

# Planning and Amenity Delegated Committee Meeting

Council Chamber  
Civic Centre – Boxshall Street Brighton

Tuesday 10 May 2022  
at 6:30pm



## Agenda



**Chairperson:** Cr Hanna El Mouallem (Deputy Mayor)

**Councillors:** Cr Sonia Castelli  
Cr Alex del Porto (Mayor)  
Cr Laurence Evans OAM  
Cr Clarke Martin  
Cr Jo Samuel-King MBBS  
Cr Fiona Stiffold

### **Planning and Amenity Delegated Committee Charter**

1. To exercise Council's powers, discretions and authorities and to perform Council's functions under the *Planning and Environment Act 1987*, and to do all things necessary or convenient to be done for or in connection with the exercise of those powers, discretions and authorities.
2. To determine upon any application made under clause 21 of the Neighbourhood Amenity Local Law or any like provision of a local law made by Council.
3. To determine any issue or thing or take any action in connection with any traffic or parking matter relating to the municipal district.

### **Membership of the Committee**

All Councillors

### **Important Notice**

As per guidance from the Department of Health on COVIDSafe plans for workplaces, physical distancing of 1.5m must be observed within the Council Chamber. On this basis, **a maximum of 25 registered speakers are able to be present in the Chamber for Council or Delegated Committee meetings** at any one time (noting there is a limit on speakers of 3 supporters and 7 objectors per item in accordance with Council's Governance Rules).

Council officers will be present to ensure registered speakers for a particular item are present in the gallery for the consideration of that item.

Members of the community may also lodge a written statement for consideration (no limits per item).

**[Requests to be Heard](#) (Registrations to Speak or Written Statements) must be received by 9am the business day before the meeting.**

Meetings are live-streamed via Council's website:

**[Live-stream the Council meeting](#)**

For further information, please speak with the Governance office on 9599 4444.



## Order of Business

Prayer

Acknowledgement of Country

1. Apologies
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3. Adoption and Confirmation of the minutes of previous meeting
4. Matters of Decision
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### Next Meetings 2022

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Tuesday 12 July 2022



## Prayer

O God

Bless this City, Bayside,

Give us courage, strength and wisdom,

So that our deliberations,

May be for the good of all,

Amen

## Acknowledgement of Country

- ◆ Bayside City Council proudly acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners and Custodians of this land, and we pay our respects to their Elders, past, present and emerging as well as any Aboriginal or Torres Strait Islander community members with us today.
- ◆ Council acknowledges the Bunurong's continuing relationship to the land and waterways and respects that their connection and spiritual identity is maintained through ancient ceremonies, songlines, dance, art and living culture.
- ◆ Council pays tribute to the invaluable contributions of the Bunurong and other Aboriginal and Torres Strait Island Elders who have guided and continue to guide the work we do.

## 1. Apologies

## 2. Disclosure of Conflict of Interest of any Councillor

## 3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning and Amenity Delegated Committee Meeting held on 12 April 2022.



## 4. Matters of Decision

### 4.1 LOCAL LAW TREE REMOVAL APPLICATION 13 MARIEMONT AVENUE, BEAUMARIS

City Planning and Amenity - Amenity Protection  
File No: PSF/15/8764 – Doc No: DOC/22/131286

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

#### **Executive summary**

##### **Purpose and background**

To consider a request to remove an exotic protected tree at 13 Mariemont Avenue, Beaumaris, as required by Council's Local Law. The tree is located within an area of the municipality covered by a Vegetation Protection Overlay (VPO) of the Bayside Planning Scheme in Beaumaris.

Clause 21 of Council's Local Law protects trees with a single or combined trunk circumference greater than 155cm when measured at 1m above ground level.

Consideration of removal applications under Council's Local Law are assessed against the provisions of Council's Management of Tree Protection on Private Property Policy 2015 (the policy).

##### **Key issues**

An application was made to remove a Cypress (*Cupressus glabra*), 13 Mariemont Avenue, Beaumaris following recent failure of a significant part of its canopy. The owner of the property supports the application.

The applicant requested tree removal for the following reasons:

- Tree health.
- Damage to property or infrastructure.

The tree is in good health, has good structure and displays a high level of amenity to the area.

The height of the tree is approximately 18m with a canopy width of approximately 9m. It is located approximately 1m from the west boundary and approximately 1m from the south boundary of 13 Mariemont Avenue, Beaumaris.

If Council resolved to issue a tree removal permit, a replacement tree would be required as a condition of the permit in line with the policy. The replacement tree must be a native tree capable of reaching a minimum height of 15m and minimum canopy width of 8m at maturity.

##### **Council's Arborist Assessment:**

Council's Senior Investigations Arborist has assessed the tree and material submitted as part of the application.

Council's Senior Investigating Arborist recommends granting a Local Law permit to remove the tree consistent with the provisions of Part 2, Table 2 policy:

- Within one metre of a garage or carport and will outgrow the location.



## **Recommendation**

That Council resolves:

1. that delegated officers issue a Local Law tree removal permit for the Cypress (*Cupressus glabra*) located 1m from the west boundary and approximately 1m from the south boundary of 13 Mariemont Avenue, Beaumaris.
2. that any such permit includes the following condition:  
*planting of one native tree capable of reaching a minimum height of 15m and minimum canopy width of 8m at maturity.*

## **Support Attachments**

1. Location and image of subject tree 13 Mariemont Avenue, Beaumaris ↓
2. Officers report 13 Mariemont Avenue BEAUMARIS for Council report ↓

## **Considerations and implications of recommendation**

### **Liveable community**

#### **Social**

#### **Natural Environment**

Local Law tree removal permits are assessed against the policy which seeks to provide guidance for assessing Local Law permits for Protected Trees on private property to help protect and expand the tree canopy of the municipality.

#### **Climate Emergency**

The replacement tree will help offset the impacts the loss of the tree will have in the longer term.

#### **Built Environment**

There are no impacts on the built environment associated with this matter.

#### **Human Rights**

The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

#### **Governance**

Officers involved in the preparation of this report have no conflict of interest.

#### **Legal**

There are no legal issues arising from consideration of this report.

#### **Links to Council policy and strategy**

Management of Tree Protection on Private Property Policy 2015

### Location of subject tree



### Subject tree



**13 Mariemont Avenue BEAUMARIS**

Cypress (*Cupressus glabra*), located approximately 1m from the west boundary and approximately 1m from the south boundary of 13 Mariemont Avenue, Beaumaris

**Assessment of General Criteria (1 criteria to be met)**

<b>Criteria</b>	<b>Meets Criteria Yes/No</b>	<b>Comments</b>
<b>Building Permits</b>  Building permit issued and tree cannot be retained	No	Not raised by applicant.
<b>Medical Condition</b>  Certificate from medical doctor/specialist indicating tree is causing a specific allergenic problem that is reducing the quality of life and there is no other way to manage the problem	No	Not raised by applicant.
<b>Tree location</b>  Report from licensed and/or qualified person in their field providing evidence of structural damage to building, services or infrastructure or is a risk to people or property, which can only be overcome by implementing a remedy that is unreasonable or greatly disproportionate to the value of the tree or the risk posed by the tree (assessed by QTRA).	No	An arboricultural document was submitted, it did not substantiate the tree required removal to facilitate repairs.
<b>Tree location (table 2)</b>	No Yes No	Not within 2 metres of dwelling. Tree is within 1 metre of garage/carport. No crossover approved within structural root zone.
<b>Quantified Tree Risk Assessment (QTRA)</b>  Risk calculated as 1 in 30,000 or less	No	Risk not posed by applicant
<b>Other Considerations</b>  Evidence provided by Council staff indicating the tree has a detrimental impact on surrounding environmental and public health.	No	Not raised by applicant.



**Assessment of tree health, structure (2 Criteria to be met)**

Criteria	Meets Criteria Yes/No	Comments
Poor Health	No	Assessed by Council's Arborist as being in good health.
Poor Structure	No	Assessed by Council's Arborist as having good structure.
Sustainable life expectancy (less than 5 years)	No	Assessed by Council's Arborist as having a sustainable life greater than 5 years.

**Assessment of Social Considerations (2 Criteria to be met)**

Criteria	Meets Criteria Yes/No	Comments
The amenity value of the tree is moderate or low	No	Amenity value assessed as high.
There are at least two other trees on the property that are protected by Local Law, have a sustainable life expectancy of more than 10 years and are not subject to a current removal permit application or existing permit.	Yes	There are two trees in the front setback that are protected by the VPO that will provide high amenity for at least 10 years. There is a third that provides moderate amenity.
Written letters of support provided by property owners/tenants (four) living adjacent or opposite the property	No	Not provided.
Demonstrated financial hardship and inability to undertake routine maintenance – no source of income and receiving Centrelink payments	No	Not raised by the applicant.

## 4.2 LOCAL LAW TREE REMOVAL APPLICATION 48 MOREY ROAD, BEAUMARIS

City Planning and Amenity - Amenity Protection  
File No: PSF/15/8764 – Doc No: DOC/22/117343

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

### **Executive summary**

#### **Purpose and background**

To consider a request to remove an exotic protected tree at the Royal Melbourne Golf Club, 48 Morey Road, Beaumaris, as required by Council's Local Law. The tree is located within an area of the municipality covered by a Vegetation Protection Overlay (VPO) of the Bayside Planning Scheme in Beaumaris.

Clause 21 of Council's Local Law protects trees with a single or combined trunk circumference greater than 155cm when measured at 1m above ground level.

Consideration of removal applications under Council's Local Law are assessed against the provisions of Council's Management of Tree Protection on Private Property Policy 2015 (the policy).

#### **Key issues**

An application was made to remove a Monterey Cypress (*Hesperocyparis macrocarpa*), Beaumaris following recent failure of a significant part of its canopy. The owner of the property supports the application.

The property is the eastern most parcel of land that forms Royal Melbourne Golf Club.

The applicant requested tree removal for the follow reasons:

- Tree health.
- Tree risk.
- Damage to property or infrastructure.

The tree is in fair health, has poor structure and displays moderate amenity value following recent failure of a significant part of its canopy.

The height of the tree is approximately 23m with a canopy width of approximately 18m. It is located approximately 12m from the east boundary and approximately 115m from the south boundary of 48 Morey Road, Beaumaris

Prior to the failure of the canopy its width was approximately 25m.

If Council resolved to issue a tree removal permit a replacement tree will be required as a condition of the permit in line with the policy. The replacement tree must be a native tree capable of reaching a minimum height of 20m and minimum canopy width of 15m at maturity.

#### **Council's Arborist Assessment:**

Council's Senior Investigations Arborist has assessed the tree and material submitted as part of the application.

The tree has recently lost an estimated two-thirds of its canopy. This has left an exposed substructure that is considered to have an increased likelihood of failure of significant parts of the tree.

Council's Senior Investigating Arborist recommends granting a Local Law permit to remove

the tree consistent with the provisions of Part 4, Tree health, structure and impacts section of the policy as the tree has:

- poor structure
- a useful life expectancy fewer than five years.

Additionally, the application meets the criteria under Part 5, Social Considerations of the policy for removal as the tree has a moderate amenity value.

There are two trees on site protected by the VPO which have a useful life expectancy of greater than 10 years and which are not subject to a current removal application.

### **Recommendation**

That Council resolves:

1. that delegated officers issue a Local Law tree removal permit for the Monterey Cypress (*Hesperocyparis macrocarpa*) located ~12m from the east boundary and ~115 from the south boundary of 48 Morey Road, Beaumaris
2. that any such permit includes the following condition:
  - a. *planting of one native tree capable of reaching a minimum height of 20m and minimum canopy width of 15m at maturity.*

### **Support Attachments**

1. Aerial images of subject tree prior to failure and post failure 48 Morey Road Beaumaris ↓
2. Location and image of subject tree 48 Morey Road Beaumaris ↓
3. Officer's Assessment 48 Morey Road BEAUMARIS ↓

## **Considerations and implications of recommendation**

### **Liveable community**

#### **Social**

#### **Natural Environment**

Local Law tree removal permits are assessed against the policy which seeks to provide guidance for assessing Local Law permits for Protected Trees on private property to help protect and expand the tree canopy of the municipality.

#### **Climate Emergency**

The replacement tree will help offset the impacts the loss of the tree will have in the longer term.

#### **Built Environment**

There are no impacts on the built environment associated with this matter.

#### **Human Rights**

The implications of the report have been assessed and are not considered likely to breach or infringe upon, the human rights contained in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

#### **Governance**

Officers involved in the preparation of this report have no conflict of interest.

#### **Legal**

There are no legal issues arising from consideration of this report.

#### **Links to Council policy and strategy**

Management of Tree Protection on Private Property Policy 2015







### Location of subject tree



Subject tree



**48 Morey Road BEAUMARIS**

Monterey Pine (*Hesperocyparis macrocarpa*) located ~12m from the east boundary and ~115m from the south boundary

**Assessment of General Criteria (1 criteria to be met)**

<b>Criteria</b>	<b>Meets Criteria Yes/No</b>	<b>Comments</b>
<b>Building Permits</b>  Building permit issued and tree cannot be retained	No	Not raised by applicant.
<b>Medical Condition</b>  Certificate from medical doctor/specialist indicating tree is causing a specific allergenic problem that is reducing the quality of life and there is no other way to manage the problem	No	Not raised by applicant.
<b>Tree location</b>  Report from licensed and/or qualified person in their field providing evidence of structural damage to building, services or infrastructure or is a risk to people or property, which can only be overcome by implementing a remedy that is unreasonable or greatly disproportionate to the value of the tree or the risk posed by the tree (assessed by QTRA).	No	No report was submitted
<b>Tree location (table 2)</b>	No No No	Not within 2 metres of dwelling. Not within 1 metre of garage/carport. No crossover approved within structural root zone.
<b>Quantified Tree Risk Assessment (QTRA)</b>  Risk calculated as 1 in 30,000 or less	Yes	Risk posed by significant part of tree is greater than 1/30, 000
<b>Other Considerations</b>  Evidence provided by Council staff indicating the tree has a detrimental impact on surrounding environmental and public health.	No	Not raised by applicant.

**Assessment of tree health, structure (2 Criteria to be met)**

Criteria	Meets Criteria Yes/No	Comments
Poor Health	No	Assessed by Council's Arborist as being in good health.
Poor Structure	Yes	Assessed by Council's Arborist as having poor structure.
Sustainable life expectancy (less than 5 years)	Yes	Assessed by Council's Arborist as having a sustainable life expectancy fewer than 5 years.

**Assessment of Social Considerations (2 Criteria to be met)**

Criteria	Meets Criteria Yes/No	Comments
The amenity value of the tree is moderate or low	Yes	Amenity value assessed as moderate.
There are at least two other trees on the property that are protected by Local Law, have a sustainable life expectancy of more than 10 years and are not subject to a current removal permit application or existing permit.	Yes	This category is met by many trees on the land parcels under the ownership of the applicant.
Written letters of support provided by property owners/tenants (four) living adjacent or opposite the property	No	Not provided.
Demonstrated financial hardship and inability to undertake routine maintenance – no source of income and receiving Centrelink payments	No	Not raised by the applicant.





#### 4.3 90 OUTER CRESCENT, BRIGHTON NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT APPLICATION 1989/315/3 WARD: DENDY

City Planning and Amenity - Development Services  
File No: PSF/22/36 – Doc No: DOC/22/102280

*Officers involved in the preparation of this report have no conflict of interest in this matter.*

##### 1. Application details

<b>Recommendation</b>	Notice of Decision to Grant an Amendment to a Permit
<b>Applicant</b>	Brighton Grammar School
<b>Title/Covenant/S173 Agreement</b>	The title is not subject to any restrictive covenants or S173 Agreements.
<b>Date application received</b>	8 September 2021
<b>Current statutory days</b>	100 days
<b>Zoning</b>	Neighbourhood Residential Zone (Schedule 3)
<b>Overlays</b>	Design and Development Overlay (Schedule 3) Heritage Overlay (Schedule 547) Development Contributions Plan Overlay (Schedule 3)
<b>Site area</b>	60,662sqm
<b>Number of outstanding objections</b>	7 A consultation meeting was held. 0 objections were withdrawn. 7 objections remain.
<b>Is a Development Contribution Levy applicable?</b>	No
<b>Is the site located within an area of cultural heritage sensitivity?</b>	No

##### Proposal

The application seeks approval to amend the permit pursuant to Section 72 of the *Planning and Environment Act 1987*.

The list of the proposed amendments is as follows:

- Extension to the hours of operation to allow for the extended use of the gymnasium between the following hours:
  - 7.00am to 9.30pm Monday to Friday.
  - 7.00am to 6.00pm Saturday to Sunday.
- Amendment to the wording of Condition 6 of the Permit to state: 'The hours of operation of the gymnasium be limited to the following unless Council has given specific permission 7:00am to 9:30pm Monday to Friday, 7:00am to 6:00pm Saturday to Sunday'

An aerial image and photographs of the site and surrounds are provided at Attachment 1.

The Application has been accompanied by a Traffic Report and a Noise Impact Assessment provided at Attachments 2 and 3 respectively.

#### History

Planning Permit 1989/3158 allows the Erection of a Gymnasium.

An application to amend the permit (1989/3158/2) was refused by Council on 28 July 2020. The application sought the following changes:

- Extension to the hours of operation to allow for the extended use of the gymnasium between 6:00pm and 9:30pm on Monday to Friday and between 9:00am and 5:00pm on Sunday.
- Amendment to the wording of Condition 6 of the Permit to state: 'The hours of operation of the gymnasium be limited to the following unless Council has given specific permission 7:00am to 9:30pm Monday to Friday, 7:00am to 6:00pm Saturday and 9:00am to 5:00pm Sunday'.

The reasons for refusal were as follows:

1. Pursuant to Clause 22.07 of the Bayside Planning Scheme, the application fails to demonstrate that the objectives of the Discretionary Uses in Residential Areas Policy are met, in particular with respect to failing to ensure that the use does not adversely affect residential amenity, failing to ensure that adequate provision is made for on-site parking and failing to ensure that the traffic generated by the use is appropriate to the locality.
  2. The application has failed to demonstrate that the proposed extended hours of use of the gymnasium would preserve the amenity of neighbours with respect to noise, traffic and parking, contrary to Clause 32.09 of the Bayside Planning Scheme.
  3. Pursuant to Clause 52.06 of the Bayside Planning Scheme, the application fails to demonstrate that car parking and traffic would not adversely impact on the amenity of the locality.
2. Planning controls

#### Planning Permit requirements associated with amendments

There are no changes to the original planning permit triggers.

#### Planning Scheme Amendments

Planning Scheme Amendment C180 was gazetted on 18 June 2021 and forms part of the reforms and restructuring of Victoria's planning systems to make planning schemes more efficient, accessible and transparent. The amendment replaces the Local Planning Policy Framework at Clauses 21 and 22 of the Bayside Planning Scheme with a new Municipal Planning Strategy at Clause 02, local policies within the Planning Policy Framework at Clauses 11-19 and a selected number of local schedules to overlays, particular provisions and operational provisions.

There are no other recent 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:

Internal Referral	Response
Traffic Engineer	No objection, subject to conditions.

Public notification

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

Seven (7) objections remain outstanding at the time of this report.

The following concerns were raised:

- Traffic/ Parking.
- Noise.
- Light spill.
- Use of gymnasium by wider community.

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

Consultation meeting

A consultation meeting was held on 16 March 2022 attended by the Permit Applicant, Cr El Mouallem and a number of Objectors.

No objections were withdrawn as a result of this meeting.

Additional information

The Permit Applicant provided a written response to the concerns raised and clarification that the application seeks to extend the hours of use of the basketball court within the gym building only and no other part of the school site.

The Permit Applicant also advised that they would be comfortable to reduce the extended hours sought in the evening from:

- 9:30pm to 8pm Monday-Friday; and
- 6:00pm to 5:00pm on Sunday.

A copy of the full written response is provided at **Attachment 4**.

## 4. Recommendation

That Council resolves to issue a **Notice of Decision to Grant an Amendment to a Permit** under the provisions of the Bayside Planning Scheme in respect of planning application **1989/3158/3** for the land known and described as **90 Outer Crescent, Brighton** for the **erection of a gymnasium** in accordance with the endorsed plans and subject to the following conditions:

1. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plan shall not be altered or modified (whether or not in order to comply with any statute, statutory rule or bylaw or for any other reason) without the consent of the responsible authority.
2. The surface of the land shall be so treated as to prevent loss of amenity of the neighbourhood by emission of dust and the discharge of drainage and, where appropriate, protective means shall be installed to prevent damage to fences of

adjoining properties.

3. Drains of adequate capacity having an outfall to an established drainage system from all roofs and paved areas, constructed in accordance with a design approved by the City Engineer, shall be provided.
4. **SPECIAL WARNING:** Pursuant to Section 68 of the Planning and Environment Act 1987, this permit shall expire if the development is not completed within two years of the date of issue of this permit. Application for extension of this period may be made before the permit expires or within three months after this expiry date.
5. Noise emanating from the gymnasium shall not exceed the ambient background level by more than 5dB when measured within 3.6m from the outside wall of the nearest dwelling.
6. **Unless otherwise agreed in writing, the hours of operation of the gymnasium be limited to the following:**
  - o 7.00am to 8:00pm Monday to Friday
  - o 7.00am to 6.00pm Saturday
  - o 7.00am to 5.00pm Sunday.
7. No vehicular or pedestrian access shall be provided to the school site from Cadby Street.
8. **A maximum of 20 patrons are to be present at the gymnasium at any given time.**
9. **The gate to the onsite car park (accessed via Grosvenor Street) must be left open and the car park must be accessible for patrons during the operation hours of the gymnasium.**
10. **A direction sign must be placed at the entrance of the gymnasium stating that onsite carpark is accessible for patrons of the gymnasium.**

Date of Amendment	Details
10 May 2022	<p>Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i>:</p> <ul style="list-style-type: none"> <li>• Amendment of condition 6 as follows: <ul style="list-style-type: none"> <li>Unless otherwise agreed in writing, the hours of operation of the gymnasium be limited to the following: <ul style="list-style-type: none"> <li>o 7.00am to 8:00pm Monday to Friday</li> <li>o 7.00am to 6.00pm Saturday</li> <li>o 7.00am to 5.00pm Sunday.</li> </ul> </li> </ul> </li> <li>• Addition of conditions 8 – 10 as follows: <ul style="list-style-type: none"> <li>A maximum of 20 patrons are to be present at the gymnasium at any given time.</li> <li>The gate to the onsite car park (accessed via Grosvenor Street) must be left open and the car park must be accessible for patrons during the operation hours of the gymnasium.</li> </ul> </li> </ul>

	A direction sign must be placed at the entrance of the gymnasium stating that onsite carpark is accessible for patrons of the gymnasium.
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## 5. Council Policy

### Council Plan 2021–25

Relevant objectives of the Council plan include:

- Lead and influence change to address the climate emergency and strive to reduce its impact in the health of our community, environment and the planet.
- Transport planning and infrastructure facilities are well connected, accessible, safe and convenient transport system that contributes to a zero carbon future and wellbeing.

Relevant strategies of the Council plan include:

- Encourage the planning of well-designed new development that is appropriately located and consistent with the preferred neighbourhood character and residential amenity.
- Integrate our transport planning and traffic management, and employ smart solutions to address changing demand, transport trends and community needs.

### Bayside Planning Scheme

- Clause 2 Municipal Planning Policy
- Clause 2.03 Strategic Directions
- Clause 11 Settlement
- Clause 13 Environmental Risks and Amenity
- Clause 13.07-1L Discretionary Uses in Residential Areas
- Clause 15 Built Environment and Heritage
- Clause 18 Transport
- Clause 19 Infrastructure
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 43.01 Heritage Overlay (Schedule H547)
- Clause 43.02 Design and Development Overlay (Schedule 3)
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- 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.

The consideration of the amendments is limited to the proposed changes sought by the applicant. Consideration has not been given to elements already approved as part of the original application but not sought to be amended.

## 6.1. Proposed Amendments

### Extension to the hours of operation of the gymnasium

The application seeks to extend the hours of operation of the gymnasium to allow its use between 6:00pm and 9:30pm on Monday to Friday and between 9:00am and 6:00pm on Saturday and Sunday.

Following the community consultation meeting, the Applicant has written to Council to advise that it would like to reduce the hours sought to allow the use of the gymnasium between 7.00am to 8:00pm Monday to Friday, 7.00am to 6.00pm Saturday and 7.00am to 5.00pm Sunday.

The Application seeks to allow access to the gymnasium for sporting and community groups of up to 20 people. The gym is proposed to operate with staff and predominantly for the use of school-aged children for basketball or similar training. There will also be the potential for local community groups to utilise the gymnasium on occasion for sports such as basketball, badminton or futsal as there are limited other appropriate facilities in the local area. It is noted that the occasional use of the site by community groups would be ancillary to the primary use of the wider site as an education facility as is well established in case law.

Clause 13.07-1L-02 of the Bayside Planning Scheme applies to the use and development of land for a discretionary use in a residential zone. Strategies to manage traffic and amenity impacts include:

- Provide on-site parking that adequately caters for the needs of the use.
- Support uses that will generate traffic movements appropriate to the street and the locality and will not adversely affect existing traffic patterns and safety.
- Locate, manage or design uses so that nearby residential properties are not subjected to unreasonable levels of noise.
- Limit hours of operation so the use does not have an adverse impact on the amenity of the existing residential area including the timing of waste collection.

These impacts are discussed in more detail below.

### Parking and Traffic

The application was accompanied by a Traffic and Transport Assessment by Cardno dated 15 December 2021 which includes an assessment of the planning scheme requirements, the anticipated parking demand and the availability of parking on site and within the surrounding area as well as provision of public transport, pedestrian and cycling facilities.

Clause 52.06 of the Bayside Planning Scheme sets out that car parking spaces must be provided to the satisfaction of the Responsible Authority. Council's Traffic Engineer has commented that a car parking rate of 0.6 car spaces per patron is considered to be appropriate for proposed use and this would result in a car parking demand of 12 spaces.

The Traffic report sets out that 57 parking spaces are available on site within the car park. Given that the extended period is later in the evenings on week days (beyond 6pm) and on weekends it is likely that staff/teachers would have left the school by this time and a number of spaces will be vacant.

Notwithstanding this, the report also includes surveys of the parking spaces on surrounding roads in the immediate vicinity of the site, carried out in November 2021. These surveys demonstrated that a minimum of 61 parking spaces in the survey area were vacant. Council's Traffic Engineers have raised no concerns around the surveys and these are therefore considered to be an acceptable representation of parking typical in the area surrounding the site.



Council's Traffic Engineers have reviewed the Traffic report and have raised no objections to the proposal subject to the inclusion of conditions. The recommended conditions would restrict the use to a maximum number of 20 patrons at any time, require the on-site car park (accessed via Grosvenor Street) to be open for patrons to access during the hours of operation and require adequate signage to be placed at the entrance to the gym stating that onsite car parking is accessible for patrons associated with the gymnasium.

Following the consultation meeting, the Permit Applicant advised that they would not oppose the implementation of residential parking permits for Cadby Street to minimise parking impacts for local residents, however, this would need to be considered via a separate process in accordance with Council's Managing On-Street Car Parking Demand Policy through Council's Environment, Recreation and Infrastructure Team whereby a request would be lodged, Officers would conduct an investigation, a proposal will be considered and community feedback would be sought.

### Noise

With respect to noise, the application has been accompanied by a Noise impact assessment which includes the assessment of the noise impacts on the nearest sensitive properties which are residential properties located to the north of the site on Cadby Street.

The report includes an assessment of noise emitted from basketball practice during the daytime and evening. The evening measurements were taken during practice attended by 9 students with 3 adults present. The impact assessment demonstrates that the noise emitted and measured from outside of the gymnasium was less than 60 decibels which is considered to be an acceptable noise level within a residential area. It is also noted that the dominant noise measured was traffic and background insect noise.

The report states that noise from basketball inside the gym is not likely to be audible from the nearest sensitive property. It is also noted that there is an existing permit condition restricting noise from the gymnasium which will remain on the permit.

The submitted noise impact assessment and the existing permit conditions are considered to be sufficient to determine that the use of the gymnasium by a typical group would not cause any unreasonable levels of noise to the neighbouring properties.

It is also noted that the Permit Applicant now seeks to reduce the evening hours of operation on Monday to Friday to 8:00pm at the latest and on Sunday to 5:00pm at the latest. This will limit the hours further to ensure there are no unreasonable amenity impacts by way of noise disturbance.

### Amendments to permit conditions

Condition 6 of the permit states:

*'The hours of operation of the gymnasium be limited to the following unless Council has given specific permission 7:00am to 6:00pm Monday to Saturday.'*

As noted previously, this application seeks to amend Condition 6 to read as follows:

*'The hours of operation of the gymnasium be limited to the following unless Council has given specific permission 7:00am to 9:30pm Monday to Friday, 7:00am to 6:00pm Saturday to Sunday.'*

For the reasons given above, and subject to the addition of the further conditions previously mentioned, and subject to the reduced evening hours on Monday to Friday and Sunday proposed by the Applicant, an amendment to the hours of operation is considered to be acceptable. It is therefore recommended that Condition 6 is amended as follows:

*Unless otherwise agreed in writing, the hours of operation of the gymnasium be limited*

to the following:

- 7.00am to 8:00pm Monday to Friday
- 7.00am to 6.00pm Saturday
- 7.00am to 5.00pm Sunday.

It is also recommended that the following permit conditions are added:

11. A maximum of 20 patrons are to be present at the gymnasium at any given time.
12. The gate to the onsite car park (accessed via Grosvenor Street) must be left open and the car park must be accessible for patrons during the operation hours of the gymnasium.
13. A direction sign must be placed at the entrance of the gymnasium stating that onsite carpark is accessible for patrons of the gymnasium.

#### **6.2 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.

#### **6.3 Development contributions levy**

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

#### **6.4 Objector issues not already addressed**

##### Light spill

The application does not propose any additional lighting. The existing lighting will remain for security purposes. Due to the location of the building, set back from the street frontage, and the location of the nearest sensitive properties on the opposite side of Cadby Street, it is not considered that there would be any unreasonable light spill to neighbouring properties resulting from the extended hours of the use of the gymnasium.

### **Support Attachments**

1. Site and Surrounds ↓
2. Advertised Traffic Report ↓
3. Advertised Noise Impact Assessment ↓
4. Applicant's Response to Objections ↓

**Site and Surrounds**

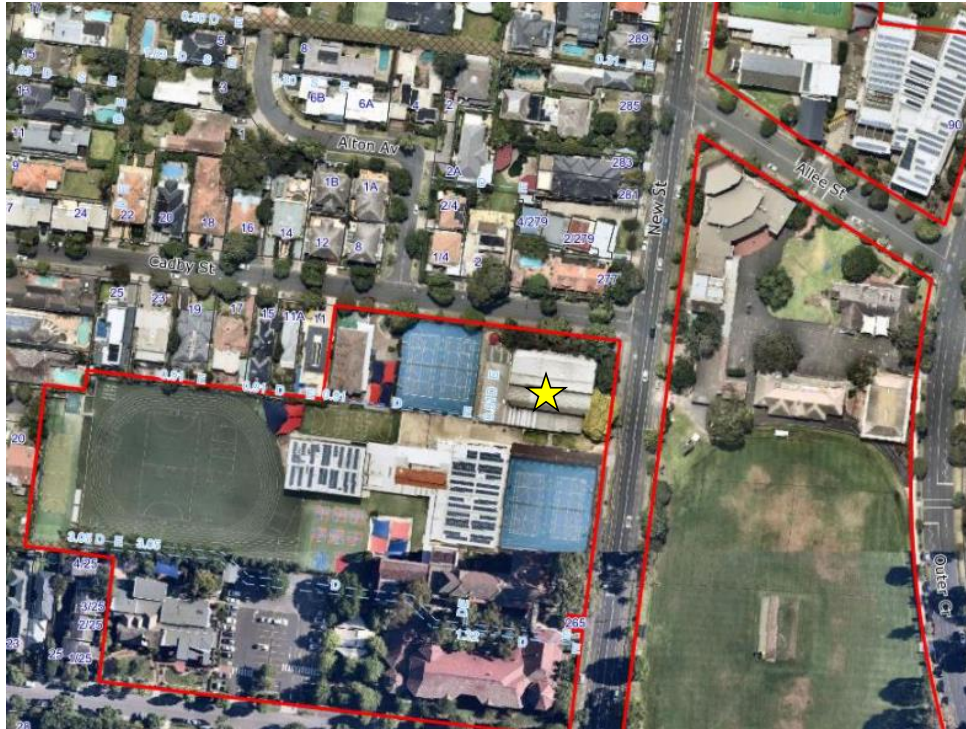


Figure 1 Aerial overview of the site and surrounds.

Legend	
Subject site	★



Figure 2 View towards the site from New Street.



Figure 3 View to the site from Cadby Street.





Figure 4 View towards properties on Cadby Street opposite the site looking west.



Figure 5 View towards properties on Cadby Street opposite the site looking east.



*Figure 6 View towards the site on New Street.*



# Traffic and Transport Assessment

Brighton Grammar School Junior School Gym

V190046



Prepared for  
Brighton Grammar School

15 December 2021

**Bayside City Council  
Planning and Environment Act 1987**

**ADVERTISED PLAN**

**Planning Application No.: 5/1989/3158/3**

**Date: 5/1/2022**





Traffic and Transport Assessment  
Brighton Grammar School Junior School Gym

**Contact Information**

**Cardno Victoria Pty Ltd**  
ABN 47 106 610 913

Level 4  
501 Swanston Street  
Melbourne VIC 3000  
Australia

www.cardno.com  
Phone +61 3 8415 7777  
Fax +61 3 8415 7788

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Kaitlin Chuo  
Senior Engineer

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Principal

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F05	15 December 2021	Final Report – Revised with Nov parking	Kaitlin Chuo	Herman Lai
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Traffic and Transport Assessment  
Brighton Grammar School Junior School Gym

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## 1 Introduction

Cardno has been engaged by Brighton Grammar School to review and assess the traffic and transport impacts associated with the proposed extension of the operating hours for the Junior School Gym.

Cardno understands that a planning application (Application Number: 5/1989/3158/3) for the amendment of the gymnasium use was lodged with Bayside City Council to seek an extension of the Junior School Gym’s operating hours.

Subsequent to this application, a letter has been issued by Council on 15 September 2021 requesting for further information (RFI) as well as subsequent emails in November 2021. Specifically, Council requested a Traffic Report to be prepared to comment on the matters as specified in Table 1-1.

Table 1-1 RFI Items and Relevant Locations in Report

RFI Items related to Traffic Report:	Referenced in Report:
<i>The role and function of nearby roads and the ease and safety with which vehicles gain access to the site</i>	Section 2.2
<i>The location of and total number of car parking spaces on the subject land available during the proposed extended opening hours</i>	Sections 2.2, 4.2 and 4.3
<i>If car parking within the school grounds is to be used, how these spaces will be accessed during the proposed extended opening hours</i>	Section 2.2
<i>The availability of on-street car parking within walking distance of the gymnasium during the proposed extended opening hours</i>	Sections 4.2 and 4.3
<i>The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed extended hours of use</i>	Sections 4.5 and 4.6
<i>The variations, short-stay and long-stay nature of car parking demand likely to be generated during the extended opening hours</i>	Sections 4.3 and 4.4
<i>The availability of public transport in the locality of the land</i>	Section 4.5
<i>The convenience of pedestrian and cyclist access to the land</i>	Section 4.6
<i>The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land</i>	Section 4.6
<i>Any implications that the extended hours would have on waste collection or servicing at the site</i>	Section 5
<i>Any empirical assessment or case study.</i>	Section 4.4

Accordingly, this report has been prepared to provide a detailed assessment of the relevant items in support of the planning application.

In the course of this assessment, the subject site and its environs have been inspected and relevant parking data collected and analysed.

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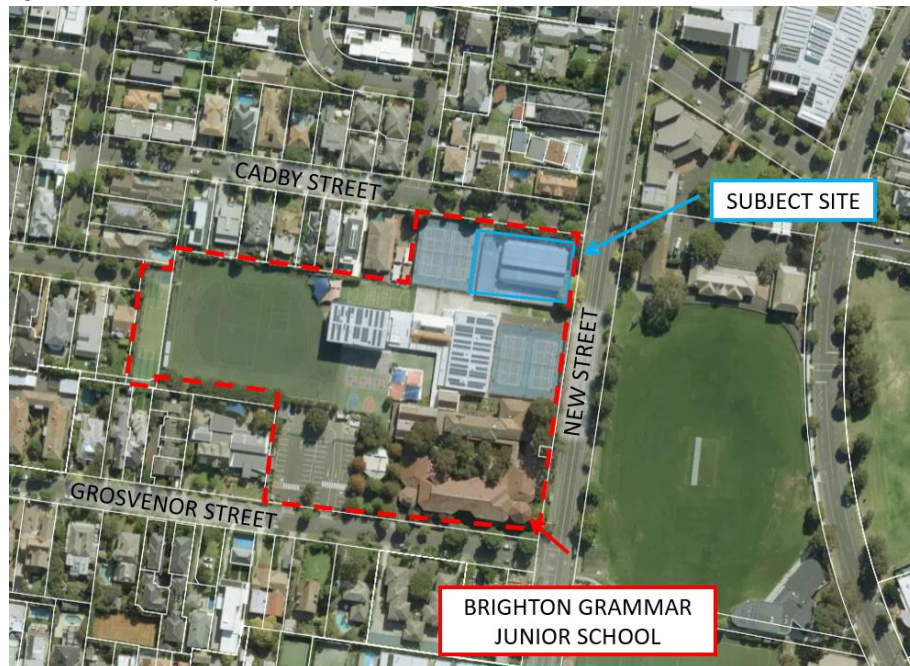
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## 2 Background Information

### 2.1 Location

The subject site is located at 90 Outer Crescent in Brighton and has an irregular shape, as shown in Figure 2-1.

Figure 2-1 Site Locality



Courtesy of MetroMap

### 2.2 Road Network

#### 2.2.1 New Street

New Street is a local road, which operates between Beach Road to the south and Rusden Street to the north. A posted speed limit of 40 km/h operates along New Street in the vicinity of the site. In the vicinity of the site, on-street parking is unrestricted with three (3) spaces available for public use abutting the site.

Surrounding the site, New Street has a single traffic lane, a separate bicycle lane, and parallel parking in each direction, as shown in Figure 2-2.

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Figure 2-2 New Street, looking south adjacent to the secondary campus



**2.2.2 Cadby Street**

Cadby Street is a local road operating between New Street in the east and McCallum Street in the west. Cadby Street comprises an approximately 9 m wide carriageway that permits two-way traffic and permits parking on both sides, as shown in Figure 2-3. Parallel parking on both sides of the road is unrestricted. A total of seven (7) parking spaces available for public use abutting the site.

A posted speed limit of 40 km/h operates along Cadby Street in the vicinity of the site during the drop-off and pick-up periods. A speed limit of 50 km/h is applied at other times.

Figure 2-3 Cadby Street, looking west adjacent to the junior campus



**2.2.3 Grosvenor Street**

Grosvenor Street is a local road operating between New Street in the east and St Kilda Street in the west.

Grosvenor Street comprises an approximately 8.7 m wide carriageway that permits two-way traffic and permits parking on both sides with a variety of parking restrictions, as shown in Figure 2-4.

In the vicinity of the site, parallel parking on the northern side of the road is restricted to No Standing 8-9am and 2:45-4pm during school days, no restriction applied at other times. Five (5) parking spaces on the southern side of the road are restricted to No Standing 8-9am and 2:45-4pm during school days, no restriction applied at other times. There are three (3) on-street parking spaces on Grosvenor Street that are restricted to short term 2 minute parking at 8-9am and 2:45-4pm during school days, as shown in 0, located immediate east of the school car park egress.

A posted speed limit of 40 km/h operates along Grosvenor Street in the vicinity of the site.

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Figure 2-4 Grosvenor Street, looking west adjacent to the junior campus



Figure 2-5 Grosvenor Street, three short term parking spaces adjacent to the junior campus



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### 3 Proposal

#### 3.1 General

The proposal contemplates an extension of the existing Junior School Gym's operating hours. It is understood that the gym is proposed to operate with staff between the hours of:

- > 7:00am – 9:30pm Monday to Friday; and
- > 7:00am – 6:00pm Saturday to Sunday.

Outside of these hours, no staff are proposed on-site with members provided with an after-hour access card that will enable them to use the gym facilities. No staff are proposed on Sundays.

The gymnasium's hours of operation are currently 7:00am to 6:00pm Monday to Saturday. Therefore, this assessment will only consider the traffic and parking generations of the gym after 6:00pm.

It is anticipated that gym members are predominantly school-aged children who use the gym for basketball training or similar activities.

#### 3.2 Car Parking

No additional parking is proposed on Brighton Grammar School campus.

Visitors will be able to utilise the existing parking areas provided on-site after school hours, comprising nine (9) car spaces to the southwest of the gymnasium building and 48 car parking spaces to the southwest of the Junior School building.

Access to the nine parking spaces is provided via New Street and access to the Junior School car park is provided via Grosvenor Street.

Further parking is available on-street in the immediate area.





## 4 Car Parking Considerations

### 4.1 Planning Scheme Requirements

The proposed gymnasium land-use is nested under the "restricted recreation facility" classification within Clause 74 of the Planning Scheme. No specific parking provision rates are specified for a restricted recreation facility under Clause 52.06 and as such, car parking spaces must be provided to the satisfaction of the responsible authority.

Furthermore, having considered the relevant RFI items and that Clause 52.06-6 contemplates reducing the requirement for car parking subject to justifying the proposed car parking provision, it is considered that the following factors will be relevant in this instance:

- > The car parking demand likely to be generated by the use; having regard to:
  - *The variations, short-stay and long-stay nature of car parking demand likely to be generated during the extended opening hours;*
  - *The availability of public transport in the locality of the land;*
  - *The convenience of pedestrian and cyclist access to the land;*
  - *The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land;*
- > Whether it is appropriate to allow fewer spaces to be provided than the number likely to be generated by the use; having regard to:
  - *Any relevant local planning policy of incorporated plan;*
  - *The availability of car parking including:*
    - *On street parking in non-residential zones and streets in residential zones specifically managed for non-residential parking;*
    - *On street parking in residential zones for residential use;*
  - Any other relevant consideration such as:
    - *The role and function of nearby roads and the ease and safety with which vehicles gain access to the site;*
    - *The location of and total number of car parking spaces on the subject land available during the proposed extended opening hours;*
    - *If car parking within the school grounds is to be used, how these spaces will be accessed during the proposed extended opening hours;*
    - *The availability of on-street car parking within walking distance of the gymnasium during the proposed extended opening hours;*
    - *The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed extended hours of use;*
    - *Any implications that the extended hours would have on waste collection or servicing at the site; and*
    - *Any empirical assessment or case study.*

The relevant matters are discussed in the follow sections.

### 4.2 Existing Parking Conditions

To determine the availability of parking in the vicinity of the site, Cardno commissioned Trans Traffic Survey to undertake surveys of existing on street parking along Cadby Street, New Street and Grosvenor Street.

The survey was conducted on Friday 14 November 2021, between 7am to 12pm, and Wednesday 24<sup>th</sup> November 2021, between 2pm to 9pm.

A map of the survey locations is shown in Figure 4-1 with a summary of the existing on street parking supply presented in Table 4-1.

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Figure 4-1 Surveyed Car Parking Areas



The survey identified a total of 92 car parking spaces available which are suitable for use by visitors of the development during the extended hours (6pm – 9:30 pm). All parking spaces are unrestricted during the extended hours. All parking restricted to less than 1 hour was considered unsuitable for use by the gym visitors and as such, was excluded from the results.

Table 4-1 Existing Parking Supply

Street	Section	Side	Restriction	Max Supply
Grosvenor Street	From New St to 34 Grosvenor St	N	No Stopping 8am-9:30am; 2:45pm-4pm School Days	8
			P 2min 8am-9:30am; 2:45pm-4pm School Days	3
		S	Unrestricted -	10
			No Stopping 8am-9am; 2:45pm-4pm School Days	4
New Street	From Grosvenor St To Cadby St	W	Unrestricted -	3
		E	Unrestricted -	17
Cadby Street	From New St to McCallum St	N	Unrestricted -	21
		S	Unrestricted -	26
<b>Sub Total</b>				<b>92</b>
Off-street	Gym Car Park	Unrestricted		9
	Junior School Car Park	Unrestricted		48
<b>Sub Total</b>				<b>57</b>
<b>Total</b>				<b>149</b>

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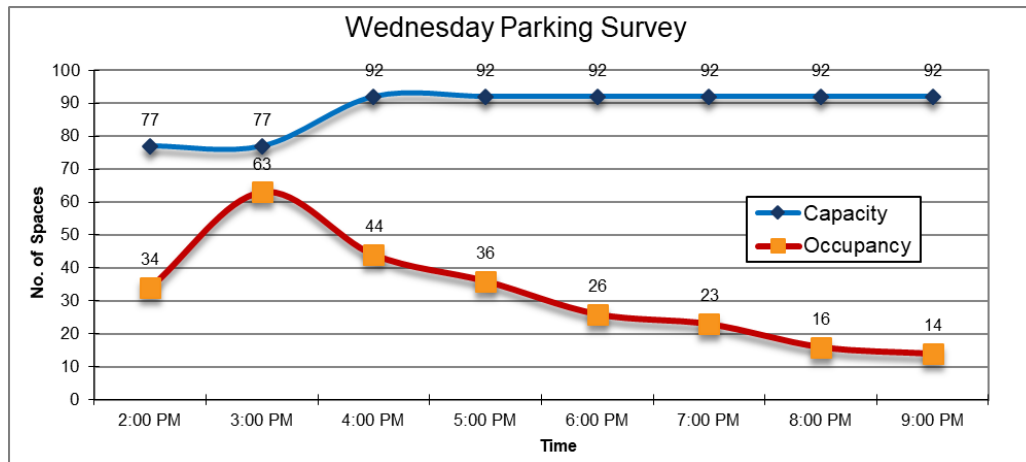
### 4.3 Availability of Car Parking Over Time

Wednesday 24 November 2021, between 2:00pm and 9:00pm

The peak parking utilisation occurred at 3pm when 63 of the 77 spaces (82% occupancy) were occupied, leaving 14 spaces vacant.

During the extended hours period, the peak parking utilisation occurred at 7pm when 23 of the 92 spaces (25% occupancy) were occupied, resulting in 69 spaces being vacant. It is noted that the parking occupancy rates between 8pm and 9pm are approximately constant, therefore it is anticipated that these parking spaces are being used by local residents.

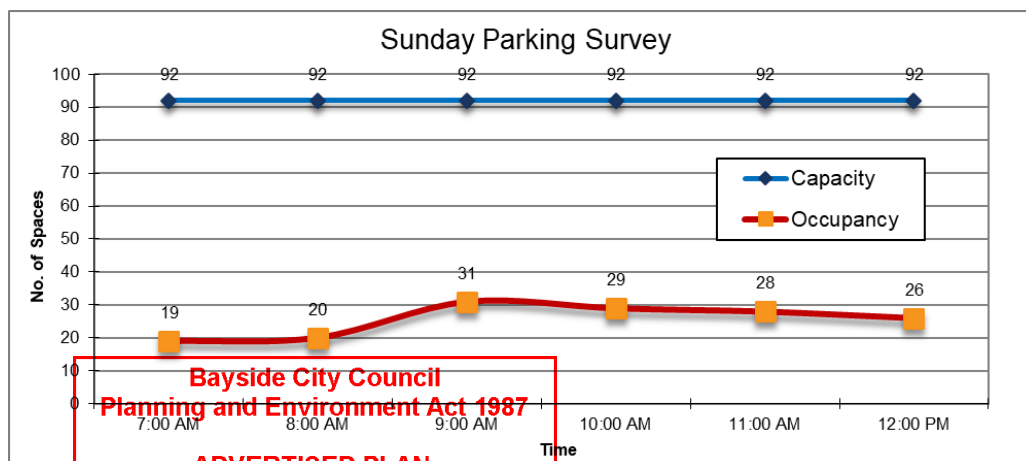
Figure 4-2 Wednesday Car Parking Occupancy Profile



Sunday 21 November 2021, between 7:00am and 12:00pm

The peak parking utilisation occurred at 9am when 31 of the 92 spaces (34% occupancy) were occupied, resulting in 61 spaces vacant.

Figure 4-3 Sunday Car Parking Occupancy Profile



Notwithstanding the above, it must be noted that there are up to 57 on-site car spaces, consisting of 9 on-site spaces at the Gym car park and 48 at the Junior School car park. These spaces will be available for students and patrons. It is expected that most of these spaces will become available during the extended hour period (i.e. beyond 6pm) given daytime staff would have typically left the school by this time resulting in a number of vacancies.

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Table 4-2 Public Transport Services

Service	Route No.	Route	Nearest Stop	Walking Distance from School
Bus	600	Southland Shopping Centre – St Kilda Station	Brighton Grammar / New Street	Approximately 2 minutes
	603	Brighton Beach – Alfred Hospital via Elsternwick Station	Brighton Grammar / New Street	Approximately 2 minutes
	626	Middle Brighton - Chadstone via McKinnon & Carnegie	Middle Brighton Station	Approximately 12 minutes
	703	Middle Brighton - Blackburn via Bentleigh & Clayton & Monash University	Middle Brighton Station	Approximately 12 minutes
	811	Dandenong - Brighton via Heatherton Road & Springvale	Middle Brighton Station	Approximately 12 minutes
	812	Dandenong - Brighton via Parkmore Shopping Centre	Middle Brighton Station	Approximately 12 minutes
	923	Southland SC – St Kilda Station	Brighton Grammar / New Street	Approximately 2 minutes
Train	-	City – Sandringham	North Brighton Station	Approximately 20 minutes
	-	City – Sandringham	Middle Brighton Station	Approximately 12 minutes

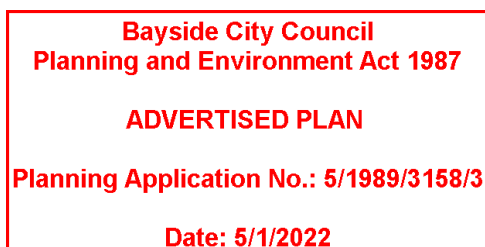
Given the availability of various public transport services in close proximity and convenience, it can be expected that some patrons of the gymnasium may travel via public transport especially noting the railway stations are within short walking distance and would generally have night services extending into 9.00pm and beyond.

#### 4.6 Convenience of Pedestrian and Cyclist Access

Footpath and cycling trails are well-established surrounding the Brighton Grammar Junior School.

Figure 4-5 is an extract from Bayside Cycling Trail Map. As the map indicates, there are several bicycle discovery trails nearby the school, including Charming Brighton and Iconic Brighton as well as on-road bicycle lanes in close proximity.

It is expected that some students and patrons will likely travel by bicycles and that will utilise the existing bicycle parking facilities that are provided on site. Brighton Grammar Junior School currently has three changing rooms equipped with showers and toilets, and approximately 100 bicycle parking spaces available to provide more than adequate facilities for visitors to the gym even after 6.00pm.





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Figure 4-5 Bayside Cycling Trail Map



Courtesy of Bayside City Council

## 5 Traffic Considerations

The traffic movements generated by the gym after the school hours is anticipated to be minimal and will have negligible impact on the road network within the vicinity of the site.

Specifically, as waste collection typically takes place in the mornings, it is not expected that the proposed extended hours would interfere and cause impact to any waste collection activities on-site and on the local roads.

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## 6 Conclusions

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Based on the above analysis, it is concluded that:

- > It is proposed to extend the existing Junior School Gym's operating hours as follows:
  - 7:00am to 9:30pm Monday to Friday;
  - 7:00am to 6:00pm Saturday – Sunday;
- > A review of the anticipated gym parking demand indicates that the site can be expected to generate a car parking demand of up to six (6) car parking spaces during the extended operating hours;
- > The existing provision of 57 on-site parking spaces within the junior school's boundaries is sufficient to accommodate the anticipated car parking demands of the site during the extended operating hours;
- > The on-street car parking occupancy surveys commissioned by Cardno indicate that more than sufficient on-street car parking spaces remain available within a convenient walking distance of the site throughout the extended hours, including ten (10) unrestricted on-street spaces abutting the site frontages; and
- > The Junior School Gym will operate throughout the course of the week without causing any detrimental traffic impacts on the road network within the vicinity of the site.

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Table 1: Survey Details

Job Name:	Brighton Grammar	Job Number:	V180046
Location:	Brighton	Melway Ref:	
Suburb:	Brighton	GR Staff:	Katlin Chub
Counted By:	FRANS TRAFFIC SURVEY	Survey Ref No:	
Comments:	Comments	Weather:	FINE

Table 2: Survey Time

Survey Date:	Sun, 21-Nov-21
Survey Start:	7:00 AM
Survey Interval:	1:00

Table 3: Parking Survey Results

Area	Street	Section	Side	Type	Restriction 1	Times	Supply	Check	Parking Occupancy							Avg	Max
									7:00AM	8:00AM	7:00AM	8:00AM	7:00AM	8:00AM	7:00AM		
	Cadby St	From New St To McCallum St	N	Unrestricted			21	21	11	11	11	11	11	11	10	12	
			S	Unrestricted			26	26	8	7	8	7	7	7	8	8	
	New St	From Cadby St To Grosvenor St	W	Bus Zone			5	5	0	0	0	0	0	0	7	0	
			E	Unrestricted			3	3	0	0	0	0	0	0	0	0	
			E	Bus Zone			2	2	0	0	0	0	0	0	0	0	
			E	Unrestricted			16	16	4	4	5	4	3	3	4	5	
			E	Disabled			1	1	0	0	0	0	0	0	0	0	
	Grosvenor St	From New St To 34 Grosvenor St	N	No Stopping	8:00am-9:00am 2:45pm-4:00pm School Days		8	8	0	0	0	0	0	0	0	0	
			S	No Stopping	8:00am-9:00am 2:45pm-4:00pm School Days		3	3	0	0	1	1	1	1	1	1	
			S	No Stopping	8:00am-9:00am 2:45pm-4:00pm School Days		10	10	3	3	5	4	4	4	4	5	
			S	No Stopping	8:00am-9:00am 2:45pm-4:00pm School Days		4	4	0	0	1	1	1	1	1	1	
			S	Disabled			2	2	0	0	0	0	0	0	0	0	
			S	Director Of ELC Only			2	2	0	0	0	0	0	0	0	0	
			S	Disabled			2	2	0	0	0	0	0	0	0	0	
			S	Unrestricted			34	34	0	0	0	0	0	0	0	0	
			S	No Parking			9	9	0	0	0	0	0	0	0	0	
			S	Staff Parking			7	7	0	0	0	0	0	0	0	0	
			S	Head Of Junior School Parking Only			2	2	0	0	0	0	0	0	0	0	
			S	Reserved Parking			1	1	0	0	0	0	0	0	0	0	
<b>Totals</b>							<b>154</b>	<b>154</b>	<b>19</b>	<b>20</b>	<b>31</b>	<b>29</b>	<b>28</b>	<b>26</b>	<b>26</b>	<b>32</b>	
<b>Available Spaces</b>							<b>135</b>	<b>126</b>	<b>134</b>	<b>128</b>	<b>129</b>	<b>126</b>	<b>128</b>	<b>129</b>	<b>129</b>	<b>126</b>	
<b>Capacity</b>							<b>154</b>	<b>154</b>	<b>154</b>	<b>154</b>	<b>154</b>	<b>154</b>	<b>154</b>	<b>154</b>	<b>154</b>	<b>154</b>	

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**Table 2: Survey Time**

Survey Date:	Wed, 24-Nov-21
Survey Start:	2:00 PM
Survey Interval:	1:00

**Table 1: Survey Details**

Job Name:	Brighton Gemmar	Job Number:	Y180046
Location:	Brighton	Melway Ref:	
Suburb:	Brighton	GR Staff:	Kaitlin Chiu
Counted By:	TRANS TRAFFIC SURVEY	Survey Ref No:	
Comments:		Weather:	FINE

**Table 3: Parking Survey Results**

Area	Street	Section	Side	Type	Restriction 1	Times	Supply	Check	Parking Occupancy										Avg	Max
									2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM				
	Cadby St	From New St To Maccallum St	N	Unrestricted			21	21	12	21	18	14	10	10	10	10	10	13	21	
	New St	From Cadby St To Grosvenor St	W	Bus Zone			5	5	0	0	0	0	0	0	0	0	0	0	2	
			E	Bus Zone			3	3	1	2	1	1	1	1	1	1	1	1	2	
			E	Unrestricted			2	2	0	0	0	0	0	0	0	0	0	0	1	
			E	Unrestricted			16	16	3	5	5	4	3	2	2	0	0	3	5	
			E	Unrestricted			1	1	0	0	0	0	0	0	0	0	0	0	1	
	Grosvenor St	From New St To 34 Grosvenor St	N	No Stopping		8:00am-9:00am 2:45pm-4:00pm School Days	8	8	0	0	0	0	0	0	0	0	0	0	0	
			N	No Stopping		8:00am-9:00am 2:45pm-4:00pm School Days	3	3	1	1	0	0	0	0	0	0	0	0	1	
			S	Unrestricted			10	10	6	10	9	8	6	4	4	1	0	6	10	
			S	No Stopping		8:00am-9:00am 2:45pm-4:00pm School Days	4	4	0	0	0	0	0	0	0	0	0	0	0	
			S	Disabled			2	2	1	2	0	0	0	0	0	0	0	0	2	
			S	Director Of ELC Only			1	1	1	1	1	1	1	1	1	1	1	1	1	
			S	Disabled			2	2	1	1	0	0	0	0	0	0	0	0	1	
			S	Unrestricted			36	34	16	34	26	26	26	26	26	26	26	26	34	
			S	No Parking			7	7	5	7	5	3	3	0	0	0	0	3	7	
			S	Staff Parking			2	2	2	2	2	2	2	2	2	2	2	2	2	
			S	Head Of Junior School Parking Only			1	1	1	1	1	1	1	1	1	1	1	1	1	
			S	Reserved Parking			1	1	1	1	1	1	1	1	1	1	1	1	1	
<b>Totals</b>							<b>154</b>	<b>154</b>	<b>64</b>	<b>118</b>	<b>75</b>	<b>48</b>	<b>27</b>	<b>23</b>	<b>16</b>	<b>14</b>	<b>48</b>	<b>118</b>		
<b>Available Spaces</b>							<b>90</b>	<b>90</b>	<b>36</b>	<b>36</b>	<b>79</b>	<b>109</b>	<b>127</b>	<b>131</b>	<b>140</b>	<b>140</b>	<b>109</b>	<b>36</b>		
<b>Capacity</b>							<b>154</b>	<b>154</b>	<b>154</b>	<b>154</b>	<b>154</b>	<b>154</b>	<b>154</b>	<b>154</b>	<b>154</b>	<b>154</b>	<b>154</b>	<b>154</b>		

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**Vipac Engineers and Scientists Limited**

279 Normanby Rd, Port Melbourne, VIC 3207, Australia

Private Bag 16, Port Melbourne, VIC 3207, Australia

t. +61 3 9647 9700 | f. +61 3 9646 4370 | e. melbourne@vipac.com.au

w. www.vipac.com.au | A.B.N. 33 005 453 627 | A.C.N. 005 453 627

## Vipac Engineers & Scientists

Harding Architects Pty Ltd

### Brighton Grammer School - Internal Acoustics

### Gymnasium Noise Impact Assessment

**Bayside City Council  
Planning and Environment Act 1987**

**ADVERTISED PLAN**

**Planning Application No.: 5/1989/3158/3**

**Date: 5/1/2022**

30T-19-0026-TRP-6758060-1

1 March 2019

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Harding Architects Pty Ltd  
 Brighton Grammer School - Internal Acoustics  
 Gymnasium Noise Impact Assessment

Report Title: Gymnasium Noise Impact Assessment Job Title: Brighton Grammer School - Internal Acoustics		
<b>DOCUMENT NO:</b> 30T-19-0026-TRP-6758060-1 <b>PREPARED FOR:</b> Harding Architects Pty Ltd 6 Regent Street Prahran, Victoria, 3181, Australia  <b>CONTACT:</b> Sam Harding <b>Tel:</b> 9525 2355 <b>Fax:</b>	<b>REPORT CODE:</b> TRP <b>PREPARED BY:</b> Vipac Engineers and Scientists Limited 279 Normanby Rd, Port Melbourne, VIC 3207, Australia  <b>Tel:</b> +61 3 9647 9700 <b>Fax:</b> +61 3 9646 4370	
<b>PREPARED BY:</b> Author: <span style="float: right;">Date: 1 Mar 2019</span>  Davyn Mather Project Engineer		
<b>REVIEWED BY:</b> Reviewer: <span style="float: right;">Date: 1 Mar 2019</span>  Conrad Williams Team Leader		
<b>REVISION HISTORY</b> Revision No. 0 1 2	<div style="border: 2px solid red; padding: 5px; text-align: center;"> <b>Bayside City Council</b>  <b>Planning and Environment Act 1987</b>  <b>ADVERTISED PLAN</b>  <b>Planning Application No.: 5/1989/3158/3</b>  <b>Date: 5/1/2022</b> </div> Date Issued 1/03/2019	Reason/Comments Initial Issue
<b>DISTRIBUTION</b> Copy No. _____ 1 2 3	<b>Location</b> Project Client (PDF Format)	Uncontrolled Copy
<b>KEYWORDS:</b>		

NOTE: This is a controlled document within the document control system. If revised, it must be marked SUPERSEDED and returned to the Vipac QA Representative. This document contains commercial, conceptual and engineering information that is proprietary to Vipac Engineers & Scientists Ltd. We specifically state that inclusion of this information does not grant the Client any license to use the information without Vipac's written permission. We further require that the information not be divulged to a third party without our written consent

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Harding Architects Pty Ltd  
Brighton Grammar School - Internal Acoustics  
Gymnasium Noise Impact Assessment

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Harding Architects Pty Ltd  
 Brighton Grammar School - Internal Acoustics  
 Gymnasium Noise Impact Assessment

**1 INTRODUCTION**

Harding Architects Pty Ltd commissioned Vipac Engineers and Scientists Ltd. to investigate the noise effects of the gym on the neighbouring residences if operation times are extended up to 10pm on weekdays.



Figure 1-1: Location of Gym highlighted in blue

**2 CRITERIA**

Environment protection (residential noise) regulations 2018 was nominated for consideration however this does not apply to gymnasiums.

Sepp-N1 does not apply to voice noise, therefore Vipac nominate the inaudible criteria for the assessment of noise impact from the gym on the nearest sensitive receivers.

**3 SITE MEASUREMENTS**

Vipac conducted measurements during the day and evening periods on Monday the 25<sup>th</sup> of February 2019. The equipment used during the survey is listed in Appendix B. Daytime measurements were taken while the under 12 Victorian team was practicing basketball (between 2:30pm and 3:20pm). There were 9 children and three adults present during the practice. Evening measurements were taken between 8:45pm and 9:15pm.

The sound level meter was set to Fast and was calibrated before and after each measurement session. No significant drift was noted. All noise measurements were taken at a height of approximately 1.2 m. The weather was calm with no rain. The noise measurement locations are indicated in Figure 3-1 below. Locations 3 & 4 were recorded inside the Gym while training was in progress.

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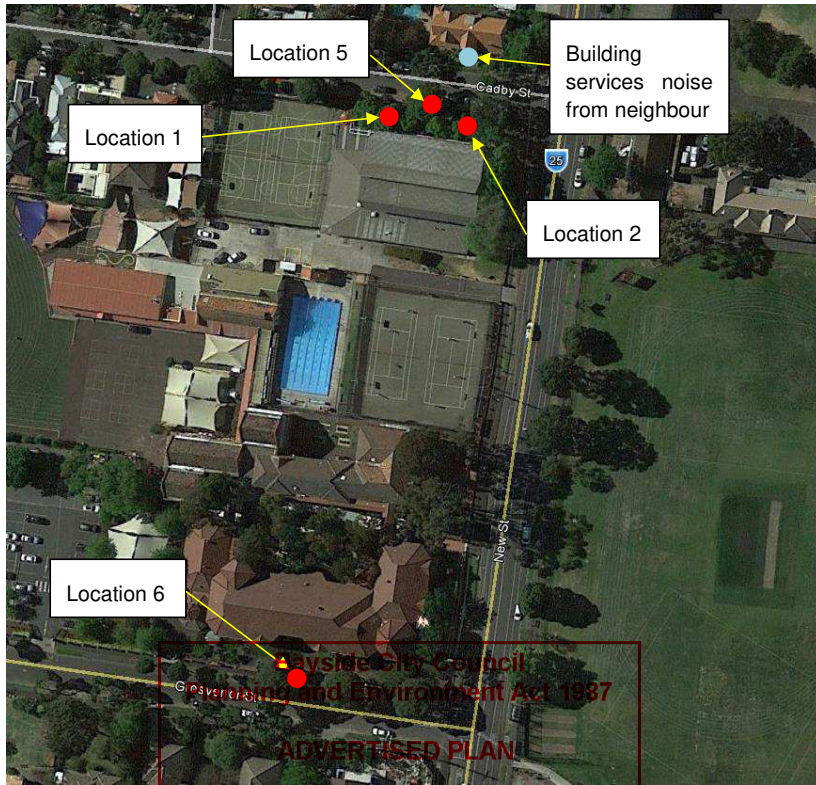


Figure 3-1 Locations of noise measurements

The noise environment around the gym was dominated by road traffic primarily from New Street. No noise from the gym was audible at the measurement locations while practice was taking place.

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Table 3-1: Noise measurements on the 25<sup>th</sup> of February

Location	Start Time	Duration (hh:mm:ss)	L <sub>Aeq</sub> (dB)	L <sub>A90</sub> (dB)	Notes
1	14:37	00:05:02	53	45	Dominated by traffic noise
2	14:44	00:10:01	56	50	Dominated by traffic noise with low machine noise audible intermittently
3	15:04	00:03:01	71	54	Impact noise of ball hitting floor, kids shouting and occasional whistle from coach
4	15:08	00:05:02	71	53	
5	20:46	00:03:02	54	42	Cricket noise. Dominant service noise from neighbour
6	21:08	00:03:01	52	40	Dominated by traffic and cricket noise

An equivalent location was used to measure the evening background noise due to service noise emitted from the neighbour. This noise was present during the day and evening.

**4 CONCLUSION**

From the above measurements noise levels within the gym were around 71 dBA while practice was occurring. The noise from the gym was inaudible outside at location 1 and 2. The noise levels measured at these locations were 53 dBA and 56 dBA respectively. The dominant noise source during this time was traffic.

The evening background level measured at an equivalent location was 52 dBA and was mainly dominated by traffic and cricket insect noise.

Assuming the basketball activity noise measured was typical of what can be expected from future evening activity, the basketball noise is expected to be inaudible at the nearest sensitive receiver.

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**Appendix A GLOSSARY OF TERMS**

Term	Definition
<b>dB</b>	Decibel Magnitude of the sound pressure level.
<b>dBA</b>	A-weighted Decibels. The 'A'-weighting adjusts the measured levels to better reflect the sensitivity of the human ear to different frequencies.
<b>L<sub>Aeq,T</sub></b>	The A-weighted continuous equivalent sound pressure level. It is defined as the steady sound level that contains the same amount of acoustical energy as the corresponding time-varying sound.
<b>L<sub>A90,T</sub></b>	The A-weighted sound pressure level exceeded for 90% of the measurement period. L <sub>A90</sub> is used in Victoria as the descriptor for background noise level.
<b>Sound pressure level</b>	The ratio in decibels (dB) of the sound pressure at a given receiver position to a reference pressure of 2.10 <sup>-5</sup> Pa. The sound pressure level depends, amongst other parameters, on the sound power level of the source and the distance separating the source and the receiver.

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**Appendix B INSTRUMENTATION**

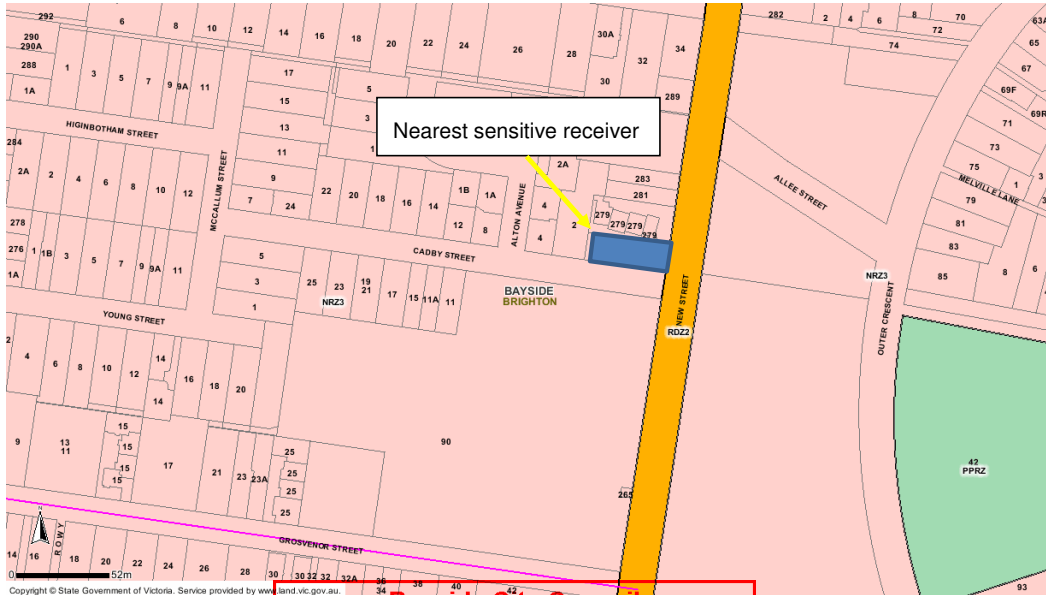
Type	Serial number	Calibration due
B&K 2250 Type 1 integrating sound level meter	2690200	16/01/2020
B&K 4231 Calibrator	1139057	25/07/2019

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**Appendix C PLANNING ZONE OF GYM AND NEAREST SENSITIVE RECEIVER**



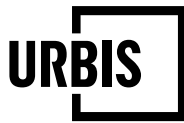
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**LEVEL 10  
477 COLLINS STREET  
MELBOURNE VIC 3000**

URBIS.COM.AU  
Urbis Pty Ltd  
ABN 50 105 256 228

21 March 2022

Rosie Nolan  
Principal Statutory Planner  
Bayside City Council

Dear Rosie,

## **5/1989/3158/3 | 90 OUTER CRESCENT BRIGHTON BRIGHTON GRAMMAR SCHOOL OBJECTOR RESPONSE**

Urbis continues to act on behalf of Brighton Grammar School in relation to the above application at 90 Outer Crescent Brighton. The application recently went on public notice and received a number of objections. Following a community consultation session held on 16 March 2022, we now provide this letter provide additional information and outlines changes made in response to the concerns raised by the objectors.

### **1. SUMMARY OF KEY ISSUES**

following a review of the objections and attendance at the community consultation session, we understand that the key issues generally relate to:

- Concern regarding noise levels due to the extended hours (at night/ Sundays)
- Increased street parking use/ increased traffic of BGS users
- Compromised local/ visual amenity / bright lights
- Commerciality of proposal
- Previous application

### **2. SUMMARY OF CHANGES**

Following the concerns raised by objectors, BGS proposes to make the following changes from the original application to address these concerns. These changes are summarised below:

- Extended hours reduced from 9:30pm to 8pm Monday-Friday.
- Extended hours reduced from 6:00pm to 5:00pm on Sunday.

Objector Response letter



- Extended hours apply only to the indoor basketball court. The existing operating hours would continue to apply to the weights gym.

Following the comments made by Councillor Mouallem at the consultation session, the School would not oppose Council’s implementation of residential parking permits for Cadby Street residents to help minimise car parking impacts.

### 3. OBJECTOR RESPONSE

Concern Raised	Response
Noise level	<p>The school will amend the current application and reduce the hours operation to 8pm on weekdays and 5pm on a Sunday.</p> <p>Additionally, it is proposed that the extended hours will apply to the indoor basketball court only. It will primarily be used for community and school sport, predominately basketball, futsal, and badminton. Loud music is not required for these sports.</p> <p>The existing operating hours will continue to apply to the weights gym. These hours are not being extended. If approved, the permit condition would state:</p> <p><i>The hours of operation of the <u>basketball court</u> in the gymnasium be limited to the following, unless Council have given specific permission:</i></p> <p style="padding-left: 40px;"><i>7am to 8pm Monday to Friday</i></p> <p style="padding-left: 40px;"><i>7am to 6pm Saturday</i></p> <p style="padding-left: 40px;"><i>7am to 5pm Sunday</i></p> <p><i>The hours of operation of the <u>weights gym</u> in the gymnasium be limited to the following, unless Council have given specific permission:</i></p> <p style="padding-left: 40px;"><i>7am to 6pm Monday to Saturday</i></p> <p>We also note that the original permit 5/1989/3158/2 includes Condition 5 which states:</p> <p><i>Noise emanating from the gymnasium shall not exceed the ambient background level by more than 5db when measured within 3.6m from the outside wall of the nearest dwelling.</i></p> <p>This condition can continue to be enforced, both by Council and the school, to ensure noise impacts are appropriately managed.</p> <p>The school implements training and induction for new users. The limitation of noise when exiting the building can be included in the induction package.</p>



Concern Raised	Response
Traffic / Parking	<p>There are 57 existing car parking spaces available on the junior campus which can be utilised during the extended operating hours of the gym.</p> <p>The school implements a comprehensive supervision and organisational plan around the sports programs. This includes adequate training for staff members and induction for external groups. Instructions can be given to the external groups to utilise the existing on-site car parking spaces, where possible, when using the gym between the hours of 6pm and 8pm.</p> <p>Cardno have also undertaken a parking survey of Cadby Street, New Street and Grosvenor Street. It found that between 6pm and 9.30pm on a typical weekday, there are 102 parking spaces available. In addition to the on-site spaces, this totals 159 spaces.</p> <p>Based on the estimate of 30 people utilising the gym at any one time and all taking separate trips by car, this would result in approx. 129 parking spaces still available in the immediate area.</p> <p>To further mitigate parking impacts to Cadby Street, the School consents to Council implementing residential parking permits for Cadby Street. This would ensure Cadby Street can be utilised by Cadby Street residents only. We do however understand that this would be dealt with and implemented outside of the planning process.</p>
Lights	<p>The existing lighting is used for security purposes. It is not intended to provide additional external lighting associated with the gym. We also note the existing lighting is generally located internally, away from Cadby Street.</p>
Local / visual amenity / lights	<p>The school would be willing to reduce the hours to 8pm on weekdays and 5pm on a Sunday.</p>
Commerciality of proposal	<p>The way the gym is currently used is not proposed to change. It will still be used in the same way, albeit after the current 6pm cut off time. The key reasons for the additional hours are:</p> <ol style="list-style-type: none"> <li>1. To allow to school to complete their sporting curriculum. The School currently uses their other school facilities beyond 6pm. The additional hours will allow the school to complete their programs without having to bus them off site to another location.</li> <li>2. The School rejects external requests from community groups to use the gym on a weekly basis. There is a limited number of indoor gyms in the local area that can be used for basketball, badminton, futsal, or other</li> </ol>



Concern Raised	Response
	sports. The additional hours will allow these groups to utilise the School's facilities.
Previous application	Following the public consultation for a previous application in 2020, the risks and impacts associated with the Covid-19 outbreak resulted in the school withdrawing the application due to too many uncertainties.

#### 4. CONCLUSION

We trust that the above and enclosed information addresses the concerns raised by the objectors, Should you have any questions, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Emma Klein".

Emma Klein  
Consultant  
8663 4927  
eklein@urbis.com.au





#### 4.4 21 CANBERRA GROVE, BRIGHTON EAST NOTICE OF DECISION TO GRANT A PERMIT APPLICATION 2021/685/1 WARD: CASTLEFIELD

City Planning and Amenity - Development Services  
File No: PSF/22/36 – Doc No: DOC/22/104480

*Officers involved in the preparation of this report have no conflict of interest in this matter.*

##### 1. Application details

<b>Recommendation</b>	Notice of Decision to Grant a Permit
<b>Applicant</b>	Mills Gorman Architects
<b>Title/Covenant/S173 Agreement</b>	The title is not subject to any restrictive covenants.
<b>Date application received</b>	19 November 2021
<b>Current statutory days</b>	77 days
<b>Zoning</b>	Neighbourhood Residential Zone (Schedule 3)
<b>Overlays</b>	Design and Development Overlay (Schedule 3) Development Contributions Plan Overlay (Schedule 1)
<b>Site area</b>	603 square metres
<b>Number of outstanding objections</b>	8
<b>Is a Development Contribution Levy applicable?</b>	Yes Catchment area 11B Additional dwelling - \$2,220
<b>Is the site located within an area of cultural heritage sensitivity?</b>	Yes

##### Proposal

The application seeks the construction of two dwellings on a lot and construction of a front fence exceeding 1.2 metres in height. Key details of the proposal are as follows:

- Construction of two side by side double storey dwellings with a maximum height of 6.85m.
- Total site coverage is 45%.
- Total site permeability is 27%.
- Both dwellings include a single garage and tandem outdoor parking in the driveway.
- A front fence with 50% transparency and a maximum height of 2.1m.

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 32.09-6 (Neighbourhood Residential Zone, Schedule 3) – Construction of two or more dwellings on a lot and construction of a front fence exceeding 1.2m metres high.

Planning Scheme Amendments

Planning Scheme Amendment C180 was gazetted on 18 June 2021 and forms part of the reforms and restructuring of Victoria's planning systems to make planning schemes more efficient, accessible and transparent. The amendment replaces the Local Planning Policy Framework at Clauses 21 and 22 of the Bayside Planning Scheme with a new Municipal Planning Strategy at Clause 02, local policies within the Planning Policy Framework at Clauses 11-19 and a selected number of local schedules to overlays, particular provisions and operational provisions.

## 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:

Internal Referral	Response
Arborist	No objection, subject to conditions.
Drainage Assets Engineer	No objection, subject to conditions.
Open Space Arborist	No objection, subject to conditions.
Street Addressing	No objection, subject to conditions.

Public notification

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

8 objections remain outstanding at the time of this report.

The following concerns were raised:

- Neighbourhood character – no other dual occupancies in area.
- Parking / traffic – loss of on street parking spaces impacting school pick up.
- Proposed build price is too low.
- Additional driveway is adjacent to 19 Canberra Groves pedestrian entrance.
- Boundary fencing should be replaced but not damage adjoining garden/watering system.
- Pool location too close to adjoining properties foundations.
- Pool equipment location.
- Noise levels – location of lounge/guest room and meals room, windows should

have acoustic insulation.

#### Consultation meeting

The applicant declined a consultation meeting as the nature of the issues (block too small, build price, no other dual occupancy dwellings in area, loss of off-street parking, boundary fence impacts) raised by objectors are not able to be resolved through a consultation meeting.

The applicant has however provided Council with a written response to the issues. The majority of the concerns are not planning considerations and are dealt with outside of Council processes however the applicant has requested the concern regarding pool equipment noise be conditioned to be acoustically baffled. This has been included as a condition on the permit.

#### 4. Recommendation

That Council resolves to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of planning application **2021/685/1** for the land known and described as **21 Canberra Grove, Brighton East** for the **construction of two dwellings on a lot and construction of a front fence exceeding 1.2 metres in height** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development start/s, 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. The plans must be generally in accordance with the advertised plans prepared by Mills Gorman Architects referenced TP05, TP05.1, TP05.2, TP06, TP06-1, TP06-2, TP10, date 8/11/2021 and revision number A but modified to show:
  - a) the first floor northern side setback associated with Dwelling 1's bed 2 and bed 3 increased from 2.5m to 3m
  - b) the front fence maximum height reduced to 1.8m high
  - c) the pool equipment associated with both dwellings to be acoustically baffled
  - d) the second car space associated with Dwelling 2 be shown in the driveway
  - e) a Sustainable Design Assessment in accordance with Condition 10
  - f) a Tree Management and Protection Plan in accordance with Condition 13
  - g) provision of the development contributions fee in accordance with Condition 22all 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.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
9. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

#### Sustainable Design Assessment

10. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
  - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
  - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
  - c) preliminary building energy rating certificates that align with plans
  - d) provision of double glazing to all new windows
  - e) appropriate shading to all north, east and west facing windows
  - f) maximum internal lighting density of 4W/m<sup>2</sup>
  - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
  - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
  - i) provision of external dry lines for each dwelling
  - j) bicycle parking space in each garage/ private open space area
  - k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future

- l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18
  - m) the type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections
  - n) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance
  - o) provisions for renewable energy systems such as Solar PV
  - p) commitment to recycle at least 70% of construction and demolition waste
  - q) measures to reduce urban heat island impact such as light or medium coloured roof and driveway
  - r) use of sustainable materials such as low VOC paints for the internal walls
  - s) use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused
  - t) provision of green walls / vertical gardens where practicable
- all to the satisfaction of the Responsible Authority.

#### Landscaping

- 11. 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.
- 12. 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.

#### Tree Protection Management Plan

- 13. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The TPMP must include:

- a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site
- b) protection measures to be utilised and at what stage of the development they will be implemented
- c) appointment of a project arborist detailing their role and responsibilities



- d) stages of development at which the project arborist will inspect tree protection measures
- e) monitoring and certification by the project arborist of implemented protection measures.

Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.

Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

The TPP must:

- a) be legible, accurate and drawn to scale
  - b) indicate the location of all tree protection measures to be utilised
  - c) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
  - d) include a key describing all tree protection measures to be utilised.
14. All actions and measures identified in the Tree Management Report must be implemented.
15. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.

#### Protection of trees for services

16. All underground services must be located outside of Tree Protection Zones (TPZ) of all trees to be retained. If this is not possible, any underground service installations within a TPZ must be bored beneath the entire TPZ to a minimum depth 800mm. If this is not possible, any excavation within the TPZ required for the connection of services must be undertaken by approved non-destructive digging techniques, under the supervision of a project arborist and with the written approval of the Responsible Authority.

#### Street tree protection

17. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009. The fencing is to be as close to the TPZ boundary as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works.
18. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There is to be no soil excavation within 2.0 metres of the street tree Acer negundo, asset Id 752058 measured from the edge of the trunk. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

### Drainage

19. 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.
20. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
21. Council records indicate that there is a 1.83m wide drainage and sewerage easement along the West property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the responsible Authority/Authorities.

### 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 in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage 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.

### Permit Notes:

- Council would be supportive of the applicant and/or owner making a tax-deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.
- Council is the responsible authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.

Southern Dwelling – 21A Canberra Grove BRIGHTON EAST 3187

Northern Dwelling – 21B Canberra Grove BRIGHTON EAST 3187

For more information on street numbering, please contact Council's Revenue Services Team on 9599 4444.

- 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 prior to the commencement of the connection to the Council Drain / kerb / channel.
- The permit holder must obtain approval from the relevant authorities to build over the easement(s).
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

## 5. Council Policy

### Council Plan 2021–25

Relevant objectives of the Council plan include:

- Lead and influence change to address the climate emergency and strive to reduce its impact in the health of our community, environment and the planet.
- Land use will enhance Bayside's liveability and protect the distinctive heritage and character of our various localities.

Relevant strategies of the Council plan include:

- Adopt and champion innovative ways of working and evaluate policy against its climate impact to reduce harm.
- Enhance vegetation (including through tree canopy) through accelerated tree planting and tree protection on public and private land.
- Strategic planning and controls protect and reflect the diverse environmental and heritage values of Bayside.
- Encourage the planning of well-designed new development that is appropriately located and consistent with the preferred neighbourhood character and residential amenity.

### Bayside Planning Scheme

- Clause 2 Municipal Planning Policy
- Clause 2.03 Strategic Directions
- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 15 Built Environment and Heritage
- Clause 15.01-1L Urban Design
- Clause 15.01-5S Neighbourhood Character
- Clause 15.01-5L Bayside Preferred Neighbourhood Character
- Clause 16 Housing
- 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 52.06 Car Parking
- Clause 53.18 Stormwater Management in Urban Development
- 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 E1. The proposal is considered to demonstrate an appropriate level of compliance with the general objectives and strategies of Bayside preferred neighbourhood character policy as well as the preferred character policy guidelines and/ preferred character strategies for the precinct.

The site is located on the western side of Canberra Grove, north of South Road. The surrounding properties include a mix of single and double storey dwellings, with an emerging presence of contemporary styles with flat roof forms. There is also a strong character of high solid fences with manicured landscaping within the front setbacks.

The proposal includes the construction of two side by side double storey dwellings with a flat roof form. The proposal includes a single garage with tandem outdoor parking per each dwelling. The front fence is proposed to be 1.8m to 2.1m high with 50% transparency. The development proposes to remove all existing vegetation on the site however the existing vegetation, as confirmed by Councils Arborist is not protected.

The development includes adequate visual separation between buildings. The proposal does include non-compliant ground and first floor setbacks; however, the level of separation is deemed to be an acceptable outcome within the streetscape as it follows the pattern of separation between adjoining dwellings. The development also provides for compliant street setback, site coverage and garden area allowing ample spacing for planting of vegetation.

The proposal features two driveways, on the north and one on the southern side of the site. The northern driveway services the single garage of dwelling 1 and the southern driveway services the single garage of dwelling 2. The garages are in line with the ground floor setback but are recessed behind the first floor, as the first floor overhangs. Although the first floor is not recessed it does provide for an interesting and articulated front façade while complying with the street setback and allowing for space for landscaping.

The proposal includes a mix of light coloured materials such as natural compressed cement sheet, ghost grey masonry brick and white concrete providing for a light natural contemporary styled dwelling, providing visual interest to the streetscape.

The proposal includes a high (1.8m to 2.1m) high front fence with 50% transparency. The high level of transparency further enhances the openness and informality of the streetscape, allowing for views into the front garden landscaping. The proposal provides the streetscape with a better outcome from the existing front fence as that is a solid fence that is 2.1m high. A condition is however included in the recommendation requiring the entirety of the fence to be 1.8m to be more in keeping with the surrounds.

Overall, the proposal is acceptable having regards to the existing and preferred neighbourhood character of the streetscape.

6.2. Compliance with Clause 55 (ResCode)

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

Side and rear setbacks (Standard B17)

	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
<b>North (side)</b>	0m or 2m	<u>1.5m</u> , 2.5m	3.95m, 3.77m	<u>3m</u> , <u>2.5m</u>
<b>South (side)</b>	0m or 2m	<u>1.5m</u> , 2m	3.47m, 3.77m	<u>3m</u> , <u>3.06m</u>
<b>West (rear)</b>	0m or 3m	8.87m, 9.03m	4.77m	8.32m

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.

Using the table above, there are non-compliances on both ground floor and first floor side setbacks.

The northern ground floor side setbacks associated with the lounge/guest room and powder room of dwelling 1 are proposed to be 1.5m, where the standard requires 2 metres. This variation is acceptable as the length of this wall is approximately 4.8m long and is adjoining a courtyard which is 2.5m wide, allowing for ample spacing for vegetation to be planted. The impact to the adjoining habitable room windows is also compliant by a way of overlooking, overshadowing and daylight to existing windows.

The southern ground floor side setbacks associated with the meals, lounge/guest room, powder room and garages of dwelling 2 are proposed to be 1.5m, where the standard requires 2 metres. A variation of 500mm is acceptable as it will still allow for adequate visual separation between dwellings. The setback of 1.5m is also big enough to allow for vegetation to be planted. The adjoining north facing windows are setback a minimum of 2.88m, complying with the north facing windows standard as the proposal is set back more than 1m from the shared boundary.

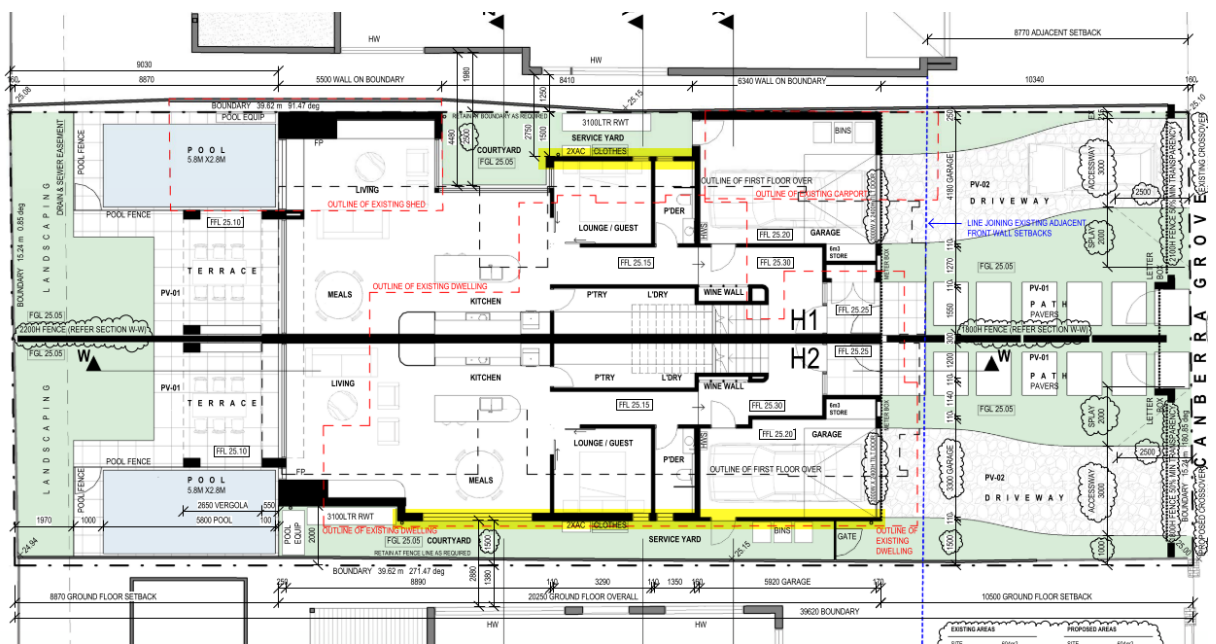


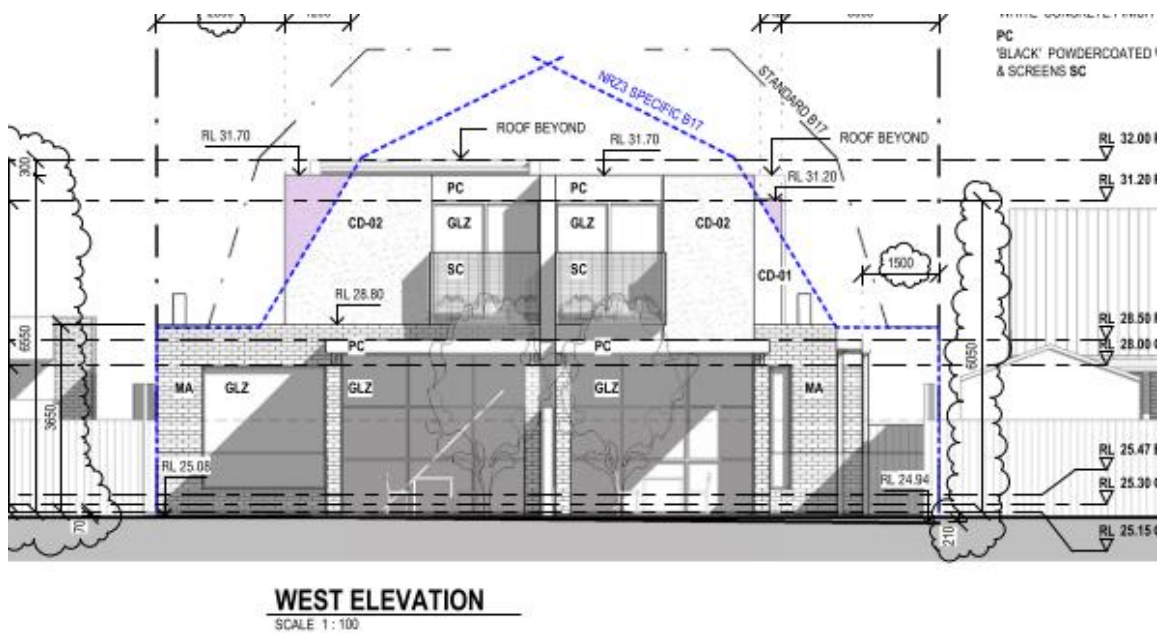
Figure 1: Ground Floor Plan – Highlighted sections of non-compliant side setbacks

The northern first floor side setback associated with the master bedroom is proposed to be 3m, where the standard requires 3.95m. A variation of 950mm is acceptable, as

although the variation sought is considered to be numerically large, the potential amenity impacts are inconsequential. The variation is adjacent to a side yard of the adjoining dwelling. The setback allows for adequate separation between the buildings allowing for views down the side. There are no directly adjoining windows or private open space impacted by this variation.

The northern first floor side setbacks associated with the ensuite, WIR, bathroom, bed 2 and bed 3 have been proposed to be 2.5m, where the standard requires 3.77m. The variation of 1.27m is acceptable to the ensuite, WIR and Bathroom, although the variation sought is numerically large, the potential impacts are minor. That being, the overshadowing falls to the south therefore the adjoining property will not experience any additional overshadowing from the development. The development also does not propose any windows to the north, instead a light court cut out section has been included allowing daylight to be accessed to bedroom 2 and the bathroom. The light court has been screened and therefore complies with overlooking. The adjacent dwelling to the north also does not have any private open space directly looking at that interface, instead the private open space area is located at the rear of the site, towards the west.

As shown in figure 2 below, the level of non-compliance from the rear on the northern side is quite large, therefore a condition has been included to increase the northern side setback associated with bed 2 and bed 3 from 2.5m to 3m. Therefore, the variation will be 770mm which will present much more sympathetic to the surrounding dwellings while maintaining the internal amenity of the dwelling.



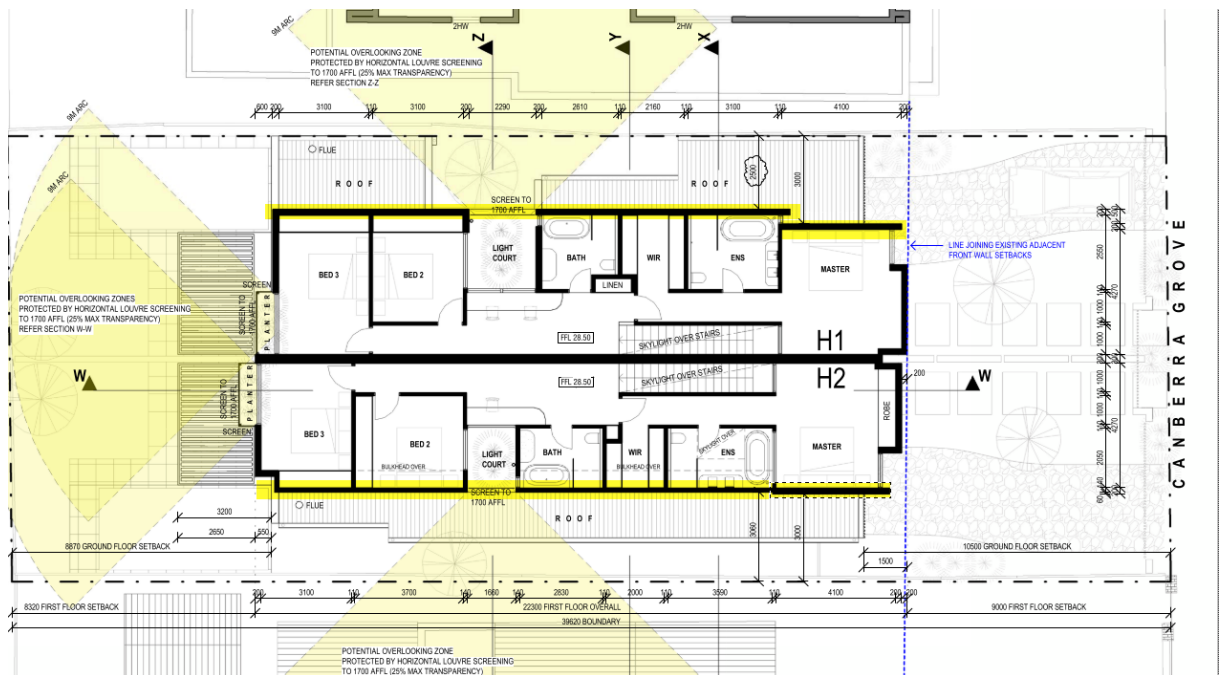
**Figure 2:** West elevation (rear) purple highlight showing level of non-compliant side setbacks

The southern first floor side setbacks associated with the master bedroom is proposed to be 3m, where the standard requires 3.47m. A variation of 470mm is acceptable as it is relatively minor and is adjacent to a side yard of the adjoining dwelling. The setback allows for adequate separation between the buildings allowing for views down the side. There are no directly adjoining windows or private open space impacted by this variation.

The southern first floor side setbacks associated with the ensuite, WIR, bathroom, bed 2 and bed 3 have been proposed to be 3.06m, where the standard requires 3.77m. A variation of 710mm is acceptable as the potential amenity impacts are insignificant. That being, overshadowing is compliant and does not encroach into the private open space area which is within the southwestern area. The development also does not propose any windows to the south, instead a light court cut out section has been included allowing daylight to be accessed to bedroom 2 and the bathroom. The light court has been



screened and therefore complies with overlooking. The adjacent dwelling to the south also does not have any private open space directly looking at that interface, instead the private open space area is located at the rear of the site, towards the southwest. The interface areas are a verandah roof and a shed, both non-sensitive uses.



**Figure 3: First Floor Plan – Highlighted sections of non-compliant side setbacks**

**Front Fences (Standard B32)**

	Required	Proposed	Variation
Canberra Grove	1.2m	<u>1.8m – 2.1m</u>	600mm – 900mm

The objective of this standard is to encourage front fence design that respects the existing or preferred neighbourhood character.

The proposed front fence is 1.8m to 2.1m high constructed with timber battens at a minimum of 50% transparency. The high level of transparency effectively allows for views into and out of the site, enhancing the appearance of vegetation to the streetscape. A condition has been included to reduce the maximum height of the fence to 1.8m. Although the existing fence is 2.1m high, reducing the maximum height to 1.8m will allow for greater openness to the streetscape. Canberra Grove is also characterised with many dwellings with high solid fencing; therefore, the proposed fence will sit comfortably within the context of the area.

**6.3. Landscaping**

The application does not propose to remove any trees protected by the Local Law.

Trees are located on adjoining sites with their Tree Protection Zones (TPZ) extending into the subject site. As such, consideration must be given to the impact of the development upon these trees. Council’s Arborist has advised that a Tree Protection Plan and Tree Management Plan will be required to be submitted to ensure these trees remain viable both during and post construction. A condition to this effect is included in the recommendation.

In addition to the above assessment, Council’s Arborist has reviewed the submitted landscape plan and advised that it is considered acceptable. The landscape plan includes the planting of 6 canopy trees (trees with mature heights of 8m or greater) in the front and rear setbacks.

**6.4. Street tree(s)**

One street tree located in front of the subject site is proposed for retention. Councils Street Tree Arborist has advised that the tree will not be impacted by the design however the tree will require protection during demolition and construction. Conditions requiring the protection of the tree have been included to the recommendation.

**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.

Dwelling 1 and 2 both comprise of 4 bedrooms and are both afforded 2 car parking spaces in the form of a single garage and tandem outdoor parking. The proposed on site car parking meets the requirements of Clause 52.06-5.

The application was assessed against the relevant traffic standards and requirements outlined in Clause 52.06 (Car Parking) of the Bayside Planning Scheme. The application provides adequate sightlines and safe access in and out of the site. A condition has however been included requiring the second car space to dwelling 2 be shown in the driveway.

Concerns have been raised in relation to the loss of on street parking spaces. The development includes a 8.1m space in between the two crossovers, allowing for one on street car parking space to be maintained, as noted above, the on-site car parking is also compliant.

**6.6. Cultural Heritage management plan**

The site is located within an area of cultural heritage sensitivity, therefore an assessment as to whether the proposal is considered a high impact activity has been undertaken. Based on the Aboriginal heritage planning tool questionnaire, a cultural heritage management is not required.

**6.7. Development contributions levy**

The subject site is located within catchment area 11B.

Based on the proposed application and the below recommendation, a payment of \$2,220 is required. The payment of the development contributions levy is included as a condition of permit.

**6.8. Objector issues not already addressed****Build price too low**

An objection raised concerns that the build price is too low and indicates poor quality. The proposal has stated the developments build cost is \$1.1 Million. A development cost of \$1.1 million is not considered to be low for two dwellings.

**Boundary fencing**

The issue of boundary fencing being replaced is not a planning consideration and is dealt with outside of planning processes between the two properties.

**Pool location impacting building foundations**

Pool locations and the potential to impact on adjoining properties is not a planning consideration. Throughout the building permit stage, the building surveyor will ensure adequate protection works and engineering be undertaken.

**Noise**

Objections have raised concerns that the development will create unreasonable levels of noise based on the proposed layout. The noise levels generated by the development will

not be significantly above that of the surrounding area. Residents are no more or less likely to generate excessive noise than the occupiers of the surrounding dwellings. The consideration of this planning application is confined only to the construction of the dwelling/s. The residential use of the dwellings does not require a planning permit and is not a planning matter. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting.

Block size is too small/no other dual occupancy dwellings in the area

Bayside Council does not have a minimum lot size for subdivision. It is acknowledged that there is no other dual occupancy development within close proximity of the site, however, the planning scheme does not restrict the number of units that can be located within a given area. Therefore, each planning permit application must be assessed against the relevant provisions of the Bayside Planning Scheme. The existence of a low or high number of dwellings in the area would not be sufficient grounds for Council to justify refusal of the application before the Victorian Civil and Administrative Tribunal.

### Support Attachments

1. Application Plans ↓
2. Site and Surrounds Imagery ↓
3. ResCode Assessment ↓



21 C A N B E R R A G R O V E B R I G H T O N E A S T

**PROPOSED AREAS**

SITE	604m <sup>2</sup>
GARDEN COVERAGE	268m <sup>2</sup> (44%)
PERMEABILITY	274m <sup>2</sup> (46%)
	164m <sup>2</sup> (27%)
H1 SITE	302m <sup>2</sup>
GF INCL GAR	135m <sup>2</sup>
FF	102m <sup>2</sup>
TOTAL	237m <sup>2</sup>
H2 SITE	302m <sup>2</sup>
GF INCL GAR	118m <sup>2</sup>
FF	96m <sup>2</sup>
TOTAL	214m <sup>2</sup>

**DRAWING LIST**

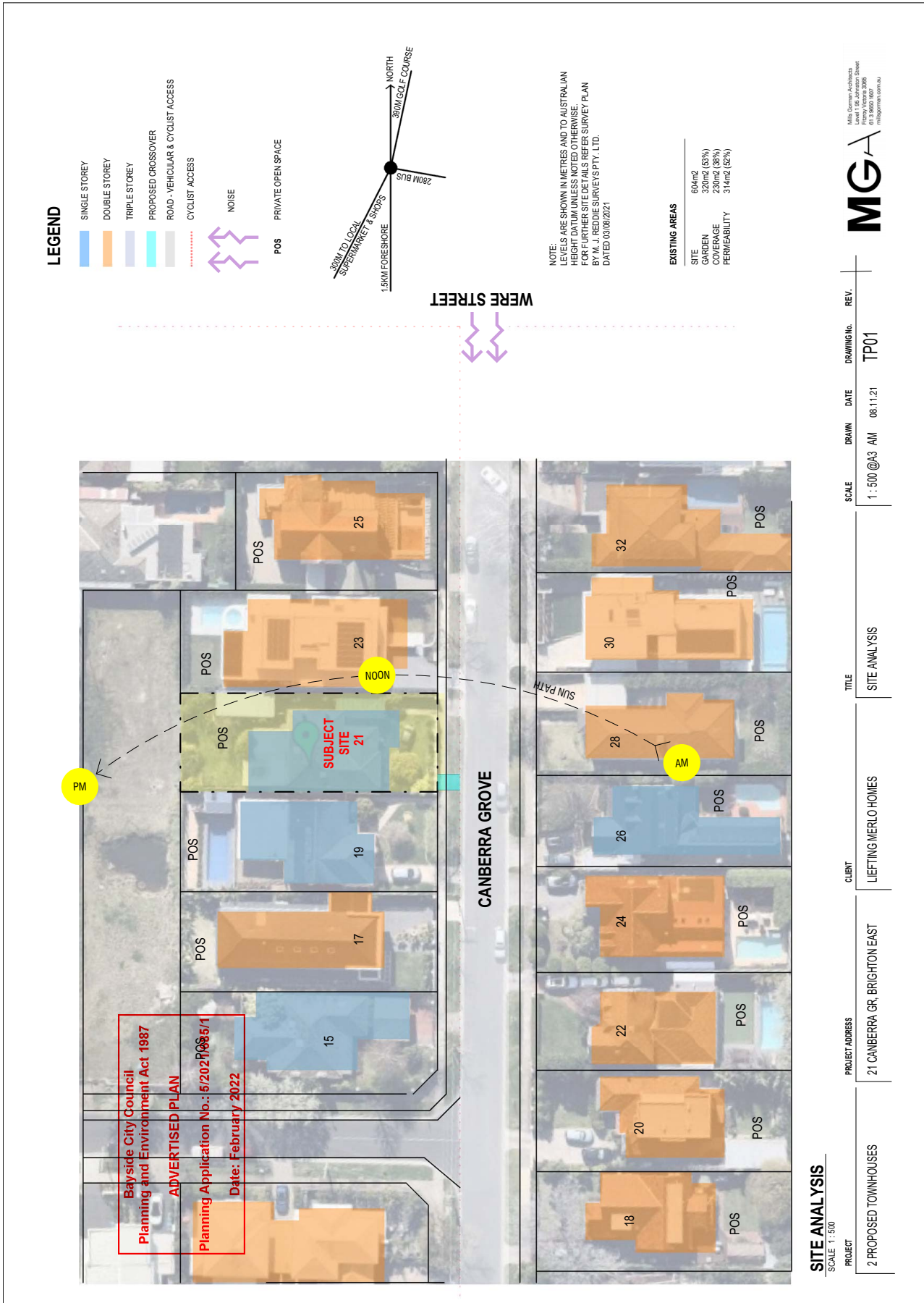
TP00	COVER PAGE
TP01	SITE ANALYSIS
TP02	SITE ANALYSIS - CONTEXT PHOTOS
TP03	SITE PLAN & DESIGN RESPONSE
TP04	EXISTING & DEMOLITION PLAN
TP05	PROPOSED GROUND FLOOR
TP05.1	PROPOSED FRST FLOOR
TP05.2	ROOF PLAN
TP06	EAST (STREET) ELEVATION
TP06.1	EAST & WEST ELEVATIONS - WITHOUT FENCES
TP06.2	NORTH & SOUTH ELEVATIONS
TP07	SECTIONS W-W, X-X
TP07.1	SECTIONS Y-Y, Z-Z
TP08	GARDEN AREA
TP08	ROOF PLAN & SHADOW DIAGRAMS - 22nd SEPTEMBER
TP08.1	ROOF PLAN & SHADOW DIAGRAMS - 22nd SEPTEMBER
TP08.2	ROOF PLAN & SHADOW DIAGRAMS - 22nd SEPTEMBER
TP08.3	ROOF PLAN & SHADOW DIAGRAMS - 22nd SEPTEMBER
TP10	MATERIALS SCHEDULE & SCREEN DETAIL
TP11	PERSPECTIVE VIEWS - ROOF
TP12	PERSPECTIVE VIEWS - FRONT & REAR

REV A - 04.02.22  
 REVISED AS PER COUNCIL RF DATED 21.12.21, INCLUDING:  
 - SOUTHERN GROUND FLOOR SETBACK INCREASED FROM 1320 TO 1500MM  
 - NORTHERN FIRST FLOOR SETBACK INCREASED FROM 2400 TO 2500MM

PROJECT	2 PROPOSED TOWNHOUSES	CLIENT	LIEFING MERLO HOMES	TITLE	COVER PAGE	SCALE	As Indicated	DATE	08.11.21	DRAWING No.	TP00	REV.	A
PROJECT ADDRESS	21 C A N B E R R A G R, B R I G H T O N E A S T												







Bayside City Council  
**CANBERRA GROVE**  
 Planning and Environment Act 1987  
**ADVERTISED PLAN**  
 Planning Application No: 5/2021/685/  
 Date: February 2022



**CANBERRA GROVE (OPPOSITE)**

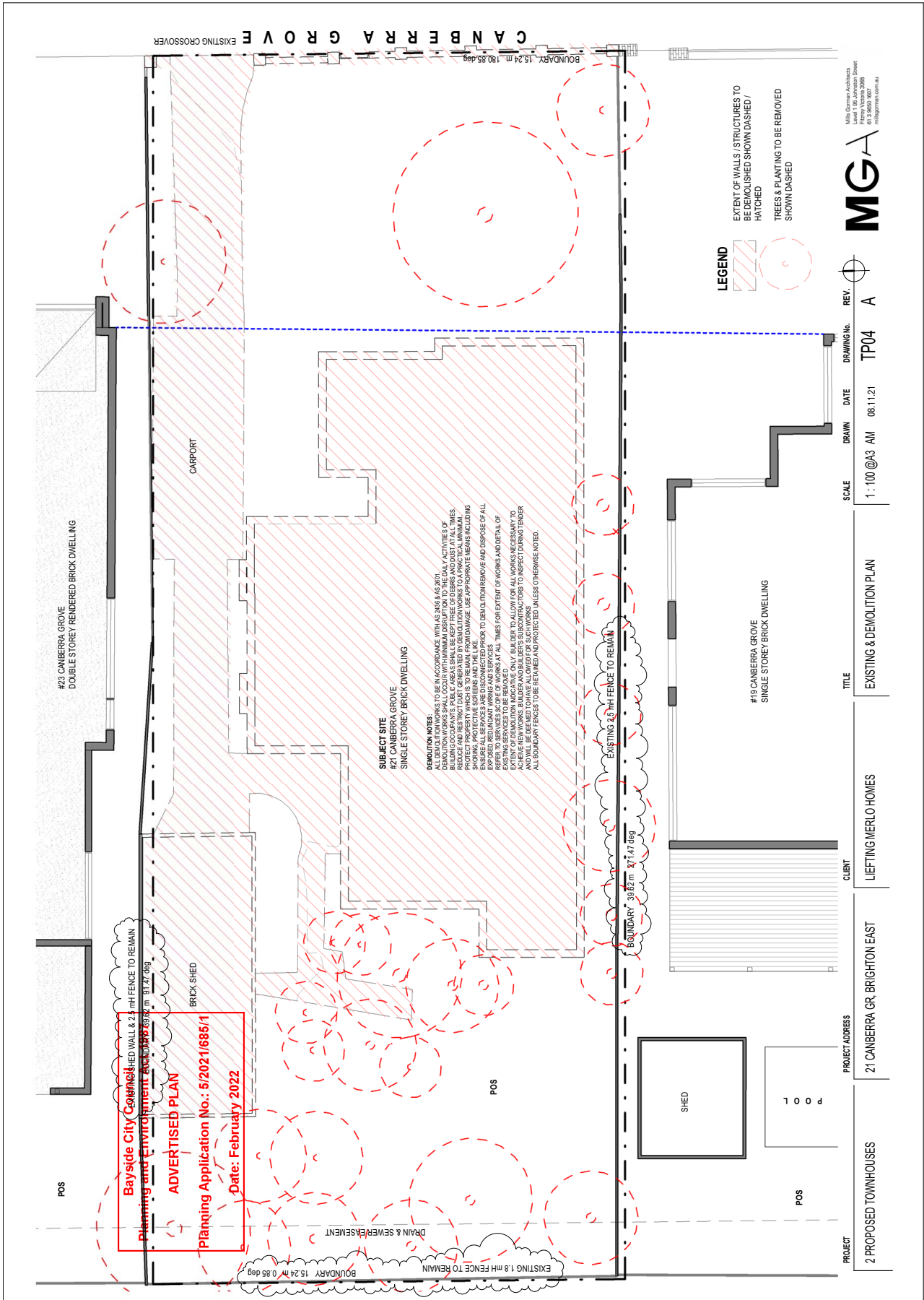


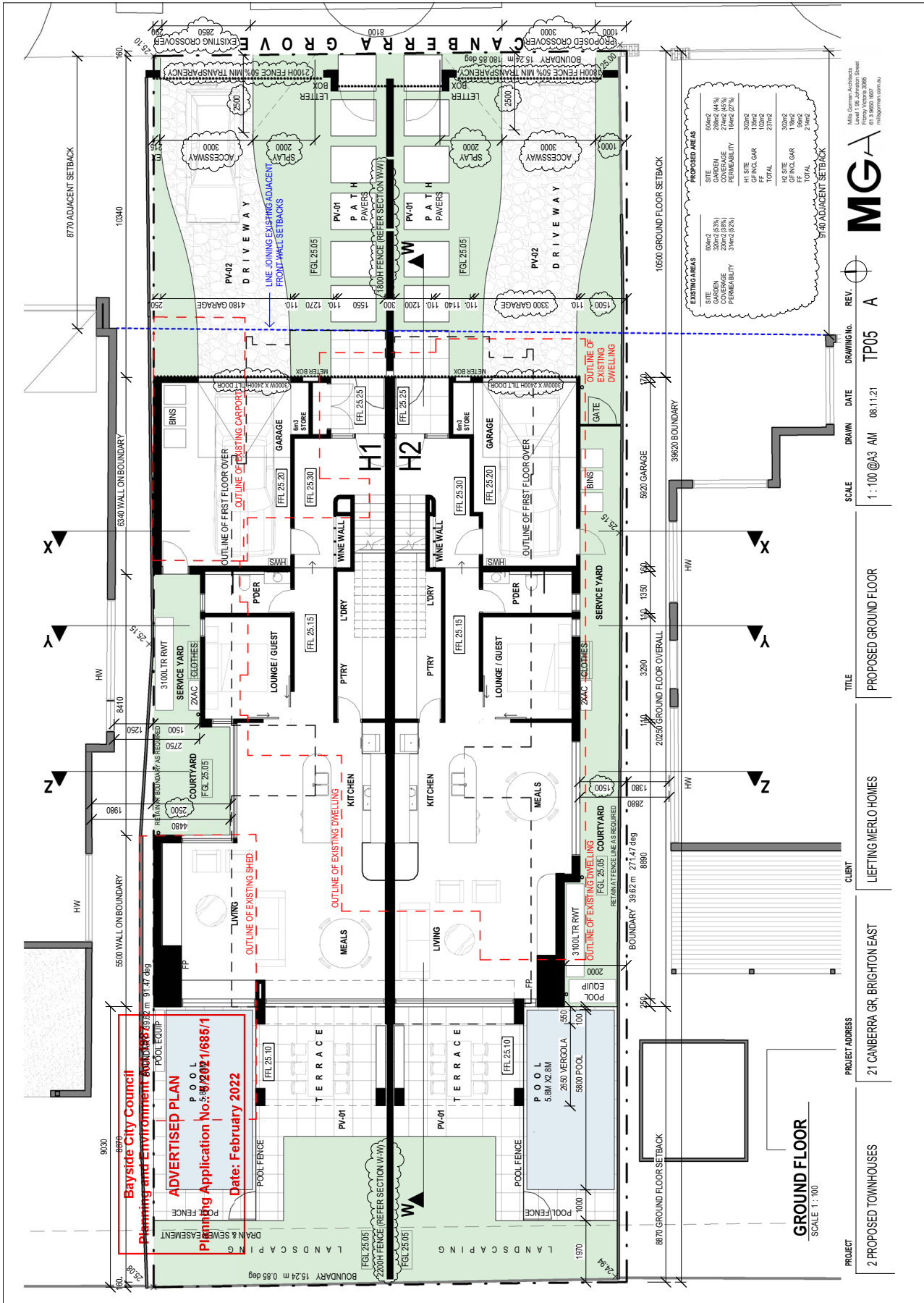
PROJECT	2 PROPOSED TOWNHOUSES	PROJECT ADDRESS	21 CANBERRA CR, BRIGHTON EAST	CLIENT	LEFTING MERLO HOMES	TITLE	SITE ANALYSIS - CONTEXT PHOTOS	SCALE	1 : 1 @A3	DATE	08.11.21	DRAWING No.	TP02	REV.	
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MGA  
 Mills Gorman Architects  
 100/102 Victoria Street  
 Fremantle, Western Australia  
 61 8 9460 1027  
 mgs@mgainfo.com.au



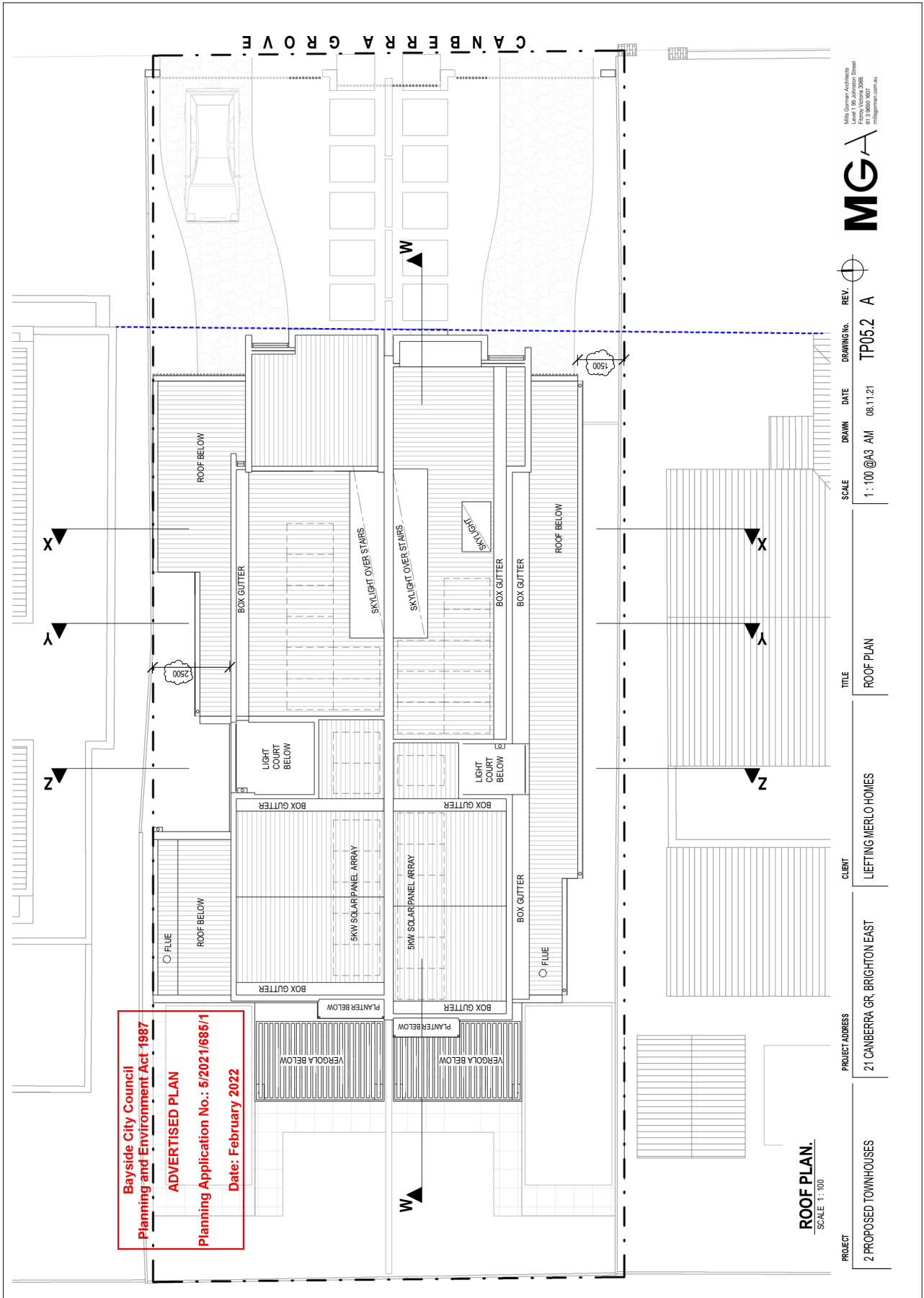


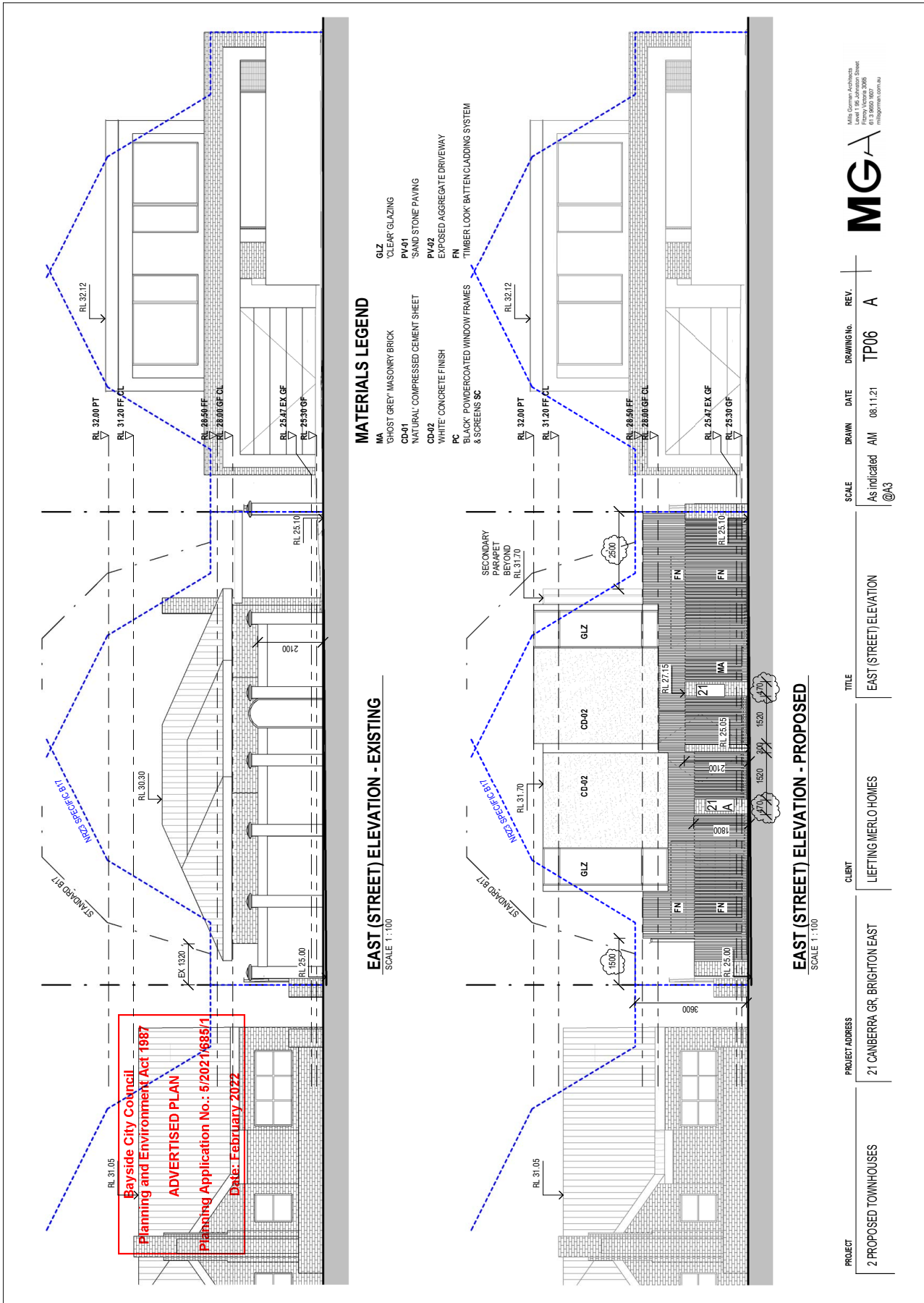




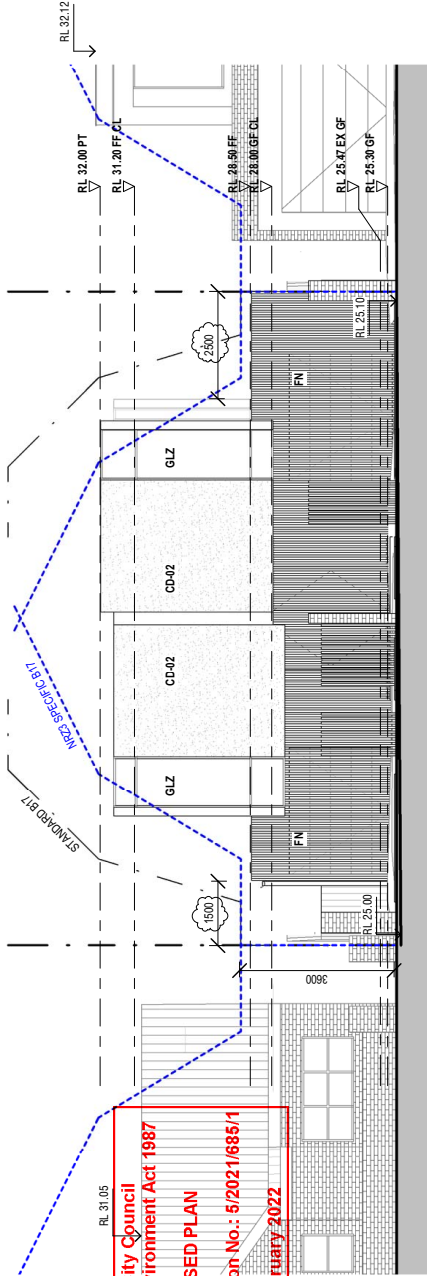












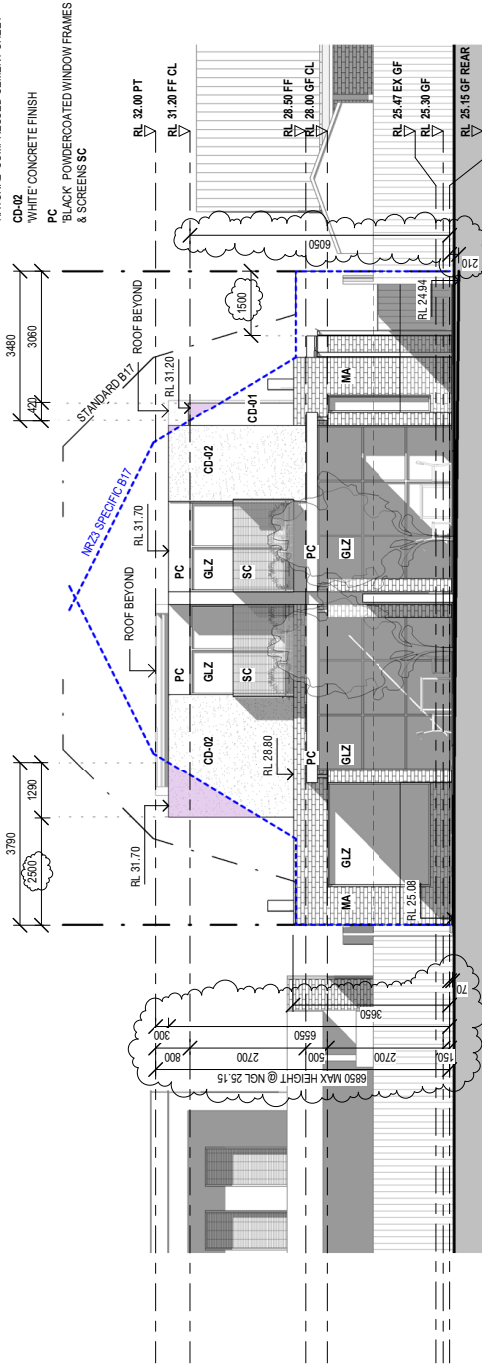
**Bayside City Council**  
**Planning and Environment Act 1987**  
**ADVERTISED PLAN**  
**Planning Application No.: 5/2021/685/1**  
**Date: February 2022**

**MATERIALS LEGEND**

- GLZ 'CLEAR' GLAZING
- MA 'GHOST GREY' MASONRY BRICK
- CD-01 NATURAL COMPRESSED CEMENT SHEET
- CD-02 'WHITE CONCRETE FINISH
- PC 'BLACK' POWDERCOATED WINDOW FRAMES & SCREENS SC
- FN 'TIMBER LOOK' BATTEN GLAZING SYSTEM
- PN-01 SANDSTONE PAVING
- PN-02 EXPOSED AGGREGATE DRIVEWAY

**EAST (STREET) ELEVATION - WITHOUT FENCE**

SCALE 1:100



**WEST ELEVATION**

SCALE 1:100



Mills Gorman Architects  
 10/11-13/15  
 Ermerly Way, Northcote  
 VIC 3070  
 Tel: 03 9450 1007  
 mgsdesign.com.au

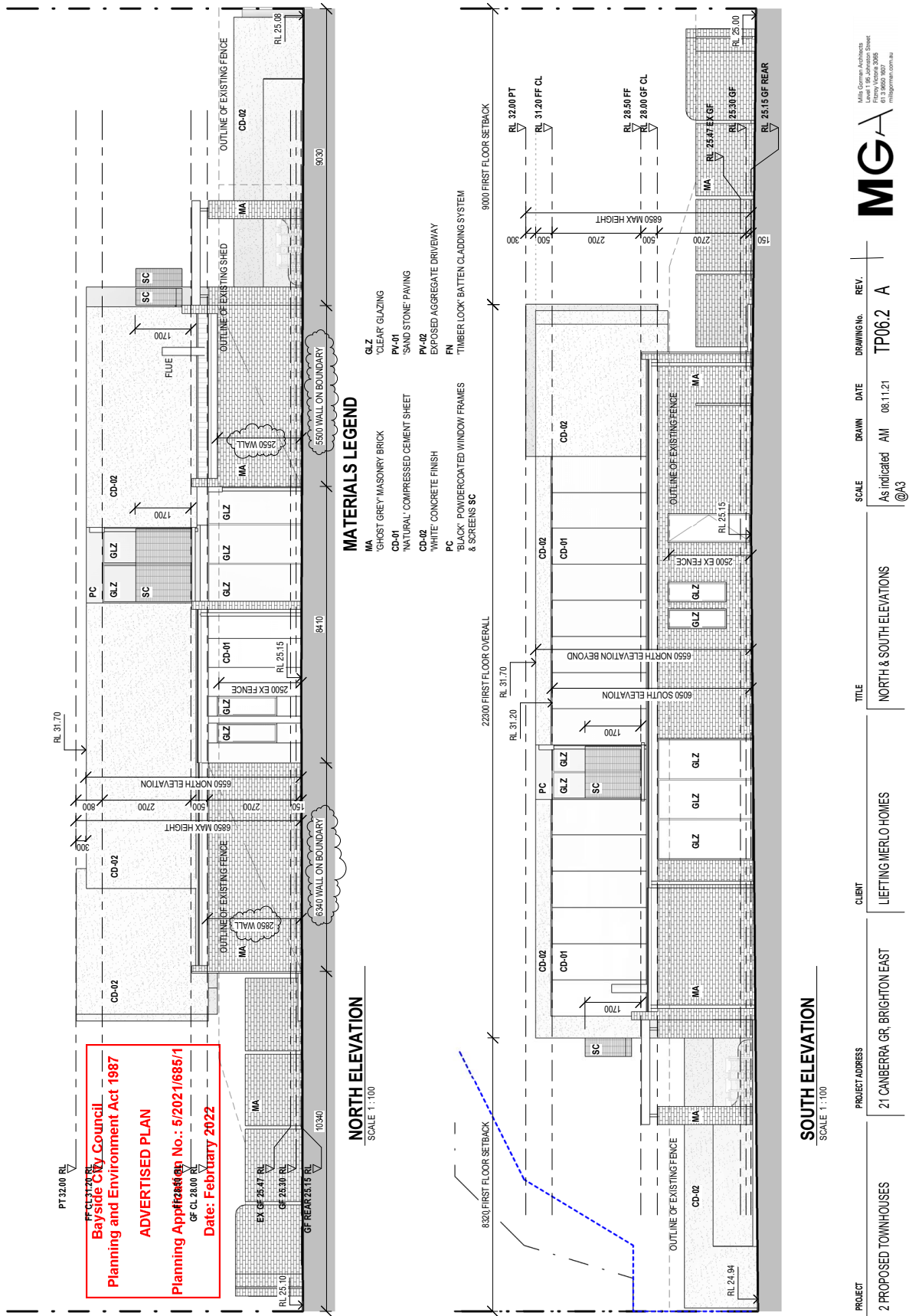
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As Indicated	AM	08.11.21	TP06.1 A

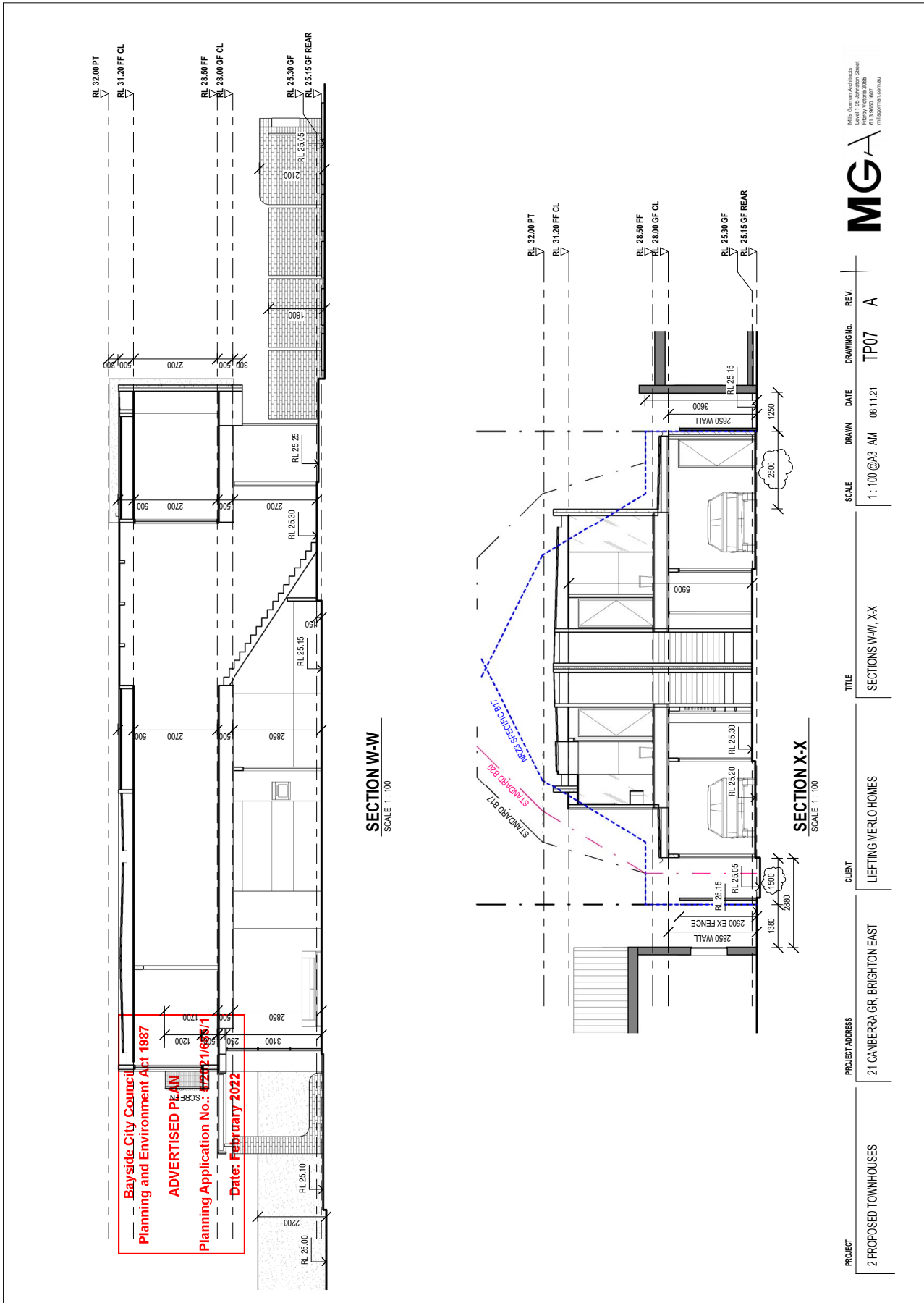
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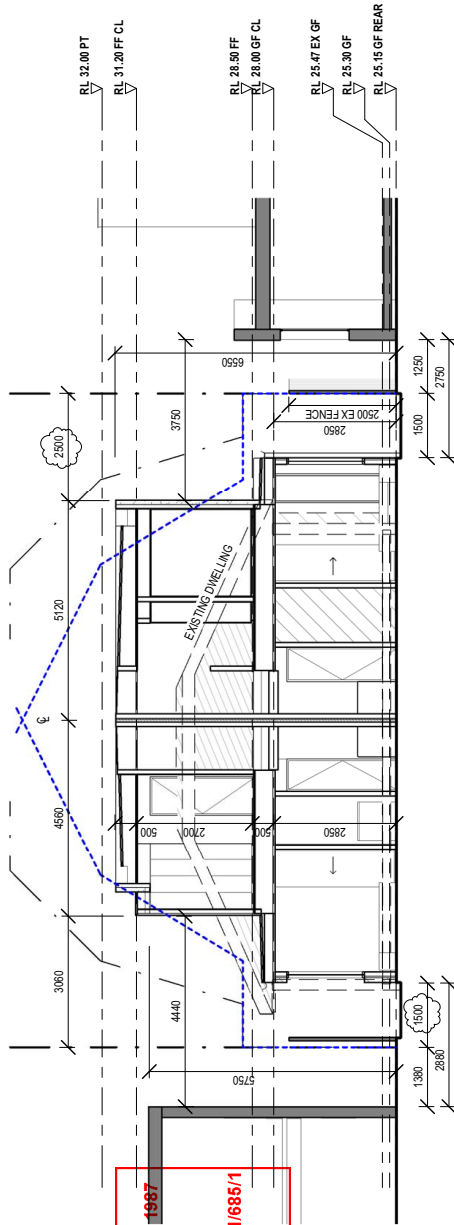
CLIENT
LIEFTING MERLO HOMES

PROJECT ADDRESS
21 CANNBERRA CR BRIGHTON EAST

PROJECT
2 PROPOSED TOWNHOUSES



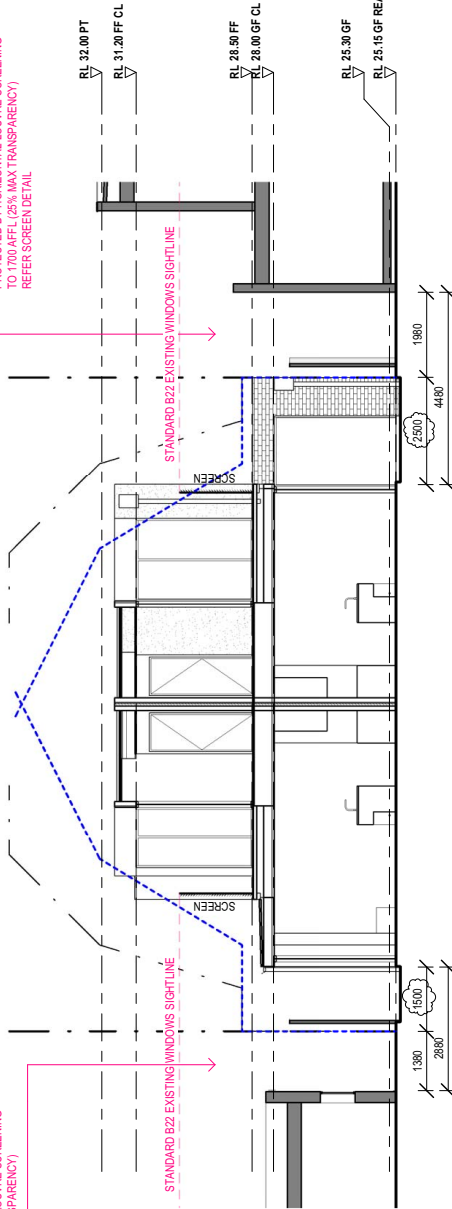




**SECTION Y-Y**  
SCALE 1:100

POTENTIAL OVERLOOKING ZONE  
(BELOW THE DASHED LINE)  
PROTECTED BY HORIZONTAL LOUVRE SCREENING  
TO 1700 AFFL (25% MAX TRANSPARENCY)  
REFER SCREEN DETAIL

POTENTIAL OVERLOOKING ZONE  
(BELOW THE DASHED LINE)  
PROTECTED BY HORIZONTAL LOUVRE SCREENING  
TO 1700 AFFL (25% MAX TRANSPARENCY)  
REFER SCREEN DETAIL



**SECTION Z-Z**  
SCALE 1:100

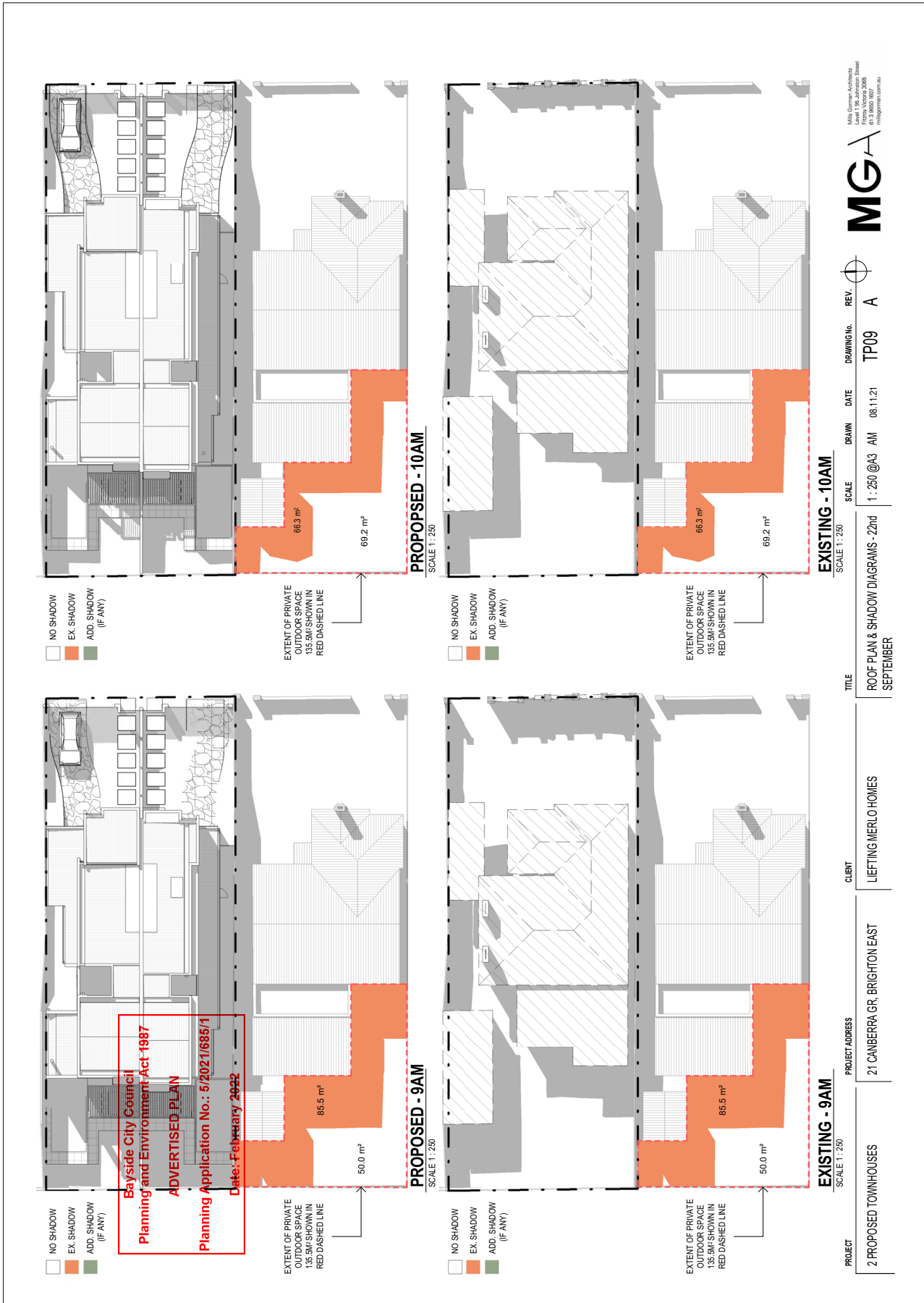
**Bayside City Council**  
**Planning and Environment Act 1987**  
**ADVERTISED PLAN**  
**Planning Application No.: 5/2021/685/1**  
**Date: February 2022**

Mills Gorman Architects  
Level 10, 100 Market Street  
Fremantle, Western Australia  
6155  
08 9490 1007  
mg@mgma.com.au



PROJECT	PROJECT ADDRESS	CLIENT	TITLE	SCALE	DRAWN	DATE	REV.
2 PROPOSED TOWNHOUSES	21 CANGERRA GR, BRIGHTON EAST	LIFTING MERLO HOMES	SECTIONS Y-Y, Z-Z	1:100 @A3	AM	08.11.21	TP07.1 A

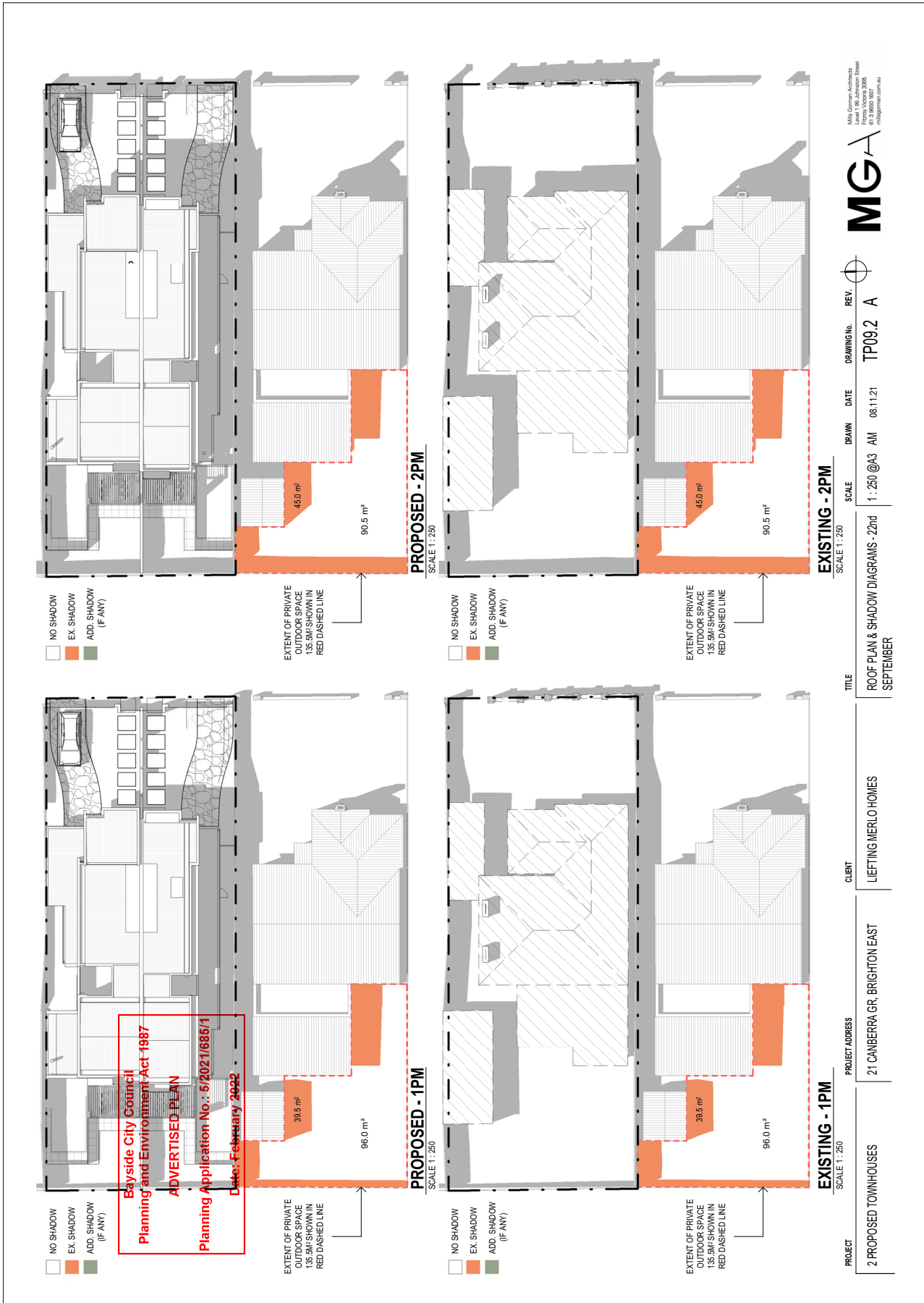


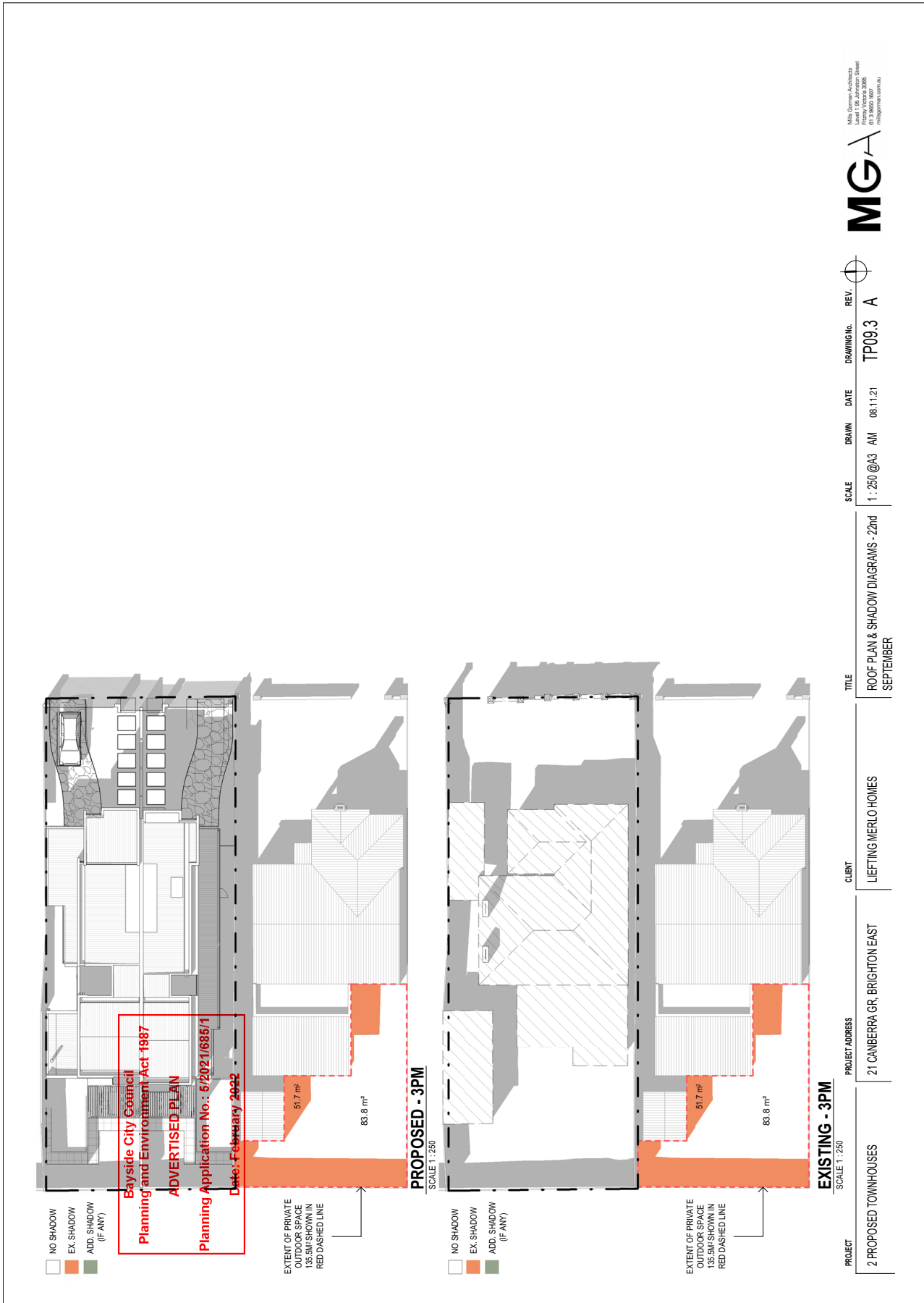




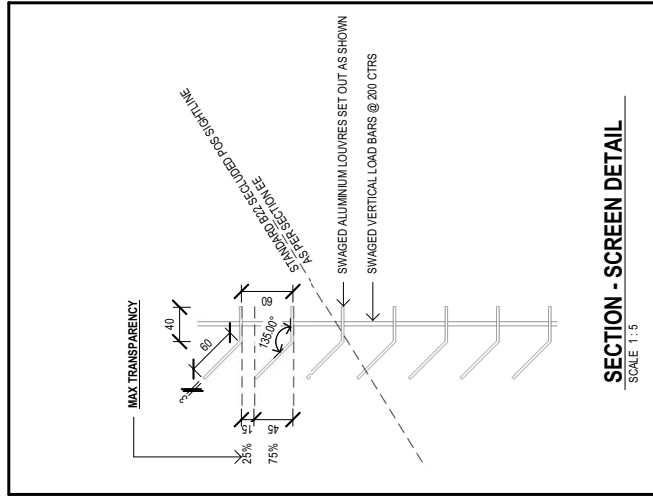






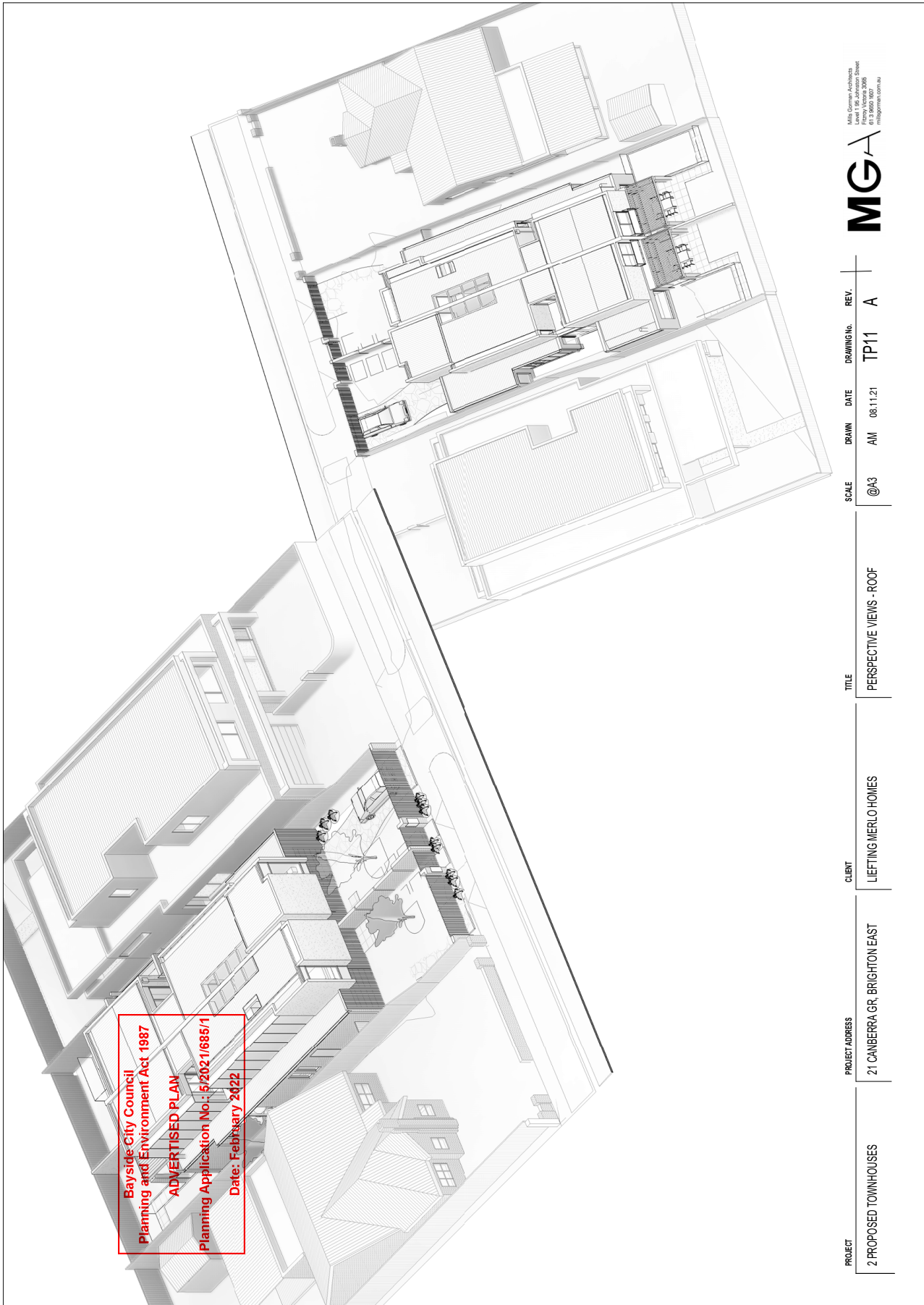


**Bayside City Council**  
**Planning and Environment Act 1987**  
**ADVERTISED PLAN**  
**Planning Application No.: 60221/685/1**  
**Due for consideration: 28 February 2022**

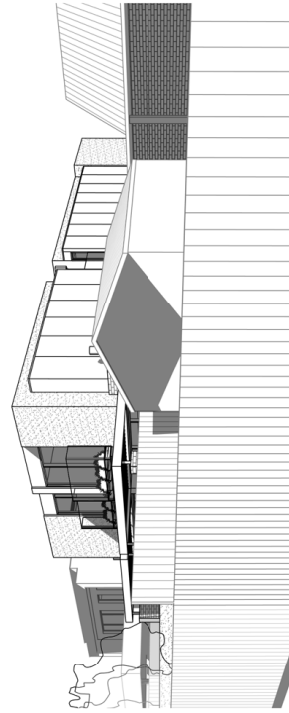
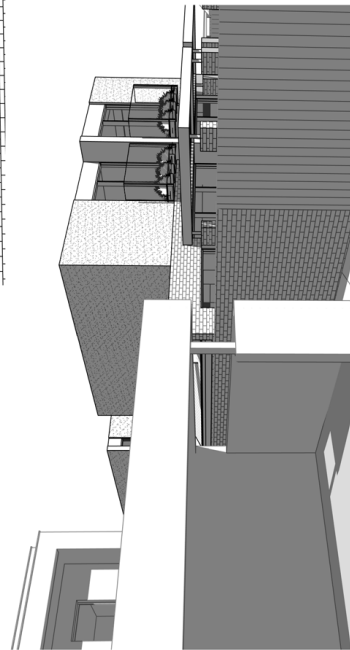
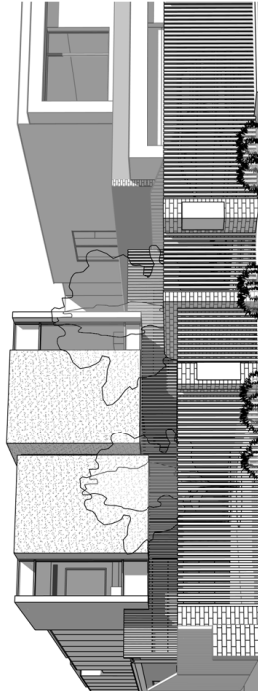
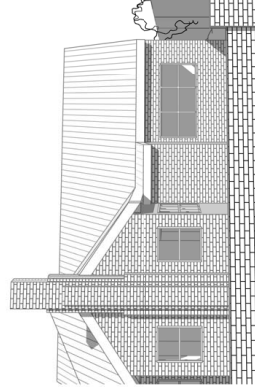
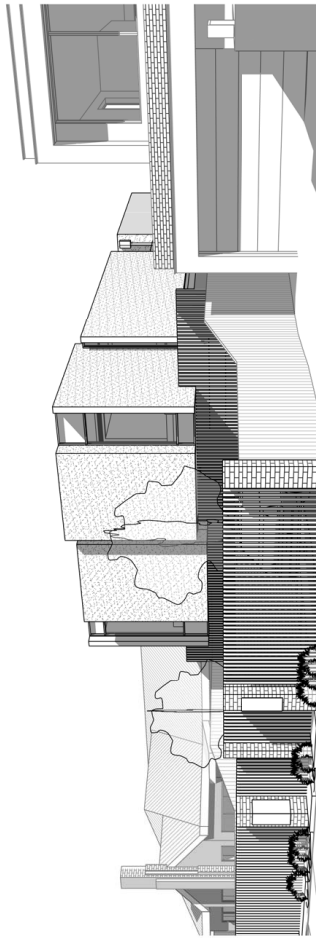


PROJECT	2 PROPOSED TOWNHOUSES	CLIENT	LIFTING MERLO HOMES	TITLE	MATERIALS SCHEDULE & SCREEN DETAIL	SCALE	1:5 @A3	DRAWN	ADM	DATE	08.11.21	DRAWING No.	TP10	REV.		
PROJECT ADDRESS	21 CABBERRA GR, BRIGHTON EAST		CLIENT		LIFTING MERLO HOMES		SCALE		1:5 @A3		DRAWN		ADM		DATE	



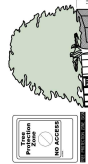
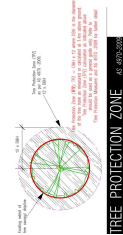






PROJECT	PROJECT ADDRESS	CLIENT	TITLE	SCALE	DRAWN	DATE	REV.
2 PROPOSED TOWNHOUSES	21 CANNING CR, BRIGHTON EAST	LIFTING MERLO HOMES	PERSPECTIVE VIEWS - FRONT & REAR	@A3	AM	08.11.21	TP12 A


  
 MGA  
 Mills Gorman Architects  
 Level 10, 100 Pitt Street  
 Sydney, NSW 2000  
 61 2 9660 1007  
 mgsa.com.au



**FREE PROTECTION FENCING**

1. The contractor shall install and maintain free protection fencing around the tree protection zone for the duration of the project.

2. The contractor shall install and maintain free protection fencing around the tree protection zone for the duration of the project.

3. The contractor shall install and maintain free protection fencing around the tree protection zone for the duration of the project.

**FREE PROTECTION MEASURES**

1. The contractor shall install and maintain free protection measures around the tree protection zone for the duration of the project.

2. The contractor shall install and maintain free protection measures around the tree protection zone for the duration of the project.

3. The contractor shall install and maintain free protection measures around the tree protection zone for the duration of the project.

**MAINTENANCE NOTES**

General

1. The contractor shall maintain the site in accordance with the schedule of maintenance.

2. The contractor shall maintain the site in accordance with the schedule of maintenance.

3. The contractor shall maintain the site in accordance with the schedule of maintenance.

**PLANTING NOTES**

1. The contractor shall plant the trees in accordance with the schedule of planting.

2. The contractor shall plant the trees in accordance with the schedule of planting.

3. The contractor shall plant the trees in accordance with the schedule of planting.

**LANDSCAPE KEY**

PROPOSED HEDGING PLANTS

PROPOSED TREES & SHRUB PLANTS

PROPOSED DECIDUOUS TREES

PROPOSED EVERGREEN TREES

TREES TO BE REMOVED

TREES TO BE RETAINED

TREE PROTECTION FENCE

TREE PROTECTION ZONE (BUN)

SELECTED RAWL AREA WITH THICK LOGS

SELECTED PAVING

SELECTED EXPOSED AGGREGATE CONCRETE GRABBAR

SELECTED STEPPING PAVING

**PLANTING SCHEDULE**

SYMBOL	BOTANICAL NAME	MATURE SIZE	INSTALLED SIZE	INSTALLED HGT	QTY
TREES	Acacia, Myrtaceae, Eucalyptus, Southern Mahoe	10.0 x 10.0	10.0 x 10.0	10.0m	2
SHRUBS & GRASSES	Protea, Proteaceae, Protea, Protea, Protea	1.0 x 1.0	1.0 x 1.0	1.0m	4
Acacia	Acacia, Myrtaceae, Eucalyptus, Southern Mahoe	10.0 x 10.0	10.0 x 10.0	10.0m	2
Shrub	Protea, Proteaceae, Protea, Protea, Protea	1.0 x 1.0	1.0 x 1.0	1.0m	4
Grass	Protea, Proteaceae, Protea, Protea, Protea	1.0 x 1.0	1.0 x 1.0	1.0m	4

**PLANTING SCHEDULE**

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**PLANTING NOTES**

1. The contractor shall plant the trees in accordance with the schedule of planting.

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PROPOSED DECIDUOUS TREES

PROPOSED EVERGREEN TREES

TREES TO BE REMOVED

TREES TO BE RETAINED

TREE PROTECTION FENCE

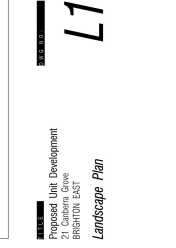
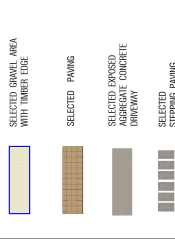
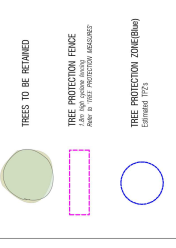
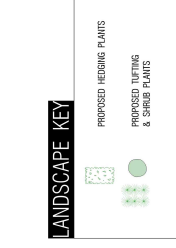
TREE PROTECTION ZONE (BUN)

SELECTED RAWL AREA WITH THICK LOGS

SELECTED PAVING

SELECTED EXPOSED AGGREGATE CONCRETE GRABBAR

SELECTED STEPPING PAVING



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TREES TO BE RETAINED

TREE PROTECTION FENCE

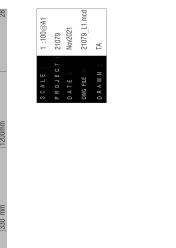
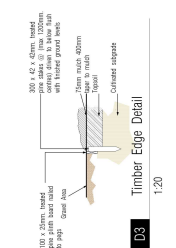
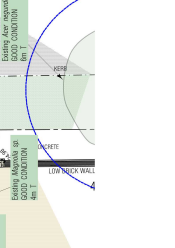
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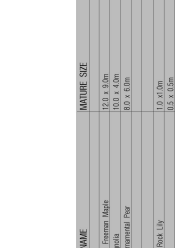
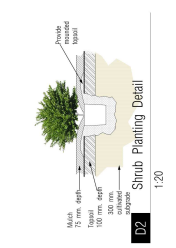
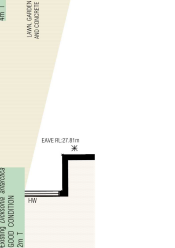
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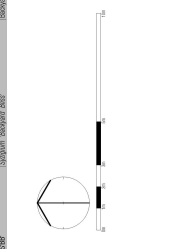
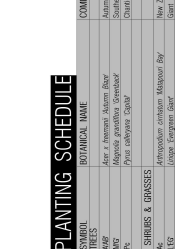
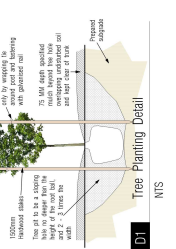
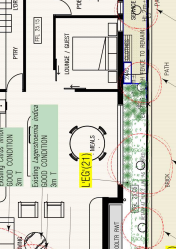
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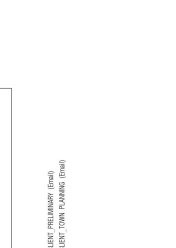
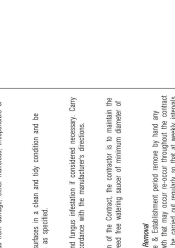
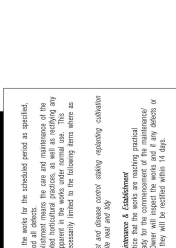
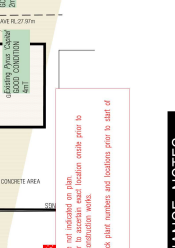
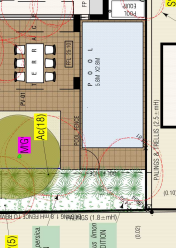
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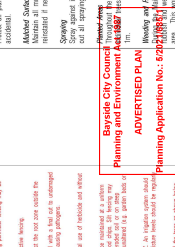
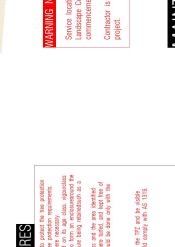
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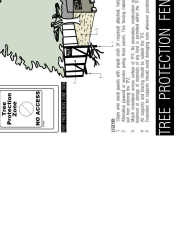
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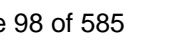
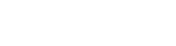
TREE PROTECTION ZONE (BUN)

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SELECTED STEPPING PAVING



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**Site and Surrounds Imagery**



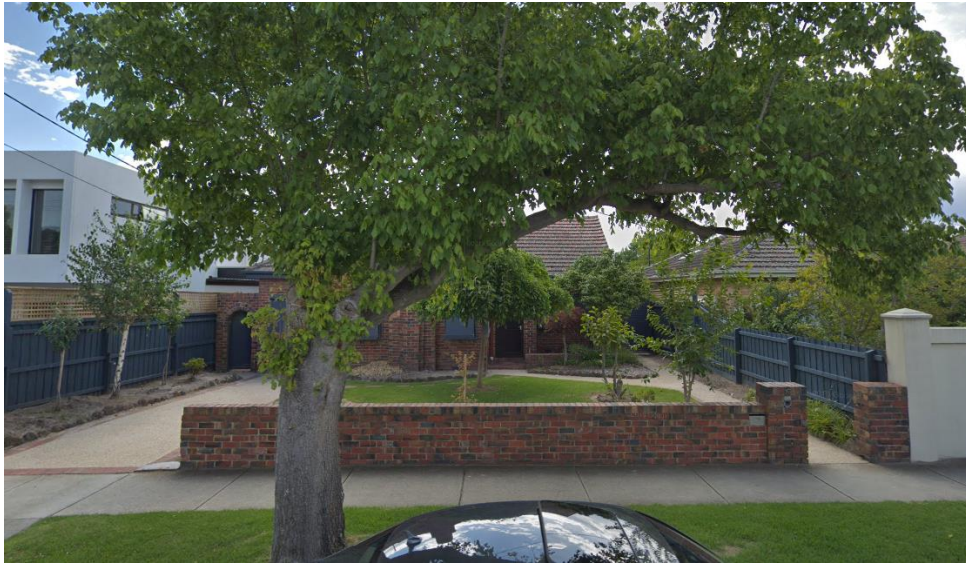
Figure 1 Aerial overview of the site and surrounds

Legend	
Subject site	★

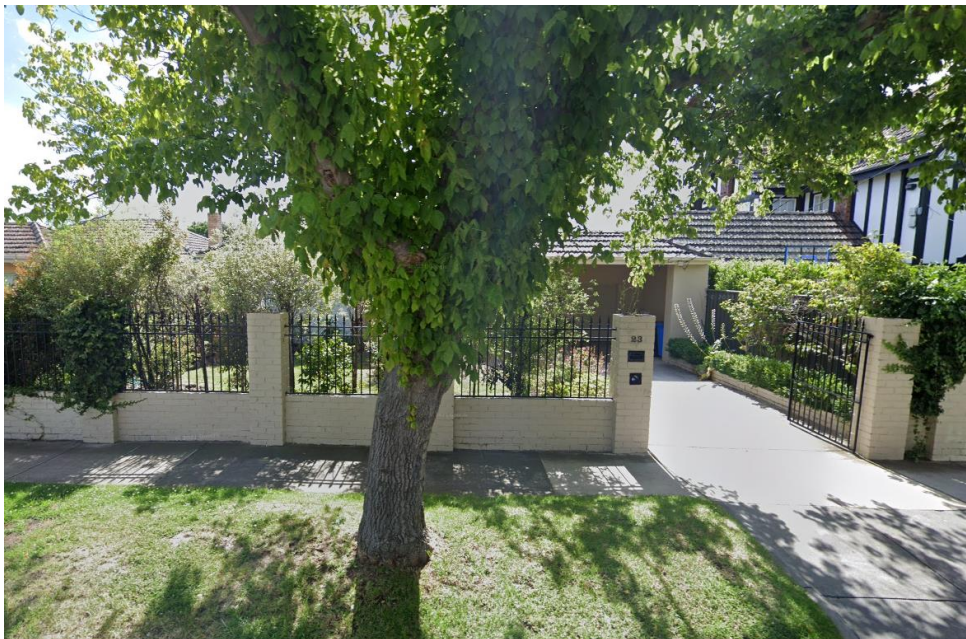


Figure 2 View towards the subject site from Canberra Grove





*Figure 3 View towards the adjoining site to the south (19 Canberra Grove)*



*Figure 3 View towards the adjoining site to the north (23 Canberra Grove)*

**CLAUSE 55: TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS**

<b>CLAUSE 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE</b>		
<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Comments</b>
<p><b>B1 Neighbourhood Character</b> Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</p>	Complies	Refer to Section 6.1 of this report.
<p><b>B2 Residential Policy</b> 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.</p>	Complies	The subject site is appropriately located with regard to services and facilities to support the construction multiple dwellings on a lot of this size.
<p><b>B3 Dwelling Diversity</b> Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	
<p><b>B4 Infrastructure</b> Provides appropriate utility services and infrastructure without overloading the capacity.</p>	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.
<p><b>B5 Integration with the Street</b> Integrate the layout of development with the street</p>	Complies	The development will integrate appropriately with the street and features a staggered front setback at ground floor level, providing an appropriate transition to the setbacks of the adjoining properties.

**CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING**

Title and Objective	Complies with Standard?	Comments
<b>B6 Street Setback</b> The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	Complies	<b>Requirement:</b> 9m. <b>Proposed:</b> 10.34m -10.5m at ground floor and 9m at first floor.
<b>B7 Building Height</b> Building height should respect the existing or preferred neighbourhood character.	Complies	<b>Maximum:</b> 9m. <b>Proposed:</b> 6.85m
<b>B8 Site Coverage</b> Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	Complies	<b>Maximum:</b> 50% <b>Proposed:</b> 45%
<b>B9 Permeability</b> Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Complies	<b>Minimum:</b> >20% <b>Proposed:</b> 27%
<b>B10 Energy Efficiency</b> 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.
<b>B11 Open Space</b> Integrate layout of development with any public and communal open space provided in or adjacent to the development.	N/A	There is no communal open space in or adjacent to the development.
<b>B12 Safety</b> Layout to provide safety and security for residents and property.	Complies	The pedestrian entry points are clearly recognisable while upper levels allow for the passive surveillance of the street.
<b>B13 Landscaping</b> To provide appropriate landscaping. To encourage: <ul style="list-style-type: none"> <li>• Development that respects the landscape character of the neighbourhood.</li> <li>• Development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> </ul>	Complies	The submitted landscape plan provides the required amount of canopy trees and landscaping.

<ul style="list-style-type: none"> <li>The retention of mature vegetation on the site.</li> </ul>		
<p><b>B14 Access</b> Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	Complies	An appropriate access to parking has been provided.
<p><b>B15 Parking Location</b> 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.</p>	Complies	On site car parking is provided in the form of garages and tandem outdoor parking.

CLAUSE 55.04 AMENITY IMPACTS				
Title and Objective	Complies with Standard?		Comments	
<p><b>B17 Side and Rear Setbacks</b> Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	Does not comply		Refer to Section 6.2 of the Report.	
	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
North (side)	0m or 2m	1.5m, 2.5m	3.95m, 3.77m	3m, 2.5m
South (side)	0m or 2m	1.5m, 2m	3.47m, 3.77m	3m, 3.06m
West (rear)	0m or 3m	8.87m, 9.03m	4.77m	8.87m
<p><b>B18 Walls on Boundaries</b> Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	Complies		<p><b>Dwelling 1 Garage-</b> Height: 2.85m Length: 6.34m <b>Living room-</b> Height: 2.55m Length: 5.5m</p>	
<p><b>B19 Daylight to Existing Windows</b> Allow adequate daylight into existing habitable room windows.</p>	Complies		The development has been sufficiently setback from all habitable room windows to abutting properties	

<b>B20 North Facing Windows</b> Allow adequate solar access to existing north-facing habitable room windows.	Complies	<b>Required:</b> 2.7m <b>Proposed:</b> 2.88m
<b>B21 Overshadowing Open Space</b> Ensure buildings do not significantly overshadow existing secluded private open space.	Complies	Additional overshadowing will occur over the adjoining property to the south, non-sensitive areas which do not result in any amenity impacts. The overshadowing extends marginally beyond the shadow cast by the existing fence line.
<b>B22 Overlooking</b> Limit views into existing secluded private open space and habitable room windows.	Complies	All habitable room windows have been screened to a minimum height 1.7 metres above finished floor level or have been sited appropriately in accordance with this Standard.
<b>B23 Internal Views</b> Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.	Complies	All habitable room windows have been screened to a minimum height 1.7 metres above finished floor level or have been sited appropriately in accordance with this Standard. At ground floor level internal fencing to a height of 2.2m limits views between adjoining areas of secluded private open space within the development.
<b>B24 Noise Impacts</b> 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.

<b>CLAUSE 55.05 ON-SITE AMENITY AND FACILITIES</b>		
<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Comments</b>
<b>B25 Accessibility</b> Consider people with limited mobility in the design of developments.	Complies	Entries are accessible for people with limited mobility. The development could be further retrofitted to accommodate people with limited mobility in the future if required.
<b>B26 Dwelling Entry</b> Provide a sense of identity to each dwelling/residential building.	Complies	The development fronts the street and includes a clearly identifiable entry with dedicated pedestrian pathway. The entry provides shelter, a sense of personal address and a transitional space around the building entry.



<b>B27 Daylight to New Windows</b> Allow adequate daylight into new habitable room windows.	Complies	All habitable windows will open out onto a space clear to the sky.
<b>B28 Private Open Space</b> Provide reasonable recreation and service needs of residents by adequate private open space.	Complies	<b>Minimum:</b> 25m <sup>2</sup> secluded, 40m <sup>2</sup> overall with a minimum dimension of 3 m; A balcony of 8m <sup>2</sup> with a minimum width of 1.6m. <b>Proposed:</b> 68m <sup>2</sup> each
<b>B29 Solar Access to Open Space</b> Allow solar access into the secluded private open space of new dwellings/buildings.	Complies	
<b>B30 Storage</b> Provide adequate storage facilities for each dwelling.	Complies	6 cubic meters per each dwelling

**CLAUSE 55.06 DESIGN DETAIL**

<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Comments</b>
<b>B31 Design Detail</b> Encourage design detail that respects the existing or preferred neighbourhood character.	Complies	Refer to Section 6.1 of the report for further discussion.
<b>B32 Front Fences</b> Encourage front fence design that respects the existing or preferred neighbourhood character.	Does not comply	Refer to section 6.2 of this report. <b>Required:</b> 1.2m <b>Proposed:</b> 1.8m – 2.1m
<b>B33 Common Property</b> Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.	N/A	No common property is proposed.
<b>B34 Site Services</b> Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.	Complies	All appropriate site services can be easily catered for on-site. Mails boxes are shown to adjoin the pedestrian entry with waste provisions being provided within the side yard and within the garage area.



#### 4.5 377 BAY STREET, BRIGHTON NOTICE OF DECISION TO GRANT A PERMIT APPLICATION 2021/421/1 WARD: BLEAZBY

City Planning and Amenity - Development Services  
File No: PSF/22/36 – Doc No: DOC/22/115323

*Officers involved in the preparation of this report have no conflict of interest in this matter.*

##### 1. Application details

<b>Recommendation</b>	Notice of Decision to Grant a Permit
<b>Applicant</b>	Bayside Town Planning
<b>Title/Covenant/S173 Agreement</b>	The site is subject to restrictive covenant 1807157. The covenant does not restrict the proposed development.
<b>Date application received</b>	5 August 2021
<b>Current statutory days</b>	102 days
<b>Zoning</b>	Commercial 1 Zone (Schedule 1)
<b>Overlays</b>	Design and Development Overlay (Schedule 10) Heritage Overlay (Schedule 747) Development Contributions Plan Overlay (Schedule 1)
<b>Site area</b>	189 square metres
<b>Number of outstanding objections</b>	8
<b>Is a Development Contribution Levy applicable?</b>	Yes Catchment area: 8A - \$6,122
<b>Is the site located within an area of cultural heritage sensitivity?</b>	No

##### Proposal

The application seeks Partial demolition of the existing building, construction of an apartment building including a retail premises in a Heritage Overlay and Design and Development Overlay and a reduction in the car parking requirements. Key details of the proposal are as follows:

- 5 dwellings comprising one (1) one-bedroom dwelling and four (4) two-bedroom dwellings located on the first, second and third floor.
- The maximum overall building height in metres and storeys: 15.02 metres, 4 storeys.
- The ground floor will comprise one shop (no permit required) with a total area of 62m<sup>2</sup>, bin storage, bicycle storage, residential storage and a car stacker for the residential component.
- A 5 car, car stacker is provided for the residential dwellings, accessed via the rear laneway.

- A reduction of 2 parking spaces is sought associated with the ground floor shop.
- Partial demolition of the existing heritage building is proposed. The application seeks to retain the majority of the existing heritage facade facing Bay Street.

The application plans, traffic report, waste management plan and sustainability plan are provided at **Attachment 1-5**.

An aerial image and photographs of the site and surrounds are provided at **Attachment 6**.

#### 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 34.01- 4 (Commercial 1 Zone) Buildings and works
- Clause 43.01-1 (Heritage Overlay) Partial Demolition of a building and buildings and works
- Clause 43.02-2 (Design and Development Overlay Schedule 10) Buildings and works
- Clause 52.06-2 (Car Parking) Reduction of required parking spaces associated with shop

### Planning Scheme Amendments

- Planning Scheme Amendment C180 was gazetted on 18 June 2021 and forms part of the reforms and restructuring of Victoria's planning systems to make planning schemes more efficient, accessible and transparent. The amendment replaces the Local Planning Policy Framework at Clauses 21 and 22 of the Bayside Planning Scheme with a new Municipal Planning Strategy at Clause 02, local policies within the Planning Policy Framework at Clauses 11-19 and a selected number of local schedules to overlays, particular provisions and operational provisions.

## 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:

Internal Referral	Response
Drainage Assets Engineer	No objection, subject to conditions.
Heritage Advisor	No objection.
Sustainability	No objection, subject to conditions.
Traffic Engineer	Raised the following concerns: <ul style="list-style-type: none"> <li>• Access into the car stacker</li> <li>• Waste collection</li> </ul>

### 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.

Eight (8) objections remain outstanding at the time of this report.

The following concerns were raised:

- Setbacks
- Building height – too high
- Overshadowing
- Overlooking
- Overdevelopment
- Blocked views
- Reduction in car parking and the use of a car stacker resulting in parking issues in the area
- Increased traffic and noise from using the rear laneway
- Western side laneway will cause wind tunnel
- Negative impacts to the heritage significance of existing building
- Lighting of the side western laneway
- Public laneway should not be used to access the building
- West boundary to be fire rated
- Future development to west will block daylight and sunlight to balconies and windows

### Consultation meeting

A consultation meeting was held on 31 March 2022 attended by the Permit Applicant and four objectors. As a result of this meeting no amended plans were submitted and no objections were withdrawn.

## 4. Recommendation

That Council resolves to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of planning application **2021/421/1** for the land known and described as **377 Bay Street, Brighton** for the **partial demolition of the existing building, construction of an apartment building including a retail premises in a Heritage Overlay and Design and Development Overlay and a reduction in the car parking requirements** 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. The plans must be generally in accordance with the advertised plans prepared by S T Architects referenced TP02 – TP10, date 18/01/2022 and revision number A but modified to show:
  - a) storage in accordance with Standard D20 (Storage) to be detailed within each dwelling

- b) the car stacker to be setback a minimum of 5.5m from the rear property boundary of the subject site
- c) traffic warning light system at the edge of the garage opening shown on ground floor plan
- d) a Sustainability Management Plan in accordance with Condition 9
- e) a Waste Management Plan in accordance with Condition 23
- f) a Public Realm Plan in accordance with Condition 24
- g) provision of the development contributions fee in accordance with Condition 29

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 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.
8. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

#### Sustainability Management Plan

9. Prior to the endorsement of plans pursuant to Condition 1, a Sustainability Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainable Management Plan prepared by Frater Consulting dated 11 January 2022 and include, but not be limited to the following:
  - a) Water Sensitive Urban Design (WSUD) initiatives to comply with the best practice performance objective set out in the Urban Stormwater Best Practice Environmental Management Guidelines, Victoria Stormwater Committee 1999
  - b) a STORM or MUSIC model report demonstrating Best Practice stormwater management to the satisfaction of the responsible authority
  - c) complete BESS report demonstrating the initiatives selected to achieve



the 53% or greater standard committed to in the summary report

- d) preliminary building energy ratings to align with plans
- e) street lighting technology to be high efficiency T5 lineal fluorescent or LED luminaries with low upward light spill ratios designed to P4 public lighting standard at a six metres mounting height
- f) single side dwellings deeper than 5 metres to be provided with mixed mode ventilation providing fresh air rates of at least 2.5 L/s/m<sup>2</sup> of air movement to each habitable room for residential or an increase of at least 100% on minimum rates set out in AS 1668.2-2002 for office and retail areas
- g) demonstration that stormwater detention volume requirements are in addition to stormwater retention
- h) clearly state that in addition to producing a Building User's Guide that it will be provided to occupants
- i) endorsed SMP Report initiatives to be fully integrated with architectural and building services plans and specifications for building approval
- j) provision of green walls/ vertical gardens where practicable

all to the satisfaction of the Responsible Authority.

10. All works must be undertaken in accordance with the endorsed Sustainability Management Plan (SMP) Management Plan to the satisfaction of the Responsible Authority. No alterations to the ESD Management Plan may occur without the written consent of the Responsible Authority.
11. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Sustainability Management Plan (SMP) report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved Plan.

#### Landscape Plan

12. Before the occupation of the development the landscaping on the endorsed plans must be completed to the satisfaction of the Responsible Authority.
13. The landscaping on the endorsed plans must be maintained. Landscaping that is dead, diseased or damaged must be replaced to the satisfaction of the Responsible Authority.

#### Street tree protection

14. Soil excavation must not occur within 2 metres from the edge of the street tree.
15. 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.
16. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

#### Demolition Method Statement

17. Before demolition works begin, a fully detailed Demolition method statement from a qualified structural engineer must be submitted to and approved by the responsible authority. The report must be prepared by a qualified structural engineer. When approved, the statement will be endorsed and will then form part of the permit.
18. The Demolition method statement must fully describe and clearly demonstrate that the construction methods to be used on site will ensure that the building fabric required to be retained on the endorsed plans approved under Condition 1 of the permit will be safeguarded during and after the demolition process has occurred. The demolition method statement may need to include reference to staging of demolitions on site in some instances. The statement must detail the necessary protection works required to retain individual walls, chimneys, flooring, roofing and other heritage features of significance during demolition.
19. Before demolition works, a report from a structural engineer must be submitted to Council for approval which demonstrates that the engineer has inspected the existing building and has designed a suitable retention system to preserve the original façade.

#### Construction Management Plan

20. Prior to commencement of any building works (including demolition works in a Heritage Overlay) and / or the issue of a Building Permit a Construction Management Plan (CMP) prepared 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 form part of this permit. The plan must provide for (but not limited to):
- a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure
  - b) works necessary to protect road and other infrastructure
  - c) remediation of any damage to road and other infrastructure
  - d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land
  - e) facilities for vehicle washing, which must be located on the land
  - f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street
  - g) site security
  - h) management of any environmental hazards including, but not limited to:
    - i. contaminated soil and ground water
    - ii. materials and waste
    - iii. dust

- iv. stormwater contamination from run-off and wash-waters
- v. sediment from the land on roads
- vi. washing of concrete trucks and other vehicles and machinery
- vii. spillage from refuelling cranes and other vehicles and machinery
- i) the construction program
- j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency
- k) parking facilities for construction workers
- l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan
- m) an outline of requests to Council /Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services
- n) 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
- o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads
- p) include details of bus movements throughout the precinct during the construction period
- q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - i. using lower noise work practice and equipment
  - ii. the suitability of the land for the use of an electric crane
  - iii. silencing all mechanical plant by the best practical means using current technology
  - iv. fitting pneumatic tools with an effective silencer
  - v. other relevant considerations
  - vi. any site-specific requirements

During the construction:

- r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines
- s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system
- t) vehicle borne material must not accumulate on the roads abutting the land
- u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads

- v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
21. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
22. Except with the prior written consent of the Responsible Authority, demolition or construction works must be carried out in accordance with EPA regulations.

#### Waste Management Plan

23. Before the endorsement of plans pursuant to Condition 1, an amended Waste Management Plan must be submitted to and approved by the Responsible Authority. The plan must be in accordance with the Waste Management Plan by Impact Traffic Engineering dated July 2021 (advertised) but must be modified to include:
- a) swept path drawings demonstrating a 6.4m long rear mini loader can facilitate waste pick up, with the truck to prop in the space within the rear garage area for collection and exit the site into the laneway in a forward direction
  - b) no propping of waste collection vehicles in the rear laneway will be permitted.

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

#### Public Realm

24. Prior to the endorsement of plans pursuant to Condition 1, a Public Realm Improvement Plan must be prepared and developed in collaboration with Statutory Planning Department. It must be submitted and approved to the satisfaction of the Responsible Authority, showing:
- a) the upgrade of the existing Council footpaths on Bay Street
  - b) the upgrade of the existing Council kerbs and road surface on the western and rear laneway
  - c) new street furniture, including seats, rubbish bins, etc.
  - d) new bicycle parking facilities
  - e) the relocation of any existing street parking signs to align with any new vehicle crossings or removed vehicle crossings
  - f) the undergrounding of the powerlines, NBN and cable TV cables on the power poles directly in front of the site for the width of the site on both street frontages (Bay Street and Laneway)
  - g) lighting of the western pedestrian laneway
  - h) activation of the western pedestrian laneway through the use of mural and/ or green wall.

When approved, such plan will form part of the endorsed plans under this permit.

#### Drainage

25. 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.

26. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
27. Council Stormwater drainage is for surface rainwater, no water below the Ground Water Table is accepted into the Council Stormwater system. Only occasional, clean, uncontaminated seepage water (associated with a rain event) is accepted to an appropriate Council underground drain OR this subterranean water must be suitably retained on-site.
28. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

#### Development Contributions

29. Prior to endorsement of the plans required under Condition 1 of this permit, the permit holder must pay a drainage levy 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

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

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:

- Council would be supportive of the applicant and/or owner making a tax-deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.
- A gazetted road name will be required for the adjacent walkway prior to street numbering being allocated. The applicant must submit a request to the Responsible Authority (Bayside City Council - Manager Governance) for the laneway to be named as per the Rules for Naming of Places in Victoria ("The Rules"), issued by the Office of Geographic Names. Once a road name has been approved by the Responsible Authority, the Applicant must then submit a request to the Responsible Authority (Bayside City Council - Property Data Officer) for addressing to be allocated for the proposed development. The Applicant should commence this process as early as possible, due to the statutory process and timelines, including but not limited to those outlined in The Rules.

Commercial – To retain 377 Bay Street BRIGHTON 3186

Residential – Addressing will be formally allocated once the western-side walkway has been named. Units on Level 1 will be units 101 + 102, units on

level 2 will be units 201 + 202, and the level 3 unit will be unit 301. The street name and number will be allocated once the walkway is named.

- 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 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

## 5. Council Policy

### Council Plan 2021–25

Relevant objectives of the Council plan include:

- Lead and influence change to address the climate emergency and strive to reduce its impact in the health of our community, environment and the planet.
- Land use will enhance Bayside's liveability and protect the distinctive heritage and character of our various localities.
- Transport planning and infrastructure facilities are well connected, accessible, safe and convenient transport system that contributes to a zero carbon future and wellbeing.

Relevant strategies of the Council plan include:

- Adopt and champion innovative ways of working and evaluate policy against its climate impact to reduce harm.
- Strategic planning and controls protect and reflect the diverse environmental and heritage values of Bayside.
- Encourage the planning of well-designed new development that is appropriately located and consistent with the preferred neighbourhood character and residential amenity.
- Integrate our transport planning and traffic management, and employ smart solutions to address changing demand, transport trends and community needs.

### Bayside Planning Scheme

- Clause 2 Municipal Planning Policy
- Clause 2.03 Strategic Directions
- Clause 11 Settlement
- Clause 11.03-1S Activity Centres
- Clause 11.03-1L (Bay Street Brighton)
- Clause 15 Built Environment and Heritage
- Clause 15.03 Heritage
- Clause 15.03-1L Heritage Conservation
- Clause 15.03-2S Aboriginal Cultural Heritage



- Clause 16 Housing
- Clause 17 Economic Development
- Clause 34.01 Commercial 1 Zone
- Clause 43.01 Heritage Overlay (Schedule 747)
- Clause 43.02 Design and Development Overlay (Schedule 10)
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 52.34 Bicycle Facilities
- Clause 53.18 Stormwater Management in Urban Development
- Clause 58 Apartment Developments
- Clause 65 Decision Guidelines

## 6. Considerations

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

### 6.1. Strategic Justification

The overarching principles of the Bayside Planning Scheme seek to provide a balance between delivering medium and high-density housing in major activity centres and accommodating retail and commercial growth to preserve the viability of these activity centres.


The preferred future role of the Bay Street Activity Centre has been developed through the Bay Street Centre - Final Structure Plan (November 2006). Clause 11.03-1L-02 (Activity Centres – Bay Street Brighton) and the Design and Development Overlay Schedule 10 implement the preferred future role of the Bay Street Major Activity Centre in the Bayside Planning Scheme.

State and Local Planning Policy envisage an increase in housing density in well serviced areas. Clause 11 of the Bayside Planning Scheme encourages higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport. Clause 11.03 sets out that Activity Centres should be a focus for high quality development, activity and living. The proposed ground floor retail use and upper floor accommodation uses and resulting increase in population and density at this site is considered an appropriate response to the underutilised state of the site and the proximity of the site to public transport, shops and other services.

Clause 11.03-1L-02 of the Bayside Planning Scheme provides a series of objectives and strategies that are relevant in the development of the Bay Street Major Activity Centre.

Figure 1, below, shows the subject site is located within the Business Precinct 1 and forms part of the central retail core of the activity centre. The retail core strategic includes to encourage development of residential uses at upper levels.



Figure 1: Map 1 to Clause 11.03-1L-02 - Subject site: 

Being within the business retail core, the site is within the easy walking distance to shops, other community services and public transport including North Brighton Train Station. The site is strategically located to accommodate a higher density of development in close proximity to key services that will assist in strengthening the role of Bay Street Major Activity Centre.

The purpose of the Commercial 1 Zone is to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. Furthermore, to provide for residential uses at densities complementary to the role and scale of the commercial centre.

The development would meet the purpose of the Commercial 1 Zone in the respect that it would offer a higher density of housing and provide active frontages at ground floor facing Bay Street with the inclusion of a retail shop. Whilst being identified as an area of key residential growth, and strategically supported, consideration must be given to the density of the development. An Assessment against the relevant objectives and standards of Clause 58 is therefore required and discussed in more detail below.

## 6.2. Design and Development Overlay (Schedule 10)

The site is covered by Design and Development Overlay Schedule 10. The objectives of the Overlay are:

- To ensure that the height of new development is compatible with the preferred future role and character of the Bay Street Major Activity Centre.

- To develop the centre in a way that conserves and enhances its valued urban character and heritage places.
- To ensure that new development contributes to safe and active streets.
- To maintain a strong landscape character with residential buildings set within vegetated front gardens and streetscapes in the residential precincts.

Whilst the principle of providing a higher density development within the Bay Street Major Activity Centre is supported, the application must be considered against the design objectives and built form provisions for the relevant precinct.

Figure 2, below shows that the site is located in Precinct C with adjoining properties to the south, east and west also being located in precinct C and properties to the north being located in precincts E1 and E.



Figure 2: Map 1 to DDO10 Bay Street Major Activity Centre - Subject site: 

**Building Height**

Precinct C has a preferred building height of 3 storeys (11 metres). There is no maximum building height specified for this precinct. The adjoining precincts E1 and E to the north of the site also have a preferred or maximum building height of 3 storeys (11 metres).

With regards to building height, the design guidelines of the overlay set out that in all precincts, a building should not exceed the Preferred Building Heights (in metres and

storeys) unless it demonstrates compliance with certain design expectations (discussed below). Development on land in a Commercial Zone that is adjacent to a Residential Zone should also be designed to achieve a transition in height and building form.

The application proposes a building height of 15.02 metres and four (4) storeys and therefore exceeds the preferred building height by 4.02 metres and one (1) storey.

#### Building Setbacks

The design guidelines of the Overlay specify building setbacks, amongst other things, that on land in a Commercial Zone, it states:

*“A building should not be set back from the front or side boundary except as follows:*

- At third floor or above, buildings should be set back a minimum of 5 metres from the front street boundary and any street boundary adjacent to a Residential Zone.
- Where the site abuts a Heritage Overlay containing a heritage building set back from the front or side boundaries, new buildings should be set back to provide a transition in the front or side setbacks.”

The site does not directly abut residential properties as the residential properties to the north are separated from the site by the laneway.

There is no side setback proposed.

The building is proposed to be set back from Bay Street as follows:

- Ground floor heritage façade retained at a 0m setback
- First floor façade - 0m setback
- Second floor – 3.5m setback with a balcony setback approximately 800mm
- Third floor - between 5.2 metres with a balcony set back 3 metres

The building is proposed to be set back from the rear laneway as follows:

- Ground, first and second floor – 0m
- Third floor – 3.8m with a balcony set back 0 metres

As noted above, the site is not directly abutting any residential properties, due to the rear laneway separating the two. Therefore, the third floor being setback 3.8m from the laneway rather than 5 metres is compliant. The laneway is also 3.8m wide, therefore the total separation between sites is 7.6m, exceeding the 5m requirement.

#### Building Frontages

The DDO sets out that on land in a Commercial Zone, buildings should be designed to:

- Present a fine grained, human scale to streets.
- Provide active street frontages with shopfronts at street level, particularly in the retail core, where shopfronts should predominate.
- Provide weather protection, such as verandas or canopies within the Weather Protection Areas shown on the map to this schedule, unless that weather protection structure will conflict with the architectural character or cultural heritage significance of the existing buildings.
- Provide articulated and well designed facades, fenestration, parapet treatments, other detailing and materials to provide interest at street level and reinforce the human scale.
- Maintain the vertical and horizontal design rhythm of buildings in the business precincts.

- Locate the ground floor at natural ground level.
- Minimise the width of driveway entrances and the impact of garage doors on the building frontages and utilise rear access wherever possible.

The development provides for a fine grained human scale to Bay Street by virtue of a combination of the proposed retention of the existing heritage facade and the combination of high quality materials and design details proposed to the new additions.

The majority of the Bay Street frontage of the site will remain active with the heritage façade being highly glazed providing views into the ground floor shop proposed. The shop will therefore dominate the appearance of the façade facing Bay Street.

The proposed upper floors will be recessed behind the ground and first floor facades such that they will not dominate the appearance of the building within the Bay Street streetscape.

The balcony line of the third floor facing Bay Street will include a curved feature creating a level of interest and rhythm within the façade.

No vehicle access is proposed from Bay Street. Vehicle access is proposed from the laneway to the rear of the site to a car stacker servicing the apartments.

Schedule 10 to the Design and Development Overlay does allow for variations to preferred building heights and setbacks and thus the requirements of the Schedule. The proposal must however demonstrate the following:

- A high standard of architectural design
- Innovative environmental design
- Minimal overshadowing of adjoining residential precincts
- Respect places subject to the Heritage Overlay
- Transition in scale to lower build forms in the area.

#### High Standard of Architectural Design

The development is considered to demonstrate a high quality of architectural design. The proposal seeks to retain and enhance the ground floor façade facing Bay Street through the replacement of the shop front.

The proposed upper floor additions will be set back appropriately to ensure that they appear recessive. A number of design elements have been incorporated to the upper floor façade facing Bay Street including the wrapping of the corners at first floor and the stepped curve in the balcony at level 3. These design elements are a complementary, contemporary, interpretation of some of the contributory Heritage buildings found in Bay Street, particularly the shop rows to the east of the site that include horizontal fenestration to the first floor façade with rounded corners to parapets and balconies.

A combination of high quality materials are proposed including contrasting tones of render, timber cladding and a grey stone look cladding as well as dark metal finishes. The high use of clear glazing to windows and upper floor balconies will give the building a contemporary feel. It is noted that the materials proposed would comply with the covenant on the title.





Perspective: Bay Street frontage

### Innovative Environmental Design

An Environmentally Sustainable Design (ESD) Report has been submitted with the application which shows that the application proposes a Bess score of 53%. BESS Best practice is 50% and therefore this is not considered to be over and above the standard required.

The Council's Sustainability Officer has reviewed the ESD report and advised a number of changes which should be implemented to enhance the BESS rating and thus the environmental sustainability of the development. A condition is therefore included in the recommendation requiring an amended ESD report to be provided addressing all of the recommendations of Council's Sustainability officer.

### Minimal Overshadowing of Adjoining properties

With regard to overshadowing to the surrounding locality, the plans show the shadows cast by the proposed development.

The proposed shadow diagrams demonstrate that there would be additional overshadowing over the adjoining properties to the west of the site on the northern side of Bay Street in the morning hours to a decreasing extent between the hours of 9am to 11am. Additional overshadowing will occur to the adjoining properties to east of the site on the northern side of Bay Street during the afternoon to a decreasing extent between the hours of 1pm to 3pm. This level of overshadowing is considered to be acceptable within the activity centre and is not considered to cause material detriment.

Additional overshadowing would also occur over the south on footpath on Bay Street. The additional shadowing will not extend to the residential properties to the north on Warleigh Grove.



### Respect Places Subject to the Heritage Overlay

The proposal is considered to have demonstrated an appropriate response to ensure that the heritage buildings on the site are respected. The application is supported by Council's Heritage Advisor. Further discussion on heritage is included in section 6.3 below.

### Transition in Scale to Lower Built forms in the area

An appropriate transition in height has been achieved. To the east of the site, at 389-391 Bay Street is an approved 4-storey development and an existing 6-storey building (Coles Supermarket and apartments) is located further down the south-eastern side of Bay Street at 380-386 Bay Street. Directly to the west, north and east of the site, the existing properties are between one - three storeys. The proposed four storey building is therefore considered to provide an appropriate transition between these the adjacent existing and preferred built form typologies.

The detailing and building setbacks including the use of balconies adjacent to both Bay Street and the rear laneway and the recessing of the upper floor to a greater level as the height of the building increases, contribute to the appearance of a transitional development. In particular, the stepping back of level three facing the rear laneway provides a transition to the three storey development on the northern side of Warleigh Grove and the existing single and double storey buildings within the wider surrounding area to the north.

Whilst the site does not directly abut residential properties, the site faces residential properties on the opposite side of the rear laneway/Warleigh Grove. The third floor of the building facing Warleigh Grove has been set back 3.8 metres from the façade of the building. In addition, alternate materials have been proposed to the upper floors which result in these parts of the building facades appearing as recessive elements and ensures that there is a transition to the lower built forms to the north of the application site.

### **6.3. Heritage Overlay (Schedule 747)**

The site is located within Heritage Overlay (HO747), the Bay Street Precinct and is listed as a contributory building.

The application was referred to Council's Heritage Advisor who commented that the heritage policy must be considered in accordance with the DDO10 requirements as they provide specific guidance about the appropriate scale and siting of new built form in the Major Activity Centre.

The application seeks to retain the existing façade of the building facing Bay Street and demolish the remainder of the building. Demolition of the building behind the front façade is considered to be acceptable in accordance with Clause 22.05-3.2 of the Bayside Planning Scheme.

Council's Heritage Advisor outlines that the development is acceptable in terms of the Heritage and Design and Development Overlay Schedule 10 objectives and guidelines for the following reasons:

- The retention of the façade and a suitable section (5m+) of the side wall is appropriate. Because of the extent of demolition, a permit condition should require the submission of a Demolition Method Statement to the satisfaction of the responsible authority to demonstrate how the structural integrity of the retained sections of the facade and side wall will be maintained during construction. A condition to this effect has been included to the recommendation.
- The façade design is an appropriate contemporary interpretation of some of the contributory buildings found in Bay Street, particularly the shop rows to the east, which demonstrate the influence of the Modern style. This is reflected in detail

such as the horizontal fenestration to the first-floor façade and the rounded corners to the parapet and balconies.

- The zero setback at first floor will reinforce the traditional street wall, while the materiality will identify the addition as new behind the retained parapet.
- The setbacks above first floor will ensure the addition is suitably recessive in the streetscape.

#### 6.4. Compliance with Clause 58 (Apartment Developments)

An assessment against the requirements of Clause 58 is provided at **Attachment 7**.

The proposed development complies with all of the standards and objectives of Clause 58 of the Bayside Planning Scheme apart from Standard D14 – Building Setbacks and Standard D20 – Storage which is discussed in more detail below.

##### Standard D14 – Building Setback

The standard seeks to ensure the following:

*To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.*

*To allow adequate daylight into new dwellings.*

*To limit views into habitable room windows and private open space of new and existing dwellings.*

*To provide a reasonable outlook from new dwellings.*

*To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.*

The Design and Development Overlay Schedule 10 also specifies that building setbacks in Commercial precincts should not be set back from the front or side boundary except as follows:

- At third floor or above, buildings should be set back a minimum of 5 metres from the front street boundary and any street boundary adjacent to a Residential Zone.
- Where the site abuts a Heritage Overlay containing a heritage building set back from the front or side boundaries, new buildings should be set back to provide a transition in the front or side setbacks.

The site does not directly abut residential properties as the residential properties to the north are separated from the site by the laneway which is approximately 4m wide.

There is no side setback proposed.

The building is proposed to be set back from Bay Street as follows:

- Ground floor heritage façade retained at a 0m setback
- First floor façade - 0m setback
- Second floor – 3.5m setback with a balcony setback approximately 800mm
- Third floor – 5.2 metres with a balcony set back 3 metres

The building is proposed to be set back from rear laneway as follows:

- Ground, first and second floor – 0m
- Third floor – 3.8m with a balcony set back 0 metres

The use of balconies at second and third floor assist in the development sitting within the context of the area. Recessed built form to the streetscape will appear as less dominant and will create an interesting façade. The recessive elements also create visual

separation from the heritage façade at ground floor level providing a sympathetic design.

#### Standard D20 – Storage

The standard seeks to provide adequate storage facilities for each dwelling. Each dwelling should have convenient access to usable and secure storage space. The total minimum storage space required is as follows:

Dwelling type	Total minimum storage volume	Minimum storage volume within dwelling
1 bedroom	10 cubic metres	6 cubic metres
2 bedroom	14 cubic metres	9 cubic

The plans on ground floor level within the lobby area detail storage per dwelling as follows:

Dwelling	Storage on ground floor lobby
101 (2 bed)	4 cubic metres
102 (2 bed)	4 cubic metres
201 (1 bed)	4 cubic metres
202 (2 bed)	4 cubic metres
301 (2 bed)	6 cubic metres

There is no storage detailed within the dwellings themselves. A condition has been included requiring storage to be detailed within the dwelling to comply with Standard D20.

#### 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. Clause 52.06 requires parking for the shops to be provided at a rate of 3.5 spaces per 100m<sup>2</sup>.

Component	Rate	Required	Proposed	Shortfall/Surplus
1-2 Bed	1 space	5	5	Standard met
Retail		2.17 (2)	0	-2
<b>TOTAL</b>		7	5	-2

The application proposes a total of 5 car parking spaces associated with the proposed dwellings. All dwellings are provided with sufficient parking spaces within the car stacker accessed via the rear laneway.

The site is located within the Principle Public Transport Network (PPTN) Area. Pursuant to Clause 52.06-4 where any part of a site is located within the PPTN, no visitor parking is required.

The proposed on-site car parking meets the requirements of Clause 52.06-5 with respect to the proposed dwellings.

The proposal does not provide any on site car spaces for the retail shop component. A shortfall of 2 parking spaces is sought in association with the ground floor retail shop. The Council's Traffic Engineer has not raised concerns with the shortfall of 2 spaces given the location of the site in the activity centre, within close proximity to public transport.

Council's Traffic Engineer expressed some concerns in relation to the proposed access

arrangements into the car stacker.

The potential conflict with an extra 5 car spaces is not considered to be significant, however the access and egress into the car stacker is problematic in terms of conflict with other vehicles using the laneway. The rear laneway services a number of properties (particularly for deliveries) as well as providing a thoroughfare to a car park at the rear of Chemist Warehouse. An inadequate setback for the car stackers from the rear property boundary, results in cars waiting for the car stacker to be obstructing clear access to the laneway. Swept-path diagrams indicate that vehicles associated with eastern end spaces (in the stacker) are required to reverse into the site from the laneway while 4 x manoeuvres are required to undertake during the exit for western end car spaces in the stacker. Both of these things will impact upon traffic in the laneway.

In order to minimise the impact upon through-traffic in the laneway, without causing delays, the rear setback for the car stackers from the rear property boundary should be increased to 5.5m to ensure that cars do not obstruct access to the laneway.

A condition requiring a warning light system raising awareness when vehicles are exiting the site has been included in the recommendation. The flashing warning light will be required to be installed and linked to the operation of the stackers. All associated infrastructure for the warning lights is to be installed within the site - (and luminaire distribution must not significantly impact upon other properties).

Concerns have been raised by objectors in relation to increased traffic congestion in the rear laneway and parking pressures in the surrounding area. Whilst it is acknowledged that the development will generate some additional vehicle movements on the local road network and laneway, it is not considered that such additional movements would unreasonably conflict with existing traffic subject to the recommended conditions.

#### **6.6. Bicycle Parking**

Pursuant to Clause 52.34 of the Bayside Planning Scheme, 1 bicycle space is required to be provided associated with the residential units, none are required for the shop as the shop is under 300 square metres (62 square metres).

The application proposes 3 bicycle parking spaces in the form of 3 hoops within a dedicated storage room, which is located at ground floor accessed from the residential lobby area. The number of spaces provided exceeds the standard and the location and style of parking is considered to be appropriate to ensure that this is convenient and to encourage use by residents.

#### **6.7. Waste Management**

The submitted Waste Management Plan shows that waste will be collected by a private collector. Waste storage, accommodating the residential waste and retail waste is located on ground floor level, accessed via the western side pedestrian laneway.

Council's Traffic Engineers have raised concerns in relation to kerbside collection propping in the rear laneway as this will impact vehicle access within the laneway. A 6.4m long rear mini loader should be adopted to facilitate waste collection. A 6.4m rear mini loader could access, reverse and exit the site in a forward manner once collection is completed. As required in Section 5.5 of this report, the provision of a 5.5m setback of the car stacker from the rear site boundary would allow the 6.4m rear mini loader to access and collect the garbage bins before exiting back onto the rear laneway and Warleigh Grove.

Conditions have been included in the recommendation requiring an updated Waste Management Plan including the above to be submitted to Council's satisfaction. Once received, the WMP will be referred to Council's Waste Management Coordinator for their approval.

**6.8. Landscaping and Public Realm**

There are no trees on the site protected by the Local Law nor are there any trees on adjoining properties that would be impacted by the proposed development. The application has been accompanied by a landscape plan which includes planter boxes on the balconies on the third floor softening the built form.

There is one street tree located within the public realm area adjacent to the site on Bay Street. This tree is proposed for retention. Conditions have been included in the recommendation requiring this tree to be protected during demolition and construction.

A condition has been included requiring a public realm improvement plan to be submitted and endorsed by Council. The Public Realm Improvement plan will show the upgrading of the laneway on the western side frontage, the footpath adjacent to the Bay Street site frontage and any additional street furniture, bicycle parking, signs and street planting adjacent to the site. In addition, activation of the laneway will be required through the provision of a mural or green wall on the western façade facing the laneway.

Given that this part of the site will be somewhat shaded, it is considered acceptable in this instance to allow some flexibility as to whether the activation is through the use of a mural or green wall to Council's satisfaction.

**6.9. 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.

**6.10. Development Contributions Levy**

The subject site is located within catchment area 8A.

Based on the proposed application and the below recommendation, a payment of \$6,122 is required. The payment of the development contributions is included as a condition of permit.

**6.11. Objector issues not already addressed**Overdevelopment

Overdevelopment is a commonly used expression to dismiss development proposals which seek to remove existing buildings and to introduce significant new built form into particular neighbourhoods. An assessment against State and Local Planning Policies and the provisions of Clause 58 (Guidelines for Higher Density Residential Development) has demonstrated that the proposal is not an overdevelopment despite being more intensive than what existed before.

Loss of view

Whilst it is recognised that views may form part of residential amenity, the Tribunal has consistently held that there is no legal entitlement to a view.

Wind tunnel

The potential of the development causing a wind tunnel is not assessed within the Bayside Planning Scheme. An assessment against State and Local Planning Policies and the provisions of Clause 58 (Apartment Developments) has demonstrated that the proposal is satisfactory.

The use of the public laneway

Using the public laneway to access the building is an acceptable outcome. There are standards ensuring the development provides safe access. Conditions have been included requiring lighting and activation of the laneway.

Fire rating

The fire rating of the building is not assessed under the planning permit stage. The building permit stage requires developments to be suitably fire rated according to Australian standards.

Future development

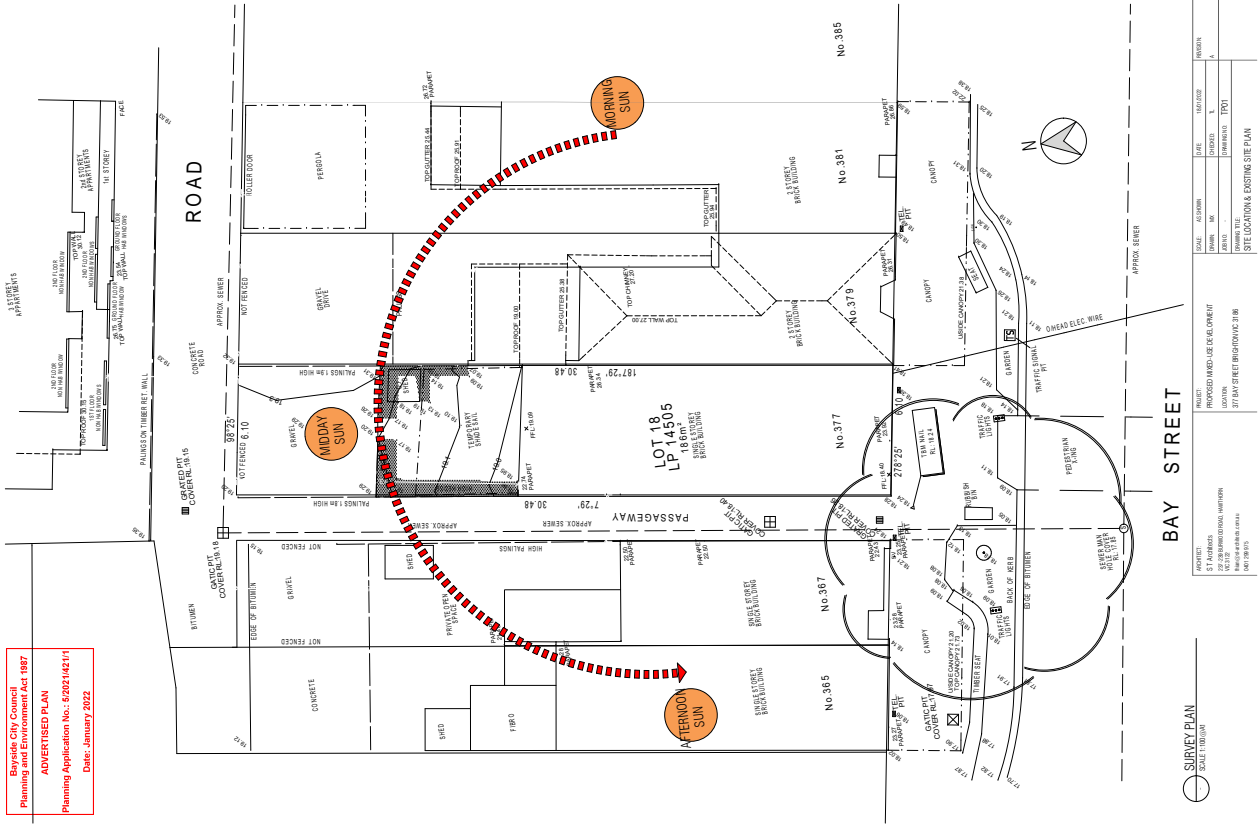
The application can only be assessed against the current conditions of the site and the surrounds.

**Support Attachments**

1. Application Plans ↓
2. Traffic Report ↓
3. Traffic Report part 2 ↓
4. Waste Management Plan ↓
5. Sustainability Report ↓
6. Site and Surrounds Imagery ↓
7. Clause 58 Assessment ↓



Bayside City Council  
 Planning and Amenity Act 1987  
**ADVERTISED PLAN**  
 Planning Application No: E2021/02111  
 Date: January 2022



PROPOSED MIXED-USE DEVELOPMENT AT 377 BAY STREET, BRIGHTON MELBOURNE VICTORIA 3186		CONTENTS
TP01	SITE LOCATION & EXISTING SITE PLAN	
TP02	EXISTING BUILDING PLAN & ELEVATIONS	
TP03	DEMOLITION & PROPOSED GROUND FLOOR PLAN	
TP04	PROPOSED FIRST & SECOND FLOOR PLAN	
TP05	PROPOSED THIRD FLOOR & ROOF PLAN	
TP06	ELEVATIONS & SECTIONS & MATERIALS	
TP07	ELEVATIONS & SECTIONS & PERSPECTIVES	
TP08	SHADOW DIAGRAMS	
TP09	DEVELOPMENT SUMMARY	
TP10	CONCEPT LANDSCAPE PLAN	



C  
377 BAY STREET  
PERSPECTIVE VIEW  
TOWARDS SHOPS



D  
50 & 55 WARBURTON AVENUE  
2 MANSIONS TRIPLE STOREY  
CLADDED & RENDERED DWELLINGS



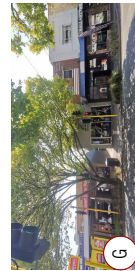
E  
304 & 305 BAY STREET  
PERSPECTIVE VIEW  
TOWARDS SHOPS



F  
370 & 378 BAY STREET  
PERSPECTIVE VIEW  
TOWARDS SHOPS



B  
377 BAY STREET  
PERSPECTIVE VIEW  
TOWARDS SHOPS

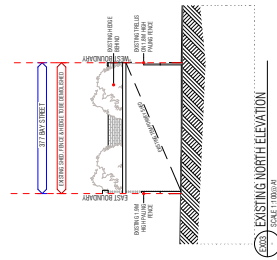
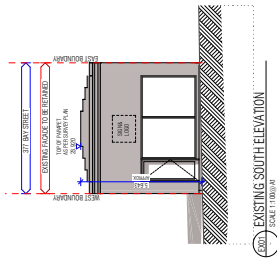
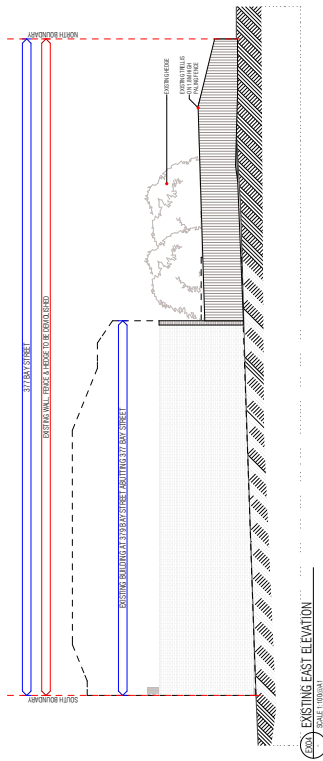
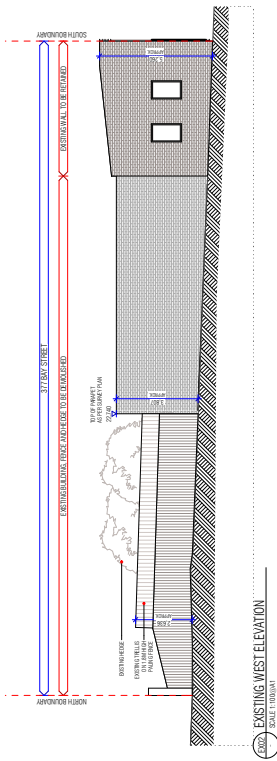
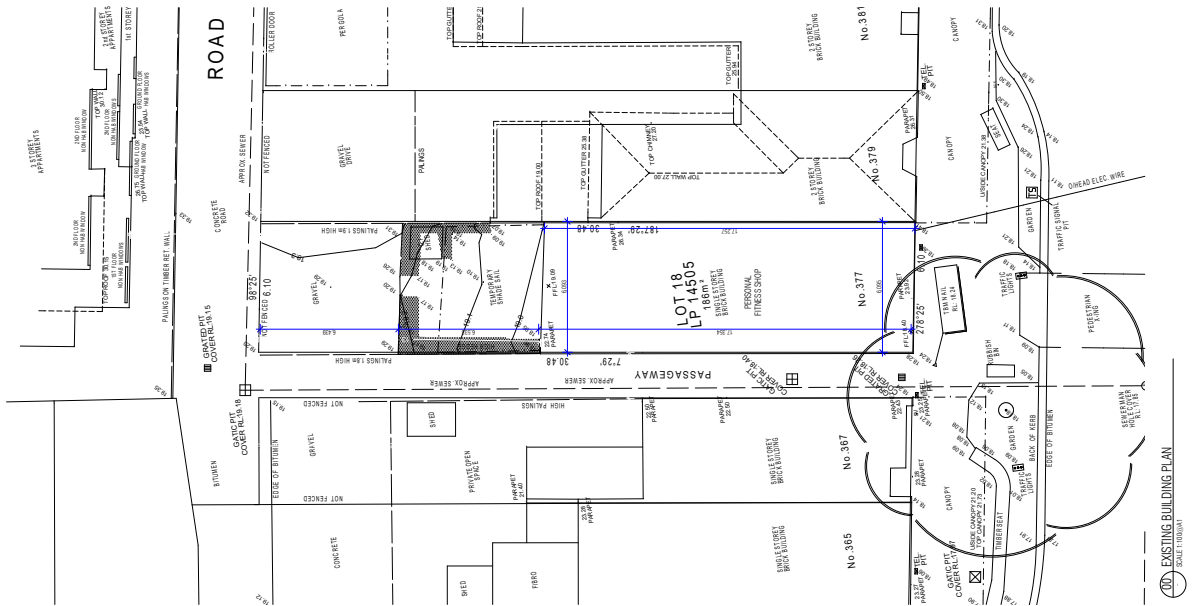


G  
304 & 305 BAY STREET  
PERSPECTIVE VIEW  
TOWARDS SUBJECT SITE



H  
304 & 305 BAY STREET  
PERSPECTIVE VIEW  
TOWARDS SUBJECT SITE

Bayside City Council  
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 Planning Application No. E2021/423/11  
 Date: January 2022

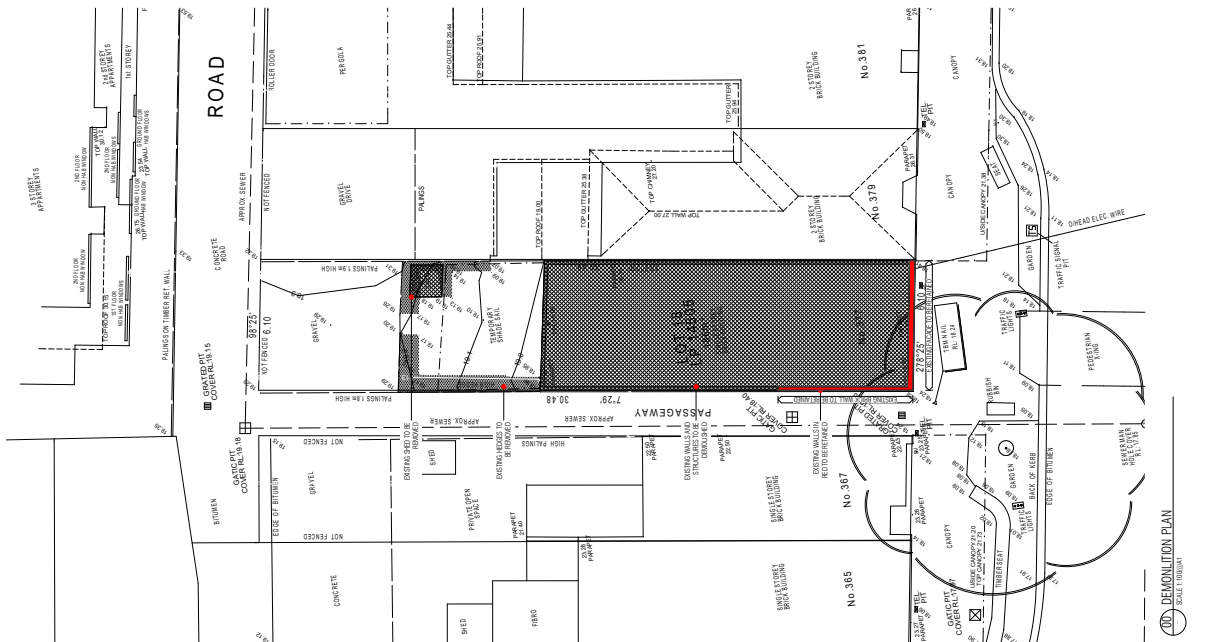
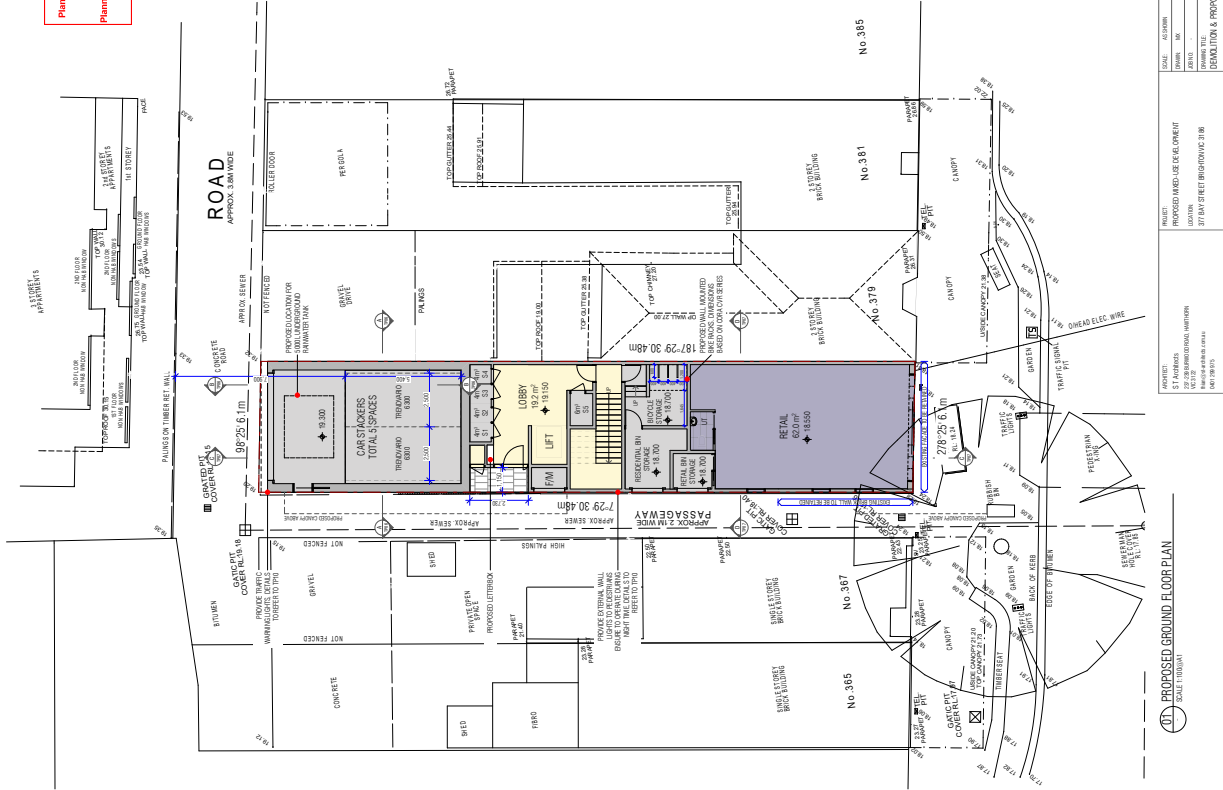


**NOTES**  
 1. THIS PLAN IS FOR INFORMATION ONLY.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.

PROJECT	SCALE	CADRENO	DATE	REVISION	REVISION
37 BAY STREET	1:100	100	10/05/2022	1	1
37 BAY STREET	1:100	100	10/05/2022	1	1
37 BAY STREET	1:100	100	10/05/2022	1	1

EXISTING BUILDING PLANS & ELEVATIONS

Bayside City Council  
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 Planning Application No. 2022/142/11  
 Date: January 2022





Bayside City Council  
 Planning and Environment Act 1987  
 ADVERTISED PLAN  
 Planning Application No: 6202/142/11  
 Date: January 2022

**LEGEND**

EXISTING TREES & TREES TO BE REMOVED

- ABBREVIATIONS**
- BA BATHROOM
  - D DRESSING ROOM
  - ENB ENBATHROOM
  - EGS ENTRY
  - FAM FIRE ALARM
  - FHE FIRE ALARM
  - HCH HATCH
  - URM URINAL
  - L LAUNDRY
  - MB MASTER BEDROOM
  - MB MASTER BATHROOM
  - P PANTRY
  - REF REFRIGERATOR
  - S STORE
  - STO STORE
  - UT UNSEATED TOILET

**GENERAL NOTES**

1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.

2. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011.

3. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL REGULATIONS 2017.

4. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL PLUMBING REGULATIONS 2017.

5. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL GAS REGULATIONS 2017.

6. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL MECHANICAL REGULATIONS 2017.

7. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL TILING REGULATIONS 2017.

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9. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL JOINERY REGULATIONS 2017.

10. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL CARPENTRY REGULATIONS 2017.

11. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL CONCRETE REGULATIONS 2017.

12. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL ROOFING REGULATIONS 2017.

13. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL GLAZING REGULATIONS 2017.

14. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL FLOORING REGULATIONS 2017.

15. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL WALLPAPERING REGULATIONS 2017.

16. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL DECORATING REGULATIONS 2017.

17. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL GARDENING REGULATIONS 2017.

18. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL LANDSCAPING REGULATIONS 2017.

19. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL FENCING REGULATIONS 2017.

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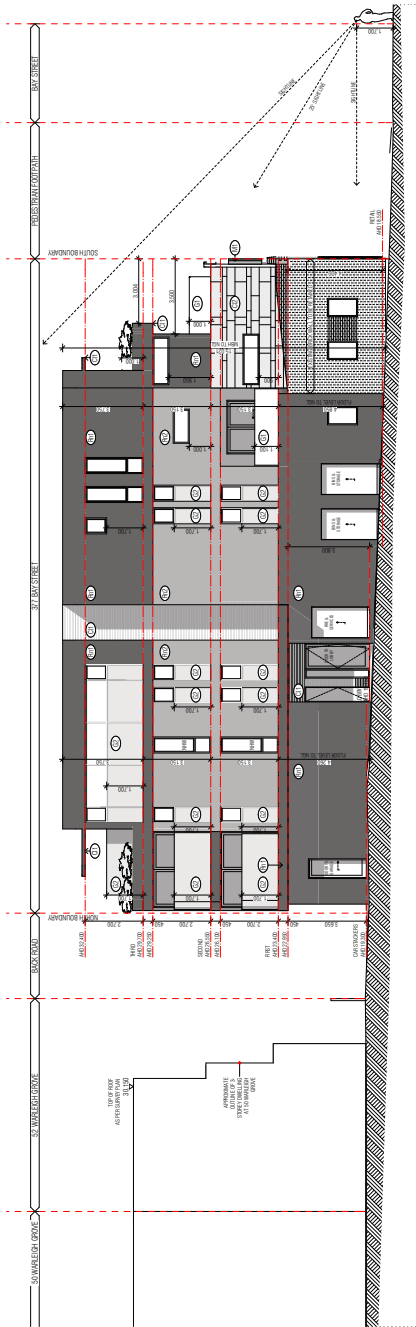
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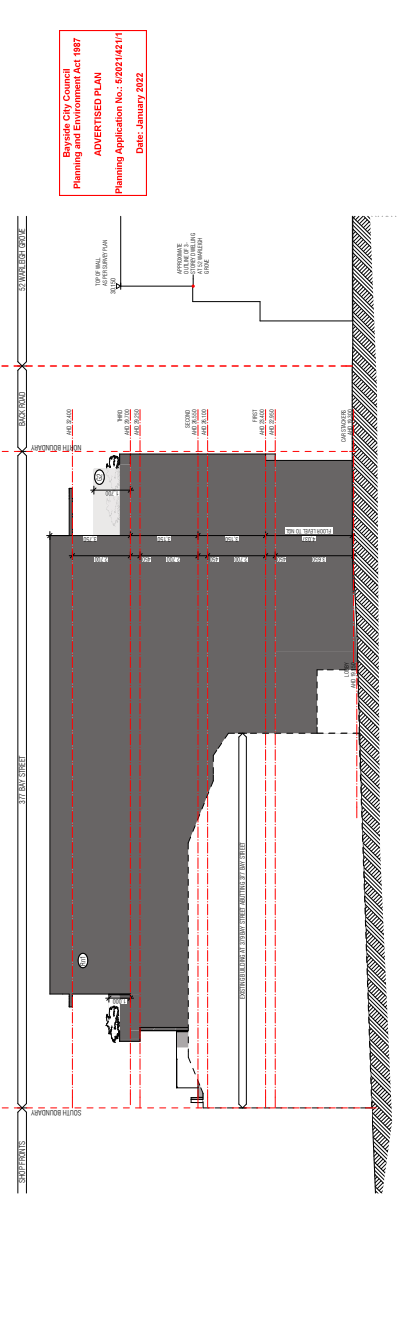
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DATE	10/05/2022		
SCALE	1:100		
DESIGNER	TRON		
CHECKED			
APPROVED			



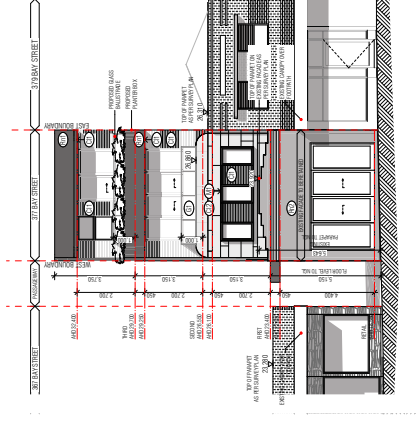




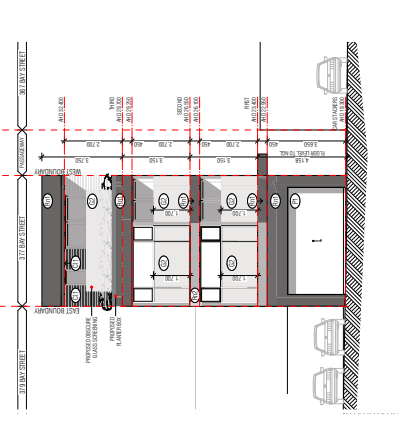
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SCALE 1:100



EAST ELEVATION  
SCALE 1:100



SOUTH ELEVATION  
SCALE 1:100



NORTH ELEVATION  
SCALE 1:100

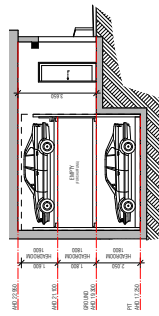
Bayside City Council  
Planning and Environment Act 1987  
ADVERTISED PLAN  
Planning Application No. 6/2021/421/1  
Date: January 2022

**MATERIALS BOARD**

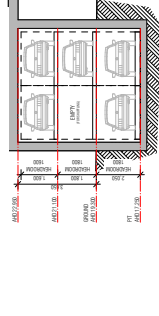
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				<b>NOTES</b> ALL WINDOW AND DOOR FRAME COLOURS TO BE MATCHED TO THE FINISH OF THE WALLS TO WHICH THEY ARE ADJACENT. PROPOSED MATERIALS TO BE USED IN CONFORMANCE WITH THE COGNATE.	
TYPICAL OBSCURE GLASS CLADDING NOT FILM OR SIMILAR	TILE FLOOR FINISH (SPRANCE / BALCONIES) LIGHT GREY OR SIMILAR	CHANGE FLOOR FINISH POLISHED CONCRETE LIGHT GREY OR SIMILAR	MARMALADE WALLING HEIGHT		

**ABBREVIATIONS**

APP	APPENDIX
FIN	FINISH
MB	MATERIALS BOARD
HT	HEIGHT



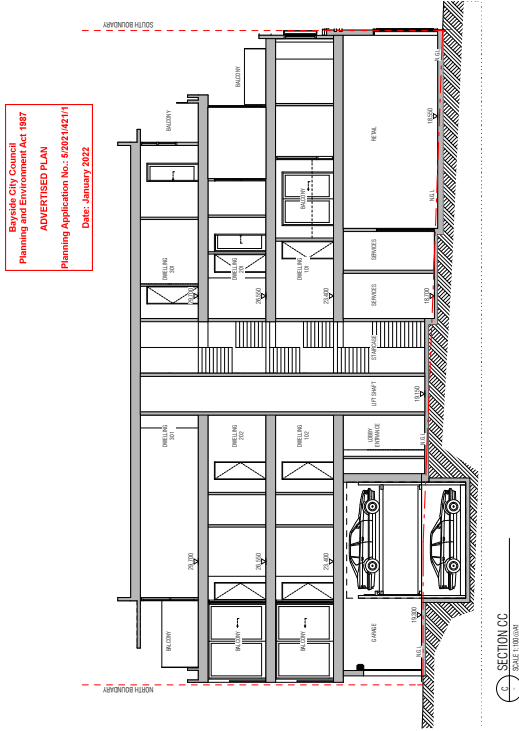
SECTION BB  
SCALE 1:100



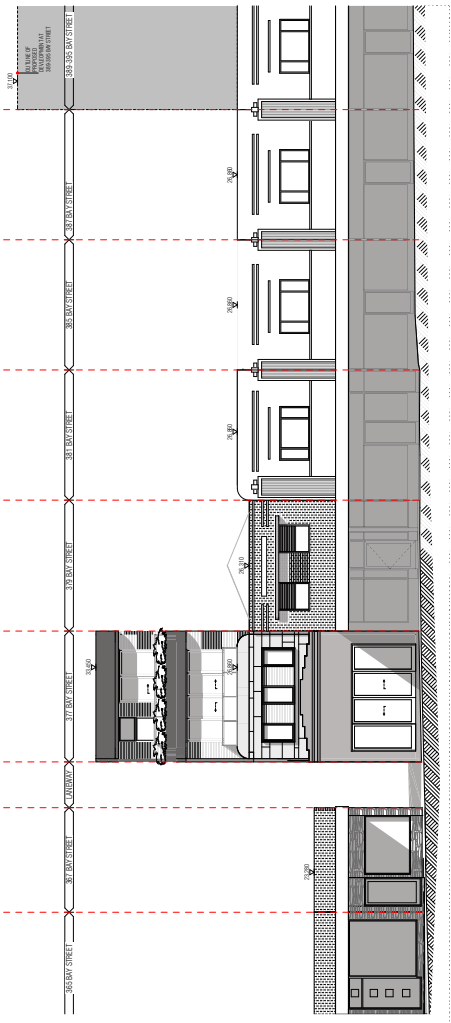
SECTION AA  
SCALE 1:100

PROJECT:	37 BAYVIEW STREET
LOCATION:	37 BAYVIEW STREET BAYSIDE VIC 3081
DATE:	10 MAY 2022
SCALE:	AS SHOWN
DESIGNER:	ARCHITECTS
CLIENT:	ARCHITECTS
APPROVED BY:	ARCHITECTS
DATE:	10 MAY 2022





SECTION CC  
SCALE 1:100mm



SECTION DD  
SCALE 1:100mm



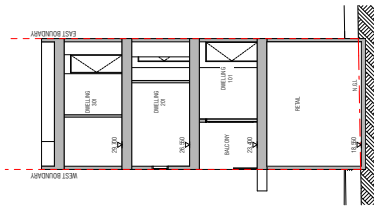
LANEWAY PERSPECTIVE



BAY STREET - PERSPECTIVE 02

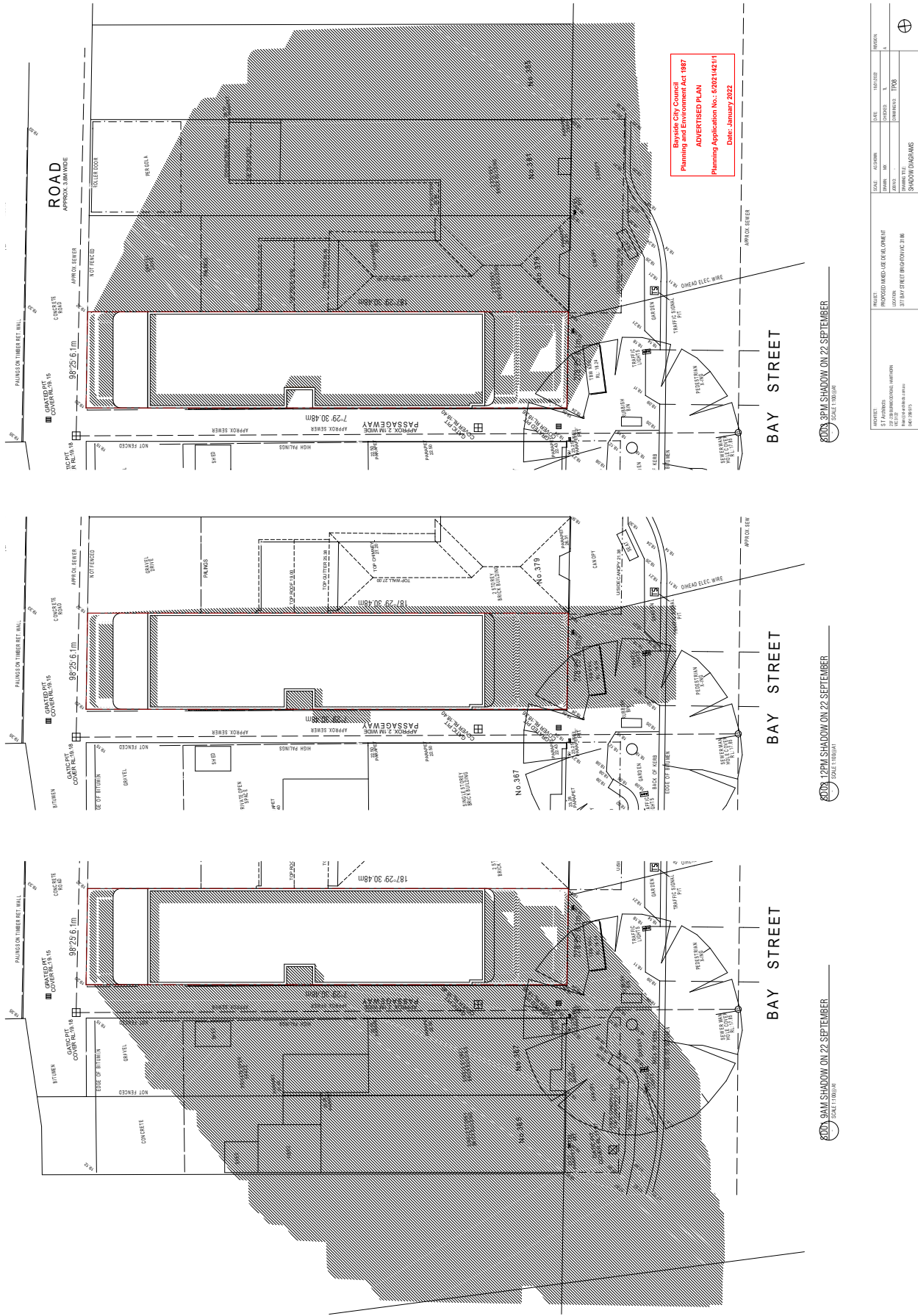


BAY STREET - PERSPECTIVE 01



SECTION DD  
SCALE 1:100mm

PROJECT	SCALE	DATE	REVISION	BY	DATE
PROJECT: PROPOSED MARDI L'EAU DEVELOPMENT LOCATION: 377 BAY STREET BAYSIDE VIC 3170 DRAWING NO.: E2021/421/1	DATE	SCALE	BY	DATE	BY
	DATE	SCALE	BY	DATE	BY
	DATE	SCALE	BY	DATE	BY



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 Planning Application No.: S/2021/421/1  
 Date: January 2022

**DEVELOPMENT SUMMARY**

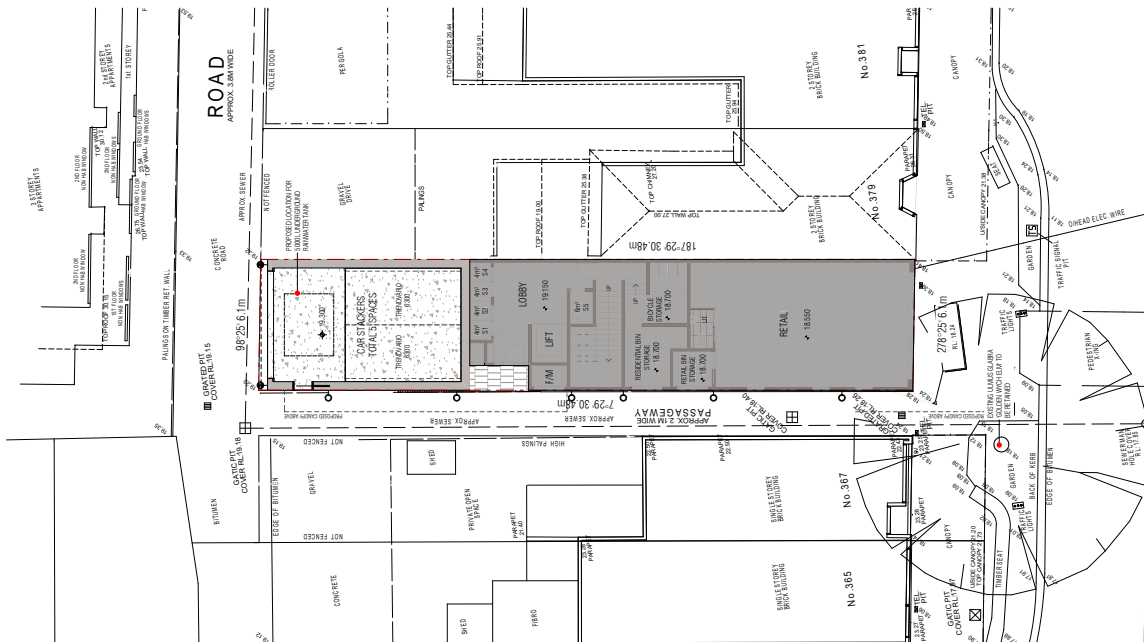
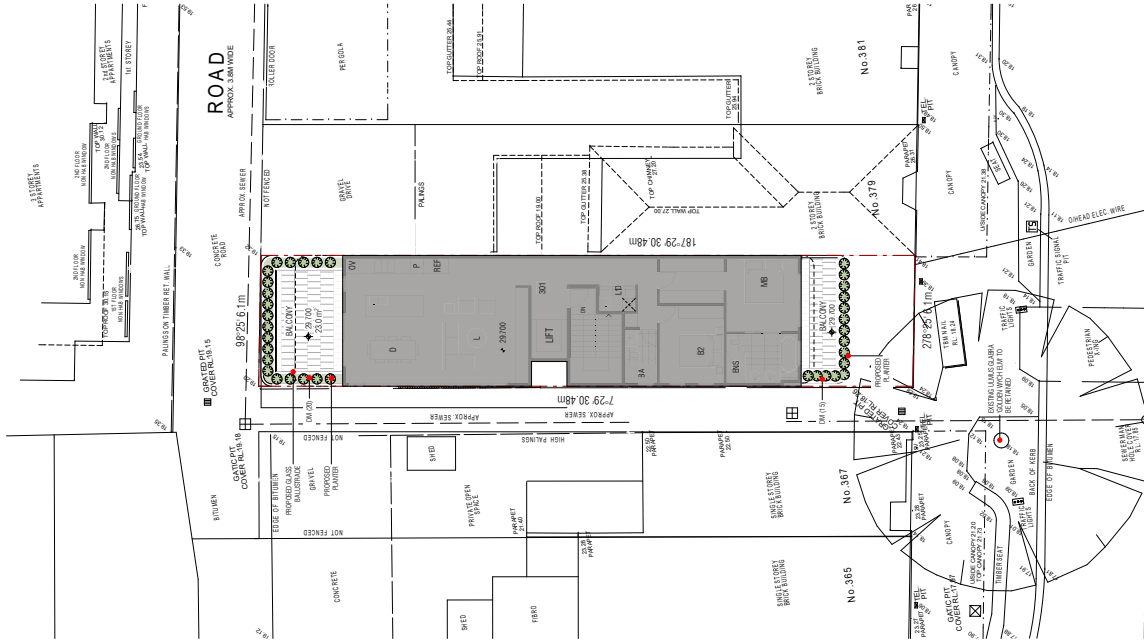
TOTAL SITE AREA 185.8m<sup>2</sup>

LEVEL	1-BED (no.)	2-BED (no.)	CIRC./LOBBY (m2)	RETAIL (m2)	RESIDENTIAL (m2)	BALC./POS (m2)	CARPARK (m2)	CAR SPACE (no.)	RESIDENTIAL STORAGE (m3)	RESIDENTIAL STORAGE (no.)	BICYCLE (no.)	SERVICES (m2)	GFA
GROUND FLOOR	NA	NA	30	62	NA	NA	57.4	5	22	5	3	23	579
FIRST FLOOR	NA	2	20	NA	145	16	NA	NA	20	NA	NA	NA	481
SECOND FLOOR	1	1	20	NA	134	21	NA	NA	16	NA	NA	NA	451
THIRD FLOOR	NA	1	13	NA	115	36	NA	NA	10	NA	NA	NA	442
<b>TOTAL</b>	<b>1</b>	<b>4</b>	<b>83</b>	<b>62</b>	<b>394</b>	<b>73</b>	<b>57.4</b>	<b>5</b>	<b>68</b>	<b>5</b>	<b>3</b>	<b>23</b>	<b>195</b>

NOTES  
 THIS CASE IS IN PROGRESS AND  
 WILL BE CLARIFIED BY THE  
 ARCHITECTURAL SERVICES  
 CONSULTANT TO THE CITY OF  
 BAYSIDE WITHIN THE CONSULTING

PROJECT:	ST PATRICKS	PROJECT:	PROPOSED MAND. USE DEVELOPMENT
ADDRESS:	102-104 ST PATRICKS	LOCATION:	377 BAY STREET BRIGHTON VIC 3186
DATE:	10/05/2022	SCALE:	A3
PREPARED BY:	ARCHITECTURAL SERVICES	DATE:	10/05/2022
APPROVED BY:	ARCHITECTURAL SERVICES	DATE:	10/05/2022
DEVELOPMENT SUMMARY			

Bayside City Council  
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 Planning Application No.: 5/2021/421/1  
 Date: January 2022



- LEGEND**
- EXISTING TREES & TREES TO BE REMOVED
  - PROPOSED NEW PLANT PERIODIC MAINTENANCE SCHEDULE
  - PROPOSED PAVED AREAS PERIODIC MAINTENANCE SCHEDULE
  - PROPOSED TILED/ROOFING PERIODIC MAINTENANCE SCHEDULE
  - PROPOSED WALL LIGHTS
  - PROPOSED WALL LIGHTS ALTERNATELY SHOWN TO CORRELATE WITH LIGHTING PLAN
  - PROPOSED TRAFFIC MARKINGS
  - UPPER

**PLANT SCHEDULE**

NO.	COMMON NAME	HEIGHT	SPACING	PLANT
1	COMMON NAME	HEIGHT	SPACING	PLANT
2	COMMON NAME	HEIGHT	SPACING	PLANT
3	COMMON NAME	HEIGHT	SPACING	PLANT
4	COMMON NAME	HEIGHT	SPACING	PLANT
5	COMMON NAME	HEIGHT	SPACING	PLANT

**PROPOSED THIRD FLOOR CONCEPT LANDSCAPE PLAN**

SCALE: 1:1000

PROJECT: PROPOSED 3RD FLOOR CONCEPT LANDSCAPE PLAN

LOCATION: 37 BAY STREET BAYSWATER VIC 3183

DATE: 10/05/2022

PREPARED BY: [Name]

CHECKED BY: [Name]

APPROVED BY: [Name]

37°54'19.6"S  
145°00'16.4"E

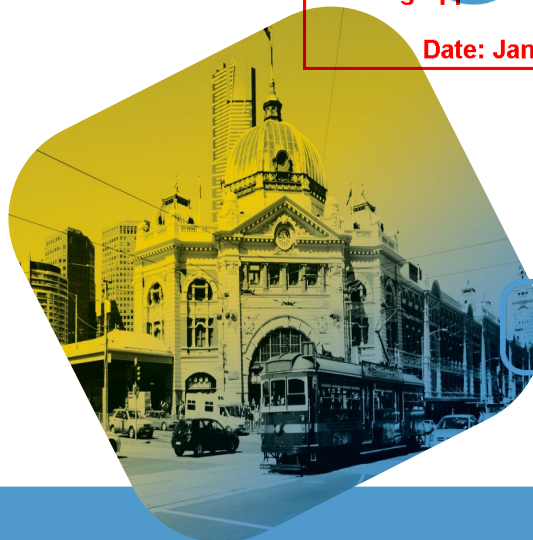
# Mixed-use Development: 377 Bay Street, Brighton VIC

Bayside City Council  
Planning and Environment Act 1987

ADVERTISED PLAN

Planning Application No.: 5/2021/421/1

Date: January 2022



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## Traffic and Transport Assessment

2 July 2021  
Prepared for ST Architects

IMP2104032TTA01D01

Impact

Mixed-use Development: 377 Bay Street, Brighton VIC

Traffic and Transport Assessment

2 July 2021

### Company Information

Impact Traffic Engineering Pty Ltd  
Level 17, 31 Queen Street, Melbourne, Victoria, 3000  
ABN: 78 611 424 107

Email [create@impactaustralia.com.au](mailto:create@impactaustralia.com.au)

Website [www.impactaustralia.com.au](http://www.impactaustralia.com.au)

### Document Information

Client ST Architects  
Report Title Mixed-use Development: 377 Bay Street, Brighton VIC

Report Reference IMP2104032TTA01D01

Date of Issue 2 July 2021

Approved By Will Drew

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### Document Control

Version	Date	Author
DRAFT 01	2 July 2021	Santosh Gurung Mamba

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**Bayside City Council  
Planning and Environment Act 1987  
ADVERTISED PLAN  
Planning Application No.: 5/2021/421/1  
Date: January 2022**





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## Appendices

- APPENDIX A Swept Path Analysis
- APPENDIX B Bicycle Parking Specifications

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# 1 IMPACT<sup>®</sup> Snap Shot

## Development Proposition

<b>Location</b>	<a href="#">37°54'19.6"S</a> <a href="#">145°00'16.4"E</a>	377 Bay Street, Brighton
<b>Use</b>	Mixed-use Development	<b>Bayside City Council Planning and Environment Act 1987</b>
<b>Yield</b>	A Retail (Shop) Component - 62.3 sq.m NLA 5 (five) residential dwellings (5 x 2-bed dwellings)	<b>ADVERTISED PLAN</b>
<b>Car Parking</b>	5 (five) Spaces Provided	<b>Planning Application No.: 5/2021/421/1</b>
<b>Bicycle Parking</b>	3 (three) spaces provided	<b>Date: January 2022</b>

## Statutory Controls

### Particular Provisions

<b>Requirement vs Provision</b>	<p><b>Clause 52.06 - Car Parking</b></p> <p>5 (five) resident spaces required. 5 (five) resident spaces provided. 2 (two) retail spaces required. No retail spaces provided. Proposal therefore seeks to provide a reduced number of spaces for the retail component.</p> <p>All 5 (five) on-site parking spaces will be allocated to the residential component of the development.</p>
<b>Adequacy of Provision</b>	<p>With excellent connection to public transportation to the subject site, this is expected to encourage shift away from the private motor vehicle, and instead encourage alternative transport modes to / from the subject site. In addition, the subject site is in a major activity centre, where majority of the customers will be walk up traffic with shared trips.</p>
<b>Design</b>	<p>The proposed car park design has been assessed and determined to have satisfied relevant design guidelines.</p>
<b>Requirement vs Provision</b>	<p><b>Clause 52.34 - Bicycle Facilities</b></p> <p>One (1) resident space and one (1) visitor space required. 3 (three) spaces provided.</p>
<b>Adequacy of Provision</b>	<p>This provision meets the statutory requirement and is therefore considered satisfactory.</p>
<b>Design</b>	<p>Assessed against Clause 52.34 and AS2890.3:2015 and determined to have satisfied the relevant design guidelines.</p>

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## Traffic Considerations

<b>Traffic Impact</b>	<p>The proposal is conservatively expected to generate up to 3 vehicle movements during the peak periods and 25 daily vehicle movements. This level of traffic is considered minimal in traffic engineering terms and not expected to have any material impact on the operation of the laneway or broader road network.</p>
-----------------------	---

## Conclusion

- The proposed development satisfies relevant statutory requirements and where the statutory requirements are not explicitly met, the development is deemed to satisfy decision guidelines that allow for a reduction or waiver of the said requirement.
- There are no traffic and transport grounds that should prohibit the issue of a permit.



## 2 Introduction

### 2.1 Engagement

IMPACT® have been engaged by ST Architects to undertake a Traffic and Transport Impact Assessment for the proposed Mixed-use development at 377 Bay Street, Brighton VIC.

### 2.2 Scope of Engagement

This Traffic and Transport Impact Assessment has been prepared to accompany a town planning submission.

In preparing this assessment we have referenced the following:

- Development plans prepared by ST Architects;
- Bayside City Council Scheme, specifically:
  - o Clause 52.06 - Car Parking
  - o Clause 52.34 - Bicycle Facilities
- Australian Standard AS2890.1:2004, AS2890.2:2018 and AS2890.6:2009.

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## 3 Existing Conditions

### 3.1 Location

The subject site is located north of Bay Street as shown in Figure 1 and Figure 2 respectively.

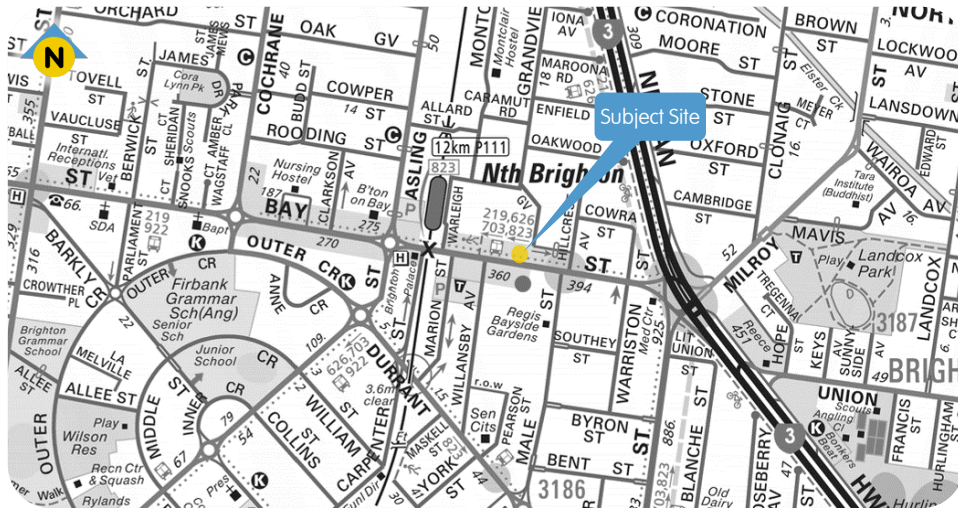


Figure 1 Location of Subject Site

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Figure 2 Aerial Photography (Nearmap Aerial dated 11<sup>th</sup> January 2021)

The site is rectangular in shape with a frontage of approximately 6 metres provided to Bay Street.

Bay Street is a local activity strip, with land use along this street predominantly commercial in nature (comprising a mix of retail, cafe and other similar tenancies).

### 3.2 Planning Zone

The subject site is located within the Commercial 1 Zone (C1Z) as illustrated in Figure 3.

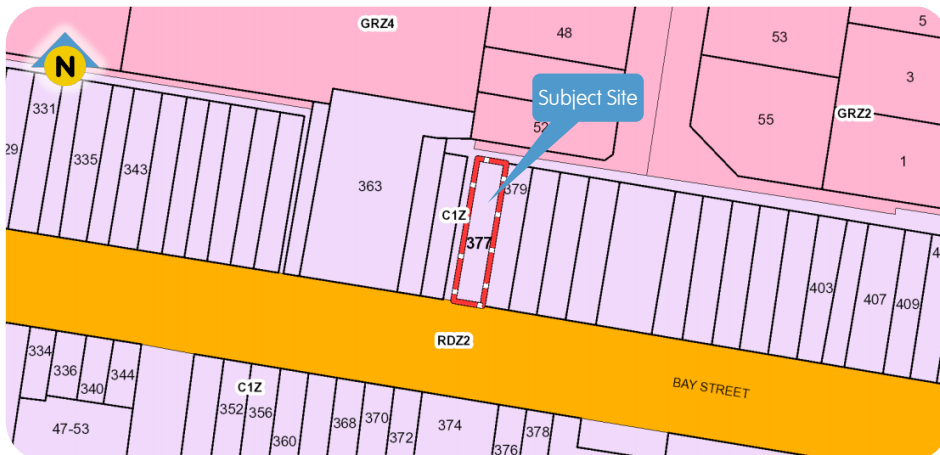


Figure 3 Land Use Planning Zone

The purpose of this zone is to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. In addition, its purpose is to provide for residential uses at densities complementary to the role and scale of the commercial centre.

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### 3.3 Road Network

#### 3.3.1 Bay Street

Classified as a major local road (Road Zone Category 2), Bay Street is aligned in an east-west direction and is bounded to the east by Nepean Highway and to the west by Bay Trail.

Along the site frontage, Bay Street comprises of an approximate 6-metre wide road pavement that provides for 1 lane of traffic in each direction. A dedicated bike lane is also provided on each side of the road, with indented parallel parking clear of traffic.

A posted speed limit of 40 km/h applies to Bay Street along the site frontage. Paved footpaths for pedestrian connectivity has also been provided on both sides.

A typical cross-section of Bay Street is illustrated in Figure 4.

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**Planning Application No.: 5/2021/421/1**  
**Date: January 2022**



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**Figure 4** Views of Bay Street facing east adjacent the subject site





### 3.3.2 Unnamed Laneway

Unnamed laneway controlled by council extends west from Warleigh Grove behind the subject site.

The laneway is approximately 4 metre wide (between property boundaries) and facilitates rear loading access to several different properties.

A typical cross-section of unnamed laneway is illustrated in Figure 5



**Figure 5** Views of Unnamed Laneway facing west from Warleigh Grove towards the subject site

Mixed-use Development: 377 Bay Street, Brighton VIC

Traffic and Transport Assessment

2 July 2021

### 3.4 Sustainable Transport

The site is well placed to leverage sustainable transport options, in particular heavy rail (train), bus and bicycle infrastructure. Figure 6 shows the subject site in the context of existing public transport routes, various on-road formal / informal bicycle facilities and pedestrian paths.

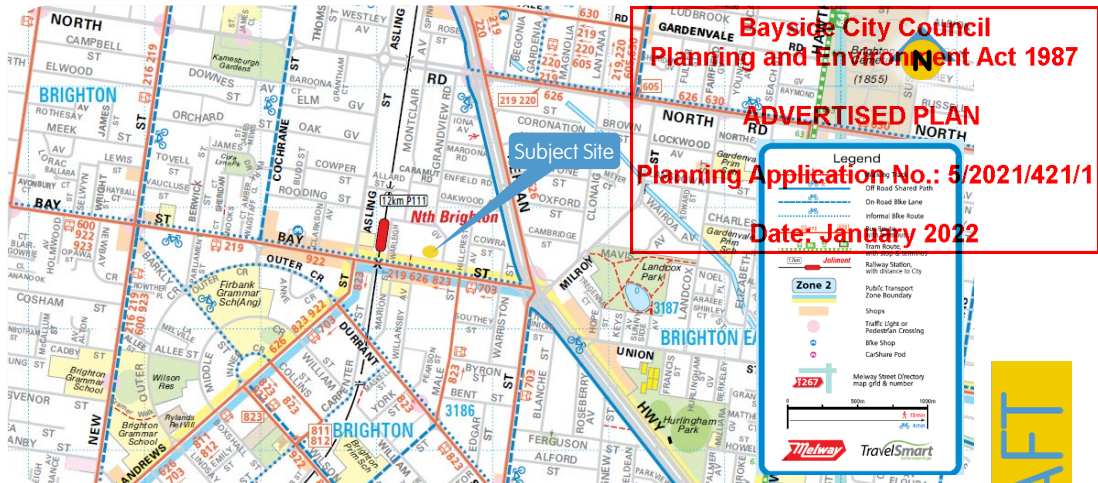


Figure 6 City of Bayside - TravelSmart Map

#### 3.4.1 Public Transport

The site is located within Principal Public Transport Network (PPTN) and has excellent access to various public transport modes, specifically heavy rail (train) and bus services. A summary of the public transport services available within walking distance of the site are summarised in Table 1.

Table 1 Public Transport Options

Service	Station / Route	Description	Walking Distance (from subject site)
<b>Train</b>	North Brighton Station	Sandringham Line	200m (2-3 mins)
	626	Middle Brighton - Chadstone SC	120m (1-2 mins)
<b>Bus</b>	703	Middle Brighton - Blackburn	140m (1-2 mins)
	823	North Brighton - Southland	140m (1-2 mins)
	922	Southland SC - St Kilda Station	280m (3-4 mins)

#### 3.4.2 Bicycle Network

The site has excellent access to the Melbourne's extensive bicycle network. Specifically, Bay Street acts as an informal bicycle route, with on-road bike lanes operating intermittently along this road.

The lanes provide the site with a convenient east-west path of travel, and also connect into the off-road shared path which extends along the Nepean Highway (a short distance east of the site) as illustrated in Figure 6.

# 4 Development Proposition

## 4.1 Use and Yield

It is planned to develop the site into a mixed-use retail and residential apartment building. The proposal contemplates 5 x 2-bed dwellings and a retail (shop) tenancy with a total NLA of 62.3 sqm.

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## 4.2 Car Parking and Access

On-site parking for the proposed development is provided in the form of 5 (five) stacker spaces.

The stacker spaces are accessed from the laneway to the rear of the subject site, as illustrated in Figure 7.

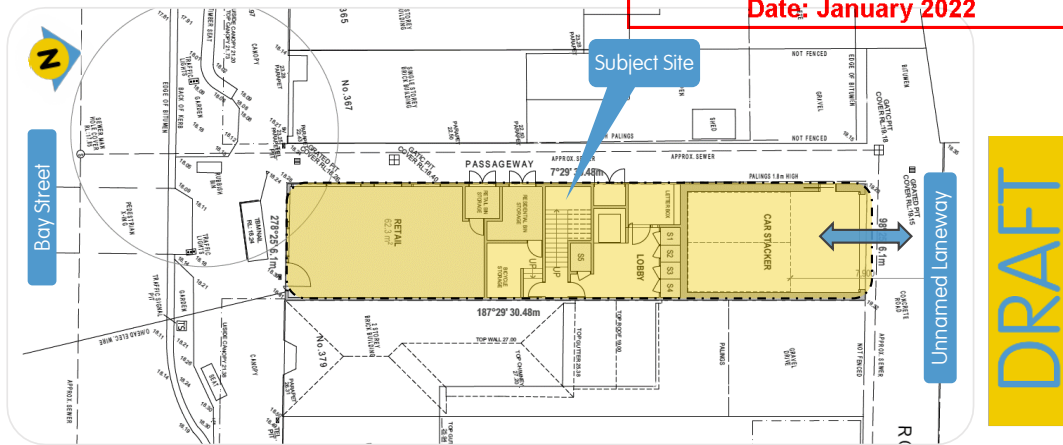


Figure 7 Proposed Access Locations



## 5 Statutory Controls

The relevant traffic and transportation Statutory Controls are:

### Local / Municipal Planning Policy Framework

- Clause 18.01 - Transport

### Particular Provisions

- Clause 52.06 - Car Parking
- Clause 52.34 - Bicycle Parking

### 5.1 Clause 52.06 - Car Parking

#### 5.1.1 Purpose

The purpose of Clause 52.06 is:

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

#### 5.1.2 Provision and Design Requirements

To satisfy the above purpose, Clause 52.06 of the Bayside City Council Planning Scheme specifies requirements relating to the provision and design of car parking as follows:

#### 5.1.3 Car Parking Provision Requirements - Clause 52.06-5

Table 1 to Clause 52.06-05 of the Bayside City Council Planning Scheme provides rates for various land uses. The site is located within the PPTN area and hence Column B rates from Table 1 apply.

The following rates are therefore applicable to the various uses contemplated on the site:

- **Residents** One (1) space to each two (2) bedroom dwelling, plus Two (2) spaces to each three (3) or more bedroom dwellings
- **Retail (Shop)** 3.5 spaces to each 100 sq.m of leasable floor area.

Application of the above rates reveals a requirement for **5 (five) spaces** for the residential component, while the retail (shop) component will trigger a requirement for **2 (two) spaces**. Therefore, a total of **7 (seven) spaces** are required on site.

#### 5.1.4 Proposed Provision

The development provides **5 (five) resident car spaces** but does not contemplate any parking provision for retail component. Hence a dispensation is sought for 2 (two) car spaces required under Clause 52.06-5 for the retail component.

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5.1.5 Application Requirements and Decision Guidelines to Reduce Car Parking Requirement

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposal and must also address the following matters, to the satisfaction of the responsible authority. Those considered particularly relevant to the proposal have been underlined.

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.
- The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study.

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Before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate (those considered relevant have been underlined):

- The Car Parking Demand Assessment.
- Any relevant local planning policy or incorporated plans.
- The availability of alternative car parking in the locality of the land, including:
  - o Efficiencies gained from the consolidation of shared car parking spaces.
  - o Public car parks intended to serve the land.
  - o On-street parking in non-residential zones.
  - o Streets in residential zones specifically managed for non-residential parking.
- On-street parking in residential zones in the locality of the land that is intended to be for residential use.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- The future growth and development of any nearby activity centre
- Any car parking deficiency associated with the existing use of the land.
- Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas.
- Access to or provision of alternative transport modes to and from the land.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.
- Any other matter specified in a schedule to the Parking Overlay.
- Any other relevant consideration.

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Considering the foregoing, we consider the following matters as relevant in support of the proposed outcome.



5.1.5.1 Car Parking Demand Assessment

The proposal contemplates providing parking in accordance with the statutory rates for the residential component and will be excluded from the following parking demand assessment.

For the purposes of a conservative assessment, it is assumed that the retail (shop) component will generate peak parking demand in accordance with the statutory requirement i.e., 2 (two) parking spaces.

Further, it is generally accepted that in a retail environment, parking demands in the order of 1/100sq.m can be attributable to staff, whilst the remaining are typically made up from customer trips.

Demand Vs Provision

The proposal contemplates 5 (five) spaces for residents - in accordance with the anticipated demand. This is considered appropriate.

With zero car spaces proposed for the retail (shop) component of the development, the staff will be encouraged to take available sustainable mode of transport to / from the site.

Additionally, there are plenty of short term on-street public parking spaces available suitable for customers along the site frontage facing Bay Street and surrounding road network proximate to the subject site.

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5.1.5.2 Availability of Alternative Transport Modes to/from the Land

Cycling

The proposal contemplates xxx number of secure bicycle parking spaces within the Ground floor Of the development in the form of xxx racks.

Access to this bicycle parking will encourage staff to use cycling as a mode of transport to/from the subject site.

Public Transport

As discussed above in section 3.4.1, the subject site is located within 200 metres walking distance of North Brighton Railway Station and various bus stops located within 140m -280m walking distance range from the subject site.

This proximity to public transport options will provide staff and customers a convenient mode of transport to/from the subject land.

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5.1.5.3 The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.

The subject has a total lot size of approximately 186 sq.m which is less than 300 sq. m. It is therefore not practical to provide additional parking spaces on site for such a small land parcel.





5.1.5.4 Local Planning Policy Framework specifically Clause 18.01 - Transport

Clause 18.01 of the Bayside Planning Scheme details Council's transport related objectives and strategies. Clause 18.01 lists various key areas which they have developed objectives and strategies to improve the municipality, and the following lists the objectives and strategies relevant to this application:

Land Use and Transport Planning

Objective 1: To create a safe and sustainable transport system by integrating land use and transport.

Strategy: Coordinating improvements to public transport, walking, cycling networks with the ongoing development and development of urban areas. Integrating public transport services and infrastructure into new development.

Objective 2: To facilitate greater use of public transport and promote increased development close to public transport routes.

Strategy: Encourage use of public transport and commuter cycling through the provision of adequate facilities for users.

Cycling and Walking

Objective 1: To promote the use of sustainable personal transport.

Strategy: Encourage the use of walking and cycling by creating environments that are safe and attractive. Improve local travel options for walking and cycling to support 20-minute neighbourhood.

Development Response

In response to the above objectives and strategies, we note the proposed development:

- Seeks to provide no on-site parking spaces for retail component and thus encourages commuters to leverage more sustainable transport options;
- Including use of the nearby train station (North Brighton Station and Bus routes; and
- Commuter bicycle trips.
Provides for bicycle parking facilities in excess of the Planning Scheme requirements (outlined in Clause 52.34) and thus encourages commuters to use cycling as a mode of transport to/from the subject site.

Accordingly, the outcome as contemplated on-site are considered to align well with Council's transport related strategies and objectives as outlined within Clause 18.01.

5.1.5.5 Adequacy of Proposed Car Parking Provision

Based on the foregoing, we are satisfied that the proposed parking provision ( 5 resident spaces and 0 retail spaces) is appropriate and aligns well with Council's transport related objectives and strategies for the municipality.

Accordingly, the development proposition satisfies the purpose of Clause 52.06, specifically:

- To support sustainable transport alternatives to the motor car; and
To ensure that car parking does not adversely affect the amenity of the locality.

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5.1.6 Design Standard for Car Parking - Clause 52.06 - 9

We have assessed the proposed car parking design and access arrangements against the requirements of Clause 52.06-9 of the Bayside City Council Planning Scheme. Our findings are as follows:

5.1.6.1 Design Standard 1 - Accessways

The site contemplates access to the car spaces directly from the unnamed road.

5.1.6.2 Design Standard 2 - Car Parking Spaces

No standard car spaces are proposed on site.

5.1.6.3 Design Standard 3 - Gradients

No grades of significance are proposed on site.

5.1.6.4 Design Standard 4 - Mechanical Parking

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Requirements	Design Response	Status
1 At least 25 per cent of the mechanical car parking spaces can accommodate a vehicle clearance height of at least 1.8 metres.	It is proposed to utilise Klaus Trendvario 6300. These units each provide the following clearances: — UF = 1.6m — GF = 1.8m — LF = 1.8m Accordingly, at least 3/5 (60%) spaces will have a height clearance exceeding 1.8 metres.	TBC
2 Car parking spaces that require the operation of the system are not allocated to visitors unless used in a valet parking situation.	No stacker spaces will be allocated to visitors.	Comply
3 The design and operation is to the satisfaction of the responsible authority.	Swept path analysis demonstrates convenient access to / from stacker spaces.	Comply

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**Note:** As illustrated in the swept paths provided, a correction manoeuvre will be required in some instances. This outcome is acceptable for residential environments. Specifically, we note that the test for ease and efficient use of car parking is prescribed in AS2890.1:2004 Off-Street car parking facilities, with residential developments classified as User Class 1A parking facilities. For this user class, three-point turn entry and exit into 90 degree parking spaces is permitted.

5.1.7 Conclusion - Car Park Design

The proposed car park and accessways have been assessed and determined to have satisfied the relevant design guidelines.

Accordingly, the proposal satisfies the purpose of Clause 52.06, specifically:

- To ensure that car parking does not adversely affect the amenity of the locality;
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.



## 5.2 Clause 52.34 - Bicycle Facilities

### 5.2.1 Purpose

The purpose of Clause 52.34 is to encourage cycling as a mode of transport, and provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

### 5.2.2 Provision Requirements - Clause 52.34.3

To satisfy the above purpose, Clause 52.34-3 of the Bayside City Council Planning Scheme specifies the bicycle parking provision requirements for a variety of different uses within Table 1.

Rates applicable to the proposed uses are:

<b>Dwelling;</b>	Resident:	1 to each 5 dwellings in developments of four (4) or more storeys
	Visitors:	1 to each 10 dwellings in developments of four (4) or more storeys
<b>Retail (Shop);</b>		1 staff space to each 600 sq.m of net leasable floor area if the leasable floor area exceeds 1000 sq.m and 1 visitor spaces to each 500 sq.m of net leasable floor area if the leasable floor area exceeds 1000 sq.m.

Accordingly, the site triggers a requirement to provide at least one (1) resident and one (1) visitor bicycle parking space on-site for residential component of the site.

### 5.2.3 Design Requirements

Bicycle spaces should:

- Provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars.
- Be located to allow a bicycle to be ridden to within 30 metres of the bicycle parking space.
- Be located to provide convenient access from surrounding bicycle routes and main building entrances.
- Not interfere with reasonable access to doorways, loading areas, access covers, furniture, services and infrastructure.
- Not cause a hazard.
- Be adequately lit during periods of use.

### 5.2.4 Proposed Provision

The development plans show a total of 3 (three) bike spaces.

Additionally, there are several on-street bike hoops available nearby that could be used by both residential visitors and customers to the site where required.

This provision meets the statutory requirements and is therefore adequate.

#### 5.2.4.1 Conclusion - Bicycle Parking

We can conclude that bicycle parking provided as part of this development satisfies the purpose of Clause 52.34, specifically:

- To encourage cycling as a mode of transport, and provide secure, accessible and convenient bicycle parking spaces.

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# 6 Traffic Considerations

## 6.1 Traffic Generation

The Roads and Maritime Services of New South Wales (RMS) publication 'Guide to Traffic Generating Developments' (October 2002) suggest that medium density residential developments generate vehicle movements at the following rates:

Residential component

- a. Small units and flats (up to 2 bedrooms)
  - i. Daily vehicle trips: 4.0 - 5.0 per dwelling
  - ii. Weekday peak hour vehicle trips 0.4 - 0.5 per dwelling

Conservatively adopting the higher rate for all dwellings proposed (0.5 per dwelling), the development is projected to generate up to 3 (three) vehicle trips during the peak periods. Accordingly, at the rate 5 (five) daily trips per dwelling, the residential component will generate approximately 35 vehicle movements per day.

Thus, the site is expected to generate up to 25 daily vehicle movements and 3 (three) peak hours vehicle movements.

This level of traffic is considered minimal in traffic engineering terms and not expected to have any material impact on the operation of the laneway or broader road network.

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Mixed-use Development: 377 Bay Street, Brighton VIC

Traffic and Transport Assessment

2 July 2021

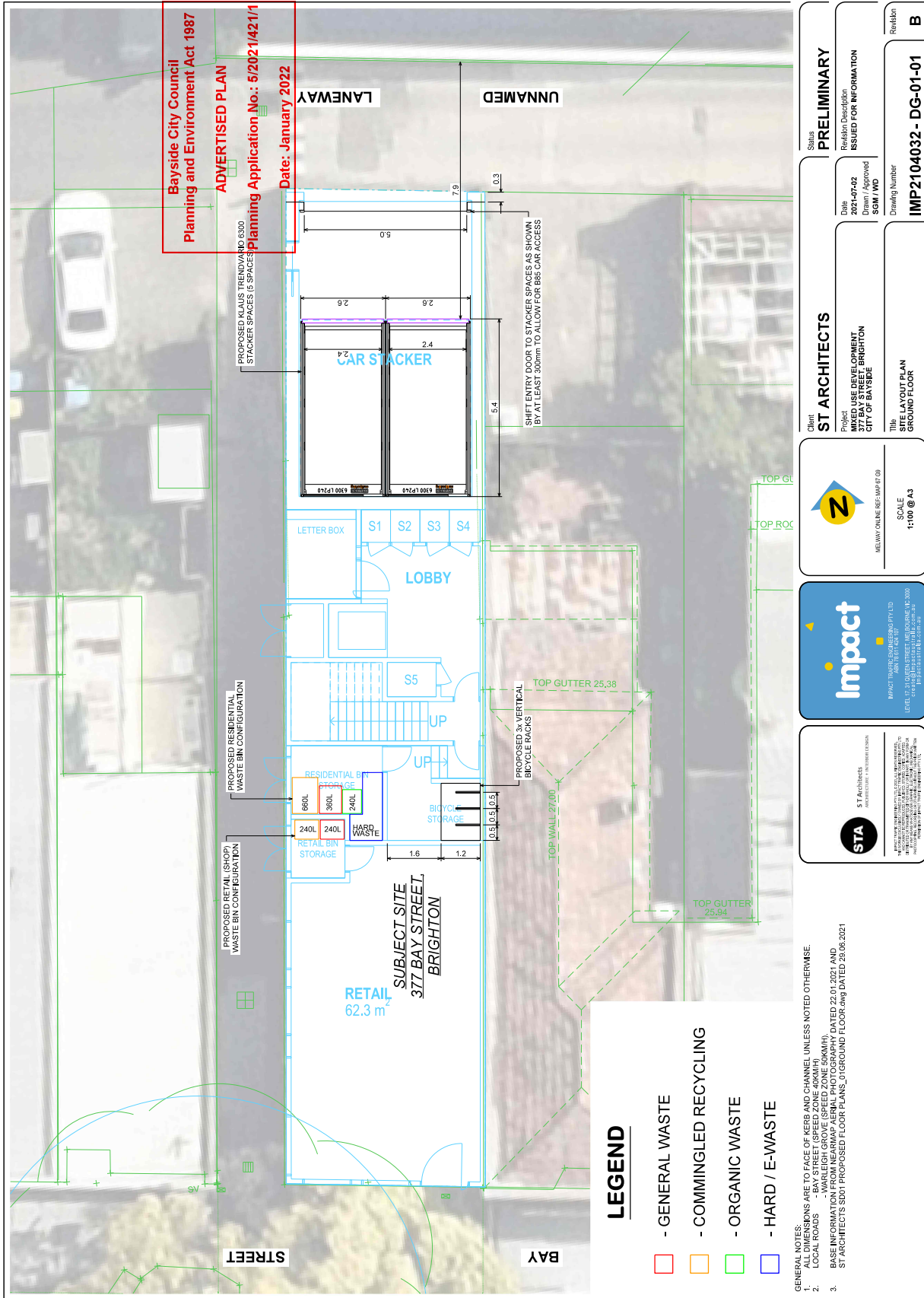
# APPENDIX A

## Swept Path Analysis

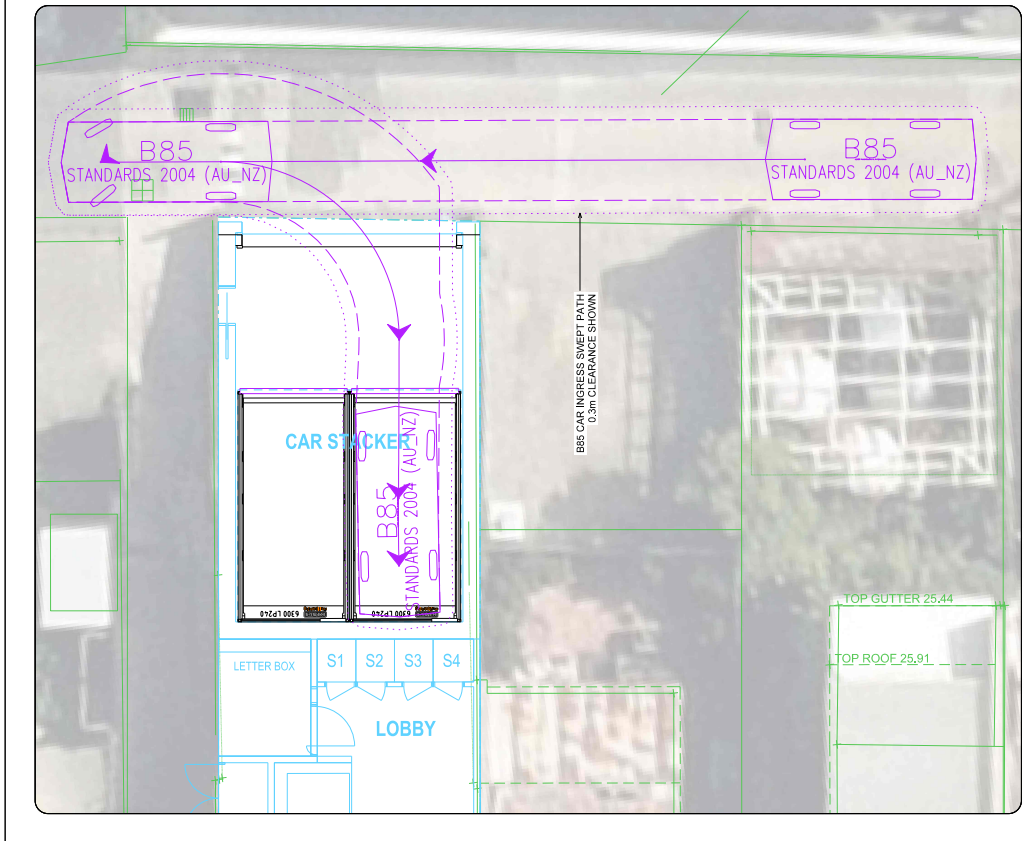
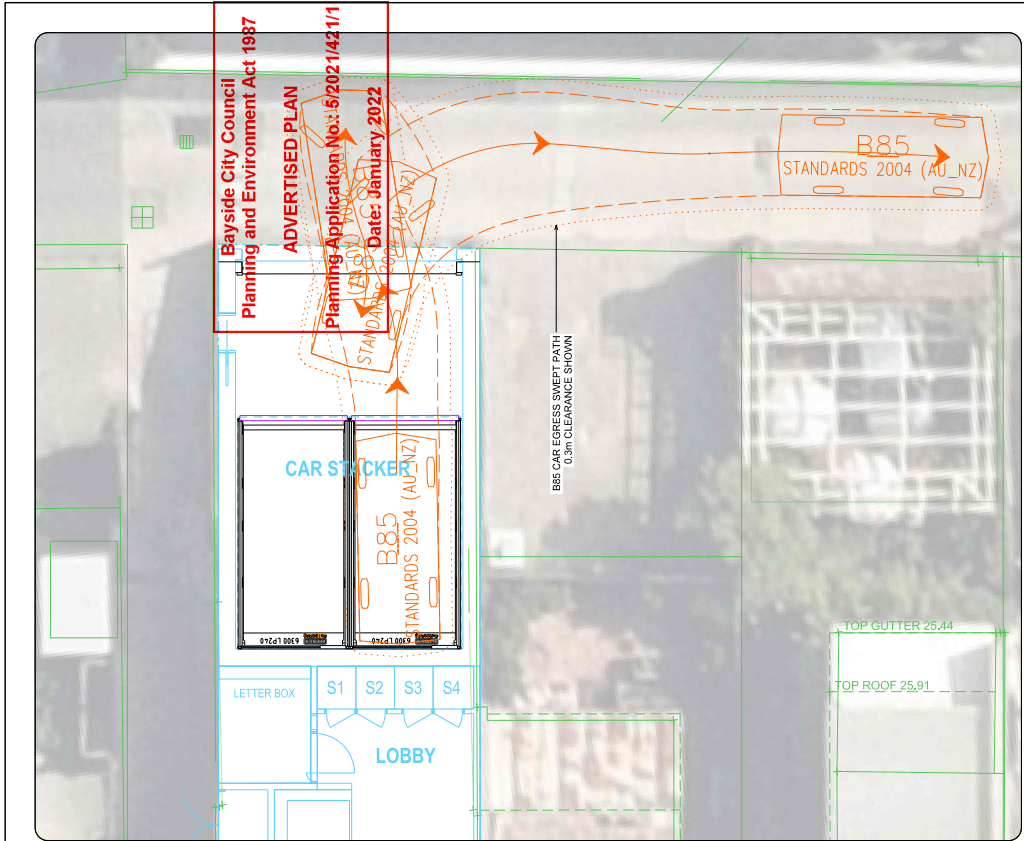
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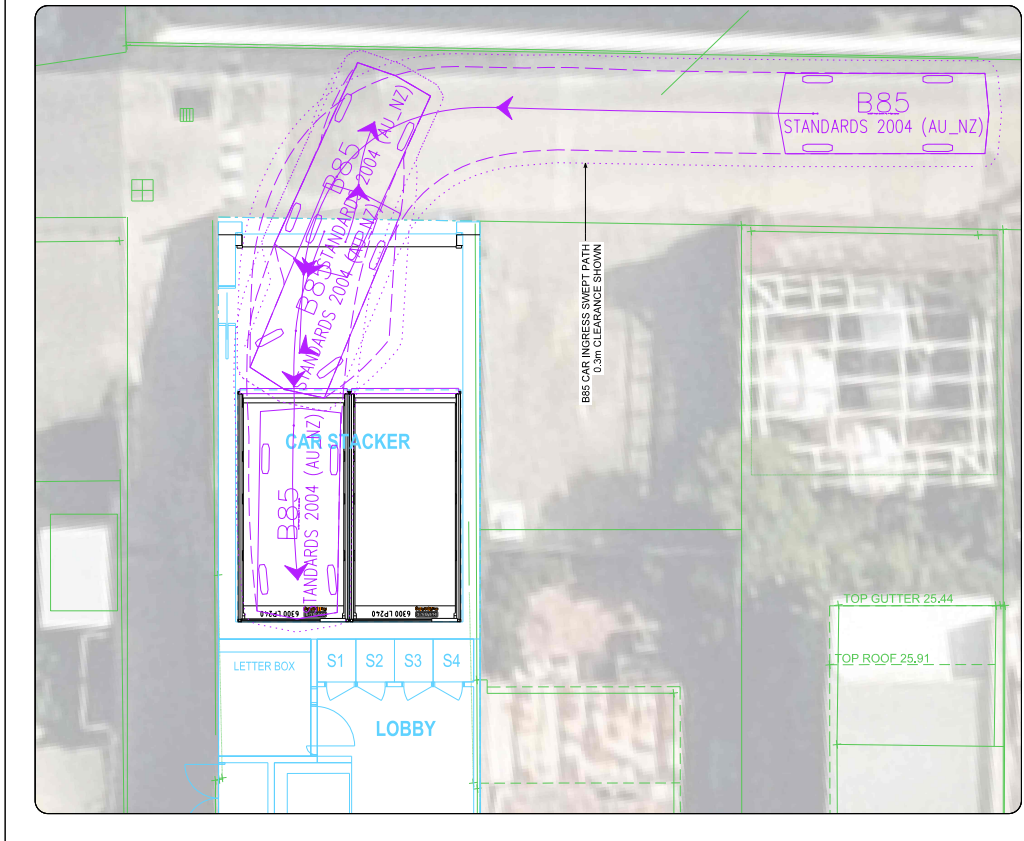
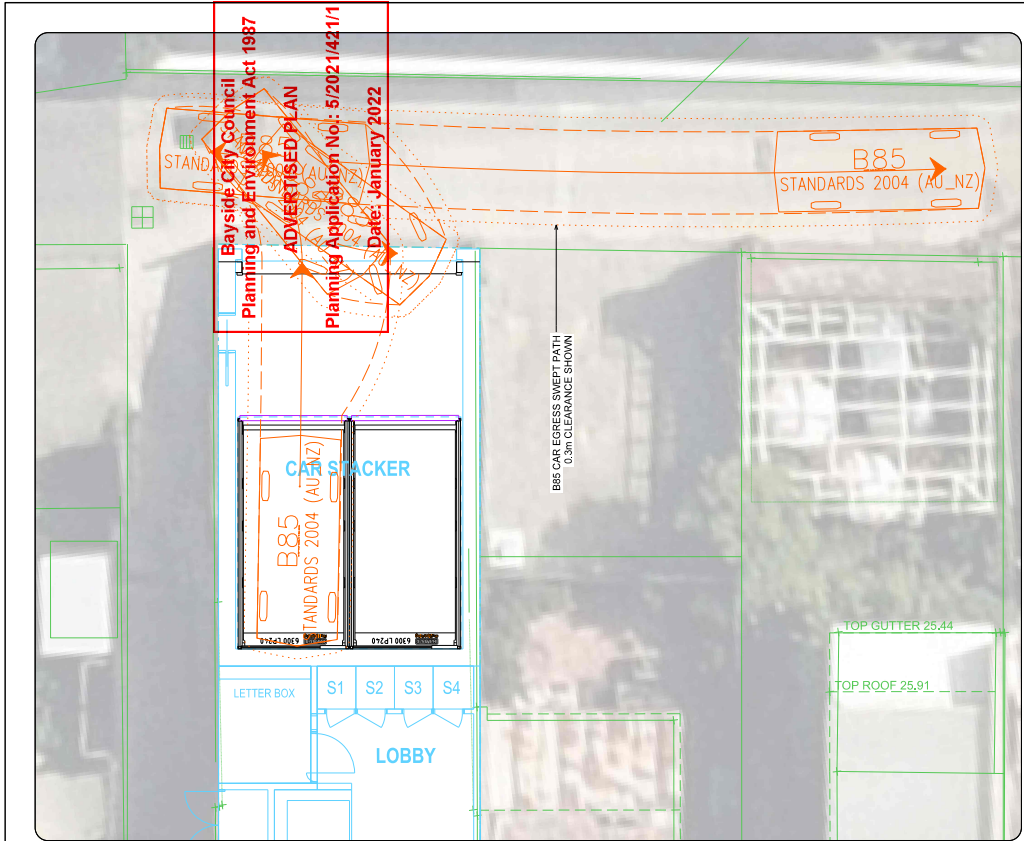
Design Vehicle:  
— B85 Car







<p>ST ARCHITECTS                  ARCHITECTS &amp; INTERIORS DESIGN</p>	Status <b>PRELIMINARY</b>	Revision Description ISSUED FOR INFORMATION	Revision <b>B</b>
	Client <b>ST ARCHITECTS</b>	Date 2021-04-02	Drawing Number <b>IMP2104032 - DG-01-02</b>
<p>MEASUREMENTS REFER TO 00</p>	Project USE REVIEW EXHIBIT 377 BAY STREET BRIGHTON CITY OF BAYSIDE	Title PAVILION ANALYSIS - BB5 CAR GROUND FLOOR	
<p>IMPACT CONSULTANTS PTY LTD                  LEVEL 12, 31 QUEEN STREET, ADELAIDE SA 5000                  PH: 08 8462 1000                  WWW.IMPACTCONSULTANTS.COM.AU</p>	Scale <b>1:100 @ A3</b>		
<p>STA                  ARCHITECTS &amp; INTERIORS DESIGN</p>			
<p>4.91                  0.92 2.80                  BB5 CAR</p> <p>WIDTH                  2.80m                  CLEARANCE TO LOBBY                  0.92m                  CLEARANCE TO CAR                  2.80m</p>			



<p>ST ARCHITECTS ARCHITECTS - ENGINEERS - INTERIORS DESIGN</p>	<p>Status: <b>PRELIMINARY</b></p> <p>Revision Description: <b>ISSUED FOR INFORMATION</b></p>
	<p>Date: 2021-04-02</p> <p>Drawn / Approved: <b>SMH / JPD</b></p>
<p>Client: <b>ST ARCHITECTS</b></p> <p>Project: <b>USE OF THE EXISTING 377 BAY STREET, BRIGHTON CITY OF BAYSIDE</b></p>	<p>Revision: <b>B</b></p>
<p>MEADOWS ONLINE SERVICES PTY LTD</p> <p>SCALE: <b>1:100 @ A3</b></p>	<p>Drawing Number: <b>IMP2104032 - DG-01-03</b></p>
<p>IMPACT CONSULTANTS PTY LTD LEVEL 12, 31 QUEEN STREET, ADELAIDE SA 5000 www.impactconsultants.com.au</p>	<p>Title: <b>PAVEMENT ANALYSIS - B85 CAR STACKER 1st FLOOR</b></p>
<p>STA ARCHITECTS ARCHITECTS - ENGINEERS - INTERIORS DESIGN</p>	
<p>4.91 2.80 0.92 B85 CAR</p> <p>WIDTH: 2.80 HEIGHT: 2.00 WHEELS TO GROUND CLEARANCE: 0.92 STANDARD WHEELS: 1.90</p>	

2/07/2021 2:27:05 PM

Mixed-use Development: 377 Bay Street, Brighton VIC

Traffic and Transport Assessment

2 July 2021

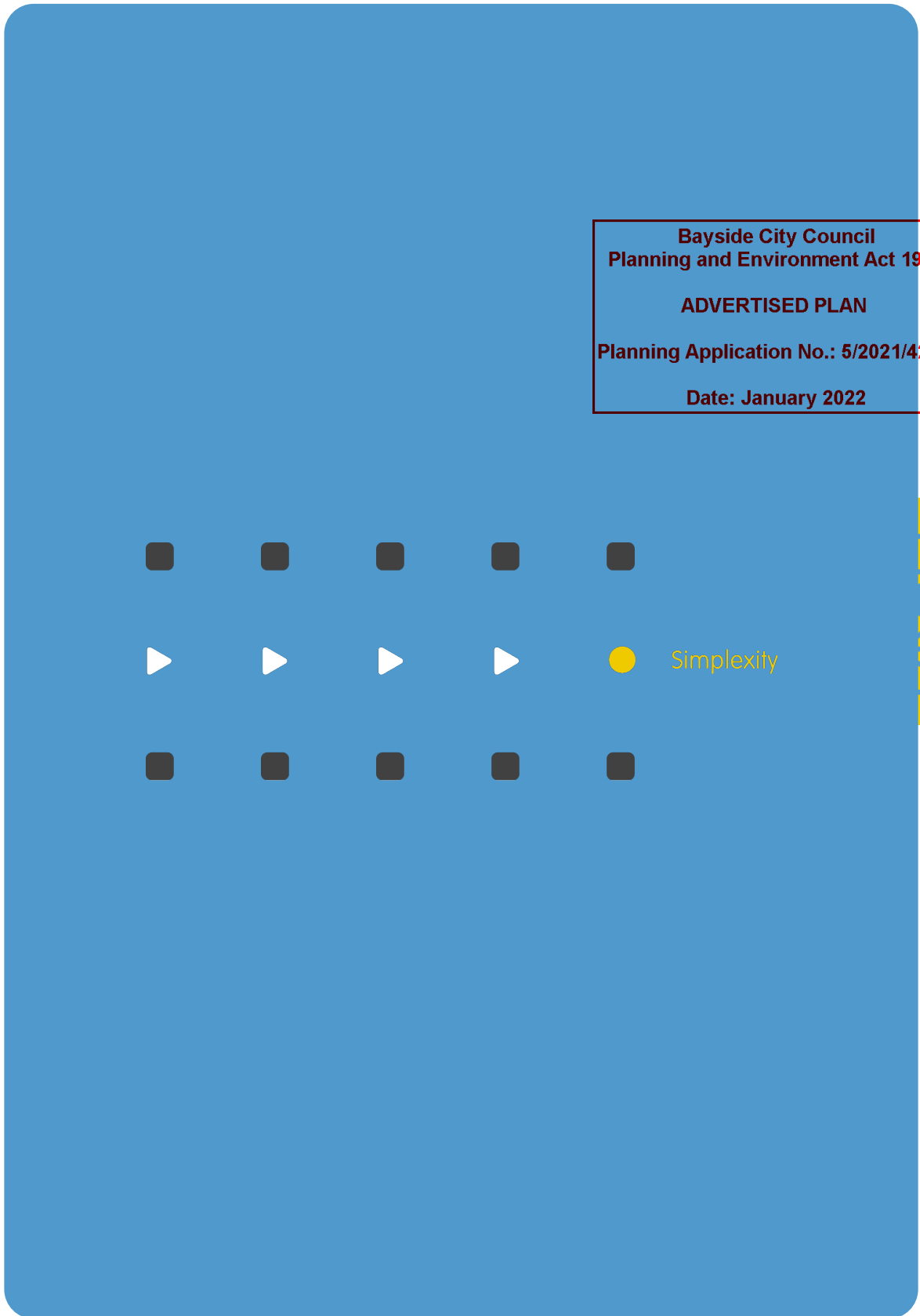
# APPENDIX B

## Bicycle Parking Specifications

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Ned Kelly Bike Racks



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Date: January 2022

IMPACT Traffic Engineering Pty Ltd  
ABN: 78 611 424 107

Level 17, 31 Queen Street, Melbourne, Victoria 3000  
impactaustralia.com.au

26 November 2021  
Reference: IMP2104032LET01D01

37°54'19.5"S 145°00'16.4"E

Michelle Xue  
ST Architects  
237-239 Burwood Road,  
Hawthorn VIC 3122

Dear Michelle,

SUBJECT: RESPONSE TO COUNCIL CONCERNS  
PROJECT: MIXED USE DEVELOPMENT  
SITE ADDRESS: 377 BAY STREET, BRIGHTON

**Bayside City Council  
Planning and Environment Act 1987**  
**ADVERTISED PLAN**  
**Planning Application No.: 5/2021/421/1**  
**Date: January 2022**

Preamble

IMPACT® have been engaged by ST Architects on behalf of the applicant to respond to the Council concerns listed in the RFI (Dated 30<sup>th</sup> August 2021) in response to the planning application (5/2021/421/1) for the proposed mixed use development at 377 Bay Street Brighton.

Specifically relating to traffic, the issues identified by Council and our responses are presented below.

Response to Council Concerns

Council Concern

*The proposed vehicle access is via the rear 3m wide laneway, which connects to Warleigh Grove to the east and Chemist Warehouse car park to the west. The Chemist Warehouse building, their car park and their access lane is a private property and therefore vehicles associated with the subject site do not have legal access rights to use their land. This means that vehicles associated with the subject site would need access/egress via Warleigh Grove.*

*This would result in conflict between vehicles entering/exiting the site and other vehicles exiting the Chemist car park towards Warleigh Grove. The width of the laneway is approximately 3m which does not enable two-way passing opportunities*

*The use of the car stacker is also problematic considering the time taking for the stacker to shuffle, and for the doors to open resulting additional delays for other vehicles using the laneway.*

*The swept path diagrams indicate that vehicles are required to reverse back into the laneway (and may have to undertake 3 or 4 manoeuvres to exit), which is not a good outcome due to potential conflict and delay etc associated with existing other traffic the laneway.*

*Sightlines are also an issue as vehicles traveling on the laneway do not have the ability to see vehicles reversing out of the driveway (and vice versa)*

*It is recommended that some form warning light system be provided (within the property) during vehicular exiting with an aim to improve the awareness for other drivers using the laneway.*

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37°54'19.5"S 145°00'16.4"E

**IMPACT<sup>®</sup> Response:**

We understand and acknowledge Council's concern that these three additional vehicles (compared to the two currently provided for on-site) and the introduction of a car stacker might have a detrimental impact on the operation.

In response to this concern however, we note the following:

Likelihood of a Conflict

The laneway currently provided access to / from approximately 10 car parking spaces (across each of the sites accessed directly from the laneway). In addition, a further 10 car parking spaces (the Chemist Warehouse car park) may also use the laneway. This translates to a total of 20 car parking spaces which might currently rely on this laneway for access.

Conservatively assuming that 50% of these parking spaces turnover departs in any one peak period, this translates to in the order of 10 peak period vehicle movements to / from the laneway.

**Note:** This is considered conservative noting the Chemist Warehouse car park has an additional access point to Bay Street.

The proposal will result in an additional 3 vehicles being accessed from the laneway (converting the current double car park area, into a stacker with 5 spaces). As outlined in the traffic report, the proposal is expected to generate up to three (3) peak period vehicle movements.

Notwithstanding, for the purposes of a conservative estimate, the movements generated by the proposal will be included as additional to the existing vehicles.

Noting the foregoing, the following peak movements could be expected:

- Existing Peak Period Traffic
  - o Inbound\* 10 vehicle movements
  - o Outbound\* 5 vehicles
- Site Generated Traffic
  - o Inbound 5 vehicles
  - o Outbound 3 vehicles
  - o Inbound 2 vehicles
  - o Outbound 1 vehicle.

\* An even split between inbound and outbound traffic is assumed as 'worst case' for vehicle conflict. Realistically, movements are expected to be more tidal, noting that most would likely be attributable to staff movements during the peak periods.

The one-way portion of the laneway is approximately 40 metres in length. Assuming an average vehicle speed of 10 km/hr, this translates to a time of approximately 14.4 seconds per vehicle to traverse the laneway.

In addition, the proposal contemplates a stacker which will take time to operate and get to the right position. We are advised that for this system, wait times of no more than 60 seconds could be expected on average.

Noting the foregoing, we can expect the following travel times along the laneway:

- Inbound Traffic 221 seconds
- Outbound Traffic 146 seconds\*

\* Conservatively includes the 60 seconds operating time to the outbound stacker movements (despite this occurring whilst vehicles are not within the laneway).

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**Date: January 2022**

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IMPACT Traffic Engineering Pty Ltd  
ABN: 78 611 424 107

Level 17, 31 Queen Street, Melbourne, Victoria 3000  
impactaustralia.com.au

26 November 2021  
Reference: IMP2104032LET01D01

37°54'19.5"S 145°00'16.4"E

Based on the above, the likelihood of a conflict occurring at some point along the laneway is approximately 0.25% (or once every 400 peak periods).

This level of conflict is considered to be low, and thus the impact of the vehicle movements generated by the subject site (stacker notwithstanding) are negligible.

Further, a review of aerial and street view images shows that the laneway is currently used to facilitate loading by several of the commercial tenancies which have a frontage to Bay Street.

We understand that the laneway is still functioning despite these loading vehicles.

In this context, the proposal (which includes the addition of up to 900m<sup>2</sup> of stacker) is not expected to have a material impact on laneway as currently operating.

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Number of Vehicle Movements

The swept paths provided within the Traffic Assessment (which have been updated and reattached as an annex to this letter for reference) demonstrate vehicle access to / from each of the stacker platforms.

As illustrated in these swept paths, vehicle access is achievable with no more than one corrective manoeuvre required.

This outcome is acceptable in residential environments. Specifically, the test for ease and efficient use of car parking is prescribed in the Australian Standard AS2890.1:2004 (Off-Street Car Parking). Residential developments (User Class 1A) are permitted three-point turn entry and exit movements into 90-degree parking spaces.

One correction (three movements upon ingress, or four upon egress) is therefore permitted and considered a suitable outcome.



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26 November 2021  
Reference: IMP2104032LET01D01

[37°54'19.5"S 145°00'16.4"E](#)

Sight Lines

We understand and acknowledge Council's concerns in relation to the sight lines to / from the car park area.

In this regard, we note that the proposed car park will operate no differently than any of the others currently accessed from this laneway.

The above notwithstanding, we agree with Council's recommendation that a flashing warning light be provided to assist with awareness for when vehicles are exiting the subject site. This flashing warning light could be linked to the operation of the stackers, so that it is triggered whenever vehicles are entering or leaving the subject site.

Council Concern

*The car stacker must have at least 25% of spaces which can accommodate a vehicle with a height of 1.8 metres (as opposed to 1.8m clearance). Based on the specification of the car stacker, this equates to a clearance height of 185cm on the ground floor.*

**IMPACT<sup>®</sup> Response:**

Noted.

Appropriate height clearances are to be provided to accommodate a vehicle with a height of 1.8 metres for 60% of the spaces (i.e. at the ground and lower platform levels).

A vertical cross section of the proposed car stacker is shown is enclosed as an annex to this report

Council Concern

*Waste collection procedure appear to be problematic. It is noted that a garbage bin room has been provided towards the western end of the property (about halfway through the lane behind the shop). However, it is not acceptable for garbage collection vehicles to park within the laneway obstructing other traffic during the collection procedure.*

*Given the need to wheel bins from the bin room (at the western boundary of the site) to the truck and then wheel back, garbage vehicle parking within the laneway would result in an obstruction and unacceptable delay for other traffic - even if the collection service is undertaken during afterhours.*

*It is also noted that the garbage bins cannot be stored on the driveway as it would impact upon access and egress.*

*While a 'private collection service' is to be adopted via a 6.4m long rear mini loader, the driveway length should be further extended to allow garbage collection vehicles to prop and park on the driveway (without impacting other traffic in the laneway) during the collection times - swept-path diagrams are to be provided for access/egress*

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**ADVERTISED PLAN**  
**Planning Application No.: 5/2021/421/1**  
**Date: January 2022**

DRAFT



IMPACT Traffic Engineering Pty Ltd  
ABN: 78 611 424 107

Level 17, 31 Queen Street, Melbourne, Victoria 3000  
impactaustralia.com.au

26 November 2021  
Reference: IMP2104032LET01D01

37°54'19.5"S 145°00'16.4"E

**IMPACT® Response:**

We agree that where possible bins should not be kept or stored within the laneway. Accordingly, the proposal provides two bin rooms within the site (one for retail and one for residents).

On-Site Collections

We note however that it is not practical or reasonable to waste collections to occur within the subject site.

The subject site has a total land area of approximately 180 square metres.

The Planning Scheme makes provisions that suggest parking need not necessarily be provided for lots less than 300 square metres. By extension, it is a reasonable assumption that a lot less than 300 square metres (such as the subject site) should not need to be designed to provide for on-site waste collections.

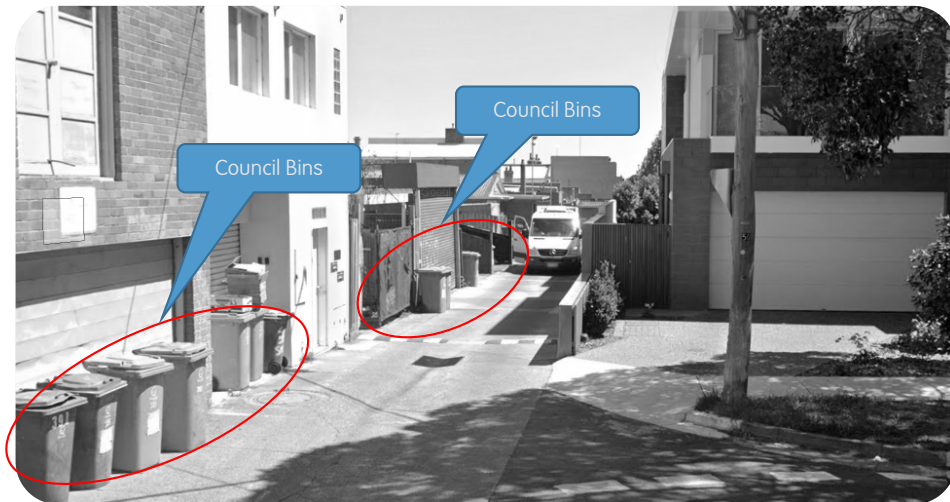
Warleigh Grove Collections

The proposed waste collection outcome (where bins are wheeled to and collected from Warleigh Grove) is consistent with the existing arrangement for each of the properties accessed from the laneway. Notably, Council provides these waste collection services, with Council's truck propping within the laneway and wheeling bins from outside the tenancies to the truck and back (refer figures below).

As mentioned within the Waste Management Plan, no more than two bins would need to be collected at any one time. This is fewer than the number of bins that Council currently prop and collect from within the laneway (image below shows at least six visible blue recycle bins' which Council currently prop and collect from this area.

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37°54'19.5"S 145°00'16.4"E

Bay Street Collections

An alternative possibility is the collection of waste from Bay Street.

We note that Council currently provides collections for properties along Bay Street who have no other viable alternative.

If private collections from Warleigh Grove continue to be deemed to be inappropriate by Council, then collections from Bay Street should be considered.

- The site can seek to leverage Council collections from Bay Street (subject to Council approval)
  - o Bin sizes and quantities would need to be adjusted (in line with Council's requirements).
- Or also possibly private collections from Bay Street
  - o There is a 1/4P parking space located along the northern side of Bay Street just to the west of the subject site;
  - o The site could seek to leverage this car space to prop clear of Bay Street and quickly undertake collections from the subject site.
  - o As noted previously, no more than 2 bins would need to be collected at any one time in this scenario.

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Council Concern

*Suitable lighting attached to the new building for safety of pedestrians (particularly for the laneway that runs north-south). These lights must be in operation during night times.*

**IMPACT® Response:**

Noted. Suitable lighting shall be included

Council Concern

*The provision of door openings into public laneway is considered unsatisfactory. It is recommended some form of roller door or sliding door be provided (or provided relevant door openings inwards to the building).*

**IMPACT® Response:**

Noted. Plans have been amended to not include any doors opening into the laneway.

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[37°54'19.5"S 145°00'16.4"E](#)

**Conclusion**

The foregoing assessment confirms that the proposed development is satisfactory, contemplates a development outcome that is acceptable and appropriately addresses the statutory requirements.

Should you have any concerns, please contact me on the details below.

KIND REGARDS,



Jake Townley  
**Engineer**  
M: 0436 414 459  
E: [jake@impactaustralia.com.au](mailto:jake@impactaustralia.com.au)

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Enc: Swept Path Analysis & Proposed Car Stacker

**DRAFT**









<p>ST ARCHITECTS LEVEL 12, 31 QUEEN STREET, AUCKLAND, NZ 1010 09 300 9999 www.starchitects.co.nz</p>	<p>Status: <b>PRELIMINARY</b></p> <p>Revision Description: <b>ISSUED FOR INFORMATION</b></p>
	<p>Date: 2021-11-26 Drawn: Approved JTM</p>
<p>Client: <b>ST ARCHITECTS</b></p> <p>Project: <b>USE REVIEW EXHIBIT 377 BAY STREET, BRIGHTON CITY OF BAYSIDE</b></p> <p>Title: <b>IMPACT ANALYSIS - B85 CAR GROUND FLOOR</b></p>	<p>Drawing Number: <b>IMP2104032 - DG-01-02</b></p> <p>Revision: <b>C</b></p>
<p>SCALE: 1:100 @ A3</p>	<p>IMPACT ANALYSIS - B85 CAR GROUND FLOOR LEVEL 12, 31 QUEEN STREET, AUCKLAND, NZ 1010 09 300 9999 www.starchitects.co.nz</p>
<p>STA ARCHITECTS LEVEL 12, 31 QUEEN STREET, AUCKLAND, NZ 1010 09 300 9999 www.starchitects.co.nz</p>	<p><b>B85 CAR</b> WIDTH: 2.00 LENGTH: 4.91 CLEARANCE: 2.80</p>







# Product data

Dimensions, technical information and performance specification

**Bayside City Council**  
**Planning and Environment Act 1987**  
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**Date: January 2022**



## trendvario 6300



[multiparking.com](http://multiparking.com)



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**Explanation of symbols**



Platforms accessible horizontally.



max. load per parking space in kg.  
Upweighting over 2000 kg possible with surcharge (see "Vehicle data", page 3).



Parking space load can be subsequently upweighted (see "Vehicle data", page 3).



Traversable and can be combined with other TrendVario systems as a KombiSystem.

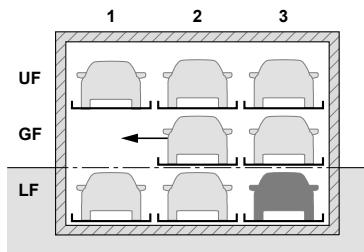


The systems provided are consistent with DIN EN 14010 and the EC Machinery Directive 2006/42/EC.  
This system has also undergone a voluntary compliance test conducted by TÜV SÜD.

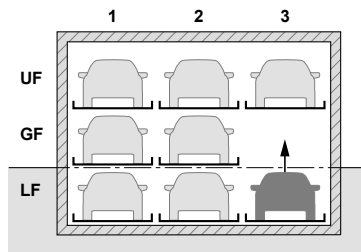
**Function diagram with standard designation**



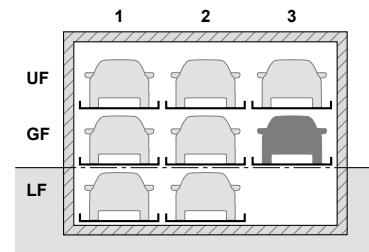
Example for vehicle on basement level (LF) of grid 3:  
Selection via the control panel; all doors must be closed.  
Representation of parking spaces in a row.



To remove the vehicle from the space in **grid 3/LF**, the GF platforms are moved to the left.



The empty space is now located above the vehicle being removed. The parking space in **grid 3/LF** is raised.



The vehicle in the space in **grid 3/LF** can now be removed.

**Dimensions and tolerances**



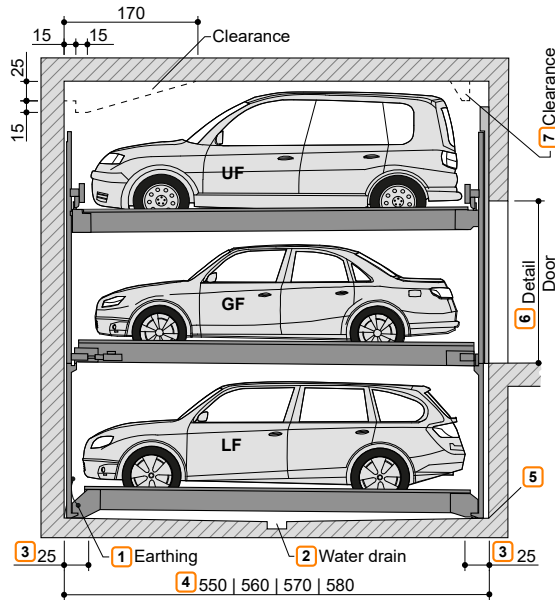
All dimensions and minimum final dimensions.  
Tolerance for dimensions +3/-0. Dimensions in cm.  
In order to adhere to the minimum final dimensions, the tolerances in accordance with the German Construction Tendering and Contract Regulations [VOB], Part C (DIN 18330 and 18331) and DIN 18202 must also be taken into account.





Overview of building configuration

Building configuration with vertical door 6



- 1 Equipotential bonding from foundation earth connection to system (to be provided by the customer).
- 2 Slope with water collection channel(see "Drainage", page 12).
- 3 These areas must be horizontal and at the same level throughout the pit.
- 4
  - 550 cm for vehicle length max. 5.0 m
  - 560 cm for vehicle length max. 5.1 m
  - 570 cm for vehicle length max. 5.2 m
  - 580 cm for vehicle length max. 5.3 m
 Shorter versions are possible on request, observe local regulations on parking space lengths.  
 We recommend a minimum pit length of 570 cm for comfortable use of your parking space and a minimum platform length of 230 cm.
- 5 No fillets/haunches are permitted at the transition from the pit floor to the walls. If fillets/haunches are required, the systems must be narrower or the pits wider.
- 6 Door detail and other door variants (see "Configuration with vertical door", page 5 and see "Configuration with sliding door", page 6).

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If sprinklers are required, the customer must leave sufficient clearance during the construction phase.

Vehicle data

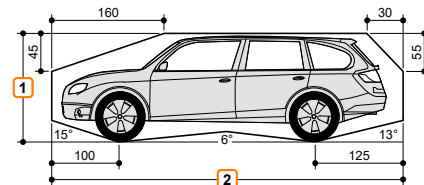
Parking options

Series vehicles:  
saloon, estate, SUV, van in accordance with clearance gauge and maximum parking space load.

	UF   GF   LF 3		
Weight 4	2000 kg	2600 kg	3000 kg
Wheel load	500 kg	650 kg	750 kg

- 1 Vehicle height (see "Overview of system types and building heights", page 4)
- 2 Vehicle length (see "Overview of building configuration", page 3)
- 3 UF = upper floor | GF = ground floor | LF = lower floor
- 4 Individual space loads can also be subsequently upweighted to 3000 kg.

Clearance gauge



Vehicle width 190 cm with platform width 230 cm.  
Correspondingly wider vehicles can be parked with wider platforms.

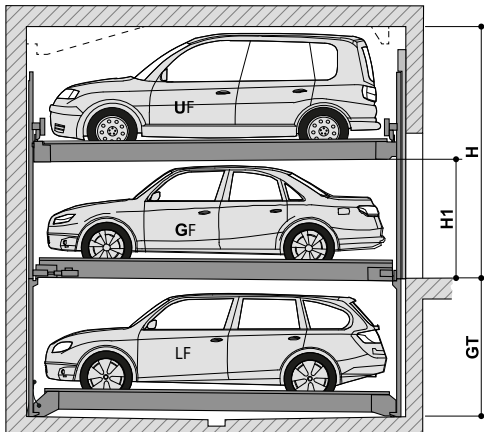




Overview of system types and building heights



The permissible vehicle height, GF must be greater than or equal to the vehicle height, LF.



GT: Pit depth      H: Building height      H1: Headroom

Type	PD	Vehicle height, LF
6300/175	175	155
6300/180	180	155
6300/185	185	160
6300/190	190	165
6300/195	195	170
6300/200	200	175
6300/205	205	180
6300/210	210	185
6300/215	215	190
6300/220	220	195
6300/225	225	200
6300/230	230	205
6300/235	235	210
6300/240	240	215

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H1	Vehicle height GF	Vehicle height UF														
		150	155	160	165	170	175	180	185	190	195	200	205	210	215	220
155	150	325	330	335	340	345	350	355	360	365	370	375	380	385	390	395
160	155	330	335	340	345	350	355	360	365	370	375	380	385	390	395	400
165	160	335	340	345	350	355	360	365	370	375	380	385	390	395	400	405
170	165	340	345	350	355	360	365	370	375	380	385	390	395	400	405	410
175	170	345	350	355	360	365	370	375	380	385	390	395	400	405	410	415
180	175	350	355	360	365	370	375	380	385	390	395	400	405	410	415	420
185	180	355	360	365	370	375	380	385	390	395	400	405	410	415	420	425
190	185	360	365	370	375	380	385	390	395	400	405	410	415	420	425	430
195	190	365	370	375	380	385	390	395	400	405	410	415	420	425	430	435
200	195	370	375	380	385	390	395	400	405	410	415	420	425	430	435	440
205	200	375	380	385	390	395	400	405	410	415	420	425	430	435	440	445
210	205	380	385	390	395	400	405	410	415	420	425	430	435	440	445	450
215	210	385	390	395	400	405	410	415	420	425	430	435	440	445	450	455
220	215	390	395	400	405	410	415	420	425	430	435	440	445	450	455	460

H - Building height

Example configuration

Example configuration 1:

Vehicle, UF: 150 cm ▶  
 Vehicle, GF: 190 cm ▶▶▶ Type: 6300/200 - 195  
 Height: 365 cm  
 Vehicle, LF: 175 cm ▶

Example configuration 2:

Vehicle, UF: 160 cm ▶  
 Vehicle, GF: 160 cm ▶▶▶ Type: 6300/205 - 165  
 Height: Selection not possible!  
 Vehicle, LF: 180 cm ▶



Configuration 2 is not possible as the maximum permissible vehicle on GF is smaller than the vehicle on LF. As such, the larger vehicle, LF cannot drive in.



**Width dimension and door height**

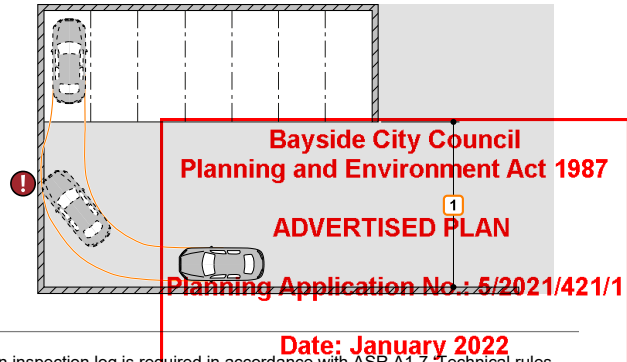


We recommend platform widths of minimum 250 cm and driving lane widths of 650 cm in order that vehicles can comfortably access the Multiparking system and enter and leave without difficulty.

Narrower platforms may impede parking according to the following criteria.

- Driving lane width
- Entrance conditions
- Vehicle dimensions

1 Observe minimum driving lane width in accordance with local regulations.



For commercial use of doors with electrical drive systems, an inspection log is required in accordance with ASR A1.7 'Technical rules for workplaces' in Germany. The door must be inspected by an expert before commissioning and annually thereafter and the result entered in the inspection log. The inspection must be carried out independently of maintenance. Observe local regulations on operation of electrical doors.

**Configuration with vertical door**

	Door versions		Supports per grid		Supports per second grid										
	Clear platform width	RB 2	B1	B2	B3	B4									
Vertical door															
	230	250	250	230	500	480									
	240	260	260	240	520	500									
	250	270	270	250	540	520									
	260	280	280	260	560	540									
270	290	290	270	580	560										
Width dimensions	max. vehicle height UF   GF														
	150	155	160	165	170	175	180	185	190	195	200	205	210	215	220
H2	210	210	210	210	210	210	210	210	210	210	210	205	220	225	230
H3	325	325	335	335	335	335	335	360	360	360	360	360	380	380	380

- 1 Observe minimum clear height H2 in accordance with local regulations.
- 2 GL: building length (see "Overview of building configuration", page 3).
- 3 RB: grid width. These dimensions **must** be adhered to.



Configuration with sliding door

	Door versions		Supports per grid		Supports per second grid										
	Clearance	RB	B1	B2	B3	B4									
Width dimensions	230	250	250	230	500	480									
	240	260	260	240	520	500									
	250	270	270	250	540	520									
	260	280	280	260	560	540									
	270	290	290	270	580	560									
	max. vehicle height UF   GF														
	150	155	160	165	170	175	180	185	190	195	200	205	210	215	220
H2	210	210	210	210	210	210	210	210	210	210	215	220	225	230	235
H3	220	220	220	220	220	220	220	220	220	220	225	230	235	240	245
H4	210	210	210	210	210	210	210	210	210	210	215	220	225	230	235

- 1 Observe minimum clear height H2/H3/H4 in accordance with local regulations.
- 2 GL: building length (see "Overview of building configuration", page 3).
- 3 RB: grid width. These dimensions **must** be adhered to.

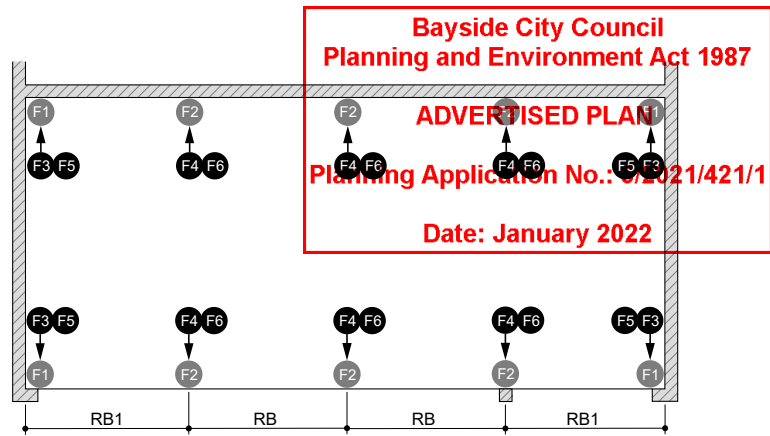
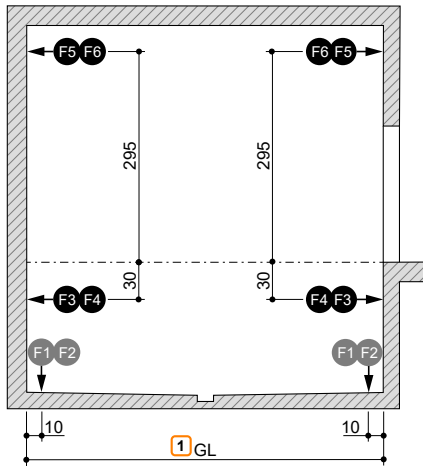
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**Loading schedule**



The systems are dowelled into the ground. The drill hole depth in the floor plate is approx. 15 cm, in the walls approx. 12 cm.  
 The floor plate and walls must be from concrete (quality min. C20/25).  
 The dimensions for the bearing points have been rounded. If the precise figures are required, please consult KLAUS Multiparking.



Parking space load	F1	F2	F3	F4	F5	F6	Clear platform width	RB <sup>2</sup>	RB1
2000 kg	+ 41.0 kN	+ 54.0 kN	± 2.9 kN	± 5.8 kN	± 0.5 kN	± 1.0 kN	230	250	260
	- 11.8 kN	- 23.6 kN					240	260	270
2600 kg	+ 47.0 kN	+ 94.0 kN	± 3.0 kN	± 6.0 kN	± 0.8 kN	± 1.6 kN	250	270	280
	- 14.2 kN	- 28.2 kN					260	280	290
3000 kg	+ 51.0 kN	+ 102.0 kN	± 3.1 kN	± 6.2 kN	± 1.0 kN	± 2.0 kN	270	290	300
	- 15.8 kN	- 31.6 kN							

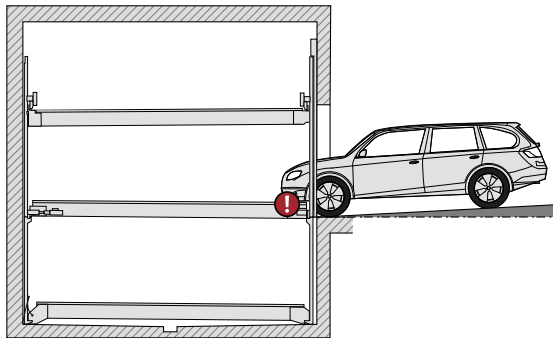
- <sup>1</sup> GL: building length
- <sup>2</sup> RB = grid width. These dimensions **must** be adhered to.



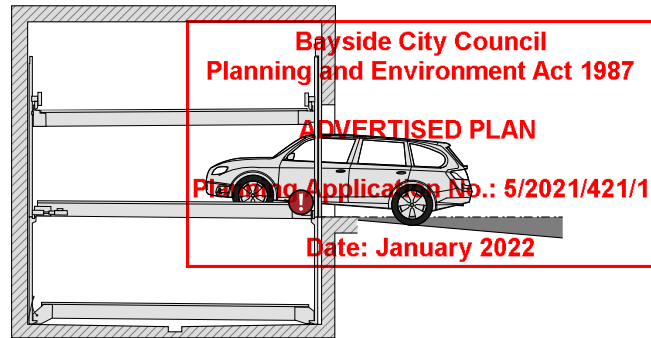
**Access incline**



The maximum access inclines specified in the symbol sketch must not be exceeded. Improper configuration can lead to extreme difficulty accessing the system, for which KLAUS Multiparking cannot be held liable.

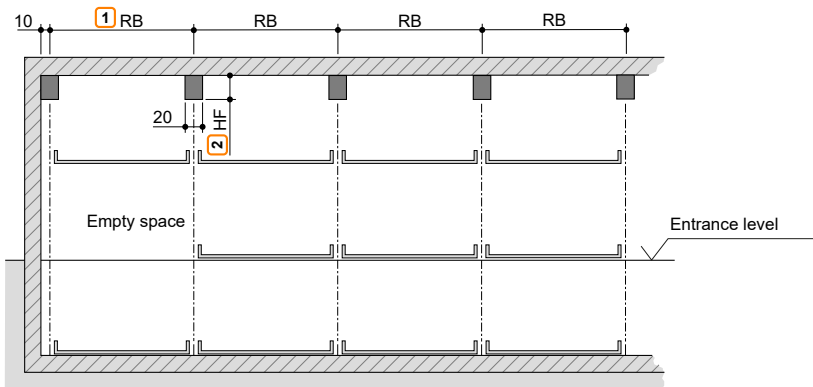


max. 3% slope



max. 5% gradient

**Clearance for installations**



- 1 RB: grid width. These dimensions **must** be adhered to.
- 2 HF: clearance height = building height (H) - 305 cm | where CH max. = 45 cm (see "Overview of system types and building heights", page 4).
- Clearance for lengthways cable routing

**Electrical installation**

**Switch cabinet and master switch**

The switch cabinet (approx. 60 x 60 x 25 cm) as well as the lockable master switch must be accessible from outside at all times and be located in the visual range of the system.

With wall opening from switch cabinet to system (consultation with KLAUS Multiparking required).

**Supply cable to master switch**

Supply cable min. 5 x 2.5 mm<sup>2</sup> (3 PH+N+PE) to switch cabinet with pre-fuse 3 x 16 A (slow blow) or circuit breaker 3 x 16 A (trip characteristic K or C) to be provided by the customer. DIN/VDE and local regulations of energy-supply companies must be observed (see "Supply cable to master switch - foundation earth", page 12).

**Hydraulic unit**

- 3 kW, three-phase current 230/400 V / 50 Hz

**Control panel with emergency-stop**

- Attachment at a clear point (e.g. pillar).
- Secured against external operation.



**Technical information**

**Usage area**

The system is suitable for a fixed group of users as standard. Where users change (e.g. short-term parking in office buildings or hotels), structural modifications to the Multiparking system are required. Please request a consultation if required.

**Units**

Low-noise, bearing-mounted hydraulic units are installed on rubber-metal blocks. Consequently, we recommend separating the garage body from the residential building.

**Parking space designation**

Please consult the function diagram for the standard designation of the parking spaces (see "Function diagram with standard designation", page 2). Alternative designations are possible with a surcharge.

Please note the following specifications:

- The empty space is situated on the left as standard.
- Any alternative designations must be notified 8 to 10 weeks before delivery.

**Ambient conditions**

Ambient conditions for the areas around Multiparking systems:  
 Temperature range -10 to +40° C. Relative humidity 50 % to a maximum external temperature of +40° C.  
 If ascent/descent times are specified, these relate to an ambient temperature of +10° C and with the system positioned immediately adjacent to the hydraulic unit. These times are increased at lower temperatures or with longer hydraulic lines.

**Building application documents**

Multiparking systems generally require approval. Please observe local regulations and stipulations.

**Care**

To prevent corrosion damage, please observe our special cleaning and care instructions and ensure that your garage is well ventilated.

**Corrosion protection**

In accordance with the 'Corrosion protection' supplement.

**Electrically driven doors**

For commercial use of doors with electrical drive systems, an annual inspection is required in accordance with ASR A1.7 "Technical rules for workplaces" in Germany. We urgently recommend concluding a maintenance contract as these services are included for the complete system.

**CE conformity**

The systems provided are consistent with DIN EN 14910 and the EC Machinery Directive 2006/42/EC. This system has also undergone a voluntary compliance test conducted by TÜV SÜD.

**Noise protection**

**Standard noise protection:**

In accordance with DIN 4109-1 Noise protection in high-rise - Section 9: Maximum sound pressure level in living and sleeping areas 30 dB (A). User noise is not subject to the requirements.

The following dimensions are required for adherence to this value:

- Noise protection package in accordance with quote/order (KLAUS Multiparking)
- Sound insulation dimension of the building structure of min. R'w = 57 dB (service to be provided by the customer)

**Increased sound protection (special agreement):**

In accordance with DIN 4109-5 Increased noise protection in high-rise - Section 8: Maximum sound pressure level in living and sleeping areas 25 dB (A). User noise is not subject to the requirements.

The following dimensions are required for adherence to this value:

- Noise protection package in accordance with quote/order (KLAUS Multiparking)
- Sound insulation dimension of the building structure of min. R'w = 62 dB (service to be provided by the customer)

**Note:**

User noise is noise that can be influenced individually by the user of our Multiparking systems. This includes, e.g., accessing the platform, the slamming of vehicle doors, engine and brake noise.

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**Performance specification**

**Description**

Multiparking system for independent parking of vehicles one on top of and next to one another.  
 Dimensions in accordance with the underlying pit, width and height dimensions.  
 Access to the parking spaces horizontally (installation tolerance ± 1%).  
 An access must be provided over the entire width of the system (minimum driving lane width in accordance with local regulations).  
 The parking spaces are arranged on 3 levels one on top of the other. Vehicles park on stable steel platforms.  
 The platforms on the basement level (LF) and upper level (UF) move vertically, the platforms on the ground level (GF) move horizontally. At entrance level (GF), there is always 1 parking space less. This empty space is used for sideways movement of the GF parking spaces to allow a parking space above on the UF or on the LF below to rise or lower to entrance level. Consequently, 5 parking spaces (2 on UF, 1 on GF, 2 on LF) is the smallest unit for this parking system.  
 Vehicle positioning in any parking space by positioning aid mounted on one side (to be adjusted in accordance with the operating instructions).  
 For safety reasons, the movement operation of the platforms always takes place behind locked doors.  
 All requisite safety equipment is integrated into the system. This essentially comprises a chain monitoring system, locking levers for the upper and lower platforms and locked doors. The doors can only be opened when the selected parking space has reached its parking position and all fall openings are secure.

**Steel frame (secured in the pit) comprising:**

- Supports (arranged in rows)
- Crossbeams and lengthways beams
- Sliding rails for the sideways moving GF platforms

**Platform comprising:**

- Platform profiles
- Adjustable positioning aid
- Chamfered ramp
- Side beams
- Crossbeams
- Screws, nuts, washers, spacers, etc.

**Lifting equipment for platforms on the UF and LF comprising:**

- Hydraulic cylinders with solenoid valves
- Chain wheels
- Chains
- Limit switches
- The platforms are each suspended at 4 points and are guided at the supports by means of plastic plain bearings

**Drive unit for sideways moving platforms on GF:**

- Gear motor with chain wheel
- Chains
- Sliding and guide rollers (low-noise)
- Power supply via energy chain

**Hydraulic unit comprising:**

- Hydraulic unit (low-noise, fitted to bracket and bearing mounted on rubber-metal block)
- Hydraulic oil tank
- Oil filling
- Internal gear pump
- Pump holder
- Coupling
- Three-phase motor
- Noise protection, motor protection switch and control fuse
- Test pressure gauge
- Pressure relief valve
- Hydraulic hoses (to attenuate noise transmission to the hydraulic pipes)

**Control:**

- Central control point (control panel with emergency-stop) for selecting the desired parking space
- The electrical wiring from the system cabinet is provided by the supplier

**Vertical doors:**

**Size**

Dimensions adjusted to the underlying widths and height dimensions. The door comprises two door leaves

**Frame**

- Frame structure with two vertical centre rungs from extruded aluminium profiles (anodised, coating thickness approx. 20 µm)
- There is a rubber lip on the closing edge for a clean seal with the building.

**Door filling**

- Aluminium perforated plate
- Thickness 1.5 mm, RV 8-14 E6/EV1, anodised, coating thickness approx. 20 µm
- Ventilation cross-section of the filling approx. 30%

**Guide rails**

- The sliding rails of the doors are attached to the steel frame of the system.
- Galvanised steel guide rails (coating thickness approx. 20 µm).

**Door actuation**

- Electrical drive system by means of electric motor, above the door frame. For safety reasons, the movement operation of the platforms always takes place behind locked doors. An electrical signal generator is used to query the positions 'door open' and 'door closed'.

**Please note:**

Door apertures (at the side, covers over the sliding rails, etc.) and door suspensions are not included with the standard configuration but can be supplied as special equipment with a surcharge.

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**Sliding doors:**

**Size**

- Sliding doors, size approx. 2500 mm x 2000 mm (width x height).

**Frame**

- Frame structure with one vertical centre rung from extruded aluminium profile (anodised, coating thickness approx. 20 µm)
- A handle shell is provided in a vertical aluminium profile for opening the doors.
- There is a rubber lip on the closing edge for a clean seal with the building.

**Standard door filling**

Aluminium perforated plate

- Thickness 2 mm, RV 5-8 E6/EV1, anodised, coating thickness approx. 20 µm
- Ventilation cross-section of the filling approx. 40%

**Alternative door filling**

Plain aluminium sheet

- Thickness 2 mm E6/EV1, anodised, coating thickness approx. 20 µm

Corrugated steel sheet

- Thickness 1 mm, galvanised, coating thickness approx. 20 µm
- Additional powder coating, coating thickness approx. 25 µm on the outside and approx. 12 µm on the inside
- Colour options on the outside (building view):
 

RAL 1015 (light ivory)	RAL 3003 (ruby red)
RAL 5014 (pigeon blue)	RAL 6005 (moss green)
RAL 7016 (anthracite grey)	RAL 7035 (light grey)
RAL 7040 (window grey)	RAL 8014 (sepia brown)
RAL 9006 (white aluminium)	RAL 9016 (traffic white)
- Door inside in a light grey tone

Wood filling

- Nordic spruce in A sorting
- Vertical tongue and groove boards
- Colourless, pre-coated

Composite safety glass

- Composite safety glass from ESG 8/4 mm

Wire mesh

- Mesh size 12 x 12 mm
- Wire diameter 2 mm, galvanised, coating thickness approx. 20 µm
- Ventilation cross-section of the filling approx. 70%

**Sliding rails**

- The running gear comprises 2 double-pair roll systems per door, height-adjustable
- The sliding rails of the doors are attached to brackets with cover bushings or directly to the concrete lintel or a building-specific door suspension
- The lower guide comprises 2 plastic rollers on a base plate which is down-elled to the floor
- Sliding rails, cover bushings, guide roller base plate are galvanised

**Door actuation**

- Electrical drive system by means of electric motor attached to the rail system in the turning point of the sliding doors. The Drive pinion engages a chain attached to the door.
- For safety reasons, the movement operation of the platforms always takes place behind locked doors. An electrical signal generator is used to query the positions 'door open' and 'door closed'.

**Separation (if required)**

- On request

**Please note:**

Door apertures (at the side, cover over the sliding rails, etc.) and door suspensions are not included with the standard configuration but can be supplied as special equipment with a surcharge.

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Services to be provided by the customer

Barriers

Barriers that may be required in accordance with DIN EN ISO 13857 to secure the pits where there are roadways immediately in front of, adjacent to or behind the systems. This also applies during the construction stage.

Parking space numbering

Parking space numbering, if required.

Building services systems

Any lighting, ventilation, fire-extinguishing and fire-alarm systems that may be required, plus clarification and compliance with corresponding official documentation.

Lighting

The customer must observe local regulations pertaining to the illumination of parking spaces and roadways. In accordance with DIN EN 12464-1 'Light and lighting - Lighting of work places', an illumination level of min. 200 lx is recommended for the parking spaces and operating area of the system. A floating contact can be provided for actuation of parking space lighting provided by the customer.

Drainage

Functional drainage of the pit must be provided by means of, for example, a water collection channel towards the centre that is connected to the sewer system or a pump sump. The channel may contain a lateral slope, but not in the other pit areas (lengthways slope is already provided by the building dimensions). In the interests of environmental protection, we recommend coating the pit floor. Oil and/or fuel separators should be installed in accordance with local regulations.

Strip foundations

Due to structural conditions, the customer must erect an accessible platform when constructing strip foundations, level with the upper edge of the strip foundation.

Wall openings

Wall openings, if required.

Supply cable to master switch - foundation part

The customer must lay the supply cable to the master switch during assembly. Functional capability can be checked by our engineers on site in conjunction with the electronics engineer. If this is not possible during assembly for reasons attributable to the customer, the customer must commission an electronics engineer.

The customer must earth the steel structure with a foundation earth connection (earthing distance max. 10 m) and equipotential bonding in accordance with DIN EN 60204.

Door suspensions

Please note that if the specified clear heights (see "Width dimension and door height", page 5) are not adhered to, additional measures for door attachment (door suspensions) will be required for a surcharge.

Door apertures

Door apertures, if required. This may be requested from KLAUS Multiparking for a surcharge.

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Subject to technical changes

In the course of technical progress, KLAUS Multiparking shall be entitled to use newer or different technologies, systems, processes or standards to provide the services than initially offered, provided that this does not disadvantage the customer in any way.

Product data TrendVario 6300 589.65.760-003 | 11/2020 | English

Manufacturer:

KLAUS Multiparking GmbH

Hermann-Krum-Straße 2 D-88319 Aitrach

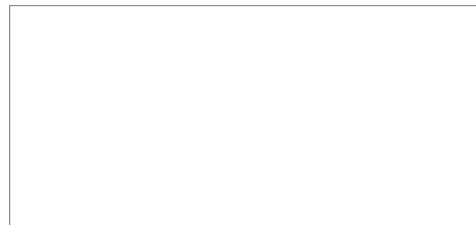
Phone: +49 (0) 7565 508-0

Fax: +49 (0) 7565 508-88

info@multiparking.com

www.multiparking.com

Sales office:



PARK & SMILE

multiparking.com

37°54'19.6"S  
145°00'16.4"E

# Mixed-use Development: 377 Bay Street, Brighton VIC

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## Waste Management Plan

2 July 2021  
Prepared for ST Architects

IMP2104032WMP01D01

# Impact

Mixed-use Development: 377 Bay Street, Brighton VIC

Waste Management Plan

2 July 2021

### Company Information

Impact Traffic Engineering Pty Ltd  
Level 17, 31 Queen Street, Melbourne, Victoria, 3000  
ABN: 78 611 424 107

Email [create@impactaustralia.com.au](mailto:create@impactaustralia.com.au)

Website [www.impactaustralia.com.au](http://www.impactaustralia.com.au)

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### Document Information

Client ST Architects

Report Title Mixed-use Development: 377

Bay Street  
**Bayside City Council  
Planning and Environment Act 1987**

Report Reference IMP2104032WMP01D01

Date of Issue 2 July 2021

Approved By Will Brew  
**ADVERTISED PLAN  
Planning Application No.: 5/2021/421/1**

**Date January 2022**

### Document Control

Version	Date	Author
DRAFT 01	2 July 2021	Santosh Gurung Mamba

DRAFT



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# 1 Introduction

## 1.1 Engagement

IMPACT® have been engaged by ST Architects to prepare a Waste Management Plan for a Mixed-use Residential and Retail (Shop) development located at 377 Bay Street, Brighton VIC.

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## 1.2 Scope of Engagement

This WMP has been prepared to accompany a town planning application. In preparing this assessment we have referenced the following:

- Development plans prepared by ST Architects;
- Sustainability Victoria's 'Guide to Best Practice for Waste Management in Multi-Unit Developments'
- Sustainability Victoria's 'Multi-unit and Commercial Development Waste and Recycling Generation Rates Calculator'; and
- Any other technical information as referenced in the body of this plan.

# 2 Existing Conditions

## 2.1 Location

The subject site is located north of Bay Street, as illustrated in Figure 1.

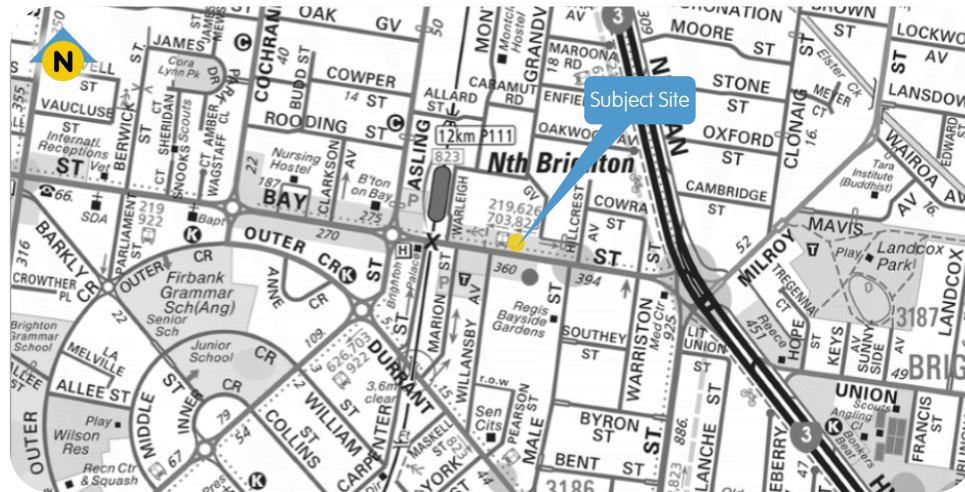


Figure 1 Location of Subject Site

The site is rectangular in shape with a frontage of approximately 6 metres provided to Bay Street.

Bay Street is a local activity strip, with land use along this street predominantly commercial in nature (comprising a mix of retail, cafe and other similar tenancies).

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### 3 Development Proposition

#### 3.1 Use and Yield

It is planned to develop the site into a mixed-use retail (shop) and residential apartment building. Specifically, the proposal contemplates 5 x 2-bed dwellings and a retail (shop) tenancy with a total NLA of 62.8 sq.m.

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### 4 Objectives

The primary objective of this WMP is to:

- Identify all potential waste streams likely to be generated on site; and
- Provide a description of how waste is likely to be stored, handled, processed and disposed of, or reused and recycled.

This WMP seeks to establish principles by which the design, provision and maintenance of services and infrastructure that enable garbage, recycling, organics and bulky waste services to be operated at the development site in the best possible way in order to improve resource recovery and align with the principles of waste hierarchy (as outlined in Council's Waste Management strategy).

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### 5 Waste Generation

To estimate the likely waste generated by the proposed retail (shop) and residential dwellings, reference is made to the Sustainability Victoria's Guide to Best Practice for Multi-Unit Dwellings & Calculator.

Approximately 35% of garbage generated is estimated to be organic waste.

The guide suggest waste generation rates as follows:

- Two-bedroom dwelling
  - Garbage: 100 L / week, comprised of:
    - 35 L / week organic waste
    - 65 L / week non-organic waste
  - Recycling: 100 L / week
- Retail (shop)
  - Garbage 35 L / week per 10 sq.m
  - Recycling 35 L / week per 10 sq.m

Application of these rates to the proposed residential component yields the following waste generation volumes:

- Garbage: 500 L / week, comprised of:
  - 175 L / week organic waste
  - 325 L / week non-organic waste
- Recycling: 500 L / week



And retail (shop) component will yield the following waste generation volumes:

- Garbage: 218 L / week
- Recycling 218 L / week

## 6 Equipment and Systems

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### 6.1 General

The Building Manager shall engage a Private Contractor to manage the collection, storage and disposal of garbage and recycling which has been generated by the development.

To reduce the number of bins required, it is recommended that a combination of 660 litre mobile garbage bins (MGBs) be used where appropriate.

The approximate dimensions for proposed bins are provided in Table 1 and are derived from Sustainability Victoria. It is noted that these details should be used as a guide only as variations will occur between bin manufacturers.

**Table 1 Bin dimensions**

Bin Size	Height (mm)	Depth (mm)	Width (mm)
660 L MGB	1250	850	1370
360L MGB	1100	885	600
240 L MGB	1080	735	580

It is recommended that bin colours be adopted from options provided in AS4123.7 (or Council guidelines) and labelled accordingly to identify the waste generator and site address.

As private collection is proposed, Council's minimum waste service charge will apply.

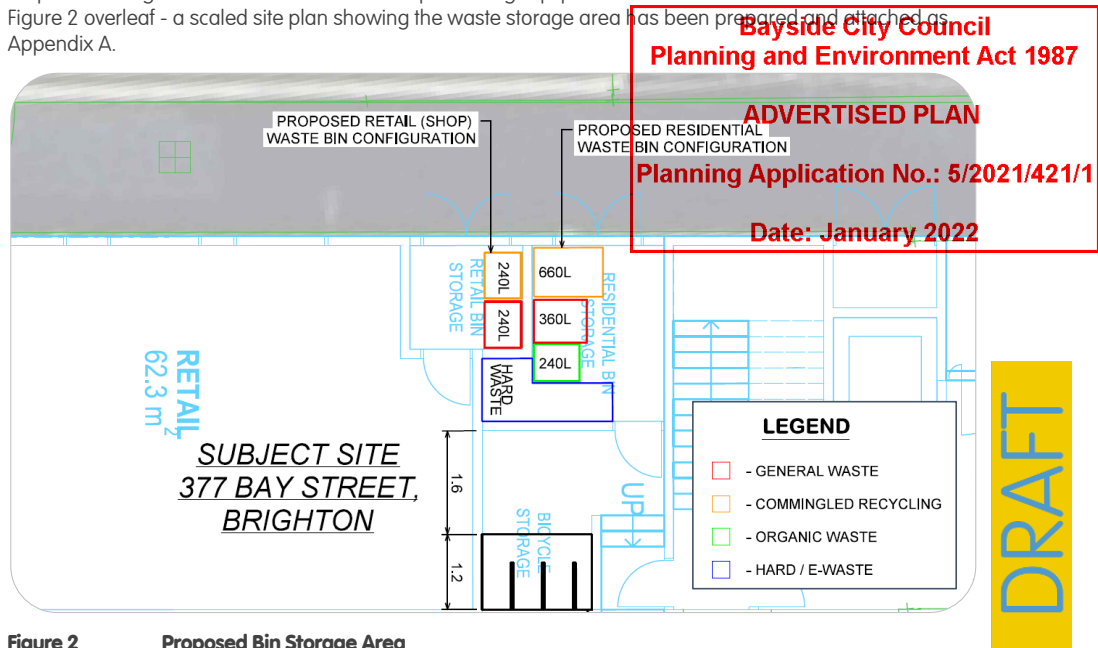
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## 6.2 Waste Bin and Equipment Storage & Locations

A dedicated and separate waste rooms for retail (shop) and residential component of the development are proposed at ground level, positioned internally to the site.

Proposed storage locations of bins and waste processing equipment within the waste room are indicated in Figure 2 overleaf - a scaled site plan showing the waste storage area has been prepared and attached as Appendix A.



**Figure 2 Proposed Bin Storage Area**

As indicated in Figure 2, a total of **5 (five)** MGBs are proposed within the dedicated waste room for the purposes of accommodating development generated waste.

The following bin distributions are proposed per stream for each component of the development:

- **Residential**
  - Garbage (non-organic)
    - 1x 360 MGB
  - Garbage (organic)
    - 1x 240 MGB
  - Commingled Recycling
    - 1x 660 MGB
- **Retail (Shop)**
  - Garbage
    - 1x 240 MGB
  - Commingled Recycling
    - 1x 240 MGB

In addition, a hard waste storage area (measuring approximately 2 sq. m) is proposed within the waste room.

The appropriateness of the proposed bin provisions, disposal and collection of various waste streams is discussed in the later sections of this report.

### 6.3 Collection Frequencies

The bin details and collection frequency for each waste generating use and respective streams are summarised in Table 2.

**Table 2 Waste collection frequency - whole-of-site**

Waste Stream	Generator	Weekly Waste Generation	Bin Capacity	Collection Frequency
<b>Garbage (non-organic)</b>	Residential Component	325 L	360 L	Weekly
	Retail (Shop) Component	218 L	240 L	Weekly
<b>Organic</b>	Residential Component	175 L	240 L	Weekly
<b>Commingled Recycling</b>	Residential Component	500 L	660 L	Weekly
	Retail (Shop) Component	218 L	240 L	Weekly

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### 6.4 Collection Arrangements

#### 6.4.1 Waste Disposal

Retail Staff and Residents

Retail staff and Residents will be responsible for sorting their garbage (into organic and non-organic) & recycling and transferring it to the bins kept within their respective bin storage area.

Building Manager

On collection days the Building Manager (in conjunction with the waste contractor) will be responsible for transferring bins from the bin room to collection vehicle and back.

#### 6.4.2 Waste Collection

As noted previously, it is proposed to leverage private waste collections to manage the development-generated waste. Waste collection vehicles will be required to temporarily prop within either Warleigh Grove or the Unnamed Laneway - consistent with the current waste collection practices for neighbouring developments.

A maximum of 2 bins would be collected at any one time (if resident and retail collections occurred at the same time).

### 6.5 Responsibility

The Building Manager will be responsible for implementing the Waste Management Plan and providing residents with correct and current information and operating practices as required.

The Building Manager will be responsible for engaging and managing the waste collection contractor, including frequency of garbage and commingled recycling collections, and monitoring the transfer of bins between the bin room and collection vehicle.

Residents and retail staff will be responsible for sorting and managing their own waste and ensuring the disposal of waste into the correct bin.

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## 6.6 Amenity Management

### 6.6.1 Washing, Ventilation and Vermin-Prevention Measures

The Building Manager shall ensure that the waste room and bins are kept in a clean state, with access doors and bin-lids to be kept closed (where possible) to minimise odours and discourage vermin.

Further, waste areas shall feature:

- Ventilation in accordance with Australian Standard AS1668.
- Tight-fitting doors (all other openings shall have vermin-proof mesh or similar).
- Smooth, slip-resistant and appropriately drained flooring; and
- A graded bin wash area, hosecock, hose, and a suitable floor-washing equipment with relevant authority requirements. The bin and wash areas may overlap, as stored bins can be moved so that a bin can be washed;
  - o Alternatively, a contractor can be engaged by the Building Manager to wash and sanitise bin as required. The contractor will be responsible for containing and disposing any contaminated water.

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### 6.6.2 Noise Reduction Measures

All bins are to be kept within the allocated bin room at all times. Notwithstanding, all bins will be equipped with rubber wheels for quiet rolling during collections

The hours of waste collections shall be as specified in Council's local laws and / or in accordance with the Victorian EPA Noise Control Guideline, which sets out the following requirements:

- Collection occurring once a week should be restricted to the hours: 6am to 6pm Monday to Saturday.
- Collections occurring more than once a week should be restricted to the hours: 7am to 6pm Monday to Saturday.
- Compaction should only be carried out while on the move.
- Bottles should not be broken up at the point of collection.
- Routes which service entirely residential areas should be altered regularly to reduce early morning disturbance.
- Noisy verbal communication between Building Managers should be avoided where possible.

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### 6.6.3 Stormwater Pollution Prevention

To prevent stormwater pollution and encourage litter reduction, the Building Manager will be required to (where relevant):

- Promote adequate waste disposal into the correct chutes / bins (to avoid waste-dumping);
- Secure the waste areas (whilst affording access to users / staff / contractors);
- Prevent overfilled bins, keeping lids closed and bungs leak-free;
- Abate any site litter and taking action to prevent dumping and / or unauthorised use of waste areas; and
- Require the collection contractor to clean-up any spillage that might occur when clearing bins.

6.6.4 Other Waste Streams

6.6.4.1 Hard Waste

It is expected that hard waste services will also be provided by a private contractor, under the supervision of the Building Manager.

There is ample space within the proposed bin storage area for the provision of a dedicated hard waste collection area, as indicated in Figure 2.

6.6.5 Communication Strategy

Waste drop-off areas and bins will be clearly marked and signed with the appropriate signage as indicated below, or equivalent.

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Occupiers will be instructed by the Building Manager to adhere to these requirements.

6.7 Information for Occupants

The Building Manager shall publish / distribute educational material to:

- Inform residents / staff about the waste management system and the use / location of the associated equipment;
- Details on how to dispose of other (less common) waste streams;
- Improve facility management results (lessen equipment damage, reduce littering, and achieve cleanliness etc.); and
- Advise users / staff to sort and recycle waste with care to reduce contamination of recyclables.



## 6.8 Contact Information

### 6.8.1 Council

City of Bayside	Local Council	ph 03 9599 4444
-----------------	---------------	-----------------

### 6.8.2 Suppliers / Contractors

Citywide Service Solutions	Private Waste Collector	ph 03 9261 5002
iDump:	Private Waste Collector	ph 1300 443 867
Kartaway	Private Waste Collector	ph 1300 364 388
Waste Wise Environmental	Private Waste Collector	ph 03 9359 1555
Sulo MGB Australia	Bin supplier	ph 1300 364 388

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### 6.8.3 Other Useful Contacts

Safety Australia	OH&S consultant	ph 1300 585 128
FJP Safety Advisors Pty Ltd	OH&S consultant	ph 03 9255 3660
Sustainability Victoria		ph 1300 363 744
		Online <a href="http://www.sustainability.vic.gov.au">www.sustainability.vic.gov.au</a>

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## 7 Limitations

This Waste Management Plan is intended to inform and accompany a town planning application.

The waste generation data presented in this report are estimates only. Actual waste generation characteristics can vary for each development component.

Accordingly, it is our expectation that the Building Manager will adjust the recommended strategy to respond to actual operational conditions based on operating experience. These adjustments could include, but are not limited to increasing the number of bins and or increasing the collection frequency - Subject to Council Approval.

To this end, Subject to Council request, changes in legal requirements, changes in the development's needs and / or waste patterns (waste composition, volume or distribution), or to address unforeseen operational issues, the Building Manager shall be responsible for coordinating the necessary Waste Management Plan revisions, including (if required);

- A waste audit and new waste strategy;
- Revision of the waste system (bin sizes / quantity / collection frequency etc.);
- Re-education of users as required;
- Revision of the services provided by the waste collector(s); and
- Any necessary statutory approval(s).

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Waste Management Plan

2 July 2021

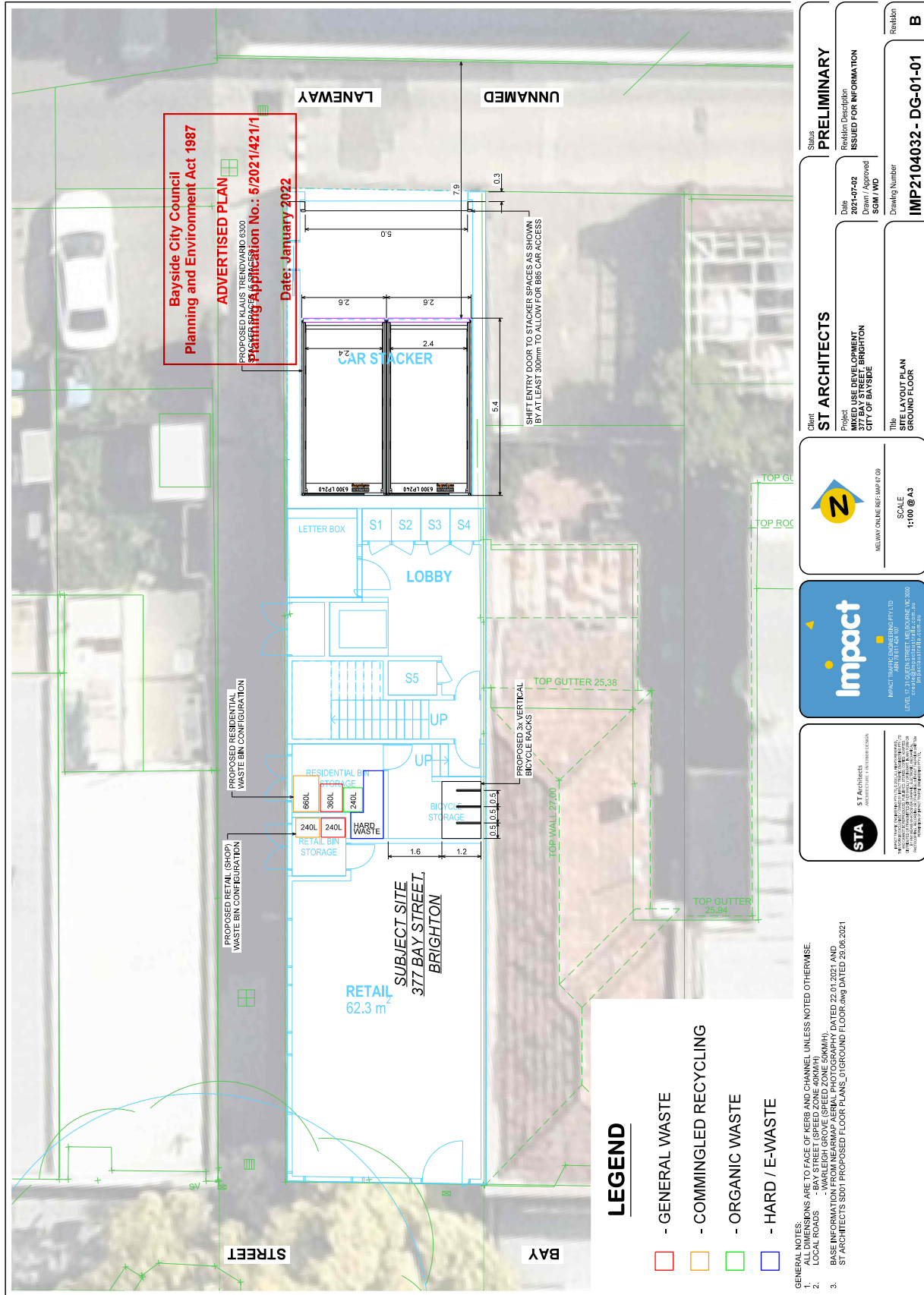
# APPENDIX A

## Scaled Site Plan

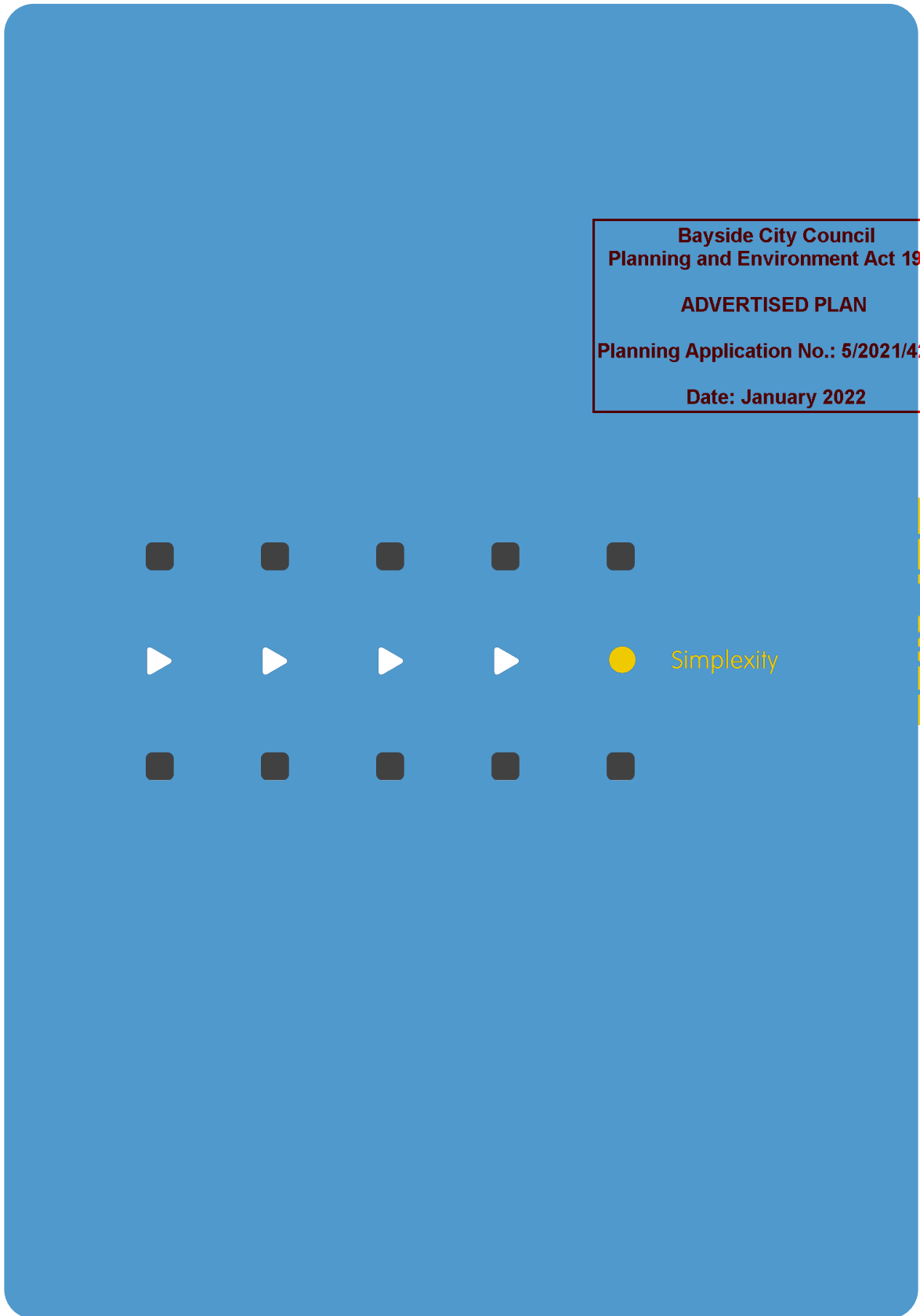
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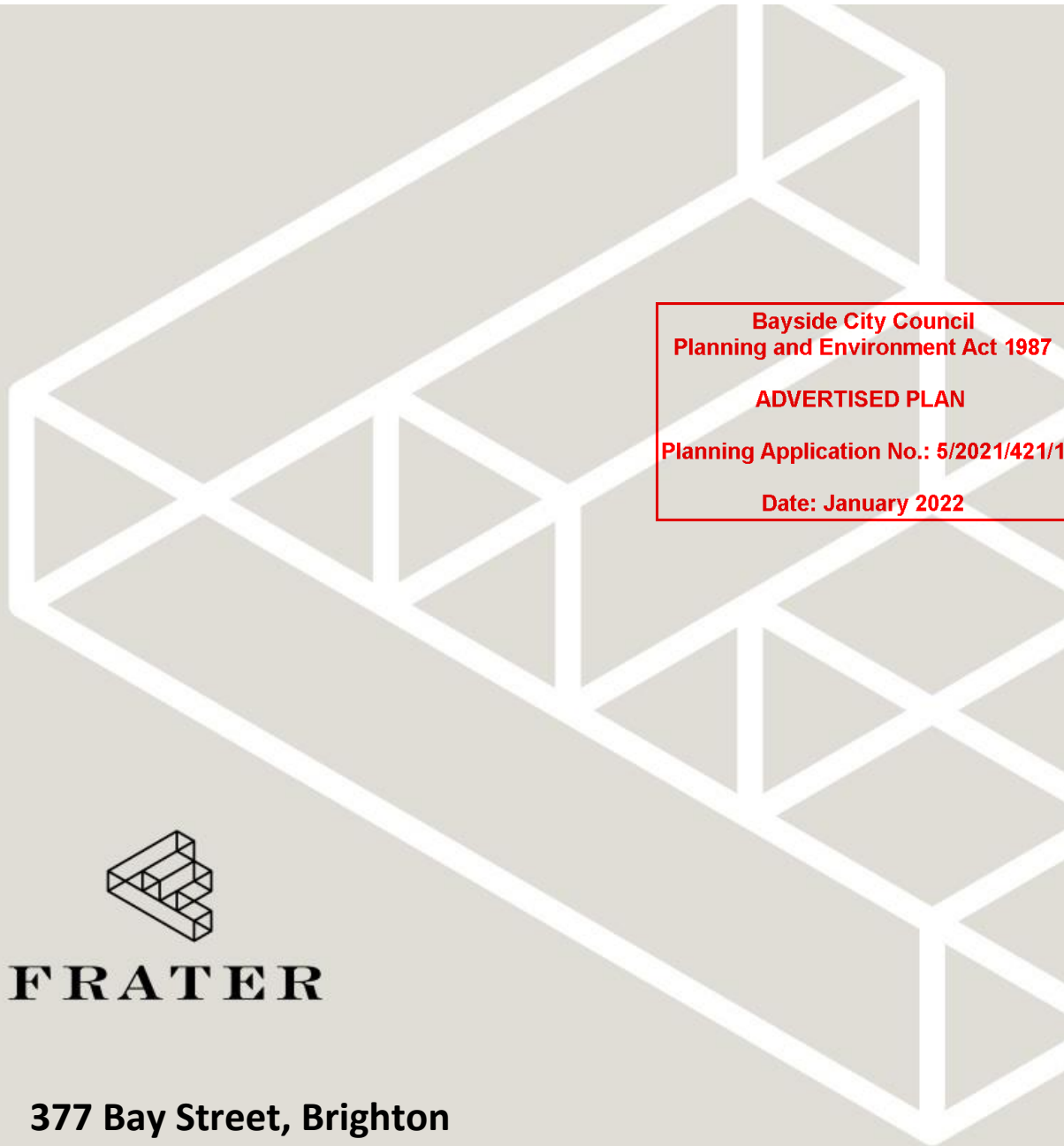
—Ground Floor Bin Storage Areas



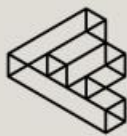
<p>ST Architects                  ADVISORS IN TRADE MARK</p>	<p>Client  <b>ST ARCHITECTS</b></p>	<p>Status  <b>PRELIMINARY</b></p>
	<p>Project                  USE REVIEW EXHIBIT                  377 BAY STREET, BRIGHTON                  CITY OF BAYSIDE</p>	<p>Revision Description                  ISSUED FOR INFORMATION</p>
<p>Scale                  1:100 @ A3</p>	<p>Date                  2022-04-02</p>	<p>Revision  <b>B</b></p>
<p>Impact                  IMPACT CONSULTANTS PTY LTD                  LEVEL 12, 31 GARDEN STREET, ADELAIDE SA 5000                  PH: 08 8344 0000                  WWW.IMPACTCONSULTANTS.COM.AU</p>	<p>Drawn / Approved                  SMH / JPD</p>	<p>Drawing Number  <b>IMP2104032 - DG-01-01</b></p>
<p>ST Architects                  ADVISORS IN TRADE MARK</p>	<p>Client  <b>ST ARCHITECTS</b></p>	<p>Drawing Number  <b>IMP2104032 - DG-01-01</b></p>
<p>ST Architects                  ADVISORS IN TRADE MARK</p>	<p>Client  <b>ST ARCHITECTS</b></p>	<p>Drawing Number  <b>IMP2104032 - DG-01-01</b></p>



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**FRATER**

**377 Bay Street, Brighton**

**11/01/2022**

**Sustainability Management Plan**

Address  
281 Lygon Street  
East Brunswick VIC 3057

Phone  
03 8691 6928

Email  
admin@fraterconsultingservices.com.au





Sustainability Management Plan (SMP)
Proposed Mixed-use (Apartment + Commercial) Development

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ADVERTISED PLAN
Planning Application No.: 5/2021/421/1
Date: January 2022

DOCUMENT VERSION

Version 0: Issued on 22/11/2021 for Client review

Version 1: Updated as per latest drawings on 11/01/2022

Address
281 Lygon Street
East Brunswick VIC 3057

Phone
03 8691 6928

Email
admin@fraterconsultingservices.com.au

## INITIATIVES TO BE MARKED ON DRAWINGS

### Water & Stormwater Management

- Mark-up showing roof catchment area to be diverted to the Rainwater tank
- Location and size of Rainwater tank proposed
- Note showing connection to the toilets for all apartments
- Note showing use of native or drought tolerant species for landscaped area. Watering will not be required after an initial period when plants are getting established.
- Note showing WELS rating for water fittings/fixtures (refer to report) – Fixtures (e.g. dishwasher) provided as part of base building work have to be those with one WELS star of best available at the time of purchase.

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### Energy Efficiency

- Note showing commitment to exceeding section J energy efficiency requirement of NCC 2019
- Note showing commitment the maximum illumination power density (W/m<sup>2</sup>) of the dwellings will be reduced by 20% as compared to NCC 2019 requirements.
- Note showing the maximum illumination power density (W/m<sup>2</sup>) of the commercial space to meet the NCC 2019 requirements
- Lighting sensors for external lighting (motion detectors, timers etc.)
- CO sensors for car park ventilation
- 2 kW Solar PV system on the roof of the development

### Indoor Environment Quality

- Glazing in apartments to have minimum VLT of 60%

### Transport

- Bike space location provided on Ground Floor for residents

### Waste

- Three bins system including Rubbish, recycling and organic/garden waste

Address  
281 Lygon Street  
East Brunswick VIC 3057

Phone  
03 8691 6928

Email  
admin@fraterconsultingservices.com.au



**INTRODUCTION**

Frater Consulting Services have been engaged to undertake a Sustainability Management Plan for the proposed mixed-use development located at 377 Bay Street, Brighton. This has been prepared to address Bayside City Council’s Planning Policy Clause 15.02 .1S Environmentally Sustainable Development.

Within Clause 15.02.1S, Bayside City Council has identified the following key categories to be addressed:

- Energy Performance;
- Water Resources;
- Stormwater Management;
- Indoor Environment Quality;
- Building Materials;
- Construction, Building & Waste Management;
- Transport; and
- Urban Ecology.

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The site has been assessed using the BESS tool. BESS was developed by association of councils led by Moreland City Council. This tool assesses the energy and water efficiency, thermal comfort and overall environmental sustainability performance of new buildings or alterations. It was created to demonstrate how new development can meet sustainability requirements as part of a planning permit application for the participating council.

Each target area within the BESS tool generally receives a score of between 1% and 100%. A minimum score of 50% is required for the energy, water, stormwater and IEQ areas. An overall score of 50% represents ‘Best Practice’ while a score over 70% represent ‘Excellence’. The result of the BESS assessment is included as Appendix E

The Stormwater Treatment Objective – Relative Measure (STORM) calculator, which addresses stormwater quality considerations, has been used for the development to ensure that stormwater management best practice requirements have been achieved. The result of the STORM assessment is included as Appendix A.



SITE DESCRIPTION

The proposed site is located at 377 Bay Street, Brighton. The 185.8 m<sup>2</sup> site is currently occupied by a single storey commercial development which is proposed to be demolished prior to construction. It is located in a mixed-use area approximately 12 kms south of the Melbourne CBD.

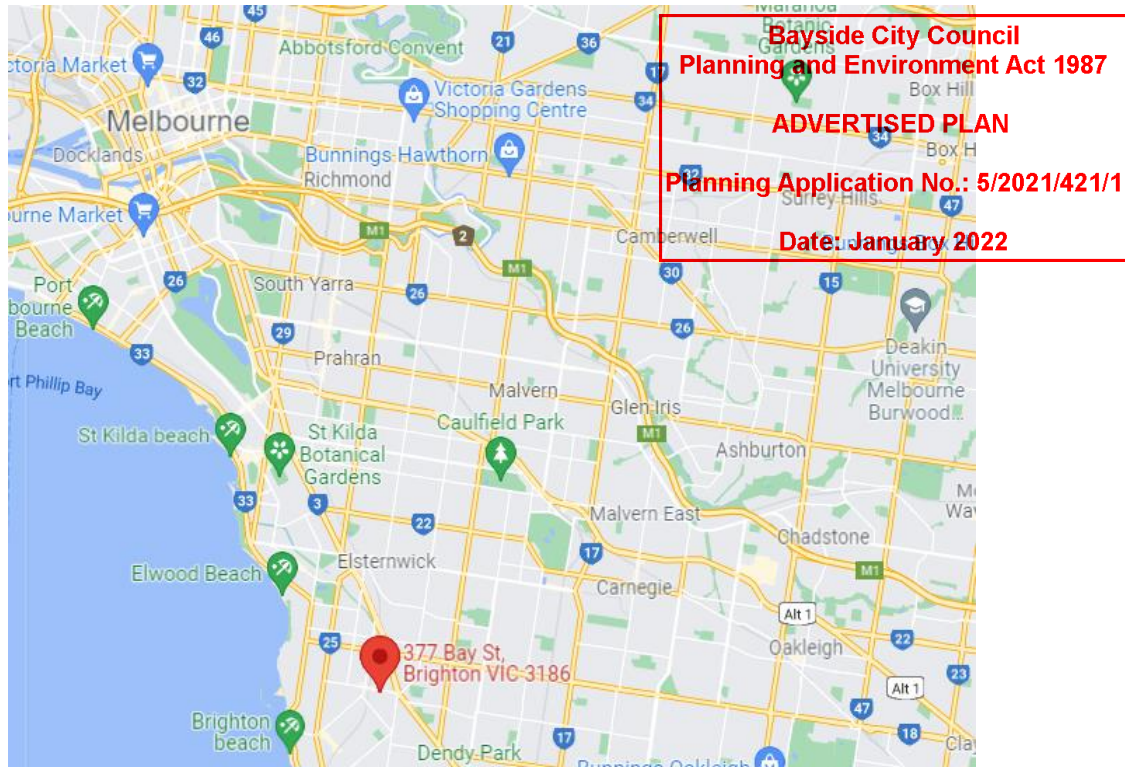


Figure 1: Location of the proposed development in Brighton with relation to Melbourne CBD (Source: Google Maps)

PROPOSED DEVELOPMENT

The proposal consists of development of the site into a four storey multi-unit development with 5 apartments (4 x 2-bedroom and 1 x 1-bedroom) and a commercial space on ground floor. The development includes a ground floor carpark with car stackers, bin room, bicycle spaces and building lobby. The area of the site is approximately 185.8 m<sup>2</sup>.

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East Brunswick VIC 3057

Phone  
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Email  
admin@fraterconsultingservices.com.au



**ENERGY EFFICIENCY**

Energy and its key elements should be integrated into the design of the proposed development. These elements contribute to reducing greenhouse gas emissions by utilising energy efficient appliances, energy conservation measures and renewable energy.

**FirstRate5 Energy Rating Residential Spaces**

Energy ratings will be completed at the building approval stage. A commitment is made that all apartments will meet the energy efficiency requirements of minimum 6.0-Star average energy rating with no individual apartment scoring less than 5.0-Stars (10% improvement on BEES requirements). For the purpose of BESS assessment 6-star average results have been assumed with cooling energy lower than 30 MJ/m<sup>2</sup>.

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A preliminary energy rating has been prepared for all dwellings to demonstrate a 6.0-star energy rating can be achieved in the development. Refer to Appendix B for the results of the preliminary rating.

**Energy Efficiency Commercial Space**

During the building construction stage of the project, a section J (NCC 2019) DTS assessment will occur with the following commitments:

- 10% improvement on floor and ceiling insulation level requirement from NCC 2019;
- Wall and glazing performance to be in line with DTS requirements;
- Heating/cooling system to be chosen within one star of the best available product in the range at the time of purchase or COP/EER 85% or better than most efficient equivalent capacity unit available if no star rating is available; and
- Water heating system to be chosen within one star of the best available product in the range at the time of purchase or 85% or better than most efficient equivalent capacity unit available if no star rating is available.

Alternatively, during the building construction stage of the project, energy modelling will occur with the aim of exceeding requirement of NCC 2019, using an NCC JV3 modelling process. This will be achieved through the use of high performance building fabric and glazing, low energy lighting and building services.

**Please note a preliminary JV3 assessment cannot be provided as the required information to prepare it (sections, elevations, RCPs, etc.) are not available. This requirement should be conditioned in the planning permit ‘prior to construction’. As soon as working drawings are available and before commencement of construction, a JV3 modelling report will be prepared showing exceeding NCC 2019 compliance requirements. Solar panel and other commitments in this report will help achieving this commitment.**

**Heating and Cooling Systems**

To reduce the energy consumption heating and cooling will be provided by energy efficient air conditioners (chosen within one star of the best available product in the range at the time of purchase or COP/EER 85% or better than most efficient equivalent capacity unit available if no star rating is available).



**Hot Water Heating**

Hot water will be provided with gas instantaneous system chosen within one star of the best available at the time of purchase (minimum of 6 Star).

**Lighting**

The maximum illumination power density (W/m<sup>2</sup>) in apartments will be reduced by 20% as compared to NCC 2019 requirements by the use of LED. Lighting levels will not exceed 4 W/m<sup>2</sup> for all dwellings.

The maximum illumination power density (W/m<sup>2</sup>) in the commercial space will be reduced by 20% as compared to NCC 2019 requirements by the use of LED.

Common, external, service areas lighting will be controlled using occupancy sensor and/or daylight sensors. Ventilation in these areas will be controlled using timers and other sensors.

**Car Park Ventilation**

Ground Floor car park ventilation will be designed to best practice energy efficiency with the exhaust fans installed with CO sensors which will only operate when required.

Alternatively, the car park will be naturally ventilated.

**Energy Efficient Appliances**

All appliances provided in the development as part of the base building work (e.g. dishwasher) will be chosen within one energy efficiency star of the best available.

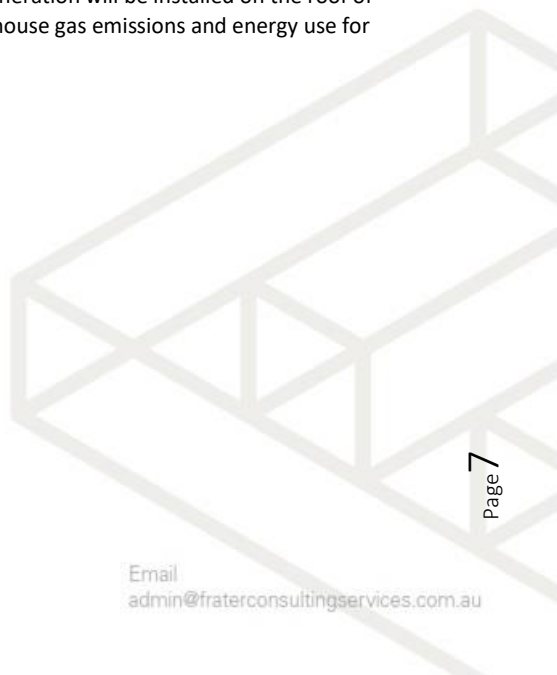
**Variable Speed Drives**

Variable speed drives will be installed on all major pumps and fans to reduce energy consumption.

**Solar PV System**

A 2-kW solar photovoltaic system for renewable energy generation will be installed on the roof of the development. This will off-set a large portion of greenhouse gas emissions and energy use for the project (lighting, pumps, fans etc.).

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**WATER EFFICIENCY & STORMWATER MANAGEMENT**

Water saving-use and reuse and its key elements should be integrated into the design of the proposed development. These principles contribute to reducing the water demand in addition to promoting water reuse. Stormwater management and its key elements should be integrated into the design of the proposed development. These principles contribute to ensuring natural systems are protected and enhanced whilst promoting on-site retention and aims to reduce runoff and peak flows

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**Water Efficient Fittings**

The development (apartment and commercial) will include efficient fittings and fixtures to reduce the volume of mains water used in the development. The following WELS star ratings will be specified;

- Toilets – 4 Star;
- Taps (bathroom and kitchen) – 5 Star; and
- Showerhead if provided – 3 Star with aeration device (6.0-7.5L/min).

**Rainwater Collection & Use**

Rainwater runoff from the roof areas of the development will be collected and stored in rainwater tanks<sup>1</sup> with a total effective capacity of 5,000L.

Rainwater collected will be used for toilet flushing in all apartments. These initiatives will reduce significantly the stormwater impacts of the development and help achieve compliance with the STORM calculator (See Appendix A).

**Water Efficient Appliances**

All appliances provided in the development as part of the base building work (e.g. dishwasher) will be chosen within one WELS star of the best available.

**Water Efficient Landscaping**

Native or drought-tolerant plants will be implemented for the landscaped areas on site. Use of water or irrigation will not be required after an initial period when plants are getting established.

<sup>1</sup> Please note that any stormwater detention volume requirement for the site will be in addition to the proposed rainwater retention and that the proposed tank will not be directly topped up by mains water.



## INDOOR ENVIRONMENT QUALITY

Indoor Environment Quality and its key elements should be integrated into the design of the proposed development. These elements play a significant role in the health, wellbeing and satisfaction of the development occupants. Facilitating a good (IEQ) design provides a naturally comfortable indoor environment and less dependence on building services such as, artificial lighting, mechanical ventilation and heating and cooling device.

### Volatile Organic Compounds

All paints, adhesives and sealants and flooring will have low VOC content. Alternatively products will be selected with no VOCs. Paints such as eColour, or equivalent should be considered. Please refer to Appendix C for VOC limits.

### Formaldehyde Minimisation

All engineered wood products will have 'low' formaldehyde emissions, certified as E0 or better. Alternatively products will be specified with no Formaldehyde. Products such as ecological panel – 100% post-consumer recycled wood (or similar) will be considered for use within the development. Please refer to Appendix C for formaldehyde limits.

### Daylight Levels-Residential Space

Daylight penetration will be enhanced with the use of light internal colours to improve daylight reflection. All living/kitchen areas have limited room depth (<9m from windows) allowing for good daylight access. All bedrooms will have access to a window (outside or light court) so no bedroom will rely on borrowed daylight. Installation of mirrored wardrobe doors could improve even further the daylight spread within the bedrooms.

All glazing serving these rooms will have a minimum Visual Light Transmittance (VLT) of 60%. Most rooms comply with requirements from *BESS building separation table*.

**Daylight access has been assessed using the BESS daylight built-in calculator and BESS DTS criteria. Please refer to Appendix D for residential daylight calculations.**

### Daylight Levels-Commercial space

Daylight inputs through windows/openings for the commercial spaces will be enhanced with the use of light internal colours, allowing better internal reflection of daylight. Commercial space will have large glazing to allow for good daylight penetration. The commercial space will achieve good daylight amenities (beyond compliance with the SDAPP guidelines).

**Please refer to appendix E for daylight Hand Calculation showing compliance with best practice requirements.**

### Task Lighting

A higher illuminance level (300Lux) will be provided for all task areas (e.g. kitchen bench, bathroom basin) to ensure appropriate light is provided to do any tasks in these areas.

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**Ventilation**

All kitchens will have a separate dedicated exhaust fan (range-hood) which will be directly exhausted out of the building.

External windows in the apartments will generally include an operable component. This will help introduce fresh air to the residents and, when weather conditions are suitable, reduce the need for mechanical cooling. Window locks and door catches will be included to encourage residents to use natural ventilation in the dwellings.

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**CONSTRUCTION, BUILDING & WASTE MANAGEMENT ADVERTISED PLAN**

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Building Management and its key elements should be integrated into the design and development. These principles contribute to ensuring efficient and effective on-going building performance. Waste management and its key elements should be integrated into the design of the proposed development. These principles contribute to ensuring minimal waste is transported to landfill by means of disposal, recycling and on-site waste storage and/or collection methods.

**Metering / Monitoring / Tuning**

Each apartment and the commercial space will be separately metered for potable water and energy. Effective metering ensures that residents/tenants are responsible for their consumption and they can reduce their consumption.

**Construction Waste Management**

A waste management plan will be introduced to all on-site staff at a site orientation session to ensure that the waste generated on site is minimised and disposed of correctly. A minimum 80% of all construction waste generated on site will be reused or recycled.

**Construction Environmental Management**

The builder will identify environmental risks related to construction and include management strategies such as maintaining effective erosion and sediment control measures during construction and operation and ensure that appropriate staging of earthworks (e.g. avoid bare earthworks in high risk areas of the site during dominant rainfall period).

**Operational Waste**

The development will be provided with a central waste storage room in the ground floor. Waste storage room will have facilities for **organic waste, non-organic and recycling** as well as hard rubbish. Recycle bins will be provided next to general waste bins in kitchens. Please refer to the Waste Management Plan for further details.





Figure 2: Examples of kitchen receptacles for general waste and recycling



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**TRANSPORT**

**Bicycle Parking**

Residents will be able to securely park their bicycle in the dedicated bicycle storage areas provided in the ground floor. This will be protected from weather and theft. A total of 5 bicycle racks will be provided for residents.

**BUILDING MATERIALS**

Materials selection should be integrated into the design of the proposed development. The criteria for appropriate materials used are based on economic and environmental cost.

**Timber**

All timber used in the development will be Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified, or recycled / reused.

**Flooring**

The use of timber flooring will be preferred for all living areas and bedrooms. All flooring will be selected from products/materials certified under any of the following:

- Carpet Institute of Australia Limited, Environmental Certification Scheme (ECS) v1.2;
- Ecospecifier GreenTag GreenRate V3.2; and/or
- Good Environmental Choice (GECA).

Alternatively, flooring must be durable, include some eco-preferred content, be modular and/or come from a manufacturer with a product stewardship program and ISO 14001 certification.

**Joinery**

All joinery will be manufactured from materials/products certified under any of the following:

- Ecospecifier GreenTag GreenRate V3.1;
- Good Environmental Choice (GECA); and/or
- The Institute for Market Transformation to Sustainability (MTS) Sustainable Materials Rating Technology standard Version 4.0 – SmART 4.0.

The use of Ecological Panel (or equivalent) will be investigated, which is created from 100% post-consumer recycled products.

Address  
281 Lygon Street  
East Brunswick VIC 3057

Phone  
03 8691 6928

Email  
admin@fraterconsultingservices.com.au



**Non-toxic and Durable External Materials**

All external materials used to construct the building will be long lasting and will be non-toxic.

**Steel**

Wherever possible, steel for the development will be sourced from a Responsible Steel Maker<sup>2</sup>.

Reinforcing steel for the project will be manufactured using energy reducing processes commonly used by large manufacturers such as Bluescope or OneSteel.



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**URBAN ECOLOGY**

In highly urbanised environments, such as metropolitan Melbourne, it is important to recognise the importance of maintaining and increasing the health of our urban ecosystems to improve living conditions not only for the fauna but also ourselves. We can improve our urban ecosystem through the incorporation of vegetation through landscaping for both new and existing developments.

**Insulant ODP**

All thermal insulation used in the development will not contain any ozone-depleting substances and will not use any in its manufacturing.

**IMPLEMENTATION & MONITORING**

The proposed Bay Street development will meet the best practice requirement of the City of Bayside through the different initiatives describe in this SMP such as thermally efficient building envelope, efficient air conditioning and hot water system and sustainable materials. An appropriate implementation and monitoring of the initiatives outlined within this SMP will be required.

Implementation of the ESD initiatives outlined in this report requires the following processes:

- Full integration with architectural plans and specifications
- Full integration with building services design drawings and specifications
- Endorsement of the ESD Report with town planning drawings
- ESD initiatives to be included in plans and specifications for building approval

<sup>2</sup> A Responsible Steel Maker must have facilities with a currently valid and certified ISO 14001 Environmental Management System (EMS) in place, and be a member of the World Steel Association's (WSA) Climate Action Program (CAP).

Address  
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East Brunswick VIC 3057

Phone  
03 8691 6928

Email  
admin@fraterconsultingservices.com.au





**Rainwater Tank**  
***(5,000L Rainwater tank for toilet flushing)***

The roof catchment area (as described above) rainwater tank(s) with a total effective capacity of 5,000L for the development. The rainwater collected will be used for toilet flushing in all apartments.

The remainder of impervious areas will directly be released at the legal point of discharge on site.

Permeable areas are excluded from the STORM assessment.

**Stormwater Results**

The initiatives and areas described above have been applied to the STORM calculator and the proposed development has achieved a score of 133%.

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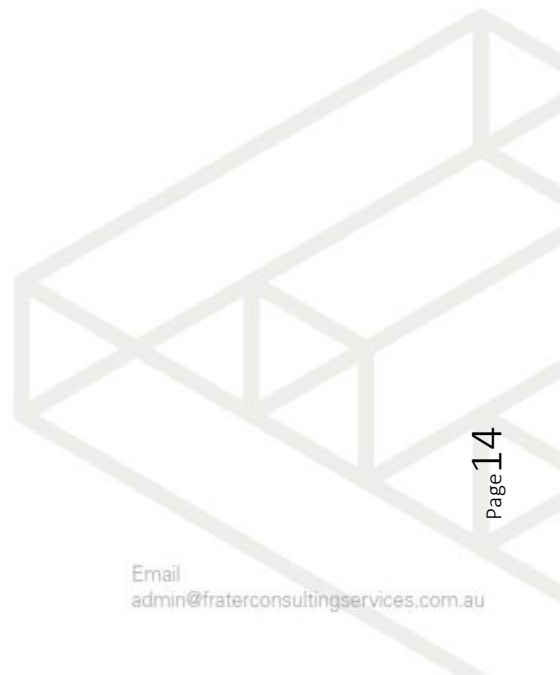
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**STORM Rating Report**

TransactionID: 1299727  
 Municipality: BAYSIDE  
 Rainfall Station: BAYSIDE  
 Address: 377 Bay Street  
 Brighton  
 VIC 3186  
 Assessor: Frater Consulting Services  
 Development Type: Residential - Multiunit  
 Allotment Site (m2): 185.80  
 STORM Rating %: 133

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
Roof Catchment	145.00	Rainwater Tank	5,000.00	9	170.00	82.00
Remainder of Impervious Areas	40.80	None	0.00	0	0.00	0.00

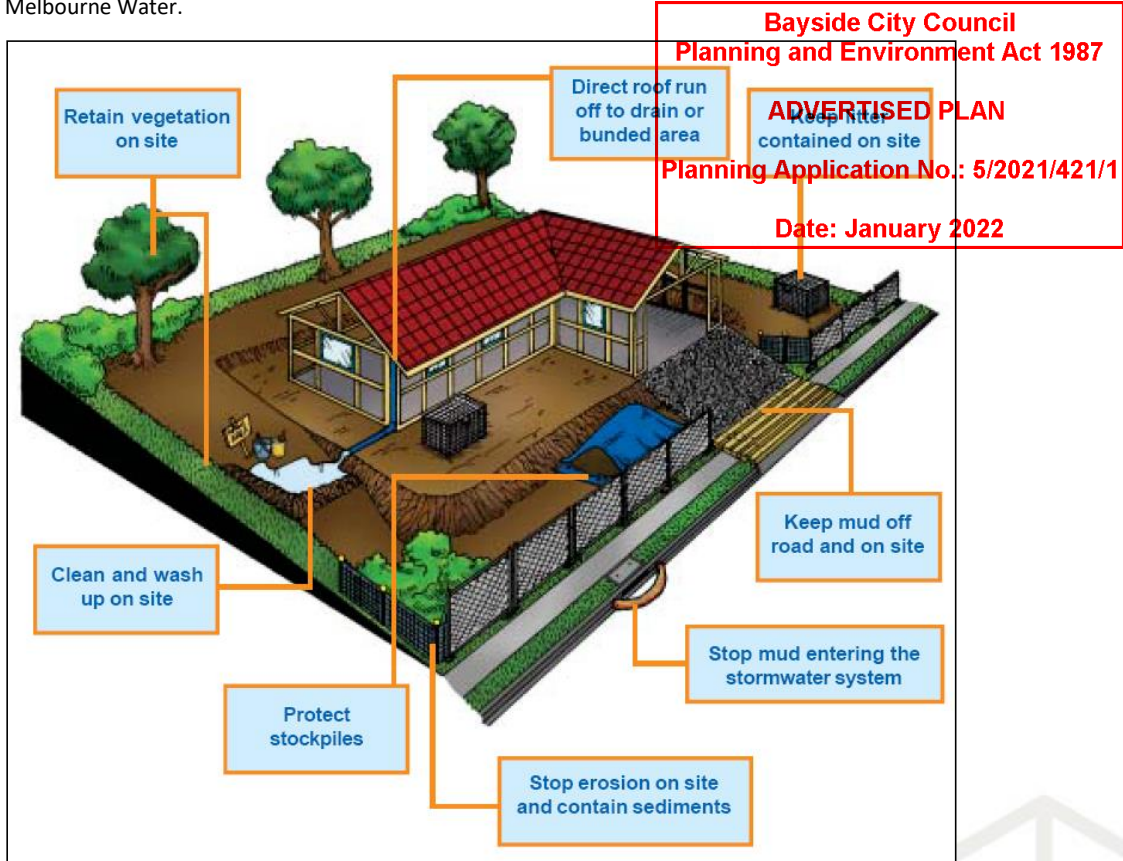






**Stormwater Management at Construction Site**

To manage stormwater management in the construction stage, measures will be put in place to minimise the likelihood of contaminating stormwater. This will mean ensuring buffer strips are in place, sediment traps are installed, and the site will be kept clean from any loose rubbish. The builder will follow the process outlined in "Keeping Our Stormwater Clean – A Builder's Guide" by Melbourne Water.



Copies of "Keeping Our Stormwater Clean – A Builder's Guide" booklet can be obtained from Melbourne Water by ringing on 131 722 or can be downloaded from the following website.

<https://www.melbournewater.com.au/sites/default/files/Keeping-our-stormwater-clean-builders-guidelines.pdf>



**APPENDIX B – SAMPLE ENERGY RATING**

A preliminary energy rating has been prepared for apartments 1-5 to determine how the apartments will achieve the 6.0 Star average commitments.

The results are as follows:

Apartment	Star Rating	Energy use(MJ/m <sup>2</sup> )	Heating Energy(MJ/m <sup>2</sup> )	Cooling Energy (MJ/m <sup>2</sup> )	NCFA (m <sup>2</sup> )
Apartment 1	5.8	134	101.9	32.1	59.5
Apartment 2	6.0	124.5	99	25.5	65.7
Apartment 3	6.6	106.2	74.2	32	59.5
Apartment 4	6.4	112.9	89	23.9	65.7
Apartment 5	5.4	149.4	124.6	224.8	101.2

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This result has been achieved with the following building fabric:

**Apartments**

**CEILINGS**

- R5.0 insulation to ceiling areas with roof above throughout.

**FLOORS**

- No insulation required to the concrete slab on ground.
- R 1.0 insulation required to Unit 1 and 2 floor above unconditioned areas

**WALLS**

- All external walls to have R2.0 insulation.
- No insulation to Internal walls
- Note: insulation cannot be compressed to fit cavity; cavity must accommodate specified thickness of insulation given below

**WINDOWS**

- All windows are to be aluminium framed double glazed clear glass with a minimum U- value & SHGC as listed below

WINDOW TYPE	U-VALUE	SHGC
Awning, Casement	3.9	0.51
Fixed, Sliding, Double Hung	3.9	0.59

- All windows to wet areas to be aluminium framed single glazed clear glass with a minimum U- value & SHGC as listed below

WINDOW TYPE	U-VALUE	SHGC
Awning, Casement	6.7	0.57



FRATER

**AIR LEAKAGE**

- All doors, windows, exhaust fans and openings will be sealed so as to not allow for air infiltration into the apartments.

**LIGHTS**

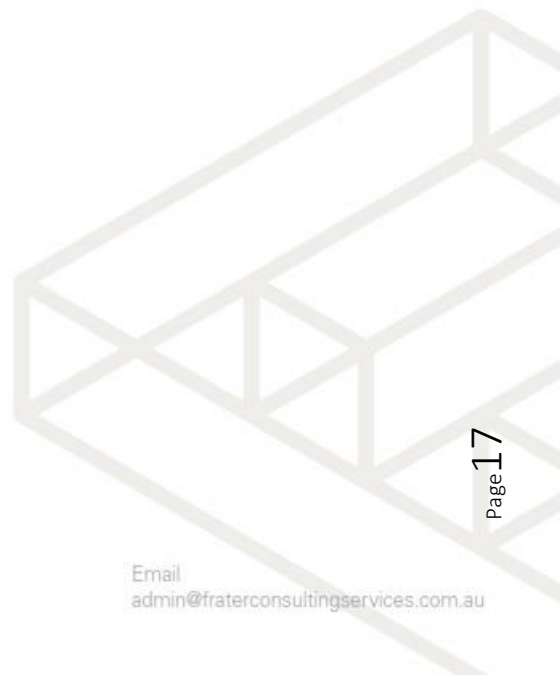
- All recessed down light fittings that have openings allowing air to pass through to a ceiling cavity (e.g. Adjustable down lights) shall be fitted with a cover that allows for ceiling insulation to closely enclose the sides and top of the down light.

**ASSUMPTIONS**

- WHERE WINDOWS TO INTERNAL SOUTH/NORTH ELEVATION ARE NOT SHOWN, HEIGHTS HAVE BEEN ASSUMED BASED ON SIMILAR ZONE WINDOW TYPES, HEIGHTS & WORST CASE FOR THAT ORIENTATION.
- WHERE THE WIDTH OF AN ELEVATION DIFFERS TO THE FLOOR PLAN, THE ELEVATION OVERRIDES.

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**Please note that the building fabric described above may change as the full building rating is prepared and plans are updated for building approval, however a minimum energy rating performance average of 6.0 Stars will be maintained as a minimum for the development.**





**APPENDIX C – VOC & FORMALDEHYDE EMISSION LIMITS**

The following table are an extract of the Green Star Design and as built submission guidelines:

**Table 13.1.1: Maximum TVOC Limits for Paints, Adhesives and Sealants**

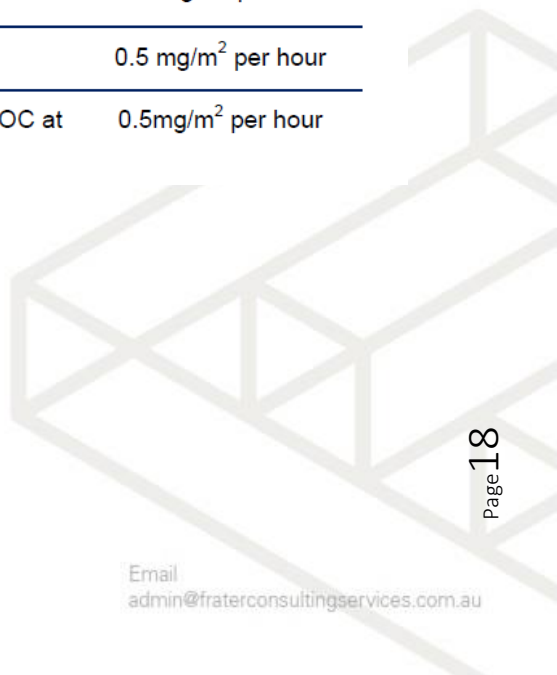
Product Category	Maximum TVOC limit in grams per litre (g/L) of ready to use product
General purpose adhesives and sealants	50
Interior wall and ceiling paint, all sheen levels	16
Trim, varnishes and wood stains	75
Primers, sealers and prep coats	65
One and two pack performance coatings for floors	140
Acoustic sealants, architectural sealant, waterproofing membranes and sealant, fire retardant sealants and adhesives	250
Structural glazing adhesive, wood flooring and laminate adhesives and sealants	100

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The product complies with the Total VOC (TVOC) limits specified in the Table below.

**Carpet Test Standards and TVOC Emissions Limits**

Test protocol	Limit
ASTM D5116 - Total VOC limit	0.5mg/m <sup>2</sup> per hour
ASTM D5116 - 4-PC (4-Phenylcyclohexene)	0.05mg/m <sup>2</sup> per hour
ISO 16000 / EN 13419 - TVOC at three days	0.5 mg/m <sup>2</sup> per hour
ISO 10580 / ISO/TC 219 (Document N238) - TVOC at 24 hours	0.5mg/m <sup>2</sup> per hour





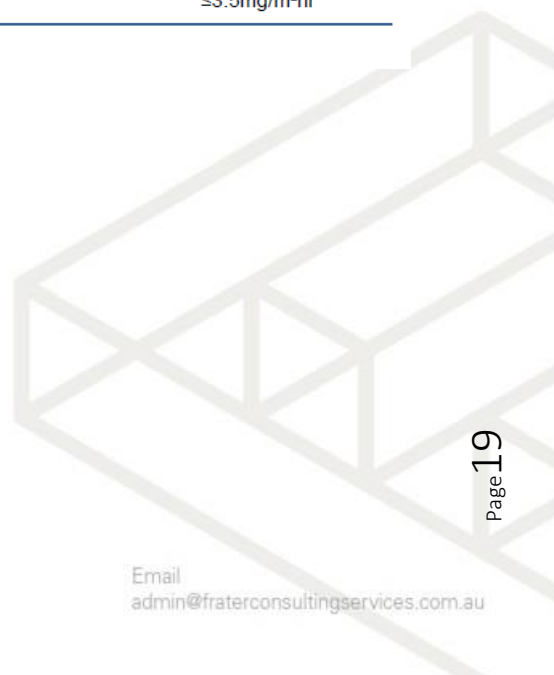
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Table 13.2: Formaldehyde Emission Limit Values for Engineered Wood Products

Test Protocol	Emission Limit/ Unit of Measurement
AS/NZS 2269:2004, testing procedure AS/NZS 2098.11:2005 method 10 for Plywood	≤1mg/ L
AS/NZS 1859.1:2004 - Particle Board, with use of testing procedure AS/NZS 4266.16:2004 method 16	≤1.5 mg/L
AS/NZS 1859.2:2004 - MDF, with use of testing procedure AS/NZS 4266.16:2004 method 16	≤1mg/L
AS/NZS 4357.4 - Laminated Veneer Lumber (LVL)	≤1mg/L
Japanese Agricultural Standard MAFF Notification No.701 Appendix Clause 3 (11) - LVL	≤1mg/L
JIS A 5908:2003- Particle Board and Plywood, with use of testing procedure JIS A 1460	≤1mg/ L
JIS A 5905:2003 - MDF, with use of testing procedure JIS A 1460	≤1mg/ L
JIS A1901 (not applicable to Plywood, applicable to high pressure laminates and compact laminates)	≤0.1 mg/m <sup>2</sup> hr*
ASTM D5116 (applicable to high pressure laminates and compact laminates)	≤0.1 mg/m <sup>2</sup> hr
ISO 16000 part 9, 10 and 11 (also known as EN 13419), applicable to high pressure laminates and compact laminates	≤0.1 mg/m <sup>2</sup> hr (at 3 days)
ASTM D6007	≤0.12mg/m <sup>3</sup> **
ASTM E1333	≤0.12mg/m <sup>3</sup> **
EN 717-1 (also known as DIN EN 717-1)	≤0.12mg/m <sup>3</sup>
EN 717-2 (also known as DIN EN 717-2)	≤3.5mg/m <sup>2</sup> hr

\*mg/m<sup>2</sup>hr may also be represented as mg/m<sup>2</sup>/hr.

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**APPENDIX D – DAYLIGHT ACCESS – GREEN STAR CALCULATION**

The Green Building Council of Australia (GBCA) has created a daylight access calculation method within the Green Star benchmarking tool. This tool is widely recognised by Councils and Industry.

The Green Star Daylight Hand Calculation method is used to determine if there are risks associated with the current design, particularly with respect to meeting the desired daylight factors referenced in the Sustainable Management Plan in the Planning Process (SDAPP) Indoor Environment Quality guidelines.

**According to the SDAPP guidelines, best practice is achieved where 2% daylight factor is achieved across 30% of the floor area of the nominated area.**

The calculation method is based on one simple formula to calculate a zone of compliance within a nominated room. The compliant zone is the area of the room achieving 2% daylight factor and can be calculated as follows:

$$Zone\ of\ Compliance = 2 \times h \times w$$

*w* is the width of the glazing serving the room

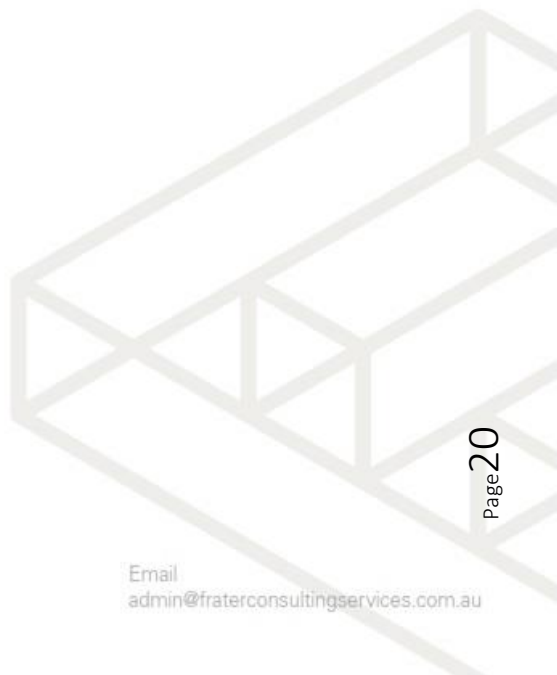
*h* is the height of the window head above the desktop/table level

Windows serving the nominated area are required to have a minimum 40% VLT to use the formula.

The percentage of compliant area within the nominated area can then be easily calculated with the following formula:

$$Percentage\ of\ compliant\ area = \frac{Zone\ of\ Compliance}{Nominated\ Area} \times 100$$

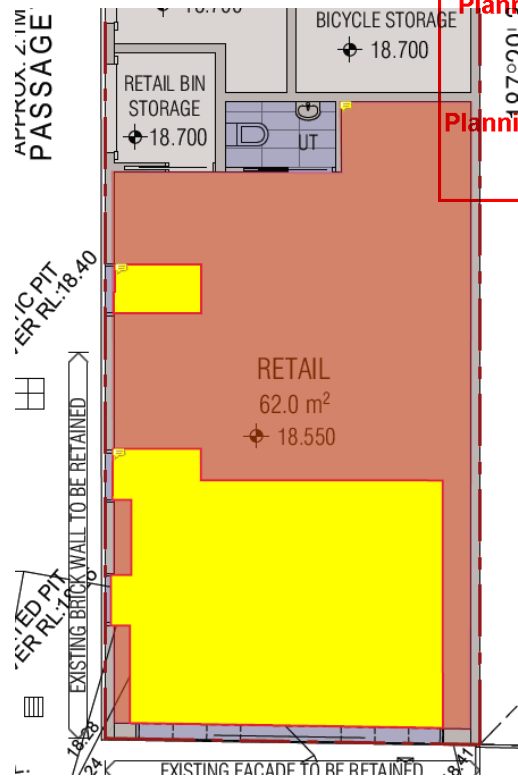
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**Site Description**

The nominated areas for the Hand Calculation for commercial areas (Orange). Stairs and stairs landing are considered as secondary space and are excluded from the assessment. The desktop/table level has been estimated to be 700mm. See below for the mark-up of the compliant zone (yellow) within each nominated area (Orange).



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Figure 4: Compliance zone at Ground floor

	Nominated Areas (m <sup>2</sup> )	Compliant Areas (m <sup>2</sup> )	Compliant Areas (%)
Retail	54.7	22.48	
<b>TOTAL</b>	<b>54.7</b>	<b>22.48</b>	<b>41%</b>

The green star hand calculation for the proposed commercial space shows that the development will achieve and exceed SDAPP best practice requirement with the space achieving 41 % of floor area at 2% daylight factor.

**APPENDIX E– BESS ASSESSMENT & DAYLIGHT INPUT**

The BESS daylight built-in calculator has been used to assess the residential part of this development as it is deemed sufficient to demonstrate level of daylight access. The calculation below and in our BESS assessment clearly show that the overall IEQ levels for the development achieves best practice which includes daylight access.

Majority of bedrooms and living rooms in the proposed development comply with BESS Deemed To Satisfy daylight criteria as follows:

- Ceiling heights are 2.7m.
- All rooms are less than 8m deep – South facing bedrooms are less than 5m.
- Glazing to be 60% VLT in habitable rooms (apartment only).
- External windows are provided for each bedroom.
- Building separation in line with BESS tool notes requirements.

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A total of 3 living rooms and 5 bedrooms in the development do not meet the DTS requirements. These rooms had to be input in the BESS calculator. Please see the mark-ups below for extent of rooms not meeting the DTS requirements:

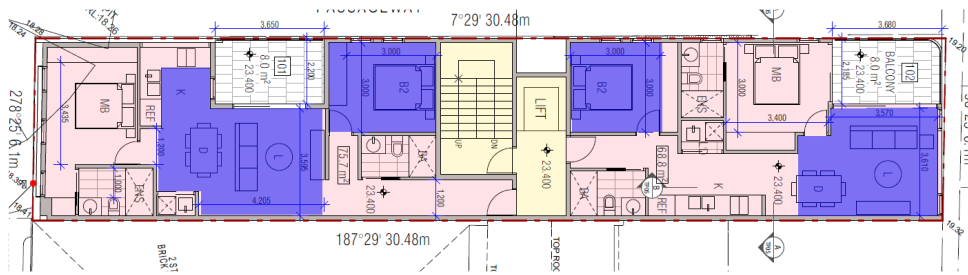


Figure 5: Mark-up of non-DTS rooms on First Floor

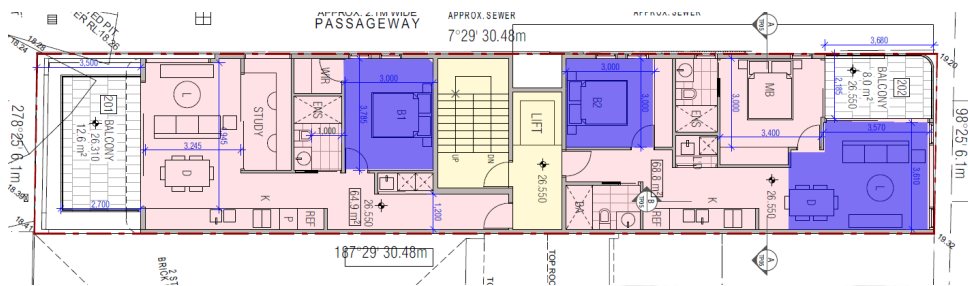


Figure 6: Mark-up of non-DTS rooms on Second Floor level



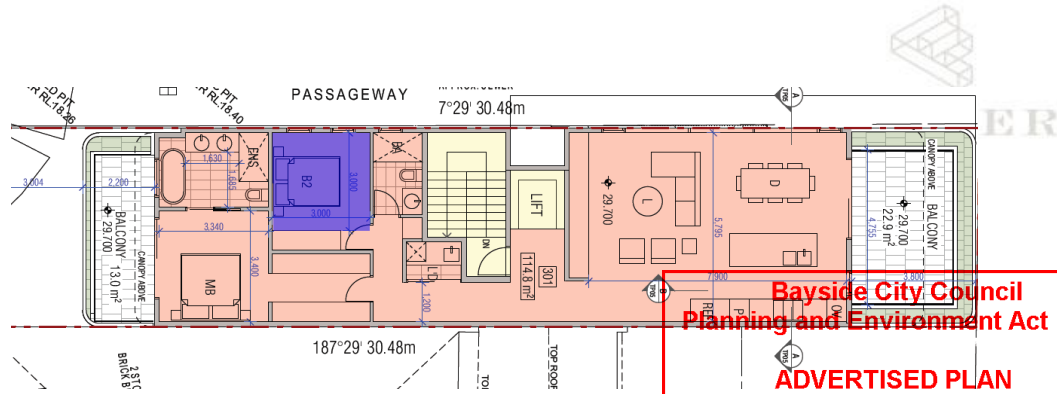


Figure 7: Mark-up of non-DTS rooms on Third Floor

BESS IEQ section requires sky angles, window sizes, orientation, window area and glass type to be input within the in-built calculator

**Living Spaces**

These three living rooms as shown in the mark-up above are not meeting the building separation table or room depth requirements. These two living rooms are assumed as non-compliant and have been input in the BESS calculator as follows

**Apartment 1 and 3 Living**

Room area is 13.5m<sup>2</sup> measured from drawings.

Window is 2.7m x 3.4 m = 9.2m<sup>2</sup>

Vertical angle was calculated using the inverse of tangent based on the window height and balcony overhang . 58 ° was calculated.

Horizontal Angle is measured as 69°

**Apartment 2 Living**

Room area is 20.4m<sup>2</sup> measured from drawings.

Window is 2.7m x 2.4 m = 6.48m<sup>2</sup>

Vertical angle was calculated using the inverse of tangent based on the window height and balcony overhang (2.2m) . 31 ° was calculated.

Horizontal Angle is measured as 80°



**Bedrooms not in line with DTS BESS**

As shown in the mark-up above, all nine bedrooms not meeting the building separation table have been assumed as non-compliant and have been input in the BESS Calculator as follows

**Apartment 1 and 3 Bedroom 2**

Room area is 10.7m<sup>2</sup> measured from drawings.

Window is 2x 2.7m x 0.8m = 4.2m<sup>2</sup>

Vertical angle was calculated using the inverse of tangent based on the window height and no overhang . 90 ° was calculated.

Horizontal Angle is measured as 160°

**Apartment 2 and 4 Bedroom 1**

Room area is 11.5m<sup>2</sup> measured from drawings.

Window is 2x 2.7m x 0.8m = 4.2m<sup>2</sup>

Vertical angle was calculated using the inverse of tangent based on the window height and no overhang . 90 ° was calculated.

Horizontal Angle is measured as 160°

**Apartment 5 Bedroom 2**

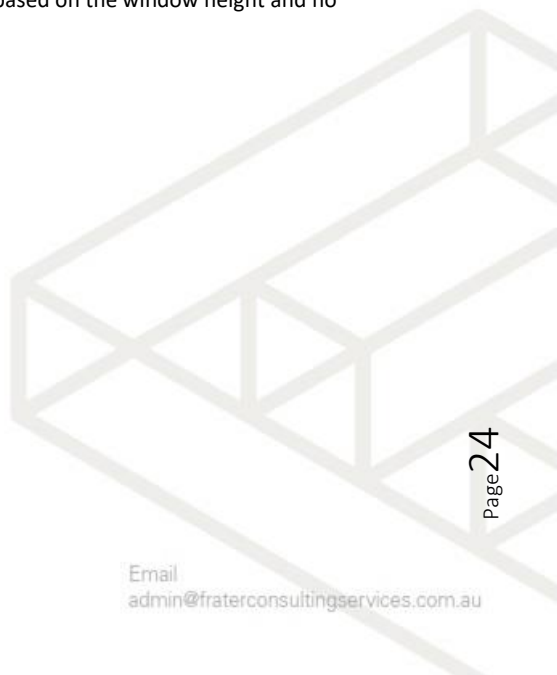
Room area is 10.7m<sup>2</sup> measured from drawings.

Window is 2x 2.7m x 0.8m = 4.2m<sup>2</sup>

Vertical angle was calculated using the inverse of tangent based on the window height and no overhang . 90 ° was calculated.

Horizontal Angle is measured as 150°

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Address  
281 Lygon Street  
East Brunswick VIC 3057

Phone  
03 8691 6928

Email  
admin@fraterconsultingservices.com.au



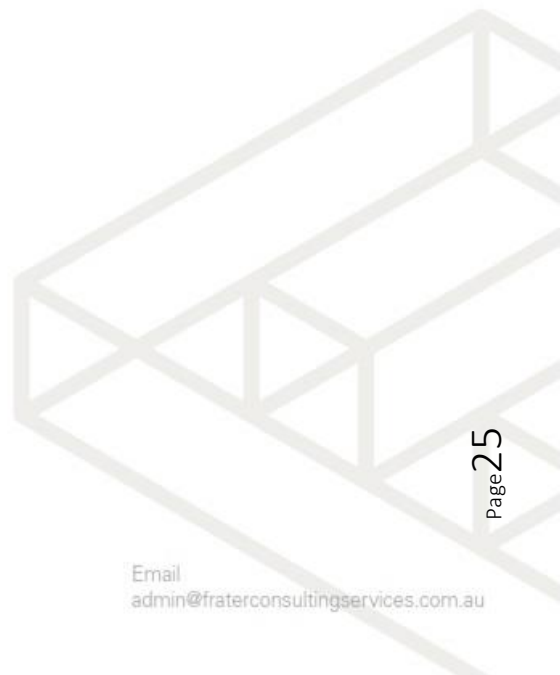
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**APPENDIX F – BESS ASSESSMENT**



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281 Lygon Street  
East Brunswick VIC 3057

Phone  
03 8691 6928

Email  
admin@fraterconsultingservices.com.au

BESS, 377 Bay St Brighton 3186

# BESS Report

Built Environment Sustainability Scorecard



This BESS report outlines the sustainable design commitments of the proposed development at 377 Bay St Brighton VIC 3186. The BESS report and accompanying documents and evidence are submitted in response to the requirement for a Sustainable Design Assessment or Sustainability Management Plan at Bayside City Council.

Note that where a Sustainability Management Plan is required, the BESS report must be accompanied by a report that further demonstrates the development's potential to achieve the relevant environmental performance outcomes. The maximum level of performance that can be achieved if all BESS outcomes can be achieved.

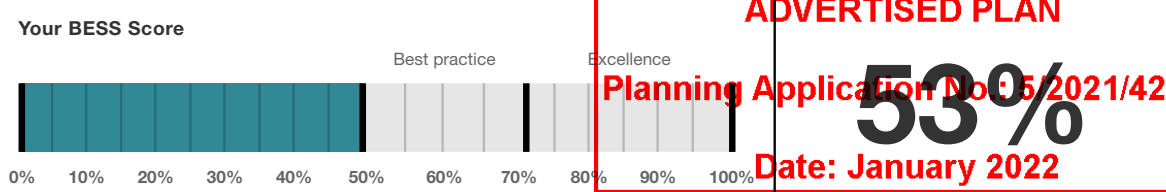
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**53%**

**Date: January 2022**

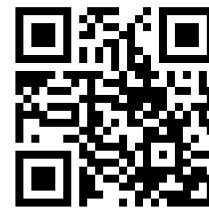


**Project details**

**Address** 377 Bay St Brighton VIC 3186  
**Project no** 44CA4A49-R2  
**BESS Version** BESS-6

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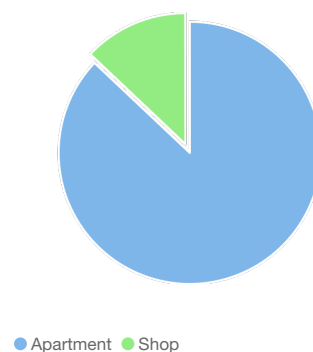
**Site type** Mixed use development  
**Account** vana@fraterconsultingservices.com.au  
**Application no.**  
**Site area** 185 m<sup>2</sup>  
**Building floor area** 478.70000000000005 m<sup>2</sup>  
**Date** 11 January 2022  
**Software version** 1.7.0-B.375



**Performance by category** ● Your development ● Maximum available

Category	Weight	Score	Pass
Management	5%	34%	*
Water	9%	50%	✓
Energy	28%	59%	✓
Stormwater	14%	100%	✓
IEQ	17%	75%	✓
Transport	9%	33%	*
Waste	6%	33%	*
Urban Ecology	6%	0%	*
Innovation	9%	0%	*

**Building Type composition**



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**Buildings**

Name	Height	Footprint	% of total footprint
Apartments/Retail	3	179 m <sup>2</sup>	100%

**Dwellings & Non Res Spaces**

<b>Dwellings</b>				
Name	Quantity	Area	Building	% of total area
<b>Apartment</b>				
Apartment 5	1	123 m <sup>2</sup>	Apartment	15%
Apartment 4	1	73.5 m <sup>2</sup>	Apartments/Retail	15%
Apartment 3	1	73.5 m <sup>2</sup>	Apartments/Retail	15%
Apartment 2	1	73.5 m <sup>2</sup>	Apartments/Retail	15%
Apartment 1	1	73.5 m <sup>2</sup>	Apartments/Retail	15%
<b>Total</b>	<b>5</b>	<b>416 m<sup>2</sup></b>	<b>87%</b>	

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**Non-Res Spaces**

Name	Quantity	Area	Building	% of total area
<b>Shop</b>				
Retail	1	62.0 m <sup>2</sup>	Apartments/Retail	12%
<b>Total</b>	<b>1</b>	<b>62 m<sup>2</sup></b>	<b>12%</b>	

**Supporting information****Floorplans & elevation notes**

Credit	Requirement	Response	Status
Management 3.1	Individual utility meters annotated	To be printed Refer to drawings	✓
Management 3.2	Individual utility meters annotated	To be printed Refer to drawings	✓
Water 3.1	Water efficient garden annotated	To be printed Refer to drawings	✓
Energy 3.1	Carpark with natural ventilation or CO monitoring system	To be printed Refer to drawings	✓
Energy 3.4	Clothes line annotated (if proposed)	To be printed Refer to drawings	✓
Energy 4.2	Floor plans showing location of photovoltaic panels as described.	To be printed Refer to drawings	✓
Stormwater 1.1	Location of any stormwater management systems used in STORM or MUSIC modelling (e.g. Rainwater tanks, raingarden, buffer strips)	To be printed Refer to drawings	✓
IEQ 1.1	If using BESS daylight calculator, references to floorplans and elevations showing window sizes and sky angles.	To be printed Refer to drawings	✓
IEQ 1.2	If using BESS daylight calculator, references to floorplans and elevations showing window sizes and sky angles.	To be printed Refer to drawings	✓

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Credit	Requirement	Response	Status
IEQ 1.5	Floor plans with compliant bedrooms marked	To be printed Refer to drawings	✓
IEQ 2.1	Dwellings meeting the requirements for being 'naturally ventilated'	To be printed Refer to drawings	✓
Transport 1.1	All nominated residential bicycle parking spaces	To be printed Refer to drawings	✓
Transport 1.3	Residential bicycle parking spaces at ground level	To be printed Refer to drawings	✓
Waste 2.2	Location of recycling facilities	To be printed Refer to drawings	✓

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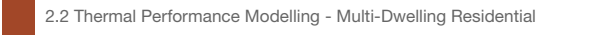
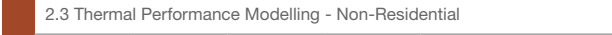




**Date: January 2022**

**Supporting evidence**

Credit	Requirement	Response	Status
Management 2.2	Preliminary NatHERS assessments		-
Energy 1.1	Energy Report showing calculations of reference case and proposed buildings		-
Energy 3.1	Provide a written explanation of either the fully natural carpark ventilation or carbon monoxide monitoring, describing how these systems will work, what systems are required for them to be fully integrated and who will be responsible for their implementation throughout the design, procurement and operational phases of the building life.		-
Energy 3.6	Provide a written description of the average lighting power density to be installed in the development and specify the lighting type(s) to be used.		-
Energy 3.7	Provide a written description of the average lighting power density to be installed in the development and specify the lighting type(s) to be used.		-
Energy 4.2	Specifications of the solar photovoltaic system(s).		-
Stormwater 1.1	STORM report or MUSIC model		-
IEQ 1.1	If using an alternative daylight modelling program, a short report detailing assumptions used and results achieved.		-
IEQ 1.2	If using an alternative daylight modelling program, a short report detailing assumptions used and results achieved.		-
IEQ 1.4	A short report detailing assumptions used and results achieved.		-
IEQ 1.5	A list of compliant bedrooms		-
IEQ 2.1	A list of naturally ventilated dwellings		-

**Credit summary**

**Management Overall contribution 4.5%**

Item	Contribution	Percentage
<b>Management Overall</b>		<b>34%</b>
1.1 Pre-Application Meeting		0%
2.2 Thermal Performance Modelling - Multi-Dwelling Residential		100%
2.3 Thermal Performance Modelling - Non-Residential		0%
3.1 Metering		100%
3.2 Metering		100%
3.3 Metering		0%
4.1 Building Users Guide		0%

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**Water Overall contribution 9.0%**

		Minimum required 50%	50%	✓ Pass
1.1 Potable water use reduction			40%	
3.1 Water Efficient Landscaping			100%	
4.1 Building Systems Water Use Reduction			N/A	✦ Scoped Out

No sprinkler system or cooling tower

**Energy Overall contribution 27.5%**

		Minimum required 50%	59%	✓ Pass
1.1 Thermal Performance Rating - Non-Residential			37%	
1.2 Thermal Performance Rating - Residential			100%	
2.1 Greenhouse Gas Emissions			100%	
2.2 Peak Demand				
2.3 Electricity Consumption			100%	
2.4 Gas Consumption			100%	
3.1 Carpark Ventilation			100%	
3.2 Hot Water			100%	
3.4 Clothes Drying			100%	
3.6 Internal Lighting - Residential Multiple Dwellings			100%	
3.7 Internal Lighting - Non-Residential			100%	
4.1 Combined Heat and Power (cogeneration / trigeneration)			N/A	✦ Scoped Out
No cogeneration or trigeneration system in use.				
4.2 Renewable Energy Systems - Solar			12%	
4.4 Renewable Energy Systems - Other			N/A	⊘ Disabled
No other (non-solar PV) renewable energy is in use.				

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**Stormwater Overall contribution 13.5%**

		Minimum required 100%	100%	✓ Pass
1.1 Stormwater Treatment			100%	

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**IEQ Overall contribution 16.5%**

		Minimum required 50%	75%	✓ Pass
1.1 Daylight Access - Living Areas			100%	
1.2 Daylight Access - Bedrooms			100%	
1.3 Winter Sunlight			0%	
1.4 Daylight Access - Non-Residential			41%	✓ Achieved
1.5 Daylight Access - Minimal Internal Bedrooms			100%	
2.1 Effective Natural Ventilation			66%	
2.3 Ventilation - Non-Residential			66%	✓ Achieved
3.4 Thermal comfort - Shading - Non-residential			0%	
3.5 Thermal Comfort - Ceiling Fans - Non-Residential			0%	
4.1 Air Quality - Non-Residential			100%	

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**Transport Overall contribution 9.0%**

		33%
1.1 Bicycle Parking - Residential		100%
1.2 Bicycle Parking - Residential Visitor		0%
1.3 Bicycle Parking - Convenience Residential		100%
1.4 Bicycle Parking - Non-Residential		0%
1.5 Bicycle Parking - Non-Residential Visitor		0%
1.6 End of Trip Facilities - Non-Residential		N/A
		⊘ Disabled
		Credit 1.4 must be complete first.
2.1 Electric Vehicle Infrastructure		0%
2.2 Car Share Scheme		N/A
		⚡ Scoped Out
		Economically not viable
2.3 Motorbikes / Mopeds		0%

**Waste Overall contribution 5.5%**

		33%
1.1 - Construction Waste - Building Re-Use		0%
2.1 - Operational Waste - Food & Garden Waste		0%
2.2 - Operational Waste - Convenience of Recycling		100%

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**Urban Ecology Overall contribution 5.5%**

		0%
1.1 Communal Spaces		0%
2.1 Vegetation		0%
2.2 Green Roofs		0%
2.3 Green Walls and Facades		0%
2.4 Private Open Space - Balcony / Courtyard Ecology		0%
3.1 Food Production - Residential		0%
3.2 Food Production - Non-Residential		0%

**Innovation Overall contribution 9.0%**

		0%
1.1 Innovation		

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**Credit breakdown**

**Management** Overall contribution 2%

<b>1.1 Pre-Application Meeting</b>	0%
Score Contribution	This credit contributes 37.5% towards the category score.
Criteria	Has an ESD professional been engaged to provide sustainability advice from schematic design to construction? AND Has the ESD professional been involved in a pre-application meeting with Council?
Question	Criteria Achieved ?
Project	No
<b>2.2 Thermal Performance Modelling - Multi-Dwelling Residential</b>	100%
Score Contribution	This credit contributes 21.8% towards the category score.
Criteria	Have preliminary NABERS ratings been undertaken for all thermally unique dwellings?
Question	Criteria Achieved ?
Apartment	Yes
<b>2.3 Thermal Performance Modelling - Non-Residential</b>	0%
Score Contribution	This credit contributes 3.2% towards the category score.
Criteria	Has a preliminary facade assessment been undertaken in accordance with NCC2019 Section J1.5?
Question	Criteria Achieved ?
Shop	No
Criteria	Has preliminary modelling been undertaken in accordance with either NCC2019 Section J (Energy Efficiency), NABERS or Green Star?
Question	Criteria Achieved ?
Shop	No
<b>3.1 Metering</b>	100%
Score Contribution	This credit contributes 10.9% towards the category score.
Criteria	Have utility meters been provided for all individual dwellings?
Question	Criteria Achieved ?
Apartment	Yes
<b>3.2 Metering</b>	100%
Score Contribution	This credit contributes 1.6% towards the category score.
Criteria	Have utility meters been provided for all individual commercial tenants?
Question	Criteria Achieved ?
Shop	Yes

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<b>3.3 Metering</b>		0%
Score Contribution	This credit contributes 12.5% towards the category score.	
Criteria	Have all major common area services been separately submetered?	
Question	Criteria Achieved ?	
Apartment	No	
Shop	No	
<b>4.1 Building Users Guide</b>		0%
Score Contribution	This credit contributes 12.5% towards the category score.	
Criteria	Will a building users guide be produced and issued to occupants?	
Question	Criteria Achieved ?	
Project	No	

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**Water** Overall contribution 4% Minimum required 50%

<b>Water Approach</b>	
What approach do you want to use for Water?:	Use the built in calculation tools
<b>Project Water Profile Question</b>	
Do you have a reticulated third pipe or an on-site water recycling system?:	No
Are you installing a swimming pool?:	No
Are you installing a rainwater tank?:	Yes
<b>Water fixtures, fittings and connections</b>	
Building: All	Apartments/Retain
Showerhead: All	4 Star WELS (>= 6.0 but <= 7.5)
Bath: All	4 Star WELS rating
Kitchen Taps: All	>= 5 Star WELS rating
Bathroom Taps: All	>= 5 Star WELS rating
Dishwashers: All	>= 5 Star WELS rating
WC: All	>= 4 Star WELS rating
Urinals: All	Scope out
Washing Machine Water Efficiency: All	Occupant to Install
Which non-potable water source is the dwelling/space connected to?: All	RWT
Non-potable water source connected to Toilets: All	Yes
Non-potable water source connected to Laundry (washing machine): All	No
Non-potable water source connected to Hot Water System: All	No
<b>Rainwater Tank</b>	
What is the total roof area connected to the rainwater tank?: RWT	145 m <sup>2</sup>
Tank Size: RWT	5,000 Litres
Irrigation area connected to tank: RWT	-
Is connected irrigation area a water efficient garden?: RWT	No
Other external water demand connected to tank?: RWT	-

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<b>1.1 Potable water use reduction</b>		40%
Score Contribution	This credit contributes 83.3% towards the category score.	
Criteria	What is the reduction in total potable water use due to efficient fixtures, appliances, rainwater use and recycled water use? To achieve points in this credit there must be >25% potable water reduction.	
Output	Reference	
Project	812 kL	
Output	Proposed (excluding rainwater and recycled water use)	
Project	655 kL	
Output	Proposed (including rainwater and recycled water use)	
Project	574 kL	
Output	% Reduction in Potable Water Consumption	
Project	29 %	
Output	% of connected demand met by rainwater	
Project	100 %	
Output	How often does the tank overflow?	
Project	Often	
Output	Opportunity for additional rainwater connection	
Project	344 kL	
<b>3.1 Water Efficient Landscaping</b>		100%
Score Contribution	This credit contributes 16.7% towards the category score.	
Criteria	Will water efficient landscaping be installed?	
Question	Criteria Achieved ?	
Project	Yes	
<b>4.1 Building Systems Water Use Reduction</b>		N/A <span style="color: orange;">◆</span> Scoped Out
This credit was scoped out	No sprinkler system or cooling tower	

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**Energy** Overall contribution 16% Minimum required 50%

Use the BESS Deem to Satisfy (DtS) method for Energy?:	Yes
Do all exposed floors and ceilings (forming part of the envelope) demonstrate a minimum 10% improvement in required NCC2019 insulation levels (total R-value upwards and downwards)?:	Yes
Does all wall and glazing demonstrate meeting the required NCC2019 facade calculator (or better than the total allowance)?:	Yes
Are heating and cooling systems within one Star of the most efficient equivalent capacity unit available, or Coefficient of Performance (CoP) & Energy Efficiency Ratios (EER) not less than 85% of the CoP & EER of the most efficient equivalent capacity unit available?:	Yes
Are water heating systems within one star of the best available, or 85% or better than the most efficient equivalent capacity unit?:	Yes
<div style="border: 2px solid red; padding: 10px;"> <p><b>Bayside City Council</b>  <b>Planning and Environment Act 1987</b></p> <p><b>ADVERTISED PLAN</b></p> <p><b>Planning Application No.: 5/2021/421/1</b></p> <p><b>Date: January 2022</b></p> </div>	
<b>Dwellings Energy Approach</b>	
What approach do you want to use for Energy?:	Use the built in calculation tools
<b>Project Energy Profile Question</b>	
Are you installing any solar photovoltaic (PV) system(s)?:	Yes
Are you installing any other renewable energy system(s)?:	No
Gas supplied into building:	Natural Gas
Are you installing a cogeneration or trigeneration system?:	No
<b>Dwelling Energy Profiles</b>	
Building: All	Apartments/Retail
Below the floor is:	
Ground or Apartment Carpark	
Apartment 2	
Another Apartment	
Apartment 3	
Apartment 4	
Apartment 5	

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<b>Above the ceiling is:</b>	
Apartment 1	Another Occupancy
Apartment 2	
Apartment 3	
Apartment 4	
Apartment 5	Outside
Exposed sides: All	3
NatHERS Annual Energy Loads - Heat: All	105 MJ/sqm
NatHERS Annual Energy Loads - Cool: All	20 MJ/sqm
NatHERS star rating: All	6.0
Type of Heating System: All	D Reverse cycle split system
Heating System Efficiency: All	3 Star
Type of Cooling System: All	Refrigerative space
Cooling System Efficiency: All	3 Stars
Type of Hot Water System: All	J Gas Instantaneous 6 star
Is the hot water system shared by multiple dwellings?: All	No
% Contribution from solar hot water system: All	-
Clothes Line: All	D Private outdoor clothesline
Clothes Dryer: All	Occupant to Install
<b>Non-Residential Building Energy Profile</b>	
Heating, Cooling & Comfort Ventilation - Electricity - reference fabric and reference services:	-
Heating, Cooling & Comfort Ventilation - Electricity - proposed fabric and reference services:	-
Heating, Cooling & Comfort Ventilation - Electricity - proposed fabric and proposed services:	-
Heating - Gas - reference fabric and reference services:	-
Heating - Gas - proposed fabric and reference services:	-
Heating - Gas - proposed fabric and proposed services:	-
Heating - Wood - reference fabric and reference services:	-
Heating - Wood - proposed fabric and reference services:	-
Heating - Wood - proposed fabric and proposed services:	-
Hot Water - Electricity - Baseline:	-
Hot Water - Electricity - Proposed:	-
Hot Water - Gas - Baseline:	-
Hot Water - Gas - Proposed:	-
Lighting - Baseline:	-
Lighting - Proposed:	-
Peak Thermal Cooling Load - Baseline:	-
Peak Thermal Cooling Load - Proposed:	-
<b>Solar Photovoltaic system</b>	
System Size (lesser of inverter and panel capacity): Solar PV	2.0 kW peak
Orientation (which way is the system facing)?: Solar PV	North
Inclination (angle from horizontal): Solar PV	20.0 Angle (degrees)

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Which Building Class does this apply to?: Solar PV		Shop
<b>1.1 Thermal Performance Rating - Non-Residential</b>		37%
Score Contribution	This credit contributes 4.9% towards the category score.	
Criteria	What is the % reduction in heating and cooling energy consumption against the reference case (NCC 2019 Section J)?	
<b>1.2 Thermal Performance Rating - Residential</b>		0%
Score Contribution	This credit contributes 24.7% towards the category score.	
Criteria	What is the average NatHERS rating?	
Output	Average NATHERS Rating (Weighted)	
Apartment	6.0 Stars	
<b>2.1 Greenhouse Gas Emissions</b>		100%
Score Contribution	This credit contributes 9.5% towards the category score.	
Criteria	What is the % reduction in annual greenhouse gas emissions against the benchmark?	
Output	Reference Building with Reference Services (BCA only)	
Apartment	24,412 kg CO2	
Output	Proposed Building with Proposed Services (Actual Building)	
Apartment	8,796 kg CO2	
Output	% Reduction in GHG Emissions	
Apartment	63 %	
<b>2.2 Peak Demand</b>		12%
Score Contribution	This credit contributes 4.7% towards the category score.	
Criteria	What is the % reduction in instantaneous (peak-hour) demand against the benchmark?	
<b>2.3 Electricity Consumption</b>		100%
Score Contribution	This credit contributes 9.5% towards the category score.	
Criteria	What is the % reduction in annual electricity consumption against the benchmark?	
Output	Reference	
Apartment	20,526 kWh	
Output	Proposed	
Apartment	6,547 kWh	
Output	Improvement	
Apartment	68 %	
<b>2.4 Gas Consumption</b>		100%
Score Contribution	This credit contributes 9.5% towards the category score.	
Criteria	What is the % reduction in annual gas consumption against the benchmark?	
Output	Reference	
Apartment	67,618 MJ	
Output	Proposed	
Apartment	41,204 MJ	
Output	Improvement	
Apartment	39 %	

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<b>3.1 Carpark Ventilation</b>		100%
Score Contribution	This credit contributes 9.5% towards the category score.	
Criteria	If you have an enclosed carpark, is it: (a) fully naturally ventilated (no mechanical ventilation system) or (b) 40 car spaces or less with Carbon Monoxide monitoring to control the operation and speed of the ventilation fans?	
Question	Criteria Achieved ?	
Project	Yes	
<b>3.2 Hot Water</b>		
Score Contribution	This credit contributes 4.7% towards the category score.	
Criteria	What is the % reduction in annual energy consumption (gas and electricity) of the hot water system against the benchmark?	
Output	Reference	
Apartment	18,783 kWh	
Output	Proposed	
Apartment	11,655 kWh	
Output	Improvement	
Apartment	37 %	
<b>3.4 Clothes Drying</b>		100%
Score Contribution	This credit contributes 4.1% towards the category score.	
Criteria	What is the % reduction in annual energy consumption (gas and electricity) from a combination of clothes lines and efficient driers against the benchmark?	
Output	Reference	
Apartment	2,476 kWh	
Output	Proposed	
Apartment	495 kWh	
Output	Improvement	
Apartment	80 %	
<b>3.6 Internal Lighting - Residential Multiple Dwellings</b>		100%
Score Contribution	This credit contributes 8.2% towards the category score.	
Criteria	Is the maximum illumination power density (W/m2) in at least 90% of the relevant building class at least 20% lower than required by Table J6.2a of the NCC 2019 Vol 1 (Class 2-9) and Clause 3.12.5.5 NCC 2019 Vol 2 (Class 1 & 10)?	
Question	Criteria Achieved ?	
Apartment	Yes	
<b>3.7 Internal Lighting - Non-Residential</b>		100%
Score Contribution	This credit contributes 1.2% towards the category score.	
Criteria	Does the maximum illumination power density (W/m2) in at least 90% of the area of the relevant building class meet the requirements in Table J6.2a of the NCC 2019 Vol 1?	
Question	Criteria Achieved ?	
Shop	Yes	

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<b>4.1 Combined Heat and Power (cogeneration / trigeneration)</b>		N/A	✦ Scoped Out
This credit was scoped out	No cogeneration or trigeneration system in use.		
<b>4.2 Renewable Energy Systems - Solar</b>		12%	
Score Contribution	This credit contributes 4.7% towards the category score.		
Criteria	What % of the estimated energy consumption of the building class it supplies does the solar power system provide?		
Output	Solar Power - Energy Generated per Year		
Shop	2,554 kWh		
Output	% of Building's Energy		
Shop	36 %		
<b>4.4 Renewable Energy Systems - Other</b>		N/A	✦ Disabled
This credit is disabled	No other (non-solar PV) renewable energy is in use.		

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**Stormwater** Overall contribution 14% Minimum required 100%

<b>Which stormwater modelling are you using?:</b>		Melbourne Water STORM tool
<b>1.1 Stormwater Treatment</b>		100%
Score Contribution	This credit contributes 100.0% towards the category score.	
Criteria	Has best practice stormwater management been demonstrated?	
Question	STORM score achieved	
Project	133	
Output	Min STORM Score	
Project	100	

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**IEQ** Overall contribution 12% Minimum required 50%

<b>IEQ DTS</b>	
Use the BESS Deemed to Satisfy (DtS) method for IEQ?:	No
<b>Dwellings IEQ Approach</b>	
What approach do you want to use for dwellings?:	Use the built in calculation tools
<b>Dwelling Daylight Room Profile Questions</b>	
<b>Room Designation:</b>	
Apartment 1,3 Bedroom 2	Bedroom
Apartment 2,4 Bedroom 1	
Apartment 5 Bedroom 2	
All other bedrooms	
Apartment 1,3 Living	Living
Apartment 2 Living	
All other living	
<b>Quantity:</b>	
Apartment 1,3 Bedroom 2	2
Apartment 1,3 Living	
Apartment 2,4 Bedroom 1	
All other living	
Apartment 2 Living	1
Apartment 5 Bedroom 2	
All other bedrooms	4
<b>Auto-Pass:</b>	
Apartment 1,3 Bedroom 2	No
Apartment 1,3 Living	
Apartment 2,4 Bedroom 1	
Apartment 2 Living	
Apartment 5 Bedroom 2	
All other bedrooms	Yes
All other living	
<b>Room Floor Area:</b>	
Apartment 1,3 Bedroom 2	10.7 m <sup>2</sup>
Apartment 5 Bedroom 2	
Apartment 1,3 Living	13.5 m <sup>2</sup>
Apartment 2,4 Bedroom 1	11.5 m <sup>2</sup>
Apartment 2 Living	20.4 m <sup>2</sup>
All other bedrooms	-
All other living	
<b>Vertical Angle:</b>	
Apartment 1,3 Bedroom 2	90.0 Angle (degrees)
Apartment 2,4 Bedroom 1	
Apartment 5 Bedroom 2	
Apartment 1,3 Living	58.0 Angle (degrees)
Apartment 2 Living	31.0 Angle (degrees)
All other bedrooms	-
All other living	

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<b>Horizontal Angle:</b>	
Apartment 1,3 Bedroom 2	160 Angle (degrees)
Apartment 2,4 Bedroom 1	
Apartment 1,3 Living	69.0 Angle (degrees)
Apartment 2 Living	80.0 Angle (degrees)
Apartment 5 Bedroom 2	150 Angle (degrees)
All other bedrooms	-
All other living	-
<b>Window Area:</b>	
Apartment 1,3 Bedroom 2	4.2 m <sup>2</sup>
Apartment 2,4 Bedroom 1	
Apartment 5 Bedroom 2	
Apartment 1,3 Living	9.2 m <sup>2</sup>
Apartment 2 Living	6.5 m <sup>2</sup>
All other bedrooms	-
All other living	-
<b>Window Orientation:</b>	
Apartment 1,3 Bedroom 2	West
Apartment 1,3 Living	
Apartment 2,4 Bedroom 1	
Apartment 2 Living	
Apartment 5 Bedroom 2	
All other bedrooms	-
All other living	-
<b>Glass Type:</b>	
Apartment 1,3 Bedroom 2	Clear Double (VLT 0.71)
Apartment 1,3 Living	
Apartment 2,4 Bedroom 1	
Apartment 2 Living	
Apartment 5 Bedroom 2	
All other bedrooms	-
All other living	-
<b>Daylight Criteria Achieved?: All</b> Yes	
<b>1.1 Daylight Access - Living Areas</b> 100%	
Score Contribution	This credit contributes 20.6% towards the category score.
Criteria	What % of living areas achieve a daylight factor greater than 1%
Output	Calculated percentage
Apartment	100 %
<b>1.2 Daylight Access - Bedrooms</b> 100%	
Score Contribution	This credit contributes 20.6% towards the category score.
Criteria	What % of bedrooms achieve a daylight factor greater than 0.5%
Output	Calculated percentage
Apartment	100 %

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<b>1.3 Winter Sunlight</b>	0%
Score Contribution	This credit contributes 6.9% towards the category score.
Criteria	Do 70% of dwellings receive at least 3 hours of direct sunlight in all Living areas between 9am and 3pm in mid-winter?
Question	Criteria Achieved ?
Apartment	No
<b>1.4 Daylight Access - Non-Residential</b>	24% Achieved
Score Contribution	This credit contributes 6.2% towards the category score.
Criteria	What % of the regular use floor areas have at least 2% daylight factor?
Question	Percentage Achieved?
Shop	41 %
<b>1.5 Daylight Access - Minimal Internal Bedrooms</b>	100%
Score Contribution	This credit contributes 6.9% towards the category score.
Criteria	Do at least 90% of dwellings have an external window in all bedrooms?
Question	Criteria Achieved ?
Apartment	Yes
<b>2.1 Effective Natural Ventilation</b>	66%
Score Contribution	This credit contributes 20.6% towards the category score.
Criteria	What % of dwellings are effectively naturally ventilated?
Question	Percentage Achieved?
Apartment	80 %
<b>2.3 Ventilation - Non-Residential</b>	50% <span style="color: green;">✔</span> Achieved
Score Contribution	This credit contributes 6.2% towards the category score.
Criteria	What % of the regular use areas are effectively naturally ventilated?
Question	Percentage Achieved?
Shop	100 %
Criteria	What increase in outdoor air is available to regular use areas compared to the minimum required by AS 1668.2:2012?
Question	What increase in outdoor air is available to regular use areas compared to the minimum required by AS 1668:2012?
Shop	-
Criteria	What CO2 concentrations are the ventilation systems designed to achieve, to monitor and to maintain?
Question	Value
Shop	-
<b>3.4 Thermal comfort - Shading - Non-residential</b>	0%
Score Contribution	This credit contributes 3.1% towards the category score.

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Criteria	What percentage of east, north and west glazing to regular use areas is effectively shaded?
Question	Percentage Achieved?
Shop	-
<b>3.5 Thermal Comfort - Ceiling Fans - Non-Residential</b>	0%
Score Contribution	This credit contributes 1.0% towards the category score.
Criteria	What percentage of regular use areas in tenancies have ceiling fans?
Question	Percentage Achieved?
Shop	-
<b>4.1 Air Quality - Non-Residential</b>	100%
Score Contribution	This credit contributes 7.9% towards the category score.
Criteria	Do all paints, sealants and adhesives meet the maximum total indoor pollutant emission limits?
Question	Criteria Achieved ?
Project	Yes
Criteria	Does all carpet meet the maximum total indoor pollutant emission limits?
Question	Criteria Achieved ?
Project	Yes
Criteria	Does all engineered wood meet the maximum total indoor pollutant emission limits?
Question	Criteria Achieved ?
Project	Yes

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**Transport** Overall contribution 3%

<b>1.1 Bicycle Parking - Residential</b>		100%
Score Contribution	This credit contributes 22.1% towards the category score.	
Criteria	How many secure and undercover bicycle spaces are there per dwelling for residents?	
Question	Bicycle Spaces Provided ?	
Apartment	5	
Output	Min Bicycle Spaces Required	
Apartment	5	
<b>1.2 Bicycle Parking - Residential Visitor</b>		0%
Score Contribution	This credit contributes 22.1% towards the category score.	
Criteria	How many secure bicycle spaces are there per dwelling for visitors?	
Question	Visitor Bicycle Spaces Provided ?	
Apartment	-	
<b>1.3 Bicycle Parking - Convenience Residential</b>		100%
Score Contribution	This credit contributes 11.1% towards the category score.	
Criteria	Are bike parking facilities for residents located at ground level?	
Question	Criteria Achieved ?	
Apartment	Yes	
<b>1.4 Bicycle Parking - Non-Residential</b>		0%
Score Contribution	This credit contributes 3.3% towards the category score.	
Criteria	Have the planning scheme requirements for employee bicycle parking been exceeded by at least 50% (or a minimum of 2 where there is no planning scheme requirement)?	
Question	Criteria Achieved ?	
Shop	No	
Question	Bicycle Spaces Provided ?	
Shop	0	
<b>1.5 Bicycle Parking - Non-Residential Visitor</b>		0%
Score Contribution	This credit contributes 1.6% towards the category score.	
Criteria	Have the planning scheme requirements for visitor bicycle parking been exceeded by at least 50% (or a minimum of 1 where there is no planning scheme requirement)?	
Question	Criteria Achieved ?	
Shop	No	
Question	Bicycle Spaces Provided ?	
Shop	-	
<b>1.6 End of Trip Facilities - Non-Residential</b>		N/A <input type="checkbox"/> Disabled
This credit is disabled	Credit 1.4 must be complete first.	

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<b>2.1 Electric Vehicle Infrastructure</b>		0%
Score Contribution	This credit contributes 25.4% towards the category score.	
Criteria	Are facilities provided for the charging of electric vehicles?	
Question	Criteria Achieved ?	
Project	No	
<b>2.2 Car Share Scheme</b>		N/A  Scoped Out
This credit was scoped out	Economically not viable	
<b>2.3 Motorbikes / Mopeds</b>		0%
Score Contribution	This credit contributes 12.7% towards the category score.	
Criteria	Are a minimum of 5% of vehicle parking spaces designed and labelled for motorbikes (must be at least 5 motorbike spaces)?	
Question	Criteria Achieved ?	
Project	No	

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**Waste** Overall contribution 2%

<b>1.1 - Construction Waste - Building Re-Use</b>		0%
Score Contribution	This credit contributes 33.3% towards the category score.	
Criteria	If the development is on a site that has been previously developed, has at least 30% of the existing building been re-used?	
Question	Criteria Achieved ?	
Project	No	
<b>2.1 - Operational Waste - Food &amp; Garden Waste</b>		0%
Score Contribution	This credit contributes 33.3% towards the category score.	
Criteria	Are facilities provided for on-site management of food and garden waste?	
Question	Criteria Achieved ?	
Project	No	
<b>2.2 - Operational Waste - Convenience of Recycling</b>		100%
Score Contribution	This credit contributes 33.3% towards the category score.	
Criteria	Are the recycling facilities at least as convenient for occupants as facilities for general waste?	
Question	Criteria Achieved ?	
Project	Yes	

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**Urban Ecology** Overall contribution 0%

<b>1.1 Communal Spaces</b>		0%
Score Contribution	This credit contributes 11.3% towards the category score.	
Criteria	Is there at least the following amount of common space measured in square meters : * 1m <sup>2</sup> for each of the first 50 occupants * Additional 0.5m <sup>2</sup> for each occupant between 51 and 250 * Additional 0.25m <sup>2</sup> for each occupant above 251?	
Question	Common space provided	
Apartment	-	
Shop	-	
Output	Minimum Common Space Required	
Apartment	10 m <sup>2</sup>	
Shop	6 m <sup>2</sup>	
<b>2.1 Vegetation</b>		0%
Score Contribution	This credit contributes 45.1% towards the category score.	
Criteria	How much of the site is covered with vegetation, expressed as a percentage of the total site area?	
Question	Percentage Achieved ?	
Project	-	
<b>2.2 Green Roofs</b>		0%
Score Contribution	This credit contributes 11.3% towards the category score.	
Criteria	Does the development incorporate a green roof?	
Question	Criteria Achieved ?	
Project	No	
<b>2.3 Green Walls and Facades</b>		0%
Score Contribution	This credit contributes 11.3% towards the category score.	
Criteria	Does the development incorporate a green wall or green façade?	
Question	Criteria Achieved ?	
Project	No	
<b>2.4 Private Open Space - Balcony / Courtyard Ecology</b>		0%
Score Contribution	This credit contributes 9.8% towards the category score.	
Criteria	Is there a tap and floor waste on every balcony / in every courtyard?	
Question	Criteria Achieved ?	
Apartment	No	

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<b>3.1 Food Production - Residential</b>		0%
Score Contribution	This credit contributes 9.8% towards the category score.	
Criteria	What area of space per resident is dedicated to food production?	
Question	Food Production Area	
Apartment	-	
Output	Min Food Production Area	
Apartment	3 m <sup>2</sup>	
<b>3.2 Food Production - Non-Residential</b>		
Score Contribution	This credit contributes 1.5% towards the category score.	
Criteria	What area of space per occupant is dedicated to food production?	
Question	Food Production Area	
Shop	-	
Output	Min Food Production Area	
Shop	2 m <sup>2</sup>	

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**Innovation** Overall contribution 0%

<b>1.1 Innovation</b>		0%
Score Contribution	This credit contributes 100.0% towards the category score.	
Criteria	What percentage of the Innovation points have been claimed (10 points maximum)?	

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**Site and Surrounds Imagery**

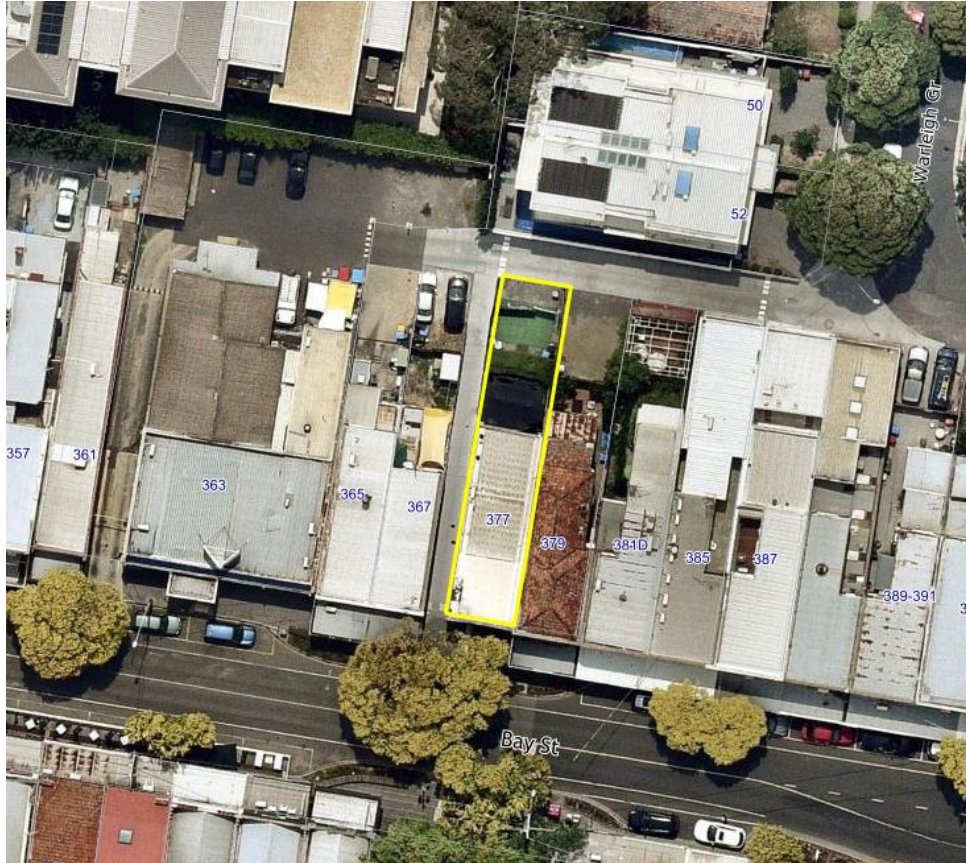


Figure 1 Aerial overview of the site and surrounds

Legend	
Subject site	★





Figure 2 View towards the subject site – 377 Bay Street Brighton



Figure 3 view towards the rear laneway – view from Warleigh Grove



**CLAUSE 58: APARTMENT DEVELOPMENTS**

<b>CLAUSE 58.01 - URBAN CONTEXT REPORT AND DESIGN RESPONSE</b>		
<b>TITLE &amp; OBJECTIVE</b>	<b>URBAN CONTEXT REPORT</b>	<b>COMMENTS</b>
<p><b>CLAUSE 58.01-1</b></p> <p><b>Application requirements</b></p> <p>An application must be accompanied by:</p> <ul style="list-style-type: none"> <li>• An urban context report.</li> <li>• A design response.</li> </ul>	Submitted and satisfactory.	The submitted Town Planning Report is supplemented by the detailed urban context report and design response prepared
<p><b>CLAUSE 58.01-2</b></p> <p><b>Urban context report</b></p> <p>The urban context report may use a site plan, photographs or other techniques.</p>	Submitted and satisfactory.	A site plan, photographs, and written description has been provided in the architectural package
<p><b>CLAUSE 58.01-3</b></p> <p><b>Design response</b></p> <p>The design response must explain how the proposed design:</p> <ul style="list-style-type: none"> <li>• Responds to any relevant planning provision that applies to the land.</li> <li>• Meets the objectives of Clause 58.</li> <li>• Responds to any relevant housing, urban design and landscape plan, strategy or policy set out in this scheme.</li> <li>• Derives from and responds to the urban context report.</li> </ul> <p>The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings.</p> <p>If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.</p>	Submitted and satisfactory.	A design response has been provided in the architectural package

CLAUSE 58.02 - URBAN CONTEXT		
TITLE & OBJECTIVE	COMPLIANCE WITH STANDARD?	ASSESSMENT
<p><b>CLAUSE 58.02-1</b>  <b>Urban context objectives</b></p> <ul style="list-style-type: none"> <li>To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area.</li> <li>To ensure that development responds to the features of the site and the surrounding area.</li> </ul> <p><b>Standard D1</b></p> <ul style="list-style-type: none"> <li>The design response must be appropriate to the urban context and the site.</li> <li>The proposed design must respect the existing or preferred urban context and respond to the features of the site.</li> </ul>	Complies	The proposed design is responsive to the existing urban context and contributes to the preferred neighbourhood character of the area. The proposal generally meets the purposes and requirements of the zone and overlays. The neighbourhood character of the subject site varies from that shown in Precinct B2 given the proposed development is located within the Bay Street Major Activity Centre.
<p><b>CLAUSE 58.02-2</b>  <b>Residential policy objectives</b></p> <ul style="list-style-type: none"> <li>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</li> <li>To support higher density residential development where development can take advantage of public and community infrastructure and services.</li> </ul> <p><b>Standard D2</b></p> <ul style="list-style-type: none"> <li>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</li> </ul>	Complies	The proposed development is consistent with the housing policies of the MSS and supports higher densities in major activity centre that is close to public transport and community services.

<p><b>CLAUSE 58.02-3</b></p> <p><b>Dwelling diversity objective</b></p> <ul style="list-style-type: none"> <li>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</li> </ul> <p><b>Standard D3</b></p> <ul style="list-style-type: none"> <li>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms.</li> </ul>	N/A	Only 5 dwellings are proposed and therefore this standard does not apply.
<p><b>CLAUSE 58.02-4</b></p> <p><b>Infrastructure objectives</b></p> <ul style="list-style-type: none"> <li>To ensure development is provided with appropriate utility services and infrastructure.</li> <li>To ensure development does not unreasonably overload the capacity of utility services and infrastructure including reticulated services and roads.</li> </ul> <p><b>Standard D4</b></p> <ul style="list-style-type: none"> <li>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</li> <li>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</li> <li>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</li> </ul>	Complies	<p>The development is to be connected to all reticulated services as appropriate and is readily available as a result of the existing infrastructure.</p> <p>All upgrades required will be the responsibility of the developer.</p>
<p><b>CLAUSE 58.02-5</b></p> <p><b>Integration with the street objective</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with the street.</li> </ul> <p><b>Standard D5</b></p>	Complies	The layout of the development is proposed to front Bay Street and the laneway to the west of the site. A condition of permit will require lighting and façade treatments to activate the building facing the laneway.

<ul style="list-style-type: none"> <li>• Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</li> <li>• Development should be oriented to front existing and proposed streets.</li> <li>• High fencing in front of dwellings should be avoided if practicable.</li> <li>• Development next to existing public open space should be laid out to complement the open space.</li> </ul>		<p>This will ensure that the development integrates successfully with the surrounding streetscapes.</p>
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<p style="text-align: center;"><b>CLAUSE 58.03 - SITE LAYOUT</b></p>		
<p><b>TITLE &amp; OBJECTIVE</b></p>	<p><b>COMPLIANCE</b></p>	<p><b>ASSESSMENT</b></p>
<p><b>CLAUSE 58.03-1</b></p> <p><b>Energy efficiency objectives</b></p> <ul style="list-style-type: none"> <li>• To achieve and protect energy efficient dwellings and buildings.</li> <li>• To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</li> <li>• To ensure dwellings achieve adequate thermal efficiency</li> </ul> <p><b>Standard D6</b></p> <p>Buildings should be:</p> <ul style="list-style-type: none"> <li>• Oriented to make appropriate use of solar energy.</li> <li>• Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> <li>• Living areas and private open space should be located on the north side of the development, if practicable.</li> <li>• Developments should be designed so that solar access to north-facing windows is optimised.</li> <li>• Dwellings located in a climate zone identified in Table D1 should not exceed the maximum NatHERS annual cooling load specified in the</li> </ul>	<p>Complies</p>	<p>The majority of dwellings have living areas and balconies facing north and west. South facing apartments living areas and balconies are facing west.</p>

<p>following table.</p>		
<p><b>CLAUSE 58.03-2</b>  <b>Communal open space objective</b></p> <ul style="list-style-type: none"> <li>To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.</li> </ul> <p><b>Standard D7</b></p> <ul style="list-style-type: none"> <li>Developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser.</li> </ul>	<p>N/A</p>	<p>The development proposes less than 40 apartments and therefore this standard does not apply.</p>
<p><b>CLAUSE 58.03-3</b>  <b>Solar access to communal outdoor open space objective</b></p> <ul style="list-style-type: none"> <li>To allow solar access into communal outdoor open space.</li> </ul> <p><b>Standard D8</b></p> <ul style="list-style-type: none"> <li>The communal outdoor open space should be located on the north side of a building, if appropriate.</li> <li>At least 50 per cent or 125 square metres, whichever is the lesser, of the primary communal outdoor open space should receive a minimum of two hours of sunlight between 9am and 3pm on 21 June.</li> </ul>	<p>N/A</p>	<p>The site does not include any communal open space area.</p>
<p><b>CLAUSE 58.03-4</b>  <b>Safety objective</b></p> <ul style="list-style-type: none"> <li>To ensure the layout of development provides for the safety and security of residents and property.</li> </ul> <p><b>Standard D9</b></p> <ul style="list-style-type: none"> <li>Entrances to dwellings should not be obscured or isolated from the street and internal accessways.</li> <li>Planting which creates unsafe spaces along streets and</li> </ul>	<p>Complies</p>	<p>The proposed residential dwellings have a secured communal entry via a pedestrian accessway that leads to Bay Street. The retail premises has entry facing Bay Street. These accesses are not obscured or isolated from Bay Street.</p> <p>Upper floor balconies and windows will provide for surveillance of Bay Street and the laneways. Conditions of permit will require lighting along the western façade of the building to ensure that the laneway is lit.</p>

<p>accessways should be avoided.</p> <ul style="list-style-type: none"> <li>• Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</li> <li>• Private spaces within developments should be protected from inappropriate use as public thoroughfares.</li> </ul>		
<p><b>CLAUSE 58.03-5</b> <b>Landscaping objectives</b></p> <ul style="list-style-type: none"> <li>• To encourage development that respects the landscape character of the area.</li> <li>• To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>• To provide appropriate landscaping.</li> <li>• To encourage the retention of mature vegetation on the site.</li> <li>• To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.</li> </ul> <p><b>Standard D10</b></p> <ul style="list-style-type: none"> <li>• Be responsive to the site context.</li> </ul>	<p>Complies</p>	<p>The proposed development is located within commercial zoned land with no landscaping opportunities at ground floor. However, the upper level balconies have planter boxes to include landscaping.</p>
<p><b>CLAUSE 58.03-6</b> <b>Access objective</b></p> <ul style="list-style-type: none"> <li>• To ensure the number and design of vehicle crossovers respects the urban context.</li> </ul> <p><b>Standard D11</b></p> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> <li>• 33 per cent of the street frontage, or</li> <li>• if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</li> </ul> <p>No more than one single-width crossover should be provided for each</p>	<p>Complies</p>	<p>There are no vehicular accesses or crossovers via the frontage of the subject site. Vehicular access is via the rear road which is connected to Warleigh Grove.</p>

<p>dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Road Zone should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>		
<p><b>CLAUSE 58.03-7</b></p> <p><b>Parking location objectives</b></p> <ul style="list-style-type: none"> <li>To provide convenient parking for resident and visitor vehicles.</li> <li>To protect residents from vehicular noise within developments.</li> </ul> <p><b>Standard D12</b></p> <p>Car parking facilities should:</p> <ul style="list-style-type: none"> <li>Be reasonably close and convenient to dwellings.</li> <li>Be secure. Be well ventilated if enclosed.</li> </ul>	<p>Complies</p>	<p>The proposal provides a total of 5 car spaces (one for each dwelling) in a form of a car stacker located at the rear with access via a rear laneway. These car spaces are accessible from pedestrian accessway along the west side of the building. A reduction of two car spaces for the retail premises is proposed given there were no formal car spaces provided for the existing shop. There are at least two Council car parks located within close proximity to accommodate any visitors and this is considered to be acceptable. This is discussed in more detail within the report.</p>
<p><b>CLAUSE 58.03-8</b></p> <p><b>Integrated water and stormwater management objectives</b></p> <ul style="list-style-type: none"> <li>To encourage the use of alternative water sources such as rainwater, stormwater and recycled water.</li> <li>To facilitate stormwater collection, utilisation and infiltration within the development.</li> <li>To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.</li> </ul> <p><b>Standard D13</b></p> <ul style="list-style-type: none"> <li>Buildings should be designed to collect rainwater for non-drinking purposes such as flushing toilets, laundry appliances and garden use.</li> <li>Buildings should be connected to a non-potable dual pipe reticulated</li> </ul>	<p>Complies</p>	<p>The application has been accompanied by an Environmentally Sustainable Design Assessment which includes a storm report outlining that a 5,000 litre rainwater tank will be located under the vehicles access point at the rear of the site.</p>



<p>water supply, where available from the water authority.</p> <p>The stormwater management system should be:</p> <ul style="list-style-type: none"> <li>• Designed to meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999).</li> <li>• Designed to maximise infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.</li> </ul>		
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<p style="text-align: center;"><b>CLAUSE 58.04 - AMENITY IMPACTS</b></p>		
<p><b>TITLE &amp; OBJECTIVE</b></p>	<p><b>COMPLIANCE</b></p>	<p><b>ASSESSMENT</b></p>
<p><b>CLAUSE 58.04-1</b></p> <p><b>Building setback objectives</b></p> <ul style="list-style-type: none"> <li>• To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area.</li> <li>• To allow adequate daylight into new dwellings.</li> <li>• To limit views into habitable room windows and private open space of new and existing dwellings.</li> <li>• To provide a reasonable outlook from new dwellings.</li> <li>• To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.</li> </ul> <p><b>Standard D14</b></p> <p>The built form of the development must respect the existing or preferred urban context and respond to the features of the site.</p> <p>Buildings should be set back from side and rear boundaries, and other buildings within the site to:</p>	<p>Does not comply</p>	<p>Refer to Section 5.4 of this report.</p>

<ul style="list-style-type: none"> <li>• Ensure adequate daylight into new habitable room windows. Avoid direct views into habitable room windows and private open space of new and existing dwellings.</li> <li>• Developments should avoid relying on screening to reduce views.</li> <li>• Provide an outlook from dwellings that creates a reasonable visual connection to the external environment.</li> <li>• Ensure the dwellings are designed to meet the objectives of Clause 58.</li> </ul>		
<p><b>CLAUSE 58.04-2</b></p> <p><b>Internal views objective</b></p> <p>To limit views into the private open space and habitable room windows of dwellings within a development.</p> <p><b>Standard D15</b></p> <p>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the private open space of a lower-level dwelling directly below and within the same development.</p>	<p>Complies</p>	<p>There are no internal overlooking windows within the proposed development.</p> <p>Rear balconies are located more than 9 metres away from existing habitable room windows. The upper floor balconies have fixed planter boxes along the perimeter to limit downwards views.</p>
<p><b>CLAUSE 58.04-3</b></p> <p><b>Noise impacts objectives</b></p> <ul style="list-style-type: none"> <li>• To contain noise sources in developments that may affect existing dwellings.</li> <li>• To protect residents from external and internal noise sources.</li> </ul> <p><b>Standard D16</b></p> <p>Noise sources, such as mechanical plants should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>The layout of new dwellings and buildings should minimise noise transmission within the site.</p> <p>Noise sensitive rooms (such as living areas and bedrooms) should be located to avoid noise impacts from mechanical plants, lifts, building services, non-residential uses, car parking, communal areas and other dwellings.</p>	<p>Complies</p>	<p>No mechanical plant is located near bedrooms of immediately adjacent existing dwellings. Solar panels are shown to be located on the roof and a services cupboard is located at ground floor level. A condition of permit will restrict any other services being positioned on the roof.</p>

<p>New dwellings should be designed and constructed to include acoustic attenuation measures to reduce noise levels from off-site noise sources</p>		
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<p><b>CLAUSE 58.05 - ON-SITE AMENITY AND FACILITIES</b></p>		
<p><b>TITLE &amp; OBJECTIVE</b></p>	<p><b>COMPLIANCE</b></p>	<p><b>ASSESSMENT</b></p>
<p><b>CLAUSE 58.05-1</b>  <b>Accessibility objective</b>                      To ensure the design of dwellings meets the needs of people with limited mobility.  <b>Standard D17</b>                      At least 50 per cent of dwellings should have:</p> <ul style="list-style-type: none"> <li>• A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom.</li> <li>• A clear path with a minimum width of 1.2 metres that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area.</li> <li>• A main bedroom with access to an adaptable bathroom.</li> <li>• At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.</li> </ul>	<p>Complies</p>	<p>All apartments are accessible via a lift. At least 50% of the dwellings have been designed to comply with the requirements to accommodate people with limited mobility.</p>
<p><b>CLAUSE 58.05-2</b>  <b>58.05-2 Building entry and circulation objectives</b></p> <ul style="list-style-type: none"> <li>• To provide each dwelling and building with its own sense of identity.</li> <li>• To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents.</li> <li>• To ensure internal communal areas provide adequate access to daylight and natural ventilation.</li> </ul> <p><b>Standard D18</b>  <b>Building entry and circulation</b>                      Entries to dwellings and buildings</p>	<p>Complies</p>	<p>The front entries of all apartments open to a common hallway which have access to the lift and stairs leading to the ground level lobby. Front doors to the common lobby area at ground level accessed via the pedestrian laneway on the western side.</p>

<p>should:</p> <ul style="list-style-type: none"> <li>• Be visible and easily identifiable.</li> <li>• Provide shelter, a sense of personal address and a transitional space around the entry.</li> </ul> <p>The layout and design of buildings should:</p> <ul style="list-style-type: none"> <li>• Clearly distinguish entrances to residential and non-residential areas.</li> <li>• Provide windows to building entrances and lift areas. Provide visible, safe and attractive stairs from the entry level to encourage use by residents.</li> <li>• Provide common areas and corridors that:             <ul style="list-style-type: none"> <li>- Include at least one source of natural light and natural ventilation.</li> <li>- Avoid obstruction from building services.</li> <li>- Maintain clear sight lines.</li> </ul> </li> </ul>		
<p><b>CLAUSE 58.05-3</b></p> <p><b>Private open space objective</b></p> <p>To provide adequate private open space for the reasonable recreation and service needs of residents.</p> <p><b>Standard D19</b></p> <p>A dwelling should have private open space consisting of:</p> <ul style="list-style-type: none"> <li>• An area of 25 square metres, with a minimum dimension of 3 metres at natural ground floor level and convenient access from a living room, or</li> <li>• An area of 15 square metres, with a minimum dimension of 3 metres at a podium or other similar base and convenient access from a living room, or</li> <li>• A balcony with an area and dimensions specified in Table D5 and convenient access from a living room, or A roof-top area of 10 square</li> </ul>	<p>Complies</p>	<p>Private open space to each apartment is in the form of a balcony with direct access from a living area. The balconies have limited views into existing secluded private open space and habitable windows. Size and minimum dimension of balconies fully comply with the requirements of the standard.</p>

<p>metres with a minimum dimension of 2 metres and convenient access from a living room. If a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5 square metres.</p>		
<p><b>CLAUSE 58.05-4</b>  <b>Storage objective</b>                  To provide adequate storage facilities for each dwelling  <b>Standard D20</b>                  Each dwelling should have convenient access to usable and secure storage space.                  The total minimum storage space (including kitchen, bathroom and bedroom storage) should meet the requirements specified in Table D6.</p>	<p>Does not comply</p>	<p>Refer to Section 5.4 of this report.</p>

<p><b>CLAUSE 58.06 - DETAILED DESIGN</b></p>		
<p><b>TITLE &amp; OBJECTIVE</b></p>	<p><b>COMPLIANCE</b></p>	<p><b>ASSESSMENT</b></p>
<p><b>CLAUSE 58.06-1</b>  <b>Common property objectives</b>                  To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.                  To avoid future management difficulties in areas of common ownership.  <b>Standard D21</b>                  Developments should clearly delineate public, communal and private areas.                  Common property, where provided, should be functional and capable of efficient management.</p>	<p>Complies</p>	<p>Common property relates to the communal car park, vehicular access, stair/lift and ground level lobby could be managed without difficulty.</p>
<p><b>CLAUSE 58.06-2</b>  <b>Site services objectives</b>                  To ensure that site services can be installed and easily maintained.                  To ensure that site facilities are accessible, adequate and attractive.</p>	<p>Complies</p>	<p>Spaces within the front entry area have been designed to incorporate mailboxes and meters for easy access. Laundry cabinet is provided to each dwelling with spaces for washing and drying machines.</p>

<p><b>Standard D22</b></p> <p>The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</p> <p>Mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post.</p>		
<p><b>CLAUSE 58.06-3</b></p> <p><b>Waste and recycling objectives</b></p> <p>To ensure dwellings are designed to encourage waste recycling.</p> <p>To ensure that waste and recycling facilities are accessible, adequate and attractive.</p> <p>To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.</p> <p><b>Standard D23</b></p> <p>Developments should include dedicated areas for:</p> <ul style="list-style-type: none"> <li>• Waste and recycling enclosures which are:             <ul style="list-style-type: none"> <li>- Adequate in size, durable, waterproof and blend in with the development.</li> <li>- Adequately ventilated.</li> <li>- Located and designed for convenient access by residents and made easily accessible to people with limited mobility.</li> <li>- Adequate facilities for bin washing. These areas should be adequately ventilated.</li> </ul> </li> </ul>	<p>Complies</p>	<p>The application has been accompanied by a Waste Management Plan which highlights the waste storage areas on the site at ground floor level with access from the dwellings and the shop. The bin store area includes segregated space for general waste, recycling, organic waste and space for hard rubbish. The report sets out that a private contractor will manage the waste and recycling collection. Council's Traffic Engineer has requested a permit condition requiring waste to be collected via a rear mini loader from the rear of the site.</p>

<p><b>CLAUSE 58.07 - INTERNAL AMENITY</b></p>		
<p><b>TITLE &amp; OBJECTIVE</b></p>	<p><b>COMPLIANCE</b></p>	<p><b>ASSESSMENT</b></p>
	<p>Complies</p>	<p>Main bedrooms to the dwellings have</p>

<p><b>CLAUSE 58.07-1</b>  <b>Functional layout objective</b>                  To ensure dwellings provide functional areas that meet the needs of residents.  <b>Standard D24</b>                  Bedrooms should:</p> <ul style="list-style-type: none"> <li>• Meet the minimum internal room dimensions specified in Table D7.</li> <li>• Provide an area in addition to the minimum internal room dimensions to accommodate a wardrobe.</li> </ul>		<p>a minimum dimension of 3 metres in width and 3.4 metres in depth.                  All other bedrooms to the dwellings have a minimum dimension of 3 metres in width by 3 metres in depth.                  Living rooms also comply with the standard.</p>
<p><b>CLAUSE 58.07-2</b>  <b>Room depth objective</b>                  To allow adequate daylight into single aspect habitable rooms.  <b>Standard D25</b>                  Single aspect habitable rooms should not exceed a room depth of 2.5 times the ceiling height.                  The depth of a single aspect, open plan, habitable room may be increased to 9 metres if all the following requirements are met:</p> <ul style="list-style-type: none"> <li>• The room combines the living area, dining area and kitchen.</li> <li>• The kitchen is located furthest from the window.</li> <li>• The ceiling height is at least 2.7 metres measured from finished floor level to finished ceiling level. This excludes where services are provided above the kitchen.</li> </ul> <p>The room depth should be measured from the external surface of the habitable room window to the rear wall of the room.</p>	<p>Complies</p>	<p>All habitable bedrooms do not exceed a room depth of 2.5 times the ceiling height.</p>
<p><b>CLAUSE 58.07-3</b>  <b>Windows objective</b>                  To allow adequate daylight into new habitable room windows.  <b>Standard D26</b>                  Habitable rooms should have a window</p>	<p>Complies</p>	<p>All habitable room windows feature a window located on an external wall.</p>



<p>in an external wall of the building.</p> <p>A window may provide daylight to a bedroom from a smaller secondary area within the bedroom where the window is clear to the sky.</p> <p>The secondary area should be:</p> <ul style="list-style-type: none"> <li>• A minimum width of 1.2 metres.</li> <li>• A maximum depth of 1.5 times the width, measured from the external surface of the window.</li> </ul>		
<p><b>CLAUSE 58.07-4</b></p> <p><b>Natural ventilation objectives</b></p> <ul style="list-style-type: none"> <li>• To encourage natural ventilation of dwellings.</li> <li>• To allow occupants to effectively manage natural ventilation of dwellings.</li> </ul> <p><b>Standard D27</b></p> <p>The design and layout of dwellings should maximise openable windows, doors or other ventilation devices in external walls of the building, where appropriate.</p> <p>At least 40 per cent of dwellings should provide effective cross ventilation that has:</p> <ul style="list-style-type: none"> <li>• A maximum breeze path through the dwelling of 18 metres.</li> <li>• A minimum breeze path through the dwelling of 5 metres.</li> <li>• Ventilation openings with approximately the same area.</li> </ul> <p>The breeze path is measured between the ventilation openings on different orientations of the dwelling.</p>	<p>Complies</p>	<p>Compliant breeze paths have been detailed on the plans in accordance with the standard.</p>



#### 4.6 15 CLONMORE STREET, BEAUMARIS NOTICE OF DECISION TO GRANT A PERMIT APPLICATION 2021/738/1 WARD: BECKETT

City Planning and Amenity - Development Services  
File No: PSF/22/36 – Doc No: DOC/22/117574

*This matter has been reported to the Planning and Amenity Delegated Committee for a decision because there are 2 or more trees to be removed in the Vegetation Protection Overlay Schedule 3 (VPO3).*

*Officers involved in the preparation of this report have no conflict of interest in this matter.*

##### 1. Application details

<b>Recommendation</b>	Notice of Decision to Grant a Permit
<b>Applicant</b>	Squareback Planning Pty Ltd
<b>Title/Covenant/S173 Agreement</b>	The title is not subject to any restrictive covenants.
<b>Date application received</b>	10 December 2021
<b>Current statutory days</b>	42 days (10/05/2022)
<b>Zoning</b>	Neighbourhood Residential Zone (Schedule 3)
<b>Overlays</b>	Design and Development Overlay (Schedule 3) Vegetation Protection Overlay (Schedule 3) Development Contribution Plan Overlay (Schedule 1)
<b>Site area</b>	692.5 square metres
<b>Number of outstanding objections</b>	Five (5) Amended plans were circulated but no objections were withdrawn.
<b>Is a Development Contribution Levy applicable?</b>	Yes, \$2,220
<b>Is the site located within an area of cultural heritage sensitivity?</b>	No.

##### Proposal

The application seeks the construction of two dwellings on a lot including a front fence exceeding 1.2m and removal of native vegetation in a Vegetation Protection Overlay.

Key details of the proposal are as follows:

- Two double storey dwellings with a maximum building height of 8.05m, each comprising four bedrooms, with double garages.
- The site is a corner lot, fronting Clonmore Street to the south, and McNaught Street to the west. The new crossovers to the garages are both proposed to McNaught Street.
- Site coverage: 53.04%, Permeability: 39.9%, Garden area: 41%
- Two (2) Soft Tree Ferns (*Dicksonia antarctica*) along the eastern side boundary are proposed to be removed, which are protected under the VPO3 and require permission to remove.

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 32.09-6 (Neighbourhood Residential Zone) – Construction of two or more dwellings on a lot.
- Clause 32.09-6 (Neighbourhood Residential Zone) – Construction of a front fence associated with two or more dwellings on a lot
- Clause 42.02-2 (Vegetation Protection Overlay) – Remove, lop or destroy vegetation native to Australia.

### Garden Area

Pursuant to Clause 32.09-4, the construction of a dwelling or residential building on a lot greater than 650 square metres, requires the provision of a minimum of 35% garden area. The development plans confirm that the development has a garden area of 284 square metres which equates to 41% (as calculated by Officers) and exceeds the minimum of 35% garden area required.

### Planning Scheme Amendments

#### ***Planning Scheme Amendment C180***

Planning Scheme Amendment C180 was gazetted on 18 June 2021 and forms part of the reforms and restructuring of Victoria's planning systems to make planning schemes more efficient, accessible and transparent. The amendment replaces the Local Planning Policy Framework at Clauses 21 and 22 of the Bayside Planning Scheme with a new Municipal Planning Strategy at Clause 02, local policies within the Planning Policy Framework at Clauses 11-19 and a selected number of local schedules to overlays, particular provisions and operational provisions.

## 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:

<b>Internal Referral</b>	<b>Response</b>
Arborist	<p>No objection, subject to conditions.</p> <ul style="list-style-type: none"> <li>• Proposed tree removal is considered suitable, with little value or quality amenity to be lost.</li> <li>• Very substantial indigenous new planting and landscaping is proposed and supported</li> <li>• See Section 6.3 for more detail.</li> </ul>

Drainage Assets Engineer	No objection, subject to conditions.
Open Space Arborist	No objection, subject to conditions.
Revenue Services (Street Number)	No objection, subject to conditions.

#### Public notification

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

Five (5) objections remain outstanding at the time of this report.

The following concerns were raised:

- Tree removal
- Setbacks/siting
- Street parking/traffic
- Overlooking
- Overshadowing
- Drainage
- Design/character
- Overdevelopment

#### Consultation meeting

A consultation meeting was held on 7 March 2022 attended by the permit applicant and two objectors. As a result of this meeting no objections were withdrawn.

On 29 March 2022, the applicant provided amended plans and a written response to the items raised by the objectors in the consultation meeting. The amended plans included the following changes:

- The pool located to the rear of No. 17 Clonmore Street added to the plans and shadow diagrams subsequently updated.
- A visibility splay provided in the fence at the south-west corner of the site adjacent to the vehicle entrance associated with No. 17 Clonmore Street.
- The decking located to the front of No. 10 McNaught Street has been added to the drawings and the shadow diagrams.
- The fence along the common boundary of No. 10 McNaught Street has been noted as to be retained.
- The garage wall that adjoins the common boundary of No. 10 McNaught Street has been specified as brick veneer with painted rendered finish, and with acoustic batt insulation.
- No. 10 McNaught Street has been correctly identified on the shadow plans.
- The north facing window of Bedroom 2 in Dwelling 2 (W30) has been screened with fixed obscure/opaque glass up to a height of 1.7 metres above the finished floor level.
- The north facing window of the media room in Dwelling 2 (W32) has been screened with fixed obscure/opaque glass up to a height of 1.7 metres above the finished floor level.
- Removal of the rear east facing first floor parapet on Dwelling 2, reducing the overall wall height across this elevation by 350 millimetres, to reduce afternoon

shadow in the rear of No. 17 Clonmore Street.

- Site coverage recalculated and reduced from 53.75 percent to 53.04 percent.

These plans were subsequently circulated to all objectors. No objections have been withdrawn following the circulation of these plans.

### Recommendation

That Council resolves to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of planning application **2021/738/1** for the land known and described as **15 Clonmore Street, Beaumaris** for the **construction of two dwellings on a lot, including a front fence exceeding 1.2m and removal of native vegetation in a Vegetation Protection Overlay** 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. The plans must be generally in accordance with the amended plans prepared by Harwood Architects referenced PL01 – PL21, dated 22 March 2022, but modified to show:
  - a) deletion of the pergola structure over the deck in the front setback of Dwelling 1
  - b) a schedule of construction materials, external finishes and colours
  - c) a Sustainable Design Assessment in accordance with Condition 10
  - d) a Landscaping Plan in accordance with Condition 11
  - e) a Tree Management and Protection Plan in accordance with Condition 14
  - f) provision of the development contributions fee in accordance with Condition 25

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.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
9. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

#### Sustainable Design Assessment

10. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
  - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
  - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
  - c) preliminary building energy rating certificates that align with plans
  - d) provision of double glazing to all new windows
  - e) appropriate shading to all north, east and west facing windows
  - f) maximum internal lighting density of 4W/m<sup>2</sup>
  - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
  - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
  - i) provision of external dry lines for each dwelling
  - j) bicycle parking space in each garage/ private open space area
  - k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
  - l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18
  - m) the type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections
  - n) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance



- o) provisions for renewable energy systems such as Solar PV
- p) commitment to recycle at least 70% of construction and demolition waste
- q) measures to reduce urban heat island impact such as light or medium coloured roof and driveway
- r) use of sustainable materials such as low VOC paints for the internal walls
- s) use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused
- t) where practicable, provision of green walls / vertical gardens at appropriate locations

all to the satisfaction of the Responsible Authority.

#### Landscaping

11. 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 Wallbrink Landscape Architecture, reference 2195TP1 dated 30/11/2021, and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. 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. Plantings must be 80% indigenous by species type and count
  - 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) where practicable, the inclusion of green walls at appropriate locations.
12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Tree Protection Management Plan

14. Before the development starts, including any related demolition or removal of vegetation, a TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The TPMP must include:

- a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site
- b) protection measures to be utilised and at what stage of the development they will be implemented
- c) appointment of a project arborist detailing their role and responsibilities
- d) stages of development at which the project arborist will inspect tree protection measures
- e) monitoring and certification by the project arborist of implemented protection measures.

Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.

Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

The TPP must:

- f) be legible, accurate and drawn to scale
  - g) indicate the location of all tree protection measures to be utilised
  - h) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
  - i) include a key describing all tree protection measures to be utilised.
15. All actions and measures identified in the Tree Management Report must be implemented.
  16. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.
  17. Any pruning that is required to be done to the canopy the Liquidambar styraciflua is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

#### Protection of trees for services

18. All underground services must be located outside of Tree Protection Zones (TPZ) of all trees to be retained. If this is not possible, any underground service installations within a TPZ must be bored beneath the entire TPZ to a minimum depth 800mm. If this is not possible, any excavation within the TPZ required for the connection of services must be undertaken by approved non-destructive digging techniques, under the supervision of a project arborist and with the written approval of the Responsible Authority.

#### Street tree protection

19. Before the development starts, tree protection fencing is to be established

around the street trees marked for retention prior to demolition and maintained until all works on site are complete. 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 is to be as close to the TPZ boundary as practically possible provided that it does not encroach onto the road, footpath, crossover or proposed works.
  - 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.
20. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors. There is to be no soil excavation within 3.0 metres of the street trees *Melaleuca linariifolia* (asset ID 473394 & 473393), and 2.5 metres of the street tree *Allocasuarina torulosa* (asset ID 473395), measured from the edge of the trunk.
21. Any installation of services and drainage, or removal of existing crossovers within the TPZ must be undertaken by hand or using root sensitive non-destructive techniques.
22. 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.
- a) All roots that will be affected must be correctly pruned, in accordance with AS4373-2007 'Pruning of Amenity Trees'.
  - b) Roots greater than 50mm must not be cut unless authorised by Council's Open Space Arborist in writing.

#### Drainage

23. 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.
24. 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

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

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

Permit Expiry

26. 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:

- Council would be supportive of the applicant and/or owner making a tax-deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.
- Council is the responsible authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.

The street address allocations are as follows:

Southern Dwelling – 10A McNaught Street BEAUMARIS 3193

Northern Dwelling – 10B McNaught Street BEAUMARIS 3193

For more information on street numbering, please contact Council's Revenue Services Team on 9599 4444.

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

#### 4. Council Policy

Council Plan 2021–25

Relevant objectives of the Council plan include:

- Lead and influence change to address the climate emergency and strive to reduce its impact in the health of our community, environment and the planet.
- Land use will enhance Bayside's liveability and protect the distinctive heritage and character of our various localities.

Relevant strategies of the Council plan include:

- Adopt and champion innovative ways of working and evaluate policy against its climate impact to reduce harm.
- Enhance vegetation (including through tree canopy) through accelerated tree planting and tree protection on public and private land.
- Strategic planning and controls protect and reflect the diverse environmental and heritage values of Bayside.
- Encourage the planning of well-designed new development that is appropriately located and consistent with the preferred neighbourhood character and residential amenity.

#### Bayside Planning Scheme

- Clause 2 Municipal Planning Policy
- Clause 2.03 Strategic Directions
- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 15 Built Environment and Heritage
- Clause 15.01-5S Neighbourhood Character
- Clause 15.01-5L Bayside Preferred Neighbourhood Character (H3)
- Clause 16 Housing
- 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 53.18 Stormwater Management in Urban Development
- Clause 55 Two or more dwellings on a lot
- Clause 65 Decision Guidelines

#### **5. 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.

##### **5.1. Neighbourhood character**

The site is located within Neighbourhood Character Precinct H3. The proposal is considered to demonstrate an appropriate level of compliance with the general objectives and strategies of Bayside preferred neighbourhood character policy as well as the preferred character strategies for the precinct.

The current site has a single dwelling, with a number of trees and other vegetation on

site. There is a row of palms along the eastern boundary, and a large Liquidambar at the front corner of the site that are all proposed to be retained. There is a pair of native ferns proposed to be removed, as discussed below in Section 5.3, but otherwise all vegetation removal from the site is small vegetation which does not trigger a permit. In its place, a very comprehensive and predominantly indigenous landscape plan has been provided, including thirteen large, and two small, canopy trees, along with a host of indigenous shrubs, bushes and other groundcover. The new vegetation forms much of the front boundary of the site, creating a well-vegetated setting for the proposed dwellings.

The garages are both positioned on the western side, facing McNaught Street. They are positioned slightly behind the rest of the built form, reducing their prominence as much as can be expected considering the site layout. With the garages positioned to the side frontage, they are provided with a lesser setback. This in turn minimises the amount of driveway paving required to access the road, providing for a much greater amount of permeable surface on site than longer driveways would otherwise allow. A very comparable site layout can be seen in a recent development on the opposite side of the road at Nos. 17-19 McNaught Street. Additionally, the position of the driveways avoids the need for any street tree removal.

The built form includes one garage wall on boundary but is otherwise centred on the site. This allows for the utilisation of side setbacks between properties, and generous landscaping. The upper levels of the built form are recessed from those below, with the forward dwelling utilising a skillion roof form. The overall building height will be relatively modest and will be well below the height of the existing Liquidambar on site, as well as the larger proposed canopy trees.

The Clonmore St frontage includes a setback that allows for plenty of planting in the front area, particularly the corner away from the allocated private open space, and the retention of existing trees on site. The setback to McNaught St is more reduced than the current single dwelling but includes very deliberate landscaping and canopy tree planting to screen the built form and provide an alternative boundary demarcation in place of a fence.

The dwellings themselves are sited on slightly separate levels from each other, to match the mild slope of the site. The presentation of the dwellings to both streets includes generally recessed upper levels with articulation, to reduce presence to the street. Dwelling 1 does include a section of double height wall without recess over the porch entry, but the strong horizontality of the eaves and parapet elements, along with the change in material minimise the appearance of bulk.

A skillion roof with eaves to the front dwelling also provides local reference and further articulation. The material palette includes a mix of rendered finish, timber, vertical composite cladding, and stonework, folds in natural materials and lighter colours, reflective of the surrounding context and coastal setting.

Finally, a tall timber front fence is only proposed for a portion of the Clonmore Street frontage where the primary secluded private open space is proposed. Otherwise, the front boundaries are open, with slightly raised garden beds used to define the boundary, holding some small trees and numerous other bushes and plants. The positioning of the built form also allows for the retention of the vegetation throughout the site, including the large existing canopy trees, such as the Liquidambar within the front setback.

Overall, the proposed development has sought to balance the siting of the built form with the opportunity for landscaping as a priority. The abundant canopy tree planting and landscaping to the front boundary will allow the built form to sit amongst the landscape. The form, materiality and siting of the dwellings is consistent with the preferred neighbourhood character expectations and will in turn contribute to that character.

## 5.2. Compliance with Clause 55 (ResCode)

An assessment against the requirements of Clause 55 is provided at **Attachment 3**.

Those non-compliant standards are discussed below:

Street setback (Standard B6)

	Required	Proposed	Variation
Clonmore Street	9.0m	<u>6.0m ground</u> , 9.09m first	3.0m
McNaught Street	2.0m, 3.0m	<u>2.0m ground</u> , <u>2.08m</u> , 3.08m first	1.0m 0.92m

For Dwelling 1, a street setback from Clonmore Street of 6.0 metres is proposed, when a setback of 9 metres is required to achieve this standard, with a 2.0m side setback to McNaught Street complying with the Standard.

To McNaught Street, for Dwelling 2, a 2 metre front setback is proposed, in place of the required 3 metres. 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. Each of these non-compliances will be reviewed in turn below.

The Clonmore Street setback is slightly forward of the preferred line, although the adjoining setback does contain a carport, which softens the contrast between the two building setbacks, and give the proposed built form the appearance of more of a transitional setback. This proposed front setback itself contains a pergola structure, which exceeds the acceptable size for encroachment, and contributes to a visual presence close to the streetfront. Whilst the use of the front setback to form secluded private open space on corner developments is not directly disallowed, the pergola should be removed to better read the setback of the dwelling itself within the streetscape. The front setback still allows for an efficient use of the open space provided in a balance between private open space and landscaped areas. To this end, subject to the deletion of the pergola, the variation is considered to be suitable in achieving the objective of the standard.

To McNaught Street, the non-compliance relates to Dwelling 2. The front setback is generally 2 metres, with the entry and garage setback 3 metres. This provides for a more articulated presentation and reduces the prominence of the parking by having it be somewhat absorbed within the rest of the built form. The space within the front setback will accommodate substantial landscaping, and the upper floors of the dwellings are recessed to reduce the bulk to the street.

In balancing the various objectives of the site and preferred character with those of the setback standard, the small variations are not considered to be detrimental to the development outcome and would not be enhanced by the enforcement of a compliant building frontage. The design as shown is considered contextually acceptable.

Site coverage (Standard B8)

Required	Proposed	Variation
50%	<u>53.04%</u>	3.04%

The proposed development has a slightly increased site coverage of 53.04%. 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.

The general surrounds along Clonmore Street do include some large dwellings which include built form throughout the site. Of importance to the consideration on this site though, is the consistency with the preferred neighbourhood character. The spacing of the dwellings provides for separation and importantly areas for landscaping, and the subordinate position of the garages avoid perceptions of dominance to the streetscape. Further, the built form envelope deliberately works around the large canopy tree at the



front of the site, to ensure its retention. The proposed development and works overall satisfy the objective of the standard and are acceptable in this context.

Side and rear setbacks (Standard B17)

	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
<b>East (side)</b>	0m or 2m	<u>1.8m</u> , 3.8m, 5.76m	3.29m-3.56m, 3.7m	<u>3.39m</u> , 4.35m
<b>North (rear)</b>	0m or 3m	5.84m, 7.44m	0m,	5.84m

The areas of side setback non-compliance relate to the south-eastern side of Dwelling 1 at both ground and first floor levels. The side and rear setbacks of Dwelling 2 are compliant with the Standard. 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.

Both areas of non-compliance are associated with the side of the front dwelling. At ground level, the encroachment is 20cm. This area of non-compliance is located adjacent to the side of the adjoining carport and a service yard to the rear of the carport, both being non-sensitive interfaces, which is considered an acceptable variation.



*Image 1 Render of the eastern side of Dwelling 1, with the extent of setback encroachment shown (yellow), noting that eaves of up to 0.5m are an allowable encroachment.*

To the upper floor the variation is minor, only 0.1m (10cm) at the furthest extent, due to the slope of the site. Image 1 above shows how the encroachment presents to the side, with the small area of wall height protruding, noting that the eaves are within the 0.5m allowable encroachment. The scale of this encroachment is minor, and again occurs primarily in line with the carport of the adjoining property to the east, rather than any sensitive window or primary open space, which might pose more significant amenity concerns. Given the context and scale of the areas of setback encroachment, the small non-compliance is considered acceptable.

Front Fences (Standard B32)

	Required	Proposed	Variation
Clonmore Street	1.2m	<u>1.8m</u>	600 mm

A timber batten front fence of 1.8 metres in height is proposed to the eastern half of the front boundary of the site on Clonmore Street. The rest of the frontage is open and unfenced. Pursuant to Standard B32, a front fence to a maximum of 1.2 metres in height is provided preferred. The objective of this standard is to encourage front fence design that respects the existing or preferred neighbourhood character.

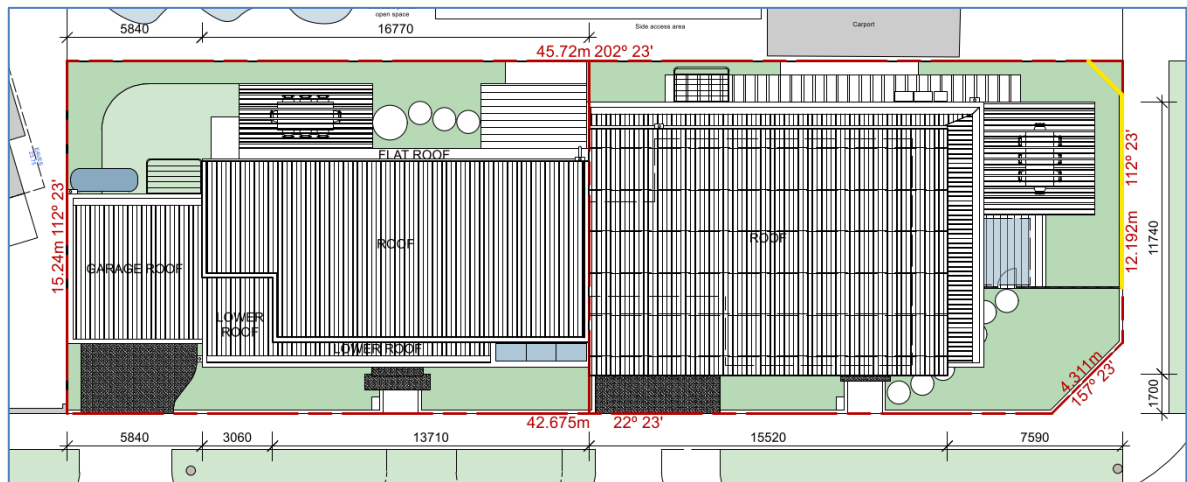


Image 2 Site plan with the extent of the 1.8m timber fence on the Clonmore St frontage highlighted (yellow). The remainder of the frontage is unfenced or a small retaining wall due to the site slope.

The surrounding context includes a variety of fencing, with more solid brick fences, as well as unfenced and timber panel fencing all being present. The preferred character guidelines refer to low, open fences or vegetation as an alternative where possible.

The proposed fencing is only around a small segment of the Clonmore Street frontage, to enclose and provide privacy to the open space area of Dwelling 1. The rest of the frontage and all of the McNaught Street frontage are unfenced. The landscape plan provided also shows substantial tree planting and other landscaping along the McNaught frontage to define the front boundary.

Given the inconsistent existing character, and the otherwise close adherence to the preferred character, the small area of increased fence height is not considered harmful to the presentation of the development and is otherwise acceptable.

5.3. 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.

The application plans show the removal of two trees from the site, both of which are protected by the VPO3. The table below identifies those trees protected by the VPO3, those protected by the Local Law.

VPO3 protected trees		Local Law protected trees	
Proposed for removal	Proposed for retention	Proposed for removal	Proposed for retention
Tree 15 (x2)	-	-	19

### Removal of Trees 15 (x2)

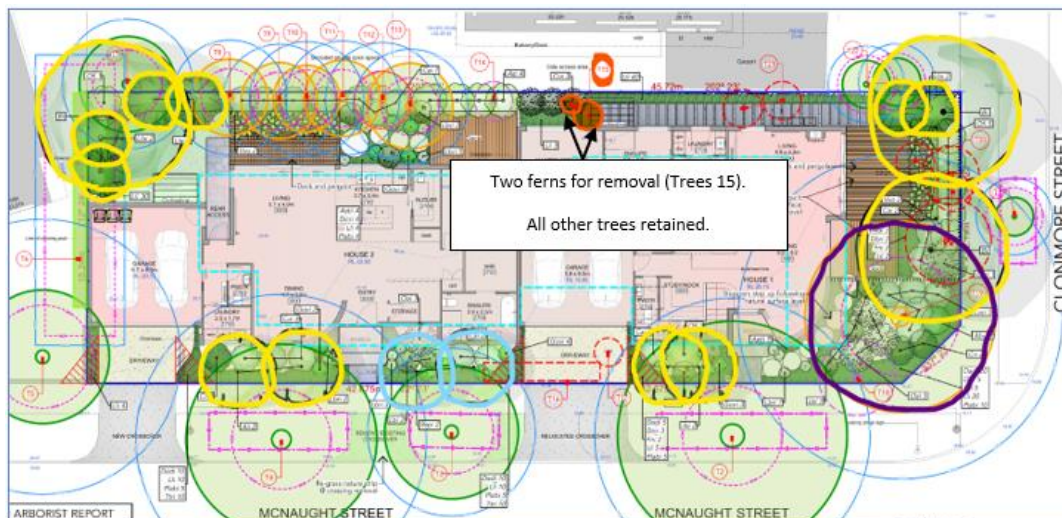
Trees 15 are two native Soft Tree Ferns (*Dicksonia antactica*) approximately 2.3m high. Council's Arborist has reviewed the application and advised that whilst (the two) Trees 15 are hardy and in reasonably good health, they are considered to be of very little habitat value, and present little value to the site and landscape if retained. Further detail of the trees is provided below and in **Attachment 4**.

Their position on the side boundary of the site is not conducive of a strong contribution to the landscape character. Council's Arborist supports the removal of the ferns, given their minimal value to the site, but also particularly noting the far more desirable indigenous replanting proposed.

The proposed extent of vegetation removal is considered to be acceptable when assessed against the decision guidelines of the VPO3. An assessment against the decision guidelines of the VPO3 is provided at **Attachment 5**. The impact of the removal to the character of the site is minimal considering the quality of stock and its location on site. The surrounding properties and nature strip have a number of substantial trees, and the proposed replanting and retention of Tree 19 align far more with this setting than the small ferns located on the side boundary. Whilst native, the ferns are not indigenous, and the new landscaping would provide a strong boost to the level of indigenous landscaping in the area. Whether retained or removed, the ferns have little bearing on the proposed development, but their contribution to the character is very subdued compared to the retained and proposed new canopy trees and vegetation.

In this instance, the removal of the two ferns to facilitate a renewal of the site in tandem with the development, is considered an acceptable outcome, consistent with the expectations and guidelines under the VPO3. The proposed vegetation removal is therefore considered acceptable when considered against the objectives of the VPO3.

### Proposed landscaping and tree retention



*Image 3 Landscape plan showing VPO Trees #15 to be removed (red/orange), the 13 large indigenous canopy trees (yellow) and two small indigenous canopy trees (blue) proposed to be planted, and the large Liquidambar on the corner to be retained on site (purple).*

Tree 19, the large Liquidambar in the front corner of the site is to be retained. The retention is supported, but will require consideration and protection during the construction process. Further, Tree Nos. 5, 7, and 22 are located on adjoining sites with their Tree Protection Zones (TPZ) extending into the subject site. As such, consideration must be given to the impact of the development upon these trees. Council's Arborist has advised that a Tree Protection Plan and Tree Management Plan will be required to be

submitted to ensure these trees remain viable both during and post construction. A condition to this effect is included in the recommendation.

In addition, Council's Arborist has reviewed the submitted Landscape Plan and advised that it is considered acceptable. Thirteen (13) large canopy trees and retention of the Liquidambar at the front corner of the site, along with numerous other smaller shrubs and groundcover, will result in a planting schedule of more than 90% indigenous species. Once endorsed the landscape plan will therefore include the planting of thirteen indigenous canopy trees (trees with mature heights of 8m or greater) in the front and rear setbacks, for a total of fourteen large canopy trees onsite in total.

#### **5.4. Street tree(s)**

Trees No. 1, 2, 3, and 4 are located within the nature strip and are all proposed for retention, but with the new crossovers to be introduced along the western boundary. Council's Street Tree Arborist has advised that, the design is supported, as minimal impact to the street trees is likely from the location of the crossovers. Regardless, suitable protections will be required for the street trees during the construction process. Conditions to this effect have been included in the recommendation below.

#### **5.5. 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.

Both dwellings comprise four bedrooms and are afforded two car parking spaces each both in the form of a double garage. The proposed on site car parking meets the requirements of Clause 52.06-5.

#### **5.6. 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.

#### **5.7. Development contributions levy**

The subject site is located within catchment area 22.

Based on the proposed application and the below recommendation, a payment of \$2,220 is required. The payment of the development contributions is included as a condition of permit.

#### **5.8. Objector issues not already addressed**

##### Drainage

Concern was raised in regard to the future drainage from the site and connection to the drainage network. A drainage easement exists on the adjoining property at No. 10 McNaught Street, which would require works on the adjoining property to potentially utilise. In response to this, the proposal was referred to Council's Drainage Engineering Department which advised that this is addressed through a future application to Council for a Legal Point of Discharge but noted that the connection point would be directly to McNaught Street, rather than through the adjoining property to the easement.

##### Overdevelopment

An assessment against State and local planning policies, the Neighbourhood Residential Zone, and the provisions of Clause 55 can often demonstrate that a proposal is not an overdevelopment despite being more intensive than what existed before.

The purpose of the Neighbourhood Residential Zone is to facilitate a diversity of housing types including increased residential densities. The zone does not restrict the number of dwellings and each application must be received and considered on its merits.

The proposal satisfies the substantive requirements of Clause 55 in respect to site coverage, setbacks, permeability, car parking, and open space provision and therefore the proposal is not considered to be an overdevelopment of the site.

**Support Attachments**

1. Plans ↓
2. Location ↓
3. Clause 55 Assessment ↓
4. Tree Profiles ↓
5. VPO Guidelines ↓



# TOWN PLANNING APPLICATION

FOR NEW HOUSES AT 15 CLONMORRE STREET BEAUMARIS VIC 3193  
FOR MILGROVE NOMINEES PTY LTD



SITE LOCATION PLAN  
NOT TO SCALE

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**PROJECT NAME:** 15 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd

**CLIENT NAME:** MILGROVE NOMINEES PTY LTD

**COVER PAGE**

**DATE:** 22 MAR 22

**SCALE:** LT

**REVISION:** RH

**DATE:** 22 MAR 22

**PROJECT NUMBER:** HA-319

**DATE:** 22 MAR 22

**PROJECT NAME:** 15 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd

**CLIENT NAME:** MILGROVE NOMINEES PTY LTD

**COVER PAGE**

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**COVER PAGE**

**DATE:** 22 MAR 22

**SCALE:** LT

**REVISION:** RH

**DATE:** 22 MAR 22






# DRAWING SCHEDULE

## ARCHITECTURAL DRAWINGS

CP	COVER PAGE	-	SH 01	EXISTING SHADOW DIAGRAM ON 22 SEPTEMBER AT 9AM	1:150
DS	DRAWING SCHEDULE	-	SH 02	EXISTING SHADOW DIAGRAM ON 22 SEPTEMBER AT 12PM	1:150
EX 01	EXISTING SITE PLAN AND SITE ANALYSIS PLAN	1:200	SH 03	EXISTING SHADOW DIAGRAM ON 22 SEPTEMBER AT 2PM	1:150
PL 01	PROPOSED SITE PLAN - GROUND FLOOR AND DESIGN RESPONSE PLAN	1:200	SH 04	EXISTING SHADOW DIAGRAM ON 22 SEPTEMBER AT 3PM	1:150
PL 02	PROPOSED SITE PLAN - FIRST FLOOR	1:200	SH 05	PROPOSED SHADOW DIAGRAM ON 22 SEPTEMBER AT 9AM	1:150
PL 03	PROPOSED SITE PLAN - ROOF	1:200	SH 06	PROPOSED SHADOW DIAGRAM ON 22 SEPTEMBER AT 12PM	1:150
PL 04	PROPOSED GROUND FLOOR PLAN HOUSE 1	1:100	SH 07	PROPOSED SHADOW DIAGRAM ON 22 SEPTEMBER AT 2PM	1:150
PL 05	PROPOSED FIRST FLOOR PLAN HOUSE 1	1:100	SH 08	PROPOSED SHADOW DIAGRAM ON 22 SEPTEMBER AT 3PM	1:150
PL 06	PROPOSED ROOF PLAN HOUSE 1	1:100	IMG 01	PROPOSED IMAGE 01	-
PL 07	PROPOSED GROUND FLOOR PLAN HOUSE 2	1:100	IMG 02	PROPOSED IMAGE 02	-
PL 08	PROPOSED FIRST FLOOR PLAN HOUSE 2	1:100	IMG 03	PROPOSED IMAGE 03	-
PL 09	PROPOSED ROOF PLAN HOUSE 2	1:100	IMG 04	PROPOSED IMAGE 04	-
PL 10	PROPOSED WEST ELEVATION 01	1:100	IMG 05	PROPOSED IMAGE 05	-
PL 11	PROPOSED WEST ELEVATION 02	1:100	IMG 06	PROPOSED IMAGE 06	-
PL 12	PROPOSED SOUTH ELEVATION	1:100			
PL 13	PROPOSED EAST ELEVATION 01	1:100			
PL 14	PROPOSED EAST ELEVATION 02	1:100			
PL 15	PROPOSED NORTH ELEVATION	1:100			
PL 16	PROPOSED SECTION S1	1:100			
PL 17	PROPOSED SECTION S2	1:100			
PL 18	PROPOSED SECTION S3 01	1:100			
PL 19	PROPOSED SECTION S3 02	1:100			
PL 20	PROPOSED SECTION S4 01	1:100			
PL 21	PROPOSED SECTION S4 02	1:100			

15 Clonmore Street Beaumaris VIC 3193  
for Milgrove Nominees Pty Ltd

**DRAWING SCHEDULE**

HA-319

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MODIFICATIONS: HARWOOD ARCHITECTS HAS BEEN ADVISED THAT THE CLIENT HAS REQUESTED MODIFICATIONS TO THE DRAWING SCHEDULE. THE ARCHITECTS HAVE REVIEWED THE REQUEST AND HAVE AGREED TO THE MODIFICATIONS. THE ARCHITECTS WILL BE RESPONSIBLE FOR THE MODIFICATIONS TO THE DRAWING SCHEDULE.



**NATIONAL CONSTRUCTION CODE NOTES**

- All materials and work practices shall comply with, but not limited to, the NCC (BCA) 2019 and Building Regulations 2018 and all relevant current Australian Standards (as amended) referred to therein.
- Unless otherwise specified, the term BCA shall refer to National Construction Code 2019 Building Code of Australia Volume 2.
- All materials and construction practice shall meet the Performance Requirements of the BCA. Where an alternative solution is proposed then, prior to implementation or installation, it first must be assessed and approved by the Relevant Building Surveyor as meeting the Performance Requirements of the BCA.
- Glazing, including safety glazing, shall be installed to a size, type and thickness so as to comply with:
  - BCA Part 3.6 for Class 1 and 10 Buildings within a design wind speed of not more than N3; and
  - NCC 2016 BCA Vol 1 Part B1.4 for Class 2 and 9 Buildings.
- Waterproofing of wet areas, being bathrooms, showers, shower rooms, laundries, shall be provided in accordance with AS 3740-2010: Waterproofing of Domestic Wet Areas.
- These Drawings shall be read in conjunction with any House Energy Rating (HERS) report and shall be constructed in accordance with the stamped plans endorsed by the accredited Thermal Performance Assessor without alteration.
- Step sizes (other than for spiral stairs) to be:
  - Rises (R) 190mm maximum and 115mm minimum
  - Going (G) 355mm maximum and 240mm minimum
  - R + G = 700mm maximum and 550mm minimum
  - with less than 125mm gap between open treads.
- All treads, landings and the like to have a slip-resistance classification of P3 or R10 for dry surface conditions and P4 or R11 for wet surface conditions, or a nosing strip with a slip-resistance classification of P3 for dry surface conditions and P4 for wet surface conditions.
- Provide barriers where change in level exceeds 1000mm above the surface beneath handrails. Barriers (other than tensioned wire barriers) to be:
  - 1000mm min. above finished surface level of balconies, landings or the like, and
  - 865mm min. above finished surface level of stair nosing or ramp, and
  - vertical with less than 125mm gap between, and
  - any horizontal bars to be between 150mm and 760mm above the floor to facilitate climbing, where change in level exceeds 400mm above the surface beneath landings, ramps and/or treads.
- Wire barrier construction to comply with NCC 2019 BCA Part 3.9.2.3 for Class 1 and 10 Buildings and NCC 2019 BCA Volume 1 Part D2.16 for other Classes of Buildings.
- Top of hand rails to be minimum 865mm vertically above stair nosing and floor surface of ramps.
- Window sizes nominated are nominal only. Actual size may vary according to manufacturer. Windows to be flashed all around.


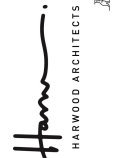
- Where the building (excluding a detached Class 10) is located in a termite prone area the building is to be provided with a termite management system.
- Concrete slumps:
  - up to 1400mm long to be 100mm x 100mm (1 No. H.D. Wire)
  - 1800mm to 2000mm long to be 100mm x 120mm (2 No. H.D. Wires)
  - 1800mm to 2000mm long to be 100mm x 120mm (2 No. H.D. Wires)
  - 100mm x 100mm slumps exceeding 1200mm above ground level to be braced where no perimeter base brickwork provided.
- Buildings in marine or other exposure environments shall have masonry units, mortar and all built in components and the like complying with the durability requirements of Table 4.1 of AS 4773, 1:2010 'Masonry in small buildings' Part 1: Design.
- These drawings shall be read in conjunction with all relevant structural and all other consultants' drawings/details and with any other written instructions issued in the course of the contract.
- Site plan measurements in metres – all other measurements in millimetres unless noted otherwise.
- Figured dimensions take precedence over scaled dimensions.
- The Builder shall take all steps necessary to ensure the stability and general water tightness of all new and/or existing structures during all works.
- The Builder and Subcontractors shall check and verify all dimensions, setbacks, levels and specifications and all other relevant documentation prior to the commencement of any works. Report all discrepancies to this office for clarification.
- Installation of all services shall comply with the respective supply authority requirements.
- The Builder and Subcontractor shall ensure that all stormwater drains, sewer pipes and beams so as to prevent ground moisture penetration, dampness, weakening and undermining of any building and its footing system.
- These plans have been prepared for the exclusive use by the Client of Harwood Architects. Any person who uses or relies on these plans without the Designer's written consent does so at their own risk and no responsibility is accepted by the Designer for such use and/or reliance.
- The Client and/or the Client's Builder shall not modify or amend the plans without the knowledge or consent of Harwood Architects except where a Registered Building Surveyor or Professional Engineer has endorsed the plans for use for the Building Construction Certificate application and that such changes are promptly reported back to Harwood Architects.
- The approval by this office of a substitute material, work practice, variation or the like is not an authorisation for its use or a contract variation. All variations must be accepted by all parties to the agreement and where applicable the Relevant Building Surveyor or PCA prior to implementing any variation.

**STORMWATER**

- All stormwater to be taken to the legal point of discharge to the Relevant Authorities approval.
- Class 6 LPVC stormwater line laid to a minimum grade of 1:100 and connected to the legal point of stormwater discharge. Provide inspection openings at 9000mm C/C and at each change of direction.
- The cover to underground stormwater drains shall be not less than
  - 100mm under paved or concrete areas
  - 100mm under unreinforced concrete or paved driveways
  - 75mm under reinforced concrete driveways

**SITE ENVIRONMENT DESIGN INFORMATION**

- **Design Gust Wind Speed / Wind Classification**
- Building tie-downs to be provided in accordance with AS 1684-2010 for an assumed design gust wind speed/wind classification for local area (subject to confirmation on site by Relevant Building Surveyor at first inspection) refer to AS 1684 for construction requirements.
- **Climate Zone**
- Climate zone for thermal design / thermal performance assessment: Zone for local area.
- **Corrosion protection of built-in structural members**
- Provide corrosion protection of built-in structural steel members such as steel lintels, sheet angles, connectors, accessories (other than wall ties) in accordance with Table 4.1 of AS 1684-2010 for local area.
- **Corrosion protection for sheet roofing**
- Provide corrosion protection for sheet roofing in accordance with BCA Table 3.5.1.1a suitable for an Environment Classification for local area.
- **Design events for safety - earthquake actions**
- For determination of domestic structures of a height less than or equal to 8.50m
- Building type importance level – Local area
- Probable frequency of occurrence – Local area
- Hazard factor (Z) for project location – Local area
- Hazard at the (k6Z) – Local area
- Design required – Local area

PROJECT NAME  
**18 Clonmore Street Beaumaris VIC 3193  
for Milgrove Nominees Pty Ltd**

PROJECT NO.  
**HA-319**

DATE  
**22 MAR 22**

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ARCHITECTS LEVEL OF ENGAGEMENT  
The Architect's Level of Engagement is defined in accordance with the Australian Standard AS 4000-2012 'Architects' and is subject to the terms and conditions of the Architect's Contract. The Architect's Level of Engagement is defined in accordance with the Australian Standard AS 4000-2012 'Architects' and is subject to the terms and conditions of the Architect's Contract.

MODIFICATIONS  
The Architect's Level of Engagement is defined in accordance with the Australian Standard AS 4000-2012 'Architects' and is subject to the terms and conditions of the Architect's Contract.

DATE  
**LT**

DATE  
**RH**

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COMPLIANCE NOTES 01

DATE  
**LT**

DATE  
**RH**

**BUILDING SPECIFICATIONS**

The building works included in the subject application will comply with the relevant deemed-to-satisfy provisions of the NCC (BCA) 2019 and Building Regulations 2018 and relevant standards of construction.

Particular reference is made to the following BCA provisions and Australian Standards, which form part of the application and will be complied with: -

- Demolition:** -
  - AS 2601(1991) - The demolition of structures
- Site Preparation:** -
  - Earthworks - To be carried out in accordance with the requirements of the Environmental Planning & Assessment Act 1979, conditions of development consent and the relevant requirements of Part 3.1.1 of the BCA (Volume 2)
  - Stormwater drainage - Part 3.1.2 of the BCA (Volume 2); and
  - AS 3500.3 (2018) Part 3 - Stormwater drainage
  - AS 3500.5 (2018) Part 5 - Domestic installations - Section 5 - stormwater drainage
  - AS 3500.5 (2018) Part 5 - Domestic installations - Section 5 - stormwater drainage
  - AS 3660.1 (2014) - Protection of buildings from subterranean termites

- Footings and Slabs:** -
  - AS 2870 (2011) - Residential slabs and footings
  - AS 3600 (2018) - Concrete structures
  - AS 2159 (2009) - Piling - Design and installation
  - Site classification Part 3.2.4 of the BCA (Volume 2)

- Masonry:** -
  - Masonry construction - Part 3.3 of the BCA (Volume 2) and AS 3700 (2018) - Masonry Code
  - Lintels in masonry - Part 3.3.3.4 of the BCA (Volume 2)

- Framing:** -
  - Sub-floor ventilation - Part 3.4.1 of the BCA (Volume 2)
  - Steel framing - Part 3.4.2 of the BCA (Volume 2)
  - Acceptable construction practices (Part 3.4.2.1 of the BCA) and /or
  - AS 4100 (1998) - Steel structures
  - Timber wall, floor and roof framing - Part 3.4 of the BCA (Volume 2); and
  - AS 1684.2 (2010) - Residential timber - frame construction
  - Structural steel members - Part 3.4.4 of the BCA (Volume 2)

- Roof and wall cladding:** -
  - Roof lining - Parts 3.5.1.1 & 3.5.1.2 of the BCA (Volume 2) and AS 2049 (2002) - Roof tiles
  - Metal roof sheeting - Parts 3.5.1.1 & 3.5.1.3 of the BCA (Volume 2)
  - Gutters and downpipes - Part 3.5.2 of BCA (Volume 2); and
  - AS 3500.3 (2018) Part 3 - Stormwater drainage
  - AS 3500.5 (2018) Part 5 - Domestic installation
  - Wall cladding - Part 3.5.3 of the BCA (Volume 2)

- Glazing:** -
  - Part 3.6 of the BCA (Volume 2)
  - AS 1288 (2006) Glass in buildings
  - AS 2047 (2014) Windows in buildings
- Fire safety:** -
  - Fire separation - Part 3.7.1 of the BCA (Volume 2)
  - Fire separation - Separating wall construction - Part 3.7.1.8 of the BCA (Volume 2)
  - Fire separation - Roof lights - Part 3.7.1.10 of the BCA (Volume 2)
  - Smoke alarms - Part 3.7.2 of the BCA (Volume 2) and AS 3786 (2014) - Smoke alarms
  - Heating appliances - Part 3.7.3 of the BCA (Volume 2) and AS 2918 (2001) - Domestic solid - fuel burning appliances - installation

- Health and amenity:** -
  - Wet areas - Part 3.8.1 of the BCA (Volume 2) and AS 3740 (2010) - Waterproofing of wet areas in residential buildings
  - Room heights - Part 3.8.2 of the BCA (Volume 2)
  - Kitchen, sanitary and washing facilities - Parts 3.8.3.2 and 3.8.3.3 of the BCA (Volume 2)
  - Natural and artificial light - Parts 3.8.4.2 and 3.8.4.3 of the BCA (Volume 2)
  - Ventilation - Part 3.8.5 of the BCA (Volume 2)
  - Natural - Parts 3.8.5.2 and 3.8.5.3 of the BCA (Volume 2)
  - Mechanical - Parts 3.8.5.0 and 3.8.5.3 of the BCA (Volume 2)
  - Sound insulation - Part 3.8.6.1 of the BCA (Volume 2)

- Safe movement and access:** -
  - Stair construction - Part 3.9.1.1 of the BCA (Volume 2) - Acceptable construction practice
  - Balustrades - Part 3.9.2.1 of the BCA (Volume 2) - Acceptable construction practice
  - Handrails - Part 3.9.2.4 of the BCA (Volume 2) - Acceptable construction practice
  - Protection of operable windows - Part 3.9.2.5 of the BCA (Volume 2) - Acceptable construction practice

- Energy efficiency:** -
  - Building Fabric - Part 3.12.1 of the BCA (Volume 2)
  - Building Sealing - Part 3.12.3 of the BCA (Volume 2)
  - Services - Part 3.12.5 of the BCA (Volume 2)

- Structural design manuals:** -
  - AS 1170.1 (2002) - Dead and live loads and load combinations
  - AS 1170.2 (2011) or AS 4055 (1992) - Wind loads
  - AS 1170.4 (2007) - Earthquake loads
  - AS 1720.1 (2010) - Timber structures
  - AS 2159 (2009) - Piling - design and installation
  - AS 3600 (2018) - Concrete structures
  - AS 4100 (1998) - Steel structures



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 DIMENSION NOTES:  
 All dimensions have been provided in terms of DA and are subject to change without notice. The client is responsible for all dimensions for construction.

**PROJECT NAME:**  
 18 Clonmore Street Beaumaris VIC 3193  
 for Milgrove Nominees Pty Ltd

**CLIENT:**  
 CN 02

**CONTRACT:**  
 HA-319

**DATE:**  
 22 MAR 22

**SCALE:**  
 LT

**DATE:**  
 22 MAR 22

**PROJECT:**  
 TOWN PLANNING APPLICATION  
 (NOT FOR CONSTRUCTION)

**REVISIONS:**  
 RH

# BUILDING NOTES

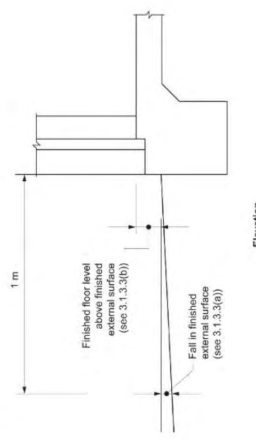
## Surface water drainage

- Surface water must be diverted away from Class 1 buildings as follows:
- (a) Slab-on-ground — finished ground level adjacent to buildings. The external finished surface surrounding the slab must be drained to move surface water away from the building and graded to give a slope of not less than 1:100 to the balcony/terrace;
    - (i) 25 mm over the first 1 m from the building in low rainfall intensity areas for surfaces that are reasonably impermeable (such as concrete or city paving); or
    - (ii) 50 mm over the first 1 m from the building in any other case.
  - (b) Slab-on-ground — finished slab heights:
    - (i) 150 mm above the external finished surfaces must be not less than (see Figure 3.1.3.2);
    - (ii) 100 mm above the finished ground level in low rainfall intensity areas or sandy, well-drained areas; or
    - (iii) 50 mm above impermeable (paved or concrete areas) that slope away from the building in accordance with (b), or
    - (iii) 150 mm in any other case.

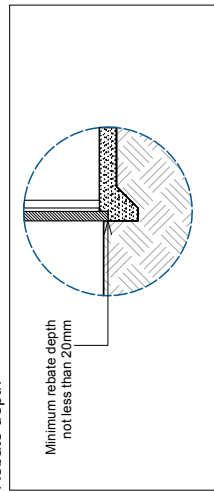
## External finished surface around the slab

- (b) Slab-on-ground — finished slab heights:
  - (i) the height of the slab-on-ground above external finished surfaces must be not less than (see Figure 3.1.3.2);
  - (ii) 100 mm above the finished ground level in low rainfall intensity areas or sandy, well-drained areas; or
  - (iii) 50 mm above impermeable (paved or concrete areas) that slope away from the building in accordance with (b), or
  - (iii) 150 mm in any other case.
- (c) The ground beneath suspended floors must be graded so that the area beneath the building is above the adjacent external finished ground level and surface water is prevented from ponding under the building (see Figure 3.1.3.3).

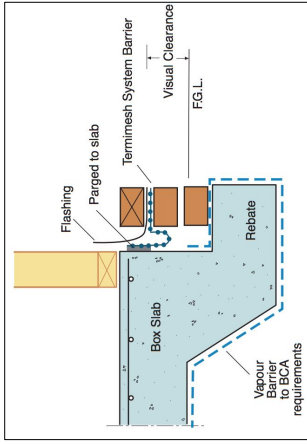
Figure 3.1.3.2 Site surface drainage



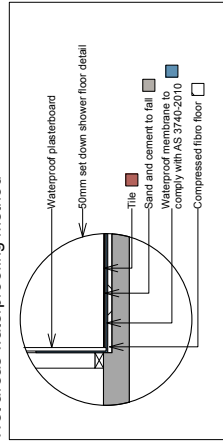
## Rebate depth



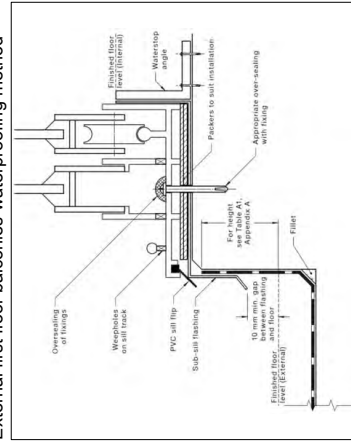
## Termite barrier to be adopted



## Wet areas waterproofing method



## External first floor balconies waterproofing method



## Construction notes

- 50mm step down from the internal floor level (concrete slab) to external concrete/paved areas;
- 50mm step down from the first floor internal floor level to external balcony/terrace;
- Minimum falls to a floor drain of not less than 1:100 to the balcony/terrace;
- Slab on ground finished height (freeboard) of 150mm;
- Minimum edge rebate depth not less than 20mm;
- Where showers are unenclosed the floor should have a minimum of 1.80 within 1.5m of the shower base to a floor waste;
- Ground Floor WC, First Floor Powder Room and First Floor Ensuite WC doors to be readily removable from the outside;
- Box gutters to be constructed by roof plumber to current code requirements;
- Roof manufacturer's specs. to be provided;
- External walls located within 900mm of the title boundary line must be constructed to achieve 60/60/60 Fire Resistance Level;
- Light court area of 3sq.m with a minimum dimension of 1m clear to the sky has been provided to windows W02, W04, W07, W08 and W10;
- All windows at 1.7m sill or screened to comply with Reg 84;

## Full height doors/windows glazing bands

- Glazing bands are required to full height doors and windows which can be mistaken for an opening, marking must be in the form of an opaque band not less than 20mm in height located so that the upper edge is not less than 700mm above the floor and the lower edge is not more than 1.2m above the floor;
- A band is not required where the height of the glazing is not more than 1m, the width of the glazing is not more than 500mm or where there is no glazing within 700mm of the floor.

## Weepholes

- 1.2m max. centres spacing at slab rebate;
- For window openings more than 1.2m, weep holes must be noted above the openings.

## Proposed Condensation Management System

- Pliable membrane to external wall complying with AS4200.1 and be a vapour permeable membrane for climate zones 6, 7 and 8;
- Minimum flow rates of exhaust system to kitchen, bathroom, sanitary compartment and laundry is not less than 40 L/s;
- Exhaust systems to discharge externally of building.

## Staircase construction

- Staircase and balustrade to be designed to take loading forces in accordance with AS1170.1;
- Maximum of 18 risers in a flight of stairs;
- 3 winders in lieu of a quarter landing or 6 winders in a half landing;
- Landings must be not less than 750mm in length;
- Continuous handrail to one side of the stair.

PROJECT NAME: 18 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd

DATE: 22 MAR 22

CONSTRUCTION NOTES 01 (NOT FOR CONSTRUCTION)

DATE: 22 MAR 22

PROJECT NO: HA-319

DATE: 22 MAR 22

PROJECT NO: HA-319

DATE: 22 MAR 22

ARCHITECTS LEVEL OF ENGAGEMENT

CONSTRUCTION NOTES

NOTE: All dimensions have been provided in a series of D and E views. The contractor is responsible for all dimensions for construction.

HARWOOD ARCHITECTS

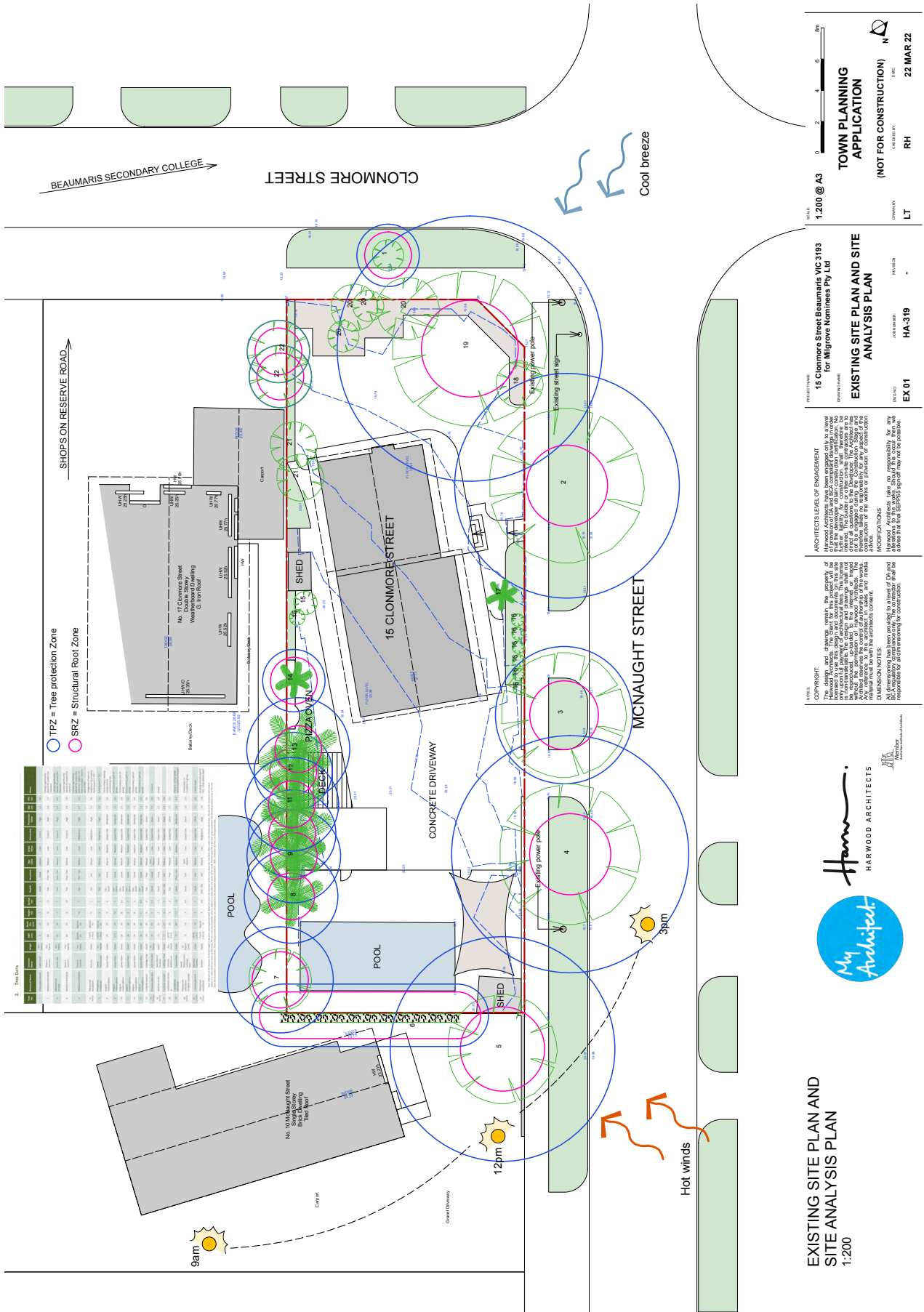
My Architect

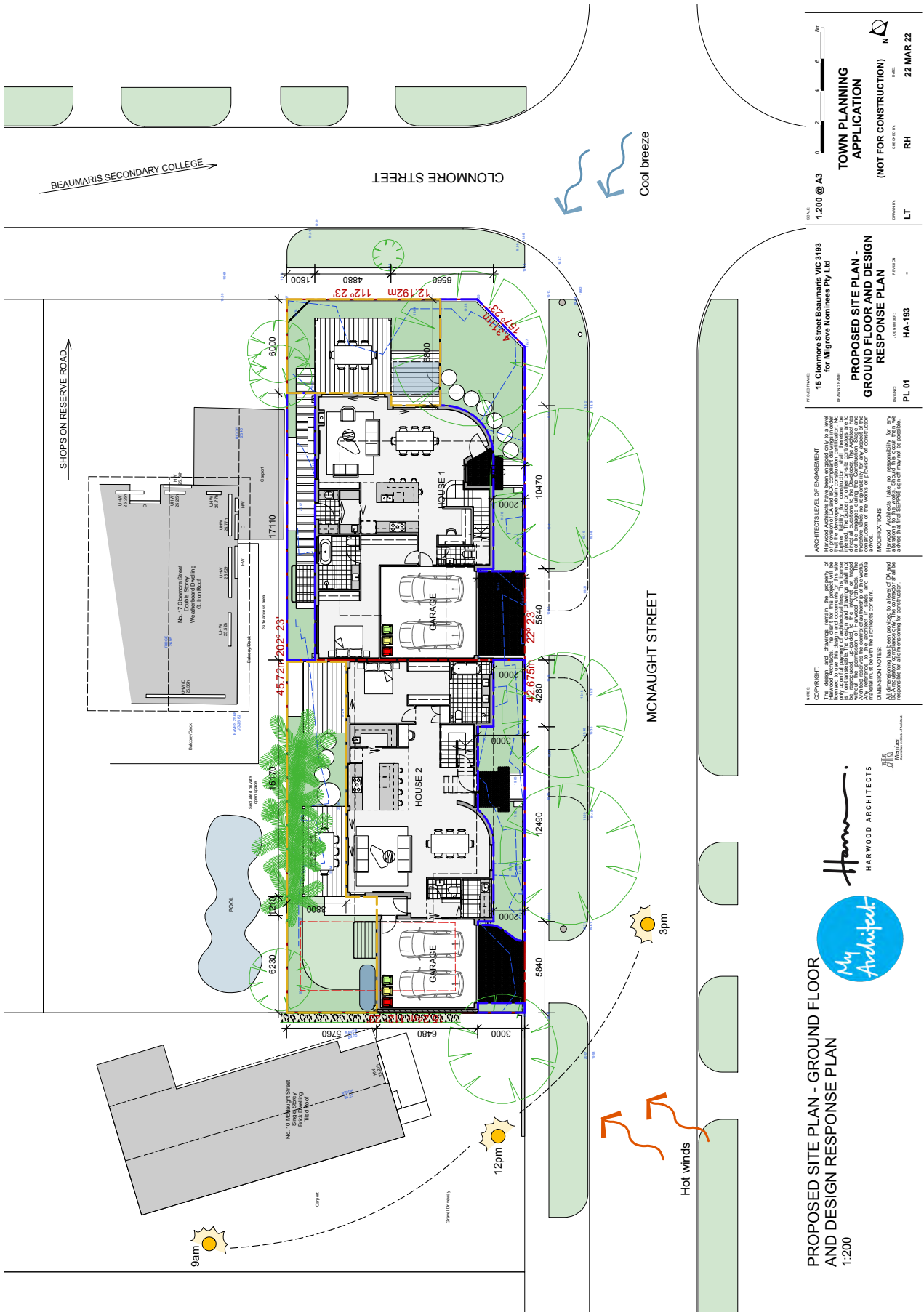
HARWOOD ARCHITECTS















SCALE 1:200 @ A3  
 TOWN PLANNING APPLICATION  
 (NOT FOR CONSTRUCTION)  
 DATE: 22. MAR 22  
 DRAWN BY: RH  
 CHECKED BY: LT

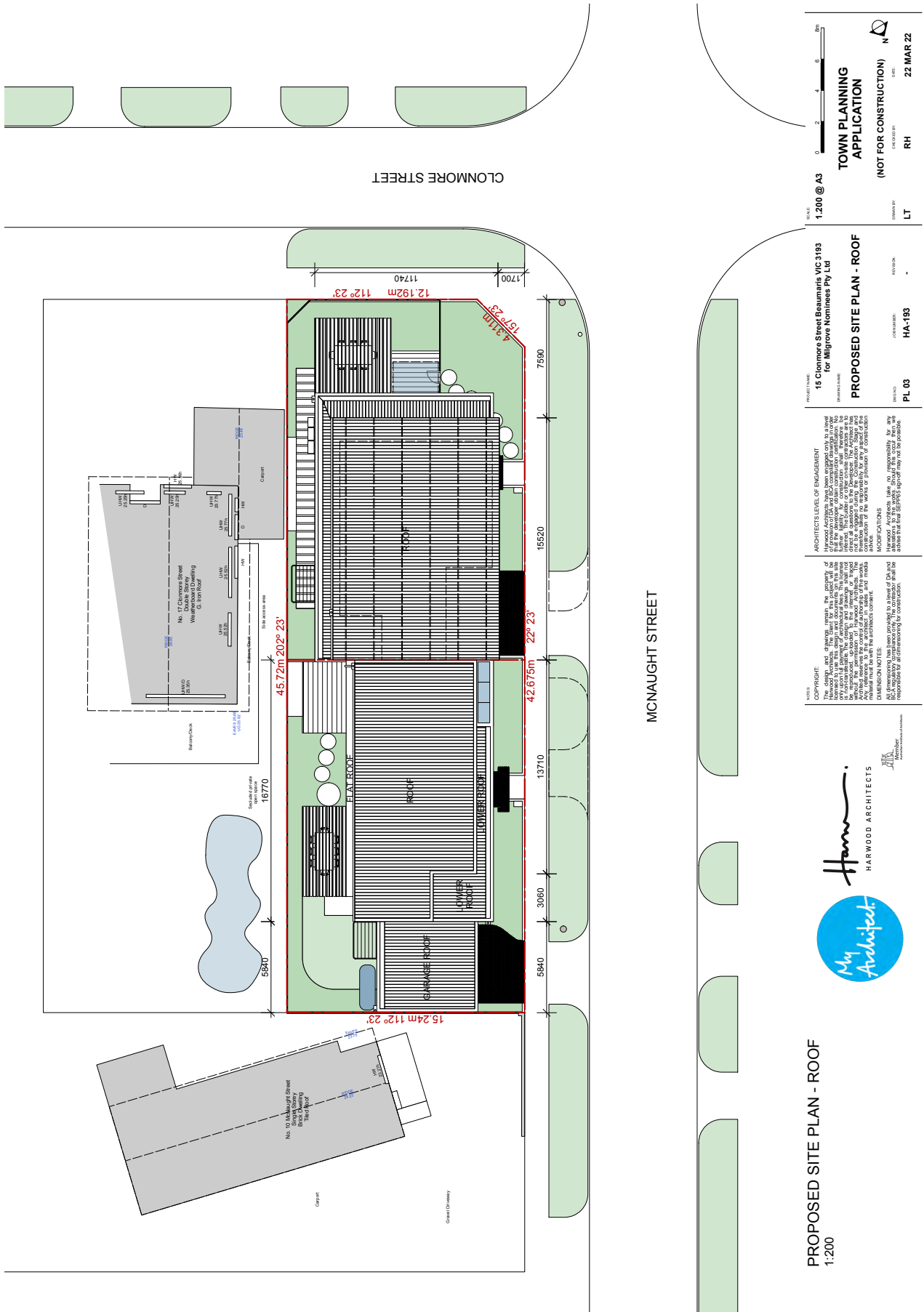
PROJECT NAME: 15 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd  
 DRAWING NO: PROPOSED SITE PLAN - FIRST FLOOR  
 CONSULTANT: HA-193  
 PROJECT: PL 02

ARCHITECTS LEVEL OF ENGAGEMENT: The Architect's Level of Engagement is defined as the level of service provided by the Architect to the Client. The Architect's Level of Engagement is defined as the level of service provided by the Architect to the Client. The Architect's Level of Engagement is defined as the level of service provided by the Architect to the Client.

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PROPOSED SITE PLAN - FIRST FLOOR  
 1:200



SCALE 1:200 @ A3  
 TOWN PLANNING APPLICATION  
 (NOT FOR CONSTRUCTION)  
 DATE: 22 MAR 22  
 DRAWN BY: LT  
 CHECKED BY: RH

PROJECT NAME: 15 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd  
 DRAWING NAME: PROPOSED SITE PLAN - ROOF  
 CONSULTANT: HA-193  
 PROJECT NO: PL 03

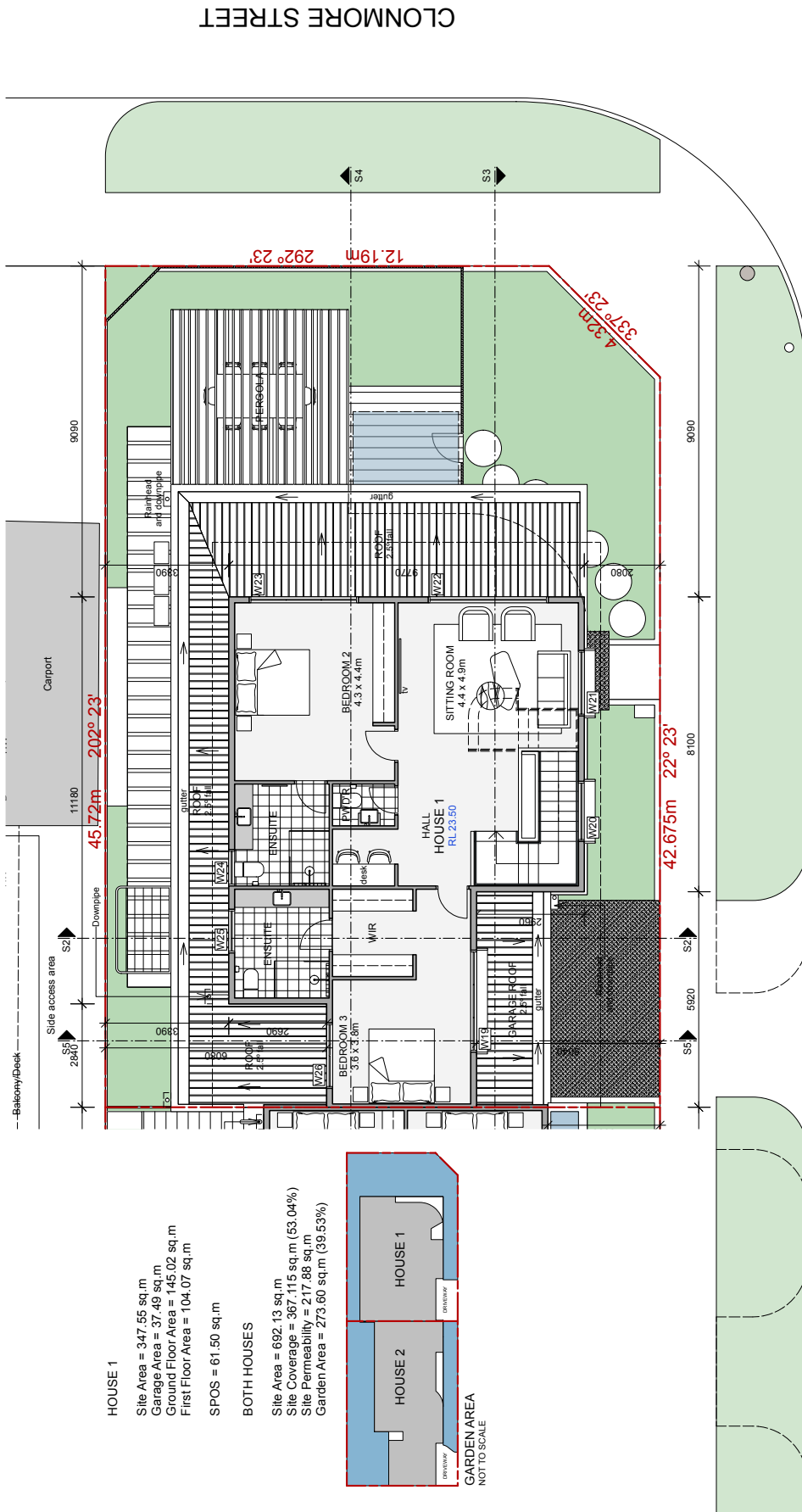
ARCHITECTS LEVEL OF ENGAGEMENT  
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 DIMENSION NOTES: All dimensions have been provided in millimetres. All dimensions are to be taken as shown unless otherwise specified. All dimensions are to be taken as shown unless otherwise specified. All dimensions are to be taken as shown unless otherwise specified.



PROPOSED SITE PLAN - ROOF  
 1:200





MCNAUGHT STREET

SCALE: 1:100 @ A3

TOWN PLANNING APPLICATION (NOT FOR CONSTRUCTION)

DATE: 22 MAR 22

PROJECT NO: RH

DATE: 22 MAR 22

PROJECT NAME: 15 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd

PROPOSED FIRST FLOOR PLAN HOUSE 1

PL 05 HA-319

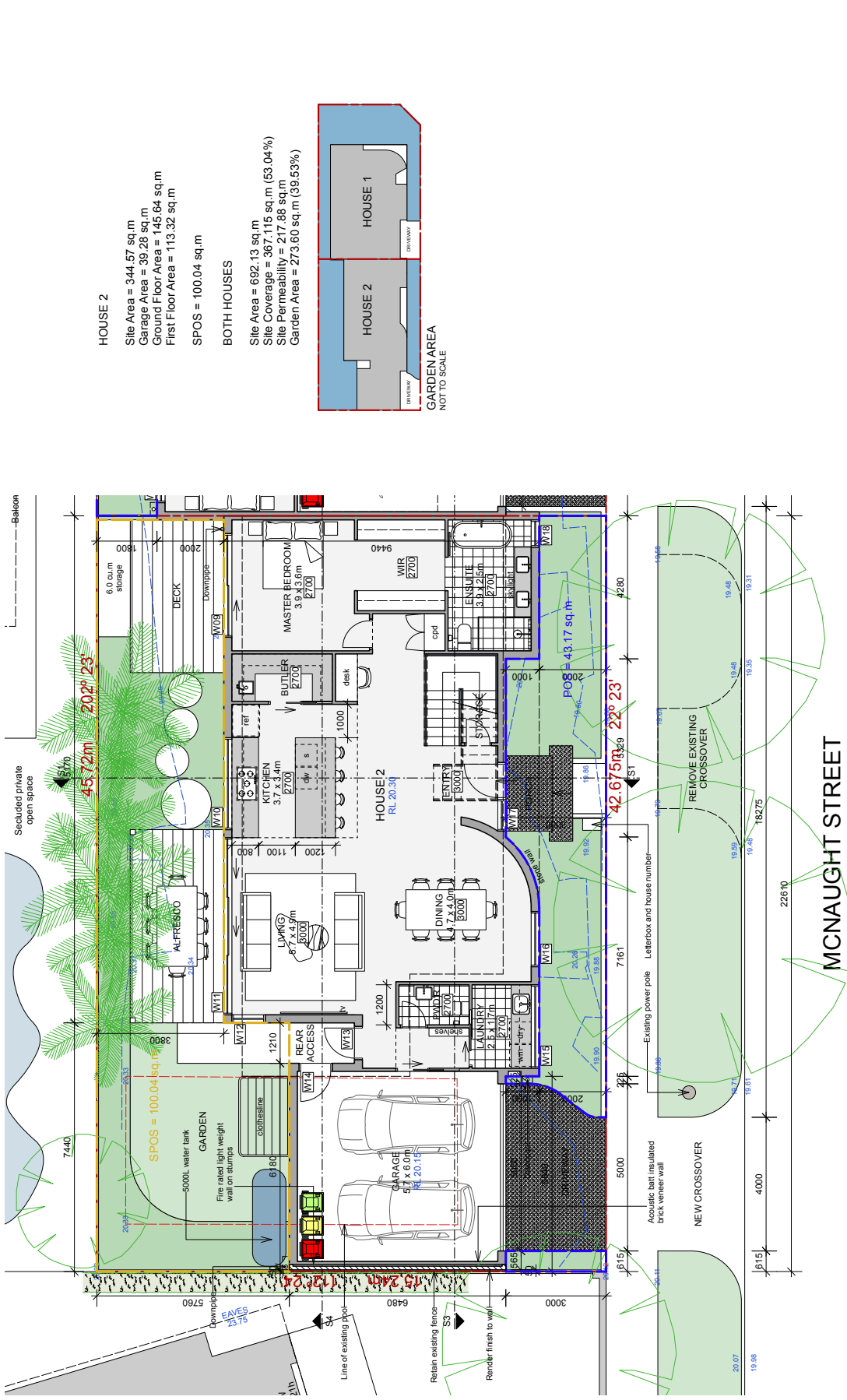
**ARCHITECTS LEVEL OF ENGAGEMENT**  
 The Architect's Level of Engagement is defined as the level of service provided by the Architect to the Client. The Architect's Level of Engagement is defined by the Architect's Contract Documents. The Architect's Level of Engagement is defined by the Architect's Contract Documents. The Architect's Level of Engagement is defined by the Architect's Contract Documents.

**ARCHITECTS NOTES:**  
 All dimensions have been provided in areas of detail and are subject to the final design and construction. The Architect is not responsible for all dimensions for construction.



PROPOSED FIRST FLOOR PLAN HOUSE 1 1:100





**HOUSE 2**  
 Site Area = 344.67 sq.m  
 Garage Area = 39.28 sq.m  
 Ground Floor Area = 145.64 sq.m  
 First Floor Area = 113.32 sq.m  
 SPOS = 100.04 sq.m

**BOTH HOUSES**  
 Site Area = 682.13 sq.m  
 Site Coverage = 367.115 sq.m (53.04%)  
 Site Permeability = 217.88 sq.m  
 Garden Area = 273.60 sq.m (39.53%)

**GARDEN AREA**  
 NOT TO SCALE

SCALE 1:100 @ A3

TOWN PLANNING APPLICATION (NOT FOR CONSTRUCTION)

DATE: 22.MAR.22

PROJECT NO: HA-319

DATE: 22.MAR.22

18 Clonmore Street Beaumaris VIC 3193  
 for Milgrove Nominees Pty Ltd

PROPOSED GROUND FLOOR PLAN HOUSE 2

PL 07

HA-319

**ARCHITECTS LEVEL OF ENGAGEMENT**  
 The Architect's Level of Engagement is defined as the level of service provided by the Architect to the Client. The Architect's Level of Engagement is defined as the level of service provided by the Architect to the Client. The Architect's Level of Engagement is defined as the level of service provided by the Architect to the Client.

**COMMENTS:**  
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**MODIFICATIONS:**  
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**DIMENSION NOTES:**  
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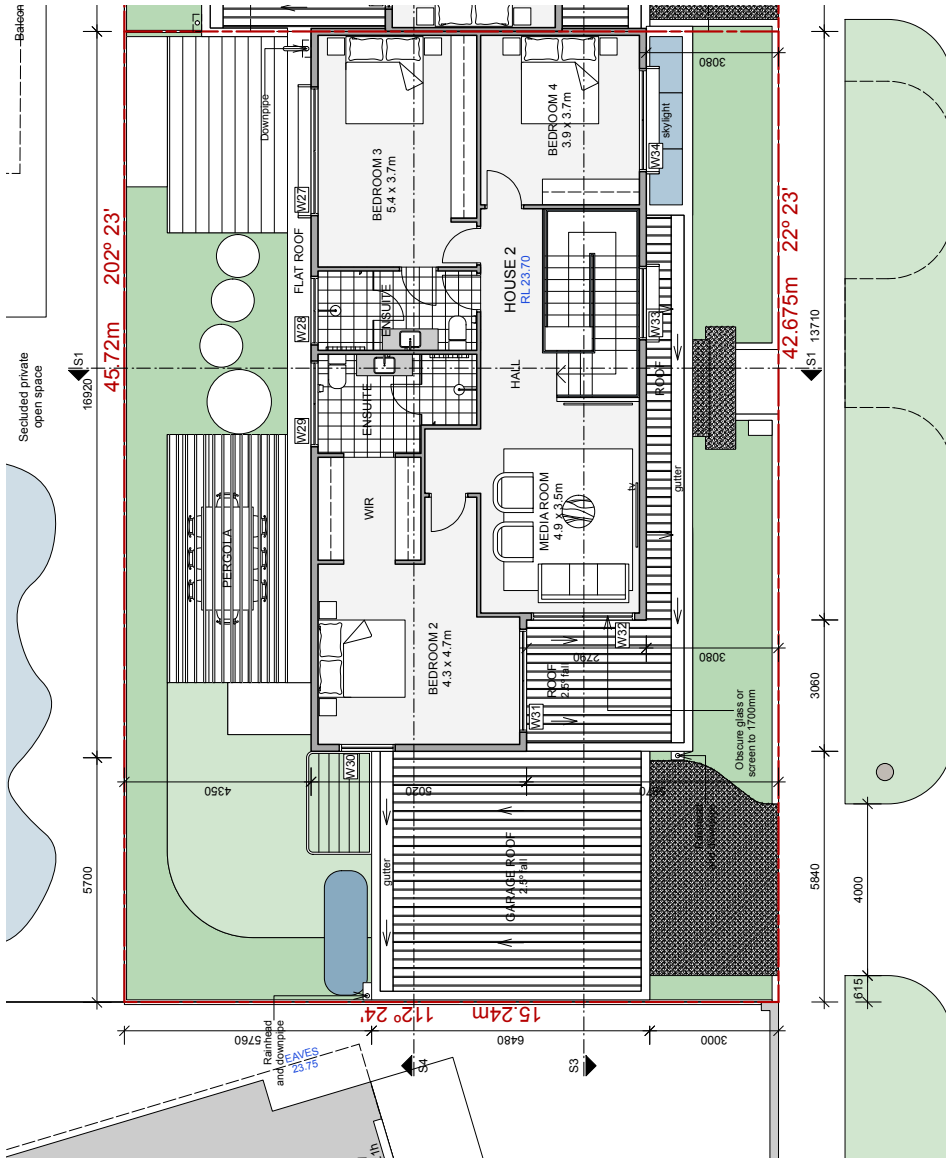
My Architect

HARWOOD ARCHITECTS

McNAUGHT STREET

PROPOSED GROUND FLOOR PLAN HOUSE 2 1:100





**HOUSE 2**  
 Site Area = 344.67 sq.m  
 Garage Area = 39.28 sq.m  
 Ground Floor Area = 145.64 sq.m  
 First Floor Area = 113.32 sq.m  
 SPOS = 100.04 sq.m

**BOTH HOUSES**  
 Site Area = 682.13 sq.m  
 Site Coverage = 367.115 sq.m (53.04%)  
 Site Permeability = 217.88 sq.m  
 Garden Area = 273.60 sq.m (39.53%)

**GARDEN AREA**  
 NOT TO SCALE

MCNAUGHT STREET

PROPOSED FIRST FLOOR PLAN  
 HOUSE 2  
 1:100



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PROJECT NAME: 18 Clonmore Street Beaumaris VIC 3193  
 for Milgrove Nominees Pty Ltd

PROPOSED FIRST FLOOR  
 PLAN HOUSE 2

CONTRACT NO: HA-319  
 DRAWING NO: PL 08

SCALE: 1:100 @ A3

TOWN PLANNING  
 APPLICATION  
 (NOT FOR CONSTRUCTION)

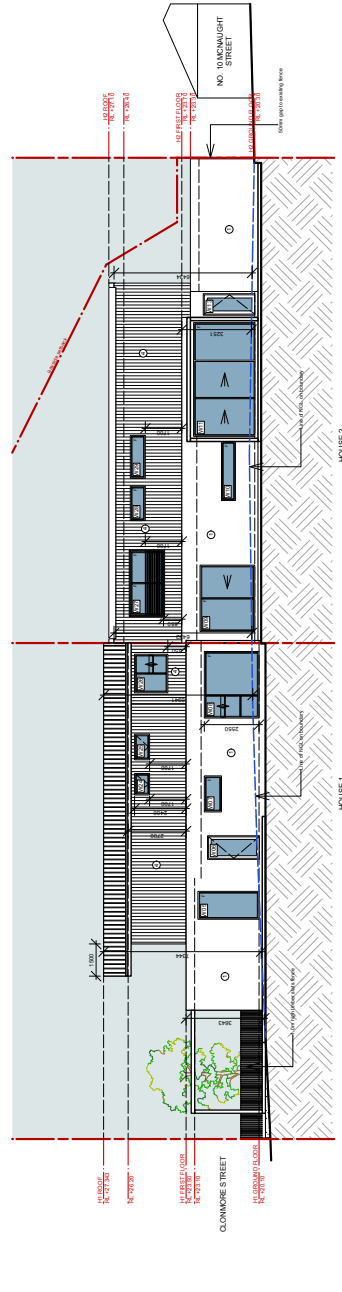
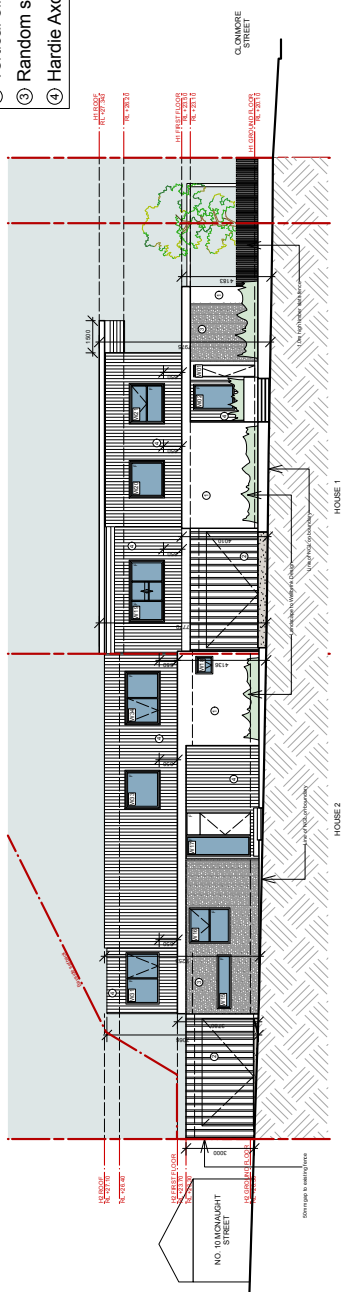
DATE: 22 MAR 22

DATE: 22 MAR 22





- ① Rendered blockwork
- ② Vertical oiled cedar lining boards
- ③ Random sized limestone
- ④ Hardie Axon Cladding



PROPOSED WEST AND EAST ELEVATIONS  
1:100



*Ham*  
HARWOOD ARCHITECTS



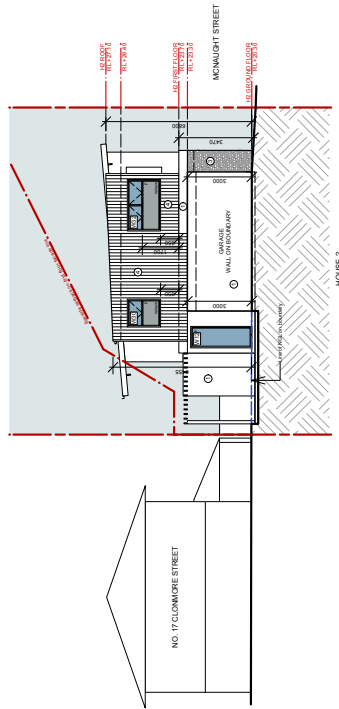
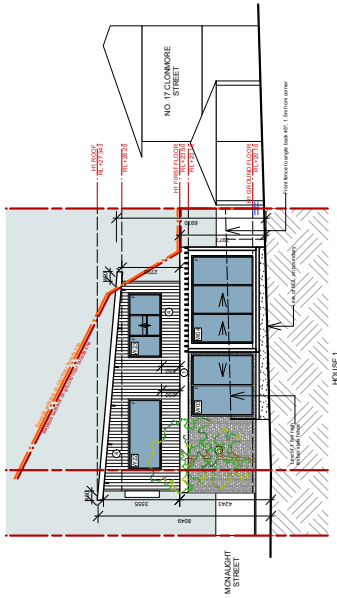
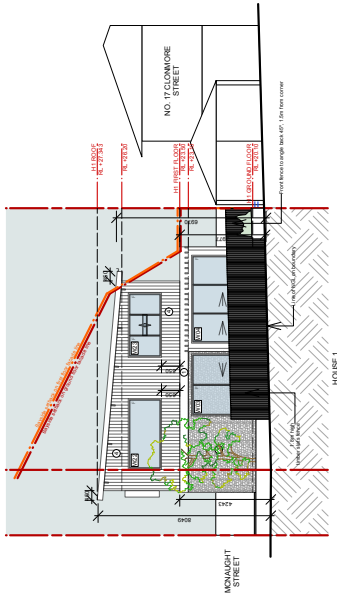
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**ARCHITECTS LEVEL OF ENGAGEMENT:**  
Harwood Architects has completed the design of the project and has provided the drawings for construction. The architect is not responsible for the construction of the works or for any delays or cost overruns. The architect is not responsible for the construction of the works or for any delays or cost overruns.

**MODIFICATIONS:**  
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PROJECT NAME: 15 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd  
DRAWING NO: PL 10A  
CONTRACT NO: HA-319  
DATE: 22 MAR 22

SCALE: 1:200 @ A3  
TOWN PLANNING APPLICATION  
(NOT FOR CONSTRUCTION)  
DATE: 22 MAR 22  
DRAWN BY: LT  
CHECKED BY: RH



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- ② Vertical oiled cedar lining boards
- ③ Random sized limestone
- ④ Hardie Axon Cladding

SCALE  
1:200 @ A3

TOWN PLANNING APPLICATION  
(NOT FOR CONSTRUCTION)

DATE: 22 MAR 22

DRAWN BY: LT

REVISION: RH

PROJECT NAME  
15 Clonmore Street Beaumaris VIC 3193  
for Milgrove Nominees Pty Ltd

PROPOSED SOUTH AND NORTH ELEVATIONS

PL 10B HA-319

ARCHITECTS LEVEL OF ENGAGEMENT  
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MODIFICATIONS  
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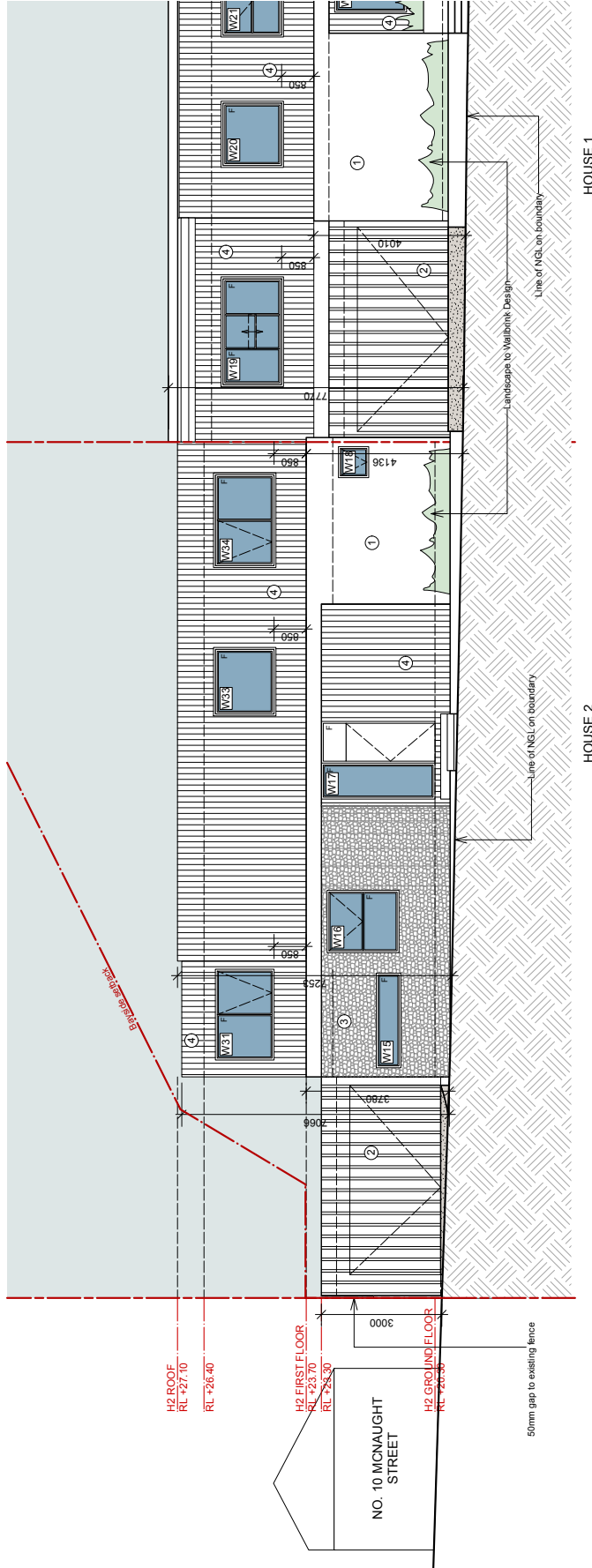
NOTE  
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DIMENSION NOTES  
All dimensions have been provided in millimetres. All dimensions have been provided in millimetres. All dimensions have been provided in millimetres.



PROPOSED SOUTH AND NORTH ELEVATIONS  
1:100

- ① Rendered blockwork
- ② Vertical oiled cedar lining boards
- ③ Random sized limestone
- ④ Hardie Axon Cladding



H2 ROOF  
RL +27.10  
RL +26.40

H2 FIRST FLOOR  
RL +23.70  
RL +23.30

H2 GROUND FLOOR  
RL +26.30

50mm gap to existing fence

PROPOSED WEST ELEVATION 01  
1:100



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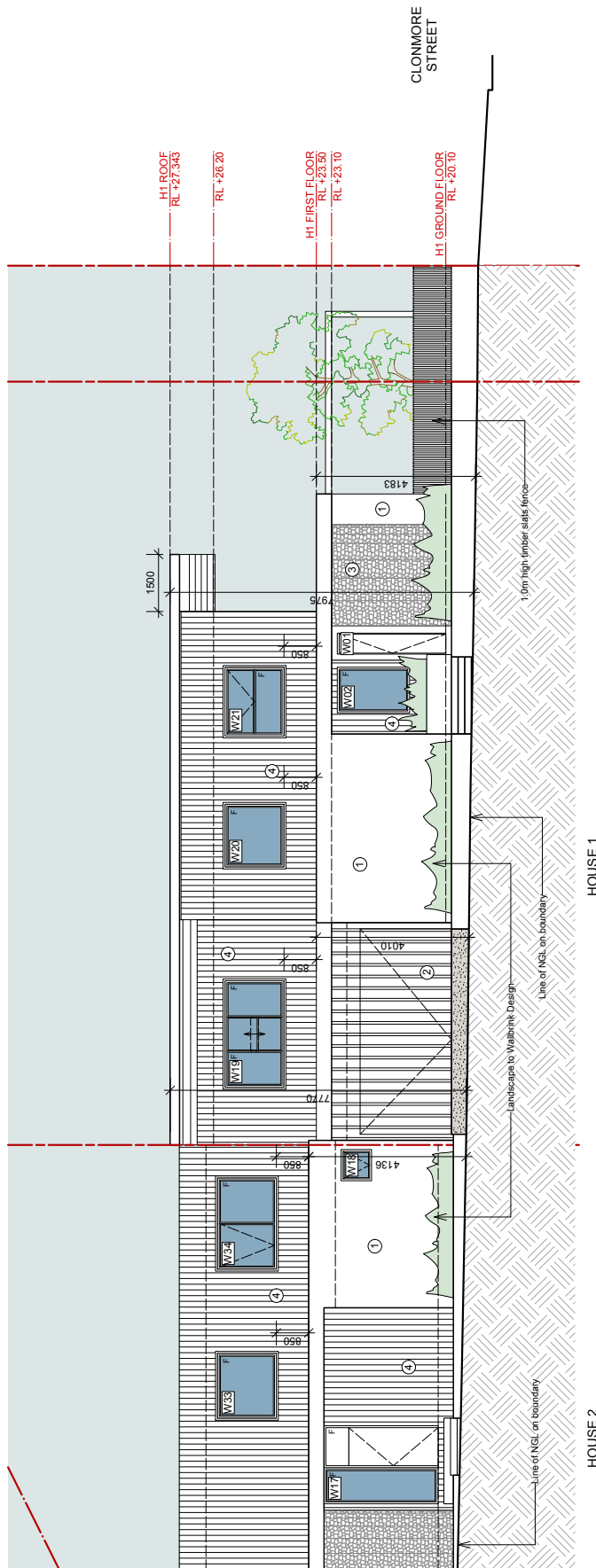
**ARCHITECTS LEVEL OF ENGAGEMENT:**  
Harwood Architects has been engaged to provide architectural design services for the proposed development. The level of engagement is limited to the preparation of architectural drawings and the provision of professional advice. Harwood Architects is not responsible for the construction of the works or the provision of construction supervision.

**MODIFICATIONS:**  
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PROJECT NAME: 15 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd  
DRAWING NO: PROPOSED WEST ELEVATION 01  
PL 11A HA-319  
DATE: 22 MAR 22

SCALE: 1:100 @ A3  
TOWN PLANNING APPLICATION (NOT FOR CONSTRUCTION)  
DATE: 22 MAR 22

- ① Rendered blockwork
- ② Vertical oiled cedar lining boards
- ③ Random sized limestone
- ④ Hardie Axon Cladding



SCALE 1:100 @ A3

TOWN PLANNING APPLICATION (NOT FOR CONSTRUCTION)

DATE: 22. MAR. 22

DRAWN BY: RH

LT

PROJECT NAME: 15 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd

PROPOSED WEST ELEVATION 02

PL 11B HA-319

ARCHITECTS LEVEL OF ENGAGEMENT: The Architect's Level of Engagement is as defined in the Victorian Building Act 2018 and the Victorian Building Regulations 2018. The Architect's Level of Engagement is defined as the level of service provided by the Architect to the Client. The Architect's Level of Engagement is defined as the level of service provided by the Architect to the Client. The Architect's Level of Engagement is defined as the level of service provided by the Architect to the Client.

MODIFICATIONS: The Architect has been advised that the Client has requested the following modifications to the proposed design. The Architect has reviewed the proposed design and has determined that the proposed design can be modified to meet the Client's requirements. The Architect has prepared the proposed design to meet the Client's requirements.

NOTE: The Architect has been advised that the Client has requested the following modifications to the proposed design. The Architect has reviewed the proposed design and has determined that the proposed design can be modified to meet the Client's requirements. The Architect has prepared the proposed design to meet the Client's requirements.

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My Architect

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PROPOSED WEST ELEVATION 02

1:100







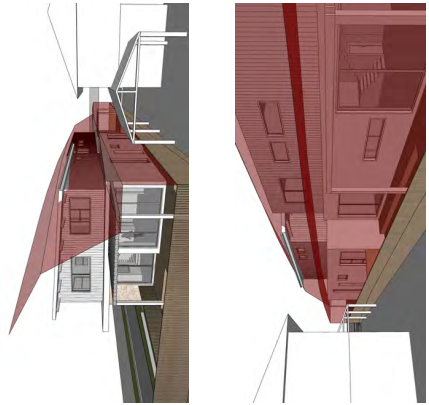




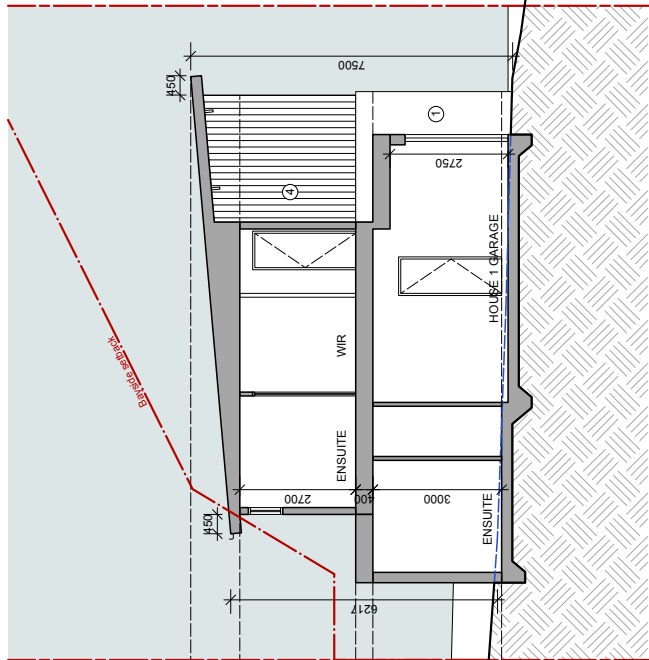




- ① Rendered blockwork
- ② Vertical oiled cedar lining boards
- ③ Random sized limestone
- ④ Hardie Axon Cladding



MCNAUGHT STREET



HOUSE 1

HI ROOF  
RL +27.343

RL +26.20

HI FIRST FLOOR  
RL +23.50

RL +23.10

HI GROUND FLOOR  
RL +20.10

PROPOSED SECTION S2  
1:100



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**MODIFICATIONS:**  
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PROJECT NAME: 15 Clonmore Street Beaumaris VIC 3193  
for Milgrove Nominees Pty Ltd

PROPOSED SECTION S2

PL 16 HA-319

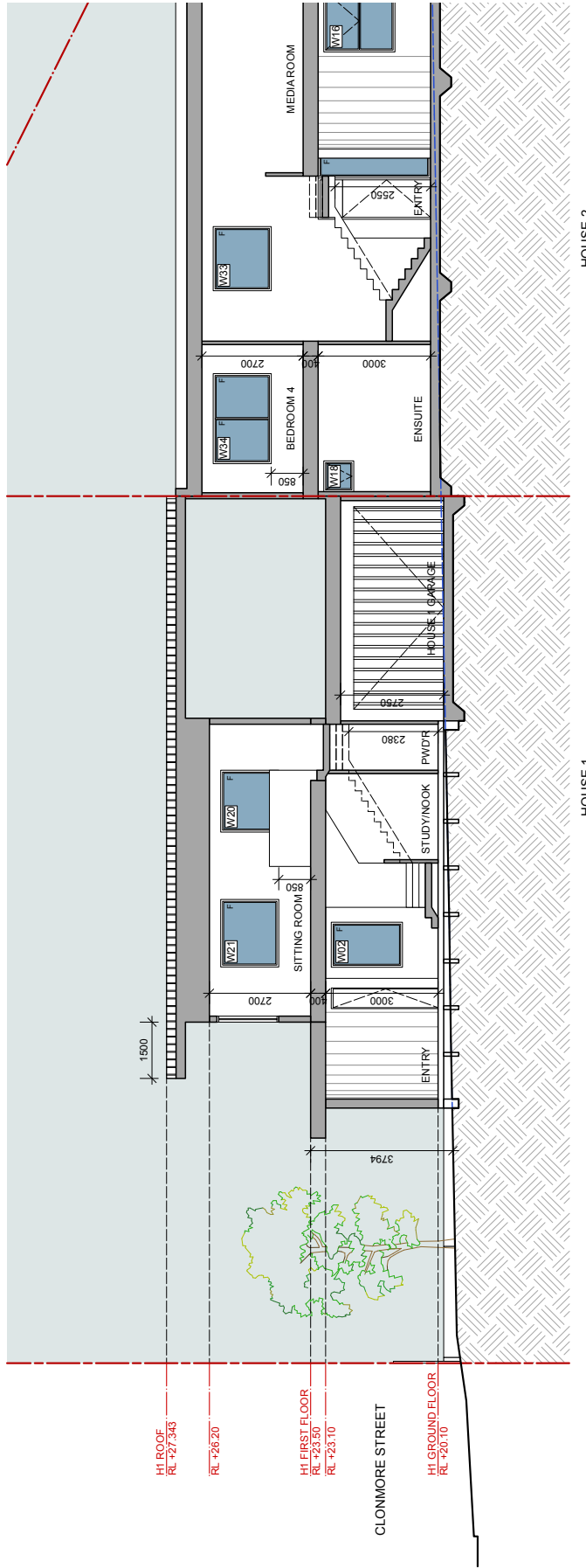
DATE: 22 MAR 22

SCALE: 1:100 @ A3

TOWN PLANNING APPLICATION (NOT FOR CONSTRUCTION)

DATE: 22 MAR 22

- ① Rendered blockwork
- ② Vertical oiled cedar lining boards
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- ④ Hardie Axon Cladding



SCALE 1:100 @ A3

TOWN PLANNING APPLICATION (NOT FOR CONSTRUCTION)

DATE: 22 MAR 22

DRAWN BY: LT

CHECKED BY: RH

PROJECT NAME: 15 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd

PROPOSED SECTION S3 01

PL 17 HA-319

ARCHITECTS LEVEL OF ENGAGEMENT: Harwood Architects has been engaged by the client to provide architectural services for the proposed development. The client is responsible for ensuring that the proposed development complies with all applicable laws and regulations. Harwood Architects is not responsible for any errors or omissions in this document.

MODIFICATIONS: None.

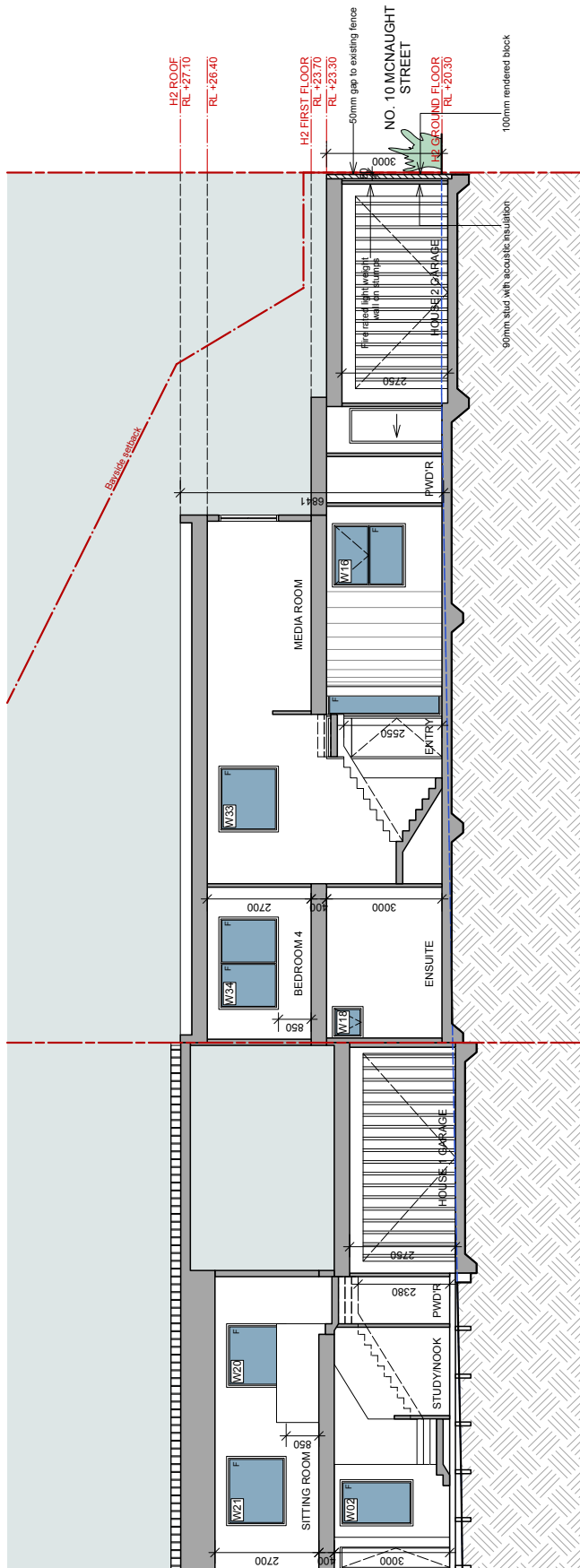
DATE: 22 MAR 22

NOTE: All dimensions have been provided in millimetres unless otherwise stated. The client is responsible for ensuring that the proposed development complies with all applicable laws and regulations. Harwood Architects is not responsible for any errors or omissions in this document.



PROPOSED SECTION S3 01  
1:100

- ① Rendered blockwork
- ② Vertical oiled cedar lining boards
- ③ Random sized limestone
- ④ Hardie Axon Cladding



SCALE: 1:100 @ A3

TOWN PLANNING APPLICATION (NOT FOR CONSTRUCTION)

DATE: 22 MAR 22

DATE: 22 MAR 22

DATE: 22 MAR 22

PROJECT NAME: 15 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd

PROPOSED SECTION S3 02

PL 18 HA-319

ARCHITECTS LEVEL OF ENGAGEMENT: The Architect's Level of Engagement is to be determined by the client and the Architect. The Architect's Level of Engagement is to be determined by the client and the Architect. The Architect's Level of Engagement is to be determined by the client and the Architect.

MODIFICATIONS: The Architect's Level of Engagement is to be determined by the client and the Architect. The Architect's Level of Engagement is to be determined by the client and the Architect. The Architect's Level of Engagement is to be determined by the client and the Architect.

NOTE: The Architect's Level of Engagement is to be determined by the client and the Architect. The Architect's Level of Engagement is to be determined by the client and the Architect. The Architect's Level of Engagement is to be determined by the client and the Architect.

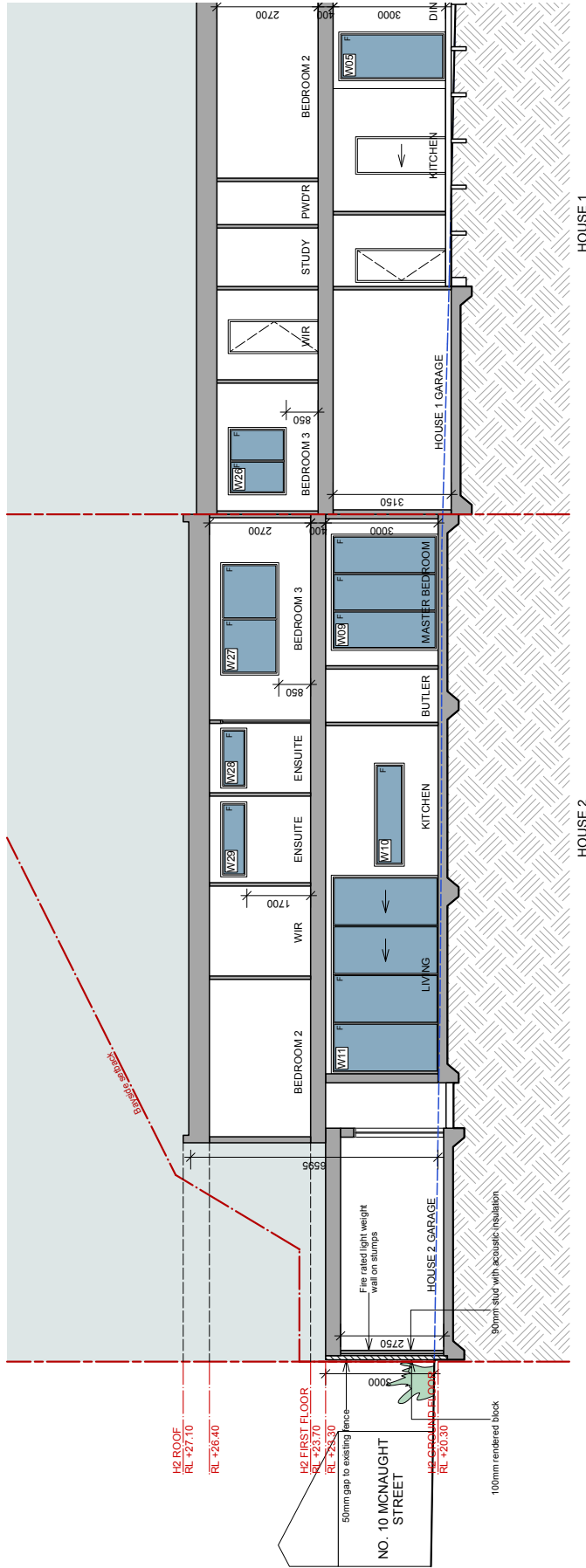
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PROPOSED SECTION S3 02  
1:100



- ① Rendered blockwork
- ② Vertical oiled cedar lining boards
- ③ Random sized limestone
- ④ Hardie Axon Cladding



SCALE: 1:100 @ A3

TOWN PLANNING APPLICATION (NOT FOR CONSTRUCTION)

DATE: 22 MAR 22

DRAWN BY: LT

CHECKED BY: RH

PROJECT NAME: 15 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd

PROPOSED SECTION S4 01

PL 19

HA-319

ARCHITECTS LEVEL OF ENGAGEMENT: The Architect's Level of Engagement is defined in accordance with the Victorian Building Act 2018 and the Victorian Building Regulations 2018. The Architect's Level of Engagement is defined as 'Level 1: Preliminary Design Services'.

MODIFICATIONS: None.

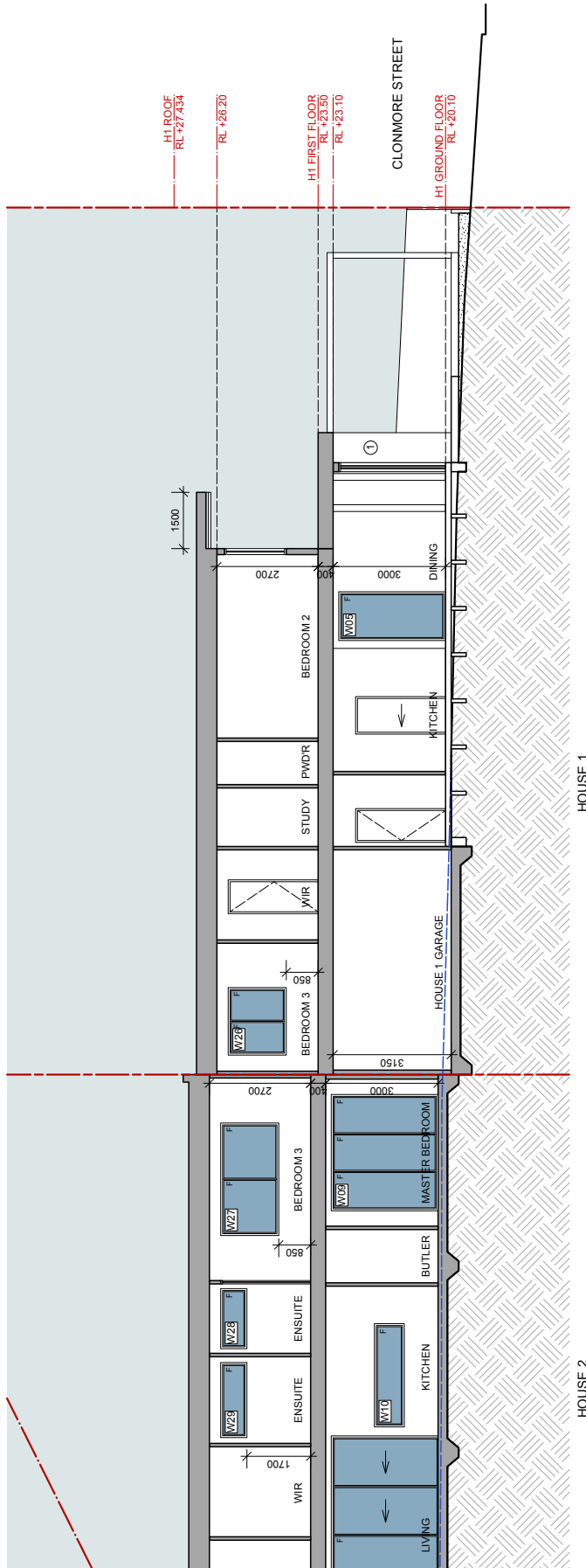
NOTES: The Architect's Level of Engagement is defined in accordance with the Victorian Building Act 2018 and the Victorian Building Regulations 2018. The Architect's Level of Engagement is defined as 'Level 1: Preliminary Design Services'.

NOTE: All dimensions have been provided in terms of DA and are subject to change. The Architect is not responsible for all dimensions for construction.



PROPOSED SECTION S4 01  
1:100

- ① Rendered blockwork
- ② Vertical oiled cedar lining boards
- ③ Random sized limestone
- ④ Hardie Axon Cladding



SCALE 1:100 @ A3

TOWN PLANNING APPLICATION (NOT FOR CONSTRUCTION)

DATE: 22 MAR 22

DRAWN BY: RH

DATE: 22 MAR 22

DATE: 22 MAR 22

PROJECT NAME: 15 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd

PROPOSED SECTION S4 02

PL 20

HA-319

DATE: 22 MAR 22

ARCHITECTS LEVEL OF ENGAGEMENT: The Architect's Level of Engagement is defined as the level of service provided by the Architect to the Client. The Architect's Level of Engagement is defined as the level of service provided by the Architect to the Client. The Architect's Level of Engagement is defined as the level of service provided by the Architect to the Client.

MODIFICATIONS: The Architect has been advised that the Client has requested modifications to the proposed design. The Architect has reviewed the proposed design and has identified the following modifications: [List of modifications]

DISCLAIMER: The Architect is not responsible for the accuracy of the information provided in this document. The Architect is not responsible for the accuracy of the information provided in this document.



PROPOSED SECTION S4 02

1:100





SCALE 1:150 @ A3

TOWN PLANNING APPLICATION (NOT FOR CONSTRUCTION)

DATE: 22 MAR 22

DRAWN BY: RH

CHECKED BY: LT

PROJECT NAME: 18 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd

CLIENT: Milgrove Nominees Pty Ltd

DATE: 22 SEPTEMBER AT 9AM

NO: SH 01

CONTRACT: HA-319

SCALE: 1:150

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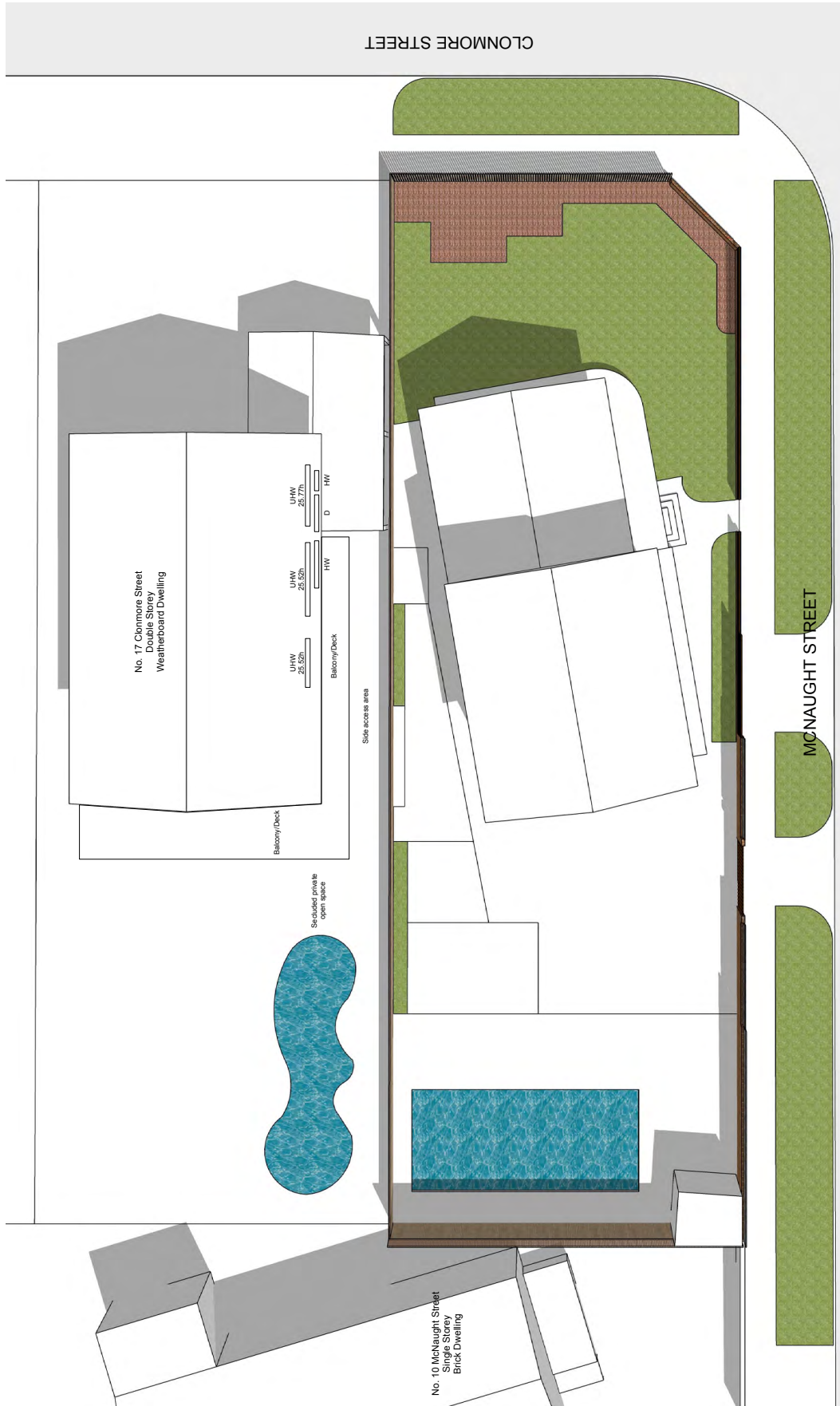
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EXISTING SHADOW DIAGRAM ON 22 SEPTEMBER AT 9AM

1:150



SCALE 1:150 @ A3

TOWN PLANNING APPLICATION (NOT FOR CONSTRUCTION)

DATE: 22 MAR 22

DRAWN BY: RH

CHECKED BY: LT

PROJECT NAME: 18 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd

EXISTING SHADOW DIAGRAM ON 22 SEPTEMBER AT 12PM

DATE: 22 MAR 22

SCALE: 1:150

PROJECT NO: HA-319

DATE: 22 MAR 22

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**NOTE**

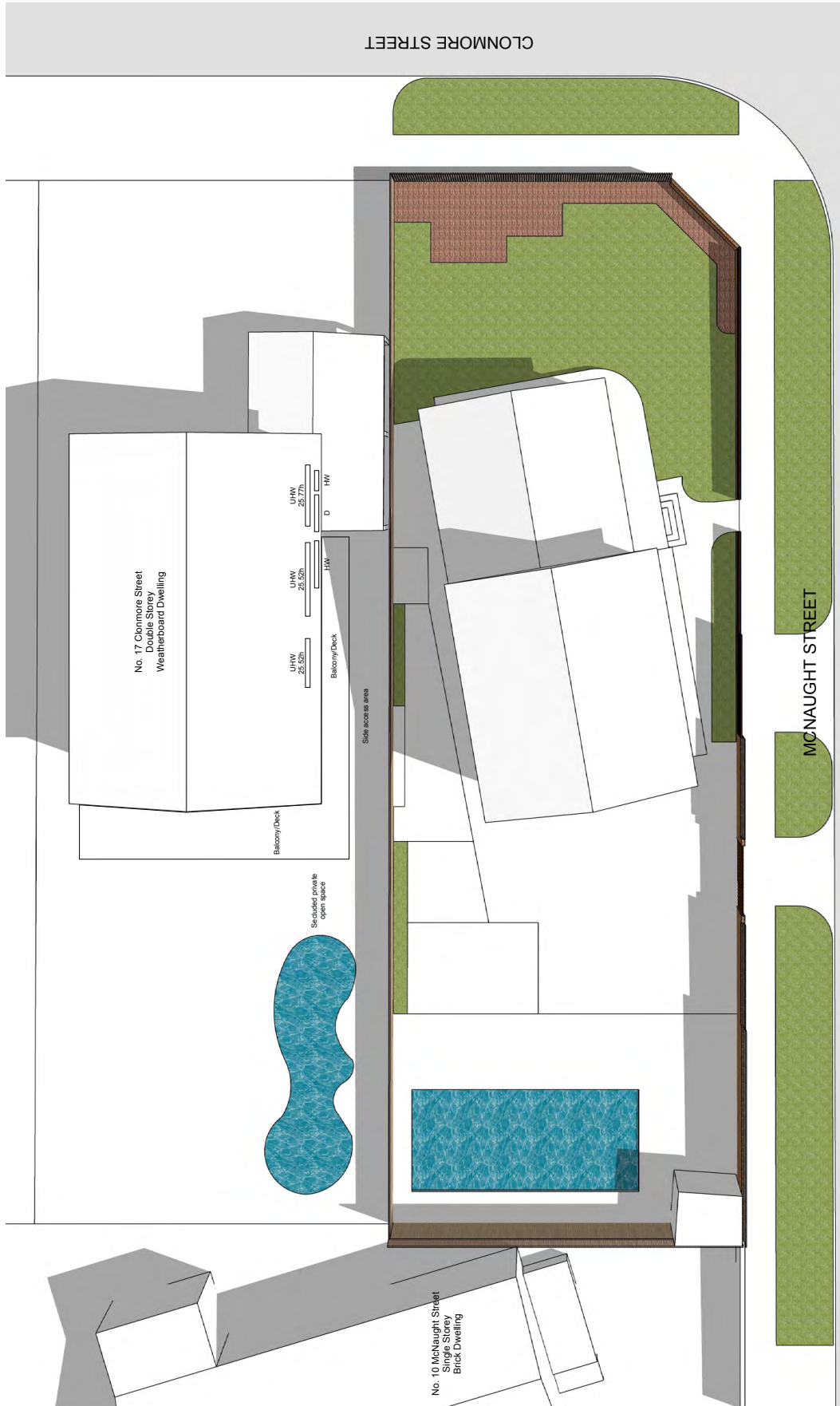
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EXISTING SHADOW DIAGRAM ON 22 SEPTEMBER AT 12PM

1:150





SCALE 1:150 @ A3

TOWN PLANNING APPLICATION (NOT FOR CONSTRUCTION)

DATE: 22 MAR 22

DRAWN BY: RH

CHECKED BY: LT

PROJECT NAME: 18 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd

CLIENT NAME: Milgrove Nominees Pty Ltd

DATE: ON 22 SEPTEMBER AT 2PM

INCLUDE: SH 03

CONTRACT: HA-319

REVISION: -

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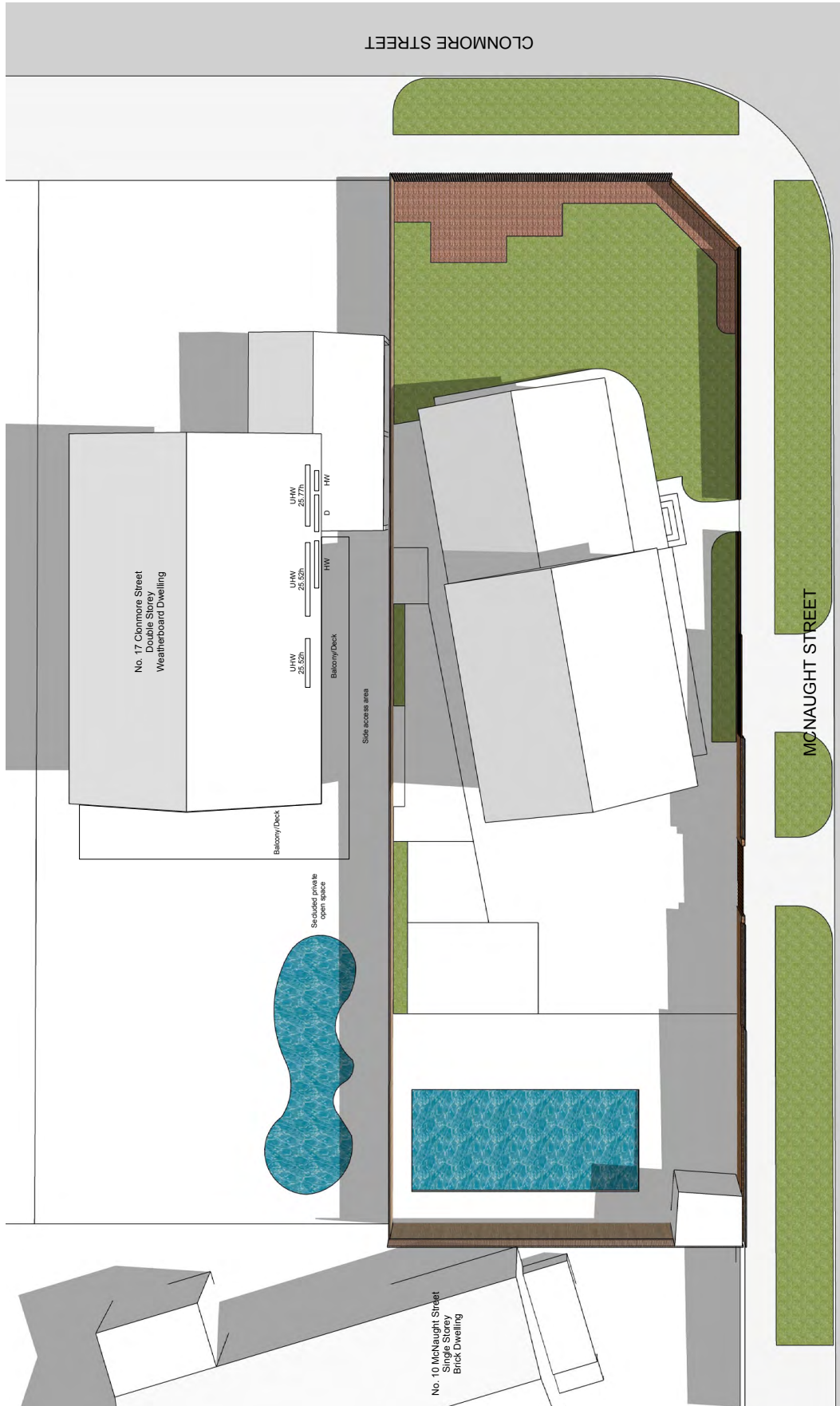
**My Architect**

**HARWOOD ARCHITECTS**

18 Clonmore Street  
Beaumaris VIC 3193  
Australia  
Phone: 08 9497 1111  
Email: info@harwoodarchitects.com.au

EXISTING SHADOW DIAGRAM ON 22 SEPTEMBER AT 2PM

1:150



SCALE 1:150 @ A3

TOWN PLANNING APPLICATION (NOT FOR CONSTRUCTION)

DATE: 22 MAR 22

DRAWN BY: RH

CHECKED BY: LT

PROJECT NAME: 18 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd

EXISTING SHADOW DIAGRAM ON 22 SEPTEMBER AT 3PM

CONTRACT NO: HA-319

INCLUDE: SH 04

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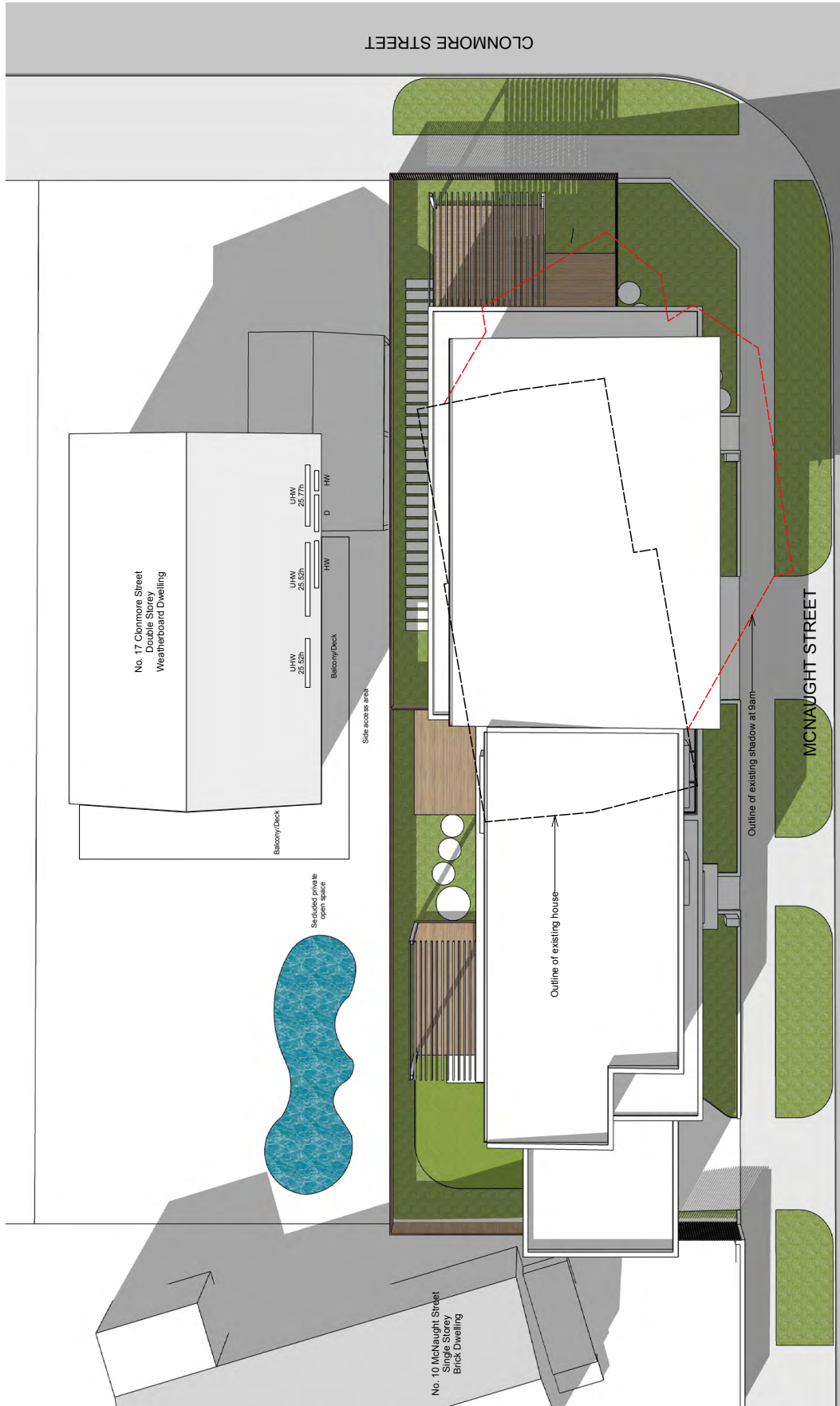
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Harwood Architects

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1:150





SCALE 1:150 @ A3

TOWN PLANNING APPLICATION (NOT FOR CONSTRUCTION)

DATE: 22 MAR 22

DRAWN BY: RH

CHECKED BY: LT

PROJECT NAME: 15 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd

PROPOSED SHADOW DIAGRAM ON 22 SEPTEMBER AT 9AM

INCLUDE: SH 05

CONTRACTOR: HA-319

DATE: 22 MAR 22

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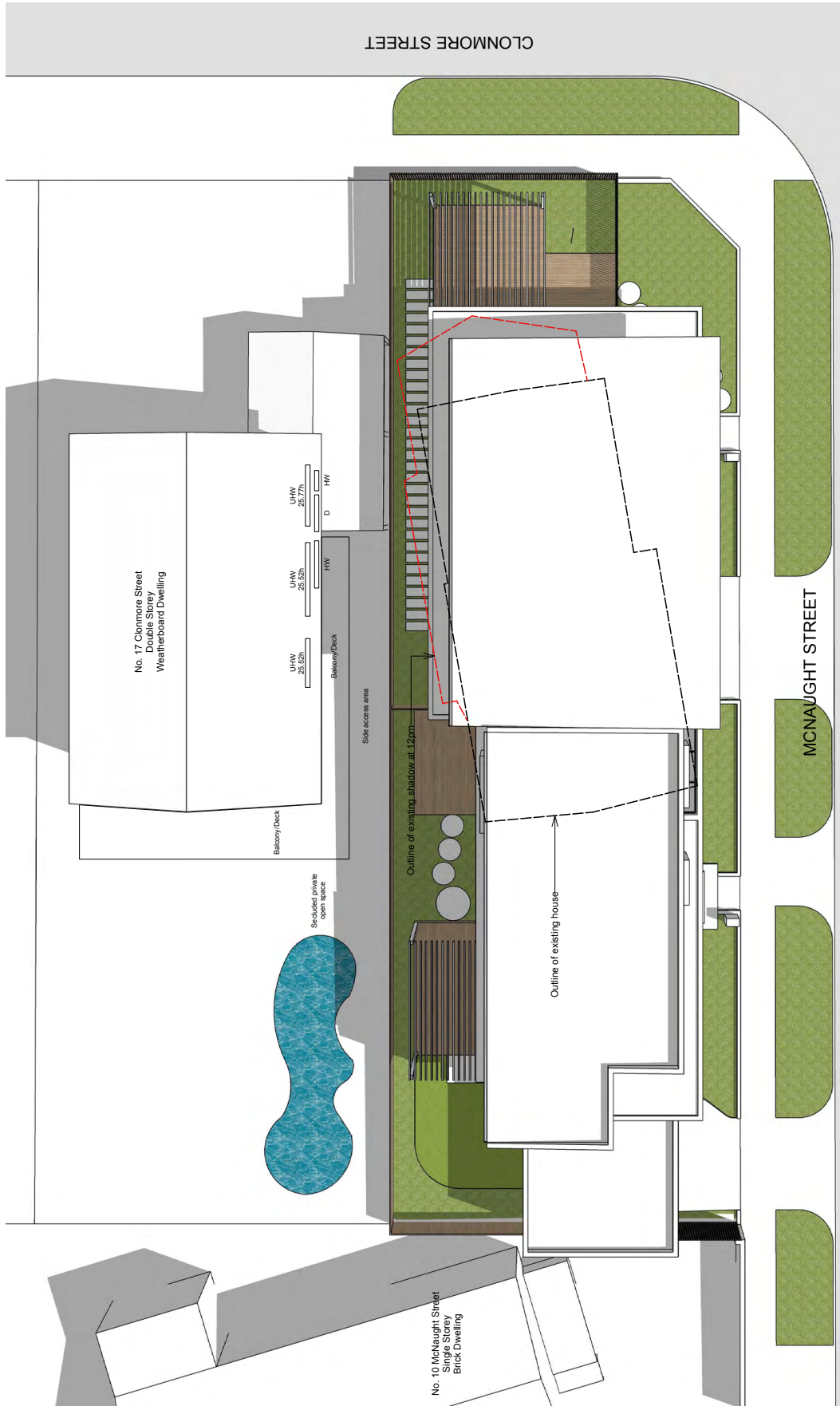
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 Beaumaris VIC 3193  
 Australia

PROPOSED SHADOW DIAGRAM ON 22 SEPTEMBER AT 9AM

1:150





SCALE  
1:150 @ A3  
0 1.2 2.4 4.8 9.6  
TOWN PLANNING APPLICATION  
(NOT FOR CONSTRUCTION)  
DATE: 22 MAR 22  
DRAWN BY: RH  
CHECKED BY: LT

PROJECT NAME  
18 Clonmore Street Beaumaris VIC 3193  
for Milgrove Nominees Pty Ltd  
DRAWN BY  
PROPOSED SHADOW DIAGRAM  
ON 22 SEPTEMBER AT 2PM  
DATE  
SH 07  
CONTRACT NO.  
HA-319  
REVISIONS

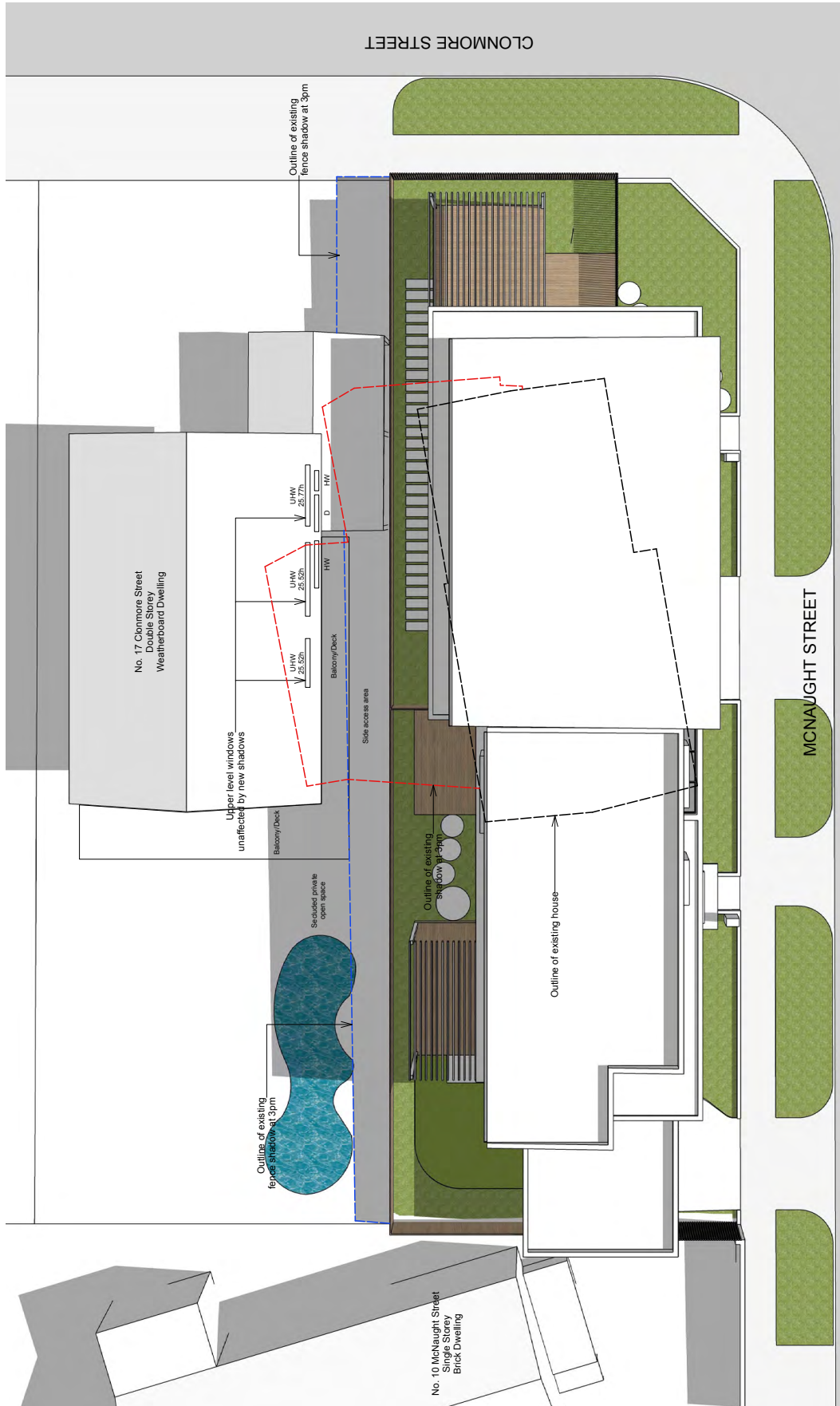
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PROPOSED SHADOW DIAGRAM  
ON 22 SEPTEMBER AT 2PM  
1:150





SCALE 1:150 @ A3  
 TOWN PLANNING APPLICATION  
 (NOT FOR CONSTRUCTION)  
 DATE: 22 MAR 22  
 DRAWN BY: RH  
 CHECKED BY: LT

PROJECT NAME: 18 Clonmore Street Beaumaris VIC 3193 for Milgrove Nominees Pty Ltd  
 DRAWING NO: HA-319  
 DATE: ON 22 SEPTEMBER AT 3PM  
 SHEET NO: SH 08

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PROPOSED SHADOW DIAGRAM  
 ON 22 SEPTEMBER AT 3PM  
 1:150





22 March 2022

Joseph Connellan  
Statutory Planner  
Planning Department  
Bayside City Council

**15 Clonmore Street, Beaumaris  
5/2021/738/1**

**Construction of two dwellings on a lot and removal of native vegetation in a Vegetation Protection Overlay**

Dear Joseph,

We refer to the above matter and our recent consultation meeting where we were able to meet with and discuss the concerns raised by the objectors from both adjoining properties. Having considered their comments and following on from comments we made at the consultation meeting, we now provide amended plans which include the following changes:

1. The pool located to the rear of 17 Clonmore Street has been added to the drawings.
2. A visibility splay has been provided in the south-west corner of the site adjacent to the vehicle entrance associated with 17 Clonmore Street.
3. The decking located to the front of 10 McNaught Street has been added to the drawings and the shadow diagrams.
4. The fence along the common boundary of 10 McNaught Street has been noted as to be retained.
5. The garage wall that adjoins the common boundary of 10 McNaught Street has been specified as brick veneer with a painted rendered finish, with acoustic batt insulation.
6. 10 McNaught Street has been correctly identified on the shadow plans.
7. The north facing window of Bedroom 2 in Dwelling 2 (W30) has been screened with fixed obscure/opaque glass up to a height of 1.7 metres above the finished floor level.
8. The north facing window of the media room in Dwelling 2 (W32) has been screened with fixed obscure/opaque glass up to a height of 1.7 metres above the finished floor level.
9. The rear east facing first floor parapet on Dwelling 2 has been removed and this has lowered the wall height across this elevation by 350 millimetres. This reduces afternoon shadow in the rear of 17 Clonmore Street.
10. Site coverage has been recalculated and reduced from 53.75 percent to 53.04 percent.

We request that you please inform the objectors of the amendments we have made and invite them to consider withdrawing their objections should the changes address their concerns with the proposal.

If you have any questions, please email [jason@squareback.com.au](mailto:jason@squareback.com.au) or call us on 9965 1930.

Regards,

A handwritten signature in black ink, appearing to read 'JB', with a horizontal line underneath it.

Jason Barnfather  
Director  
**Squareback**



Attachment 1

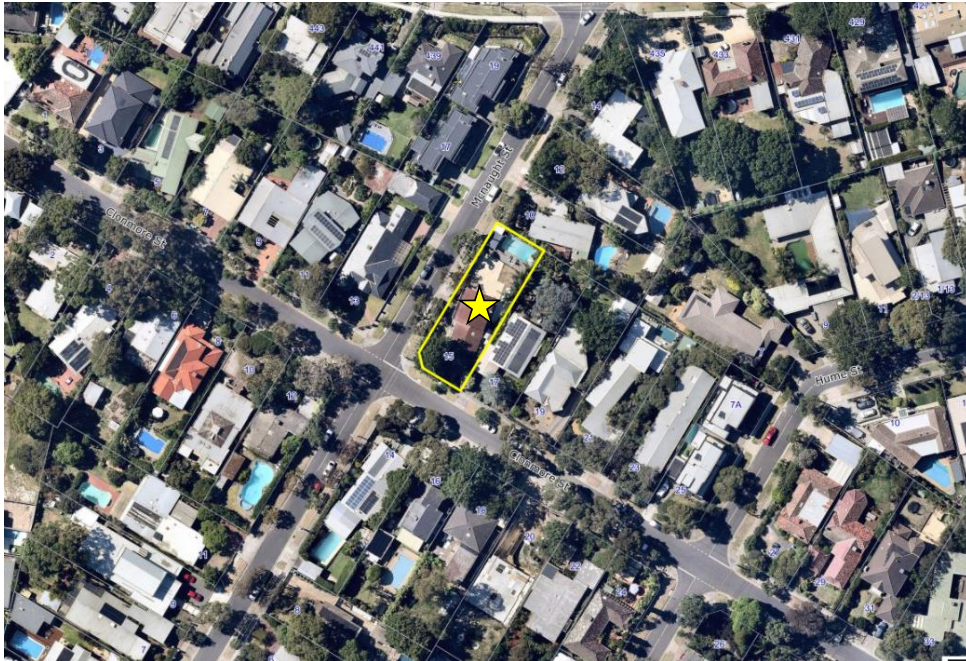


Figure 1 Aerial overview of the site and surrounds

Legend	
Subject site	★

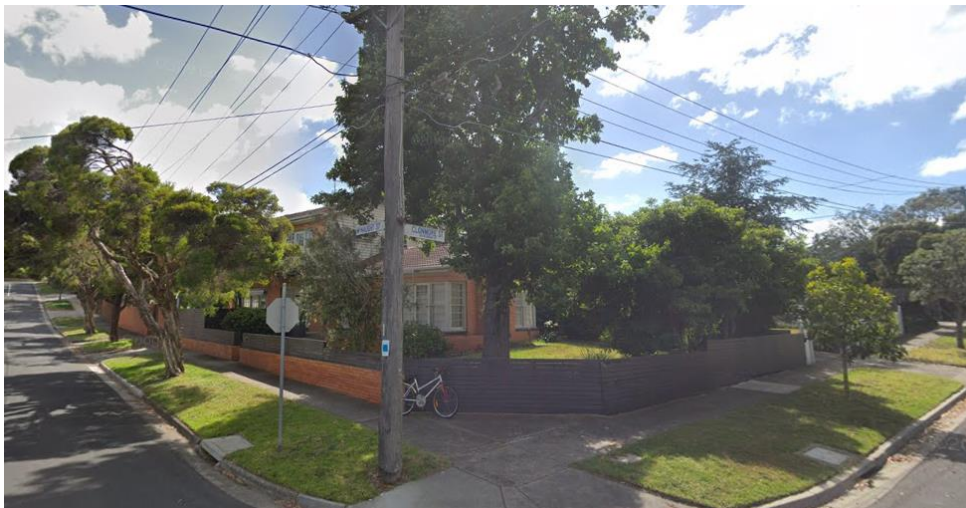


Figure 2 View towards the site from the west





*Figure 3 View towards the site from the north, with dwelling and existing street tree an crossover configuration*

## Attachment 3

**ResCode Clause 55 (Two or More Dwellings on a Lot and Residential Buildings)**

Application type	Applicable clauses
To construct or extend a dwelling (other than a dwelling in or forming part of an apartment development)	All of Clause 55 except Clause 55.07-1 to 55.07-15 (inclusive).

CLAUSE 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE		
Title and Objective	Complies with Standard?	Comments
<p><b>B1 Neighbourhood Character</b></p> <p>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>Development responds to features of the site and surrounding area.</p>	Complies	Refer to the report for further discussion.
<p><b>B2 Residential Policy</b></p> <p>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</p> <p>Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Complies	The subject site is appropriately located with regard to services and facilities to support the construction multiple dwellings on a lot of this size.
<p><b>B3 Dwelling Diversity</b></p> <p>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	
<p><b>B4 Infrastructure</b></p> <p>Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Complies	<p>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.</p> <p>Council's drainage engineers have reviewed the application and raise no issues with infrastructure capacity in the area.</p> <p>It is noted that the developer will be required to pay a development</p>

		contributions levy in accordance with the requirements of Clause 45.06 of the Bayside Planning Scheme.
<b>B5 Integration with the Street</b> Integrate the layout of development with the street	Complies	The development will integrate appropriately with the street and features a staggered front setback at ground floor level, providing an appropriate transition to the setbacks of the adjoining properties.

CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING		
Title and Objective	Complies with Standard?	Comments
<b>B6 Street Setback</b> The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	<b>Does not Comply</b>	<b>Requirement:</b> 9m to Clonmore St, 3m to McNaught St <b>Proposed:</b> Clonmore St – 6m to 6.8m at ground floor and 9.09m at first floor (Dwelling 1). McNaught St – 2m to 3m at ground floor, 2.08m to 3.08m at first floor. Dwelling 2 front setback of 2.0 metres (non-compliant)
<b>B7 Building Height</b> Building height should respect the existing or preferred neighbourhood character.	Complies	<b>Maximum:</b> 9m. <b>Proposed:</b> 8.05 metres (2 storeys)
<b>B8 Site Coverage</b> Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	<b>Does not Comply</b>	<b>Maximum:</b> 50% <b>Proposed:</b> 53.04%
<b>B9 Permeability and stormwater management</b> Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Complies	<b>Minimum:</b> >20% <b>Proposed:</b> 39.9% (calculated)
<b>B10 Energy Efficiency</b> 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.

<p><b>B11 Open Space</b> Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p>N/A</p>	<p>There is no communal open space in or adjacent to the development.</p>
<p><b>B12 Safety</b> Layout to provide safety and security for residents and property.</p>	<p>Complies</p>	<p>The pedestrian entry points are clearly recognisable while upper levels allow for the passive surveillance of the street.</p>
<p><b>B13 Landscaping</b> To provide appropriate landscaping. To encourage:</p> <ul style="list-style-type: none"> <li>• Development that respects the landscape character of the neighbourhood.</li> <li>• Development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>• The retention of mature vegetation on the site.</li> </ul>	<p>Complies</p>	<p>The siting of the development creates sufficient opportunities for meaningful landscaping subject to conditions. A condition of permit will require an amended landscape plan to be submitted to the satisfaction of the Responsible Authority.</p>
<p><b>B14 Access</b> Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	<p>Complies</p>	<p>An appropriate access off McNaught to garages has been provided. The design of vehicle crossovers complies with the standard with respect to their width of the street frontage as follows: <b>Requirement:</b> 33% <b>Proposed:</b> 22%</p>
<p><b>B15 Parking Location</b> 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.</p>	<p>Complies</p>	<p>On site car parking is provided in the form of two double garages.</p>

<p><b>CLAUSE 55.04 AMENITY IMPACTS</b></p>		
<p><b>Title and Objective</b></p>	<p><b>Complies with Standard?</b></p>	<p><b>Comments</b></p>

<p><b>B17 Side and Rear Setbacks</b></p> <p>Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>		<p><b>Does not Comply</b></p>	<p>Areas of non-compliance are underlined.</p> <p>Refer to the Report.</p>		
		<p>Ground floor</p>		<p>First Floor</p>	
		<p>Requirement</p>	<p>Proposed</p>	<p>Requirement</p>	<p>Proposed</p>
<p><b>East (side)</b></p>	<p>0m or 2m</p>	<p><u>1.8m (D.1)</u>, 3.8m, 5.76m</p>	<p>3.29m-3.56m, 3.7m</p>	<p><u>3.39m (D.1)</u>, 4.35m</p>	
<p><b>North (rear)</b></p>	<p>0m or 3m</p>	<p>5.84m, 0m, 7.44m</p>	<p>4.94m</p>	<p>5.84m</p>	
<p><b>B18 Walls on Boundaries</b></p> <p>Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>		<p>Complies</p>	<p><b>Maximum Height:</b> 3.6m <b>Proposed Maximum Height:</b> 3.0m <b>Maximum Average Height:</b> 3.2m <b>Proposed Average Height:</b> 3.0m <b>Maximum Length:</b> 11.31m <b>Proposed Length:</b> 6.48m</p>		
<p><b>B19 Daylight to Existing Windows</b></p> <p>Allow adequate daylight into existing habitable room windows.</p>		<p>Complies</p>	<p>The development has been sufficiently setback from all habitable room windows to abutting properties in accordance with the standard.</p> <p>The built form is offset 2.7 and 4.9 metres respectively from the windows which exceeds the setback requirement of this standard.</p>		
<p><b>B20 North Facing Windows</b></p> <p>Allow adequate solar access to existing north-facing habitable room windows.</p>		<p>N/A</p>	<p>There are no north facing windows within 3m of the shared boundary.</p>		
<p><b>B21 Overshadowing Open Space</b></p> <p>Ensure buildings do not significantly overshadow existing secluded private open space.</p>		<p>Complies</p>	<p>Additional overshadowing will occur over the adjoining side setback to the southeast, but only extends marginally beyond the shadow cast by the existing fence line at 2pm (4%) and 3pm (13%).</p> <p>Direct solar access to the majority of the adjoining secluded private open space will still occur, with at least 75% of the SPOS still receiving a minimum of five hours of sunlight between 9am and 3pm in accordance with Standard B21.</p>		

<p><b>B22 Overlooking</b></p> <p>Limit views into existing secluded private open space and habitable room windows.</p>	Complies	All habitable room windows have been screened to a minimum height 1.7 metres above finished floor level or have been sited at least 9 metres away from any nearby habitable windows or private open space, appropriately in accordance with this Standard.
<p><b>B23 Internal Views</b></p> <p>Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	Complies	All habitable room windows have been screened to a minimum height 1.7 metres above finished floor level or have been sited appropriately in accordance with this Standard. At ground floor level internal fencing to a height of 1.8m limits views between adjoining areas of secluded private open space within the development.
<p><b>B24 Noise Impacts</b></p> <p>Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	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.

<b>CLAUSE 55.05 ON-SITE AMENITY AND FACILITIES</b>		
<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Comments</b>
<p><b>B25 Accessibility</b></p> <p>Consider people with limited mobility in the design of developments.</p>	Complies	Entries are accessible for people with limited mobility with minimal steps/ramping to the entries, and one bedroom on the ground floor of each dwelling. The development could be further retrofitted to accommodate people with limited mobility in the future if required.
<p><b>B26 Dwelling Entry</b></p> <p>Provide a sense of identity to each dwelling/residential building.</p>	Complies	The development fronts McNaught Street and includes a clearly identifiable entry with dedicated pedestrian pathways. The entries provides shelter, a sense of personal address and a transitional space around the building entry.
<p><b>B27 Daylight to New Windows</b></p> <p>Allow adequate daylight into new habitable room windows.</p>	Complies	All habitable windows will open out onto a space clear to the sky.

<p><b>B28 Private Open Space</b> Provide reasonable recreation and service needs of residents by adequate private open space.</p>	<p>Complies</p>	<p><b>Minimum:</b> 25m<sup>2</sup> secluded, 40m<sup>2</sup> overall with a minimum dimension of 3 m; <b>Proposed:</b> Both dwellings exceed the requirements of this standard and are provided with adequate private open space for the reasonable recreation and service needs of residents.</p>
	<p>Private Open Space</p>	<p>Secluded Private Open Space</p>
<p>Dwelling 1</p>	<p>148.1m<sup>2</sup></p>	<p>61.5m<sup>2</sup></p>
<p>Dwelling 2</p>	<p>143.3m<sup>2</sup></p>	<p>100.1m<sup>2</sup></p>
<p><b>B29 Solar Access to Open Space</b> Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>Complies</p>	<p>The secluded private open space is appropriately located to ensure adequate solar access to the proposed spaces.</p>
<p><b>B30 Storage</b> Provide adequate storage facilities for each dwelling.</p>	<p>Complies</p>	<p>Designated storage areas are provided externally to both dwellings and have a minimum area of 6 cubic metres.</p>


<p><b>CLAUSE 55.06 DESIGN DETAIL</b></p>		
<p><b>Title and Objective</b></p>	<p><b>Complies with Standard?</b></p>	<p><b>Comments</b></p>
<p><b>B31 Design Detail</b> Encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Complies</p>	<p>Refer to the report for further discussion.</p>
<p><b>B32 Front Fences</b> Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p><b>Does not Comply</b></p>	<p><b>Required:</b> 1.2m <b>Proposed:</b> 0m, <b><u>1.8m</u></b> The Clonmore frontage includes a partial 1.8m high timber fence, the rest of the site frontage is open without any fencing.</p>



<p><b>B33 Common Property</b></p> <p>Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.</p> <p>Avoid future management difficulties in common ownership areas.</p>	<p>N/A</p>	<p>No common property is proposed.</p>
<p><b>B34 Site Services</b></p> <p>Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</p> <p>Avoid future management difficulties in common ownership areas.</p>	<p>Complies</p>	<p>All appropriate site services can be easily catered for on-site. Mails boxes are shown to adjoin the pedestrian entries.</p>

**Attachment 4**

**Tree profile**

<b>Address</b>	15 Clonmore Street			
<b>Tree No.</b>	15 (X2)			
<b>Botanical Name:</b>	<i>Dicksonia antactica</i>			
<b>Common Name:</b>	Tree fern			
<b>Height / Canopy:</b>	2.3m			
<b>Trunk Circ. @1m:</b>	55cm (LHS) 60cm (RHS)			
<b>Trunk DBH. @1.4m:</b>				
<b>Trunk DAB @0m:</b>				
<b>Location 1</b>				
<b>Location 2</b>				
<b>Date of assessment</b>	8.4.22			
<b>Origin:</b>	Indigenous	<b>Victorian</b>	Australian	Exotic
<b>Age:</b>	Young	<b>Semi-mature</b>	Mature	Over-mature
<b>Health:</b>	<b>Good</b>	Fair	Poor	Dead
<b>Structure:</b>	<b>Good</b>	Fair	Poor	Hazardous
<b>Amenity Value:</b>	High	Moderate	<b>Low</b>	None
<b>Life Expectancy:</b>	<b>20 years +</b>	10-19 years	4-9 years	0 - 3 years
<b>Retention Value:</b>	High	<b>Medium</b>	Low	None
<b>Habitat value:</b>	High	Moderate	<b>Low</b>	
<b>Align with NCP</b>	<b>Yes</b>	No	n/a	
<b>Support for removal:</b>	<b>Yes</b>	No		

**Definitions**

The retention value of a tree considers the tree as a whole including its health, structure, amenity value and life expectancy. The criteria for high, medium and low retention value trees are:

**(H) High**

The tree is generally in good health and structure, provides high levels of amenity and is likely to do so for more than 20 years. The tree may have historic or cultural significance.

**(M) Medium**

The tree is generally in fair to good health and structure, provides moderate levels of amenity and is likely to do so for up to 20 years.

**(L) Low**

The tree is generally in fair health and structure, provides low levels of amenity and may do so for up to 10 years. The tree may be juvenile or otherwise small and easily replaced by advanced plantings or plantings that will provide similar amenity value in a reasonable timeframe.

## Attachment 5

## Decision Guidelines of the Vegetation Protection Overlay (Schedule 3)

Decision Guideline	Response
<i>The impact the vegetation removal would have on the character of the area</i>	The is significant vegetation on the site and surrounds. Some notable trees such as the Liquidambar on site are to be retained, with substantial replanting beyond the level of what already exists proposed on the site. The surrounds have a few sizeable trees, including a number of street trees all proposed to be retained. The removal of the two small ferns at the rear of the site is minimal in terms of impact to the landscape character compared to what will exist and replace it.
<i>The impact the vegetation removal would have on the presence of indigenous species in the locality</i>	None of the proposed removal is indigenous, although some are native. The proposed replanting includes over 90% indigenous species, which will bolster that preferred character.
<i>The impact the vegetation removal would have on the appearance of development.</i>	The ferns to be removed are tucked away against the side fence, the built form could potentially be altered to retain them, but their contribution to the character and amenity is very minimal, and more prominent indigenous species are proposed that would provide a better contribution within the development.
<i>The impact the vegetation removal would have on the habitat quality of any remaining vegetation and the fragmentation of wildlife corridors.</i>	There is no evidence to suggest the proposed tree removal would impact on local fauna.
<i>Any proposal to regenerate or plant indigenous vegetation on the site.</i>	The proposed replanting schedule and landscape plan are substantial in terms of number of new trees and groundcover, and is heavily directed towards new indigenous species, with over 90% of those proposed being indigenous.

#### 4.7 5 LITTLE AVENUE, HAMPTON EAST NOTICE OF DECISION TO GRANT A PERMIT APPLICATION 2021/566/1 WARD: IVISON

City Planning and Amenity - Development Services  
File No: PSF/22/36 – Doc No: DOC/22/112143

*Officers involved in the preparation of this report have no conflict of interest in this matter.*

##### 1. Application details

<b>Recommendation</b>	Notice of Decision to Grant a Permit
<b>Applicant</b>	Arc Zero Pty Ltd
<b>Title/Covenant/S173 Agreement</b>	The title is not subject to any restrictive covenants.
<b>Date application received</b>	5 October 2021
<b>Current statutory days</b>	41 days (10/05/2022)
<b>Zoning</b>	Neighbourhood Residential Zone (Schedule 3)
<b>Overlays</b>	Design and Development Overlay (Schedule 3) Special Building Overlay Development Contribution Plan Overlay (Schedule 1)
<b>Site area</b>	864 square metres (approx.)
<b>Number of outstanding objections</b>	Five objections initially Following submission of amended plans, one objection was withdrawn. Four (4) objections remain outstanding.
<b>Is a Development Contribution Levy applicable?</b>	Yes
<b>Is the site located within an area of cultural heritage sensitivity?</b>	Yes, a CHMP is not required to be provided.

##### Proposal

The application seeks the construction of three dwellings including a front fence in excess of 1.2 metres in height, in a Special Building Overlay. Key details of the proposal are as follows:

- Three double-storey dwellings, side-by-side across a large, irregular shaped block.
- Each dwelling includes four bedrooms and a single garage, with open driveway space for additional parking onsite.
- Maximum build height of 7.21 metres measured at the vertical distance from the minimum floor level determined by the floodplain management authority (Melbourne Water), which is RL26.66.
- Site coverage 46.8%, Permeability 42.7%, Garden Area 41%.
- The site lies in a Special Building Overlay, requiring referral and consideration by Melbourne Water.

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 32.09-6 (Neighbourhood Residential Zone) – Construction of two or more dwellings on a lot.
- Clause 32.09-6 (Neighbourhood Residential Zone) – Construction of a front fence associated with two or more dwellings on a lot
- Clause 44.05-2 (Special Building Overlay) – Construct a building or construct or carry out works

### Garden Area

Pursuant to Clause 32.09-4, the construction of a dwelling or residential building on a lot greater than 650 square metres, requires the provision of a minimum of 35% garden area. The development plans confirm that the development has a garden area of 353 square metres which equates to 41% and exceeds the minimum of 35% garden area required.

### Planning Scheme Amendments

#### **Planning Scheme Amendment C180**

Planning Scheme Amendment C180 was gazetted on 18 June 2021 and forms part of the reforms and restructuring of Victoria's planning systems to make planning schemes more efficient, accessible and transparent. The amendment replaces the Local Planning Policy Framework at Clauses 21 and 22 of the Bayside Planning Scheme with a new Municipal Planning Strategy at Clause 02, local policies within the Planning Policy Framework at Clauses 11-19 and a selected number of local schedules to overlays, particular provisions and operational provisions.

## 3. Stakeholder consultation

### External referrals

The application was referred to the following authorities:

Referral Authority	Response
Melbourne Water	No objection, subject to conditions

### Internal referrals

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

Internal Referral	Response
Drainage Assets Engineer	No objection, subject to conditions
Open Space Arborist	No objection, subject to conditions
Traffic Engineer	No objection, subject to initial changes.
Revenue Services (Street Number)	No objection.

### Public notification

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

Four (4) objections remain outstanding at the time of this report.

The following concerns were raised:

- Landscaping and tree removal
- Estimated cost of development
- Spatial allocation between dwellings
- Amenity
- Street setback and side and rear setbacks
- Overshadowing;
- Overlooking/Privacy
- Density / Overdevelopment / Neighbourhood character
- Traffic/Parking
- ResCode compliance
- Noise
- Property values.

#### Consultation meeting

A consultation meeting was held on 17 March 2022 attended by the permit applicant and two objectors. No objections were withdrawn following the meeting.

Following the consultation, the applicant provided an amended landscape plan and written response to the items raised by the objectors. The amended landscape plan included the retention of Trees 7 and 11 and additional canopy tree planting along the northern boundary. The amended plan and written response were subsequently circulated to all objectors, and one objection has since been unconditionally withdrawn.

#### 4. Recommendation

That Council resolves to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of planning application **2021/566/1** for the land known and described as **5 Little Avenue, Hampton East** for the **Construction of three dwellings including a front fence in excess of 1.2 metres in height, in a Special Building Overlay** 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. The plans must be generally in accordance with the advertised plans prepared by Arc Zero Pty Ltd referenced TP01 – TP07, dated 29 November 2021 but modified to show:
  - a) the northern living room wall associated with Dwelling 3 to be setback a minimum of 2 metres from the northern boundary
  - b) the retention of Tree 6, and any built form changes required to ensure its viability
  - c) front fence annotated to be at least 50% open in design



- d) a Sustainable Design Assessment in accordance with Condition 10
- e) a Landscaping Plan in accordance with Condition 11
- f) a Tree Management and Protection Plan in accordance with Condition 14
- g) any changes as required by Melbourne Water in accordance with Conditions 19 to 23
- h) provision of the development contributions fee in accordance with Condition 27

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.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
9. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

#### Sustainable Design Assessment

10. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
  - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
  - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star

NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin

- c) preliminary building energy rating certificates that align with plans
  - d) provision of double glazing to all new windows
  - e) appropriate shading to all north, east and west facing windows
  - f) maximum internal lighting density of 4W/m<sup>2</sup>
  - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
  - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
  - i) provision of external dry lines for each dwelling
  - j) bicycle parking space in each garage/ private open space area
  - k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
  - l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18
  - m) the type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections
  - n) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance
  - o) provisions for renewable energy systems such as Solar PV
  - p) commitment to recycle at least 70% of construction and demolition waste
  - q) measures to reduce urban heat island impact such as light or medium coloured roof and driveway
  - r) use of sustainable materials such as low VOC paints for the internal walls
  - s) use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused
  - t) provision of green walls / vertical gardens where practicable
- all to the satisfaction of the Responsible Authority.

#### Landscaping

11. 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 amended landscape plan drawn by Arc Zero

Pty Ltd, reference TP11, dated 23 March 2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:

- a) any built form changes required under Condition 1
  - b) the retention of Tree 6, and any built form changes required to ensure its viability
  - c) 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
  - d) 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
  - e) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
  - 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
  - h) where practicable, the inclusion of green walls at appropriate locations
  - i) planting schedule to be a minimum of 80% indigenous species.
12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Tree Protection Management Plan

14. Before the development starts, including any related demolition or removal of vegetation, a TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The TPMP must include:

- a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site
- b) protection measures to be utilised and at what stage of the development they will be implemented
- c) appointment of a project arborist detailing their role and responsibilities
- d) stages of development at which the project arborist will inspect tree protection measures
- e) monitoring and certification by the project arborist of implemented protection measures.

Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project

arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.

Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

The TPP must:

- a) be legible, accurate and drawn to scale
  - b) indicate the location of all tree protection measures to be utilised
  - c) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
  - d) include a key describing all tree protection measures to be utilised.
15. All actions and measures identified in the Tree Management Report must be implemented.
  16. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.
  17. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

#### Protection of trees for services

18. All underground services must be located outside of Tree Protection Zones (TPZ) of all trees to be retained. If this is not possible, any underground service installations within a TPZ must be bored beneath the entire TPZ to a minimum depth 800mm. If this is not possible, any excavation within the TPZ required for the connection of services must be undertaken by approved non-destructive digging techniques, under the supervision of a project arborist and with the written approval of the Responsible Authority.

#### Melbourne Water Conditions

19. The dwellings must be constructed with finished floor levels set no lower than 26.96 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 26.66 metres to AHD.
20. The finished floor levels of the proposed garages must be constructed with finished floor levels no lower than 26.66 metres to AHD, which is equivalent to the applicable flood level.
21. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
22. To maintain flood storage, and to allow the passage of floodwaters, imported fill must be kept to a minimum on the property.
23. Any new fencing / gates must be open-style (50% open), or standard timber paling fence, to allow the passage of floodwaters.

### Drainage

24. 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.
25. 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.
26. Council records indicate that there is a 1.83m wide drainage and sewerage easement along the West property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the responsible Authority/Authorities.

### Development Contribution

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

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

### Permit Expiry

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

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:

- Council would be supportive of the applicant and/or owner making a tax-deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.
- Council is the responsible authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.

The street address allocations are as follows:

Southern Dwelling – 5 Little Avenue HAMPTON EAST 3188

Central Dwelling – 7 Little Avenue HAMPTON EAST 3188

Northern Dwelling – 9 Little Avenue HAMPTON EAST 3188

For more information on street numbering, please contact Council's Revenue Services Team on 9599 4444.

- 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 prior to the commencement of the connection to the Council Drain / kerb / channel.
- The permit holder must obtain approval from the relevant authorities to build over the easement(s).
- Melbourne Water sets planning conditions for urban development with reference to the 1% Annual Exceedance Probability flood level (1% AEP). This is the flood level which has a 1% chance of being exceeded in any given year. This property is subject to flooding from the Highett Street Main Drain and has a 1% AEP flood level of 26.66 metres AHD.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Before the development starts the applicant must pay \$3,748.87 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree(s). 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 2021–25

Relevant objectives of the Council plan include:

- Lead and influence change to address the climate emergency and strive to reduce its impact in the health of our community, environment and the planet.
- Land use will enhance Bayside's liveability and protect the distinctive heritage and character of our various localities.

Relevant strategies of the Council plan include:

- Enhance vegetation (including through tree canopy) through accelerated tree planting and tree protection on public and private land.
- Encourage the planning of well-designed new development that is appropriately located and consistent with the preferred neighbourhood character and residential amenity.

### Bayside Planning Scheme

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

- Clause 2 Municipal Planning Policy
- Clause 2.03 Strategic Directions
- Clause 11 Settlement
- Clause 15 Built Environment and Heritage
- Clause 15.01-1L Urban Design
- Clause 15.01-5S Neighbourhood Character
- Clause 15.01-5L Bayside Preferred Neighbourhood Character (G1)
- Clause 16 Housing
- Clause 32.09 Neighbourhood Residential Zone (Schedule 3)
- Clause 43.02 Design and Development Overlay (Schedule 3)
- Clause 44.05 Special Building Overlay
- Clause 45.06 Development Contributions Plan Overlay (Schedule 1)
- Clause 52.06 Car Parking
- Clause 55 Two or more dwellings on a lot
- Clause 65 Decision Guidelines

## 6. Considerations

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

### 6.1. Neighbourhood character

The site is located within Neighbourhood Character Precinct G1. The proposal is considered to demonstrate an appropriate level of compliance with the general objectives and strategies of Bayside preferred neighbourhood character policy as well as the preferred character strategies for the precinct.

The subject site has some existing vegetation, including a pair of canopy trees in the front setback proposed to be removed. One is in relatively poor health and considered to not particularly contribute to the streetscape character, although the other is of good quality, and could be retained, which would be desirable under the preferred character guidelines. The updated landscape plan also includes the retention of some other existing trees along the northern boundary, in part to provide screening between the built form and those northern adjoining dwellings. Section 6.4 discusses the tree removal and landscaping further.

The southern dwelling includes boundary walls, but otherwise the built form is setback from the side and rear boundaries, with only minor setback variations proposed. The northern side spacing allows for landscaping, both retaining existing boundary vegetation, and also adding new planting. The front and rear setbacks are also more than sufficient for canopy planting.

The upper floors are also not contiguous across all three dwellings and provide a central spatial break to allow for a break in the first floor built form.

Recesses, differing shades of render, brick, and glazing all provide for variation and articulation throughout the facades. The northern side setback includes a staggered, articulated form, and both upper level sides include a mix of finishes to further break up any perception of visual bulk when viewed from adjoining secluded private open spaces.

Varying pitches of skillion roof form are employed, which are a contemporary



interpretation of the hipped and pitched forms of the original housing stock. The roof forms also assist to distinguish each dwelling, with eaves provided to the frontage windows.



*Image 1 - Render image of the front facades as viewed from Little Avenue.*

Finally, a 1.5 metre high, open-style metal fence is proposed, which still allows views to the property. Melbourne Water has conditioned that any fence must include a minimum 50% open design, which has been included within the recommended conditions.

The proposed design is considered to be overall consistent with the built form, siting and spatial qualities expected in the preferred neighbourhood character.

## 6.2. Compliance with Clause 55 (ResCode)

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

### Street setback (Standard B6)

	Required	Proposed	Variation
Little Avenue	9.0m	<u>7.07m – 8.8m</u> at ground floor, <u>8.44m – 9.22m</u> at first floor	1.93m – 0.2m 0.56m

A street setback from Little Avenue of between 7.07m – 8.8 metres is proposed, when a setback of 9 metres is required to achieve this standard. 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.

The site frontage is a curved line, matching the bend in the road of Little Avenue. To the north, the side of No. 12 Summit Avenue is approximately 5 metres from the Little Avenue boundary, and to the south, No. 3 Little Avenue is setback approximately 9.5 metres. The varied NRZ Schedule 3 standard for street setback requires matching the further of the two adjoining properties, to the extent of 9 metres. Therefore, the Standard requires a front setback of 9 metres.

Due to the curve in the site boundary, the straight-lined setbacks across the three dwellings vary, being slightly closer at the northern end and further at the south.



Image 2 Portion of ground floor plan with straight-line street setbacks of 3 and 5 Little Ave, and side setback of 12 Summit Ave extrapolated to the boundaries (red), and the 9-metre required setback to match the curved frontage (yellow)

Whilst not technically complying with the necessary street setback, as shown above, in the context of the adjoining properties’ relation to the streetscape layout, the proposed setback seeks to be consistent with the prevalent character, and makes practical use of the site space afforded, when considering the curved frontage. As such, the front setbacks are considered acceptable.

Side and rear setbacks (Standard B17)

	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
North (side)	0m, 2m	2.15m, 2.05m, 2.05m, <u>1.05m</u>	3.54m, 3.50m, 3.51m	<u>3.35</u> – 5.69m, <u>3.44</u> – 4.55m, <u>3.32</u> – 4.75m
South (side)	0m, 2m	0m, 2m, 0m,	3.8 – 3.76m, 3.98m	3.82m, 4.27m
West (rear)	0m, 3m	10.96m, 4.75m, 4.09m	4.82m, 4.96m, 4.93m	13.81m, 6.85m, 5.78m

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 ground floor northern side of the development is not set parallel to the boundary, which results in a staggered built form, and fluctuating setback measurements. The majority of the built form is setback in compliance, except for the rear corner of the living room of Dwelling 3, as shown below.

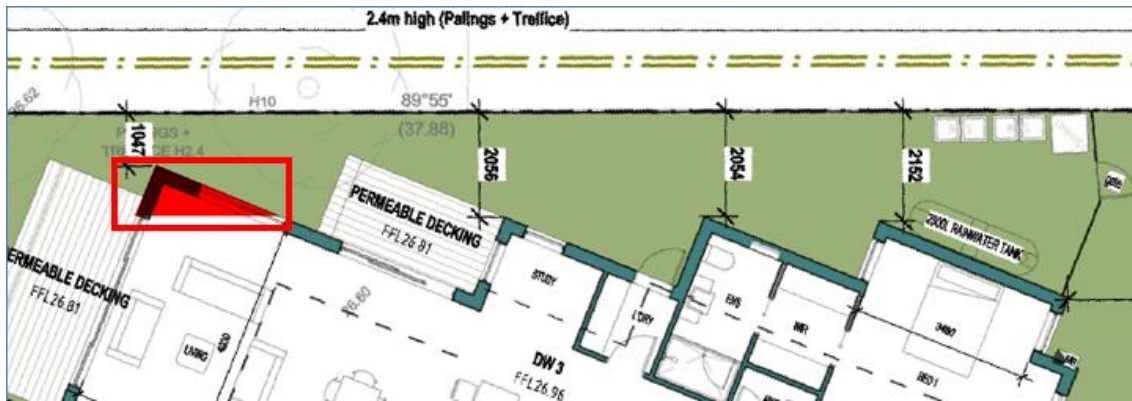


Image 3 Northern ground floor plan of Dwelling 3 showing staggered setback, with area of setback noncompliance shown (red)

The variation in setback is due to the site shape and orientation, with only a small area of non-compliance with the remainder of the façade being compliant. It is noted however, that the preferred neighbourhood character speaks to creating an appearance of space and accommodate substantial vegetation. The small encroachment to the living does place a limitation on the space allowed for both the existing and proposed new tree planting along the northern boundary. As such, it is suggested that the living room setback be increased to fully comply with the 2-metre requirement, which will establish a clearer visual separation, and provide more sufficient space for vegetation.

At first floor, the non-compliance is associated with the Dwelling 3 northern corners of the Family and Bedroom 2 walls. The staggered shape of the built form again creates variation in the setbacks, although to a much more minor degree than the ground floor. Each of the corners of the upstairs rooms encroaches between 6cm – 19cm due to the angle of the wall as shown below.

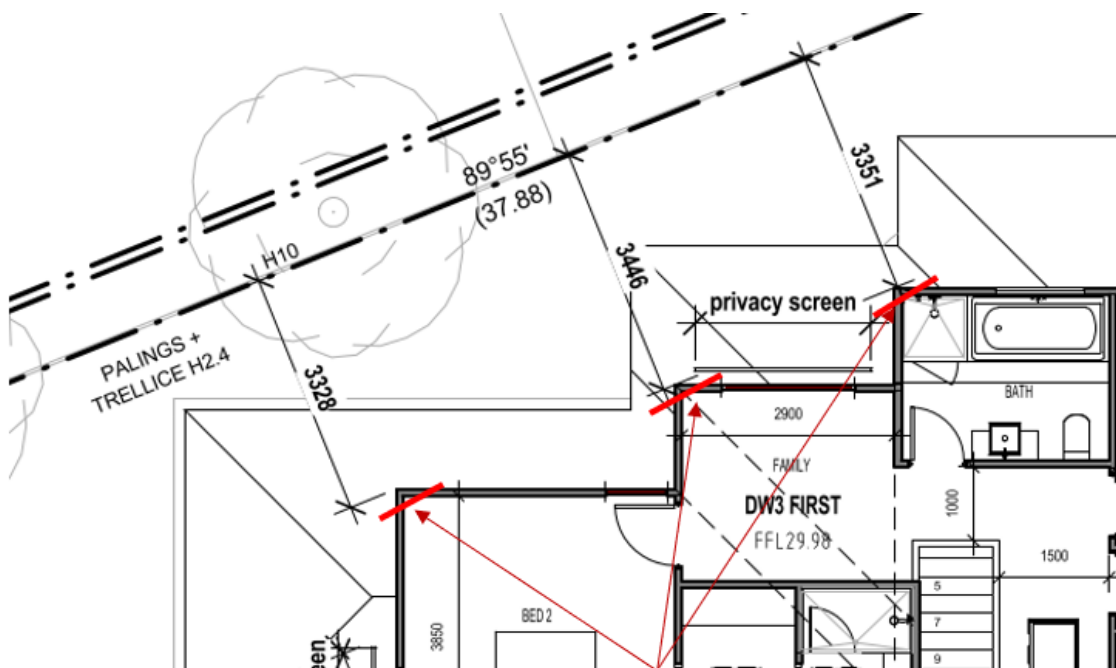


Image 4 Northern first floor plan of Dwelling 3 showing staggered setback, with small areas of setback noncompliance shown on each corner (red)

Given the essentially imperceptible scale of the variation to the built form setbacks at this level, the otherwise clear visual spacing, and the articulated presentation to the side boundary, these minor variations at first floor level are considered acceptable.

Front Fences (Standard B32)

	Required	Proposed	Variation
Little Avenue	1.2m	<u>1.5m</u>	300 mm

An open-style coated steel front fence of 1.5 metres in height is proposed to the front boundary of the site on Little Avenue. Pursuant to Standard B32, a front fence to a maximum of 1.2 metres in height is provided preferred. The objective of this standard is to encourage front fence design that respects the existing or preferred neighbourhood character.

The adjoining properties vary distinctly, with No. 3 Little Avenue to the south having no front fence, and the side of No. 12 Summit Avenue having a high, solid brick fence. The proposed fence is slightly higher than the expected standard, but is a very open design, still allowing views into and from the site. An open-style fence is also required under the Special Building Overlay, as detailed below.

Considering the mixed context of surrounding fencing, and the largely transparent design of the proposed fence, the variation in height of the design is considered acceptable.

**6.3. Special Building Overlay**

The subject site is covered by a Special Building Overlay (SBO). In accordance with Section 55 of the *Planning and Environment Act, 1987*, the application was referred to Melbourne Water as the determining floodplain authority.

Melbourne Water confirmed no objection to the proposal, subject to conditions relating to relative finished floor levels of the dwellings and garages, and any fencing. These conditions have been detailed and included in the recommendation below.

**6.4. Landscaping**

The application plans show the removal of two trees from the site including one native tree. The table below identifies those trees protected by the Local Law. Native trees are marked with a “\*”.

Local Law protected trees	
Proposed for removal	Proposed for retention
Trees 5, 6*	-

Tree 5 is a small exotic variety, located in the front setback. The tree is not considered to be in strong health, and with poor structure. It is considered suitable to remove the tree, provided appropriate replacement planting is undertaken. The landscape plan is discussed further below but includes new and native canopy trees. The removal of Tree 5 in this context is an appropriate response in providing opportunity for renewal and regeneration of the site.

Tree 6 is a native Snow in Summer, also in the front setback. The tree is in generally good health, and prominently part of the streetscape character. Given the good health and strong retention value, there is little justification for the removal of the tree. Further, the preferred character strategies speak to retaining large established trees wherever possible, and the Council Plan strategy with regard to vegetation speaks specifically to protection of canopy trees on private land. Based on these grounds and the assessment of the tree, it is included as a condition of the recommendation that the tree be retained.

Trees 4, 8, 9, 10, 12, 13, and 14 are located on adjoining sites with their Tree Protection Zones (TPZ) extending into the subject site. As such, consideration must be given to the impact of the development upon these trees. Council's Arborist has advised that a Tree Protection Plan and Tree Management Plan will be required to be submitted to ensure these trees remain viable both during and post construction. A condition to this effect is included in the recommendation.

In addition to the above assessment, Council's Arborist has reviewed the submitted landscape plan and advised that it is considered acceptable. The landscape plan includes the planting of nine (9) large canopy trees across the front and rear setbacks, of which five are native and four are indigenous. All varieties are capable of reaching at least 8 metres at maturity. One of the Black Wattles proposed in the front setback will need to be deleted to allow the retention of the existing Snow in Summer as described above, but otherwise the proposed new planting is considered appropriate. Once endorsed, the proposed landscape plan would therefore include the planting of eight canopy trees (trees with mature heights of 8m or greater) in the front and rear setbacks, along with various other native shrubs and groundcover. The resultant landscaping proposal for the site is considered very suitable in the context of the development, and consistent with the Bayside Landscape Guidelines.

#### **6.5. Street tree(s)**

Tree No. 2 is located within the nature strip and is proposed for removal. Trees 1 and 3 are also on the nature strip but to the periphery of the subject site but have no direct relation to the proposal and will be retained. Council's Street Tree Arborist has advised that given the lack of suitable design options to avoid Tree 2, its removal is allowed under the Street and Park Tree Management Policy.

The applicant will need to apply to the Open Space Department for the street tree removal process. A note is included in the recommendation below which details the applicable removal and replacement costs which the applicant will need to bear in order to have the tree removed.

#### **6.6. 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.

All three dwellings comprise four bedrooms and are afforded two car parking spaces each in the form of one single garage and one tandem outdoor parking space. 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's proposal with regard to parking, barring some minor layout and design changes that were incorporated by the applicant in their response to the further information request. Council's Traffic Engineers raised no concerns in relation to the traffic generation to and from the site.

#### **6.7. Cultural Heritage management plan**

The site is located within an area of cultural heritage sensitivity, therefore an assessment as to whether the proposal is considered a high impact activity has been undertaken. Based on the Aboriginal heritage planning tool questionnaire, a cultural heritage management is not required.

#### **6.8. Development contributions levy**

The subject site is located within catchment area 15B.

Based on the proposed application and the below recommendation, a payment of \$4,440 is required. The payment of the development contributions is included as a condition of permit.

## 6.9. Objector issues not already addressed

### Estimated cost of development

Objection has been raised that the cost of the development of the three dwellings is not sufficient and unlikely to reflect the existing area.

The primary point of context for estimated costs relates to whether the proposed development triggers the need for a Metropolitan Planning Levy. Confirmation was requested and provided by the applicant following Council's initial assessment. The registered builder for the project provided a written response confirming the estimated cost of works for the project, noting it would be subject to change due to any additional conditions imposed etc. The response was considered satisfactory.

In terms of how the cost relates to the existing area, estimated cost is not a component or feature of character, and not a planning matter that can be taken into consideration. Neighbourhood character matters have been addressed separately and discussed within this report.

### Spatial allocation between dwellings

Planning Practice Note 84 (*Applying the minimum garden area requirement*) states "Where an application proposes two or more dwellings on a lot, the minimum garden area does not need to be equally distributed to each dwelling. For example, an upper floor apartment does not need to provide any minimum garden area as the garden area requirement relates to the original lot". Therefore, whilst it may be considered a preferable or aspirational outcome for all three dwellings to individually satisfy this measurement, it is not a necessity, and the application can clearly be considered to fully comply with the requirement. Conditioning to amend, or refusal of the application on these grounds would be unfounded.

The same principle applies to site coverage and permeability, where the percentage area requirements are a function of the lot size as a whole.

### Amenity

The question of amenity impacts, when considered in regards to the Planning Scheme, is in relation to consideration of the built form and whether the proposal implies any unreasonable detriment to the surrounds. Demonstration of suitable residential design is directed through the Clause 55 ResCode standards. These standards are used to determine whether a proposed development will have any undue or unreasonable amenity impacts upon adjoining properties, and considers such elements as siting, setbacks, wall heights, shadows, and overlooking.

The preceding report demonstrates that the design considers and responds to the features of the site context and is an appropriate design solution for the site. **Attachment 3** provides a full assessment against the Clause 55 standards, and **Section 6.2** considers any variations that are presented. Based on these assessments, it is considered that the proposal does not cause an unacceptable level of amenity impact on adjoining properties. Specific elements of the design that were raised by objectors are also discussed further below.

### Density / Overdevelopment / Neighbourhood Character

The Victorian State Government has provided a clear policy imperative of urban consolidation which is heavily dependent on medium density housing development. Density of the development is determined from a quantitative assessment of a development's compliance with a series of criteria set out in the Bayside Planning Scheme.

The planning scheme does not restrict the number of units that can be located within a given area. Therefore, each planning permit application must be assessed against the relevant provisions of the Bayside Planning Scheme. The existence of a high number of



dwelling in the area would not be sufficient grounds for Council to justify refusal of the application before the Victorian Civil and Administrative Tribunal.

Further, density/number of dwellings is not considered a function of neighbourhood character as considered under the relevant statements of Clause 15.01-5L. The character guidelines and strategies speak to design features, spacing, materials, articulation, siting and landscaping characteristics, but does not explicitly refer to number of units in any way.

The measure of whether multiple dwellings are therefore appropriate or suitable on a site is determined by its compliance and consistency with the various quantitative measures and objectives under Clause 55 of the Bayside Planning Scheme. This includes an assessment of the design's ability to provide for the amenity of future residents, protect the amenity of existing residents and respond to the attributes and constraints of the site. The number of dwellings and associated pedestrian and vehicle movements account for the site's accessibility and location.

To this end, the proposal satisfies the substantive requirements of Clause 55 in respect to site coverage, setbacks, permeability, car parking, and open space provision and therefore the proposal is not considered to be an overdevelopment of the site.

#### Noise

The proposed residential use will have noise impacts consistent with those normal to a residential zone. Speech, laughter, music etc. are noises associated with people living and are all part of life in a residential zone. The noise levels generated by the development will not be significantly above that of the surrounding area. Residents are no more or less likely to generate excessive noise than the occupiers of the surrounding dwellings and businesses.

#### 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.

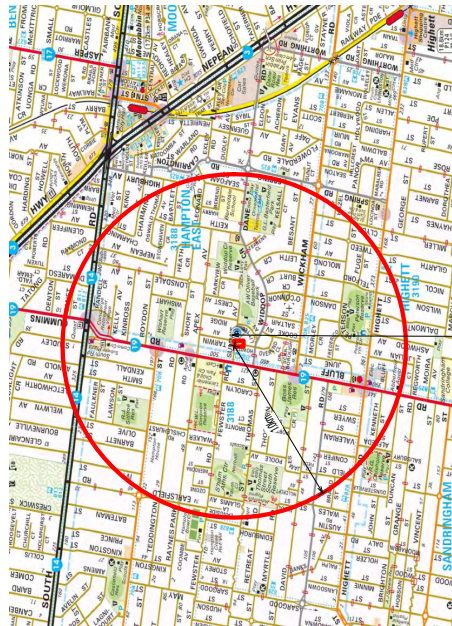
### **Support Attachments**

1. Plans ↓
2. Location ↓
3. Clause 55 Assessment ↓



Bayside City Council  
Planning and Environment Act 1987  
ADVERTISED PLAN  
Planning Application No.: 5/2021/586/1  
Date: January 2022

PROPOSED DWELLING DEVELOPMENT AT  
**5 LITTLE AVENUE, HAMPTON EAST, VIC 3188**



LOCALITY PLAN



SUBJECT SITE



ARC ZERO PTY LTD

A: Suite 306, 838 Collins Street, Docklands, VIC 3008

T: 03 9462 3893

E: info@arczero.com.au

W: www.arczero.com.au

ACN: 138 748 728

ISSUE: TOWN PLANNING RFI

DATE: 29 NOV 2021

PROJECT: 5 LITTLE AVENUE, HAMPTON EAST

COVER SHEET

TP 01

@ A1



**SITE DESCRIPTION**

- Existing houses in the area vary from a mix of single and double storey brick residences, weatherboard residences and houses from different eras. Various examples of dual occupancies also exist in the area.
- There are existing vegetation on the site. Most of these are proposed to be removed. One main tree at the corner will be retained.
- Maturity of the report is the age of the structures in the area and the surrounding area. Some are over 50 years old.
- The site is also close to major roads and also within short distances to train stations and bus routes serving the surrounding area.
- Existing topography of the site is close to the north west side of the boundary.

**OPPORTUNITIES**

- Site consists of land approximately 884.45sqm.
- Great access to nearby amenities including schools, local neighbourhood shops, medical centres, child care centres and parks.
- Ease of access to primary arterial roads.
- Existing traffic calming measures help ease the traffic flow through the area.
- Adding diverse dwelling types in the area - catering for the larger range of market segments.

**CONSTRAINTS**

- Potential overlooking into neighbouring properties.
- Northern oriented open spaces to receive maximum amount of daylight.
- Potential internal overlooking needs to be considered.
- Potential overlooking to adjacent property to the South of the subject site.
- Any proposed double storey buildings to be sympathetic to the area and try not to dominate the existing dwellings in the area.
- Access to be considered with vehicle manoeuvrability in and out of the site.

Bayside City Council  
Planning and Environment Act 1987  
ADVERTISED PLAN  
Planning Application No.: 5/2021/666/1  
Date: January 2022



TP 02  
1 : 250 @ A1

SITE ANALYSIS PLAN

PROJECT: 5 LITTLE AVENUE, HAMPTON EAST

ARC ZERO PTY LTD

A: Suite 306, 808 Collins Street, Docklands, VIC 3008 T: 03 9492 3893 E: info@arczero.com.au W: www.arczero.com.au ACN: 139 748 128 ISSUE: TOWN PLANNING RFI DATE: 29 NOV 2021



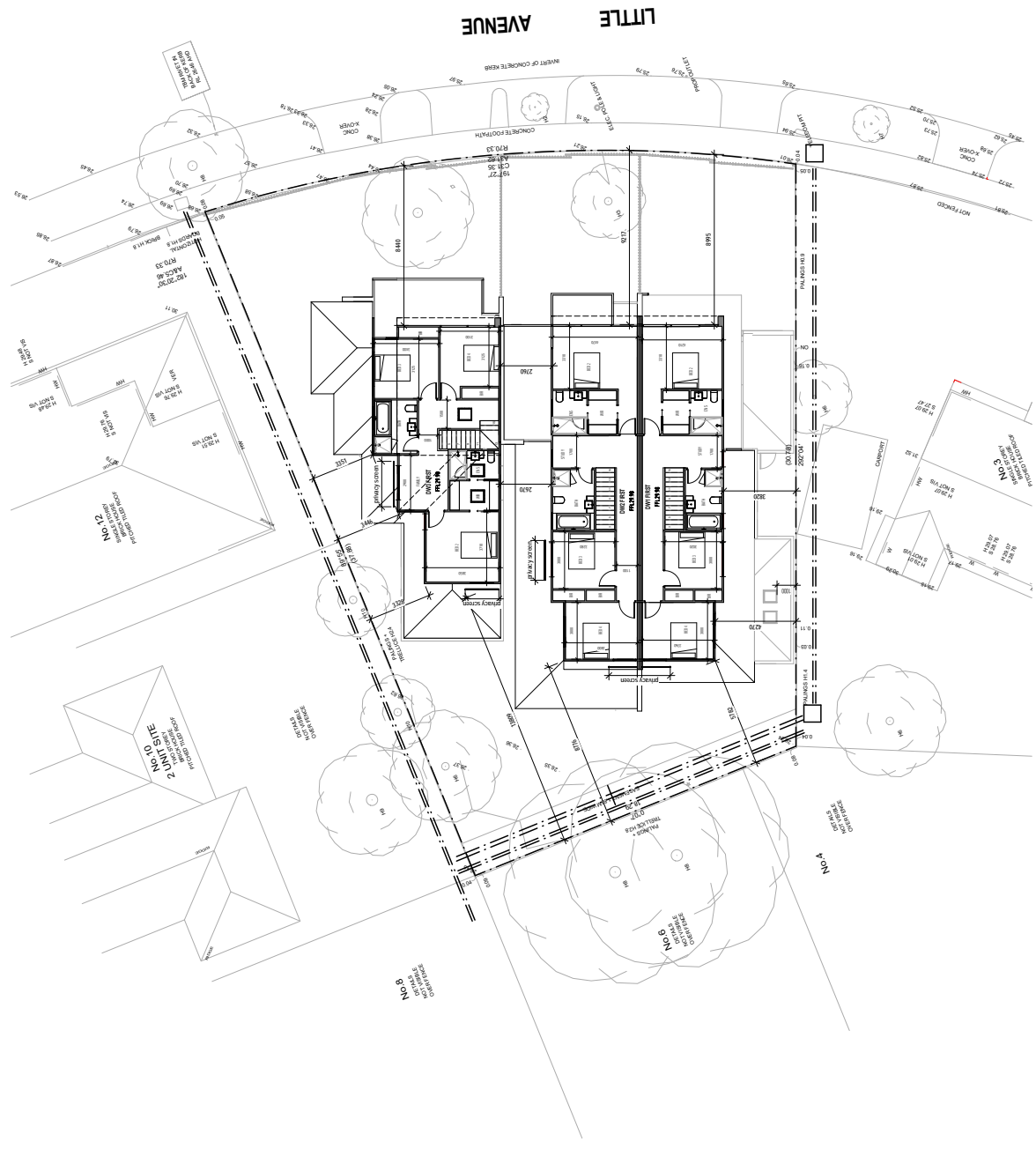




Bayside City Council  
 Planning and Environment Act 1987  
 ADVERTISED PLAN  
 Planning Application No.: 5/2021/566/1  
 Date: January 2022

REFER TO ENDORSED BEES & STORM  
 PROTECTION REQUIREMENTS  
 REQUIREMENTS & COMMENTS  
 INCLUDING MINIMUM INSULATION AND  
 SELECTION OF BUILDING MATERIALS AND  
 FITTINGS & FIXTURES.

TP 05  
 1:100 @ A1



FIRST FLOOR PLAN

PROJECT: 5 LITTLE AVENUE, HAMPTON EAST

ARC ZERO PTY LTD

A: Suite 306, 838 Collins Street, Docklands, VIC 3008 T: 03 9492 3893 E: info@arczero.com.au W: www.arczero.com.au  
 ACN: 135 748 128 ISSUE: TOWN PLANNING RFI DATE: 29 NOV 2021

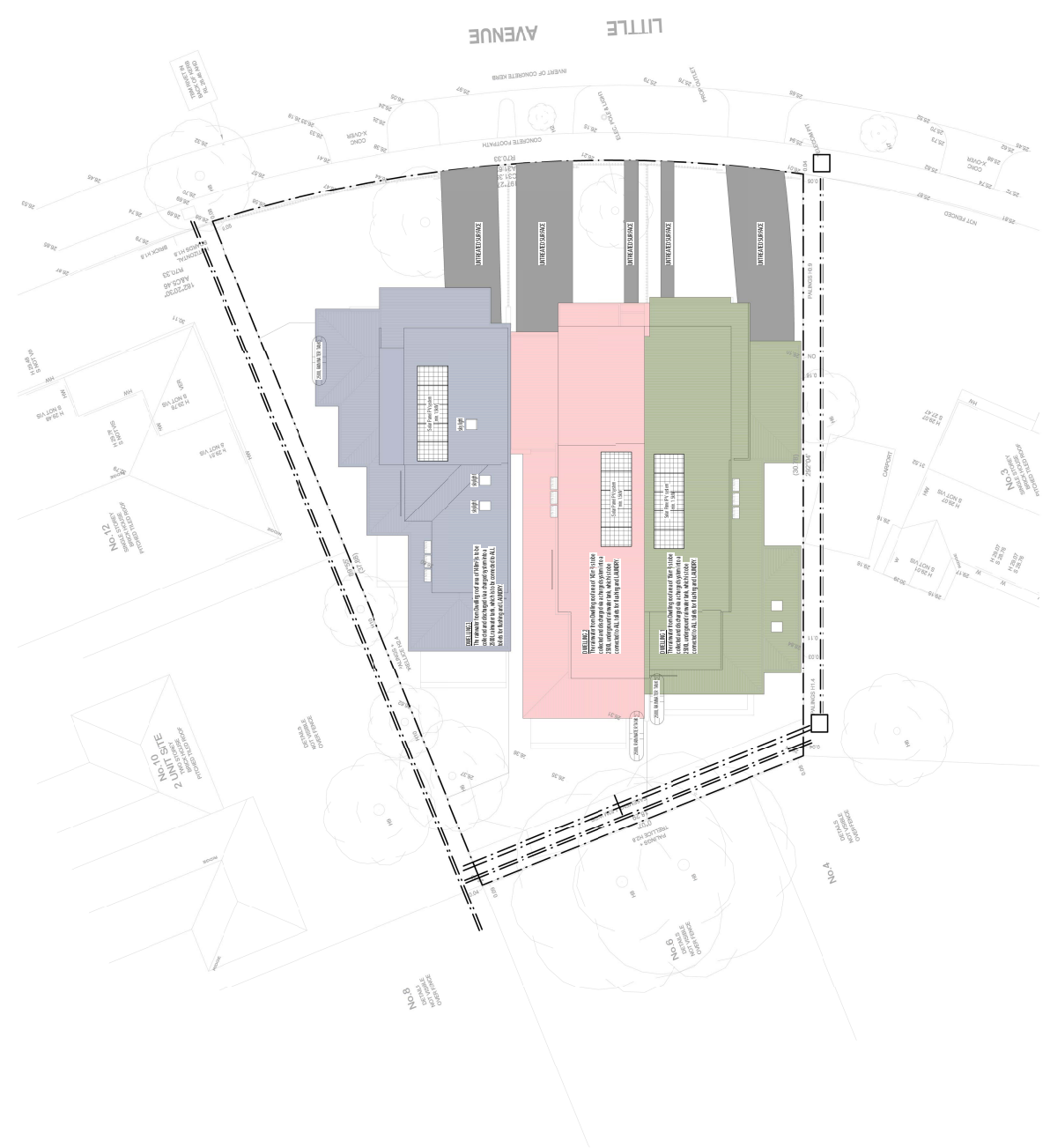






Bayside City Council  
 Planning and Environment Act 1987  
 ADVERTISED PLAN  
 Planning Application No.: 5/2021/05661  
 Date: January 2022

REFER TO ENDORSED BESS & STORM  
 REPORTS FOR DETAILED BSS & WSD.  
 REFER TO ENDORSED REPORTS FOR  
 DETAILED LIGHTING SPECIFICATIONS AND  
 GLAZING, LIGHTING SPECIFICATIONS AND  
 INSULATION INCLUDING MINIMUM INSULATION,  
 REFLECTANCE, U-VALUES, R-VALUES,  
 FILTRUS & FUTURE.



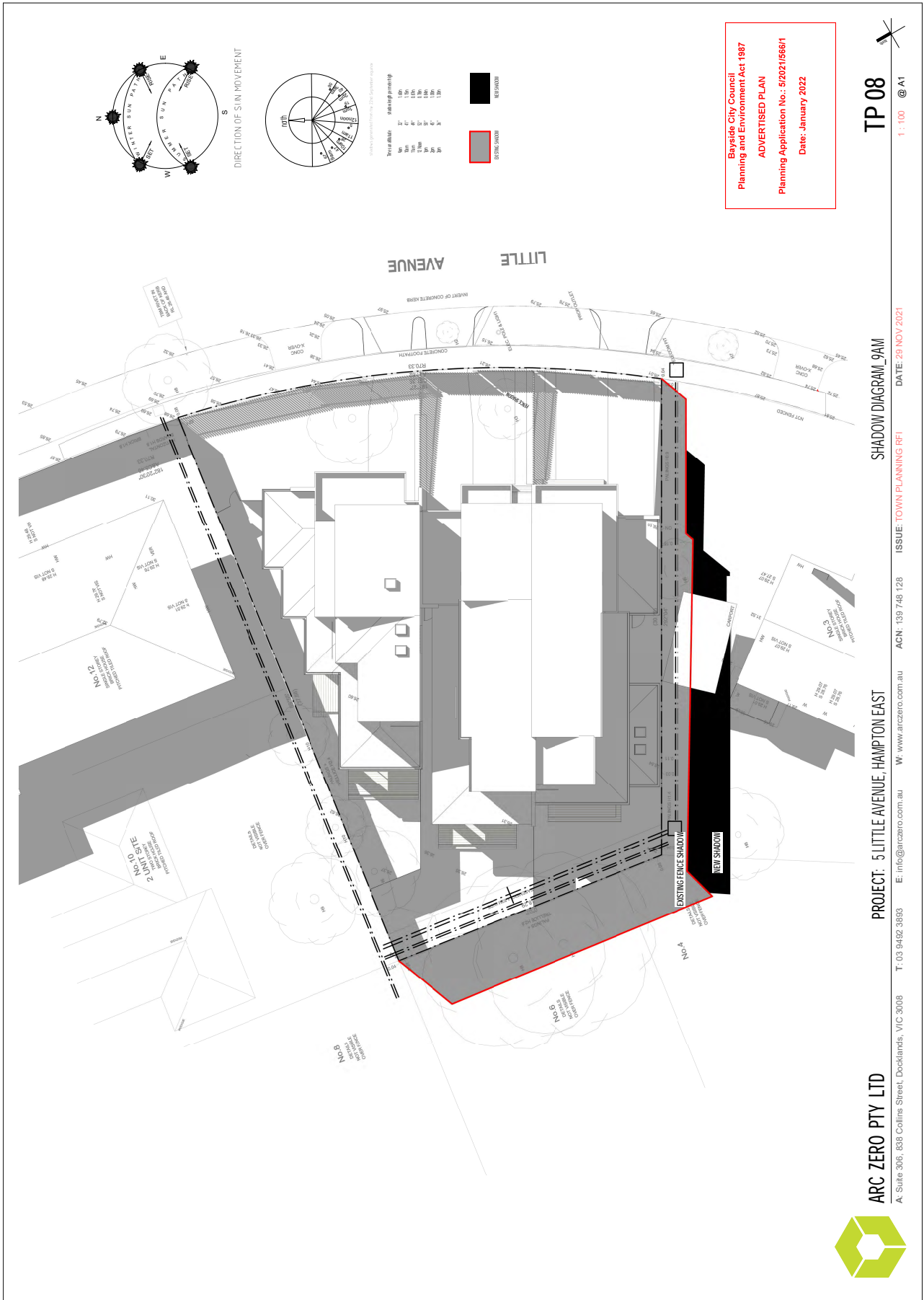
TP 07  
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PROJECT: 5 LITTLE AVENUE, HAMPTON EAST  
 DATE: 29 NOV 2021  
 ISSUE: TOWN PLANNING RFI  
 ACN: 135 748 728  
 W: www.arczero.com.au  
 E: info@arczero.com.au



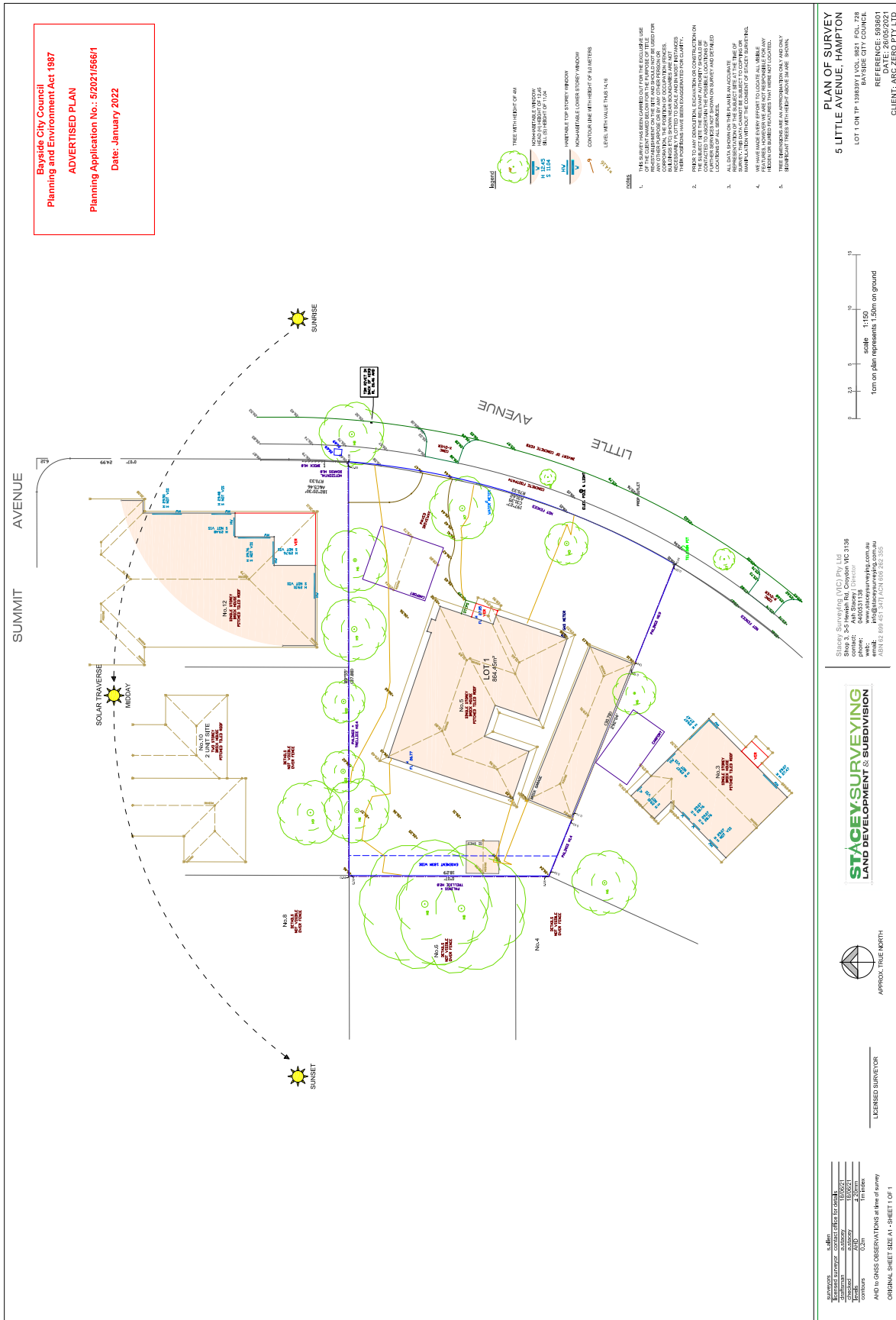
ARC ZERO PTY LTD  
 A: Suite 306, 838 Collins Street, Docklands, VIC 3008  
 T: 03 9492 3883











Bayside City Council  
 Planning and Environment Act 1987  
**ADVERTISED PLAN**  
 Planning Application No.: 5/2021/566/1  
 Date: January 2022

- CODES**
- TREE WITH HEIGHT OF 4M
  - NON-HABITABLE WINDOW
  - HABITABLE WINDOW
  - HABITABLE LOWER STOREY WINDOW
  - CONTINUOUS LINE WITH HEIGHT OF 3.0 METERS
  - LEVEL WITH VALUE THIS IS A 1.0

- NOTES**
1. THE SURVEY HAS BEEN CONDUCTED ONLY FOR THE EXCLUSIVE USE OF THE SURVEYOR AND THE ACCURACY OF THE SURVEY IS GUARANTEED FOR THE PURPOSES OF THE SURVEY ONLY. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF THE SURVEY FOR ANY OTHER PURPOSES. THE SURVEYOR'S LIABILITY IS LIMITED TO THE VALUE OF THE SURVEY FEE AND THE SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS ARISING FROM THE SURVEY.
  2. THE SURVEYOR HAS CONDUCTED THE SURVEY IN ACCORDANCE WITH THE SURVEY ACT 1958 AND THE SURVEYOR'S LIABILITY IS LIMITED TO THE VALUE OF THE SURVEY FEE AND THE SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS ARISING FROM THE SURVEY.
  3. ALL DATA SHOWN ON THIS PLAN IS IN ACCORDANCE WITH THE SURVEY ACT 1958 AND THE SURVEYOR'S LIABILITY IS LIMITED TO THE VALUE OF THE SURVEY FEE AND THE SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS ARISING FROM THE SURVEY.
  4. THE SURVEYOR HAS CONDUCTED THE SURVEY IN ACCORDANCE WITH THE SURVEY ACT 1958 AND THE SURVEYOR'S LIABILITY IS LIMITED TO THE VALUE OF THE SURVEY FEE AND THE SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS ARISING FROM THE SURVEY.
  5. THE SURVEYOR HAS CONDUCTED THE SURVEY IN ACCORDANCE WITH THE SURVEY ACT 1958 AND THE SURVEYOR'S LIABILITY IS LIMITED TO THE VALUE OF THE SURVEY FEE AND THE SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS ARISING FROM THE SURVEY.

**PLAN OF SURVEY**  
**5 LITTLE AVENUE, HAMPTON**  
 LOT 1 ON TP 13883/1 (VOLUME 8827 FOLIO 728)  
 884.41sqm  
 RELEVANT TO THE SURVEY  
 DATE: 24/05/2021  
 CLIENT: ARC ZERO PTY LTD

Stacey Surveying (VIC) Pty Ltd  
 Shop 3, 345 Havelock Rd, Croydon VIC 3136  
 phone: 0402311181  
 email: info@stacysurveying.com.au  
 ABN: 62 609 401 747 FAX: 006 282 355

**STACEY SURVEYING**  
 LAND DEVELOPMENT & SUBDIVISION



\_\_\_\_\_  
 LICENSED SURVEYOR

APPROVED BY:  
 SURVEYOR  
 DATE: 24/05/2021  
 AND TO CHECK OBSERVATIONS AT THE SURVEY  
 ORIGINAL SHEET SIZE A1 - SHEET 1 OF 1





Attachment 2



Figure 1 Aerial overview of the site and surrounds

Legend	
Subject site	



Figure 2 View towards the site from the east

## Attachment 3

## ResCode Clause 55 (Two or More Dwellings on a Lot and Residential Buildings)

CLAUSE 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE		
Title and Objective	Complies with Standard?	Comments
<p><b>B1 Neighbourhood Character</b></p> <p>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>Development responds to features of the site and surrounding area.</p>	Complies	Refer to the report for further discussion.
<p><b>B2 Residential Policy</b></p> <p>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</p> <p>Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Complies	The subject site is appropriately located with regard to services and facilities to support the construction multiple dwellings on a lot of this size.
<p><b>B3 Dwelling Diversity</b></p> <p>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	N/A
<p><b>B4 Infrastructure</b></p> <p>Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Complies	<p>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.</p> <p>Council's drainage engineers have reviewed the application and raise no issues with infrastructure capacity in the area.</p> <p>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.</p>
<p><b>B5 Integration with the Street</b></p> <p>Integrate the layout of development with the street</p>	Complies	The development will integrate appropriately with the street and features a staggered front setback at ground floor level, providing an appropriate transition to the setbacks of the adjoining properties.



CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING		
Title and Objective	Complies with Standard?	Comments
<p><b>B6 Street Setback</b></p> <p>The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	Does not Comply	<p><b>Requirement:</b> 9m.</p> <p><b>Proposed:</b> GF: <b>7.069m – 8.8m</b> FF: <b>8.44m</b> – 9.22m</p>
<p><b>B7 Building Height</b></p> <p>Building height should respect the existing or preferred neighbourhood character.</p>	Complies	<p><b>Maximum:</b> 9m.</p> <p><b>Proposed:</b> 7.21 metres (2 storeys)</p> <p>It is noted that the height measurement is taken as the vertical distance from the minimum floor level determined by the floodplain management authority (Melbourne Water), which is RL26.66</p>
<p><b>B8 Site Coverage</b></p> <p>Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Complies	<p><b>Maximum:</b> 50%</p> <p><b>Proposed:</b> 46.8%</p>
<p><b>B9 Permeability and stormwater management</b></p> <p>Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Complies	<p><b>Minimum:</b> &gt;20%</p> <p><b>Proposed:</b> 42.7%</p>
<p><b>B10 Energy Efficiency</b></p> <p>Achieve and protect energy efficient dwellings and residential buildings.</p> <p>Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	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.
<p><b>B11 Open Space</b></p> <p>Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	N/A	There is no communal open space in or adjacent to the development.
<p><b>B12 Safety</b></p> <p>Layout to provide safety and security for residents and property.</p>	Complies	The pedestrian entry points are clearly recognisable while upper levels allow for the passive surveillance of the street.
<p><b>B13 Landscaping</b></p>	Complies	The siting of the development creates sufficient opportunities for meaningful

<p>To provide appropriate landscaping.</p> <p>To encourage:</p> <ul style="list-style-type: none"> <li>• Development that respects the landscape character of the neighbourhood.</li> <li>• Development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>• The retention of mature vegetation on the site.</li> </ul>		<p>landscaping subject to conditions. A condition of permit will require an amended landscape plan to be submitted to the satisfaction of the Responsible Authority.</p>
<p><b>B14 Access</b></p> <p>Ensure the safe, manageable and convenient vehicle access to and from the development.</p> <p>Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	<p>Complies</p>	<p>Appropriate access off Little Avenue to garages has been provided.</p> <p>The design of vehicle crossovers complies with the standard with respect to their width of the street frontage as follows:</p> <p><b>Requirement:</b> 33%</p> <p><b>Proposed:</b> 28.5%</p>
<p><b>B15 Parking Location</b></p> <p>Provide resident and visitor vehicles with convenient parking.</p> <p>Avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>Protect residents from vehicular noise within developments.</p>	<p>Complies</p>	<p>On site car parking is provided in the form of three single garages, with tandem spaces in front of each.</p> <p>Standard traffic conditions are included as permit conditions.</p>

<p><b>CLAUSE 55.04 AMENITY IMPACTS</b></p>				
<p><b>Title and Objective</b></p>	<p><b>Complies with Standard?</b></p>	<p><b>Comments</b></p>		
<p><b>B17 Side and Rear Setbacks</b></p> <p>Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	<p><b>Does not Comply</b></p>	<p>Areas of non-compliance are underlined. Refer to the Report.</p>		
<p>North (side)</p>	<p>Ground floor</p>		<p>First Floor</p>	
	<p>Requirement</p>	<p>Proposed</p>	<p>Requirement</p>	<p>Proposed</p>
	<p>0m, 2m</p>	<p>2.15, 2.05, 2.05, <u>1.05</u></p>	<p>3.54, 3.50,</p>	<p><u>3.35 – 5.69,</u> <u>3.44 – 4.55,</u></p>

			3.51	<u>3.32 – 4.75</u>
South (side)	0m, 2m	0m, 2m, 0m,	3.8 – 3.76, 3.98	3.82, 4.27
West (rear)	0m, 3m	10.96, 4.75, 4.09	4.82, 4.96, 4.93	13.81, 6.85, 5.78
<b>B18 Walls on Boundaries</b> 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.		Does not Comply	Maximum Height: 3.6m Proposed Maximum Height: 3.35m Maximum Average Height: 3.2m Proposed Average Height: <u>3.27m</u> Maximum Length: 15.2m Proposed Length: 13.22m	
<b>B19 Daylight to Existing Windows</b> Allow adequate daylight into existing habitable room windows.		Complies	The development has been sufficiently setback from all habitable room windows to abutting properties. In accordance with the standard.  The nearest habitable window is approximately 4.7 metres from the proposed built form, which exceeds the setback requirement of this standard.	
<b>B20 North Facing Windows</b> Allow adequate solar access to existing north-facing habitable room windows.		N/A	There are no north facing windows within 3m of the shared boundary.	
<b>B21 Overshadowing Open Space</b> Ensure buildings do not significantly overshadow existing secluded private open space.		Complies	Additional overshadowing will occur over the adjoining driveway and carport to the south, non-sensitive areas which do not result in any amenity impacts with at least 40 square metres with minimum dimension of 3.0m, will still receive a minimum of five (5) hours of sunlight between 9:00am and 3:00pm on 22 September.	
<b>B22 Overlooking</b> Limit views into existing secluded private open space and habitable room windows.		Complies	All habitable room windows have been screened to a minimum height 1.7 metres above finished floor level or have been sited appropriately in accordance with this Standard.	
<b>B23 Internal Views</b> Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.		Complies	All habitable room windows have been screened to a minimum height 1.7 metres above finished floor level or have been sited appropriately in accordance with this Standard. At ground floor level internal fencing to a height of 2m limits views between adjoining areas of secluded private open space within the development.	

<p><b>B24 Noise Impacts</b> Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	<p>Complies</p>	<p>It is anticipated that the level of noise which will be emitted from the dwellings will not exceed levels otherwise expected from residential uses.</p>
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<p><b>CLAUSE 55.05 ON-SITE AMENITY AND FACILITIES</b></p>		
<p><b>Title and Objective</b></p>	<p><b>Complies with Standard?</b></p>	<p><b>Comments</b></p>
<p><b>B25 Accessibility</b> Consider people with limited mobility in the design of developments.</p>	<p>Complies</p>	<p>Entries are accessible for people with limited mobility with minimal steps to the entries, and a bedroom on the ground level of each dwelling. The development could be further retrofitted to accommodate people with limited mobility in the future if required.</p>
<p><b>B26 Dwelling Entry</b> Provide a sense of identity to each dwelling/residential building.</p>	<p>Complies</p>	<p>The development fronts Little Avenue and includes a clearly identifiable entry with dedicated pedestrian pathway to each dwelling. The entry provides shelter, a sense of personal address and a transitional space around the building entry.</p>
<p><b>B27 Daylight to New Windows</b> Allow adequate daylight into new habitable room windows.</p>	<p>Complies</p>	<p>All habitable windows will open out onto a space clear to the sky.</p>
<p><b>B28 Private Open Space</b> Provide reasonable recreation and service needs of residents by adequate private open space.</p>	<p>Complies</p>	<p><b>Minimum:</b> 25m<sup>2</sup> secluded, 40m<sup>2</sup> overall with a minimum dimension of 3 m  <b>Proposed:</b> All Dwellings meet the requirements of this standard and are provided with adequate private open space for the reasonable recreation and service needs of residents.</p>
	<p>Private Open Space</p>	<p>Secluded Private Open Space</p>
<p>Dwelling 1</p>	<p>96.4m<sup>2</sup></p>	<p>49.8m<sup>2</sup></p>
<p>Dwelling 2</p>	<p>113.1m<sup>2</sup></p>	<p>65.2m<sup>2</sup></p>
<p>Dwelling 3</p>	<p>157.9m<sup>2</sup></p>	<p>36.3m<sup>2</sup></p>

<p><b>B29 Solar Access to Open Space</b> Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>Complies</p>	<p>The secluded private open space is appropriately located to ensure adequate solar access to the proposed spaces.</p>
<p><b>B30 Storage</b> Provide adequate storage facilities for each dwelling.</p>	<p>Complies</p>	<p>Designated external storage areas are provided to all three dwellings   each respective rear open space and have a minimum area of 6 cubic metres.</p>

<p><b>CLAUSE 55.06 DESIGN DETAIL</b></p>		
<p><b>Title and Objective</b></p>	<p><b>Complies with Standard?</b></p>	<p><b>Comments</b></p>
<p><b>B31 Design Detail</b> Encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Complies</p>	<p>Refer to the report for further discussion.</p>
<p><b>B32 Front Fences</b> Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p><b>Does not Comply</b></p>	<p><b>Required:</b> 1.2m <b>Proposed:</b> 1.5m An open-style metal picket fence at 1.5m high is proposed.</p>
<p><b>B33 Common Property</b> Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.  Avoid future management difficulties in common ownership areas.</p>	<p>N/A</p>	<p>No common property proposed.</p>
<p><b>B34 Site Services</b> Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.  Avoid future management difficulties in common ownership areas.</p>	<p>Complies</p>	<p>All appropriate site services can be easily catered for on-site. Mails boxes are shown to adjoin the pedestrian entries.</p>

#### 4.8 66 EDWARD STREET, SANDRINGHAM NOTICE OF DECISION TO GRANT A PERMIT APPLICATION 2020/428/1 WARD: BOYD

City Planning and Amenity - Development Services  
File No: PSF/22/36 – Doc No: DOC/22/119395

*Officers involved in the preparation of this report have no conflict of interest in this matter.*

##### 1. Application details

<b>Recommendation</b>	Notice of Decision to Grant a Permit
<b>Applicant</b>	Low Design and Build
<b>Title/Covenant/S173 Agreement</b>	The title is not subject to any restrictive covenants.
<b>Date application received</b>	7 September 2020
<b>Current statutory days</b>	Amended Section 57A Plans lodged 25 February 2022, therefore 74 days as of 10 May 2022
<b>Zoning</b>	Neighbourhood Residential Zone (Schedule 3)
<b>Overlays</b>	Design and Development Overlay (Schedule 3) Development Contributions Plan Overlay Vegetation Protection Overlay (Schedule 3)
<b>Site area</b>	1374.58m <sup>2</sup>
<b>Number of outstanding objections</b>	Three (3) Amended plans were submitted but no objections were withdrawn.
<b>Is a Development Contribution Levy applicable?</b>	Yes – a total of \$6,660 would be required if a permit is granted.
<b>Is the site located within an area of cultural heritage sensitivity?</b>	No.

##### Proposal

The application seeks permission to construct four dwellings and a front fence that exceeds 1.2 metres in height on a lot. Key details of the proposal are as follows:

- Construction of four (4) double storey dwellings, each containing three bedrooms and a double garage.
- Maximum height of 7.5 metres and two storeys.
- Site coverage 45%.
- Permeability 40%.
- Garden area 36%.
- Eight (8) car parking spaces are provided, and no reduction is needed.

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 32.09-6 (Neighbourhood Residential Zone) – Construction of two or more dwellings on a lot.
- Clause 32.09-6 (Neighbourhood Residential Zone) – Construction of a front fence that exceeds a height of 1.2m

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:

Internal Referral	Response
Drainage Assets Engineer	No objection, subject to conditions
Traffic Engineer	No objection, subject to conditions.

Public notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of *the Planning and Environment Act 1987* and three (3) objections were received.

Three (3) objections remain outstanding at the time of this report.

The following concerns were raised:

- Neighbourhood character.
- Tree Removal.
- Impact of construction on neighbouring trees.
- Overlooking.
- Parking.

Consultation meeting

The applicant declined a consultation meeting. However, the permit applicant undertook their own consultation with the objectors. As a result, amended plans were lodged via Section 57A of the *Act* and circulated to the objectors, however no objections have been withdrawn.

## 4. Recommendation

That Council resolves to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of planning application **2020/428/1** for the land known and described as **66 Edward Street, Sandringham** for the **construction of four dwellings and a front fence that exceeds 1.2m in**



**height on a lot** 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. The plans must be generally in accordance with the plans (amended with Council on 25 February 2022) prepared by Lowe Design and Build referenced 595EDW and revision A but modified to show:
  - a) a schedule of construction materials, external finishes and colours. This schedule must be predominantly light coloured materials
  - b) dimensions showing the garage doors being 5.2m in width
  - c) auto-turn swept path plans demonstrating vehicle access and egress to and from each garage in accordance with AS2890.1
  - d) vehicle sightlines in accordance with Clause 52.06 of the Bayside Planning Scheme
  - e) a Sustainable Design Assessment in accordance with Condition 10
  - f) a Landscaping Plan in accordance with Condition 11
  - g) a Tree Management and Protection Plan in accordance with Condition 14
  - h) provision of the development contributions fee in accordance with Condition 25.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.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.

9. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

#### Sustainable Design Assessment

10. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
  - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
  - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
  - c) preliminary building energy rating certificates that align with plans
  - d) provision of double glazing to all new windows
  - e) appropriate shading to all north, east and west facing windows
  - f) maximum internal lighting density of 4W/m<sup>2</sup>
  - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
  - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
  - i) provision of external dry lines for each dwelling
  - j) bicycle parking space in each garage/ private open space area
  - k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
  - l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18
  - m) the type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections
  - n) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance
  - o) provisions for renewable energy systems such as Solar PV
  - p) commitment to recycle at least 70% of construction and demolition waste
  - q) measures to reduce urban heat island impact such as light or medium coloured roof and driveway

- r) use of sustainable materials such as low VOC paints for the internal walls
  - s) use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused
  - t) provision of green walls / vertical gardens where practicable
- all to the satisfaction of the Responsible Authority.

#### Landscaping

11. Prior to the endorsement of plans pursuant to Condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Faulkner and Chapman Landscape Design, reference 66EdwardLP, dated 7/12/2020 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The amended plan must show:
- a) the updated built form as shown on the amended plans lodged with Council on 25 February 2022
  - b) a minimum of 10 canopy trees (trees with mature heights of 8m or greater) within the front, rear and side setbacks. Trees being retained on the site can count towards this
  - c) 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
  - d) 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
  - e) 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
  - 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
  - h) where practicable, the inclusion of green walls at appropriate locations
  - i) planting schedule to be a minimum of 80% indigenous species.
12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Tree Protection Management Plan

14. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be

submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The TPMP must include:

- a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site
- b) protection measures to be utilised and at what stage of the development they will be implemented
- c) appointment of a project arborist detailing their role and responsibilities
- d) stages of development at which the project arborist will inspect tree protection measures
- e) monitoring and certification by the project arborist of implemented protection measures.

Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.

Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

The TPP must:

- a) be legible, accurate and drawn to scale
  - b) indicate the location of all tree protection measures to be utilised
  - c) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
  - d) include a key describing all tree protection measures to be utilised.
15. All actions and measures identified in the Tree Management Report must be implemented.
  16. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.
  17. Any pruning that is required to be done to the canopy of any tree to be retained (specify particular tree/s) is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained (specify particular tree/s) is to be done by hand by a qualified Arborist.

#### Protection of trees for services

18. All underground services must be located outside of Tree Protection Zones (TPZ) of all trees to be retained. If this is not possible, any underground service installations within a TPZ must be bored beneath the entire TPZ to a minimum depth 800mm. If this is not possible, any excavation within the TPZ required for the connection of services must be undertaken by approved non-

destructive digging techniques, under the supervision of a project arborist and with the written approval of the Responsible Authority.

#### Street tree protection

19. Soil excavation must not occur within 2 metres from the edge of the street tree asset's stem at ground level.
20. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
  - 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.
21. 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.
22. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

#### Drainage

23. 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.
24. 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

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

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

#### Permit Expiry

26. 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:

- Council would be supportive of the applicant and/or owner making a tax-deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.
- 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 prior to the commencement of the connection to the Council Drain / kerb / channel.

5. Council Policy

Council Plan 2021–25

Relevant objectives of the Council plan include:

- Land use will enhance Bayside's liveability and protect the distinctive heritage and character of our various localities.

Relevant strategies of the Council plan include:

- Adopt and champion innovative ways of working and evaluate policy against its climate impact to reduce harm.
- Enhance vegetation (including through tree canopy) through accelerated tree planting and tree protection on public and private land.
- Encourage the planning of well-designed new development that is appropriately located and consistent with the preferred neighbourhood character and residential amenity.

Bayside Planning Scheme

- Clause 2           Municipal Planning Policy
- Clause 2.03       Strategic Directions
- Clause 11          Settlement
- Clause 15          Built Environment and Heritage
- Clause 15.01-5S   Neighbourhood Character
- Clause 15.01-5L   Bayside Preferred Neighbourhood Character
- Clause 16          Housing

- 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 53.18 Stormwater Management in Urban Development
- 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 E4. The proposal is considered to demonstrate an appropriate level of compliance with the general objectives and strategies of Bayside preferred neighbourhood character policy as well as the preferred character policy guidelines for the precinct.

#### Retain established native and traditional coastal vegetation and provide for the planting of indigenous coastal trees

While the proposal does include the removal of some native trees from the site, the landscape plan submitted demonstrates appropriate planting of indigenous coastal vegetation and trees, including the planting of 10 indigenous trees capable of reaching a height of at least 8 metres at maturity. The proposal has also been designed to ensure the retention of Tree #4 within the front of the site, which is a large liquidambar.

#### Site buildings to create the appearance of space between buildings and accommodate substantial vegetation

The proposed buildings are appropriately set off the side and rear boundaries to create a sense of space between buildings and maintain the existing streetscape rhythm. The driveway running along the eastern boundary of the site provides a generous visual break. The private open spaces for each dwelling are set to the west of the buildings and provide ample opportunity to accommodate substantial vegetation which will provide the sense of vegetation surrounding the buildings.

#### Locate garages and car ports at or behind the line of the dwelling

All garages are located behind the line of the front dwelling and will not be immediately visible from the streetscape.

#### Minimise loss of front garden space and paving in front garden areas including driveways

The proposal includes large front garden areas, and only has one common driveway. Given the 18 metre frontage of the site this is considered an appropriate response and will allow for substantial landscaping opportunities on the site. The landscape plan proposed shows the planting of substantial vegetation within the front setback thereby capitalising on the lack of hard paving in the front setback.

#### Encourage contemporary architectural responses to the coastal location and design buildings to respond to the characteristics of the location and site

The design proposed is a contemporary style, whilst retaining a more traditional roof form. Importantly the design proposed responds appropriately to the surrounding



dwellings in the area and will sit comfortably within the streetscape.

Incorporate building elements and details that contribute to a lightness of structure

The design details and buildings elements proposed result in a light building structure that will not appear bulky to the streetscape or to neighbouring properties.

Avoid high pitched roof forms with dormer windows

The proposed buildings include pitched roof forms, however the roofs are not steep and do not include any dormer windows.

Incorporate timber or other non-masonry wall materials where possible, avoiding heavy design detailing (eg. large masonry columns and piers)

The proposal includes timber cladding and render on external walls of the proposed buildings and avoids the use of heavy design detail such as large masonry columns and piers.

Use lighter coloured building materials and finishes

A colour sample has not yet been provided for the application. A condition has been included on the recommendation requiring a colour schedule to be submitted, this condition also requires the use of light coloured materials and finishes to address this issue.

Avoid excessive use of render on external wall surfaces

The proposed buildings include a mixture of materials featuring render, timber cladding, brickwork and glazing. The mixture of materials on walls is suitable and assists in limiting the visual bulk of the proposal.

Create a visually interesting and attractive built form interface with the foreshore reserve, on properties fronting the reserve and visible from the reserve by

The subject site does not have an interface with the foreshore reserve.

## 6.2. Compliance with Clause 55 (ResCode)

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

Street setback (Standard B6)

	Required	Proposed	Variation
Edward Street	9m	<u>8.5m</u>	0.5m

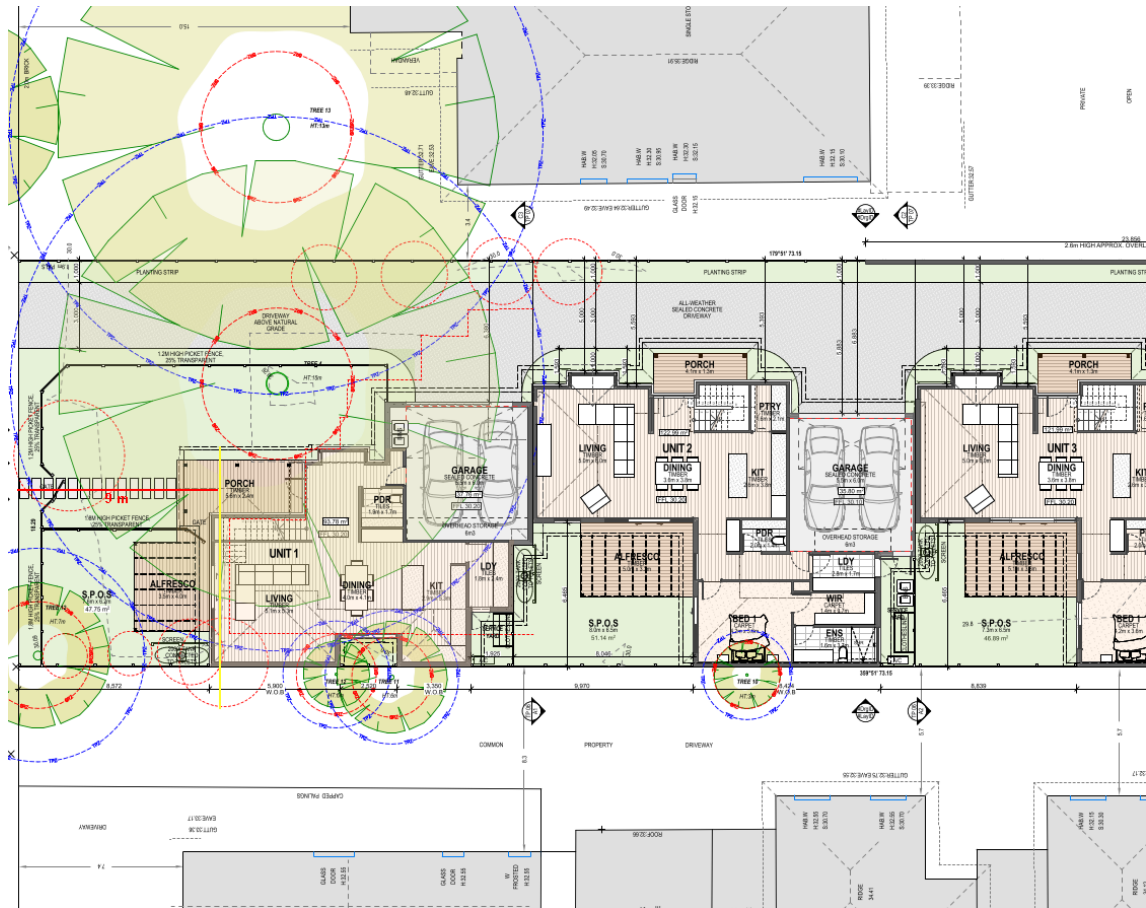


Figure 1 – the yellow line shows a 9.0m setback from the street.

A street setback from Edward Street of 8.5 metres is proposed, when a setback of 9 metres is required to achieve this standard. 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.

As can be seen on the image above, the adjoining sites feature vastly different street setbacks with a 7.4m setback at the dwelling to the west and a 15m setback at the site to the east. Given this context, the proposed setback of 8.5m provides an appropriate transition between the different setbacks and is an appropriate design response to the context of the site.

Finally, the variation of 0.5m in the numerical Standard is considered minor and does not impact the proposals ability to provide an acceptable neighbourhood character response in terms of front garden space, landscaping throughout the site, and the visual dominance of the buildings at the street. For the above reasons, the varied street setback should be supported.

Side and rear setbacks (Standard B17)

	Ground Floor		First Floor	
	Required	Proposed	Required	Proposed
<b>East (side)</b>	0m or 2m	6.3m, 5.0m, 5.3m, 5.0m, 0m, <u>1.5m</u>	3.5m – 3.65m	7.6m, 6.8m, 5.4m, <u>2.4m</u>
<b>West (side)</b>	0m or 2m	0m, <u>1.2m</u> , 2.4m, 6.4m, 0m, 6.4m, 5.4m, 4.0m.	3.4m – 3.68m	<u>3.3m</u> , <u>2.5m</u> , 5.9m, <u>3.0m</u> , 5.9m, <u>2.4m</u> , 5.5m.
<b>South (rear)</b>	0m or 3m	0m, 3.0m	4.3m – <u>4.5m</u>	4.8m, <u>4.3m</u>

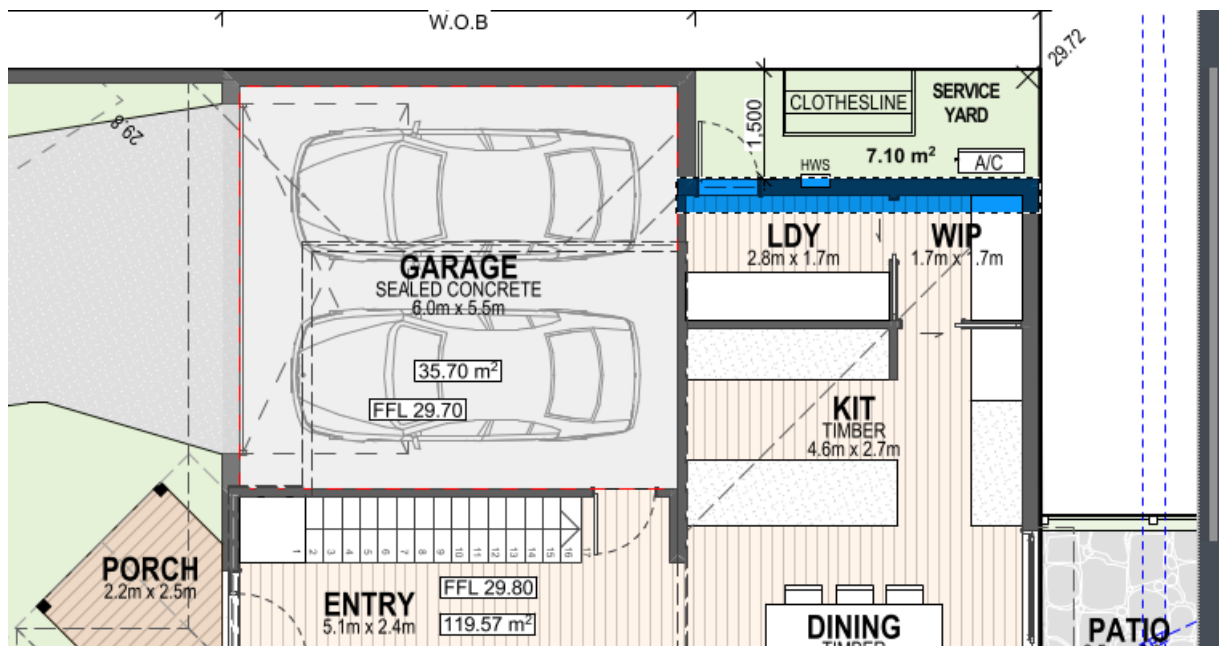


Figure 2 - An image of the non-compliance at the ground floor on the eastern boundary highlighted blue.

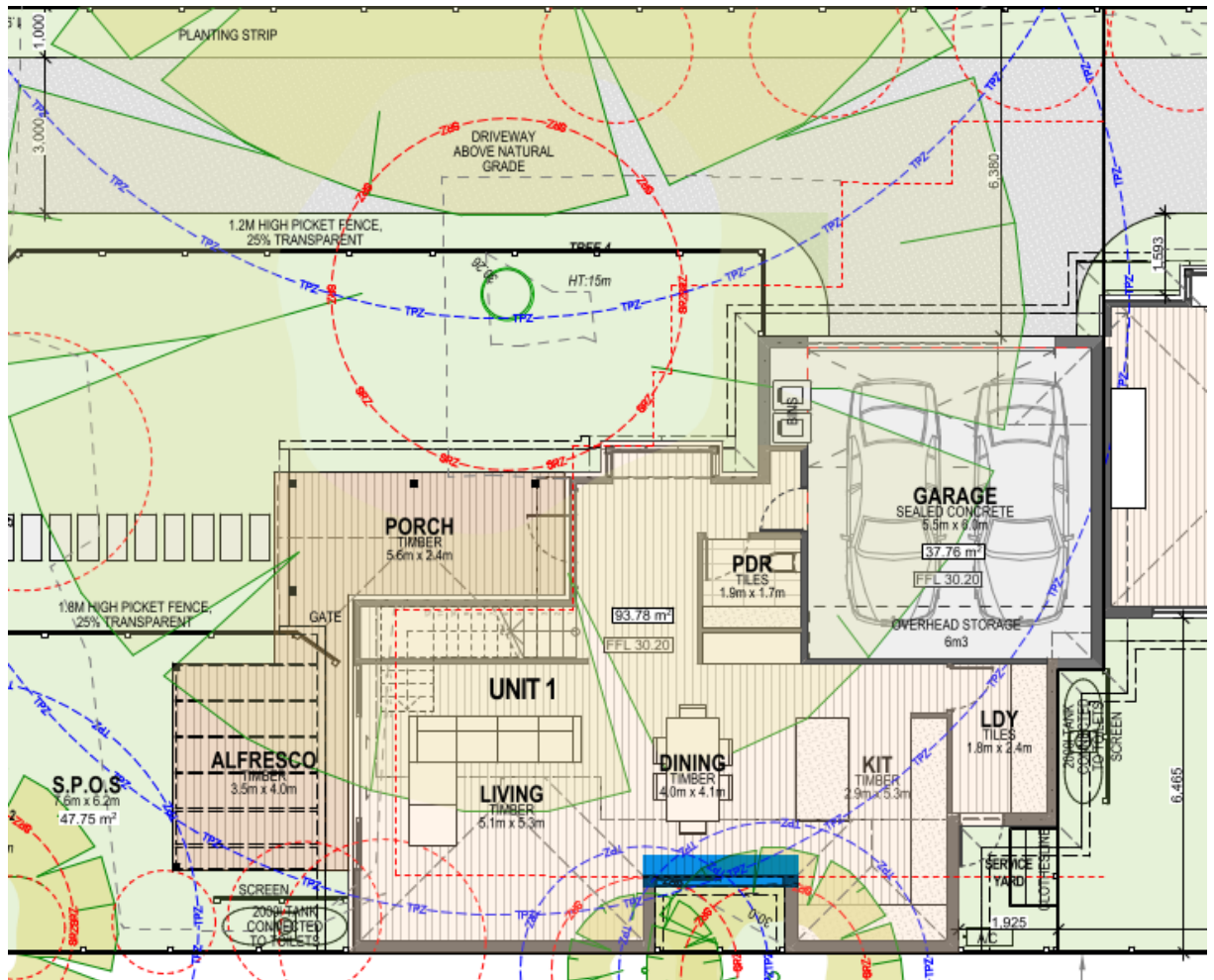


Figure 3 - An image of the non-compliance at the ground floor on the western boundary highlighted blue.

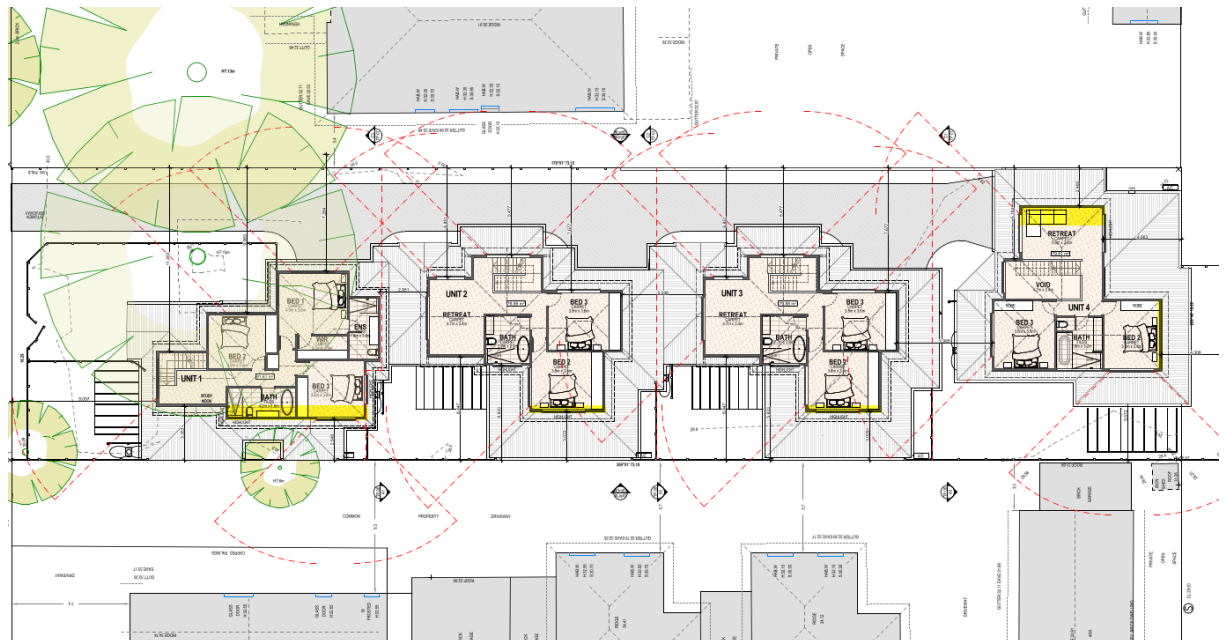


Figure 4 – Showing the first floor non-compliances highlighted yellow.

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 western boundary of the subject site adjoins the common driveway on the neighbouring allotment. This driveway runs alongside Dwellings 1, 2, and 3 of the proposal and provides a large buffer between the neighbouring properties and areas of POS from the proposed buildings. Given this buffer and with no sensitive interfaces adjoining the western boundary, it is considered that the proposed variations to the side setback to the west do not present an unreasonable amenity impact on the neighbouring dwellings, despite the numerical non-compliance.

From a streetscape perspective, the proposed western side setbacks are still considered to align with the preferred future character of the area. The proposal still presents to the streetscape with separation between buildings and can accommodate substantial vegetation. It is also noted that most of the areas of non-compliance are limited to the dwellings towards the middle and rear of the site which have limited streetscape impact.

To the eastern and southern boundaries, all of the non-compliances are limited to the rear dwelling, set more than 60 metres behind the front boundary. These non-compliances will therefore be imperceptible from the streetscape and have no impact on the ability of the dwelling to comply with the neighbourhood character requirements.

The non-compliances on the eastern boundary are not considered to present any amenity impacts to the neighbouring dwelling. Due to their location deep within the site, they are located away from the more sensitive areas of the private open space for the neighbouring dwelling (approximately 20m from the rear verandah, and 10m from the pool).

To the south, the proposed variation is minor (only 200mm) and is unlikely to be perceptible from the adjoining dwelling to the south. Given the minor nature of the proposed variation, it is considered to not impose any unreasonable amenity impacts.

For the above reasons, the proposed variations are considered appropriate and should be supported.

#### Walls on boundary (Standard B18)

The objective of the wall on boundary provision is to ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.

The boundary walls to the east, and south are fully compliant with the requirements of Standard B18. However, the total length of walls on the western boundary slightly exceeds the maximum wall length allowed under the standard.

To the west, the maximum length of boundary wall allowed under the standard is 25.78m where a 25.89m boundary wall is proposed. This wall will require a 0.11m (11cm) variation to the standard. The proposed variation is minor and will not be noticeable from any of the neighbouring properties or the streetscape. With the above in mind, it is considered that the proposed boundary walls do not impact the amenity of existing neighbouring dwellings, and do not provide any neighbourhood character impacts and should be supported.

#### Front Fences (Standard B32)

	Required	Proposed	Variation
Edward Street	1.2m	<u>1.8m</u>	600 mm

A front fence of 1.8 metres in height is proposed to the front boundary of the site on Edward Street. Pursuant to Standard B32, a front fence to a maximum of 1.2 metres in height is required to comply with the standard. The objective of this standard is to encourage front fence design that respects the existing or preferred neighbourhood character.

The proposal includes the provision of a 1.8m high, solid front fence. This fence extends from the western boundary of the site to the western edge of the pedestrian entry gate to Dwelling 1, encasing the secluded private open space to Dwelling 1. The eastern portion of the front fence is at a height of 1.2m which complies with the standard.

While the proposed western portion of the fence does require a variation to the numerical standard by 600mm, there are numerous examples within the street currently of front fences that are also high, solid front fences. Given this context, and the fact the non-compliance is limited to half the fence, the proposed front fence delicately balances the tension between the existing character of high front fences, and the preferred future character requirement for low style front fencing.

**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.

The application plans show the removal of five (5) trees from the site, however none of the trees to be removed are protected by the VPO3 or local law.

The removal of the trees required to facilitate this development can occur as of right and is not protected under any mechanism within the Local Law or Planning Scheme, as the trees for removal are small and of an exotic species. The design also includes the retention of Tree 4 and Tree 11.

The table below provides a summary of the trees on the site to be retained.

VPO3 protected trees		Local Law protected trees	
Proposed for removal	Proposed for retention	Proposed for removal	Proposed for retention
-	11	-	Tree 4

To ensure that Trees 4 and 11 remain viable post-construction, a Tree Management Plan and Tree Protection Plan will be required. These are included as recommended conditions.

There are trees located on adjoining sites with their Tree Protection Zones (TPZ) extending into the subject site. As such consideration must be given to the impact of the development upon these trees. The required Tree Protection Plan and Tree Management Plan will also need to include the trees on neighbouring sites to ensure these trees remain viable during and post construction.

The submitted landscape plan is considered acceptable. The landscape plan includes the planting of 10 canopy trees (trees with mature heights of 8m or greater) in the front, rear, and side setbacks and provides for at least 80% indigenous vegetation.

However, the submitted landscape plan has not been updated to reflect the amended development plans submitted in February. An amended landscape plan is required to reflect the built form changes made in this amendment. Once endorsed, the landscape plan will therefore include the planting of 10 canopy trees (trees with mature heights of 8m or greater) in the front, rear and side setbacks along with the retention of two additional canopy trees on the site.

**6.4. Street tree(s)**

There are no street trees in the nature strip in front of this site.

**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.

All of the dwellings proposed contain three (3) bedrooms and are afforded 2 car parking spaces in the form of 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 permit conditions relating to vehicle access, driveway gradients, sightlines and internal parking dimensions. These are included as conditions of the permit.

**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 19.

Based on the proposed application and the below recommendation, a payment of \$6,660 is required. The payment of the development contributions levy is included as a condition of permit.

**6.8. Objector issues not already addressed**

All of the issues raised in the objections have been addressed throughout the report or attachments.

**Support Attachments**

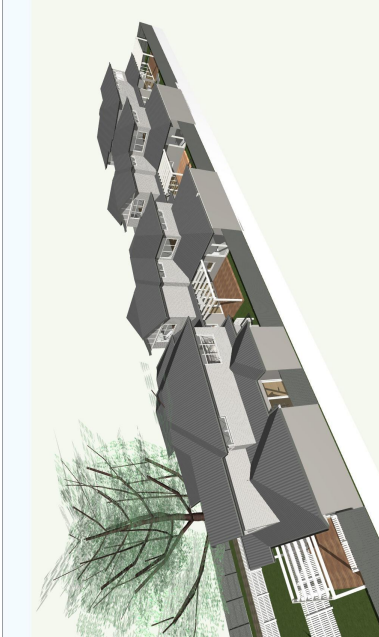
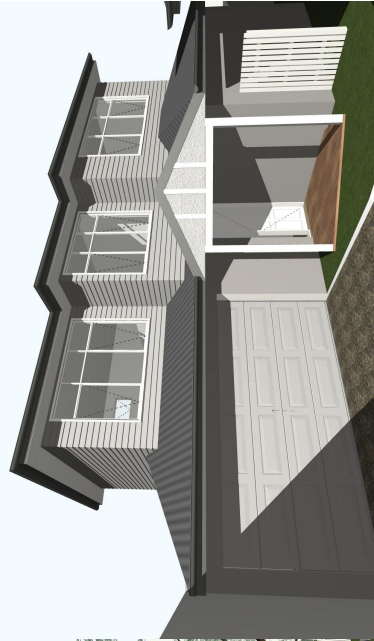
1. Decision Plans ↓
2. Site and Surrounds ↓
3. Clause 55 Assessment ↓

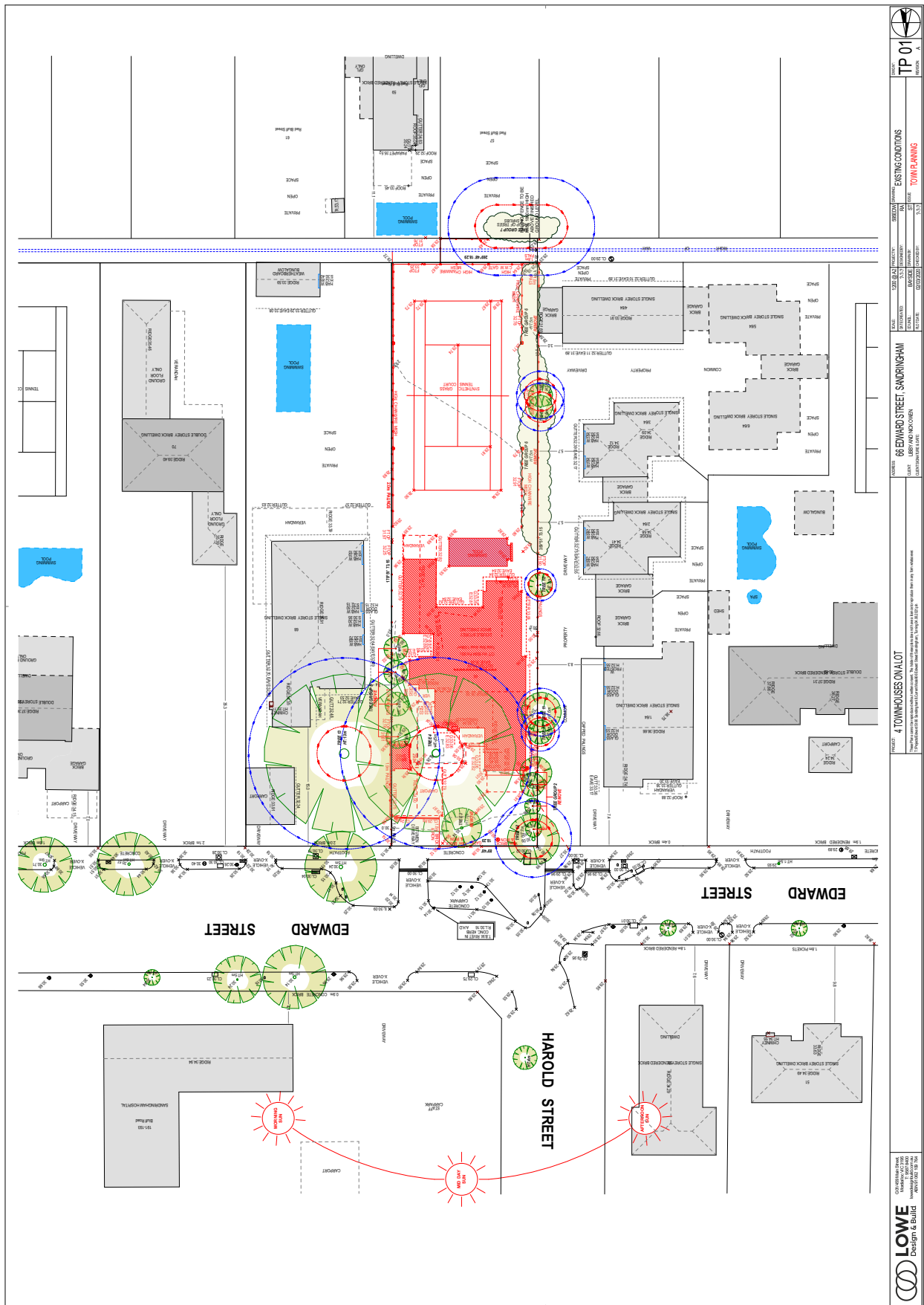


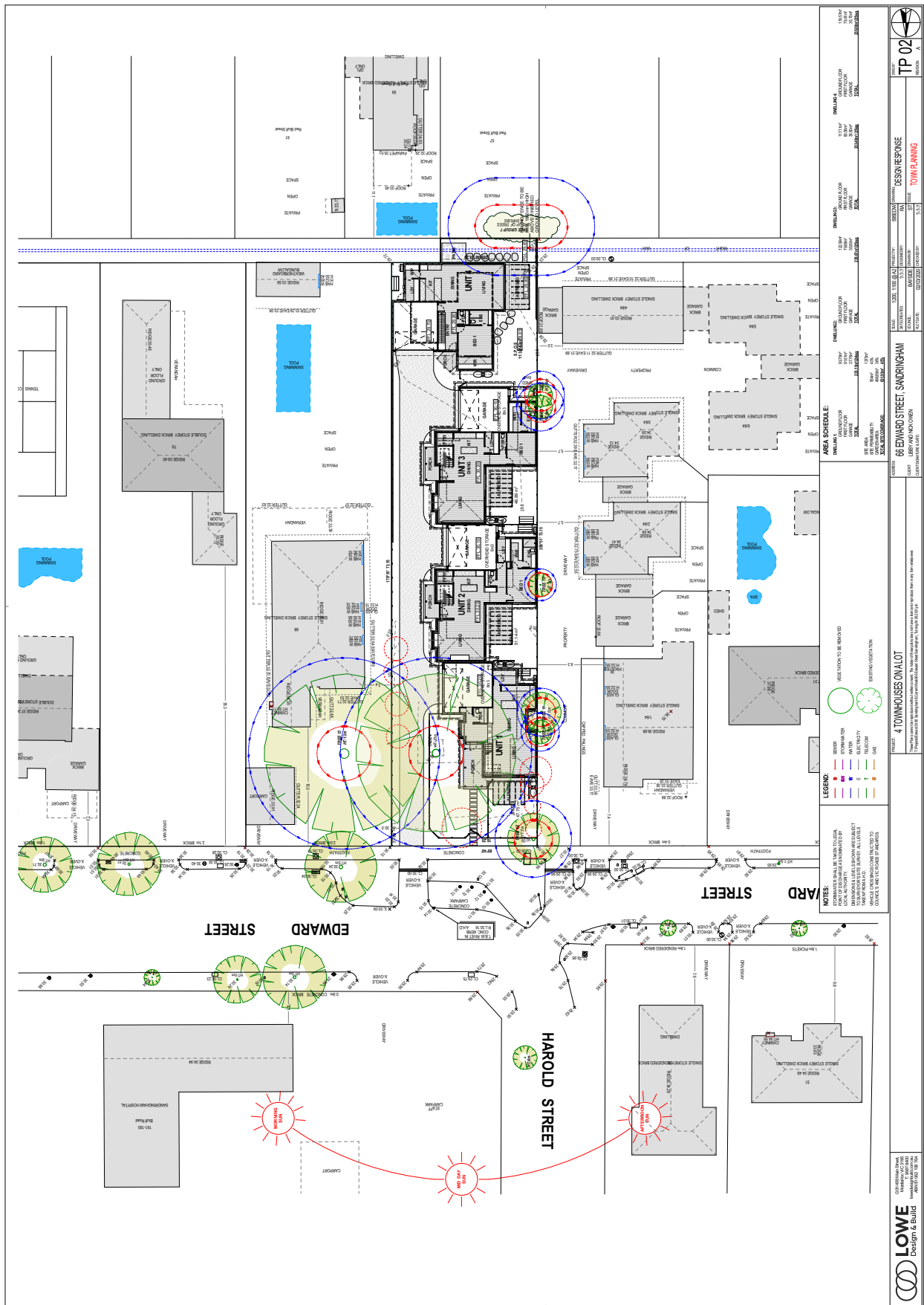


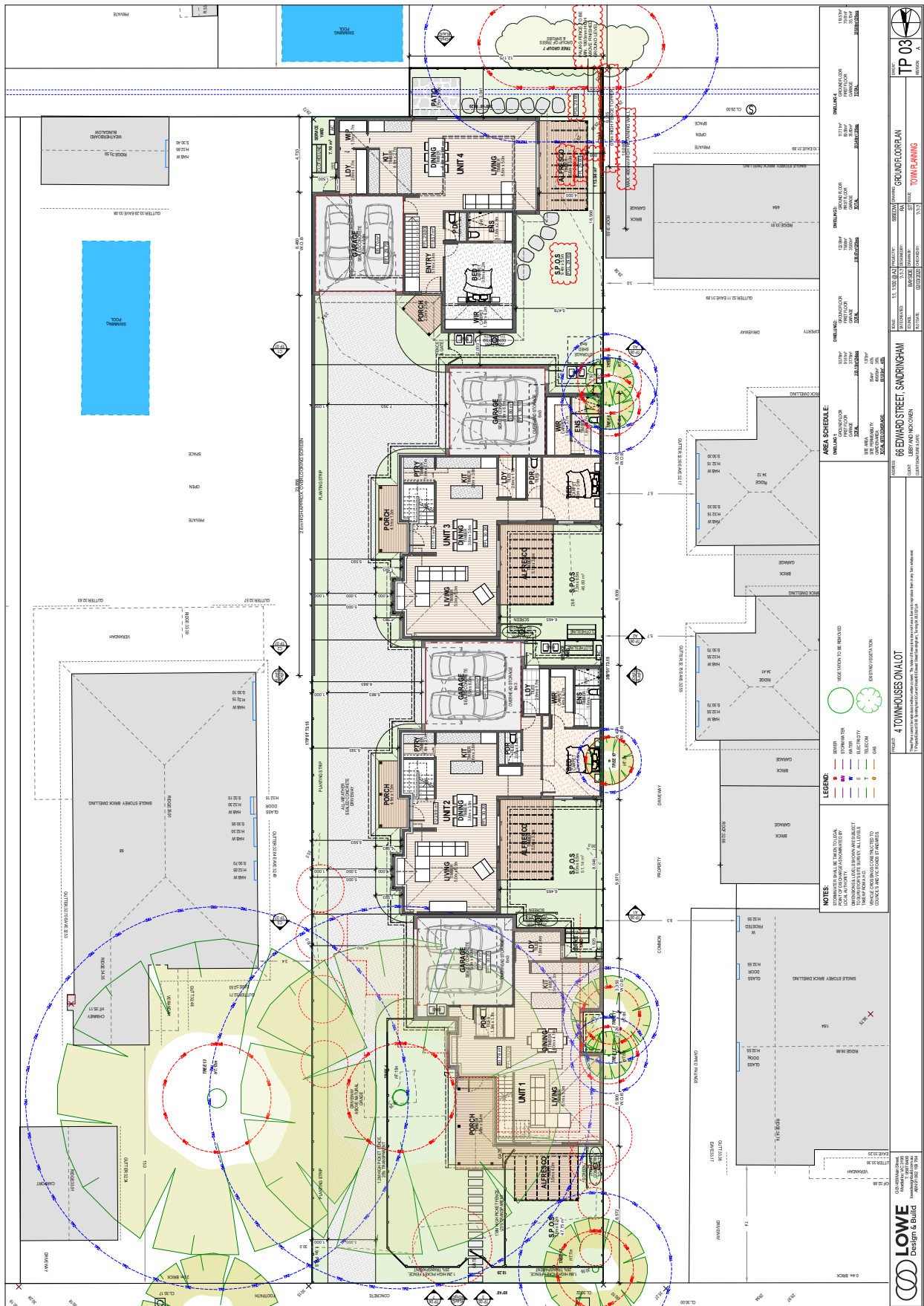
**66 EDWARD STREET, SANDRINGHAM  
4 TOWNHOUSES ON A LOT  
LIBBY AND NICK OWEN  
TOWN PLANNING**

DRAWING INDEX	DRAWING:
TP-00	COVER PAGE
TP-01	EXISTING CONDITIONS
TP-02	DESIGN RESPONSE
TP-03	GROUND FLOOR PLAN
TP-04	FIRST FLOOR PLAN
TP-05	ROOF PLAN & FRONT FENCE
TP-06	ELEVATIONS
TP-07	ELEVATIONS
TP-08	SPADOUT DIAGRAMS
TP-09	GARDEN AREAS & W.S. L.I.D PLAN

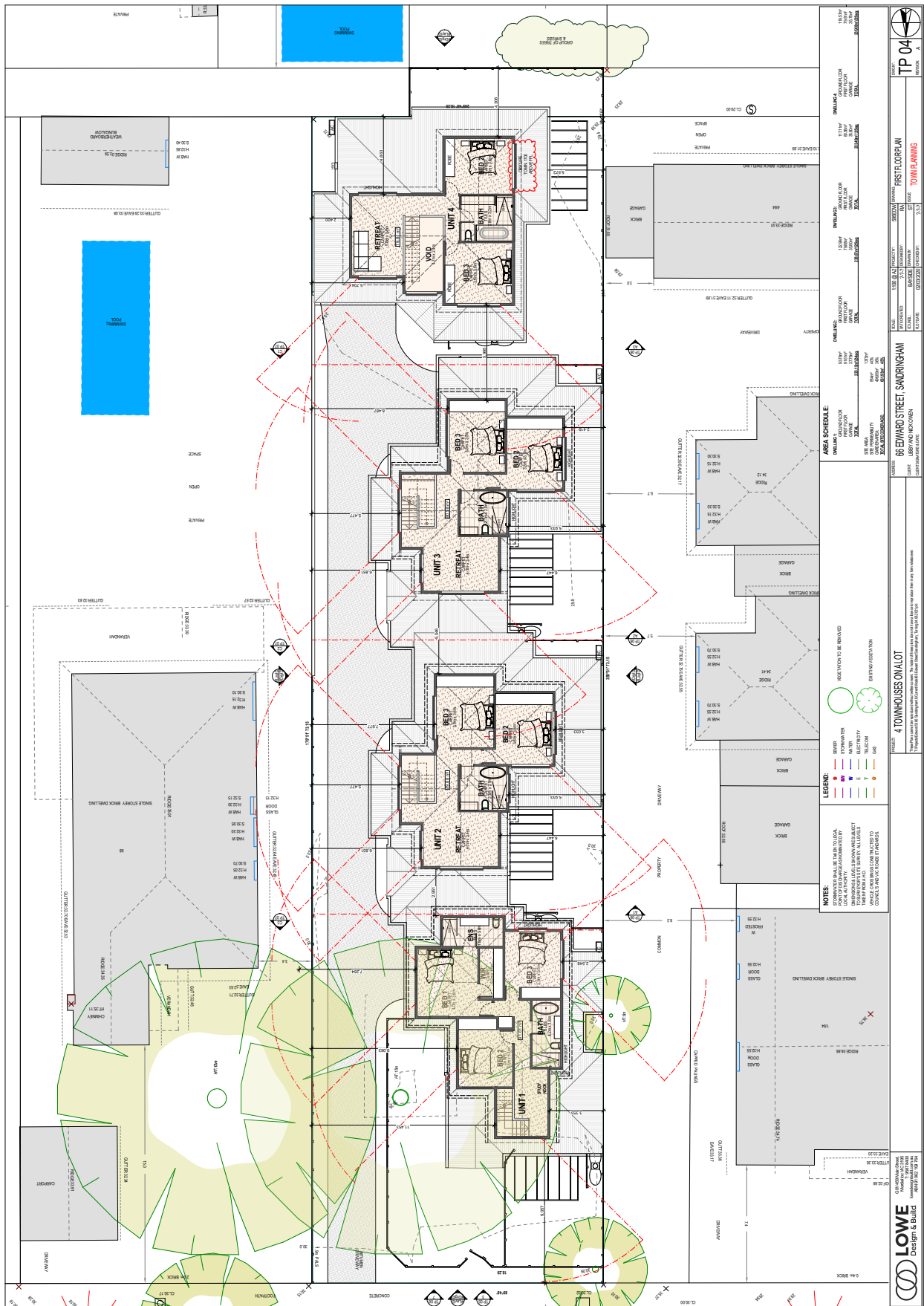


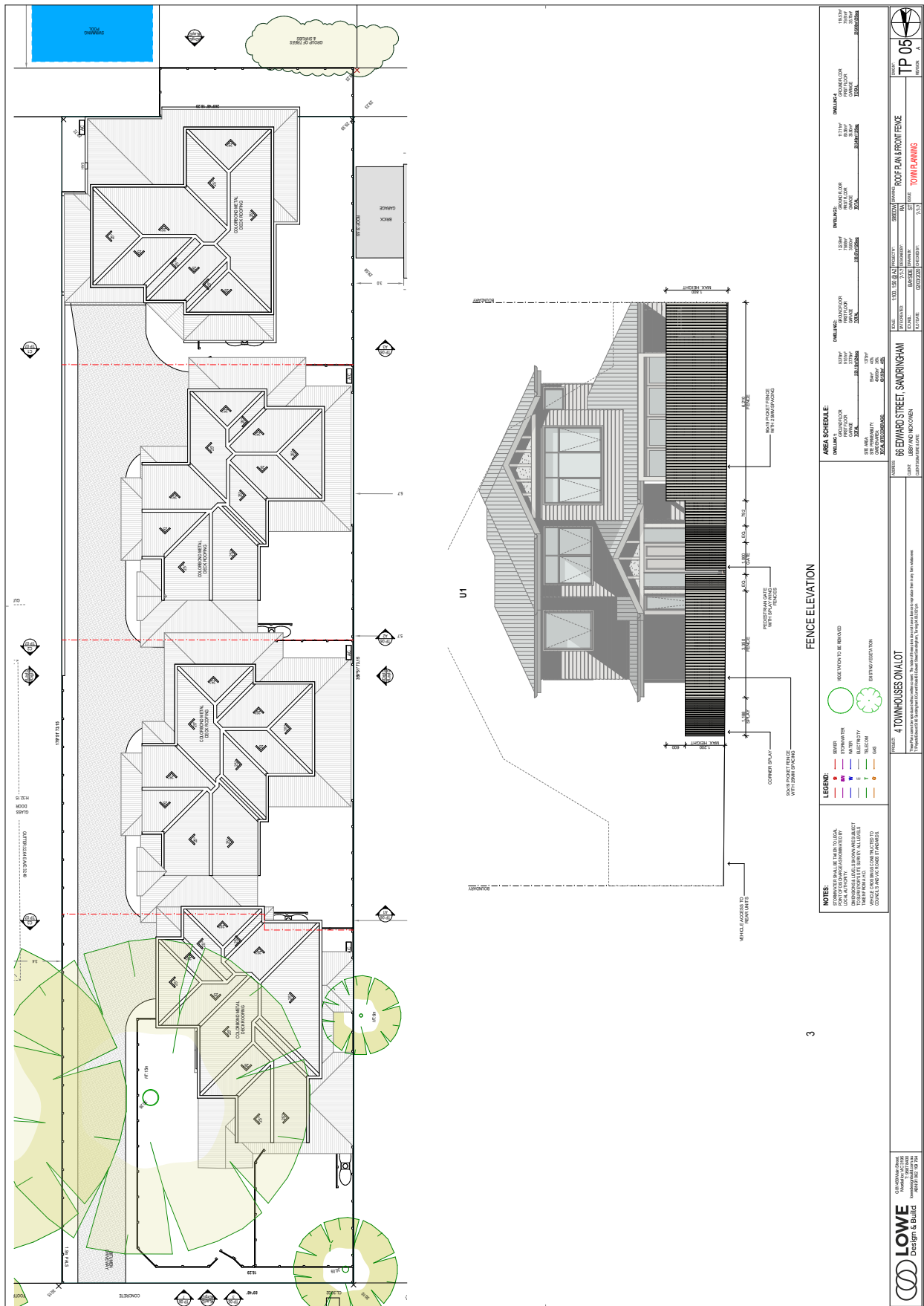








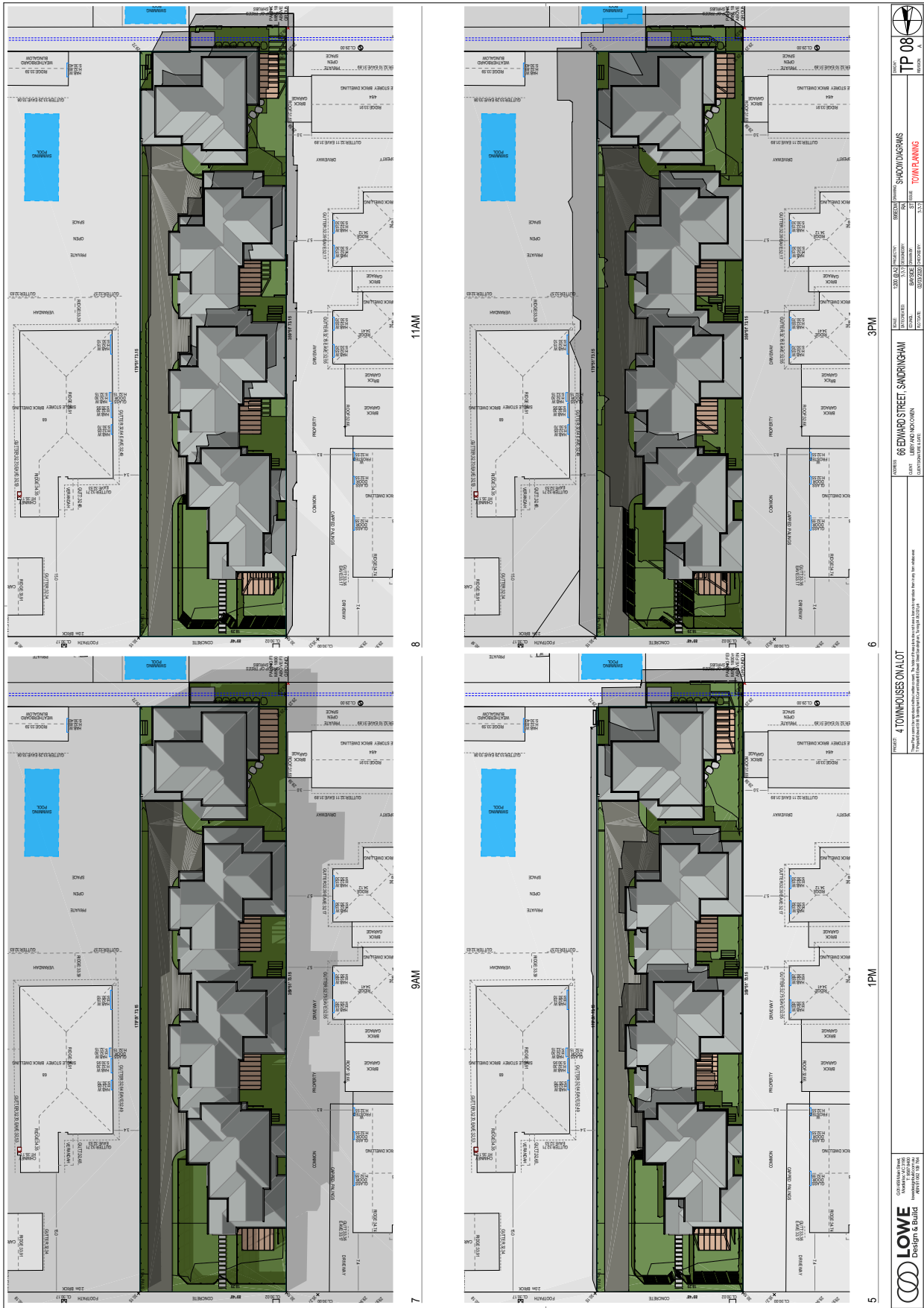


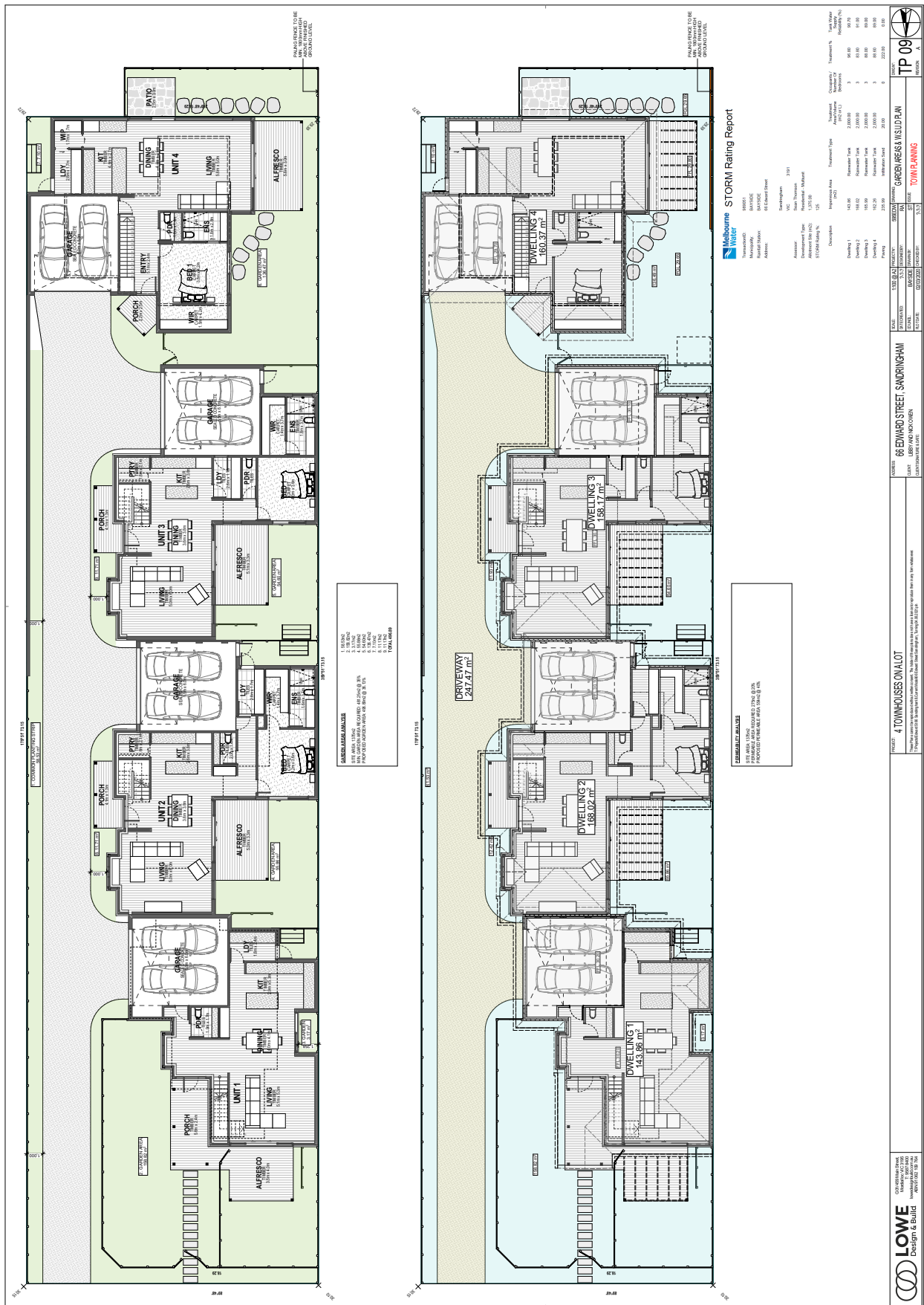
















### Site Surrounds and Imagery

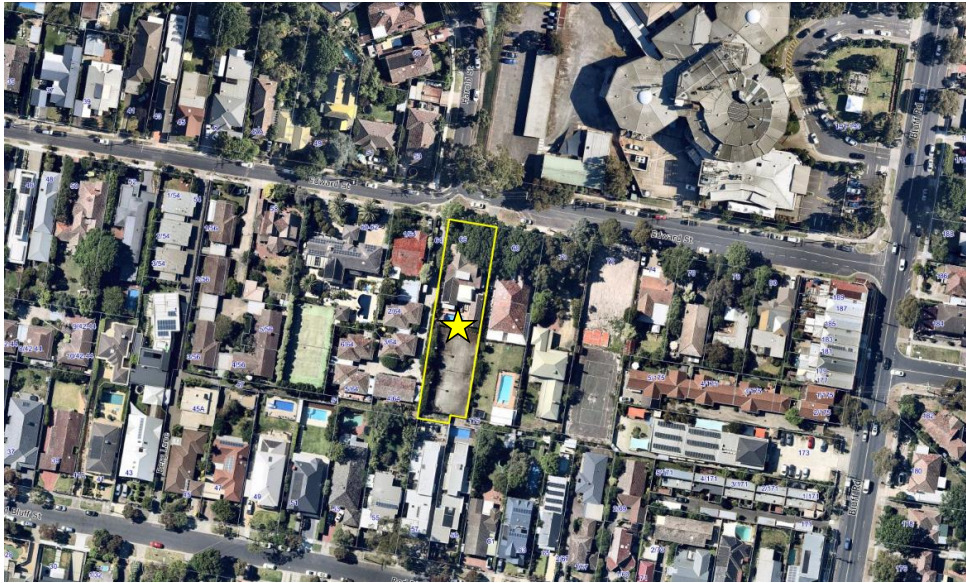


Figure 1. Aerial overview of the site and surrounds

Legend	
Subject site	★

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## ATTACHMENT

### ResCode (Clause 55) Assessment

#### ResCode Clause 55 (Two or More Dwellings on a Lot and Residential Buildings)

Title and Objective	Complies with Standard?	Comments
<p><b>B1 Neighbourhood Character</b></p> <p>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>Development responds to features of the site and surrounding area.</p>	Yes	Refer to report.
<p><b>B2 Residential Policy</b></p> <p>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</p> <p>Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Yes	The subject site is appropriately located with regard to services and facilities to support multiple dwellings.
<p><b>B3 Dwelling Diversity</b></p> <p>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	
<p><b>B4 Infrastructure</b></p> <p>Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	Any upgrades required will be the responsibility of the developer.
<p><b>B5 Integration with the Street</b></p> <p>Integrate the layout of development with the street.</p>	Yes	The dwellings appropriately address the street and entries are clearly identifiable from either the streetscape or the common access.
<p><b>B6 Street Setback</b></p> <p>The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<u>No</u>	<p><b>Minimum:</b> 9m</p> <p><b>Proposed:</b> 8.5m</p> <p><u>Refer to report</u></p>

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<p><b>B7 Building Height</b></p> <p>Building height should respect the existing or preferred neighbourhood character</p>	Yes	<p><b>Required:</b> 9m and two storeys</p> <p><b>Proposed:</b> 7.5m and two storeys</p>
<p><b>B8 Site Coverage</b></p> <p>Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Yes	<p><b>Maximum:</b> 50%</p> <p><b>Proposed:</b> 45%</p>
<p><b>B9 Permeability</b></p> <p>Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Yes	<p><b>Minimum:</b> 20%</p> <p><b>Proposed:</b> 40%</p>
<p><b>B10 Energy Efficiency</b></p> <p>Achieve and protect energy efficient dwellings and residential buildings.</p> <p>Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	Yes	The proposal provides appropriate solar access to the dwellings.
<p><b>B11 Open Space</b></p> <p>Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	N/A	
<p><b>B12 Safety</b></p> <p>Layout to provide safety and security for residents and property.</p>	Yes	No safety issues are considered to be likely to arise.
<p><b>B13 Landscaping</b></p> <p>To provide appropriate landscaping. To encourage:</p> <p>Development that respects the landscape character of the neighbourhood.</p> <p>Development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>The retention of mature vegetation on the site.</p>	Yes	Refer report.



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<p><b>B14 Access</b></p> <p>Ensure the safe, manageable and convenient vehicle access to and from the development.</p> <p>Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	<p>Yes</p>	<p>Appropriate vehicular access is provided.</p> <p><b>Maximum:</b> 33% of street frontage</p> <p><b>Proposed:</b> 16% of street frontage</p>		
<p><b>B15 Parking Location</b></p> <p>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.</p>	<p>Yes</p>	<p>The proposed car parking areas are appropriately located.</p>		
<p><b>B17 Side and Rear Setbacks</b></p> <p>Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impact on existing dwellings.</p>	<p>No</p>	<p><u>Refer to table below.</u></p>		
	<p><b>Ground Floor</b></p>		<p><b>First Floor</b></p>	
	<p><b>Required</b></p>	<p><b>Proposed</b></p>	<p><b>Required</b></p>	<p><b>Proposed</b></p>
<p><b>East (side)</b></p>	<p>0m or 2m</p>	<p>6.3m, 5.0m, 5.3m, 5.0m, 0m, 1.5m (D.4)</p>	<p>3.5m – 3.65m</p>	<p>7.6m, 6.8m, 5.4m, <u>2.4m (D.4)</u></p>
<p><b>West (side)</b></p>	<p>0m or 2m</p>	<p>0m, <u>1.2m (D.1)</u>, 2.4m, 6.4m, 0m, 6.4m, 5.4m, 4.0m.</p>	<p>3.4m – 3.68m</p>	<p><u>3.3m, 2.5m (D.1)</u>, <u>5.9m, 3.0m (D.2)</u>, <u>5.9m, 2.4m (D.3)</u>, 5.5m.</p>
<p><b>South (rear)</b></p>	<p>0m or 3m</p>	<p>0m, 3.0m</p>	<p>4.3m – <u>4.5m</u></p>	<p>4.8m, <u>4.3m (D.4)</u></p>
<p><b>B18 Walls on Boundaries</b></p> <p>Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	<p>No</p>	<p><b><u>Western Boundary</u></b></p> <p><b>Maximum Height:</b> 3.6m</p> <p><b>Proposed:</b> less than 3.6m</p> <p><b>Maximum Average Height:</b> 3.2m</p> <p><b>Proposed:</b> 3.1m</p> <p><b>Maximum Length:</b> 25.78m</p> <p><b>Proposed:</b> <u>25.89m</u></p> <p><b><u>Southern Boundary</u></b></p> <p><b>Maximum Height:</b> 3.6m</p> <p><b>Proposed:</b> 3.1m</p>		

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		<p><b>Maximum Average Height:</b> 3.2m  <b>Proposed:</b> 3.0m  <b>Maximum Length:</b> 25.75m  <b>Proposed:</b> 6m  <b>Eastern Boundary</b>  <b>Maximum Height:</b> 3.6m  <b>Proposed:</b> 2.7m  <b>Maximum Average Height:</b> 3.2m  <b>Proposed:</b> 2.7m  <b>Maximum Length:</b> 25.75m  <b>Proposed:</b> 6.4m</p>
<p><b>B19 Daylight to Existing Windows</b>  Allow adequate daylight into existing habitable room windows.</p>	Yes	The proposal is well setback from property boundaries to ensure daylight to existing windows is maintained.
<p><b>B20 North Facing Windows</b>  Allow adequate solar access to existing north-facing habitable room windows.</p>	Yes	There are two north facing windows within 3m of the common boundary at the adjoining properties. These windows will not be unreasonably shadowed.
<p><b>B21 Overshadowing Open Space</b>  Ensure buildings do not significantly overshadow existing secluded private open space.</p>	Yes	Shadow diagrams submitted with the application demonstrate that at least 75%/40m <sup>2</sup> of adjoining dwellings secluded private open space receives at least five hours of sunlight between 9am and 3pm on 22 September.
<p><b>B22 Overlooking</b>  Limit views into existing secluded private open space and habitable room windows.</p>	Yes	All windows and balconies have been appropriately treated in accordance with the requirements of the standard to limit overlooking.
<p><b>B23 Internal Views</b>  Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	Yes	Windows and balconies at first floor have been adequately located and designed to limit internal overlooking to less than 50%.
<p><b>B24 Noise Impacts</b>  Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	Yes	The development will not generate any noise above that typically expected from a residential building.
<p><b>B25 Accessibility</b>  Consider people with limited mobility in the design of developments.</p>	Yes	Entries are easily accessible for people with limited mobility. The development could be retrofitted to accommodate people with limited mobility in the future if required.
<p><b>B26 Dwelling Entry</b></p>	Yes	The entries to the dwellings are easily identifiable

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Provide a sense of identity to each dwelling.		from the street.
<b>B27 Daylight to New Windows</b> Allow adequate daylight into new habitable room windows.	Yes	All habitable windows have direct access to daylight.
<b>B28 Private Open Space</b> Provide reasonable recreation and service needs of residents by adequate pos.	Yes	<b>Minimum:</b> 25m <sup>2</sup> secluded, 40m <sup>2</sup> overall, or Balcony with 8m <sup>2</sup> with minimum width of 1.6m and access from a living space. <b>Proposed:</b> Each dwelling is provided with greater than 45m <sup>2</sup> of secluded private open space, which exceeds the requirements of this standard.
<b>B29 Solar Access to Open Space</b> Allow solar access into the secluded private open space of new dwellings/buildings.	Yes	Appropriate solar access to the private open space areas is provided.
<b>B30 Storage</b> Provide adequate storage facilities for each dwelling.	Yes	A storage spaces of at least 6m <sup>3</sup> is provided in the garage of each dwelling.
<b>B31 Design Detail</b> Encourage design detail that respects the existing or preferred neighbourhood character.	Yes	Refer to report.
<b>B32 Front Fences</b> Encourage front fence design that respects the existing or preferred neighbourhood character.	<u>No</u>	<b>Required:</b> 1.5m <b>Proposed:</b> <u>1.8m</u> <u>Refer to report</u>
<b>B33 Common Property</b> Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.	Yes	Areas of common property are practical, easily maintained, attractive and avoid future management difficulties.
<b>B34 Site Services</b> Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.	Yes	Plans show bin storage areas, mailboxes and storage areas as required.



**4.9 21 KIRKWOOD STREET, BEAUMARIS  
GRANT A PERMIT  
APPLICATION 2021/613/1 WARD: BECKETT**

City Planning and Amenity - Development Services  
File No: PSF/22/36 – Doc No: DOC/22/112843

*This matter has been reported to the Planning and Amenity Delegated Committee for a decision because there are 2 or more trees to be removed in the Vegetation Protection Overlay Schedule 3 (VPO3).*

*Officers involved in the preparation of this report have no conflict of interest in this matter.*

1. Application details

<b>Recommendation</b>	Grant a Permit
<b>Applicant</b>	FIGR Architecture Studio
<b>Title/Covenant/S173 Agreement</b>	The title is not subject to any restrictive covenants.
<b>Date application received</b>	22 October 2021
<b>Current statutory days</b>	95 days (10/05/2022)
<b>Zoning</b>	Neighbourhood Residential Zone (Schedule 3)
<b>Overlays</b>	Design and Development Overlay (Schedule 3) Vegetation Protection Overlay (Schedule 3) Development Contribution Plan Overlay (Schedule 1)
<b>Site area</b>	613 square metres
<b>Number of outstanding objections</b>	Nil.
<b>Is a Development Contribution Levy applicable?</b>	Yes, \$2,220
<b>Is the site located within an area of cultural heritage sensitivity?</b>	No.

Proposal

The application seeks the construction of two dwellings on a lot and removal of native vegetation in a Vegetation Protection Overlay. Key details of the proposal are as follows:

- Construction of two, double-storey dwellings, maximum building height of 7.39 metres.
- Site coverage 51.5%, Permeability 40.7%, Garden Area 33.8%.
- Three (3) trees proposed for removal (two Bangalow Palms and one NSW Christmas Bush) which are protected under the VPO3 and require planning permission to remove.

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 32.09-6 (Neighbourhood Residential Zone) – Construction of two or more dwellings on a lot.
- Clause 42.02-2 (Vegetation Protection Overlay) – Remove, lop or destroy vegetation native to Australia.

Garden Area

Pursuant to Clause 32.09-4, the construction of a dwelling or residential building on a lot between 500-650 square metres, requires the provision of a minimum of 30% garden area. The development plans confirm that the development has a garden area of 207 square metres which equates to 33.8% and exceeds the minimum of 30% garden area required.

Planning Scheme Amendments**Planning Scheme Amendment C180**

Planning Scheme Amendment C180 was gazetted on 18 June 2021 and forms part of the reforms and restructuring of Victoria's planning systems to make planning schemes more efficient, accessible and transparent. The amendment replaces the Local Planning Policy Framework at Clauses 21 and 22 of the Bayside Planning Scheme with a new Municipal Planning Strategy at Clause 02, local policies within the Planning Policy Framework at Clauses 11-19 and a selected number of local schedules to overlays, particular provisions and operational provisions.

## 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:

Internal Referral	Response
Arborist	No objection, subject to conditions.  The proposed VPO tree removal is considered suitable but must be subject to a greater replanting schedule and with further indigenous species.  Raised the following concerns: <ul style="list-style-type: none"> <li>• Lack of substantial replacement canopy tree planting, to be addressed by condition</li> <li>• Excessive level of hard surfaces in place of groundcover and further landscaping, to be addressed by condition</li> </ul>
Open Space Arborist	No objection, subject to conditions.
Revenue Services (Street Number)	No objection, subject to conditions.

### Public notification

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

No objections remain outstanding at the time of this report.

#### 4. Recommendation

That Council resolves to issue a **Permit** under the provisions of the Bayside Planning Scheme in respect of planning application **2021/613/1** for the land known and described as **21 Kirkwood Street, Beaumaris** for **the construction of two dwellings on a lot and removal of native vegetation in a Vegetation Protection Overlay** 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. The plans must be generally in accordance with the advertised plans prepared by FIGR Architecture referenced TP0.01 – TP5.01 Rev.A, dated 22/01/2022, but modified to show:
  - a) deletion of the covered structures over the pedestrian entry gates to each dwelling, and the gates to be at least 50% open in design
  - b) annotation of tandem parking spaces to each dwelling, with dimensions in accordance with 52.06-9
  - c) a Sustainable Design Assessment in accordance with Condition 9
  - d) a Landscaping Plan in accordance with Condition 10
  - e) a Tree Management and Protection Plan in accordance with Condition 13
  - f) provision of the development contributions fee in accordance with Condition 20all 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. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
8. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

#### Sustainable Design Assessment

9. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
  - a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
  - b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
  - c) preliminary building energy rating certificates that align with plans
  - d) provision of double glazing to all new windows
  - e) appropriate shading to all north, east and west facing windows
  - f) maximum internal lighting density of 4W/m<sup>2</sup>
  - g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
  - h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
  - i) provision of external dry lines for each dwelling
  - j) bicycle parking space in each garage/ private open space area
  - k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
  - l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18
  - m) the type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections
  - n) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance

- o) provisions for renewable energy systems such as Solar PV
  - p) commitment to recycle at least 70% of construction and demolition waste
  - q) measures to reduce urban heat island impact such as light or medium coloured roof and driveway
  - r) use of sustainable materials such as low VOC paints for the internal walls
  - s) use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused
  - t) provision of green walls / vertical gardens where practicable
- all to the satisfaction of the Responsible Authority.

#### Landscaping

10. 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 Marlowe Volkering, reference ID1.02, dated 31/01/2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
- a) the area of crushed granite between the pedestrian pathway and driveway (of each dwelling) to include new planting and landscaping to the satisfaction of the Responsible Authority
  - b) deletion of the Silver Princess tree in the front setback, and the addition of three indigenous canopy trees (each capable of reaching at least 8 metres in height) in the front setback
  - c) replacement of the two Gossamer Wattles in the rear setback of Dwelling 1 with two indigenous canopy trees (capable of reaching at least 8 metres in height)
  - d) addition of one indigenous canopy tree (capable of reaching at least 8 metres in height) in the rear setback of Dwelling 2
  - e) 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
  - f) 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
  - g) 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
  - h) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
  - i) details of surface finishes of pathways and driveways
  - j) where practicable, the inclusion of green walls at appropriate locations.

11. 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.
12. 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.

#### Tree Protection Management Plan

13. Before the development starts, including any related demolition or removal of vegetation, a TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The TPMP must include:

- a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site
- b) protection measures to be utilised and at what stage of the development they will be implemented
- c) appointment of a project arborist detailing their role and responsibilities
- d) stages of development at which the project arborist will inspect tree protection measures
- e) monitoring and certification by the project arborist of implemented protection measures.

Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.

Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

The TPP must:

- a) be legible, accurate and drawn to scale
  - b) indicate the location of all tree protection measures to be utilised
  - c) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
  - d) include a key describing all tree protection measures to be utilised.
14. All actions and measures identified in the Tree Management Report must be implemented.
  15. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.
  16. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of

Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

#### Protection of trees for services

17. All underground services must be located outside of Tree Protection Zones (TPZ) of all trees to be retained. If this is not possible, any underground service installations within a TPZ must be bored beneath the entire TPZ to a minimum depth 800mm. If this is not possible, any excavation within the TPZ required for the connection of services must be undertaken by approved non-destructive digging techniques, under the supervision of a project arborist and with the written approval of the Responsible Authority.

#### Drainage

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

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

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

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

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

#### Permit Notes:

- Council would be supportive of the applicant and/or owner making a tax-deductible donation equal to 0.1% of the sale price of any dwelling approved under this permit to Homes for Homes Limited (CAN 143 141 544) or equivalent social and/or affordable housing not-for-profit organisation.
- Council is the responsible authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.

The street address allocations are as follows:

Western Dwelling – 21A Kirkwood Street BEAUMARIS 3193

## Eastern Dwelling – 21B Kirkwood Street BEAUMARIS 3193

For more information on street numbering, please contact Council's Revenue Services Team on 9599 4444.

- 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 prior to the commencement of the connection to the Council Drain / kerb / channel.
- Before the development starts the applicant must pay \$6,985.27 to the Responsible Authority for the removal and replacement of an existing street tree (Asset No. 431542). This amount has been determined in accordance with Council's current policy for the removal of street tree(s). 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 2021–25

Relevant objectives of the Council plan include:

- Lead and influence change to address the climate emergency and strive to reduce its impact in the health of our community, environment and the planet.
- Land use will enhance Bayside's liveability and protect the distinctive heritage and character of our various localities.

Relevant strategies of the Council plan include:

- Adopt and champion innovative ways of working and evaluate policy against its climate impact to reduce harm.
- Enhance vegetation (including through tree canopy) through accelerated tree planting and tree protection on public and private land.
- Strategic planning and controls protect and reflect the diverse environmental and heritage values of Bayside.
- Encourage the planning of well-designed new development that is appropriately located and consistent with the preferred neighbourhood character and residential amenity.

### Bayside Planning Scheme

- Clause 2           Municipal Planning Policy
- Clause 2.03       Strategic Directions

- Clause 11 Settlement
- Clause 12 Environmental and Landscape Values
- Clause 15 Built Environment and Heritage
- Clause 15.01-5S Neighbourhood Character
- Clause 15.01-5L Bayside Preferred Neighbourhood Character (H2)
- Clause 16 Housing
- 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 53.18 Stormwater Management in Urban Development
- 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, and the individual merits of the application.

### 6.1. Neighbourhood character

The site is located within Neighbourhood Character Precinct **H2**. The proposal is considered to demonstrate an appropriate level of compliance with the general objectives and strategies of Bayside preferred neighbourhood character policy as well as the preferred character strategies for the precinct.

The existing site conditions include a number of trees on the site. The native trees requiring permission for removal are discussed further in Section 6.3, but some other smaller non-protected natives are also proposed to be retained along the rear boundary. The landscape plan provided however is lacking in its addressing of the need for new indigenous planting, which should be rectified and is also discussed further at Section 6.3 of this report.

The built form is positioned off the boundaries on all sides, with the exception of the entryway structures. These entry elements are towards the front, and whilst their purpose is to demarcate the entries, they do result in a boundary-to-boundary span when read from the streetscape. It is recommended these elements be deleted to allow the full separation and spacing on site, which is otherwise well provided, allowing for new landscaping to take place. Open style gates can be retained in the location, to still signal the entryways, but in a less physically substantial manner.

The development design is a contemporary form, with some recessed portions along the side, but otherwise does not include a large amount of physical articulation. The materiality of the design is primarily presented through timber cladding, with cement sheeting along the sides. The materials use texture to provide detail and visual interest. A vertical channel in the centre of the front façade is designed with cabling to provide space for vertical vegetation (green wall), in the form of a climbing Kangaroo Vine plant. This is a novel feature that once established will contribute a fine-grain visual interest. The surrounding streetscape is reasonably mixed in terms of form and material choices, with various flat-roofed and prominent square forms utilised, including the existing dwelling on site, so the contemporary design interpretation of the original housing stock

is not considered to appear concernedly incongruous or out of place and responds to the character of the streetscape.

The first floor of the front façade does include a slight recess from the level below, but the use of the timber batten screening at both ground and first floor restricts how perceivable this is from a streetscape perspective. The garages are setback level with the front line of the dwellings, incorporated into the façade with the consistent materiality.

Much of the front setback uses crushed rock as a surface, with raised garden beds and driveways making up the rest. The amount of impervious area in the front setback is considered excessive and comes at the cost of further landscaping opportunities. As such, this granite area should be reduced to allow greater landscaping.

No front fencing is proposed, with an open setback utilising raised garden beds to differentiate spaces. Further vegetation treatment could be utilised in the front setback however, via the reduction in the level of non-vegetated surfaces.

Overall the development presents a very distinct and clear design intent and achieves the general form and siting expectations, and introduces strong materiality to provide feature and character of its own. The spatial allocation of the site allows for suitable open areas, but the landscaping response in these spaces required further intent, which is addressed in detail below and via condition of permit.

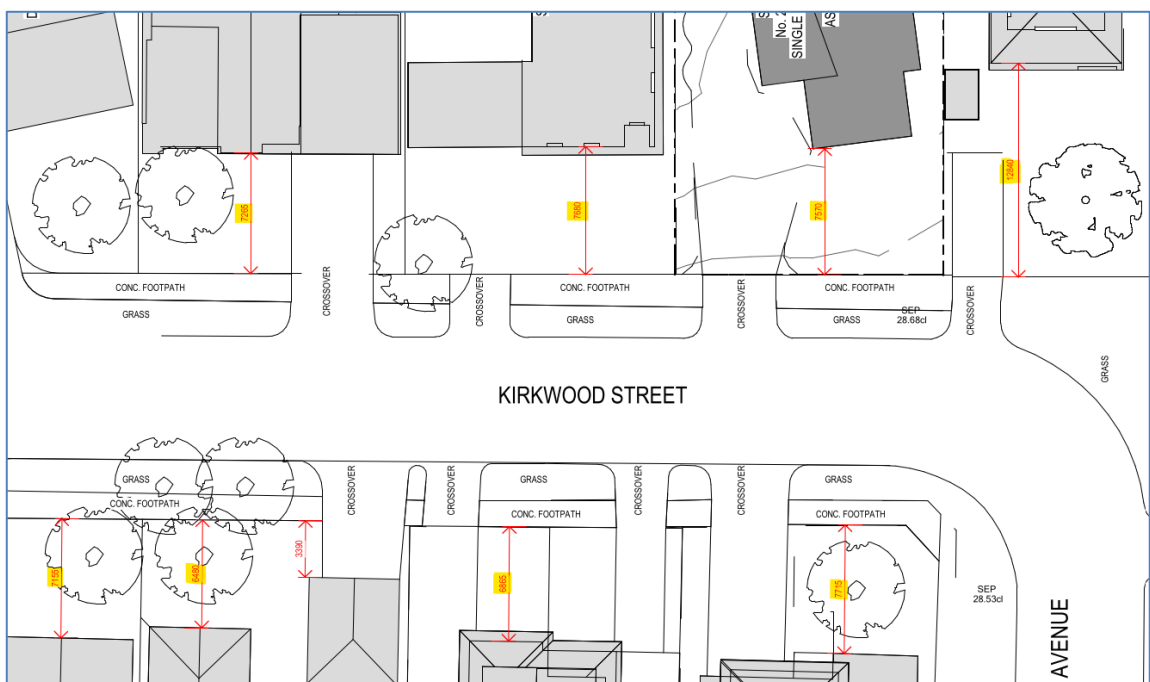
**6.2. Compliance with Clause 55 (ResCode)**

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

Street setback (Standard B6)

	Required	Proposed	Variation
Kirkwood Street	9.0m	<u>7.4m</u>	1.6m

A street setback from Kirkwood Street of 7.4 metres is proposed, when a setback of 9 metres is required to achieve this standard, based on the deep setback of the eastern neighbouring property. 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.





*Image 1 Site plan of the subject site (shaded) and surrounding dwellings within Kirkwood St, with street setbacks highlighted. Setbacks are (left-right, top-bottom): 7.26m, 7.68m, 7.57m, 12.84m, 7.15m, 6.48m, 6.86m, 7.72m.*

The setback standard is taken as the maximum of 9 metres, due to the further of the adjoining neighbours, 23 Kirkwood St, is setback approximately 13 metres. Whilst noting the proposal is forward of the required 9 metres, the surrounding context with regard to street setbacks excluding 23 Kirkwood St, is clearly much more consistent in terms of slightly closer setbacks from the street, being between 6 and 7 metres. The neighbouring dwellings both directly west of the site and on the opposite side of Kirkwood Street, and the existing dwelling on the subject site itself, are all setback in the realm of 6.5m to 7.7m. The proposed 7.4m setback then is comfortably within this relatively established pattern within the streetscape as a whole, and clearly respects the existing character. Further, enforcing the full 9 metre setback would reduce the practical and efficient use of the site unnecessarily, given this clear character consistency. In consideration of the objectives of the standard, it is considered a completely appropriate variation to the numerical standard.

#### Site coverage (Standard B8)

Required	Proposed	Variation
50%	<u>51.5%</u>	1.5%

The proposed site coverage is 51.5%, in lieu of the expected standard of 50%. 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.

The variation to the coverage is relatively minor, however as mentioned above, the inclusion of the covered entry structures to both dwellings is counter to the preferred outcome of spatial separation between buildings, and the deletion of these elements is included in the recommendation conditions. The deletion of the front entry canopies will ancillary effect of reducing the coverage to 49.9%, sitting acceptably just under the expected standard. With the inclusion of this condition, the objective and numerical requirement of the standard is considered to be addressed.

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

	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
<b>West (side)</b>	0m, 2m	0m, 2m	3.89 – 3.98m	<u>2m, 2.42m</u>
<b>East (side)</b>	0m, 2m	0m, 2m	3.86 – 4.28m	<u>2m, 2.42m</u>
<b>North (rear)</b>	0m, 3m	6.5m, 6.53m	4.88m	5.23m

At ground floor, the full ground floor and rear of the first floor all sufficiently comply. At first floor, both sides of the proposed development do not comply with the first floor side setback requirement along the full length of the built form. 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.

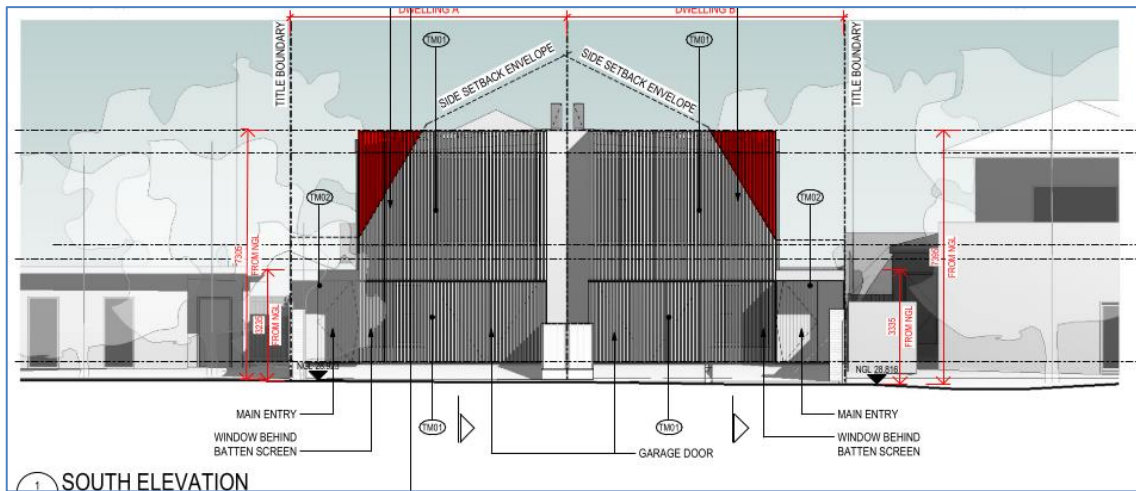


Image 2 South elevation of the front façade, showing the areas of setback non-compliance in red.

The setback non-compliance derives from the design intent of the building, having essentially double height walls on all sides, with detailing and texture used to break up the form.

The proposed built form achieves all standards pertaining to amenity concerns in terms of shadows, proximity to windows, and has essentially no boundary walls. The visual impact and the design’s character then are of core consideration to the appropriateness of the encroachment.

The variation in texture and material, and use of small recesses, help to break up the span of the upper floor, in an effort to temper the overall presence of bulk and create articulation through the provision of light and shade. With the deletion of the entry structures, the square presentation of the design will achieve a strong visual separation and spacing from the adjoining dwellings as directed by the preferred character guidelines, and which the decreased upper setbacks do not wholly detract from.

Given that the encroachments are not located adjacent to sensitive interfaces on either of the adjoining properties, and otherwise still achieves the outcome of providing visual separation and spacing for vegetation, the non-compliances with the setback standard is in this case considered contextually acceptable.

**6.3. Landscaping and Vegetation Protection Overlay (Schedule 3)**

The objectives of the VPO3 are to prevent the loss of native and particularly indigenous vegetation incurred by development, retain the amenity, aesthetic character and habitat value of Australian native vegetation and indigenous vegetation in particular within the Beaumaris and Black Rock area, and to promote the regeneration and replanting of indigenous species in the Beaumaris and Black Rock area.

The application plans show the removal of three (3) trees from the site protected by the VPO3. The table below is based on Council’s Arborist’s site assessment, and identifies those trees protected by the VPO3, and those protected by the Local Law. None of the trees are indigenous.

VPO3 protected trees		Local Law protected trees	
Proposed for removal	Proposed for retention	Proposed for removal	Proposed for retention
Tree 9, 10, 21	-	-	-

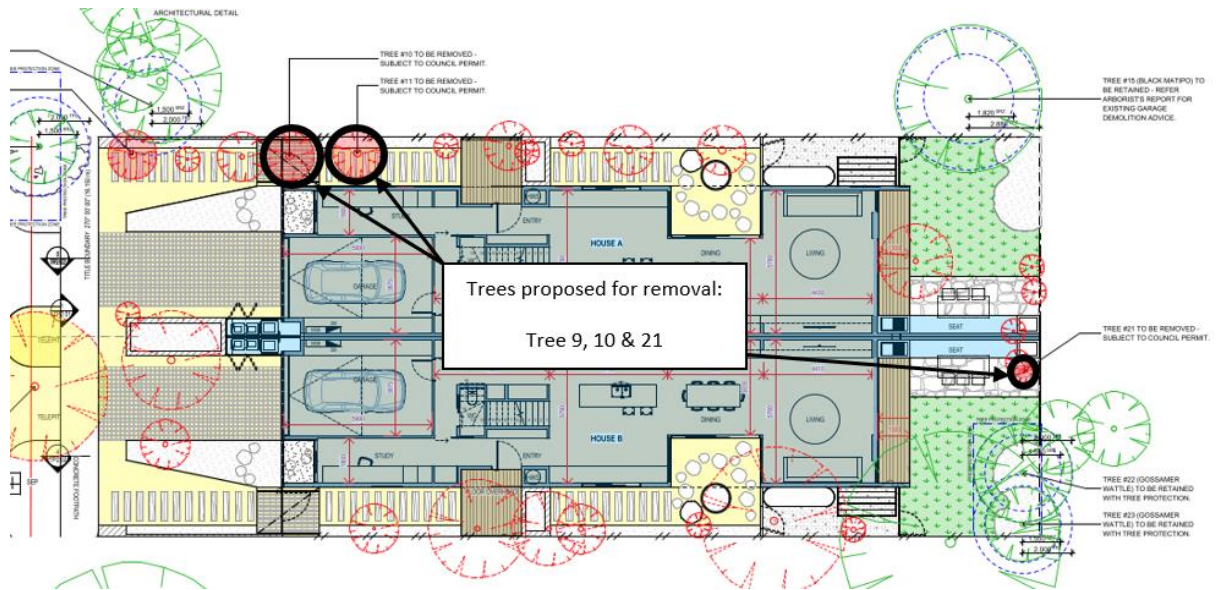


Image 3 Trees for removal (triggered by VPO3).

From an Arboricultural perspective, Council's arborist has reviewed the application and advises that Trees 9, 10, and 21 are suitable for removal, as none contribute to the presence of indigenous species in the site, and are generally of middling amenity value to the property. The location of the relevant trees does not contribute to the visual presentation of the site from the street, compared to more preferable varieties that could be introduced. A short summary of each tree is provided below. Further detail of each tree is provided below and in **Attachment 4**.

#### Tree 9

Tree 9 is a 3m high NSW Christmas bush, with good structure but moderate amenity value and life expectancy. The tree is native but not indigenous, and is not considered to have any real contribution to the neighbourhood character.

#### Trees 10 and 21

Trees 10 and 21 are both 9m high Bangalow Palms. The palms are hardy and considered to be of good health, but whilst native, do not contribute to the presence of indigenous species on site.

The proposed removal is considered to be suitable under the decision guidelines of the VPO3, subject to a more extensive replanting schedule. An assessment against the decision guidelines of the VPO3 is provided at **Attachment 5**.

The relevant character of the site consists of little to no indigenous species, and those proposed for removal are only low quality natives. The preferred landscape character will not be detrimentally impacted by the removal, but will be enhanced once replacement plantings are undertaken, which include a greater extent of indigenous vegetation.

The location of those trees to be removed is not prominently visible on the site from a streetscape perspective and would have a nominal impact on the appearance of the development. Additional replanting, concurrent with the development will provide for an indigenous vegetated setting that the current vegetation on site does not provide.

To this point, the proposed replanting is notably lacking a comprehensive indigenous schedule, which is addressed via the landscaping conditions recommended.

Council's Arborist has advised that Trees 22 and 23 on the site are smaller native trees proposed for retention. Further, Trees 6, 15, and 24 are located on adjoining sites with their Tree Protection Zones (TPZ) extending into the subject site. As such consideration must be given to the impact of the development upon these trees. Council's Arborist has

advised that in order to remain viable post-construction, a Tree Protection Plan and Tree Management Plan will be required to be submitted to ensure these trees remain viable both during and post construction. A condition to this effect is included in the recommendation.

In addition to the above assessment, Council's Arborist has reviewed the submitted landscape plan and advised that subject to additional replanting and species choice, it will acceptably satisfy the Planning and Council policies. The plan includes a number of native canopy trees however very little indigenous varieties. As part of the recommended conditions, the proposed vegetation will need to be at least 80% indigenous species by both type and count. Further, as described in Section 6.1, the site provides suitable separation and spacing for landscaping opportunities, but along with requiring additional front setback space to be given over to landscaping, does not fulfil this opportunity to the proper extent possible. Further canopy trees are required for the landscaping to achieve the expected outcomes but can easily be included in an amended landscape plan.

The Silver Princess eucalypt proposed for the front setback is a small West Australian native. Along with increasing the planting area in the front setbacks as already described, substituting this tree should allow space for three indigenous canopy trees of at least 8 metres in height to be introduced in total, providing a strong indigenous landscape character to the streetscape.

To the rear, there are two Gossamer Wattles to be retained against the fence line of Dwelling 2, with two more Gossamers proposed for Dwelling 1. Whilst retaining the existing Gossamers is encouraged, the canopy tree potential of the rear setback could be better met. Replacing the two proposed Gossamers with larger indigenous canopy trees, and an additional canopy tree to Dwelling 2 to serve as a direct replacement to Tree 21, would provide a much greater consistency with the expectations of the VPO and neighbourhood character guidelines. This along with the above is included as conditions.

Subject to the recommended changes, the landscaping across the site will result in a suitable level of indigenous vegetation renewal, with six indigenous canopy trees, along with the retention of some existing small native trees. A balance of the objectives of the Vegetation Protection Overlay will be achieved, with some low amenity native trees removed and some native tree retention, but substantially more focused indigenous regeneration and replanting to also take place.

#### **6.4. Street tree(s)**

Tree No. 1 is located within the nature strip and is proposed for removal. Council's Street Tree Arborist has advised that the site measurements indicate that the crossover positions and necessary setback from the tree cannot be accommodated, and removal is allowed under the Street and Park Tree Management Policy. Removal and replacement costs will apply and are included in the notes of the recommendation above.

#### **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.

Both dwellings comprise four bedrooms and are afforded two car parking spaces each, in the form of a single garage and tandem outdoor parking. The proposed on-site car parking meets the requirements of Clause 52.06-5.

The open spaces for the tandem car parks have not been demarcated on the plans provided and should be indicated. This is included as a condition in the recommendation below.

**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 \$2,220 is required. The payment of the development contributions levy is included as a condition of permit.

**Support Attachments**

1. Plans ↓
2. Location ↓
3. Clause 55 Assessment ↓
4. Tree Profiles ↓
5. VPO Guidelines ↓





No.	Title	Rev.	Date
TR00	COVER SHEET	-	22.10.21
TR01	NEIGHBOURHOOD & SITE DESCRIPTION PLAN	A	22.10.21
TR02	PROPOSED SITE PLAN	A	22.10.21
TR03	EXISTING & PROPOSED ELEVATIONS	A	22.10.21
TR04	PROPOSED FIRST FLOOR PLAN	A	22.10.21
TR05	PROPOSED ELEVATIONS	A	22.10.21
TR06	STREETSCAPE ELEVATION & MATERIAL SCHEDULE	A	22.10.21
TR07	EXISTING & PROPOSED DIAGRAMS 22.50P 14MM X 30M	A	22.10.21
TR08	PROPOSED SHADOW DIAGRAMS 22.50P 14MM X 30M	A	22.10.21
TR09	PROPOSED SHADOW DIAGRAMS 22.50P 14MM X 30M	A	22.10.21
TR10	PROPOSED SHADOW DIAGRAMS 22.50P 30M	A	22.10.21

**APPENDIX**  
FEATURES, LEVELS & TITLE REFERENCE SURVEY  
VISORS 21 Kirkwood Street Beaumaris - Existing Condition  
LANDSCAPE PLAN  
2102121 Kirkwood St, Larchtree Pty, Pty B

**PROJECT DIRECTORY**

- VC SURVEY**  
PROJECT: VISORS 21 KIRKWOOD STREET  
PHONE: 08 9437 1111  
EMAIL: INFO@VICSURVEY.COM.AU  
WEBSITE: WWW.VICSURVEY.COM.AU
- FIR ARCHITECTURE & DESIGN**  
DIRECTOR: JACQUES TOST  
ADDRESS: 100/100 COLLEGE STREET  
CITY: PERTH  
STATE: WA  
WEBSITE: WWW.FIRARCHITECTURE.COM.AU
- NORTHERN ENVIRONMENTAL DESIGN**  
DIRECTOR: JACQUES TOST  
ADDRESS: 100/100 COLLEGE STREET  
CITY: PERTH  
STATE: WA  
WEBSITE: WWW.NORTHERNEDDESIGN.COM.AU
- LANDSCAPE DESIGN - MARLOWE VOLKERING DESIGN PT**  
PROJECT: VISORS 21 KIRKWOOD STREET  
PHONE: 08 9437 1111  
EMAIL: INFO@MARLOWEDESIGN.COM.AU  
WEBSITE: WWW.MARLOWEDESIGN.COM.AU
- CHITFIELD ARCHITECT & CONSULTANTS**  
PROJECT: VISORS 21 KIRKWOOD STREET  
PHONE: 08 9437 1111  
EMAIL: INFO@CHITFIELDARCHITECT.COM.AU  
WEBSITE: WWW.CHITFIELDARCHITECT.COM.AU
- HUMAN HABITATS & PLANNING CONSULTANTS**  
PROJECT: VISORS 21 KIRKWOOD STREET  
PHONE: 08 9437 1111  
EMAIL: INFO@HUMANHABITATS.COM.AU  
WEBSITE: WWW.HUMANHABITATS.COM.AU

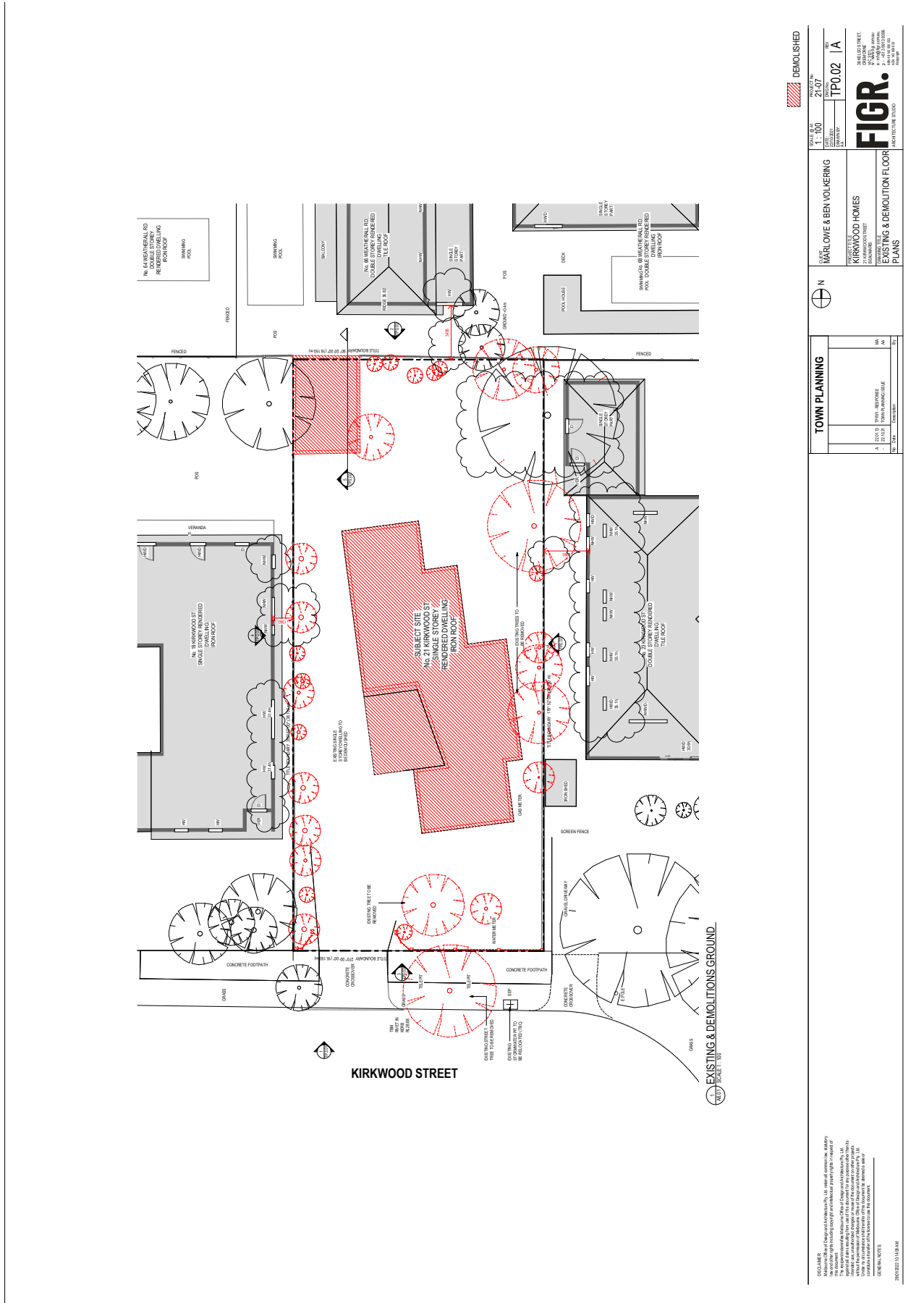
**KIRKWOOD HOMES**  
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BEAUMARIS  
2001/2022/10/14/044

**TOWN PLANNING**  
MARLOWE & BEN VOLKERING

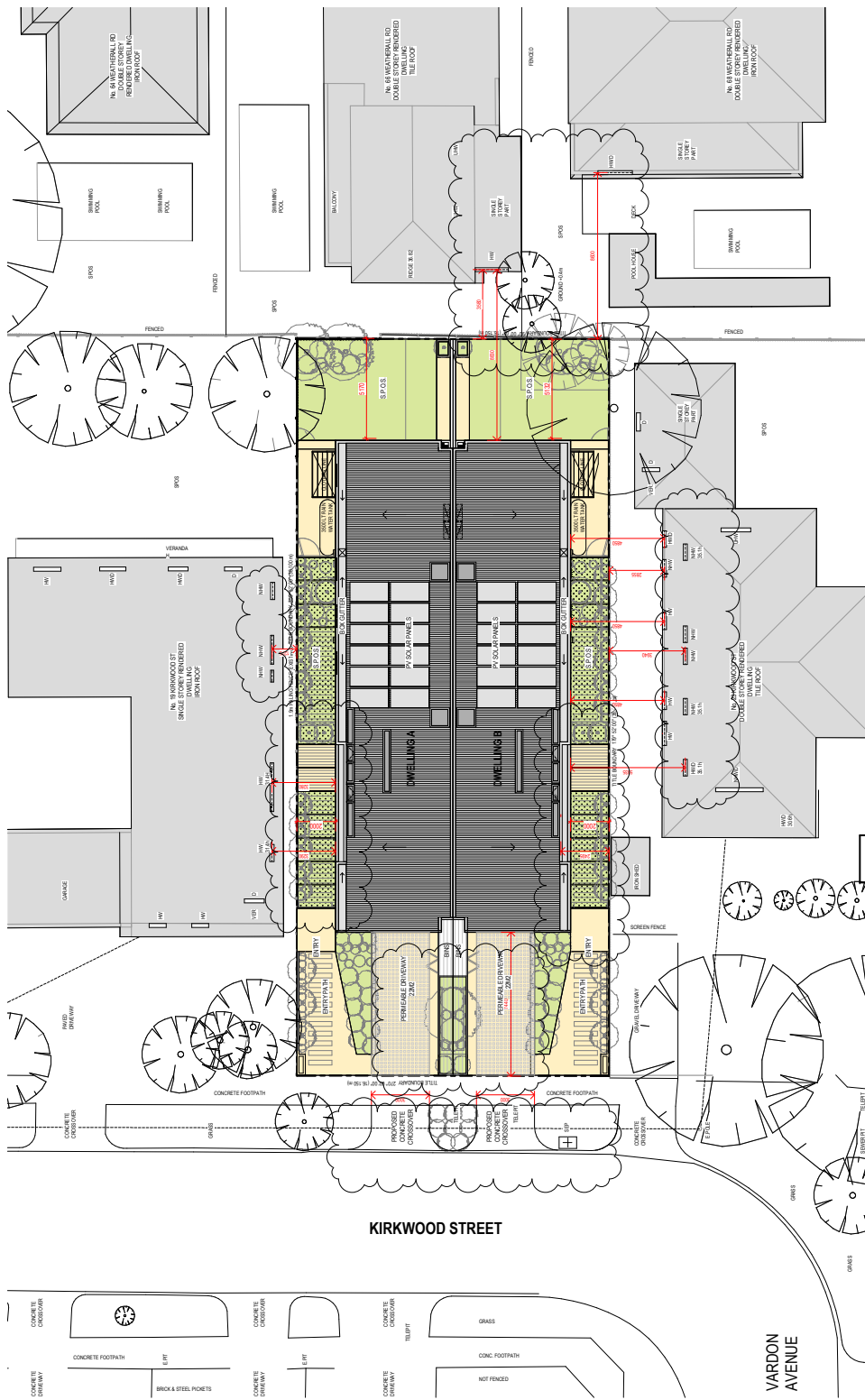
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MARLOWE & BEN VOLKERING  
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108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000/1001/1002/1003/1004/1005/1006/1007/1008/1009/1010/1011/1012/1013/1014/1015/1016/1017/1018/1019/1020/1021/1022/1023/1024/1025/1026/1027/1028/1029/1030/1031/1032/1033/1034/1035/1036/1037/1038/1039/1040/1041/1042/1043/1044/1045/1046/1047/1048/1049/1050/1051/1052/1053/1054/1055/1056/1057/1058/1059/1060/1061/1062/1063/1064/1065/1066/1067/1068/1069/1070/1071/1072/1073/1074/1075/1076/1077/1078/1079/1080/1081/1082/1083/1084/1085/1086/1087/1088/1089/1090/1091/1092/1093/1094/1095/1096/1097/1098/1099/1100/1101/1102/1103/1104/1105/1106/1107/1108/1109/1110/1111/1112/1113/1114/1115/1116/1117/1118/1119/1120/1121/1122/1123/1124/1125/1126/1127/1128/1129/1130/1131/1132/1133/1134/1135/1136/1137/1138/1139/1140/1141/1142/1143/1144/1145/1146/1147/1148/1149/1150/1151/1152/1153/1154/1155/1156/1157/1158/1159/1160/1161/1162/1163/1164/1165/1166/1167/1168/1169/1170/1171/1172/1173/1174/1175/1176/1177/1178/1179/1180/1181/1182/1183/1184/1185/1186/1187/1188/1189/1190/1191/1192/1193/1194/1195/1196/1197/1198/1199/1200/1201/1202/1203/1204/1205/1206/1207/1208/1209/1210/1211/1212/1213/1214/1215/1216/1217/1218/1219/1220/1221/1222/1223/1224/1225/1226/1227/1228/1229/1230/1231/1232/1233/1234/1235/1236/1237/1238/1239/1240/1241/1242/1243/1244/1245/1246/1247/1248/1249/1250/1251/1252/1253/1254/1255/1256/1257/1258/1259/1260/1261/1262/1263/1264/1265/1266/1267/1268/1269/1270/1271/1272/1273/1274/1275/1276/1277/1278/1279/1280/1281/1282/1283/1284/1285/12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KIRKWOOD STREET

VARDON AVENUE

PROPOSED SITE PLAN  
SCALE 1:100

SCALE: 1:100  
 DATE: 21.07.21  
 DRAWN BY: TP.101  
 CHECKED BY: A  
**FIGR.**  
 ARCHITECTURE STUDIO  
 27 GARDNER STREET, KIRKWOOD VIC 3114  
 PH: 03 9497 1000  
 WWW.FIGR.COM.AU

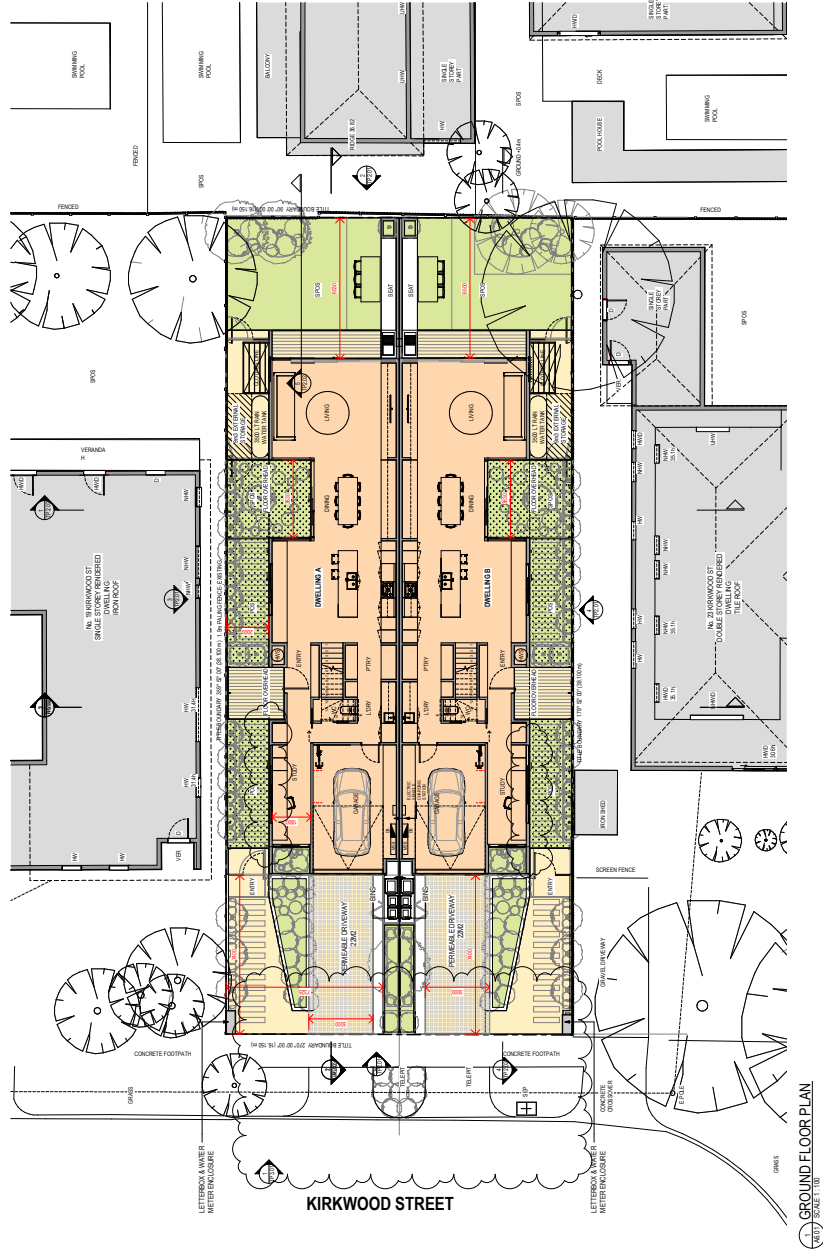
CLIENT: MARLOWE & BEN VOLKMER  
 PROJECT: KIRKWOOD HOMES  
 17 KIRKWOOD STREET, KIRKWOOD VIC 3114  
 PROPOSED SITE PLAN

TOWN PLANNING  
 A: 2018 TRAFFIC RESPONSE  
 1: 2018 TOWN AMENITY  
 2: 2018 TOWN AMENITY

**PERMITS SCHEDULE**

PERMIT TYPE	STATUS	DATE
PROPOSED SITE PLAN	APPROVED	21.07.21
PROPOSED CONSTRUCTION	PENDING	
PROPOSED ROAD EASEMENT	PENDING	
PROPOSED DRIVEWAY	PENDING	
PROPOSED POOL	PENDING	
PROPOSED CONCRETE	PENDING	
PROPOSED FENCE	PENDING	

PREPARED BY: FIGR  
 DATE: 21.07.21



GROUND FLOOR PLAN  
SHEET 1/10

**FIGR.**  
FIGURE

**SCALE:** 1:100  
DATE: 21/07/21

**DESIGNER:** MARLOWE & BEN VOLKMER  
**CLIENT:** KIRKWOOD HOMES  
**PROJECT:** 27 KIRKWOOD STREET, BAYSWOOD VIC 3185  
**PROPOSED GROUND FLOOR PLAN**

**TOWN PLANNING**

**COMPLIANCE:** A 2/19 (TR) - RESIDENCE  
A 2/19 (TR) - RESIDENCE  
A 2/19 (TR) - RESIDENCE  
A 2/19 (TR) - RESIDENCE

AREA SCHEDULE	REQUIREMENT	MAXIMUM AREA	MINIMUM AREA	COMPLIANCE
1. TOTAL GROSS FLOOR AREA	1000 sqm	1000 sqm	1000 sqm	OK
2. GROSS FLOOR AREA OF DWELLING A	500 sqm	500 sqm	500 sqm	OK
3. GROSS FLOOR AREA OF DWELLING B	500 sqm	500 sqm	500 sqm	OK
4. GROSS FLOOR AREA OF COMMON AREAS	100 sqm	100 sqm	100 sqm	OK
5. GROSS FLOOR AREA OF GARAGES	100 sqm	100 sqm	100 sqm	OK
6. GROSS FLOOR AREA OF PORCHES	100 sqm	100 sqm	100 sqm	OK
7. GROSS FLOOR AREA OF PATIOS	100 sqm	100 sqm	100 sqm	OK
8. GROSS FLOOR AREA OF BALCONIES	100 sqm	100 sqm	100 sqm	OK
9. GROSS FLOOR AREA OF TERRACES	100 sqm	100 sqm	100 sqm	OK
10. GROSS FLOOR AREA OF PERGOLAS	100 sqm	100 sqm	100 sqm	OK
11. GROSS FLOOR AREA OF SWIMMING POOLS	100 sqm	100 sqm	100 sqm	OK
12. GROSS FLOOR AREA OF SHEDS	100 sqm	100 sqm	100 sqm	OK
13. GROSS FLOOR AREA OF OTHER STRUCTURES	100 sqm	100 sqm	100 sqm	OK

DATE: 21/07/21








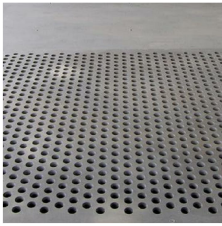





**C01** CONCRETE



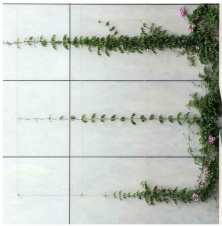
**C02** CEMENT SHEET PANELS PERFORATED




**C03** GLASS - CLEAR



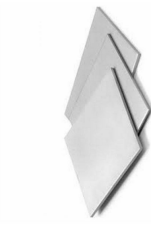
**C04** CEMENT SHEET PANELS




**R01** SPREADLOCK ROOFING




**R02** FLAT METAL PLATE




**T01** DARK BATES LAMINATE



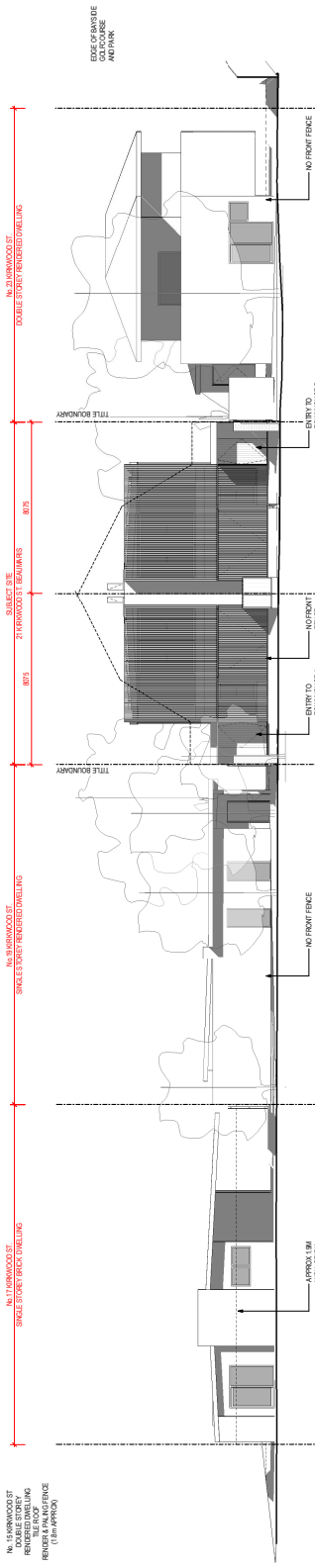
**T02** DARK VERTICAL CLADDING



**M01** DARK METAL FINISHES



**FIGR. STREETScape ELEVATION**  
SCALE: 1:100



FIGR. STREETScape ELEVATION & MATERIAL SCHEDULE

**TOWN PLANNING**

CLIENT: MARLOWE & BEN VOLKMER

PROJECT: KIRKWOOD HOMES

ADDRESS: 274 KIRKWOOD STREET, KIRKWOOD

DATE: 10/05/2022

SCALE: 1:100

FIGR. STREETScape ELEVATION & MATERIAL SCHEDULE

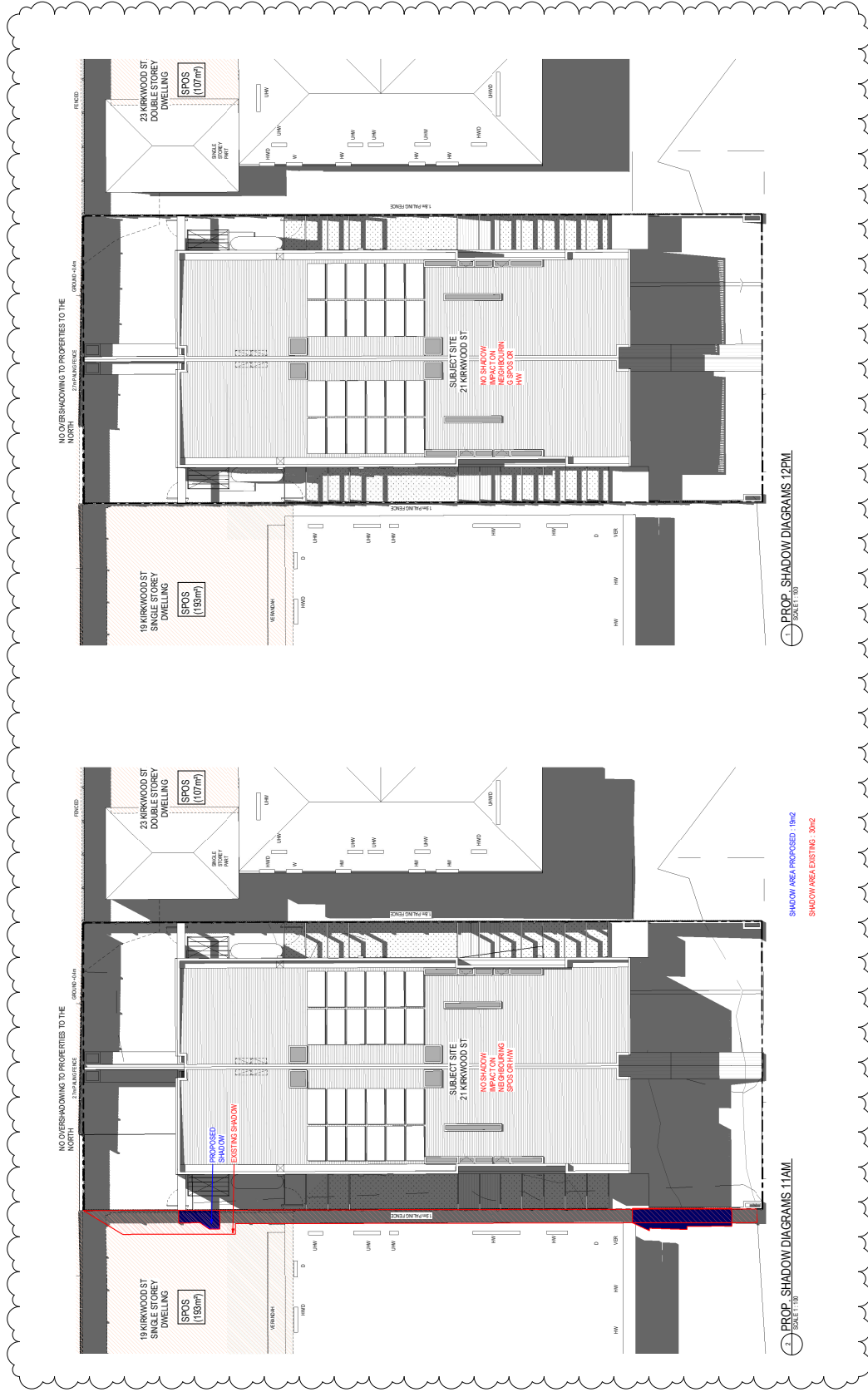
**FIGR.**

FIGR. STREETScape ELEVATION & MATERIAL SCHEDULE

SCALE: 1:100

FIGR. STREETScape ELEVATION & MATERIAL SCHEDULE





NO OVERSHADOWING TO PROPERTIES TO THE NORTH

19 KIRKWOOD ST SINGLE STOREY DWELLING (199m<sup>2</sup>)

23 KIRKWOOD ST DOUBLE STOREY DWELLING (107m<sup>2</sup>)

SELECT SITE 27 KIRKWOOD ST  
NO SHADOW  
NO SHADOW NEIGHBOURS  
6 SPOTS OR  
11%2

2. PROP. SHADOW DIAGRAMS 12PM  
SHEET 1/10

3. PROP. SHADOW DIAGRAMS 11AM  
SHEET 1/10

SHADOW AREA PROPOSED: 18%2  
SHADOW AREA EXISTING: 30%2

TOWN PLANNING

DATE: 11/01/2022

BY: [Signature]

FOR: [Signature]

SCALE: 1:100

PROJECT: TP4.05

CLIENT: MARLOWE & BEN VOLKERING

PROJECT NAME: KIRKWOOD HOMES

ADDRESS: 27 KIRKWOOD STREET, BAYSWATER VIC 3183

FIGR. PROPOSED SHADOW DIAGRAMS 22 SEP 11AM & 12PM (ARCHITECTURE STUDIO)













**LANDSCAPE PLAN LEGEND - PERMEABLE SURFACES**

- PERMEABLE SURFACES
- P10 SELECTED RECYCLED BRICK
- P15 COMPOSITE GRANT WITH SELECTED PERMEABLE GRANULAR FILLING
- P16 COMPOSITE GRANT WITH SELECTED RECYCLED TIRE TIRE STEERING TPAWRT
- P17 SELECTED GRANIT PAVING (CONCRETE PAVING STEERING STONES)

**EXISTING TREE LEGEND**

- EXISTING TO BE RETAINED
- EXISTING TO BE REMOVED
- EXISTING TO BE REMOVED - SUBJECT TO COUNCIL PERM APPROVAL
- EXISTING TO BE REMOVED - SUBJECT TO COUNCIL WRITTEN CONSENT
- EXISTING TREE IPZ BUFFER ZONE
- EXISTING TREE PROTECTION ZONE
- EXISTING TREE PROTECTION ZONE - 10% BUFFER ZONE

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**GENERAL SPECIFICATIONS**

**PLANTING SPECIFICATIONS**

**EXISTING TREE LEGEND**

**PERMEABLE SURFACES**

**EXISTING TREE LEGEND**

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**PLANTING SPECIFICATIONS**

**EXISTING TREE LEGEND**

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**PERMEABLE SURFACES**

**EXISTING TREE LEGEND**

**GENERAL SPECIFICATIONS**

**PLANTING SPECIFICATIONS**

**EXISTING TREE LEGEND**

**PERMEABLE SURFACES**

**EXISTING TREE LEGEND**

**PERMEABLE SURFACES**

**EXISTING TREE LEGEND**

**GENERAL SPECIFICATIONS**

**PLANTING SPECIFICATIONS**

**EXISTING TREE LEGEND**

**PERMEABLE SURFACES**

**EXISTING TREE LEGEND**

**PERMEABLE SURFACES**

**EXISTING TREE LEGEND**

Scale: As Shown @ A1  
 Drawing No: ID1.02  
 REV: D  
 Project Name: Proposed Landscape & Planting Plan  
 Project Start Date: Oct 2021  
 Project End Date: 31/01/2022

Client: Kirkwood Homes  
 21 Kirkwood Street, Beaumaris, VIC

Project No: [Blank]  
 Project Name: Proposed Landscape & Planting Plan  
 Project Start Date: Oct 2021  
 Project End Date: 31/01/2022

Client: Kirkwood Homes  
 21 Kirkwood Street, Beaumaris, VIC

Project No: [Blank]  
 Project Name: Proposed Landscape & Planting Plan  
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Project No: [Blank]  
 Project Name: Proposed Landscape & Planting Plan  
 Project Start Date: Oct 2021  
 Project End Date: 31/01/2022

Attachment 1

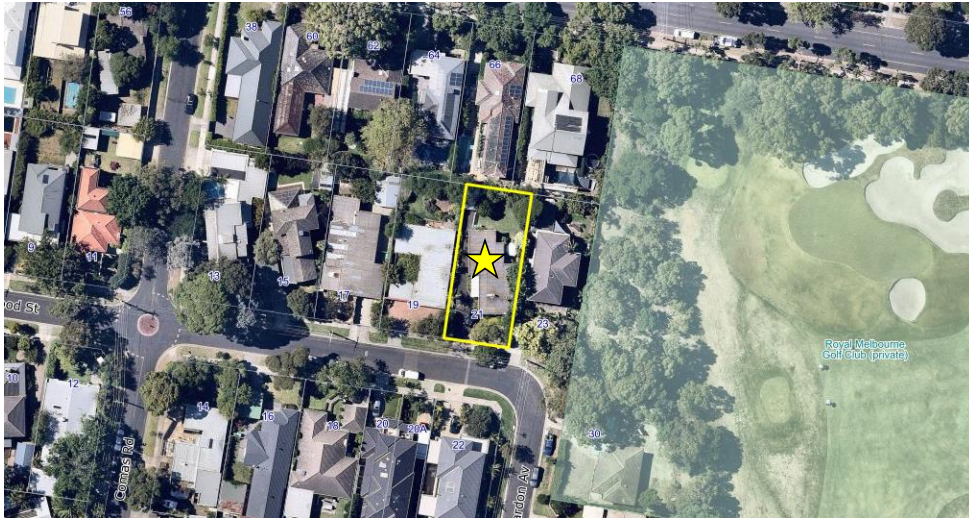


Figure 1 Aerial overview of the site and surrounds

Legend	
Subject site	★

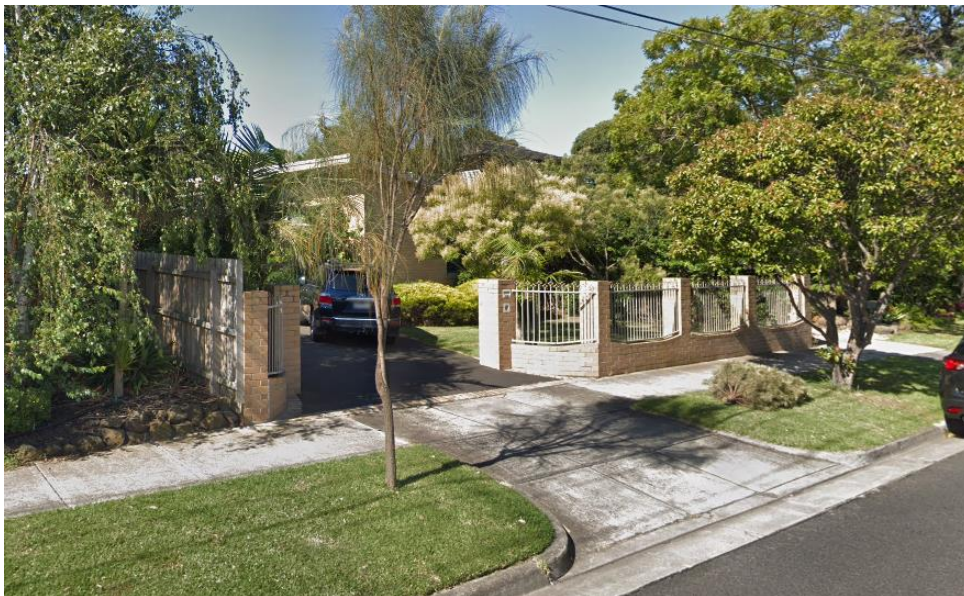


Figure 2 View towards the site from the southwest

## Attachment 3

**ResCode Clause 55 (Two or More Dwellings on a Lot and Residential Buildings)**

Application type	Applicable clauses
To construct or extend a dwelling (other than a dwelling in or forming part of an apartment development)	All of Clause 55 except Clause 55.07-1 to 55.07-15 (inclusive).

CLAUSE 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE		
Title and Objective	Complies with Standard?	Comments
<p><b>B1 Neighbourhood Character</b></p> <p>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>Development responds to features of the site and surrounding area.</p>	Complies	Refer to the report for further discussion.
<p><b>B2 Residential Policy</b></p> <p>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies.</p> <p>Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Complies	The subject site is appropriately located with regard to services and facilities to support the construction multiple dwellings on a lot of this size.
<p><b>B3 Dwelling Diversity</b></p> <p>Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	
<p><b>B4 Infrastructure</b></p> <p>Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Complies	<p>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.</p> <p>Council's drainage engineers have reviewed the application and raise no issues with infrastructure capacity in the area.</p> <p>It is noted that the developer will be required to pay a development</p>

		contributions levy in accordance with the requirements of Clause 45.06 of the Bayside Planning Scheme.
<b>B5 Integration with the Street</b> Integrate the layout of development with the street	Complies	The development will integrate appropriately with the street and features a varied front setback at ground floor level, providing an appropriate transition to the setbacks of the adjoining properties.

CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING		
Title and Objective	Complies with Standard?	Comments
<b>B6 Street Setback</b> The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	<b>Does not Comply</b>	<b>Requirement:</b> 9m. <b>Proposed:</b> 7.4m.
<b>B7 Building Height</b> Building height should respect the existing or preferred neighbourhood character.	Complies	<b>Maximum:</b> 9m. <b>Proposed:</b> 7.39 metres (2 storeys)
<b>B8 Site Coverage</b> Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	<b>Does not Comply</b>	<b>Maximum:</b> 50% <b>Proposed:</b> <u>51.5%</u>
<b>B9 Permeability and stormwater management</b> Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Complies	<b>Minimum:</b> >20% <b>Proposed:</b> 40.7%
<b>B10 Energy Efficiency</b> 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.
<b>B11 Open Space</b> 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.

provided in or adjacent to the development.		
<p><b>B12 Safety</b></p> <p>Layout to provide safety and security for residents and property.</p>	Complies	The pedestrian entry points are clearly recognisable while upper levels allow for the passive surveillance of the street.
<p><b>B13 Landscaping</b></p> <p>To provide appropriate landscaping.</p> <p>To encourage:</p> <ul style="list-style-type: none"> <li>Development that respects the landscape character of the neighbourhood.</li> <li>Development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>The retention of mature vegetation on the site.</li> </ul>	Complies, subject to conditions	The siting of the development creates sufficient opportunities for meaningful landscaping subject to conditions. A condition of permit will require an amended landscape plan to be submitted to the satisfaction of the Responsible Authority.
<p><b>B14 Access</b></p> <p>Ensure the safe, manageable and convenient vehicle access to and from the development.</p> <p>Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	Complies	<p>An appropriate access off Kirkwood Street to garages has been provided.</p> <p>The design of vehicle crossovers complies with the standard with respect to their width of the street frontage as follows:</p> <p><b>Requirement:</b> 40%</p> <p><b>Proposed:</b> 37.25%</p>
<p><b>B15 Parking Location</b></p> <p>Provide resident and visitor vehicles with convenient parking.</p> <p>Avoid parking and traffic difficulties in the development and the neighbourhood.</p> <p>Protect residents from vehicular noise within developments.</p>	Complies	On site car parking is provided in the form of a matching garages and tandem spaces.

<b>CLAUSE 55.04 AMENITY IMPACTS</b>		
<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Comments</b>
<p><b>B17 Side and Rear Setbacks</b></p> <p>Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	<b>Does not Comply</b>	<p>Area ss of non-compliance are underlined.</p> <p>Refer to the Report.</p>

	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
West (side)	0m, 2m	0m, 2m	3.89 – 3.98m	<u>2m, 2.42m</u>
East (side)	0m, 2m	0m, 2m	3.86 – 4.28m	<u>2m, 2.42m</u>
North (rear)	0m, 3m	6.5m, 6.53m	4.88m	5.23m
<b>B18 Walls on Boundaries</b> 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.		Complies	<b>Maximum Height:</b> 3.6m <b>Proposed Maximum Height:</b> 2.61m, 2.75m <b>Maximum Average Height:</b> 3.2m <b>Proposed Average Height:</b> 2.58m, 2.73m <b>Maximum Length:</b> 17.03m <b>Proposed Length:</b> 2.24m	
<b>B19 Daylight to Existing Windows</b> Allow adequate daylight into existing habitable room windows.		Complies	The development has been sufficiently setback from all habitable room windows to abutting properties in accordance with the standard.  The built form is offset 3.71 metres from the windows which satisfies the setback requirement of this standard.	
<b>B20 North Facing Windows</b> Allow adequate solar access to existing north-facing habitable room windows.		N/A	There are no north facing windows within 3m of the shared boundary.	
<b>B21 Overshadowing Open Space</b> Ensure buildings do not significantly overshadow existing secluded private open space.		Complies	Additional overshadowing will occur over the adjoining side setbacks and driveways to the adjoining lots, non-sensitive areas which do not result in any amenity impacts.	
<b>B22 Overlooking</b> Limit views into existing secluded private open space and habitable room windows.		Complies	All habitable room windows have been screened to a minimum height 1.7 metres above finished floor level or have been sited appropriately in accordance with this Standard.	



<p><b>B23 Internal Views</b></p> <p>Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	<p>Complies</p>	<p>All habitable room windows have been screened to a minimum height 1.7 metres above finished floor level or have been sited appropriately in accordance with this Standard. At ground floor level internal fencing to a height of 1.8m limits views between adjoining areas of secluded private open space within the development.</p>
<p><b>B24 Noise Impacts</b></p> <p>Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	<p>Complies</p>	<p>It is anticipated that the level of noise which will be emitted from the dwellings will not exceed levels otherwise expected from residential uses.</p>

<p><b>CLAUSE 55.05 ON-SITE AMENITY AND FACILITIES</b></p>		
<p><b>Title and Objective</b></p>	<p><b>Complies with Standard?</b></p>	<p><b>Comments</b></p>
<p><b>B25 Accessibility</b></p> <p>Consider people with limited mobility in the design of developments.</p>	<p>Complies</p>	<p>Entries are accessible for people with limited mobility. The development could be further retrofitted to accommodate people with limited mobility in the future if required.</p>
<p><b>B26 Dwelling Entry</b></p> <p>Provide a sense of identity to each dwelling/residential building.</p>	<p>Complies</p>	<p>The development fronts Kirkwood St and includes a clearly identifiable entry with dedicated pedestrian pathway. The entry provides shelter, a sense of personal address and a transitional space around the building entry.</p>
<p><b>B27 Daylight to New Windows</b></p> <p>Allow adequate daylight into new habitable room windows.</p>	<p>Complies</p>	<p>All habitable windows will open out onto a space clear to the sky.</p>
<p><b>B28 Private Open Space</b></p> <p>Provide reasonable recreation and service needs of residents by adequate private open space.</p>	<p>Complies</p>	<p><b>Minimum:</b> 25m<sup>2</sup> secluded, 40m<sup>2</sup> overall with a minimum dimension of 3 m</p> <p><b>Proposed:</b></p>
	<p>Private Open Space</p>	<p>Secluded Private Open Space</p>
<p>Dwelling 1</p>	<p>116.1m<sup>2</sup></p>	<p>73.5m<sup>2</sup></p>
<p>Dwelling 2</p>	<p>115.7m<sup>2</sup></p>	<p>72.6m<sup>2</sup></p>
<p><b>B29 Solar Access to Open Space</b></p> <p>Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>Complies</p>	<p>The secluded private open space is appropriately located to ensure adequate solar access to the proposed spaces.</p>





<b>B30 Storage</b> Provide adequate storage facilities for each dwelling.	Complies	Designated storage areas are provided to both dwellings in the side setbacks and have a minimum area of 6 cubic metres.
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<b>CLAUSE 55.06 DESIGN DETAIL</b>		
<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Comments</b>
<b>B31 Design Detail</b> Encourage design detail that respects the existing or preferred neighbourhood character.	Complies	Refer to the report for further discussion.
<b>B32 Front Fences</b> Encourage front fence design that respects the existing or preferred neighbourhood character.	N/A	<b>Required:</b> 1.2m/ 2m <b>Proposed:</b> N/A No front fence proposed.
<b>B33 Common Property</b> Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.  Avoid future management difficulties in common ownership areas.	N/A	No common property proposed.
<b>B34 Site Services</b> Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.  Avoid future management difficulties in common ownership areas.	Complies	All appropriate site services can be easily catered for on-site. Mails boxes are shown to adjoin the pedestrian entry with waste provisions being provided within separate enclosures.

Attachment 4

Tree profiles

Tree No.	9				
Botanical Name:	<i>Ceratopetalum gummiferum</i>				
Common Name:	NSW Christmas bush				
Height / Canopy:	3 x 2				
Trunk Circ.@1m:	52cm				
Trunk DBH.@1.4m:	17cm				
Trunk DAB@0m:	2cm				
Location 1	W0				
Location 2	S3				
Date of assessment	4/3/22				
Origin:	Indigenous	Victorian	<b>Australian</b>	Exotic	
Age:	Young	Semi-mature	<b>Mature</b>	Over-mature	
Health:	<b>Good</b>	Fair	Poor	Dead	
Structure:	<b>Good</b>	Fair	Poor	Hazardous	
Amenity Value:	High	<i>Moderate</i>	Low	None	
Life Expectancy:	20 years +	<i>10-19 years</i>	4-9 years	0 - 3 years	
Retention Value:	High	Medium	Low	None	
Habitat value:	<b>High</b>	Moderate	Low		
Align with NCP	Yes	<b>No</b>			
Support for removal:	<b>Yes</b>	No			

<b>Tree No.</b>	10				
<b>Botanical Name:</b>	<i>Archontophoenix cunninghamiana</i>				
<b>Common Name:</b>	Bangalow palm				
<b>Height / Canopy:</b>	9 x 2				
<b>Trunk Circ. @1m:</b>	67cm				
<b>Trunk DBH. @1.4m:</b>	21cm				
<b>Trunk DAB @0m:</b>	24cm				
<b>Location 1</b>	W0				
<b>Location 2</b>	S5				
<b>Date of assessment</b>	4/3/22				
<b>Origin:</b>	Indigenous	Victorian	<b>Australian</b>	Exotic	
<b>Age:</b>	Young	Semi-mature	<b>Mature</b>	Over-mature	
<b>Health:</b>	<b>Good</b>	Fair	Poor	Dead	
<b>Structure:</b>	<b>Good</b>	Fair	Poor	Hazardous	
<b>Amenity Value:</b>	High	<b>Moderate</b>	Low	None	
<b>Life Expectancy:</b>	<b>20 years +</b>	10-19 years	4-9 years	0 - 3 years	
<b>Retention Value:</b>	<b>High</b>	Medium	Low	None	
<b>Habitat value:</b>	High	<b>Moderate</b>	Low		
<b>Align with NCP</b>	Yes	<b>No</b>			
<b>Support for removal:</b>	<b>Yes</b>	No			

Tree No.	21			
Botanical Name:	<i>Archontophoenix cunninghamiana</i>			
Common Name:	Bangalow palm			
Height / Canopy:	9 x 2			
Trunk Circ. @1m:	72cm			
Trunk DBH. @1.4m:	23cm			
Trunk DAB @0m:	26cm			
Location 1	N0			
Location 2	E5			
Date of assessment	4/3/22			
Origin:	Indigenous	Victorian	<b>Australian</b>	Exotic
Age:	Young	Semi-mature	<b>Mature</b>	Over-mature
Health:	<b>Good</b>	Fair	Poor	Dead
Structure:	<b>Good</b>	Fair	Poor	Hazardous
Amenity Value:	High	<b>Moderate</b>	Low	None
Life Expectancy:	<b>20 years +</b>	10-19 years	4-9 years	0 - 3 years
Retention Value:	<b>High</b>	Medium	Low	None
Habitat value:	High	<b>Moderate</b>	Low	
Align with NCP	Yes	<b>No</b>		
Support for removal:	<b>Yes</b>	No		



**Definitions**

The retention value of a tree considers the tree as a whole including its health, structure, amenity value and life expectancy. The criteria for high, medium and low retention value trees are:

**(H) High**

The tree is generally in good health and structure, provides high levels of amenity and is likely to do so for more than 20 years. The tree may have historic or cultural significance.

**(M) Medium**

The tree is generally in fair to good health and structure, provides moderate levels of amenity and is likely to do so for up to 20 years.

**(L) Low**

The tree is generally in fair health and structure, provides low levels of amenity and may do so for up to 10 years. The tree may be juvenile or otherwise small and easily replaced by advanced plantings or plantings that will provide similar amenity value in a reasonable timeframe.

## Attachment 5

## Decision Guidelines of the Vegetation Protection Overlay (Schedule 3)

Decision Guideline	Response
<i>The impact the vegetation removal would have on the character of the area</i>	The site has the few decently sized native species, but otherwise includes prevalent small scale vegetation. There is a distinct lack of indigenous species on site, which can be addressed through removal and renewal on the site.
<i>The impact the vegetation removal would have on the presence of indigenous species in the locality</i>	The trees proposed for removal are native but not indigenous. Removal would not impact the level of indigenous vegetation, but new indigenous planting under an approved landscape plan can.
<i>The impact the vegetation removal would have on the appearance of development.</i>	The position and scale of the trees proposed to be removed would have a nominal impact on the appearance of the development, being tucked to the side and rear, but would need sufficient replanting to occur. The removal is not necessarily crucial to allow the development to take place.
<i>The impact the vegetation removal would have on the habitat quality of any remaining vegetation and the fragmentation of wildlife corridors.</i>	There is no evidence to suggest the proposed tree removal would impact on local fauna.
<i>Any proposal to regenerate or plant indigenous vegetation on the site.</i>	The landscape plan provided is lacking a comprehensive indigenous planting schedule, which is conditioned to be resolved in the recommendation.

**4.10 19–25 DONALD STREET, HIGHETT  
SUPPORT THE GRANT OF A PERMIT (VCAT CONSENT ORDER)  
APPLICATION 2021/339/1 WARD: IVISON**

City Planning and Amenity - Development Services  
File No: PSF/22/36 – Doc No: DOC/22/122859

*In accordance with Chapter 2, Section 61(b) of Council's Governance Rules 2020, a person is not permitted to present to this item as it is a report summarising decisions already made by another body. In addition, the Consent Order is an outcome subsequent from the VCAT Compulsory Conference where parties established an agreed position.*

*Officers involved in the preparation of this report have no conflict of interest in this matter.*

1. Application details

<b>Recommendation</b>	Support the Grant of a Permit
<b>Applicant</b>	Acorn Planning
<b>Title/Covenant/S173 Agreement</b>	The title is not subject to any restrictive covenants.
<b>Date application received</b>	1 July 2021
<b>Zoning</b>	Neighbourhood Residential Zone (Schedule 3)
<b>Overlays</b>	Design and Development Overlay (Schedule12) Development Contributions Plan Overlay
<b>Site area</b>	2780.5m <sup>2</sup>
<b>Number of objections</b>	7
<b>Statements of grounds lodged</b>	8
<b>Parties to the appeal</b>	4 (Applicant, Council, and two objector parties)
<b>Tribunal Hearing Date</b>	22 June 2022 (2 days)
<b>Amended Plans lodged</b>	Without prejudice amended plans were tabled during the first Compulsory Conference on 29 March 2022
<b>Is a Development Contribution Levy applicable?</b>	Yes
<b>Is the site located within an area of cultural heritage sensitivity?</b>	Yes

Purpose

The purpose of this report is to endorse a consent position reached by all parties on the second compulsory conference on 12 April 2022 following the circulation of amended plans at VCAT, prior to a merits hearing.

The signed consent order is provided at **Attachment 1**.

The amended plans are provided at **Attachment 2**.

An aerial images and photographs of the site and surrounds are provided at **Attachment 3**.

History

The application sought the construction of 12 dwellings and a front fence that exceeds a



height of 1.2 metres on a lot.

Council initially raised multiple issues with the application and was working through them with the Applicant. However, prior to submitting new plans to Council for consideration, the Applicant lodged an appeal with the Tribunal in accordance with Section 79 of the *Planning and Environment Act 1987* for failing to determine the application within the statutory timeframe.

Prior to the compulsory conference, Council circulated draft grounds for refusal to the Tribunal and parties. The grounds were as follows:

1. The proposed development does not comply with Clause 15.01-5S (Neighbourhood Character) of the Bayside Planning Scheme for the following reasons:
  - The continuous length of unbroken built form down the length of the site detracts from the backyard character of the adjacent dwellings and would be visually dominating.
  - The lack of canopy tree planting through the middle and rear region of the site.
  - Dominance of car parking and associated hard surface in the middle region of the site due to overreliance on tandem parking.
  - Design detail that is not reflective of the surrounding neighbourhood or the preferred character statement of Area G1.
2. The parking and accessway to the rear dwellings is dysfunctional, unsafe, and a poor urban design outcome. The following contributing factors are applicable:
  - Garages being non-compliant with the required dimensions at clause 52.06 (with bin store areas encroaching into the required space).
  - Tandem spaces being non-compliant with the required dimensions at clause 52.06 (failure to provide the required 500mm buffer to the space at the front).
  - Inadequate turning circles that do not allow vehicles to enter and exit in a forward direction in a safe and efficient manner, further noting that these are based on non-compliant car space dimensions as described above. Should the spaces be made compliant, the turning circles simply wouldn't work at all.
  - Lack of dedicated vacant bay to allow for a car parked in a garage to exit the site without the tandem space also exiting the site (in a scenario where all tandem bays are occupied – both cars would have to fully exit the site).
  - Poor aesthetic / urban design outcome associated with an overreliance on tandem parking. Parked vehicles would detract from the landscape and front facades of the rear dwellings.
  - Safety issues associated with pedestrians and tandem parking areas.
3. The proposed development does not comply with Clause 55 of the Bayside Planning Scheme. In particular:
  - Standard B1, Neighbourhood Character for reasons outlined at point 1 above.
  - Standard B3, Dwelling Diversity as all dwellings contain 3+ bedrooms.
  - Standard B6, Front setback. Whilst some variation is warranted, dwelling 4 should be recessed further back to provide for a minimum of 8m.
  - Standard B13, Landscaping for reasons outlined at point 1 above.
  - Standard B29, Solar Access to Open Space with respect to dwellings 6 and 8, noting that shadow diagrams also show a poor level of solar access.
  - Standard B31, Design Detail for reasons outlined at point 1 above.
  - Standard B34, Site Services, noting the lack of functional bin store for dwellings

5, 6, 7 and 8.

4. In light of the above, the proposal represents an overdevelopment of the site.

#### VCAT

The permit applicant lodged an application for review under Section 79 of the *Planning and Environment Act 1987* with the Victorian Civil and Administrative Tribunal against Council's failure to grant a planning permit.

A compulsory conference was held by VCAT on 24 March 2022 and a follow up meeting was held on 12 April 2022 (both via video link). The compulsory conference meetings were attended by a representative from Council's Planning Department, the Permit Applicant and two Objector parties.

During the conference itself, the Permit Applicant agreed to make changes to the plans in an attempt to address some of the concerns raised by Council and the Objectors.

The changes are described as follows:

- Car Parking Layout amended for dwellings 5-8 and 9-12:
  - 500mm in between each tandem car parking space and the garage.
  - Car space dimensioned at 3.2m x 4.9m.
  - Aisle width of a minimum of 4.8m.
  - Bins moved from out of garages.
  - Swept path drawings have been provided within the Traffic Advice from Ratio based on the updated layout. The vehicles sizes are based on The Australian Standard. A B99 vehicle is used for access to and from the site and B85 vehicle is used for access to/from car spaces. This is detailed within the traffic advice provided.
- First Floor changes:
  - Setback to north to D9 increased to 4.55m from 3.86m (note the stair location limited the ability to increase the setback further).
  - Setback to north to D5 increased to 5.5m from 3.86m.
  - Separation between D9 and 5 increased to 1.390m from 1.290m.
  - Setback to south to D12 increased in part to 5.4m from 4.7m.
  - Separation between D8 and D12 increased in part to 1.8m from 800mm for a return length of 2.1m. (this was achieved by reducing the size of the ensuite to D8).
- Overlooking:
  - Dwelling 11 - full height obscure glazing provided to first floor west facing windows (ensuite, bedroom 2).
- Landscaping:
  - Additional canopy tree planting in the open space of dwellings 5, 6 and 7.
  - Additional canopy trees provided along the rear boundary (within easement). Note included on the plans that trees will not adversely impact assets in easement. Letter of advice to that effect is also included.
  - The location of the assets is shown within the easement.

The agreed outcome and consent position is based on conditions specified below, which

were agreed to by the Permit Applicant and Objector parties and include the agreed changes.

Should Councillors not endorse this agreed position, the matter will proceed to a full merits hearing currently scheduled for 22 and 23 June 2022.

## 2. Recommendation

That Council resolves, subject to all other parties to the proceedings consenting, to **Support the Grant of a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2021/339/1** for the land known and described as **19–25 Donald Street, Highett**, for the **construction of 12 dwellings on a lot and front fence exceeding a height of 1.2 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. The plans must be generally in accordance with the plans marked 'Architecture Interiors Landscape', drawing nos. TP04D to TP20D (inclusive), Revision D dated 24 March 2022, but modified to show:
  - (a) a Sustainable Design Assessment in accordance with Condition 10
  - (b) a Landscaping Plan in accordance with Condition 11
  - (c) a Tree Management and Protection Plan in accordance with Condition 14
  - (d) a Construction Management Plan in accordance with Condition 23
  - (e) provision of the development contributions fee in accordance with Condition 26

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.
8. Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the

Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.

9. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

#### Sustainable Design Assessment

10. Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
  - (a) a BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater
  - (b) a commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin
  - (c) preliminary building energy rating certificates that align with plans
  - (d) provision of double glazing to all new windows
  - (e) appropriate shading to all north, east and west facing windows
  - (f) maximum internal lighting density of 4W/m<sup>2</sup>
  - (g) water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC
  - (h) water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed
  - (i) provision of external dry lines for each dwelling
  - (j) bicycle parking space in each garage/ private open space area
  - (k) provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future
  - (l) a STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental Management Guidelines are achieved as required by planning clause 53.18
  - (m) the type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections
  - (n) rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance
  - (o) provisions for renewable energy systems such as Solar PV
  - (p) commitment to recycle at least 70% of construction and demolition waste
  - (q) measures to reduce urban heat island impact such as light or medium

coloured roof and driveway.

- (r) use of sustainable materials such as low VOC paints for the internal walls
- (s) use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused

all to the satisfaction of the Responsible Authority.

#### Landscaping

11. Prior to the endorsement of plans pursuant to Condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by John Patrick Landscape Architects Pty Ltd, Job No 21-190, drawing nos. TP01C, TP02C, Revision C, dated 29/3/2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:

- (a) updated built form in accordance with the development plans endorsed under condition 1
- (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
- (e) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces

details of surface finishes of pathways and driveways.

- 12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Tree Protection Management Plan

14. Before the development starts, including any related demolition or removal of vegetation, a TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The TPMP must include:

- (a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site

- (b) protection measures to be utilised and at what stage of the development they will be implemented
- (c) appointment of a project arborist detailing their role and responsibilities
- (d) stages of development at which the project arborist will inspect tree protection measures
- (e) monitoring and certification by the project arborist of implemented protection measures.

Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.

Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

The TPP must:

- (f) be legible, accurate and drawn to scale
  - (g) indicate the location of all tree protection measures to be utilised
  - (h) include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised
  - (i) include a key describing all tree protection measures to be utilised.
15. All actions and measures identified in the Tree Management Report must be implemented.
  16. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.
  17. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

#### Protection of trees for services

18. All underground services must be located outside of Tree Protection Zones (TPZ) of all trees to be retained. If this is not possible, any underground service installations within a TPZ must be bored beneath the entire TPZ to a minimum depth 800mm. If this is not possible, any excavation within the TPZ required for the connection of services must be undertaken by approved non-destructive digging techniques, under the supervision of a project arborist and with the written approval of the Responsible Authority.

#### Street tree protection

19. Soil excavation must not occur within 2 metres from the edge of the any street tree asset's stem at ground level.
20. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
  - (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.
21. 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.
22. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

#### Construction Management Plan

23. Prior to commencement of any building works (including demolition works in a Heritage Overlay) and / or the issue of a Building Permit a Construction Management Plan (CMP) prepared 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 form part of this permit. The plan must provide for (but not limited to):
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure
  - (b) works necessary to protect road and other infrastructure
  - (c) remediation of any damage to road and other infrastructure
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land
  - (e) facilities for vehicle washing, which must be located on the land
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street
  - (g) site security
  - (h) Management of any environmental hazards including, but not limited to:
    - (i) contaminated soil and ground water
    - (ii) materials and waste
    - (iii) dust
    - (iv) stormwater contamination from run-off and wash-waters
    - (v) sediment from the land on roads
    - (vi) washing of concrete trucks and other vehicles and machinery
    - (vii) spillage from refuelling cranes and other vehicles and



machinery

- (i) the construction program
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency
- (k) parking facilities for construction workers
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan
- (m) an outline of requests to Council /Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services
- (n) 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
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads
- (p) include details of bus movements throughout the precinct during the construction period
- (q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment
  - (ii) the suitability of the land for the use of an electric crane
  - (iii) silencing all mechanical plant by the best practical means using current technology
  - (iv) fitting pneumatic tools with an effective silencer
  - (v) other relevant considerations
  - (vi) any site-specific requirements

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines
- (s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system
- (t) vehicle borne material must not accumulate on the roads abutting the land
- (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads
- (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction

Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

#### Drainage

24. 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.
25. 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

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

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

#### Permit Expiry

27. 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.

### 3. Assessment

In considering the amended plans, regard has been given to the Planning Policy Framework, the relevant provisions of the Bayside Planning Scheme, the Statements of Grounds received and the grounds of refusal.

#### Ground of Refusal 1

1. *The proposed development does not comply with Clause 15.01-5S (Neighbourhood Character) of the Bayside Planning Scheme for the following reasons:*
  - *The continuous length of unbroken built form down the length of the site detracts from the backyard character of the adjacent dwellings and would be visually dominating;*
  - *The lack of canopy tree planting through the middle and rear region of the site;*
  - *Dominance of car parking and associated hard surface in the middle region of the site due to overreliance on tandem parking;*
  - *Design detail that is not reflective of the surrounding neighbourhood or the preferred character statement of Area G1.*

At the first floor level, the proposed changes include additional setbacks and greater separation between the rear dwellings. The additional separation helps alleviate the unbroken built form running the length of the site. This would also ensure that the dwellings present with less visual bulk to neighbouring properties and ensures a more suitable design response to the character of the area.

The without prejudice plans provide the additional planting of canopy trees within the rear setback of the site which will contribute positively to the garden character required by precinct G1. It is also noted that the large tree at the rear of the site is to be retained as part of the proposal.

Whilst the changes do not reduce the amount of car parking space within the rear of the site, the additional canopy tree plantings would go some way to reducing the visual dominance of the car parking areas.

No changes have been made to the design detail, however the increased first floor setbacks provide greater articulation and increased separation between dwellings at the first floor provide some visual break for adjoining neighbours. These changes also align with the character policy for precinct G1 which seeks to ensure buildings are well articulated.

On balance the changes are considered to overcome the key concerns raised around neighbourhood character and ensure that the development demonstrates an acceptable design response to the preferred character strategies for the precinct and therefore it is recommended that changes should be supported.

#### Ground of Refusal 2

2. *The parking and accessway to the rear dwellings is dysfunctional, unsafe, and a poor urban design outcome. The following contributing factors are applicable:*
  - *Garages being non-compliant with the required dimensions at clause 52.06 (with bin store areas encroaching into the required space);*
  - *Tandem spaces being non-compliant with the required dimensions at clause 52.06 (failure to provide the required 500mm buffer to the space at the front);*
  - *Inadequate turning circles that do not allow vehicles to enter and exit in a forward direction in a safe and efficient manner, further noting that these are based on non-compliant car space dimensions as described above. Should the spaces be made compliant, the turning circles simply wouldn't work at all.*
  - *Lack of dedicated vacant bay to allow for a car parked in a garage to exit the site without the tandem space also exiting the site (in a scenario where all tandem bays are occupied – both cars would have to fully exit the site)*
  - *Poor aesthetic / urban design outcome associated with an overreliance on tandem parking. Parked vehicles would detract from the landscape and front facades of the rear dwellings.*
  - *Safety issues associated with pedestrians and tandem parking areas.*

The changes proposed to the carparking areas at the rear of the site have addressed these issues. The revised layout provided is fully compliant with the design and layout requirements of Clause 52.06 (Car Parking) of the Bayside Planning Scheme.

This includes an additional 500mm required between the tandem space and garage behind it and the removal of waste bins from inside the garages and relocating them elsewhere on site for collection.

While the Permit Applicant was able to achieve this without removing any car parking spaces, they have demonstrated through the provision of swept path diagrams that the parking layout is now functional and safe, which was the primary driver of this ground of refusal.

Council's Traffic Engineers have reviewed the amended parking layout and swept path diagrams and are satisfied that they are compliant with relevant standards and are an acceptable outcome.

#### Ground of Refusal 3

3. *The proposed development does not comply with Clause 55 of the Bayside Planning Scheme. In particular:*

- *Standard B1, Neighbourhood Character for reasons outlined at point 1 above.*
- *Standard B3, Dwelling Diversity as all dwellings contain 3+ bedrooms.*
- *Standard B6, Front setback. Whilst some variation is warranted, dwelling 4 should be recessed further back to provide for a minimum of 8m.*
- *Standard B13, Landscaping for reasons outlined at point 1 above.*
- *Standard B29, Solar Access to Open Space with respect to dwellings 6 and 8, noting that shadow diagrams also show a poor level of solar access.*
- *Standard B31, Design Detail for reasons outlined at point 1 above.*
- *Standard B34, Site Services, noting the lack of functional bin store for dwellings 5, 6, 7 and 8.*

As has been noted previously, the Permit Applicant has submitted plans that show increased planting of canopy trees throughout the site. This change has addressed the primary concerns with the neighbourhood character and landscaping compliance by providing a greater garden setting for the proposed dwellings. The amended plans also provide for greater side setbacks and separation between dwellings at the first floor level. This provides additional articulation and addresses the concerns around the design detail mentioned above.

As part of the changes to the car parking layout, the applicant has relocated the waste bins to a more suitable location that ensures adequate storage provisions for all dwellings and complies with the requirements of standard B34 (site services).

While the other grounds listed above have not been specifically dealt with through the amendments, it is considered that on balance the changes have done enough to satisfy the key grounds of the refusal and the development now has an acceptable response to the relevant clauses of the Bayside Planning Scheme.

#### Ground of Refusal 4

4. *In light of the above, the proposal represents an overdevelopment of the site.*

While the changes proposed do not seek to reduce the number of dwellings, or the intensity of the development in any significant way, owing to the way the amendments have addressed Council's primary concerns (landscaping and car parking layout) it is recommended that the position of consent be supported by Council.

Council Officers are comfortable that the proposed changes result in a development that shows an acceptable level of compliance with the requirements of the relevant policies and provisions within the Bayside Planning Scheme.

All of the parties to this matter are satisfied with the proposed amendments and as such have signed a consent order at the Compulsory Conference.

#### 4. Conclusion

As described above, the changes to the plans have addressed all Objector parties' concerns and have addressed the grounds of refusal to an acceptable level.

The combination of amendments results in a development which is considered to show an acceptable level of compliance with the Bayside Planning Scheme.

### **Support Attachments**

1. Signed Consent Order ↓
2. Amended Compulsory Conference Plans ↓
3. Site and Surrounds ↓

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**Outcome of CC - Agreement subject to responsible authority confirmation (s77 s79 s 82)**

*PLANNING & ENVIRONMENT  
LIST*

**Tribunal File No:** P11965/2021  
**Permit Application No:** 5/2021/339/1  
**Date of Comp. Conf:** 12 April 2022  
**Member:** S. R. Cimino

**PARTIES**

**Applicant for Review:** Sophie Loddo, planning consultant, Acorn Planning for Invogue Property Group Pty Ltd  
**Responsible Authority:** Tom Corrie, town planner for Bayside City Council  
**Respondent(s):** Elizabeth Allan in person  
Ian Donaldson in person

**OUTCOME OF COMPULSORY CONFERENCE – CONDITIONAL REQUEST FOR CONSENT ORDER**

**1. CONDITIONAL REQUEST FOR ORDERS**

**Subject to the circumstances set out in agreed terms below occurring, the parties request that the Tribunal make the following order by consent pursuant to Section 93(1) of the *Victorian Civil and Administrative Tribunal Act 1998* as full settlement of this proceeding:**

**Amend application**

- 1 Pursuant to clause 64 of Schedule 1 of the *Victorian Civil and Administrative Tribunal Act 1998*, the permit application is amended by substituting the following for the application plans:

Prepared by: Architecture Interiors Landscape  
Drawing numbers: TP04D to TP20D (inclusive)  
Dated: Revision D 24 March 2022

**Grant permit**

- 2 In application no. **P11965/2021**, the decision of the responsible authority is **set aside**.
- 3 In permit application no. **5/2021/339/1** a permit is granted and directed to be issued for the land at 19-25 Donald Street HIGHETT VIC 3190 in accordance with the endorsed plans and on the conditions set out in Appendix A. The permit allows:

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Construction of 12 dwellings and front fence exceeding a height of 1.2 metres on a lot

#### Hearing vacated

- 4 The hearing listed to commence on **22 June 2022** is vacated. No attendance is necessary.

#### APPENDIX A

- 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. The plans must be generally in accordance with the plans marked 'Architecture Interiors Landscape', drawing nos. TP04D to TP20D (inclusive), Revision D dated 24 March 2022, but modified to show:
  - (a) A Sustainable Design Assessment in accordance with Condition 10.
  - (b) A Landscaping Plan in accordance with Condition 11.
  - (c) A Tree Management and Protection Plan in accordance with Condition 14.
  - (d) A Construction Management Plan in accordance with Condition 23.
  - (e) Provision of the development contributions fee in accordance with Condition 26.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.



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- 7 The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
- 8 Vehicle Crossings must be constructed to Council's Standard Vehicle Crossover Guidelines and standard drawing unless otherwise approved by the Responsible Authority. Separate consent/permit for crossovers is required from Council's Asset Protection Unit. Kerb and channel to be constructed or reinstated to the satisfaction of Council.
- 9 All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

#### **Sustainable Design Assessment**

- 10 Prior to the endorsement of plans pursuant to Condition 1, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. All Environmentally Sustainable Design (ESD) measures within the SDA must be documented appropriately on revised plans. The SDA should include information such as:
  - (a) A BESS report with a minimum 50% score overall and achieve the 50% minimum scores for water, energy and indoor environment quality (IEQ) and 100% for stormwater.
  - (b) A commitment that the development achieves a 6.5-star average NatHERS Rating. Each new dwelling must meet the minimum 6-star NatHERS rating requirement and not exceed the cooling load of 21 MJ/sqm for NatHERS Climate Zone 62 Moorabbin.
  - (c) Preliminary building energy rating certificates that align with plans
  - (d) Provision of double glazing to all new windows
  - (e) Appropriate shading to all north, east and west facing windows.
  - (f) Maximum internal lighting density of 4W/m<sup>2</sup>.
  - (g) Water efficient plumbing fixtures with minimum WELS rating of 5-star for taps, 3-star for shower and 4 star for WC.
  - (h) Water and energy efficient appliances (dishwasher, washing machine, dryer etc.) within one star of best available in the market, if installed.
  - (i) Provision of external dry lines for each dwelling.
  - (j) Bicycle parking space in each garage/ private open space area.
  - (k) Provisions such as Junction box/ Power Point to accommodate infrastructure for charging electric vehicles in future.
  - (l) A STORM Report with minimum score 100% showing calculations to demonstrate the Urban Stormwater Best Practice Environmental

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Management Guidelines are achieved as required by planning clause 53.18.

- (m) The type of water sensitive urban design / stormwater treatment measure/s to be used and their location in relation to buildings, sealed surfaces and landscaped areas, providing design details and cross sections.
- (n) Rainwater tank/s for new dwellings connected for WC flushing and irrigation that are accessible for maintenance.
- (o) Provisions for renewable energy systems such as Solar PV.
- (p) Commitment to recycle at least 70% of construction and demolition waste.
- (q) Measures to reduce urban heat island impact such as light or medium coloured roof and driveway.
- (r) Use of sustainable materials such as low VOC paints for the internal walls.
- (s) Use of timber certified by the Forest Stewardship Council (FSC) or Program for the Endorsement of Forest Certification (PEFC) certified or recycled / reused.

All to the satisfaction of the Responsible Authority.

### Landscaping

- 11 Prior to the endorsement of plans pursuant to Condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by John Patrick Landscape Architects Pty Ltd, Job No 21-190, drawing nos. TP01C, TP02C, Revision C, dated 29/3/2022 and the Bayside Landscaping Guidelines and be drawn to scale with dimensions. The plan must show:
- (a) Updated built form in accordance with the development plans endorsed under condition 1.
  - (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.

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- (e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - (f) Details of surface finishes of pathways and driveways
- 12 Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 13 The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### **Tree Protection Management Plan**

- 14 Before the development starts, including any related demolition or removal of vegetation, a **TPMP**, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The **TPMP** must include:

- (a) Details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site;
- (b) Protection measures to be utilised and at what stage of the development they will be implemented;
- (c) Appointment of a project arborist detailing their role and responsibilities;
- (d) Stages of development at which the project arborist will inspect tree protection measures and;
- (e) Monitoring and certification by the project arborist of implemented protection measures.

Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed **TPMP** must be submitted to the Responsible Authority.

Any modification to the **TPMP** must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

The **TPMP** must include a **Tree Protection Plan (TPP)** in accordance with AS4970-2009 Protection of Trees on Development Sites.

The **TPP** must:

- (f) Be legible, accurate and drawn to scale and;

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- (g) Indicate the location of all tree protection measures to be utilised and;
  - (h) Include the development stages (demolition, construction, landscaping) where all tree protection measures are to be utilised and;
  - (i) Include a key describing all tree protection measures to be utilised.
- 15 All actions and measures identified in the Tree Management Report must be implemented.
- 16 Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.
- 17 Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

#### **Protection of trees for services**

- 18 All underground services must be located outside of Tree Protection Zones (TPZ) of all trees to be retained. If this is not possible, any underground service installations within a TPZ must be bored beneath the entire TPZ to a minimum depth 800mm. If this is not possible, any excavation within the TPZ required for the connection of services must be undertaken by approved non-destructive digging techniques, under the supervision of a project arborist and with the written approval of the Responsible Authority.

#### **Street tree protection**

- 19 Soil excavation must not occur within 2 metres from the edge of the any street tree asset's stem at ground level.
- 20 A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
- (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.

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- 21 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.
- 22 Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

#### **Construction Management Plan**

- 23 Prior to commencement of any building works (including demolition works in a Heritage Overlay) and / or the issue of a Building Permit a Construction Management Plan (CMP) prepared 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 form part of this permit. The plan must provide for (but not limited to):
  - (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) Works necessary to protect road and other infrastructure;
  - (c) Remediation of any damage to road and other infrastructure;
  - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) Facilities for vehicle washing, which must be located on the land;
  - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) Site security;
  - (h) Management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil and ground water,
    - (ii) materials and waste,
    - (iii) dust,
    - (iv) stormwater contamination from run-off and wash-waters,
    - (v) sediment from the land on roads,
    - (vi) washing of concrete trucks and other vehicles and machinery, and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) The construction program;

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- (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) Parking facilities for construction workers;
- (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) An outline of requests to Council /Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) 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;
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) Include details of bus movements throughout the precinct during the construction period;
- (q) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment,
  - (ii) the suitability of the land for the use of an electric crane,
  - (iii) silencing all mechanical plant by the best practical means using current technology,
  - (iv) fitting pneumatic tools with an effective silencer,
  - (v) other relevant considerations, and
  - (vi) any site-specific requirements;

During the construction:

- (r) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (s) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (t) Vehicle borne material must not accumulate on the roads abutting the land;

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- (u) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (v) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

#### **Drainage**

- 24 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.
- 25 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**

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

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

#### **Permit Expiry**

- 27 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.

#### **End of conditions**



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## 2. OTHER AGREED TERMS

- A. The officer representing the responsible authority confirms that they will recommend to the responsible authority that it consent to the above orders being made.
- B. The parties only request that the Tribunal make the consent orders set out above if by **11 May 2022** (or some other date agreed to by the applicant) the responsible authority provides confirmation in writing to the Tribunal and the other parties that it consents to the above orders being made.
- C. If the responsible authority does not provide its written consent to the above orders being made by **11 May 2022** (or some other date agreed to by the permit applicant), the parties acknowledge that a consent position has not been reached between the parties and the matter will proceed to hearing.

## 3. OTHER MATTERS

- D. In giving its consent, the responsible authority confirms that the amended plans to be substituted as the application plans by the above orders will not result in any change to the proposed use and development which would materially affect any person other than the parties to the proceeding and notice of the amended plans is not required

## 4. SUMMARY OF PROCEDURAL ORDERS TO BE MADE ARISING FROM THIS COMPULSORY CONFERENCE

- Confirm hearing. **22 and 23 June 2022**
- Admin mention **11 May 2022** – RA and applicant to advise the Tribunal and other parties if the matter is resolved or proceeding to hearing
- Notice of amended plans by **13 May 2022** and to persons in accordance with PNPE9.
- Date by which statements of ground must be lodged **3 June 2022**.

**SIGNED and dated 12 April 2022**

Applicant/s for Review

DocuSigned by:  
*Sophie Loddo*  
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12-04-22 | 17:18 AEST

**Sophie Loddo, planning consultant, Acorn Planning  
for Invogue Property Group Pty Ltd [1]**

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Responsible Authority

DocuSigned by:  
*Tom Corrie*  
E39029781D954F0...

12-04-22 | 17:20 AEST

**Tom Corrie, senior planner, Bayside City Council**  
**[2]**

Respondent

DocuSigned by:  
*E. Allan*  
A00BCB2373E14D5...

12-04-22 | 17:17 AEST

**Elizabeth Allan [3]**

Respondent

DocuSigned by:  
*Ian Donaldson*  
3205BE0F0E894DB...

12-04-22 | 17:19 AEST

**Ian Donaldson [4]**

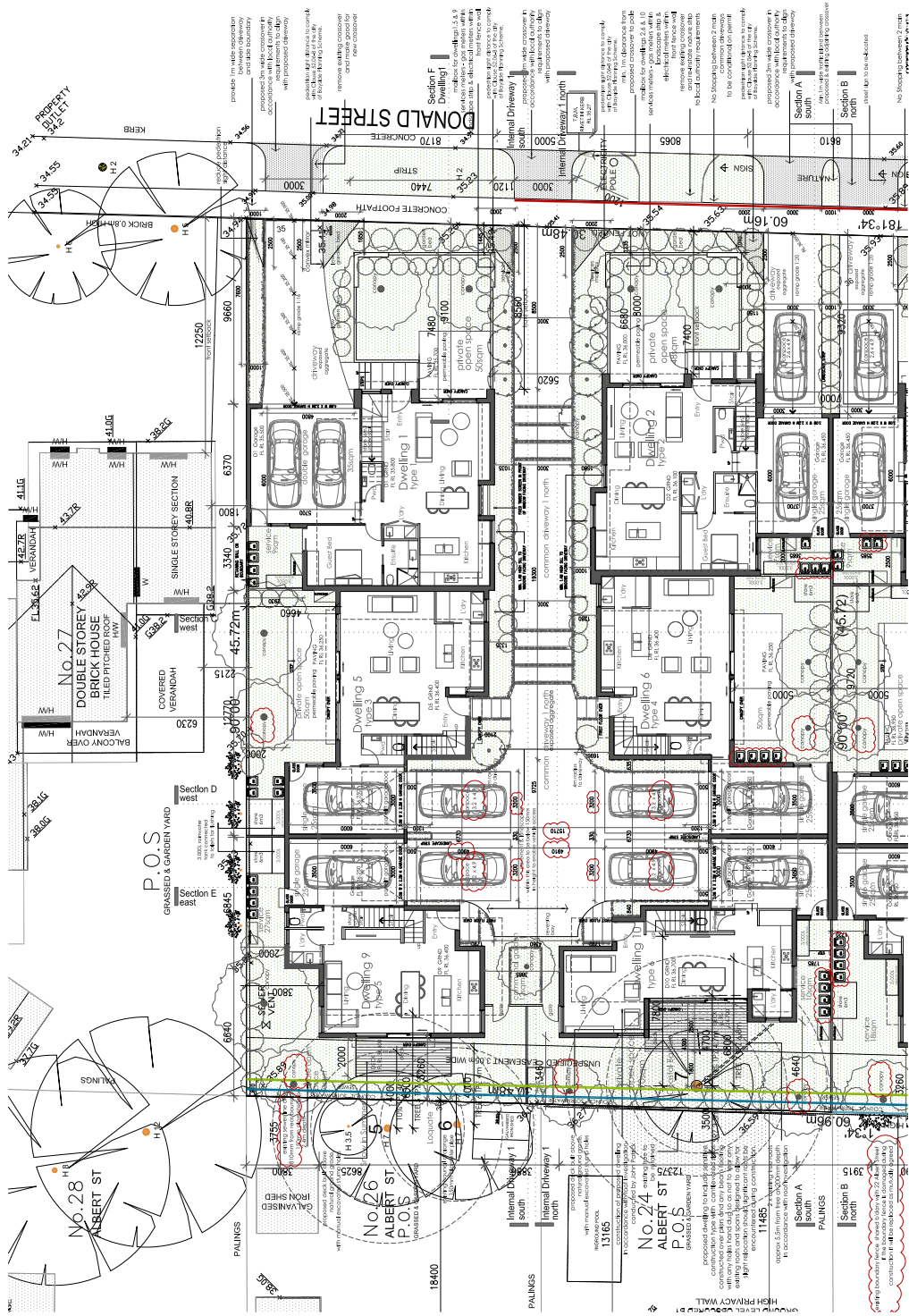






**Area Schedule - Individual Dwellings**

Dwelling	Type	Bed	Bath	M2
Dwelling 1	Type 1	4 Bed	3.5 Bath	116.0
Dwelling 2	Type 1	4 Bed	3.5 Bath	116.0
Dwelling 3	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 4	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 5	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 6	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 7	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 8	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 9	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 10	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 11	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 12	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 13	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 14	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 15	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 16	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 17	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 18	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 19	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 20	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 21	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 22	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 23	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 24	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 25	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 26	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 27	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 28	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 29	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 30	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 31	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 32	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 33	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 34	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 35	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 36	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 37	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 38	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 39	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 40	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 41	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 42	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 43	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 44	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 45	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 46	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 47	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 48	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 49	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 50	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 51	Type 2	3 Bed	2.5 Bath	108.0
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Dwelling 55	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 56	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 57	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 58	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 59	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 60	Type 2	3 Bed	2.5 Bath	108.0
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Dwelling 62	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 63	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 64	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 65	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 66	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 67	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 68	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 69	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 70	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 71	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 72	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 73	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 74	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 75	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 76	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 77	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 78	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 79	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 80	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 81	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 82	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 83	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 84	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 85	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 86	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 87	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 88	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 89	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 90	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 91	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 92	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 93	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 94	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 95	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 96	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 97	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 98	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 99	Type 2	3 Bed	2.5 Bath	108.0
Dwelling 100	Type 2	3 Bed	2.5 Bath	108.0



**19-25 Donald Street, Highett**

**proposed residential development**

**ground floor plan 1**  
dwelling 1-2, 3-6 & 9-10

**Without Prejudice**

**town planning**

Project: 19-25 DONALD STREET HIGHETT VIC 3187  
 Date: 30/03/21  
 Scale: 1:500 A1  
 Drawing: A0

Author: [Name]  
 Designer: [Name]  
 Drafter: [Name]

Notes:  
 1. This plan is to be read in conjunction with the site plan, sections, and other documents.  
 2. All dimensions are in millimetres unless otherwise stated.  
 3. All areas are in square metres unless otherwise stated.  
 4. All areas are to be finished to the level of the finished ground level unless otherwise stated.  
 5. All areas are to be finished to the level of the finished ground level unless otherwise stated.  
 6. All areas are to be finished to the level of the finished ground level unless otherwise stated.  
 7. All areas are to be finished to the level of the finished ground level unless otherwise stated.  
 8. All areas are to be finished to the level of the finished ground level unless otherwise stated.  
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























External Finishes Schedule

															
<b>F1</b> Render to exterior walls Light grey Colour: Light Grey	<b>F2</b> Metal Entry Canopy & window surround Colour: Black	<b>F3</b> Timber Batten front entry gate Colour: Dark Stain	<b>F4</b> Front Door Colour: Dulux Domino	<b>F5</b> Clear Glazing with window frame Aluminum Dulux Precious Colour: Sun Metal Kinetic Pearl Stain	<b>F6</b> Obscure Glazing is 1.7m high AFL with 125mm high railing to awning window	<b>F7</b> Fixed timber battens screen device Colour: Dark Stain	<b>F7A</b> Fixed timber battens Front Fence	<b>F8</b> Colobond Matt wall & roof cladding Colour: Monument F8A Colour: Basalt	<b>F9</b> Feature Brickwork 1 Krause Emperor Colour: Garamplan Blue or similar	<b>F9A</b> Feature Brickwork 2 Krause Emperor Colour: Nero or similar	<b>F10</b> Colobond Matt garage door Colour: Monument	<b>F11</b> Garden Bed Low planting	<b>F12</b> Metal cladding above windows Colour: to match window	<b>F13</b> Blue stone paving & driveway feature interplanted	<b>F14</b> Driveway-exposed aggregate Pebble Concrete Colour: Broadpeak Ash

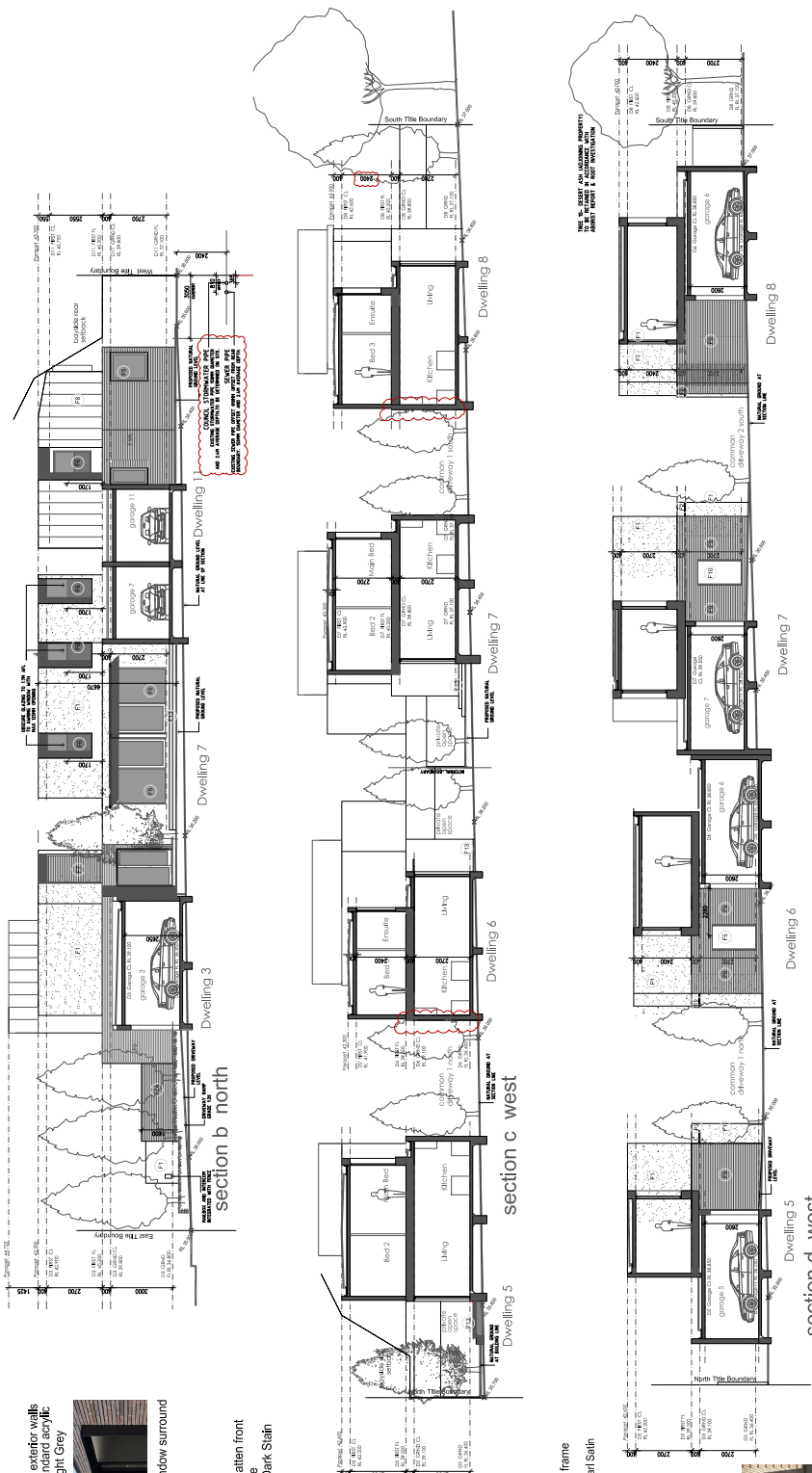
<p>Project: Vcat Compulsory Conference Without Precutdice proposed residential development 19-25 Donald Street, Highett</p>		<p>Date: 30.03.21 Scale: 1:100 A1 Drawing: elevations 2</p>	<p>Drawn: AJ Checked: AJ</p>
<p>Architect:  Architecture Partners</p>		<p>Draw No: 1p-18D</p>	





External Finishes Schedule

- F1** Render to exterior walls  
Ultrafast exterior acrylic  
Colour: Light Grey
- F2** Metal Entry Canopy & window surround  
Colour: Black
- F3** Timber Batten front entry gate  
Colour: Dark Stain
- F4** Front Door  
Colour: Dulux Domino
- F5** Clear Glazing with window frame  
Aluminum Dulux Precious  
Colour: Gun Metal Kinetic Pearl Satin



- F6** Obscure Glazing to 1.7m high AFL to window opening to existing window
- F7** Colobond Matt wall & roof cladding  
Colour: Monument
- F8** Colobond Matt roof cladding  
Colour: Basalt
- F9** Feature Brickwork 1  
Krause Emperor  
Colour: Grampian Blue or similar
- F9A** Feature Brickwork 2  
Krause Emperor  
Colour: Nero or similar
- F10** Panelitt Garage Door  
Colorbond  
Colour: Monument
- F11** Garden Bed  
Low planting
- F12** Metal cladding above windows  
Colour: to match window
- F13** Bluestone paving & driveway feature  
interplanted

town planning

Project: Vcat Compulsory Conference Without Prejudice  
proposed residential development  
19-25 Donald Street, Highett

Date: 30.03.21  
Scale: 1:1000 A1  
Drawing: elevations 4 & sections 1  
Drawn: JG

Job No: BMSJ (1)

Drawn: JG

Drawn No: 1p-20 D

Architect: ARCHITECTS



External Finishes Schedule

The architectural drawings include sections e and f for Dwellings 9, 10, 11, and 12. Section e shows the east side of the dwellings, and section f shows the front elevation. The drawings include dimensions, annotations for materials, and site context including Donald Street and title boundaries.

Item	Description	Material / Colour
F1	Render to exterior walls Light textured finish Colour: Light Grey	Light Grey textured render
F2	Metal Entry Canopy & Colour: Black	Black metal
F3	Timber Batten front entry gate Colour: Dark Stain	Dark stained timber
F4	Front Door Colour: Dulux Domino	Dulux Domino paint
F5	Clear Glazing with window frame Aluminum Dulux Precious Colour: Gun Metal Kinetic Pearl Satin	Aluminum Dulux Precious paint
F6	Obscure Glazing to 1.7m high AFL to existing window Colour: Dark Stain	Dark stained glass
F7	Fixed timber battens Screen timber Colour: Dark Stain	Dark stained timber
F7A	Fixed timber battens Front Fence	Dark stained timber
F8	Colorbond Matt wall & roof cladding Colour: Monument	Colorbond Monument
F8A	Colorbond Matt roof cladding Colour: Basalt	Colorbond Basalt
F9	Feature Brickwork 1 Krauss Emperor Colour: Grampan Blue or similar	Grampan Blue bricks
F9A	Feature Brickwork 2 Krauss Emperor Colour: Nero or similar	Nero bricks
F10	Paralife Garage Door Colour: Monument	Paralife Monument
F11	Garden Bed Low planting	Low planting









**ratio:consultants**  
8 Gwynne Street  
Cremorne VIC 3121  
ABN 93 983 380 225

**ratio.com.au**  
T +61 3 9429 3111  
F +61 3 9429 3011  
E mail@ratio.com.au

Dear Sir/Madam,

1 April 2022

Bayside City Council  
c/-  
Patrick Loughnane  
Director  
Invogue Property Pty Ltd  
19-25 Donald Street  
HIGHETT VIC 3190

**Proposed Residential Development  
19-25 Donald Street, Highett  
Response to Traffic Memorandum Comments**

Ratio Consultants has reviewed the Traffic Memorandum received from the Bayside City Council, dated 9 August 2021, in response to the application for a residential development on the site located at 19-25 Donald Street, Highett.

We provide the following response to each of the transport and parking issues raised.

**Access & Layout**

*The proposed combined crossover for Unit 2 and 3 needs to be re-designed with 2 x 3m wide crossover and 1m wide separator in between as per the Council's Policy. A 1m wide landscape buffer is recommended in between the driveways to separate access in-line with the crossovers.*

The architectural plans (Drawing No.: Tp-04D, Rev D, Dated 24 March 2022) have been amended to now provide separated crossovers to Unit 2 and Unit 3. A landscaping buffer of 1.0m has been provided between these crossovers to create separation as requested.

*The driveway grades for Unit 1-4 may be problematic. Where parking is allowed, the driveway gradient must not exceed 1 in 16 as per AS2890.1 – A re-design for grades is required along with cross-sections provided.*

The plans have been amended to include a notation that a maximum grade of 1:16 will be provided along the accessway to Units 1-4, complying with the requirements of AS/NZS2890.1.

*The width of the single garage doors should be 3m.*

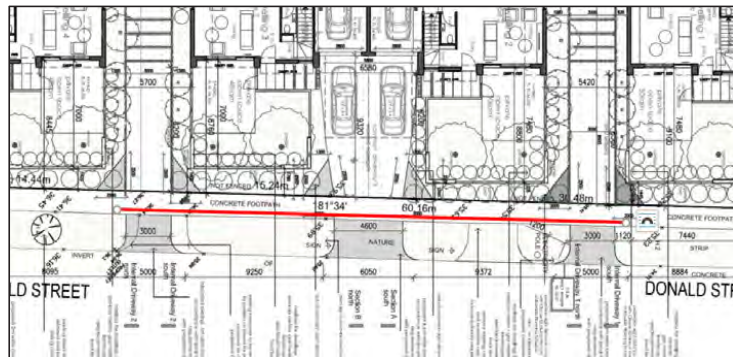
The amended architectural plans shows that all single garages have been provided with a 3.0m wide door opening, satisfying this request.



19-25 Donald Street, Highett / Traffic Letter / 18027T-LET03-F04

1

A permit condition to remove 'No Parking' signs and install a section of 'No Stopping' in between two main driveways with a view to provide adequate sightlines for vehicles exiting the driveways, provide two-way passing opportunities in the street (see marked section below).



This request for the amended signage is noted and accepted by the Applicant. The updated swept path assessment attached with this letter demonstrates that two-way vehicle passing opportunities can be achieved in the street along this section.

The swept paths diagrams indicate that ingress to Dwelling 8 & Dwelling 11 requires the vehicle body to encroach over landscaping and the pedestrian entry into Dwelling 11. Egress from Dwelling 10 and 12 has similar issues.

The at grade car spaces fronting the single garages of Dwelling 5-12 have been modified to provide a minimum width of 3.2m and 500mm gap between the car space and garage as requested by Council so that they now have an effective length of 5.4m.

The amended swept path assessment (attached with this letter) demonstrates that only the clearance envelope of the vehicles will partially encroach into some area of the pavement or landscaping adjacent to the car spaces of Dwellings 5-12. Clearance envelopes of manoeuvring vehicles are only required to consider obstructions greater than 150mm in height such as walls, poles or other structures. Noting that these adjacent areas are below 150mm in height (as noted on the plans), they do not present an obstruction to manoeuvring vehicles and so the partial encroachment is acceptable.

In addition to the swept paths demonstrating acceptable access and egress, it is also noted that their dimensions meet the requirements of Design Standard 2 of Clause 52.06-9 of the Planning Scheme, having widths of 3.2m, length of 4.9m (plus additional 0.5m) accessed via a minimum 4.8m aisle as per the standard's requirements.





Furthermore, AS/NZS2890.1 stipulates use of a B99 vehicle (99.8<sup>th</sup> percentile vehicle) to assess the accessibility to/from the site and use of a B85 vehicle (85<sup>th</sup> percentile car) to assess the accessibility to/from car parking spaces. The relevant excerpt within Section B2.2 and Section B2.3 within Appendix B of AS/NZS2890.1 is shown below.

**B2.2 The B99 vehicle**

Design dimensions based on the B99 vehicle are required at all locations where failure of a vehicle to be able to physically fit into the facility would occasion intolerable congestion and possible hazard. Such locations shall include all access driveways, ramps and circulation roadways, unless there are special circumstances of severe space limitation coupled with relatively low traffic volumes in which case the B85 vehicle dimensions may be used.

**B2.3 The B85 vehicle**

Except as permitted in Clause 2.5.2(c) and Paragraph B2.2, design dimensions based on the B85 vehicle shall be limited to parking spaces and parking aisles.

NOTE: This is based on the philosophy that the statistical chance of two or more longer vehicles seeking to occupy adjacent parking spaces at the one time is relatively low, and where this does occur, a driver can divert to an alternative space with only minor disruption to other users.

The amended swept path assessment demonstrate that B99 vehicle can access to/from the site in a satisfactory manner. Similarly, B85 vehicle swept paths demonstrate that all car spaces could be accessed (ingress and egress) in a satisfactory manner. Further, all vehicles will be able to enter / exit the site in a forward direction.

Some corrective manoeuvres may be required, which is in accordance with AS/NZS 2890.1:2004 (Table 1.1), which specifies that three-point turn movements to enter and exit 90-degree parking spaces are permitted for regular users (such as residents).

It is considered that the vehicular access arrangements and car parking layout have been designed appropriately and in general accordance with the requirements of the Bayside Planning Scheme and/or AS/NZS2890.1:2004.

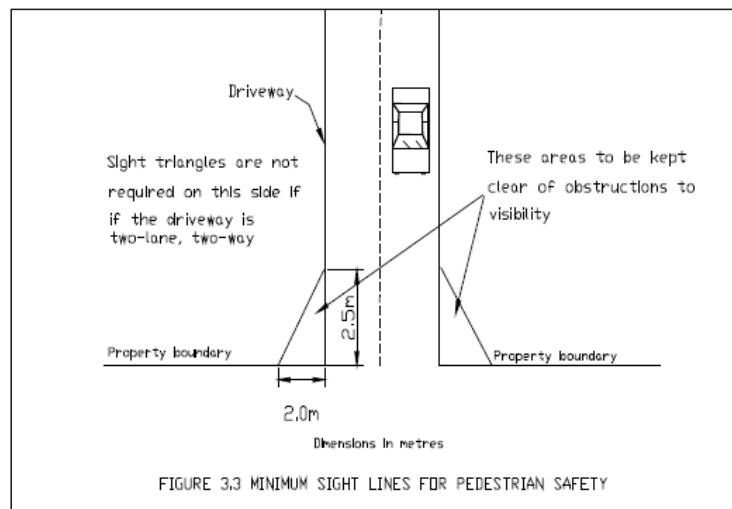
*The car spaces for the rear dwellings (Unit 5-12) should be line-marked (along with the relevant unit numbers) as per the Planning Scheme.*

All at-grade car parking spaces will be line-marked, along with respected Dwelling numbers as per the dimensions of Table 2 to Design Standard 2 of Clause 52.06 of the Planning Scheme.

*Sight Lines at the Property Boundary*

*Adequate sight lines must be provided where each crossover intersects with the footpath as per the diagram shown in the AS2890.1.*





Accordingly, all structures including foliage, front and side fences etc within the triangle must be limited to a maximum height of 0.75m or kept clear.

The architectural plans have been updated to provide the required pedestrian slight splays measuring 2.0m along the frontage and 2.5m into the site on all accessway (except on the southern side of Dwelling 4 and on the northern side of Dwelling 1) as per the requirements of Design Standard 1 of Clause 52.06 and/or AS/NZS2890.1. Landscaping/structures within these splays will have a maximum height 0.75m or provide at least 50 percent clear of visual obstructions.

The plans indicate that the crossovers for Dwelling 1 & 4 do not meet this requirement. The convex mirrors proposed are not supportable as vehicles are required to reverse when exiting these dwellings.

The architectural plans have been updated to now provide a sight splay at the site boundaries, measuring 1.0m along the frontage and 2.5m into the site on the northern side of the Dwelling 1 and on the southern side of the Dwelling 4. Landscaping within these splays will have a maximum height of 0.75m and both of the accessway.

Whilst these splays do not fully accord with the 2.0m specified by the Planning Scheme, they are considered to be adequate and acceptable in this instance on the basis of the following:

- The accessways generate a very low level of traffic, with each providing access to a single dwelling.



- The level of pedestrian traffic in this street is low.
- The likelihood of pedestrians passing at the same time as a vehicle departing the site is very low.
- The motorists using these accessways will be regular users who will soon become accustomed to the degree of splay and visibility that is provided.
- Motorists will be departing the accessways at a slow speed and will be able to readily stop and check for pedestrians using the splay prior to crossing the footpath.
- The provision of a 1m physical splay will allow a motorist sufficient space to observe an approaching pedestrian.

#### **Waste Collection**

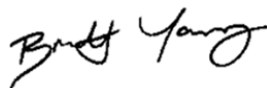
*The number of bins appears to be too many for kerbside collection and there may not be adequate for bins to be placed in the nature strip, although the 'No Stopping' Zone may help during collection days.*

The Waste Management Plan submitted with the application showed a plan demonstrating that there is sufficient space for the bins to be placed in the nature strip. The Waste Management Plan has been updated to reflect the amended plans and includes a revised plan that shows sufficient space being provided in the nature strip to cater for all of the bins on collection days.

We trust that the above responses address the matters raised.

If you have any queries, please feel free to contact the undersigned on 9429 3111.

Yours sincerely,

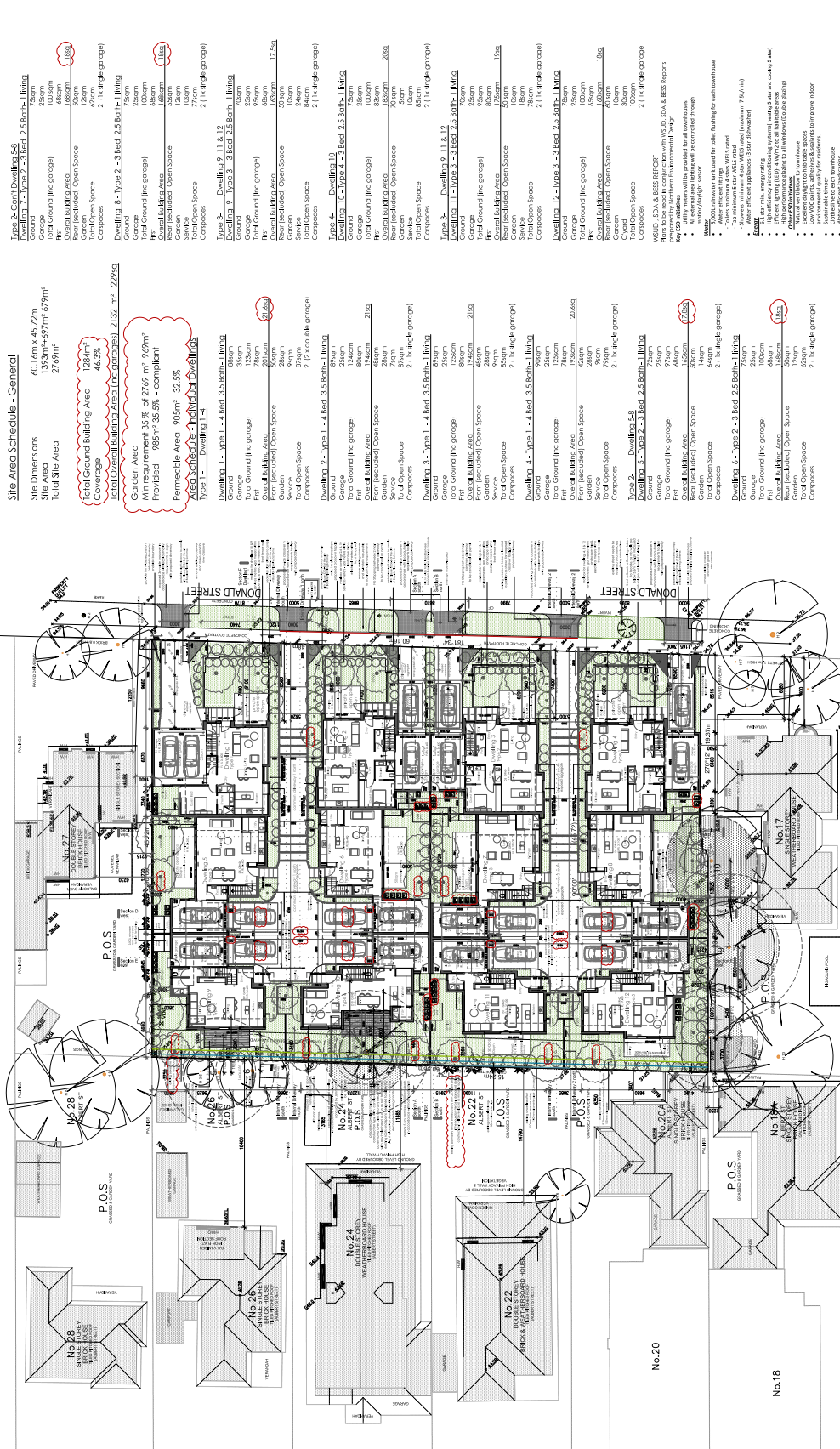


**Brett Young**  
**Director: Traffic**  
**Ratio Consultants**

Encl. Amended Architectural Plan  
Swept Path Assessment







**Site Area Schedule - General**

Site Dimensions: 60.16m x 45.72m  
 Site Area: 1393m<sup>2</sup> + 497m<sup>2</sup> = 1890m<sup>2</sup>  
 Total Site Area: 2769m<sup>2</sup>

Total Ground Building Area: 1284m<sup>2</sup>  
 Coverage: 46.3%

Total Overall Building Area (inc. garages): 2132 m<sup>2</sup> 279%  
 Green Area: 905m<sup>2</sup> 31.6%  
 Provided: 985m<sup>2</sup> 35.6% - compliant

Fermeable Area: 905m<sup>2</sup> 32.5%  
 Provided: 985m<sup>2</sup> 35.6% - compliant

**Area Schedule - Individual Buildings**

Table	Dwelling	Ground	Total Ground (inc. garage)	Total Building Area	Green	Services	Concessions	Total Open Space
Table 1	Dwelling 1 - 4 Bed, 3.5 Baths, 1.1 Bath	810m <sup>2</sup>	810m <sup>2</sup>	2100m <sup>2</sup>	210m <sup>2</sup>	70m <sup>2</sup>	210m <sup>2</sup>	2100m <sup>2</sup>
Table 2	Dwelling 2 - 1 Type 1, 4 Bed, 3.5 Baths, 1.1 Bath	810m <sup>2</sup>	810m <sup>2</sup>	2100m <sup>2</sup>	210m <sup>2</sup>	70m <sup>2</sup>	210m <sup>2</sup>	2100m <sup>2</sup>
Table 3	Dwelling 3 - 1 Type 1, 4 Bed, 3.5 Baths, 1.1 Bath	810m <sup>2</sup>	810m <sup>2</sup>	2100m <sup>2</sup>	210m <sup>2</sup>	70m <sup>2</sup>	210m <sup>2</sup>	2100m <sup>2</sup>
Table 4	Dwelling 4 - 1 Type 1, 4 Bed, 3.5 Baths, 1.1 Bath	810m <sup>2</sup>	810m <sup>2</sup>	2100m <sup>2</sup>	210m <sup>2</sup>	70m <sup>2</sup>	210m <sup>2</sup>	2100m <sup>2</sup>
Table 5	Dwelling 5 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 6	Dwelling 6 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 7	Dwelling 7 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 8	Dwelling 8 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 9	Dwelling 9 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 10	Dwelling 10 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 11	Dwelling 11 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 12	Dwelling 12 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 13	Dwelling 13 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 14	Dwelling 14 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 15	Dwelling 15 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 16	Dwelling 16 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 17	Dwelling 17 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 18	Dwelling 18 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 19	Dwelling 19 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 20	Dwelling 20 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 21	Dwelling 21 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 22	Dwelling 22 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 23	Dwelling 23 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 24	Dwelling 24 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 25	Dwelling 25 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 26	Dwelling 26 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 27	Dwelling 27 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>
Table 28	Dwelling 28 - 1 Type 2, 3 Bed, 2.5 Baths, 1.1 Bath	750m <sup>2</sup>	750m <sup>2</sup>	1875m <sup>2</sup>	187.5m <sup>2</sup>	62.5m <sup>2</sup>	187.5m <sup>2</sup>	1875m <sup>2</sup>

**Notes:**

- All construction to be in accordance with the City of Melbourne Planning Scheme, Clause 52.07-1 (Development) and Clause 52.07-2 (Development) and Clause 52.07-3 (Development).
- All construction to be in accordance with the City of Melbourne Planning Scheme, Clause 52.07-4 (Development) and Clause 52.07-5 (Development) and Clause 52.07-6 (Development).
- All construction to be in accordance with the City of Melbourne Planning Scheme, Clause 52.07-7 (Development) and Clause 52.07-8 (Development) and Clause 52.07-9 (Development).
- All construction to be in accordance with the City of Melbourne Planning Scheme, Clause 52.07-10 (Development) and Clause 52.07-11 (Development) and Clause 52.07-12 (Development).
- All construction to be in accordance with the City of Melbourne Planning Scheme, Clause 52.07-13 (Development) and Clause 52.07-14 (Development) and Clause 52.07-15 (Development).
- All construction to be in accordance with the City of Melbourne Planning Scheme, Clause 52.07-16 (Development) and Clause 52.07-17 (Development) and Clause 52.07-18 (Development).
- All construction to be in accordance with the City of Melbourne Planning Scheme, Clause 52.07-19 (Development) and Clause 52.07-20 (Development) and Clause 52.07-21 (Development).
- All construction to be in accordance with the City of Melbourne Planning Scheme, Clause 52.07-22 (Development) and Clause 52.07-23 (Development) and Clause 52.07-24 (Development).
- All construction to be in accordance with the City of Melbourne Planning Scheme, Clause 52.07-25 (Development) and Clause 52.07-26 (Development) and Clause 52.07-27 (Development).
- All construction to be in accordance with the City of Melbourne Planning Scheme, Clause 52.07-28 (Development) and Clause 52.07-29 (Development) and Clause 52.07-30 (Development).

**Key Features:**

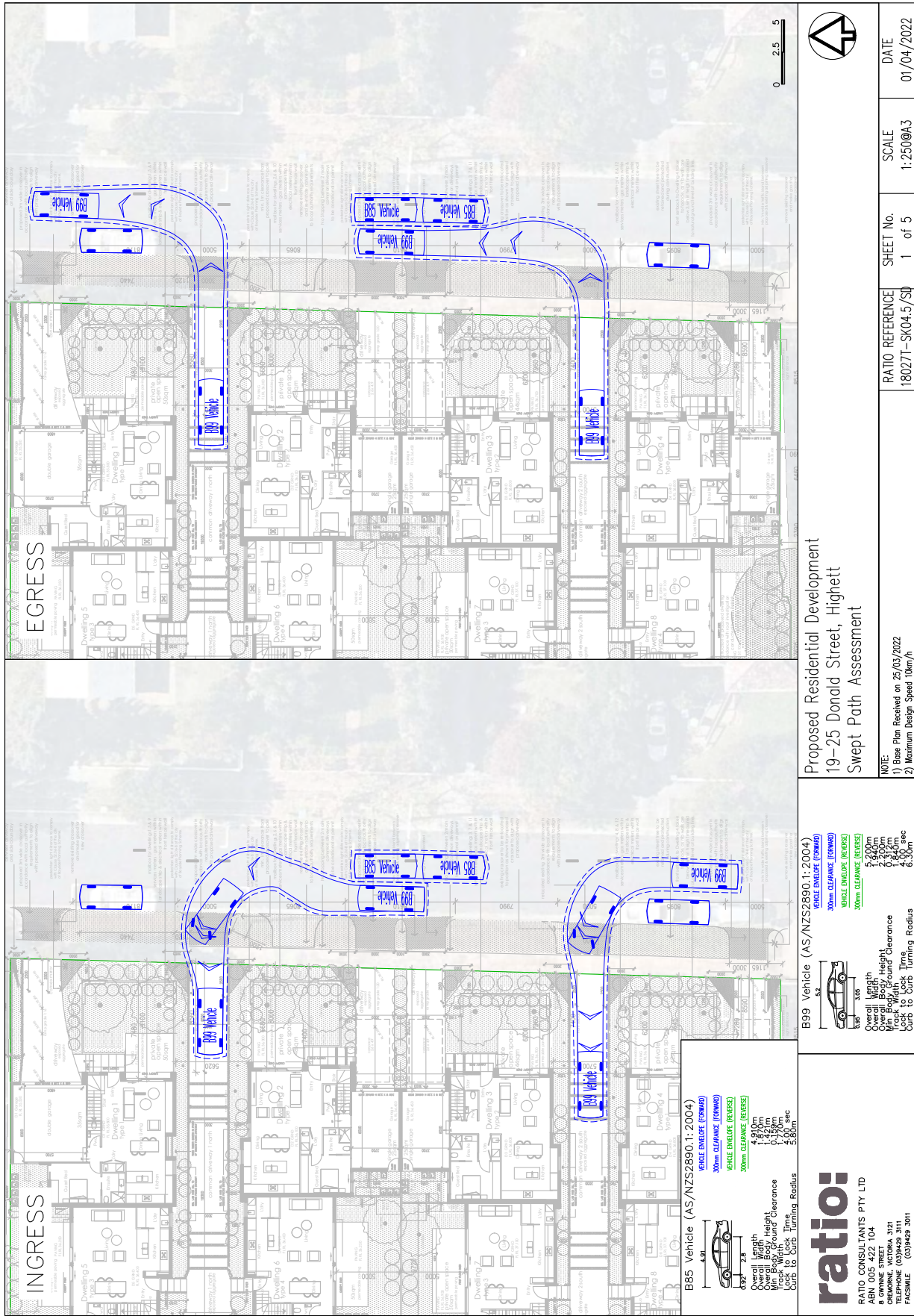
- At least one car space per unit.
- At least one bicycle space per unit.
- At least one storage space per unit.
- At least one laundry space per unit.
- At least one living area per unit.
- At least one kitchen per unit.
- At least one bathroom per unit.
- At least one bedroom per unit.
- At least one living area per unit.
- At least one kitchen per unit.
- At least one bathroom per unit.
- At least one bedroom per unit.

**Materials:**

- Use of high quality materials.
- Use of sustainable materials.
- Use of recycled materials.
- Use of locally sourced materials.
- Use of materials that are durable and low maintenance.
- Use of materials that are fire resistant.
- Use of materials that are sound proof.
- Use of materials that are weather resistant.
- Use of materials that are pest resistant.
- Use of materials that are mold resistant.
- Use of materials that are allergen resistant.
- Use of materials that are low VOC.
- Use of materials that are low formaldehyde.
- Use of materials that are low lead.
- Use of materials that are low mercury.
- Use of materials that are low cadmium.
- Use of materials that are low chromium.
- Use of materials that are low nickel.
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- Use of materials that are low chlorine.
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- Use of materials that are low uranium.
- Use of materials that are low plutonium.
- Use of materials that are low americium.
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- Use of materials that are low nihonium.
- Use of materials that are low flerovium.
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**Other Notes:**

- Use of high quality materials.
- Use of sustainable materials.
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- Use of materials that are low oganesson.







**ratio:**  
RATIO CONSULTANTS PTY LTD  
8 OWING STREET  
CREMORNE, VICTORIA 3121  
TELEPHONE (03)9423 3111  
FACSIMILE (03)9423 3111

**B85 Vehicle (AS/NZS2890.1:2004)**

VEHICLE ENVELOPE (FORWARD)	4.31m
300mm CLEARANCE (FORWARD)	1.870m
VEHICLE ENVELOPE (REVERSE)	4.910m
300mm CLEARANCE (REVERSE)	1.870m
Overall Length	4.910m
Overall Width	2.000m
Min Body to Ground Clearance	0.150m
Lock to Lock Time	4.000 sec
Curb to Curb Turning Radius	5.800m

**Proposed Residential Development**  
19-25 Donald Street, Highett  
Swept Path Assessment

NOTE:  
1) Base Plan Received on 25/03/2022  
2) Minimum Design Speed 10km/h

RATIO REFERENCE: 180271-SK04.5/SP  
SHEET No. 2 of 5  
SCALE 1:250@A3  
DATE 01/04/2022



**ratio:**  
RATIO CONSULTANTS PTY LTD  
8 OWING STREET  
CHENNAI, VICTORIA 3121  
TELEPHONE (03)942 3111  
FACSIMILE (03)942 3111

**B85 Vehicle (AS/NZS2890.1:2004)**

	Overall Length	4.910m
	Overall Width	1.870m
	Min Body to Ground Clearance	0.150m
	Lock to Lock Time	4.000 sec
	Curb to Curb Turning Radius	5.800m

**Proposed Residential Development**  
19-25 Donald Street, Highett  
Swept Path Assessment

**NOTE:**  
1) Base Plan Received on 25/03/2022  
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RATIO REFERENCE: 180271-SK04.5/SP  
SHEET No. 3 of 5  
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DATE 01/04/2022







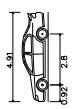
EGRESS

INGRESS

Proposed Residential Development  
19-25 Donald Street, Highett  
Swept Path Assessment

B85 Vehicle (AS/NZS2890.1:2004)

- VEHICLE ENVELOPE (FORWARD)
- 300mm CLEARANCE (FORWARD)
- VEHICLE ENVELOPE (REVERSE)
- 300mm CLEARANCE (REVERSE)



Overall Length  
4.910m  
Overall Width  
1.870m  
Min Body to Ground Clearance  
0.150m  
Lock to Lock Time  
4.000 sec  
Curb to Curb Turning Radius  
5.800m

**ratio:**  
RATIO CONSULTANTS PTY LTD  
ABN 005 422 104  
8 OWING STREET  
CREMORNE, VICTORIA 3121  
TELEPHONE (03)942 3111  
FACSIMILE (03)942 3111

RATIO REFERENCE	180271-SK04.5/SP
SHEET No.	5 of 5
SCALE	1:250@A3
DATE	01/04/2022

NOTE:  
1) Base Plan Received on 25/03/2022  
2) Minimum Design Speed 10km/h



07/20/2022 09:39 AM \\1800-18600\180271-19-25 DONALD STREET, HIGHETT\DESIGN\ARCH\ADVICE (INCLUDING SWPT PATHS)\SK04 - (07/20/2021)\180271-SK04.5\DWG



**Site Surrounds and Imagery**



Figure 1. Aerial overview of the site and surrounds

Legend	
Subject site	★





## 4.11 STATUTORY PLANNING - MONTHLY REPORT (MARCH 2022)

City Planning and Amenity - Development Services  
File No: PSF/15/8764 – Doc No: DOC/22/119877

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*In accordance with Chapter 2, Section 61(b) of Council's Governance Rules, a person is not permitted to present to this item as it is a report summarising decisions already made by another body, being VCAT.*

*Officers involved in the preparation of this report have no conflict of interest in this matter.*

### 1. Executive summary

The purpose of this report is to inform Council of the overall performance of the Statutory Planning team for March 2022. This report includes:

- details of decisions made under delegation by officers and by the Planning and Amenity Committee
- processing times and the types of applications received
- Victorian Civil and Administrative Tribunal (VCAT) determinations.

All councils are required to report to the State Government through two key systems. The first being the Local Government Performance Reporting Framework (LGPRF) and the second being the Planning Permit Activity Reporting System (PPARS). Both these systems provide for Council data to be audited and compared to other local government planning teams in Victoria and is made available to the public.

Information collected from each council area includes:

- what the permit applications are for
- the value of the works proposed
- how long they take to be processed
- how many are advertised
- how many have been referred to other agencies
- how many objections have been received
- trends in the numbers of applications and outcomes.

This data is provided to the State Government to create the PPARS monthly report and the annual LGPRF report. Refer **Attachment 1** for the PPARS report for March 2022.

### **Decisions**

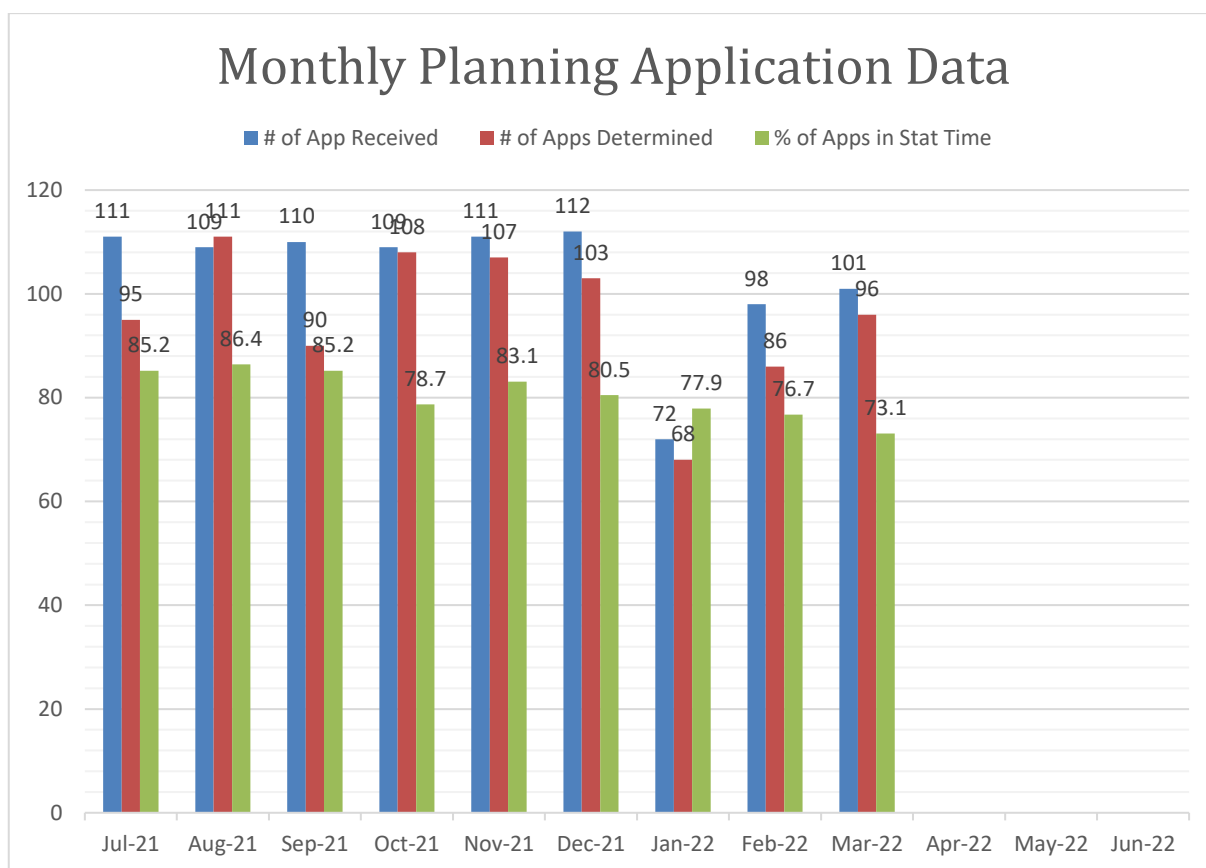
For the month of March, the Responsible Authority received 101 applications and determined 96 applications.

A list of all applications lodged and determined in March 2022 are provided in **Attachments 2** and **Attachment 3** respectively for information purposes.

### **Processing times**

Council has a target for **2021-22** that 75% of all decisions (VicSmart and planning applications) will be determined within the statutory timeframe.

Of all the applications determined for March 2022, 73.1% were determined within the statutory timeframe.



Source: PPARS report

To understand Bayside City Council's Statutory Planning team's performance, an analysis against both the inner and middle urban councils (IMU councils) and the Metropolitan Councils has been undertaken and shown in the table below. This data analyses the percentage of decisions determined based on the application type (VicSmart and planning applications).

	Planning Applications	VicSmart Applications
Bayside City Council	71.1%	75%
IMU councils	52.4%	84.4%
Metro average	52.1%	77.6%

Source: PPARS report

Based on the above table, Bayside City Council is clearly determining a greater number of planning applications within the statutory timeframe compared with IMU councils and the metro average. Whilst the VicSmart applications were down for this month, this is an outlier rather than a trend, as evident in the year-to-date stats described below.

This is also reflective of our year-to-date performance in which 77.5% of planning applications and 87.3% of VicSmart applications have been determined within the statutory timeframe. This demonstrates that the team's performance continues to be delivered at a high level.

Further to the above, the median number of days between receipt of a planning application and a decision on the application provides additional information regarding the performance of the Statutory Planning team. The median is calculated on the gross number of days which includes weekends and public holidays. The table below provides a comparison for the month of March 2022, which clearly shows Bayside City Council is performing favourably compared to IMU councils and the metro average.

	Median days
Bayside City Council	63
IMU councils	109
Metro average	111

Source: PPARS report

### VCAT Decisions

Council manages a considerable number of matters which are referred to VCAT. These matters include merit appeals and compulsory conferences for decisions made by the Council and its delegates.

**Attachment 4** includes details of upcoming VCAT hearings, including compulsory conferences.

### VCAT outcomes

As a result of Council representation at VCAT, there are various outcomes/determinations. As such, the determinations received for the previous month and year are shown for the financial year to date in the table below.

Council has a target for **2021–22** that **65%** of all Planning and Amenity Delegated Committee and delegated officer decisions should not be set aside by VCAT. This is comparable with other inner urban councils in Melbourne such as Port Phillip and Stonnington.

This measure does not include applications to amend VCAT issued permits (Section 87A applications), consent orders or appeals which are withdrawn by the applicant or objector prior to a hearing.

For the 2021–22 financial year, Council has received 50 decisions, of which:

- 8 have been settled by consent orders
- 9 have been withdrawn
- 1 has been struck out
- 0 have been issued under S87A varied permit.

The total number of LGPRF measured decisions for the 2021–22 financial year is 32. This table below reflects the new 2021–22 LGPRF reporting requirements for Council.

LGPRF Statutory Planning Measure 4 (SP4) – Decision Quality				
Time period	Decisions where the Council Delegate or Committees decision has been overturned or ' <b>Set Aside</b> '		Decisions where the Council Delegate or Committees decision has been agreed with, either having been entirely ' <b>Affirmed</b> ' or the conditions of the permit 'varied'	
	Delegate	Councillors	Delegate	Councillors
July 2021	0	1	0	2
August 2021	2	1	2	1
September 2021	1	3	1	2
October 2021	0	1	0	1
November 2021	0	2	1	1

December 2021	0	0	0	2
January 2022	0	0	0	1
February 2022	0	1	4	1
March 2022	0	1	0	0
April 2022				
May 2022				
June 2022				
<b>Total</b>	<b>3</b>	<b>10</b>	<b>8</b>	<b>11</b>
<b>TOTAL DECISIONS</b>	<b>13</b>		<b>19</b>	
<b>LGPRF Result</b>	<b>41%</b>		<b>59%</b>	

As shown above, Council's target for 2021–22 that 65% of all Planning and Amenity Delegated Committee and delegated officer decisions should not be set aside. The table above shows that the target has not been met to date, though it is noted that a number of matters have been settled via consent.

In relation to decisions made by the Planning and Amenity Committee, the following table shows a comparison of the VCAT decisions that were a result of a Planning and Amenity Committee decision and whether that decision upheld the officer recommendation or was an overturn.

Time period	Set Aside decisions		Affirmed decisions	
	Officer recommendation supported	Overturn committee decision	Officer recommendation supported	Overturn committee decision
July 2021	0	1	1	1
August 2021	0	1	1	0
Sept 2021	0	3	2	0
Oct 2021	0	1	1	0
Nov 2021	1	1	1	0
Dec 2021	0	0	0	2
Jan 2022	0	0	0	1
Feb 2022	0	1	1	0
March 2022	0	1	0	0
April 2022				
May 2022				
June 2022				
<b>Total</b>	<b>1</b>	<b>9</b>	<b>7</b>	<b>4</b>

As can be seen above, in March there was one decision issued, as a result of a decision made by the Planning and Amenity Committee. A Councillor overturn decision was set aside.

**Attachment 5** provides a summary of each case identifying the key issues for Council policy and strategy for the March 2022 VCAT outcomes.

VCAT Outcomes relating to Planning and Amenity Delegated Committee meeting decisions

In March, VCAT determined one application that was a result of a Planning and Amenity Delegated Committee decision.

**103 Thomas Street BRIGHTON EAST**

This was an appeal pursuant to Section 77 of the Planning and Environment Act 1987 against Council's Refusal to Grant a Planning Permit.

The hearing was held between 28 and 30 April and 28 May attended by a number of objector parties (some of whom were represented), a representative for Council, and a representative for the permit Applicant. The Permit Applicant also called experts in the fields of Town Planning, Traffic Engineering, Landscape Architecture and Community need.

The Tribunal found the key issues to be as follows: Is there strategic support for the proposal in this location? Is the building siting and design an acceptable response to the physical and planning context? Is the proposed landscaping acceptable? Will any amenity impacts on adjoining properties be acceptable? Will any traffic impacts be acceptable?

The Tribunal considered the submissions of all of the parties and the evidence and examination of the Experts and determined to vary the Council's decision and issue a permit generally in accordance with the Council's recommendation with some minor variations to the conditions.

In their final order, the Tribunal commented that although the Bayside Housing Strategy indicates that residential aged care will be encouraged within 'Housing Growth Areas where they have good access to public transport, shops and services', this does not preclude residential aged care facilities within residential areas. The Tribunal also referred to Council policy which recognizes there are limited large scale vacant sites available for residential development in Bayside and indicated that the review site is a rare opportunity to achieve residential aged care in the municipality.

The Tribunal found that the design and siting of the buildings would provide an acceptable transition in heights to the surrounding context and the large site can accommodate the larger scale of building. The Tribunal found the building would sit comfortably in the Wrixon Avenue Streetscape and with respect to the Thomas Street frontage, the physical break at first floor level and above and design features and landscaping will soften the appearance of the building within this streetscape. The Tribunal found the proposed landscaping to be acceptable subject to condition.

The Tribunal found there would be no unreasonable visual bulk or overlooking impacts. Nor would there be any unreasonable overshadowing of private open space or solar panels, or any unreasonable odour, noise or traffic impacts. The Tribunal also found that the construction would not unreasonably impact neighbouring properties structural integrity or trees.

A complete copy of the VCAT Order is provided at **Attachment 6**.

Cost of representation for appeal - \$28,050

Associated VCAT costs for legal/planning advocate representation

Year to date, the cost of legal/planning advocate and expert representation for Council at VCAT is \$388,339.

**2. Recommendation**

That Council resolves to

- receive and note the report
- note the outcome of VCAT decisions on the planning applications handed down during March 2022.

**Support Attachments**

1. PPARS March 2022 ↓
2. Applications lodged in March 2022 ↓
3. Applications determined in March 2022 ↓
4. Upcoming VCAT appeals ↓
5. March 2022 - VCAT Determined Appeals ↓
6. VCAT Order - Appeal P1684.2020 - 97 - 103 Thomas Street and 2 - 4 Wrixon Avenue BRIGHTON EAST ↓



## Planning Permit Activity Monthly Report


Select Year/Month: 2022 ▼ March ▼

To print this page, click [here](#).

### Bayside - March 2022

The following is a summary of the planning permit activity for which the [Bayside City Council](#) was the Responsible Authority.

The figures shown below are correct as at **19-04-2022**. The hyperlinked figures will search for the relevant **current data** in the Planning Permit Activity Reporting System (PPARS) and can only be accessed by registered Council users.

Click on the  icon for further information about how these figures are calculated.

For further information about any of these figures, please contact the relevant [Responsible Authority](#).

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### Data Accuracy

PPARs reports are subject to change as data is submitted by responsible authorities. **Data sourced from PPARs should reference the report 'generated date' and statement of data accuracy which notes if any responsible authorities data is missing.**

PPARs applies data checks in the form of 'business rules' to all data submitted for consistency. The validity of data relies on responsible authority systems, data entry and accurate submissions to PPARs.

Reports are generated on the 15th day of the month following the report period (or next business day). Planning Support will update reports with late submissions from responsible authorities on request.

**At the time of generation/update, the following responsible authorities had not provided data to PPARs for the month of this report:**

Banyule, Boroondara, Buloke, Central Goldfields, Darebin, East Gippsland, Gannawarra, Hepburn, Indigo, Minister for Planning, Moonee Valley, Mount Alexander, Port Phillip

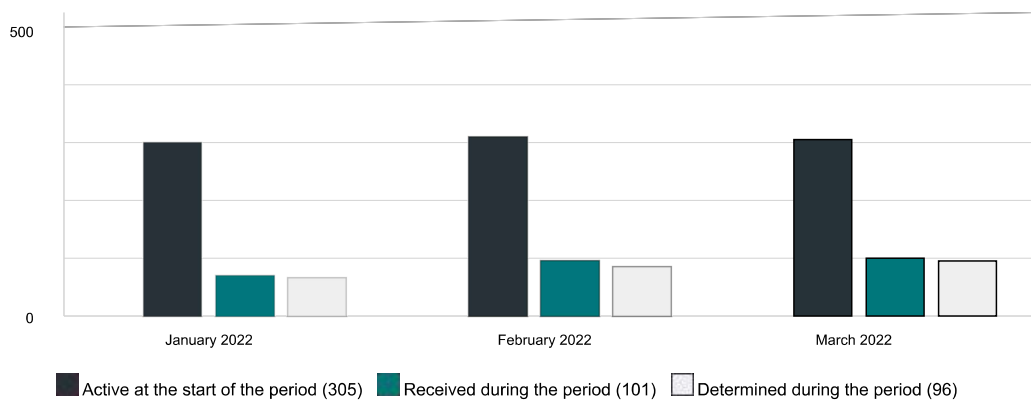
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Application activity

	This Month		Last Month	% Change	Financial Year to Date		Metro Average
<b>Total applications received</b>	<u>101</u>		<u>95</u>	6.3%	<u>908</u>		81
New permit application	<u>73</u> [72.3%]		<u>66</u> [69.5%]	10.6%	<u>707</u> [77.9%]		70
Amended permit application	<u>28</u> [27.7%]		<u>29</u> [30.5%]	-3.4%	<u>201</u> [22.1%]		11
Combined permit application	<u>0</u> [0.0%]		<u>0</u> [0.0%]	0%	<u>0</u> [0.0%]		0
<b>Total responsible authority outcomes</b>	<u>96</u>		<u>86</u>	11.6%	<u>879</u>		86
Notices of Decision to issue permit (includes amended permits)	<u>21</u> [21.9%]		<u>10</u> [11.6%]	110.0%	<u>128</u> [14.6%]		13
Refusal	<u>6</u> [6.3%]		<u>4</u> [4.7%]	50.0%	<u>61</u> [6.9%]		3
Withdrawn, not required, lapsed	<u>6</u> [6.3%]		<u>11</u> [12.8%]	-45.5%	<u>89</u> [10.1%]		12
<b>Final outcomes</b>	<u>99</u>		<u>96</u>	3.1%	<u>899</u>		82
New permit issued	<u>59</u> [59.6%]		<u>60</u> [62.5%]	-1.7%	<u>577</u> [64.2%]		55
Amended permit issued	<u>27</u> [27.3%]		<u>18</u> [18.8%]	50.0%	<u>170</u> [18.9%]		11
Combined permit issued	<u>0</u> [0.0%]		<u>0</u> [0.0%]	0%	<u>0</u> [0.0%]		0
No permit issued	<u>13</u> [13.1%]		<u>18</u> [18.8%]	-27.8%	<u>152</u> [16.9%]		16

Applications received and decided



Performance figures

	This Month	Last Month	Financial Year to Date	Metro Average	IMU Average
<b>Applications with:</b>					
Public notice	<u>42</u>	<u>43</u>	<u>355</u>	33	37
Further information	<u>86</u>	<u>78</u>	<u>666</u>	46	47
Referrals	<u>4</u>	<u>6</u>	<u>31</u>	11	8
Submissions	<u>25</u>	<u>19</u>	<u>191</u>	12	15
<b>Financial</b>					
Total value of fees for applications received	\$152,274	\$92,118	\$1,091,467	\$99,700	\$78,597
Average fee per application received	\$1,508	\$970	\$1,202	\$1,237	\$1,143
Total estimated cost of works for permits issued	\$85,435,369	\$52,812,855	\$431,538,629	\$37,082,559	\$38,682,609
Average cost of works per permit issued	\$993,435	\$677,088	\$577,696	\$557,497	\$647,248

Processing times

	This Month	Last Month	Financial Year to Date	Metro Average	IMU Average
Average gross days to Responsible Authority determination	84	75	75	139	140
Median processing days to Responsible Authority determination	63	61	51	111	109
Completed within sixty days	71.1%	72.6%	77.5%	52.1%	52.4%
Average gross days to final outcome	99	149	95	147	157
Median processing days to final outcome	70	66	55	110	115
<b>VicSmart applications</b>					
Received	<u>19</u>	<u>24</u>	<u>250</u>	16	16
Completed	<u>20</u>	<u>24</u>	<u>244</u>	16	15
Completed within ten days	75.0%	87.5%	87.3%	77.6%	84.4%

### Reviews at the Victorian Civil and Administrative Tribunal (VCAT)

Under review at the start of the period: 3

	This Month	Last Month	% Change	Financial Year to Date
<b>Grounds for appeal* on appeals lodged:</b>				
Section 77: Appeal against refusal by RA	2	1	100.0%	13
Section 79: Appeal against failure to grant	0	1	-100.0%	4
Section 80: Appeal against conditions	1	1	0.0%	9
Section 82: Appeal against issue of permit	2	0		15
<b>Total determinations</b>	<u>3</u>	<u>12</u>	-75.0%	<u>52</u>
Affirmed	<u>2</u> [66.7%]	<u>4</u> [33.3%]	-50.0%	<u>17</u> [32.7%]
Varied	<u>0</u> [0.0%]	<u>1</u> [8.3%]	-100.0%	<u>8</u> [15.4%]
Set Aside	<u>1</u> [33.3%]	<u>1</u> [8.3%]	0.0%	<u>18</u> [34.6%]
Withdrawn/Struck out	<u>0</u> [0.0%]	<u>6</u> [50.0%]	-100.0%	<u>9</u> [17.3%]
Remitted	<u>0</u> [0.0%]	<u>0</u> [0.0%]		<u>0</u> [0.0%]
<b>Processing times</b>				
Average gross days to determination	393	394	-0.2%	253
Median processing days to determination	519	409	26.9%	218

\*Appeals may have multiple grounds for review, and thus may be listed more than once.

\*PPARs monthly reports use VCAT figures submitted to PPARs by responsible authorities. These figures are not sourced directly from the Department of Justice.

## Outcomes for Permits Issued

### Application categories for permits issued

Note that permits may have more than one category.

	This Month	Last Month	Financial Year to Date
Change or extension of use	<u>9</u>	<u>8</u>	<u>117</u>
Alterations to a building, structure or dwelling	<u>29</u>	<u>18</u>	<u>262</u>
Extension to an existing dwelling or structure associated with a dwelling	<u>0</u>	<u>0</u>	<u>0</u>
Extension to an existing building or structure (other than a dwelling)	<u>0</u>	<u>0</u>	<u>0</u>
One of more new buildings	<u>1</u>	<u>2</u>	<u>11</u>
Single dwelling	<u>4</u>	<u>8</u>	<u>39</u>
Multi-dwelling	<u>29</u>	<u>21</u>	<u>185</u>
Other buildings and works (including septic tanks, dams, earthworks)	<u>2</u>	<u>2</u>	<u>10</u>
Demolition	<u>1</u>	<u>0</u>	<u>1</u>
Native vegetation removal	<u>5</u>	<u>9</u>	<u>68</u>
Other vegetation removal	<u>1</u>	<u>1</u>	<u>5</u>
Consolidation	<u>0</u>	<u>0</u>	<u>1</u>
Subdivision of land	<u>9</u>	<u>10</u>	<u>104</u>
Subdivision of buildings	<u>0</u>	<u>0</u>	<u>2</u>
Subdivision - Change to easement and/or restrictions	<u>0</u>	<u>0</u>	<u>8</u>
Subdivision - Removal of covenant	<u>0</u>	<u>0</u>	<u>3</u>
Subdivision - Realignment of boundary	<u>0</u>	<u>0</u>	<u>2</u>
Liquor license	<u>1</u>	<u>1</u>	<u>11</u>
Waiving of parking requirement	<u>1</u>	<u>0</u>	<u>2</u>
Signage	<u>4</u>	<u>6</u>	<u>31</u>
Telecommunications facility	<u>0</u>	<u>0</u>	<u>1</u>
Other	<u>0</u>	<u>0</u>	<u>0</u>

### Dwellings

The net number of additional dwellings approved is 1

### Subdivisions

The net number of lots created from subdivision approval is 0

**Change of Land Use**

The following table displays the proposed land uses for issued permits (new and combined) where there was a change in land use.

	This Month	Last Month	Financial Year to Date
Agriculture	0	0	0
Food and drink premises	0	0	0
Industry and warehouse	0	0	0
Leisure and recreation	0	1	7
Office	0	0	4
Place of assembly	0	0	0
Residential / Accommodation	5	5	76
Retail premises	0	0	4
Vacant	0	0	0
Child care	0	1	1
Education centre	0	0	0
Mineral extraction	0	0	0
Pleasure boat facility	0	0	0
Transport terminal	0	0	0
Utility installation	0	0	0
Mixed use	0	1	7
Other	0	0	0

For further information or to provide feedback, please contact Planning Support  
Version 3.0 - Generated 19-04-2022

Councillor Notifications  
 Planning Applications Summary  
 Lodged from 1/03/2022 to 31/03/2022



Application	Property Address	Development Details	Received
<b>TBA</b>			
5.2018.366.3	81 Bay ST, BRIGHTON	2 or More Additional Dwellings on a Lot and Carparking	01/03/22
5.2018.366.4	81 Bay ST, BRIGHTON	2 or More Additional Dwellings on a Lot and Carparking	01/03/22
5.2022.93.1	32 Clonaig ST, BRIGHTON EAST	Fence on a lot > 500 m2	01/03/22
5.2022.8359.1	9 Porter ST, HAMPTON	Easement Removal or Variance	01/03/22
5.2022.94.1	6 Station ST, SANDRINGHAM	1 Dwelling - Alts & Adds - DDO	02/03/22
5.2022.95.1	2 Moffat ST, BRIGHTON	1 Dwelling - Alts & Adds - Heritage	02/03/22
5.2022.97.1	1/44 Tramway PDE, BEAUMARIS	1 Dwelling - Alts & Adds on Lot < 500m2	03/03/22
5.2022.111.1	14/196 - 200 North RD, BRIGHTON EAST	1 Dwelling - Alts & Adds - SBO	03/03/22
5.2022.8360.1	14 Vista RD, HAMPTON	Subdivision of Land (1 to 9 Lots)	03/03/22
5.2004.196.3	57 Spring RD, HAMPTON EAST	1 Additional Dwelling on a Lot	04/03/22
5.2021.457.2	14 Lagnicourt ST, HAMPTON	1 Dwelling - Alts & Adds - Heritage	04/03/22
5.2000.6117.3	382 - 384 Hampton ST, HAMPTON	Change Hours of Operation	07/03/22
5.2018.371.3	15 Stonehaven CRES, HAMPTON EAST	2 New Dwellings	07/03/22
5.2022.99.1	6 Stone ST, BRIGHTON EAST	1 Dwelling - Alts & Adds on Lot < 500m2	07/03/22
5.2022.100.1	15 Normanby ST, BRIGHTON	1 Dwelling - Alts & Adds - Heritage	07/03/22
5.2022.101.1	289 Bay ST, BRIGHTON	Advertising signs	07/03/22
5.2022.102.1	1 Avoca ST, HIGHETT	Dwelling (s) Other - Alts/Adds, Bld Only	07/03/22
5.2022.108.1	8A Glenmore CRES, BLACK ROCK	1 Dwelling - Alts & Adds on Lot < 500m2	07/03/22
5.2022.109.1	19 Oakwood AVE, BRIGHTON	26 or More Dwellings	07/03/22
5.2022.110.1	11 Black ST, BRIGHTON	11 - 25 New Dwellings	07/03/22
5.2022.103.1	10 James ST, BRIGHTON	1 Dwelling - Alts & Adds - SBO	08/03/22
5.2022.105.1	399 Balcombe RD, BEAUMARIS	Fence on a lot > 500 m2	08/03/22
5.2022.106.1	212 - 216 Bay RD, SANDRINGHAM	Advertising Signs	08/03/22
5.2022.107.1	4 Avelin ST, HAMPTON	1 Dwelling - Alts & Adds - Heritage	08/03/22
5.2018.209.2	28 - 30 Oak GVE, BRIGHTON	1 Dwelling - New - DDO	09/03/22
5.2019.409.3	502 New ST, BRIGHTON	1 Dwelling - New - DDO	09/03/22
5.2019.510.3	70 Esplanade , BRIGHTON	6 - 10 New Dwellings	09/03/22
5.2020.80.2	5 Bemmersyde AVE, BRIGHTON	5 New Dwellings	09/03/22
5.2022.112.1	122 Abbott ST, SANDRINGHAM	1 Dwelling - Alts & Adds on Lot < 500m2	09/03/22
5.2022.113.1	6/65 Tibrockney ST, HIGHETT	1 Dwelling - Alts & Adds on Lot < 500m2	09/03/22
5.2022.8361.1	5 Valdemar CRT, BRIGHTON EAST	Subdivision of Land (1 to 9 Lots)	09/03/22
5.2018.715.2	24 Carr ST, BRIGHTON EAST	11 - 25 New Dwellings	10/03/22
5.2022.76.1	7 Kent AVE, BRIGHTON	1 Dwelling - New - DDO	10/03/22
5.2022.114.1	4 Rossmith AVE, BEAUMARIS	2 New Dwellings	10/03/22
5.2022.115.1	84 Canberra GVE, BRIGHTON EAST	Fence on a Lot < 500m2	10/03/22
5.2022.116.1	2 Berend ST, HAMPTON EAST	Fence on a lot > 500 m2	11/03/22
5.2022.142.1	1/565 Balcombe RD, BLACK ROCK	1 Dwelling - Alts & Adds on Lot < 500m2	11/03/22
5.2022.117.1	21 Whyte ST, BRIGHTON	1 Dwelling - Alts & Adds on Lot < 500m2	14/03/22
5.2016.719.2	69 Park RD, CHELTENHAM	3 New Dwellings	15/03/22
5.2019.147.3	736 Hampton ST, BRIGHTON	11 - 25 New Dwellings and Shop - New Building & Use and Office - New B	15/03/22
5.2019.279.3	21 - 27 Holyrood ST, HAMPTON	Minor Sports & Rec Fac - New Bld & Use	15/03/22
5.2019.522.3	75 William ST, BRIGHTON	4 New Dwellings	15/03/22
5.2020.113.2	1A Deakin ST, HAMPTON	11 - 25 New Dwellings	15/03/22
5.2021.244.2	408 New ST, BRIGHTON	1 Dwelling - Alts & Adds on Lot < 500m2	15/03/22
5.2022.8362.1	57 Well ST, BRIGHTON	Subdivision of Land (1 to 9 Lots)	15/03/22
5.2022.118.1	6 Arnot ST, BRIGHTON EAST	2 New Dwellings	16/03/22
5.2022.119.1	368 Bay ST, BRIGHTON	Liquor Licence - New & Alts	16/03/22
5.2022.120.1	37 Imbros ST, HAMPTON	1 Dwelling - Alts & Adds - Heritage and 1 Dwelling - Alts & Adds - SBO	16/03/22
5.2022.121.1	4 Nicol ST, HIGHETT	2 New Dwellings	16/03/22
5.2022.122.1	172 Bluff RD, BLACK ROCK	VPO3 - Removal x 1	16/03/22
5.2021.300.2	14 Gareth AVE, BEAUMARIS	2 New Dwellings	17/03/22
5.2022.123.1	9 Ivy ST, HAMPTON	Subdivision of Land (1 to 9 Lots)	17/03/22
5.2022.8363.1	2 View CRT, BRIGHTON	Vary/Remove Easements&Other Restrictions	17/03/22
5.2022.8364.1	49 Apex AVE, HAMPTON EAST	Subdivision of Land (1 to 9 Lots)	17/03/22
5.2022.124.1	1/101 Centre RD, BRIGHTON EAST	1 Dwelling - Alts & Adds on Lot < 500m2	18/03/22
5.2022.125.1	9 Porter ST, HAMPTON	2 New Dwellings	18/03/22
5.2022.126.1	1/67 William ST, BRIGHTON	1 Dwelling - Alts & Adds on Lot < 500m2	18/03/22
5.2022.98.1	10 Beenak AVE, BRIGHTON EAST	2 New Dwellings	20/03/22
5.2015.406.6	3 Llewellyn ST, BEAUMARIS	2 New Dwellings	21/03/22

Application	Property Address	Development Details	Received
5.2017.525.5	11 Adamson ST, BRIGHTON	6 - 10 New Dwellings	21/03/22
5.2022.127.1	45 Clonaig ST, BRIGHTON EAST	1 Dwelling - New - SBO	21/03/22
5.2022.135.1	1 Vista RD, HAMPTON	1 Dwelling - Alts & Adds on Lot < 500m2	21/03/22
5.2012.619.6	318A - 320 St Kilda ST, BRIGHTON	6 - 10 New Dwellings	22/03/22
5.2021.236.2	6 Herbert ST, HIGHETT	1 Dwelling - Alts & Adds - SBO	22/03/22
5.2021.245.2	1 Hamilton ST, BRIGHTON	1 Dwelling - Alts & Adds - Heritage	22/03/22
5.2022.128.1	29 Ardoyne ST, BLACK ROCK	2 New Dwellings	22/03/22
5.2022.129.1	19 Michael ST, BEAUMARIS	VPO3 - Removal x 1	22/03/22
5.2022.130.1	401 Beach RD, BEAUMARIS	Fence on a Lot < 500m2	22/03/22
5.2022.131.1	36 Grenville ST, HAMPTON	Shed on a Lot < 500m2	22/03/22
5.2022.132.1	4 Villeroy ST, HAMPTON	1 Dwelling - Alts & Adds - Heritage	22/03/22
5.2022.104.1	4 Rouen ST, HAMPTON	1 Dwelling - Alts & Adds - Heritage	23/03/22
5.2022.133.1	759 Hawthorn RD, BRIGHTON EAST	Fence on a Lot < 500m2	23/03/22
5.2022.134.1	11 Downes AVE, BRIGHTON	Deck/Verandah/Patio on a Lot < 500m2	23/03/22
5.2017.155.3	12 Agnes ST, BEAUMARIS	1 Dwelling - New - SBO	24/03/22
5.2018.173.3	4 Well ST, BRIGHTON	4 New Dwellings	24/03/22
5.2021.341.2	23 Spring ST, SANDRINGHAM	2 New Dwellings	24/03/22
5.2022.136.1	7 Trafford AVE, BRIGHTON	1 Dwelling - Alts & Adds on Lot < 500m2	24/03/22
5.2022.137.1	49 Ebden ST, BRIGHTON	Carport on a Lot < 500m2	24/03/22
5.2022.138.1	1 Norwood AVE, BRIGHTON	1 Dwelling - Alts & Adds - DDO	24/03/22
5.2022.139.1	11 Ludstone ST, HAMPTON	Fence on a lot > 500 m2	24/03/22
5.2022.8365.1	5 Lubrano ST, BRIGHTON EAST	Subdivision of Land (1 to 9 Lots)	24/03/22
5.2022.140.1	1 St James MEWS, BRIGHTON	1 Dwelling - Alts & Adds on Lot < 500m2	25/03/22
5.2022.141.1	18 Wellington AVE, BEAUMARIS		25/03/22
5.2022.143.1	90 Linacre RD, HAMPTON	2 New Dwellings	25/03/22
5.2022.145.1	10 Hardinge ST, BEAUMARIS		25/03/22
5.2021.542.2	13 Barnet ST, HIGHETT	2 New Dwellings	29/03/22
5.2022.144.1	3/343 St Kilda ST, BRIGHTON	1 Dwelling - Alts & Adds - SBO	29/03/22
5.2022.146.1	19 Moira AVE, HIGHETT	1 Dwelling - Alts & Adds - SBO	29/03/22
5.2022.147.1	180 Thomas ST, HAMPTON	1 Dwelling - Alts & Adds - SBO	29/03/22
5.2022.148.1	20 Correa AVE, CHELTENHAM	2 New Dwellings	29/03/22
5.2022.149.1	3 Passchendaele ST, HAMPTON	1 Dwelling - New - Heritage	29/03/22
5.2022.8368.1	12A Erskine AVE, CHELTENHAM	Subdivision of Land (1 to 9 Lots)	29/03/22
5.2022.150.1	24A Tatong RD, BRIGHTON EAST	Deck/Verandah/Patio on a Lot < 500m2	30/03/22
5.2022.151.1	25 Bodley ST, BEAUMARIS	VPO3 - Removal x 1	30/03/22
5.2022.152.1	79 Thomas ST, BRIGHTON EAST	2 New Dwellings	30/03/22
5.2022.153.1	16 Tweed ST, HIGHETT	2 New Dwellings	30/03/22
5.2022.8367.1	16 Morley CRES, HIGHETT	Subdivision of Land (1 to 9 Lots)	30/03/22
5.2022.154.1	11 Haynes ST, HIGHETT	2 New Dwellings	31/03/22
5.2022.155.1	12/22 George ST, SANDRINGHAM	Warehouse - Alts/Adds to Building & Use	31/03/22
5.2022.156.1	4/1 Keith ST, BEAUMARIS	VPO3 - Removal x 1	31/03/22

**Total: 100**



Planning Applications Summary - Councillor Bulletin  
Determined from 1/03/2022 to 31/03/2022

Application	Property Address Proposal	Determination	Determined
<b>Northern</b>			
5.2017.175.2	179 Church ST, BRIGHTON 3186 6 - 10 New Dwellings and Reduction/Waiver of Car Park Requirement	Notice of Decision Granted - Delegate	23/03/2022
<b>TBA</b>			
5.1998.3888.2	18 Seymour GVE, BRIGHTON 3186 Removal of Vegetation	Amended Permit Granted - Delegate	01/03/2022
5.2021.713.1	1/200 Tramway PDE, BEAUMARIS 3193 1 Dwelling - Alts & Adds on Lot < 500m2	Permit Granted - Delegate	01/03/2022
5.2021.467.1	4 Donald ST, HIGHETT 3190 2 New Dwellings	Permit Granted - Delegate	02/03/2022
5.2021.616.1	279 Hampton ST, HAMPTON 3188 Alts&Adds to Bld in HO(Other than Dwell)	Notice of Decision Granted - Delegate	02/03/2022
5.2021.691.1	3/228 - 229 Beach RD, BLACK ROCK 3193 1 Dwelling - Alts & Adds - DDO	Permit Granted - Delegate	02/03/2022
5.2022.59.1	150 Dalgetty RD, BEAUMARIS 3193 VPO3 - Removal x 1	Permit Granted - Delegate	02/03/2022
5.2022.61.1	43 Dalmont ST, HIGHETT 3190 1 Dwelling - Alts & Adds - SBO	Permit Granted - Delegate	02/03/2022
5.2022.89.1	18 Tramway PDE, BEAUMARIS 3193 VPO3 - Removal x 1	Permit Granted - Delegate	02/03/2022
5.2022.8356.1	9 Teddington RD, HAMPTON 3188 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	02/03/2022
5.2022.69.1	29 June ST, HIGHETT 3190 1 Dwelling - New - SBO	Permit Granted - Delegate	03/03/2022
5.2021.552.1	91 Park RD, CHELTENHAM 3192 1 Dwelling - Alts & Adds on Lot < 500m2	Permit Granted - Delegate	04/03/2022
5.2021.749.1	407 Bay ST, BRIGHTON 3186 Signage above the door to my shop	Permit Granted - Delegate	04/03/2022
5.2022.33.1	74 Asling ST, BRIGHTON 3186 1 Dwelling - Alts & Adds - Heritage	Permit Granted - Delegate	04/03/2022
5.2022.8358.1	238 Were ST, BRIGHTON EAST 3187 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	04/03/2022
5.1992.6261.2	1/142 Weatherall RD, CHELTENHAM 3192 2 New Dwellings	Amended Permit Granted - Delegate	07/03/2022
5.2018.146.4	4 Bemmersyde AVE, BRIGHTON 3186 6 - 10 New Dwellings	Amended Permit Granted - Delegate	08/03/2022
5.2021.432.1	36 Paul ST, CHELTENHAM 3192 2 New Dwellings	Notice of Decision Granted - Council	08/03/2022
5.2021.447.1	11A Keiller ST, HAMPTON EAST 3188 11 - 25 New Dwellings	Notice of Decision Granted - Council	08/03/2022
5.2021.463.1	7 Laburnum CRT, BRIGHTON 3186 1 Dwelling - Alts & Adds on Lot < 500m2	Permit Refused - Council	08/03/2022
5.2021.501.1	15 Douglas ST, BEAUMARIS 3193 3 New Dwellings	Notice of Decision Granted - Council	08/03/2022
5.2021.588.1	9 Erowal ST, BEAUMARIS 3193 2 New Dwellings	Notice of Decision Granted - Council	08/03/2022
5.2021.643.1	148 Oak ST, BEAUMARIS 3193 2 New Dwellings	Notice of Decision Granted - Council	08/03/2022
5.2021.644.1	11 Mc Naught ST, BEAUMARIS 3193 3 New Dwellings	Notice of Decision Granted - Council	08/03/2022
5.2021.695.1	9 Waverley ST, BRIGHTON EAST 3187 2 New Dwellings	Notice of Decision Granted - Council	08/03/2022
5.2021.706.1	45 Linacre RD, HAMPTON 3188 2 New Dwellings	Application Lapsed	08/03/2022
5.2021.746.1	2/714 Hawthorn RD, BRIGHTON EAST 3187 1 Dwelling - Alts & Adds - DDO	Permit Granted - Delegate	08/03/2022
5.2021.768.1	14 Faulkner ST, HAMPTON 3188 2 New Dwellings	Notice of Decision Granted - Delegate	08/03/2022
5.2022.3.1	14 Dawson AVE, BRIGHTON 3186 1 Dwelling - Alts & Adds - Heritage	Permit Granted - Delegate	08/03/2022
5.2022.86.1	77 Iona ST, BLACK ROCK 3193 VPO3 - Removal x 1	Permit Refused - Delegate	08/03/2022

Application	Property Address Proposal	Determination	Determined
5.2011.328.2	3/1 - 5 North CNC, BEAUMARIS 3193 Liquor Licence - New & Alts	Amended Permit Granted - Delegate	09/03/2022
5.2021.692.1	337 Bay RD, CHELTENHAM 3192 Advertising Signs	Permit Granted - Delegate	09/03/2022
5.2022.8341.1	4 Montclair AVE, BRIGHTON 3186 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	09/03/2022
5.2021.393.2	145B Cochrane ST, BRIGHTON 3186 Child Care Centre - Alts & Adds	Amended Permit Granted - Delegate	10/03/2022
5.2021.628.1	18 Montclair AVE, BRIGHTON 3186 Dwelling(s) Other - Alts/Adds, Bld Only	Notice of Decision Granted - Delegate	10/03/2022
5.2021.744.1	14 James AVE, HIGHETT 3190 2 New Dwellings	Permit Granted - Delegate	10/03/2022
5.2016.762.3	70 Oak ST, BEAUMARIS 3193 1 Dwelling - Alts & Adds - DDO	Amended Permit Granted - Delegate	11/03/2022
5.2018.140.2	1/291 Bluff RD, SANDRINGHAM 3191 1 Dwelling - New - Lot < 500m2	Amended Permit Granted - Delegate	11/03/2022
5.2021.192.1	675 Nepean HWY, BRIGHTON EAST 3187 Advertising Signs	Permit Refused - Delegate	11/03/2022
5.2021.451.1	19 Bay RD, SANDRINGHAM 3191 Advertising Signs	Permit Refused - Delegate	11/03/2022
5.2022.8.1	1/8 Balcombe Park LNE, BEAUMARIS 3193 1 Dwelling - Alts & Adds - DDO	Permit Refused - Delegate	11/03/2022
5.2022.17.1	2/34 Asling ST, BRIGHTON 3186 1 Dwelling - Alts & Adds - Heritage	Notice of Decision Granted - Delegate	11/03/2022
5.2022.75.1	Beach PK, BLACK ROCK 3193 Demolition of Building in HO	Permit Granted - Delegate	11/03/2022
5.2021.624.1	81 Raynes Park RD, HAMPTON 3188 2 New Dwellings	Permit Granted - Delegate	15/03/2022
5.2022.8360.1	14 Vista RD, HAMPTON 3188 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	15/03/2022
5.2000.5804.2	112 - 114 Bay RD, SANDRINGHAM 3191 Alterations & additions to nursery & cafe	Notice of Decision Granted - Delegate	16/03/2022
5.2022.8343.1	422 New ST, BRIGHTON 3186 Subdivision of Land (19 or more lots)	Permit Granted - Delegate	16/03/2022
5.2015.25.2	687 Hampton ST, BRIGHTON 3186 1 Additional Dwelling on a Lot	Amended Permit Granted - Delegate	17/03/2022
5.2021.437.1	10 Huntley ST, BRIGHTON 3186 1 Dwelling - Alts & Adds on Lot < 500m2	Notice of Decision Granted - Delegate	18/03/2022
5.2021.658.1	14 Lynch ST, BRIGHTON 3186 1 Dwelling - Alts & Adds on Lot < 500m2	Notice of Decision Granted - Delegate	18/03/2022
5.2022.54.1	39 Orchard ST, BRIGHTON 3186 Fence on a lot < 500m2	Permit Granted - Delegate	18/03/2022
5.2019.610.2	41 North RD, BRIGHTON 3186 2 or More Additional Dwellings on a Lot	Notice of Decision Granted - Delegate	21/03/2022
5.2022.27.1	113 Dalgetty RD, BEAUMARIS 3193 1 Dwelling - Alts & Adds - Heritage	Permit Refused - Delegate	21/03/2022
5.2022.8342.1	30 Rooding ST, BRIGHTON 3186 Subdivision of Land (19 or more lots)	Permit Granted - Delegate	21/03/2022
5.2021.716.1	16 Eloura AVE, BRIGHTON EAST 3187 2 New Dwellings	Notice of Decision Granted - Delegate	22/03/2022
5.2021.138.3	8 Harold ST, SANDRINGHAM 3191 2 New Dwellings	Amended Permit Granted - Delegate	23/03/2022
5.2022.8364.1	49 Apex AVE, HAMPTON EAST 3188 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	23/03/2022
5.2018.432.3	Cheltenham RD, BLACK ROCK 3193 Mnr Sprts&Rec Fac-Alts&Adds to Bld & Use and Remove/Destroy or Lop Nat	Amended Permit Granted - Delegate	24/03/2022
5.2008.3701.3	2A Mulgoa ST, BRIGHTON 3186 Miscellaneous	Amended Permit Granted - Delegate	25/03/2022
5.2022.10.1	36 Carpenter ST, BRIGHTON 3186 Advertising Signs	Permit Granted - Delegate	25/03/2022
5.2022.36.1	13 Orchard ST, BRIGHTON 3186 1 Dwelling - Alts & Adds - Heritage	Permit Granted - Delegate	25/03/2022
5.2022.129.1	19 Michael ST, BEAUMARIS 3193 VPO3 - Removal x 1	Permit Granted - Delegate	25/03/2022
5.2019.699.3	32 Black ST, BRIGHTON 3186 6 - 10 New Dwellings	Amended Permit Granted - Delegate	28/03/2022
5.2019.708.4	18 Ocean ST, HAMPTON 3188 3 New Dwellings	Amended Permit Granted - Delegate	28/03/2022

Application	Property Address Proposal	Determination	Determined
5.2021.341.2	23 Spring ST, SANDRINGHAM 3191 2 New Dwellings	Amended Permit Granted - Delegate	28/03/2022
5.2021.493.1	23 Primrose CRES, BRIGHTON EAST 3187 1 Dwelling - Alts & Adds - DDO	Notice of Decision Granted - Delegate	28/03/2022
5.2021.537.1	9 Black ST, BRIGHTON 3186 1 Dwelling - Alts & Adds - Heritage	Notice of Decision Granted - Delegate	28/03/2022
5.2021.748.1	144 Cochrane ST, BRIGHTON 3186 1 Dwelling - Alts & Adds - Heritage	Notice of Decision Granted - Delegate	28/03/2022
5.2022.55.1	4 Pasadena AVE, BEAUMARIS 3193 1 Dwelling - Alts & Adds - SBO & VPO3 - Removal x 1	Permit Granted - Delegate	28/03/2022
5.2022.8354.1	1 Correa AVE, CHELTENHAM 3192 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	28/03/2022
5.2022.8359.1	9 Porter ST, HAMPTON 3188 Easement Removal or Variance	Permit Granted - Delegate	28/03/2022
5.2022.8365.1	5 Lubrano ST, BRIGHTON EAST 3187 Subdivision of Land (1 to 9 Lots)	Permit Granted - Delegate	28/03/2022
5.2017.525.5	9 Adamson ST, BRIGHTON 3186 6 - 10 New Dwellings	Amended Permit Granted - Delegate	29/03/2022
5.2019.151.4	19 St Ninians RD, BRIGHTON 3186 1 Dwelling - Alts & Adds - DDO	Amended Permit Granted - Delegate	29/03/2022
5.2019.620.2	16A Gordon ST, BEAUMARIS 3193 2 New Dwellings and Swimming Pool on a Lot < 500m2	Amended Permit Granted - Delegate	29/03/2022
5.2021.300.2	14 Gareth AVE, BEAUMARIS 3193 2 New Dwellings	Amended Permit Granted - Delegate	29/03/2022
5.2022.90.1	17 Villeroy ST, HAMPTON 3188 1 Dwelling - Alts & Adds - Heritage	Permit Granted - Delegate	29/03/2022
5.2022.139.1	11 Ludstone ST, HAMPTON 3188 Fence on a lot > 500 m2	Permit Granted - Delegate	29/03/2022
5.2002.97806.3	1/45 Grenville ST, HAMPTON 3188 11 - 25 New Dwellings	Amended Permit Granted - Delegate	30/03/2022
5.2015.780.3	8 - 10 Station WK, BRIGHTON 3186 2 New Dwellings and Retail Premises Other - New Bld & Use	Amended Permit Granted - Delegate	30/03/2022
5.2017.546.7	422 New ST, BRIGHTON 3186 Office - Alts/Adds to Building & Use and Carparking	Amended Permit Granted - Delegate	30/03/2022
5.2021.133.2	42 Were ST, BRIGHTON 3186 1 Dwelling - Alts & Adds - Heritage	Application Withdrawn	30/03/2022
5.2021.236.2	6 Herbert ST, HIGHETT 3190 1 Dwelling - Alts & Adds - SBO	Amended Permit Granted - Delegate	30/03/2022
5.2021.306.1	53 Bonanza RD, BEAUMARIS 3193 2 New Dwellings	Notice of Decision Granted - Delegate	30/03/2022
5.2021.607.1	195 Bluff RD, SANDRINGHAM 3191 Retirement Village - Alts & Adds	Permit Granted - Delegate	30/03/2022
5.2021.772.1	90 Linacre RD, HAMPTON 3188 2 New Dwellings	Application Lapsed	30/03/2022
5.2022.56.1	6 Regworth CRT, HIGHETT 3190 1 Dwelling - New - SBO	Permit Granted - Delegate	30/03/2022
5.2022.105.1	399 Balcombe RD, BEAUMARIS 3193 Fence on a lot > 500 m2	Permit Granted - Delegate	30/03/2022
5.2022.127.1	45 Clonaig ST, BRIGHTON EAST 3187 1 Dwelling - New - SBO	Permit Granted - Delegate	30/03/2022
5.2020.337.2	3/6 Grandview RD, BRIGHTON 3186 6 - 10 New Dwellings and Fence on a lot > 500 m2	Amended Permit Granted - Delegate	31/03/2022
5.2021.542.2	13 Barnett ST, HIGHETT 3190 2 New Dwellings	Amended Permit Granted - Delegate	31/03/2022
5.2022.106.1	212 - 216 Bay RD, SANDRINGHAM 3191 Advertising Signs	Permit Granted - Delegate	31/03/2022
5.2022.116.1	2 Berend ST, HAMPTON EAST 3188 Fence on a lot > 500 m2	Permit Granted - Delegate	31/03/2022
<b>Total: 93</b>			

## Upcoming VCAT Appeals - Councillor Bulletin

Date report produced: 10/05/2022



App No.	Property Address Proposal	Bayside Determination	Appeal No.	Appeal Type	Compulsory Conference	Hearing
<b>BLEA</b>						
2021.207.1	51 Burrows ST, BRIGHTON 3186 2 New Dwellings	Notice of Decision Granted - Council	P11553/2021	Notice of Decision to Grant a Permit	14/04/2022	9/06/2022
2021.128.1	2 Enfield RD, BRIGHTON 3186 2 New Dwellings	Notice of Decision Granted - Council	P11619/2021	Conditions		21/06/2022
2021.463.1	7 Laburnum CRT, BRIGHTON 3186 1 Dwelling - Alts & Adds on Lot < 500m2	Permit Refused - Council	P334/2022	Refusal to Grant a Permit		24/11/2022
<b>BOYD</b>						
2021.705.1	21 Bay RD, SANDRINGHAM 3191 Dwell(s) Other - Alts/Adds to Bldg & Use		P153/2022	Failure to Grant a Permit	11/05/2022	18/07/2022
<b>CAST</b>						
2021.459.1	8 Wallace GVE, BRIGHTON 3186 2 New Dwellings	Notice of Decision Granted - Delegate	P11927/2021	Notice of Decision to Grant a Permit	20/06/2022	22/08/2022
2021.503.1	469 Hampton ST, HAMPTON 3188 Liquor Licence - New & Alts	Notice of Decision Granted - Delegate	P59/2022	Notice of Decision to Grant a Permit	15/07/2022	19/09/2022
<b>DEND</b>						
2021.287.1	111 Carpenter ST, BRIGHTON 3186 8-10 New Dwellings	Support - Granted - Council	P11805/2021	Failure to Grant a Permit	8/03/2022	12/05/2022
2021.376.1	17 Birdwood AVE, BRIGHTON 3186 Miscellaneous	Notice of Decision Granted - Council	P11758/2021	Notice of Decision to Grant a Permit	12/05/2022	11/07/2022
2021.277.1	8 Nepean HWY, BRIGHTON 3186 1 Dwelling - Alts & Adds on Lot < 500m2	Permit Refused - Delegate	P113/2022	Refusal to Grant a Permit		13/09/2022
2014.181.3	98 Asling ST, BRIGHTON 3186 6 - 10 New Dwellings	Notice of Decision Granted - Council	P31/2022	Notice of Decision to Grant a Permit	12/07/2022	20/09/2022
2021.577.1	354 New ST, BRIGHTON 3186 2 New Dwellings	Notice of Decision Granted - Delegate	P265/2022	Notice of Decision to Grant a Permit	29/08/2022	31/10/2022
2021.380.1	230 Dendy ST, BRIGHTON EAST 3187 Telecommunications Facility	Notice of Decision Granted - Council	P253/2022	Notice of Decision to Grant a Permit	1/09/2022	9/11/2022
<b>EBDN</b>						
2021.750.1	10 Potter ST, BLACK ROCK 3193 VPO3 - Removal x 2	Permit Refused - Delegate	P176/2022	Refusal to Grant a Permit		16/05/2022
2020.656.1	25 - 29 Tulip ST, SANDRINGHAM 3191 Community Facility-Alts/Adds to Bld&Use	Notice of Decision Granted - Council	P11707/2021	Notice of Decision to Grant a Permit	22/04/2022	27/06/2022
<b>IVIS</b>						
2021.339.1	19 - 25 Donald ST, HIGHETT 3190 11 - 25 New Dwellings		P11965/2021	Failure to Grant a Permit	12/04/2022	22/06/2022
2020.600.1	49 Charming ST, HAMPTON EAST 3188 Construction of 5 Townhouses with basement parking	Permit Refused - Council	P28/2022	Refusal to Grant a Permit	5/05/2022	6/07/2022
2021.202.1	14 Charming ST, HAMPTON EAST 3188 4 New Dwellings	Notice of Decision Granted - Council	P11759/2021	Notice of Decision to Grant a Permit	11/05/2022	13/07/2022
2021.7.1	9 Bartlett ST, HAMPTON EAST 3188 6- 10 New Dwellings	Notice of Decision Granted - Council	P11784/2021	Notice of Decision to Grant a Permit	12/05/2022	19/07/2022
<b>Northern</b>						
2020.434.1	43 Black ST, BRIGHTON 3186 2 New Dwellings and Fence on a lot > 500 m2	Notice of Decision Granted - Council	P11885/2021	Notice of Decision to Grant a Permit	8/06/2022	11/08/2022
Appeals: 19						

## VCAT Determined Appeals from 1/03/2022 to 31/03/2022

<b>Subject land</b>	<b>103 Thomas ST, BRIGHTON EAST</b>
<b>Application no.</b>	2020.190.1
<b>VCAT reference no.</b>	P1684/2020
<b>Applicant</b>	Wrixon Manor Pty Ltd
<b>Referral Authority</b>	N/A
<b>Respondents</b>	J Paynter, M Green and others; L Wensley; F Yang; J & M Korolik
<b>VCAT Member</b>	S McDonald
<b>Date of hearing</b>	28/04/2021
<b>Date of order</b>	24/03/2022
<b>Proposal</b>	Construction of a building and construction and carrying out works for a residential aged care facility (and ancillary food and drink premises) in the Neighbourhood Residential Zone – Schedule 3. Construction of a building and construction and carrying out works in the Design and Development Overlay – Schedule 3.
<b>Officer recommendation/ Delegate determination</b>	Notice of decision
<b>Council determination</b>	Refusal
<b>Appeal type</b>	Refusal to Grant a Permit
<b>Plans substituted (prior to hearing)</b>	No
<b>VCAT determination</b>	Permit is Granted
<b>LGPRF outcome</b>	SET ASIDE

**Comments:**

This was an appeal pursuant to Section 77 of the Planning and Environment Act 1987 against Council's Refusal to Grant a Planning Permit.

The hearing was held between 28 and 30 April and 28 May attended by a number of objector parties (some of whom were represented), a representative for Council, and a representative for the permit Applicant. The Permit Applicant also called experts in the fields of Town Planning, Traffic Engineering, Landscape Architecture and Community need.

The Tribunal found the key issues to be as follows: Is there strategic support for the proposal in this location? Is the building siting and design an acceptable response to the physical and planning context? Is the proposed landscaping acceptable? Will any amenity impacts on adjoining properties be acceptable? Will any traffic impacts be acceptable?

The Tribunal considered the submissions of all of the parties and the evidence and examination of the Experts and determined to vary the Council's decision and issue a permit generally in accordance with the Council's recommendation with some minor variations to the conditions.

In their final order, the Tribunal commented that although the Bayside Housing Strategy indicates that residential aged care will be encouraged within 'Housing Growth Areas where they have good access to public transport, shops and services', this does not preclude residential aged care facilities within residential areas. The Tribunal also

referred to Council policy which recognizes there are limited large scale vacant sites available for residential development in Bayside and indicated that the review site is a rare opportunity to achieve residential aged care in the municipality.

The Tribunal found that the design and siting of the buildings would provide an acceptable transition in heights to the surrounding context and the large site can accommodate the larger scale of building. The Tribunal found the building would sit comfortably in the Wrixon Avenue Streetscape and with respect to the Thomas Street frontage, the physical break at first floor level and above and design features and landscaping will soften the appearance of the building within this streetscape. The Tribunal found the proposed landscaping to be acceptable subject to condition.

The Tribunal found there would be no unreasonable visual bulk, or overlooking impacts. Nor would there be any unreasonable overshadowing of private open space or solar panels, or any unreasonable odour, noise or traffic impacts. The Tribunal also found that the construction would not unreasonably impact neighbouring properties structural integrity or trees.

**Subject land** 20 Spink ST, BRIGHTON  
**Application no.** 2021.294.1  
**VCAT reference no.** P11962/2021  
**Applicant** Doug Dowsett & Fiona Dick  
**Referral Authority** Melb Water  
**Respondents** Align Spink Street Pty Ltd

**VCAT Member** Geoffrey Code  
**Date of hearing** 11/03/2022  
**Date of order** 15/03/2022  
**Proposal**

building comprising a (as of right) office and food and drink premises in a Commercial 1 Zone, Design and Development Overlay and Special Building Overlay and a reduction in the required car parking spaces

**Officer recommendation/ Delegate determination** Notice of decision  
**Council determination** Not applicable  
**Appeal type** Notice of Decision to Grant a Permit  
**Plans substituted (prior to hearing)** No  
**VCAT determination** Struck Out  
**LGPRF outcome** N/A

**Comments:**

This application sought permission to construct a 5 commercial building and reduction in car parking provision. The upper floor levels of the building contain office space, while the ground floor contains a café and 20 car parking spaces. The application was approved under delegation on 19/11/2021, however the notice of decision wasn't sent to objector parties and the tribunal until 23/11/2021.

During the processing of the application, two (2) objections were received, primarily objecting to matters around the car parking provision. One of these objectors lodged an application to review Council's decision with VCAT on 21/12/2021 (more than 28 days after the decision was made) under Section 82 of the Planning Act. This objector also sought permission from VCAT to allow group of objectors (approximately 8 – 10) to join the hearing.

A practice day hearing was held to determine if VCAT should allow the objector appeal to proceed as it was lodged out of time, and if approved, to determine if the additional concerned parties should be allowed to join the appeal at the tribunal. At the practice day hearing, VCAT denied the requests for an out-of-date appeal and accordingly for the non-objector parties to be joined. In doing so the tribunal found the objectors should have contacted VCAT directly for information the appeal lodgement process if there were uncertainties on timeframes.

The tribunal also commented briefly on the objectors statement of grounds (issues around the impact of the car parking waiver) and found that should the appeal be given permission to proceed to a hearing, the strength of the case put forward by the objector group did not have great prospects.

With that in the mind, the appeal was struck out by the tribunal and a planning permit has now been issued.



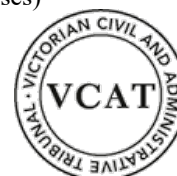
**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL****PLANNING AND ENVIRONMENT LIST**VCAT REFERENCE NO. P1684/2020  
PERMIT APPLICATION NO. 5/2020/190/1**CATCHWORDS**

Application under section 77 of the *Planning and Environment Act 1987*; Review the refusal to grant a permit; Neighbourhood Residential Zone – Schedule 3; Design and Development Overlay – Schedule 3; Residential Aged Care Facility; Clause 53.17 – Residential Aged Care Facility; Strategic support; Neighbourhood character; Building siting and design; Landscaping; Amenity impacts; Visual impacts; Overlooking; Overshadowing; Traffic impacts.

<b>APPLICANT</b>	Wrixon Manor Pty Ltd
<b>RESPONSIBLE AUTHORITY</b>	Bayside City Council
<b>RESPONDENTS</b>	Julian Paynter, Mary Green and others; Leon Wensley; Feng Yang; Jakov & Maya Korolik
<b>SUBJECT LAND</b>	97-103 Thomas Street and 2-4 Wrixon Avenue, Brighton East
<b>HEARING TYPE</b>	Hearing
<b>DATES OF HEARING</b>	28, 29, 30 April 2021 and 28 May 2021
<b>DATE OF INTERIM ORDER</b>	7 July 2021
<b>DATE OF ORDER</b>	24 March 2022
<b>CITATION</b>	Wrixon Manor Pty Ltd v Bayside CC [2022] VCAT 315

**ORDER****Permit granted**

- 1 In application P1684/2020 the decision of the responsible authority is set aside.
- 2 In planning permit application 5/2020/190/1 a permit is granted and directed to be issued for the land at 97-103 Thomas Street and 2-4 Wrixon Avenue, Brighton East, in accordance with the endorsed plans and the conditions set out in Appendix A. The permit allows:
  - Construction of a building and construction and carrying out works for a residential aged care facility (and ancillary food and drink premises) in the Neighbourhood Residential Zone – Schedule 3.



- Construction of a building and construction and carrying out works in the Design and Development Overlay – Schedule 3.

**S McDonald**  
**Member**

#### APPEARANCES

For applicant

Nick Tweedie, Senior Counsel;  
Robert Forrester, Junior Counsel;  
Instructed by: Romy Davidov, Best Hooper  
Lawyers.

They called the following witnesses: ·

- Andrew Biacsi, town planner,  
Contour Consultants Australia Pty Ltd.
- Catherine Wells, Director,  
O'Hara Wells Pty Ltd.
- Charmaine Dunstan, traffic engineer,  
Traffix Group Pty Ltd.
- Tim Vernon, Landscape architect, CDA  
Design Group Pty Ltd.

For responsible authority

Jason Kane, barrister.

For Julian Paynter, Mary  
Green, Ian & Maree  
McCutcheon

Ashley Thompson, town planner,  
Clause 1 Planning.

For Leon Wensley

Ashley Thompson, town planner,  
Clause 1 Planning,  
& Leon Wensley, in person.

For Feng Yang

Feng Yang, in person.

For J & M Korolik

Leon Wensley.



**INFORMATION**

Description of proposal	Construction of a four storey plus two basement level, residential aged care facility and ancillary food and drink premises (cafe).
Nature of proceeding	Application under section 77 of the <i>Planning and Environment Act 1987</i> – to review the refusal to grant a permit.
Planning scheme	Bayside Planning Scheme.
Zone and overlays	Neighbourhood Residential Zone – Schedule 3 ( <b>NRZ3</b> ); Design and Development Overlay – Schedule 3 ( <b>DDO3</b> ); Development Contributions Plan Overlay – Schedule 1 ( <b>DCPO1</b> ); Environmental Audit Overlay ( <b>EAO</b> ).
Permit requirements	Clause 32.09-8 – To construct a building and construct and carry out works for a residential aged care facility in the NRZ3. Clause 43.02-2 – To construct a building and construct and carry out works in the DDO3.
Land description	The review site extends between Thomas Street (to the east) and Wrixon Avenue (to the west), between McKinnon Road (to the north) and Union Street (to the south). It is ‘T’ shaped, with a frontage to Thomas Street of 68.8 metres, a frontage to Wrixon Avenue of 36.5 metres, and a depth between the two streets of 77 metres. The total land area is 4,112 square metres.  The land has a cross-fall of approximately 2.24 metres from the north-east corner to the south-west corner. A drainage/sewerage easement extends through the middle of the site in a north/south alignment. Access to the land is provided by two vehicle crossovers along Thomas Street and one vehicle crossover along Wrixon Avenue.



Land description  
(continued)

The land is currently vacant and is devoid of landscaping other than a Norfolk Island Pine tree, located in the in the north-east corner adjacent to the Thomas Street frontage. The land was previously used as a wholesale plant nursery and garden supply business. The surrounding area is residential in nature, comprising a mix of single dwellings and multi-dwelling developments. Along its northern boundaries the site abuts three dwellings (105 Thomas Street and 1/6 and 2/6 Wrixon Avenue). Along its southern boundaries the site abuts three dwellings (95 Thomas Avenue, 151 Union Street, and 2/149 Union Street, which has its frontage to Wrixon Avenue).

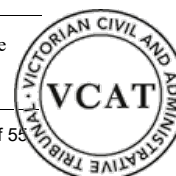
Figure 1: Review site and surrounding context<sup>1</sup>



Tribunal inspection

An accompanied inspection was undertaken on 7 May 2021.

<sup>1</sup> Source: Evidence statement of Andrew Biacsi, Contour Town Planners, Location Plan, 5. The review site is outlined in red.



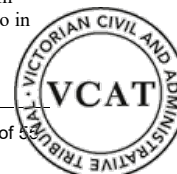
**REASONS<sup>2</sup>****WHAT IS THIS PROCEEDING ABOUT?**

- 1 Wrixon Manor Pty Ltd (the applicant) is seeking a planning permit for the construction of a four storey, plus two basement level, residential aged care facility and ancillary food and drink premises (cafe) (the proposal) on the land at 97-103 Thomas Street and 2-4 Wrixon Avenue, Brighton East (the review site).
- 2 The Bayside City Council (the Council) received 35 objections to the permit application. The Council's planning officer recommended that a planning permit be granted for the proposal, subject to permit conditions. However, the Council decided to refuse to grant a planning permit.
- 3 The Council's grounds of refusal relate to matters of neighbourhood character, garden setting and landscaping, failure to comply with the provisions of clause 53.17 – Residential Aged Care Facility of the Bayside Planning Scheme (the Scheme), the location of the electrical substation, and the location of waste management facilities in the development. Its ground of refusal relating to clause 53.17 relates to matters of the street setback, north-facing windows, overshadowing open space, overlooking, and the front fence along Wrixon Avenue.
- 4 The applicant has sought this review of the Council's decision. Its Statement of Grounds in support of its application counter the Council's grounds of refusal.
- 5 The applicant submits, in summary, that there is a significant community need for facilities such as this, and the development shows a high degree of compliance with the relevant policies and provisions of the Scheme. The applicant also submits that the Scheme provisions that specifically concern residential aged care facilities are intentionally different to those for other forms of accommodation.
- 6 In support of its submissions the applicant relies on the evidence of Andrew Biacsi in relation to planning matters, Catherine Wells in relation to community need, Charmaine Dunstan in relation to traffic and parking, Tim Vernon in relation to landscaping, and Christopher Goss<sup>3</sup> in relation to visual amenity. Mr Biacsi, Ms Wells, Ms Dunstan and Mr Vernon were called to give oral evidence at the hearing.
- 7 The Council's submissions include, in summary, that the proposal is oversized for its physical and strategic context, clause 53.17 does not take precedence or priority over all other relevant policies and provisions of the Scheme, general need cannot and must not override other equally important

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<sup>2</sup> The submissions and evidence of the parties, any supporting exhibits given at the hearing and the statements of grounds filed have all been considered in the determination of the proceeding. In accordance with the practice of the Tribunal, not all of this material will be cited or referred to in these reasons.

<sup>3</sup> Of Orbit Solutions Pty Ltd.



town planning outcomes, the design response is not an adequate response to the preferred or existing neighbourhood character, and the proposal will generate unreasonable amenity impacts.

- 8 Julian Paynter, Mary Green, and Ian and Maree McCutcheon (the joint respondents), Leon Wensley, Feng Yang, and Jakov and Maya Korolik (the other respondents)<sup>4</sup> are residents of properties surrounding the review site. They objected to the permit application and are respondents to this application for review. Their statements of grounds opposing the application variously relate to matters of building height, scale and visual bulk, neighbourhood character, overshadowing, overlooking, impact on outlook, landscaping, impacts on trees, the café use, traffic and parking impacts, noise, odour, location of electrical substation, impacts on building foundations, stormwater impacts, and lack of communication.
- 9 At the hearing the permit application was amended by substituting amended plans for the permit application plans.<sup>5</sup> It is on the amended plans that this decision is based.
- 10 Despite the amendments to the plans, the Council and the respondents maintain their opposition to the proposal. However, the Council no longer relies on its grounds of refusal regarding to the proposal's failure to comply with the requirements of clause 53.17 relating to overlooking<sup>6</sup> and the front fence.<sup>7</sup>

#### What are the key issues to be resolved?

- 11 Based on the material before me and my inspection of the review site and surrounding area, I consider the key issues to be determined are:
  - Is there strategic support for the proposal in this location?
  - Is the building siting and design an acceptable response to the physical and planning context?
  - Is the proposed landscaping acceptable?
  - Will any amenity impacts on adjoining properties be acceptable?
  - Will any traffic impacts be acceptable?
- 12 I must consider whether the proposal will produce 'acceptable outcomes',<sup>8</sup> rather than optimal or preferable outcomes, in relation to the relevant policies and provisions of the Scheme. In having regard to the Planning Policy Framework (the PPF) of the Scheme, I must endeavour to integrate

<sup>4</sup> One other objector also filed a statement of grounds opposing the application on grounds consistent with the respondents. While they are not a party to this proceeding I have had regard to that statement.

<sup>5</sup> The permit application was amended to substitute the amended plans for the permit application plans by the Tribunal's interim Order dated 3 May 2021.

<sup>6</sup> Notice of Decision to Refused to Grant a Permit, grounds of refusal 3d).

<sup>7</sup> Notice of Decision to Refused to Grant a Permit, grounds of refusal 3e).

<sup>8</sup> Having regard to the decision guidelines at clause 65 of the planning scheme.



the range of planning policies relevant to the issues to be determined, and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.<sup>9</sup>

- 13 Having considered the submissions, statements of grounds and evidence of the parties, and the relevant policies and provisions of the Scheme, and having undertaken an inspection of the review site and surrounding area, I have decided to set aside the decision of the Council and direct that a planning permit be issued. Overall, I am satisfied that the proposal provides acceptable outcomes in relation to the key issues in dispute, and will provide a net community benefit. My reasons follow.

#### WHAT ARE THE KEY DETAILS OF THE PROPOSAL?

- 14 The proposed building is arranged in a T-shape, reflecting the shape of the site. It comprises two 'modules', one occupying the Thomas Street portion of the site (the Thomas Street module) and the other occupying the Wrixon Avenue portion (the Wrixon Avenue module). The ground floor level layout and site context at Figure 2 below shows the siting and layout of the proposed building and works in the context of the adjoining properties.
- 15 The building comprises six levels, with four storeys at or above ground level and two basement levels. The Thomas Street module is separated into two 'wings' from the first floor and above, due to a break in the building form.
- 16 The proposed residential aged care facility comprises a total of 84 resident rooms arranged in groups of 12 to form seven self-contained 'households'. Each household contains a communal kitchen, dining and living area, and open space areas (terraces, courtyards and balconies). Each individual resident room has an ensuite bathroom. A range of shared facilities for use by all residents are provided throughout the building.
- 17 Mr Biacsi's evidence explains that "[t]he design is based on the small household model of residential aged care whereby the households are designed to feel and operate akin to a normal residential family home environment".<sup>10</sup>

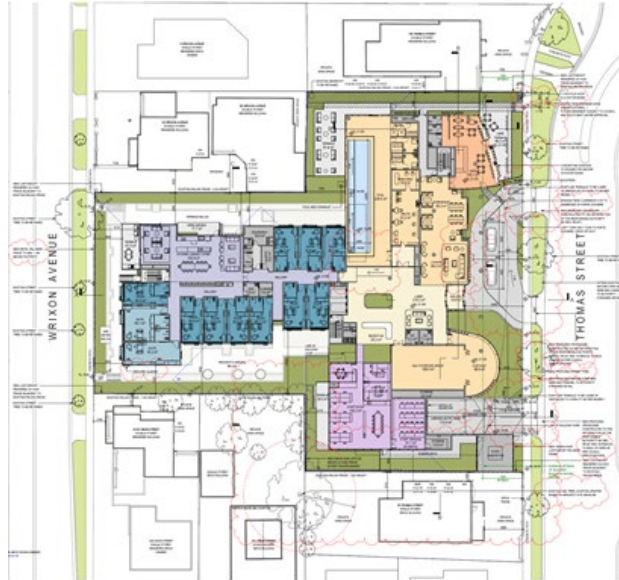
<sup>9</sup> Clause 71.02-3 (Integrated decision making).

<sup>10</sup> Mr Biacsi's evidence statement (dated 13 April 2021), [18].





Figure 2: Ground floor level layout and site context<sup>11</sup>

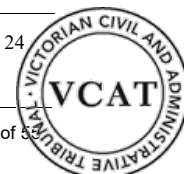


- 18 The layout of the proposed use across the six levels is summarised in Table 1.

Table 1: Proposed use composition across the building

Basement level 2	Cinema, car parking (27 staff spaces), bicycle parking, showers/change facilities, laundry, pantry, storage, bin room.
Basement level 1	One aged care household, residents’ garden and terraces, car parking (27 visitor spaces), plant rooms.
Ground floor level (first storey)	One aged care household, terraces, lobby, lounge, workspace, multipurpose space, kids’ play room, salon, treatment room, swimming pool, sauna and change facilities, staff room, staff training room, café,
First floor level (second storey)	Two aged care households, terraces, art studio, music room, library, gym, yoga room, and physio room.
Second floor level (third storey)	Two aged care households, terraces, bar lounge, wine cellar, and private dining room.
Third floor level (fourth storey)	One aged care household, terraces, and roof top vegetable garden.

<sup>11</sup> Plans prepared by RotheLowman Property Pty Ltd, Revision B VCAT amended plans, dated 24 February 2021, drawing number TP01.03.



- 19 A café is proposed at the ground floor level, adjacent to the Thomas Street frontage. The café has an area of 154.3 square metres, and is to have a maximum capacity of 64 patrons. The café is proposed to operate between 8.00am and 4.00pm, seven days a week. My understanding is that the café is for residents and their visitors, and will also be open to the general public.
- 20 A 'porte cochere' covered, semi-circular vehicle accessway approximately centrally along the Thomas Street frontage provides vehicle and pedestrian access to the entry lobby. Vehicle access to the basement car parks is from a separate accessway from Thomas Street, at the southern end of the site. Pedestrian access at either end of the Wrixon Avenue frontage is for maintenance purposes only.
- 21 Four existing indented car spaces along the site's frontage within the Thomas Street road reserve will be removed and kerb and channel and a nature strip reinstated.
- 22 An electrical substation 'kiosk' is to be located in the south-east corner of the site, adjacent to the Thomas Street frontage and the southern site boundary.
- 23 Figures 3 and 4 show the proposed building as it will appear in the context of Thomas Street and Wrixon Avenue streetscapes. The buildings are to be constructed of pre-cast concrete with a variety of finishes.

Figure 3: Proposed Thomas Street frontage<sup>12</sup>



<sup>12</sup> View 2 Proposed built form, section 2.1 dated 16 April 2021, prepared by Orbit Solutions Pty Ltd. The view has been cropped to reduce the extent of road shown in the foreground.



Figure 4: Proposed Wrixon Avenue frontage<sup>13</sup>

## PROCEDURAL ISSUES & RULINGS

### Planning scheme Amendment C180

- 24 Subsequent to the final hearing day, Amendment C180bays to the Scheme was gazetted on 18 June 2021. The amendment included a range of modifications to the Scheme, particularly to the PPF. I required the Council to provide a submission addressing the implications of this amendment for this proceeding.<sup>14</sup> I also provided the opportunity to the other parties to address any implications of this amendment for this proceeding and any reply to the submission of the responsible authority.<sup>15</sup>
- 25 The responsible authority and the applicant made submissions on this matter. I have had regard to these submissions, and the policies of the Scheme as amended, in reaching my findings.
- 26 As relevant to this application, the key change to the Scheme arising from Amendment C180bays is that the content of the (former) 'Local Planning Policy Framework' at clauses 21 and 22 has been relocated to the appropriate theme-based clauses in the Municipal Planning Strategy and the PPF. The Explanatory Report for the amendment includes that "the intended effect of the original clauses remaining unchanged".<sup>16</sup>

### WHAT IS THE RELEVANT PLANNING CONTEXT?

- 27 I provide the following summary of the relevant planning context for this site and proposal. I will address the various planning policies and provisions of the Scheme as relevant to the key issues in dispute in my findings.

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<sup>13</sup> View 1 Proposed built form, section 1.1 dated 16 April 2021, prepared by Orbit Solutions Pty Ltd. The view has been cropped to reduce the extent of road shown in the foreground.

<sup>14</sup> By Order dated 7 July 2021.

<sup>15</sup> Ibid.

<sup>16</sup> Amendment C180bays, Explanatory Report, 1.



**Zone**

- 28 The review site and surrounding area is zoned Neighbourhood Residential Zone – Schedule 3 (the NRZ3).
- 29 The purpose of the NRZ3 is:
- To implement the Municipal Planning Strategy and the Planning Policy Framework.
  - To recognise areas of predominantly single and double storey residential development.
  - To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.
  - To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.
- 30 The use of the site as a residential aged care facility does not require a permit under the NRZ3.<sup>17</sup> However, a permit is required to construct a building and construct and carry out works for a residential aged care facility.<sup>18</sup>
- 31 The provisions of the NRZ3 require a residential aged care facility development to meet the requirements of clause 53.17 - Residential aged care facility.<sup>19</sup>
- 32 The NRZ3 includes decision guidelines that I must consider, as appropriate.
- 33 The NRZ3 schedule applies to the ‘Minimal Residential Growth Area’. The schedule does not specify any neighbourhood character objectives, application requirements or decision guidelines. Although the schedule includes local variations to the provisions at clause 55, these do not apply to this proposal as clause 55 does not apply to residential aged care facilities.

**Overlays**

- 34 The review site is affected by three overlays; the Design and Development Overlay – Schedule 3 (the DDO3), the Development Contributions Plan Overlay – Schedule 1 (the DCPO1), and the Environmental Audit Overlay (the EAO).
- 35 The DCPO1 and EAO relate to matters that I am satisfied can be addressed by permit conditions.
- 36 The DDO3 is the overlay that is relevant to the key issues in dispute. The DDO3 schedule applies to ‘Building Height Control for Non-Residential Buildings in the Inland Minimal Residential Growth Area’. The DDO3

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<sup>17</sup> Clause 32.09-2 – Table of uses (Section 1 – Permit not required).

<sup>18</sup> Clause 32.09-8 – Residential aged care facility.

<sup>19</sup> Ibid.



triggers the need for a permit for the construction of the building and construction and carrying out of the works.<sup>20</sup>

- 37 The design objectives of the DDO3 are:

To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

To preserve the existing character and amenity of the areas as low rise (up to two storeys) suburban areas with a strong garden character.

To maintain the prevailing streetscape rhythm, building scale and height of neighbourhoods.

To maintain a strong landscape character with buildings set within vegetated surrounds.<sup>21</sup>

- 38 The DDO3 provision and schedule include decision guidelines that I must consider, as appropriate. I refer to these in my findings.

#### **Clause 53.17 Residential Aged Care Facility**

- 39 The Residential aged care facility provisions at clause 53.17 apply to an application to construct a building or construct or carry out works for a residential aged care facility in the NRZ (and other residential zones).

- 40 The purpose of the Residential aged care facility provisions is:

To facilitate the development of well-designed residential aged care facilities to meet existing and future needs.

To recognise that residential aged care facilities have a different scale and built form to the surrounding neighbourhood.

To ensure residential aged care facilities do not unreasonably impact on the amenity of adjoining dwellings.<sup>22</sup>

- 41 The provisions include development requirements<sup>23</sup> and decision guidelines<sup>24</sup> that I must consider. I refer to these, as applicable, in my findings below.

- 42 The operation provision of this clause includes that:

If there is any inconsistency between a requirement in this clause and a requirement in another provision of this planning scheme, this clause prevails.<sup>25</sup>

#### **Municipal Planning Strategy & Planning Policy Framework**

- 43 The decision guidelines of the NRZ3, the DDO3, clause 53.17 and clause 65.01 – Approval of an application or plan, all require me to consider the

<sup>20</sup> Clause 43.02-2.

<sup>21</sup> DDO3 schedule, clause 1.0.

<sup>22</sup> Clause 53.17.

<sup>23</sup> Clause 53.17-3.

<sup>24</sup> Clause 53.17-4.

<sup>25</sup> Clause 53.17-3,



Municipal Planning Strategy (the MPS) and the PPF before deciding on an application.

- 44 Clause 02 of the Scheme sets out the MPS. Of particular relevance to the key issues are the strategic directions at clauses 02.03-4 – Built environment and heritage and 02.03-5 – Housing, and the Residential strategic framework plan at clause 02.04-1.
- 45 Under the ‘Residential strategic framework plan’ at clause 02.04-1, the review site is within a ‘Minimal Residential Growth Area’.
- 46 As relevant to the key issues, the PPF includes policy objectives and strategies that seek:
- i development that responds to its context and neighbourhood character; these include the State and local policies at clauses 15.01-1S (Urban design), 15.01-1L (Urban design), 15.01-2S (Building design), 15.01-5S (Neighbourhood character) and 15.01-5L (Bayside preferred neighbourhood character);
  - ii the intensification of housing in established areas, and increasing housing supply and diversity; these include clauses 16.01-1S – Housing supply, 16.01-1R Housing supply – Metropolitan Melbourne, 16.01-1L – Housing supply, and 16.01-5S – Residential aged care facilities.
- 47 I refer to these policies in my findings.

#### **Other relevant provisions**

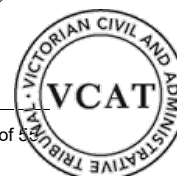
- 48 Other provisions of the planning scheme relevant to this application include clauses 52.06 – Car Parking, 52.34 – Bicycle Facilities, 53.18 – Stormwater Management in Urban Development, 65 – Decision Guidelines, and 71.02-3 – Integrated Decision Making.

#### **Bayside Housing Strategy**

- 49 The *Bayside Housing Strategy* 2012 and the *Bayside Housing Strategy Review* 2019 are ‘Background documents’ under the schedule to clause 72.08.
- 50 Although these documents do not form part of this Scheme, they have informed the preparation of the Scheme and provide information to explain the context within which a provision has been framed, or assist the understanding of the Scheme.

#### **Interpretation of the relevant planning context**

- 51 There is no dispute that this range of policies and provisions under the Scheme are relevant considerations. Rather, what is in dispute is the weight to be given to the various policies and provisions, particularly regarding the NRZ3 and DDO3, compared with that to be given to clause 53.17.



- 52 Various decisions of the Tribunal have addressed the issue of the interaction of clause 53.17 with other provisions of the Scheme and the weight to be attributed.<sup>26</sup> I have had regard to these in reaching my findings.
- 53 In particular I note and adopt the approach of the Tribunal in *Japara Developments Pty Ltd v Knox CC*<sup>27</sup> (*Japara*), as follows:

The provisions for residential aged care facilities are inherently inconsistent with this matrix. They cut across it and are not a comfortable fit. Yet this is intentional and is in place so that State policy for residential aged care facilities can be implemented. As such, this policy warrants significant weight.

That a particular provision is used to implement this policy reinforces our finding. This relatively uncommon planning tool applies state-wide, with the aim of ensuring consistency across different contexts. A characteristic of particular provisions is that they integrate land use and development outcomes by having development requirements that are tailormade for the land use in question.

This demands that we pay attention to the combination of their purpose, terms and requirements. Care must be taken in varying their built form requirements, for example, as this might deny the entire use.

This influences the weight we distribute amongst all aspects of the planning policy framework as it is impossible to separate the land use and development consequences of a residential aged care facility. If we find that the site's location is appropriate, then we must apply the requirements of clause 53.17 to the development's size and appearance despite its inconsistency with other planning policy objectives.<sup>28</sup>

## WHAT ARE MY FINDINGS?

### Is there strategic support for the proposal in this location?

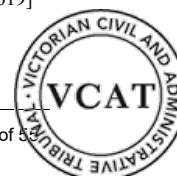
- 54 There is no dispute that the Scheme provides support for residential aged care facilities. The state 'Housing supply' policy at clause 16.01-1S seeks 'To facilitate well-located, integrated and diverse housing that meets community needs'. Supporting strategies include to 'Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities...'.<sup>26</sup>
- 55 The Council also does not dispute the need for more housing options for older people within the municipality. This need is recognised in the local strategic direction for Housing at clause 02.03-5, which recognises that:

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<sup>26</sup> For example, *Japara Developments Pty Ltd v Knox CC* (Red Dot) [2019] VCAT 828, *Steller 206 Pty Ltd v Darebin CC* [2019] VCAT 886, and *Arcare Pty Ltd v Mornington Peninsula SC* [2019] VCAT 1199.

<sup>27</sup> (Red Dot) [2019] VCAT 828.

<sup>28</sup> *Japara Developments Pty Ltd v Knox CC*; [36]-[39].





... Bayside is a municipality where people choose to spend their whole lives. It will therefore be essential to ensure that a range of accommodation options are provided to meet the needs of the population throughout the various life stages.

- 56 Ms Well's evidence<sup>29</sup> for the applicant confirms the need for housing for an ageing population, including in residential aged care, within the primary catchment areas of the review site.
- 57 However the Council argues that:
- ...it does not simply follow that this general need must be in the form of residential aged care or a retirement village. There are many ways in which this need can be met and achieved. More importantly, this general need cannot and must not override other equally important town planning outcomes, such as the protection of neighbourhood character, existing residential amenity and the streetscape.
- 58 The Council submits, among other things, that the proposal is not within an area where the Scheme contemplates or encourages medium density housing or higher built forms, and not in a location where there are other non-residential or commercial uses. It also submits that the review site is located within the most restrictive residential zoning, within a 'Minimal Residential Growth' area, is remote from an Activity Centre, and is within an area where there is little infill development. The Council argues that all of these considerations must temper the development potential of the site.
- 59 Although the local 'Housing supply' policy at clause 16.01-1L seeks to provide for increased diversity and density of housing to meet the needs of the community and increased activity in activity centres, this does not persuade me that this site is not an appropriate location for a residential aged care facility.
- 60 Rather, I am persuaded by Mr Biacsi's evidence that:
- As much as the Council seeks to direct residential aged care facilities to its activity centres (and away from its residential areas), it is clear that both policy and the planning controls of the Planning Scheme direct otherwise.<sup>30</sup>
- 61 The objective of 'Residential aged care facilities' policy at clause 16.01-5S is 'To facilitate the development of well-designed and appropriately located residential aged care facilities'. This policy anticipates these facilities will occur in residential areas, with the supporting strategies including, among others:
- Recognise that residential aged care facilities contribute to housing diversity and choice, and are an appropriate use in a residential area.

<sup>29</sup> Catherine Wells Statement of Evidence, April 2021; 7-8.

<sup>30</sup> Andrew Biacsi's evidence statement, [112].



- Ensure that residential aged care facilities are located in residential areas, activity centres and urban renewal precincts, close to services and public transport.
  - Provide for a mix of housing for older people with appropriate access to care and support services.
- 62 This policy is supported by the NRZ3, which provides for the use of the land as a residential aged care facility without the need for a permit.
- 63 Although the *Bayside Housing Strategy 2019* indicates that residential aged care will be encouraged within ‘Housing Growth Areas where they have good access to public transport, shops and services’,<sup>31</sup> this does not persuade me that it precludes residential aged care facilities within residential areas. This strategy is a background document, not part of the planning scheme, and as such I cannot attribute it the same weight as the policies and provisions of the Scheme.
- 64 I agree with the applicant that this Strategy does not suggest that it is inappropriate to locate residential aged care facilities outside of activity centres or Housing Growth Areas. Rather, it merely encourages them in those locations.
- 65 I also agree with the applicant that although the subject land is not in or adjacent to an activity centre, it cannot reasonably be described as being remote. As noted in Ms Dunstan’s evidence for the applicant:
- The site is also located approximately 150m south of the Thomas Street and Egan Street Centre, Brighton East. This Small Neighbourhood Activity Centre provides convenience retailing for both local residents and passing drivers and as such is surrounded by a variety of commercial, medical, office and food & drink land uses.<sup>32</sup>
- and
- The site has access to public transport with bus service 626 operating directly past the site along Thomas Street, whilst a tram service operates along Hawthorn Road to the west of the site, along with further bus routes around the wider network.<sup>33</sup>
- 66 In this context, I am satisfied that the proposal is consistent with the strategic direction for Housing to ‘Encourage a diversity of housing types in well serviced locations to meet the needs of the community over time, including housing for older people and affordable housing’.
- 67 Even if the Council’s preference for residential aged care facilities to be located in activity centres is attributed some weight, I am persuaded by Mr Biacsi’s evidence that:

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<sup>31</sup> *Bayside Housing Strategy 2019*, section 9.2 Housing diversity; 24.

<sup>32</sup> Charmaine Dunstan Statement of Evidence, 7 April 2021, section 4.1 Subject Site; 9. (Footnote omitted).

<sup>33</sup> *Ibid.*, section 4.4 Public Transport; 20.



Planning policy also recognises that where there are competing and sometimes conflicting planning objectives, these should be balanced in favour of net community benefit and sustainable development. It is my opinion that the provision of aged care services, as an essential service, is a particularly significant factor in the net community benefit equation when it comes to balancing potentially conflicting policy objectives.<sup>34</sup>

- 68 I also note that the Council's strategic directions for Housing at clause 02.03-5 identifies 'There are limited large scale vacant sites available for residential development in Bayside'. To the extent that the review site is a large site relative to the typical residential properties within the surrounding neighbourhood, this indicates to me it is a scarce resource within the municipality. Given the planning policy support to facilitate residential aged care facilities, I consider the review site presents a rare opportunity to achieve additional residential aged care accommodation within the municipality.
- 69 It is for these reasons I find that there is strategic support for the proposal in this location.
- 70 In the context of this strategic support, the fact that there are no non-residential or commercial uses and little infill development within the immediately surrounding area does not persuade me that the proposal is not acceptable.

**Is the building siting and design an acceptable response to the physical and planning context?**

- 71 The key issues raised in relation to the building siting and design relate to the height, scale and siting of the proposed building in relation to surrounding properties and neighbourhood character.
- 72 The Council submits that the protection of the character of the "residential hinterland" is a paramount obligation in the Scheme. It argues that the overwhelming strategic focus of the Scheme is for residential hinterland areas to be preserved as low density, high amenity environments.
- 73 The Council submits the proposal does not respond to the spacious, low scale landscaped character of residential precincts, as sought by the local 'Urban design' policy at clause 15.01-1L. It also submits that the proposal is not consistent with the objectives and strategies of the 'Bayside preferred neighbourhood character' policy at clause 15.01-5L (the character policy).
- 74 The Council argues that meeting the minimum standards of clause 53.17 does not automatically ensure an acceptable outcome. The Council submits that the future character of the area is driven by the NRZ3, the character policy, and the DDO3. It says that the character policy is not "turned off"

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<sup>34</sup> Andrew Biacsi's evidence statement, [102].



by clause 53.17, and that the policy must be applied to any development proposal.

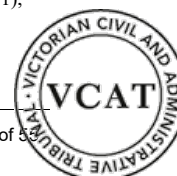
- 75 The Council says that the design response of this proposal is not an adequate response to the existing or preferred neighbourhood character. The Council argues that the proposed built form is completely foreign to its surrounds, both in terms of scale, form and design detail, and completely fails to maintain the existing low rise character. It also takes issue with the habitable floor level below natural ground level within the Wrixon Avenue module, the failure to incorporate the existing Norfolk Island pine tree into the proposal, the space available between the building to enable the planting of trees, the four storey above ground scale and mass, the visibility of the upper levels, the building setbacks and visual impact within the streetscape, the building articulation, and the roof form.
- 76 The joint respondents argue that the “proposal pushes the envelope too far and attempts to unreasonably exploit the provisions of clause 53.17”.<sup>35</sup> They argue that the “significant fundamental considerations within the NRZ, DDO and other relevant neighbourhood character policy remain paramount and are not overridden by [clause] 53.17”.<sup>36</sup> The joint respondents submit that, even when the “more relaxed” standards in clause 53.17 are considered, the proposal should not be supported based on its poor response to the existing neighbourhood character. They take issue with the front setback and facade to Thomas Street, the width of the building form as it presents to both street interfaces and neighbouring properties, the presentation of the proposal to Wrixon Avenue, the form scale and detailing of the building, and the proposed landscaping.
- 77 By way of context I adopt Mr Biacsi’s description of the surrounding built form, as follows:
- The surrounding built form context is generally characterised by single and two storey scale dwellings of varying age, description and styling setback from the street frontage, with front gardens and private open space generally located behind the dwellings in the form of a backyard.<sup>37</sup>
- 78 It is indisputable that the overall scale of the proposed building is larger than the scale of the surrounding dwellings. The applicant acknowledges that the proposed building will be different in form and function to the single houses that predominate in this neighbourhood. However, I agree with the applicant that this, in and of itself, can no longer be regarded as a proper basis for criticism. The Scheme acknowledges that a Residential Aged Care Facility will have a different built form (including height, scale

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<sup>35</sup> Mr Thompson, Clause 1 Town Planning Consultants, written submission (dated 25 April 2021), [60].

<sup>36</sup> Ibid.; [61].

<sup>37</sup> Andrew Biacsi’s evidence statement, [14].



and mass), at both clause 16.01-5S – Residential aged care facilities policy and clause 53.17.

- 79 The siting and design of residential aged care facilities is subject to ‘development requirements’ at clause 53.17-3, such as those relating to ‘building height’, ‘street setback’, ‘side and rear setbacks’, ‘walls on boundaries’, and ‘site coverage’, among others. These development requirements are different to or modified versions of the provisions that apply to residential developments of two or more dwellings on a lot and residential buildings under the NRZ3 and clause 55 of the Scheme. They also override other requirements in the Scheme where there is an inconsistency.<sup>38</sup>
- 80 The issues in dispute do not centre on whether or not the proposal provides an acceptable response to the provisions at clause 53.17, but rather how the proposal responds to the provisions of the NRZ3, the DDO3 and the character policy at clause 15.01-5L, and the weight to be given to these.
- 81 As I have already mentioned, there are a range of planning policies that seek to ensure that new development responds to its context and neighbourhood character. More specifically:
- i The purpose of the NRZ3 includes ‘To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics’.<sup>39</sup>
  - ii The decision guidelines of the DDO3 require me to consider :
    - Whether the design objectives of this Schedule have been met.
    - Whether the development respects and is compatible with the surrounding residential character.
    - Whether the proposed building height exceeds the preferred building height of up to 2 storeys.
    - Whether the proposed siting, height, design, building setbacks and landscaping will be in keeping with the character of the area.
    - The effect of the building height on the scale and character of the area.<sup>40</sup>
  - iii The preferred character strategies for character Precinct D1 within which the review site is located under the character policy at clause 15.01-5L include, as relevant:
    - Retain existing large trees wherever possible.
    - Site buildings to create the appearance of space between buildings and accommodate substantial vegetation.

<sup>38</sup> Clause 53.17-3.

<sup>39</sup> Clause 32.09.

<sup>40</sup> Clause 6.0 of Schedule 3 to clause 43.02.



Minimise loss of front garden space.

Minimise paving in front garden areas including driveways and crossovers.

Design buildings to respect the low scale horizontal forms and generous side boundary setbacks of the area including by recessing two storey elements and incorporating low pitched roof forms with eaves.

Incorporate design elements into the front façade such as, recessed portions, projecting elements behind the front setback line, combinations of materials, textures or colours or other elements providing articulation.

Where consistent brick colours are used in the streetscape, use similar toning in the colours of new buildings, avoiding brightly coloured external building materials in areas of consistent brick materials.

Use simple building details without replication of older styles.

Design front fences to be open and consistent with the building era.

- 82 While these are relevant considerations, as I have already commented on, in adopting the approach of the Tribunal in *Japara*, I must apply the requirements of clause 53.17 to the development's size and appearance despite its inconsistency with other planning policy objectives.
- 83 I will now outline my findings in relation to key aspects of the building siting and design.

#### Height

- 84 The four storey height of the proposed building is clearly higher than the prevailing character of one and two storey dwellings in the surrounding context, and the preferred building height up to two storeys under the DDO3.
- 85 The maximum overall building height of the proposed building is 15.575 metres.
- 86 I accept Mr Biacsi's evidence that:
- The overall building height proposed is comfortably within the 16m maximum building height contemplated for the NRZ under Clause 53.17 noting the transition in building scale as the site extends to the west towards Wrixon Avenue ... and to the south ...<sup>41</sup>
- 87 The building height transitions from the overall four storeys to present a three storey form in the Wrixon Avenue module. The building height of the Wrixon Avenue module also steps down to provide a two storey street façade (with a slightly recessed third storey), and along its northern and southern sides adjacent to that street frontage. The Thomas Street module comprises four storeys, with a primarily three storey street facade. The

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<sup>41</sup> Andrew Biacsi's evidence statement, [121].



southern wing substantially comprises three storeys. The building heights within the respective streetscapes are evident in the images at Figures 3 and 4.

- 88 The treatment of the building height at the interfaces with the streets and adjoining properties achieves a stepped or scaled transition in the building heights. The building will present a maximum three storey facade height to Wrixon Avenue and Thomas Street where the surrounding context primarily comprises two storey building heights.<sup>42</sup> Where the proposed building interfaces with the single storey dwelling at 95 Thomas Street, the building form is angled away from the boundary, rising from one storey up to three storeys (plus roof garden) further back from the boundary. I am satisfied that the stepped or scaled transition of the building height with its surrounding interfaces minimises the impact of the building height on the scale and character of the surrounding area. For these reasons I am also satisfied that the proposed building heights at their various interfaces are in keeping with and respectful of the low scale horizontal forms sought by the preferred character strategies at clause 15.01-5L.
- 89 I accept that the fourth storey of the building will be visible within the Thomas Street streetscape and from surrounding properties. However, in the context that the provisions of clause 53.17 recognises that residential aged care facilities have a different scale, the visibility of the upper levels does not persuade me that the building height, with recessive upper storeys, is not respectful or acceptable.

#### Building scale

- 90 Although the scale of the proposed building is larger than other development within this neighbourhood, this does not necessarily lead me to a conclusion that the proposal does not provide an acceptable response to its physical and planning context. Rather, it is the detail of how the proposed development responds to this context that is relevant.
- 91 I am satisfied that the review site is capable of accommodating the building height, scale and massing of the proposed building. The review site is a large site that allows for variations in the building setbacks from the boundaries and for landscaping to be provided. This capacity to accommodate the building height, scale and massing is reflected, in a rudimentary way, by the proposal's 65% site coverage, whereas the development requirements at clause 53.17-3 allows for a maximum site coverage of 80%.
- 92 Having regard to the detail of the building siting and design, I am persuaded by Mr Biacsi's evidence that:
- ...the building is designed to:

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<sup>42</sup> At 2/149 Union Street and 6 Wrixon Avenue, and 105 Thomas Street.





- incorporate setbacks to side boundaries for deep root planting in recognition of the role that vegetation plays in terms of neighbourhood character.
- respect the adjacency of lower scale dwellings on neighbouring properties by incorporating variable building setbacks, boundary landscaping and fencing/screening as appropriate.
- enhance the contribution the site makes to tree cover and the opportunity to incorporate high quality planting around the perimeter of the site.
- deliver a scale of development and landscape response that is respectful of its location, notwithstanding that the building height proposed is 3 to 4 storeys in height above natural ground level.
- mitigate the impact of the proposed building upon the Thomas Street and Wrixon Avenue frontages by stepping the uppermost level of the building back thereby reinforcing the appearance of a principal façade of 3 and 2 storeys respectively to these frontages ...
- assimilate with the existing neighbourhood and surrounding built form context by careful attention to siting, setbacks, access, landscaping, materiality, styling ...<sup>43</sup>

93 A key element of the building design within the Thomas Street module is the break in the building form from first floor level and above. This creates two distinct building elements along the street frontage, thereby reducing the building scale and mass within the Thomas Street streetscape.

94 In addition to the variations in the building heights outlined above, the design response incorporates a range of setbacks from both street boundaries and the side boundaries. The variations in the building setbacks occur vertically across the multiple levels and horizontally across each level. I consider the variations in building heights and setbacks articulates the building sufficiently to reduce its scale and mass. Further articulation is provided through window fenestration and variations in building materials and building detailing. These elements are evident in the images at Figures 3 and 4. The combination of these siting and design elements contribute to moderating the scale and mass of the building.

95 Based on Mr Biacsi's assessment of the proposal against the development requirements at clause 53.17, I am satisfied that the proposed building substantially complies with the minimum setbacks from the street frontages and side and rear setbacks. To the extent to which the proposed building setbacks do not comply I note the following:

- i The setback of the front wall from the Wrixon Avenue complies with the minimum required with the exception of the bay windows

<sup>43</sup> Andrew Biacsi's evidence statement, [116].



- projecting approximately 0.3 metres within the setback at ground and first floor levels.
- ii The setbacks of various parts of the building from the Thomas Street frontage do not comply with the minimum required. These include the building elements at either side of the porte cochere, and parts of the levels above the porte cochere.<sup>44</sup>
  - iii The side setbacks of one part of the building within the Wrixon Avenue module from the northern boundary with 6 Wrixon Avenue. The shortfall in the building setback is 0.94 metres.
- 96 Despite the areas of non-compliance with the setback requirements, I am satisfied they do not result in the building siting and design being unacceptable. This is because:
- i I am satisfied the projection of bay windows within the Wrixon Avenue setback are minor encroachments that will not result in or contribute to an unacceptable building scale or bulk.
  - ii In relation to the building setbacks along the Thomas Street frontage, I am persuaded by Mr Biacsi's evidence that:
 

Given the variation of the front façade of the building, significant articulation of form (vertically and horizontally), the unique nature of the sweeping design of the porte cochere across the elevation (at ground level) and the minor nature of the projections (taken as a whole), the variations in setbacks are acceptable ...<sup>45</sup>
  - iii The area of the building that does not comply with the minimum required side setback along the northern boundary is a short section of wall set back in excess of 25 metres from the Wrixon Avenue frontage and opposite the boundary wall of 2/6 Wrixon Avenue. I am satisfied in the circumstances that this variation in the required setback will not result in an unacceptable building scale or bulk.
- 97 I address the matter of the visual impact of the proposed building on the amenity of the surrounding residential properties later in these reasons.

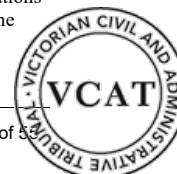
#### Streetscape

- 98 Flowing from the matter of building scale is that of the visual impact of the proposal within its respective streetscape contexts.
- 99 I have already mentioned above that I am persuaded by Mr Biacsi's evidence that the building is designed to:

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<sup>44</sup> There is some discrepancy between the way the minimum required building setback from the Thomas Street frontage has been measured. The application plans indicate the setback has been taken from the front building element of the dwelling at 95 Thomas Street, which is a porch with a partial wall element across its front, rather than the front wall of the dwelling. By my calculations the difference in the required minimum setback based on whether the setback is taken from the porch or the dwelling wall is 0.5 metre, being 7.2 metres and 7.75 metres respectively.

<sup>45</sup> Andrew Biacsi's evidence statement, Attachment 3, 1.



...mitigate the impact of the proposed building upon the Thomas Street and Wrixon Avenue frontages by stepping the uppermost level of the building back thereby reinforcing the appearance of a principal façade of 3 and 2 storeys respectively to these frontages ...<sup>46</sup>

- 100 I am satisfied that along the Wrixon Avenue frontage the narrower width of that frontage (compared to the Thomas Street frontage) will result in a building form and scale that will fit comfortably within its context between the two somewhat 'boxy' shaped, double storey dwellings either side. The setbacks of the building from both side boundaries will also maintain the rhythm of building siting within the Wrixon Avenue streetscape.
- 101 Although the proposal will introduce a habitable floor level below natural ground level within the Wrixon Avenue streetscape I am satisfied that this will not be a jarring element. The visual impact of this element of the building will be substantially screened by the proposed landscaping and fencing along the street frontage.
- 102 In regard to the Thomas Street frontage I accept that the building will be a less comfortable 'fit' within its context. However, in the context of the planning policy and provisions recognising that residential aged care facilities have a different scale and built form to the surrounding neighbourhood I do not consider this to be fatal. As I have already mentioned, various aspects of the building design contribute to moderating the scale and bulk of the building within its streetscape setting.
- 103 In addition, I note that the review site is located in a relatively short section of Thomas Street, between McKinnon Road (to the north) and Union Street (to the south). Although the street continues to the north and south either side of those intersecting streets, in my view the 'kink' in the street alignment to the north at the round-about at McKinnon Road, and the open space on the southern side of Union Street to the south create distinct breaks within the Thomas Street streetscape. In this context the proposal will be viewed in a relatively short streetscape, with only two dwellings either side. While the proposal will be a significant change within this streetscape, I am satisfied that it is contextually acceptable.
- 104 The building's setting within both streetscapes will be complemented by landscaping, including canopy trees, as demonstrated in the landscape plan prepared by Paul Bangay, PRB Design Pty Ltd. In relation to the proposed landscaping I am persuaded by Mr Vernon's evidence that:

The installation of new vegetation within the setbacks of the review land will assist in visually integrating the proposed built form with the neighbourhood character and the streetscape character of Thomas Street and Wrixon Avenue.<sup>47</sup>

- 105 I am satisfied that the landscaping will filter and soften views of the building within its respective streetscapes. I accept that this outcome will

<sup>46</sup> Andrew Biaesi's evidence statement, [116].

<sup>47</sup> Tim Vernon's evidence statement (dated 13 April 2021), [5].



be more effectively achieved within the Wrixon Avenue frontage than the Thomas Street frontage. However, noting my comments above about the nature of the Thomas Street streetscape, I am satisfied it will be contextually acceptable. I also note that the adjacent properties along this section of the Thomas Street incorporate few canopy trees within their front gardens, and do not incorporate substantial canopy trees.

#### Summary

106 Overall I am satisfied that the proposed design response will achieve an architectural and urban design outcome that will contribute positively to the local urban character, and reflect the prevailing building scale and heights at the interface with the street and adjoining properties. While it is undeniable that the building will be higher and a larger scale than the surrounding dwellings, having regard to the weight to be given to clause 53.17 and the expectations that residential aged care facilities have a different scale and built form to the surrounding neighbourhood, I am satisfied that the siting and design response of this proposal is an acceptable response to the physical and planning context.

#### **IS THE PROPOSED LANDSCAPING ACCEPTABLE?**

107 Although there are no development requirements regarding landscaping at clause 53.17, the application requirements require a landscape plan to include:

- Landscaping of communal open space for the enjoyment of residents and staff.
- Landscaping along the boundaries of the site.
- On-site management of run-off from paved areas.
- Retaining significant trees where possible.<sup>48</sup>

108 The DDO3 decision guidelines require me to consider whether the proposal will allow for landscaping that will be in keeping with the character of the area.

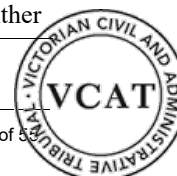
109 The neighbourhood character policy at clause 15.01-5L seeks to retain existing large trees wherever possible, site buildings to create the appearance of space between buildings and accommodate substantial vegetation, minimise loss of front garden space, and minimise paving in front garden areas including driveways and crossovers.

110 I am satisfied that the proposal provides an acceptable response to not only the requirements of clause 53.17, but also the DDO3 and the neighbourhood character policy.

111 As a starting point, I note that other than the single Norfolk Island pine tree in the north-eastern corner of the site along the Thomas Street frontage, the review site does not contribute anything to the landscape character of either

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<sup>48</sup> Clause 53.17-2.



Wrixon Avenue or Thomas Street, nor the surrounding properties. Although the previous use of the review site was as a wholesale nursery, that previous use and development included extensive buildings across the site and no landscaping.<sup>49</sup> This is evident in the photographs and aerial photographs provided in submissions.

112 The existing landscape character is varied between Wrixon Avenue and Thomas Street. Mr Vernon's evidence is that, within Wrixon Avenue, "Existing vegetation within the private realm varies in scale and distribution and generally produces a vegetated appearance".<sup>50</sup> Mr Vernon describes Thomas Street as a "Spatially open streetscape with a wide road reserve"<sup>51</sup> and that the "...informal distribution of existing street trees produce a partially vegetated appearance along the streetscape".<sup>52</sup>

113 The proposed landscape plan includes planting within and around the areas of communal open space at finished ground level along both street frontages and all boundary interfaces with the adjoining residential properties. Additional landscaping including trees is proposed within the floor excavated below ground level in the Wrixon Avenue module.

114 Although the siting of the proposed building does not allow for the retention of the Norfolk Island pine tree on the site, I am satisfied that in the overall scheme of the proposal this is acceptable. In this regard I am persuaded by Mr Vernon's evidence in relation to this tree, that:

... whilst it is semi-mature and has a physical presence, it is not remnant, indigenous or of significance and can be readily replaced by a site responsive and considered landscape strategy.<sup>53</sup>

115 As to the detail of the proposed landscaping, I am persuaded by Mr Vernon's evidence that:

The proposal has continuous deep soil setbacks around the perimeter of the site to allow for the installation of a comprehensive regime of canopy trees and under planting.

The proposed tree species can reasonably be expected to attain heights ranging from 8-12 metres. Once established, the proposed vegetation will assist in visually integrating the building when viewed from the surrounding viewshed.<sup>54</sup>

116 I am also persuaded by Mr Vernon's evidence that the combination of installing new canopy trees and under-planting at ground level, in addition to planting at level 1 along the Thomas Street interface, and new canopy trees and hedge planting along the Wrixon Avenue interface, will produce

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<sup>49</sup> Other than in the rear and front yards of the associated dwelling that was sited at 103 Thomas Street,

<sup>50</sup> Tim Vernon's evidence statement, [14].

<sup>51</sup> Ibid., [13].

<sup>52</sup> Ibid., [13].

<sup>53</sup> Ibid., [21].

<sup>54</sup> Ibid., [22] and [23].



an appropriately vegetated garden setting for the site when viewed from these public realms.<sup>55</sup>

- 117 In relation to the landscaping along the interfaces with the adjoining residential properties to the north and south, I am persuaded by Mr Vernon that the landscape proposal will produce an appropriate landscape and visual design response to these interfaces.<sup>56</sup> The landscaping along the residential interfaces includes:
- i The full extent of the northern and southern boundary side setbacks, with the exception of a 6.4 metre long section where the proposed electrical sub-station kiosk will be located abutting the southern boundary (within the Thomas Street frontage).
  - ii Canopy tree planting, with trees that will grow to between 8-12metres in height.
  - iii Hedges and under-planting.
- 118 I am persuaded by Mr Vernon’s evidence that the canopy tree planting immediately adjacent to the adjoining properties “...will ensure that these canopy trees will produce the most effective result in modulating the built form and producing a comprehensive vegetated interface”.<sup>57</sup>
- 119 The proposal includes substantial landscaping, including a significant number of canopy trees, around the perimeter of the site, as sought by the neighbourhood character policy at clause 15.01-5L. Overall I am satisfied that the proposed landscaping will improve and make a meaningful contribution to creating a strong landscape character within this area, as sought by the DDO3.
- 120 I acknowledge the concerns of some of the respondents about the impact of the height of the proposed trees along their boundaries, including the potential overshadowing impacts on the secluded private open spaces of the properties to the south. However, having regard to Mr Vernon’s oral evidence at the hearing, I am satisfied that the planting in these locations can be modified to address these concerns while retaining an acceptable landscape interface along these boundaries. These include:
- i modifications to the proposed tree planting along the southern side setback area at the interface with the properties at 2/149 and 151 Union Street to provide trees with a lower mature height along the boundary and to provide some trees with a taller height at the lower level ‘residents garden’.
  - ii modifications to the proposed tree planting along the northern side setback area at the interface with the property at 2/6 Wrixon Avenue

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<sup>55</sup> Ibid., [25] and [27].

<sup>56</sup> Ibid., [28].

<sup>57</sup> Ibid., [28].



to include some trees with a lower mature height or with greater setbacks from the boundary;

- 121 Although there are some other details of the landscape plan design that require resolution, I am satisfied these are design details that can be resolved through amendments to the plans that can be addressed through a permit condition. These include, for example:
- i replacing the copse (small group) of silver birch trees in the Thomas Street frontage with evergreen trees to provide year round foliage;
  - ii the inclusion of some evergreen trees within the planting along the Wrixon Avenue frontage to provide year round foliage;
  - iii removal of the batters within the garden beds between retaining walls and property boundaries to maintain the natural ground level;
  - iv removal of the raised steel planter from the garden bed to the rear (west) of the proposed electrical substation kiosk;
  - v include a root control barrier along the southern boundary in the south west corner along the Wrixon Avenue frontage, in the location of the proposed Magnolia Grandiflora 'Exmouth'.

**WILL ANY AMENITY IMPACTS ON ADJOINING PROPERTIES BE ACCEPTABLE?**

- 122 The objectives of the residential aged care facility provisions at clause 53.17 seek 'To ensure residential aged care facilities do not unreasonably impact on the amenity of adjoining dwellings'. Many of the development requirements at clause 53.17-3 go to matters of amenity impacts, including 'Walls on boundaries', 'Daylight to existing windows', 'North-facing windows', 'Overshadowing open space', 'Overshadowing solar energy systems', 'Overlooking', and 'Noise impacts'.

- 123 The decision guidelines require me to consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- How the proposed development responds to the site and context description.
- Where the requirements of this clause are not met, the impact on the amenity of the adjoining dwellings.
- The proposed amenity for future residents of the residential aged care facility.
- The effect of overshadowing on an appropriately located existing rooftop solar energy system on an adjoining lot.<sup>58</sup>

- 124 The issues variously raised by the Council and the respondents in relation to amenity impacts on adjoining dwellings relate to:

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<sup>58</sup> Clause 53.17-4.





- visual impact on the outlook;
  - overlooking;
  - overshadowing;
  - noise impacts from pool equipment; and
  - odour impacts from waste storage ventilation.
- 125 The review site has interfaces with the rear yards (secluded private open spaces) of the adjoining properties, as well as habitable room windows of the dwellings on those properties.
- 126 Along its northern boundary the review site has the following interfaces:
- i Ms Yang's property,<sup>59</sup> facing Thomas Street, has its southern side boundary adjoining the site. Her double-storey dwelling has its garage built along the shared boundary. The dwelling is then set back from the boundary at ground and first floor level to varying degrees. At ground floor level there is a dining room window, two kitchen windows and laundry window facing the review site. At first floor level there are two windows facing the review site. The secluded private open space is to the rear of Ms Yang's dwelling, and extends to the boundary with the review site.
  - ii Mr and Mrs Korolik's property,<sup>60</sup> along Wrixon Avenue, has its southern side boundary adjoining the review site. Their dwelling is the rear of two dwellings on the land, built one behind the other. Their dwelling sits within the angle of the T-shape of the review site, and its southern and eastern boundaries adjoin the review site. The walls of their dwelling are built partly along the boundaries with the review site. Their driveway from Wrixon Avenue extends along the remainder of the southern boundary with the review site. Mr and Ms Korolik's secluded private open space comprises a courtyard in the north-eastern corner, adjoining the review site to the east, with a high wall along that boundary. The dwelling is single storey, with the east facing living room windows facing the boundary wall along the review site's boundary, and the bedroom window facing north into the courtyard.
- 127 Along its southern boundary the review site has the following interfaces:
- i Mr Wensley's property<sup>61</sup> at the western end, facing Wrixon Avenue, has its side boundary adjoining the review site. His double-storey dwelling is L-shaped, with a courtyard in the north-eastern corner adjoining the review site. His living and dining rooms have an outlook to the courtyard. The living room also has a window in its northern wall, facing and set back approximately 3 metres from the

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<sup>59</sup> 105 Thomas Street.

<sup>60</sup> 2/6 Wrixon Avenue.

<sup>61</sup> 2/149 Union Street.



boundary with the review site. The one north facing habitable room window at first floor level that faces the review site is a 'highlight' window, that has a high sill. There is some low level planting, and a small tree along the boundary with the review site.

- ii Mr and Ms McCutcheon's property,<sup>62</sup> facing Union Street, is approximately centrally along the review site boundary and sits within the angle of the T-shape. Their rear yard has an interface to the review site along the full length of their northern boundary, and for approximately 14 metres along the eastern side boundary. Mr and Ms McCutcheon's dwelling is set back approximately 20 metres from the northern boundary with the review site. Their dwelling has habitable room windows at ground and first floor levels as well as a balcony at first floor level facing the review site. Mr and Ms McCutcheon's yard is divided in half by a hedge, with one part immediately behind the dwelling and the other part adjacent to the review site. Planting along the northern boundary comprises large shrubs/small trees. A mature oak tree is located adjacent to the eastern side boundary, between the rear of the dwelling and the boundary with the review site.
- iii Mr Paynter's and Ms Green's property,<sup>63</sup> facing Thomas Street, has its northern side boundary adjoining the review site. The dwelling is set back 1.55 metres from the side boundary, increasing to 4.7 metres towards the rear of the dwelling. It has two living rooms, one dining room and a bathroom window within its eastern wall facing the review site. The living room windows are small, leadlight windows, the dining room window is a pair of double-hung windows. A covered 'al fresco' area is at the north-western corner of the dwelling, where the setback from the boundary with the review site widens to 4.7 metres. Their area of secluded private open space is across the rear of the site, and extends to the boundary with the review site.

### Visual impact

- 128 The Council submits that the extent and length of the proposed building form is uncharacteristic, and as a consequence the building will unreasonably impact on the residential amenity of the adjoining dwellings. The Council argues that the length and height of the side walls, together with what it says are modest setbacks and modest landscaping will combine to affect a significant change on the amenity of those dwellings. It says the proposed building will be highly visible and unacceptably prominent when viewed from the backyards, private open spaces and habitable room windows of the adjoining dwellings.
- 129 Mr Thompson, for the joint respondents and Mr Wensley, submits that the concept of visual bulk goes "...beyond the normal standards of setbacks, height, wall length and materiality – to look at the combined impacts of

<sup>62</sup> 151 Union Street.

<sup>63</sup> 95 Thomas Street.



these characteristics”.<sup>64</sup> He submits that the outlook from the private open spaces and internal living areas of Mr Wensley’s, Mr and Ms McCutcheon’s, and Mr Paynter’s and Ms Green’s dwellings will be unreasonably impacted by the visual bulk of the proposed building. Mr Thompson argues the outcome goes beyond what can reasonably be considered acceptable under the provisions of clause 53.17 in this location.

- 130 Mr and Ms Korolik submit that their view of the sky will be blocked and replaced with a concrete, four-storey wall.
- 131 It is understandable that the various respondents are concerned about the potential visual impact of this proposal on their amenity. The proposed building is undeniably a large building and a different scale and form relative to the surrounding dwellings. However, this does not lead me to the conclusion that the proposed building will result in an unacceptable visual impact as viewed from the surrounding properties.
- 132 As a starting point, I note that none of the adjoining properties will have an interface with the full extent of the proposed building. Rather, each property will have an interface to only a segment of the review site and overall building. This assists in limiting the visual impact of the building on these residential interfaces.
- 133 As to the interfaces with the individual residential interfaces, I note the following:
- i Along the interface with Ms Yang’s property, the building does not extend beyond the rear building line of her dwelling, and as such will not have a direct interface with her rear yard. Where the proposed building extends alongside Ms Yang’s dwelling the buildings will be separated by between 6.8 metres (at ground floor level) and 11.8 metres between the upper levels.
  - ii At the interface with Mr and Ms Korolik’s property, I am satisfied that the combination of the narrow width of their courtyard, the height of the boundary wall along their eastern boundary with the review site, the 7 metre setback of the proposed building from that boundary, and the limited extent that the upper levels of the building extend along the alignment with the courtyard,<sup>65</sup> will limit the visibility of the proposed building, if it will be visible at all.
  - iii At the interface with Mr Wensley’s property, most of the proposed building opposite Mr Wensley’s courtyard is set back in excess of 9 metres from the boundary. Where the building is set closer to the boundary, that part of the building extends for only approximately 1 metre along the interface with the courtyard.
  - iv At the interface with Mr and Ms McCutcheon’s property, the depth of his rear yard will provide a substantial separation between his

<sup>64</sup> Mr Thompson’s written submission, [34].

<sup>65</sup> Less than 2 metres.



dwelling and the proposed building. The proposed building will have only a limited direct interface with the section of open space immediately to the rear of and directly accessible from Mr and Ms McCutcheon's dwelling. It is the rear section of Mr and Ms McCutcheon's yard, to the rear of the hedge that extends across their property, that will have the closest interface with the proposed building, both to the north and the east. Given the distance and physical separation between this rear section of private open space and Mr and Ms McCutcheon's dwelling, I consider this to be a secondary area of open space. As such I consider it a less sensitive interface. The setbacks of the proposed building from the boundaries with Mr and Ms McCutcheon's property are generous, being a minimum of 9 metres to the north and 4.17 metres to the east.

- v At the interface with Mr Paynter's and Ms Green's property, the upper levels of the proposed building will extend for only a short length (approximately 3 metres), beyond the rear building line of their dwelling. As such, much of the interface with their rear yard will not be impacted by the multi-storey element of the proposed building. Where the building does align with the rear yard, it is that part of the building that angles away from the boundary, which will minimise the height and overall visual impact as it will be viewed from their property. This is also the case with the windows and alfresco area along the eastern side of the dwelling.

134 I have already outlined my detailed findings about the building height and scale above, which I have found to be acceptable. I am persuaded by Mr Biacsi's evidence in relation to visual impact that:

- The height, overall scale and setbacks of the building have been effectively managed ...
- The proposed setbacks provide ample opportunities for the inclusion of deep root planting that will visually integrate the proposal within the character of the area and its surroundings.
- The elevations of the building are articulated through varied setbacks to the upper levels in combination with the mix and composition of materials in the external elevations of the building that provide for a visually interesting, contemporary architectural form.
- Opportunities for perimeter landscaping along all boundaries, assists in providing an additional visual buffer between the development and its surrounds ...<sup>66</sup>

135 Overall, I am satisfied that the way that the building design combines the building heights, setbacks, and articulation, will moderate its visual impact

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<sup>66</sup> Mr Biacsi's evidence statement, [125].



in combination with the relatively limited interfaces with the more sensitive aspects of the adjoining residential properties.

### Overlooking

- 136 Mr Wensley, Mr and Ms McCutcheon, Mr Paynter and Ms Green are concerned about what they submit is a significant extent of overlooking that will result from the proposal. They submit that between 11 to 20 residents' rooms will have un-inhibited views across their private open space areas and into the living areas of their dwellings. They argue that the windows of these rooms are essentially floor to ceiling windows, due to their low sill heights (approximately 45 millimetres above floor level). They submit that to temper the extent of detriment the sill heights should be raised or the windows should be screened to at least 1.2 metres above the floor level.
- 137 They also submit that the communal areas at levels 1 and 2 of the southern wing along the Thomas Street module appear to have unrestricted views into the rear private open space of the property to the south, as well as to the west.
- 138 Mr Wensley argues that typically there would be the side of a house with a couple of frosted windows along the interface with his property, but that this proposal is tipping the balance in the extreme.
- 139 Mr and Ms Korolik and Ms Yang are also concerned about overlooking of their dwelling. Mr and Ms Korolik are particularly concerned about overlooking of the paved area on the western side of their dwelling. Ms Yang is concerned about overlooking into her rear yard from windows on the west and north of the proposed building.
- 140 Mr Biacsi's evidence is that:

The development requirements set out in Clause 53.17 relating to overlooking vary from those under Clause 55 (ResCode). In this regard, Clause 53.17 requires that overlooking from a habitable room window/balcony into a habitable room window within 9m is screened to 1.2m above FFL rather than the usual 1.7m.

From my assessment, the matter of overlooking has largely been addressed through the siting and setbacks of the proposed building and screening, in the limited number of circumstances where this is required.<sup>67</sup>

### Potential overlooking of properties to the north

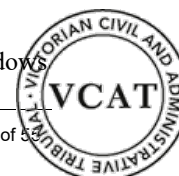
- 141 In relation to the northern wing of the Thomas Street module the potential issues relate to the following:
- i north facing windows at levels 1, 2 and 3;
  - ii the terrace at the north-eastern corner of level 1;

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<sup>67</sup> Mr Biacsi's written evidence statement, at [136]-[137].



- 142 The four windows at each of levels 1 and 2, and the three windows at level 3 that face north towards Ms Yang's property are set back 9 metres from the boundary with Ms Yang's property. This complies with the requirements of clause 53.17-3. Combined with the setback of Ms Yang's dwelling from the shared boundary these windows will be a minimum of 11.8 metres from Ms Yang's windows.
- 143 In relation to the terrace at the north-eastern corner of level 1 of the proposed building, the north-western corner of that terrace is the closest point to Ms Yang's property. The perimeter of the trafficable area of the terrace is set back approximately 5 metres from Ms Yang's side boundary and approximately 9 metres from the closest window in the southern side of her dwelling. The terrace is to be surrounded by a solid planter box, that is shown to be 1.1 metres high. Although there may be some opportunity for views from the terrace into the area of secluded private open space along the southern side of Ms Yang's dwelling, I am satisfied that the proposal is acceptable. I am satisfied that the secluded private open space area along the southern side of Ms Yang's dwelling is not the primary area of secluded private open space. Rather, I consider that the primary areas of secluded private open space are the grassed lawn areas to the rear (west) and north side of her dwelling, which are the areas directly accessible from Ms Yang's internal living areas. The terrace is set back some 20 metres from the open space to the rear of Ms Yang's dwelling.
- 144 To the extent that the proposed terrace may provide an opportunity to overlook Ms Yang's secondary private open space area, only a small section (1.5 metre length) of the terrace aligns with that space. Most of the terrace aligns with the southern side of Ms Yang's garage. As such, the extent of potential overlooking is limited. I am satisfied that the planter box around the perimeter of the terrace and the small trees that are to be planted within the planter box will limit direct views to Ms Yang's secluded private open space.
- 145 In relation to Mr and Mrs Korolik's property, there are no habitable room windows or terraces above the ground floor level in the western side of the Thomas Street module facing their rear courtyard. In relation to the Wrixon Avenue module, the issue relates to the potential for overlooking from the communal lounge windows and the herb garden terraces at levels 1 and 2 along the northern side of the proposed building. Mr and Ms Korolik are concerned about overlooking of the paved area on the western side of their dwelling. While this may be an area where Mr and Ms Korolik sit from time to time, it is clearly part of their driveway rather than an area of secluded private open space. As such, it is not an area sought to be protected from overlooking under the provisions at clause 53.17-3.
- 146 Although there is a habitable room window of Mr and Ms Korolik's facing this space, it is in the western face of the dwelling, perpendicular to the lounge windows and the herb garden terrace of the proposed building. Based on the plans, I am satisfied that views from the north facing windows



of the communal lounges will be approximately 9 metres from that window and that the angle of any views is such that direct views into that window will be negligible. In relation to the herb garden terraces, from my understanding of the plan only about a 1 metre length of the northern side of the terraces will be less than 9 metres from the window, with the minimum separation between the terrace and the window being about 8 metres. Given the proposed herb terraces are not the primary outdoor spaces of the residential aged care facility and the limited extent to which these terraces will be within 9 metres of the window, I am satisfied that the proposal will not result in unacceptable overlooking to Mr and Ms Korolik's window.

#### Potential overlooking of properties to the south

- 147 In relation to the Wrixon Avenue module of the proposed building, the issue relates to windows at ground floor level, which is set above the natural ground level, and level 1. Most of the windows in the southern side of the Wrixon Avenue module are set back 9 metres or more from the northern boundaries of Mr Wensley's and Mr and Ms McCutcheon's properties. As such they comply with the overlooking requirements at clause 53.17-3. While there is one window at each level set back only 5.1 metres from Mr Wensley's boundary, those windows have obscure glazing, which also complies the requirements at clause 53.17-3.
- 148 While in total the number of windows in the southern elevation is more than might typically occur in a single or multi-dwelling development, there is nothing in the requirements at clause 53.17-3 that seek to limit the number of windows that interface with surrounding residential properties. In any case, only eight of the windows are in the section of wall at the 9 metre setback opposite Mr Wensley's and Mr and Ms McCutcheon's private open spaces. I find this to be acceptable.
- 149 At the hearing the applicants agreed that the two windows that have a direct line of sight to Mr Wensley's courtyard could have sill heights of 1.2 metres, in accordance with the requirements of clause 53.17-3. Although I do not consider it is necessary, I will adopt this approach given the applicant has offered this. I am satisfied that this can be addressed through a permit condition requiring an amendment to the plans.
- 150 I do not consider it is necessary to require the windows that align with Mr and Ms McCutcheon's rear yard to also be amended in this way, given the windows comply with the overlooking requirements at clause 53.17-3. I also note that the windows will be almost 20 metres from the section of the yard on the south side of the dividing hedge and immediately to the rear of Mr and Ms McCutcheon's dwelling.
- 151 In relation to the southern wing of the Thomas Street module the issues relate to the following:





- i south facing windows of the private dining room, wine cellar and bar/lounge area at level 2;
  - ii west facing windows of the art room at level 1 and the private dining room at level 2; and
  - iii south and west facing windows and terrace of the staff room at ground floor level.
- 152 At the hearing it was clarified that the south facing windows of the private dining room, wine cellar and bar/lounge area at level 2 have high sill heights. As such they do not provide opportunities for overlooking of Mr Paynter's or Ms Green's property. Noting that Mr Thompson sought reassurance by way of a permit condition that the outdoor area located to the immediate south of these rooms is not a habitable space I am satisfied this is not necessary. There is no terrace or balcony shown on the plans in this location, nor could the windows provide access to such a space due to their high sill heights.
- 153 The west facing windows of the art room at level 1 and the private dining room at level 2 are set back 9 metres from the side boundary of Mr and Ms McCutcheon's property. As such, they comply with the requirements of clause 53.17-3.
- 154 The windows of the staff room are set back 4.0 metres from the southern boundary to Mr Paynter's and Ms Green's property, and 4.17 metres from the western boundary with Mr McCutcheon's property. The terrace is set back 4.0 metres from the southern boundary and approximately 2 metres from the western boundary. The plans show a 600 millimetre lattice extension above a 2 metre high fence around the boundary along the eastern side of Mr and Ms McCutcheon's property and the northern side of Mr Paynter's and Ms Green's property. Based on the section diagrams I am satisfied this will obstruct views down into the rear yards of those properties. A permit condition can require that the 2 metre high fence and lattice extension be a separate structure to the boundary fence.

#### Summary

- 155 For the reasons outlined above, I am satisfied that the proposal meets or provides an acceptable design response to the requirements for addressing overlooking as set out at clause 53.17.
- 156 In addition to providing an acceptable response to these requirements, the proposal includes landscaping, including canopy trees and hedges along the boundaries with the adjoining properties. I am satisfied the proposed landscaping will filter views from the proposed building to secluded private open spaces and windows of the dwellings on adjoining properties.
- 157 For these reasons, I am satisfied that any impact of overlooking from the proposed building on the amenity of the adjoining properties will be acceptable.



## Overshadowing

### Overshadowing of secluded private open space

158 Mr Wensley, Mr and Ms McCutcheon, and Mr Paynter and Ms Green are concerned about the extent of overshadowing of their private open space areas, especially throughout the winter months.

159 The requirements of clause 53.17-3 regarding overshadowing open space are:

Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

160 I am persuaded by Mr Biacsi's evidence that

...it is my view that the proposal will not result in any unreasonable overshadowing to the adjoining private open space of neighbouring dwellings. This is largely evident from the shadow analysis undertaken by RotheLowman Architects (see TP5.01-TP5.07) and from my assessment of the proposal against the relevant overshadowing requirements of Clause 53.17-3.

In this regard, I note however that the potential overshadowing of the neighbouring property to the south at 2/149 Union Street does not comply with Clause 53.17-3, albeit the non-compliance is marginal (i.e. 3.0 - 3.8% additional shadow impact at 10.00 am and 11.00am at the Equinox).<sup>68</sup>

161 It is Mr Biacsi's opinion that the proposed building should be altered to achieve full compliance with clause 53.17-3 for Mr Wensley's property at 2/149 Union Street. He recommends the section of wall in the south-western corner of the building be set back and/or reduced in height to remove any additional shadow over the secluded private open spaces of this property at 10.00am and 11.00am.

162 The submissions by Mr Thompson for Mr Wensley, Mr and Ms McCutcheon and Mr Paynter and Ms Green support Mr Biacsi's recommendation in this regard.

163 On the basis of Mr Biacsi's evidence I am satisfied the proposal can fully comply with the overshadowing requirements at clause 53.17-3, subject to a minor amendment to the plans. I am satisfied the required amendments can be addressed through a permit condition.

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<sup>68</sup> Mr Biacsi's written evidence statement, at [129]-[130].



Overshadowing of solar panels

- 164 Mr Wensley is concerned about the impact of overshadowing on the solar panels on his roof. The solar panels are on the section of single storey roof adjacent to his northern boundary with the review site.
- 165 The requirements at clause 53.17-3 regarding Overshadowing solar energy systems are that:
- Buildings should be sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.
- 166 Mr Wensley confirmed that his solar energy system did not exist at the date the permit application for this proposal was lodged. He also confirmed that, at the time of the hearing, the solar energy system had not yet been connected. Mr Wensley also explained that the solar energy system was to charge 12 volt batteries for various purposes,<sup>69</sup> but not his home or household appliances. He also agreed that it may be possible to relocate the panels to the roof of the double storey part of his dwelling.
- 167 I agree with Mr Tweedie for the applicants that there is no basis upon which I could conclude that the impact of overshadowing on the solar panels on Mr Wensley's roof is not acceptable.

**Noise impacts from the café**

- 168 The proposed café is at ground floor level at the north-eastern corner of the Thomas Street module, adjacent to Ms Yang's property.
- 169 Ms Yang says that the café is very close to her dwelling and that it will be too noisy. She says this is a residential area, and the proposal is a commercial building where people coming and going will make lots of noise.
- 170 While I consider the café to be an ancillary element to the proposed residential aged care facility, I accept Ms Well's evidence that the café, along with the proposed children's play space, multipurpose space and workspace along the Thomas Street frontage, will provide social and community attributes, as well as intergenerational activity and connection for the residents of the residential aged care facility.
- 171 I am not persuaded by Ms Yang that the noise arising from the café use, including people coming and going from the café, will be unacceptable. The café is proposed to operate during daylight hours, between 8.00am and 4.00pm, rather than the more sensitive night time hours when residents in a residential area could reasonably expect a level of peace and quiet.

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<sup>69</sup> Including for his motorised kayak and garden lighting.



- 172 There are several points of access to the café, one from inside the building, one from the porte cochere area and one from a path adjacent to the boundary with Ms Yang's property. It is obvious that the café will provide a place for residents of the aged care facility to visit, along with visiting family and friends. It may also attract staff working in the residential aged care facility, as well as people who live or work in the surrounding area. In the circumstances, it seems likely that the primary points of access to the café will be from within the building or from the porte cochere. Even though some customers may access the café from the path adjacent to Ms Yang's property, the path (and café) aligns with the driveway and garage of Ms Yang's dwelling, rather than living room or bedroom windows.
- 173 For these reasons I am satisfied that any noise impacts from the café will be acceptable.
- 174 Although Mr Biacsi supports the café being permitted to operate between the hours of 7.00am to 6.00pm, this is not what the permit application sought so I will not provide for these extended hours within the permit. However, this does not preclude the owner of the land or operator of the facility from seeking an amendment to the permit to extend the hours of operation of the café at a future point in time.

#### **Noise impacts from pool equipment & rainwater tank pumps**

- 175 The proposal includes a range of services to support the various facilities to be included in the residential aged care facility.
- 176 Ms Yang is concerned that the noise from the rainwater tank pumps will disturb her sleep. Mr and Ms Korolik are concerned about the noise from the pool plant. They submit the noise emitted will affect their bedrooms, living areas and private open space. They say that the plant should be a minimum of 9 metres from their boundary.
- 177 The rainwater tank, pumps and filters are to be located at basement level 2 of the northern wing of the Thomas Street module, adjacent to the northern end of the basement. The pool plant and equipment are to be located at basement level 1 of the northern wing of the Thomas Street module, adjacent to the north-west corner of the basement.
- 178 I am satisfied the location of this equipment within the basement levels, rather than above the ground level, is an appropriate design response to minimise noise impacts on adjoining properties and provide an acceptable outcome.
- 179 I am also persuaded by Mr Biacsi's evidence that
- ...In terms of car parking activity, plant/equipment operations etc. and waste collection, I expect these to be operated and controlled in the usual responsible manner and for there to be appropriate conditions included in any permit issued to address such matters.



**Odour impacts from waste storage**

- 180 The Council raised concerns that the ventilation for the bin storage area is not shown on the plans, and that it could be adjacent to residential properties. It also raised concern that if food/organic waste bins for the café are located outside adjacent to Ms Yang's property there is a risk of odour impacts.
- 181 I accept the submissions for the applicant that the bin room will be ventilated, and that while the precise details of that system have not yet been prepared, it is intended that the outlet vent will be located on the roof amongst other plant and equipment. I am satisfied that these matters can be addressed by permit conditions.
- 182 I am satisfied that the location of bins for the café use can be addressed by these details being included on the plans and/or in the waste management plan that will be required for the proposal, which will be required to be to the Council's satisfaction.

**WILL ANY TRAFFIC IMPACTS BE ACCEPTABLE?**

- 183 The Council does not raise any issue with traffic and car parking impacts. However, Mr Wensley, Mr and Ms McCutcheon, Mr Paynter and Ms Green, submit that the proposal will unreasonably impact the safety of the road network. They argue that a 'left only' turn into the facility should be enforced, as well as a 'left only' turn out from both exit points from the site. My understanding is that their concerns relate to the site's proximity to the roundabout intersection with McKinnon Road (directly to the north) and the T-intersection with Hopkins Street (directly to the south) along the Thomas Street frontage. All vehicle access to and from the site is to be via Thomas Street.
- 184 I am persuaded by Ms Dunstan's evidence, for the applicant, that:
- ...the proposed parking layout and vehicle access arrangements accord with the requirements of the Planning Scheme, AS2890.1-2004 and AS2890.6-2009, ...
- the level of traffic generated as a result of this proposal is modest, spread throughout the day, peaking during off-peak times for the road network and will have a negligible impact on the operation and safety of Thomas Street and the surrounding road network, and
- there are no traffic engineering reasons why a planning permit for the proposed residential aged care facility ... should be refused, subject to appropriate conditions.<sup>70</sup>
- 185 I am also persuaded by Ms Dunstan's oral evidence that, in summary:
- i If right turns into the site are not allowed it could result in vehicles undertaking U-turns or otherwise using local roads to access the site.

<sup>70</sup> Ms Dunstan's written evidence statement, 32.



- ii A vehicle turning right out of the site (from the car park entry ramp) simultaneously with a vehicle turning out of Hopkins Street can occur, and that there is no risk associated with that.
  - iii The only place to limit a right turn out of the site is from the porte cochere.
- 186 For these reasons I am satisfied that any traffic impacts resulting from the proposal will be acceptable.

#### **ARE THERE ANY OTHER ISSUES?**

##### **Easement**

- 187 At the hearing, the matter of whether the removal of the sewer and stormwater drainage easement from several lots that comprise the review site requires a planning permit under clause 52.02 – Easements, Restrictions and Reserves was raised by the joint respondents. I provided the Council and the other parties the opportunity to make submissions on this matter. I have had regard to these submissions.
- 188 The applicant submits that the easement is to the benefit of South East Water, as the relevant drainage and sewerage authority, that no other person has the benefit of the easement, and no one has contended to the contrary. It also submits that it has the in-principle agreement of South East Water to the proposed removal of the easement, and the creation of a new easement.
- 189 I am satisfied that while the applicant has not sought a permit to vary or remove the easement, if a permit is required to remove the easement it is not necessary for that permission to be granted before the permit for this proposal is granted. I am satisfied that a permit condition requiring that the development not commence unless and until the easement is removed or relocated so that no part of the building will be constructed over the easement (except with the consent of the relevant authority).

##### **Electrical substation kiosk**

- 190 Mr Paynter and Ms Green object to the proposed location of the electrical substation. It is to be located in the south-eastern corner of the site within the Thomas Street frontage, abutting the southern boundary with their property.
- 191 Mr Thompson submitted that the siting of such a large service structure and associated security fence within the front setback is an unreasonable intrusion into the front setback and the character of the area. Mr Thompson argued that it appears that the siting of the substation was considered after the plans were completed, a different design response could have resulted in the substation being located in the basement.



- 192 The applicant argued that no permit is required in respect of the installation of the substation, or the associated buildings and works<sup>71</sup> (including the fences and the slab on which it sits), and no permit is required in respect of the use of the substation.<sup>72</sup>
- 193 I agree with the applicant's submission that to the extent it is appropriate to have regard to the visual impact of the substation in its proposed location, weight should be given to these permit exemptions.
- 194 I accept that the substation is a necessary component of the development. While there may have been alternative locations for its siting, I am satisfied that its visual impact will be acceptable.
- 195 In this regard I am persuaded by Mr Vernon's evidence that the setback from the Thomas Street boundary allows for hedge planting up to a height of 1.5-1.6 metres, which will screen the substation, and that the trees to be planted along the southern boundary setback area will form a back drop to the substation.
- 196 For these reasons I am satisfied that the visual impact of the proposed substation will be acceptable.

#### **Impact on oak tree**

- 197 Mr and Ms McCutcheon are concerned about the impact of the proposed buildings and works on the English Oak tree that is adjacent to the boundary of the review site. The issue relates to the area within the 'tree protection zone' of the tree to be retained as natural ground level.
- 198 I accept Mr Vernon's evidence that there is no excavation proposed near the oak tree, and that the arboricultural assessment report<sup>73</sup> confirms an encroachment of 7% into the tree protection zone, which he says "is regarded as minor and readily acceptable and not negatively affect the health or use safe life expectancy of the tree".

#### **Impact of excavations and buildings and works on adjoining properties**

- 199 Ms Yang and Mr and Ms Korolik raise concerns about the impact of the excavations for the basement and the construction of the proposed buildings and works on the structure and stability of their dwellings. These are not relevant considerations under the applicable provisions of the Scheme. Rather, such matters are typically addressed as part of the building permit process.

#### **CONCLUSION**

- 200 Overall I am satisfied that there is strategic support for the proposal and that the proposal will provide an acceptable design response to the site context and relevant policies and provisions of the Scheme. I am also satisfied that

<sup>71</sup> Clause 62.02 – Buildings and works not requiring a permit.

<sup>72</sup> Clause 62.01 – Uses not requiring a permit.

<sup>73</sup> Prepared by Knud Hansen, Galbraith & Associates, 25 February 2021,





any potential amenity impacts are minimised to an acceptable level or otherwise can be addressed through amendments to the plans.

- 201 For the reasons given above, the decision of the responsible authority is set aside. A permit is granted subject to conditions.
- 202 The conditions contained in this Order reflect those proposed by the Council, the submissions of the parties, and the further consideration of the Tribunal.

**Sarah McDonald**  
**Member**



**APPENDIX A – PERMIT CONDITIONS**

<b>PERMIT APPLICATION NO</b>	5/2020/190/1
<b>LAND</b>	97-103 Thomas Street and 2-4 Wrixon Avenue, Brighton East

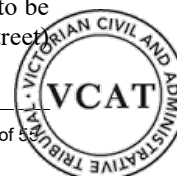
**WHAT THE PERMIT ALLOWS**

In accordance with the endorsed plans:

- Construction of a building and construction and carrying out works for a residential aged care facility (and ancillary food and drink premises) in the Neighbourhood Residential Zone – Schedule 3.
- Construction of a building and construction and carrying out works in the Design and Development Overlay – Schedule 3.

**CONDITIONS****Amended Plans**

- 1 Before the development (buildings and works) starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared RotheLowman, Revision B 'VCAT Amended plans', dated 24/02/2021, comprising plans TP00.01–TP00.03, TP01.01–TP01.07, TP02.01–TP02.02, TP03.01–TP03.06, TP05.01–TP05.07, TP07.01, and TP10, but modified to show:
  - (a) The notation on plan TP00.01 that the 'Existing sewer and storm water drainage to be rerouted and easement to be expunged subject to council and South East Water approval' amended to include that this does not form part of the permissions granted under this permit.
  - (b) The height and/or setback of the south-west corner of the building amended to avoid additional overshadowing to the secluded private open space of the dwelling at 2/149 Union Street.
  - (c) The south facing windows of the habitable rooms at ground and first floor level of the building that are directly opposite the secluded private open space of the dwelling at 2/149 Union Street to have sill heights of 1.2 metres above finished floor level.
  - (d) The 'new 600 millimetre high lattice above a 2 metre high fence' to be located along part of the southern boundary (with 95 Thomas Street)



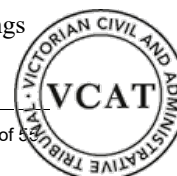
and eastern boundary (with 151 Union Street) to be a self-supporting structure separate to the boundary fences, and the lattice to be no more than 25% transparent.

- (e) The height of the retaining walls adjacent to the northern and southern side property boundaries increased to retain the natural ground level between the retaining walls and the property boundaries.
- (f) The location of any external bin storage area for the café shown on the relevant plans, if applicable. Any external bin storage area should be located as far as practicable from any habitable room windows of dwellings on adjoining properties and in a location and/or enclosed so that the bins will be screened from view from the street and adjoining properties.
- (g) The location of any external outlet vent(s) for the ventilation of the bin room. Any external outlet vent(s) should be located as far as practicable from boundaries with adjoining residential properties.
- (h) The height of the metal palisade fence along the Wrixon Avenue frontage reduced to a maximum of 1.5 metres above the level of the footpath.
- (i) Design details (including the degree of transparency and colour) of any external screens, including trellis, to manage overlooking in accordance with Clause 53.17-3 of the Bayside Planning Scheme.
- (j) A schedule of construction materials, external finishes and colours (including physical samples).
- (k) Any changes required consistent with the sustainable management plan approved pursuant to condition 10 of this permit.
- (l) Any changes required consistent with the landscape plan approved pursuant to condition 14 of this permit.
- (m) Any changes required consistent with the tree management report and tree protection plan approved pursuant to condition 17 of this permit.
- (n) Any changes required consistent with the waste management plan approved pursuant to condition 23 of this permit.
- (o) Any changes required consistent with the traffic and car parking management plan approved pursuant to condition 25 of this permit.
- (p) Any changes required consistent with the public works plan approved pursuant to condition 29 of this permit.

all to the satisfaction of the Responsible Authority.

#### General

- 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 development (buildings and works) permitted by this permit starts, or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed in accordance with the permit and endorsed plans, to the satisfaction of the Responsible Authority.
- 4 Before the occupation of the development (buildings and works) permitted by this permit starts, all proposed screening of windows shown on the endorsed plans must be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
- 5 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 prior written consent of the Responsible Authority.
- 6 All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view from the adjoining streets and properties, to the satisfaction of the Responsible Authority.
- 7 External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.

#### **Café Use**

- 8 The café may be open to the public between the hours of 8:00am and 4:00pm only, seven days a week, unless with the prior written consent of the Responsible Authority.
- 9 Not more than 64 patrons may be present in the café at any one time, without the prior written consent of the Responsible Authority.

#### **Sustainable Design**

- 10 Before the endorsement of plans pursuant to condition 1, an amended sustainability management plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of this permit. The plan must be generally in accordance with the sustainable management plan prepared by Sustainable Development Consultants and dated 29 April 2020 and be modified to include, but not be limited to, the following:
  - (a) Details of the access points to the rainwater tanks for regular maintenance.
- 11 All works must be undertaken in accordance with the endorsed sustainable management plan to the satisfaction of the Responsible Authority. No alterations to the sustainable management plan may occur without the prior written consent of the Responsible Authority.



- 12 Before the occupation of the development (buildings and works) approved under this permit, a report from the author of the endorsed sustainable management plan, or similarly qualified person or company to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the endorsed plan.
- 13 The water sensitive urban design stormwater treatment system/s 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 Before the endorsement of plans pursuant to condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of this permit. The plan must be generally in accordance with the landscape concept plans prepared by Paul Bangay, The Studio, Revision TP-6 dated 12 March 2021, and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - (a) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - (b) A planting schedule of all proposed trees, shrubs, and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - (c) The proposed tree planting along the southern side setback area at the interface with the properties at 2/149 and 151 Union Street to include trees with a lower mature height (5 to 6 metres high) along the boundary and some trees with a taller height at the lower level (Basement 1) 'residents garden'.
  - (d) The proposed tree planting along the northern side setback area at the interface with the property at 2/6 Wrixon Avenue to include some trees with a lower mature height (5 to 6 metres high) or with greater setbacks from the boundary.
  - (e) Inclusion of evergreen trees along the Thomas Street frontage to provide year round foliage, particularly in the landscape area adjacent the café terrace and the landscape area between the car park entry ramp and the southern driveway entry to the porte cochere.
  - (f) Inclusion of evergreen trees along the Wrixon Avenue frontage to provide year round foliage within the streetscape.



- (g) The northern-most *Gleditsia triacanthos* (Honey Locust) tree along the western boundary with 2/6 Wrixon Avenue replaced with an alternative species with non-invasive roots.
  - (h) Removal of batters within the garden beds between retaining walls and the adjacent property boundaries along the northern and southern side boundaries to maintain the natural ground level between the retaining walls and the property boundaries.
  - (i) Removal of the raised steel planter from the garden bed to the rear (west) of the proposed electrical substation kiosk and maintenance of a full, in-ground planting area.
  - (j) Inclusion and details of a root control barrier along the southern boundary in the south-west corner along the Wrixon Avenue frontage, adjacent to the proposed *Magnolia Grandiflora* 'Exmouth' (Bull Bay Magnolia).
  - (k) That sufficient soil volumes are provided to all proposed planting areas, including dimensions and depths of terraces, raised planters and planter boxes, where utilised, including:
    - i Tree planters with a minimum 1 metre soil depth and soil volumes commensurate with the mature size of the trees.
    - ii Low-level vegetation planters with a minimum 0.6 metre soil depth.
  - (l) The following details integrated into the design of the raised in-situ planters:
    - i Free draining non-organic planter mix comprising a sandy loam composition, moisture retaining characteristics, and is free-draining.
    - ii Drainage layer connected to the stormwater system to discharge excess water.
    - iii Waterproof membrane.
    - iv Drip irrigation with a moisture sensing device.
    - v Maintenance regime to review the irrigation system on a regular basis and provide nutrient supplementation on an annual basis.
  - (m) An irrigation system for all planted areas using stormwater collected in the stormwater tank.
  - (n) 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.

#### **Tree Management and Protection Plan**

- 17 Before the endorsement of plans pursuant to condition 1, including any related demolition or removal of vegetation, a Tree Management Report (TMR) prepared by a suitably qualified arborist, 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 this permit

The TMR must include a tree protection plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

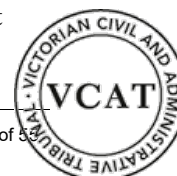
The TMR and the TPP must be part of one document that must be named as the tree management report.

The tree management report must include measures to facilitate the protection of existing trees on adjoining properties and street trees in the public realm, and should include:

- (a) Details of tree protection zones, as per Australian Standard AS4970-2009, for all trees on adjoining properties and public realm where any part of the tree protection zone falls within the subject site.
- (b) Protection measures to be utilised and at what stage of the development they will be implemented.
- (c) Appointment of a project arborist detailing their role and responsibilities.
- (d) Stages of development at which the project arborist will inspect tree protection measures.
- (e) Monitoring and certification by the project arborist of implemented protection measures.

The TPP must:

- (a) Be legible, accurate and drawn to scale.
  - (b) Show the location of all tree protection measures to be utilised.
  - (c) Include a key describing all tree protection measures to be utilised.
- 18 Any modification to the tree management report must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.
- 19 All actions and measures identified in the endorsed tree management report must be implemented.
- 20 Before any development (buildings and works) permitted by this permit starts, the contact details of the project arborist responsible for





implementing the endorsed tree management report must be submitted to the Responsible Authority.

#### **Street Tree Protection**

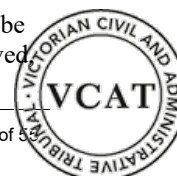
- 21 Before the development (buildings and works) starts, tree protection fencing is to be established around the street trees marked for retention and maintained until the development is complete. The tree protection fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The tree protection zone is to be established and maintained in accordance with Australian Standard AS 4970–2009. During construction of the vehicle crossovers, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
- 22 Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised tree care contractors. No soil excavation may occur within 2.5 metres of the street tree assets measured from the edge of the trunk. Any installation of services and drainage within the tree protection zone must be undertaken using root-sensitive, non-destructive techniques.

#### **Waste Management Plan**

- 23 Before the endorsement of plans pursuant to condition 1, an amended waste management plan must be submitted to and be approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The amended waste management plan must be generally in accordance with the waste management plan prepared by Sustainable Development Consultants and dated 29 April 2020, but modified to include:
  - (a) Inclusion of food and organic waste stream separately to the general waste.
  - (b) Food and organic waste bins provided to service the kitchens within the residential aged care ‘households’, the bar/lounge area and private dining room (at level 2), and the café, and detailed in the waste management plan, to the satisfaction of the Responsible Authority.
  - (c) Details of the process and management of waste collection from the site.
- 24 Waste management and collection from the development must be undertaken in accordance with the endorsed waste management plan, to the satisfaction of the Responsible Authority.

#### **Traffic and Car Parking Management Plan**

- 25 Before the endorsement of plans pursuant to condition 1, a car parking management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved



the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include (but not limited to):

- (a) Direction of vehicle entry and exit to/from the land, including a left turn only exit from the northern driveway exit from the porte cochere.
  - (b) Signage of all car parking spaces.
  - (c) A schedule of all proposed signage including, but not limited to, directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system, as applicable.
  - (d) Line marking of car parking spaces and details of any proposed access controls (i.e. intercoms, garage doors/gates, boom gates), if any, securing access to the basement car park.
  - (e) Measures to discourage employees and visitors from parking vehicles within the surrounding residential street network.
- 26 Vehicle access to and from the land and use of car parking on the land must be undertaken in accordance with the endorsed traffic and car parking plan, to the satisfaction of the Responsible Authority.
- 27 Car parking spaces shown on the endorsed plans must not be used for any purpose other than the parking of vehicles, to the satisfaction of the Responsible Authority.

#### **Drainage**

- 28 Before the development (buildings and works) starts, detailed plans indicating, but not limited to, the method of stormwater discharge to the 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.

#### **Public Works Plan**

- 29 Before the endorsement of plans pursuant to condition 1, a public works plan must be prepared and developed in collaboration with the Bayside City Council, to the satisfaction of the Responsible Authority. The plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
- (a) No stopping restrictions for the Thomas Street site frontage.
  - (b) Details of new or upgraded vehicle crossovers and roads/laneways.
  - (c) Details of the relocation of any existing street parking signs.
  - (d) Details of new street tree plantings, within both Thomas Street and Wrixon Avenue, where required.



- (e) Details of any public lighting.
  - (f) Undergrounding of the powerlines, NBN and cable TV cables on the power poles directly in front of the site for the width of the site on both Thomas Street, subject to the consent of relevant authority or authorities.
- 30 Before the occupation of the development, all public works must be completed in accordance with the endorsed public works plan to the satisfaction of the Responsible Authority. The cost of all works associated with the endorsed public works plan must be borne by the developer/owner(s) of the land, to the satisfaction of the Responsible Authority.

#### **Environmental Audit Overlay**

- 31 Before the development (buildings and works) permitted by this permit starts, the following must be submitted to the Responsible Authority in relation to that part of the land subject to the Environmental Audit Overlay, as applicable:
- (a) a preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* must be issued stating that an environmental audit is not required for the proposed use of the development permitted by this permit; or
  - (b) an environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* must be issued stating that the land is suitable for the proposed use of the development permitted by this permit.

Three copies of the preliminary risk screen assessment statement or environmental audit statement must be submitted to the Responsible Authority.

The buildings and works permitted by this permit must strictly comply with the scope of and any recommendations to be complied with of the preliminary risk screen assessment statement or environmental audit statement.

Depending on the scope of and any recommendations to be complied with of the preliminary risk screen assessment statement or environmental audit statement, an agreement under Section 173 of the *Planning and Environment Act 1987* may need to be entered into with the Responsible Authority. If such an agreement is required:

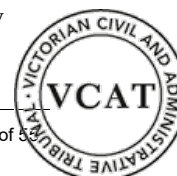
- (a) the agreement must be entered into prior to the commencement of any works or development permitted by this permit;
- (b) all expenses involved in the drafting, negotiating, lodging, registering and execution of the agreement, including those incurred by the Responsible Authority, must be met by the owner(s) of the land.



Should the land be unable to be remediated or managed in accordance with any recommendations of the environmental audit statement or any recommendations require a change to the layout and or design of the buildings and works permitted by this permit or include extensive requirements for the future or ongoing management of the site, the Responsible Authority may seek cancellation of or amendment to the permit pursuant to Section 87 of the *Planning and Environment Act 1987*.

#### **Construction Management Plan**

- 32 Before the development (buildings and works) starts, a construction management plan prepared 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 this permit. The plan must provide for (but not be limited to):
- (a) During construction, all logistics, loading arrangements and vehicle access to the site shall be from Thomas Street. Wrixon Avenue will not be the main site access but shall be utilised only for works associated with that interface inclusive of retaining walls, fencing, planting and authority services.
  - (b) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure.
  - (c) Works necessary to protect road and other infrastructure.
  - (d) Remediation of any damage to road and other infrastructure.
  - (e) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land.
  - (f) Facilities for vehicle washing, which must be located on the land.
  - (g) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street.
  - (h) Site security.
  - (i) Management of any environmental hazards including, but not limited to:
    - i contaminated soil and ground water
    - ii materials and waste
    - iii dust
    - iv stormwater contamination from run-off and wash-waters
    - v sediment from the land on roads
    - vi washing of concrete trucks and other vehicles and machinery



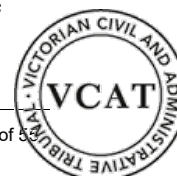
- vii spillage from refuelling cranes and other vehicles and machinery.
- (j) The construction program.
- (k) Parking facilities for construction workers.
- (l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan.
- (m) An outline of requests to Council/public authorities to occupy public footpaths or roads, or anticipated disruptions to local services.
- (n) 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.
- (o) The provision of a traffic management plan to comply with provisions of Australian Standard AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
- (p) Details of bus movements throughout the precinct during the construction period, if relevant.
- (q) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines.
- (r) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system.
- (s) Vehicle borne material must not accumulate on the roads abutting the land.
- (t) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads.
- (u) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

If required, the construction management plan may be approved in stages. Construction of each stage must not commence until a construction management plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

#### **Development Contributions Levy**

- 33 Before the occupation of the development (buildings and works), the developer/permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan.

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 commencement and expiry**

- 34 The development (buildings and works) in accordance with this permit must not commence unless and until the sewer/drainage easement that traverses the land is removed or relocated, to the satisfaction of the Responsible Authority.
- 35 This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
- (a) The development is not started within three (3) years of the issue date of this permit.
  - (b) The development is not completed within five (5) years of the issue date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

– End of conditions –

