

Planning and Amenity Delegated Committee Meeting

Council Chamber
Civic Centre – Boxshall Street Brighton

Tuesday 11 May 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: Jill Colson – Director Corporate Services
Karen Brown – Acting Manager Governance and Corporate Reporting
Matthew Cripps – Acting Manager Urban Strategy
Fiona Farrand – Acting Manager Development Services
Sarah Collins – Statutory Planning Coordinator
Michael Kelleher – Statutory Planning Coordinator
Robert Lamb – Governance Officer
Lisa Davidson – Mayoral Secretary

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5. Confidential Business

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 to enhance the accessibility of Council meetings to the broader Bayside Community.

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 / 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 an Ordinary Meeting/Special 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.

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 April 2021.

Moved: Cr Martin

Seconded: Cr Evans OAM (Mayor)

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

CARRIED

4. Matters of Decision

4.1 7 MAIR STREET AND 13–17 NEW STREET, BRIGHTON NOTICE OF DECISION TO GRANT A PERMIT APPLICATION: 2020/500/1 WARD: CASTLEFIELD

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/89153

It is recorded that Mr Glenn Cross, Mrs Gina Tan, Dr Raelene West, Dr Amanda Lawrence, Dr Andrew Wood, Mr Mark Newby, Mr Paul Little each submitted a written statement in relation to this item.

Moved: Cr Samuel-King MBBS

Seconded: Cr Castelli (Deputy Mayor)

A.

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/500/1 for the land known and described as 7 Mair Street and 13–17 Mair Street, Brighton, for the construction of a four storey residential aged care facility with basement levels, and roof deck and removal of easement for the following reasons:

- 1) The proposed development fails to respond to the objectives to Clause 22.06 of the Bayside Planning Scheme, Neighbourhood Character Policy (precinct E2) 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 maintain or enhance the garden setting and the bayside vegetation character of the area.
 - c. The development fails to maintain the rhythm of visual separation between buildings.
 - d. The development fails to respect the dominant building forms in the area and dominates the Mair Street and New Street streetscapes.
 - e. The development fails to create a visually interesting and attractive built form interface with the foreshore reserve.
- 2) The proposed development does not achieve the purpose of the Neighbourhood Residential Zone as the proposal does not respect the preferred neighbourhood character of the area due to the built form, height, scale, mass and design.
- 3) The proposed built form, by virtue of its height, scale and mass fails to respond to the objectives of the Design and Development Overlay Schedule 1 set out at Clause 43.02 of the Bayside Planning Scheme in particular:
 - a. The development fails to protect or enhance the foreshore environment and views of Bayside from Port Phillip Bay.

- b. The development fails to relate the scale and form to the landform of the coast.
 - c. The development fails to maintain consistency with the urban design and development objectives in the Bayside Coastal Strategy 1997 and the Victorian Coastal Strategy 2014.
 - d. The development fails to manage the increased pressure of higher buildings along the coast.
 - e. The development fails to protect the amenity and privacy of residential properties.
- 4) The proposed development fails to comply with the following requirements of Clause 53.17 (Residential Aged Care Facility) of the Bayside Planning Scheme:
 - a. Overlooking.
 - b. Front fence.
 - 5) The application fails to demonstrate that the removal of Easement E1 shown on plan of subdivision PS647016B will have no detrimental impact on the amenity of interested persons as required by Clause 52.02 of the Bayside Planning Scheme.
 - 6) Pursuant to Clause 65 of the Bayside Planning Scheme, the proposal fails to demonstrate orderly planning of the area.
 - 7) Part of the proposal fails to meet the definition of a Residential Aged Care Facility.

B.

That Council engages suitable external legal representation at any VCAT hearing that may follow in relation to this application.

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

**4.2 76–78 BEACH ROAD, SANDRINGHAM
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2020/660/1 WARD: BOYD**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/102205

It is recorded that Prof. Yuriy Kuleshov, Mrs Vicky McKay, Mrs Marie & Mr John Stanway, Mr Phil & Mrs Pauline Anthony, Mr Jeff Dusting, Dr Lilia Kuleshova, and Mrs Effie Tangalakis each submitted a written statement in relation to this item.

Moved: Cr Stitfold

Seconded: Cr Samuel-King MBBS

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/515/1 for the land known and described as 76-78 Beach Road, Sandringham, for the construction of buildings and works comprising a four storey building, use of the land for up to 29 dwellings, and alteration of access to a road zone category 1 on a lot, for the following reasons:

- 1) The proposal does not respond to Clause 17.02 (Commercial) of the Bayside Planning Scheme and in particular fails to respond to the objectives and strategies of Clause 17.02-1S.
- 2) The proposal does not respond to the objectives of Clause 21.07 (Economic Development) of the Bayside Planning Scheme.
- 3) The proposal does not respond to the objectives and strategies of Clause 21.11 (Local Areas) of the Bayside Planning Scheme. Particularly, the development fails to provide sufficient commercial space to align with the objectives of this clause.
- 4) The proposal does not respond to the objectives of Clause 43.02 (Design and Development Overlay Schedule 14). Specifically, the proposal fails to justify exceeding the preferred building height in regards to:
 - a) a high standard of architectural design
 - b) innovative environmental design
 - c) overshadowing to adjoining residential properties
 - d) transition in scale to lower build forms in the area.
- 5) The use of the land for a residential building is inconsistent with the purpose and decision guidelines of Clause 34.01 (Commercial 1 Zone) of the Bayside Planning Scheme.
- 6) The proposal does not achieve the objectives and standards of Clause 58 (Apartment Developments) of the Bayside Planning Scheme, specifically:
 - a) Landscaping (Standard D10)
 - b) Building Setbacks (Standard D14)
 - c) Site Services (Standard D22).

**4.3 427A & 427B HAMPTON STREET, HAMPTON
NOTICE OF DECISION TO GRANT AN AMENDMENT TO A PERMIT
APPLICATION: 2018/276/3 WARD: CASTLEFIELD**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/119915

It is recorded that Mr Adam Miles, Mr Alexander Tulloch, Ms Ursula Chye, Ms Lenore Faulkner, Ms Wei Wei, Ms Filomena Demaria, Mr Michael Witchalls & Ms Roberta McIntosh, Mrs Caroline Chen, and Mr Paul Novacco each submitted a written statement in relation to this item.

Moved: Cr Samuel-King MBBS

Seconded: Cr Castelli (Deputy 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 2018/276/3 for the land known and described as 427A & 427B Hampton Street, Hampton, for the sale and consumption of liquor (in association with a food and drink premises) in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. **Before the commencement of the use, 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 provided. The plans must be modified to show:**
 - a) **removal of the red line from the external courtyard area.**
2. The licenced area as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. The sale of liquor may only occur within the licenced area as shown on the endorsed plan and may only occur between the following hours:

Internally –

- a. **Sunday to Thursday, 11am to 11pm**
- b. **Friday to Saturday, 11am to 12.30am**
- c. **Deleted**

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

4. The predominant activity carried out on the premises (food and drink premises), must be the preparation and serving of meals for consumption on the premises.
5. All operations from the site (internally and externally) must comply with State Environment Protection Policy (SEPP) No. N-1 and/or N-2 and/or EPA Technical Guidelines.

Internal

6. **No more than 225 patrons may be accommodated internally on the premises at any one time without the written consent of the Responsible Authority.**

7. Tables and chairs are to be available for at least 75 per cent of patrons attending the premises at any one time.

8. Deleted

9. Deleted

10. Deleted

11. Deleted

Permit Expiry

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

- a) the premises is not licenced under the *Liquor Control Reform Act 1998* within two (2) years of the date of this permit
- b) the use is not started within two (2) years of the date of this permit
- c) the use is discontinued for a period of two (2) years or more.

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

Permit Notes

- This permit does not constitute any authority to carry out any building works.
- Unless a permit is not required under the Bayside Planning Scheme, signs must not be constructed or displayed without a further planning permit.
- Bayside City Council's Local Law No. 2 – Neighbourhood Amenity, Part 12 – Schedule 2, clause 5.2.1, specifies that no sound amplification equipment, or like equipment may be erected or utilised in the outdoor seating area (Hampton Street frontage) to protect the amenity of the area.
- **Any increase in the number of patrons may require additional toilet facilities and the applicant will need to ensure the relevant permits are obtained.**

LOST

Moved: Cr Evans

Lapsed for want of a seconder

The recommendation as printed.

Cr El Mouallem asked a question of officers though no motion was put forward. The Chair then asked for a further motion and Cr Martin moved to return to the recommendation as printed.

Moved: Cr Martin

Seconded: Cr Evans

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 2018/276/3 for the land known and described as 427A & 427B Hampton Street, Hampton, for the sale and consumption of liquor (in association with a food and drink premises) in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. The layout of the uses on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. The licenced area as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. The sale of liquor may only occur within the licenced area as shown on the endorsed plan and may only occur between the following hours:

Internally –

a. Sunday to Thursday, 11am to 11pm

b. Friday to Saturday, 11am to 12.30am

Rear external courtyard –

c. 7 days a week 11am to 9pm

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

4. The predominant activity carried out on the premises (food and drink premises), must be the preparation and serving of meals for consumption on the premises.
5. All operations from the site (internally and externally) must comply with State Environment Protection Policy (SEPP) No. N-1 and/or N-2 and/or EPA Technical Guidelines.

Internal

6. **No more than 190 patrons may be accommodated internally on the premises at any one time without the written consent of the Responsible Authority.**
7. Tables and chairs are to be available for at least 75 per cent of patrons attending the premises at any one time.

External Courtyard

8. The external rear courtyard must be vacated by 9pm, 7 days a week.
9. No more than 35 patrons may be accommodated in the rear external area at any one time without the written consent of the Responsible Authority.
10. Tables and chairs are to be available for all patrons to the rear external area to discourage vertical drinking.
11. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

Permit Expiry

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

- a) the premises is not licenced under the *Liquor Control Reform Act 1998* within two (2) years of the date of this permit
- b) the use is not started within two (2) years of the date of this permit
- c) the use is discontinued for a period of two (2) years or more.

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

Permit Notes

- This permit does not constitute any authority to carry out any building works.
- Unless a permit is not required under the Bayside Planning Scheme, signs must not be constructed or displayed without a further planning permit.
- Bayside City Council's Local Law No. 2 – Neighbourhood Amenity, Part 12 – Schedule 2, clause 5.2.1, specifies that no sound amplification equipment, or like equipment may be erected or utilised in the outdoor seating area (Hampton Street frontage) to protect the amenity of the area.

Date of Amendment	Details
11 May 2021	<p>Amendment to the permit under Section 72 of the <i>Planning and Environment Act 1987</i> as follows:</p> <ul style="list-style-type: none"> • Increase in patrons from 135 to 190 • Amendment to the internal operating hours, from: <ul style="list-style-type: none"> - Sunday to Thursday, 12pm to 11pm - Friday to Saturday, 12pm to 12.30am to - Sunday to Thursday, 11am to 11pm - Friday to Saturday, 11am to 12.30am • Amendment to the external operating hours, from: <ul style="list-style-type: none"> - Monday to Sunday, 12pm to 9pm to - Monday to Sunday, 11am to 9pm • Change from a restaurant & café liquor licence to a general liquor licence • Amend the permit preamble to read as follows: <i>Sale and consumption of liquor (General Licence)</i>.

CARRIED

**4.4 6 ACHERON COURT, HAMPTON EAST
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2020/637/1 WARD: IVISON**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/104452

It is recorded that Mr Gordon Wong 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 a Permit under the provisions of the Bayside Planning Scheme in respect of planning application 2020/637/1 for the land known and described as 6 Acheron Court, Hampton East for the construction of two dwellings and a front fence exceeding 1.2 metres in height 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 (advertised) prepared by Amazing Homes Pty Ltd. Referenced TP-03, TP-04 and TP-05 dated February 2021 and revision number 2 but modified to show:
 - a) first floor hallway window to dwelling 1 on the western elevation to be obscure glazing
 - b) the front wall of garage 1 to be set back behind the front façade of this dwelling by 0.23m, garage to have a length of 6 metres, and the rear wall of the garage not to extend beyond the centre of the adjacent habitable room window at the neighbouring property
 - c) 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 habitable rooms of adjoining properties
 - 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 Protection Management Plan in accordance with Condition 14 of this permit
 - g) provision of Development Contribution Levy in accordance with Condition 24 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. 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 plan drawn by Bradbury Culina, reference 3568, dated 4 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 on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - b) one (1) additional canopy tree in the rear garden area of dwelling 1 with a mature height of with between 6-8 metres in accordance with the Bayside Landscape Guidelines (2016)
 - c) one (1) additional canopy tree in the rear garden area of dwelling 2 with a mature height of with between 6-8 metres in accordance with the Bayside Landscape Guidelines (2016).
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 Protection Management Plan (TPMP)

14. 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:

- f) be legible, accurate and drawn to scale
- g) show the location of all tree protection measures to be utilised

- h) Include a key describing all tree protection measures to be utilised.
15. Before the development starts, including demolition or removal of vegetation, the name and contact details of the project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Street tree protection

16. 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.

Drainage

19. 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.
20. Before the development, detailed plans indicating, but not limited to, the method of stormwater discharge to the nominated Legal Point of Discharge (and On-Site Detention System where applicable) must be submitted to and approved by Council's City Assets and Presentation Department.

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.
 - b) the agreement will remain registered on the certificate of title of the land in perpetuity and will apply to each and every sale of any dwelling allowed by this permit.
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.

Development Contribution

24. 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

25. This permit will expire if one of the following circumstances applies:
- the development is not started within two years of the date of this permit
 - 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 a 1.83m wide drainage and sewerage easement along the South 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.
- 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 Acheron Court HAMPTON EAST 3188

Eastern Dwelling – 6B Acheron Court HAMPTON EAST 3188

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

CARRIED

**4.5 149 DALGETTY ROAD, BEAUMARIS
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2020/403/1 WARD: BECKETT**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/116751

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 2020/403/1 for the land known and described as 149 Dalgetty Road, Beaumaris, for the construction of two (2) dwellings on a lot, a front fence exceeding 1.2 metres 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 amended plans prepared by Raw Architecture date 01 April 2021 and revision number E but modified to show:
 - a) the designated storage area of Dwelling 1 to be relocated away from the pedestrian access to the garage and in accordance with Standard B30
 - b) the door to access the designated storage area with the garage of Dwelling 2 to inswing
 - c) Water Sensitive Urban Design measures in accordance with Condition 9 of this permit
 - d) a Landscaping Plan in accordance with Condition 11 of this permit
 - e) a Tree Management and Protection Plan in accordance with Condition 14
 - f) Root Investigations Report in accordance with Condition 18
 - g) provision of the development contributions fee in accordance with Condition 22all 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 Mark Browning Landscape Design, reference 062006, dated 18 November 2020 and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) the *Corymbia ficifolia* (Dwarf Red Flowering Gum) within the front setback of Dwelling 1 to be replaced with an indigenous canopy tree that is capable of reaching a mature height of at least 8 metres
 - b) the *Lagerstroemia indica* (Tuscarora Crepe Myrtle) within the front setback of Dwelling 1 to be replaced with an indigenous canopy tree that is capable of reaching a mature height of at least 8 metres

- c) the *Corymbia ficifolia* (Dwarf Red) within the rear setback of Dwelling 2 to be replaced with an indigenous canopy tree that is capable of reaching a mature height of at least 8 metres
 - d) a survey, including botanical names, of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009
 - e) a survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - f) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant Plantings must be 80% indigenous by species type and count
 - 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.
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.
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 3, 4 and 6) 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 3, 4 and 6) is to be done by hand by a qualified Arborist.

Root Investigations Report

18. Prior to the endorsement of plans pursuant to Condition 1, root investigations must be undertaken with respect to both Trees 3 (*Ulmus minor*) and Tree 4 (*Corymbia ficifolia*). A report must be provided to Council that indicates that the construction within the TPZ area of both Tree 3 and 4 is acceptable. 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 3 and Tree 4.

Street tree protection

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
 - b) the agreement will remain registered on the certificate of title of the land in perpetuity and will apply to each and every sale of any dwelling allowed by this permit.
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.
28. Council records indicate that there is a 1.83m wide drainage and sewerage easement along the West 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

29. 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 - 42 Clonmore Street BEAUMARIS 3193
 - Eastern Dwelling - 44 Clonmore 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.
- The permit holder must obtain approval from the relevant authorities to build over the easement(s).
- Before the development starts the applicant must pay \$3,331.45 to the Responsible Authority for the removal and replacement of an existing street tree. This amount has been determined in accordance with Councils current policy 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.

CARRIED

**4.6 49 MONTCLAIR AVENUE, BRIGHTON
NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION: 2020/515/1 WARD: BLEAZBY**

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/127602

It is recorded that Mrs Effie Tangalakis submitted a written statement in relation to this item.

Moved: Cr El Mouallem

Seconded: Cr Castelli (Deputy 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 2020/515/1 for the land known and described as 49 Montclair Avenue, Brighton, for the construction of a three storey apartment building in accordance with the endorsed plans and subject to the following conditions from the standard conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans advertised and prepared by Warren and Mahoney but modified to show:
 - a) all column locations within basement to be clearly annotated in accordance with AS2890.1
 - b) the ramp to have a minimum 3.6m width between two walls or 300mm wide x 150mm high kerbs on either side as per the AS2890.1
 - c) any gates or access doors to the ramp are to be positioned at least 6m from the front property boundary (if any)
 - d) both the ramp, where it intersects with the footpath, and the new crossover are to have a minimum 1m offset from the northern property boundary. A new 3m wide crossover is to be constructed with a minimum 1m offset from the northern property boundary, centred to the ramp
 - e) a schedule of construction materials, external finishes and colours (incorporating for example paint samples)
 - f) Water Sensitive Urban Design measures in accordance with Condition 7 of this permit
 - g) a Landscaping Plan in accordance with Condition 9 of this permit
 - h) a Tree Management Report in accordance with Condition 12 of this permit
 - i) Sustainability Management Plan in accordance with Condition 18 of this permit
 - j) A Waste Management Plan in accordance with Condition 25 of this permit
 - k) Development Contributions in accordance with Condition 27 of this permit
 - l) Public Realm Improvements Plan in accordance with Condition 28 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 John Patrick Landscape Architects Pty Ltd and be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) a survey including botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009

- b) a survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site
 - c) a planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - d) landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces
 - e) details of surface finishes of pathways and driveways.
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 Report

12. Prior to the endorsement of plans pursuant to Condition 1, including any related demolition or removal of vegetation, a Tree Management Report (TMR), 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 Tree Management Report must include a Tree Protection Plan (TPP) in accordance with AS4970-2009 Protection of Trees on Development Sites.

Both the TMR & TPP must be part of one document that must be named as the Tree Management Report (TMR):

The TMR 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.

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.

13. Any modification to the report must be approved by the project arborist. Such approval must be noted and provided to the Responsible Authority within seven days.
14. All actions and measures identified in the Tree Management Report must be implemented.
15. Before any works associated with the approved development, the contact details of the project arborist responsible for implementing the endorsed Tree Management Report must be submitted to the Responsible Authority.

Street tree protection

16. Before the development starts, tree protection fencing is to be established around the street trees prior to demolition and maintained until all works on site are complete. The fencing is to be constructed and secured so its positioning cannot be modified by site workers. The fencing is to encompass the entire nature strip under the drip line of the tree. The Tree Protection Zone is to be established and maintained in accordance with AS 4970–2009.
17. Street trees must not be removed, lopped, damaged or pruned by any party other than Bayside City Council authorised tree care contractors. There is to be no soil excavation within 2 metres of the street tree assets 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.

Sustainability Management Plan

18. Prior to the endorsement of plans pursuant to Condition 1, a Sustainability Management Plan must be submitted to and approved by the Responsible Authority. The plan must include, but not be limited to the following:
 - a) Water Sensitive Urban Design (WSUD) initiatives to comply with the best practice performance objective set out in the Urban Stormwater Best Practice Environmental Management Guidelines, Victoria Stormwater Committee 1999
 - b) a STORM or MUSIC model report demonstrating Best Practice stormwater management to the satisfaction of the responsible authority
 - c) preliminary building energy ratings to align with plans
 - d) street lighting technology to be high efficiency T5 lineal fluorescent or LED luminaries with low upward light spill ratios designed to P4 public lighting standard at a six metres mounting height
 - e) single side dwellings deeper than 5 metres to be provided with mixed mode ventilation providing fresh air rates of at least 2.5 L/s/m² of air movement to each habitable room for residential or an increase of at least 100% on minimum rates set out in AS 1668.2-2002 for office and retail areas; no single side dwellings
 - f) demonstration that stormwater detention volume requirements are in addition to stormwater retention
 - g) clearly state that in addition to producing a Building User's Guide that it will be provided to occupants
 - h) endorsed SMP Report initiatives to be fully integrated with architectural and building services plans and specifications for building approval.
19. All works must be undertaken in accordance with the endorsed Environmentally Sustainable Development (ESD) Management Plan to the satisfaction of the

Responsible Authority. No alterations to the ESD Management Plan may occur without the written consent of the Responsible Authority.

20. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Environmentally Sustainable Development (ESD) Management Plan report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Environmentally Sustainable Development (ESD) Management Plan have been implemented in accordance with the approved Plan.

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 Infrastructure Assets 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. 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.

Waste Management Plan

25. 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.
- n) Onsite garbage collection via a 6.4m rear mini loader.

Construction Management Plan

26. Prior to commencement of any building and works a Construction Management Plan (CMP) prepared to the satisfaction of the Responsible Authority must be submitted 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 Plan
 - m) an outline of requests to Council /Public authorities to occupy public footpaths or roads, or anticipated disruptions to local services

- 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 experienced
- 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.

Development Contributions

27. Prior to endorsement of the plan/s required under Condition 1 of the permit, the permit holder must pay a drainage levy in accordance with 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 payments shall be submitted to Council with the Bayside Drainage Development Levy Charge Sheet and it must include the Building Price Index applicable at the time of payment.

Public Realm Improvement Plan

28. Prior to the endorsement of plans pursuant to Condition 1, a Public Realm Improvement Plan must be prepared and developed in collaboration with Council's Statutory Planning Department. It must be submitted and approved to the satisfaction of the Responsible Authority, showing:
- a) the upgrade of the existing Council footpaths on Montclair Avenue
 - b) the new or upgraded vehicle crossovers and roads/laneways
 - c) the remarking of the lines of the on-street car parking spaces in front of the site to align with any new vehicle crossings or removed vehicle crossings
 - d) the relocation of any existing street parking signs to align with any new vehicle crossings or removed vehicle crossings
 - e) the undergrounding of the powerlines, NBN and cable TV cables on the power poles directly in front of the site for the width of the site.

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

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

Underground of all basic services

30. 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 Responsible Authority.

S173 Agreement

31. 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.
 - b) the agreement will remain registered on the certificate of title of the land in perpetuity and will apply to each and every sale of any dwelling allowed by this permit.
32. 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.
33. The owner must pay the Responsible Authority's reasonable costs to prepare, review, execute and register the section 173 agreement.

Permit Expiry

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

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

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 1-4/49 Montclair Avenue BRIGHTON 3186

Level 1 – Units 101-103/49 Montclair Avenue BRIGHTON 3186

Level 2 – Units 201-202/49 Montclair Avenue 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.
- 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 Basement or Below Ground Structures'.

CARRIED

4.7 STATUTORY PLANNING - VCAT REPORT (MARCH 2021)

City Planning and Amenity - Development Services
File No: PSF/21/28 – Doc No: DOC/21/116590

Moved: Cr Martin

Seconded: Cr El Mouallem

That Council resolves to:

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

CARRIED

5. Confidential Business

There was no confidential business submitted to the meeting.

The Chairperson declared the meeting closed at 7.52pm.