



Minutes of the Planning & Amenity Committee Meeting

held in the Council Chamber
Boxshall Street, Brighton
on Tuesday 17 November 2015
at 7.00pm

PRESENT:

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

OFFICERS IN ATTENDANCE:

Shiran Wickramasinghe	-	Director City Strategy
Stuart Caldwell	-	Manager Development Services
Arthur Vatzakis	-	Statutory Planning Coordinator
Connor Perrott	-	Statutory Planning Coordinator
Janice Pouw	-	Governance Officer

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

The Mayor spoke on the recent atrocities that occurred in Paris, France.

A one minute silence was held as a mark of respect for the families and communities affected by the recent tragic events that took place in Paris.



APOLOGIES: There were no apologies submitted to the meeting.

DECLARATIONS OF INTEREST:

- Cr Frederico declared an indirect conflict of interest by close association in item 4.13 given her daughter is a student at Firbank Grammar School.

Confirmation of the Minutes of the Planning & Amenity Committee Meeting 13 October 2015

Moved: Cr del Porto

Seconded: Cr Lowe

That the Minutes of the Planning & Amenity Committee Meeting held on 13 October 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 4.2 12 Gleniffer Avenue, Brighton East

1. Mr Rob Davy (O)
2. Mr Marc Ellenbroek (A)

Item 4.3 30 Black Street, Brighton

1. Mr Ian Ferguson (O)
2. Mr Damien King (A)

Item 4.4 10 Railway Walk, Hampton

1. Ms Brooke Clayton (O)

Item 4.5 8 Dart Street, Highett

1. Mr Tim Marshall (O)
2. Mr Glen Davidson (O)
3. Mr Gary McCulloch (S)
4. Mr Andrew Bromley (A)

Item 4.6 24 Summerhill Road, Beaumaris

1. Mr John Walker (O)
2. Mr Trevor Harrison (O)
3. Mr Harry Marks (O)
4. Mr Michael Morgan (O)
5. Mr Geoff Thomas (O)
6. Dr Eric Allan (O)
7. Mr Brian Davey (O)

Item 4.7 43 Arkaringa Crescent, Black Rock

1. Mr Leonid Pikovski (O)
2. Ms Sally-Ann Hutton (O)
3. Mr Lester Trickey (S)

Item 4.8 457 Hampton Street, Hampton

1. Mr Mark Judd (O)
2. Mr Marc Ellenbroek (A)

Item 4.10 62 Esplanade, Brighton

1. Ms Margaret Bulluss (O)
2. Mr Brendon Carroll (O)

Item 4.13 51 Outer Crescent, Brighton

1. Mrs Heather Norton (A)

OFFICERS' REPORTS:

4.1 TREE REMOVAL – 21 LITTLEWOOD STREET HAMPTON

Moved: Cr Frederico

Seconded: Cr del Porto

That Council:

1. resolves to grant a permit for the removal of a Liquidambar (Liquidambar styraciflua) located at 21 Littlewood Street, Hampton; and
2. requires the landowner to plant and maintain a replacement tree to the satisfaction of the Manager Amenity Protection as a condition of the tree removal permit.

CARRIED

4.2 12 GLENIFFER AVENUE, BRIGHTON EAST

It is recorded that Mr Rob Davy and Mr Marc Ellenbroek spoke in relation to this matter.

Moved: Cr Frederico

Seconded: Cr Lowe

That Council having caused notice of Planning Application No. 2015/349/1 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 12 Gleniffer Avenue, Brighton East, for the construction of a double storey building (plus basement car park) comprising 12 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 basement setback from the eastern boundary increased to 3.5m.
 - b) The roof plan updated to reflect the first floor plan in terms of skylight provision.
 - c) Visibility splays in accordance with Design Standard 1 of Clause 52.06-8.
 - d) The building site coverage reduced to 50% in accordance with standard B8 of Clause 55.
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. The walls on the boundary of the adjoining properties shall be cleaned and finished 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, 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 be generally in accordance with the plan prepared by Zenith Concepts, Dated June 2015, Revision A but modified to show:
 - a) The provision of one canopy tree capable of growing to 8m in height located in the southeast corner.

4.2 12 GLENIFFER AVENUE, BRIGHTON EAST (continued)

- b) The provision of one canopy tree capable of growing to 8m in height located along the eastern boundary of Dwelling 3.
- c) Replacement of the two 'Dwarf Gleditsia' within the front setback with one tree capable of reaching a minimum mature height of 10m with minimum mature canopy width of 6m, and one tree capable of reaching a minimum mature height of 8m with a minimum mature canopy width of 6m.
- d) The provision of a root barrier along the north boundary of the site to limit tree root growth towards 12A Gleniffer Avenue.

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

- 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. Before development commences the applicant must pay \$1,495.59 to the Responsible Authority for the removal and replacement of the existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.
- 11. 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) Pedestrian access will be maintained at all times along the Gleniffer Avenue footpath adjacent to the site;
 - b) Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints;
 - c) All traffic management plans for the site demolition, excavation, deliveries and other construction related activities that will affect vehicle and pedestrian traffic;
 - d) The location of all areas on-and/or off-site to be used for construction staff parking;
 - e) A parking management plan for all associated construction vehicles;
 - f) All site sheds, portable toilet, storage and materials, etc. must be confined to the site;

4.2 12 GLENIFFER AVENUE, BRIGHTON EAST (continued)

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

12. Before the occupation of the site commences, the applicant must submit and have endorsed by the Responsible Authority, a revised Waste Management Plan (WMP). This WMP must be to the satisfaction of the Responsible Authority and be generally in accordance with the WMP prepared by Leigh Design, dated 9 June 2015 but amended to detail that:
- a) Waste collection, including recycling collection, is to be undertaken by private means within the boundaries of the property and not kerbside.
 - b) Bins are not to be stored kerbside for collection.
 - c) The hours and frequency of collection.
 - d) The type of vehicle proposed to undertake collection.
 - e) Compliance with relevant policy, legislation and guidelines including Council and EPA requirements.

Once approved this WMP will then be endorsed and form part of the endorsed plans for the development.

13. 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, to the satisfaction of the Responsible Authority, be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather-seal coat;
 - d) Drained;

4.2 12 GLENIFFER AVENUE, BRIGHTON EAST (continued)

- e) Line marked to indicate each car space and all access lanes; and
- f) Clearly marked to show the direction of traffic along access lanes and driveways.

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

14. The vehicular crossing must be constructed to the road to suit the proposed driveway/s to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
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 pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
18. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to 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.
19. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
20. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
21. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

4.2 12 GLENIFFER AVENUE, BRIGHTON 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

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’.

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

DIVISION: FOR: Crs Stewart, Frederico, Heffernan, del Porto, Lowe and
Evans (6)

AGAINST: Cr Long (1)

CARRIED

4.3 30 BLACK STREET, BRIGHTON

It is recorded that Mr Ian Ferguson and Mr Damien King spoke in relation to this matter.

Moved: Cr Heffernan

Seconded: Cr del Porto

That Council having caused notice of Planning Application No. 2014/908/1 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 recommends Support under the provisions of the Bayside Planning Scheme in respect of the land known and described as 30 Black Street Brighton, for the construction of a three storey building and basement comprising 7 dwellings requirement in accordance with the plans date stamped 5 October 2015, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Notations or amendments to boundary fencing or front fencing to demonstrate compliance with the sight line requirements of Clause 52.06-8 of the Bayside Planning Scheme
 - b) Details and information in accordance with conditions 12 to 18 of this permit
 - c) The ramp where it intersects with the footpath to have an offset of 1.0m from the western boundary and crossover shifted to align with the ramp.
 - d) Notation on plan that all windows and glass doors facing the south-western boundary are to be double glazed.
 - e) The location of all services, plant and equipment, including air conditioners, solar panels, fire boosters, gas mains and electrical meter boxes. No part of the building is to exceed 11.0m in height.
 - f) Details of any proposed access controls such as boom gates securing access to the car park. No gates should be installed on the ramp within the first 6.0m measured from the footpath.
 - g) Plans demonstrating that a mini loader for waste as per condition 31 can manoeuvre inside the basement, undertake turning movements and exit in forward direction. The ramp where it meets the basement may require widening.
 - h) Notation on plan in accordance with condition 22 of this permit.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. 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.

4.3 30 BLACK STREET, BRIGHTON (continued)

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the dwellings 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 development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather-seal coat;
 - d) Drained;
 - e) Line marked to indicate each car space and all access lanes
 - f) Clearly marked to show the direction of traffic along access lanes and driveways

To the satisfaction of the Responsible Authority.

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

7. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
8. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority.
9. Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access other than via the vehicle crossings shown on the endorsed plans.
10. Before the 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.
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.

4.3 30 BLACK STREET, BRIGHTON (continued)

12. Undertake a non-destructive decay test adjacent to the hollow on the lower trunk of the Liquidambar growing in the front setback. The results the non-destructive decay test are to be submitted to Bayside Council Arborists in a report format. Following the test the retention value of the Liquidambar will be re-assessed. If the Liquidambar is determined to be suitable for retention the following tree protection measures in conditions 14 and 15 are to be implemented to ensure this tree remains viable post-construction. After assessment of this report, should the results deem the tree not suitable for retention, a canopy tree to a minimum height of 10.0m at maturity is to be planted within one year from the removal of the existing Liquidambar.
13. Undertake a non-destructive tree root investigation to the south-west and south-east sections of the tree protection zone to determine the impact the proposal will have on the root system. The non-destructive tree root investigation must be undertaken in accordance with AS 4970-2009, 3.3.4 (a). Should roots be visible inside the proposed building footprint, details on construction technique and methods are required to ensure protection of roots.
14. Trees to be retained require protection planning in accordance with AS 4970-2009 *Protection of Trees on Development Sites*. The applicant must submit a Tree Protection Plan (drawing) and a Construction Impact Assessment (report) for trees to be retained on the site and on neighbouring properties which have Tree Protection Zones (TPZ) that project into the subject site. The plan must also protect the:
 - a) Row of Pencil Pines (*Cupressus sempervirens* 'Stricata') along the common boundary with 32 Black Street.
 - b) Row of Variegated Pittosporums (*Pittosporum eugenioides* 'Variegatum') along the common boundary with 28 Black Street.
 - c) Row of Leyland Cypress (x *Cupressocyparis leylandii*) along the southern boundary located in the car park.
15. The Construction Impact Assessment must be prepared by a suitably qualified and experienced arborist in accordance with AS 4970 – 2009. This document must provide details of the activities required during the development process to protect trees to be retained on the site and neighbouring properties.
16. The Construction Impact Assessment must provide details of the specific construction methods which will be used and measures which will be undertaken to reduce negative impacts on trees to be retained.
17. The Tree Protection Plan must be drawn to scale and provide details of the TPZ for trees to be retained on the site and neighbouring properties. Where there is encroachment of greater than 10% of the TPZ then the Structural Root Zone (SRZ) must also be provided.
18. The location of tree protection fencing must be specified on the Tree Protection Plan. Other tree protection measures, such as ground protection must also be illustrated.
19. 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.

4.3 30 BLACK STREET, BRIGHTON (continued)

20. Pruning of trees in neighbouring properties overhanging the site and those to be retained on site must be undertaken before commencement of works (including demolition). Pruning must be undertaken by a suitably qualified and experienced arborist in accordance with AS 4373-2007 *Pruning of Amenity Trees*.
21. Before development commences the applicant must pay \$2,482.14 to the Responsible Authority for the removal and replacement of the existing street tree. This amount has been determined in accordance with Councils current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible Authority.
22. Show the electricity pole and centrally located street tree to be retained.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.

4.3 30 BLACK STREET, BRIGHTON (continued)

28. 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 with Council's Engineering Services department for approval.
29. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge into adjacent properties
30. 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) Construction methodology.
 - b) Site access establishment, adjoining properties, use of the rear laneway and the public footpath along Bay Road.
 - c) Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.
 - d) The covering and maintenance of all roads/storage areas/external stockpiles/or vacant areas to avoid dust nuisance to any residential and commercial premises.
31. Prior to the commencement of the development hereby approved, the applicant must submit to the Responsible Authority, a Waste Management Plan (WMP). This WMP must be to the satisfaction of the Responsible Authority and specify that all waste will be collected by private contractors from within the site. The WMP must also detail the waste collection vehicle(s) to be used. Car parking spaces in the basement may need to be deleted to allow for a waste truck mini loader to manoeuvre inside the basement. Spaces in the basement may also require deletion to accommodate sufficient waste storage areas.
32. This permit will expire if one of the following circumstances applies:
 - a) The development has not commenced within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.The Responsible Authority may extend the periods referred to above if a request is made in writing:-
 - Before the permit expires; or
 - Within 6 months afterwards if development has not commenced; or
 - Within 12 months afterwards if the development has lawfully commenced.

4.3 30 BLACK STREET, BRIGHTON (continued)

Permit Notes

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

Consultation should take place with Council respect of the removal of the vehicular crossing and reinstatement works. The applicant must clearly identify what impact, if any, the proposed vehicle crossing will have on Council assets including pits and trees. The applicant is to bear the cost to remove and reinstate any street furniture or infrastructure items to provide the required access to the proposed development. A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.

The existing street tree towards the centre of the nature strip must not be removed or damaged.

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

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

- (a) Build Over Easement
Council records indicate that there is no easement on 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) The applicant/owner is to bear the cost to reinstate/relocate the power pole should it be removed and any street trees.

CARRIED

4.4 10 RAILWAY WALK, HAMPTON

It is recorded that Ms Brooke Clayton spoke in relation to this matter.

Moved: Cr Lowe

Seconded: Cr Long

That Council advise the Victorian Civil and Administrative Tribunal (VCAT) that it does Not Support the amendments to Planning Permit 2011/315/1 in accordance with S87A of the Planning and Environment Act 1987 in respect of the land known and described as 10 Railway Walk, Hampton to alter a seven storey building above a basement; use of the land for the purpose of dwellings and an indoor recreation facility (gymnasium); removal of part of an easement and a reduction in the car parking requirement for the following reasons:

1. The proposed amendments do not accord with the objectives of the Hampton Activity Centre in accordance with Clause 21.11-4 of the Bayside Planning Scheme on the basis that the more intensive form of development will not be in keeping with the built form character of the centre.
2. The extension of the building to the south-east corner of the site fails to respond to the objectives of Clause 52.35 (Urban context report and design response for residential development of five or more storeys) of the Bayside Planning Scheme and will result in unreasonable visual bulk and compromise the general amenity of the immediate surrounding area.
3. Twelve additional bicycle parking spaces are required on site in accordance with Clause 52.34 (Bicycle facilities) of the Bayside Planning Scheme and these spaces have not been provided. The absence of bicycle parking spaces limits transport options for residents, their visitors and customers to the site and reinforces the reliance on private motor vehicles to the detriment of the surrounding road network.

Moved: Cr Stewart

Seconded: Cr Frederico

That this item be deferred and considered after item 4.13 at this meeting.

CARRIED

4.5 2-8 DART STREET, HIGHETT

It is recorded Cr del Porto vacated the Chamber at 8.12pm and re-entered at 8.14pm.

It is recorded that Mr Tim Marshall, Mr Gary McCulloch on behalf of Mr Glen Davison, and Mr Andrew Bromley spoke in relation to this matter.

Moved: Cr Frederico

Seconded: Cr Lowe

That Council determine to Support the application under the provisions of the Bayside Planning Scheme in respect of the land known and described as 2-8 Dart Street, Highett, for development of more than one dwelling on a lot (construction of a three storey building for dwellings over basement car parking), subject to the following conditions:

1. Before the development start(s), amended plans must be submitted to and approved by responsible authority. Such plans are to be drawn to scale with dimensions and three copies are to be provided. When approved the plans will be endorsed as evidence of their approval and they will be the endorsed plans in relation to this permit. The plans are to be generally in accordance with the plans by Peter L Brown Pty Ltd, drawing numbers TP03 revision 3, TP04 revision 3, TP05 revision 3, TP06 revision 2, TP07 revision 3, TP09 revision 3, TP10 revision 3, TP12 revision C, TP15 revision 3, all marked 'VCAT Substitution App No 2015/180/1', dated October 2015 but modified to show:
 - a) The site coverage reduced to not more than 60 per cent;
 - b) The side and rear setbacks of the first floor increased to not less than 4.5 metres, except for apartments 113 and 114 which must be setback no less than 4 metres from the rear boundary.
 - c) The side and rear setbacks of the second floor level balconies increased to not less than 4.5 metres.
 - d) Deletion of the car space at the south east corner of the basement and consequential reduction in the size of the basement.
 - e) A landscape plan which must show:
 - i A survey including botanical names of all existing vegetation to be retained and/or removed;
 - ii Buildings and trees including botanical names on neighbouring properties within three metres of the boundary;
 - iii Details of surface finishes of pathways and driveways;
 - iv 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;
 - v Specification that canopy trees at a height of 2 metres at the time of planting.
 - vi Paved/deck areas at ground level designed to allow space for canopy tree planting.
 - vii Landscaping and planting within all open areas of the site;
 - viii An in-ground irrigation system is to be provided to all landscaped areas; and

4.5 2-8 DART STREET, HIGHETT (continued)

- ix Emphasis is to be placed on maximising the use of native drought resistant species and with planting and types maximising durability and ease of maintenance whilst providing aesthetic benefits.
 - f) Details of the proposed screening of balconies and windows in accordance with Standard B22 at Clause 55 of the Bayside Planning Scheme.
 - g) A minimum of 3 cubic metres of storage space for each dwelling; and
 - h) A schedule of construction materials, external finishes and colours.
 - i) All door and windows to be double glazed.
2. The development as shown on the endorsed plans not to be altered except with the consent of the responsible authority.
- 3 All pipes (except down pipes), fixtures, fittings and vents servicing any building on the site must, to the satisfaction of the responsible authority, be concealed in service ducts or otherwise hidden from view.
- 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 must be cleaned and finished to the satisfaction of the responsible authority.
- 6 A Waste Management Plan must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of the endorsed plans in relation to this permit. The Waste Management Plan must deal with (but not be limited to), the following items:
- a) Responsibility for collection by a private contractor;
 - b) The frequency of collection of all waste and recyclables;
 - c) The type of waste and recycling bins to be used; and
 - d) Provide that bins are to be left on the nature strip for collection unless alternative arrangements are made to the satisfaction of the Responsible Authority.
- 7 a. Before the occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- i constructed;
 - ii properly formed to such levels that they can be used in accordance with the plans;
 - iii surfaced with an all-weather-seal coat;
 - iv drained;
 - v line marked to indicate each car space and all access lanes; and
 - vi Be clearly marked to show the direction of traffic along access lanes and driveways.
- b. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
- 8 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.

4.5 2-8 DART STREET, HIGHETT (continued)

- 9 a. Prior to the commencement of development, a Construction Management Plan (CMP) must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of this permit. The CMP must include (but is not limited to) the following unless otherwise agreed by the Responsible Authority:
- i Pedestrian access will be maintained at all times;
 - ii All site facilities will be located on site during the construction period;
 - iii All waste material not required for further on-site processing to be regularly removed from the site and all vehicles removing waste must have fully secured and contained loads so that to the satisfaction of the Responsible Authority so that no wastes are spilled or dust or odour created;
 - iv All storage areas/external stockpiles/vacant areas must be covered and maintained to avoid dust nuisance to any residential area to the satisfaction of the Responsible Authority; and
 - v A truck wheel-wash must be installed and used, to the satisfaction of the responsible authority, so vehicles leaving the site do not deposit mud or other materials on roadways.
- b. The CMP must be implemented to the satisfaction of the Responsible Authority with all works completed in accordance with EPA requirements.
- 10 An in-ground irrigation system in accordance with the endorsed plans must be installed and maintained and used to the satisfaction of the responsible authority.
- 11 Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
- 12 The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
- 13 a. 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 part of the endorsed plans in relation to this 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:
- i The type of water sensitive urban design stormwater treatment measures to used;
 - ii The location of the water sensitive urban design stormwater treatment measures relation to buildings, sealed surfaces and landscaping areas; and
 - iii Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

4.5 2-8 DART STREET, HIGHETT (continued)

- b. These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved and demonstrates level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.
 - c. 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 Responsible Authority.
- 14 Drainage must be provided to the satisfaction of the responsible authority.
- 15 This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

CARRIED

4.6 24 SUMMERHILL ROAD, BEAUMARIS

It is recorded that Mr John Walker, Mr Trevor Harrison, Mr Harry Marks, Mr Michael Morgan, Mr Geoff Thomas, Dr Eric Allan and Mr Brian Davey spoke in relation to this matter.

Moved: Cr Stewart

Seconded: Cr Long

That Council, having caused notice of Planning Application No 2014/529/1 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 24 Summerhill Road, Beaumaris for the construction of two double storey dwellings and a two lot subdivision and the removal of vegetation in a Vegetation Protection Overlay for the following reasons:

1. The proposed development does not reinforce the objectives of Precinct H3 of Clause 22.06 (Neighbourhood Character Policy) of the Bayside Planning Scheme on the basis that:
 - a) The extensive ground floor footprint limits landscaping opportunities and this undermines the preferred landscape character of the immediate surrounding area; and
 - b) The extensive excavation required to accommodate the development will impact adversely upon the landscape.
2. The proposal fails to comply with Standard B22 (Overlooking) of Clause 55 of the Bayside Planning Scheme on the basis that views will be possible from ground floor windows to the south owing to the reduced height of the southern boundary fence.
3. The proposed tree removal contravenes the purposes of Vegetation Protection Overlay, Schedule 3 (VPO3) of the Bayside Planning Scheme on the basis that the loss of the trees represents the loss of native species and undermines the aesthetic character and habitat value of the area.

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

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

CARRIED

4.7 43 ARKARINGA CRESCENT, BLACK ROCK

It is recorded Mr Leonid Pikovski, Ms Sally-Ann Hutton and Mr Lester Trickey spoke in relation to this matter.

Moved: Cr Stewart

Seconded: Cr Lowe

That Council having caused notice of Planning Application No. 2013/767/1 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 43 Arkaringa Crescent, Black Rock, for the Construction of four double storey dwellings and a front fence exceeding 1.2m in height 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 to Council on 11 September 2015, Drawing Nos 2156 TP01-TP09, Revision C but modified to show:
 - a) The front street setback of Dwelling 1 increased to 7.135m in accordance with Standard B6 of ResCode.
 - b) The vehicle crossover and accessway servicing Dwellings 2, 3 and 4 to be offset from the eastern property boundary by 1m with a 1m separator provided between the new vehicle crossover and the crossover servicing No. 45 Arkaringa Crescent.
 - c) The southern first floor wall of Dwelling 1 setback from the southern ground floor wall by a minimum of 500mm.
 - d) The eastern first floor wall of Dwelling 1 (excluding the staircase) setback from the eastern ground floor wall by a minimum of 500mm.
 - e) The front fence of Dwelling 1 to be provided with a minimum 25% transparency.
 - f) The porch associated with Dwelling 1 to have a height of no greater than 3.6m above natural ground level.
 - g) The balcony associated with Dwelling 1 setback from the western boundary by a minimum 3.92m with the roof form to be modified to provide either eaves not exceeding 500mm or a flat roof.
 - h) The first floor of Dwelling 4 setback from the rear boundary of No. 45 Arkaringa Crescent by a minimum 3.44m.
 - i) All references to 'obscure glazing' replaced with 'fixed obscure glazing'.
 - j) Screening to a height of 1.7m above finished floor level in accordance with Standard B22 of ResCode provided to the western side of the balcony associated with Dwelling 1.
 - k) The garage associated with Dwelling 3 setback from the western boundary in line with the Dwelling 3 study wall and provided with an internal length of 6m. Bins and the storage area (in the form of a 6m³ shed) are to be relocated externally to the western rear of the garage.

4.7 43 ARKARINGA CRESCENT, BLACK ROCK (continued)

- l) The landscaping bed provided between the northwest wall of Dwelling 2 and the common accessway provided with a maximum width of 1m.
 - m) The garage associated with Dwelling 4 shifted 1.5m closer to the northern boundary. The length of wall for this dwelling along the northern boundary may be increased to 7.98m to compensate for the loss of floor space.
 - n) The existing ground level and proposed ground level nominated with the heights of Dwellings 3 and 4 above natural ground level to be no greater than the dwelling heights currently marked.
 - o) A north facing skylight provided over the kitchen area of Dwelling 1.
 - p) The bedroom 3 window of Dwelling 1 setback a minimum of 1m from the common accessway and provided with a sill height of at least 1.4m above the common accessway.
 - q) The height of the internal fencing between Dwellings 1 and 2 nominated as being a minimum 1.8m.
 - r) Acoustic insulation provided between the garage associated with Dwelling 2 and bedroom 3 of Dwelling 1.
 - s) Visibility splays provided in accordance with Design Standard 1 of Clause 52.06-8 for both vehicle accessways.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating paint samples) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.
 4. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
 5. All pipes, fixtures, fittings and vents servicing the dwellings must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 7. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the dwellings without the written consent of the Responsible Authority.

4.7 43 ARKARINGA CRESCENT, BLACK ROCK (continued)

8. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The 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) Tree Protection Zones (TPZ) for all trees to be retained on the subject site and for all trees on neighbouring properties where the TPZ extends into the subject site.
 - d) Details of surface finishes of pathways and driveways
 - e) Details of water sensitive urban design elements to be incorporated and the plant species to be used
 - 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. All species selected must be to the satisfaction of the Responsible Authority.
 - g) Landscaping and planting within all open areas of the site
9. Before the development starts, an arborist report in accordance with AS4970-2009 Protection of Trees on Development Sites is required to be submitted to and be approved by the Responsible Authority. This arborist report must encompass all trees to be retained on the subject site and all trees on neighbouring properties which would have part of their tree protection zone within the subject site. This arborist report must provide an arboricultural impact assessment providing details of the design and construction methods which will be used to minimise root disturbance to trees to be retained on the subject site and on neighbouring properties.
10. Before the development starts, a Tree Management Plan must be submitted to and be approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must provide details on how excavation impacts on trees to be retained will be managed and shall utilise information provided in both the arborist report and landscape plan to ensure retained trees are not lost as a result of construction works on the subject site to the satisfaction of the Responsible Authority.
11. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

4.7 43 ARKARINGA CRESCENT, BLACK ROCK (continued)

13. 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 naturestrip under the dripline of the tree. The tree protection zone is to be established and maintained in accordance with Australian Standard 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.
14. 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 AS4373-2009.
15. 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) Pedestrian access will be maintained at all times along the Arkaringa Crescent footpath adjacent to the site;
 - b) Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints;
 - c) All traffic management plans for the site demolition, excavation, deliveries and other construction related activities that will affect vehicle and pedestrian traffic;
 - d) The location of all areas on-and/or off-site to be used for construction staff parking;
 - e) A parking management plan for all associated construction vehicles;
 - f) All site sheds, portable toilet, storage and materials, etc. must be confined to the site;
 - g) The covering and maintenance of all roads/storage areas/external stockpiles/or vacant areas to avoid dust nuisance to any residential and commercial premises;
 - h) A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways;
 - i) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
 - j) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
 - k) 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
 - l) 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.

4.7 43 ARKARINGA CRESCENT, BLACK ROCK (continued)

16. 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, to the satisfaction of the Responsible Authority, be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather-seal coat;
 - d) Drained;
 - e) Line marked to indicate each car space and all access lanes; and
 - f) Clearly marked to show the direction of traffic along access lanes and driveways.

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

17. The vehicular crossing must be constructed to the road to suit the proposed driveway/s to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.

4.7 43 ARKARINGA CRESCENT, BLACK ROCK (continued)

24. 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

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

4.8 457 HAMPTON STREET, HAMPTON

It is recorded that Mr Mark Judd and Mr Marc Ellenbroek spoke in relation to this matter.

Moved: Cr Lowe

Seconded: Cr Heffernan

That Council having caused notice of Planning Application No. 2014/613/1 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 457 Hampton Street, Hampton, for the construction of building additions, car parking reduction, loading bay waiver in accordance with the application dated 21/08/2014, 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, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples).
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.

Melbourne Water

6. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains and waterways.
7. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

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

CARRIED

4.9 241-243 DENDY STREET, BRIGHTON EAST

Moved Cr Lowe

Seconded Cr Frederico

That Council having caused notice of Planning Application No. 2015/274/1 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 241-243 Dendy Street Brighton East, for the use and development of a display home in Design and Development Overlay Schedule 3, car parking on an adjoining site and advertising signage in accordance with the application dated 4 June 2015, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the use and development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. The overall height of the dwelling reduced to a maximum of 8m unless the slope of the natural ground level at any cross section of the site of the building wider than 8 metres is 2.5 degrees or more, in which case the overall height of the building must not exceed 9m.
 - b. Notations confirming no signs will be internally illuminated or flood lit.
 - c. An amended landscape plan as per Condition 5 of this permit.
 - d. The deletion of the pole sign adjacent to the entry to 241 Dendy Street.
 - e. The business identification sign located in 243 Dendy Street reduced to a maximum height of two metres
2. The use may operate between the hours of 9.00am to 5.00pm, seven days per week only. The further written consent of the Responsible Authority is required to extend these hours.
3. The car park must be kept locked outside of operating hours.
4. A maximum of two staff may be present on the site at any time without the further written consent of the Responsible Authority.

Landscaping

5. 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. Buildings and trees on neighbouring properties within three metres of the boundary.
- b. Detail of finishes of pathways and driveways.

4.9 241-243 DENDY STREET, BRIGHTON EAST (continued)

- c. A planting schedule of all proposed trees, shrubs and ground covers, including common names, botanical names, pot sizes, sizes at maturity and quantities of each plant.
 - d. The species of olive to be planted must be capable of reaching a height at maturity of 6 metres.
6. Tree protection fencing is to be established around street trees 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 (TPZ) 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.
7. 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.
8. 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.
9. 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.
10. 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 and approved by Council's Engineering Services department.
11. The driveway / parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.

4.9 241-243 DENDY STREET, BRIGHTON EAST (continued)

12. Before construction starts, the area set aside for car parking must properly formed, either by crushed rock or suitable gravel to the satisfaction of the Responsible Authority.
13. The use of the land as a display home must cease within two (2) years of the date of this permit or at the point the carpark at 243 Dendy Street ceases to operate as an associated car park, whichever occurs first.
14. All signage must be removed from the site within one (1) month of the display home ceasing to operate.
15. The temporary fencing at 243 Dendy Street must be removed within one (1) month of the display home ceasing to operate and the site made good to Council's satisfaction.
16. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.The Responsible Authority may extend the periods referred to above if a request is made in writing:-J
 - 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

This permit does not constitute approval for siting matters pertaining to Part 4 of the Building Regulations 2006.

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

Unless no permit is required under the planning scheme other signs must not be constructed or displayed without a further permit.

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

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

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

CARRIED

4.10 62-64 ESPLANADE, BRIGHTON

It is recorded that Mr Brendon Carroll spoke in relation to this matter.

It is further recorded that Ms Margaret Bullus did not pursue her right to speak.

Moved Cr Frederico

Seconded Cr Long

That Council having caused notice of Planning Application No. 2012/260/2 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 62-64 Esplanade and 1A Were Street, Brighton, for the Construction of a two (2) storey building containing ten (10) apartments with basement and roof decks in a Design and Development Overlay 1 in accordance with the endorsed plans and subject to the following conditions:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans but modified to show:
 - a) Changes to the site coverage, side setbacks and first floor balcony extent as detailed on the amended plans submitted to Council on 9 January 2013;
 - b) Confirmation that storage areas with a minimum volume of 6 cubic metres are provided to each dwelling within the basement garage area of each dwelling;
 - c) Basement plans must show garage door openings a minimum of 5.0m in width and a minimum 2.2m headroom clearance provided throughout;
 - d) Details of the placement and type of any external plant and equipment. Such equipment must be positioned so as to minimise amenity impacts and be in accordance with condition 4. All plant and equipment associated with ground floor apartments to be located at-grade. All plant and equipment associated with first floor apartment to be located immediately to the east of each roof deck and be screened from all elevations;
 - e) All habitable room windows of apartment ten (10) along the north boundary must be treated to accord with Standard B22 of the Bayside Planning Scheme;
 - f) The balcony area along the north side of the living/dining room of apartment ten (10) to be deleted and a screen which accords with Standard B22 of the Bayside Planning Scheme to be erected at the northern end of the balcony to apartment ten (10).
 - g) The northern edge of the roof deck to apartment ten (10) be screened to comply with Standard B22 of the Bayside Planning Scheme.
 - h) The east facing window of bedroom three (3) of apartment ten (10) must be treated to accord with Standard B22 of the Bayside Planning Scheme;
 - i) The fence along Were Street, from a point 8.435m east of the Esplanade, to be reduced to a maximum height of 1.2m.
 - j) Landscaping plan to be consistent with the application plan, but modified to comply with condition 10;

4.10 62-64 ESPLANADE, BRIGHTON (continued)

- k) A detailed schedule of colours, materials and finishes, including samples where appropriate; and
 - l) Water sensitive urban design features in accordance with the requirements of Clause 22.08 of the Bayside Planning Scheme.
 - m) All landscaping removed from above the rooftop service areas and all access points including gates and real or synthetic grass from the rooftop decks to the rooftop surface areas removed.
 - n) The rooftop access structure for Dwelling 10 reduced in size so as to enclose no useable floor area.
 - o) Garage 10 increased in length to a minimum 6m.
 - p) All street addressing references removed.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the Responsible Authority.
 5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 6. Before the occupation of the 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; 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. Vehicular crossing(s) must be constructed to the road to suit the proposed driveways to the satisfaction of the responsible authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
 8. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority.

4.10 62-64 ESPLANADE, BRIGHTON (continued)

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) Details of surface finishes of pathways and driveways;
- b) 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;
- c) Landscaping and planting within all open areas of the site; and
- d) Details of the placement and cross sections of the proposed raingardens (swales).

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.

10. 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.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
12. Before the development 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.
- Connection of drainage system to proposed development must be to the existing pit at the corner of Esplanade and Were Street. On site verification of pit suitability should be undertaken by the applicant.
13. Stormwater discharge is to be retained for that portion above the discharge calculated using a Coefficient runoff – 0.35. The development is to have a 'Stormwater Detention System' installed the design capacity to be Council approved.
14. Drainage associated with construction of a basement must comply with Council's "Policy for Discharge of Pumped Subterranean Water Associated with Basement or Below-Ground Structures".

4.10 62-64 ESPLANADE, BRIGHTON (continued)

15. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled into 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.
16. This permit will expire if one of the following circumstances applies:
- The development is not started within two (2) years of the date of this permit; or
 - The development is not completed within four (4) years of the date of this permit.

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

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

Permit Notes

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Building approval must be obtained prior to the commencement of the above approved works.
- Consultation should take place with Council respect of the removal of the vehicular crossing and reinstatement works.

The applicant must clearly identify what impact, if any, the proposed vehicle crossing will have on Council assets including pits and trees.

The applicant is to bear the cost to remove and reinstate any street furniture or infrastructure items to provide the required access to the proposed development.

- Reticulated sewerage must be provided to the requirements of the Sewerage Authority.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator, Mon-Fri 9:00am to 1:00pm on 9599 4638.
- 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 works.

4.10 62-64 ESPLANADE, BRIGHTON (continued)

- 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.

Aboriginal Heritage Act 2006

As the site is located within an area of Cultural Heritage Sensitivity by virtue of its proximity to Port Philip Bay, in the event that an Aboriginal relic or similar which is protected under the Aboriginal Heritage Act 2006 is encountered, all construction works must cease immediately and advice must be sought with Aboriginal Affairs Victoria.

Date	Amendment
7 January 2015	<p>Amended plans under secondary consent:</p> <ul style="list-style-type: none"> • Cover sheet wording updated to reflect correct number of car spaces within basement. • Reduction in the number of residential car parks from 40 to 33. • Internal basement room alterations and additions. • Internal ground floor room alterations. • Relocation of the angled fin wall to the north of Dwelling 5 in bedroom two and Dwelling 10 in bedroom one. • Relocation of the windows along the north walls of Dwellings 5 and 10. • Increased window sizes to Dwellings 3, 4 and 5 along east elevation. • Disabled access entry modified to Were Street frontage. • Bins relocated to basement. • Modified private open space boundary between Dwellings 3 and 4. • Inclusion of services and metres. • Internal first floor room alterations. • Addition of skylights and parapet walls and removal of eave to roof. • Minor reconfiguration of roof decks.

4.10 62-64 ESPLANADE, BRIGHTON (continued)

<p>17 2015</p>	<p>November</p>	<p>Section 72 amendment to the permit conditions:</p> <ul style="list-style-type: none"> • Conditions 1m)-1p) added. • Condition 16 reworded to reflect amendments made to the Planning and Environment Act 1987. • Amend the address of the permit to include '1A Were Street, Brighton'. <p>Section 72 amendment to the endorsed plans:</p> <p><u>Basement level</u></p> <ul style="list-style-type: none"> • Reduced garage lengths. • Increased vehicle aisle widths. <p><u>First floor level</u></p> <ul style="list-style-type: none"> • Enlarged north facing window from bedroom 1 of Dwelling 10. <p><u>Roof level</u></p> <ul style="list-style-type: none"> • Increased roof terrace areas. • Revised landscaping and tiling. <p><u>Elevations</u></p> <ul style="list-style-type: none"> • Revised front façade, with the previously permitted curved balconies changed to rectangular. • Revised material finishes to northern, eastern and southern facades. • Increased roof terraced balustrade heights from 1.35m to 1.7m. • Provision of street addressing and building identification signage. <p><u>General</u></p> <ul style="list-style-type: none"> • Minor internal reconfigurations resulting in minor changes in room widths/lengths/heights. • Revised area schedules for the dwellings as a result of the above amendments.
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THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED

4.10 62-64 ESPLANADE, BRIGHTON (continued)

AMENDMENT

Moved: Cr del Porto

Seconded: Cr Lowe

That Council having caused notice of Planning Application No. 2012/260/2 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 62-64 Esplanade and 1A Were Street, Brighton, for the Construction of a two (2) storey building containing ten (10) apartments with basement and roof decks in a Design and Development Overlay 1 in accordance with the endorsed plans and subject to the following conditions:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans but modified to show:
 - a) Changes to the site coverage, side setbacks and first floor balcony extent as detailed on the amended plans submitted to Council on 9 January 2013;
 - b) Confirmation that storage areas with a minimum volume of 6 cubic metres are provided to each dwelling within the basement garage area of each dwelling;
 - c) Basement plans must show garage door openings a minimum of 5.0m in width and a minimum 2.2m headroom clearance provided throughout;
 - d) Details of the placement and type of any external plant and equipment. Such equipment must be positioned so as to minimise amenity impacts and be in accordance with condition 4. All plant and equipment associated with ground floor apartments to be located at-grade. All plant and equipment associated with first floor apartment to be located immediately to the east of each roof deck and be screened from all elevations;
 - e) All habitable room windows of apartment ten (10) along the north boundary must be treated to accord with Standard B22 of the Bayside Planning Scheme;
 - f) The balcony area along the north side of the living/dining room of apartment ten (10) to be deleted and a screen which accords with Standard B22 of the Bayside Planning Scheme to be erected at the northern end of the balcony to apartment ten (10).
 - g) The northern edge of the roof deck to apartment ten (10) be screened to comply with Standard B22 of the Bayside Planning Scheme.
 - h) The east facing window of bedroom three (3) of apartment ten (10) must be treated to accord with Standard B22 of the Bayside Planning Scheme;
 - i) The fence along Were Street, from a point 8.435m east of the Esplanade, to be reduced to a maximum height of 1.2m.
 - j) Landscaping plan to be consistent with the application plan, but modified to comply with condition 10;

4.10 62-64 ESPLANADE, BRIGHTON (continued)

- k) A detailed schedule of colours, materials and finishes, including samples where appropriate; and
 - l) Water sensitive urban design features in accordance with the requirements of Clause 22.08 of the Bayside Planning Scheme.
 - m) The rooftop access structure for Dwelling 10 reduced in size so as to enclose no useable floor area.
 - n) Garage 10 increased in length to a minimum 6m.
 - o) All street addressing references removed.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the Responsible Authority.
 5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 6. Before the occupation of the 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; 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. Vehicular crossing(s) must be constructed to the road to suit the proposed driveways to the satisfaction of the responsible authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
 8. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority.

4.10 62-64 ESPLANADE, BRIGHTON (continued)

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) Details of surface finishes of pathways and driveways;
- b) 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;
- c) Landscaping and planting within all open areas of the site; and
- d) Details of the placement and cross sections of the proposed raingardens (swales).

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.

10. 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.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
12. Before the development 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.
- Connection of drainage system to proposed development must be to the existing pit at the corner of Esplanade and Were Street. On site verification of pit suitability should be undertaken by the applicant.
13. Stormwater discharge is to be retained for that portion above the discharge calculated using a Coefficient runoff – 0.35. The development is to have a 'Stormwater Detention System' installed the design capacity to be Council approved.
14. Drainage associated with construction of a basement must comply with Council's "Policy for Discharge of Pumped Subterranean Water Associated with Basement or Below-Ground Structures".
15. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
- d) A trench grate (150mm minimum internal width) located within the property; and/or

4.10 62-64 ESPLANADE, BRIGHTON (continued)

- e) Shaping the driveway so that water is collected in a grated pit on the property; and/or
 - f) Another Council approved equivalent.
16. This permit will expire if one of the following circumstances applies:
- c) The development is not started within two (2) years of the date of this permit; or
 - d) The development is not completed within four (4) years of the date of this permit.

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

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

Permit Notes

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Building approval must be obtained prior to the commencement of the above approved works.
- Consultation should take place with Council respect of the removal of the vehicular crossing and reinstatement works.

The applicant must clearly identify what impact, if any, the proposed vehicle crossing will have on Council assets including pits and trees.

The applicant is to bear the cost to remove and reinstate any street furniture or infrastructure items to provide the required access to the proposed development.

- Reticulated sewerage must be provided to the requirements of the Sewerage Authority.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator, Mon-Fri 9:00am to 1:00pm on 9599 4638.
- 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 works.
- 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.

4.10 62-64 ESPLANADE, BRIGHTON (continued)

Aboriginal Heritage Act 2006

As the site is located within an area of Cultural Heritage Sensitivity by virtue of its proximity to Port Philip Bay, in the event that an Aboriginal relic or similar which is protected under the Aboriginal Heritage Act 2006 is encountered, all construction works must cease immediately and advice must be sought with Aboriginal Affairs Victoria.

Date	Amendment
7 January 2015	<p>Amended plans under secondary consent:</p> <ul style="list-style-type: none"> • Cover sheet wording updated to reflect correct number of car spaces within basement. • Reduction in the number of residential car parks from 40 to 33. • Internal basement room alterations and additions. • Internal ground floor room alterations. • Relocation of the angled fin wall to the north of Dwelling 5 in bedroom two and Dwelling 10 in bedroom one. • Relocation of the windows along the north walls of Dwellings 5 and 10. • Increased window sizes to Dwellings 3, 4 and 5 along east elevation. • Disabled access entry modified to Were Street frontage. • Bins relocated to basement. • Modified private open space boundary between Dwellings 3 and 4. • Inclusion of services and metres. • Internal first floor room alterations. • Addition of skylights and parapet walls and removal of eave to roof. • Minor reconfiguration of roof decks.

4.10 62-64 ESPLANADE, BRIGHTON (continued)

<p>17 2015</p>	<p>November</p>	<p>Section 72 amendment to the permit conditions:</p> <ul style="list-style-type: none"> • Conditions 1m)-1p) added. • Condition 16 reworded to reflect amendments made to the Planning and Environment Act 1987. • Amend the address of the permit to include '1A Were Street, Brighton'. <p>Section 72 amendment to the endorsed plans:</p> <p><u>Basement level</u></p> <ul style="list-style-type: none"> • Reduced garage lengths. • Increased vehicle aisle widths. <p><u>First floor level</u></p> <ul style="list-style-type: none"> • Enlarged north facing window from bedroom 1 of Dwelling 10. <p><u>Roof level</u></p> <ul style="list-style-type: none"> • Increased roof terrace areas. • Revised landscaping and tiling. <p><u>Elevations</u></p> <ul style="list-style-type: none"> • Revised front façade, with the previously permitted curved balconies changed to rectangular. • Revised material finishes to northern, eastern and southern facades. • Increased roof terraced balustrade heights from 1.35m to 1.7m. • Provision of street addressing and building identification signage. <p><u>General</u></p> <ul style="list-style-type: none"> • Minor internal reconfigurations resulting in minor changes in room widths/lengths/heights. • Revised area schedules for the dwellings as a result of the above amendments.
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THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED

The AMENDMENT was Put and **LOST**

The original motion became the motion before the Chair.

The original Motion Moved by Cr Frederico and Seconded by Cr Long was PUT and was **CARRIED**

4.11 62-72 Bay Road, Sandringham

Moved Cr Stewart

Seconded Cr Frederico

That Council having caused notice of Planning Application No. 2006/323/2 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Decision to Grant an Amended Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 62 – 72 Bay Road, Sandringham for the use and development of a three storey retail office and residential apartment building on the land at 62 Bay Road, Sandringham, in accordance with the endorsed plans, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the use and/or development starts, 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 show generally in accordance with Plans TP.01 - TP.14 prepared by Malcolm Elliott dated March 2007 but modified to show the following:
 - (a) The location of all externally located plant and equipment (including heating units, hot water systems).
 - (b) The north-facing balustrade of the second floor to be glazed.
 - (c) Reduction of the height of southern car-stacker wall by 0.5 metre, provision of solid wall to the eastern and western ends of this structure and removal of the louvers in the structure's southern wall
 - (d) Deletion of any reference to disabled parking spaces.
2. Prior to commencement of development, an acoustic report must be submitted to the responsible authority to its satisfaction that assesses compliance of stackers with SEPP-N1 and identifies any measures to achieve compliances with SEPP N1. The operation of the stackers must comply with SEPP-N1 at all times.
3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating for example 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.
5. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to 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 buildings without the written consent of the Responsible Authority.

4.11 62-72 Bay Road, Sandringham (continued)

7. Walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. 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.
9. 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, to the satisfaction of the Responsible Authority, be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with 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.

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

10. All car parking spaces must be designed to allow all vehicles to drive forwards when both entering and leaving the property.
11. No fewer than 35 car space(s) must be provided on the land for the existing uses and development.
12. Vehicular crossing(s) 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.
13. The mechanical stackers must be routinely serviced and maintained to the satisfaction of the Responsible Authority to ensure satisfactory access to all car spaces and to prevent any adverse effect on adjoining land by the emission of noise.
14. Any security boom, barrier or similar device controlling vehicular access to the premises to be located a minimum of six metres inside the property to allow vehicles to stand clear of the Bay Road pavement and footpath.

4.11 62-72 Bay Road, Sandringham (continued)

15. Before the development starts, a landscape 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 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 prepared by John Patrick Pty Ltd dated April 2006 and referenced 06-077 TP, except that 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.

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

16. 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.
17. 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.
18. The Legal Point of Discharge for this development is to be the Council drain located at the rear of the property. The Developer should be satisfied that levels permit the adoption of the above discharge point.
19. Plans for the construction of the outfall drain must receive Bayside City Council approval prior to the commencement of the development.
20. Any paved courtyards/paths must be graded/drained to prevent stormwater discharge into adjacent properties.
21. This permit will expire if one of the following circumstances applies:
- (i) the development is not started within two years of the date of this permit;
 - (ii) 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.

4.11 62-72 Bay Road, Sandringham (continued)

Permit Notes

Date	Amendment
22 December 2008	<p>Secondary Consent to Amended Plans.</p> <p>Ground floor</p> <ul style="list-style-type: none"> • The relocation of the rubbish bins and bicycle racks to the rear wall of the existing shops • The existing rear entrance steps to each of the existing the shops to remain as is. • Total car parking to remain at 35
22 December 2008	<p>First floor</p> <ul style="list-style-type: none"> • Internal reconfiguration of bathrooms and kitchens for Apartments 1-5 • Relocation of Apartment 11 to become Apartment 6 (located in the north west corner over the existing shop below the extending south for extent of the neighbouring boundary and existing shop below. • The remaining apartments along the eastern and western wings of the existing building to remain as existing with a total refurbishment including installation of kitchenettes, wardrobe cupboards, laundry, refurbishment of existing bathrooms, repainting and making good. • The existing internal courtyard is proposed to be landscaped with planter boxes and seating nooks with a water feature together with the new paving to provide a pleasant and attractive space. • The 1.7 metre high screening that was previously present along the southern part of the balconies to Apartment 11 to remain 1.7 m high. • The new Apartment 6 balcony to be screened to 1.7m high.

4.11 62-72 Bay Road, Sandringham (continued)

<p>22 December 2008</p>	<p>Second floor</p> <ul style="list-style-type: none"> • Kitchen and bathroom internal refurbishments • Reallocation of Apartment 26 to become Apartment 21 into the north-western corner over the existing shop, matching the building line of the apartment below. • The remaining apartments along the eastern and western wings of the existing building to remain the same (as existing) with total internal refurbishment. • The 1.7 m high screen that was previously present along the southern part of the balconies for Apartment 26 to remain at 1.7mhigh <p>Elevations The front and side elevations changed to provide a greater level of articulation and variety of materials and finishes</p>
<p>10 August 2009</p>	<p>Extension of time granted to allow development to commence by 22 June 2011 and be completed by 22 June 2013 - within two (2) years of the date of the commencement of works.</p>
<p>22 August 2013</p>	<p>Extension of time granted to extend the completion date of the development to 22 June 2014.</p>
<p>31 March 2015</p>	<p>Extension of time granted to extend the completion date of the development to 22 June 2015.</p>
<p>17 November 2015</p>	<p>Amend the planning permit pursuant to Section 72 of the Planning and Environment Act 1987 in the following manner:</p> <ul style="list-style-type: none"> • The relocation of the bin storage area building to the common driveway adjacent to 74 Bay Road.

CARRIED

4.12 59 AND 61 CHURCH STREET, BRIGHTON

Moved Cr Heffernan

Seconded Cr del Porto

That Council having caused notice of Planning Application No. 2015/133/1 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 59 and 61 Church Street Brighton for the Buildings and works to increase the existing shops, including the construction of a first floor extension, and a reduction in the standard car parking requirement and a waiver of the loading bay requirement associated with the use of the land as two shops (one shop per site) in accordance with the advertised plans dated 13 June 2015, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the 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) One car stacker for each site to allow for the provision of three car spaces per site.
 - b) An annotation on the plans that only one business can operate from each site.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority
3. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the Responsible Authority.
5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
7. 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.
8. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.

4.12 59 AND 61 CHURCH STREET, BRIGHTON (continued)

9. 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.
10. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - i) A trench grate (150mm minimum internal width) located within the property and/or
 - ii) Shaping the driveway so that water is collected in a grated pit on the property and/or
 - iii) Another Council approved equivalent.
11. 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.
12. 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.
13. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.The Responsible Authority may extend the periods referred to above if a request is made in writing:
 - Before the permit expires; or
 - Within 6 months afterwards if development has not commenced; or
 - Within 12 months afterwards if the development has lawfully commenced.

Permit Notes

- (a) *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

It is recorded that Cr Frederico declared an indirect conflict of interest by close association given her daughter is a student at Firbank Grammar School.

Cr Frederico was not present in the Chamber when this item was considered and vacated the Chamber at 9.55pm.

4.13 51 OUTER CRESCENT, BRIGHTON

It is recorded that Mrs Heather Norton spoke in relation to this matter.

Moved Cr del Porto

Seconded Cr Heffernan

- A. That Council having caused notice of Planning Application No. 2015/83/1 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 Outer Crescent BRIGHTON for part demolition and alterations and additions to Hindley House and Tovell House and buildings and works (front fence and signage) in a Heritage Overlay in accordance with the application plans dated 3 July 2015, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-
1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The changes to the front fence and pedestrian pergolas as shown on the plans submitted to Council on 12 October 2015.
 - b) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples).
 - c) A Tree Protection Zone calculated in accordance with AS 4970-2009 *Protection of Trees on Development Sites* for Tree 3 (*Cedrus atlantica* 'Glauca' (Blue Atlas Cedar).
 - d) A 5.6 metre wide crossover centred to the drive way.
 - e) Water sensitive urban design measures in accordance with condition 14.
 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 without the written consent of the Responsible Authority.

4.13 51 OUTER CRESCENT, BRIGHTON (continued)

5. 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
6. 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.*
7. Before the development (including demolition) starts, a tree protection fence must be erected around Tree 3 (*Cedrus atlantica* 'Glauca' (Blue Atlas Cedar)) in accordance with AS 4970-2009 *Protection of Trees on Development Sites*. 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.
8. 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.
9. Before development commences the applicant must pay \$21,403.49 to the Responsible Authority for the removal and replacement of the existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor, or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.
10. Tree Protection Fencing is to be established around the adjacent street trees 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 dripline 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.

4.13 51 OUTER CRESCENT, BRIGHTON (continued)

11. Prior to the commencement of any works, a Construction Management Plan must be submitted to and be approved by the Responsible Authority. The Construction Management Plan must address, but is not limited to:
 - a) Control of noise and airborne matter, deliveries, vehicle access, all worker car parking on site and not on surrounding streets, damage to public assets, and contact numbers for complaints;
 - b) No water containing oil, foam, grease, scum or litter to be discharged to the stormwater drainage system from the site;
 - c) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
 - d) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site;
 - e) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
 - f) 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.

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

12. 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.
13. 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.
14. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

4.13 51 OUTER CRESCENT, BRIGHTON (continued)

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

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

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

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

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

Permit Notes

N1	Crossover permit
N2	Building approval
N5	No further signs
N10	Asset Protection

- B. That Council allow the removal of the *Lophostemon confertus* (Brushbox) located within the road reserve directly in front of the site and the applicant pay \$21,403.49 to the Responsible Authority for the removal and replacement of the existing street tree.

CARRIED

It is recorded Cr Frederico vacated the Chamber prior to item 4.13 and was not present in the Chamber when this item was considered.

It is recorded Cr Frederico entered the Chamber at 10pm following the consideration of the above item.

4.4 10 RAILWAY WALK, HAMPTON

The original motion was moved and seconded at an earlier part of the meeting. The motion was Moved by Cr Lowe and Seconded by Cr Long.

It is recorded that at this stage of the meeting Cr Lowe withdrew as mover of the motion. As there was no mover for the motion, the original motion lapsed.

Moved: Cr Frederico

Seconded: Cr Heffernan

That Council having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Support the Application to Amend Planning Permit 2011/315/1 at the upcoming VCAT hearing under the provisions of the Bayside Planning Scheme in respect of the land known and described as 10 Railway Walk, Hampton to extend the building footprint to the south-east boundary, part removal of Easement E-1, internal reconfiguration and layout of apartments including a reduction in the number of apartments from 49 to 40 and reduction in the number of on-site car parking spaces from 48 to 45 cars and that the Amended Permit be re-issued with the following conditions and table inserted as a record of the amendments at the end of the permit:

Amended Planning Permit Preamble:

The Permit Allows:

- Buildings and works to construct a seven storey building above a two basement levels;
 - Use of the land for the purpose of dwellings and an indoor recreation facility (gymnasium);
 - Removal of easement E-1;
 - A reduction in the car parking requirement in accordance with the endorsed plans and subject to the following conditions:
- 1 Before the development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans prepared by Tandem Design Studio Pty Ltd drawing nos. TP09 to TP18 (inc), TP20 to TP23 (inc) & TP25, all Revision C and dated 26 August 2015 but modified to show to the satisfaction of the Responsible Authority:
 - a) The ground and first floor level of the building setback not less than 500mm from the Koolkuna Lane; *as agreed at the compulsory conference at VCAT on 28/10/15*
 - b) The provision of a splay, with minimum dimensions of 2950mm by 1050mm at the northeast corner of the land generally as shown on 18058-03 sheet 01/01 by Traffic Group dated 26 October 2015; *as agreed at the compulsory conference at VCAT on 28/10/15*
 - c) All plant and equipment (including air conditioning units, heating units, hot water systems, etc.) which is proposed to be located externally identified on the plans and located to minimise visual and acoustic amenity impacts.

4.4 10 RAILWAY WALK, HAMPTON (continued)

- d) A schedule of all external materials and finishes to be provided to the buildings and works on the land. The schedule must show the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
 - e) A STORM report confirming that the proposed stormwater treatment measures proposed provide a minimum 100% treatment in accordance with clause 22.08 of the Bayside Planning Scheme.
 - f) The material board shown on the plan prepared by Tandem Design Studio Pty Ltd drawing no. TP30 Revision B and dated 17 April 2015 tendered on behalf of the Applicant in the hearing of Victorian Civil and Administrative Tribunal proceeding no. P2410/2014.
 - g) Landscaping to the setback area adjacent to south east corner of the building; as agreed at the compulsory conference at VCAT on 28/10/15.
 - h) The provision of an additional twelve bicycle parking spaces adjacent to the existing bike racks at the station forecourt; as agreed at the compulsory conference at VCAT on 28/10/15.
 - i) Details of how car parking spaces are to be allocated nominated on the plans; *as agreed at the compulsory conference at VCAT on 28/10/15.*
 - j) Column within car waiting area to car lifts relocated to provide unobstructed access.
- 2 The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3 The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) transport of materials, goods or commodities to or from the land appearance of any building, works or materials;
 - 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; and/or
 - d) presence of vermin.
- 4 Noise levels emanating from the gymnasium must not exceed those required to be met under the relevant State Environment Protection Policy.
- 5 All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 6 No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the Responsible Authority.
- 7 The walls on the boundary must be cleaned and finished to the satisfaction of the Responsible Authority.

4.4 10 RAILWAY WALK, HAMPTON (continued)

- 8 Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes and the section of right of way to the immediate rear of the site, 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
- all to the satisfaction of the Responsible Authority.
- 8A One of the car lifts must be at ground level at all times while on standby to prioritise vehicles to enter the site to the satisfaction of the Responsible Authority. The minimum lift speed of 0.4m/s must be met to ensure a high frequency of vehicle movements.
- 9 Vehicular crossings must be constructed to the road to suit the proposed driveway to the satisfaction of the responsible authority.
- 10 All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the responsible authority.
- 11 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 with the design capacity to be approved by the Responsible Authority.
- Drainage associated with basement during construction (seepage and agricultural waters are to be filtered to rain water clarity) must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
- 12 Before the development begins, detailed plans (3 sets) indicating the method of stormwater discharge to the nominated '*Legal Point of Discharge*' (and Stormwater Detention Systems where applicable), must be lodged with the Responsible Authority for approval.
- 13 The driveway/parking areas/paved courtyards/paths and 'pervious' pavements must be graded/drained to prevent stormwater discharge neither onto front footpath nor into adjacent properties.
- 14 Prior to the commencement of any works, a Construction Management Plan must be submitted to and be approved by the Responsible Authority. The Construction Management Plan must address, but is not limited to:
- a) hours of operation consistent with the applicable local law;
 - b) control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints;
 - c) no water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;

4.4 10 RAILWAY WALK, HAMPTON (continued)

- d) all stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- e) 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;
- f) 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; and
- g) location of proposed parking/staging location/s for vehicles approaching or leaving the site. No vehicles are to be parked on residential streets whilst waiting to be received at the building site.

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

- 15 Before the use or occupation of the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must be generally in accordance with Waste Management Plan prepared by Leigh Design, dated 23 December 2014 but be amended to include:

- a) Provision for the storage and collection of garbage and other solid waste. This area must be graded and drained to the satisfaction of the Responsible Authority.
- b) That all waste material must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
- c) That garbage collection is to be carried outside of business hours.

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.

- 16 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.
- 17 Before the commence of any works, a detailed design and construction management plan relating to the proposed relocation of Council's drainage asset/s contained within easement E1 must be provided and approved by Council. All works associated with the discovery of the asset/s, design of the works and undertaking of the works is at the cost of the owner.

4.4 10 RAILWAY WALK, HAMPTON (continued)

- 18 This permit will expire if one of the following circumstances applies:
- a) The development and use are not started within two years of the issued date of this permit.
 - b) The development is not completed within four years of the issued 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 six months afterwards.

Permit Notes

Date	Details
30 April 2015	Extension of time pursuant to Section 69 of the <i>Planning and Environment Act 1987</i> : The Planning Permit will expire if: <ul style="list-style-type: none"> • The development is not started by 7 May 2017; or • The development is not completed by 7 May 2019.
8 May 2015	As directed by VCAT the following amendments have been made: <ul style="list-style-type: none"> • Permit preamble amended; • Conditions 1, 5, 8, 15 & 18 amended; and • New Condition 8A.
17 November 2015	Amendment pursuant to Section 87A <u>Amendment to Planning Permit preamble</u> <ul style="list-style-type: none"> • Amendment of the preamble to read, <p><i>“The Permit Allows:</i></p> <ul style="list-style-type: none"> ○ <i>Buildings and works to construct a seven storey building above a two basement levels;</i> ○ <i>Use of the land for the purpose of dwellings and an indoor recreation facility (gymnasium);</i> ○ <i>Removal of easement E-1;</i> ○ <i>A reduction in the car parking requirement in accordance with the endorsed plans and subject to the following conditions:”</i> <p><u>Amendment to Planning Permit Conditions</u></p> <ul style="list-style-type: none"> • Amendment to Condition 1 to reference <i>Tandem Design Studio Pty Ltd drawing nos. TP09 to TP18 (inc), TP20 to TP23 (inc) & TP25, all Revision C and dated 26 August 2015.</i> • Deletion of redundant conditions, addition of Conditions 1(a), (b), (g), (h) and (i) and renumbering of other conditions. • Amendment to Condition 17 to reference the removal of easement E-1.

4.4 10 RAILWAY WALK, HAMPTON (continued)

	<ul style="list-style-type: none"> • Amendment to Condition 18 to reference updated timeframes pursuant to Section 69 of the Planning and Environment Act 1987. <p><u>Amendments to plans</u></p> <p><i>Basement Level</i></p> <ul style="list-style-type: none"> • Expand building footprint approximately 2.4m south-east to the boundary; • Provision of 25 car spaces, including: <ul style="list-style-type: none"> ➢ 12 at-grade spaces; ➢ 13 spaces in car stackers. • Delete motorbike parking spaces; • Provision of resident storage cages; and • Alter to the location of building services. <p><i>Lower Ground Level</i></p> <ul style="list-style-type: none"> • Delete gym area; • Expand building footprint approximately 2.4m south-east to the boundary; • Provide twenty (20) at-grade spaces; • Provision of resident storage cages; • Provision of twelve (12) resident bicycle parking spaces; and • Alter the location of building services. <p><i>Ground Level</i></p> <ul style="list-style-type: none"> • Expand building footprint approximately 2.4m south-east to the boundary; • Relocate gym entry further north; • Construct building to northern boundary, east of the lift core; • Minor amendments to internal configuration of the gym; and • Alter the location of building services. <p><i>Level 1</i></p> <ul style="list-style-type: none"> • Expand building footprint approximately 1.4m south-east to the boundary; • Delete six apartments and provide three gym studios; • Delete residential storage in corridors; • Provision of operable screens to north-facing balcony of Apartment 102; and • Construct building to northern boundary, east of the lift core.
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4.4 10 RAILWAY WALK, HAMPTON (continued)

	<p><i>Level 2</i></p> <ul style="list-style-type: none"> • Expand building footprint approximately 1.4m south-east to the boundary; • Consequential changes to apartment layouts arising from the above; • Delete residential storage in corridors; • Provision of operable screens to north-facing balconies; and • Construct building to northern boundary, east of the lift core. <p><i>Level 3</i></p> <ul style="list-style-type: none"> • Expand building footprint approximately 1.4m south-east to the boundary; • Consequential changes to apartment layouts arising from the above; • Delete residential storage in corridors; • Provision of operable screens to north-facing balconies; • Amendments to Apartment 306 and common area to improve internal amenity; and • Construct building to northern boundary, east of the lift core. <p><i>Levels 4-6</i></p> <ul style="list-style-type: none"> • Expand building footprint approximately 1.4m south-east to the boundary; • Consequential changes to apartment layouts arising from the above; • Delete residential storage to corridors; • Provision of operable screens to north-facing balconies; • Construct building to northern boundary, east of the lift core. <p><i>Elevations and Sections</i></p> <ul style="list-style-type: none"> • Amendments to reflect the changes outlined above. The overall height of the building has not increased.
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CARRIED

The Chairman declared the meeting closed at 10.03pm.

CONFIRMED THIS 7 DAY OF DECEMBER 2015

CHAIRPERSON: