



Minutes of the Planning and Amenity Committee Meeting

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 26 February 2019

The Meeting commenced at 7:00pm

- Councillors
- Cr Alex del Porto
 - Cr Laurence Evans
 - Cr Michael Heffernan (Mayor)
 - Cr James Long BM JP
 - Cr Clarke Martin
 - Cr Sonia Castelli
 - Cr Rob Grinter
- In attendance
- Hamish Reid – Director City Planning and Amenity
 - Jill Colson – Director Corporate Services
 - Matthew Cripps – Manager Development Services
 - Sarah Collins – Statutory Planning Coordinator
 - Arthur Vatzakis – Statutory Planning Coordinator
 - Fiona Farrand – Statutory Planning Coordinator
 - Michael Kelleher – Statutory Planning Coordinator
 - Pat Dunne – Coordinator Investigations
 - Karen Brown – Governance Coordinator
 - Robert Lamb – Governance Officer

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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 12 February 2019.

Moved: Cr Long

Seconded: Cr Martin

That the minutes of the Planning & Amenity Committee Meeting held on 12 February 2019, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

**4.2 25B BOLTON STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2018/426/1 WARD: SOUTHERN**

City Planning & Amenity - Development Services
File No: PSF/15/8755 – Doc No: DOC/19/2660

It is recorded that Mr Geoffrey Gillian and Ms Sharon Hart each spoke for three minutes in relation to this item.

Moved: Cr Evans

Seconded: Cr Martin

That Council resolve to issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/426/1** for the land known and described as **25B Bolton Street, Beaumaris** for the **construction of a double storey dwelling on a lot less than 500m²** 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 plans prepared by J R Design Australia referenced Revision C and dated 14 January 2019 but modified to show:
 - a) Clarification of methods for all habitable room windows at the first floor to be treated in accordance with Standard A15 of Clause 55 of the Bayside Planning Scheme;
 - b) The garage door to be a minimum of 5 metres wide;
 - c) A Landscaping Plan in accordance with Condition 8 of this permit;
 - d) A Tree Management Plan and Protection Plan in accordance with Condition 11 of this permit; and
 - e) Payment of the Development Contributions Levy in accordance with Condition 16 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. 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

8. 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 J R Design Australia, revision C, dated 14 January 2019 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Proposed dwelling footprint updated in accordance with the changes required within Condition 1 of this permit;
 - 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. Plantings must be 80% indigenous by species type and count;
 - c) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces; and
 - d) Details of surface finishes of pathways and driveways.
9. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

11. Before the development starts, including any related demolition or removal of vegetation, a Tree Management report and Tree Protection Plan, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

The Tree Management report must include:

- a) Details of Tree Protection Zones, as per AS4970, 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) Protection measures to be utilised and when they will be implemented; and
- c) Stages of development at which the site arborist will inspect tree protection measures.

The Tree Protection Plan must be drawn to scale and show:

- a) The location of all tree protection measures to be utilised.

Any modification to the report or plan must be approved by the site arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

12. All actions and measures identified in the Tree Management Report and Tree Protection Plan must be implemented to the satisfaction of the Responsible Authority.
13. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report and Tree Protection Plan must be submitted to the Responsible Authority.

Drainage

14. 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.
15. 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

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

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

Crossover

17. 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/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.

Permit Expiry

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

**4.3 25E BOLTON STREET BEAUMARIS
GRANT A PERMIT
APPLICATION NO.: 5/2018/841/1 WARD: SOUTHERN**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/33364

Moved: Cr Martin

Seconded: Cr Evans

That Council resolve to **Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/841/1** for the land known and described as **25E Bolton Street, Beaumaris** for the **construction of a double storey dwelling on a lot less than 500m²** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans advertised prepared by Hilstin referenced J10xx and dated 6/10/2018 but modified to show:
 - a) The western first floor wall to be compliant with Standard A10 of Clause 54 of the Bayside Planning Scheme;
 - b) A roof plan updated to be consistent with the first floor plan, including the provision of sky-lights;
 - c) The garage door to be a minimum of 5 metres wide at its opening;
 - 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 of this permit;
 - f) A Landscaping Plan in accordance with Condition 10 of this permit; and
 - g) A Development Contributions Levy in accordance with Condition 18 of this permit.All to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building

on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard A15 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design

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

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

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

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Rosewood Horticultural Services, reference 25E Bolton Street Beaumaris, dated Nov 2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Deletion of the 'proposed pool';
 - b) The street tree to be notated as *Eucalyptus leucoxylon*;
 - c) Within the planting schedule, the *Banksia integrifolia* updated to reflect a mature height of 15-20m;
 - d) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces; and

- f) Details of surface finishes of pathways and driveways.
11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Street tree protection

13. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised tree care contractors. Soil excavation must not occur within 2 metres from the edge of the *Eucalyptus leucoxylon* street tree asset's stem at ground level.
14. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.
15. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
 - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete;
 - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites;
 - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development;
 - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers; and
 - 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.

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 Contribution

18. 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

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.

CARRIED

**4.4 2 BANKSIA AVENUE BEAUMARIS
GRANT A PERMIT
APPLICATION NO.: 2018/280/1 WARD: SOUTHERN**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/20702

It is recorded that Mr Gregory Mier spoke for three minutes in relation to this item.

It is recorded that Councillor del Porto left the meeting at 7:52 pm. Councillor del Porto returned to the meeting at 7:55 pm.

Moved: Cr Evans

Seconded: Cr Martin

That Council resolve to **Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/280/1** for the land known and described as **2 Banksia Avenue, Beaumaris** for the **removal of native vegetation** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the removal of any trees, a Comprehensive Revegetation Plan (CRP) 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. The plan must be drawn to scale with dimensions and three copies must be provided. The plans and tree numbers must be generally in accordance with the Arborist report submitted with the application prepared by Landscapes By Design, referenced 2018/280/1 and dated 26 September 2018. The CRP must show:
 - a) The following trees to be retained:
 - i. Trees 3 – 6 (inclusive);
 - ii. Trees 11 – 13 (inclusive);
 - iii. Tree 28;
 - iv. Trees 31 – 33 (inclusive);
 - v. Trees 36 – 37 (inclusive);
 - vi. Tree 40;
 - vii. Trees 45 & 46; and
 - viii. Tree 48.
 - b) The following trees shown as removed with VPO3 permission:
 - i. Tree 21;
 - ii. Trees 25 – 27 (inclusive);
 - iii. Tree 29 – 30 (inclusive);
 - iv. Tree 38;
 - v. Trees 41 – 43 (inclusive);
 - vi. Tree 47; and
 - vii. Tree 49.

- c) Deletion (not removal – but deletion from discussion) of the following trees which do not need permission under the VPO3:
- i. Trees 1 – 2 (inclusive);
 - ii. Trees 7 – 10 (inclusive);
 - iii. Trees 14 – 20 (inclusive);
 - iv. Trees 22 – 24 (inclusive);
 - v. Trees 34 – 35 (inclusive);
 - vi. Tree 39; and
 - vii. Tree 44.
- d) The replacement planting of twelve (12) indigenous canopy trees capable of reaching a minimum height of 10 metres at maturity. A minimum of three different indigenous species must be used within the CRP. All species must be consistent with *Table 4: Indigenous Trees* of the Bayside Landscape Guidelines 2016.

All to the satisfaction of the Responsible Authority.

2. The planting 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.
3. The layout of the site and the location of vegetation shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a planning permit is not required) without the prior written consent of the Responsible Authority.
4. All planting shown on the endorsed plans must be carried out within 6 months of the removal of the first tree.

Permit Expiry

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

CARRIED

**4.5 22 GLENWOOD AVENUE, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2018/490/1 WARD: SOUTHERN**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/33449

It is recorded that Mr Thilo Schindler and Mr Chris Pippo each spoke for three minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr Evans

That Council resolve to Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/490/1** for the land known and described as **22 Glenwood Avenue, Beaumaris**, for the **Construction of two dwellings on a lot and the removal of native vegetation** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (advertised) prepared by Lowe Design and Build referenced TP 00 – TP -8, dated 11/10/18 and revision number 0 but modified to show:
 - a) Dwelling 1's driveway to be offset 0.8 metres from the northern side boundary and have a minimum width of 3 metres;
 - b) Dwelling 2's driveway to have a minimum width of 3 metres;
 - c) Dwelling 1's WSUD relocated outside of the TPZ of Tree 3;
 - d) Dwelling 2's storage shed relocated outside of the TPZ of proposed canopy trees;
 - e) Relocation of mail boxes and metres outside of the TPZ of Tree 8;
 - f) Deletion of pools;
 - g) A schedule of construction materials and external finishes in colour;
 - 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 Protection and Tree Management Plan in accordance with Condition 13; and
 - k) Provision of the Development Contribution Levy in accordance with Condition 23.
 - l) The dwellings having full compliance with Standards B6 and B17 of Clause 55 of the Bayside Planning Scheme.

All to the satisfaction of the Responsible Authority.

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

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

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

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan drawn by Faulkner & Chapman Landscape

Design, referenced 01 and dated 16 October 2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) Development 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. 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; and
 - f) Details of surface finishes of pathways and driveways including porous driveways located above grade within the TPZ of all trees on the site and neighbouring properties.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

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

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

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site; and
 - b) The location of tree protection measures to be utilised.
14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

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

Street tree protection

16. Soil excavation must not occur within 1.5 metres from the edge of the street tree (Tree 1) asset's stem at ground level.
17. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing around Tree 1 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; and
 - 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.
18. Prior to soil excavation for a Council approved crossover within the TPZ of Tree 1, 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.
19. Any installation of services and drainage within the TPZ of Tree 1 must be undertaken using root sensitive non-destructive techniques.

Drainage

20. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
21. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.
22. Council records indicate that there is a 1.83m wide drainage and sewerage easement along the South property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the Responsible Authority/Authorities. Minimum easement width must be the greater of; 2m from the boundary or 0.5m from the asset.

Development Contribution

23. 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

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

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- The applicant must clearly identify what impact, if any, the proposed vehicle crossing will have on Council assets such as pits and trees, power poles etc. Such items must be accurately shown on the plan.
- The applicant is to bear the cost to reinstate/relocate the Council assets if any, to provide the required access to the proposed development.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Before the vehicle crossing application will be approved, the applicant must pay \$2,603.28 to the Responsible Authority for the removal and replacement of the existing street tree (Asset No. 471812). This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.

CARRIED

**4.6 375 BAY ROAD, CHELTENHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO.: 2018/526/1 WARD: CENTRAL**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/33291

It is recorded that Mr Robert Taylor and Ms Maria Mattiacci each spoke for three minutes in relation to this item.

Moved: Cr Castelli

Seconded: Cr del Porto

That Council resolve to Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/526/1** for the land known and described as **375 Bay Road, Cheltenham**, for the **Construction of two dwellings on a lot and alteration of an access to a road in a Road Zone, Category 1** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (advertised) referenced TP-01.01 to TP-05.2, dated 9 August 2018 and revision number A but modified to show:
 - a) The rear two first floor bedrooms at dwellings 1 and 2 to accord with Standard B17 of Clause 55 of the Bayside Planning Scheme;
 - b) All walls on boundaries to accord with Standard B18 of Clause 55 of the Bayside Planning Scheme;
 - c) The decking in the rear secluded private open space of both dwellings to be reduced by 0.5 metres in length;
 - d) Deletion of the rear first floor balconies at both dwellings. The rear first floor windows at both units to be screened in accordance with Standard B22 and B23 of Clause 55 of the Bayside Planning Scheme;
 - e) Provision of 6m³ externally accessible storage space to be provided within the secluded private open space of each dwelling in accordance with Standard 30 of Clause 55 of the Bayside Planning Scheme;
 - f) The carport at Dwelling 1 to have a minimum length of 6 metres;
 - g) The garage door to be removed from the carport at Dwelling 1 to maintain an open design;
 - h) Dwelling 2's garage door to be at least 5.5 metres in width;
 - i) A minimum of 2.1 metres headroom to be provided beneath the carport at Dwelling 1 and Garage at Dwelling 2;
 - j) The pedestrian door to open outwards from the carport at Dwelling 1;
 - k) Sightlines to be provided in accordance with AS2890.1;
 - l) Relocation of the water tanks at both dwellings outside of the rear easement;

- m) Removal of indicative landscaping from the development plans;
- n) 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;
- o) A schedule of construction materials, external finishes and colours (incorporating for example paint samples);
- p) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit;
- q) A Landscaping Plan in accordance with Condition 10 of this permit;
- r) A Tree Management Plan in accordance with Condition 13 of this permit; and
- s) Provision of the Development Contributions Levy in accordance with Condition 21 of this permit.

All to the satisfaction of the Responsible Authority.

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

Water Sensitive Urban Design

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

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

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

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

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan referenced TP-05-02 Revision A, dated 24 September 2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Any development 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) 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;
 - g) Two (2) small canopy tree species which have the capacity to grow to a minimum 8m height at maturity; or one (1) large canopy tree species which has the capacity to grow to a minimum 12m height at maturity in the front setback of each dwelling; and
 - h) Two (2) small canopy tree species which have the capacity to grow to a minimum 6m height at maturity; or one (1) large canopy tree species which has the capacity to grow to a minimum 10m height at maturity within the secluded private open space of each dwelling.
11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

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

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

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

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

VicRoads

16. Prior to the commencement of the use or the occupation of the buildings hereby approved, the access crossover and associated works must be must be constructed to the satisfaction the Responsible Authority and at no cost to VicRoads.
17. Prior to the commencement of the use of the development hereby approved, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority and at no cost to VicRoads.
18. Vehicles must enter and exit the land in a forward direction at all times.

Drainage

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

Development Contributions Levy

21. 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.

Permit Expiry

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

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- The corresponding Plan of Subdivision must show the manoeuvring space shared by the development hereby approved as Common Property.
- No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Before the vehicle crossing application will be approved, the applicant must pay \$1,602.63 to the Responsible Authority for the removal and replacement of the existing street tree (Asset No. 1416357). This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible authority.

CARRIED

**4.7 30 ARDOYNE STREET BLACK ROCK
NOTICE OF DECISION TO AMEND A PERMIT
APPLICATION NO.: 2015/391/3 WARD: SOUTHERN**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/21454

It is recorded that Mr David Martin, Mr Michael O'Brien, Mrs Valmar Rollason (via proxy Mr David Martin) and Ms Lisa Stark (via proxy Ms Gisela Marven) each spoke for three minutes in relation to this item.

It is recorded that Councillor Heffernan (Mayor) left the meeting at 8:37 pm. Councillor Heffernan (Mayor) returned to the meeting at 8:40 pm.

Moved: Cr Evans

Seconded: Cr Martin

That Council resolve to Issue a **Notice of Decision to Amend a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2015/391/3** for the land known and described as **30 Ardoyne Street Beaumaris**, for the **construction of two double storey dwellings** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application received on 7 October, 2015 but modified to show:
 - a) Maximum overall building height of 8 metres;
 - b) Notation confirming that no excavation will take place within 2.4m from the stem of the *Corymbia ficifolia* (Red-flowering Gum) street tree adjacent to the site at ground level;
 - c) Minimum 4.8 metre wide garage door openings;
 - d) Notation the driveway grades are less than 1 in 16;
 - e) The driveway for Dwelling 2 where it intersects the footpath is to be 3 metres wide with a 0.8 metre offset from the east boundary;
 - f) The driveway for Dwelling 1 where it intersects the footpath is to be 3 metres wide with a 0.8 metre offset from the west boundary;
 - g) Construction of a new vehicle crossing for dwelling 1, centred to the driveway. A new separator is required to be installed between the new and adjoining crossovers;
 - h) Hotwater systems, etc. which are proposed to be located externally;
 - i) Adequate sight lines provided where the proposed driveways intersect with the footpath as per the diagram shown in AS2890.1;
 - j) All road assets including pits, trees, power poles and new crossing location. Clear dimensions and offsets from assets are required to be shown;

- k) A landscaping plan in accordance with Condition 6 of this permit;
 - l) Any alterations required in accordance with the Arborist Report requires in accordance with Condition 8 of this permit;
 - m) Retention of Tree 2 (Cypress Tree) within the front setback of 30A Ardoyne Street;**
 - n) The first floor for 30A Ardoyne amended back to the existing conditions (i.e. no first floor extensions approved);**
 - o) The front fence shown in isolation from other aspects of the development;**
 - p) The front fence to be a minimum 25% transparency throughout the length of the fence; and**
 - q) Spa to be accurately shown on the site plan, in the context of the entire site and development.**
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating paint samples) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the schedule will be endorsed and will then form part of the permit.
 4. All pipes, fixtures, fittings and vents servicing the dwellings 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/s without the written consent of the Responsible Authority.

Landscaping

6. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.

The plan must show:

- a) A survey including botanical names of all existing vegetation to be retained and/or removed;
- b) Buildings and trees including botanical names on neighbouring properties within three metres of the boundary;
- c) Details of surface finishes of pathways and driveways;
- d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- e) Landscaping and planting within all open areas of the site;
- f) Increase to the use of indigenous plantings by number and plant type; and
- g) The inclusion of one indigenous canopy tree to the rear setback of either dwelling 1 or 2 to reach a minimum height of 10m at maturity.

All species selected must be to the satisfaction of the Responsible Authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

7. 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.
8. Before the commencement of buildings and works, an Arborist's Report in accordance with AS4970-2009 (Protection of trees on development sites) is required to be submitted and approved by the Responsible Authority. The report must cover an assessment of the impact of the proposed development on the trees to be retained as well as any other adjoining trees with tree protection zones extending into the subject site. The report should include any measures which may be required to ensure the viability of these trees during and post construction, including relevant design modifications as required.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
10. If the trees numbered Trees 2 and 4 (as identified on the Landscape Plan prepared by Wallbrink Landscape Architecture on 16/9/2015) die or become diseased or damaged they are to be replaced by suitable indigenous canopy trees capable of reaching a minimum height of 14m (for Tree 2) and 10m (for Tree 4) to the satisfaction of the Responsible Authority.

Street tree protection

11. Tree Protection Fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete.
 - a) The fencing is to be constructed and secured so its positioning cannot be modified by site workers;
 - b) The fencing is to encompass the entire naturestrip under the dripline of the tree;
 - c) The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 (Protection of trees on development sites); and
 - d) 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.
12. Root pruning within the TPZ (Tree Protection Zone)
 - a) Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.
 - b) All affected roots must be correctly pruned according to AS 4373-2007.
13. The existing street trees must not be removed or damaged.

Drainage

14. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.

15. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
16. 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.
17. 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 gate (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.
18. 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.
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.

Permit Expiry

20. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit; and
 - 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:

- 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.
- Building approval must be obtained prior to the commencement of the above approved works.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator, Mon-Fri 9:00am to 1:00pm on 9599 4638.
- The operation of the spa and associated equipment must be in accordance with the EPA Noise Control Guidelines (Publication 1254 – October 2008) to the satisfaction of the Responsible Authority.

Date Amended	Details
8 June 2016	<p>The amendments to the permit and plans include:</p> <ul style="list-style-type: none"> • Amend the landscape plan to include the removal of Tree 3 (Deodar cedar) and the planting of an additional native canopy tree (Coastal Banksia) to the front of dwelling 2; • Amend the Landscape Plan to include the removal of 9 native ferns (8 Dickinsonia Antarctica and 1 Cyathea Australis); and • Alter Condition 10 of the permit to read: <p style="margin-left: 40px;"><i>“If the trees numbered Trees 2 and 4 (as identified on the Landscape Plan prepared by Wallbrink Landscape Architecture on 16/9/2015) die or become diseased or damaged they are to be replaced by suitable indigenous canopy trees capable of reaching a minimum height of 14m (for Tree 2) and 10m (for Tree 4) to the satisfaction of the Responsible Authority.”</i></p>
26 February 2019	<p>The amendments to the permit and plans include:</p> <ul style="list-style-type: none"> • The permit preamble to read: “Construction of two double storey dwellings and a front fence higher than 1.2 metres”; • Installation of a front fence to a maximum height of 1.7 metres along the Ardoyne Street frontage; • Installation of a Spa in the rear secluded private open space for 30A Ardoyne Street; • Retention of Tree 2 (Cypress tree) within the front setback of 30A Ardoyne – addition of condition 1m; • First floor of 30A Ardoyne to reflect the existing conditions – addition of condition 1n; • Addition of conditions 1o and 1p relating to the transparency of the new front fence; • Addition of condition 1q to show the spa on the site plan; and • Addition Permit Note relating to the operation of the spa equipment.

AMENDMENT**Moved Cr del Porto****Seconded Cr Castelli**

That Council resolve to Issue a **Notice of Decision to Amend a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2015/391/3** for the land known and described as **30 Ardoyne Street Beaumaris**, for the **construction of two double storey dwellings** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application received on 7 October, 2015 but modified to show:
 - a) Maximum overall building height of 8 metres;
 - b) Notation confirming that no excavation will take place within 2.4m from the stem of the *Corymbia ficifolia* (Red-flowering Gum) street tree adjacent to the site at ground level;
 - c) Minimum 4.8 metre wide garage door openings;
 - d) Notation the driveway grades are less than 1 in 16;
 - e) The driveway for Dwelling 2 where it intersects the footpath is to be 3 metres wide with a 0.8 metre offset from the east boundary;
 - f) The driveway for Dwelling 1 where it intersects the footpath is to be 3 metres wide with a 0.8 metre offset from the west boundary;
 - g) Construction of a new vehicle crossing for dwelling 1, centred to the driveway. A new separator is required to be installed between the new and adjoining crossovers;
 - h) Hotwater systems, etc. which are proposed to be located externally;
 - i) Adequate sight lines provided where the proposed driveways intersect with the footpath as per the diagram shown in AS2890.1;
 - j) All road assets including pits, trees, power poles and new crossing location. Clear dimensions and offsets from assets are required to be shown;
 - k) A landscaping plan in accordance with Condition 6 of this permit;
 - l) Any alterations required in accordance with the Arborist Report requires in accordance with Condition 8 of this permit;
 - m) Deletion of Tree 2 (Cypress Tree) within the front setback of 30A Ardoyne Street and replacement with a suitable indigenous replacement canopy tree;**
 - n) The first floor for 30A Ardoyne amended back to the existing conditions (i.e. no first floor extensions approved);**
 - o) The front fence shown in isolation from other aspects of the development;**
 - p) The front fence to be a minimum 25% transparency throughout the length of the fence; and**
 - q) Spa to be accurately shown on the site plan, in the context of the entire site and development.**

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the development starts, a schedule of construction materials, external finishes and colours (incorporating paint samples) to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the schedule will be endorsed and will then form part of the permit.
4. All pipes, fixtures, fittings and vents servicing the dwellings 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/s without the written consent of the Responsible Authority.

Landscaping

6. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.

The plan must show:

- a) A survey including botanical names of all existing vegetation to be retained and/or removed;
- b) Buildings and trees including botanical names on neighbouring properties within three metres of the boundary;
- c) Details of surface finishes of pathways and driveways;
- d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- e) Landscaping and planting within all open areas of the site;
- f) Increase to the use of indigenous plantings by number and plant type; and
- g) The inclusion of one indigenous canopy tree to the rear setback of either dwelling 1 or 2 to reach a minimum height of 10m at maturity.

All species selected must be to the satisfaction of the Responsible Authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

7. 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.
8. Before the commencement of buildings and works, an Arborist's Report in accordance with AS4970-2009 (Protection of trees on development sites) is required to be submitted and approved by the Responsible Authority. The report must cover an assessment of the impact of the proposed development on the trees to be retained as well as any other adjoining trees with tree protection zones extending into the subject site. The report should include any measures which may

- be required to ensure the viability of these trees during and post construction, including relevant design modifications as required.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
 10. If the trees numbered Trees 2 and 4 (as identified on the Landscape Plan prepared by Wallbrink Landscape Architecture on 16/9/2015) die or become diseased or damaged they are to be replaced by suitable indigenous canopy trees capable of reaching a minimum height of 14m (for Tree 2) and 10m (for Tree 4) to the satisfaction of the Responsible Authority.

Street tree protection

11. Tree Protection Fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete.
 - a) The fencing is to be constructed and secured so its positioning cannot be modified by site workers;
 - b) The fencing is to encompass the entire naturestrip under the dripline of the tree;
 - c) The Tree Protection Zone is to be established and maintained in accordance with Australian Standards 4970 (Protection of trees on development sites); and
 - d) 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.
12. Root pruning within the TPZ (Tree Protection Zone)
 - a) Prior to soil excavation, a trench along the line of the proposed crossover must be dug by hand.
 - b) All affected roots must be correctly pruned according to AS 4373-2007.
13. The existing street trees must not be removed or damaged.

Drainage

14. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
15. Stormwater discharge must be retained for the portion above the discharge calculated using a Coefficient of Runoff of 0.35. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
16. 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.
17. 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 gate (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.
18. 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.
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.

Permit Expiry

20. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit; and
 - 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:

- 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.
- Building approval must be obtained prior to the commencement of the above approved works.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator, Mon-Fri 9:00am to 1:00pm on 9599 4638.
- The operation of the spa and associated equipment must be in accordance with the EPA Noise Control Guidelines (Publication 1254 – October 2008) to the satisfaction of the Responsible Authority.

Date Amended	Details
8 June 2016	<p>The amendments to the permit and plans include:</p> <ul style="list-style-type: none"> • Amend the landscape plan to include the removal of Tree 3 (Deodar cedar) and the planting of an additional native canopy tree (Coastal Banksia) to the front of dwelling 2; • Amend the Landscape Plan to include the removal of 9 native ferns (8 Dickinsonia Antarctica and 1 Cyathea Australis); and • Alter Condition 10 of the permit to read: <i>“If the trees numbered Trees 2 and 4 (as identified on the Landscape Plan prepared by Wallbrink Landscape Architecture on 16/9/2015) die or become diseased or</i>

	<i>damaged they are to be replaced by suitable indigenous canopy trees capable of reaching a minimum height of 14m (for Tree 2) and 10m (for Tree 4) to the satisfaction of the Responsible Authority.”</i>
26 February 2019	<p>The amendments to the permit and plans include:</p> <ul style="list-style-type: none"> • The permit preamble to read: “Construction of two double storey dwellings and a front fence higher than 1.2 metres”; • Installation of a front fence to a maximum height of 1.7 metres along the Ardoyne Street frontage; • Installation of a Spa in the rear secluded private open space for 30A Ardoyne Street; • Deletion of Tree 2 (Cypress Tree) within the front setback of 30A Ardoyne Street and replacement with a suitable indigenous replacement canopy tree; • First floor of 30A Ardoyne to reflect the existing conditions – addition of condition 1n; • Addition of conditions 1o and 1p relating to the transparency of the new front fence; • Addition of condition 1q to show the spa on the site plan; and • Addition Permit Note relating to the operation of the spa equipment.

The Amendment Moved by Cr del Porto and Seconded by Cr Castelli was PUT and a **DIVISION** was called:

DIVISION: **FOR:** Crs Alex del Porto, Michael Heffernan (Mayor), Sonia Castelli and Rob Grinter (4)

AGAINST: Crs Laurence Evans, James Long and Clarke Martin (3)

CARRIED

The Amendment then became the Motion.

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

DIVISION: **FOR:** Crs Alex del Porto, Michael Heffernan (Mayor), Sonia Castelli and Rob Grinter (4)

AGAINST: Crs Laurence Evans, James Long and Clarke Martin (3)

CARRIED

**4.8 PARKING B13 BEACH PARK, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO. 2018/566/1 WARD: SOUTHERN**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/31537

Moved: Cr Castelli

Seconded: Cr Evans

That Council resolve to Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/566/1** for the land known and described as **Parking B13 Beach Park Sandringham**, for the **removal of native vegetation** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. 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.

Tree Management and Protection Plan

2. Prior to the commencement of any works, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

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

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site; and
 - b) The location of tree protection measures to be utilised.
3. 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.
 4. 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.
 5. 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.

DEWLP Conditions

6. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
7. The total area of native vegetation proposed to be removed totals 0.063 hectares, comprised of:
 - a) 4 patches of native vegetation with a total area of 0.063 hectares (containing no large trees)
8. To offset the permitted clearing in accordance with (*Guidelines for the removal, destruction or lopping of native vegetation (DEWLP 2017)*), the permit holder must secure 0.033 general offset of general habitat units:
 - a) Located within the Catchment Management boundary or Bayside municipal area; and
 - b) With a minimum strategic biodiversity score of at least 0.424.
9. Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of Responsible Authority. This evidence must be one or both of the following:
 - a) An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site, and/or;
 - b) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
10. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning regional office.
11. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Replacement planting

12. Before the commencement of any works associated with the approved development, a landscape plan must be submitted to and endorsed by the Responsible Authority. The plan must show:
 - a) Details of replacement tree planting within the vicinity of the site.

Permit Expiry

13. 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.
- Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a) Any vehicle or pedestrian access, trenching or soil excavation;
 - b) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - c) Entry or exit pits for underground services; and
 - d) Any other actions or activities that may result in adverse impacts to retained native vegetation.

CARRIED

NOTE: Item 4.8 was **CARRIED** as part of a block motion.

**4.9 PARKING B7-B9 BEACH PARK, SANDRINGHAM
GRANT A PERMIT
APPLICATION NO. 2018/565/1 WARD: CENTRAL**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/34742

Moved: Cr Castelli

Seconded: Cr Evans

That Council resolve to **Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/566/1** for the land known and described as **Parking B13 Beach Park Sandringham**, for the **removal of native vegetation** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. 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.

Tree Management and Protection Plan

2. Prior to the commencement of any works, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

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

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site; and
 - b) The location of tree protection measures to be utilised.
3. 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.
 4. 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.
 5. 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.

DEWLP Conditions

6. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
7. The total area of native vegetation proposed to be removed totals 0.030 hectares, comprised of:
 - a) 4 patches of native vegetation with a total area of 0.030 hectares (containing no large trees).
8. To offset the permitted clearing in accordance with (*Guidelines for the removal, destruction or lopping of native vegetation (DEWLP 2017)*), the permit holder must secure 0.020 general offset of general habitat units:
 - a) Located within the Catchment Management boundary or Bayside municipal area; and
 - b) With a minimum strategic biodiversity score of at least 0.768.
9. Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of Responsible Authority. This evidence must be one or both of the following:
 - a) An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site, and/or;
 - b) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
10. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning regional office.
11. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Replacement planting

12. Before the commencement of any works associated with the approved development, a landscape plan must be submitted to and endorsed by the Responsible Authority. The plan must show:
 - a) Details of replacement tree planting within the vicinity of the site.

Permit Expiry

13. 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; and
 - 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.
- Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a) Any vehicle or pedestrian access, trenching or soil excavation;
 - b) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - c) Entry or exit pits for underground services; and
 - d) Any other actions or activities that may result in adverse impacts to retained native vegetation.

CARRIED

NOTE: Item 4.9 was **CARRIED** as part of a block motion.

**4.10 PARKING B6 BEACH PARK, HAMPTON
GRANT A PERMIT
APPLICATION NO. 2018/567/1 WARD: CENTRAL**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/32270

Moved: Cr Castelli

Seconded: Cr Evans

That Council resolve to **Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/567/1** for the land known and described as **Parking B6 Beach Park Hampton**, for the **removal of native vegetation** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. 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.

Tree Management and Protection Plan

2. Prior to the commencement of any works, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

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

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site; and
 - b) The location of tree protection measures to be utilised.
3. 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.
 4. 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.
 5. 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.

DEWLP Conditions

6. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
7. The total area of native vegetation proposed to be removed totals 0.007 hectares, comprised of:
 - a) 3 patches of native vegetation with a total area of 0.007 hectares (containing no large trees).
8. To offset the permitted clearing in accordance with (*Guidelines for the removal, destruction or lopping of native vegetation (DEWLP 2017)*), the permit holder must secure 0.006 general offset of general habitat units:
 - a) Located within the Catchment Management boundary or Bayside municipal area; and
 - b) With a minimum strategic biodiversity score of at least 0.784.
9. Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of Responsible Authority. This evidence must be one or both of the following:
 - a) An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site, and/or;
 - b) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
10. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning regional office.
11. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Replacement planting

12. Before the commencement of works associated with the approved development, a landscape plan must be submitted to and endorsed by the Responsible Authority. The plan must show:
 - a) Details of replacement planting within the vicinity of the site.

Permit Expiry

13. 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; and
 - 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.
- Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a) Any vehicle or pedestrian access, trenching or soil excavation;
 - b) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
 - c) Entry or exit pits for underground services; and
 - d) Any other actions or activities that may result in adverse impacts to retained native vegetation.

CARRIED

NOTE: Item 4.10 was **CARRIED** as part of a block motion.

**4.11 299 BAY STREET, BRIGHTON
SUPPORT THE GRANT OF AN AMENDED PERMIT
APPLICATION NO: 2011/430/2 WARD: NORTHERN**

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/28835

It is recorded that Mr Malcolm Davies, Dr Ilias Kyratzis and Mr Malcolm Davies (on behalf of Ms Helen Davies, Mrs Barbara O'Leary, Mrs Rita Podolsky and Mr Mikhail Podolsky) each spoke for three minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr del Porto

Had a Section 79 Appeal not been lodged to the Tribunal, that Council resolve to:

Support the Grant of an Amended Permit under the provisions of the Bayside Planning Scheme in respect of Planning application **2011/430/2** for the land known and described as **299 Bay Street, Brighton** for the **construction of buildings and works in a Commercial 1 Zone and Heritage Overlay, and sale and consumption of liquor** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans prepared but modified to show:
 - a) Updated floor plans to accurately show the deck, including details of steps and levels;
 - b) Elevation plans of the deck, including height above natural ground level;
 - c) Elevation plans (northern, eastern and western) of the roof works, including height above natural ground level;
 - d) Materiality nominated on elevation plans;
 - e) Southern elevation nominating the dimensions, illumination and materiality of the signage;
 - f) A schedule of construction materials, external finishes and colours (incorporating for example paint samples); and
 - g) An Acoustic Report in accordance with Condition 10 of this permit.All to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
4. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to

the satisfaction of the Responsible Authority.

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

Hours of operation (on-premises liquor licence)

6. The serving of liquor allowed under this permit must operate only during the following hours, except with the further written consent of the Responsible Authority:

Monday to Thursday – 9:00am to 10:00pm

Friday and Saturday – 9:00am to 12:00pm

Sunday and Public Holidays – 11:00am to 10:00pm

Patron numbers (associated with on-premises liquor licence)

7. Not more than 60 patrons, etc. (associated with the sale and consumption of liquor), including may be present on the premises at any one time without the prior written consent of the Responsible Authority.
8. The predominant activity carried out on the licensed premises must be the preparation and serving of meals for consumption on the licensed premises.
9. Tables and chairs must be placed in position on the licensed premises so as to be available for at least 75% of the patrons attending the premises at any one time, to the satisfaction of the Responsible Authority.

Acoustic Measures

10. Before the sale and consumption of liquor commences, an Acoustic Report, prepared by a suitably qualified Acoustic Engineer, must be submitted to and endorsed by the Responsible Authority. The Report must outline if any fence measures or similar which must be erected in place along the boundaries of the site. The acoustic measures must be prepared in consultation with/by a suitably qualified acoustic engineer. The details of the design and acoustic qualities of the fence/mounding must be to the satisfaction of the Responsible Authority.
11. Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.

Loudspeakers

12. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes, to the satisfaction of the Responsible Authority.

Signs

13. The location, layout, dimensions, structures and features of the approved sign/s (including the design, colours, materials, degree of illumination, wording and sign type) shown on the endorsed plans must not be altered (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior consent of the Responsible Authority.
14. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.

15. All signs must be located wholly within the boundaries of the land, to the satisfaction of the Responsible Authority.

Permit Expiry

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

The following table is to be added at the end of the permit:

Date	Details
26 February 2019	Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to: <u>Approve the following changes to the planning permit:</u> <ul style="list-style-type: none"> • Deletion of all permit conditions, replaced with new permit conditions; and • Change to the permit preamble. <u>Approve changes to the plans as follows:</u> <ul style="list-style-type: none"> • Signage content change; and • Additional buildings and works to the rear.

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

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

CARRIED



**4.12 4 SUNLIT COURT, HAMPTON EAST
SUPPORT THE GRANT OF A PERMIT (VCAT CONSENT ORDER)
APPLICATION NO: 2017/246/1 WARD: CENTRAL**

City Planning & Amenity - Development Services
File No: PSF/15/8755 – Doc No: DOC/19/32376

Moved: Cr Castelli

Seconded: Cr Long

That Council resolve to **Support** the agreement reached at the VCAT Compulsory Conference in respect of Planning application **2017/246/1** for the land known and described as **4 Sunlit Court Hampton East**, for the **Construction of six double storey dwellings on a lot located within a Special Building Overlay** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the Revision D plans but modified to show:
 - a) The provision of internal fencing and / or screening in accordance with Standard B23 of the Bayside Planning Scheme;
 - b) Each double garage to have a minimum internal length of 6m;
 - c) The provision of a 5.2 metre wide garage door to each garage;
 - d) All pedestrian doors should be provided outwards from the garages;
 - e) Both the driveway where it intersects with the footpath and the new crossover to have at least a 1m offset from the southern property boundary and/or the existing power pole relocated accordingly at the developer's cost;
 - f) Adequate sight lines to be provided in accordance with Clause 52.06 of the Bayside Planning Scheme;
 - 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 habitable rooms of adjoining properties;
 - h) Any changes required by Melbourne Water conditions;
 - i) Water Sensitive Urban Design measures in accordance with Condition 7 of this permit;
 - j) A Landscaping Plan in accordance with Condition 9 of this permit;
 - k) A Tree Management Plan in accordance with Condition 12; and
 - l) Development Contribution in accordance with Condition 23.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.

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

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

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 advertised landscape concept plan prepared by Harperconsults but 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) Retention of the existing street tree;
 - g) Tree Protection Zone (TPZ) of the existing street tree;
 - h) Adequate planting areas including soil volume to facilitate at least five (5) small replacement canopy trees, located outside of any easements. The canopy tree species must be capable of achieving mature canopy dimensions of 6m in height, and 4m width in accordance with Bayside City Council Landscape Guidelines (2016);
 - i) The TPZ of neighbouring trees where it extends within the subject site;
 - j) Any requirements as listed in the Condition 12; and
 - k) Any amendments to the development plans.
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), a Tree Impact Assessment (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) Any recommendations suggested by the Tree Impact Assessment; and
 - b) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site; and
 - c) 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.
15. Any pruning that is required to be done to the canopy of Tree 16 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 Tree 16 to be retained is to be done by hand by a qualified Arborist.

Street tree protection

16. Before the development starts, tree protection fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
17. Soil excavation must not occur within 2 metres from the edge of the street tree asset's stem at ground level.
18. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised tree care contractors.
19. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

Drainage

20. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
21. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
22. Council records indicate that there is a 1.83m wide drainage and sewerage easement along the South East property boundary as indicated on the drawings provided. The plans indicate that a fence and decking shall be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the Responsible Authority/Authorities. The decking and fence shall be partially demountable over the easement, and the proposal may require a Section 173 agreement to be created on the property title to ensure the continuation of Council rights of drainage.
23. 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 Contributions Levy Charge Sheet and it must include the Building Price Index applicable.

Construction Management Plan

24. Before the commencement of works including demolition, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
- a) A detailed schedule of works including a full project timing;
 - b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams;
 - c) The location for the parking of all construction vehicles and construction worker vehicles during construction;
 - d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed;
 - e) Proposed traffic management signage indicating any inconvenience generated by construction;
 - f) Fully detailed plan indicating where construction hoardings would be located;
 - g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing;
 - h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site;
 - i) Site security;
 - j) Public safety measures;
 - k) Construction times, noise and vibration controls;
 - l) Restoration of any Council assets removed and/or damaged during construction;
 - m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site);
 - n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
 - o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems 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; and

- r) Details of crane activities, if any.

Melbourne Water

25. The dwellings must be constructed with finished floor levels set no lower than 28.58 metres to Australian Height Datum, which is 300mm above the applicable floor level of 28.28 metres to Australian Height Datum.
26. The garages must be constructed with finished floor levels set no lower than 28.43 metres to Australian Height Datum, which is 150mm above the applicable floor level of 28.28 metres to Australian Height Datum.
27. 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.
28. Imported fill must be kept to a minimum on the property and only be used for the sub floor areas of the dwellings, garages and driveway ramps.
29. Any new fence must be of an open style of construction (minimum 50% open) to allow for the passage of floodwaters / overland flows.
30. Setbacks on the eastern property boundary as proposed must not be altered without prior written consent from Melbourne Water. The existing natural ground surface levels must be maintained within this setback and be kept clear of all permanent structures (i.e no sheds or water tanks).

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

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

CARRIED

4.13 VCAT REPORT - DECISIONS MADE IN JANUARY 2019

City Planning & Amenity - Development Services
File No: PSF/19/962 – Doc No: DOC/19/26423

Moved: Cr Martin

Seconded: Cr del Porto

That Council:

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

CARRIED

5. Confidential Business

There was no confidential business submitted to the meeting.

Following consideration of Confidential Business, the Chairperson declared the meeting closed at 10:08pm.