



Minutes of the Planning & Amenity Committee Meeting

held in the Council Chamber
Boxshall Street, Brighton
on Tuesday 14 July 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 |
| Steven White | - | Director Infrastructure Services |
| Lili James | - | Manager Amenity Protection |
| Ken Bott | - | Manager Infrastructure Assets |
| Stuart Caldwell | - | Manager Statutory Planning |
| Connor Perrott | - | Statutory Planning Co-ordinator |
| Arthur Vatzakis | - | Acting Statutory Planning Co-ordinator |
| Hew Gerrard | - | Statutory Planner |
| Terry Callant | - | Manager Governance & Performance Reporting |
| 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 9 June 2015

Moved: Cr Frederico

Seconded: Cr Evans

That the Minutes of the Planning & Amenity Committee Meeting held on 9 June 2015 be confirmed.

CARRIED

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REQUESTS TO BE HEARD:

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

Requests to be heard were received from the following people:

- Item 4.1 Local Law Tree Removal Application – 23 Brighton Street Brighton**
 - 1. Mr George Reynolds
 - 2. Mr Adam Doves

- Item 4.2 Dendy Village Hampton Street Request for Pedestrian Signals and Speed Reduction**
 - 1. Mr K.S. Spencer
 - 2. Dr Anna Platt

- Item 4.4 6-8 Hemming Street, Brighton East**
 - 1. Ms Robyn Dawson (O)
 - 2. Mrs Rachel Lui (O)
 - 3. Mr Noel Johnstone (O)
 - 4. Mr Denis Botvnev (S)
 - 5. Ms Kate Svyatitskaya (A)

- Item 4.5 22 Cheeseman Avenue, Brighton East**
 - 1. Mr Peter Grant (O)
 - 2. Mr John Grant (O)
 - 3. Mr Craig Ross (S)
 - 4. Mr Craig Jackson (A)

- Item 4.6 336 – 338 South Road, Hampton**
 - 1. Mr Bruce Keen (A)

- Item 4.7 50 Warleigh Grove, Brighton**
 - 1. Ms Catherine Latta-Smith (O)
 - 2. Mr Clifford Hayes (O)
 - 3. Mr Tim Radisich (A)

- Item 4.9 51 Vincent Street, Sandringham**
 - 1. Mr Antony Duffill (A)

- Item 4.10 1/18 Gleniffer Avenue, Brighton East**
 - 1. Mrs Mary Axougas (O)

- Item 4.11 26 Warleigh Grove, Brighton**
 - 1. Mr K.S. Spencer (O)

- Item 4.12 293 Hampton Street, Hampton**
 - 1. Mr Bill Katsabis (S)
 - 2. Mr Daniel Bowden (A)

OFFICERS' REPORTS:**4.1 LOCAL LAW TREE REMOVAL APPLICATION – 23 BRIGHT STREET BRIGHTON**

It is recorded that Mr George Reynolds and Mr Adam Doves spoke in relation to this matter.

Moved: Cr Frederico

Seconded: Cr Heffernan

That Council resolves to grant a permit for the removal of a Flowering Gum (*Corymbia ficifolia*) located at 23 Bright Street, Brighton including a requirement for the owner of 23 Bright Street to plant two mature trees to the satisfaction of the Manager Amenity Protection.

CARRIED

4.2 DENDY VILLAGE HAMPTON STREET REQUEST FOR PEDESTRIAN SIGNALS AND SPEED REDUCTION

It is recorded that Mr K.S. Spencer and Dr Anna Platt spoke in relation to this matter.

Moved: Cr Long

Seconded: Cr Frederico

That Council:

1. notes the commitment by VicRoads to undertake preliminary design work on investigating options for the installation of pedestrian operated signals in Hampton Street at the Dendy Village Shopping Centre;
2. requests a meeting with the Minister for Roads and Road Safety in relation to this matter attended by the Mayor;
3. writes to the Minister for Roads and Road Safety, Local and State Members of Parliament and the Shadow Minister for Roads and Infrastructure seeking a commitment to fund pedestrian operated traffic signals, at the Dendy Village Shopping Centre in Hampton Street; and
4. writes to VicRoads requesting the preparation of a road safety audit at Hampton Street at the Dendy Village Shopping Centre.

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

4.3 214 HIGHETT ROAD HIGHETT

Moved: Cr Lowe

Seconded: Cr Frederico

That Council having caused notice of Planning Application No. 2014/372/1 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 214 Highett Road, Highett for the construction of three double storey dwellings generally in accordance with the submitted plans in accordance with the application dated 3 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) All pedestrian doors to be provided outwards from the garages.
 - b) Each double garage roller door to be a minimum width of 4.8 metres.
 - c) All driveways to be a minimum width of 3.6 metres where they intersect with the footpath.
 - d) Adequate sightlines provided where the driveways intersect with the front footpath in accordance with AS2890.1.
 - e) A schedule of construction materials, external finishes and colours (incorporating paint samples).
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 buildings 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. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
7. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.

4.3 214 HIGHETT ROAD HIGHETT (continued)

8. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority.
9. 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) The retention of the existing large tree within the front setback to Highett Road;
 - b) Provision of a canopy tree within the front setback of each dwelling;
 - c) A survey including botanical names of all existing vegetation to be retained and/or removed;
 - d) Buildings and trees including botanical names on neighbouring properties within three metres of the boundary;
 - e) Details of surface finishes of pathways and driveways;
 - f) 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; and
 - g) Landscaping and planting within all open areas of the site.All species selected must be to the satisfaction of the Responsible Authority.
10. Before the occupation of the development 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.
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. All existing vegetation shown on the endorsed plans to be retained must not be removed, destroyed, pruned or lopped without the written consent of the Responsible Authority, all tree pruning must be carried out by a qualified Arborist to AS 4373, Pruning of Amenity Trees.
13. Before development commences the applicant must pay \$4688.29 to the Responsible Authority for the removal and replacement of the existing street tree(s). 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.

4.3 214 HIGHETT ROAD HIGHETT (continued)

14. Tree Protection Fencing is to be established around the existing northernmost street tree and the southernmost street tree along Rose Street prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites. During construction of the crossover, tree protection fencing may be reduced to the edge of the council approved crossover to facilitate the construction of the crossover.
15. Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand. All affected roots must be correctly pruned according to AS 4373-2007.
16. 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.

To be used in conjunction with previous condition.

17. Before the development starts, 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.

18. The proposed internal drainage must be connected to the existing legal point of discharge. The applicant may apply for legal point of discharge and local drain information, or carry out on site verification.
19. Stormwater discharge is to be retained on site to the pre-development level of peak stormwater discharge. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.

4.3 214 HIGETT ROAD HIGETT (continued)

20. 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.
21. 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.
22. 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.
23. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

4.4 6-8 HEMMING STREET BRIGHTON EAST

It is recorded that Ms Robyn Dawson, Mrs Rachel Lui, Mr Noel Johnstone and Mr Denis Botvnev spoke in relation to this matter.

It is further recorded that Ms Kate Svyatitskaya did not pursue her right to speak.

Moved: Cr Long

Seconded: Cr Stewart

- A: That Council, having caused notice of Planning Application No 2014/219/1 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 6-8 Hemming Street, Brighton East for the construction of two three storey residential buildings (plus basement car park) comprising 37 dwellings for the following reasons:
1. The proposal does not comply with the purposes to the General Residential Zone (Clause 32.08 of the Bayside Planning Scheme) as the proposal fails to respect the neighbourhood character of the area and fails to implement neighbourhood character policy and adopted neighbourhood character guidelines.
 2. The proposal does not comply with the character objectives under Precinct D2 of Clause 22.06 (Neighbourhood Character Policy) of the Bayside Planning Scheme due to the lack of landscaping provision, particularly substantial vegetation, the failure of the proposal to 'blend' with the existing streetscape and by proposing excessive visual bulk.
 3. The proposal fails to comply with the design objectives of Design and Development Overlay Schedule 2 (Clause 43.02 of the Bayside Planning Scheme) as the proposal:
 - a) Does not contribute positively to local urban character but rather will have an unreasonable detrimental impact on neighbouring properties.
 - b) Fails to preserve the existing character and amenity of the area as low rise.
 - c) Fails to maintain the prevailing streetscape rhythm, building scale and height of neighbourhoods.
 - d) Fails to maintain a strong landscape/garden character of buildings set within vegetated surrounds.
 4. The development contravenes the following objectives of Clause 55 (Two or more dwellings on a lot) of the Bayside Planning Scheme:
 - a) Standard B6 – Street setback objective – The proposed reduced front setback fails to respect the existing or preferred neighbourhood character.
 - b) Standard B7 – Building height objective – The proposed height of the development does not respect the existing or preferred neighbourhood character.
 - c) Standard B8 – Site coverage objective – The proposed site coverage does not respect the existing or preferred neighbourhood character and fails to respond to the features of the site.

4.4 6-8 HEMMING STREET BRIGHTON EAST (continued)

- d) Standard B13 – Landscaping objective – The proposal fails to respect the landscape character of the neighbourhood by failing to provide appropriate landscaping or adequately protecting existing mature vegetation.
- e) Standard B17 – Side and rear setbacks objective – The proposed encroachments in to the side and rear setbacks do not respect the existing or preferred neighbourhood character and do not limit the impact on the amenity of existing dwellings.
- f) Standard B28 – Private open space objective – The proposed development fails to provide adequate private open space for the reasonable recreation and service needs of residents.
- g) Standard B29 – Solar access to open space objective – The proposal fails to provide appropriate solar access into the secluded private open space areas of all dwellings.

B: That Council engages external legal representation to present its case at VCAT in the event that an application for review of Council’s decision is lodged.

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

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

CARRIED

4.5 22 CHEESEMAN AVENUE BRIGHTON EAST

It is recorded Mr Peter Grant spoke on behalf of Mr Barandaris, Mr Craig Ross, Mr Peter Grant spoke on behalf of Mr John Grant and Mr Craig Jackson spoke in relation to this matter.

Moved: Cr Heffernan

Seconded: Cr Long

That Council having caused notice of Planning Application No. 2015/142/1 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 22 Cheeseman Avenue, Brighton East, for alterations and additions to the existing dwelling (two storey addition) and associated demolition in a Heritage Overlay in accordance with the application dated 16 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 dated 10 April 2015, project no. 1136 and drawing no. TP-01 to TP-09 submitted with the application but modified to show:
 - a) The deletion of Kids Bedroom 2 and the associated robe and cupboard at first floor level.
 - b) The provision of eaves on the entire first floor addition.
 - c) Any new face brickwork must be of modern type and must not match the existing brickwork of the dwelling.
 - d) A schedule of construction materials, external finishes and colours (incorporating two paint samples) of all building additions.
 - e) Details of all building service including any screening devices.
 - f) The ground floor east wall to be setback from the boundary at a minimum in line with the ground floor east wall of the existing dwelling.
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 dwelling and additions 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 buildings without the written consent of the Responsible Authority.
5. Before the development (including demolition) starts, a tree protection fence must be erected around the existing street tree. 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.

4.5 22 CHEESEMAN AVENUE BRIGHTON EAST

- 6. 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.
- 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 if a request is made in writing before the permit expires, or within three months afterwards.

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

Permit Notes

- Building approval must be obtained prior to the commencement of the above approved works.
- This permit does not constitute approval for siting matters pertaining to Part 4 of the Building Regulations 2006.

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

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

CARRIED

4.6 336-338 SOUTH ROAD HAMPTON EAST

It is recorded that Mr Bruce Keen spoke in relation to this matter.

Moved: Cr Lowe

Seconded: Cr Heffernan

That Council having caused notice of Planning Application No. 2014/605/1 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 336-338 South Road, Hampton East, for the Construction of a five storey (including partial basement) building containing a medical centre and 28 dwellings, alteration of a vehicular access onto a Road Zone, Category 1 and a reduction in the required car parking rate in accordance with the endorsed plans and subject to the following conditions:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Provision of a frame/ pergola element to the 2nd and 3rd level in the southern elevation with integrated shading and screening.
 - b) Bicycle spaces 19-22 deleted.
 - c) Car spaces G-13 and G-14 signed as medical centre staff parking spaces.
 - d) The five car spaces available for visitors parking to be signed as being available between the hours of 5:00pm-8:00am weekdays and all weekend.
 - e) Provision of a wall-mounted intercom in-between the car park gate and the footpath setback a minimum 2.5m from the property boundary.
 - f) Provision of 300mm wide kerbs on either side of the basement accessway ramp.
 - g) Installation of a bollard within the disabled parking space 'shared area' and line marking as per AS/NZS 2890.6:2004.
 - h) A landscape plan in accordance with Condition 12 of this planning permit.
 - i) A construction management plan in accordance with Condition 16 of this planning permit.
 - j) A waste management plan in accordance with Condition 17 of this planning permit.
 - k) A schedule of external materials and finishes in accordance with Condition 3 of this planning permit.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

4.6 336-338 SOUTH ROAD HAMPTON EAST (continued)

3. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating paint samples) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the schedule will be endorsed and will then form part of the permit.
4. 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. The car stackers to be installed are a Klaus model 2072-196 unless with the written consent of the Responsible Authority.
8. The medical centre hours of operation are limited to 8:00am – 5:00pm Monday to Friday without the written consent of the Responsible Authority.
9. No more than five persons providing health services may be present on the premises at any one time without the written consent of the Responsible Authority.
10. The amenity of the area must not be detrimentally affected by the use or development, by the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin;
 - e) By other circumstances.
11. Before the development starts, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Buildings and trees including botanical names on neighbouring properties within three metres of the boundary
 - b) A planting schedule, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant for the proposed planter boxes. All species selected must be to the satisfaction of the Responsible Authority.

4.6 336-338 SOUTH ROAD HAMPTON EAST (continued)

12. 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) Details of water sensitive urban design elements to be incorporated and the plant species to be used
 - e) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - f) Landscaping and planting within all open areas of the site
 - g) An in-ground irrigation system to all landscaped areas.

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

13. Before the use/occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. 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.
15. Tree Protection Fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire naturestrip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
16. Prior to the commencement of any works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The construction management plan must address, but is not limited to:
 - a) Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints;
 - b) All traffic management plans for the site demolition, excavation, deliveries and other construction related activities that will affect vehicle and pedestrian traffic;

4.6 336-338 SOUTH ROAD HAMPTON EAST (continued)

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

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

17. Before the occupation of the development starts, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must be generally in accordance with the Waste Management Plan submitted by EcoResults, Report No: 2014-295-WMP, dated 13 August 2014 but amended to include:

- a) How collection of waste is to occur from the rear laneway without adversely affecting the amenity of neighbouring residential properties, affecting other users of the laneway and in a safe manner.
- b) Collection to be undertaken entirely within the basement and not within the South Road road reserve.
- c) Compliance with the guidelines in Schedule 1 of Local Law No. 2 Environment, Section 15 and EPA Noise Control Guidelines, Industrial Waste Collection, Section 6.

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

4.6 336-338 SOUTH ROAD HAMPTON EAST (continued)

18. Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather-seal coat;
 - d) Drained;
 - e) Line marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along access lanes and driveways;

To the satisfaction of the Responsible Authority.

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

19. 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.
20. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
21. Stormwater discharge must be retained for the portion above the discharge calculated using a coefficient of runoff of 0.35. The development is to have a Stormwater Detention System installed the design capacity to be to the satisfaction of the Responsible Authority.
22. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of pumped subterranean water associated with basement or below ground structures". Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise
23. All on-site stormwater is to be collected form 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.

4.6 336-338 SOUTH ROAD HAMPTON EAST (continued)

24. 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.
25. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent
26. Before the commencement of any works, a site management plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The site management plan must address, but not be limited to, measures to ensure that:
 - a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
 - b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
 - c) 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.
 - d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
 - e) 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 Site Management Plan must be consistent with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO, 1999.

Conditions required by VicRoads (Nos. 27-29 inclusive)

27. Any security boom, barrier, gate or similar device controlling vehicular access to the premise must be located a minimum of 6m inside the property to allow vehicles to store clear of the South Road pavement and footpath.
28. The crossover and driveway are to be constructed to the satisfaction of Responsible Authority, in accordance with the endorsed plans, prior to the commencement of the use or the occupation of the building hereby approved.
29. All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority prior to the commencement of the use or the occupation of the buildings hereby approved.
30. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

4.6 336-338 SOUTH ROAD HAMPTON EAST (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

Council records indicate that there is no easement within the property. However our records show a sewer line going across the development along the southern edge of the property, this will need to be checked by South East Water to see if it is redundant or still utilised.

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.

Flood zone

Property is not in a 'Flood Zone'

4.6 336-338 SOUTH ROAD HAMPTON EAST (continued)

AMENDMENT

Moved: Cr Stewart

Seconded: Cr Evans

That Council having caused notice of Planning Application No. 2014/605/1 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 336-338 South Road, Hampton East, for the Construction of a five storey (including partial basement) building containing a medical centre and 28 dwellings, alteration of a vehicular access onto a Road Zone, Category 1 and a reduction in the required car parking rate in accordance with the endorsed plans and subject to the following conditions:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Provision of a frame/ pergola element to the 2nd and 3rd level in the southern elevation with integrated shading and screening.
 - b) Bicycle spaces 19-22 deleted.
 - c) Car spaces G-13 and G-14 signed as medical centre staff parking spaces.
 - d) The five car spaces available for visitors parking to be signed as being available between the hours of 5:00pm-8:00am weekdays and all weekend.
 - e) Provision of a wall-mounted intercom in-between the car park gate and the footpath setback a minimum 2.5m from the property boundary.
 - f) Provision of 300mm wide kerbs on either side of the basement accessway ramp.
 - g) Installation of a bollard within the disabled parking space 'shared area' and line marking as per AS/NZS 2890.6:2004.
 - h) A landscape plan in accordance with Condition 12 of this planning permit.
 - i) A construction management plan in accordance with Condition 16 of this planning permit.
 - j) A waste management plan in accordance with Condition 17 of this planning permit.
 - k) A schedule of external materials and finishes in accordance with Condition 3 of this planning permit.
 - l) The provision of one additional resident car space.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

4.6 336-338 SOUTH ROAD HAMPTON EAST (continued)

3. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating paint samples) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the schedule will be endorsed and will then form part of the permit.
4. 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. The car stackers to be installed are a Klaus model 2072-196 unless with the written consent of the Responsible Authority.
8. The medical centre hours of operation are limited to 8:00am – 5:00pm Monday to Friday without the written consent of the Responsible Authority.
9. No more than five persons providing health services may be present on the premises at any one time without the written consent of the Responsible Authority.
10. The amenity of the area must not be detrimentally affected by the use or development, by the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin;
 - e) By other circumstances.
11. Before the development starts, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Buildings and trees including botanical names on neighbouring properties within three metres of the boundary
 - b) A planting schedule, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant for the proposed planter boxes. All species selected must be to the satisfaction of the Responsible Authority.

4.6 336-338 SOUTH ROAD HAMPTON EAST (continued)

12. 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) Details of water sensitive urban design elements to be incorporated and the plant species to be used
 - e) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - f) Landscaping and planting within all open areas of the site
 - g) An in-ground irrigation system to all landscaped areas.

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

13. Before the use/occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. 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.
15. Tree Protection Fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire naturestrip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
16. Prior to the commencement of any works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The construction management plan must address, but is not limited to:
 - a) Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints;
 - b) All traffic management plans for the site demolition, excavation, deliveries and other construction related activities that will affect vehicle and pedestrian traffic;

4.6 336-338 SOUTH ROAD HAMPTON EAST (continued)

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

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

17. Before the occupation of the development starts, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must be generally in accordance with the Waste Management Plan submitted by EcoResults, Report No: 2014-295-WMP, dated 13 August 2014 but amended to include:

- a) How collection of waste is to occur from the rear laneway without adversely affecting the amenity of neighbouring residential properties, affecting other users of the laneway and in a safe manner.
- b) Collection to be undertaken entirely within the basement and not within the South Road road reserve.
- c) Compliance with the guidelines in Schedule 1 of Local Law No. 2 Environment, Section 15 and EPA Nosie Control Guidelines, Industrial Waste Collection, Section 6.

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

4.6 336-338 SOUTH ROAD HAMPTON EAST (continued)

18. Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather-seal coat;
 - d) Drained;
 - e) Line marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along access lanes and driveways;

To the satisfaction of the Responsible Authority.

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

19. 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.
20. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
21. Stormwater discharge must be retained for the portion above the discharge calculated using a coefficient of runoff of 0.35. The development is to have a Stormwater Detention System installed the design capacity to be to the satisfaction of the Responsible Authority.
22. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of pumped subterranean water associated with basement or below ground structures". Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise
23. All on-site stormwater is to be collected form 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.

4.6 336-338 SOUTH ROAD HAMPTON EAST (continued)

24. 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.
25. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent
26. Before the commencement of any works, a site management plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The site management plan must address, but not be limited to, measures to ensure that:
 - a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
 - b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
 - c) 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.
 - d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
 - e) 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 Site Management Plan must be consistent with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO, 1999.

Conditions required by VicRoads (Nos. 27-29 inclusive)

27. Any security boom, barrier, gate or similar device controlling vehicular access to the premise must be located a minimum of 6m inside the property to allow vehicles to store clear of the South Road pavement and footpath.
28. The crossover and driveway are to be constructed to the satisfaction of Responsible Authority, in accordance with the endorsed plans, prior to the commencement of the use or the occupation of the building hereby approved.
29. All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority prior to the commencement of the use or the occupation of the buildings hereby approved.
30. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

4.6 336-338 SOUTH ROAD HAMPTON EAST (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

Council records indicate that there is no easement within the property. However our records show a sewer line going across the development along the southern edge of the property, this will need to be checked by South East Water to see if it is redundant or still utilised.

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.

Flood zone

Property is not in a 'Flood Zone'

The Amendment was Put and **CARRIED**

The Amendment became the Motion before the Chair.

The Motion was PUT and **CARRIED**

4.7 50 WARLEIGH GROVE BRIGHTON

It is recorded that Cr Long vacated the Chamber at 9.25pm and re-entered at 9.26pm.

It is recorded that Mr Clifford Hayes and Mr Tim Radisich spoke in relation to this matter. It is further recorded that Ms Catherine Latta-Smith was not present in the Chamber.

Moved: Cr Heffernan

That Council having caused notice of Planning Application No. 2014/752/1 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 50 Warleigh Grove, Brighton, for the Construction of two three storey dwellings in accordance with the endorsed plans and subject to the following conditions:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The first and second floor west facing windows screened to the extent necessary to comply with Standard B22 of ResCode.
 - b) The first and second floor north facing windows at the eastern ends screened to the extent necessary to comply with Standard B22 of ResCode.
 - c) Visibility splays provided to the side of each dwelling accessway and correctly annotated in accordance with Design Standard 1 of Clause 52.06-8.
 - d) A schedule of external materials and finishes in accordance with Condition 3 of this permit.
 - e) An Arborist report in accordance with Condition 7 of this planning permit in conjunction with any amendments to the plans required to comply with the recommendations of this report.
 - f) A landscape plan in accordance with Condition 8 of this planning 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 development starts, a schedule of construction materials, external finishes and colours (incorporating paint samples) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.
4. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.

4.7 50 WARLEIGH GROVE BRIGHTON (continued)

5. All pipes, fixtures, fittings and vents servicing the dwellings must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the dwellings without the written consent of the responsible authority.
7. Before the development starts, an arborist report in accordance with AS4970 is required to be submitted to and be approved by the Responsible Authority. This arborist report must comment on the impact of the proposed development on all trees on adjacent properties whose Tree Protection Zone extends into the subject site in accordance with AS4970. This report must also provide a construction impact assessment and tree protection methodology for the duration of the construction period to the satisfaction of the Responsible Authority.
8. Before the development starts, a Landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be 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) Details of water sensitive urban design elements to be incorporated and the plant species to be used
 - e) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the Responsible Authority.
 - f) Landscaping and planting within all open areas of the site including canopy trees within the rear of the site.
 - g) An in-ground irrigation system to all landscaped areas.
 - h) A minimum two canopy trees in the front setback capable of reaching minimum dimensions at maturity of 10m high x 6m wide.
9. Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

4.7 50 WARLEIGH GROVE BRIGHTON (continued)

11. Tree Protection Fencing is to be established around the entire naturestrip prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip. The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites. During construction of the crossover, tree protection fencing may be reduced to the edge of the council approved crossover to facilitate the construction of the crossover.
12. Vehicular crossing/s must be constructed to the road to suit the proposed driveway/s to the satisfaction of the Responsible Authority.
13. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

The water sensitive urban design stormwater treatment system as shown on the endorsed plan must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

14. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
15. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
16. Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise. The design must meet the requirements of Council's discharge of Pumped Subterranean Water Associated with Basements or Below-Ground Structures.

4.7 50 WARLEIGH GROVE BRIGHTON (continued)

17. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either: a trench grate (150mm minimum internal width) located within the property and/or shaping the driveway so that water is collected in a grated pit on the property and/or another Council approved equivalent.
18. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
19. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
20. 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

Build over easement

Council records indicate that there is an easement to the rear of the property as indicated on the plans. The plans indicate no proposals to build over or encroach into the easement with any buildings or structures of note. Any landscaped areas trees/plantings should keep in mind some root systems can interfere with the function of the drainage assets.

Proposals to be built over the easement will require Build Over Easement approval from the Responsible Authority.

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.

Flood zone

Property is not in a 'Flood Zone'.

The Motion lapsed for want of a seconder.

4.7 50 WARLEIGH GROVE BRIGHTON (continued)

Moved: Cr Frederico

Seconded: Cr Stewart

That Council having caused notice of Planning Application No. 2014/752/1 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 50 Warleigh Grove, Brighton, for the Construction of two three storey dwellings in accordance with the endorsed plans and subject to the following conditions:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The first and second floor west facing windows screened to the extent necessary to comply with Standard B22 of ResCode.
 - b) The first and second floor north facing windows at the eastern ends screened to the extent necessary to comply with Standard B22 of ResCode.
 - c) Visibility splays provided to the side of each dwelling accessway and correctly annotated in accordance with Design Standard 1 of Clause 52.06-8.
 - d) A schedule of external materials and finishes in accordance with Condition 3 of this permit.
 - e) An Arborist report in accordance with Condition 7 of this planning permit in conjunction with any amendments to the plans required to comply with the recommendations of this report.
 - f) A landscape plan in accordance with Condition 8 of this planning permit.
 - g) A tree management plan in accordance with condition 20.
 - h) The dwellings building footprint amended to enable the retention of the Lemon Scented Gum and the English Oak.
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority
3. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating paint samples) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.
4. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
5. All pipes, fixtures, fittings and vents servicing the dwellings must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

4.7 50 WARLEIGH GROVE BRIGHTON (continued)

6. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the dwellings without the written consent of the responsible authority.
7. Before the development starts, an arborist report in accordance with AS4970 is required to be submitted to and be approved by the Responsible Authority. This arborist report must comment on the impact of the proposed development on all trees on adjacent properties whose Tree Protection Zone extends into the subject site in accordance with AS4970. This report must also provide a construction impact assessment and tree protection methodology for the duration of the construction period to the satisfaction of the Responsible Authority.
8. Before the development starts, a Landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be 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) Details of water sensitive urban design elements to be incorporated and the plant species to be used
 - e) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the Responsible Authority.
 - f) Landscaping and planting within all open areas of the site including canopy trees within the rear of the site.
 - g) An in-ground irrigation system to all landscaped areas.
 - h) A minimum two canopy trees in the front setback capable of reaching minimum dimensions at maturity of 10m high x 6m wide.
9. Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

4.7 50 WARLEIGH GROVE BRIGHTON (continued)

11. Tree Protection Fencing is to be established around the entire naturestrip prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip. The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites. During construction of the crossover, tree protection fencing may be reduced to the edge of the council approved crossover to facilitate the construction of the crossover.
12. Vehicular crossing/s must be constructed to the road to suit the proposed driveway/s to the satisfaction of the Responsible Authority.
13. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

The water sensitive urban design stormwater treatment system as shown on the endorsed plan must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

14. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
15. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
16. Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise. The design must meet the requirements of Council's discharge of Pumped Subterranean Water Associated with Basements or Below-Ground Structures.

4.7 50 WARLEIGH GROVE BRIGHTON (continued)

17. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either: a trench grate (150mm minimum internal width) located within the property and/or shaping the driveway so that water is collected in a grated pit on the property and/or another Council approved equivalent.
18. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
19. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
20. Before the development commences the tree management plan must be prepared by a qualified arborist to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority, setting out measures to enable the successful retention and preservation of the health of the Lemon Scented Gum and the English Oak.
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.

Permit Notes

Build over easement

Council records indicate that there is an easement to the rear of the property as indicated on the plans. The plans indicate no proposals to build over or encroach into the easement with any buildings or structures of note. Any landscaped areas trees/plantings should keep in mind some root systems can interfere with the function of the drainage assets.

Proposals to be built over the easement will require Build Over Easement approval from the Responsible Authority.

4.7 50 WARLEIGH GROVE BRIGHTON (continued)

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.

Flood zone

Property is not in a 'Flood Zone'.

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

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

CARRIED

Moved: Cr Stewart

Seconded: Cr Heffernan

That the Mayor, Cr Frederico take the Chair for consideration of items 4.8 and 4.9.

CARRIED

It is recorded that Cr del Porto left the Chamber at 9.38pm.

4.8 11-13 BOXSHALL STREET BRIGHTON

Moved: Cr Heffernan

Seconded: Cr Stewart

That Council having caused notice of Planning Application No. 2014/443/1 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 11 and 13 Boxshall Street, Brighton, for Construction of two double storey dwellings and construction of a front fence exceeding a height of 1.2 metres in accordance with the application dated 18/06/2014, 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 amended plans dated 13 October 2014 but modified to show:
 - a) The inclusion of gates within the front fence to conceal the basement of each dwelling;
 - b) Longitudinal sections of both driveways showing all grades, length of grades and levels in accordance with the requirements of AS2890.1;
 - c) Basement car spaces at a minimum 3.2 metres wide;
 - d) Location of all mechanical plant and equipment including air conditioning condensers;
 - e) An amended landscape plan in accordance with Condition 8 of the planning permit showing the following:
 - i. Replacement of *Pyrus betulaefolia* with a species having capacity to reach a mature height of 10 metres and width of 6 metres;
 - ii. Details of Tree Protection Zones required for the Prickly Paperbark street tree and Sweet Pittosporum tree located in the rear of No. 9 Boxshall Street.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating paint samples) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.

4.8 11-13 BOXSHALL STREET BRIGHTON (continued)

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. Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather-seal coat; and
 - d) Drained.

To the satisfaction of the Responsible Authority.

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

7. The vehicular crossings must be constructed to the road to suit the proposed driveway to the satisfaction of the Responsible Authority.
8. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated July 2014 prepared by Zenith Concepts Landscape Design and 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;
 - e) Landscaping and planting within all open areas of the site; and
 - f) The requirements of Condition 1 relating to the landscape plan.

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.

4.8 11-13 BOXSHALL STREET BRIGHTON (continued)

9. The Sweet Pittosporum in the rear of 9 Boxshall Street is to be protected in accordance with *AS 4970-2009 'Protection of Trees on Development Sites'*. The TPZ of this tree is determined to be 2 metres.
 - a) The Tree Protection Fencing must be installed prior to commencement of works on the site, including demolition. The tree protection fencing must encompass the proportion of the TPZ which extends into the subject site.
 - b) Placement of timber palings/fencing within the TPZ of the Sweet Pittosporum must be installed without trenching. Fencing within the TPZ must be of a post and rail design, with the lowest rail elevated above the existing soil level.
 - c) Pruning of the Sweet Pittosporum must be undertaken by a suitably qualified Arborist in accordance with *AS 4373-2007 'Pruning of Amenity Trees'*.
 - d) Restricted activities listed in *AS 4970-2009 'Protection of Trees on Development Sites', Section 4.2* must not be undertaken within 2 metres of the trunk of the Sweet Pittosporum. Activities include machine excavation, trenching, parking of vehicles and plant and soil level changes.
10. Tree protection fencing is to be established around the street tree (Prickly Paperbark) 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 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 according to *AS 4373-2007*.
12. 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.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
14. All existing vegetation shown on the endorsed plans to be retained must not be removed, destroyed, pruned or lopped without the written consent of the Responsible Authority, all tree pruning must be carried out by a qualified Arborist to *AS 4373, 'Pruning of Amenity Trees'*.

4.8 11-13 BOXSHALL STREET BRIGHTON (continued)

15. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-
- a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

The water sensitive urban design stormwater treatment system as shown on the endorsed plan must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

16. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
17. Stormwater discharge must be retained for the portion above the discharge calculated using a **Coefficient of Runoff of 0.35**. 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 pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
19. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. 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.

4.8 11-13 BOXSHALL STREET BRIGHTON (continued)

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

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

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

Permit Notes

(i) *Build over easement*

Council records indicate that there is an easement along the south eastern side of the property, as indicated on the plans. But there are no proposals to build over or encroach into the easement with any building/structure of note. Tree plantings or even minor items can still affect the operation of these assets and should be kept in mind. Any proposals to be built over an easement will require Build Over Easement approval from the Responsible Authority(s).

(ii) *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

4.9 51 VINCENT STREET SANDRINGHAM

It is recorded that Cr del Porto entered the Chamber at 9.49pm.

Moved Cr Lowe

Seconded Cr del Porto

That Council having caused notice of Planning Application No. 2014/797/1 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 51 Vincent Street, Sandringham for the Construction of a double storey dwelling and a front fence exceeding a height of 1.2 metres on a lot less than 500 square metres in accordance with the advertised plans dated 13 April 2015, subject to the following conditions :-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A schedule of construction materials, external finishes and colours.
 - b) All pedestrian doors to open outwards of the garage.
 - c) A 4.8 metre wide garage door.
 - d) The driveway where it intersects with the footpath is to be 3 metres wide.
 - e) The front fence to include visibility splays in accordance with AS2890.1.
 - f) The grade of the on-site driveway must not exceed 1 in 16.
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 development starts, a Landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) A survey of all existing vegetation to be retained and/or removed
 - b) Buildings and trees on neighbouring properties within three metres of the boundary.

4.9 51 VINCENT STREET SANDRINGHAM (continued)

- c) Details of surface finishes of pathways and driveways
- d) Details of water sensitive urban design elements to be incorporated and the plant species to be used
- e) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- f) Landscaping and planting within all open areas of the site
- g) An in-ground irrigation system to all landscaped areas.

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

- 7. Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 8. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
- 9. Trees to be retained Silver Birches (*Betula pendula*) require protection planning in accordance with AS 4970-2009 *Protection of Trees on Development Sites*. The following tree protection measures must be undertaken:
 - a) Before demolition of the existing dwelling tree protection fencing must be installed around the aforementioned Silver Birches to create a Tree Protection Zone (TPZ) in the South-eastern corner of the front setback.
 - b) This fence must be erected to include the South-eastern corner of the front setback and extend from 7 metres to the North along the Eastern boundary and 7 m to the West along the Southern boundary.
 - c) The fence must be constructed of star pickets and chain mesh or similar to a minimum height of 1.8m.
 - d) The tree protection fence must remain in place until construction is completed.
 - e) A 100mm deep layer of mulch must cover the ground surface of the TPZ before the development starts.
 - f) Restricted activities detailed in AS 4970-2009 *Protection of Trees on Development Sites*, section 4.2 must not be undertaken within the TPZ. Restricted activities include machine excavation, trenching, soil level changes and planting of vehicles and plant.
- 10. New boundary fencing within the TPZ of the Silver Birches (*Betula pendula*) must be installed in a manner which minimises root damage.
 - a) Boundary fencing must be installed without trenching.
 - b) Boundary fencing should be of a post and rail type construction and utilise existing post holes where possible.

4.9 51 VINCENT STREET SANDRINGHAM (continued)

11. 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 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.
12. The existing crossover must not be altered.
13. In the event the existing crossover is damaged during construction and requires removal and replacement the following must be undertaken to the satisfaction of the Responsible Authority:
 - a) The existing concrete crossover must be removed by hand using hand tools taking care not to damage tree roots.
 - b) The existing vehicle crossing must be removed and then replaced immediately and the soil beneath is not to be driven across or disturbed.
 - c) The new concrete crossover must be suitably constructed to withstand thickening structural roots from the street tree.
 - 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.
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;

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.

4.9 51 VINCENT STREET SANDRINGHAM (continued)

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 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.
18. 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 included 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.
19. Before the development begins, two sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged and approved by Council's Engineering Services department.
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.

4.9 51 VINCENT STREET SANDRINGHAM (continued)

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

Moved: Cr Long

Seconded: Cr Stewart

That Cr del Porto resume the Chair for the remainder of the meeting.

CARRIED

4.10 1/18 GLENIFFER AVENUE BRIGHTON EAST

It is recorded that Mrs Mary Axougas was not present in the Chamber.

Moved Cr Frederico

Seconded Cr Long

That Council having caused notice of Planning Application No. 2014/807/1 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 1/18 Gleniffer Avenue, Brighton East, for the Construction of three double storey dwellings in accordance with the endorsed plans and subject to the following conditions:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The vehicle crossover and vehicle accessway proposed for dwelling 1 offset from the existing vehicle crossover and accessway by 1m. The area between the two accessway is to be appropriately landscaped.
 - b) Visibility splays in accordance with Design Standard 1 of Clause 52.06-8 of the Bayside Planning Scheme.
 - c) The mailboxes located at the site frontage with the meter boxes located immediately to the east of the mailboxes.
 - d) Overhead storage of a minimum 6m³ provided within the garage for dwelling 1.
 - e) The landscape plan updated to reflect the above requirements and to provide a canopy tree capable of reaching a minimum mature height of 10m with a minimum mature canopy width of 6m within the front setback.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
4. All pipes, fixtures, fittings and vents servicing the dwellings must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the dwellings without the written consent of the Responsible Authority.
6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

4.10 1/18 GLENIFFER AVENUE BRIGHTON EAST

7. Any excavations within 2m of the boundary fence between the subject site and 2/16 Gleniffer Avenue in the vicinity of the either the Pittosporums or Tea Trees located on 2/16 Gleniffer Avenue must be supervised by an appropriately qualified arborist and any roots uncovered cut cleanly with sharp secateurs and re-covered in accordance with AS 4373-2007.
8. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
10. Tree Protection Fencing is to be established around the street tree prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites. During construction of the crossover, tree protection fencing may be reduced to the edge of the council approved crossover to facilitate the construction of the crossover.
11. Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand. All affected roots must be correctly pruned according to AS 4373-2007.
12. 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.
13. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

4.10 1/18 GLENIFFER AVENUE BRIGHTON EAST

The water sensitive urban design stormwater treatment system as shown on the endorsed plan must be retained and maintained at all times in accordance with the Urban Stormwater – Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

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

4.10 1/18 GLENIFFER AVENUE BRIGHTON EAST

Permit Notes

Build over easement

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

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.

Flood zone

Property is not in a 'Flood Zone'.

CARRIED

4.11 26 WARLEIGH GROVE BRIGHTON

It is recorded that Mr K.S. Spencer was not present in the Chamber.

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 2013/532/1 at the pending VCAT hearing under the provisions of the Bayside Planning Scheme in respect of the land known and described as 26 Warleigh Grove Brighton for the construction of three and five storey buildings, more than 10 metres high, for more than one dwelling in accordance with the plans circulated on 4 May 2015 based on the following grounds:-

1. The proposed development is contrary to the operative objectives of Clause 21.03 of the Bayside Planning Scheme (Settlement and Housing) and the Residential Strategic Framework Plan of Clause 21.02-5 of the Bayside Planning Scheme. In particular, the proposed fifth storey exceeds the built form outcomes sought for this site within the Bay Street activity centre and does not provide an appropriate transition to lower scale residential land to the north.
2. The proposed amendments would have unreasonable amenity impacts to neighbouring dwellings by way of visual bulk.
3. The proposed amendment is not consistent with the Guidelines for Higher Density Residential Development. In particular, the additional fifth storey is not consistent with Element 2 (Building envelope) as the overall height does not respond to the existing built form context of the area, including the preferred height identified in Design and Development Overlay, Schedule 10 of the Bayside Planning Scheme.
4. The proposed additional fifth storey is not consistent with the design objectives of Design and Development Overlay, Schedule 10 of the Bayside Planning Scheme and in particular the proposal exceeds the preferred height of 11 metres and three storeys.
5. If approved, the proposal would set an undesirable precedent as it would undermine the achievement of the preferred height controls on the land in the activity centre.
6. The proposal is contrary to the preferred future built form character of the area.
7. The proposed amendment is contrary to the principles established in the *King David vs Stonnington CC* case on the basis that the amendments seek to re-claim and re-agitate issues previously considered by the Victorian Civil and Administrative Tribunal.

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

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

CARRIED

4.12 293 HAMPTON STREET HAMPTON

It is recorded Cr Lowe vacated the Chamber at 9.58pm and re-entered at 9.59pm.

It is recorded that Mr Daniel Bowden spoke in relation to this matter.

It is further recorded that Mr Bill Katsabis did not pursue his right to speak.

Moved: Cr Frederico

Seconded: Cr Long

That Council having caused notice of Planning Application No. 2014/669/1 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 determine to Refuse the application under the provisions of the Bayside Planning Scheme in respect of the land known and described as 293 Hampton Street, Hampton for the following reasons:

1. The proposed development would overwhelm and dominate the host heritage building and undermine its contribution to the surrounding heritage precinct and as such be contrary to the objectives of Clause 22.05 (Heritage policy) of the Bayside Planning Scheme.
2. The height of the building is excessive and undermines the objectives of Design and Development Overlay, Schedule 12 of the Bayside Planning Scheme to ensure that the height of new development is compatible with the preferred future role and character of the Hampton Street Major Activity Centre.
3. The reduction of the car parking requirement associated with the uses would impact adversely upon the availability of on street parking spaces and the function of the surrounding road network and as such be contrary to the objectives of Clause 52.06 (Car parking) of the Bayside Planning Scheme.
4. Vehicular access to the car park along the Right-of-Way adjacent to the northern boundary of the site is unsafe and inconvenient and as such contravenes the objectives of Clause 52.06 (Car parking) of the Bayside Planning Scheme.

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

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

CARRIED

4.13 60 BLUFF ROAD BLACK ROCK

Moved Cr Stewart

Seconded Cr Evans

That Council decides to Refuse the amendments to the endorsed plans under Secondary Consent of Planning Permit No 2009/662/1 in respect of the land known and described as 60 Bluff Road, Black Rock as Council considers the changes are inappropriate.

CARRIED

The Chairman declared the meeting closed at 10.17pm.

CONFIRMED THIS 11 DAY OF AUGUST 2015

CHAIRPERSON: