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## **Minutes of the Planning and Amenity Committee Meeting**

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held in the Council Chambers, Civic Centre,  
Boxshall Street Brighton  
on Tuesday 27 February 2018

The Meeting commenced at 7:00pm

Councillors Cr Alex del Porto  
Cr Laurence Evans (Mayor)  
Cr Michael Heffernan  
Cr James Long BM JP  
Cr Clarke Martin  
Cr Sonia Castelli  
Cr Rob Grinter

In attendance Hamish Reid – Director City Planning and Community Services  
Arthur Vatzakis – Acting Manager Development Services  
Michael Henderson – Statutory Planning Coordinator  
Sarah Collins – Acting Statutory Planning Coordinator  
Fiona Farrand – Acting Statutory Planning Coordinator  
Terry Callant – Manager Governance  
Mandy Bartlett – Governance Officer

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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**

There were no apologies submitted to the meeting.

## **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 13 February 2018.

**Moved: Cr Long**

**Seconded: Cr Evans (Mayor)**

That the minutes of the Planning & Amenity Committee Meeting held on 13 February 2018, as previously circulated, be confirmed as an accurate record of proceedings.

**CARRIED**

## **4. Matters of Decision**

#### 4.1 62 STANLEY STREET, BLACK ROCK NOTICE OF DECISION TO GRANT A PLANNING PERMIT APPLICATION NO: 2017/0168/1 WARD: SOUTHERN

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/2464

*It is recorded that Mr Graeme Anderson, Mr Ray Jeffrey, and Mr Chris Pippo spoke for three minutes each on this item.*

**Moved: Cr Evans (Mayor)**

**Seconded: Cr Martin**

That Council resolve to:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/168/1** for the land known and described as **62 Stanley Street, Black Rock** for the **construction of two dwellings on a lot** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted 25 September 2017 prepared by Finley Roberts Design referenced TP01-TP09, dated December 2016 and revision number A but modified to show:
  - a) The driveway of each dwelling paved to the satisfaction of the Responsible Authority;
  - b) The crossover and access to Dwelling 1 a minimum of three metres wide and off-set 1 metre from the eastern property boundary;
  - c) The crossover and access to Dwelling 2, a minimum of three metres wide and off-set 1 metre from the western property boundary;
  - d) Sight-line visibility from each access in accordance with Clause 52.06 of the Bayside Planning Scheme;
  - e) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
  - f) A schedule of construction materials, external finishes and colours (incorporating for example paint samples);
  - g) Screening between the secluded private open space of each dwelling in accordance with Standard B23 of Clause 55 of the Bayside Planning Scheme.
  - h) The provision of at least 6 cubic metres of storage for each dwelling in accordance with Standard B30 of Clause 55 of the Bayside Planning Scheme.
  - i) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.

All to the satisfaction of the Responsible Authority.

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

#### Water Sensitive Urban Design

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

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

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

#### Traffic

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

Authority.

#### Drainage

11. 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.
12. 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.
13. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.

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

#### Landscaping

14. Before the development starts, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Zenith Concepts, Sheet 1 of 1 Rev B, dated August 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) Within the front setback of each dwelling either two (2) small canopy trees of a species that will grow to a minimum 8 metres in height at maturity or one (1) large canopy tree species that will grow to a minimum of 12 metres in height at maturity in accordance with the Bayside Landscape Design Guidelines (2016);
  - b) Within the private open space of each dwelling either two (2) small canopy trees that will grow to a minimum 6 metres in height at maturity or one (1) large canopy tree species that will grow to a minimum of 10 metres in height at maturity in accordance with the Bayside Landscape Design Guidelines (2016);
  - c) An additional retaining wall within the private open space of Dwelling 2 to protect within the Tree Protection Zone of Tree nos. 8 and 9;
  - d) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009;
  - e) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
  - f) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant with 80% of them being indigenous by species type and count;
  - g) Landscaping and/or planting within all areas of the site not covered by

buildings or hard surfaces and;

- h) Details of surface finishes of pathways and driveways
15. 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.
16. 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.

#### Permit Expiry

17. 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.
- 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.
- 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.
- Before the development starts the applicant must pay \$3,110.87 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.
- The Eucalyptus nicholli street tree asset can be removed under Clause 6.5 of the Street and Park Tree Management Policy (2016) to allow the development to proceed with the installation of the proposed vehicle crossing in the proposed location.
- Subsurface water must be treated in accordance with Council's Policy for

“Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

- Council records indicate there is a 1.83m wide drainage and sewerage easement along the southern property boundary. There is no proposal to encroach into the easement with any buildings and structures of note. Proposals to build over the easement will require Build Over Easement Consent from the Responsible Authority.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.

**CARRIED**



**4.2 261 HAMPTON STREET, HAMPTON  
NOTICE OF DECISION TO AMEND A PLANNING PERMIT  
APPLICATION NO: 2013/428/3 WARD:CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/25410

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

**Moved: Cr Castelli**

**Seconded: Cr Long**

That Council resolve to:

Issue a **Notice of Decision to Grant an Amended Permit** under the provisions of the Bayside Planning Scheme in respect of Planning application **2013/428/3** for the land known and described as 261 Hampton Street, Hampton for **the partial demolition and buildings and works in a Heritage Overlay (HO748), reduction of car parking requirements and waiving of the loading bay requirement associated with a tavern and the serving and consumption of liquor on site** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the commencement of development and the serving of alcohol occurs onsite, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) **A notation on the red line ground floor plan that no more than 50 patrons are to be on the premises at any one time.**
  - b) **Provision of noise attenuation measures including an acoustic roof/awning to be provided within the outdoor area, acoustic screening and a self-closing mechanism to the rear door of the premises, to reduce noise within the outdoor drinking area to the satisfaction of the Responsible Authority.**
2. The licensed area and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. Unless with the further consent of the Responsible Authority, alcohol may only be sold and consumed between the following hours:
  - Monday to Saturday 12noon – 12am
  - Sundays, ANZAC day and Good Friday 12 noon – 11pm
4. Not more than 50 patrons may be present on the premises at any one time without the written consent of the Responsible Authority.
5. The outdoor drinking area hereby approved shall only be used by patrons and staff between the hours of 12 noon and 9pm Sunday to Thursday and 12 noon to 10pm Friday and Saturday.
6. The outdoor drinking area hereby approved shall not be used unless the existing rear access door to the premises is made self-closing and all noise attenuation measures put in place, in accordance with details of them to be provided for the approval of the Responsible Authority prior to their installation.

7. Unless with the further consent of the Responsible Authority, all alcohol sold must be consumed on the premises with no packaged liquor sales permitted to the satisfaction of the Responsible Authority.
8. 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.
9. 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.
10. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the responsible authority.
11. 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 and screened from public view to the satisfaction of the responsible authority.
12. Before the commencement of the serving of alcohol on site, a noise and amenity/patron 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. The plan must include:
  - a) Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons, including use of crowd controllers;
  - b) Signage to be used to encourage responsible off-site patron behaviour;
  - c) The training of staff in the management of patron behaviour;
  - d) Staff communication arrangements;
  - e) Details of any management measures required to control noise emissions from the premises. (eg. operation of volume limiter if installed); and
  - f) The nomination of the person responsible for the implementation of this management plan.The plan must be implemented to the satisfaction of the Responsible Authority.

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.
13. 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, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
  - d) Presence of vermin.
14. Deliveries to and from the site (including waste collection) must only take place as specified in the Environment Protection Authority's Noise Control Guidelines Publication 1254 October 2008.
15. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.

- 16. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.
- 17. 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.

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

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

Permit Notes

- Building approval must be obtained prior to the commencement of the above approved works.
- Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act 1984 and require Council approval via the Environmental Health Officer before occupation.
- Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
- Unless no permit is required under the planning scheme other signs must not be constructed or displayed without a further permit.
- Consultation should take place with Council respect of the removal of the vehicular crossing and reinstatement works.
- The applicant must clearly identify what impact, if any, the proposed vehicle crossing will have on Council assets including pits and trees.
- The applicant is to bear the cost to remove and reinstate any street furniture or infrastructure items to provide the required access to the proposed development.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator, Mon-Fri 9:00am to 1:00pm on 9599 4638.

Date	Amendment
27 February 2018	Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to: <ul style="list-style-type: none"> <li>• Amend condition 1(a) to state ‘A notation on the red line ground floor plan that no more than 50 patrons are to be on the premises at any one time.’</li> <li>• Amend condition 4 to state ‘Not more than 50 patrons may be present on the premises at any one time without the written consent of the Responsible Authority.’</li> </ul> Include the following conditions:



	<p>1b) Require the provision of noise attenuation measures to the satisfaction of the Responsible Authority.</p> <p>5. The outdoor drinking area hereby approved shall only be used by patrons and staff between the hours of 12 noon and 9pm Sunday to Thursday and 12 noon to 10pm Friday and Saturday.</p> <p>6. The outdoor drinking area hereby approved shall not be used unless the existing rear access door to the premises is made self-closing and all noise attenuation measures put in place, in accordance with details of them to be provided for the approval of the Responsible Authority prior to their installation.</p> <p>Renumber the subsequent conditions accordingly.</p>
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**CARRIED**

**4.3 129-135 MARTIN STREET, BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2017/586 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/18/13077

*It is recorded that Mr Bill Craig (via proxy Mr Damon Hills) spoke for three minutes on this item.*

**Moved: Cr del Porto**

**Seconded: Cr Castelli**

That Council, having caused notice of **Planning Application No. 2017/586/1** to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act decides to issue a **Notice of Refusal to Grant a Planning Permit** in respect of the land known and described as **129-135 Martin Street, Brighton** for the **use and development of land for dwellings, construction of a four storey mixed use building plus basement parking, demolition and construction in a Heritage Overlay, reduction of visitor parking** for the following reasons:

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

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

**DIVISION:**    **FOR:**        Crs Alex del Porto, Laurence Evans (Mayor), James Long,  
   Clarke Martin, Sonia Castelli and Rob Grinter (6)  
**AGAINST:** Cr Michael Heffernan (1)

**CARRIED**

**4.4 427-461 HAMPTON STREET AND 82 HOLYROOD STREET, HAMPTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2017/499 WARD: CENTRAL**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/4667

*It is recorded that Mr David Riley, Ms Ellen Cresswell (via proxy Mrs Lynne Peterswald), C Pickle P/L (via proxy Mr William Pearce), Mrs Lynne Peterswald, Mr Tony Shepherd, and Mr Andrew Bromley spoke for three minutes each on this item.*

**Moved: Cr Long**

**Seconded: Cr Evans (Mayor)**

That Council resolve to:

Issue a **Notice of Decision to Grant a Planning Permit** for 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 used development (above two basement levels) comprising 59 dwellings, a supermarket, two shops and a restaurant, alteration of access to a Road in a Road Zone, Category 1 and a reduction in the associated car parking requirements**, 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, but modified to show:
  - a) 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.
  - b) The southern boundary setback associated with dwelling 1.09 and 2.10 to be a minimum of 2.0 metres. The terrace areas of these dwellings must not encroach into this setback.
  - c) The southern boundary setback associated with dwelling 1.20 to be 1.5 metres.
  - d) The southern boundary setback associated with dwellings 3.08 and 4.06 to be a minimum 6.0 metres.
  - e) The western boundary setback of the master bedroom associated with dwelling 4.05 increased by 1.2 metre. This area must be converted to balcony/terrace area with appropriate screening.
  - f) 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.
  - g) 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.

- h) 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.
- i) Provision of a pergola style element over the entry/accessway to the basement car park.
- j) The terrace of TH02 setback an additional 0.5 metres from Holyrood Street.
- k) The front fence for TH01 and TH02 to have a maximum height of 1.5 metres, with at least 25% permeability.
- l) Provision of two levels of basement car parking (with any consequential changes to the satisfaction of the Responsible Authority) in accordance with the without prejudice plans received by Council on 29 January 2018.
- m) Provision of 11 residential visitor car spaces clearly delineated on the plans.
- n) The gradient of the ramp into the loading bay to be 1:16.
- o) 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.
- p) Bicycle parking facilities designed and provided in accordance with Clause 52.34 (bicycle facilities) of the Bayside Planning Scheme.
- q) Provision of a trolley loading bay within the basement level.
- r) 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.
- s) The internal elevations associated with TH02, the communal dining and the lift shaft to incorporate a variety of finishes and materials.
- t) 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.
- u) Provision of a pergola element above the townhouse entry point.
- v) The entry and hallway to the townhouses to have a minimum width of 2.0 metres all the way to the apartment access door.
- w) Provision of skylights (or similar) to the gym area.
- x) Deletion of the eastern terrace area of townhouse 1.20.
- y) The proposed substation relocated/redesigned to limit its impact on the public realm and the amount of street frontage it occupies.
- z) Any modifications to the plans arising from the Water Sensitive Urban Design (WSUD) measures in accordance with Condition 9 of this permit.
- aa) Any modifications to the plans arising from the Loading/unloading management plan in accordance with Condition 10 of this permit.
- bb) Any modifications to the plans arising from the Car park management plan in accordance with Condition 11 of this permit.
- cc) Any modifications to the plans arising from the Waste management plan in accordance with Condition 13 of this permit.

- dd) Any modifications to the plans arising from the Construction management plan in accordance with Condition 14 of this permit.
  - ee) Any modifications to the plans arising from the Tree management plan in accordance with Condition 15 of this permit.
  - ff) Any modifications to the plans arising from the Landscape plan in accordance with Condition 19 of this permit.
  - gg) Payment of the Development contributions levy in accordance with Condition 26 of this permit.
  - hh) Any modifications to the plans arising from the Public works plan in accordance with Condition 27.
  - ii) Provision of a Green travel plan in accordance with Condition 29.
  - jj) Any modifications to the plans arising from VicRoads Conditions 30 and 31.
  - kk) Any modifications to the plans arising from Transport for Victoria Conditions 32 and 33.
  - ll) Location of all plant and equipment, including hot water services and air conditioning units (and the like). Plant equipment is to be located away from habitable room windows of dwellings (within the development) and the adjoining properties habitable rooms. Any rooftop plant equipment is to be acoustically treated.
  - mm) The communal open space provisions to comply with the prescriptive requirements of Clause 58.03-2, Standard D7 – communal open space, of the Bayside Planning Scheme. The shortfall of this space is to be provided via a rooftop deck. This deck is to be suitably screened to avoid any overlooking of adjoining properties.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority
  3. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
  4. All pipes (except downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
  5. The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
  6. Before 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.
  7. 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.
  8. 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

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

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

#### Car Parking

10. 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
11. 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.
12. 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

13. 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

14. 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

15. 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.

16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. Tree protection fence is to be installed around all street trees in compliance with AS 4970–2009, Protection of trees on development sites.

#### Drainage

24. 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.
25. 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

26. 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

27. 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

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

28. 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

29. 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

30. 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.
31. 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

32. 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.
33. 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](mailto:customerservice@ptv.vic.gov.au)

End Transport for Victoria conditions

Permit Expiry

34. 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:

- The installation of the vehicle crossing at the proposed location will severely impact the *Pyrus ussuriensis* street tree asset. As the design does not allow any other option for the location of this vehicle crossing and to allow this development to proceed, the tree may be approved for removal under Clause 6.5 of the Street and Park Tree Management Policy (2016).
- Before the vehicle crossing application will be approved, the applicant must pay \$3,067.91 to the Responsible Authority for the removal and replacement of the existing street tree(s). This amount has been determined in accordance with Council's current policy for the removal of street trees. This amount may be increased by the Responsible Authority if an extension of time to commence 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.

- Information available at Melbourne Water indicates that this property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year.
- Council records indicate that there is no easement within the property.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.

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

**DIVISION:**    **FOR:**        Crs Laurence Evans (Mayor), James Long and Clarke Martin (3)  
**AGAINST:** Crs Alex del Porto, Michael Heffernan, Sonia Castelli and Rob Grinter (4)

**LOST**

**Moved: Cr del Porto**

**Seconded: Cr Castelli**

That Council, having caused notice of **Planning Application No. 2017/499/1** to be given in accordance with Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required by Section 60 of the Act decides to issue a **Notice of Refusal to Grant a Planning Permit** in respect of the land known and described as **427-461 Hampton Street and 82 Holyrood Street, Hampton** for the **construction of a five storey mixed use development (above one basement level) comprising 59 dwellings, a supermarket, two shops and a restaurant, alteration of access to a Road in a Road Zone, Category 1 and reduction in the associated car parking** requirements for the following reasons:

1. The proposal fails to respond to the objectives of Clause 21.11-4 (Hampton Street) of the Bayside Planning Scheme, by way of the following:
  - a) The application fails to result in appropriate public realm improvements.
  - b) The application fails to provide for adequate off-street parking for all dwellings.
2. The proposal fails to respond to the design objectives and built form standards for the Hampton Street Major Active Centre of the Design and Development Overlay, Schedule 12 (Clause 43.02) of the Bayside Planning by way of the following:
  - a) The height of the development fails to meet the built form standards and respond to the future character of the area.
  - b) The application results in an unreasonable impact on adjoining residential properties.



- c) The applications fails to result in a high quality urban design outcome.
- 3. The application fails to ensure a high level of internal amenity for future residents.
- 4. The application fails to provide for adequate car parking in accordance with Clause 52.06 (car parking) of the Bayside Planning Scheme.
- 5. The application fails to ensure that vehicles (including loading vehicles) can safely manoeuvre within the site and egress from the site.

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

**DIVISION:**    **FOR:**        Crs Alex del Porto, Michael Heffernan, Sonia Castelli and Rob Grinter (4)

**AGAINST:** Crs Laurence Evans (Mayor), James Long and Clarke Martin (3)

**CARRIED**

**4.5 15 ROODING STREET, BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO. 2017/565/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/17/5452 – Doc No: DOC/18/22442

*It is recorded that Mr Han Chua, Ms Annie Cooke, Mr Rodney Apcar, Ms Melinda Campbell, and Mr Jason Barnfather spoke for three minutes each on this item.*

**Moved: Cr Heffernan**

**Seconded: Cr Evans (Mayor)**

That Council resolve to:

Issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 2017/565/1 for the land known and described 15 Rooding Street in Brighton, for the construction of a three storey apartment building in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans but modified to show:
  - a) The reallocation of car spaces to provide for two visitor spaces.
  - b) The removal of the existing trees along the western boundary.
  - c) All external walls, inclusive of any solid screening mechanisms or structures (the top 200mm of any semi-transparent screening measure can encroach), must be setback such that full compliance with standard B17 is achieved.
  - d) The front setback to fully comply with Standard B6 of Clause 55 of the Bayside Planning Scheme.
  - e) Diagrams that show full compliance with Standard B22 of ResCode for all balconies above ground floor. Whilst planter boxes can be utilised, they must not be reliant upon the heights of any proposed plants (i.e. the box structure itself must address the overlooking requirements).
  - f) The removal of the pedestrian gates along the frontage that lead to the building entrance.
  - g) 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.
  - h) Evidence of compliance with standard B41 of clause 55.
  - i) Signage in the visitor parking bay that no parking is permitted during the Waste Management pick up period (as identified in the Waste Management Plan at condition 23). This applies only to the one space required for manoeuvrability.
  - j) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).

- k) Evidence of payment of the Development Contribution requirement at condition 25.
- l) Reduction of front fence to 1.5 metres to comply with Standard B32 of Clause 55 of the Bayside Planning Scheme.

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.
8. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.
9. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by John Patrick, dated October 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
  - b) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - c) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - d) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - e) Details of surface finishes of pathways and driveways.

- f) The removal of the existing trees along the western boundary, replaced with new screen trees to the satisfaction of the Responsible Authority.
10. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
12. 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.
13. 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.
14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
16. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity

- Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.
17. A tree protection fence is required for the protection of any remaining street 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.
  18. Before the development starts, the permit holder must apply to Council for the Legal Point of Discharge for the development from where stormwater is drained under gravity to the Council network.
  19. Before the development, detailed plans indicating, but not limited to, the method of 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.
  20. 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.
  21. All ancillary works and features associated with car parking as shown on the endorsed plans (i.e. convex mirror) must be installed and fully maintained at all times.
  22. 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.
  23. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
    - a) Dimensions of storage waste areas.
    - b) Storm water drains in storage areas should be fitted with a litter trap.
    - c) The number and size of bins to be provided.
    - d) Facilities for bin cleaning.
    - e) Method of waste and recyclables collection.
    - f) Types of waste for collection, including colour coding and labelling of bins.

- g) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
- h) Method of hard waste collection.
- i) Method of presentation of bins for waste collection.
- j) Sufficient headroom within the basement to accommodate waste collection vehicles.
- k) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
- l) Strategies for how the generation of waste and recyclables will be minimised.
- m) Compliance with relevant policy, legislation and guidelines, including standard B45.

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.

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.
25. Prior to endorsement of the plan/s required under Condition 1 of this permit, the permit holder must pay a drainage levy in accordance with the amount specified under the Bayside Drainage Development Contributions Plan. The levy amount payable will be adjusted to include the Building Price Index applicable at the time of payment.
- The levy payment shall be submitted to Council with the Bayside Drainage Contributions Levy Charge Sheet and it must include the Building Price Index applicable.
26. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

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

Permit Notes:

- 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.
- Before the development starts the applicant must pay \$3,747.93 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Councils current policy





**4.6 62 BLACK STREET, BRIGHTON  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2017/177/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/24020

*It is recorded that Mrs Christine Brame, Dr Sophie Morris, Mr Paul Truong, and Mr Sam Lahdo (via proxy Graeme Morrison) spoke for three minutes each on this item.*

**Moved: Cr Heffernan**

**Seconded: Cr del Porto**

That Council resolve to:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/177** for the land known and described as **62 Black Street, Brighton**, for the **development of a three storey residential building consisting of 7 apartments, a basement car park and a front fence in excess of 1.5 metres in height** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Bruce Henderson Architects, received on 18 October 2017 but modified to show:
  - a) The first and second floor south eastern side setbacks including the balcony designed to achieve compliance with Standard B17 (side and rear setbacks) of the Bayside Planning Scheme.
  - b) Full compliance with the height requirements of Standard B18 (Walls on boundaries) of the Bayside Planning Scheme along the ground floor of the south-eastern boundary;
  - c) Reduction in the overall site coverage to be a maximum of 60% in accordance with Standard B8 (Site Coverage) of the Bayside Planning Scheme;
  - d) The provision of external security lighting within the site;
  - e) Removal of reference to side and rear boundary fencing from the plans;
  - f) Ramp must be design with 1 in 8 gradient;
  - g) Basement headroom increased to 2.2m as per AS2890.1;
  - h) Manufacture specifications of the turntable;
  - i) 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.
  - j) The allocation of two visitor car spaces within the basement carpark.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 occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the dwellings;
4. 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.
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 (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.
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. Before development starts, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plans must show:
  - a) The type of water sensitive urban design stormwater treatment measures to be used.
  - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaped areas.
  - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

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

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. Before 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) Provision of 4 small canopy trees (greater than 8 metres in height and greater than 4 metres canopy spread) throughout the site;
  - d) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - f) Details of surface finishes of pathways and driveways
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Tree Management and Protection Plan

13. Before development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

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

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

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

#### Traffic

16. Before the occupation of the development starts, the area(s) set aside for vehicle parking and access ways 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.
17. 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.

#### Drainage

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

#### Waste Management Plan

19. Before the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must clearly indicate that waste collection is to be via a private contractor, not Council, and include:
  - a) Dimensions of storage waste areas.
  - a) Storm water drains in storage areas should be fitted with a litter trap.
  - b) The number and size of bins to be provided.
  - c) Facilities for bin cleaning.
  - d) Method of waste and recyclables collection.
  - e) Types of waste for collection, including colour coding and labelling of bins.
  - f) Hours of waste and recyclables collection (to correspond with Council Local Laws and EPA Noise Guidelines).
  - g) Method of hard waste collection.
  - h) Method of presentation of bins for waste collection.
  - i) Sufficient headroom within the basement to accommodate waste collection vehicles.
  - j) Sufficient turning circles for the waste collection vehicles to enter and exit the site in a forward direction.
  - k) Strategies for how the generation of waste and recyclables will be minimised.
  - l) 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

20. Before commencement of development, 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.

#### Development Contributions

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

The levy payment shall be submitted to Council with the Bayside Drainage

Contributions Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Permit Expiry

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

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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- 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**

**4.7 157 CHURCH STREET, BRIGHTON  
SUPPORT THE GRANT OF A PLANNING PERMIT  
APPLICATION NO: 2017/151/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/36329

*It is recorded that Mr James D'Arcy spoke for three minutes on this item.*

**Moved: Cr del Porto**

**Seconded: Cr Heffernan**

Determines to **Support** the application under the provisions of the Bayside Planning Scheme in respect of **Planning Application 2017/151/1** for the land known and described as at **157 Church Street, Brighton** for the **development of a three storey residential building consisting of 8 apartments, a front fence exceeding 1.5 metres in height and basement car park** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the advertised plans (drawn by Artisan Architects, drawing nos. TP01 – TP10 (inclusive) all marked Revision A and dated March 2017) but modified to show:
  - a) The ground floor level setback not less than 4.5 metres from the north boundary;
  - b) The ground floor level not less than 1.825 metres from the east boundary adjacent to that part of apartment G03 that extends from northeast corner of the building to the southernmost bedroom (but excluding the walk in robe and bathroom);
  - c) No alteration to the natural ground level of the 1.825 metre setback to east boundary for a distance of not less than 12 metres commencing at the northeast corner;
  - d) The first floor setback not less than 5 metres from the north boundary except for privacy screens which are to setback not less than 4.6 metres;
  - e) The second level setback not less than 6.7 metres from the north boundary;
  - f) The roof top parapet setback not less than 8.7 metres from the north boundary
  - g) Privacy screening devices must be to a height of not less than 1.8 metres above finished floor level and otherwise designed to meet the requirements of Standard B22 at Clause 55 of the Bayside Planning Scheme;
  - h) Provision of landscaping along the entire length of the north boundary and for a distance of 12 metres along east boundary commencing from the northeast corner of the land, comprising:
    - i. An evergreen hedge with plants of not less than 4 metres in height at the time of planting and capable of growing to a height of 8 metres;

- i) The provision of external security lighting within the site;
- j) Details of the pedestrian sight triangle on the north-west side of the accessway must have a minimum 1m offset from the north-west property boundary provide adequate sight triangle or alternative arrangement that provides satisfactory line of sight;
- k) Ground and floor levels to be shown in Australian Height Datum;
- 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.

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

#### Landscaping

7. Before commencement of development, a 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 be generally in accordance with the landscape plan prepared by John Patrick, Drawing no. L-TP01, dated May 2017 and must show:
  - a) Any requirements set out in condition 1.
  - b) A survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
  - c) A survey, including botanical names, of all existing protected vegetation to be removed from the site.
  - d) Provision of an additional 4 small canopy trees (greater than 8 metres in height and greater than 4 metres canopy spread) throughout the site.
  - e) A survey, including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
  - f) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of



each plant.

- g) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
  - h) Details of surface finishes of pathways and driveways.
8. Not less than 3 months before the occupation of development, the landscaping works required by conditions 1(h), as shown on the endorsed plans, must be carried and completed to the satisfaction of the Responsible Authority.
  9. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
  10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
  10. Before the development starts, a construction impact report *and* tree protection methodology *for trees on neighbouring properties* must be provided in relation to the two (2) Silver Birches (*Bentula pendula*) are located within the side setback of 159 Church Street (southeast), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. The report should be in accordance with the Australian Standard Protection of Trees on Development Sites and should identify impacts that may be detrimental to the tree and include any design responses required to reduce any identified negative impact.
  11. Before the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.
  12. 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.
  13. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
  14. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
  15. 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.

#### Water Sensitive Urban Design

16. Before commencement of development, 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 be generally in accordance with the landscape plan prepared by :
  - 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.

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

#### Traffic / Drainage

18. Before the occupation of the development starts, the area(s) set aside for vehicle parking and access ways 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.
19. 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.
20. 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.
21. 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.
22. Clearly marked allocation of car parking spaces for each dwelling.
23. Clearly line marked / signed visitor parking spaces.

Construction Management Plan

24. Before commencement of development, 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.

**Development Contributions**

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

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

**Permit Expiry**

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

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

**CARRIED**

**4.8 9 WIDDOP CRESCENT, HAMPTON EAST  
NOTICE OF DECISION TO GRANT A PLANNING PERMIT  
APPLICATION NO: 2017/5/1 WARD: CENTRAL**

City Planning & Community Services - Statutory Planning  
File No: PSF/15/8755 – Doc No: DOC/18/27466

*It is recorded that Mr Andrew Wyatt, and Mr Chris Pippo spoke for three minutes each on this item. It is further recorded that Ms Meg Wyatt was not present in the chamber at the time her name was called to speak.*

**Moved: Cr Castelli**

**Seconded: Cr Long**

That Council resolve to:

Issue a **Notice of Decision to Grant a Permit** under the provisions of the Bayside Planning Scheme in respect of **Planning application 5/2017/5** for the land known and described as **9 Widdop Crescent, Hampton**, for the **construction of two 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 amended plans prepared by Finley Robert Design referenced 16-108, date 8 February 2018 and revision number A but modified to show:
  - a) Revised floor and elevation plans to ensure consistent information is provided, e.g., first floor finished floor levels.
  - b) The setback of the living area for dwelling 2 increased to 1 metre off the western boundary.
  - c) All habitable room windows at the first floor to comply with Standard B22 – Overlooking of the Bayside Planning Scheme. Diagrams must be provided for all windows or balconies proposed to be unscreened, demonstrating full compliance with Standard B22.
  - d) A 4.8m wide garage door to be provided for Dwelling 1, and a 3m wide garage door to be provided for Dwelling 2.
  - e) The driveways where they intersect with the footpath are to be 3m wide with 0.8m offset from the western and eastern property boundary respectively.
  - f) The existing crossover must be replaced with a new crossover. The new crossovers must be constructed with 0.8m offset from the property boundaries.
  - g) Adequate sight lines must be provided where each driveway intersects with the front footpath in accordance with Clause 52.06-8.
  - h) Location of all plant and equipment, including hot water services and air conditioners etc. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.

- i) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
- j) Water Sensitive Urban Design measures in accordance with Condition 8 of this permit.
- k) Diagrams showing compliance with Standard B23 of the Bayside Planning Scheme in relation to internal overlooking.
- l) The front setback of dwelling 2 increased and absorbed within the building envelope to show no more than 10 per cent encroachment within the Tree Protection Zone of Tree #3 (*Jacaranda mimosifolia*) and the retention of tree #3.

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 commencement of the development, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Zenith Concepts, Council dated 19 April 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
  - a) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009. Tree #3 is to be retained.
  - 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) Design changes required at Condition 1.
11. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

#### Tree Management and Protection Plan

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

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

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

- a) The Tree Protection Zone and Structural Root Zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site.
  - b) The location of tree protection measures to be utilised.
14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be

undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.

15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

#### Street tree protection

16. Soil excavation must not occur within 2.5 metres from the edge of *Agonis flexuosa* street tree asset's stem at ground level.
17. 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.

#### Drainage

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

#### Development Contributions

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

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

#### Permit Expiry

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



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

Permit Notes:

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- The applicant must clearly identify what impact, if any the proposed vehicle crossing will have Council assets such as pits and trees, power poles etc. Such items must be accurately shown on the plan.
- The applicant is to bear the cost to reinstate/relocate the Council assets to provide the required access to the proposed development.
- 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.
- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Council records indicate that there is a 3.05m wide drainage and sewerage easement along the northern property boundary as indicated on the drawings provided. The plans indicate that two sheds shall be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the Responsible Authority/Authorities.

**CARRIED**

**4.9 6 - 8 SPINK STREET, BRIGHTON  
SUPPORT THE GRANT OF A PLANNING PERMIT  
APPLICATION NO: 2016/813/1 WARD: NORTHERN**

City Planning & Community Services - Development Services  
File No: PSF/15/8755 – Doc No: DOC/18/32884

*It is recorded that Mr Michael Meyer spoke for three minutes on this item.*

**Moved: Cr del Porto**

**Seconded: Cr Heffernan**

That Council resolve to:

Determines to Support the application under the provisions of the Bayside Planning Scheme in respect of Planning application 2016/813/1 for the land known and described as 6 – 8 Spink Street, Brighton, for the Development of a three storey building, reduction in car parking requirements and display of advertising signage in accordance with the ‘without prejudice’ amended 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 draft amended plans prepared by KUD Architects 16-009 Town Planning Drawing Set TP00 to TP29 Inclusive Council date stamped 29 August 2017 but modified to show:
  - (a) Changes consistent with plans prepared by KUD Architects 16-009 Town Planning Drawing Set TP00 to TP31 TP31 (inclusive) dated 8 January 2018 but with further changes as below.
    - (i) The first floor terrace increased in size to a minimum area of 62m<sup>2</sup>.
    - (ii) Deletion of the vegetation to the second floor roof depicted on section AA and section BB on TP21.
    - (iii) Deletion of windows to the second floor south facing hall, and bedrooms 9 and 14.
    - (iv) Notation that the south facing wall for level 2 is constructed to a 55dB rating.
    - (v) Deletion of bedroom 01 and conversion of this space to form part of the communal play area.
    - (vi) Windows to bedrooms 4 and 12 on plan TP12 amended to align with bedroom windows plans TP15 and TP16.
    - (vii) Details of the window to the stairwell associated with Level 1 and to be appropriately screened in accordance with Standard B22.
    - (viii) The signage to be relocated from level 2 to ground floor level, over the entry door to Spink Street.
    - (ix) The ‘darker’ colour palettes depicted in the architectural drawing package titled ‘Aboriginal Art Inspiration’ to be incorporated into the circular façade design.

- (x) The northern side elevation (incorporating walls to level 1 play area and level 2 bedroom 8, bathroom and stairwell) to be articulated with the 'Aboriginal Art Inspiration' referenced at Condition 1(a)(v).
- (xi) The Fibre Cement Sheet façade treatment to the north, south and east elevations to be replaced by recycled red bricks to complement the existing materials found within the area.
- (xii) The circular façade finishes at ground floor level to be increased in height so it partly conceals the windows to classroom 1.
- (xiii) A veranda feature over the entry door, projecting approximately 500mm from the front façade. The veranda must be complementary to the façade design.
- (xiv) Location of all plant and equipment, including hot water services and air conditioners etc. Any plant and equipment is to be located at least 7 metres from the south boundary and must be screened and acoustically treated. Any screening must be no higher than 1.5m from the roof level.
- (xv) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
- (xvi) The recommendations of the Noise Impact Assessment prepared by Octave Acoustics, Noise and Vibration (8 February 2017) to be shown.
- (xvii) A scaled drawing of the signage clearly dimensions. Details of supporting structure and fixture and lighting must be detailed.
- (xviii) A Waste Management Plan in accordance with Condition 31.
- (xix) Landscaping plan in accordance with Condition 32.
- (xx) Water Sensitive Urban Design measures in accordance with Condition 36.

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 use and 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 access is to be provided to the roof decks other than for service and maintenance.
- 5 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.
- 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 without the written consent of the Responsible Authority.
- 7 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.

- 8 The walls on the boundary of the adjoining properties shall be cleaned and finished to the satisfaction of the Responsible Authority.
- 9 Before occupation, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
- 10 The exterior colour and cladding of the building must be of a non-reflective nature to the satisfaction of the Responsible Authority.

#### ***Hours of Operation***

- 11 The classes use may only operate between the hours of (8.00 am-5.00pm Monday to Friday inclusive) without the prior written consent of the Responsible Authority.
- 12 An evening curfew for students of 9:00pm on school nights and 10:00pm on weekends. Alternative hours may be agreed upon given consent is provided by a guardian.
- 13 The Level 1 terrace area is not be accessed after 9.00pm every night.

#### ***Student and Staff Numbers***

- 14 Not more than 46 students may be present on the premises at any one time without the prior written consent of the Responsible Authority.
- 15 A maximum of six (6) staff members will be on the premises at any one time, inclusive of one (1) receptionist / administrator, three (3) carers (shift work) who will also live on site for the duration of the school term and three (3) full time teachers, instructing the ELICOS program.

#### ***Use***

- 16 The education centre component must only implement the English Language Intensive Courses for Overseas Students (ELICOS) program for students aged 17 and under. The program must not accept any external students.

#### ***Advertising Signs***

- 17 The location and details of the sign, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
- 18 All signs must be located wholly within the boundaries of the land.
- 19 The sign must not contain any flashing light.
- 20 The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
- 21 The design and construction of the sign must not allow movement of the sign or any part of the sign.
- 22 The sign must not use traffic signal colours.
- 23 The sign must be constructed and maintained to the satisfaction of the Responsible Authority.

#### ***Noise***

- 24 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, mechanical car stackers, any bells associated with the classes, waste collection and motors associated with the illuminate sign) must be completed prior to the commencement of the use and occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.

- 25 The Noise Impact Assessment prepared by octave Acoustics dated 8 February 2017 must be updated to address plans prepared by KUD Architects 16-009 Town Planning Drawing Set TP00 to TP31 (inclusive) dated 8 January 2018. Any recommendations of the updated acoustic report must be completed prior to the commencement of the use and occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.
- 26 At the request of the Responsible Authority, the owner/ occupier must undertake noise measurements by a suitably qualified acoustic consultant and a report must be submitted to the Responsible Authority for compliance in relation to the N-1 policies and/or EPA Technical Guidelines.
- 27 No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
- 28 All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.

#### ***Car Parking***

- 29 Before the occupation of the development starts, the areas set aside for vehicle parking and accessways must be constructed, drained and line marked to the satisfaction of the Responsible Authority. Such areas must be kept available for these purposes at all times.
- 30 The mechanical stackers must be kept in good working order to the satisfaction of the Responsible Authority to ensure access to all car spaces is available at all times and to prevent adverse noise emissions.

#### ***Waste Management***

- 31 Before 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 generally be in accordance with the Waste Management Plan prepared by Leigh Design and dated 1 December 2016 and 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) No reversing of waste collection vehicles into or out of the rear lane.
- 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.

### **Landscaping**

- 32 Before 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 draft amended plans prepared by KUD Architects 16-009 Town Planning Drawing Set TP00 to TP29 Inclusive Council date stamped 29 August 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
- (a) A planting schedule of all proposed vegetation, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. The planting schedule must be sympathetic to stated objectives of the building design; including species emblematic of Australian and Chinese cultures.
  - (b) Details of soil volumes to be used in planter boxes, irrigation and tree / shrub anchorage systems.
  - (c) Vegetation in the planter boxes, adjacent to the Spink Street frontage, must be of sufficient size to be visible over the façade.
- 33 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.
- 34 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.
- 35 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.

### **Water Sensitive Urban Design**

- 36 Before 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.

### ***Drainage***

- 37 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.
- 38 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.

### ***Development Contributions***

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

### ***Construction Management Plan***

- 41 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.

#### ***Development and Use Expiry***

- 42 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.

#### ***Signage Expiry***

- 43 This permit as it relates to signage expires if the use is discontinued for a period of two years.

**CARRIED**



**5. Confidential Business**

Nil

*Following consideration of Confidential Business the Chairperson declared the meeting closed at 10:10pm.*

**CONFIRMED THIS INSERT 13 DAY OF MARCH 2018**

**CHAIRPERSON: .....**

