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5. Confidential Business
Nil

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

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of any Conflict of Interest of any Councillor

It is recorded that Cr Robert Grinter declared an Personal Interest in item 4.7 regarding 43 Crisp Street, Hampton.

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 14 March 2017.

Moved: Cr del Porto (Mayor)

Seconded: Cr Martin

That the minutes of the Planning & Amenity Committee Meeting held on 14 March 2017, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 TREE REMOVAL - 86 DENDY STREET, BRIGHTON

City Planning & Community Services - Amenity Protection
File No: PSF/17/76 – Doc No: DOC/17/57563

It is recorded that there were no speakers in relation to this item.

Moved: Cr Castelli

Seconded: Cr Grinter

That Council not grant a permit for the removal of one Monterey Cypress (*Hesperocyris*) tree 86 Dendy Street, Brighton.

CARRIED

**4.2 SIGNIFICANT TREE REMOVAL REQUEST - 73 MOREY ROAD,
BEAUMARIS**

City Planning & Community Services - Amenity Protection
File No: PSF/17/76 – Doc No: DOC/17/66462

It is recorded that Mrs Bronwyn Casey spoke for three minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr Grinter

That Council:

1. Removes the significant tree status for the Coast Banksia (*Banksia intergrifolia*) tree located at 73 Morey Road, Beaumaris.
2. Does not oppose the removal of the Coast Banksia tree.

CARRIED

**4.3 7 SMEED STREET, BLACK ROCK
NOTICE OF DECISION TO GRANT AN AMENDED PLANNING PERMIT
APPLICATION NO: 2015/387/2 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/66502

It is recorded that Mr Garry Williams spoke for three minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr del Porto (Mayor)

That Council:

Issues a Notice of Decision to Grant an Amended Permit under the provisions of the Bayside Planning Scheme in respect of Planning Permit Application 2015/387/2 for the land known and described as 7 Smeed Street, Black Rock, for the construction of two double storey dwellings, a front fence exceeding 1.2 metres and removal of native vegetation in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A schedule of construction materials, external finishes and colours (incorporating two (2) paint samples)
 - b) Deleted
 - c) All pedestrian doors opening outwardly from the garages.
 - d) Deleted
 - e) Deleted
 - f) Deleted
 - g) Deleted
 - h) Boundary fence on the western boundary to be increased to a minimum height of 1.8 metres.
 - i) The first floor habitable room windows of both dwellings on the west elevation to be screened in accordance with Clause 55.04-6 (Standard B22 Overlooking) of the Bayside Planning Scheme and Clause 55.04-7 (Standard B23 Internal Views) of the Bayside Planning Scheme.
 - j) An updated Landscape plan in accordance with Condition 7.
 - k) An Arborist report prepared by a qualified Arborist in accordance with Condition 9.
 - l) Water Sensitive Urban Design (WSUD) measures in accordance with Condition 10 of this Planning Permit.
 - m) Deleted

- n) The front setback of dwelling 1 increased by 1.0 metre to all components of the front façade at both ground and first floor levels, so as to retain the existing amount of articulation within the front facade. This increased front setback can be provided by reducing the rear setbacks, reducing the size of the dwelling, or a combination of these options.
- o) Deleted
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority
- 3. 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.
- 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. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
- 6. 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 and the conditions of this permit must be carried out and completed to the satisfaction of the responsible authority.
- 7. Before the development starts, Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
 - a) A survey of all existing vegetation to be retained and/or removed (including botanical names).
 - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary whose Tree Protection Zone extend into the subject site.
 - c) Details of surface finishes of pathways and driveways.
 - d) Details of water sensitive urban design elements to be incorporated and the plant species to be used.
 - e) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - f) At least 80% native vegetation by both species and plant count.
 - g) A tree protection plan showing trees to be retained on the subject site and neighbouring properties which have Tree Protection Zones (TPZ's) that extend into the subject site, prepared by a suitable qualified arborist in accordance with AS 4970-2009 *Protection of Trees on Development Sites*.
 - h) The tree protection plan must provide specific details of the construction
 - i) The inclusion of four canopy trees capable of reaching a minimum height of 8 metres at maturity (two within the front setback and two within the rear setback).

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

8. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
9. Before the development starts, including demolition, an Arborist Report (Tree protection methodology/plan) or appendices to the submitted report prepared by Glenn Waters dated 28 June 2015 is to be submitted and approved to the satisfaction of the Responsible Authority. The purpose of this report is to outline how those trees to remain on the subject site, and those trees on neighbouring properties whose Tree Protection Zones extend into the subject site will be adequately protected during construction and remain viable post construction. The Arborist Report is to include, at a minimum, the following:
 - a) A plan that accurately locates all vegetation to be retained/protected with their Tree Protection Zone (TPZ) identified.
 - b) A plan that accurately locates the location of tree protection fencing and/or ground protection.
 - c) A plan that accurately locates the proposed built form and all services. Services are to be located outside a TPZ or to be bored under the TPZ.
 - d) A plan that accurately identifies finished levels for outdoor areas.
 - e) A plan that accurately locates footing systems and surface details of all works inside a TPZ.
 - f) A legend and north point.
 - g) Clear time frames as to when the tree protection zones must be installed and when they can be removed.
 - h) A Tree Protection Plan is required for trees to be retained on the subject site and neighbouring properties which have Tree Protection Zones (TPZ's) that extend into the subject site.
 - i) The Tree Protection Plan must be prepared by a suitably qualified arborist in accordance with AS 4970-2009 *Protection of Trees on Development Sites*.
 - j) The Tree Protection Plan must provide specific details of the construction measures which will be used to minimise the impact of the proposed development on trees to be retained on the subject site and neighbouring properties.
 - k) The Tree Protection Plan must demonstrate that the trees to be retained on the subject site and neighbouring properties (including the *Pyrus communis* located at 20 Love Street Black Rock, along the rear boundary to the west), will remain viable post construction.
 - l) The recommendations of the Tree Protection Plan must be followed throughout the development, including demolition and landscaping phases of the works.
 - m) The Tree Protection Plan must specify the project arborist(s) who are responsible for ensuring the recommendations of the Tree Protection Plan are followed throughout all phases of the works. Names, contact details, qualifications and experience of the project arborist(s) must be provided.
 - n) A landscape plan must be provided which gives the botanical identification of the trees proposed for retention, removal and new canopy tree plantings.

- o) The botanical name of Tree 14 shown on the landscape plan prepared by Knight Building Group and dated 17/8/2015 must be amended to Soft Tree Fern (*Dicksonia antarctica*).
10. Before the commencement of works, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. 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 in accordance with the guidelines outlined in Clause 22.08 of the Bayside Planning Scheme and 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 landscaping 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.

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

11. The applicant must apply for the nominated legal point of discharge for the development where stormwater run-off must be collected and free drained to Council's drainage assets to Council standards.
12. The development is to have a Stormwater Detention System installed, the design capacity to be to the satisfaction of the Responsible Authority.
13. Any subsurface water captured on the site must be treated in accordance with Council's Policy for "Discharge of pumped Subterranean Water Associated with Basement or Below Ground Structures". Any seepage/agricultural drainage water must be filtered to rain water clarity and must be discharged to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
14. All on-site stormwater is to be collected from the hard surface areas and must not be allowed to flow uncontrolled onto adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath. Such a system may include either:
 - i) A trench grate (150mm minimum internal width) located within the property and/or
 - ii) Shaping the driveway so that water is collected in a grated pit on the property and/or
 - iii) Another Council approved equivalent.
15. Before the development begins, two sets of detailed plans indicating the method of stormwater discharge to the nominated Legal Point of Discharge (and Stormwater Detention Systems where applicable) must be lodged and approved by Council's Engineering Services department.

16. The driveway / Parking areas / paved courtyards / paths and 'pervious' pavements must be graded / drained to prevent stormwater discharge onto the front footpath and into adjacent properties.
17. 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.

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

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

Permit Notes

- A permit must be obtained from Council for all vehicular crossings.
- These must be constructed under Council's supervision for which 24 hours' notice is required.
- Building approval must be obtained prior to the commencement of the above approved works.
- Consultation should take place with Council respect of the removal of the vehicular crossing and reinstatement works.
- Reticulated sewerage must be provided to the requirements of the Sewerage Authority.
- The existing street tree/s must not be removed or damaged.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator, Mon- Fri 9:00am to 1:00pm on 9599 4638.

Date Amended	Details
19 October 2016	<p>The Tribunal directs that Permit No. 5/2015/387/1 must contain the conditions set out in the permit issued by the Responsible Authority on 11 April 2016 with the following modifications:</p> <p>(a) Conditions 1(b), (d), (e), (f), (g), (m) and (o) are deleted.</p> <p>(b) Condition 1(n) is amended to read:</p> <p>The front setback of dwelling 1 increased by 1.0 metre to all components of the front façade at both ground and first floor levels, so as to retain the existing amount of articulation within the front facade. This increased front setback can be provided by reducing the rear setbacks, reducing the size of the dwelling, or a combination of these options.</p>
18 April 2017	<p>Amendment pursuant to Section 72 of the <i>Planning and Environment Act 1987</i>, comprising the following changes:</p>

	<p>Amendment to permit preamble:</p> <ul style="list-style-type: none">• To include 'a front fence exceeding 1.2 metres and removal of native vegetation'. The permit is to read as follows (changes highlighted in bold): <p>'Construction of two double storey dwellings a front fence exceeding 1.2 metres and removal of native vegetation in accordance with the endorsed plans and subject to the following conditions.</p> <p>Amendment to the endorsed plans, comprising:</p> <ul style="list-style-type: none">(a) construction of a 1.8 metre high front fence;(b) first floor setback of Dwelling 1 amended to 6.78metres;(c) first floor setback of Dwelling 2, associated with the Master Bed wall, amended to 6.18 metres;(d) increase in the size of the Kitchen window associated with Dwelling 1;(e) a window added to the pantry of Dwelling 2;(f) removal of a window associated with Bedroom 2 of Dwelling 2;(g) reconfiguration of the ground floor sliding doors in the eastern elevation;(h) changes to the fenestration and materials making up the façade of both Dwellings; and(i) Dwelling 1 garage door materials changed from Colorbond Steel 'Surfmist White' to dark stained cladding.
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CARRIED

**4.4 212 - 216 BAY ROAD, SANDRINGHAM
SUPPORT THE GRANT OF A PLANNING PERMIT
APPLICATION NO: 2011/357/2 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/70409

It is recorded that Mr Robbie McKenzie spoke for three minutes in relation to this item.

Moved: Cr Martin

Seconded: Cr del Porto (Mayor)

- A. That Council decides to advise the VCAT that it does Not Support the Officer position reached at the Compulsory Conference in respect of Planning Application No. 2011/357/2 for the land known and described as 212-216 Bay Road, Sandringham for the a mixed use development comprising the construction of more than one dwelling on a lot, three (3) buildings ranging from six to eight storeys in height plus basement car parking in a Special Building Overlay, use of the land for shop, cafe and office, reduction in the standard requirements for car parking, loading and bicycle facilities of the Bayside Planning Scheme and creation of new access to a Road Zone Category 1 and the grounds of refusal as original noted remain. Those grounds being:
1. The proposed development of the land does not comply with the requirements of the Mixed Use Zone to encourage development to respond to the existing and preferred neighbourhood character of the area, requirements of Clause 15.01-2 of the Bayside Planning Scheme and Objectives 1.1 and 1.2 of the Guidelines for Higher Density Residential Development as follows:
 - a) The proposal does not achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm.
 - b) The proposal does not enhance the public realm and will result in detrimental impacts on neighbouring properties due to the scale and mass of the building.
 - c) The proposal does not preserve the existing character and amenity of the area.
 - d) The proposal does not maintain the prevailing streetscape rhythm, building scale and height of the neighbourhood due to the excessive heights.
 2. The proposed development of the land does not comply with the requirements of the Mixed Use Zone to encourage development to respond to the existing and preferred neighbourhood character of the area, requirements of Clause 15.01-2 the Bayside Planning Scheme and objectives 2.1, 2.2, 2.4, to 2.8 of the Guidelines for Higher Density Residential Development as follows:
 - a) The building height, massing of the additional built form particularly to Building A and B do not reinforce the structure and character of the area. The upper floor additions result in an awkward overall building compositions that disrupts the street rhythm.
 - b) The additional built form to Building C results in loss of amenity to the adjoining school and a reliance on vegetation to soft the additional visual bulk.
 - c) The additional upper floors result in the human scale of the development being lost. The upper levels will dominate the private open space areas at ground floor. The articulation to the built form fails to mitigate the building massing.

**4.5 123-127 MARTIN STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/144/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/62826

It is recorded that there were no speakers in relation to this item.

Moved: Cr del Porto (Mayor)

Seconded: Cr Long

That Council, having caused notice of Planning Application No. 2016/144/1 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 Permit in respect of the land known and described as 123-127 Martin Street, Brighton, for the demolition of 123 Martin Street and partial demolition of 125-127 Martin Street in a Heritage Overlay Schedule 749 (HO749) and the construction of a four storey building plus basement car parking comprising two shops and three offices at ground level, 27 dwellings on upper floor levels in a Commercial 1 Zone, a reduction in the required car parking rate and a waiver of the loading and unloading facilities for the following reasons:

1. The proposed development of the land does not comply with the purposes of the Commercial 1 Zone (C1Z) as the density proposed is not complimentary to the role and scale of the Martin Street Major Activity Centre due to the excessive proposed height.
2. The proposed development of the land does not comply with the purposes of the Design and Development Overlay Schedule 18 (DDO18) as:
 - a) The proposed height and reduced upper level setbacks are not compatible with the preferred future role and character of the Martin Street Neighbourhood Activity Centre.
 - b) The visual bulk and dominant form as a result of the excessive height and reduced upper level setbacks proposed does not conserve or enhance the valued heritage character.
3. The proposed development of the land does not comply with the purposes of the Heritage Overlay (HO) as:
 - a) The visual bulk and dominant form as a result of the excessive height and reduced upper level setbacks proposed does not conserve or enhance the valued heritage character and will adversely affect the significance of the heritage place.
4. The proposed reduction in car parking fails to respond to the purpose of Clause 52.06 (Car Parking) of the Bayside Planning Scheme, in particular:
 - a) The proposal fails to provide the number of car parking spaces required in accordance with Clause 52.06 and as a result will impact on the amenity of the locality by negatively impacting surrounding areas.
5. The proposal fails to provide the loading bay facilities for the shops and the collection of residential and commercial waste as required by Clause 52.07 of the Bayside Planning Scheme which will have a resulting impact the amenity of the immediate area.

**4.6 7 DURRANT STREET AND 4-10 MARION STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/496/1 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/52322

It is recorded that Mr Phil Gleeson spoke for three minutes in relation to this item.

Moved: Cr Heffernan

Seconded: Cr del Porto (Mayor)

That Council:

Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning Application No. 2016/496/1 for the land known and described as 7 Durrant Street and 4-10 Marion Street, BRIGHTON, for the construction and extension of Residential Aged Care Facility and provision of a front fence in excess of 1.5 metres in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the 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) An amended schedule of construction materials, external finishes which identifies building colours.
 - b) A new 5.5m wide crossover to be constructed with 1 metre offset from the southern property boundary along with a 1 metre wide new separator in between the new and existing neighbouring crossing. Sightlines at the top of the ramp to meet AS2890.1.
 - c) The width of the ramp at the intersection with the footpath to be 5.5 metres wide with 1 metre offset from the southern property boundary.
 - d) Allocation of the proposed parking spaces for staff and visitors.
 - e) An amended Landscaping Plan in accordance with Condition 3 of this permit.
 - f) A Tree Management and Protection Plan in accordance with Condition 6 of this permit.
 - g) Details of Water Sensitive Urban Design features proposed on the building in accordance with the Environmentally Sustainable Development Report required by Condition 10 of this permit.
 - h) An amended Waste Management Plan in accordance in with Condition 12.
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. Prior to the endorsement of plans pursuant to Condition 1, a revised landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - e) Details of surface finishes of pathways and driveways.
 - f) The planting of one tree capable of reaching 14 metres at maturity in the front set back.
4. 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.
5. 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.
6. 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 Australian Standard, protection of trees on development sites, 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.
7. Prior to the commencement of buildings and works (including demolition) a tree protection fence must be installed around the *Platanus orientalis* (Oriental Plane) street tree abutting the site. Soil excavation must not occur within 2.0 metres from the edge of the *Platanus orientalis* (Oriental Plane) street tree asset's stem at ground level. Other conditions for street tree protection fencing during development are as follows:

- Fencing is to be secured and maintained prior to demolition and until all site works are complete.
- Fencing must be installed to comply with AS 4970–2009, Protection of trees on development sites.
- Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
- Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
- 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.

Root pruning within the TPZ

- 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 must be correctly pruned.

Installation of utility services within the TPZ

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

8. 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.
9. 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.
10. Prior to the endorsement of plans pursuant to Condition 1, a revised Environmentally Sustainable Development Report to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The Report must be generally in accordance with the Report prepared by Energy Lab and submitted with the application, but modified as necessary to comply with the conditions of this permit.
11. 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.
12. Prior to the endorsement of plans pursuant to Condition 1, an amended Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the WMP submitted with the application but modified identify that waste will be collected on the site and to include the following information:
 - a) Bin infrastructure will be provided in accordance with mobile garbage bin best practice signage guidelines and colour coding

- b) Bins and storage area will be labelled and signage explaining service use and placement.
 - c) Commingle recycling (mixed recycling) must include plastics coded 1-7, glass, aluminium, tin cans, milk and juice cartons, paper including magazines and newspaper, cardboard in small amounts and folded down. NO PLASTIC BAGS IN RECYCLE BINS.
 - d) Cardboard recycling in large amounts shall be collected and organised by the Body Corporate or Owners Corporation through a private collection contractor.
 - e) Waste items such as e-Waste, white goods, domestic volumes of household paints, household batteries, florescent tubes and mixed globes can be taken to Baysides Waste Transfer and Recycling Centre at 144 Talinga Road, (fees and charges may apply) and will be organised through the Body Corporate / Owners Corporation.
 - f) A 240lt charity bin maybe considered and organised through the Body Corporate / Owners Corporation for the collection for clothing and small household items.
 - g) Bin Washing - Storm water drains in storage area should be fitted with a litter trap/filter to trap litter which can then be disposed of responsibly; any trap/filter is to be included on a regular cleaning and sanitising schedule and must be emptied regularly.
13. 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.
 - s) Details of mesh to be provided to scaffolding within 9 metres of 2A Marion Street to minimise overlooking during construction. The mesh is to have a minimum 50% transparency.
14. 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.
15. 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.
16. Council records indicate that there is a 1.22m wide drainage easement along the north-west property boundary as indicated on the drawings provided. The plans indicate that a 'link to the adjoining building in 4 Marion Street shall be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the Responsible Authority/Authorities. The link shall be partially demountable over the easement and lightweight. The link is to have no walls, other than demountable glass walls, on either the north-east or south-west side so as to let easy access through it if required in the future. Council requires that the footings of the link encroach no further than 450mm from the title boundary into the easement.
17. Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
18. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.

19. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

Melbourne Water Conditions

20. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
21. The building setbacks shown to site boundaries must not be further reduced without the further review and written approval by Melbourne Water, to ensure adequate open space areas to allow for the passage of overland flood flow.
22. Finished floor levels of the extended rooms must be constructed no lower than 11.9 metres to Australian Height Datum (AHD).
23. The apex to the basement carpark must be constructed no lower than 11.9 metres to AHD.
24. Imported fill must be kept to a minimum on the property and must only be used for the sub floor areas of the extended building.
25. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.

Permit Expiry

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

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

Permit Notes

- 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.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures."
- Consent will be required from Council to build over the existing drainage easement. The applicant may be required to enter into a Section 173 agreement to ensure that Council retains access to the asset and that any costs of removing the part of the development built over the easement are borne by the applicant.
- The existing street tree/s must not be removed or damaged.

Melbourne Water Notes

- The applicable flood level is 11.6 metres to Australian Height Datum (AHD).
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 269576.

CARRIED

**4.7 43 CRISP STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/461/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/56881

It is recorded that Cr Grinter declared a personal interest in this item given a personal friendship with the applicant in relation to this item. It is further recorded that Cr Grinter vacated the meeting at 8:19pm prior to any discussion on this item.

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

Moved: Cr Castelli

Seconded: Cr del Porto (Mayor)

That Council:

Issues a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning Application 2016/461/1 for the land known and described as 43 Crisp Street, Hampton, for the construction of a three storey building containing twenty apartments, basement car parking and front fence exceeding a height of 1.5 metres in a General Residential Zone Schedule Two and a Design and Development Overlay Schedule Twelve 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 Council date stamped 29 September 2016 but modified to show:
 - a) The Gillies Street setback to the balconies of Apartments 1.05, 1.06 and 1.07 to be increased to a minimum to 2m. The internal depth of the balconies must be no less than 1.6m in accordance with the requirements of Standard B28. The living areas to each apartment will be reduced in size to accommodate this change.
 - b) All windows and balconies to comply with Standard B23 Internal Views and Standard B28, private open space of the Bayside Planning Scheme, and any other consequential changes to the development.
 - c) The Studies associated with Apartments 2.01 and 2.02 recessed a minimum of 3m behind the prevailing building line and have a minimum width of 3.2m and consequential internal changes.
 - d) The height of the second floor level to be reduced by a minimum of 250mm and any consequential changes.
 - e) Site Coverage not to exceed 60%.
 - f) Details of parking allocations to apartment numbers and visitors be denoted on basement plan.
 - g) The secure bicycle lockers must comply with AS2890.3:2015.
 - h) Storage cages K, L, M, N, O and P reduced to a minimum size of 6 cubic metres (from 8.1 cubic metres) to achieve a separation of 1.3 metres (in

- lieu of 1.0 metre) between the car spaces and the storage cages. The cages must have sliding doors.
- i) A minimum 2m x 2m corner splay must be provided at the southeast corner of the property. The splay must be infilled with concrete to match the footpath.
 - j) A 'stop-go' signal system to the basement ramp with priority given to traffic entering from Crisp Street.
 - k) 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.
 - l) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
 - m) Water Sensitive Urban Design measures in accordance with Condition 6 of this permit.
 - n) A Landscaping plan in accordance with Condition 8 of this permit.
 - o) A Tree Management Plan and Tree Protection Plan in accordance with Condition 11 of this permit.
 - p) A Waste Management Plan in accordance with Condition 22 of this permit.
2. 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.
 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. Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 6. 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.

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. 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 Planting Schedule and Ground Floor Plan drawn by Jack Merio Design and Landscape, dated 25/05/2016 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) The planting of one indigenous tree capable of reaching 14 m at maturity in the front set-back (Crisp Street frontage).
 - f) The planting of one indigenous tree capable of reaching 12 m at maturity in the front set-back (Crisp Street frontage).
 - g) The planting of one tree (native or exotic) capable of reaching 12 m at maturity front set-back (corner Crisp Street and Gillies Street)
 - h) The planting of three indigenous trees capable of reaching 10 m at maturity in the Gillies Street set-back.
 - i) 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. Prior to the endorsement of plans 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 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.
12. 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.
 13. 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.
 14. Soil excavation must not occur within the structural root zones (SRZ according to AS 4970–2009, Protection of trees on development sites) of each street tree asset fronting the subject site in Crisp Street and Gillies Streets (Approximately 3.0 metres of the street trees' stems and 4.0 metres from the stem of the large *Agonis flexuosa* (Willow Myrtle) in Gillies Street).
 15. A tree protection fence is required to protect the tree's canopy and root zone. Conditions for street tree protection fencing during development are as follows:
 - a) Fencing must be secured prior to demolition and maintained until all site works are complete.
 - b) Fencing must be installed to comply with AS 4970–2009, 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 must 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. Root pruning within the TPZ
 - a) 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.
 - b) All roots that will be affected must be correctly pruned.
 17. Installation of utility services within the TPZ
 - a) Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.
 18. Before the occupation of the development starts, new or altered vehicle crossings 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.

19. The mechanical stackers must be kept in good working order to the satisfaction of the Responsible Authority to ensure access to all car spaces is available at all times and to prevent adverse noise emissions.
20. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
21. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
22. Prior to the endorsement of plans pursuant to Condition 1, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
 - a) Dimensions of storage waste areas.
 - b) Storm water drains in storage areas should be fitted with a litter trap.
 - c) The number and size of bins to be provided.
 - d) Facilities for bin cleaning.
 - e) Method of waste and recyclables collection.
 - f) Types of waste for collection, including colour coding and labelling of bins.
 - g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
 - 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.

23. Before the commencement of works, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and shall thereafter be complied with. The CMP must specify and deal with, but not be limited to the following as applicable:
 - a) A detailed schedule of works including a full project timing.

- b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
 - c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
 - d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
 - e) Proposed traffic management signage indicating any inconvenience generated by construction.
 - f) Fully detailed plan indicating where construction hoardings would be located.
 - g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
 - h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
 - i) Site security.
 - j) Public safety measures.
 - k) Construction times, noise and vibration controls.
 - l) Restoration of any Council assets removed and/or damaged during construction.
 - m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
 - n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).
 - o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
 - p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
 - q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
 - r) Details of crane activities, if any.
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:

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- Council must be notified of the vehicular crossing and reinstatement works.
- 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.
- Council records indicate that there is no easement within the property.
- 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 existing street trees must not be removed or damaged.

CARRIED

It is recorded that Cr Grinter was not present in the Chamber during the discussion on this item and was not present whilst the vote was taken on this item. Councillor Grinter returned to the Meeting at 8:39 PM

**4.8 12 NORTH ROAD, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/429/1 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/51081

It is recorded that Mr Bruce Hamilton and Ms Sophie Loddo spoke for three minutes each in relation to this item.

Moved: Cr del Porto (Mayor)

Seconded: Cr Heffernan

That Council:

Issues a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning Application 2016/429/1 for the land known and described as 12 North Road, Brighton for the construction of two double storey dwellings with basement parking 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 submitted plans date-stamped 28 December 2016, but modified to show:
 - a) A longitudinal section of the ramp to the basement to show all AHD levels, grades and length of grades and headroom of 2.2 metres.
 - b) Water sensitive urban design measures in accordance with Condition 6 of this permit.
 - c) A Landscaping Plan in accordance with Condition 9 of this permit.
 - d) A Tree Management and Protection Plan in accordance with Condition 12 of this permit.
 - e) Changes as required by Melbourne Water conditions 18-30 of this permit.All to the satisfaction of the Responsible Authority.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes, 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. 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.

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 occupation of the development starts, new or altered vehicle crossings servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing openings must be removed and replaced with footpath/nature strip/kerb and channel, to the satisfaction of the Responsible Authority.
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 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 with particular emphasis to suitable boundary screen planting.
 - e) 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. 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.
 - c) Details of a Tree Protection Fence for the two street trees *Ulmus xhollandica* fronting the property to include the following:
 - Fencing is to be secured prior to demolition and maintained until all site works are complete.
 - Fencing must be installed to comply with AS 4970–2009, Protection of trees on development sites.
 - Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
 - Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - 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.
 - d) Root pruning within the TPZ
 - 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 must be correctly pruned.
 - e) Installation of utility services within the TPZ
 - Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.
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 to the Responsible Authority.
 14. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
 15. Soil excavation must not occur within three (3) metres from the edge of the eastern *Ulmus xhollandica* street tree asset's stem at ground level.

16. 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.
17. 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.

Melbourne Water Conditions

18. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
19. No buildings or works may be undertaken within 3 metres between the eastern and western title boundaries, to allow flows to pass around the building within the title boundaries. This setback should be set at natural surface level and be free from obstruction such as raised garden beds.
20. The dwellings must be constructed with finished floor levels set no lower than 3.6 metres to Australian Height Datum, which is 300mm above the applicable flood level of 3.3m AHD.
21. A bund wall must be constructed along the driveway to a minimum height of 3.45 metres to the Australian Height Datum, which is 300mm above the applicable flood level of 3.15m AHD, to prevent flood water from entering the basement level.
22. The entry / exit driveways of the basement car park must be set no lower than 3.6m AHD, which is 300mm above the applicable flood level of 3.15m AHD.
23. All other doors, windows, vents and openings to the basement car park must be set no lower than 3.6m AHD, which is 300mm above the applicable flood level of 3.3m AHD.
24. Flood resistant materials must be used for the construction of floor levels and walls below the applicable flood level for the proposed basement.
25. Any drainage system to the basement must be designed such that stormwater is unable to penetrate to the basement.
26. Any new lift must be programmed at all times to stop at the level of the ground floor as a precautionary measure to ensure the safety of users, and should include cut out mechanisms, alarms, and inspection and maintenance regimes to ensure compliance during emergency events.
27. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
28. Any new fencing below the applicable flood level must be of an open style (50%) or timber paling construction type, to allow for the passage of flood water/overland flow.
29. All open space within the property, outside of the building envelope, below the applicable flood level must be set at the existing natural surface level so as not to obstruct the passage of overland flows, and no retaining walls are to be used within the setback areas along the title boundaries.

30. Imported fill must be kept to a minimum on the property below the applicable flood level and must only be used for the sub floor areas of the dwellings and driveway ramps.
31. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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.
- 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 1.22m wide drainage easement along the western property boundary and a 1.83m wide drainage easement along the southern property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the Responsible Authority/Authorities.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

Melbourne Water Note

- The estimated flood level for the property grades from 3.3 metres to Australian Height Datum (AHD) at the southern title boundary down to 3.0 metres to AHD at the northern title boundary. These flood levels are based on a 100 year Average Recurrence Interval (ARI) storm. This is a storm that has a probability of occurrence of 1% in any one year.
- If further information is required in relation to Melbourne Water's conditions, please contact the land Development Team on 9679 7517 quoting Melbourne Water's reference 273535.
- For the purpose of the Building Code of Australia – Building in Flood Hazard Areas, Melbourne Water has determine that during a flood event that has a probability of occurrence of 1% in any one years, the maximum flow rate of flood water (velocity) will be below 1.5 metres per second.

CARRIED

**4.9 71 TIBROCKNEY STREET, HIGHETT
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/614/1 WARD: CENTRAL**

City Planning & Community Services -
File No: PSF/15/8755 – Doc No: DOC/17/51532

It is recorded that there were no speakers in relation to this item.

Moved: Cr Castelli

Seconded: Cr Long

That Council:

Issues a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning Application 2016/500/1 for the land known and described as 71 Tibrockney Street, Highett, for the construction of two double storey 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 date stamped 19 September 2016 and 2 November 2016 but modified to show:
 - a) Western and southern boundary fence raised in height to provide an effectively visual screen to a minimum of 1.8 metres in height from natural ground level.
 - b) All first floor side facing windows that are annotated as obscure glazed, also be fixed to 1.7 metres above finished floor level.
 - c) Details of the solar hot water units on roof, including type and projection from roof.
 - d) All site services to be located on plans, including bins, air conditioning, hot water systems, clothes lines and mail boxes. Plant and equipment should be located sensitively in relation to habitable room windows on the subject site and neighbouring properties.
 - e) A secure storage area with 6 cubic metre capacity in the rear private open space of each dwelling.
 - f) Driveway to dwelling one to be 3 metres in width where it meets the footpath and offset from the northern property boundary by 1 metre.
 - g) Crossover to dwelling two to be 3 metres in width where it meets the footpath and offset from the southern property boundary by 1.8 metres.
 - h) Crossover to dwelling two to be setback a minimum of 2.5 metres from the Lophostemon confertus (Brush Box) street tree stem at ground level.
 - i) Garage to dwelling two to have an entrance with a minimum width of 3 metres.
 - j) What impact, if any the proposed vehicle crossing will have Council assets such as pits and trees, power poles etc. Such items must be accurately shown on the plan.

- k) An amended landscape plan in accordance with Condition 10 of this permit.
 - l) The first floor side setbacks to comply with Standard B17 of Clause 55 of the Bayside Planning Scheme.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 6. Before occupation, screening of windows including fixed privacy screens, be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 7. 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 occupation of the development starts, the areas 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.
 9. Before the occupation of the development starts, new or altered vehicle crossing 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.
 10. Prior to the endorsement of plans pursuant to condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Zenith Concepts and dated September 2016 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Both Crepe Myrtles (*Lagerstroemia indica*) omitted for one canopy tree in the front setback of each dwelling capable of reaching a height and spread of 10 and 6 metres respectively at maturity.
 - b) A canopy tree in the rear yard of each dwelling capable of reaching a height and spread of 8 and 4 metres respectively at maturity
 11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
13. Before the development starts tree protection fencing is to be established around the *Lophostemon confertus* (Brush Box) street tree 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.
14. 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.
15. 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.
16. Council records indicate that there are two 1.83m wide drainage and sewerage easements. One is along the western property boundary and the other is along the southern property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the Responsible Authority/Authorities.
17. Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
18. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit notes

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.

CARRIED

**4.10 39 & 39A VINCENT STREET, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/731/1 WARD: CENTRAL**

City Planning & Community Services -
File No: PSF/15/8755 – Doc No: DOC/17/30187

Councillor del Porto (Mayor) left the Meeting at 9:04 PM

Councillor del Porto (Mayor) returned to the Meeting at 9:07 PM

It is recorded that Ms Emma Hansen (via proxy Mr Philip Ward), Ms Susanne Motherwell, Mr Garth McLardie, Mr Russell Harrison, Ms Susan Chiodo, Mr Dennis Pozzobon, Gleesons (via proxy Mr Philip Ward), Mr Tony Fenton, and Mr Adam Grundmann spoke for three minutes each in relation to this item.

Moved: Cr Castelli

Seconded: Cr Grinter

That Council:

Issues a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2016/731/1 for the land known and described as 39 and 39A Vincent Street, Sandringham, for the construction of four double storey dwellings across two lots in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the amended plans with date stamped 28 December 2016 but modified to show:
 - a) Dwelling three setback 2 metres from the western boundary of the site.
 - b) Street setback of Dwelling two to be increased to a minimum of 6.5 metres, with all other setbacks of Dwelling two to remain the same.
 - c) Adequate sight lines must be provided where the driveways intersects with footpaths in accordance with AS2890.1. Accordingly, all structures including foliage and fences within these sightlines to be a maximum height of 1 metre.
 - d) The clotheslines to Dwelling one and two located in the rear private open space of the two properties.
 - e) Locations of waste storage areas for bins.
 - f) Crossover to Dwelling two to be setback from the Quercus palustris (Pin Oak) fronting No.41 Vincent Street by a minimum of 2.7 metres.
 - g) The first floor side setbacks to comply with Standard B17 of Clause 55 of the Bayside Planning Scheme.
 - h) The site coverage to be reduced to a maximum of 50% compliant with Standard B8 of Clause 55 of the Bayside Planning Scheme as measured by the relevant Practice Note.

2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before occupation, screening of windows and roof decks 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 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 occupation of the development starts, the areas 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.
9. Before the occupation of the development starts, new or altered vehicle crossing 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.
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 tree protection fencing is to be established around the Quercus palustris (Pin Oak) fronting No.41 Vincent Street, the Quercus palustris (Pin Oak) fronting No.39 Vincent Street and the Callistemon sp. (Callistemon) adjacent to the Hobson Street boundary of No.39A Vincent 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.

**4.11 30 ROBINSON STREET, BRIGHTON EAST
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/244/1 WARD: NORTHERN**

City Planning & Community Services -
File No: PSF/15/8755 – Doc No: DOC/17/46817

It is recorded that Mr Richard Bowman, and Mr Kyle O'Brien spoke for three minutes each in relation to this item.

Moved: Cr del Porto (Mayor)

Seconded: Cr Heffernan

That Council:

Issues a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning Application 2016/244/1 for the land known and described as 30 Robinson Street, Brighton East, for the Construction of two double storey 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 date stamped 19 August 2016 but modified to show:
 - a) Western and northern boundary fence to the rear of garage one raised in height to provide an effectively visual screen to a minimum of 1.8 metres in height from natural ground level.
 - b) Air conditioning and hot water systems to be located on plans and located sensitively in relation to habitable room windows on the subject site and neighbouring properties.
 - c) A secure storage area with 6 cubic metre capacity in the rear private open space of dwelling 2.
 - d) Driveway to dwelling one to be 3 metres in width where it meets the footpath and offset from the western property boundary by 0.8 metres.
 - e) Crossover to dwelling two to be 3 metres in width where it meets the footpath and offset from the eastern property boundary by 0.2 metres.
 - f) Driveway to dwelling two to be a minimum of 3.6 metres in width.
 - g) Annotation that no soil excavation is to occur within 2.6 metres of the stem of the *Lophostemon confertus* (Brush Box) street tree fronting to site.
 - h) An amended landscape plan in accordance with Condition 10 of this permit.
 - i) A tree management and protection plan in accordance with Condition 13 of this permit.
 - j) Details of all existing retained and proposed new fencing to be shown on all relevant plans.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before occupation, screening of windows including fixed privacy screens, be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. 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 occupation of the development starts, the areas 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.
9. Before the occupation of the development starts, new or altered vehicle crossing 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.
10. Prior to the endorsement of plans pursuant to condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Zenith Concepts and dated July 2016 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) One canopy tree in the front setback of one dwelling capable of reaching a height of 14 metres at maturity.
 - b) Two canopy trees in the rear yard of the dwelling, without the canopy tree pursuant to condition 10(a), capable of reaching 8 and 10 in height at maturity respectively. A reduction in the paved area in the rear private open space of this dwelling to accommodate the establishment of these trees.
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.
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. Before the development starts tree protection fencing is to be established around the *Lophostemon confertus* (Brush Box) street tree 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.
 17. 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.
 18. 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.
 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.

- Council records indicate that there are a 1.83m wide drainage and sewerage easements along the northern property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the Responsible Authority/Authorities.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.

CARRIED

5. Confidential Business

Nil

Following consideration of Confidential Business the Chairperson declared the meeting closed at 10:30PM.

CONFIRMED THIS INSERT 18 DAY OF APRIL 2017

CHAIRPERSON: