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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 21 August 2018 Ordinary Meeting, Council granted Councillor Heffernan a leave of absence for the period 31 August to 17 September 2018.

Moved Cr del Porto

Seconded Cr Long

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

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 28 August 2018.

Moved: Cr del Porto

Seconded: Cr Martin

That the minutes of the Planning & Amenity Committee Meeting held on 28 August 2018, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 18-20 ANITA STREET, BEAUMARIS GRANT A PLANNING PERMIT APPLICATION NO: 2018/267/1 WARD: SOUTHERN

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/198784

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

Moved: Cr Evans (Mayor)

Seconded: Cr Martin

That Council resolves to issue a Planning Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2018/267/1 for the land known and described as 18-20 Anita Street, Beaumaris, for the removal of native vegetation in a Vegetation Protection Overlay Schedule 3 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Prior to the removal of the tree hereby approved, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions, generally in accordance to the advertised plan and three copies must be provided. The landscaping plan must show:
 - a) A Landscape Plan in accordance with Condition 3 of this permit.
All to the satisfaction of the Responsible Authority.
2. The vegetation removal as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Landscaping

3. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) The retention of the Black Wattle (*Acacia mearnsii*)
 - b) The provision of at least one (1) replacement canopy tree of an indigenous origin within the front setback of the site which is capable of reaching a mature height equal or greater than 8m and a canopy of 6m.
 - c) A planting schedule of all proposed replacement trees, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each tree.
 - d) The locations of all relevant trees on the site, clearly labelled and identified. This includes the tree that is being retained, the tree being removed, and the replacement tree.
4. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
5. Any pruning that is required to be done to the canopy of the tree to be retained (*Black Wattle – Acacia mearnsii*) is to be done by a qualified Arborist to

Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of the tree to be retained (Black Wattle – *Acacia mearnsii*) is to be done by hand by a qualified Arborist.

6. Unless with the further consent of the Responsible Authority, planting in accordance with the endorsed plan must be undertaken within 6 months of the removal of the tree.

Permit Expiry

7. This permit will expire if one of the following circumstances applies:
 - a) The vegetation removal is not started 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.

CARRIED

**4.2 19 ILUKA STREET, BLACK ROCK
SUPPORT THE GRANT OF A PLANNING PERMIT (CONSENT ORDER)
APPLICATION NO: 2017/615/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/206459

It is recorded that Mr Mark Naughton spoke for three minutes in relation to this item.

Moved: Cr Evans (Mayor)

Seconded: Cr Martin

That Council resolves to support the grant of a permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2017/615/1 for the land known and described as 19 Iluka Street, Black Rock for the Alterations to the existing dwelling and construction of two double storey dwellings and construction of a front fence greater than 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 plans (submitted with the application) prepared by DNC Studios, Revision B but modified to show:
 - a) All changes (including a full set of elevations) in accordance with the sketch plan dated 28 August 2018 prepared by DNC Studio.
 - b) Boundary fencing generally in accordance with sheets 13 and 14 (of 14) prepared by DNC Studio dated 23 August 2018.
 - c) Dwelling 1 setback 4.125 metres from the northern boundary with landscaping to be shown on either side of the driveway adjacent to Dwelling 1 generally in accordance with Revision C plans dated 03.04.2018.
 - d) Dwelling 1 garage to be setback by 5.28 metres from Townhouse 3 with increased landscaping adjacent to the garage of Townhouse 1 generally in accordance with Revision C plans dated 03.04.2018.
 - e) Dwelling 2 and 3 first floor modified to achieve compliance with Standard B17 (Side and Rear Setback provision).
 - f) Inclusion of front letterboxes, townhouse numbering and entrance canopies for Dwellings 2 and 3 generally in accordance with Revision C plans dated 03.04.2018.
 - g) Perimeter landscaping within the secluded private open spaces of Dwellings 2 and 3 generally in accordance with Revision C plans dated 03.04.2018.
 - h) The proposed vehicle crossover designed to maintain a splitter island with 17 Iluka Street, with the provision of a pedestrian sight triangle on the southern side of the vehicle crossover in accordance with Clause 52.06 (car parking) of the Bayside Planning Scheme.

- i) Vehicle access and manoeuvrability in and out of all three dwellings garages must be safe and convenient. Swept path analysis of a B85 vehicle prepared by a suitable qualified traffic engineer must be provided. Any consequential changes to the building envelopes are to the satisfaction of the Responsible Authority.
- j) The pedestrian doors to access the garages of dwellings 2 and 3 to swing outwards from the garage.
- k) The master bedrooms of dwellings 2 and 3 to be acoustically treated.
- l) Provision of window fin extensions adjacent the northern and southern edges of bedroom 3 for dwellings 2 and 3 respectively. The window fins are to extend 0.5 metres from the building line, extend to 1.7 metres above finished floor level and have a maximum transparency of 25%.
- m) Location of all plant and equipment, including hot water services and air conditioners. The air condition units for dwellings 2 and 3 are to be located within the basement envelope, while all other plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
- n) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
- o) Deletion of indicative landscaping from the development plans.
- p) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
- q) A Landscaping Plan in accordance with Condition 10 of this permit.
- r) The proposal to comply with Standard B22 (overlooking objective) where required.
- s) Demonstration of compliance with the mandatory building height and minimum garden area requirements.
- t) The boundary fencing to have an average wall height of 3.2 metres in accordance with Standard B18 (walls on boundary objective).

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 Zenith Concepts and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Provision of six indigenous canopy trees across the site. Trees within the front setback must be capable of reaching a minimum height of 4 metres and 8 metres within the remainder of the site.
 - b) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - c) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - d) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.
 - e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.

- f) Details of surface finishes of pathways and driveways.
- 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. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.

Drainage

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

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

Development Contribution

19. 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

20. This permit will expire if one of the following circumstances applies:
- The development is not started within two years of the date of this permit.
 - 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 2m wide drainage and sewerage easement running North to South through the back of 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.

CARRIED

**4.3 76 SANDRINGHAM ROAD, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/663/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/201881

It is recorded that Mr Andrew Gregor spoke for three minutes in relation to this item

Moved: Cr Evans (Mayor)

Seconded: Cr Martin

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2017/663/1 for the land known and described as 76 Sandringham Road, Sandringham for the construction of two double storey dwellings and a front fence exceeding a height of 1.2 metres 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 with the application prepared by Crowhurst Building Design referenced Project No. 495 Sheets Nos. TP3 of 10, TP4 of 10, TP5 of 10, T6 of 10 & TP Appendix 1 of 1 (all Rev.A), dated February 2018 and Landscape Plan prepared by Bayview Landscaping Sheet No. TPL1 of 1 dated February 2018 but modified to show:
 - a) The provision of a 2 metre x 2 metre splay to the north-east corner of the subject site. The splay must not contain structures or vegetation exceeding a height of 0.6 metres.
 - b) Sightlines to each crossover in accordance with the provisions at Clause 52.06-9 of the Bayside Planning Scheme or diagram shown in AS2890.1 to the satisfaction of the Responsible Authority.
 - c) The front fences of each dwelling to have a maximum height of 1.8 metres. The fencing along Neptune Street, where opposite the living/lounge areas, to have a minimum 25% transparency.
 - d) The pool and decking areas of each dwelling setback 2.5 metre setback from Neptune Street to allow for the planting of a tree as detailed in condition 9a of this permit.
 - e) Dwelling 1 and 2's kitchen and pantry to be setback a minimum of 1 metre from the western boundary. The increased setbacks must be absorbed within the approved building envelope of each dwelling.
 - f) The incorporation of weatherboard or timber cladding sections (or similar) to the western and southern elevations.
 - g) Sill heights of Dwelling 1 & 2's WC, bath, w/c and ensuite west and south facing first floor windows to show a minimum 1.7 metre dimension measured from the finished floor level.

- 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) Water Sensitive Urban Design measures in accordance with Condition 7 of this permit.
- j) A Landscaping Plan in accordance with Condition 9 of this permit.
- k) A Tree Management and Protection Plan and Tree Impact Assessment Report in accordance with Conditions 12 and 13 of this permit.
- l) Street Tree Protection in accordance with Condition 14 of this permit.
- m) Development Contributions requirements in accordance with Condition 11 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.

Water Sensitive Urban Design

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

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

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

Landscaping

9. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Bayview Landscaping Sheet No. TPL1 of 1, dated February 2018 but modified to show:
 - a) The pool and decking areas of each dwelling setback 2.5 metres from Neptune Street to allow for the provision of two native trees, one per dwelling, capable of reaching a minimum height of 8 metres in these locations.
 - b) Tree protection zones (TPZ) for those neighbouring trees where their TPZ extends into the subject site.
 - c) An amended planting schedule including sufficient tree spacing and planting areas to ensure trees reach their mature canopy size.
 - 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 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.
 - f) An amended planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - g) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - h) Details of surface finishes of pathways and driveways
10. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

12. 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;
 - 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.

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.

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.

Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

Tree Impact assessment Report

13. The report will be in accordance with part 2.3.5 of the Australian Standard Protection of Trees on Development Sites 4970 and will identify impacts that may be detrimental to the Jacaranda tree located at 74 Sandringham Road, Sandringham. This report will include design responses required to reduce any identified negative impact. The proposal will be modified to include any recommendations made in the report.

Street Tree Protection

14. Before the development starts tree protection fencing is to be established around the multiple existing Melia azedarach (Persian Lilac) street tree assets fronting the subject site, along the eastern boundary facing Neptune Street 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.

15. There is to be no soil excavation within 2.7m of the existing Melia azedarach (Persian Lilac) street tree asset, measured from the edge of the trunk on either side of the proposed crossover.

Drainage

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

Development Contributions

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

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

Permit Expiry

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- 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, if applicable, prior to the commencement of the connection to the Council Drain / kerb / channel.
- 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

**4.4 17-19 BALCOMBE PARK LANE, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/85/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/197016

It is recorded that Mr Matt Finnis spoke for three minutes in relation to this item.

Moved: Cr Evans (Mayor)

Seconded: Cr Martin

That Council resolves to Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2017/85/1 for the land known and described as 17-19 Balcombe Park Lane, Beaumaris for the construction of three (3) double storey dwellings and removal of native vegetation within the Vegetation Protection Overlay (VPO3) in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Zai Pty Ltd Building + Urban Design reference as Drawing Nos. TP-27004/101, TP-27004/102, TP-27004/103 & TP-27004/104 (all Rev.C) dated 14 June 2018 and Landscape Plan prepared by Graeme Wootton (Amendment No.2) dated November 2017 but modified to show:
 - a) All crossovers to be dimensioned on the plans.
 - b) Sightlines to each crossover in accordance with the provisions at Clause 52.06-9 of the Bayside Planning Scheme to the satisfaction of the Responsible Authority.
 - c) Each double garage a minimum of 5.5m wide and 6m long in accordance with Clause 52.06 of the Bayside Planning Scheme.
 - d) Garage doors with a minimum width of 5.2m wide.
 - e) The development to achieve compliance with standard B17 of the Bayside Planning Scheme.
 - f) Screening between the secluded private open space of Units 1, 2 & 3 to be in accordance with of Clause 55.04-7 (Standard B23) of the Bayside Planning Scheme.
 - g) A schedule of construction materials, external finishes and colours (incorporating for example paint samples/colour swatches) to the satisfaction of the Responsible Authority.
 - 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) Water Sensitive Urban Design measures in accordance with Condition 7.
 - j) A Landscaping Plan in accordance with Condition 9.
 - k) Drainage Contribution Levy in accordance with Condition 18.

All to the satisfaction of the Responsible Authority.

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

Water Sensitive Urban Design

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

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

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

Landscaping

9. 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 Graeme Wootton (Amendment No.2) dated November 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) The retention of Tree 7 and 33 and the removal of Tree 18.

- b) A full planting schedule and replacement canopy tree species in accordance with Table 3 within the Bayside City Council Landscape Guidelines (2016).
 - c) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - d) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - e) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.
 - 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.
10. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
 12. Before the development starts, 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 (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;
- 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. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
14. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the endorsed 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 AS4373-2007. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.
16. The report will be in accordance with part 2.3.5 of Australian Standard Protection of Trees on Development Sites 4970 and will identify impacts that may be detrimental to the tree. The report will include design responses required to reduce any identified negative impact. The proposal will be modified to include any recommendations made in the report.

Street Tree Protection

17. 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 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.

Development Contribution

18. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy of \$4040 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.

Traffic

19. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed and drained to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times. Any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/kerb and channel, to the satisfaction of the Responsible Authority.

Drainage

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

Permit Expiry

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours' notice is required.
- The applicant must clearly identify what impact, if any, the proposed vehicle crossings will have on Council assets such as pits and trees, power poles etc. Such items must be accurately shown on the plan.
- The applicant is to bear the cost to reinstate/relocate the Council assets if any, to provide the required access to the proposed development.
- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Works on Assets within the Road Reserve Policy 2018".

CARRIED

**4.5 4 MONTCLAIR AVENUE, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2018/160/1 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/18/205709

Councillor Castelli left the Meeting at 8:18 pm. Councillor Castelli returned to the Meeting at 8:20 pm

It is recorded that Mr John Thomson, Mr John Rigopoulos, Mr Nick Rigopoulos, Mr Rory Beckwith, Mr Peter Mizera, Mr Malcom Hunt, Mr Thomas King (via proxy Richard King), Mrs Harriet Barrow, Mr Sam King, Mr Sam Sutton, Mr Paul Whitehead, Mr Martin Rubenstein and Mr Joel Fredman each spoke for three minutes in relation to this item.

It is recorded that Mr Stephen Pollock was not present at the meeting.

Moved: Cr del Porto

Seconded: Cr Castelli

- A. That Council, having caused notice of Planning Application No. 2018/160/1 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 4 Montclair Avenue, Brighton, for the Construction of a three storey building over basement car parking containing five dwellings for the following reasons:
1. The proposal fails to respond to the objectives of Clause 22.06 (Neighbourhood Character, Precinct B5) 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 or enhance the garden settings of the dwellings.
 - c) The proposed building visually dominant the streetscape.
 2. The proposal fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B1 – Neighbourhood Character – the proposal fails to respond to the existing and preferred neighbourhood character for this precinct.
 - b) Standard B5, B26 and B42 – Development Entrance – the proposal fails to provide a clear sense of address and identity.
 - c) Standard B6 – Street Setback – the proposal fails to provide adequate front setback which fails to respect the existing neighbourhood character.
 - d) Standard B9 – Permeability – the proposal fails to provide adequate permeability which fails to respect the existing neighbourhood character.

- e) Standard B17 – Side and Rear Setbacks – The proposed variations sought to the side and rear setbacks of the dwellings, where applicable, fail to respect the existing or preferred neighbourhood character or limit the impact on the amenity of adjoining dwellings.
- f) Standard B22 - Overlooking – the proposal causes unreasonable overlooking into the adjoining properties.
- g) Standard B23 – internal views – the proposal fails to protect the internal overlooking between G1 and G2.
- h) Standard B40 – Noise impacts – the proposal fails to protect the future residents from the nearby noise sources.
- i) Standard B41 – Accessibility – the proposal fails to meet the needs of people with limited mobility.
- j) Standard B44 – Storage – the proposal fails to provide adequate storage facilities for each dwelling.

B. That Council engage suitable senior legal representation at any VCAT hearing.

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

DIVISION: **FOR:** Crns Alex del Porto, Laurence Evans (Mayor), James Long,
Clarke Martin, Sonia Castelli and Rob Grinter (6)
AGAINST: Nil (0)

CARRIED

4.6 VCAT REPORT - DECISIONS MADE IN AUGUST 2018

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/209377

Moved: Cr del Porto

Seconded: Cr Evans (Mayor)

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

CARRIED

5. Confidential Business

There were no items of confidential business.

The Chairperson declared the meeting closed at 9.37.pm.