



Minutes of the Planning and Amenity Committee Meeting

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 9 August 2016

The Meeting commenced at 7:00pm

Councillors	Cr Laurence Evans (Chairman) Cr Alex del Porto Cr Felicity Frederico Cr Michael Heffernan Cr James Long BM JP Cr Bruce Lowe Cr Heather Stewart
In attendance	Shiran Wickramasinghe – Director City Planning & Amenity Lili James – Manager Amenity Protection Arthur Vatzakis – Statutory Planning Coordinator Hew Gerrard – Statutory Planning Coordinator Janice Pouw – Governance Officer Sarah Collins – Principal Statutory Planner Rubin Winograd, Principal Statutory Planner Patricia Stewart – Senior Statutory Planner Natasha Cox, Statutory Planner Scott Seide, Statutory Planner Katy Guest – Customer Focus Planner Sarah Jepsen-Meek – Customer Focus Planner

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5. Confidential Business
Nil



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

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of any Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 12 July 2016.

Moved: Cr del Porto

Seconded: Cr Long

That the minutes of the Planning & Amenity Committee Meeting held on 12 July 2016, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 TREE REMOVAL - 45 DURRANT STREET, BRIGHTON

City Planning and Amenity -
File No: FOL/15/4128 – Doc No: DOC/16/123636

Moved: Cr del Porto

Seconded: Cr Lowe

That Council grants a tree removal permit to remove the Tallow Wood (Eucalyptus microcorys) tree and requires the landowner to plant and maintain a replacement tree to the satisfaction of the Manager Amenity Protection as a condition of the tree removal permit.

CARRIED



**4.2 15 - 19 MAJOR STREET HIGHETT
SUPPORT THE GRANT OF PLANNING PERMIT
APPLICATION: 2015/815/1 WARD: CENTRAL**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/120175

Moved: Cr Lowe

Seconded: Cr Frederico

That Council:

Determines to **Support** the application under the provisions of the Bayside Planning Scheme in respect of Planning Application Number **2015/815/1** for the land known and described as **15-19 Major Street Highett**, for the **construction of a three storey building with two levels of basement** 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 tabled at the VCAT Compulsory Conference dated 11 July 2016 but modified to show:
 - a) The third level (top floor) deleted.
 - b) Overall height to not exceed 10.0m. (Excluding lift over run and plant and equipment (which is located north of the lift overrun and east of void).
 - c) Basements to be provided with the minimum number of car parking spaces required by Clause 52.06 of the Bayside Planning Scheme for dwellings and visitors.
 - d) All habitable room windows and balconies to be treated to ensure there is no overlooking into neighbouring secluded private open space areas or habitable rooms in accordance with Standard B22 (Overlooking) of Clause 55. Details of treatment must be provided and may include louvre treatments. (except for conditions 1(e)).
 - e) Bedroom windows on the southern elevation on levels 1 and 2 shall be treated with louvres to restrict any downward views.
 - f) The balconies on level 2 be modified to be generally in accordance with the plan signed at the VCAT compulsory conference dated 11 July 2016.
 - g) Show that screening treatment is provided to the windows of all dwellings that have internal views of habitable rooms or SPOS areas within the development comply with Standard B23 (Internal Views).
 - h) Plans demonstrating compliance with Standards B20 and B21 of the Bayside Planning Scheme.
 - i) Details of the dividing wall located in the centrally located courtyard.
 - j) Notations to show that all AC condenser units and any other plant and equipment in basement or rooftop.

- k) Rooftop plant shown, a notation that rooftop plant and equipment screened and to include an installation of one layer of 6mm thick fibrous cement board to the inside of the rooftop plant screen for acoustic purposes.
- l) Skylight added above the stairwell.
- m) A longitudinal section plan for the ramp showing all levels to AHD including grades, lengths, levels at change in grade and height clearance.
- n) Each dwelling provided with 6 cubed metres of externally accessible storage as per Clause 55.
- o) A schedule of external construction materials, finishes and colours.
- p) Water sensitive urban design measures in accordance with condition 7 of this permit.
- q) A detailed landscape plan in accordance with condition 17.
- r) Annotations and dimensions of all waste and recycling storage areas.
- s) Any consequential changes to be in accordance with all conditions in this permit.

All changes to plans must be to the satisfaction of the Responsible Authority.

- 2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. All plant and equipment to be located away from habitable room windows of the dwellings and the adjoining properties habitable rooms. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
- 4. All pipes, fixtures, fittings and vents (other than downpipes) 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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
- 6. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
- 7. Before the endorsement of condition 1 plans, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans 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 landscaped 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.

8. The water sensitive urban design stormwater treatment system as shown on the endorsed plans 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.
9. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
10. Before the occupation of the development starts, new or altered vehicle crossing servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
11. Should mechanical stackers be required, they must be kept in good working order to the satisfaction of the Responsible Authority to ensure access to all car spaces is available at all times and to prevent adverse noise emissions.
12. Any security boom, barrier or similar device controlling other than intercom vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to prop clear of Major Street.
13. Before the occupation of the development 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. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction.

Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
- b) The location of tree protection measures to be utilised.



16. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
17. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Ornamental pears shown along the southern boundary be replaced with evergreen species to reach a minimum height of around 10.0m.
 - b) 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.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - e) Details of surface finishes of pathways and driveways
 - f) Tilia Cordata species be shown as planted in the front setback north of the pedestrian entrance
 - g) The provision of additional canopy trees along the western boundary as its northern end (outside of the easement)
18. Before the commencement of any works, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
19. Before the commencement of any works, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
20. Before the commencement of any works, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
 - a) Storm water drains in storage areas should be fitted with a litter trap.
 - b) The number and size of bins to be provided.
 - c) Facilities for bin cleaning.
 - d) Method of waste and recyclables collection.
 - e) Types of waste for collection, including colour coding and labelling of bins.
 - f) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
 - g) Method of hard waste collection.
 - h) Method of presentation of bins for waste collection.
 - i) Sufficient headroom within the basement to accommodate waste collection vehicles.



- j) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
- k) Strategies for how the generation of waste and recyclables will be minimised.
- l) Compliance with relevant policy, legislation and guidelines.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

- 21. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
- 22. All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
- 23. Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
 - a) A detailed schedule of works including a full project timing.
 - b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
 - c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
 - d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
 - e) Proposed traffic management signage indicating any inconvenience generated by construction.
 - f) Fully detailed plan indicating where construction hoardings would be located.
 - g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
 - h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
 - i) Site security.
 - j) Public safety measures.
 - k) Construction times, noise and vibration controls.
 - l) Restoration of any Council assets removed and/or damaged during construction.



- m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
 - n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
 - o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
 - p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
 - q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
 - r) Details of crane activities, if any.
24. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

CARRIED



**4.3 15 JENNINGS STREET, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2015/588/1 WARD: SOUTHERN**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/61481

It is noted that Mr Jason Barnfather and Mr Larry Jackson and spoke in relation to this matter.

Moved: Cr Stewart

Seconded: Cr Frederico

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning Permit application number **2015/588/1** for the land known and described as **15 Jennings Street, Sandringham**, for the **construction of two dwellings and a front fence greater than 1.2 metres** in accordance with the endorsed plans and subject to the following conditions from the standard 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 prepared by Martin Friedrich Architects, Council date stamped 20 June 2016 and the landscape plan by Wallbrink Landscape Architecture being drawing no. 1849TP1 and dated 9 June 2016 but modified to show:
 - a) Provision of 6 cubic metres of external storage for each dwelling.
 - b) Location of all plant and equipment, including hot water services and air conditioners etc.
 - c) Provision of a 1.8 metre high boundary fence on the north and south boundaries, with 500mm lattice, measured from Natural Ground Level.
 - d) Provision of obscure glazing to a height of 1.7 metres for all habitable room windows being fixed, obscure and non-openable as per Standard B22.
 - e) A schedule of construction materials, external finishes and colours (incorporating paint samples).
 - f) Deletion of Dwelling 1, bedroom 3 balcony.
 - g) Deletion of Dwelling 2, bedroom 3 balcony.
 - h) Level indications at each grade change point for the driveway, measured from the centre line of the road to the east end of the car parking spaces located in the basement.
 - i) A detailed landscape plan which must include:
 - i. Provision of an indigenous tree capable of reaching a height of 8 metres with a canopy width of 6 metres at maturity, to be situated in the front setback of the northern dwelling.
 - ii. A survey, including, botanical names of all existing trees to be retained on the site and trees located within 5 metres of the property boundaries, including Tree Protection Zones calculated in accordance with AS4970-2009.

- iii. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. When in VPO include.
 - iv. Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - v. Details of surface finishes of pathways and driveways.
 - vi. Provision of Tree Protection Plan as per Condition 9.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
4. 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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
6. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building
7. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans 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 landscaped 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.

8. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
9. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

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



Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - b) The location of tree protection measures to be utilised.
10. Before the development starts the applicant must pay \$6,223.27 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Councils current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.
 11. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
 12. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

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.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

CARRIED

**4.4 29A NEW STREET BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2015/549/1 WARD: CENTRAL**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/92365

Moved: Cr Lowe

Seconded: Cr Long

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme for Planning Permit No. 2015/549/1 in respect of the land known and described as **29A New Street Brighton**, for **alterations and additions to an existing dwelling including a first floor rear addition** in accordance with the decision 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 Council date stamped 3 May 2016 but modified to show:
 - a) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
 - b) A schedule of construction materials, external finishes and colours in muted tones to reflect the lightness of the streetscape to the satisfaction of the Responsible Authority.
 - c) A detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - I. A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - II. 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.
 - III. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.
 - IV. Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - V. Details of surface finishes of pathways and driveways.
 - d) Detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:

- I. The type of water sensitive urban design stormwater treatment measures to be used.
- II. The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
- III. 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.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
4. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
5. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
6. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset protection Application may be required. This can be arranged by calling Asset Protection Administrator on 9599 4638.
- The existing street tree/s must not be removed or damaged.

CARRIED

**4.5 285 BEACH ROAD, BLACK ROCK
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2016/153/1 WARD: SOUTHERN**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/93313

It is noted that Mr Les Finnis spoke in relation to this matter.

Moved: Cr Stewart

Seconded: Cr Frederico

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning Permit application number **2016/153/1** for the land known and described as **285 Beach Road, Black Rock**, for the **alterations and additions to an existing building on a lot less than 500 square metres and alteration of access to a Road Zone Category 1** in accordance with the endorsed plans and subject to the following conditions from the standard 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 in accordance with the plans advertised and additional plans prepared by Finnis Architects dated 03/07/16 but modified to show:
 - a) The first floor east facing wall of the sitting room setback at least 6 metres from the property frontage.
 - b) The alfresco area shown at the rear of the dwelling to be labelled as being constructed of timber or other permeable decking material.
 - c) Deletion of the roof deck, roof deck access and any outdoor amenity area on the roof.
 - d) The provision of additional planter box(es) in accordance with plans prepared by Finnis Architects with Drawing No: TP-04 (Revision C) and TP-06 (Creation date 03/07/16).
 - e) The pedestrian gate facing Beach Road to be a maximum height of 2 metres and to be constructed of vertical timber slats with at least 25% transparency. The gate must be noted as being inward swinging only.
 - f) The garage roller door labelled as being automatic and remotely controlled.
 - g) The location of all plant and equipment, including hot water services and air conditioners etc. shown on the plans and all such equipment must be located away from habitable room windows of both the approved dwellings and the adjoining properties habitable rooms.
 - h) A schedule of construction materials, external finishes and colours.
 - i) A detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be prepared by a suitably qualified landscape professional and be drawn to scale with dimensions and three copies must be provided. The plan must show:

- i. A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009;
 - ii. 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;
 - iii. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.
 - iv. The inclusion of an indigenous tree capable of reaching 12 metres high and 6 metres wide at maturity within the rear setback;
 - v. Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces;
 - vi. Details of surface finishes of pathways and driveways
- j) A Tree Management Plan and Tree Protection Plan in accordance with Condition 8 of this permit and any amendments to the proposal to accommodate
- k) Show all Water sensitive urban design measures in accordance with Condition 14 of this permit and any amendments to the proposal to accommodate

All to the satisfaction of the Responsible Authority.

2. The development as shown on the endorsed plans must not be altered without the prior 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 must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
8. Before the endorsement of plans at Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction.



Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - b) The location of tree protection measures to be utilised.
9. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
 10. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
 11. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
 12. Any pruning that is required to be done to the canopy of any tree to be retained, including the canopy of any trees in neighbouring properties which overhang the subject site, is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.
 13. Any installation of services and drainage within a Tree Protection Zone of any tree to be retained must be undertaken using root sensitive non-destructive techniques.
 14. Before the endorsement of plans at Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans 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 landscaped 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.



15. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
16. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
17. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
18. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
19. 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.
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. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- 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 any connection to the Council Drain / kerb / channel.

CARRIED

**4.6 42 CARPENTER STREET BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2015/722/1 WARD: NORTHERN**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/116007

Moved: Cr del Porto

Seconded: Cr Long

That Council, having caused notice of **Planning Application No. 2015/722/1** to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act decides to issue a **Notice of Refusal to Grant a Permit** in respect of the land known and described as **42 Carpenter Street, Brighton** for the construction of a three storey building containing three dwellings and a front fence greater than 1.2 metres in height for the following reasons:

1. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character Policy, Precinct B2) of the Bayside Planning Scheme, on the following grounds:
 - a) The proposal fails to provide sufficient opportunities for landscaping and substantial vegetation.
 - b) The proposal fails to maintain the rhythm and spacious visual separation between buildings and provide space for front gardens.
 - c) The proposal fails to ensure the upper level elements of the front façade and side elevations are recessed and articulated.
 - d) The access to car parking dominates the street frontage and the basement layout limits opportunities for meaningful landscaping.
 - e) The proposed massing of the building fails to provide a sensitive fit within the streetscape or provide a suitable transition in height with adjoining properties.
 - f) The high front fence and solid fence profile fails to provide a visual connection between the dwellings and the streetscape and does not allow for views into front gardens.
2. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B1 – Neighbourhood Character – The development fails to respond to the existing and preferred neighbourhood character for this precinct.
 - b) Standard B9 – Permeability – The proposed 18.62% permeability in lieu of 20% and fails to sufficiently reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.
 - c) Standard B13 – Landscaping – The proposal fails to provide sufficient landscaping opportunities to maintain the landscape character of the area.
 - d) Standard B17 – Side and Rear Setbacks –
 - The proposed first floor north-east (side) setback is proposed to be constructed on the boundary and offset 2m in lieu of 2.69m.
 - The proposed first floor south-west (side) setback is proposed to be constructed on the boundary, and offset 1.75m in lieu of 2.69m.
 - The proposed second floor north-east (side) setback is proposed at 1 and 2m in lieu of 6.69m.

- The proposed south-west (side) setback is proposed to be constructed on the boundary and offset 1.75m and 3.01m in lieu of 6.52m.
 - The proposed second floor south-east (rear) setback is proposed at 3.83m in lieu of 5.09m.
- e) Standard B18 – Walls on boundaries – The proposed wall constructed to the north-east site boundary is 7.78m and 10.5m to the south-east site boundary in lieu of 3.6m.
- f) Standard B32 – Front fences – The proposed front fence is proposed at 2m in height in lieu of 1.2m.
3. The proposal fails to respond to the objectives of Clause 43.02 (Design and Development Overlay Schedule 11) of the Bayside Planning Scheme as the proposed front setback of the second floor and side setbacks at first and second floor fail to provide an appropriate design response to minimise visual bulk to the streetscape and surrounding properties.
4. The proposal does not provide efficient, convenient or safe vehicle movements within the site as required by Clause 52.06 of the Bayside Planning Scheme.

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

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

CARRIED

**4.7 32 BEAUMARIS PARADE HIGHETT
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2015/792/1 WARD: CENTRAL**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/119794

It is noted that Mr William Meares, Ms Trish Boase and Mr David Rowley spoke in relation to this matter.

Moved: Cr Frederico

Seconded: Cr Long

That Council, having caused notice of **Planning Application No. 2015/792/1** to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act decides to issue a **Notice of Refusal to Grant a Permit** in respect of the land known and described as **32 Beaumaris Parade, Highett** for the **construction of two double storey dwellings** for the following reasons:

1. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character Policy, Precinct G1) of the Bayside Planning Scheme, on the following grounds:
 - a) The proposed boundary to boundary siting of the dwellings does not respect the rhythm of visual separation.
 - b) The proposed roof form does not respect the dominant roof form in the area being pitched with eaves.
2. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B1 – Neighbourhood Character - The development fails to respond to the existing and preferred neighbourhood character for this precinct.
 - b) Standard B6 – Street setback – The front setback does not comply with the standard and does not respect the predominant street setbacks in the neighbourhood.
 - c) Standard B17 – Side and Rear setbacks – The side setbacks do not comply with setbacks in the area and do not limit amenity impacts on neighbouring dwellings.
 - d) Standard B22 – Overlooking – At first floor there are some sections of overlooking and this will cause detriment on the amenity of neighbouring properties.
3. The proposal does not comply with Design Standard 3 (Gradients) of Clause 52.06-8 of the Bayside Planning Scheme.

CARRIED

**4.8 37 FERGUSON STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION: 2015/539/1 WARD: NORTHERN**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/77469

It is noted that Mr K.S. Spencer spoke in relation to this matter.

Moved: Cr Heffernan

Seconded: Cr del Porto

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning Permit application number **2015/539/1** for the land known and described as **37 Ferguson Street, Brighton East** for the **construction of two dwellings** in accordance with the plans and subject to the following conditions from the standard 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 dated 23 November 2015 but modified to show:
 - a) Front setbacks at ground and first floor levels fully dimensioned on the plans.
 - b) The front setback of dwelling 1 to be increased to a minimum of 5 metres in order to achieve compliance with Standard B6 of the Bayside Planning Scheme.
 - c) All upper floor obscure glazing to comply with Standard B22 (Overlooking) of the Bayside Planning Scheme with details of compliance noted on the elevation plans.
 - d) Details of screening treatment to ensure the dwelling 1 first floor rear (north) facing bedroom window meets compliance with Clause 55.04-6 Standard B22 (Overlooking) of the Bayside Planning Scheme.
 - e) Any changes in accordance with the construction of the rear lane required by Conditions 3 and 4 of this permit.
 - f) A schedule of external construction materials, finishes and colours.
 - g) A detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - I. A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - II. 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.

- III. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - IV. Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - V. Details of surface finishes of pathways and driveways
 - VI. The addition of two canopy trees to reach minimum heights of 12 metres and widths of 5 metres planted within the front setback of the site.
- h) Any changes to the development that result from Condition 3 or Condition 9.
 - i) Water sensitive urban design measures in accordance with Condition 10 of this permit.
 - j) An Arborist Report in accordance with Condition 12 of this permit.
 - k) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and habitable rooms of adjoining properties.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. Before the endorsement of plans at Condition 1, 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 permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must include:
 - a) The construction of the entire laneway at the rear of the site from Agnes Street to Nepean Hwy;
 - b) The construction of appropriate drainage system for stormwater runoff; and
 - c) The construction of the laneway to Council's standards and specifications.All works constructed or carried out must be in accordance with those plans and to the satisfaction of the Responsible Authority.
 4. Before the use of the development starts, the entire laneway at the rear of the site from Agnew Street to Nepean Highway 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;All to the satisfaction of the Responsible Authority.
 5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.



6. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
7. 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.
8. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
9. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
11. Before the commencement of buildings and works, an Arborist's Report in accordance with AS4970-2009 (Protection of trees on development sites) is required to be submitted and approved by the Responsible Authority. The report must cover an assessment of the impact of the proposed development on the existing row of neighbouring *Pittosporum tenuifolium* trees (Tree 2 on the Landscape Plan) that runs along the eastern boundary of the adjoining property at 35A Ferguson Street, and specifically address any impacts the dwelling 1 western side living / dining room wall and the dwelling 1 garage may have on these trees where these walls intrude into their tree protection zones. The report should include any measures which may be required to ensure the viability of these trees during and post construction, including relevant design modifications as required.
12. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans 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 landscaped 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.
13. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
14. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.



15. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures". Any seepage/agricultural drainage water must be filtered to rain water clarity and must be 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:
 - i) A trench grate (150mm minimum internal width) located within the property and/or
 - ii) Shaping the driveway so that water is collected in a grated pit on the property and/or
 - iii) Another Council approved equivalent.

Before the development begins, detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be approved by Council's Infrastructure Assets department.

17. 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.
18. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

CARRIED

**4.9 1/25 FIRST STREET, BLACK ROCK
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION: 2015/810/1 WARD: SOUTHERN**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/114302

It is noted that Mr Saul Sirtzky spoke in relation to this matter.

Moved: Cr Stewart

Seconded: Cr del Porto

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning Permit application number **2015/810/1** for the land known and described as **1/25 First Street, Black Rock**, for the **construction of a two storey dwelling on a lot under 500 square metres in area** with the following conditions to be added to the permit:

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 date stamped 8 March 2016, but modified to show:
 - a) A detailed landscape plan which must include:
 - i. A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - ii. 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.
 - iii. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.
 - iv. Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - v. Details of surface finishes of pathways and driveways.
 - b) Details of window screening treatment to the two east facing, first floor kitchen windows to ensure compliance with Clause 54.04-6 Standard A15 (Overlooking) of the Bayside Planning Scheme.
 - c) Annotated visibility splays in accordance with Design Standard 1 of Clause 52.06-8 of the Bayside Planning Scheme.
 - d) The crossover and driveway associated with the dwelling to be a minimum width of 3 metres with a 0.8m offset to the western property boundary.
 - e) All plant and equipment to be identified and located away from habitable room windows of the dwellings and the adjoining property's habitable rooms.

- f) A schedule of all construction materials, external finishes and colours
 - g) The first floor, north facing boundary wall to include suitably contrasting materials, finishes and /or colours to those used at ground floor level, to the satisfaction of the Responsible Authority.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
4. Before development commences the applicant must pay \$5,632.45 to the Responsible Authority for the removal and replacement of the existing street tree. This amount has been determined in accordance with Councils current policy for the removal of street tree. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.
5. 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.
6. 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.
7. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - i) A trench grate (150mm minimum internal width) located within the property and/or
 - ii) Shaping the driveway so that water is collected in a grated pit on the property and/or
 - iii) Another Council approved equivalent.
8. Before the development begins, detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be approved by Council's Infrastructure Assets department.
9. 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 must be carried out and completed to the satisfaction of the Responsible Authority.
10. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.



11. Before the occupation of the development starts, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
12. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the written consent of the Responsible Authority.
13. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from street view to the satisfaction of the Responsible Authority.
14. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
15. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

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.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

CARRIED

**4.10 135 - 137 CARPENTER STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION: 2016/160/1 WARD: NORTHERN**

City Planning and Amenity -
File No: PSF/15/8755 – Doc No: DOC/16/115002

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

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council:

Issues 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 **135 - 137 Carpenter Street, Brighton**, for the **construction of a three storey building and a front fence greater than 1.5m in height** in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans date stamped 8 March 2016 but modified to show:
 - a) The proposed 1.7m high privacy screening to extend across the entire length of the balcony to apartment 1.01, in accordance with Standard B22 (Overlooking) of ResCode.
 - b) Replacement of the second floor planter boxes with screening measures along the north and south elevation of apartment 2.01 in accordance with Standard B22 (Overlooking) of ResCode.
 - c) The northern end of the façade, measured from the ensuite and bedroom of apartment G.03 and the dining room of apartment 1.02 to achieve a setback of 5.25m in accordance with Standard B6 (Street Setback) of ResCode.
 - d) The proposed basement entry to incorporate a minimum 2.2m headroom clearance at the entrance, measured perpendicular to the ramp.
 - e) The installation of a 'STOP-GO' signal system, with priority given for vehicles entering from the street.
 - f) The proposed basement plan to detail the parking allocation and linemarking of car spaces. Visitor spaces must be clearly linemarked.
 - g) Water sensitive urban design measures in accordance with Condition 7 of this permit.
 - h) A Tree Management Plan in accordance with Condition 16 of this permit.
 - i) A Waste Management Plan in accordance with Condition 19 of this permit.
 - j) A detailed landscape plan generally in accordance with the landscape concept plan prepared by John Patrick dated March 2016 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009 and condition 16 of this permit.
 - b) 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.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - e) Details of surface finishes of pathways and driveways.
 - f) Removal of the westernmost two proposed pear trees in the western setback.
 - g) Any other changes to be in accordance with all conditions in this permit.
- All changes to the plans must be to the satisfaction of the Responsible Authority.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. All plant and equipment to be located away from habitable room windows of the dwellings and the adjoining properties habitable rooms. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 4. 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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 6. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 7. Before the endorsement of condition 1 plans, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans 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 landscaped 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.



8. The water sensitive urban design stormwater treatment system as shown on the endorsed plans 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.
9. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
10. Before the occupation of the development starts, new or altered vehicle crossing servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
11. Should mechanical stackers be required, they must be kept in good working order to the satisfaction of the Responsible Authority to ensure access to all car spaces is available at all times and to prevent adverse noise emissions.
12. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to prop clear of Carpenter Street.
13. Before the occupation of the development 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. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified. The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:
 - a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - b) The location of tree protection measures to be utilised.
 - c) The Tree Management Plan must include a requirement for the site arborist to undertake an inspection of the area along the south boundary of the existing brick garage for any damage to roots from the *Grevillea robusta* and that any necessary remedial actions occur. This inspection should be documented and made available to Council within 28 days of a written request.
 - d) Details regarding soil excavation around the proposed vehicle crossing, ensuring that soil excavation does not occur within 2.2m from the edge of the *ulmus glabra* 'Lutescens' street tree asset's stem at ground level.



16. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
 - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
 - b) Fencing must be installed to comply with AS 4970–2009, Protection of trees on development sites.
 - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
 - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
17. Prior to soil excavation for a Council approved crossover within the TPZ. A trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected must be correctly pruned.
18. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.
19. Before the commencement of any works, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
20. Before the commencement of any works, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
21. Before the commencement of any works, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
 - a) Storm water drains in storage areas should be fitted with a litter trap.
 - b) The number and size of bins to be provided.
 - c) Facilities for bin cleaning.
 - d) Method of waste and recyclables collection ensuring bin collection is via private collection during after hours.
 - e) Types of waste for collection, including colour coding and labelling of bins.
 - f) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
 - g) Method of hard waste collection.
 - h) Method of presentation of bins for waste collection.



- i) Sufficient headroom within the basement to accommodate waste collection vehicles.
 - j) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
 - k) Strategies for how the generation of waste and recyclables will be minimised.
 - l) Compliance with relevant policy, legislation and guidelines.
When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.
 - m) Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
 - n) All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
22. Before the commencement of works, a Construction Management Plan (CMP), 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 and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
- a) A detailed schedule of works including a full project timing.
 - b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
 - c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
 - d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
 - e) Proposed traffic management signage indicating any inconvenience generated by construction.
 - f) Fully detailed plan indicating where construction hoardings would be located.
 - g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
 - h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
 - i) Site security.
 - j) Public safety measures.



- k) Construction times, noise and vibration controls.
 - l) Restoration of any Council assets removed and/or damaged during construction.
 - m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
 - n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
 - o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
 - p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
 - q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
 - r) Details of crane activities, if any.
23. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

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.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

CARRIED

**4.11 32 BRIDGE STREET HAMPTON
NOTICE OF DECISION TO AMEND A PLANNING PERMIT
APPLICATION: 2013/420/3 WARD: CENTRAL**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/117114

It is noted that Mrs Enid Sheehy, Mr Ross Sheehy and Mr Peter Wright spoke in relation to this matter.

Moved: Cr Lowe

Seconded: Cr Frederico

That Council defers this item for one meeting cycle to allow officers to offer a consultation meeting between the objectors and the applicant to clarify vegetation, size of the barbeque and the size of the decking.

Procedural Motion

Moved: Cr del Porto

Seconded: Cr Frederico

That the Motion be now Put.

CARRIED

The Motion moved by Cr Lowe and seconded by Cr Frederico was Put and **CARRIED**

5. Confidential Business

Nil

Following consideration of Confidential Business the Chairperson declared the meeting closed at 9.14pm.

CONFIRMED THIS INSERT 6 DAY OF SEPTEMBER 2016

CHAIRPERSON:

