



## **Minutes of the Planning & Amenity Committee Meeting**

held in the Council Chamber  
Boxshall Street, Brighton  
on Tuesday 8 September 2015  
at 7.00pm

### **PRESENT:**

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

### **OFFICERS IN ATTENDANCE:**

Shiran Wickramasinghe	-	Director City Strategy
Arthur Vatzakis	-	Acting Manager Statutory Planning
Connor Perrott	-	Statutory Planning Coordinator
Hew Gerrard	-	Acting Statutory Planning Coordinator
Janice Pouw	-	Governance Officer

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



**APOLOGIES:** An apology from Cr Stewart was submitted to the 25 August 2015 Ordinary Meeting of Council for the period 31 August 2015 to 6 October 2015.

**Moved: Cr Evans**

**Seconded: Cr Frederico**

That the apology from Cr Stewart be received and noted and leave of absence is granted in accordance with Council's resolution dated 25 August 2015.

**CARRIED**

**DECLARATIONS OF INTEREST:**

- There were no declarations of interest submitted to the meeting.

**Confirmation of the Minutes of the Planning & Amenity Committee Meeting 11 August 2015**

**Moved: Cr Frederico**

**Seconded: Cr Evans**

That the Minutes of the Planning & Amenity Committee Meeting held on 11 August 2015 be confirmed.

**CARRIED**

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## **REQUESTS TO BE HEARD:**

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

Requests to be heard were received from the following people:

**Item 4.1 8B Lindsay Street, Brighton**

1. Mr Jeff Fearon (S)
2. Mr Bruce Keen (A)

**Item 4.2 439 Bay Street, Brighton**

1. Mr Locky Hughes on behalf of Mrs Kate Clark (O)
2. Mr Bruce Gilmore (O)
3. Mr Locky Hughes(O)
4. Mr K.S. Spencer (O)
5. Mr Vaughan Connor (A)

**Item 4.4 10 Wells Road, Beaumaris**

1. Mrs Merle Young (O)
2. Mr Dallas Ibrhaim (S)
3. Mrs Allison Ibrhaim (A)

**Item 4.5 3/13 Burgess Street, Beaumaris**

1. Mrs Sharon Hardgrove (O)
2. Mr Ken Bell (O)
3. Mrs Sharon Hardgrove on behalf of Paul and Judith Ringe (O)
3. Mr Matthew Davis (A)

**Item 4.6 44 Duncan Street, Sandringham**

1. Mr Anthony Miller (O)
2. Mr David Cox (A)

**Item 4.7 21 Victory Street, Sandringham**

1. Mr Jason Barnfather (A)

**Item 4.8 48 Camperdown Street, Brighton East**

1. Ms Amanda Ring (O)
2. Mr Mark Lipson (A)

**Item 4.9 1/60 Cole Street, Brighton**

1. Ms Christina Bozsán (O)

**Item 4.10 28 Taylor Street, Brighton East**

1. Mr Duncan van Rooyen (A)

## **OFFICERS' REPORTS:**

### **4.1 8B LINDSAY STREET, BRIGHTON**

*It is recorded that Mr Bruce Keen and Mr Jeff Fearon spoke in relation to this matter.*

**Moved: Cr Heffernan**

**Seconded: Cr Lowe**

That Council determine to Support the application under the provisions of the Bayside Planning Scheme in respect of the land known and described as 8B Lindsay Street Brighton for the Construction of a three storey residential building consisting of 11 dwelling and a front fence exceeding a height of 1.5m, 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 substituted plans but modified to show:
  - a) The building, all plant and equipment and associated structures must not exceed an overall maximum height of 11.0 metres above natural ground level;
  - b) Ground floor south-western setback of dwellings 1.3 and 1.4 increased to a minimum of 3.0 metres (not including the master bedroom of dwelling 1.3). The width of this setback replicated at first floor level above;
  - c) The front fence to provide variation in material so that 25% transparency is achieved for 30% of its length;
  - d) Variation to the front facade to Lindsay Street, including the indent to dwelling 1.1, as shown on drawing 7, 'Lindsay Street massing' dated July 2015;
  - e) Provide screening, where required, in accordance with Standard B22 of Clause 55.04-6 of the Bayside Planning Scheme to the northwest and southeast facing habitable room windows and balconies of dwellings 2.2, 2.3 and 3.2;
  - f) Show basement car park with column size and locations in accordance with Clause 52.06-8 of the Bayside Planning Scheme;
  - g) A schedule of construction materials, external finishes and colours;
  - h) A landscape plan in accordance with condition 9 of this permit;
  - i) Any changes required by conditions 25-27 of this permit, and
  - j) The location of all plant and equipment positioned so as not to detract from the amenity of adjoining habitable room windows and secluded private open spaces.
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.

#### **4.1 8B LINDSAY STREET, BRIGHTON (continued)**

4. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the Responsible Authority.
6. Before the occupation of the development, the area set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the dwellings;
  - c) Surfaced with an all-weather-seal coat; and
  - d) Drained.
  - 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.

7. Before the development commences, a car parking management plan must be prepared to the satisfaction of the Responsible Authority. When approved, the car parking management plan will become part of this permit. The use and development of the land must comply with the approved car parking management plan. The car parking management plan must show or include:
  - a) The location, designation and reservation of resident and visitor car parking spaces in the basement car park for that purpose;
  - b) The provision of any statutory control signage and line-marking at the basement car park entrance to ensure there is adequate and appropriate traffic delineation; and,
  - c) The adoption of measures considered adequate and necessary to encourage visitors of the development to fully utilise the car facilities and to discourage and prevent commuters from other land uses in the area from using the basement car park as a source of all day car parking. These measures may include:
    - i) A security gate and associated intercom facilities;
    - ii) Line marking;
    - iii) Signage; and,
    - iv) Time limitation.

#### **4.1 8B LINDSAY STREET, BRIGHTON (continued)**

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. The plan must be similar to that submitted with the application but modified to accommodate all changes required under this permit.
10. Before the occupation of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
12. Before the development (including demolition) starts, a tree protection fence must be erected around the street trees to the edge of the nature strip in front of the site to define a 'Tree Protection Zone'. The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed.
13. The ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Responsible Authority.
14. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.
15. The existing street trees must not be removed or damaged.
16. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-
  - a) The type of water sensitive urban design stormwater treatment measures to be used;
  - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
  - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

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

#### 4.1 8B LINDSAY STREET, BRIGHTON (continued)

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.

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

Prior to the commencement of any works, a construction management plan must be submitted to and be approved by the Responsible Authority. The construction management plan must address, but is not limited to:

  - Control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.
  - No water containing oil, foam, grease, scum or litter to be discharged to the stormwater drainage system from the site;
  - All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;



#### 4.1 8B LINDSAY STREET, BRIGHTON (continued)

- 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.
- No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

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

#### 24. Waste Management Plan

Prior to the commencement of any works, a waste management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must demonstrate swept path diagrams demonstrating ingress and egress of a waste truck and any required modifications to the basement to accommodate the waste truck.

#### Melbourne Water Conditions

25. The ground floor level of the development must be constructed with a finished floor level set no lower than 10.4 metres to AHD.
26. The entry / exit driveway of the basement car park must incorporate a flood proof apex set no lower than 10.02 metres to AHD.
27. All doors, windows, vents and openings to the basement car park must be a minimum of 300mm above the applicable grading flood level. The flood line adjacent to the property grades from 10.1 metres to Australian Height Datum (AHD) at the north eastern boundary down to 9.72 metres to AHD at the north western boundary.
28. 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**

## **4.2 439 BAY STREET, BRIGHTON**

*It is recorded that Mr Locky Hughes on behalf of Mrs Kate Clark, Mr Bruce Gilmore, Mr K.S. Spencer and Mr Vaughan Connor spoke in relation to this matter.*

*It is further recorded that Mr Locky Hughes did not pursue his right to speak.*

**Moved: Cr Heffernan**

**Seconded: Cr Lowe**

That Council having caused notice of Planning Application No. 2014/921/1 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 439 Bay Street, Brighton, for the use and development of a four storey building (plus basement car park) containing a retail premises and 22 dwellings, a reduction in the required car parking rate and a waiver of the loading and unloading of vehicles requirement in accordance with the endorsed plans and subject to the following conditions:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) Deletion of Level 3 with no reduction of car parking spaces
  - b) The eastern elevation of the retail premises provided with a clear glazing finish above 1m.
  - c) A minimum 2m wide canopy provided over the retail premise frontage.
  - d) The east facing habitable room window of the 68.3m<sup>2</sup> dwelling at Level 1 to be setback a minimum 3m from the eastern boundary.
  - e) The east facing habitable room window of the 65.7m<sup>2</sup> dwelling at Level 2 to be setback a minimum 3m from the eastern boundary.
  - f) Obscure glazing provided to a height of 1.7m above finished floor level to the north facing windows of the northernmost dwelling on Level 1.
  - g) Screening in accordance with Standard B22 of Clause 55.04-6 provided to the balcony of the northernmost dwelling on Level 1.
  - h) Screening in accordance with Standard B22 of Clause 55.04-6 provided to the balcony of the west facing dwelling on Level 2.
  - i) The east-west running planter boxes provided at the northern end of Level 1 and Level 2 increased in width to 1.1m.
  - j) Two visitor car parking spaces provided on site generally in accordance with plan TP1.03 Rev. B dated 3/7/2015, project no. 214103 and drawn by Rothe Lowman Architects.
  - k) Provision of a loading/unloading bay in compliance with Clause 52.07.
  - l) The provision of a south facing window from the bedroom of the dwelling located in the south-east corner of Level 2.

#### **4.2 439 BAY STREET, BRIGHTON (continued)**

- m) All private open space areas provided with a minimum area of 8m<sup>2</sup> and minimum depth of 6m<sup>2</sup>.
  - n) The electrical substation relocated a minimum of 4 metres away from the north and east boundaries of the site.
  - o) A landscape plan in accordance with Condition 12 of this planning permit
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
  3. Prior to the commencement of development, construction drawings must be submitted to and be approved by the Responsible Authority showing the laneway connecting the subject site to Warriston Street in accordance with Council standards. Once approved, all works required to upgrade this laneway to Council standards must be undertaken by the permit holder at no cost to Council prior to the use and/or occupation of the development.
  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. No signage is permitted along the eastern elevation of the building unless with the written consent of the Responsible Authority.
  7. Bicycles must at all times be allowed to be wheeled through the corridor area between the lift and the car park and be allowed to be taken within the lift.
  8. Before the use and/or occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
  9. The car stackers to be installed are a Wöhr Combilift 543-2,0 Standard Type unless with the written consent of the Responsible Authority. The car stackers must be maintained in good working condition to the satisfaction of the Responsible Authority.
  10. The amenity of the area must not be detrimentally affected by the use or development, by the:
    - a) Transport of materials, goods or commodities to or from the land;
    - b) Appearance of any building, works or materials;
    - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
    - d) Presence of vermin;
    - e) By other circumstances.

## 4.2 439 BAY STREET, BRIGHTON (continued)

11. Before the development starts, a Tree Management Plan must be submitted to and be approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must provide details on how excavation impacts on trees to be retained will be managed and shall utilise information provided in both the arborist report and landscape plan to ensure retained trees are not lost as a result of construction works on the subject site to the satisfaction of the Responsible Authority.
12. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.

The landscaping plan must show:

- a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
- b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
- c) Details of water sensitive urban design elements to be incorporated and the plant species to be used.
- 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.

13. Before the use/occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
15. 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;

#### **4.2 439 BAY STREET, BRIGHTON (continued)**

- 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.

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

To the satisfaction of the Responsible Authority.

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

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. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
19. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff at 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.

## **4.2 439 BAY STREET, BRIGHTON (continued)**

20. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basement or Below Ground Structures". Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
21. The legal point of discharge for the development is to the east of the property and must be connected to the existing pit at the corner of Bay Street and Warriston Street via a new outfall drain and pit/s at the cost of the permit holder and be to Council standards and be approved by Council.
22. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may 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.
23. 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.
24. The driveway / parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
25. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.The Responsible Authority may extend the periods referred to above if a request is made in writing:-
  - Before the permit expires; or
  - Within 6 months afterwards if development has not commenced; or
  - Within 12 months afterwards if the development has lawfully commenced.

**CARRIED**

### 4.3 489 BALCOMBE ROAD, BEAUMARIS

**Moved: Cr Evans**

**Seconded: Cr Frederico**

That Council having caused notice of Planning Application No. 2014/516/2 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Issue a Notice of Decision to Grant an Amended Planning Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 489 Balcombe Road and 61-71 Haydens Road, Beaumaris, for amendments to the previous approval allowing the subdivision of land into no more than 20 lots, removal of vegetation, alteration of access to a Category 1 Road Zone, variation and removal of easements in accordance with the application dated 28 May 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 plan of subdivision is certified under the Subdivision Act 1988, amended plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed as evidence of their approval and will thereby become the endorsed plans in relation to this permit and 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/other specified plans but modified to show:

lots 1,2 and 3 reconfigured to create two lots with one to face Balcombe Road and to have a building envelope that includes a 9 metre setback to Balcombe Road, a minimum 4 metre setback to the internal road reserve to the east with additional setback as needed to Tree Protection Zone for Tree 2;

the building envelopes of lots identified on the application plans as Lots 3, 4, 5 and 6 east reduced to provide a front setback of at least 4 metres to the internal road frontage;

the landscape verge of the internal road reserve extended to the east boundary so as to include Tree 27 (being identified by the letter and number on the plans tendered at the hearing by the Victorian Civil and Administrative Tribunal of planning review P1885/2014 identify trees by such letters and numbers into the landscape verge of the road to be achieved by reducing the size of Lots 6 and 7;

the contours on 6403 PP02 Revision 6 (sheet 2 of 3) corrected where necessary to represent an accurate approximation of natural ground level;

the notation on plan 6403 PP02 Revision 6 (sheets 1 and 2 of 3) that reads "Proposed dwelling envelope (excludes Garages and Outbuilding)" deleted and replaced with a new notation to state:

"Proposed dwelling envelope, including garages and carports. The following may encroach into the front setback of the envelope by not more than 2.5 metres:

- Porches, verandahs and pergolas that have a maximum height of less than 3.6 metres above natural ground level.
- Eaves, fascia and gutters; or
- Sunblinds and shade sails."

### **4.3 489 BALCOMBE ROAD, BEAUMARIS (continued)**

relocate the building envelopes on lots 9, 15, 17 and 21 to the western boundary of each such lot.

the building envelope on any lot that is over 500sqm in area: amended to provide:

- i. a reduced built site coverage of no more than 50%;
  - ii. side and rear setbacks at ground and first floor to comply with Schedule 3 of the Neighbourhood Residential Zone;
  - iii. a landscape plan showing planting outside the three dimensional building envelope for each lot;
- a) the roadway to provide a 1.5 metre wide footpath on the east side of the north south section of the internal road offset a minimum of 1 metre from the kerb in accordance with Standard C21, Clause 56 of the Bayside Planning Scheme;
  - b) a longitudinal section of the road to be provided to include a relatively flat grade for pedestrian safety where the new roadway intersects with the Balcombe Road footpath;
  - c) the design of the access point to the newly created road off Balcombe Road to comply with the requirements of Conditions 14 and 21 of this permit;
  - d) a 2 metre wide drainage easement included on the Plan of Subdivision along the east boundary of lots 4 and 5 and at the north-east corner of Lot 6 in favour of Council;
  - e) tree protection zones for trees abutting the site, notably at 487 and 491 Balcombe Road, where they encroach into the site;
  - f) the retention of Trees 32, 46 and 61 with appropriate tree protection zones identified;
  - g) identification of all trees to be removed;
  - h) details of any alterations or removal of the existing retaining walls to Balcombe Road, Haydens Road and Bolton Street;
  - i) the entry road amended to ensure the head of the road achieves compliance with Engineering Design and Construction Manual for Subdivision (Growth Area Authority April 2011), or similar accepted road design standard, so as ensure cross fall of the road can accommodate truck movements;
  - j) a schedule of materials, finishes and colours of new retaining walls; and
  - k) finished levels of retaining walls, road reserves and lots after subdivisional work.
- 2 The subdivision on the endorsed plans must not be altered without the written consent of the Responsible Authority.



### **4.3 489 BALCOMBE ROAD, BEAUMARIS (continued)**

- 3 Before the issue of a Statement of Compliance new landscaping as detailed on the endorsed landscape plan (on the proposed road reserve) must be established and maintained to the satisfaction of the Responsible Authority.
- 4 The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
- 5 All existing and proposed easements and sites for existing and required utility services and roads must be set aside on the plan of subdivision submitted for certification under the Subdivision Act 1988 in favour of the relevant authority for which the easement or site is to be created.
- 6 Tree Protection:
  - a) An arborist report must be prepared by a suitably qualified arborist for the trees marked within "tree protection zones" (TPZs) including trees on abutting land with tree protection zones that encroach into the land which the report must specify:
    - (i) erection of tree protection barriers prior to the commencement of any buildings or works (including demolition),
    - (ii) that there is to be no open trenching **for** service installation within the TPZ areas and
    - (iii) that any proposed pruning and/or lopping works for trees within TPZs to be undertaken in accordance with a **tree** works plan.
  - b) The fencing near trees marked T27 and T66 on plans is to be of a lightweight construction.
  - c) All works must comply with tree protection works for trees within Tree Protection Zones identified in the arborist report prepared.
  - d) During demolition of any pavement that affects any tree protection zones a suitably qualified arborist must be on site to supervise works.
- 7 Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act, and that agreement must be registered against title. The agreement must provide that:
  - a) the construction of any dwelling on any of the lots created by the subdivision must occur within the building envelopes shown on the endorsed Plan of Subdivision;

### **4.3 489 BALCOMBE ROAD, BEAUMARIS (continued)**

- b) the building height of a dwelling on each lot created by the subdivision must be calculated from natural ground level as determined by KLM Spatial Plan 6403 PP02 Version 6, as further amended to form part of the endorsed plans provided for in Condition 1 to this permit;
  - c) prior to any permit for a dwelling on the land is granted, a concept landscape plan and design guidelines for planting and landscape construction of individual lots must be prepared and approved by the responsible authority. Such plan and guidelines will be based on the John Patrick Plan Ref: 14 – 674 VCAT01;
  - d) when a planning permit application is submitted to the responsible authority for the construction of a dwelling on a lot less than 500sqm an individual landscape plan, consistent with the concept landscape plan and landscape guidelines must be prepared by a suitably qualified person and form part of the planning permit application material;
  - e) landscaping established on each lot must be maintained by the landowner in accordance with an approved landscape plan to the satisfaction of the Responsible Authority; and
  - f) the requirements of conditions 6a) and 6e) may be varied if the responsible authority approves an alternative plan.
- 8 The owner of the land must enter into an agreement with:
- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- 9 Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

### **4.3 489 BALCOMBE ROAD, BEAUMARIS (continued)**

- 10 The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
- 11 Prior to the issue of a Statement of Compliance, the Owner must enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways and other matters in accordance with the powers of Melbourne Water Corporation under the Water Act 1989.
- 12 Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the Responsible Authority a sum equivalent to 5 per cent of the site value of all the land in the subdivision as an open space contribution, to be calculated in accordance with section 19 of the Subdivision Act 1988.
- 13 Before a Statement of Compliance is issued under the Subdivision Act 1988, the applicant must provide street trees, road works, drainage, landscaping approved under this permit to the satisfaction of the responsible authority.
- 14 a) Before any road/drainage works associated with the subdivision start, detailed construction 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 endorsed plans in relation to this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must include:
  - (i) details of the type, style and materials for the surface and kerb treatment,
  - (ii) the back to back dimensions of the road reserve and pavement,
  - (iii) concrete footpath to at least the one side of the north / south arm of the road,
  - (iv) underground drains,
  - (v) rain garden location and design.
- b) All works constructed or carried out must be in accordance with those plans.

#### **South East Water**

- 15 The owner must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.
- 16 The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
- 17 All lots on the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.

### **4.3 489 BALCOMBE ROAD, BEAUMARIS (continued)**

#### Melbourne Water

- 18 Prior to the issue of a Statement of Compliance, the Owner must enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
- 19 Pollution and sediment laden runoff must not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- 20 Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

#### VicRoads

- 21 Prior to the commencement of works or certification of the plan of subdivision, a detailed functional layout drawing of the vehicle access point onto Balcombe Road must be forwarded to VicRoads for review and approval showing the following:
  - a) available sight distances at the vehicle access point, generally in accordance with Austroads Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections;
  - b) appropriate swept path analysis;
  - c) appropriate line marking, signage and pram crossings;
  - d) alterations to line marking on Balcombe Road; and
  - e) the existing vehicle crossover onto Balcombe Road removed and the kerb, channel, footpath and nature strip reinstated.v7t9
- 22 Prior to the occupation of the lots or issuing of statement of compliance for the plan of subdivision, works as shown on the approved functional layout drawing must be complete to the satisfaction of the Responsible Authority.

#### United Energy

- 23 The applicant must enter into an agreement with United Energy for an extension, upgrade and/or re-arrangement of the current electricity supply to lots on the land which may also require:
  - establishing easement(s) internally or externally to the site; and/or
  - the provision of site(s) to locate substations; and
- 24 The applicant making a payment to United Energy must cover the cost of preparing such documentation and work.
- 25 This permit will expire if:
  - f) The plan of subdivision is not certified with compliance within two (2) years of the date of this permit.
  - g) The registration of the subdivision is not completed within five (5) years of the date of this permit.

**4.3 489 BALCOMBE ROAD, BEAUMARIS (continued)**

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

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

The following table should be added to the permit.

8 September 2015	<p>Amendment pursuant to Section 72 of the <i>Planning and Environment Act 1987</i> to allow:</p> <ul style="list-style-type: none"> <li>• Deletion of reference to “<i>and individual lots</i>” from Condition 3;</li> <li>• Alteration to Condition 6a(ii) to read “that there is to be no open trenching for service installation within the TPZ areas and”: and</li> <li>• Alterations to Condition 6a(iii) to read “that any proposed pruning and/or lopping works for trees within TPZs to be undertaken in accordance with a tree works plan.”</li> <li>• The request to delete reference to Tree 46 from Condition 1m is refused given the tree is significant and in good condition with high amenity and retention value.</li> </ul>
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**CARRIED**

#### **4.4 10 WELLS ROAD, BEAUMARIS**

*It is recorded that Mrs Merle Young, Mr Dallas Ibrhaim and Mrs Allison Ibrhaim spoke in relation to this matter.*

**Moved: Cr Evans**

**Seconded: Cr Lowe**

That Council having caused notice of Planning Application No. 2015/109/1 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 Grant a Notice of Decision under the provisions of the Bayside Planning Scheme in respect of the land known and described as 10 Wells Road BEAUMARIS, for the removal three of trees in a Vegetation Protection Overlay, Schedule 3 in accordance with the plans with the application dated 10 April 2015, subject to the following conditions. Including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the removal of any vegetation, three copies of a landscape plan drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the application but modified to show to the satisfaction of the Responsible Authority:
  - a) Retention of the two *Leptospermum laevigatum* (Coast Tea Trees) identified on the plan as Trees 2 and 5.
  - b) Removal of the three *Leptospermum laevigatum* (Coast Tea Trees) identified on the plan as Trees 1, 3 and 4.
  - c) Three replacement trees, generally in accordance with the plan submitted with the application, dated 10 April 2015, being *Acacia Melanoxyton* (Australian Blackwood).
  - d) The provision of a new pool fence around Tree 2 in accordance with AS 1926.1-2012. The footings of the fence must be designed and located so as to not impact adversely upon the health of Tree 2, in accordance with the requirements of Condition 3 of this permit.
  - e) All vegetation shown on the landscape plan identified by Genus and species.
2. The tree removal as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Prior to the construction of the fence required by Condition 1(d) of this permit, the applicant must submit to and have approved by the Responsible Authority, a report prepared by a suitably qualified arborist detailing tree protection measure for Tree 2 as this relates to the new fence required by Condition 1(d) of this permit. These footings must be designed and located so as to not impact adversely upon the long-term health and condition of Tree 2.
4. Within 6 months of the removal of Trees 1, 3 and 4, replacement planting as shown on the plan must be planted to the satisfaction of the Responsible Authority and must not be altered without the prior written consent of the Responsible Authority.

#### **4.4 10 WELLS ROAD, BEAUMARIS (continued)**

5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and any dead, diseased or damaged replacement trees are to be replaced to the satisfaction of the Responsible Authority.
6. This permit will expire if the tree removal shown on the landscape plan is not completed within 12 months of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards.

**CARRIED**

## 4.5 3/13 BURGESS STREET, BEAUMARIS

*It is recorded Mrs Sharon Hardgrove, Mr Ken Bell, Mrs Sharon Hardgrove on behalf of Paul and Judith Ringe and Mr Matthew Davis spoke in relation to this matter.*

**Moved: Cr Evans**

**Seconded: Cr Heffernan**

That Council having caused notice of Planning Application No. 2014/210/1 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 3/13 Burgess Street Beaumaris, for Alterations and additions to an existing dwelling on a lot less than 500 square metres and the removal of native vegetation in accordance with the amended plans dated 5 February 2015 and subject to the following conditions:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) The northern boundary fence to be a minimum of 1.8 metres in height above natural ground level in accordance with Standard A15 of the Bayside Planning Scheme.
  - b) The northern, southern and western first floor habitable room windows and/or balcony to be screened in accordance with Standard A15 of the Bayside Planning Scheme. The proposed vertical fins must be no more than 25% transparent. Screens are to be 'fixed', and 'of durable materials'.
  - c) Deletion of the west facing window to the gym at first floor level.
  - d) Deletion of the south facing windows to the bedroom at first floor level.
  - e) A schedule of construction materials, external finishes and colours (incorporating two paint samples).
  - f) A tree protection plan in accordance with Condition 7 of this permit.
  - g) A landscape plan in accordance with Condition 8 of this permit.
2. Before the development starts, the title to the land known as Unit 3 on Strata Plan 012432 is to be consolidated with the land known as Lot 1 on Title Plan 950272C.
3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
5. All pipes, fixtures, fittings and vents servicing the dwellings must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.



#### 4.5 3/13 BURGESS STREET, BEAUMARIS (continued)

6. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the dwellings without the written consent of the Responsible Authority.
7. Before the development starts, the Arborist report submitted with the application is to be amended to include the following information to the satisfaction of the Responsible Authority:
  - a) Assessment of trees located in the garden area to the north of the site and within 3 metres of the northern side boundary;
  - b) A plan/drawing of the Tree Protection Zone (TPZs) of trees to be retained. Where encroachment is greater than 10% the Structural Root Zone (SRZs) must be shown;
  - c) The aforementioned plan will also show the position in which tree protection fencing is to be placed for the duration of the development (including demolition).
  - d) Where there is encroachment into the TPZ, an explanation of the design construction methods proposed to minimise impacts on retained trees is required. Recommendations must be specific to the site and refer to architectural, utilities and landscape plans.
8. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
  - a) A minimum of 80% indigenous species and plantings, plus the inclusion of one *Dicksonia Antarctica* (Soft Tree Fern) to replace the *Archontophoenix cunninghamiana* (Bungalow Palm).
  - b) A survey (including botanical names) of all existing vegetation to be retained and/or removed
  - c) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
  - 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
  - g) Landscaping and planting within all open areas of the siteAll species selected must be to the satisfaction of the Responsible Authority.

#### **4.5 3/13 BURGESS STREET, BEAUMARIS (continued)**

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. 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. 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.
13. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either: a trench grate (150mm minimum internal width) located within the property and/or shaping the driveway so that water is collected in a grated pit on the property and/or another Council approved equivalent.
14. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services Department for approval.
15. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
16. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.The Responsible Authority may extend the periods referred to above if a request is made in writing:
  - Before the permit expires; or
  - Within 6 months afterwards if development has not commenced; or
  - Within 12 months afterwards if the development has lawfully commenced.

**CARRIED**

#### 4.6 44 DUNCAN STREET, SANDRINGHAM

*It is recorded that Mr David Cox spoke in relation to this matter.*

*It is further recorded that Mr Anthony Miller was not present in the Chamber.*

**Moved: Cr Lowe**

**Seconded: Cr Frederico**

That Council having caused notice of Planning Application No. 2015/124/1 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 44 Duncan Street, Sandringham for the Construction of two double storey dwellings in accordance with the amended plans dated 29 April 2015, and subject to the following conditions:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) Screening of the south (rear) first floor windows in accordance with Standards B22 and B23 of Clause 55.
  - b) A minimum 3m wide door opening to be provided for the single garages.
  - c) All pedestrian doors are to be provided outwards from the garages.
  - d) A 3m wide crossover provided with a 500mm offset from the western property boundary and centred to the driveway for dwelling 1.
  - e) A 3m wide crossover provided with a 1m offset from the eastern property boundary for dwelling 2.
  - f) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples).
  - g) The *Eucalyptus leucoxylon* 'Euky Dwarf' provided on the landscape plan within the front setback of both dwellings replaced with canopy trees capable of reaching minimum dimensions at maturity of 12m in height and 8m in width with a minimum of 2.5 metre height at the time of planting.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
4. All pipes, fixtures, fittings and vents servicing the dwellings must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

**4.6 44 DUNCAN STREET, SANDRINGHAM (continued)**

6. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the dwellings without the written consent of the Responsible Authority.
7. Before the development begins the applicant must pay \$4,147.80 to the Responsible Authority for the removal and replacement of the existing street tree *Eucalyptus leucoxylon* (Yellow Gum). This amount has been determined in accordance with Councils current policy for the removal of the 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.
8. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
10. The vehicular crossing must be constructed to the road to suit the proposed driveway/s to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
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. 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.
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 pumped 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 include either: a trench grate (150mm minimum internal width) located within the property and/or shaping the driveway so that water is collected in a grated pit on the property and/or another Council approved equivalent.

**4.6 44 DUNCAN STREET, SANDRINGHAM (continued)**

15. 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.
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****Build over easement**

There is no easement within the property although records suggest there is a sewer drain at the rear of the property. No works are proposed over this asset, but for any future proposals building over or near this asset, approval will be required from the Responsible Authority as part of the Building Permit process.

**Permits to be acquired**

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

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

**Flood zone**

Property is not in a 'Flood Zone'.

**CARRIED**

## **4.7 21 VICTORY STREET, SANDRINGHAM**

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

**Moved: Cr Evans**

**Seconded: Cr Frederico**

That Council having caused notice of Planning Application No. 2014/455/1 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 21 Victory Street, Sandringham, for construction of two double storey dwellings in accordance with the amended plans dated 7 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 amended plans dated 7 August 2015 but modified to show:
  - a) The roof area of the side verandah of dwelling 1 reduced to cover only the area directly in front of the entrance.
  - b) Site coverage reduced to a maximum of 50%.
  - c) The provision of a west facing bathroom windows for each dwelling at first floor level.
  - d) The crossovers separation a minimum of 7 metres from one another.
  - e) No excavation within 2.3 metres from the edge of the street tree trunk in front of the site.
  - f) The provision of 8.79 square metres of rain gardens on-site in accordance with the submitted Storm Rating report dated 25 July 2014.
  - g) The location of plant and equipment including air conditioning units and condensers located so as to minimise amenity impacts to adjoining properties;
  - h) A landscaping plan in accordance with Condition 9 of this permit including landscaping in the setback between the garage of dwelling 1 and the northern boundary, a canopy tree capable of reaching a mature height of 10 metres within the front setback of dwelling 2 and another canopy tree capable of reaching a mature height of 8 metres within the rear setback of dwelling 1.
2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

#### **4.7 21 VICTORY STREET, SANDRINGHAM (continued)**

3. Prior to the commencement of the development a tree protection methodology report must be submitted that accurately identifies all vegetation on the site that is to be retained or is adjacent to the property and has a Tree Protection Zone inside the property boundary in accordance with AS4970. This report must provide direction on tree sensitive engineering and protection measures during the construction process for the rear of the dwellings where constructed within the Tree Protection Zone of Tree 1 (*Eucalyptus viminalis* – Manna gum) and also where building works will be constructed within the Tree Protection Zone of Tree 4 (*Grevillea robusta* - Silky Oak)..
4. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
5. The walls on the boundaries of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
6. 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.
7. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the dwellings without the written consent of the responsible authority.
8. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the responsible authority.
9. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
  - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed
  - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
  - c) Details of surface finishes of pathways and driveways
  - d) Details of water sensitive urban design elements to be incorporated and the plant species to be used
  - e) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant including the planting required in accordance with Condition 1h of this permit.

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

#### **4.7 21 VICTORY STREET, SANDRINGHAM (continued)**

10. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
12. Tree Protection Fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete.
  - a) The fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - b) The fencing is to encompass the entire nature strip under the drip line of the tree.
  - c) The Tree Protection Zone 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. Root pruning within the TPZ (Tree Protection Zone)
  - a) Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.
  - b) All affected roots must be correctly pruned according to AS 4373-2007.
14. The existing street trees must not be removed or damaged.
15. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
16. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
17. Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
18. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
  - a) A trench grate (150mm minimum internal width) located within the property and/or
  - b) Shaping the driveway so that water is collected in a grated pit on the property and/or
  - c) Another Council approved equivalent.



#### **4.7 21 VICTORY STREET, SANDRINGHAM (continued)**

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.

#### **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 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.

**CARRIED**

## **4.8 48 CAMBERDOWN STREET, BRIGHTON EAST**

*It is recorded that Ms Amanda Ring and Mr Mark Lipson spoke in relation to this matter.*

**Moved: Cr Heffernan**

**Seconded: Cr Lowe**

That Council having caused notice of Planning Application No. 2013/668/1 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 48 Camperdown Street, Brighton East, for the construction of two double storey dwellings and a front fence exceeding a height of 1.2 metres in accordance with the amended plans dated 11 May 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 amended plans dated 11 May 2015 but modified to show:
  - a) The height of fencing directly in front of the dwellings facing Carrington Grove reduced to a maximum of 1.2 metres and of an open style.
  - b) The provision of a privacy screen to the south facing study window of dwelling 1 in accordance with the requirements of Standard B22 of Clause 55 of the Planning Scheme.
  - c) The height of the dividing wall between the side rear gardens of the dwellings at a minimum height of 1.8 metres.
  - d) The width of the garage door openings increased to a minimum of 3 metres.
  - e) All pedestrian garage doors to open outwards.
  - f) The width of driveways increased to a minimum of 3 metres.
  - g) The width of the crossovers increased to a minimum of 3 metres and aligned with the driveways.
  - h) No excavation within 2.2 metres from the edge of the trunks of the two street trees fronting Carrington Grove.
  - i) The location of plant and equipment including air conditioning units and condensers located against the shared wall between the dwellings so as to minimise visual and noise impacts to adjoining properties.
  - j) A landscaping plan in accordance with Condition 9 of this permit including a canopy tree capable of reaching a mature height of 8 metres within the setbacks of each dwelling along Carrington Grove.
  - k) The site plan to show the in-ground swimming pool in the rear secluded private open space of 46 Camperdown Street.
  - l) The provision of 6 cubic metres of storage for each dwelling.

#### **4.8 48 CAMBERDOWN STREET, BRIGHTON EAST (continued)**

2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. Prior to the commencement of the development a tree protection methodology report is required to be submitted to and approved by the Responsible Authority. This report must accurately identify all vegetation on the site that is to be retained and adjacent to the property that has a Tree Protection Zone inside the property boundary in accordance with AS4970. This report must provide direction on tree sensitive engineering and protection measures during the construction process, in particular for Tree 1 and Tree 11 located at 1 Carrington Grove.
4. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
5. The walls on the boundaries of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
6. 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.
7. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the dwellings without the written consent of the responsible authority.
8. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the responsible authority.
9. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
  - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed
  - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundaries
  - 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 including the trees required by Condition 1j) of this permit.
  - e) Landscaping and planting within all open areas of the site

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

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

#### **4.8 48 CAMPBERDOWN STREET, BRIGHTON EAST (continued)**

10. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
12. Tree Protection Fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete.
  - a) The fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - b) The fencing is to encompass the entire nature strip under the drip line of the trees.
  - c) The Tree Protection Zones are 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. Root pruning within the TPZ (Tree Protection Zone)
  - a) Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.
  - b) All affected roots must be correctly pruned according to AS 4373-2007.
14. The existing street trees must not be removed or damaged.
15. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
16. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
17. Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
18. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
  - a) A trench grate (150mm minimum internal width) located within the property and/or
  - b) Shaping the driveway so that water is collected in a grated pit on the property and/or
  - c) Another Council approved equivalent.

#### **4.8 48 CAMPBERDOWN STREET, BRIGHTON EAST (continued)**

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.

#### **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 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.

**CARRIED**

## 4.9 1/60 COLE STREET, BRIGHTON

*It is recorded that Ms Christina Bozsán spoke in relation to this matter.*

### **Moved Cr Heffernan**

### **Seconded Cr Frederico**

That Council having caused notice of Planning Application No. 2015/160/1 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 1/60 Cole Street BRIGHTON, for Alterations and additions associated with an existing dwelling comprising the construction of a roof deck over the existing carport (common property) in accordance with the application dated 24 March 2015, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) The screening to the roof deck to be constructed from opaque glass and be increased in height to 1.7 metres on the northern and southern elevations to demonstrate compliance with Standard B22 Overlooking of Clause 55.04-6 of the Bayside Planning Scheme.
  - b) The proposed southern elevation plan.
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. The roof deck must have drainage measures to the satisfaction of the Responsible Authority.
5. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

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

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

**CARRIED**

#### **4.10 28 TAYLOR STREET, BRIGHTON EAST**

*It is recorded that Mr Duncan van Rooyen spoke in relation to this matter.*

##### **Moved Cr Heffernan**

##### **Seconded Cr Frederico**

That Council having caused notice of Planning Application No. 2015/145/1 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 28 Taylor Street Brighton East, for the Construction of two double storey dwellings and subdivision of land into two lots in accordance with the application plans date stamped 5 June 2015 (Version 2), 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) All first floor east, south and west facing habitable room windows to be provided with 'fixed obscure glazing' to a minimum height of 1.7m above finished floor level.
  - b) A minimum 3m wide door opening to be provided for the single car garage.
  - c) All pedestrian doors must be provided outwards from the garages.
  - d) The fence to the rear of Dwelling 1 increased in height to 1.9m above existing ground level with 500mm of trellis above.
  - e) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples).
  - f) A landscape plan in accordance with Condition 9 of this planning permit.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
4. All pipes, fixtures, fittings and vents servicing the dwellings must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
6. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the dwellings without the written consent of the Responsible Authority.

#### 4.10 28 TAYLOR STREET, BRIGHTON EAST (continued)

7. Before the development starts (including demolition), the applicant is to provide a Tree Protection Plan (drawing) and Tree Management Plan (report) must be submitted to and be endorsed by the Responsible Authority. The Tree Protection Plan must be drawn to scale, reference the Tree Management Plan and provide details of:
- a) The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all tree to be retained on the site and for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
  - b) Tree protection fencing, or ground protection where required, provided in accordance with AS4970-2009.
  - c) Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
  - d) Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
  - e) Any pruning to be undertaken being in accordance with AS4373-2007.

The Tree Management Plan must be prepared by a suitably qualified arborist, reference the Tree Protection Plan and provide details of:

- a) Any non-destructive root investigation undertaken in accordance with AS4970-2009 to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
  - b) Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
  - c) How excavation impacts, including soil level changes, on trees to be retained will be managed.
  - d) How the canopy of trees nominated on the Tree Protection Plan will be protected.
  - e) Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any tree s nominated on the Tree Protection Plan.
8. Before the development begins the applicant must pay \$9,215.26 to the Responsible Authority for the removal and replacement of the existing street tree (*Lophostemon confertus* - Brushbox). 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.



#### **4.10 28 TAYLOR STREET, BRIGHTON EAST (continued)**

9. 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 generally in accordance with the landscape concept plan drawn by Millar Merrigan, Landscape Plan Proposed Development, 18151 L01 Version 2 Sheet 1 of 1 and be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
  - a) A minimum of one indigenous canopy tree within the rear yard of each dwelling capable of reaching 14 metres in height.
  - b) A minimum of two shrubs or trees in the north-east planting area adjacent to the driveway of the Dwelling 1 capable of reaching a minimum height of 5m at maturity.
  - c) Screen planting to be provided along the east and west property boundaries.
  - d) A survey (including botanical names) of all existing vegetation to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
  - e) A survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - 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.
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. The vehicular crossing must be constructed to the road to suit the proposed driveway/s to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
13. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
14. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.

#### **4.10 28 TAYLOR STREET, BRIGHTON EAST (continued)**

15. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basement or Below Ground Structures" Any seepage / agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain /Pit and not be discharged to the kerb and channel unless directed otherwise.
16. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either: a trench grate (150mm minimum internal width) located within the property and/or shaping the driveway so that water is collected in a grated pit on the property and/or another Council approved equivalent.
17. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
18. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
19. The subdivision on the endorsed plans must not be altered without the written consent of the Responsible Authority.
20. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
21. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.
22. The owner of the land must enter into an agreement with:
  - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

#### **4.10 28 TAYLOR STREET, BRIGHTON EAST (continued)**

23. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
24. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
25. Prior to the Plan of Subdivision being certified by the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority to the effect that:
- a) The development of Lots 1 and 2 indicated on the plan of subdivision shall be in accordance with approved plans forming part of Planning Permit No. 2015/145 or any amendment to the plans approved by the Responsible Authority.
  - b) The agreement shall be prepared and executed at the owners cost.
26. This permit will expire if:
- a) The plan of subdivision is not certified with compliance within two (2) years of the date of this permit.
  - b) The registration of the subdivision is not completed within five (5) years of the date of this permit.

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

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

#### **Permit Notes**

##### Build over easement

Council records indicate that there is an easement at the rear of the property. Any landscape areas, trees or other plantings over the easement could interfere with the function of the drainage asset. Proposals to build over the easement will require Build Over Easement approval from the Responsible Authority

#### **4.10 28 TAYLOR STREET, BRIGHTON EAST (continued)**

##### Permits to be acquired

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

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

##### Flood zone

Property is not in a 'Flood Zone'.

**CARRIED**

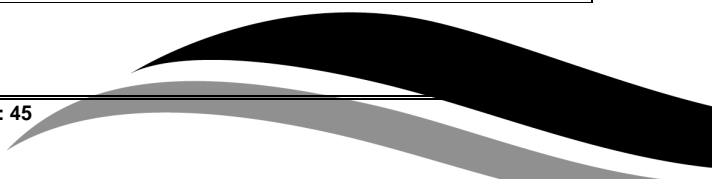
**4.11 76-80 FEWSTER ROAD, HAMPTON**

**Moved Cr Frederico**

**Seconded Cr Lowe**

That the Amended Plans be approved in accordance with the secondary consent provisions of Planning Permit No. 2011/127/1 issued for the Construction of sixteen (16) double storey dwellings (2 with basement) at 76-80 Fewster Road, Hampton, and the following table be added at the end of the permit.

<p>8 September 2015</p>	<p>Amended plans under Secondary Consent to show:</p> <p><u>DWELLING ONE &amp; GARAGE</u></p> <p>Ground Floor Plan TP1A –</p> <ul style="list-style-type: none"> <li>• Internal changes to the laundry and powder room;</li> <li>• Internal changes to the ensuite and wardrobe to bedroom 1;</li> <li>• Additional gas fire place to family room;</li> <li>• Finished floor level of garage raised 86mm to accommodate stormwater detention system;</li> <li>• Above ground rainwater tank relocated adjacent to garage wall.</li> </ul> <p>First Floor Plan TP2A –</p> <ul style="list-style-type: none"> <li>• Internal changes to layout of bedroom 2 and 3 ensuites;</li> <li>• Internal changes to powder room and entry to bedroom 4.</li> </ul> <p>External North Elevation Plan TP3A –</p> <ul style="list-style-type: none"> <li>• Parapet to garage raised slightly;</li> <li>• Finished floor level of garage raised 86mm.</li> </ul> <p>Internal East Elevation Plan TP3A –</p> <ul style="list-style-type: none"> <li>• Window to ground floor powder room deleted and laundry window relocated on this elevation.</li> </ul> <p>External West Elevation Plan TP3A –</p> <ul style="list-style-type: none"> <li>• Garage parapet wall on boundary now raised to a maximum average height of 3.6 metres (previously 3 metres), which is still lower than the adjoining neighbour’s wall on boundary;</li> <li>• Finished floor level to the front and rear of the garage shown now as 86mm higher than previously approved.</li> </ul> <p><u>DWELLING 2</u></p> <p>First Floor Plan TP2A –</p> <ul style="list-style-type: none"> <li>• Internal bathroom layout altered;</li> <li>• Balcony balustrade altered.</li> </ul> <p>Internal East Elevation TP3A –</p> <ul style="list-style-type: none"> <li>• Balustrade to balcony now shown as glass, instead of previously shown solid/rendered finish.</li> </ul>
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**4.11 76-80 FEWSTER ROAD, HAMPTON (continued)**

	<p>External West Elevation TP3A –</p> <ul style="list-style-type: none"> <li>• East facing window to WC deleted, as WC now incorporated within the bathroom.</li> </ul> <p><u>DWELLING 3 &amp; GARAGE</u></p> <p>Ground Floor Plan TP1A –</p> <ul style="list-style-type: none"> <li>• Internal changes to laundry and powder room;</li> <li>• Garage rear door now a double door instead of a single door.</li> </ul> <p>External West Elevation TP3A –</p> <ul style="list-style-type: none"> <li>• Double door to garage now shown.</li> </ul> <p><u>DWELLING 4</u></p> <p>Ground Floor Plan TP1A –</p> <ul style="list-style-type: none"> <li>• Internal alterations to kitchen, powder room and laundry;</li> <li>• Kitchen corner window deleted and replaced with standard window;</li> <li>• Family room corner stacker door system deleted and replaced with bi-fold door system facing north and two standard windows facing west;</li> <li>• Storage shed relocated from behind the garage to adjacent to the rear boundary fence;</li> <li>• Deck area modified slightly.</li> </ul> <p>External West Elevation TP3A –</p> <ul style="list-style-type: none"> <li>• New kitchen window shown which is replacing previous kitchen corner window;</li> <li>• New west facing windows to family room replacing the corner stacker door system.</li> </ul> <p><u>DWELLING 5 &amp; GARAGE</u></p> <p>Ground Floor Plan TP1A –</p> <ul style="list-style-type: none"> <li>• Internal alterations to kitchen, powder room and laundry;</li> <li>• Kitchen corner window deleted and replaced with standard window;</li> <li>• Family room corner stacker door system deleted and replaced with bi-fold door system facing north and two standard windows facing west;</li> <li>• Storage shed relocated from behind the garage to adjacent to the rear boundary fence;</li> <li>• Deck area modified slightly;</li> <li>• Rear double door to garage instead of previously shown rear single garage door</li> </ul>
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**4.11 76-80 FEWSTER ROAD, HAMPTON (continued)**

	<p>External West Elevation TP3A –</p> <ul style="list-style-type: none"><li>• New kitchen window shown which is replacing previous kitchen corner window;</li><li>• New west facing windows to family room replacing the corner stacker door system;</li><li>• Double garage door to the rear now shown instead of the single garage door.</li></ul> <p><u>DWELLING 6</u> Ground Floor Plan TP1A –</p> <ul style="list-style-type: none"><li>• Internal changes to the laundry.</li></ul> <p><u>DWELLING 7</u> Ground Floor Plan TP1A –</p> <ul style="list-style-type: none"><li>• Internal changes to ensuite and kitchen layouts.</li></ul> <p><u>DWELLING 8 &amp; DWELLING 9</u> Ground Floor Plan TP1A –</p> <ul style="list-style-type: none"><li>• The above ground rainwater tanks are now oval shaped rather than circular.</li></ul> <p><u>DWELLING 10 &amp; GARAGE</u> Ground Floor Plan TP1A –</p> <ul style="list-style-type: none"><li>• Bedroom 1 and ensuite and part of kitchen layouts rearranged;</li><li>• The floor area of bedroom 1 has been increased by 3.8 metres long times 800mm. wide, with the ensuite and bedroom 1 wardrobe configuration altered;</li><li>• The east facing windows of the ensuite and bedroom 1 have been relocated to reflect the new arrangement;</li><li>• Two new living room windows facing south;</li><li>• The secluded private open space measurement has been adjusted given the increase in ground floor area.</li></ul> <p>First Floor Plan TP2A –</p> <ul style="list-style-type: none"><li>• The roof area has been amended to reflect the changes to the ground floor bedroom 1.</li></ul> <p>TP3A –</p> <ul style="list-style-type: none"><li>• The development summary has been updated to reflect the above changes to this dwelling.</li></ul> <p>External East Elevation TP4A –</p> <ul style="list-style-type: none"><li>• The altered locations of the ground floor bedroom 1 and ensuite windows are now shown;</li><li>• The extended roof over bedroom 1 is now shown;</li><li>• The parapet wall at the front of the garage has been slightly reduced in height.</li></ul>
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**4.11 76-80 FEWSTER ROAD, HAMPTON (continued)**

	<p>Internal West Elevation TP4A –</p> <ul style="list-style-type: none"> <li>• The parapet wall at the front of the garage has been slightly reduced in height.</li> </ul> <p>External South Elevation TP5A –</p> <ul style="list-style-type: none"> <li>• Additional south facing living room window now shown.</li> </ul> <p><u>DWELLING 11</u> Ground Floor Plan TP1A –</p> <ul style="list-style-type: none"> <li>• Internal changes to the laundry.</li> </ul>
	<p><u>DWELLING 12</u> Ground Floor Plan TP1A –</p> <ul style="list-style-type: none"> <li>• Internal alterations to layout of kitchen laundry and powder room;</li> <li>• Slight increase in deck area.</li> </ul> <p><u>DWELLING 13 &amp; GARAGE</u> Ground Floor Plan TP1A –</p> <ul style="list-style-type: none"> <li>• Internal alterations to kitchen, powder room and laundry;</li> <li>• Kitchen corner window deleted and replaced with standard window;</li> <li>• Family room corner stacker door system deleted and replaced with bi-fold door system facing north and two standard windows facing east;</li> <li>• Deck area increased and modified slightly;</li> <li>• New window added adjacent to rear door of garage.</li> </ul> <p>External East Elevation TP4A –</p> <ul style="list-style-type: none"> <li>• New kitchen window shown which is replacing previous kitchen corner window;</li> <li>• New east facing windows to family room replacing the corner stacker door system;</li> <li>• New east facing window to garage.</li> </ul> <p><u>DWELLING 14</u> Ground Floor Plan TP1A –</p> <ul style="list-style-type: none"> <li>• Living room floor plan altered to show an additional wall between the family and living areas;</li> <li>• North facing window to dining room modified to a bi-fold door system instead of a window.</li> </ul>



**4.11 76-80 FEWSTER ROAD, HAMPTON (continued)**

	<p><u>DWELLING 15</u>                  Ground Floor Plan TP1A –</p> <ul style="list-style-type: none"> <li>• The kitchen/dining/family area including the laundry and powder room have been rearranged;</li> <li>• The east facing windows have been slightly widened.</li> </ul> <p>External East Elevation TP4A –</p> <ul style="list-style-type: none"> <li>• The ground floor east facing windows now shown as widened;</li> </ul> <p><u>DWELLING 16 &amp; GARAGE</u>                  Ground Floor Plan TP1A –</p> <ul style="list-style-type: none"> <li>• Kitchen and dining room have been relocated;</li> <li>• The new east facing kitchen wall has been extended out by approximately one metre towards the east;</li> <li>• The bi-fold door system previously located between the dining and family areas has been relocated to the external corner of the family room;</li> <li>• New kitchen window facing east;</li> <li>• Previous east facing family windows deleted;</li> <li>• The deck area has been extended;</li> <li>• The size of the above ground rainwater tank has slightly altered;</li> <li>• The rear garage door is now a double door instead of a single door;</li> <li>• The secluded private open space measurement adjusted as a result of the increase in the ground floor area.</li> </ul> <p>First Floor Plan TP2A –</p> <ul style="list-style-type: none"> <li>• As a result of the extension to the kitchen, the roof over that area has been altered together with the roof over the garage of dwelling 15.</li> </ul> <p>External East Elevation TP4A –</p> <ul style="list-style-type: none"> <li>• New ground floor kitchen window shown</li> <li>• New bi-fold door to family room now shown;</li> </ul> <p>The altered roof outline to the new kitchen area now shown together with the altered roof outline over the garage of dwelling 15.</p>
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**CARRIED**

**The Chairman declared the meeting closed at 8.38pm.**

**CONFIRMED THIS 27 DAY OF OCTOBER 2015**

**CHAIRPERSON:** .....