



Minutes of the Planning and Amenity Committee Meeting

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 17 January 2017

The Meeting commenced at 7.00pm

Councillors	Cr Laurence Evans (Chairman) Cr Michael Heffernan Cr James Long BM JP Cr Clarke Martin Cr Rob Grinter Cr Sonia Castelli
In attendance	Shiran Wickramasinghe – Director City Planning & Community Services Rachel Lunn – Manager Development Services Arthur Vatzakis – Statutory Planning Coordinator Terry Callant – Manager Governance Adrian Peggie - Senior Statutory Planner Josh Maitland – Senior Statutory Planner Greg Sawyer – Senior Statutory Planner Fiona Farrand – Principal Statutory Planner Ziqi Xi – Senior Statutory Planner

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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

An apology was received from Cr Alex del Porto

Moved Cr Long

Seconded Cr Heffernan

That the apology of Cr Alex del Porto be received and leave of absence be granted, and it is noted that the Mayor Cr del Porto suspended his allowance during the leave of absence.

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 12 December 2016.

Moved: Cr Long

Seconded: Cr Grinter

That the minutes of the Planning & Amenity Committee Meeting held on 12 December 2016, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 TREE REMOVAL - 50 OLYMPIC AVENUE, CHELTENHAM

City Planning & Community Services - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/16/274426

Moved: Cr Martin

Seconded: Cr Grinter

That Council:

1. grants a permit for the removal of two Leyland Cypress (*Cupressus leylandii*) trees at 50 Olympic Avenue, Cheltenham; and
2. requires a minimum of four replacement native trees to the satisfaction of the Manager Amenity Protection.

CARRIED

**4.2 14 AGNES STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/228/1 WARD: SOUTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/275346

Moved: Cr Martin

Seconded: Cr Castelli

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning Application 2016/228/1 for the land known and described as **14 Agnes Street, Beaumaris**, for the **construction of two double-storey dwellings, the removal of native vegetation in the Vegetation Protection Overlay 3, and construction of a building in a Special Building Overlay**, 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 submitted plans date-stamped 1 July 2016, but modified to show:
 - a) The vehicle crossover and driveway (along its entire length) of Dwelling 1 relocated to provide for a minimum separation distance of 5.0 metres from Tree 1 (Coastal tea tree, refer submitted arboriculture assessment prepared by Total Tree Care, dated 19 May, 2016), in order to ensure that tree's retention.
 - b) The overhang of the first floors over the ground floors of both dwellings reduced to no greater than 0.75m.
 - c) The front setback of the dwellings' ground floors increased to 11.1m, to match the setback with the neighbouring dwelling at 12 Agnes Street.
 - d) The side setbacks of the ground floors of both dwellings increased to a minimum of 2.0 metres.
 - e) The paved paths adjacent to both side boundaries removed, and additional landscaping provided in their place.
 - f) The paved alfresco areas and pools to the rear of both dwellings reduced in size to provide minimum 4.5 metre rear landscaped setbacks.
 - g) Compliance with Standard B8 (Site Coverage) of Clause 55 of the Bayside Planning Scheme, via a coverage schedule on a revised site plan.
 - h) The retention of Tree 9 (native *Acacia floribunda*) and any amendments to the proposed development necessary to achieve such.
 - i) A dividing fence between the secluded open spaced of both dwellings to 1.8 metres in height.
 - j) Diagrammatic evidence that the protruding, rear-facing Bedroom 3 window frames ensure compliance with the relevant 'Internal Views' standard (B23).

- k) The proposed storage areas within the garages have a minimum volume of 6m³.
- l) An amended landscape plan to the satisfaction of the Responsible Authority must be submitted to, and be endorsed by the Responsible Authority. The plan must show the relevant amendments required elsewhere in Condition 1.
- m) The Tree Management Plan and Tree Protection Plan in accordance with Condition 11 of this permit.

All to the satisfaction of the Responsible Authority.

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
7. Before the occupation of the development starts, the areas set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
8. 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.
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. Prior to the endorsement of plans pursuant to Condition 1, and before any related demolition or removal of vegetation is undertaken, 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 (report) must be specific to the site, be in accordance with Australian Standard: Protection of Trees on Development Sites AS4970-2009 and include:

- Details of Tree Protection Zones for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site;
- Comment on methods to be utilised and instruction on how to deploy them;
- Comment on when the protection measures are to be deployed;
- Comment on when the protection measures can be modified;
- Process that will be followed if any damage occurs to a tree;
- Process that will be followed if construction works require alteration to protection measures outlined in report; and
- Stages of development at which inspections will occur.

Any proposed alteration to the plan must be assessed by the site arborist and can only occur following the approval of the site arborist.

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

The Tree Protection Plan must be drawn to scale and show:

- The location of all tree protection measures to be utilised.

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

12. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works on the land undertaken, in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority
13. 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.
14. Any pruning that is required to be done to the canopy of Tree 1 and Tree 9 is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of these trees is to be done by hand by a qualified arborist.
15. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
16. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
17. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures". Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.

18. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - i. A trench grate (150mm minimum internal width) located within the property and/or
 - ii. Shaping the driveway so that water is collected in a grated pit on the property and/or
 - iii. Another Council-approved equivalent.
19. Before the development begins, 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.
20. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.

Melbourne Water (Conditions 21 & 22)

21. The pools and all structures, including footings, eaves, etc., must be set outside any easement or a minimum 1.5m laterally from the outside edge of the main drain, whichever is the greater. Melbourne Water will not accept the pool plants or any associated pool plumbing to be located within their easement.
22. Landscaping plans near the asset are to be submitted to Melbourne Water for approval. They must be in line with Melbourne Water's 'Planting near Sewer, Drains, and Water Mains Guide'.
23. Before development commences the applicant must pay \$3476.26 to the Responsible Authority for the removal and replacement of the existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible Authority.
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

- Council records indicate that there is a 4.57m wide drainage easement affecting the western and southern property boundaries as indicated on the drawings provided. The plans indicate that an alfresco and other minor structures shall be constructed over the easement. Any proposal to encroach into the easement will require Build over Easement consent from the responsible Authority/Authorities.

- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A '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.

Melbourne Water Note

- Property is within an area designated as a Special Building Overlay. Floor levels and requirements can be obtained from Land Development Team, Melbourne Water (Ph.: 9679 7517).

CARRIED

**4.3 427-461 HAMPTON STREET & 82 HOLYROOD STREET, HAMPTON
NOT SUPPORT THE GRANT OF A PLANNING PERMIT
APPLICATION NO: 2016/390/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/16/275037

It is recorded that the following listed individuals spoke for three minutes each in relation to this item: Miss M Marris, Dr J Nightingale, Mr G De Biase, Mr P Karanicolas, Mr H Videion, Mr P Robertson, Mrs J Hayes, Mr G Coates and Mr J Nicholas.

Moved: Cr Grinter

Seconded: Cr Castelli

That Council:

A: Determines to **Not Support** the grant of a planning permit under the provisions of the Bayside Planning Scheme in respect of Planning Permit application **2016/390/1** for the land known and described as **427-461 Hampton & 82 Holyrood Street, Hampton**, for the **construction of mixed use building and a consequent reduction in the standard car and bicycle requirements and alteration (removal) of access to a road** on the following grounds:

Strategic Planning

1. The proposal fails to meet the vision for Bayside, as set out in Clause 21.30, 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 are two bedroom and will not meet accessible living requirements;
2. The proposed 8 storey height of the building proposed to face Hampton Street is contradictory to the Clause 21.11-4 Hampton Street Major Activity Centre as the maximum height planned for this location is 4 storeys;

Design and Development

3. Pursuant to Clause 43.02 (Design and Development Overlay 12) and Clause 21.11 of the Bayside Planning Scheme, the proposed design of the building does not respond to the features of the area, will create unreasonable visual amenity impacts from Hampton Street, Holyrood Street and the surrounding area, street setback of the building (to all levels) within 82 Holyrood Street and The west setback of Levels 1 and 2 of the building in the northwest corner of the site are inadequate, the East facing dwellings facing the internal courtyard will be presented with excessive visual bulk as a consequence of the height of the building within 427-461 Hampton Street;

Amenity for adjacent existing and future residents

4. The height of the building results in unreasonable and significant overshadowing, overlooking and excessive visual bulk to the adjoining developments to the south and west;
5. The development will unreasonably impact upon the amenity of dwellings located to the west of the site as a consequence of excessive overshadowing and visual bulk;

Internal Amenity for future residents of the proposed dwellings

6. The apartment residential dwellings will not meet the livability and internal amenity objectives for future residents of the development, as set out in the Bayside Planning Scheme at Clause 55 and Clause 21.03, as the windows and room depth of the southern 'row' of apartments does not provide adequate daylight, many of the apartments would not be able to be natural ventilated and the proposed internal courtyard is inadequate to achieve an appropriate level of on-site amenity, and specifically adequate levels of privacy and acceptable visual impacts;

Traffic and transport impacts – Council

7. 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;
8. The applicant has failed to demonstrate that the new traffic generated by the 108 dwellings and commercial floorspace would not have an adverse impact upon the Hampton Street/Holyrood 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;
9. The proposal does not provide sufficient bicycle facilities, including shower and change rooms, in accordance with Clause 52.34 of the Bayside Planning Scheme;
10. The proposed basement layout is not designed in accordance with Clause 52.06-8 and will therefore not facilitate appropriate access for waste and delivery vehicles;
11. The gradient of the loading bay does not comply with AS2890.2:2002 and therefore will not facilitate appropriate provision for loading facilities in accordance with Clause 52.07 of the Bayside Planning Scheme;

Traffic and transport impacts - VicRoads

12. That the proposed development has not adequately considered the impact of expected traffic generation upon the safe and efficient operation of the arterial road network, nor any reasonably required mitigation measures;
 13. That vehicles in the southern section of the existing Hampton Village carpark will be unable to perform the required movements to exit the land in a forward direction, particularly when the car park is full;
 14. That insufficient information has been provided to be able to determine the traffic and safety implications of the location of the proposed loading bay and access ramp on Holyrood Street with regards to the existing bus stop and bus service; and
 15. That insufficient information has been provided to be able to determine the traffic and safety implications of the proposed additional on-street car parking spaces along both Hampton Street and Holyrood Street.
- B: Advises VCAT that it does not support the proposal, does not consider the matter can be mediated at Compulsory Conference and wishes to have the matter heard in full at the Merits Hearing of 3 April 2017.
- C: authorises the engagement of suitable senior and legal representation and other specialists consultants at all VCAT hearings.

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

DIVISION: **FOR:** Crs Evans, Heffernan, Long, Martin, Grinter and Castelli (6)
 AGAINST: Nil (0)

CARRIED

**4.4 22 SIMS STREET, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/536/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/16/278480

It is recorded that Mr David Holland and Mr Warren Tassell spoke for three minutes each in relation to this item.

Moved: Cr Martin

Seconded: Cr Long

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning Application 2016/536/1 for the land known and described as **22 Sims Street, Sandringham**, for the **alterations and additions to a dwelling on a lot less than 500sqm** 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 a permit. The plans must be generally in accordance with the application plans, Councils date stamped 24 October 2016 but modified to show:
 - a) Deletion of proposed roof deck, and associated access structure and materials, and any outdoor amenity area on the roof.
 - b) 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, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
6. Before occupation, fixed privacy screens to the balcony and roof deck 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. 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.

8. 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

**4.5 5 MARGARET STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/500/1 WARD: CENTRAL**

City Planning & Community Services -
File No: PSF/15/8755 – Doc No: DOC/16/272928

It is recorded that Mr Mick Meyer spoke for three minutes in relation to this item.

Moved: Cr Grinter

Seconded: Cr Castelli

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning Application 2016/500/1 for the land known and described as **5 Margaret Street, Brighton East**, for the **construction of two double storey dwellings** in accordance with the plans date stamped 26 September 2016 and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans with date stamped 26 September 2016 but modified to show:
 - a) Southern boundary fence raised to provide an effectively visual screen to 1.8 metres in height from natural ground level.
 - b) Details of the solar panels on roof, including type and projection from roof.
 - c) All site services to be located on plans, including bins, air conditioning, hot water systems, clothes lines and mail boxes. Plant and equipment should be located sensitively in relation to habitable room windows on the subject site and neighbouring properties.
 - d) Driveways and pedestrian pathways of both dwellings to be permeable.
 - e) Both Burgundy Myrtles replaced with a large canopy tree in the front setback of each new dwelling with the capacity to reach a mature height of 10m and spread of 6m at maturity.
 - f) An amended landscape plan in accordance with Condition 10 of this permit.
 - g) A schedule of construction materials, external finishes and colours.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
8. Before the occupation of the development starts, the areas set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
9. Before the occupation of the development starts, new or altered vehicle crossing servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
10. Prior to the endorsement of plans pursuant to condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Zenith Concepts and dated September 2016 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Pedestrian pathways to the entrance of both dwellings to be permeable to water.
 - b) Both Burgundy Myrtles replaced with a large canopy tree in the front setback of each new dwelling with the capacity to reach a mature height of 10m and spread of 6m at maturity.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
13. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing) for the tree to be retained on site and for trees on neighbouring properties whose tree protection zone extends into the subject site, 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.
 16. Before the development starts tree protection fencing is to be established around the Field Maple (*Acer campestre*) street tree prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire naturestrip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
 17. Before the development starts the applicant must pay \$1,899.40 to the Responsible Authority for the removal and replacement of the Trident Maple (*Acer buergerianum*) street tree. This amount has been determined in accordance with Councils 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.
 18. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where storm-water is drained under gravity to the Council network.
 19. Before the development, detailed plans indicating, but not limited to, the method of storm-water discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
 20. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.

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

- Council records indicate that there is a 1.83m wide drainage and sewerage easement along the western property boundary as indicated on the drawings provided. The plans indicate that a fence shall be constructed over the easement. Any proposal to encroach into the easement will require Build over Easement consent from the Responsible Authority/Authorities.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

CARRIED

**4.6 165-167 TRAMWAY PARADE, BEAUMARIS
NOTICE OF DECISION TO GRANT AN AMENDED PLANNING PERMIT
APPLICATION NO: 2014/457/2 WARD: SOUTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/277757

It is recorded that Ms A Price, Mr J Paterson and Miss T Sheffield spoke for three minutes each in relation to this item.

Moved: Cr Castelli

Seconded: Cr Heffernan

That Council:

Issues a **Notice of Decision to Grant an Amended Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2016/457/1** relating to the land known and described as **165-167 Tramway Parade, Beaumaris**, for the **variation of a covenant A295635 (Instrument no. W996971F), development of four dwellings and removal of vegetation** in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans must be submitted to and approved by the Responsible Authority. Such plans are to be drawn to scale with dimensions and three copies are to be provided. When approved the plans will be endorsed as evidence of their approval and will thereby become the endorsed plans in relation to this permit. The plans must be generally in accordance with the plans lodged with the Responsible Authority and date stamped 27 February 2015 but modified to show:
 - (a) a cross section showing the driveway grade in accordance with 'Design Standard 3': Gradients as contained within Clause 52.06 of the Bayside Planning Scheme;
 - (b) all pedestrian doors are to be provided outwards from the garages;
 - (c) water Sensitive Urban Design in accordance with Condition 18 of this permit;
 - (d) notations indicating the nature of external cladding which must be brick, brick veneer or weatherboard;
 - (e) Deleted;**
 - (f) a landscape plan generally in accordance with the landscape plan dated 19 June 2015 which is to show:
 - (i) a survey including botanical names of all existing vegetation to be retained and/or removed;
 - (ii) buildings and trees including botanical names on neighbouring properties within three metres of the boundary;
 - (iii) details of surface finishes of pathways and driveways;
 - (iv) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - (v) landscaping and planting within all open areas of the site;

- (vi) the planting of one mid-sized canopy tree in the frontage setback and secluded open space of both front dwellings;
 - (vii) replacement plant species should be at least 60% indigenous species;
 - (viii) an in-ground irrigation system to all landscape areas; and
 - (ix) retention of the *Eucalyptus Bicostata* (Blue Gum) tree in the front setback marked as tree #1 on the landscape plan dated 19/06/2015;
- (g) a schedule of construction materials, external finishes and colours (incorporating paint samples); and
- (h) plans in accordance with the guidelines in Clause 22.08 of the Bayside Planning Scheme which must show:-
- (i) the type of water sensitive urban design stormwater treatment measures to be used;
 - (ii) the location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - (iii) design details of the water sensitive urban design stormwater treatment measures, including cross sections; and

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.

- 2 The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
- 3 Before the development starts, a schedule of construction materials, external finishes and colours (incorporating 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.
- 4 Except for downpipes all pipes, fixtures, fittings and vents servicing the dwellings 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 dwellings without the written consent of the responsible authority.
- 6 (a) All external cladding is to be brick, brick veneer or weatherboards but such cladding may be painted, rendered or otherwise treated.
(b) Deleted.

Traffic

- 7 Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the responsible authority.

Landscaping

- 8 Prior to the commencement of the development hereby approved (including demolition), a Tree Management Plan must be submitted to and approved by the Responsible Authority. The Tree Management Plan is to detail measures

during construction to provide for the health of the existing tree(s) which are to be retained on site.

- 9 Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
- 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.

Tree Protection Zones

- 11 Prior to commencement of works, including demolition, a Tree Protection Fence is to be established around the *Melaleuca linariifolia* street tree and any on-site trees to be retained and maintained until all works on site are complete. The fencing is to be:
 - (a) constructed and secured so its positioning cannot be modified by site works;
 - (b) in relation to the street tree encompass the entire nature strip under the drip line of the tree;
 - (c) established and maintained in accordance with Australian Standards 4970 Protection of trees on development site; and
 - (d) during construction of the crossover, tree protection fencing may be reduced to the edge of the council approved crossover to facilitate the construction of the crossover.

Root Tree Pruning

- 12 Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.
- 13 All affected roots must be correctly pruned according to Australian Standard AS 4373-2007.

Drainage

- 14 The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
- 15 Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel to the satisfaction of the Responsible Authority (unless it directs otherwise).
- 16 All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - (a) a trench grate (150mm minimum internal width) located within the property and/or
 - (b) shaping the driveway so that water is collected in a grated pit on the property and/or
 - (c) another Council approved equivalent.

- 17 Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
- 18 The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.

Water Sensitive Urban Design

- 19 The water sensitive urban design stormwater treatment system required as part of the endorsed plans by Condition 1(h) 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.

Expiry

- 20 This permit will expire if one of the following circumstances applies:
 - (a) the development is not started within two (2) years of the date of this permit; and
 - (b) the development is not completed within four (4) years of the date of issue of this permit.

In accordance with section 69 of the *Planning and Environment Act 1997*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Variation of Covenant

- 21 Within 30 days of the date of this amended permit, a plan of variation of restriction must be submitted to the responsible authority for certification.
- 22 Prior to the commencement of the development, the certified plan must be lodged with the Office of Titles for registration in accordance with Section 23 of the *Subdivision Act 1988*.

Date	Amendment
17 January 2016	Amendment under Section 72 of the <i>Planning and Environment Act 1987</i> by: <u>Amending the permit description to state:</u> Variation of a covenant A295635 (Instrument no. W996971F), development of four dwellings and removal of vegetation <u>Amending the conditions applicable to the permit by:</u> Deleting Condition no. 1(e) and 6(b) Inserting two new conditions, to state: 21. <i>Within 30 days of the date of this amended permit, a plan of variation of a restriction must be submitted to the responsible authority for certification.</i>



	<p>22. <i>Prior to the commencement of the development, the certified plan must be lodged with the Office of Titles for registration in accordance with Section 23 of the Subdivision Act 1988.</i></p>
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CARRIED

**4.7 1 NAUTILUS STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/60/1 WARD: SOUTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/275933

It is recorded that Mr J Always spoke for three minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr Grinter

That Council:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application No. 2016/60/1** for the land known and described as **1 Nautilus Street, Beaumaris**, for the **construction of two double storey dwellings and the removal of vegetation within a VPO3**, subject to the following conditions:

1. Before the use and/or development start/s, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans advertised) Council date-stamped 22 July 2016, but modified as follows:
 - a) The external wall materials amended to provide for only brick or concrete construction, so as to comply with the terms of the covenant on the title (refer Instrument No. 2693758).
 - b) The elevation plans amended to show a 1m east-boundary setback (the advertised elevation plans show the ground floor of Residence 2 built to the east boundary, but the site plan shows it having a 1m ground-floor setback).
 - c) An additional front (streetscape) elevation provided, showing show the front fence, which is to be retained.
 - d) The side setbacks of the dwellings' ground floors increased to a minimum of 2.0 metres (east and west boundaries).
 - e) The plans amended to demonstrate compliance is achieved in respect of Standard B23 (Internal overlooking).
 - f) A landscaping plan provided in accordance with Condition 11.
 - g) Water-sensitive urban design measures (rain gardens and water tanks) in accordance with Condition 7.
 - h) The proposed development amended so as to retain and protect Tree 1 (Liquidambar).
 - i) The proposed development amended so as to retain and protect Trees 7 – 11 located on the neighbouring properties to the west.
 - j) The garage doors widened to 4.8m minimum and these dimensions notated on amended plans.

- k) The pedestrian doors from the Residence 2 garage amended to open outwards from the garage.
 - l) The Residence 1 crossover relocated to provide for a 1m offset from the west boundary, and the Residence 2 crossover relocated to provide for a 2m offset from the east boundary, so as to ensure a 12.5m minimum distance is provided between the internal edges of the 3m-wide crossovers. This will allow two on-street car parking spaces to be retained directly adjacent to the subject site.
 - m) Sight lines in accordance with diagram shown in AS2890.1 must be provided where the two vehicle crossovers intersect with the footpath at the property boundary.
 - n) the location of all plant and equipment. Such plant and equipment must be located away from habitable rooms on the adjacent properties.
2. The use and/or development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 7. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water-sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water-sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross-sections.

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

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

9. Prior to the occupation of the development, the area(s) set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
10. Prior to the occupation of the development, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
11. Prior to the endorsement of plans pursuant to Condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Genus Landscape Architects, reference 16-0212, dated May 2016, and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.
 - d) Two (2) indigenous canopy trees within the site's front setback (i.e. one in front of each proposed dwelling)
 - 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.
12. Prior to 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. 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.
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 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.
17. Any pruning that is required to be done to Tree #1 (Liquidambar to be retained) is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of this tree to be retained is to be done by hand by a qualified arborist.
18. Tree protection fences are required for the protection of the two adjacent street trees' canopies and root zones. Conditions for street tree protection fencing during development are as follows:
 - Fencing is to be secured and maintained prior to demolition and until all site works are complete.
 - Fencing must be installed to comply with AS 4970–2009, Protection of trees on development sites.
 - Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
 - Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - 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. 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.
20. 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.
21. Sight lines in accordance with diagram shown in AS2890.1 must be provided where the two vehicle crossovers intersect with the footpath at the property boundary.
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:

- Council records indicate that there is a 1.83m-wide drainage and sewerage easement along the northern property boundary, as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build over Easement consent from the Responsible Authority/Authorities.

CARRIED

4.8 VCAT DECISIONS

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/624

Moved: Cr Heffernan

Seconded: Cr Long

That the report on the VCAT decisions on the planning applications handed down during the months of November and December 2016 be received and noted.

CARRIED

5. Confidential Business

Nil

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

CONFIRMED THIS INSERT 14 DAY OF FEBRUARY 2017

CHAIRPERSON: