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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 18 May 2017.

Moved: Cr Long

Seconded: Cr del Porto (Mayor)

That the minutes of the Planning & Amenity Committee Meeting held on 18 May 2017, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

**4.2 125-127 CENTRE ROAD, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NUMBER 2014/633/3 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/96003

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

Moved: Cr del Porto (Mayor)

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 the land known and described as **125-127 Centre Road, Brighton**, for the use and development of a childcare centre, associated signage, alterations to an existing crossover, creation of a new crossover onto a Road Zone Category 1 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A landscape plan in accordance with Condition 19 of this planning permit;
 - b) Deleted
 - c) The vehicle ramps providing access/egress from the basement car park widened to 4.0 metres where the ramps meet the basement finished floor level;
 - d) The 0.3 metre kerbs on either side of the vehicle ramps deleted ensuring a minimum width of 3.6 metres; and
 - e) The tandem car spaces (1-4 and 19-27) allocated as staff only parking and car spaces 6-9 and 10- 18 allocated and clearly signed and line marked as 'drop/off/pick up only.
 - f) Deleted
 - g) Sixty degree splays along both sides of the crossovers.
 - h) Adequate signage and line marking must be installed at the top of each ramp to ensure and regulate traffic to/from the street and within the basement.
 - i) The sight distance at the top of the ramps complying with AS2890.1 requirements. Clear splays must be provided on both sides of the ramps.
 - j) A longitudinal section of each ramp that shows all grades, length of grades, AHD levels and headroom clearances in accordance with AS2890.
 - k) Provision of five additional bicycle spaces (total of 10 bicycle spaces). All bicycle spaces are to be designed in accordance with Clause 52.34 of the Bayside Planning Scheme (bicycle facilities), or otherwise to the satisfaction of the Responsible Authority.
 - l) A car park management plan in accordance with Condition 30.

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. The use may operate only between the hours of 7:30am to 6:30pm Monday to Friday.
4. No more than 112 children may be present on the premises at any one time.
5. No more than 32 staff members are permitted on site at any one time.
6. Before the use and/or 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.
7. All pipes, fixtures, fittings and vents servicing the building must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
8. 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.
9. Prior to the commencement of development, a Construction Management Plan (CMP) must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of this permit. The CMP must include (but is not limited to):
 - a) Pedestrian access will be maintained at all times along the Centre Road footpath adjacent to the site;
 - b) All site facilities will be located on site during the construction period;
 - c) All waste material not required for further on-site processing will be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
 - d) All storage areas/external stockpiles/vacant areas must be covered and maintained to avoid dust nuisance to any residential area to the satisfaction of the Responsible Authority.
 - e) A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways to the satisfaction of the Responsible Authority.

The CMP must be implemented to the satisfaction of the Responsible Authority with all works completed in compliance with environmental health requirements.

10. The amenity of the area must not be detrimentally affected by the use or development, by 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;
 - e) By any other circumstances.
11. All operations of the site (internally and externally) must comply with SEPP N-1 and/or SEPP N-2 policies and/or Environment Protection Authority Technical Guidelines.

The Responsible Authority may direct the owner and/or occupier to undertake noise measurements by a suitably qualified acoustic consultant and a report must be submitted to Council for compliance in relation to the SEPP N-1 and/or SEPP N-2 policies and/or Environment Protection Authority Technical Guidelines.

VicRoads Conditions

12. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.
13. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the works hereby approved.
14. Prior to the occupation of the buildings hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
 - a) Formed to such levels and drained so that they can be used in accordance with the plan.
 - b) Treated with an all-weather seal or some other durable surface.
15. Driveways must be maintained in a fit and proper state so as not to comprise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).

Public Transport Victoria Conditions

16. The existing bus stop and associated infrastructure on Centre Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder
17. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Centre Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.
18. Before the commencement of the use starts, a Waste Management Plan must be submitted and approved by the Responsible Authority. The Waste Management Plan must include (but is not limited to) the provision of a private Commercial Waste collector to supplement the council's waste collection service.
 - a) Refer to above paragraph
 - b) Deleted
 - c) Deleted
 - d) Deleted
19. Before the development starts, a landscape plan 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. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed
 - b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - c) details of surface finishes of pathways and driveways

- d) 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
 - e) landscaping and planting within all open areas of the site
- All species selected must be to the satisfaction of the Responsible Authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

20. Before the use/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.
21. 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.
22. Before the development starts a fee of \$2259.70 must be paid to Council for the removal of the existing street tree. The cost associated with the removal and replacement of the existing street tree has been determined in accordance with Council's current policy for the removal of street tree(s). The 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(s) 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(s). Any replacement planting will be at the discretion of the Responsible Authority.
23. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
24. 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.
25. 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".
26. 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.
27. 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.
28. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater

Detention Systems where applicable) must be lodged and approved by Council's Engineering Services department.

29. 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.
30. Prior to the commencement of the use hereby permitted, a comprehensive Car Parking Management Plan shall be submitted to, and approved by the Responsible Authority. The Parking Management Plan must include (but no be limited to) the following:
 - a) How on-site parking will be managed and allocated for staff
 - b) How on-site parking will be allocated between staff and parents throughout the day; with specific attention to afternoon peaks
 - c) On-going management and allocation of the bicycle parking facilities.

The Parking Management Plan must be complied with to the satisfaction of the Responsible Authority.

Permit expiry

31. 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.
 - c) The use does not start within four years of the date of this permit.
 - d) The use is discontinued for a period of two years.

The Responsible Authority may extend the periods referred to above if a request is made in writing:-

- Before the permit expires; or
- Within 6 months afterwards if the development/use has not commenced; or
- Within 12 months afterwards if the development has lawfully commenced.

Permit Notes:

- The proposed development requires the construction of a crossover, and the reinstatement of disused crossovers. Separate approval under the Road Management Act for this activity may be required from VicRoads. Please contact VicRoads prior to commencing any works.
- 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.
- Premises used for prescribed accommodation, hairdressing, beauty therapy and skin penetration including ear piercing, electrolysis, tattooing and body piercing in any manner whatsoever are to be registered under the Health Act, 1958 and require Council approval via the Environmental Health Co-ordinator before occupation.
- Consultation should take place with Council respect of the removal of the vehicular crossing and reinstatement works.
- Reticulated sewerage must be provided to the requirements of the Sewerage Authority.

- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator, Mon-Fri 9:00am to 1:00pm on 9599 4638.

Date	Amendment
13 June 2017	<p>Amendment to the permit under Section 72 of the Planning and Environment Act 1987 to:</p> <ul style="list-style-type: none">• Amend condition 5 to state 'No more than 32 staff members are permitted on site at any one time.'• Include condition 1(k) to require an amended plan to show the additional cycle parking.• Include condition 1 (l) and 30 requiring the provision of a car parking management plan and re-number subsequent conditions accordingly.

CARRIED

**4.3 18-20 MONTCLAIR AVENUE, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NUMBER: 2016/371/2 WARD:NORTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/90432

It is recorded that Mr Neil Piper, and Mr Damian Loughnan spoke for three minutes each in relation to this item.

Moved: Cr del Porto (Mayor)

Seconded: Cr Heffernan

That Council:

Issues a **Notice of Decision to Grant an Amended Planning Permit** under the provisions of the Bayside Planning Scheme in respect of 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 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 northern boundary to be consistent with Standard B17 of Clause 55 of the Bayside Planning Scheme, other than a 1.2 metre section along the westernmost part of the wall which shall taper down in height from 8.4 metres to 7.6 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.

Date	Amendment
13 June 2017	<p>Amendment to the permit under Section 72 of the Planning and Environment Act 1987 to:</p> <ul style="list-style-type: none">• Amend condition 1(b) to state 'the side setback of the new building from the northern boundary to be consistent with Standard B17 of Clause 55 of the Bayside Planning Scheme, other than a 1.2 metre section along the westernmost part of the wall which shall taper in height down from 8.4 metres to 7.6 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.'

CARRIED

**4.4 26 COWPER STREET, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/557/1 WARD: SOUTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/75216

It is recorded that Mr David Haigh spoke for three minutes in relation to this item.

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 2016/557/1** for the land known and described as **26 Cowper Street, Sandringham**, for the **construction of two double storey dwellings, including a roof deck** in accordance with the endorsed plans and subject to the following 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 by Robus Architecture, Council date stamped 10 November 2016, job no. 16110, dwg. no TP.00.B – TP.04.B) but modified to show:
 - a) The north-western edge of the roof terrace setback a minimum of 2m from the edge of the roof.
 - b) Horizontal screening to the window of Bedroom 2 of the southern dwelling to limit overlooking to the habitable room window at the rear of 3/150 Beach Road.
 - c) Vertical screening to the window of Bedroom 2 of the northern dwelling angled as such to limit overlooking to the habitable room window at the rear of 3/150 Beach Road and the balcony of 4/150 Beach Road.
 - d) The alfresco area to the southernmost dwelling setback 2.025m from the southeastern boundary as per the remainder of the wall on that boundary.
 - e) Details and 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.
 - f) An amended schedule of construction materials, external finishes and colours (incorporating for example paint samples), incorporating a greater degree of non-masonry materials.
 - g) Water sensitive urban design measures in accordance with Condition 9 of this permit.
 - h) An amended Landscape plan in accordance with Condition 13 of this permit.
 - i) A Tree Management Plan (report) and Tree Protection Plan (drawing) in accordance with Condition 16 of this permit.

- j) The proposal to achieve compliance with Standard B17 of Clause 55.
 - k) The proposal to achieve compliance with Standard B22 of Clause 55.
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. All plant and equipment to be located away from habitable room windows of the dwellings and the adjoining properties habitable rooms.
 5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 6. 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.
 7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 8. 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
 9. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

10. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
11. 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.
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. Prior to the endorsement of plans pursuant to Condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Robus Landscape Design, reference 26 Cowper Street, dated November 2016, Issue A, and be drawn to scale with dimensions and three copies 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. The planting schedule must include indigenous trees and shrubs and be suitably tolerant to salt-heavy conditions.
 - 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.
14. 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.
15. 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.
16. 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.
17. 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.

18. 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.
19. Before the development starts, the applicant must pay \$2,776.73 to the Responsible Authority for the removal and replacement of the existing street trees. This amount has been determined in accordance with Council's 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.
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 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.
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:

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

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

DIVISION: **FOR:** Crs Evans, Heffernan, Long and Martin (4)
 AGAINST: Crs del Porto (Mayor), Grinter and Castelli (3)

CARRIED

**4.5 438 BEACH ROAD, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/472/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/100870

It is recorded that Mr Paul Mifsud, Mrs Wim Van Den Bossche and Mr Greg Joannos (via proxy Melissa Deluca) spoke for three minutes each in relation to this item.

Moved: Cr Martin

Seconded: Cr del Porto (Mayor)

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2016/472/1** for the land known and described as **438 Beach Road, Beaumaris**, for the **alterations and additions to a single dwelling on a lot less than 500 square metres** in accordance with the endorsed plans and subject to the following conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by i.d. design dated 3 February 2017 but modified to show:
 - a) A landscape plan in accordance with Condition 5.
 - b) Removal of the boundary fence notations.
 - c) The permeability of the site to be no less than 20%.
 - d) The front balcony to be screened in accordance with Standard A15 of Clause 54.
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. 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.
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. Prior to the endorsement of plan 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 proposed plan L1635-01 prepared by i.d Design, revision B, dated 3 February 2017 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.

- b) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. When in VPO include: Plantings must be 80% indigenous by species type and count.
 - c) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - d) Details of surface finishes of pathways and driveways
 - e) The permeability of the site to be no less than 20%.
6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
7. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit Notes

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

CARRIED

**4.6 1-3 COLLINS STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2015/812/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/36707

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

Moved: Cr Heffernan

Seconded: Cr del Porto (Mayor)

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2015/812/1** for the land known and described as **1-3 Collins Street, Brighton**, for the **construction of two dwellings on two lots and a front fence exceeding 1.2 metres in height** in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with plans dated August 2015 prepared by Wall Architects Ltd but modified to show:
 - a) Reduction in building height such that it does not exceed 8.0m any any point in accordance with the mandatory requirements of the Neighbourhood Residential Zone (pre amendment VC110).
 - b) The street setback to be increased to 9 metres in accordance with Standard B6.
 - c) The northwest and southeast side setbacks for the main bedroom to be increased to 3m.
 - d) The northwest and southeast side setbacks for the walk in robe and hallway adjoining the stairwells to be increased to 3.5m.
 - e) All walls constructed along a boundary must achieve compliance with Standard B18.
 - f) A fence located between the secluded private open space of dwellings 1 and 2 designed in accordance with Standard B23.
 - g) Externally accessible storage space measuring 6 cubic metres per dwelling shown in the basement in accordance with Standard B30.
 - h) Removal of any notations relating to existing boundary fences.
 - i) Location of all plant and equipment, including hot water services, air conditioners and mailboxes etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
 - j) A cross sectional plan detailing the driveway gradient and clearance room, noting that compliance must be achieved with AS2890.1/Planning Scheme.

- k) Pedestrian sight triangles associated with the driveway in accordance with clause 52.06-8 (this will require changes to the front fence).
- l) Proposed front fence accurately labelled on the site plans.
- m) Retaining measures for the basement detailed on all relevant plans.
- n) Water sensitive urban design measures in accordance with condition 6.
- o) Landscaping plan in accordance with condition 8.
- p) Tree Management Plan (report) and Tree Protection Plan (drawing) in accordance with condition 9.
- q) A schedule of construction materials, external finishes and colours (incorporating for example paint samples) in accordance with condition 14.

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 new dwelling to the rear commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
4. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the Responsible Authority.
6. 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.

7. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
8. Before the development starts, a landscape plan 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. The plan should include the following:

- a) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
- b) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- c) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
- d) Details of surface finishes of pathways and driveways
- e) A substantial planted screen along the common northern property boundary with No. 5 Primrose Crescent.
- f) One tree, capable of reaching 10m in height to be planted in the front setback in replacement of one of the proposed *Pistacia chinensis* (Chinese Pistachio).

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

9. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

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

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

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

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

10. Before the occupation of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
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. 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.

13. 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.
14. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating for example paint samples) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.
15. Before the occupation of the development, the area set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed
 - b) Properly formed to such levels that they can be used in accordance with the dwelling
 - c) Surfaced with an all-weather-seal coat
 - d) DrainedAll to the satisfaction of the Responsible Authority
16. Car spaces and driveways must be kept available for these purposes at all times.
17. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
18. 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.
19. 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.
20. Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
21. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the issued date of this permit.
 - b) The development is not completed within four years of the issued date of this permit.

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

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

Permit Notes:

- Street Tree payments: Before any Asset Protection Permit is issued by Council, the applicant will be required to pay **\$2,985.27** to Council for the removal of the

Platanus orientalis (Oriental Plane) street tree adjacent to the Collins Street frontage of the site and for any other street trees that may be proposed to be removed to facilitate the development. This amount has been determined in accordance with Council's current policy for the removal of street trees and may be amended.

- Council records indicate that there is no easement within the property.
- A permit must be obtained from Council for all vehicular crossings.

These must be constructed under Council's supervision for which 24 hours' notice is required.

- Building approval must be obtained prior to the commencement of the above approved works.

CARRIED

**4.7 55 ORLANDO STREET, HAMPTON
NOTICE OF DECISION TO AMEND A PLANNING PERMIT
APPLICATION NO: 2014/386/3 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/53554

It is recorded that Dr W John McKay, Mrs Kim Mitchell, Mr Peter Wright, and Mr Trevor Loffel spoke for three minutes each in relation to this item.

Moved: Cr Grinter

Seconded: Cr Castelli

That Council:

Issues a **Notice of Decision to Amend a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2014/386/3** for the land known and described as **55 Orlando Street, Hampton**, for the **construction of a triple storey dwelling (including an attic) on lot less than 500 square metres in a Design Development Overlay Schedule 12** in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans labelled Code E (dated 07/04/17) and prepared by Peter Wrights & Associates Pty Ltd Architects but modified to show from the standard conditions:
 - a) The front setback of the dwelling increased to a minimum of 5.6 metres at ground floor and 6.6 metres at first floor level. This excludes the square bay windows of each level.
 - b) The height of the south-east boundary fence adjacent to the courtyard increased to a minimum of 1.7 metres above the paving level.
 - c) The width of the garage opening a minimum of 4.8 metres
 - d) The internal dimensions of the garage a minimum of 5.5 metres wide by 6 metres long.
 - e) Driveway a minimum width of 3 metres where it intersects with the footpath.
 - f) The location of plant and equipment including air conditioning units and condensers located so as to minimise amenity impacts to adjoining properties;
 - g) The water tank pump and pool pump to be located away from the existing habitable room windows of the adjoining dwellings or located in a sound proof case to minimise noise to adjoining properties.
 - h) A landscaping plan in accordance with Condition 6 including a canopy tree capable of reaching a minimum mature height of 12 metres within the front setback and a smaller canopy tree capable of reaching a minimum mature height of 8 metres within the rear.
 - i) The locations of the rain water tank and rain gardens.

- j) Provide a permanently fixed privacy screen on the balcony to the south west elevation measuring at least 1.7 metres above floor level and be no more than 25 per cent transparency. Any louvered elements of this screen must be angled such that no overlooking upon any private secluded open space areas of the dwellings at No.42A and 42B Beach Road is possible, while allowing oblique views of the bay. This screen can replace the previously proposed vertical overlooking screen extending off the roof at this elevation to the satisfaction of the Responsible Authority.
 - k) The south-eastern boundary wall amended to be compliant with Standard A11 of Clause 54.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. 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.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the dwelling without the written consent 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 the development starts, a landscape plan 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. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
 - c) Details of surface finishes of pathways and driveways
 - d) Details of water sensitive urban design elements to be incorporated and the plant species to be used
 - e) 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 including the locations of canopy trees in accordance with Condition 1h of this permit. All species selected must be to the satisfaction of the Responsible Authority.
 7. 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.
 8. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
 9. The existing street tree must not be removed or damaged.
 10. All existing vegetation shown on the endorsed plans to be retained must not be removed, destroyed, pruned or lopped without the written consent of the

Responsible Authority. All tree pruning must be carried out by a qualified Arborist to AS 4373, (Pruning of Amenity Trees).

11. The proposed internal drainage must be connected to the existing legal point of discharge. The applicant may apply for legal point of discharge and local drain information, or carry out on site verification.
12. Stormwater discharge is to be retained on site to the pre-development level of peak stormwater discharge. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
13. 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.
14. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
15. 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.
16. 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.

The Responsible Authority may extend the periods referred to above if a request is made in writing:-

- Before the permit expires; or
- Within 6 months afterwards if development has not commenced; or
- Within 12 months afterwards if the development has lawfully commenced.

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.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator, Mon-Fri 9:00am to 1:00pm on 9599 4638.

Date	Amendment
2 June 2015	Amended Permit under Section 72: <ul style="list-style-type: none"> • Condition 1a. Amended to say “<i>The front setback of the dwelling increased to a minimum of 5.6 metres at ground floor and 6.6 metres at first floor level. This excludes the square bay windows of each level.</i>”

	<p>Amended Plan under Section 72:</p> <ul style="list-style-type: none"> The front setback of the dwelling reduced to 5.6 metres at ground floor and 6.6 metres at first floor level excluding the square bay window at each level.
13 June 2017	<p>Amended Permit under Section 72:</p> <ul style="list-style-type: none"> Introduce condition 1(j) to state 'provide a permanently fixed privacy screen on the balcony to the south west elevation measuring at least 1.7 metres above floor level and be no more than 25 per cent transparency. Any louvered elements of this screen must be angled such that no overlooking upon the first floor terrace areas of the dwellings at No.42A and 42B Beach Road is possible. This screen can replace the previously proposed vertical overlooking screen extending off the roof at this elevation'. Introduce condition 1(k) to state 'The south-eastern boundary wall amended to be compliant and Standard A11 of Clause 54'. <p>Amend Plan under Section 72 to include:</p> <ul style="list-style-type: none"> Construct a timber picket front fence with a height of 1.8 metres; Increase the balcony width from 3.0m to 5.8m; Provision of obscured windows to stairwell; Construct a 3 metre wall and 2 metre high wall along part southeast boundary (bounding pool and courtyard). Increase the overall building height by approximately 150mm (9.45m to 9.6m); Amended living room roof pitch; Relocate the pool equipment to the rear corner of the site (Southwest boundary); BBQ area located along northwest boundary; Solar hot water service located on roof; Vertical overlooking screen added to southeast side balcony.

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

DIVISION: **FOR:** Crs del Porto (Mayor), Evans, Heffernan, Long, Martin, Grinter and Castelli (7)
AGAINST: Nil (0)

CARRIED

**4.8 7 DOWNES AVENUE, BRIGHTON
NOTICE OF DECISION TO GRANT AN AMENDED PLANNING PERMIT
APPLICATION NO: 2015/445/2 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/100648

It is recorded that Mr Dom Cerantonio spoke for three minutes in relation to this item. It is further recorded that Mr Samuel Verco did not pursue his right to speak on this matter.

Moved: Cr del Porto (Mayor)

Seconded: Cr Heffernan

That Council:

Issues a **Notice of Decision to Grant an Amended Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Permit Application 2015/445/2** for the land known and described as 7 Downes Avenue, Brighton, for **alterations and additions (double storey), including partial demolition to the existing dwelling in a Heritage Overlay** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
2. 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.

The Responsible Authority may extend the periods referred to above if a request is made in writing:-

- Before the permit expires; or
- Within 6 months afterwards if development has not commenced; or
- Within 12 months afterwards if the development has lawfully commenced.

Permit Notes

- Building approval must be obtained prior to the commencement of the above approved works.

THE PERMIT INCORPORATES THE FOLLOWING AMENDMENTS:

Date Amended	Details
13 June 2017	<p>Amendment pursuant to Section 72 of the <i>Planning and Environment Act 1987</i>, involving:</p> <p>Amendment to permit preamble:</p> <ul style="list-style-type: none"> • To replace 'single storey' with 'double storey'. The permit is to read as follows (changes highlighted in bold); <p>Alterations and additions (double storey), including partial demolition to the existing dwelling in a Heritage Overlay in accordance with the endorsed plans and subject the following conditions.</p>

	<p>Amendment to the plans endorsed under the permit;</p> <ul style="list-style-type: none">• Addition of a first storey,• Additional external and internal demolition• Internal layout changes,• Rear setbacks increased from 7360mm to 12360mm,• Construction of pool house, relocation of pool from eastern to northern boundary and associated equipment to eastern boundary,• Modification to material schedule. <p>This amends and supersedes sheets 1, 2, 3, 4, 5 and 6 of the previously endorsed plans dated 8 October 2015.</p> <p>Sheets 2a, 5a, 6a, 6b and 7 have been created and must be read in conjunction with the endorsed plans.</p>
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CARRIED



**4.9 249G HAMPTON STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/620/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/78559

It is recorded that Mr Ian Kidston spoke for three minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Grinter

That Council, having caused notice of **Planning Application No. 2016/620/1** to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act decides to issue a **Notice of Refusal to Grant a Permit** in respect of the land known and described as **249G Hampton Street, Hampton** for **additions and alterations to an existing retail and office premise and reduction of car parking requirements** for the following reasons:

1. The proposal fails to comply with the relevant Objectives of Clause 52.06-2 of the Bayside Planning Scheme, in particular:
 - a) The proposal fails to provide the number of car parking spaces required for office under Clause 52.06-5, which is considered to impact on local amenity and the amenity of nearby residential areas.
2. The proposal fails to comply with the relevant Objectives of Clause 43.02-2 of the Bayside Planning Scheme, in particular:
 - a) The proposal fails to provide the minimum setback from the title boundary, which will result in unreasonable visual bulk to the adjoining residential property.
3. The design and operation of the mechanical parking is inappropriate. In particular it is unclear how the mechanical parking will be maintained given that the structure would be open to the elements. This does not comply with Clause 52.06-9.

CARRIED

**4.10 1-5/33 SUSSEX STREET, BRIGHTON
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2014/283/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/99965

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

Moved: Cr Grinter

Seconded: Cr del Porto (Mayor)

That Council:

Approve the Amended Plans in accordance with the Secondary Consent Provisions of Planning Permit No. **2014/283/1** issued for the **construction of two or more dwellings on a lot in the Neighbourhood Residential Zone, a front fence exceeding 1.5 metres in height, a floor to ceiling height greater than 3.5 metres, and the construction of a roof deck above the second storey of the building** and the following table be added at the end of the permit.

Date	Amendments
13 June 2017	<p><u>Secondary Consent Amended Plans</u></p> <ul style="list-style-type: none"> • Internal layout changes to all dwellings and modification to apartment schedule from 3 to 2 bedrooms, • Design modification to building entry • Material change to roof from concrete to metal, • Material change to front fence from black vertical steel to vertical timber battens, • Window modification and placement changes, • The addition of external site services and enclosure to eastern (front) title boundary, • Roof top finished floor level reduced 400mm from 15410 to 15010 AHD, • Parapet to ground floor western elevation increased 200mm from 11085 AHD to 11285 AHD, <p>This amends and supersedes sheets 1, 3, 4, 5 and 8 of the previously endorsed plans dated 4 March 2016. The remaining sheets remain in accordance with the endorsed plans dated 4 March 2016.</p>

CARRIED

NOTE: Item 4.10 was **CARRIED** as part of a block motion.

**4.11 66 MALE STREET, BRIGHTON
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2014/412/1 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/100674

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

Moved: Cr Grinter

Seconded: Cr del Porto (Mayor)

That Council:

Approve the Amended Plans in accordance with Secondary Consent Provisions of Planning Permit No. **2014/412/1** in respect of the land known and described as **66 Male Street, Brighton**, for the **development of four double storey dwellings with basement car parking on a lot in the Neighbourhood Residential Zone and a front fence exceeding 1.2m in height** in accordance with the endorsed plans and subject to the following table being inserted at the end of the permit:

Date	Amendments
13 June 2017	<p><u>Secondary Consent Amended Plans:</u></p> <ul style="list-style-type: none"> • Alterations to the basement layout plan increasing the size of the basement and the size of storage units. • Alterations to the ground floor plan changing the decks to paving. • Alterations to the first floor plan showing a change to the wall treatment outside Bedroom 1 of each dwelling, inclusion of air-conditioning enclosures, reduction of the size of the windows and alteration of the screens outside Bedroom 3 to each dwelling. • Alterations to the elevations reflecting the above and altering wall treatments.

CARRIED

NOTE: Item 4.11 was **CARRIED** as part of a block motion.

**4.12 11 OLINDA AVENUE, BEAUMARIS (FORMERLY PART OF 9 OLINDA)
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2006/867/1 WARD: SOUTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/101950

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

Moved: Cr Grinter

Seconded: Cr del Porto (Mayor)

That Council:

Approve the Amended Plans in accordance with Secondary Consent Provisions of Planning Permit No. **2006/867/1** in respect of the land known and described as **9 Olinda Avenue, Beaumaris**, for the **construction of two (2) double storey dwellings with basement, removal of vegetation in a Vegetation Protection Overlay and construction of roof decks in a Design and Development Overlay 1** in accordance with the endorsed plans and subject to the following table being inserted at the end of the permit:

Date	Amendments
13 June 2017	<p><u>Secondary Consent Amended Plans:</u></p> <ul style="list-style-type: none"> • Modifications to the landscaping of the townhouse to the south of the two dwellings, which is now known as 11 Olinda Avenue, Beaumaris, in particular: <ul style="list-style-type: none"> - Provision of additional landscaping along the northern boundary of the dwelling where there was only a footpath. - Replacement of the Myrtus Luma (Luma) along the southern boundary with Strelizia Reginae (Strelizia), Acacia Cognata (Limelight), Strelizia Nicolai (Bird of Paradise), Cordyline and Yucca Elephantipes (Yucca). - Replacement of the some landscaping species within the front yard with other species, and the addition of additional plants/trees. - Replacement of the Eucalyptus Pauciflora (Snow Gum) in the front yard with a Eucalyptus Melliodora (Yellow Box). - Replacement of grass in the rear yard with decking. - Relocation of the BBQ in the backyard from adjacent to the northern most bedroom of the dwelling to adjacent the southern boundary of the rear yard. - Replacement of the Dwarf Lilly Pilly along the rear boundary with Bambusa textiles gracilis (Gracillis), Lomandra Longifolia (Mat rush), Nandina domestica (Moonbay) and Dianelle Caerulea (Cassa Blue).

CARRIED

NOTE: Item 4.12 was **CARRIED** as part of a block motion.

**4.13 15 MIDDLETON STREET, HIGHETT
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/628 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/117527

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

Moved: Cr del Porto (Mayor)

Seconded: Cr Castelli

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2016/628** for the land known and described as **15 Middleton Street, Highett**, for the **Construction of two, two-storey dwellings on the lot** in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans Council date stamped 28 October 2016 but modified to show:
 - a) Deletion of the parapet wall to the front façade.
 - b) The porches and garages finished in a material different to render.
 - c) Water sensitive urban design measures in accordance with condition 6.
 - d) Landscaping plan in accordance with condition 10.
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. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
5. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
6. 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.

7. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
8. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
9. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
10. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) 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) Any pruning of existing trees to be undertaken in accordance with AS4373.
 - d) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - f) Details of 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.
13. This permit will expire if:

- a) the development is not commenced within two years of the date of this permit;
 - b) the development is not completed within four years of the date of this permit;
- or

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

Notes

A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.

This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

CARRIED

5. Confidential Business

Nil

Following consideration of Confidential Business the Chairperson declared the meeting closed at 9:30pm.

CONFIRMED THIS INSERT 22 DAY OF JUNE 2017

CHAIRPERSON:

