



Minutes of the Planning and Amenity Committee Meeting

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 23 January 2018

The Meeting commenced at 7:00pm

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

In attendance Mick Cummins – Director Corporate Services
Arthur Vatzakis – Acting Manager Development Services
Michael Henderson – Statutory Planning Coordinator
Michael Kelleher – Statutory Planning Coordinator
Sarah Collins – Acting Statutory Planning Coordinator
Terry Callant – Manager Governance
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 21 December 2017.

Moved: Cr Heffernan

Seconded: Cr Long

That the minutes of the Planning & Amenity Committee Meeting held on 21 December 2017, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

**4.1 25B BOLTON STREET, BEAUMARIS
(FORMERLY LOT 12, 489 BALCOMBE ROAD)
NOTICE OF REFUSAL TO GRANT A PERMIT
APPLICATION NO: 2016/73/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/2958

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

Moved: Cr Evans (Mayor)

Seconded: Cr Martin

That Council resolve to:

Issue a Notice of Refusal to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2016/73 for the land known and described as 25B Bolton Street, for the construction of one double storey dwelling on a lot less than 500 square metres in accordance with the following grounds of refusal:

1. The proposal contravenes the requirements of clause 6.4 of the Section 173 Agreement pertaining to the land by the failure to provide a landscape plan with the application.
2. The proposal fails to accord with the preferred neighbourhood character (precinct H1) of the area in accordance with Clause 22.06 (neighbourhood character policy) on the following grounds:
 - a) The application fails to detail an appropriate level of post-construction landscaping.
 - b) The application fails to ensure that the proposed development will not have an unreasonable impact on existing vegetation.
 - c) The application fails to ensure that the building is not dominant when viewed from adjoining properties.
3. The proposal fails to meet the following objectives of Clause 54 (ResCode) of the Bayside Planning Scheme:
 - a) Standard A1 – Neighbourhood character – the proposed design response fails to respect the existing or preferred character of the area.
 - b) Standard A8 – Significant trees – the proposed development will unreasonably impact upon the existing vegetation on the adjoining property to the west (25 Bolton Street, Beaumaris) and fails to ensure an appropriate post-construction landscaping outcome.
 - c) Standard A10 – Side and rear setbacks – the proposed development unreasonably impacts on the amenity of adjoining properties and wider character of the area.
 - d) Standard A15 – Overlooking – the proposed development will unreasonably overlook adjoining properties.

CARRIED

**4.2 76 - 78 BEACH ROAD, SANDRINGHAM &
1/81 BEACH ROAD, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/766/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/798

It is recorded that Mr John Stanway, Mr Jeff Dusting, Ms Sarah Taylor, and Mr David Lurie spoke for three minutes each on this item.

Moved: Cr Castelli

Seconded: Cr del Porto

That Council resolve to:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/766/1** for the land known and described as **76 – 78 Beach Road, Sandringham and 1/81 Beach Road, Sandringham**, for the **use of the site as a restricted recreation facility (gymnasium) and car parking to the satisfaction of the Responsible Authority** 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 with Council date stamped 25 September 2017 but modified to show:
 - a) The proposed plans to correctly identify the number of existing car parking spaces at 76 – 78 Beach Road, Sandringham generally in accordance with the Car Parking Assessment prepared by TraffixGroup dated August 2017.
 - b) Linemarking of the car spaces including provision of signage to indicate the relevant user group in accordance with the Bayside Planning Scheme and AS 2890.1.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 prior written consent of the Responsible Authority.
3. The layout of the uses and development on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
4. The use must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
5. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose

**4.3 157 CHURCH STREET, BRIGHTON
SUPPORT THE GRANT OF A PLANNING PERMIT
APPLICATION NO: 2017/151/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/2689

It is recorded that Mr David Bayley, and Ms Alice Maloney spoke for three minutes each on this item.

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council:

Determines to **Support** the application under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2017/151/1** for the land known and described as at **157 Church Street, Brighton** for the **development of a three storey residential building consisting of 8 apartments, a front fence exceeding 1.5 metres in height and basement car park** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but modified to show:
 - a) The provision of external security lighting within the site;
 - b) Details of the pedestrian sight triangle on the north-west side of the accessway must have a minimum 1m offset from the north-west property boundary provide adequate sight triangle;
 - c) Ground and floor levels to be shown in Australian Height Datum;
 - d) 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.

All to the satisfaction of the responsible of the responsible authority.

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

Landscaping

7. Before commencement of development, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must be generally in accordance with the landscape plan prepared by John Patrick, Drawing no. L-TP01, dated May 2017 and 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 an additional 4 small canopy trees (greater than 8 metres in height and greater than 4 metres canopy spread) throughout the site;
 - 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.
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 development starts, a construction impact report *and* tree protection methodology *for trees on neighbouring properties* must be provided in relation to the two (2) Silver Birches (*Bentula pendula*) are located within the side setback of 159 Church Street (southeast), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. The report should be in accordance with the Australian Standard Protection of Trees on Development Sites and should identify impacts that may be detrimental to the tree and include any design responses required to reduce any identified negative impact.
11. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.
12. The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - b) The location of tree protection measures to be utilised.
13. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
 14. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
 15. 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.

Water Sensitive Urban Design

16. Before commencement of development, 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 be generally in accordance with the landscape plan prepared by :
 - 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.

17. 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.

Traffic / Drainage

18. Before the occupation of the development starts, the area(s) 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.

19. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
20. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
21. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
22. Clearly marked allocation of car parking spaces for each dwelling.
23. Clearly line marked / signed visitor parking spaces.

Construction Management Plan

24. Before commencement of development, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
 - a) A detailed schedule of works including a full project timing.
 - b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
 - c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
 - d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
 - e) Proposed traffic management signage indicating any inconvenience generated by construction.
 - f) Fully detailed plan indicating where construction hoardings would be located.
 - g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
 - h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
 - i) Site security.
 - j) Public safety measures.
 - k) Construction times, noise and vibration controls.

- l) Restoration of any Council assets removed and/or damaged during construction.
- m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
- n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
- o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
- p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
- q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
- r) Details of crane activities, if any.

Development Contributions

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

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

Permit Expiry

26. 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.
- Council must be notified of the vehicular crossing and reinstatement works.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans (Mayor), Michael Heffernan,
 Clarke Martin, Rob Grinter and Sonia Castelli (6)

AGAINST: Cr James Long (1)

CARRIED

**4.5 12 AGNES STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/155/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/386

It is recorded that Mr David De Giovanni spoke for three minutes on this item.

Moved: Cr Evans (Mayor)

Seconded: Cr Martin

That Council resolve to:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/155/1** for the land known and described as **12 Agnes Street, Beaumaris**, for the **development of a double storey dwelling and an outbuilding and associated lopping of a native tree in a Vegetation Protection Overlay Schedule 3** 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 9 June 2017 but modified to show:
 - a) A site plan outlining only proposed development with all indicative landscaping removed;
 - b) Changes required by Melbourne Water at conditions 12 and 13 below;
 - c) Provision of a landscape plan in accordance with Condition 4.
 - d) Provision of a tree management and tree protection plan in accordance with condition 7.
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.

Landscaping

4. 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 PATH Design Studio, reference TP02, dated October 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.

- b) An additional indigenous canopy in the rear garden area capable of reaching a minimum of 10 metres height at maturity with a minimum canopy spread of 8 metres.
 - 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. Plantings must be 80% indigenous by species type and count.
 - 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
5. 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.
 6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

7. 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.
8. 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.
 9. 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.
 10. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

Drainage

11. 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.

Melbourne Water Conditions

12. The dwelling must be constructed with finished floor levels set no lower than 13.74 metres to Australian Height Datum (AHD), which is 300mm above the applicable floor level of 13.44 metres to AHD.
13. The garage must be constructed with finished floor levels set no lower than 13.59 metres to AHD, which is 150mm above the applicable floor level of 13.44 metres to AHD.
14. Imported fill must be kept to a minimum on the property and only be used for the subfloor areas of the dwelling, garage and driveway ramp.
15. A separate build-over application must be made directly to Melbourne Water's Asset Services Team for approval of any works within close proximity to the existing drain.
16. Any building or permanent structure including footings, eaves, etc. must be set outside of the easement or a minimum 1.5 metres laterally clear of the outside edge of the existing main drain, whichever is greater.
17. Details of any landscaping to be located within close proximity to the easement/drain are to be forwarded to Melbourne Water for approval.
18. Any new or modified stormwater connection Melbourne Water's drainage system must obtain separate approval from Melbourne Water.

Permit Expiry

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.
- 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.
- A Road Opening Permit is to be obtained from the Infrastructure Department prior to the commencement of any access to and from Moyseys Run.

CARRIED

**4.6 26 LYNCH STREET, BRIGHTON
NOTICE OF DECISION TO AMEND A PLANNING PERMIT
APPLICATION NO: 2013/375/2 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/2660

It is recorded that Mr Liam O'Neill spoke for three minutes on this item.

Moved: Cr Castelli

Seconded: Cr del Porto

That Council resolve to:

Issue a **Notice of Decision to Amend a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2013/375/2** for the land known and described as **26 Lynch Street, Brighton**, for the **construction of a double storey dwelling and a front fence exceeding 1.2 metres on a lot with an area 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 plans prepared by Cramer Building Designers and Development Consultants, Drawing numbers A2 to A10, C1, C2, and C3 dated May 2014, but modified to show:
 - a. **Removed.**
 - b. A schedule of construction materials, external finishes and colours (incorporating paint samples).
 - c. A landscape plan in accordance with Condition 12 of this planning permit.
 - d. **Removed.**
 - e. The underground rain water tank must be relocated at least 1 metre away from the side and rear boundaries to allow for the planting along boundaries.
 - f. The locations of plant and equipment including air conditioning units, condensers and pump to rain water tank to ensure that they do not cause unreasonable detriment to the amenity of the adjoining properties.
 - g. A Tree Management Plan in accordance with Condition 16.
 - h. **Removed.**
 - i. Provision of vehicle crossing splays in accordance with the diagram at Appendix A to the Report of Russell Fairlie dated June 2014, Ref No. 12095-at01/TC
 - j. **All habitable room windows at the first floor level designed and/or screened in accordance with Standard A15 of the Bayside Planning Scheme.**
 - k. **The maximum and average height of walls on the southern boundary to comply with Standard A11 of the Bayside Planning Scheme.**

- I. Removal of reference to boundary fence notations and *timber shed* on 27 Whyte Street Brighton on all plans.**
 - m. The ground floor southern boundary setback to be a minimum of 1.0 metre.**
 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, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the Responsible Authority.
 6. The walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
 7. Before the occupation of the development, the area 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. Drainedto the satisfaction of the Responsible Authority.
 8. Car spaces and driveways must be kept available for these purposes at all times.
 9. 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 by hand and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
 - 10. Removed.**
 - 11. Removed.**
 - 12. Before the developments starts, an amended 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 two copies must be provided. It must be generally in accordance with the existing endorsed landscape plan L-GA-01 dated May 2014 and prepared by OCULUS but modified to reflect the updated development plans.**
 13. Before the occupation of the development 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.

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. Prior to commencement of development a Tree Protection Management Plan for all trees on adjoining sites with part of their TPZ inside the subject site must be submitted to the Responsible Authority for approval. The management plan will provide advice on design specifications and construction management techniques to ensure all trees covered by the plan. The management plan will be to the satisfaction of the Responsible Authority and will part of the permit. The development will occur in accordance with recommendations in the plan.
16. Before the commencement of works, 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 generally in accordance with the Water Sensitive Urban Design report by Ark Resources and dated 25 July 2013.
17. 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.
18. The site must be drained to the satisfaction of the Responsible Authority.
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.

The Responsible Authority may extend the periods referred to above if a request is made in writing before the permit expires; or

- a) within 6 months afterwards if development has not commenced; or
- b) within 12 months afterwards if development has lawfully commenced.

CARRIED

**4.7 184 BLUFF ROAD, BLACK ROCK
REFUSE TO GRANT AN AMENDED PERMIT
APPLICATION NO: 2009/558/2 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/3290

It is recorded that Mr Richard Umbers spoke for three minutes on this item.

Moved: Cr del Porto

Seconded: Cr Evans (Mayor)

That Council, having caused notice of **Planning Application No. 2009/558/2** 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 Decision to Grant an Amended Planning Permit** in respect of the land known and described as **184 Bluff Road, Black Rock**, for **Buildings and works in association with a Section 2 Use and waiver of car parking in accordance with the endorsed plans** and subject to the proposed conditions and the following table inserted as a record of amendments:

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 deletion of the 12 outdoor /footpath seating and the deletion of the three outdoor tables (Tulip Street footpath).
 - b) The outdoor decking (Bluff Road frontage) must be lowered in height to 300mm above natural ground level and reduced in area to allow sufficient areas within the front setbacks for canopy tree planting.
 - c) Landscape buffers and acoustic barriers must be provided along the north and east residential boundaries.
 - d) The planter beds along the Bluff Road frontage must be increased in size - width, and depth to ensure that they are capable of supporting substantial planting,
 - e) The location of all plant and equipment must be identified on the plans.
 - f) Provision must be made for the storage of rubbish and recycling bins. All garbage storage areas must be screened from public view.
 - g) Details of the internal works, including the new coolrooms, freezer room, store/pantry and bar areas.
 - h) Landscaping plan in accordance with the requirements of Condition 11 of this permit. The plan must show increased areas for landscaping along the northern and eastern residential abbuttals and two (2) mature canopy trees planted within the front (Bluff Road setback - one on each corner).
 - i) The inclusion of rain gardens/water tanks to aid in the control stormwater discharge.
 - j) A red line plan showing additional areas for sale and consumption of alcohol.
2. The development as shown on the endorsed plans must not be altered unless with prior written consent of the Responsible Authority.
3. No more than 60 seats may be made available at any one time to the patrons of the Cafe, unless with prior written consent of the Responsible Authority.

4. The Café use may operate only between the hours of
 - Monday 7am to 7pm
 - Tuesday, Wednesday, Thursday, Friday, Saturday 7am to 10pm
 - Sunday 7am to 9pm
 - Public Holidays 7am to 9pmwith the exception of a maximum of 6 'special occasions' in any one calendar year when the use may operate between the hours of 7am and 11.30pm. Special Occasions must be recorded in a register which is to be available for inspection on demand by the Responsible Authority.
5. All signs not approved in Planning Permit No. 2004/328/1 must be removed.
6. All works must be completed in compliance with Council's Environmental Health Department requirements.
7. The amenity of the area must not be detrimentally affected by the use and development by:
 - Transport of materials, goods or commodities to or from the land
 - Appearance of any buildings and works
 - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - Presence of vermin
 - By other circumstances to the satisfaction of the Responsible Authority.
8. Any new development, alterations/renovations of existing facilities must be designed so that the noise emissions do not affect the amenity of the area. The Responsible Authority may direct noise measurements to be undertaken by a suitably qualified acoustic consultant and a report be submitted to Council for compliance in relation to N1 and/or N2 policies and/or Environment Protection Authority Technical Guidelines.
9. All noise emanating from any mechanical plant (air conditioners etc) on the site must be kept at a level satisfactory to the Environment Protection Authority and the Responsible Authority.
10. Noise associated with the delivery or collection of goods from the premises or staff activity on the site must be kept at a level satisfactory to the Environment Protection Authority and the Responsible Authority.
11. Before the occupation of the development hereby permitted 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.
12. Before the occupation of the development hereby permitted commences, 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 two copies must be provided. The landscaping plan must show:-
 - a) 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;
 - b) Landscaping and planting within all open areas of the site.
 - c) Provision of an in-ground irrigation system to all landscaped areas.All species selected must be to the satisfaction of the Responsible Authority.

13. Before the development or by such 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.
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. This permit will expire if one of the following circumstances applies:
 - a) The development has 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 if a request is made in writing before the permit expires, or within three months afterwards.

Permit Notes

- Building approval must be obtained prior to the commencement of the above approved works.
- Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act 1984 and require Council approval via the Environmental Health Officer before occupation.
- Premises used for prescribed accommodation, hairdressing, beauty therapy and skin penetration including ear piercing, electrolysis, tattooing and body piercing in any manner whatsoever are to be registered under the Health Act, 1958 and require Council approval via the Environmental Health Co-ordinator before occupation.
- 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 9:00am to 1:00pm on 9599 4638.

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

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

CARRIED

**4.8 184 BLUFF ROAD, BLACK ROCK
REFUSE TO GRANT AN AMENDED PERMIT
APPLICATION NO: 2003/645/2 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/3255

It is recorded that Mr Richard Umbers spoke for three minutes on this item.

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council, having caused notice of **Planning Application No. 2003/645/2** 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 Decision to Grant an Amended Planning Permit** in respect of the land known and described as **184 Bluff Road, Black Rock**, for **Liquor Licence in accordance with the endorsed plans** and subject to the proposed conditions and the following table inserted as a record of amendments:

1. The use and/or development as shown on the endorsed plans must not be altered or modified (whether or not in order to comply with any statute, statutory rule or for any other reason) without the prior written consent of the Responsible Authority.
2. The liquor licence may only operate between the hours of:
 - Monday 7am to 7pm
 - Tuesday, Wednesday, Thursday, Friday, Saturday 7am to 10pm
 - Sunday 7am to 9pm
 - Public Holidays 7am to 9pmunless the Responsible Authority gives consent in writing.
3. This permit will expire if one of the following circumstances applies:
 - The development and use is/are not started within two (2) years of the date of the commencement of the works.
 - The development is not started within two (2) years of the date of the commencement of works.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

CARRIED

**4.9 37-39 WILLIS STREET, HAMPTON
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2016/299/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/1778

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

Moved: Cr Castelli

Seconded: Cr Long

That Council resolve to:

1. Approve the amended plans in accordance with secondary consent provisions of Planning Permit 2016/299/1.
2. Plans identified as TP-05.1 revisions VE and a, TP-06, TP-10, TP-11, TP-12 prepared by JFKDESIGN and dated 26 October 2016 and LS-01 revision D dated June 2016 be endorsed. These plans are to be read in conjunction with plans TP-02, TP-07, TP-08, TP-09, TP-13 endorsed on 19 December 2016.
3. Plans TP-05, TP-06, TP-10, TP-11, TP-12 and LS-01 revision C endorsed on 19 December 2016 be superseded.

CARRIED

5. Confidential Business

Nil

Following consideration of Confidential Business the Chairperson declared the meeting closed at 9:20pm.

CONFIRMED THIS INSERT 13 DAY OF FEBRUARY 2018

CHAIRPERSON:

