



Minutes of the Planning & Amenity Committee Meeting

held in the Council Chamber
Boxshall Street, Brighton
on Tuesday 7 December 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
Connor Perrott	-	Statutory Planning Coordinator
Terry Callant	-	Manager Governance
Janice Pouw	-	Governance Officer

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



APOLOGIES: There were no apologies submitted at the meeting.

DECLARATIONS OF INTEREST:

- Cr del Porto declared a direct interest in item 4.13 – 28 Burrows Street, Brighton given the personal interest is in conflict with his public duty.
- Cr Long declared a direct interest in item 4.13 – 28 Burrows Street, Brighton given the personal interest is in conflict with his public duty.

Confirmation of the Minutes of the Planning & Amenity Committee Meeting 17 November 2015

Moved: Cr del Porto

Seconded: Cr Frederico

That the Minutes of the Planning & Amenity Committee Meeting held on 17 November 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 7 Lileura Avenue, Beaumaris

1. Mrs Carmen Parks (O)
2. Mr Warren Overton (O)
3. Mrs Katharine Overton (O)
4. Mr John McIntosh (O)
5. Mr Alex Gatiragas (O)
6. Mr David Cox (A)

Item 4.4 6/446 Balcombe Road, Beaumaris

1. Mrs Jenny Lewis (O)
2. Mr Keith Lewis (O)
3. Ms Nikki Taylor (A)
4. Mr Alistair Murray (S)

Item 4.5 34 Cluden Street, Brighton East

1. Mr Stuart Vance (O)
2. Mr Jason Barnfather (A)

Item 4.6 68 Oak Street, Beaumaris

1. Dr Lindsay Williams (O)
2. Mr Tony Mellick (A)

**Item 4.8 90A Union Street Brighton East
Little Brighton Reserve – Removal of native vegetation**

1. Ms Sally Eldridge (O)
2. Mr John Circosta (S)
3. Mr Ken Bott (A)

Item 4.9 277 Bay Road, Cheltenham

1. Miss Kaity Munro (O)
2. Ms Trish Boase (O)
3. Mr David Rowley (O)

Item 4.10 2A Davey Avenue, Brighton East

1. Mrs Patricia Rodis (O)
2. Ms Jenny Honig (O)
3. Mr Richard Amoore (O)
4. Ms Nikki Taylor (A)

Item 4.11 23 Carrington Street, Hampton East

1. Ms Mary Bray (O)

Item 4.13 28 Burrows Street, Brighton

1. Mr Ian Coppock (O)
2. Mr Chris Shaw (S)

OFFICERS' REPORTS:

4.1 TREE REMOVAL – 854 HAMPTON STREET, BRIGHTON

Moved: Cr Lowe

Seconded: Cr Heffernan

That Council resolves not to grant a permit for the removal of a Camphor Laurel (*Cinnamomum camphora*) located at 854 Hampton Street, Brighton does not meet the criteria in Council's Management of Tree Protection on Private Property Policy 2015 including:

- No building permit has been granted for this property;
- Insufficient evidence was provided by the applicant that the tree is the cause of structural damage to the applicant's driveway;
- The tree was assessed as having good health, fair structure and high amenity value; and
- The tree was assessed as having a low probability of failure and of causing harm to people and property.

CARRIED

4.2 7 LILEURA AVENUE, BEAUMARIS

Moved: Cr Stewart

Seconded: Cr Long

That Council, having caused notice of Planning Application No. 2015/283/1 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 7 Lileura Avenue, Beaumaris for the construction of two double storey dwellings and removal of native vegetation in a Vegetation Protection Overlay 3 for the following reasons:

1. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character Policy, Precinct H7) of the Bayside Planning Scheme, on the following grounds:
 - a) The upper level elements are not appropriately recessed from the front façade which results in a building which dominates the streetscape.
2. The proposal fails to comply with the Objectives and Standards of Clause 55 and Schedule 3 of the Neighbourhood Residential Zone of the Bayside Planning Scheme, in particular
 - a) Standard B6 Street Setback – the reduced first floor setback associated with dwelling 1 results in a bulky presentation to the streetscape which is not in keeping with the existing or preferred neighbourhood character.
 - b) Standard B17 Side and Rear Setbacks – the reduced setbacks associated with the first floor of both dwellings will impact adversely upon the general amenity of the adjoining dwellings by way of visual bulk and be detrimental to the surrounding neighbourhood character.
 - c) Standard B22 Overlooking – The low western boundary fence at 1.5 metres in height will cause overlooking into adjoining habitable room windows and secluded private open space. Further to this, the rear first floor habitable room windows have not been screened in accordance with this standard which results in an unacceptable level of overlooking to adjacent secluded private open space.
 - d) Standard B23 Internal Views – The rear first floor habitable room windows have not been screened resulting in views into more than 50% of the secluded private open space of their respective lower level dwelling within the development.
3. The proposal will result in significant impacts to neighbouring trees by way of major intrusion into tree protection zones
4. The proposal will result in the removal of trees protected by the vegetation protection overlay No. 3 contrary to the objectives of that overlay.

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

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

LOST

4.2 7 LILEURA AVENUE, BEAUMARIS (continued)

It is recorded that Mrs Carmen Parks, Mr Warren Overton, Mrs Katharine Overton, Mr John McIntosh, Mr Alex Gatiragas and Mr David Cox spoke in relation to this matter.

Moved: Cr Frederico

Seconded: Cr del Porto

That Council having caused notice of Planning Application No. 2015/283/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 7 Lileura Avenue, Beaumaris for the Construction of two double storey dwellings (side by side) and removal of native vegetation in a Vegetation Protection Overlay 3 in accordance with the advertised plans dated 27 August 2015, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples)
 - b) An updated landscape plan in accordance with Condition 6 of this planning permit
 - c) The double garage to have a minimum 4.8 metre wide door opening.
 - d) The single garage to have a minimum 3 metre wide door opening.
 - e) All pedestrian doors to be provided outwards of the garage.
 - f) The driveway of dwelling 1 where it intersects with the property boundary to be 3 metres wide, with a 1 metre offset from the western property boundary.
 - g) The existing crossover removed. A new 3 metre wide crossover with a 1 metre offset from the from the western property boundary to be constructed.
 - h) The driveway of dwelling 2 where it intersects with the property boundary to be 3 metres wide, with a 1 metre offset from the eastern property boundary.
 - i) A new 3 metre wide crossover with a 1 metre offset from the from the eastern property boundary to be constructed.
 - j) Splays in accordance with Design Standard 1 – Accessways of Clause 52.06-8 of the Bayside Planning Scheme.
 - k) The western boundary fence height increased to 1.8 metres to demonstrate compliance with Clause 55.04-6 (Standard B22 Overlooking) of the Bayside Planning Scheme.

4.2 7 LILEURA AVENUE, BEAUMARIS (continued)

- l) The rear habitable room windows associated with the master bedrooms of both dwellings to be screened in accordance with Clause 55.04-6 (Standard B22 Overlooking) of the Bayside Planning Scheme and Clause 55.04-7 (Standard B23 Internal Views) of the Bayside Planning Scheme.
 - m) The Water Sensitive Urban Design (WSUD) measures in accordance with Condition 12 of this Planning Permit.
 - n) The Arborist Report as required by Condition 10 of this Planning Permit.
 - o) All plant, equipment and services displayed with none shown above the roof level of the building.
 - p) The ground floor living room of dwelling 1 setback a minimum of 4.7metres from the northern property boundary
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority
 3. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the Responsible Authority.
 5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 6. Before the development starts, an updated Landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) A survey of all existing vegetation to be retained and/or removed (including botanical names)
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary whose Tree Protection Zone extend into the subject site
 - c) Details of surface finishes of pathways and driveways
 - d) Details of water sensitive urban design elements to be incorporated and the plant species to be used
 - e) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - f) At least 80% indigenous vegetation by both species and plant count
 - g) An indigenous canopy tree with minimum canopy dimensions at maturity of 12 meters in height and 8 meters canopy width,

4.2 7 LILEURA AVENUE, BEAUMARIS (continued)

- h) A indigenous canopy tree with a minimum canopy dimensions at maturity of 10 meters in height and 8 meters canopy width, and
 - i) Two indigenous canopy trees with a minimum canopy dimensions at maturity of 8 meters in height and 6 meters canopy width.
 - j) The exact layout of the ground floor plan, including the driveways in the correct locations.
 - k) Landscaping and planting within all open areas of the site.
7. All species selected must be to the satisfaction of the Responsible Authority
 8. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
 9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
 10. Before the development starts, including demolition, an Arborist Report (Tree protection methodology/plan) or appendices to the submitted report prepared by Treetec dated 10 August 2015 is to be submitted and approved to the satisfaction of the Responsible Authority. The purpose of this report is to outline how those trees to remain on the subject site, and those trees on neighbouring properties whose Tree Protection Zones extend into the subject site will be adequately protected during construction and remain viable post construction. The Arborist Report is to include, at a minimum, the following:
 - a) A plan that accurately locates all vegetation to be retained/protected with their Tree Protection Zone (TPZ) identified;
 - b) A plan that accurately locates the location of tree protection fencing and/or ground protection;
 - c) A plan that accurately locates the proposed built form and all services. Services are to be located outside a TPZ or to be bored under the TPZ;
 - d) A plan that accurately identifies finished levels for outdoor areas;
 - e) A plan that accurately locates footing systems and surface details of all works inside a TPZ;
 - f) A legend and north point;
 - g) Clear time frames as to when the tree protection zones must be installed and when they can be removed;
 - h) Clear direction on what actions must not occur inside the area defined as a TPZ.

4.2 7 LILEURA AVENUE, BEAUMARIS (continued)

11. Before development commences the applicant must pay \$1,824.10 to the Responsible Authority for the removal and replacement of the existing *Prunus* sp. (Plum) 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.
12. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

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

13. The existing crossover of dwelling 2 to be re-constructed to Council's satisfaction.
14. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
15. Stormwater discharge must be retained for the portion above the discharge calculated using a **Coefficient of Runoff of 0.35**. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
16. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures". Any seepage/agricultural drainage water must be filtered to rain water clarity and must be discharged to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.

4.2 7 LILEURA AVENUE, BEAUMARIS (continued)

17. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - 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.
18. 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.
19. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
20. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

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

Notes

(a) Build Over Easement

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

(b) Permits to be acquired

- i) Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- ii) A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.

(c) Flood Zone

Property is not in a 'Flood Zone'.

CARRIED

4.3 6/65 TIBROCKNEY STREET, HIGHETT

Moved: Cr Lowe

Seconded: Cr Frederico

That Council having caused notice of Planning Application No. 2015/103/1 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 6/65 Tibrockney Street Highett, for the construction of a double storey dwelling on a lot less than 500 square metres in accordance with the application plans dated 9 July 2015, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples).
 - b) The extension to the existing front fence deleted and the existing fence retained.
 - c) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc) which is proposed to be located externally identified on the plans.
 - d) Water sensitive urban design stormwater treatment measures demonstrating a minimum rating of 100% in accordance with Condition 5 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. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the Responsible Authority.
5. 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;

4.3 6/65 TIBROCKNEY STREET, HIGHETT (continued)

- c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

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

6. 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.
7. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may included either:
- iv) A trench grate (150mm minimum internal width) located within the property and/or
 - v) Shaping the driveway so that water is collected in a grated pit on the property and/or
 - vi) Another Council approved equivalent.
8. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged and approved by Council's Engineering Services department.
9. 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.
10. 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

N2 Building approval

N10 Asset Protection

CARRIED

4.4 6/446 BALCOMBE ROAD, BEAUMARIS

It is recorded that Mr Keith Lewis, Mrs Jenny Lewis, Ms Nikki Taylor and Mr Alistair Murray spoke in relation to this matter.

Moved: Cr Stewart

Seconded: Cr del Porto

That Council having caused notice of Planning Application No. 2014/861/1 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 6/446 Balcombe Road Beaumaris, for the Alterations and additions to an existing dwelling on a lot less than 500 square metres in accordance with the endorsed plans and subject to the following conditions:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The first and second floor north facing balconies / decks to be screened in accordance with Clause 54.04-6 (Standard A15 – Overlooking) of the Bayside Planning Scheme.
 - b) All elevations to be depicted at maximum height of 9 metres (including service installations) in accordance with Clause 32.09-8 of the Bayside Planning Scheme.
 - c) The location of all plant equipment, including air conditioners, solar panels, hot water services etc.
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. The proposed internal drainage must be connected to the existing legal point of discharge. The applicant may apply for legal point of discharge and local drain information, or carry out on site verification.

4.4 6/446 BALCOMBE ROAD, BEAUMARIS (continued)

7. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.
The Responsible Authority may extend the periods referred to above if a request is made in writing:
 - Before the permit expires; or
 - Within 6 months afterwards if development has not commenced; or
 - Within 12 months afterwards if the development has lawfully commenced.

CARRIED

4.5 34 CLUDEN STREET, BRIGHTON EAST

It is recorded that Mr Stuart Vance and Mr Jason Barnfather spoke in relation to this matter.

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council having caused notice of Planning Application No. 2014/452/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 34 Cluden Street Brighton East for the Construction of two double storey dwellings in accordance with the plans dated 18 June 2014 and 1 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) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples)
 - b) A landscape plan in accordance with Condition 6 of this planning permit
 - c) The two crossovers to be a minimum of 7.5 metres apart to allow for the provision of an on-street car space.
 - d) The existing vehicle crossing to be removed and to be replaced with a new 3 metre wide crossover to Council specifications.
 - e) The crossover of dwelling 1 to have a 1 metre offset from the eastern property boundary.
 - f) Splays in accordance with Design Standard 1 – Accessways of Clause 52.06-8 of the Bayside Planning Scheme.
 - g) Both storage areas within the garages to be annotated as being at least 6 cubic metres in size as per Standard B30 of Clause 55.05-6 of the Bayside Planning Scheme.
 - h) Location of all plant equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows.
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.

4.5 34 CLUDEN STREET, BRIGHTON EAST (continued)

5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
6. Before the development starts, a Landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) A survey of all existing vegetation to be retained and/or removed (including botanical names)
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary whose Tree Protection Zone extend into the subject site
 - c) Details of surface finishes of pathways and driveways
 - d) Details of water sensitive urban design elements to be incorporated and the plant species to be used
 - e) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - f) Either a canopy tree in the front setback of each dwelling capable of reaching a minimum mature height 8 metres with a mature canopy width of 6 metres, or one tree in one of the front setbacks capable of reaching a minimum mature height of 12 metres with a minimum canopy of 8 metres, and a minimum 6 metre high canopy tree in the other front setback.
 - g) Landscaping and planting within all open areas of the site
7. All species selected must be to the satisfaction of the Responsible Authority
8. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
10. Before the development starts, an Arborist Report in accordance with AS 4970-2009 is to be submitted and approved to the satisfaction of the Responsible Authority. The Arborist Report is to include the following:
 - a) Discussion of the impact of the proposed development on the trees located in the adjacent properties whose tree protection zones extend into the subject site
 - b) A construction impact assessment
 - c) Tree protection methodology for the construction period
 - d) Information demonstrating that these trees will remain viable post construction

4.5 34 CLUDEN STREET, BRIGHTON EAST (continued)

11. Tree Protection Fencing is to be established around the street tree - *Melia azedarach* (White Cesar) prior to demolition and maintained until all works on site are complete:
 - a) The fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - b) The fencing is to encompass the entire naturestrip under the drip line of the tree.
 - c) The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites.
 - d) During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
12. Root pruning within the TPZ (Tree Protection Zone):
 - a) Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.
 - b) All affected roots must be correctly pruned according to AS 4373-2007.
13. The existing crossover of dwelling 2 to be re-constructed to Council's satisfaction.
14. 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.
15. Stormwater discharge must be retained on site to the pre-development level of peak stormwater discharge. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
16. Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
17. 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.
18. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
19. 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.
20. 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.

4.5 34 CLUDEN STREET, BRIGHTON EAST (continued)

21. 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.
22. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may included either:
 - i) A trench grate (150mm minimum internal width) located within the property and/or
 - ii) Shaping the driveway so that water is collected in a grated pit on the property and/or
 - iii) Another Council approved equivalent.
23. 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.
24. 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.
25. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

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

Notes

(a) Build Over Easement

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

(b) Permits to be acquired

- iii) 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.
- iv) A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.

(c) Flood Zone

Property is not in a 'Flood Zone'.

CARRIED

4.6 68 OAK STREET, BEAUMARIS

It is recorded that Dr Lindsay Williams and Mr Tony Mellick spoke in relation to this matter.

Moved: Cr Stewart

Seconded: Cr Frederico

That Council having caused notice of Planning Application No. 2012/698/2 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 68 Oak Street Beaumaris, for the Use and development of the site for a 'Restricted Recreation Facility' and a 'Place of Assembly', associated car parking reduction, sale and consumption of liquor on site and removal of native trees in the Vegetation Protection Overlay (Schedule 3) and Clause 52.17 (Native Vegetation) in accordance with the plans Council date stamped 9 September 2015, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. 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 dated 9 September 2015 but modified to show:
 - a) Deletion of balcony 3 and the deletion of the extended part of the existing balcony 4 (deck 3).
 - b) Replacement of the doors to deck 3 with windows. The main entry to decks 2 and 3 is to be adjacent to deck 2.
 - c) Deleted
 - d) Deleted.
 - e) Details of the car park, including car space dimensions and accessway widths, the location of a designated outdoor shelter alcove adjacent to a designated taxi pick up and drop off zone within the car park within which patrons may wait for taxis. The alcove must be indicated on plan to be signed as a taxi waiting zone.
 - f) The 'redline area' to be reduced to exclude the toilets, lobby and stairwell at first floor level.
 - g) Deleted
 - h) Indicative locations for tables and chairs for deck 1.
 - i) An annotation on the plans indicating that there will be no service of alcohol at the bar between the member's dining room door and the eastern wall of the female toilets.
 - j) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples). The schedule must show the incorporation of natural materials such as wood or stone and a predominance of muted, earthy tones to complement the buildings location in parkland.

4.6 68 OAK STREET, BEAUMARIS (continued)

- k) Tree protection fencing in accordance with condition 17 of this planning permit.
- l) A landscape plan in accordance with condition 18 of this planning permit.
- m) Any changes including physical noise attenuation measures including the provision of double glazing, and acoustic treatments to the function room (including an air lock configuration to external opening doors) recommended in accordance with condition 24 of this planning permit.
- n) Construction Management Plan in accordance with Condition 28.
- o) Water sensitive urban design measures in accordance with condition 31 of this planning permit.
- p) The location and treatment (visual screening and acoustic) of an area where waste and other material is to be stored in accordance with condition 4.
- q) The location of all external plant and equipment in accordance with condition 16.
- r) Notations of all wall heights from natural ground level and building setbacks from relevant fixed reference points.
- s) The location of signs at the formal vehicular and pedestrian entrances to the reserve and facility which will identify the contact details of a person responsible for acting on complaints about the operation of the facility as required by condition 20(l).
- t) The provision of a minimum of 15 bicycle parking spaces adjacent to the building.
- u) Notations stating that the 'turning area' within the car park will also be used as a loading/unloading bay.

No alteration to plans/use

- 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 layout of the uses on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Conditions relating to the use and development

- 4. Provision must be made for the storage and collection of garbage and other waste to the satisfaction of the Responsible Authority. This area must be graded, drained and screened from public view to the satisfaction of the Responsible Authority.
- 5. Deck 2 and 3 must be closed from use by patrons after 10pm.
- 6. Deck 1 must be closed from use by patrons after 10pm.
- 7. Deleted.
- 8. Not more 309 patrons may be present on the premises at any one time without the written consent of the Responsible Authority.

4.6 68 OAK STREET, BEAUMARIS (continued)

9. Except with the prior written consent of the Responsible Authority, liquor can only be served and consumed between the hours of:

Sunday	12 noon and 9:00pm (bar close at 8:30 and venue close by 9pm)
Monday - Wednesday	12 noon and 10pm (bar close at 9:30pm and venue close by 10pm)
Thursday	12 noon and 10:30pm (bar close at 10pm and venue close by 10:30pm)
Friday and Saturday	12 noon and 12am (bar close at 11:30pm and venue close by 12am)
10. Prior to the commencement of the use, a schedule of typical club functions must be submitted to the Responsible Authority, to its satisfaction. With the exception of functions permitted by condition 11, the type of club functions held within the facility must be confined to those types of functions identified in the schedule, to the satisfaction of the Responsible Authority.
11. Notwithstanding the requirements of condition 10, the function room may be used for the purpose of other private functions held by or for club members, on up to 2 occasions each month. A register of these functions must be maintained and made available for Council inspection with 5 days notice. The register must include the following:
 - a) The date of the function;
 - b) The nature of the event; and
 - c) The association with the club.
12. The facility, or part of the facility, must not be hired to the general public.
13. Functions are only to be held within the designated Function room.
14. Deck 1 must not be utilised for the purpose of seated dining when there is no organised sporting activity occurring on the oval. For the purpose of this condition, organised sporting activities include formal football and cricket games played by club members, and formal training sessions by club members.
15. No form of public address system which is audible from outside the building may be installed on the land.
16. All external plant and equipment must be screened and acoustically treated or placed in soundproof housings to reduce noise transmission to the satisfaction of the Responsible Authority.

4.6 68 OAK STREET, BEAUMARIS (continued)

Landscaping/ Tree protection

17. Tree Protection Fencing to protect trees '5' and '6' and the 'cluster of native tress located to the eastern side of the existing football club' is required as provided in the table below and/or to the satisfaction of the Responsible Authority.

Tree	TPZ
5	6m from the trunk of the tree on all sides
Cluster of Melaleuca trees located along the southern edge of the carpark adjacent to the proposed development	3m from the trunk of the trees or to the dripline whichever is the greater
Eucalyptus and Banksia trees located on the northern edge of the carpark adjacent to the proposed development	4m from the trunk of the trees or to the dripline whichever is the greater
Cluster of native trees located on the eastern side of the existing football club house	6m from the trunk of the trees

- a) Any excavation within the Tree Protection Zone must be done by hand and in the presence of a Qualified Arborist, subject to approval from Council's Open Space Arborist.
 - b) Any roots of a size <60mm encountered must be cut cleanly with a sharp implement.
 - c) Any roots of a size >60mm must be retained or permission gained in writing from Open Space Arborist for their removal.
18. Before the development starts, a landscape plan prepared in consultation with Council's Open Space Arborist 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) Planting around the building to soften and complement its appearance;
 - b) Identification of 16 new trees to be planted within the reserve. The species to be selected in consultation with Council's Open Space Arborist;
 - c) The identification of 16 new trees to be planted in the Reserve. The species to include Banksia integrifolia, Allocasuarina verticulata, Eucalyptus pryoriana and Banksia marginata. The species to be planted being indigenous to Beaumaris. Fencing details including footings/posts to demonstrate adequate protection of vegetation from damage;
 - d) Details of any landscaping to be located within close proximity to the easement/drain are to be forwarded to Melbourne Water for approval;
 - e) Fencing details including footings/posts;

4.6 68 OAK STREET, BEAUMARIS (continued)

- f) A survey (including botanical names) of all existing vegetation to be retained and/or removed;
- g) Details of surface finishes of pathways and driveways;
- h) Details of water sensitive urban design elements to be incorporated and the plant species to be used;
- i) 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.

19. Prior to the commencement of the development, the permit applicant must pay Council either the amenity value of the removal of the trees, being \$11,055.40, unless otherwise agreed in writing by the Responsible Authority.

Conditions relating to noise and amenity/ Patron Management Plan

20. Before the use starts, a noise and amenity plan/patron management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:
- a) Devise well-designed spaces which reinforce positive behaviours, and maintain these spaces over time;
 - b) Proposed methods of reducing congestion and crowding inside the venue and at the venue entrance points, particularly after 10pm;
 - c) Security measures including where personnel are stationed and the times they are on duty;
 - d) Systems for monitoring numbers of patrons in attendance;
 - e) Methods to monitor patron behaviour inside and outside the premises including measures to ensure patrons arrive at and depart from the premises and surrounding area in an orderly, quiet and well behaved manner and that staff are trained appropriately in managing patron behaviour;
 - f) Maintenance of a complaints register;
 - g) Arrangements for empty bottles to be placed outside the building only between 8am and 6pm;
 - h) Arrangements for rubbish collection in respect to the premises to be carried out only after 7am and before 7pm;
 - i) Arrangements for any new outdoor lighting to be designed, baffled and located to the satisfaction of the Responsible Authority and to prevent any adverse effect on nearby land;
 - j) Details of any management measures required to control noise emissions from the premises. (E.g. operation of volume limiter if installed);

4.6 68 OAK STREET, BEAUMARIS (continued)

- k) The nomination of the person responsible for the implementation of this management plan in accordance with condition 19;
 - l) The contact details for the person responsible for the taking and actioning complaints about patron behaviour from nearby persons. The contact details for this person must be nominated on a sign located at the entrance to the facility, and the vehicular and pedestrian entrances to the reserve.
21. Signs must be erected near exits to the building requesting that patrons leave the premises in a quiet and orderly manner so as not to disturb the peace and quietness of the neighbourhood.
 22. At all times during the operation of the use, there must be present on the premises a person over the age of 21 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as 'the manager').
 23. The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under Section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.
 24. Prior to the commencement of the development an acoustic report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Responsible Authority. When approved the report will be endorsed and will form part of the permit. The report must identify all potential noise sources, and sound attenuation work, and management practices required to ensure that the noise levels generated by the premises do not exceed the levels specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 to the satisfaction of the Responsible Authority. Specifically, the report must consider whether it is necessary to apply double glazing, whether it is necessary to install an air lock configuration to external opening doors to the function room, and whether it is necessary to install noise limiters to any music sound system installed in the function room. Where they relate to physical attenuation works, the recommendations of the report must be reflected on plans submitted for endorsement under condition 1 of this permit. Where they relate to management practices the recommendations must be reflected in the patron management plan submitted for endorsement under condition 20 of this planning permit.
 25. At the end of a period of six months ("The Trial Period") from the commencement of the use hereby approved, the operator of the premises is to provide an acoustic report prepared by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority. The report is to assess the use of the terrace as shown on the endorsed plans and must include:
 - a) The time and date during which noise levels are measured;
 - b) The number of patrons present at the time which the noise levels are measured;

4.6 68 OAK STREET, BEAUMARIS (continued)

- c) Measurements of the noise levels at the nearest residential building (including the external terrace areas);
 - d) Conclusions and recommendations concerning compliance with the relevant State Environmental Protection Policies as they relate to noise emissions.
26. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, with the exception of a siren which may be utilised for the purpose of controlling sporting games.
27. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.

Other amenity conditions

28. Prior to the commencement of any works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The Construction Management Plan must address, but is not limited to:
- a) Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints;
 - b) All traffic management plans for the site demolition, excavation, deliveries and other construction related activities that will affect vehicle and pedestrian traffic using surrounding streets;
 - c) The location of all areas on-and/or off-site to be used for construction staff parking;
 - d) A parking management plan for all associated construction vehicles;
 - e) Pedestrian access along the Oak Street, Cromb Avenue, Griffiths Street and Tramway Parade footpaths/ Road Reserves must be maintained at all times. Any damage to the footpaths/ Road Reserves must be repaired immediately;
 - 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;

4.6 68 OAK STREET, BEAUMARIS (continued)

- 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.

29. 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. All waste must be collected from within the site by a provide contractor.
30. No gaming/amusement machine activities or accommodation are to be undertaken on-site.
31. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-
- a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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

32. 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.
33. 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.

4.6 68 OAK STREET, BEAUMARIS (continued)

34. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may included either:
 - iv) A trench grate (150mm minimum internal width) located within the property and/or
 - v) Shaping the driveway so that water is collected in a grated pit on the property and/or
 - vi) Another Council approved equivalent.
35. 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.
36. 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.

Melbourne Water Conditions

37. Before the endorsement of plans, amended plans must be submitted to Melbourne Water demonstrating compliance with our minimum floor level and surface level requirements.
38. The finished floor levels of the new buildings must be set no lower than 14.60 metres to the Australian Height Datum (300mm above the applicable flood level of 14.30 m AHD).
39. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
40. Any proposed internal fences and gates must be open in design (50 percent open) to allow for the passage of overland flood flow.
41. Open space areas including the carpark, cricket net, landscaping and paved areas must be set at natural surface levels, to allow for the passage of overland flood flow.
42. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
43. Prior to the commencement of works, a separate application direct to Melbourne Water for approval, must be made for any new or modified storm water connection to Melbourne Water's drains.
44. All new timber decking/boardwalk areas must be constructed with unenclosed foundations, to allow for the passage of overland flood flows.

4.6 68 OAK STREET, BEAUMARIS (continued)

45. Prior to the commencement of works, a separate build-over application must be made directly to Melbourne Water for the approval of any buildings and works which will appear within the existing drainage easement.

Design plans must accompany the application, including the following details:

- Any structures/works within easement;
- Any landscaping within the easement;
- Footing details for any structures within the easement.

46. 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.
- c) The use is not commenced 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.

Permit Notes

Asset Information

Melbourne Water's Pellatt Street Drain is at this location. It is a 1350mm (internal dia.) reinforced concrete drain constructed in 1956. Please contact Colin Loft from Melbourne Water's Asset Planning team, on 9679 7589, to obtain as-constructed drawings for this drain.

Asset Protection Requirements

1. A licensed surveyor or engineer equivalent must be engaged to determine the exact location of our drain. Detailed drawings showing the drain in relation to the proposed additions to the sporting club and any proposed footings must be provided.
2. Any building/structure including footings, eaves etc must be set outside any drainage easement and a minimum 1.5 metres laterally clear of the outside edge of the existing main drain.
3. The depth of the footings must be adequate to satisfy the angle of repose relative to the drain as per Melbourne Water's specification. See attached Standard Drawing: 'Angle of Repose - Footing Design' for details. A copy of Melbourne Water's build over guideline can be found at:
<http://www.melbournewater.com.au/content/library/online_services/construction_near_melbourne_water_assets/building/build_over_guide.pdf>
4. Details of any landscaping to be located within close proximity to the easement/drain are to be forwarded to Melbourne Water for approval.

Details to be submitted shall include:

- Species and locations of trees to be planted
- Details of any hardstand areas, including paved and concrete areas
- Fencing details including footings/posts

5. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water.

4.6 68 OAK STREET, BEAUMARIS (continued)

Flood Information

The applicable 1% ARI flood level for this property is 14.30 metres to the Australian Height Datum (AHD).

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 217211.

Street Trees

Existing street trees in the surrounding street network must not be damaged as a result of the development.

Building Approval

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

Advertising Signage

Unless no permit is required under the planning scheme, no signs must be erected or displayed without further permission.

CARRIED

4.7 73 WILLIAM STREET, BRIGHTON

Moved: Cr del Porto

Seconded: Cr Frederico

That Council having caused notice of Planning Application No. 2011/519/1 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 an Amended Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 73 William Street, Brighton for the Construction of a double storey building containing three (3) dwellings (with basement) in a Design and Development Overlay and construction of a front fence over 1.2m in height in accordance with the plans dated 12 January 2012, 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 on 12 January 2012 but modified to show:
 - a) Elevation of front fencing which includes a reduction in height of the first two fence panels each side of the common entry on Hector Street to a maximum of 1.2m.
 - b) Dwelling 2 modified to setback the dressing room and ensuite associated with the master bedroom at least 2m from the northern boundary with any consequential layout alterations to that dwelling.
 - c) Dwelling 3 modified to setback bedroom 3 at least 3.9m from the northern boundary with any consequential layout alterations to that dwelling.
 - d) Deletion of the 1.7m high obscure glass screen north of the gallery and inclusion of obscure glazing or a screen adjoining the north facing windows of the gallery to a height of 1.7m above finished floor level in accordance with Standard B22 of Clause 55.04-6 of the Bayside Planning Scheme.
 - e) The proposed boundary fence along the Right of Way increased to a minimum height of 1.7m above the finished floor level of the living room and any rear deck of dwelling 2.
 - f) The terrace to dwelling 3 treated to ensure compliance with standard B23 in respect to the secluded private open space of dwelling 1 below.
 - g) All levels to Australian Height Datum.
 - h) A detailed schedule of colours, materials and finishes, including samples where appropriate.
 - i) Landscaping Plan in accordance with the plan submitted with the application, but modified to comply with condition 10.
 - j) Tree Protection Zone of a minimum 3m diameter around the existing street trees in accordance with condition 13.

4.7 73 WILLIAM STREET, BRIGHTON (continued)

- k) Water Sensitive Urban Design features in accordance with the requirements of Clause 22.08 of the Bayside Planning Scheme.
 - l) Compliance with Condition 10.
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. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the responsible authority.
 7. Before the occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather-seal coat;
 - d) Drained;To the satisfaction of the responsible authority.
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 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.
 9. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the responsible authority.
 10. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.

4.7 73 WILLIAM STREET, BRIGHTON (continued)

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.
- d) Reduction in the extent of paving in the William Street setback by 50% to facilitate the planting of canopy trees and shrubs.
- e) The 'pyrus betulaefolia' (Ornamental Pear) along the William Street and Hector Street boundaries to be spaced at a minimum 4m centres.
- f) The planting of 'parthenocissus tricuspidata' along the section of the solid render fence fronting the corner of Hector Street and the right of way.
- g) Any reference to the 0.6 metre trellis to the light court of unit 1 deleted.
- h) Any reference to the ground floor window to the internal staircase deleted.

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

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

11. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
13. Before the development starts, tree protection fencing must be erected around the street trees in front of 73 William Street along Hector Street and William Street and maintained until all works on site are completed.
 - a) The fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - b) The fencing is to encompass the entire nature strip under the drip line of the tree.
 - c) The Tree Protection Zone is to be established and maintained in accordance with Australian Standard 4970 Protection of trees on development sites.
14. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone without the written consent of the responsible authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.
15. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

4.7 73 WILLIAM STREET, BRIGHTON (continued)

- 16. The existing street trees must not be removed or damaged.
- 17. 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.
- 18. Stormwater discharge is to be retained on site to the pre-development level of peak stormwater discharge. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
- 19. Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain / Pit and not be discharged to the kerb and channel unless directed otherwise.
- 20. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
- 21. The driveway / parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
- 22. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two (2) years of the date of this permit.
 - b) The development is not completed within four (4) 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.

Permit Notes

- N1 Crossover permit
- N2 Building approval
- N6 Vehicle crossing removal
- N7 Retention of existing street trees
- N8 Sewerage
- N10 Asset Protection

Date	Amendment
As per the date of Council's decision	Amend the planning permit pursuant to Section 72 of the Planning and Environment Act 1987 in the following manner: <ul style="list-style-type: none"> • New landscaping requirements in Condition 1 and 10. • The addition of a pedestrian access ramp. • The front fence altered from steel pickets and solid render panels to horizontal louvers and an additional solid rendered panel along the south-west frontage. • The window to the internal staircase along the south-east frontage removed, the deletion of the 0.6 metre trellis from the fence adjoining the light court of unit 1. • Alterations in the extent of landscaping.

CARRIED

4.8 90A UNION STREET, BRIGHTON EAST

It is recorded that Ms Sally Eldridge, Mr John Circosta and Mr Ken Bott spoke in relation to this matter.

Moved: Cr del Porto

Seconded: Cr Lowe

That Council, having caused notice of Planning Application No 2015/13/1 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 90A Union Street, Brighton East (Little Brighton Reserve) for the removal of vegetation for the following reasons:

1. The proposal fails to comply with the objectives of Clause 22.05-2 (Heritage Policy) of the Bayside Planning Scheme for the following reasons:
 - a) The proposed removal of vegetation will impact the integrity and significance of the heritage place.

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

DIVISION: **FOR:** Crs Stewart, Long, del Porto, Lowe and Evans (5)
 AGAINST: Crs Frederico and Heffernan (2)

CARRIED

It is recorded Cr Frederico vacated the Chamber at 9.05pm and did not return to the meeting.

It is further recorded Cr Stewart vacated the Chamber at 9.05pm and re-entered at 9.07pm.

4.9 277 BAY ROAD, CHELTENHAM

It is recorded that Miss Kaity Munro, Ms Trish Boase and Mr David Rowley spoke in relation to this matter.

Moved: Cr del Porto

Seconded: Cr Heffernan

That the Committee under Section 73(c) of the Governance Local Law 1, grant Ms Lucy Maplestone the opportunity to speak for three minutes.

CARRIED

Moved: Cr Lowe

Seconded: Cr Heffernan

That Council having caused notice of Planning Application No. 2015/311/1 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 277 Bay Road Cheltenham, for the construct buildings and works and use of the site for dwellings in the form of a three storey building comprising of 27 dwellings and four shops in accordance with the plans date stamped 4 September 2015, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. 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) A schedule of construction materials, external finishes and colours.
 - b) A landscape plan in accordance with Condition 9 of this planning permit.
 - c) 1.7m high screens between any balconies or private open space areas where appropriate to avoid internal overlooking.
 - d) The basement car park to provide the number of car spaces required by Clause 52.06 of the Bayside Planning Scheme. Stackers may only be used for residential spaces. All residential spaces must be securely fenced off from commercial/visitor parking spaces. Shop and visitor parking must be at grade and be available to the public at all times.
 - e) Signage directing visitors to the site to the basement car park.
 - f) All spaces in the basement car park appropriately signed for visitors.
 - g) The bin storage areas at ground floor re-located to the basement in the non-secured section of the basement.

4.9 277 BAY ROAD, CHELTENHAM (continued)

- h) Provision of a dedicated and shared loading/unloading bay and waste collection bay in the basement. This loading bay must not be located in the secured residential parking area.
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. All pipes, fixtures, fittings and vents servicing the 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 dwellings without the written consent of the Responsible Authority.
- 5. The walls on the boundaries of the adjoining property must 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 development;
 - c) Surfaced with an all-weather-seal coat;
 - d) Drained;
 - e) Line marked to indicate each car space and all access lanes; and
 - f) 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. The vehicular crossing must be constructed to the road to suit the proposed driveway to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
- 8. 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 crossing shown on the endorsed plans.
- 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 two copies must be provided. The plan must detail all plant species and demonstrate that sufficient soil volume exists to support these species.

4.9 277 BAY ROAD, CHELTENHAM (continued)

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 commencement of development, Tree Protection Fencing is to be established around the street trees 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 trees. 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.
13. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
14. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.60. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
15. Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
16. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - a) 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.
17. 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.
18. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge into adjacent properties.

4.9 277 BAY ROAD, CHELTENHAM (continued)

19. 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.
 - e) Control of noise and airborne matter and contact numbers for complaints;
 - f) No water containing oil, foam, grease, scum or litter to be discharged to the stormwater drainage system from the site;
 - g) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
 - h) 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;
 - i) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
 - j) 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.
20. Prior to the commencement of the development hereby approved, the applicant must submit to the Responsible Authority, an amended 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 that a 6.4m rear mini loader is to be used. The WMP must be amended to reflect conditions of this permit and include the following notes:

In section 2.3

- Commingle recycling (mixed recycling) must also include plastics coded 1-7 at a minimum
- Cardboard recycling will be organised by the Operators through a private collection contractor.
- Hard waste collections will be managed by the Operators (Body Corporate / Owners Corporation) and will be organised with a private collection contractor.
- Other waste items such as e-Waste, white goods, domestic volumes of household paints, household batteries, florescent tubes and mixed globes can be taken to Baysides Waste Transfer and Recycling Centre at 144 Talinga Road, fees and charges may apply.

4.9 277 BAY ROAD, CHELTENHAM (continued)

- Household Chemical collections can be arranged through Sustainability Victoria via the mobile chemical collection program.

In Section 2.4

- Storm water drains in storage area should be fitted with a litter trap/filter installed to trap litter which can then be disposed of responsibly; any trap/filter is to be included on a regular cleaning and sanitising schedule and must be emptied regularly
 - Signage and bin colour coding must be in accordance with Sustainability Victoria's Away from Home Waste Signage guide. Update table to reflect signage guide – all bases should be black or green.
21. Prior to the commencement of the development (excluding demolition), the applicant must carry out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended uses. This PEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the uses.

The PEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This should include details of how long the uses occupied the site.
- A review of any previous assessments of the site and surrounding sites including details of the anticipated sources of any contaminated materials. This also includes a review of any previous Environmental Audits of the site and surrounding sites.

Should the PEA reveal that further investigative or remedial work is required to accommodate the intended uses, then prior to the commencement of the development, the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the uses.

This CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. This CEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development. The CEA should include:

- Intrusive soil sampling in accordance with the requirements of Australian Standard (AS) 44582.1. This includes minimum sampling densities to ensure the condition of the site is accurately characterised.
- An appraisal of the data obtained following soil sampling in accordance with ecological, health-based and waste disposal guidelines.
- Recommendations regarding what further investigate and remediation work, if any, may be necessary to ensure the site is suitable for the intended uses.

Prior to the occupation of the building, the applicant must submit to the Responsible Authority a letter confirming compliance with any findings, requirements, recommendations and conditions of the CEA.

4.9 277 BAY ROAD, CHELTENHAM (continued)

Should the CEA recommend that an Environmental Audit of the site is necessary then prior to the occupation of the building the applicant must provide either:

- a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
- b) A Statement of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970. This Statement must confirm that the site is suitable for the intended use(s).

Where a Statement of Environmental Audit is provided, all the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority and prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or other person acceptable to the Responsible Authority. In addition, the signing off of the Statement must be in accordance with any requirements in it regarding the verification of works.

22. If there are conditions on the Statement that the Responsible Authority consider requires significant ongoing maintenance and/or monitoring, the applicant must enter into a legal agreement in accordance with Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority. This Agreement must be executed on title prior to the occupation of the building. The owner of the site must meet all costs associated with the drafting and execution of this agreement including those incurred by the Responsible Authority.
23. 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;
 - b) Appearance of any building, works or materials;
 - c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste productions, grit or oil;
 - d) Presence of vermin;
 - e) Other as appropriate.
24. Deliveries to and from the site (including waste collection) must only take place as specified in the Environmental Protection Authority's Noise Control Guidelines Publication 1254 October 2008.
25. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1

Or

Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2

4.9 277 BAY ROAD, CHELTENHAM (continued)

26. 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.
27. 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.
 - c) The uses have not commenced within one year of completion of the development.

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

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

Permit Notes

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

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

The applicant/owner is to bear the cost to reinstate/relocate any power pole should it be removed and any street trees or Council assets/furniture.

LOST

4.9 277 BAY ROAD, CHELTENHAM (continued)

Moved: Cr del Porto

Seconded: Cr Long

A: That Council, having caused notice of Planning Application No 2015/311/1 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 277 Bay Road, Cheltenham for the construction of buildings and works and use of the site for dwellings in the form of a three storey building comprising 27 dwellings and four shops, reduction in car parking requirements and loading and unloading requirements of Clauses 52.06 and 52.07 of the Bayside Planning for the following reasons:

1. The overall height of the development is excessive and undermines the objectives of Schedule 2 to the Design and Development Overlay of the Bayside Planning Scheme to reinforce the low rise forms of the area. This increased height will also impact adversely upon streetscape character and the general amenity of adjacent residential properties to the north by way of visual bulk.
2. The proposed building undermines the development potential of the adjoining site to the west by way of limited side setbacks from the western property boundary in accordance with the provisions of Standard B17 of Clause 55 of the Bayside Planning Scheme.
3. The proposal fails to provide a sufficient number of car parking spaces on site in accordance with the provisions of Clause 52.06 (Car parking) of the Bayside Planning Scheme and this will increase demands for on-street parking spaces to the detriment of the surrounding road network.
4. The proposal fails to provide a dedicated on site loading/unloading bay in accordance with the provisions of Clause 52.07 (Loading and unloading of vehicles) of the Bayside Planning Scheme and this will result in the loading/unloading of goods and collection of waste on street and this will further increase demands for parking spaces to the detriment of the surrounding road network.

B: That Council be provided with internal legal representation at any future VCAT hearing.

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

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

The Motion was **CARRIED** by the casting vote of the Chair.

4.10 2A DAVEY AVENUE BRIGHTON EAST

It is recorded that Mrs Patricia Rodis, Ms Jenny Honig, Mr Richard Amooore and Ms Nikki Taylor spoke in relation to this matter.

Moved Cr Heffernan

Seconded Cr del Porto

That Council having caused notice of Planning Application No. 2014/555/1 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 2A Davey Avenue, Brighton East, for the construction and carrying out of works (dwelling additions) on a lot less than 500 square metres and front fence exceeding 1.2 metres in height in accordance with the application dated 30/07/2014, 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 development plans Council date stamped 5 August 2015 plans but modified to show:
 - a) The height of the garage reduced to sit below the overhanging gutter of the dwelling at 687 Hawthorn Road, Brighton East or modifications to the gutter that ensure it will not be adversely impacted as a consequence of the development.
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 use and/or occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.

4.10 2A DAVEY AVENUE BRIGHTON EAST (continued)

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

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

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

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

CARRIED

4.11 23 CARRINGTON STREET, HAMPTON EAST

It is recorded Ms Mary Bray spoke in relation to this matter.

Moved Cr Lowe

Seconded Cr Long

That Council having caused notice of Planning Application No. 2015/291/1 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 23 Carrington Street, Hampton East for the Construction of two double storey dwellings in accordance with the advertised plans of the application dated 03 August 2015, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Brickwork to be provided along ground floor northern and southern elevations of both dwellings (including garages) consistent with that at street front presentation.
 - b) Street front fencing of both Carrington Street and Highbury Avenue frontages to be no greater than 1.2 metres.
 - c) The proposed double garages shall be at least 6m long and 5.5m wide measured inside the garage with a minimum 4.8 metre wide door opening.
 - d) The proposed Carrington Street crossover where it intersects the footpath shall be 3m wide, with 0.7m offset from the southern property boundary with a 0.7m wide separator required between the new and adjoining crossing.
 - e) The proposed Highbury Avenue crossover to be 3m wide, with 0.8m offset from the southern property boundary with a 0.8m wide separator required between the new and adjoining crossing.
 - f) Site lines consistent with AS2890.1 for both access ways/crossovers.
 - g) 6 cubic metres of external storage for each dwelling.
 - h) Notation on plans that no soil excavation is to take place within 2.3 metres of *Lophostemon confertus* (Brush Box) located on Carrington Street frontage.
 - i) A materials schedule in accordance with Condition 3 of this planning permit.
 - j) A landscape plan in accordance with Condition 9 of this planning permit.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

4.11 23 CARRINGTON STREET, HAMPTON EAST (continued)

3. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating paint samples) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.
4. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
5. All pipes, fixtures, fittings and vents servicing the dwellings must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the dwellings without the written consent of the Responsible Authority.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
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 landscaping plan must show:
 - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - c) Details of surface finishes of pathways and driveways.
 - d) Details of water sensitive urban design elements to be incorporated and the plant species to be used.
 - e) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - f) A canopy tree in the Carrington Street frontage capable of reaching minimum dimensions at maturity of 12 meters in height and 8 meters canopy width.
 - g) A canopy tree in the Highbury Street front setback capable of reaching minimum dimensions at maturity of 8 meters in height and 6 meters canopy width.

4.11 23 CARRINGTON STREET, HAMPTON EAST (continued)

h) Landscaping and planting within all open areas of the site.

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

10. Before the occupation of the development 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 (including demolition) starts, a tree protection fence must be erected around the *Lophostemon confertus* (Brush Box). The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire naturestrip under the drip line of the tree. The Tree Protection Zone (TPZ) 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. 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.
13. 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.
14. Before development commences the applicant must pay \$4,248.94 to the Responsible Authority for the removal and replacement of the existing street tree *Lophostemon confertus* (Brush Box) located on Highbury Avenue street frontage. This amount has been determined in accordance with Councils current policy for the removal of street tree. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible Authority.
15. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;

4.11 23 CARRINGTON STREET, HAMPTON EAST (continued)

- c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

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

16. The 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.
17. Stormwater discharge must be retained on site to the pre-development level of peak stormwater discharge. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
18. Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
19. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
20. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
21. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

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

4.11 23 CARRINGTON STREET, HAMPTON EAST (continued)

Permit Notes

N1 Crossover permit

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.

N2 Building approval

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

N6 Vehicle crossing removal

Consultation should take place with Council respect of the removal of the vehicular crossing and reinstatement works.

N7 Retention of existing street trees

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

N8 Sewerage

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

CARRIED

4.12 11 TARWIN AVENUE, HAMPTON EAST

Moved Cr Lowe

Seconded Cr Long

That Council having caused notice of Planning Application No. 2014/818/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 11 Tarwin Avenue, Hampton East, for the Construction of two double storey dwellings in accordance with the application dated 11 November 2014 subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Variations in the material finish between the ground and first floors along the side and rear elevations.
 - b) The south elevation amended to notate the two first floor windows to the master bedroom of Unit 2 screened in accordance with Standard B22 of Clause 55.04-6 'Overlooking objective'.
 - c) The accessway to Unit 1 notated as 3 metres in width where it intersects with the crossover and 0.8 metres offset from the north common boundary.
 - d) The accessway to Unit 2 notated as 3 metres in width where it intersects with the crossover and 1.2 metres offset from the south common boundary.
 - e) The existing crossover to Unit 2 notated to be replaced with a new crossover to the satisfaction of the Responsible Authority.
 - f) The extent of the accessways to both dwellings reduced to the minimum area required to both enter and exit the site and garages in order to provide increased landscaping opportunity.
 - g) Splays in accordance with Design Standard 1 – Accessways of Clause 52.06-8 of the Bayside Planning Scheme.
 - h) Landscape plan required by Condition 6.
 - i) All plant, equipment and services displayed with none shown above the roof level of the building.
 - j) Compliance with Condition 12.
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.

4.12 11 TARWIN AVENUE, HAMPTON EAST (continued)

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the Responsible Authority.
5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
6. Before the development starts, a Landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) A survey of all existing vegetation to be retained and/or removed (including botanical names).
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary whose Tree Protection Zone extend into the subject site.
 - c) Details of surface finishes of pathways and driveways.
 - d) Details of water sensitive urban design elements to be incorporated and the plant species to be used.
 - e) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - f) An indigenous canopy tree in the front setback of each dwelling with a minimum mature height of 9 metres and minimum mature canopy width of 6 metres.
 - g) The planting of three trees in the rear setback of each dwelling.
 - h) Landscaping and planting within all open areas of the site.
7. All species selected must be to the satisfaction of the Responsible Authority
8. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
10. Tree Protection Fencing is to be established around the street tree *Melaleuca styphelioides* (Prickly-leaved Paperbark) prior to demolition and maintained until all works on site are complete:
 - a) The fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - b) The fencing is to encompass the entire naturestrip under the drip line of the tree.

4.12 11 TARWIN AVENUE, HAMPTON EAST (continued)

- c) The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites.
 - d) During construction of the crossover, tree protection fencing may be reduced to the edge of the council approved crossover to facilitate the construction of the crossover.
11. Root pruning within the TPZ (Tree Protection Zone):
- a) Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.
 - b) All affected roots must be correctly pruned according to AS 4373-2007.
12. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-
- a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;
- These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.
- The water sensitive urban design stormwater treatment system as shown on the endorsed plan must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
13. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
14. Stormwater discharge must be retained for the portion above the discharge calculated using a **Coefficient of Runoff of 0.35**. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
15. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures". Any seepage/agricultural drainage water must be filtered to rain water clarity and must be discharged to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.

4.12 11 TARWIN AVENUE, HAMPTON EAST (continued)

16. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - 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.
17. 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.
18. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
19. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.The Responsible Authority may extend the periods referred to above if a request is made in writing:
 - Before the permit expires; or
 - Within 6 months afterwards if development has not commenced; or
 - Within 12 months afterwards if the development has lawfully commenced.

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 del Porto declared a direct interest in item 4.13 – 28 Burrows Street, Brighton given the personal interest is in conflict with his public duty.

It is recorded that Cr Long declared a direct interest in item 4.13 – 28 Burrows Street, Brighton given the personal interest is in conflict with his public duty.

Cr del Porto was not present in the Chamber when this item was considered and vacated the Chamber at 10.05pm.

Cr Long was not present in the Chamber when this item was considered and vacated the Chamber at 10.06pm.

Moved: Cr Stewart

Seconded: Cr Heffernan

That Cr del Porto and Cr Long's applications to abstain from voting in relation to item 4.13 – 28 Burrows Street, Brighton due to a personal interest that is in conflict with their public duty be approved.

CARRIED

4.13 28 BURROWS STREET, BRIGHTON

It is recorded that Mr Ian Coppock and Mr Chris Shaw spoke in relation to this matter.

Moved Cr Heffernan

Seconded Cr Stewart

That Council having caused notice of Planning Application No. 2015/217/1 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 28 Burrows Street Brighton, for the Construction of two double storey dwellings and a front fence in a Special Building Overlay in accordance with the plans date stamped 21 April 2015, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The entry for dwelling 1 is setback a minimum of 1.3m from the southern boundary.
 - b) The walls on the rear boundary setback a minimum of 2.0m from the boundary without altering other setbacks.
 - c) The total site coverage of the dwelling reduced to a maximum of 60% of the total site area.
 - d) The balcony for dwelling 2 setback a minimum of 1.91m from the north-eastern boundary to comply with the provisions of standard B17 of Clause 55 of the Bayside Planning Scheme.

4.13 28 BURROWS STREET, BRIGHTON (continued)

- e) Front first floor setback for dwelling 1 to be a minimum of 8.0m and dwelling 2 a minimum of 9.0m to align with the front setback of 30 Burrows Street.
 - f) The front fence reduced to a maximum height of 1.5m and any sections abutting the driveways to be reduced/amended to comply with Clause 52.06-8 of the Bayside Planning Scheme.
 - g) Reduce the length of walls on the southern boundary to a maximum length of 16.64m. This might include a reduction in length of the BBQ wall.
 - h) A landscape plan and tree protection methodology in accordance with conditions 8 and 9 of this permit;
 - i) Relocation of air-conditioning units and any other plant and services away from the habitable room windows of adjoining dwellings.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
 4. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the Responsible Authority.
 6. Before the occupation of the development, the area 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 dwellings;
 - c) Surfaced with an all-weather-seal coat; and
 - d) Drained.To the satisfaction of the Responsible Authority.
 7. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
 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. The plan must be similar to that submitted with the application prepared by Genus Landscape Architects and dated 1 July 2015 but modified to accommodate all changes required by condition 1 of this permit and also replace the *Betula pendula* (Silver Birch) proposed for the front setback with native species capable of reaching the same dimensions at maturity.

4.13 28 BURROWS STREET, BRIGHTON (continued)

9. Before the development starts, a Tree Protection Methodology report (that is site specific) that provides clear and precise instruction for the site manager on the manner in which vegetation will be protected is to and be provided to and approved by the Responsible Authority. The report should address the following (at a minimum):
 - a) a plan that accurately locates all vegetation to be retained/protected both on and off the site with their TPZs identified;
 - b) a plan that accurately locates the location of tree protection fencing and/or ground protection;
 - c) a plan that accurately locates the proposed built form and all services. Services are to be located outside a TPZ or bored under the TPZ;
 - d) a plan that accurately identifies finished levels for outdoor areas;
 - e) a plan that accurately locates footing systems and surface details of all works inside a TPZ;
 - f) a legend and north point;
 - g) clear time frames as to when protection works will be installed and when they can be removed;
 - h) clear direction on what actions must not occur inside the area defined as a Tree Protection Zone.

Appropriate protection is required to ensure trees retained on the development site, and those trees on adjacent properties that have part of their Tree Protection Zones inside the subject site, remain viable post construction.

10. Before the occupation of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
12. Before the development (including demolition) starts, a tree protection fence must be erected around the street trees to the edge of the nature strip in front of the site to define a 'Tree Protection Zone'. The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed. 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.
13. The ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Responsible Authority.

4.13 28 BURROWS STREET, BRIGHTON (continued)

14. No vehicular or pedestrian access, trenching or soil excavation is to occur within 2.0m of the trees stem without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone. Prior to soil excavation a trench along the line of the proposed crossover must be dug by hand and all affected roots must be correctly pruned.
15. 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.
16. The existing street trees must not be removed or damaged.
17. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
18. 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.
19. Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
20. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - a) A trench grate (150mm minimum internal width) located within the property; and/or
 - b) Shaping the driveway so that water is collected in a grated pit on the property; and/or
 - c) Another Council approved equivalent.
21. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
22. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.

4.13 28 BURROWS STREET, BRIGHTON (continued)

Melbourne Water Conditions

23. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

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

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.

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

A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.

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 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.

If further information is required in relation to Melbourne Water's conditions shown above please contact the Land Development team on 9679 7517 quoting Melbourne Water's Reference 219191.

4.13 28 BURROWS STREET, BRIGHTON (continued)

Information available at Melbourne Water indicates that the property is not subject to flooding from Melbourne Water’s drainage system, based on a flood level that has a probability of occurrence of 1% in any one year. As such, no additional construction criteria will apply. For the purposes of the Building Code of Australia - Building in Flood Hazard Areas, Melbourne Water recommends that the applicant should seek flow rate velocity information for local flows from council.

*It is recorded that Cr Heffernan withdrew as mover of the motion. The motion **LAPSED**.*

Moved: Cr Heffernan

Seconded: Cr Stewart

That the matter be deferred to the Planning & Amenity Committee meeting scheduled for 19 January 2016.

CARRIED

It is recorded Crs del Porto and Long vacated the Chamber prior to item 10.13 and were not present in the Chamber when this item was considered.

Crs del Porto and Long did not return to the Chamber.

The Chairman declared the meeting closed at 10.22pm.

CONFIRMED THIS 19 DAY OF JANUARY 2016

CHAIRPERSON: