgression is considered reasonable in this instance.

Access (Standard B14)

The proposed vehicle access to/from the subject site is considered convenient. However, VicRoads in their advice dated 7 September 2018 require all vehicles must enter and exist in a forward direction only at all times.

A turning area has been provided with the front setback of Dwelling 2 to allow for this requirement to be achieved. A condition of permit to require a reduction in hard standing will facilitate opportunities for suitable replacement planting.

Side and Rear Setbacks (Standard B17)

<table>
<thead>
<tr>
<th></th>
<th>Ground floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Requirement</td>
<td>Proposed</td>
</tr>
<tr>
<td>East (side)</td>
<td>0m or 2m</td>
<td>0m – 2m</td>
</tr>
<tr>
<td>West (side)</td>
<td>0m or 2m</td>
<td>2m – 7.72m</td>
</tr>
</tbody>
</table>
North (rear) | 0m or 3m | 0m – 4.5m - 6m | 4.8m | 3.01m – 2.4m (Dwelling 1 terrace) – 5.5m

The objective of the standard 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 subject site is an irregular shaped allotment on a corner lot and has a total area just below 650 square metres.

As such, the proposed side and rear setbacks do not satisfy Council’s varied numerical setbacks required by the schedule to the zone. However, the proposed setback transgressions are considered minor and acceptable in this instance given they generally respect the pattern of built form found in the immediate area and surrounding streets, the building height and flat roof form ensure the scale of the development is low at less than 7 metres and poses minimal, if any, amenity impact via unreasonable visual bulk, overlooking and/or overshadowing to adjoining neighbours.

Internal Views (Standard B23)

The submitted plans do not clearly detail how internal views within the development will be limited. A condition of permit correcting this minor anomaly is recommended.

Detailed Design (Standard 31)

Overall, the proposal is generally compliant with Council policy objectives apart from the suggested conditions above seeking reduce hard paving and increased front setbacks associated with Dwelling 1.

However, several irregularities on the plans require correction for greater clarity. The following conditions are recommended:

- Relocate bins outside of Dwelling 1’s double garage to ensure minimum internal dimensions of 5.5m x 6m are achieved in accordance with Clause 52.06-9 design standards.
- A schedule of external materials, colours and finishes, including sample swatches/paint etc. should be submitted.

6.3. Landscaping

The applicant seeks permission to remove Trees 1, 2, 3, 5, 9 & 10 from the subject site and Street Tree 11.

Trees 1, 2, 5, 9 & 11 are protected by Council’s Vegetation Protection Overlay (VPO), however their removal was approved by Council on 1 September 2015, as such their removal is considered acceptable.

Trees 3 & 10 also require permission to be removed under the VPO. These trees have a low retention value due to their size, therefore their removal is also acceptable, in this instance.

It is further noted that construction is proposed in close proximity to existing vegetation located on adjoining properties. Council’s Arborist has advised there is likely to be impact on this vegetation. Therefore, it is recommended that should a permit issue conditions of permit should be included requiring specific construction techniques to safeguard neighbouring trees.

Future landscaping, including canopy tree planting should be generally in accordance with the submitted landscape plan prepared by Oroszvary Architects Pty Ltd reference as Job No. 1401 Drawing No. TP-00B dated 9 January 2018, but amended to reduce the amount of hard paving within the front and rear setbacks, replaced with appropriate canopy tree planting.
Conditions of permit can achieve the above requirements.

6.4. Street trees

In respect of the Council street tree, Council’s Open Space Arborist has determined the crossover will severely impact two street trees along Surf Avenue to the north - a Coastal Banksia (*Banksia integrifolia*) and a Saw-tooth Banksia (*Banksia serrata*). These trees meet the criteria for removal under the Street and Park Tree Management Policy (2012).

Council’s Open Space Arborist advises that the removal of the adjacent Costal Banksia can be supported. The Arborist also advises the Saw-tooth Banksia (*Banksia serrata*) can be retained provided there is no excavation within 2.3 metres from the base of the tree. It is recommended that a condition be included as part of any approval requiring the crossover to be reduced in width so as not to encroach into the Tree Protection Zone of the Saw-tooth Banksia (*Banksia serrata*). The crossover will need to be reduced in width to a maximum of 4.8 metres as per the preferences of Council’s Traffic Engineer.

6.5. Car parking and traffic

Pursuant to the car parking requirements at Clause 52.06, a dwelling requires car parking to be provided at a rate of 1 car space per one or two bedroom dwellings and 2 car spaces per three or more bedroom dwellings.

Each dwelling will comprise 3 bedrooms with each afforded 2 car parking spaces within a double garage. The proposed on-site car parking provision satisfies the requirements of Clause 52.06-5.

The submitted plans were referred to Council’s Traffic Engineer who supports the proposal subject to standard traffic conditions that seek all garage dimensions comply with Clause 52.06 design requirements. The submitted plans can be amended to address these requirements via conditions of permit.

In addition, the plans were also referred to VicRoads for comment who support the development subject to the provision of vehicles being able to enter and exit the subject site in a forward direction.

It is considered that the proposed development will have no significant impact on traffic congestion and/or the existing on-street car parking network within Beach Road or surrounding streets and was not raised as a concern by Council’s Traffic Engineer.

6.6. Development contributions levy

The subject site is located within catchment area 22.

Based on the proposed application and the below recommendation, a payment of $2,020 is required. The payment of the development contributions will be recommended as a condition of permit.

6.7. Objector issues not already addressed

Retention of mid-century homes within Bayside

Council decided to abandon its interim protection controls Amendment C158 at its Ordinary Council meeting held on 24 April 2018. As a result, the subject site is not protected, therefore concerns cannot be considered by the Planning Department as part of this application process. This is further discussed in the Planning Scheme Amendments chapter of this report.
Support Attachments

1. Development Plans
2. Site and Surrounds Imagery
3. Neighbourhood Character Assessment (Precinct H4)
4. Clause 55 (ResCode) Assessment
Item 4.2 – Matters of Decision
Item 4.2 – Matters of Decision
Item 4.2 – 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>
</tr>
</thead>
<tbody>
<tr>
<td>Subject site</td>
</tr>
<tr>
<td>Objectors</td>
</tr>
</tbody>
</table>
Figure 2. Looking north towards the subject site (dwelling to the left) and 373 Beach Road (dwelling to the right).

Figure 3. Looking north towards the subject site from Beach Road.
Figure 4: Looking east to (subject site) and street tree from Surf Avenue.

Figure 4: Looking north-east to the subject site and Beach Road.
ATTACHMENT 3

Neighbourhood Character Policy (Precinct H4)

Preferred Future Character Statement

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

Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
</table>
| To enhance the bayside vegetation character of the area through the planting of indigenous coastal species. | • Prepare a landscape plan to accompany all applications for new dwellings that utilises indigenous coastal species.  
• Retain large, established trees and provide for the planting of new trees and shrubs wherever possible (locate footings outside root zone). | Lack of a landscape plan.  
Removal of large established trees.  
Use of exotic species and planting of environmental weeds | Responds  
The overall size and siting of the proposed building footprints allow reasonable landscaping opportunities within the front and rear setbacks to respect the coastal garden setting.  
Council's Arborist supports the concept landscape plan prepared by Oroscenery Architects Pty Ltd dated 9 Jan 2018 submitted with the application, including the removal of Trees 1, 2, 3, 5, 9 & 10 previously approved via planning permit 5/2014/211/1 issued on 16 Sept 2015.  
A condition requiring an amended landscape plan showing reduction in hard paving and replacement landscaping, including canopy tree planting is recommended. |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>To maintain the rhythm of spacious visual separation between buildings</td>
<td>• Dwellings should be sited to create the appearance of space between buildings and to accommodate substantial vegetation</td>
<td></td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The proposed ground and first floor elements facing Beach Road and Surf Avenue, including side setbacks are generally acceptable and maintain and respond to the rhythm of visual separation between existing and new buildings within the streetscapes.</td>
</tr>
<tr>
<td>To minimise the dominance of car parking structures and the loss of front garden space</td>
<td>• Locate garages and carports behind the line of the dwelling.</td>
<td>Car parking facilities that dominate the façade or view of the dwelling.</td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td>• Minimise paving in front garden areas including driveways and crossovers.</td>
<td>Creation of new crossovers and driveways or wide crossovers.</td>
<td>The double garages and hard paving associated with each driveway is considered acceptable provided hard paving adjacent to Dwelling 1’s ground floor living and bedroom 3 is deleted and replaced with appropriate landscaping opportunities, including canopy tree planting to respect the coastal garden setting prevalent within the precinct.</td>
</tr>
<tr>
<td></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>Front setbacks dominated by impervious surfaces.</td>
<td>Appropriate conditions of permit are recommended to achieve this aim.</td>
</tr>
<tr>
<td>To ensure that new buildings and extensions do not dominate the streetscape</td>
<td></td>
<td></td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>As mentioned above, the proposal’s building envelopes, general scale and mass, flat colorbond roof form in ‘Surfmist’, glazed balustrades and façade treatments respond to the preferred streetscape character consisting well articulated and modulated buildings.</td>
</tr>
<tr>
<td>To encourage innovative architecture that reflects the bayside setting</td>
<td>• New buildings should be individually designed to respond to the characteristics of the bay side location and the site</td>
<td>Large, bulky buildings with poorly articulated front and side wall surfaces.</td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td>• Incorporate building elements and details that contribute to a lightness of structure including</td>
<td>Heavy design detailing (e.g.</td>
<td>The overall developments design aesthetic is light weight, featuring a render finish, glazed balustrades and a flat colorbond roof form to respect the coastal design</td>
</tr>
<tr>
<td>Objectives</td>
<td>Design Responses</td>
<td>Avoid</td>
<td>Planning Officer Assessment</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>To use lighter looking building materials and finishes that complement the bayside setting.</td>
<td>• Use a mix of contemporary and traditional coastal materials, textures and finishes including render, timber, non-masonry sheeting, glazing, stone and brick.</td>
<td>Period reproduction styles and detailing.</td>
<td>Responds As above.</td>
</tr>
<tr>
<td>To maintain the openness of the streetscape and views to coastal garden settings.</td>
<td>• Provide open style front fencing, other than in exceptional circumstances.</td>
<td>High or solid front fencing.</td>
<td></td>
</tr>
<tr>
<td>To create a visually interesting and attractive built form interface with the foreshore reserve, on properties facing Beach Road and visible from the reserve.</td>
<td>• Where the properties front to both Beach Road and another street, ensure the dwellings present visually interesting elevations on all faces visible from the public domain. • Use landscaping materials and coastal plants within the front setback that contribute to the coastal character and amenity of the street • Provide articulated roof forms to create an interesting skyline when viewed from the beach. • Provide low or open style front fencing along Beach Road frontages.</td>
<td>Flat, poorly articulated roof forms and facades visible from the public domain. High, solid front fencing on Beach Road.</td>
<td>Responds As mentioned above, the proposed development will provide interesting façade treatments to complement the Beach Road foreshore reserve.</td>
</tr>
</tbody>
</table>
# ATTACHMENT 4

## ResCode (Clause 55) Assessment

<table>
<thead>
<tr>
<th>Title and Objective</th>
<th>Complies with Standard?</th>
<th>Comments</th>
</tr>
</thead>
</table>
| **B1 Neighbourhood Character**  
Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.  
Development responds to features of the site and surrounding area. | Complies | Refer to Attachment 3 and report for further discussion.  
Conditions seeking a reduction to the extent of hard paving adjacent to Dwelling 1’s ground floor living and bedroom 3 are recommended to ensure the development suitably complies with Council’s preferred neighbourhood character objectives for Precinct H4. |
| **B2 Residential Policy**  
Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.  
Support medium densities in areas to take advantage of public transport and community infrastructure and services. | Complies | Refer to Attachment 3 and report for further discussion.  
The proposal is considered acceptable and will support the construction of two dwellings on a lot of this size, subject to recommended conditions reducing the extent of hard paving in the front setback in order to fully achieve Council’s neighbourhood character objectives. |
| **B3 Dwelling Diversity**  
Encourages a range of dwelling sizes and types in developments of ten or more dwellings. | N/A | |
| **B4 Infrastructure**  
Provides appropriate utility services and infrastructure without overloading the capacity. | Complies | 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. |
| **B5 Integration with the Street**  
Integrate the layout of development with the street | Complies | Subject to recommended conditions seeking changes to the extent of hard paving, the development will appropriately integrate within the preferred streetscape character and provide a suitable transition to adjoining properties in Beach Road and Surf Avenue. The side and rear setbacks are generally compliant with the numerical standards of Standard B17 and |
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Does Not Comply</th>
<th>Requirement</th>
</tr>
</thead>
</table>
| B6 Street Setback | The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. | Does Not Comply | Requirement:  
- Beach Road – 7.5m  
- Surf Avenue – 3m  
Proposed:  
- Beach Road  
7.2m – 7.7m at ground floor and  
7.2m – 7.7m at first floor.  
- Surf Avenue  
2m – 7.7m at ground floor  
2m – 2.7m at first floor.  
Refer to Attachment 3 and the report for further discussion. |
| B7 Building Height | Building height should respect the existing or preferred neighbourhood character. | Complies | Maximum: 9m.  
Proposed: 6.6 metres (2 storeys) |
| B8 Site Coverage | Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site. | Does Not Comply | Maximum: 50%  
Proposed: 52.55%  
Refer to the report for further discussion. |
| B9 Permeability | Reduce the impact of stormwater runoff on the drainage system and facilitate on-site stormwater infiltration. | Complies | Minimum: >20%  
Proposed: 48.2% |
<p>| 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. |
| B11 Open Space | Integrate layout of development with any public and communal open space. | N/A | There is no communal open space in or adjacent to the development. |</p>
<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B12 Safety</strong></td>
<td>Layout to provide safety and security for residents and property.</td>
<td>Complies</td>
</tr>
</tbody>
</table>
| **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 |
<p>| <strong>B14 Access</strong> | Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character. | Does Not Comply |
| <strong>B15 Parking Location</strong> | 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 |
| <strong>B17 Side and Rear Setbacks</strong> | | Does Not Comply |</p>
<table>
<thead>
<tr>
<th>Bayside City Council</th>
<th>Planning &amp; Amenity Committee Meeting - 30 October 2018</th>
<th>Attachment 4</th>
</tr>
</thead>
</table>

### Item 4.2 – Matters of Decision

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

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Proposed</th>
<th>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>East (side)</td>
<td>0m or 2m</td>
<td>3.56m – 3.78m</td>
<td>3m – 3.34m</td>
</tr>
<tr>
<td>West (side)</td>
<td>0m or 2m</td>
<td>3.57m – 3.66m</td>
<td>2m – 2.7m</td>
</tr>
<tr>
<td>North (rear)</td>
<td>0m or 3m</td>
<td>4.8m</td>
<td>3.01m – 2.4m (U1 terrace) – 5.5m</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>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Height: 3.6m</td>
<td></td>
</tr>
<tr>
<td>Proposed: 3.2m</td>
<td></td>
</tr>
<tr>
<td>Maximum Length: 15.2m</td>
<td></td>
</tr>
<tr>
<td>Proposed: 6.52m</td>
<td></td>
</tr>
</tbody>
</table>

**East boundary**
- Maximum Height: 3.6m
- Proposed: 2.9m – 3m
- Maximum Length: 16.3m
- Proposed: 6.5m (U2 garage) + 4.4m (U2 ground floor bedroom)

The proposed wall heights and lengths accord with the standard.

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

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>The development has been sufficiently setback from existing habitable room windows located at 373 Beach Road and 30 Surf Avenue to achieve the standard.</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>There are no existing north facing habitable room windows within 3m of any boundary.</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>The submitted shadow diagrams indicate a portion of existing private open space at 373 Beach Road will experience additional overshadowing, particularly in the afternoon due to the orientation of the subject site. However, the additional overshadowing is considered acceptable and satisfies the tests contained within the standard.</td>
<td></td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
</tbody>
</table>
| B22 Overlooking | Limit views into existing secluded private open space and habitable room windows. | Complies | Notations provided on the submitted elevations indicate all north and east facing first floor habitable room windows will have either:  
- fixed opaque glass or  
- high sills or  
- fixed vertical fins 200mm apart or  
- fixed obscure glazing  
  to a minimum height of 1.7m above finished floor level to prevent unreasonable overlooking to adjoining properties.  
  In addition, the existing boundary fencing along the north and east boundaries is considered sufficient to provide adequate protection to immediately adjoining properties from unreasonable overlooking to/from ground floor windows. |
| B23 Internal Views | Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development. | Does Not Comply | The submitted plans fail to adequately detail how internal views within the development will be limited to achieve the standard.  
  A recommended permit condition can remedy this anomaly. |
| B24 Noise Impacts | Protect residents from external noise and contain noise sources in developments that may affect existing dwellings. | Complies | It is anticipated that the level of noise which will be emitted from the dwellings will not exceed levels otherwise expected from residential uses. |
| B25 Accessibility | Consider people with limited mobility in the design of developments. | Complies | Entries are accessible for people with limited mobility and ground floor bedrooms will be provided for each dwelling.  
  Further, the development could be further retrofitted to accommodate people with limited mobility in the future if required. |
| B26 Dwelling Entry | Provide a sense of identity to each dwelling/residential building. | Complies | Clearly identifiable entries will be provided facing either Beach Road or Surf Avenue. |
| 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. |
### B26 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 3m  
Min. 8m² balconies.  
**Proposed:**  
Both Dwellings 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 garden area at ground floor level of 30% of the site area. This equates to 194.7m². A total of 205m² has been provided, equating to approx. 31.6% garden area which exceeds the requirement.

<table>
<thead>
<tr>
<th>Private Open Space</th>
<th>Secluded Private Open Space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling 1</td>
<td>108.1m²</td>
</tr>
<tr>
<td>Dwelling 2</td>
<td>83.2m²</td>
</tr>
</tbody>
</table>

### B29 Solar Access to Open Space

**Allow solar access into the secluded private open space of new dwellings/buildings.**  
Complies  
**Dwelling 1 & 2’s secluded private open space areas have a northerly orientation to provide appropriate solar access for future residents.**

### B30 Storage

**Provide adequate storage facilities for each dwelling.**  
Complies  
The submitted plans state that a 6m³ storage shed will be provided in each backyard in accordance with the standard.

### B31 Design Detail

**Encourage design detail that respects the existing or preferred neighbourhood character.**  
Complies  
Refer to Attachment 3 and the report for further discussion.  
In addition, it is recommended that:  
- The development summary table is relocated from the design response plan to the ground floor plan  
- Bins are relocated outside of Dwelling 1’s double garage to ensure minimum internal dimensions of 5.5m x 6m are achieved in accordance with Clause 52.06-9 design standards  
- A schedule of external materials, colours and finishes, including sample swatches/paint etc is submitted.

### B32 Front Fences

**Encourage front fence design that respects the existing or preferred neighbourhood character.**  
Complies  
The proposed 2m high rendered front fence along Beach Road and a portion of the Surf Avenue frontage is considered acceptable for the site adjacent to a road in a Road Zone, Category 1.
<table>
<thead>
<tr>
<th><strong>B33 Common Property</strong></th>
<th>N/A</th>
<th>No areas of common property are proposed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Avoid future management difficulties in common ownership areas.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>B34 Site Services</strong></th>
<th>Complies</th>
<th>All appropriate site services can be easily catered for on-site.</th>
</tr>
</thead>
<tbody>
<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>
<tr>
<td>Avoid future management difficulties in common ownership areas.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Note: a condition requiring bins are relocated outside of Dwelling 1's garage is recommended.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4.3 163 BAY ROAD, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2018/118/1 WARD: CENTRAL

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/247097

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Planning Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>The display of two business identification signs at an existing Child Care Centre</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants. A S173 agreement has been lodged on the title which provides for the construction over an easement at the rear of the property. The proposal will not conflict with the agreement.</td>
</tr>
<tr>
<td>Date application received</td>
<td>7 March 18</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>183 days</td>
</tr>
<tr>
<td>Zoning</td>
<td>Neighbourhood Residential Zone (Schedule 3)</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay – Schedule 3 Development Contributions Plan Overlay – Schedule 1</td>
</tr>
<tr>
<td>Site area</td>
<td>1590.13m²</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>4</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>No</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>No</td>
</tr>
</tbody>
</table>

Proposal

The application seeks to display two business identification signs on Bay Road associated with an existing child care centre.

The key details of the proposal are as follows:

- All signs are flat, metal and attached to approved fencing or a building façade
- Lettering style and pastel colouring with the business logo and contact details.
- No signs are illuminating

Sign One

- Located on the buildings frontage facing Bay Road
- 1.0m x 2.5m metal sign attached to balcony 3.8 metres above ground level.
Sign Two

- Located on the front fence facing Bay Road
- 2.0m x 1.0m metal sign attached to the metal fence 0.5m above ground level.

The application plans are provided at Attachment 1.

An aerial image and photographs of the site and surrounds are provided at Attachment 2.

History

Planning permit 2014/948/1 was granted for the use and development of a child care centre, and creation and alteration to access to a road in the Road Zone Category 1. Plans were endorsed by Council on 27/10/2016.

Planning controls

Planning Permit requirements

A planning permit is required pursuant to:

- Clause 52.05-13: Business Identification Sign

Planning Scheme Amendments

There are no Planning Scheme Amendments relevant to this application.

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

There are no referrals to Council departments required to be made for this application.

Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and 5 objections were received.

The following concerns were raised:

- Objecting to signage on Frances Street.

The applicant submitted a Declaration for Amendment to a Planning Permit Application on 02/07/2018 which sought to delete the proposed signage on Frances Street from the planning permit application.

The amended planning permit application was re-advertised to the 5 objectors. 1 objection was subsequently withdrawn.

4 objections remain outstanding at the time of this report.

The number of objections received for this application is consistent across Council’s record management systems.

Consultation meeting

A consultation meeting was not considered necessary for this application as the revisions to the plans (i.e. removing the signs fronting Frances Street) effectively addressed all of the objectors concerns.
4. Recommendation

That Council resolve to:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2018/118/1** for the land known and described as **163 Bay Street, Sandringham** for the **display of business identification signage** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. 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.
2. All signs must be located wholly within the title boundaries of the land.
3. The signs must not be illuminated by external or internal light except with the written consent of the Responsible Authority.
4. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
5. This permit expires 15 years from the date of issue.

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.

5. Council Policy

**Council Plan 2017-2021**

Relevant objectives of the Council plan include:

- Where significant development is directed to specified and planned activity centres and strategic locations, providing a transition to surrounding residential areas and incorporating improved infrastructure and open space.
- 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 15  Built Environment and Heritage
- Clause 17  Economic Development
- Clause 21.02  Bayside Key Issues and Strategic Vision
- Clause 21.06  Built Environment and Heritage
- Clause 32.09  Neighbourhood Residential Zone (Schedule 3)
- Clause 43.02  Design and Development Overlay (Schedule 3)
- Clause 45.06  Development Contributions Plan Overlay (Schedule 1)
- Clause 52.05  Advertising Signage
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 G1. 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 is for 2 new advertising signs attached to the existing front fence and childcare centre building fronting Bay Road. No new buildings or works to the existing building are proposed with the existing building form and visual spaciousness within the area remaining unchanged. Existing landscaping and garden planting within the front setback, as well as throughout the site will also be retained.

While one of the signs is attached to the front façade of the childcare centre, the display is not considered to be excessive in terms of size (2.5m x 1.0m) and content (Business name only). The building will continue to provide an appropriate level of visual interest to the streetscape.

The existing front fence is visually permeable and the proposed signage to be attached (of which is not considered to be excessive in terms of size) will not impact significantly on the sites openness to the street.

6.2. Assessment of advertising signage

Pursuant to Clause 32.09-13, the subject site is within a Category 3 area for the purposes of Clause 52.05. Business identification signage that exceeds 0.2 square metres in area is a section two use in a Category 3 area and requires a permit. The combined size of the proposed signage is 4.5 square metres to the Bay Road frontage and 1.2 square metres to the Frances Street frontage.

The signage would be fixed to the front and rear fences and the façade of the day centre. As such no additional structures are proposed as part of the signage package that may add visual clutter to the street scene. The proposed signage will not obscure or compromise any important views from the public realm and the signs will not be located in a position where it dominates the existing streetscape. Given the relatively small scale of the signage and the muted colour tones employed, the proposal is considered to have only a limited impact on the streetscape.

The proposed business identification signs will not be illuminated and given their scale and separation from neighbouring properties, will not have any significant amenity impacts on surrounding residences. The proposed business identification signs are not similar to any existing traffic control signs. The location of the signs within the subject site will not impact on driver’s sightlines or view of other traffic control signs. In this context the proposal will not impact on the safety and efficiency of the surrounding road network.

6.3. Development contributions levy

Based on the proposed application and below recommendation, no development contributions levy is applicable.

Support Attachments

1. Development Plans ↩
2. Site and surrounds imagery ↩
3. Neighbourhood Character Assessment Precinct G1 ↩
1. FIRST FLOOR BALCONY SIGNAGE (2.5 metres wide x 1.0 metre high)
- Height above ground level = 3.8 metres

Distance to property boundary = 7.5 metres

Advertisements Plan

3.8 m above ground level.
2. FRONT FENCE BAY ROAD SHOW-AGE (2.0 metres wide x 1.0 metre high)

Advertised Plan

Distance to property boundary = 9.5 metres

Height above level = 50 cm
Figure 1 Aerial overview of the site and surrounds.

Legend

<table>
<thead>
<tr>
<th>Subject site</th>
<th>★</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objection(s)</td>
<td>●</td>
</tr>
<tr>
<td>Withdrawn</td>
<td>▲</td>
</tr>
</tbody>
</table>
Figure 2 View towards the site from the south.

Figure 3 View towards the subject site from its frontage on Bay Road, from the south.
Figure 4 View east along Bay Road.

Figure 5 View south-east opposite subject site.
Figure 6 View South-west opposite subject site.

Figure 7 View west along Bay Road.
Figure 8 View north towards 1/165 Bay Road.

Figure 9 View north towards 161 Bay Road.
ATTACHMENT 3
NEIGHBOURHOOD CHARACTER ASSESSMENT

Neighbourhood Character Precinct G1

Preferred Future Character Statement

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

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 for new dwellings that includes substantial trees and vegetation.  
- Retain large, established trees and provide for the planting of new trees wherever possible.  
- Buildings should be sited to allow space for the planting of trees and shrubs. | Lack of landscaping and substantial vegetation.  
Removal of large trees.  
Planting of environmental weeds. | N/A  
The proposal does not include any new buildings. Landscaping was addressed in the original application for the childcare centre. |
| To maintain the rhythm of visual separation between buildings. | - Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation. | N/A  
The proposal includes no new buildings or works to the existing building. |
| 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.  
- Use pitched roof forms with eaves. | Large, bulky buildings with poorly articulated front and side wall surfaces. | N/A  
The proposal includes a new advertising sign attached to the front façade of the childcare centre and is not considered to be excessive in terms of size and content.  
The existing childcare centre building and associated building façade will continue to provide an appropriate level of visual interest to the street. |
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>To maintain the openness of the streetscape.</td>
<td>High, solid front fencing</td>
<td></td>
<td>Responds</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>While the proposal includes a business identification sign (2m x 1m) on an existing front fence on Bay Road, the front fence is visually permeable. Views into the site from Bay Road and a sense of openness to the street will be retained.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4.4 46 DENDY STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2018/242/1 WARD: CENTRAL

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/247479

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Notice of Decision to Grant a Planning Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Urbis</td>
</tr>
<tr>
<td>Title/Covenant/S173 Agreement</td>
<td>The title is not subject to any restrictive covenants.</td>
</tr>
<tr>
<td>Date application received</td>
<td>26 April 2018</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>155 days</td>
</tr>
<tr>
<td>Zoning</td>
<td>Neighbourhood Residential Zone (Schedule 3)</td>
</tr>
<tr>
<td>Overlays</td>
<td>Design and Development Overlay (Schedule 3)</td>
</tr>
<tr>
<td></td>
<td>Vegetation Protection Overlay (Schedule 3)</td>
</tr>
<tr>
<td>Site area</td>
<td>1846.28m²</td>
</tr>
<tr>
<td>Number of outstanding objections</td>
<td>8</td>
</tr>
<tr>
<td>Is a Development Contribution Levy applicable?</td>
<td>No</td>
</tr>
<tr>
<td>Is the site located within an area of cultural heritage sensitivity?</td>
<td>No</td>
</tr>
</tbody>
</table>

Proposal

The application seeks to display three business identification signs on Dendy Street associated with an existing day care centre.

The key details of the proposal are as follows:

- All signs are flat, metal and attached to approved fencing or a building facade.
- No signs are illuminating

Sign One

- Located on the building frontage facing Dendy Street.
- 3800mm x 750mm metal sign attached to the brick wall, 3250mm above ground level.
- Displaying the business name and logo.

Sign Two

- Located on the front fence facing Dendy Street.
- 2290mm x 730mm metal sign attached to the brick wall, 400mm above ground level.
- Displaying advertising text and business contact details.
Sign Three

- Located on the western side boundary fence at the northern end of the site.
- 2000mm x 1000mm metal sign attached to the brick wall 900mm above ground level.
- Displaying the business logo.

The application plans are provided at Attachment 1.

An aerial image and photographs of the site and surrounds are provided at Attachment 2.

History

Planning Permit 2015/278/1 was issued at the direction of VCAT on 26 July 2016. The permit allows for use and development of the land for a childcare centre in a building over 8 metres in height in the Neighbourhood Residential Zone 3 (NRZ3) and Design and Development Overlay 3 (DDO3), in accordance with the endorsed plans. Plans were endorsed by Council on 30 November 2016.

Planning Permit 2018/123/1 was issued by Council on 16 April 2018. The permit allows for the erection of temporary business identification signage in accordance with the endorsed plans. Plans were endorsed by Council on 16 April 2018.

2. Planning controls

Planning Permit requirements

A planning permit is required pursuant to:

- Clause 52.05-13: Business Identification Sign.

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

There are no referrals to Council departments required to be made for this application.

Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and 8 objections were received.

8 objections remain outstanding at the time of this report.

The following concerns were raised:

- Excessive number, size and quality of signage.
- Signage goes beyond being business identification signage and acts as marketing/promotional signage.
- Neighbourhood character.
- Will create a precedent for other advertising signage on Dendy Street.
- Impact on the garden setting character.
- Property values.
The number of objections received for this application is consistent across Council’s record management systems.

Consultation meeting

A consultation meeting was held on 29 August 2018 attended by the permit applicant and 1 objector. As a result of this meeting no objections were withdrawn.

Following the consultation meeting the applicant submitted amended plans.

Amendments included:

Sign one:
- Slogan and white background removed.
- Logo and lettering changed from navy blue to white.
- Minor changes to lettering size and style.

Sign two:
- Photograph and white background removed.
- Minor changes to slogan lettering.
- Height above ground level reduced from 500mm to 400mm and sign width increased from 2290mm to 2300mm.

Sign three:
- Removal of business name and slogan, and white background.
- Height above ground level reduced from 900mm to 650mm and sign height reduced from 1000mm to 750mm.

Given that all changes reduced the prominence and size of the signs, it was not considered necessary to re-advertise the amended plans.

4. Recommendation

That Council resolve to:

Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2018/242/1 for the land known and described as 46 Dendy Street, Brighton for the display of business identification signage in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. 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.
2. All signs must be located wholly within the title boundaries of the land.
3. The signs must not contain any flashing light.
4. The signs must not be illuminated by external or internal light except with the written consent of the Responsible Authority.
5. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.
6. This permit expires 15 years from the date of issue.
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.

5. Council Policy

Council Plan 2017-2021

Relevant objectives of the Council plan include:

- Where significant development is directed to specified and planned activity centres and strategic locations, providing a transition to surrounding residential areas and incorporating improved infrastructure and open space.
- 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 15 Built Environment and Heritage
- Clause 17 Economic Development
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 21.06 Built Environment and Heritage
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 43.02 Design and Development Overlay (Schedule 3)
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.05 Advertising Signage
- 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 E1. 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 is for 3 new advertising signs attached to the front fence and childcare centre building. No new buildings or works to the existing building are proposed with the existing building form and visual spaciousness within the area remaining unchanged. Existing landscaping and garden planting within the front setback, as well as throughout the site will also be retained. The subject site does not adjoin any identified heritage properties. While one of the signs is attached to the front façade of the childcare centre, the display is not considered to be excessive in terms of size and content. The building will continue to provide an appropriate level of visual interest to the streetscape and the
addition of three very modest signs will have a negligible impact on neighbourhood character.

6.2. Assessment of advertising signage

Pursuant to Clause 32.09-13, the subject site is within a Category 3 area for the purposes of Clause 52.05. Business identification signage is a section two use in a Category 3 area and requires a permit.

The signage would be fixed to the front façade of the childcare centre, the front fence on Dendy Street and the northern end of the western side boundary fence. As such no additional structures are proposed as part of the signage package that may add visual clutter to the street scene. The proposed signage will not obscure or compromise any important views from the public realm and the signs will not be located in a position where they dominate the existing streetscape. Given the relatively small scale of the signage and the muted colour tones employed, the proposal is considered to have only a limited impact on the streetscape.

The proposed business identification signs will not be illuminated. Given their scale and separation of the two signs fronting Dendy Street from neighbouring properties, it is considered that the proposal will not have any significant amenity impacts on surrounding residences. While the proposal includes a west facing sign towards the sites frontage, it is not considered to be excessive in size (2000mm x 1000mm) or content (business logo only) and there are not considered to be any significant amenity impacts on neighbouring properties to the west.

The proposed business identification signs are not similar to any existing traffic control signs. The location of the signs within the subject site will not impact on driver’s sightlines or view of other traffic control signs. In this context the proposal will not impact on the safety and efficiency of the surrounding road network.

6.3. Development contributions levy

Based on the proposed application and below recommendation, no development contributions levy is applicable.

6.4. Objector issues not already addressed

Property values

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 and Environment Act 1987, or the Bayside Planning Scheme.

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.

Support Attachments

1. Development Plans
2. Site and Surrounds Imagery
3. Neighbourhood Character Assessment Precinct E1
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 towards the site from the north-east.

Figure 3 View east along Dendy Street.
Figure 4 View north-east looking down Halifax Street.

Figure 5 View north opposite subject site towards 51 and 53 Dendy Street, and 1 Halifax Street.
Figure 6 View north opposite subject site towards 49 Dendy Street.

Figure 7 View north-west opposite the subject site towards 47 Dendy Street.
Figure 8 View west along Dendy Street.

Figure 9 View south towards 48 Dendy Street.
Figure 10 View south towards 44 Dendy Street.
**ATTACHMENT 3**  
**NEIGHBOURHOOD CHARACTER ASSESSMENT**

**Neighbourhood Character Precinct E1**

**Preferred Future Character Statement**

The well articulated dwellings with roof eaves are set within spacious landscaped grounds. In some streetscapes, there is a continued presence of pre WWII era dwellings, with complementary new development. Dwellings do not dominate the streetscape and vegetation appears to wrap around the buildings. The sense of spaciousness is retained by the dwellings being set back from front and side boundaries, which also provides space for garden planting. Buildings incorporate a variety of materials or design details providing visual interest within the streetscape.

**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 the design of 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  
The proposal includes no new buildings or works to the existing building. |
| 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.  
• Retain large trees and provide for additional trees wherever possible. | Lack of landscaping and substantial vegetation. Removal of large trees.  
N/A  
The proposal does not include any new buildings. Landscaping was addressed in the original application for the childcare centre. |
| To provide space for front gardens. | • Buildings should be sited to allow space for the planting of trees and shrubs. | Loss of front garden space.  
N/A  
The existing front garden will be retained. The proposal includes no new buildings or works to the existing building. |
| To maintain the rhythm of spacious visual separation between buildings. | • Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation. |  
N/A  
The proposal includes no new buildings or works to the existing building. |
| To minimise the loss of front garden spaces and the | • Locate garages and carports behind the line of the dwelling. | Car parking structures that  
N/A  
The existing front garden will be retained and no new |
<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>- Minimise paving in front garden areas including driveways and crossovers.</td>
<td>dominate the façade or view of the dwelling.</td>
<td>car parking arrangements are proposed.</td>
</tr>
<tr>
<td>To ensure new development respects the dominant building form and scale of buildings in the Precinct.</td>
<td>- Recess second storey elements from the front façade. - Articulate front facades, and provide roofs with eaves.</td>
<td>Reproduction of historic building styles.</td>
<td>N/A The proposal includes no new buildings or works to the existing building.</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>Buildings that dominate heritage buildings by height, siting or massing. Period reproduction detailing.</td>
<td>N/A There are no identified heritage buildings adjoining the subject site.</td>
</tr>
<tr>
<td>To encourage building facades to add visual interest to the streetscape.</td>
<td>- Use a mix of materials, colours and finishes in building facades, drawn from the palette commonly found in the area.</td>
<td>Excessive use of render or one material on external wall surfaces.</td>
<td>N/A The proposal includes a new advertising sign attached to the front façade of the childcare centre and is not considered to be excessive in terms of size and content. The existing childcare centre building and associated building façade will continue to provide an appropriate level of visual interest to the street.</td>
</tr>
</tbody>
</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.

Mick Cummins

Chief Executive Officer