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## **Minutes of the Planning and Amenity Committee Meeting**

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held in the Council Chambers, Civic Centre,  
Boxshall Street Brighton  
on Tuesday 15 May 2018

The Meeting commenced at 7:00pm

Councillors Cr Laurence Evans (Mayor)  
Cr James Long BM JP  
Cr Clarke Martin  
Cr Sonia Castelli  
Cr Rob Grinter

In attendance Hamish Reid – Director City Planning and Community Services  
Arthur Vatzakis – Acting Manager Development Services  
Michael Henderson – Statutory Planning Coordinator  
Michael Kelleher – Statutory Planning Coordinator  
Sarah Collins – Acting Statutory Planning Coordinator  
Karen Brown – Governance Coordinator  
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

It is recorded that at the 20 March 2018 Ordinary Meeting, Council granted Councillor del Porto a leave of absence for the period 20 April to 1 July 2018.

It is further recorded that at the 1 May 2018 Planning and Amenity Committee Meeting, Council granted Councillor Heffernan a leave of absence for the 15 May 2018 Planning and Amenity Committee meeting.

**Moved: Cr Castelli**

**Seconded: Cr Long**

That the apologies from Cr del Porto and Cr Heffernan be received and leave of absence granted.

**CARRIED**

## 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 1 May 2018.

**Moved: Cr Long**

**Seconded: Cr Martin**

That the minutes of the Planning & Amenity Committee Meeting held on 1 May 2018, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## 4. Matters of Decision

### 4.1 LOCAL LAW TREE REMOVAL APPEAL 30 CUMMINS ROAD, BRIGHTON EAST WARD: CENTRAL

City Planning & Community Services - Amenity Protection  
File No: PSF/18/95 – Doc No: DOC/18/90044

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*It is recorded Mrs Valentina Acevski spoke for three minutes on this item.*

**Moved: Cr Castelli**

**Seconded: Cr Martin**

That Council refuse to grant a permit for the removal of one Liquidambar (*Liquidambar styracifula*) tree at 30 Cummins Road, Brighton East.

**CARRIED**

**4.2 65 WELL STREET, BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2017/706 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/91474

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*It is recorded Mr Simon Martin spoke for three minutes on this item.*

**Moved: Cr Castelli**

**Seconded: Cr Evans (Mayor)**

That Council resolve to:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/706** for the land known and described as **65 Well Street, Brighton**, for the **construction of a three storey building (above basement level) comprising five dwellings on land affected by the Design and Development Overlay (Schedule 11)** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by McKimm Design, Revision E revision number but modified to show:
  - a) The habitable room window to the master bedroom of dwelling 5 to be a highlight window with a minimum sill height of 1.7 metres above finished floor level.
  - b) The balconies of dwellings 4 and 5 to be screened in accordance with the requirements of Standard B22 of ResCode (overlooking).
  - c) A schedule of construction materials, external finishes and colours (incorporating for example paint samples). The colour palate is to include lighter and finishes to all elevations.
  - d) The maximum height of the development reduced by 0.2 metres.
  - e) The setback of basement envelope from the bottom of the ramp increased to two metres from the common boundary with 67 Well Street for a length of five metres.
  - f) The utility service areas, bicycle storage areas, storage areas of dwellings four and five and the bin storage area to be consolidated (as appropriate) to allow for a reduced basement envelope.
  - g) All air conditioning units to be located within the basement level.
  - h) The front fence to dwelling 1 reduced to height of 1.5 metres (measured from the finished floor level of the dwelling), to incorporate a minimum 25% transparency above 1.2 metres and be constructed with timber (or similar).
  - i) Deletion of indicative landscaping from development plans.
  - j) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
  - k) A Landscaping Plan in accordance with Condition 10 of this permit.

- l) Payment of the development contributions levy in accordance with Condition 23.

All to the satisfaction of the Responsible Authority.

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

#### Water Sensitive Urban Design

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

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

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

#### Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by John Patrick, dated

24.11.2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) Tree's capable of reaching the following height:
    - i. Front setback – 1 x 14m and 1 x 12m
    - ii. Rear setback – 2 x 10m
  - 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
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. The rooftop garden area above the master bedroom of dwelling 2 to be used as garden area only and be maintained by the owner's corporation.

#### Tree Management and Protection Plan

14. 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.
15. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

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

#### Street tree protection

17. Soil excavation must not occur within 3 metres from the edge of the two existing street trees without the written consent of the Responsible Authority.
18. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
  - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
  - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
  - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
  - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
19. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.
20. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

#### Drainage

21. 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.
22. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

#### Development Contribution

23. 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 Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

#### Permit Expiry

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



- b) The development is not completed within four years of the date of this permit.

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

Permit Notes:

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

**CARRIED**

**4.3 1 CENTRE ROAD, BRIGHTON  
SUPPORT THE GRANT OF A PLANNING PERMIT  
APPLICATION NO: 2017/686 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/99904

*It is recorded Mr Shem Curry spoke for three minutes on this item.*

**Moved: Cr Castelli**

**Seconded: Cr Long**

That Council resolve to:

Determine to support the Planning Application under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/686** for the land known and described as **1-1A Centre Road, Brighton** for the **construction of two, two storey buildings comprising a total of 14 dwellings above a basement level and alteration of access 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 plans (submitted with the application) prepared by Addarc TP01-TP13 dated 19.10.17 but modified to show:
  - a) Provision of two residential visitor car spaces (and associated layout changes) in accordance with the without prejudice plans circulated to Council on 9 February 2018, identified as SK01 and SK02.
  - b) Provision of root sensitive footings and root sensitive construction techniques where any of the proposed basement comes within the TPZ of the street trees.
  - c) A longitudinal section of the ramp to detail compliance with AS2890.1.
  - d) Provision of a convex mirror at the bottom of the basement ramp.
  - e) The first floor north facing habitable room windows of TH07 to be designed to avoid any overlooking of secluded private open space and habitable room windows of 828 Hampton Street. Cross sections are required to detail any potential for overlooking.
  - f) The first floor northern elevation of terrace area of TH14 to be designed to avoid any unreasonable overlooking of 828 Hampton Street in accordance with ResCode Standard B22 (overlooking).
  - g) The height of the internal fence along the eastern boundary of the secluded private open space areas of TH01-TH07 to be a maximum 2.1 metres.
  - h) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
  - i) Deletion of existing and proposed boundary fence notations.
  - j) Deletion of indicative landscaping from the development plans.

- k) The paving within the eastern boundary setback associated within TH08-14 to be permeable.
  - l) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
  - m) A Landscaping Plan in accordance with Condition 10 of this permit.
  - n) Payment of the development contributions levy in accordance with Condition 19.
  - o) Any modifications to the plans arising from the VicRoads conditions 20-24. All to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
  3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
  4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
  5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
  6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
  7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

#### Water Sensitive Urban Design

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

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

the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

#### Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan, reference TP01-TP03 Revision D prepared by Jack Merlo and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
  - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - e) Details of surface finishes of pathways and driveways
  - f) The paving within the eastern boundary setback associated within TH08-14 to be permeable.
  - g) Deletion of existing and proposed boundary fence notations.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Street tree protection

13. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
  - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
  - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
  - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
  - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

- f) Provision of root sensitive footings and root sensitive construction techniques where any of the proposed basement comes within the TPZ of the street trees.
14. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

#### Waste Management Plan

15. 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) 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.

#### Construction Management Plan

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

- c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
- d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
- e) Proposed traffic management signage indicating any inconvenience generated by construction.
- f) Fully detailed plan indicating where construction hoardings would be located.
- g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
- h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
- i) Site security.
- j) Public safety measures.
- k) Construction times, noise and vibration controls.
- l) Restoration of any Council assets removed and/or damaged during construction.
- m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
- n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
- o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
- p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
- q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
- r) Details of crane activities, if any.

#### Drainage

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 City Assets and Projects Department.

#### Development Contributions

19. 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 Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

#### VicRoads Conditions

20. Prior to the endorsement of plans, amended plans must be submitted to and approved by VicRoads. Once approved, the plans may then be endorsed by the Responsible Authority and will form part of the permit. The plans must be generally in accordance with the submitted plans (Ref: TP03, TP04 (Ground & basement level floor plan) dated: 19.10.2017, Rev:01, Prepared by ADDARC) and amended to show:
  - a) A fully dimensioned Layout Plan showing the proposed access arrangement on to Hampton Street including features along 100 m either side of the site access including existing kerb and channel, bus stop, power poles, trees and other road assets.
  - b) Passing area at the entrance to the site. Width of the crossover at the site boundary to allow concurrent movement of a B99 and a B85 vehicles at the entrance to the site from the kerbside using swept path analysis.
  - c) Prior to the commencement of use or occupation, a sealed access crossover at the property boundary with the crossover angled at 60 degrees to the road reserve boundary, at least for the first 3 metres from the edge of the road with 3.0 metres radial turnouts.
21. Prior to the commencement of the use or occupation of the development, vehicle crossing on Centre Road must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.
22. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access crossover and associated works must be provided and available for use.
23. Vehicles must enter and exit the land in a forward direction at all times.
24. The level of the footpaths must not be lowered or altered in any way to facilitate access to the site.

#### Transport for Victoria Conditions

25. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Centre Road and Hampton Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communication to Public Transport Victoria fourteen days (14) prior.
26. The existing bus stop and associated infrastructure on Hampton Street must not be altered with the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

#### Permit Expiry

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

- b) The development is not completed within four years of the date of this permit.

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- Before the development starts the applicant must pay \$3,038.88 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.
- No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

***With the consent of the meeting, Councillor Long withdrew his Seconding of the Motion, and Councillor Evans Seconded the Motion.***

**LOST**

**Moved: Cr Long**

**Seconded: Cr Martin**

That Council, having caused notice of **Planning Application No. 2017/686** 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 determines to **Not Support** the land known and described as **1-1A Centre Road, Brighton** for the **construction of two, two storey buildings comprising a total of 14 dwellings above a basement level, a reduction in the visitor car parking requirements and alteration of access to a Road in a Road Zone, Category 1** for the following reasons:

1. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character, Precinct D3) 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 reflect the visual separation of buildings
  - c) The development fails to reflect the lightness of the streetscape
2. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
- a) Standard B1 – Neighbourhood Character – the proposal fails to respond to the existing and preferred neighbourhood character for this precinct.
  - b) Standard B6 – street setback – the proposal fails to provide for an appropriate street setback
  - c) Standard B18 – walls on boundaries – the proposed height of the wall on boundary is excessive, uncharacteristic and results in unreasonable amenity impacts.
  - d) Standard B22 – overlooking – the proposal fails to ensure that adjoining secluded private open spaces and habitable room windows are not overlooked.
  - e) Standard B28 – private open space – the proposal fails to provide for adequate private open space areas of each dwelling
3. The proposal fails to ensure an appropriate level of internal amenity for future residents by way of the overshadowing of proposed secluded private open spaces areas and the height of the associated fencing adjacent the pedestrian walkway.
4. The proposal fails to provide for adequate residential visitor car parking in accordance with Clause 52.06 (car parking) of the Bayside Planning Scheme.
5. The proposal results in unreasonable traffic and car parking impacts on the road network.

**CARRIED**

**4.4 39 OLYMPIC AVENUE, CHELTENHAM  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2017/235/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/99837

*It is recorded Mr Derek Screen, and Mr Daniel Bowden spoke for three minutes each on this item.*

*It is recorded that Mr Andrew Rumbelow was not present in the Chamber at the time his name was called to speak to this item.*

**Moved: Cr Castelli**

**Seconded: Cr Long**

That Council resolve to:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 5/2017/235/1** for the land known and described as **39 Olympic Avenue, Cheltenham** for the **construction of three dwellings on a lot** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Shangri-La Construction Sheets TP-04, TP-05, TP-06, TP-10, TP-11 (all Rev.C) dated 13 July 2017 but modified to show:
  - a) The proposal to demonstrate a minimum of 35% garden area to the satisfaction of the Responsible Authority.
  - b) The vertical metal cladding (at first floor only), replaced with a timber or similar finish to the north, east and west facing façade treatments.
  - c) The front fence height as shown on the plans and elevations to match.
  - d) Screening between the secluded private open space of each dwelling in accordance with Standard B23 of Clause 55 of the Bayside Planning Scheme.
  - e) The provision of a 2.6m x 4.9m tandem car space in front of the garage to Dwelling 1 in accordance with Clause 52.06 of the Bayside Planning Scheme.
  - f) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
  - g) Water Sensitive Urban Design measures in accordance with Condition 8.
  - h) A Landscaping Plan in accordance with Condition 10.
  - i) A Tree Management and Protection Plan in accordance with Condition 13.
  - j) Provision of the development contributions fee in accordance with Condition 20.

All to the satisfaction of the Responsible Authority.

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

#### Water Sensitive Urban Design

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

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

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

#### Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The Landscape Plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) A minimum of four (4) medium to large canopy trees planted throughout the site of a species that will grow to a minimum height of 8 metres – 12

- metres at maturity in accordance with the Bayside Landscape Design Guidelines (2016);
- 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
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.

#### Tree Management and Protection Plan

13. 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.
14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street tree protection

16. Soil excavation must not occur within 2 metres from the edge of the street tree asset's stem at ground level.
17. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
  - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
  - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
  - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
  - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
18. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.
19. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Development Contribution

20. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy of \$4000.00 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 Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Drainage

21. 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.
22. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

Permit Expiry

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

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

**Permit Notes:**

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

**CARRIED**

**4.5 38 TIBROCKNEY STREET, HIGHETT  
SUPPORT THE GRANT OF A PLANNING PERMIT  
APPLICATION NO: 2017/299/1 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/100028

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*It is recorded Mr Daniel Bowden spoke for three minutes on this item.*

**Moved: Cr Castelli**

**Seconded: Cr Long**

That Council resolve to:

Determine to **Support** the application under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/299** for the land known and described as **38 Tibrockney Street, Highett**, for the **construction of three dwellings on a lot and construction of 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 prepared by Shangri-La Construction referenced d – VCAT issue dated 30/04/2018 and revision number D but modified to show:
  - a) The addition of eaves to all elevation of dwellings 1, 2 and 3.
  - b) An additional material to the first floor side and rear elevations to dwelling 2 and 3 to provide further articulation.
  - c) Relocation of gas and water metres away from the accessway site frontage or suitably concealed/treated.
  - d) A notation that all obscure glass to prevent overlooking is no more than 25% transparent.
  - e) All pedestrian doors to be provided outwards from the garages.
  - f) Auto-turn swept-paths to demonstrate that cars can exit the garages in a forward direction.
  - g) The width of the accessway and where the accessway intersects with the footpath to be 3 metres wide, offset 1 metre from the southern property boundary and a 1 metre wide separator to be installed between the new and existing neighbouring crossings. The redundant crossover to be removed.
  - h) Provision of pedestrian sight lines in accordance with Clause 52.06-8 of the Bayside Planning Scheme.
  - i) Indicative landscaping and TPZ's removed from all development plans.
  - j) Proposed boundary notations to be removed from all development plans.
  - k) An updated Landscape Plan in accordance with Condition 9 of this permit.
  - l) A Tree Management Plan (report) and Tree Protection Plan (drawing) in accordance with Condition 12 of this permit.

- m) Provision of the development contributions fee in accordance with Condition 20.

All to the satisfaction of the Responsible Authority.

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

#### Water Sensitive Urban Design

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

#### Landscaping

9. Prior to the endorsement of plans pursuant to Condition 1, an amended detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the advertised landscape plan drawn by Harper Consultants, dated 23/8/17 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) Additional planting to the open space of dwelling 1 frontage to Tibrockney Street.
  - b) Replacement canopy trees in accordance with Bayside City Council Landscape Guidelines (2016).
  - c) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
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.



### Tree Management and Protection Plan

12. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, an amended Tree Management Plan (report) and Tree Protection Plan (drawing) generally in accordance with the report by Tag Consulting Arbor, dated 5/10/2017 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, 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 Tree 2, a Box Elder (*Acer negundo*) and Tree 3, the Weeping Bottle-brush (*Callistemon viminalis*) as identified in the Tree management plan.
  - 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.

### Street tree protection

15. Soil excavation must not occur within 2 metres from the edge of the *Prunus cerasifera* (Purple-leafed Cherry Plum) street tree asset's stem at ground level.
16. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
  - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
  - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
  - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
  - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
17. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Drainage

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

Development Contribution

20. 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 Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Permit Expiry

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Council records indicate that there is a 1.83m wide drainage and sewerage easement along the eastern property boundary as indicated on the drawings provided. The plans indicate that a decking shall be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the Responsible Authority/Authorities. The decking shall be partially demountable over the easement, and the proposal shall require a Section 173 agreement to be created on the property title to ensure the continuation of Council rights of drainage.

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

**CARRIED**

**4.6 19 ILUKA STREET, BLACK ROCK  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2017/615 WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/100079

*It is recorded Mrs Heather Hanstein, Mr Mark Puli, Mrs Diana Dugan, and Mr Matthew Law spoke for three minutes each on this item.*

**Moved: Cr Evans (Mayor)**

**Seconded: Cr Martin**

That Council, having caused notice of **Planning Application No. 2017/615** 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 Planning Permit** in respect of the land known and described as **19 Iluka Street, Black Rock** for the **alterations to the existing dwelling and construction of two double storey dwellings (three dwellings)** for the following reasons:

1. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character, Precinct H3) 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 reflect the visual separation of buildings
  - c) The development fails to result on an open front setback
2. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
  - a) Standard B5 – Integration with street – the proposal fails to appropriately integrate with Iluka Street
  - b) Standard B17 – side and rear setbacks – the proposed side boundary setbacks have an unreasonable impact on the amenity of adjoining properties
  - c) Standard B20 – north facing windows – the proposal has an unreasonable impact on existing north facing habitable room windows
3. The proposal fails to ensure for an appropriate post-construction landscaping outcome.
4. The proposal fails to ensure vehicles can safely egress from the site and manoeuvre within the site in accordance with Clause 52.06 (car parking) of the Bayside Planning Scheme.

**CARRIED**

**4.7 233 NEW STREET, BRIGHTON  
SECONDARY CONSENT - APPROVE  
APPLICATION NO: 2016/172/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/96075

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

**Moved: Cr Castelli**

**Seconded: Cr Evans (Mayor)**

That Council resolve to:

1. Approve the amended plans in accordance with secondary consent provisions of Planning Permit 2016/172.
2. Plans identified as TP103 – TP107 (inclusive), TP201, TP206, TP207, TP218 TP701 and TP115 prepared by Demaine and dated Feb 2017 be endorsed.  
  
These plans are to be read in conjunction with the remaining plans endorsed on 22 December 2017.
3. Plans identified as 1 – 11 (inclusive) of 17 endorsed on 22 December 2017 be superseded.

**CARRIED**

**4.8 2-4 LITTLEWOOD STREET, HAMPTON  
SECONDARY CONSENT - APPROVE  
APPLICATION NO: 2015/533/3 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/18/100087

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

**Moved: Cr Castelli**

**Seconded: Cr Long**

That Council resolve to:

1. Approve the amended plans in accordance with secondary consent provisions of Planning Permit 2015/533/3.
2. Plans identified as TP01 Revision B, prepared by John Patrick Landscape Architects Pty Ltd and dated 12/02/2018 be endorsed. These plans are to be read in conjunction with plans 1-8 and 10-11 endorsed on 14/11/2017.
3. Plan 9 of 11 endorsed on 14/11/2017 be superseded.

**CARRIED**

**4.9 110 & 112 ORLANDO STREET, HAMPTON  
(FORMERLY 15 BEACH ROAD, HAMPTON)  
SECONDARY CONSENT - APPROVE  
APPLICATION NO: 2005/875/1 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/18/100272

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

**Moved: Cr Castelli**

**Seconded: Cr Martin**

That Council resolve to:

1. Approve the amended plans in accordance with secondary consent provisions of Planning Permit 2005/875/1.
2. Plans identified as Edgecliff townhouses, Project No. 25005, prepared by JDA Architects and dated 09.03.2018 be endorsed. These plans are to be read in conjunction with plans Edgecliff townhouses, Project No. 25005, prepared by JDA Architects and dated 01.11.2007 endorsed on 6 March 2008.

**CARRIED**

**4.10 150 ESPLANADE, BRIGHTON (BRIGHTON SAVOY HOTEL)  
NOTICE OF DECISION TO AMEND A PLANNING PERMIT  
APPLICATION NO: 2012/369/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/99342

*It is recorded Mr Scott Chapman, Ms Narelle Wildschut, Ms Karen Rayner, and Mr Mark Chester spoke for three minutes each on this item.*

**Moved: Cr Evans (Mayor)**

**Seconded: Cr Castelli**

That Council resolve to:

Issue a **Notice of Decision to Grant an Amended Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2012/369/2** for the land known and described as **150 Esplanade, Brighton**, for **Buildings and works associated with a Section 2 Use (Residential Hotel) and the display of signage** in accordance with the endorsed plans and subject to the following conditions from the standard conditions and the following table inserted as a record of amendments:

1. 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.
2. The sign/s must not contain any flashing light.
3. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
4. 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.

5. The signage approved as part of this permit expires 15 years from the date of issue.

Date	Details
15 May 2018	Amendment to the permit and plans under Section 72 of the <i>Planning and Environment Act 1987</i> to: <ol style="list-style-type: none"> <li>1. Amend what the permit allows to include replace flood-lit sign with signage;</li> <li>2. Amend to Condition 1 of the permit to read as follows:               <p style="margin-left: 40px;"><i>The layout of the site and the size, levels, design and local 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.</i></p> </li> </ol>



	<ol style="list-style-type: none"><li>3. Provide details of roof plant equipment and area to service the building (excludes any telecommunications facility);</li><li>4. Retain the pediment on the west elevation (previously approved for deletion);</li><li>5. Provide additional aluminium screens to the west façade;</li><li>6. Delete the awning on the ground floor west elevation;</li><li>7. Landscape plan to reflect existing landscaping conditions;</li><li>8. Provide a ground floor extension to the east;</li><li>9. Provide details of the existing façade material.</li></ol>
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**CARRIED**

#### 4.11 VCAT REPORT

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/89626

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

**Moved: Cr Martin**

**Seconded: Cr Long**

That Council resolve:

1. That the report on the VCAT decisions on the planning applications handed down during February 2018 be received and noted; and
2. That the Mayor, in consultation with Council Officers, write a letter to the Victorian Civil and Administrative Tribunal (VCAT) outlining its dissatisfaction with the comments of the tribunal in the VCAT order regarding 9 Gramatan Ave Beaumaris.

**CARRIED**

**5. Confidential Business**

Nil

*Following consideration of Confidential Business the Chairperson declared the meeting closed at 9:38pm.*

**CONFIRMED THIS INSERT 12 DAY OF JUNE 2018**

**CHAIRPERSON: .....**

