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## **Minutes of the Planning and Amenity Committee Meeting**

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held in the Council Chambers, Civic Centre,  
Boxshall Street Brighton  
on Tuesday 30 April 2019

The Meeting commenced at 7:00pm

**Chairperson:** Cr Rob Grinter

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

**In attendance:** Hamish Reid – Director City Planning and Amenity  
Jill Colson – Director Corporate Services  
Matthew Cripps – Manager Development Services  
Fiona Farrand – Statutory Planning Coordinator  
Felicity Barnewall – Acting Statutory Planning Coordinator  
Nikolas Muhllechner – Acting Statutory Planning Coordinator  
Karen Brown – Acting Manager Governance  
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

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

### Apology

**Moved: Cr Long**

**Seconded: Cr Castelli**

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

**CARRIED**

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

There were no conflicts of interest submitted to the meeting.

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

3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 16 April 2019.

**Moved: Cr Long**

**Seconded: Cr Evans**

That the minutes of the Planning & Amenity Committee Meeting held on 16 April 2019, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## 4. Matters of Decision

### 4.1 411 BEACH ROAD, BEAUMARIS NOTICE OF DECISION TO GRANT A PERMIT APPLICATION NO: 2018/357/1 WARD: SOUTHERN

City Planning & Amenity - Development Services  
File No: PSF/19/962 – Doc No: DOC/19/93034

*It is recorded that Mrs Kerry Smith and Mr Alan Lorenzini 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 2018/357/1** for the land known and described as **411 Beach Road, Beaumaris** for the **removal of native vegetation** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the removal of any trees, a Revegetation 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. The plans and tree numbers must be generally in accordance with the Arborist Report, and Landscape Design Plan advertised by Council, prepared by Landscapes By Design, and dated 27/8/2018:
  - a) The following trees protected under the VPO3 to be retained:
    - Tree 7/78
    - Tree 34
    - Tree 57
    - Tree 82.
  - b) All trees not protected by the VPO3 or Local Law are to be omitted from the plan, as these trees do not require planning permission to be removed.
  - c) The replacement planting of four (4) indigenous canopy trees capable reaching a height of at least 8m and canopy spread of at least 4 m located within the frontage of the site (Beach Road, Beaumaris).
  - d) The replacement planting of one (1) indigenous canopy tree capable of reaching a height of at least 10m and canopy spread of at least 4m at maturity located within the rear of the site.
  - e) The replacement planting of one (1) indigenous canopy tree capable of reaching a height of at least 10m and canopy spread of at least 6m at maturity located within the rear of the site.
  - f) The replacement planting of one (1) indigenous canopy tree capable of reaching a height of at least 12m and canopy spread of at least 4m at maturity located within the frontage of the site (Beach Road, Beaumaris).
  - g) A minimum of three different indigenous species must be used. 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 six (6) months of the removal of the first tree to the satisfaction of the Responsible Authority.

#### 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**

**4.2 16 CLONAIG STREET, BRIGHTON EAST  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO: 2018/693/1 WARD: NORTHERN**

City Planning & Amenity - Development Services  
File No: PSF/19/962 – Doc No: DOC/19/90370

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*It is recorded that Mrs Nicole Seuret-Batterham spoke for three minutes in relation to this item.*

*It is further recorded that Ms Safiye Alev and Ms Sophie Loddò were not present at the meeting at the time their names were called to speak in relation to this item.*

**Moved: Cr Heffernan (Mayor)**

**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 **2018/693/1** for the land known and described as **16 Clonaig Street, Brighton East** for the **construction of three double storey dwellings and a front fence exceeding 1.2 metres** in height in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the 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 Studio 1 Architects and 21 December 2018 but modified to show:
  - a) A front fence not greater than 1.8 metres in height.
  - b) The ground floor guest room, ensuite and powder room of dwelling 16 must be setback a minimum of 1.2 metres from the north boundary of the site.
  - c) The west elevation to show the front door accessing dwelling 16B.
  - d) Compliance with Standard B22 (Overlooking) of the Bayside Planning Scheme.
  - e) Compliance with Standard B18 (Walls on boundaries) of the Bayside Planning Scheme.
  - f) The use of two different tones or colours of render to be applied on the southern elevation to provide improved articulation.
  - g) The sectional diagrams amended to show a gradient ramp of 1 in 10 for the first 2 metres at the top of the ramp.
  - h) The internal driveway, where it intersects with the footpath and the new crossover, must be 3.6 metres wide with a 1 metre offset away from the northern boundary line.
  - i) Sightlines, where the driveway intersects with the front footpath, must be in accordance with AS2890.1
  - j) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).

- k) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
- l) A Landscaping Plan in accordance with Condition 10 of this permit.
- m) A Tree Management Plan in accordance with Condition 13 of this permit.
- n) An Arboricultural Impact Assessment (report) in accordance with Condition 17 of this permit.
- o) Provision of the development contributions fee in accordance with Condition 21.

All to the satisfaction of the Responsible Authority.

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

#### Water Sensitive Urban Design

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

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

9. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with

the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

#### Landscaping

10. 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 Keystone Alliance Pty Ltd dated 17 April 2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) A survey including botanical names, Tree Protection Zones (TPZ's) and Structural Root Zones (SRZ's) of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - b) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - c) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - d) Details of surface finishes of pathways and driveways.
11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Tree Management and Protection Plan

13. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Plan/Construction Impact Report prepared by a qualified Arborist in accordance with AS4970 Protection of Trees on Development Sites (2009) for all trees on neighbouring properties which have a Tree Protection Zone which extends into the subject site.

The report should demonstrate construction methods and materials proposed to ensure trees to be retained will remain viable post development to the satisfaction of the Responsible Authority which addresses (but not necessarily limited to) Trees 4, 5, 6, 7, 11, 12, 14, 15 and 16.
14. All protection measures identified in the Construction Impact Report must be implemented, and development works undertaken on the land must be undertaken in accordance with the Construction Impact Report 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 preparing and implementing the Construction Impact Report must be submitted to the Responsible Authority.
16. Any pruning that is required to be done to the canopy of any tree to be retained (specify particular tree/s) 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 (specify particular tree/s) is to be done by hand by a qualified Arborist.

#### Street tree protection

17. Prior to the endorsement of plans pursuant to Condition 1, provision of an Arboricultural Impact Assessment and a Tree Management Plan/Construction Impact Report prepared by a qualified Arborist in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites to be provided to include (but not limited to) a non-destructive root investigation to ensure Tree No. T2 remains viable post construction.
18. Before the development starts, tree protection fencing is to be established around the street trees 1, 2 and 3 marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.

#### 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 Contribution

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

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

#### 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.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.

**CARRIED**

**4.3 29 DUNOON COURT, BRIGHTON EAST  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO: 2018/680/1 WARD: NORTHERN**

City Planning & Amenity - Development Services  
File No: PSF/19/962 – Doc No: DOC/19/87868

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*It is recorded that Mr Joel Fredman spoke for three minutes in relation to this item.*

**Moved: Cr Heffernan (Mayor)**

**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 **2018/680/1** for the land known and described as **29 Dunoon Court, Brighton East** for the **construction of three (3) double storey attached dwellings in the Special Building Overlay** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans prepared by DGD Architecture, referenced as SP1-SP14, dated April 2019 and revision number 3, but modified to show:
  - a) Bollard lighting along the common driveway.
  - b) The first floor south-facing habitable room windows screened in accordance with Standard B22 of Clause 55.04-6 of the Bayside Planning Scheme.
  - c) The first floor west-facing habitable room windows of Dwelling 1 screened in accordance with Standard B22 of Clause 55.04-6 of the Bayside Planning Scheme.
  - d) A minimum of 6 cubic metres of externally accessible, secure storage space to each dwelling.
  - e) The garage of each dwelling with a minimum garage door width of 5.2 metres.
  - f) The driveway, where it intersects with the footpath, to be 3 metres wide, with a minimum 1 metre offset from the southern property boundary.
  - g) Sight lines provided where the driveway intersects with the footpath as per the diagram shown in the AS2890.1 and or Clause 52.06-9 of the Bayside Planning Scheme, to the satisfaction of the Responsible Authority.
  - h) The removal and replacement of the existing vehicle crossover with a new 3 metre wide crossover, constructed with a 1 metre offset from the southern property boundary along with a 1 metre wide new separator in accordance with Council's Vehicle Crossing Policy.
  - i) The rainwater tanks as identified in the STORM report, dated 4 December 2018.

- j) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
- k) A landscaping plan in accordance with condition 10 of this permit.
- l) Provision of the development contributions fee in accordance with condition 21.
- m) Compliance with Melbourne Water's conditions 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.
8. 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.

#### Water Sensitive Urban Design

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, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by John Patrick Landscape Architects, reference TP01, dated 21 November 2018, revision A and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.

- b) A survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - e) Details of all landscaping, water sensitive urban design elements (as applicable), surface finishes of pathways and driveways.
  - f) The removal of the proposed Ornamental Pear within the tree protection zone of neighbouring tree 13.
  - g) Detail replacement planting including:
    - i. Within the private open space of each dwelling, one (1) small canopy tree species which will grow to a minimum 8 metres height at maturity.
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. All protection measures identified in the endorsed tree management and protection plans prepared by John Patrick Landscape Architects, dated 20 November 2018 must be implemented, and development works undertaken on the land must be undertaken in accordance with the tree management and protection plans, to the satisfaction of the Responsible Authority.
14. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the tree management plan must be submitted to the Responsible Authority.
15. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

#### Street tree protection

16. Before the development starts, tree protection fencing is to be established around the street tree marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
17. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised tree care contractors. There is to be no soil excavation within 2.8 metres of the *Melaleuca linariifolia* street tree asset

measured from the edge of the trunk. Any installation of services and drainage within the tree protection zone must be undertaken using root-sensitive, non-destructive techniques.

18. Before the development starts, tree protection fencing is to be established around the reserve 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 tree protection zone is to be established and maintained in accordance with AS 4970-2009.

#### 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 Contribution

21. Prior to endorsement of the plan(s) required under condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan.

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

#### Melbourne Water conditions

22. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must show:
  - a) Finished floor levels of dwelling 1 must be set no lower than 18.00 metres to AHD.
  - b) Finished floor levels of dwelling 2 must be set no lower than 18.1 metres to AHD.
  - c) Finished floor levels of dwelling 3 must be set no lower than 18.28 metres to AHD.
  - d) Finished flood levels of the garage 1 must be set no lower than 17.85 metres to AHD.
  - e) Finished flood levels of the garage 2 must be set no lower than 17.95 metres to AHD.
  - f) Finished flood levels of the garage 3 must be set no lower than 18.13 metres to AHD.
  - g) Plans must include an annotation indicating that the decking is open and unenclosed.
23. Finished floor levels of the dwelling 1 must be constructed no lower than 18.00 metres to Australian Height Datum (AHD) (minimum of 300mm above the applicable flood level).

24. Finished floor levels of the dwelling 2 must be constructed no lower than 18.10 metres to Australian Height Datum (AHD) (minimum of 300mm above the applicable flood level).
25. Finished floor levels of the dwelling 3 must be constructed no lower than 18.28 metres to Australian Height Datum (AHD) (minimum of 300mm above the applicable flood level).
26. Finished floor levels of the garage 1 must be constructed no lower than 17.85 metres to AHD (a minimum of 150mm above the applicable flood level).
27. Finished floor levels of the garage 2 must be constructed no lower than 17.95 metres to AHD (a minimum of 150mm above the applicable flood level).
28. Finished floor levels of the garage 3 must be constructed no lower than 18.13 metres to AHD (a minimum of 150mm above the applicable flood level).
29. The open space areas and landscaping within the property must be constructed at natural surface levels and no fill or retaining walls should be used in the development of this land.
30. The building setbacks shown to site boundaries must not be further reduced without the further review and written approval by Melbourne Water, to ensure adequate open space areas to allow for the passage of overland flood flow.
31. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the buildings and driveways.
32. The rear decking to Dwelling 1 to 3 must be constructed unenclosed underneath to allow for the conveyance of overland flow.
33. Any new fencing must be open style (50%) of construction or timber paling to allow for the conveyance of overland flow.
34. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.
35. The storage of plant, equipment or materials and the passage of construction vehicles along or across Elster Creek Main Drain is not permitted. All construction works must be undertaken from Dunoon Crescent.
36. A temporary security fence must be erected along the northern title boundary (Union Street frontage) prior to the commencement of the works for the duration of the construction period.

#### Permit Expiry

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

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

#### Permit Notes:

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

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a road opening permit must be obtained to facilitate such work.
- A road opening / stormwater tapping permit is to be obtained from Council's infrastructure department prior to the commencement of the connection to the Council drain / kerb / channel.

**CARRIED**



**4.4 8 VALDEMAR COURT, BRIGHTON EAST  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO: 2018/724/1 WARD: CENTRAL**

City Planning & Amenity - Development Services  
File No: PSF/19/962 – Doc No: DOC/19/97470

*It is recorded that Mr Jason Barnfather and Mr Mile Trpkovski each spoke for three minutes in relation to this item.*

**Moved: Cr Long**

**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 **2018/724/1** for the land known and described as **8 Valdemar Court, Brighton East** to **construct two (2) dwellings and a front fence in excess of 1.2m height on a lot in 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 formally amended plans prepared by IN-2 referenced 1808, date July 2018 and revision D but modified to show:
  - a) The garage for dwelling 8 converted into an open sided carport.
  - b) Deletion of the pantry for dwelling 8.
  - c) The pedestrian footpath to dwelling 8A to of a permeable material.
  - d) A reduction in the paving with the private open space of each dwelling to allow for increased planting.
  - e) 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.
  - f) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
  - g) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
  - h) A Landscaping Plan in accordance with Condition 10 of this permit.
  - i) A Tree Management and Protection Plan in accordance with Condition 13 of this permit.
  - j) Receipt of payment of the Development Plan Contribution Levy in accordance with Condition 22 of this permit.All to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the

prior written consent of the Responsible Authority.

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

#### Water Sensitive Urban Design

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

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

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

#### Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must generally be in accordance with the reviewed drawing (Wallbrink 2067TP01 Issue D, dated 7.12.18) and drawn to scale with dimensions. The plan must show:
  - a) Any development changes as required by condition 1.
  - b) A reduction in paving and excavated area within the private open space of both dwellings to facilitate the planting of the proposed Ornamental Pear trees. An area of 9m<sup>2</sup> of deep soil area, free from hard landscaping is required for each tree.

- c) A survey, including botanical names, of all existing trees on neighbouring properties where their Tree Protection Zones (calculated in accordance with AS4970-2009) encroach into the subject site including:
    - The Tree Protection Zone of Tree 10 shown as 3.4m diameter; and
    - The Tree Protection Zone of the Pyrus Calleryana (Ornamental Pear) located within the rear open space of No. 7 Tuxen Court (now referred to as Tree 22).
  - d) A survey including botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
  - e) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - f) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - g) Details of surface finishes of pathways and driveways.
11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
  12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Tree Management and Protection Plan

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

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

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

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

16. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

#### Street tree protection

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

#### Development Contributions

22. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy of \$2020.00 in accordance with the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

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

#### Melbourne Water Conditions

23. The dwellings must be constructed with finished floor levels set no lower than 25.1 metres to Australian Height Datum, which is 300mm above the applicable flood level of 24.8m to AHD.

24. The garages must be constructed with finished floor levels set no lower than 24.95 metres to Australian Height Datum, which is 150mm above the applicable flood level of 24.8 metres to AHD.
25. The proposed front fence must be of an open style of construction (minimum 50% open) unless with the written consent of Melbourne Water, to allow for the passage of floodwaters/overland flows.
26. 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.

#### Permit Expiry

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

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

#### Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Before the development starts, the applicant must pay \$2,020.00 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

**AMENDMENT****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 **2018/724/1** for the land known and described as **8 Valdemar Court, Brighton East to construct two (2) dwellings and a front fence in excess of 1.2m height on a lot in 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 formally amended plans prepared by IN-2 referenced 1808, date July 2018 and revision D but modified to show:
  - a) The garage for dwelling 8 converted into an open sided carport.
  - b) The pantry for dwelling 8 to have a setback of at least 3 metres from the eastern (rear) boundary.
  - c) The pedestrian footpath to dwelling 8A to of a permeable material.
  - d) A reduction in the paving with the private open space of each dwelling to allow for increased planting.
  - e) 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.
  - f) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
  - g) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
  - h) A Landscaping Plan in accordance with Condition 10 of this permit.
  - i) A Tree Management and Protection Plan in accordance with Condition 13 of this permit.
  - j) Receipt of payment of the Development Plan Contribution Levy in accordance with Condition 22 of this permit.All to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.

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

#### Water Sensitive Urban Design

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

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

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

#### Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must generally be in accordance with the reviewed drawing (Wallbrink 2067TP01 Issue D, dated 7.12.18) and drawn to scale with dimensions. The plan must show:
  - a) Any development changes as required by condition 1.
  - b) A reduction in paving and excavated area within the private open space of both dwellings to facilitate the planting of the proposed Ornamental Pear trees. An area of 9m<sup>2</sup> of deep soil area, free from hard landscaping is required for each tree.
  - c) A survey, including botanical names, of all existing trees on neighbouring properties where their Tree Protection Zones (calculated in accordance with AS4970-2009) encroach into the subject site including:
    - The Tree Protection Zone of Tree 10 shown as 3.4m diameter; and
    - The Tree Protection Zone of the Pyrus Calleryana (Ornamental Pear) located within the rear open space of No. 7 Tuxen Court (now referred to as Tree 22).

- d) A survey including botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
  - e) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - f) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - g) Details of surface finishes of pathways and driveways.
11. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Tree Management and Protection Plan

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

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

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
  - b) The location of tree protection measures to be utilised.
14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
16. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

#### Street tree protection

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



- a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
  - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
  - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
  - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
18. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.
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 City Assets and Projects Department.

#### Development Contributions

22. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy of \$2020.00 in accordance with the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

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

#### Melbourne Water Conditions

23. The dwellings must be constructed with finished floor levels set no lower than 25.1 metres to Australian Height Datum, which is 300mm above the applicable flood level of 24.8m to AHD.
24. The garages must be constructed with finished floor levels set no lower than 24.95 metres to Australian Height Datum, which is 150mm above the applicable flood level of 24.8 metres to AHD.
25. The proposed front fence must be of an open style of construction (minimum 50% open) unless with the written consent of Melbourne Water, to allow for the passage of floodwaters/overland flows.
26. 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.

Permit Expiry

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

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Before the development starts, the applicant must pay \$2,020.00 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Councils current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.

The Amendment Moved by Cr Castelli and Seconded by Cr Evans was PUT and was:

**CARRIED**

The Amendment then became the Motion. The Motion was PUT and was:

**CARRIED**

**4.5 FIRBANK GRAMMAR (17-23 & 51 OUTER CRESCENT, BRIGHTON)  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO: 2018/405/1 WARD: NORTHERN**

City Planning & Amenity - Development Services  
File No: PSF/19/962 – Doc No: DOC/19/85508

*It is recorded that Mr Chris Bishop, Ms Lorraine Bell, Mr Alan Jackson, Miss Mietta Bell (via proxy Ms Lorraine Bell), Ms Carol Lee, Mrs Mary Sill, Mr Brent Agius, Mrs Brenda Lynne Baillieu (via proxy Peter Calverley), Mr Brent Agius (on behalf of Owners Corporation - 15 Outer Crescent) and Ms Leandra Turner each spoke for three minutes in relation to this item.*

**PROCEDURAL MOTION**

That Mr Peter Small be granted the opportunity to answer questions from Councillors in relation to the presentation from Ms Leandra Turner.

**Moved: Cr Heffernan (Mayor)**

**Seconded: Cr Martin**

**CARRIED**

**Moved: Cr Martin**

**Seconded: Cr Long**

That Council, having caused notice of **Planning Application 2018/405/1** to be given in accordance with Section 52 of the *Planning and Environment Act 1987*, and having considered all the matters required by Section 60 of the Act, resolve to issue a **Notice of Refusal to Grant a Permit** in respect of the land known and described as **17-23 & 51 Outer Crescent, Brighton** for the **use and development of the site (multi-purpose rooms and multi-purpose courts) associated with the existing education centre, including the partial demolition of a building within a heritage overlay and the erection of business identification signage** for the following reasons:

1. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character, Precinct B2) of Bayside Planning Scheme, on the following grounds:
  - a) The development fails to respond to the existing and preferred neighbourhood character for this precinct.
  - b) The development fails to maintain and enhance the garden setting of the area.
  - c) The development fails to maintain the rhythm of visual separation between buildings.
  - d) The development fails to respect the adjoining heritage building.

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

**DIVISION:** **FOR:** Crs Laurence Evans, James Long, Clarke Martin, Sonia Castelli and Rob Grinter (5)  
**AGAINST:** Cr Michael Heffernan (Mayor) (1)

**CARRIED**

**4.6 303-307 RESERVE ROAD, CHELTENHAM  
NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION NO: 2018/454/1 WARD: CENTRAL**

City Planning & Amenity - Development Services  
File No: PSF/19/962 – Doc No: DOC/19/99002

*It is recorded that Ms Pauline Reynolds, Dr Robert Saunders (via proxy Ms Pauline Reynolds) and Ms Clare Whelan each spoke for three minutes in relation to this item.*

**Moved: Cr Castelli**

**Seconded: Cr Evans**

That Council resolve to Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2018/454/1** for the land known and described as **303-307 Reserve Road, Cheltenham**, for the **construction of buildings and works to construct a building above basement parking, partial use of the land as a food and drink premises and reduction of the standard car parking associated with the food and drink premises** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but modified to show:
  - a) Allocation of all car parking spaces nominated on the basement plans.
  - b) Nomination of two (2) car parking spaces (outside of car stackers) allocated for the food and drink premises.
  - c) Deletion of the framing/pergola elements to the southern terrace at Fourth Floor.
  - d) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
  - e) Water Sensitive Urban Design measures in accordance with Condition 8.
  - f) A Landscaping Plan in accordance with Condition 10.
  - g) A Car Parking Management Plan in accordance with Condition 15.
  - h) A Waste Management Plan in accordance with Condition 16.
  - i) A Sustainability Management Plan in accordance with Condition 19.
  - j) The deletion of one level of the building to reduce the overall building height.
  - k) The provision of a “keep clear” area, line marked on Tulip Street, to ensure vehicle access to the site is available at all times.

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.

#### Car Parking

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

#### Water Sensitive Urban Design

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

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

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

#### Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by John Patrick, reference

TP01-08, dated July 2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) A survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
  - b) A survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - e) Details of surface finishes of pathways and driveways.
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. 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.
14. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised tree care contractors. There is to be no soil excavation within 3.0 metres of the street tree assets measured from the edge of their trunks. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

#### Car Parking Management Plan

15. Prior to the endorsement of plans pursuant to Condition 1, a traffic and parking management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. Three copies of the plan must be submitted. The plan must be generally in accordance with the plan but must include:
  - a) The means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on- and off-site.
  - b) Details in regards to the intercom/roller gate usage.
  - c) Car parking allocations.

- d) Servicing of the drainage and maintenance of car parking areas.

#### Waste Management Plan

16. Prior to the endorsement of plans pursuant to Condition 1, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be undertaken on-site via a private contractor, not Council, and include:
  - a) Dimensions of storage waste areas.
  - b) Storm water drains in storage areas should be fitted with a litter trap.
  - c) The number and size of bins to be provided.
  - d) Facilities for bin cleaning.
  - e) Method of waste and recyclables collection.
  - f) Types of waste for collection, including colour coding and labelling of bins.
  - g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
  - h) Method of hard waste collection.
  - i) Method of presentation of bins for waste collection.
  - j) Sufficient headroom within the basement to accommodate waste collection vehicles.
  - k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
  - l) Strategies for how the generation of waste and recyclables will be minimised.
  - m) Compliance with relevant policy, legislation and guidelines.
17. When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

#### Construction Management Plan

18. Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
  - a) A detailed schedule of works including a full project timing.
  - b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
  - c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
  - d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.

- e) Proposed traffic management signage indicating any inconvenience generated by construction.
- f) Detailed plan indicating where construction hoardings would be located.
- g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
- h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
- i) Site security.
- j) Public safety measures.
- k) Construction times, noise and vibration controls.
- l) Restoration of any Council assets removed and/or damaged during construction.
- m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
- n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
- o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
- p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
- q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
- r) Details of crane activities, if any.

#### Sustainability Management Plan

19. Prior to the endorsement of plans pursuant to Condition 1, a Sustainability Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the plans and include, but not be limited to the following:
- a) Water Sensitive Urban Design (WSUD) initiatives to comply with the best practice performance objective set out in the Urban Stormwater Best Practice Environmental Management Guidelines, Victoria Stormwater Committee 1999.
  - b) A STORM or MUSIC model report demonstrating Best Practice stormwater management to the satisfaction of the responsible authority;
  - c) Complete Green Star self-assessment demonstrating the initiatives selected to achieve best practice.
  - d) Complete BESS report demonstrating the initiatives selected to achieve best practice or greater standard committed to in the summary report.



- e) Address commercial areas through the provision of a Sustainable Design Scorecard report or equivalent.
- f) Preliminary building energy ratings to align with plans.
- g) Demonstration that stormwater detention volume requirements are in addition to stormwater retention.
- h) Clearly state that in addition to producing a Building User's Guide that it will be provided to occupants.

#### Hours of Operation (Café)

20. The use (food and drink premises {café}) allowed under this permit must operate only during the following hours, except with the further written consent of the Responsible Authority:
  - All days – 7:00am to 5:00pm

#### Drainage

21. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
22. 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.
23. Council records indicate that there is a council stormwater drain running parallel to the western property boundary. Council consider this asset to be protected by an implied easement, minimum distance of 1m from the asset. The plans indicate no proposals to encroach into the implied easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the Responsible Authority/Authorities.
24. Council records indicate that there is a 3.05m wide drainage and sewerage easement along the western 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.

#### Drainage Contributions Levy

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

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

#### Permit Expiry

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

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

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

Permit Notes:

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

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

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

**CARRIED**

**4.7 9 WILSON STREET, HIGHETT  
SECONDARY CONSENT - APPROVE  
APPLICATION NO: 2015/666/1 WARD: CENTRAL**

City Planning & Amenity - Development Services  
File No: PSF/19/962 – Doc No: DOC/19/95777

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**Moved: Cr Castelli**

**Seconded: Cr Martin**

That Council:

1. Approve the amended plans in accordance with secondary consent provisions of Planning Permit 2015/666/1.
2. Endorse the plans identified as TP-04 (Rev: F), TP-05 (Rev: F) and TP-06 (Rev: F).
3. Supersede plans TP-04 (Rev: E), TP-05 (Rev: E) and TP-06 (Rev: E) endorsed on 29 November 2018.

**CARRIED**

## 5. Confidential Business

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

*Following consideration of Confidential Business, the Chairperson declared the meeting closed at 10:38pm.*