PRESENT:

Chairperson: Cr Rob Grinter (Deputy Mayor)

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

In attendance: Mick Cummins – Chief Executive Officer
Hamish Reid – Director City Planning and Amenity
Matthew Cripps – Manager Development Services
Sarah Collins – Statutory Planning Coordinator
Fiona Farrand – Statutory Planning Coordinator
Arthur Vatzakis – Statutory Planning Coordinator
Felicity Barnewall – Acting Statutory Planning Coordinator
Karen Brown – Acting Manager Governance
Robert Lamb – Governance Officer
# Table of Contents

1. Apologies

2. Disclosure of any Conflict of Interest of any Councillor

3. Adoption and Confirmation of the minutes of previous meeting

4. Matters of Decision
   - 4.1 12 Erowal Street, Beaumaris Grant a Planning Permit Application No: 2019/60/1 Ward: Southern ........................................... 5
   - 4.2 24 & 26 Grenville Street, Hampton Notice of Decision to Grant a Permit Application No: 2018/820/1 Ward: Central ................. 7
   - 4.3 23 Middleton Street, Highett Notice of Decision to Grant a Permit Application No: 2018/614/1 Ward: Central ......................... 15
   - 4.4 Statutory Planning VCAT Update ........................................... 19

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

1. **Apologies**

   An apology from Cr Alex del Porto was submitted to the meeting, in accordance with Cr del Porto’s substantive leave of absence, at the April Ordinary Meeting of Council.

   **Apology**

   **Moved: Cr Martin**  
   **Seconded: Cr Castelli**

   That the apology from Cr Alex del Porto be received and leave of absence be granted for this Planning & Amenity Committee Meeting.

   **CARRIED**

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

   There were no conflicts of interest submitted to the meeting.

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

   3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 30 April 2019.

   **Moved: Cr Evans**  
   **Seconded: Cr Long**

   That the minutes of the Planning & Amenity Committee Meeting held on 30 April 2019, as previously circulated, be confirmed as an accurate record of proceedings.

   **CARRIED**
4. Matters of Decision

4.1 12 EROWAL STREET, BEAUMARIS
GRANT A PLANNING PERMIT
APPLICATION NO: 2019/60/1 WARD: SOUTHERN

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/103409

It is recorded that Mr David Skinner spoke for three minutes in relation to this item.

Moved: Cr Evans           Seconded: Cr Martin

That Council resolve to Grant a Planning Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2019/60/1 for the land known and described as 12 Erowal Street, Beaumaris, for the removal of three (3) native trees in a Vegetation Protection Overlay (VPO3) in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, a landscape plan must submitted to and approved by the Responsible Authority. Once approved, the plan will be endorsed and form part of the permit. The plan must be drawn to scale with dimensions. The plan and numbers must generally be in accordance with the Arborist Report and prepared by McLeod Trees Arboricultural Assessment and Tree Preservation Strategy dated November 2018 and the plan must show:
   a) Tree No’s 3 and 9, protected under the VPO3 to be retained.
   b) All trees not protected under the VPO3 or Local Law to be omitted from the plan.
   c) The replacement planting of two (2) indigenous canopy trees capable of reaching a height of at least 8 metres and a canopy spread of 4 metres in the front setback of the site.
   d) A minimum of two different indigenous species must be used. All species must be consistent with Table 4: Indigenous Trees of the Bayside Landscape Guidelines 2016.
   e) A survey, including botanical names, of all existing trees on neighbouring properties where their Tree Protection Zones (calculated in accordance with AS4970-2009) encroach into the subject site.

   All to the satisfaction of the Responsible Authority.

2. The layout of the site and the location of vegetation 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. All planting shown on the endorsed plans must be carried out within six (6) months of the removal of the first tree to the Satisfaction of the Responsible Authority.

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

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

   a) The 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
Moved: Cr Castelli   Seconded: Cr Martin
That Council resolve to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2018/820/1 for the land known and described as 24-26 Grenville Street, Hampton, for the construction of a residential building (including basement) comprising 9 dwellings 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 (submitted with the application / advertised/amended) prepared by Martin Friedrich Architects, dated 08/02/2019 drawing nos. TP1.01-TP1.05 inclusive and TP2.00, TP2.01, TP3.00, TP3.01, all revision 9 and TP5.00 dated 02/05/2018 revision 6, 00 dated 06/09/2017 revision 9, but modified to show:
   a) The internal ramp width to be a minimum of 3.6m wide (between two walls) in accordance with AS2890.1 or the Bayside Planning Scheme.
   b) The ramp where it intersects with the footpath to be 3.6m wide.
   c) The existing crossover adjusted to be 3.6m wide.
   d) Sightline visibility where the driveway intersects with the footpath in accordance with AS2890.1 and/ or Clause 52.06 of the Bayside Planning Scheme.
   e) The flat grade at the “flood apex” must be at least 2m in length in accordance with AS2890.1 and/ or Clause 52.06 of the Bayside Planning Scheme (i.e. minimum transition length is 2m in between two grades).
   f) A minimum 2.1m headroom to be provided at the entrance and throughout the basement in accordance with AS2890.1 and/ or Clause 52.06 of the Bayside Planning Scheme. A minimum 2.2m headroom to be provided in areas were refuse collection will occur.
   g) A “stop-go” signal system in accordance with the Traffic Impact Assessment prepared by GTA Consultants, dated 11/12/2018.
   h) All car spaces to be a minimum 2.6m wide in accordance with the Clause 52.06 of the Bayside Planning Scheme.
   i) Tandem car parking spaces in compliance with Clause 52.06 of the Bayside Planning Scheme.
   j) All column locations within the basement in accordance with AS2890.1.
   k) Allocated car parking as shown on a Construction Management Plan to be submitted in accordance with Condition 8 of this permit.
l) Location of all plant and equipment, including hot water services and air conditioners etc.

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

n) The retention of the two street tree assets in the road reserve fronting the site.

o) Screening on the south side of the second floor balcony of apartment 8 of the development in accordance with Standard B22 of Clause 55 of the Bayside Planning Scheme.

p) Water Sensitive Urban Design measures in accordance with Condition 9 of this permit.

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

r) An amended Sustainability Management Plan in accordance with Condition 24 of the permit.

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

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

5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

**Car Parking Management Plan**

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

a) Allocation of parking for all individual tenancies.

b) Any signs and/or line marking of car parking spaces, including visitor parking spaces within the basement.

c) Servicing of the drainage and maintenance of car parking areas.
Water Sensitive Urban Design

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

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

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

Landscaping

11. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by John Patrick, job no. 18-0882, Dwg Nos TP01 and TP02, dated Dec 18 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) Both streets within the adjacent road reserve to be retained.
   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.

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

13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
Tree Management and Protection Plan

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

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

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties including the nature strip, where any part of the Tree Protection Zone falls within the subject site.

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

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

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

17. Any pruning that is required to be done to the canopy of any tree to be retained 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

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

19. A tree protection fence is for the protection of a tree’s canopy and root zone. Conditions for street tree protection fencing during development are as follows:

a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.

b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.

c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.

d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.

20. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.

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

Construction Management Plan

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

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

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

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

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

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

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

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

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

i) Site security.

j) Public safety measures.

k) Construction times, noise and vibration controls.

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

m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).

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

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

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.

Waste Management Plan

23. Prior to the endorsement of plans required under Condition 1, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Designs dated 5 December 2018 and 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.

Sustainability Management Plan

24. Prior to the endorsement of plans pursuant to Condition 1, an amended Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The SMP must be generally in accordance with the Sustainability Management Plan prepared by LUCID Consulting Australia dated 13 February 2019. The SMP must be modified to show:

a) information to demonstrate how the building is orientated to take advantage of solar access and enable future installation of roof top solar.

b) bicycle parking numbers as per the development plans.

Development Contribution

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

Drainage

26. 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.

27. 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.

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

Melbourne Water

29. The entire ground floor must be constructed with finished floor levels set no lower than 10.41 metres to Australian Height Datum, which is 300mm above the applicable flood level of 10.11 metres to Australian Height Datum.

30. Any doors, windows, vents and openings to the basement car park must be a minimum of 10.41 metres to AHD which is 300mm above the applicable flood level of 10.11 metres to AHD.

31. The entry / exit driveway of the basement carpark must incorporate a flood proof apex set no lower than 10.41 metres to AHD which is 300mm above the applicable flood level of 10.11 metres to AHD.

32. All areas outside of the building footprint must be kept at natural surface level including courtyard deck area.

33. The northern property boundary fence and internal fencing must be of an open style construction (50% open). Glass fences/screens at ground level must be replaced with fencing that allows for the free flow of floodwaters.

34. The building setbacks from the western and northern property boundary must be maintained and not altered without the prior approval of Melbourne Water.

35. There must be no solid structures or walls obstructing flows within the property frontage. The service cupboard, mailboxes and any fences/walls to be of an open style construction (50% open).

Consolidation

36. Before the development starts, the lots comprising the subject site must be consolidated into one lot under the Subdivision Act 1988 to the satisfaction of the Responsible Authority.

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.
- Council records indicate there is a council stormwater drain running parallel to the south property boundary. Council consider this asset to be protected by an implied 2.0m easement, minimum distance of 1m from the asset. The plans indicate no proposal to encroach into the implied easement with any buildings or structures of note. Proposals to be built over the easement will require build over easement consent from the Responsible Authority.

CARRIED
4.3 23 MIDDLETON STREET, HIGHTET
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2018/614/1  WARD: CENTRAL

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/111234

It is recorded that Ms Nikki Taylor spoke for three minutes in relation to this item.

Moved: Cr Castelli Seconded: Cr Evans

That Council resolve to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2018/614/1 for the land known and described as 23 Middleton Street, Hightet for the Construction of two dwellings on a lot in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans prepared by G and E Drafting Service and known as revision: February 2019 but modified to show:
   a) The reconfiguration or relocation of the speed hump to the satisfaction of the Responsible Authority at the full cost of the owner and in accordance with plans prepared and approved by Council.
   b) Location of bins to both dwellings notated on ground floor plan.
   c) Street tree annotated to be removed.
   d) Incorporation of a variety of materials and finishes to the front façade and side walls in accordance with Clause 22.06 (Neighbourhood Character Policy).
   e) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
   f) Landscaping Plan in accordance with Condition 10 of this permit.

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.

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

5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

**Water Sensitive Urban Design**

8. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
   
a) The type of water sensitive urban design stormwater treatment measures to be used.
   
b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
   
c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.
   
These plans must be accompanied by a report from an industry accepted performance measurement tool which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999.

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

**Landscaping**

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscaping on the ground floor plan TP18-763 known as revision: February 2019, be drawn to scale with dimensions but modified to show:
   
a) A survey, including botanical names, of all existing trees to be retained and removed 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) Details of all landscaping, water sensitive urban design elements (as applicable) and surface finishes.
   
e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
   
f) The planting of one tree capable of reaching 12m at maturity in the front set back of one of the dwellings.
g) The planting of two trees capable of reaching 8m at maturity in the rear set back of dwelling 1.

h) The planting of one tree capable of reaching 8m at maturity in the rear set back of the dwelling 2.

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

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

Tree Management and Protection Plan

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

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

The Tree Protection Plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.

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

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

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

Development Contribution

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

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

Drainage

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

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

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

Permit Notes:
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours’ notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a ‘Road Opening Permit’ must be obtained to facilitate such work.
- A ‘Road Opening / Stormwater Tapping Permit’ is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- 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”.
- Before the development starts the applicant must pay $2,573.18 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Councils current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

CARRIED
4.4 STATUTORY PLANNING VCAT UPDATE

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/114083

Moved: Cr Heffernan (Mayor)  Seconded: Cr Long

That Council resolve to:

a) Receive and note the report; and

b) Note the outcome of VCAT decisions on the planning applications handed down during April 2019.

CARRIED
5. **Confidential Business**

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

*Following consideration of Confidential Business, the Chairperson declared the meeting closed at 7.34pm.*