



Minutes of the Planning and Amenity Committee Meeting

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 8 March 2016

The Meeting commenced at 7:00pm

Councillors

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

In attendance

Shiran Wickramasinghe – Director City Planning &
Amenity
Stuart Caldwell – Manager Development Services
Arthur Vatzakis – Statutory Planning Coordinator
Hew Gerrard – Statutory Planning Coordinator
Terry Callant – Manager Governance
Janice Pouw – Governance Officer

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	Nil	



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

The Chairman advised of the passing of a former Mayor of Bayside and Sandringham, Mr Michael Harwood. Mr Harwood was elected to Bayside City Council in March 1997 and retired at the March 2000 elections. He was Mayor from 1999 to 2000. Mr Harwood was also a former Councillor of the City of Sandringham from 1976 to 1984 and Mayor from 1981 to 1982. One minute silence was held in memory of Mr Harwood.

Cr del Porto commented that he knew Mr Harwood when they were both Councillors and that he will be greatly missed. Cr del Porto said Mr Harwood was a very pleasant and reliable Councillor whose interests included natural heritage and the arts.

Cr Evans also mentioned that Tuesday 8 March 2016 was International Women's Day. He also noted that it was the last Planning & Amenity Committee Meeting for Stuart Caldwell, Manager Development Services who has been with Council for 5 years.

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of any Conflict of Interest of any Councillor

Cr Heffernan declared an indirect interest where residential amenity may be altered in relation to item 4.7.

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 9 February 2016.

Moved: Cr del Porto

Seconded: Cr Frederico

That the minutes of the Planning & Amenity Committee Meeting held on 9 February 2016, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 163 BAY ROAD, SANDRINGHAM & 10 FRANCES STREET, HIGHTT NOTICE OF DECISION TO GRANT A PLANNING PERMIT APPLICATION 2014/948/1 WARD: CENTRAL

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/21697

It is recorded Mr Matthew Duker, Mr Michael Golding and Mr William Bromhead spoke in relation to this item.

Moved: Cr Frederico

Seconded: Cr Lowe

That Council having caused notice of Planning Application No. 2015/948/1 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 163 Bay Road, Sandringham and 10 Frances Street, Hightt, for the Use and development of a child care centre and alteration of access to a road in a Road Zone, Category 1 in accordance with the application dated 10 December 2015, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Compliance with Standard B17 of ResCode as amended by Schedule 3 to the Neighbourhood Residential Zone for all first floor areas with no increase elsewhere in the first floor building footprint.
 - b) The south facing first floor terrace wall and north facing first floor solid terrace wall provided with clear glazing.
 - c) The gate provided to Frances Street to be inoperable and a design element only.
 - d) The timber pergolas located to both street frontages provided with gabled roofs in the style of the gabled roof provided over the building (i.e. similar roof pitch's, rendered gabled ends, colourbond roofing).
 - e) A horizontal band provided above the first floor windows facing north and south finished in a material to match the window frames.
 - f) Minimum 1.8m high fencing provided for the length of the eastern and western boundaries.
 - g) All first floor windows to be screened as necessary to achieve compliance with Standard B22 of ResCode.
 - h) All externally located plant and equipment (including air conditioning units, heating units, hot water systems, exhaust fans etc.).
 - i) Car spaces 5-7 and 11-13 inclusive marked as 'staff' car parking.

- j) The existing vehicle crossover to Frances Street annotated as to be removed with the nature strip and kerb and channel to be reinstated to the satisfaction of the Responsible Authority at the sole cost to the permit holder.
 - k) The accessway and vehicle crossover offset from the eastern property boundary by 1m.
 - l) A separate pedestrian pathway from the vehicle accessway provided between the Bay Road frontage and the building entrance to the west of the carpark. The car park and associated accessway may be shifted up to 900m to the west to accommodate this change. The building entrance/reception area and office are to be reconfigured to incorporate this change and ensure direct access to the building from both visitors accessing the site by car and by foot.
 - m) An acoustic report in accordance with Condition 10 of this permit.
 - n) A noise management plan in accordance with Condition 11 of this permit.
 - o) A landscape plan in accordance with Condition 13 of this permit.
 - p) A tree protection plan in accordance with Condition 16 of this permit.
 - q) A signage and line marking plan in accordance with Condition 21 of this permit.
 - r) A construction management plan in accordance with Condition 22 of this permit.
 - s) A waste management plan in accordance with Condition 23 of this permit.
 - t) Retention of the existing brick wall on the western boundary associated with the brick shed located at 8 Frances Street Highett.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
 4. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the Responsible Authority.
 6. No more than 86 children and 18 staff may be present on the premise at any one time.
 7. The use may operate only between the hours of 7:00am to 6:30pm Monday to Friday.
 8. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
 9. The amenity of the area must not be detrimentally affected by the use or development, by the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin;



- e) by any other circumstances.
10. Before the development starts, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Acoustic Report must be generally in accordance with the report prepared by Watson Moss Crowcott Acoustics Pty Ltd, Reference 11681-1jg, Date April 2015, but modified to include:
 - a) Section 5 background noise levels to be determined in accordance with the Association of Australian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment September 2010.
 - b) Reference to the built form revisions sought under Condition 1 of this permit.
 - c) Nomination of plant equipment areas and any acoustic treatments required to ensure plant noise generated is in compliance with SEPP N-1.
 - d) Any altered recommendations necessary as a result of parts a), b) or c) of this condition.
 11. Before the development starts, a Noise Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include, but is not limited to:
 - a) The Noise Management Plan example management measures listed within the Association of Australian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment September 2010;
 - b) The recommendations of the amended Acoustic Report required under Condition 9 of this permit.
 12. All operations of the site (internally and externally) must comply with SEPPN-1 and/or SEPPN-2 policies and/or EPA Technical Guidelines. The Responsible Authority may direct the owner and/or occupier, at the sole cost of the owner and/or occupier, to undertake and submit a report to Council demonstrating compliance in relation to the N-1 and/or N-2 policies and/or EPA Technical Guidelines.
 13. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must be generally in accordance with the landscape plan prepared by CDA Design Group Pt Ltd, Dated 5 May 2015, Project Number 14050, Drawing No. TP01B, but modified to show:
 - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - c) Tree Protection Zones (TPZ) for all trees to be retained on the subject site and for all trees on neighbouring properties where the TPZ extends into the subject site.
 - d) Details of surface finishes of pathways and driveways.
 - e) Details of water sensitive urban design elements to be incorporated and the plant species to be used



- f) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the Responsible Authority.
 - g) Landscaping and planting within all open areas of the site including the provision of canopy trees.
 - h) Vegetation to the east and west of the car park area to screen the car park pillars.
14. 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.
15. 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.
16. Before the development starts, including demolition or removal of vegetation, a Tree Protection Plan prepared by a suitably qualified and experienced arborist in accordance with AS4970-2009 *Protection of Trees on Development Sites* must be submitted to and be endorsed by the Responsible Authority in relation to the *Jacaranda mimosifolia* proposed for retention on site and all trees on neighbouring properties where the Tree Protection Zone for said trees extends into the subject site. The recommendations of the endorsed Tree Protection Plan must be followed throughout the course of the development, including demolition and landscaping phases of the works.

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

17. Before development commences the applicant must pay \$5,965.06 to the Responsible Authority for the removal and replacement of the existing street tree outside the subject site within the Bay Road road reserve. This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake,
18. Tree Protection Fencing is to be established around the street trees within the Frances Street road reserve fronting the subject site prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970-2009 *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.
19. 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;
- e) Line marked to indicate each car space and all access lanes;
- f) Clearly marked to show the direction of traffic along access lanes and driveways;

To the satisfaction of the Responsible Authority.

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

- 20. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
- 21. Before the development starts, a Signage and Line Marking Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. The Signage and Line Marking Plan must include, but is not limited to, details of:
 - a) All car spaces and access lanes line marked in accordance with Design Standard 2 of Clause 52.06-8 and AS2890.1-2004 and AS2890.6-2009 as relevant. The accessway must be line marked to delineate traffic directions between the Bay Road entrance and the first car spaces.
 - b) Individual car spaces marked as either staff car spaces or visitor car spaces.
 - c) A dynamic parking sign located near the Bay Road vehicle entrance to indicate whether or not the car parking spaces are fully occupied.
- 22. Prior to the commencement of any works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The Construction Management Plan must address, but is not limited to:
 - a) Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints;
 - b) All traffic management plans for the site demolition, excavation, deliveries and other construction related activities that will affect vehicle and pedestrian traffic;
 - c) The location of all areas on-and/or off-site to be used for construction staff parking;
 - d) A parking management plan for all associated construction vehicles;
 - e) All site sheds, portable toilet, storage and materials, etc. must be confined to the site;
 - f) The covering and maintenance of all roads/storage areas/external stockpiles/or vacant areas to avoid dust nuisance to any residential and commercial premises;
 - g) A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways;
 - h) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;



- i) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- j) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site; and
- k) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system.

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

23. Before the occupation of the development starts, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design, Dated 18 December 2014, but modified to show:
- a) Any amendments required as a result of Condition 1 of this permit.
 - b) A vehicle swept path for a 6.4m truck entering and exiting the site in a forwards direction.

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

24. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
25. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
26. Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise. The design must meet the requirements of Council's discharge of Pumped Subterranean Water Associated with Basements or Below-Ground Structures.
27. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
- a) A trench grate (150mm minimum internal width) located within the property and/or
 - b) Shaping the driveway so that water is collected in a grated pit on the property and/or
 - c) Another Council approved equivalent.
28. 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.



29. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.

VicRoads Conditions (Nos. 30 – 33)

30. Prior to the commencement of use of the permitted development, a sealed vehicle crossover must be constructed at least 6.1 metres in width as measured at the property boundary and to the satisfaction of the Responsible Authority. The edges of the vehicle crossover must be angled at 60 degrees to the road reserve boundary.
31. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).
32. Vehicles must always move in a forward direction when entering or leaving the site to the satisfaction of the Responsible Authority.
33. Separate approval under the Road Management Act may be required from VicRoads (the Road Corporation) for any works within the Bay Road road reserve. Please contact VicRoads prior to commencing any works.
34. 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

**4.2 761-763 NEPEAN HIGHWAY, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION: 2015/520/1 WARD: NORTHERN**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/21225

It is recorded Ms Kelly Lynda did not pursue her right to speak to this item.

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council having caused notice of Planning Application No. 2015/520/1 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 761-763 Nepean Highway, Brighton East, for the Use and development of the land for a childcare centre, display of business identification signage / floodlit signage and alteration of access to a Road Zone Category 1 (Nepean Highway) in accordance with the advertised plans, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:

1. Before the use and 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) Modifications as per Basement plan TP05 prepared by Perkins Architects updated in accordance with Revision C dated 14 January 2016 (Council date stamped 20 January 2016)
 - c) Modifications as per Elevations plan TP08 prepared by Perkins Architects updated in accordance with Revision C dated 20 January 2016 (Council date stamped 20 January 2016).
 - d) Modifications as per Elevations plan TP09 prepared by Perkins Architects updated in accordance with Revision C dated 20 January 2016 (Council date stamped 20 January 2016).
 - e) An updated Landscape Plan in accordance with Condition 6
 - f) Nine (9) of the visitor car spaces to be re-allocated to staff car parking.
 - g) The specifications of the proposed car stacker system which demonstrate that a minimum 25% of the spaces can accommodate a vehicle clearance height of at least 1.8m.
 - h) All externally located plant and equipment (including air conditioning units, heating units, hot water systems, exhaust fans etc.).
 - i) An annotation that the rear brick fence (wall) associated with 763 Nepean Highway is to be retained and the garage door bricked up (so long as the brick wall is structurally sound).

If the brick wall is not structurally sound, it is to be replaced with a 2 metre high acoustic fence as per the remainder of the rear boundary.

- j) A Tree Protection Plan and Tree Management Plan in accordance with 8 of this permit.
 - k) An amended Waste Management Plan in accordance with Condition 14 of this permit.
 - l) An amended Acoustic Report in accordance with Condition 18 of this permit.
 - m) A Noise Management Plan in accordance with Condition 19 of this permit.
 - n) A Signage and Line Marking Plan in accordance with Condition 20 of this permit.
 - o) A Construction Management Plan in accordance with Condition 21 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(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) One of the *Tristaniopsis laurinas* within the front setback to be replaced by a canopy tree capable of reaching a minimum mature height of 10 metres and a minimum mature canopy of 6 metres.
 - b) The provision of an in-ground irrigation systemAll species selected must be to the satisfaction of the Responsible Authority
 7. 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.
 8. Before the development starts, including demolition and removal of vegetation, a Tree Protection Plan and Tree Management Plan is to be submitted to and approved by 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.
 - a) The Tree Protection Plan must be drawn to scale, reference the Tree Management Plan and provide details of:
 - i. The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.



- ii. Tree protection fencing or ground protection where required, provided in accordance with AS4970-2009.
 - iii. Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
 - iv. Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
 - v. Any pruning to be undertaken being in accordance with AS4373-2007.
 - b) The Tree Management Plan must be prepared by a suitability qualified Arborist, reference the Tree Protection Plan and provide details of:
 - i. Any non-destructive root investigation undertaken in accordance with AS4970-2009 to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
 - ii. Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
 - iii. How excavation impacts, including soil level changes, on trees to be retained will be managed.
 - iv. How the canopy of trees nominated on the Tree Protection Plan will be protected.
 - v. Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
9. Before development commences the applicant must pay \$3,127.81 to the Responsible Authority for the removal and replacement of the existing *Callistemon sp.* (Bottlebrush) street tree. This amount has been determined in accordance with Councils current policy for the removal of street tree. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.
10. The use may only operate between the hours of 7.00am to 6.30pm Monday to Friday.
11. No more than 140 children and 30 staff may be present on the premise at any one time.
12. The amenity of the area must not be detrimentally affected by the use or development, by the:
- a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin;
 - e) by any other circumstances
13. All operations of the site (internally and externally) must comply with SEPPN-1 and/or SEPPN-2 policies and/or EPA Technical Guidelines.



- The Responsible Authority may direct the owner and/or occupier, at the sole cost of the owner and/or occupier, to undertake and submit a report to Council demonstrating compliance in relation to the N-1 and/or N-2 policies and/or EPA Technical Guidelines.
14. Before the use or development commences, including demolition, the following changes to the Waste Management Plan prepared by Andrew McIntosh, dated 13 October 2015, are required to the satisfaction of the Responsible Authority. Once approved the Waste Management Plan will be endorsed and form part of the permit:
- a) Section 1.4 of the Plan to include the following additions:
 - i. Hard Waste Collections must be managed by the Body Corporate / Owners Corporation or organised by individual units for collection by a private commercial collection contractor, not Council.
 - ii. Hard waste collections shall not be placed on the nature strip and shall be carried out inside the property boundary.
 - iii. Commingle recycling (mixed recycling) must include plastics coded 1-7, glass, aluminium, tin cans, milk and juice cartons, paper including magazines and newspaper, cardboard in small amounts and folded down. No plastic bags to be placed in recycle bins
 - iv. Cardboard recycling in large amounts shall be collected and organised by the Body Corporate or Owner's Corporation through a private collection contractor.
 - v. Waste items such as e-Waste, white goods, domestic volumes of household paints, household batteries, fluorescent tubes and mixed globes can be taken to Bayside's Waste Transfer and Recycling Centre at 144 Talinga Road (fees and charges may apply) and will be organised through the Body Corporate or Owner's Corporation.
 - b) Table 4 of the plan to include the following:
 - i. Bin bases must be either dark green or black
15. 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;
 - e) Line marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along access lanes and driveways
- To the satisfaction of the Responsible Authority.
- Car spaces, access lanes and driveways must be kept available for these purposes at all times.
16. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.
17. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.



18. Before the development starts, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Acoustic Report must be generally in accordance with the report prepared by Marshall Day Acoustics, Reference RP 001 R01 2015308ML, Date 23 July 2015, but modified to include discussion and recommendations regarding:
 - a) Acoustic ceilings and sound rated glass (if applicable);
 - b) Plant emissions (which should not exceed SEPP N-1); and
 - c) The location of AC condenser units and other plan equipment.
19. The owners/occupiers of the site must within sixty (60) days of commencement of use of the land as a childcare centre, supply an assessment to demonstrate compliance with the State Environment Protection Policy (SEPP – N1) No.1 (Control of Noise from Commerce, Industry and Trade) or equivalent as changed from time to time to the satisfaction of the Responsible Authority. This assessment is to consider both noise from the use of the land and noise from plant sources ie. air conditioners / hot water services. All costs associated with this assessment are to be borne by the owners.
20. Before the development starts, a Signage and Line Marking Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. The Signage and Line Marking Plan must include, but is not limited to, details of:
 - a) All car spaces and access lanes line marked in accordance with Design Standard 2 of Clause 52.06-8 and AS2890.1-2004 and AS2890.6-2009 as relevant.
 - b) Individual car spaces marked as either staff car spaces or visitor car spaces.
 - c) A parking direction sign not exceeding 0.3 square metres located near the ramp to the basement advising visitors that parking is located within the basement.
 - d) A dynamic parking sign located near the ramp to the basement to indicate whether or not the car parking spaces are fully occupied.
21. Prior to the commencement of any works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The Construction Management Plan must address, but is not limited to:
 - a) Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.
 - b) All traffic management plans for the site demolition, excavation, deliveries and other construction related activities that will affect vehicle and pedestrian traffic;
 - c) The location of all areas on-and/or off-site to be used for construction staff parking;
 - d) A parking management plan for all associated construction vehicles;
 - e) All site sheds, portable toilet, storage and materials, etc. must be confined to the site;
 - f) The covering and maintenance of all roads/storage areas/external stockpiles/or vacant areas to avoid dust nuisance to any residential and commercial premises;
 - g) A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways;
 - h) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;



- i) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
 - j) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site; and
 - k) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system.
- All works must accord with the approved Construction Management Plan to the satisfaction of the Responsible Authority.
- 22. 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.
 - 23. 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.
 - 24. 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.
 - 25. 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.
 - 26. 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.
 - 27. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.

VicRoads Conditions 22-23

- 28. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.
- 29. The proposed development requires the upgrading of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- 30. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.



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 24-26 HOBSON STREET, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO.: 2015/423/1 WARD: CENTRAL**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/21406

It is recorded that Mr Rohan Murley spoke in relation to this item.

Moved: Cr Frederico

Seconded: Cr Lowe

That Council having caused notice of Planning Application No. 2015/423/1 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 24-26 Hobson Street Sandringham, for the construction of two double storey dwellings in accordance with the application plans date stamped 18 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) The rear setback for both dwellings increased by 0.5m whilst not affecting front or side setbacks.
 - c) For both dwellings, the first floor southern setback of bedroom 2 increased to 6.5m without impacting other setbacks at first floor. This may require the relocation of bedroom 2 to replace the rumpus room.
 - d) The front fence for dwelling 1 reduced to a height of 1.2m.
 - e) The front fence for dwelling 2 reduced to a height of 1.2m, to have 25% transparency and to show footing locations to match those of the existing fence.
 - f) The front fences to have corner splays to the driveways in accordance with Clause 52.06-8 of the Bayside Planning Scheme.
 - g) The following trees be retained
 - Agonis Flexuosa (front boundary)
 - Brachychiton acerifolius (north-west corner)
 - Phoenix Canariensis (southern boundary)
 - Eucalyptus Leucoxydon (southern boundary)
 - Lophostomon confertus x 2 (southern boundary)

- h) A landscape plan in accordance with Condition 9 of this planning permit.
 - i) Notation for the western most street tree to state that no excavation occurs within 2.7m of the tree's trunk.
 - j) Tree impact assessment in accordance with AS4970 (Protection of Trees on Development Sites) demonstrating that the trees under Condition 1(g) will remain viable post construction. The report should include tree protection methodology for works inside tree protection zones.
 - k) The eaves at the rear of the site removed in accordance with the concept plans submitted to Council on 22 December 2015
 - l) Show all plant and equipment to the satisfaction of the Responsible Authority.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
 4. Before development commences the applicant must pay \$ 3,248.88 to the Responsible Authority for the removal and replacement of the existing street tree. This amount has been determined in accordance with Councils current policy for the removal of street tree. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.
 5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the Responsible Authority.
 7. 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.
 8. 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.
 9. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.



- The plan must show:
- a) A survey including botanical names of all existing vegetation to be retained and/or removed
 - b) Buildings and trees including botanical names on neighbouring properties within three metres of the boundary
 - c) Details of surface finishes of pathways and driveways
 - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the Responsible Authority.
 - e) No canopy trees or significant vegetation planted over any easement.
 - f) Landscaping and planting within all open areas of the site
 - g) A minimum of one canopy trees in the front and rear yard of dwelling 1 to reach a minimum mature height of 6.0m.
 - h) An in-ground irrigation system provided to all landscaped areas.
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 tree to the edge of the nature strip in front of the site to define a 'Tree Protection Zone'. Fencing must also be erected around all trees to be retained under Condition 1(g) of this permit. 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. During construction of any parts that encroach into the Tree Protection Zone shifting of the fence to the minimum is allowed until the works are complete and then returned back to its location.
 13. The ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Responsible Authority.
 14. No vehicular or pedestrian access, trenching or soil excavation is to occur within 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 applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
 17. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.



18. Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
19. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - a) A trench grate (150mm minimum internal width) located within the property; and/or
 - b) Shaping the driveway so that water is collected in a grated pit on the property; and/or
 - c) Another Council approved equivalent.
20. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
21. The driveway / parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
22. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

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

Permit Notes

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

Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.



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

AMENDMENT

Moved: Cr del Porto

Seconded: Cr Long

That Council having caused notice of Planning Application No. 2015/423/1 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 24-26 Hobson Street Sandringham, for the construction of two double storey dwellings in accordance with the application plans date stamped 18 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) The rear setback for both dwellings increased by 0.5m whilst not affecting front or side setbacks.
 - c) For both dwellings, the first floor southern setback of bedroom 2 increased to 7.5m without impacting other setbacks at first floor. This may require the relocation of bedroom 2 to replace the rumpus room.
 - d) The front fence for dwelling 1 reduced to a height of 1.2m.
 - e) The front fence for dwelling 2 reduced to a height of 1.2m, to have 25% transparency and to show footing locations to match those of the existing fence.
 - f) The front fences to have corner splays to the driveways in accordance with Clause 52.06-8 of the Bayside Planning Scheme.
 - g) The following trees be retained
 - Agonis Flexuosa (front boundary)
 - Brachychiton acerifolius (north-west corner)
 - Phoenix Canariensis (southern boundary)
 - Eucalyptus Leucoxydon (southern boundary)
 - Lophostomon confertus x 2 (southern boundary)
 - h) A landscape plan in accordance with Condition 9 of this planning permit.
 - i) Notation for the western most street tree to state that no excavation occurs within 2.7m of the tree's trunk.
 - j) Tree impact assessment in accordance with AS4970 (Protection of Trees on Development Sites) demonstrating that the trees under Condition 1(g) will remain viable post construction.

The report should include tree protection methodology for works inside tree protection zones.

- k) The eaves at the rear of the site removed in accordance with the concept plans submitted to Council on 22 December 2015
 - l) Show all plant and equipment to the satisfaction of the Responsible Authority.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
 4. Before development commences the applicant must pay \$ 3,248.88 to the Responsible Authority for the removal and replacement of the existing street tree. This amount has been determined in accordance with Councils current policy for the removal of street tree. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.
 5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the Responsible Authority.
 7. 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.
 8. 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.
 9. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.

The plan must show:

- a) A survey including botanical names of all existing vegetation to be retained and/or removed
- b) Buildings and trees including botanical names on neighbouring properties within three metres of the boundary
- c) Details of surface finishes of pathways and driveways



- d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the Responsible Authority.
 - e) No canopy trees or significant vegetation planted over any easement.
 - f) Landscaping and planting within all open areas of the site
 - g) A minimum of one canopy trees in the front and rear yard of dwelling 1 to reach a minimum mature height of 6.0m.
 - h) An in-ground irrigation system provided to all landscaped areas.
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 tree to the edge of the nature strip in front of the site to define a 'Tree Protection Zone'. Fencing must also be erected around all trees to be retained under Condition 1(g) of this permit. 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. During construction of any parts that encroach into the Tree Protection Zone shifting of the fence to the minimum is allowed until the works are complete and then returned back to its location.
 13. The ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Responsible Authority.
 14. No vehicular or pedestrian access, trenching or soil excavation is to occur within 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 applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
 17. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
 18. Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
 19. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties.



- The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
- a) A trench grate (150mm minimum internal width) located within the property; and/or
 - b) Shaping the driveway so that water is collected in a grated pit on the property; and/or
 - c) Another Council approved equivalent.
20. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
21. The driveway / parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
22. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

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

Permit Notes

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

Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.

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



The Amendment was PUT and a **DIVISION** was called:

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

LOST

The Original Motion moved by Cr Frederico and seconded by Cr Lowe was PUT and

CARRIED



**4.4 7 SMEED STREET, BLACK ROCK
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION: 2015/387/1 WARD: SOUTHERN**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/15711

It is recorded that Mr Peter Wilson and Mr Andrew Bromley both spoke in relation to this item.

Moved: Cr Stewart

Seconded: Cr del Porto

That Council having caused notice of Planning Application No. 2015/387/1 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 Smeed Street, Black Rock, for the construction of two double storey dwellings in accordance with the application dated 22 December 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) Each garage dimensioned as 5.5 metres wide and 6 metres long with a minimum garage door opening of 4.8 metres.
 - c) All pedestrian doors opening outwardly from the garages.
 - d) The crossover serving dwelling 1 removed and a new 3 metre wide crossing with a 1 metre offset from the northern property boundary, centred to the driveway constructed with a 1 metre wide separator installed in between the crossover serving dwelling 1 crossover serving 22 Love Street, new and the neighbouring crossing.
 - e) The crossover to dwelling 2 reconstructed in accordance with Council's standard.
 - f) Visibility splays in accordance with Design Standard 1 of Clause 52.06-8 of the Bayside Planning Scheme.
 - g) Site coverage not exceeding 50%.
 - h) Boundary fence on the western boundary to be increased to a minimum height of 1.8 metres.
 - i) The first floor habitable room windows of both dwellings on the west elevation 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.
 - j) An updated Landscape plan in accordance with Condition 7.

- k) An Arborist report prepared by a qualified Arborist in accordance with Condition 9.
 - l) Water Sensitive Urban Design (WSUD) measures in accordance with Condition 10 of this Planning Permit.
 - m) Location of all plant equipment, including hot water services and air conditioners etc. is to be located away from habitable room windows of the dwellings and the adjoining properties' habitable room windows.
 - n) Front setback of both dwellings to comply with Standard B6 of Clause 55 and Schedule 3 to the Neighbourhood Residential Zone.
 - o) Side setbacks of both dwellings to comply with Standard B17 of Clause 55 and Schedule 3 to the Neighbourhood Residential zone.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority
 3. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the Responsible Authority.
 5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 6. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
 7. Before the development starts, 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% native vegetation by both species and plant count.
 - g) A tree protection plan showing trees to be retained on the subject site and neighbouring properties which have Tree Protection Zones (TPZ's) that extend into the subject site, prepared by a suitable qualified arborist in accordance with AS 4970-2009 *Protection of Trees on Development Sites*.



- h) The tree protection plan must provide specific details of the construction
 - l) the inclusion of four canopy trees capable of reaching a minimum height of 8 metres at maturity (two within the front setback and two within the rear setback).
- All species selected must be to the satisfaction of the Responsible Authority
- 8. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
 - 9. Before the development starts, including demolition, an Arborist Report (Tree protection methodology/plan) or appendices to the submitted report prepared by Glenn Waters dated 28 June 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) A Tree Protection Plan is required for trees to be retained on the subject site and neighbouring properties which have Tree Protection Zones (TPZ's) that extend into the subject site.
 - i) The Tree Protection Plan must be prepared by a suitably qualified arborist in accordance with AS 4970-2009 *Protection of Trees on Development Sites*.
 - j) The Tree Protection Plan must provide specific details of the construction measures which will be used to minimise the impact of the proposed development on trees to be retained on the subject site and neighbouring properties.
 - k) The Tree Protection Plan must demonstrate that the trees to be retained on the subject site and neighbouring properties (including the *Pyrus communis* located at 20 Love Street Black Rock, along the rear boundary to the west), will remain viable post construction.
 - l) The recommendations of the Tree Protection Plan must be followed throughout the development, including demolition and landscaping phases of the works.
 - m) The Tree Protection Plan must specify the project arborist(s) who are responsible for ensuring the recommendations of the Tree Protection Plan are followed throughout all phases of the works. Names, contact details, qualifications and experience of the project arborist(s) must be provided.



- n) A landscape plan must be provided which gives the botanical identification of the trees proposed for retention, removal and new canopy tree plantings.
 - o) The botanical name of Tree 14 shown on the landscape plan prepared by Knight Building Group and dated 17/8/2015 must be amended to Soft Tree Fern (*Dicksonia antarctica*).
10. 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.

- 11. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
- 12. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
- 13. 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.
- 14. 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.
- 15. 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.



16. 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.
17. 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

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.

Building approval

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

Vehicle crossing removal

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

Sewerage

Reticulated sewerage must be provided to the requirements of the Sewerage Authority. **N7**

Retention of existing street trees

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

Asset Protection

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

CARRIED

**4.5 1 COMPORT STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION: 2015/258/1 WARD: SOUTHERN**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/22964

It is recorded that Mr Chris Pippo spoke in relation to this item.

Moved: Cr Stewart

Seconded: Cr del Porto

That Council having caused notice of Planning Application No. 2015/258/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 1 Comport Street, Beaumaris, for the Construction of two double-storey dwellings, a 2 metre high front fence, wall heights exceeding 3.5 metres in the Design and Development Overlay 1 and removal of native vegetation in a Vegetation Protection Overlay 3 in accordance with the plans dated 22 December 2015, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A schedule of construction materials, external finishes and colours.
 - b) An updated landscape plan in accordance with Condition 7 of this planning permit.
 - c) The rear fence to be a minimum of 1.8 metres in height to demonstrate compliance with Clause 55.04-6 (Standard B22 Overlooking) of the Bayside Planning Scheme.
 - d) The front fence (including the 'turn around section') to be reduced to a height of no more than 1.5 metres.
 - e) The sill heights associated with the first floor northern, eastern and western habitable room windows to be annotated as being a minimum of 1.7 metres above finished floor level to demonstrate compliance with Clause 55.04-6 (Standard B22 Overlooking) of the Bayside Planning Scheme.
 - f) 6 cubic metres of externally accessible, secure storage space provided to each dwelling to demonstrate compliance with Clause 55.5-6 (Standard B30 Storage) of the Bayside Planning Scheme.
 - g) Swept path diagrams which demonstrate that the car directly adjacent to the entrance way of dwelling 2 can safely and conveniently enter and exit the site, and any changes be made to the accessway to accommodate this if required.
 - h) Both garages to have a 4.8 metre wide garage door opening.

- i) Splays in accordance with Design Standard 1 – Accessways of Clause 52.06-8 of the Bayside Planning Scheme.
 - j) The driveway and crossover of dwelling 1 shall be 3 metres in width with a 0.5 metre offset from the western property boundary, where it intersects with the footpath.
 - k) The driveway and crossover of dwelling 2 shall be 3 metres in width with a 0.5 metre offset from the eastern property boundary, where it intersects with the footpath.
 - l) Front setback of both dwellings to comply with Standard B6 of Clause 55 and Schedule 3 to the Neighbourhood Residential Zone.
 - m) Side setbacks of both dwellings to comply with Standard B17 of Clause 55 and Schedule 3 to the Neighbourhood Residential Zone.
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. 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.
 7. Before the development starts, an updated Landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) An indigenous canopy tree in the front setback capable of reaching a minimum mature height of 8 metres with a minimum mature canopy of 4 metres.
 - b) An indigenous canopy tree in the rear setback capable of reaching a minimum mature height of 8 metres with a minimum mature canopy of 4 metres.
 - c) The existing Soft Tree ferns within the front setback to be transplanted and relocated in a suitable location within the front setback. Details of post-transplantation measures are to be depicted on the landscape plan.
 - d) The provision of an in-ground irrigation system
 - e) The landscape plan updated to depict 80% indigenous plantings (percentages to be calculated by species and planting quantity). All species selected must be to the satisfaction of the Responsible Authority
 8. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.



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

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - b) The location of tree protection measures to be utilised.
9. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
 10. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to 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. Tree Protection Fencing is to be established around the street tree - *Angophora costata* (Smooth-barked Apple) prior to demolition and maintained until all works on site are complete. Soil excavation must not take place within 2 metres from the tree's stem at ground level:
 - 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.
 13. 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.
 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.
17. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - a) A trench grate (150mm minimum internal width) located within the property and/or
 - b) Shaping the driveway so that water is collected in a grated pit on the property and/or
 - c) Another Council approved equivalent.
 18. Before the development begins, 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

21. 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.
22. 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 2 HAROLD STREET, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2014/394/1**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/24279

It is recorded that Mr Garry Williams spoke in relation to this items.

Moved: Cr Stewart

Seconded: Cr del Porto

That Council having caused notice of Planning Application No. 2014/394/1 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 2 Harold Street, Sandringham, for the construction of two double storey dwellings including rooftop decks in a Design and Development Overlay, Schedule 1 and associated front fences exceeding a height of 1.2 metres in accordance with the amended plans FRD, Job No. 14-042, TP.01 to TP.12 Revision D, Council date stamped 29 December 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) Details of the first floor screen to prevent overlooking into 183 Beach Road, adjacent to bedroom 3 of Dwelling 2. The proposed screen must be constructed of obscure glazing and designed to accord with Standard B22, Overlooking, of the Bayside Planning Scheme.
 - c) Screening in accordance with Standard B23, Internal Views, to the first floor west facing windows of the sitting room to Dwelling 1.
 - d) First floor, south facing windows to Dwelling 1 and 2 screened in accordance with Standard B22 Overlooking and Standard B23 Internal Views.
 - e) Screening devices to the roof decks to be setback a minim of 2 metres from the roof edge of the floor immediately below to minimise overlooking in accordance with DDO1.
 - f) The entry porch to Dwellings 1 and 2 reduced to a maximum height of 3.6 metres.
 - g) The driveway of dwelling 1 where it intersects with the property boundary to be 3 metres wide, with a 1 metre offset from the eastern property boundary.
 - h) The existing crossover of Dwelling 1 removed. A new 3 metre wide crossover with a 1 metre offset from the from the eastern property boundary to be constructed

- i) The driveway of dwelling 2 where it intersects with the property boundary to be 3 metres wide, with a 0.8 metre offset from the western property boundary.
 - j) A new 3 metre wide crossover with a 1 metre offset from the from the western property boundary to be constructed.
 - k) Splays in accordance with Design Standard 1 – Accessways of Clause 52.06-8 of the Bayside Planning Scheme.
 - l) A landscape plan in accordance with Condition 7 of this planning permit
 - m) The Arborist Report as required by Condition 10 of this Planning Permit.
 - n) The Water Sensitive Urban Design (WSUD) measures in accordance with Condition 13 of this Planning Permit.
 - o) The location of all plant, equipment and services displayed with none shown above the roof level of the building.
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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 6. Any damage to the existing brick wall at 183 Beach Road, adjacent to the boundary with 2 Harold Street, caused by the development to be replaced or repaired at the landowner's cost.
 7. Before the development starts, an amended landscaping plan generally in accordance with the Zenith Concepts Landscape Plan Dwg No. 1 of 1 Rev A and dated September 2014 but amended to 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 in the front setback of each dwelling capable of reaching a minimum mature height of 8 meters and mature canopy width of 6 meters. The trees are to be centrally located within the open space areas.
 - h) The exact layout of the ground floor plan, including the driveways in the correct locations.



- i) Landscaping and planting within all open areas of the site.
 - j) 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) is to be submitted and approved to the satisfaction of the Responsible Authority. The purpose of this report is to outline how 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.
 11. The recommendations of the Arborist Report referenced in Condition 10 to be undertaken to the satisfaction of the Responsible Authority.
 12. Before development commences the applicant must pay \$4,135.09 to the Responsible Authority for the removal and replacement of the existing street tree. This amount has been determined in accordance with Councils current policy for the removal of street tree. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.
 13. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-
 - a) The type of water sensitive urban design stormwater treatment measures to be used;



- b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
- c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

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

14. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
15. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
16. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures". Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
17. 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. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

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

Permit Notes

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

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



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

The remaining street tree to the east of the property must not be removed or damaged.

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

CARRIED



It is recorded that Cr Heffernan declared an indirect interest where residential amenity may be altered, given he owns a property in close proximity to the subject application. Cr Heffernan vacated the Chamber prior to the consideration of this item. Councillor Heffernan left the Meeting at 8:33 PM

**4.7 20 GLYNDON AVENUE, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2013/307/3 WARD: NORTHERN**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/24344

It is recorded that Mr Jason Barnfather spoke in relation to this item.

Moved: Cr del Porto

Seconded: Cr Lowe

That Council having caused notice of Planning Application No. 2013/307/3 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 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 20 Glyndon Avenue, Brighton, for the construction of a double storey apartment building containing four apartments with basement car parking, roof decks and a fence exceeding 1.2m in height in a Design and Development Overlay Schedule 1 and in a Special Building Overlay in accordance with the application plans, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans received by Council on 22 September 2015 but modified to show:
 - a) Screening to the eastern edge of the first floor, south facing balcony in accordance with Standard B22 of Clause 55 of the Bayside Planning Scheme.
 - b) The entry / exit driveway of the basement must incorporate a flood proof apex set no lower than 3.15 metres to Australian Height Datum. Plans must show ground and floor levels to Australian Height Datum
 - c) All doors, windows, vents and openings to the basement, with the exception of the entry / exit driveway, must be set no lower than 3.15 metres to Australian Height Datum.
 - d) The proposed basement access design to provide a minimum 3.05 metre flat grade between the two sections of ramp at its apex to prevent cars from bottoming out.
 - e) A longitudinal section of the ramp from centre line of the road showing all relevant grade lengths, levels and headroom clearances including over the footpath, vehicle crossing, kerb and channel.
 - f) Deleted
 - g) The pedestrian entry gate to have a minimum transparency of 50%.
 - h) Details of the lift overrun to be shown on elevation plans.

- i) A landscaping plan in accordance with Condition 9.
 - j) Water Sensitive Urban Design measures in accordance with the application plans dated 16 November 2013 and STORM report dated 25 June 2013.
 - k) The location of all external mechanical equipment including air conditioning units.
 - l) Amendments to be shown on Drawings Numbers:
 - i. TP-04 Ground Floor & Site Plan, Dated 10/10/2014, Revision G.
 - ii. TP-05 First Floor, Dated 10/10/2014, Revision E.
 - iii. TP-06 Roof Level, Dated 10/10/2014, Revision C.
 - iv. TP-07 Elevations, Dated 13/10/2014, Revision F.
 - v. TP-08 Elevations 2, Dated 13/10/2014, Revision F.
 - m) A minimum 2.1m headroom clearance in accordance with Clause 52.06 where the ramp first passes under the building.
 - n) A convex mirror at the bottom of the ramp to facilitate visibility between the ramp and the basement.
 - o) Doors to stores 2 and 4 repositioned to facilitate pedestrian access.
 - p) Screening to a height of 1.7 metres above the finished floor level provided to the eastern edge of the roof terraces associated with Apartments 3 and 4 and designed as per the requirements of Standard B22 of Clause 55 of the Bayside Planning Scheme.
 - q) The Portuguese Laurel (or a similar evergreen tree) that extends along the eastern property boundary is to be planted at a height of 2 metres and have a maintained height of 4 metres.
 - r) A new 2 metre high brush fence with roll top, fully funded by the developer provided along the eastern boundary of the subject site in the same location as the existing boundary fence.
 - s) Amended landscaping plan showing proposed vegetation to roof deck planters.
 - t) Amended basement plan showing car parking allocations.
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
 3. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating paint samples) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the schedule will be endorsed and will then form part of the permit.
 4. 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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the responsible authority.
 7. Vehicular crossings must be constructed to the road to suit the proposed driveway to the satisfaction of the responsible authority.



8. Any disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the responsible authority.
9. The landscaping plan must be generally in accordance with the landscape concept plan dated 20 September 2013 prepared by Jack Merlo Design, except that the plan must show:-
 - a) The maintained height of the Portuguese Laurel to the eastern site boundary to be increased by 0.5m.
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 starts, a tree protection fence must be erected around the Liquidambar styraciflua as per the recommendations in the Andrew J Patrick, Open Space Management report received by Council on 4 July 2013.
13. Tree Protection Fencing is to be established around the street tree prior to demolition and maintained until all works on site are complete.
 - a) The fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - b) The fencing is to encompass the entire naturestrip under the dripline of the tree.
 - c) The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites.
 - d) During construction of the crossover, tree protection fencing may be reduced to the edge of the council approved crossover to facilitate the construction of the crossover.
14. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.

Melbourne Water Conditions

15. 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.
16. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
17. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures".
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. 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:
- a) A trench grate (150mm minimum internal width) located within the property and/or
 - b) Shaping the driveway so that water is collected in a grated pit on the property and/or
 - c) Another Council approved equivalent.
20. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
21. 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

The applicable flood level for the Glyndon Avenue road reserve is 2.85 metres to Australian Height Datum.

Flood Level Information

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. The road reserve of Glyndon Avenue, however, is subject to flooding, with an associated applicable flood level of 2.85 metres to Australian Height Datum at the location of the proposed entry / exit driveway to the basement.

Freeboard

Freeboard is the difference between the floor level of a building and the 100-year flood level. Freeboard requirements are designed to ensure that valuable buildings, their contents and the people in them are safely above the 100-year flood level.

All works on site are subject to compliance with the Aboriginal Heritage Regulations 2007 and the Aboriginal Heritage Act 2006.

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

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

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

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



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

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

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

Date	Details
8 March 2016	<p>Amendment to plans under Section 72 of the <i>Planning and Environment Act 1987</i>:</p> <p>Amended conditions:</p> <p>Addition of conditions 1(s) and (t).</p> <p>Amendments to endorsed drawings:</p> <p>Tp-03 Basement (Revision G):</p> <ul style="list-style-type: none"> • Additional car space. • Reconfiguration of storage areas. <p>Tp-04 Ground Floor and Site Plan (Revision J) and TP05 First Floor Plan (Revision I):</p> <ul style="list-style-type: none"> • Changes to the front façade include two additional columns, urns, alterations to door profiles and increased street setbacks to the edges of the façade. • Further articulation to the planter boxes at first floor level on the east and west elevations. • Front fence amended to complement the architectural detailing of the dwelling with the introduction of piers and recessed elements. <p>Tp-06 Roof Level (Revision G)</p> <ul style="list-style-type: none"> • Inclusion of planters and barbeques within roof decks. • Inclusion of solar collectors. • Inclusion of skylight windows. <p>Tp-07 Elevations (Revision I) and Tp-08 Elevations (Revision J)</p> <ul style="list-style-type: none"> • All elevations have been updated to reflect the changes made to the floor plans outlined above. <p>Tp-11 Front Fence Detail (Revision E)</p> <ul style="list-style-type: none"> • Updated to reflect the changes made to the floor plans and elevations outlined above.

CARRIED

It is recorded that Cr Heffernan was not present in the Chamber whilst a vote was taken on this item.

Councillor Heffernan returned to the Meeting at 8:38 PM



**4.8 94 DENDY STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2015/137/1 WARD: NORTHERN**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/15/221347

It is recorded that Mrs Margaret Clark spoke in relation to this item.

Moved: Cr Frederico

Seconded: Cr del Porto

That Council, having caused notice of Planning Application No. 2015/137/1 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 94 Dendy Street, Brighton for the construction of two double storey dwellings and a front fence exceeding a height of 1.2 metres for the following reasons:

1. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character Policy, Precinct E1) of the Bayside Planning Scheme, on the following grounds:
 - a) The proposal fails to maintain and enhance the garden setting by failing to provide adequate landscaping opportunities and retain existing valued landscaping, being the large Liquidambar styraciflua (Liquidambar) in the south east corner of the site.
 - b) The proposal fails to respect the dominant building forms and scale in the precinct through a lack of appropriate articulation and recession of the upper storeys.
 - c) The proposal fails to provide an appropriate streetscape presentation due to the materials proposed which will make the development appear visually bulky within the streetscape.
 - d) The design response is discordant to the prevailing neighbourhood character and is disruptive the streetscape rhythm and visual separation.
2. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B1, Neighbourhood Character: The proposal fails to provide an appropriate design response which respects the existing neighbourhood character and contributes to a preferred neighbourhood character.
 - b) Standard B6, Street Setback: Dwelling 2 setback of 2m in lieu of 3m from Roslyn Street fails to respect the existing or preferred neighbourhood character and will result in a bulky presentation to Roslyn Street to the detriment of the streetscape.
 - c) Standard B13, Landscaping: The development fails to provide appropriate landscaping opportunities and retain existing and consequently fails to respect the valued landscape character of the neighbourhood.
 - d) Standard B17, Side and Rear Setbacks – The proposed first floor rear (south) setback will cause adverse detriment in terms of visual bulk to the adjoining properties and the streetscape of the area.
 - e) Standard B22, Overlooking: At first floor, the rumpus and bedroom two window of dwelling 1 along with bedroom four window of dwelling 2 result in overlooking opportunities to areas of secluded private open space and habitable room windows of adjoining properties.

**4.9 132 LUDSTONE STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION: 2015/517/1 WARD: CENTRAL WARD**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/21540

It is recorded that Mr Peter Eng and Mr Mark Waldon spoke in relation to this item.

Moved: Cr Lowe

Seconded: Cr Frederico

That Council having caused notice of Planning Application No. 2015/517/1 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 132 Ludstone Street, Hampton, for the construction of two double storey dwellings on a lot in accordance with the application dated 8 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 commences, 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) An amended schedule of construction materials, external finishes and colours showing a variety of materials incorporated at first floor of both dwellings.
 - b) The dwelling 2 porch and entry wall on boundary with a maximum height of 3m from natural ground level.
 - c) Dwelling 1 provided with a 6m³ external storage unit in the side or rear areas of private open space.
 - d) Dwelling 1 with a skillion roof form. The highest point of the roof is to be located along the west side of the dwelling.
 - e) The west boundary fence with a height of at least 1.8m
 - f) The dwelling 2 bedroom 3 and 4 windows with a sill height of 1.7m above first floor level.
 - g) The east facing dwelling 1 bedroom 2 window (front room at first floor) treated in accordance with Standard B22 (Overlooking) of the Bayside Planning Scheme.
 - h) The dwelling 1 single garage with internal dimensions of at least 6m in length and 3.5m in width and the garage door with a width of at least 3m.
 - i) The dwelling 2 double garage with internal dimensions of at least 6m in length and 5.5m in width and the garage door with a width of at least 4.8m.
 - j) The pedestrian doors from both garages designed to open outwards.
 - k) The dwelling 1 driveway where it intersects with the footpath provided with a width of 3.6m.

- l) The dwelling 2 driveway where it intersects with the footpath provided with a width of 3.6m with 1m offset from the western property boundary. The existing crossover is to be removed and replaced with a new 3m wide crossing with a 1m offset from the western property boundary.
 - m) Visibility splays/sightlines in accordance with Design Standard 1 of Clause 52.06-8 of the Bayside Planning Scheme.
 - n) A landscape plan in accordance with Condition 8 of this planning permit.
 - o) A tree protection plan in accordance with Condition 11 of this planning permit.
 - p) A Water Sensitive Urban Design plan in accordance with Condition 15 of this planning permit.
 - q) The location of all air-conditioning and plant equipment.
2. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
 4. All pipes, fixtures, fittings and vents servicing the dwellings must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 7. Vehicular crossing/s must be constructed to the road to suit the proposed driveway/s to the satisfaction of the Responsible Authority and any disused or redundant 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, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) The pavers within the front setback of dwelling 1 deleted (with the exception of the pavers closest to the garage roller door that lead to the dwelling entry) and replaced with one canopy tree capable of reaching a height of 10m.
 - b) The six ornamental pear trees at the front of the site deleted and replaced with a canopy tree capable of reaching a height of 14m.
 - c) One canopy tree in the rear private open space of dwelling 2 (capable of reaching a height of 12m).
 - d) A survey (including botanical names) of all existing vegetation to be retained and/or removed
 - e) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - f) Details of surface finishes of pathways and driveways



- g) Details of water sensitive urban design elements to be incorporated and the plant species to be used
 - h) 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.
 - i) Landscaping and planting within all open areas of the site
 - j) An in-ground irrigation system to all landscaped areas.
9. Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
11. Before the development starts, a tree protection 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 tree protection plan must show:
- a) A site specific tree protection methodology for trees to be retained on site and for trees on neighbouring properties which Tree Protection Zone extends into the subject site.
 - b) A plan which accurately depicts the location of any trees protected within report and any tree protection fencing and/or ground protection
12. Soil excavation must not take place within 2.0 metres from the tree's stem at ground level.
13. Street Tree Protection:
- a) Fencing is to be established around the street tree prior to demolition and maintained until all works on site are complete.
 - b) The fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - c) The fencing is to encompass the entire naturestrip under the drip line of the tree.
 - d) The Tree Protection Zone (TPZ) is to be established and maintained in accordance with Australian Standard 4970 *Protection of trees on development sites*.
 - e) During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
14. Root pruning within the TPZ:
- 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.



15. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-

- a) The type of water sensitive urban design stormwater treatment measures to be used;
- b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
- c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

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

16. The 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.

CARRIED

5. Confidential Business

Nil

The Chairman declared the meeting closed at 8.57pm

CONFIRMED THIS INSERT 12 DAY OF APRIL 2016

CHAIRPERSON:

