



Minutes of the Planning and Amenity Committee Meeting

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 12 July 2016

The Meeting commenced at 7:00pm

Councillors	Cr Laurence Evans (Chairperson) Cr James Long BM JP (Mayor) Cr Alex del Porto Cr Felicity Frederico Cr Michael Heffernan Cr Bruce Lowe Cr Heather Stewart
In attendance	Rachel Lunn – Manager Development Services Arthur Vatzakis – Statutory Planning Coordinator Hew Gerrard – Statutory Planning Coordinator Sarah Collins – Principal Statutory Planner Terry Callant – Manager Governance Janice Pouw – Governance Officer

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5. Confidential Business
Nil



The Chairman declared the meeting open at 7pm and advised members of the public gallery that the Planning and Amenity Committee meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside Community.

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of any Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 7 June 2016.

Moved: Cr Long

Seconded: Cr del Porto

That the minutes of the Planning & Amenity Committee Meeting held on 7 June 2016, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 21 BAY ROAD, SANDRINGHAM NOTICE OF DECISION TO AMEND A PLANNING PERMIT APPLICATION NO: 2014/335/2 WARD: SOUTHERN

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/98899

Moved: Cr Stewart

Seconded: Cr Long

That Council:

Issues a **Notice of Decision to Amend a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Permit Application Number 2014/330/2** for the land known and described as **21 Bay Road, Sandringham** for **building and works associated with an existing building (including creation of a third storey) comprising of a shop and four dwellings, reduction in the car parking rate and waiver of the loading and unloading of vehicles requirement** with the following conditions to apply to the permit:

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 south facing balcony from the living/dining/kitchen area of Dwelling 3 setback a minimum additional 1m. This is to be achieved through a reduction in the internal floor space and not a reduction in the depth/width of any balconies.
 - b) The car space provided for the shop with a length of 6.4m with appropriate swept paths provided.
 - c) The east facing balcony from bedroom three of Dwelling 1 deleted and the bedroom three window treated in accordance with Standard B22 of ResCode.
 - d) The north-eastern balcony from the dining/kitchen area of Dwelling 2 deleted and the adjacent windows treated in accordance with Standard B22 of ResCode.
 - e) The north-eastern balcony from the dining/kitchen area of Dwelling 4 deleted and the adjacent windows treated in accordance with Standard B33 of ResCode.
 - f) All external privacy screens associated with habitable rooms to be a minimum of 25% transparent to at least 1.7m above finished floor level.
 - g) Compliance with Condition 12 of this permit.
 - h) Compliance with Condition 20 of this permit.
 - i) **Deletion of the two glass block windows to the ground floor shop along the eastern elevation.**
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 (incorporating colour 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 any building on the site 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 building/s without the written consent of the Responsible Authority.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Before the use or 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 (including 'visitor only' and 'shop only' 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.
9. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property
10. Prior to the commencement of any works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The Construction Management Plan must address, but is not limited to:
 - a) Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints;
 - b) All traffic management plans for the site demolition, excavation, deliveries and other construction related activities that will affect vehicle and pedestrian traffic;
 - c) The location of all areas on-and/or off-site to be used for construction staff parking;
 - d) A parking management plan for all associated construction vehicles;
 - e) All site sheds, portable toilet, storage and materials, etc must be confined to the site;



- f) The covering and maintenance of all roads/storage areas/external stockpiles/or vacant areas to avoid dust nuisance to any residential and commercial premises;
- g) A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways;
- h) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- i) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- j) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site; and
- k) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system.

All works must accord with the approved Construction Management Plan to the satisfaction of the Responsible Authority.

11. Before the occupation of the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must include, but is not limited to:

- a) Provision on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
- b) All waste material must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
- c) The waste collection service must be carried out by a private contractor at no expense to the Responsible Authority.
- d) Details of the proposed frequency of collection.
- d) The waste collection service must occur either within the property boundaries via a vehicle capable of propping in the shop car space.
- e) All waste receptacles must be stored within the nominated storage area at all times and are to be transferred by the collection contractor to and from this storage area during collection.

The Waste Management Plan must be implemented to the satisfaction of the Responsible Authority. The Waste Management Plan must not be modified unless with the written consent 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 at 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".
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) 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.
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.

VicRoads Conditions (Nos. 20-21)

20. Before the development starts, amended plans must be submitted to and approved by the VicRoads. When approved by VicRoads, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the submitted plans but modified to show:



- a) All balconies will have a projection beyond the property boundary for no more than 1m (the projection must be further reduced to meet the requirements of other authorities, including the asset owner of the power pole in front of the development, if required);
 - b) All balconies will have a vertical clearance of at least 3m from the footpath; and
 - c) The vertical clearance and setback from the kerb line for the proposed glass canopy be no less than the existing canopy for the existing building.
21. Prior to the construction of the balconies authorised by this permit, the permit holder must enter into a formal agreement with Department of Sustainability and Environment (or its successor) for the construction and use of the balconies.
22. 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

- Council records indicate that there is no easement within the property.
- 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.
- Property is not in a 'Flood Zone'

Date	Amendment
12 July 2016	<p>Amendment under Section 72 of the <i>Planning and Environment Act 1987</i>:</p> <p>Amendment to Planning Permit:-</p> <ul style="list-style-type: none"> • Addition of Condition 1(i). <p>Amendments to endorsed plans:</p> <ul style="list-style-type: none"> • Amendments to the front façade, • Window profiles, internal layout, • East and west boundary brick party walls; and • Eastern boundary alignment

CARRIED



**4.2 342 HAMPTON STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO.: 2015/714/1 WARD: CENTRAL**

City Planning and Amenity -
File No: PSF/15/8755 – Doc No: DOC/16/76899

It is recorded that Mr Paul Elliott spoke in relation to this matter.

It is further recorded that Mr Andrew Hewett was not present in the Chamber.

Moved: Cr Lowe

Seconded: Cr Frederico

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application Number: 2015/714/1** for the land known and described as **342 Hampton Street, Hampton**, for the **construction of a three storey building comprising five dwellings and alterations to an accessway off a Road Zone, Category 1** in accordance with the submitted plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans, prepared by Maddison Architects, Council date stamped 8 June 2016 submitted with the application but modified to show:
 - a) Adequate sight lines provided at the top of the proposed ramp in accordance with Design Standard 1 (Accessways) of Clause 52.06-8.
 - b) Car stacker specifications to demonstrate that the stacker dimensions and operation meet the standards of Clause 52.06.
 - c) Swept paths demonstrating that a 6.4m long garbage collection vehicle can enter and exit the basement in a forwards direction.

VicRoads conditions (d – e)

- d) Prior to the commencement of use of the permitted development, a sealed vehicle crossover must be constructed at least 6.0m in width as measured at the property boundary and to the satisfaction of the Responsible Authority. The edges of the vehicle crossover must be angled at 60 degrees to the road reserve boundary.
- e) Prior to the commencement of use of the permitted development appropriate pedestrian sight triangles at the vehicle crossover onto Hampton Street must be provided to the satisfaction of the Responsible Authority.
- f) A detailed landscape plan generally in accordance with the proposed landscape plan prepared by Faulkner & Chapman, Drawing No. 01, Revision A, Council date stamped 8 June 2016 but modified to show:
 - i. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - ii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.

- iii. Tree Protection Zones (TPZ) for all trees to be retained on the subject site and for all trees on neighbouring properties where the TPZ extends into the subject site.
 - iv. Details of surface finishes of pathways and driveways.
 - v. Details of water sensitive urban design elements to be incorporated and the plant species to be used
 - vi. 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.
 - vii. Landscaping and planting within all open areas of the site including the provision of canopy trees.
 - viii. Removal of the water feature, pond and steppers from the rear of the property.
 - ix. The extent of paving within the front setback of Dwelling 1 to only cover the terrace area as indicated on the development plans.
- g) A Tree Protection Plan prepared by a suitably qualified and experienced arborist in accordance with AS4970-2009 Protection of Trees on Development Sites in relation to the *Corymbio ficifolia* (Lemon Scented Gum) located within the front setback of 344 Hampton Street. The recommendations of the endorsed Tree Protection Plan must be followed throughout the course of the development, including demolition and landscaping phases of the works.

The Tree Protection Plan must specify a project arborist(s) who are responsible for ensuring the recommendations of the Tree Protection Plan are followed throughout all phases of the works. Names, contact details, qualifications and experience of the project arborist(s) must be provided.

- h) A Waste Management Plan including, but not limited to:
- i. Provision on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
 - ii. Details of the frequency and hours of refuse collection. All waste material must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
 - iii. Collection via private means undertaken entirely within the confines of the site. Garbage bins are not to be stored kerbside.
- The Waste Management Plan must be implemented to the satisfaction of the Responsible Authority.
- i) A Construction Management Plan including, but not limited to:
- i. A detailed schedule of works including a full project timing.
 - ii. A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.



- iii. The location for the parking of all construction vehicles and construction worker vehicles during construction.
 - iv. Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
 - v. Proposed traffic management signage indicating any inconvenience generated by construction.
 - vi. Fully detailed plan indicating where construction hoardings would be located.
 - vii. A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
 - viii. Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
 - ix. Site security.
 - x. Public safety measures.
 - xi. Construction times, noise and vibration controls.
 - xii. Restoration of any Council assets removed and/or damaged during construction.
 - xiii. Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
 - xiv. Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
 - xv. An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
 - xvi. Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
 - xvii. All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
 - xviii. Details of crane activities, if any
- All works must accord with the approved Construction Management Plan to the satisfaction of the Responsible Authority.
- j) Detailed plans to the satisfaction of the Responsible Authority drawn to scale with dimensions to show:
- i. The type of water sensitive urban design stormwater treatment measures to be used.
 - ii. The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - iii. 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.

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 any building on the site 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(s) without the written consent of the Responsible Authority.
6. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
7. 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.
8. 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.
9. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire naturestrip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
10. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
11. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
12. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.



13. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
14. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes:

- 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.
- This permit does not constitute any authority to carry out any buildings works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

CARRIED



**4.3 85 IONA STREET, BLACK ROCK
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2013/723/1 WARD: SOUTHERN**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/98852

Moved: Cr Stewart

Seconded: Cr Lowe

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application Number 2013/723/1** for the land known and described as **85 Iona Street, Black Rock**, for the **construction of two double storey dwellings** with the following conditions to apply to the permit:

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 date stamped 21 April 2016 but modified to show:
 - a) A detailed landscape plan which must include:
 - I. The planting of one Snow Gum Trees within the front setback of each dwelling.
 - II. A native canopy tree capable of reaching a height of 6.0m at the rear of each dwelling.
 - III. The retention of the Lilly Pilly tree (Tree 3), Kurrajong tree (Tree 4) and Mulberry tree to the north-east site boundary.
 - IV. The transplantation of the Soft Tree Ferns (Trees 1 and 2) to the eastern site boundary.
 - V. A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - VI. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - VII. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.
 - VIII. Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - IX. Details of surface finishes of pathways and driveways.

- b) A Tree Management Plan (report) and Tree Protection Plan (drawing), and generally in accordance with McLeod Trees report dated 24th February 2016.

The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

- I. The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - II. The location of tree protection measures to be utilised.
 - III. The construction techniques and methods adopted for any works inside the Tree Protection Zone, e.g. pier and beam. This mainly applies to the living room, study and decking area to dwelling 2.
- c) The timber paling acoustic fence along the northern common boundary with 8A Iluka Street be a minimum height of 1.8 metres above the finished floor level of the decking areas to dwellings 1 and 2 in accordance with Standard B22 of Clause 55.04-6 of the Bayside Planning Scheme.
- d) Detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
- I. The type of water sensitive urban design stormwater treatment measures to be used.
 - II. The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - III. 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.

- e) The wing wall between dwelling 1 and 2 to the first floor south elevation to protrude no more than 1 metre from the first floor façade.
- f) The rendered horizontal frame to bedroom 2 of dwelling 2 to protrude no more than 0.5 metres from the front façade.
- g) Any changes to reduce the development to accommodate the requirements of the Landscape and Tree Protection measures required by Condition 1(a) and (b).



- h) The fence defining the western common boundary with 81 Iona Street to be a minimum height of 1.8 metres above the finished floor level of the decking areas to dwellings 1 and 2 in accordance with Standard B22 at Clause 55.04-6 of the Bayside Planning Scheme.
 - i) The fixed louvered screens to the first floor north facing windows to demonstrate compliance with Standard B22 at Clause 55.04-6 of the Bayside Planning Scheme.
 - j) The internal fence within the rear setback defining the common boundary between dwellings 1 and 2 to be a minimum height of 1.8 metres above the finished floor level of the decking areas to dwellings 1 and 2 in accordance with Standard B23 at Clause 55.04-7 of the Bayside Planning Scheme.
 - k) A 2m x 2m corner visibility splay at the south-east corner of the site. All vegetation within this area is to be less than 0.9m in height.
 - l) Visibility splays to each driveway to be shown in accordance with Design Standard 1 at Clause 52.06-8 of the Bayside Planning Scheme.
 - m) Mailboxes, clotheslines and water tanks provided for each dwelling.
 - n) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
 - o) A colour schedule of construction materials, finishes and colours.
 - p) Notation that there is to be no soil excavation within 2 metres of the street trees to Iluka Street.
 - q) **The first floor living room of dwelling one setback 5.5 metres from the northern boundary.**
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. 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.
 4. 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.
 5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 7. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority
 8. Before the occupation of the development starts, the areas set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.



9. Before the occupation of the development starts, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
10. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
12. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
13. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
14. 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.
15. Before the development starts the applicant must pay \$5,942.27 to the Responsible Authority for the removal and replacement of the existing street tree to Iona Street. This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.
16. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The 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 AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction.
17. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
18. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.



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

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

CARRIED



**4.4 18 DAVEY AVENUE, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2015/351/1 WARD: NORTHERN**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/82835

Moved: Cr Heffernan

Seconded: Cr del Porto

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning Permit application number **2015/351/1** for the land known and described as **18 Davey Avenue, Brighton East**, for the **construction of two double storey dwellings** with the following conditions to be added to the permit:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans by prepared by 2BScene Design, Job No 15-077, Drawing Nos TP-01 to TP-09 (inclusive) date stamped 1 September 2015 and Concept Landscape Plan prepared by Genus Landscape Architects, dated 21 March 2016, Issue A, but modified to show:
 - a) A detailed landscape plan which must include:
 - i. Two trees planted in the front setback of dwellings 1 and 2. The trees must be capable of reaching a minimum mature height of 12 and 14 metres.
 - ii. The decking area to the rear of dwelling 1 and 2 reduced in size to facilitate additional planting in the rear garden of each dwelling. Due to the Council assets within the easement, a suitable selection of planting must be selected.
 - iii. A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - iv. A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - v. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - vi. Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - vii. Details of surface finishes of pathways and driveways.
 - b) An amended Tree Management Plan (report) and Tree Protection Plan (drawing) and generally in accordance with ArborReport Victoria, dated 26 January 2016.

The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages

of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and must provide details of:

- i. The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - ii. The location of tree protection measures to be utilised. Alternative protection measures (such a ground cover) must be included in tree protection plans if any proposed tree protection fencing is to be moved to allow for works.
 - iii. Details on plumbing installation. There should be no excavation works for plumbing works within the Tree Protection Zones.
 - iv. Details of demolition works and tree protection measures during the demolition process to be deleted as demolition has occurred.
 - v. Details of tree protection measures for Trees 3 and 4. Consideration to the use of a cantilevering slab in this area should be considered.
- c) The decking area to the rear of dwelling 1 and 2 reduced in size and any other changes to reduce the development to accommodate the requirements of the Landscape and Tree Protections measures required by with Conditions 1(a) & (b) of this permit.
 - d) The crossover and driveway associated with dwelling 1 to be increased to a minimum width of 3 metres without reducing the setback from the existing power pole.
 - e) Annotated visibility splays in accordance with Design Standard 1 of Clause 52.06-8 of the Bayside Planning Scheme.
 - f) Bedroom 1 associated with dwelling 2 to be relocated 1.5 metres to the north in accordance with the draft amended Ground Floor Plan dated 30 November 2015.
 - g) All first floor habitable room windows be screened in accordance with Standard B22 (Overlooking) and Standard B23 (Internal Views) of ResCode.
 - h) All plant and equipment to be identified and located away from habitable room windows of the dwellings and the adjoining property's habitable rooms.
 - i) The fence defining the rear boundary between dwelling 1 and 2 shown as being a minimum height of 1.8m above finished floor level in accordance with Standard B23 (Internal Views) of ResCode.
 - j) The matrix cladding to the front wall associated with bedroom 2, dwelling 1, to be deleted and be finished in painted render and articulated with a window.
 - k) A schedule of all construction materials, external finishes and colours.
 - l) Water Sensitive Urban Design (WSUD) measures including but not limited to:
 - i. The type of water sensitive urban design stormwater treatment measures to be used.
 - ii. The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - iii. Design details of the water sensitive urban design stormwater treatment measures, including cross sections.



These WSUD 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.

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. 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.
4. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
5. Before the commencement of development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge and On-Site Detention System where applicable must be submitted to and approved by Council's Infrastructure Assets Department.
6. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
7. Before occupation, screening of windows including fixed privacy screens designed to limit overlooking as required by Standard B22 and Standard B23 must be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
8. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
9. Before the occupation of the development starts, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
10. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the written consent of the Responsible Authority.
11. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from street view to the satisfaction of the Responsible Authority.
12. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
13. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.



Permit Notes:

- 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.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

CARRIED



**4.5 1/3 GUERNSEY AVENUE, HAMPTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION: 2015/0848 WARD: CENTRAL**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/98986

It is recorded that Mr Ryan Mitchell and Mr Stephen O'Brien spoke in relation to this matter.

Moved: Cr Lowe

Seconded: Cr del Porto

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning Permit Application Number **2015/0848** for the land known and described as **1/3 Guernsey Avenue, Hampton East**, for **alterations and additions to an existing dwelling on a lot less than 500 square meters** in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans dated 22 December 2015 and 31 January 2016 but modified to show:
 - a) The front setback of the dwelling must be increased to provide a minimum setback of 7.8 metres away from the Guernsey Avenue street frontage.
 - b) All title boundaries must be clearly shown, notated and delineated.
 - c) Improvements to the existing landscaping of the open spaces and setbacks to support the integration of the development into the streetscape and support the landscaped character of the neighbourhood.
 - d) The laundry and store setback from the southern boundary 2 metres.**
All to the satisfaction of the Responsible Authority.
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 issue of a Certificate of Occupancy by the relevant Building Surveyor, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All additional pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from street view to the satisfaction of the Responsible Authority.
6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
7. Any changes to 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.

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

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. Attention is drawn to the need to protect the native street tree. This can be arranged by calling Asset Protection Administrator on 9599 4638.

CARRIED

**4.6 761 - 763 NEPEAN HIGHWAY, BRIGHTON EAST
SUPPORT THE GRANT OF A PLANNING PERMIT
APPLICATION: 5/2015/520/1 WARD: NORTHERN**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/110357

Moved: Cr del Porto

Seconded: Cr Lowe

That Council:

Determines to **Support** the grant of a planning permit under the provisions of the Bayside Planning Scheme in respect of **Planning Application No. 5/2015/520/1** for the land known and described as **761-763 Nepean Highway, Brighton** for the **use and development of the land for a childcare centre, display of business identification signage / floodlit signage and alteration of access to a Road Zone Category 1 (Nepean Highway)** in accordance with the endorsed plans and subject to the conditions contained with Council's Notice of Decision dated 8 March 2016 with the inclusion of the following condition at Condition 18 with all subsequent conditions renumbered accordingly:

18. Prior to the occupation of the childcare centre, a car park management plan must be submitted to and approved by the Responsible Authority. The car park management plan must provide for:
- (a) a requirement for all staff vehicles to be parked within the basement, and
 - (b) an induction program for all parents and/or persons responsible for children enrolled at the centre
 - (i) for the use of the basement car park for the drop off and pick up of children;
 - (ii) the areas set aside for staff and parent and/or responsible person parking, and
 - (iii) the arrangements for vehicle entry and departure to and from the basement.

The childcare centre must be operated generally in accordance with the approved car park management plan to the satisfaction of the Responsible Authority.

CARRIED

**4.7 6/427-455 HAMPTON STREET, HAMPTON
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2011/359/1 WARD: NORTHERN**

City Planning and Amenity -
File No: PSF/15/8755 – Doc No: DOC/16/95570

Moved: Cr del Porto

Seconded: Cr Lowe

That Council:

Approve the Amended Plans 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** and the following table be added at the end of the permit:

Date	Amendments
12 July 2016	<p><u>Secondary Consent Amended Plans:</u></p> <ul style="list-style-type: none"> • Alterations to the window fenestration along the eastern and western elevations; • Alterations to the pedestrian door associated with Tenancy 04; • A reduction of the northern setback of Tenancy 06 from 3.1m to 2.94m; and • Installation of a pedestrian door to the rear of Tenancy 05. <p>Note: This consent does not allow or imply any other changes to the Permit or Endorsed Plans dated 13 October 2015.</p>

CARRIED

5. Confidential Business

Nil

Following consideration of Confidential Business the Chairperson declared the meeting closed at 7.42pm.

CONFIRMED THIS 9 DAY OF AUGUST 2016

CHAIRPERSON:

