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5. Confidential Business
Nil

In the absence of the Chairman Cr Evans, the Governance Manager called for nominations for the position of Acting Chairman of the Planning and Amenity Committee.

Moved Cr Long

Seconded Cr Martin

That the Mayor Cr del Porto be nominated as Acting Chairman of the 2 November 2017 Planning and Amenity Committee meeting.

As there were no further nominations, the Governance Manager declared the Mayor Cr del Porto elected as Acting Chairman for the meeting.

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

1. Apologies

An apology was received from the Chairman, Councillor Laurence Evans.

Moved Cr Long

Seconded Cr Grinter

That the apology from Councillor Evans be received and leave of absence be granted.

CARRIED

2. Disclosure of any Conflict of Interest of any Councillor

- The Mayor Cr del Porto declared an indirect conflict where residential amenity may be altered in item 4.4 – 68 & 76 Union Street and 26 Milliarda Grove Brighton East.
- Cr Heffernan declared a direct interest in item 4.10 – 25 Glydon Avenue Brighton.
- Cr Heffernan declared a direct interest in item 4.12 – 1-5 Reynolds Street Hampton East

3. Adoption and Confirmation of the minutes of previous meeting

3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 17 October 2017.

Moved: Cr Grinter

Seconded: Cr Castelli

That the minutes of the Planning & Amenity Committee Meeting held on 17 October 2017, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

**4.1 6 RUXTON RISE, BEAUMARIS
(FORMERLY LOT 11 - 489 BALCOMBE ROAD)
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/227/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/217938

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

Moved: Cr Martin

Seconded: Cr Long

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2017/227/1** for the land known and described as **6 Ruxton Rise, Beaumaris**, for the **construction of a dwelling on lot less than 500 square metres** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans submitted 11 August 2017 but modified to show:
 - a) The south facing wall of the loft/studio to be inset an additional 140mm from the rear boundary.
 - b) The north facing wall of Bedroom 2 to be inset an additional 80mm minimum to comply with the variation to Standard A10 from Schedule 3 to the Neighbourhood Residential Zone.
 - c) Measures required to treat overlooking of 25B Bolton Street from the south-facing windows to Bedroom 1 to comply with Standard A15.
 - d) The distance to the eastern boundary to be notated on the loft floor plan sheet.
 - e) Correction of the notation on the west elevation to read 'max ht. 6.500m above adj NGL@ 3.750m setback from side boundary'.
 - f) The garage door facing the Ruxton Rise streetscape to be clad in a vertical timber finish or comparable natural materials.
 - g) A longitudinal section of the driveway showing the grade and length of grades in accordance with AS2890.1.
 - h) The use of the word "should" replaced with "must" in Appendix 1 of the Arboricultural Assessment Report prepared by Greenwood Consulting and dated 24 May 2017.
 - i) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
 - j) A Water Sensitive Urban Design response in accordance with Condition 7 of this permit.

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fitting and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before occupation, screening of windows and roof decks including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. 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. Before the occupation of the development starts, the areas set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of Responsible Authority. Such areas must be kept available for these purposes at all times.
9. Before the occupation of the development starts, new or altered vehicle crossing servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
10. Prior to the commencement of development, 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, prepared by John Patrick Landscape Architects Pty Ltd and dated November 2016, and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A planting schedule, including quantities, of all shrubs, groundcovers, grasses and climbers.

11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
13. Before the development starts, including any relating 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 provided 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. Any pruning that is required to be done to the canopy of Tree 66 is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of Tree 66 is to be done by a qualified arborist.
 16. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where storm-water is drained under gravity to the Council network.
 17. Before the development starts, 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 plans required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

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

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

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

Permit notes

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

CARRIED

**4.2 9 RUXTON RISE, BEAUMARIS
(FORMERLY LOT 7 - 489 BALCOMBE ROAD)
GRANT A PLANNING PERMIT
APPLICATION NO: 2017/382/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/217937

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

Moved: Cr Martin

Seconded: Cr Long

That Council:

Issues a **Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/382/1** for the land known and described as **9 Ruxton Rise, Beaumaris**, for the **construction of a double storey dwelling on a less than 500 square metres** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans submitted 3 August 2017 but modified to show:
 - a) Length and width of the basement car parking spaces in accordance with AS2890.1.
 - b) Removal of all reference to height and location of boundary fencing.
 - c) A Water Sensitive Urban Design response in accordance with Condition 7 of this permit.
 - d) A schedule of construction materials, external finishes and colours (incorporating paint samples).
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before occupation, screening of windows and roof decks including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. 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. Before the occupation of the development starts, the areas set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
9. Before the occupation of the development starts, new or altered vehicle crossing servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
10. Before the 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 submitted to Council 29 August 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A planting schedule, including quantities, of all shrubs, groundcovers, grasses and climbers.
 - b) Details of surface finishes of pathways and driveways.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
13. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where storm-water is drained under gravity to the Council network.
14. Before the development, detailed plans indicating, but not limited to, the method of storm-water discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
15. 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.

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

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

Permit notes

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

CARRIED

**4.3 25C BOLTON STREET, BEAUMARIS
(FORMERLY LOT 13 - 489 BALCOMBE ROAD)
GRANT A PLANNING PERMIT
APPLICATION NO: 2017/429/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/208500

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

Moved: Cr Martin

Seconded: Cr Grinter

That Council:

Issues a **Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/429/1** for the land known and described as **25C Bolton Street, Beaumaris**, for the **construction of a double storey dwelling on a less than 500 square metres** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans (Drawing No: 2 – 6 (all Rev A and dated 7/11/2016) and the Landscape Concept Plan (dated 17/3/2016)) but modified to show:
 - a) A longitudinal section of the driveway and basement ramp showing the grades and lengths of grades in accordance with AS2890.1.
 - b) Any development changes (including site cut) and retaining walls required in accordance with Condition 1(a) of this permit.
 - c) Exact location of the basement turntable including setbacks from subfloor walls.
 - d) Manufacturer specifications of the basement turntable including a minimum diameter of 4.5 metres.
 - e) Exact location of the basement car parking spaces – a minimum of two (2) car parking spaces must be clearly shown.
 - f) Length and width of the car parking spaces in accordance with AS2890.1.
 - g) A Water Sensitive Urban Design response in accordance with Condition 7 of this permit.
 - h) A schedule of construction materials, external finishes and colours.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before occupation, screening of windows and roof decks including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. 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. Before the occupation of the development starts, the areas set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
9. Before the occupation of the development starts, new or altered vehicle crossing servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan, prepared by John Patrick Landscape Architects Pty Ltd and dated November 2016 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Quantities of shrubs, climbers and ground covers to be detailed.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
13. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where storm-water is drained under gravity to the Council network.

14. Before the development, detailed plans indicating, but not limited to, the method of storm-water discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
15. 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.
16. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit notes

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

CARRIED

It is recorded that the Mayor declared a conflict of interest in the next item 4.4 and vacated the Chamber prior to the consideration of this item.

In the absence of the Acting Chairman given his conflict of interest in item 4.4 the Governance Manager call for nominations for the position of Acting Chairman for the consideration of item 4.4.

Moved Cr Grinter

Seconded Cr Martin

That the Deputy Mayor Cr Long be nominated as Acting Chairman for the consideration of item 4.4.

As there were no further nominations the Governance Manager declared Cr Long elected as Acting Chairman for the consideration of item 4.4,

That the Deputy Mayor took the Chair for the consideration of this item.

It is recorded that the Mayor was absent from the meeting for the consideration of this item.

**4.4 68 & 76 UNION STREET & 26 MILLIARA GROVE, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/144/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/215209

It is recorded that Mr Miroslaw Dymityr, Miss Natalie Calia, Mr Paul Hunt and Mr Nick Chapman spoke for three minutes each on this item. It is recorded that Mr Peter Murray was not present in the Chambers.

Moved: Cr Heffernan

Seconded: Cr Grinter

That Council having complied with Sections 52, 58, 60, 61 and 62 of the *Planning and Environment Act 1987*, advises VCAT, the applicant and objectors that, had an appeal not been lodged, it would have issued a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect to **Planning Application 2017/144/1** for the land known and described as at **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 advertised plans but modified to show:
 - a) Compliance with Standard B17 (Side and Rear Setbacks) of the Bayside Planning Scheme along the eastern and southern boundaries.
 - b) Compliance with Standard B22 (Overlooking) of the Bayside Planning Scheme along the eastern, southern and western boundaries.
 - c) Provision of the western elevation to show the full extent of the elevation including the rear projection to Milliarda Grove.
 - d) Provision of sufficient landscape buffer along the south-western corner between the abutting allotments boundary fence and the proposed gas meter to the satisfaction of the responsible authority

- e) Details of the ramp to the basement parking, including headroom, grade, provision of convex mirror.
- f) Details of the headroom clearance under the porte cochere.
- g) Swept path diagrams for a 7.2m CPAV ambulance.
- h) Water sensitive urban design measures in accordance with condition 8.
- i) Landscaping plan in accordance with condition 12.
- j) A schedule to construction materials, external finishes and colours (incorporating for examples paint samples).

All to the satisfaction of the responsible authority.

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

10. 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.
 - i) Servicing of the drainage and maintenance of car parking areas.
11. 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

12. 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, dated 9 February 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

13. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
15. 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.
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.

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.

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.

Noise

21. Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority

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.

Signage Expiry

26. This permit expires 15 years from the date of issue.

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 the Mayor Cr del Porto was absent from the meeting for the consideration of the above item and was no present in the Chamber whilst the vote was taken in this matter.

Moved Cr Grinter

Seconded Cr Castelli

That the Mayor take the Chair. For the remainder of the meeting.

CARRIED

**4.5 4 CARPENTER STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/187/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/211832

It is recorded that Councillor Castelli left the Meeting at 7:44 pm. Councillor Castelli returned to the Meeting at 7:49 pm

It is recorded that Mr Michael Potter, Mr Hugh McIntosh, Mr Damian Costello, and Mr Jason Barnfather spoke for three minutes each on this item. It is recorded that Mr Ross Husek did not pursue his right to speak to this matter.

Moved: Cr Castelli

Seconded: Cr Heffernan

That Council, having caused notice of **Planning Application 2016/768/1** to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act decides to issue a **Notice of Refusal to Grant a Planning Permit** in respect of the land known and described as **4 Carpenter Street, Brighton**, for the **construction of a three storey residential building containing ten dwellings over basement car parking and the construction of a front fence exceeding a height of 1.5 metres** for the following reasons:

1. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character, Precinct D1) of Bayside Planning Scheme, on the following grounds:
 - a) The development fails to respond to the existing and preferred neighbourhood character for this precinct;
 - b) The development fails to achieve a level of sufficient vegetation across the site consistent with the preferred neighbourhood character;
 - c) The development fails to minimise the visual dominance of the building in the context of the appearance of the dwellings on the abutting allotments;
2. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B17 – Side and Rear Setbacks – the proposal does not meet the standard and fails to limit the impact on the amenity of existing dwelling and would have an unreasonable visual bulk and amenity impact on the secluded private open space of this neighbouring property;
 - b) Standard B18 – Walls on boundaries - the height of the wall along the south-western boundary doesn't respect the existing or preferred neighbourhood character and impacts on the amenity of existing dwellings
 - c) Standard B28 – Open space – The south-west terraces do not provide adequate private open space for reasonable recreation and the service needs of future residents.

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

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

CARRIED

**4.6 42 TEDDINGTON ROAD, HAMPTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/117/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/216600

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

Moved: Cr Castelli

Seconded: Cr Grinter

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2017/117/1** for the land known and described as **42 Teddington Road, Hampton** for the **construction of two double storey dwellings** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans advertised but modified to show:
 - a) The double garage to Dwelling 1 converted into a single garage with tandem car space with a minimum side setback of 2m.
 - b) The entry to Dwelling 1 located along the front facade of the dwelling.
 - c) The front wall of Dwelling 1 setback a minimum of 8.5 metres from the street, without altering any other setbacks.
 - d) The width of each crossover where reduced to 3 metres with a 1 metre offset provided to the nearest side boundary.
 - e) The single garages a minimum of 3.5 metres wide and 6 metres long with dimensions showing this.
 - f) The single garages provided with a garage door of 3 metres wide.
 - g) Both driveways must be suitably paved preferably concreted.
 - h) Adequate sight lines provided where each driveway intersects with the front footpath as per AS2890.1 with all structures, foliage, front and side fences within this are to be a maximum of 0.9 metres high.
 - i) All ground and first floor side and rear setbacks to be made compliant with Standard B17, without altering any other setbacks. An appropriate degree of articulation must remain to the satisfaction of the responsible authority.
 - j) The location of bin and recycling enclosures, mailboxes and other site facilities.
 - k) A notation that the proposed storage sheds will be 6 cubic metres.
 - l) Location of all plant and equipment, including hot water services and air conditioners etc.

- m) Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
- n) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
- o) Water sensitive urban design measures in accordance with Condition 7.

All to the satisfaction of the Responsible Authority.

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority
5. All pipes (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.
6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority
7. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

8. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
9. 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 drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.

- b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.
 - d) 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.
10. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
 12. Before the development starts, the applicant must submit approval from Telstra stating that the pit on the nature strip can be made trafficable, to the satisfaction of the Responsible Authority.
 13. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire naturestrip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
 14. 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.
 15. 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.
 16. 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.
 17. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

**4.7 7 BENT PARADE, BLACK ROCK
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/598/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/217922

It is recorded that Mr Andre Congiu spoke for three minutes on this item.

Moved: Cr Grinter

Seconded: Cr Castelli

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **planning application 5/2016/598/1** for the land known and described as **7 Bent Parade, Black Rock**, for the **construction of a double storey dwelling on a lot less than 500 square metres and the associated removal of native vegetation in a Vegetation Protection Overlay** in accordance with the endorsed plans and subject to the following conditions:

1. Before the use and/or development start/s, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans amended and Council date stamped 17 July 2017 but modified to show:
 - a) The ground floor setback to the eastern boundary to comply with Standard A10 of the Bayside Planning Scheme.
 - b) Deletion of the first floor ensuite to bedroom 1. The first floor ensuite can be relocated to the walk in robe if preferred, and a robe can be located to the western side of bedroom 1, provided it has a minimum side setback of 1.8m and maintains recession behind the front façade of the bedroom (like the current ensuite).
 - c) Location of all plant and equipment, including hot water services and air conditioners etc.
 - d) Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
 - e) Water sensitive urban design measures in accordance with Condition 7.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (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.

6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
7. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The 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.
 1. These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.
8. Before the 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 drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.
 - d) The planting of one (1) indigenous canopy tree within the front setback, which has the capacity to reach a mature height of 15m and spread of 8m.
 - e) The planting of two (2) indigenous canopy trees within the rear setback, which has the capacity to reach a mature height of 8m and spread of 5m.
 - f) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - g) Details of surface finishes of pathways and driveways.
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.
12. The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.
13. 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 applicant must arrange for a suitably qualified wildlife management professional to determine if the existing possum drey is occupied prior to removal vegetation. If the drey is occupied, the applicant must provide a wildlife relocation method statement to the satisfaction of the Responsible Authority.
16. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
17. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
18. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
19. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit Notes

- Council records indicate that there is a council stormwater drain running parallel to the southern property boundary. Council consider this asset to be protected by an implied easement. The plans indicate no proposals to encroach into the implied easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the responsible Authority/Authorities.
- The owner is encouraged to contact Council's Traffic Engineering Department to enquire about the potential for no standing zones along Bent Parade.

CARRIED

**4.8 349 NEPEAN HIGHWAY, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO. 2017/61/1 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/216969

Moved Cr Long

Seconded Cr Grinter

That the meeting be adjourned for 10 minutes.

CARRIED

It is recorded that the meeting was adjourned at 8.38pm.

Moved Cr Long

Seconded Cr Catelli

That the meeting be resumed.

CARRIED

Moved Cr Long

Seconded Cr Martin

That this item be deferred until the end of the meeting.

CARRIED

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

Moved: Cr Heffernan

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 2017/61/1** for the land known and described as **349 Nepean Highway, Brighton East**, for the **construction of two dwellings on a lot and alteration to a road in a Road Zone, Category 1** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans, prepared by Design, Subdivide and Build and Council date stamped 26 June 2017, but modified to show:
 - a) Provision of a dividing fence with a minimum height of 1.8 metres within the rear setback of the dwellings in accordance with the requirements of Standard B23 (Internal Views) of the Bayside Planning Scheme.
 - b) Deletion of first floor north and south facing balconies to each dwelling and the windows to the retreat areas to incorporate appropriate screening in accordance with Standard B22 (Overlooking) of the Bayside Planning Scheme.

- c) Adequate sightlines to be demonstrated on the plans in accordance with the Design standards for car parking pursuant to Clause 52.06-8 (Car Parking) of the Bayside Planning Scheme.
- d) A minimum 3 metre wide garage door must be provided to each single garage.
- e) All pedestrian doors associated with each garage must be provided outwards from the garages.
- f) Water sensitive urban design measures in accordance with Condition 7 of this permit.
- g) Any consequential changes to the plans to comply with any conditions of this permit which must result in no increase in the built form and envelope.

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 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.

Water Sensitive Urban Design

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

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

8. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
9. Before the occupation of the development starts, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing openings must be removed and replaced with footpath/nature strip/kerb and channel, to the satisfaction of the Responsible Authority.

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 generally in accordance with the landscape concept plan drawn by Sun 'n' Shade, dated 12/04/2017 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) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - d) Details of surface finishes of pathways and driveways.
11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Drainage

13. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
14. Before the development 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.
15. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures". Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.

16. The driveway / parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.

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.

Permit Expiry

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

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

Permit Notes

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Council records indicate that there is a 1.83m wide drainage and sewerage easement along the eastern property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the Responsible Authority/Authorities.

CARRIED

**4.9 3-5 THISTLE GROVE, HIGHETT
SUPPORT THE GRANT OF A PLANNING PERMIT
APPLICATION NO: 2016/679/1 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/224373

It is recorded that Mr William Bromhead spoke for three minutes on this item.

Moved: Cr Castelli

Seconded: Cr Grinter

That Council:

Determines to **Support** the application under the provisions of the Bayside Planning Scheme in respect of **Planning application 2016/671/1** for the land known and described as **3-5 Thistle Grove, Highett**, for the **construction of a three storey residential building and a basement on two lots** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans (Moull Murray Architects, Dwg no TP.03.01 to TP.09.07, revision A, dated 4.10.17) but modified to show:
 - a) **Deleted.**
 - b) The dwellings Private Open Space must be shown to meet the Private Open Space standards of B28 for both secluded private open space and total open space per dwelling.
 - c) The deletion of the front fence to the front communal yard and all ground floor communal boundary fences between dwellings to have a height of 1.8 metres.
 - d) All upper level bathrooms, ensuites, toilets and study/nooks to have provisions for a skylight (or similar) where direct daylight access is not provided. High light windows to the bathrooms of Dwellings 102, 107, 202 & 207. This does not apply where rooftop plant equipment inhibits this ability.
 - e) The window widths associated with all habitable room windows to have a minimum dimension of 1.2 metres.
 - f) The sides of the balconies to Dwellings 107 & 207 made open to the air above 1m from finished floor level. The openings shall be of the ratio 2h:1w (where *h* = height and *w* = width).
 - g) Each dwelling to have provisions for 6 cubic metres of externally accessible storage to comply with Standard B30 – Storage.
 - h) Clotheslines for each ground floor dwelling in accordance with Standard B34.

- i) Adequate sight lines shown where the driveway intersects with the front footpath as per the diagram shown in AS2890.1. All structures within the sight triangle must be limited to a maximum height of 0.9m or kept clear.
- j) Columns along the northern side of the basement designed in accordance with Diagram 1 of Clause 52.06 of the Planning Scheme.
- k) A schedule of construction materials, external finishes and colours (incorporating for example paint samples), including for screens provided on the balconies and roof of the building.
- l) Location of all plant and equipment, including hot water services and air conditioners etc. shown as being hidden from all street views. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms. The plant screen on the roof shall be reduced so that it is no higher than 1200mm above roof level, unless a higher screen is required to screen a particular item of plant.
- m) Any other changes required to the plans to comply with all conditions of this permit.
- n) **Deleted.**
- o) **Deleted.**
- p) **West elevation to be revised to demonstrate compliance with Standard B22 of Clause 55.04-6, Overlooking of the Bayside Planning Scheme.**

All to the satisfaction of the Responsible Authority.

2. Prior to the endorsement of plans pursuant to Condition 1, 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). Waste collection must not take place between 6am-10am and 3pm-7pm on weekdays.
 - 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. Waste collection shall be by a 6.4m rear mini loader.
- 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.

3. Prior to the endorsement of plans pursuant to Condition 1, detailed WSUD 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 (WSUD) 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.

4. Prior to the endorsement of plans pursuant to Condition 1, 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 generally in accordance with the advertised plan prepared by Wallbrink Architecture, dwg no 1875TP1, Issue B, 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 on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - b) A planting schedule of any proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. The plan shall include provision of a tree capable of reaching 10m in height at maturity in the general vicinity and in place of the four manna gums shown on the advertised landscape plan. It shall also include dense screen planting along rail corridor interface to assist in noise mitigation.
 - c) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - d) Details of surface finishes of pathways and driveways.
5. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

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

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - b) The location of tree protection measures to be utilised.
6. Prior to the endorsement of plans pursuant to Condition 1, a 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. Parking operations on the site must conform to this endorsed plan. Three copies of the plan must be submitted. The plan must include:
- a) Allocation of parking to individual properties and to visitors.
 - b) Signing of parking spaces.
 - c) Line marking of parking spaces.
 - d) Proposed access control measures such as gates, roller doors, intercoms, etc.
7. Prior to the endorsement of plans pursuant to Condition 1, an acoustic report must be submitted to and approved by the Responsible Authority to demonstrate how the dwellings will be acoustically treated to minimise noise transmission from the adjacent land uses to the satisfaction of the Responsible Authority. This shall address, amongst other items, treatment to secluded private open space areas (at all levels), windows to habitable rooms and acoustic fencing.
8. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
9. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
10. 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.
11. 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.
12. Before the development starts, 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.

13. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority. 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.
14. Before a Certificate of Occupancy is issued by a Building Surveyor, or by any other date as is approved in writing by the Responsible Authority, all buildings and works including all landscaping must be carried out and completed to the satisfaction of the Responsible Authority.
15. Once completed, the layout of the site and the size, levels, design and location of buildings and works, screens, boundaries, fixtures and services 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.
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. 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.
18. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including any dead, diseased or damaged plants are to be replaced.

VicTrack Conditions – not to be altered

19. The permit holder must not enter any railway land without the written consent of the Rail Operator. If the permit holder has obtained the Rail Operator's written consent to enter the railway land, the permit holder must comply with the Rail Operator's Site Access Procedures and Conditions when accessing the railway land.
20. Before the commencement of the development, including demolition or bulk excavation, the permit holder must contact the Rail Operator through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to the railway land. The permit holder must comply with the Rail Operator's reasonable requirements for works on, over or adjacent to the railway land.
21. Prior to the commencement of works, including demolition and bulk excavation, the permit holder must enter into all necessary construction control and indemnity agreements as required by the Rail Operator.
22. The permit holder must not, at any time, interfere with or damage any railway infrastructure (including without limitation overhead power and supporting infrastructure for trains and trams, and underground telecommunication cables). The permit holder must, at its own cost, rectify any damage to railway infrastructure. or disruption to the rail operations, arising out of or in connection with the development to the satisfaction of VicTrack and the Rail Operator within

- fourteen (14) days of such damage or disruption occurring or such other time agreed by VicTrack and the Rail Operator.
23. During the construction of the development, including demolition and bulk excavation, the permit holder must:
 - a) take all reasonable steps to avoid disruptions to rail operations; and
 - b) comply with:
 - i. the Rail Operator's safety and environmental requirements; and
 - ii. the requirements of any construction control and indemnity agreement it has entered into with the Rail Operator.
 24. The permit holder must, at all times, ensure that the common boundary with the railway land is fenced at the permit holder's expense to prohibit unauthorised access to the rail corridor.
 25. The permit holder must not, at any time:
 - a) allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
 - b) store or deposit any waste, soil or other materials on the railway land.
 26. Any wall to be built on the common boundary between the subject land and the VicTrack land must be cleaned and finished using a graffiti proof finish at the cost of the permit holder. VicTrack, in consultation with the Rail Operator, may nominate alternative measures to be implemented, at the cost of the permit holder, to prevent or reduce the potential for graffiti. Any graffiti that appears on the wall must be cleaned or removed as soon as practicable to the satisfaction of the Responsible Authority. The cost of any clean-up or removal of the graffiti from the wall must be borne by the permit holder and/or the future owners of the land.
 27. The permit holder must not carry out, or allow to be carried out, any excavation, filling or construction on the common boundary between the subject land and the railway land unless it has obtained the prior written approval of VicTrack and the Rail Operator.
 28. All works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.
 29. The permit holder must not at any time erect lighting (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.
 30. The permit holder must not plant any plants or tree species that are likely to cause any future overhang onto the railway land or disturbance to the railway operations.
 31. The permit holder must not install, or cause to be installed, any permanent or temporary ground anchors within the railway land.

Secondary Consent

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

Permit Expiry

33. 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;
or
 - 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 provides planning consent only and does not provide any other consent for building, asset protections, engineering, Referral Authority easement or any other type of consent not otherwise expressly granted.
- Occupants and their visitors will not be eligible for Council on-street parking permits.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Any walls constructed on or near the railway boundary will need to comply with the necessary Australian Standards, including the requirements for crash protection measures under AS5100.
- Building Design and Construction works are to comply with Victorian Safety (Installations) Regulations 2009 Part 3 Division 2.

CARRIED

**4.10 25 GLYNDON AVENUE, BRIGHTON
SUPPORT THE GRANT OF A PLANNING PERMIT
APPLICATION NO: 2016/645/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/228916

It is recorded that Cr Heffernan declared an indirect interest where residential amenity may be altered given his owns a property contiguous to the subject application, and vacated the Chamber.

Moved: Cr Grinter

Seconded: Cr Long

That Council:

Determines to **Support** the amended plans submitted in respect of **Planning Application 16/0645 (VCAT Reference P376/2017)** for the land known and described as **25 Glyndon Avenue, Brighton**, for **extension to a roof deck above the second storey of the existing dwelling in a Design and Development Overlay Schedule 1** in accordance with the endorsed plans and subject to the following conditions:

1. 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
2. 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.
3. Before occupation, any screening measures designed to limit overlooking must be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
4. 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.
- This permit application was not assessed against the provisions of Clause 54 – One Dwelling on a Lot (ResCode) of the Bayside Planning Scheme. It is the responsibility of the applicant/owner to appoint a Registered Building Surveyor to determine compliance of the endorsed plans associated with the issue of this Planning Permit against Part 4 of the Building Regulations 2006. Non-compliance with any regulation will require dispensation from Council's Building Department.

CARRIED

**4.11 1-5 REYNOLDS STREET, HAMPTON EAST
SUPPORT THE GRANT OF A PLANNING PERMIT
APPLICATION NO: 2016/596/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/233471

It is recorded that Mr Mark Naughton spoke for three minutes on this item.

Moved: Cr Castelli

Seconded: Cr Grinter

That Council:

Determines to **Support** the application Issues under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2016/596/1** for the land known and described as **1, 3 & 5 Reynolds Street, Hampton East**, for the **construction of a multi storey development** 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 (TP00-TP12, Rev L) but modified to show:
 - a) Modified to show changes in revision M and further modified at the Compulsory Conference conducted on 25 October 2017.
 - b) Removal of the visitor bicycle parking adjacent to the booster and service metres and its replacement with a landscaped planter box. The planter box should not exceed a height of 800mm.
 - c) Windows on the top level on the southern and eastern elevations framed with dark extruded metal frames.
 - d) All highlight windows along the east elevation to be increased in size to a minimum window height of 1.7 metres to provide increased passive surveillance over the public realm and improvement internal amenity to the rooms
 - e) Sightlines for vehicles entering and exiting the property in accordance with AS2890.1.
 - f) Urban artwork on the northern section of the eastern elevation reflecting Melbourne's laneway culture. The section is made-up of those sections of wall underneath Dwellings 104 & 105 and to the north of the balconies of Dwellings 104 & 204.
 - g) A schedule of construction materials, external finishes and colours (incorporating for example paint samples), including for screens provided on the balconies and roof of the building.
 - 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) Water Sensitive Urban Design measures in accordance with Condition 7 of this permit.

- j) A Landscaping Plan in accordance with Condition 11 of this permit.
- k) A Public Realm Improvement Plan in accordance with Condition 22 of this permit.
- l) A Waste Management Plan in accordance with Condition 19 of this permit.
- m) Height of balustrades for dwellings fronting Reynolds Street to be 1.2m high.

All to the satisfaction of the Responsible Authority.

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (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.
6. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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

10. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
11. Prior to the endorsement of plans pursuant to Condition 1, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A planting schedule of any proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - 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.
 - d) Appropriate maintenance and irrigation systems, including water volumes to be supplied, for the planters shown in the landscape plan.
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 any dead, diseased or damaged plants are to be replaced.
14. Soil excavation within the nature strip must not take place within 3m of the Acer negundo street tree asset.
15. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire naturestrip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
16. Any installation of services and drainage within the Tree Protection Zone of the street tree to be retained must be undertaken using root-sensitive, non-destructive techniques.
17. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
18. Before the development starts, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.

19. Prior to the endorsement of plans pursuant to Condition 1, 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). Waste collection must not take place between 6am-10am and 3pm-7pm on weekdays.
 - 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.
20. All sustainability measures identified in the Sustainable Management Plan, prepared by Ark Resources, must be implemented and development works undertaken in accordance with the Sustainable Management Plan, to the satisfaction of the Responsible Authority
21. The sustainability measures must be maintained to the satisfaction of the Responsible Authority, including the replacement of any items required to produce / maintain those items.
22. Prior to the endorsement of plans pursuant to Condition 1, a detailed Public Realm Improvement Plan must be submitted to and approved by the Responsible Authority. The plan must show:
- a) The construction of a concrete footpath on the northern side of Reynolds Street running from the laneway to Highbury Avenue in accordance with Council's standard drawings.
 - b) The installation of bicycle parking on the nature strip in front of the site.
 - c) The removal of the power pole at the front of the property.
 - d) The relocation of any Council assets or infrastructure required on Reynolds Street as a direct result of this development.

- e) The reconstruction of the laneway adjacent to the east of the property with bluestone kerb, channel and centre strip and intervening asphalt treatment, along with raised perpendicular strips of bluestone to act as traffic calming measures.
- f) Planting of trees on the nature strip.
- g) Introduction of street furniture (if necessary).
- h) Introduction of parking signs, with “no stopping” sign to be provided from 9m to the west of the corner of Reynolds Street and the laneway.

All to the satisfaction of the Responsible Authority.

23. Before the development starts, 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.
24. Prior to endorsement of the plan/s required under Condition x 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.
25. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit Notes

- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Residents of the proposed development shall not be entitled to any Council parking permits for residents.
- Before the development starts, the applicant must pay \$1,665.10 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Councils current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

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

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

CARRIED

**4.12 29 ST.NINIANS ROAD, BRIGHTON
SUPPORT THE GRANT OF A PLANNING PERMIT
APPLICATION NO: 2016/627/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/217394

It is recorded that Cr Heffernan declared an indirect interest where residential amenity may be altered given he owns a property contiguous to the subject application, and he vacated the Chamber prior to the consideration in this item.

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

Moved: Cr Martin

Seconded: Cr Long

That Council:

Determines to **Support** the application under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2016/627/1** for the land known and described as **29 St Ninians Road, Brighton**, for the **alterations and additions to an existing dwelling, including the construction of an attic level in the Design and Development Overlay 1** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (Prepare by Orbit Architecture, Drawing No.TP0000 Revision A, TP1101-TP1103 Revision A, TP2101 Rev B, TR2102 Rev C, TP2103 Rev E, TP2104-2105 Rev A, TP3101 Rev D, TP3102 Rev B, TP3103 Rev E, TP3104 Rev D, TP4101-TP4102 Rev B, TP4103 Rev A, TP6101 Rev A, and TP3101 Rev D dated 14/9/2017) but modified to show:
 - a) Screening or other complaint treatment to prevent overlooking of the private open space of No.27 St Ninians Road within 9 metres measured from a 45 degree plane from the western facing glazing at attic level, to the satisfaction of the Responsible Authority.
 - b) A Landscape plan in accordance with Condition 7 of this permit.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. The flat roof adjacent to the windows at attic level must not be used as a roof terrace or balcony without the prior written consent of the Responsible Authority.
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, 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. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. The planting must include indigenous and coastal species.
 - 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.
8. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
9. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where storm-water is drained under gravity to the Council network.
10. 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.
11. Council records indicate that there is a 2.0m wide drainage and sewerage easement along the northern property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the Responsible Authority/Authorities.
12. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit Notes:

- This permit application was not assessed against the provisions of Clause 54 – One Dwelling on a Lot (ResCode) of the Bayside Planning Scheme. It is the responsibility of the applicant/owner to appoint a Registered Building Surveyor to determine compliance of the endorsed plans associated with the issue of this Planning Permit against Part 4 of the Building Regulations 2006. Non-compliance with any regulation will require dispensation from Council's Building Department.

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- 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 9.12pm.

CONFIRMED THIS INSERT 14 DAY OF NOVEMBER 2017

CHAIRPERSON: