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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 2 November 2017.

Moved: Cr Long

Seconded: Cr del Porto

That the minutes of the Planning & Amenity Committee Meeting held on 2 November 2017, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

**4.1 LOCAL LAW TREE REMOVAL APPEAL
177 THOMAS STREET, BRIGHTON EAST**

City Planning & Community Services - Amenity Protection
File No: FOL/10/62259 – Doc No: DOC/17/207921

It is recorded that Ms Michelle Nichols (via proxy Ms Natalie Frazer) spoke for three minutes on this item.

Moved: Cr Castelli

Seconded: Cr Evans (Mayor)

That Council refuse to grant a permit for the removal of one Lilly Pilly (*Syzigium paniculatum*) tree 177 Thomas Street, Brighton.

CARRIED

**4.3 6-8 HEMMING STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/56/1 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/227198

It is recorded that Mrs Rachel Lui, Mr Noel Johnstone, and Mr Mark Stanojevic spoke for three minutes each on this item.

Moved: Cr Castelli

Seconded: Cr del Porto

That Council:

Issues a **Notice of Decision to Grant a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/56/1** for the land known and described as **6-8 Hemming Street, Brighton East**, for the **construction of 10 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 advertised plans but modified to show:
 - a) Significantly improved landscaping opportunities through the rear north-south accessway to the satisfaction of the Responsible Authority. This may require some reduction in the building footprint.
 - b) All dwellings to comply with Standard B17 at ground and first floor on the south, north and east boundaries.
 - c) The ground floor side setback of dwelling B.05 adjacent to the southern boundary to be increased to 2.0 metres from the boundary to avoid encroachment into the easement.
 - d) The provision of external security lighting through the communal vehicle access within the site.
 - e) The first floor windows on the northern elevation of units A.01 and B.01 to be obscure glazed below 1.7 metres from finished floor level.
 - f) The timber pergola screening to the balcony of unit B.01 to be a maximum transparency of 25% to a height of 1.7 metres above the balcony finished floor level.
 - g) The crossover for unit B.05 to have a minimum 0.5 radius between the side entry pit and the southern edge of the crossover.
 - h) Landscaping changes to include the provision of a canopy tree (8 metres by 4 metres) in the front setback of all of the B dwellings fronting Hemming Street.
 - i) Removal of the powder room to A.04 and replacement with a large glazed window providing surveillance into/from the entrance hall.
 - j) Location of all plant and equipment, including hot water services and air conditioners etc.

- k) Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
 - l) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 4. All pipes (except downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 6. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

7. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
8. Before the development starts, a 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 Greenwood Consulting, dated 30 January 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Changes as required by condition 1(a).
 - 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.
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 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.
12. 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.
13. 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.
14. 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.
15. There is to be no soil excavation within 2 metres of all street tree assets measured from the edge of the trunk.
16. A tree protection fence is required for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
- a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
 - b) Fencing must be installed to comply with AS 4970-2009, Protection of trees on development sites.
 - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
 - d) Fencing is to be constructed and secured so its positioning cannot be

modified by site workers.

- e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
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. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
- a) Dimensions of storage waste areas.
 - b) Storm water drains in storage areas should be fitted with a litter trap.
 - c) The number and size of bins to be provided.
 - d) Facilities for bin cleaning.
 - e) Method of waste and recyclables collection.
 - f) Types of waste for collection, including colour coding and labelling of bins.
 - g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
 - h) Method of hard waste collection.
 - i) Method of presentation of bins for waste collection.
 - j) Sufficient headroom within the basement to accommodate waste collection vehicles.
 - k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
 - l) Strategies for how the generation of waste and recyclables will be minimised.
 - m) Compliance with relevant policy, legislation and guidelines.

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

20. Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
- a) A detailed schedule of works including a full project timing.
 - b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local

- services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
- c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
 - d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
 - e) Proposed traffic management signage indicating any inconvenience generated by construction.
 - f) Fully detailed plan indicating where construction hoardings would be located.
 - g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
 - h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
 - i) Site security.
 - j) Public safety measures.
 - k) Construction times, noise and vibration controls.
 - l) Restoration of any Council assets removed and/or damaged during construction.
 - m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
 - n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
 - o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
 - p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
 - q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
 - r) Details of crane activities, if any.
21. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.
- The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

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

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

Permit Notes

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Before the vehicle crossing application will be approved, the applicant must pay \$1,308.26 to the Responsible Authority for the removal and replacement of the existing street tree(s). This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.
- The Fraxinus Ornus (Tree 1) street tree asset can be removed under Clause 6.5 of the Street and Park Tree Management Policy (2016) to allow the development to proceed with the installation of the proposed southern vehicle crossing in the proposed location.

CARRIED

**4.4 637 HAWTHORN ROAD, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/301/1 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/229403

It is recorded that there were no speakers for 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 2016/301/1** for the land known and described as **637 Hawthorn Road, Brighton East**, for the **construction of two dwellings and alteration to a road in a Road Zone, Category 1** 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 Alexandrou & Associates and Council date stamped 7 June 2017, but modified to show:
 - a) The proposed front porches of both dwellings to be reduced to 3.6m high measured from Natural Ground Level to comply with Standard B6 of the Bayside Planning Scheme.
 - b) The proposed south side setback of Bedroom 2 and Bedroom 3 of Dwelling 2 to demonstrate compliance with (and if necessary be amended) Standard B17 of the Bayside Planning Scheme
 - c) The proposed rear setback to achieve full compliance in accordance with Standard B17 of the Bayside Planning Scheme.
 - d) The proposed wall on boundary of Master Bedroom of Dwelling 1 to be redesigned to achieve full compliance in accordance with Standard B18 of the Bayside Planning Scheme.
 - e) All the habitable room windows to demonstrate compliance in accordance with Standard B22 of the Bayside Planning Scheme.
 - f) Provision of a dividing fence with a minimum height of 1.8 metres within the rear setback of the dwellings in accordance with the requirements of Standard B23 of the Bayside Planning Scheme.
 - g) Provisions of clotheslines to each proposed dwelling.
 - h) Deletion of first floor Bedroom 3 Balcony of Dwelling 1.
 - i) Adequate sightlines to be demonstrated on the plans in accordance with the Design standards for car parking pursuant to Clause 52.06-8 (Car Parking) of the Bayside Planning Scheme for Dwelling 2.
 - j) Water sensitive urban design measures in accordance with Condition 8 of this permit.

- k) Any consequential changes to the plans to comply with any conditions of this permit which must result in no increase in the built form and envelope.

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building
4. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
6. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
7. The proposed turntable must be remained functional and used for the vehicles exiting on to the Hawthorn Road at all time.

Water Sensitive Urban Design

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

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

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

Landscaping

11. Before the development starts, a revised 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 Sun 'n' Shade, dated 12/04/2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey, including, botanical names of all the proposed tree removal including Tree #20.
 - 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) 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) A minimum of one large canopy tree must be provided in the front setback of each dwelling, and medium canopy trees within the proposed Alfresco Area and Secluded Private Open Space of each dwelling. Large trees are defined as having the capacity to reach a mature height of 10 m and spread of 6 m and medium trees are defined as having the capacity to reach a mature height of 8m and spread of 6m.
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.

Drainage

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 City Assets and Projects Department.

Development Contributions

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

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

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

- 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.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- 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

**4.5 21 RAYNES PARK ROAD, HAMPTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO. 2017/140 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/228507

It is recorded that Mr Nick Carroll (via proxy Ms Sue Porter), and Mr Mark Stanojevic spoke for three minutes each on this item.

It is further recorded that Mr Konrad Pels was not present in the Chamber at the time his name was called to speak on this item.

Moved: Cr Castelli

Seconded: Cr del Porto

That Council, having caused notice of **Planning Application No. 2017/140/1** 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 **21 Raynes Park Road, Hampton**, for the **construction of two double-storey dwellings on a lot within a Special Building Overlay** for the following reasons:

1. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character, Precinct G1) of Bayside Planning Scheme, on the following grounds:
 - a) The development fails to respond to the existing and preferred neighbourhood character for this precinct.
 - b) The proposal fails to result in an appropriate landscaping outcome.
2. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B7 – Building Height – the proposal is of a height and reduced setback that will adversely impact on the amenity of neighbouring properties.
 - b) Standard B13 – Landscaping – the application fails to ensure an appropriate level of post-construction landscaping opportunities and results in an unacceptable loss of existing vegetation.
 - c) Standard B17 – Side and Rear Setbacks – the proposal is of a height and is set back from the side boundaries such that it will adversely impact on the amenity of neighbouring properties.

CARRIED

**4.6 144 - 144A ESPLANADE, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/232/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/16/1600 – Doc No: DOC/17/227716

It is recorded that Ms Nicola Broider (via proxy Mr Phil Broider) spoke for three minutes on this item.

*Councillor del Porto left the Meeting at 8:19 pm
Councillor del Porto returned to the Meeting at 8:20 pm*

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 2017/232/1** for the land known and described as **144-144A Esplanade, Brighton** for **buildings and works comprising an extension to two dwellings on a lot** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by A.L. Drafting & Design dated 12 February 2016 and Council date stamped 1 April 2016 2016 but modified to show:
 - a) Compliance with Standard B22 (Overlooking) in relation to the two southern-most windows of the first floor leisure room and the glazed doors of the first floor studio.
 - b) The first floor to be set back in accordance Standard B17 (side and rear setbacks). The building can be moved towards the west of the site.

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. The building hereby approved shall only be used for purposes associated with the use and enjoyment of the dwellings of 144-144A Esplanade, Brighton and shall at no time form a separate residential unit or be used for any business, trade or commercial purpose.
4. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the Responsible Authority.

6. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating for example paint samples) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.
7. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit Notes

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

CARRIED

**4.7 5 WELLINGTON STREET, BRIGHTON
NOTICE OF DECISION TO AMEND A PLANNING PERMIT
APPLICATION NO: 2016/248/2 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/228041

It is recorded that Miss Felicity Dick, Ms Narelle Wildschut, and Mr Mark Waldon spoke for three minutes each on this item.

Moved: Cr del Porto

Seconded: Cr Castelli

That Council, having caused notice of **Planning Application No. 2016/248/2** to be given in accordance with Section 72 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 **5 Wellington Street, Brighton**, for the **construction of a double storey dwelling on a lot less than 500 square metres** for the following reasons:

1. The proposal fails to comply with the Decision guidelines of Clause 65 of the Bayside Planning Scheme, in particular:
 - a) Clause 65.01 – the development fails to achieve adequate level of amenity in the area, resulting in a poor design outcome.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans (Mayor), James Long,
 Clarke Martin and Sonia Castelli (5)
AGAINST: Crs Michael Heffernan and Rob Grinter (2)

CARRIED

**4.8 5A RAILWAY CRESCENT, 2-6 WILLIS STREET &
1-25 KOOLKUNA LANE, HAMPTON
NOT SUPPORT THE GRANT OF A PLANNING PERMIT
APPLICATION NO: 2016/828/1 WARD: CENTRAL
VCAT REF: P1479/2017**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/246029

It is recorded that Mr Tony Shepard, Mr Tony Batt, and Mr John Balmer spoke for three minutes each on this item.

Moved: Cr Long

Seconded: Cr Castelli

A. That Council:

Determines to **Not Support** the amended application under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2016/828/1** for the land known and described as **5A Railway Crescent, 2-6 Willis Street and 1-25 Koolkuna Lane, Hampton**, for the:

- The use and development of the northern side of the railway line for a building (up to 7 storeys with basement car parking) comprising 7 shops and 186 dwellings (including Department of Health and Human Services and Small Office / Home Offices) ;
- A central plaza adjacent to Hampton Railway Station;
- Upgrade to the bus interchange and public realm along Koolkuna Lane;
- A variation to the building height of Design and Development Overlay Schedule 12 (DDO12);
- A reduction of 43 car parking spaces pursuant to Clause 52.06 of the Bayside Planning Scheme;
- Development of the southern side of the railway line for an extension to the existing car park to provide a total of 193 car parking spaces (an increase of 105 spaces and overall net increase of 28 commuter spaces beyond those lost to the northern side of the rail corridor); and
- The removal of native vegetation (6 trees) pursuant to Clause 52.17 of the Bayside Planning Scheme.

for the following reasons:

Strategic Planning

1. The proposal fails to meet the vision for Bayside, as set out in Clause 21.11, by failing to ensure a dwelling diversity of housing is provided to meet the needs of the community over time and failing to support the provision of housing to enable people to live in Bayside throughout their lives, as the majority of the proposed units will not meet accessible living requirements.
2. The proposed 7 storeys plus roof terrace is contradictory to the Clause 21.11-4 Hampton Street Major Activity Centre as the preferred height planned for this location (Built Form Precinct A1) is 6 storeys. The proposed 4 storeys plus roof

terrace height of the building is contradictory to the Clause 21.11-4 Hampton Street Major Activity Centre as the preferred height for this location (Built Form Precinct E1) is 3 storeys.

3. The development fails to strengthen the role of the Hampton Street Centre as a multi-use centre offering retail, office, entertainment and community services as envisaged by Objective 1 outlined in Clause 24.11-4 of the Bayside Planning Scheme as the development does not:
 - a) Integrate community facilities or provide adequate pedestrians links to the station and between transport modes. The station facility improvements are minimal and the public space do not improve station facilities and the public space created is considered to be poorly designed;
 - b) Support the redevelopment of the station car park in Railway Crescent to
 - c) **Deleted;** and
 - d) **Deleted.**
4. The development fails to improve vehicle and pedestrian circulation throughout the centres as envisaged by Objective 3 outlined in Clause 24.11-4 of the Bayside Planning Scheme as the development does not:
 - a) Improve the amenity of pocket parks adjacent to the railway line and pedestrian access to these parks so that they form a green treed corridor dissecting the Centre;
 - b) Strengthen pedestrian links as shown on the framework plan, including from the station to Willis Street, Along Willis Lane or along the Railway Line.

Design and Development

5. Pursuant to Clause 43.02 (Design and Development Overlay 12) and Clause 21.11 of the Bayside Planning Scheme as follows:
 - a) The proposed design of the building does not respond to the features of the area,
 - b) Will create unreasonable visual amenity impacts from Willis Street, Koolkuna Lane, Willis Lane, Orlando Street, Railway Crescent (Heritage Overlays) and intermittent views from Hampton Street (Heritage Precinct), and the surrounding area, Setbacks at upper floor levels (above level 3).
 - c) The dwellings of 8, 10 and 12 Willis Street, 2-4 Willis Lane and 10A Railway Walk will be presented with excessive visual bulk as a consequence of the height of the building.
6. Pursuant to Clause 43.02 (Design and Development Overlay 12) and Clause 21.11 of the Bayside Planning Scheme the proposed variation to the building heights are visually dominant and fails to:
 - a) Provide a high level of architectural design;
 - b) Introduce any innovative environment design features;

- c) Minimise overshadowing to the proposed public space;
 - d) Results in unreasonable amenity impacts to adjoining residential properties through visual bulk;
 - e) Does not adequately respect the Hampton Street Heritage Precinct (HO 748) and Orlando Street Precinct (HO 664); and
 - f) The transition in scale to lower building forms is not well managed and results in unreasonable massing presented to abutting streetscapes.
7. The proposed development fails to maintain a strong landscape character as limited opportunities for landscaping are provided to the northern side of the railway corridor and within the proposed extension to the commuter car park.
 8. The public open space provided is not of a high quality and does not benefit from good solar access or act as a strong focal point of the precinct;
 9. The proposed development does not provide a high level of permeability through the precinct, particularly pedestrian links and view lines. Pedestrian links are unreasonably impacted by vehicular and bus movements within the area
 10. The built form does not provide appropriate spatial separation and visual breaks between the built form along Koolkuna Lane, particularly from long distance views.
 11. The development fails to provide for a high quality integrated development that has a strong relationship with the railway station and nearby commercial and residential areas.
 12. The proposed development does not present a fine grained, human scale to the streetscape.

Amenity for adjacent existing and future residents

13. The proposed built form will unreasonably impact upon the amenity of dwellings located to the north and east of the site as a consequence of excessive height, proposed building height transition and visual bulk;
14. The proposal does not demonstrate a comfortable environment in terms of wind or other microclimate considerations.
15. The application material does not demonstrate that the subject site is suitable for residential uses due to the potential for land and surface water contamination.

Internal Amenity for future residents of the proposed dwellings

16. **Deleted.**
17. **Deleted**
18. **Deleted.**
19. The proposal does not demonstrate adequate noise attenuation measures have been included within the proposed design of the south-west façade adjacent to the Sandringham rail corridor.

Traffic and transport impacts

20. The proposal fails to demonstrate a consolidation of car parking on one site.
21. The proposal does not provide for an adequate amount of on-site car parking for the future needs of the building as required by Clause 52.06.
22. The applicant has failed to demonstrate that the new traffic generated by the 186 dwellings and commercial floor space would not have an adverse impact upon the Hampton Street / Willis Street road intersection both in terms of waiting times and the operation of the junction and in terms of the safety impacts for vehicles and pedestrians.
23. The applicant has failed to demonstrate that the new traffic generated by the 186 dwellings and commercial floor space would not have an adverse impact upon the Hampton Street / Small Street road intersection both in terms of waiting times and the operation of the junction and in terms of the safety impacts for vehicles and pedestrians.
24. The proposed basement, ground floor level and mezzanine layout is not designed in accordance with Clause 52.06-8 and will therefore not facilitate appropriate access for waste collection vehicles.
25. The applicant has failed to demonstrate that the provision of two loading bays along Koolkuna Lane provides for convenient deliveries to the commercial properties and will not result in the loss of amenity and adverse effects on traffic flow and road safety.
26. The proposal fails to demonstrate safe or convenient access to the subject site off Koolkuna Lane with traffic conflicts arising opposite the exit from the Council Car Park along Koolkuna Lane.
- 27. Deleted.**
28. The proposal fails to demonstrate safe or convenient access to the subject site for the additional commuter car park accessed off Railway Crescent.

Native vegetation

29. The proposal fails to demonstrate that vegetation to be removed has been avoided, minimised and can be appropriately offset in accordance with the requirements of Clause 52.17.

Urban Design Guidelines for Victoria

30. The proposed development fails to respond to the six Elements of the Urban Design Guidelines for Victoria and create a place that is:
 - a) Accessible, safe, diverse and provides choice
 - b) Enjoyable, engaging and comfortable to be in and move around
 - c) Conducive to people being more physically active
 - d) Accommodating of people of all abilities, ages and cultures
 - e) Distinctive and celebrate their social, cultural and natural heritage.

5. Confidential Business

Nil

Following consideration of Confidential Business the Chairperson declared the meeting closed at 9:15pm.

CONFIRMED THIS INSERT 28 DAY OF NOVEMBER 2017

CHAIRPERSON:

