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

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held in the Council Chambers, Civic Centre,  
Boxshall Street Brighton  
on Tuesday 18 July 2017

The Meeting commenced at 7.00pm

Councillors Cr Alex del Porto (Mayor)  
Cr Laurence Evans  
Cr Michael Heffernan  
Cr James Long BM JP  
Cr Clarke Martin  
Cr Rob Grinter  
Cr Sonia Castelli

In attendance Rachel Lunn – Manager Development Services  
Michael Henderson – Statutory Planning Coordinator  
Michael Kelleher – Statutory Planning Coordinator  
Sarah Collins – Acting Statutory Planning Coordinator  
Karen Brown – Governance Coordinator  
Mandy Bartlett – Governance Officer

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**5. Confidential Business**

Nil

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

## **1. Apologies**

There were no apologies submitted to the meeting.

## **2. Disclosure of any Conflict of Interest of any Councillor**

There were no conflicts of interest submitted to the meeting.

## **3. Adoption and Confirmation of the minutes of previous meeting**

- 3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 6 July 2017.

**Moved: Cr Long**

**Seconded: Cr Martin**

That the minutes of the Planning & Amenity Committee Meeting held on 6 July 2017, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## **4. Matters of Decision**

**4.1 1/11 BIRDWOOD AVENUE, BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NUMBER: 2016/747/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/125545

*It is recorded that Mr George Voyage, and Mr Luke Dowdle spoke for three minutes each in relation to this item.*

**Moved: Cr Heffernan**

**Seconded: Cr del Porto (Mayor)**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of the land known and described as **1/11 Birdwood Avenue, Brighton** for the **construction of a dwelling on a lot 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:

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 dated 9 February 2017 but modified to show:
  - a) The 'void' notations deleted from the ground floor plan and elevations.
  - b) The front fence reduced to a maximum height of 1.8m.
  - c) The gates associated with the front fence to be modified to an open style with a minimum of 25% transparency.
  - d) All indicative landscaping to be removed from the ground and first floor plan.
  - e) An amended Landscape Plan in accordance with Condition 8 of this permit.
  - f) A Tree Management Plan (report) and Tree Protection Plan (drawing) in accordance with Condition 9 of this permit.
  - g) Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
    - i. The type of water sensitive urban design stormwater treatment measures to be used.
    - ii. The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
    - iii. Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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 buildings without the written consent of the Responsible Authority.
5. All pipes (except down 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. Location of all plant and equipment, including hot water services and air conditioners etc. to be located away from habitable room windows of dwellings and the adjoining properties habitable room windows.
8. Before the development starts, an amended Landscape Plan 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 must be generally in accordance with the landscape concept plan drawn by Ben Scott Garden Design 9 February 2017, but modified to show:
  - a) A survey, including botanical names, of all existing trees to be retained on the site.
  - b) A survey, including botanical names, of all existing vegetation 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 trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - f) Details of surface finishes of pathways and driveways.
  - g) Proposed landscaping to the public open space to be deleted.
  - h) The proposed in ground water tank to be relocated southwards to the dwelling.
  - i) The planting of one tree capable of reaching 12m at maturity in the front set back.

- j) The planting of one tree capable of reaching 14m at maturity in the rear set back.
  - k) The location of the water sensitive urban design stormwater treatment measures in accordance with the measures identified in 1g).
9. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), 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.

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.

10. 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.
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, 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.
14. Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

#### Permit Expiry

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

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the

prescribed timeframes for an extension of the periods referred to in this condition.

#### Permit Notes

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- This permit does not constitute any authority to carry out any buildings works or occupy the building or part of the building unless all relevant building permits are obtained.
- Council records indicate that there is a 1.22m wide drainage and sewerage easement running along the middle of the property as indicated on the drawings provided. The plans indicate that a deck shall be constructed over the easement. This has been approved by Council. Any further proposals to encroach into the easement will require Build Over Easement consent from the Responsible Authority/Authorities.
- 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.
- 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**



**4.2 76 HODDER STREET, BRIGHTON EAST  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO: 2016/477 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/17/129320

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

**Moved: Cr del Porto (Mayor)**

**Seconded: Cr Heffernan**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of the land known and described as **76 Hodder Street, Brighton East** for the **construction of a double-storey dwelling and a fence exceeding 1.2m in height** in accordance with the endorsed plans and subject to the following 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 26 October 2016, but modified to show:
  - a) The first floor northern and southern boundary setbacks of each dwelling to comply with Standard B17 of Clause 55 of the Bayside Planning Scheme.
  - b) The first floor northern and southern elevations of each dwelling to include a variety of finishes and materials.
  - c) The metal-bar front fence sections between the rendered brick piers having a minimum 75% visually permeability.
  - d) The proposed treatment of the pedestrian pathways to the dwellings to be a different material/finish to the driveways.
  - e) The Dwelling 1 driveway where it intersects with the footpath and the new crossover 3m wide with a 1m offset from the northern property boundary. The Telstra pit within the driveway is to be made trafficable.
  - f) The Dwelling 2 driveway where it intersects with the footpath and the new crossover 3m wide with a nil offset from the southern property boundary.
  - g) Adequate sight lines provided where the proposed ramps/driveways intersect with the footpath as per the diagram shown in AS 2890.1. All structures including foliage, front fences etc. within the triangle must be limited to a maximum height of 0.9m or kept clear.
  - h) The following annotations added to the plans:
    - i) The garage doors having a minimum width of 3m.
    - ii) The gradient of the driveway/ramp not to exceed 1 in 16.
  - i) 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.

- j) A schedule of construction materials, external finishes and colours (incorporating, for example, paint samples).
- k) The delineation of all site services, including mailboxes, utility meters, clotheslines, air-conditioning units, stormwater detention tanks, bin and recycling enclosures, etc., for each dwelling, where not already shown.
- l) An amended landscape plan in accordance with Condition 9 of this permit; and;
- m) A Tree Management Plan in accordance with Condition 12 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. All pipes (excluding down pipes), fixtures, fittings and vents servicing any building on the site must be and remain concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. Before occupation, screening of windows and roof decks including fixed privacy screens designed to limit overlooking as required by Standard B22 be installed and maintained thereafter for the life of the building to the satisfaction of the Responsible Authority.
6. Before the occupation of the development starts, the areas set aside for vehicle parking and access ways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
7. Before the occupation of the development starts, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
8. The water-sensitive urban design stormwater treatment system as detailed in the Sustainable Design Assessment report, prepared by Energy Water Environment (Dated 2/11/2016) must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
9. Prior to the endorsement of plans pursuant to Condition 1 of this permit, an amended Landscape Plan generally in accordance with the submitted landscape plan prepared by Zenith Concepts, dated October 2016, must be submitted to and be endorsed by the Responsible Authority. The plan must be modified to include:
  - (a) At least one tree within the front setback of each new dwelling with the capacity to reach a mature height of 10m and spread of 6m.
  - (b) At least one tree within the rear setback of each dwelling, with the capacity to reach a mature height of 8m and spread of 4m.

10. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
12. 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:

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 in respect of the three Mirror-Bush (*Coprosma repens*) trees growing adjacent to the north (side) boundary at 78 Hodder Street.

The existing natural ground level must be retained within 1 m of the north (side) boundary.

13. Any pruning that is required to be done to the canopy of the trees at the rear of the property at 12 Beltane Avenue which overhang the subject site's east (rear) boundary must be undertaken by a qualified arborist, in accordance with AS 4373-2009 'Pruning of Amenity Trees' prior to the commencement of works.
14. 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.
14. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
15. 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. 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.
17. The existing Telstra pit is to be made trafficable by vehicles.
18. 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, works to public property or occupy the building or part of the building unless all relevant building and asset protection permits are obtained. The applicant is to bear the cost to remove and reinstate any street furniture or infrastructure items to provide the required access to the proposed development.
- Before any Asset Protection Permit is issued by Council, the applicant must pay \$2,618.78 to the Responsible Authority for the removal and replacement of the *Agonis flexuosa* (Willow Myrtle) street tree. This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.
- Approval from Telstra will be required for the works to make the Telstra pit within the driveway to Dwelling 1 trafficable.
- Council records indicate that there is no easement within the property.

**CARRIED**

**4.3 2 BURGESS STREET, BEAUMARIS  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/6854/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/130813

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

**Moved: Cr Martin**

**Seconded: Cr del Porto (Mayor)**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2016/6854/1** for the land known and described as **2 Burgess Street, Beaumaris**, for the **two lot subdivision** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the plan of subdivision is certified under the *Subdivision Act* 1988, 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 then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) Relocation of the proposed crossover for Lot 1 southwards to achieve a minimum 2.6 metre setback from the edge of the crossover to the existing street tree, *Banksia integrifolia*, measured from the edge of the central stem at ground level.
  - b) A Tree Management Plan (report) and Tree Protection Plan (drawing) in accordance with Condition 6 of this permit.
2. The subdivision on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Demolition of existing buildings

3. Before the statement of compliance is issued under the *Subdivision Act* 1988, all existing buildings, including carport, shed, dwelling and swimming pool must be demolished and the site scraped and cleaned to the satisfaction of the Responsible Authority. Any existing trees on the site must be retained and protected during demolition in accordance with Conditions 6 to 8 of this permit.

Subdivision works

4. Before the plan of subdivision is certified under the *Subdivision Act* 1988, detailed construction 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 include:
  - a) Construction of a vehicle crossing for Lot 1.
  - b) The reconstruction of the vehicle crossing for Lot 2.

All works constructed or carried out must be in accordance with those plans and to the satisfaction of the Responsible Authority, including the road Authority.

5. Before the statement of compliance is issued under the *Subdivision Act 1988*, the works referred to in Conditions 3 and 4 of this permit must be constructed and completed to Council's satisfaction.

#### Tree Protection Plan

6. 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.
7. 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.
  8. Prior to any site works commencing, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

#### Street Trees

9. A tree protection fence is required to protect the tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
  - a) Fencing must be secured and maintained prior to demolition and until all site works are complete.
  - b) Fencing must be installed to comply with AS 4970–2009 Protection of trees on development sites.
  - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
  - d) Fencing must be constructed and secured so its positioning cannot be modified by site workers.
  - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
10. Root pruning within the TPZ

- a) 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.
  - b) All roots that will be affected must be correctly pruned.
11. Installation of utility services within the TPZ
- a) Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

#### General

12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
13. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
14. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
15. The owner of the land must enter into an agreement with:
  - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
16. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
  - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

#### Public Open Space Contribution

17. Before the statement of compliance is issued under the *Subdivision Act* 1988, the applicant or owner must pay a Public Open Space Contribution to the Responsible Authority a sum equivalent to five (5) per cent of the site value of all the land in the subdivision.

Permit Expiry

18. This permit will expire if:

- a) The plan of subdivision is not certified with compliance within two (2) years of the date of this permit.
- b) The registration of the subdivision is not completed within five (5) years of the date of this permit.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

Permit Notes

- The land may be inspected by Council to ensure compliance with this planning permit and any plans and documents endorsed to this permit. Investigations and possible prosecutions may apply if you fail to accord with all requirements of this Planning Permit and any relevant Building Regulation, Local Law or other legislation. This includes the need for the retention and maintenance of any building, hard and soft landscaping assets and all building services.

**CARRIED**



**4.4 3 DOROTHEA STREET, HIGHETT  
NOTICE OF DECISION TO AMEND A PLANNING PERMIT  
APPLICATION NO: 2014/373/2 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/17/126398

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*It is recorded that Mr Peter Wright spoke for three minutes in relation to this item.*

**Moved: Cr Castelli**

**Seconded: Cr Long**

That Council:

Issues a **Notice of Decision to Amend a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2014/373/2** for the land known and described as **3 Dorothea Street, Highett**, for the **construction of two double storey dwellings and front fence exceeding 1.2 metre** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) The driveway of Dwelling 1 where it intersections with the footpath must be 3m wide with 0.8 metre offset from the east boundary.
  - b) The construction of a new 3 metre wide crossing for Dwelling 1 with a 0.8 metre offset from the east boundary, centred to the driveway.
  - c) The driveway for Dwelling 2 where it intersects with the footpath must be 3 metres wide with a 0.6 metre offset from the west boundary.
  - d) The construction of a new 3 metre wide crossing for Dwelling 2 with a 0.6 metre offset from the west boundary, centred to the driveway.
  - e) Impacts of the construction of the crossovers on Council assets such as pits, trees and power poles.
  - f) Compliance with the sight line requirements of AS2890.1 for the area where the driveway intersects with the footpath / nature strip for both dwellings. The plans must note that all structures and foliage, fences and other structures are limited to a maximum height of 1 metre or be kept clear.
  - g) Provision of a privacy screen on the west side of the first floor balcony of Dwelling 2 in accordance with the requirements of Standard B22 of Clause 55 of the Bayside Planning Scheme.
  - h) Internal fencing between Dwellings 1 & 2 to be a minimum of 1800mm above finished ground level.
  - i) Relocation of the ground floor east elevation ensuite and study for Dwelling 2, 200mm off the east boundary and retention of the existing east boundary fence.
  - j) Deletion of the swimming pool in the frontage of Dwelling 1.

- k) An updated landscaping plan in accordance with Condition 7 of this permit.
  - l) Location of the proposed fencing details to be shown on the proposed site plan.
  - m) All the proposed walls on boundaries to be relocated 200mm of the boundary.
  - n) All plant and equipment (including air conditioning units, heating units, hot water systems, etc.) which are proposed to be located externally.
  - o) Location and details of the proposed mailbox, meters, clotheslines and storage sheds for each proposed unit.
  - p) Provision of privacy screens:
    - i. on the east side of the first floor balcony of the proposed Unit 1.
    - ii. on the west side of the sitting room window at the first floor of the proposed Unit 1.
    - iii. on the west side of the bedroom 3 window of the proposed Unit 2.in accordance with the requirements of Standard B22 of Clause 55 of the Bayside Planning Scheme.
  - q) Nomination of glazing details in accordance with Standard B22 of Clause 55 of the Bayside Planning Scheme.
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. 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.

#### Traffic

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

#### Landscaping

7. Before the development starts, a landscape plan 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. The plan must 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 vegetation to be retained and/or removed

- b) Buildings and trees including botanical names on neighbouring properties within three metres of the boundary
- c) Details of surface finishes of pathways and driveways
- d) 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
- e) Landscaping and planting within all open areas of the site.
- f) The planting of one tree capable of reaching a minimum height of 12 metres at maturity in the Dorothea Street frontage of Dwelling 1 & secluded open space of Dwelling 2

All species selected must be to the satisfaction of the responsible authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

- 8. 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.
- 9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

#### Drainage

- 10. 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.
- 11. 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.
- 12. 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.
- 13. 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.
- 14. 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.

15. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge into adjacent properties.

Melbourne Water

16. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways
17. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to above if a request is made in writing:-

- Before the permit expires; or
- Within 6 months afterwards if development has not commenced; or
- Within 12 months afterwards if the development has lawfully commenced.

Permit Notes

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Building approval must be obtained prior to the commencement of the above approved works.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator, Mon-Fri 9:00 to 1:00pm on 9599 4638.

Permit required notes as per drainage

- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517 quoting Melbourne Water's reference 241010.

Date	Brief description of amendment
6 March 2017	Extension of time granted to allow commencement by 24 February 2019 and completion by 24 February 2021.
18 July 2017	Amendment to the permit under Section 72 of the Planning and Environment Act 1987 to: Existing Condition 1f), 1h) and 1k) to be amended as follows: <ul style="list-style-type: none"> <li>• 1f) Compliance with the sight line requirements of AS2890.1 for the area where the driveway intersects with the footpath / nature strip for both dwellings. The plans must note that all structures and foliage, fences and other structures are limited to a maximum height of 1 metre or be kept clear.</li> <li>• 1h) Internal fencing between Dwellings 1 &amp; 2 to be a minimum of 1800mm above finished ground level.</li> <li>• 1k) An updated landscaping plan in accordance with Condition 7 of this permit.</li> </ul>



	<p>New Condition 1l), 1m), 1n), 1o), 1p) and 1q) to be introduced as follows:</p> <ul style="list-style-type: none"> <li>• 1l) Location of the proposed fencing details to be shown on the proposed site plan.</li> <li>• 1m) All the proposed walls on boundaries to be relocated 200mm of the boundary.</li> <li>• 1n) All plant and equipment (including air conditioning units, heating units, hot-water systems, etc.) which are proposed to be located externally.</li> <li>• 1o) Location and details of the proposed mailbox, meters, clothlines and storage sheds for each proposed unit.</li> <li>• 1p) Provision of privacy screens       <ol style="list-style-type: none"> <li>i. on the east side of the first floor balcony of the proposed Unit 1.</li> <li>ii. on the west side of the sitting room window at the first floor of the proposed Unit 1.</li> <li>iii. on the west side of the bedroom 3 window of the proposed Unit 2.</li> </ol> <p>in accordance with the requirements of Standard B22 of Clause 55 of the Bayside Planning Scheme.</p> </li> <li>• 1q) Nomination of glazing details in accordance with Standard B22 of Clause 55 of the Bayside Planning Scheme.</li> </ul> <p>Amended Plan under Section 72 to include:</p> <p><u>Dwelling 1</u></p> <ul style="list-style-type: none"> <li>• East side setback at the ground floor has been increased from 2.05m to 2.15m</li> <li>• South rear setback at the first floor has been increased from 2.95m to 3.05m</li> <li>• Reduction the balcony size to create a new sitting room which faces to the Dorothea Street.</li> <li>• Internal layout alterations to introduce a new bedroom at the first floor.</li> <li>• Alteration to front façade design (fronting Dorothea Street) by adopting rendering and cladding finishes to replace the approved face brick and reducing the approved glazing amount.</li> <li>• Alterations to other elevations by adopting rendering and cladding to match with the proposed façade design.</li> </ul> <p><u>Dwelling 2</u></p> <ul style="list-style-type: none"> <li>• North rear setback to internal boundary fencing at the ground floor has been increased from 2.0m to 2.005m.</li> <li>• West side setback at the ground floor has been increased from 5.74m to 5.805m.</li> <li>• South rear setback fronting Marchant Street at the first floor has</li> </ul>
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	<p>been increased from 5.08m to 5.19m.</p> <ul style="list-style-type: none"><li>• West side setback at the first floor has been increased from 3.8m to 4.0m.</li><li>• Deletion of the balcony at the first floor fronting Marchant Street to create a new bedroom.</li><li>• Alteration to front façade design (fronting Marchant Street) by adopting rendering and cladding finishes to replace the approved face brick and reducing the approved glazing amount.</li><li>• Alterations to other elevations' appearance by adopting rendering and cladding to match with the proposed façade design.</li></ul>
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**CARRIED**



**4.5 38 KEATS STREET, SANDRINGHAM  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/768/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/128086

*It is recorded that Ms Edwina Laidlaw was not present in the Chamber at the time her name was called to speak to this item. It is further recorded that Mr Michael Jennings spoke for three minutes in relation to this item.*

**Moved: Cr Martin**

**Seconded: Cr Grinter**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2016/768/1** for the land known and described as **38 Keats Street, Sandringham**, for the **construction of two dwellings on a lot** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the advertised plans submitted with the application but modified to show:
  - a) The first floor east and west (side) setbacks of dwelling 1 and 2 to be increased to between 2.8 metres and 3.1 metres to meet the objective of Clause 55 of the Bayside Planning Scheme regarding side and rear setbacks;
  - b) Boundary fencing located along the eastern, southern and western boundary must be compliant with Standard B22 (Overlooking) of Clause 55 of the Bayside Planning Scheme;
  - c) Adequate sightlines must be provided where the proposed driveway intersects with the front footpath as per the diagram shown in AS2890.0.
  - d) An amended Landscape Plan in accordance with Condition 9 of this permit;
  - e) A Tree Management Plan (report) and Tree Protection Plan (drawing) in accordance with Condition 10 of this permit.
  - f) Any other decreased changes to the plans to accommodate any of the above conditional changes to the satisfaction of the Responsible Authority.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
4. All pipes (except downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to

the satisfaction of the Responsible Authority.

5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the written consent of the Responsible Authority
6. Detailed plans to the satisfaction of the Responsible Authority drawn to scale with dimensions to show:
  - a) The type of water sensitive urban design stormwater treatment measures to be used.
  - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
  - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

7. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
8. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire naturestrip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
9. 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 Kate Ardlie Design dated 24 March 2017, Revision D 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 protected vegetation to be removed from the site.
  - c) Provision of a medium tree reaching a minimum size of 8 metres located within the rear of the development.
  - 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.
  - h) Three trees capable of reaching 8 m at maturity in the rear setback; two in the south yard and one in the north yard.
10. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to, and be endorsed by, the Responsible Authority.

The Tree Management Plan (report) must be specific to the site, be in accordance with Australian Standard: Protection of Trees on Development Sites AS4970-2009 and include:

- a) Construction of the alfresco area of 38a Keats Street (south-east) to be constructed above existing grade and of a permeable nature.
- b) Demonstrated recommendations outlines within the arborist report relating to the use of root sensitive techniques for neighbouring trees.
- c) Tree Protection Zone and structural root zones of trees #3
- d) 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;
- e) Comment on methods to be utilised and instruction on how to deploy them;
- f) Comment on when the protection measures are to be deployed;
- g) Comment on when the protection measures can be modified;
- h) Process that will be followed if any damage occurs to a tree;
- i) Process that will be followed if construction works require alteration to protection measures outlined in report; and
- j) 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.

11. 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.
12. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the endorsed Tree Management Plan must be submitted to 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. 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.
15. The proposed widening of the existing vehicle crossing must not impact the street tree's health and stability; however, soil excavation must not occur within 3.0 m from the edge of the *Melia azedarach* (White Cedar) street tree asset's stem at ground level.
16. Before the development starts, including demolition or removal of vegetation, a tree protection fence must be installed for the protection of a tree's canopy and root zone. Street tree protection fencing during development are as follows:
  - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
  - b) Fencing must be installed to comply with AS 4970–2009, Protection of trees on development sites.
  - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
  - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
17. Root pruning within the TPZ:
  - a) Prior to soil excavation for a Council approved crossover within the TPZ of the street tree, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques.
  - b) All roots that will be affected must be correctly pruned.
18. Installation of utility services within the TPZ, any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.
19. Before the occupation of the development starts, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
20. 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.
21. 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 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.
22. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-

Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.

23. Any subsurface water captured on site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures". Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
24. 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.
25. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

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

Permit Notes:

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- This permit does not constitute any authority to carry out any buildings works or occupy the building or part of the building unless all relevant building permits are obtained.
- Before the development commences, the applicant must pay **\$3,410.40** to the Responsible Authority of 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 trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street trees. Any replacement planting will be at the discretion of the Responsible Authority must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

**CARRIED**

**4.6 161 NORTH ROAD, BRIGHTON  
SUPPORT THE GRANT OF A PLANNING PERMIT  
APPLICATION NO: 2016/597/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/133500

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*It is recorded that Ms Lisa Stubbs spoke for three minutes in relation to this item.*

**Moved: Cr del Porto (Mayor)**

**Seconded: Cr Heffernan**

That Council:

Determines to support the agreement reached by all participating parties at the VCAT Compulsory Conference and issue a **Permit** under the provisions of the Bayside Planning Scheme in respect of the land known and described as **161 North Road, BRIGHTON and Lot 1 TP960862X, BRIGHTON**, for **Buildings and works associated with a section 2 use (Medical Centre) and alter access to a Road Zone Category 1** in accordance with the endorsed plans and subject to the following 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 advertised plans identified as drawing nos. TP1, TP2, TP3 and TP4, all marked Revision A by Tugendhaft Architecture but modified to show:
  - a) Increase the first floor west setback and reconfigure the first floor level generally as shown on the diagram identified as 'Proposed modifications 161 North Road Brighton' dated 27 June 2017;
  - b) Changes required by condition 12;
  - c) Provision of a Waste Management Plan in accordance with Condition 15;
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. Except with the prior written consent of the Responsible Authority, the use permitted by this permit may only operate between the following times:
  - Monday to Friday - 8:00am - 7:00 pm; and,
  - Saturday 8:00am - 1:00pm.
4. All pipes (except downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the responsible authority.
6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the responsible authority.

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.
8. Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a) Constructed;
  - b) Properly 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.

Car spaces, access lanes and driveways must be kept available for these purposes at all times, including the accessway contained within the self-storage facility.

9. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.
10. Vehicular crossings must be constructed to the road to suit the proposed driveways to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the responsible authority.
11. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the responsible authority.

#### VicRoads

12. Prior commencement of the use of the development here by approved, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, 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 Site and Ground Floor Plan prepared by Tugendhaft Architects but modified to show:
  - a) Appropriate line marking and signage plans showing all vehicle movements via existing crossover on North Road as 'Entry Only' and all Exit movements via the existing rear laneway (R.O.W);
  - b) All vehicle movements via the existing crossover on North Road shall be 'Entry Only'.

#### Construction Management

13. Before the development starts, 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.

#### Stormwater Management

14. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be 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 in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and 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 landscaping 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.

The water sensitive urban design stormwater treatment system as shown on the endorsed plan 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.

### Waste Management Plan

15. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
  - a) Dimensions of storage waste areas;
  - b) Storm water drains in storage areas should be fitted with a litter trap;
  - c) The number and size of bins to be provided;
  - d) Facilities for bin cleaning;
  - e) Method of waste and recyclables collection;
  - f) Types of waste for collection, including colour coding and labelling of bins;
  - g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines);
  - h) Method of medical waste collection.
  - i) Method of presentation of bins for waste collection;
  - j) Strategies for how the generation of waste and recyclables will be minimised;
  - k) 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.

16. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
17. All operations of the site (internally and externally) must comply with SEPPN-1 and/or SEPPN-2 policies and/or EPA Technical Guidelines. The Responsible Authority may direct the owner and/or occupier, at the sole cost of the owner and/or occupier, to undertake and submit a report to Council demonstrating compliance in relation to the N-1 and/or N-2 policies and/or EPA Technical Guidelines.

### Drainage

18. Before the development starts, the permit holder must apply to Council 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.
19. Before the development starts, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
20. 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 discharged to the nearest Council Drain / Pit and not be discharged to the kerb and channel unless directed otherwise.

21. 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. This must include the section of the laneway adjacent the subject title 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.
  - 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.

Notes

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.

**CARRIED**



**4.7 2 RUXTON RISE, BEAUMARIS  
(FORMERLY LOT 1 - 489 BALCOMBE ROAD)  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/16/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/124589

*It is recorded that Mr Peter Trutsch spoke for three minutes in relation to this item.*

**Moved: Cr Martin**

**Seconded: Cr del Porto (Mayor)**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2016/16/1** for the land known and described as **2 Ruxton Rise, Beaumaris**, for the **construction of two double storey dwellings on a lot** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans (Drawing No: DWG2 – DWG6, DWG12 and L-TP01 Rev D) but modified to show:
  - a) Setbacks to the western and southern boundaries to the first floor of both dwellings in accordance with Standard B17.
  - b) Privacy screen in the Balcombe Road setback to be deleted. Screening vegetation may replace this.
  - c) Any development changes recommended by the Tree Management Plan in accordance with Condition 13 of this permit.
  - d) A longitudinal section of both driveways showing the grades and lengths of grades in accordance with AS2890.1.
  - e) Sightlines where the driveway meets the crossover in accordance with Clause 52.06-9 of the Bayside Planning Scheme.
  - f) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
  - g) A Water Sensitive Urban Design response in accordance with Condition 7 of this permit.
  - h) A Landscape Plan in accordance with Condition 10 of this permit.
  - i) A Tree Management and Protection Plan in accordance with Condition 13 of this permit.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (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 occupation, screening of windows and roof decks including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. 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.

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, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan (drawing no. L-TP01 Rev D by John Patrick Landscape Architects, dated August 2016) and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) Quantities of shrubs and ground covers to be detailed; and
  - b) Minimum supply size of the Black Sheoak (*Allocasuarina littoralis*) to be increased to 2 metres in height.
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. 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 Norfolk Island Pine (*Araucaria heterophylla*) on site and the Flowering Gum (*Corymbia ficifolia*) on the neighbouring property, 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. 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. 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.
  16. 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.
  17. 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.
  18. Before the development begins, detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be approved by Council's Infrastructure Assets department.
  19. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
  20. This permit will expire if one of the following circumstances applies:

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

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

Permit notes

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

**CARRIED**

**4.8 3 RUXTON RISE, BEAUMARIS  
(FORMERLY LOT 4 - 489 BALCOMBE ROAD)  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/617/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/136627

*It is recorded that Ms Sarah Henry spoke for three minutes in relation to this item.*

**Moved: Cr Martin**

**Seconded: Cr del Porto (Mayor)**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2016/617/1** for the land known and described as **3 Ruxton Rise, Beaumaris**, for the **construction of a dwelling on a lot less than 500 square 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 amended plans (Drawing No: A126 (Rev 03), A150 (Rev 05), A200 (Rev 05), A250 (Rev 05), A251 (Rev 03), A400 (Rev 04), A401 (Rev 04), A402 (Rev 04), A403 (Rev 04), A500 (Rev 04), A501 (Rev 04), A502 (Rev 04)) but modified to show:
  - a) The wall separating the dwelling entry and carport to be setback a minimum of 4 metres from the street frontage. The wall may be retained forward of this 4 metre setback to the minimum height needed for the driveway retaining wall.
  - b) The internal dimensions of the carport to be a minimum of 6m and 3.5m in length and width respectively.
  - c) The carport setback from the site frontage to enable a minimum 5.5m length for the tandem parking space.
  - d) The gradient of tandem parking space to not exceed a gradient of 1:16 (6.25%) in accordance with AS2980.1.
  - e) The driveway to be finished with concrete or similar sealed surface.
  - f) Sightlines where the driveway meets the crossover in accordance with Clause 52.06-9 of the Bayside Planning Scheme.
  - g) An amended Landscape Plan that identifies the tree protection measures specified in the Tree Management Plan and Tree Protection Plan provided in accordance with Condition 12 of this report.
  - h) An amended a Tree Management Plan (report) and Tree Protection Plan (drawing) in accordance with Condition 12 of this permit.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must

be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (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 occupation, screening of windows and roof decks including fixed privacy screens be designed to limit overlooking as required by Standard A15 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. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
12. 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 the Himalayan Cedar (*Cedrus deodara*) remain viable post-construction. The tree management plan must address;

- a) Tree protection measures through all phases of the development, including landscaping;
- b) Address the incursion into the TPZ as a result of trenching that occurred during the installation of infrastructure in the easement running through the site; and
- c) 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 the Himalayan Cedar; and
  - b) The location of tree protection measures to be utilised.
13. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
  14. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
  15. 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.
  16. 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.
  17. Council records indicate that there is a 3.0m wide drainage and sewerage easement along the eastern 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.
  18. This permit will expire if one of the following circumstances applies:
    - a) The development is not started within two years of the date of this permit.
    - b) The development is not completed within four years of the date of this permit.

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

Permit notes:

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

**4.9 4 RUXTON RISE, BEAUMARIS  
(FORMERLY LOT 2 - 489 BALCOMBE ROAD)  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/17/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/126423

*It is recorded that Mr Wesley Belt did not pursue his right to speak on this matter. It is further recorded that Mr Peter Trutsch spoke for three minutes 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 2016/17/1** for the land known and described as **4 Ruxton Rise, Beaumaris**, for the **construction of a double storey dwelling on a lot less than 500 square 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 amended plans (Drawing No: DWG2 – DWG6 (all Rev A) and L-TP01 Rev D) but modified to show:
  - a) A longitudinal section of both driveways showing the grades and lengths of grades in accordance with AS2890.1.
  - b) Sightlines where the driveway meets the crossover in accordance with Clause 52.06-9 of the Bayside Planning Scheme.
  - c) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
  - d) A Water Sensitive Urban Design response in accordance with Condition 7 of this permit.
  - e) A Landscape Plan in accordance with Condition 10 of this permit.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (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 occupation, screening of windows and roof decks including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be



installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

7. 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.

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, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan (drawing no. L-TP01 Rev D by John Patrick Landscape Architects, dated July 2016) and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) Quantities of shrubs and ground covers to be detailed; and
  - b) Minimum supply size of the Black Sheoak (*Allocasuarina littoralis*) to be increased to 2 metres in height.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
13. The 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.
14. 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.
15. 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.

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, detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be approved by Council's Infrastructure Assets department.
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.
19. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

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

#### Permit notes

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

**CARRIED**

**4.10 25F BOLTON STREET, BEAUMARIS  
(FORMERLY LOT 16 - 489 BALCOMBE ROAD)  
GRANT OF A PLANNING PERMIT  
APPLICATION NO: 2016/166/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/129000

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

**Moved: Cr Martin**

**Seconded: Cr Grinter**

That Council:

Issues a **Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2016/166/1** for the land known and described as **25F Bolton Street, Beaumaris**, for the **construction of a double storey dwelling and a front fence exceeding 1.2 metres in height on a lot less than 500 square 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 amended plans (Drawing No: TP.01.03(A), TP.02.01(A) – TP.02.04(A), TP.03.01(A) – TP.03.03(A), TP.04.01(A) – TP.04.02(A) and TP.05.01(A) – TP.05.02(A)) but modified to show:
  - a) Solid render wall along eastern site boundary to be deleted within 3 metres of the frontage of the site. This can be replaced with a visually permeable option similar in design to the front fence.
  - b) Visual barrier to 1.8 metres in height to ensure ground floor habitable room windows to north and east elevations comply with Standard A15.
  - c) Rear facing first floor windows to bedroom two and three to be obscure glazed, screened or have raised sill heights in accordance with Standard A15.
  - d) The pool and store room setback three metres from the stem of the Coast Banksia.
  - e) Sightlines where the driveway meets the crossover in accordance with Clause 52.06-9 of the Bayside Planning Scheme.
  - f) A Water Sensitive Urban Design response in accordance with Condition 7 of this permit.
  - g) A Landscape Plan in accordance with Condition 10 of this permit.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown

on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. All pipes (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 occupation, screening of windows and roof decks including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. 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.

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, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan (drawing no. TP.05.01(A) – TP.05.02(A) by John Patrick Landscape Architects, dated 18 May 2017) and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) Quantities of shrubs and ground covers to be detailed; and
  - b) Minimum supply size of the Coast Manna Gum (*Eucalyptus viminalis* ssp. *pryoriana*) and Coast Banksia (*Banksia integrifolia*) to be increased to 2 metres in height.
  - c) Two Little Gem Magnolia (*Magnolia grandiflora* 'Little Gem') and the Chinese Elm (*Ulmus parvifolia* 'Burnley Select') to be replaced with native species, including one Coast Manna Gum (*Eucalyptus viminalis* ssp. *pryoriana*) in the front setback.
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, 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.
14. 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.
15. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

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

#### Permit notes

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

**CARRIED**

**4.11 298 NEW STREET, BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/739/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/124315

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*It is recorded that Mr John Douglas spoke for three minutes in relation to this item.*

*Councillor Grinter left the Meeting at 8:26 pm*

*Councillor Grinter returned to the Meeting at 8:28 pm*

**Moved: Cr del Porto (Mayor)**

**Seconded: Cr Heffernan**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2016/739/1** for the land known and described as **298 New Street, Brighton**, for the **construction of a two storey building with basement car parking and use of the site as a Child Care Centre** 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 decision plans, prepared by JDA Architects and Council date stamped 14 November 2016 plans submitted with the application but modified to show:
  - a) Dimensions of the height clearance of car space 4 and the proposed stairs.
  - b) The driveway where it intersects with the footpath shall be 6.1 metre wide with 5.3 metre offset from the northern property boundary.
  - c) The existing vehicular crossover to be replaced with a new 6.1 metre wide crossover with 5.3 metre offset from the northern property boundary.
  - d) Adequate sightlines to be provided where the driveway intersects with the front footpath in accordance with AS2890.1.
  - e) The recommendations outlined in the Acoustic Assessment Report dated 2 December 2016 to be demonstrated on the plans.
  - f) A Car Parking Management Plan in accordance with Condition 14 of this permit.
  - g) A Landscape Plan in accordance with Condition 16 of this permit.
  - h) A Tree Management and Protection Plan in accordance with Condition 18 of this permit.
  - i) A STORM Report and associated information in accordance with Condition 21 of this permit.
  - j) A Waste Management Plan in accordance with Condition 22 of this permit.

All to the satisfaction of the Responsible Authority.

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. The proposal must only operate between 7:00am and 6:30pm, Monday to Friday with a maximum number of 60 children and 10 staff to be on the premises at any given time.
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. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the responsible authority.
6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the responsible authority.
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.
8. Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a) Constructed;
  - b) Properly 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, including the accessway contained within the self-storage facility.
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 crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the responsible authority.
12. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the responsible authority.
13. Construction and maintenance of the building must be in accordance with the recommendations of the Acoustic Assessment Report submitted with the application and dated 2 December 2016 and endorsed by the Responsible Authority.

### Car Parking Management

14. 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.

### Construction Management

15. 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.



Landscaping

16. Prior to the endorsement of plans pursuant to Condition 1, a landscape plan generally in accordance with the Landscape Plan submitted with the application and prepared by John Patrick and Council date stamped 14 November 2016 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. The plan must 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 vegetation to be retained and/or removed
- b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
- c) Details of surface finishes of pathways and driveways
- d) 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.
- e) The proposed Dwarf Yellow Gum within the front setback to be replaced with a tree which has a capacity to reach a mature height of 10 metres and a spread of 6 metres at maturity.
- f) Landscaping and planting within all open areas of the site.
- g) Any stormwater requirements in accordance with Condition 22 of this permit

All species selected must be to the satisfaction of the Responsible Authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

17. Before the use/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.

Tree Protection

18. 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.
19. 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 to the Responsible Authority.
20. 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.

#### Stormwater Management

21. 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 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 in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:
- The type of water sensitive urban design stormwater treatment measures to be used;
  - The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
  - 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.

The water sensitive urban design stormwater treatment system as shown on the endorsed plan 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.

#### Waste Management Plan

22. Prior to the endorsement of plans pursuant to Condition 1, a revised Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan be generally in accordance with the Waste Management Plan prepared by Leigh Design and Council date stamped 14 November 2016, must clearly indicate the location for bin cleaning and that waste collection is to be via a private contractor, not Council, and specifically reference the following:
- All waste collection shall occur within the basement only, during after-hours through a private collection contractor, not Council.
  - General waste shall be placed in tied plastic bags and stored within bins.
  - All recyclables shall be commingled into a single type of collection bin (for paper, cardboard, glass, aluminum, steel and plastic codes 1-7). Plastic bags not allowed in recycling. Bulk cardboard shall be collected in dedicated bins (privately).
  - Instructions and signage concerning recycling items as noted in Section 4.4.

- Hard waste collections shall not be placed on the nature strip or kerbside collections shall be carried out inside the property.

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.

23. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
24. All operations of the site (internally and externally) must comply with SEPPN-1 and/or SEPPN-2 policies and/or EPA Technical Guidelines. The Responsible Authority may direct the owner and/or occupier, at the sole cost of the owner and/or occupier, to undertake and submit a report to Council demonstrating compliance in relation to the N-1 and/or N-2 policies and/or EPA Technical Guidelines.

#### Drainage

25. Before the development starts, the permit holder must apply to Council for the nominated legal point of discharge for the development where stormwater runoff must be collected and free drained to Council's drainage assets to Council standards.
26. Before the development starts, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
27. 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 discharged to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
28. 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.
29. 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:

- 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.

- The existing parking bay line marking shall be modified at the applicant's cost and shall be removed via water blasting method.
- Before the development commences, the applicant must pay \$3, 039.65 to the Responsible Authority of 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 trees. This amount may be increased by the responsible authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The responsible authority, or a contractor or agent engaged by the responsible authority, must undertake the removal and replacement of the street trees. Any replacement planting will be at the discretion of the responsible authority.

**CARRIED**

**4.12 9 GRAMATAN AVENUE, BEAUMARIS  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/775/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/129132

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*It is recorded that Mrs Caroline Lawton was not present in the Chamber at the time her name was called to speak to this item. It is further recorded that Mr Jamie Paterson, Mr Chris Sutton (via proxy Mr Jamie Paterson), and Mr Mark Tucker spoke for three minutes each in relation to this item.*

*Councillor del Porto left the Meeting at 8:48 pm  
Councillor del Porto returned to the Meeting at 8:50 pm*

*Councillor Castelli left the Meeting at 8:53 pm  
Councillor Castelli returned to the Meeting at 8:55 pm*

**Moved: Cr Martin**

**Seconded: Cr Grinter**

That Council, having caused notice of **Planning Application No. 2016/775/1** to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act decides to issue a **Notice of Refusal to Grant a Permit** in respect of the land known and described as **9 Gramatan Avenue, Beaumaris**, for the **removal of two native trees** for the following reasons:

1. The proposal fails to respond to the objectives of Clause 42.02 (Vegetation Protection Overlay – Schedule 3) of the Bayside Planning Scheme, on the following grounds:
  - a) The removal of vegetation would have an adverse effect on the character of the area.

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

**DIVISION:**    **FOR:**        Crs Laurence Evans, James Long, Clarke Martin and Rob Grinter (4)

**AGAINST:** Crs Alex del Porto (Mayor), Michael Heffernan and Sonia Castelli (3)

**CARRIED**

**4.13 9 WILSON STREET, HIGHETT  
NOTICE OF DECISION TO GRANT TO A PERMIT  
APPLICATION NO: 2015/666/1 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/139674

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*It is recorded that Mr Michael Callahan, and Mr Rob McKendrick spoke for three minutes each in relation to this item.*

**Moved: Cr Castelli**

**Seconded: Cr Grinter**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2015/666/1** for the land known and described as **9 Wilson Street, Highett**, for the **construction of two double storey dwellings** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Finley Roberts Design, Job No 15-133, Drawing Nos TP-01 to TP-09 (Revision C) and the Landscape Plan prepared by Carter Grange, Drawing No: Sheet 1 of 1, Rev A and date stamped 5 April 2017, but modified to show:
  - a) A detailed Landscape Plan showing:
    - i. At least one tree capable of reaching a minimum mature height of 14 metres within the front setback of either dwelling and two trees capable of reaching a minimum mature height of 12 metres within the rear setbacks of both dwellings. The decking area to the rear of each dwelling may need to be reduced.
    - ii. Notation showing the street tree to be removed.
    - iii. Any other inconsistencies / errors noted in the original Arborist report shown on the original plans corrected.
    - iv. 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.
    - v. 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.
    - vi. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
    - vii. Landscaping and/or planting within all areas of the site not covered

by buildings or hard surfaces.

viii. Details of surface finishes of pathways and driveways.

b) A Tree Management Plan (report) and Tree Protection Plan (drawing).

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:

- i. 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.
- ii. The location of tree protection measures to be utilised. Alternative protection measures (such a ground cover) must be included in tree protection plans if any proposed tree protection fencing is to be moved to allow for works.
- iii. Details on plumbing installation. There should be no excavation works for plumbing works within the Tree Protection Zones.
- iv. Details of demolition works and tree protection measures during the demolition process to be deleted as demolition has occurred.

c) Notation on the Site Layout and Floor Plans detailing the offsets from adjoining properties in line with Connolly and Associated Survey Plans Job Reference 16589 Sheet 1 of 1 dated 19 August 2015.

d) Notation showing the street tree to be removed.

e) A minimum 800mm wide separator to the northern side of the dwelling 1 crossover.

f) The driveway grade for each dwelling no more than 1 in 20.

g) The fence defining the rear boundary of dwelling 1 and 2 nominated as being a minimum height of 1.8m in accordance with Standard B22 of ResCode.

h) The decking area to the rear of dwelling 1 and 2 reduced in size in accordance with Condition 1(a) of this permit.

i) Any changes to reduce the development to accommodate the requirements of the landscaping plan and tree protection measures as required by this permit.

j) Notation of the street tree to be removed.

k) Water sensitive urban design measures in accordance with Condition 11 of this permit.

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must

be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings 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. Before occupation, screening of windows designed to limit overlooking as required by Standard B22 must be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
8. 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.
9. 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.
10. Before the occupation of the development starts, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
11. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
  - a) The type of water sensitive urban design stormwater treatment measures to be used.
  - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
  - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

12. 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.
13. 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.
14. 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





**4.14 14 NORMANBY STREET, BRIGHTON  
SUPPORT THE GRANT OF A PLANNING PERMIT  
APPLICATION NO: 2014/72/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/138016

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*It is recorded that Mr Bruce Keen spoke for three minutes in relation to this item.*

**Moved: Cr del Porto (Mayor)**

**Seconded: Cr Heffernan**

That Council:

Determines to **Support** the agreement reached by all parties at the VCAT Compulsory Conference in respect of **Planning Application 2014/72/1** for the land known and described as **14 Normanby Street, Brighton**, for the **demolition of existing dwelling and construction of a double storey residential building (containing three dwellings) with attic, basement parking and front fence in a Heritage Overlay** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans by Jon Friedrich Architects, drawing numbers TP-01 Revision I, TP-02 Revision J, TP-03 Revision I, TP-04 Revision I, TP-05 Revision J, TP-06 Revision I, TP-07 Revision I, TP-08 Revision I and TP-09 Revision J (Revision I dated 14 June 2017 and Revision J dated 19 June 2017) and must show:
  - a) Modification to the ground floor French doors/windows to a reduction to a maximum of three openings.
  - b) Provision of and details of a 1.5 metre open high open fence and gates extending across the driveway.
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 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. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the responsible authority.
6. All car spaces must be clearly signed and line marked with relevant unit numbers.
7. Before the development starts, a landscape plan must be submitted to and approved by the responsible authority. The landscape plan must be generally in accordance with landscaping plans prepared by Wallbrink Landscape

Architecture Drawing No 1570 TP1 Rev G, TP2 Rev D and TP3 Rev F, but with the layout reversed to reflect the development shown on the plans endorsed under condition 1 of this permit. When approved, this plan will form part of the permit. The plan must show:

- a) Details of water sensitive urban design elements to be incorporated ; and
  - b) Provision of an in-ground irrigation system to all landscaped areas.
  - c) 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
8. 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.
9. 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.
10. Prior to the commencement of any site works a construction management plan to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must provide details of the following:
- a) Hours for construction activity in accordance with any other condition of this permit;
  - b) Measures to control noise, dust, water and sediment laden runoff;
  - c) The location and design of a vehicle wash-down bay for construction vehicles on the site;
  - d) The location of parking areas for construction and sub-contractors' vehicles on the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises and traffic flows. Any basement carpark on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
  - e) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the construction management plan;
  - f) Contact details of key construction site staff;
  - g) The location of any site sheds and the like. All site sheds (or similar structures) in association with the development must be located within the property confines;
  - h) Specifications of all trucks and truck movements to ensure that trucks and other vehicles associated with construction activity cause minimum disruption to surrounding premises and traffic flows in surrounding residential streets;
  - i) Any other relevant matters.
11. Before the commencement of building works, detailed plans must be submitted to and be approved by the Responsible Authority. When approved, these plans

will form part of the permit. These plans must be drawn to scale with dimensions and three copies must be provided. The plans must accord with the provisions of Clause 22.08 of the Bayside Planning Scheme and 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; and
- c) Design details of the water sensitive urban design stormwater treatment measures including cross sections.

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

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.

12. 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.
13. 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.
14. 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".
15. 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.
16. 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.
17. 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.
18. 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.

Melbourne Water

19. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
20. The basement apex shown on the driveway must be no lower than 4.1 metres to the Australian Height Datum (AHD).
21. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the issued date of this permit.
  - b) The development is not completed within four years of the issued date of this permit.

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

**CARRIED**



#### 4.16 VCAT REPORT

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/145649

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

**Moved: Cr Long**

**Seconded: Cr Grinter**

That the report on the VCAT Report on decisions for the financial year, which remain subject to final state government data provision and external audit, be noted.

**CARRIED**

**5. Confidential Business**

Nil

*Following consideration of Confidential Business the Chairperson declared the meeting closed at 11:10pm.*

**CONFIRMED THIS INSERT 15 DAY OF AUGUST 2017**

**CHAIRPERSON: .....**

