



Minutes of the Planning and Amenity Committee Meeting

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 14 March 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
Josh Maitland – Senior Statutory Planner
Terry Callant – Manager Governance
Mandy Bartlett – Governance Officer

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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 14 February 2017.

Moved: Cr Grinter

Seconded: Cr Martin

That the minutes of the Planning & Amenity Committee Meeting held on 14 February 2017, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

**4.1 514-518 HAMPTON STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/751/1 WARD: CENTRAL**

City Planning & Community Services -
File No: PSF/15/8755 – Doc No: DOC/17/29246

It is recorded that Mr Phil Karanicolas, Mr Bruce Fickers, Ms Patricia Reynolds, Mr Gino De Biase, Dr Jonathan Nightingale, Mr David Riley, Mr Paul Novacco, Mr Peter Robertson, Mr Evan Packer, and Mr John Rickman spoke for three minutes each in relation to this item.

Moved: Cr Martin

Seconded: Cr del Porto (Mayor)

That Cr Grinter be granted an extension of one minute to complete his debate

CARRIED

Moved: Cr del Porto (Mayor)

Seconded: Cr Castelli

That Council:

Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning Application 2016/751/1 for the land known and described as 514-518 Hampton Street, Hampton, for the construction of a four storey building plus basement in the Design and Development Overlay 12, comprising two food and drink commercial units at ground floor, 21 residential units on upper floors, a ground floor residential frontage greater than 2 metres in the Commercial 1 Zone in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans with date stamped 28 December 2016 but modified to show:
 - a) The second and third floor level to be setback from the eastern boundary by 6.1 and 11.1 metres respectively.
 - b) Three storey sheer wall to the Northern elevation to be further articulated with additional materials or patterning.
 - c) The resident's pedestrian entrance door to setback no greater than 1.5 metres from the property boundary. The pedestrian entrance to have 45 degree splays to 300mm either side of where the entrance meets the buildings frontage.
 - d) The use of design elements or materials, or a combination of both to provide a greater sense of address, differentiation and identity to the resident's pedestrian entrance.
 - e) All privacy screening to be a maximum of 25% transparent.
 - f) Any consequential overlooking of neighbouring dwellings associated with the development changes conditioned above to be addressed via obscure

and fixed glazing, sill heights to 1.7 metres above finished floor levels or privacy screening to 1.7 metres in height with a maximum transparency of 25% as appropriate.

- g) Master bedroom and ensuite of Unit 2.07 to be deleted.
- h) Northern elevation of Unit 2.06 and the balcony perimeter planter above associated with Unit 3.04 setback 2.17 metres from the northern site boundary.
- i) All site services to be located on plans, including 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.
- j) A physical schedule and samples of all construction materials, external finishes and colours (incorporating for example paint samples).
- k) A 2 x 2 metre splay of the ground floor level at the corner of Hampton Street and Littlewood Street.
- l) Additional car parking spaces and all loading requirements to be provided to make the development and uses fully comply with the requirements of Clause 52.06
- m) One additional bike parking space to be provided at basement level.
- n) The gradient of the disabled parking space amended to comply with AS2890.6.
- o) Provision of and details of a stop-go signalling system to control vehicles on the one lane basement ramp.
- p) Updated swept path diagrams in accordance with Figure B2 of AS/NZS 2890.1:2004.
- q) All elevations and roof plan to show all plant, equipment and services concealed within the design of the building. No plant, equipment, services or architectural features will be permitted above the roof level of the building/s without the written consent of the Responsible Authority, and no air conditioning units will be permitted to be visible from the street.
- r) Any changes to comply with the Site and Environment Management Plan (SEMP) conditions of this permit;
- s) Any changes to comply with the Construction Management Plan in conditions of this permit;
- t) Any notations or changes to meet the Drainage conditions of this permit;
- u) Full details and annotations on the floor plan to allow no more than 40 seats (including outside seating) associated with the 1 x commercial premises fronting Hampton Street.
- v) Full details and annotations on the floor plans to allow no more than 22 seats (including outside seating) associated with the 1 x commercial premises fronting Littlewood Street.
- w) Any consequential changes to the plans to comply with any conditions of this permit which must result in no increase in the building form and envelope.

All to the satisfaction of the Responsible Authority.



Ongoing conditions for the lifetime of the 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 any of the development or use hereby approved, all buildings and works 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 and remain concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. Before occupation, screening of windows and roof decks including fixed privacy screens designed to limit overlooking as required by Standard B22 be installed and maintained thereafter for the life of the building to the satisfaction of the Responsible Authority.
6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
7. The customer patronage shown on the endorsed plans, as associated with the car parking as shown on the endorsed plans, must not be exceeded at any time.
8. Unless otherwise agreed by the Responsible Authority, the uses within this development must only operate, including deliveries, loading and unloading, between the following hours;
 - Monday to Saturday 6:00am to 11.00pm.
 - Sundays and National Public Holidays 7.00am – 10.00pm.
 - Anzac Day 12:00pm - 10.30pm.
9. Before the occupation of the development starts, the areas 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.
10. Before the occupation of the development starts, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
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.

Site and Environment Management and Construction Management Plans

12. Prior to the endorsement of plans to Condition 1 of this permit, a Site and Environmental Management Plan (SEMP) must be prepared by a suitably qualified person, to the satisfaction of, and submitted to and approved by, the Responsible Authority. The SEMP will remain in perpetuity for the life of the use and development hereby approved, and must be updated to reflect new non-residential uses on the commencement of any tenancy. The SEMP must include operational and site management details including but not limited to;
 - a) The Waste and Recycling Management Plan, prepared by Strata Plan and dated 17 December 2016, to be updated to include the following;
 - i. Clarification of the arrangement for private waste collection



- contractor's vehicle to wait while bins are transported from the waste storage area;
- ii. All waste streams including garbage and recycling, hard/ electronic/ liquid/ medical and home detox (paint and chemicals) are the responsibility of the private contractor and the body corporate. Council will not be offering these services; and
 - iii. A litter trap meeting Australian Standards for the size of the bin room to be installed and cleaned on a regular basis by a contractor;
- b) The uses within the 2x commercial units;
 - c) The details of operation and how the hours of operation will be managed by the owners / operators of the non-residential uses;
 - d) An ongoing 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, and details of how all relevant traffic and parking related permit conditions will be complied with for the life of the development;
 - e) Details of staff car parking management, staff bicycle parking, staff education regarding considerate commercial operations and any other relevant details relating to staff education and management; and
 - f) Details of how the commercial owners/occupiers will ensure that amenity of adjacent residences will be not be adversely affected by noise, smell, waste management, loading and unloading, pests and any other considerations.
13. Prior to the endorsement of plans to Condition 1 of this permit, a construction Management Plan (CMP) must be prepared by a suitably qualified person, to the satisfaction of, and submitted to and approved by, the Responsible Authority. The CMP must include operational and site management details including but not limited to;
- a) The location for the parking of all construction vehicles and construction worker vehicles during construction.
 - b) 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.
 - c) Proposed traffic management signage indicating any inconvenience generated by construction.
 - d) Fully detailed plan indicating where construction hoardings would be located.
 - e) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
 - f) 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.
 - g) Site security.
 - h) Public safety measures.



- i) Construction times, noise and vibration controls.
- j) Restoration of any Council assets removed and/or damaged during construction.
- k) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
- l) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
- m) 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.
- n) 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.
- o) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
- p) Hoarding details, if any.
- q) Details of crane activities, if any.

Drainage

- 14. 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.
- 15. Before the endorsement of plans at Condition 1 of this permit, 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.
- 16. The water sensitive urban design stormwater treatment system as detailed in the Sustainable Design Assessment report, prepared by Sustainably Design Consultants (Dated December 2016) 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.

Permit Expiry

- 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

- Building and Asset Protection: This permit does not constitute any authority to carry out any building works, works to public property or occupy the building or part of the building unless all relevant building and asset protection permits are obtained. The applicant is to bear the cost to remove and reinstate any street



furniture or infrastructure items to provide the required access to the proposed development.

- Street Tree payments: Before any Asset Protection Permit is issued by Council, the applicant will be required to pay \$14,174.60 to Council for the removal of the western-most and eastern-most Manchurian Pear (*Pyrus ussuriensis*) street trees adjacent to the Littlewood Street frontage of the site and for any other street trees that may be proposed to be removed to facilitate the development. This amount has been determined in accordance with Council's current policy for the removal of street trees and may be amended.
- Other permits: Other permits and approvals are likely to be required for this development. Please contact Council on 9599 4444 for more information.

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

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

LOST



Moved: Cr Long

Seconded: Cr Martin

That Council, having caused notice of Planning Application No. 2016/751/1 to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act decides to issue a Notice of Refusal to Grant a Permit in respect of the land known and described as 514-518 Hampton Street, Hampton, for the construction of a four storey building plus basement in the Design and Development Overlay 12, comprising two food and drink commercial units at ground floor, 21 residential units on upper floors, a ground floor residential frontage greater than 2 metres in the Commercial 1 Zone, a car parking waiver, loading bay waiver and cycle parking waive for the following reasons:

1. The proposal fails to accord to the strategic direction of Clause 21.11 (Hampton Street Major Activity Centre) of the Bayside Planning Scheme, on the following grounds:
 - a) The proposal exceeds the preferred height in the built form precinct and does not support the Hampton Street Centre Framework Plan and Vision.
 - b) The proposal fails to provide an appropriate transition interface to the lower scale residential properties to the east.
2. The proposal fails to respond to the objectives and design requirements of Clause 43.02 (Design and Development Overlay 12) of the Bayside Planning Scheme, on the following grounds:
 - a) The proposal varies the preferred building height, setbacks from the eastern boundary and third floor setbacks from Hampton Street and Littlewood Street and does not achieve the following outcomes required to vary the design requirements;
 - A high standard of architectural design;
 - Innovative environmental design;
 - Minimal overshadowing of adjoining streets and residential properties;
 - Minimal impact on the amenity of adjoining residential precincts; and
 - A suitable transition in scale the lower building forms to the east.
 - b) The proposed height and scale of the development is not compatible with the preferred future role and character of the Hampton Street Major Activity Centre.
 - c) The proposal fails to provide a suitable transition in scale to lower scale built form to the east. The abrupt change in scale would appear as an obtrusive and discordant element in the street scene.
 - d) The proposal would result in an unreasonable visual bulk and amenity impact on adjacent dwelling at 1/1 Littlewood Street.
 - e) The proposal would result in an unreasonable visual bulk impact and loss of daylight impact on adjacent habitable room windows and private open space to adjacent dwellings at No.520 Hampton Street.
 - f) The proposed northern elevation is poorly articulated and does not provide a fine grained, human scale or visual interest to Hampton Street and adjoining properties.
3. The proposal fails to achieve with the Objectives and Standards of Clause 52.06 (Car Parking) of the Bayside Planning Scheme, in particular:
 - a) The proposal does not provide for an adequate amount of on-site car parking for the future needs of the commercial units or dwellings. The proposal fails to



demonstrate the shortfall of parking would not have a significant impact on the surrounding road network.

4. The proposal does not provide sufficient bicycle facilities in accordance with Clause 52.34 of the Bayside Planning Scheme
5. Council engage suitable legal representation at any VCAT hearing.

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

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

CARRIED



**4.2 2A DENDY STREET, BRIGHTON
SUPPORT THE GRANT OF A PLANNING PERMIT
APPLICATION NO: 2016/605/1 WARD: CENTRAL**

City Planning & Community Services -
File No: PSF/15/8755 – Doc No: DOC/17/14775

It is recorded that Mr Mark Naughton spoke for three minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Grinter

That Council:

Advises all parties of a decision to Support the Grant of a Planning Permit under the provisions of the Bayside Planning Scheme in respect of Planning Application 2016/605/1 for the land known and described as 2A Dendy Street, Brighton, for the construction of a double storey dwelling with two storey basement comprising four dwellings and a roof deck in the Design and Development Overlay 1 and a front fence exceeding 1.2 metres in height in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans with date stamped 14 November 2016 but modified to show:
 - a) The parapet from the floor level of the roof decks and above to be set in 2 metres from the first floor elevations directly below on all sides.
 - b) Parapet around the roof decks to be raised to 1.7 metres above the floor levels of the roof decks or planters to be utilised to ensure no direct line of sight is provided from the roof decks to neighbouring windows within 9 metres as measured from 1.7 metres above the floor level of the roof decks.
 - c) First floor western elevation of dwelling four to be setback 215mm from the western elevation of dwelling two below.
 - d) Boundary fencing to the eastern and western property boundaries to a minimum of 1.8 metres in height.
 - e) Screening to 1.7 metres in height to the rear first floor balcony of dwelling four within 9 metres of 8/108 Esplanade.
 - f) North facing window serving the study of dwelling four to have a sill height of 1.7 metres above finished floor level.
 - g) Basement ramp to show relevant AHD levels at each grade point.
 - h) Adequate sight lines must be provided where the 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.
 - i) Existing western crossover to be removed.
 - j) The impact, if any, the proposed vehicle crossing will have on Council assets such as pits and trees. Such items must be accurately shown on

- the plans.
- k) The omission of the Bay Laurel (*Laurus nobilis*) for one canopy tree capable of reaching 12 metres in height and 8 metres in spread at maturity to be centrally located in the front setback of the site.
 - l) The extent of paving in the front open space of dwelling one reduced by 50% and the remaining paving to be permeable to water.
 - m) A Waste Management Plan in accordance with Condition 13 from 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. 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 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. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
 12. Before the development starts tree protection fencing is to be established around the *Fraxinus angustifolia* subsp. *angustifolia* (Desert Ash) street tree 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 3 metres of the *Fraxinus angustifolia* subsp. *angustifolia* (Desert Ash) street tree's stems at ground level.

13. Prior to the endorsement of plans pursuant to condition 1, Section 1.4 of the Waste Management Plan, prepared by Leigh Design Pty Ltd and dated 2016, to be updated to include the following text:
 - a) Hard waste and bundled branch collections arranged through Council must comply with Council service requirements and will be arranged by individual property occupants/ owners. Hard waste items can be taken to Bayside's Waste Transfer and Recycling Centre at 144 Talinga Road, Cheltenham. Fees and charges may apply.
14. 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.
15. 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.
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

- 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.
- The applicant is to bear the cost to remove and reinstate any street furniture or infrastructure items to provide the required access to the proposed development.
- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

CARRIED

**4.3 209-2013 BAY STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/374/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/36036

It is recorded that Mr Mathew Wilson spoke for three minutes in relation to this item.

Moved: Cr del Porto (Mayor)

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 2016/374/1 for the land known and described as 209-213 Bay Street, Brighton, for the sale and consumption of liquor in association with an existing food and drink premises (café) in accordance with the application plans and subject to the following conditions from the standard conditions:

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but modified to show:
 - a) The red line area limited to those where alcohol is to be sold and consumed internally and within the title boundary. Bathroom areas are to be deleted from the red line area.
 - b) A maximum of 34 internal seats to be shown on the seating plan.
2. The licenced area as shown on the endorsed plans must not be altered with the written consent of the Responsible Authority.
3. The sale and consumption of alcohol may only occur within the licensed area as shown on the endorsed plan.
4. The sale of alcohol may occur only between the following hours:
 - Monday to Saturday 7:00am to 11.00pm (excluding ANZAC Day and Good Friday).
 - Sunday 10:00am – 11.00pm
 - Noon to 11.00pm, ANZAC Day and Good Friday.
5. No more than 34 seats may be available for the consumption of liquor, unless with the prior written consent of the Responsible Authority.
6. The service and consumption of liquor must remain ancillary to the primary purpose of the premises being the service and consumption of food.
7. 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. Any works required to ensure and maintain the noise levels must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.

8. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
9. This permit will expire if one of the following circumstances applies:
 - a) The use is not started within two years of the date of this permit.
 - b) 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.

Permit Notes

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.
- A Local Laws Permit will be required for any footpath trading.

CARRIED

**4.4 118 - 120 BEACH ROAD, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/295/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/10727

It is recorded that there were no speakers 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 2016/295/1 for the land known and described as 118 – 120 Beach Road, Sandringham for the construction of a major promotion sign in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application Council date stamped 24 June 2016 but modified to show:
 - a) The LED screen replaced with a static, non-animated image, which may be internally illuminated.
 - b) The site plan fully dimensioned with all advertising along Bay Road, Beach Road and the Beach Road/Melrose Street corner, notated and marked as to be removed.
 - c) The sign to be a maximum of 8 metres in height from Natural Ground Level.
 - d) Any changes required by Condition 11 of this permit.
2. The location and details of the sign, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.

Vic Roads Conditions (No's 3 - 8)

3. The sign hereby permitted must not:
 - a) Dazzle or distract drivers due to its colouring.
 - b) Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles.
 - c) Be able to be mistaken as an instruction to drivers.
4. The sign must be constructed to the satisfaction of the Responsible Authority, and must be maintained to the satisfaction of the Responsible Authority.
5. In relation to the images displayed on the sign:
 - a) Any one image must be presented in a completely static manner with no animated or moving style advertising or messages;
 - b) The dwell time for each image must be no less than 45 seconds;

- c) Transition between each image must be instantaneous; and
- d) The sign must not be used for any live television, satellite, internet or similar broadcast.

All to the satisfaction of the Responsible Authority.

- 6. The sign must not display intermittent light(s), advertising or messages which contain any repeated directional motion, flicker or flashing content to the satisfaction of the Responsible Authority.
- 7. The luminance of the sign permitted by this permit must be such that it does not give a veiling luminance to the driver of greater than 0.25cd/m² throughout the drivers approach to the permitted sign.
- 8. The sign must be fitted with automatic ambient light conditions sensors to control light intensity output/luminance to the satisfaction of the Responsible Authority.

General

- 9. All sign must be located wholly within the boundaries of the land.
- 10. The design and construction of the sign must not allow movement of the sign or any part of the sign.
- 11. All additional signs, chalkboards and advertising, along the Melrose Street/ Beach Road corner, Beach Road and the Beach Road/Bay Road intersection must be removed from the site within 30 days of new major promotion sign being installed to the satisfaction of the Responsible Authority.
- 12. This permit does not authorise the placement of other signs on the site.

Permit expiry

- 13. This permit expires 15 years from the date of issue.

Permit Notes

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

CARRIED

**4.5 6 CHARLOTTE STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/114/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/33475

It is recorded that Mr Sofia Anastasopoulos spoke for three minutes in relation to this item.

Moved: Cr del Porto (Mayor)

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 2016/114/1 for the land known and described as 6 Charlotte Street, Brighton East, for the construction of two double storey dwellings in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Cornetta partners Architects, received by Council on 20 June 2016, but modified to show:
 - a) All plant, equipment, services and architectural features to be included on the plans and located appropriately to avoid impacts on the adjoining dwellings.
 - b) A schedule of construction materials, external finishes and colours (incorporating example paint samples), ensuring there is a mixture of materials and finishes at ground and first floor level.
 - c) The driveway must be offset 800mm from the northern property boundary line and be 3 metres wide.
 - d) The crossover must be offset 1 metre away from the southern property boundary line with a 1 metre wide separator between the new and the neighbouring crossover.
 - e) The driveway at the point of change of direction, must have a 4 metre internal radius.
 - f) Adequate sightlines must be provided where the proposed driveway intersects with the front footpath as per the diagram shown in AS2890.0.
 - g) The first floor east (rear) setback of dwelling 2 to be compliant with Standard B17 (Side and rear setbacks) of the Bayside Planning Scheme.
 - h) Compliance with Standard B19 (Daylight to existing windows) of Clause 55.04-3 of the Bayside Planning Scheme.
 - i) Details of the proposed screening to be used with a maximum visual permeability of 25% compliance with Standard B22 (Overlooking) of the Bayside Planning Scheme.
 - 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.

- l) the boundary wall to the south be reduced to a maximum height of Standard B18 for the entire length
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) Retention of the *Liquidambar styraciflua* (Liquidambar) in the front setback.
 - g) Include one tree each dwelling in the private open space of both dwellings which can reach a mature height of 6 metres and one tree to each dwelling within the front yard area which is capable of growing to a minimum 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



**4.6 6 LINDSAY STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/576/1 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/31674

It is recorded that Mr Johannes Risseeuw and Mr Jason Barnfather spoke for three minutes each on this item.

Moved: Cr del Porto (Mayor)

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 2016/576/1 for the land known and described as 6 Lindsay Street, Brighton, for the construction of a building containing five dwellings and a front fence in excess of 1.5m in height on a lot in the 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 Martin Friedrich Architects TP0.00 to TP5.00, dated 24 January 2017, but modified to show:
 - a) Meters, mailboxes and clotheslines for the ground floor apartments in accordance with Standard B34 of Clause 55. Where practicable, they should be located away from existing habitable room windows.
 - b) A schedule of materials, external finishes and colours (incorporating for example paint samples).
 - c) A minimum 1.8m high fence between the "courts" of Apartments 1 & 2 in accordance with Standard B23 of Clause 55.
 - d) A landscaping plan generally in accordance with Condition 11 of this permit, but modified to show the ornamental pear trees of a planted height of three metres.
 - e) A Waste Management Plan generally in accordance with Condition 16 of this permit.All to the satisfaction of the Responsible Authority.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes, fixtures, fittings and vents servicing any building on the site must be

concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

6. The 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, the 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 Jack Merlo, project number 15.209, dated 24.01.17, 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. The planting schedule must be altered by nominating the maintained height of the *Tilia cordata* 'Greenspire' (x3) at no less than 8m.



- 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.
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, 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) On-site collection.
 - c) Storm water drains in storage areas should be fitted with a litter trap.
 - d) The number and size of bins to be provided.
 - e) Facilities for bin cleaning.
 - f) Method of waste and recyclables collection.
 - g) Types of waste for collection, including colour coding and labelling of bins.
 - h) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
 - i) Method of hard waste collection.
 - j) Method of presentation of bins for waste collection.
 - k) Sufficient headroom within the basement to accommodate waste collection vehicles.
 - l) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
 - m) Strategies for how the generation of waste and recyclables will be minimised.
 - n) 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.
17. 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.
18. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured



so its positioning cannot be modified by site workers. The 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.

19. 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.
20. The *Platanus x acerifolia* (Plane Tree) street tree asset must not be damaged or removed. Soil excavation must not occur within a radius of 2.5 metres from the edge of the stem at ground level.
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 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.
22. Prior to soil excavation for a Council approved 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.
23. Any installation of services and drainage within the Tree Protection zone must be undertaken using root sensitive non-destructive techniques.

Melbourne Water Conditions

24. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
25. Finished floor levels of the ground floor must be constructed no lower than 9.7 metres to Australian Height Datum (AHD).
26. The apex including associated bunding to the basement entrance must be constructed no lower than 9.74 metres to AHD.
27. The front fence must be open style (50%) of construction to allow for the conveyance of overland flow.
28. 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".

Melbourne Water Notes

- The applicable adjacent floor level is 9.44 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 274410.

CARRIED



**4.7 8 CAMBRIDGE STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2015/730/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/16/270590

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

Moved: Cr del Porto (Mayor)

Seconded: Cr Heffernan

That Council:

Issues a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning Permit 2015/730/1 for the land known and described as 8 Cambridge Street, Brighton, for the construction of two double storey dwellings and a front fence greater than 1.2 metres in height in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans prepared by Architectural Plans and Permits and dated 6 June 2016 but modified to show:
 - a) The north and south elevations to be correctly labelled on the elevations plan.
 - b) The first floor to be recessed from the ground floor by 1 metre, without any reduction in any other setbacks.
 - c) All first floor habitable windows to be screened in accordance with Standard B22 of Clause 55.04-6 of the Bayside Planning Scheme.
 - d) The fence located between units 1 and 2 and the protruding wall located between the rumpus rooms of units 1 and 2 to be clearly identified and designed in accordance with Standard B23 of Clause 55.04-7 of the Bayside Planning Scheme.
 - e) The storage areas located in each garage to show cubic measurements in accordance with Standard B30 of Clause 55.05-6 of the Bayside Planning Scheme.
 - f) The east parapet height to be reduced by 600mm and west parapet height to be reduced by 800mm; or,
One of the first floor bathrooms (being the main bedroom ensuite or the bathroom beside bedroom 4) for each dwelling be recessed an additional 1 metre to provide further relief to the built form.
 - g) 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 700mm.
 - h) A landscape plan generally in accordance with the landscape plan prepared by Architectural Plans and Permits dated 22/7/2016 and the associated Arborist Report prepared by Tree Radar Australia dated

21/7/2016, but modified to show:

- i. A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection calculated in accordance with AS4970-2009.
 - ii. 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.
 - iii. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - iv. Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - v. Details of surface finishes of pathways and driveways.
 - vi. One tree capable of reaching a height of 10 metres and a canopy width of 6 metres at maturity to be provided in the front setback of unit 1.
 - vii. One tree capable of reaching a height of 10 metres and a canopy width of 6 metres at maturity to be provided in the front setback of unit 2.
 - i) Both driveways to be 3 metres wide and setback from each perspective side boundary a minimum of 1 metre where each intersects with the footpath of Cambridge Street.
 - j) 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.
 - k) A tree management report and a tree protection plan in accordance with Condition 10 of this permit.
 - l) A Water Management Plan in accordance with Condition 6 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. 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.

- 7. Before the occupation of the development starts, the areas 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.
- 8. 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.
- 9. The existing crossover to be removed and reconstructed, to the cost of the applicant to the satisfaction of the Responsible Authority.
- 10. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

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

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - b) The location of tree protection measures to be utilised.
- 11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 - 12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
 - 13. Before the development starts tree protection fencing is to be established around the two 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.

14. Soil excavation must not occur within 2.7 metres of the two Cinnamomum camphora (Camphor Laurel) street tree's stems at ground level.
15. Prior to soil excavation for a Council approved 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 affected must be correctly pruned by a qualified arborist.
16. Any installation of services and drainage within the Tree Protection Zone must be undertaken using root-sensitive non-destructive techniques.
17. 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.
18. 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.
19. The driveway / parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
20. 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.
- Unit 1 should be addressed 8B Cambridge Street, Brighton.
- Unit 2 should be addressed 8A Cambridge Street, Brighton.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.

CARRIED

4.8 VCAT DECISIONS

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/49216

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

Moved: Cr Long

Seconded: Cr Grinter

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

CARRIED

5. Confidential Business

Nil

Following consideration of Confidential Business the Chairperson declared the meeting closed at 9:33pm.

CONFIRMED THIS 14TH DAY OF MARCH 2017

CHAIRPERSON:

