



Minutes of the Planning and Amenity Committee Meeting

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Thursday 6 July 2017

The Meeting commenced at 7.00pm

Councillors Cr Alex del Porto (Mayor)
Cr Laurence Evans
Cr Michael Heffernan
Cr James Long BM JP
Cr Clarke Martin

In attendance Matt Kelleher – Acting Director City Planning and Community Services
Rachel Lunn – Manager Development Services
Arthur Vatzakis – Statutory Planning Coordinator
Michael Kelleher – Statutory Planning Coordinator
Fiona Farrand – Principal Statutory Planner
Sarah Collins – Principal Statutory Planner
Kirsty Slater – Senior Statutory Planner
Josh Maitland – Senior Statutory Planner
Ziqi Xi – Senior Statutory Planner
Anita Rozankovic-Stevens – Statutory Planner
Sumaya Nakamya – Statutory Planner
Terry Callant – Manager Governance

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 11 Nautilus Street, Beaumaris Notice of Decision to Grant a Planning Permit Application No: 2016/370/1 Ward: Southern.....4
 - 4.2 1/133 Thomas Street, Brighton East Notice of Decision to Grant a Planning Permit Application No: 2016/270/1 Ward: Northern 8
 - 4.3 8 Danson Street, Highett Notice of Decision to Grant a Planning Permit Application No: 2016/608/1 Ward: Central.....9
 - 4.4 8-10 Station Walk, Brighton Notice of Decision to Grant a Planning Permit Application No: 2015/780/1 Ward: Central..... 14
 - 4.5 17 Jackson Road, Highett Notice of Decision to Grant a Planning Permit Application No: 2016/297/1 Ward: Central..... 19
 - 4.6 1 Wave Street, Hampton Notice of Decision to Grant a Planning Permit Application No: 2016/673/1 Ward: Central..... 24
 - 4.7 3 Primrose Crescent, Brighton East Notice of Decision to Grant a Planning Permit Application No: 2017/174/1 Ward: Northern ...29
 - 4.8 23-25 Crisp Street, Hampton Notice of Decision to Grant a Planning Permit Application No: 2016/497/1 Ward: Central.....34
 - 4.9 11A Keiller Street, Hampton East Support the Grant of a Planning Permit Application No: 2016/354/1 Ward: Central..... 36
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

An apology was received from Cr Castelli.

Moved Cr del Porto

Seconded Cr Long

That the apology of Cr Sonia Castelli be received and a leave of absence granted.

CARRIED

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 June 2017.

Moved: Cr Grinter

Seconded: Cr Long

That the minutes of the Planning & Amenity Committee Meeting held on 22 June 2017, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

**4.1 11 NAUTILUS STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/370/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/107283

It is recorded that Mr Mark Butler spoke for three minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr del Porto (Mayor)

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2016/370/1** for the land known and described as **11 Nautilus Street, Beaumaris**, for the **construction of two double storey dwellings and the removal of native vegetation in the Vegetation Protection Overlay Schedule 3** 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 Elevation 7 Council date stamped 9 September 2016 submitted with the application but modified to show:
 - a) Elevation plans amended to show screening of both first floor sitting areas and study, as shown on plans labelled "Objectors comments" dated 13 December 2016.
 - b) Compliance with Standard B22 (Overlooking) with respect to the east facing ground floor windows of dwelling 2. This can occur through either window screening or fence extensions to the required height.
 - c) The front setback of both dwellings to be increased to 9 metres, to meet the setback requirement of Standard B6. The redesign must occur to the satisfaction of the Responsible Authority, and any cantilevered elements at first floor should not project beyond 500mm and the garage must not project forward of the front most section of the dwelling (whether at ground or first floor). There are to be no reductions to any rear boundary setbacks.
 - d) Landscape Plan modified in accordance with Condition 8 of this permit.
 - e) A Tree Protection Report and a Tree Management Plan in accordance with Condition 9 of this permit.
 - f) Water sensitive urban design measures (rain gardens and water tanks) in accordance with Condition 14 of this permit.
 - g) An assessment to demonstrate the impact, if any, the proposed vehicle crossings will have on Council assets. The plans must show all assets surrounding the proposed crossover.

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Prior to 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.
4. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the Responsible Authority.
6. All pipes (except 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.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. Prior to the endorsement of plans pursuant to Condition 1, an amended 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 Jack Merlo Design and Landscape Architects on behalf of Elevation 7, reference TP01, dated September 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.
 - 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. Plantings must be 80% indigenous by species type and count.
9. 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.



- b) Verification that the *Leptospermum laevigatum* tree located at no. 9 Nautilus Street on the western boundary on the site will not be affected by the proposed development in accordance with Condition 1.
 - c) The location of tree protection measures to be utilised.
10. 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.
11. A tree protection fence is required for the protection of all street tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
- a) Fencing is to be secured prior to demolition and maintained 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.
 - f) 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.
 - g) All roots that will be affected must be correctly pruned.
 - h) Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.
12. The location of the proposed vehicle crossing will not impact the tree's health and stability; however, soil excavation must not occur within 3 metres from the edge of the *Allocasuarina verticillata* (Drooping She-oak) street tree asset's stem at ground level.
13. 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.
14. 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.

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. Council records indicate that there is a 1.83m wide drainage and sewerage easement along the northern 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 Authorities.
17. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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



**4.2 1/133 THOMAS STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/270/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/109624

It is recorded that Mrs Stephanie Murphy, and Mr Tony Chapman (via proxy Mr Jason Peynenborg) spoke for three minutes each in relation to this item.

Moved: Cr del Porto (Mayor)

Seconded: Cr Heffernan

That this item be deferred to the Planning and Amenity Committee meeting to held in two months' time to enable further consideration.

CARRIED

**4.3 8 DANSON STREET, HIGHETT
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/608/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/109973

Moved: Cr Grinter

Seconded: Cr del Porto (Mayor)

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2016/608/1** for the land known and described as **8 Danson Street, Highett**, 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 amended plans Council date stamped 20 December 2016 but modified to show:
 - a) The first floor street setbacks of dwelling 1 and dwelling 2 increased to 9.0 and 8.5 metres respectively and absorbed within the building footprint.
 - b) Further articulation to both dwelling elevations through the implementation of an additional 2 materials including timber cladding.
 - c) A schedule of construction materials, external finishes and colours in muted tones.
 - d) The garage openings of dwelling 1 and 2 to be a minimum 3.0 and 4.8m respectively.
 - e) The existing crossover to be replaced with a new 3m wide crossover. The crossover is to be offset 1m from the northern property boundary and include a 1m wide separator.
 - f) The accessway associated with dwelling 2 to be a minimum of 3m wide and offset 1.2m from the southern property boundary.
 - g) Provision of pedestrian sight lines in accordance with Clause 52.06-8 of the Bayside Planning Scheme.
 - h) Deletion of all boundary fence notations from development plans.
 - i) All indicative landscaping to be removed from the ground and first floor plan.
 - j) An amended Landscape Plan in accordance with Condition 9 of this permit.
 - k) A Tree Management Plan (report) and Tree Protection Plan (drawing) in accordance with Condition 10 of this permit.

- i) 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:
 - 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 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 buildings without the written consent of the Responsible Authority.
5. All pipes (except down 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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
7. Location of all plant and equipment, including hot water services and air conditioners etc. to be located away from habitable room windows of dwellings and the adjoining properties habitable room windows.
8. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority.
9. Before the development starts, an amended Landscape Plan 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 must be generally in accordance with the Landscape Plans by Zenith Concepts Council date stamped 20 December 2016 but modified to show:
 - a) The correct address notated.



- b) One canopy tree capable of reaching 8m height and 4m spread at maturity in the front set back of dwelling two and one canopy tree capable of reaching 8m height and 4m spread at maturity in the front set back of dwelling two.
 - c) The retention of the Jacaranda (*Jacaranda mimosifolia*).
 - d) 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.
 - e) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - f) Landscaping and/or planting within all areas open areas of the site not covered by buildings or hard surfaces.
 - g) Details of surface finishes of pathways and driveways.
 - h) The location of the water sensitive urban design stormwater treatment measures.
10. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), 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.
- 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.
11. 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.
12. 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.
13. 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.



14. Before the development starts tree protection fencing is to be established around the street tree *Eucalyptus scoparia* (Wallangarra White Gum) marked for retention prior to demolition and maintained until all works on site are complete. Conditions for street tree protection fencing during development are as follows:
 - a) Fencing must be secured prior to demolition and maintained 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 must 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.
 - f) Soil excavation must not occur within 2.7m from the edge of the *Eucalyptus scoparia* (Wallangarra White Gum) street tree asset's stem at ground level.
 - g) 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.
 - h) All roots that will be affected must be correctly pruned.
 - i) Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.
15. 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.
16. 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.
17. Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

Permit Expiry

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

- The Telstra Pit to be converted to a trafficable pit. Approval from Telstra is required.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.
- Council records indicate that there is no easement within the property.
- This permit does not constitute any authority to carry out any buildings 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 8-10 STATION WALK, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2015/780/1 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/115662

It is recorded that there were no speakers in relation to this item.

Moved: Cr Grinter

Seconded: Cr Martin

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2015/780/1** for the land known and described as **8-10 Station Walk, Brighton**, for the **use and development of the site for a two storey, mixed use building plus attic and a subsequent reduction in the associated car parking requirements** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Bild Architecture marked revision D but modified to show:
 - a) Each dwelling and the commercial tenancy to have minimum provisions of 1 bicycle parking space on-site.
 - b) The upper level bathrooms of each dwelling to include provision of a skylight (or similar external light access).
 - c) Screening of the southern wall of the western facing balcony of Dwelling to a height of 1.7 metres above finished floor level.
 - d) 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.
 - e) Water sensitive urban design measures in accordance with Condition 7 of this permit.
 - f) An Acoustic Report in accordance with Condition 10 of this permit.
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. The one single car space to be a shared car space between all three tenants.
4. Before the development starts, a Car Park Management Plan (CPMP) prepared by a suitably qualified traffic engineer must be submitted to and be endorsed by the Responsible Authority. The CPMP must detail how the one on-site car space will be shared between each of the three tenancies of the proposed development (two dwellings and a commercial tenancy).

The CPMP must detail resolutions and alternatives (such as public transport) when there are booking conflicts for the car space and alternative car park arrangements.

The CPMP is to be the ongoing responsibility responsibly of the owner's corporation.

5. Before the use and 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.
6. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent 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. 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.

10. 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.
11. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d) Presence of vermin.
12. Prior to the endorsement of plans pursuant to Condition 1, an Acoustic Report prepared by a suitably qualified acoustic engineer must be submitted to and be endorsed by the Responsible Authority. The report must prescribe the form of acoustic treatment to:



- a) Protect dwelling occupants (including future residents within the building) with a direct interface to commercial tenancies above, next to or below from associated commercial noise sources, including, but not limited to, the proposed commercial use, loading docks (including reversing beepers) and all plant and equipment to be installed or constructed.
 - b) Protect all dwelling occupants from external noise sources with specific regard to Brighton Beach railway system and off-site commercial areas to achieve an internal noise level of 50dBA L_{max} in bedrooms and 60dBA L_{max} in living rooms and to achieve internal structure-borne vibration induced noise levels not exceeding 40dBA in bedrooms and 50dBA in living rooms.
13. The recommendations contained in the approved Acoustic Reports pursuant to condition 12 of this permit must be implemented and completed and where they are recommendations of an ongoing nature, must be implemented and maintained to the satisfaction of the Responsible Authority.
 14. 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.
 15. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
 16. 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.
 17. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - a) A trench grate (150mm minimum internal width) located within the property and/or
 - b) Shaping the driveway so that water is collected in a grated pit on the property and/or
 - c) Another Council approved equivalent.
 18. Before the 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.
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

- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- 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.

CARRIED



**4.5 17 JACKSON ROAD, HIGHETT
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/297/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/104589

It is recorded that Dr Lachlan Gray, and Mr Chris Pippo spoke for three minutes each in relation to this item.

Moved: Cr Grinter

Seconded: Cr Long

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2015/297/1** for the land known and described as **17 Jackson Road, Highett**, 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 Creative Living Innovations and Council date stamped 12 October 2016 and the proposed Landscape Plan prepared by Dare Designs and Council date stamped 5 April 2017, but modified to show:
 - a) Screening of the ground floor east facing windows of Dwelling 1 in accordance with the requirements of Standard B22.
 - b) The provision of a 1.8 metre high dividing fence within the rear setback in accordance with the requirements of Standard B23.
 - c) Dwelling 2 to have a minimum 3 metre wide door opening.
 - d) The gradient of both driveways must not exceed 1 in 16.
 - e) Both driveways to have a minimum width of 3 metres and to be suitably paved.
 - f) The existing crossover to the east to be replaced with a new crossover with roll over kerbs on either side in accordance with Council's Vehicle Crossing policy.
 - g) The driveway to Dwelling 2 where it intersects with the footpath to be 3 metres wide with a minimum 800mm offset from the western property boundary.
 - h) A 3 metre wide new crossover is to be reconstructed with an 800mm offset from the western property boundary.
 - i) Adequate sightlines to be demonstrated on the plans in accordance with the Design standards for car parking pursuant to Clause 52.06-8 of the Bayside Planning Scheme.
 - j) Water sensitive urban design measures in accordance with Condition 8 of this permit.

- k) A Landscaping Plan in accordance with Condition 11 of this permit.
- l) A Tree Impact Assessment Report in accordance with condition 12 of this permit.
- m) A Tree Management and Protection Plan in accordance with Condition 15 of this permit.
- n) Any consequential changes to the plans to comply with any conditions of this permit which must result in no increase in the built form envelope.

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 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 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.



10. 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 openings must be removed and replaced with footpath/nature strip/kerb and channel, to the satisfaction of the Responsible Authority.

Landscaping

11. Prior to the endorsement of plans pursuant to Condition 1, a detailed Landscape Plan generally in accordance with the landscape plan submitted with the application prepared by Richard J Dare dated 30 September 2016 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 be modified to 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.
 - 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) The planting of two trees capable of reaching 12 metres in height and 6 metres wide at maturity.
 - g) The planting of two trees capable of reaching 8 metres in height and 4 metres wide at maturity.
12. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Impact Assessment Report in accordance with Part 2.3.5 of Australian Standard Protection of Trees on Development Sites 4970 must be submitted to, and approved by, the Responsible Authority. The report should:
 - a) Identify the impacts that may be detrimental to the tree/s.
 - b) Design responses required to reduce any identified negative impacts.
 - c) The proposal should be modified to include any recommendations made in the report.
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. 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.
 - b) The location of tree protection measures to be utilised and instruction on how to deploy them.
 - c) When the protection measures are to be deployed.
 - d) When the protection measures can be modified.
 - e) The process that will be followed if any damage occurs to a tree.
 - f) The process that will be followed if construction works require alteration to protection measures outlined in the report.
 - g) Stages of development at which inspections will occur.
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 to the Responsible Authority.
17. 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.
18. Soil excavation must not occur within 2 metres from the edge of the *Fraxinus Excelsior Aurea* (Golden Ash) street tree asset's stem at ground level.
19. 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.
 - 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.



20. 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.
21. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Drainage

22. 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.
23. 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.
24. Council records indicate that there is a 1.83m wide drainage and sewerage easement along the northern property boundary as indicated on the drawings provided. The plans indicate that a shed shall be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the Responsible Authority/Authorities.

Permit Expiry

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

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 the connection to the Council Drain / kerb / channel.

CARRIED

**4.6 1 WAVE STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/673/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/115553

It is recorded that Ms Sophie Loddo spoke for three minutes in relation to this item.

Moved: Cr Grinter

Seconded: Cr Martin

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2016/673/1** for the land known and described as **1 Wave Street, Hampton**, for the **construction of a three storey building containing five dwellings with basement parking and a front fence exceeding a height of 1.5 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 advertised plans, prepared by Tim Spicer Architect and Council date stamped 28 October 2016, but modified to show:
 - a) The proposed storage facilities to meet the minimum requirements of Standard B30.
 - b) Adequate sightlines to be demonstrated on the plans in accordance with the Design standards for car parking pursuant to Clause 52.06-8 of the Bayside Planning Scheme.
 - c) A Car Parking Management Plan to be provided to show (but not limited to) the proposed allocation of car parking to individual tenancies, details of any car parking signage including allocation of the visitor space, line making of the parking spaces, and the visitor space to be signed and/or line marked as 'visitors only'. The plans must reflect this information.
 - d) A minimum 2.5m x 2.5m concreted corner splay is required to be provided at the north east corner of the property. The splay is to be infilled with concrete to match the existing footpath.
 - e) All columns within the basement to be setback 250mm from the aisle in accordance with AS2890.1.
 - f) The proposed basement ramp to show the relevant AHD levels at each grade changing point.
 - g) The existing crossover on Willis Street to be removed and replaced with kerb and channel and reinstatement of the nature strip.
 - h) The existing/proposed crossover on Wave Street to be a minimum of 3.3m wide with a 1m offset from the southern property boundary.
 - i) Water sensitive urban design measures in accordance with Condition 6 of this permit.

- j) A Landscaping Plan in accordance with Condition 9 of this permit.
- k) A Tree Management and Protection Plan in accordance with Condition 12 of this permit.
- l) Any consequential changes to the plans to comply with any conditions of this permit which must result in no increase in the built form and envelope.

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 (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.

Water Sensitive Urban Design

- 6. 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.

- 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, 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 openings must be removed and replaced with footpath/nature strip/kerb and channel, to the satisfaction of the Responsible Authority.

Landscaping

- 9. Prior to the endorsement of plans pursuant to Condition 1, a detailed Landscape Plan generally in accordance with the advertised Landscape Plan prepared by John Patrick Council date stamped 28 October 2016 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 be modified to 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.
 - 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) The proposed four canopy trees replaced with native canopy trees capable of reaching a height of 10 metres at maturity, selected from Council's Landscape Guidelines, Table 5.
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. 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.
 - 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 to 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. A tree protection fence is required to protect the tree's canopy and root zone of all street trees fronting this property. Conditions for street tree fencing during development are as follows:
 - a) Fencing must be secured prior to demolition and maintained until all site works are complete.
 - b) Fencing must be installed to comply with AS 4870-2009, Protection of Trees on Development Sites.
 - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
 - d) 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.
 - e) 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.
 - f) Any installation of services and drainage within the TPZ must be undertaken using root sensitive, non-destructive techniques.

Drainage

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 starts, 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.
18. 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.
19. The driveway / parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.

Permit Expiry

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

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 the connection to the Council Drain / kerb / channel.

Amendment**Moved Cr del Porto****Seconded Cr Long**

Recommendation as printed with the following condition

That the canterlevier balconies be deleted from the first floor and the units rearranged to meet the minimum private open space requirements,

LOST

The **original motion** moved by Cr Grinter and seconded by Cr Martin was **PUT**.

CARRIED

**4.7 3 PRIMROSE CRESCENT, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/174/1 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/101670

It is recorded that Mr Daniel Spirdonoff, Mr John Lambras, and Mr Glenn Mitchell spoke for three minutes each in relation to this item.

Moved: Cr del Porto (Mayor)

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 **Planning application 2017/174/1** for the land known and described as **3 Primrose Crescent, Brighton East**, for the **construction of two dwellings on a lot (a double storey dwelling to the rear of the existing dwelling)** 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 plans dated 24 March 2017 prepared by Ecoconstruct Design Pty Ltd but modified to show:
 - a) South side setback to be increased from 1.2m to 2m;
 - b) Removal of the carport located over the easement and replaced with an open car space in accordance with Clause 52.06 of the Bayside Planning Scheme.
 - c) Natural ground level, finished floor level and boundaries fencing height in relation to Australia Height Datum (AHD) to be shown on the elevation plans to meet the Standard of B22 of the Bayside Planning Scheme;
 - d) Boundary fences including internal fencing details;
 - e) Location of all plant and equipment, including hot water services, air conditioners and mailboxes etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
 - f) Water sensitive urban design measures in accordance with Condition 6 of this permit.
 - g) A Landscaping Plan in accordance with Condition 6 of this permit.
 - h) A Tree Management Plan (report) and Tree Protection Plan (drawing) in accordance with Condition 8 of this permit.
 - i) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).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 new dwelling to the rear commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
4. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the Responsible Authority.
6. 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.

7. Prior to the endorsement of plans pursuant to Condition 1, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will then form part of the permit. The plan should include the following:
 - a) 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.
 - b) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - c) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - d) Details of surface finishes of pathways and driveways
 - e) A substantial planted screen along the common northern property boundary with No. 5 Primrose Crescent.
 - f) One tree, capable of reaching 10m in height and 6m in width to be planted in the front yard of the existing dwelling.
 - g) One tree, capable of reaching 6m in height and 4m in width to be planted in the rear yard of the existing dwelling.
 - h) The provision of a 2 metre landscape buffer along the southern boundary between the car space and the south boundary of the site.



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

8. 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.
- b) The location of tree protection measures to be utilised.

The development plan must be amended in accordance with the Tree Protection Plan and Tree Management Plan to the satisfaction of the Responsible Authority.

9. Before the occupation of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
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. Tree Protection Fencing is to be established around the street tree and the Lilly Pilly on the neighbouring property at 1 Primrose Crescent prior to demolition and maintained until all works on the site are complete, to the satisfaction of the Responsible Authority.
 - a) The fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - b) The fencing is to encompass the entire dripline of the trees.
 - c) Any excavation works are to maintain a minimum 1.6 metre setback to the tree.
12. Tree Protection Zones (TPZ) are to be established and maintained in accordance with Australian Standards 4970 Protection of Trees on Development Sites, to the satisfaction of the Responsible Authority.
 - a) During construction of the crossover in Locke Street, tree protection fencing for the street tree may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
 - b) Root pruning within the Tree Protection Zones (TPZ).
 - c) Prior to soil excavation for the new crossover, a trench along the line of the proposed crossover must be dug by hand.



- d) Excavation for the footings along the western side of the new dwelling within the Tree Protection Zone for the Lilly Pilly should be dug by hand or other non-destructive method (e.g. compressed air).
 - e) A suitably qualified Arborist is to be available onsite for advice and to inspect all works. Roots with a diameter of 30mm or less can be cut cleanly with secateurs, while larger roots will be treated to the satisfaction of the Arborist. These works should be documented and photographed.
 - f) All affected roots must be correctly pruned according to AS 4373-2007 and to the satisfaction of the Responsible Authority.
13. Prior to commencement of works, civil engineering design drawings are required to be submitted to Council showing the following:
- a) An extension of the footpath around the Locke Street court bowl;
 - b) Relocation of the existing side entry pit for the new crossover; and
 - c) A vehicle crossing in accordance with relevant Council standards.
14. Before the occupation of the development, the area set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- a) Constructed
 - b) Properly formed to such levels that they can be used in accordance with the dwelling
 - c) Surfaced with an all-weather-seal coat
 - d) Drained
- All to the satisfaction of the Responsible Authority.
15. Car spaces and driveways must be kept available for these purposes at all times.
16. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
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. Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
20. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the issued date of this permit.



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

The Responsible Authority may extend the periods referred to above if a request is made in writing before the permit expires; or

- a) Within 6 months afterwards if development has not commenced; or
- b) Within 12 months afterwards if the development has lawfully commenced.

Permit Notes:

- Council records indicate that there is no easement within the property.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Building approval must be obtained prior to the commencement of the above approved works.

It is recorded that Cr Grinter left the meeting at 8:33 PM and re-entered the meeting at 8:35 PM

CARRIED

**4.8 23-25 CRISP STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/497/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/104842

It is recorded that Mr Andrew Esplan, Mrs Glenys Melvin, Mr Matthew Dusting, and Mr Michael Meyer spoke for three minutes each in relation to this item.

It is recorded that Cr del Porto (Mayor) left the meeting at 8:43 PM and re-entered the meeting at 8:45 PM.

Moved: Cr Grinter

Seconded: Cr del Porto (Mayor)

That Council, having caused notice of **Planning Application No. 2016/497/1** 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 **23-25 Crisp Street, Hampton**, for the **construction of a three storey building comprising 17 apartments and a front fence exceeding a height of 1.5 metres** for the following reasons:

1. The proposal fails to incorporate an appropriate setback of the second floor level from lower levels of the development as sought by the Design and Development Overlay Schedule 12 of the Bayside Planning Scheme and subsequently, will result in an unreasonable level of high level bulk and dominance in the streetscape.
2. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character Policy Precinct F1) of the Bayside Planning Scheme and specifically:
 - a) The proposal fails to maintain and enhance the garden settings of dwellings and the bayside vegetation character. In particular, the loss of the Liquidamber at the rear of 25 Crisp Street fails to achieve the objective of retaining established trees and vegetation.
 - b) The proposed building by virtue of its scale, siting and street setback, fails to reflect the existing or preferred built form character of the area and will result in an outcome which fails to provide sufficient front garden space and will dominate the streetscape.
3. 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 or preferred neighbourhood character for this precinct.
 - b) Standard B6 – Street Setback – The proposal fails to incorporate a street setback consistent with the character of the area and will result in an outcome which fails to provide sufficient front garden space and will dominate the existing streetscape context.
 - c) Standard B17 – Side and rear setbacks – The proposed height and setback of the proposal, in relation to the site boundaries with No.18 Deakin Street North, would have an unreasonable visual bulk and amenity impact on the secluded private open space of this neighbouring property.

- d) Standard B28 – Private open space – The proposal fails to provide adequate private open space for the reasonable recreation and service needs of future residents.
- e) Standard B32 – Front fences – The proposed height of the front fence exceeds the maximum allowable height of 1.5 metres and will result in an outcome inconsistent with the existing and preferred character of the streetscape.

CARRIED



**4.9 11A KEILLER STREET, HAMPTON EAST
SUPPORT THE GRANT OF A PLANNING PERMIT
APPLICATION NO: 2016/354/1 WARD: CENTRAL**

City Planning & Community Services -
File No: PSF/15/8755 – Doc No: DOC/17/123547

It is recorded that Mr Paul Little spoke for three minutes in relation to this item.

Moved: Cr Long

Seconded: Cr Grinter

That Council decides to advise the VCAT that it does **Not Support** the position reached at the Compulsory Conference in respect of **Planning Application No. 2016/354/1** for the land known and described as **11A Keiller Street, Hampton East** for the **construction of a five storey building comprising 28 dwellings, removal of an easement and reduction in visitor car parking requirement on a lot** and the grounds of refusal as original noted remain. Those grounds being:

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 scale of the built form, in particular the full basement, precludes sufficient landscaping to maintain or enhance the garden setting of dwellings in the locality; and
 - b) The continuous built form and lack of setbacks to the north and east fails to maintain the rhythm of visual separation between buildings, exacerbates the visual bulk of the proposal and does not provide an appropriate transition to neighbouring properties.
2. The proposal fails to respond to the purpose of Clause 32.07 (Residential Growth Zone) of the Bayside Planning Scheme, on the following grounds:
 - a) The excessive height fails to provide increased housing densities up to four storey buildings and fails to provide an appropriate transition between intensive development and areas of restricted housing growth.
3. The proposal fails to respond to the design objectives of Clause 43.02 (Design and Development Overlay, Schedule 2) of the Bayside Planning Scheme, on the following grounds:
 - a) The scale of the built form fails to preserve the existing character and amenity of the area as low rise suburban with a strong garden character, or to maintain a strong landscape character with buildings set within vegetated surrounds; and
 - b) The height and lack of setbacks fail to maintain the prevailing streetscape rhythm, building scale and height of the neighbourhood.

4. The proposal fails to comply with the objectives and standards of Clause 52.06 (Car Parking) of the Bayside Planning Scheme, in particular:
 - a) The proposal to waive seven visitor parking would result in spill over parking to an existing Council off street parking lot and surrounding residential streets and would have an unreasonable adverse impact on the amenity of these residential streets.
 - b) The Transport Impact Assessment has failed to demonstrate that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.
5. The proposal fails to respond to the objectives of the Guidelines for Higher Density Residential Development on the following grounds:
 - a) Objective 1.1 – To ensure buildings respond creatively to their existing context and to agreed aspirations for the future development of the area – The proposal fails to respond appropriately with the existing context, the Neighbourhood Character Precinct, purpose of the Residential Growth Zone Schedule 2 or the design objectives of the Design and Development Overlay 2.
 - b) Objective 1.2 – To provide a creative design response that is based on a clear understanding of the urban context and neighbourhood character – The proposal fails to provide a design response based on a clear understanding surrounding urban context or the preferred future character of the area.
 - c) Objective 2.1 – To ensure that the height of new development responds to existing urban context and neighbourhood character objectives of the area – The proposed height of six storeys does not accord with the height specified in the Residential Growth Zone Schedule 2 or Design and Development Overlay 2 and does not appropriately respond to the existing context or preferred future character of the area.
 - d) Objective 2.2 – To ensure new development is appropriate to the scale of nearby streets, public places and buildings – The scale and bulk of the proposal would have an unreasonable detrimental impact on the residential amenity at No.15 Keiller Street and would present as visually dominant in the streetscape.
 - e) Objective 2.4 – To respond to existing or preferred street character – The lack of setbacks at upper storeys fails to respond to the existing or preferred street character and would result in bulk impacts in the streetscape, while not providing an appropriate transition between the site and nearby General Residential Zone land.
 - f) Objective 2.5 – To ensure building separation supports private amenity and reinforces neighbourhood character – The proposed height and bulk would have an unreasonable detrimental impact on the adjacent residential windows at No.15 Keiller Street. Furthermore, the height, bulk and lack of setbacks, particularly of upper storeys, does not accord with the existing or preferred future neighbourhood character.



