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Nil

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

1. Apologies

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

Moved: Cr Long

Seconded: Cr Castelli

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

CARRIED

2. Disclosure of any Conflict of Interest of any Councillor

There were no conflicts of interest submitted to the meeting.

3. Adoption and Confirmation of the minutes of previous meeting

3.1 Confirmation of the Minutes of the Planning & Amenity Committee Meeting held on 12 June 2018.

Moved: Cr Martin

Seconded: Cr Evans (Mayor)

That the minutes of the Planning & Amenity Committee Meeting held on 12 June 2018, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 LOCAL LAW TREE REMOVAL APPEAL: 47 NEW STREET, BRIGHTON

City Planning & Community Services - Amenity Protection
File No: PSF/15/8764 – Doc No: DOC/18/100202

It is recorded that Ms Rebecca Crabtree spoke for three minutes on this item.

Moved: Cr Heffernan

That Council grants a permit for the removal of one White cedar (*Melia azedarach*) tree at 47 New Street, Brighton subject to a replacement tree being planted in the same vicinity and in accordance with Council's Management of Tree Protection on Private Property policy 2015.

Lapsed for want of the Seconder.

Moved: Cr Evans (Mayor)

Seconded: Cr Martin

That Council refuse to grant a permit for the removal of one White cedar (*Melia azedarach*) tree at 47 New Street, Brighton.

CARRIED

**4.2 94 LUDSTONE STREET, HAMPTON
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2014/86/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/129760

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

Moved: Cr Long

Seconded: Cr Castelli

That Council resolves to:

1. Approve the amended plans in accordance with secondary consent provisions of Planning Permit 5/2014/86/1.
2. Plans identified as Ground Floor Plan, prepared by Ryehill Design Services and dated 8 December 2016; and Elevations Plan dated 5 October 2017 be endorsed. These plans are to be read in conjunction with plans currently endorsed on 29 June 2017.
3. Previously Endorsed Ground Floor Plan endorsed on 29 June 2017; and Elevation Plan endorsed on 3 November 2017 be superseded.

CARRIED

**4.3 67-69 WELL STREET, BRIGHTON
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/804 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/139013

It is recorded that Dr Eugene Dozortsev, and Mr Jason Barnfather spoke for three minutes each on this item.

Moved: Cr Heffernan

Seconded: Cr Evans (Mayor)

That Council resolves to:

Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2017/804 for the land known and described as 67-69 Well Street, Brighton for the construction of a three storey building comprising 10 dwellings above a basement level 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 prepared by Christopher Doyle PD04-16, Rev A, but modified to show:
 - a) The basement envelope to have a minimum 2.2 metre setback from the north-eastern (rear) and 4.5 metres from the south-western (front) boundaries respectively, with an associated reduction in paving at ground level. Any consequential changes to the basement layout/configuration must comply with the prescriptive requirements of Clause 52.06 (car parking) of the Bayside Planning Scheme.
 - b) The ground floor north-eastern (rear) setbacks of the living areas associated with dwellings 3 and 4 increased to 4.9 metres, while the setbacks of bedrooms 2 and 3 may be reduced to 3.2 metres respectively.
 - c) The first floor north-eastern (rear) balconies setbacks of dwellings 7 and 8 increased to 3.9 metres and absorbed within the building envelope.
 - d) The second floor north-east (rear) balconies of dwellings 9 and 10 lowered in height and modified to incorporate alternative screening techniques to obscure glazing. No overlooking in accordance with ResCode Standard B22 (overlooking) may occur, with detailed sections of the screening measures to be provided.
 - e) The planter boxes along the second floor south-east and north-west balcony areas of dwellings 9 and 10 extended to replace the 1.7 metre high obscure glazing. No overlooking in accordance with ResCode Standard B22 (overlooking) may occur, with detailed sections of the screening measures to be provided.
 - f) The front fence reduced to a maximum height of 1.8 metres above natural ground level.
 - g) The internal fence adjacent the secluded private open space of dwelling 1 and the common pedestrian pathway to have a maximum height of 1.8 metres.

- h) Provision of an acoustic fence to a maximum height of 1.8 metres along the vehicle accessway and secluded private open for dwelling 2.
 - i) Provision of acoustic measures to the kitchen window, bedroom three window and the south-west family room window of dwelling 2.
 - j) All air conditioning units to be located within the basement.
 - k) Provision of sky lights (or similar) to all upper level bathrooms, ensuites and walk in robes where direct daylight access is not provided.
 - l) Provision of two skylights above the lobby at second floor.
 - m) Provision of a security door to access the storage room within the basement.
 - n) The proposed development to comply with the requirements of ResCode Standard B41 (accessibility), Clause 57.07-7 of the Bayside Planning Scheme.
 - o) The first floor terrace areas to comply with the requirements of ResCode Standard B43 (private open space above ground floor), Clause 55.07-9 of the Bayside Planning Scheme.
 - p) Deletion of boundary fence notations.
 - q) 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.
 - r) The power pole relocated to a position to the satisfaction of the Responsible Authority.
 - s) Water Sensitive Urban Design measures in accordance with condition 10 of this permit.
 - t) A Landscape plan in accordance with condition 12 of this permit.
 - u) Provision of a rooftop garden and landscape management plan in accordance with condition 13 or an additional 20 square metres of planter boxes at the second floor level.
 - v) Provision of a tree management and tree protection plan in accordance with condition 16.
 - w) Provision of an environmental sustainable design report in accordance with condition 23.
 - x) Provision of a waste management plan in accordance with condition 24.
 - y) Provision of the development contributions levy in accordance with condition 25.
- All to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
 3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
 4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
 5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on

the site must be concealed in service ducts or otherwise hidden from view.

6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained thereafter for the life of the building.
7. The walls on the boundary of the adjoining properties cleaned and finished.
8. Prior to the occupation of the development, the existing 2P parking sign mounted on the utility pole to be relocated 5 metres south of the new crossover, or otherwise to the satisfaction of the Responsible Authority at a cost to the applicant.
9. A STOP-GO traffic signal system must be adopted to avoid traffic conflict, with priority given for vehicles entering the site.

Water Sensitive Urban Design

10. Prior to the endorsement of plans pursuant to Condition 1, detailed plans of the water sensitive urban design measures generally in accordance with the EcoResults report dated December 2017.
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.

Landscaping

12. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plans drawn by Jack Merlo 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) Plantings in accordance with the Bayside landscaping guidelines.
 - 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) Inclusion of permeable paving where paving is not proposed above the basement envelope.
 - g) Details of surface finishes of pathways and driveways
13. Before the development starts and if a rooftop garden is proposed, a landscape management plan detailing the maintenance regime and management responsibilities for the rooftop garden associated with the development must be prepared and submitted to the satisfaction of the Responsible Authority.

The Landscape Management Plan must include the following:

- a) State the agreed purpose of the rooftop garden

- b) State the systems and products in the rooftop garden and how they are designed to achieve the rooftop garden purpose
- c) How ongoing maintenance of the rooftop garden will occur
- d) Outline access to the rooftop garden
- e) Outline any management risks, and how these will be managed
- f) State the annual maintenance budget
- g) Summarise the type of maintenance tasks required
- h) Outline the skills and certification required in the maintenance team to perform these tasks
- i) Outline communication requirements
- j) State when the management plan is due for review

If the Rooftop garden fail, details of an alternative treatment must be submitted to, and approved by, the Responsible Authority. The alternative treatment must be implemented within three months of approval.

- 14. 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.
- 15. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

- 16. 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 Council Street trees 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 Tree Protection Zones for all Bayside City Council street trees to be retained.
- d) Comment on methods to be utilised and instruction on how to deploy them;
- e) Comment on when the protection measures are to be deployed;
- f) Comment on when the protection measures can be modified;
- g) Process that will be followed if any damage occurs to a tree;

- h) Process that will be followed if construction works require alteration to protection measures outlined in report; and
 - i) Stages of development at which inspections will occur.
 - j) Site specific plan clearly showing what protection measures are to be utilised with their dimension and location.
17. 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.
18. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street tree protection

19. Before the development starts, tree protection fencing is to be established the 3 street trees prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The Tree Protection Zone is to be established and maintained in accordance with AS 4970-2009.
20. Street trees must not be removed, damage or pruned by any party other than Bayside City Council authorised arborist contractors
21. There is to be no soil excavation within 3 metres of the street trees asset measured from the edge of the trunk, or otherwise with the prior written consent of the Responsible Authority.

Environmental Sustainable Design report

22. Prior to the commencement of development, an Environmental Sustainable Design (ESD) report prepared by a qualified professional must be endorsed by the Responsible Authority. The ESD Report must specify and deal with the following:
- a) Indoor Environment Quality;
 - b) Provision of renewable energy facilities;
 - c) Energy;
 - d) Roof top garden;
 - e) Water resources;
 - f) Integrated storm water treatment;
 - g) Building Materials;
 - h) Transport;
 - i) Environmental waste management;
 - j) Urban Ecology;
 - k) Innovation/ESD Excellence;
 - l) Ongoing Building & Site Management.

The development must be carried out and maintained in accordance with the recommendations and requirements as described in the endorsed Environmental Sustainability Report.

Waste management plan

23. Prior to the endorsement of plans pursuant to Condition 1, a Waste Management Plan must 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.

Construction Management Plan

24. 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.

Drainage

- 25. 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.
- 26. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

Development contributions

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

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

Permit Expiry

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

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

Permit Notes:

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

CARRIED

**4.4 427-461 HAMPTON STREET & 82 HOLYROOD STREET, HAMPTON
SUPPORT THE GRANT OF A PLANNING PERMIT (VCAT CONSENT
ORDER)
PLANNING APPLICATION NO.: 2017/499 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/142484

It is recorded that Dr Jonathan Nightingale spoke for three minutes on this item.

Moved: Cr Long

Seconded: Cr Castelli

That Council resolves to Support the Granting of a Permit under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/499** for the land known and described as **427-461 Hampton Street & 82 Holyrood Street, Hampton**, for the **construction of a five storey mixed use development (above two basement levels) comprising not more than 62 dwellings, a supermarket, two shops and a restaurant, alteration of access to a Road in a Road Zone, Category 1** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

- 1 Before the 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 advertised plans prepared by Ewert Leaf date stamped 31 October 2017 (the Advertised Plans), but modified to show:
 - (a) The changes shown on TP100.C, TP101.C, TP102.C, TP103.C, TP104.C, TP105.C all dated 6 June 2018 prepared by Ewert Leaf Architects except for dwelling 2.10 which will continue to abut the southern boundary in accordance with the Advertised Plans.
 - (b) The northern boundary setback associated with the built form of dwellings 3.01, 3.02, 4.01 and 4.02 increased by 1.5 metres
 - (c) All south facing windows for the resident gym, supermarket/grocery and shop to be double glazed and un-able to be opened.
 - (d) Removal of the external double doors associated with the resident gym.
 - (e) The ground floor garden courtyard along the southern boundary to be landscaped and un-trafficable except as required for maintenance.
 - (f) Screening provided to the secondary balconies associated with dwellings 1.10 and 2.10 to a height of 1.7m with a minimum transparency of 25%.
 - (g) The southern edge of all balconies associated with dwellings 1.09, 1.10, 1.19, 2.09, 2.10, 2.17, 3.07, 3.08, 4.05 and 4.06 to be screened to a height of 1.7m with a maximum transparency of 25%.

- (h) All south facing operable windows associated with dwellings 1.09, 1.10, 1.19, 2.09, 2.10, 2.17, 3.07, 3.08, 4.05 and 4.06 to be screened to a height of 1.7m with a maximum transparency of 25%.
- (i) The south facing operable windows of the north-south hallway on the first, second, third and fourth levels to be screened to a height of 1.7m with a maximum transparency of 25%.
- (j) The western boundary setback of the master bedroom associated with dwelling 4.05 increased by 1.2 metres. This area must be converted to balcony/terrace area with appropriate screening.
- (k) All habitable room windows and terrace areas of dwellings TH02, 1.03, 2.03, 3.02 and 4.02 that adjoin the accessways to be acoustically treated.
- (l) The terrace areas of dwellings 1.04-1.08 (excluding 1.06) setback a minimum of 2.5 metres from the communal walkway associated with dwellings 1.13-1.20. This area is to be set aside for landscaping (within a raised landscape bed). Appropriate glazing is to be provided along the walkway, with screening adjacent the landscape bed to the secluded private open spaces of dwellings 1.04-1.08.
- (m) The walls that surround the car park entry/accessway to be artistically treated by way of a variety of finishes and materials and/or urban artwork where visible from the public realm.
- (n) Provision of a pergola style element over the entry/accessway to the basement car park.
- (o) The terrace of TH02 setback an additional 0.5 metres from Holyrood Street.
- (p) The front fence for TH01 and TH02 to have a maximum height of 1.5 metres, with at least 25% permeability.
- (q) Provision of two levels of basement car parking with any consequential changes (including to show the relevant one additional lift from the basement levels on the ground floor plan) to the satisfaction of the Responsible Authority in accordance with the without prejudice plans labelled TP150.D and TP151.B prepared by Ewert Leaf Architects dated 29 January 2018.
- (r) Provision of 12 residential visitor car spaces clearly delineated on the plans.
- (s) The gradient of the ramp into the loading bay to be 1:16.
- (t) The 2.0 metre section of 1:8 gradient at the bottom of the ramp between basement levels 1 and 2 to be increased to 2.5 metres.
- (u) Bicycle parking facilities designed and provided in accordance with Clause 52.34 (bicycle facilities) of the Bayside Planning Scheme.
- (v) Provision of a trolley loading bay within the basement level one.
- (w) The supermarket, shop #1 and restaurant to have direct access to the loading bay (not through the lobby area). Doors from the commercial areas to the lobby

must be removed. There should a dedicated lift for these commercial spaces to access the basement car park.

- (x) The internal elevations associated with TH02, the communal dining and the lift shaft to incorporate a variety of finishes and materials.
- (y) The seating area of the restaurant to be even with the footpath level. If the seating area is raised a 1.0 metre clear balustrade is required.
- (z) Provision of a pergola element above the townhouse entry point.
- (aa) The entry and hallway to the townhouses to have a minimum width of 2.0 metres all the way to the apartment access door.
- (bb) The proposed substation relocated to the north by a minimum of 15 metres and redesigned to limit its impact on the public realm through the use of details and finishes.
- (cc) Any modifications to the plans arising from the Water Sensitive Urban Design (WSUD) measures in accordance with Condition 9 of this permit.
- (dd) Any modifications to the plans arising from the Loading/unloading management plan in accordance with Condition 10 of this permit.
- (ee) Any modifications to the plans arising from the Car park management plan in accordance with Condition 11 of this permit.
- (ff) Any modifications to the plans arising from the Waste management plan in accordance with Condition 13 of this permit.
- (gg) Any modifications to the plans arising from the Tree management plan in accordance with Condition 15 of this permit.
- (hh) Any modifications to the plans arising from the Landscape plan in accordance with Condition 19 of this permit.
- (ii) Any modifications to the plans arising from the Public works plan in accordance with Condition 27.
- (jj) Provision of a Green travel plan in accordance with Condition 30.
- (kk) Any modifications to the plans arising from VicRoads Conditions 31 and 32.
- (ll) Any modifications to the plans arising from Transport for Victoria Conditions 33 and 34.
- (mm) The proposal to comply with the private open space requirements of Standard D19, Clause 58.05-3 of the Bayside Planning Scheme.
- (nn) The proposal to comply with the window requirements of Standard D26, Clause 58.07-3 of the Bayside Planning Scheme.
- (oo) All air conditioning units to be located within the basement level.
- (pp) Provision of a landscape management plan in accordance with Condition 26.

- (qq) The provision of planter boxes around the perimeter of all roof terraces, excluding where the roof terraces adjoin the core or stair access, to a width of 800mm.
 - (rr) Provision of a verandah with a height of no more than 2.4 metres to all rooftop terraces, to extend no more than 2.0 metres from the access structure to each rooftop terrace.
 - (ss) The communal rooftop terrace relocated to be positioned on the northern side of the lift core, running in an east-west alignment, with setbacks of 4.0 metres from the east parapet, 1.0 metre from the parapet of the northern wall of the northern bed 2 of Apartment 4.02, and 1.0 metre from the parapet of the western wall of the southern bed 2 of Apartment 4.02.
 - (tt) The provision of a rooftop garden to Council's satisfaction.
- 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 Resident gym must only be used by residents of the development permitted by the permit.
 - 4 Music must not be amplified within the resident gym outside the hours of 9am to 4pm.
 - 5 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.
 - 6 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.
 - 7 The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
 - 8 Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
 - 9 Any advertising signage used for the land, including access to the car park, must be a cohesive design response to the satisfaction of the Responsible Authority.
 - 10 Noise emanating from the subject land must comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels from the plant and equipment area and loading bay 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.

Water Sensitive Urban Design

- 11 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.

Car Parking

- 12 Prior to the endorsement of plans pursuant to Condition 1, a loading/unloading management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted and must include
- (a) The frequency of loading/unloading
 - (b) The hours and days that loading/unloading is to occur
 - (c) The type of trucks proposed for loading/unloading
 - (d) Measures in place to limit the impact on the residential amenity
 - (e) Measures in place to protect pedestrian safety
 - (f) Provision of directional signage as necessary
- 13 Prior to the endorsement of plans pursuant to Condition 1, a traffic and parking management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. Three copies of the plan must be submitted and must include:
- (a) The location of all areas on-and/or off-site to be used for staff and patron parking.
 - (b) Specification of staff numbers adequate to enable efficient operation of car parking areas both on- and off-site.
 - (c) The number and location of all on- and off-site security staff.

- (d) The means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on- and off-site.
 - (e) Measures to discourage patron car parking on Holyrood Street.
 - (f) Measures to preclude staff parking in designated patron car parking areas.
 - (g) Staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time.
 - (h) Servicing of the drainage and maintenance of car parking areas.
 - (i) Clarification on how the customer car park will be managed.
 - (j) Clarification if there will be any car parking signage and where it will be displayed.
- 14 Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained to the satisfaction of the Responsible Authority.

Waste Management Plan

- 15 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.

Construction Management Plan

- 16 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.

Landscaping

- 17 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. Such approval must be noted and provided to the Responsible Authority within 28 working days of a written request.

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

The Tree Protection Plan must be drawn to scale and show the location of all tree protection measures to be utilised.

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

- 18 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.

- 19 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.
- 20 Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-2007. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.
- 21 Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan submitted with the application and be drawn to scale with dimensions and three copies must be provided.

The Landscape plan must show:

- (a) 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.
 - (b) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - (c) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - (d) Details of surface finishes of pathways and driveways
 - (e) Plant selection and soil requirements for green infrastructure (including soil containment) will reference Growing Green Guide (A Guide To Green Roofs, Walls And Facades) DEPI 2014
 - (f) Green Wall: Green wall (at maturity) to cover northern façade. Architect to reference Growing Green Guide - A Guide to Green Roofs, Walls and Facades (DEPI 2014) for composition and construction of wall.
 - (g) Green roof - Green roof to be incorporated into new design response. Architect to reference Growing Green Guide - A Guide to Green Roofs, Walls and Facades (DEPI 2014) for composition and construction of wall.
- 22 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.
 - 23 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.
 - 24 There is to be no soil excavation within 2 metres of all street tree assets (to be retained) measured from the edge of the trunk.

- 25 Tree protection fence is to be installed around all street trees in compliance with AS 4970–2009, Protection of trees on development sites.
- 26 Before the development starts a landscape management plan detailing the maintenance regime and management responsibilities for the rooftop garden associated with the development must be prepared and submitted to the satisfaction of the Responsible Authority.

The Landscape Management Plan must include the following:

- (a) State the agreed purpose of the rooftop garden
- (b) State the systems and products in the rooftop garden and how they are designed to achieve the rooftop garden purpose
- (c) How ongoing maintenance of the rooftop garden will occur
- (d) Outline access to the rooftop garden
- (e) Outline any management risks, and how these will be managed
- (f) State the annual maintenance budget
- (g) Summarise the type of maintenance tasks required
- (h) Outline the skills and certification required in the maintenance team to perform these tasks
- (i) Outline communication requirements
- (j) State when the management plan is due for review

If the Rooftop garden fail, details of an alternative treatment must be submitted to, and approved by, the Responsible Authority. The alternative treatment must be implemented within three months of approval at no cost to Council and to the satisfaction of the Responsible Authority.

Drainage

- 27 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.
- 28 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.

Development contributions

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

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

Public Works Plan

- 30 Prior to the endorsement of plans pursuant to Condition 1, a Public Works Plan must be prepared and developed in collaboration with Council. It must be submitted and approved to the satisfaction of the Responsible Authority, showing:
- (a) Details of upgrades to existing Council footpaths
 - (b) Details of the reinstatement of existing crossovers
 - (c) Details of new street tree plantings
 - (d) Details of new street furniture
 - (e) Details of new bicycle parking facilities
 - (f) Details of the relocated/redesigned substation
 - (g) Details of the relocated/redesigned bus stop
 - (h) Details of any public lighting
 - (i) Details of any weather protection elements over the naturestrip/footpath (ie a canopy/verandah)

When approved, such plan will form part of the endorsed plans under this permit.

- 31 Prior to the occupation of the site associated with the development hereby approved, all public works associated with that stage must be completed in accordance with the endorsed Public Works Plan to the satisfaction of the Responsible Authority. The cost of all works associated with the endorsed plan must be borne by the developer/owner of the land.

Green travel plan

- 32 Prior to the endorsement of plans pursuant to Condition 1, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan is to include details of the proposed design initiatives and sustainable management practices to reduce car usage and improve sustainable transport options (including walking, cycling, public transport and carpooling) available to residents and visitors. The Green Travel Plan should include, but not be limited to the following:
- (a) Consider end of trip facilities such as showers, change rooms, secure storage and bicycle storage;
 - (b) Education and awareness initiatives and incentives for residents and visitors to encourage more sustainable modes of travel to/from the site;
 - (c) Management practices identifying sustainable transport alternatives;
 - (d) Consider the provision of electric vehicle charging facilities;

- (e) Lobby areas of building to include real time information of train, tram and bus services;
- (f) Details of bicycle spaces for visitors and residents;
- (g) Allocation of parking for food and drink premises and restaurant tenancies to be provided within the on-site car park;
- (h) Employee and resident packs (e.g. myki cards for new residents/workers); and
- (i) Any other relevant matters.

When approved to the satisfaction of the Responsible Authority, the plan will be part of the documents endorsed as part of this planning permit. The Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.

VicRoads conditions

- 33 Prior to the commencement of works amended plans must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the substituted plans and amended to show:
- (a) The canopy in the road reserve is set back no less than 750mm from the back of the Hampton Street kerb and at a height no less than 3m above the level of the footpath.
- 34 Prior to the commencement of the use or occupation of the development, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.

- End VicRoads conditions -

Transport for Victoria conditions

- 35 Before the commencement of the access works along Holyrood Street, the bust stop and all associated infrastructure, must be relocated or replaced at a cost borne by the permit holder to the satisfaction of Public Transport Victoria and compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002.
- 36 The permit holder must take all reasonable steps to ensure that disruption to bus operation along Holyrood Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria eight (8) weeks prior by emailing customerservice@ptv.vic.gov.au

- End Transport for Victoria conditions -

Permit Expiry

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

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

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

CARRIED

**4.5 1-1A CENTRE ROAD, BRIGHTON
SUPPORT THE GRANT OF A PLANNING PERMIT (VCAT CONSENT
ORDER)
PLANNING APPLICATION NO.: 2017/686 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/143067

It is recorded that Mr Shem Curry spoke for three minutes on this item.

Moved: Cr Heffernan

Seconded: Cr Castelli

That Council resolves to:

Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/686** for the land known and described as **1-1A Centre Road, Brighton** for the **construction of two, two storey buildings comprising a total of 14 dwellings above a basement level and alteration of access to a Road in a Road Zone, Category 1** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (submitted with the application) prepared by Addarc TP01-TP13 dated 19.10.17 but modified to show:
 - a) Provision of two residential visitor car spaces (and associated layout changes) in accordance with the plans by ADDARC, drawings SK01 and SK02, Revision 1 dated 8 February 2018.
 - b) The powder room to Townhouse 1 setback not less than 9.5 metres from Hampton Street.
 - c) Provision of a centrally located intercom system at the entry to the basement car park to facilitate use of the visitor car parking spaces.
 - d) Provision of advanced landscaping, including trees, along that part of the landscape strip adjacent to the basement ramp and the north boundary. This does not apply to the first 2.5 metres of the landscape strip, measured from Hampton Street, which much include landscaping that does not exceed a mature height of 900mm.
 - e) A notation on the plans that the turning bay at the northern end of the basement car park be made available for use by other service vehicles when not in use for waste collection.
 - f) Provision of root sensitive footings and root sensitive construction techniques where any of the proposed basement comes within the TPZ of the street trees.
 - g) A longitudinal section of the ramp to detail compliance with AS2890.1.
 - h) Provision of a convex mirror at the bottom of the basement ramp.
 - i) The first floor north facing habitable room windows of TH07 to be designed to avoid any overlooking of secluded private open space and habitable room

windows of 828 Hampton Street. Cross sections are required to detail any potential for overlooking.

- j) The first floor northern elevation of terrace area of TH14 to be designed to avoid any unreasonable overlooking of 828 Hampton Street in accordance with ResCode Standard B22 (overlooking).
- k) The height of the internal fence along the eastern boundary of the secluded private open space areas of TH01-TH07 to be a maximum 2.1 metres.
- l) 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.
- m) Deletion of existing and proposed boundary fence notations.
- n) Deletion of indicative landscaping from the development plans.
- o) The paving within the eastern boundary setback associated within TH08-14 to be permeable.
- p) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
- q) A Landscaping Plan in accordance with Condition 10 of this permit.
- r) Payment of the development contributions levy in accordance with Condition 19.
- s) Any modifications to the plans arising from the VicRoads conditions 20-24.

All to the satisfaction of the Responsible Authority.

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

Water Sensitive Urban Design

- 8. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:

- a) The type of water sensitive urban design stormwater treatment measures to be used.
- b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
- c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan, reference TP01-TP03 Revision D prepared by Jack Merlo 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) Landscape detail in accordance with the requirements of condition 1(d).
 - f) Details of surface finishes of pathways and driveways
 - g) The paving within the eastern boundary setback associated within TH08-14 to be permeable.
 - h) Deletion of existing and proposed boundary fence notations.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Street tree protection

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

- a) Fencing is to be secured and maintained prior to demolition and until all site works are complete.
 - b) Fencing must be installed to comply with AS4970-2009, Protection of trees on development sites.
 - c) Fencing should encompass the Tree Protection Zone (TPZ) for all street trees adjacent to the development.
 - d) Fencing is to be constructed and secured so its positioning cannot be modified by site workers.
 - e) If applicable, prior to construction of the Council approved crossover, TPZ fencing may be reduced to the edge of the new crossover to facilitate works.
 - f) Provision of root sensitive footings and root sensitive construction techniques where any of the proposed basement comes within the TPZ of the street trees.
14. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Waste Management Plan

15. 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.

Construction Management Plan

16. 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.

Drainage

17. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
18. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site

Detention System where applicable) must be submitted to and approved by Council's City Assets and Projects Department.

Development Contributions

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

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

VicRoads Conditions

20. Prior to the endorsement of plans, amended plans must be submitted to and approved by VicRoads. Once approved, the plans may then be endorsed by the Responsible Authority and will form part of the permit. The plans must be generally in accordance with the submitted plans (Ref: TP03, TP04 (Ground & basement level floor plan) dated: 19.10.2017, Rev:01, Prepared by ADDARC) and amended to show:

- a) A fully dimensioned Layout Plan showing the proposed access arrangement on to Hampton Street including features along 100 m either side of the site access including existing kerb and channel, bus stop, power poles, trees and other road assets.
- b) Passing area at the entrance to the site. Width of the crossover at the site boundary to allow concurrent movement of a B99 and a B85 vehicles at the entrance to the site from the kerbside using swept path analysis.
- c) Prior to the commencement of use or occupation, a sealed access crossover at the property boundary with the crossover angled at 60 degrees to the road reserve boundary, at least for the first 3 metres from the edge of the road with 3.0 metres radial turnouts.

21. Prior to the commencement of the use or occupation of the development, vehicle crossing on Centre Road must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.
22. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access crossover and associated works must be provided and available for use.
23. Vehicles must enter and exit the land in a forward direction at all times.
24. The level of the footpaths must not be lowered or altered in any way to facilitate access to the site.

Transport for Victoria Conditions

25. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Centre Road and Hampton Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communication to Public Transport Victoria fourteen days (14) prior.
26. The existing bus stop and associated infrastructure on Hampton Street must not be altered with the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

Permit Expiry

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

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- Before the development starts the applicant must pay \$3,038.88 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street tree(s). This amount may be increased by the Responsible Authority if an extension of time to commence work is granted and the amenity value of the street tree has increased. The Responsible Authority, or a contractor or agent engaged by the Responsible Authority, must undertake the removal and replacement of the street tree. Any replacement planting will be at the discretion of the Responsible Authority.
- No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

CARRIED

4.6 VCAT REPORT

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/142109

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

Moved: Cr Long

Seconded: Cr Evans (Mayor)

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

CARRIED

**4.7 23 HOLMWOOD AVENUE, BRIGHTON
SUPPORT THE GRANT OF A PLANNING PERMIT (CONSENT ORDER)
APPLICATION NO: 2017/556 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/143969

It is recorded that Mr Mark Naughton spoke for three minutes on this item.

Moved: Cr Heffernan

Seconded: Cr Castelli

That Council resolve to:

Support the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/556** for the land known and described as **23 Holmwood Avenue, Brighton**, for the **Construction of a two storey dwelling and construction of a front fence greater than 1.2m on a lot less than 500 square metres** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application Council date stamped 30 August 2017 but modified to show:
 - a) Landscaping plan in accordance with condition 4 and to include the provision of a canopy tree within the front setback of the subject site.
 - b) Location of all plant and equipment, including hot water services and air conditioners to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
 - c) A schedule of construction materials, external finishes and colours.
 - d) Reduction of hard surface coverage within the front setback (to the north) and creation of garden bed/s which can accommodate the planting of a canopy tree.
 - e) A first floor setback of 1 metre away from the east boundary in accordance with the Sketch plans submitted to Council on 13 June 2018 prepared by Architecture works, Drawing TP7 & TP10, Revision D.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. Before the development starts, a detailed Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be 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) Provision of at least one (1) canopy tree capable of growing to a height of 8 metres at maturity, within the front setback (to the north) of the site.
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. Any works within a Tree Protection Zone must be carried out under the supervision of a qualified Arborist who must be in attendance.
 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 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. Access to properties at Nos.14, 16, 17 & 25 Holmwood Avenue must at all times remain unimpeded including access to all usual services and emergency vehicles.
 - 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 experienced.
- 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 and no construction vehicles are permitted to be parked in Holmwood Avenue south of Nos. 14 & 17 Holmwood Avenue.
- r) Details of crane activities, if any.

Permit Expiry

8. 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 buildings works or occupy the building or part of the building unless all relevant building permits are obtained.

CARRIED

5. Confidential Business

Nil

Following consideration of Confidential Business the Chairperson declared the meeting closed at 8.04pm

CONFIRMED THIS 17 DAY OF JULY 2018