



Minutes of the Planning and Amenity Committee Meeting

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 6 September 2016

The Meeting commenced at 7:00pm

Councillors

Cr Alex del Porto
Cr Laurence Evans (Chairman)
Cr Felicity Frederico
Cr Michael Heffernan
Cr James Long BM JP
Cr Bruce Lowe
Cr Heather Stewart

In attendance

Shiran Wickramasinghe – Director City Planning &
Amenity
Rachel Lunn – Manager Development Services
Arthur Vatzakis – Statutory Planning Coordinator
Terry Callant – Manager Governance

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5. Confidential Business
Nil



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

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of any Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 9 August 2016.

Moved: Cr del Porto

Seconded: Cr Long

That the minutes of the Planning & Amenity Committee Meeting held on 9 August 2016, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

**4.1 108-110 WERE STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/99/1 WARD: CENTRAL**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/135199

It is recorded that Mr Jethro Fryer, Mr Lorenzo Rigoni, Mr Peter Harvey and Mr Leon Mugavin spoke for three minutes each in relation to this matter.

It is recorded that Ms Clair Nicholson was not present at the meeting at the time her name was called.

Moved Cr Frederico

Seconded Cr Lowe

That Clair Nicholson be granted three minutes to speak to this item.

CARRIED

Moved: Cr Lowe

Seconded: Cr Heffernan

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of the land known and described as **108-110 Were Street, Brighton**, for **buildings and works associated with an existing supermarket and a reduction in the required car parking rate** in accordance with the amended plans dated 9 August 2016 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 dated 29 March 2016 but modified to show:
 - a) The basement access amended to include a minimum of 1 in 10 grade over 2 metres at the top of the ramp.
 - b) 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.
 - c) Deletion of the internally illuminated business identification sign facing Cavendish Place.
 - d) A detailed landscape plan generally in accordance with the landscape concept plan and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - i. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - ii. Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - iii. Details of surface finishes of pathways and driveways.

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.
6. The external walls of the development hereby approved shall be well maintained, cleaned and finished to the satisfaction of the Responsible Authority.
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. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d) Presence of vermin.
9. Deliveries to and from the site (including waste collection) must only take place between 7.30 am and 8.30pm any day of the week unless otherwise agreed in writing by the Responsible Authority.
10. 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 (from the plant and equipment area and loading bay) 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.
11. Noise associated with the delivery or collection of goods from the premises or staff activity on the site must be kept at a level satisfactory to the EPA and the Responsible Authority.
12. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.
13. 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



14. Signs to the satisfaction of the Responsible Authority must be provided directing drivers to the areas set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.
15. Before the occupation of the development starts, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
16. 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.
17. Before the endorsement of plans under Condition 1 of this permit, a Traffic and Parking Management Report / 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 set out the Traffic and Parking Management methods as set out in the O'Brien Traffic Impact Assessment dated February 2016 and must include but not be limited to:
 - a) DELETED.
 - b) Details of Staff Parking Management including how up to (but not more than) eight (8) staff car parking permits are going to be allocated for the development and appropriately managed by the owner / operator. Additional Staff beyond 8 staff members must not be permitted to park in customer car parking spaces on Were Street or the basement.
 - c) Details of the installation of 2-hour parking for the 90-degree car park at the front and the off-street car park to the east of the building.
 - d) Details of a parking enforcement agreement between the owner and Council or private contractor to enable Council or private contractor to enforce the provisions of the Road Safety Road Rules (Victoria) 2009 in respect to the parking of vehicles on the premises.
 - e) Details of how traffic, delivery and other traffic servicing matters will comply with the requirements of this permit at all times.

Plans will not be endorsed until the parking enforcement agreement has been approved to the satisfaction of the Responsible Authority.
18. 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.
19. 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 replace.
20. Before the development starts the applicant must pay \$2604.00 to the Responsible Authority for the removal and replacement of an existing street tree (*Elaeocarpus reticulatus* -Blueberry Ash) located in the location of the proposed



crossover to Cavendish Place. 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.

21. Before the development starts tree protection fencing is to be established around the remaining street trees along the Were Street and Cavendish Place frontages 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. 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.
22. 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.
23. 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.
24. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
25. All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
26. Bottles and rubbish must not be removed from the rear of the site between the hours of 11pm and 7am the following day.
27. 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.
28. The location and details of the signs, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
29. All signs must be located wholly within the boundaries of the land.
30. The signs must not contain any flashing light.
31. The sign/s must not be illuminated by external or internal light except with the written consent of the Responsible Authority.
32. The signs must be constructed and maintained to the satisfaction of the Responsible Authority.

Correction of Titles

33. Before the development starts, the owner must obtain ownership to the land between Lot 1 on LP76585 and Lot 1 on TP 164121H.



34. *Before the operation of the additional supermarket area hereby approved starts, the owners of all affected Lots pursuant to this permit must consolidate the titles and register those titles with the Titles Office, or enter into a Section 173 agreement demonstrating that Lot 1 on LP5685, Lot 1 on TP 164121H, Lot 1 on TP 119197C and the land between Lot 1 on LP75685 and Lot 1 on TP 164121H (or as amended or amalgamated) will operate as a single entity for the point of the operation of a supermarket and supporting car parking, to ensure that sufficient car parking is available for staff and customers of the whole of the new supermarket.*

The Agreement must ensure that the additional retail space hereby approved cannot operate independently of the existing floor space and will remain for the life of the development, to the satisfaction of the Responsible Authority

35. The certified plan of consolidation referred to in Condition 34 of this permit must be lodged with the Titles Office within six months of the issued of the statement of Compliance.
36. All cost to install disabled ramps, signs and line-marking are to be met by the applicant.

Permit Expiry

37. 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

**4.2 131 - 133 CARPENTER STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2016/39/1 WARD: NORTHERN**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/138090

It is recorded Ms Brenda Templeton and Mr Michael Meyer both spoke for three minutes in relation to this matter.

Moved: Cr del Porto

Seconded: Cr Long

That Council, having caused notice of **Planning Application No. 2016/39/1** to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act decides to issue a **Notice of Refusal to Grant a Permit** in respect of the land known and described as **131 – 133 Carpenter Street, Brighton** for the **construction of a three storey building comprising ten dwellings plus basement car parking and 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 Policy, Precinct B2) of the Bayside Planning Scheme, on the following grounds:
 - a) The proposal fails to provide sufficient opportunities for landscaping and substantial vegetation.
 - b) The proposal fails to maintain the rhythm and spacious visual separation between buildings and provide space for front gardens.
 - c) The proposal fails to ensure the upper level elements of the front façade and side elevations are recessed and articulated.
 - d) The high front fence and solid fence profile fails to provide a visual connection between the dwellings and the streetscape and does not allow for views into front gardens.
 - e) The proposal fails to incorporate a variety of appropriate building materials and finishes and therefore achieves an outcome inconsistent with the preferred character of the area.
2. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B1 – Neighbourhood Character – The development fails to respond to the existing and preferred neighbourhood character for this precinct.
 - b) Standard B13 – Landscaping – The proposal fails to provide sufficient landscaping opportunities to maintain the landscape character of the area and will negatively impact existing landscaping on adjoining properties.
 - c) Standard B21 – Overshadowing – The level of overshadowing cast over neighbouring properties to the south is considered unreasonable and will cause detriment on the amenity of their secluded private open space areas.

- d) Standard B22 – Overlooking – Dwelling 8 will cause unreasonable overlooking impacts on the neighbours.
 - e) Standard B28 – Secluded private open space –The proposal fails to provide adequate secluded private open space for dwellings 1-5 for the reasonable recreation needs of the residents
 - f) Standard B30 – Storage – The proposal does not provide adequate level of storage for each dwelling.
 - g) Standard B32 – Front Fences – The proposed front fence of 1.8m fails to respect the existing and preferred neighbourhood character.
3. The proposal fails to respond to the objectives of Clause 43.02 (Design and Development Overlay Schedule 10) of the Bayside Planning Scheme as the proposed front setback of the second floor fails to provide an appropriate design response to minimise visual bulk to the streetscape and surrounding properties.

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

DIVISION: **FOR:** Crs del Porto, Evans, Long and Stewart (4)
 AGAINST: Crs Frederico, Heffernan and Lowe (3)

CARRIED



**4.3 257 BAY ROAD, CHELTENHAM
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2015/609/1 WARD: CENTRAL**

City Planning and Amenity -
File No: PSF/15/8755 – Doc No: DOC/16/136722

It is recorded that Ms Trish Boase, Mr David Rowley, Mr William Meares and Mr Jason Barnfather spoke for three minutes each in relation to this item.

Moved: Cr Frederico

Seconded: Cr Heffernan

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of the land known and described as **257 Bay Road, Cheltenham**, for the **construction of a three storey, mixed use development, comprising a food and drink premises, offices and 14 dwellings, a reduction in the required car parking spaces and a waiver of the loading bay requirements** 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 the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by KatDesign, Drawing No. TP01-TP11 and Council date stamped 22 June 2016 but modified to show:
 - a) The first and second floor redesigned to achieve compliance with the requirements of Standard B17 of Clause 55 of the Bayside Planning Scheme.
 - b) The extension of the first floor balcony of dwelling 4 to the eastern boundary of the site.
 - c) The finished floor level of the all the commercial tenancies to be lowered to ground floor level with the deletion of the stairs heading upwards.
 - d) The use of lighter external materials and finishes throughout the development, as demonstrated on the proposed perspective Council date stamped 22 June 2016.
 - e) A notation on the lower ground level (TP03) that the storage areas associated with the food and drink premises and offices will be used for storage purposes only.
 - f) All plant and equipment to be located away from habitable room windows of the dwellings and the adjoining properties habitable rooms.
 - g) Amended plans to detail the parking allocation and line marking of car spaces. Visitor spaces must be clearly line marked.
 - h) Car stacker specifications including dimensional cross sections. The plans must demonstrate that the floor space and ceiling height is adequate for the proposed type of car stackers to be installed.

- i) A minimum 1.5m x 1.5m splay at the south west and north west corner of the property for pedestrian safety and sightlines in accordance with AS2890.1.
- j) The proposed canopy above the Council footpath to achieve compliance with the relevant building regulations.
- k) Water sensitive urban design measures in accordance with Condition 7 of this permit.
- l) A Waste Management Plan in accordance with Condition 14 of this permit.
- m) A Construction Management Plan in accordance with Condition 15 of this permit.
- n) A Traffic and Parking Management Plan in accordance with Condition 16 of this permit.
- o) A Public Realm Improvement Plan in accordance with Condition 17.
- p) The provision of the additional car spaces within the site to comply with the carparking requirements of Clause 52.06 of the Bayside Planning Scheme.

All changes to the plans must be 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. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the Responsible Authority.
- 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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
- 6. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
- 7. Before 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 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. Should mechanical stackers be required, they must be kept in good working order to the satisfaction of the Responsible Authority to ensure access to all car spaces is available at all times and to prevent adverse noise emissions.
12. Before the commencement of any works, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
13. Before the commencement of any works, 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 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) Garbage collection to occur within the development by a 6.4m rear mini loader.
 - 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 ensuring bin collection is via private collection during after hours.
 - f) Types of waste for collection, including colour coding and labelling of bins.
 - g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
 - h) Method of hard waste collection.
 - i) Method of presentation of bins for waste collection.
 - j) Sufficient headroom within the basement to accommodate waste collection vehicles.
 - k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
 - l) Strategies for how the generation of waste and recyclables will be minimised.



- m) Compliance with relevant policy, legislation and guidelines.
When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.
 - n) Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
 - o) All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
15. Before the endorsement of plans pursuant to Condition 1, 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.
16. Before the endorsement of plans pursuant to Condition 1, 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 show the following:
- a) The location of all areas on and / or off site to be used for staff and patron parking. A car parking management plan to the satisfaction of the Responsible Authority demonstrating each one or two bedroom dwelling with one car space, three bedroom dwelling with two spaces, and each retail and commercial tenancy with at least one space.
 - b) Owner's permission and any required planning permission for parking on other land.
 - c) Servicing of the drainage and maintenance of car parking areas.
 - d) All loading and unloading to occur prior to 12:30pm on weekdays.
17. Before the endorsement of plans pursuant to Condition 1, a detailed Public Realm Improvement Plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must show:
- a) The planting of street trees on Avoca Street and Bay Road.
 - b) The removal of all disused vehicle crossing on Avoca Street and Bay Road and replacement with a nature strip and kerb and channel.
 - c) The reconstruction of the footpath on Avoca Street and Bay Road.
 - d) The relocation of any existing parking and no standing signs on Avoca Street and Bay Road.
 - e) The provision of three bicycle hoops on Bay Road.
 - f) The relocation of any assets or infrastructure required on Avoca Street or Bay Road.
18. Before the occupation of the development the public realm improvement works on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority unless otherwise agreed in writing by the Responsible Authority.
19. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.



- b) The development is not completed within four years of the date of this permit.
- c) The use is not started within five years of the date of this permit.
- d) The use is discontinued for a period of two years or more.

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

Permit Notes:

- 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.
- All redundant crossings to be removed to the satisfaction of Council.
- The kerb works to provide additional on street parking to be designed and implemented to the satisfaction of Council at the cost of the applicant.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.
- The owners and occupiers of the building hereby approved are not eligible to receive "Resident Parking Permits".

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

DIVISION: **FOR:** Crs Frederico and Heffernan (2)
AGAINST: Crs Evans, del Porto, Long, Lowe and Stewart (5)

LOST

Moved: Cr Long

Seconded: Cr Lowe

That Council, having caused notice of **Planning Application No. 2015/609/1** to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act decides to issue a **Notice of Refusal to Grant a Permit** in respect of the land known and described as **257 Bay Road, Cheltenham** for the **construction of a three storey, mixed use development, comprising a food and drink premises, offices, 14 dwellings, a reduction in the required car parking spaces and a waiver of the load bay requirements** for the following reasons:

1. The proposal fails to respond to the objectives and policy requirements of Clause 43.02 (Design and Development Overlay Schedule 2) of the Bayside Planning Scheme on the basis that:
 - a) The proposal fails to preserve the prevailing streetscape rhythm, building scale and height of the surrounding built form.
 - b) The proposal will not contribute positively to the local urban character and enhance the public realm while minimising impact on neighbouring properties.
 - c) The proposed building height does not comply with the objectives of the DDO2 and does not enhance the valued urban character or contribute to the preferred future role of the Activity Centre.

2. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B1 – Neighbourhood Character – The development fails to respond to the existing and preferred neighbourhood character for this precinct.
 - b) Standard B7 – Building Height – The height of the proposed development is excessive and development does not enhance the valued urban character or contribute to the preferred character of the area.
 - c) Standard B17 – Side and Rear Setbacks – The proposed fails to comply with the setback requirements of Standard B17 and will result in unreasonable detriment on the neighbouring properties.
3. The proposed reduction in car parking is contrary to the objectives of Clause 52.06 of the Bayside Planning Scheme and would negatively impact the surrounding area.

CARRIED



**4.4 32 BRIDGE STREET, HAMPTON
NOTICE OF DECISION TO GRANT AN AMENDED PLANNING PERMIT
APPLICATION: 2013/420/3 WARD: CENTRAL**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/152798

It is recorded that Mrs Enid Sheehy, Mr Ross Sheehy and Mr Gary Nash spoke for three minutes in relation to this matter.

Moved: Cr Lowe

Seconded: Cr Frederico

That Council:

Issues a **Notice of Decision to Grant an Amended Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application No. 5/2013/420/3** for the land known and described as **32 Bridge Street, Hampton**, for the **construction of two dwellings** in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts three copies of revised plans drawn to scale and dimensioned 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 generally in accordance with the plans received with the application and amended on 27 August 2013 but modified to show to the satisfaction of the Responsible Authority:
 - a) A schedule of all external materials and finishes to be provided showing the materials, colours and finishes of all external walls, roof, fascias, window frames and paving.
 - b) The proposed landscape treatment for the site including the existing and replacement plant species in accordance with the requirements of Condition 7 of this permit.
 - c) All plant and equipment (including air conditioning units, heating units, hotwater systems, etc.) which is proposed to be located externally identified on the plans.
 - d) Details of window screening treatment to ensure compliance with Clause 55.04-6 Standard B22 (Overlooking) and Standard B23 (Internal Overlooking) of the Bayside Planning Scheme.
 - e) Water sensitive urban design stormwater treatment measures providing a rating of a minimum of 100% in accordance with Condition 17 of this permit.
 - f) The front fence reduced in length by 1.0 metres and centred across the width of the site to provide appropriate sightlines to the footpath for vehicles exiting each dwelling.
 - g) An Arborist report detailing tree protection methods for the retention of the Melaleuca in the rear of the site in accordance with condition 10 of this permit.
 - h) The dwellings moved towards the northern (front) boundary by 1.4 metre, reducing the front setback and increasing the rear setback of the dwellings.

- i) A 1.9 metre high timber acoustic fence on the south boundary at the developers cost.
 - j) Change to the location of the south-facing door of Unit 2 to the western side of that dwelling.
 - k) Mechanical plant will be located within the side setbacks to the east and west.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the responsible authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
 4. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 7. 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 including canopy tree planting within the front setback.
 - f) Landscaping within the splay required by Condition 1f to be no higher than 1 metre upon maturity.
 - g) Planting within easements to be of an appropriate species to minimise impacts upon any assets in the easement.
 - h) The provision of screen planting along the southern common boundary with 2 Francis Street.
 8. Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.



9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority.
10. Before the development (including demolition) starts, the applicant must submit to Council's satisfaction, and have endorsed by Council a report detailing tree protection measures to be employed on the land in accordance with Australian Standard 4970: *Protection of Trees on Development Sites*, including trees on adjacent properties (within 3 metres of any common property boundary). The tree protection measures outlined in the report must be adhered to before, during and after construction.
11. Tree protection fencing must be established around the street trees located at the site frontage prior to commencement of any works and maintained until all works on site are complete. The fencing is to be constructed and secured so its position cannot be modified by site workers. The fencing is to encompass the entire nature strip adjacent the works site with the exception of the crossovers. The tree protection zone is to be established and maintained in accordance with Australian Standard 4970 *Protection of Trees on Development Sites*.
12. Prior to any excavation required for the vehicle crossovers, a trench along the line of the proposed crossovers must be dug by hand with all roots correctly pruned in accordance with AS 4373-2007 to the satisfaction of the Responsible Authority.
13. Prior to the commencement of works, detailed plans (3 sets) indicating the method of stormwater discharge to the nominated '*Legal Point of Discharge*' and Stormwater Detention System must be lodged with Council's Engineering Services department for approval.
14. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35 to the satisfaction of the Responsible Authority.
15. Any seepage of 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 by the Responsible Authority.
16. All onsite stormwater is to be collected from all hard surface areas and be prevented from flowing onto adjoining properties or discharged to the footpath to the satisfaction of the Responsible Authority.
17. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:-
 - The type of water sensitive urban design stormwater treatment measures to be used;
 - The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
 - Design details of the water sensitive urban design stormwater treatment measures, including cross sections;
 - These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved and demonstrates the level of compliance with the Urban



Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

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

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

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

Permit Notes

- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Council's Asset Protection Administrator, Mon-Fri 9.00am-1.00pm on 9599 4444.
- 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.

The applicant must clearly identify what impact, if any, the proposed vehicle crossing will have on Council assets including pits and trees.

The applicant is to bear the cost to remove and reinstate any street furniture or infrastructure items to provide the required access to the proposed development.

- The existing street tree/s must not be removed or damaged.
- Construction of any fence/wall/letterbox structures may necessitate removal/damage of some sections of the 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 Bayside City Council Infrastructure Department prior to the commencement of the connection to the kerb/channel.

Date	Amendment
13 January 2016	Amendment pursuant to Section 72 of the <i>Planning and Environment Act 1987</i> : <ul style="list-style-type: none"> • The inclusion of obscure glazing to 1.7 metres above first floor level to the west facing window of 'Bedroom 2' of Unit 1 and the east facing window of 'Bedroom 2' of Unit 2.
6 September 2016	Amendment to the endorsed plans under Section 72 of the <i>Planning and Environment Act 1987</i> :



	<ul style="list-style-type: none">• The inclusion of timber decking to the rear of Dwellings 1 and 2.• The inclusion of barbeque structures to the rear of Dwellings 1 and 2.• Alterations to the rear landscaping areas of Dwellings 1 and 2.
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CARRIED



**4.5 360 NEW STREET, BRIGHTON
SUPPORT THE GRANT TO AMEND A PLANNING PERMIT
APPLICATION NO: 2013/757/2 WARD: NORTHERN**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/138371

It is recorded that Mr Fred Cox, Mr Graham Morrison and Ms Erin Skurrie spoke for three minutes in relation to this matter.

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council:

Determines to **Support** the grant of an Amended Planning Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as **360 New Street, Brighton**, for the **construction of 13, double storey dwellings plus basement and reduction in the car parking requirements (visitor parking)** in accordance with the amended plans dated 12 August 2016 and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application prepared by Lotus Building Design Sheets 1 to 5 (inclusive) and Sheet 7 all marked TP03 and dated 12 December 2013, and Sheets 6 and 8 both marked TP03A and dated 12 February 2014 but modified to show:
 - a) **Deleted.**
 - b) The balcony associated with House 13 provided with screening to 1.7 metres above finished floor level in accordance with Standard B23 of the Bayside Planning Scheme. The screen must be provided along the entire eastern edge of the balcony. The height of the fence between House 13 and the private open space of House 10 must be raised to 2.7 metres including 700mm of self-supporting trellis.
 - c) **Deleted.**
 - d) All north facing first floor habitable room windows of Houses 5, 6, 7, 8 and 9, and the east side of House 9, screened to prevent overlooking in accordance with Standard B22 of Clause 55. The screening is to be in the form of external louvres generally as shown on the **north elevation and privacy screen detail on Sheets 9 and 10 with issue dated 15 July 2016.**
 - e) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples).
 - f) Location of bin storage facilities in the basement.
 - g) Location of any plant and equipment including air conditioning units.
 - h) Any changes arising from the landscape plan approved under Condition 10 of this planning permit.

- i) Water Sensitive Urban Design Measures in accordance with Condition 19 of this planning permit.
 - j) Boundary fencing along the north and east boundary shown at a height of 2.4 metres, tapering down to 1.5 metres to Orchard Street.
 - k) Tree retention and removal as follows:
 - i) Retention of the existing hedge located at the north-west corner of the site on the New Street frontage.
 - ii) Retention of the crepe myrtle (tree #8) and English oak (tree #9).
 - iii) Removal of the lilly pilly (tree #7) and paperbark (tree #10).
 - l) Front fence heights as follows:
 - i. A maximum of 1.8 metres adjacent to the private open space of House 1 and House 5.
 - ii. **Deleted.**
 - m) **Deleted.**
 - n) A roof plan.
 - o) No lift overrun to be visible above the roofline of any dwelling when viewed from New Street or Orchard Street.
 - p) Any modifications necessary as a consequence of the Tree Management Plan approved under Condition 13 of this planning permit.
 - q) **The provision of windows to be incorporated within the first floor west elevation of House 5 fronting New Street.**
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
 4. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the Responsible Authority.
 6. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
 7. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.
 8. Vehicular crossings must be constructed to the road to suit the proposed driveway to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
 9. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow



vehicles to stand clear of the street, pavement and footpath.

Landscape Plan

10. Before the developments 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 generally in accordance with the plans prepared by Robert Boyle Landscape Design and Construction drawing numbers 1-4 (Revision A) dated 22 September 2016 but modified to 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) Details of water sensitive urban design elements to be incorporated and the plant species to be used.
 - e) 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.
 - f) Landscaping and planting within all open areas of the site.
 - g) Provision of an in-ground irrigation system to all landscaped areas.
 - h) Retention of the existing hedge canopy located at the north-west corner of the site on the New Street frontage.
 - i) Removal of the existing paperbark at the north-east corner of the site.
 - j) A new evergreen hedge along the north boundary to be allowed to grow to above fence height to provide a visual screen to No. 368 New Street, Brighton.
 - k) Where soil depth is increased in the central courtyard any raising of sill heights in dwellings adjacent to the garden.
 - l) Corrections to plans and elevations to ensure consistency with respect to the location of plant species.
 - m) An implementation and maintenance plan to include measures for the maintenance of all landscaping shown on the plan including responsibility for the maintenance of the existing hedge canopy retained under condition 10(h). The implementation and maintenance plan must show how the maintenance of the landscape will be the responsibility of the whole development including after subdivision.

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

11. Before the occupation of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
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.



Tree Management Plan

13. Prior to the commencement of development a Tree Management Plan prepared by a suitably qualified expert is to be submitted to and approved by the Responsible Authority. The Plan is to provide for the protection during construction of any tree to be retained on the site. In particular the Plan is to address the following:

English Oak

- a) Before the development (including demolition) starts, a tree protection fence must be erected around Tree 9 (English Oak tree) at a radius of 5.64 metres from the base of the trunk to define a 'Tree Protection Zone'. The fence must be constructed of star pickets and chain mesh or similar to the satisfaction of the Responsible Authority. The tree protection fence must remain in place until construction is completed.
- b) The ground surface of the Tree Protection Zone must be covered by a 100mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Responsible Authority.

Existing Cypress Hedge

- c) Before development starts, and under the supervision of a suitably qualified arborist, a tree protection zone must be established for the existing cypress hedge with the canopy at the north-west corner of the site.
- d) Any fence construction in the vicinity of the cypress hedge is to be designed and constructed in accordance with the advice of a suitably qualified arborist.

General

14. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone without the written consent of the Responsible Authority. Should any excavation works be required within the Tree Protection Zone, Council's Arborist must be contacted prior to any works. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.
15. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.
16. Before development commences the applicant must pay \$1,847.97 to the Responsible Authority for the removal and replacement of the existing street tree at the location of the proposed driveway. This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority. The street trees to be removed must be replaced with an advanced tree (minimum of two metres high at time of planting), of a species and in a location that are to the satisfaction of the Responsible Authority.
17. All other existing street trees along Orchard Street and New Street must not be removed or damaged.



18. No trenching may occur within one metre of the northern boundary to protect trees on the property at No. 368 New Street, Brighton.

Water Sensitive Urban Design

19. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and must show:

- a) The type of water sensitive urban design stormwater treatment measures to be used;
- b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas;
- c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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

Site Management Plan

20. Before the commencement of any works, a site management plan 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 site management plan must address, but not be limited to, measures to ensure that:

- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site;
- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

The Site Management Plan must be consistent with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO, 1999.

Construction Management Plan

21. Prior to the issue of a building permit for the development allowed under this permit, the applicant must submit to the Responsible Authority, a Construction Management Plan (CMP) for approval. Once approved, this plan will form part



of the permit. This CMP must state that, unless otherwise agreed by the Responsible Authority:

- a) Pedestrian access will be maintained at all times along the New and Orchard Street footpaths adjacent to the site;
- b) The New and Orchard Street footpaths will not be obstructed during construction works;
- c) All site facilities will be located on site during the construction period;
- d) All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority;
- e) All roads/storage areas/external stockpiles/vacant or grazed areas must be (covered and) maintained to avoid dust nuisance to any residential area to the satisfaction of the Responsible Authority;
- f) A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways to the satisfaction of the Responsible Authority;
- g) Measures to manage early morning deliveries and truck idling to avoid trucks waiting with engines running in residential streets.

The CMP must be implemented to the satisfaction of the Responsible Authority.

Waste Management Plan

22. Prior to the commencement of the development, a Waste Management Plan must be prepared and submitted to the satisfaction of the Responsible Authority. The Waste Management Plan must include provision for the storage of bins within the garages of the dwellings and collection arrangements for garbage from the basement to the satisfaction of the Responsible Authority.

Drainage

23. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
24. 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.
25. 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".
26. 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.
27. 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.
28. Before the development begins, detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
29. 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

30. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two (2) years of the date of this permit.
 - b) The development is not completed within four (4) 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 development has lawfully commenced.

Date	Amendment
6 September 2016	<p>Amendment pursuant to Section 72 of the <i>Planning and Environment Act 1987</i> for:</p> <ul style="list-style-type: none"> • Additions to the floor layout within the basement to include a light court for dwellings 1 to 9, garbage collection area, fire escape stair leading to ground level, store within the garage of each dwelling, main switchboard room, meter room, ramp details and an additional car space parking in tandem for dwelling 13; • Alterations to the floor layout within the basement to include the relocations of the powder room, laundry and stairs for each dwelling, relocation of the access to the garage of dwelling 10 and the increase in the finished floor level to 3.45 metres AHD in lieu of 3.10 metres AHD; • Reconfiguration of the ground and first floor layouts of each dwelling; • Alterations to the front entry of each dwelling; • Reconfiguration of the first floor balconies of dwellings 11 and 12; • Alterations of the facades of the dwellings to include painted concrete panels, glass, aluminium, metal and stone panels; • Alterations of the roof form of dwellings 1 to 9 to include a combination of gable and hip roofs;



	<ul style="list-style-type: none">• Alterations to the east boundary fence to include 1.8 metres paling and .0.6 metre trellis on top;• Alterations of the fence heights along the frontages of New and Orchard Streets; and• Alteration to the landscape plans including the relocation of canopy trees and different species.• Conditions 1a) and 1c) deleted;• Condition 1d) amended by replacing the reference to the amended elevation;• Condition 1l) ii) deleted;• Condition 1m) deleted; and• Condition 1q) added.
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CARRIED



**4.6 9 BAKER STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2015/560/1 WARD: NORTHERN**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/107448

It is recorded that Dr Philomena Tan and Mr Hugh Stanford spoke for three minutes in relation to this item.

Moved: Cr del Porto

Seconded: Cr Stewart

That Council:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect to Planning Application number 2015/560/1 for the land known and described as **9 Baker Street, Brighton**, for the **construction of a double storey dwelling on a lot less than 500 square metres** in accordance with the endorsed plans and subject to the following conditions from the standard conditions.

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, Council date stamped 25 May 2016 but modified to show:
 - a) A revised landscape plan in accordance with the plans prepared by Atlas Landscape Architects dated 15 July 2016, showing:
 - i. 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.
 - ii. 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.
 - iii. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - iv. Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - v. Details of surface finishes of pathways and driveways.
 - vi. One tree in the front setback capable of reaching a minimum height of 12 m at maturity.
 - vii. One tree in the rear setback capable of reaching a minimum height of 8 m at maturity.
 - b) Tree Management Plan (report) and Tree Protection Plan (drawing) in accordance with Condition 8 of this permit.
 - c) Location of all plant and equipment, including hot water services and air conditioners.

- d) Screening of windows including fixed privacy screens to be designed to limit overlooking as required by Standard B22 of Clause 55 of the Bayside Planning Scheme.
- e) A schedule of external materials, external finishes and colours (incorporating for example paint samples).
- f) Water sensitive urban design measures in accordance with Condition 6 of this permit.
- g) Amendment of the north west wall of the rumpus room to comply with the Standards of Clause 55.
- h) Details of the type and height of fencing including the wall of the proposed shed/storeroom.
- i) Increase the setback of the property adjacent to 9 Baker Street by 0.3 metres

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
6. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

7. 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.
8. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan



(drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan must be:

- a) Specific to the trees shown on the Tree Protection Plan, in accordance with Australian Standard, Protection of trees on development sites AS4970-2009 and be 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.
- b) This will include design considerations such as footing systems for built form where the footing system is inside the Tree Protection Zone of a neighbour's tree.
- c) Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

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

- a) The Tree Protection Zone and Structural Root Zone for 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.
9. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
 10. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the endorsed Tree Management Plan must be submitted to the Responsible Authority.
 11. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
 12. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit Notes

- A permit must be obtained from Council for all vehicular crossings.
- These must be constructed under Council's supervision for which 24 hours notice is required.
- Council must be notified of the vehicular crossing and reinstatement works.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.



- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

Amendment

Moved: Cr Lowe

Seconded: Cr Heffernan

That Council:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect to Planning Application number 2015/560/1 for the land known and described as **9 Baker Street, Brighton**, for the **construction of a double storey dwelling on a lot less than 500 square metres** in accordance with the endorsed plans and subject to the following conditions from the standard conditions.

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, Council date stamped 25 May 2016 but modified to show:
 - a) A revised landscape plan in accordance with the plans prepared by Atlas Landscape Architects dated 15 July 2016, showing:
 - i. 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.
 - ii. 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.
 - iii. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - iv. Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - v. Details of surface finishes of pathways and driveways.
 - vi. One tree in the front setback capable of reaching a minimum height of 12 m at maturity.
 - vii. One tree in the rear setback capable of reaching a minimum height of 8 m at maturity.
 - b) Tree Management Plan (report) and Tree Protection Plan (drawing) in accordance with Condition 8 of this permit.
 - c) Location of all plant and equipment, including hot water services and air conditioners.
 - d) Screening of windows including fixed privacy screens to be designed to limit overlooking as required by Standard B22 of Clause 55 of the Bayside Planning Scheme.
 - e) A schedule of external materials, external finishes and colours (incorporating for example paint samples).

- f) Water sensitive urban design measures in accordance with Condition 6 of this permit.
 - g) Amendment of the north west wall of the rumpus room to comply with the Standards of Clause 55.
 - h) Details of the type and height of fencing including the wall of the proposed shed/storeroom.
All to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 4. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 6. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.
 7. 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.
 8. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.
The Tree Management Plan must be:
 - a) Specific to the trees shown on the Tree Protection Plan, in accordance with Australian Standard, Protection of trees on development sites AS4970-2009 and be 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.

- b) This will include design considerations such as footing systems for built form where the footing system is inside the Tree Protection Zone of a neighbour's tree.
- c) Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

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

- a) The Tree Protection Zone and Structural Root Zone for 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.
9. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
 10. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the endorsed Tree Management Plan must be submitted to the Responsible Authority.
 11. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
 12. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit Notes

- A permit must be obtained from Council for all vehicular crossings.
- These must be constructed under Council's supervision for which 24 hours notice is required.
- Council must be notified of the vehicular crossing and reinstatement works.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

CARRIED

**4.7 8 BEDDOE AVENUE, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2015/781/1 WARD: NORTHERN**

City Planning and Amenity -
File No: PSF/15/8755 – Doc No: DOC/16/136235

It is recorded that Mr Jason Sumner spoke for three minutes in relation to this item.

Moved: Cr del Porto

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 Number: 2015/781/1** for the land known and described as **8 Beddoe Avenue, Brighton East**, for the **construction of two dwellings on a lot** in accordance with the submitted 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, Sheet 3 of 6 – 6 of 6, Council date stamped 19 July 2016 but modified to show:
 - a) All plant, equipment, services and architectural features to be included on the plans and located appropriately to avoid impacts on the adjoining dwellings.
 - b) A schedule of construction materials, external finishes and colours (incorporating example paint samples), ensuring there is a mixture of materials and finishes at ground and first floor level.
 - c) The proposed ground floor plan and associated elevations dimensioned to include 3m wide garage doors to each dwelling.
 - d) Each driveway dimensioned to ensure the gradient does not exceed 1 in 16 complying with AS2890.1.
 - e) The driveway to dwelling 2 where it intersects with the footpath to be 3m wide with a 0.8m offset from the eastern boundary.
 - f) The proposed driveway to dwelling 1 where it intersects with the footpath to be 3m wide with a 1m offset from the western boundary.
 - g) Adequate sight lines to be provided where the proposed driveways intersect with the front footpath in accordance with AS2890.1.
 - h) A proposed detailed landscape plan to show:
 - i. One tree capable of reaching a height of 14m and a width of 8m at maturity within the front setback of at least one dwelling.
 - ii. One tree capable of reaching a height of 10m and a width of 6m at maturity in the rear setback of each dwelling.
 - iii. Details of the proposed sleeper retaining wall in the rear setback.

- iv. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - v. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - vi. Tree Protection Zones (TPZ) for all trees to be retained on the subject site and for all trees on neighbouring properties where the TPZ extends into the subject site.
 - vii. Details of surface finishes of pathways and driveways.
 - viii. Details of water sensitive urban design elements to be incorporated and the plant species to be used.
 - ix. 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. All species selected must be to the satisfaction of the Responsible Authority.
 - x. Landscaping and planting within all open areas of the site including the provision of canopy trees.
- i) Detailed plans to the satisfaction of the Responsible Authority drawn to scale with dimensions to show:
- i. The type of water sensitive urban design stormwater treatment measures to be used.
 - ii. The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - iii. Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

All to the satisfaction of the Responsible Authority.

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
- 4. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the Responsible Authority.
- 6. The 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.

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. 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.
9. 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.
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 crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
12. 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.
13. 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.
14. Any subsurface water captured on site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures". Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
15. 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.
16. All on site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The onsite drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - a) A trench gate (150mm minimum internal width) located within the property and / or



- b) Shaping the driveway so that water is collected in a grated pit on the property and / or
 - c) Another Council approved equivalent.
17. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit Notes:

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- This permit does not constitute any authority to carry out any buildings works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

CARRIED

**4.8 4 MARIEMONT AVENUE, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/156/1 WARD: SOUTHERN**

City Planning and Amenity - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/16/141018

It is recorded hat Mr Bruce Corben spoke for three minutes in relation to this matter.

Moved: Cr Stewart

Seconded: Cr del Porto

That Council:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of the land known and described as **4 Mariemont Avenue, Beaumaris**, for the **construction of two double storey dwellings and a front fence exceeding 1.2 metres in height** 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 amended and Council date stamped 11 May 2016 but modified to show:
 - a) Modification to the landscape plan prepared by Zenith Concepts Landscape Design, showing:
 - i) 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.
 - ii) 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.
 - iii) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. When in VPO include: all plantings must be 80% indigenous by species type and count.
 - iv) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - v) Details of surface finishes of pathways and driveways.
 - vi) The location of all vehicular crossings, Council assets such as pits, trees, power poles and footpaths.
 - vii) Retention of the Pittosporum tree at the rear boundary of dwelling 1.
 - b) Amendment of the decking area to Dwelling 1 to accommodate the retention of the tree and 1vii.
 - c) Location of all plant and equipment, including hot water services and air conditioners. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.

- d) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
 - d) Dwelling 2 setback 8.13m from the front boundary.
 - e) Reduction of the site coverage to a maximum of 50%.
 - f) Increase the first floor west side setback to a minimum of 4.38 metres.
 - g) Increase the first floor east side setback to a minimum of 4.38 metres.
 - h) The driveway for dwelling 1 to be set back from the western boundary by a minimum of 1m.
 - i) Sight lines to be provided where the proposed driveway intersects with the footpath in accordance with Australian Standard AS2890.1.
 - j) Habitable room windows to be fixed and no more than 25% transparent to a height of 1.7metres above floor level in accordance with Standard B22.
 - k) Water sensitive urban design measures in accordance with Condition 8.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. 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.
 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. 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.
 7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 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.

10. 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.
11. 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.
12. 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.
13. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
14. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
15. Any subsurface water captured on site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures". Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
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.
17. All on site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The onsite drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - a) A trench gate (150mm minimum internal width) located within the property and / or
 - b) Shaping the driveway so that water is collected in a grated pit on the property and / or
 - c) Another Council approved equivalent.



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

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

Permit Notes:

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- This permit does not constitute any authority to carry out any buildings works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

CARRIED

5. Confidential Business

Nil

Following consideration of Confidential Business the Chairperson declared the meeting closed at 9.59pm.

CONFIRMED THIS 11 DAY OF OCTOBER 2016

CHAIRPERSON:

