



Minutes of the Planning & Amenity Committee Meeting

held in the Council Chamber
Boxshall Street, Brighton
on Tuesday 13 October 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
Arthur Vatzakis	-	Acting Manager Statutory Planning
Connor Perrott	-	Statutory Planning Coordinator
Hew Gerrard	-	Acting Statutory Planning Coordinator
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 8 September 2015

Moved: Cr Frederico

Seconded: Cr Long

That the Minutes of the Planning & Amenity Committee Meeting held on 8 September 2015 be confirmed.

CARRIED

TABLE OF CONTENTS

	Page No
<u>REPORTS:</u>	
4.1 212 BAY STREET, BRIGHTON – Application No: 2001/183/2	5
4.2 212 BAY STREET, BRIGHTON – Application No: 2014/322/1	6
4.3 1/393 BAY ROAD, CHELTENHAM – Application No: 2015/178/1	7
4.4 88 BAY ROAD, SANDRINGHAM – Application No: 2015/236/1	10
4.5 386 HAMPTON STREET, HAMPTON - Application No: 2009/557/4	16
4.6 34 DENDY STREET, BRIGHTON – Application No: 2014/317/1	17
4.7 24-30 ESPLANADE, BRIGHTON – Application No: 2005/110/8	21
4.8 9 MARY STREET, BEAUMARIS – Application No: 2015/35/1	29
4.9 33 BLUFF ROAD, BLACK ROCK – Application No: 2015/17/1	34
4.10 687 HAMPTON STREET, BRIGHTON – Application No: 2015/25/1	36
4.11 1/23 SOUTH ROAD, BRIGHTON – Application No: 2014/926/1	40
4.12 762 HAWTHORN ROAD, BRIGHTON EAST – Application No: 2010/726/2 ..	43
4.13 32 FLORENCE STREET, BRIGHTON EAST – Application No: 2014/827/1 ..	44
4.14 6/427-455 HAMPTON STREET, HAMPTON – Application No: 2011/359/1 ..	48
4.15 4 DUDLEY STREET, BRIGHTON – Application No: 2008/406/2	49

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 4.1 212 Bay Street, Brighton**
 - 1. Mr Nick Vazirianis (O)
 - 2. Mr Jonathan Sherren (A)

- Item 4.2 212 Bay Street, Brighton**
 - 1. Mr Nick Vazirianis (O)

- Item 4.3 1/393 Bay Road, Cheltenham**
 - 1. Mr Robert Saunders (O)
 - 2. Mrs Melanie Woolhouse (O)
 - 3. Mrs Louise Field (O)
 - 4. Mr Luke Chamberlain (A)

- Item 4.4 88 Bay Road, Sandringham**
 - 1. Dr Peter McTigue (O)
 - 2. Mrs Francyne Finlayson (O)
 - 3. Mr Travis Finlayson (O)
 - 4. Ms Jaci Murdoch (O)
 - 5. Mr Michael Meyer (A)

- Item 4.5 386 Hampton Street, Hampton**
 - 1. Mr Mark Stanojevic (O)
 - 2. Mr Peter Desanto (O)
 - 3. Mr Mark Beiser (A)

- Item 4.6 34 Dendy Street, Brighton**
 - 1. Ms Simone St Leon (O)
 - 2. Mr Chris Pippo (A)

- Item 4.7 24-30 Esplanade, Brighton**
 - 1. Mr Lance Chu (A)
 - 2. Mr Vaughan Connor (A)

- Item 4.8 9 Mary Street, Beaumaris**
 - 1. Mr Stephen Jenkins (O)
 - 2. Mr John Dakis (O)
 - 3. Mr Ben Emmett (A)

- Item 4.9 33 Bluff Road, Black Rock**
 - 1. Mr Richard Umbers (A)

- Item 4.10 687 Hampton Street, Brighton**
 - 1. Ms Alison Wood (A)

- Item 4.11 1/23 South Road, Brighton**
 - 1. Mr Andrew Hill (S)
 - 2. Ms Amanda Ring (S)
 - 3. Mr Jimmy Kiu (A)

OFFICERS' REPORTS:

4.1 212 BAY STREET, BRIGHTON – APPLICATION NO: 2001/7183/2

It is recorded that Mr Nick Vazirianis and Mr Jonathan Sherren spoke in relation to this matter.

Moved: Cr Heffernan

Seconded: Cr Lowe

That Council having caused notice of Planning Application No. 2001/7183/2 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 a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 212 Bay Street, Brighton for the Variation of the hours of operation of an existing restaurant, an increase in the number of patrons to 120 and the waiving of parking requirements in accordance with the application dated 8 September 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. Deleted.
2. The maximum number of seats located in the restaurant/café must not exceed 120.
3. Deleted.
4. Deleted.
5. Deleted.
6. Deleted.
7. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
8. This permit will expire if one of the following circumstances applies:
 - The development and use are not started within two years of the date of this permit.
 - The development is not completed within four years of the date of this permit.

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.

9. Deleted.
10. Deleted.
11. Deleted.
12. Deleted.
13. Deleted.

CARRIED

4.2 212 BAY STREET, BRIGHTON – APPLICATION NO: 2014/322/1

It is recorded that Mr Nick Vazirianis spoke in relation to this matter.

Moved: Cr Heffernan

Seconded: Cr Lowe

That Council having caused notice of Planning Application No. 2014/322/1 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 212 Bay Street Brighton for the use of the land as a restricted recreation facility (health and wellbeing/personal training) and car parking to Council's satisfaction in accordance with the application dated 14 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. Within 30 days of the date of this permit, 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 internal layout of the premises
 - b) One (1) bicycle space located inside the premises
2. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Unless with the further consent of the Responsible Authority, the use may only operate between the following hours:
 - a) 6:30am – 7:30pm Monday to Friday
 - b) 8:00am – 5:00pm Saturday
 - c) Closed SundayA minimum 15 minute interval must be provided between group classes.
4. There must be no more than one (1) staff member on site at any one time and no more than three (3) clients on site at any one time.
5. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industrial and Trade), No. N-1.
6. The use must be contained to within the premises at all times and not in any open areas on or off-site to the satisfaction of the Responsible Authority.
7. All waste and garbage bins associated with the use must be kept inside the title boundaries (other than for collection) and the waste management of the restaurant must not be impacted upon due to the use at the rear of the site.

CARRIED

4.3 1/393 BAY ROAD, CHELTENHAM

It is recorded that Mr Robert Saunders, Mrs Melanie Woolhouse, Mrs Louise Field and Mr Luke Chamberlain spoke in relation to this matter.

Moved: Cr Frederico

Seconded: Cr Lowe

That Council, having caused notice of Planning Application No 2015/236/1 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 393-397 Bay Road, Cheltenham for the Construction of a three storey building (plus basement car park) containing 37 dwellings, construction of three double storey dwellings, a reduction in the required car parking rate and alteration of vehicular access onto a road in a Road Zone, Category 1 for the following reasons:

1. The proposed development does not comply with the objectives of Precinct G1 of Clause 22.06 (Neighbourhood Character Policy) of the Bayside Planning Scheme on the basis that:
 - a) The proposal provides an inappropriate front setback to Bay Road through the reduced street setback, excessive site coverage and lack of landscaping provision which will detrimentally affect the character of the area and is not in keeping with Standards B1, B6, B8 and B13 of ResCode, relevant design objectives of Design and Development Overlay Schedule 2 and the relevant purposes of the General Residential Zone.
 - b) The proposal provides an inappropriate front setback to Royalty Avenue through the reduced street setback at first floor level, dominance of hard paving and garage frontages and lack of landscaping provision which will detrimentally affect the character of the area and is not in keeping with Standards B1, B6 and B13 of ResCode and the relevant purposes of the General Residential Zone.
 - c) The proposed side elevations to the townhouse dwellings are visually inappropriate when viewed from oblique angles along Royalty Avenue and will be visually bulky when viewed from adjoining properties due to the lack of architectural detailing at first floor level.
2. The proposal fails to comply with the Standards and Objectives of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B17 – Side and rear setbacks – Side setbacks are not in keeping with the character of the area and will detrimentally affect the amenity of adjoining properties, particularly 34 Royalty Avenue and 399 Bay Road.
 - b) Standard B26 – Dwelling entry – The proposed dwelling entry points to the apartment building and townhouses are poorly defined and fail to provide an appropriate sense of address.
 - c) Standard B8 – Site coverage – The proposed site coverage is excessive and does not respect the existing or preferred neighbourhood character.
 - d) Standard B7 – Building height - The proposed building height of the apartment building is excessive and does not respect the existing or preferred neighbourhood character.

4.3 1/393 BAY ROAD, CHELTENHAM (continued)

3. The proposal provides insufficient on-site car parking for the apartment building in terms of both residents and resident visitors inconsistent with Clause 52.06 of the Bayside Planning Scheme. The extent of car parking shortfall will negatively affect the amenity of surrounding residential areas due to the provision of less on-street car parking.
4. The proposal provides a poor level of internal amenity for some of the apartment building dwellings particularly in terms of natural solar access to habitable rooms, including kitchen areas, poor dwelling layouts and the provision of inboard balconies which provide limited amenity value to future residents.

AMENDMENT

Moved: Cr Long

Seconded: Cr Evans

Part A

That Council, having caused notice of Planning Application No 2015/236/1 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 393-397 Bay Road, Cheltenham for the Construction of a three storey building (plus basement car park) containing 37 dwellings, construction of three double storey dwellings, a reduction in the required car parking rate and alteration of vehicular access onto a road in a Road Zone, Category 1 for the following reasons:

1. The proposed development does not comply with the objectives of Precinct G1 of Clause 22.06 (Neighbourhood Character Policy) of the Bayside Planning Scheme on the basis that:
 - a) The proposal provides an inappropriate front setback to Bay Road through the reduced street setback, excessive site coverage and lack of landscaping provision which will detrimentally affect the character of the area and is not in keeping with Standards B1, B6, B8 and B13 of ResCode, relevant design objectives of Design and Development Overlay Schedule 2 and the relevant purposes of the General Residential Zone.
 - b) The proposal provides an inappropriate front setback to Royalty Avenue through the reduced street setback at first floor level, dominance of hard paving and garage frontages and lack of landscaping provision which will detrimentally affect the character of the area and is not in keeping with Standards B1, B6 and B13 of ResCode and the relevant purposes of the General Residential Zone.
 - c) The proposed side elevations to the townhouse dwellings are visually inappropriate when viewed from oblique angles along Royalty Avenue and will be visually bulky when viewed from adjoining properties due to the lack of architectural detailing at first floor level.

4.4 88 BAY ROAD, SANDRINGHAM

It is recorded that Dr Peter McTigue and Mr Michael Meyer spoke in relation to this matter. It is further recorded that Ms Jaci Murdoch spoke on behalf of Mrs Francyne Finlayson and Mr Travis Finlayson.

Moved: Cr Stewart

Seconded: Cr Evans

That Council having caused notice of Planning Application No. 2015/236/1 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 88 Bay Road Sandringham for the construction of a three storey building with basement containing 22 dwellings and alterations to an access to a Road Zone, Category 1 in accordance with the plans date stamped 30 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 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 landscape plan in accordance with Condition 10 of this planning permit.
 - b) Visibility splays provided in accordance with Design Standard 1 of Clause 52.06-8 of the top of the basement ramp.
 - c) Amendments to plans in accordance with conditions 22 of this permit.
 - d) Plans demonstrating no overlooking in accordance with Standard B22 of Clause 55 the Bayside Planning Scheme and in accordance with the concept plans submitted to Council on 18 August 2015. The section plans on TP09 (a) dated 16/4/15 must accurately demonstrate neighbouring windows and that planter boxes adequately comply with Standard B22.
 - e) The use of varying screening materials/methods for the second floor south elevation to break up the dominance of frosted glass balustrade to dwelling 203 and in front of bedrooms of dwelling 204 and to maintain compliance with Standard B22 of the Bayside Planning Scheme.
 - f) The site coverage reduced to a maximum of 60%.
 - g) The use of a different material to all elevations to the second floor to provide some distinction from the first and ground floors.
 - h) Removal of tandem car spaces with no increase in basement size and no reduction in parking numbers. This might require the use of stackers.
 - i) Longitudinal plan showing ramp grades in accordance with Clause 52.06 of the Bayside Planning Scheme.
 - j) Details of the front fence and reduce the height of the fence to ensure no part exceeds a height of 2.0m.
 - k) Notations/details to ensure there is no overlooking from the pedestrian ramp to the G08 habitable rooms.

4.4 88 BAY ROAD, SANDRINGHAM (continued)

- l) An acoustic fence or similar noise attenuation treatment along the eastern boundary of the site where it adjoins 1/90 Bay Road Sandringham
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. Before development commences (including demolition) the applicant must pay \$13,831.58 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. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.
5. 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 without the written consent of the Responsible Authority.
7. Vehicular crossing must be constructed to the road to suit the proposed driveway 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 and VicRoads.
8. 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 development;
 - c) Surfaced with an all-weather-seal coat;
 - d) Drained;
 - e) Line marked to indicate each car space and all access lanes; and
 - f) Signed and allocated to dwellings and visitors accordingly.

To the satisfaction of the Responsible Authority.

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

4.4 **88 BAY ROAD, SANDRINGHAM (continued)**

9. Prior to the commencement of development, a Construction Management Plan (CMP) must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of this permit. The CMP must include (but is not limited to) the following unless otherwise agreed by the Responsible Authority:
- a) All site facilities will be located on site during the construction period;
 - b) All waste material not required for further on-site processing will 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) All storage areas/external stockpiles/vacant areas must be covered and maintained to avoid dust nuisance to any residential area and to prevent escape into the stormwater system to the satisfaction of the Responsible Authority.
 - d) 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. A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways to the satisfaction of the Responsible Authority.
 - e) Control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.
 - f) No water containing oil, foam, grease, scum or litter to be discharged to the stormwater drainage system from the site;
 - g) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
 - h) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

The CMP must be implemented to the satisfaction of the Responsible Authority with all works completed in accordance with EPA requirements.

10. 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 plan must show:

- a) A survey including botanical names 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

4.4 88 BAY ROAD, SANDRINGHAM (continued)

- e) Landscaping and planting within all open areas of the site
- f) A canopy tree to reach a minimum height of 8.0m at maturity at the rear of each of dwellings G03, G04 and G06.
- g) A canopy tree to reach a minimum height of 8.0m at maturity in the western SPOS of dwelling G07.
- h) Details on soil volumes to demonstrate that canopy and screening trees will have sufficient soil levels to grow
- i) Evergreen screening trees proposed along the eastern boundary of the site to have a mature height of no less than 8 metres and to be 3 metres in height at the time of planting.

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

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

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 the development (including demolition) starts, a tree protection fence must be erected around the street trees to the edge of the nature strip in front of the site 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. Any subsurface water captured on the site must be treated in accordance with Council's Policy for 'Discharge of Pumped Subterranean Water Associated with Basements or Below-Ground Structures'.
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.

4.4 88 BAY ROAD, SANDRINGHAM (continued)

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. 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.
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 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

22. Before development commences, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans (Ground Floor Plan, Drawing No TP02 prepared by Finnis Architects) submitted to our office but modified to show:
 - i. Crossover width on Bay Road upgraded to align with the basement access into the site to provide a minimum of 6.0 metres width crossover.
 - ii. Appropriate swept path analysis to demonstrate that appropriate design vehicles can enter and exit the site from Bay Road concurrently
23. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.
24. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. By spilling gravel onto the roadway), to the satisfaction of the Responsible Authority.
25. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant Act or regulations created under those Acts.
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.

4.4 88 BAY ROAD, SANDRINGHAM (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

Build over easement

There is no easement within the property although records suggest there is a sewer drain at the rear of the property. Nothing is proposed but for any future 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.

CARRIED

4.5 386 HAMPTON STREET, HAMPTON

It is recorded that Mr Mark Stanojevic, Mr Peter Desanto and Mr Daniel Lyon on behalf of Mr Mark Beiser spoke in relation to this matter.

Moved: Cr Frederico

Seconded: Cr Long

That Council, having caused notice of Planning Application No 2009/557/4 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 an Amended Permit in respect of the land known and described as 386-388 Hampton Street, Hampton for the Construction of a five storey building containing a shop and 10 dwellings, a reduction in the required car parking rate and waiver of the loading and unloading of vehicles requirement for the following reasons:

1. The proposed height of the development is excessive and will detrimentally affect the character of the Hampton Street Activity Centre contrary to the design objectives and built form variation requirements of Design and Development Overlay Schedule 12 and the vision, objectives and strategies of Clause 21.11-4 of the Bayside Planning Scheme.
2. The proposal provides insufficient car parking which will detrimentally affect the amenity of the area and the development of the Hampton Street Activity Centre contrary to Clause 52.06 of the Bayside Planning Scheme.
3. The proposal fails to comply with the front setback requirements of Design and Development Overlay Schedule 12.

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

DIVISION: **FOR:** Crs Stewart, Long, Evans, Heffernan, Frederico, Lowe and del Porto (7)

AGAINST: Nil (0)

CARRIED

4.6 34 DENDY STREET, BRIGHTON

It is recorded that Ms Simone St Leon and Mr Chris Pippo spoke in relation to this matter.

Moved: Cr Frederico

Seconded: Cr Lowe

That Council having caused notice of Planning Application No. 2014/317/1 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 34 Dendy Street, Brighton, for the construction of two double storey dwellings in accordance with the plans dated 12 December 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 received on 12 December 2014 but modified to show:
 - a) The length of the walls along the western property reduced to comply with the provisions of Standard B18 of clause 55 of the Bayside Planning Scheme;
 - b) The ground floor south wall of dwelling 2 setback a minimum of 3m from the southern property boundary.
 - c) The first floor south wall of dwelling 2 setback a minimum of 4.62 metres from the southern boundary;
 - d) Notation to the plans showing the retention of the existing 2.3m – 2.5m high paling fencing along the eastern site boundary and the two metre high paling fence along the southern site boundary as indicated on plans received 12 December 2014.
 - e) A schedule of all external materials showing the colours and finishes of all external walls, roofs, fascias, window frames and paving.
 - f) A minimum 4.8 metre wide garage door provided for each double garage
 - g) The driveways to both dwellings suitable paved (preferably concrete) with a minimum width of 3m.
 - h) Construction of a new vehicle crossing to dwelling 2 at 3m wide with a 0.5m offset from the side entry pit to the east.
 - i) Compliance with the sight line requirements of AS2890.1 for the area where the driveways intersect with the footpaths for both dwellings. The plans must note that all structures and foliage, front fences and other structures are limited to a maximum height of 1 metre or are kept clear within the site line triangles.
 - j) A landscaping plan in accordance with Condition 6 of this permit.
 - k) An Arborist Report in accordance with Condition 8 of this permit
 - l) All plant and equipment (including air conditioning units, heating units, hot-water systems, etc.) which is proposed to be located externally identified on the plans.
 - m) The first floor west setbacks of both dwellings increased to comply with Standard B17 of clause 55 of the Bayside Planning Scheme

4.6 34 DENDY STREET, BRIGHTON (continued)

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 the dwellings 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 dwellings without the written consent of the responsible authority.
5. The walls on the boundaries of the adjoining properties must 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 (including botanical names) 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) Landscaping and planting within all open areas of the site; including within the setback required by Condition 1(a)
 - f) The planting of at least one canopy tree within the front setback of dwelling 1 to reach a minimum of 10m in height and 6m in width at maturity.
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. Before the commencement of buildings and works, an Arborist's Report in accordance with AS4970-2009 (Protection of trees on development sites) is required to be submitted and approved by the Responsible Authority. The report must cover an assessment of the impact of the proposed development on the existing Callistemon (Bottlebrush) located along the eastern boundary of the adjoining property to the west at 30 – 32 Dendy Street as well as the Melaleuca Tree located close to the northern boundary of the adjoining property to the south at 7 Wallace Grove and include any measures which may be required to ensure the viability of these trees during and post construction.
9. Before the development (including demolition) starts, a tree protection fence must be erected around the street tree and maintained until all works on the 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 nature strip under the dripline of the tree

4.6 34 DENDY STREET, BRIGHTON (continued)

- c) The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970-2009 (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
 - 10. Root pruning within the Tree Protection Zone:
 - e) Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand
 - f) All affected roots must be correctly pruned according to AS 4373-2007
- 11. The landscaping shown on the endorsed plans must be maintained 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's 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 of which is to be to the satisfaction of the Responsible Authority.
- 15. 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.

4.6 34 DENDY STREET, BRIGHTON (continued)

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) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) A trench grate (150mm minimum internal width) located within the property; and/or
 - c) Shaping the driveway so that water is collected in a grated pit on the property; and/or
 - d) Another Council approved equivalent
17. The driveway / parking areas / paved courtyards / paths and any 'pervious' pavers must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
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. 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

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.

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 24-30 ESPLANADE, BRIGHTON

It is recorded that Mr Lance Chu and Mr Vaughan Connor spoke in relation to this matter.

Moved: Cr Frederico

Seconded: Cr Lowe

It is recommended that Council Amend the endorsed plans of Planning Permit 2005/110 and that the permit be re-issued with the following conditions and table inserted as a record of the amendments at the end of the permit:

Amended Planning Permit Preamble:

The development of 11 apartments and 24 townhouses in respect of the land known and described as 24-30 Esplanade, Brighton, Planning Permit No. 2005/110/8 for basement car parking and access to a declared main road in accordance with the endorsed plans and subject to the following conditions

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) Alterations to the proposal as indicated in the revised plans dated 29 July 2005.
 - 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. Details of screening and noise attenuation measures around plant equipment to be provided
 - g) The roof decks to comply with the setback requirements as specified in the Design and Development Overlay Schedule 1 (DDO1) to the satisfaction of the Responsible Authority.
 - h) A minimum of three bicycle parking spaces provided in accordance with the provisions of Clause 52.34 (Bicycle Facilities) of the Bayside Planning Scheme
2. 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.

4.7 24-30 ESPLANADE, BRIGHTON (continued)

3. 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. 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.
5. 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.
6. 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.
7. The redundant vehicle crossings must be removed and the area reinstated with appropriate kerbing and channelling (and then sown with grass) to the satisfaction of the Responsible Authority.
8. Vehicle crossings shall be a minimum distance of 1.5 metres from any street tree unless approved in writing by the Responsible Authority.
9. All basic services, including water, electricity, gas sewerage and telephone, shall be installed underground and located to the satisfaction of the Responsible Authority.
10. All service pipes, fixtures and fittings must be concealed on exposed elevations to the satisfaction of the Responsible Authority.
11. 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.

4.7 24-30 ESPLANADE, BRIGHTON (continued)

12. 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;
 - 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. 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.
14. 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;

4.7 24-30 ESPLANADE, BRIGHTON (continued)

- 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.

15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. The tree removal/ pruning authorised by this permit must be completed to the satisfaction of the Responsible Authority.
21. 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.

4.7 24-30 ESPLANADE, BRIGHTON (continued)

- 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.

22. Crossings shall be constructed in a manner that will not damage the root systems of any mature street trees. A 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.
23. Prior to the commencement of any development works, Tree Protection Zones must be erected around all trees to be retained that are on the site, adjacent to the subject site and street trees. Tree Protection Zones, of cyclone wire or similar construction, shall be erected to the satisfaction of Council's Arborist.
24. 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 five star energy rating, using the Sustainable Energy Authority of Victoria 'FirstRate' system or equivalent.
25. The Legal Point of Discharge for this development is to be the Council drain pit in the Esplanade and located at a point near the southwest corner of the property. The Developer should be satisfied that levels permit the adoption of the above discharge point.
26. Basement drainage (seepage water/ agricultural) must be pumped to the nearest Council Drain Pit and not be discharged to the kerb and channel.
27. Plans for the construction of the outfall drain must receive Bayside City Council approval prior to the commencement of the development.
28. Any paved courtyards/ paths must be graded/ drained to prevent stormwater discharge into adjacent properties.
29. 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.

30. A Construction Management and Traffic Management Plan must be presented to Council for approval prior to the commencement of building works.

4.7 24-30 ESPLANADE, BRIGHTON (continued)

Date	Brief description of Amendment
13 October 2015	<p>Amendment pursuant to Section 72</p> <p><u>Amendment to Planning Permit preamble</u></p> <ul style="list-style-type: none"> • Amendment of the preamble to read, <p style="margin-left: 40px;"><i>“The development of 11 apartments and 24 townhouses, basement car parking and access to a declared main road”.</i></p> <p><u>Amendment to Planning Permit Conditions</u></p> <ul style="list-style-type: none"> • Amendment to Condition 1 (f) to read, <p style="margin-left: 40px;"><i>“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. Details of screening and noise attenuation measures around plant equipment to be provided.”</i></p> • Addition of Condition 1 (h) to read, <p style="margin-left: 40px;"><i>“A minimum of three bicycle parking spaces provided in accordance with the provisions of Clause 52.34 (Bicycle Facilities) of the Bayside Planning Scheme.”</i></p> <p><u>Amendments to endorsed plans</u></p> <p>At basement level:</p> <ul style="list-style-type: none"> • Substation finished floor level raised from 1.6m RL to 1.65m RL to match basement; • Reconfiguration of the service area accommodating the Generator, Communications, Storage and Main Switchboard rooms; and • Reallocation of Car Parking Spaces 15 and 16 to Visitor Spaces. <p>At ground floor level:</p> <ul style="list-style-type: none"> • Ground floor level of Building A lowered from 6.78RL to 4.93RL; • Ground floor level of Building B lowered from 6.18RL to 4.93RL; • Podium floor level lowered from 6.08RL to 4.86RL; • General reconfiguration of windows; • Northern boundary fence setback 5.7m from the western title boundary;

4.7 24-30 ESPLANADE, BRIGHTON (continued)

	<ul style="list-style-type: none"> • Rainwater tank level lowered from 7.04RL to 6.86RL; • Relocation of plant equipment from roof to enclosure at ground level at the rear of Building A; and • Revised landscaping. <p>At first floor level:</p> <ul style="list-style-type: none"> • First floor level of Building A lowered from 10.295RL to 8.145RL; • First floor level of Building B lowered from 9.795RL to 8.145RL; and • General reconfiguration of windows. <p>At second floor level:</p> <ul style="list-style-type: none"> • Insertion of additional floor to Building As and B at 11.36RL. This floor comprises two additional apartments to Building A (Apartment 5 and 6) and one additional apartment to Building B (Apartment 3).
	<p>At third floor level:</p> <ul style="list-style-type: none"> • This is a new level due to the insertion of the new second floor below. The layout of this floor reflects the layout of the previously approved second floor. In Building A, Apartment 5 is renumbered to Apartment 7. In Building B, Apartment 3 is renumbered to Apartment 4; • The floor level of Building A has increased from 13.81RL to 14.575RL; and • The floor level of Building B has increased from 13.41RL to 14.575RL. <p>At roof level:</p> <ul style="list-style-type: none"> • Roof terrace of Building A raised from 17.61RL to 17.87RL; • Roof terrace to Building B raised from 16.83RL to 18.00RL; • Depth of planters to Building A increased from 2m to 3.18m; • Stair enclosure to Building A now integrated with store room, spa removed and planter bed now concealing lift overrun; • Rearrangement of roof plant equipment to Building B and installation of ducting.

4.7 24-30 ESPLANADE, BRIGHTON (continued)

	<p>The landscaping plan has also been revised as follows:</p> <ul style="list-style-type: none"> • The number of canopy trees along the frontage has increased from 2 to 6; • The predominant species of canopy tree in the front setback has changed from <i>Allocasuarina veticillata</i> (Drooping She-oak) to <i>Allocasuarine littoralis</i> (Black She-Oak); and <p>The species of trees to be planted on both sides of the internal driveway between Buildings C1 and C2 has changed from <i>Juniperus virginiana</i> 'Spartan' (Spartan Eastern Red Cedar) to <i>Pyrus calleryana</i> 'Capital' (Capital Pear).</p>
--	---

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

DIVISION: **FOR:** Crs Stewart, Long, Evans, Heffernan, Frederico, Lowe and del Porto(7)
AGAINST: Nil (0)

CARRIED

4.8 9 MARY STREET, BEAUMARIS

It is recorded that Mr Stephen Jenkins spoke in relation to this matter. It is further recorded that Mr Stephen Jenkins spoke on behalf of Mr John Dakis in relation to this matter.

It is further recorded that Mr Ben Emmett was not present in the Chamber.

Moved: Cr Stewart

Seconded: Cr Evans

That Council having caused notice of Planning Application No. 2015/35/1 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 Mary Street, Beaumaris, for the Construction of two double storey dwellings in accordance with the advertised plans dated 10 February 2015 and 23 July 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.
 - b) The lounge room and study nook window of dwelling 2 to be annotated as being at least 1.7 metres in height above finished floor level in accordance with Standard B22 Overlooking of the Bayside Planning Scheme.
 - c) The section of window up to 1.7 metres above finished floor level associated with bedroom 3 of dwelling 2 is to be annotated as being fixed and obscure in accordance with Standard B22 Overlooking of the Bayside Planning Scheme.
 - d) The section of window up to 1.7 metres above finished floor level associated with bedroom 4 of dwelling 2 is to be annotated as being fixed and obscure in accordance with Standard B22 Overlooking of the Bayside Planning Scheme.
 - e) The lounge room and study nook windows at the first floor of dwelling 1 to be screened to a height of 1.7 metres above finished floor level in accordance with Standard B22 Overlooking of the Bayside Planning Scheme.
 - f) A 3 metre wide crossover for dwelling 2 offset 1.3 metres from the southern property boundary.
 - g) The double garages to have a minimum 4.8 metre wide door opening.
 - h) Visibility splays in accordance with Design Standard 1 of Clause 52.06-8 of the Bayside Planning Scheme.
 - i) A Landscape Plan in accordance with Condition 7 of this Planning Permit.
 - j) An Arborist Report in accordance with Condition 8 of this Planning Permit.
 - k) The Water Sensitive Urban Design (WSUD) measures in accordance with Condition 12 of this Planning Permit.

4.8 **9 MARY STREET, BEAUMARIS (continued)**

- l) The north ground floor living room wall of unit 1 and the south ground floor living room wall of unit 2 set back a minimum of 2 metres from the boundary.
- m) The extent of hard surfacing within the front set back reduced to allow for additional landscaping;
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. 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 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.
7. Before the development starts, an updated 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 generally in accordance with the landscape plan date stamped 23 July 2015, prepared by Time Landscape and Outdoor Creations except that the plan must show:
 - a) An indigenous tree capable of reaching a minimum height of 12m at maturity in the front setback of dwelling 1.
 - b) An indigenous tree capable of reaching a minimum height of 6m at maturity in the front setback of dwelling 2.
 - c) Landscaping within the open space referred to in condition 1(m).
8. Before the development starts, an Arborist Report in accordance with AS 4970-2009 is to be submitted and approved to the satisfaction of the Responsible Authority. The Arborist Report is to include the following:
 - a) A construction impact assessment and tree protection methodology for the duration of the construction period for the *Schinus molle* (Peppercorn Tree).
 - b) Information demonstrating the viability of the *Schinus molle* (Peppercorn Tree) post construction, including any modifications required to the development plans to ensure the trees long term viability.
 - c) A Tree Protection Methodology Statement for the *Cupressus sempervirens* located at 10 Hepburn Avenue detailing how this tree is to be protected for the duration of development.
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.

4.8 9 MARY STREET, BEAUMARIS (continued)

10. Tree Protection Fencing is to be established around the street tree - *Lophostemon confertus* (Brushbox) 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.
11. 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.
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. 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.
14. 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.

4.8 9 MARY STREET, BEAUMARIS (continued)

15. 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.
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 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
18. 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.
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. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - i) A trench grate (150mm minimum internal width) located within the property and/or
 - ii) Shaping the driveway so that water is collected in a grated pit on the property and/or
 - iii) 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 and approved by Council's Engineering Services department.
21. 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.
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.

4.8 9 MARY STREET, BEAUMARIS (continued)

Permit 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

4.9 33 BLUFF ROAD, BLACK ROCK

It is recorded that Mr Richard Umbers spoke in relation to this matter.

Moved Cr Evans

Seconded Cr Stewart

That Council having caused notice of Planning Application No. 2015/17/1 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 33 Bluff Road, Black Rock, for the Alterations and additions to an existing building including a first floor addition to accommodate two dwellings and reduction of car parking requirements in accordance with the application dated 13/01/2015, 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) The roof deck and associated spiral staircase deleted.
 - b) The addition of a west facing entry/exit to the first floor elevator shaft.
 - c) The 1.7 metre high screen above finished floor level along the western side of the first floor deck to 'Dwelling 2' within the title boundaries of the site.
 - d) The car parking spaces to the rear to be line marked and signed as being designated for use by occupants of the residential development.
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 walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

4.9 33 BLUFF ROAD, BLACK ROCK (continued)

7. 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

4.10 687 HAMPTON STREET, BRIGHTON

It is recorded that Ms Alison Wood spoke in relation to this matter.

Moved Cr Lowe

Seconded Cr Frederico

That Council having caused notice of Planning Application No. 2015/25/1 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 687 Hampton Street Brighton, for alterations and additions to an existing dwelling and construction of a two-storey dwelling at the rear of the site in accordance with the application plans, 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 all external materials showing the colours and finishes of all external walls, roof, fascias, window frames and paving.
 - b) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally identified on the plans and to be located so as to minimise visual and noise impacts to adjoining properties.
 - c) The dwelling 1 carport to be a minimum of 3.5m in width and 6m in length measured internally.
 - d) The crossover reconstructed with 60 degree splays provided along both edges of the crossing.
 - e) A landscaping plan to include the retention of the four existing trees noted in Condition 6 of this permit
 - f) Details of window screening to the dwelling 2 first floor north & west facing (retreat and bedroom 1) windows to ensure compliance with Clause 55.04-6 Standard B22 (Overlooking) of the Bayside Planning Scheme.
 - g) All measurements of surrounding properties accurately shown.
 - h) The existing driveway retained within the tree protection zones of the four trees required to be retained by Condition 6 of this permit.
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.

4.10 687 HAMPTON STREET, BRIGHTON (continued)

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 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 (including botanical names) 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 boundaries
 - c) Details of surface finishes of pathways and driveways
 - d) Notation showing the retention of the existing driveway within the tree protection zones of the trees noted in Conditions 6 (g) and (h).
 - 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) Landscaping and planting within all open areas of the site and including additional planting to the rear boundary to screen views of the development .
 - g) The retention of the *Cedrus atlantica* 'Glauca' (Blue Atlas Cedar, listed as Tree 17 in the Concept Landscape Plan)
 - h) The retention of the three *Cupressus sempervirens* (Italian Cypress) located along the southern site boundary.

All species selected must be to the satisfaction of the responsible authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

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.

4.10 687 HAMPTON STREET, BRIGHTON (continued)

9. Tree Protection Fencing is to be established around the street tree 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 nature strip under the drip line of the trees.
 - 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.
10. The existing street tree must not be removed or damaged.
11. 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.
12. 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.
13. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties.
14. 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.
15. The driveway / parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge into adjacent properties.
16. 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

- 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.

4.10 687 HAMPTON STREET, BRIGHTON (continued)

- 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 4638.

CARRIED

4.11 1/23 SOUTH ROAD, BRIGHTON

It is recorded that Mr Andrew Hill, Ms Amanda Ring and Mr Jimmy Kiu spoke in relation to this matter.

Moved Cr Frederico

Seconded Cr Lowe

That Council having caused notice of Planning Application No. 5/2014/926/1 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 1/23 South Road, Brighton, for alterations and additions to an existing dwelling in a Heritage Overlay (HO 340) & to construct a roof deck in DDO1 in accordance with the plans dated 28th 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 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 provision of a 1.7 metre high privacy screen along the east side of the roof deck that includes a maximum of 25% openings
 - b) Notation that the existing south doors to the entry porch are to be retained.
 - c) All modifications to the south and west elevations of the building to be comprehensively detailed at appropriate scales.
 - d) Detailed design of the verandah at 1:50 scale that includes elevations and sections. Cast iron elements and other manufactured components are to be illustrated by samples or trade brochures.
 - e) Schedule of colours, materials and finishes of all external surfaces.
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. 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.

4.11 1/23 SOUTH ROAD, BRIGHTON (continued)

Permit Notes

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

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

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

LOST

Moved Cr Stewart

Seconded Cr Evans

That Council having caused notice of Planning Application No. 5/2014/926/1 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 1/23 South Road, Brighton, for alterations and additions to an existing dwelling in a Heritage Overlay (HO 340) & to construct a roof deck in DDO1 in accordance with the plans dated 28th 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 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 provision of a 1.7 metre high privacy screen along the east side of the roof deck that includes a maximum of 25% openings
 - b) The retention of the existing first floor west balcony and no extensions to this balcony. This may require the reconfiguration of bedroom 3 to enable access to the balcony.
 - c) Notation that the existing south doors to the entry porch are to be retained.
 - d) All modifications to the south and west elevations of the building to be comprehensively detailed at appropriate scales.
 - e) Detailed design of the verandah at 1:50 scale that includes elevations and sections. Cast iron elements and other manufactured components are to be illustrated by samples or trade brochures.
 - f) Schedule of colours, materials and finishes of all external surfaces.
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

4.11 1/23 SOUTH ROAD, BRIGHTON (continued)

3. 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

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

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

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

CARRIED

4.12 762 HAWTHORN ROAD, BRIGHTON EAST

Moved Cr Heffernan

Seconded Cr Frederico

That Council having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Not Support the application to amend Planning Permit 2010/726/2 at the pending VCAT hearing under the provisions of the Bayside Planning Scheme in respect of the land known and described as 762 Hawthorn Road, Brighton East for alterations and additions to an existing shop and the construction of four (4) dwellings and a waiver of car parking requirements in accordance with the plans circulated on 8 May 2015 on the following grounds:

1. The proposed fourth storey is not consistent with the design objectives of Schedule 2 of the Design and Development Overlay of the Bayside Planning Scheme and in particular does not reinforce the low scale character of the surrounding area.
2. The number of car parking spaces provided on site does not comply with the provisions of Clause 52.06 (Car parking) of the Bayside Planning Scheme and this will impact adversely upon the availability of on street parking spaces in the immediate surrounding area.

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

DIVISION: **FOR:** Crs Stewart, Long, Evans, Heffernan, Frederico, Lowe and del Porto (7)

AGAINST: Nil (0)

CARRIED

4.13 32 FLORENCE STREET, BRIGHTON EAST

Moved Cr Heffernan

Seconded Cr Frederico

That Council having caused notice of Planning Application No. 2014/827/1 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 Planning Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 32 Florence Street, Brighton East, for the Construction two double storey dwellings in accordance with the application dated 14 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 *Melaleuca styphelioides* (Prickly-leaved Paperbark) located within the road reserve immediately abutting the front boundary of the site displayed as being removed.
 - b) The garage door to Dwelling 2 made 3 metres wide.
 - c) A landscape plan in accordance with Condition 8 of this planning permit.
 - d) Visibility splays in accordance with Design Standard 1 of Clause 52.06.
 - e) Water Sensitive Urban Design (Stormwater Management) measures in accordance with Condition 14.
2. The use and 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 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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
7. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority.

4.13 32 FLORENCE STREET, BRIGHTON EAST (continued)

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 landscape plan must show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) 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. All species selected must be to the satisfaction of the Responsible Authority.
 - e) One tree in the front setback capable of reaching 14 metres in height and 8 metres in width at maturity.
 - f) Two trees in the rear setback capable of reaching 10 metres in height at maturity.
 - g) Landscaping and planting within all open areas of the site and sufficient soil volume provided to allow proposed canopy tree plantings to reach their potential mature height and spread.
9. Before the development starts a Tree Protection Plan must be submitted to and approved by the Responsible Authority. This Tree Protection Plan must be drawn to scale, which references the Tree Management Plan referred to in Condition 10 of this planning permit and provide details of:
 - a) The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
 - b) Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
 - c) Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
 - d) Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - e) Any pruning to be undertaken to the canopy of any tree to be retained in accordance with AS4373-2007.
 - f) Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

4.13 32 FLORENCE STREET, BRIGHTON EAST (continued)

10. Before the development starts a Tree Management Plan must be submitted to and approved by the Responsible Authority. This Tree Management Plan must be prepared by a suitably qualified arborist which references the Tree Protection Plan referred to in Condition 9 of this planning permit and provides details of:
 - a) Any non-destructive root investigation undertaken in accordance with AS4970-2009 to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - b) Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - c) How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - d) How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - e) Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
11. 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.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
13. Before the development commences the applicant must pay \$11, 246.63 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.
14. 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;

4.13 32 FLORENCE STREET, BRIGHTON EAST (continued)

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.

15. 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.
16. 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.
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. 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.
19. 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.
20. 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.
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.

CARRIED

4.14 6/427-455 HAMPTON STREET, HAMPTON**Moved Cr Lowe****Seconded Cr Stewart**

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 added at the end of the permit.

Date	Amendment
13 October 2015	Secondary consent to amend plans: <ul style="list-style-type: none"><li data-bbox="472 705 1398 772">• Internal alterations to divide Shop 5 into two tenancies to create a new Shop 6.<li data-bbox="472 772 1398 840">• Installation of two new entry doors to Shop 6, one off Hampton Street and one to the entry to Shop 5.<li data-bbox="472 840 1398 873">• Addition of a small leasing unit within the ground floor lobby.

CARRIED

4.15 4 DUDLEY STREET, BRIGHTON

Moved Cr Frederico

Seconded Cr Heffernan

That the Amended Plans be approved in accordance with the secondary consent provisions of Planning Permit No. 2008/406/2 issued for the construction of a two storey apartment building with basement parking at 4 Dudley Street, Brighton, and the following table be added at the end of the permit.

Date	Amendment
13 October 2015	Secondary consent to amend plans: <ul style="list-style-type: none"> • Addition of shade blind to the western side of the living room balcony for dwelling 11.

CARRIED

Cr Long on behalf of his fellow Councillors and Council officers thanked Cr del Porto for undertaking the role as Chairman of the Planning and Amenity Committee over the past 12 months.

The Chairman declared the meeting closed at 10.05pm.

CONFIRMED THIS 17 DAY OF NOVEMBER 2015

CHAIRPERSON: