

# Planning and Amenity Delegated Committee Meeting

Council Chamber  
Civic Centre – Boxshall Street Brighton

Thursday 28 January 2021  
at 6:30pm



## Minutes

**PRESENT:**

**Chair:** Cr Alex del Porto

**Councillors:** Cr Laurence Evans OAM (Mayor)  
Cr Sonia Castelli (Deputy Mayor)  
Cr Hanna El Mouallem  
Cr Clarke Martin  
Cr Jo Samuel-King MBBS  
Cr Fiona Stitfold

**Officers:** Adam McSwain – Acting Chief Executive Officer  
Terry Callant – Manager Governance and Corporate Reporting  
Matthew Cripps – Manager Development Services  
Sarah Collins – Statutory Planning Coordinator  
Fiona Farrand – Statutory Planning Coordinator  
Robert Lamb – Acting Governance Coordinator

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	Nil	

The Chair declared the meeting open at 6:30pm and advised that the Planning and Amenity Delegated Committee meeting is being streamed live on the internet to ensure the community continues to have ongoing access to Council debate and the decision-making process.

The Chair noted that due to the ongoing COVID-19 pandemic, temporary changes to the Planning and Amenity Delegated Committee meeting procedures are in place with regard to Chapter 2, Division 10 of Council's Governance Rules 2020 (Individual Presentations), whereby:

- *in place of speaking in-person at a Council / Committee meeting, members of the public may submit a written statement which must be sent electronically, or delivered to Council's Corporate Centre, by 9:00am on the day of the meeting*
- *written statements received after 9:00am on the day of the meeting will not be considered by the meeting*
- *a person may only make a written statement to an Ordinary Meeting/Special Committee Meeting in relation to an item listed in the agenda under Reports by the Organisation, and even then not if the item is in the nature of a report summarising a decision already made by another body; or if the report relates to a Tender Report relating to the awarding of a contract*
- *in accordance with Chapter 2, Section 83(1) of Council's Governance Rules 2020, any statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community may not be accepted*
- *where a person has formally made a written statement in relation to an item on the agenda, the statement will be provided to all councillors in advance of the meeting*
- *written statements are not confidential and, following the closure for receipt of statements, will be published (including first and last names only) on Council's website as an attachment to the Agenda for the relevant meeting*
- *written statements will not be read out at the meeting; however, the Chairperson will advise the meeting of the number of statements received to each item.*

## 1. Apologies

### Procedural Motion

**Moved: Cr Evans**

**Seconded: Cr Castelli**

That the Planning and Amenity Delegated Committee grant Cr Samuel-King leave of absence for the 9 February 2021 Planning and Amenity Delegated Committee meeting.

**CARRIED**

*It is recorded that Cr Samuel-King requested leave of absence with the suspension of her Councillor allowance during this period and sought leave of absence from the Planning and Amenity Delegated Committee to be held on 9 February 2021*

## 2. Disclosure of any Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

**Procedural Motion**

**Moved: Cr Evans**

**Seconded: Cr Martin**

That the Planning and Amenity Delegated Committee:

1. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem which prevents Council from livestreaming the meeting
2. adjourns the meeting to be reconvened on Tuesday 2 February 2021 at 5:00pm via livestreaming on Council's website, in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website.

**CARRIED**

**3. Adoption and Confirmation of the minutes of previous meeting**

- 3.1 Confirmation of the Minutes of the Planning and Amenity Delegated Committee held on 15 December 2020.

**Moved: Cr Martin**

**Seconded: Cr Evans OAM (Mayor)**

That the minutes of the Planning and Amenity Delegated Committee held on 15 December 2020, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## 4. Matters of Decision

### 4.1 24 FOURTH STREET, BLACK ROCK GRANT A PERMIT APPLICATION 2020/664/1 WARD: EBDEN

City Planning and Amenity - Amenity Protection  
File No: PSF/21/28 – Doc No: DOC/21/4064

*It is recorded that Mr Alan McIntyre submitted a written statement in relation to this item.*

**Moved: Cr Evans OAM (Mayor)**

**Seconded: Cr Martin**

That Council resolves to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2020/664/1 for the land known and described as 24 Fourth Street, Black Rock, to remove vegetation native to Australia in the Vegetation Protection Overlay Schedule 3 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 show:
  - a) a Landscaping Plan in accordance with Condition 3 of this permit all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

#### Landscaping

3. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) a planting schedule of all proposed trees and shrubs including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
  - b) the planting schedule must include three (3) indigenous trees that will reach a minimum height of 8m and a width of 4m at maturity.
4. The landscaping works shown on the endorsed plans must be carried out and completed within 6 months of the removal of the trees hereby approved unless with the written consent of the Responsible Authority.

#### Permit Expiry

5. This permit will expire if one of the following circumstances applies:
  - a) the trees are not removed within two years of the date of this permit.

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

**CARRIED**

**4.2 5 KIRKWOOD STREET, BEAUMARIS  
NOTICE OF DECISION TO REFUSE TO GRANT A PERMIT  
APPLICATION 2020/662/1 WARD: BECKETT**

City Planning and Amenity - Amenity Protection  
File No: PSF/21/28 – Doc No: DOC/21/4946

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*It is recorded that Mrs Caroline Lawton, Mr Jason Barnfather, and Mr Jo Vink each submitted a written statement in relation to this item.*

**Moved: Cr Martin**

**Seconded: Cr Evans OAM (Mayor)**

Part A.

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/662/1 for the land known and described as 5 Kirkwood Street Beaumaris, for the removal of native vegetation in Vegetation Protection Overlay Schedule 3 on the following grounds:

1. The removal of the tree contradicts the vegetation protection objectives set out in Schedule 3 to Clause 42.02 (Vegetation Protection Overlay) of the Bayside Planning Scheme, specifically to retain amenity, aesthetic character and habitat value of Australian native vegetation within the Beaumaris and Black Rock area.
2. The tree fulfils several of the purposes pursuant to the Vegetation Protection Overlay Schedule 3 and therefore should be retained, including:
  - protect areas of significant vegetation
  - preserve existing tree and other vegetation
  - recolonise vegetation protection areas as locations of special significance, natural beauty, interest and importance
  - maintain and enhance habitat and habitat corridors for indigenous fauna 546.
3. The removal of the tree contradicts the preferred future character of Precinct H2 identified in Clause 22.06 of the Bayside Planning Scheme thus unreasonably impacts upon the significance of the area.

Part B.

Council officers to undertake a formal review of the health of the tree within 12 months to determine and consider the status and health of the tree and any future actions/recommendations required.

**CARRIED**



**4.3 1 BARTLETT STREET, HAMPTON EAST  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION 2020/413/1 WARD: IVISON**

City Planning and Amenity - Development Services  
File No: PSF/21/28 – Doc No: DOC/21/6915

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*It is recorded that Mr Emmanuel Gelberidis, Ms Izobel Cox, Mrs Christine O'Hagan, Mr Linton Neilson & Ms Holly Hockley, and Mr Luka Mrkonjic each submitted a written statement in relation to this item.*

**Moved: Cr Castelli (Deputy Mayor)**

**Seconded: Cr El Mouallem**

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/413/1 for the land known and described as 1 Bartlett Street, Hampton East, for the construction of four dwellings on a lot in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (advertised) prepared by 369 Building Design referenced A, date 15 October 2020 but modified to show:
  - a) the living room wall for dwelling 3 to be set back a further 1m from the northern boundary, to be accommodated within the building footprint
  - b) the setback of bedroom 2 for dwelling 3 from the northern boundary to be increased to allow for the increased setback of the ground floor living room wall as specified in condition 1(a), with no increase in the built form
  - c) the garage door to Dwelling 3 must open out from the garage into the dwelling itself
  - d) Water Sensitive Urban Design measures in accordance with Condition 9 of this permit. The floor plans must be updated to reflect the size of the proposed water tanks
  - e) an updated Landscaping Plan in accordance with Condition 11 of this permit
  - f) provision of the development contributions fee in accordance with Condition 22all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without

the written consent of the Responsible Authority.

5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
8. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants, to the site must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

#### Water Sensitive Urban Design

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

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

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.

#### Landscaping

11. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by 369 Building Design, reference A, dated 15 October 2020 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) a minimum of four canopy trees that are capable of reaching a mature height of at least 8m
  - 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.
12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Street tree protection

14. Soil excavation must not occur within 2 metres from the edge of the street tree asset's proposed for retention stem at ground level.
15. Before the development starts, tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
16. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.
17. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.
18. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised tree care contractors.

#### Drainage

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 City Assets and Projects Department.
21. Council records indicate that there is a 1.83m wide drainage and sewerage easement along the North property boundary as indicated on the drawings provided. The plans indicate that a items/paving shall be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the responsible Authority/Authorities. The items shall be partially demountable over the easement, and approval conditions to ensure the continuation of Authorities rights of drainage and sewerage.

Construction Management Plan

22. Before the commencement of works including demolition, 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.

#### Development Contributions Levy

23. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay the drainage levy in accordance with the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

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

#### Permit Expiry

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

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

#### Permit Notes:

- 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.
- 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.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Before the development starts the applicant must pay \$1,845.16 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Councils current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

- The permit holder must obtain approval from the relevant authorities to build over the easement(s).
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

**CARRIED**

**4.4 4 SUNLIT COURT, HAMPTON EAST  
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT  
APPLICATION 2017/246/2 WARD: IVISON**

City Planning and Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/371164

*It is recorded that Mr Jonathan & Mrs Andrena Tomlinson, and Mr Daniel Bowden each submitted a written statement in relation to this item.*

**Moved: Cr Castelli (Deputy Mayor)**

**Seconded: Cr Samuel-King MBBS**

That Council, having caused notice of planning application **2017/246/2** 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, resolves to issue a Notice of Decision to Refuse to Grant an Amendment to a Permit for the land known and described as 4 Sunlit Court, Hampton East for the construction of nine double storey dwellings on a lot located in a Special Building Overlay for the following reasons:

- 1) The proposed amendments fail to respect the existing neighbourhood character of the area and fail to respond to the objectives of Clause 22.06 (Neighbourhood Character, Precinct G1) of Bayside Planning Scheme, on the following grounds: the area by failing to:
  - a) ensure that the garden setting is maintained and enhanced
  - b) ensure the development maintains an appropriate rhythm of visual separation between buildings.
- 2) The proposed amendments 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 B6: Street Setback –The street setback fails to ensure the setbacks of buildings respect the existing or preferred neighbourhood character of the area
  - c) Standard B17: Side and Rear Setbacks – The proposed side setbacks fail to achieve compliance with the numerical requirements of Standard B17
  - d) Standard B28: The proposed amendments fail to provide adequate external private open space for reasonable recreation and service needs of residents at dwellings 3, 4 and 5.

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

**DIVISION:**   **FOR:**       Crs Alex del Porto, Laurence Evans OAM (Mayor), Clarke Martin, Sonia Castelli (Deputy Mayor), Hanna El Mouallem, Jo Samuel-King MBBS and Fiona Stitfold (7)  
**AGAINST:** Nil (0)

**CARRIED**

**4.5 12A HODDER STREET, BRIGHTON EAST  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION 2020/288/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/21/3071

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*It is recorded that Mrs Shirley Gill, and Dr Justin Lewis each submitted a written statement in relation to this item.*

**Moved: Cr Evans OAM (Mayor)**

**Seconded: Cr Castelli (Deputy Mayor)**

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/288/1 for the land known and described as 12A Hodder Street, Brighton East, for the use of land as a medical centre and associated reduction of car parking spaces in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (advertised) but modified to show:
  - a) the provision at least three (3) on site car parking spaces within the driveway, with the space located at the western end (closest to the street) to be marked for clients/visitors use only.
2. The use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. 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.
4. Before the occupation of the development and commencement of the use, the landscaping on the endorsed plans must be completed to the satisfaction of the Responsible Authority.
5. Not more than one medical practitioner may be present on the premises at any one time without the prior written consent of the Responsible Authority.
6. The use of medical centre may operate only between the hours of 9am to 4pm Monday to Friday, unless with the prior written consent of the Responsible Authority.
7. This permit will expire if one of the following circumstances applies:
  - a) the use is not started within two years of the date of this permit
  - b) the use is discontinued for a period of two years or more.

In accordance with 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 prescribed timeframes, where the use allowed by the permit has not yet started.



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.

**CARRIED**

**4.6 10-12 FOAM STREET, HAMPTON  
SUPPORT THE GRANT OF A PERMIT (VCAT CONSENT ORDER)  
APPLICATION 2019/307/1 WARD: BOYD**

City Planning and Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/374067

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**Moved: Cr Stitfold**

**Seconded: Cr Martin**

That Council resolves, subject to all other parties to the proceedings consenting to the issue of a planning permit, to Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2019/307/1 for the land known and described as 10-12 Foam Street, Hampton for the construction of a three storey multi-dwelling building over a basement car park including a front fence in excess of 1.5 metres in height and reduction of visitor car parking spaces in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (amended) prepared by Carr Design Group Pty Ltd, Project No 18031, date 06/08/19 and revision number B but modified to show:
  - a) retention of the English Oak (tree 10) at the rear of the site
  - b) the basement, ground, first and second floor levels set back a minimum distance of 6.4 metres from the centre of the English Oak (tree 10) at the rear of the site generally in accordance with the basement, ground, first and second floor plans marked 'without prejudice' dated 7 December 2020
  - c) the front setback at first floor level of the northern portion of the building increased to not less than 9.225 metres (with no protrusion of balcony or planters into this setback) generally in accordance with the ground floor plan marked 'without prejudice' dated 7 December 2020
  - d) the front setback at second floor level of the northern portion of the building to be a minimum 4 metres greater than the front setback of the floor below (there can be protrusion of balcony or planters into this setback)
  - e) the architectural expression of the front façade to be expressed as two distinct forms with a vertical break generally as depicted in the front façade sketch marked 'without prejudice' dated 7 December 2020
  - f) internal layouts and elevations to be modified to address the changes to the building envelope required by conditions 1(a), 1(b), 1(c) and 1(d)
  - g) the fire booster and gas meter cupboards on the site frontage to be no closer than 5 metres from the southern boundary, not be located in the northern portion of the building frontage, and subject to approval by the service authority
  - h) the landscape area in the northern side setback of apartment G.02 to have a minimum width of 1 metre

- i) a new 2.5 metre high double-skin paling fence to be constructed on the northern boundary tapering down to the height of the front fence at 8 Foam Street
- j) a new 2 metre high double-skin paling fence to be constructed on the southern boundary tapering down to the height of the front fence with the fence designed to minimise impacts on the Willow Myrtle (tree 3)
- k) a notation that there are to be no air-condition condensers or domestic services at ground floor level within the northern side setback of the front or rear ground floor dwellings
- l) provision within the basement of at least one car space for each one or two bedroom dwelling and at least two car spaces for each three or more bedroom dwelling
- m) all first and second floor west facing balustrading or planter boxes to have a minimum height of 1.1 metres
- n) provision of bollard lightings along the communal pedestrian path to the building entry to comply with Standard B12 of the Bayside Planning Scheme
- o) details to demonstrate all first floor and second floor habitable windows and balconies on north and south elevations are in accordance with Standard B22 and B23 of Clause 55 of the Bayside Planning Scheme including detailed cross sections
- p) internal fence details at the ground floor between apartments to comply with Standard B23 of the Bayside Planning Scheme
- q) apartment 105's balcony size to be increased with a minimum balcony dimension of 2m to comply with Standard B43 of the Bayside Planning Scheme (this must be absorbed within the dwelling footprint)
- r) a longitudinal section of the ramp in accordance with Clause 52.06 of the Bayside Planning Scheme that shows all grades, length of grades, AHD levels and headroom clearance
- s) a schedule of construction materials, external finishes and colours (incorporating for example paint samples)
- t) a Water Sensitive Urban Design measures in accordance with Condition 8 of this permit
- u) an updated Landscaping Plan in accordance with Condition 10
- v) a Tree Management Plan in accordance with Condition 13
- w) an arboricultural impact assessment report in accordance with Condition 14, and any modification required by the report must be incorporated without any reductions to other setbacks
- x) an Environmentally Sustainability Design Report in accordance with Condition 20
- y) a Waste Management Plan in accordance with Condition 22
- z) a Car Park Management Plan in accordance with Condition 24
- aa) a Drainage Contribution in accordance with Condition 25
- bb) any modifications to the plan arising from the Public Works Plan in accordance with Condition 27

- cc) details of basement storage to comply with condition 29  
all to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
  4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
  5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
  6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
  7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

#### Water Sensitive Urban Design

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

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

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

#### Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by ACRE, reference Foam Street Landscape Plan, dated 04/05/2020 and be drawn to scale with

dimensions. The plan must show:

- a) any amendments required by Condition 1
  - b) three evergreen canopy trees with minimum heights of 7 metres at maturity planted within the northern side setback adjacent to the secluded private open space of 8 Foam Street (minimum 3 metre height at time of planting)
  - c) a row of trees or shrubs with minimum height of 3 metres at time of planting along the northern boundary adjacent to the dwelling at 8 Foam Street
  - d) a row of evergreen trees or shrubs with minimum height of 3 metres at time of planting along the southern boundary adjacent to the dwellings at 14 Foam Street
  - e) all west facing planter boxes to incorporate vegetation that has a minimum height of 300mm above the top of the planter box
  - f) all of these trees to be selection from indigenous sandbelt vegetation with adequate soil volume in accordance with Bayside Landscape Guidelines.
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.

#### Tree Management and Protection Plan

13. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Report (TMR), prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The applicant must undertake measures to ensure that all contractors, sub-contractors and tradespersons operating on the site are aware of the content of this report.

The Tree Management Report must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

Both the TMR & TPP must be part of one document that must be named as the Tree Management Report (TMR).

The TMR must include:

- details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties and street trees where any part of the Tree Protection Zone falls within the subject site
- protection measures to be utilised and at what stage of the development they will be implemented
- appointment of a project arborist detailing their role and responsibilities
- stages of development at which the project arborist will inspect tree protection measures
- monitoring and certification by the project arborist of implemented protection measures

- a requirement that prior to excavation for the basement, a trench must be dug by hydro-excavation along the alignment of the basement within the TPZ of Trees 3, 7 and 10 and under the supervision of a suitably qualified and experienced arborist who will prune any roots
- a requirement that all areas within the TPZ of trees 3, 7 and 10 but outside the building footprint are to be maintained at existing levels and permeable. Any paving or decking must be constructed above existing soil levels and permeable
- a requirement that any fences within the TPZ of trees 3, 7 and 10 must be of light-weight construction to avoid the need for strip footings
- a requirement that the building must be constructed in such a way as to avoid the need for excessive pruning of the canopy of trees 3, 7 and 10 to accommodate scaffolding
- a requirement that pruning of any limbs of trees 3, 7 and 10 with a diameter exceeding 200mm must be supervised by a suitably qualified and experienced arborist.

The TPP must:

- be legible, accurate and drawn to scale
- show the location of all tree protection measures to be utilised
- include a key describing all tree protection measures to be utilised.

Any modification to the report must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

All actions and measures identified in the Tree Management Report must be implemented.

Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.

#### Provision of Arboricultural Impact Assessment Report

14. An arboricultural impact assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites.

The report will explain design and construction methods proposed to minimize impacts on trees to be retained (site trees and neighbouring trees) where there is encroachment into the calculated TPZ. This must address all works encroachments within the relevant TPZ area – with particular focus on tree 7 and 3 and 10 (paving, front fence, walls etc).

Any design modifications required to ensure retained trees ongoing health must be incorporated into the plans submitted under condition 1 of this permit.

#### Street tree protection

15. Before the development starts, tree protection fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council-approved crossover to facilitate the construction of the

crossover.

16. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised tree care contractors. There is to be no soil excavation within 2 metres of the any street tree asset measured from the edge of the trunk. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

Root pruning within the TPZ (Tree Protection Zone)

Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.

All affected roots must be correctly pruned according to AS 4373-2007.

#### Drainage

17. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
18. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.

For Subterranean and Basement Drainage

Council Stormwater drainage is for surface rainwater, no water below the Ground Water Table is accepted into the Council Stormwater system. Only occasional, clean, uncontaminated seepage water (associated with a rain event) is accepted to an appropriate Council underground drain, or this subterranean water must be suitably retained on-site.

19. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

#### Sustainability

20. Prior to the endorsement of plans, an updated Sustainability Report including any amendments included in Condition 1 to the satisfaction of the Responsible Authority must be submitted and endorsed by the Responsible Authority. The Sustainability Report must generally be in accordance with the Report prepared by GIW environmental solutions dated 28 May 2020 and remove 'Preview' watermark.
21. The development must be carried out and maintained in accordance with the recommendations and requirements as described in the endorsed sustainability report to the satisfaction of the Responsible Authority.

#### Waste Management Plan

22. Before the endorsement of plans, a revised 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) any amendment requested by Condition 1
  - b) dimensions of storage waste areas
  - c) storm water drains in storage areas should be fitted with a litter trap

- d) the number and size of bins to be provided
- e) facilities for bin cleaning
- f) method of waste and recyclables collection
- g) types of waste for collection, including colour coding and labelling of bins
- h) hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines)
- i) method of hard waste collection
- j) method of presentation of bins for waste collection
- k) sufficient headroom within the basement to accommodate waste collection vehicles
- l) sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction
- m) strategies for how the generation of waste and recyclables will be minimised
- n) 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.

#### Construction Management Plan

23. Prior to the commencement of development, 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.

#### Car Park Management Plan

24. Prior to the endorsement of plans pursuant to Condition 1, a car parking management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan.

The plan must include:

- a) allocation of parking for all dwellings
- b) any signs and/or line marking of car parking spaces within the basement
- c) provision and maintenance of a suitable lighting/warning system within the basement car park areas to control access/egress at the curved ramp.

#### Development Contributions Levy

25. Prior to endorsement of the plans required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

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

#### Underground of services to the site

26. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants, to the site must be installed underground and located to the satisfaction of the relevant servicing

authority and the Responsible Authority.

Public works plan

27. Prior to the endorsement of plans pursuant to Condition 1, a Public Works Plan must be prepared and developed in collaboration with Council. It must be submitted and approved to the satisfaction of the Responsible Authority, showing:
- a) details of upgrades to the existing Council footpaths on Foam Street to remove the existing crossover and associated driveway
  - b) details of new or upgraded vehicle crossovers and roads/laneways
  - c) undergrounding of the powerlines
  - d) details of any public lighting.

When approved, such plan will form part of the endorsed plans under this permit.

28. Prior to the occupation of the site associated with the development hereby approved, all public works associated with that stage must be completed in accordance with the endorsed Public Works Plan to the satisfaction of the Responsible Authority. The cost of all works associated with the endorsed plan must be borne by the developer/owner(s) of the land.
29. Storage areas within the basement visible from common areas to be enclosed within a metal cladding to ensure they are secure and goods within the storage area are not visible and in accordance with Standard B44 of Clause 55 of the Bayside Planning Scheme.

Permit Expiry

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:

- 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.
- 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.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.

- Council records indicate that there is a council stormwater drain running parallel to the rear property boundary. Council consider this asset to be protected by an implied easement. The plans indicate proposals of note to encroach into the implied easement. Proposals to be built over the implied easement will require Build Over Easement consent from the responsible Authority/Authorities.

**CARRIED**

**4.7 3 SEAVIEW AVENUE, BRIGHTON  
SUPPORT THE GRANT OF A PERMIT  
APPLICATION 2018/244/1 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services  
File No: PSF/21/28 – Doc No: DOC/21/10050

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**Moved: Cr Castelli (Deputy Mayor)**

**Seconded: Cr Samuel-King MBBS**

That Council resolves, subject to all other parties to the proceedings consenting, to Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2018/244/1 for the land known and described as 3 Seaview Avenue, Brighton for the construction of a double storey dwelling with basement car parking and roof top terrace 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 Section 57A amended plans prepared by Melbourne Design Studio, dated 18 August 2019, but modified to show:
  - a) the front fence to Seaview Avenue to have a minimum transparency of 50 per cent
  - b) an anti-graffiti wall treatment applied to the boundary wall facing the railway line or artwork that compliments the dwelling.
  - c) an amended Landscaping Plan in accordance with condition 10 of this planning permit.
  - d) an amended Acoustic Report in accordance with condition 15 of this planning permit.
  - e) the provision of screening to the eastern side of the terrace and pool shall prevent overlooking in accordance with Standard A15 of Rescode
  - f) deletedall to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

6. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants, to the site must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.
7. Before the occupation of the site commences, 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.
8. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
9. Before the occupation of the development starts, the proposed 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.

#### Landscaping

10. Prior to the endorsement of plans pursuant to condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Acre Landscape Architectural Studio, dated 3 June 2019, 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
  - f) a minimum of 80 per cent of plant species by type and count to be of local indigenous coastal species.
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.

#### Street tree protection

13. Before the development starts and prior to any demolition works, tree protection fencing is to be established around the street tree(s) marked for retention and

maintained until all works on site are complete. A tree protection fence is for the protection of a tree's canopy and root zone. The tree protection fencing must:

- a) be secured and maintained prior to demolition and until all site works are complete
  - b) be installed to comply with AS4970-2009, Protection of trees on development sites
  - c) encompass the tree protection zone (TPZ) for all street trees adjacent to the development
  - d) be constructed and secured so its positioning cannot be modified by site workers.
14. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised tree care contractors. There is to be no soil excavation within 2 metres of the street tree assets measured from the edge of the trunk. Any installation of services and drainage within the tree protection zone must be undertaken using root-sensitive, non-destructive techniques.

#### Acoustic Treatments

15. Prior to the endorsement of the plans, an amended acoustic report must be submitted to and approved by the Responsible Authority to demonstrate how the dwelling will be acoustically treated to minimise noise transmission from the adjacent land uses to the satisfaction of the Responsible Authority. The amended acoustic report must be generally in accordance with the report prepared by Acoustic Logic and dated 5 July 2018, but modified to reflect the approved development.
16. All works must be undertaken in accordance with the endorsed acoustic report to the satisfaction of the Responsible Authority. No alterations to the acoustic report may occur without the written consent of the Responsible Authority.

#### Drainage

17. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
18. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

#### Melbourne Water

19. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must show:
- a) any opening to the ground floor including doors, windows and vents must be set no lower than 6.65 metres to AHD
  - b) finished floor levels of the carlift must be set no lower than 6.65 metres to AHD

- c) the front fences and gates must be substituted with a 50% 'open style' fence or gate to the satisfaction of Melbourne Water.
- 20. Any opening to the ground floor including windows doors and vents must be constructed no lower than 6.65 metres to Australian Height Datum (AHD).
- 21. The entry/exit driveway of the basement car lift must be constructed no lower than 6.65 metres to AHD.
- 22. All doors, windows, vents and openings to the basement must be constructed no lower than 6.65 metres to AHD.
- 23. The building setbacks shown to the ground floor site boundaries must not be further reduced without the further review and written approval by Melbourne Water, to ensure adequate open space areas to allow for the passage of overland flood flow.
- 24. The layout of the swimming pool located on the ground floor including the location and design of the 'window' to the structure must not be altered without further review and written approval from Melbourne Water.
- 25. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building and driveway ramp.
- 26. The open space areas within the property must be constructed at natural surface levels and no fill or retaining walls should be used in the development of this land.
- 27. Any new front fence and internal fencing must be open style, a minimum of 50% of construction and any new side boundary fencing must be timber paling to allow for the conveyance of overland flow.
- 28. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.
- 29. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
- 30. Any opening to the ground floor including doors windows and vents must be constructed no lower than 6.65 metres to Australian Height Datum (AHD).

#### VicTrack

- 31. The common boundary with the railway land must be fenced at all times to prohibit unauthorised access to the rail corridor. Any fences or walls on the boundary of the rail corridor must be treated with a graffiti proof finish and any graffiti must be removed by the owner as soon as practicable.
- 32. No drainage, effluent, waste soil or other materials to be entered or be directed to the rail corridor. No storage of waste, soil or other materials on railway land.
- 33. No entry to the rail corridor except with the written consent of the Rail Operator. If the Rail Operator's written consent to enter the railway land has been obtained, the owner/permit holder must comply with the Rail Operator's Site Access Procedures and Conditions when accessing the railway land and must take all reasonable steps to avoid disruptions to rail operations.
- 34. No excavation, filling or construction on the common boundary between the subject land and the railway land unless it has obtained prior written approval of the Rail Operator. All buildings and works including hoardings and ground

anchors must be undertaken within the subject land and must not encroach on railway land.

- 35. No ground anchors (permanent or temporary) are permitted to be constructed in railway land.
- 36. No lighting is to be installed on the western boundary with the rail corridor which interferes with the visibility of track or signals.

Permit Expiry

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

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

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.
- 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.
- Construction of any fence/wall/letterbox structures may necessitate removal/damage of some sections of footpath. If this is the case, a road opening permit must be obtained to facilitate such work.
- A road opening/stormwater tapping permit is to be obtained from Council's infrastructure department prior to the commencement of the connection to the Council drain/kerb/channel.

Melbourne Water Notes

- The applicable flood level is 6.35 metres to Australian Height Datum (AHD).

Date	Details
28 January 2021	Amendment to the planning permit under Section 72 of the <i>Planning and Environment Act 1987</i> for: <ul style="list-style-type: none"> <li>• Condition 1e) amended to read                             <ul style="list-style-type: none"> <li>- the provision of screening to the eastern side of the terrace and pool shall prevent overlooking in accordance with Standard A15 of Rescode</li> </ul> </li> <li>• Condition 1f) deleted</li> <li>• Melbourne Water conditions deleted and replaced with the conditions (19 to 30) provided in Attachment 4.</li> <li>• Addition of VicTrack conditions (31 to 36) as per the advice provided in Attachment 5.</li> </ul>

**CARRIED**



#### **4.8 STATUTORY PLANNING - VCAT REPORT (DECEMBER 2020)**

City Planning and Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/21/8017

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**Moved: Cr Evans OAM (Mayor)**

**Seconded: Cr Stitfold**

That Council resolves to:

- receive and note the report
- note the outcome of VCAT decisions on the planning applications handed down during December 2020.

**CARRIED**

## **5. Confidential Business**

There was no confidential business submitted to the meeting.

*The Chair declared the meeting closed at 7:20pm.*