

Delegated Planning Committee Meeting Agenda

Thursday 24 October 2023
Commencing at 6pm

COUNCIL CHAMBER

Held online via Zoom

HOBSONS
BAY CITY
COUNCIL



AGENDA

Delegated Planning Committee Meeting Agenda

24 October 2023

1. Apologies

2. Disclosure of a Conflict of Interest

In accordance with section 130 of the Local Government Act 2020, a Councillor must disclose a conflict of interest in accordance with section 15.3 of the Hobsons Bay Governance Rules.

Disclosure must occur immediately before the matter is considered or discussed.

3. Business

Application: PA220611

Address 5, 7 & 9 Jamison Street, Laverton

Proposal: Construction of two or more dwellings on a lot under clause 32.08-6 (10 dwellings) in accordance with the endorsed plans

PA220611 – 5, 7 & 9 JAMISON ST, LAVERTON

Authors Name: Rhys Martin

Appendix: Yes

Purpose

This planning application relates to a proposal to construct 10 double storey dwellings.

Recommendation

That the Delegated Planning Committee resolve to:

- Issue a Notice of Decision to Grant a Planning Permit in respect to Planning Application PA220611 at 5, 7 & 9 Jamison Street, Laverton for the construction of two or more dwellings on a lot under clause 32.08-6 (10 dwellings) in accordance with the endorsed plans and subject to the conditions contained in the Draft Notice of Decision in Appendix 2.

Key Issues

The site is in an area designated for 'moderate change', where the Hobsons Bay Planning Scheme indicates a preference for medium density developments of up to three (3) stories. The proposed 10 unit development provides an ideal transition between the existing scale of Jamison Street and the surrounds, as the area moves towards a gradual increase in density and building scale.

The proposal provides a satisfactory response to the requirements of the Hobsons Bay Planning Scheme, subject to the inclusion of conditions that will require the following:

- A satisfactory landscaping outcome.
- Replacement of the existing street tree proposed for removal.
- Suitable Tree Protection Zones (TPZ's) for existing street trees.
- Modifications to the internal accessway to improve usability.
- Implementation of a shared Council bin collection or private waste arrangement.
- Improvements to the sustainability initiatives proposed for the development, including suitable provisions for the installation of electric car chargers for each dwelling.

Policy Implications

The proposal demonstrates compliance against the relevant State Planning Policy Framework and Local Planning Policy Framework of the Hobsons Bay Planning Scheme as well as the relevant policy of the Hobsons Bay Neighbourhood Character Study 2002.

Consultation and Communication

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*. All owners and occupiers of adjoining land were notified by mail and a sign was placed on site.

Council has received 11 objections with the main concerns relating to:

- Car parking provision/Waiver of visitor car parking
- Additional traffic
- Access to narrow street
- Waste collection

- Site services (water, sewage, drainage)
- Overlooking
- Noise
- Construction (trade start times, parking)
- Property devaluation
- Tree Removal
- Building height and bulk
- Overshadowing

The application was referred to Council's Trees, Waste Management, Traffic Engineering and Sustainability Departments for comment.

Traffic Engineering raised some minor issues, primarily in relation to vehicle turning areas within the internal accessways, however as discussed in the Officer's referral comment response, these issues can be easily addressed via the inclusion of Permit conditions to modify the internal accessways.

Council's Trees Department had no objection to the removal of one (1) street tree, subject to the inclusion of a Permit condition requiring that the owner pay for the removal costs, the lost amenity value and the planting of a replacement tree.

Waste Management requested the inclusion of permit conditions requiring that a shared bin arrangement be formalised for the future occupants of the units.

Sustainability had no significant concerns and requested that standard Sustainability conditions be included on the Permit.

These comments are discussed in further detail in the assessment section of this report.

Conclusion

The proposal for the construction of 10 dwellings is considered appropriate and complies with the requirements of Clause 55 and relevant policy of the Hobsons Bay Planning Scheme.

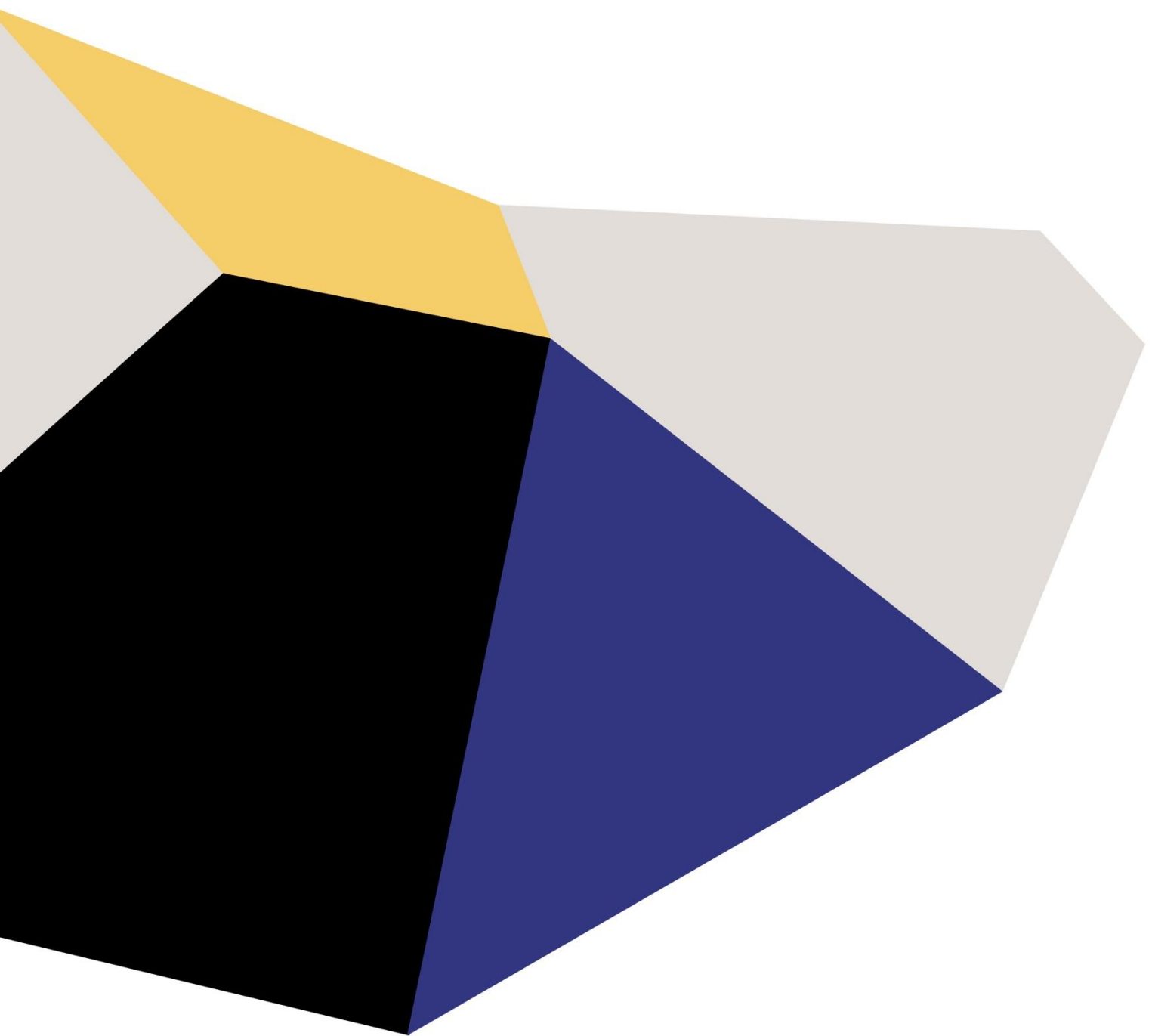
Appendices

1. Officers Report
2. Draft Notice of Decision
3. Advertised Plans

Officer Declaration of Conflict of Interest

Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to the Council, to disclose any direct or indirect interest in a matter to which the advice relates.

Council officers involved in the preparation of this report have no conflict of interest in this matter.



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APPENDIX 1

Officer's Report

Proposal:	Construction of ten (10) double storey dwellings
Applicant:	Meraq Building Design
Date Received:	22 December 2022
Amended Application:	Nil
Counter Days (as at date of DPC meeting):	118 Days as at 24 October 2023
Metropolitan Planning Levy (MPL)	MPLCERT23942
Zoning:	General Residential Zone (Schedule 3)
Overlays:	N/A
Under what clause(s) is a permit required:	Construction of two or more dwellings on a lot in a General Residential Zone (Clause 32.08-6)
Restrictive covenants or easements on the title:	N/A
Cultural Heritage Management Plan:	N/A
Coastal Inundation	No
Major Hazard Facility buffer	No
Site inspection:	6 October 2023
Number of Objections	11
Recommendation	Approve subject to conditions

SUBJECT SITE & LOCALITY TABLE

Site area	Lot 5: 464.52sqm Lot 7: 464.58sqm Lot 9: 696.48sqm Total: 1,627sqm
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Existing conditions



Figure 1: 5, 7 & 9 Jamison St, Laverton (left to right)



Figure 2: 5 & 7 Jamison St, Laverton



Figure 3: 9 Jamison Street, Laverton (driveway of 13 Jamison St to the right)



Figure 4: Entering Jamison St, facing South



Figure 5: 7 & 9 Jamison St, Laverton

Surrounds



Figure 6: Jamison St, September 2022 (Intramaps)

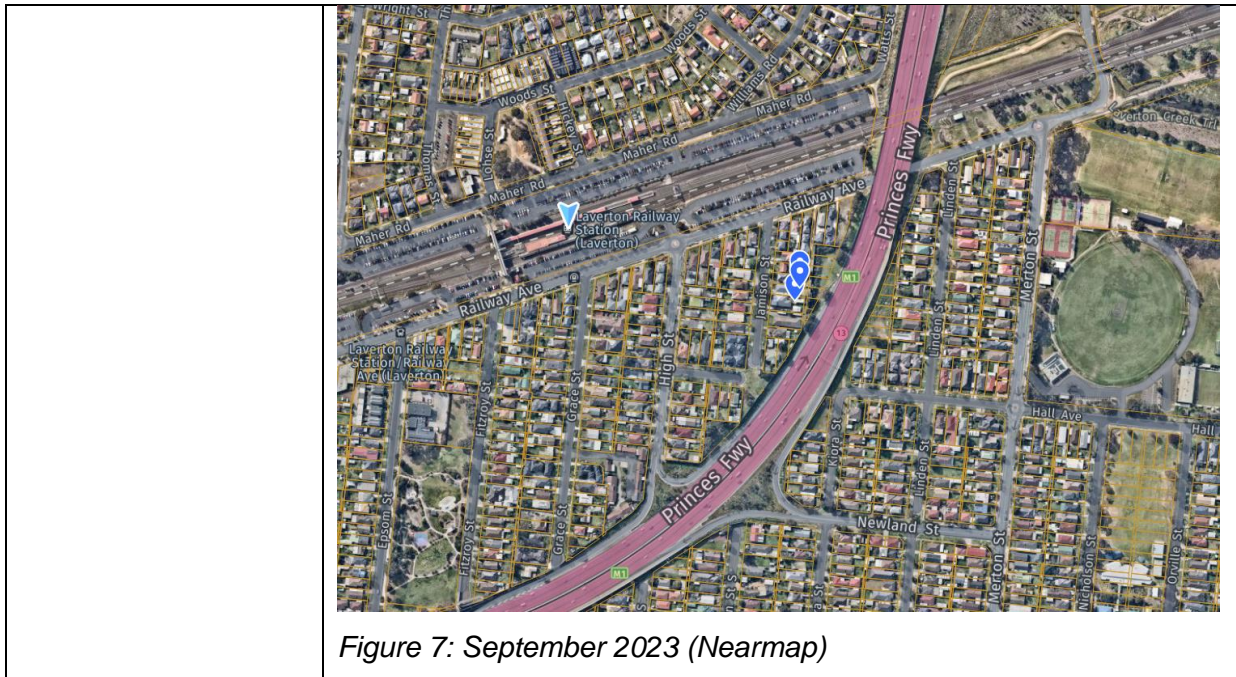


Figure 7: September 2023 (Nearmap)

<p>Local parking restrictions</p>	<p>2-hour parking limits apply on Jamison Street between 9am-5pm, Monday – Friday.</p>
<p>Street trees</p>	<p>There are 3 existing street trees along the site’s frontage, as follows:</p> <ul style="list-style-type: none"> • Monterey Cypress • Hills Fig • Southern Blue Gum
<p>Infrastructure and services</p>	<p>A power pole and 3 x Telstra pits are located in front of 9 Jamison St.</p>
<p>Access to services</p>	

Significant on-site vegetation	Refer to Arborist report prepared by Stem Arboriculture 01/05/2023.
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SITE HISTORY

Permit Number	Details
PA1738678	Council issued a Notice of Decision to refuse to grant a planning permit for 5 Jamison St Laverton for the Construction of 2 dwellings on 25 September 2018.
PA1841555	Planning Permit PA1841555 was issued on 21 June 2019 for the construction of 2 dwellings at 5 Jamison Street, Laverton. An extension to the permit expiry date was granted, allowing construction to commence by 21 August 2023 and completion by 21 August 2025.

PUBLIC NOTIFICATION

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*. All owners and occupiers of adjoining land were notified by mail together with signage on site. Council has received 11 objections with the main concerns relating to:

- Insufficient car parking provision
- Lack of visitor car parking
- Additional traffic to Jamison Street
- Access to narrow street
- Waste collection
- Site services (water, sewage, drainage)
- Overlooking
- Noise
- Construction (trade start times, parking)
- Property devaluation
- Tree Removal
- Building height and bulk
- Overshadowing

INTERNAL REFERRALS

Referral:	Traffic Engineering	Plan Version:	Advertised Plans
Advice/Conditions			
<ul style="list-style-type: none"> • • The site is located next to Laverton Station and it would be expected that there would be some intensification of housing supply. • The existing on-street parking supply allows for approximately five or six vehicles to be parked on the eastern side of Jamison Street between the crossover to no. 3 and the crossover to no. 9. The proposed crossovers will result in approximately four on-street parking spaces in the same area. This change is unlikely to cause significant detriment. • Each proposed dwelling will include the minimum required car spaces per Clause 52.06. Visitor parking is not required due to the site being in the PPTN. • A 2P on-street parking restriction applies on weekdays due the proximity to Laverton Station. Residents of this development will be entitled to parking permits under the current interpretation of the permit policy. This may increase the demand for on-street parking, however, since most dwellings on this street have off-street parking and that demand appears low (via aerial assessment), this increase in demand is likely manageable. • The applicant has provided swept path assessments that show vehicle access is manageable to all parking areas. However, there may be some concern about access to dwelling 3 and 7 where either a long reversing move or an additional corrective move are required. • There is no footpath on the east side of Jamison Street and it is policy to provide footpaths on both sides of all urban streets and roads. As this is a larger development, it should be required that a footpath is provided at least for the length of the frontage. • Conditions <ul style="list-style-type: none"> • A 1.8-wide-footpath must be provided on the eastern side of Jamison Street for the length of the frontage at the cost of the developer to the satisfaction of the responsible authority. • All crossovers must be constructed to the HBCC SD9 standard or EDCM 501/502 standard to the satisfaction of the responsible authority. • Any fully or partially redundant crossovers must be removed and the footpath, nature strip, kerb, and channel reinstated to the satisfaction of the responsible authority. 			
Response			
<p>The above conditions will be applied to any permit issued.</p> <p>In relation to Traffic Engineering's concerns with the turning manoeuvres required for Unit 3, the vehicle movement could be improved by shifting the communal bin area further to the east by approximately 1 metre and increasing the concreted accessway area in front of the bin area to allow a reverse entering or existing movement from/to the Unit 3 garage. A</p>			

condition will be applied requiring the above changes, which must be accompanied by a revised swept path diagram from a suitably qualified Traffic Engineer.

The above changes would also provide the Unit 7 vehicle with additional area to manoeuvre and would consequently require them to reverse approximately 15 metres. Any potential vehicle conflicts or issues of safety in relation to vehicles reversing could also be addressed via the inclusion of a permit condition requiring that a convex safety mirror be provided to the bin storage area, facing south-west, to allow reversing vehicles to view incoming traffic from the main accessway from the street. The inclusion of the convex safety mirror was discussed with Traffic Engineering, who provided no objection provided that the mirror be provided on site as mentioned and not on the road reserve.

Referral:	Sustainability	Plan Version:	Advertised Plans
Advice/Conditions			
<p>The application almost meets Council's current expectations for Environmentally Sustainable Design (ESD) standards for a development of this type and scale in its current form. Alterations to the report and application drawings need to be undertaken before the application can be deemed to meet Council's ESD standards. As there are no major issues, these can be addressed as part of their condition 1 submission. Items to be addressed are outlined below.</p> <p><u>Plans/drawings Requirements:</u></p> <ol style="list-style-type: none"> 1. Site plan & architectural plans <ol style="list-style-type: none"> 1.1. Any subsequent resubmission of the plans/drawings must clearly highlight the changes (e.g., clouds around changes) and must reflect all updates to the SDA and all associated reports where applicable. 1.2. Provide openable window or operable skylight to the upper floor of all stairwells to allow stack ventilation through the area. 1.3. Mention the type of bath size provided in the development. 1.4. All bathrooms should have access to an openable window, operable skylight, or exhaust fans controlled by humidity sensors. 1.5. Provide daylight access to all garages via a translucent garage door panels, glazed door to POS or skylight. 1.6. To claim the Transport 2.1 Electric Vehicle Infrastructure BESS credit, show on plans tentative location of the electric vehicle charging point in the garage with a note or associated legend item saying "minimum 32A dedicated circuit from load centre to garage". 1.7. Remove reference of raingardens from the architectural drawings as no raingardens are proposed for this development. 1.8. Washing machines are not part of the base built (as per the BESS). Remove the reference from the architectural plans. 2. Landscape plan <ol style="list-style-type: none"> 2.1. The landscape plan must include the following information: 			

- Demonstrate commitment to BESS Water 3.1 Water Efficient Landscaping credit including mulching, planting selection and information on the drought tolerance/low water use capability of the various plants.
- Include the lawn/turf also in the planting schedule which must be of a drought tolerant variety.
- Be consistent with, and include a note on, the minimum vegetation area nominated in BESS Urban Ecology 2.1 Vegetation credit.
- Be consistent with the WSUD plans and must show all the WSUD treatment systems (referencing their details to the SDA report and/or to engineer as appropriate).
- Provide details of any non-vegetated permeable areas (including permeable paving/driveway, steppingstones, toppings etc.) via a schematic cross section diagram/s showing the surface layer and substrate layers demonstrating effective permeability of water into the ground.

3. Materials and Finishes

- 3.1. Unless there are conflicting urban design requirements, all roofs, walls and exposed concrete driveways, specify light-coloured finishes or materials (Solar Reflective Index >50 or Solar Absorptance <0.6) to all roofs, walls and exposed concrete driveways to help mitigate the urban heat island effect.

SDA/SMP Requirements:

1. General

- 1.1. Following this referral, any subsequent resubmission all associated reports must clearly highlight the changes (e.g., highlighted text/images)
- 1.2. The project needs to meet the minimum 50% overall BESS score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) categories in BESS to demonstrate best practice in sustainable design. In addition to addressing issues mentioned, in areas falling short of the targets, adjustments will need to be made to demonstrate that the project meets the BESS minimums.

2. IEQ

- 2.1. Cannot claim credit 2.2 cross flow ventilation as there should be only one opening between the ventilation paths. Breeze path diagram between the master bedroom and bedroom 3 passes through two doorways. If operable skylights could be provided to the stairwell, then the current breeze path will be accepted.

3. Waste

- 3.1. Commitment to diversion of minimum 80% reuse/recycling of construction and demolition waste from landfill must be made in report/plans.

4. Urban Ecology

- 4.1. The Urban Ecology 2.1 Vegetation credit must include only turfed or planting areas and cannot include other landscaping elements such as hard paving/pavers (including permeable paving), loose pavers/steppingstones aggregate/pebbles, synthetic grass, decks, pool, RW tanks, storage sheds etc. This area must be demarcated on landscape plan accurately and entry in BESS must be updated.

5. Building Materials

- 5.1. Concrete use supplementary cementitious material (SCM) and recycled aggregate where appropriate and recycled water in its manufacture.

Recommendations for Improving Outcomes:

1. Energy
 - 1.1. No on-site renewable energy generation is proposed. Considering the roof space and solar access available, a solar PV system is recommended to reduce energy use and costs.
2. Urban Ecology
 - 2.1. Urban Ecology 2.4 Private Open Space - Balcony / Courtyard Ecology - an outdoor tap connected to the tank for use in the garden could be included.
3. IEQ
 - 3.1. Appropriate shading could be provided to east, west and north facing facade.

Response

These matters have been addressed by the recommended permit conditions.

Referral:	Trees	Plan Version:	Advertised Plans
Advice/Conditions			
<p>Council can support all the removals and the tree protection recommendations within the report.</p> <p>The cost of the street tree removal and replacement will be as follows: Removal \$247.59 Amenity Value: \$1530.10 Replacement tree planting and maintenance: \$800 Total fees: \$2577.69</p>			
Response			
<p>These matters have been addressed by the recommended permit conditions.</p>			

Referral:	Waste Management	Plan Version:	Advertised Plans
Advice/Conditions			
<p>Must be included in the WMP:</p> <p>During demolition/construction a private provider will need to be responsible for waste collection</p> <p>Bins will need to be surrendered prior to demolition to ensure contamination does not occur.</p> <p>Body corporation will be required to apply for a shared bin arrangement when construction has ceased.</p>			
Response			
<p>These matters have been addressed by the recommended permit conditions.</p>			

RELEVANT POLICIES

The following policies are relevant to this application:

Planning Policy Framework

- Clause 02.03-1 (Settlement).
- Clause 02.03-5 (Built environment and heritage).
- Clause 02.03-6 (Housing).
- Clause 11.02-1S (Supply of urban land).
- Clause 15.01-1R (Urban design – Metropolitan Melbourne).
- Clause 15.01-1L-02 (Landscape design and canopy tree cover).
- Clause 15.01-2L-01 (Building design).
- Clause 15.01-2L-02 (Residential development design).
- Clause 15.01-5L (Hobsons Bay preferred neighbourhood character).
- Clause 15.01-2L-04 (Environmentally sustainable development).
- Clause 16.01-1L (Location of residential development).
- Clause 18.02 (Movement networks).

Zoning

- Clause 32.08 (General Residential Zone - Schedule 3).

Relevant Particular Provisions

- Clause 52.06 (Car Parking).
- Clause 55 (Two or more dwellings).
- Clause 65 (Decision Guidelines).

ASSESSMENT

Planning Policy Framework Discussion

The proposed development for ten (10) dwellings is consistent with the Planning Policy Framework to provide for a range of dwelling types that delivers medium density residential development and urban consolidation in a way that does not compromise the neighbourhood character or amenity of an area. The proposed built form and design will positively contribute to the neighbourhood character in Jamison Street. The proposal includes appropriate front, side and rear setbacks and a design that is consistent with the character of Jamison Street and the surrounds. The proposed material schedule will ensure a high-quality design response for each dwelling and is consistent with the materials used at existing contemporary developments nearby.

Neighbourhood character

Having regard to the objectives and strategies set out in Clause 15.01-5L (Hobsons Bay preferred neighbourhood character) and the neighbourhood character objectives in Schedule

3 to Clause 32.08 (General Residential Zone), the application complies with the relevant neighbourhood character policy in the following ways:

Landscaping

- The architectural plans include sufficient open space for one canopy tree to be planted in the front setback of all dwellings with a street frontage and one canopy tree will be planted in the rear yard. Two (2) of the largest street trees are proposed to be retained, while the existing Hills Fig Street tree is proposed for removal.
- Sufficient space has been provided for garden beds along the vehicle accessways.

Siting

- The proposed siting is consistent with the emerging character of contemporary dwellings in Jamison Street and the surrounds, which are typically single and double storey dwellings with low-pitched roof forms and garages that are set behind the building line. The proposed dwellings include front and rear setbacks that replicate the rhythm of spacing along Jamison Street.
- The proposal incorporates a scale and siting that is consistent with other residential development on Jamison Street, including the development at the neighbouring sites at 32 Reschke Court and 27 Railway Ave, 1 A & 1B Jamison Street.

Height and building form

- The double-storey height of the proposed development with hipped roof form is consistent with development in the immediate area. Front entries front the street and internal accessway are clearly indicated with porches.

Materials

- The proposal consists of light and dark grey rendered cladding, James Hardie Linea weatherboard cladding and light grey Colorbond roofing. Front doors are in timber and porches are constructed with monument rendered cladding.

Environmentally Sustainable Development

Clause 15.01-2L-04 requires a Sustainable Design Assessment to be submitted for any development of between two and nine dwellings. The submitted assessment shows satisfactory compliance with this local policy, subject to the inclusion of planning permit conditions.

Minimum garden area requirement

Required Garden Area	Garden Area Proposed
35% (569.45sqm)	36.12% (587.62sqm)

Schedule 3 to Clause 32.08 (General Residential Zone)

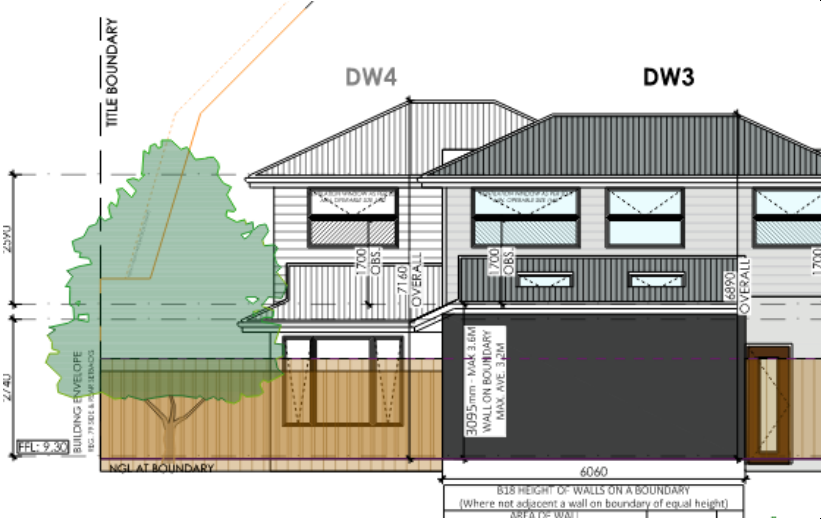
Standard	Modified Clause 55 Requirement	Response to Requirement
Landscaping B13	Provide garden beds along accessways.	Complies subject to condition. Sufficient space for garden beds has been provided, with 500mm along each side of the communal

	<p>Provide canopy trees in the following locations:</p> <ul style="list-style-type: none"> • At least 1 tree within the secluded private open space of each dwelling • On lots with a frontage of 20 metres or less, at least 1 tree in the street setback • On lots with a frontage greater than 20 metres, at least 2 trees in the street setback • 	<p>accessway. A condition will be included on any permit granted requiring that the garden beds be shown on the planting schedule.</p> <p>The architectural plans show indicative locations for the planting of 5 canopy trees in the front street setback, or one per dwelling, as well as the inclusion of canopy trees for each dwelling's private open space area.</p>
<p>Front fence height B32</p>	<p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> • 1.5 metres in a Transport Zone 2. • 1.2 metres in other streets. 	<p>Complies.</p> <p>The plans specify that no front fence will be provided.</p>

Clause 55 Assessment

Objective	Assessment
<p>Neighbourhood Character (Clause 55.02-1; B1)</p>	<p>Complies.</p> <p>See assessment above.</p>
<p>Residential Policy (Clause 55.02-2; B2)</p>	<p>Complies.</p> <p>See assessment above.</p>
<p>Dwelling diversity (Clause 55.02-3; B3)</p>	<p>Complies.</p> <p>The development provides a combination of two and three bedroom dwellings.</p>
<p>Infrastructure (Clause 55.02-4; B4)</p>	<p>Complies subject to condition.</p> <p>A planning permit condition will be applied to any permit issued requiring that a stormwater management plan be submitted to Council for approval prior to the commencement of development. The development is likely to require the inclusion of a retarding water basin in order to avoid overloading the capacity of the existing drainage network.</p> <p>A condition will also be applied requiring that the site be connected to all necessary services, and that any service network upgrades required to accommodate the development be made at the cost of the owner.</p>
<p>Integration with the street (Clause 55.02-5; B5)</p>	<p>Complies.</p>

	All dwellings have their entries fronting the Jamison Street and will have multiple habitable rooms overlooking the street for passive surveillance.
Street Setback (Clause 55.03-1; B6)	<p>Complies with objective, variation to standard required.</p> <p>The average front setback of the two adjoining dwellings (3 & 13 Jamison Street) is 6.5 metres. The proposed setback of the development is 6 metres. The reduction of the average street setback is appropriate as it meets the objective based on the following:</p> <ul style="list-style-type: none"> ▪ A minor dispensation of 500mm is sought. ▪ The garages of the dwellings fronting the street are setback from the front wall by 1.0 metre, and setback from the street 7 metres. ▪ The setbacks on the east side of Jamison Street are varied, and range between 1.0-7.6m.
Building Height (Clause 55.03-2; B7)	<p>Complies.</p> <p>The dwellings will have a maximum building height of 7.04m.</p>
Site Coverage (Clause 55.03-3; B8)	<p>Complies</p> <p>The development has a site coverage of 43.70% which complies with the 60% maximum required.</p>
Permeability and stormwater management (Clause 55.03-4; B9)	<p>Complies.</p> <p>The development has a permeable area of 37.64% which exceeds the minimum 20% required.</p>
Energy efficiency (Clause 55.03-5; B10)	<p>Complies.</p> <p>The dwellings are appropriately oriented to make appropriate use of solar energy as practical. All dwellings include areas of Private Open Space that will receive direct northern solar access. A number of dwellings including unit 3, 5, 6 and 7 have been provided with skylights above the living, meals and kitchen areas in order to improve the natural lighting internally.</p> <p>The application was also accompanied by an appropriate SDA which incorporates energy efficiencies into the buildings, subject to the recommended permit conditions.</p>
Open space (Clause 55.03-6; B11)	Not applicable.
Safety (Clause 55.03-7; B12)	<p>Complies.</p> <p>The entry points to each dwelling are identifiable from either Jamison Street or within the communal accessway and are not obscured by the garage or landscaping in the front setback or the internal accessway.</p>

<p>Landscaping (Clause 55.03-8; B13)</p>	<p>Complies. See modified Clause 55 assessment above. A landscape plan will be required via permit condition.</p>
<p>Access (Clause 55.03-9; B14)</p>	<p>Complies. The accessways to the site occupy 14 metres or 32.7% of the site's 42.69m frontage.</p>
<p>Parking Location (Clause 55.03-10; B15)</p>	<p>Complies with objective, variation to standard required Car parking is provided to each dwelling via a single car garage, with safe and convenient access. The habitable room window to dwelling 8 has been setback 1.5m from the common accessway, achieving compliance. The dwelling 2 kitchen window facing the accessway has a setback of only 500mm and requires a variation to the standard. The variation will be acceptable on the proviso that the window sill has a minimum height of 1.5m, and a permit condition will be included requiring that the window be provided with double or triple glazing to alleviate any potential noise issues.</p>
<p>Side and rear setbacks (Clause 55.04-1; B17)</p>	<p>Complies. Side and rear setbacks have been shown on the architectural plans that demonstrate compliance with Standard B17. The side setbacks include allowable encroachments from the eaves, which encroach approximately 360mm on the north and south sides. The below excerpts from the plans demonstrate compliance on both side setbacks and the rear setback.</p> 

<p>Walls on boundaries (Clause 55.04-2; B18)</p>	<p>Complies.</p> <p>Wall on boundary construction is proposed on the following boundaries:</p> <p>North boundary</p> <p>Allowable wall on boundary distance: 17.03m Proposed wall on boundary distance: 15.00m</p> <p>South boundary</p> <p>Allowable wall on boundary distance: 17.03m Proposed wall on boundary distance: 15.00m</p> <p>All walls on boundary have a maximum average height of 3.2m</p>
<p>Daylight to existing windows (Clause 55.04-3; B19)</p>	<p>Complies.</p>

	The development is not directly opposite any adjoining habitable room windows.
North-facing windows (Clause 55.04-4; B20)	Complies. There are no north facing windows within 3m of the boundary on abutting allotments.
Overshadowing Open Space (Clause 55.04-5; B21)	Complies. The development will not overshadow any neighbouring areas of secluded private open space. Overshadowing to abutting allotments is minimal, and should only fall on the driveway and carports of the neighbouring 13 Jamison Street to the south.
Overlooking (Clause 55.04-6; B22)	Complies. All first floor windows with the potential to overlook have been provided with obscure glazing to a minimum height of 1.7m, which achieves compliance and alleviates any potential overlooking issues.
Internal views (Clause 55.04-7; B23)	Complies. Similar to the above discussion on overlooking, all first floor windows have sill heights of 1.7m, or have otherwise been provided with obscure glazing in order to avoid any potential internal views.
Noise impacts (Clause 55.04-8; B24)	Complies. Noise sources such as air conditioning units and hot water services have been shown on the plans in appropriate locations and are not adjacent to any neighbouring habitable room windows.
Accessibility (Clause 55.05-1; B25)	Complies. All dwellings could be readily modified to allow access by a person with limited mobility.
Dwelling entry (Clause 55.05-2; B26)	Complies. All dwellings are visible from the street or internal accessways and are clearly signalled by porches.
Daylight to new windows (Clause 55.05-3; B27)	Complies. All new windows are provided with an outdoor space clear to the sky with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky,
Private Open Space (Clause 55.05-4; B28)	Complies with objective, variation to standard required All dwellings have generally been provided with adequate areas of private open space (POS) and secluded private open space (SPOS), with area measurements as follows:

	<p>Dwelling 1 POS: 56.06sqm SPOS: 28.64sqm</p> <p>Dwelling 2 POS: 64.22sqm SPOS: 28.96sqm</p> <p>Dwelling 3 POS: 39.60sqm SPOS: 30.8sqm</p> <p>Dwelling 4 POS: 44.64sqm SPOS: 29.34sqm</p> <p>Dwelling 5 POS: 46.07sqm SPOS: 37.8sqm</p> <p>Dwelling 6 POS: 40.67sqm SPOS: 29.51sqm</p> <p>Dwelling 7 POS: 39.74sqm SPOS: 26sqm</p> <p>Dwelling 8 POS: 79.02sqm SPOS: 25.41sqm</p> <p>Dwelling 9 POS: 54.14sqm SPOS: 26.92sqm</p> <p>Dwelling 10 POS: 55.21sqm SPOS: 27.78sqm</p> <p>Dwelling 3 and 7 fall short of the minimum 40sqm of POS by 0.40sqm and 0.26sqm respectively. The shortfall for each space is in the range of 260-400 square millimetres and is likely to be imperceivable to users of the private open space areas. The reduction is considered minor and will be acceptable given that it will not affect the overall usability of the space</p>
<p>Solar access to Open Space (Clause 55.05-5; B29)</p>	<p>Complies with objective, variation to standard required.</p> <p>The following dwellings have areas of private open space with walls to the north:</p> <p>Dwelling 7</p> <p>Height of wall to the north: 5.44m</p> <p>Setback required from southern boundary: $2 + (5.44 \times 0.9) = 6.89\text{m}$</p> <p>Setback provided: 6.5m</p>

	<p>Dwelling 9</p> <p>Height of wall to the north: 3.53m</p> <p>Setback required from southern boundary: $2 + (3.53 \times 0.9) = 5.17\text{m}$</p> <p>Setback provided: 7.55m</p> <p>The setback of the dwelling 7 southern boundary falls short of the numerical requirements of the Standard. The variation to the standard is acceptable as it still achieves the objective of the provision based on the following:</p> <ul style="list-style-type: none"> ▪ The shortfall of the minimum setback is negligible and falls short by a minor 390mm. ▪ An area of 12.15m (or 35%) of the Private Open Space does not have a wall to the north. ▪ The private open space is still provided with a reasonable level of amenity and will be adequate in considering that the dwelling has only 2 bedrooms. ▪ A secondary service yard/area of POS has been provided to the dwelling
Storage (Clause 55.05-6; B30)	<p>Complies.</p> <p>Each unit has been provided with a storage shed with a minimum capacity of 6 cubic metres.</p>
Design Detail (Clause 55.06-1; B31)	<p>Complies.</p> <p>The proposed design detail is consistent with the emerging character of multi-unit developments throughout Laverton, which feature pitched roofs, eaves, setback garages and reasonably articulated upper levels.</p>
Front fences (Clause 55.06-2; B32)	N/A
Common Property (Clause 55.06-3; B33)	<p>Complies.</p> <p>The common property throughout the site is practical, attractive and easily maintained.</p>
Site Services (Clause 55.06-4; B34)	<p>Complies subject to condition.</p> <p>It is noted that while the communal bin storage area is conveniently located for the rear units, some of the units facing the street may be inconvenienced by the distance required to travel to the bins.</p> <p>Unit 8 will have access to the communal area through the garage.</p> <p>A condition will be applied requiring that Units 2 and 9 be provided with a gate to their POS boundary fence, to enable them convenient access to the rear communal bin area.</p> <p>It is noted that Unit 1 and 10 cannot utilise a gate to the rear and that they are individually serviced, so will not require</p>

	access to any common property. Therefore, a condition will be applied requiring that Units 1 & 10 be provided with their own bins, and that bin storage for 4 bins (3 x 120L and 1 x 240L) be provided on site, either by modification to the size of the garage, or via bin hutches that be provided in the front setback, with a design and location to the satisfaction of Council.
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Clause 52.06 Assessment

<u>Design standard</u>	Compliance and Discussion
<p>Table 1 sets out the number of car parking spaces required for a use.</p> <p>Dwelling</p> <ul style="list-style-type: none"> • 1 to each one or two bedroom dwelling, • 2 to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) • 1 for visitors to every 5 dwellings for developments of 5 or more dwellings. 	<p>Complies.</p> <p>Units 1, 2, 9 and 10 have three (3) bedrooms and have been provided with two (2) car parking spaces in the form of a single car garage and tandem driveway space.</p> <p>Units 3, 4, 5, 6, 7 and 8 have two (2) bedrooms and have been provided with one (1) car parking space in the form of a single car garage.</p> <p>Visitor car parking is not required as the subject is located within the Principal Public Transport Network (PPTN) and is exempted by Table 1 to Clause 52.06-5 of the Hobsons Bay Planning Scheme.</p>
Design standard 1: Accessways	<p>Complies.</p> <p>The accessway is provided with a minimum width of 3.0m and has a minimum radius of 4.0m at changes of direction.</p>
Design standard 2: Car parking spaces	<p>Complies.</p> <p>Car parking spaces have been provided with compliant dimensions.</p>
Design standard 3: Gradients	<p>N/A</p> <p>The site is generally flat and does not feature any changes of grade.</p>
Design standard 4: Mechanical parking	N/A
Design standard 5: Urban design	<p>Complies.</p> <p>The garage doors of the dwellings fronting the street have been suitably setback from the front wall of the dwellings to reduce dominance.</p>

Design standard 6: Safety	Complies subject to condition. See discussion in Planning Officer's response to the Traffic Engineering referral.
Design standard 7: Landscaping	Complies.

RESPONSE TO OBJECTIONS

The following is a response to the concerns raised by the objectors that have not been discussed in the above assessment:

Concern	Response
Insufficient car parking provision	Discussed in assessment of Clause 55.06
Lack of visitor car parking	The site is within the Principal Public Transport Network (PPTN). Pursuant to Table 1 at Clause 52.06-5 of the Hobsons Bay Planning Scheme, a visitor car parking space is not required.
Additional traffic to Jamison Street	Many objectors are concerned the proposal will increase traffic congestion and demand for on-street car parking. The existing road network is capable of accommodating the increased traffic generated by the proposal. It is also noted that, reduced car parking provision in and of itself, can encourage greater uptake of alternative transport modes in the first instance. A further benefit of a modal shift such as this, is that surrounding streets experience a lower volume of vehicle movements.
Access to narrow street	The existing width of the road and any access issues for vehicles, trucks or emergency vehicles is not a matter that can be addressed by this proposal. The development provides suitable vehicle access to the street for vehicles.
Waste collection	Discussed in assessment of Clause 55.06-4 and referral comments from Council's Waste Management Department.
Site services (water, sewage, drainage)	Discussed in assessment of Clause 55.02-4.
Overlooking	Discussed in assessment of Clause 55.04-6.
Noise	Discussed in assessment of Clause 55.04-8.
Construction (trade start times, parking)	Construction concerns will be addressed during the building stage of the project, with any construction related issues to be addressed by Council's Building Compliance and Local Laws units as necessary.

Property devaluation	As determined in numerous VCAT rulings, a perceived property devaluation is not a relevant planning consideration.
Tree Removal	The proposal will retain and protect numerous street trees during construction, which will be required as a condition of permit, however one (1) nature strip tree is proposed for removal. The removal has been considered by Council's Arborist and is determined to be acceptable on the proviso that a fee be levied for the loss of amenity caused by the removal of the tree. Notwithstanding, an appropriate landscape outcome – including the replacement of existing vegetation – will be required via a condition of permit.
Building height and bulk	Discussed in assessment of Clause 55.02-1
Overshadowing	Discussed in assessment of Clause 55.04-5.

CONCLUSION

The intensity, siting, form, materiality, and scale of the development would achieve the balanced approach sought under State and Local Policy, subject to the inclusion of recommended conditions. The proposal would contribute positively to the local context, would enhance the public realm, and respect and compliment the identified suburban values in this area.

Further, compliance with the objectives of the General Residential Zone and Clause 55 (ResCode) demonstrates that the development proposes an appropriate design in response to the sites constraints, the pattern of development in this neighbourhood character setting, whilst resulting in no unreasonable amenity impacts on the neighbouring properties and facilitating an additional ten (10) dwellings, consistent with the “moderate change” designation of the area.

RECOMMENDATION

That the Delegated Planning Committee, having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* in respect of planning permit application PA220336 resolves to:

- Issue a Notice of Decision to Grant a Planning Permit under the provisions of the Hobsons Bay Planning Scheme on the grounds contained in the Draft Notice of Decision to Grant a Planning Permit in Appendix 2 in respect of the land known and described as 5, 7 & 9 Jamison St, Laverton for the construction of two or more dwellings on a lot under clause 32.08-6 (10 dwellings) in accordance with the endorsed plans

APPENDIX 2

Notice of Decision to Grant a Planning Permit



NOTICE OF DECISION TO GRANT A PERMIT

Application No: PA220611

Planning Scheme: Hobsons Bay Planning Scheme
Responsible Authority: Hobsons Bay City Council

**THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.
THE PERMIT HAS NOT BEEN ISSUED.**

ADDRESS OF THE LAND: 5, 7 & 9 Jamison St, Laverton

WHAT WILL THE PERMIT ALLOW: Construction of two or more dwellings on a lot under clause 32.08-6 (10 dwellings) in accordance with the endorsed plans

WHAT WILL THE CONDITIONS OF THE PERMIT BE:

1. Before the development starts, revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be substantially in accordance with the advertised plans but modified to show to the satisfaction of the Responsible Authority:
 - (a) A revised schedule of all external materials and finishes. The schedule must show the materials, colour and finish of all external walls, roof, facias, window frames and paving (including car parking surfacing). The driveways are required to incorporate a high-quality finish and not plain concrete.
 - (b) A landscape plan including the location of all existing and proposed species. The landscape plan should be designed in accordance with the Hobsons Bay Landscape Design Guidelines, December 2021. An emphasis must be placed on maximising the use of native drought tolerant species and must include:

- Garden beds with a minimum width of 500mm along the common accessway to Jamison Street.
- The provision of at least one advanced canopy trees within the front setback of each dwelling fronting Jamison Street.
- The provision of at least one advanced canopy tree within the rear yard of each dwelling.
- The canopy tree species selected should be listed within the Plant Selection list at Appendix 5 of the Hobsons Bay Landscape Design Guidelines 2021.
- A notation indicating a canopy tree must be a minimum 1.5 metres high at the time of planting.
- A notation stating that all stormwater infrastructure as required by condition 13 of this permit is to be located within the driveways and not in the areas set aside for landscaping unless with the written consent of the Responsible Authority.
- Nominate a Tree Protection Zone in accordance with the Tree Management Plan as required under condition 7 of this permit.
- Provide details of any non-vegetated permeable areas (including permeable paving/driveway, stepping stones, toppings etc.) via a schematic cross section diagram/s showing the surface layer and substrate layers demonstrating effective permeability of water into the ground.
- Demonstrate commitment to BESS Water 3.1 Water Efficient Landscaping credit including mulching, planting selection and information on the drought tolerance/low water use capability of the various plants.
- The lawn/turf must be included in the planting schedule and must be of a drought tolerant variety.
- Be consistent with, and include a note on, the minimum vegetation area nominated in BESS Urban Ecology 2.1 Vegetation credit.
- Be consistent with the WSUD plans and must show all the WSUD treatment systems (referencing their details to the SDA report and/or to engineer as appropriate).

- Provide details of any non-vegetated permeable areas (including permeable paving/driveway, steppingstones, toppings etc.) via a schematic cross section diagram/s showing the surface layer and substrate layers demonstrating effective permeability of water into the ground.
- (c) The removal of the existing street tree on the Jamison Street frontage of the site and the planting of a replacement street tree notated on the site plan. The removal of the existing street tree and its replacement planting are to be carried out by the Responsible Authority at the cost of the owner.
- (d) The site plan to nominate a Tree Protection Zone in accordance with the Tree Protection Plan as required under condition 7 of this permit.
- (e) The location and design (including elevations) of any structure to be sited within the front setback required to accommodate an electricity meter box. The structure must be a maximum height of 1.5m and designed to minimise the visual impact on the streetscape and possible impacts on pedestrian safety and vehicle traffic. If the structure is designed to include integral mailboxes, the mailboxes must be located at the junction of the road reserve with the common driveway, face the street to allow mail delivery from the footpath area and display the street number in accordance with the requirements of Australia Post.
- (f) The location and design (including elevations) of any structures to be sited within the front setback to support gas meters and/or other services. The structures must be a maximum height of 1.2 metres and designed to minimise the visual impact on the streetscape.
- (g) A notation on the site plan that electricity company connections to the proposed dwellings are provided underground.
- (h) A notation on the plans stating that the electrical company connection to Dwelling 1 & 10 must be made via a pit within Jamison Street rather than a group connection.
- (i) The site plan must show the existing natural ground levels and the proposed finished floor levels (FFL's) and site levels reduced to a common datum point (RL) or to Australian Height Datum (AHD). The elevation plans must show the wall heights and overall height based on the RL's.

- (j) The site plan and elevation plan updated to show compliance with the sight line requirements of Clause 52.06-9 of the Hobsons Bay Planning Scheme.
- (k) The location of the communal bin area must be modified to provide additional turning area for vehicles within the communal accessway. Any changes required to improve vehicle manoeuvrability must not reduce the Private Open Space of any dwelling below the minimum numerical requirements of Clause 55.05-4 and must maintain compliance with the minimum Garden Area requirements. Modifications to the accessway must allow the vehicles from Unit 3 and 7 to enter and exit with a three-point manoeuvre. Swept path diagrams must be prepared by a suitably qualified professional.
- (l) An annotation must be shown for the Unit 2 kitchen window facing the accessway stating that double or triple glazing will be provided.
- (m) A convex safety mirror must be provided in the area abutting the communal bin area to provide visibility of the main accessway to vehicles exiting Unit 7.
- (n) Unit 2 and 9 must be provided with a gate to the communal accessway to allow convenient access to the communal bin storage area.
- (o) Unit 1 and 10 must be provided with a minimum of 4 bins comprised of 1 x 240L and 3 x 120L Council bins. Additional space must be provided within the garage areas without impacting the minimum car parking dimensions required by Clause 52.06 - Design Standard 2 and without decreasing the front street setback of the garages.
- (p) A notation on the site plan stating that all stormwater infrastructure as required by condition 13 of this permit is to be located within the driveways and not in the areas set aside for landscaping unless with the written consent of the Responsible Authority.
- (q) In conjunction with the revised Sustainable Design Assessment required by Condition 9, the plans must be revised to show:
- Any subsequent resubmission of the plans/drawings must clearly highlight the changes and must reflect all updates to the SDA and all associated reports where applicable.
 - Openable windows or operable skylights must be provided to the upper floor of all stairwells to allow stack ventilation through the area.

- All bathrooms must have access to an openable window, operable skylight, or exhaust fans controlled by humidity sensors.
 - Provide daylight access to all garages via a glazed door to Private Open Space or skylight.
 - Plans must show tentative location of the electric vehicle charging point in the garage with a note or associated legend item stating "minimum 32A dedicated circuit from load centre to garage".
 - Remove reference of raingardens from the architectural drawings as no raingardens are proposed for this development.
 - Washing machines are not part of the BESS assessment and must be removed from the plans.
2. The development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority. Unless specified in a permit condition, this requirement does not apply if an exemption is available under the Hobsons Bay Planning Scheme.
 3. Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.

Landscaping

4. Prior to the submission of a request for endorsed plans under this permit, the owner must lodge a bank guarantee or bond of \$10,000 with the Responsible Authority to ensure the satisfactory establishment of landscaping works. Once landscaping has been completed in accordance with the endorsed landscaping plan, Council must be notified so a six-week establishment period will commence. The bank guarantee or bond will be returned after an inspection has confirmed the landscaping has been maintained for that period to the satisfaction of the Responsible Authority. After the establishment period, the landscaping must be maintained in accordance with the endorsed landscaping plan to the satisfaction of the Responsible Authority.
5. Prior to the occupation of the buildings hereby permitted, landscaping works as shown on the endorsed plans must be completed and thereafter must be maintained to the satisfaction of the Responsible Authority
6. Concurrently with a request for endorsed plans under this permit, arrangements must be made to the satisfaction of the Responsible Authority for the removal of the existing Hills Fig Street tree and the planting of a replacement street tree. The cost of the street tree removal will include compensation for the loss of

amenity. The removal of the existing tree and planting of the replacement street tree must be carried out by the Responsible Authority at the cost of the owner.

7. Concurrently with a request for endorsed plans under this permit, a Tree Management Plan (TMP) must be prepared by a suitably qualified arborist and submitted to and approved by the Responsible Authority. Once approved, the TMP must be provided to all relevant parties involved with the development of the site allowed under this permit. The TMP must include a Tree Protection Plan (TPP) in accordance with Australian Standards for Protection of Trees on Development Sites (AS4970-2009).
8. Prior to commencement of any works including demolition, the following provisions relating to the protection of the existing street trees must be undertaken to the satisfaction of the Responsible Authority:
 - (a) A suitable Tree Protection Zone with barrier fence must be established around the existing street trees in accordance with the Tree Protection Plan.
 - (b) The Tree Protection Zone must be enclosed using a 2-metre-high temporary cyclone fence or similar, which must remain in place through all stages of the development. This fence must not enclose the footpath which must be kept clear for pedestrian access and a sign must be erected on the fence informing that the fence is a 'Tree Protection Zone'.
 - (c) The area within the Tree Protection Zone must not be disturbed by any means (including parking of vehicles or storage of plant & equipment, materials, soil or waste).
 - (d) No excavation is allowed within the Tree Protection Zone except with the consent of Council's Town Planning Department and under the supervision of a qualified Arborist.

Environmentally Sustainable Design

9. Concurrently with a request for endorsed plans under this permit a revised Sustainable Design Assessment (SDA) and BESS report must be submitted to and approved by the Responsible Authority. When approved the SDA will be endorsed and will then form part of the permit. The assessment and report must be substantially in accordance with those provided with the application, but modified to show to the satisfaction of the Responsible Authority:
 - (a) The project must meet a minimum 50% overall BESS score and minimums in Energy (50%), Water (50%), IEQ (50%) and Stormwater (100%) BESS categories. This must be achieved through committing

to the following ESD initiatives, or through alternatives to the satisfaction of the Responsible Authority –

Energy

- All Dwellings must achieve a minimum 7-star NatHERS energy rating or provide a minimum 2kWp solar photovoltaic system to each dwelling.

Indoor Environment Quality

- Low VOC paints, sealants, adhesives, wall, ceiling and floor coverings and E1 or E0-grade engineered wood products (e.g., MDF, plywood, engineered-wood flooring)

Waste Management

- A diversion of minimum 80% of construction and demolition waste from landfill.
- All steel used in the development will be sourced from a Responsible Steel Maker i.e., must have facilities with a currently valid and certified ISO 14001 Environmental Management System (EMS).
- All concrete used in the development will include supplementary cementitious material (SCM) and recycled aggregate where appropriate and recycled water in its manufacture.
- All timber used on site to be PEFC or FSC certified.

Urban Ecology

- The Urban Ecology 2.1 Vegetation credit must include only turfed or planting areas and cannot include other landscaping elements such as hard paving/pavers (including permeable paving), loose pavers/steppingstones aggregate/pebbles, synthetic grass, decks, pool, RW tanks, storage sheds etc. This area must be demarcated on landscape plan accurately and entry in BESS must be updated.
- Appropriate shading must be provided to the north, east and west facing windows.

10. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Sustainable Design Assessment (SDA), 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 SDA, including any Water Sensitive Urban Design initiatives, have been implemented in accordance with the approved Plan.

11. The sustainable design initiatives listed in the endorsed Sustainable Design Assessment must be incorporated into the development to the satisfaction of the Responsible Authority.

Engineering

12. All basic services including water, electricity, gas, sewerage, telephone and other telecommunication facilities must be installed underground. All above ground meters must be located to the satisfaction of the Responsible Authority. Any service network upgrades required to accommodate the connection of the site must be at the cost of the Owner.
13. Prior to commencement of the development the owner must prepare stormwater drainage design plans to the satisfaction of the relevant Building Surveyor. An application to Council must be made for a Legal Point of Discharge for the disposal of stormwater from the subject land and to determine the relevant Council standards for the stormwater drainage system design. An on-site storm water detention system will be required if the volume of stormwater exceeds the capacity of the legal point of discharge.
14. The owner must meet the costs of all alterations to and reinstatement of, the Responsible Authority and other Public Authority Assets deemed necessary and required by such Authorities for the development. The owner must obtain the prior specific written consent of the Council or other relevant Authority to such alterations and reinstatements and must comply with conditions required by the said Authority in relation to the execution of such works.

Waste

15. Unless otherwise approved in writing by the Responsible Authority, prior to occupation of the dwellings approved by this permit, or the issue of a Statement of Compliance in the event the land is subdivided, the owner of the subject land must, at no cost to the Responsible Authority, enter into an agreement (in a form satisfactory to the Responsible Authority) with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide for:
 - (a) Where residential waste collection service is provided by Hobsons Bay City Council (or its successors), the service will be provided via a Shared Bin arrangement for Units 2-9. The number and mix of bins provided will

be determined based on the needs of the residents and may be reviewed from time to time or at the written request of the owner/owner's corporation.

- (b) Other than where an agreement is entered into with Hobsons Bay City Council (or its successors) for the collection of waste through municipal waste collection.
 - i. The collection of waste from the land is to be undertaken by private waste collection contractors.
 - ii. The collection of waste must be undertaken from within the boundaries of the site.
 - iii. Waste collection bins will not be provided by Council for dwellings on the land.
 - iv. Waste collection times must be in accordance with Part 5 (Domestic Refuse Collection) of the Environmental Protection Authority's Noise Control Guidelines Publication 1254.2, December 2020 (or any publication which supersedes it).

The agreement will end either by agreement between the parties or otherwise in accordance with the provisions of the Act.

- 16. It is further required that this agreement must be registered at the Office of Titles pursuant to Section 181 of the Planning and Environment Act 1987. A Copy of Title showing the Dealing number as issued by the Office of Titles must be provided to the Responsible Authority.
- 17. Prior to the occupation of the dwellings approved by this permit, the owner of the land must either enter into an agreement with the Responsible Authority for the provision of a shared bin service for the dwellings on the site or a private waste contractor for the collection of refuse.
- 18. Concurrently with a request for endorsed plans under Condition 1, a revised Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must state the following:
 - (a) During demolition/construction a private provider must be responsible for waste collection.
 - (b) Bins must be surrendered prior to demolition to ensure contamination does not occur.
 - (c) The Body Corporate will be required to apply for a shared bin arrangement for dwellings 2-9 once construction has ceased.

Parking

19. Prior to the occupation of the buildings hereby permitted, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must to the satisfaction of the Responsible Authority be:
 - (a) Constructed.
 - (b) Properly formed to such levels that they can be used in accordance with the plans.
 - (c) Surfaced with asphalt or concrete unless another surface treatment is approved by Council.
 - (d) Drained and maintained.
 - (e) Line-marked to indicate each car space and all access lanes.

Parking areas and access lanes must be kept available for these purposes at all times.

20. Any vehicle crossings must be constructed in the location shown on the endorsed plan to a standard satisfactory to the Responsible Authority. The relocation of any services including electricity poles, drainage pits, Telstra pits, fire hydrants and the like must be at the expense of the owner and approved by the appropriate authority prior to undertaking such works. Consent for such crossings must be obtained through Council's Contracts, Procurement and Asset Protection Department prior to construction.
21. Prior to the occupation of the development the existing vehicle crossing facing Jamison St must be removed and the footpath, kerb and channel reinstated and made good to the satisfaction of the Responsible Authority.

General

22. A 1.8-wide-footpath must be provided on the eastern side of Jamison Street for the length of the frontage at the cost of the developer to the satisfaction of the responsible authority.
23. All crossovers must be constructed to the HBCC SD9 standard or EDCM 501/502 standard to the satisfaction of the responsible authority.
24. Any fully or partially redundant crossovers must be removed and the footpath, nature strip, kerb, and channel reinstated to the satisfaction of the responsible authority.
25. The electrical company connection to dwelling 1 & 10 must be made via a pit within Jamison Street rather than a group connection.

26. Prior to the occupation of the buildings, all boundary walls on or facing the boundaries of the site must be either raked and cleaned (face brickwork) or rendered and painted or bagged and painted to the satisfaction of the Responsible Authority. Any protruding floor slab must be cleaned and trimmed flush with the wall to the satisfaction of the Responsible Authority
27. All service pipes, (excluding downpipes), fixtures and fittings must be concealed on exposed elevations to the satisfaction of the Responsible Authority.
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.

The Responsible Authority may extend the period in which to start the development if a request is made in writing before the permit expires or within six months afterwards.

The Responsible Authority may extend the period in which to complete the development if a request is made in writing before the permit expires or within 12 months afterwards and the development was lawfully started before the permit expired.

Planning Permit notes:

- Plans submitted for endorsement under a condition of this permit must meet all the requirements of the condition and be lodged electronically on the Council's website www.hobsonsbay.vic.gov.au/planninglodgement. Where the requirements are not met, a fee will apply to any subsequent requests for endorsed plans where the plans submitted with the initial request do not comply with conditions on this permit. If you require assistance with any condition, you should contact Town Planning on 1300 179 944.
- The building is to comply with the requirements of the Building Regulations 2018, and a Building Permit is required before any works are commenced.
- The existing building(s) may contain asbestos. Any demolition works must comply with the Occupational Health and Safety Regulations 2017. Worksafe should be contacted regarding the safe handling of asbestos.
- Disposal of any building materials, including asbestos, must comply with the Environment Protection (Industrial Waste Resource) Regulations 2009. The Environment Protection Authority should be contacted regarding the safe removal of building materials, including asbestos.

- A vehicle crossing permit is required from Council's Contracts, Procurement and Asset Protection Department prior to commencing buildings and works for the construction of a new vehicle crossing or, for the removal of, or alteration to, an existing vehicle crossing.
- Existing street trees must not be removed or damaged.
- The cost of the planting of a new street tree will be **\$800 for planting and maintenance. The cost of the removal of the existing street tree will be \$1,777.69.** These fees cover the planting, watering, ongoing maintenance, removal and loss of amenity of the street tree. The planting of the street tree will be carried out as part of Council's works schedule and only during the May to September planting season.
- Please complete the Landscaping Bond Return Request Form available on the Hobsons Bay City Council website www.hobsonsabay.vic.gov.au when the landscaping, as shown on the endorsed plans, has been completed. The form is to be accompanied by photographs of the completed landscaping. Council will undertake a follow up inspection after the six week establishment period to ensure that the landscaping has been properly maintained. This inspection is free of charge, any subsequent inspections required as a result of the landscaping being non-compliant with the planning permit will incur an inspection fee of \$100 per inspection payable prior to the follow up inspection.
- In the event that an application is made for the subdivision of the land to accord with the development hereby approved, the Responsible Authority will not:
 - Certify the plan of subdivision until construction of the development as approved has substantially commenced, or;
 - Issue a Statement of Compliance until all development works (including landscaping) are completed in accordance with the permit and the accompanying endorsed plans.
- If the land is subdivided in the future, the owner will be required to pay an open space contribution to the Responsible Authority in accordance with Section 18 of the Subdivision Act (1988).
- Pursuant to Local Law 86 of the Hobsons Bay Community Local Law 2015, an owner or occupier must not within 4 metres of a street alignment construct or allow to remain in place a side fence of height greater than 1.2 metres and which is beside a driveway or vehicle access way from a premises.
- The construction of the development must be in accordance with the Hobsons Bay Community Local Law 2015, particularly Part 16 (Control of Building Sites).

APPENDIX 3

Advertised Plans

Link to Advertised Plans

[PA220611 - Advertised Plans](#)