



Minutes of the Planning and Amenity Committee Meeting

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 12 February 2019

The Meeting commenced at 7:00pm

- Councillors
- Cr Alex del Porto
 - Cr Laurence Evans
 - Cr Michael Heffernan (Mayor)
 - Cr James Long BM JP
 - Cr Clarke Martin
 - Cr Sonia Castelli
 - Cr Rob Grinter
- In attendance
- Hamish Reid – Director City Planning and Amenity
 - Matthew Cripps – Manager Development Services
 - Michael Kelleher – Statutory Planning Coordinator
 - Sarah Collins – Statutory Planning Coordinator
 - Fiona Farrand – Statutory Planning Coordinator
 - Karen Brown – Governance Coordinator
 - Robert Lamb – Governance Officer

Table of Contents

1. Apologies
2. Disclosure of any Conflict of Interest of any Councillor
3. Adoption and Confirmation of the minutes of previous meeting
4. Matters of Decision
 - 4.1 15 Locke Street, Brighton East Notice of Decision to Grant a Permit Application No: 2018/579/1 Ward: Northern..... 4
 - 4.2 15 Stonehaven Crescent, Hampton East Notice of Decision to Grant a Permit Application No: 2018/371/1 Ward: Central 9
 - 4.3 12 Pacific Boulevard, Beaumaris Grant a Permit Application No: 2018/673/1 Ward: Southern 14
 - 4.4 260-264 Highett Road, Highett Notice of Decision to Grant a Permit Application No: 2018/411/1 Ward: Central 16
 - 4.5 109 Abbott Street, Sandringham VCAT Amended Plans - Support the Grant of a Permit Application No: 2018/353/1 Ward: Central..... 25
 - 4.6 1/8 Cole Street, Brighton Notice of decision to Amend a Permit Application No: 2016/421/2 Ward: Northern 28
 - 4.7 VCAT Report - Decisions made in December 2018 33
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 22 January 2019.

Moved: Cr Long

Seconded: Cr Evans

That the minutes of the Planning & Amenity Committee Meeting held on 22 January 2019, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 15 LOCKE STREET, BRIGHTON EAST NOTICE OF DECISION TO GRANT A PERMIT APPLICATION NO: 2018/579/1 WARD: NORTHERN

City Planning & Amenity - Development Services
File No: PSF/15/8755 – Doc No: DOC/19/11859

It is recorded that Mr T W Hassall, Mr Neil Harris, Mrs Greer Harris and Mr Matthew Poulter each spoke for three minutes in relation to this item.

Moved: Cr del Porto

Seconded: Cr Heffernan (Mayor)

That Council resolve to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/579/1** for the land known and described as **15 Locke Street, Brighton East**, for the **construction of two double-storey dwellings and a front fence exceeding a height of 1.2 metres on a lot** 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 (advertised) prepared by Andrew Ferris Drafting and Design Sheets 1, 2, 3, 4 and 5 Issue TPA and Designer Issue Sheets 6 and 7 dated August 2018 but modified to show:
 - a) The fence within the front setback of Unit 1 and adjacent the driveway must not exceed a height of 1.2 metres;
 - b) Crossover to be 3 metres wide and offset 1 metre from the western boundary of the site with a 1 metre wide separator between the crossover and the neighbouring crossover;
 - c) Sightlines to be provided in accordance with AS2890.1;
 - d) Garages at both units to have minimum a width of 5.5 metres and length of 6 metres with a minimum headroom of 2.1 metres;
 - e) Garage doors at both units to have a minimum width of 4.8 metres;
 - f) 6sqm externally accessible storage to be provided in the secluded private open space of each dwelling;
 - g) The on-site vehicle accessway is to include a pattern or texture to add articulation and break-up the expanse of hard surfacing;
 - h) 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 habitable rooms of adjoining properties;
 - i) A schedule of construction materials, external finishes and colours (incorporating for example paint samples);

- j) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit;
- k) A Landscaping Plan in accordance with Condition 10 of this permit;
- l) A Tree Management and Tree Protection Plan in accordance with Condition 13 of this permit; and
- m) Provision of the development contributions levy in accordance with Condition 23 of this permit.

All to the satisfaction of the Responsible Authority.

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 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 (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view, to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens must 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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

8. Prior to the endorsement of plans pursuant to 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.

9. 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.

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, 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 generally in accordance with the landscape concept plan drawn by Andrew Ferris Drafting, reference Sheet 6 of 7, dated August 2018, and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Development changes;
 - b) 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;
 - c) 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;
 - d) A planting schedule of all proposed trees and shrubs including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces;
 - f) Details of water sensitive urban design elements;
 - g) Details of surface finishes of pathways and driveways;
 - h) Two (2) small canopy trees which have the capacity to grow to a minimum 8m height at maturity, or one (1) large canopy tree species which has the capacity to grow to a minimum 12m height at maturity in the front setback of unit 1;
 - i) Two (2) small canopy trees which have the capacity to grow to a minimum 6m height at maturity; or one (1) large canopy tree species which has the capacity to grow to a minimum 10m height at maturity in the private open space of unit 1; and
 - j) Two (2) small canopy trees which have the capacity to grow to a minimum 6m height at maturity; or one (1) large canopy tree species which has the capacity to grow to a minimum 10m height at maturity in the private open space of unit 2.
11. 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.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

13. Prior to the endorsement of plans pursuant to 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; and
 - b) The location of tree protection measures to be utilised.
14. 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.
15. 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.

Street tree protection

16. Soil excavation must not occur within 2 metres from the edge of the street tree asset's stem at ground level.
17. 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 AS4970-2009, 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; and
 - 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.
18. 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.
19. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Drainage

20. 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.
21. 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 City Assets and Projects Department.

22. Council records indicate that there is a 1.83m wide drainage and sewerage easement along the North property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the Responsible Authority/Authorities. Minimum easement width must be the greater of; 2m from the boundary or 0.5m from the asset.

Development Contributions Levy

23. Prior to endorsement of the plans required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

Permit Expiry

24. This permit will expire if one of the following circumstances applies:
- The development is not started within two years of the date of this permit;
 - 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.
- 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.
- 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.

CARRIED

**4.2 15 STONEHAVEN CRESCENT, HAMPTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2018/371/1 WARD: CENTRAL**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/17869

It is recorded that Ms Elpi Antzoulatos Ms Mietta Gleeson each spoke for three minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Long

That Council resolve to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/371/1** for the land known and described as **15 Stonehaven Crescent, Hampton East**, for the **construction of two dwellings on a lot** 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 advertised plans prepared by Crowhurst Building Design, project number 540, date April 2018 and revision A but modified to show:
 - a) The dwelling ID notation on ground floor plan TP3 and first floor plan TP4 correctly labelled to reflect the elevations;
 - b) The wall on boundary notations from the elevations removed;
 - c) Exact permeability noted in the development summary table;
 - d) Further articulation to both dwellings elevations through the implementation of one additional colour and/or material from the material schedule;
 - e) The first floor fenestration to the dwellings façade to be redesigned to maximise solar access;
 - f) Pedestrian door openings to be provided outwards from the garage;
 - g) The driveways modified to include curves to allow for additional landscaping and to reduce the 'gun barrel' affect to the streetscape;
 - h) The existing vehicle crossing to be removed and replaced to align with the on-site driveway;
 - i) Both vehicles crossings are to be constructed at 3.6m wide with a 60-degree splay along the southern edge of each crossing. A 900mm wide separator must be installed in between the two new crossovers and the neighbouring crossovers;
 - j) Adequate sight lines where each driveway intersects with the front footpath in accordance with Design Standard 1 – Accessways of Clause 52.06-9 of the Bayside Planning Scheme;
 - k) Sections to demonstrate the engineering details of the proposed rain gardens;

- l) Location of all plant and equipment including hot water services to be located away from habitable room windows of dwellings and the habitable rooms of adjoining properties;
- m) An amended material schedule nominating the colour of the roof;
- n) A Landscaping Plan in accordance with Condition 8 of this permit;
- o) An Arboricultural Impact Assessment Report in accordance with Condition 11;
- p) A Tree Management and Protection Plan in accordance with Condition 12; and
- q) Provision of the development contributions fee in accordance with Condition 22.

All to the satisfaction of the Responsible Authority.

- 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 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 (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 6. Before the occupation of the site commences, 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. 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.

Landscaping

- 8. Prior to the endorsement of plans pursuant to Condition 1, 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 generally in accordance with the advertised landscape concept plan drawn by Bayview Landscaping and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) All development changes as required by Condition 1;
 - b) The retention of tree 5 - *Lophostemon confertus* (Queensland box brush);
 - c) The replacement of the *Eucalyptus pauciflora* (Snow Gum) in the front setback of dwelling with 1 with one large canopy tree (trees with mature heights of 12m or greater);

- d) The replacement of the *Eucalyptus pauciflora* (Snow Gum) in the rear setback of dwelling 2 with one large canopy tree (trees with mature heights of 12m or greater) and relocated out of the existing easement;
 - e) The *Eucalyptus pauciflora* (Snow Gum) proposed to the rear SPOS of dwelling 1 to be relocated out of the existing easement;
 - f) The provision of permeable paving to the developments front setback to ensure the long term viability of the canopy tree;
 - g) The deletion of the decking to both side boundaries to allow for extensive landscaping;
 - h) 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
 - i) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
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. Prior to the endorsement of plans pursuant to Condition 1, an Arboricultural Impact Assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites.

The report will explain design and construction methods proposed to minimize impacts on trees to be retained trees (site trees and neighbouring trees) where there is encroachment into the calculated TPZ.

Tree Management and Protection Plan

12. Prior to the endorsement of plans pursuant to 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
 - i. Tree 5 - *Lophostemon confertus* (Queensland box brush)
 - ii. Tree 3 - *Syagrus romanzoffiana* (Queen palm) located on the neighbouring property; and
- b) The location of tree protection measures to be utilised.

13. Any modification to the report or plan must be approved by the site arborist. Such approval must be noted and provided to the Responsible Authority within seven days.
14. 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.
15. 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.

Street tree protection

16. Soil excavation must not occur within 2.8 metres from the edge of the *Liquidambar styraciflua* (Liquidamber) street tree asset's stem at ground level measured from the edge of the trunk.
17. 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 and maintained to comply with AS4970-2009, Protection of trees on development sites;
 - c) Fencing is to encompass the entire nature strip under the drip line of the tree;
 - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers; and
 - 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.
18. 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 by must correctly pruned according to AS 4373-2007.
19. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Drainage

20. 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.
21. 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 City Assets and Projects Department.

Development Contribution

22. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount

payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Permit Expiry

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:

- Council records indicate that there is a 1.83m wide drainage and sewerage easement along the west property boundary as indicated on the drawings provided. The plans indicate that decking, BBQ, separating fence shall be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the Responsible Authority/Authorities. The decking, BBQ, separating fence shall be partially removable/demountable over the easement, and the proposal may require a Section 173 agreement to be created on the property title to ensure the continuation of Council rights of drainage. Minimum easement width must be the greater of 2m from the boundary or 0.5m from the asset.
- Subsurface water must be treated in accordance with Council's Policy for "Works on Assets within the Road Reserve Policy 2018".
- 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.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- 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.

CARRIED

**4.3 12 PACIFIC BOULEVARD, BEAUMARIS
GRANT A PERMIT
APPLICATION NO: 2018/673/1 WARD: SOUTHERN**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/20524

It is recorded that Mrs Michelle Celebicanin spoke for three minutes in relation to this item.

Moved: Cr Evans

Seconded: Cr Martin

That Council resolve to Issue a **Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/673/1** for the land known and described as **12 Pacific Boulevard, Beaumaris**, for the **Removal of vegetation in a Vegetation Protection Overlay** 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 advertised plans but modified to show:
 - a) A Landscaping Plan in accordance with Condition 4 of this permit.
All to the satisfaction of the Responsible Authority.
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 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.

Landscaping

4. Prior to the endorsement of plans pursuant to Condition 1, 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 generally in accordance with the advertised plans and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Replacement planting of 1 small canopy tree reaching a mature height of at least 8 metres within the front setback;
 - b) Replacement planting of 1 small canopy tree reaching a mature height of at least 8 metres within the rear setback;
 - c) The retention of Tree 30 (Coastal Teatree) in the south east corner of the subject site;
 - d) A survey including botanical names of all existing trees to be retained and removed 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 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;
 - g) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces; and
 - h) Details of all landscaping, water sensitive urban design elements (as applicable) and surface finishes.
5. 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.
 6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Permit Expiry

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

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.
- 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.
- 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.

CARRIED

**4.4 260-264 HIGHETT ROAD, HIGHETT
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2018/411/1 WARD: CENTRAL**

City Planning & Amenity - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/313858

Moved: Cr Castelli

Seconded: Cr Long

That Council resolve to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/411/1** for the land known and described as **260-264 Highett Road, Highett** for the **construction of buildings and works in a Commercial 1 Zone (C1Z), Design and Development Overlay, Schedule 4 (DDO4) and Special Building Overlay (SBO) and reduction of the car parking requirement associated with the food and drink premises (café)** 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 advertised but modified to show:
 - a) Provision of a 'Stop/Go' system in relation to the vehicle ramp to the basement to the satisfaction of the Responsible Authority;
 - b) Nomination of corner splays (or area) on either side of the vehicle entrance to at least 50 per cent clear of visual obstructions to the satisfaction of the Responsible Authority;
 - c) Provision of a vehicular gate, roller door or similar, within the title boundaries of the subject site, to the west of the right-of-way exit to Middleton Street;
 - d) Nomination of the headroom clearance of the vehicular entrance and basement on the elevations or section plan;
 - e) Provision of a dedicated pedestrian entrance for the Child Care Centre to the Highett Road frontage, without increasing the overall building height or decreasing any other setbacks;
 - f) A schedule of construction materials, external finishes and colours (incorporating for example paint samples);
 - g) WSUD measures in accordance with condition 7;
 - h) Any changes as required by Conditions 12-15 of this permit (Melbourne Water Conditions);
 - i) A Tree Management and Protection Plan in accordance with Condition 16 of this permit;
 - j) An updated Waste Management Plan in accordance with Condition 18 of this permit;
 - k) A Car Parking Management Plan in accordance with Condition 19 of this permit;

- l) Payment of development contributions in accordance with Condition 20. Please provide information on the existing floor area, to allow for an accurate calculation of this required figure;
- m) Any modifications to the plans arising from the Laneway reconstruction plan in accordance with Condition 22; and
- n) Any modifications to the plans arising from the Public works plan in accordance with Condition 24.

All to the satisfaction of the Responsible Authority.

- 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 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 (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

- 7. Prior to the endorsement of plans pursuant to 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; and
 - 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.

Street Trees

9. The street tree asset can be removed under Clause 6.5 of the Street and Park Tree Management Policy (2016) to allow the development to proceed with the installation of the proposed vehicle crossing and footpath awnings.

Drainage

10. 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.
11. 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 City Assets and Projects Department.

Melbourne Water Conditions

12. Finished floor levels of all habitable areas (including toilets) must be maintained to be no lower than 31.3 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 31.0 metres to AHD.
13. Finished surface levels of non-habitable areas must be set no lower than 31.15 metres to Australian Height Datum (AHD) which is 150mm above the applicable flood level of 31.0 metres to AHD.
14. Entry apex to the proposed basement as well as all openings, vents or other entry and exit points that may allow for entry of floodwaters to the basement must be set no lower than 31.3 metres to Australian Height Datum (AHD) which is 300mm above the applicable flood level of 31.0 metres to AHD.
15. Walls must be provided surrounding the basement driveway, and the top of these walls must be set at least at 31.0 metres AHD.

Tree Management and Protection Plan

16. Before the development starts, including any related demolition or removal of vegetation, a Tree Management report and Tree Protection Plan in relation to the trees on adjoining properties, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management report must include:

- a) Details of Tree Protection Zones, as per AS4970, 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) Protection measures to be utilised and when they will be implemented; and
- c) Stages of development at which the site arborist will inspect tree protection measures.
- d) The Tree Protection Plan must be drawn to scale and show:
- e) The location of all tree protection measures to be utilised.
- f) Any modification to the report or plan must be approved by the site arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

Construction Management Plan

17. Prior to commencement of any building works (including demolition works in a Heritage Overlay) and / or the issue of a Building Permit a Construction Management Plan (CMP) prepared 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 form part of this permit. The plan must provide for (but not limited to):
- a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - b) Works necessary to protect road and other infrastructure;
 - c) Remediation of any damage to road and other infrastructure;
 - d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - e) Facilities for vehicle washing, which must be located on the land;
 - f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - g) Site security;
 - h) Management of any environmental hazards including, but not limited to:
 - i) contaminated soil and ground water
 - ii) materials and waste
 - iii) dust
 - iv) stormwater contamination from run-off and wash-waters
 - v) sediment from the land on roads
 - vi) washing of concrete trucks and other vehicles and machinery
 - vii) spillage from refuelling cranes and other vehicles and machinery;
 - i) The construction program;
 - j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - k) Parking facilities for construction workers;
 - l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - m) An outline of requests to Council /Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services;
 - n) 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 experienced;
 - o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
 - p) Include details of bus movements throughout the precinct during the construction period;

- q) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
- i) using lower noise work practice and equipment
 - ii) the suitability of the land for the use of an electric crane
 - iii) silencing all mechanical plant by the best practical means using current technology
 - iv) fitting pneumatic tools with an effective silencer
 - v) other relevant considerations
 - vi) any site-specific requirements

During the construction;

- r) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- s) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- t) Vehicle borne material must not accumulate on the roads abutting the land;
- u) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- v) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Waste Management Plan

18. Before the endorsement of plans, 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) Dimensions of storage waste areas;
- b) Storm water drains in storage areas should be fitted with a litter trap;
- c) The number and size of bins to be provided;
- d) Facilities for bin cleaning;
- e) Method of waste and recyclables collection;
- f) Types of waste for collection, including colour coding and labelling of bins;
- g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines);
- h) Method of hard waste collection;
- i) Method of presentation of bins for waste collection;
- j) Sufficient headroom within the basement to accommodate waste collection vehicles;

- k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction;
- l) Strategies for how the generation of waste and recyclables will be minimised; and
- m) 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.

Car Parking Management Plan

19. Before commencement of the uses on the land, a Car Parking Management Plan must be submitted to and approved by the Responsible Authority. The Traffic and Parking Management Plan must be in accordance with the application documents but updated to include:
- a) The location of pick-up and drop-off areas/zones and addressing the management of the car parking area during peak hours to the satisfaction of the Responsible Authority;
 - b) Further details in relation to the functionality of the 'Stop/Go' system including a car parking information system;
 - c) The location of all areas on-site to be used for staff parking;
 - d) Areas where pick up and drop off of children are encouraged to occur;
 - e) The hours of operation of the car parking areas;
 - f) Proactive measures to be implemented that will encourage users to utilise the preferred pick up and drop off areas; and
 - g) Allocation of on-site parking corresponding to the endorsed plans.

When approved, the Traffic and Parking Management Plan will be endorsed and will then form part of the permit. The approved Traffic and Parking Management Plan must be implemented to the satisfaction of the Responsible Authority.

Development Contribution.

20. Prior to endorsement of the plans required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Acoustic Requirements

21. All recommendations stated within the Acoustic Report submitted with the application and prepared by Marshall Day (dated 12 June 2018) must be followed / complied with at all times.

Laneway reconstruction

22. 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 plans must be drawn to scale with dimensions and

three copies must be provided. The plans must be in accordance with Council's specifications and must show:

- a) Dimensions of the laneway to the south east of the site;
 - b) Australian Height Datum at the points where the laneway meets the adjoining boundaries;
 - c) The section of laneway constructed from its intersection with Middleton Street to the boundary of the subject site;
 - d) Construction details of the section of laneway in consultation with Council officers, adopting specific needs; and
 - e) A clear notation to indicate that the owner of developed land (not developer) is responsible for all costs associated with the laneways construction.
23. Prior to the commencement of works, a laneway construction management plan, that includes traffic management, to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The laneway management plan must:
- a) Be specific to the construction of the section of laneway;
 - b) Include community information and liaison processes for affected parties that includes notifications of road closure and alternate access opportunities. Include liaison contact details for affected parties to resolve vehicle and pedestrian access issues;
 - c) Include liaison contact details for any relevant government agencies/ first responders such as VicRoads/Police/ SE Water/ Melbourne Water/ United Energy etc.;
 - d) List construction stage hold points for the purposes of progress inspections by Council's Engineers;
 - e) Include a resolution process for damage to adjacent properties/ infrastructure;
 - f) Details of traffic management; and
 - h) Before the occupation of the development the section of laneway must be constructed, drained and line marked in accordance with the plans endorsed under Condition 22 to the satisfaction of the Responsible Authority.

Public works plan

24. Prior to the endorsement of plans pursuant to Condition 1, a Public Works Plan must be prepared and developed in collaboration with Council. It must be submitted and approved to the satisfaction of the Responsible Authority, showing:
- a) Details of upgrades to the existing Council footpaths on Highett Road from the western most part of the site to the intersection with Middleton Street;
 - b) Details of the location of new vehicle crossings and the reinstatement of any existing crossovers;
 - c) Details of new street tree plantings;
 - d) Details of new street furniture, including seats, rubbish bins, etc.;

- e) Details of new bicycle parking facilities;
- f) Details of the remarking of the lines of the on-street car parking spaces in front of the site to align with any new vehicle crossings;
- g) Details of the relocation of existing street parking signs;
- h) Details of any public lighting;
- i) Details of any weather protection elements over the nature strip/footpath (i.e. a canopy/verandah); and
- j) undergrounding of powerlines.

When approved, such plan will form part of the endorsed plans under this permit.

25. Prior to the occupation of the site associated with the development hereby approved, all public works associated with that stage must be completed in accordance with the endorsed Public Works Plan to the satisfaction of the Responsible Authority. The cost of all works associated with the endorsed plan must be borne by the developer/owner of the land.

Permit Expiry

26. 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.
- 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.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- The installation of the vehicle crossing and footpath awnings will severely impact the street tree asset. As the design does not allow any other option for the location of this vehicle crossing and to allow this development to proceed, the tree may be approved for removal under Clause 6.5 of the Street and Park Tree Management Policy (2016).

Before the vehicle crossing application will be approved, the applicant must pay \$11,407.20 to the Responsible Authority for the removal and replacement of the existing street tree(s). This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The

Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.

CARRIED

**4.5 109 ABBOTT STREET, SANDRINGHAM
VCAT AMENDED PLANS - SUPPORT THE GRANT OF A PERMIT
APPLICATION NO: 2018/353/1 WARD: CENTRAL**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/25425

It is recorded that Ms Susanne Motherwell, Dr Olivia Abbay, Mr Peter Zidich, Mrs Melissa Marcus (via proxy Susanne Motherwell), Mrs Helena Cannon (via proxy Peter Zidich), Mr Philip Gleeson, Mr Peter Nolle, Mrs Jennifer Page, Mr Paul Rigg, Mr Christian Nielsen and Ms Sabrina Blom each spoke for three minutes in relation to this item.

It is recorded that Cr del Porto left the meeting at 8:16pm. Councillor del Porto returned to the meeting at 8:21 pm.

It is recorded that Councillor Castelli left the meeting at 8:26 pm. Councillor Castelli returned to the meeting at 8:29 pm.

Moved: Cr Long

Seconded: Cr Castelli

- A. That Council resolve to advise all parties and original objectors that while it acknowledges the amendments to the plans, it re-affirms its position to **Not Support** planning application **2018/353/1** for the land known and described as **109 Abbott Street, Sandringham**, for the **construction of four double storey buildings comprising a total of twelve dwellings above a basement level** subject to the following grounds:
1. The proposed development of the land does not meet with the purpose of the Neighbourhood Residential Zone as follows:
 - a) The proposal does not respect the existing or preferred neighbourhood character of the area due to the built form, scale, mass and design detail of the building;
 - b) The residential buildings do not comply with numerous objectives, standards and decision guidelines of Clause 55; and
 - c) The proposal represents an overdevelopment of the site by virtue of the site coverage, bulk and mass of the building.
 2. The proposal does not respect the existing neighbourhood character or preferred neighbourhood character as outlined within Precinct E3 of Clause 22.06 of the Bayside Planning Scheme due to:
 - a) The proposal fails to ensure that new buildings do not dominate the streetscape through the built form, scale, mass and design detail of the building resulting in an overdevelopment of the site in a location removed from the Sandringham Major Activity Centre;
 - b) The proposal fails to develop the area in a manner that conserves and enhances its valued character;
 - c) The proposal fails to reflect the lightness and openness of the streetscape and will result in a dominant and bulky development within the streetscape; and

- d) The proposal fails to maintain a strong landscape character of residential buildings set within vegetated front gardens and streetscapes.
3. The proposal does not comply with the following standards and objectives of Clause 55 of the Bayside Planning Scheme:
- a) Clause 55.02-1, Standard B1, Neighbourhood character – The proposal does not provide an appropriate design response to the neighbourhood and site or respect the existing or preferred neighbourhood character with regard to built form, scale, mass, design detail of the building and enhancing the garden setting of the area;
 - b) Clause 55.02-2, Standard B2, Residential policy – The proposal does not accord with all relevant housing policy in the Victoria Planning Provisions and Local Planning Policies;
 - c) Clause 55.02-5, Standard B5, Integration with the street objective – The proposal fails to appropriately integrate with the Abbott and Vincent Street streetscape. The proposal fails to respond to prevailing setbacks and the openness of the streetscapes due to high front fences;
 - d) Clause 55.03-1, Standard B6, Street setback – The proposal fails to provide the minimum street setback that respects the existing or preferred neighbourhood character;
 - e) Clause 55.03-5, Standard B10, Energy efficiency – Habitable rooms and area of secluded private open space area are not located to maximise solar access;
 - f) Clause 55.03-7, Standard B12, Safety – Entrances to the centrally located dwellings are obscured and will be overshadowed. The access path to these dwellings will not benefit from a high level of surveillance;
 - g) Clause 55.03-8, Standard B13, Landscaping – The development fails to provide an acceptable level of landscaping and fails to respect the landscape character of the neighbourhood;
 - h) Clause 55.04-1, Standard B17, Side and rear setbacks – The proposal fails to ensure that the setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings;
 - i) Clause 55.05-2, Standard B26, Dwelling entry – Fails to ensure each dwelling entry is clearly visible and easily identifiable or provide a transitional space to the entry;
 - j) Clause 55.05-5, Standard B29, Solar access to open space – The proposal fails to provide for adequate solar access into the secluded private open space of new dwellings;
 - k) Clause 55.06-2, Standard B32, Front fences – The proposed fence design does not respect the existing or preferred neighbourhood character of both Abbott and Vincent Street; and
 - l) Clause 55.06-3, Standard B33, Common property – The proposed common accessway within the development at ground level may give rise to future management difficulties.

**4.6 1/8 COLE STREET, BRIGHTON
NOTICE OF DECISION TO AMEND A PERMIT
APPLICATION NO: 2016/421/2 WARD: NORTHERN**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/20431

It is recorded that Mr Garry Williams and Mr David Johnson each spoke for three minutes in relation to this item.

Moved: Cr del Porto

Seconded: Cr Heffernan (Mayor)

That Council resolve to issue a **Notice of Decision to Amend a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2016/421/1** for the land known and described as **1/8 Cole Street Brighton**, for the **additions and alterations to an existing residential building with two or more dwellings on a lot and a front fence exceeding 1.2 metres** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and/or development start/s, 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 7 October 2016) but modified to show:
 - a) The Eastern boundary fence providing a visual barrier to a minimum height of 1.8 metres in accordance with Standard B22;
 - b) The two windows serving the family room of dwelling four and the two enlarged windows serving bedroom one of dwelling four in the eastern elevation at first floor level to either be screened, obscure glazed or have raised sill levels in accordance with Standard B22;
 - c) Existing crossover adjacent to the eastern boundary to be removed and reinstated to a width of 3.6 metres and offset from the eastern boundary by 0.8 metres;
 - d) Parking space accessed from eastern crossover to be a minimum of 2.7 metres in width and with a gradient that does not exceed 1 in 16 in accordance with AS2890.1;
 - e) Existing crossover adjacent to the western boundary to be removed and reinstated to a width of 3 metres and offset from the western boundary by 0.8 metres;
 - f) A minimum of 5.2 metres of aisle width to be clear of all obstructions and vegetation for the 90 degree parking spaces;
 - g) Adequate sightlines provided where each driveway intersects with the front footpath in accordance with AS2890.1;
 - h) Soil volume between the pool and the southern boundary fence to be retained and no compaction of this soil to take place;

- i) No soil excavation to occur within 2.9 metres of the tree stem of the Norfolk Island Hibiscus (*Lagunaria patersonii*) located on the nature strip fronting the property;
 - j) Tree protection plan in accordance with condition 12;
 - k) The wall along the southern boundary must be amended so that it does not exceed the height of the previously approved wall at any point (this condition relates to the wall only, not the associated screening); and**
 - l) Provision of the appropriate screening to minimise overlooking from the deck of dwelling 4 in accordance with Standard B22.**
2. The use and/or development as shown on the endorsed plans must not be altered 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. 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.
 8. 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.
 9. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
 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. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
12. Before the development starts, 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; and
 - b) The location of tree protection measures to be utilised.
13. 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.
 14. 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.
 15. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.
 16. 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.
 17. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where storm-water is drained under gravity to the Council network.
 18. Before the development, detailed plans indicating, but not limited to, the method of storm-water 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. 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

- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council’s Policy for “Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- The applicant must clearly identify what impact, if any, the proposed vehicle crossing will have on Council assets such as pits and trees, power poles etc. Such items must be accurately shown on the plan.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.

The following table is to be added at the end of the permit:

Date	Details
12 February 2019	<p>Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to:</p> <p><u>Include the following conditions:</u></p> <p>Addition of condition 1(k) and 1(l)</p> <p><u>Approve changes to the plans as follows:</u></p> <p><i>Main Building</i></p> <ul style="list-style-type: none"> • Various minor changes to size and location of windows. No additional overlooking opportunities arise. • Very minor changes to ceiling heights (overall building height would not change). • Extend length of unit 4 first floor deck 2 (located at the front of the site) by 850mm and delete the stairs. <p><i>Rear Outbuilding</i></p> <ul style="list-style-type: none"> • Rear building demolished and now reconstructed. • Changes to wall on boundary heights. • Amendment to ceiling heights.



	<ul style="list-style-type: none">• Various changes to the west façade, including window modifications (no additional overlooking).• Change to external stairwell location.• Internal layout changes;• Pool reduced in size.
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CARRIED

4.7 VCAT REPORT - DECISIONS MADE IN DECEMBER 2018

City Planning & Amenity - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/307286

Moved: Cr del Porto

Seconded: Cr Castelli

That Council:

1. receives and notes the report; and
2. notes the outcome of VCAT decisions on the planning applications handed down during December 2018.

CARRIED

5. Confidential Business

There was no Confidential Business submitted to the meeting.

Following consideration of Confidential Business, the Chairperson declared the meeting closed at 9:47pm.