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5. Confidential Business

There were no items of confidential business submitted to the meeting.

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

It is recorded that at the 23 October 2018 Ordinary Meeting of Council, Cr Clarke Martin was granted a leave of absence for the period 9 November to 26 November 2018 inclusive.

Moved: Cr Evans

Seconded: Cr Long

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

CARRIED

2. Disclosure of any Conflict of Interest of any Councillor

It is recorded that Cr Evans declared an indirect interest because of conflicting duties in relation to Item 4.1, given he is a member of the Victoria Golf Club.

It is recorded that Cr del Porto declared a direct interest in relation to item 4.12, given the proposed application may have a financial impact on the property he owns in Well Street.

3. Adoption and Confirmation of the minutes of previous meeting

3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 30 October 2018.

Moved: Cr Long

Seconded: Cr del Porto

That the minutes of the Planning & Amenity Committee Meeting held on 30 October 2018, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 VICTORIA GOLF CLUB (PARK ROAD, CHELTENHAM) SUPPORT THE GRANT OF A PLANNING PERMIT APPLICATION NO. 2018/418/1 WARD: SOUTHERN

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/18/255161

It is recorded that Cr Evans declared an indirect interest because of conflicting duties in relation to this item, given he is a member of the Victoria Golf Club. Accordingly, Cr Evans vacated the chamber prior to discussion on this item

It is recorded that Cr Evans left the meeting at 7.05pm.

It is recorded that Mr Peter Stackpole spoke for three minutes on this item.

Moved: Cr del Porto

Seconded: Cr Castelli

That Council resolve to **Support the Grant of a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 5/2018/418/1** for the land known and described as **Victoria Golf Club, Park Road, Cheltenham** for the **removal of six (6) native trees on land within the Vegetation Protection Overlay, Schedule 3 (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 plans advertised but modified to show:
 - a) The addition and location of twenty-one (21) canopy trees to be planted within the subject site to the satisfaction of the Responsible Authority.
 - b) Twenty-one (21) proposed canopy trees must be a minimum 6.0 metres height when planted and be capable of reaching 16 metres in height, and at least 10 metres in width, at maturity.
 - c) The twenty-one (21) additional canopy trees must include 80% native and indigenous species type and count in accordance with the Bayside Landscape Design Guidelines (2016).
 - d) 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.
 - e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.All to the satisfaction of the Responsible Authority.
2. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

**4.2 SANDRINGHAM GOLF COURSE, CHELTENHAM ROAD, BLACK ROCK
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2018/432/1 WARD: SOUTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/18/255708

It is recorded that Ms Pauline Reynolds and Ms Barbra Gaiotto (via proxy Robert Milner) each spoke for three minutes on this item.

Moved: Cr Evans

Seconded: Cr del Porto

That Council resolve to issue a **Notice of Decision to Grant a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2018/432/1** for the land known and described as **Sandringham Golf Course (Cheltenham Road, Black Rock)**, for the **construction of buildings and works (including extension of the dam) within the Public Park and Recreation Zone (PPRZ) and works that exceed 9 metres in height within the Design and Development Overlay, Schedule 2 (DDO2); Partial use of the building as an office; removal of native vegetation within the Vegetation Protection Overlay, Schedule 3 (VPO3) and pursuant to Clause 52.17; the sale and consumption of liquor (on-premises licence) associated with the food and drink premises (café); and consolidation of the lots within the PPRZ** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised material but modified to show:
 - a) Any changes to the plans as result of the conditions of this permit.
 - b) A schedule of construction materials, external finishes and colours (material samples).
 - c) Water Sensitive Urban Design measures in accordance with Condition 6 of this permit.
 - d) Updated Landscaping (Replacement Planting) Plans in accordance with Condition 8 of this permit.
 - e) A Tree Management Report or Plan in accordance with Condition 11 of this permit.
 - f) A Fauna Management Plan in accordance with Condition 15 of this permit.
 - g) A Waste Management Plan in accordance with Condition 27 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.

Car Parking

5. Prior to the occupation of the buildings hereby permitted, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must to the satisfaction of the Responsible Authority be:
 - a) Constructed.
 - b) Properly formed to such levels that they can be used in accordance with the plans.
 - c) Surfaced with an all-weather seal coat.
 - d) Drained and maintained.

Parking areas and access lanes must be kept available for these purposes at all times.

Water Sensitive Urban Design

6. 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.

7. 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.

Replacement Planting/Landscaping Plans

8. Concurrently with the submission of amended plans in accordance with Condition 1, detailed landscape plans 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 plans drawn by Memla (references 1-9) dated 6 July 2018 and be drawn to scale with dimensions and three copies must be provided. The plans 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) Species of replacement plantings must be a minimum of 80% indigenous species to the satisfaction of the Responsible Authority.
 - e) Replacement canopy tree planting must be general in accordance with the Replacement Planting Plan prepared by Memla (Drawing No. 6) dated 6 July 2018, showing canopy tree planting at a (minimum) ratio of 3:1.
 - f) The Planting Schedule to nominate the height of canopy trees at the time of planting, with all canopy trees to be in excess of 2 metres at the time of planting.
 - g) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - h) Details of surface finishes of pathways and driveways
9. 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.
10. 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

11. 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 in relation to the protection of trees within proximity of proposed works or tree removal during construction.

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 (within proximity of proposed works) 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.
12. 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.

13. 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.
14. 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.

Fauna Management Plan

15. Prior to the removal of any of the vegetation on the site, a fauna management plan prepared by a qualified Ecologist for the relocation and humane management of fauna to be affected and displaced by the removal of trees and impact of the development must be submitted to and be to the satisfaction of the Responsible Authority. Hollows are to be identified and assessed with fauna relocated and hollows closed off prior to commencement of any site works.

Offsets

16. Prior to removal of any of the vegetation on the site, confirmation that the third party offset credits have been obtained must be provided and be to the satisfaction of the Responsible Authority.

Hours of operation (office)

17. The office use allowed under this permit may operate only during the hours of operation of the associated Golf Course, except with the further written consent of the Responsible Authority.

Hours of operation (on-premises liquor licence)

18. The use allowed under this permit must operate only during the following hours, except with the further written consent of the Responsible Authority:
Good Friday and ANZAC Day – 10am to 11pm
Any other day – 10:00am to 11:00pm
19. Not more than 300 persons/patrons/patients/staff, etc. (associated with the sale and consumption of liquor) may be present on the premises at any one time without the prior written consent of the Responsible Authority.

General Amenity

20. 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, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - d) Presence of vermin.

Drainage

21. 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.
22. Council records indicate that there is no easement within the property.

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.
24. Subsurface water must be treated in accordance with Council's Policy for "Works on Assets within the Road Reserve Policy 2018".

South-East Water Conditions

25. The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.
26. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.

Waste Management Plan

27. An updated waste management plan must be prepared to the satisfaction of the Responsible Authority. Once satisfactory, such plan will be endorsed and must be implemented to the satisfaction of the Responsible Authority. The plan must provide the following details of a regular private waste (including recyclables) collection service for the subject land including:
 - 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.
 - h) Method of presentation of bins for waste collection.
 - i) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
 - j) Strategies for how the generation of waste and recyclables will be minimised.
 - k) Compliance with relevant policy, legislation and guidelines.

To the satisfaction of the Responsible Authority.

Permit Expiry

28. 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.

South-East Water Notes:

- The owner of the subject land is required to obtain a 'Notice of Agreement' from South East Water.
- All requirements must be fulfilled to its satisfaction prior to South East Water consenting to the issuing of a Statement of Compliance.

Liquor Licence

- This permit shall have no force or effect until such time as an On-Premises Licence is issued by Liquor Licensing Victoria.

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

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

CARRIED

**4.3 4 BOLTON STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT AN AMENDED PLANNING PERMIT
APPLICATION NO: 2017/692/2 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/17/5962 – Doc No: DOC/18/260351

Moved: Cr Evans

Seconded: Cr del Porto

That Council resolve to issue a **Notice of Decision to Grant an Amend a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Application No. 2017/692/1** for the land known and described as **4 Bolton Street Beaumaris**, for the **Construction of two double-storey, attached dwellings and removal of native vegetation (8 trees) on land affected by the Vegetation Protection Overlay** 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) Council date stamped 30 July 2018 but modified to show:
 - a) An elevation of the proposed fence at the entrance to Dwelling 1 to the satisfaction of the responsible authority.
 - b) Location of all plant and equipment, including hot water services and air conditioners etc.
 - c) Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
 - d) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
 - e) Water sensitive urban design measures in accordance with condition 8.
 - f) **An updated ground floor plan showing the retention of Tree #12.**
 - g) **Within 4 weeks of any amended permit being issued, an updated Tree Management Plan and Tree Protection Plan (condition 13), detailing specific methods required to ensure the ongoing protection, and ongoing survival of Tree 12 throughout the remainder of construction, and also post construction. This must include ongoing supervision from a qualified arborist. Conditions 14, 15 and 16 must then be complied with.**
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, 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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
7. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating for example paint samples) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the schedule will be endorsed and will then form part of the permit.
8. Before the development starts, 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. Before the occupation of the development starts, the areas 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.
10. Before the occupation of the development starts, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
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.
13. Before the development starts, 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. 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.
 17. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
 18. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
 19. Prior to endorsement of the plans required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.
 20. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit Notes

- Should tree 12 fail to survive the works, separate enforcement action will be undertaken associated with the builders failure to adequately protect the tree in accordance with the permit requirements.
- 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.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.
 - Before the vehicle crossing application will be approved, the applicant must pay \$7,885.39 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.

Amenity value of street tree asset# 429765: \$ 6,177.48

(as determined under the *Street Tree Management Strategy 2008*)

Removal of subject tree:	\$ 517.00
Replanting of 2 trees @ \$236.85 each:	\$ 473.70
(as replacement trees for the removal of the subject tree)	
Subtotal:	\$7,168.54
GST:	\$ 716.85
TOTAL:	\$7,885.39

THE PERMIT INCORPORATES THE FOLLOWING AMENDMENTS:

Date	Details
13/11/2018	<p>Amendment pursuant to Section 72 of the <i>Planning and Environment Act 1987</i>, involving:</p> <p>Addition of conditions 1(f) and 1(g)</p> <p>Addition of a permit note</p> <p>Amendment to the plans endorsed under the permit:</p> <ul style="list-style-type: none">• Remove the retaining wall located within the front setback of Unit 1.• Modify the materials of Unit 1's garage wall from timber cladding to render colour 3.

THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED**CARRIED**

**4.4 63 ARDOYNE STREET, BLACK ROCK
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/478/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/261620

It is recorded that Mr Daniel Bowden spoke for three minutes on this item.

Moved: Cr Evans

Seconded: Cr Castelli

That Council resolve to issue a **Notice of Decision to Grant a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application 5/2017/478/1 for the land known and described as **63 Ardoyne Street Black Rock** for the **construction of two double storey attached dwellings with basement car park and removal of vegetation within the 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 plans prepared by Point Architects referenced as Job No. 823 Drawing Nos. 100B, 101B, 102B, 103B, 200B & 300B dated 04/17 and Landscape Concept Plan prepared by Memla Pty Ltd Project# 2098 Drawing No. LC dated 23/11/17 but modified to show:
 - a) Unit 1's and 2 crossovers and basement ramps to have a 3.6m width, dimensioned on the plans.
 - b) Screening between the secluded private open space of Units 1 & 2 to be in accordance with of Clause 55.04-7 (Standard B23) of the Bayside Planning Scheme.
 - c) A schedule of construction materials, external finishes and colours (incorporating for example paint samples/colour swatches) to the satisfaction of the Responsible Authority.
 - d) 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.
 - e) Water Sensitive Urban Design measures in accordance with Condition 8.
 - f) A Landscaping Plan in accordance with Conditions 10.
 - g) A Tree Impact assessment Report and Tree Management and Protection Plan associated with trees on neighbouring properties in accordance with Conditions 13.
 - h) Street tree protection measures as required by Condition 13.
 - i) The side setbacks of the master bedroom associated with dwellings 1 and 2 to have an increased side setback to achieve the requirements of Standard B17 (Side and Rear Setbacks) of Clause 55 of the Bayside Planning Scheme.

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. 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. Any 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. Before the development starts, 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 Pty Ltd Project # 2098 Drawing No. LC dated 23/11/17 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) A full planting schedule and replacement canopy tree species in accordance with Table 3 within the Bayside City Council Landscape Guidelines (2016).
 - b) A survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - c) A survey, including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - d) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.
 - e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - f) Details of surface finishes of pathways and driveways.
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 in accordance with the Tree Management Plan and Protection Plan sated July 2018 prepared by Kylie May, Consultant Arborist, John Patrick Landscape Architects Ltd submitted to and be endorsed by the Responsible Authority.

The Tree Management Plan must be specific to the site, be in accordance with AS4970-2009, prepared by a suitably qualified arborist and include:

- Details of Tree Protection Zones for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
- Comment on the methods to be utilised and instruction on how to deploy them.
- Comment on when the protection measures are to be deployed.
- Comment on when the protection measures can be modified.
- Processes that will be followed if any damage occurs to a tree.
- Processes that will be followed if construction works require alteration to the protection measures outlined in report and;
- Stages of development at which inspections will occur.

Any proposed alterations to the plan must be assessed by the site arborist and can only occur following the approval of the site arborist. Such approval must

be noted and provided to the Responsible Authority within 28 working days of a written request.

Any damaged tree must be inspected by the site arborist without any delay and remedial actions undertaken. Such actions must be documented.

The tree protection plan must be drawn to scale and show the location of all tree protection measures to be utilised.

If tree protection measures are proposed to be changed during the development, one plan for each stage of tree protection measures must be submitted.

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

14. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
15. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

Street Tree Protection

16. Before the development starts, tree protection fencing is to be established around the existing *Corymbia ficifolia* (Red Flowering Gum) street tree asset 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.
17. Soil excavation must not occur within 2 metres from the edge of the *Corymbia ficifolia* (Red Flowering Gum) street tree assets stem at ground level.

Development Contribution

18. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy of \$2020 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.

Traffic

19. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed and drained to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times. Any existing disused or redundant crossing or

crossing opening must be removed and replaced with footpath/nature strip/kerb and channel, to the satisfaction of the Responsible Authority.

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

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.

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- The applicant must clearly identify what impact, if any, the proposed vehicle crossings 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.
- 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

**4.5 135 BEACH ROAD, SANDRINGHAM
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2014/55/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/261877

Moved: Cr Evans

Seconded: Cr del Porto

That Council:

1. Approves the amended plans in accordance with secondary consent provisions of Planning Permit 5/2014/55/1.
2. Plans identified as P04, P05, P06, P07, P09 and P10, prepared by APA Architects and Interiors and dated 27/9/2018 be endorsed. These plans are to be read in conjunction with Condition 1 plans endorsed on 21/11/2016.
3. Plans VCAT04, VCAT05, VCAT06, VCAT07 and VCAT09 endorsed on 21/11/2016 be superseded.

CARRIED

**4.6 2 BURGESS STREET, BEAUMARIS
SUPPORT THE GRANT OF A PLANNING PERMIT (CONSENT ORDER)
APPLICATION NO: 2017/509/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/259806

It is recorded that Mr Daniel Bowden spoke for three minutes on this item.

Moved: Cr Evans

Seconded: Cr del Porto

That Council resolve to **Support the Grant of a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 5/2017/509/1** for the land known and described as **2 Burgess Street, Beaumaris** for the **removal of four (4) native trees and the construction, use and illumination of a private tennis court** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and development start/s, 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 retention of Trees 1, 2, 3, 7, 8, 9 and B (as shown on the plan tabled at the VCAT compulsory conference on 24 October 2018).
 - b) The setback of the edge of the tennis court fencing increased to a minimum of 3 metres from the street frontage to accord with performance requirement E1.3.1 of the Code of Practice – Private Tennis Court Developments Revision 1.
 - c) Full details of the lighting poles and fencing, including elevation drawings in the context of the overall site. These must comply with performance requirement E5 of the Code of Practice – Private Tennis Court Developments Revision 1.
 - d) Demonstration of full compliance with performance requirements E3.3.1, E3.3.2 and E3.3.3 of the Code of Practice – Private Tennis Court Developments Revision 1.
 - e) An updated Landscaping Plan in accordance with Condition 4 of this permit.
 - f) A Construction Impact Report in accordance with Condition 7 of this permit.
 - g) A Tree Management Plan and Protection Plan in accordance with Condition 8 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.

Landscaping

4. 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 CX Landscape, dated 24/11/2017 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) The provision of three (3) Red flowering gums (*Corymbia ficifolia*) with a minimum height of 1.8 metres at planting.
 - e) The provision of three (3) replacement canopy trees of indigenous origin with a mature height equal or greater than 10 metres and with a minimum height of 1.8 metres at planting.
 - f) The provision of three (3) replacement canopy trees of native or indigenous origin with a mature height equal or greater than 8m and with a minimum height of 1.8 metres at planting.
 - g) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - h) Details of surface finishes of pathways and driveways.
5. 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.
6. 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.

Construction Impact Report

7. Prior to the endorsement of plans pursuant to Condition 1, a Construction Impact Report prepared by a suitably qualified arborist in accordance with AS4970 Protection of Trees on Development Sites (2009) for all retained trees on site and on neighbouring properties which have TPZs which extend into the subject site, to the satisfaction of the Responsible Authority shall be submitted to and be endorsed by the Responsible Authority.

The report should demonstrate the construction methods and materials proposed to ensure trees to be retained will remain viable post development and include the extent of pruning proposed to facilitate works around trees retained on site.

Tree Management and Protection Plan

8. 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.
9. 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.
10. 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.

Tennis court

11. The following must be complied with at all times:
- a) Drainage resulting from the court must be intercepted to avoid any overflow and must be connected to an approved point of discharge.
 - b) Any lighting system must not exceed an illumination level of 12 lux and an average illumination of 10 lux when measured at the nearest habitable room window of an adjoining dwelling or at a point 3 metres outside the property boundary, whichever is the nearest to the light source.
 - c) Any lighting system must:
 - Comply with the 'Residential Tennis Court Lighting Code' produced by the Tennis Court Builders Association of Australia;
 - Be baffled to ensure that a light source is not directly visible from a habitable room window of an adjoining dwelling;
 - use light poles which are not more than 8 metres above the court surface; and
 - be certified after installation by a qualified lighting engineer.
 - d) The court must not be used for commercial purposes such as professional tennis coaching or court hire.
 - e) The court must not be used between 10.30pm and 7.30 am.
 - f) No mechanical equipment such as ball-throwing machines may be operated between 7pm and 8am.

- g) The method of construction must comply with the 'Guide Specifications for Tennis Court Construction' produced by the Tennis Court builders Association of Australia.

Permit Expiry

- 12. 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

**4.7 49 SARGOOD STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/821/1 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/18/230508

It is recorded that Mr Paul Gooderham, Ms Georgina Lovel-Anderson, Mrs Elizabeth Seaton, Mr Peter Stevenson and Mr David De Giovanni each spoke for three minutes on this item.

Moved: Cr Long

That Council, having caused notice of **Planning Application No. 2017/821/1** 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 decides to issue a **Notice of Refusal to Grant a Planning Permit** in respect of the land known and described as **49 Sargood Street, Hampton**, for the **Construction of two dwellings and a front fence exceeding 1.2m in height** for the following reasons:

1. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character, Precinct F1) 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 and enhance the garden settings of the dwellings, and enhance the bayside vegetation character.
 - c) The development fails to maintain the building setbacks reflect the existing spacious visual separation of buildings.
 - d) The development dominates the streetscape.
 - e) The development fails to maintain the openness of the streetscape and views to the dwellings.
2. 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 B10 – Energy Efficiency – the proposal fails to be designed so that solar access to north-facing windows is maximised.
 - c) Standard B13 – Landscaping – the proposed tree removal does not respect the landscape character of the neighbourhood.
 - d) Standard B17 – Side and Rear Setbacks – The proposed variations sought to the side and rear setbacks of the dwellings, where applicable, fail to respect the existing or preferred neighbourhood character or limit the impact on the amenity of adjoining dwellings.
 - e) Standard B22 - Overlooking – the proposal causes unreasonable overlooking into the adjoining properties.

- f) Standard B32 – Front Fences – the proposed front fence design that does not respect the existing neighbourhood character.

LAPSED FOR WANT OF A SECONDER

Moved: Cr Castelli

Seconded: Cr del Porto

That Council resolve to issue a **Notice of Decision to Grant a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/821/1** for the land known and described as **49 Sargood Street, Hampton**, for the **Construction of two dwellings and a front fence exceeding 1.2m in height** 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 (submitted with the application amended on 30 October 2018) prepared by Sketch Building Design referenced 17-015, date Oct 2018 and revision number C but modified to show:
 - a) Deletion of any proposed north wall on boundary of Dwelling 1 and a 2m side setback is to be provided for the entire length.
 - b) Diagrams indicating compliance with Standard B22 for the ground floor decks.
 - c) Modification to the existing splitter island (which is currently located in front of 49 Sargood Street) further to the north and restrict all turning movements to/from the property as 'left in' and 'left out' to the satisfaction of Responsible Authority.
 - d) An engineer drawing including splitter island specification to Council's satisfaction.
 - e) A notation on the plan confirming that the construction cost of the proposed splitter island will be at developer's cost.
 - f) Section plan showing the proposed ramp grade in accordance with Clause 52.06 of the Bayside Planning Scheme.
 - g) The proposed swimming pool of Dwelling 1 to be relocated/reduced with a minimum of 2m from the west property boundary.
 - h) 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.
 - i) A schedule of construction materials, external finishes and colours (incorporating for example paint samples). A lighter colour scheme to replace C1 and C2 which currently proposed on the façade.
 - j) An updated Landscaping Plan including above mentioned changes in accordance with Condition 10 of this permit.

- k) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
- l) Drainage contribution in accordance with Condition 15.
- m) Deletion of the rooftop terraces, including the stairwell.**
- n) Compliance with requirements of Standard B17 set out in Clause 55 of the Bayside Planning Scheme.**

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works (including road 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 Justin Hutchison, reference Project number 2218, Revision C 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. All the species must be appropriate selected from indigenous coastal vegetation as mentioned in the Neighbourhood Character Precinct F1.
 - 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.

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 Infrastructure Assets Department.

Development Contribution

15. 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.
16. 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.

Splitter Island

17. Prior to the occupation of the dwellings, the proposed modification to the existing splitter island as requested by Condition 1d) must be constructed, inspected and approved, to the satisfaction of the Responsible Authority.

Permit Expiry

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Council records indicate that there is a 1.22 m wide drainage and sewerage easement along the west property boundary as indicated on the drawings provided.
- Subsurface water must be treated in accordance with Council's Policy for "Works on Assets within the Road Reserve Policy 2018".

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

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

The Chairman exercised his casting vote against the motion and the motion was **LOST**

Moved Cr Long

Seconded Cr Heffernan (Mayor)

That this matter be deferred until the 20 December 2018 Planning and Amenity Committee meeting.

With the consent of the meeting, the seconder withdrew from the motion.

LAPSED FOR WANT OF A SECONDER

It is recorded that Cr James Long left the meeting at 8.46 pm.

Moved: Cr Heffernan (Mayor)

Seconded: Cr Evans

That Council resolve to issue a **Notice of Decision to Grant a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/821/1** for the land known and described as **49 Sargood Street, Hampton**, for the **Construction of two dwellings and a front fence exceeding 1.2m in height** 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 (submitted with the application amended on 30 October 2018) prepared by Sketch Building Design referenced 17-015, date Oct 2018 and revision number C but modified to show:
 - a) Deletion of any proposed north wall on boundary of Dwelling 1 and a 2m side setback is to be provided for the entire length.
 - b) Diagrams indicating compliance with Standard B22 for the ground floor decks.
 - c) Modification to the existing splitter island (which is currently located in front of 49 Sargood Street) further to the north and restrict all turning movements to/from the property as 'left in' and 'left out' to the satisfaction of Responsible Authority.
 - d) An engineer drawing including splitter island specification to Council's satisfaction.
 - e) A notation on the plan confirming that the construction cost of the proposed splitter island will be at developer's cost.
 - f) Section plan showing the proposed ramp grade in accordance with Clause 52.06 of the Bayside Planning Scheme.
 - g) The proposed swimming pool of Dwelling 1 to be relocated/reduced with a minimum of 2m from the west property boundary.
 - h) 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.
 - i) A schedule of construction materials, external finishes and colours (incorporating for example paint samples). A lighter colour scheme to replace C1 and C2 which currently proposed on the façade.
 - j) An updated Landscaping Plan including above mentioned changes in accordance with Condition 10 of this permit.
 - k) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
 - l) Drainage contribution in accordance with Condition 15.

m) Compliance with requirements of Standard B17 set out in Clause 55 of the Bayside Planning Scheme.

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works (including road 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 Justin Hutchison,

reference Project number 2218, Revision C 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. All the species must be appropriate selected from indigenous coastal vegetation as mentioned in the Neighbourhood Character Precinct F1.
 - 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.

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 Infrastructure Assets Department.

Development Contribution

15. 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.
16. 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.

Splitter Island

17. Prior to the occupation of the dwellings, the proposed modification to the existing splitter island as requested by Condition 1d) must be constructed, inspected and approved, to the satisfaction of the Responsible Authority.

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.

**4.8 148A LUDSTONE STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2018/113/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/261400

It is recorded that Dr Nada Dobric and Mrs Melanie Ellis (via proxy Vanessa Atme) each spoke for three minutes on this item.

Moved: Cr Castelli

Seconded: Cr Long

That Council resolve to issue a **Notice of Decision to Grant a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 5/2018/113/1** for the land known and described as **148A Ludstone Street, Hampton** for **alterations and additions (including a first floor addition) to the existing dwelling on a lot less than 500m²** 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 with the application prepared by Extensions Unlimited Builders and Designers referenced as Sheets 1, 3, 4, 5 & 6 of 9 dated 9 August 2018 but modified to show:
 - a) The first floor north and east facing media room windows and west facing bedroom 3 screened in accordance with Clause 54.04-6 (Standard A15) of the Bayside Planning Scheme to the satisfaction of the Responsible Authority.
 - b) The ground and first floor envelopes to be drawn in context with all site boundaries to a minimum scale of 1:200. The layout of immediately adjoining land must also be shown on the plans to the satisfaction of the Responsible Authority.
 - c) The development summary table to be relocated from the Site Plan to the Ground Floor plan.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 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

Permit Expiry

7. 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 6 CENTRE ROAD, BRIGHTON EAST
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2014/265/2 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/257634

Moved: Cr del Porto

Seconded: Cr Heffernan (Mayor)

That Council:

1. Approves the amended plans in accordance with secondary consent provisions of Planning Permit 5/2014/265/2.
2. Plans identified as C09 Rev 1.0, C10 Rev 1.0 and TP00 Rev 1.0, prepared by Peter Chau Design and dated October 2018 be endorsed. These plans are to be read in conjunction with plans A05 Rev 1.0, A06 Rev 1.0, A07 Rev 1.0, A08 Rev 1.0 and A04 Rev 1.0 dated November 2017 (Sheets 1,2,3,4 and 8 of 8) endorsed on 19th February 2018.
3. Plans A09, Rev 1.0, A10 Rev 1.0 and A11 Rev 1.0 dated November 2017 (Sheets 5-7 of 8) endorsed on 19th February 2018 be superseded.

CARRIED

**4.10 111 DENDY STREET, BRIGHTON
SUPPORT THE GRANT OF A PLANNING PERMIT (CONSENT ORDER)
APPLICATION NO: 2017/701/1 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/18/261235

It is recorded that Mr Jason Barnfather spoke for three minutes on this item.

Moved Cr del Porto

Seconded Cr Castelli

That Council **Not Support** the VCAT **Consent Order for Planning Permit 2017/701/1** in respect of the land known and described as **111 Dendy Street, Brighton** as Council considers the consent order inappropriate.

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

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

The Chairman exercised his casting vote against the motion and the motion was

LOST

Moved: Cr Heffernan (Mayor)

Seconded: Cr Evans

That Council resolve to **Support the Grant of a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2017/701/1** for the land known and described as **111 Dendy Street, Brighton**, for the **construction of a two storey residential building comprising six dwellings, basement car park and front fence exceeding 1.2 metres in height** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and/or development start/s, 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 plans TP01 (Rev H), TP02 (Rev H), TP03 (Rev I), TP03A (Rev I), TP03B (Rev I); TP04 (Rev I), TP04A (Rev I), TP05A (Rev G), TP05B (Rev G), TP05C (Rev G), TP06 (Rev F). prepared by in2 Pty Ltd Project Number 1726, dated 12 February 2018 but modified to show:
 - a) A reduction to the extent of glazing to the southern façade (Dendy Street interface) treatment to the satisfaction of the Responsible Authority.
 - b) A reduction in the overall height of the development by 150 mm.

- c) Deletion of balcony returns along western boundary of Balconies 5 and 6 and replacement with planting over roof below.
 - d) Introduction of panels of finish F3 treatment to the western elevation of the northern-most portion of Dwellings 5 and 6.
 - e) Increase in the minimum setback to building line of Dwelling 4 (master bedroom and living room only) from northern boundary of 0.5 metres.
 - f) Increase in the minimum setback to building line of Dwelling 6 (living room only) from northern boundary of 0.5 metres.
 - g) All screening to balconies and windows to height of 1.8 metres above FFL where required by Standard B22 (Overlooking).
 - h) Replace reference to "G3 – Glass- Standard – Veridian VFloat Grey" on first floor windows of east elevation to clear glass. Finishes legend to be updated to reflect same.
 - i) Reduction in the front fence height to 1.7 metres with a minimum 25% transparency.
 - j) Planter beds located between Dwelling 2 and 3 adjacent the communal pathway to be increased to a minimum width of 1 metre.
 - k) Highlight windows adjacent to the communal pathway to be acoustically treated.
 - l) All lights along the communal pathway designed to avoid light spill on adjoining properties.
 - m) Screening details to the first floor balconies in accordance condition 1(g) and Standard B22 (Overlooking).
 - n) The width and gradient of the basement ramp must be dimensioned on the floor plans in accordance with Clause 52.06.9 of the Bayside Planning Scheme.
 - o) Inclusion of a traffic signalling and intercom systems to the basement access ramp.
 - p) Details of all car parking allocations to be annotated on the basement floor plan.
 - q) All air conditioning units to be located within the basement.
 - r) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
 - s) Water Sensitive Urban Design measures in accordance with Condition 8.
 - t) A Landscape Plan in accordance with Condition 10.
 - u) A Waste Management Plan in accordance with Condition 18.
 - v) A Construction Management Plan in accordance with Condition 19.
 - w) Evidence of the NatHERS Cool Load in accordance with Condition 20.
 - x) Development Contributions payment in accordance with Condition 21.
- 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. Before the development starts, 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 Wallbrink Landscape Architecture, 111 Dendy St Brighton, Dwg 1998TP3 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Location of ground protection measures, in accordance with AS4970, between the west fence and the west boundary wall of the basement to ensure protection of the row of *Pittosporum tenuifolium* at 109 Dendy Street Brighton.

- b) Location of tree protection measure associated with the street tree and an annotation that the existing crossover is to be utilised.
 - c) A survey, including botanical names, of all existing trees to be retained on the site.
 - d) A survey, including botanical names, of all existing vegetation to be removed from the site.
 - e) 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.
 - f) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - g) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - h) Details of surface finishes of pathways and driveways.
 - i) Six (6) trees capable of reaching 8m in height at maturity.
11. Prior to commencement of works ground protection, in accordance with AS4970, must be installed between the west fence of 111 Dendy Street and the west boundary wall of the basement.
- The ground protection must remain in place until commencement works for the installation of the paving.
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.

Car Parking and Access

14. 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.
15. Before the occupation of the development starts, any new and/or or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.

Drainage

16. 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.
17. 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

18. Before the endorsement of plans, a 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.
 - n) When approved, the plan will be endorsed and will then form part of the permit.

Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

Construction Management

19. 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.
- p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
- q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
- r) Details of crane activities, if any.

Energy Efficiency

20. The approved development must be in compliance with the required NatHERS Cooling Load pursuant to Clause 55.07-1 of the Bayside Planning Scheme.

Development Contribution

21. 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.

**4.11 1/193A BAY STREET, BRIGHTON
NOTICE OF DECISION TO GRANT AN AMENDED PLANNING PERMIT
APPLICATION NO: 2014/844/3 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/261889

It is recorded that Ms Debra Phillips (via proxy Jason Douglas), Mrs Robyn Beard (via proxy Geoff O’Kearney), Mrs Anne Quinn (via proxy Jason Douglas) and Mr Mark Stanojevic each spoke for three minutes on this item.

Moved: Cr del Porto

Seconded: Cr Castelli

That Council, having caused notice of **Planning Application No. 5/2014/844/3** 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 decides to issue a **Notice of Refusal to Grant an Amended Planning Permit** in respect of the land known and described as **1/193A Bay Street, BRIGHTON** for the **use of premises as a restricted recreation facility (personal training studio) and car parking to Council satisfaction** for the following reasons:

1. The proposed amendment fails to comply with the objectives of Clause 34.01-2 (Commercial 1 Zone) due to the potential detrimental impact upon the amenity of the neighbourhood as a result of increased noise emissions.
2. The proposal fails to comply with the objectives of Clause 34.01-8 (Commercial 1 Zone) due to the increased demand for car parking as a result of proposed increased patron numbers.
3. The proposal fails to provide car parking to the satisfaction of the responsible authority in accordance with Clause 52.06-6 (Number of car parking spaces required for other uses) due to the increased demand for car parking as a result of the proposed increase in patron numbers, and increased operating hours.

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

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

The Chairman exercised his casting vote in support of the motion and the motion was:

CARRIED

**4.12 50 - 52 WELL STREET, BRIGHTON & 38 BURROWS STREET,
BRIGHTON
SUPPORT THE GRANT OF A PLANNING PERMIT (CONSENT ORDER)
APPLICATION NO. 2017/675/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/262025

It is recorded that Cr del Porto declared a direct interest in relation to item 4.12, given the proposed application may have a financial impact on the property he owns in Well Street. Accordingly, Cr del Porto vacated the chamber.

It is recorded that Cr del Porto left the meeting at 9.57pm.

Moved: Cr Heffernan (Mayor)

Seconded: Cr Evans

That Council resolve to **Support the Grant of a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/675/1** for the land known and described as **50 - 52 Well Street, Brighton & 38 Burrows Street, Brighton**, for the **construction of a three storey building (plus basement) comprising no more than 10 dwellings** 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 (formally submitted to Council on 2 May 2018) prepared by Tectvs referenced 28505, and revision number 1.2 but modified to show:
 - a) Modifications as shown on the plans signed at the VCAT compulsory conference on 31/10/2018.
 - b) Reduction in the building height so that the maximum building height (top of roof slab) does not exceed RL 20.33 AHD.
 - c) All side and rear setbacks (with the exception of the top 300mm of any screening mechanism) to comply with Standard B17, as measured from Natural Ground Level. Compliance must be clearly, and accurately depicted on each elevation, with cross sectional diagrams at mid points if required.
 - d) Provide a built-in-wardrobe to Bedroom 3 of Dwelling 1.01, without reducing the current dimensions (of 2.82m and 3.225m) or reducing any other setbacks.
 - e) Recess the entire second floor front wall a further 300mm (balcony can remain in current location) from the property frontage. Redesign must occur to the satisfaction of the Responsible Authority.
 - f) The location of the crossover to line up with the location and width of the proposed ramp driveway.
 - g) Overlooking diagrams showing how screening reliant on planter boxes complies with Standard B22, without relying on mature plantings (i.e. the planter box structure itself must sufficiently act as the screen).

- h) Clear delineation of storage areas at basement level and allocation to the respective dwelling.
- i) Ramp gradients in compliance with the design requirements outlined in Clause 52.06-9 of the Bayside Planning Scheme.
- j) Ramp gradient ratios and section lengths shown on the basement plan, ground floor plan and sections where relevant.
- k) Adequate sight lines where the proposed ramp/driveway intersects with the footpath in accordance with clause 52.06-9.
- l) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment must not locate on balconies, and must be hidden from the public realm (ideally in the basement).
- m) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
- n) An amended Landscaping Plan in accordance with Condition 7 of this permit.
- o) Waste Management Plan in accordance with Condition 21.
- p) Evidence of payment of development contributions as required by Condition 20.
- q) Demonstration of compliance with Melbourne Water Conditions.

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. 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.

Water Sensitive Urban Design

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.

Landscaping

7. Prior to the endorsement of plans pursuant to Condition 1, an amended landscape plan to the satisfaction of the Responsible Authority **and Melbourne Water** must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan submitted with the application on 27 October 2017 drawn by Lisa Ellis Gardens, dated 13 October

2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) The building footprint amended to match floor plans.
 - b) The planting of at least ten (10) canopy trees capable of reaching a mature height of at least 8m and spread of at least 4m pursuant to Bayside City Council's Landscape Guidelines.
 - c) At least one native, indigenous tree must be planted in the North West garden area.
 - d) At ground level provide at least one additional tree in a pot, capable of growing to approximately 4m in height for each of the dwellings along the southwest boundary.
 - 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.
 - j) Any changes required by Melbourne Water.
8. 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.
9. 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

10. 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.
11. 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.
 12. 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.
 13. Any pruning that is required to be done to the canopy of any tree to be retained must 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 must be done by hand by a qualified Arborist.

Street tree protection

14. Soil excavation must not occur within 2 metres from the edge of either of the Platanus x acerifolia (London Plane) street trees stem at ground level.
15. 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

16. 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.
- p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
- q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
- r) Details of crane activities, if any.

Traffic

17. The applicant is to bear the cost to reinstate/relocate the Council assets to provide access to the proposed development. All redundant crossovers are to be removed.

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.

Drainage Development Contributions

20. 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.

Waste Management

21. Before the endorsement of plans, a 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.

Melbourne Water

22. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Waters conditions relating to open style fencing and decking footing (angle of repose). Plans must be submitted with ground and floor level to Australian Height Datum (AHD).
23. The finished floor levels of the ground floor dwellings must be set no lower than 10.03metres to Australian Height Datum (AHD), which is 300mm above the applicable flood level of 9.73 m to AHD.
24. The entry/exit driveway of the proposed basement carpark must incorporate a flood proof apex of 10.03m to AHD which is 300mm above the applicable flood level of 9.73m to AHD.
25. All doors, windows, vents and openings to the basement car park must be a minimum of 300mm above the applicable flood level.

26. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the AHD, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
27. The development must be set back 4 metres from the south western boundary as proposed and must not be altered without prior consent from Melbourne Water. The setback must be maintained at natural surface levels and be kept clear of all permanent structure (i.e. no garages, sheds or water tanks) apart from open style fencing.
28. The development must be set back 1.5 metres from the south eastern boundary as proposed and must not be altered without prior consent from Melbourne Water. The setback must be maintained at natural surface levels and be kept clear of all permanent structures (i.e. no garages, sheds or water tanks) apart from open style fencing.
29. The proposed rear decks must be set at a minimum of 10.03m to AHD and open underneath with open steps to allow for the passage of overland flows through the rear setback.
30. The building/structure including footings, decks and eaves etc. must be set outside any easement or a minimum 1.5 metres laterally clear of the outside edge of the main drain, whichever is greater.
31. The depth of the footings for the basement and rear decking must be adequate to satisfy the angle of repose relative to the drain as per Melbourne Water's specification. Refer to Melbourne Water's Standard Drawing: 'Angle of Repose - Footing Design' for details.
32. Any proposed landscaping within 1.5m from the south-western property boundary must be in line with Melbourne Water's 'Planting near Sewers, Drains and Water Mains Guidelines' within the Planning and Building section of our website.
33. Any new perimeter fencing at the south western boundary must be of an open, lightweight style of construction or paling.
34. All open space within the property, including the rear garden areas must be set at existing natural surface level so as not to obstruct the passage of overland flows (and no retaining walls, raised garden beds or solid masonry walls are to be used in the development of the land).
35. No filling of the property is permitted outside of any building footprint with the exception of sub floor areas of the dwellings and driveway ramps.
36. All internal fences and gates must be of an open design (minimum 50% open) including internal fences or gates within the 4 metre setback to allow for the passage of overland flows during a significant flood event.

Permit Expiry

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.

CARRIED

It is recorded that Cr del Porto returned to the meeting at 9.58pm, noting he was not present in the chamber whilst the vote was taken on this item.

5. Confidential Business

There were no items of confidential business submitted to the meeting.

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