

# Planning & Amenity Committee Meeting

Council Chambers  
Civic Centre – Boxshall Street Brighton

Tuesday 10 March 2020  
at 7pm



## Minutes

**PRESENT:**

**Chairperson:** Cr Rob Grinter (Deputy Mayor)

**Councillors:** Cr Clarke Martin (Mayor)  
Cr Sonia Castelli  
Cr Alex del Porto  
Cr Laurence Evans OAM  
Cr Michael Heffernan  
Cr James Long BM JP

**Officers:** Matthew Cripps – A/Director City Planning and Amenity  
Terry Callant – Manager Governance and Corporate Reporting  
Fiona Farrand – A/Manager Development Services  
Michael Kelleher – Statutory Planning Coordinator  
Arthur Vatzakis – Statutory Planning Coordinator  
Karen Brown – Governance Coordinator

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5. Confidential Business

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 11 February 2020.

**Moved: Cr Martin (Mayor)**

**Seconded: Cr del Porto**

That the minutes of the Planning & Amenity Committee Meeting held on 11 February 2020, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## 4. Matters of Decision

### 4.1 109 ABBOTT STREET, SANDRINGHAM SUPPORT THE GRANT OF A PERMIT APPLICATION NO: 2019/576/1 WARD: CENTRAL

City Planning & Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/8023

*It is recorded that Mr Peter Zidich, Mrs Helena Cannon, Dr Juliette Riddall (via proxy, Mr Peter Zidich), Ms Anita Aiezza, Ms Susanne Motherwell, Mr Peter Nolle, Dr Olivia Abbay, Mr Gregory McCreath, Mr Philip Gleeson, Ms Ellen Mentha and Mr Shem Curry each spoke for three minutes in relation to this item.*

**Moved: Cr Castelli**

**Seconded: Cr Evans**

- A. That Council, having caused notice of planning permit application **2019/576/1** 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, resolve to advise all parties and original objectors that it forms the position to **Not Support the Grant of a Permit** in respect of the land known and described as **109 Abbott Street, Sandringham**, for the **construction of ten double storey dwellings over basement car parking** subject to the following grounds:
1. The proposed development of the land does not meet with the purpose of the Neighbourhood Residential Zone as follows:
    - a) The proposal does not respect the existing or preferred neighbourhood character of the area due to the built form, scale, mass and design detail of the building.
    - b) The residential buildings do not comply with numerous objectives, standards and decision guidelines of Clause 55.
  2. The proposal does not respect the existing neighbourhood character or preferred neighbourhood character as outlined within Precinct E3 of Clause 22.06 of the Bayside Planning Scheme due to:
    - a) The proposal fails to ensure that new buildings do not dominate the streetscape through the built form, scale, mass and design detail of the building.
    - b) The proposal fails to develop the area in a manner that conserves and enhances its valued character.
    - c) The proposal fails to reflect the lightness and openness of the streetscape.
  3. The proposal does not comply with the following standards and objectives of Clause 55 and of the Bayside Planning Scheme:
    - a) Clause 55.02-1, Standard B1, Neighbourhood character – The proposal does not provide an appropriate design response to the neighbourhood and site or respect the existing or preferred neighbourhood character with regards to built-form, scale, mass, design detail of the building and enhancing the garden setting of the area.

- b) Clause 55.02-2, Standard B2, Residential policy – The proposal does not accord with all relevant housing policy in the Victoria Planning Provisions and Local Planning Policies.
  - c) Clause 55.03-1, Standard B6, Street setback – The proposal fails to provide the minimum street setback that respects the existing or preferred neighbourhood character.
4. The proposed access arrangements fails to provide safe and convenient entry and egress from the development in accordance with Clause 52.06 of the Bayside Planning Scheme.
- B. That Council engage suitable legal representation and a Traffic Management expert at any VCAT hearing.

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

**DIVISION:**     **FOR:**       Crs Alex del Porto, Laurence Evans, Michael Heffernan, James Long, Clarke Martin (Mayor), Sonia Castelli and Rob Grinter (Deputy Mayor) (7)

**AGAINST:** Nil (0)

**CARRIED**

**4.2 17 NAUTILUS STREET, BEAUMARIS  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO: 2019/597/1 WARD: SOUTHERN**

City Planning & Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/41643

*It is recorded that Mrs Fiona Austin (via proxy, Ms Laura Bielby), Mr Jamie Paterson, Ms Annie Price, Mrs Caroline Lawton, Mrs Carlie Fraser, Mr Robert Harwood, Mr David Conomy, Mr Richard Umbers, Mr Paul Kalimnakis and Mr George Anastasiadis each spoke for three minutes in relation to this item.*

*It is recorded that Councillor del Porto left the Meeting at 8:42 pm, and Councillor del Porto returned to the Meeting at 8:44 pm.*

**Moved: Cr Castelli**

**Seconded: Cr del Porto**

That Council resolve to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2019/597/1** for the land known and described as **17 Nautilus Street, Beaumaris**, for the **construction of two dwellings and a front fence exceeding 1.2 metres in height and removal of native vegetation on a lot** in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (advertised) prepared by Ikos Planning and Development referenced A1-00, A1-02, and A1-04 all Revision 2 dated 15 Jan 2020 and revision number 2 and A1-01 Revision 4, A1-03 Revision 4 and A1-03a Revision 1 dated 19 Feb 2020 but modified to show:
  - a) All light/ ventilation shafts to basements at dwellings 1 and 2 to have a maximum height of 1.2 metres above natural ground level.
  - b) Fence located between study at dwelling 1 and western side boundary to be removed and replaced with a fence which is at least 50% transparent and has a maximum height of 1 metre above finished floor level of utility area.
  - c) Fence located between study at dwelling 2 and eastern side boundary to be removed and replaced with a fence which is at least 50% transparent and has a maximum height of 1 metre above finished floor level of utility area.
  - d) Vehicle turntable specifications for dwellings 1 and 2.
  - e) Driveway grades to dwellings 1 and 2 to have a 1 in 10 grade over the top 2 metres, a 1 in 4.5 main grade and a 1 in 8 grade over the bottom 2 metres and a minimum headroom to the entrance to each basement of 2.1 metres in height to be maintained.
  - f) Garage doors to dwellings 1 and 2 to have a minimum width of 4.8 metres.

- g) A schedule of construction materials, external finishes and colours including details of natural materials to be included for the gallery entries to dwellings 1 and 2.
- h) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
- i) A Landscaping Plan in accordance with Condition 10 of this permit.
- j) A Tree Management Report in accordance with Condition 13 of this permit.
- k) Provision of the development contributions fee in accordance with Condition 23 of this permit.
- l) Increase the front set back to a minimum of 8.5 metres in accordance with Standard B6 of the Bayside Planning Scheme.

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. 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 22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

#### 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, an 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 Wallbrink landscape architecture, reference 2116TP1 Revision B dated 27/11/2019 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) All trees to be planted a minimum of 1 metres from any boundary fence.
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 Report

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 contents 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:

- a) 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 where any part of the Tree Protection Zone falls within the subject site.
- b) Protection measures to be utilised and at what stage of the development they will be implemented.
- c) Appointment of a project arborist detailing their role and responsibilities.
- d) Stages of development at which the project arborist will inspect tree protection measures and.
- e) Monitoring and certification by the project arborist of implemented protection measures.

The TPP must:

- a) Be legible, accurate and drawn to scale.

- b) Show the location of all tree protection measures to be utilised and.
  - c) Include a key describing all tree protection measures to be utilised.
14. 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.
  15. All actions and measures identified in the Tree Management Report must be implemented.
  16. 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.

#### Street trees

17. Before the development starts, tree protection fencing is to be established around the street trees to be retained 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 street tree. The tree protection zone is to be established and maintained in accordance with AS 4970-2009. During construction of any approved crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
18. 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 must be correctly pruned.
19. Any installation of services and drainage within the TPZ of any street tree must be undertaken using root sensitive non-destructive techniques.

#### Drainage

20. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
21. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.
22. 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.

#### Development Contribution

23. 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 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.
- The redundant vehicle crossing must be removed.
- 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 1.83m wide drainage and sewerage easement along the north property boundary as indicated on the drawings provided. The plans indicate that paving and an intertenancy fence/wall shall be constructed over the easement. Any proposal to encroach into the easement will require a Build Over Easement consent from the responsible Authority/Authorities.
- 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.
- Council is the Responsible Authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.

Western Dwelling – 17 Nautilus Street Beaumaris 3193

Eastern Dwelling – 19 Nautilus Street Beaumaris 3193

For more information on street numbering, please contact Council's Revenue Services Team on 9599 4444.

- Before the vehicle crossing application will be approved, the applicant must pay \$3,562.64 to the Responsible Authority for the removal and replacement of the existing street tree (Asset No. 430262). This amount has been determined in accordance with Council's current policy for the removal of street trees. This

amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.

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

**DIVISION:**    **FOR:**        Crs Alex del Porto, Michael Heffernan, Sonia Castelli and Rob Grinter (Deputy Mayor) (4)

**AGAINST:** Crs Laurence Evans, James Long and Clarke Martin (Mayor) (3)

**CARRIED**

**4.3 372 BEACH ROAD, BEAUMARIS  
SUPPORT THE GRANT OF A PERMIT  
APPLICATION NO: 2019/484/1 WARD: SOUTHERN**

City Planning & Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/19/320967

*It is recorded that Mrs Fiona Austin (via proxy, Ms Laura Bielby), Mr Jamie Paterson, Ms Annie Price, Mrs Caroline Lawton, Mrs Carlie Fraser, Mr Geoffrey Goode (via proxy, Mrs Caroline Lawton), Mr Robert Harwood and Mr Seamus Taaffe (via proxy, Mr David Song) each spoke for three minutes in relation to this item.*

*It is recorded that Councillor Long left the Meeting at 9:50 pm, and Councillor Long returned to the Meeting at 10:02 pm.*

**Moved: Cr del Porto**

**Seconded: Cr Heffernan**

That Council resolve to **Support the Grant of a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2019/484/1** for the land known and described as **372 Beach Road, Beaumaris**, for the **construction of two double storey dwellings, removal of native vegetation in a Vegetation Protection Overlay (Schedule 3) and creation of access to a road in 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 the plans prepared by Orosvary Architects but modified to show:
  - a) Crossover along Surf Avenue reduced to 4.8m width.
  - b) The northern edge of the driveway to Dwelling 1 on Surf Avenue must be a minimum of 2.3m from the Saw Tooth Banksia (*Banksia serrata*) located on the nature strip.
  - c) Adequate sight lines are to be provided where each driveway intersects with the footpath in accordance with the requirements of Clause 52.06 of the Bayside Planning Scheme to the satisfaction of the Responsible Authority.
  - d) A minimum 2m x 2m corner splay to be provided at the south-west corner of the property, with consequential changes to the satisfaction of the Responsible Authority.
  - e) Internal dimensions of each garage to be in accordance with Design Standard 2 of Clause 52.06-9 of the Bayside Planning Scheme.
  - f) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
  - g) A Landscaping Plan in accordance with Condition 12 of this permit.
  - h) Water Sensitive Urban Design measures in accordance with Condition 10 of this permit.
  - i) Tree Management and Protection Plan in accordance with Condition 15.

- j) Development Contribution to be paid in accordance with Condition 19.  
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.

#### VicRoads

8. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the works hereby approved.
9. Vehicles must enter and exit the land in a forward direction at all times.

#### Water Sensitive Urban Design

10. 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.

11. 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

12. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Bayview Landscaping, dated August 2019 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) Condition 1 changes.
  - b) 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.
  - c) 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.
  - d) 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.
  - e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - f) Details of surface finishes of pathways and driveways.
13. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

15. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

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

The Tree 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 for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
  - b) The location of tree protection measures to be utilised.
16. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be

undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

17. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

#### Street tree protection

18. Before the development starts tree protection fencing is to be established around the Saw-tooth Banksia (*Banksia serrata*) located along the Surf Avenue frontage and 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.

#### Development Contributions

19. Prior to endorsement of the plan/s 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 Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

#### Drainage

20. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
21. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.
22. Council records indicate that there is a Council stormwater pit in the North East corner of the property. Council consider this asset to be protected by an implied easement. The plans indicate no proposals to encroach into the implied easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the responsible Authority/Authorities.

#### Permit Expiry

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:

- Council is the responsible authority for the allocation of street addressing in accordance with the 'Rural and Urban Addressing Standards (4819:2011)'. It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.

For more information on street numbering, please contact Council's Revenue Services Team on 9599 4444.

- 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 \$11,246.62 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.
- No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the *Road Management Act 2004*, the *Road Safety Act 1986*, and any other relevant acts or regulations created under those Acts.
- The permit holder must obtain approval from the relevant authorities to build over the implied easement(s) / Council drainage pit.
- Subsurface water must be treated in accordance with Council's Policy for 'Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures'.

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

**DIVISION:** FOR: Crs Alex del Porto, Michael Heffernan and Sonia Castelli (3)  
**AGAINST:** Crs Laurence Evans, James Long, Clarke Martin (Mayor) and Rob Grinter (Deputy Mayor) (4)

**LOST**

**Moved: Cr Evans**

**Seconded: Cr Martin (Mayor)**

That Council, having caused notice of planning permit application **2019/484/1** 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, resolve to advise all parties and original objectors that it forms a position to **Not Support the Grant of a Permit** in respect of the land known and described as **372 Beach Road, Beaumaris**, for the **construction of two double storey dwellings, removal of native vegetation in a Vegetation Protection Overlay (Schedule 3) and creation of access to a road in a Road Zone, Category 1** for the following reasons:

1. The proposal fails to comply with the objective of Clause 15.01-5S of the Bayside Planning Scheme, specifically it does not sufficiently recognise or support the existing neighbourhood character or sense of place.
2. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character Precinct H4) of the Bayside Planning Scheme, on the following grounds:
  - a) The development fails to respond to the existing and preferred neighbourhood character for this precinct.
  - b) The development fails to minimise the dominance of car parking structures.
  - c) The built form dominates the respective streetscapes and does not adopt innovative architecture that reflects the site's coastal setting.
3. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
  - a) Standard B 1 (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 proposed side and rear setbacks fail to respect the .existing and preferred neighbourhood character or limit amenity impacts on adjoining dwellings.
4. The proposed development fails to respond to the objectives of the vegetation protection overlay (schedule 3) due to the removal of trees 3 and 10.

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

**DIVISION:**   **FOR:**       Crs Laurence Evans, James Long, Clarke Martin (Mayor) and Rob Grinter (Deputy Mayor) (4)

**AGAINST:** Crs Alex del Porto, Michael Heffernan and Sonia Castelli (3)

**CARRIED**

**4.4 11 ALICIA STREET, HAMPTON  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO: 2019/440/1 WARD: CENTRAL**

City Planning & Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/43716

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*It is recorded that Ms Julie Spence, Ms Gabriele Buzatu, Mr Robert Beattie, Dr Bec Vanderheide, Ms Robyn Watters, Mr Peter Jenner, Mr Evan Packer, Mr Michael Vanderheide, Mr Haydn Kelvy, Mr Nick Legoe and Miss Kia Achilleos each spoke for three minutes in relation to this item.*

*Councillor del Porto left the Meeting at 10:35 pm, and Councillor del Porto returned to the Meeting at 10:39 pm.*

*Councillor Heffernan left the Meeting at 10:54 pm, Councillor Heffernan returned to the Meeting at 10:57 pm.*

**Moved Cr Martin**

**Seconded Cr Evans**

That the meeting be extended for a further 30 mins.

**CARRIED**

*It is recorded that the meeting was extended for a further 30 minutes at 11:00pm.*

**Moved: Cr Castelli**

**Seconded: Cr Long**

- A. That Council, having caused notice of planning permit application **2019/440/1** 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, resolve to issue a **Notice of Decision to Refuse to Grant a Permit** in respect of the land known and described as **11 Alicia Street, Hampton**, for the **construction of a three storey apartment building** subject to the following grounds:
1. The proposed development of the land does not meet with the purpose of the Neighbourhood Residential Zone as follows:
    - a) The proposal does not respect the existing or preferred neighbourhood character of the area due to the built form, scale, mass and design detail of the building.
  2. The proposal does not respect the existing neighbourhood character or preferred neighbourhood character as outlined within Precinct F1 of Clause 22.06 of the Bayside Planning Scheme due to:
    - a) The proposal failing to ensure that new buildings do not dominate the streetscape through the built form, scale, mass and design detail of the building.
    - b) The proposal fails to develop the area in a manner that conserves and enhances its valued character.
  3. The proposal does not comply with the following standards and objectives of Clause 55 and of the Bayside Planning Scheme:
    - a) Clause 55.02-1, Standard B1, Neighbourhood character – The proposal does not provide an appropriate design response to the neighbourhood

and site or respect the existing or preferred neighbourhood character with regards to built form, scale, mass and design detail of the building.

- b) Standard B17 (Side and Rear Setbacks) - The proposed side setbacks fail to respect the existing and preferred neighbourhood character or limit amenity impacts on adjoining dwellings.

- B. That Council engage suitable legal representation at any VCAT hearing.

**CARRIED**

**4.5 34 ARDOYNE STREET, BLACK ROCK  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO. 2019/517/1 WARD: SOUTHERN**

City Planning & Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/49341

*It is recorded that Mr Joshua Annear (via proxy, Mr Roger Annear) and Mr Colin Smale each spoke for three minutes in relation to this item.*

*It is recorded that Councillor Castelli left the Meeting at 11:27 pm and Councillor Castelli returned to the Meeting at 11:30 pm.*

*It is recorded that Councillor del Porto left the Meeting at 11:26 pm and Councillor del Porto returned to the Meeting at 11:30 pm.*

**Moved: Cr Evans**

**Seconded: Cr Martin (Mayor)**

That Council resolve to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2019/517/1** for the land known and described as **34 Ardoyne Street, Black Rock**, for the **construction of two (2) dwellings and vegetation removal within a 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 be generally in accordance with the advertised plans (prepared by Lowe Design and Build dated 21 October 2019 and revision number TP1-10) but modified to show:
  - a) Notation on the elevations and material schedule that the obscure glazing ('obs') to be fixed to a height of 1.7 metres above finished floor level with no greater than 25% transparency in accordance with Standard B22.
  - b) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
  - c) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
  - d) A Landscaping Plan in accordance with Condition 10 of this permit.
  - e) Tree Management Report in accordance with condition 13 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.
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 advertised landscape concept plan 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. Plantings must be 80% indigenous by species type and count.

- d) Nomination of the following replacement planting:
    - At least one (1) large canopy trees (minimum two metres tall when planted and able to reach, and maintain, a height of at least 15 metres) in the front setback area of Dwelling 1;
    - At least one (1) large canopy trees (minimum two metres tall when planted and able to reach, and maintain, a height of at least 8 metres) in the front setback area of Dwelling 2; and
    - Two (2) large canopy trees (minimum two metres tall when planted) in the secluded private open space areas (one for each dwelling).
  - e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - f) Details of surface finishes of pathways and driveways.
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.

#### Provision of Tree Management Report

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 contents 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 where any part of the Tree Protection Zone falls within the subject site;
- Investigation of root sensitive design measures in relation to Tree 24;
- 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; and
- Monitoring and certification by the project arborist of implemented protection measures.

The TPP must:

- Be legible, accurate and drawn to scale;

- Show the location of all tree protection measures to be utilised; and
  - Include a key describing all tree protection measures to be utilised, including ground protection measures (rumble boards and/or mulch) within the TPZ of Tree 24.
14. 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.
  15. All actions and measures identified in the Tree Management Report must be implemented.
  16. 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.

#### 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.

#### Drainage Contributions Levy

19. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a 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

20. 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.

**CARRIED**

**Moved Cr Martin**

**Seconded Cr del Porto**

That the Planning and Amenity Committee meeting be adjourned at 11:37pm, and to be reconvened on Wednesday 11 March 2020 at 7:00pm at the Council Chambers.

**CARRIED**

*It is recorded that the meeting was adjourned at 11:37pm.*

## Reconvened meeting of the Planning and Amenity Committee Wednesday 11 March 2020

**Chairperson:** Cr Rob Grinter (Deputy Mayor)

**Councillors:** Cr Clarke Martin (Mayor)  
Cr Alex del Porto  
Cr Laurence Evans OAM  
Cr Michael Heffernan  
Cr James Long BM JP

**Officers:** Matthew Cripps – A/Director City Planning and Amenity  
Terry Callant – Manager Governance and Corporate Reporting  
Nikolas Muhllechner – Statutory Planning Coordinator  
Karen Brown – Governance Coordinator

**Moved Cr del Porto**

**Seconded Cr Long**

That the meeting be resumed at 7:00pm on Wednesday 11 March 2020.

**CARRIED**

*It is recorded that the meeting was re-convened at 7.00pm on Wednesday 11 March 2020 in the Council Chambers.*

### **Apologies**

Cr Castelli submitted an apology to the meeting.

**Moved Cr del Porto**

**Seconded Cr Evans**

That the apology of Cr Castelli be received and leave of absence be granted.

**CARRIED**



**4.7 37 ST ANDREWS STREET, BRIGHTON (BRIGHTON GRAMMAR)  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO: 2019/515/1 WARD: NORTHERN**

City Planning & Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/40560

*It is recorded that Mrs Anna Barclay, Reverend Ian Morrison and Mr Ross Featherston each spoke for three minutes in relation to this item.*

**Moved: Cr del Porto**

**Seconded: Cr Heffernan**

That Council resolve to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2019/515/1** for the land known and described as **37 St Andrews Street, Brighton**, for the part demolition and the **construction of a three storey multi-purpose building with basement levels and roof top tennis courts** in accordance with the endorsed plans and subject to the following conditions:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Architectus, date 19 September 2019, but modified to show:
  - a) The retention of street trees 63, 205 and 206, unless the public works plan required by condition 28 demonstrates their retention is not viable as a result of undergrounding services.
  - b) All relevant dimensions, levels, grades, headroom clearance and sections of the basement ramps, car parking spaces and accessways.
  - c) Water sensitive urban design measures in accordance with condition 7 of this planning permit.
  - d) The retention of trees 200 and 201 and any modifications to the proposed landscaping and furniture below, unless the public works plan required by condition 28 demonstrates their retention is not viable as a result of undergrounding services.
  - e) A landscaping plan in accordance with condition 9 of this planning permit.
  - f) A tree management and protection plan in accordance with condition 12 of this planning permit.
  - g) Any changes required by the acoustic report in accordance with condition 24 of this planning permit.
  - h) A public works plan in accordance with condition 28 of this planning 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.

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 the building/s herein approved 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.

#### Water Sensitive Urban Design

7. 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 plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
  - a) The type of water sensitive urban design stormwater treatment measures to be used.
  - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
  - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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

#### Landscaping

9. 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 report prepared by Oculus Landscape Architecture, dated 5 September 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 development site not covered by buildings or hard surfaces.
  - e) Details of surface finishes of pathways and driveways.
  - f) The retention of trees 200 and 201 and any modifications to the proposed landscaping and furniture below, unless the public works plan required by condition 28 demonstrates their retention is not viable as a result of undergrounding services.
  - g) The retention of street trees 63, 205 and 206, unless the public works plan required by condition 28 demonstrates their retention is not viable as a result of undergrounding services.
10. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping 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

12. Prior to the endorsement of plans pursuant to condition 1, including any related demolition or removal of vegetation, a tree management plan (report) and tree protection plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

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

The tree protection plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

- a) The tree protection zone and structural root zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the tree protection zone falls within the subject site.
  - b) The location of tree protection measures to be utilised.
  - c) The retention of street trees 63, 205 and 206, unless the public works plan required by condition 28 demonstrates their retention is not viable as a result of undergrounding services.
13. All protection measures identified in the tree management and protection plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the tree management and protection plans, to the satisfaction of the Responsible Authority.
14. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the tree management plan must be submitted to the Responsible Authority.

15. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

#### Street Tree Protection

16. There is to be no soil excavation within 3 metres of any street tree to be retained, measured from the edge of the trunk, unless the public works plan required by condition 28 demonstrates the soil excavation as a result of undergrounding services will not unreasonably impact on the health of the street tree.
17. 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. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
  - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
  - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
  - c) Fencing should encompass the tree protection zone (TPZ) for all street trees adjacent to the development.
  - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - e) If applicable, prior to construction of the Council approved crossover, tree protection zone fencing may be reduced to the edge of the new crossover to facilitate works.
18. Prior to soil excavation for a Council approved crossover within the tree protection zone of a street tree to be retained, 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.
19. Any installation of services and drainage within the tree protection zone of any street tree to be retained must be undertaken using root sensitive non-destructive techniques.

#### Lighting

20. Prior to the endorsement of plans pursuant to condition 1, the Tennis Court Lighting Calculations Report prepared by Erbas, dated December 2019 must be submitted and endorsed by the Responsible Authority.
21. Prior to the certificate of occupancy, certification of the installed tennis court lighting must be undertaken by a qualified lighting engineer, assessed against the Tennis Court Lighting Calculations report prepared by Erbas, dated December 2019.
22. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
23. The roof top tennis court lights must only operate between 7:00am and 10:30pm.

#### Acoustic Report

24. Prior to the endorsement of plans pursuant to condition 1, an amended acoustic report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by

the Responsible Authority. When approved, the acoustic report will be endorsed and will form part of this permit. The acoustic report must be generally in accordance with the tennis court noise emissions report prepared by Acoustic Consulting Australia and dated 30 August 2019, the correspondence from Acoustic Consulting Australia and dated 18 October 2019 and the tennis court noise emissions ambient noise assessment report prepared by Acoustic Consulting Australia and dated 20 December 2019 and assess the following:

- a) Residences that are more distant from the courts and are currently screened from the tennis play noise may be subject to slightly higher relative noise levels due to a reduced degree of screening by intervening buildings. This exception must be examined via modelling using the data already collected to examine tennis play noise outside more distant residences.

The acoustic report must make recommendations to limit the noise impacts in accordance with the relevant guidelines or requirement to the satisfaction of the Responsible Authority.

25. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Traffic and Car Parking Management

26. Prior to the endorsement of plans pursuant to condition 1, a traffic and 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 car parking operations on and adjacent to the site must conform to this endorsed plan. Three copies of the plan must be submitted. The plan must include:

- a) The number and location of car parking spaces allocated to each use, where relevant.
- b) The location of all areas on-and/or off-site to be used for staff car parking and occasional church events car parking.
- c) The means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on- and off-site, if any.
- d) Measures to discourage staff and patron car parking in residential streets.
- e) Staffing and other measures to ensure the orderly departure and arrival of patrons associated with occasional church events especially any large groups departing at closing time, if required.
- f) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system, etc.
- g) Servicing of the drainage and maintenance of car parking areas.

27. Car parking spaces shown on the endorsed plans must not be used for any purpose other than the parking of vehicles, to the satisfaction of the Responsible Authority.

#### Public Works Plan

28. 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 St Andrews Street.
- b) Details of new or upgraded vehicle crossovers and roads/laneways.
- c) Details of new street furniture, including seats, rubbish bins, etc.
- d) Details of new bicycle parking facilities.
- e) Details of the remarking of the lines of the on-street car parking spaces in front of the site to align with any new or removed vehicle crossings.
- f) Details of the relocation of any existing street parking signs.
- g) Details of any public lighting.
- h) Undergrounding of the powerlines, NBN and cable TV cables on the power poles directly in front of the site for the width of the building works on the St Andrews Street site frontage.

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

29. 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 and Council. The cost of all works associated with the endorsed plan must be borne by the developer/owner(s) of the land.

#### Drainage

30. 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.
31. 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.
32. 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.

#### Construction Management Plan

33. Prior to commencement of any building works (including demolition works in a Heritage Overlay), a construction management plan (CMP) prepared 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 form part of this permit. The plan must provide for (but not limited to):
  - a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure.
  - b) Works necessary to protect road and other infrastructure.
  - c) Remediation of any damage to road and other infrastructure.
  - d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land.

- e) Facilities for vehicle washing, which must be located on the land.
- f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street.
- g) Site security.
- h) Management of any environmental hazards including, but not limited to:
  - i contaminated soil and ground water;
  - ii materials and waste;
  - iii dust;
  - iv stormwater contamination from run-off and wash-waters;
  - v sediment from the land on roads;
  - vi washing of concrete trucks and other vehicles and machinery; and
  - vii spillage from refuelling cranes and other vehicles and machinery.
- i) The construction program.
- j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency.
- k) Parking facilities for construction workers.
- l) Measures to ensure that all work on the land will be carried out in accordance with the construction management plan.
- m) An outline of requests to Council/public authorities to occupy public footpaths or roads, or anticipated disruptions to local services.
- n) 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 experienced.
- o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
- p) Include details of bus movements throughout the precinct during the construction period.
- q) A noise and vibration management plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The noise and vibration management plan must be prepared to the satisfaction of the Responsible Authority. In preparing the noise and vibration management plan, consideration must be given to:
  - i using lower noise work practice and equipment;

- ii the suitability of the land for the use of an electric crane;
- iii silencing all mechanical plant by the best practical means using current technology;
- iv fitting pneumatic tools with an effective silencer;
- v other relevant considerations; and
- vi any site-specific requirements.

During the construction:

- r) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines.
- s) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system.
- t) Vehicle borne material must not accumulate on the roads abutting the land.
- u) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads.
- v) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

If required, the construction management plan may be approved in stages. Construction of each stage must not commence until a construction management plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

#### Permit Expiry

34. 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.
- Subsurface water must be treated in accordance with Council's policy for Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Council 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. Unless specific approval regarding groundwater is obtained from Melbourne Water accepting this from a direct connection to their asset.
- Before the vehicle crossing application will be approved, the applicant must pay \$2,481.37 to the Responsible Authority for the removal and replacement of the existing street tree (Asset No. 751232). This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.

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

**DIVISION:**    **FOR:**        Crs Alex del Porto, Laurence Evans, Michael Heffernan, James Long, Clarke Martin (Mayor) and Rob Grinter (Deputy Mayor) (6)  
**AGAINST:** Nil (0)

**CARRIED**

**4.8 5 POINT AVENUE, BEAUMARIS  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO: 2019/523/1 WARD: SOUTHERN**

City Planning & Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/44701

*It is recorded that Mrs Danuta Paterson and Mr David Hickey each spoke for three minutes in relation to this item.*

**Moved: Cr Evans**

**Seconded: Cr Martin (Mayor)**

That Council resolve to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application 2019/523 for the land known and described as **5 Point Avenue, Beaumaris**, for **buildings and works associated with the construction of a dwelling and removal of vegetation in a Significant Landscape Overlay and Vegetation Protection Overlay** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Turco and Associates referenced TP000, TP001, TP002, TP003, TP004, TP005, TP006, TP007, TP008, TP012, TP013, TP014, TP020, TP021, TP022, TP030 and dated September 2019 but modified to show:
  - a) A Landscape Plan in accordance with Condition 3 of this permit.
  - b) A Tree Impact Assessment Report in accordance with Condition 6 of this permit.
  - c) A Tree Management Report and Tree Protection Plan in accordance with Condition 7 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 landscape plan must be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan drawn by Wallbrink Landscape Architecture, reference 2107TP1, dated 9/10/2019 and be drawn to scale with dimensions. The plan must be modified show:
  - a) A survey, including botanical names, of all existing trees to be retained and removed on the site.
  - b) A survey, including botanical names, of all existing trees on neighbouring properties where their Tree Protection Zones (calculated in accordance with AS4970-2009) encroach into 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. Plantings must be 80% indigenous by species type and count.
  - d) Details of all landscaping, water sensitive urban design elements (as applicable) and surface finishes.
  - e) Replacement planting of 3 indigenous canopy trees reaching a minimum height of 15 metres. Replacements must (at the time of planting) be of advanced stock with height being a minimum of 2m when planted.
4. 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.
  5. 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 Impact Assessment

6. Provision of an arboricultural impact assessment report in accordance with Australian Standard 4970-2009 Protection of Trees in Development Sites.

The report is to explain design and construction methods proposed to minimise impact on trees to be retained (site trees and neighbouring trees) where there is encroachment into the calculated TPZ.

The report submitted with the application is generally sufficient (dated 11/09/2019), however should be modified such that only the parts relevant to impact assessment and construction methods are included.

#### Tree Management and Protection Plan

7. Prior to the endorsement of plans pursuant to Condition 1, 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 contents 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:

- a) 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 where any part of the Tree Protection Zone falls within the subject site;
- b) Protection measures to be utilised and at what stage of the development they will be implemented;
- c) Appointment of a project arborist detailing their role and responsibilities;
- d) Stages of development at which the project arborist will inspect tree protection measures; and

- e) Monitoring and certification by the project arborist of implemented protection measures.

The TPP must:

- a) Be legible, accurate and drawn to scale;
  - b) Show the location of all tree protection measures to be utilised; and
  - c) Include a key describing all tree protection measures to be utilised.
8. 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.
  9. All actions and measures identified in the Tree Management Report must be implemented.
  10. 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.

#### Permit Expiry

11. 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.

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

**DIVISION:**    **FOR:**        Crs Alex del Porto, Laurence Evans, Michael Heffernan, James Long, Clarke Martin (Mayor) and Rob Grinter (Deputy Mayor) (6)  
**AGAINST:** Nil (0)

**CARRIED**

**4.9 270-276 BAY ROAD & 1 & 3 BRIXTON ROAD, CHELTENHAM  
NOT SUPPORT THE GRANT OF A PERMIT  
APPLICATION NO: 2019/531/1 WARD: CENTRAL**

City Planning & Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/46033

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**Moved: Cr del Porto**

**Seconded: Cr Long**

That Council resolve to **Not Support the Grant of a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2019/531/1** for the land known and described as **270-276 Bay Road & 1 & 3 Brixton Road, Cheltenham** for the **construction and use of land as a supermarket with associated signage and liquor licence** on a lot for the following reasons:

1. The proposal fails to achieve the objectives and strategic intent of the following policies of the Bayside Planning Scheme:
  - Clause 21.07 Economic Development
  - Clause 21.11 Local Areas
  - Clause 22.04 Bayside Business District Policy.
2. The proposal fails to demonstrate orderly planning of the area and fails to comply with the decision guidelines of Clause 65 of the Bayside Planning Scheme through the excessive oversupply of car parking.

VicRoads

3. The proposal relies on the installation of traffic signals for which approval under another Act will not be granted.
4. The proposal does not provide for appropriate access to a road in a Road Zone, Category 1.
5. The proposal will cause detriment to the safe and efficient operation of Bay Road due to inappropriate access provisions.

**CARRIED**



#### 4.10 STATUTORY PLANNING - VCAT REPORT (FEBRUARY 2020)

City Planning & Amenity - Development Services  
File No: PSF/20/10 – Doc No: DOC/20/56549

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**Moved: Cr Evans**

**Seconded: Cr Martin (Mayor)**

That Council resolve to:

- Receive and note the report; and
- Note the outcome of VCAT decisions on the planning applications handed down during February 2020.

**CARRIED**

### 5. Confidential Business

*There was no confidential business submitted to the meeting.*

*Following consideration of confidential business, the Chairperson declared the meeting closed at 8:25pm..*