



Minutes of the Planning and Amenity Committee Meeting

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 12 March 2019

The Meeting commenced at 7:00pm

- Councillors
- Cr Rob Grinter (Chairperson)
 - Cr Michael Heffernan (Mayor)
 - Cr Sonia Castelli
 - Cr Alex del Porto
 - Cr Laurence Evans
 - Cr James Long BM JP
 - Cr Clarke Martin
- In attendance
- Mick Cummins – Chief Executive Officer
 - Bryce Craggs – Director Community & Customer Experience
 - Ken Bott – Manager Sustainability & Transport
 - Matthew Cripps – Manager Development Services
 - Sarah Collins – Statutory Planning Coordinator
 - Fiona Farrand – Statutory Planning Coordinator
 - Michael Kelleher – Statutory Planning Coordinator
 - Arthur Vatzakis – Statutory Planning Coordinator
 - Karen Brown – Governance Coordinator
 - Robert Lamb – Governance Officer

Table of Contents

1. Apologies
2. Disclosure of any Conflict of Interest of any Councillor
3. Adoption and Confirmation of the minutes of previous meeting
4. Matters of Decision
 - 4.1 Lyle Anderson Reserve Highett Parking Review 4
 - 4.2 222 Reserve Road, Beaumaris Grant a Permit Application No: 2019/4/1 Ward: Southern 5
 - 4.3 13 Maroona Road, Highett Notice of Decision to Grant a Permit Application No: 2018/300/1 Ward: Central 7
 - 4.4 2 Major Street, Highett Notice of Decision to Grant a Permit Application No: 2017/563/1 Ward: Central 11
 - 4.5 7-9 Halifax Street, Brighton Notice of Decision to Grant a Permit Application No. 2018/852/1 Ward: Northern 13
 - 4.6 7 Tulip Grove, Cheltenham Support the Grant of a Permit (VCAT Consent Order) Application No. 2018/292/1 Ward: Central..... 15
 - 4.7 VCAT Report - Decisions made in February 2019 20
5. Confidential Business
Nil

The Chairman declared the meeting open at 7pm and advised members of the public gallery that the Planning and Amenity Committee meeting is being recorded and streamed live on the internet to enhance the accessibility of Council meetings to the broader Bayside Community.

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of any Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

3. Adoption and Confirmation of the minutes of previous meeting

February 2019.

Moved: Cr Long

Seconded: Cr Martin

That the minutes of the Planning & Amenity Committee Meeting held on 26 February 2019, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

**4.2 222 RESERVE ROAD, BEAUMARIS
GRANT A PERMIT
APPLICATION NO: 2019/4/1 WARD: SOUTHERN**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/45972

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 **2019/4/1** for the land known and described as **222 Reserve Road, Beaumaris**, for the **Removal of Native Vegetation** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Prior to the removal of vegetation, 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 following plans must be provided:
 - a) A Landscape Plan in accordance with Condition 2 of this permit.
All to the satisfaction of the Responsible Authority.

Landscaping

2. 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:
 - Replacement planting of one indigenous tree capable of reaching 12m at maturity in the front setback; and
 - Replacement planting of one indigenous tree capable of reaching 8m at maturity in the rear setback.
3. Before the occupation of the new dwelling, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
4. 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

5. This permit will expire if one of the following circumstances applies:
 - a) The vegetation removal is not completed within two years of the date of this permit.

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

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

**4.3 13 MAROONA ROAD, HIGHETT
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2018/300/1 WARD: CENTRAL**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/44133

It is recorded that Mr Chris Pippo 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 **2018/300/1** for the land known and described as **13 Maroona Road, Highett**, for the **Construction of two dwellings on a lot, construction of a front fence that exceeds 1.2 metres high and buildings and works within a Special Building 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 amended plans prepared by Roke Design Studio and dated May 2017 but modified to show:
 - a) A minimum of 7 metres to be maintained in between the two crossovers to sustain one on-street car space, the street tree and/or the existing power pole relocated accordingly at the developer's cost;
 - b) An internal boundary fence of at least 1.8 metres high shown on the ground floor plan between both dwellings;
 - c) Garage doors must be a minimum of 3 metres wide;
 - d) Both the internal driveway where it intersects with the footpath and the new crossover must be 3m wide and 1m offset from the property boundary. The new crossover must have a 1m wide separator in accordance with the Council's Crossover Policy;
 - e) Adequate sight lines must be provided where the driveways intersect with the front footpath as per Clause 52.06-9 (Car Parking) of the Bayside Planning Scheme;
 - f) A Landscaping Plan in accordance with Condition 9;
 - g) Any changes as required by the Melbourne Water (Conditions 15 – 23); and
 - h) Increased upper storey side setback to comply with Standard B17 set out at Clause 55.04-1 of the Bayside Planning Scheme.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. 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. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

Landscaping

9. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Zenith Concepts Landscape Design, revision A, dated June 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) 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 in the front setback of each dwelling; and
 - g) 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 in the private open space of each dwelling.

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.

Development Contribution

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

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

Drainage

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

Melbourne Water

15. The dwellings must be constructed with finished floor levels set no lower than 28.8 metres to Australian Height Datum, which is 300mm above the applicable flood level of 28.5 metres to Australian Height Datum.
16. The garages must be constructed with finished floor levels set no lower than 28.650 metres to Australian Height Datum, which is 150mm above the applicable flood level of 28.5 metres to Australian Height Datum.
17. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
18. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, garages and driveway ramps.
19. The decking must be constructed with unenclosed foundations and any stairs with no vertical risers to allow for the passage of overland flows.
20. Any new fence, stairs and gates must be of an open style of construction (minimum 50% open) to allow for the passage of floodwaters/ overland flows.
21. The swimming pool must be constructed in-ground, finished at natural surface level and the excavated material must be removed from the property.
22. The minimum 1.2 metre setback on the northern property boundary as proposed must not be altered without prior written consent from Melbourne Water. The existing natural ground surface levels must be maintained within this setback and be kept clear of all permanent structures (i.e. no sheds or water tanks).

**4.4 2 MAJOR STREET, HIGHETT
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2017/563/1 WARD: CENTRAL**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/52807

It is recorded that Ms Carolyn Robinson, Mrs Yvonne Hawker, Mr Gary McCulloch, Mr Geof Pearce and Mr Kyle O'Brien each spoke for three minutes in relation to this item.

Moved: Cr Long

Seconded: Cr Castelli

- A) That Council, having caused notice of Planning Application **2017/563/1** to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act resolve to issue a **Notice of Refusal to Grant a Permit** in respect of the land known and described as **2 Major Street, Highett** for the **construction of a two/three storey apartment building with basement parking and a front fence in excess of 1.2 metres on a lot** for the following reasons:
1. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character, Precinct G1) of Bayside Planning Scheme, on the following grounds:
 - a) The development fails to respond to the existing and preferred neighbourhood character for this precinct;
 - b) The development fails to maintain or enhance the garden setting of the dwelling; and
 - c) The development fails to maintain the rhythm of spacious visual separation between dwellings.
 2. The proposed apartment building fails to meet the design objectives of Clause 43.02 (Design and Development Overlay Schedule 5).
 3. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B1 (Neighbourhood Character) – The proposal fails to respond to the existing and preferred neighbourhood character for this precinct;
 - b) Standard B17 (Side and Rear Setbacks) - The proposed side and rear setbacks fail to respect the existing and preferred neighbourhood character or limit amenity impacts on adjoining dwellings;
 - c) Standard B28 (Private Open Space) – The proposal fails to sufficient private open space for all dwellings; and
 - d) Standard B32 (Front Fences) – The proposed fencing does not respond to the existing or preferred neighbourhood character.
- B) That Council obtain appropriate legal representation should the matter proceed to a VCAT hearing.

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 (7)
AGAINST: Nil (0)

CARRIED

**4.5 7-9 HALIFAX STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO. 2018/852/1 WARD: NORTHERN**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/50579

It is recorded that Mr Neil Ardeljan, Mrs Yoko Ardeljan, Mr Marc Podolak, Ms Jennifer Walker (via proxy Mr James Stuart-Menteth) and Mr Marc Ellenbroek each spoke for three minutes in relation to this item.

It is recorded that Councillor Long left the meeting at 9:02 pm. Councillor Long returned to the meeting at 9:04 pm.

It is recorded that Councillor Castelli left the meeting at 9:15 pm. Councillor Castelli returned to the meeting at 9:17 pm.

Moved: Cr del Porto

Seconded: Cr Heffernan (Mayor)

- A) That Council, having caused notice of Planning Application **2018/852/1** to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act resolve to issue a **Notice of Refusal to Grant a Permit** in respect of the land known and described as **7-9 Halifax Street, Brighton**, for the **construction of (not more than) 16 dwellings in a Design and Development Overlay (Schedule 11) and Special Building Overlay, and a front fence exceeding a height of 1.5 metres**, for the following reasons:
1. The proposed development fails to respect neighbourhood character of the area and encourage a diversity of housing types as required by the General Residential Zone.
 2. The proposed built form fails to achieve the design objectives of Design and Development Overlay, Schedule 11 (Church Street Major Activity Centre) as the development:
 - a) Is not compatible with the preferred future role and character of the Church Street Major Activity Centre;
 - b) Does not contribute to safe and active streets;
 - c) Maintain a strong landscape character with residential buildings set within vegetated front gardens and streetscapes in the residential precincts; and
 - d) The visual bulk and dominant form as a result of the excessive height and reduced upper level setbacks proposed does not conserve or enhance the neighbourhood character.
 3. The proposed development fails to provide a suitable design response to the preferred neighbourhood character as per the Objectives of the Design and Development Overlay Schedule 11 (Church Street Major Activity Centre) as the impact on the upper levels of the building results in unreasonable visual bulk and amenity impacts to adjoining properties.
 4. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character, Precinct B2) of Bayside Planning Scheme, on the following grounds:
 - a) Neighbourhood Character – The development fails to respond to the existing and preferred neighbourhood character for this precinct and fails

to demonstrate how vegetation on site and on adjoining properties can be retained;

- b) The development fails to provide sufficient opportunities for meaningful landscaping or enhance the spacious garden setting of the area;
 - c) The basement car park fails to minimise the dominance of car parking facilities presented to the streetscape; and
 - d) The proposed setbacks are insufficient to provide an appropriate transition to the lower scale building heights.
5. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
- a) Standard B1 – Neighbourhood Character – the proposal fails to respond to the existing and preferred neighbourhood character for this precinct and fails to demonstrate how vegetation on site and adjoining properties can be retained;
 - b) Standard B17 – Side and Rear Setbacks – The development is insufficiently setback from the side and rear boundaries which will result in excessive visual bulk and loss of amenity to adjoining properties; and
 - c) Standard B32 – Front Fences – The proposed front fence does not respect the existing or preferred character of the area.
- B) That Council obtain appropriate legal representation should the matter proceed to a VCAT hearing.

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 (7)
AGAINST: Nil (0)

CARRIED

**4.6 7 TULIP GROVE, CHELTENHAM
SUPPORT THE GRANT OF A PERMIT (VCAT CONSENT ORDER)
APPLICATION NO. 2018/292/1 WARD: CENTRAL**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/45476

It is recorded that Dr Robert Saunders and Mr Derek Screen each spoke for three minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Martin

That Council resolve to **Support the Grant of a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/292/1** for the land known and described as **7 Tulip Grove, Cheltenham**, for the **construction of six (6) dwellings and reduction of one (1) visitor car parking** 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 VCAT Substituted plans (circulated on 4 February 2019) prepared by IROAMD3 Building Consultants referenced TP00A-TP009A and dated 17 December 2018 but modified to show:
 - a) The first floor southern wall associated with the Bedroom 1 ensuite and WIR of Dwelling 6 to be setback a minimum of 3.7 metres from the southern boundary;
 - b) Provision of a cross-section of the central vehicle accessway notated to relevant AHD levels, grades and length of grades;
 - c) Provision of a skillion roof form, or similar, to the eastern first floor façade of Dwellings 1 and 4 to the satisfaction of the Responsible Authority;
 - d) Notation on all site and floor plans that the trees within the rear setback of Dwelling 3 and the front setback of Dwelling 4 are to be retained and protected in accordance with the endorsed Tree Management Plan required by Condition 13 of this permit;
 - e) The Tree Protection Zones within the rear setback of Dwelling 3 and the front setback of Dwelling 4, as detailed in the Tree Management Plan, notated on all site and floor plans;
 - f) Nomination of swept-path assessments to all garages notated on the ground floor plans;
 - g) A schedule of construction materials, external finishes and colours (incorporating for example paint samples);
 - h) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit;
 - i) A Landscaping Plan in accordance with Condition 10 of this permit; and
 - j) Payment of Drainage Development Contributions in accordance with condition 20.

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 plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas; and
 - 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 John Patrick Pty Ltd, reference L-VCAT01, dated February 2019 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) A survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009;
 - b) A survey, including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces; and
 - 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; and
 - 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 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. The street tree asset can be removed under Clause 6.5 of the *Street and Park Tree Management Policy (2016)* to allow the development to proceed with the installation of the proposed vehicle crossing. See notes.

Drainage

18. 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.
19. 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.
20. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

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

Permit Expiry

21. 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.
- The installation of the vehicle crossing at the proposed location will severely impact the *Fraxinus angustifolia* ssp. *oxycarpa* 'Raywood' (Claret Ash) street tree asset. As the design does not allow any other option for the location of this vehicle crossing and to allow this development to proceed, the tree may be approved for removal under Clause 6.5 of the *Street and Park Tree Management Policy (2016)*.

Before the vehicle crossing application will be approved, the applicant must pay \$2,573.18 to the Responsible Authority for the removal and replacement of the existing street tree(s). This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.

CARRIED

4.7 VCAT REPORT - DECISIONS MADE IN FEBRUARY 2019

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/48238

Moved: Cr del Porto

Seconded: Cr Evans

That Council:

- receives and notes the report; and
- notes the outcome of VCAT decisions on the planning applications handed down during February 2019.

CARRIED

5. Confidential Business

There was no Confidential Business submitted to the meeting.

Following consideration of Confidential Business, the Chairperson declared the meeting closed at 9.58pm.