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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 9 March 2018.

**Moved: Cr Long**

**Seconded: Cr del Porto**

That the minutes of the Planning & Amenity Committee Meeting held on 9 March 2018, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## 4. Matters of Decision

### 4.1 277 BAY ROAD, CHELTENHAM NOTICE OF DECISION TO AMEND A PLANNING PERMIT APPLICATION NO: 2015/311/3 WARD: CENTRAL

City Planning & Community Services - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/18/33956

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

**Moved: Cr Castelli**

**Seconded: Cr Long**

That Council resolve to:

Issue a **Notice of Decision to Grant an Amended Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2015/311/3** for the land known and described as **277 Bay Road, Cheltenham**, for the **use of the land for the purpose of dwellings; the construction of a building and the construction of or the carrying out of works; a reduction of the required car parking, and a waiver of the required loading bay** 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) The removal of apartments G.01 and G.02 and the replacement of these apartments with commercial floor space generally in accordance with the plans contained at Appendix D of the evidence statement of Mr Tim Biles dated May 2016.
  - (b) Amendments to the roof of the proposed development generally in accordance with the plan contained in appendix C of the evidence statement of Mr Phillip Greenup dated 25 May 2016.
  - (c) Amendments to the proposed provision for car parking generally in accordance with the design recommendations in section 6 and appendix B of the evidence statement of Mr Russell Fairlie dated May 2016.
  - (d) Double glazing for all south facing windows of any, level 1 and level 2, apartments with a Bay Road facade.
  - (e) A schedule of construction materials, external finishes and colours.
  - (f) If practicable, a small canopy tree within the courtyards of apartment G.05.
  - (g) A landscape plan in accordance with Condition 9 of this planning permit.
  - (h) 1.7m high screens between any balconies or private open space areas where appropriate to avoid internal overlooking.
  - (i) A notation setting out the proposed allocation of car spaces within the basement between residents, traders, and visitors generally in accordance with the approach adopted in of the evidence statement of Mr Russell Fairlie dated May 2016.

- (j) Identification and directional signage in respect of the proposed visitor car spaces;
  - (k) The bin storage areas at ground floor re-located to the basement in the non-secured section of the basement.
- 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 the 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 dwellings without the written consent of the Responsible Authority.
- 5 The walls on the boundaries of the adjoining property must be cleaned and finished to the satisfaction of the Responsible Authority.
- 6 Before the occupation of the development starts, the areas 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 development;
  - (c) Surfaced with an all-weather-seal coat;
  - (d) Drained;
  - (e) Line marked to indicate each car space and all access lanes; and
  - (f) Clearly marked to show the direction of traffic along access lanes and driveways

To the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

- 7 The vehicular crossing must be constructed to the road to suit the proposed driveway 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.
- 8 Concrete kerbs or other barriers must be provided to the satisfaction of the Responsible Authority to prevent direct vehicle access other than via the vehicle crossing shown on the endorsed plans.
- 9 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 two copies must be provided. The plan must detail all plant species and demonstrate that sufficient soil volume exists to support these species.

- 10 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.
- 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 commencement of development, Tree Protection Fencing is to be established around the street trees 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 trees. The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 (Protection of trees on development sites). 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 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.
- 14 Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.60. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
- 15 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.
- 16 All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
  - (a) A trench grate (150mm minimum internal width) located within the property; and/or
  - (b) Shaping the driveway so that water is collected in a grated pit on the property; and/or
  - (c) Another Council approved equivalent.
- 17 Before the development begins, two 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.
- 18 The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge into adjacent properties
- 19 Prior to the commencement of any works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The construction management plan must address, but is not limited to:
  - (a) Construction methodology.
  - (b) Site access establishment, adjoining properties, use of the rear laneway and the public footpath along Bay Road.

- (c) Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.
  - (d) The covering and maintenance of all roads/storage areas/external stockpiles/or vacant areas to avoid dust nuisance to any residential and commercial premises.
  - (e) Control of noise and airborne matter and contact numbers for complaints;
  - (f) No water containing oil, foam, grease, scum or litter to be discharged to the stormwater drainage system from the site;
  - (g) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
  - (h) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site;
  - (i) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
  - (j) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.
- 20 Prior to the commencement of the development hereby approved, the applicant must submit to the Responsible Authority, an amended Waste Management Plan (WMP). This WMP must be to the satisfaction of the Responsible Authority and specify that all waste will be collected by private contractors from within the site. The WMP must also detail that a 6.4m rear mini loader is to be used. The WMP must be amended to reflect conditions of this permit and include the following notes:
- In section 2.3
- Commingle recycling (mixed recycling) must also include plastics coded 1-7 at a minimum
  - Cardboard recycling will be organised by the Operators through a private collection contractor.
  - Hard waste collections will be managed by the Operators (Body Corporate / Owners Corporation) and will be organised with a private collection contractor.
  - Other waste items such as e-Waste, white goods, domestic volumes of household paints, household batteries, florescent tubes and mixed globes can be taken to Baysides Waste Transfer and Recycling Centre at 144 Talinga Road, fees and charges may apply.
  - Household Chemical collections can be arranged through Sustainability Victoria via the mobile chemical collection program.
- In Section 2.4
- Storm water drains in storage area should be fitted with a litter trap/filter installed to trap litter which can then be disposed of responsibly; any trap/filter is to be included on a regular cleaning and sanitising schedule and must be emptied regularly

- Signage and bin colour coding must be in accordance with Sustainability Victoria's Away from Home Waste Signage guide. Update table to reflect signage guide – all bases should be black or green.
- 21 Prior to the commencement of the development (excluding demolition), the applicant must carry out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended uses. This PEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the uses.

The PEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This should include details of how long the uses occupied the site.
- A review of any previous assessments of the site and surrounding sites including details of the anticipated sources of any contaminated materials. This also includes a review of any previous Environmental Audits of the site and surrounding sites.

Should the PEA reveal that further investigative or remedial work is required to accommodate the intended uses, then prior to the commencement of the development, the applicant must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the uses.

This CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. This CEA must be submitted to, and be approved by the Responsible Authority prior to the commencement of the development. The CEA should include:

- Intrusive soil sampling in accordance with the requirements of Australian Standard (AS) 44582.1. This includes minimum sampling densities to ensure the condition of the site is accurately characterised.
- An appraisal of the data obtained following soil sampling in accordance with ecological, health-based and waste disposal guidelines.
- Recommendations regarding what further investigate and remediation work, if any, may be necessary to ensure the site is suitable for the intended uses.

Prior to the occupation of the building, the applicant must submit to the Responsible Authority a letter confirming compliance with any findings, requirements, recommendations and conditions of the CEA.

Should the CEA recommend that an Environmental Audit of the site is necessary then prior to the occupation of the building the applicant must provide either:

- (a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
- (b) A Statement of Environmental Audit in accordance with Section 53Z of the Environment Protection Act 1970. This Statement must confirm that the site is suitable for the intended use(s).



Where a Statement of Environmental Audit is provided, all the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority and prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or other person acceptable to the Responsible Authority. In addition, the signing off of the Statement must be in accordance with any requirements in it regarding the verification of works.

- 22 If there are conditions on the Statement that the Responsible Authority consider requires significant ongoing maintenance and/or monitoring, the applicant must enter into a legal agreement in accordance with Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. This Agreement must be executed on title prior to the occupation of the building. The owner of the site must meet all costs associated with the drafting and execution of this agreement including those incurred by the Responsible Authority.
- 23 The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) Transport of materials, goods or commodities to or from the land;
  - (b) Appearance of any building, works or materials;
  - (c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste productions, grit or oil;
  - (d) Presence of vermin;
  - (e) Other as appropriate.
- 24 Deliveries to and from the site (including waste collection) must only take place as specified in the Environmental Protection Authority's Noise Control Guidelines Publication 1254 October 2008.
- 25 Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1  
or  
Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2
- 26 All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.
- 27 The communal rooftop terrace may only be used by the residents of the dwellings in the building and for no commercial purpose.
- 28 This permit will expire if one of the following circumstances applies:
  - (a) The development has 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.
  - (c) The uses have not commenced within one year of completion of the development.

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:

Date	Amendment
15 December 2016	<p>Amendment to the endorsed plans under Secondary Consent:</p> <p>Basement and access</p> <ul style="list-style-type: none"> <li>• The vehicle access ramp gradients revised and changes made accordingly to the ground floor and basement plans; and</li> <li>• A non-allocated car parking space reallocated to Apartment G.03.</li> </ul> <p>Ground Floor Level</p> <ul style="list-style-type: none"> <li>• Apartment G.03 reconfigured to allow for a three bedroom apartment with the north-facing courtyard decreasing in area from 18m<sup>2</sup> to 15m<sup>2</sup> and the west-facing courtyard increasing from 16m<sup>2</sup> to 17m<sup>2</sup>;</li> <li>• Apartment G.04 increasing from a 1 bedroom apartment to a two bedroom apartment and north-facing courtyard increasing in area from 17m<sup>2</sup> to 20m<sup>2</sup>;</li> <li>• Apartment G.05 to be reconfigured internally;</li> <li>• Reduction in floor area of the services room and the remaining space used for bathrooms, laundry and store for Apartment G.03.</li> </ul>
11 October 2017	<p><i>Planning and Environment Act 1987</i>, Section 72 amendment to endorsed plans to include:</p> <ul style="list-style-type: none"> <li>• A reduction in the overall height of the building.</li> <li>• Amendment to the external treatment of the building including the use of circular elements along the south, east and west elevations and a more traditional design along the north elevation where it faces the residential properties.</li> <li>• Slight alteration to the type of some of the apartments.</li> </ul> <p>Pursuant to Section 71 of the <i>Planning and Environment Act 1987</i>, a correction to the Amended Planning Permit is required. Due to an administrative error an amended planning permit was issued prior to a Notice of Decision to Grant an Amended Permit.</p>

13 March 2018	<p>Amendment under S72 of the <i>Planning and Environment Act 1987</i> to include:</p> <ul style="list-style-type: none"><li>• Addition of a communal roof top terrace area</li><li>• Inclusion of condition 27 in relation to the use of the communal terrace area and subsequent renumbering of following conditions.</li></ul>
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**CARRIED**

**4.2 9-11 ADAMSON STREET, BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2017/525 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/18/19907

*It is recorded that Mr Andrew Stobart, Mr Rob Mould, Mr John Christophersen, Mr Simon Martin, and Mr Nick McKimm spoke for three minutes each on this item.*

**Moved: Cr del Porto**

**Seconded: Cr Castelli**

That Council resolve to:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2017/525** for the land known and described as 9-11 Adamson Street, Brighton, for the **construction of a three storey apartment building (nine (9) units) with basement parking and a front fence in excess of 1.5m in height** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Mckimm but modified to show:
  - a) The height of the boundary wall on the south-west elevation to be reduced to a maximum average height of 3.2m.
  - b) Plans demonstrating that all first and second floor windows and balconies on the north-east, north-west and south-west elevations comply with Standard B22 of the Bayside Planning Scheme.
  - c) Clarification (change if required) that a 4.0m setback is achieved between first and second floors at the front façade.
  - d) All dwellings to comply with Standard B35 of the Bayside Planning Scheme and not exceed the maximum cooling load.
  - e) An updated landscape plan to show compliance with Standard B38 of the Bayside Planning Scheme as set out at condition 10.
  - f) Compliance with Standard B41 of the Bayside Planning Scheme in terms of accessibility for 50% of the dwellings.
  - g) Bicycle parking to comply with AS2890.3:2015.
  - h) 1 in 10 grade to be provided for the first 5m of the basement entrance from the property boundary.
  - i) Relocation of the intercom to ensure a vehicle using the intercom can be stopped wholly within the 1 in 10 grade.
  - j) Swept path analysis to demonstrate that a 6.4m waste vehicle can enter and exit the basement in a forward direction and with satisfactory height clearance.

- k) 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.
  - l) An updated Waste Management Plan to include the requirements set out at condition 18.
  - m) Full compliance with standard B6 of Rescode.  
All to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
  3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
  4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
  5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
  6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
  7. The loading and unloading of vehicles and the delivery of goods to and from the premise must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.

#### Water Sensitive Urban Design

8. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
  - a) The type of water sensitive urban design stormwater treatment measures to be used.
  - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
  - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.
9. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plans drawn by John Patrick Landscape Architects, dated 24/11/2017, Revision A 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) Full compliance with Standard B38 of the Bayside Planning Scheme in relation to deep soil areas and canopy trees.
  - 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.

Street tree protection

13. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
  - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
  - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
  - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
  - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
14. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.

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

#### Sustainability

16. Prior to the endorsement of plans pursuant to condition 1, a Sustainability Report to the satisfaction of the Responsible Authority must be submitted and endorsed by the Responsible Authority. The Sustainability Report must generally be in accordance with the Report prepared by GIW Environmental Solutions dated 27 September 2017 Revision C.
17. The development must be carried out and maintained in accordance with the recommendations and requirements as described in the endorsed sustainability report to the satisfaction of the Responsible Authority.

#### Waste Management Plan

18. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
  - a) Dimensions of storage waste areas.
  - b) Adequate internal storage space within each dwelling to enable the separation of waste, recyclables and food waste where appropriate.
  - c) Storm water drains in storage areas should be fitted with a litter trap.
  - d) The number and size of bins to be provided.
  - e) Adequate ventilation.
  - f) Located and design for convenient access by residents and made easily accessible to people with limited mobility.
  - g) Facilities for bin cleaning.
  - h) Method of waste and recyclables collection.
  - i) Types of waste for collection, including colour coding and labelling of bins.
  - j) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
  - k) Method of hard waste collection.
  - l) Method of presentation of bins for waste collection.
  - m) Sufficient headroom within the basement to accommodate waste collection vehicles.
  - n) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
  - o) Strategies for how the generation of waste and recyclables will be minimised.
  - p) Compliance with relevant policy, legislation and guidelines.

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

Construction Management Plan

19. 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.

#### Drainage

20. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
21. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

#### Basement Construction

22. Following completion of the construction of the basement and prior to commencement of the next level, a report prepared by a licensed surveyor certifying the overall internal dimensions and levels have been achieved shall be submitted to and approved by the Responsible Authority.

#### Development Contributions

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

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

#### Permit Expiry

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

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

25. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority, with reference to the construction of the Right of Way that abuts the site that the applicants has agreed to fully construct at its own cost. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with Council's specifications and must show:
- Dimensions of the laneway and/or ROW.
  - Australian Height Datum at the points where the laneway and/or ROW meets adjoining properties to be shown on all plans.
  - Construction details of the laneway and/or ROW in consultation with Council Officers, adopting specific needs.
  - Details of how the crossover will be constructed, including materials to be used.
  - A clear notation to indicate that the applicant of developed land is responsible for all costs associated with its construction.

26. Prior to commencement of works a laneway and/or ROW construction management plan, that includes traffic management, to the satisfaction of the responsible authority must be submitted to and be endorsed by the Responsible Authority. The laneway management plan must:
  - a) Be specific to the construction of the laneway.
  - b) Include community information and liaison processes for affected parties that includes notifications of road closure and alternate access opportunities. Include liaison contact details for affected parties to resolve vehicle and pedestrian access issues.
  - c) Include liaison contact details for any relevant government agencies/first responders such as VicRoads/Police/SE Water/Melbourne Water/United Energy etc.
  - d) List construction stage hold points for the purposes of progress inspections by Council's Engineers.
  - e) Include a resolution process for damage to adjacent properties/infrastructure.
  - f) Details of traffic management.
  - g) Before the occupation, and/or use, of the development, the laneway and/or ROW must be constructed, drained and line marked in accordance with the plans endorsed under condition 24 to the satisfaction of the Responsible Authority.
27. Prior to the commencement of buildings and works, 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 applicant is to undertake construction, at their own cost, of the full length of Right of Way as shown on the plans endorsed under condition 24

The agreement shall be prepared and executed at the owners cost.

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- 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 Basements or Below Ground Structures."

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

**DIVISION:**     **FOR:**        Crs Alex del Porto, James Long and Sonia Castelli (3)  
**AGAINST:** Crs Laurence Evans (Mayor), Michael Heffernan, Clarke Martin and Rob Grinter (4)

**LOST**

**Moved: Cr Evans (Mayor)**

**Seconded: Cr Heffernan**

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2017/525** for the land known and described as 9-11 Adamson Street, Brighton, for the **construction of a three storey apartment building (nine (9) units) with basement parking and a front fence in excess of 1.5m in height** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Mckimm but modified to show:
  - a) The height of the boundary wall on the south-west elevation to be reduced to a maximum average height of 3.2m.
  - b) Plans demonstrating that all first and second floor windows and balconies on the north-east, north-west and south-west elevations comply with Standard B22 of the Bayside Planning Scheme.
  - c) Clarification (change if required) that a 4.0m setback is achieved between first and second floors at the front façade.
  - d) All dwellings to comply with Standard B35 of the Bayside Planning Scheme and not exceed the maximum cooling load.
  - e) An updated landscape plan to show compliance with Standard B38 of the Bayside Planning Scheme as set out at condition 10.
  - f) Compliance with Standard B41 of the Bayside Planning Scheme in terms of accessibility for 50% of the dwellings.
  - g) Bicycle parking to comply with AS2890.3:2015.
  - h) 1 in 10 grade to be provided for the first 5m of the basement entrance from the property boundary.
  - i) Relocation of the intercom to ensure a vehicle using the intercom can be stopped wholly within the 1 in 10 grade.
  - j) Swept path analysis to demonstrate that a 6.4m waste vehicle can enter and exit the basement in a forward direction and with satisfactory height clearance.
  - k) 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.
  - l) An updated Waste Management Plan to include the requirements set out at condition 18.All to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must

be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
7. The loading and unloading of vehicles and the delivery of goods to and from the premise must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.

#### Water Sensitive Urban Design

8. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
  - a) The type of water sensitive urban design stormwater treatment measures to be used.
  - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
  - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

9. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

#### Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plans drawn by John Patrick Landscape Architects, dated 24/11/2017, Revision A 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) Full compliance with Standard B38 of the Bayside Planning Scheme in relation to deep soil areas and canopy trees.
  - 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.

#### Street tree protection

13. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
- a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
  - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
  - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
  - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
14. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.
15. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

#### Sustainability

16. Prior to the endorsement of plans pursuant to condition 1, a Sustainability Report to the satisfaction of the Responsible Authority must be submitted and endorsed by the Responsible Authority. The Sustainability Report must generally be in accordance with the Report prepared by GIW Environmental Solutions dated 27 September 2017 Revision C.
17. The development must be carried out and maintained in accordance with the recommendations and requirements as described in the endorsed sustainability report to the satisfaction of the Responsible Authority.

#### Waste Management Plan

18. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste

Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:

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

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

#### Construction Management Plan

19. 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.

#### Drainage

- 20. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
- 21. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

#### Basement Construction

- 22. Following completion of the construction of the basement and prior to commencement of the next level, a report prepared by a licensed surveyor certifying the overall internal dimensions and levels have been achieved shall be submitted to and approved by the Responsible Authority.

Development Contributions

23. Prior to endorsement of the plans required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.
- The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.
24. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority, with reference to the construction of the Right of Way that abuts the site that the applicants has agreed to fully construct at its own cost. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with Council's specifications and must show:
- f) Dimensions of the laneway and/or ROW.
  - g) Australian Height Datum at the points where the laneway and/or ROW meets adjoining properties to be shown on all plans.
  - h) Construction details of the laneway and/or ROW in consultation with Council Officers, adopting specific needs.
  - i) Details of how the crossover will be constructed, including materials to be used.
  - j) A clear notation to indicate that the applicant of developed land is responsible for all costs associated with its construction.
25. Prior to commencement of works a laneway and/or ROW construction management plan, that includes traffic management, to the satisfaction of the responsible authority must be submitted to and be endorsed by the Responsible Authority. The laneway management plan must:
- h) Be specific to the construction of the laneway.
  - i) Include community information and liaison processes for affected parties that includes notifications of road closure and alternate access opportunities. Include liaison contact details for affected parties to resolve vehicle and pedestrian access issues.
  - j) Include liaison contact details for any relevant government agencies/first responders such as VicRoads/Police/SE Water/Melbourne Water/United Energy etc.
  - k) List construction stage hold points for the purposes of progress inspections by Council's Engineers.
  - l) Include a resolution process for damage to adjacent properties/infrastructure.
  - m) Details of traffic management.
  - n) Before the occupation, and/or use, of the development, the laneway and/or ROW must be constructed, drained and line marked in accordance with the plans endorsed under condition 24 to the satisfaction of the Responsible Authority.
26. Prior to the commencement of buildings and works, 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:
- b) The applicant is to undertake construction, at their own cost, of the full length of Right of Way as shown on the plans endorsed under condition 24
- The agreement shall be prepared and executed at the owners cost.





**4.3 398 NEW STREET, BRIGHTON  
NOTICE OF DECISION TO AMEND A PLANNING PERMIT  
APPLICATION NO: 2015/679/2 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/44105

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*It is recorded that Mr Mile Trpkovski, Mr Chris Christou, Mr Samuel Czyczelis and Mr Dev Raj spoke for three minutes each on this item.*

*It is recorded that Mrs Renee Franek, Mr John Wills, and Mr Arthur Zoungas were not present in the Chamber at the time their names were called to speak to this item.*

*Councillor Castelli left the Meeting at 7:55pm  
Councillor Castelli returned to the Meeting at 7:57pm*

**Moved: Cr del Porto**

**Seconded: Cr Heffernan**

That Mr Dev Raj be granted three minutes to speak to this item.

**CARRIED**

**Moved: Cr del Porto**

**Seconded: Cr Heffernan**

That Council resolve to:

Issue a **Notice of Decision to Amend Planning Permit 2015/679/1** under the provisions of the Bayside Planning Scheme in respect of **planning application 2015/679/2** for the land known and described as **398 New Street, Brighton** for the **alterations and additions to a dwelling and roof deck on a lot less than 500m<sup>2</sup>** 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 but modified to show:
  - a) Provision of overlooking screens to the south and east of the terrace in accordance with Standard A15 of Clause 54 of the Bayside Planning Scheme.
  - b) The provision of fixed obscure glazing to the first floor south facing windows associated with the bathroom and staircase in accordance with standard A15.
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 and roof terraces including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building
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.
- 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 no easement within the property.
- The existing street tree/s must not be removed or damaged.

**THE PERMIT INCORPORATES THE FOLLOWING AMENDMENTS:**

Date Amended	Details
13 March 2018	Amendment pursuant to Section 72 of the <i>Planning and Environment Act 1987</i> , involving: Amendment to the plans endorsed under the permit: <ul style="list-style-type: none"> <li>• Increase to the height of the dwelling from 8.11m to 8.918m</li> <li>• Removal of a skylight to the ground floor meals area</li> <li>• Internal alteration to the layout and minor reduction and relocation to the size of the roof terrace</li> <li>• Minor internal alterations</li> </ul> Sheets 1-4 (inclusive) have been created and will supersede all of the previously endorsed plans endorsed on 25 May 2017.

**THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED**

**CARRIED**



**4.4 24 RESERVE ROAD, BEAUMARIS  
NOTICE OF DECISION TO AMEND A PLANNING PERMIT  
APPLICATION NO: 2013/567/3 WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/45667

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

**Moved: Cr Evans (Mayor)**

**Seconded: Cr Martin**

That Council resolve to:

Issue a Notice of Decision to Amend Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2013/567/3 for the land known and described as 4 Reserve Road, BEAUMARIS, for the removal of five (5) trees protected by the Vegetation Protection Overlay in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans dated 8 May 2014 but modified to show:
  - a) Deleted.
  - a) Deleted.
  - b) A schedule of construction materials and colours.
  - c) A landscape plan in accordance with condition 9 of this permit.
  - d) Tree protection fencing in accordance with condition 12 of this permit.
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, air conditioning units 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. The walls on the boundaries of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
7. Car spaces and driveways must be kept available for these purposes at all times.
8. 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.

9. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and be 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) Two indigenous canopy trees within the rear setback of each dwelling (not over the easement) to reach a minimum height of 8.0m at maturity. Decks and pools may need to be reduced in size to accommodate this tree.
  - b) An indigenous canopy tree in the front setback to reach a minimum height of 8.0m at maturity
  - c) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
  - d) Trees (including botanical names) on neighbouring properties within three (3) metres of the boundary.
  - e) Details of surface finishes of pathways and driveways.
  - f) 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. The planting must consist of 80% indigenous plantings.
  - g) Landscaping and planting with all open areas of the site.
  - h) Planting of three (3) replacement indigenous trees in the front setback to the satisfaction of the Responsible Authority. The trees must be a minimum 2.5 metres high at the time of planting.
  - i) Planting of two (2) replacement indigenous trees in the rear setback to the satisfaction of the Responsible Authority.

All species selected must be 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. Replacement trees should be in accordance with those required in condition 10.
12. Before the development (including demolition) starts, a tree protection fence must be erected around the trees in the front setback to be retained. The tree protection fence must encompass the dripline of the outer most tree 9 unless otherwise indicated in writing. The fence must be in accordance with AS 4970-2009. The tree protection fence must remain in place until construction is completed and the following must be undertaken within that Tree Protection Zone:
  - a) The ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch and be watered regularly
  - b) No operation of any heavy machinery, excavator or similar;

- c) No storage or dumping of tools, equipment or waste;

All tree protection measures must be in accordance with Australian Standard 4970-2009 and be to the satisfaction of the Responsible Authority.

13. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be 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 in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and 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 landscaping 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.

The water sensitive urban design stormwater treatment system as shown on the endorsed plan 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.

14. 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.
15. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
16. 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. The design must meet the requirements of Council's discharge of Pumped Subterranean Water Associated with Basements or Below-Ground Structures.
17. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
  - a) A trench grate (150mm minimum internal width) located within the property; and/or
  - b) Shaping the driveway so that water is collected in a grated pit on the property; and/or
  - c) Another Council approved equivalent.
18. Before the 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.

19. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
20. Before development commences the applicant must pay \$6,037.02 to the Responsible Authority for the removal and replacement of the existing street tree(s). This amount has been determined in accordance with Council's current policy for the removal of street 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(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.
21. The permit expires if one of the following applies:
  - a) The development has 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.

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.
  - 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.
  - Build Over Easement  
There is an easement at the rear of the property as indicated on the submitted plans, but there are no proposals to build over or encroach into the easement. Any future proposals in regards to this easement require a formal application for Council's consent as part of the Building Permit process.
- (b) Permits to be acquired:
- i. Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.

- ii. A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- (c) Flood Zone  
Property is not in a 'flood zone'.

Date	Details
<b>1 April 2014</b>	<p>The Tribunal directs that Permit No. 2013/567/1 must contain the conditions set out in the permit issued by the Responsible Authority on 26 September 2014 with the following modifications:</p> <ul style="list-style-type: none"> <li>• Conditions 1(a) and 1(b) are deleted.</li> </ul>
<b>27 September 2016</b>	<p>Extension of time pursuant to Section 69 of the Planning and Environment Act 1987:</p> <p>The Planning Permit will expire if:</p> <ul style="list-style-type: none"> <li>• The development is not commenced by 26 September 2017.</li> <li>• The development is not completed by 26 September 2018.</li> </ul>
<b>21 February 2017</b>	<p>Amended plans endorsed under Section 72, allowing the following alterations:</p> <ul style="list-style-type: none"> <li>• Demolition of brick boundary wall on southern boundary and replacement with timber paling fence to 2 metres in height.</li> <li>• Increase in extent of decking and seating in rear garden of No.24A Reserve Road</li> <li>• Removal of two palm trees in rear garden of No.24A Reserve Road.</li> <li>• Internal reconfiguration of first floor bathrooms to both units.</li> <li>• Increase in setback from the rear boundary of 82mm and 40mm to 24A and 24B Reserve Road respectively.</li> </ul> <p>This amends and supersedes sheets 1 to 4 (of 6) of the previously endorsed plans dated 14/12/2014.</p>
<b>13<sup>th</sup> March 2018</b>	<p>Section 72 amendment, allowing the following alterations:</p> <ul style="list-style-type: none"> <li>• Removal of five (5) trees protected by the Vegetation Protection Overlay.</li> <li>• Modification of <b>Condition 9</b> to include the following: <ul style="list-style-type: none"> <li>h) Planting of three (3) replacement indigenous trees in the front setback to the satisfaction of the Responsible Authority. The trees must be a minimum 2.5 metres high at the time of planting.</li> <li>i) Planting of two (2) replacement indigenous trees in the rear setback to the satisfaction of the Responsible Authority.</li> </ul> </li> </ul>

**CARRIED**



**4.5 40 SCOTT STREET, BEAUMARIS  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2015/744/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/36238

*It is recorded that Miss Magdaline Loizou spoke for three minutes on this item.*

**Moved: Cr Evans (Mayor)**

**Seconded: Cr Martin**

That the Delegate resolve to:

Issue a **Notice of Decision to Grant a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application No. 2015/744/1** for the land known and described as **40 Scott Street BEAUMARIS**, for the **Construction of two double storey dwellings and removal of vegetation in a Vegetation Protect Overlay** 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 (**amended**) Council date stamped **23<sup>rd</sup> May 2017** but modified to show:
  - a) Landscaping plan in accordance with condition 11.
  - b) Location of all plant and equipment, including hot water services and air conditioners etc.
  - c) Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
  - d) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
  - e) Water sensitive urban design measures in accordance with condition 8.
  - f) Any consequential changes to the plans to comply with any conditions of this permit must result in no increase in the built form or envelope.

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 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
4. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
6. 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.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

#### Water Sensitive Urban Design

8. 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.

#### Transport

10. Before the occupation of the development starts, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.

#### Landscaping

11. 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 advertised landscape plan drawn by Taylors reference LO2- Landscape Plan dated 2nd March 2016 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
  - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.

- c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.
  - d) Retention of the existing Victorian Blue Gum (*Eucalyptus bicostata*) in the street setback of Unit 1.
  - e) Planting of 1 large canopy tree (trees with mature heights of 10-15 metres) or two smaller canopy trees (trees with mature heights of 6-8 metres) in the rear of each dwelling.
  - f) Planting of one indigenous replacement tree with a minimum height of 2.5 metres at time of planting within the front setback of Unit 2.
  - g) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - h) Details of surface finishes of pathways and driveways.
  - i) Prior to commencement of works associated with the construction of the dwellings, a detailed plan and report identifying the construction materials and techniques for the part of the drive that is inside the Tree Protection Zone of the Victorian Blue Gum (*Eucalyptus bicostata*). The plan will include schematics of the proposed works in vertical and horizontal plane. The report will comment on the way the construction will occur, protection measures required while the work is being undertaken method and periods which will require supervision.
  - j) The information required by condition 11(i) may be included in a Tree Protection Management Plan for the whole of the site or be a stand-alone document.
12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Tree Management and Protection Plan

14. 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.

15. 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.
16. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

#### Street tree protection

17. Tree protection fence is to be installed around the *Fraxinus angustifolia* fronting 42 Scott Street in compliance with AS 4970–2009, Protection of trees on development sites.

#### Drainage

18. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
19. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

#### Development Contributions

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

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

#### Permit Expiry

21. 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.
- Council records indicate that there is a 3.05m wide drainage and sewerage easement along the eastern property boundary. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the responsible Authority/Authorities.

- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 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.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- The installation of the vehicle crossing at the proposed location conflicts with the Melaleuca armillaris street tree asset. As the design does not allow any other option for the location of this vehicle crossing and to allow this development to proceed, the tree may be approved for removal under Clause 6.5 of the Street and Park Tree Management Policy (2016).
- Before the vehicle crossing application will be approved, the applicant must pay \$3,409.63 to the Responsible Authority for the removal and replacement of the existing street tree(s). This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.

**CARRIED**

**4.6 293 - 295 HAMPTON STREET AND 13 RAILWAY CRESCENT,  
HAMPTON  
SUPPORT THE GRANT OF A PLANNING PERMIT  
APPLICATION NO. 2014/669/3 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/44788

*It is recorded that Mr Danny Haheisy spoke for three minutes on this item.*

**Moved: Cr Castelli**

**Seconded: Cr del Porto**

That Council resolve to:

Determines to **Support** the application under the provisions of the Bayside Planning Scheme in respect of **Planning Application No. 2014/669/3** for the land known and described as **293-295 Hampton Street HAMPTON and 13 Railway Crescent HAMPTON**, for the **Use of land for dwellings; Buildings and works for in the Commercial 1 Zone and Design and Development Overlay Schedule 12; Demolition, buildings and works in a Heritage Overlay; Reduction in the required car parking rates and Waiver of the loading requirements** in accordance with the amended plans received by Council on 12 October 2017 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 submitted with the application but modified to show:
  - (a) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples);
  - (b) The finish of the balustrade to the balcony of Apartment 301 to be light weight and not glass;
  - (c) Changes to improve daylight access to apartments in accordance with the Plans TP05- TP09 prepared by CBG Architects "Issued for Information Purposes Only- February" in Appendix E of the LID Consulting report dated 8 February 2016.
  - (d) The provision of a warning light/s at the entrance to the car park visible from the intersection of the laneway and Railway Crescent that indicate when the roller door is open;
  - (e) Vehicle sight lines in accordance with Australian AS2890.1 at the intersection of the laneway and Railway Crescent;
  - (f) Details of the restoration works to the Hampton Street facade;
  - (g) Specifications of the car stackers to be used including sections through building showing sufficient clearance around the stackers;

- (h) Changes to the internal layout and balcony of Apartments 103 and 203 to provide for an improved outlook;
  - (i) Inclusion of an access door to the southern elevation of the bike store; and
  - (j) Swept path diagrams confirming access to and from all car parking spaces can be achieved in a forwards direction.
- 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 Before the development permitted by this permit starts, all lots comprising the subject land must be consolidated into one lot under the *Subdivision Act 1988*.
- 5 The walls of the development on the boundaries of adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
- 6 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.
- 7 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 prior written consent of the Responsible Authority.
- 8 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 Responsible Authority prior to the occupation of the building hereby approved.
- 9 Before the occupation of the development starts, the areas 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 development;
  - (c) Drained; and
  - (d) Line marked to indicate each car space and all access lanes.
- All to the satisfaction of the responsible authority.
- Car spaces, access lanes and driveways must be kept available for these purposes at all times.
- 10 Prior to the commencement of the development hereby approved, the applicant must submit to the Responsible Authority a Construction Management Plan (CMP) for approval. Once approved, this plan will form part of the permit. This CMP must state that, unless otherwise agreed by the Responsible Authority:

- (a) Pedestrian access will be maintained at all times along the Railway Crescent and Hampton Street footpath adjacent to the site;
- (b) No footpath will not be obstructed during construction works;
- (c) All site facilities will be located on site during the construction period;
- (d) All waste material not required for further on-site processing must 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;
- (e) All roads/storage areas/external stockpiles areas must be maintained to avoid dust nuisance to any residential area to the satisfaction of the Responsible Authority.
- (f) 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.

All measures of the CMP must be implemented to the satisfaction of the Responsible Authority.

- 11 Prior to the commencement of the development hereby approved a Waste Management Plan 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 Waste Management Plan must include (but is not limited to), the following items:
- (a) Responsibility for rubbish collection by a private contractor and how collection of refuse and recycling materials will be managed;
  - (b) The size and details of the waste collection vehicle to service the site;
  - (c) The frequency and hours for the collection of all waste and recyclables;
  - (d) The type of waste and recycling bins to be used;
  - (e) Collection of waste to the satisfaction of the Responsible Authority;
  - (f) Collection measures to minimise disruption to traffic flows within the site and on the surrounding road network;
  - (g) Any other relevant matter.
- 12 Waste storage areas must be kept in a clean and tidy condition and free from offensive odours to the satisfaction of the Responsible Authority.
- 13 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.
- 14 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 of which is to be to the satisfaction of the Responsible Authority.



- 15 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.
- 16 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.
- 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 Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be 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 in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and 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 landscaping 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.

The water sensitive urban design stormwater treatment system as shown on the endorsed plan 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.

- 19 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.

This permit as it relates to use will expire if the use does not commence within two (2) years after the completion of the development.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the period referred to in this condition.

Date	Brief description of amendment
28 August 2017	<p>Amendment to the endorsed plans and permit pursuant to Section 72 of the <i>Planning and Environment Act 1987</i> to show:</p> <p>a) Amend the plans as follows:</p> <p><u>Ground Floor Plan (TP05-D)</u></p> <ul style="list-style-type: none"> <li>• Apartments G01 (2 bedroom) and G02 (1 bedroom) combined to create one 3 bedroom apartment (renumbered G01). Consequential changes to balcony/terrace space and adjustment to window openings on northern wall to suit;</li> <li>• Location of gas metres and mail boxes shown adjacent Railway Crescent;</li> </ul> <p><u>First Floor Plan (TP06 – D)</u></p> <ul style="list-style-type: none"> <li>• Apartment 105 changes to fitout in living room, requiring removal of north facing window to living room;</li> <li>• Minor amendments to balcony shape for apartments 104 and 105, increasing size for each by 0.5 sqm (from 8 to 8.5sqm);</li> <li>• Amendment to location of front doors for Apartment 104 and 105;</li> <li>• Apartment 102 internal layout changes and an additional window opening to southern wall;</li> </ul> <p><u>Second Floor Plan (TP07 – D)</u></p> <ul style="list-style-type: none"> <li>• Apartments 204 (1 bedroom) and 205 (2 bedroom) combined to create one 3 bedroom apartment numbered 204/205. One north facing window removed to accommodate the changes and balcony space attached/reconfigured to suit;</li> <li>• Apartment 206 internal layout reconfigured resulting in reduced snorkel length to second bedroom;</li> <li>• Apartment 201 internal layout reconfigured.</li> </ul>

	<p><u>Elevations and Sections (TP10-D to TP12-D)</u></p> <ul style="list-style-type: none"> <li>Northern Elevation – A vertical rebate relief has been added to the wall to add visual interest where the windows have been removed. This rebate will be charcoal render to tie in with the approved rebated relief on the southern elevation;</li> <li>Southern Elevation – Additional window added to the first floor;</li> </ul> <p>Changes to Number of Dwellings</p> <ul style="list-style-type: none"> <li>The number of apartments is decreased from 18 to 16 apartments.</li> <li>b) Amend the permit by changing condition 4 to read as follows:</li> </ul> <p>Before the development permitted by this permit starts, all lots comprising the subject land must be consolidated into one lot or a plan of subdivision lodged with the Responsible Authority which subdivides the land to coincide with the development approved by planning permit 5/2014/669/1</p>
21 December 2017	<p>Amendment to the endorsed plans and permit pursuant to Section 72 of the <i>Planning and Environment Act 1987</i> to show:</p> <p>Amendment to the Planning Permit:</p> <ul style="list-style-type: none"> <li>Condition 1(b) reworded to reference Apartment 301.</li> </ul> <p>Amendment to the Endorsed Plans:</p> <p><u>Ground floor amendments</u></p> <ul style="list-style-type: none"> <li>Precast wall extended adjacent car stacker bay.</li> <li>Windows to Apartment G01 revised.</li> <li>Electricity Supply Pillar added to Apartment G01 Terrace as required by the electricity authority and G01 mailbox adjusted.</li> <li>Relocation of underground water tank and inclusion of stormwater detention tank.</li> <li>Reconfiguration of service location.</li> <li>Wall to Bicycle Storage revised.</li> <li>Skylight removed from the lobby.</li> <li>Revised stairs.</li> </ul> <p><u>First floor amendments</u></p> <ul style="list-style-type: none"> <li>Removal of skylight window to lobby below.</li> </ul> <p><u>Third floor amendments</u></p> <ul style="list-style-type: none"> <li>Apartments 301 and 302 combined into one apartment (now 301).</li> </ul>

	<ul style="list-style-type: none"> <li>• Two windows on the northern elevation to the approved Apartment 301 readjusted to suit the reconfigured Apartment 301.</li> <li>• One window on the southern elevation to the approved Apartment 302 deleted.</li> <li>• Fireplace added to the living area of Apartment 301 with flue extending above the roofline.</li> </ul> <p><u>Elevations and section amendments</u></p> <ul style="list-style-type: none"> <li>• South Elevation - Articulation and treatment to façade removed where it abuts the approved adjoining development at 23-31 Small Street.</li> <li>• North Elevation – Articulation and treatment to façade to suit revised windows.</li> <li>• Material finish changed from the approved ‘Precast Concrete Panel’ (CT1 and CT2) to the proposed ‘Render’ (AR1 and AR2) as previously approved. Colours remain the same as approved – Off White and Charcoal.</li> <li>• Material finish changed from the approved Glass (GL2) – charcoal colour infill panel between windows to proposed ‘Render’ (AR2) – charcoal colour.</li> <li>• Windows previously shown full height have been reduced in height.</li> </ul>
13 March 2018	<p>Amendment to the endorsed plans and permit pursuant to Section 87A of the <i>Planning and Environment Act 1987</i> to show:</p> <p><u>Ground floor</u></p> <ul style="list-style-type: none"> <li>• Additional car parking bay 3 – additional car parking spaces provided (total of 22 spaces in total); and</li> <li>• Additional storage provided (20 storage cases in total).</li> </ul> <p><u>First floor</u></p> <ul style="list-style-type: none"> <li>• No change.</li> </ul> <p><u>Second floor</u></p> <ul style="list-style-type: none"> <li>• No change.</li> </ul> <p><u>Third floor</u></p> <ul style="list-style-type: none"> <li>• Apartment 301 north-western bedroom enlarged by moving the north western wall, with a commensurate reduction in the size of the balcony space from 10.5 sqm to 5.5 sqm;</li> <li>• Addition of a new apartment 302 to the west of apartment 301;</li> <li>• Communal roof top terrace removed from the western roof; and,</li> <li>• Ceiling of apartment 301 increased from 2.6m to 2.7m</li> </ul>

	<p>(parapet height is not altered – overall building height does not change).</p> <p><u>Roof Plan</u></p> <ul style="list-style-type: none"><li>• Roof plan updated to reflect roof plan of new apartment 302; and,</li><li>• The eastern communal roof top terrace is to remain unchanged.</li></ul>
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**CARRIED**

**4.7 UNIT 27, 26 CHURCH STREET, BRIGHTON (ALSO KNOWN AS 3 WELL STREET, BRIGHTON) AND COMMON PROPERTY  
NOTICE OF DECISION TO AMEND A PLANNING PERMIT  
APPLICATION NO: 2014/874/4 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/18/35267

*It is recorded that Mr Graeme Williams, Mr Hanna Elmouallem, Mr Mirlam Basic, Mr Douglas Williams, Mrs Derna Sanderson, Ms Paula Loughnan, Ms Kristina McGeehan and Ms Sophie Jordan spoke for three minutes each on this item.*

**Moved: Cr del Porto**

**Seconded: Cr Heffernan**

That Council resolve to:

Issue a **Notice of Decision to Amend a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2014/874/4** for the land known and described as **Unit 27/26 Church Street, Brighton (also known as 3 Well Street) and common property**, for the **buildings and works associated with existing restaurant, liquor licence and advertising signage (internally illuminated)** 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 (submitted with the application and advertised) prepared by Lamprecht Architect referenced 17105, Council date 25 August 2017 and revision number A but modified to show:
  - a) Louvre windows to be permanently closed at all times.
  - b) A Landscaping Plan in accordance with Condition 2 of this permit.All to the satisfaction of the Responsible Authority.
2. 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 show:
  - a) The location of the planter boxes. These planter boxes must be fixed to the floor and non-removable.
  - 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.
3. 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.

4. 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.
5. Deliveries to and from the site (including waste collection) must only take place between:
  - 7 am — 8 pm Monday to Saturday
  - 9 am — 8 pm Sunday and public holidaysAll to the satisfaction of the Responsible Authority.
6. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
7. This approval pertains to the title boundaries of the lot and not common property except for the planter box located along the southern façade of the restaurant and the built form marked in red on the Merrigan Millar plan dated 16 February 2017, surveyors reference 20503R.
8. The lighting for the signage must be set to a timer or manually set to turn off after the premises closes.
9. The use of the land as a restaurant and the sale and consumption of liquor may only be undertaken between the following trading hours:
  - 11am and 10:30pm on any day; except
  - 11am and 12am on New Year's Eve and Chinese New Year.All to the satisfaction of the Responsible Authority.
10. There may be no more than 150 patrons (customers) on site to the satisfaction of the Responsible Authority.
11. The licenced area as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
12. The sale and consumption of liquor hereby permitted must at all times occur in conjunction with the sale and consumption of food to the satisfaction of the Responsible Authority.
13. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

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:

- 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.

- It is highly recommended that DDA compliant bathroom(s) are provided at the ground floor of the restaurant in accordance with the Building Code of Australia.
- Refuse bins should be located at sites that provide minimal annoyance to residential premises.
- Compaction should be carried out while the vehicle is moving.
- Noisy verbal communication between operators should be avoided where possible.

Date	Details
13 March 2018	<p>Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to:</p> <ul style="list-style-type: none"> <li>• Amend Condition 2 from “This approval pertains to the title boundaries of the lot and not common property” to “This approval pertains to the title boundaries of the lot and not common property except for the planter box located along the southern façade of the restaurant and the built form marked in red on the Merrigan Millar plan dated 16 February 2017, surveyors reference 20503R.”</li> <li>• Amend Condition 9 to reduce the approved trading hours from “The sale and consumption of liquor may only be undertaken between 11:00am and 12:00am on any day” to “ The sale and consumption of liquor may only be undertaken between: <ul style="list-style-type: none"> <li>- 11am and 10:30pm on any day;</li> <li>- 11am and 12am on New Year’s Eve and Chinese New Year”</li> </ul> </li> <li>• Introduce Condition 5 to regulate the delivery time.</li> <li>• Amend the Endorsed Plans as follows: <p><u>Works within the existing restaurant</u></p> <ul style="list-style-type: none"> <li>- Modification to the ground floor plan to change the area approved as ‘Freezer and Cool Room’ to be a ‘Freezer’.</li> <li>- Deletion the wording of ‘Dry Storage’ which is located next to the ‘Freezer’.</li> <li>- The existing ‘Operable Door’ facing Well Street has been amended to ‘Operable Door For Exit Only’.</li> <li>- Proposed louvre windows to the south of the building are proposed to be closed at 10pm on any given evenings.</li> <li>- Modification to the first floor plan to change the area approved as ‘VIP Room 2’ to a new dining area, resulting in floor area variations to the approved ‘Female Toilet’ and the proposed dining area.</li> <li>- Modification to the first floor plan to change the approved preparation area layout.</li> </ul> </li> </ul>



	<p><u>External works</u></p> <ul style="list-style-type: none"> <li>- Allow the construction of planter boxes in common property which is located along the southern façade of the restaurant adjacent to the bi-fold doors.</li> <li>- Modification to the southern façade windows to change the bi-fold doors to be fixed doors, resulting in only one opening door at the front of the premises facing Wells Street for exit only.</li> <li>- Construction of a masonry planter box along the southern façade to replace a planter box previously removed.</li> <li>- Roof plan altered to show all plant and equipment, consisting of a hot water system and refrigeration motors.</li> <li>- Altered notations on the plan, with 'adjacent building' to be substituted with 'fire escape associated with the cinemas – not part of the restaurant tenancy' and 'back door' to be substituted with 'entry'.</li> </ul> <p><u>Red-line Area</u></p> <ul style="list-style-type: none"> <li>- Updated to the red line plan to include kitchen at ground floor and voids at first floor.</li> <li>• Renumbered the Conditions 6 -13.</li> </ul> <p><u>Notes</u></p> <p>Addition of four notes.</p>
11 August 2015	<p><b>Secondary consent to amend plans:</b></p> <p>Amendment to the endorsed plans under Secondary Consent:</p> <p><u>Ground floor</u></p> <ul style="list-style-type: none"> <li>• Relocating the stairs from the middle of the building towards the east of the building</li> <li>• Relocate the bar from the middle of the building towards the rear (north of the building)</li> <li>• Straightening out of the rear wall separating the kitchen and dining area</li> <li>• Show the location and door for the grease trap</li> <li>• Change in internal reconfiguration of kitchen</li> <li>• Deletion of indicative tables and chairs</li> <li>• Deletion of external planter boxes</li> </ul> <p><u>First Floor</u></p> <ul style="list-style-type: none"> <li>• Show the new stair location to replicate the floor below</li> <li>• Replace the old stair location with a light void</li> <li>• Reduce the size of the original light void due to the stairs</li> <li>• Removed indicative tables and chairs</li> </ul>

	<p><u>Elevations</u></p> <ul style="list-style-type: none"><li>• Deletion of planter boxes</li><li>• Minor change to appearance of building due to change in window style</li><li>• Change in advertising signage name from 'Moon Cowry' to 'Gold Moon'</li><li>• Notations and visual appearance slightly changed on plan</li></ul> <p><u>Red line</u></p> <p>The plan has been updated to reflect the changes in the internal layout.</p>
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**CARRIED**

**4.8 1 & 2/16 ST. ANDREWS STREET, BRIGHTON  
SUPPORT THE GRANT OF A PLANNING PERMIT  
APPLICATION NO: 2017/259/1 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/18/48169

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*It is recorded that Mr Mark Stanojevic, and Mr Shem Curry spoke for three minutes each on this item.*

*Councillor Castelli left the Meeting at 10:00 pm  
Councillor Castelli returned to the Meeting at 10:03 pm*

**Moved: Cr del Porto**

**Seconded: Cr Heffernan**

That this item be deferred to April Planning and Amenity Committee following the Compulsory Conference to be held on the 20 March 2018.

**CARRIED**

**4.9 1 CENTRE ROAD, BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2017/686 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/37236

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*It is recorded that Ms Joanne Grace, Mr Bryan Huntley, Mr Joe Breitenfeld and Mr Shem Curry spoke for three minutes each on this item.*

**Moved: Cr del Porto**

**Seconded: Cr Castelli**

That this item be deferred for further consideration following VicRoads assessment if access from Centre Road is appropriate for the development, noting the accessway is to be located approximately 30 metres from the Hampton Street intersection.

**CARRIED**

**4.10 49 - 51 WARLEIGH GROVE, BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2017/176/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/47494

*It is recorded that Mr Christian McCalman, Mrs Catherine Latta-Smith, and Mr Jason Barnfather spoke for three minutes each on this item.*

**Moved: Cr del Porto**

**Seconded: Cr Heffernan**

That Council resolve to:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2017/176** for the land known and described **49 – 51 Warleigh Grove, Brighton** for the **Construction of a three (3) storey building containing five (5) dwellings with basement car parking and construction of a front fence exceeding 1.5 metres** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but modified to show:
  - a) Full compliance with Standard B6 (Street Setback) of the Bayside Planning Scheme.
  - b) Full compliance with Standard B22 (Overlooking) of the Bayside Planning Scheme along all elevations of the development.
  - c) 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.
  - d) The ramp must show all intermediate levels.
  - e) The provision of 0.9m x 2.5m sight triangle at the southern side of the ramp where it intersects with the footpath;
  - f) Evidence of payment of the Development Contribution requirement at condition 25.

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
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. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by John Patrick, dated October 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.
  - c) Provision of an additional 4 small canopy trees (greater than 8 metres in height and greater than 4 metres canopy spread) throughout the site;
  - d) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - f) Details of surface finishes of pathways and driveways.
  - g) The removal of the existing trees along the western boundary, replaced with new screen trees to the satisfaction of the Responsible Authority.
10. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

12. Before the development starts, a construction impact report and tree protection methodology for trees on neighbouring properties must be provided in relation to the Date Palm (*Phoenix canariensis*) which is located within the side setback of 49-51 Warleigh Grove (southeast), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. The report should be in accordance with the Australian Standard Protection of Trees on Development Sites and should identify impacts that may be detrimental to the tree and include any design responses required to reduce any identified negative impact.
13. The Tree Management Plan (report) must be specific to the site, be in accordance with Australian Standard: Protection of Trees on Development Sites AS4970-2009 and include:
  - Details of Tree Protection Zones for all trees to be retained on the site and for all trees on neighbouring properties, particularly all trees on the adjoining property to the rear of the site, where any part of the Tree Protection Zone falls within the subject site;
  - Comment on methods to be utilised and instruction on how to deploy them;
  - Comment on when the protection measures are to be deployed;
  - Comment on when the protection measures can be modified;
  - Process that will be followed if any damage occurs to a tree;
  - Process that will be followed if construction works require alteration to protection measures outlined in report; and
  - Stages of development at which inspections will occur.

Any proposed alteration to the plan must be assessed by the site arborist and can only occur following the approval of the site arborist. Such approval must be noted and provided to the Responsible Authority within 28 working days of a written request.

Any damaged tree must be inspected by the site arborist without any delay and remedial actions undertaken. Such actions must be documented.

The Tree Protection Plan must be drawn to scale and show the location of all tree protection measures to be utilised.

If tree protection measures are proposed to be changed during the development, one plan for each stage of tree protection measures must be submitted.

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. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

17. A tree protection fence is required for the protection of any remaining street tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
  - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
  - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
  - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
  - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
18. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
19. Before the development, detailed plans indicating, but not limited to, the method of 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. 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.
21. All ancillary works and features associated with car parking as shown on the endorsed plans (i.e. convex mirror) must be installed and fully maintained at all times.
22. 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.
23. 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, including standard B45.

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.

24. 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.
25. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.
- The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable.
26. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.

**CARRIED**

**Procedural Motion**

**Moved: Cr Long**

**Seconded: Cr Martin**

That the meeting be extended for 30 minutes to conclude at 11:30pm.

**CARRIED**

It is recorded that the meeting was extended for 30 minutes at 10:55pm.

**4.11 9 TEDDINGTON ROAD, HAMPTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2017/505/1 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/35270

*It is recorded that Ms Lisa McCallum, and Ms Caterina Barbagallo spoke for three minutes each on this item.*

**Moved: Cr Long**

**Seconded: Cr Castelli**

That Council resolve to:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/505** for the land known and described as **9 Teddington Road, Hampton**, for the **construction of two dwellings** on a lot in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the Council advertised plans dated 6 October 2017 prepared by RKTech Studio but modified to show:
  - a) The driveway of each dwelling paved to the satisfaction of the Responsible Authority;
  - b) Each dwelling provided with a 3m wide garage door;
  - c) The proposed vehicle crossing to be constructed with a 7.2m offset from the new vehicle crossing to the western end unit to allow one on street car space;
  - d) Sight-line visibility from each access in accordance with Clause 52.06 of the Bayside Planning Scheme;
  - e) 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) A schedule of construction materials, external finishes and colours (incorporating for example paint samples);
  - g) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

#### Water Sensitive Urban Design

8. 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.

#### Traffic

10. 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. 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.

#### Drainage

11. 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.
12. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and

approved by Council's City Assets and Projects Department.

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

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

#### Landscaping

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 concept plan drawn by RKTech Council date stamped 6 October 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) Within the front setback of each dwelling either two (2) small canopy trees of a species that will grow to a minimum 8 metres in height at maturity or one (1) large canopy tree species that will grow to a minimum of 12 metres in height at maturity in accordance with the Bayside Landscape Design Guidelines (2016);
  - b) Within the private open space of each dwelling either two (2) small canopy trees that will grow to a minimum 6 metres in height at maturity or one (1) large canopy tree species that will grow to a minimum of 10 metres in height at maturity in accordance with the Bayside Landscape Design Guidelines (2016);
  - c) 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;
  - d) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
  - e) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
  - f) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces and;
  - g) 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, 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.
18. 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.

#### Permit Expiry

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

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

#### Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- 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.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Before the vehicle crossing application will be approved, the applicant must pay \$2,481.37 to the Responsible Authority for the removal and replacement of the existing street tree(s). This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible

Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.

- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Council records indicate that there is no easement within the property.
- If the offset between the proposed vehicle crossover to Dwelling 1 and the power pole is less than 1m, approval needs to be sought from United Energy at the applicant's cost.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.

**CARRIED**



**5. Confidential Business**

Nil

*Following consideration of Confidential Business the Chairperson declared the meeting closed at 11:05pm.*

**CONFIRMED THIS INSERT 27 DAY OF MARCH 2018**

**CHAIRPERSON: .....**

