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**Minutes of the  
Planning and Amenity Committee Meeting**

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held in the Council Chambers, Civic Centre,  
Boxshall Street Brighton  
on Tuesday 12 June 2018

The Meeting commenced at 7:00pm

Councillors Cr Laurence Evans (Mayor)  
Cr Michael Heffernan  
Cr James Long BM JP  
Cr Clarke Martin  
Cr Sonia Castelli  
Cr Rob Grinter

In attendance Arthur Vatzakis – Acting Manager Development Services  
Michael Henderson – Statutory Planning Coordinator  
Michael Kelleher – Statutory Planning Coordinator  
Karen Brown – Governance Coordinator  
Mandy Bartlett – Governance Officer

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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**

It is recorded that at the 20 March 2018 Ordinary Meeting, Council granted Councillor del Porto a leave of absence for the period 20 April to 1 July 2018.

**Moved: Cr Long**

**Seconded: Cr Martin**

That the apology from Cr del Porto be received and leave of absence granted.

**CARRIED**

## **2. Disclosure of any Conflict of Interest of any Councillor**

It is recorded that Councillor Rob Grinter declared an Indirect Interest in Item 4.6 – 547-551 Hampton Street, Hampton given the close proximity to his business.

## **3. Adoption and Confirmation of the minutes of previous meeting**

3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 15 May 2018.

**Moved: Cr Long**

**Seconded: Cr Evans (Mayor)**

That the minutes of the Planning & Amenity Committee Meeting held on 15 May 2018, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## 4. Matters of Decision

### 4.1 1 JAMES AVENUE, HIGHTETT NOTICE OF DECISION TO GRANT A PLANNING PERMIT APPLICATION NO: 2017/676 WARD: CENTRAL

City Planning & Community Services - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/18/116462

*It is recorded Ms Nikki Taylor spoke for three minutes on this item.*

*It is further recorded that Mr David Tolj was not present in the Chamber at the time his name was called to speak on this item.*

**Moved: Cr Castelli**

**Seconded: Cr Heffernan**

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 2017/676** for the land known and described as **1 James Avenue, Hightett**, for the **construction of two double storey dwellings** 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 Finley Roberts Design referenced TP02-TP09, dated 28/11/2017 and revision number B but modified to show:
  - a) The proposed double garage for dwelling 1 to be replaced with an open sided car port to the satisfaction of the Responsible Authority.
  - b) The east facing first floor window for the main bedroom to be obscure glazed.
  - c) All first floor windows to show full compliance with Standard B23 of the Bayside Planning Scheme.
  - d) Increased articulation on the east and west first floor elevations through a change in the materials to the satisfaction of the Responsible Authority.
  - e) Provision to storage facilities to comply with Standard B30 of the Bayside Planning Scheme.
  - f) An updated landscaping plan as required by condition 10.
  - g) 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.
  - h) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
  - i) Provision of the development contributions fee in accordance with Condition 18.

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 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 advertised landscape plans 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.
  - d) The provision of one large canopy tree capable of reaching 12 metres in height within the front setback of each dwelling.
  - e) The provision of one large 10-15 metre tree or two 6-8 metre trees in the rear garden of each dwelling.
  - f) Replacement of the proposed *Euonymus Japonicas* with species that are capable of reaching a height of 3 metres to the satisfaction of the Responsible Authority.
  - g) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - h) Details of surface finishes of pathways and driveways
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.
  - 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

17. 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 naturestrip 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.
18. There is to be no soil excavation within 2 metres of the street asset measured from the edge of the trunk.

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, 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 Contributions Levy

18. 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 Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Permit Expiry

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:

- 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.

**CARRIED**

**4.2 11 LANDCOX STREET, BRIGHTON EAST  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2017/697/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/91379

*It is recorded that Mr Joel Fredman spoke for three minutes on this item.*

**Moved: Cr Heffernan**

**Seconded: Cr Evans (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 2017/697** for the land known and described as **11 Landcox Street, Brighton East** for the **construction of two double storey dwellings and a front fence in excess of 1.2 metres** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by DGD referenced 3072017, date Jan 2018 and revision number R1 but modified to show:
  - a) Any ground floor development changes required pursuant to the Tree Impact Assessment required at Condition 12 of this permit;
  - b) All first floor walls to achieve Standard B17 of the Bayside Planning Scheme;
  - c) The front fence updated to be minimum 25% transparent;
  - d) Relocation of the storage for dwellings 1 & 2 into the rear yard;
  - e) Both garage door openings to be a minimum of 3 metres wide;
  - f) All pedestrian doors within garages to swing outwards;
  - g) A schedule of construction materials, external finishes and colours (incorporating for example paint samples);
  - h) Deletion of all indicative landscaping from the development plans;
  - i) A Landscape Plan in accordance with Condition 9 of this permit;
  - j) A Tree Management Plan & Tree Protection Plan in accordance with Condition 13 of this permit;
  - k) Provision of the development contributions fee in accordance with Condition 22 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 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 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. 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

9. 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 DGD, reference 3072017, dated Jan 2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) Two canopy trees capable of reaching 8 metres at maturity in the front garden of each dwelling;
  - b) One canopy tree capable of reaching 12 metres at maturity in the rear yard of each dwelling;
  - c) Title amended to read 'Landscape Plan';
  - d) Removal of the *Nerium oleander* street tree;
  - e) Deletion of all ground floor development detail;
  - f) 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.
  - g) 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.
  - h) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - i) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - j) Details of surface finishes of pathways and driveways

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.

#### Tree Impacts and Management

12. Prior to the endorsement of plans pursuant to Condition 1, a Construction Impact Assessment must be submitted to and approved by the Responsible Authority. The Construction Impact Assessment must be specific to the *Citrus limon* (Lemon tree) on 9 Landcox Street in accordance with part 2.3.5 of the Australian Standard Protection of Trees on Development Sites 4970.

The Construction Impact Assessment must:

- a) Identify impacts that may detrimental to the tree;
  - b) Include design responses and/or development changes required to be undertaken to reduce any identified negative impacts.
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.
  - 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 & removal

16. The installation of the vehicle crossing at the proposed location will severely impact the *Nerium oleander* (Oleander) street tree asset. As the design does not allow for the retention of the Oleander, the tree may be approved for removal under Clause 6.5 of the *Street and Park Tree Management Policy* (2016)
17. Before the development commences, a tree protection fence is to be established around the Brushbox street tree. This is required for the protection of the canopy

and root zone. Conditions for street tree protection fencing during development are as follows:

- a) Fencing is to encompass the entire nature strip under the drip line of the tree.
  - b) During construction of the crossovers, tree protection fencing may be reduced to the edge of the Council approved crossovers to facilitate their construction.
  - c) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
  - d) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
  - e) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
  - f) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - g) 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. Soil excavation must not occur within 2.8 metres from the edge of the *Lophostemon confertus* (Brushbox) street tree asset measured from the edge of the trunk.
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 the endorsement of 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.

#### 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:

- 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.
- Before the development starts the applicant must pay \$779.77 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Councils current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

**CARRIED**

**4.3 11 RUXTON RISE, BEAUMARIS  
(FORMERLY LOT 8, 489 BALCOMBE ROAD)  
GRANT A PLANNING PERMIT  
APPLICATION NO: 2018/35/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/92004

*It is recorded Miss Natasha Heard spoke for three minutes on this item.*

**Moved: Cr Evans (Mayor)**

**Seconded: Cr Martin**

That Council resolve to:

Grant a **Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2018/35/1** for the land known and described as **11 Ruxton Rise, Beaumaris** for the **development of one dwelling on a lot less than 500sqm** 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 Latitude 37 referenced 17297, dated 15/3/18 and revision number E but modified to show:
  - a) East facing window treated in accordance with Standard A15 for Rumpus Room;
  - b) West facing window treated in accordance with Standard A15 for Bedroom 2;
  - c) Design changes to allow garage to have clear dimensions of 5.5m width x 6.0m long in accordance with Clause 52.06-9 of the Bayside Planning Scheme – this must not include additional street setback encroachment;
  - d) The pedestrian door to swing outwards from the garage;
  - e) Provision of the development contributions fee in accordance with Condition 12.
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 A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

#### Water Sensitive Urban Design

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. 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.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### 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.

#### Development Contribution

12. Prior to the endorsement of 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.

#### Permit Expiry

13. 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.

**CARRIED**

**4.4 128 BLUFF ROAD, BLACK ROCK  
NOTICE OF DECISION TO AMEND A PLANNING PERMIT  
APPLICATION NO: 2010/224/5 WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/83191

*It is recorded Mrs Margot Hogarth-Scott, Mr Michael Hogarth-Scott, and Mr Chris Mackenzie spoke for three minutes each on this item.*

**Moved: Cr Evans (Mayor)**

**Seconded: Cr Martin**

That Council, having caused notice of **Planning Application No. 2010/224/5** 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 an Amended Planning Permit** in respect of the land known and described as **128 Bluff Road, Black Rock** for the **construction of three double storey dwellings with roof decks** for the following reasons:

1. The proposed amendments fails to respond to the objectives of Clause 22.06 (Neighbourhood Character Policy, Precinct H1) of the Bayside Planning Scheme, on the following grounds:
  - a) The built form fails to adequately retain the rhythm of visual separation between buildings and the additional built form erodes the fine grain nature of the development pattern within the area and the amendments present a high level of additional bulk from oblique views of the streetscape.
2. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
  - a) Standard B1 – Neighbourhood Character – The development fails to respond to the existing and preferred neighbourhood character for this precinct.
  - b) Standard B17 – Side and Rear setbacks as varied by Schedule 3 to the Neighbourhood Residential Zone – The setback of the additions fail to respect existing and preferred neighbourhood character and result in an unreasonable level of visual bulk to adjoining properties.
  - c) Standard B31 – Design Detail – The proposed changes to the finishes to all elevations fails to provide a reasonable level of articulation and reduce visual bulk of the amendments to adjoining properties.

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

**DIVISION:**    **FOR:**        Crs Laurence Evans (Mayor), Michael Heffernan, James Long,  
   Clarke Martin, Sonia Castelli and Rob Grinter (6)  
**AGAINST:** Nil (0)

**CARRIED**

**4.5 228-230 ESPLANADE, BRIGHTON  
SUPPORT THE GRANT OF A PERMIT  
APPLICATION NO: 2017/82/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/129362

*It is recorded Mr Jason Nichols, Mr Andrew Lane, Mr Graeme Summers, and Mr Morgan Warry spoke for three minutes each on this item.*

**Moved: Cr Heffernan**

**Seconded: Cr Evans (Mayor)**

That Council, having caused notice of **Planning Application No. 2017/0082/1** 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 inform the Tribunal it does **Not Support** the 'without prejudice' amended plans in respect of the land known and described as **228-230 Esplanade, Brighton** for the **construction of a two-storey building with an attic consisting of two ground floor commercial premises and four dwellings and a reduction in the provision of car parking** for the following reasons:

1. The proposed development of the land does not comply with the purposes of the Design and Development Overlay Schedule 18 (DDO12) as:
  - a) The proposed development does not adopt characteristics of the area and adjoining buildings and thus does not appropriately respond to the urban context or the preferred future development of the area.
2. The proposed development fails to achieve compliance with the Decision Guidelines of Clause 34.01-8 (Commercial 1 Zone) and Clause 55/58 will result in an outcome which will cause unreasonable amenity impacts on the surrounding residential area as a result of overshadowing.
3. The proposal fails to comply with the Objectives and Standards of Clause 58 of the Bayside Planning Scheme, in particular:
  - a) Standard D9 Safety – the recessed entry of the residential component of the development would raise a potential safety and security issue for residents.
  - b) Standard D17 – Accessibility – it has not been satisfactorily demonstrated that 50% of dwellings would provide sufficient amenity to meet the needs of those with limited mobility.
  - c) Standard D18 – Building Entry and Circulation – the recessed entry of the residential development is not visible and easily identifiable from Esplanade.
4. The proposed reduction in car parking fails to respond to the purpose of Clause 52.06 (Car Parking) of the Bayside Planning Scheme, in particular:
  - a) It has not been satisfactorily demonstrated that vehicles can enter and exit the site in a forward direction in accordance with AS2890.1 and thus the Design Standards for car parking given in Clause 52.06-9 of the Bayside Planning Scheme.
  - b) The proposal fails to provide the number of car parking spaces required in accordance with Clause 52.06 and as a result will impact on the amenity of the locality by negatively impacting surrounding areas.

**CARRIED**



*It is recorded that the Chairman Cr Grinter advised the Planning and Amenity Committee that in regards to Item 4.6 – 547-551 Hampton Street, Hampton he has an indirect interest that is in conflict with his public duty.*

### Procedural Motion

**Moved: Cr Long**

**Seconded: Cr Castelli**

That the Mayor take the Chair for the consideration of Item 4.6.

**CARRIED**

*It is recorded that Councillor Grinter left the Meeting at 8:18 pm prior to any discussion on this item. .*

#### **4.6 547-551 HAMPTON STREET, HAMPTON NOTICE OF DECISION TO GRANT A PLANNING PERMIT APPLICATION NO: 2017/659 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/18/113297

*It is recorded that Cr Grinter was not present in the Chamber during the discussion on this item given his declared an indirect interest in this item.*

*It is recorded Mr Tony Batt, Mr Paul Novacco, Ms Rani Stefanou, and Mr Paul Gleeson spoke for three minutes each on this item.*

**Moved: Cr Castelli**

**Seconded: Cr Martin**

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 2017/659** for the land known and described as **547-551 Hampton Street, Hampton**, for the **use of land for residential purposes, construction of a three storey mixed use building with basement parking and reduction in car parking requirements** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and/or 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 Shenfield Property referenced 1-13 of 13, dated December 2017 and revision number A but modified to show:

- a) All apartments to achieve meet the maximum cooling load as specified in Standard D6 of the Bayside Planning Scheme.

- b) Acoustic treatment for the bedroom 1 windows of dwellings 1, 2, 4 and 5.
- c) Reconsider the screening for the windows facing any light shaft as current level of screening appears to be onerous and unnecessary. Compliance with standard D15 needs to be achieved.
- d) Full compliance with standard D14 of the Bayside Planning Scheme.
- e) Redistribution of the parking areas as follows:
  - Five parking spaces (including the accessible parking space) to be allocated to the shop use at ground floor level;
  - 16 parking spaces to be allocated to the proposed dwellings;
  - Two designated visitor spaces associated with the dwellings to be retained, with one located at ground level and the other at basement level.
- f) Deletion of the 300mm wide kerb on either side of the ramp to provide a 3.6m clear width to improve efficiency during access/egress.
- g) The area immediately to the east of the laneway within the property boundary and immediately south of the ramp to be kept clear of obstructions for a 1.8 metre width and to be constructed to match the existing levels of the laneway.
- h) Changes required by VicRoads at Condition 20 of this permit.
- i) 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.
- j) The entry foyer for the residential dwellings to incorporate cream brickwork to define the entrance and reference the history of the commercial streetscape of the Hampton Street shops to the satisfaction of the Responsible Authority.
- k) The verandah over the Hampton Street footpath to be a minimum height above the footpath level to match that of the verandah at 545 Hampton Street, Hampton.
- l) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
- m) Provision of the development contributions fee in accordance with Condition 21.
- n) Location of a temporary loading area to be clearly depicted in the ground level car park. Detail must also be provided describing how it will co-exist with the car parking spaces on this level. Any required bollards must also be accurately shown ensuring compliance DDA requirements.

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 A15 / 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 commencement of development, 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 commencement of development, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
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.

#### Sustainability

13. Prior to the commencement of development, a Sustainability Report to the satisfaction of the Responsible Authority must be submitted and endorsed by the

Responsible Authority. The Sustainability Report must generally be in accordance with the Report prepared by Northern Environmental Design dated 8 November 2017.

14. The development must be carried out and maintained in accordance with the recommendations and requirements as described in the endorsed sustainability report to the satisfaction of the Responsible Authority.

#### Waste Management Plan

16. Prior to the commencement of development, 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) Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.
  - c) Storm water drains in storage areas should be fitted with a litter trap.
  - d) The number and size of bins to be provided.
  - e) Adequate ventilation.
  - f) Located and design for convenient access by residents and made easily accessible to people with limited mobility.
  - g) Facilities for bin cleaning.
  - h) Method of waste and recyclables collection.
  - i) Types of waste for collection, including colour coding and labelling of bins.
  - j) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
  - k) Method of hard waste collection.
  - l) Method of presentation of bins for waste collection.
  - m) Sufficient headroom within the basement to accommodate waste collection vehicles.
  - n) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
  - o) Strategies for how the generation of waste and recyclables will be minimised.
  - p) 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.

#### Construction Management Plan

17. Prior to the commencement of development, 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.

#### Drainage

18. 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.
19. 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.

#### VicRoads conditions

20. Prior to the commencement of works, amended plans must be submitted to and approved by VicRoads. Once approved by VicRoads, the plans may then be endorsed by the Responsible Authority and will form part of the permit. The plans must be generally in accordance with the submitted architectural plans dated December 2017, Revision A and amended to show:
- a) The vertical clearance of any part of any protrusion, canopy or architectural feature within the Hampton Road road reserve no less than 3000mm above the level of the footpath.
  - b) The setback of any protrusion, canopy or architectural feature within the Hampton Road road reserve no less than 750mm from the back of the kerb.

#### Development Contributions Levy

21. 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 Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

#### Permit Expiry

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

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.
- Council records indicate that there is no easement within the property and that there is a carriageway easement to the rear of the property.

**CARRIED**

*It is recorded that Cr Grinter was not present in the Chamber during the discussion of this item and was not present whilst the vote was taken on this item. Councillor Grinter returned to the Meeting at 8:53pm.*

**Procedural Motion**

**Moved: Cr Long**

**Seconded: Cr Martin**

That the Chairman of the Planning and Amenity Committee resume the Chair for the remainder of the meeting.

**CARRIED**





#### 4.8 VCAT REPORT

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/89631

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*It is recorded that there were no speakers for this item.*

**Moved: Cr Evans (Mayor)**

**Seconded: Cr Martin**

That the report on the VCAT decisions on the planning applications handed down during March and April 2018 be received and noted.

**CARRIED**

**5. Confidential Business**

Nil

*Following consideration of Confidential Business the Chairperson declared the meeting closed at 9:24pm.*

**CONFIRMED THIS INSERT 26 DAY OF JUNE 2018**

**CHAIRPERSON: .....**

