



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

held in the Council Chambers, Civic Centre,
Boxshall Street Brighton
on Tuesday 27 March 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
Michael Kelleher – Statutory Planning Coordinator
Karen Brown – Governance Coordinator
Mandy Bartlett – Governance Officer

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5. Confidential Business
Nil

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

1. Apologies

There were no apologies submitted to the meeting.

2. Disclosure of any Conflict of Interest of any Councillor

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 March 2018.

Moved: Cr Long

Seconded: Cr Martin

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

CARRIED

4. Matters of Decision

**4.1 241 - 245 BAY ROAD, CHELTENHAM
NOTICE OF DECISION TO AMEND A PLANNING PERMIT
APPLICATION NO: 1998/3813/3 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/54182

It is recorded that Mr Adam Spiteri spoke for three minutes on this item.

Moved: Cr Martin

Seconded: Cr Evans (Mayor)

That Council resolve to:

Issue a Notice of Decision to Grant an Amended Planning Permit under the provisions of the Bayside Planning Scheme in respect of Planning application 1998/3813/2 for the land known and described as 241 – 245 Bay Road Cheltenham for the Development and use of the site for a private health club/gymnasium with associated car parking, advertising signage and landscaping in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the use and/or development starts, three copies of amended plans drawn to scale and dimensioned, 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 generally in accordance with the plans submitted with the application, or some other specified plans, but modified to show:
 - a) Provision of two bike rails near the drop off zone/entrance;
 - b) An obstruction provided to the east of the entrance to the staff car park to provide protection for the south side of the car park, to the satisfaction of Council;
 - c) Provision of outdoor lighting, to the satisfaction of Council; and
 - d) Clarification that all advertising signs are to be internally illuminated.
 - e) **Before the operations approved under amendment 1998/3813/2 commence, 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 site plan prepared by Donnan Consulting, job number 3433, dated July 2017 but modified to show:**
 - i. **Directional signage to the allocated after-hours carparking provided.**
 - ii. **The carparking spaces must be line marked to the satisfaction of the Responsible Authority.**
2. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the use and/or development starts, a site layout plan drawn to scale and dimensioned must be approved by a Building Practitioner registered under the

Building Act 1993 and submitted to the Responsible Authority. The plans must show:

- a) drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to Council's nominated point of discharge to the satisfaction of the Responsible Authority.
4. The use may operate 24 hours, 7 days a week.
 5. Before occupation all buildings and works specified in this permit must be completed to the satisfaction of the Responsible Authority. The Responsible Authority must be advised in writing when all construction and works are completed to enable the site to be inspected.
 6. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
 7. The amenity of the area must not be detrimentally affected by the use or development, through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin.
 8. Music emanating from the premises must comply with the State Environment Protection Policy N-2 'Control of Music Noise from Commerce, Industry and Trade.
 9. Mechanical noise emanating from the premises must comply with the State Environment Protection Policy N-1 'Control of Noise from Commerce, Industry and Trade.
 10. No sound or amplified equipment or loudspeakers shall be installed so as to be audible from outside the building.
 11. All noise emanating from any mechanical plant (air conditioners etc.) on the site must comply with the State Environment Protection Policy N-1.
 12. Street numbers contrasting in colour to the background shall be fixed at the front boundary of the property as near as practicable to, or on the letterboxes. Separate unit numbers shall be placed adjacent to the front entrance of each dwelling, such numbers to be clearly legible from the access driveway.
 13. Conditions required by VicRoads
 - Layout plans of the access conditions shall be submitted for approval to VicRoads.
 - A kerb return radius between 3 to 5 metres shall be constructed between the vehicular crossover and the existing road pavement.
 - All carparking spaces shall be designed to allow all vehicles to drive forwards when both entering and leaving the property.
 - Unrestricted access shall be provided within the site, with no parking on or directly off the driveway for a minimum distance of metres from the property boundary.
 - The driveway within the site shall be at least 6.0 metres wide for the first 12 metres to allow two way traffic flow.

- Adequate signs, pavement markings and traffic islands shall be provided to direct and control the flow of traffic within the site.
 - The applicant shall pay the full costs of all roadworks, service relocations, signage and other costs associated with these works.
14. All service pipes, (excluding downpipes), fixtures and fittings must be concealed on exposed elevations to the satisfaction of the Responsible Authority.
 15. All plant and equipment (including air conditioning units, heating units, hotwater systems, et.) which is proposed to be located externally shall be identified on plans and located to part of this permit. Such plan must be endorsed prior to commencement of construction and shall include plan and elevation details.
 16. Before the use and/or development starts, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed to the satisfaction of the Responsible Authority;
 - b) properly formed to such levels that they can be used in accordance with the plans;
 - c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
 - d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority; and
 - e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

17. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
18. A sign(s) to the satisfaction of the Responsible Authority must be provided directing staff to the area set aside for staff car parking and must be located and maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres.
19. The loading and unloading of goods from vehicles must only be carried out on the land.
20. Unless specified elsewhere in this permit, all parking spaces provided in association with a business, professional or commercial use shall be made available to the customers or clients of such use and shall not be restricted to the proprietors or employees, entirely or in part.

Unless specified elsewhere in this permit, all parking spaces provided in association with a business, professional or commercial use shall remain available during the hours of operation of the particular business or activity and shall be made available to users free of charge.

21. Before the development hereby permitted starts three copies of a site layout plan drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. The plan must show the proposed landscape treatment of the site including the location of all existing and proposed species. The plan must also include indigenous species and screen planting adjacent to the plant room. Planting adjacent to the property frontage must not exceed a height of 1 metre. When approved the plan will be endorsed and will then form part of the permit.

22. Prior to the use allowed by this permit starting or the occupation of the building hereby permitted, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
23. The location and details of signs shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
24. Signs must not contain any flashing light.
25. All signs must be constructed and maintained to the satisfaction of the Responsible Authority.
26. Signs must not be illuminated by external lights except with the written consent of the Responsible Authority.
27. The part of this permit relating to advertising signage expires four years after the date it is issued.
28. Once the development/use has started it must be continued and completed to the satisfaction of the Responsible Authority.

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 and require Council approval via the Chief Environmental Health Officer before occupation.
- Unless no permit is required under the planning scheme other signs must not be constructed or displayed without a further permit.
- The existing street tree/s must not be removed or damaged.
- Reticulated sewerage must be provided to the requirements of the Sewerage Authority.

Date	Amendment
27 March 2018	<p>Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> to:</p> <ul style="list-style-type: none"> - Addition of the following condition 1 requirement: <ul style="list-style-type: none"> e) Before the use 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 site plan prepared by Donnan Consulting, job number 3433, dated July 2017 but modified to show: <ul style="list-style-type: none"> i. Direction signage to the allocated after-hours carparking provided.



	<ul style="list-style-type: none">ii. The carparking spaces must be line marked to the satisfaction of the Responsible Authority.- Condition 4 amended to allow for 24/7 operations.
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CARRIED

**4.2 6 FERNHILL ROAD, SANDRINGHAM
SECONDARY CONSENT - APPROVE
APPLICATION NO: 2016/372/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/35682

It is recorded that Mr Jason Barnfather spoke for three minutes on this item.

Moved: Cr Evans (Mayor)

Seconded: Cr Martin

That Council resolve to:

1. Approve the amended plans in accordance with secondary consent provisions of Planning Permit 2016/372.
2. Plans identified as TP1.01 dated 21/12/2017, TP1.03 and TP2.00 dated 08/02/2018 prepared by Martin Friedrich Architects be endorsed. These plans are to be read in conjunction with the plans endorsed on 13 October 2017.
3. Plans identified as TP02 and TP04 Revision H prepared by Jack Merlo Design & Landscape and dated 13/03/2018 be endorsed. These plans are to be read in conjunction with the plans endorsed on 13 October 2017.
4. Sheet 3, 5, 8, 16 and 18 of the endorsed plans dated 13 October 2017 be superseded.

CARRIED

**4.3 17 ROODING STREET, BRIGHTON
SUPPORT THE GRANT OF A PLANNING PERMIT
APPLICATION NO: 2017/396/1 WARD: NORTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/58775

It is recorded that Ms Alexandra Wade spoke for three minutes on this item.

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council resolve to:

Determine to **Support** the application under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/396/1** for the land known and described as **17 Rooding Street, Brighton**, for the **construction of ten dwellings on a lot** in accordance with the 'Amended Plans' prepared by Artisan Architects TP00 to TP08 (inclusive) all Rev C and dated 1 March 2018 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 Artisan Architects TP00 to TP08 (inclusive) all Rev C and dated 2 March 2018 but modified to show:
 - a) A notation on the plans that the existing boundary fences adjoining numbers 22 Cowper Street and 17-19 Asling Street are to be retained and / or rebuilt to the existing conditions.
 - b) The proposed landscaping along the northern boundary is to be altered to replace the two large Fantasy Crepe Myrtle tree adjoining 18 and 22 Cowper Street with an evergreen variety;
And;
The replacement of the two Fronzam Frontier Callery Pear trees and Ornamental Pear trees at the boundary with 16 Copwer Street with 4 Express Lilly Pilly trees.
 - c) Townhouse 10 be converted to a single level dwelling within the existing footprint of the dwelling.
 - d) Location of all plant and equipment, including hot water services and air conditioners. Plant equipment is to be located away from habitable room windows of dwellings and the adjoining properties habitable rooms.
 - e) The construction of a 6.4 metre wide crossover central to the accessway.
 - f) The waiting bay to be a minimum length of 5 metres from the southern title boundary increasing to a length of 7.5 metres from the southern title boundary adjacent to the main basement access ramp with the area appropriately splayed. Any consequential changes to facilitate the requirements of the waiting bay area are to the satisfaction of the Responsible Authority.
 - g) The ramp gradients within the splayed area of the waiting bay to match the

main driveway ramp gradients.

- h) An amended Landscape Plan in accordance with Condition 7.
- i) A Tree Protection and Management Plan in accordance with Condition 10. Any consequential changes to facilitate the requirements of the Tree Protection and Management Plan are to the satisfaction of the Responsible Authority.
- j) Drainage Contributions Levy Charge in accordance with Condition 16.

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 buildings without the written consent of the Responsible Authority.
5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before occupation, screening of windows including fixed privacy screens, be designed to limit overlooking as required by Standard B22 and Standard B23 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.
7. Prior to the endorsement of plans pursuant to Condition 1, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the Landscape Plan prepared by Urbis ND2134 LA-01 & LA02, dated 2 March 2018 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) The proposed landscaping along the northern boundary is to be altered to replace the two large Fantasy Crepe Myrtle tree adjoining 18 and 22 Cowper Street with an evergreen variety;
And;
The replacement of the two Fronzam Frontier Callery Pear trees and Ornamental Pear trees at the boundary with 16 Cowper Street with 4 Express Lilly Pilly trees.
 - b) All plants in the landscape plan must be coastal adapted; preferentially indigenous species.
 - c) Details of construction methods and Tree Management measures approved pursuant to the requirements of Condition 10 of this permit.
 - 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
8. 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.

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

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

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

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

- a) The location of all tree protection measures to be utilised, specifically the *Schinus aeria* (Peppercorn Tree) at 13 Rooding Street.
 - b) If tree protection measures are proposed to be changed during the development, one plan for each stage of tree protection measures must be submitted.
11. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
 12. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
 13. Before the 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.

14. 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.
15. Before the development, detailed plans indicating, but not limited to, the method of storm-water discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's Infrastructure Assets Department.
16. 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.

17. Before the commencement of works, 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.

18. 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.
19. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

Permit notes

- A permit must be obtained from Council for all vehicular crossings. These must be constructed under Council's supervision for which 24 hours notice is required.
- Council must be notified of the vehicular crossing and reinstatement works.
- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Prior to commencement of any building works, an Asset protection Application must be taken out. This can be arranged by calling Asset Protection Administrator on 9599 4638.

Council records indicate that there is no easement within the property.

- Subsurface water must be treated in accordance with Council's Policy for "Discharge of Pumped Subterranean Water Associated with Basements or Below Ground Structures.
- Before the vehicle crossing application will be approved, the applicant must pay \$1,635.69 to the Responsible Authority for the removal and replacement of the existing street tree. This amount has been determined in accordance with Council's current policy for the removal of street 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.

CARRIED

**4.4 2 GRAHAM ROAD, HIGHETT
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/687/1 WARD: CENTRAL**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/60522

It is recorded that Mr Jason Barnfather spoke for three minutes on this item.

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 2017/687/1** for the land known and described as **2 Graham Road, Highett**, for the **Construction of three double-storey dwellings and a front fence exceeding 1.2 metres in height** in accordance with the endorsed plans and subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (advertised) prepared by RBi Architects referenced TP-1.05 – TP 2.09, dated October 2017 and revision number B but modified to show:
 - a) Pergolas along Royalty Avenue to be setback a minimum of 1.5m from the boundary.
 - b) Each single garage to be 3.5 metres wide and 6 metres long.
 - c) All pedestrian doors to open outwards of garages.
 - d) Crossovers to Units 2 and 3 to be individual, single width, and separated with a 1 metre wide separator and landscape buffer between. A landscape strip must also extend down the driveway to delineate each access area.
 - e) Each driveway to be 3 metres wide where it interests the footpath.
 - f) Minimum 9 metre offset to be provided between the western site boundary (squared off) and the crossover to Unit 3.
 - 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) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
 - i) Water Sensitive Urban Design measures in accordance with Condition 7 of this permit.
 - j) A Landscaping Plan in accordance with Condition 9 of this permit.
 - k) Provision of the development contributions fee in accordance with Condition 21 of this permit.All to the satisfaction of the Responsible Authority.
2. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless

the Bayside Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority

3. Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
5. All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
6. Before the occupation of the site commences, screening of windows including fixed privacy screens be designed to limit overlooking as required by Standard B22 and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

Water Sensitive Urban Design

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

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

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

Landscaping

9. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by land Concepts, reference sheet 1 of 1 dated 4 September 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) Three small canopy trees with mature heights of 8 metres or greater and canopy spreads of 4 metres or greater in the building setbacks.
 - 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
10. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

12. 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) 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;
 - b) Comment on methods to be utilised and instruction on how to deploy them;
 - c) Comment on when the protection measures are to be deployed;
 - d) Comment on when the protection measures can be modified;
 - e) Process that will be followed if any damage occurs to a tree;
 - f) Process that will be followed if construction works require alteration to protection measures outlined in report; and
 - g) Stages of development at which inspections will occur.
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. 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.

Street tree protection

16. There is to be no soil excavation within 2 metres of any street tree asset measured from the edge of the trunk.
17. Tree protection fence is to be installed around all street trees in compliance with AS 4970–2009, *Protection of trees on development sites*.

Drainage

18. Before the development, detailed plans indicating, but not limited to, the 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
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. Council records indicate that there are two 1.83m wide drainage and sewerage easement along the South boundary and running parallel to the East property boundary as indicated on the drawings provided. The plans indicate that a timber decking, fence and rain water tanks shall be constructed over the easement. Any proposal to encroach into the easement will require Build Over Easement consent from the Responsible Authority/Authorities. The timber decking, fence and rain water tanks shall be partially demountable over the easement, and the proposal may require a Section 173 agreement to be created on the property title to ensure the continuation of Council rights of drainage.

Development Contributions

21. 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.

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

Permit Expiry

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.
- The installation of the vehicle crossing at the proposed location will severely impact the Prunus serrulata street tree asset (Tree 11). 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 \$5,211.72 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.

CARRIED

**4.5 1/3 AND 2/3 BANKSIA AVENUE, BEAUMARIS
NOTICE OF DECISION TO GRANT A PLANNING PERMIT
APPLICATION NO: 2017/398/1 WARD: SOUTHERN**

City Planning & Community Services - Development Services
File No: PSF/15/8755 – Doc No: DOC/18/61769

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

Moved: Cr Martin

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 2017/398/1** for the land known and described as **1/3 and 2/3 Banksia Avenue, Beaumaris** for the **construction of four dwellings on a lot and removal of native vegetation in a Vegetation Protection Overlay (Schedule 3)** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. 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 prepared by The Townhouse Shop Pty Ltd and dated 27 April 2017, TP1 to TP4 inclusive and Point 5 Landscape Plan dated 12 September 2017 but modified to show:
 - a) Internal elevations for all dwellings.
 - b) The southern (rear) boundary setback to the Dining and Family Room of Dwelling 3 increased by 1 metre.
 - c) The southern (rear) boundary setback to Bedroom 4 of Dwelling 3 increased by 1 metre.
 - d) All windows to be screened in accordance with Standard B22 (Overlooking) at Clause 55.04-6 of the Bayside Planning Scheme.
 - e) All windows to be screened in accordance with Standard B23 (Internal Views) at Clause 55.04-7 of the Bayside Planning Scheme.
 - f) The north-western fence provide a minimum visual barrier of 1.8 metres from Natural Ground Level as measured from the subject site.
 - g) Decorative paving / brick banding along the edge of the driveway.
 - h) Sectional diagrams showing driveway gradients to the satisfaction of the Responsible Authority.
 - 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) A mixed variety of construction materials, external finishes and colours to provide articulation to the south-east side elevation of Dwelling 1 and 2 and the south-west elevation of Dwelling 3 and 4 (incorporating for example a mix of contemporary and traditional coastal materials, textures

and finishes including render, timber, non-masonry sheeting, glazing, stone and brick).

- k) Water Sensitive Urban Design measures in accordance with Condition 7 of this permit.
- l) A Landscaping Plan in accordance with Condition 9 of this permit.
- m) A Tree Management and Protection Plan in accordance with Condition 12 of this permit.
- n) Drainage Contributions Levy Charge in accordance with Condition 22.
- o) A Construction Management Plan in accordance with Condition 23

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 (Overlooking) and Standard B23 (Internal Views) and be installed and maintained to the satisfaction of the Responsible Authority thereafter for the life of the building.

Water Sensitive Urban Design

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

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

- 8. The water sensitive urban design stormwater treatment system as shown on the endorsed plans must be retained and maintained at all times in accordance with

the Urban Stormwater - Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

Landscaping

9. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Point Five, Landscape and Environmental Design, 12 September 2017 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) Replacement planting of one additional canopy tree (in addition to the 3 canopy trees shown on the landscape plan). The tree must be indigenous and capable of reaching a mature height and canopy spread of 8 metres.
 - b) The retention of Tree 45, a Laceback / Brachychiton discolour tree located to the south-west corner of the family room to Dwelling 4.
 - c) A survey, including, botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009.
 - d) A survey including botanical names, of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site.
 - e) A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count.
 - f) All vegetation within close proximity to assets must have non-invasive roots or include a root barrier system so as to not damage the assets.
 - g) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - h) Details of surface finishes of pathways and driveways
10. Before the occupation of the development the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Tree Management and Protection Plan

12. 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.
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. 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.

Street tree protection

16. Soil excavation must not occur within 2 metres from the edge of the *Eucalyptus melliodora* 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.
18. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.
19. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Drainage

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

Development Contributions

22. 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.

Construction Management Plan

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

- a) A detailed schedule of works including a full project timing.
- b) A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services, preferred routes for trucks delivering to the site, queuing/sequencing, excavation and swept-path diagrams.
- c) The location for the parking of all construction vehicles and construction worker vehicles during construction.
- d) Delivery of materials including times for loading/unloading, unloading points, expected frequency and details of where materials will be stored and how concrete pours would be managed.
- e) Proposed traffic management signage indicating any inconvenience generated by construction.
- f) Fully detailed plan indicating where construction hoardings would be located.
- g) A waste management plan including the containment of waste on site: disposal of waste, stormwater treatment and on-site facilities for vehicle washing.
- h) Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site.
- i) Site security.
- j) Public safety measures.
- k) Construction times, noise and vibration controls.
- l) Restoration of any Council assets removed and/or damaged during construction.
- m) Protection works necessary to road and other infrastructure (limited to an area reasonable proximate to the site).
- n) Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site).

- o) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experience.
- p) Traffic management measures to comply with provisions of AS 1742.3-2009 Manual of uniform traffic control devices – Part 3: Traffic control devices for works on roads.
- q) All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
- r) Details of crane activities, if any.

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.

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.
- Construction of any fence / wall / letterbox structures may necessitate removal / damage of some sections of footpath. If this is the case, a 'Road Opening Permit' must be obtained to facilitate such work.
- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council Drain / kerb / channel.

CARRIED

**4.6 1/16 AND 2/16 ST. ANDREWS STREET, BRIGHTON
SUPPORT THE GRANT OF A PLANNING PERMIT
APPLICATION NO: 2017/259/1 WARD: NORTHERN**

City Planning & Community Services - Statutory Planning
File No: PSF/15/8755 – Doc No: DOC/18/65169

It is recorded that Mr Shem Curry was not present in the Chamber when his name was called to speak to this item.

Moved: Cr del Porto

Seconded: Cr Heffernan

That Council resolve to:

Issue a **Support** the Grant of a Permit under the provisions of the Bayside Planning Scheme in respect of **Planning application 2017/259** for the land known and described as **1 & 2/16 St Andrews Street, Brighton**, for the **development of the land for the construction of a three-storey building over basement containing four dwellings and the construction of a front fence in excess of 1.5m** in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans (submitted with the application and advertised) prepared by Wolveridge Architects Project Name Black Street Residences 16 St Andrew Street Brighton 3166, date 13 March 2018 and revision number L but modified to show:
 - a) The whole building (including the basement and associated ramp) moved towards north west (towards St Andrews Street) by 500mm.
 - b) The east wall (with no window openings) of bedroom 2 in Unit G02 set back 1.5m from the south east boundary. This setback to be nominated as garden area.
 - c) The north wall of bedroom 2 in Unit G02 increased by 1m to the north.
 - d) South east boundary wall to be amended in accordance with the amended without prejudice plan attached. This wall to be notated as rendered to Dark Grey or similar.
 - e) The setback to the south east wall of Bedroom 3 of Unit PH-201 from the south east boundary increased to 6.895m (along it's entirely).
 - f) The ensuite 3 in Unit PH-201 deleted.
 - g) The south east setback of master bedroom in Unit PH-201 increased to 9.5m.
 - h) The reduction in the width of the second floor pergola along the St Andrews Street and Black Street to no greater than 1m extending out of the façade of the building. The height to be reduced to be no more than 3m above the finished floor level.
 - i) Walls on boundaries to be reduced to comply with Standard B18 of the Bayside Planning Scheme.

- j) Screening details to be provided to all habitable room windows in accordance with Standard B22 of the Bayside Planning Scheme.
- k) Internal fencing details to be provided in accordance with Standard B23 of the Bayside Planning Scheme.
- l) A B85 turning template to be provided for the proposed car parking spaces in accordance with Clause 52.06 of the Bayside Planning Scheme.
- m) Grades, length of grades, levels of headroom of a minimum of 2.2m to be provided on the longitudinal ramp design in accordance with Clause 52.06 of the Bayside Planning Scheme.
- n) Reduce/relocate the existing crossover to 3.6m to match the new ramp width and reinstate the replaced crossover to nature strip at developer's cost.
- o) Adequate sight lines must be provided where the ramp intersects with the front footpath in accordance with Clause 52.06 of the Bayside Planning Scheme.
- p) 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.
- q) A schedule of construction materials, external finishes and colours (incorporating for example paint samples).
- r) A Landscaping Plan in accordance with Condition 10 of this permit.
- s) Tree Management and Protection Plan in accordance with Condition 13 and Condition 17.

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. Prior to the endorsement of plans pursuant to Condition 1, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be drawn to scale with dimensions

and three copies must be provided. The plans must show:

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

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

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

Landscaping

10. Prior to the endorsement of plans pursuant to Condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape concept plan drawn by Erkersley Garden Architecture, Drawing No. STA-0517-01-00, dated 10 July 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) Evergreen screen planting in the south east setback alongside 6 Black Street planted at a height no less than 2m.
 - e) Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces.
 - f) Details of surface finishes of pathways and driveways.
 - g) Removal of Tree 7 and replaced by a suitable species.
 - h) Appropriately sized canopy trees in accordance with Bayside Landscape Guidelines for selection and soil volume requirements
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 the development starts, including any related demolition or removal of vegetation, a Tree Management Plan (report) and Tree Protection Plan (drawing), to the satisfaction of the Responsible Authority, must be submitted to, and be endorsed by, the Responsible Authority.
- The Tree Management Plan (report) must be specific to the site, be in accordance with Australian Standard: Protection of Trees on Development Sites AS4970-2009 and include:
 - Details of Tree Protection Zones for all trees to be retained on the site and for all trees on neighbouring properties where any part of the Tree Protection Zone falls within the subject site;
 - Comment on methods to be utilised and instruction on how to deploy them;
 - Comment on when the protection measures are to be deployed;
 - Comment on when the protection measures can be modified;
 - Process that will be followed if any damage occurs to a tree;
 - Process that will be followed if construction works require alteration to protection measures outlined in report; and
 - Stages of development at which inspections will occur.

Any proposed alteration to the plan must be assessed by the site arborist and can only occur following the approval of the site arborist. Such approval must be noted and provided to the Responsible Authority within 28 working days of a written request.

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

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

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

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 AS4373-2007. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.
17. Prior to the development commencement or any removal of vegetation, a Tree Impact Assessment Report is required to be submitted to Council. The report will be in accordance with part 2.3.5 of Australian Standard Protection of Trees on Development Sites 4970 and will identify impacts that may be detrimental to the Tree #2 and Tree#6. The report will include design responses required

to reduce any identified negative impact. The proposal will be modified to include any recommendations made in the report.

Street tree protection

18. Soil excavation must not occur within 3.5 metres from the edge of the Ecalyptus sideroxylon (Tree 1) and Ecalyptus leucoxylon (Tree 2) street tree asset's stem at ground level along the naturestrip.
19. 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.
20. Prior to soil excavation for a Council approved crossover within the TPZ, a trench must be excavated along the line of the crossover adjacent to the tree using root sensitive non-destructive techniques. All roots that will be affected by must correctly pruned.
21. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Drainage

22. 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.
23. 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

24. 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.

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

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

Permit Expiry

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

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

Permit Notes:

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

CARRIED

5. Confidential Business

Nil

Following consideration of Confidential Business the Chairperson declared the meeting closed at 7:24pm.

CONFIRMED THIS INSERT 17 DAY OF APRIL 2018

CHAIRPERSON:

