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## **Minutes of the Planning and Amenity Committee Meeting**

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held in the Council Chambers, Civic Centre,  
Boxshall Street Brighton  
on Tuesday 11 October 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

Lili James – Acting Director City Planning & Community Services  
Rachel Lunn – Manager Development Services  
Arthur Vatzakis – Statutory Planning Coordinator  
Terry Callant – Manager Governance  
Sarah Collins – Acting Statutory Planning Coordinator  
Patricia Stewart – Acting Senior Statutory Planner  
Carmela Tornatore – Customer Focus Planner  
Shane Hall – Senior Investigations Arborist

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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 6 September 2016.

**Moved: Cr Heffernan**

**Seconded: Cr Frederico**

That the minutes of the Planning & Amenity Committee Meeting held on 6 September 2016, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## **4. Matters of Decision**

**4.1 23 - 31 SMALL STREET, HAMPTON  
SUPPORT THE GRANT OF A PLANNING PERMIT  
APPLICATION NO: 2015/674/1 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/16/165828

*It is recorded that Mr Joseph Indomenico spoke for three minutes in relation to this item.*

**Moved: Cr Frederico**

**Seconded: Cr del Porto**

That Council decides to advise the VCAT that it does **Not Support** the position reached at the Compulsory Conference in respect of **Planning Application No. 2015/674/1** for the land known and described as **23-31 Small Street, Hampton** for the **construction of a four storey building, including a basement, use of the land for dwellings and reduction in car parking for the shop use and waiver of loading bay provision** and the grounds of refusal as original noted remain. Those grounds being:

1. The proposed development of the land does not comply with the purposes of the Commercial 1 Zone as the density proposed is not complimentary to the role and scale of the Hampton Street Major Activity Centre due to the excessive proposed height.
2. The proposed development of the land does not comply with the objectives of the Design and Development Overlay Schedule 12 as:
  - a) The proposed height is not compatible with the preferred future role and character of the Hampton Street Major Activity Centre.
  - b) The visual bulk and dominant form as a result of the excessive height proposed does not conserve or enhance the valued urban character.
3. The proposed development does not provide for a street setback of minimum 5 metres at the upper two floors contrary to the setbacks sought by the Design and Development Overlay Schedule 12.
4. The proposed height and number of storeys does not comply with the preferred height and number of storeys sought after by Clause 21.11-4 of the Bayside Planning Scheme and does not help to achieve the stated vision for the Hampton Street Activity Centre.
5. The proposed use and development does not provide the number of car parking spaces required in accordance with Clause 52.06 of the Bayside Planning Scheme and as a result will impact on the amenity of the locality by negatively impacting surrounding residential properties through a loss of on-street car parking and detrimentally affecting the future growth and development of the Hampton Major Activity Centre.
6. The proposal does not promote safe and efficient access, as the proposed basement accessway abuts a public laneway and will lead to a conflict in vehicle movements.
7. The proposal does not provide adequate space for loading and unloading in accordance with Clause 52.07 of the Bayside Planning Scheme and as a result will adversely affect the amenity of the area generally by causing a loss in local amenity and adversely effecting traffic flow and road safety due to loading/unloading requiring to occur on-street.

8. The location of the bicycle parking spaces does not comply with Clause 52.34 of the Bayside Planning Scheme and as such the proposal will not encourage cycling as a mode of transport.
9. The proposal does not comply with the objectives contained within the Guidelines for Higher Density Residential Development including as follows:
  - a) The overall height of the proposed development does not respond to the existing urban context or neighbourhood character objectives of the area.
  - b) There will be unreasonable levels of overlooking internally from upper level dwellings into private open space areas associated with ground floor dwellings.
  - c) The size of the private open space areas for ground floor dwellings is insufficient in size to provide for the reasonable recreational needs of future residents.
  - d) Common areas are not provided with natural light or ventilation and this will diminish the amenity of these frequently used areas and increase the reliance on artificial sources for light and ventilation.
10. The setbacks to the north and north-east do not allow for the equitable development of the site in conjunction with adjoining sites and as such will inhibit the orderly planning and development of the Hampton Street Major Activity Centre.
11. The proposal will detrimentally affect the public realm and streetscape character of the area through the proposed location of the vehicle crossover and the loss of existing street trees.

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

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

**CARRIED**

**4.2 28 MALE STREET, BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2015/529/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/16/156593

*It is recorded that Mrs Diana Garrett, Miss Leila Coa, Ms Diana Menzies, Dr Cosmas Moisisdis, Mr Stephen Ager and Mr Craig Rice spoke for three minutes each in relation to this item.*

**Moved: Cr del Porto**

**Seconded: Cr Heffernan**

That Council, having caused notice of **Planning Application No. 2015/529/1** 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 **28 Male Street, Brighton** for the **construction of two, three storey dwellings on a lot and a front fence exceeding 1.5 metres in a Special Building Overlay and a Design and Development Overlay, Schedule 11** 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 reflect the preferred built form character spacing of the area and will therefore result in a dominate outcome to the streetscape and adjoining properties.
  - b) The visual separation between Dwellings 1 and 2 fails to provide adequate visual separation at ground and upper floor levels and will be visually intrusive on the streetscape and the adjoining properties.
  - c) 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.
  - d) The proposal fails to maintain and enhance the garden setting of the precinct.
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 B17 – Side and rear setbacks
    - i. The proposed second floor north-east side setback is proposed at 4.58m in lieu of 5.39m and will cause adverse detriment in terms of visual bulk to the adjoining properties and the streetscape of the area.
    - ii. The proposed second floor south-west side setbacks are proposed at 5m in lieu of 5.39m and will result in unreasonable visual bulk being presented to the streetscape of Lawrence Street and oblique views along Male Street.
    - iii. The proposed second floor south-east rear setback is proposed at 4.7m in lieu of 5.39m and will result in unreasonable bulk to 1 Lawrence Street and the streetscape.

- c) Standard B30 – Storage – Adequate storage facilities have not been provided for each dwelling.
  - d) Standard B32 – Front Fences – The 2m high brick and picket fences to both streetscape does not respect the existing or preferred neighbourhood character and does not maintain views of the garden setting.
3. The proposal fails to respond to the objectives of Clause 43.02 (Design and Development Overlay Schedule 11) of the Bayside Planning Scheme as the proposal fails to integrate with the existing built form character of the area and will be dominant to the streetscape and adjoining properties. The second floor of both dwellings have not been sufficiently recessed to respect the existing and preferred streetscape.
4. The front fence does not comply with the sight line requirements of Clause 52.06-8 of the Bayside Planning Scheme.

**CARRIED**

**4.3 65 CHAMPION STREET, BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2015/677/1 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/16/162634

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

**Moved: Cr Lowe**

**Seconded: Cr Frederico**

That Council:

Issues a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning Permit application number 2015/677/1 for the land known and described as **65 Champion Street, Brighton**, for the **construction of two double storey dwellings with basement car parking and a front fence exceeding a height of 1.2 metres** in accordance with the amended plans with date stamped 19 August 2016 and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans with date stamped 19 August 2016 but modified to show:
  - a) The obscure glass screening associated with the balcony of bedrooms 3 and 4 of dwelling 1 increased to a minimum of 1.8 metres above the finished floor level.
  - b) The provision of a new fence adjacent to the rear yard of 63 Champion Street to a height of 1.85 metres (plus 500mm of lattice) above the proposed paving level in the rear yard of dwelling 1.
  - c) Minimise the hard surface within the rear setback to accommodate canopy trees and planting.
  - d) The length of the car spaces within the basement minimum of 5.4 metres.
  - e) Specification of the turn tables within the basement.
  - f) A longitudinal section of each access ramp to include a 1 in 10 grade over 2 metre section at the top, a 1 in 5 grade over 2 metre section, a 1 in 4 grade for the main section and a 1 in 8 grade over a 2 metre section at the bottom with relevant site AHD levels at each grade changed point and a minimum headroom clearance of 2.2 metres in accordance with the requirements of AS2890.1.
  - g) The access ramp where it intersects with the footpath for dwelling 1 be 3.6 metres wide with a 1.2 metre offset from the northern property boundary. A new 3.6 metre wide crossover to be constructed with a 1.2 metre offset from the north boundary. The crossover must align with the width of the driveway.
  - h) The access ramp where it intersects with the footpath for dwelling 2 be 3.6 metres wide with a 1 metre offset from the southern property boundary. The existing crossover must be removed and replaced with a new 3.6 metre wide crossover with a 1 metre separator from the existing crossover



of the adjoining property to the west. The crossover must align with the width of the driveway.

- i) Adequate sight line must be provided where the proposed driveway intersects with the footpath in accordance with the requirements of Clause 52.06-8 of the Bayside Planning Scheme.
- j) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
- k) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
- l) A detailed amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan drawn by Kate Ardlie, dated 22 May 2016, but show the retention of the *Ulmus parvifolia* within Dwelling 2's setback in lieu of a replacement tree, and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - 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.
  - 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.
  - A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - Details of surface finishes of pathways and driveways.
  - The locations of two canopy trees capable of growing to a mature height of 14 metres within the front setback of each dwelling.
  - The locations of one canopy trees capable of growing to a mature height of 14 metres within the rear setback of Dwelling 1.
  - The locations of one canopy trees capable of growing to a mature height of 12 metres within the rear setback of Dwelling 2.
  - Canopy trees must not be planted over the rear easement.
- m) The Tree Management Plan and Tree Protection Plan in accordance with Condition 13 of this permit.
- n) Any changes required to the proposed layout of the dwellings or their accessways to facilitate compliance with the Landscape Plan at Condition 13.

All to the satisfaction of the Responsible Authority.

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

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. The wall on the boundary of the adjoining property shall be cleaned and finished to the satisfaction of the Responsible Authority.
7. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
8. 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 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.
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. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
13. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan must be specific to the row of Pear trees at 63 Champion Street adjacent to the wall of a study of Dwelling 1 as shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction.

Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
  - b) The location of tree protection measures to be utilised.
14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority
  15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
  16. Before the development starts the applicant must pay \$10,097.00 to the Responsible Authority for the removal and replacement of an existing street trees. This amount has been determined in accordance with Councils 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 trees have increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street trees. Any replacement planting will be at the discretion of the Responsible Authority
  17. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
  18. 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.
  19. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures". Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
  20. 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:
    - i) A trench grate (150mm minimum internal width) located within the property and/or
    - ii) Shaping the driveway so that water is collected in a grated pit on the property and/or
    - iii) Another Council approved equivalent.
  21. 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 approved by Council's Infrastructure Assets department.

22. 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.
23. 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.
- 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**

**4.4 196 BEACH ROAD, BLACK ROAD  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2015/568/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/16/156596

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**Moved: Cr Stewart**

**Seconded: Cr Long**

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 2015/568/1 for the land known and described as **196 Beach Road, Black Rock**, for the **construction of a double storey dwelling with basement parking and creation of a new access to a Road Zone Category 1** in accordance with the endorsed plans and subject to the following conditions:

1. Before the use and/or development start/s, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with Mushan Design Studio Pty Ltd Drawings No TP04 Rev B, TP05 – 7 Rev C, TP08 Rev B and Harper Consults Landscaping Plan dated 19/11/15 but modified to show:
  - a) The first floor rear window to Bedroom 2 to be screened in accordance with Standard A15, Overlooking at Clause 54.04-6 of the Bayside Planning Scheme.
  - b) The gate on the driveway at the entrance is to be relocated to a minimum distance of 5 metres from the front property boundary.
  - c) The accessway gradients to be in accordance with Design Standard 3, Gradients at Clause 52.06-8 of the Bayside Planning Scheme.
  - d) The new vehicular crossing to have 60 degree splays on both sides.
  - e) A vehicular separator must be constructed between the subject site and the adjoining crossover with 195 Beach Road.
  - f) Relocation of the curved retaining wall and rain water tank in the rear setback to be outside the TPZ's of Tree 1 and 2 on the adjoining properties at 1 Red Bluff Street and 197 Beach Road.
  - g) Deletion of the Banksia Intergrifolia proposed for the south-east corner and the relocation of the other Banksia Intergrifolia centrally along the rear fence line.
  - h) The relocation of the rain water tank outside of all Tree Protection Zones.
  - i) Landscaping plan in accordance with Condition 8.
  - j) A Tree Management Plan in accordance with Condition 9
  - k) Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
  - l) Location of all plant and equipment, including hot water services and air conditioners etc.

- m) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
  - n) Water sensitive urban design measures in accordance with condition 15.
  - o) VicRoads Conditions in accordance with Conditions 21 to 23.
2. The use and/or 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 walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
  7. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

#### Landscaping

8. Before the endorsement of plans at Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Harper Consults, dated 19/11/15 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) Relocation of the curved retaining wall in the rear setback outside the TPZ's of Tree 1 and 2 on the adjoining properties at 1 Red Bluff Street and 197 Beach Road.
  - b) Deletion of the Banksia Intergrifolia proposed for the south-east corner and the relocation of the other Banksia Intergrifolia centrally along the rear fence line.
  - c) The relocation of the rain water tank outside of all Tree Protection Zones.
  - d) 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.
  - e) 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.
  - f) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.
  - g) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

- h) Details of surface finishes of pathways and driveways
9. Before the endorsement of plans at Condition 1, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

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

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

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, particularly the Schinus Molle syn. Schinus Aeira (Tree1) and Leptospernum laevigatum (Tree 2) at 197Beach Road and 2 Red Bluff Street respectively.

- a) The location of tree protection measures to be utilised.
10. 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.
11. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
12. Any pruning that is required to be done to the canopy of any tree to be retained (specifically Schinus molle syn. Schinus aeira (Tree1) and Leptospernum laevigatum (Tree 2) at 197Beach Road and 2 Red Bluff Street respectively) 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 (specifically Schinus molle syn. Schinus aeira (Tree1) and Leptospernum laevigatum (Tree 2) at 197Beach Road and 2 Red Bluff Street respectively) is to be done by hand by a qualified arborist.
13. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Water Sensitive Urban Design Measures

15. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
- a) The type of water sensitive urban design stormwater treatment measures to be used.

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

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

- 16. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
- 17. Before the 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.
- 18. 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.
- 19. 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.
- 20. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.

#### VicRoads Conditions

- 21. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no costs to the Roads Corporation prior to the occupation of the works hereby approved.
- 22. Prior to the occupation of the buildings the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
  - a) Formed to such levels and drained so that they can be used in accordance with the plan.
  - b) Treated with an all-weather seal or some other durable surface.
- 23. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).
- 24. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.



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

Permit notes:

- 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.
- Council records indicate that there is no easement within the property.

**CARRIED**

**4.5 15 THOMAS STREET, HAMPTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/80/1 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/16/162240

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*It is recorded that Ms Olga Kharnik, Mr Frank Kharnik, Dr Carolyn Graham, and Mr Paul Little spoke for three minutes each in relation to this item.*

*It is recorded that Mr James McNamara was not present in the Chamber.*

**Moved: Cr Lowe**

**Seconded: Cr Frederico**

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 2016/80/1 for the land known and described as **15 Thomas Street, Hampton**, for the **construction of ten dwellings** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans, prepared by Maddison Architects, Council date stamped 1 September 2016 submitted with the application but modified to show:
  - a) The west side first and second floor setback increase to comply with Standard B17 of Clause 55 of the Bayside Planning Scheme.
  - b) All plant and equipment to be identified and located away from habitable room windows of the dwellings and the adjoining property's habitable rooms.
  - c) The ramp and the new crossover to be widened to 5.5m to provide two-way traffic. The redundant crossings to be removed.
  - d) The cross section of the proposed ramp needs to have all AHD levels at each grade changing point.
  - e) Sight lines to be provided at the top of the ramp in accordance with AS2890.1 and/or Planning Scheme.
  - f) One metre blind aisle beyond end car spaces in accordance with AS2890.1. Swept-paths are to be provided demonstrating both access and egress for the visitor car spaces.
  - g) The visitor car spaces to be clearly signed and line marked.
  - h) Each garages to have 5m wide garage door opening width.
  - i) All assets (i.e. pits, trees, power poles, etc...) located in the nature strip are to be clearly detailed on the floor plans.
  - j) A detailed landscape plan generally in accordance with the proposed landscape plan prepared by John Patrick Pty Ltd, Drawing No. L-TP01, dated 20/1/16 but modified to show:

- i. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
- ii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
- iii. 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.
- iv. Details of surface finishes of pathways and driveways.
- v. Details of water sensitive urban design elements to be incorporated and the plant species to be used.
- vi. 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.
- vii. Landscaping and planting within all open areas of the site including the provision of canopy trees.
- viii. A green wall in the front setback.
- ix. Revised plan to reflect the changes made to the ground floor plans dated 26 August 2016.

- k) A Tree Protection Plan prepared by a suitably qualified and experienced arborist in accordance with AS4970-2009 Protection of Trees assessing trees 2, 3 and 4 as identified in the John Patrick Pty Ltd report dated January 2016. The recommendations of the endorsed Tree Protection Plan must be followed throughout the course of the development, including demolition and landscaping phases of the works.

The Tree Protection Plan must specify a project arborist(s) who are responsible for ensuring the recommendations of the Tree Protection Plan are followed throughout all phases of the works. Names, contact details, qualifications and experience of the project arborist(s) must be provided.

- l) 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.

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.

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 crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
  12. 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. Before the endorsement of plans pursuant to Condition 1 of this permit, 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) Provision 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.
- b) Details of the frequency and hours of refuse collection. All waste material 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.
- c) Collection via private means undertaken entirely within the confines of the site. Garbage bins are not to be stored kerbside.

The Waste Management Plan must be implemented to the satisfaction of the Responsible Authority.

15. 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

All works must accord with the approved Construction Management Plan to the satisfaction of the Responsible Authority.

16. This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.

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

Permit Notes:

- 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.
- Future tenants will not be eligible for resident or visitor parking permits.

**CARRIED**

**4.6 1 WAVERLEY STREET, BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO. 2016/58/1 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/16/160608

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*It is recorded that Ms Lisa Coulson and Mr John Baragwanath spoke for three each in relation to this item.*

**Moved: Cr Lowe**

**Seconded: Cr Long**

That Council, having caused notice of Planning Application No. 2016/58/1 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 1 Waverley Street, Brighton East for the construction of two double storey dwellings for the following reasons:

1. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character Policy, Precinct D4) of the Bayside Planning Scheme, on the following grounds:
  - a) The proposed built form fails to provide sufficient landscaping opportunities and fails to maintain and enhance the garden setting of the dwellings.
  - b) The proposal fails to maintain the rhythm of visual separation between buildings and is inconsistent with the preferred character of the neighbourhood.
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 proposal fails to respond to the existing and preferred neighbourhood character for this precinct.
  - b) Standard B17 – Side and Rear Setbacks – The proposal fails to meet the required first floor western setbacks and will create unreasonable amenity impacts to the adjoining western property.
  - c) Standard B20 – Storage – The development fails to provide the minimum storage facilities of the standard.

**CARRIED**

**4.7 25A CAMPERDOWN STREET BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/363/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/16/152678

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*It is recorded that Mrs Anna Ratiner spoke for three minutes in relation to this item.*

**Moved: Cr Heffernan**

**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 to Planning Application number 2016/363/1 for the land known and described as **25A Camperdown Street, Brighton East**, for the **construction of one new 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 plans dated 2 August 2016 but modified to show:
  - a) The first floor south facing window to be screened in accordance with Standard A15 of the Bayside Planning Scheme.
  - b) Any changes required by condition 5.  
All to the satisfaction of the Responsible Authority.
2. The use and/or development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the endorsement of plans at Condition 1, a Tree Management Plan (report) and Tree Protection Plan (drawing) in accordance with the Landscape Plan dated 25/07/2015 submitted with the application must be submitted to and be endorsed by the Responsible Authority.

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

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

- a) The Tree Protection Zone and Structural Root Zone for all the neighbouring trees along the northern boundary.
- b) The location of tree protection measures to be utilised.



4. 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.

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
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 occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- 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 30 BRIGHTON STREET SANDRINGHAM  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2016/258/1 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/16/161657

*It is recorded that Ms Roby Shiels and Miss Kirsten Barber spoke for three minutes in relation to this item.*

**Moved: Cr Lowe**

**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 to Planning Application number 2016/258/1 for the land known and described as **30 Brighton Street, Sandringham**, for the **construction of two double storey dwellings and a front fence greater than 1.2m 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 application plans dated 1 June 2016 but modified to show:
  - a) The first floor between both dwellings separated by 2.5m with no reduction in other setbacks.
  - b) The front fences to include a minimum 25% transparency.
  - c) The first floor Matrix cladding replaced with timber battens.
  - d) Provision of corner splays abutting driveways to comply with Clause 52.06-8.
  - e) Water sensitive urban design measures in accordance with Condition 7 of this permit.
  - f) 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.
  - g) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
  - h) A landscape plan 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) A minimum of one canopy tree in the front of each dwelling to reach a minimum height of 10.0m and spread of 4.0m at maturity.
  - vii) A minimum of one canopy tree in the rear setback to reach minimum heights of 6.0m.
  - viii) The driveway and footpath leading to the entrance to be separated with a 500mm landscape strip.
  - ix) Deletion of the decks within the front yard of each dwelling.
  - i) The first floor side and rear setbacks to comply with Standard B17 of Clause 55 of the Bayside Planning Scheme
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
  3. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
  4. Before development commences the applicant must pay \$3,797.05 to the Responsible Authority for the removal and replacement of the existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible Authority.
  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. Before the endorsement of plans pursuant to Condition 1 of this permit, 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.

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, 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.
8. Before the occupation of the development starts, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
9. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
11. Before 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
12. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
13. 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. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

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

Permit Notes:

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

**CARRIED**

**4.9 151 WEATHERALL ROAD, CHELTENHAM  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION 2016/120/1 WARD: SOUTHERN**

City Planning and Amenity - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/16/156571

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*It is recorded that Mr Peter Newman spoke for three minutes in relation to this item.*

*It is recorded that Ms Wendy Ren 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 to Planning Application number 2016/120/1 for the land known and described as **151 Weatherall Road, Cheltenham** for the **construction of two double storey dwellings on a lot and the removal of native vegetation** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans prepared by Alta Architecture, TP01 Rev B, TP03-TP07 Rev B, John Patrick Tree Survey Plan and Landscaping Plan dates June 2016, but modified to show:
  - a) A detailed landscape plan showing:
    - i. The planting of Coastal Banksia (*Banksia integrifolia*) and Snow Gum (*Eucalyptus pauciflora*) in the front setback.
    - ii. All remaining open areas of the site landscaped with indigenous shrubs that complement the canopy trees.
    - iii. Notation showing the street tree to be removed.
    - iv. A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
    - v. Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
    - vi. Details of surface finishes of pathways and driveways.
  - b) The ground floor eastern side setback to the laundry and kitchen of Dwelling 2 to be setback a minimum of 2 metres from the title boundary.
  - c) The first floor retreat and bedroom 3 windows to both dwellings to be screened in accordance with Standard B22, Overlooking of the Bayside Planning Scheme.
  - d) A storage area of 6 cubic metres provided for each dwelling which is externally accessible.

- e) Notation showing the street tree to be removed.
- f) The driveway grade for Dwelling 1 to be no greater than 1:10 in accordance with Design Standard 3: Gradients at Clause 52.06-8 of the Bayside Planning Scheme. The ensuite to Bedroom 1 may be reduced or deleted in order to accommodate this change. All remaining setbacks must remain unaltered.
- g) Sightline requirements in accordance with Design Standard 1 – Accessways of Clause 52.06-8 of the Bayside Planning Scheme.
- h) All plant and equipment to be identified and located away from habitable room windows of the dwellings and the adjoining property's habitable rooms.
- i) The fence defining the rear boundary of dwelling 1 and 2 nominated as being a minimum height of 1.8m in accordance with Standard B22 of ResCode.
- j) A schedule of construction materials, external finishes and colours.
- k) Any changes to reduce the development to accommodate the requirements of the landscaping plan and tree protection measures as required by this permit.
- l) Water sensitive urban design measures in accordance with Condition 12 of this permit.
- m) The first floor side setbacks to comply with Standard B17 of Clause 55 of the Bayside Planning Scheme and any other consequential changes to the floor plans.

All to the satisfaction of the Responsible Authority.

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the written consent of the Responsible Authority.
5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
7. Before occupation, screening of windows designed to limit overlooking as required by Standard B22 must be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
8. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

10. Before development commences the applicant must pay \$ 2,552.64 to the Responsible Authority for the removal and replacement of the existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible Authority.
  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, 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.
13. 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.
  14. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
  15. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
  16. 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.
- Council records indicate that there is no easement within the property.

**CARRIED**

**4.10 9 WILSON STREET, HIGHETT  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO: 2015/666/1 WARD: CENTRAL**

City Planning and Amenity - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/16/156602

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It is recorded that Mr Michael Callahan, Mrs Georgina Cooper and Mr Chris Pippo spoke for three minutes each in relation to this item.

**Moved: Cr Lowe**

**Seconded: Cr del Porto**

That the application be deferred for two meeting cycles to enable further consideration of all the objectors concerns and Council engage an independent consultant to review the application. The objectors are required to lodge their concerns in writing.

**CARRIED**

**4.11 448 - 464 ST KILDA STREET, BRIGHTON  
SUPPORT THE GRANT OF A PLANNING PERMIT  
APPLICATION NO: 2015/389/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/16/162763

*It is recorded that Mrs Catherin Pearl spoke for three minutes in relation to this item.*

**Moved: Cr del Porto**

**Seconded: Cr Heffernan**

That Council:

Determines to **Support** the application under the provisions of the Bayside Planning Scheme in respect of Planning Application Number **2015/389/1** for the land known and described as **448-464 St Kilda Street, Brighton**, for the **construction of a three storey building including a basement and roof top terrace, reduction in the visitor car parking requirement under Clause 52.06 of the Bayside Planning Scheme of no more than 2 spaces and altering access to a Road Zone Category 1** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with plans by SJB, drawing nos. SD02 Rev 02, SD003 Rev 2, SD04 Rev 2, SD05 Rev 2, SD06 Rev 2, SD07 Rev 2, SD008 Rev 2, SD009 Rev 2, SD010 Rev 2 and SD11 Rev 2 and the landscape plans by Jack Merlo Design, drawing nos. TP01-TP05 (inclusive) dated 25 June 2015 but modified to show:
  - a) Dwellings G.03 and G.04 living room walls and bedroom walls setback a minimum of 2.0m from the southern boundary and the 2.0m to be used for Secluded Private Open Space and landscaping.
  - b) First and second floor setbacks to Head Street to be a minimum of 2.0m.
  - c) All elevation plans and section plans to show no part of the building, plant or equipment, services or screen or other to exceed 11.0m in height. This should be shown via notations in metres and levels to AHD.
  - d) Northern and eastern setbacks for second storey to comply with Standard B17 at Clause 55 of the Bayside Planning Scheme less 1 metre.
  - e) Bedrooms facing north for dwellings 1.02 and 2.02 to demonstrate compliance with Standard B22 of Clause 55.
  - f) A notation on the ground floor plan and landscape plans requiring the ground level pergola roofs to be operable (i.e. able to be open and shut) to provide privacy to ground level open space areas to dwellings G.07, G.08 and G.09.
  - g) Any changes or measures recommended in the Acoustic Report approved under condition 19 of this permit.
  - h) Dwelling G.01 to comply with Standard B27 (daylight to new windows) of Clause 55 (this may require the dwelling to become a one bedroom) to ensure adequate daylight is provided.

- i) Dwelling G.09, for the window abutting the door accessing the communal area, provided with an external screen which may be operable, to provide privacy to bedroom.
  - j) For the secluded private open space areas, a minimum of 8 square metres and minimum width of 1.6m for the following dwellings; G.01. G.03, G.04, 1.01, 1.03-1.05, 1.13, 2.03-2.05
  - k) All dwellings provided with a storage area external to the dwelling. Not less than 24 storage areas must be at least 6 cubic metres, with the remaining storage areas not less than 3 cubic metres.
  - l) Allocation of 1 car parking space for each dwelling with one or two bedrooms, with 2 space allocated to dwellings with three or more bedrooms.
  - m) All section plans to demonstrate compliance with Clause 52.06 and provide at least 2.1 metres headroom beneath overhead obstructions, calculated for a vehicle with a wheel base of 2.8 metres.
  - n) The doors for the assembly booster facing Head Street shown as being unable to be opened onto the footpath.
  - o) Notation to show that all AC condenser units (not in basement or rooftop) to be relocated to an appropriate location in the basement or rooftop and to the satisfaction of the Responsible Authority.
  - p) Skylights added to the roof where possible above stairwells and other communal areas.
  - q) Addition of convex mirrors inside the basement to be included at the bends.
  - r) A longitudinal section plan for the ramp showing all levels to AHD including grades, lengths, levels at change in grade and height clearance.
  - s) A schedule of external construction materials, finishes and colours in accordance with Condition 7 of this permit.
  - t) Water sensitive urban design measures in accordance with Condition 9 of this permit.
  - u) Details on boom gate or similar system to be installed on the ramp and in accordance with Condition 14 of this permit.
  - v) Landscaping plan in accordance with Condition 15 of this permit.
  - w) **Site coverage not to exceed 57%.**
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Prior to the commencement of construction or carrying out works pursuant to this permit, or any works associated with a sensitive use, or where no works are proposed, prior to the commencement of the permitted use, either:
- a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the Environment Protection Act 1970 and provided to the Responsible Authority; or,
  - b) An Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must make a Statement in accordance with Section 53Z of that Act that the environmental conditions of the land

are suitable for the use and development that are the subject of this permit and that statement must be provided to the Responsible Authority.

Where a Statement of Environmental Audit is issued for the land, the buildings and works and the use(s) of the land that are the subject of this permit must comply with all directions and conditions contained within the Statement.

Where a Statement of Environmental Audit is issued for the land, prior to the commencement of the use, and prior to the issue of a Statement of Compliance under the Subdivision Act 1988, and prior to the issue of an Occupancy Permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the Responsible Authority to verify that the directions and conditions contained within the Statement have been satisfied.

Where a Statement of Environmental Audit is issued for the land, and any condition of that Statement requires any maintenance or monitoring of an ongoing nature, the Owner(s) must enter into an Agreement with Council pursuant to Section 173 of the Planning and Environment Act 1987.

Where a Section 173 Agreement is required, the Agreement must be executed prior to the commencement of the permitted use, and prior to the certification of the plan of subdivision under the Subdivision Act 1988. All expenses involved in the drafting, negotiating, lodging, registering and execution of the Agreement, including those incurred by the Responsible Authority, must be met by the Owner(s).

4. All plant and equipment to be located away from habitable room windows of the dwellings and the adjoining properties habitable rooms. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
7. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating for example paint samples) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.
8. 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
9. 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.

10. 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.
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. The mechanical stackers 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.
14. 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 prop clear of Head Street.
15. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Jack Merlo Design, dated 25/6/15 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
  - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - e) Details of surface finishes of pathways and driveways
16. 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.
17. 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.

18. Before the development starts, 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 St. Kilda Street and Head Street.
  - b) The removal of all disused vehicle crossing on St. Kilda Street and Head Street and replacement with a nature strip and kerb and channel.
  - c) The reconstruction of the footpath on St. Kilda Street and Head Street.
  - d) The relocation of any existing parking and no standing signs on St. Kilda Street and Head Street to accord with the layout of the new vehicle crossings and development.
  - e) The provision of three bicycle hoops on Head Street.
  - f) The provision of a bench seat in front of the residential lobby on Head Street.
  - g) The relocation of any assets or infrastructure required on St Kilda Street or Head Street as a direct consequence of this development.

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. Prior to the commencement of works, an acoustic report generally in accordance with the report by Acoustic Logic dated 25 June 2015 be submitted to and approved by the Responsible Authority to demonstrate how the dwellings will be acoustically treated to minimise noise transmission from the adjacent roads to the satisfaction of the Responsible Authority
20. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. The Tree Management Plan must be specific to the trees shown on the Tree Protection Plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. Stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

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

  - a) 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.
21. 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.
22. 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

23. 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.
24. Before the commencement of works, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
  - a) Dimensions of storage waste areas.
  - a) Storm water drains in storage areas should be fitted with a litter trap.
  - b) The number and size of bins to be provided.
  - c) Facilities for bin cleaning.
  - d) Method of waste and recyclables collection.
  - e) Types of waste for collection, including colour coding and labelling of bins.
  - f) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
  - g) Method of hard waste collection.
  - h) Method of presentation of bins for waste collection.
  - i) Sufficient headroom within the basement to accommodate waste collection vehicles.
  - j) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
  - k) Strategies for how the generation of waste and recyclables will be minimised.
  - l) 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.

25. 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.
26. 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.
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.

#### **Public Transport Victoria Condition 29**

28. The existing bus stop and associated infrastructure on Head Street must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

#### **VicRoads Condition 30**

29. Prior to the commencement of use of the permitted development, redundant vehicle crossover on St Kilda Street and Head Street must be remove and the kerb, channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority.

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

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

Permit Notes:

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

Environmental audit notes:

A copy of the Certificate or Statement of Environmental Audit, including the complete Environmental Audit Report must be submitted to the Responsible Authority within 7 days of issue, in accordance with Section 53ZB of the Environment Protection Act 1970.

Where a Statement of Environmental Audit is issued for the land a copy of that Statement must be provided to any person who proposes to become an occupier of the land, pursuant to Section 53ZE of the Environment Protection Act 1970.

The land owner and all its successors in title or transferees must, upon release for private sale of any part of the land, include in the Vendor's Statement pursuant to Section 32 of the Sale of Land Act 1962, a copy of the Certificate or Statement of Environmental Audit including a copy of any cover letter.

Where a Statement of Environmental Audit issued for the land contains conditions that the Responsible Authority considers to be unreasonable in the circumstances, the Responsible Authority may seek cancellation or amendment of the planning permit in accordance with Section 87 of the Planning and Environment Act 1987.

**CARRIED**

**5. Confidential Business**

Nil

*Given this was the last meeting of the Planning and Amenity Committee for the current Council, the Chairman thanked the Councillors for their participation and passion over the past four years, and wished everyone well for the future.*

*Following consideration of Confidential Business the Chairperson declared the meeting closed at 10.06pm.*

**CONFIRMED THIS INSERT 22 DAY OF NOVEMBER 2016**

**CHAIRPERSON: .....**