PRESENT:

Chairperson:  Cr Rob Grinter (Deputy Mayor)

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

In attendance:  Hamish Reid – Director City Planning and Amenity
                  Matthew Cripps – Manager Development Services
                  Sarah Collins – Statutory Planning Coordinator
                  Fiona Farrand – Statutory Planning Coordinator
                  Arthur Vatzakis – Statutory Planning Coordinator
                  Felicity Barnewall – Acting Statutory Planning Coordinator
                  Terry Callant – Manager Governance
                  Robert Lamb – Governance Officer
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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 14 May 2019.

*Moved: Cr Martin  
Seconded: Cr Castelli*

That the minutes of the Planning & Amenity Committee Meeting held on 14 May 2019, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**
4. Matters of Decision

4.1 84 CARPENTER STREET, BRIGHTON
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2017/111/1  WARD: NORTHERN

Moved: Cr del Porto  Seconded: Cr Heffernan (Mayor)
That Council resolve to:

1. Approve the amended plans in accordance with secondary consent provisions of planning permit 2017/111/1.

2. Plans identified as TP04-TP10, prepared by Fine Line Building Design and dated 5 April 2019 be endorsed. These plans are to be read in conjunction with sheets 8-9 of 9, endorsed on 16 April 2018.

3. Supersede the previously endorsed sheets 1-7 of 9, endorsed on 16 April 2018.

CARRIED
4.2 420 BEACH ROAD, BEAUMARIS
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2014/13/2  WARD: SOUTHERN

Moved: Cr Evans  Seconded: Cr Martin

That Council resolve to:

1. Approve the amended plans in accordance with secondary consent provisions of Planning Permit 2014/13/2.

2. Plans identified as Site Plan, prepared by Hallbury Homes and dated 14 September 2019 be endorsed. These plans are to be read in conjunction with plans TP 05, TP 06, TP 07, TP 07A, TP 08, and TP 08A, endorsed on 19 February 2018.

CARRIED
4.3 52 BLACK STREET, BRIGHTON
SUPPORT THE GRANT OF A PERMIT (CONSENT ORDER)
APPLICATION NO: 2018/725/1 WARD: NORTHERN

Moved: Cr del Porto  Seconded: Cr Heffernan (Mayor)
That Council resolve to Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2018/725/1 for the land known and described as 52 Black Street, Brighton, for the construction of a multi-dwelling building including a fence exceeding 1.5m in height and buildings and works within the Design and Development 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 ‘without prejudice plans’ prepared by Nicholas Day dated 6 May 2019, but modified to show:

   a) Sightlines where the proposed ramp intersects with the front footpath, as per the diagram shown in the AS2890.1.
   b) Demonstrate that the basement ramp achieves a minimum 4m radius where it changes direction.
   c) Depict any roller door nibs on the basement plan.
   d) Swept path diagrams which account for any roller door nibs within the basement, swept paths are to include a car entering and exiting the southernmost space for Unit 5.
   e) Removal of redundant crossover and reinstatement of kerb.
   f) A schedule of construction materials, external finishes and colours (including example paint samples). Colour 2 to be darker grey.
   g) Reduce the overall height of the building by 500mm.
   h) Demonstrate that the first floor habitable room windows along the southeast elevation comply with ResCode Standard B23.
   i) Water Sensitive Urban Design measures in accordance with Condition 7.
   j) All habitable room windows on the south east and south west elevations at first and second floors must be screened with fixed and permanent screens with a maximum 25% transparency at a height of 1.7m above finished floor level to prevent direct views to adjoining properties.
   k) Setback the second floor ensuite 1 and ensuite 2 from the south west boundary a minimum of an additional 1m (this can be achieved by reducing the front setback to Black Street to the north east by 1m).
   l) No part of the basement is to protrude above natural ground level so as to impact on mandatory garden area.
m) Provision of a bulkhead along the south east and south west elevations at second floor level a minimum of 1m wide by 600 deep (except that a wing wall may be provided to the streetscape) as per plan hand marked VCAT CC 13 May 2019.

n) A Landscaping Plan in accordance with Condition 9.

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 on the endorsed plans must be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

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 plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:

a) The type of water sensitive urban design stormwater treatment measures to be used.

b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.

c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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

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 drawn to scale with dimensions and must show:
a) Provision of a minimum of six (6) evergreen canopy trees within the north eastern/ north western front setback capable of growing to a height of not less than 8m.

b) Provision of a hedge of evergreen species (lilly pillys or similar) along the south east (south of the accessway) and in planters where necessary; and the south west boundaries, capable of forming a hedge to a minimum height of 7m with a planting height of no less than 2.5m.

c) 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.

d) 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.

e) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

f) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

g) Details of surface finishes of pathways and driveways.

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.

Street tree protection

12. 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.

Waste Management Plan

13. Prior to the endorsement of plans pursuant to Condition 1, a Waste Management 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 submitted Waste Management Plan prepared by Impact and dated 25/10/2018.

Development Contribution

14. 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.

Drainage

15. 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.

16. 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.

Construction Management Plan

17. Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:

a) A detailed schedule of works including a full project timing.

b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.

c) The location for the parking of all construction vehicles and construction worker vehicles during construction.

d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.

e) Proposed traffic management signage indicating any inconvenience generated by construction.

f) Fully detailed plan indicating where construction hoardings would be located.

g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.

h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.

i) Site security.

j) Public safety measures;

k) Construction times, noise and vibration controls.

l) Restoration of any Council assets removed and/or damaged during construction.

m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).

o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.


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.

Permit Expiry

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

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

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

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

CARRIED
4.4 STATUTORY PLANNING VCAT REPORT

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/132289

Moved: Cr Heffernan (Mayor)  Seconded: Cr del Porto

That Council resolve to:

- Receive and note the report; and
- Note the outcome of VCAT decisions on the planning applications handed down during May 2019.

CARRIED
4.5  33 BAY ROAD, SANDRINGHAM  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO: 2018/836/1  WARD: SOUTHERN  

It is recorded that Ms Christine Carroll, Dr Greg Snell, Mr Trent Keogh, Ms Talieh Williams and Mr Mark Stanojevic each spoke for three minutes in relation to this item.

Moved: Cr Evans  
Seconded: Cr Martin  

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 2018/863/1 for the land known and described as 33 Bay Road, Sandringham, to use the existing building on the site for residential (traveller and student) accommodation in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

Amended Plans

1. Before the use 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 but modified to show:

   a) Dimensions of all car spaces and accessways compliant with Clause 52.06 of the Bayside Planning Scheme.
   b) Removal of the two new car spaces labelled as ‘staff’ and retention of the existing horseshoe driveway.
   c) The provision of one disabled space.
   d) A minimum of two spaces be provided for staff, with the remainder of the spaces allocated to students.
   e) Minimum of five (5) bicycle spaces, located in a secure and covered bicycle storage area, screened from view.
   f) Minimum of three (3) bicycle spaces, located adjacent to the front entrance of the Trentham Street entrance of the building.
   g) The waste management plan modified to indicate all collections are to be undertaken on the site.
   h) The location of all six waste bins (3 x garbage and 3 x recycling) adjacent to the kitchen and screened from view.
   i) The bin storage area must be provided with a concrete floor and appropriately drained into a system compliant with health requirements.

Secondary Consent

2. The layout of the uses on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
Number of persons at the premises

3. No more than 16 students and 44 travellers may be accommodated at the premises without the prior written consent of the Responsible Authority.

4. The number of staff on the premises at any one time:
   a) Must not exceed three staff members.
   b) Must include at least one staff member being on the premises on a 24/7 basis.
   c) Must otherwise be in accordance with the approved Operational Management Plan.

Amenity

5. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
   a) Transport of materials, goods or commodities to or from the land.
   b) Appearance of any building, works or materials.
   c) Emission of noise, artificial light, vibration, smell, fumes or similar.

6. Unless with the written consent of the Responsible Authority, all deliveries associated with the premises must be conducted on site and must occur between the hours of 8.30 am to 5.30 pm Monday to Friday.

Operation Management Plan

7. Prior to the commencement of the use, an amended Operational Management Plan must be prepared and submitted for approval to the satisfaction of the Responsible Authority. When endorsed, this plan will form part of this permit. This plan must include, but not be restricted to the following:
   a) Procedures, and standards for guests to minimise amenity and any parking problems in the neighbourhood.
   b) The requirements of any Conditions of this permit that impact on operations of the site.
   c) Details as to who will be responsible for enforcing rules and regulation, particularly during the sensitive hours of 10pm to 7am (at a minimum, one staff member must be in attendance at all times).
   d) The closing of the outdoor communal areas from 10pm to 7am.
   e) Windows of the facility and bedrooms facing the car park must remain closed from 10pm to 7am.
   f) The minimum and (as applicable) maximum number of staff on the premises at any one time.
   g) Establishment of a Complaints Hotline for use by residents in the vicinity of the premises, being the telephone number or numbers for registration of complaints or comments about the operation of the premises or the conduct of the guests. This hotline must be staffed at all times. A permanent register of all calls to this hotline must be maintained to the satisfaction of the Responsible Authority and be available for inspection upon request.
h) Standards for property maintenance may help in cleanliness and measures be undertaken to ensure areas surrounding the establishment are kept clean of litter.

i) Security against thefts and break-ins, including security of guests’ belongings.

j) Development, documentation and promulgation of a fire management plan and appropriate training for all staff.

k) Establishment of house rules (to be displayed and clearly visible to guests in the premises at all times) regarding:
   i) There being no limited on-site parking available for travellers;
   ii) Guests’ behaviour expectations;
   iii) Noise expectations;
   iv) Alcohol consumption expectations;
   v) The minimising of littering;
   vi) Expectations in relation to any visitors; and
   vii) Expectations in relation to any pets.

l) Appropriate management and security practices, so as to prevent the congregation of patrons on frontages of the site.

m) A Green Travel Plan including procedures and measures to reduce patron reliance on cars.

n) The arrangements for the hire of any on-site bicycles made available for guests.

8. Once prepared to the satisfaction of the Responsible Authority, this Operational Management Plan will be endorsed and will form part of this permit. The management of the hostel must then be in accordance with this endorsed Operational Management Plan.

Waste Management

9. Prior to the commencement of the use, a Waste Management Plan must be approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design dated 6 February 2019 but modified to respond to any requirement arising out of Condition 1 of this permit.

10. 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.

11. At the request of the Responsible Authority, the owner/occupier/operator must undertake a review of the Waste Management plan and associated operations in the event the plan is unsatisfactorily managing operations and causing unreasonable impact on the amenity of the area.

Noise Management

12. Sound amplification equipment, juke boxes and loud speakers must not be used for the purpose of announcements, broadcasts, playing of music (whether recorded or otherwise) or other similar purposes, so as to be audible outside the premises.
13. Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.

14. Within 12 months after the operation of the use and/or at the request of the Responsible Authority any time thereafter, the owner/occupier must undertake noise measurements by a suitably qualified acoustic consultant and a report must be submitted to the Responsible Authority for compliance in relation to the N-1 policies and/or EPA Technical Guidelines.

Site Management

15. Unless otherwise agreed in writing by the Responsible Authority, the hours during which guests of the hostel are allowed to check-in are restricted to the period between 7am until 10pm. This restriction must be suitably advertised on the website, guests making telephone bookings must similarly be made aware of this restriction and a suitable sign to this effect must be displayed at the reception and front entrance(s) to the building.

16. Unless otherwise allowed in writing by the Responsible Authority:
   (a) All doors and windows opening onto the carpark must remain closed after 10 pm and before 7am.

17. The operator must use its reasonable endeavours to put appropriate information on its website, and also to notify guests making bookings by telephone, that there is limited on-site car parking for its guests. An equivalent sign must also be displayed at the reception.

Traffic / parking

18. Prior to the commencement of the use, a 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. 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 be generally in accordance with the plan (specify any earlier submitted plan) but must include:
   a) Changes and additional detail to the parking area to accord with condition 1 of this permit.
   b) Nomination of parking bays, which must include a minimum of 2 staff spaces and 2 traveller spaces, with the remainder being student car spaces.
   c) Detail must be provided as to how the car park will be managed and monitored having regard to the waste and deliveries vehicles expected to frequent the site.
   d) Detail as to how the car park area will be utilised by staff and students / travellers only (i.e. no external usage).

19. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
Permit Expiry

20. 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.

The Motion was PUT and a DIVISION was called:

DIVISION: FOR: Crs Alex del Porto, Laurence Evans, Michael Heffernan (Mayor), James Long, Clarke Martin, Sonia Castelli and Rob Grinter (Deputy Mayor) (7)
AGAINST: Nil (0)

CARRIED
4.6 72 CUMMINS ROAD, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2018/672/1  WARD: CENTRAL

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/130998

It is recorded that Mr Cameron Nott and Mr Luke Mooney each spoke for three minutes in relation to this item.

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 2018/672/1 for the land known and described as 72 Cummins Road, Brighton East, for the use and development of a Child Care Centre within a Design and Development Overlay, Schedule 3, and alteration of access within 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 must be generally in accordance with the plans advertised and referenced TP04 (Rev: C), TP05 (Rev: C), TP06 (Rev: B), TP07 (Rev: C), TP08 (Rev: C), TP09 (Rev: B), TP10 (Rev: C), TP11 (Rev: C), TP12 (Rev: C), TP13 (Rev: C) but modified to show:

   a) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.

   b) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).

   c) Minimum headroom to be provided to the vehicle access ramp (measured perpendicular from the ramp), in accordance with AS2890.1.

   d) Clearly annotate all columns within the basement, in accordance with AS2890.1.

   e) Sightlines where the proposed ramp intersects with the front footpath, as per the diagram shown in the AS2890.1.

   f) Area around the lift at basement to provide wider pedestrian access (double swing door) and pram storage.

   g) A convex mirror at the base of the entry ramp.

   h) Demonstrate that B99 and B85 vehicles can physically pass one another around the critical corner within the basement car park.

   i) Water Sensitive Urban Design measures in accordance with Condition 13.

   j) A Landscaping Plan in accordance with Condition 15.

   k) Tree protection measures in accordance with Condition 18.
1. The requirements of VicRoads, in accordance with conditions 25, 26, 27 and 28.
   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 the roof top play area to prevent overlooking into neighbouring properties, in accordance with the endorsed plans, shall be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

7. Before the occupation of the site commences, acoustic fencing in accordance with the endorsed plans shall be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

8. The walls on the property boundary shall be cleaned and finished to the satisfaction of the Responsible Authority.

Use

9. The use may only operate between the hours of 07:00 and 19:30 from Monday to Friday (inclusive), unless with the prior written consent of the Responsible Authority.

10. No more than 17 staff members may be working at the subject site at any one time, without the prior written consent of the Responsible Authority.

11. No more than 106 enrolled children may attend the approved use at any one time, without the prior written consent of the Responsible Authority.

12. Noise levels emanating from the premises must not exceed the relevant levels prescribed by the State Environment Protection Policy (control of noise from commerce, industry and trade) No. N-1, to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

13. 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.

14. 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

15. 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 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 and to include:
   i. One large canopy tree, capable of reaching a height of 12m.
   ii. Two small canopy trees, capable of reaching heights of 8m.

d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

e) Details of surface finishes of pathways and driveways.

16. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

17. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

18. 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 tree within the front setback of 70 Cummins Road must be included.

19. 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.

20. 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.

21. 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

22. Before the development starts, tree protection fencing is to be established around the street tree 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.

23. Street trees must not be removed, lopped, damage or pruned by any party other than Bayside City Council authorised tree care contractors. There is to be no soil excavation within 1 metres of the 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.

Waste Management Plan

24. Prior to the endorsement of plans pursuant to Condition 1, a Waste Management 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 submitted Waste Management Plan prepared by Waste Tech Services and dated 30 August 2018.

VicRoads Conditions

25. Before the development starts, a Functional Layout Plan (FLP) must be submitted to and approved by the Roads Corporation (VicRoads). When approved by VicRoads, the FLP may be endorsed by the Responsible Authority and will then form part of the permit. The FLP must be drawn to scale with dimensions and show signage and/or line marking facilitating the permitted movements at the site’s access.

26. Prior to the commencement of the use or occupation of the buildings and works hereby approved, all roadworks must be completed in accordance with the
approved FLP, to the satisfaction of VicRoads and the Responsible Authority and at no cost to VicRoads or the Responsible Authority.

27. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access crossover and associated works must be provided and available for use.

28. Vehicles must enter and exit the land in a forward direction at all times.

**Construction Management Plan**

29. Prior to commencement of any building works (including demolition works in a Heritage Overlay) and / or the issue of a Building Permit 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

   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

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; and

v) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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.

Permit Expiry

32. 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:

- 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 preparation of the detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads’ requirements for these tasks the applicant will be required to comply with the requirements documented as ‘Standard Requirements - Externally Funded Projects’ and any other requirements considered necessary depending on the nature of the work.

- 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 $2,895.00 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Council's 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 Motion was PUT and a DIVISION was called:

DIVISION: FOR: Crs Alex del Porto, Laurence Evans, Michael Heffernan (Mayor), Clarke Martin, Sonia Castelli and Rob Grinter (Deputy Mayor) (6)
AGAINST: Cr James Long (1)
CARRIED
4.7 50 WEATHERALL ROAD, CHELTENHAM
GRANT A PLANNING PERMIT
APPLICATION NO: 2019/138/1  WARD: SOUTHERN

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/132663

It is recorded that Ms Jessica Maris spoke for three minutes in relation to this item.

Moved: Cr Evans  Seconded: Cr Martin

That Council resolve to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2019/138/1 for the land known and described as 50 Weatherall Road, Cheltenham, for the removal of vegetation in a Vegetation Protection Overlay in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the commencement of any vegetation removal or works, 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 but modified to 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 generally in accordance with the advertised plans and be drawn to scale with dimensions and three copies must be provided. The plan must show:
   a) Replacement planting of 1 small canopy tree reaching a mature height of at least 8 metres within the rear setback.
   b) The retention of Tree 2 (Pittosporum undulatum) within the front setback of the site.
   c) 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.
   d) 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.
   e) 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.
f) Details of all landscaping, water sensitive urban design elements (as applicable) and surface finishes.

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.

Permit Expiry

6. 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 (Mayor), James Long, Clarke Martin, Sonia Castelli and Rob Grinter (Deputy Mayor) (7)
AGAINST: Nil (0)

CARRIED
4.8 12B CROMER ROAD, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2019/17/1 WARD: SOUTHERN

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/132064

It is recorded that Mrs Lucy Botterill spoke for three minutes in relation to this item.

Moved: Cr Evans  Seconded: Cr Martin

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 2019/17/1 for the land known and described as 12B Cromer Road, Beaumaris, for an extension to the existing dwelling 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 but modified to show:
   a) The upper level of the dwelling to be modified in accordance with Standard A10 (side and rear setback) of the Bayside Planning Scheme.
   b) Demonstration of compliance with standard A15 (Overlooking) with respect to the ground floor additions and their relationship with the south facing habitable room windows and courtyard of No.14 Cromer Road.
   c) Water Sensitive Urban Design measures in accordance with Condition 5.

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. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

4. 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.

Water Sensitive Urban Design

5. 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.

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

Drainage

7. 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.

Permit Expiry

8. 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.

CARRIED
4.9 3 DUMARESQ STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2018/658/1 WARD: CENTRAL

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/129252

It is recorded that Ms Ally Dickinson spoke for three minutes in relation to this item.

Moved: Cr Castelli  Seconded: Cr Long

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 2018/658/1 for the land known and described as 3 Dumaresq Street, Brighton East, for the construction of two 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 advertised plans prepared by Petridis Architects and dated 4 December 2018 but modified to show:

   a) Updated Roof Plan and First Floor Plan to reflect the correct location of the fence associated with Dwelling 1 (as shown on the Ground Floor Plan).

   b) The western window associated with bedroom 2 of dwelling 2 to have a minimum sill height of 1.7 metres above the finished floor level.

   c) Garage doors must be a minimum 4.8m wide for both double garages.

   d) A minimum 2.1m headroom is required beneath the garage doors and within the garages. This must be dimensioned on the elevation plans.

   e) Sightlines in accordance with Clause 52.06-9 (Car Parking) of the Bayside Planning Scheme.

   f) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.

   g) A Landscaping Plan in accordance with Condition 10 of this permit.

   h) Arborist impact assessment report in accordance with condition 13.

   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 plan drawn by Keystone Alliance, revision A, dated 30/11/2018 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) Detail replacement planting including:
   i. Two (2) small canopy tree species which will grow to a minimum 8m height at maturity; or one (1) large canopy tree species which will grow to a minimum 12m height at maturity within the front setback of each dwelling.
   ii. Two (2) small canopy tree species which will grow to a minimum 6m height at maturity; or one (1) large canopy tree species which will grow to a minimum 10m height at maturity within the private open space of each dwelling.

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.

**Arboricultural Impact Assessment Report**

13. Provision of an arboricultural impact assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The report must:
   a) Identify impacts that may be detrimental to trees to be retained within the subject site and in neighbouring properties where TPZ extend within the subject site.
   b) Include design responses required to reduce any identified negative impact and ensure trees to be retained will remain viable post development.

14. All plans associated with the development must be modified to include any recommendations made in the Arboricultural Impact Assessment Report.

**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, damage 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 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.

**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.

Permit Expiry

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

   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.
- Subsurface water must be treated in accordance with Council’s Policy for “Works on Assets within the Road Reserve Policy 2018”.
- Council records indicate that there is no easement within the property.
- The applicant must clearly identify what impact, if any, the proposed vehicle crossing will have on Council assets such as pits and trees, power poles etc. Such items must be accurately shown on the plan.
- The applicant is to bear the cost to reinstate/relocate the Council assets if any, to provide the required access to the proposed development.
- Redundant crossovers must be removed and the nature strip reinstated to Council satisfaction.

CARRIED
4.10 14 MARTIN STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2018/186/1 WARD: NORTHERN

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/103011

It is recorded that Mrs Carolin Harrison (via proxy Mr Andrew Harrison) and Mr Anthony Barry each spoke for three minutes in relation to this item.

It is recorded that Cr Martin left the meeting at 9:20 pm. Cr Martin returned to the meeting at 9:23 pm.

Moved: Cr del Porto  Seconded: Cr Evans

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 2018/186/1 for the land known and described as 14 Martin Street, Brighton, for the construction of two dwellings, a front fence greater than 1.2m, roof decks and realigned subdivision of the two lots 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 O’Connor and Houle Architecture referenced A03, A04, A05, A07, A08, A09, a10, A11, A12, date 28 November 2018, revision number P6 but modified to show:
   a) All south facing windows (regardless of their setbacks from property boundaries) are to be appropriately screened in accordance with Standard B22 (overlooking).
   b) The east and west first floor setbacks are to be compliant with Standard B17 (side and rear setbacks).
   c) The provision of planter boxes on the perimeter of the roof deck.
   d) The wall on the rear property boundary is to be retained or reconstructed like for like.
   e) Dwelling 2 en suite and dressing room to have a minimum setback of 3 metres to comply with the rear setback requirement of Standard B17 and the garden are requirement of Clause 32.09-4.
   f) Front fence to have 50% visual permeability.
   g) Notation on the basement plan of storage in Dwelling 2 meeting the requirements of Standard B30.
   h) Remove existing vehicle crossing and construct new 3.0m wide crossing at 1.9m offset from western boundary.
   i) Realign ramp for Dwelling 1 to accord with the shifted crossing.
   j) Construct new 3.0m wide vehicle crossing at 0.9m offset from the eastern property boundary.
k) The proposed columns within the basement carparks to be at least 3.65m from the front wall and 250mm from the parking aisle for 4.9m long parking bay as per the Australian Standards for 90 degree parking.

l) Walls on the boundaries to comply the maximum and average wall height requirements of Standard B18.

m) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).

n) A Landscaping Plan in accordance with Condition 11 of this permit.

o) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.

p) Arboricultural Impact Assessment in accordance with Condition 10

q) Tree Management and Protection Plan in accordance with Condition 14 (which is to include the protection of the palm tree located at 12 Kent Street, Brighton).

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.

**Arboricultural Impact Assessment**

10. Prior to the endorsement of plans pursuant to Condition 1, an Arboricultural Impact Assessment Report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites to ensure Trees 2, 3, 5 and 7 remain viable post construction must be submitted to and be endorsed by 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 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 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.

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.

**Tree Management and Protection Plan**

14. 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, for all trees on neighbouring properties and street trees where any part of the Tree Protection Zone falls within the subject site.

b) The location of tree protection measures to be utilised.

15. 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.

16. 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.

17. Any pruning that is required to be done to the canopy of any tree to be retained (Trees 2, 3, 5 and 7) 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 (Trees 2, 3, 5 and 7) is to be done by hand by a qualified Arborist.

Street tree protection

18. Soil excavation must not occur within 2 metres from the edge of the street tree asset’s stem at ground level.

19. 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, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

20. 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.

21. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.
Drainage

22. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

23. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council’s City Assets and Projects Department.

Subdivision

24. Before the plan of subdivision is certified under the Subdivision Act 1988, 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 then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

   a) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements

   b) Section 12(2) of the Subdivision Act 1988 shall apply to this subdivision in respect of implied easements.

25. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

26. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

27. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

28. The owner of the land must enter into an agreement with:

   a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and

   b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

29. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

   a) A telecommunications network or service provider that all lots are
connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and

b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

30. Prior to the Plan of Subdivision being certified by the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority or the construction on site reaching a minimum of a completed frame stage, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with the Responsible Authority to the effect that:

a) The development of the land indicated on the plan of subdivision shall be in accordance with approved plans forming part of Planning Permit No. 2018/186/1 or any amendment to the plans approved by the Responsible Authority.

b) The agreement shall be prepared and executed at the owners cost.

Permit Expiry

31. 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.
- If applicable, the applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.
- The land may be inspected by Council to ensure compliance with this planning permit and any plans and documents endorsed to this permit. Investigations and possible prosecutions may apply if you fail to accord with all requirements of this Planning Permit and any relevant Building Regulation, Local Law or other
legislation. This includes the need for the retention and maintenance of any building, hard and soft landscaping assets and all building services.

- Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, you must contract a carrier to install and operate a telecommunications network. As the Infrastructure Provider of Last Resort (IPOLR) for your area, you should be able to have the NBN™ broadband access network connected to your development - but you need to apply.

- Telstra is the Infrastructure Provider of Last Resort (IPOLR) supporting voice services for developments with less than 100 lots in areas where the NBN has not established its network.

- Developers are asked to apply six months before the required service date to ensure a connection is ready when residents move in.

CARRIED
4.11 16 TRAMWAY PARADE, BEAMARIS  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO: 2018/599/1  WARD: SOUTHERN

City Planning & Amenity - Development Services  
File No: PSF/19/962 – Doc No: DOC/19/135417

It is recorded that Dr Calvin London and Ms Frances Stipkovic each spoke for three minutes in relation to this item.

It is recorded that Cr del Porto left the Meeting at 9:43 pm. Cr del Porto returned to the meeting at 9:46 pm.

It is recorded that Cr Castelli left the meeting at 9:46 pm. Cr Castelli returned to the meeting at 9:48 pm.

It is recorded that Cr Long left the meeting at 9:53 pm. Cr Long returned to the meeting at 9:57 pm.

Moved: Cr Evans  
Seconded: Cr Martin

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 2018/599/1 for the land known and described as 16 Tramway Parade, Beaumaris, for the construction of two dwellings with a front fence exceeding 1.2 metres and removal of vegetation in a Vegetation Protection Overlay (VPO3) 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 referenced TP03-TP10 but modified to show:

   a) Modifications to Dwelling 2 to ensure the retention and protection of Tree 8 (Silky Oak).

   b) Garage associated with Dwelling 1 to be setback 2 metres from the boundary to the south, with consequential changes not reducing any other setback.

   c) Compliance with Standard B8 (Site Coverage) to be demonstrated.

   d) Compliance with Standard B18 (Walls on Boundaries) to be demonstrated.

   e) The new crossover associated with Dwelling 2 to be 3 metres, with the reduction increasing the distance from the eastern boundary, and the western side remaining in place, with the associated driveway modified to correspond with the crossover.

   f) A 4.8 metre wide garage door to be provided to the Dwelling 2 garage.
g) A 4.8 metre wide garage door to be provided to the Dwelling 1 garage if it is maintained as a double garage, or a 3 metre wide garage door to be provided if it is reduced to a single garage.

h) Adequate sightlines are to be provided where each driveway intersects with the footpath in accordance with AS2890.1.

i) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).

j) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.

k) A Landscaping Plan in accordance with Condition 10 of this permit.

l) A Tree Management and Protection Plan in accordance with Condition 13 of this permit.

m) Provision of the Development Contributions Levy in accordance with Condition 21 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 A15 / 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 Davidson Design Studio, reference 180804, dated 9 November 2018 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) 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.

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. 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.

14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

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

16. Any pruning that is required to be done to the canopy of any tree to be retained (specify particular tree/s) 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 (specify particular tree/s) is to be done by hand by a qualified Arborist.

Street tree protection

17. Soil excavation must not occur within 2.5 metres from the edge of the Tristaniopsis laurina (Water Gum), Banksia serrata (Old Man Banksia) or Melaleuca armillaris (Bracelet Honey Myrtle) street tree assets' stem at ground level.

18. 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, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

19. 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.

20. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Development Contribution

21. Prior to the 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.

**Drainage**

22. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

23. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

**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.

- Subsurface water must be treated in accordance with Council’s Policy for ‘Works on Assets within the Road Reserve Policy 2018’.

CARRIED
Moved: Cr Evans  
Seconded: Cr Martin

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 2018/757/1 for the land known and described as 31 Rossmith Avenue, Beaumaris, for the construction of two dwellings on a lot and the removal of native vegetation 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 Ausdraft referenced Sheet 2, 3, 4 and 6 of 8 dated 13/11/18 but modified to show:

   a) The garage of Dwelling 2 to be setback a minimum of two metres from the east boundary, with any consequential changes being made to the internal layout of the building being absorbed within the building footprint.

   b) A minimum 3m wide garage door of to the garage of each dwelling.

   c) The driveway of Dwelling 2 where it intersects with the footpath to be 3.6m wide and constructed with a 0.8m offset from the western property boundary.

   d) Gradient to the driveway of Dwelling 2 not to exceed 1 in 16 complying with AS2890.1 for car parking and/ or the Bayside Planning Scheme.

   e) Sightline triangles provided where the driveway, intersects with the front footpath as per AS2890.1 and/ or the Bayside Planning Scheme.

   f) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).

   g) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.

   h) A Landscaping Plan in accordance with Condition 10 of this permit.

   i) A Tree Management and Protection Plan 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 landscape plan drawn by Ausdraft page 6 of 8, file name 18040TP dated 13/11/2018 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) 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) The construction of the driveway associated with Dwelling 2 above natural ground level with no site excavation or retaining wall cut/fill and a porous driveway surface.

g) The planting of 1 large indigenous canopy capable of reaching a height of 12 metres at maturity or 2 indigenous canopy trees capable of reaching a height of 8 metres at maturity in the front setback of each dwelling.

h) The planting of 1 large indigenous canopy capable of reaching a height of 12 metres at maturity or 2 indigenous canopy trees capable of reaching a height of 8 metres at maturity in the rear setback of each dwelling.

i) Any development changes required by condition 1.

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. 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 construction of the driveway associated with Dwelling 2 above natural ground level with no site excavation or retaining wall cut/fill and a porous driveway surface.

Any modifications to the report or plan must be approved by the site Arborist. Such approval must be noted and provided to the Responsible Authority within seven days of issue of such approval.

14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be
undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

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

16. 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

17. Soil excavation must not occur within 2.5 metres from the edge of the street tree (Tree #1) asset’s stem at ground level.

18. 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, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

19. 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.

20. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Development Contribution

21. Prior to the endorsement of plans required under Condition 1 of this permit, the permit holder must pay a drainage contribution 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

22. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

23. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge
(and On-Site Detention System where applicable) must be submitted to and approved by Council’s City Assets and Projects Department.

**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.

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

- Subsurface water must be treated in accordance with Council’s Policy for ‘Works on Assets within the Road Reserve Policy 2018’.

**CARRIED**
4.13 1/10 & 2/10 LUCAS STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2018/609/1 WARD: CENTRAL

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/132068

It is recorded that Mr Alan Lorenzini spoke for three minutes in relation to this item.

Moved: Cr Castelli  Seconded: Cr Long

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 2018/609/1 for the land known and described as 1/10 & 2/10 Lucas Street, Brighton East, for the construction of two double-storey dwellings and a front fence exceeding 1.2 metres in height on a lot, removal of easements and two lot re-subdivision, 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) Plan of Subdivision PS811838 S Ref: 210F91 Version 01 and (amended) prepared by KG Architecture referenced Drg No. 18022_TP05 - 18022_TP09 dated 04/04/2019 and Revision B but modified to show:

a) The east facing windows of Dwelling 10A bedroom 2 to be screened in accordance with Standard B22 of the Bayside Planning Scheme.

b) The west facing windows of Dwelling 10 bedroom 2 to be screened in accordance with Standard B22 of the Bayside Planning Scheme.

c) All south facing first floor windows for bedroom 2 of Dwelling 10 to be screened in accordance with Standard B22 of the Bayside Planning Scheme.

d) Ground floor en-suite and guest bedroom of dwelling 10A to be set back 2 metres from the eastern side boundary.

e) Ground floor en-suite of dwelling 10 to be set back 2 metres from the western side boundary.

f) All ground and first floor street setbacks to be in accordance with Standard B6 of the Bayside Planning Scheme without any changes to the other boundary setbacks.

g) Swimming pools to be shown on the plans.

h) A longitudinal section of each ramp showing all grades, lengths of grades, levels and headroom in accordance with the Planning Scheme and AS2890.1.

i) Sightlines to be provided to each crossover in accordance with AS2890.1 to be dimensioned on the ground floor plans.

j) Manufacturer details of the proposed vehicle turntables.

k) A schedule of construction materials, external finishes and colours.
l) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.

m) An Arboricultural Impact Assessment Report in accordance with Condition 10 of this permit.

n) A Landscaping Plan in accordance with Condition 11 of this permit.

o) A Tree Management and Tree Protection Plan in accordance with Condition 14 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.
Arboricultural Impact Assessment

10. Prior to the endorsement of plans pursuant to Condition 1, provision of an Arboricultural Impact Assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites to be provided to ensure Trees 1, 2, 6 and 11 remain viable post construction must be submitted to and be endorsed by the Responsible Authority. The report should include the following information to the satisfaction of the responsible authority:

a) Tree root mapping for trees 1 and 2 to be undertaken with air or hydro non-destructive excavation techniques by a minimum level 4 arborist. The investigation must be to a depth of 400mm below the road and to a depth of 200mm back from the edge of the vehicle crossings. The findings of the tree root investigation must be inclusive of photographs and root map drawing.

b) Recommendations where necessary to include any changes to the built form including the basement ramps/landscaping and pools to ensure that trees 1, 2, 6 and 11 remain viable post construction.

c) Details of the type of root sensitive design/materials to be used for the proposed wall separating the secluded private open space of the new dwellings and any other parts of the development where appropriate.

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 Le Page Design, reference Proposed Landscape Design Revision E Sheets 1 and 2, dated 03/12/2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

a) Any development changes required by condition 1.

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.

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 including all paving in the front and rear setbacks to be permeable.

g) Removal of curved retaining wall from the rear setback of Unit 10 to be removed.

h) Two (2) small canopy trees which have the capacity to grow to a minimum 6m height at maturity; or one (1) large canopy tree species which has the capacity to grow to a minimum 10m height at maturity in the private open space of each dwelling.
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.

**Tree Management and Protection Plan**

14. 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.

15. 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.

16. 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**

17. Soil excavation must not occur within 2 metres from the edge of the street trees (Trees 1 and 2) asset’s stems at ground level.

18. Tree protection fencing is to be provided for the protection of Trees 1 and 2 (the street tree's) canopies and root zones. 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, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

19. Any installation of services and drainage within the TPZ 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.

Permit Expiry for Development

22. 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.

Subdivision

23. The subdivision on the endorsed plans must not be altered without the written consent of the Responsible Authority.

24. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority’s requirements and relevant legislation at the time.

25. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

26. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

27. The owner of the land must enter into an agreement with:

- a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and

- a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
28. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time;

- and a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

29. Before the Plan of Subdivision being certified by the Responsible Authority, the owner must enter into an agreement with the Responsible Authority and (name of other authority or person) made pursuant to Section 173 of the *Planning and Environment Act 1987* to provide for the following:

a) The development of the land indicated on the plan of subdivision shall be in accordance with approved plans forming part of planning Permit No. 2018/609/1 or any amendment to the plans approved by the Responsible Authority.

b) The agreement shall be prepared and executed at the owners cost.

c) The agreement shall be submitted to the Registrar of Titles to register the Section 173 on the title to the land under Section 181 of the Act. Except with the written consent of the Responsible Authority.

**Permit Expiry for Subdivision**

30. This permit will expire if:

a) The plan of subdivision is not certified within two years of the date of this permit.

b) The registration of the subdivision is not completed within five years of the date of this permit.

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

**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.

- 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.

**CARRIED**
Moved: Cr del Porto
Seconded: Cr Heffernan (Mayor)

That Council resolve to **Support the Grant of a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/56/1** for the land known and described as **28-30 Lawrence Street, Brighton** for the **demolition of two dwellings, construction of dwellings and a front fence exceeding 1.5 metres high** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts (including any demolition), 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 ADDARC referenced VCAT Amendment, drawing nos. TP03 to TP06 and TP08 to TP24 (inclusive) all marked revision number 04 and dated 20.05.19 but modified to show:

   a) A demolition plan demonstrating the removal of both dwellings and all associated outbuildings.

   b) The installation of a stair lift on the common stairs to the basement at the rear. The stairs to be widened to 1250mm.

   c) The retention or relocation of Tree 12 (California Fan Palm) on 30 Lawrence Street. If relocated, the tree must be replanted on-site.

   d) TH03-04 brick cladding to be recycled red brick.

   e) TH03-04 timber cladding to be stained natural colour vertical timber.

   f) 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.

   g) Any solar panels on the roof are to be mounted flush with the roof so as to minimise visibility from Lawrence Street.

   h) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).

   i) A stop-go traffic signal system to be installed for basement entry and exit.

   j) A notation on the plans showing minimum 2.2 metre clearance at the basement entrance.

   k) The new crossover to be a minimum of 3.6 metres wide.

   l) Removal of the existing vehicle crossing and replaced with kerb and channel and paved parking areas complimenting the remainder of the street.

   m) A Landscaping Plan in accordance with Condition 10 of this permit.
n) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.

o) A Tree Management Plan and Tree Protection Plan in accordance with Condition 13 of this permit.

p) A Construction Management Plan in accordance with Condition 18 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 landscape concept plan drawn by Memla, reference 1975, dated 22-01-2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

   a) The retention or relocation of Tree 12 (California Fan Palm) on 30 Lawrence Street. If relocated, the tree must be replanted on-site.
   b) The building footprint amended to match floor plans.
   c) The provision of 6 canopy trees capable of reaching 10 metres high at maturity. Trees should be indigenous coastal species and be planted in locations that allow appropriate deep soil volumes.
   d) The provision of 2 new street trees in the nature strip in front of the site. The trees are to be planted by Council at the cost of the owner.
   e) 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.
   f) 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.
   g) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
   h) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
   i) 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.

Tree Management and Protection Plan

13. 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.

14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

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

**Street tree protection**

16. Soil excavation must not occur within 2 metres from the edge of the Lagerstroemia indica (*Crepe Myrtle*) street tree asset's stem at ground level.

17. 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, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

**Construction Management Plan**

18. Prior to commencement of any building works including demolition works or the issue of a Building Permit, 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.

**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.

**Waste Management**

21. Before the endorsement of plans, an amended Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:

a) Dimensions of storage waste areas.

b) Storm water drains in storage areas should be fitted with a litter trap.

c) The number and size of bins to be provided.

d) Facilities for bin cleaning.

e) Method of waste and recyclables collection.

f) Types of waste for collection, including colour coding and labelling of bins.
g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).

h) Method of hard waste collection.

i) Method of presentation of bins for waste collection.

j) Sufficient headroom within the basement to accommodate waste collection vehicles.

k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.

l) Strategies for how the generation of waste and recyclables will be minimised.

m) Compliance with relevant policy, legislation and guidelines.

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

Drainage Development Contributions

22. 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 Development Levy Charge Sheet and it must include the Building Price Index applicable at time of payment.

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:

- 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.

CARRIED
5. **Confidential Business**

*It is recorded that no Confidential Business was submitted to the meeting.*

*Following consideration of Confidential Business, the Chairperson declared the meeting closed at 10.22pm.*