



Minutes of the Planning and Amenity Committee Meeting

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 16 October 2018

The Meeting commenced at 7:00pm

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

In attendance Hamish Reid – Director City Planning and Community Services
Matthew Cripps – Manager Development Services
Arthur Vatzakis – Acting Manager Planning
Michael Kelleher – Statutory Planning Coordinator
Sarah Collins – Statutory Planning Coordinator
Fiona Farrand – Statutory Planning Coordinator
Pat Dunne – Coordinator Investigations
Karen Brown – Acting Manager Governance
Robert Lamb – Governance Officer

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5. Confidential Business

Nil

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

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of any Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 11 September 2018.

Moved: Cr del Porto

Seconded: Cr Long

That the minutes of the Planning & Amenity Committee Meeting held on 11 September 2018, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 20 MUNRO AVENUE CHELTENHAM NOMINATION FOR SIGNIFICANT TREE REGISTER

City Planning & Community Services - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/18/216466

It is recorded that Dr Robert Saunders spoke for three minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Evans (Mayor)

That Council resolve to:

1. Grant significant status for an Arbutus unedo (Irish Strawberry Tree) tree at 20 Munro Avenue, Cheltenham;
2. Write to the applicants informing them of Council's decision.

CARRIED

**4.2 29 DALGETTY ROAD, BEAUMARIS
NOMINATION FOR SIGNIFICANT TREE REGISTER**

City Planning & Community Services - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/18/216590

Moved: Cr Evans (Mayor)

Seconded: Cr Martin

That Council resolve to:

1. Grant significant status for a Liquidambar styraciflua (Sweet Gum) tree at 29 Dalgetty Road, Beaumaris;
2. Write to the applicants informing them of Council's decision.

CARRIED

**4.3 151 UNION STREET, BRIGHTON EAST
NOMINATION FOR SIGNIFICANT TREE REGISTER**

City Planning & Community Services - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/18/216649

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council resolve to:

1. Grant significant status for a Quercus robur (English Oak) at 151 Union Street, Brighton East;
2. Write to the applicants informing them of Council's decision.

CARRIED

**4.4 48 WILLIAM STREET, BRIGHTON
LOCAL LAW TREE REMOVAL APPEAL
APPLICATION NO: 2018/227 WARD: NORTHERN**

City Planning & Community Services - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/18/216308

It is recorded that Mrs Amy O'Connor, Mr Chris O'Connor and Mr John Broad each spoke for three minutes in relation to this item.

It is further recorded that Mrs Sandra Broad did not pursue her right to speak on this matter.

Moved: Cr del Porto

Seconded: Cr Martin

That Council resolve to Refuse to Grant a Permit for the removal of one Spotted Gum (*Corymbia maculata*) from 48 William Street, Brighton.

CARRIED

**4.5 72 IONA STREET, BLACK ROCK
LOCAL LAW TREE REMOVAL APPEAL
APPLICATION NO: 2018/181 WARD: SOUTHERN**

City Planning & Community Services - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/18/237260

It is recorded that Cr del Porto left the meeting at 7.52pm and returned to the meeting at 7.54pm.

Moved: Cr Martin

Seconded: Cr del Porto

That a member of the public gallery be granted three minutes to speak to this item.

CARRIED

It is recorded that Mr Geoffrey Hammond spoke for three minutes in relation to this item.

Moved: Cr Evans (Mayor)

Seconded: Cr Martin

That Council resolve to Refuse to Grant a Permit for the removal of one Sweet Gum (*Liquidambar styraciflua*) at 72 Iona Street Black Rock.

CARRIED

**4.6 251 BOLTON STREET, BEAUMARIS
GRANT A PLANNING PERMIT
APPLICATION NO: 2018/434/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/225493

Moved: Cr Evans (Mayor)

Seconded: Cr Martin

That Council resolve to:

Issue a **Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2018/434/1** for the land known and described as **251 Bolton Street, Beaumaris**, for the **construction of a double storey dwelling on a lot less than 500sqm** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared by Harwood Architects, referenced HA-201 and dated Aug 2018 but modified to show:
 - a) The location of a second car parking space to be notated on the driveway. The space must be in accordance with Design Standard 2 of Clause 52.06 of the Bayside Planning Scheme.
 - b) Updated Water Sensitive Urban Design measures in accordance with Condition 7 of this permit.
 - c) A Landscape Plan in accordance with Condition 9 of this permit.
 - d) A Tree Management Plan and Tree Protection Plan in accordance with Condition 12 of this permit.
 - e) Payment of the drainage contribution in accordance with Condition 17 of this permit.All to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

Water Sensitive Urban Design

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

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

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

Landscaping

9. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Harwood Architects, reference PL08, dated August 18 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) The location of all trees on or within 3 metres of the boundary of the subject land that were to be retained under planning permit 2014/516/5.
 - 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.

10. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

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

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

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - b) The location of tree protection measures to be utilised.
13. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
 14. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Drainage

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

Development Contribution

17. 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.

Permit Expiry

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

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

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

**4.7 1 BRYSON AVENUE, BRIGHTON
SUPPORT THE GRANT OF A PLANNING PERMIT (CONSENT ORDER)
APPLICATION NO: 2016/814/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/220359

It is recorded that Mr Maugan Bastone spoke for three minutes in relation to this item.

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council resolve to:

Support the Grant of a Planning Permit under the provisions of the Bayside Planning Scheme in respect of **Planning application 5/2016/814/1** for the land known and described as **1 Bryson Avenue, Brighton**, for the **construction of a three storey building comprising no more than 9 dwellings and a front fence in excess of 1.5 metres** 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 marked 1613/TP02 – TP10 Revision C prepared by CBG Architects dated 03.09.2018 but modified to show:
 - a) Modifications to front setbacks and basement layout generally in accordance with plans SK01 – SK04 prepared by CBG Architects dated 10 September 2018.
 - b) Reconfiguration / redesign of the southeast side walls bounding the SPOS of the front dwellings at ground and first floor to remove the solid elements and open up the building.
 - c) 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 habitable rooms of adjoining properties.
 - d) Demonstration that the required bins are able to be accommodated in the designated storage area. Some form of enclosure must also be provided in this storage area.
 - e) Balconies to dwellings 1.01 and 1.02 increased to 12sqm.
 - f) Demonstration of compliance with Standards B35, B41, and B44 of clause 55.
 - g) Manufacture details of the proposed car stackers.
 - h) Any changes necessary to reflect the requirements of the Landscaping Plan in accordance with Condition 12 of this permit.
 - i) Any changes necessary to reflect the requirements of the Tree Management Plan in accordance with Condition 15 of this permit.

- j) Water Sensitive Urban Design measures in accordance with Condition 9 of this permit.
- k) Any Melbourne Water requirements at conditions 22 to 30.
- l) Any changes necessary to reflect the requirements of the Waste Management Plan at condition 48.
- m) Any changes necessary to reflect the requirements of the Acoustic report required at condition 11.
- n) Notation to show fixed screening to 1800mm on all first floor windows shown on the south-eastern elevation.
- o) Notations to reflect the following car parking allocation:
 - i. not less than 1 car parking space for each 2 bedroom apartment;
 - ii. not less than 2 car parking spaces for each 3 bedroom apartment comprising 1 space at-grade and 1 space within the car stacker system; and
 - iii. not less than 1 visitor car parking space.

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.
8. The mechanical stackers must be kept in good working order to the satisfaction of the Responsible Authority to ensure access to all car spaces is available at all times and to prevent adverse noise emissions.

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 plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.

- b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
- c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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.

Acoustic

11. Prior to the endorsement of plans pursuant to Condition 1, an acoustic report generally in accordance with the Rail Noise Assessment prepared by SLR Consulting Pty Ltd and dated 14 November 2016 must be submitted to and approved by the Responsible Authority to demonstrate how the dwellings will be acoustically treated to reduce noise transmission from the adjacent railway land use to the satisfaction of the Responsible Authority. The acoustic report must show how compliance with Standard B40 of Clause 55 of the Bayside Planning Scheme must be achieved.

Landscaping

12. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan prepared by CDA Design Group Pty Ltd dated August 2018, be drawn to scale with dimensions and three copies must be provided, and be modified to show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - e) Details of surface finishes of pathways and driveways.
 - f) Any Melbourne Water requirements in Conditions 22 to 30.
13. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

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

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

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

- a) The Tree Protection Zone and Structural Root Zone for all trees 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.
16. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
17. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street tree protection

18. Soil excavation must not occur within 2 metres from the edge of the street tree asset's stem at ground level.
19. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
- a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
 - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
 - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
 - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
20. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.

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

Melbourne Water

22. Finished floor levels of the dwelling must be constructed no lower than 12.75 metres to Australian Height Datum (AHD).
23. The basement carpark entrance/ exit must incorporate a flood-proof apex constructed no lower than 12.75 metres to AHD.
24. The layout of the subfloor area including the size, design and location as show in the submitted plans must not be altered without prior written consent from Melbourne Water.
25. The subfloor screen must be open style, a minimum of 50% or more to allow for flood storage and conveyance. A section/ detail of the fence must be submitted to Melbourne Water for further review and approval.
26. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the building and driveway ramp.
27. Any new fencing must be open style (50%) of construction for the conveyance of overland flow.
28. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.
29. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
30. Prior to the endorsement of plans pursuant to Condition 1, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must show open style fencing to the rear of the site to the satisfaction of Melbourne Water. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).

VicTrack

31. Prior to the commencement of works, including demolition and bulk excavation, the permit holder must ensure that all boundaries abutting the railway land are fenced at the permit holder's expense.
32. The permit holder must not, at any time:
 - a) allow any effluent, waste, soil or other materials to enter or be directed to the railway land;
 - b) All stormwater and drainage must be directed to legal discharge points;
 - c) store or deposit any waste, soil or other materials on the railway land.
33. The permit holder must not plant any plants or tree species that are likely to cause any future overhang onto the railway land or disturbance to the railway operations.
34. Entry onto railway land is at the discretion of the Rail Operator MTM and is subject to any conditions imposed by it.

35. Before the commencement of the development, including demolition or bulk excavation, the permit holder must contact the Rail Operator through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to the railway land. The permit holder must comply with the Rail Operator's reasonable requirements for works on, over or adjacent to the railway land.
36. Before the commencement of the development, including demolition or bulk excavation, the permit holder must contact VicTrack through the email address external.property@victrack.com.au to obtain the VicTrack's conditions and safety requirements for works on, over or adjacent to the railway land.
37. Prior to the commencement of works, including demolition and bulk excavation, the permit holder must enter into all necessary construction control and indemnity agreements as required by the Rail Operator.
38. During the construction of the development, including demolition and bulk excavation, the permit holder must:
 - a) take all reasonable steps to avoid disruptions to rail operations; and
 - b) comply with:
 - i. the Rail Operator's safety and environmental requirements; and
 - ii. the requirements of any construction control and indemnity agreement it has entered into with the Rail Operator.
39. The permit holder must not carry out, or allow to be carried out, any excavation, filling or construction on the common boundary between the subject land and the railway land unless it has obtained the prior written approval of VicTrack and the Rail Operator.
40. All works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.
41. The permit holder must not at any time erect lighting (permanent or temporary) that spills light onto the railway tracks or which interferes with the visibility of signals and rail lines by train drivers.
42. The permit holder must not install, or cause to be installed, any permanent or temporary ground anchors within the railway land.
43. Before the commencement of the development, including demolition and bulk excavation, detailed construction engineering plans and computations for any construction or works likely to have an impact on railway operations, railway infrastructure assets or railway land are to be submitted to, and approved by, VicTrack and the Rail Operator. The plans must detail all excavation of the site adjacent to the railway corridor and the setback area and demonstrate that the design of the development complies with the Derailment Loadings as set out in the Australian Standard AS 5100. The construction or works must be carried out in accordance with the plans approved by VicTrack and the Rail Operator.
44. Before the commencement of the development, including demolition and bulk excavation, amended plans must be submitted to, and approved by, the Responsible Authority in consultation with Victrack. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show that the development, including temporary structures, maintains all the clearances required to be maintained from all railway infrastructure (including without limitation 22kV AC

lines and overhead wiring structures) under the Electrical Safety Act 2009 (Vic) and the Electrical Safety Regulations (including the Energy Safety (Installation) Regulations 2009 page 75 Table 313 Rows C and D). The development must be constructed in accordance with the plans approved by the Responsible Authority.

Drainage

45. 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.
46. 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.
47. 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.
 - a) 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.

Waste Management

48. Before the endorsement of plans pursuant to Condition 1, 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.

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

Construction Management Plan

50. 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.

Permit Expiry

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

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

Permit Notes:

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

CARRIED

**4.8 447 BAY STREET, BRIGHTON
SUPPORT THE GRANT OF A PLANNING PERMIT (CONSENT ORDER)
APPLICATION NO. 2018/139/1 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/18/231771

It is recorded that Mr Rubin Winograd spoke for three minutes in relation to this item.

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council resolve to:

Support the Grant of a Planning Permit under the provisions of the Bayside Planning Scheme in respect of **Planning application 2018/139/1** for the land known and described as **No. 447 Bay Street, Brighton** for the **construction of a four storey mixed use development with basement parking, use of land for residential purposes and reduction in the shop parking requirement** in accordance with the endorsed plans and subject to the following conditions:

1. Before the use and 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 Mushan Architects referenced TP00 Rev F, TP05a Rev B, TP05b Rev D, TP06 Rev F, TP07 Rev E, TP08 Rev E, TP09 Rev E, TP10 Rev E, TP11 Rev F, TP12 Rev F and TP13 Rev F but modified to show:
 - a) Reconfiguration of APT 101 so that the balcony is relocated adjacent to bedroom 2 without reduction in the west setback.
 - b) Nomination of the allocation of the car parking within the Basement 01 (TP05b) plan to the satisfaction of the Responsible Authority.
 - c) Provision and nomination of a 2.5 x 2.0 metre splay to the north-eastern corner of the site.
 - d) The boundary nib wall adjacent to the balcony to APT 106 to extend to the north by a minimum of 1 metre.
 - e) The boundary nib wall adjacent to the master bedroom of APT 205 to extend to north by a minimum of 2 metres.
 - f) All walls constructed on the west boundary to present as a patterned finish similar to MD01 'panel detail' shown on TP12 Rev F.
 - g) Apply an additional vertical MD01 panel, as shown on TP12 Rev F, to the western rendered walls of APT 101, APT 102 and APT 201.
 - h) Details of the fence treatment to the private open space of APT G02 with such fence to have a height of 1.8 metres.
 - i) Nomination of the vehicular security door/gate and associated intercom (if applicable).
 - j) Nomination of the car space and car stacker dimensions.
 - k) Provision of three (3) visitor bicycle parking spaces at ground floor.

- l) Visitor bicycle parking spaces on site are to be horizontal parking.
- m) 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.
- n) Water Sensitive Urban Design measures in accordance with condition 8.
- o) An updated landscape plan in accordance with condition 11.
- p) Sustainability report in accordance with condition 21.
- q) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
- r) 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.
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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
7. The loading and unloading of vehicles and the delivery of goods to and from the premise must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic 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.
9. 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 drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Provision of landscaping to a maximum height no greater than 900mm in the splay required under Condition 1 (c).
 - b) A survey, including botanical names, of all existing trees to be retained on the site.
 - c) A survey, including botanical names, of all existing vegetation to be removed from the site and all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 falls partially within the subject site.
 - d) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - e) Provision of 2 small canopy trees within the rear setback of APT G02.
 - f) Provision of a small canopy tree within the northern courtyard of APT G03.
 - g) Provision of screening vegetation along the western boundary to a height no less than 3 metres at maturity adjacent to the lift lobby area and staircase.
 - 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.
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 Plan

14. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) & Tree Protection Plan (drawing) and Impact Assessment Report to the satisfaction of the Responsible Authority, must be submitted to, and be endorsed by, the Responsible Authority.
15. The Tree Management Plan (report) must be specific to the site, be in accordance with Australian Standard: Protection of Trees on Development Sites AS4970-2009 and include:
 - a) Details of Tree Protection Zones 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) Comment on methods to be utilised and instruction on how to deploy them;

- c) Comment on when the protection measures are to be deployed;
- d) Comment on when the protection measures can be modified;
- e) Process that will be followed if any damage occurs to a tree;
- f) Process that will be followed if construction works require alteration to protection measures outlined in report; and
- g) Stages of development at which inspections will occur.

These requirements do not apply to Tree T06 which is to be removed.

16. Any proposed alteration 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.

17. 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.
18. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the endorsed Tree Management Plan must be submitted to the Responsible Authority.
19. 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 AS4373-2007. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

Tree Impact Assessment Report

20. The report will be in accordance with part 2.3.5 of Australian Standard Protection of Trees on Development Sites 4970 and will identify impacts that may be detrimental to the tree. The report will include design responses required to reduce any identified negative impact. The proposal will be modified to include any recommendations made in the report.

Sustainability

21. Prior to the endorsement of plans pursuant to condition 1, a Sustainability Report to the satisfaction of the Responsible Authority must be submitted and endorsed by the Responsible Authority. The Sustainability Report must generally be in accordance with the Report prepared by Sustainable Development Consultants dated September 2017 but updated to reflect design revisions.
22. The development must be carried out and maintained in accordance with the recommendations and requirements as described in the endorsed sustainability report to the satisfaction of the Responsible Authority.

Construction Management Plan

23. 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.

Drainage

24. 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.
25. 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.
26. Council records indicate that there is a 3.05 metre wide carriageway easement along the north property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structure of note. Proposals to be built over the easement will require Build Over Easement consent from the Responsible Authority/Authorities.

Waste Management

27. Before the endorsement of plans pursuant to Condition 1, 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) Storage waste areas for the office and shop use to be in the basement area.
 - c) Storm water drains in storage areas should be fitted with a litter trap.
 - d) The number and size of bins to be provided.
 - e) Facilities for bin cleaning.
 - f) Method of waste and recyclables collection.
 - g) All waste (including shops and office waste) to be collected from the basement with no kerbside collection.
 - h) Types of waste for collection, including colour coding and labelling of bins.
 - i) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
 - j) Method of hard waste collection.
 - k) Method of presentation of bins for waste collection.
 - l) Sufficient headroom within the basement to accommodate waste collection vehicles.
 - m) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
 - n) Strategies for how the generation of waste and recyclables will be minimised.
 - o) Compliance with relevant policy, legislation and guidelines.
 - p) 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.

Basement Construction

28. Following completion of the construction of the basement and prior to commencement of the next level, a report prepared by a licensed surveyor certifying the overall internal dimensions and levels have been achieved shall be submitted to and approved by the Responsible Authority.

Development Contributions

29. 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.
30. 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.

Permit Expiry

31. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.
 - c) The use is not started within five years of the date of this permit.
 - d) The use is discontinued for a period of two years or more.

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

**4.9 1-5 REYNOLDS STREET, HAMPTON EAST
SUPPORT THE GRANT OF AN AMENDED PLANNING PERMIT
APPLICATION NO: 2016/596/2 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/239153

It is recorded that Mr Bruno De Michelis and Mark Naughton each spoke for three minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Long

That Council resolve to:

Issue a **Support the Grant of an Amended Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning Permit No. 2016/596/1 (VCAT Reference No. P1309/2018)** for the land known and described as **1 – 5 Reynolds Street, Hampton East**, for the **Construction of a multi storey residential development** 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 (TP00-TP14, Rev AA) but modified to show:
 - (a) Changes demonstrated in the concept plans identified as Drawing Nos. TP01, TP02, TP03, TP05, TP06, and TP07, all marked Revision AB and dated 5 October 2018.
 - (b) Provision of west facing privacy screening to the balcony to Apartment 307.
 - (c) The north facing screening associated with the balcony to Apartment 308 extended to the point of division between Apartments 308 and 309.
 - (d) The full solid height wall to the northern balcony of Apartment 404 to include it being extended along the entire length of the western edge of the balcony.
 - (e) Detailed layout for TH15 including the provision of a highlight window (or equivalent additional light source).
 - (f) Allocation of car spaces and storage areas.
 - (g) Corrected west elevation so that window positions accord with those shown on the floor plans.
 - (h) TH6 windows correctly shown on the east elevation.
 - (i) AC units relocated such that they are better separated from neighbouring habitable room windows.
 - (j) Removal of the unnecessary screening on the internal east and west elevations. Screening should only be utilised where the point-to-point distance is less than 9.0m between sensitive areas.

- (k) Height of all screening measures to be labelled.
 - (l) A lighting plan for the ground floor area that provides access to the internally accessed townhouses.
 - (m) Height of balustrades for dwellings fronting Reynolds Street (TH10, Apartments 207, 208, 209, 306, 307, 403, and 404) to be 1.2m high and the provision of planter boxes with a minimum depth of 300mm inboard within the balconies.
 - (n) Water Sensitive Urban Design measures in accordance with Condition 7 of this permit.
 - (o) A Landscaping Plan in accordance with Condition 11 of this permit.
 - (p) A Public Realm Improvement Plan in accordance with Condition 22 of this permit.
 - (q) A Waste Management Plan in accordance with Condition 19 of this permit.
- All to the satisfaction of the Responsible Authority.
- 2 The development as shown on the endorsed plans must not be altered 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 (except 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 occupation, 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 Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - (a) The type of water sensitive urban design stormwater treatment measures to be used.
 - (b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - (c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

- 8 The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
- 9 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.
- 10 Before the occupation of the development starts, new 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/naturestrip/ kerb and channel, to the satisfaction of the Responsible Authority.
- 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 drawn to scale with dimensions and three copies must be provided. The plan must show:
 - (a) A planting schedule of any proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - (b) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - (c) Details of surface finishes of pathways and driveways.
 - (d) Appropriate maintenance and irrigation systems, including water volumes to be supplied, for the planters shown in the landscape plan.
- 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 any dead, diseased or damaged plants are to be replaced.
- 14 Soil excavation within the naturestrip must not take place within 3m of the Acer negundo street tree asset.
- 15 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 naturestrip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.

- 16 Any installation of services and drainage within the Tree Protection Zone of the street tree to be retained must be undertaken using root-sensitive, non-destructive techniques.
- 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 starts, 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 the endorsement of plans pursuant to Condition 1, 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). Waste collection must not take place between 6am-10am and 3pm-7pm on weekdays.
 - (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.
- 20 All sustainability measures identified in the Sustainable Management Plan, prepared by Ark Resources, must be implemented and development works undertaken in accordance with the Sustainable Management Plan, to the satisfaction of the Responsible Authority.

- 21 The sustainability measures must be maintained to the satisfaction of the Responsible Authority, including the replacement of any items required to produce / maintain those items.
- 22 Prior to the endorsement of plans pursuant to Condition 1, a detailed Public Realm Improvement Plan must be submitted to and approved by the Responsible Authority. The plan must show:
- (a) The installation of bicycle parking on the naturestrip in front of the site.
 - (b) The removal of the power pole at the front of the property.
 - (c) The relocation of any Council assets or infrastructure required on Reynolds Street as a direct result of this development.
 - (d) The reconstruction of the laneway adjacent to the east of the property with bluestone kerb, channel and centre strip and intervening asphalt treatment, along with raised perpendicular strips of bluestone to act as traffic calming measures.
 - (e) Planting of trees on the naturestrip.
 - (f) Introduction of street furniture (if necessary).
 - (g) Introduction of parking signs, with “no stopping” sign to be provided from 9m to the west of the corner of Reynolds Street and the laneway.
- All to the satisfaction of the Responsible Authority.
- 23 Before the development starts, 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.
- 24 Prior to the commencement of construction,–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.
- 25 This permit will expire if one of the following circumstances applies:
- (a) The development is not started by 14 November 2020.
 - (b) The development is not completed by 14 November 2022.

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

**4.10 147 ABBOTT STREET, SANDRINGHAM
NOTICE OF DECISION TO AMEND A PLANNING PERMIT
APPLICATION NO: 2015/711/2 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/210084

It is recorded that Miss Amy Jeremieczyk spoke for three minutes in relation to this item.

It is further recorded that Mr Michael Cooper did not pursue his right to speak on this matter.

Moved: Cr Castelli

Seconded: Cr Long

That Council resolve to:

Issue a **Notice of Decision to Amend a Planning Permit** under the provisions of the **Bayside Planning Scheme** in respect of Planning application **2015/711/2** for the land known and described as **147 Abbott Street, Sandringham**, for the **construction of a two storey dwelling and front fence exceeding 1.2m in height 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 **advertised plans prepared by Yellow Nest and dated 16 May 2018** but modified to show:
 - a The driveway must be 3 metres wide where it intersects with the footpath and have a 0.6 metre offset from the western property boundary.
 - b A 3 metre wide new crossover centred to the driveway must be constructed with a 0.6 metre offset from the western property boundary.
 - c Removal of the existing crossover.
 - d Visibility splays in accordance with Design Standard 1 of Clause 52.06-8.
 - e All garage doors to open outward, with an internal garage dimension of a minimum 5.5 metre wide and 6 metres long, and a 4.8 metre wide garage door.
 - f 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 habitable rooms of adjoining properties.
 - g A schedule of construction materials, external finishes and colours.
 - h **An updated landscaping plan in accordance with Condition 6 of this permit.**

- i **An updated Tree Management Plan and Tree Protection Plan in accordance with Condition 9 of this permit.**
 - j Water sensitive urban design measures in accordance with Condition 15 of this permit.
- 2 The development as shown on the endorsed plans must not be altered 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 **Before the development starts, an updated landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan drawn by Monarch Garden Design, Job No: 15-545, Rev: E, dated 23/05/2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:**
- a **One canopy tree in the rear setback capable of reaching 6m in height at maturity;**
 - b The correct front fence details shown on the all plans;
 - c A survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009;
 - d A survey, including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
 - e A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - f The inclusion of an indigenous tree capable of reaching 12 metres high and 6 metres wide at maturity within the front setback;
 - 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.

- 7 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.
- 8 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.
- 9 **Before the development starts, including any related demolition or removal of vegetation, an amended 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.**
- 10 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.
- 11 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.
- 12 Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
- 13 Any pruning that is required to be done to the canopy of any tree to be retained, including the canopy of any trees in neighbouring properties which overhang the subject site, 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, including the *Lophostemon Confertus* (Brush Box) street tree is to be done by hand by a qualified arborist.

- 14 Any installation of services and drainage within a Tree Protection Zone of any tree to be retained must be undertaken using root sensitive non-destructive techniques.
- 15 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.

- 16 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.
- 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 The driveway / parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
- 20 Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures". Any seepage/agricultural drainage water must be filtered to rain water clarity and must be pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.

- 21 All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
- a A trench grate (150mm minimum internal width) located within the property and/or
 - b Shaping the driveway so that water is collected in a grated pit on the property and/or
 - c Another Council approved equivalent.
- 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.

THE PERMIT INCORPORATES THE FOLLOWING AMENDMENTS:

Date	Amendment
16 October 2018	<p>Amendment pursuant to Section 72 of the <i>Planning and Environment Act 1987</i>, involving:</p> <p>Amendment to the plans endorsed under the permit:</p> <ul style="list-style-type: none"> • Ground floor addition of an alfresco kitchen and BBQ area with a fireplace and flue • Alterations and extension to front fence • Landscaping changes and updated landscaping plan • Garage wall on boundary changed from rendered brick to face brickwork <p>And</p> <p>Amendment to permit conditions 1, 6 and 9.</p> <p>And</p> <p>Amendment to the permit preamble involving (changes highlighted in bold):</p> <ul style="list-style-type: none"> • Construction of a two storey dwelling and front fence exceeding 1.2m in height on a lot less than 500m²

THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED

CARRIED



**4.11 5 WALL STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2018/159/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/230403

It is recorded that Mr Jason Barnfather spoke for three minutes in relation to this item.

Moved: Cr Evans (Mayor)

Seconded: Cr Martin

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 5/2018/159/1** for the land known and described as **5 Wall Street, Beaumaris** for the **construction of two (2) double storey attached dwellings and removal of native trees in a Vegetation Protection Overlay (Schedule 3)** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application prepared by Sketch Building Design referenced as Job No. 18-021 Sheet Nos. 03, 04 & 05 dated Feb 2018 and Landscape Plan prepared by Wallbrink Landscape Architecture Sheet 1 of 1 dated 30 May 2018 but modified to show:
 - a) The width of the crossover increased to a minimum of 3.6m.
 - b) Sightlines associated with the new crossover to be in accordance with AS2890.1 and/or the requirements of Clause 52.06 of the Bayside Planning Scheme to the satisfaction of the Responsible Authority.
 - c) A notation on the plans indicating the height, type and materials proposed for the screening fence erected between Unit 1 & 2's private open space areas.
 - 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 habitable rooms of adjoining properties.
 - e) Water Sensitive Urban Design measures in accordance with Condition 8.
 - f) A landscape plan in accordance with Condition 10.
 - g) A Tree Management Plan in accordance with Condition 13.All to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens to be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

8. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used.
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
 - 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 prepared by Wallbrink Landscape Architecture Sheet 1 of 1 dated 30 May 2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey, including botanical names, of all existing trees to be retained on the site including Trees 1, 6 and 7 and their Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.

- c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.
 - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - e) Details of surface finishes of pathways and driveways.
11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

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

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

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - b) The location of tree protection measures to be utilised.
14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
16. Any pruning that is required to be done to the canopy of any tree to be retained 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.

Traffic

17. 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

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 Infrastructure Assets Department.

Development Contribution

20. 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.

Permit Expiry

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Council records indicate 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".
- Council's Open Space Arborist advises that the young street tree in front of the subject site will be transplanted/relocated by Council at no cost to the developer/permit holder.

All to the satisfaction of the Responsible Authority.

CARRIED

**4.12 6 MOCK STREET, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/819/1 WARD: SOUTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/18/224002

It is recorded that Mrs Marie Painter, Dr David Lawson, Mrs Shelagh Donaldson, Mr Charles Butler, Mr Peter Younger and Mr Jason Barnfather each spoke for three minutes in relation to this item.

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council resolve to:

Issue a **Notice of Decision to Grant a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/819/1** for the land known and described as **6 Mock Street, Sandringham**, 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 Fine Line Building Design referenced TO01-20, plot date 23 August 2018 and revision number E but modified to show:
 - a) Lowering of the basement and dwelling entrances by 300mm. The redesign must occur to the satisfaction of the Responsible Authority.
 - b) The swimming pools to be setback a minimum of 1 metre from the rear boundary to allow space for screen planting. This would likely require a reduction in living space; however, pools can be deleted if preferred.
 - c) Location of the pool machinery / equipment to the satisfaction of the Responsible Authority.
 - d) Compliance with Standard B23 of the Bayside Planning Scheme in terms of the internal screening between the private open space of both dwellings.
 - e) The vehicle crossing for dwelling 1 to be 3m wide, to be offset a minimum of 1m from the utility pole to the south and 1.7m from the northern property boundary.
 - f) The vehicle crossing for dwelling 2 to be 3m wide and offset 1.6m from the southern property boundary. A separator is to be constructed between the proposed new crossing and the existing neighbouring crossing of 8 Mock Street in accordance with Council's Crossover Policy.
 - g) 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.
 - h) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.

- i) A Landscaping Plan in accordance with Condition 10 of this permit.
- j) A Tree Management Plan in accordance with Condition 13 of this permit.
- k) Provision of the development contributions fee in accordance with condition 19.

All to the satisfaction of the Responsible Authority.

2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens, designed to limit overlooking as required by Standard B22 and to be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

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

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

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

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan and plant list drawn by Justine Carlile Landscape Design, reference LP001-R04 and LP002-R04, dated 24/08/2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Condition 1 design changes.
 - b) A survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - c) A survey, including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - d) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - e) The provision of one canopy tree capable of reaching a height of 12 metres or greater at maturity or two canopy trees capable of reaching a height of 8 metres or greater in the front garden area of each dwelling.
 - f) The provision of one tree capable of reaching 10-15 metres in height at maturity or two trees capable of reaching 6-8 metres in height at maturity in the rear garden of each dwelling.
 - g) Screen planting along the rear boundary.
 - h) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - i) Details of surface finishes of pathways and driveways
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

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

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

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
 - b) The location of tree protection measures to be utilised.
14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
 15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

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.

Development Contributions Levy

18. 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.

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.

**4.13 481 - 485 HIGHETT ROAD, HIGHETT
NOTICE OF DECISION TO GRANT AN AMENDED PLANNING PERMIT
APPLICATION NO: 2015/47/5 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/229557

It is recorded that Mr Geoffrey Pearce, Ms Anna Dockendorff and Mr Andrew Bromley each spoke for three minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr del Porto

That Council resolve to:

Issue a **Notice of Decision to Amend a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2015/47/5** for the land known and described as **481 – 485 Highett Road, Highett**, for the **use and development of the land for a food and drink premises (excluding a hotel and tavern); the construction of two or more dwellings on a lot in the General Residential Zone; the construction of a building and the construction or carrying out of works in the Design and Development Overlay Schedule 5; the reduction in the number of car parking spaces; and the waiving of the requirement to provide a loading bay** 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 substituted by the Victorian Civil and Administrative Tribunal (prepared by Ewert Leaf drawing nos. TP-023C, TP-024C, TP-100D, TP-101D, TP-102C – TP-105C inclusive, TP-400C, TP-401C, TP-903C – TP-905C inclusive, TP-023C, TP-024C, TP-100D, TP-101D, TP-102C – TP-105C inclusive all dated February 2015, and TP-400C, TP-401C, TP-903C – TP-905C inclusive all dated August 2015) but modified to show:
 - a) Any substation required to service the development located within the basement or otherwise accommodated.
 - b) Demonstrated compliance with Standards B22 and B23 of Clauses 55.04-6 and 55.04-7 respectively for all habitable room windows and balconies facing north and/or east.
 - c) The ground level floor plan updated to clearly identify the extent of glazing proposed to the **food and drink premises**.
 - d) Dwellings G.02, G.01 and G.08 provided with direct pedestrian access off Major Street.
 - e) The rear corridor between the commercial tenancies deleted, with an accessible WC/Shower provided for the convenience restaurant.
 - f) The building entry point off Highett Road, provided with a double width doorway connection at its northern end to the internal corridor.
 - g) **Deleted.**

- h) **Deleted.**
 - i) The location of the skylights depicted on the roof plan clearly shown on the level 3 floor plan.
 - j) The provision of a 'Stop/Go' along the basement accessway ramp, with priority given to vehicles entering the property.
 - k) Three commercial car spaces and four resident visitor spaces nominated within the basement car park.
 - l) Tree protection measures in accordance with the Tree Protection Plan and Tree Management Plan required under Condition 13 of this permit.
 - m) A revised landscape plan in accordance with Condition 14 of this permit.
 - n) Details of water sensitive urban design measures in accordance with Condition 23 of this permit.
 - o) **Remove and relocate all plant and equipment that sits above the ground floor roof to the east (relocate to the roof, basement, or some other area not visible from the private or public realm to the satisfaction of the Responsible Authority). The revised location of plans must be shown on the plans.**
 - p) **Further details of the proposed gelato bar, including clearer elevations.**
2. The uses and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Prior to internal fitout works being commenced for the convenience restaurant, two copies of plans showing all details of internal works are to be submitted to Council's Environmental Health Department for approval. All internal works are subsequently to be completed in accordance with Environmental Health requirements.
 4. All pipes with the exception of 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.
 5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building without the written consent of the Responsible Authority.
 6. **The food and drink premises may operate only between the hours:**
 - a) **Western premises:**
 - 7am to midnight, Thursday to Saturday (inclusive);
 - 7am to 11pm, Sunday to Wednesday (inclusive).
 - Outdoor area only can only be utilised until 10pm, 7 days per week.
 - b) **Eastern premises:**
 - 7am to 8pm, 7 days per week.**
 7. **No more than 70 seats (western premises) and 30 seats (eastern premises) may be made available at any one time to patrons on the premise of the food and drink premises except with the consent of the Responsible Authority.**

8. The **food and drink premises** 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
 - e) others as appropriate.
9. Deliveries to and from the site (including waste collection) must only take place between 7am and 7pm Monday to Friday.
10. At least 80 per cent of the glazing on the **food and drink premises** and convenience shop facades is to be maintained as clear glazing.
11. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 and State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.
12. Before the development starts, including demolition or removal of vegetation, a Tree Protection Plan (drawing) and Tree Management Plan (report) must be submitted to and be endorsed by the Responsible Authority.

The Tree Protection Plan must be drawn to scale, reference the Tree Management Plan and provide details of:

- a) The Tree Protection Zone and Structural Root Zone, calculated in accordance with AS4970-2009, for all trees on neighbouring properties where the Tree Protection Zone falls partially within the subject site.
- b) Tree protection fencing or ground protection where required, provided in accordance with AS4970-2009.
- c) Appropriate signage on any tree protection fencing prohibiting access, excavation, changes in soil levels, or any storage within the Tree Protection Zone in accordance with AS4970-2009 unless with the prior written consent and under the direct supervision of the consulting arborist.
- d) Maintenance of the area(s) within the Tree Protection Zone in accordance with AS4970-2009.
- e) Any pruning to be undertaken being in accordance with AS4373-2007.

The Tree Management plan must be prepared by a suitably qualified arborist, reference the Tree Protection Plan and provide details of:

- a) Any non-destructive root investigation undertaken in accordance with AS4970-2009 to determine the location and distribution of roots of trees nominated on the Tree Protection Plan.
- b) Proposed footings and construction methods for any buildings or structures within the Tree Protection Zone nominated on the Tree Protection Plan.
- c) How excavation impacts, including soil level changes, on trees to be retained will be managed.
- d) How the canopy of trees nominated on the Tree Protection Plan will be protected.

- e) Any other measures required to demonstrate the successful ongoing retention and viability post-construction of any trees nominated on the Tree Protection Plan.
13. 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 prepared by Memla titled "Landscape Concept Plan" dated 04/09/15, with dimensions and three copies must be provided. The plan must show:
- a) 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.
 - b) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - c) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - d) The provision of an in-ground irrigation system to all landscaped areas.
14. Before the occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
15. 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.
16. Tree protection fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The tree protection zone is to be established and maintained in accordance with Australian Standards 4970-2009 Protection of trees on development sites. 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. Prior to the commencement of development, a Construction Management Plan must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of this permit. The Construction Management Plan must include (but is not limited to) the following unless otherwise agreed by the Responsible Authority:
- a) Pedestrian access will be maintained at all times along the Highett Road and Major Street footpaths adjacent to the site;
 - b) All site facilities will be located on site during the construction period;
 - c) All waste material not required for further on-site processing will be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
 - d) All storage areas/external stockpiles/vacant areas must be covered and maintained to avoid dust nuisance to any residential area to the satisfaction of the Responsible Authority.

- e) A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways to the satisfaction of the Responsible Authority.

The Construction Management Plan must be implemented to the satisfaction of the Responsible Authority with all works completed in accordance with EPA requirements. The Construction Management Plan must not be modified unless with the written consent of the Responsible Authority.

18. Before the occupation of the development starts, a Waste Management Plan must be submitted to and be endorsed by the Responsible Authority. The plan must include, but is not limited to:
- a) Provision on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.
 - b) All waste material must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.
 - c) The waste collection service must be carried out within the property by a private contractor at no expense to the Responsible Authority.
 - d) Vehicle swept paths demonstrating how a rubbish collection vehicle will be able to enter and exit the property in a forwards manner.
 - e) The intended frequency and hours of collection.

The Waste Management Plan must be implemented to the satisfaction of the Responsible Authority. The Waste Management Plan must not be modified unless with the written consent of the Responsible Authority.

19. Before the occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must 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;
 - e) Line marked to indicate each car space and all access lanes; and
 - f) Clearly marked to show the direction of traffic along access lanes and driveways.

To the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

20. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.
21. 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.

22. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority to provide for Water Sensitive Urban Design Stormwater Treatment Measures.
- a) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas; and
 - b) Design details of the water sensitive urban design stormwater treatment measures, including cross sections;

The water sensitive urban design stormwater treatment system as shown on the endorsed plan 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.

23. Before the development begins, three sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged with Council's Engineering Services department for approval.
24. The driveway / parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
- 25. Removal and relocation of plant associated with condition 1(o) must be undertaken within 3 months of the date of the issuing of this amended permit.**
26. 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.
 - c) This permit as it relates to use will expire if the use does not commence within two (2) years the completion of the development.

The Responsible Authority may extend the periods referred to above if a request is made in writing:

- Before the permit expires; or
- Within 6 months afterwards if development has not commenced; or
- Within 12 months afterwards if the development has lawfully commenced.

THE PERMIT INCORPORATES THE FOLLOWING AMENDMENTS:

Date Amended	Details
16 October 2018	Amendment pursuant to Section 72 of the <i>Planning and Environment Act 1987</i> , involving: <ul style="list-style-type: none">- Approve various changes to the floor plans;- Amendment to the preamble to refer to 'food and drink premises (excluding a hotel and tavern)'- Delete condition 1(g) and 1(h)- Add condition 1(o), (p) and 25 (and renumber subsequent condition)- Amend conditions 1(c), 6, 7, 8 and 10.

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

**4.14 481 - 485 HIGHETT ROAD, HIGHETT
NOTICE OF DECISION TO AMEND A PLANNING PERMIT
APPLICATION NO: 2016/537/3 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/230584

It is recorded that Ms Anna Dockendorff and Mr Andrew Bromley each spoke for three minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr Long

That Council resolve to:

Issue a **Notice of Decision to Amend a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2016/537/3** for the land known and described as **481 – 485 Highett Road, Highett**, for the **sale and consumption of liquor (general liquor license) in association with two food and drink premises** 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 advertised plan but modified to show:
 - a) **Removal of the red line area on the footpath.**
 2. The licenced area as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. The sale and consumption of liquor may only occur within the licenced area as shown on the endorsed plan.
 4. The predominant activity carried out on the premises (food and drink premises), must be the preparation and serving of meals for consumption on the premises.
 5. The sale of liquor may only occur between the following hours:
 - a) **Western premises:**
 - 7am to midnight, Thursday to Saturday (inclusive).**
 - 7am to 11pm, Sunday to Wednesday (inclusive).**
 - For outdoor areas no later than 10pm, 7 days per week.**
 - b) **Eastern premises:**
 - 7am to 8pm, 7 days per week.**
- No amendment to these hours of operation is to occur without the prior written consent of the Responsible Authority.
6. No more than 70 patrons (western premises) and 30 patrons (eastern premises) may be served and/or consume liquor at any one time.

7. This permit will expire if one of the following circumstances applies:
- a) The premises is not licenced under the Liquor Control Reform Act 1998 within two (2) years of the date of this permit.
 - b) The use is not started within two years of the date of this permit.
 - c) The use is discontinued for a period of two years or more.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing within the prescribed timeframes, where the use allowed by the permit has not yet started.

THE PERMIT INCORPORATES THE FOLLOWING AMENDMENTS:

Date Amended	Details
16 October 2018	Amendment pursuant to Section 72 of the <i>Planning and Environment Act 1987</i> , involving: <ul style="list-style-type: none"> • Approve various changes to the floor plans; • Amendment to the preamble; • Addition of conditions 1 and 7 and renumbering of subsequent conditions; • Amend conditions 5 and 6.

THIS PERMIT SUPERSEDES ALL OTHER PERMITS ISSUED

CARRIED

4.15 VCAT REPORT - DECISIONS MADE IN SEPTEMBER 2018

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/233979

Moved: Cr Evans (Mayor)

Seconded: Cr del Porto

- That the report on the VCAT decisions on the planning applications handed down during September 2018 be received and noted.

CARRIED

5. Confidential Business

Nil

Following consideration of Confidential Business the Chairperson declared the meeting closed at 10.35pm.