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

## 1. Apologies

It is recorded that at the 20 March 2018 Ordinary Meeting, Council granted Councillor del Porto a leave of absence for the period 20 April to 1 July 2018.

**Moved: Cr Castelli**

**Seconded: Cr Long**

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

**CARRIED**

It is further recorded that Cr Michael Heffernan requested leave of absence for the 15 May 2018 meeting and requested to suspend his Councillor allowance from the period 9 to 17 May 2018.

**Moved: Cr Evans (Mayor)**

**Seconded: Cr Long**

That Council grant Cr Michael Heffernan leave of absence for the 15 May 2018 Planning and Amenity Committee meeting and notes the suspension of Councillor allowance for the period 9 to 17 May 2018.

**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 17 April 2018.

**Moved: Cr Long**

**Seconded: Cr Evans (Mayor)**

That the minutes of the Planning & Amenity Committee Meeting held on 17 April 2018, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## 4. Matters of Decision

### 4.1 7 POINT AVENUE, BEAUMARIS NOTICE OF DECISION TO GRANT A PLANNING PERMIT APPLICATION NO: 2017/7489/1 WARD: SOUTHERN

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/87095

*It is recorded that Ms Annabel Paul, Mr Richard McGarvie, and Mr Lloyd Anderson spoke for three minutes each on this item.*

**Moved: Cr Evans (Mayor)**

**Seconded: Cr Martin**

That Council, having caused notice of **Planning Application No. 2017/7489/1** to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act decides to issue a **Notice of Refusal to Grant a Planning Permit** in respect of the land known and described as **7 Point Avenue, Beaumaris**, for **Two (2) lot subdivision** for the following reasons:

1. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character, Precinct H4) 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 respond to enhancing Bayside vegetation Character.
2. The proposal fails to comply with the Objectives and Standards of Clause 56 of the Bayside Planning Scheme, in particular:
  - a) Standard C6 – Neighbourhood Character – The proposal fails to respect the existing neighbourhood or achieve a preferred neighbourhood character for this precinct.

**CARRIED**

**4.2 23 OSWALD THOMAS AVENUE, HAMPTON EAST  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2017/242/1 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/87635

*It is recorded that Mr John and Mrs Maryanne Mason (via proxy Ms Emily Purcell), Ms Maxine Jacona, and Mr Daniel Bowden spoke for three minutes each on this item.*

**Moved: Cr Castelli**

**Seconded: Cr Long**

That Ms Maxine Jacona be granted three minutes to speak to this item.

**CARRIED**

**Moved: Cr Castelli**

**Seconded: Cr Heffernan**

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 **2017/242/1** for the land known and described as **23 Oswald Thomas Avenue, Hampton East**, for the **construction of four dwellings on a lot** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans received 31 August 2017 prepared by Shangri-La Construction referenced TP-2.01, TP-2.02, TP-2.03, TP-2.04, TP-2.05, TP-4.01, TP-4.02, TP-5.1, TP-5.2 dated 6 July 2017 and revision C but modified to show:
  - a) The dwelling of 25 Oswald Thomas Street within the context of the site.
  - b) Screen fencing between the secluded open space of each dwelling.
  - c) A vehicular crossing 3.6 metres wide, offset 1m from the eastern property boundary along with a 1 metre wide separator between the new and neighbouring crossing.
  - d) A 1:8 grade for a distance of 2.5 metres at the bottom of the vehicular access ramp.
  - e) Sight-line visibility from the access in accordance with Clause 52.06 of the Bayside Planning Scheme.
  - f) 5.2 metre wide garage doors to each garage.
  - g) Pedestrian access doors within each garage that open either outwards from the garage or are sliding.
  - h) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.

- i) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
- j) A Landscaping Plan in accordance with Condition 11 of this permit.
- k) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
- l) Provision of the development contributions fee in accordance with Condition 20.
- m) Retention of the hedge along the western boundary that straddles the boundary with No 21 Oswald Thomas Avenue, and any consequential changes to the building footprint and/or other onsite features to allow for the retention to the satisfaction of the Responsible Authority.

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.

#### Traffic

10. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times. 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.

#### Landscaping

11. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Harperconsults Horticultural Consultant, entitled A1 Landscape Plan, dated 20 August 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) A small canopy tree within the secluded private open space of either Dwelling 2 or 3 in accordance with the Bayside Landscape Design Guidelines June 2016.
  - b) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
  - c) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - d) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - 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) Retention of the hedge along the western boundary that straddles the boundary with No 21 Oswald Thomas Avenue, and any consequential changes to the building footprint and/or other onsite features to allow for the retention to the satisfaction of the Responsible Authority.
12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Street tree protection

14. Soil excavation must not occur at ground level within 2 metres from the edge of the stem of the street tree asset within the road reserve that fronts the development site.
15. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
  - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
  - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
  - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
  - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
16. 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.
17. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Drainage

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

Development Contributions Levy

20. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy of \$6000 in accordance the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.  
  
The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Permit Expiry

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



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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.
- Council records indicate that there is a 1.83 metre wide drainage and sewerage easement along the north property boundary. The plans indicate no proposal to encroach into the easement with any buildings or structures of note. Proposals to be built over easement will require Build Over Easement Consent from the Responsible Authority/ Authorities.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

**CARRIED**

**4.3 1 GRAY COURT, BEAUMARIS  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2017/731/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/83794

*It is recorded that Miss Jackie Roberts, Mr John Wilson, Mrs Jan Roberts, and Mr Phillip Mancini spoke for three minutes each on this item.*

**Moved: Cr Martin**

**Seconded: Cr Evans (Mayor)**

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 5/2017/731/1** for the land known and described as **1 Gray Court, Beaumaris** for the **Construction of two 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 Mancini Design referenced TP 0598.1- TP 0598.6 Revision B, dated 4 January 2018 but modified to show:
  - a) Dwellings 1 and 2 separated by 2 metres at ground floor level and 3.57 metres at first floor level. All changes are to be absorbed within the footprint of the dwellings.
  - b) Deletion of the pool in rear private open space of dwelling 2 and replaced with landscaping.
  - c) The southern portion of the front fence adjacent to the private open space at Unit 1 along Haydens Road to have minimum transparency of 25%.
  - d) Removal of references to boundary fencing from plans.
  - 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 adjoining properties habitable rooms.
  - 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) Provision of the Development Contributions Levy in accordance with Condition 20 of this permit.

All to the satisfaction of the Responsible Authority.

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

prior written consent of the Responsible Authority

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

#### Water Sensitive Urban Design

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

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

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

#### Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape and planting plan drawn by Nan Herzberg Horticultural Consultant, reference B, dated May 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) Development changes.
  - b) The driveway and pedestrian pathway of dwelling 2 to be constructed with permeable paving.

- c) Reduction in the extent of hard paving within the tree planting zone of the Drooping She-Oak trees to the north-eastern corner of the site in accordance with the Bayside City Council Landscape Guidelines (2016).
  - d) The proposed concrete driveway to facilitate Unit 1 redesigned with a permeable material and installed above grade to protect tree roots.
  - e) Details for rainwater tank footing within the SRZ of the Broad-leaved Paperbark located in the private open space of No. 3 Gray Court to ensure no roots will be impacted.
  - f) Extent of paving within the tree planting zone of the two (2) Drooping She-oaks reduced.
  - g) 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.
  - h) 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.
  - i) 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.
  - j) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - k) 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 Tree 1, the Red Flowering Gum (*Corymbia ficifolia*) 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 1, the Red Flowering Gum (*Corymbia ficifolia*) to be retained is to be done by hand by a qualified Arborist.

#### Street tree protection

17. Soil excavation must not occur within 3 metres from the edge of the street tree asset's stem at ground level.

#### Drainage

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

#### Development Contributions

20. Prior to endorsement of the plans required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan.

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

#### Permit Expiry

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

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

#### Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Council records indicate that there is no easement within the property.
- 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.

- 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**

**4.4 13 BRIGHTON STREET, SANDRINGHAM  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2017/589/1 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/18/87280

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*It is recorded that there were no speakers for this item.*

**Moved: Cr Castelli**

**Seconded: Cr Long**

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 2017/536** for the land known and described as **13 Brighton Street, Sandringham, for the of construction of two dwellings on a lot** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (advertised) prepared by Bayland Property Group, dated 7 September 2017 but modified to show:
  - a) The gradient of each driveway not to exceed 1 in 16 complying with AS2890.1 for carparking.
  - b) Dwelling 1's new crossover on Brighton Street must have a minimum 9m offset from the eastern boundary (Minnie Street).
  - c) Adequate sightlines must be provided where each driveway intersects with the footpath in accordance with AS2890.1
  - d) A minimum 2mx2m corner splay to be provide at the south west corner of the property. The spay must be infilled with concrete matching the existing footpaths,
  - 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 adjoining properties habitable rooms.
  - f) A revised schedule of construction materials, external finishes and colours to include wooden panelling on part of the ground floor of Dwelling 1 and simpler balustrade and screening materials on both dwellings to better reflect neighbourhood character.
  - g) Water Sensitive Urban Design measures in accordance with Condition 9.
  - h) A Landscaping Plan in accordance with Condition 11.
  - i) A Tree Management Plan in accordance with Condition 14.
  - j) Payment of the development contributions levy are payable in accordance with Condition 24.

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 each dwelling commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works with that particular dwelling and within common property 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 each dwelling commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed to that particular dwelling 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 start, new or altered vehicle crossing(s) serving 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 a footpath/nature strip/kerb and channel to the satisfaction of the Responsible Authority.

#### Water Sensitive Urban Design

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

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

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

#### Landscaping

11. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in



accordance with the landscape concept plan drawn by Merrick Hide, reference LA-001 Revision A, dated 29 August 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
  - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - d) Canopy tree planting in accordance with Bayside City Council Landscape Guidelines (2016).
  - e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - f) Details of surface finishes of pathways and driveways
12. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Tree Management and Protection Plan

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

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

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

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

17. Any pruning that is required to be done to the canopy of any tree to be retained (Trees 6, 11, 12 and 13) 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 (Trees 6, 11, 12 and 13) is to be done by hand by a qualified Arborist.

#### Street tree protection

18. Soil excavation must not occur within 3.889m of the Oak Tree, 3m from the Eucalyptus Tree and 2.174m from the Hakea Tree from the edge of the street trees asset's stem at ground level.
19. A tree protection fence is for the protection of a tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
  - a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
  - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
  - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
  - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
  - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
20. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.
21. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

#### Drainage

22. 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.
23. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

#### Development Contributions

24. 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 at the time of payment.

Permit Expiry

25. 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**

**4.5 45 TULIP GROVE, CHELTENHAM  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2017/167/1 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/85609

*It is recorded that Ms Anna Kennedy spoke for three minutes on this item.*

**Moved: Cr Castelli**

**Seconded: Cr Long**

That Council resolve to:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **5/2017/641/1** for the land known and described as **45 Tulip Grove, Cheltenham** for the **construction of three dwellings on a lot and a front fence in excess of 1.2 metres in height** 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 Caisson Architecture Sheets 4TP103, TP104, TP105, TP201, TP202 and TP701 (all Rev.TP02) dated 29/11/17 + Landscape Plan prepared by Carey Cavanagh Landscape Design & Construction Drawing No. AK2 (Rev.1) dated 17/10/17 but modified to show:
  - a) Pedestrian doors associated with all garages to open outwards and maintain minimum internal dimensions pursuant to Clause 52.06-9 Design Standard 2) of the Bayside Planning Scheme.
  - b) The relocation of storage and bins outside of each garage. The provision of a 6m<sup>3</sup> storage shed must be provided within the secluded private open space of each dwelling.
  - c) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
  - d) Water Sensitive Urban Design measures in accordance with Condition 8.
  - e) A Landscaping Plan in accordance with Condition 10.
  - f) Tree Management and Protection Plan in accordance with Condition 13.
  - g) 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 prepared by Carey Cavanagh Landscape Design & Construction Drawing No. AK2 (Rev.1) dated 17/10/17 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) Within the front setback of Dwelling 1 either two (2) medium canopy trees of a species that will grow to a minimum 8 metres in height at maturity or one (1) large canopy tree species that will grow to a minimum of 12 metres in height at maturity in accordance with the Bayside Landscape Design Guidelines (2016);
  - b) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.

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

#### Tree Management and Protection Plan

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

#### Street tree protection

16. Soil excavation must not occur within 2 metres from the edge of the *Cupressus x leylandii* (Leyland Cypress) street tree asset's stem at ground level.
17. A tree protection fence is to be installed around the *Cupressus x leylandii* (Leyland Cypress) street tree in compliance with AS 4970-2009, Protection of trees on development sites.

18. 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.
19. 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.
20. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

#### 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 of \$4000 in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

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

#### Drainage

22. 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.
23. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

#### 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.
- 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**



**4.6 322-328 BAY ROAD, CHELTENHAM  
SUPPORT THE GRANT OF A PLANNING PERMIT  
APPLICATION NO: 2017/369 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/18/88314

*It is recorded that Mr Paul Little spoke for three minutes on this item.*

**Moved: Cr Castelli**

**Seconded: Cr Long**

That Council:

**Supports the Grant of a Planning Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/369/1** for the land known and described as **322-328 Bay Road, Cheltenham**, for the **use of the land for the purpose of the sale of packaged liquor and associated buildings and works, display of advertising signs, removal of native vegetation and alterations to a Road Zone, Category 1** 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 but modified to show:
  - a) The setback of the building from Bay Road increased to 5 metres.
  - b) Deleted
  - c) The car parking fronting Bay Road to be set back 3 metres to allow for additional landscaping along the frontage, including the provision of 3 canopy trees to the satisfaction of the Responsible Authority.
  - d) Deletion of the direct vehicle access to the car park from Chandos Street and provision for landscaping along the Chandos Street frontage within the subject site and complimented by the provision of 5 additional street trees in the Chandos Street road reserve.
  - e) In order to comply with conditions (a-d) above, the number of parking spaces can be reduced to the amount required by Clause 52.06.
  - f) The provision of external security lighting within the site.
  - g) Car parking and accessways to be in accordance with Clause 52.06.
  - h) An updated landscaping plan in respect of conditions (a-d) above as required by condition 8.
  - i) Details of any kerbing and pedestrian ramps for disabled access.
  - j) An amended Arboricultural Assessment and Report to accurately reflect the tree species for trees 3 and 13 and to provide comments on the Callistemon citrinus on the western boundary and the Correa alba at the base of tree 8.
  - k) Removal of all advertising signage from the southern elevation of the building.

- l) Deleted.
  - m) Deleted.
  - n) Removal of the four internally illuminated signage zones below the Dan Murphy's logo on the pylon sign.
  - o) A red line plan showing the area where the liquor licence will apply.
  - p) Surface construction, dimensional and kerbing details of the accessway within the carriageway easement. This must be to the satisfaction of the Responsible Authority and be consistent with any relevant requirements of condition 16.
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 (except downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
  5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
  6. Before the development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
    - a) The type of water sensitive urban design stormwater treatment measures to be used.
    - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
    - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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.
8. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Memia, dated 22 May 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.

- b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - 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.
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.
  11. Before the development starts, an amended Arboricultural Assessment & Report to the satisfaction of the Responsible Authority must be submitted and endorsed by the Responsible Authority. The Report must generally be in accordance with the Arboricultural Assessment & Report prepared by Treemap Arboriculture dated 2017 but amended to include the details specified in condition 1(j).
  12. There is to be no soil excavation within 3 metres of all street tree assets measured from the edge of the trunk. Tree protection fencing is to be installed around all street trees in compliance with AS 4970-2009, Protection of trees on development sites.
  13. Deleted.
  14. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
  15. Before the occupation of the development starts, 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.
  16. Prior to occupation of the development, a Loading Management Plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The Plan must include details of:
    - a) How the delivery vehicles will enter and exit the loading bay.
    - b) Swept paths showing the delivery vehicle movements.
    - c) How the traffic will be managed during the delivery times
    - d) Times of deliveries.
    - e) How any restrictions / requirements will be enforced and communicated with all relevant parties.

The loading and unloading of vehicles and the delivery of goods to and from the premises must at all times be conducted entirely within the site and in a manner that limits interference with other vehicular traffic to the satisfaction of the

Responsible Authority. All loading and associated activities must be undertaken in accordance with the endorsed Loading Management Plan at all times.

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

- and the Responsible Authority in the event of relevant queries or problems experience.
- p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
  - q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
  - r) Details of crane activities, if any.
20. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
- a) Dimensions of storage waste areas.
  - b) Storm water drains in storage areas should be fitted with a litter trap.
  - c) The number and size of bins to be provided.
  - d) Facilities for bin cleaning.
  - e) Method of waste and recyclables collection.
  - f) Types of waste for collection, including colour coding and labelling of bins.
  - g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
  - h) Method of hard waste collection.
  - i) Method of presentation of bins for waste collection.
  - j) Sufficient headroom within the basement to accommodate waste collection vehicles.
  - k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
  - l) Strategies for how the generation of waste and recyclables will be minimised.
  - m) Compliance with relevant policy, legislation and guidelines.
- When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.
21. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) Transport of materials, goods or commodities to or from the land.
  - b) Appearance of any building, works or materials.
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - d) Presence of vermin.
22. The use may operate only between the hours of 9am and 11pm, without the prior written consent of the Responsible Authority.

**VicRoads Conditions**

23. Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings on Bay Road must be removed and the area reinstated to the satisfaction of the Responsible Authority and at no cost to VicRoads or the Responsible Authority.
24. Prior to the commencement of the use or the occupation of the buildings or works hereby approved. The access crossover and associated works must be provided and available for use.

#### **End of VicRoads Conditions**

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 amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.  

The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.
26. The location and details of the sign/s, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
27. All signs must be located wholly within the boundaries of the land.

#### **Expiry condition – use development and signage**

28. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.
  - c) The use is not started within five years of the date of this permit.
  - d) The use is discontinued for a period of two years or more.
  - e) The signs are not erected within 15 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.
- 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.
- Council records indicate that there is a 1.83 metre wide drainage and sewerage easement along the southern property boundary as indicated on the drawings provided. The plans indicate that a carriageway shall be constructed over the easement. Any proposal to encroach into the easement may require Build Over Easement consent from the Responsible Authority / Authorities. The carriageway 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.

- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.
- Before the vehicle crossing application will be approved, the applicant must pay \$5,794.06 to the Responsible Authority for the removal and replacement of the existing street trees. 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 works 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 street tree assets identified as trees numbered 3 (*Angophora hispidai*) and (*Acmena smithii*) can be removed under Clause 6.5 of the Street and Park Tree Management Policy (2016) to allow the development to proceed with the installation of the proposed new vehicle crossing.

Date	Amendment
1 May 2018	Amendment issued at the direction of VCAT: <ul style="list-style-type: none"> <li>• Amendment to condition 1(d);</li> <li>• Deletion of conditions 1(b)(l) and (m);</li> <li>• Deletion of condition 13;</li> <li>• Amendment to condition 16;</li> <li>• Amendment to condition 28.</li> </ul>

**CARRIED**

**4.7 163 SOUTH ROAD, BRIGHTON EAST (ST LEONARD'S COLLEGE)  
SUPPORT THE GRANT OF A PERMIT  
APPLICATION NO: 2017/147 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/89250

*It is recorded that Miss Taryn Sobel, and Mr Stuart Davis spoke for three minutes each on this item.*

**Moved: Cr Long**

**Seconded: Cr Castelli**

That Council resolve to:

**Support** the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/147** for the land known and described as **163 South Road, Brighton East (St Leonard's College)**, for the **partial demolition of buildings, construction of new educational facilities including a Performing Arts Centre ('Leonardian' PAC), redevelopment of part of the Senior School and basement carpark extension in a Neighbourhood Residential Zone (Schedule 3), Heritage Overlay (Schedule 347), Design and Development Overlay (Schedule 3) and alterations to access 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 submitted with the application and advertised but modified to show:
  - a) Ground level surfaces abutting "Harefield House" designed to protect the significant fabric. This includes alteration of levels that might have negative impacts such as causing rising damp by bridging existing damp-proof courses, appropriate surface drainage away from original walls, etc. A report from a suitably qualified expert must be provided to the satisfaction of the Responsible Authority.
  - b) A Landscape Plan in accordance with Condition 11 of this permit.
  - c) A Tree Management Plan in accordance with Condition 12 of this permit.
  - d) Drainage Development Contributions in accordance with Condition 18 of this permit.
  - e) Location of all plant and equipment, including hot water services and air conditioners. All plant and equipment to be located away from habitable room windows of the dwellings and the adjoining properties habitable rooms.
  - f) A schedule of construction materials, external finishes and colours, including samples.
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, 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 combined number of attendees for simultaneous events at the Leonardian Centre and the Kevin Wood Centre must not exceed 1,000 persons.

### **Noise**

6. Noise emanating from the subject land must comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels from the Leonardian PAC and outside Agora area 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.
7. Noise associated with deliveries and collections to the Leonardian PAC to comply with EPA Publication 1254 Noise Control Guidelines.
8. At the request of the Responsible Authority, the owner/ occupier must undertake noise measurements by a suitably qualified acoustic consultant and a report must be submitted to the Responsible Authority for compliance in relation to N-2 policies and/or EPA Technical Guidelines.
9. Before the development starts, a Noise and Amenity Management Plan must be submitted to and approved by the Responsible Authority and contain the following information:
  - a) The identification of all noise sources associated with the Leonardian PAC and Agora (including, but not limited to, music noise etc).
  - b) Details of the provision of performances including the frequency and hours.
  - c) Activities within the Agora to be appropriately tailored to ensure compliance with the requirements of Condition 6 and any amplified events (e.g. outdoor move screening) will be considered as appropriate the loudspeaker types, location.
  - d) The identification of noise sensitive areas including residential uses and accommodation in close proximity to the Leonardian PAC and Agora area.
  - e) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.
  - f) Standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police and an authorised officer of the responsible authority.
  - g) Details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operational issues.
  - h) Any other measures to be undertaken to ensure minimal impacts from the Leonardian PAC and Agora area.
  - i) Location and operation of air-conditioning, exhaust fan systems and security alarms.
  - j) That the use of the Agora that includes electronically amplified sound must cease by no later than 9.00pm on any day.

The approved Noise and Amenity Action Plan will form part of the permit and the use must operate in accordance with it to the satisfaction of the Responsible Authority.

10. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.

### **Vegetation**

11. Prior to the endorsement of plans and 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 by Aspect Studios, dated 10/3/17, 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.
  - b) A survey, including botanical names, of all existing vegetation to be removed from the site.
  - 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) Irrigated vertical green wall to comprise 25% of total surface area of north walls of building identified as the 'Leonardian' PAC and new Senior School building.
12. Prior to the endorsement of plans and pursuant to Condition 1, 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 (report) must be specific to the site, be in accordance with Australian Standard: Protection of Trees on Development Sites AS4970-2009 and include:

- Details of Tree Protection Zones for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site;
- Details of any drainage relocation required to accommodate the retention of Heritage Protected trees;
- Comment on methods to be utilised and instruction on how to deploy them;
- Comment on when the protection measures are to be deployed;
- Comment on when the protection measures can be modified;
- Process that will be followed if any damage occurs to a tree;

- Process that will be followed if construction works require alteration to protection measures outlined in report; and
- Stages of development at which inspections will occur.

Any proposed alteration to the plan must be assessed by the site arborist and can only occur following the approval of the site arborist. Such approval must be noted and provided to the Responsible Authority within 28 working days of a written request.

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

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

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

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

13. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
15. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
16. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the endorsed Tree Management Plan must be submitted to the Responsible Authority.
17. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire naturestrip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.

### **Drainage**

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

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

19. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where storm-water is drained under gravity to the Council network.

20. Before the development, detailed plans indicating, but not limited to, the method of storm-water 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.

#### **Parking and Traffic Management Plan**

21. Before the development starts, 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 (specify any earlier submitted plan) but must include:
- a) The location of all areas on-and/or off-site to be used for staff and patron parking.
  - b) Owner's permission and any required planning permission for parking on other land.
  - c) Specification of staff numbers adequate to enable efficient operation of car parking areas both on- and off-site.
  - d) The number and location of all on- and off-site security staff.
  - e) 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.
  - f) Measures to discourage patron car parking in (specify location).
  - g) Measures to preclude staff parking in designated patron car parking areas.
  - h) Staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time.
  - i) Servicing of the drainage and maintenance of car parking areas.
  - j) That existing on-site car parking spaces at the College must be made available for the use of attendees at events and functions at the College that are held outside of normal school hours.

#### **Construction Management**

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

- e) Proposed traffic management signage indicating any inconvenience generated by construction.
  - f) Fully detailed plan indicating where construction hoardings would be located.
  - g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
  - h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
  - i) Site security.
  - j) Public safety measures.
  - k) Construction times, noise and vibration controls.
  - l) Restoration of any Council assets removed and/or damaged during construction.
  - m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
  - n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
  - o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
  - p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
  - q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
  - r) Details of crane activities, if any.
23. 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.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.
- The existing street trees must not be removed or damaged.
- This property is located in a Heritage Overlay and planning permission may be required to demolish or otherwise externally alter any existing structures. External alterations include painting an unpainted surface, but does not include re-painting an already painted surface.

- Council records indicate that there is a 6.10m wide drainage running diagonally through the property 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.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

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

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

**CARRIED**

#### 4.8 VCAT REPORT

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/49136

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*It is recorded that there were no speakers for this item.*

**Moved: Cr Evans (Mayor)**

**Seconded: Cr Long**

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

**CARRIED**

**5. Confidential Business**

Nil

*Following consideration of Confidential Business the Chairperson declared the meeting closed at 9:08pm.*

**CONFIRMED THIS INSERT 15 DAY OF MAY 2018**

**CHAIRPERSON: .....**

