



Minutes of the Planning and Amenity Committee Meeting

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 14 February 2017

The Meeting commenced at 7.00pm

Councillors	Cr Alex del Porto Cr Laurence Evans Cr Michael Heffernan Cr James Long BM JP Cr Clarke Martin Cr Rob Grinter Cr Sonia Castelli
In attendance	Shiran Wickramasinghe – Director City Planning & Community Services Rachel Lunn – Manager Development Services Arthur Vatzakis – Statutory Planning Coordinator Sarah Collins – Acting Statutory Planning Coordinator Patricia Stewart – Principal Statutory Planner Josh Maitland – Senior Statutory Planner Katy Guest – Statutory Planner Terry Callant – Manager Governance

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5. Confidential Business - Nil

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

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of any Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 17 January 2017.

Moved: Cr Long

Seconded: Cr Grinter

That the minutes of the Planning & Amenity Committee Meeting held on 17 January 2017, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

**4.1 28-30 LINACRE ROAD, HAMPTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/446/1 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/14843

It is recorded that Ms Fiona Cole, Mr Carl DeFina Mr Simon Martyn and Mr James Pearce spoke for three minutes each in relation to this item.

Moved Cr del Porto **Seconded Cr Grinter**

That Mr Carl De Fina be granted three minutes to speak to this item.

CARRIED

Moved Cr del Porto **Seconded Cr Long**

That Mr Phil Torrent be granted three minutes to speak to this item.

CARRIED

Moved Cr Martin **Seconded Cr Grinter**

That Mr James Pearce be given the opportunity to respond to the further objectors remarks.

CARRIED

Moved: Cr Castelli **Seconded: Cr Grinter**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2016/446/1** for the land known and described as **28-30 Linacre Road, Hampton** for the **construction of a three-storey building containing 23 dwellings** 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 (Fender Katsalidis TP000 to TP409) Council date stamped 15 September 2016 but modified to show:
 - a) The setback of the second floor increased to a minimum of 4m from the wall of the floor below.
 - b) The ground floor front setback increased to a minimum of 6m, measured to the front of the electricity substation.
 - c) The western side setback at first floor level increased to accord with Standard B17 of Clause 55 of the Bayside Planning Scheme.
 - d) The western side setback at ground floor level increased to a minimum of 1m.
 - e) Rear setbacks increased in accordance with Standard B20 of Clause 55 of the Bayside Planning Scheme.

- f) Additional treatment measures to strengthen the visual identity of the pedestrian entrance to the building in accordance with Standard B26 of Clause 55 of the Bayside Planning Scheme.
- g) Additional access to daylight for the kitchens of dwellings G-06 and G-07 in accordance with Standard B27 of Clause 55 of the Bayside Planning Scheme.
- h) A reduction in hard surface at ground floor level and basement level to provide for the planting of:
 - i. A canopy tree of 8m height and 4m spread at maturity in each rear corner of the site.
 - ii. A canopy tree of 8m height and 4m spread at maturity between dwellings G-04 & G-05 and G-06 & G-07 or other locations as agreed with the responsible authority.
- i) Landscaping plan in accordance with Conditions 1h) and 15 of this permit.
- j) 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.
- k) Provision of a traffic management signal system within the ramp to the basement.
- l) A schedule of construction materials, external finishes and colours (incorporating for example paint samples), including for screens provided on the roof of the building.
- m) A reduction in the amount of timber in the front fence to provide varied materials in the front elevation.
- n) The redesign of the apartments adjacent to the substation or mitigation of the potential adverse amenity impacts of the substation on the surrounding habitable rooms and redesign of all other apartment to accommodate this change.
- o) Relocation of the bedroom of apartment G.01, 01-01 and 01-10 to ensure it and no other habitable rooms adjoin the substation.
- p) Water sensitive urban design measures in accordance with condition 8.
- q) Modifications to the balconies to change the screening treatment to include planter boxes or other treatments compliant with Standard B22 of Clause 55.
- r) The secluded private open space areas to all dwellings to comply with Standard B28 of Clause 55.

All to the satisfaction of the Responsible Authority.

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, 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. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
8. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

9. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
10. Before the occupation of the development starts, 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.
11. 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.
12. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to prop clear of Linacre Road.
13. The 'STOP-GO' signal system must give priority to vehicles entering from the street and be to the satisfaction of the Responsible Authority.
14. Before the use starts, a traffic and parking management 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. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan.

Three copies of the plan must be submitted. The plan must be generally in accordance with the basement plan dwg no. TP100 and include:

- a) The allocation of car parking spaces to each apartment with the building.
 - b) The allocation of visitor car parking spaces.
15. 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 LBA Design, reference TP/001 & 002, dated June 2016 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
- a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - e) Details of surface finishes of pathways and driveways.
16. 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.
17. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including any dead, diseased or damaged plants are to be replaced.
18. 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.
19. 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.
20. 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.

21. 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.
22. 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.
23. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire naturestrip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
24. Prior to soil excavation for a Council-approved crossover within the Tree Protection Zone of the street trees marked for retention, a trench must be excavated along the line of the crossover adjacent to the tree using root-sensitive, non-destructive techniques. All roots that will be affected must be correctly pruned.
25. Any installation of services and drainage within the Tree Protection Zones of the street trees marked for retention must be undertaken using root-sensitive, non-destructive techniques.
26. 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.
27. Before the commencement of works, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
 - a) Dimensions of storage waste areas.
 - b) Storm water drains in storage areas should be fitted with a litter trap.
 - c) The number and size of bins to be provided.
 - d) Facilities for bin cleaning.
 - e) Method of waste and recyclables collection.
 - f) Types of waste for collection, including colour coding and labelling of bins.
 - g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
 - h) Method of hard waste collection.
 - i) Method of presentation of bins for waste collection.
 - j) Sufficient headroom within the basement to accommodate waste collection vehicles.
 - k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.

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

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

28. 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.
29. No polluted and/or sediment laden run-off is to be discharged directly or indirectly any drains or watercourses to the satisfaction of the Responsible Authority.
30. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit Notes

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

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

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

CARRIED

**4.2 9 THOMAS STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/32/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/9266

It is recorded that Mr Michael Meyers spoke for three minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr del Porto

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning Application 2016/32/1 for the land known and described as **9 Thomas Street, Hampton**, for the **construction of a three storey building consisting three dwellings** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and/or development start/s, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted advertised Council date stamped 01 July 2016 but modified to show:
 - a) Reconfiguration of the second floor of Unit 3 to allow for a minimum 5.09 metre setback from the western site boundary without changing any other setback;
 - b) The wall on the west boundary deleted and replaced with a maximum three post structure (i.e. carport).
 - c) A reduction in the extent of paving within the rear private open space of Units 2 and 3 in order to increase the landscaped area.
 - d) Location of all plant and equipment, including hot water services and air conditioners etc. to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
 - e) The basement plan amended to show:
 - i. The minimum width of the ramp to be 3.6m as per the AS2890.1.
 - ii. The flat grade/transition at the top prior to 1 in 8 grade to be 2m long. A longitudinal section of the ramp is to be provided that shows all grades, length of grades and levels in accordance with AS2890.1.
 - iii. The minimum headroom at the entrance (measured perpendicularly to the ramp) and throughout the car park to be 2.2m as per the AS2890.1.
 - iv. A 0.8m x 0.8m corner splay to be provided at the northeast corner of the ramp at the bottom for convenient access/egress.
 - v. The column locations to be 0.25m offset from the aisle for a 4.9m long bay in accordance with AS2890.1. This is to be indicated on the plan.

- vi. The ramp where it intersects with the footpath to be 3.6m wide and is to have 1m offset from the western property boundary.
 - vii. A 3.6m wide new crossover to be constructed with 1m offset from the western property boundary. The redundant crossover to be removed.
 - viii. The sight triangles at the top of the ramp need to comply with AS2890.1.
- f) Provision of a Water sensitive urban design measures in accordance with condition 6.
 - g) Provision of an amended Landscape plan in accordance with Condition 8 of this permit.
 - h) Provision of an Arborist Report and Tree Management and Protection Plan in accordance with Conditions 9 and 16 of this permit.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

7. 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.

8. Prior to the endorsement of plans pursuant to Condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Memla Pty Ltd, Drawing LC1, dated 22/06/18 and be drawn to scale with dimensions and three copies must be provided. The plan be amended to show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 70% indigenous by species type and count.
 - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - e) Replacement of the two *Tilia cordata* 'Greenspire' in the Thomas Street front setback with an indigenous tree capable of reaching minimum dimensions at maturity of 12 metres in height and 6 metres wide and a small indigenous tree capable of reaching 6 metres.
 - f) Replacement of the trees along the Ocean Street frontage with indigenous trees capable of reaching similar dimensions as the trees proposed.
 - g) Details of surface finishes of pathways and driveways.
9. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.
10. 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.
11. 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.
12. 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.

13. Before development commences the applicant must pay \$3,178.33 to the Responsible Authority for the removal and replacement of the existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree. 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.
14. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
15. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
16. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit Notes

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- Council must be notified of the vehicular crossing and reinstatement works.
- 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.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- The applicant must clearly identify what impact, if any, the proposed vehicle crossing or footpath construction will have Council assets such as pits and trees, power poles etc. Such items must be accurately shown on the plan.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required traffic or pedestrian access to the proposed development.

CARRIED

**4.3 48 BINNIE STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/321/1 WARD: CENTRAL**

City Planning & Community Services -
File No: PSF/15/8755 – Doc No: DOC/17/8205

Moved: Cr del Porto

Seconded: Cr Grinter

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning Application 2016/321/1 for the land known and described as **48 Binnie Street, Brighton East**, for the **construction of two double storey dwellings and a front fence greater than 1.2 metres in height** in accordance with the plans date stamped 16 January 2017 and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans with date stamped 26 September 2016 but modified to show:
 - a) Additional fenestration to bedroom two to the Binnie Street elevation of dwelling one at first floor.
 - b) All south and west facing first floor windows within 9 metres of neighbouring open space or habitable windows to be annotated as either featuring fixed, obscure glazing or screening to 1.7 metres in height or have a sill height of at least 1.7 metres in height above finished floor level, in accordance with standard B22.
 - c) Screening to 1.7 metres above finished floor level to be provided to the southern and western edges of both roof decks, in accordance with Standard B22.
 - d) All site services to be located on plans, including bins, air conditioning and hot water systems. Plant and equipment should be located sensitively in relation to habitable room windows on the subject site and neighbouring properties.
 - e) Driveway to dwelling two where it intersects the Canberra Grove footpath to be 3 metres wide.
 - f) Binnie Street crossover and the driveway where it intersects the Binnie Street footpath to be 3 metres in width and offset from the western boundary by 4 metres.
 - g) Both double garage doors to have a minimum internal width of 4.8 metres.
 - h) All pedestrian doors to open outwards from the garages.
 - i) Adequate sight lines must be provided where each driveway intersects with the footpath in accordance with AS2890.1. Accordingly, all structures including foliage and fences within these sightlines to be a maximum height of 1 metre.

- j) The pool in the front setback of dwelling one to be relocated to the south by a minimum of 4 metres.
 - k) An amended landscape plan in accordance with Condition 10 of this permit.
 - l) A schedule of construction materials, external finishes and colours.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. Before occupation, screening of windows and roof decks 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 water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
 8. Before the occupation of the development starts, the areas set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
 9. Before the occupation of the development starts, new or altered vehicle crossing servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
 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 drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

- d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - e) Details of surface finishes of pathways and driveways
 - f) One tree capable of reaching 12 metres in height at maturity in the northwest corner of the site and one tree capable of reaching 14 metres in height at maturity in the northeast corner of the site.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
 13. Before development commences the applicant must pay \$7,183.88 to the Responsible Authority for the removal and replacement of the existing *Lophostemon confertus* (Brush Box) street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree. 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.
 14. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire naturestrip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover. Soil excavation must not occur within 2.8 metres of the Box Elder (*Acer nenundo*) street tree's stems at ground level.
 15. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where storm-water is drained under gravity to the Council network.
 16. 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.
 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. 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 no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Dwelling one should be addressed 48 Binnie Street BRIGHTON EAST VIC 3187 and dwelling two 31B Canberra Grove BRIGHTON EAST VIC 3187.
- The applicant must clearly identify what impact, if any the proposed vehicle crossing will have Council assets such as pits and trees, power poles etc. Such items must be accurately shown on the plan.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.

CARRIED

**4.4 20 ARKARINGA CRESCENT, BLACK ROCK
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2015/552/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/21101

It is recorded that Mr Warwick Thomas and Mrs Nava Clausen both spoke for three minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr del Porto

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of the land known and described as **20 Arkaringa Crescent, Black Rock**, for the **construction of two dwellings on a lot and removal of vegetation in a Vegetation Protection Overlay, Schedule 3** in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Grollo Homes Reference ARGERES Drawing No: A-101 to A109, A201-205, A-901, A902 all Issue D23, and A901A to A901B, all Issue D25 but modified to show:
 - a) Each double garage to have a minimum width of 5.5 metres internally with a 4.8 metre wide garage door.
 - b) The driveway to Dwelling 1 offset 1 metre from the eastern title boundary and a 1 metre landscaping strip tapering to the garage door entry.
 - c) The crossover to Dwelling 1 offset 1 metre from the eastern title boundary with the vehicular separator strip to be centred to the crossover.
 - d) The garage doors to be finished in timber.
 - e) Dulux 'Sunlounge' render to be replaced by timber cladding.
 - f) Pedestrian access paths from Arkaringa Crescent to each dwelling entry. The access paths are to be positioned so as to not restrict the establishment of canopy trees.
 - g) All first floor windows to demonstrate compliance with Standard B22, Overlooking.
 - h) The boundary fence to the east and west side boundaries and the southern rear boundary to demonstrate compliance with Standard B22, Overlooking.
 - i) Storage areas for each dwelling in accordance with Standard B30, Storage.
 - j) The internal fence to the rear setback to demonstrate compliance with Standard B23, Internal Views.

- k) The first floor bathrooms to both dwellings recessed by an additional 1 metre.
 - l) Further articulation to the first floor side elevations of both dwellings through introducing additional materials including timber cladding.
 - m) Deletion of roofing to the alfresco area to both dwellings.
 - n) Water Sensitive Urban Design Measures in accordance with Condition 7 of this permit.
 - o) A Landscape Plan in accordance with Condition 10 of this permit.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the written consent of the Responsible Authority
 5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 7. Prior to endorsement of plans and 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.

8. Before the occupation of the development starts, the areas set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
9. 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.
10. Prior to the endorsement of plans and 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

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) The lawns proposed for the front setbacks are to be deleted and replaced with gardens.
 - f) The *Eucalyptus viminalis* subsp. *pyroriana* proposed for the rear setback of Unit 1 is to be moved to the front setback and the *Leptospermum laevigatum* (Coast Tea Tree) moved to the rear.
 - g) A *Banksia integrifolia* (Coast Banksia) and *Eucalyptus pauciflora* (Snow Gum) are to be added to the front setback of Unit 2.
 - h) The canopy trees proposed for the front setbacks are to be planted in the areas previously proposed to have been lawn.
 - i) Details of surface finishes of pathways and driveways
 - j) Notation of all tree protection measure required in accordance with the Tree Protection Plan required in Condition 13.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
 13. Prior to endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

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

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site including:

- (i) The neighbouring property to the west, 18 Arkaringa Crescent:
 - row of maturing *Olea europea* (Olive) adjacent to the shared boundary fence, to the front of the property; and
 - a row of *Syzygium floribundum* (Weeping Lilly Pilly) adjacent to the shared boundary fence to the rear of the site.
 - (ii) The neighbouring property to the east, 22 Arkaringa Crescent:
 - a row of semi-mature *Magnolia grandiflora* 'Little Gem' (Little Gem Magnolia) adjacent to the shared boundary fence.
 - b) The location of tree protection measures to be utilised.
 - c) The applicant must demonstrate to the satisfaction of the Responsible Authority that all trees on neighbouring properties, which have any part of their Tree Protection Zone within the subject site will remain viable post-construction.
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, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
 16. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
 17. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit Notes

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- This permit does not constitute any authority to carry out any buildings works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

CARRIED

**4.5 1 CHARLOTTE STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/317/1 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/9819

Moved: Cr Heffernan

Seconded: Cr del Porto

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2016/317/1** for the land known and described as **1 Charlotte Street, Brighton East**, for the **construction of two dwellings** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must generally be in accordance with the advertised plans prepared by ONS Architects, Drawings TP – 005 to 009 and 013, but modified to show:
 - a) Rooms in each house labelled as to their purpose (eg Bedroom 1).
 - b) The garages modified to show minimum internal dimensions of 6m (depth) x 5.5m (width).
 - c) The crossover to Dwelling 2 to have a maximum width of 3.6m.
 - d) A schedule of colours, materials and finishes.
 - e) The proposed meter in the north east corner of the garden of Dwelling 1 relocated outside of any Tree Protection Zones.
 - f) Screening techniques in accordance with Standard B23 for the first floor bedroom of Dwelling 2 to prevent overlooking into the habitable room windows on the south elevation on the ground floor of Dwelling 1.
 - g) Screening techniques in accordance with Standard B23 for the first floor bathroom and stairs of Dwelling 1 to prevent overlooking into the Secluded Private Open Space of Dwelling 2.
 - h) Six cubic metres of externally accessible storage space in accordance with Standard B30.
 - i) Clotheslines for each proposed dwelling in accordance with Standard B34.
 - j) A minimum 2m x 2m corner splay at the southern corner of the site where the laneway intersects with the footpath to Charlotte Street. The splay is to be in-filled with concrete to match the existing footpath.
 - k) Adequate sight lines where the proposed driveways intersect with the front footpath and the rear laneway in accordance with Australian Standard 2890.1. All structures including foliage, front fences etc within the triangle must be limited to a maximum height of 0.9m or kept clear.
 - l) A Landscape Plan in accordance with Condition 11 of this permit.

- m) A Tree Protection Plan in accordance with Condition 16 of this permit.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 7. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 8. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

9. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
10. 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.
11. 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 plan drawn by John Patrick Pty Ltd, reference 16-292, dated April 2016 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - e) One tree in the front setback of each dwelling capable of reaching 10m at maturity.
 - f) One tree in the front setback of each dwelling capable of reaching 8m at maturity.
 - g) One tree in the rear setback of Dwelling 2 capable of reaching 6m at maturity.
 - h) Details of surface finishes of pathways and driveways.
12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
 14. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
 15. Before the development starts, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
 16. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Protection Plan (report) must be in accordance with Australian Standard: Protection of Trees on Development Sites AS4970-2009, and include:

- a) Details of Tree Protection 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) Comment on methods to be utilised and instruction on how to deploy them;
- c) Comment on when the protection measures are to be deployed;
- d) Comment on when the protection measures can be modified;
- e) Process that will be followed if any damage occurs to a tree;

- f) Process that will be followed if construction works require alteration to protection measures outlined in the report; and
- g) 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.

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.

17. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
18. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
19. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit Notes

- Council records indicate that there is a 1.83m wide wide drainage and sewerage easement along the northern property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the Responsible Authority/Authorities.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water associated with Basements or Below Ground Structures".

CARRIED

**4.6 7-9 RAYMOND COURT, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/302/1 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/8174

Moved: Cr Castelli

Seconded: Cr del Porto

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2016/302/1** for the land known and described as **7-9 Raymond Court, Brighton East**, for the **construction of two dwellings on a lot and in a Special Building 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 generally be in accordance with the advertised plans prepared by Victorian Design and Drafting Sheets 3, 4 & 5 of 12, but modified to show:
 - a) The front fence reduced to a maximum height of 1.2m.
 - b) The entire front setback of the development setback a minimum of 8.49m from the street.
 - c) The garage of Unit 1 setback a minimum of 2m from the southern boundary.
 - d) A 1.8m high fence separating the rear gardens of the proposed units.
 - e) A schedule of materials, external finishes and colours (incorporating for example paint samples).
 - f) A Landscape Plan in accordance with Condition 16 of this permit.
 - g) A Tree Management Plan in accordance with Condition 19 of this permit.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

7. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
8. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

9. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
10. The development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d) Presence of vermin.
11. 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.
12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
14. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

15. Before the development starts, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
16. Prior to 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 plan drawn by John Patrick Pty Ltd, reference 16-292, dated April 2016 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - e) Details of surface finishes of pathways and driveways.
17. Soil excavation must not occur within 2.9m of the edge of the *Lagunaria patersonii* (Norfolk Island Hibiscus) street tree asset's stem at ground level.
18. Prior to endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

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

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

 - a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - b) The location of tree protection measures to be utilised.
19. 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.
20. 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.

21. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
22. Prior to soil excavation for the proposed crossover within the Tree Protection Zone, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected must be correctly pruned. Any installation of services and drainage within the Tree Protection Zone must be undertaken using root sensitive non-destructive techniques.

Melbourne Water (Conditions 23-31)

23. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
24. The dwellings must be constructed with finished floor levels set no lower than 25.4 metres to Australian Height Datum.
25. The garages must be constructed with finished surface levels set no lower than 25.25 metres to Australian Height Datum.
26. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
27. The dwellings must be set back a minimum of 1.0 metres from both the northern and southern property boundaries to allow for the passage of overland flows.
28. Any new fencing must be of an open style of construction to allow for the passage of floodwaters/overland flow.
29. All open space within the property must be set at the existing natural surface level so as not to obstruct the passage of overland flows.
30. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the dwellings, garages and driveway ramps.
31. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of any new or modified storm water connect to Melbourne Water's drains or watercourses.
32. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit Notes

- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water associated with Basements or Below Ground Structures".
- The applicable flood level for the property is 25.1 metres to Australian Height Datum.
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 277297.

CARRIED

**4.7 117 ROSLYN STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/184/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/15965

It is recorded that Mr Chris Pippo spoke for three minutes in relation to this item.

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2016/184/1** for the land known and described as **117 Roslyn Street, Brighton**, for **the construction of two double storey dwellings on a lot** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Finlay Roberts Design and dated March 2016 but modified to show:
 - a) The partition wall to Dwelling 1 (extending into the front setback) be setback an additional 2 metres. The porch, study and garage must also be setback an additional 2 metres. The remaining wall is to be articulated with a change in materials.
 - b) Notation of tree protection measures for trees on adjoining properties growing near the common boundary, including the Ficus carica (Common Fig) located to the north-west property boundary with 2/119 Roslyn Street as identified in the Tree Protection Plan required at Condition 14 of this permit.
 - c) All boundary fencing to be in accordance with Standard B22, Overlooking and B23, Internal Views of the Bayside Planning Scheme
 - d) Notation of the reconstruction of the existing crossing for dwelling 2 to Council's current standard drawings (minimum 3m wide and roll over kerbs).
 - e) Landscaping plan in accordance with Condition 10 of this permit.
 - f) A Tree Management Plans (report) and Tree Protection Plan (drawing) in accordance with Condition 13 of this permit.
 - g) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
 - h) Water sensitive urban design measures in accordance with Condition 7 of this permit.
 - i) A schedule of construction materials, external finishes and colours (incorporating for example paint samples)

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the written consent of the Responsible Authority
5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
7. Prior to endorsement of plans and 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.

8. Before the occupation of the development starts, the areas set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
9. 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.
10. Prior to the endorsement of plans and 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 drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.

- c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - e) Details of surface finishes of pathways and driveways
 - f) Reduce the extent of paving/consolidated subsoil in the private open spaces of both dwellings to allow for increased planting of trees, shrubs and ground cover
 - g) One canopy tree in the front setback of each dwelling which has the capacity to reach a height of 8 metres and spread of 6 metres at maturity
 - h) Notation of all tree protection measure required in accordance with the Tree Protection Plan required in Condition 13.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
 13. Prior to endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
 14. 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.
 - c) The applicant must demonstrate to the satisfaction of the Responsible Authority that all trees on neighbouring properties, which have any part of their Tree Protection Zone within the subject site will remain viable post-construction.
 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, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

17. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
18. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit Notes

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- This permit does not constitute any authority to carry out any buildings works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

CARRIED

**4.8 42 BEACH ROAD, HAMPTON
NOTICE OF DECISION TO GRANT AN AMENDED PLANNING PERMIT
APPLICATION NO: 2001/6699 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/11940

It is recorded that Mrs Kim Mitchell spoke for three minutes in relation to this item.

Moved: Cr Long

Seconded: Cr Grinter

That Council:

Issues a **Notice of Decision to Amend a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning Application 2001/6699 for the land known and described as **42A and 42B Beach Road, HAMPTON**, for **development of two (2) double storey dwellings with basement garage** in accordance with the endorsed plans and subject to the following conditions:

1. Before the use and/ or development starts, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit.

The plans must be generally in accordance with the plans submitted with the application, or some other specified plans, but modified to show to the satisfaction of the Responsible Authority:

- a) Levels to A.H.D and finished floor levels to be submitted.
 - b) All walls heights above ground level to be nominated on the plans.
 - c) All paving (except driveways) to be porous – pavers to be laid on a compacted sand base.
 - d) A schedule of all external materials and finishes showing the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
 - e) All plant and equipment (including air conditioning units, heating units, hot water systems, etc.) are to be identified and located to the satisfaction of the Responsible Authority.
 - f) The proposed landscape treatment of the site including the location of all existing and proposed species.
 - g) The proposed crossover relocated to the satisfaction of the Responsible Authority.
 - h) The provision of external screening of the air conditioning units to the satisfaction of the Responsible Authority.
2. A schedule of all external materials and finishes shall be submitted to the satisfaction of the Responsible Authority prior to the commencement of any buildings and works on the land. The schedule shall show the materials, colour and finish of all external walls, roof, fascias, window frames and paving (including car park surfacing).
 3. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

4. Before the use and/or development starts, a site layout plan drawn to scale and dimensioned must be approved by a Building Practitioner registered under the Building Act 1993 and submitted to the Responsible Authority.

The plans must show:

- a) A drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to Council's nominated point of discharge to the satisfaction of the Responsible Authority.
5. Before the occupation of all buildings and works specified in this permit must be completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when all construction and works are completed to enable the site to be inspected.
 6. This permit will expire if one of the following circumstances applies:
 - a) The development and use is/are not started within two years of the date of this permit.
 - b) The development is not started within four years of the date of this permit.

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

7. Street numbers contrasting in colour to the background shall be fixed at the front boundary of the property as near as practicable to, or on the letterboxes. Separate unit numbers shall be placed adjacent to the front entrance of each dwelling, such numbers to be clearly legible from the access driveway.
8. All service pipes, (excluding downpipes) fixture and fittings must be concealed on exposed elevations to the satisfaction of the Responsible Authority.
9. The alterations of soil levels involving an increased or decreased level at the boundaries must be retained by the provision of an adequate retaining wall, constructed of brick or masonry or other suitable alternative approved by the Responsible Authority, to buttress the soil against the possibility of shift. The construction of this retaining wall shall be the sole responsibility of the developer.
10. All brickwork on or facing the boundaries of the site must be raked and cleaned or rendered or bagged and painted to the satisfaction of the Responsible Authority.
11. All plant and equipment (including air conditioning units, heating units, hot water systems, etc.) which is proposed to be located externally shall be identified on plans and located to the satisfaction of the Responsible Authority and on endorsed copy of such plan shall form part of this permit. Such plan must be endorsed prior to commencement of construction and shall include plan and elevation details.
12. Before the use and/or development starts, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed to the satisfaction of the Responsible Authority;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority; and
 - d) Drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority.

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

13. Before the development hereby permitted starts three copies of a site layout plan drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. The plan must show the proposed landscape treatment of the site including the location of all existing and proposed species. When approved the plan will be endorsed and will then form part of the permit.
14. Prior to the use allowed by this permit starting or the occupation of the building hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
15. All existing vegetation shown on the endorsed plans must be marked before demolition of the existing dwelling and before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the Responsible Authority.
16. All basic services, including water, electricity, gas, sewerage and telephone, shall be installed underground and located to the satisfaction of the Responsible Authority.
17. Before any construction or demolition works commence on the site, to the extent that the site perimeter is unfenced and/or is not fenced to the satisfaction of the Responsible Authority, a secure fence is to be erected around the perimeter of the site to prevent access to the site from unauthorised persons. This fence is to be maintained for the duration of the construction and demolition, to be a minimum height of 1.8m, or such alternative height as is approved in writing by the Responsible Authority and be constructed and sited to the satisfaction of the Responsible Authority. The gate or opening to the fence must be securely locked at all times when work has ceased on the site.

Permit notes

- A permit must be obtained from Council for all vehicle 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.

Date	Amendment
14 February 2017	Amendment to the permit and plans pursuant to Section 72 of the <i>Planning and Environment Act 1987</i> to include: <ul style="list-style-type: none"> • The installation of air conditioning units and shade sails to the rear of the existing dwellings on the floor plans and elevations.



	<ul style="list-style-type: none">• Addition of Condition 1h) requiring appropriate screening of the air conditioning units to the satisfaction of the Responsible Authority.
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CARRIED

**4.9 57 CHARLES STREET BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2015/592/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/16/78816

It is recorded that Mr Nat Callea spoke for three minutes in relation to this item.

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning Permit application number **2015/592/1** for the land known and described as **57 Charles Street Brighton East**, for the **construction of two double storey dwellings and a two lot subdivision** in accordance with the amended plans TP1, TP2, and TP3 prepared by Andrew Ramage Design and Drafting dated 29/09/2015 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 dated 18 February 2015 but modified to show:
 - a) Notation of tree protection measures for trees on adjoining properties growing near the common boundary, including the Olive trees in the rear yard of No. 51 Hodder Street, Lemon and Orange trees growing in the rear yard of No. 53 Hodder Street and at 55 Charles Street as identified in the Tree Protection Plan required at Condition 14 of this permit.
 - b) The nomination of the gradient of each driveway that does not exceed 1 in 16 as per AS2890.1 along the entire length.
 - c) The driveway for dwelling 1 where it intersects with the footpath and the new crossover to be 3m wide with 0.8m offset from the western property boundary. The pit and lid in the crossover must be reset at the new crossover levels. A heavy duty trafficable lid shall be installed on the pit and approved by the Responsible Authority
 - d) Notation of the reconstruction of the existing crossing for dwelling 2 to Council's current standard drawings (minimum 3m wide and roll over kerbs).
 - e) Adequate sight lines must be provided where the proposed driveways intersects with the front footpath as per the diagram shown in the AS2890.1
 - f) Landscaping plan in accordance with Condition 10 of this permit.
 - g) A Tree Management Plan (report) and Tree Protection Plan (drawing) in accordance with Condition 13 of this permit.
 - h) 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.

- i) Water sensitive urban design measures in accordance with condition 7 of this permit.
 - j) A schedule of construction materials, external finishes and colours (incorporating for example paint samples)
 - k) The first floor east side setback to be fully compliant with Standard B17 as varied by Schedule 3 to the Neighbourhood Residential Zone.
 - l) the window to the stairwell of Dwelling 1 to be screened in accordance with Standard B22 Overlooking, Clause 55 of the Bayside Planning Scheme
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the written consent of the Responsible Authority.
 5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 7. Before 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.

8. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
9. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.

10. Prior to the endorsement of plans and 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 plan drawn by Point Five Design, dated 18th February, 2016 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Dwellings numbered as Dwelling 1 and Dwelling 2 as per Ground Floor Plan.
 - b) 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.
 - c) 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.
 - 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) Reduce the extent of paving/consolidated subsoil in the private open spaces of both dwellings to allow for increased planting of trees, shrubs and ground cover
 - h) One canopy tree in the front setback of each dwelling which has the capacity to reach a height of 10 metres and spread of 6 metres at maturity
 - i) One drought tolerant canopy tree in the rear private open space of each dwelling which has the capacity to reach a height of 8 metres and width of 4 metres at maturity.
 - j) Notation of all tree protection measure required in accordance with the Tree Protection Plan required in Condition 13.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
13. Prior to the endorsement of plans and pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

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

14. 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.
 - c) The applicant must demonstrate to the satisfaction of the Responsible Authority that all trees on neighbouring properties, which have any part of their Tree Protection Zone within the subject site will remain viable post-construction.
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, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
17. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
18. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Subdivision Conditions

19. The subdivision on the endorsed plans must not be altered without the written consent of the Responsible Authority.
20. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
21. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.
22. The owner of the land must enter into an agreement with:
 - A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

- A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
23. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
24. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
25. Prior to the Plan of Subdivision being certified by the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority to the effect that:
- a) The development of the land indicated on the plan of subdivision shall be in accordance with approved plans forming part of Planning Permit No. 5/2015/592/1 or any amendment to the plans approved by the Responsible Authority.
 - b) The agreement shall be prepared and executed at the owners cost.
26. The developer is to construct a stormwater drain from the South West corner of Lot 1 of 57 Charles Street to the Council drain in the South West corner of No 55 Charles Street, in accordance with plans and specifications prepared by and at the cost of the developer and approved by Bayside City Council. The developer is to pay Bayside City Council a plan checking fee and construction supervision fee in accordance with The Subdivision Act 1988.
27. This subdivision permit will expire if one of the following circumstances applies:
- a) The plan of subdivision is not certified with compliance within two (2) years of the date of this permit.
 - b) The registration of the subdivision is not completed within five (5) years of the date of this permit.

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

Permit Notes

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- This permit does not constitute any authority to carry out any buildings works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638

CARRIED

**4.10 26 CLONMILT AVENUE, HIGHTT
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/200/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/11894

Moved: Cr Castelli

Seconded: Cr Grinter

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2016/200/1** for the land known and described as **26 Clonmilt Avenue, Hightt**, for the **construction of a two storey dwelling to the rear of an existing single storey dwelling** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Victorian Drafting and Design, received by Council on 16 July 2016 and 20 January 2017, but modified to show:
 - a) All plant, equipment, services and architectural features to be included on the plans and located appropriately to avoid impacts on the adjoining dwellings.
 - b) A schedule of construction materials, external finishes and colours (incorporating example paint samples), ensuring there is a mixture of materials and finishes at ground and first floor level.
 - c) The carport to have a dimension of 6 metres long by 3.5 metres wide.
 - d) The existing crossover to be removed and reconstructed to 3.4 metres and entire crossover to be replaced.
 - e) The gradient of the driveway for the single car garage must comply with AS2890.0 and have a gradient of not more than 1 in 16.
 - f) The existing crossover is to be removed and a new 3.5 metre wide crossover constructed with a 0.485 metre offset from the southern property boundary.
 - g) Adequate sightlines must be provided where the proposed driveway intersects with the front footpath as per the diagram shown in AS2890.0.
 - h) Partial deletion of existing timber paling fence located along the eastern boundary (facing Middleton Street) in line with the north eastern most corner of the existing dwelling and if replaced (i.e. not left open to the street) with another fence, then that fence must not exceed a maximum height of 1.2 metres.
 - i) Relocation of waste bins such that it will not be seen from the street.
 - j) A landscape plan in accordance with Condition 8 of this permit.
 - k) Detailed plans to the satisfaction of the Responsible Authority drawn to scale with dimensions to show:

- i. The type of water sensitive urban design stormwater treatment measures to be used.
- ii. The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
- iii. Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
4. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the written consent of the Responsible Authority.
6. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
7. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire naturestrip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
8. 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 show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.

- c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - e) Details of surface finishes of pathways and driveways.
 - f) Include one tree in the private open space of both dwellings which can reach a mature height of 8 metres. These trees must be drought tolerant species.
9. 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.
 10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
 11. Before the 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.
 12. 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.
 13. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
 14. Any subsurface water captured on site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures". Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
 15. The driveway / Parking areas / paved courtyards / paths and pervious pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
 16. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit Notes:

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- This permit does not constitute any authority to carry out any buildings works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

CARRIED

**4.11 3B, 5 & 7A KEYS STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/443/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/10130

It is recorded that Mrs Deborah White was not present in the Chambers, and Mr Marcus Tschech spoke for three minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr Grinter

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application No. 2016/443/1** for the land known and described as **3B & 5-7 Keys Street, Beaumaris** for the **sale of packaged liquor in association with a supermarket and a reduction in car parking requirements** in accordance with the endorsed plans and subject to the following conditions:

1. The licenced area as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. The sale of liquor may only occur within the licenced area as shown on the endorsed plan.
3. The sale of liquor may only occur between the following hours:
 - Monday to Saturday 9:00am to 10:30pm.
 - Sunday 10:00am – 10.30pm
 - Anzac Day 12:00pm - 10.30pm.
 - No trading on Good Friday and Christmas Day.No amendment to these hours of operation is to occur without the prior written consent of the Responsible Authority.
4. This permit will expire if one of the following circumstances applies:
 - a) The premises is not licenced under the Liquor Control Reform Act 1998 within two (2) years of the date of this permit.
 - b) The use is not started within two years of the date of this permit.
 - c) The use is discontinued for a period of two years or more.

In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing within the prescribed timeframes, where the use allowed by the permit has not yet started.

CARRIED

**4.12 1/12 ARKARINGA CRESCENT, BLACK ROCK
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO.: 2016/127/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/16/220480

It is recorded that Mr John Regester spoke for three minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr Heffernan

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of the land known and described as **1/12 Arkaringa Crescent, Black Rock**, for the **alterations and additions to a single dwelling on a lot less than 500 square metres, construction of a front fence exceeding 1.2 metres in height and removal of native vegetation** 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 two copies must be provided. The plans must be generally in accordance with Karl Degering & Associates Revision B, plot date 12 September 2016 and Faulkner & Chapman landscape design Landscape Plan dated 9 September 2016 but modified to show:
 - a) The ground floor front setback must be no more than the existing ground floor setback being 5.97 metres.
 - b) The first floor south and west habitable room windows to be screened in accordance with Standard A15 (Overlooking) of the Bayside Planning Scheme.
 - c) Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
 - d) Location of all plant and equipment, including hot water services and air conditioners etc.
 - e) A schedule of construction materials, external finishes and colours that incorporate building elements and details that contribute to a lightness of structure.
 - f) A landscape plan generally in accordance with the landscape plan dated 9 September 2016 but modified to show:
 - i. a survey including botanical names of all existing vegetation to be retained and/or removed;
 - ii. buildings and trees including botanical names on neighbouring properties within three metres of the boundary.
 - iii. details of surface finishes of pathways and driveways;
 - iv. 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;

- v. 80% of all vegetation (existing and proposed) to be indigenous;
 - vi. landscaping and planting within all open areas of the site;
 - vii. reduction of the proposed paving in the front setback by 50% to allow for the planting of indigenous coastal trees;
 - viii. removal of the *Ulmus glabra* 'Lutescens' (Goldern Elm) and replacement with an indigenous canopy tree in the front setback capable of reaching a height of 10 metres and a canopy width of 6 metres at maturity;
 - ix. provision of an indigenous coastal canopy tree in the front setback capable of reaching a height of 6 metres and a canopy width of 4 metres at maturity; and,
- g) A Tree Management Plan and Tree Protection Plan in accordance with Condition 8 and 1 (e).
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 7. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 8. Before the endorsement of plans at Condition 1, 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.
 9. 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.
 10. The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of: 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.

11. 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.
12. 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.
13. 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.
14. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
15. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
16. 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.
17. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
18. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
19. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit notes:

- A permit must be obtained from Council for all vehicular crossings.
- These must be constructed under Council's supervision for which 24 hours notice is required.
- Council must be notified of the vehicular crossing and reinstatement works.
- 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.
- Consent is required from the Owners Corporation Plan no. RP019045 before the development commences in accordance with the Owners Corporation Act 2006.
- Appropriate indigenous coastal canopy tree species include the banksia integrifolia (Coast Banksia) and leptospermum laevigatum (Coast Tea-tree)

CARRIED

**4.13 5 WELLINGTON STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/248/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/16/205522

Moved: Cr del Porto

Seconded: Cr Grinter

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning Application number 2016/248/1 for the land known and described as **5 Wellington Street, Brighton**, for the **construction of a double storey dwelling on a lot less than 500 square 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 Sky-line Design Studio plans Council date stamped 1 September 2016, drawings no 2-7 of 7 and Point Five Landscape and Environmental Design, Landscape Concept Plan, Sheet 1 of 1 but modified to show:
 - a) The overall building height in accordance with Standard A4.
 - b) Western first floor wall setback in accordance with Standard A10.
 - c) Northern first floor wall setback in accordance with Standard A10.
 - d) Maximum average height of the north wall on boundary to be built in accordance with Standard A11.
 - e) Habitable room windows designed in accordance with Standard A15.
 - f) The terrace entrance/lobby built in accordance with Design and Development Overlay Schedule 1.
 - g) Increase to the side setbacks of the roof terrace in accordance with Design and Development Overlay Schedule 1.
 - h) A schedule of materials, external finished and colours.
 - i) A detailed amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be in accordance with the landscape plan drawn by Point Five Landscape and Environmental Design, Landscape Concept Plan, dated June 2016, sheet 1 of 1, but amended to show:
 - i. one Eucalyptus pryoriana or Banksia integrifolia.
 - ii. one tree capable of reaching 12 metres in height at maturity.
 - j) The front of the garage to be setback a minimum of 5.5 metres from Albert Street.
 - k) The double garage must be 5.5 metres wide and 6 metres long, with a 4.8 metre wide door.

- l) All pedestrian doors to swing outwards from the garage.
 - m) The driveway grade must not exceed more than 1 in 10 complying with Clause 52.06-8.
 - n) The new crossover must be offset a minimum of 1 metre from the existing power pole to the south and must be offset a minimum of 3 metres from the street tree to the north.
 - o) Adequate sight lines must be provided where the proposed driveway intersects with the front footpath as per AS2890.1.
 - p) The existing 2.8m x 2.8m asphalted corner splay at the southeast corner of the property must be retained with no change. No foliage or structures to be allowed within the splay.
 - q) A Tree Management Plan and Tree Protection Plan in accordance with condition 8.
 - r) Details of the water sensitive urban design elements in accordance with condition 12.
 - s) A construction management plan in accordance with condition 19.
- All to the satisfaction of the Responsible Authority.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 7. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 8. Before the development starts, 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 on neighbouring properties and the nature strip, where any part of the Tree Protection Zone falls within the subject site.
 - b) The location of tree protection measures to be utilised.
9. 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.
 10. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
 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, 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. 16.

13. 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.
14. Before the occupation of the development starts, the area(s) set aside for vehicle parking and access ways 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.
15. 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.

16. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where storm-water is drained under gravity to the Council network.
17. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
18. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).
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) Protection of the gas line located at 1A Albert Street.
20. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit notes:

- 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.
- Council must be notified of the vehicular crossing and reinstatement works.
- 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.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- The applicant must clearly identify what impact, if any, the proposed vehicle crossing or footpath construction will have Council assets such as pits and trees, power poles etc. Such items must be accurately shown on the plan.

- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.

CARRIED

**4.14 1 EMILY STREET, BRIGHTON
SECONDARY CONSENT - APPROVE
APPLICATION NO. 2008/561/2 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/1073

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council:

Approve the Amended Plans in accordance with the Secondary Consent provisions of Planning Permit No. **2008/561/2** issued for **additions and alterations to an existing dwelling on a lot less than 500 square metres** and the following table be added at the end of the permit.

Date	Amendments
14 February 2016	<u>Secondary Consent Amended Plans</u> <ul style="list-style-type: none">• Delete small ground floor addition to the rear of the dwelling;• Internal re-arrangements to the ground floor; and• Replace ground floor sliding doors on the south east elevation with French doors.

CARRIED

4.15 VCAT DECISIONS

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/22727

Moved: Cr Grinter

Seconded: Cr del Porto

That the report on the VCAT decisions on the planning applications handed down during January 2017 be received and noted.

CARRIED

5. Confidential Business

Nil

Following consideration of Confidential Business the Chairperson declared the meeting closed at 9.23pm.

CONFIRMED THIS 14 DAY OF MARCH 2017

CHAIRPERSON: