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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

An apology was received from Cr Heffernan.

Moved Cr del Porto

Seconded Cr Long

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

CARRIED

2. Disclosure of any Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

3. Adoption and Confirmation of the minutes of previous meeting

3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 18 April 2017.

Moved: Cr del Porto (Mayor)

Seconded: Cr Long

That the minutes of the Planning & Amenity Committee Meeting held on 18 April 2017, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 VCAT REPORT

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/53208

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

Moved: Cr del Porto (Mayor)

Seconded: Cr Grinter

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

CARRIED

**4.2 10 LILEURA AVENUE, BEAUMARIS
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2014/913/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/57068

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

Moved: Cr Martin

Seconded: Cr del Porto (Mayor)

That Council:

Approve the Amended Plans in accordance with the Secondary Consent Provisions of Planning Permit No. 2014/913/1 issued for the construction of two double storey dwellings and removal of native vegetation in a Vegetation Protection Overlay and the following table be added at the end of the permit.

Date	Amendments
18 April 2017	<p><u>Secondary Consent Amended Plans</u></p> <ul style="list-style-type: none"> • Internal layout changes to dwelling 1 and 2 ground and first floor. • Window modifications and placement changes to dwelling 1 and 2 ground floor involving the deletion of kitchen highlight window; addition of external door to relocated laundry; placement of master bedroom and ensuite windows reversed and the modification of windows to living areas adjacent to eastern and western boundary to bi-fold doors. • Additional decking adjacent to living areas to eastern and western boundary. • Internal front fence modified from a maximum 1.8m high varied open timber post design to 1m masonry wall. • Pergola structure updated to reflect structural changes and louvre system correctly annotated. <p>This amends and supersedes sheets 1 – 4 (inclusive) of the previously endorsed plans dated 30 December 2016. Sheets 5 – 6 (inclusive) remain in accordance with the endorsed plans dated 30 December 2016.</p>

CARRIED

**4.4 23 NORTH CONCOURSE, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/498/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/63620

It is recorded that Mrs Tiffany Bartlett 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 a Permit under the provisions of the Bayside Planning Scheme in respect of Planning Application 2016/498/1 for the land known and described as 23 North Concourse, Beaumaris, for the construction of a two storey addition to the existing building in a Special Building Overlay (SBO) to allow for the use of land as a restricted recreation facility (personal training studio), building and works including the construction of a fence, removal of existing vegetation, the display of business identification signs in excess of 8m² and a reduction in the number of car parking spaces 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 2 November 2016 but modified to show:
 - a) The addition of a 2m wide planter box at the rear of the top level with a maximum height of 1m to limit overlooking to adjoining properties in accordance with Standard B22 of Clause 55 of the Bayside Planning Scheme.
 - b) Screening of all north facing windows and the balcony in accordance with Standard B22 of Clause 55 of the Bayside Planning Scheme.
 - c) The provision of four bicycle spaces and associated facilities in accordance with Clause 52.34 of the Bayside Planning Scheme.
 - d) Details of the business identification signage to the ground floor shop façade.
 - e) At least 80 per cent of the building facade at ground floor level is maintained as an entry or window with clear glazing in accordance with Clause 34.01-4 of the Bayside Planning Scheme.
 - f) An amended Landscape Plan in accordance with Condition 4 of this permit.
 - g) Linemarking of the car spaces including provision of signage to indicate the relevant user group in accordance with the Bayside Planning Scheme and AS 2890.1.
 - h) Allocation of two tandem car spaces to the shop.
 - i) Allocation of two tandem car spaces to the restricted recreation facility.

All to the satisfaction of the Responsible Authority.

2. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. The layout of the uses and development on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
4. Before the development starts, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by John Patrick, reference TPO1-A, dated August 2016 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Replacement of the Olive tree (*Olea europaea*) with a tree species native to Australia and preferably indigenous to Bayside.
 - b) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - c) Plantings must be 80% indigenous by species type and count.
 - d) Specification of root-system anchorage methods to be used within the raised planter box. The applicant must demonstrate to the satisfaction of the responsible authority that the tree in the raised planter will have a stable and structurally sound root system.
 - e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - f) Details of surface finishes of pathways and driveways.
5. 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.
6. 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.
7. 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.
8. 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.
9. Before the occupation of the any of the development or use hereby approved, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
10. Provide a seal surface for the car parking areas and driveway (i.e. preferably concreted) to the satisfaction of the Responsible Authority.
11. All pipes (except downpipes), fixtures, fittings and vents servicing any building on the site must be and remain concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

12. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) Transport of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
13. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose on the top level.
14. Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels (from the plant and equipment area and loading bay or specify other as relevant) must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.
15. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
16. The location of gym equipment as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
17. A maximum of 4 staff members and 5 patrons associated with the restricted recreation facility may be present on the premises at any one time without the prior written consent of the Responsible Authority.
18. Unless otherwise agreed by the Responsible Authority, the restricted recreation facility must only operate, including deliveries, loading and unloading, between the following hours;
 - a) Monday to Friday – 5:30am to 9.00pm.
 - b) Saturday – 5:30am to 12.00pm.
 - c) Sundays – Closed

Melbourne Water Conditions (19 - 23)

19. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or waterways.
20. Finished floor levels of the extended ground floor area must be constructed no lower than the floor level of the existing building.
21. 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.
22. The open space areas within the property including car spaces must be maintained at natural surface levels and no fill or retaining walls should be used in the development of this land.
23. Any new internal or external fencing must be open style (50%) of construction or timber paling to allow for the conveyance of overland flow.

Permit Expiry

24. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.
 - c) The use is not started within five years of the date of this permit.
 - d) The use is discontinued for a period of two years or more.

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 buildings works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset Protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.
- The applicable flood level is 13.6 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 276924.

CARRIED

**4.5 2 TEDDINGTON ROAD, HAMPTON
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2014/781/1 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/65737

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

Moved: Cr Castelli

Seconded: Cr Grinter

That Council:

Approve the Amended Plans in accordance with the Secondary Consent provisions of Planning Permit No. 2014/781/1 for the land known and described as 2 Teddington Road, Hampton issued for the construction of two dwellings on a lot in a Neighbourhood Residential Zone (Schedule 3) and the following table be added at the end of the permit:

Date	Amendments
18 April 2017	<u>Secondary Consent Amended Plans</u> <ul style="list-style-type: none">Inclusion of a note on the endorsed plans to indicate that the roof of the Townhouse 2 carport, which is to be constructed over the easement adjacent to the site's western (side) boundary, will be of a retractable design.

CARRIED

**4.6 25 PARK AVENUE, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/169/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/69306

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

Moved: Cr Martin

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 2016/0169/1 for the land known and described as 25 Park Avenue, Sandringham, for the construction of two double storey dwellings in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the advertised plans submitted with the application but modified to show:
 - a) The first floor north and south (side) setback of dwelling 1 and 2 to be compliant with Standard B17 (Side and rear setbacks) of Clause 55 of the Bayside Planning Scheme.
 - b) Amended landscape plan in accordance with Condition 9 of this permit.
 - c) Adequate sightlines must be provided where the proposed driveway intersects with the front footpath as per the diagram shown in AS2890.0.
2. The development as shown on the endorsed plans must not be altered without the 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 and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
4. All pipes (except downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the written consent of the Responsible Authority.
6. Detailed plans to the satisfaction of the Responsible Authority drawn to scale with dimensions to show:
 - i. The type of water sensitive urban design stormwater treatment measures to be used.
 - ii. The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.

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

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

7. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
8. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire naturestrip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
9. 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 Rev B July 2016 25 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 protected vegetation to be removed from the site.
 - c) A survey, including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - d) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - f) Details of surface finishes of pathways and driveways.
 - g) Three trees capable of reaching 8 m at maturity in the rear setback; two in the south yard and one in the north yard.
10. 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 (report) must be specific to the site, be in accordance with Australian Standard: Protection of Trees on Development Sites AS4970-2009 and include:

- Details of Tree Protection Zones for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site;
- Comment on methods to be utilised and instruction on how to deploy them;
- Comment on when the protection measures are to be deployed;
- Comment on when the protection measures can be modified;
- Process that will be followed if any damage occurs to a tree;
- Process that will be followed if construction works require alteration to protection measures outlined in report; and
- Stages of development at which inspections will occur.

Any proposed alteration to the plan must be assessed by the site arborist and can only occur following the approval of the site arborist.

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

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

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

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

11. 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.
12. 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.
13. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
15. 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.
16. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.

17. Council records indicate that there is a 1.83m wide drainage and sewerage easement along the western property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the Responsible Authority/Authorities.
18. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
19. Any subsurface water captured on 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 pumped to the nearest Council Drain/Pit and not be discharged to the kerb and channel unless directed otherwise.
20. 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.
21. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit Notes:

- 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 buildings 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.

CARRIED

**4.7 4 LILIAN COURT, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2015/692/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/16/162343

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

Moved: Cr Martin

Seconded: Cr Grinter

That Council:

Issues a Notice of Decision to Grant a Planning Permit under the provisions of the Bayside Planning Scheme in respect to Planning Application 2015/692/1 for the land known and described as 4 Lilian Court, Beaumaris, for the construction of two double storey dwellings in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Spectrum Architectural Design Group and Council date stamped 3 October 2016 submitted with the application but modified to show:
 - a) Demonstrate that the car parked in the single garage abutting the western wall to the living area can reverse without the interruption to the proposed landscaping.
 - b) All pedestrian doors are to be provided outwards from the garages.
 - c) The single garage abutting the western wall of the living area to be further setback 1.25 metres from Lillian Court.
 - d) All internal dimensions proposed for the garages must comply with Clause 52.06 of the Bayside Planning Scheme.
 - e) A 3.6m wide new crossover to be constructed with 1m offset from the western and southern property boundary. Accordingly the driveway where it intersects with the footpath to be adjusted to meet this provision.
 - f) The existing crossover to the east boundary to Dwelling 1 to be removed.
 - g) For a dividing fence at least 1.8 metres in height between the courtyard to Dwelling 2 and the private open space to Dwelling 1 in accordance with Standard B23.
 - h) External Storage facilities for each dwelling in accordance with Standard B30.
 - i) An amended Landscape plan in accordance with Condition 3 of this permit.
 - j) A Tree Protection report and a Tree Management Plan is required in accordance with Conditions 7 of this permit.
 - k) Water sensitive urban design measures is required in accordance with Condition 10 of this permit.

- l) Any other reductions in the development area required to comply with the above conditions.
- m) The location of all site services in accordance with Standard B34 of Clause 55 of the Bayside Planning Scheme.

All to the satisfaction of the Responsible Authority.

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must show:
 - a) The planting of a Black She-oak (*Allocasuarina littoralis*) directly under the canopy of the neighbouring Robina (Tree A) be relocated in an area not under existing canopy trees.
 - b) Show an encroachment of greater than 10% into the tree protection zones (TPZ) of two Native Frangipanis (*Hymenosporum flavum*) growing in 2 Lilian Court as well as additional information to demonstrate that these trees will remain viable.
 - c) The width of the footpath to the entrances of Dwelling 1 and Dwelling 2 must be 1 metres wide to allow more landscaping to the front garden of the dwellings.
 - d) The proposed coloured concrete along the footpath to the entrance of Dwelling 1 and Dwelling 2 be replace with paving.
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 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.
6. 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.
7. 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.

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, 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.
10. 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.

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. Before the development starts tree protection fencing is to be established around the street trees marked for retention prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009. During construction of the crossover, tree protection fencing may be reduced to the edge of the Council approved crossover to facilitate the construction of the crossover.
13. Before development commences the applicant must pay \$9,584.30 to the Responsible Authority for the removal and replacement of the existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree. This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the responsible Authority
14. Before the occupation of the development starts, the area(s) set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.

15. Before the occupation of the development starts, new or altered vehicle crossing(s) servicing the development must be constructed to the satisfaction of the Responsible Authority and any existing disused or redundant crossing or crossing opening must be removed and replaced with footpath/nature strip/ kerb and channel, to the satisfaction of the Responsible Authority.
16. 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.
- The applicant must clearly identify what impact, if any the proposed vehicle crossings will have Council assets such as pits and trees, power poles etc. Such items must be accurately shown on the plan. A street tree may require to be removed at applicants cost.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.
- This permit does not constitute any authority to carry out any buildings 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.

CARRIED

**4.8 19-25 DONALD STREET, HIGHETT
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2015/675/1 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/17/53543

It is recorded that there were no speakers 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 2015/675/1 for the land known and described as 19-25, Donald Street, Highett, for the use of the land for a childcare centre, buildings and works, and display of business identification sign in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and 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 17 November 2015 but modified to show:
 - a) Removal of car parking 1-5 spaces and replaced with landscaping.
 - b) Details of the proposed business identification sign, the proposed signage content is limited to what is required for identification purposes to the satisfaction of Responsible Authority, e.g. business name, logo, address and telephone number.
 - c) Reduction of the proposed children number to a maximum of 65.
 - d) Fence details in accordance with the Acoustic Control Report prepared by Acoustic Control Pty Ltd, Report No DL154-1.
 - e) A landscaping design in accordance with Condition 5 of this permit.
 - f) An arborist report in accordance with Condition 7 of this permit.
 - g) Waste management plan in accordance with Condition 12 of this permit.
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. Prior to the endorsement of plan 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 proposed plan TP02 prepared by Perkins Architects, Council dated 17 November 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. When in VPO include: Plantings must be 80% indigenous by species type and count.
 - 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) Provision of two trees capable of reaching minimum dimensions at maturity of 8 metres in height and a minimum canopy width of 6 metres, and one tree capable of reaching minimum dimensions at maturity of 10 metres in height and a minimum canopy width of 8 metres.
6. 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.
7. Prior to the endorsement of plan pursuant to Condition 1, an Arborist Report is required to be submitted to the satisfactory of Responsible Authority. The arborist report must include, a Tree Management Plan (report) and Tree Protection Plan (drawing) for the trees to be retained on site and for trees on neighbouring properties whose tree protection zone extends into the subject site.

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 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.
8. The use may only operate between the hours of 7.00am to 6.30pm Monday to Friday.

9. No more than 65 children and 11 staff may be present on the premise at any one time.
10. The amenity of the area must not be detrimentally affected by the use or development, by the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin;
 - e) by any other circumstances
11. All operations of the site (internally and externally) must comply with SEPPN-1 and/or SEPPN-2 policies and/or EPA Technical Guidelines. The Responsible Authority may direct the owner and/or occupier, at the sole cost of the owner and/or occupier, to undertake and submit a report to Council demonstrating compliance in relation to the N-1 and/or N-2 policies and/or EPA Technical Guidelines.
12. Prior to the endorsement of plan 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.
 - n) An intention to collect the bins within the property via a 6.4m rear mini loader.

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.

13. Before the occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather-seal coat;
 - d) Drained;
 - e) Line marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the Responsible Authority.
14. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
15. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.
16. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority and any existing crossing or crossing opening must be removed and replaced with footpath, nature strip, and kerb and channel to the satisfaction of the Responsible Authority.
17. The recommendations contained in the approved acoustic reports must be implemented and completed and where they are recommendations of an ongoing nature, must be implemented and maintained to the satisfaction of the Responsible Authority.
18. Prior to the commencement of any works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The Construction Management Plan must address, but is not limited to:
 - a) Hours of construction, control of noise and airborne matter, deliveries, vehicle access, worker car parking, damage to public assets, and contact numbers for complaints.
 - b) All traffic management plans for the site demolition, excavation, deliveries and other construction related activities that will affect vehicle and pedestrian traffic;
 - c) The location of all areas on-and/or off-site to be used for construction staff parking;
 - d) A parking management plan for all associated construction vehicles;
 - e) All site sheds, portable toilet, storage and materials, etc. must be confined to the site;
 - f) The covering and maintenance of all roads/storage areas/external stockpiles/or vacant areas to avoid dust nuisance to any residential and commercial premises;
 - g) A truck wheel-wash must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways;
 - h) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;

- i) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- j) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site; and
- k) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system.

All works must accord with the approved Construction Management Plan to the satisfaction of the Responsible Authority.

- 19. The location and details of the sign/s, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
- 20. The sign/s must be constructed and maintained to the satisfaction of the Responsible Authority.
- 21. The sign/s must not be illuminated by external or internal light except with This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.
 - c) The permit for the sign expires 15 years from the date of issue.

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.

the written consent of the Responsible Authority.

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.

CARRIED

**4.9 270 HIGHETT ROAD, HIGHETT
NOTICE OF DECISION TO GRANT A PLANNING PERMIT.
APPLICATION NO: 2016/193/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/16/269029

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

Moved: Cr Grinter

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 2016/193/1 for the land known and described as 270 Highett Road, Highett, for the Sale and consumption of liquor (General Licence) in association with an existing café (food and drink premises), a reduction of car parking and to increase indoor seating from 6 to 24 in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
2. The use may operate only between the following hours, unless with the prior written consent of the Responsible Authority.
 - 7 am and 11 pm Monday to Saturday.
 - 10 am and 11 pm Sunday.
 - 12 noon and 11 pm Good Friday and ANZAC Day.
3. No more than 24 seats may be made available at any one time to patrons on the premises, without the prior written consent of the Responsible Authority.
4. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
5. Noise emanating from the subject land must not exceed the permissible noise levels when determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N 1, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels (from the plant and equipment area and loading bay or specify other as relevant) must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.
6. This permit will expire if one of the following circumstances applies:
 - a) The use is not started within two years of the date of this permit.
 - b) The use is discontinued for a period of two years or more.

In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing within the prescribed timeframes, where the use allowed by the permit has not yet started.

Permit Notes

- Unless a permit is not required under the Bayside Planning Scheme, signs must not be constructed or displayed without a further planning permit.
- Premises used for the sale or storage of food are to be registered under the Food Act 1984 and require Council approval via the Environmental Health Officer before occupation.
- A Local Law permit may be required for Foot Path Trading or display of A-frame signage.

CARRIED

**4.10 1/30 AND 2/30 ROODING STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2016/168/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/17/71285

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

Moved: Cr del Porto (Mayor)

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 2016/0169/1 for the land known and described as 1/30 and 2/30 Rooding Street, Brighton, for the construction of a first floor addition, minor alterations and additions to the ground floor of the existing dwellings in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be in accordance with the advertised plans submitted with the application but modified to show:
 - a) Compliance with Standard B18 (Walls on Boundaries) of Clause 55 of the Bayside Planning Scheme along the western elevation of unit 1.
2. The development as shown on the endorsed plans must not be altered without the 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 and the conditions of this permit must be carried out and completed to the satisfaction of the Responsible Authority.
4. All pipes (except downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings without the written consent of the Responsible Authority.
6. 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.
7. 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.

8. Council records indicate that there is a 1.83m wide drainage and sewerage 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.
9. Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
10. 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.

CARRIED

5. Confidential Business

Nil

Following consideration of Confidential Business the Chairperson declared the meeting closed at 8:20pm.

CONFIRMED THIS INSERT 19 DAY OF APRIL 2017

CHAIRPERSON:

