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5. Confidential Business
Nil

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

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of any Conflict of Interest of any Councillor

It is recorded that Cr Alex del Porto declared a direct interest in item 4.8 given the proposed application will have a direct financial impact on his property.

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 26 June 2018.

Moved: Cr Evans (Mayor)

Seconded: Cr Long

That the minutes of the Planning & Amenity Committee Meeting held on 26 June 2018, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

- 4.1 **45 MARTIN STREET, BRIGHTON
LOCAL LAW TREE REMOVAL APPEAL
APPLICATION NO: 2018/100 WARD: NORTHERN**

City Planning & Community Services - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/18/132476

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

Moved: Cr Castelli

Seconded: Cr del Porto

That Council notes the removal of the trees prior to the consideration of this item and Council authorise officers to conduct the necessary investigations into the removal of the *Eucalyptus nicholii* (Peppermint Gum) and *Eucalyptus viminalis* (Manna Gum) trees.

CARRIED

**4.2 129 - 135 MARTIN STREET, BRIGHTON
SUPPORT THE GRANT OF A PLANNING PERMIT
APPLICATION NO: 2017/586 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/149156

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

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council resolve to:

Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/586** for the land known and described as **129 – 135 Martin Street, Brighton**, for the **use and development of dwellings, construction of a four storey mixed use building plus basement parking, demolition and construction in a Heritage Overlay and reduction of car parking** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Finnis Architects referenced TP04 – TP05 Revision H and TP06 – TP12 Revision F, dated 19 June 2018 but modified to show:
 - a) Details of the lighting and paving of the setback area adjacent to the carriageway easement;
 - b) 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;
 - c) An updated landscaping plan in accordance with condition 10;
 - d) Any update to the basement bin store area to allow for compliance with 20(g).
 - e) Payment of Development contributions in accordance with condition 22.
 - f) Water Sensitive Urban Design measures in accordance with condition 8.
 - g) Planter Boxes in accordance with condition 10(a).
 - h) Sustainability report in accordance with condition 14.
 - i) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
7. Waste collection must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic 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 drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Planter boxes to be located on the inside of each north and south facing balcony.
 - b) A survey, including, botanical names of all existing trees to be removed from the site.
 - 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 vegetation within the planter boxes including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

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.

Heritage

13. Before demolition begins, an annotated photographic study of archival quality of the building prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority as a record of the building. The survey must include:
 - a) Each elevation of the building;
 - b) The interior of the building;
 - c) Architectural design detailing of the building;
 - d) A statement prepared by an architectural historian describing and explaining both the design and construction of the building and the photographs.

Sustainability

14. Prior to the endorsement of plans pursuant to condition 1, a Sustainability Report to the satisfaction of the Responsible Authority must be submitted and endorsed by the Responsible Authority. The Sustainability Report must generally be in accordance with the Report prepared by Sustainable Development Consultants dated September 2017 but updated to reflect design revisions.
15. The development must be carried out and maintained in accordance with the recommendations and requirements as described in the endorsed sustainability report 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.
- 19. Council records indicate that there is 3.05 metre wide carriageway easement along the north property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structure of note. Proposals to be built over the easement will require Build Over Easement consent from the Responsible Authority/Authorities.

Waste Management

- 20. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:

- a) Dimensions of storage waste areas.
- b) Storage waste areas for the office and shop use to be in the basement area.
- c) Storm water drains in storage areas should be fitted with a litter trap.
- d) The number and size of bins to be provided.
- e) Facilities for bin cleaning.
- f) Method of waste and recyclables collection.
- g) All waste (including shops and office waste) to be collected from the basement with no kerbside collection.
- h) Types of waste for collection, including colour coding and labelling of bins.
- i) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
- j) Method of hard waste collection.
- k) Method of presentation of bins for waste collection.
- l) Sufficient headroom within the basement to accommodate waste collection vehicles.
- m) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
- n) Strategies for how the generation of waste and recyclables will be minimised.
- o) 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.

Basement Construction

21. Following completion of the construction of the basement and prior to commencement of the next level, a report prepared by a licensed surveyor certifying the overall internal dimensions and levels have been achieved shall be submitted to and approved by the Responsible Authority.

Development Contributions

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

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

Permit Expiry

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.

- c) The use is not started within five years of the date of this permit.
- d) The use is discontinued for a period of two years or more.

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 allow for a signage to be erected on the building. A separate planning permit will be required for any advertising signage for the office and shop units.
- 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.
- Future occupants of the building and their visitors will not be eligible for Council car parking permits.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

CARRIED

**4.3 8 STERLING AVENUE, HIGHETT
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2014/229/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/151161

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

Moved: Cr Castelli

Seconded: Cr del Porto

That Council resolve to:

1. Approve the amended plans in accordance with secondary consent provisions of Planning Permit 2014/229/1.
2. The materials schedule identified as Sheet 1 and the plans identified as Sheets 2 and 3, prepared by Danes Design Studio and dated October 2015 be endorsed. These plans are to be read in conjunction with the plans endorsed on 21 August 2017.
3. Sheets 2-4 (inclusive) of the previously endorsed plans be superseded.

CARRIED

**4.4 52 SPICER STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/789 WARD: SOUTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/18/152123

It is recorded that Ms Georgia Pernitzis spoke for three minutes on this item.

Moved: Cr Martin

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 2017/789** for the land known and described as **52 Spicer Street, Beaumaris**, for the **removal of native vegetation** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plan dated 22/02/2018 but modified to show:
 - a) Retention of tree 2 (*Corymbia citriodora*) and tree 3 (*Acmena smithii*).
 - b) A Landscaping Plan in accordance with Condition 3 of this permit.
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

Landscaping

3. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) The retention of tree 2 (*Corymbia citriodora*) and tree 3 (*Acmena smithii*).
 - b) A survey, including the botanical name and dimensions at maturity of the proposed replacement tree on the site.
 - c) The provision of one replacement canopy tree of native or indigenous origin in the rear garden with a mature height equal or greater than 10m.
4. 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.
5. Any pruning that is required to be done to the canopy of any tree to be retained (trees 2 and 3) is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained (tree 2 and 3) is to be done by hand by a qualified Arborist.

Permit Expiry

6. 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.

Amendment

Moved Cr del Porto

Seconded Cr Castelli

The recommendation as printed subject to the removal of tree 3.

The Amendment was Put and LOST

The Motion moved by Cr Martin and seconded by Cr Evans was and a **DIVISION** was called:

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans (Mayor), Michael Heffernan,
 James Long, Clarke Martin, Sonia Castelli and Rob Grinter (7)
AGAINST: Nil (0)

CARRIED

**4.5 6 - 8 MYRTLE STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/746/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/153360

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

Moved: Cr Heffernan

Seconded: Cr del Porto

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 **2017/746** for the land known and described as **6 - 8 Myrtle Street, Brighton**, for the **construction of a first floor extension to an existing building with storey heights in excess of 3.5m in a Design and Development Overlay, Schedule 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 amended plans Council date stamped 31 May 2018 prepared by Stonnington Residential referenced 1747 and dated 21.03.2018 A but modified to show:
 - a) Water Sensitive Urban Design measures in accordance with Condition 6 of this permit.

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. 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 (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.
5. 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

6. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.

- b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
- c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

7. 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.

Permit Expiry

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 application was not assessed against the provisions of Clause 54 – One Dwelling on a Lot (ResCode) of the Bayside Planning Scheme. It is the responsibility of the applicant/owner to appoint a Registered Building Surveyor to determine compliance of the endorsed plans associated with the issue of this Planning Permit against Part 4 of the Building Regulations 2006. Non-compliance with any regulation will require dispensation from Council's Building Department.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- The existing street trees must not be removed or damaged.

CARRIED

**4.6 7 BILLSON STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/713/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/156394

*Councillor del Porto left the Meeting at 7:34 pm.
Councillor del Porto returned to the Meeting at 7:38 pm.*

It is recorded that Mr Martin Goode, and Mr Jason Barnfather spoke for three minutes each on this item.

Moved: Cr del Porto

Seconded: Cr Heffernan

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 2017/713/1** for the land known and described as **7 Billson Street, Brighton East** for the **construction of two double storey attached dwellings, basement car parking and a front fence exceeding a height of 1.2 metres** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans advertised with the application prepared by Moull Murray Architects referenced Project No. 10284 Drawing No. TP.01.01, TP.01.02, TP.01.03, TP.01.04, TP.02.01, TP.02.02, TP.03.01, TP.03.02, dated 16 October 2017 and Landscape Plan prepared by Zenith Concepts Sheet 1 of 1 dated September 2017 but modified to show:
 - a) The Basement and Ground Floor plans to be updated generally in accordance with the draft amended plans received by Council on 28 May 2018.
 - b) Deletion of the architectural frame elements and voids associated with the façade treatment of Dwelling 1 and 2.
 - c) Deletion of the street entry elements.
 - d) A reduction to the extent of hard paving located with the front setback adjacent to Dwelling 1 and 2's master bedrooms and replaced with landscaping.
 - e) The first floor front setback to Dwelling 1 and 2's west facing bedroom increased to 9.5m. The increased setbacks must be absorbed within the first floor building envelopes.
 - f) The side elevations at ground and first floor level to be treated with a mix of materials and finishes.
 - g) The northern side setbacks to the sitting room associated with Dwelling 1 to be offset from the common boundary with 5 Bilson Street to demonstrate compliance with Standard B19 (Daylight to Existing Windows).

- h) The southern side setbacks increased or wall height decreased to demonstrate the secluded private open space associated with 1/9 Billson Street receives a minimum of five hours of unencumbered sunlight in accordance with Standard B21 (Overshadowing Open Space).
- i) Internal fencing heights nominated to demonstrate compliance with Standard B23 (Internal Views).
- j) Turntables within the basement to have a minimum 4.5m diameter and details of manufactures specifications are required.
- k) Garage door openings to each basement to have a minimum 3m width.
- l) Modifications to basement ramp gradients to be shown on a sectional diagram with annotated RL's must be provided to confirm compliance with Design Standard 3 (Gradients) of Clause 52.06-9 of the Bayside Planning Scheme.
- m) The northern crossover to be 3 metres in width. The existing crossover (along with the redundant portion) is to be removed.
- n) The southern crossover to be 3 metres in width and a minimum 0.5 metre radius to be provided between the southern edge of the new crossover and the existing side entry pit at the channel. Accordingly, the internal driveway/ramp where it intersects with the footpath to be adjusted to meet this provision.
- o) Adequate sight lines must be provided where each ramp/driveway intersects with the front footpath in accordance with Design Standard 1 (Accessways) of Clause 52.06-9 of the Bayside Planning Scheme.
- p) Location of all plant and equipment, with all air conditioning units to be located within the basement. Pool plant equipment is to be acoustically treated and located away from habitable room windows of dwellings (internal to external to the development).
- q) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
- r) A Landscaping Plan in accordance with Condition 10 of this permit.
- s) A Tree Protection Plan in accordance with Condition 13 of this permit.
- t) Development Contributions Levy in accordance with Condition 18 of this permit.

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 drawn by Zenith Concepts Sheet 1 of 1 dated September 2017 but modified to show:
 - a) A reduction in hard paving to facilitate the required planting areas for replacement canopy trees in accordance with Bayside City Councils Landscape Guidelines (2016).
 - b) Tree protection zones (TPZ) for those neighbouring trees where their TPZ extends into the subject site.
 - c) An amended planting schedule including sufficient tree spacing and planting areas to ensure trees reach their mature canopy size.
 - d) One (1) large replacement canopy tree located within the front setback of each dwelling to grow to a minimum mature height of 12m or two (2) small replacement canopy tree species with a minimum mature height of 8m.
 - e) One (1) large replacement canopy tree located within the private open space of each dwelling to grow to a minimum mature height of 10m or two (2) small replacement canopy tree species with a minimum mature height of 6m.

- f) 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.
 - g) 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.
 - h) An amended planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - i) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - j) 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 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) No grade changes occurring within the tree Protection Zone of the Kohuhu tree located at 9 Billson Street.
 - b) The Tree Protection Zone and Structural Root Zone for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - c) The location of tree protection measures to be utilised.
14. All protection measures identified in the Tree Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Protection Plan, 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.

Drainage

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

Development Contributions Levy

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

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

Construction Management

19. Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
 - a) A detailed schedule of works including a full project timing.
 - b) 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.

Permit Expiry

20. This permit will expire if one of the following circumstances applies:

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- 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, if applicable, prior to the commencement of the connection to the Council Drain / kerb / channel.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Council records indicate that there is a 1.83m wide drainage and sewerage easement along the Southern property boundary as indicated on the drawings provided. The plans indicate that decking and pool equipment will 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 and pool equipment will be partially demountable over the easement, and the proposal may require a Section 173 agreement to be created on the property title to ensure the continuation of Council rights of drainage.

- Before the development starts the applicant must pay \$18,078.07 to the Responsible Authority for the removal and replacement of an existing 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.

CARRIED

**4.7 2 BURGESS STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/509 WARD: SOUTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/18/151500

It is recorded that Mr Dean Petracca, Mr Graham Hawthorne (via proxy Ms Toniaanne Hawthorne), and Mr Daniel Bowden spoke for three minutes each on this item.

Moved: Cr Evans (Mayor)

Seconded: Cr Martin

That Council, having caused notice of **Planning Application No. 2017/509/1** to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act decides to issue a **Notice of Refusal to Grant Planning Permit 2017/509/1** in respect of the land known and described as **2 Burgess Street, Beaumaris**, for the **removal of six (6) native trees and the construction, use and illumination of a private tennis court** for the following reasons:

1. The proposal does not comply with the purpose of Clause 52.21 – Tennis Courts of the Bayside Planning Scheme, specifically;
 - a. The proposal fails to ensure that the court is appropriately sited and constructed to minimise the effects of the development on nearby properties.
 - b. The proposal fails to ensure that the use of the court does not cause unreasonable disturbance to adjoining residents or adversely affect the residential amenity of adjoining areas.
2. The proposal does not comply with the following relevant objectives, considerations and performance requirements of the Code of Practice - Private Tennis Court Development as required by Clause 52.21 – Tennis Courts of the Bayside Planning Scheme, specifically;
 - a. E1.3.1 - The court fails to provide a minimum 3 metre setback from the street frontage.
 - b. E3.3.1, E3.3.2, E3.3.3 - The proposed location, extent of excavation and fill of the court will create off site amenity impacts to the immediately adjoining properties and structures contained within the lots.
 - c. E5 - The application has not provided sufficient details of court lighting to prevent excessive light spillage and other effects from detrimentally affecting the amenity of dwellings on adjoining properties.
3. The proposal does not comply with the following relevant purposes and objectives of Clause 42.02 - Vegetation Protection Overlay, Schedule 3 of the Bayside Planning Scheme, specifically;
 - a. The proposal fails to minimise the loss of native vegetation on site and preserve existing trees and vegetation.
 - b. The removal of native vegetation as a result of the proposed tennis court will

- detrimentally impact on the amenity, character and habitat value of the site.
- c. The proposal fails to maintain the habitat quality of remaining native vegetation and will fragment habitat corridors for wildlife.
 - d. The proposed removal of native trees will impact upon the role of native vegetation in conserving flora and fauna.
- 4. The proposed landscaping fails to provide any indigenous or native replacement canopy trees and does not fulfil the 80% indigenous planting.
 - 5. The proposal does not respect the existing or preferred neighbourhood character as outlined within Precinct H4 of Clause 22.06 of the Bayside Planning Scheme due to;
 - a. The proposal fails to enhance or respect the vegetated character of the neighbourhood due to the removal of three Monterey Pines from the front setback of the subject site.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans (Mayor), Michael Heffernan,
James Long, Clarke Martin, Sonia Castelli and Rob Grinter (7)
AGAINST: Nil (0)

CARRIED

**4.8 50 - 52 WELL STREET, BRIGHTON & 38 BURROWS STREET,
BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO. 2017/675/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/16/4074 – Doc No: DOC/18/151913

Cr del Porto declared a direct interest in this item given that the proposed application may have a direct financial impact on his property, and accordingly Cr del Porto vacated the Chamber prior to discussion on this item.

Councillor del Porto left the Meeting at 8:12 pm.

Councillor Castelli left the Meeting at 8:34 pm. Councillor Castelli returned to the Meeting at 8:36 pm.

It is recorded that Ms Mira Antoniou, Mr Frank Paljevic, Ms Paula Maud, Ms Sandra Fordyce, Mr Jan Voorham, Ms Mira Antoniou (representing Mrs Marilyn Bourke, Ms Simone Skillington, and Mrs Jeanette Webster), Mr Lance Fong, and Mr Tass Roufos spoke for three minutes each on this item.

Moved: Cr Heffernan

Seconded: Cr Long

- A. That Council, having caused notice of **Planning Application No. 2017/804** 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 **50 – 52 Well Street, Brighton and 38 Burrows Street, Brighton** for the **construction of a three storey building (plus basement) comprising 10 dwellings** for the following reasons:
1. The proposed building height exceeds the mandatory building height outlined in Clause 32.08 (General Residential Zone Schedule 2) of the Bayside Planning Scheme.
 2. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character, Precinct B2) 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 boundary setbacks of the proposal fail to retain the visual separation between buildings resulting in an outcome which is not consistent with the built form character of the area.
 - c) The proposed front fence of the development does not respect the preferred fence height of the precinct to the detriment of the open garden streetscape setting of the area.
 - d) The reduced front setbacks minimises the amount of front garden space and does not maintain the garden settings of the area.
 3. The proposal fails to meet the objectives and standards of Clause 55 (ResCode) of the Bayside Planning Scheme, specifically:

- 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 proposed reduced street setback fails to respect the existing or preferred neighbourhood character of the precinct through reducing the front garden space.
- c) Standard B7 – Building Height – The proposed building height does not respect the existing or preferred neighbourhood character, or comply with the maximum building height outlined in the General Residential Zone.
- d) Standard B13 – Landscaping – the proposal will not allow an appropriate level of post-construction landscaping.
- e) Standard B17 – Side and Rear Setbacks – the proposal will cause unreasonable amenity impacts on adjoining dwellings.
- f) Standard B21 – Overshadowing – the proposal will cause unreasonable overshadowing impacts on adjoining dwellings.
- g) Standard B32 – Front Fence – The proposed front fence of the development does not respect the preferred fence height of the precinct to the detriment of the open garden streetscape setting of the area.

B. That senior legal representation be engaged at any VCAT hearing.

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

DIVISION: **FOR:** Crs Laurence Evans (Mayor), Michael Heffernan, James Long,
 Clarke Martin, Sonia Castelli and Rob Grinter (6)
AGAINST: Nil (0)

CARRIED

Councillor del Porto returned to the Meeting at 9:21 pm.

**4.9 111 DENDY STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/701/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/152152

It is recorded that Miss Anna Preston, Mr Robert Preston, Mr Courtney Dyer, Mrs Lee Preston, Mr Jeff Sturrock (via proxy Ms Zoe Preston), Mr Jason Barnfather, and Mr Mile Trpkovski spoke for three minutes each on this item.

Councillor Heffernan left the Meeting at 9:34 pm.

Moved Cr del Porto

Seconded Cr Evans

That the Committee grant Ms Vicky Murray three minutes to speak in relation to this application.

CARRIED

Councillor Heffernan returned to the Meeting at 9:38 pm.

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council, having caused notice of **Planning Application No. 2017/701/1** to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act decides to issue a **Notice of Refusal to Grant a Planning Permit** in respect of the land known and described as **111 Dendy Street, Brighton** for the **construction of a two storey residential building comprising eight dwellings, basement car park and front fence exceeding a height of 1.2 metres** for the following reasons:

1. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character, Precinct B2) 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 scale, siting and boundary setbacks of the proposal fail to complement the built form character, resulting in an outcome which dominates the streetscape.
 - c) The boundary to boundary development and minimal opportunities for landscaping to establish within the side setbacks are discordant with the character of the area.
 - d) The minimal breaks in built form along the side elevations result in an unreasonable level of visual bulk to adjoining residential properties and oblique views from the streetscape.
 - e) The flat roof profile is discordant with the prevailing streetscape character.
 - f) The heavily glazed front façade is uncharacteristic of the streetscape.
 - g) The development fails to maintain or enhance the garden setting of the streetscape.
 - h) The high front fence profile fails to maintain the openness of the streetscape and views into front gardens.

- 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 B5 – Integration with the Street – The proposal fails to appropriately respond to the prevailing character of the streetscape.
 - c) Standard B6 – Street Setback – The front setback fails to respect the existing or preferred neighbourhood character.
 - d) Standard B8 – Site Coverage – The proposed site coverage fails to respect the existing and preferred neighbourhood character or respond to the site features.
 - e) Standard B13 – Landscaping -The proposal fails to provide appropriate landscaping to the site.
 - f) Standard B17 – Side and Rear Setbacks – The proposed side and rear setbacks fails to respect the development pattern of the existing streetscape context.
 - g) Standard B21 - Overshadowing Open Space – The proposal significantly overshadows existing secluded private open space.
 - h) Standard B26 – Dwelling Entry – The dwelling entries to all dwellings are concealed and not clearly legible.
 - i) Standard B29 – Solar Access to Open Space – The dwellings will experience an unreasonable level of solar access to secluded private open space.
 - j) Standard B31 – Design Detail – The proposal fails to adopt any design details of the existing and preferred neighbourhood character.
 - k) Standard B32 – Front Fences – The proposed front fence fails to respect the prevailing character of the area and prevents views into the front setbacks.
 - l) Standard B35 – The proposal fails to demonstrate an appropriate level of energy efficiency.
 - m) Standard B46 – The proposal fails to demonstrate appropriate waste management services.
- 3. The proposed landscaping fails to respect the prevailing landscaped character of the area.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans (Mayor), Michael Heffernan,
James Long, Clarke Martin, Sonia Castelli and Rob Grinter (7)
AGAINST: Nil (0)

CARRIED

**4.10 15 CENTRE ROAD, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/285/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/152518

It is recorded that Ms Suzy Bell, Ms Madeline Perkins, Ms Helena Arrigo, Ms Anne McGinley, Mrs Rayleen Haig, Ms Lisa Wadham, Mr Brian Day, Mr Kel Twite, and Mr Francis Lynch spoke for three minutes each on this item.

Moved Cr del Porto

Seconded Cr Evans

That the Committee grant Mr Barry Schofield and Mr Kent Durnan to speak for three minutes each in relation to this applications.

CARRIED

Moved Cr del Porto

Seconded Cr Martin

That the Mayor take the Chair for 3 minutes.

CARRIED

Councillor Grinter left the Meeting at 10:48 pm.

Councillor del Porto left the Meeting at 10:50 pm.

Councillor Grinter returned to the Meeting at 10:51 pm.

Moved Cr Long

Seconded Cr Martin

That the Chairman Cr Grinter resume the Chair for the remainder of the meeting.

CARRIED

Councillor del Porto returned to the Meeting at 10:53 pm.

Moved Cr del Porto

Seconded Cr Evans

That the meeting be extended for a period of 30 minutes.

CARRIED

It is recorded that the meeting was extended for 30 minutes at 10.50pm.

Moved: Cr del Porto

Seconded: Cr Grinter

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 2017/285** for the land known and described as **15 Centre Road, Brighton East, for buildings and works to allow the staged redevelopment of the existing Retirement Village to accommodate a total of 152 independent living units within three separate buildings (maximum four storeys in height), a reduction in the associated car parking requirements and alteration to 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 decision plans prepared by AdeB Architects, Project No. 123 and Council date stamped 8 May 2018 modified to show:

- a) 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.
- b) A staging plan showing the sequence of construction to the satisfaction of the Responsible Authority.
- c) Water Sensitive Urban Design measures in accordance with Condition 14.
- d) A Landscaping Plan in accordance with Condition 16.
- e) A Tree Management and Protection Plan in accordance with Condition 19.
- f) A Waste Management Plan in accordance with Condition 30.
- g) A Car Parking Management Plan in accordance with Condition 12 of this permit.
- h) A Construction Management Plan in accordance with Condition 13 of this permit.
- i) Any changes required by VicRoads conditions of this permit.
- j) Any changes required by Melbourne Water conditions of this permit.
- k) The provision of an additional 20 on-site parking spaces to be appropriately located on the site. These additional car spaces must be located behind Building A and concealed from the street to the satisfaction of the Responsible Authority.

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 development starts, a schedule of construction materials, external finishes and colours (incorporating for example paint samples) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.
7. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.

Car Parking

8. Before the occupation of the development, the area(s) set aside for the parking of vehicles and access as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Property formed to such levels that they can be used in accordance with the

plans;

- c) Surfaced with an all-weather seal coat;
- d) Drained;
- e) Line marked to indicate each car space and all access lanes;
- f) Clearly marked to show the direction of traffic along access lanes and driveways;

All to the satisfaction of the Responsible Authority.

- 9. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
- 10. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.
- 11. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing crossover or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.

Car Parking Management

- 12. Prior to the endorsement of plans pursuant to Condition 1, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority.

The Car Parking Management Plan must include, but is not limited to, details of:

- a) Signing and linemarking of parking spaces.
- b) Details of any proposed access controls such as boom gates securing access to the car parking.
- c) Plan on how staff parking and parents/carers pick up and drop off during peak hours be will managed.
- d) All car spaces and access lanes line marked in accordance with Design Standard 2 of Clause 52.06-8 and AS2890.1-2004 and AS2890.6-2009 as relevant.
- e) A parking direction sign at the vehicular entrance to the site directing vehicles to the various uses within the premises.
- f) Provision of a shuttle bus for the occupants of the facility operating 7 days a week and at least 3 times per day. The Car Parking Management Plan must clearly outline proposed hours of operation of the shuttle bus, the size of the shuttle bus, capacity of shuttle bus, provision of services and location of pick up and drop off and details if the shuttle bus is to be kept on site, to the satisfaction of the Responsible Authority.
- g) The shuttle bus service must be operational prior to the occupation of the site.
- h) No more than 50 residents are eligible for on-site car parking. All remaining residents will not be eligible for an on-site car parking.

Construction Management

13. Before the commencement of works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The Construction Management Plan must address, but is not limited to:
- a) Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.
 - b) All traffic management plans for the site demolition, excavation, deliveries and other construction related activities that will affect vehicle and pedestrian traffic;
 - c) The location of all areas on-and/or off-site to be used for construction staff parking;
 - d) A parking management plan for all associated construction vehicles;
 - e) All site sheds, portable toilet, storage and materials, etc. must be confined to the site;
 - f) The covering and maintenance of all roads/storage areas/external stockpiles/or vacant areas to avoid dust nuisance to any residential and commercial premises;
 - g) A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways;
 - h) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
 - i) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
 - j) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site; and
 - k) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system.

All works must accord with the approved Construction Management Plan to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

14. 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.

15. 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

16. 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 prepared by CDA Design Group Pty Ltd, known as Drawing No. TP01, Council date stamped 8 May 2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Any development changes required by Condition 1.
 - b) Retention of Trees 13 and 14.
 - c) 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.
 - d) 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.
 - e) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - f) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - g) Details of surface finishes of pathways and driveways
17. 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.
18. 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

19. 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.

20. 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.

Street tree protection

21. Soil excavation must not occur within 2 metres from the edge of the street tree assets stems at ground level.
22. Tree protection fence for the protection the street tree's canopies and root zone. Conditions for street tree protection fencing during development are as follows:
23. Fencing is to be secured and maintained prior to demolition and until all site works are complete.
24. Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
25. Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
26. Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
27. 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.
28. 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.
29. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Waste Management

30. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
 - a) Waste management services to be provided via a private waste and recycling contractors. Private contractor to include bins pull out and push back service from bin enclosure. Bin infrastructure and/ or any other waste will not be placed on kerbside for collection.
 - b) Service to be carried out within the boundaries of the property, please include the bin infrastructure requirement calculations (garbage, recycling, food waste/ green waste), bin enclosure details and servicing truck access routes.
 - c) Cardboard recycling in large amounts shall be managed by individual Residents, or will be organised by the Body Corporate / Owners Corporation through a private contractor's collection. No waste or recycling material will be placed on kerbside for collection.
 - d) Hard Waste disposal shall be managed by individual Residents, or will be organised by the Body Corporate / Owners Corporation through a private contractor collection. No waste will be placed on the kerbside for collection.
 - e) Residents can take waste items such as e-waste, white goods, domestic volumes of household paints, household batteries, florescent tubes and mixed globes to Waste Transfer and Recycling Centre at 144 Talinga Road,

Cheltenham (fees and charges may apply), or collections shall be organised by the Body Corporate / Owners Corporation through a private contractor's collection.

- f) Bin washing to be provided by commercial service provider off site, or using purpose built trucks, or, if cleaning is proposed to be done on site, storm water drains in storage area should be fitted with a litter trap/filter installed to trap litter which can then be disposed to garbage bins; any trap/filter is to be included in a regular cleaning and sanitising schedule, and must be emptied regularly.
- g) Dimensions of storage waste areas.
- h) Storm water drains in storage areas should be fitted with a litter trap.
- i) The number and size of bins to be provided.
- j) Facilities for bin cleaning.
- k) Method of waste and recyclables collection.
- l) Types of waste for collection, including colour coding and labelling of bins.
- m) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
- n) Method of hard waste collection.
- o) Method of presentation of bins for waste collection.
- p) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
- q) Strategies for how the generation of waste and recyclables will be minimised.
- r) Compliance with relevant policy, legislation and guidelines including valid, current certificates.

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.

Development Contribution

31. Prior to endorsement of the plans 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.

Drainage

32. 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.
33. 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.

Public Transport Victoria

34. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Para Road is kept to a minimum during the construction of the development. Foreseen disruption to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

VicRoads

35. Before the development starts, amended plans must be submitted to and approved by the Roads Corporation (VicRoads). When approved by VicRoads, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the submitted plans TP-02^D dated 4 May 2018 and annotated as but modified to show:
- a) Both accessways with a 'no stopping' zone or similar for at least 7m to the west of the crossover splay.
 - b) Relocation of the 'car share' space so as to not conflict with condition 1a.
36. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.
37. 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.
38. Vehicles must enter and exit the land in a forward direction at all times.

Melbourne Water

39. Prior to the endorsement of plans, a current (within 3 months) survey must be submitted to Melbourne Water demonstrating the exact location of Melbourne Water's (MW) underground drain as proven by a licensed surveyor.
40. Prior to the endorsement of plans, the lateral clearance for asset replacement access for manholes and pipelines is to be shown to a minimum of 2 metres from the outside edge of the pipeline. No permanent structures are permitted within this lateral clearance zone
- a) Footings must extend below "foundation protection zone" (angle of response) and;
 - b) A statement from the structural engineer stating the design of the building foundation has been designed to allow future excavation of the pipeline adjacent to building. (Screw piles and friction piles are not acceptable).
41. Prior to the endorsement of plans, the foundations and supports of the top floors are to be indicated clearly on the ground floor plans and clearance shown for each support. Cross section of the closest foundation and the MW drain is to be provided to MW.
42. Concrete paving thickness must be shown to be no greater than 150mm thick. The minimum cover over the drain of 850mm must be maintained measured between underside of the pavement and top of the drain.
43. Cut and fill earthworks to alter existing levels must factor in the following:
- a) A minimum 850mm vertical cover is to be maintained over the pipeline;
 - b) A loading (including construction) and vibration assessment will be required to be undertaken by a qualified structural and geotechnical engineer where +/- 500mm or greater is proposed in existing levels. The assessment must factor in

current condition of the drain and include any recommendations for limiting loading or vibration caused in the short (during construction) and long term (post construction), where a proposed change in landscape is evident (e.g non-traffic to trafficable).

44. Prior to the endorsement of plans, tree planting must follow MW's guidelines for planting near assets.

Permit Expiry

45. This permit will expire if one of the following circumstances applies:

- a) The development is not started within three years of the date of this permit.
- b) The development is not completed within six 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.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Staff and Visitors to the site would not be eligible for parking permits.
- Waste management services to be provided via a private waste and recycling contractors. Private contractor to include bins pull out and push back service from the basement carpark. Bin infrastructure and/ or any other waste will not be placed on kerbside for collection.
- Service to be carried out within the boundaries of the property, please include the bin infrastructure requirement calculations (garbage, recycling, food waste/ green waste), bin enclosure details and servicing truck access routes.
- Cardboard recycling in large amounts shall be managed by individual Residents, or will be organised by the Body Corporate / Owners Corporation through a private contractor's collection. No waste or recycling material will be placed on kerbside for collection.
- Hard Waste disposal shall be managed by individual Residents, or will be organised by the Body Corporate / Owners Corporation through a private contractor collection. No waste will be placed on the kerbside for collection.
- Residents can take waste items such as e-waste, white goods, domestic volumes of household paints, household batteries, florescent tubes and mixed globes to Waste Transfer and Recycling Centre at 144 Talinga Road, Cheltenham (fees and charges may apply), or collections shall be organised by the Body Corporate / Owners Corporation through a private contractor's collection.
- Bin washing to be provided by commercial service provider off site, or using purpose built trucks, or, if cleaning is proposed to be done on site, storm water drains in storage area should be fitted with a litter trap/filter installed to trap litter which can then be disposed to garbage bins; any trap/filter is to be included in a regular cleaning and sanitising schedule, and must be emptied regularly.

4.11 VCAT REPORT - 2017/18

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/153127

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

Moved: Cr Martin

Seconded: Cr Heffernan

That the report on the VCAT decisions on the planning applications handed down during June 2018 be received and noted.

CARRIED

5. Confidential Business

Nil

Following consideration of Confidential Business the Chairperson declared the meeting closed at 11.28pm.

CONFIRMED THIS INSERT 14 DAY OF AUGUST 2018

CHAIRPERSON:

