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5. Confidential Business  
Nil

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

## 1. Apologies

There were no apologies submitted to the meeting.

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

It is recorded that Councillor Alec del Porto declared an Indirect Interest where residential amenity may be altered in Item 4.5 – 68 & 76 Union Street & 26 Milliarda Grove, Brighton East given he resides on Milliarda Grove and his residential amenity may be altered by the outcome of this item.

It is recorded that Councillor Laurence Evans declared a Personal Interest in Item 4.3 – 11 Reno Road, Sandringham given he is a personal friend of the Objector. Councillor Evans declared a direct interest in his applications to abstain from voting in relation to this item given it is in conflict with his civic responsibilities due to a personal interest.

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

- 3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 14 November 2017.

**Moved: Cr del Porto**

**Seconded: Cr Long**

That the minutes of the Planning & Amenity Committee Meeting held on 14 November 2017, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## 4. Matters of Decision

**4.1 57 LYNCH CRESCENT, BRIGHTON  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO: 2017/166 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/17/3327 – Doc No: DOC/17/235594

*It is recorded that Mr Angus Bevan spoke for three minutes on this item.*

**Moved: Cr del Porto**

**Seconded: Cr Castelli**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2017/166/1** the land known and described as **57 Lynch Crescent, Brighton**, for the **construction of two dwellings on a lot and the construction of a front fence in excess of 1.2 metres 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 plans submitted with the application date stamped 2 June 2017 but modified to show:
  - a) Turntables with a diameter of 4.5 metres, including manufacturer's specifications of the turntable.
  - b) Each car space that abuts a wall shall be widened by 300mm to accord with AS2890.1.
  - c) A driveway ramp, the first 5 metres of which measured from the top with a grade of 1 in 10 and minimum headroom of 2.2 metres to comply with AS2890.1 and/or grades and levels to the satisfaction of the Responsible Authority.
  - d) A longitudinal section of the ramp of the driveway that shows all grades, length of grades in accordance with AS2890.1.
  - e) Sight lines visibility from each side of the access such that no obstruction lies within it above 1 metre in height.
  - f) Existing "no stopping" parking sign to be relocated outside of the proposed crossing.
  - g) The existing vehicle crossing removed to the satisfaction of the Responsible Authority.
  - h) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
  - i) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
  - j) Water sensitive urban design measures in accordance with condition 8.

- k) Floor plans with boundary fence annotated to the height as shown on elevation drawing nos. TP06 and TPO6.1.
- l) Annotations for the aluminium vertical blades and horizontal louvres to be applied at the first floor level of the development that correspond with the legends shown on the elevation drawings.
- m) First floor eastern elevation set back an additional 300mm to the satisfaction of the Responsible Authority.
- n) The provision of at least 6 cubic metres of storage for each dwelling in accordance with Standard B30 of the Bayside Planning Scheme.

All to the satisfaction of the Responsible Authority.

- 2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
- 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
- 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
- 5. All pipes, 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, the obscure screening of windows in accordance with the endorsed plans and designed to limit overlooking as required by Standard B22 shall be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

#### Water Sensitive Urban Design

- 8. 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.

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

#### Traffic

10. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times. 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.

#### 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.
12. 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.
13. 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.

#### Landscaping

14. Before the development starts, 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 drawn by Species Landscape Design, dated May 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must be modified to also include the following:
  - a) The extent of paving within the tree planting zone of the Southern Magnolias proposed within the rear setback of each dwelling significantly reduced generally in accordance Appendix 2 of Council's Landscape Guidelines 2016.
15. 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.
16. 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.
17. There is to be no soil excavation with in the 2 metres of the Ulmus parvifolia street tree asset to be retained measured from the edge of the trunk.

18. Prior to soil excavation for a Council approved crossover within the Tree Protection Zone of the street tree assets, a trench must be excavated along the line of the crossover adjacent to the tree using root-sensitive, non-destructive techniques. All roots affected must be pruned in consultation with a suitably qualified Arborist.
19. 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 Tree Protection Zone 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.

#### Permit expiry

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

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

#### Permit notes

- 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 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.
- Before the vehicle crossing application will be approved, the applicant must pay \$6,036.27 to the Responsible Authority for the removal and replacement of the existing street tree(s). 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.
- The existing street tree/s to be retained must not be removed or damaged.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Council records indicate there is a 2.44m wide drainage and sewerage easement along the southern property boundary. There is no proposal to encroach into the easement with any buildings and structures of note. Proposals

to build over the easement will require Build Over Easement Consent from the Responsible Authority.

- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.
- The central *Ulmus parvifolia* street tree asset can be removed under Clause 6.5 of the Street and Park Tree Management Policy (2016) to allow the development to proceed with the installation of the proposed vehicle crossing in the proposed location.

**CARRIED**



**4.2 49 FERNHILL ROAD, SANDRINGHAM  
NOTICE OF DECISION TO AMEND A PLANNING PERMIT  
APPLICATION NO: 2013/442/2 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/237515

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*It is recorded that Mr David Hickey spoke for three minutes on this item.*

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

**Moved: Cr Evans (Mayor)**

**Seconded: Cr Martin**

That Council:

Issue a **Notice of Decision to Amend a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2013/442/2** for the land known and described as **49 Fernhill Road SANDRINGHAM** for the **Demolition, alterations and additions to a dwelling 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 dated **19 July 2017** but modified to show:
  - (a) The basement ramp widened to a minimum of 3 metres.
  - (b) The location and extent of all roof-top services on a roof plan with details of the screening materials/finishes so as to minimise visibility from the street to the satisfaction of the Responsible Authority.
  - (c) 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.
  - (d) **Deletion of the sundeck.**
  - (e) **The front fence reduced in height to 1.85 metres.**
  - (f) **Deletion of the raised garden bed adjacent the study and music room. This area is to be set aside for ground level landscaping.**
  - (g) **Deletion of all rooftop services.**
- 2 The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

- 3 All pipes with the exception of down pipes, fixtures, fittings and vents servicing the dwelling must be concealed in service ducts or otherwise hidden from view 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 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**

*It is recorded that the Mayor Cr Evans advised the Planning and Amenity Committee that in regards to Item 4.3 – 11 Reno Road Sandringham, he has a personal interest that is in conflict with his public duty.*

*It should be noted that he does not have a conflict of interest in this matter as defined by the Local Government Act 1989. The Mayor Cr Evans made application to the Committee to abstain from voting in relation to Item 4.3 – 11 Reno road Sandringham, given the objector is a personal friend.*

*Given the Mayor Cr Evans request to abstain from voting, he declared a direct interest in the decision to abstain from voting given it directly affects his obligations.*

*It is recorded that Councillor Evans (Mayor) left the Meeting at 7:21pm prior to any discussion on this item.*

**Moved: Cr Martin**

**Seconded: Cr Long**

That The Mayor Cr Evans application to abstain from voting in relation to item 4.3 –11 Reno Road Sandringham due to personal interest that is in conflict with his public duty, be approved.

**CARRIED**

**4.3 11 RENO ROAD, SANDRINGHAM,  
SUPPORT PLANNING PERMIT APPLICATION NO: 2016/284/1  
WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/232479

*It is recorded that Cr Evans was not present in the Chamber during the discussion on this item given his declared personal interest in this item.*

*It is recorded that Ms Pauline Reynolds spoke for three minutes on this item.*

**Moved: Cr Martin**

**Seconded: Cr del Porto**

That Council:

Determines to **Support** the application under the provisions of the Bayside Planning Scheme in respect of under the provisions of the Bayside Planning Scheme in respect of the land known and described as **11 Reno Road, Sandringham**, for the **construction of two dwellings on a lot** 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 VCAT plans dated 23 October 2017 but modified to show:
  - a) The impact, if any the proposed vehicle crossing will have Council assets such as pits and trees, power poles etc. Such items must be accurately shown on the plan.
  - b) An amended Landscape Plan in accordance with Condition 8 of this permit.
  - c) A Tree Protection and Management Plan in accordance with Condition 11 of this permit.
  - d) Any changes to the development required to facilitate the recommendation of the Tree Protection and Management Plan outlined at Condition 11 of this permit.
  - e) Drainage Contributions Levy Charge in accordance with Condition 18 of this permit.
  - f) The location of all plant equipment to be located away from habitable room windows and be acoustically treated.All to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the written consent of the Responsible Authority.
5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
7. Before occupation, screening of windows including fixed privacy screens, be designed to limit overlooking as required by Standard B22 and Standard B23 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
8. 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 Memla Landscape Concept Plan LC01; 20 October 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) Details of construction methods and Tree Management measures approved pursuant to the requirements of Condition 11 of this permit.
  - b) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - c) Details of surface finishes of pathways and driveways
9. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
11. 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.

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) Details of Tree Protection Zones for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site;
- b) Comment on methods to be utilised and instruction on how to deploy them;
- c) Comment on when the protection measures are to be deployed;
- d) Comment on when the protection measures can be modified;

- e) Process that will be followed if any damage occurs to a tree;
- f) Process that will be followed if construction works require alteration to protection measures outlined in report; and
- g) 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:

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

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

12. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
13. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
14. Before the development starts tree protection fencing is to be established around the *Tristanopsis laurina* (Kanooka) street tree prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire naturestrip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
15. 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.

16. 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.

17. 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.
18. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.
19. Before the occupation of the development starts, the areas set aside for vehicle parking and accessways must be constructed and drained to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
20. 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.
21. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

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

#### Permit notes

- 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.

- Before development commences the applicant must pay \$1,924.76 to the Responsible Authority for the removal and replacement of the existing street tree (closest to the western boundary). This amount has been determined in accordance with Council's current policy for the removal of street tree. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible Authority.

**CARRIED**

*It is recorded that Cr Evans was not present in the Chamber during the discussion of this item and was not present whilst the vote was taken on this item. Councillor Evans returned to the Meeting at 7:32pm.*

#### 4.4 111 CARPENTER ST, BRIGHTON SUPPORT THE GRANT OF A PLANNING PERMIT APPLICATION NO. 2017/136 WARD: NORTHERN

City Planning & Community Services - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/17/233713

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*It is recorded that Mr Warren Egger, and Mr Danny Haheesy spoke for three minutes each on this item.*

#### **Moved: Cr Heffernan**

That Council:

Determines to **Support** the application under the provisions of the Bayside Planning Scheme in respect of the land known and described as **111 Carpenter Street, Brighton**, for the **development of a three-storey residential building with basement car parking and a front fence with a height exceeding 1.5 metres on a site subject to a Design and Development Overlay (Schedule 10) and a Special Building Overlay** 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 advertised plans but modified to show:
  - a) Full compliance with Standard B17 at all levels of the development.
  - b) The provision of external security lighting within the site.
  - c) Additional articulation to be provided along the southern elevation at first floor level. This must include indenting the elevation to break up the solid monotonous appearance.
  - d) Details of the pedestrian sight triangle on the northern side of the accessway.
  - e) Swept path diagrams involving car stackers to show the specific car stackers model (including the useable platform widths, lips of car stackers and columns) to demonstrate satisfactory access, with any consequential changes to be made to the satisfaction of the Responsible Authority.
  - f) Provision of a mirror at the bottom of the ramp to improve sightlines between vehicles existing the visitor spaces and vehicles on the ramp.
  - g) Allocation of the parking spaces to each dwelling.
  - h) Ground and floor levels to be shown in Australian Height Datum.
  - i) Provision of ground clearance and height clearance diagrams to ensure that waste vehicles can access the basement levels satisfactorily.
  - j) 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.
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 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.

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, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by John Patrick Landscape Architects Pty Ltd, dated 11 April 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) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - e) Details of surface finishes of pathways and driveways.
9. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the

Responsible Authority.

10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
11. Before the development starts, a Tree Impact Assessment Report on the Chinese Elm in the rear garden of 109B Carpenter Street, 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 part 2.3.5 of the Australian Standard Protection of Trees on Development Sites 4970 and should identify impacts that may be detrimental to the tree and include any design responses required to reduce any identified negative impact.
12. 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.
13. The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
  - b) The location of tree protection measures to be utilised.
14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
  15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
  16. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
  17. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
  18. 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 hard waste collection.
- i) Method of presentation of bins for waste collection.
- j) Sufficient headroom within the basement to accommodate waste collection vehicles.
- k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
- l) Strategies for how the generation of waste and recyclables will be minimised.
- m) Compliance with relevant policy, legislation and guidelines.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

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

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

#### **Melbourne Water Conditions**

- 20. Finished floor levels of the building must be constructed no lower than 11.50 metres to Australian Height Datum (AHD).
- 21. The basement car park entry / exit must incorporate a flood proof apex and associated bunding constructed no lower than 11.50 metres to AHD.
- 22. A minimum one metre setback measured from the northern boundary and maintained at natural surface levels is required for the conveyance of overland flow.
- 23. The services are must be relocated outside the one metre northern setback.
- 24. Any fencing within the northern setback must be open style (50%) of construction to allow for the conveyance of overland flow.
- 25. Imported fill must be kept to a minimum on the property and must be only used for the sub floor areas of the building.
- 26. The front fence must be open style (50%) construction to allow for the conveyance of overland flow.
- 27. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
- 28. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).

#### **End of Melbourne Water Conditions**

- 29. 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.

30. 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 building works or occupy the building or part of the building unless all relevant building permits are obtained.
- 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.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.

**The Motion LAPSED for want of a Secunder.**

**Moved: Cr del Porto**

**Secundered: Cr Castelli**

That Council:

Determines to **Support** the application under the provisions of the Bayside Planning Scheme in respect of the land known and described as **111 Carpenter Street, Brighton**, for the **development of a three-storey residential building with basement car parking and a front fence with a height exceeding 1.5 metres on a site subject to a Design and Development Overlay (Schedule 10) and a Special Building Overlay** 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 advertised plans but modified to show:
  - a) Full compliance with Standard B17 at all levels of the development.

- b) The provision of external security lighting within the site.
  - c) Additional articulation to be provided along the southern elevation at first floor level. This must include indenting the elevation to break up the solid monotonous appearance.
  - d) Details of the pedestrian sight triangle on the northern side of the accessway.
  - e) Swept path diagrams involving car stackers to show the specific car stackers model (including the useable platform widths, lips of car stackers and columns) to demonstrate satisfactory access, with any consequential changes to be made to the satisfaction of the Responsible Authority.
  - f) Provision of a mirror at the bottom of the ramp to improve sightlines between vehicles existing the visitor spaces and vehicles on the ramp.
  - g) Allocation of the parking spaces to each dwelling.
  - h) Ground and floor levels to be shown in Australian Height Datum.
  - i) Provision of ground clearance and height clearance diagrams to ensure that waste vehicles can access the basement levels satisfactorily.
  - j) 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.
  - k) The two basement levels set back an additional 1m from the southern property boundary. The vehicle access and layout must comply with Clause 52.06 (car parking) of the Bayside Planning Scheme, or otherwise to the satisfaction of the Responsible Authority.
  - l) The ten residential car spaces to be free-standing (not in stackers). Any additional residential car spaces (not visitor spaces) may be provided in stackers.
  - m) The cinema and sauna area within the basement levels deleted with this area set aside for car parking.
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 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.

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, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by John Patrick Landscape Architects Pty Ltd, dated 11 April 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) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - e) Details of surface finishes of pathways and driveways.
9. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
11. Before the development starts, a Tree Impact Assessment Report on the Chinese Elm in the rear garden of 109B Carpenter Street, 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 part 2.3.5 of the Australian Standard Protection of Trees on Development Sites 4970 and should identify impacts that may be detrimental to the tree and include any design responses required to reduce any identified negative impact.
12. 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.
13. The Tree Management Plan must be specific to the trees shown on the Tree

Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
  - b) The location of tree protection measures to be utilised.
14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
  15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
  16. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
  17. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
  18. 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 hard waste collection.
    - i) Method of presentation of bins for waste collection.
    - j) Sufficient headroom within the basement to accommodate waste collection vehicles.
    - k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
    - l) Strategies for how the generation of waste and recyclables will be minimised.



- m) Compliance with relevant policy, legislation and guidelines.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

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

#### **Melbourne Water Conditions**

- 20. Finished floor levels of the building must be constructed no lower than 11.50 metres to Australian Height Datum (AHD).
- 21. The basement car park entry / exit must incorporate a flood proof apex and associated bunding constructed no lower than 11.50 metres to AHD.
- 22. A minimum one metre setback measured from the northern boundary and maintained at natural surface levels is required for the conveyance of overland flow.
- 23. The services are must be relocated outside the one metre northern setback.
- 24. Any fencing within the northern setback must be open style (50%) of construction to allow for the conveyance of overland flow.
- 25. Imported fill must be kept to a minimum on the property and must be only used for the sub floor areas of the building.
- 26. The front fence must be open style (50%) construction to allow for the conveyance of overland flow.
- 27. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
- 28. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).

#### **End of Melbourne Water Conditions**

- 29. 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.

- 30. 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 building works or occupy the building or part of the building unless all relevant building permits are obtained.
- 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.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.

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

**DIVISION:**    **FOR:**        Crs Alex del Porto, James Long and Sonia Castelli (3)  
                         **AGAINST:** Crs Laurence Evans (Mayor), Michael Heffernan, Clarke Martin  
                         and Rob Grinter (4)

**LOST**

**Moved: Cr Evans (Mayor)**

**Seconded: Cr del Porto**

That Council:

Determines to **Support** the application under the provisions of the Bayside Planning Scheme in respect of the land known and described as **111 Carpenter Street, Brighton**, for the **development of a three-storey residential building with basement car parking and a front fence with a height exceeding 1.5 metres on a site subject to a Design and Development Overlay (Schedule 10) and a Special Building Overlay** 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 advertised plans but modified to show:
  - a) Full compliance with Standard B17 at all levels of the development.
  - b) The provision of external security lighting within the site.
  - c) Additional articulation to be provided along the southern elevation at first floor level. This must include indenting the elevation to break up the solid monotonous appearance.
  - d) Details of the pedestrian sight triangle on the northern side of the accessway.
  - e) Swept path diagrams involving car stackers to show the specific car stackers model (including the useable platform widths, lips of car stackers and columns) to demonstrate satisfactory access, with any consequential changes to be made to the satisfaction of the Responsible Authority.

- f) Provision of a mirror at the bottom of the ramp to improve sightlines between vehicles existing the visitor spaces and vehicles on the ramp.
  - g) Allocation of the parking spaces to each dwelling.
  - h) Ground and floor levels to be shown in Australian Height Datum.
  - i) Provision of ground clearance and height clearance diagrams to ensure that waste vehicles can access the basement levels satisfactorily.
  - j) 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.
  - k) The two basement levels set back an additional 1m from the southern property boundary. The vehicle access and layout must comply with Clause 52.06 (car parking) of the Bayside Planning Scheme, or otherwise to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
  4. All pipes (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 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.

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, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by John Patrick Landscape Architects Pty Ltd,

dated 11 April 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) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - e) Details of surface finishes of pathways and driveways.
9. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
  10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
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  13. The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

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

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

name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

16. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
17. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
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  - a) Dimensions of storage waste areas.
  - b) Storm water drains in storage areas should be fitted with a litter trap.
  - c) The number and size of bins to be provided.
  - d) Facilities for bin cleaning.
  - e) Method of waste and recyclables collection.
  - f) Types of waste for collection, including colour coding and labelling of bins.
  - g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
  - h) Method of hard waste collection.
  - i) Method of presentation of bins for waste collection.
  - j) Sufficient headroom within the basement to accommodate waste collection vehicles.
  - k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
  - l) Strategies for how the generation of waste and recyclables will be minimised.
  - m) Compliance with relevant policy, legislation and guidelines.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

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

- c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
- d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
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- 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.
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- 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.

#### **Melbourne Water Conditions**

- 20. Finished floor levels of the building must be constructed no lower than 11.50 metres to Australian Height Datum (AHD).
- 21. The basement car park entry / exit must incorporate a flood proof apex and associated bunding constructed no lower than 11.50 metres to AHD.
- 22. A minimum one metre setback measured from the northern boundary and maintained at natural surface levels is required for the conveyance of overland flow.
- 23. The services are must be relocated outside the one metre northern setback.
- 24. Any fencing within the northern setback must be open style (50%) of

construction to allow for the conveyance of overland flow.

25. Imported fill must be kept to a minimum on the property and must be only used for the sub floor areas of the building.
26. The front fence must be open style (50%) construction to allow for the conveyance of overland flow.
27. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
28. Prior to the endorsement of plans, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).

#### **End of Melbourne Water Conditions**

29. 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.

30. 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 building works or occupy the building or part of the building unless all relevant building permits are obtained.
- 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.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.

**CARRIED**



**4.5 68 & 76 UNION STREET & 26 MILLIARA GROVE, BRIGHTON EAST  
SUPPORT THE GRANT OF A PLANNING PERMIT  
APPLICATION NO: 2017/144/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/248747

*It is recorded that Cr del Porto declared an indirect interest where residential amenity may be altered in this item given he owns a property in Milliarda Grove. It is further recorded that Cr del Porto vacated the meeting at 8:19pm prior to any discussion on this item.*

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

**Moved: Cr Castelli**

**Seconded: Cr Heffernan**

That Council:

Determines to **Support** the agreement reached by all parties in respect of **Planning Application 2017/144/1** for the land known and described as **68 & 76 Union Street and 26 Milliarda Grove, Brighton East**, for the **development of the land for an aged care facility, advertising signage, and associated works** 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 Smith + Tracey dated 13 November 2017, Revision A and entitled 'VCAT Issue' but modified to show:
  - a) Details of the ramp to the basement parking, including headroom, grade, provision of convex mirror.
  - b) Details of the headroom under the porte cochere.
  - c) Swept path diagrams for a 7.2m CPAV ambulance.
  - d) Water sensitive urban design measures in accordance with condition 7.
  - e) Landscaping plan in accordance with condition 11.
  - f) A schedule to construction materials, external finishes and colours (incorporating for examples paint samples).
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

#### **Water Sensitive Urban Design**

7. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The 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. 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**

9. Before the use starts, a Traffic and Parking Management 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. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. Three copies of the plan must be submitted. The plan must include:
  - a) An updated parking survey to include land to the east of the site closer to Hawthorn Road.
  - b) The location of all areas on-and/or off-site to be used for staff and patron parking.
  - c) Specification of staff numbers adequate to enable efficient operation of car parking areas both on- and off-site.
  - d) The number and location of all on- and off-site security staff.
  - e) The means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on- and off-site.
  - f) Measures to preclude staff parking in designated patron car parking areas.
  - g) Servicing of the drainage and maintenance of car parking areas.
10. The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the Responsible Authority.

### Landscaping

11. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Memla, reference LC1 Revision C, dated 9 November 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 and vegetation to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
  - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - e) Details of surface finishes of pathways and driveways
12. 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.
13. 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.

### Acoustic Report

14. Before development commences, excluding demolition, an acoustic report prepared by a suitably qualified acoustic consultant must be submitted to and be to the satisfaction of the Responsible Authority, which demonstrates that any noise associated with the gas meter complies with the State Environment Protection Policy, Control of Noise from Commence, Industry and Trade No N-1 (SEPP N1) with respect to its residential interface and in the event that it does not comply, identify any acoustic attenuation measures required for the gas meter to ensure that it complies.

### Tree Management Plan

15. Before the development starts, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

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

- Details of Tree Protection Zones for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site;
- Comment on methods to be utilised and instruction on how to deploy them;
- Comment on when the protection measures are to be deployed;
- Comment on when the protection measures can be modified;
- Process that will be followed if any damage occurs to a tree;

- Process that will be followed if construction works require alteration to protection measures outlined in report; and
- Stages of development at which inspections will occur.

Any proposed alteration to the plan must be assessed by the site arborist and can only occur following the approval of the site arborist. Such approval must be noted and provided to the Responsible Authority within 28 working days of a written request.

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.

16. 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.
17. 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.

#### **Waste Management Plan**

18. Waste management measures for the site must be in accordance with the advertised Waste Management Plan prepared by One Mile Grid dated 22 March 2017.

#### **Construction Management Plan**

19. The commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
  - a) A detailed schedule of works including a full project timing.
  - b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
  - c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
  - d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
  - e) Proposed traffic management signage indicating any inconvenience generated by construction.
  - f) Fully detailed plan indicating where construction hoardings would be located.

- g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
- h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
- i) Site security.
- j) Public safety measures.
- k) Construction times, noise and vibration controls.
- l) Restoration of any Council assets removed and/or damaged during construction.
- m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
- n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
- o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
- p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
- q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
- r) Details of crane activities, if any.

#### **Drainage Levy**

20. Prior to endorsement of the plan/s 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.

#### **Lighting**

21. The lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

#### **Signage**

22. The location and details of the sign/s, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
23. All signs must be located wholly within the boundaries of the land.
24. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
25. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.

**Staff and employee use restriction**

26. Staff and employees are not permitted to use the northeast or northwest terraces on the second floor for personal use, including staff breaks.

**Permit Expiry**

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

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

**CARRIED**

*It is recorded that Cr del Porto was not present in the Chamber during the discussion on this item and was not present whilst the vote was taken on this item. Councillor del Porto returned to the Meeting at 8:21pm.*

**4.6 181 BALCOMBE ROAD, BEAUMARIS  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2015/835/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/17/249794

*It is recorded that Mr Andrew McLaren, and Mr Gerard Gilfedder spoke for three minutes each on this item.*

**Moved: Cr Evans (Mayor)**

**Seconded: Cr Martin**

That Council:

Issues a Notice of Decision to Grant a Planning Permit under the provisions of the Bayside Planning Scheme in respect of Planning Application 2016/336 for the land known and described as 181 Balcombe Road BEAUMARIS, for the construction of two double storey dwellings (above basement level), removal of vegetation within a Vegetation Protection Overlay (Schedule 3) and alteration of access to a road in a Road Zone, Category 1 in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans, prepared by Michael Angus Architecture and Council date stamped 8 April 2016, but modified to show:
  - a) The crossover setback 1.0 metres from the eastern boundary with a width of 3.0 metres, or otherwise to the satisfaction of the Responsible Authority.
  - b) Any gate, intercom or similar device to control vehicular access to the site must be located a minimum of 6.0 metres from the property boundary (condition required by VicRoads).
  - c) The accessway and ramp grades designed in accordance with Clause 52.06 (car parking) of the Bayside Planning Scheme.
  - d) Provision of swept path analysis (B85 percentile vehicle) detailing movements in and out of dwelling 1's easternmost car space for a three point manoeuvre. Any consequential changes to the basement layout and envelope to ensure this movement can be undertaken are to the satisfaction of the Responsible Authority.
  - e) Provision of pedestrian sight triangles measuring 1.0 metre along the property frontage by 1.5 metres adjacent the eastern side of the accessway and 2.0 metres by 2.5 metres adjacent the western side of the accessway. No objects (including fencing) greater than 750 millimetres in height is to be located in these areas.
  - f) Bedroom 4 and the associated ensuite/WIR of each dwelling setback 1.0 metre from their respective side boundaries.
  - g) The living/dining rooms of each dwelling setback 1.0 metre from their respective side boundaries.

- h) The paving of each dwelling setback a minimum 2.0 metres from the rear boundary and 1.5 metres from their respective side boundary within the rear setback. This area is to be set aside for landscaping purposes.
  - i) The pavers within the front and rear setbacks to be permeable.
  - j) Deletion of indicative landscaping from the development plans.
  - k) Deletion of boundary fence notations.
  - l) Provision of a drainage contribution levy in accordance with Condition 17.
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 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
  4. 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.
  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 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.
  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.

#### Water Sensitive Urban Design

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

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

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



### Landscaping

10. Before the development starts, a revised 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, dimensioned and show:
  - a) A survey, including, botanical names of all the proposed tree removals.
  - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plan. Plantings must be 80% indigenous by species type and count.
  - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - e) Details of surface finishes of pathways and driveways.
  - f) A canopy tree must be planting in the front setback of each dwelling, no closer than three metres from the façade. The canopy tree must be of a species which is indigenous to Bayside and has the capacity to reach a height of 10 metres and a spread of 6 metres at maturity. The applicant must demonstrate that sufficient soil volume and above ground space is provided to accommodate the canopy tree planting.
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. Soil excavation must not occur within 2 metres from the edge of the *Trisniopsis laurina* street tree asset's stem at ground level.
14. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
  - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
  - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
  - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
  - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

### Drainage

15. 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.

16. 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 City Assets and Projects Department.

#### Development Contributions

17. 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.

#### VicRoads conditions

18. Pedestrian sight triangles at the vehicular crossover / basement access point must be provided in accordance with Clause 52.06-8 of the Bayside Planning Scheme to the satisfaction of the Responsible Authority.
19. The crossover, including kerb and channel, and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the works hereby approved.
20. Vehicles must always move in a forward direction when entering or leaving the site to the satisfaction of the Responsible Authority.
21. Vehicles must be able to fully enter the site without obstruction. Any gate, intercom or similar device to control vehicular access to the site must be located a minimum of 6.0 metres from the property boundary, to the satisfaction of the Responsible Authority

#### Permit Expiry

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

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

#### Permit Notes

- 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 '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**

**5. Confidential Business**

Nil

*Following consideration of Confidential Business the Chairperson declared the meeting closed at 8:34pm.*

**CONFIRMED THIS INSERT 11 DAY OF DECEMBER 2017**

**CHAIRPERSON: .....**

