

Table of Contents

1. Apologies
2. Disclosure of any Conflict of Interest of any Councillor
3. Adoption and Confirmation of the minutes of previous meeting
4. Matters of Decision
 - 4.1 VCAT Report..... 4
 - 4.2 3-5 Thistle Grove, Highett Notice of Decision to Grant a Planning Permit Application no. 2016/679/1 Ward: Southern..... 5
 - 4.3 22 Sunlight Crescent, Brighton East Notice of Decision to Grant a Planning Permit Application No. 2016/565/1 Ward: Ccentral . 13
 - 4.4 29 St.Ninians Road, Brighton Notice of Decision to Grant a Planning Permit Application No: 2016/627/1 Ward: Northern... 18
 - 4.5 1 Gray Court, Beaumaris Notice of Decision to Grant a Planning Permit Application No: 2016/561/1 Ward: Southern..... 20
 - 4.6 23 Ferguson Street, Brighton East Notice of Decision to Grant a Planning Permit Application No: 2016/676/1 Ward: Northern.... 21
 - 4.7 16 Beddoe Avenue, Brighton East Notice of Decision to Grant a Planning Permit Application No: 2016/263/1 Ward: Northern... 22
 - 4.8 6 Snooks Court, Brighton Notice of Decision to Grant an Amended Planning Permit Application No: 2014/659/2 Ward: Northern... 27
 - 4.9 398 New Street, Brighton Secondary Consent - Approve Application No: 2015/679/1 Ward: Northern..... 32
 - 4.10 36 Nepean Highway, Brighton Secondary Consent - Approve Application No: 2014/939/1 Ward: Northern..... 33
5. Confidential Business
Nil

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

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of any Conflict of Interest of any Councillor

It is recorded that Cr Michael Heffernan declared an Personal Interest in item 4.4 regarding 29 St Ninians Road, Brighton.

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 9 May 2017.

Moved: Cr Long

Seconded: Cr del Porto (Mayor)

That the minutes of the Planning & Amenity Committee Meeting held on 9 May 2017, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 VCAT REPORT

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/93086

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

Moved: Cr del Porto (Mayor)

Seconded: Cr Grinter

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

CARRIED

**4.2 3-5 THISTLE GROVE, HIGHETT
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO. 2016/679/1 WARD: SOUTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/77405

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

Moved: Cr Grinter

Seconded: Cr Martin

That a member of the public gallery be granted three minutes to speak to this item.

LOST

Moved: Cr Castelli

Seconded: Cr del Porto (Mayor)

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2016/671/1** 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, dated 30 November 2016) but modified to show:
 - a) A reduction in the number of dwellings and the dwelling mix through the combination of proposed units 201 & 209 to form one x three bedroom dwelling and dwellings 101 & 109 altered so that they each form one bedroom dwellings. The floor layouts shall be generally re-aligned to provide a greater area for a greater floorplate for Dwelling 109 and a lesser floorplate for Dwelling 101. All dwellings renumbered and the car parking spaces for each lot accordingly shown as per the renumbering.
 - 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) Compliance to be achieved with Standard B6 of Clause 55.05-4 of the Bayside Planning Scheme.
- o) Compliance to be achieved with Standard B17 of Clause 55.05-4 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.

Permit Expiry

- 32. 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

**4.3 22 SUNLIGHT CRESCENT, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO. 2016/565/1 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/77430

It is recorded that Ms Tegan Sheffield and Mrs Lucille McGinley spoke for three minutes each in relation to this item.

*Councillor del Porto (Mayor) left the Meeting at 7:45 PM
Councillor del Porto (Mayor) returned to the Meeting at 7:49 PM*

Moved: Cr del Porto (Mayor)

Seconded: Cr Grinter

That Mrs Lucille McGinley be granted three minutes to speak to this item.

CARRIED

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 2016/565/1** for the land known and described as **22 Sunlight Crescent, Brighton East**, for the **construction of two double storey dwellings with basement car parking and variation to a restrictive covenant (instrument no. 2059983)** in accordance with the endorsed plans and subject to the following conditions from the standard 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 advertised plans (drawn by AYCH, drawing no. 1-10, Rev C, dated 28 Nov 2016) but modified to show:
 - a) The porches to each dwelling setback 2m from the side boundaries and located in front of the entry door to each dwelling, and consequent changes to the driveway and entry paths.
 - b) Wrought-iron, black balustrade or other decorative feature in place of the glass balustrade at ground level at the front of the western dwelling.
 - c) The crossover widened to 3.6m and a consequent revised driveway layout. The additional width must be extracted from the eastern side of the crossover.
 - d) Sight lines in accordance with AS2890.1 where the driveway intersects with the footpath.
 - e) AHD levels shown for the driveway ramp at each grade changing point.
 - f) A cross-section showing the headroom at the entrance to, and throughout, the basement. The minimum headroom is 2.2m as per AS2890.1.
 - g) Details of the vehicle turntable manufacturer notated on the plans.

- h) Adequate clearance provided around the turntable in accordance with the manufacturer specifications.
 - i) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
 - j) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
 - k) Water sensitive urban design measures in accordance with Condition 8 of this permit.
 - l) A Landscaping plan in accordance with Condition 12 of this permit.
 - m) A Tree Management Plan and Tree Protection Plan in accordance with Condition 15 of this permit.
 - n) Compliance to be achieved with Standard B17 of Clause 55.05-4 of the Bayside Planning Scheme.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 5. All pipes (excluding down pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 7. 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.
 8. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance

achieved and demonstrates the level of compliance with the *Urban Stormwater - Best Practice Environmental Management Guidelines*, CSIRO 1999.

9. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the *Urban Stormwater - Best Practice Environmental Management Guidelines*, CSIRO 1999, to the satisfaction of the Responsible Authority.
10. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
11. 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.
12. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Zenith Concepts, dated October 2016, Revision A, and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - e) Details of surface finishes of pathways and driveways.
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. 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 Management Plan must

be generally in accordance with the principles set out in the submitted Arboricultural Assessment and Report by Glenn Waters, dated 27 October 2016.

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.
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. Soil excavation must not occur within 3.0m from the edge of the Liquidambar styraciflua (Liquidamber) street tree asset's stem at ground level.
 19. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature-strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009, Protection of trees on development sites. 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. Prior to soil excavation for a Council-approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root-sensitive, non-destructive techniques. Any installation of services and drainage with the TPZ must be undertaken using root-sensitive, non-destructive techniques.
 20. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
 21. 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.

Variation of Restriction

22. Within 60 days of the date of this permit, a plan of variation of restriction must be submitted to the Responsible Authority for certification.
23. Prior to the commencement of the development, the certified plan variation of restriction must be lodged with the Office of Titles for registration in accordance with Section 23 of the Subdivision Act 1988. A copy of the registered plan must be submitted to Council within 14 days of registration.

Permit Expiry

24. 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.
- Council records indicate that there is a 3.05m 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(s).

CARRIED

**4.4 29 ST.NINIANS ROAD, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/627/1 WARD: NORTHERN**

City Planning & Community Services -
File No: PSF/15/8755 – Doc No: DOC/17/19558

It is recorded that Cr Heffernan declared a personal interest in this item given an indirect interest where residential amenity may be altered. It is further recorded that Cr Heffernan vacated the meeting at 8:03pm prior to any discussion on this item.

It is recorded that Mr Stephen Bitmead and Miss Judith Nicholson spoke for three minutes each in relation to this item.

Moved: Cr del Porto (Mayor)

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 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 (Drawing No.TP2101 to TP2105, TP3101 to TP3104, TP4101 to TP4103 and TP6101 dated 15/9/2016) 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.

The building surveyors attention is drawn to the need to appropriately screen windows to the neighbouring property.

- 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

It is recorded that Cr Heffernan was not present in the Chamber during the discussion on this item and was not present whilst the vote was taken on this item. Councillor Heffernan returned to the Meeting at 8:19pm.

**4.6 23 FERGUSON STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/676/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/49307

It is recorded that Ms Susan MacMillan and Ms Leonie Brown spoke for three minutes each in relation to this item.

Councillor Grinter left the Meeting at 8:33 PM

Councillor Grinter returned to the Meeting at 8:34 PM

Moved: Cr del Porto (Mayor)

Seconded: Cr Heffernan

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning Application 2016/676/1 for the land known and described as **23 Ferguson Street, Brighton East** for the **extension of one dwelling on a lot of less than 500 square metres** in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans but modified to show:
 - a) Compliance with the Eastern first floor setback standards (Standard A10) except for the stairwell area as shown on the submitted plans.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
4. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. 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 16 BEDDOE AVENUE, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/263/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/78750

It is recorded that Mr Terry Lehpamer and Ms Alice Maloney spoke for three minutes each in relation to this item.

Moved: Cr del Porto (Mayor)

Seconded: Cr Heffernan

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2016/263/1** for the land known and described as **16 Beddoe Avenue, Brighton East**, for the **construction of two dwellings on a lot and the construction of a front fence exceeding a height of 1.2 metres** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans, prepared by Frazer Paxton Architects Pty Ltd and Council date stamped 9 June 2016, but modified to show:
 - a) The proposed front setback increased to comply with the requirements of Standard B6 of the Bayside Planning Scheme with no subsequent changes to the built form.
 - b) The height of the proposed boundary walls reduced to comply with Standard B18 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 of the Bayside Planning Scheme.
 - d) Water sensitive urban design measures in accordance with Condition 6 of this permit.
 - e) A Landscaping Plan in accordance with Condition 9 of this permit.
 - f) A Tree Management and Protection Plan in accordance with Condition 12 of this permit.
 - g) Any changes as required by Melbourne Water conditions 18-30 of this permit.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, 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

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

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

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

9. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan generally in accordance with the concept landscape plans submitted with the application (TP10 and TP11) must be submitted to and be endorsed by the Responsible Authority. The plan/s must be drawn to scale with dimensions and three copies must be provided. The plan/s must be modified to show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

- e) Details of surface finishes of pathways and driveways.
 - f) Provision of a tree located within the front setback of the subject site, capable of reaching a height of 14 metres at maturity.
 - g) Details of the landscaping on the roof.
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, including that on the roof, shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
 12. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

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

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

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

Melbourne Water Conditions (17 – 20)

15. The dwellings must be constructed with finished floor levels set no lower than 16.13 metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 15.83m to AHD.
16. The garages must be constructed with finished floor levels set no lower than 15.98 metres to AHD, which is 150mm above the applicable flood level of 15.83m to AHD.
17. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
18. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, garage and driveway ramps.

19. Any new fences along the northern boundary must be of an open style of construction to allow for the passage of overland flow.
20. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

Drainage

21. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council's standards.
22. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
23. 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.
24. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - A trench grate (150mm minimum internal width) located within the property and/or
 - Shaping the driveway so that water is collected in grated pit on the property and/or
 - Another Council approved equivalent.
25. Before the development begins, detailed plans indicating the method of stormwater discharge the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be approved by Council's Infrastructure Assets department.
26. 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.

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.

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.

Melbourne Water Notes

- For a storm event with a 1% chance of occurrence in any one year, the applicable floor level for the property is 15.83 metres to Australian Height Datum (AHD).
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 267524.
- For the purpose of the Building Code of Australia – Building in Flood Hazard Areas, Melbourne Water has determine that during a flood event that has a probability of occurrence of 1% in any one years, the maximum flow rate of flood water (velocity) will be below 1.5 metres per second.

CARRIED

**4.8 6 SNOOKS COURT, BRIGHTON
NOTICE OF DECISION TO GRANT AN AMENDED PLANNING PERMIT
APPLICATION NO: 2014/659/2 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/83655

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

Moved: Cr del Porto (Mayor)

Seconded: Cr Heffernan

That Council:

Issues a **Notice of Decision to Amend a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2014/659/2** for the land known and described as **6 Snooks Court, Brighton**, for the **alterations and additions to existing dwelling including two storey additions and a front fence exceeding a height of 1.2 metres** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the draft plans received at Council on 3 August 2015 but modified to show:
 - a) Screening of the first floor north elevation family room window in accordance with Standard A15 of Res Code.
 - b) Pedestrian doors to the carport to open outward.
 - c) Provision of a new 4.5 metre wide vehicle crossing with 0.4 metre offset from the south boundary. The location of the northern edge of the existing crossing must remain unchanged.
 - d) Visibility splays in accordance with Design Standard 1 of Clause 52.06-8 of the Bayside Planning Scheme
 - e) All pool equipment to be identified on the plans and not located anywhere between the proposed building and the southern site boundary or to the east side of the proposed pool / spa to the satisfaction of the Responsible Authority.
 - f) A 2 metre high, fixed obscure glass privacy screen to the south and east elevations of the first floor balcony.
 - g) A landscape plan in accordance with Condition 3 of the permit.
 - h) All plant and equipment (including air conditioning units, heating units, hot-water systems, etc.) which is proposed to be located externally identified on the plans.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of

the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:

- a) A survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
 - c) Details of surface finishes of pathways and driveways;
 - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - e) Landscaping and planting within all open areas of the site;
 - f) Tree protection zones for all trees on neighbouring sites where these intrude into the subject site.
 - g) A canopy tree located in the front setback capable of reaching a minimum height of 6m and a minimum width of 4m.
4. Prior to commencement of the development, a Tree Protection Methodology Report (in accordance with AS 4970-2009 Protection of Trees on Development Sites) must be submitted to, and approved by the Responsible Authority in order to adequately protect the 2 *Ulmus procera* (English Elm) trees located at 2 Sheridan Court. The report must demonstrate that the Elms will remain viable post construction through the provision of a site specific tree protection methodology and must provide clear and precise instruction for the site manager on how the vegetation will be protected. A valid tree protection methodology will include, as a minimum:
- a plan that accurately locates all vegetation to be retained/protected with their TPZs identified;
 - a plan that accurately locates the location of tree protection fencing and/or ground protection;
 - a plan that accurately locates the proposed built form and all services. Services are to be located outside a TPZ or to be bored under the TPZ;
 - a plan that accurately identifies finished levels for outdoor areas;
 - a plan that accurately locates footing systems and surface details of all works inside a TPZ;
 - a legend and north point;
 - clear time frames as to when these must be installed and when they can be removed;
 - clear direction on what actions must not occur inside the area defined as a Tree Protection Zone.
- The tree protection measures outlined in the report must be adhered to before, during and after construction.
5. Tree Protection Fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete.
- a) The fencing is to be constructed and secured so its positioning cannot be modified by site workers.

- b) The fencing is to encompass the entire naturestrip under the dripline of the tree.
 - c) The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 Protection of trees on development sites.
 - d) 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.
6. Root pruning within the TPZ (Tree Protection Zone)
 - a) Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.
 - b) All affected roots must be correctly pruned according to AS 4373-2007.
 7. Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 8. 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.
 9. 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.
 10. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council's standards.
 11. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity of which is to be to the satisfaction of the Responsible Authority. The stormwater detention system is to include the runoff collected from the existing dwelling.
 12. Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
 13. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - a) A trench grate (150mm minimum internal width) located within the property; and/or
 - b) Shaping the driveway so that water is collected in a grated pit on the property; and/or
 - c) Another Council approved equivalent
 14. The driveway / parking areas / paved courtyards / paths and any 'pervious' pavers must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
 15. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and

Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.

Melbourne Water Conditions (No.s 16-24)

16. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
17. The dwelling must be set back a minimum of 4.3 metres from the northern property boundary to allow for the passage of overland flows.
18. The extended ground floor must be constructed no lower than the existing ground floor level.
19. The carport must be of an open style of construction and must remain open for the life of the structure.
20. The coping of the spa must be no greater than 150mm above the natural surface level of the site.
21. Excavated material from the site is to be removed and not stored or redistributed on site.
22. Any new fencing must be of an open style of construction to allow for the passage of floodwaters/overland flow.
23. All open space within the property must be set at the existing natural surface level so as not to obstruct the passage of overland flows, and no retaining walls are to be used in the development of the land.
24. Imported fill must be kept to a minimum on the property and must only be used for the sub floor area of the dwelling.
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.

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

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

Permit Notes

- A permit must be obtained from Council for all vehicular crossings.
- These must be constructed under Council's supervision for which 24 hours notice is required.
- Building approval must be obtained prior to the commencement of the above approved works.
- Consultation should take place with Council respect of the removal of the vehicular crossing and reinstatement works.
- Reticulated sewerage must be provided to the requirements of the Sewerage Authority.

- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator, Mon-Fri 9:00am to 1:00pm on 9599 4638.
- The applicable flood level for the property is 8.3 metres to Australian Height Datum.
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 234677.

Date	Amendment
18 May 2017	<p>Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to include the following changes to the plans:</p> <ul style="list-style-type: none"> • Ground floor alterations to windows – removal of existing rear (east facing window) and replaced with a wider window; • Addition of a window to the pantry (south elevation) to be screened in accordance with the plans submitted 18 May 2017; • Alterations to family room window from wholly obscure glazing to 1.7m high obscure glaze with clear glazing atop (north elevation); • Alteration to the Juliette balconies from a straight style design to a curved style balconies; • Alteration to the carport to remove the door to create an open style carport. • Changes to colour and material scheme (sandstone tiling to grey rendered concrete). • Alteration to existing ground floor level (raised 150mm), no change to maximum building height; • Increased front setback of the feature piers at the front of the building from 7.05m to 7.37m • Alteration to front fence from a straight and closed style front fence to an open curved style; • Alteration to the width of the swimming pool from 2m to 2.5m.

CARRIED

**4.9 398 NEW STREET, BRIGHTON
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2015/679/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/68462

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

Moved: Cr del Porto (Mayor)

Seconded: Cr Heffernan

That Council:

Approve the Amended Plans in accordance with the Secondary Consent Provisions of Planning Permit No. **2015/679/1** issued for **the alterations and additions of a single dwelling on a lot less than 500 square metres in the Neighbourhood Residential 3 Zone** and the following table be added at the end of the permit.

Date	Amendments
9 May 2017	<p data-bbox="564 853 1038 882"><u>Secondary Consent Amended Plans</u></p> <ul data-bbox="564 904 1394 1088" style="list-style-type: none"> <li data-bbox="564 904 1394 1003">• Relocation of the existing solar panels from the north and east of the roof to propose two new rows of five panels one to the north-west and one to the south-east; and, <li data-bbox="564 1025 1394 1088">• Inclusion of two A/C units to the north-east of the terrace with 800mm high louver screening.

CARRIED

NOTE: Item 4.9 was **CARRIED** as part of a block motion.

**4.10 36 NEPEAN HIGHWAY, BRIGHTON
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2014/939/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/72300

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

Moved: Cr del Porto (Mayor)

Seconded: Cr Heffernan

That Council:

Approve the Amended Plans in accordance with the Secondary Consent Provisions of Planning Permit No. **2014/939/1** issued for the **construction of a second dwelling on the land and the subdivision of land into two lots** and the following table be added at the end of the permit.

Date	Amendments
18 May 2017	<u>Secondary Consent Amended Plans</u> <ul style="list-style-type: none"> • Provision of a 0.3 m x 0.9 m window to the ensuite located along the north-western elevation.

CARRIED

NOTE: Item 4.10 was **CARRIED** as part of a block motion.

5. Confidential Business

Nil

Following consideration of Confidential Business the Chairperson declared the meeting closed at 9:27pm.

CONFIRMED THIS INSERT 99 DAY OF MONTH 2099

CHAIRPERSON:

