



Minutes of the Planning & Amenity Committee Meeting

held in the Council Chamber
Boxshall Street, Brighton
on Tuesday 11 August 2015
at 7.00pm

PRESENT:

Cr Alex del Porto (Chairman)
Cr Felicity Frederico (Mayor)
Cr Laurence Evans
Cr Michael Heffernan
Cr James Long BM JP
Cr Bruce Lowe
Cr Heather Stewart

OFFICERS IN ATTENDANCE:

Shiran Wickramasinghe	-	Director City Strategy
Stuart Caldwell	-	Manager Statutory Planning
Arthur Vatzakis	-	Statutory Planning Co-ordinator
Rubin Winograd	-	Statutory Planner
Janice Pouw	-	Governance Officer

The Chairman declared the meeting open at 7.00pm and advised members of the public gallery that the Planning & Amenity Committee meeting is being recorded and streamed live on the internet to enhance the accessibility of these meetings to the broader Bayside Community.



APOLOGIES: There were no apologies submitted to the meeting.

DECLARATIONS OF INTEREST:

There were no declarations of interest submitted to the meeting.

Confirmation of the Minutes of the Planning & Amenity Committee Meeting 14 July 2015

Moved: Cr Frederico

Seconded: Cr Stewart

That the Minutes of the Planning & Amenity Committee Meeting held on 14 July 2015 be confirmed.

CARRIED

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REQUESTS TO BE HEARD:

In accordance with Council's Governance Local Law No.1 clause 69, individuals are granted up to 3 minutes to speak upon written application.

Requests to be heard were received from the following people:

Item 4.1 179 Church Street, Brighton

1. Mr Barry Gray (O)
2. Mr Geoffrey Mould (O)
3. Mrs Gayle Avenell (O)
4. Mr Andrew Bromley (A)
5. Mr Michael Yang (A)

Item 4.2 10 Lileura Avenue, Beaumaris

1. Mr Peter Hegarty (O)
2. Mr Alex Gatiragas (O)
3. Mr Warren Overton (O)
4. Mrs Katharine Overton (O)
5. Mr Bruce Keen (A)

Item 4.3 7 William Street, Brighton

1. Mrs Dori Parkin (O)
2. Mr John Smith (O)
3. Mr Grant Michell (A)

Item 4.5 624 Hawthorn Road, Brighton East

1. Mr Zoran Sajinovic (A)

Item 4.6 264 Bay Street, Brighton

1. Mr John Matyas (A)

Item 4.7 9 Dendy Street, Brighton

1. Ms Jean Dunn (O)
2. Mr Steven Putt (O)

**Item 4.8 355C Bluff Road Hampton
2015/107/1**

1. Mr Kim Belfield (A)

**Item 4.9 355C Bluff Road Hampton
2015/113/1**

1. Mr Kim Belfield (A)

Item 4.10 8 Stanley Street, Black Rock

1. Dr Joseph Toscano (O)
2. Dr Kira Michalova (O)
3. Mr Chris Rawlings (A)

Item 4.12 7 Coombe Avenue, Hampton

1. Mr Demetrios Stoupas (A)

OFFICERS' REPORTS:

4.1 179 CHURCH STREET, BRIGHTON

It is recorded that Mr Barry Gray, Mr Geoffrey Mould, Mrs Gayle Avenell, Mr Andrew Bromley and Mr Michael Yang spoke in relation to this matter.

Moved: Cr Heffernan

Seconded: Cr Stewart

That Council having caused notice of Planning Application No. 2014/531/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 179 Church Street Brighton, for the construction of a three storey apartment building generally in accordance with the amended plans received 4 June 2015, and subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted but modified to show:
 - a) The second floor setback a minimum of 4 metres behind the first floor street wall.
 - b) Additional glazing to be provided to the second floor street wall.
 - c) A flat roof to be provided with overhanging eaves at the street wall.
 - d) All setbacks to be provided in accordance with Standard B17 at the first and second floors.
 - e) Nomination of the fence heights along the north eastern (rear) and south western (side) boundaries in accordance with Standard B22 of Clause 55 of the Bayside Planning Scheme.
 - f) Windows at first floor level facing the rear, to feature 'fixed obscure glazing'.
 - g) Relocation of the services area within the basement so as to enhance the visibility and manoeuvrability of the visitor's car space.
 - h) All air conditioning units and services to be located so as not to detract from the amenity of adjoining properties.
 - i) An amended landscape plan in accordance with Condition 8 of this planning permit
 - j) Details of the car stacker system to be installed, including cross sections and manufacture's specifications.

4.1 179 CHURCH STREET, BRIGHTON (continued)

- k) The basement level and cross sections altered to correspond with any recommendations of the Waste Management Plan required in accordance with Condition 20 and to accommodate safe ingress/egress of a private waste collection vehicle. This includes adequate basement dimensions and ramp clearance heights. In the event that the ramp clearance heights are required to be raised, the overall height of the building must not be increased, unless otherwise agreed to by the Responsible Authority.
 - l) The basement level amended in order to allow for all car spaces and accessways to comply with AS2890.1.
 - m) A Tree Protection Management Plan in accordance with Condition 7 of this permit.
 - n) The brick wall on the eastern side to be retained or replacement brick wall be constructed to the same height, and the wall be rendered similar to existing on the neighbour's side.
 - o) The first floor balconies of Units 5, 6, 7 and 8 are to be provided with 1.7 metres high privacy screens to limit overlooking into adjoining properties in accordance with Standard B22 of Clause 55.04-06 of the Bayside Planning Scheme
 - p) The air-conditioning units of each dwelling to be relocated to be within the basement car park.
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
 3. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating paint samples) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the schedule will be endorsed and will then form part of the permit.
 4. 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 and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
 5. All pipes, fixtures, fittings and vents servicing the dwellings must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
 6. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the dwellings without the written consent of the responsible authority.

4.1 179 CHURCH STREET, BRIGHTON (continued)

7. Before the development begins (including demolition), the applicant is to provide a Tree Protection Plan (drawing) and Tree Management Plan (report) for trees to be retained on the site and on neighbouring properties (within 3 metres of the site's boundaries) and which have Tree Protection Zones (TPZ) that project into the subject site. This is to ensure that trees to be retained remain viable post-construction. The following information is to be provided:
 - a) The Tree Protection Plan must be drawn to scale and provide details of the TPZ for trees to be retained on the site and neighbouring properties.
 - b) Where encroachment of the TPZ is greater than 10% the structural root zone (SRZ) must also be shown on the Tree Protection Plan.
 - c) The location of tree protection fencing must be specified on the Tree Protection Plan.
 - d) There must be a notation on the Tree Protection Plan referencing the Tree Management Plan document.
 - e) The Tree Management Plan must be prepared by a suitably qualified and experienced arborist in accordance with AS 4970-2009 *Protection of Trees on Development Sites*. This document must provide details of the activities required during the development process to protect trees to be retained on the site and neighbouring properties. The applicant must demonstrate to the satisfaction of the Responsible Authority trees that to be retained will remain viable post-construction.
8. Before the development starts, a 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 the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) Nomination of the screen planting located along the side and rear boundaries. The planting must have a minimum size of 6 metres at maturity or as otherwise agreed by the responsible authority.
 - b) Nomination of the proposed planting within the planter boxes along the balconies.
 - c) A survey (including botanical names) of all existing vegetation to be retained and/or removed
 - d) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - e) Details of surface finishes of pathways and driveways
 - f) Details of water sensitive urban design elements to be incorporated and the plant species to be used.
 - g) 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. All species selected must be to the satisfaction of the Responsible Authority.

4.1 179 CHURCH STREET, BRIGHTON (continued)

- h) Landscaping and planting within all open areas of the site.
 - i) An in-ground irrigation system to all landscaped areas.
9. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
 10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
 11. Vehicular crossing/s must be constructed to the road to suit the proposed driveway/s to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
 12. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be 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 in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

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

13. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
14. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.

4.1 179 CHURCH STREET, BRIGHTON (continued)

15. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basement or Below Ground Structures".
16. Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
17. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either: a trench grate (150mm minimum internal width) located within the property and/or shaping the driveway so that water is collected in a grated pit on the property and/or another Council approved equivalent.
18. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
19. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
20. Prior to the commencement of the development hereby approved, the applicant must submit to and approval by the Responsible Authority, a Waste Management Plan to the satisfaction of the responsible authority, including but not limited to the following:
 - a) Provision of private waste collection services, to be carried out by a Commercial Waste collector;
 - b) All waste collection must be carried out on site within title boundaries;
 - c) Waste collection receptacles are not to be stored in the road reserve at any time.
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.

The Responsible Authority may extend the periods referred to above if a request is made in writing:

 - Before the permit expires; or
 - Within 6 months afterwards if development has not commenced; or
 - Within 12 months afterwards if the development has lawfully commenced.

4.1 179 CHURCH STREET, BRIGHTON (continued)

Permit Notes

Build over easement

Records indicate there is an easement running across the property with sewer assets and Melbourne Water drainage assets. There appears to be no structure of note to be built over the easement. Any proposals, building over or near this asset will require approval from the Responsible Authority as part of the Building Permit process.

Permits to be acquired

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 Motion was Put and a **DIVISION** was called.

DIVISION: **FOR:** Crs Stewart, Heffernan and Lowe (3)
 AGAINST: Crs Long, Evans, Frederico and del Porto (4)

LOST

Moved: Cr Long

Seconded: Cr Evans

That Council, having caused notice of Planning Application No 2014/531/1 to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act decides to issue a Notice of Refusal to Grant a Permit in respect of the land known and described as 179 Church Street, Brighton for the Construction of a three storey apartment building for the following reasons:

1. The proposal does not comply with the purposes of the General Residential Zone (Clause 32.08 of the Bayside Planning Scheme) as the proposal fails to respect the neighbourhood character of the area and fails to implement neighbourhood character policy and adopted neighbourhood character guidelines.
2. The proposal does not comply with the character objectives under Precinct B2 of Clause 22.06 (Neighbourhood Character Policy) of the Bayside Planning Scheme due to the lack of landscaping provision, particularly substantial vegetation, the failure of the proposal to 'blend' with the existing streetscape and by proposing excessive visual bulk.

4.1 **179 CHURCH STREET, BRIGHTON (continued)**

3. The development contravenes the following objectives of Clause 55 (Two or more dwellings on a lot) of the Bayside Planning Scheme:
 - a) Standard B6 – Street setback: The proposed encroachment within the street setback will adversely impact the streetscape and does not respect the existing or preferred neighbourhood character if the streetscape.
 - b) Standard B17 – Side and rear setbacks: The proposed encroachments in to the side and rear setbacks do not respect the existing or preferred neighbourhood character and do not limit the impact on the amenity of existing dwellings.
 - c) Standard B22 – Overlooking: Some of the windows will have the potential to overlook adjoining secluded private open space areas.
 - d) Standard B28 – Private open space: The proposed secluded private open space areas for dwellings 1 and 2 do not comply with the standard and are not acceptable as they are not satisfactory in size and orientation to meet the needs of future residents.
 - e) Standard B31 – The proposed second floor façade has not been well resolved and is not consistent with the architectural styles in the area.

The Motion was Put and a **DIVISION** was called.

DIVISION: **FOR:** Crs Long, Evans, Frederico and del Porto (4)
 AGAINST: Crs Stewart, Heffernan and Lowe (3)

CARRIED

4.2 10 LILEURA AVENUE, BEAUMARIS

It is recorded that Mr Peter Hegarty, Mr Alex Gatiragas, Mr Warren Overton, Mrs Katharine Overton and Mr Bruce Keen spoke in relation to this matter.

Moved: Cr Stewart

Seconded: Cr Evans

That Council, having caused notice of Planning Application No 2014/913/1 to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act decides to issue a Notice of Refusal to Grant a Permit in respect of the land known and described as 10 Lileura Avenue, Beaumaris for the Construction of two double storey dwellings and removal of native vegetation for the following reasons:

1. The proposal does not comply with the purposes of the Neighbourhood Residential Zone (Clause 32.09 of the Bayside Planning Scheme) as the proposal fails to respect the neighbourhood character of the area and fails to implement neighbourhood character policy and adopted neighbourhood character guidelines.
2. The proposal does not comply with the character objectives under Precinct H7 of Clause 22.06 (Neighbourhood Character Policy) of the Bayside Planning Scheme due to the reduced front setbacks which result in excessive visual bulk when viewed from the streetscape and adjoining properties.
3. The development contravenes the following objectives of Clause 55 (Two or more dwellings on a lot) of the Bayside Planning Scheme:
 - a) Standard B6 - Street setback: The proposed encroachment within the street setback will adversely impact the streetscape and does not respect the existing or preferred neighbourhood character if the streetscape.
 - b) Standard B17 – Side and rear setbacks: The proposed encroachments in to the first floor eastern side setback does not respect the existing or preferred neighbourhood character and does not limit the impact on the amenity of existing dwellings.
 - c) Standard B22 – Overlooking: The proposed rear first floor habitable room windows will have the potential to overlook adjoining secluded private open space areas.
 - d) Standard B22 – Solar Access to open space: The proposed rear setbacks do not allow for adequate solar access to the rear secluded private open space.

LOST

4.2 10 LILEURA AVENUE, BEAUMARIS (continued)

Moved: Cr Frederico

Seconded: Cr Stewart

That Council having caused notice of Planning Application No. 2014/913/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 10 Lileura Avenue, Beaumaris, for the Construction of two double storey dwellings and removal of native vegetation in a Vegetation Protection Overlay in accordance with the advertised plans dated 3 February 2015, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples)
 - b) A landscape plan in accordance with Condition 6 of this planning permit
 - c) The plans updated to reflect the concept plans dated 8 July 2015 which demonstrate that the front setback is in compliance with Standard B6 of Clause 55.03-1 Street Setback of the Bayside Planning Scheme (ie. 9 metres).
 - d) The plans updated to reflect the concept plans dated 8 July 2015 which demonstrate that the solar access to private open space is in compliance with Standard B29 of clause 55.05-5 Solar Access to Open Space of the Bayside Planning Scheme (ie. at least 5.24 metres at ground floor and 8.03 metres at first floor).
 - e) The rear habitable room windows associated with bedrooms 3 of both dwellings to be screened in accordance with Standard B22 of Clause 55.04-6 Overlooking of the Bayside Planning Scheme (and there be no openings below 1.7 metres above finished floor level).
 - f) The double garage to have a minimum 4.8 metre wide door opening.
 - g) The single garage to have a minimum 3 metre wide door opening.
 - h) All pedestrian doors to be provided outwards of the garage.
 - i) Splays in accordance with Design Standard 1 – Accessways of Clause 52.06-8 of the Bayside Planning Scheme.
 - j) The onsite driveway of dwelling 1 reduced to a maximum width of 3metres
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority
3. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

4.2 10 LILEURA AVENUE, BEAUMARIS (continued)

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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
6. Before the development starts, a 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 the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) A survey of all existing vegetation to be retained and/or removed (including botanical names)
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary whose Tree Protection Zone extend into the subject site
 - c) Details of surface finishes of pathways and driveways
 - d) Details of water sensitive urban design elements to be incorporated and the plant species to be used
 - e) 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
 - f) At least 80% indigenous vegetation by both species and plant count
 - g) An indigenous canopy tree in the front setback of each dwelling and two canopy trees within the rear yard of each dwelling with a minimum mature height of 9 metres and minimum mature canopy width of 6 metres
 - h) Landscaping and planting within all open areas of the site
7. All species selected must be to the satisfaction of the Responsible Authority
8. 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 and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
10. The Arboricultural Impact Assessment, prepared by Tree-mendous Consulting, Version 2, dated 5 June 2015, to be updated to include Tree Protection fencing/ground protection for tree 5 - *Syzygium* sp. (Lilly Pilly), located in the rear yard south west corner of 12 Lileura Avenue.

4.2 10 LILEURA AVENUE, BEAUMARIS (continued)

11. Tree Protection Fencing is to be established around the street tree - *Tristaniopsis laurina* (Kanooka) prior to demolition and maintained until all works on site are complete:
 - a) The fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - b) The fencing is to encompass the entire naturestrip under the drip line of the tree.
 - c) The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites.
 - d) During construction of the crossover, tree protection fencing may be reduced to the edge of the council approved crossover to facilitate the construction of the crossover.
12. Root pruning within the TPZ (Tree Protection Zone):
 - a) Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.
 - b) All affected roots must be correctly pruned according to AS 4373-2007.
13. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be 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 in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

The water sensitive urban design stormwater treatment system as shown on the endorsed plan 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.
14. The existing crossover of dwelling 2 to be re-constructed to Council's satisfaction.
15. The proposed internal drainage must be connected to the existing legal point of discharge. The applicant may apply for legal point of discharge and local drain information, or carry out on site verification.

4.2 10 LILEURA AVENUE, BEAUMARIS (continued)

16. Stormwater discharge must be retained on site to the pre-development level of peak stormwater discharge. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
17. Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
18. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
19. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
20. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
21. Stormwater discharge must be retained for the portion above the discharge calculated using a **Coefficient of Runoff of 0.35**. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
22. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures". Any seepage/agricultural drainage water must be filtered to rain water clarity and must be discharged to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
23. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - a) A trench grate (150mm minimum internal width) located within the property and/or
 - b) Shaping the driveway so that water is collected in a grated pit on the property and/or
 - c) Another Council approved equivalent.
24. Before the development begins, two sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged and approved by Council's Engineering Services department.
25. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.

4.2 10 LILEURA AVENUE, BEAUMARIS (continued)

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.

The Responsible Authority may extend the periods referred to above if a request is made in writing:

- Before the permit expires; or
- Within 6 months afterwards if development has not commenced; or
- Within 12 months afterwards if the development has lawfully commenced.

Notes

(a) Build Over Easement

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

(b) Permits to be acquired

- i) 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.
- ii) 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.

(c) Flood Zone

Property is not in a 'Flood Zone'.

CARRIED

4.3 7 WILLIAM STREET, BRIGHTON

It is recorded that Mrs Dori Parkin, Mr John Smith and Mr Grant Michell spoke in relation to this matter.

Moved: Cr Heffernan

Seconded: Cr Frederico

That Council having caused notice of Planning Application No. 2014/636/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 7 William Street, Brighton, for the construction of four double storey dwellings generally in accordance with the amended plans dated August 2014, and subject to the following conditions:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A minimum front setback of 7.95 metres to the first floor of dwelling 1, without reducing any other setbacks.
 - b) Correct location of windows and description of windows on adjoining dwellings.
 - c) The existing paling fence along the eastern boundary retained.
 - d) Light bollards to be placed along the pedestrian access.
 - e) An entry canopy or similar to be provided at the pedestrian access way, to better identify the entries to dwellings 2-4 from the street. The entry canopy is not to impact on the visibility splay area of the basement ramp as per Clause 52.06 of the Bayside Planning Scheme.
 - f) The location of all plant and equipment. All plant and equipment is to be positioned so as to reduce the impact of noise on adjoining properties.
 - g) A longitudinal section of the ramp between the kerb and channel and the bottom of the ramp that shows all grades, lengths of grades and levels in accordance with Clause 52.06 of the Bayside Planning Scheme.
 - h) A minimum 2.2 metre headroom clearance provided at the entrance to the basement and throughout the basement.
 - i) The turntable to have a minimum diameter of 4.5 metres.
 - j) The sightline distance on the eastern side of the access ramp, in accordance with 'Design Standard 1 of Clause 52.06 of the Planning Scheme' and AS/NZS 2890.1:2004.
 - k) A schedule of external materials and finishes.
 - l) An amended landscape plan in accordance with Condition 7 and 8 of this planning permit.
 - m) Water Sensitive Urban Design measures in accordance with Condition 12 of this planning permit.

4.3 7 WILLIAM STREET, BRIGHTON (continued)

- n) The provision of screening across the east-facing balcony of dwelling 2 in accordance with Standard B22 of Clause 55.
 - o) The existing rear boundary fence is to be retained
 - p) The first floor balcony of Unit 4 is to be provided with 1.7 metre high privacy screen to limit overlooking into adjoining properties in accordance with Standard B22 of Clause 55.04-06 of the Bayside Planning Scheme.
2. The development as shown on the endorsed plans must not be altered without the 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 and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
 4. All pipes, fixtures, fittings and vents servicing the dwellings must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
 5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the dwellings without the written consent of the responsible authority.
 6. Before the development begins (including demolition), the applicant is to provide a Tree Protection Plan (drawing) and Tree Management Plan (report) for trees to be retained on the site and on neighbouring properties which have Tree Protection Zones (TPZ) that project into the subject site and in accordance with AS 4970-2009. This is to ensure that trees to be retained remain viable post-construction. The following information is to be provided:
 - a) The Tree Protection Plan must be drawn to scale and provide details of the TPZs for trees to be retained on the site and neighbouring properties.
 - b) The location of tree protection fencing must be specified on the Tree Protection Plan.
 - c) Tree protection fencing in accordance with AS 4970-2009, section 4.3, must be installed around the TPZ of trees to be retained before commencement of works (including demolition).
 - d) There must be notations on the Tree Protection Plan referencing the Tree Management Plan document where relevant.
 - e) The Tree Management Plan must be prepared by a suitably qualified and experienced arborist in accordance with AS 4970- 2009. This document must provide details of the activities required during the development process to protect trees to be retained on the site and neighbouring properties.
 - f) The applicant must demonstrate to the satisfaction of the responsible authority that trees to be retained will remain viable post construction.
 - g) Pruning of trees in neighbouring properties overhanging the site must be undertaken before commencement of works (including demolition). Pruning must be undertaken by a suitably qualified and experienced arborist in accordance with AS 4373-2007.

4.3 7 WILLIAM STREET, BRIGHTON (continued)

7. Before the development starts, a 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 the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) New planting within the front setback to consist of two Native Frangipanis (*Hymenosporum flavum*) with a medium sized tree to be selected from the list provided in the arborist report (Tree Response, 2014, p30).
 - b) The Chinese Elm (*Ulmus parvifolia* 'Burnley Select') is to be replaced by a large sized tree, also selected from the list provided in the arborist report (Tree Response, 2014, p30).
 - c) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - d) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - e) Details of surface finishes of pathways and driveways.
 - f) Details of water sensitive urban design elements to be incorporated and the plant species to be used.
 - g) 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. All species selected must be to the satisfaction of the Responsible Authority.
 - h) Landscaping and planting within all open areas of the site.
8. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
10. Tree Protection Fencing is to be established around the street tree prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 (Protection of trees on development sites). During construction of the crossover, tree protection fencing may be reduced to the edge of the council approved crossover to facilitate the construction of the crossover.
11. The vehicular crossing must be constructed to the road to suit the proposed driveway/s to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.

4.3 7 WILLIAM STREET, BRIGHTON (continued)

12. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be 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 in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

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

13. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
14. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
15. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basement or Below Ground Structures" Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
16. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either: a trench grate (150mm minimum internal width) located within the property and/or shaping the driveway so that water is collected in a grated pit on the property and/or another Council approved equivalent.
17. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.

4.3 7 WILLIAM STREET, BRIGHTON (continued)

18. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
19. 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 periods referred to above if a request is made in writing:

 - Before the permit expires; or
 - Within 6 months afterwards if development has not commenced; or
 - Within 12 months afterwards if the development has lawfully commenced.

Permit Notes

- N1 Crossover permit
- N2 Building approval
- N7 Retention of existing street trees
- N8 Sewerage
- N10 Asset Protection

CARRIED

4.4 3/97 ORLANDO STREET, HAMPTON

Moved: Cr Frederico

Seconded: Cr Evans

The Committee noted Planning Application 2014/837/1 was withdrawn by the applicant on 7 August 2015.

CARRIED

4.5 624 HAWTHORN ROAD, BRIGHTON EAST

It is recorded that Mr Zoran Sajinovic spoke in relation to this matter.

Moved: Cr Heffernan

Seconded: Cr Lowe

That Council having caused notice of Planning Application No. 2014/352/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 624 Hawthorn Road, Brighton East, for the construction of a two storey building and use of the site for accommodation (three dwellings and a shop) reduction of car parking and waiving of loading and unloading facilities in accordance with Clauses 52.06 and 52.07 of the Bayside Planning Scheme in accordance with the application dated 2 April 2015 and concept plans dated 24 June 2015, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Fully dimensioned plans generally in accordance with concept plans dated 24 June 2015.
 - b) Correct notation for elevation plans for north and south elevations.
 - c) Addition of a portico/canopy cover to the entrances to Northern Avenue.
 - d) Notation for existing crossover removed and replaced with a new crossover.
 - e) Notation on plan that there is to be no soil excavation within 3.0m from the edge of the street tree stem at ground level.
 - f) Mailboxes.
 - g) All plant and equipment.

4.5 624 HAWTHORN ROAD, BRIGHTON EAST (continued)

- h) Details of methods and/or equipment (eg flashing light or mirrors) to assist with sight lines for vehicles entering and exiting the car parking spaces.
 - i) Addition of skylights to roof decks and roofs where appropriate.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. All pipes (excluding down pipes), fixtures, fittings and vents servicing the building must be concealed in service ducts or otherwise hidden from view 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 without the written consent of the Responsible Authority.
 5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 6. Waste bins must be kept on site within the title boundaries at all times other than when on the nature strip for collection.
 7. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the responsible authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
 8. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority.
 9. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access other than via the vehicle crossings shown on the endorsed plans.
 10. Before the development including demolition starts, a tree protection fence must be erected around the street tree on Northern Avenue towards the western end of the site at the edge of the tree protection zone encompassing the nature strip measured from the base of the trunks to define a 'Tree Protection Zone'. *The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority.* The tree protection fence must remain in place until construction is completed. The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites. During construction of the crossover, tree protection fencing may be reduced to the edge of the council approved crossover to facilitate the construction of the crossover.
 11. The ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Responsible Authority.
 12. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.

4.5 624 HAWTHORN ROAD, BRIGHTON EAST (continued)

13. Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand and 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 AS4373-2007. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.
14. The existing street trees must not be removed or damaged.
15. Before the occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather-seal coat;
 - d) Drained;
 - e) Line marked to indicate each car space;

To the satisfaction of the Responsible Authority.

Car spaces must be kept available for these purposes at all times.

16. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be 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 in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

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

17. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.

4.5 624 HAWTHORN ROAD, BRIGHTON EAST (continued)

18. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.6. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
19. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures". Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
20. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - a) A trench grate (150mm minimum internal width) located within the property and/or
 - b) Shaping the driveway so that water is collected in a grated pit on the property and/or
 - c) Another Council approved equivalent.
21. Before the development begins, two sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged and approved by Council's Engineering Services department.
22. The parking areas and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
23. This permit will expire if one of the following circumstances applies:
 - a) The development has not commenced 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 periods referred to above if a request is made in writing:-
 - Before the permit expires; or
 - Within 6 months afterwards if development has not commenced; or
 - Within 12 months afterwards if the development has lawfully commenced.

4.5 624 HAWTHORN ROAD, BRIGHTON EAST (continued)

Permit Notes

Building approval must be obtained prior to the commencement of the above approved works.

Consultation should take place with Council respect of the removal of the vehicular crossing and reinstatement works. The applicant must clearly identify what impact, if any, the proposed vehicle crossing will have on Council assets including pits and trees. The applicant is to bear the cost to remove and reinstate any street furniture or infrastructure items to provide the required access to the proposed development.

Reticulated sewerage must be provided to the requirements of the Sewerage Authority.

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.

Reticulated sewerage must be provided to the requirements of the Sewerage Authority.

Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator, Mon-Fri 9:00am to 1:00pm on 9599 4444.

(a) Build Over Easement

Council records indicate there is no easement within the property.

(b) Permits to be acquired

- i) 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.
- ii) 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.

CARRIED

4.6 264 BAY STREET, BRIGHTON

It is recorded that Mr John Matyas spoke in relation to this matter.

Moved: Cr Heffernan

Seconded: Cr Frederico

That Council having caused notice of Planning Application No. 2015/61/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 264 Bay Street, Brighton, for the construction of a three-storey building comprising a food and drink premises and two offices, waiving of loading bay requirements in association with the use of the food and drink premises and offices in accordance with Clause 52.07 Bayside Planning Scheme in accordance with the application dated 17 February 2015, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The location of water tanks in accordance with the capacity required as a result of a completed STORM report achieving a minimum rating of 100% and in accordance with condition 14.
 - b) All balustrade screening to the south to be dimensioned showing minimum heights of 1.7m.
 - c) Details in response to condition 13 of this permit.
 - d) The reduction in the floor area of the proposal to achieve compliance with Clause 52.06 of the Bayside Planning Scheme in the following ways:
 - i) Ground floor leasable floor area for the food and drink premises reduced by 35m²; or
 - ii) Office 1 reduced by 19m² and Office 2 reduced by 29m²; or
 - iii) Any other combination to the satisfaction of the Responsible Authority to ensure car parking complies with Clause 52.06 of the Bayside Planning Scheme.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the development starts, a schedule of construction materials, external finishes and colours to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the schedule will be endorsed and will then form part of the permit. The rear façade should incorporate some softer materials such as timber. The two balustrades and section above the garage door should have varying finishes to ensure that the façade is broken up.

4.6 264 BAY STREET, BRIGHTON (continued)

4. All pipes (excluding down pipes), fixtures, fittings and vents servicing the building must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
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 without the written consent of the Responsible Authority.
6. Prior to the commencement of the development hereby approved, the applicant must submit to the Responsible Authority, a Waste Management Plan (WMP). This WMP must be to the satisfaction of the Responsible Authority and specify that all waste will be collected by private contractors from within the site. The WMP must also detail the waste collection vehicle(s) to be used. The WMP must specify that collection from the rear can not occur before 9am or after 5pm on weekdays and must not occur on weekends.
7. No garbage bins or waste may be left within the rear laneway at any time unless otherwise agreed in writing by the responsible authority
8. Waste collection at the rear of the site may occur between 9am-5pm on weekdays only and should not block rights of access to other users of the laneway for an unnecessary extended period of time.
9. Loading and unloading may occur on Bay Street and St Andrews Street within designated street bays or within the title boundary of the site. No loading or unloading may occur within the laneway.
10. Prior to the commencement of any works, a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. The construction management plan must address, but is not limited to:
 - a) Construction methodology.
 - b) Site access establishment, adjoining properties, use of the rear laneway and the public footpath along Bay Street.
 - c) Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.
 - d) The covering and maintenance of all roads/storage areas/external stockpiles/or vacant areas to avoid dust nuisance to any residential and commercial premises.

All works must accord with the approved construction management plan to the satisfaction of the Responsible Authority.

11. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the responsible authority.
12. The mechanical car stackers must be routinely serviced and maintained to the satisfaction of the Responsible Authority to ensure satisfactory access to all car spaces and to prevent any adverse effect on adjoining land by the emission of noise.

4.6 264 BAY STREET, BRIGHTON (continued)

13. Details of the car parking stacker and car parking area to minimise noise and amenity impacts by detailing to the satisfaction of the Responsible Authority:
 - a) Acoustic soundproofing and acoustic measures taken to minimise noise. This includes the provision of the noise abatement measures and equipment included in NussBaum stacker specification documents submitted with the application.
 - b) Details of roller door materials and type.
 - c) Associated flashing lights or beeping sounds associated with the roller door/and or car parking stackers and frequency of such lights and sounds.
 - d) Mirrors or similar devices to assist with sightlines.
14. Noise levels emanating from the car stackers must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industrial and Trade), No. N-1
15. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be 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 in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

The water sensitive urban design stormwater treatment system as shown on the endorsed plan 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.
16. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
17. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.60. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.

4.6 264 BAY STREET, BRIGHTON (continued)

18. Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
19. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties or footpaths. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may included either:
 - a) A trench grate (150mm minimum internal width) located within the property and/or
 - b) Shaping the driveway so that water is collected in a grated pit on the property and/or
 - c) Another Council approved equivalent.
20. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
21. The parking areas must be graded/drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
22. This permit will expire if one of the following circumstances applies:
 - a) The development has not commenced 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 periods referred to above if a request is made in writing before the permit expires; or

- Within 6 months afterwards if development has not commenced; or
- Within 12 months afterwards if the development has lawfully commenced.

Permit Notes

Building approval must be obtained prior to the commencement of the above approved works.

Consultation should take place with Council respect of the removal of the vehicular crossing and reinstatement works. The applicant must clearly identify what impact, if any, the proposed vehicle crossing will have on Council assets including pits and trees. The applicant is to bear the cost to remove and reinstate any street furniture or infrastructure items to provide the required access to the proposed development.

Reticulated sewerage must be provided to the requirements of the Sewerage Authority.

4.6 264 BAY STREET, BRIGHTON (continued)

Permits to be acquired

- i. 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.
- ii. 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.
- iii. Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator, Mon-Fri 9:00am to 1:00pm on 9599 4638.

CARRIED

4.7 9 DENDY STREET, BRIGHTON

It is recorded that Ms Jean Dunn spoke in relation to this matter.

It is further recorded that Mr Steven Putt was not present in the Chamber.

Moved: Cr Heffernan

Seconded: Cr Lowe

That Council having caused notice of Planning Application No. 2014/751/1 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 9 Dendy Street Brighton, for 'alterations and additions to an existing dwelling on a lot less than 500 square metres' in accordance with the advertised plans Council date stamped 4 December 2014, subject to the following conditions:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Deletion of the lift. Any new walls to replace the lift must be in line with the eastern boundary wall of bedroom 4. The balcony may be extended to replace the lift.
 - b) A schedule of construction materials, external finishes and colours.
 - c) The provision of overlooking screens to a height of 1.7 metres to the east side of the balcony.
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. Before the occupation of the addition commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
4. All pipes, fixtures, fittings and vents servicing the addition must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the addition without the written consent of the responsible authority.
6. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

4.7 9 DENDY STREET, BRIGHTON (continued)

The Responsible Authority may extend the periods referred to above if a request is made in writing:

- Before the permit expires; or
- Within 6 months afterwards if development has not commenced; or
- Within 12 months afterwards if the development has lawfully commenced.

Permit Notes

N1 Crossover permit
N2 Building approval
N8 Sewerage
N10 Asset Protection

CARRIED

4.8 355C BLUFF ROAD, HAMPTON – Application 2015/107/1

It is recorded that Mr Kim Belfield spoke in relation to this matter.

Moved: Cr Frederico

Seconded: Cr Lowe

That Council having caused notice of Planning Application No. 2015/107/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 355C Bluff Road HAMPTON, for the construction of roof top building services (mechanical exhaust fan), waiver of bicycle, car parking requirements and loading and unloading requirements associated with a convenience restaurant with a convenience restaurant in accordance with the application dated 31 March 2015, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the use starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Removal of all previously proposed mechanical exhaust fan locations;
 - b) All heights fully dimensioned.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. The mechanical exhaust fan may only be operational during the following hours:
 - Sunday to Thursday 11am - 11pm
 - Friday to Saturday 11am - 1am the following day
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. The level of noise emitted from the exhaust fans must not exceed levels specified in State Environment Protection Policy (SEPP) No. N-1 (control of noise from commercial and industry).

Permit Notes

- N2 Building approval
- N3 Health approval
- N9 Health Approval

CARRIED

4.9 355C BLUFF ROAD, HAMPTON – Application No: 2015/113/1

It is recorded that Mr Kim Belfield spoke in relation to this matter.

Moved Cr Frederico

Seconded Cr Lowe

That Council having caused notice of Planning Application No. 2015/113/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 355C Bluff Road Hampton, for the construction of internally illuminated business identification signage in accordance with the application dated 31 March 2015, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The removal of any reference to 'TBC' on the plansThe plans to be submitted must otherwise match those submitted with the application and include the dimensions of all signs.
2. The sign as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. The illuminated signs may only be operational during the following hours:
 - Sunday to Thursday 11am - 11pm
 - Friday to Saturday 11am - 1am the following day
4. The signs must not contain any flashing lights or be animated in any way.

VicRoads

5. The Luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.
6. This permit will expire within 15 years of the date of this permit.

The Responsible Authority may extend the periods referred to above if a request is made in writing:-

 - Before the permit expires; or
 - Within 6 months afterwards if development has not commenced; or
 - Within 12 months afterwards if the development has lawfully commenced.

4.9 355C BLUFF ROAD, HAMPTON – Application No: 2015/113/1

Permit Notes

The owner should ensure that all signs are within the title boundaries of the land or that agreement or permission has been granted by adjoining land owners/managers.

- N2 Building approval
- N5 No further signs

CARRIED

4.10 8 STANLEY STREET, BLACK ROCK

It is recorded that Dr Joseph Toscano, Dr Kira Michalova and Mr Chris Rawlings spoke in relation to this matter.

Moved Cr Stewart

Seconded Cr Evans

That Council having caused notice of Planning Application No. 2003/569/2 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Decision to Grant an Amended Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 8 Stanley Street BLACK ROCK, for the Construction of two (2) attached double storey dwellings in accordance with the application dated 2 April 2015, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the use and/or development starts three copies of 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 generally in accordance with the application but modified to show to the satisfaction of the Responsible Authority:

- a) The floor type to be constructed and finished floor levels to AHD.
- b) All wall heights above ground level to be nominated on the plans.
- c) All paving (except driveways) to be permeable. Details of the permeability of the paving must be supplied to the satisfaction of the Responsible Authority.
- d) A schedule of all external materials and finishes to be provided to the satisfaction of the Responsible Authority prior to the commencement of any buildings and works on the land. The schedule shall show the materials, colour (including two colour samples) and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
- e) The proposed landscape treatment for the site including the existing and proposed species.
- f) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally shall be identified on the plans and located to the satisfaction of the Responsible Authority. Such equipment should be located away from bedrooms of adjoining properties.
- g) The front setback for the garage of Dwelling 1 increased from 8.07 metres to 9 metres.
- h) The front setback of the entry of Dwelling 1 reduced from 11.07 metres to 8.00 metres.
- i) The height of the solid parapet wall over the front facade of the garages reduced to the satisfaction of the Responsible Authority.

4.10 8 STANLEY STREET, BLACK ROCK (continued)

- j) Replace one of the garage doors with a different material.
- k) The garbage storage areas incorporated with the front fence deleted.
- l) The provision of privacy screens to the first floor balconies at the rear of Dwellings 1 and 2 to a height of 1.7 metres above the floor level to the satisfaction of the Responsible Authority.
- m) The tree located within the front setback, approximately 6 metres from the western boundary shall be retained with an appropriate tree protection zone to the satisfaction of the Responsible Authority.
- n) The proposed crossover leading to Dwelling 1 shall be constructed at grade level, tapered, with at least a 1.5 metre separation from the tree specified in Condition 1m, to the satisfaction of the Responsible Authority.
- o) The incorporation of evergreen screen planting along the southern boundary to the satisfaction of the Responsible Authority.

2. External finishes

A schedule of all external materials and finishes to be provided to the satisfaction of the Responsible Authority prior to the commencement of any buildings and works on the land. The schedule shall show the materials, colour (including two colour samples) and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).

3. Layout not altered

The use and/or development as shown on the endorsed plans must not be altered or modified (whether or not in order to comply with any statute, statutory rule or for any other reason) without the prior written consent of the Responsible Authority.

4. Engineering Plans

Before the use and/or development starts, a site layout plan drawn to scale and dimensioned must be approved by a Building Practitioner registered under the *Building Act 1993* and submitted to the Responsible Authority.

The plans must show: -

- a drainage scheme providing for the collection of storm water within the site and for the conveying of the storm water to Council's nominated point of discharge to the satisfaction of the Responsible Authority.

5. Occupation of buildings

Before occupation all buildings and works specified in this permit must be completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when all construction and works are completed to enable the site to be inspected.

4.10 8 STANLEY STREET, BLACK ROCK (continued)

6. Time for Starting and Completion

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

- The development and use is/are not started within two (2) years of the date of this permit.
- The development is not completed within two (2) years of the date of the commencement of the works.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

7. Street Number

Street numbers contrasting in colour to the background must be fixed at the front boundary of the property as near as practicable to, or on the letterboxes in order to clearly establish the identity of the property. Separate unit numbers shall be placed adjacent to the front entrance of each dwelling, such numbers to be clearly legible from the access driveway.

8. Concealment of pipes

All service pipes, fixtures and fittings must be concealed on exposed elevations to the satisfaction of the Responsible Authority.

9. Soil levels

The alterations of soil levels involving an increased or decreased level at the boundaries must be retained by the provision of an adequate retaining wall, constructed of brick or masonry or other suitable alternative approved by the Responsible Authority, to buttress the soil against the possibility of shift. The construction of this retaining wall shall be the sole responsibility of the owner/developer.

10. Brick work and Facings

All brickwork on or facing the boundaries of the site must be raked and cleaned or rendered to the satisfaction of the Responsible Authority.

11. Plant and Equipment Location

All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally shall be identified on plans and located to the satisfaction of the Responsible Authority and on endorsed copy of such plan shall form part of this permit.. Such equipment should, wherever possible, be located away from the bedrooms of adjoining properties.

12. Car park

Before the use and/or development starts, areas set aside for parked vehicles, access lanes and associated access ramps as shown on the endorsed plans must be:

- a) constructed to the satisfaction of the Responsible Authority;
- b) properly formed to such levels that they can be used in accordance with the plans;
- c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;

4.10 8 STANLEY STREET, BLACK ROCK (continued)

- d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
- e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority;
- f) generally in accordance with the relevant Australian Standard for car parking facilities; and
- g) directional signage indicating car-parking areas to be erected as required by the Responsible Authority and to the satisfaction of the Responsible Authority.

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

13. Landscape plan

Before the development hereby permitted starts, three (3) copies of a Landscape Plan must be submitted for approval by the Responsible Authority. The plan must show the proposed landscape treatment of the site and include supporting information to the satisfaction of the Responsible Authority. In particular, the plan should be to a scale of 1:100 or 1:200 and show:

- a) Accurate location of boundaries, existing and proposed built elements, neighbouring buildings and/or vegetation that may affect or be affected by the proposed development and landscape.
- b) Accurate location and identification (botanical name) of existing vegetation to be retained and/or removed.
- c) Tree Protection Zones as required by the Responsible Authority.
- d) Clear identification of the following elements:
 - i) Areas proposed to be lawn, pavement, garden beds, other landscape features;
 - ii) Proposed tree locations, shrub and ground cover groupings, climber locations;
 - iii) Coded identification for these groupings and the numbers proposed; and
 - iv) A Plant Schedule, which consists of an itemised list of all proposed species. The schedule must include the following headings:
 - Plant code; (refers to codified botanical names used on plan, for example, Bm)
 - Botanical and Common name;
 - Height and Width at maturity;
 - Installation height (for trees only);
 - Container size (for all other plant groups); and
 - Total quantities for each species.
- e) Supporting notes on the plan that elaborate on specific requirements for the proposed landscaping (eg. site preparation, protection during construction of existing vegetation, use of a suitable mulching material and proposed depth etc.)
- f) A legend that explains any graphic symbols used on the plan.

When approved the plan will be endorsed and will then form part of the permit.

4.10 8 STANLEY STREET, BLACK ROCK (continued)

14. Landscaping before commencement of use

Before the use allowed by this permit starts, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

15. Basic Services

All basic services, including water, electricity, gas sewerage and telephone, shall be installed underground and located to the satisfaction of the Responsible Authority.

16. Site Perimeter Fence

Before any construction or demolition works commence on the site, to the extent that the site perimeter is unfenced and/or is not fenced to the satisfaction of the Responsible Authority, a secure fence is to be erected around the perimeter of the site to prevent access to the site from unauthorised persons. This fence is to be maintained for the duration of the construction and demolition, be a minimum height of 1.8 metres or such alternative height as is approved by the Responsible Authority and to be constructed and sited to the satisfaction of the Responsible Authority. The gate or opening to the fence must be securely locked at all times when work has ceased on the site.

17. Landscaping General Maintenance

The landscaped areas shown on the endorsed plan and schedule shall only be used as landscaped areas and shall be maintained in a proper tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it may be required to be replaced by a tree or shrub of a similar size and species.

18. Landscaping Inspection

The Responsible Authority shall be advised of the completion of the landscaping so that a site inspection can be carried out. A further inspection will be carried out by the Responsible Authority six (6) months after completion of the landscaping to ensure that species have been adequately maintained.

19. Disturbed Area

All disturbed surfaces on the land resulting from the development/building and works authorised or required by the permit shall be revegetated and stabilised to the satisfaction of the Responsible Authority so as to prevent any erosion or siltation either on or adjacent to the land.

20. Vehicle Crossings: Removal and Reinstatement

All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and nature strip/landscaped to the satisfaction of the Responsible Authority.

21. Parking areas/paved terraces/paths must be graded/drained in such a way that stormwater from them does not flow into adjacent properties.

4.10 8 STANLEY STREET, BLACK ROCK (continued)

22 Street Trees; Vehicle Crossings

Vehicle crossings shall be a minimum distance of 1.5 metres from any street tree unless approved in writing by the Responsible Authority.

23 Retention of existing street trees

The existing street tree/trees must not be removed or damaged.

24 Crossings

Crossings shall be constructed in a manner that will not damage the root systems of any mature street trees. An qualified Arborist must be engaged prior to the design and construction to plan and oversee construction methods, which will ensure no damage to the trees (above and below ground). No work shall be carried out without approval of the Responsible Authority.

25 Prior to the issuing of a building permit for the development hereby permitted, a report must be submitted to the satisfaction of the Responsible Authority. This report must certify that the proposed development has been designed to achieve a four star energy rating, using the Sustainable Energy Authority of Victoria 'FirstRate' system or equivalent.

26 Prior to the commencement of any development works, Tree Protection Zones must be erected around all street trees to be retained that are adjacent to the subject site. Tree Protection Zones, of cyclone wire or similar construction, shall be erected to the satisfaction of Council's Arborist.

27 Layout Alterations

The tree removal hereby approved shall be in accordance with the endorsed plan. The endorsed plan shall not be altered or modified unless further consent is obtained from the Responsible Authority.

28 Continuing Maintenance

The tree removal/ pruning authorised by this permit must be completed to the satisfaction of the Responsible Authority

29 Tree Protection: Fence

Prior to the commencement of any development or demolition works a Tree Protection Zone Fence of cyclone wire or similar construction must be erected to a height of at least 1.8 metres at a minimum distance (metres) in radius from the centre of the following tree(s):

Tree Particulars	Tree Protection Zone (Metres)
Box Elder (Tree no. 4)	8 metres
Red Flowering Gum (Tree no. 8)	4.5 metres

4.10 8 STANLEY STREET, BLACK ROCK (continued)

- Barrier fences must stop access by persons, vehicles or machinery to the area it encloses and be maintained throughout the entire construction period and must have a sign attached stating 'tree protection zone fence'. (*Access may be permitted only with the consent of the Site Manager or the Consultant Arborist*)
- There is to be no excavation in the area enclosed by this fence and a layer of organic mulch (woodchips) to a depth of not less than 100mm, must be laid and receive at least 1 litre of water for every 10mm of trunk diameter on a weekly basis to assist moisture retention and reduce the impact of soil compaction.
- No materials, chemicals, paints etc, equipment, temporary building or otherwise, must not be dumped, stored or erected within this fence.

30 Tree Protection: General

- The installation of utility services must be bored under the root systems of the trees to be retained.
 - Supplementary watering must be provided to all trees during dry periods, during and after the construction process. This must consist of a deep soaking at least twice a week during summer and daily in extreme heat conditions.
 - nothing whatsoever shall be attached to any tree including temporary services, wires, nails, screws or any other fixing device.
 - all root zones shall be bridged using timber planks, to assist in reducing soil compaction and consequent root damage.
 - A Qualified Arborist must attend the site during site cut and excavation to ensure that all affected tree roots are managed correctly and to ensure any damaged or exposed tree roots are pruned cleanly and the cut ends sprayed with a root hormone solution before covering with soil.
 - Any backfill material must be a mixture of quality topsoil and organic composted material and the trees must be monitored on a regular basis during and after construction, by the Consultant Arborist.
 - Open trenching must be avoided - bore under the root system as an alternative.
31. The applicant must submit to the satisfaction of the Responsible Authority an Arborist Report detailing and justifying the removal of any native vegetation on the site. All native vegetation to be retained must be protected with appropriate Tree Protection Zones to the satisfaction of the Responsible Authority.
32. The applicant must within sixty (60) days of the issue of the amended permit undertake the planting of the five trees (four Acacia Melanoxylon) within the rear setback and one Narrow-Leaf Bower Wattle (Acacia Cognata) within the front setback) to the satisfaction of the Responsible Authority, or at later date as approved by the Responsible Authority in writing

4.10 8 STANLEY STREET, BLACK ROCK (continued)

Permit Notes

- A permit must be obtained from Council for all vehicular crossings.
- These must be constructed under Council's supervision for which 24 hours notice is required.
- Building approval must be obtained prior to the commencement of the above-approved works.
- The existing street tree/s must not be removed or damaged.
- Reticulated sewerage must be provided to the requirements of the Sewerage Authority.
- The legal point of discharge for this development is to a Council drain located in the rear easement.
- Any seepage/agricultural drainage water must not be discharged to the kerb/channel.
- Plans for the construction of the outfall drain must receive Council approval prior to the commencement of the development.
- A 'Road Opening/Stormwater Tapping Permit' is to be obtained from Council prior to the commencement of the connection to the kerb/channel.

It is recommended that Council issue an Amended Planning Permit 2014/0197/1 with the following table inserted as a record of the amendments at the end of the permit:

Date	Amendment
11 August 2015	Amendment under section 72 to include the following: <ul style="list-style-type: none"> • Removal of vegetation (trees) within the rear setback of 8A Stanley Street, and • Replacement planting including four Acacia Melanoxylon within the rear of 8a Stanley Street (along rear boundary), and one Narrow-Leaf Bower Wattle (Acacia Cognata) within the front setback of 8a Stanley Street. • The inclusion of condition 32 which reads as follows: the applicant must within sixty (60) days of the issue of the amended permit undertake the planting of the five trees (Four Acacia Melanoxylon) within the rear setback and one Narrow-Leaf Bower Wattle (Acacia Cognata) within the front setback) to the satisfaction of the Responsible Authority, or at later date as approved by the Responsible Authority in writing.

CARRIED

4.11 72 HIGHETT ROAD, HAMPTON

Moved Cr Frederico

Seconded Cr Lowe

That Council having caused notice of Planning Application No. 2014/865/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 72 Highett Road, Hampton, for the Construction of two double storey dwellings and associated buildings and works in accordance with the application dated 27 November 2014, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The existing Eucalyptus scoparia (Wallangarra White Gum) located within the road reserve immediately abutting the front boundary of the site displayed as being removed.
 - b) The garage door's to both dwellings 3 metres wide.
 - c) A landscape plan in accordance with Condition 8 of this planning permit
 - d) 3 metres of the west common boundary fence from the front common boundary reduced to a maximum height of 1 metre.
 - e) Adequate vehicle sight lines must be achieved where both access ways intersect with the road reserve in accordance with AS2890.1.
 - f) Compliance with Clause 22.08 Water Sensitive Urban Design (Stormwater Management) pursuant to Condition 13.
 - g) The replacement of the existing crossover on the subject site with a new crossover.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. 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 and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
3. All pipes, fixtures, fittings and vents servicing the building must be concealed in service ducts or otherwise hidden from view 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 without the written consent of the Responsible Authority.

4.11 72 HIGETT ROAD, HAMPTON (continued)

5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
6. Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather-seal coat;
 - d) Drained;
 - e) Line marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along access lanes and driveways;

To the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

7. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority.
8. Before the development starts, a 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 the permit. The plan must be in accordance with 'Cornell Homes, Ground Floor Layout & Landscape Concept Plan, Jan 2015, Sheet 03, Code PB, Type AA, Issue PI Rev A' but modified to show:

The plan must show:

- a) A survey of all existing vegetation to be retained and/or removed.
- b) Buildings and trees including botanical names on neighbouring properties within three metres of the boundary.
- c) Details of surface finishes of pathways and driveways.
- d) 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.
- e) The planting of a canopy tree within the front setback to 'Dwelling 1' with a minimum mature height of and width of 14 metres x 8 metres.
- f) The planting of a canopy tree within the rear setback to 'Dwelling 1' with a minimum mature height of and width of 9 metres x 5 metres.
- g) The planting of a canopy tree within the rear setback to 'Dwelling 2' with a minimum mature height of and width of 12 metres x 6 metres.
- h) The planting of at least 6 shrubs within the front setback with a minimum mature height of 2.5 metres.

4.11 72 HIGETT ROAD, HAMPTON (continued)

- i) Landscaping and planting within all open areas of the site.
- j) That sufficient soil volume is provided to allow proposed canopy tree plantings to reach their potential mature height and spread.

All species selected must be to the satisfaction of the Responsible Authority.

9. Before the use/occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
11. 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. Prior to soil excavation regarding the crossover a trench must be dug by hand along the line of the crossover.
12. Before the development commences the applicant must pay \$16,845.24 to the Responsible Authority for the removal and replacement of the existing street tree. This amount has been determined in accordance with Councils 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(s) 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(s). Any replacement planting will be at the discretion of the Responsible Authority.
13. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be 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 in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

4.11 72 HIGETT ROAD, HAMPTON (continued)

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

14. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
15. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed the design capacity to be to the satisfaction of the Responsible Authority.
16. Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
17. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to follow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either: A trench grate (150mm minimum internal width) located within the property and/or Shaping driveway so that water is collected in a grated pit on the property and/or Another Council approved equivalent.
18. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
19. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
20. 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 periods referred to above if a request is made in writing:

- Before the permit expires; or
- Within 6 months afterwards if development has not commenced; or
- Within 12 months afterwards if the development has lawfully commenced.

CARRIED

4.12 7 COOMBE AVENUE, HAMPTON

It is recorded that Mr Demetrios Stoupas spoke in relation to this matter.

Moved: Cr Frederico

Seconded: Cr Lowe

That Council having caused notice of Planning Application No. 2015/68/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Refusal to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 7 Coombe Avenue Hampton, for the construction of two double-storey dwellings based on the following grounds:

1. The proposal does not comply with Clause 21.04 and the Neighbourhood Character Policy with regards to Precinct G1 under Clause 22.06 of the Bayside Planning Scheme due to the following:
 - a) The proposed removal of seven trees and a large Red Gum does not maintain or enhance the garden settings of the dwellings.
 - b) The on boundary development and non-compliant first floor setbacks does not maintain the rhythm of visual separation between buildings.
 - c) The boundary to boundary presentation of double garages and use of flat roofs does not comply with the existing character of the area and the dominance of pitched roofs.
2. The proposal does not comply with the Standards and Objectives of Clause 55 of the Bayside Planning Scheme, specifically:
 - a) Standard B1 – The removal of vegetation and a Red Gum, on boundary development, lack of visual separation, boundary to boundary development and use of flat roofs does not comply with the character of the area.
 - b) Standard B13 – The loss of vegetation and the Red Gum does not comply with this standard.
 - c) Standard B17 – There are non-complaint side setbacks at first floor.
 - d) Standard B18 – The wall on the northern boundary exceeds the 3.6m height.
 - e) Standard B30 – The proposal does not show the location of storage areas.
 - f) Standard B31 – The proposal lacks design detail that compliments the existing or preferred character of the area.

CARRIED

4.13 212 BAY STREET, BRIGHTON

Moved Cr Heffernan

Seconded Cr Evans

That item 4.13 be deferred for one cycle to obtain legal advice clarifying the validity of the existing planning permit.

CARRIED

Moved Cr Frederico

Seconded Cr Evans

That items 4.14, 4.15, 4.16 and 4.17 be dealt with as a block motion and the recommendations be adopted.

CARRIED

4.14 6/427 – 455 HAMPTON STREET, HAMPTON

That the Amended Plans be approved in accordance with the secondary consent provisions of Planning Permit No. 2011/359/1 issued for the use and development of a mixed use (multi-dwellings and shops) five (5) storey building in a Business 1 Zone; the use and development of a food and drink premises in a Residential 1 Zone; the development of multi-dwellings in a Residential 1 Zone; associated car parking dispensation; a variation of the loading bay requirements; and altered access to a road in a Road Zone Category 1 at 6/427-455 Hampton Street, Hampton, and the following table be added at the end of the permit.

<p>11 August 2015</p>	<p>Amended plans under Secondary Consent to show:</p> <ul style="list-style-type: none"> Reduction in the height of the canopy to a minimum of 2.91 metres above the finished footpath level, in lieu of the prescribed minimum height of 3 metres. The canopy will have a minimum 750mm setback form the kerb to comply with building regulations.
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NOTE – Item 4.14 was **CARRIED** as part of a block motion.

4.15 42 RAYNES PARK ROAD, HAMPTON

That the Amended Plans be approved in accordance with the secondary consent provisions of Planning Permit No. 2013/283/1 issued for the Construction of two double storey at 42 Raynes Park Road, Hampton, and the following table be added at the end of the permit.

11 August 2015	Amended plans under Secondary Consent to show: <ul style="list-style-type: none"> • Reconfiguration to the terrace of dwelling 2 so that it extends in part along the northern side of the dwelling. • The inclusion of a spa for dwelling 2. • Amendments to the landscape plan to accommodate the above changes. This includes the addition of two extra <i>Acmena smithii</i> 'Minor' (Lilly Pilly) along the western boundary adjacent to the spa of dwelling 2, plus the relocation of the <i>Acacia Implexa</i> (Lightwood) within the secluded private open space of dwelling 2.
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NOTE – Item 4.15 was **CARRIED** as part of a block motion.

4.16 147 NORTH ROAD, BRIGHTON

That the Amended Plans be approved in accordance with the secondary consent provisions of Planning Permit No. 2013/411/1 issued for Construction of an apartment building containing four (4) dwellings and a front fence exceeding 1.2 metres at 147 North Road, Brighton, and the following table be added at the end of the permit.

Date	Amendment
11 August 2015	Amendments to plans under the provisions of Secondary Consent as follows: <ul style="list-style-type: none"> • Revised car parking arrangement including removal of car stackers and provision of a turntable. No change in the number of car parking spaces is proposed. • Revised storage arrangements. • Revised bin locations. • Creation of two pedestrian entry points from Montclair Avenue and removal of one pedestrian entry point from North Road. • Revised landscaping and extent of paving.

NOTE – Item 4.16 was **CARRIED** as part of a block motion.

4.17 17 – 21 LANDCOX STREET, BRIGHTON EAST

That the Amended Plans be approved in accordance with the secondary consent provisions of Planning Permit No. 2013/783/1 issued for Construction of more than one dwelling on the land and construction of a front fence at 17-21 Landcox Street, Brighton East, and the following table be added at the end of the permit:

Date	Amendment
11 August 2015	<ul style="list-style-type: none"> • Removal of one additional tree (Tree 6 – <i>Casuarina cunninghamiana</i>). • Revised dwelling 2, 3, 4, 5, 11 and 20 layouts. No change in the building footprints or number of bedrooms. • Location of external plant nominated. • Reduced study window size for dwellings 7, 8, 9, 10, 21, 22, 23 and 24 from 1.9m wide to 1.7m wide. • Basement depth increased by 200mm from 3.5m to 3.7m. • Basement area setback to the north decreased by 201mm (from 5.996m to 5.795m), increased from the east by 584mm (from 14.661m to 15.245m), decreased from the south by 129mm (6.676m to 6.462m) and increased from the west by 5mm (from 6.068m to 6.118m). • Basement kink towards the south-eastern corner removed. • Garage doors provided for all resident car parking spaces. • Reduction in car parking spaces from 61 to 54 with remaining spaces renumbered and reorganised. • Storage areas rearranged but with no reduction in numbers.

NOTE – Item 4.17 was **CARRIED** as part of a block motion.

The Chairman declared the meeting closed at 9.47pm.

CONFIRMED THIS 8 DAY OF SEPTEMBER 2015

CHAIRPERSON: