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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 Monday 12 December 2016

The Meeting commenced at 7:00pm

Councillors

Cr Alex del Porto  
Cr Laurence Evans (Chairman)  
Cr Michael Heffernan  
Cr James Long BM JP  
Cr Clarke Martin  
Cr Rob Grinter  
Cr Sonia Castelli

In attendance

Shiran Wickramasinghe – Director City Planning & Amenity  
Arthur Vatzakis – Acting Manager Development Services  
Sarah Collins – Acting Statutory Planning Coordinator  
Patricia Stewart – Senior Statutory Planner  
Terry Callant – Manager Governance

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5. Confidential Business  
Nil

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

## **1. Apologies**

There were no apologies submitted to the meeting.

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

There were no conflicts of interest submitted to the meeting.

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

- 3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 22 November 2016.

**Moved: Cr Grinter**

**Seconded: Cr Long**

That the minutes of the Planning & Amenity Committee Meeting held on 22 November 2016, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## **4. Matters of Decision**

**4.1 19-21 MALE STREET, BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/326/1 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/16/210413

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

**Moved: Cr del Porto**

**Seconded: Cr Heffernan**

That Council:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of the land known and described as **19 and 21 Male Street, Brighton**, for the **construction of a building containing ten dwellings and the construction of a front fence in excess of 1.5m in height** in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must generally be in accordance with the advertised plans prepared by Martin Friedrich Architects TP0.00 to TP5.00, but modified to show:
  - a) Bluestone paving on the wall on the southern boundary containing the mailboxes or other similar design feature to provide sufficient visual identity to the pedestrian entry to the site.
  - b) The west-facing window for the living room of dwelling 2.01 to be screened in accordance with Standard B22 of ResCode.
  - c) The extent of paving to the east of dwelling G.04 reduced to provide a greater soil volume for the development of the proposed Snow Gum planting (*Eucalyptus pauciflora*).
  - d) A schedule of materials, external finishes and colours (incorporating for example paint samples).
  - e) A revised landscaping plan accounting for the above changes generally in accordance with Condition no. 14.
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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
7. 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.
8. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
  - a) The type of water sensitive urban design stormwater treatment measures to be used.
  - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
  - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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. The 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.
11. No fewer than 22 car spaces must be provided on the land for the development.
12. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
13. The mechanical stackers must be kept in good working order to the satisfaction of the Responsible Authority to ensure access to all car spaces is available at all times and to prevent adverse noise emissions.
14. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan drawn by John Patrick Pty Ltd, reference 16-292, dated April 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.
  - 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.
15. 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.
  16. 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.
  17. 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.
  18. 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 Infrastructure Assets Department.
  19. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
    - a) Dimensions of storage waste areas.
    - b) Storm water drains in storage areas should be fitted with a litter trap.
    - c) The number and size of bins to be provided.
    - d) Facilities for bin cleaning.
    - e) Method of waste and recyclables collection.
    - f) Types of waste for collection, including colour coding and labelling of bins.
    - g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
    - h) Method of hard waste collection.
    - i) Method of presentation of bins for waste collection.
    - j) Sufficient headroom within the basement to accommodate waste collection vehicles.
    - k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.

- l) Strategies for how the generation of waste and recyclables will be minimised.
- m) Compliance with relevant policy, legislation and guidelines.

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

20. 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.
21. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.
- The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
- The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:
- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
  - b) The location of tree protection measures to be utilised.
22. 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.
23. 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.
24. 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 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.
25. Prior to soil excavation for the proposed crossover within the Tree Protection Zone, 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. Any installation of services and drainage within the Tree Protection Zone must be undertaken using root sensitive non-destructive techniques.
26. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.



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

**CARRIED**

**4.2 9 LILEURA AVENUE, BEAUMARIS  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/387/1 WARD: SOUTHERN**

City Planning & Community Services -  
File No: PSF/15/8755 – Doc No: DOC/16/142400

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*It is recorded that Mr and Mrs Overton were not present in the Chamber and therefore did not pursue their right to speak.*

**Moved: Cr Martin**

**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 2016/387/1 for the land known and described as **9 Lileura Avenue, Beaumaris**, for the **construction of two double storey dwellings and the removal of native vegetation in the Vegetation Protection Overlay 3** in accordance with the plans date stamped 17 November 2016 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 with date stamped 17 November 2016 but modified to show:
  - a) The setback of the master bedroom at first floor of both dwellings to be increased to 3.59 metres and 3.62 metres from the eastern and western boundaries respectively.
  - b) The discrepancies between the upper floor plan and elevations to be resolved in terms of the privacy treatment used for each window.
  - c) The elevations to be updated to show the width of the front balconies of both dwellings as per the upper floor plan received by Council on the 17 November 2016.
  - d) A dividing fence between the secluded open space of both dwellings to 1.8 metres in height.
  - e) The ramp grade for dwelling one to be amended to 1 in 16 complying with AS2890.1 for car parking. Longitudinal sections of driveways for both dwellings that show all grades and levels in accordance with AS2890.1 or Planning Scheme.
  - f) The existing cross over to be removed and the proposed crossovers to be constructed in accordance with the ground floor plan date stamped 17 November 2016.
  - g) A detailed 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 in accordance with the landscape plan drawn by Keystone Alliance Pty Ltd, dated 14 November 2016, but amended to show:

- An Acacia implexa in lieu of the proposed Corymbia ficifolia 'Wildfire';
- A second Acacia implexa in the garden bed in the garden bed in front setback of Unit 2, amongst the Carpobrotus rossii.

h) The Tree Management Plan and Tree Protection Plan in accordance with Condition 13 of this permit.

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. The wall on the boundary of the adjoining property shall be cleaned and finished to the satisfaction of the Responsible Authority.
7. 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.
8. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
9. Before the occupation of the development starts, the areas set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
10. Before the occupation of the development starts, new or altered vehicle crossing servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
11. 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.
13. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing) for the tree to be retained on site and for trees on neighbouring properties whose tree protection zone extends into the subject site, 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.
  16. 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.
  17. 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.
  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. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
    - i. A trench grate (150mm minimum internal width) located within the property and/or
    - ii. Shaping the driveway so that water is collected in a grated pit on the property and/or
    - iii. Another Council approved equivalent.
  20. 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.

21. 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.
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:

- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

**CARRIED**

**4.3 2 WOLSELEY STREET, HIGHETT  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/70/1 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/16/209466

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*It is recorded that Mr Raj Pamamull spoke for three minutes in relation to this item.*

**Moved: Cr Castelli**

**Seconded: Cr Martin**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect to Planning Application Number 2016/70/1 for the land known and described as **2 Wolseley Street, Highett**, for the **construction of two dwellings on a lot in a Special Building Overlay and two lot subdivision** 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 decision plans prepared by Architectural Building Design, TP01 to TP12 inclusive Rev P6, Council date stamped 12 August 2016 but modified to show:
  - a) All plant, equipment, services and architectural features to be included on the plans and located appropriately to avoid impacts on the adjoining dwellings.
  - b) A schedule of construction materials, external finishes and colours (incorporating example paint samples), ensuring there is a mixture of materials and finishes at ground and first floor level.
  - c) Adequate sight lines to be provided where the proposed driveways intersect with the front footpath in accordance with AS2890.1.
  - d) The western boundary fence to be a minimum height of 1.8m in accordance with Standard B22 (Overlooking) of the Bayside Planning Scheme.
  - e) Further articulation to the west elevations of townhouse 1 (master bedroom) at first floor level through the use of various materials such as timber cladding, brick, stone and render.
  - f) The carports to be partially demountable over the easements
  - g) A proposed detailed landscape plan to show:
    - i. Replacement of the *Acmena smithii* to *Waterhousea floribunda*.
    - ii. Deletion of the proposed shed adjacent to the to *Waterhousea floribunda*.
    - iii. Deletion of the proposed *Tristaniopsis laurina* 'Luscious' adjacent to *Pyrus betulaefolia* 'Dancer' and replacement with one canopy tree which has the capacity to reach a mature height of 12 m and canopy

- spread of 6 m at maturity. This tree must be centrally located in the front setback and be a drought tolerant species.
- iv. Reduction to the extent of decking in the private open spaces of both proposed dwellings to allow for increased planting of trees, shrubs and ground cover.
  - v. Include one tree in the private open spaces of both proposed dwellings which can reach a mature height of 8 m. These trees must drought tolerant species.
  - vi. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
  - vii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
  - viii. Tree Protection Zones (TPZ) for all trees to be retained on the subject site and for all trees on neighbouring properties where the TPZ extends into the subject site.
  - ix. Details of surface finishes of pathways and driveways.
  - x. Details of water sensitive urban design elements to be incorporated and the plant species to be used.
  - xi. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the Responsible Authority.
  - xii. Landscaping and planting within all open areas of the site including the provision of canopy trees.
- i) Detailed plans to the satisfaction of the Responsible Authority drawn to scale with dimensions to 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.
- h) Compliance with Melbourne Water Conditions 20 to 34p inclusive.
  - i) That the front setback be increased to 8.0 metres without a reduction in any other setback.

All to the satisfaction of the Responsible Authority.

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works and

- the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
4. All pipes, fixtures, fittings and vents servicing 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 buildings without the written consent of the Responsible Authority.
  6. 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.
  7. All protection measures identified in the Treemap Arboriculture; Tree Management Plan; 2 Wolseley Street, Highett; August 2016 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.
  8. 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.
  9. Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
  10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
  11. 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.
  12. Before the occupation of the development starts, the areas set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
  13. Before the occupation of the development starts, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
  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. 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.
16. Any subsurface water captured on 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.
17. The driveway / Parking areas / paved courtyards / paths and pervious pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
18. 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 onsite drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
  - a) A trench gate (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.

#### Melbourne Water Conditions

19. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or waterways.
20. Finished floor levels of the dwellings must be constructed no lower than 30.12 metres to Australian Height Datum (AHD).
21. Finished floor levels of the garages and storage sheds must be constructed no lower than 29.97 metres to AHD.
22. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the dwellings, garages, storage sheds and driveway ramps.
23. The open space areas within the property must be constructed at natural surface levels and no fill or retaining walls should be used in the development of this land.
24. The decking must be constructed unenclosed to allow for the conveyance of overland flow.
25. Any new building/structure including footings, eaves etc must be set outside any drainage easement or a minimum 1.5 metres laterally clear of the outside edge of the main drain, whichever is greater.
26. The storage shed to Townhouse 1 must be relocated outside the easement.
27. Any new internal or external fencing must be open style (50%) of construction or timber paling to allow for the conveyance of overland flow.
28. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.

29. A separate Buildover application must be made directly to Melbourne Water's Asset Services Team for approval of any structures within Melbourne Water's easements.
30. Design plans must be submitted to include the following:
  - Footings/landscaping/paving
  - Any other structures/works that are within the easement or affecting the drain. (Demolition of structures, removal of existing trees)
  - A Buildover Agreement will be required for any works within Melbourne Water's easement.
31. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
32. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).

#### Subdivision Conditions

33. The subdivision on the endorsed plans must not be altered without the written consent of the responsible authority.
34. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
35. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.
36. The owner of the land must enter into an agreement with:
  - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
37. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
  - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any

standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

38. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
39. Prior to the Plan of Subdivision being certified by the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority to the effect that:
  - a) The development of Lots 1, 2 and Common Property indicated on the plan of subdivision shall be in accordance with approved plans forming part of Planning Permit No. 2016/70/1 or any amendment to the plans approved by the Responsible Authority.
  - b) The agreement shall be prepared and executed at the owners cost.
40. This permit will expire if:
  - a) The plan of subdivision is not certified within two years of the date of this permit.
  - b) The plan of subdivision is not registered within five years of the original date of certification.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

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

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

#### Permit Notes:

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- This permit does not constitute any authority to carry out any 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.
- Council records indicate that there is a 1.83m wide drainage easement along the western property boundary as indicated on the drawings provided, and a 2.44m wide drainage and sewerage easement is proposed along the southern property boundary. The plans indicate that a carport shall be constructed over the existing western and southern easements. Any proposal to encroach into the easements will require Build Over Easement consent from the Responsible Authorities and the proposal shall require a Section 173 agreement to be created on the property title to ensure the continuation of Council rights of drainage.

Melbourne Water Notes:

- The applicable flood level is 29.82 metres to Australian Height Datum (AHD).  
If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 94771.

**CARRIED**

**4.4 3 MALE STREET, BRIGHTON  
NOTICE OF DECISION TO GRANT AN AMENDED PLANNING PERMIT  
APPLICATION NO: 2004/804/4 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/16/185453

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*It is recorded that Ms Lou Chamberlin spoke for three minutes in relation to this matter.*

**Moved: Cr del Porto**

**Seconded: Cr Heffernan**

That Council:

Issues a **Notice of Decision to Grant an Amended Planning Permit** under the provisions of the Bayside Planning Scheme in respect of Planning Application No. 2004/804/4 for the land known and described as **3 Male Street, Brighton** for the **construction of a four storey office and apartment building** in accordance with the endorsed plans and subject to the following conditions:

1. Before the use and/or development starts three copies of revised plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the application but modified to show to the satisfaction of the Responsible Authority:
  - a) Alterations to the proposal as indicated in the revised first floor plan dated *15 November 2004*, the revised plans dated *27 January 2005*, the revised elevations dated *31 January*, the ground floor plan and revised basement plans dated *8 February* and the revised plans dated *21 February 2005*.
  - b) The floor type to be constructed and finished floor levels to AHD.
  - c) All wall heights above ground level to be nominated on the plans.
  - d) A schedule of all external materials and finishes to be provided to the satisfaction of the Responsible Authority prior to the commencement of any buildings and works on the land. The schedule shall show the materials, colour (including two colour samples) and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
  - e) All air conditioning units must be located and screened to the satisfaction of the Responsible Authority.
  - f) Details of the proposed crossing to the satisfaction of the Responsible Authority.
  - g) All ramps to be designed with adequate transitions and alignment details in accordance with the Australian Standards AS/NZ 2890.1:2004 and to the satisfaction of the Responsible Authority.
  - h) A fully dimensioned car-parking layout with each bay designated to a specific residential or office unit and nominated visitor parking bays and goods delivery areas, and accompanied by a Management Plan to the satisfaction of the Responsible Authority.
  - i) A site control plan to manage the parking and traffic during the demolition and construction phase of the project to the satisfaction of the Responsible Authority.

- j) The location and provision of designated refuse areas for the storage, collection and removal of rubbish and recycling for the commercial and residential units be nominated on amended plans accompanied by a waste management plan to the satisfaction of the Responsible Authority.
  - k) Each tandem car parking space to be designated to an apartment and/or office with a minimum provision requirement of two car parking spaces.
  - l) Each car parking space adjacent to a blind aisle to be assigned to an office requiring the provision of two or more car parking spaces.
  - m) Details of the Basement headroom clearances to the floors, to be a minimum of 2.2m and clear of all services and generally in accordance with the Australian Standard AS/NZ 2890.1:2004.
  - n) All car-parking spaces accessed directly from a ramp to be assigned to an office for staff use only.
  - o) The provision of sun shading to the northwest facing apartments to the satisfaction of the Responsible Authority.
  - p) Details of the lift over-run be clearly dimensioned on the amended elevations (generally as indicated on Elevations TP09B and TP10B-item 20) and a roof plan provided to the satisfaction of the Responsible Authority.
  - q) Disabled ramps to each ground floor level entry off Male Street showing access points, gradients and landings are to be clearly indicated.
  - r) Six (6) of the office parking spaces must be allocated as office visitor parking.
  - s) Ten (10) tandem pairs of car parking spaces must be allocated in pairs to office tenancies which require two (2) or more parking spaces.
  - t) A bicycle rack appropriate to accommodate two (2) bicycles must be provided at the street frontage and eight (8) secure spaces must be provided in the basement car park.
- 2 The use and/or development as shown on the endorsed plans must not be altered or modified (whether or not in order to comply with any statute, statutory rule or for any other reason) without the prior written consent of the Responsible Authority.
- 3 Before occupation all buildings and works specified in this permit must be completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when all construction and works are completed to enable the site to be inspected.
- 4 The alterations of soil levels involving an increased or decreased level at the boundaries must be retained by the provision of an adequate retaining wall, constructed of brick or masonry or other suitable alternative approved by the Responsible Authority, to buttress the soil against the possibility of shift. The construction of this retaining wall shall be the sole responsibility of the owner/developer.
- 5 Street numbers contrasting in colour to the background must be fixed at the front boundary of the property as near as practicable to, or on the letterboxes in order to clearly establish the identity of the property. Separate unit numbers shall be placed adjacent to the front entrance of each dwelling, such numbers to be clearly legible from the access driveway.

- 6 Before the use and/or development starts, a site layout plan drawn to scale and dimensioned must be approved by a Building Practitioner registered under the Building Act 1993 and submitted to the Responsible Authority.  
The plans must show:-
  - a drainage scheme providing for the collection of storm water within the site and for the conveying of the storm water to Council's nominated point of discharge to the satisfaction of the Responsible Authority.
- 7 The redundant vehicle crossings must be removed and the area reinstated with appropriate kerbing and channelling (and then sown with grass) to the satisfaction of the Responsible Authority.
- 8 Vehicle crossings shall be a minimum distance of 1.5 metres from any street tree unless approved in writing by the Responsible Authority.
- 9 All basic services, including water, electricity, gas sewerage and telephone, shall be installed underground and located to the satisfaction of the Responsible Authority.
- 10 The proposed crossover to be setback a minimum of 1 metre from any road reservation assets to the satisfaction of the Responsible Authority.
- 11 All service pipes, fixtures and fittings must be concealed on exposed elevations to the satisfaction of the Responsible Authority.
- 12 All brickwork on or facing the boundaries of the site must be raked and cleaned or rendered to the satisfaction of the Responsible Authority.
- 13 A schedule of all external materials and finishes to be provided to the satisfaction of the Responsible Authority prior to the commencement of any buildings and works on the land. The schedule shall show the materials, colour (including two colour samples) and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
- 14 Provision shall be made for the storage and disposal of garbage bins and recycling bins to the satisfaction of the Responsible Authority. All garbage areas must be screened from public view.
- 15 Before any construction or demolition works commence on the site, to the extent that the site perimeter is unfenced and/or is not fenced to the satisfaction of the Responsible Authority, a secure fence is to be erected around the perimeter of the site to prevent access to the site from unauthorised persons. This fence is to be maintained for the duration of the construction and demolition, be a minimum height of 1.8 metres or such alternative height as is approved by the Responsible Authority and to be constructed and sited to the satisfaction of the Responsible Authority. The gate or opening to the fence must be securely locked at all times when work has ceased on the site.
- 16 All noise emanating from any mechanical plant (air conditioners etc) on the site must be kept at a level satisfactory to the EPA and the Responsible Authority.
- 17 All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally shall be identified on plans and located to the satisfaction of the Responsible Authority and on endorsed copy of such plan shall form part of this permit. Such equipment should, wherever possible, be located away from the bedrooms of adjoining properties.

- 18 Before the use and/or development starts, areas set aside for parked vehicles, access lanes and associated access ramps as shown on the endorsed plans must be:
- a) constructed to the satisfaction of the Responsible Authority;
  - b) properly formed to such levels that they can be used in accordance with the plans;
  - c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
  - d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
  - e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority;
  - f) generally in accordance with the relevant Australian Standard for car parking facilities; and
  - g) directional signage indicating car-parking areas to be erected as required by the Responsible Authority and to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

- 19 Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
- 20 All disused vehicle crossings shall be removed and the area reinstated to kerb and channel and nature strip/landscaped to the satisfaction of the Responsible Authority.
- 21 The tree removal hereby approved shall be in accordance with the endorsed plan. The endorsed plan shall not be altered or modified unless further consent is obtained from the Responsible Authority.
- 22 The existing street tree/trees must not be removed or damaged.
- 23 Crossings shall be constructed in a manner that will not damage the root systems of any mature street trees. A qualified Arborist must be engaged prior to the design and construction to plan and oversee construction methods, which will ensure no damage to the trees (above and below ground). No work shall be carried out without approval of the Responsible Authority.
- 24 Prior to the commencement of any development works, Tree Protection Zones must be erected around all trees to be retained that are on the site, adjacent to the subject site and street trees. Tree Protection Zones, of cyclone wire or similar construction, shall be erected to the satisfaction of Council's Arborist.
- 25 The 'Legal Point of Discharge' for this development is to be to the Council drain in Male Street in front of the property. The Developer should be satisfied that levels permit the adoption of the above discharge point.
- 26 The development is to have a 'Stormwater Detention System' installed, the design of which must receive Bayside City Council approval prior to the issue of a building permit.
- 27 Basement drainage (seepage and agricultural waters) must be pumped to a Council drain and not discharged to the kerb/channel.



- 28 Plans for the construction of the outfall drain must receive Bayside City Council approval prior to the commencement of the development.
- 29 The rear parking area / paths must be graded / drained to prevent stormwater discharge neither onto the front footpath nor into adjacent properties.
- 30 This permit will expire if one of the following circumstances applies:
- The development and use is/are not started within two (2) years of the date of this permit.
  - The development is not completed within two (2) years of the date of the commencement of the works.

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

- 31 Prior to occupation of the building, the applicant must plant two (2) street trees on the nature strip adjacent to the site to the satisfaction of Responsible Authority. This is to be at the expense of the applicant/owner.

#### Permit Notes

- A permit must be obtained from Council for all vehicular crossings.
- These must be constructed under Council's supervision for which 24 hours notice is required.
- Building approval must be obtained prior to the commencement of the above-approved works.
- Consultation should take place with Council respect of the removal of the vehicular crossing and reinstatement works.
- The existing street tree/s must not be removed or damaged.
- Reticulated sewerage must be provided to the requirements of the Sewerage Authority.

#### Permits to be acquired:

- Construction of any fence/wall/letterbox structures may necessitate removal/damage of some sections of the footpath. If this is the case, a '**Road Opening Permit**' must be obtained from Bayside City Council 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 kerb/channel.

Date	Comment
12 December 2016	Section 72 Amendment pursuant to the Planning and Environment Act 1987 to allow artwork to the south-west façade.

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

**DIVISION:**    **FOR:**        Crs del Porto, Evans, Heffernan, Long, Martin and Castelli (6)  
                  **AGAINST:** Cr Grinter (1)

**CARRIED**

**4.5 90A UNION STREET, BRIGHTON EAST (LITTLE BRIGHTON RESERVE)  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/599/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/16/209430

*It is recorded that Mr Kevin Spencer and Mr Steve Carson spoke for three minutes each in relation to this item.*

**Moved: Cr del Porto**

**Seconded: Cr Heffernan**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect to Planning Application number 2016/599/1 for the land known and described as **90A Union Street, Brighton East**, for the **removal of native vegetation (3 trees in total, being tree no.s 18, 46 and 47)** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. The vegetation removal as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. Tree Protection Zones (TPZs) are to be established and maintained from the commencement of works until their completion in accordance with the Pre-Construction Impact Assessment, prepared by Homewood Consulting Pty Ltd, dated 28 November 2014. Any works undertaken within the TPZs must be in accordance with Australian Standard 4970 *Protection of trees on development sites*.
3. Within six months of the date of the vegetation removal, two trees for each tree removed must be planted within the Union Street Reserve between Clinton Street and Thomas Street. The species, size and precise planting location of the replacement plantings are to be to the satisfaction of Council's Open Space Arborist.
4. This permit will expire if the vegetation removal is not completed within two years of the date of this permit.

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

**CARRIED**



**4.7 18 - 20 MONTCLAIR AVENUE, BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/371/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/16/215493

*It is recorded that Mr Geoff Wallace and Mr Damian Loughnan spoke for three minutes each to speak to this item.*

**Moved: Cr del Porto**

**Seconded: Cr Martin**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect to Planning Application number 2016/371/1 for the land known and described as **18 – 20 Montclair Avenue, Brighton**, for the **construction and three storey building extension of the existing Montclair aged care facility with associated car parking** 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 Smith+Tracey Architects, reference Job No: 13064, dated 18/11/2016 with Dwg No: DA1101-DA1103 Rev/C, DA2000-DA2001 Rev/C, DA3001-DA3003 Rev/C and DA4100 Rev/C, submitted with the application but modified to show:
  - a) The front setback of the new building on 20 Montclair Avenue increased to 9 metres, with balconies only projecting by 1 metre from the building.
  - b) The side setback of the new building from the north boundary increased to 3.9 metres. The balconies at ground and first floor must not project more than 1 metre from the building, except the Juliette balconies which must remain at 600mm.
  - c) The ground level west facing wall of bedroom 1 setback to match that of the bedroom 5 west facing wall setback on the first floor. The material used for the ground level west facing wall of bedroom 1 must match that used on the first floor of bedroom 5.
  - d) All ground, first and second floor windows with an outlook to an adjoining property habitable room window or secluded private open space must be screened in accordance with Standard B22 of Clause 55 of the Bayside Planning Scheme.
  - e) The new metal handrail on the first floor balcony on the heritage building known as “Bendurb” is to be of stainless steel construction.
  - f) Details, including floor plans and elevations of the front fence and gate on Montclair Avenue. Such fence must not exceed 1.4 metres in height and must be at least 25% transparent, with major posts expressed only at ends, corners and gates and of a design to the satisfaction of the Responsible Authority.

- g) The widening of the existing vehicle crossing to accommodate the widening of the widened on site driveway.
  - h) Adequate sight lines must be provided where the proposed driveway intersects with the footpath as per the diagram shown in the AS2890.1.
  - 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 and south of the ridge line of the second floor of the new additions on 20 Montclair Avenue, but must not exceed the height of the 11m ridge line.
  - j) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
  - k) Water sensitive urban design measures in accordance with Condition 9 of this permit.
  - l) An Annotated Photographic Study in accordance with Condition 10 of this permit.
  - m) An amended Landscape Plan in accordance with Condition 11 of this permit.
  - n) A Tree Management and Protection Plan in accordance with Condition 14 of this permit.
  - o) A Construction Management Plan in accordance with Condition 20 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. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
  4. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
  5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
  6. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
  7. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
  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 and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
  9. Prior to the endorsement of plans pursuant to Condition 1 of this permit, 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.

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.

#### Recording of building

10. Prior to the endorsement of plans pursuant to Condition 1 of this permit and before demolition begins, an annotated photographic study of archival quality of the building prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority as a record of the building at 20 Montclair Avenue, Brighton. The survey must include:
  - a) Each elevation of the building
  - b) The interior of the building
  - c) Architectural design detailing of the building
  - d) A statement prepared by an architectural historian describing and explaining both the design and construction of the building and the photographs.

#### Landscaping

11. Prior to the endorsement of plans pursuant to Condition 1 of this permit, an amended 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 Formium, reference 1906:LC2 Rev F, dated Oct 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.
  - 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 Tristaniopsis (Luscious) being planted along the northern boundary opposite the rear yard of 22 Montclair Avenue to be 3 metres in height at time of planting.
  - g) The existing retaining wall treatment between the site and 22 Montclair Avenue to be retained to pre-development conditions.
  - h) Any consequential changes required by Condition 1 of this permit.
12. The landscaping and trellis as shown on the endorsed plans must be constructed within one month of the construction of the basement carpark to the satisfaction of the Responsible Authority.
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.

#### Tree Management and Protection Plan

15. Prior to the endorsement of plans pursuant to Condition 1 of this permit, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

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

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
  - b) The location of tree protection measures to be utilised.
16. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
17. Before the development starts, 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

18. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be



reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.

#### Drainage

19. 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.
20. 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.

#### Construction Management Plan

21. 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.

#### 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:

- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.
- The existing street tree/s must not be removed or damaged.

**CARRIED**

**4.8 TOILET TOI29, JETTY ROAD FORESHORE, SANDRINGHAM  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION: 2016/657/1 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/16/216566

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**Moved: Cr Castelli**

**Seconded: Cr del Porto**

That Council:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect to Planning Application number **2016/360/1** for the land known and described as **Toilet TOI29, Jetty Road Foreshore, Sandringham** for the **demolition of a building in a Heritage Overlay** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the demolition begins, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, titled "Sandringham Public Toilet – Site Plan" and Council date stamped 27 September 2016 but modified to show:
  - a) The retention of the two *Allocasuarina verticillata* (Drooping Sheoak), identified as Asset ID 468229 and 468230.
  - b) A Tree Protection Plan in accordance with Condition 5 of this permit.
2. The footing system associated with the existing toilet block must be retained, leaving part of the footing and brickwork below existing grade, in accordance with onsite instructions from Council's Arborist and to the satisfaction of the Responsible Authority.
3. During the demolition, any existing in-ground pipework associated with the toilet block that is under the drip line, or within three metres of the trees' trunk, must be left in place to the satisfaction of the responsible Authority.
4. Demolition works must be carried out in accordance with onsite instructions from Council's Arborist to the satisfaction of the responsible Authority.
5. Before the demolition begins, a Tree Protection Plan to the satisfaction of the Responsible Authority must be submitted to and endorsed by the Responsible Authority. 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 the two *Allocasuarina verticillata* (Drooping Sheoak) to be retained.
  - b) The location of the tree protection measures to be utilised.
6. The demolition as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
7. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

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

**CARRIED**

**4.9 163 SOUTH ROAD, BRIGHTON EAST  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/229/1 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/16/227461

*It is recorded that Mr Stuart Davis spoke for three minutes 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 2016/229/1 for the land known and described as **163 South Road, Brighton East (St Leonard's College)** for **partial demolition, building and works associated with an education centre in a Neighbourhood Residential Zone and Heritage Over Schedule 347** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and/or development start/s, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application and advertised but modified to show:
  - a) A Tree Management Plan in accordance with Condition 6 of this permit.
  - b) A Construction Management Plan in accordance with Condition 13 of this permit.
  - c) Location of all plant and equipment, including hot water services and air conditioners.
  - d) A schedule of construction materials, external finishes and colours, including samples.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
4. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. 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
6. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

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

7. 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.
8. 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.
9. 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.
10. Before the occupation of the development the landscaping works shown on the endorsed plans (*'tnla' Winter Garden and Drama Centre, Project No 15.22 Concept Plan Project Drawing No: L01, Planting Design L02, North Elevation and Perspective L03, Section AA L04 Greenwall Details L05a and Plant Schedule*) must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
12. Before the development starts 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.
13. 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.
14. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

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

Permit notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.
- The existing street trees must not be removed or damaged.
- This property is located in a Heritage Overlay and planning permission may be required to demolish or otherwise externally alter any existing structures. External alterations include painting an unpainted surface, but does not include re-painting an already painted surface.

**CARRIED**



**5. Confidential Business**

Nil

*Following consideration of Confidential Business the Chairperson declared the meeting closed at 9.37pm.*

**CONFIRMED THIS INSERT 99 DAY OF MONTH 2099**

**CHAIRPERSON: .....**

