

Planning and Amenity Delegated Committee Meeting

held remotely and live-streamed
via Council's website

Tuesday 10 August 2021
at 6:30pm



Minutes

PRESENT:

Chair: Cr Alex del Porto

Councillors: Cr Laurence Evans OAM (Mayor)
Cr Sonia Castelli (Deputy Mayor)
Cr Hanna El Mouallem
Cr Clarke Martin
Cr Jo Samuel-King
Cr Fiona Stitfold

Officers: Matthew Cripps – Acting Director City Planning and Amenity
Terry Callant – Manager Governance and Corporate Reporting
Fiona Farrand – Acting Manager Development Services
Michael Kelleher – Statutory Planning Coordinator
Rosie Nolan – Acting Statutory Planning Coordinator
Robert Lamb – Governance Officer

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The Chair declared the meeting open at 6:30pm and advised that the Planning and Amenity Delegated Committee meeting is being streamed live on the internet.

The Chair noted that temporary changes to the Planning and Amenity Delegated Committee meeting procedures are in place with regard to Chapter 2, Division 10 of Council's Governance Rules 2020 (Individual Presentations), whereby:

- *in place of speaking in-person at a Council / Delegated Committee meeting, members of the public may submit a written statement which must be sent electronically, or delivered to Council's Corporate Centre, by 9:00am on the day of the meeting*
- *written statements received after 9:00am on the day of the meeting will not be considered by the meeting*
- *a person may only make a written statement to a Council / Delegated Committee Meeting in relation to an item listed in the agenda under Reports by the Organisation, and even then not if the item is in the nature of a report summarising a decision already made by another body; or if the report relates to a Tender Report relating to the awarding of a contract*
- *in accordance with Chapter 2, Section 83(1) of Council's Governance Rules 2020, any statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community may not be accepted*
- *where a person has formally made a written statement in relation to an item on the agenda, the statement will be provided to all councillors in advance of the meeting*
- *written statements are not confidential and, following the closure for receipt of statements, will be published (including first and last names only) on Council's website as an attachment to the Agenda for the relevant meeting*
- *written statements will not be read out at the meeting; however, the Chairperson will advise the meeting of the number of statements received to each item.*

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.

Procedural Motion

Moved: Cr Evans OAM (Mayor)

Seconded: Cr Castelli

That the Planning and Amenity Delegated Committee:

1. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem which prevents Council from livestreaming the meeting
2. adjourns the meeting to be reconvened on Wednesday 11 August 2021 at 6:30pm via livestreaming on Council's website, in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website.

CARRIED

3. Adoption and Confirmation of the minutes of previous meeting

- 3.1 Confirmation of the Minutes of the Planning and Amenity Delegated Committee held on 13 July 2021.

Moved: Cr Evans OAM (Mayor)

Seconded: Cr El Mouallem

That the minutes of the Planning and Amenity Delegated Committee held on 13 July 2021, as previously circulated, be confirmed as an accurate record of proceedings.

CARRIED

4. Matters of Decision

4.1 50 HANBY STREET, BRIGHTON NOTICE OF DECISION TO GRANT A PERMIT APPLICATION 2020/666/1 WARD: CASTLEFIELD

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/204818

It is recorded that Mr Ian & Mrs Mary Armstrong, Mr John & Mrs Kim Yeoman, Ms Youla Horne, Mr Andrew Melin, and Mr Daniel Portelli each submitted a written statement in relation to this item.

Moved: Cr Samuel-King MBBS

Seconded: Cr Evans OAM (Mayor)

That Council resolves to Issue a Notice of Decision to Refuse a Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/666/1 for the land known and described as 50 Hanby Street, Brighton, for the construction of three dwellings on a lot for the following reasons:

- 1) The proposal fails to respect the existing neighbourhood character of the area and fails to respond to the objectives of Clause 15.01-5L (Neighbourhood Character, Precinct E1) of Bayside Planning Scheme, on the following grounds:
 - a) The development fails to respond to the existing and preferred neighbourhood character for this precinct.
 - b) The development fails to retain large trees and established vegetation and provide for the planting of trees.
 - c) The development fails to create the appearance of space between buildings and accommodate substantial vegetation.
 - d) The development fails to recess upper level elements from the front façade.
- 2) The proposed development fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B1 (Neighbourhood Character) – The proposal fails to respond to the existing and preferred neighbourhood character for this precinct.
 - b) Standard B17 (Side and rear setbacks) – The proposal fails to respect the preferred character of the area and limit the impact on the amenity of neighbouring dwellings.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM (Mayor), Clarke Martin, Sonia Castelli (Deputy Mayor), Hanna El Moullem, Jo Samuel-King MBBS and Fiona Stiffold (7)
AGAINST: Nil (0)

CARRIED

**4.2 416 BALCOMBE ROAD, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2020/506/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/206721

It is recorded that Mr Ian & Mrs Lynette Urquhart, Mr Robert Peers & Ms Sally Starr, and Mr Stephen Hay (on behalf of HP Architects) each submitted a written statement in relation to this item.

Moved: Cr Martin

Seconded: Cr El Mouallem

That Council resolves to Issue a Notice of Decision to Refuse a Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/506/1 for the land known and described as 416 Balcombe Road, Beaumaris, for the construction of three dwellings on a lot for the following reasons:

- 1) The proposal fails to respect the existing neighbourhood character of the area and fails to respond to the objectives of Clause 15.01-5L (Neighbourhood Character, Precinct H2) of Bayside Planning Scheme, on the following grounds:
 - a) The development fails to respond to the existing and preferred neighbourhood character for this precinct.
 - b) The development fails to create the appearance of space between buildings and accommodate substantial vegetation.
 - c) The development fails to minimise impervious surfaces, particularly in the front garden.
 - d) The development fails to locate garages and carports at or behind the line of the dwelling.
 - e) The development fails to incorporate design elements into the front façade such as recessed portions, projecting elements behind the front setback line, pitched roof forms, combinations of materials, textures or colours or other elements providing appropriate articulation.
- 2) The proposed development fails to comply with the Objectives and Standards of Clause 55 of the Bayside Planning Scheme, in particular:
 - a) Standard B1 - Neighbourhood Character
 - b) Standard B6 – Street Setback
 - c) Standard B17 - Side and Rear Setbacks
 - d) Standard B18 – Walls on Boundary
 - e) Standard B22 – Overlooking.

CARRIED

**4.3 342A BAY ROAD, CHELTENHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2021/26/1 WARD: EBDEN**

City Planning and Amenity - Statutory Planner
File No: PSF/21/28 – Doc No: DOC/21/217613

It is recorded that Mrs Joanne Howe, Mr Derek Screen, Mr Fraser Martin & Ms Kate Tuckey, Ms Simone Boileau, and Mrs Katherine VDB each submitted a written statement in relation to this item.

Moved: Cr Evans OAM (Mayor)

Seconded: Cr Castelli (Deputy Mayor)

That Council resolves to Issue a Notice of Decision to Refuse a Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/26/1 for the land known and described as 342A Bay Road, Cheltenham, for the use of the land to sell and consume liquor in association with a wine bar (general licence) for the following reasons:

- 1) The proposed hours of operation fail to respond to the purpose, objectives and decision guidelines of Clause 52.27 (Licensed Premises) of the Bayside Planning Scheme.
- 2) The proposed maximum number of patrons fails to respond to the purpose, objectives and decision guidelines of Clause 52.27 (Licensed Premises) of the Bayside Planning Scheme.
- 3) The proposed sale or consumption of liquor fails to adequately consider the impact on the amenity of the surrounding area as required by decision guidelines of Clause 52.27 (Licensed Premises) of the Bayside Planning Scheme.

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

DIVISION: **FOR:** Crs Alex del Porto, Laurence Evans OAM (Mayor), Clarke Martin, Sonia Castelli (Deputy Mayor), Hanna El Mouallem, Jo Samuel-King MBBS and Fiona Stitfold (7)
AGAINST: Nil (0)

CARRIED

**4.4 17 HOLZER STREET, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2021/35/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/228612

It is recorded that Mrs Prudence Stoneham, Mrs Anne Bruce, Mr Sven Erikson, Ms Kathryn Curnow, and Mr Tasman Jones (on behalf of Songbowden Planning) each submitted a written statement in relation to this item.

Moved: Cr Stitfold

Seconded: Cr Evans OAM (Mayor)

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/35/1 for the land known and described as 17 Holzer Street, Sandringham, for the construction of three 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 (amended) prepared by Planar-Arc referenced 1072, date 15 April 2021 and revision C and Landscape Plan L-TP01 drawn by John Patrick R date April 2021 but modified to show:
 - a) deletion of the sliding door in the first floor rumpus of Dwelling 2
 - b) the width of both crossovers increased to 3.0m
 - c) notes on the elevation plans outlining that the screening measures required by Standard B22 will reach a height of 1.7m above finished floor level
 - d) Water Sensitive Urban Design measures in accordance with Condition 9 of this permit
 - e) a Tree Management and Protection Plan in accordance with the requirements of Condition 13 of this permit
 - f) provision of the Development Contribution Levy in accordance with Condition 20 of the permit
 - g) the deletion of the roof deck from dwelling 1all 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 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. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and 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.

10. 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

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 and prior to any related demolition or removal of vegetation, a TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to

and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The TPMP must include:

- a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site
- b) protection measures to be utilised and at what stage of the development they will be implemented
- c) appointment of a project arborist detailing their role and responsibilities
- d) stages of development at which the project arborist will inspect tree protection measures
- e) monitoring and certification by the project arborist of implemented protection measures.

Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.

Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites

The TPP must:

- a) be legible, accurate and drawn to scale
 - b) show the location of all tree protection measures to be utilised
 - c) include a key describing all tree protection measures to be utilised.
14. All protection measures identified in the Tree Management and Protection Plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the Tree Management and Protection Plans, to the satisfaction of the Responsible Authority.
 15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.
 16. 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 Conditions

17. Before the development starts, tree protection fencing is to be established around the *Brachychiton populneus* street tree 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 Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009. The fencing is to encompass the entire nature strip and must extend 3 meters either side of the tree.

18. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors.
19. There is to be no soil excavation within 2.5 metres of the *Brachychiton populneus* street tree asset measured from the edge of the trunk. Any installation of services and drainage within the TPZ must be undertaken using root-sensitive, non-destructive techniques.

Development Contribution

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

S173 Agreement

21. Before the development starts, the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must provide:
 - a) at any time a dwelling allowed by this permit is sold, the vendor must make a tax deductible donation equal to 0.1% of the sale price of the dwelling to Homes for Homes Limited (CAN 143 151 544) or a social and/or affordable housing not-for-profit organisation approved by the Responsible Authority within 30 days of property settlement.
22. Before the development completes, an application must be made to the Register of Titles to register the Section 173 agreement on the certificate of title of the land under Section 181 of the *Planning and Environment Act 1987* and the Section 173 agreement must be registered on the certificate of title of the land.
23. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the Section 173 agreement.

Drainage

24. 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.
25. 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 Presentation Department.
26. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

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.
- 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 \$5,245.27 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.
- 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

**4.5 6 TOWERS STREET, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2020/122/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/229126

It is recorded that Mr Chris Pippo (on behalf of The North Planning) submitted a written statement in relation to this item.

Moved: Cr Martin

Seconded: Cr Stitfold

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/122/1 for the land known and described as 6 Towers Street, Beaumaris, for the construction of two (2) 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 (amended 29 June 2021) prepared by Rake Design but modified to show:
 - a) a letterbox must be provided for each of the dwellings. The dimensions, placement and numbering must comply with the Australia Post – Letterbox Security and Specification as published on its website to the satisfaction of the Responsible Authority. Letterboxes must match the addressing
 - b) all external air-conditioning units must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority
 - c) removal of the text 'Ex. Tree to be removed' in proximity of tree 9 (which is to be retained)
 - d) Water Sensitive Urban Design measures in accordance with Condition 9 of this permit
 - e) a Landscaping Plan in accordance with Condition 11 of this permit
 - f) a Tree Management and Protection Plan in accordance with Condition 14
 - g) provision of the development contributions fee in accordance with Condition 22
 - h) the double garage for dwelling 2 to be reduced to a single garage and setback a minimum of 2m from the side boundaryall 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. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and 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.

10. 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

11. 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 Zenith Concepts, revision d, dated February 2021 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. Plantings must be 80% indigenous by species type and count
 - d) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - e) details of surface finishes of pathways and driveways.
12. 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.
13. 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

14. 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 and at what stage of the development they will be implemented
 - c) appointment of a project arborist detailing their role and responsibilities
 - d) stages of development at which the project arborist will inspect tree protection measures
 - e) monitoring and certification by the project arborist of implemented protection measures.
15. 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.

16. 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.
17. Any pruning that is required to be done to the canopy of any tree to be retained (Tree 9 and 14) 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 (Tree 9 and 14) is to be done by hand by a qualified Arborist.

Street tree protection

18. Soil excavation must not occur within 2 metres from the edge of the Melaleuca Lanceolata (Moonah) street tree asset's stem at ground level.
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.

Development Contribution

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

S173 Agreement

23. Before the development starts, the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must provide:
 - a) at any time a dwelling allowed by this permit is sold, the vendor must make a tax deductible donation equal to 0.1% of the sale price of the dwelling to Homes for Homes Limited (CAN 143 151 544) or a social and/or affordable

housing not-for-profit organisation approved by the Responsible Authority within 30 days of property settlement.

24. Before the development completes, an application must be made to the Register of Titles to register the Section 173 agreement on the certificate of title of the land under Section 181 of the Planning and Environment Act 1987 and the Section 173 agreement must be registered on the certificate of title of the land.
25. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the Section 173 agreement.

Drainage

26. 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.
27. 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 Presentation Department.

Permit Expiry

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

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

Permit Notes:

- Council is the responsible authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.
 - Western Dwelling – 6A Towers Street, BEAUMARIS 3193
 - Eastern Dwelling – 6B Towers Street, BEAUMARIS 3193

For more information on street numbering, please contact Council's Revenue Services Team on 9599 4444.

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

- A 'Road Opening / Stormwater Tapping Permit' is to be obtained from the Infrastructure Department prior to the commencement of the connection to the Council drain / kerb / channel.

CARRIED

**4.6 65 ARDOYNE STREET, BLACK ROCK
GRANT A PERMIT
APPLICATION 2021/178/1 WARD: EBDEN**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/229136

It is recorded that Mr Nick Legoe (on behalf of Keen Planning) submitted a written statement in relation to this item.

Moved: Cr Evans OAM (Mayor)

Seconded: Cr Martin

That Council resolves to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/178/1 for the land known and described as 65 Ardoyne Street, Black Rock, for the construction of two (2) dwellings on a lot and the removal of native vegetation within 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 plans (advertised) prepared by Wardle Design, date 17 May 2021 and revision number B but modified to show:
 - a) the ground floor ensuite of one of the dwellings to be deleted and/or relocated outside of the 2m side setback area without further reducing any other setback
 - b) an additional material to be incorporated into the first floor Eastern façade to the satisfaction of the responsible authority
 - c) retention of Tree 24 *Syzygium* (Lilly Pilly)
 - d) the basement plan to annotate the proposed floor gradients of the parking areas/driveways in accordance with the Australian Standards
 - e) eastern crossover to be at least 3m wide with 1m offset from the side property boundary
 - f) a Landscaping Plan in accordance with Condition 11 of this permit
 - g) a Tree Management and Protection Plan in accordance with Condition 15
 - h) root Investigations Report in accordance with Condition 14
 - i) Water Sensitive Urban Design measures in accordance with Condition 9 of this permit
 - j) provision of the development contributions fee in accordance with Condition 23all 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. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and 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.

10. 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

11. 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 Earth Empire dated 25 May 2021 and be drawn to scale with dimensions. The plan must show:

- a) the retention of Tree 24, *Syzygium* (Lilly Pilly) as per Condition 1c
 - 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 trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - d) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be 80% indigenous by species type and count
 - 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.
12. 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.
13. 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.

Root Investigations Report

14. Prior to the endorsement of plans pursuant to Condition 1, root investigations must be undertaken with respect Tree 24 (*Syzygium*). A report must be provided to Council that indicates that the construction within the TPZ area of Tree 24 can be tolerated by the tree. If unacceptable, the plans must be altered to provide for an acceptable outcome.

This plan must also address any structural changes that may be required to the canopy of Tree 24.

Tree Management and Protection Plan

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 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.
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 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 (Tree 24) 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 (Tree 24) is to be done by hand by a qualified Arborist.

Street tree protection

19. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised contractors.
20. There is to be no soil excavation within 1.5 metres of the street tree asset measured from the edge of the trunk.
21. 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) the fencing is to encompass the entire nature strip and must extend 1.5 metres either side of the tree
 - f) 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.
22. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Development Contribution

23. 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.

S173 Agreement

24. Before the development starts, the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must provide:

- a) at any time a dwelling allowed by this permit is sold, the vendor must make a tax deductible donation equal to 0.1% of the sale price of the dwelling to Homes for Homes Limited (CAN 143 151 544) or a social and/or affordable housing not-for-profit organisation approved by the Responsible Authority within 30 days of property settlement.
25. Before the development completes, an application must be made to the Register of Titles to register the Section 173 agreement on the certificate of title of the land under Section 181 of the *Planning and Environment Act 1987* and the Section 173 agreement must be registered on the certificate of title of the land.
 26. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the Section 173 agreement.

Drainage

27. 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.
28. 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 Presentation Department.
29. Council Stormwater drainage is for surface rainwater, no water below the Ground Water Table is accepted into the Council Stormwater system. Only occasional, clean, uncontaminated seepage water (associated with a rain event) is accepted to an appropriate Council underground drain OR this subterranean water must be suitably retained on-site.
30. The surface of all balconies and terraces are to be sloped to collect the stormwater run-off into stormwater drainage pipes that connect into the underground drainage system of the development to the satisfaction of the Responsible Authority.

Permit Expiry

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

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

Permit Notes:

- Council is the responsible authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.
 - Western Dwelling - 65A Ardoyne Street, BLACK ROCK 3193
 - Eastern Dwelling - 65B Ardoyne Street, BLACK ROCK 3193

- This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.
- Council records indicate that there is 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.
- 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 vehicle crossing application will be approved, the applicant must pay \$3,748.88 to the Responsible Authority for the removal and replacement of the existing street tree (Asset No. 470562). 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.

CARRIED

**4.7 58 CROMER ROAD BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2021/212/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/229194

Moved: Cr Martin

Seconded: Cr Evans OAM (Mayor)

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/212/1 for the land known and described as 58 Cromer Road, Beaumaris, for the Construction of two dwellings on a lot and removal of native vegetation to Australia 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 Crowhurst Building Design referenced Ground Floor Plan, First Floor Plan, Elevations, date June 2021 but modified to show:
 - a) the proposed front fence height and material annotations on the ground floor plan, landscape plan and elevations to be consistent with one another and to not exceed 1.2m in height
 - b) a Landscaping Plan in accordance with Condition 10 of this permit
 - c) provision of an Arboricultural Impact Assessment Report in accordance with Condition 13 of this permit
 - d) provision of a Tree Protection Management Plan (TPMP) for Private & Public Open Space Trees in accordance with Condition 14 of this permit
 - e) payment of the Development Contribution levy in accordance with Condition 18 of this permitall 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. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Water Sensitive Urban Design

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 plan drawn by Bayview Landscaping, reference TPLP1, dated June 2021 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. Plantings must be 80% indigenous by species type and count
 - d) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - e) details of surface finishes of pathways and driveways
 - f) one canopy tree capable reaching 12m in height or two canopy trees capable of reaching 8m in height in the front setback of the development
 - g) one canopy tree capable of reaching 10-15m in height or two canopy trees capable of reaching 6-8m in height in the rear of each dwelling.
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.

Provision of Arboricultural Impact Assessment Report

13. Arboricultural impact assessment report in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites. The report will explain design and construction methods proposed to minimize impacts on trees to be retained (site trees and neighbouring trees) where there is encroachment into the calculated TPZ.

Tree Protection Management Plan (TPMP) for Private & Public Open Space Trees

14. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. This report must be made available to all relevant parties involved with the site.

The TPMP must include:

- a) details of Tree Protection Zones, as per AS4970-2009, for all trees to be retained on the site and for all trees on neighbouring properties (including public open space trees) where any part of the Tree Protection Zone falls within the subject site
- b) protection measures to be utilised and at what stage of the development they will be implemented
- c) appointment of a project arborist detailing their role and responsibilities
- d) stages of development at which the project arborist will inspect tree protection measures
- e) monitoring and certification by the project arborist of implemented protection measures.

Before any works associated with the approved development, a project arborist must be appointed and the name and contact details of the project arborist responsible for implementing the endorsed TPMP must be submitted to the Responsible Authority.

Any modification to the TPMP must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.

The TPMP must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

The TPP must include:

- a) be legible, accurate and drawn to scale
 - b) show the location of all tree protection measures to be utilised
 - c) include a key describing all tree protection measures to be utilised.
15. 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.
 16. 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.
 17. 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 (specify particular tree/s) is to be done by hand by a qualified Arborist.

Development Contribution

18. 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.

S173 Agreement

19. Before the development starts, the owner must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. The agreement must provide:
- a) at any time a dwelling allowed by this permit is sold, the vendor must make a tax deductible donation equal to 0.1% of the sale price of the dwelling to Homes for Homes Limited (CAN 143 151 544) or a social and/or affordable housing not-for-profit organisation approved by the Responsible Authority within 30 days of property settlement.
20. Before the development completes, an application must be made to the Register of Titles to register the Section 173 agreement on the certificate of title of the land under Section 181 of the Planning and Environment Act 1987 and the Section 173 agreement must be registered on the certificate of title of the land.
21. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the Section 173 agreement.

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 Infrastructure Assets Department.

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:

- Council is the responsible authority for the allocation of street addressing in accordance with the 'Rural and Urban Addressing Standards (4819:2011)'. It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.

Southern Dwelling – 58A Cromer Road BEAUMARIS 3193

Northern Dwelling – 58B Cromer Road BEAUMARIS 3193

For more information on street numbering, please contact Council's Revenue Services Team on 9599 4444.

- 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.
- Council records indicate that there is a 1.83m wide drainage and sewerage easement along the East property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the responsible Authority/Authorities.
- The permit holder must obtain approval from the relevant authorities to build over the easement(s).
- 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

**4.8 450 HAMPTON STREET, HAMPTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION 2021/292/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: DD005.2021.00000292.001 – Doc No: DOC/21/231007

It is recorded that Ms Kylie Harkin, and Mrs Fiona McClelland each submitted a written statement in relation to this item.

Moved: Cr Stitfold

Seconded: Cr El Mouallem

That Council resolves to Issue a Notice of Decision to Refuse a Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/292/1 for the land known and described as 450 Hampton Street, Hampton, for the use of the land to sell and consume liquor (Restaurant and Café licence) for the following reasons:

- 1) The proposed hours of operation fail to respond to the purpose, objectives and decision guidelines of Clause 52.27 (Licensed Premises) of the Bayside Planning Scheme.
- 2) The proposed sale or consumption of liquor fails to adequately consider the impact on the amenity of the surrounding area as required by decision guidelines of Clause 52.27 (Licensed Premises) of the Bayside Planning Scheme.

WITHDRAWN

It is recorded that the Mover and Seconder withdrew the above Motion.

Moved: Cr Martin

Seconded: Cr Stitfold

That Council resolves to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2021/292/1 for the land known and described as 450 Hampton Street, Hampton to sell and consume liquor (Restaurant and Café licence) in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. The licensed area as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. The sale and consumption of liquor may only occur within the licensed area as shown on the endorsed plan.
3. The sale and consumption of liquor may only occur between:
Monday to Friday 12 noon to 11pm
Saturday 7am to 11pm
Sunday 12 noon to 11pm
ANZAC Day and Good Friday 12 noon to 9pm.

The outdoor area is not to be used after 9pm Sunday to Wednesdays.

No amendment to these hours is to occur without the prior written consent of the Responsible Authority.

4. Not more than 128 patrons may be present on the premises (including the rear outdoor area) at any one time.
5. Not more than 50 patrons may be present in the rear outdoor area at any one time.
6. The outdoor area to the rear of the site may only be used to serve and consume liquor for a maximum of two private functions a week, without the prior written consent of the Responsible Authority.
7. Prior to the use commencing signage must be erected within the rear outdoor area to be used to encourage responsible off-site patron behaviour.
8. Noise emanating from the premises must not exceed the requirements of State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2) or superseding legislation.
9. The predominant activity carried out on the premises, must be the preparation and serving of meals for consumption on the premises.

Permit Expiry

10. This permit will expire if one of the following circumstances applies:
 - a) the use is not started within two years of the date of this permit
 - b) the use is discontinued for a period of two years or more.

In accordance with Section 69 of the *Planning and Environment Act 1987*, 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

**4.9 335 NEW STREET, BRIGHTON
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION 2012/730/4 WARD: DENDY**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/229698

It is recorded that Mr Adam Haines (on behalf of SJB Planning) submitted a written statement in relation to this item.

Moved: Cr El Mouallem

Seconded: Cr Samuel-King MBBS

That Council resolves to Issue a Notice of Decision to Refuse a Grant an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2012/730/4 for the land known and described as 335 New Street, Brighton for the use of land as accommodation, development of a four-storey building comprising multiple dwellings over basement and reduction of carparking requirements in Clause 52.06 for the following reasons:

- 1) The proposed amendments do not achieve the built form outcomes sought by the schedule to the Design and Development Overlay, Schedule 15.
- 2) The proposed amendments will unreasonably impact the neighbourhood character of the area in terms of additional visual bulk.
- 3) The proposed works would remove existing secluded private open space for existing apartments, and hence would unreasonably detract from the internal amenity of these apartments.
- 4) The proposal would result in unreasonable overlooking upon the adjoining residential interfaces and be non-compliant with the objectives of and decision guidelines of Standard D14 of Clause 58 of the Bayside Planning Scheme.

CARRIED

**4.10 46 BLACK STREET, BRIGHTON
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION 2020/253/2 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: DD005.2020.00000253.002 – Doc No: DOC/21/234882

It is recorded that Mr Jack Manion (on behalf of JM Planning), Mr David Bayley (on behalf of Clause1 Planning), Mr Andrew Bini, for Nicholson Ryan Lawyers (on behalf of Shannon and Leath Nicholson), and Mr Jason Barnfather (on behalf of Squareback) each submitted a written statement in relation to this item.

Moved: Cr Castelli (Deputy Mayor) Seconded: Cr Evans OAM (Mayor)

That Council resolves to issue a Notice of Decision to Grant an Amendment to a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/253/2 for the land known and described as 46 Black Street, Brighton, to construct three (3) dwellings on a lot and a front fence exceeding 1.2 metres and a building in excess of 9 metres in height in the Design and Development Overlay 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 amended prepared by Kelem Design, date 20/08/2020 and revision number D but modified to show:
 - a) demonstrate compliance with Standard B35 (Energy Efficiency) of the Bayside Planning Scheme
 - b) the basement ramp to be re-designed as follows, 1 in 10 grade over 2m at the top, a 1 in 4.5 main grade, and a 1 in 8 grade over 2m at the bottom. A longitudinal section of the ramp must be provided that shows all grades, length of grades and levels in accordance with Clause 52.06-9 (ramp gradients)
 - c) the first 5 metres to the south of the new crossover to be reclassified as a 'No Stopping Zone'. The relevant parking signage to be installed at the applicants cost
 - d) provision of a Tree Management Report in accordance with Condition 12
 - e) provision of the development contributions fee in accordance with Condition 19
 - f) construction management plan in accordance with condition 20
 - g) the roof deck reduced in size to 55m² by an increase in the rear setback of approximately 1mall 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. All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants, to the site must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Water Sensitive Urban Design

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 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.

Street tree protection

15. Soil excavation must not occur within 2 metres from the edge of the street tree asset's stem measured from the edge of the trunk.
16. 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.
17. 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.
18. Any installation of services and drainage within the TPZ must be undertaken using root sensitive non-destructive techniques.

Development Contribution

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

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

Construction Management Plan

20. Prior to commencement of any building works (including demolition works in a Heritage Overlay) and / or the issue of a Building Permit a Construction Management Plan (CMP) prepared 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 form part of this permit. The

plan must provide for (but not limited to):

- a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure
- b) works necessary to protect road and other infrastructure
- c) remediation of any damage to road and other infrastructure
- d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land
- e) facilities for vehicle washing, which must be located on the land
- f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street
- g) site security
- h) management of any environmental hazards including, but not limited to:
 - i) contaminated soil and ground water
 - ii) materials and waste
 - iii) dust
 - iv) stormwater contamination from run-off and wash-waters,
 - v) sediment from the land on roads
 - vi) washing of concrete trucks and other vehicles and machinery
 - vii) spillage from refuelling cranes and other vehicles and machinery
- i) the construction program
- j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency
- k) parking facilities for construction workers
- l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Pla
- m) An outline of requests to Council /Public authorities to occupy public footpaths or roads, or anticipated disruptions to local service
- n) 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
- o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads
- p) include details of bus movements throughout the precinct during the construction period
- q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and

Vibration Management Plan, consideration must be given to:

- i) using lower noise work practice and equipment
- ii) the suitability of the land for the use of an electric crane
- iii) silencing all mechanical plant by the best practical means using current technology
- iv) fitting pneumatic tools with an effective silencer
- v) other relevant considerations
- vi) any site-specific requirements

During the construction:

- r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines
- s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system
- t) vehicle borne material must not accumulate on the roads abutting the land
- u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads
- v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

Drainage

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. 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.
23. Council Stormwater drainage is for surface rainwater, no water below the Ground Water Table is accepted into the Council Stormwater system. Only occasional, clean, uncontaminated seepage water (associated with a rain event) is accepted to an appropriate Council underground drain OR this subterranean water must be suitably retained on-site.
24. Council records indicate that there is a 0.91m wide drainage easement along the South East property boundary as indicated on the drawings provided. The plans indicate no proposals to encroach into the easement with any buildings or structures of note. Proposals to be built over the easement will require Build Over Easement consent from the responsible Authority/Authorities.

Permit Expiry

25. 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

- Council is the responsible authority for the allocation of street addressing in accordance with the "Rural and Urban Addressing Standards (4819:2011)". It is the applicant/property owner's obligation to comply with the Street address allocations prior to the completion of construction.

Ground Floor – Units 1 & 2/46 Black Street, BRIGHTON 3186

Level 1 – Unit 3/46 Black Street, BRIGHTON 3186

For more information on street numbering, please contact Council's Revenue Services Team on 9599 4444.

- 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.
- The permit holder must obtain approval from the relevant authorities to build over the easement(s).
- 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 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.

Date of Amendment	Details
10 August 2021	Amendment to the endorsed plans under Section 72 of the <i>Planning and Environment Act 1987</i> : <ul style="list-style-type: none"> • The inclusion of an attic space to Dwelling 3. • The inclusion of a roof deck associated with the attic to Dwelling 3. • Alterations to service cupboard, gates and doors.

CARRIED

4.11 STATUTORY PLANNING - MONTHLY REPORT (JUNE 2021)

City Planning and Amenity - Development Services
File No: PSF/15/8764 – Doc No: DOC/21/225601

Moved: Cr Martin

Seconded: Cr Evans OAM (Mayor)

That Council resolves to:

- receive and note the report
- note the outcome of VCAT decisions on the planning applications handed down during June 2021.

CARRIED

5. Confidential Business

There was no confidential business submitted to the meeting.

The Chairperson declared the meeting closed at 8:40 pm.