

11.2 Town Planning Application 397/2015/P - 1 Weatherston Road, Seaford - To construct three double storey dwellings.

(MP Community Development)

Cr Tayler left the Chamber at 7.29 pm

Cr Tayler returned to the Chamber at 7.30 pm

Council Decision**Moved: Councillor O'Reilly****Seconded: Councillor Tayler**

That Council resolves to issue a Notice of Decision to Grant a Planning Permit in respect to Planning Permit Application number 397/2015/P for three double storey dwellings at 1 Weatherston Road, Seaford, subject to the following conditions:

Plans

1. Before the use and/or 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 substantially in accordance with the plans submitted with the application but modified to show:
 - a. Consistency between plans 2 and 3 by providing a fence along the west boundary along the laneway;
 - b. The provision of a visitor car space made with permeable material, to be accessed from the common driveway and must not be located within the front setback.
 - c. First floor study nook window on north elevation of Dwelling 2, and retreat and bedroom 3 window on west elevation of dwelling 3 treated with obscure glazing to a height of 1.7 metres above floor level or highlight window to restrict overlooking into adjoining properties;
 - d. The portico of dwelling 1 deleted from its proposed location and the dwelling to be setback a minimum distance of 6 metres from tree 2 including all earthworks. The entry porch must be relocated outside of the tree protection zone of Tree 2;
 - e. The internal accessway to the south of dwelling 2 reduced in width to 3 metres and 200 mm additional landscaping area to the north of dwelling 1;
 - f. A western end of the driveway immediately in front of the portico of dwelling 3 deleted and replaced with landscaping;
 - g. The triangle landscaping bed to the north of the garage of dwelling 1 replaced with a curved edge;
 - h. The landscaping bed to the east of the driveway in front of the garage to dwelling 2 increased;
 - i. All overflow and storm water pipes within the front of the subject site must be located as far as practicable from trees 2 and 3;
 - j. The Tree Number, Tree Protection Zone and Structural Root Zone for all trees to be retained and the Tree Protection Fence locations must be illustrated on all relevant plans;
 - k. Landscape plan in accordance with condition 3;
 - l. Tree protection conditions noted in accordance with conditions 5-9;
 - m. Ground protection in accordance with condition 10;
 - n. Driveway construction method in accordance with condition 11; and
 - o. Lighting in accordance with Condition 20.

No Alterations

Chairperson's initials



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

Landscape Plans

3. Before the commencement of buildings and works, a landscape plan prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) survey (including botanical names) of all existing vegetation on the site and those located within 3.0 metres of the boundary of the site on adjoining properties, accurately illustrated to canopy width and labelled with botanical names, height and whether the tree is proposed to be retained and/or removed.
 - b) The delineation of garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development.
 - c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size at maturity and quantities of each plant.
 - d) A range of plant types from ground covers to large shrubs and trees;
 - e) A planting theme of a minimum 40% indigenous and 20% native species within each planting group.
 - f) Landscaping to a minimum height of 1.5m to be incorporated along the east boundary of the common driveway.
 - g) Adequate planting densities (e.g.: plants with a mature width of 1.0 metre, planted at 1.0 metre intervals).
 - h) The TPZ of trees 2 and 3 not occupied by approved structures to be mulched with a suitable organic mulch.
 - i) Planting within the TPZ of trees 2 and 3 must consist of either or a combination of both *Austrodanthonia caespitosa* (Wallaby Grass) and *Themeda triandra* (Kangaroo grass) or similar species.
 - j) Suitable WSUD techniques to direct rainfall to the TPZ of trees 2 and 3 must be employed to the satisfaction of the responsible authority.
 - k) Canopy trees (minimum 2.0 metres tall when planted) in the following areas:
 - i. One (1) within the secluded private open space of each dwelling (minimum mature height 5m);
 - ii. One (1) within front setback of dwelling 1.

Completion of Landscaping

4. The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority.

Tree Protection

5. Tree protection must be carried out in accordance with the Australian Standard AS 4970-2009 Protection of trees on development sites to the satisfaction of the Responsible Authority

6. The existing driveway where occurring within the T.P.Z. of trees 2 and 3 must be removed by hand prior to the demolition of the dwelling. No changes to the level of the natural ground is to occur;
7. The existing front fence where adjacent to tree 2 must be removed by hand;
8. Demolition of the existing dwelling must occur with the excavator located outside of the T.P.Z. and the arm only to enter the T.P.Z. Demolition of the dwelling cannot occur, including the movement of any machinery on the site, until ground protection measures have been implemented for trees 2 and 3;
9. Prior to the commencement of any buildings and works, a Tree Protection Fence defined by a 1.8 metre high (minimum) temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting with a high visibility plastic hazard tape, must be installed around the T.P.Z. of all retained trees on and adjacent the subject site where the T.P.Z. occurs on the subject site and for street trees where it occurs on the nature strip to the satisfaction of the Responsible Authority. The fencing for trees 2 and 3 can only be reduced by the minimum amount necessary to allow demolition of the existing structures and then again to allow the approved works to be constructed. A fixed sign is to be provided on all visible sides of the Tree Preservation Fencing, stating "Tree Preservation Zone – No entry without permission from Frankston City Council". Fencing must be inspected by a suitably qualified and experienced arborist prior to commencement of demolition and again prior to commencement of construction works.

The requirements below must be observed within this area unless with the prior written consent of the responsible authority –

- a. Coarse mulch laid to a depth of 50-100 mm (except street trees);
- b. No vehicular or pedestrian access;
- c. The existing soil level must not be altered either by fill or excavation;
- d. The soil must not be compacted or the soil's drainage changed;
- e. No fuels, oils, chemicals, poisons, rubbish or other materials harmful to trees are to be disposed of or stored;
- f. No storage of equipment, machinery or material is to occur;
- g. Open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used unless approved by the Responsible authority to tunnel beneath;
- h. Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree;
- i. Tree roots must not be severed or injured; and
- j. Machinery must not be used to remove any existing concrete, bricks or other materials.

Ground Protection

10. The T.P.Z. of trees 2, 3 and 9 must have ground protection installed in the location of the proposed driveway prior to the commencement of any demolition and construction works and generally consist of a layer of mulch with a suitable surface laid on top such as rumble boards or steel plates to allow for vehicular movement.

Driveway Construction

11. The driveway adjacent trees 2, 3 and 9 where occurring within the T.P.Z. must be constructed above the existing soil grade and be of air and water permeable material such as sand based paving, gravel, no fine concrete or similar is to be used.

Drainage

12. Provision of a Stormwater Detention System with a volume capable of retarding the 10 year ARI flow from the development site back to a 5 year ARI pre-development value to the satisfaction of the Responsible Authority.
13. Water Sensitive Urban Design principles (WSUD) are to be incorporated into the drainage design, which may include but not be limited to the following components or a combination thereof:
- On-site stormwater detention and rainwater tanks.
 - Soil percolation
 - Stormwater harvesting and Re-use of stormwater for garden watering, toilet flushing, etc
 - On-site 'bio-treatment' to reduce dissolved contaminants and suspended solids.
14. Soakage systems for stormwater drainage must be provided with Geotechnical design to demonstrate that effective drainage can be provided to cater for the peak rain event in either a 10% or 20% Annual Exceedance Probability without detriment to premises and/or other properties to the satisfaction of the Responsible Authority.
15. Prior to commencement of development construction detailed design plans and drainage computations of the internal stormwater drainage system including the method of connection to the existing Council drainage infrastructure are to be submitted and approved to the satisfaction of the Responsible Authority.
16. Vehicle crossing shall be fully reconstructed to Frankston City Council's standards and specifications to the satisfaction of the Responsible Authority.

Urban Design

17. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
18. Mailboxes shall be provided to the proposed dwelling/s to the satisfaction of the Responsible Authority and Australia Post.
19. All plumbing work, sewer pipes etc. (except for spouting and stormwater pipes) associated with the new dwelling shall be concealed from general view.
20. Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.

Completion of Buildings and Works

21. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Permit Expiry

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

Chairperson's initials



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

Notes

- A. Any request for an extension of time, or variation/amendment of this permit must be lodged with the relevant fee.
- B. Prior to the commencement of construction the operator of this planning permit must obtain a non-refundable Asset Protection Permit from Frankston City Council's Infrastructure Department.
- C. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made. Pursuant to Section 69 of the Planning and Environment Act 1987 the Responsible Authority may extend the periods referred to if a request is made in writing within the following prescribed timeframes:
 - a. Before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started;
 - b. Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

If a request is made out of time, the Responsible Authority cannot consider the request and the permit holder will not be able to apply to VCAT for a review of the matter.

D **Street Numbering**

Local Government is the Authority responsible for property addressing. There is a requirement under Local Law No. 7 2.12 for the owner or occupier of each property to clearly display the street numbering allocated by Council.

Proposed Street Numbering can be provided by contacting Frankston City Council Rates department - Phone 9784 1853.

It is the applicant's responsibility to ensure all owners are notified of the allocated street numbering.

Carried

For the Motion: Crs Dooley, Mayer, O'Reilly, Tayler and Taylor
Against the Motion: Cr Spelman

Chairperson's initials

