Late Agenda

for the

Planning & Amenity Committee Meeting

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

on

Tuesday, 26 June, 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
Late Items

4. Matters of Decision
   4.7 23 Holmwood Avenue, Brighton Support the Grant of a Planning Permit (Consent Order) Application No: 2017/556 Ward: Northern
4. Matters of Decision

4.7 23 HOLMWOOD AVENUE, BRIGHTON
SUPPORT THE GRANT OF A PLANNING PERMIT (CONSENT ORDER)
APPLICATION NO: 2017/556 WARD: NORTHERN

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/143969

1. Application details

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Support the Grant of a Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Daryl and Sharon Herbert</td>
</tr>
<tr>
<td>Title/Covenant</td>
<td>The title is not subject to any restrictive covenants.</td>
</tr>
<tr>
<td>Date application received</td>
<td>30 August 2017</td>
</tr>
<tr>
<td>Current statutory days</td>
<td>N/A</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>Number of objections</td>
<td>4</td>
</tr>
</tbody>
</table>

Purpose
The purpose of this report is to endorse a consent position reached by the permit applicant and Council.

The permit applicant reached an agreement with the objecting parties at a Compulsory Conference at VCAT on 22 May 2018.

History
Council officers under delegation determined to refuse the planning application at the subject site. The grounds of refusal are included at Attachment 1 and the original officer report is included at Attachment 2. Key details of the proposal were as follows:

- Demolition of the existing dwelling (permit not required)
- Construction of a two storey dwelling
- Building height of 7.1 metres
- Site coverage 52.8%
- Permeability 20.8%

The application plans are provided at Attachment 3.

VCAT
An Application for Review against the decision made by Council was lodged with VCAT pursuant to Section 77 of the Planning and Environment Act 1987.

The application was heard at a Compulsory Conference (mediation) on 22 May 2018. Two objectors are parties to the appeal.

At the Compulsory Conference, the permit applicant agreed with the objector parties to:

- An Arborist to supervise works within the Tree Protection Zones,
- Access to Holmwood Avenue properties during construction must remain uninhibited,
• No construction vehicles are permitted to park in Holmwood Avenue, south of 14 and 17 Holmwood Avenue.

Whilst the majority of the changes requested by the objectors relate to construction, this street is a very narrow street servicing a number of dwellings. The additional requirements will ensure minimal disruption to the lives of the other residents.

Subsequently, Council officers met with the permit applicant and agreed to the following:

• The first floor east wall to be setback a minimum of 1 metre (refer Attachment 4).

In regard to the first floor 1 metre setback, the proposal was originally built to the east boundary with no setback at ground or first floor. Discussions with the owners and projects architects on site identified that there are 2 other examples of houses with buildings at 1 metre setback to the boundaries. The proposed setback at 1 metre at first floor will ensure that the building retains the separation between buildings which is a highly valued characteristic of this neighbourhood.

The permit applicant and all parties to the appeal (including objectors) have now agreed to a consent position. If the consent order is not endorsed by the Planning and Amenity Committee, the application will proceed to a full hearing on 11 July 2018.

2. Recommendation

That Council resolve to:

Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2017/556 for the land known and described as 23 Holmwood Avenue, Brighton, for the Construction of a two storey dwelling and construction of a front fence greater than 1.2m on a lot less than 500 square metres in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application Council date stamped 30 August 2017 but modified to show:

   a) Landscaping plan in accordance with condition 4 and to include the provision of a canopy tree within the front setback of the subject site.
   b) Location of all plant and equipment, including hot water services and air conditioners to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
   c) A schedule of construction materials, external finishes and colours.
   d) Reduction of hard surface coverage within the front setback (to the north) and creation of garden bed/s which can accommodate the planting of a canopy tree.
   e) A first floor setback of 1 metre away from the east boundary in accordance with the Sketch plans submitted to Council on 13 June 2018 prepared by Architecture works, Drawing TP7 & TP10, Revision D.

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. Before the development starts, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
   a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
   b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
   c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
   d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
   e) Details of surface finishes of pathways and driveways.
   f) Provision of at least one (1) canopy tree capable of growing to a height of 8 metres at maturity, within the front setback (to the north) of the site.

5. 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. Any works within a Tree Protection Zone must be carried out under the supervision of a qualified Arborist who must be in attendance.

6. 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.

7. Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
   a) A detailed schedule of works including a full project timing.
   b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams. Access to properties at Nos.14, 16, 17 & 25 Holmwood Avenue must at all times remain unimpeded including access to all usual services and emergency vehicles.
   c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.

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

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

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

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

i) Site security.

j) Public safety measures.

k) Construction times, noise and vibration controls.

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

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

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

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


q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan and no construction vehicles are permitted to be parked in Holmwood Avenue south of Nos. 14 & 17 Holmwood Avenue.

r) Details of crane activities, if any.

**Permit Expiry**

8. 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 buildings works or occupy the building or part of the building unless all relevant building permits are obtained.

Support Attachments

1. Refusal to Grant a Planning Permit
2. Delegate Report
3. Advertised Plans
4. Revised plan - 1 metre setback to east
Refusal to Grant a Planning Permit 2017/556/1

Responsible Authority: Bayside City Council
Planning Scheme: Bayside

Address Of The Land: No. 23 Holmwood Avenue BRIGHTON
What has been Refused? Construction of a two storey dwelling with a front fence exceeding 1.2 metres in height on a lot less than 500 square metres

What are the reasons for Refusal?

1. The proposal fails to respond to the objectives of Clause 32.09-5 (Neighbourhood Residential Zone) of the Bayside Planning Scheme with respect to the scale and bulk of the proposed building and fence, as well as separation between buildings.

2. The proposal fails to respond to the Precinct E neighbourhood character. Insufficient space between buildings and a poor sense of spaciousness, combined with the use of a high front fence and a minimal garden characterisation results in a monolithic development which does not respect the existing or preferred neighbourhood character.

3. The proposal fails to comply with the Objectives and Standards of Clause 54 of the Bayside Planning Scheme, in particular:
   a. Standard A1 – Neighbourhood Character
   b. Standard A3 - Street Setback
   c. Standard A5 - Site Coverage
   d. Standard A10 – Side and Rear Setbacks
   e. Standard A11 - Walls on Boundaries

Date issued: 15 January 2018

Michael Henderson
Signature for the Responsible Authority
FORM 7
Sections 65(1) and 66(4)

REFUSAL TO GRANT A PERMIT
IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?
* The responsible authority has decided to refuse to grant a permit.
   (Note: This is not a refusal under Division 5 of Part 4 of the Planning and Environment Act 1987.)
* This notice sets out the reasons for the refusal.
* The reasons or grounds on which the application has been refused are those of the responsible authority unless otherwise stated.

WHAT ABOUT APPEALS?
For the Applicant:
* The person who applied for the permit may apply for a review of the refusal.
* The application for review must be lodged within 60 days of the giving of this notice.
* An application for review is lodged with the Victorian Civil and Administrative Tribunal.
* An application for review must be made on the Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal and be accompanied by the applicable fee.
* An application for review must state the grounds upon which it is based.
* An application for review must also be served on the Responsible Authority.
* Notice of the application for review must be given in writing to all other parties to the review as soon as practicable after an application for review is lodged.
* An applicant who applies for a review must give notice of the application to—
   (a) All objectors; and
   (b) Any recommending referral authority that objected to the amendment of the permit.
* Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

For an Objector:
* If the applicant applies for a review of this decision, the applicant must give notice in writing to all objectors as soon as practicable after an application for review is lodged.
City Planning and Amenity – Statutory Planning

PLANNING APPLICATION - DELEGATE OFFICER REPORT

1. Purpose and background

The following application is reported to the Planning Delegate for determination.

<table>
<thead>
<tr>
<th>Application number</th>
<th>5/2017/556/1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application address</td>
<td>23 Holmwood Avenue BRIGHTON (refer Attachment 1)</td>
</tr>
<tr>
<td>Title / Covenant</td>
<td>There are no restrictions on the title</td>
</tr>
<tr>
<td>Applicant</td>
<td>Architecture Works</td>
</tr>
<tr>
<td>Proposal</td>
<td>Construction of a two storey dwelling and construction of a front fence greater than 1.2m on a lot less than 500 square metres (refer application plans).</td>
</tr>
<tr>
<td>Date application received</td>
<td>30/08/2017</td>
</tr>
<tr>
<td>Statutory days expired</td>
<td>02/11/2017</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Refusal to Grant a Permit</td>
</tr>
<tr>
<td>Planning officer</td>
<td>Sanela Kabas &amp; Simon Andrew</td>
</tr>
<tr>
<td>Signature / Date</td>
<td>12/01/18</td>
</tr>
<tr>
<td>Planning delegate</td>
<td>Michael Henderson</td>
</tr>
<tr>
<td>Signature / Date</td>
<td>15/11/2018</td>
</tr>
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</table>

This planning permit regards the demolition of an existing dwelling and construction of a new 2 storey dwelling on a lot of approximately 219.18m² at 23 Holmwood Avenue BRIGHTON (refer attachment 1).

Variations to the street setback, site coverage, side and rear setback, walls on boundary and front fence standards are sought as part of this application.

2. Policy implications

Planning permit requirements

Clause 32.09-5 (Neighbourhood Residential Zone) – Construction of a single dwelling on a lot less than 500sqm.

Clause 32.09-5 (Neighbourhood Residential Zone) – Construction of a fence within 3m of the street with a height exceeding 1.2m

3. Stakeholder Consultation

External referrals

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

Internal referrals

The application was referred to the following Council departments for comment

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

Item 4.1 – Matters of Decision
Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987 and 7 objections were received. The following concerns were raised:

- Overlooking.
- Neighbourhood and streetscape character.
- Issues arising out of construction, including:
  - Traffic.
  - Impacts from vehicle ingress and egress during construction.
  - Turning circle at the end of Holmwood Avenue is inadequate to cater for construction vehicles.
  - Damage to existing street trees and grassed verges.
  - No construction management plan has been provided to address issues of access, safety and damage to public property during construction.

Consultation meeting

A consultation meeting was held on 27 December 2017 attended by the objectors. The permit applicant inadvertently neglected to attend the scheduled meeting.

Council Policy

Council Plan 2017-2021

Relevant strategic objectives of the Council plan include:

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

Relevant strategies of the Council plan include:

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

Bayside Planning Scheme

- Clause 9 Plan Melbourne
- Clause 11 Settlement
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 21.03 Settlement and Housing
- Clause 21.06 Built Environment and Heritage
- Clause 21.02 Bayside Key Issues and Strategic Vision
- Clause 22.06 Neighbourhood Character Policy (Precinct C1)
- Clause 22.08 Water Sensitive Urban Design
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 43.02 Design and Development Overlay (Schedule 3)
- Clause 45.06 Development Contributions Plan Overlay
Item 4.1 – Matters of Decision

4. 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.

4.1 Neighbourhood character

The site is located within Neighbourhood Character Precinct C1. On balance, it is considered that the proposal does not demonstrate compliance with the preferred future character statement and precinct guidelines as contained in Attachment 2.

It is proposed to construct a 6.85m high wall along the eastern boundary for a length of 9.6m. The associated boundary wall encroachment impacts on the sites spaciousness and does not respect the preferred and existing neighbourhood character, which exhibits space between buildings. The proposed dwelling also encroaches into front, side and rear yards at ground level and at the second storey, and its proposed overall bulk and scale is considered to be unacceptable and unjustified with respect to the existing and preferred neighbourhood character.

The proposed 2.1m high fence along the front boundary is considered to be generally consistent with the existing neighbourhood character as it will be similar in height to the existing front boundary wall, as well as other fences/walls along Holmwood Avenue. However, the overall cumulative impact of the built form combined with the use of an exceptionally high front fence with a minimal garden characterisation (inappropriate streetscape presentation), will result in a monolithic development which does not respect the existing, nor reflect the preferred neighbourhood character.

On balance, it is considered that the proposal does not respect the prevailing and preferred neighbourhood character and does not appropriately respond to the characteristics of the precinct with respect to building scale and bulk and separation between buildings.

4.2 Compliance with Clause 54 (ResCode)

An assessment against the requirements of Clause 54 is provided at Attachment 3.

Pursuant to Clause 54, a development must meet all of the objectives of this clause and should meet all of the standards of this clause.

Those non-compliant standards are discussed below, noting the corresponding objectives have been achieved.

Street Setback (Standard A3)

The dwelling on the directly adjoining site to the east is setback 4.09m from the front boundary. A variation to Standard A3 of approximately 1.8m is required as the front wall of the dwelling is setback at least 2.26m from the sites front boundary.

The proposed street setback is similar to what currently exists on the subject site, as well as on some sites in the surrounding area.

However, the encroachment is not considered appropriate as the two storey form, which will present as a double-storey 'box-like' form which prescribes an unreasonable response in terms of the streetscape and presentation to the backyard areas of the adjoining allotments.

The application does not demonstrate sufficient planting of trees and vegetation within the front setback to assist in making a positive contribution to the valued garden characteristic evident on the streetscape. The encroachment will also reduce the area of available space for planting substantial trees and shrubs within the front setback. Visual amenity impacts from the street and adjoining properties are considered to be unacceptable and inconsistent with the preferred neighbourhood character which places an emphasis on garden settings.
City Planning and Amenity – Statutory Planning  
Delegate Officer Report

Site Coverage (Standard A5)

The proposal includes site coverage of 52.8% and requires a variation to Standard A5 of 2.8%. Although the infringement is minor and equates to a building area of only 3.35m², on balance the cumulative impact of all areas of non-compliance does indicate over development of a small parcel of land.

However, the proposal is not considered appropriate as the dwelling also encroaches into the sites front, side and rear setbacks at ground and first floor level, and fails to comply with the boundary wall standard. While it is acknowledged that the site is constrained by the easement, the overall bulk and scale of the dwelling is not considered to be appropriate for the subject site. Visual amenity impacts on directly adjoining lots and on the streetscape are considered to be unacceptable.

Side and Rear Setbacks (Standard A10)

<table>
<thead>
<tr>
<th></th>
<th>Ground Floor</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Required</td>
<td>Proposed</td>
</tr>
<tr>
<td>East (side)</td>
<td>0m or 2m</td>
<td>N/A</td>
</tr>
<tr>
<td>West (side)</td>
<td>0m or 2m</td>
<td>1.83m</td>
</tr>
<tr>
<td>South (rear)</td>
<td>0m or 3m</td>
<td>1.83m</td>
</tr>
</tbody>
</table>

The following variations are sought:

- 1.83m setback from the western boundary (side) is proposed at ground level, therefore a variation of 0.17m is sought;
- 1.83m setback from the southern boundary (rear) is proposed at ground level, therefore a variation of 1.17m is sought;
- 1.83m setback from the western boundary (side) is proposed at first floor level, therefore a variation of 1.91m – 2.15m is sought;
- 1.83m setback from the southern boundary (rear) is proposed at first floor level, therefore a variation of 2.91m is sought;

The variations are considered to be appropriate as the first floor contains no south-facing windows from habitable rooms or any west-facing windows. There are also no direct west-facing views from the bedroom 1 balcony. The directly adjoining lots to the south (9 and 11 Cosham Street) and west, (25 Holmwood Avenue) and their habitable rooms or secluded private open space will not be impacted with respect to overlooking, beyond what is provided for in the Planning Scheme.

No additional overshadowing of private open space to the south (9 and 11 Cosham Street) or west (25 Holmwood Avenue) is anticipated, beyond what is provided for in the Planning Scheme.

Walls on Boundaries (Standard A11)

The proposed dwelling will be built to the eastern boundary to a maximum height of 6.85m and an average height of 6.65m, over a length of 9.1m. Accordingly, a variation to maximum height of 3.25m and average height of 3.45m is sought.

The building is “box like” as a result of its almost consistent height across the site and on the eastern boundary. The extended canopies and the overall articulation of the proposed dwellings front façade does not provide sufficient relief from the buildings unreasonably bulk and scale. The first floor also lacks recessive properties from the ground floor level and further presents proposal as a “box like” monolithic building, particularly when viewing the side and rear facades.
The variation is not considered to be appropriate as the scale of the proposed boundary wall is considered to be out of character with the preferred neighbourhood character which seeks to encourage a sense of spaciousness between buildings. This is achieved by creating the appearance of space between buildings on adjoining lots. In this respect, a 6.65m high and 9.1m long boundary wall is considered to be unacceptable. The bulk of the buildings when viewed from the streetscape and the surrounding area does not align with the preferred neighbourhood character.

The proposal does not achieve Standard A11 and it is considered that it is not consistent with the associated objective. The height of the boundary wall will impact significantly on the amenity of existing dwellings. When viewed from the directly adjoining eastern site at 21 Holmwood Avenue the proposed boundary wall will extend 3.7m above the roofline of the sites existing garage, which is built to the boundary. The scale and bulk of the boundary wall is considered to be unacceptable and will generate dominance impacts that are not consistent with the standard objective.

Neighbourhood Residential Zone - Clause 32.09-5 (Fences within 3m of a street with a height exceeding 1.2m)

The proposal includes a 2.1m high timber batten fence along the front boundary.

The proposed fence is considered to be consistent with the existing neighbourhood character as it will be similar in height to the existing front boundary wall, as well as other fences/walls along Holmwood Avenue. However, the overall cumulative impact of the built form combined with the use of a high front fence with a minimal garden characterisation, will result in a monolithic development which does not respect the existing or preferred neighbourhood character.

4.4 Car parking and traffic

The dwelling is provided with two car spaces in accordance with Clause 52.06. Council’s Traffic Engineer has reviewed the application and raised no objection subject to minor conditions which are included as part of the recommended permit conditions.

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

4.5 Objections received

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

Damage to existing street trees and grassed verges

- The application pertains to building and works within the confines of the subject site. Vehicular movements and decisions made by others within the public realm are not relevant to the planning application, beyond the requirements of the planning scheme.

No construction management plan provided to address issues of access, safety and damage to public property during construction

- This concern can be dealt with via permit conditions.

5. Recommendation

That the Delegate resolve to:

Issue a Notice of Refusal under the provisions of the Bayside Planning Scheme in respect of Planning Application No. 2017/556/1 for the land known and described as 23 Holmwood Avenue BRIGHTON, for the construction of a two storey dwelling and construction of a front fence greater than 1.2m on a lot less than 500 square metres on the following grounds:
City Planning and Amenity – Statutory Planning

Delegate Officer Report

1. The proposal fails to respond to the objectives of Clause 32.09-5 (Neighbourhood Residential Zone) of the Bayside Planning Scheme with respect to the scale and bulk of the proposed building and fence, as well as separation between buildings.

2. The proposal fails to respond to the Precinct E neighbourhood character. Insufficient space between buildings and a poor sense of spaciousness, combined with the use of a high front fence and a minimal garden characterisation results in a monolithic development which does not respect the existing or preferred neighbourhood character.

3. The proposal fails to comply with the Objectives and Standards of Clause 54 of the Bayside Planning Scheme, in particular:
   a. Standard A1 – Neighbourhood Character
   b. Standard A3 - Street Setback
   c. Standard A5 - Site Coverage
   d. Standard A10 – Side and Rear Setbacks
   e. Standard A11 - Walls on Boundaries
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>
Neighbourhood Character Precinct C1

Preferred Future Character Statement

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

Precinct Guidelines

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>To encourage the retention of dwellings that contribute to the valued character of the Precinct in the design of development proposals.</td>
<td>• Attempt to retain wherever possible intact and good condition dwellings that contribute to the valued character of the Precinct in designing new development. • Alterations and extensions should retain the front of these dwellings.</td>
<td>Demolition of dwellings that contribute to the valued character of the Precinct.</td>
<td>Partially responds The proposal partially responds but on balance, it is unacceptable.</td>
</tr>
<tr>
<td>To maintain and enhance the spacious garden settings of the dwellings.</td>
<td>• Prepare a landscape plan to accompany all applications for new dwellings that includes substantial trees and shrubs.</td>
<td>Lack of landscaping and substantial vegetation.</td>
<td>Does not respond A condition will be placed on the permit requiring the provision of a landscape plan, provided that the permit is granted.</td>
</tr>
<tr>
<td>To enhance the bayside vegetation character of the area.</td>
<td>• Retain large trees and established native and traditional coastal vegetation and provide for the planting of new indigenous coastal trees where possible.</td>
<td>Removal of large native and coastal trees. Planting of environmental weeds.</td>
<td>Responds The proposal does not involve the removal of any significant trees.</td>
</tr>
<tr>
<td>To retain the sense of spaciousness in the area and provide adequate space for front gardens.</td>
<td>• Buildings should be sited to allow space for the planting of trees and shrubs. • Buildings should be sited to create the appearance of space between buildings and accommodate substantial vegetation.</td>
<td></td>
<td>Does not respond The proposal includes a spacious front yard in the form of SPOS. It is considered that the proposal does not create the appearance of space between buildings.</td>
</tr>
<tr>
<td>To minimise the dominance of car parking facilities, driveways and crossovers.</td>
<td>• Locate garages and car ports at or behind the line of the dwelling. • Minimise hard paving in front yards.</td>
<td>Car parking facilities that dominate the facade or view of the dwelling.</td>
<td>Responds No effect – The garage door is located in line with the dwellings first storey front wall. The proposal includes hard paving in the front yard but is not</td>
</tr>
</tbody>
</table>
**City Planning and Amenity - Station Planning**

### Objectives

<table>
<thead>
<tr>
<th>Design Responses</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure that new buildings and extensions do not dominate the streetscape.</td>
<td>To create a visually interesting and attractive front wall interface with the firebreak reserve, on properties facing the reserve and visible from the reserve.</td>
</tr>
<tr>
<td>To respect the identified heritage buildings and respects the heritage qualities of the site.</td>
<td>To articulate the form of buildings and elements, particularly front wall forms, in a manner that complements the heritage setting and enhances the streetscape.</td>
</tr>
<tr>
<td>To encourage the use of a variety of building materials, finishes and design detail that complement the coastal setting.</td>
<td>Use a mix of contemporary and traditional coastal materials, textures and finishes, including render, timber, and brick.</td>
</tr>
</tbody>
</table>

### Design Responses

<table>
<thead>
<tr>
<th>Avoid</th>
<th>Responds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undercut parking accessed from the front of the site should be provided where other options are not possible due to site constraints, the garage doors do not dominate the facade and the front setback area is retained as predominantly garden space.</td>
<td>High quality materials, including timber or other non-proprietary cladding, are used in the new building design.</td>
</tr>
<tr>
<td>Reuse upper level elements from the front facade.</td>
<td>Use simple building details and articulate roof forms.</td>
</tr>
<tr>
<td>Provide open space fencing, other than along heavily trafficked roads.</td>
<td>Provide open space fencing, other than along heavily trafficked roads.</td>
</tr>
<tr>
<td>High solid front fencing.</td>
<td>High solid front fencing.</td>
</tr>
</tbody>
</table>

### Proposal

- The proposal includes a well-integrated front facade with materials and detailing similar to the existing buildings. However, the overall cumulative impact of the built form is consistent with the existing streetscape and respect for the heritage character.
- The proposal includes a well-integrated front facade with materials and detailing similar to the existing buildings. However, the overall cumulative impact of the built form is consistent with the existing streetscape and respect for the heritage character.
<table>
<thead>
<tr>
<th>Objectives</th>
<th>Design Responses</th>
<th>Avoid</th>
<th>Planning Officer Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>non-masonry sheeting, glazing, stone and brick.</td>
<td>• Provide a fence or landscaping treatment to delineate the property boundary fronting the foreshore reserve.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Provide articulated roof forms to create an interesting skyline when viewed from the beach.</td>
<td></td>
<td>Highly reflective materials or glazing.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Blank walls facing the foreshore.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lack of distinction between public and private spaces along the foreshore.</td>
<td></td>
</tr>
<tr>
<td>Title and Objective</td>
<td>Complies with Standard?</td>
<td>Comments</td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td><strong>A1 Neighbourhood Character</strong></td>
<td>Yes</td>
<td>Refer report.</td>
<td></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>
<td></td>
</tr>
<tr>
<td><strong>A2 Integration with Street</strong></td>
<td>Yes</td>
<td>The dwellings appropriately address the street and entries are clearly identifiable from either the streetscape. Proposal includes a 2.1m high timber batten fence along the front boundary. Existing fence is 2.1m high and is also consistent with the height of other fences along Holmwood Ave.</td>
<td></td>
</tr>
<tr>
<td>Integrate the layout of development with the street.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A3 Street Setback</strong></td>
<td>No</td>
<td>Minimum: 4.08m</td>
<td></td>
</tr>
<tr>
<td>Setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site</td>
<td>Proposed: 0.5m</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A4 Building Height</strong></td>
<td>Yes</td>
<td>Required: 8m</td>
<td></td>
</tr>
<tr>
<td>Building height respects the existing or preferred neighbourhood character.</td>
<td>Proposed: 7.1m</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A5 Site Coverage</strong></td>
<td>No</td>
<td>Maximum: 50%</td>
<td></td>
</tr>
<tr>
<td>Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</td>
<td>Proposed: 52.8%</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A6 Permeability</strong></td>
<td>Yes</td>
<td>Minimum: 20%</td>
<td></td>
</tr>
<tr>
<td>Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</td>
<td>Proposed: 20.8%</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A7 Energy Efficiency</strong></td>
<td>Yes</td>
<td>The proposal provides appropriate solar access to the dwelling.</td>
<td></td>
</tr>
<tr>
<td>Achieve and protect energy efficient dwellings. Ensure the development’s orientation and layout reduce fossil fuel energy use and makes appropriate use of</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Item 4.1 – Matters of Decision
## A8 Significant Trees
Development respects the landscape character of the neighbourhood and retains significant trees on site.

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No significant trees are proposed to be removed.</th>
</tr>
</thead>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th>No</th>
<th>Refer report and table below. Areas of non-compliance are underlined.</th>
</tr>
</thead>
</table>

### Ground Floor

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed</th>
<th>First Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td>East (side)</td>
<td>0m or 2m</td>
<td>N/A</td>
<td>3.02m – 3.68m</td>
</tr>
<tr>
<td>West (side)</td>
<td>0m or 2m</td>
<td>1.83m</td>
<td>3.2m – 3.56m</td>
</tr>
<tr>
<td>South (rear)</td>
<td>0m or 3m</td>
<td>1.83m</td>
<td>4.68m</td>
</tr>
</tbody>
</table>

## A11 Walls on Boundaries
Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

<table>
<thead>
<tr>
<th></th>
<th>No</th>
<th>Maximum Height: 3.6m</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Proposed: 6.65m</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maximum Average Height: 3.2m</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Proposed: 6.65m</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maximum Length: 11.2m</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Proposed: 9.6m</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>The proposed dwelling is not opposite any existing habitable room windows.</th>
</tr>
</thead>
</table>

## A13 North Facing Windows
Allow adequate solar access to existing north-facing habitable room windows.

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No north facing windows on adjoining properties are affected.</th>
</tr>
</thead>
</table>

## A14 Overshadowing Open Space
Ensure buildings do not unreasonably overshadow existing secluded private open space.

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>Shadow diagrams submitted with the application demonstrate that at least 75%/40m² of adjoining dwellings secluded private open space receives at least five hours of sunlight between 8am and 8pm on 22 December.</th>
</tr>
</thead>
</table>

## A15 Overlooking
Limit views into existing secluded private open space and habitable room windows

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No first floor habitable room windows facing south into directly adjoining private open space. Views from ground floor habitable rooms to the south are screened by existing and proposed vegetation. No views into private open space to the east or west.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
<td>Description</td>
<td>Decision</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
<td>----------</td>
</tr>
<tr>
<td>A16 Daylight to New Windows</td>
<td>Yes</td>
<td>All habitable windows have direct access to daylight.</td>
</tr>
<tr>
<td>A17 Private Open Space</td>
<td>Yes</td>
<td>Minimum: 25m² secluded, 43.84m² overall. Proposed: 35m² secluded, greater than 43.84m² overall.</td>
</tr>
<tr>
<td>A18 Solar Access to Open Space</td>
<td>Yes</td>
<td>Appropriate solar access to the private open space areas is provided.</td>
</tr>
<tr>
<td>A19 Design Detail</td>
<td>Yes</td>
<td>Refer Attachment 2.</td>
</tr>
<tr>
<td>A20 Front Fences</td>
<td>No</td>
<td>Required: 1.2m. Proposed: 2.1m</td>
</tr>
</tbody>
</table>
Item 4.1 – Matters of Decision
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